

Builders lose suit against air district Developers to pay pollution fees

FROM STAFF REPORTS

Tri-Valley Herald, Monday, March 3, 2008

A judge has ruled in favor of the San Joaquin Valley Air District in its quest to impose development fees to help alleviate air pollution.

Fresno County Superior Court Judge Donald Black presided over a lawsuit brought about by the California Building Industry Association, the Valley Taxpayers Association and the Coalition of Urban Renewal Excellence that challenged Air District Rule 9510, also known as Indirect Source Review.

Adopted in December of 2005, the program holds developers accountable for air-quality impacts that result from building activity and also for air-quality impacts that result from the development's use.

The lawsuit, filed in June of 2006, claimed the district had no authority to regulate development and impose fees, which amounted to a tax under Proposition 13.

Judge Black disagreed.

"The court finds in favor of the defendants in all causes of action," he said in his ruling.

The Air District had argued that developers have options for offsetting pollution through a variety of mitigation measures, including sidewalks and green spaces in new housing developments, and should be assessed fees for any pollution that exceeds thresholds established by the district.

"The case was hard fought by all parties," said Air District legal counsel Philip Jay. "We are pleased with the judge's decision."

The San Joaquin Valley Air District was the first in the state to put such a rule in place, and officials say other areas are looking to it as a model for their own potential regulation.

Air District Executive Director and Air Pollution Control Officer Seyed Sadredin believes the ruling will lead to a spirit of cooperation among his organization and developers.

"We now hope the state Building Industry Association joins our many local developers, who have embraced this rule and are working with us to improve the Valley's air quality," he said. "We sincerely hope that we can move past adversity and work collaboratively for the Valley's benefit."

Officials from the Building Industry Association said their legal department was currently "reviewing the judge's ruling," and the decision whether or not to file an appeal would be made when that process is complete.

San Joaquin Valley gets \$250 million to clean up polluted air

Modesto Bee, Lodi News Sentinel and other papers, Saturday, March 1, 2008

FRESNO, Calif. — Central Valley air regulators have secured \$250 million in state grant money to clean up the region's polluted air, but the amount is less than they had requested.

The San Joaquin Valley Air Pollution Control District had pushed hard to get \$370 million to fight diesel pollution.

But the California Air Resources Board approved a proposal that was more favorable to Southern California, which received \$550 million. Other regions got much less.

The money comes from Proposition 1B, a \$20 billion transportation bond approved by voters last year. About \$1 billion of that money is earmarked for cutting pollution from ports and trucks.

Valley will get no extra air funds

By Alex Breitler - Record Staff Writer
Stockton Record, Friday, February 29, 2008

SACRAMENTO - A show of solidarity by Central Valley politicians on Thursday failed to increase the region's share of an unprecedented \$1 billion in air quality funding.

The Valley will see no more than the California Air Resources Board first proposed last month: \$250 million, or one-quarter of the total, the board voted. Valley officials had asked for \$370 million.

The money from voter-approved Proposition 1B will be used to reduce pollution from freight transport, including offering incentives to upgrade or replace the dirtiest diesel trucks that travel Valley highways each day.

BY THE NUMBERS

Here is how the state has said Proposition 1B funding should be spent:

- Los Angeles/Inland Empire: \$550 million
- Central Valley: \$250 million
- Bay Area: \$140 million
- San Diego/border area: \$60 million

"I'm disappointed, but we'll make the \$250 million work. It's going to do a lot of good here in the Valley," said Leroy Ornellas, a San Joaquin County supervisor and chairman of the San Joaquin Valley Air Pollution Control District.

Earlier Thursday, Ornellas told the state board that the proposed funding breakdown "totally ignores" the state's commitment to help the region meet federal ozone standards.

He was one of many Valley politicians and advocates to testify during several hours of arguments.

Tussling for more money was inevitable between the South Coast region and the Valley, which together are expected to receive about 80 percent of the \$1 billion.

"I do not see this as the civil war between the regions here," said Pete Weber, representing the California Partnership for the San Joaquin Valley. "What I think is going on here is we all have enormous needs, and we are all sympathetic to the needs of other regions."

Valley air district officials said the region's bowl-like shape makes each ton of emissions more dangerous to public health than in other areas. State air officials, however, have said that the Valley would benefit from cleaner trucks even if they're funded elsewhere.

"I think we can guarantee (the money) will be put to good use," said Mary Nichols, chairwoman of the state Air Resources Board.

San Joaquin Valley hopes clout brings bucks

By Aurelio Rojas
Sacramento Bee and Fresno Bee, Monday, March 3, 2008

State Sen. Dave Cogdill maintains the San Joaquin Valley is often treated like a "red-headed stepchild" in the Legislature when it comes to getting its share of state money.

"Politics is a numbers game, and there are many more representatives from Southern California and the Bay Area than the valley," said the Modesto lawmaker, who will take over as Senate Republican leader on April 15.

The 240-mile-long valley from Bakersfield to Stockton produces a quarter of the nation's food and prefers the kinder appellation of "America's Breadbasket." But it has some of the worst smog, poverty and school dropout rates in the country.

When Cogdill succeeds Sen. Dick Ackerman of Irvine as the Senate's top Republican, the top two GOP leaders in the Legislature will be from the valley.

Assemblyman Mike Villines, R-Clovis, assumed control of his caucus a little more than a year ago. And when Sen. Darrell Steinberg, D-Sacramento, takes over as Senate president pro tem at the end of the year, three of the Legislature's top four leaders will be from the interior of the state.

Only Assemblywoman Karen Bass, the Los Angeles Democrat who last week was elected the next speaker of the Assembly, hails from one of the state's top population centers.

Cogdill and Villines hope to leverage their clout to bring more attention to issues of pressing concern to the valley like air quality, water and job creation.

"It'll be great to have two leaders from the valley when we go into 'Big Five' meetings," Villines said, referring to the conferences between the governor and the four legislative leaders in which deals are cut.

But as Republicans in a Legislature dominated by Democrats – and with at least an \$8 billion deficit remaining in the state budget for the next fiscal year – the lawmakers cannot drive the entire state agenda.

They do have clout over the budget, however, because it requires at least some GOP support to meet the two-thirds vote requirement.

Cogdill and Villines emphasize that as caucus leaders their responsibility is the welfare of the entire state. But as residents of the valley, they say they have a better understanding of its needs than other lawmakers.

"Basically, we'll have a louder voice," Cogdill said. "But I don't see any huge amount of resources all of sudden coming to the valley."

Villines, however, said he and Cogdill will work to bring a "more equitable" allocation of existing infrastructure bonds and education funding to the valley.

As an example, he cited Proposition 1B, the \$19.9 billion transportation bond approved by voters in 2006.

Last week, Villines and Cogdill urged the California Air Resources Board to grant the Central Valley \$370 million of a \$1 billion bond allotment to fight diesel pollution.

The San Joaquin portion of the Central Valley has some of the worst asthma rates in the state, which the lawmakers say is exacerbated by trucks traveling through the area from other regions.

But the board voted to give the Central Valley just \$250 million; Southern California received \$550 million. Afterward, San Joaquin Valley officials said the decision amounted to another case of the valley being treated unfairly.

David Schechter, a professor of political science at Fresno State University, said state funding formulas favor regions with the highest populations.

Because the valley has only a tenth of the state's population, Schechter said Southern California and the Bay Area will always be the prime beneficiaries of state money. That means Cogdill and Villines will have to rely on "diplomacy" to achieve their goals, he said.

"But they're kind of in a bind," Schecter said. "They were elected by their caucuses because they were more conservative than their predecessors – and that doesn't give them much flexibility."

Schecter said Cogdill and Villines could do well to emulate Gov. Arnold Schwarzenegger, who has been criticized by GOP lawmakers for supporting some Democratic policies.

But Schecter said the Republican governor has won praise in the valley for his frequent visits and for backing several economic initiatives, including the creation of the California Partnership for the San Joaquin Valley.

The partnership brings state agency secretaries and valley representatives together to make recommendations to the governor regarding changes that would improve economic vitality in the region.

But Cogdill said it is the Legislature that needs to be "flexible" and "provide the same level of services to rural areas" that cities receive.

"One of the things we suffer from in the valley is the one-size-fits-all mentality that rarely, if ever, meshes well with (our) needs," he said. "People need to realize that what may work in L.A. or in the Bay Area is not going to work for us."

State's waiver fight to resume

EPA clears way by releasing justification for blocking stricter emissions rules.

By Margot Roosevelt - Los Angeles Times

Saturday, March 1, 2008

California's states-rights battle against the Bush administration over global warming was freed to move forward in federal court Friday, after the Environmental Protection Agency issued its long-delayed justification for blocking the state's 2002 law curbing greenhouse emissions from cars and trucks.

Stephen Johnson, administrator of the federal Environmental Protection Agency, had written to Gov. Arnold Schwarzenegger in December that he would refuse to grant a waiver of the Clean Air Act, normally a routine action, allowing the state to enact its own curbs on carbon dioxide and other planet-warming gases.

But the agency had postponed publishing its written justification in the Federal Register, thus stalling the court case brought by 19 states and seven environmental groups.

The EPA's decision has sparked protest from 14 governors, while members of Congress called hearings into why Johnson overruled EPA staff scientists who had recommended he grant the waiver.

Congressional Democrats believe the decision was politically motivated and have sought correspondence between the agency and the White House.

"I based my decision to deny California's waiver request on the facts and the law, not on winning a popularity contest," Johnson said in an e-mail Friday.

The 47-page document to be published in the Federal Register focuses on a Clean Air Act clause that motor vehicle waivers be issued to California on the grounds of "compelling and extraordinary" circumstances in the state, which had begun regulating emissions before the 1970 federal law.

Other states were permitted under the law to adopt California's standards if they were stricter than federal rules.

California at the time had the dirtiest air in the nation, and today, 90 percent of Californians still breathe unhealthy air, according to scientists.

That pollution is exacerbated by global warming, California officials argued in requesting a waiver to regulate tailpipe emissions of carbon dioxide.

Greenhouse gases trap heat below the atmosphere, creating rising temperatures that boost ozone and other pollutants, resulting in respiratory illnesses, scientists say.

But Johnson wrote in his denial that, "While I find that the conditions related to global climate change in California are substantial, they are not sufficiently different from conditions in the nation as a whole to justify separate state standards."

"California's precipitation increases are not qualitatively different from changes in other areas," he added. "Rises in sea level in the coastal parts of the United States are projected to be as severe, or more severe, particularly in consequences, in the Atlantic and Gulf regions than in the Pacific regions ... and while California's temperatures have increased by more than the national average, there are other places in the United States with higher or similar increases in temperature."

California Attorney General Jerry Brown dismissed Johnson's arguments as "obfuscating, sabotaging ... specious, ill-founded. ... We're going to fight him until he's sent packing by the next president."

Environmentalists said Johnson's arguments ignore that 18 states either have adopted the California rules or pledged to do so, and the resulting curbs on greenhouse gas emissions would have beneficial effects.

Other states that want to curb greenhouse gases from trucks and cars "are hopping mad" over the EPA's decision, said S. William Becker, executive director of the National Association of Clean Air Agencies. "This is a shameful attack on states' rights."

Johnson has argued that a fleetwide fuel efficiency standard of 35 miles per gallon, signed into law in December, will curb greenhouse gases sufficiently.

But state regulators counter that California's law would achieve twice the reduction as the fuel standards by 2020.

Wood fires pose hazard, panel says

Bay Area regulators crafting new policies on fireplaces, stoves

By Paul Rogers, MEDIANEWS STAFF

Tri-Valley Herald and San Jose Mercury News, Sunday, March 2, 2008

Mention air pollution, and what comes to mind?

Factories? Oil refineries? Auto tailpipes?

Now Bay Area smog regulators are trying to crack down on another source that they say is just as significant, even if beloved: home fireplaces.

Citing growing medical research that soot causes more severe health problems than previously believed, the Bay Area Air Quality Management District is proposing a ban on all wood burning in fireplaces and wood stoves in the nine Bay Area counties during winter "Spare the Air" nights.

The agency's statistics show that wood smoke is the largest source of particle pollution in the region. But its proposed crackdown is sparking passionate debate.

If approved, fireplace police would enforce the rules, and neighbors would be encouraged to report neighbors.

"We understand a crackling fire is a longheld tradition of American family life," said Jack Broadbent, executive officer of the air district, based in San Francisco.

"But traditions need to be changed when there is information showing that our health and our neighbors' health are impacted."

Supporters compare wood smoke dangers to those of cigarette smoke, and note natural gas fires are much cleaner. Critics call the proposal bureaucracy run amok.

Elevated levels of soot can cause asthma attacks, heart problems and respiratory ailments. Santa Clara County, with the largest population, emits more particle pollution than any Bay Area county. Broadbent said the new rules are needed because the U.S. Environmental Protection Agency in 2006 set tough new national standards for fine particle air pollution. The Bay Area exceeded them 14 times last year.

There are an estimated 1.7 million fireplaces and wood stoves in the Bay Area. Some of them warm the heart. Others ignite concern.

Kathy Voss-Jensen and Joel Jensen favor the rules. Three years ago, the Redwood City couple got a new neighbor who burns wood nearly every winter day despite their requests to limit it.

"It's very noxious and irritating," she said. "We have to keep our windows closed tight for several hours a day. And we have to keep them closed all night."

Others say the proposal goes too far.

"I think this is a precursor to banning all wood burning. It is a camel's nose under the tent," said Steve Drenker, a Los Altos sales manager whose 1950s ranch home has a fireplace. Drenker burns only dry oak, he said, and his fires do not smoke up the neighborhood.

"It creates a real family-oriented centerpiece in the living room," he said.

The air district's 22-member board is expected to vote on the proposal this summer.

On cold winter nights with no breeze or rain, fireplace smoke can build up like a blanket over valleys and towns.

Under the draft rule, between November and February when the district forecasts that weather conditions are right for unhealthy levels of soot, officials would issue a "Spare the Air Tonight" alert to TV, radio and newspapers. Those conditions have averaged about once a week in the winter, in recent years.

Broadbent said he has 60 inspectors, some of whom who would drive around looking for smoking chimneys. Neighbors also could phone a toll-free number to report violators. First-time offenders would be warned by letter, with fines of \$50 to \$100 for second violations, and larger fines for later violations. Similar programs recently passed by air districts in Sacramento and San Joaquin Valley allow violators to waive a \$50 fine if they attend a two-hour class on the health risks of wood smoke.

The proposed rule also would allow only dry, seasoned wood to be sold. And it would ban 365 days a year any excessively smoking chimneys. Recreational campfires would be exempt, as would homes with no other source of heat.

There would, however be no exception for burning wood in pellet stoves, or modern, EPA-certified stoves and inserts.

"I have a big problem with it. You are going to tell somebody they paid \$3,500 for an EPA-certified wood stove and they can't use it?" said Kevin McAndrews, manager of the California Window & Fireplace Outlet, in Campbell.

McAndrews also worries about enforcement.

"They are going to start neighborhood wars. I don't want somebody coming to my door at 11 p.m.," he said.

All nine Bay Area counties put an average of 178,000 pounds a day of soot and dust, known as "particulate matter," or "PM 2.5," for its size of 2.5 microns or less, into the air, district data shows. In winter, fireplace soot can make up one-third of all the particles in Bay Area air.

About 9,400 deaths per year are associated with long-term exposure to fine particle air pollution, a 2002 study by the state Air Resources Board and other agencies concluded. One study in 1997 found that emergency room visits in San Jose for asthma attacks increased up to 43 percent during the smokiest winter days.

Among the top advocates for a crackdown is the American Lung Association. It advocates more government incentives to help people buy natural gas fireplace inserts.

"We know how much people are fond of their fires," said Jenny Bard, a spokeswoman for the American Lung Association. "There are ways to enjoy the fire without the smoke."

Oakland kids see how port pollution hits home

Elizabeth Fernandez, Chronicle Staff Writer
S.F. Chronicle, Monday, March 3, 2008

From his home, Antone Smith can see glimpses of the Port of Oakland. He sees the soot coating his windowsills, the trucks endlessly rumbling by his street. But not until recently did the sixth-grader pay much heed to the mighty but unhealthy colossus in his neighborhood.

"I didn't know all the smoke from the port was dangerous," said Antone, 12. "I didn't know it could be life-threatening. I didn't know anything about the port."

That changed last week when Antone and 38 other youngsters from a West Oakland school toured the fringes of the port, taking a crash course on the health and environmental hazards associated with the country's fourth-largest port. As part of a social justice class at St. Martin de Porres, the sixth- and seventh-graders also spent much of their bus tour learning about the working conditions of the port's army of independent truck drivers, many of them immigrants.

"A lot of kids, even though they live here, don't know what the port is," said Kathrina Weekes, the school's vice principal and science teacher. "The idea is that this tour might help them understand why they have asthma or other health issues, help them realize the impact of the port."

The port has increasingly come under fire from environmental, religious and labor organizations, in part because of dirty emissions tied to several thousand big rigs that daily travel through the community to the port to pick up cargo. Studies have found that diesel particulate pollution from the vehicles is linked to disproportionately high rates of asthma and other health and environmental problems in West Oakland.

"Children living in West Oakland can expect to be robbed of 10 years of life due in part to the pollution generated by the port and companies that use the port," said Dr. Anthony Iton, director of the Alameda County Public Health Department. "That is a tragedy. It is an ongoing crisis of health."

"On top of the shorter life expectancies are high rates of asthma, chronic lung disease and heart disease related to diesel particulate pollution. Nobody is laying all the pollution and the adverse environmental impacts at the feet of the port, but it generates an enormous amount of life-shortening pollution."

Port's search for solutions

During the last year, the port has been working with representatives of various community and environmental groups, and with regulatory agencies, to develop comprehensive plans on truck

management and air pollution reduction. According to port spokeswoman Marilyn Sandifur, the Oakland Board of Port Commissioners will probably review a draft of policy principles this month.

"We are working with our partners to achieve our goal that, by the year 2020, the Port of Oakland will have cut the health risk from diesel pollution by 85 percent," she said.

She said that port staff has been lobbying for funding from the California Air Resources Board to pay for projects that could include truck retrofitting and replacements to reduce diesel pollution. "Air pollution comes from many sources in the Bay Area," she said. "We want to do our part to reduce diesel pollution from port-related activities."

The school tour Thursday was not a sanctioned port event, but Iton, the county public health director, applauded it, saying it gave students a valuable insight into an insidious problem.

"We know that education is directly related to health," he said. "It is critical that students learn about the fundamental injustice imbalance between the port and the community."

The brainchild of Michael Smith, a graduate student at the Jesuit School of Theology, the event was sponsored by the Coalition for Clean and Safe Ports, which represents 65 community, environmental, labor and interfaith communities.

The trip started with an admonition to the students: Don't push the bus alarm buttons.

"God help us all," said the Rev. Ricky Jenkins of Emmanuel Church of Christ in East Oakland, who acted as emcee.

Connecting with the past

Aboard were a handful of students with asthma. Many others said they have relatives with the ailment.

"I carry my inhaler with me all the time just in case I have an asthma attack," said Darryl Williams, 12.

Milton Lewis, vice president of Teamsters Local 70, gave the students a brief but vivid history lesson of the neighborhood.

"People came here from all over the country because there were a lot of jobs and a lot of music and dance clubs," he said. "What the community is now is not what it used to be. You guys have a chance to change things. You are the future."

After traveling around West Oakland, the bus stopped at the Middle Harbor Shoreline Park. Parked there was a 350-horsepower, 19-year-old big rig owned by Manuel Rivas, one of the port's independent contractors.

A driver for two decades, Rivas told the students in Spanish that his day typically begins at 4 a.m.

"Years ago there were good jobs, each of us made about \$1,400 a week and we spent about \$100 on fuel," he said. "Today I make \$1,300 to \$1,400 a week, but I spend \$400 to \$500 on fuel."

The bus tour ended with a pop quiz back at the school gym.

"I used to wonder what the port was like," said Antone, the sixth-grader. "I thought the port was going to look like factories. It's a beautiful place. But it creates problems."

Budget strains emissions plan

Governor wants to borrow from other state funds to hire staff, but critics call the move 'shortsighted.'

By Judy Lin

Sacramento Bee, Sunday, March 2, 2008

California's budget is starting to cramp its environmentally hip style.

Gov. Arnold Schwarzenegger is proposing to borrow money from special funds to pay for implementing the state's ambitious plan to roll back greenhouse gas emissions to 1990 levels by 2020.

The administration wants to borrow the money from various funds filled by driver's license and vehicle registration fees, as well as tap into recycling deposits, to help pay for 212 positions at a dozen state agencies.

Legislative fiscal watchdogs are worried, though, that those funds would be stretched too thin.

"The administration is punting yet again on finding a reliable funding source for arguably one of the most important pieces of legislation the governor has signed to date," Senate President Pro Tem Don Perata said in a statement. "Taking money from the state's recycling fund is shortsighted, and I plan on discussing all funding options as part of the budget process."

A joint legislative hearing on the Global Warming Solutions Act of 2006, the climate change law more commonly called AB 32, is set for Monday.

In trying to figure out how to monitor and regulate greenhouse gas emissions, the administration is proposing to hold off imposing fees until after the state Air Resources Board adopts a strategic plan at the end of the year.

But some Democratic lawmakers and public interest advocates suggest that, given the tight budget, the ARB should go ahead and levy a fee on industries known to be major contributors of greenhouse gases.

"The bottom line is the administration is delaying the difficult decision of enacting a fee," said Mark Newton, director of resources and environmental protection at the Legislative Analyst's Office.

Schwarzenegger's plan calls for spending \$55.5 million in the fiscal year beginning July 1, an increase of \$23.6 million over the current fiscal year, to pay for more staff at the Air Resources Board, Department of Forestry and Fire Protection, the Department of Water Resources and other agencies.

Staff will be assigned to evaluate the effects of climate change on state forests and waters, and to develop ways to monitor low carbon fuel standards. In addition to lowering greenhouse gases, the governor has called for a 10 percent reduction of carbon output in transportation fuel by 2020.

James Goldstene, executive director of the Air Resources Board, said the board plans to reimburse the borrowed funds with money collected from future fees and it's important that those fees reflect actual emissions.

"I think the point is we don't have all the information we need to make the decision" on how to structure the fees, Goldstene said.

The ARB's strategic plan is expected to serve as a blueprint for reducing all sources of greenhouse gas emissions and help regulators establish a fee schedule, which is expected to affect all Californians whether through fuel purchases or electricity use. The final plan is scheduled to roll out at the end of 2011.

Lenny Goldberg, a tax law lobbyist who works on behalf of organized labor and education, argued that the state doesn't have to wait for the strategic plan in order to impose fees.

"You certainly can do midcourse adjustments," Goldberg said.

The Legislature initially raised concerns last year about the lack of money for a planning staff and directed the administration to come up with a plan to fund it. This year, the analyst's report found that planning to borrow the money isn't sustainable in the long term.

The analyst's office has advised the Legislature to hold off on approving Schwarzenegger's funding plan until the administration comes up with a better idea.

Steve Maviglio, a spokesman for Assembly Speaker Fabian Núñez, said the leader will study all forms of funding.

"AB 32 needs to be funded or it will be toothless, and this year our options are limited," Maviglio said.

Goldstene, of the Air Resources Board, said imposing fees now would require staff to come up with two sets of regulations in "a matter of months."

After the board adopts its strategic plan, it will take at least 18 months to start collecting fees so those revenues wouldn't be available until July 2010 or later, Goldstene said.

Until then, the state would continue to borrow from special funds such as the Motor Vehicle Account and Beverage Container Recycling Fund – both of which will have to be paid back with interest.

Developers pitch industrial center

Written by John Saiz

Patterson Irrigator, Saturday, March 1, 2008

The innards of City Hall swarmed with the PCCP West Park team Wednesday night, where representatives answered questions about their proposed industrial center outside Crows Landing.

Dozens of people attended the workshop, where they got one-on-one time with West Park consultants.

West Park wants to build a 7.5-square-mile industrial center on and around the county-owned Crows Landing Air Facility. The developer says about 37,000 people would be employed at the industrial park, bringing jobs to a growing county. However, the project has been opposed by a slew of West Side residents and government agencies, with the Patterson City Council leading the charge.

Consultants were divided by their field of expertise during Wednesday's workshop, where curious people could talk to air quality, rail and traffic experts, among others.

Much of the information West Park shared had already been available through a series of reports the developers prepared, but at least a few people liked being able to talk through their concerns directly with West Park representatives.

"I wanted to know more about the rail system and the airplanes," Turlock resident Gloria Shagun said.

She made the trip to Patterson after receiving notice of the meeting from West Park. The consultants were "very informative," she said, and all her questioned were answered.

Matt Dominguez, a Turlock resident who accompanied Shagun to the meeting, said he also found the workshop informative. Both said they support the project.

"The quality of everything in the surrounding areas will be improved," Dominguez said.

Still, Patterson City Council members remained skeptical of the project and its lead developer Gerry Kamilos.

"I still have the same concerns," Councilwoman Annette Smith said.

The main problems cited by the council have been the project's size, the traffic it would generate and the loss of farmland. West Park estimates 147,167 vehicles would travel to and from the facility daily when it reached its maximum size in about 30 years.

The industrial park also would be connected to the Port of Oakland by rail. West Park estimates six new trains would make round trips through Patterson daily at buildout.

That extra estimated traffic has council members worried. They suspect it would damage the West Side's air quality, and they fear that trains could delay emergency services, such as fire engines and ambulances, en route to eastern Patterson.

For Councilman Sam Cuellar, the workshop did little to allay those fears.

"There was a lot of concepts," he said, "but not much detail."

Another council member questioned the validity of the consultants' studies.

"They're pulling a paycheck (from West Park)," Councilman Dominic Farinha said. "The numbers are going to support the project."

The council has stated numerous times that it would accept development at the flight facility if it stayed within the 1,527 acres owned by the county. Most of the surrounding land is agricultural.

Both Smith and Cuellar said they would like to see more thorough studies, especially on traffic and air quality. Typically, developers create detailed studies when they make an environmental impact report. State law requires an environmental review that aims to reveal all potential harm to the environment, such as traffic congestion and air quality.

A review for West Park will be drafted over the next year if the county board of supervisors decides in April to stick with the developer.

Cuellar said that if Patterson waited to get those studies during the review process, the city would be putting its future in the hands of county supervisors, an idea he rejected.

Once an environmental review was submitted, it would be up to the five supervisors to decide whether the mitigation measures it suggested were adequate.

"They can just override us," Cuellar said, "because they're the lead agency."

EPA justifies blocking Calif. waiver

By ERICA WERNER , Associated Press Writer

Modesto Bee, Madera Tribune, Washington Post and other papers Saturday March 1, 2008

The Environmental Protection Agency on Friday justified blocking California from cracking down on auto emissions by saying global warming isn't unique to the state.

The long-awaited analysis drew angry ridicule from environmentalists and officials in California and some of the dozen-plus other states that also wanted to implement the greenhouse gas emissions reductions sought by California.

In a 48-page document describing the reasoning behind its December decision, the EPA argues that California doesn't have the "compelling and extraordinary conditions" required for a waiver under the Clean Air Act, because the rest of the nation also suffers the effects of global warming.

"In my judgment, the impacts of global climate change in California, compared to the rest of the nation as a whole, are not sufficiently different to be considered 'compelling and extraordinary conditions' that merit separate state GHG (greenhouse gas) standards for new motor vehicles," says the document, which was signed by EPA Administrator Stephen L. Johnson and will be published in the Federal Register.

Environmentalists and California officials disagreed, contending that California has been granted Clean Air Act waivers in the past to deal with problems that are also happening elsewhere, such as diesel pollution.

Critics also argued that California does, in fact, have unique problems from global warming because no other state has its combination of wildfire risks, high smog levels, rising sea level and water shortage problems.

"There's no other state that can claim the same wide range of severe impacts that California is already suffering," said David Doniger of the Natural Resources Defense Council. He called the analysis "the latest cynical brush-off of global warming from this administration."

The EPA has been sued by California, more than a dozen other states and a coalition of environmental groups over the decision. Congressional Democrats have also released internal agency documents showing that career staff believed Johnson should grant the waiver.

"The law does not direct me to carry out a popularity contest," Johnson told The Associated Press Friday. "I needed to go by what the law directed me to do, informed by legislative history. ... It's the right decision."

The Alliance of Automobile Manufacturers and the National Automobile Dealers Association supported him in statements Friday.

"By rejecting a confusing multistate approach, the administrator recognizes the need for a single national solution to address energy security, tailpipe emissions and global climate change," said NADA vice president Andy Koblenz.

The Clean Air Act gives California special authority to regulate vehicle pollution because the state began such regulations before the federal government. But a federal waiver is required, and if California gets one, then other states can adopt California's standards, too.

California's tailpipe emissions law would have forced automakers to cut greenhouse gas emissions by 30 percent in new cars and light trucks by 2016.

Twelve other states - Connecticut, Maine, Maryland, Massachusetts, New Jersey, New Mexico, New York, Oregon, Pennsylvania, Rhode Island, Vermont and Washington - had adopted California's tailpipe standards and the governors of Arizona, Colorado, Florida and Utah had said they also plan to adopt them. The rules were under consideration elsewhere, too.

In denying the waiver, Johnson argued that a nationwide approach would be better and said it would be provided by a new law raising fuel economy standards. California officials argued that California's law would be stronger and act faster.

The EPA document released Friday cites a series of statistics to assert California does not have special threats from global warming, including a sea level rise on the California coast equal to or less than elsewhere in the U.S.; temperature increases in California higher than the national average, but equal to or lower than some other places, including Alaska; and precipitation increases not too different from other areas.

Environmentalists didn't dispute those specifics but insisted that taken together, California's global warming problems are unique. They also noted that in making the case that global warming doesn't only threaten California, the EPA document presents an unusually detailed portrait of the dangers of climate change from an administration that has opposed any mandatory emissions controls.

Johnson said Friday he still hasn't decided whether or when to issue plans for curbing greenhouse gases from new automobiles nationally, something President Bush announced last year after the Supreme Court ruled that the EPA had the authority to regulate carbon dioxide and other greenhouse gases.

Expect good to moderate air quality

Visalia Times-Delta and Tulare Advance-Register, Saturday, March 1, 2008

Tulare County is expected to have good to moderate air quality on Sunday, according to a forecast by the San Joaquin Valley Air Pollution Control District.

The county could expect a low level of dust, for a air quality index of 80. Tulare County's air quality on Saturday was good, with an air quality index of 30, also from dust.

Air quality ratings of 0-50 are considered good and from 50-100 are considered moderate.

Ethanol sparks debate

By Eiji Yamashita

Hanford Sentinel, Saturday, March 1, 2008

Is grain ethanol really green?

That has become the central question in the latest ethanol debate in Hanford, where a Bakersfield company seeks to build a corn-ethanol distilling plant on the south edge of town.

The city's approval of the Great Valley Ethanol project has been challenged by a group of neighbors fearing pollution, and environmental advocates who cry foul over the economic and environmental viability of ethanol.

An appeal hearing held last month was marked by a sharp philosophical disagreement over whether ethanol is green. The detractors bashed ethanol outright for its impact on air, water and land, while the supporters argued that ethanol is an important first step in building a system that moves away from dependence on foreign oil.

After hearing both sides, the city council withheld its action to give the opponents more time to respond to newly proposed environmental mitigation measures, which they said they didn't receive in time to make comments.

The key decision will come Tuesday night.

While it is uncertain whether the city council will reopen the public hearing to grant the public any more time to speak, anyone in the audience is allowed five minutes to speak at the beginning and the end of the meeting.

Here are the project overview and highlights from the Feb. 5 appeal hearing as well as the main flashpoints in the ethanol debate:

Supporters vs. naysayers

Some neighbors, like Andre Booker, aren't thrilled at all about the project. They say the ethanol plant does little to decrease the pollution or, worse yet, increases the pollution.

"We're not trying to polarize or politicize the issue," Booker told the city council on Feb. 5. "Our interests are having a safe, healthy place to live. Your interest is about making money.

"We just want to make sure that we can preserve our quality of life without the consideration of the city trying to make a buck and other people trying to make a buck," he said.

Not all neighbors are opposing the project, however.

Ray Greer, who lives a quarter-mile north of the project site and runs a car repair shop there, thinks ethanol is the answer to foreign oil dependency.

"I think it will be a benefit," Greer said. "The only way to get us off foreign oil is ethanol ... Ethanol would help the fossil fuel last longer."

Greer says he is not concerned about the air pollution, water consumption nor potential truck traffic. He says he is rather wary of seeing San Francisco environmental advocates stepping in to oppose the project citing air pollution.

"The big part of the pollution in the Valley is the smog that blows in from the Bay Area and gets trapped here," Greer said. "Why don't they go back to San Francisco and protest? They'd better get their acts together before they come down here."

Meanwhile, Great Valley Ethanol executives tout their project as "renewable," clean and essential in helping the state and the country fulfill their energy policies, which call for replacing one-quarter of the gas consumption with alternative fuels in the next 15 years.

Edward Settle, president/CEO of Great Valley Ethanol, has said 60 million gallons of ethanol can substitute \$257 million worth of crude oil need.

"Corn-based ethanol is the growth engine for domestic production of alternatives to foreign oil, and California is committed to ethanol as a key part of our energy future," Settle said in December.

But whether ethanol is really green is a tough question to answer, because both sides of the issue cite legitimate studies to advocate their positions. Also complicating the issue are numerous effects on air, water and traffic, and how and whether they can be mitigated. Its environmental and economic benefits are weighed against limitations of ethanol as well.

In other words, there's no single test to call it all good or all bad for the environment, leaving the truth about ethanol undetermined.

Project overview

The Great Valley Ethanol plant, proposed at the southwest corner of Iona and 10th avenues inside Kings Industrial Park, will produce 63 million gallons a year of ethanol, which will be used as a gasoline blend stock.

The company is proposing a similar plant, also in the permitting stage, in Wasco.

Corn ethanol produced by the Hanford plant, the company swears, will be used only to replace the natural gas-derive additive methyl tertiary butyl ether (MTBE), which has been phased out because of its threat to groundwater quality.

Eighty percent of corn used at the plant will arrive from the Midwest, while the rest will be supplied locally. A by-product of corn ethanol production -- so-called wet cake, which is high in nutritional value -- will be sold to area dairies as livestock feed.

If the company has its way, the plant will break ground as early as April, Settle has said. The construction is expected to take about 18 months.

Air pollution

Ethanol production in Hanford would create 313,000 tons a year of greenhouse gas (carbon dioxide) emission from trains and trucks transporting some 22.5 million bushels, or 571,500 tons, of corn to the plant a year, according to the environmental impact report. The document concludes the emissions from the trains are significant and cannot be mitigated.

The nitrogen oxide emissions, both from the plant and mobile sources, would exceed the regulation standard by 10 tons a year, even after plant emissions are mitigated.

The Attorney General's Office early last month issued a letter urging the city of Hanford to take all feasible mitigation measures to address greenhouse gas. But city consultant John Westermier said the state agency likely didn't read the recent addendum to the EIR that proposed various mitigation measures such as installation of solar panels to the office roof, energy-efficient lighting and heating/cooling systems, a water-efficient irrigation system, and idling restrictions on trucks.

Opponents argue the measures aren't aggressive enough.

Arthur Unger of the Sierra Club, or Tom Frantz, a Shafter farmer, would argue for 100 percent mitigation.

Sending carbon dioxide underground is an emerging idea that can offer a solution, argues Luke Cole, executive director of San Francisco-based Center for Race, Poverty and the Environment, which represents the concerned residents.

Instead of letting carbon dioxide flow into the atmosphere where it traps heat, why not pipe it to inject into gas and oil reservoirs, Cole argues.

In fact, such an experiment of so-called "carbon sequestration" is being conducted in the Central Valley by the California Energy Commission.

An approval of the project as proposed is "short-sighted," says Linda MacKay, an Association of Irrigated Residents member and a Bakersfield-area resident.

"Your decision will impact far beyond your city limits," MacKay told the city council on Feb. 5. "You should be very clear on what you're approving. You can't just accept the ethanol hype and not look into it further."

Settle has argued that carbon dioxide emitted by the plant is ultimately absorbed downwind by crops as part of the normal carbon cycle.

Economic benefits

The Hanford plant -- a \$115 million project -- would have a one-time economic boost of \$272 million, according to the company. Also the plant would spent some \$84 million annually on goods and services as part of ethanol production.

According to Settle, a 60 million-gallon ethanol plant can annually generate economic benefits (figures are projections based on company information) such as: \$165 million pumped into local economy, \$29.4 million additional household income; and \$1.8 million new state and local tax revenues.

Subsidies

An ethanol plant receives plentiful government subsidies and tax credits.

A federal tax credit under the American Jobs Creation Act of 2004 provides 51 cents per gallon of ethanol, which means the Hanford plant -- with its 63 million-gallon annual production -- could save \$32 million a year.

California also gives some tax breaks as well. Alcohol fuels are taxed at one-half the rate of the California excise tax applied to gasoline, saving 9 cents per gallon in tax. For the Hanford plant, it amounts to \$567,000 a year.

In addition, the Great Valley Ethanol plant qualifies for various tax incentives by locating itself in Hanford's enterprise zone. The plant will qualify for a tax break on its construction and equipment. The state also allows additional tax credit over a five-year period for paying employees at a level above the minimum wage.

Water supply

Ethanol production uses lots of water. Here's some of the math you're looking at:

The plant is projected to use 708 gallons per minute of water, the EIR states. That equals to 1.12 million gallons of water a day. According to the city public works department, Hanford on the average produces 11.5 million gallons of water a day.

In short, about one-tenth of Hanford's water supply would go to the ethanol plant. That's enough to meet 5,000 residents' daily water needs.

The company is mitigating this issue.

Great Valley Ethanol will pay the Kings County Water District for any water usage exceeding the historical use of water for agriculture in that property, a figure of 3 acre-feet per acre. The money will pay for water banking to replenish groundwater.

Fire

Recent media reports indicate ethanol fires are harder to put out than gasoline ones and require a special type of firefighting foam.

The problem is that water doesn't put out ethanol fires, and the foam that has been used since the 1960s to smother ordinary gasoline blazes doesn't work well against the grain-alcohol fuel. The real danger involves the tanker trucks and rail cars that roll out of the area with huge quantities of high concentration fuel alcohol, such as the 95 percent ethanol to be produced in Hanford.

At least three major fires back East pointed out the danger of ethanol tankers last year. *The Associated Press contributed to this report.*

EPA releases justification on greenhouse gas waiver

Stockton Record, Friday, February 29, 2008

WASHINGTON (AP) — The Environmental Protection Agency released long-awaited scientific justification today for its controversial decision blocking California and more than a dozen other states from regulating greenhouse gas emissions from cars and trucks.

A 48-page "decision document" argues that California does not have "compelling and extraordinary conditions" required under the Clean Air Act because the rest of the nation also suffers the effects of global warming.

EPA Administrator Stephen L. Johnson, who's faced lawsuits and angry denunciations since making the decision in December, told The Associated Press in a phone interview that legislative history shows California must have a unique problem in order to justify a federal waiver to implement a vehicle emissions law stricter than the federal government's.

"I'm not saying that California isn't experiencing problems as a result of global climate change. There are, in fact, other parts of the country that are actually worse," Johnson said.

Environmentalists and California officials disagree with Johnson's interpretation, contending that California has been granted Clean Air Act waivers in the past to deal with problems that are also happening elsewhere, such as diesel pollution.

Critics contend that California does have uniquely worse problems from global warming than other states, including wildfire risks, air pollution and water supply shortages.

"Clearly Johnson hasn't spent much time in California. Doesn't he know the simple scientific fact that hotter air causes more smog?" said Frank O'Donnell, executive director of Clean Air Watch, a Washington advocacy group.

"This reads like something written up in the board room of General Motors," O'Donnell said.

The Clean Air Act gives California special authority to regulate vehicle pollution because the state began such regulations before the federal government. But a federal waiver is required, and if California gets one, then other states can adopt California's standards.

California's tailpipe emissions law would have forced automakers to cut greenhouse gas emissions by 30 percent in new cars and light trucks by 2016.

Twelve other states — Connecticut, Maine, Maryland, Massachusetts, New Jersey, New Mexico, New York, Oregon, Pennsylvania, Rhode Island, Vermont and Washington — had adopted

California's tailpipe standards and the governors of Arizona, Colorado, Florida and Utah had said they also planned to adopt them. The rules were under consideration elsewhere, too.

In denying the waiver request Johnson argued that a nationwide approach would be better and he said it would be provided by a new law raising fuel economy standards that was signed by President Bush in December.

California officials argued that California's law would be stronger and act faster, but automakers applauded Johnson's decision.

Court rules in favor of Air District

BY MARK RIVERA - Staff reporter
Turlock Journal, Thursday, February 28, 2008

FRESNO - The Fresno County Superior Court on Thursday said that the San Joaquin Valley Air Pollution Control District's fees for pollution control are legal and valid.

The district won the lawsuit brought against it by the California Building Industry Association and other co-plaintiffs including the Modesto Chamber of Commerce, the Valley Taxpayers Coalition and the Coalition of Urban Renewal.

The lawsuit was challenging the district's Rule 9510, which establishes development fees for air-pollution mitigation. The rule was the first of its kind and was introduced in December 2005.

The lawsuit, filed in June 2006, claimed that the district had no authority to regulate development and impose fees, and that the rule amounted to a tax under Proposition 13. The court disagreed.

"The case was hard fought by all parties. We are pleased with the Judge's decision," said Philip Jay, the district's legal counsel.

According to the district, Rule 9510 holds developers accountable for air-quality impacts that result from building activity and also for air-quality impacts that result from the development's use. Developers have options for offsetting pollution through a variety of mitigation measures - for example, including sidewalks and green spaces in new housing developments. Developers are assessed fees for any pollution that exceeds thresholds established by the district.

"We now hope the state Building Industry Association joins our many local developers, who have embraced this rule and are working with us to improve the valley's air quality," said Seyed Sadredin, the district's Executive Director and Air Pollution Control Officer. "We sincerely hope that we can move past adversary and work collaboratively for the valley's benefit."

If the plaintiffs appeal the decision, the case would go to the 5th District Court of Appeal in Fresno.

Belch-Free School Buses

Washington Post, Thursday, February 28, 2008

Nearly two dozen D.C. school buses will be getting equipment upgrades to reduce air pollution.

A \$224,540 grant from the U.S. Environmental Protection Agency will fund a retrofit of 22 buses used to transport 4,000 special needs students. The four-year-old buses, the largest vehicles in the fleet, are scheduled to be fitted with filters to reduce the amount of particulate matter, volatile organic compounds and carbon monoxide released into the atmosphere.

The use of Catalyzed Continuously Regenerating Technology is expected to curb targeted emissions by 85 to 90 percent.

Approximately 630 bus routes are traveled twice a day from September through June.

China environment agency gets more power

By Henry Sanderson, Associated Press Writer

In the Contra Costa Times, Merced Sun-Star and other papers, Friday, Feb. 29, 2008

The State Environmental Protection Agency, known as SEPA, is to be upgraded to a full Cabinet ministry with a bigger budget and more people, said a former agency official and environmental activists briefed on the plans.

The upgrade is part of a government restructuring approved this week by the Communist Party leadership. The changes, expected to be formally approved by the national legislature in March, are meant to help one of China's weakest agencies grapple with one of the country's biggest problems.

Environmental degradation has fouled the air in Chinese cities and poisoned farmland and water sources, leading to protests at home and drawing criticism abroad. The environmental agency, formed in 1998, has struggled to enforce rules that are often ignored.

"SEPA in recent years has been trying to do a lot with very little," said Alex Wang, director of the China Environmental Law Project at the Natural Resources Defense Council. "The challenge that SEPA faces now first and foremost is insufficient resources and authority."

Under the plan, the agency would become the Ministry of Environment, said Hongjun Zhang, a former agency official and environmental law expert, and Lo Sze Ping of Greenpeace in Beijing.

Zhang said the staff could be increased from 200 people to 300 or 400, and that over time the body would be given more authority over local environmental bureaus, which tend to be beholden to local industries and politicians and often flout the rules.

The environmental agency declined to comment on the changes.

Beijing's filthy air has drawn international attention with the city set to host the Olympics in August. Global warming activists criticize China's emissions of greenhouse gases.

The World Bank, in a draft report with China's environmental agency, estimates the country's air and water pollution cost about \$100 billion a year-5.8 percent of its economic output-mainly through health costs. The government spends 1.35 percent of the gross domestic product on environmental protection.

Even with new powers, the environmental watchdog is likely to face formidable opposition from local governments geared to ramping up economic growth and protecting factories that pay tax revenues.

Local environmental officials also will still answer to provincial or local governments, leaving the new ministry understaffed for the task policing the environment, activists said.

Rain out: China aims to control Olympics weather

By Stephen Wade, AP Sports Writer

USA Today, Friday, Feb. 29, 2008

BEIJING - As they prepare to host the Olympics - an event whose very purpose is to push the limits of human beings - the Chinese are trying to do what man never has: Control the weather.

With five months to go before the Summer Games come to Beijing, Chinese scientists say they are confident they can keep rain away from the opening ceremony, or summon a storm on cue to clear the city's choking pollution.

It's a bold - and, according to international scientists, dubious - bit of stage managing, even for a nation that has already shown an outsize ambition to use the Olympics to showcase its development from rural poverty to economic powerhouse.

China is spending \$40 billion to remake the infrastructure of the ancient capital, and it already spends an estimated \$100 million a year and employs 50,000 for rainmaking.

At installations like one called Fragrant Hills, outside Beijing, peasants don military fatigues and helmets and squat behind anti-aircraft guns and rocket launchers, blasting the sky with silver iodide, hoping to shock rain from the clouds.

If rain threatens the opening or closing ceremony, Beijing officials say they will set up several banks of rocket launchers outside the city to seed threatening clouds and cause them to release their rain before it reaches the capital.

"We are now drafting the implementation plan for the artificial rain mitigation for the opening and closing ceremonies," said Wang Yubin, a Beijing Meteorological Bureau engineer. "This is a very complex process, so we must select the right time and place."

China, short on water and arable land, has lavished some of the scarce resources it has on rainmaking and rain prevention.

Its cloud-seeding weapons include 6,781 artillery guns and 4,110 rocket launchers, according to the state-run Xinhua news agency. The China Meteorological Administration says 4,231 flights for cloud-seeding were conducted from 1995 to 2003.

The Chinese scientists say it worked - increasing rainfall during those years by 210 billion cubic meters, enough to meet the annual needs of 400 million people. China has a population of about 1.3 billion.

Other scientists are not so sure.

"I don't think their chances of preventing rain are very high at all," said Roelof Bruitjes, a meteorologist with the U.S. National Center for Atmospheric Research, who was in China several weeks ago and told top-ranking Chinese scientists he was skeptical.

"If there is really a weather system that is producing rain, they won't be able to do anything. We can't chase away a cloud, and nobody can make a cloud, either."

The argument is about much more than precipitation theory. The Olympics, set to run Aug. 8-24, are tightly scheduled, and a rainy day can wreak havoc - particularly if the opening ceremony, perhaps China's best showcase of the games, is a washout.

Besides being one of the warmest months of the year in Beijing, with highs averaging in the mid-80s, August is among the wettest, with about 7 inches of rain in a typical year.

It's not the first time China has mounted a gargantuan project to bend nature. The Three Gorges dam project, spanning the mighty Yangtze River, is the largest hydroelectric undertaking in the world.

But the history of Chinese science projects has its quirky examples, too - like the one that promises to produce softball-size tomatoes or giant gourds by shooting seeds or seedlings into space and then sowing them back on earth.

Fifty years ago, during the Great Leap Forward, Mao Zedong made extravagant claims about new agricultural techniques that could lift China out of starvation. His plans to beat nature were based mostly on ideology and pseudo-science and caused widespread famine.

Andy Detwiler, a professor of meteorology at the South Dakota School of Mines and Technology who edits the *Journal of Weather Modification*, suggested the Olympic weather-harnessing effort may not meet with much more success.

"It's the emperor and his new clothes sort of thing. Nobody wants to admit there is any uncertainty involved in the operation," he said. "The only nations I know of who claim that they can schedule the weather - clear skies for public events, prevent rain at big celebrations - is the old Soviet Union and China."

On the very day Chinese weather modification experts were boasting at a news conference about controlling rain during the Olympics, the country's midsection was being pummeled by the worst snow storm in 50 years, which Chinese meteorologists failed to predict.

Several calls to the China Meteorological Administration seeking interviews with weather modification officials to discuss the Olympics plans were greeted with the same reply: "This is a sensitive topic." One junior staff member at the Beijing Meteorological Bureau said the subject was very guarded, "like Americans keeping their nuclear secrets."

In an interview with the Associated Press, Wang Guanghe, deputy director of the Research Center for Weather Modification, acknowledged an absence of rigorous science in China's vast cloud-seeding operation.

"We haven't done any of these studies," he said. "We have an indoor simulation model. We can use devices to observe the changes in the clouds ... but it's really hard to have an authentic and convincing result."

A recent study in Oklahoma and Texas uncovered little evidence that cloud seeding works. Like China, many American programs are run by local governments with little coordination from the nation's capital.

"You just don't see any consistent signal that these activities are producing any more rainfall than what normally would have occurred," said Jeff Basara, director of research for the Oklahoma Climatological Survey. "You're much better off conserving water than trying to make it rain."

The most common way to seed clouds is blasting them with silver iodide, which is generally believed to be a safe chemical. Liquid nitrogen and dry ice can also be used.

Another worry: Beijing's severe air pollution. Daniel Rosenfeld, a meteorologist at The Hebrew University of Jerusalem who has visited his Chinese colleagues, said there are early indications that pollution decreases rain, which may be driving Beijing and northern China further into drought.

The International Olympic Committee has already threatened to postpone some endurance events if Beijing's air quality is poor. Beijing, a city of 17 million, is expected to ban 1.5 million vehicles from the roads, shut factories and foundries and halt the city's frantic construction boom for the games.

"The only thing that cleans up the pollution is the rain, and if they are going to suppress rain, my worry is the pollution will be oppressive," said Veerabhadran Ramanathan, an atmospheric scientist at the Scripps Institution of Oceanography at the University of California San Diego, who will use the Olympics to study the impact of reduced pollution. "It's a Catch-22."

Carbon dioxide rise linked to pollution deaths

By Doyle Rice, USA TODAY
Friday, Feb. 29, 2008

Increased carbon dioxide in the Earth's atmosphere also could worsen air pollution worldwide and lead to the deaths of up to 22,000 people a year, a new study shows.

Rising carbon dioxide (CO₂) levels from burning fossil fuels have been linked to sea-level changes, snowmelt, disease, heat stress, severe weather, and ocean acidification, but this is the first study to link CO₂ rise to pollution.

Because carbon dioxide doesn't directly affect respiration, it hasn't been classified as an air pollutant. But the study, led by Mark Jacobson of Stanford University, predicts that as temperatures and water vapor rise because of extra atmospheric CO₂, ozone pollution levels also will rise.

Using a high-resolution model that correlates pollution levels to human health, Jacobson found that each 1.8-degree rise in temperature could increase yearly air pollution deaths in the USA by about 1,000, which he extrapolated to 22,000 worldwide.

Jacobson notes that many of these deaths would likely occur in smoggy urban areas. The study appears this month in the journal *Geophysical Research Letters*.

[Tracy Press Editorial, Friday, February 29, 2008](#)

Valley loses out on air money

San Joaquin County Supervisor Leroy Ornellas testified this week on behalf of those of us who breathe the air in our smoggy valley. He and other Central Valley advocates asked for a good share of the state's \$1 billion from the Proposition 1B transportation bond earmarked for fighting pollution from ports and trucks.

Our valley is a bowl of air pollution — thanks, in part, to all the nitrogen-oxide-spewing trucks on our freeways. As Ornellas said, the geography, topography and weather here offer the perfect environment for trapping diesel pollution.

Alas, the California Air Resources Board favored the powerful interests of Los Angeles and voted to give the valley only \$250 million, just a quarter of the total.

Still, it never hurts to speak up for the Central Valley, and every million helps.

[Merced Sun-Star Editorial, Monday, March 3, 2008:](#)

Cogdill's GOP post gives Valley clout

State Sen. Dave Cogdill, who represents parts of Mariposa County and the city of Chowchilla, maintains that the San Joaquin Valley is often treated like a "red-headed stepchild" in the California Legislature when it comes to getting its share of state money.

"Politics is a numbers game, and there are many more representatives from Southern California and the Bay Area than the Valley," said the Modesto lawmaker, who will take over as Senate Republican leader on April 15.

The 240-mile valley from Bakersfield to Stockton produces a quarter of the nation's food and prefers the kinder appellation of "America's Breadbasket." But it has some of the worst smog, poverty and school dropout rates in the country.

When Cogdill succeeds Sen. Dick Ackerman of Irvine as the Senate's top Republican, the top two GOP leaders in the Legislature will be from the Valley.

Assembly Member Mike Villines, R-Clovis, assumed control of his caucus a little more than a year ago. And when Sen. Darrell Steinberg, D-Sacramento, takes over as Senate president pro tem at the end of the year, three of the Legislature's top four leaders will be from the interior of the state.

Only Assembly Member Karen Bass, the Los Angeles Democrat who last week was elected the next speaker of the Assembly, hails from one of the state's top population centers.

Cogdill and Villines hope to leverage their clout to bring more attention to issues of pressing concern to the Valley, like air quality, water and job creation.

"It'll be great to have two leaders from the Valley when we go into 'Big Five' meetings," Villines said, referring to the conferences between the governor and the four legislative leaders in which deals are cut.

But as Republicans in a Legislature dominated by Democrats -- and with at least an \$8 billion deficit remaining in the state budget -- the lawmakers cannot drive the entire state agenda.

They do have clout on the budget, however, because it requires at least some GOP support to meet the two-thirds vote requirement.

Cogdill and Villines emphasize that as caucus leaders their responsibility is the welfare of the entire state.

But as residents of the Valley, they say they have a better understanding of its needs than other lawmakers.

"Basically, we'll have a louder voice," Cogdill said. "But I don't see any huge amount of resources all of sudden coming to the Valley."

Villines, however, said he and Cogdill will work to bring a "more equitable" allocation of infrastructure bonds and education funding to the Valley.

As an example, he cited Proposition 1B, the \$19.9 billion transportation bond approved by voters in 2006.

Last week, Villines and Cogdill urged the California Air Resources Board to grant the Central Valley \$370 million of a \$1 billion bond allotment to fight diesel pollution.

The San Joaquin portion of the Valley has some of the worst asthma rates in the state, which the lawmakers say is exacerbated by trucks traveling through the area from other regions.

But the board voted to give the Central Valley just \$250 million; Southern California received \$550 million. Afterward, San Joaquin Valley officials said the decision amounted to another case of the Valley being treated unfairly.

David Schechter, a professor of political science at California State University, Fresno, said state funding formulas favor regions with the highest populations.

Because the Valley has only a tenth of the state's population, Schechter said, Southern California and the Bay Area will always be the prime beneficiaries of state money.

That means Cogdill and Villines will have to rely on diplomacy to achieve their goals, he said.

"But they're kind of in a bind," Schechter said. "They were elected by their caucuses because they were more conservative than their predecessors -- and that doesn't give them much flexibility."

But Cogdill said it is the Legislature that needs to be flexible and "provide the same level of services to rural areas" that cities receive.

"One of the things we suffer from in the Valley is the one-size-fits-all mentality that rarely, if ever, meshes well with [our] needs," he said. "People need to realize that what may work in L.A. or in the Bay Area is not going to work for us."

[Hanford Sentinel, Letter to the Editor, Sunday, March 2, 2008:](#)

Don't build ethanol plant

Editor: This letter was delivered to the Hanford City Council.

One out of every 5 children in the San Joaquin Valley is afflicted with a breathing problem.

The ethanol plant, proposed for construction in Kings County, will emit close to 1,000 tons of pollutants into the atmosphere every day.

How could any knowing or caring person consider such an unacceptable proposition for even a minute?

This plant and the associated traffic will make a difficult situation a most serious one for those already suffering.

Surely, knowing this, the council will put the well-being of Valley residents first and veto this and all like industries from our midst. The children join me in thanking you.

Elizabeth Clark, Hanford

[Hanford Sentinel, Letter to the Editor, Sunday, March 2, 2008:](#)

Ethanol plant is good idea

Editor: Mrs. Mackay states that all the air pollution created in Hanford is going south to Kern County. This is true, but, it's not coming from Hanford, rather it's coming from San Francisco, Sacramento and the Oakland area with all points north.

We are here in the Valley living in a large bowl created by the mountains around us. They create a perfect dam for all the smog manufactured in the north and blown here by evil north winds. Since she lives at the end of the bowl, yes, she gets the worse end of the pollution.

Just recently I had the chance to visit an ethanol plant in Modesto. I got to see first hand exactly what is involved with the ethanol plant. There is security fencing completely around the plant. You gain entry into the plant via an electrically controlled gate. Then you must register in the office, get a hard hat and wait for someone to come and escort you through the plant.

I was totally amazed at the cleanliness of the plant. Yes, there was water on the floor, this place is run with water. The corn (grain) is brought in by rail only then dropped onto a conveyor that moves it to three very large silos. From there they are passed into a mill which grinds the corn into a powder. The water used is heated to 190 degrees then placed in a large tank with the powdered corn. The heat removes the sugar, alcohol, ethanol and yeast and CO₂.

When the water is drained, it is passed through a Precognitive Thermo Oxidizer which burns off any excess gas for a clean atmosphere before it is released into the air. The water goes through a heat exchange which lowers the temperature back to 90 degrees and runs through the system again and other parts of the plant.

With the system set up they have, they use 2-1/2 to 3 gallons of water for 1 gallon of ethanol.

I consider this a very good exchange. The only thing released into the atmosphere is CO₂, which is zero impact to the atmosphere. The corn mash which is left over after the ethanol is removed is trucked out to dairies and fed to the cows which helps them produce more milk.

Sorry, Mrs. Mackay, but this plant is not going to cause any harm to you, your children or your grandchildren, bless their hearts. ...

Joe Flores, Hanford

[S.F. Chronicle commentary, Monday, March 3, 2008:](#)

Open Forum

EPA's own study argues for California waiver

By Mark Z. Jacobson

California currently suffers disproportionately heavier air pollution casualties than other states due to global warming, and this problem will become worse as warming increases.

The Environmental Protection Agency is supposed to protect human health, including Californians', and, when the state's health risks are more severe than others, it should allow California to address its own air pollution problems. Yet the federal EPA Administrator Stephen L. Johnson ignored the preponderance of scientific evidence, and in December denied California's request to set its own carbon dioxide emission standards from vehicles.

It is time that he reconsider the issue - taking into account new evidence - and reverse his decision.

Johnson denied the waiver, according to his testimony in a Senate committee hearing on Jan. 24, because he was not convinced of "compelling and extraordinary conditions" to justify giving California the special authority to set its own emission standards. Indeed, he testified, "[G]reenhouse gas emissions harm the environment in California and elsewhere regardless of where the emissions occur."

However, California does have unique circumstances, as indicated by both the State of California, in its waiver request, and the staff members in Johnson's own agency, who provided their opinions to him prior to his decision. The California and EPA officials cited California's facing such enhanced risks from global warming as water shortages, rising sea levels and increased wildfires - all of which will affect California more than other states.

There is still one more special circumstance that rises above these others. This circumstance is that global warming currently causes greater respiratory and cardiovascular disease in California per person than in other states through its impact on air pollution. This factor is particularly relevant to the EPA's charge, given its primary responsibility to "protect the public health" through "improving the quality of the nation's air," according to the Clean Air Act Amendments of 1970.

The adverse air pollution health impacts due to global warming were determined from research I conducted, which was published Feb. 12 in the peer-reviewed journal, Geophysical Research Letters. The paper provides evidence that people in California are harmed more than people outside of California due to carbon dioxide's effect on air pollution. Johnson should have been aware of this study because his agency funded a portion of the research, and results from the study were presented to the EPA in October 2007.

The study found that carbon dioxide increases ozone and particulate matter - unhealthy pollutants in smog - by increasing temperatures and water vapor in the atmosphere. What's more, it showed that ozone, in particular, increases the most where it is already high. This does not bode well for California, which has six of the 10 most polluted cities in the United States: Los Angeles, Visalia-Porterville, Bakersfield, Fresno, Merced and Sacramento.

The study found that, for every one degree Celsius (1.8 degrees Fahrenheit) temperature increase due to carbon dioxide, the U.S. death rate due to ozone and particle pollution increases by approximately 1,000 per year. Of these deaths, more than 300 (or more than 30 percent) occur in California. Because California has only 12 percent of the U.S. population, the Golden State clearly suffers disproportionately more than other states due to carbon dioxide-induced global warming. Most of these additional deaths are occurring today, as global warming to date has already increased global temperatures by 0.8 degrees Celsius.

The science shows that California already suffers more air pollution mortality per capita from carbon dioxide than other states. The problem will grow worse in California than in other states if stricter standards for carbon dioxide emissions are not put in place.

Johnson needs to take another look at the evidence. A change in policy will not only benefit the health of our citizens. It will also restore our country's faith that policy decisions on complex issues will be based on rigorous scientific inquiry.

Mark Z. Jacobson is a professor of civil and environmental engineering at Stanford University.

[Fresno Bee editorial, Monday, March 3, 2008:](#)

Change in rail bond language should appeal to more voters Wording should enhance prospects for its passage.

A tweak in the language of the November high-speed rail bond would widen the scope of spending under the measure, and might delay the construction of portions of the Valley route. But it's still a good idea.

As currently written, the \$9.9 billion bond would be spent only on the San Francisco to Los Angeles segment, which includes the Valley. A bill introduced in the Assembly, with the backing of Gov. Arnold Schwarzenegger, would expand that to every segment of the 700-mile system.

The high-speed rail effort is crucial to the Valley for economic and environmental reasons. But widening the scope of the spending should draw more support from voters all over Southern California, which will be necessary for the bond's passage. That's why this is good news for the Valley. It may delay some aspects of rail service hereabouts, but that's a great deal better than not having it at all.

It's also encouraging that Gov. Schwarzenegger is involved in this process. The governor has gone back and forth on the issue of high-speed rail, praising it to the skies in an op-ed piece he wrote for The Bee last May, then throwing up daunting roadblocks at other times.

Quentin Kopp, a retired judge and former state senator who chairs the High Speed Rail Authority, the governing board for the project, has been trying to recruit the governor to serve as a co-chair of the campaign to pass the bond measure. So far, he's had little success.

That's too bad. Having Schwarzenegger on board in a high-profile role would greatly enhance the prospects for passing the bond measure, which could face a good deal of skepticism from voters in a year of fiscal crisis in California.

But it's precisely such times when we need a clear and aggressive vision for the future. The high-speed rail project would create a generation of high-paying construction jobs, boosting the economy. And it would take thousands of cars off the state's freeways, helping clean the air and address global climate change. It would also ease ever-increasing congestion at airports.

Those benefits make high-speed rail an opportunity too good to miss.

[Fresno Bee editorial, Sat., March 1, 2008:](#)

Thumbs up, thumbs down

Thumbs down to the state Air Resources Board for refusing to allocate a fair share of air cleanup funds to the Valley. The board adopted staff recommendations that give the lion's share of Proposition 1B money for cleaning up pollution in the state's "trade corridors" to Southern California, despite the fact that the Valley is the most heavily traveled corridor of the four in the state. The Valley ought to be used to getting a raw deal from the state, but it's still galling when it happens -- which is nearly always.

[Letter to the Fresno Bee, Monday, March 3, 2008:](#)

'A bogus conclusion'

The Feb. 27 letter from Carol Deverick on polar bear endangerment is just another example of creationism masquerading as science. How convenient it must be to decide which evolutionary tenet you use to support a bogus conclusion while rejecting natural selection as a basic principle.

Polar bears interbreeding with grizzlies doesn't wash as a reason to ignore global warming. David Field, Zoological Director of the Zoological Society of London has stated: "there are behavioral differences between the species, including timing of mating seasons, that make such hybrids highly unusual and it is unlikely that any resultant offspring would be viable."

In other words, they would be producing "mules," not a new sub-species.

The U.S. Senate Committee on Environment and Public Works, in soliciting testimony on the subject of polar bear endangerment, has opened up a contentious debate. Many opponents of protected status flatly oppose a global warming concept, talking about "natural cycles" and "wind patterns." "Scientific" hair-splitting is not an appropriate response to a growing danger. We ignore our impact on the environment at our own peril.

Jim McClanahan, Clovis

[Opinion on Washington Post, Sunday, March 2, 2008:](#)

'Clean' Coal? Don't Try to Shovel That.

By Jeff Biggers

Every time I hear our political leaders talk about "clean coal," I think about Burl, an irascible old coal miner in West Virginia. After 35 years underground, he struggled to conjure enough breath to match his storytelling verve, as if the iron hoops of a whiskey barrel had been strapped around his lungs. In 1983, during my first visit to Appalachia as a young man, Burl rolled up his pants and showed me the leg that had been mangled in a mining accident. The scars snaked down to his ankles.

"My grandpa barely survived an accident in the mines in southern Illinois," I told him. "He had these blue marks and bits of coal buried in his face."

"Coal tattoo," Burl wheezed. "Don't let anyone ever tell you that coal is clean."

Clean coal: Never was there an oxymoron more insidious, or more dangerous to our public health. Invoked as often by the Democratic presidential candidates as by the Republicans and by liberals and conservatives alike, this slogan has blindsided any meaningful progress toward a sustainable energy policy.

Democrats excoriated President Bush last month when he released a budget calling for more -- billions more -- in funds to reduce carbon emissions from coal-burning power plants to create "clean coal." But hardly a hoot could be heard about his proposed cuts to more practical investments in solar energy, hydrogen fuel and home energy efficiency.

Meanwhile, leading Democrats were up in arms over the Energy Department's recent decision to abandon the \$1.8 billion FutureGen project in eastern Illinois, planned as the first coal-fired plant to capture and store harmful carbon dioxide emissions. Energy Department officials, unlike politicians, had to confront the spiraling costs of this fantasy.

Orwellian language has led to Orwellian politics. With the imaginary vocabulary of "clean coal," too many Democrats and Republicans, as well as a surprising number of environmentalists, have forgotten the dirty realities of extracting coal from the earth. Pummeled by warnings that global warming is triggering the apocalypse, Americans have fallen for the ruse of futuristic science that is clean coal. And in the meantime, swaths of the country are being destroyed before our eyes.

Here's the hog-killing reality that a coal miner like Burl or my grandfather knew firsthand: No matter how "cap 'n trade" schemes pan out in the distant future for coal-fired plants, strip mining and underground coal mining remain the dirtiest and most destructive ways of making energy.

Coal ain't clean. Coal is deadly.

More than 104,000 miners in America have died in coal mines since 1900. Twice as many have died from black lung disease. Dangerous pollutants, including mercury, filter into our air and water. The injuries and deaths caused by overburdened coal trucks are innumerable. Yet even on the heels of a recent report revealing that in the last six years the Mine Safety and Health Administration decided not to assess fines for more than 4,000 violations, Bush administration officials have called for cutting mine-safety funds by 6.5 percent. Have they already forgotten the coal miners who were entombed underground in Utah last summer?

Above ground, millions of acres across 36 states have been dynamited, torn and churned into bits by strip mining in the last 150 years. More than 60 percent of all coal mined in the United States today, in fact, comes from strip mines.

In the "United States of Coal," Appalachia has become the poster child for strip mining's worst deprivations, which come in the form of mountaintop removal. An estimated 750,000 to 1 million acres of hardwood forests, a thousand miles of waterways and more than 470 mountains and their surrounding communities -- an area the size of Delaware -- have been erased from the southeastern mountain range in the last two decades. Thousands of tons of explosives -- the equivalent of several Hiroshima atomic bombs -- are set off in Appalachian communities every year.

How can anyone call this clean?

When the Bush administration announced a plan last year to do away with a poorly enforced 1983 regulation that protected streams from being buried by strip-mining waste -- one of the last ramparts protecting some of the nation's oldest forests and communities -- tens of thousands of people wrote to the Office of Surface Mining in outrage. Citizens' groups also effectively halted the proposed construction of 59 coal-fired plants in the past year. Yet at last weekend's meeting of the National Governors Association, Democratic and Republican governors once again joined forces, ignored the disastrous reality of mining and championed the chimera of clean coal. Pennsylvania Gov. Ed Rendell even declared that coal states will be "back in business big time."

How much more death and destruction will it take to strip coal of this bright, shining "clean" lie?

As Burl might have said, if our country can rally to save Arctic polar bears from global warming, perhaps Congress can pass the Endangered Appalachians Act to save American miners, their children and their communities from ruin by a reckless industry.

Or at least stop talking about "clean coal."

[Blog on Washington Post, Friday, February 29, 2008:](#)

Firms Urge Agencies to Revamp Outdated Regulations

A handful of government departments and agencies should revisit particularly onerous regulations affecting small businesses, the Small Business Administration's Office of Advocacy said at a Wednesday news conference at the National Press Club.

The office accepted more than 80 "constructive" suggestions for its Regulatory Review and Reform (r3) initiative offered by members of the small business community, according to Thomas Sullivan, chief counsel for Advocacy. However, some reform proposals that were not included in this mix suggested getting rid of the Environmental Protection Agency or redoing the nation's tax code.

Sullivan noted that small firms annually pay 45 percent more per employee to comply with federal regulations than big businesses do.

Among the top 10 rules that the Advocacy office has deemed ready for review and reform is a plea to the EPA to update air monitoring rules for dry cleaners to reflect current technology. Most of the 28,000 dry cleaners across the nation are small businesses, but current testing regulations are outdated and don't consider modern dry cleaning equipment, said Dan Nickey, a panelist and program manager of the Iowa Air Emission Assistance Program, which helps small firms comply with air quality regulations.

Wayne Crews, vice president for policy and director of technology studies at the Competitive Enterprise Institute, highlighted that federal regulations cost the U.S. economy \$1.1 trillion annually - a number greater than Canada's gross domestic product.

"Tackling these reforms is tough. You may feel like you're trying to catch Moby Dick with a rowboat and tartar sauce," quipped Crews, leading Sullivan to reply, "Well, maybe with r3 we'll at least have a harpoon."

Josh Levine, owner of Electra Entertainment, a local disc jockey entertainment firm, spoke in support of asking the IRS to simplify the home office business deduction, saying the calculations

for the deductions are confusing and don't account for technological changes affecting the way business is conducted today. The issue has seen a recent groundswell of support, boosted this year by National Taxpayer Advocate Nina Olson who suggested a standard home-office deduction in her report to Congress.

Other small business requests include asking the Federal Aviation Administration to update Washington, D.C.-area flight rules, which were changed after the Sept. 11, 2001 terrorist attacks. A number of small airports in the restricted say that they likely will go out of business if the FAA finalizes certain rules. The airports argue that the restrictions already have caused a significant economic impact on the D.C. region.

Sullivan said the agencies contacted to implement reforms have been receptive or at least he has "not had any negative reactions." He said that every six months the office would publish on the r3 Web site any efforts the affected departments and agencies had made in response to the small businesses' requests

[Note: The following clip in Spanish discusses EPA's explanation for denying California's waiver. For more information on this clip, contact Claudia Encinas at \(559\) 230-5851.](#)

Explica administrador de la EPA razones para negar ley de California

Noticiero Latino

Radio Bilingüe, Monday, March 3, 2008

El administrador nacional de la Agencia federal de Protección Ambiental (EPA, por sus siglas en inglés), Stephen Johnson reiteró este fin de semana que su institución negó un permiso para que California activara la ley más severa del país contra la contaminación porque el problema requiere de una solución de todo el país en su conjunto.

Johnson dijo también que en las últimas décadas la EPA utiliza a California cuando se trata de problemas ambientales, regionales o locales.

En una de las opiniones más severas hasta ahora, la directora de la Oficina de Recursos del Aire de California, Mary Nicholson afirmó que la explicación del funcionario fue "patética y sin substancia".