

## **Arvin to get green subsidy**

Bakersfield Californian, Thursday, Jan. 24, 2008

The City of Arvin will be going green.

In an agreement approved by the Arvin City Council on Tuesday, the San Joaquin Valley Air Pollution Control District will give more than half a million dollars to the city to replace municipal vehicles for cleaner models, according to a district news release.

"This money will be especially well-spent in Arvin, where naturally existing factors such as its location create ideal conditions for ozone to form," Seyed Sadredin, the district's executive director, said in a written statement.

The award of \$546,700 will go toward purchasing six hybrid police vehicles, a street sweeper and a front-end loader, the news release said.

"(This grant) shows that the Air District has a plan and that the ball is moving forward," Arvin Mayor Tim Tarver said in a written statement.

## **Grant will help Arvin purchase air-friendly vehicles**

The Fresno Bee, Thursday, Jan. 24, 2008

ARVIN -- This southern Kern County city of 16,000 will receive a \$546,700 grant to buy cleaner-running municipal vehicles.

The community has the highest number of smog violations in the country over the past several years. The reason is that ozone-making gases from larger cities drift on breezes to Arvin and create violations.

The grant money comes from the San Joaquin Valley Air Pollution Control District. The money will buy six hybrid police vehicles, one street sweeper and a type of tractor called a front-end loader.

"We're very much in need, and we appreciate the air district looking out for some of the worst-polluted areas in the nation," said Mayor Tim Tarver.

## **Committee OKs Hill for state board seat**

### **Full Senate has final say on county supervisor's confirmation**

By Shaun Bishop, MEDIANEWS STAFF

Tri-Valley Herald Thurs., Jan. 24, 2008

SACRAMENTO — San Mateo County Supervisor Jerry Hill's confirmation to the powerful California Air Resources Board was narrowly approved Wednesday by a state Senate committee and now heads to the full Senate for a final vote.

The senate's Rules Committee approved Hill's confirmation to the board 3-2 along party lines. The committee has three Democrats and two Republicans.

Hill was appointed to the board, a part of the state Environmental Protection Agency that sets policy related to air quality, in February 2007 by Gov. Arnold Schwarzenegger.

The hearing was not as smooth for Fresno County Supervisor Judy Case. Her confirmation was voted down, 3-2, after senators and several critics slammed her for a June vote on a smog clean-up plan for the San Joaquin Valley. The air board voted to give polluters an extension until 2024 to comply with federal regulations, more than a decade behind an initial deadline. Case, appointed to the board in May, supported the extension.

Critics also chided Case for being closely tied to agricultural interests in the valley.

Schwarzenegger, upset over the same issue, fired the board's then-chairman Robert Sawyer two weeks after the vote.

Hill voted the same way as Case in the board's 7-1 decision for the extension, but was spared the criticism she received. He said he voted that way in part because it was unclear how, with current technology, polluters would be able to clean up their act by the original deadline of 2013. He said his supporters on Wednesday pointed out his other environmental work.

"No one was giving me a hard time over that issue," Hill said.

Another air board nominee, University of California, Davis, professor Daniel Sperling, was also approved 3-2.

Hill said he hoped the full Senate would approve his appointment, but worried that the issues raised Wednesday "may become a partisan football." He said he has enjoyed his time so far on the board. "What we can accomplish is so significant," he said.

### **Air board nominee contested**

By SAMANTHA YOUNG, Associated Press Writer

In the S.F. Chronicle, Fresno Bee, Contra Costa Times & other papers, Thurs., Jan. 24, 2008

SACRAMENTO, (AP) -- A Senate committee recommended Wednesday that one of Gov. Arnold Schwarzenegger's appointees to the state air board be replaced because of her record on public health issues.

The Rules Committee voted 3-2 along party lines against the appointment after some Central Valley lawmakers complained that board member Judith Case routinely sides with polluters on air quality issues.

The committee's recommendation goes to the full Senate, which is expected to vote Thursday. If the Senate rejects the appointment, Case would be forced to leave the board within 60 days.

A member of the San Joaquin Valley Air Pollution Control District board, Case was appointed in May by the Republican governor to a four-year term on the state Air Resources Board.

The ARB's nominees are usually allowed to serve a year before the Senate votes on whether to confirm them, but Case's tenure on the local air board and her early votes on the state board have raised some red flags among Democrats and public health and environmental groups.

Democrats singled out Case's support last June for giving the San Joaquin Valley an 11-year extension to meet federal ozone requirements.

That vote was among the reasons given last year by the Schwarzenegger administration for replacing former board chairman Robert Sawyer.

"I don't understand why the governor would fire Dr. Sawyer and not oppose (Case's) nomination to this board," said Sen. Dean Florez, D-Shafter.

Case voted twice as an ARB member to approve the extension, as did new board chairwoman Mary Nichols and the rest of the 11-member board.

Board members said federal law required them to extend the deadline.

At the time, they also argued that there wasn't the kind of technology required to reduce smog levels as aggressively as many people hoped.

That point was echoed by Sen. Roy Ashburn, R-Bakersfield, who complained that Democrats were twisting Case's record.

"If people don't like you, that's fine, but they are not going to mischaracterize your votes or your positions," Ashburn said.

Case asked lawmakers to consider her votes over the years to impose pollution regulations on the agriculture and trucking industries as a way to clean up the air in a part of the country that has the worst pollution.

"I listen to all individuals that have an interest in an issue," Case told senators. "I talk to many people. It's not just those in agriculture."

Democrats were dismissive, pointing to a "track record" of votes by Case against stringent air quality measures.

Opponents cited her votes as a local air regulator to oppose bills that required farmers to comply with federal clean air laws and added medical and scientific experts to the San Joaquin Valley air board.

A spokesman for the governor, Aaron McLearn, said the administration was disappointed that the committee didn't support Case but would lobby the full Senate to vote for her.

The Rules Committee voted to support the appointments of San Mateo County Supervisor Jerry Hill and University of California, Davis professor Daniel Sperling to the ARB. They were appointed by Schwarzenegger last February.

## **EPA staff finds emissions threat**

**The White House is reviewing the 'endangerment' conclusion, which would require regulations. The agency, contradicting its chief, has also concluded that a California tailpipe was justified.**

By Janet Wilson and Richard Simon, Los Angeles Times Staff Writers  
L.A. Times, Thursday, January 24, 2008

WASHINGTON -- The Environmental Protection Agency's staff concluded last month that greenhouse gases pose a threat to the nation's welfare, which would require federal regulations to rein in emissions from vehicles, factories, power plants and other industrial polluters under the Clean Air Act, sources in the agency told The Times.

The conclusion, known as an "endangerment" finding, has been sent to the White House for review, and comes as the agency is under a Supreme Court order to examine risks from greenhouse gases. The agency also faces a lawsuit from at least 16 state governments over their attempts to regulate vehicle gas emissions.

EPA Administrator Stephen L. Johnson, who had promised to propose regulations of vehicle emissions by the end of last year, has been summoned to testify before the Senate Environment and Public Works Committee today to answer questions about why he refused to allow California to enact its own law, despite clear signals from his staff that the state's request was justified.

California had "compelling and extraordinary conditions" to justify its own tailpipe law, according to excerpts of EPA staff documents released Wednesday. That statement contradicts what Johnson said in December, when he concluded that California's request did not meet the "compelling and extraordinary" criteria laid out in the Clean Air Act. California is allowed to implement its own air regulations under the act so long as the EPA grants a waiver, as it has in

more than 40 previous cases. Other states then can follow the California standards.

Senate committee Chairwoman Barbara Boxer (D-Calif.) released excerpts from documents she said her staffers were allowed to see but not copy. Boxer said Wednesday that Johnson had done a "terrible job," and accused him of stonewalling the committee's investigation.

An EPA spokesman said the agency did not dispute Boxer's version of the documents. "What it shows is quality staff work," Jonathan Shradar, acting EPA press secretary, said of the excerpts. He said the administrator also considered many other documents, but added that they would not be made public because of litigation over the issue.

Boxer on Wednesday posted in the committee room enlargements of heavily redacted documents, essentially blank placards, that the agency provided to the committee in response to its demand for copies of records.

Among the questions Boxer is expected to ask Johnson is what discussions he had with the White House before reaching his waiver decision. Records show that auto executives met with Vice President Dick Cheney and dropped off documents at the White House arguing against the waiver request.

"We need to know why a majority of our population, over 150 million people, have been denied an opportunity to clean up greenhouse gas pollution," Boxer said.

"Who is Mr. Johnson listening to?" said Boxer. "Who is giving him other advice than the advice he got from his well-qualified staff? . . . He needs to be held accountable."

Johnson could not be reached for comment Wednesday. Prepared remarks that he is to deliver to Boxer's committee indicate that he will repeat his assertion that global warming is just that: global, and not unique to California.

But the documents show his staff concluded that "California continues to have compelling and extraordinary conditions" including its geography, climate and large car-driving population.

Staff concluded that the effects of climate change could hit California particularly hard, including by harming coastal communities and wildlife, increasing ozone levels, contributing to more wildfires and reducing water supplies.

Also on Wednesday, a coalition of environmental groups and attorneys general from several states warned Johnson that it would sue if he did not issue an endangerment finding and a proposed vehicle regulation by Feb. 27.

The Supreme Court and President Bush separately ordered the EPA to determine whether greenhouse gases posed a risk, and if so, to issue regulations. EPA officials said both decisions were on hold pending a judgment by Johnson on whether his agency still had authority to regulate greenhouse gas emissions after Congress passed new fuel economy standards.

"What the Supreme Court said is very clear: Either greenhouse gases do endanger public health and welfare, or they don't. . . . It's very simple," said David Bookbinder, lead attorney for the Sierra Club.

EPA spokesman Shradar confirmed that the endangerment finding had been forwarded to the White House Office of Management and Budget in December, but said he did not know what it contained. He said it was preliminary and would need to be finalized by Johnson. A spokesman for the budget office said he was not familiar with the document.

## **EPA Staff Backed Calif. Pollution Waiver**

By ERICA WERNER, Associated Press Writer  
In the S.F. Chronicle, Orange County Register and other papers, Thurs., Jan. 24, 2008

WASHINGTON (AP) -- EPA officials told the agency's administrator that California had "compelling and extraordinary conditions" to justify a federal waiver allowing the state to reduce greenhouse gas emissions from vehicles, according to excerpts of documents released Wednesday.

Yet when Administrator Stephen Johnson denied the state's request for a waiver in December, he said the California standards were not needed to meet "compelling and extraordinary conditions," one of the criteria in federal law.

The excerpts from Environmental Protection Agency documents were released by Sen. Barbara Boxer, D-Calif., whose environmental committee is investigating Johnson's decision and has called him to testify at a hearing Thursday.

California needs the federal waiver under the Clean Air Act to implement its first-in-the-nation tailpipe rules, which would force automakers to cut greenhouse gas emissions by 30 percent in new cars and light trucks by 2016.

At least 16 other states also want to implement the regulations, but they too were blocked when EPA denied California a waiver. Earlier this month, California and other states sued EPA over the decision.

On Wednesday, 14 governors sent a letter to Johnson calling his decision "unprecedented" and "without merit." The letter was signed by Gov. Arnold Schwarzenegger of California along with the governors of Arizona, Connecticut, Maine, Maryland, Massachusetts, New Jersey, New Mexico, New York, Oregon, Pennsylvania, Rhode Island, Vermont and Washington.

The staff report was given to Johnson in a PowerPoint presentation dated late October. The EPA has refused to release unredacted versions of that presentation or other documents in response to congressional demands, citing executive branch confidentiality.

But Boxer's aides were allowed to review and transcribe several versions of the 46-page PowerPoint presentation on Tuesday, spending 5 1/2 hours doing so under supervision of EPA staff, Boxer said. EPA officials asked that the information be kept private, but Boxer's staff told EPA they wouldn't agree to that condition, and they released the excerpts to reporters Wednesday.

EPA spokesman Jonathan Shradar said Boxer's decision to release the excerpts was "troubling," though he didn't dispute their accuracy.

"All of the information that will be available and has been will prove that (Johnson has) been given a wide range of options and the ramifications, but under the Clean Air Act the decision was his alone and he stands by his decision," Shradar said.

The Associated Press and other news outlets previously had reported on the existence of the PowerPoint presentation prepared for Johnson, and that it included the prediction "EPA likely to lose suit" if sued for denying the waiver.

There were new details in the excerpts Boxer released Wednesday, including that EPA officials softened the prediction "EPA likely to lose suit," apparently after review by Johnson's office. A later version read: "

EPA's litigation risks are significantly higher than if a waiver is granted." It wasn't clear if Johnson saw both versions, or only the later one.

Also in the PowerPoint was a slide labeled "If We Grant ..." that included the predictions "likely suit by manufacturers" and "EPA is almost certain to win such a suit."

A slide reading "Compelling and Extraordinary Circumstances" said: "California continues to have compelling and extraordinary conditions in general (geography, climatic, human and motor vehicle populations - many such conditions are vulnerable to climate-change conditions) as confirmed by several recent EPA decisions ... ."

Automakers have opposed giving California the waiver, arguing it would create a "patchwork" of regulations around the country, an argument EPA also adopted. Johnson said that Congress' new fuel-efficiency law, adopted in December, was a better way to go.

Environmentalists contend the California law is stronger and takes effect faster than the new federal rules.

### **Behind EPA's rejection of state emission rules**

Zachary Coile, Chronicle Washington Bureau  
S.F. Chronicle, Thursday, January 24, 2008

Washington – Newly released documents show that Environmental Protection Agency staff members made a strong case that California should be allowed to proceed with its first-in-the-nation greenhouse gas regulations - arguments that the agency's chief, Stephen Johnson, ultimately overruled.

The documents were part of a PowerPoint presentation that the EPA's legal and technical staff made to Johnson before he announced in December that he was rejecting efforts by California and 18 other states to enforce the tough new rules for all cars and trucks. The agency, after dragging its heels for weeks, allowed California Sen. Barbara Boxer's staff to see the documents this week.

That Johnson overruled his staff's advice was widely reported last month. But the documents reveal new details about the agency's internal decision-making process.

Johnson will be on the hot seat to explain his decision Thursday when he appears before Boxer's Environment and Public Works Committee.

In the presentation last year, EPA staffers wrote that California could clearly demonstrate "compelling and extraordinary conditions" - the legal definition under the Clean Air Act that requires EPA to approve regulations set by the state.

"California continues to have compelling and extraordinary conditions in general (geography, climatic, human and motor vehicle populations - many such conditions are vulnerable to climate change conditions) as confirmed by several recent EPA decisions," the staff wrote.

The staffers also told Johnson that climate scientists at the U.N. Intergovernmental Panel on Climate Change had concluded California was at greater risk from the impacts of global warming than other states, which could justify the tougher rules.

"California exhibits a greater number of key impact concerns than other regions," they wrote. The staffers listed all the risks that could prove the state's case - from potential water shortages to rising sea levels affecting coastal communities to health threats from air pollution.

"Wildfires are increasing," which could "generate particulates that can exacerbate health risk," they wrote. "California has the greatest variety of ecosystems in the U.S.; and the most threatened and endangered species in the continental U.S."

EPA spokesman Jonathan Shradar insisted Wednesday that Johnson had not overruled his staff. He said the EPA chief is not bound by the opinions of his staff.

"The Clean Air Act laid out that the decision is the administrator's alone," Shradar said. "The staff provides for the administrator a wide range of options for his decision. He took those options, public comments and others into account. ... He felt it was the right decision."

But lawmakers suggested that the efforts by top EPA officials to stonewall the release of the documents showed that they were a "smoking gun" that reinforced California's case.

Boxer first requested the documents last month. A Washington Post story published Dec. 20 quoted staffers describing the documents, but the agency spent weeks refusing to release them. Last Friday the EPA turned over the PowerPoint presentation to Boxer's Environment and Public Works Committee, but many of the pages were almost entirely whited out.

When Boxer raised an objection, the EPA agreed to let staffers see them under tight restrictions: They could not photocopy them and they had to read them under the watchful eye of EPA lawyers. So Boxer's staff copied them by hand and released them Wednesday to a room full of reporters.

"This information belongs to the American people," Boxer said. "It's shameful that we've had to go through such a torturous process to get it."

The EPA's Shradar said the agency believed that some of the documents were protected by attorney-client privilege. He said the agency was worried about their release given the lawsuit California, other states and environmental groups have filed to overturn Johnson's decision.

California officials said the documents clearly bolster the state's legal case.

"The point is that the folks under Johnson take the same point of view as the state of California," California Attorney General Jerry Brown said. "We can allege there is abuse of discretion. Abuse of discretion occurs certainly when (Johnson) just decides on a whim and doesn't have the support of the professional opinion of his own agency."

The documents also included the EPA's lawyers' blunt assessment that Johnson's decision would be overturned if he denied the state's request.

In a PowerPoint slide titled "If We Grant" the waiver, the staffers predicted a "likely suit by manufacturers," meaning the automakers, who have long opposed California's rules. They concluded: "EPA is almost certain to win such a suit."

The next slide was labeled "If We Deny" the waiver, which predicted that there would be an "almost certain lawsuit by California." The agency's lawyers wrote: EPA is "likely to lose suit."

Sierra Club attorney David Bookbinder, who has been involved in recent climate cases in the states and at the U.S. Supreme Court, said the revelations could prove a crucial advantage in California's case.

"Judges are intelligent people and they're going to look at this and they're going to understand that Stephen Johnson had absolutely no basis for overturning the carefully considered opinion of his staff," Bookbinder said.

When Johnson rejected California's request, he said new federal rules, passed by Congress and signed by President Bush, that raised fuel economy standards to 35 mpg by 2020 made the state's request unnecessary. He also argued that the state did not show "compelling and extraordinary conditions" because global warming is an international, not a regional, problem.

While Johnson's view has been backed up by President Bush, he's facing an outcry from the states. On Wednesday 13 governors, including California's Arnold Schwarzenegger, released a letter to Johnson criticizing his decision.

"Your decision to deny California its waiver ignores federal law and the realities of climate change," the governors wrote.

The decision by Johnson will shape how the nation addresses climate change. The new fuel economy standards cited by Johnson will require cars and trucks to get 35 miles per gallon by 2020. But California's rules would require fuel efficiency of 44 miles per gallon by 2020. California officials estimate the state rules would cut greenhouse gas emissions 74 percent more than federal law.

Johnson will appear Thursday before Boxer's committee along with three governors - Democrat Martin O'Malley of Maryland, Republican Jim Douglas of Vermont and Democrat Ed Rendell of Pennsylvania - who will likely be highly critical of him.

Boxer said she and Rep. Henry Waxman, D-Los Angeles, the chairman of the House Oversight and Government Reform Committee, plan a thorough probe of how Johnson made his decision. EPA has said it will release e-mails next month about its contacts with the White House. Boxer said she wants to see what role industry played as well.

"You have to raise the question: Who is Mr. Johnson listening to? Who is he listening to besides the advice of his well-qualified staff?" she said. Her conclusion: "Special interests."

#### **Key dates**

##### **Dec. 19**

EPA rejects California's request for a waiver needed to impose the state's tough vehicle emission standards.

##### **Dec. 20**

Reports surface that EPA chief Stephen Johnson ignored his staff's advice on the waiver.

##### **Jan. 2**

California, 15 other states and five environmental groups sue the Bush administration to get the waiver.

##### **Wednesday**

Sen. Barbara Boxer's office releases EPA staff documents obtained after weeks of wrangling.

##### **Today**

Johnson is scheduled to appear before Senate Environment and Public Works Committee.

## **Calif. to sue EPA over rejected waiver**

By: Ryan Grim

Politico, Thursday, January 24, 2008

Environmental Protection Agency staff supported a request by California for a waiver so it could institute more stringent greenhouse gas regulations, according to documents the EPA has provided to Sen. Barbara Boxer (D-Calif.).

Despite the staff recommendation, EPA Administrator Stephen Johnson rejected the request. California is suing the EPA to have it overturned, while two congressional committees have opened investigations into how the decision was made.

"This is a saga that gets curiouser and curiouser," Boxer said.

Boxer's Environment and Public Works Committee holds a hearing on the issue Thursday, with two Democratic governors and a Republican one scheduled to testify. Doug Haaland, director of member services for the California Assembly's Republican Caucus, will also attend. And California Democratic Rep. Henry A. Waxman's Oversight and Government Reform Committee is also investigating the decision.

On Dec. 19, Johnson announced that he was rejecting California's request for a waiver from the Federal Clean Air Act so that it could implement its own greenhouse gas emissions standards.

More than a dozen other states have said they would adopt California's standards if they became law, meaning, according to Boxer, that more than 150 million Americans would be living under the tougher law.

Johnson denied the waiver because, as he said, the recently passed energy bill made federal standards more effective than California's standards. The energy bill increased fuel mileage standards to 35 miles per gallon.

Boxer, though, said Johnson was "not telling the truth."

The EPA did not respond to requests for comment.

House Speaker Nancy Pelosi (D-Calif.) spoke with Johnson the day after the decision was announced and promised a lawsuit and congressional investigations. She followed up with a letter requesting "documents related to this controversial decision, which, according to press reports, was contrary to the advice of EPA's professional scientific and legal staff."

California did, in fact, file suit against the EPA to overturn the decision.

The EPA's controversial decision, though, has received little attention in the media; the agency routinely communicates with Boxer on Fridays, meaning that coverage of the issue comes when fewer people are paying attention to the news over the weekend.

On Friday, Jan. 4, Johnson sent Boxer a letter saying that his agency would not provide her committee with the requested documents by her deadline.

The next Friday, Jan. 11, he sent a similar letter.

Last Friday, Jan. 18, the EPA sent the documents, but they were heavily redacted. On Tuesday, after pressure from Boxer, the EPA again sent over the documents, this time with much of the redaction lifted.

The initial documents included a PowerPoint presentation that The Washington Post had reported was given to Johnson, recommending the waiver be granted.

The documents the EPA gave Boxer were labeled "If We Grant," "Compelling and Extraordinary Conditions" and "If We Deny" - with nothing but a blank space underneath and the phrase "Confidential - Deliberative Material."

Boxer was allowed to see the unredacted version and said that the EPA staff clearly favored granting the waiver.

"California continues to have compelling and extraordinary conditions in general," Boxer said the unredacted version read. The PowerPoint presentation also cited traffic, geography and wildfires, arguing that "legislative history, case law and past waiver practice acknowledge that California's ozone problem is 'compelling and extraordinary.'"

The staff further told Johnson that the "EPA [is] likely to lose [a] suit" if it denies the waiver.

"The initial set of documents raises serious questions about the integrity of the decision-making process at the agency," said Waxman, who promised to continue with his committee's investigation.

The California Air Resources Board has done an analysis of Johnson's argument that federal standards are tighter than its own, and the board rejected the argument. The California plan, it finds, would reduce greenhouse gas emissions by 2016 at a rate that is roughly twice as fast as that under the federal law.

## **Residents, leaders caught in fiery, and often strange, battle over air facility plan**

By Tim Moran, Bee Staff Writer

Modesto Bee Thurs., Jan. 24, 2008

A full-scale political war is raging on the West Side of Stanislaus County, complete with organized citizens' groups, stealth propaganda campaigns, video hit pieces and heated rhetoric from elected officials.

Ground zero in the battle is 7½ square miles of some of the best farmland in the country surrounding an abandoned naval air station near the town of Crows Landing. At stake is hundreds of millions of dollars, if not billions -- and competing visions of what the county's West Side should become.

Located 17 miles southwest of Modesto and nestled at the foot of the Diablo mountain range, the old air base doesn't look like much now -- two large concrete runways, an abandoned air traffic tower, some Quonset huts, all amid thousands of acres of farmland.

To the northwest is Patterson, once a sleepy farm town known primarily for its Apricot Fiesta and the line of stately palm trees welcoming visitors from the east along Las Palmas Avenue.

Today, Patterson is Stanislaus County's fastest-growing city. It's a commuter bedroom community of about 21,000 residents, with subdivisions and commercial businesses sprouting up along Interstate 5. A new industrial park sports two major distribution centers, and city officials openly discuss the prospect of 100,000 residents in the next 40 years.

About 4½ miles southeast of the city is the old air base, now called the Crows Landing Air Facility. It was used to train Navy pilots during World War II and after, and was used by NASA in later years. The county acquired the deed to the base from the federal government in 2004.

If county officials and Sacramento developer Gerry Kamilos have their way, the air facility and 4,800 acres around it would become a sprawling business and industrial park. As many as 12 trains a day would run between the park and the Port of Oakland within 30 years. An estimated 37,000 jobs would be created in that time.

The formal name for that plan is PCCP West Park LLC.

It was the size and scope of Kamilos' vision that ignited the firestorm on the West Side.

The county had asked for proposals to develop the 1,527-acre air facility. Instead, the soft-spoken Kamilos, a former petroleum engineer, saw an opportunity to link the air facility with the Port of Oakland, potentially solving a number of freight-transportation and air-quality problems for Northern California as well as bringing jobs to Stanislaus County.

But to pay for the rail improvements, expanded roads, sewer and water service needed, Kamilos said the business park had to be three times bigger than the air facility.

Many residents of the West Side, farmers in particular, weren't sure they wanted the original 1,527 acres developed. The West Park proposal was out of the question, and the battle was on.

### **Many voices in the fray**

Sorting out the combatants is a daunting task -- concerned residents, paid community activists, farmers who are threatened or stand to make money selling their land, county politicians, developers who don't want the competition or may want to step in and pick up the pieces should West Park fail, economic development gurus, and regional transportation and air quality officials.

The war of words is intense. West Park frequently mails out expensive, glossy brochures to residents throughout Stanislaus County, extolling the benefits of the development, then follows up with telephone calls.

WS-PACE, a citizens' group formed to oppose the development, has filed complaints with the Fair Political Practices Commission and the State Bar Association alleging conflicts of interest against a law firm and a transportation consultant for representing Kamilos projects while working for public agencies considering West Park.

Longtime observers say the tenor and tone of the West Park debate -- characterized by personal attacks, anonymous smears and emotional accusations -- is rare in Stanislaus County.

"This is a whole different ballgame," said former Supervisor Nick Blom, who was on the board for 20 years. "This is city politics, not country politics anymore. This is high-caliber stuff. ... This has never happened before, it's unprecedented."

"It's unusual around here," said Larry Giventer, a political science professor at California State University, Stanislaus. "It occasionally happens with development proposals in Southern California, in more urban areas."

### **'Dumping ground' perception**

Some of the intensity stems from a perception on the West Side that the area has been used as a "dumping ground" for undesirable county projects. The landfill, the Covanta waste-to-energy plant and the now-idle tire-burning plant are examples, and some residents view West Park in a similar light.

The perception was magnified early last year when the Board of Supervisors ignored the recommendation of the Crows Landing Steering Committee that Hillwood, a West Park competitor, should be chosen to develop the business park.

While the political battle is raging mostly on the West Side, it has ramifications throughout Stanislaus County and beyond.

The West Park plan is anchored with that short-haul rail link to Oakland. Kamilos and his consultants say the link would benefit farmers and food processors throughout the San Joaquin Valley, helping them get products to Asian markets more quickly and reducing the cost of trucking goods to the port.

The rail link also would bring Asian consumer goods from the port to Crows Landing for distribution up and down the West Coast, helping alleviate a freight bottleneck at the port. That would benefit all of Northern California, West Park officials contend.

While the port supports the concept of short-haul rail, officials there believe the Crows Landing proposal is premature -- a position that may stem, in part, from the port being in competition with the West Park proposal for millions in state transportation bond money.

West Park proponents tout other benefits, including reduced air pollution as thousands of truck trips over Altamont Pass are eliminated, reduced commute times and a better quality of life for thousands of workers in the county.

### **Lack of support in Patterson**

So what's not to like?

Well, if you live in Patterson, the prospect of 12 trains a day rolling through town. Streets that cross the track include Olive Avenue, M Street, E Street, East Las Palmas Avenue and Sperry Avenue. That poses safety issues, city officials say, because the train tracks split the city, which could leave ambulances, fire engines or squad cars on one side of a passing train and accident, fire or crime victims on the other.

West Park officials contend that the trains would be no longer than 50 cars, and would tie up traffic for no longer than two minutes each.

Some also decry the loss of small-town atmosphere that already is taking place on the West Side and could accelerate with West Park. Patterson's growth has averaged more than 9 percent a year since the turn of the century.

"I feel they've built enough in Stanislaus County. They should stop," said Janine Goubert, who farms row crops, orchards and hay with her husband near Westley. Patterson had fewer than 5,000 residents when she moved to the area in 1984, Goubert said.

"Patterson was doing fine before it started booming at the seams. I don't like to see it like this. ... People don't smile, they aren't happy. It's changed the whole idea of a small town."

If you are a farmer in the area, West Park could be a boon or a bane. For those willing to sell their land, the price could be attractive.

"Some of the major farmers around here, if someone offers them enough money, \$50,000 on up per acre, well, they are business people, too," said Ron Swift, president of WS-PACE, the citizens' group opposing West Park.

Swift said farmers who sell their land can take their profit, buy property somewhere else for less and continue farming.

But for farmers who want to continue growing fruit and nuts, canning tomatoes and the fresh market produce for which the area is known, the prospect of added traffic, expanded roads, new demands for water and new industrial neighbors poses a threat.

"It's already pretty difficult to farm out here," said Matt Maring, who grows canteloupes and market tomatoes near Patterson.

Highway 33 is congested with processing tomato trucks in late summer and fall, Maring said. Farmers with a couple hundred acres on a rural road could find themselves on a four-lane collector road with heavy traffic, he said.

Industrial neighbors are better than residential, Maring said, but not as good as another farming operation.

"My neighbor sprays and I know what he is doing. I spray and he knows what I am doing. It's nice," he said. Industry, with parking lots full of employee cars, will generate complaints every time a crop duster flies overhead, Maring said.

"You could make serious money if you are on the edge of West Park," Maring admitted.

## **Olympic Teams Prepare for the Dirty Air in Beijing**

By Ariana Eunjung Cha

Washington Post, Thursday, January 24, 2008

BEIJING -- American runners are trying out face masks. Dutch cyclists will train in South Korea. Fearful of the effects of air pollution on their performance, Olympic athletes are taking extreme measures to prepare for this summer's Games in Beijing.

Delegations from dozens of nations are setting up training bases in nearby countries and planning to fly into China at the last minute to minimize exposure to what they say is a hostile environment.

Teams from at least 20 countries, including Britain, Sweden, Germany and Brazil are preparing training camps in Japan. Another 15 teams, including those from the Netherlands and Switzerland, will be based in South Korea. U.S. track and field competitors will be in Dalian, a Chinese coastal city.

In past Olympics, athletes typically arrived in host cities at least 10 days before the start of events to get used to the conditions. This year, some of the 10,000 expected competitors say they will come to Beijing just 72 hours before their first event -- raising the prospect of a fireworks-filled opening ceremony on Aug. 8 without many of the athletes.

The International Olympic Committee is aware that some countries have decided to put their final training bases outside Beijing. That is "not for us to make a judgment or comment," said Giselle Davies, an IOC spokeswoman. She said she was confident that this would not spoil the collegial spirit of the event.

"We have no doubt that once the Games kick off that the atmosphere will be there of all the athletes being together and bringing what's magical about the Games," Davies said.

Situated in a basin where smoke from factories and construction and dust from desert storms gather and shroud the city for days, Beijing has struggled to control air pollution for several years. To prepare for the Olympics, the city has spent \$16.4 billion, moving the heaviest polluters outside its borders, planting trees, rerouting traffic and inducing rain.

Over the past few months, the Chinese government has vacillated on whether it would close factories or ban cars during the Olympics. The heads of companies in the area have asked that no action be taken, warning of devastating economic consequences if it were, while some foreign Olympic teams have pushed China to close everything for three weeks before the Games. The Beijing News reported this week that China could reduce traffic by half during the Games.

Recent measurements show that on some days the amount of smoke and dust particles in the air exceeds by three to 12 times the maximum deemed safe by the World Health Organization. So while some teams say they are encouraged by the progress, they are preparing for the worst. Jacques Rogge, the head of the International Olympic Committee, has said events could be rescheduled if the air quality does not meet safety standards on a given day.

"The magnitude of the pollution in Beijing is not something we know how to deal with. It's a foreign environment. It's like feeding an athlete poison," said David Martin, a respiratory expert who is helping train U.S. marathoners.

Frank Filiberto, a physician for the U.S. boxing team, thought concerns about Beijing's pollution were exaggerated -- until he came to visit.

In November, he accompanied 11 boxers to the Chinese capital for a competition. On their first morning there, Filiberto said, the men returned from their daily 20-minute training run complaining of burning eyes, coughing, congestion and breathing difficulties. Only six of the 11 boxers ended up feeling well enough to compete.

"In my opinion boxers are probably the finest athletes in the world," Filiberto said. "But they didn't think they could make it three rounds in Beijing." Filiberto and the coaches were so alarmed that they ordered the boxers to jog only in hotel hallways thereafter.

Randall L. Wilber, the U.S. Olympic Committee's senior sports physiologist, has come to Beijing a half-dozen times since March 2006 to study the effects of pollution on athletic performance. He concluded that it could be "huge."

Because athletes' lungs work more efficiently than most people's, he said at a presentation in October, "one of these high-powered athletes going out and exercising not even at their maximum, but going out and exercising for 30 minutes, they get a larger effective dose than you or I sitting in a chair in the park in Beijing for eight hours a day."

Athletes, coaches and medical directors for the teams say the potential effects of Beijing's pollution became apparent to them only during the numerous test events, or "dress rehearsals," that China hosted last year.

While some athletes said they were unfazed by the air, others found that it had a profound effect on their performance.

Jeremy Horgan-Kobelski, a Boulder, Colo., bicyclist who competed in the 2004 Olympics in Athens and is a contender for a spot on this year's U.S. mountain biking team, said that when he arrived in the Chinese capital, the sky was a crystal-clear blue and he thought that concerns about pollution had been overblown. But on the day he was to race, he said, the smog was so thick "you could barely see a few city blocks" from his hotel window.

About 20 minutes into the race, Horgan-Kobelski started having trouble breathing.

"I struggled with it for a while," he said in a phone interview. "You're breathing as hard as you can but you feel like your muscles don't want to work. You're filling your lungs but you don't know what's going in there."

About halfway through the roughly 30-mile race, Horgan-Kobelski said, "my body sort of shut down." He pulled over and vomited.

It wasn't until he got to the athletes' lounge that he learned that he wasn't unique. Only eight of 47 contestants in the men's race finished; the others, including the Chinese riders, also suffered from breathing problems and dropped out.

Now medical teams around the world are trying to figure out what could give their countries' athletes an edge in a polluted atmosphere.

Martin, a professor emeritus of respiratory therapy at Georgia State University's School of Health and Human Sciences and author of "The Olympic Marathon," said the U.S. track and field team has been testing various types of face masks. Wearing the masks would slow down runners, he said, but "if they run without masks and the pollution coats the inside of their lungs, they will have the situation of a coal miner."

British athletes, most of whom will be based in the southern city of Macau before the Olympics, have been given information about "specific diets and antioxidants to battle pollution in Beijing," said Miriam Wilkens, a spokeswoman for the British Olympic Association.

Charles van Commenee, technical director for the Dutch National Olympic Committee, said the Netherlands, which has decided to base most of its athletes in South Korea, said acclimating to the pollution rather than avoiding it might be the answer. Athletes have been told to arrive in Beijing at least five days before their events. "Human bodies can get used to it," he said.

A secondary concern for the Olympic teams is the safety of food in Beijing. Last year's recalls of pesticide-laden fish, carcinogenic candy and other Chinese food products have made some athletes uneasy.

To forestall any problems, the Olympic Village has installed a system to monitor the food and will test for contaminants. But some staff members said they are discouraging athletes from eating at outside restaurants.

Medical advisers have expressed particular concern about Chinese meat, which in the past has been found to contain banned drugs such as anabolic steroids. They fear that an athlete who consumed that meat could fail a drug test and be disqualified.

Cai Tongyi, an Olympic Food Safety Committee member and a professor of food sciences at China Agricultural University, said athletes should not worry. "We will control the problem from the area of animal feed to block its source," he said.

At the other extreme are countries that brush off concerns about China's air and food -- Ethiopia, for example. Ethiopia won seven track and field medals at the 2004 Athens Olympics, and its Olympic officials said they are not doing anything different to prepare for Beijing.

Dube Jillo, technical director for Ethiopia's Olympic committee, said he has been to Beijing several times for marathons. "I don't know why some other teams are worried," he said. "I think the air in Beijing is very good."

The star of Ethiopia's track team apparently doesn't agree. Haile Gebreselassie, who has won two gold medals in the 10,000 meters and holds the world record in the marathon, may not run in the Olympic marathon. In an interview with the Associated Press, the runner's manager, Jos Hermens, said: "What he says is: 'Great if I win, but if it means the end of my career, then I really don't feel like it.' "

*Researchers Wu Meng in Shanghai, Stella Kim in Seoul and Akiko Yamamoto in Tokyo contributed to this report.*

### **El Paso wants right to ask for ASARCO air permit to be revoked**

The Associated Press

Contra Costa Times, Wednesday, January 23, 2008

EL PASO, Texas-The city of El Paso has asked a federal bankruptcy court for permission to file a petition to revoke the air quality permit for a shuttered copper smelter trying to reopen.

The filing in U.S. Bankruptcy Court in Corpus Christi is the latest salvo in the city's fight to block Asarco LLC's efforts to win a renewed air quality permit from the Texas Commission on Environmental Quality. City leaders claim the plant has previously caused dangerous levels of air pollution and would be a health risk to residents if it is reopened.

Asarco, a Tucson, Ariz.-based copper company, has denied the allegations.

The company entered bankruptcy in 2005 and is facing environmental damages claims in several states and with the federal government.

Juli Lozano, a city spokeswoman, said the request was filed with the court electronically on Monday. On Tuesday, the city asked TCEQ to postpone a scheduled Feb. 13 permit hearing.

Thomas L. Aldrich, Asarco's vice resident of environmental affairs, said the company would respond to the city's filing this week.

"Asarco opposes a continuance and will file a motion tomorrow outlining the reasons why the city's request is frivolous and without merit," Aldrich said in a written statement.

The El Paso plant was idled in 1999 amid a global drop in copper prices, a trend that has recently reversed itself. If Asarco wins a renewed permit, company officials have said the plant will reopen.

[Fresno and Sacramento Bee editorials, Thursday, Jan. 24, 2008:](#)

### **Emissions stances matter to state**

#### **Which contenders for president stand with us?**

In coming weeks, the remaining presidential candidates will be trying to outshine each other in the Golden State.

While they are here, all should be pressed to answer a simple yes or no question: Will they allow California to implement its 2002 law limiting emissions of greenhouse gases from cars and trucks sold in this state?

To date, the courts have upheld California's authority to set such limits, and 19 other states have moved to adopt similar standards.

But after extensive lobbying by the auto industry, the Bush administration in December denied California the waiver it needed to implement its 2002 law. That has prompted California and other states to sue the U.S. Environmental Protection Agency over its legal reasoning in denying the waiver.

Barring quick action by the courts, the next president of the United States will be the ultimate decider on the clean cars law, which effectively would become the national standard. Under the law, automakers would be required to achieve a 30% reduction in carbon dioxide and other gases emitted from their vehicle fleets by 2016.

To see where the candidates stand on this issue, The Sacramento Bee queried the leading presidential candidates, and asked them if they would uphold or reject the EPA action.

On the Democratic side, former North Carolina Sen. John Edwards was the first to answer, saying "the EPA has a legal and moral responsibility to allow the states to do their part to help stop global warming. ... When I am president, the EPA will get out of the way."

Sen. Barack Obama also said he would overturn the EPA's decision, calling it "yet another example of how this administration has put corporate interests ahead of the public interest."

Sen. Hillary Clinton didn't respond, although, during a Jan. 11 visit to California, she said she strongly supports "what the state is trying to do to begin to regulate the fuel pipe emissions."

So far, none of the Republican candidates has staked out a clear position on California's law, although it is possible to guess where at least some of them stand.

While campaigning in Michigan, former Gov. Mitt Romney lashed Sen. John McCain for supporting stronger fuel economy standards, saying they would devastate Michigan's economy.

Other GOP candidates -- including former New York Mayor Rudy Giuliani and Rep. Ron Paul of Texas -- oppose tougher fuel economy standards. Aside from McCain on the GOP side, only Mike Huckabee has voiced his support for improved fuel efficiency.

So far, the threat of global warming has been a nonissue in the presidential campaign. As Gov. Arnold Schwarzenegger said last week, it is "one of the issues that has not been addressed enough" by the candidates.

That needs to change in the days ahead, as the Feb. 5 primary in California becomes an increasingly valuable prize for top contenders.

Schwarzenegger himself could play a role. Last year, he briefly entertained plans to hold a candidates' forum on climate change and energy policy. He should revisit that idea.

All the top contenders should be held accountable for their environmental positions, or their refusal to take serious issues of concern to Californians.

[Sacramento Bee Commentary Sun., Jan. 20, 2008](#)

### **Kathryn Phillips: Keeping public needs in focus in P3 deals**

By Kathryn Phillips - Special to The Bee

The complex world of California transportation funding has become the focus of another big idea by Gov. Arnold Schwarzenegger's administration. Yet, unless the administration overtly requires

measurable environmental benefits as it executes it, the latest idea is likely to create more harm than good for air quality, global warming pollution control and open space.

The big idea calls for state and local governments to partner with private investors to generate funds for transportation projects. The governor introduced this notion in his State of the State address, calling it "performance-based infrastructure."

In most of the world, it's known as public-private partnership or P3.

The general concept for road projects works as follows: A government entity leases the right to a private investor to manage an existing road or build and manage a new road. In exchange, the government entity receives payments in some negotiated form. In some cases, payment consists of upfront cash. In more successful cases, payment is better performance in the transportation system. Usually the private entity makes money by collecting tolls for many years.

Internationally, about \$2 trillion of private money has been invested in P3s since 1984, although only a portion of that figure involves transportation projects.

Financially successful public-private partnership transportation projects are common globally. Unfortunately, in the largest and best-known transportation P3s for all forms of infrastructure in the United States – in Orange County, Chicago and Indiana – the environment has never been a clear winner. Indeed, Environmental Defense views the SR-91 high-occupancy tolling project in Orange County as a possible contributor to the region's sprawl.

California needs to do better. We are grappling with the worst air pollution in the nation, and more than two-thirds of it is caused by cars, trucks and other vehicles. Health impacts from this air cost Californians billions of dollars each year in hospital visits and lost days at work. Sprawl is gobbling up prime farmland, with the state having lost 1,000 acres a week to development in some recent years, according to Department of Conservation data, the equivalent of about three average-size farms a week.

The state can't afford to use P3s in a way that worsens the environment. To avoid this fate, the governor and other strong proponents of P3s must ensure that four conditions are hard-wired into the state's use of this tool.

- Transportation P3s must only be used to simultaneously deliver high performance for mobility, the environment and public health. They should not be used simply to deal with cash-flow problems or build more roads faster, facilitating sprawl. The state's air quality and climate change goals can't be met if P3s result in more traffic and worse air.
- Outcome-based standards to measure performance, including environmental performance, must be included in concession agreements. Just because an investment team says its proposed transportation project will reduce pollution and congestion doesn't mean it actually will do so. How it will be achieved and by when must be in writing and enforced.
- At least part of the toll revenues generated through the P3 must be dedicated to funding public transit, which reduces air pollution by decreasing vehicular traffic.
- The lease agreement process needs to be transparent. The largest transportation P3 agreements in the country have been developed mostly behind closed doors. This lack of transparency has exposed them to criticism and may explain why environmental performance mostly has been ignored.

National investment firms that hope to profit from California's P3 potential are already lobbying at the Capitol. These firms don't see improving the environment as their core responsibility.

California's governor and Legislature do have that responsibility. If they use public transparency and environmental improvement goals as pole stars, they have a better shot at getting a good deal for the public.

*About the writer: Kathryn Phillips works on transportation and air quality issues in the Sacramento office of Environmental Defense, a national nonprofit environmental organization.*

[Note: The following clip in Spanish discusses California Senate refused ARB candidate Judy Case, appointed by Schwarzenegger. At least 2 legislators voted against the governor's proposition, arguing that Case had a tendency to favor industries that were in need of regulations. For more information on this or other Spanish articles, contact Claudia Encinas at \(559\) 230-5851.](#)

### **Rechaza Senado de California a candidata de Schwarzenegger- Por lo menos dos de los legisladores que votaron en contra de la propuesta del gobernador argumentaron que Case tiende a favorecer a empresas que necesitan reglamentarse**

Noticiero Latino

Radio Bilingüe, Thursday, January 24, 2008

Comité del senado de California rechazó a una candidata del gobernador, Arnold Schwarzenegger para integrarse a la oficina estatal encargada de vigilar la calidad del aire en el estado.

El comité de reglas rechazó por tres votos contra dos a la candidata, Judy Case, propuesta por Schwarzenegger para integrarse a la Oficina de Recursos del Aire de California, la máxima autoridad estatal en el área de control a la contaminación.

Por lo menos dos de los legisladores que votaron en contra de la propuesta del gobernador argumentaron que Case tiende a favorecer a empresas que necesitan reglamentarse.

[Note: The following clip in Spanish discusses the debate over California's air quality. EPA refused California's plan last December, and now is under investigation.](#)

### **Se intensifica el debate por calidad del aire en California- Rechazo federal a regulaciones ambientales en el estado no tuvo el visto bueno de los expertos de la EPA**

By Erica Werner, AP

La Opinion, Thursday, January 24, 2008

Expertos de la Agencia de Protección Ambiental (EPA) dijeron a su administrador que en California imperaban "condiciones convincentes y extraordinarias" que justificaban una exención federal que le permitiese al estado reducir las emisiones de gases de efecto invernadero provenientes de vehículos, según documentos publicados ayer.

Sin embargo, cuando el administrador, Stephen Jonhson, rechazó esa misma solicitud de exención en diciembre, dijo que las normas de California no cumplían las "condiciones convincentes y extraordinarias", requeridas por la ley federal.

Los extractos de los documentos de la EPA fueron publicados por la senadora Barbara Boxer, demócrata de California, cuyo comité ambiental está investigando la decisión de Jonhson y a quien convocó a testificar en una audiencia hoy jueves.

Según la Ley de Aire Limpio, California necesita un permiso federal para implementar sus nuevas limitaciones a las emisiones de vehículos. Las nuevas regulaciones podrían obligar a los fabricantes de automotores a disminuir las emisiones de gas de efecto invernadero en 30% en automóviles nuevos y camiones livianos para 2016.

Al menos otros 16 estados desean implementar estas regulaciones, pero también se les impidió avanzar después de que EPA rechazó la solicitud de exención de California. A comienzos del mes, California y otros estados demandaron a EPA en un tribunal federal por esta decisión.

El informe de los expertos fue presentado a Johnson en una presentación a fines de octubre. La agencia EPA se negó a divulgar versiones sin redactar de esa presentación u otros documentos en respuesta a pedidos de congresistas, citando la confidencialidad de la rama ejecutiva.

Pero se permitió a los asistentes de Boxer revisar y transcribir varias versiones de las 46 páginas de la presentación, bajo la supervisión de personal de EPA, dijo Boxer. Las autoridades de EPA pidieron que la información se mantuviera en privado, pero los asistentes de Boxer rechazaron esa condición y entregaron extractos a los periodistas el miércoles.

Un portavoz de EPA no respondió de inmediato los mensajes telefónicos para que realizaran comentarios.

Varias agencias de noticias habían informado previamente acerca de la existencia de la presentación de PowerPoint preparada para Johnson y que incluía el pronóstico de que "EPA seguramente perdería la demanda" si era llevada a juicio por negar la exención.

Hubo nueva información en los extractos que Boxer divulgó ayer, incluyendo que las autoridades de EPA recibieron instrucciones de suavizar el pronóstico de que "EPA seguramente perdería la demanda".

En una versión posterior se aseguraba: "Los riesgos del litigio de EPA son significativamente más altos que si se otorga una exención".

En la presentación también había una diapositiva con el título "Si otorgamos..." que incluía las predicciones "probablemente demandados por los fabricantes" y "es casi seguro que EPA ganaría esa demanda".

En una diapositiva con el título "Circunstancias convincentes y extraordinarias" se aseguraba: "California continúa teniendo condiciones convincentes y extraordinarias en general (geografía, clima, población humana y cantidad de vehículos motorizados. Muchas de esas circunstancias son vulnerables a las condiciones de cambio climático), según lo confirman varias decisiones recientes de EPA".

Los fabricantes de automóviles se han opuesto a que se otorgue la exención a California, argumentando que crearía una "colcha de retazos" de regulaciones en todo el país, un argumento que EPA también adoptó. Johnson dijo que la nueva ley de eficiencia de combustibles del Congreso, adoptada en diciembre, era una mejor opción.

Los ambientalistas sostienen que la ley de California es más firme y entra en vigencia con mayor rapidez que las nuevas leyes federales.