

Air-quality deadlines threaten Central Valley development

By E.J. SCHULTZ, Sun-Star Capitol Bureau
Merced Sun-Star, Friday, March 6, 2009

SACRAMENTO -- Development could be stalled in the Valley if city officials don't act quickly to comply with a new air-quality law that takes effect this summer.

The law, passed by state lawmakers in 2003, requires that cities and counties in the San Joaquin Valley update general plans to include goals and strategies for reducing air pollution. Without the revisions, the general plans would not comply with state law -- leaving cities vulnerable to lawsuits seeking to halt developments.

The deadline for cities in Fresno and Kern counties is June 30. Other municipalities have until Aug. 31, 2010.

Yet cities have been slow to make the changes, said Seyed Sadredin, executive director of the San Joaquin Valley Air Pollution Control District, which is charged with reviewing the amended plans.

"It takes months, if not years, and it's quite costly" to update plans, he said. The district is not sure how many cities are in compliance with the new law, but Sadredin said a lot "haven't really satisfied all the requirements yet."

If officials fail to meet the deadline, but still proceed with major land-use decisions, "a court could invalidate those decisions and other development projects as well," according to a memo by the state Senate's local government committee. For instance, an environmental group that doesn't like a new subdivision could seek to stop it by arguing that a city's general plan doesn't comply with state law.

The upshot: Building permits, rezoning and other land-use decisions could all be put on ice, according to the committee.

The committee, which oversees land use legislation, recently reminded the Valley air district about the pending deadline.

Officials in some small towns had never heard of the new law.

"We haven't started the update on the general plan," said Lupe Estrada, a planning officer for tiny San Joaquin, on the Valley's west side.

"At this point, I'm a little bit in the dark about it," said Ray Hoak, the building inspector for Orange Cove. "There are so many state regulations that it's almost impossible to keep track of them."

The legislation, AB 170, was written by then-Assembly Member Sarah Reyes, a Fresno Democrat. It requires that cities and counties in the region amend general plans to include:

Reports on local air-quality conditions.

A summary of air-quality regulations.

A "comprehensive" set of goals, policies and objectives to improve air quality and measures to carry out those goals.

Plans must be submitted to the Valley air district 45 days prior to the law's deadline. That's May 17 for Fresno County and its cities. The district will soon send out a letter asking cities to report back the status of their general plans.

Not long after the law was passed, the air district updated its air-quality guidelines for general plans. The 225-page document, for instance, calls for land-use policies that encourage walking, rather than driving -- such as developing vibrant downtowns accessible by mass transit.

It's possible that cities are already in compliance with AB 170, even if they don't know about it.

"It's news to me, but we already have an air-quality element in our general plan," said David Fey, deputy city planner for Clovis.

For instance, the city already gets clearance from the air district for new projects, he said.

Fresno County knew about the law and "I think we're on solid ground already," said Lynn Gorman, the county's deputy planning director.

The county devotes a section in its general plan for air quality.

One policy requires that commercial roads, driveways, and parking areas "be constructed with materials that minimize particulate emissions." Another section encourages telecommuting and teleconferencing for county employees, in order to cut back on driving.

The city of Fresno is working to update its plan by the deadline.

Cities that are behind the curve can still seek relief from the state, according to the Senate committee. The Governor's Office of Planning and Research, which oversees environmental documents, can grant extensions for compliance with AB 170 -- but only if cities are able to explain why they are late.

Valley air regulators have beef with charbroilers

The Associated Press

In USA TODAY, Contra Costa Times and other papers, Sunday, March 8, 2009

FRESNO, Calif.—San Joaquin Valley air quality regulators have a lot of restaurant owners asking: What's the beef?

That's because they want to force restaurants that charbroil meat to upgrade their equipment. Regulators say the grease that drips off of cooking meat creates a smoke containing dangerous particles that vaporize into the atmosphere.

The valley region has consistently failed to meet federal air quality standards, and regulators are trying to cut pollution in many ways. The San Joaquin Valley Air Pollution Control District says about 2,500 known charbroilers cook more than 75,000 tons of meat each year.

But the restaurant industry says the timing couldn't be worse because of the economy, and that new charbroiling equipment can cost owners from \$2,000 to \$100,000 per year.

Stricter air quality rules have also affected farmers, developers and residents who burn firewood.

Ask TBC: Can you burn Duraflame logs on a no-burn day?

Bakersfield Californian, Monday, March 9, 2009

Q: I have faithfully followed the rules on no-burn days even though I do not agree with it all. I was talking to a friend about it recently and she told me that on no-burn days you could still burn Duraflame-type processed logs.

I thought no-burn meant no burning at all? Can you burn Duraflame-type logs on no-burn days? If so I have missed out on a cozy fire on many cold nights. Thanks, — Diana Collins

A: According to Brenda Turner, spokeswoman for the San Joaquin Valley Air Pollution Control District, the Duraflame logs can only be burned on burn days. Turner said they are considered one of the clean sources of wood, just like dried, seasoned firewood.

Transportation visionary doesn't like to drive

By Jim Downing

Sacramento Bee, Sunday, March 8, 2009

Here's one key to Daniel Sperling's vision for the future of mobility: He doesn't like to drive.

It's not so much that Sperling, one of the nation's most influential transportation thinkers and policymakers, hates sitting behind the wheel (though he does prefer riding as a passenger). It's more that he finds the petroleum-powered, single-occupant vehicle a little, well, uninspiring. His new book, "Two Billion Cars: Driving Toward Sustainability," is a plan for how we can do better.

With co-author Deborah Gordon, Sperling lays out a path to cleaner cars, greener fuels and – the biggest change – a richer menu of transportation options, from "smart" minibuses to shared neighborhood vehicles.

"We can provide a transportation system that's cheaper and provides a better quality of service and more environmental benefits than the system we have now," he said.

Sperling, 57, is the founding director of the Institute of Transportation Studies at the University of California, Davis, and one of the nine members of the state Air Resources Board, which heads California's war on climate change.

He is the air board's acknowledged expert on vehicles and fuels. That puts him in a key position as the state expands its carbon-cutting power in that area.

But at times he's pushed for caution rather than change. Last year, he led a board decision to relax state mandates for all-electric and hydrogen-powered vehicles. It pleased carmakers but drew a furious response from electric-car advocates.

Next month, he stands to swing the debate again as the board takes up the world's first plan – shaped largely by Sperling – to cut the carbon content of vehicle fuels.

Sperling has been thinking for years about many of the policies the air board is now enacting. But when he started work on "Two Billion Cars," in 2000 – about the time he bought his first Toyota Prius – many of his ideas didn't seem likely to reach beyond academia.

Fuel efficiency in the United States hadn't improved since the early 1980s. Detroit was captivated by fast-selling SUVs. And a hodgepodge of policies had first pushed one alternative fuel, then another (remember methanol?), to little lasting effect.

"I was frustrated by the nature of the public debate," said Sperling late last month, swiveling on his chair in a compact UC Davis office that holds six floor-to-ceiling bookshelves and a desk piled with reports. "It was not a very well-informed discussion."

But by the time the book was released in December, the gears had begun to turn. New federal standards are set to improve fuel-efficiency to 35 mpg by 2020, and state officials are pushing for even higher targets. A new state law requires land developments be designed to reduce driving. State regulators are hustling to cut California's greenhouse gas emissions – roughly 40 percent of which come from vehicles – back to 1990 levels by 2020.

The book's timeliness helped vault Sperling into the national eye. He landed an interview on National Public Radio, an op-ed in the New York Times and high-profile speaking appearances from Washington, D.C., to San Francisco.

Last month, he sat across from Jon Stewart for a six-minute spot on Comedy Central's "The Daily Show." After fighting off a laugh attack, Sperling squeezed in pitches for a few of his favorite policies, including a national floor on the price of gasoline.

Much of the book, Sperling said, is informed by conversations over decades with executives in the global auto and oil industries. Those connections are part of what makes his transportation dreams, radical as some are, feel plausible. He knows what drives corporate decision-makers, and recognizes how fast – or how slowly – their companies can realistically change.

"He has been a voice of reason and vision," said David Cole, an industry expert who chairs the Ann Arbor, Mich.-based Center for Automotive Research.

At the same time, Sperling has earned respect from the mainstream environmental community, which cheered his appointment in 2007 to an air board spot held in the past by auto industry insiders.

Bay Area mayors sign onto climate change pact

Modesto Bee, Friday, March 6, 2009

REDWOOD CITY, Calif. — The mayors of the Bay Area's three largest cities are joining hands to fight climate change.

San Francisco Mayor Gavin Newsom along with San Jose Mayor Chuck Reed and a representative of Oakland Mayor Ron Dellums were in Redwood City Friday to sign on to a regional agreement to reduce greenhouse gas emissions.

The compact has ten goals, including reducing gasoline use, promoting recycling and getting more electric cars on the road. It also aims to place 20,000 new graduates in green industry jobs by 2013.

The mayors say the agreement will allow them to pool resources when creating green programs.

Dellums, who is suffering from bronchitis, sent his chief of staff.

SoCal air board bans high-emission paint thinners

The Associated Press

In the Contra Costa Times, Tri-Valley Herald and other papers, Saturday, March 7, 2009

DIAMOND BAR, Calif.—Southern California air quality regulators have approved stricter regulations for paint thinners and solvents to reduce the emission of smog-forming compounds and prevent indoor air pollution.

The South Coast Air Quality Management District board voted Friday to prohibit the sale, distribution or manufacturing of products that emit high levels of volatile organic compounds, known as VOCs.

The AQMD says consumer paint thinners that emit more than 300 grams per liter will be banned next year. In 2011, the limit will be lowered further to 25 grams per liter.

The AQMD has jurisdiction over Orange County, most of Los Angeles County and the western portions of Riverside and San Bernardino counties.

Air board issues new rules for cement plants

The Associated Press

In the Contra Costa Times, Tri-Valley Herald and other papers, Saturday, March 7, 2009

DIAMOND BAR, Calif.—Southern California air quality regulators have approved stricter regulations to reduce dust and toxic chemicals coming from two cement plants in the Riverside area.

The South Coast Air Quality Management District Board amended a rule Friday to require the cement plants to cover piles of material with tarps and build wind barriers.

The plants include TXI Riverside Cement in Rubidoux and California Portland Cement in Colton.

Last year, the agency discovered elevated levels of the toxic chemical hexavalent chromium coming from piles of material used to make cement.

The new rules will require the plants to monitor for that chemical and particulate matter. If elevated levels occur, the plants will have to build enclosures for the piles.

A Warming Trend

By Kimberly Stevens, New York Times

Modesto Bee, Friday, March 6, 2009

LOS ANGELES — When Doug Armstrong, a television writer, and his wife, Maureen FitzPatrick, a television executive, decided to landscape the grassy hill behind their midcentury modern house in the Silver Lake neighborhood, a pool was proposed and immediately nixed as too extravagant. They opted instead for a sleek, outdoor aluminum fireplace.

"Anyone with a conscience right now is not going to dig a hole in the ground, line it with cement, fill it with 60,000 gallons of water and some chlorine and wait for it to evaporate," said Jay Knowlton, the couple's landscape designer.

Using wall-like trellises, Knowlton divided the 1,400-square-foot yard into two "rooms": a lower dining area with flagstone pavers and an upper-level lounge lined with sofas in eggplant-purple outdoor fabric. Connecting the two areas is a double-sided, minimalist gray fireplace, about the size of an old television cabinet. Guests gravitate toward it naturally.

"Creating those two separate rooms that share a fireplace is like adding an addition to the house," said Armstrong, who spent about \$2,300 on the fire feature, out of a total landscape budget of \$150,000.

Of course, not everyone has as much to spend. At a time when many people's renovation budgets are being slashed and landscape designers are scraping for work, one of the few bright spots may be the outdoor fireplace. Sometimes referred to by architects and designers as the poor man's pool, outdoor fireplaces offer an inexpensive and low-maintenance way to extend living and social spaces outdoors, especially at night when the mercury drops.

These open-air hearths seem to be having a design moment, too.

While traditional wood-burning models may invoke images of hippie campfires or resemble portable barbecue sets — and new ones have recently been banned by pollution rules in parts of Southern California — designer versions that are fueled by gas and look almost sculptural are starting to show up in growing numbers of stylish back yards and the patios of fashionable restaurants.

Reliable statistics on outdoor fireplace sales are hard to come by, in part because it is a young industry that lacks uniform standards and is dominated by small manufacturers. But John Crouch, a spokesman for the Hearth, Patio and Barbecue Association, a trade group, said he has observed significant increases.

The popularity of outdoor fireplaces seems to have been spurred by high-design hotels. The boho-chic Parker Palm Springs hotel, which was designed by Jonathan Adler and opened in 2004, has a communal fire pit — a large, rusted steel bowl filled with black lumps of lava rock — surrounded by 10 vintage butterfly chairs.

Hotel guests have been known to get down on their knees for a better look at the name of the fire pit's maker, which is written on its underside. (Answer: Elena Colombo.) And the new Standard hotel in the meatpacking district of Manhattan will feature two similar fire bowls in its beer garden.

Andre Balazs, the boldface hotelier who owns the Standard, takes credit for helping start the trend, which he says began in Southern California and is now going national.

"Fire features are sexy and they make people look sexy," said Balazs, who has installed outdoor fireplaces at several of his Los Angeles hotels over the past seven years. "The flickering light, the way it caresses your skin, it makes people look great. It's not surprising they want this in their own home."

Eric Grunbaum, a creative director for an advertising agency in Los Angeles, offers a different reason. "A fire is about as basic as it gets," said Grunbaum, who recently moved into a new modernist house in Venice. He had wanted an indoor fireplace, but his architect, Barbara Bestor, convinced him that an outdoor fireplace was more stylish and practical.

Working with Stephanie Bartron, a landscape designer here, they created a casual, clean-lined fire pit intended to connect with the interior. Made of hard-edged white cement and no bigger than a soaking tub, the fire pit is filled with black lava pebbles. The gas flame casts a deep orange glow. A surrounding rectangle of low benches, also in white cement, invites conversation and contemplation.

Now, when Grunbaum invites friends and neighbors over for cocktails or dinner parties, guests inevitably end up around the fire pit.

"It's the ultimate in California living," he said. "It's really the draw that keeps you outdoors."

Emily Jagoda, an architect in Silver Lake who often incorporates innovative outdoor spaces into her projects, goes further. Outdoor fireplaces, she argues, are inherently social; swimming pools and water fountains, in her view, are not.

"People don't gather around the water feature to talk and mingle," Jagoda said.

State emissions proposal quickly attacked

David R. Baker, staff writer

S.F. Chronicle, Friday, March 6, 2009

A proposed state regulation designed to promote alternative fuels and cut greenhouse gas emissions from cars drew fire Thursday from ethanol producers, who say the rules discriminate against them.

The California Air Resources Board on Thursday released a draft of its long-awaited "low carbon fuel standard," a key piece of the state's efforts to fight global warming. The proposed rules would lower greenhouse gas emissions from California's fuel 10 percent by 2020. The board plans to vote on the rules at its April 23 meeting.

Supporters see the standard as a way to start weaning California off gasoline and encourage the use of alternatives such as ethanol and biodiesel. But it would discourage some forms of ethanol, in particular ethanol made from corn in the Midwest.

That's because the board's staff examined the greenhouse gases released during every step of fuel production, as well as the indirect effects that biofuels can have on land use. By that standard, Midwestern ethanol used in California releases more heat-trapping carbon dioxide for every unit of energy than does regular gasoline made in the state, according to the board.

"There are some instances where the production of certain fuels - such as sugar cane in Brazil or palm oil in other parts of the world - replaces food production and drives the conversion of other habitats into food production," air board spokesman Stanley Young said. "And when you do that, it increases carbon dioxide emissions."

That infuriates ethanol producers. They say the board didn't add up the indirect land use effects of oil and gasoline production, giving an unfair advantage to fossil fuels.

"It would not only be bad science, but also bad policy to adopt a regulation that creates unfair standards, forces California to continue its reliance on dirty fossil fuels and further damages the state's frail economy," said former presidential candidate Gen. Wesley Clark, now the co-chairman of Growth Energy, an ethanol lobbying group.

Young said the air board did look at the indirect land use effects of fossil fuels and found that there weren't many.

Meanwhile, the companies that run California's gasoline refineries aren't sure they have enough options to cut emissions by 10 percent. The Western States Petroleum Association, which represents those companies, wants the board to delay approval.

"This is the most transforming thing they've ever undertaken," said Catherine Reheis-Boyd, the group's chief operating officer. "We don't see how you can do that before April."

State renews push for tougher emission rules

Zachary Coile, Chronicle Washington Bureau

S.F. Chronicle, Friday, March 6, 2009

Washington - -- California's top environmental officials appeared at an Environmental Protection Agency hearing Thursday to urge President Obama to make good on his election-year pledge to approve the state's aggressive greenhouse gas rules for vehicles.

President George W. Bush's EPA chief, Stephen Johnson, rejected the state's request in 2007 for a waiver under the Clean Air Act to enforce the California rules. But one of Obama's first official acts was to order a review of the decision, and state officials believe that his EPA administrator, Lisa Jackson, will overturn it.

"We believe there is no basis for denying the waiver," California Air Resources Board Chairwoman Mary Nichols said at the hearing.

While Obama is seen as likely to back the state and 14 other jurisdictions that have embraced its regulations, his top aides are working behind the scenes on a new approach to fuel economy standards and greenhouse gas emissions that could someday supplant California's rules.

National policy

Obama's climate and energy czar, Carol Browner, told governors at a recent meeting that the administration is pursuing a national policy on auto emissions that could lead to tougher fuel efficiency standards. The policy is being worked out among the EPA, the Transportation Department and the Treasury Department, which is trying to keep struggling U.S. automakers afloat.

Automakers, who are reeling from a steep drop in vehicle sales and seeking billions in federal aid, are now shifting their stance: After long opposing efforts to regulate greenhouse gases, either by California or the federal government, they are now urging Obama to craft a national policy that would supersede state rules.

Michigan Sen. Carl Levin, a Democrat and strong ally of the industry, appeared at the hearing to oppose California's waiver request. He said climate change is a global issue that needed more than state solutions.

"There is an urgent need for government action to confront this problem, but the need is for strong national action," Levin said.

Automakers are hoping for federal action for two reasons: First, they hope federal emissions limits will be weaker than California's rules, which require a 30 percent cut in emissions by 2016.

Second, the federal rules are expected to follow the "attribute-based" approach that the industry lobbied for when Congress adopted fuel economy standards in 2007. Those rules, which set different standards for vehicles based on their wheelbase and track width, favor Detroit's Big Three, which sell more SUVs and trucks, over foreign competitors that sell more compact cars.

State incentives

California's standards, by contrast, would force automakers to reduce greenhouse gases across their entire fleet of cars and light trucks, and trim emissions of heavier trucks by a lesser amount. The state's rules give an incentive to automakers to produce smaller vehicles.

Nichols, in an interview Thursday, said California is not opposed to a single national policy on greenhouse gas emissions from cars and trucks.

"Our hope is there will be a federal program that we can sign onto and endorse," she said. "That would be best for the world."

But, she said, the federal rules must make emissions cuts at least as deep as California's 30 percent reduction by 2016. Nichols added that approving California's waiver would be the best way for the Obama administration to build pressure for strong federal standards.

"It ratchets up the whole debate in the direction it needs to go," she said.

California's rules would require much higher fuel efficiency - about 42 miles per gallon for most vehicles by 2020, according to estimates - compared with a federal standard of 35 miles per gallon by 2020.

The state rules have now been embraced by 13 other states and the District of Columbia, which comprise nearly 40 percent of the U.S. auto market. Five other states, including Florida and Colorado, are considering the rules, which would bring the total to more than half the market.

New technologies

Linda Adams, secretary of California's Environmental Protection Agency, led off the hearing Thursday by reading a letter from Gov. Arnold Schwarzenegger, who argued that carmakers already have developed many of the technologies they will need to curb emissions.

"In fact, there are already many models available now that comply with the final standards," approved by the state, he wrote. "And we know they can do even better in the future by developing innovative new technologies and techniques that will ultimately make better cars."

California officials showed slides of the technologies - six- and seven-speed transmissions, cylinder deactivation, variable valve timing - that cut emissions. Tom Cackette, deputy director of the state Air Resources

Board, pointed out that after automakers spent years saying that efficient turbocharged engines wouldn't work, Ford is now boasting in ads about the "EcoBoost" direct injection V-6 engine on its bestselling F-150 trucks.

"It will be one more tool auto manufacturers can use to reduce light truck emissions," Cackette said.

Heavy burden

Automakers said California's rules would be a heavy burden on an industry that is struggling for its survival. John McElaney, chairman of the National Automobile Dealers Association, said the rules would limit choices at dealerships in California and the other states, leading consumers to cross borders to other states to buy heavier-emitting vehicles.

"The bottom line is, in-state dealers lose sales and the ... states lose any environmental benefit," he said.

But Adam Lee, an auto dealer in Maine, which is one of the states that would adopt California's standards, said the rules would force automakers to build the type of fuel-efficient cars and trucks that people want.

"I'm here today to tell you, my customers want clean cars," Lee said. "Why wouldn't you want a clean car?"

What's next

Fuel economy rules: By the end of March, the Obama administration is expected to release new fuel economy rules for 2011 model year vehicles to keep automakers on track to meet a 35-mile-per-gallon standard by 2020. This is happening at the same time that automakers are seeking big federal loans.

Waiver decision: The public comment period ends April 6, and officials in California, 13 other states and the District of Columbia all expect a decision quickly, perhaps by June. Approving the California waiver would signal that the Obama administration is serious about tackling greenhouse gases from vehicles.

Endangerment finding: Obama's climate and energy czar, Carol Browner, told governors that the administration will make a finding soon on whether greenhouse gases endanger human health or welfare. The finding would force EPA to develop regulations to limit emissions from power plants, automobiles and other sources.

Bottom line: Obama campaigned pledging to act on climate change, and apparently he plans to do so. A tough economy could lead to some effort to soften the impact on struggling U.S. automakers. Worried about the impact of California's emissions rules, automakers now seem ready to cut a deal with the White House on tougher national standards.

Coal plants checked by enviro campaigns, costs

By MATTHEW BROWN, Associated Press Writer
Modesto Bee, Sunday, March 8, 2009

BILLINGS, Mont. — Beneath the frozen plains of eastern Montana and Wyoming lie the largest coal deposits in the world - enough to last the United States more than a century at the nation's current burn rate.

The fuel literally spills from the ground where streambanks cut into the earth, hinting at reserves estimated at 180 billion tons. But even here lawsuits over global warming and the changing political landscape in Washington are pummeling an industry that has long been the backbone of America's power supply.

In recent weeks, a group of rural Montana electric co-ops abandoned a partially built 250-megawatt coal plant, ending a four-year legal campaign by environmentalists to stop the project. The co-ops plan to instead get their electricity from a natural gas plant - more expensive for customers but also more likely to get built.

A few miles away, the U.S. Air Force dropped plans for a major coal-to-jet fuel plant once touted as the harbinger of a new market for coal. There are no signs it will be revived.

Other plants are moving forward in Montana and at least a dozen other states, but the exodus from coal has hit every corner of the country. On Thursday, two more were shelved - plants in Iowa and Nevada that would have generated enough power for 1.6 million homes.

In Nevada, LS Power said it was postponing a 1,600 megawatt coal plant and will instead focus on tapping the state's geothermal, wind and solar potential. Iowa's Interstate Power and Light dropped a 630 megawatt plant as it pursues a 200 megawatt wind farm.

"In the last year the world has changed 180 degrees," said Bruce Nilles, director of the Sierra Club's "Beyond Coal" campaign.

In 2007, the Department of Energy forecast 151 plants would be built in coming years. The agency's latest forecast put the figure at 95.

Soon after the Energy Department released its forecast two years ago, the Kansas Department of Health and Environment became the first agency in the country to reject a permit for a coal-fired power plant, citing carbon dioxide emissions.

Kansas acted six months after the Supreme court ruled that carbon dioxide and other greenhouse gasses were pollutants that should fall under the purview of the Clean Air Act.

Driven by the change at the White House, the political landscape for coal is fast shifting. President Barack Obama - once a reliable supporter of the industry - on Feb. 17 signed an economic stimulus package with \$16.8 billion for renewable energy and efficiency programs.

The coal industry was left with just \$3.4 billion. Congress had earlier removed \$50 billion in loan guarantees for coal-to-liquids plants and the nuclear industry.

Last year, only five new coal plants totaling about 1,400 megawatts came on line. Meanwhile, the wind energy sector added a record 8,300 megawatts.

Yet any proclamation of coal's demise would be premature.

Coal companies are scrambling after federal subsidies for cleaner-coal technologies - hoping to at least soften the beating they have taken over climate change.

And after spending an estimated \$40 million during the 2008 election on a pro-coal public relations campaign, a consortium of companies that dig, ship and burn the fossil fuel may match that spending this year.

"We see this as an ongoing effort," said Joe Lucas, who has led the industry's public relations campaign as vice president for the American Coalition for Clean Coal Electricity.

"When we talk about plugging in (electric) cars, we're going to create new demand in this country and that demand is going to be met in large part like it is today, by fuels like coal."

Environmental groups tally more than 90 plants canceled or delayed since 2002. The Sierra Club and others have vowed to challenge plants at every turn - in the courts, in state houses and through the regulatory process.

Also tripping up the industry's expansion efforts have been soaring construction costs. The price-tag on Montana's 250-megawatt Highwood plant doubled over the last several years to more than \$900 million. The project was dropped in February.

Construction had already begun, but the project's developers had run into trouble raising enough money to see it through to completion. Montana Gov. Brian Schweitzer, a proponent of coal power, said the cancellation underscored that coal plant financing will no longer be provided to plants that do not have a way to capture the carbon dioxide they produce.

"Throw a dart at a map and you're going to hit within a hundred miles of where somebody two years ago thought they were going to build a pulverized coal plant with no carbon dioxide capture," Schweitzer said. "In every single case, they've either announced their going to stop it or they're one press release away from it."

The two dozen plants canceled last year would have emitted an estimated 82 million tons of carbon dioxide annually - equivalent to more than 50 million cars and trucks.

But Lucas and other point out that despite the setbacks, the coal-fired power industry continues to enjoy its largest expansion in three decades. The Department of Energy tallies 28 plants now under construction.

They will join an estimated 600 coal plants that currently provide about half of the nation's electricity. The rest comes from a mix of natural gas, fuel oil and renewables such as wind and geothermal.

The Sierra Club's Nilles acknowledged his group's anti-coal campaign has so far made little headway with existing coal plants. Those plants produce about 2 billion tons annually of the greenhouse gas carbon dioxide - roughly a third of the United States' total global warming emissions.

NASA global warming scientist Jim Hansen, one of the coal industry's most ardent critics, has said existing plants need to be phased out by 2030 to curb the effects of climate change.

Hansen wrote in an e-mail to The Associated Press that the industry's only hope of avoiding such a fate is to come up with a way to capture and store underground the carbon dioxide they produce. Only a few such projects have been built to date, all of them hugely expensive.

"It is the only hope for coal, and it is a pretty slender thread to

be hanging by," Hansen wrote. "Coal is exceedingly dirty stuff. The best place for it is in the ground."

Producers want higher ethanol limits for gasoline

By H. Josef Hebert, Associated Press Writer

In the Contra Costa Times, Tri-Valley Herald and other papers, Saturday, March 7, 2009

WASHINGTON—Ethanol producers asked the Environmental Protection Agency on Friday to boost the amount of ethanol that can be blended with gasoline, but automakers argued the increase could damage car engines and fuel lines.

The ethanol producers want the EPA to increase the amount of ethanol that refiners can blend with gasoline from a maximum of 10 percent to 15 percent, which could boost the demand for the renewable fuel additive by as much as 6 billion gallons a year.

"Increasing the ethanol blend up to E15 is a common sense solution to our economic, energy and environmental challenges," said retired Gen. Wesley Clark, co-chairman of Growth Energy, a coalition of ethanol companies.

The group argued that a number of studies, including one by the Energy Department, has shown that a 15 percent ethanol blend "has no adverse effects on a car's performance, maintenance, or emissions controls."

The ethanol producers contend that by raising the maximum amount of ethanol allowed in a gallon of gasoline, it would increase demand for the fuel additive and create thousands of new jobs as the industry—which has been reeling in today's tough economic times—boosts production.

"If the EPA acts swiftly, a higher blend of ethanol will help us jump-start the economy while further reducing our dependence on foreign oil," Clark said.

EPA press secretary Adora Andy said in a statement that the agency will review the request and "will act based on the best available science."

But automakers and the producers of outdoor power equipment say the science has not yet shown that the higher "midlevel" blend of ethanol will safeguard engines, fuel lines, emission controls and other components.

"There has not been sufficient testing of motor vehicles and non-road power equipment ... to determine whether any midlevel ethanol blend would meet current federal air quality protection requirements or be safe for consumers to use," said a coalition whose members included automakers, boat owners, motorcycle manufacturers and oil refiners.

Charles Territo, a spokesman for the Alliance for Automobile Manufacturers, said, "The best way to increase ethanol use is to expand" the infrastructure for providing 85-percent blend fuel. The E-85 fuel requires so-called "flex-fuel" vehicles of which there are about 6 million on the road.

Kris Kiser, executive director of the Outdoor Power Equipment Institute, said boat engines, chainsaws, lawn mowers, snowmobiles, motorcycles, generators and other small engine equipment "may be permanently damaged" from using the 15 percent ethanol blend.

Ethanol producers contend that even if the blend cap were increased, plenty of 10-percent ethanol blended gasoline would be available for use on such equipment.

Producers supplied 9.2 billion gallons of ethanol last year. The government mandate requires refiners to blend about 11 billion gallons of ethanol with gasoline this year. Producers argue the 10 percent content limit may make it difficult to achieve the federal mandate because ethanol use in some parts of the country is limited by transportation constraints.

EPA to reconsider NC's air pollution request

By Mike Baker, Associated Press Writer
USA TODAY, Saturday, March 7, 2009

RALEIGH, N.C. — The U.S. Environmental Protection Agency wants to reconsider its denial of North Carolina's request to force neighboring states to tighten pollutant emission standards, a signal that President Barack Obama's administration may focus on demanding cleaner utilities.

North Carolina first sought aid from the EPA in 2004, complaining that older, coal-fired power plants in neighboring states were contributing to North Carolina's clean air problems. The EPA denied that request, but Attorney General Roy Cooper has continued to fight the decision.

Judges on the U.S. Appeals Court for the District of Columbia Circuit wrote in a ruling released late Thursday that the EPA wants to reconsider the denial, with the agency acknowledging that its justification for rejecting the request was eliminated last year when a court ordered it to rethink a clean air rule. The judges agreed, asking the EPA for an "expeditious" decision.

"This is a positive sign from the EPA that they may be looking at this issue differently than they were last year," Cooper said in an interview Friday. "We are hopeful for a quick and positive decision."

In rejecting North Carolina's request in 2006, the EPA argued that the Clean Air Interstate Rule, issued one year earlier, would eventually achieve the results sought by North Carolina. That rule requires 28 states and the District of Columbia to reduce emissions of nitrogen oxides and sulfur dioxide from power plants by 2015.

But the Southern Environmental Law Center and other critics contend that the plan allows polluters to trade credits and continue operating dirty plants for longer than they should, including some near North Carolina's borders.

Last year, the D.C. court threw out the Clean Air Interstate Rule, citing "more than several fatal flaws," and sent the EPA back to develop a new program. In December, the judges decided to keep the rule in place to allow the EPA -- and the new administration -- time to address it.

The EPA did not immediately respond to specific questions about the decision, simply commenting in a statement:

"Though EPA and our state partners are permitted by the Court to continue implementing the CAIR while it is being reviewed by EPA, we will also re-examine North Carolina's petition to determine whether the Agency should require additional controls on pollution sources in other states to help improve air quality in North Carolina," said spokeswoman Cathy Milbourn.

North Carolina has crusaded against out-of-state air pollution, even as environmental advocates fight to prevent the construction of a new coal-fired power plant on the state's own turf. Cooper won a federal court decision in January that demanded that the nation's largest public utility -- the Tennessee Valley Authority -- install pollution controls at four coal-fired plants that belch emissions across the Appalachian Mountains and into North Carolina.

In his 2004 petition to the EPA, Cooper targeted 13 nearby states: Alabama, Georgia, Illinois, Indiana, Kentucky, Maryland, Michigan, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia and West Virginia.

"This is another successful step in our fight against air pollution in North Carolina," Cooper said. "It puts us in a better position to stop out-of-state pollution from coming into North Carolina."

DNR issues air quality advisory

USA TODAY, Saturday, March 7, 2009

MILWAUKEE (AP) — The Wisconsin Department of Natural Resources has issued an air quality advisory for Brown, Milwaukee, Ozaukee, and Waukesha counties.

It's effective through 11 p.m Saturday.

The advisory is being issued because of persistent elevated levels of fine particles in the air. Those come from power plants, factories, vehicle exhaust and wood burning.

The air is considered unhealthy for people with heart or lung disease, asthma, older adults and children. Those people are advised to reschedule or cut back on strenuous activities.

House Bill for a Carbon Tax to Cut Emissions Faces a Steep Climb

By John M. Broder

N.Y. Times, Friday, Published: March 6, 2009

WASHINGTON — Representative John B. Larson embarked again this week on his lonely quest to enact a national tax on carbon dioxide emissions.

His idea is to set a modest price on a ton of emissions, gradually increasing it each year until the desired reduction in heat-trapping-gas pollution is achieved. Under the bill he introduced this week, virtually all the revenues from the tax would be returned to the public in lower payroll taxes.

"The American people want us to level with them," Mr. Larson, a moderate Democrat from Connecticut and a member of the House leadership, said in an interview. "We create price certainty without any new bureaucracies or complicated auction schemes."

Many economists and academics, as well as a handful of Mr. Larson's colleagues on both sides of the aisle and perhaps a few White House officials, if secretly, agree that a carbon tax is a simpler and more effective means of tackling global warming than the complex cap-and-trade scheme embraced by the Obama administration and most Democratic leaders in Congress.

The supporters of a carbon tax have watched as the new European cap-and-trade system has failed to achieve its emissions goals while prices for carbon permits have gyrated. They see taxing as a more effective means of cutting emissions than cap-and-trade or other hybrid plans now under consideration.

But for a variety of political, environmental and economic reasons, a national carbon tax is probably going nowhere.

Mr. Obama and Democratic leaders argue that cap-and-trade, in which polluters must either reduce emissions on their own or buy credits from more efficient companies, is a better system for assuring reductions, letting the market set the right to pollute.

But the main reason most in Washington recoil against a carbon tax is political: few are willing to openly advocate billions of dollars in new taxes at a time of economic distress, even though a cap-and-trade program also means higher energy prices.

Many Congressional Democrats were around in 1993 when President Bill Clinton and Vice President Al Gore pushed an energy tax and then abandoned it after it failed to generate any Republican support. Some noticed last fall when the Liberal Party in Canada suffered its worst loss ever running on a platform that included a national energy tax.

Representative Edward J. Markey, Democrat of Massachusetts, is leading a special committee writing the House version of climate change legislation. He voted for the 1993 energy tax bill, which is known — not fondly — as the B.T.U. tax, for British thermal unit, a measure of energy output. Mr. Markey has since become a faithful follower of the cap-and-trade school.

"I am aware of the economic arguments for a carbon tax," Mr. Markey said, "but politics is the art of the possible, and I think cap-and-trade is possible."

He added: "Somebody once told me that a smart man learns from his mistakes but a wise man learns from others' mistakes. We can learn from 1993 or Canada in 2008, but we should learn."

Mr. Gore, who shared a Nobel Prize for his work on climate change, has long advocated a tax on carbon dioxide emissions as a substitute for taxes on income ("We should tax what we burn, not what we earn," he says).

But in an e-mail message this week, Mr. Gore said that passage of a tax on carbon "appears to be beyond our reach for the foreseeable future" and that he could accept a cap-and-trade program if it reduced emissions and provided relief for those most burdened by the costs.

"For more than 20 years, I have supported a CO₂ tax offset by an equal reduction in taxes elsewhere," Mr. Gore wrote. "However, a cap-and-trade system is also essential and actually offers a better prospect for a global agreement, in part because it is difficult to imagine a harmonized global CO₂ tax. Moreover, I have long recognized that our political system has special difficulty in considering a CO₂ tax even if it is revenue neutral."

Mr. Gore and others pointed out that the United States has had a largely successful experiment with cap-and-trade in the acid rain program set up under the 1990 Clean Air Act amendments.

That system brought greater pollution reductions and lower costs than expected, although sulfur dioxide and nitrogen oxide pollution from a limited number of power plants was a far simpler problem than carbon emissions will be.

One of the arguments against cap-and-trade is that it requires a complex market for trading pollution permits that could be manipulated by speculators and energy companies. Mr. Larson said the last thing the nation needed after its experience with the housing bubble and the banking collapse was a new market in carbon derivatives. His plan, he said, is simpler and fairer.

But cap-and-trade advocates said a carbon tax could also be gamed, just as the Internal Revenue Code is.

"The critical thing is to get the emissions you want, and a tax cannot do that without continually recalibrating the price," said Tim Profeta, director of the Nicholas Institute for Environmental Policy Solutions at Duke University. Mr. Profeta helped Senator Joseph I. Lieberman independent of Connecticut, draft the first cap-and-trade bill to get serious consideration. "Given the history of the carbon tax," Mr. Profeta said, "there's a worry that it will poison and delay the debate."

Yvo de Boer, who directs the climate change program at the United Nations, said he was agnostic as to how member states meet targets on the emission of heat-trapping gasses. But those who support a carbon tax, he said, are walking uphill.

"If you were a pure economist, the most logical thing is taxation. It is the simplest," Mr. de Boer said in an interview. "But 'taxation' is a word that makes people choke in normal times. And these are not normal times."

Administration Plans New Regulations on Coal-Ash Ponds

By Shaila Dewan, staff writer
N.Y. Times, Sat., March 7, 2009

The Obama administration will propose new regulations governing coal combustion waste by the end of the year, and will act immediately to prevent accidents like the release in December of more than a billion gallons of coal ash that smothered 300 acres in eastern Tennessee and choked nearby waterways, a senior Environmental Protection Agency official said.

The spill, at the Kingston Fossil Plant operated by the Tennessee Valley Authority near Knoxville, brought renewed attention to the agency's failure to live up to a promise in 2000 to issue regulations for coal ash, which contains toxins like arsenic, lead and mercury.

"We're committing to develop a regulatory proposal for comment by the end of this calendar year," said the senior official, Matthew Hale, the director of the agency's Office of Resource Conservation and Recovery.

Mr. Hale said the agency was deciding whether to regulate the waste as hazardous or nonhazardous. In 2000, it deemed coal ash to be nonhazardous, but better pollution controls that have kept toxins from spewing into the air have left the solid wastes from coal plants, which is mostly ash, more poisonous.

The E.P.A. has also developed improved tests that show more toxins leaching from the ash into groundwater than previously thought.

In the short term, the agency will seek to prevent spills like the one at the Kingston plant, where the wall retaining a pile of ash 55 feet high ruptured, destroying nearby homes and choking waterways with a toxic sludge.

On Monday the agency will send a questionnaire to 163 utilities that manage an estimated 300 ash ponds, agency officials said. It asks plant operators to list any spills or unauthorized releases from the ponds in the last decade, as well as information about their design, engineering and inspections.

The questionnaire will be followed by on-site visits, said M. Allyn Brooks-LaSure, a spokesman for the agency. The agency can then order improvements to any sites it deems unsafe, Mr. Brooks-LaSure said.

The coal industry has opposed regulation, saying it would cost billions of dollars a year. But James R. Roewer, the executive director of the Utility Solid Wastes Activity Group, an industry organization, said utilities welcomed the inventory of ash ponds.

"It's our view that before you start developing a regulatory program, you need to understand what structures are in place and how or whether they're working," Mr. Roewer said. "Let's develop a regulatory program that can address the gaps or the shortcomings."

Every year, domestic power plants produce more than 125 million tons of coal combustion waste. Most of the waste is disposed of as a slurry in above-ground ponds with retaining walls, like the one at Kingston, or dry in landfills. The environmental agency has identified 63 sites where groundwater was contaminated by heavy metals from coal ash dumps.

The questionnaire, aimed at above-ground ponds, does not ask about several key aspects of ash dumps, including whether they are lined to prevent leaking, have systems to collect water that could contain metals leached from the ash, or include groundwater monitors.

But environmentalists applauded the action. "It is excellent news that E.P.A. is now moving forward," said Lisa Evans, a lawyer for Earthjustice, an environmental group, and an expert on coal ash. "This issue

demands strong and quick action, and E.P.A.'s initiation of an inventory of coal ash ponds is a good first step."

[Sacramento Bee, Guest Commentary, Monday, March 9, 2009](#)

My View: Energy efficiency can boost the economy

By Howard Posner

There's an adage in the electric utility industry that the cheapest power plant is the one we don't have to build. It's another way of saying that energy efficiency is the most cost-effective way to meet growing energy needs and reduce greenhouse gas emissions.

Clean power sources such as solar and wind are very much on the national radar these days, as are electric and hybrid vehicles. That's a good thing, because if the Sacramento Municipal Utility District and other electric utilities are to preserve the environment for future generations, we realize we must all reduce our reliance on carbon-based fuels. SMUD is on track to have 23 percent of its electricity delivered from renewable resources by 2010.

Without minimizing the benefits of renewable energy, energy efficiency is "America's untapped energy resource," as a recent cover story in Time magazine put it. Energy-efficient choices can save families about a third on their energy bills while reducing carbon emissions by a similar amount. People don't have to sacrifice comfort to become more efficient, either. Efficiency is about using energy more productively.

Better yet, energy efficiency drives economic growth and creates new jobs. Energy efficiency measures have enabled California households to redirect their expenditures toward other goods and services, creating about 1.5 million full-time jobs, according to a recent report by David Roland-Holst, a resource economist at UC Berkeley. The California Green Innovation Index, a study authored by Collaborative Economics, indicates that green jobs have grown 10 percent since 2005 while statewide jobs increased by only 1 percent.

Using energy more efficiently makes sense on many levels: lower utility bills for customers, reduced reliance on fossil fuels for utilities serving growing populations and cleaner air for everyone to breathe. When the economic benefits are factored in, energy efficiency looks like an increasingly attractive solution to our energy problems.

Assembly Bill 32, the California Global Warming Solutions Act, will drive the market in a cleaner direction by encouraging even greater investment in energy-saving technologies. The UC Berkeley study says the achievement of the goals set forth in Assembly Bill 32 would increase

California's gross state product by about \$76 billion, creating as many as 403,000 new efficiency and climate action jobs.

Green building standards should generate considerable economic growth in the coming years. Energy use in commercial buildings and manufacturing plants accounts for nearly half of total U.S. greenhouse gas emissions and nearly half of energy consumption nationwide. Retrofitting buildings will employ electricians, carpenters, roofers, insulation workers and air conditioning installers, to list just some of the trades that will benefit. Businesses and governmental agencies will welcome their lower utility bills.

SMUD has long viewed energy efficiency as a worthwhile investment. Our energy efficiency programs have resulted in customer savings of more than \$550 million over the last 35 years. Since energy-efficient improvements often require an initial investment on the part of the customer, SMUD offers a wide range of incentives, rebates and financing on such household equipment as air conditioners, clothes washers, refrigerators and whole house fans.

California's energy efficiency mandates are among the most aggressive in the nation, and SMUD plans to exceed those state targets. We're investing in new technologies that will give customers real-time usage information to help them manage their bills and energy use. Over the next 10 years, these investments can help SMUD customers reduce energy consumption by 15 percent without sacrificing their accustomed quality of life.

As the state and federal government work to establish renewable portfolio standard goals, SMUD believes it makes sense to balance the desire for new renewable resources with energy efficiency. Energy efficiency should be considered part of California's overall renewable portfolio standard strategy.

There's no single solution to the energy predicament we find ourselves in. But energy efficiency offers the dual advantage of saving customers money while playing a large role in reducing society's reliance on carbon-based fuels to generate electricity.

Howard Posner is president of the board of directors for the Sacramento Municipal Utility District, which provides electricity to a 900-square-mile area in the Sacramento region.

[Modesto Bee, Guest Commentary, Sunday, March 8, 2009](#)

Doing nothing is too costly a 'solution'

By DeeDee D'Adamo

The state of California has been recognized as an environmental leader throughout the world. In my role as member of the California Air Resources Board for the last decade, I am acutely aware of the need to balance clean air goals with a healthy economy. The fact is, good air quality and a robust economy go hand in hand in today's world.

And today we know that climate change is a serious concern for human health, our planet and our economy. Scientists throughout the world concur that there is a strong relationship between the concentration of greenhouse gases in the atmosphere and climate change. One area of considerable concern is the effect of increased temperatures on our state's water supply. As is evidenced by the drought, a reduction in the snowpack has a devastating effect on agricultural and drinking water supplies.

Higher temperatures can also result in increased flooding and an increase in "smog" days.

A paradigm change has occurred in recent years and people are paying attention to global warming and how it will affect them, their children and grandchildren. Doing nothing is the most expensive strategy of addressing climate change. The longer we wait to act, the more money and effort it will take to reverse the effects of climate change.

When AB 32, the Global Warming Solutions Act of 2006, was signed by Gov. Schwarzenegger, it was natural that the ARB was given primary responsibility for cutting greenhouse gas emissions 30 percent by 2020. The ARB's 40 years of experience slashing air pollution, spurring the

creation of advanced technologies, broadening California's green-job market and working cooperatively with industry puts the state on a solid footing to meet AB 32 goals.

Being "green" is marketable in today's economy. California has always been a mecca for innovation and home to entrepreneurs looking for ways to capitalize on green technologies. Regulated industries -- and that includes nearly every sector of the economy -- have stepped up and done their parts for clean air in ways that are often technologically astounding. Businesses also are finding that to stay competitive they must pay attention to their environmental actions because of customer demands.

Clearing the skies has enormous health benefits, and savvy business owners stand to make money from these efforts. For example, Hilarides Dairy in Lindsay and Joseph Farms in Atwater are converting dairy waste to power for their operations, allowing the business to reap the benefits of making clean power onsite without relying on volatile energy markets.

Smog will be reduced in the valley through AB 32 measures, as well. The ARB is working with the U.S. Environmental Protection Agency to secure the needed waiver so that even cleaner vehicles can be sold in California and 14 other states. The ARB's clean vehicle rule, known as "the Pavley regulation," aims to cut vehicle greenhouse gas emissions 30 percent by 2016. The regulation will also reduce valley smog through improved fuel efficiency and cleaner-burning cars.

California is on a path of action. The ARB adopted a scoping plan in December, which includes a comprehensive list of specific measures for meeting AB 32 goals. Each measure -- whether a regulation to reduce emissions from motor vehicle fuels or one that requires automotive maintenance and repair facilities to make sure your vehicle's tires are properly inflated -- requires a rigorous economic analysis. Rules that send California businesses out of the state cannot -- and will not -- be passed by our board.

It is important that our board continue to monitor the economic impacts of our decisions, especially in this economy. Our board may decide to revisit any program after the passage of a new rule to make amendments. This might include pushing out compliance deadlines if the economic impacts are too great. California Air Resources Board members are medical doctors, local government leaders, attorneys such as myself, and businessmen and -women who all share the same goal: cleaning up California skies while maintaining a robust economy. Shutting the door on AB 32 implementation will achieve neither.

Adamo is a member of the California Air Resources Board and a senior policy analyst for Rep. Dennis Cardoza, D-Merced.

[Modesto Bee, Guest Commentary, Sunday, March 8, 2009](#)

Will AB 32 have any real impact on emissions?

By Janice Keating

When times are tough and money is scarce, it is the duty of locally elected leaders to ask tough questions about government programs. No program should be exempt from this scrutiny, including Assembly Bill 32 (the Global Warming Solutions Act), which is one of the largest regulatory schemes ever approved by the state of California.

AB 32 will impact every citizen directly in the form of higher prices for gasoline and increased utility costs. Virtually every product and service we purchase will be impacted as businesses pass along their increased costs to consumers.

With many scientists believing that the release of greenhouse gases is at least contributing to global warming, it is understandable that many Californians believe something should be done to reduce emissions. The question is, will implementation of AB 32 have any real impact on carbon emissions?

Looking to Europe as a model, where AB 32-style regulations have been in place for several years, the results are less than encouraging. Total emissions have continued to rise each year in Europe despite a carbon credit trading scheme similar to that proposed in California.

What will AB 32 cost? Here are some examples based on the California Air Resources Board's analysis and other reports:

\$11 billion per year for a Low Carbon Fuel Standard, which will result in higher gasoline and diesel costs;

11 percent increase in electricity costs;

8 percent increase in natural gas costs;

Increased costs of \$50,000 for a new home to comply with new green building standards.

AB 32 will further harm businesses and families, meaning lower tax revenues for local governments and higher demand for social services.

The AB 32 scoping plan acknowledges that most small businesses will have a hard time paying the costs of AB 32 implementation. These businesses are likely to have to lay off workers or close altogether, taking revenues and jobs with them.

Food banks and homeless shelters already are reporting exponentially increasing demand for their services as the economic crisis worsens; AB 32 costs are likely to force even more families to seek public assistance.

AB 32 will make California less competitive with neighboring states and other countries. As costs rise here, businesses continue to leave for other states with less stringent regulations. As a result, California won't be reducing global warming, but we will be reducing employment and tax revenues at a time we can least afford it.

It is instructive to note that other countries have dramatically scaled back or suspended their global warming reduction plans due to the economic crisis. German Chancellor Angela Merkel recently stated her opposition to any global climate deal that would endanger jobs or investments in Germany. With the European Union, the world leader in climate change regulation, stepping back from the brink, it would seem appropriate for California to re-evaluate implementation of the current regulations.

The recently adopted AB 32 Scoping Plan, the blueprint for this incredibly ambitious policy initiative, failed to recognize the economic challenges facing our state and the nation. Like many overly optimistic government projections, it failed to account for the full costs of programs required to achieve the energy efficiency savings it projects will be realized in 2020. By underestimating the costs, and overestimating the savings, the Scoping Plan threatens to balloon the state's already disastrous budget deficit and subject the private sector to billions of dollars in additional costs.

Before moving forward on any new rules or policies under AB32, the California Air Resources Board should direct its staff to accurately calculate and disclose the near and midterm costs of each and every proposed Scoping Plan policy and adopt only the most cost-effective approaches to meet AB 32's emission- reduction goals.

The goals of AB 32 may be worthy, but the state's plan for implementing it is dangerously flawed. In addition to taking a common-sense, fiscally responsible approach, we should consider whether the task of tackling climate change isn't more appropriately addressed at the national or international level, so meaningful results can be achieved and costs fairly shared. It is unreasonable to expect citizens of our state to disproportionately bear the burden.

Keating is a Modesto City Council member and active with the AB 32 Implementation Group, comprised of business, taxpayer and consumer groups statewide.

[Merced Sund-Star, Guest Commentary, Saturday, March 7, 2009](#)

John Pedrozo: High-speed rail for real in the Valley

Last November, California approved Proposition 1A, authorizing the expenditure of almost \$10 billion for the construction of a high-speed train system in California.

The California High Speed Rail Authority hasn't wasted a moment since that election, scheduling a series of hearings along proposed route alignments, which is the first step in the environmental review process.

These hearings have been held, or are scheduled, in the Bay Area, San Jose, Merced, Madera, Fresno, Visalia, Bakersfield and Southern California. Preliminary engineering studies are under way in the other sections as well.

Merced has a lot at stake with the high-speed train project. It will relieve congestion on our freeways and improve air quality.

It will be a recruitment boon to UC Merced and the associated research and development industries that locate near universities.

The Merced station will help our efforts at revitalizing the economy. Should Castle Airport or another Merced site prove the best location for the system maintenance facility, we would realize even more benefits.

Merced voters joined California's majority in supporting proposition 1A.

The Merced County Board of Supervisors and the Merced City Council have joined as partners with the community support group working to see the High Speed Train project become a reality in Merced.

I want to invite you to join me at one of the first scoping hearings for the high-speed train project March 18 at the Merced Community Senior Center.

This meeting is an opportunity to give us an initial look at various route alignments and to let us raise issues, concerns and questions regarding different elements of the project. Experts who are familiar with specific issues will be on hand to respond with information.

As part of the official review process, your comments and concerns will be noted in the record and responded to during the review process.

This is especially important for Merced, since two of the corridors envisioned by the system traverse our county (the Sacramento to Merced to Bakersfield segment, and the Pacheco segment).

This meeting is set up to encourage participation. Information on the entire system will be provided. You will also be able to ask questions of the various experts on both general and specific matters.

You also will have the opportunity to spend as much or as little time as you want discussing issues with the technical experts who will be available, as there are no set presentations.

Proposition 1A will provide \$9 billion in bond funding for the backbone system linking Anaheim and Los Angeles with San Francisco through the Central Valley.

It also will provide \$950 million to finance capital improvements to commuter and intercity rail as well as local transit lines that will connect existing infrastructure to the high-speed train system.

The new administration in Washington has also indicated it will commit billions to high-speed rail systems, building on the commitment made last year in President Bush's budget.

Building the system will help stimulate the economy.

Nearly 160,000 construction-related jobs will be needed to plan, design and build the system, and economic growth spurred by the high-speed train system should generate 450,000 permanent jobs.

A University of California study recently showed direct benefits to Valley residents alone could approach \$3 billion a year from such things as reduced traffic congestion and its share of those new jobs.

Construction is expected to start by 2011, with completion of the system backbone sometime between 2018 and 2020. An early section of the route will be a test track from Merced to Bakersfield.

Come and see for yourself the future of transportation.

Merced County Supervisor John Pedrozo is chairman of the San Joaquin Rail Committee.

[Fresno Bee editorial, Sunday, March 8, 2009:](#)

Deadline nearing for air plans

Valley cities and counties that haven't amended general plans are at risk of losing lawsuits over development.

The general plans that govern development and land use in the cities and counties of the Valley must include ways to reduce air pollution, under a law that goes into effect this summer. But a number of local governments are behind the curve in updating their plans, and it could come back to bite them down the road.

The law -- AB 170, passed in 2003 -- requires that cities and counties in the Valley amend their general plans to include reports on local air-quality conditions, a summary of air-quality regulations and "comprehensive" goals, policies and objectives to improve air quality. The plans must also list measures to meet those goals.

Without those air quality elements in their plans, local governments could wind up on the losing end of lawsuits to stop new developments.

That's not much of an issue right now, with development at a standstill in the current recession. But assuming a recovery is somewhere in our future -- the sooner, the better, of course -- construction of new developments, and all the jobs it would bring, could be stymied just when it's needed most.

The state Senate's local government committee warned of that scenario in a recent memo: If local officials fail to meet the deadline, but still proceed with major land-use decisions, "a court could invalidate those decisions and other development projects as well."

Amending general plans is a complicated process and time-consuming process. It can also be costly, which no local government wants to hear in this time of shrunken budgets. But the price of failure to meet the requirements of the law could be even higher.

The San Joaquin Valley Air Pollution Control District must review and approve the amended plans. Officials there said some cities and counties have not yet met the requirement. They'd better get moving: The deadline for cities in Fresno and Kern counties is June 30. Other municipalities have until Aug. 31, 2010.

The air district has guidelines for crafting general plans that meet air quality demands.

The issue is not trivial. Air pollution affects us all, and every activity we engage in can be linked to something in the Valley's air that causes harm.

Development is a particular problem. Years of neglectful and sometimes downright bad planning have led to urban sprawl across broad swatches of the Valley. That has led in turn to long commutes, traffic congestion and high levels of vehicle emissions. Neighborhoods haven't been planned to be air friendly -- walkways, bike paths, easy access to nearby goods and services were overlooked in favor of a vehicle-centered lifestyle.

We can't afford to build like that any longer, and local rules for development must reflect that fact. Cities and counties that haven't updated their general plans to meet the new realities must do so, and soon.

Otherwise, they run the risk of seeing growth -- even smart growth -- shut down by litigation. Avoid the rush; start good planning now.

[Fresno Bee editorial, Monday, March 9, 2009:](#)

State cash crunch must not derail high-speed system

California's head start over other states could evaporate.

California's lead in developing high-speed rail could be threatened by a cash crunch that has frozen funding of all state spending on infrastructure projects. State leaders need to address the problem immediately.

The California High Speed Rail Authority is out of money, and may have to call a halt to all the planning efforts now under way. That could put the state at risk of losing out on federal funds in both the stimulus bill and the omnibus spending bill.

The stimulus package contained \$8 billion for high-speed rail, placed there because President Obama is a fervent supporter of the concept. Obama added another \$5 billion for high-speed rail to the omnibus bill now in the Senate.

California's plans for the high-speed system were always contingent on getting federal support, in addition to state bond funds and private sector investments.

California is currently ahead of the rest of the states in planning its high-speed system. We're the only state whose voters have approved spending our own money on such a project, and the environmental and engineering studies required for the massive project are already well begun.

But that lead could evaporate quickly if California's efforts are stalled by money woes. Not a day passes without news of the enthusiasm that's rising in other states and regions to build high-speed systems -- the Midwest, the Northeast corridor, Texas, Florida.

In the meantime, some of the private contractors doing the engineering and environmental reviews in California have already stopped the work because they aren't getting paid. Most of the work of planning, designing and building the high-speed system will be done by private sector companies -- but they won't work for free, nor should they.

The state's Pooled Money Investment Board, which controls the infrastructure funds, will next meet on March 18. The rail authority has asked for a bridge loan of \$29.1 million to cover its expenses through the end of June. California must find a way to get that done.

[N.Y Times editorial, Sat., March 7, 2009:](#)

Clean Slate on Clean Air

In a series of major decisions, the federal courts have effectively done away with nearly all of the Bush administration's clean-air regulations — most of them wrongheaded. That gives President Obama a clear shot at fashioning a new and coordinated attack on pollutants like smog, soot and mercury.

The United States Court of Appeals for the District of Columbia Circuit recently struck down as inadequate national air-quality standards for fine particulates — small particles of soot from power plants and diesel engines that have been linked to heart and lung diseases.

And the Supreme Court let stand a 2008 ruling from the same appeals court striking down — as not only inadequate but illegal — Bush rules governing mercury emissions from power plants. These two rulings clear the way for Mr. Obama's team to come up with more robust regulations on fine particles and on mercury.

Mr. Obama's Environmental Protection Agency must also deal with a third ruling from the D.C. Circuit that, confusingly enough, invalidated a genuinely worthy Bush initiative — a market-based emissions trading program that sought to curb pollution from power plants east of the Mississippi. In that case, the court said the E.P.A. had exceeded its authority under the Clean Air Act, a rare complaint against an administration that usually did too little.

Most of the Bush rules were driven by politics rather than science. In the fine-particle case, Stephen Johnson, then the agency's administrator, rejected the urgings of the great majority of

his scientific advisers who wanted tough standards. Industry counterattacked through its friends in the White House and eventually won weaker standards, which the court has now found deficient and returned to the E.P.A. for further review.

It was the same sad story with the Bush mercury rule. Soon after the rule was proposed, it was discovered that important sections had been lifted verbatim from draft language supplied by industry lawyers. The rule suffered from the further defect of being contrary to the Clean Air Act — which, for toxic substances like mercury, plainly requires strict plant-by-plant controls using the latest technology. The Bush rule would have allowed many plants to avoid installing such controls.

The most urgent task facing the E.P.A.'s new administrator, Lisa Jackson, is to do something about mercury. Mercury is a potentially dangerous once it enters the food chain, but despite the Clean Air Act's mandate, regulations requiring controls on mercury emissions have been promulgated but never finalized.

Ms. Jackson has promised to address mercury as well as fine particulates. The power-plant rules invalidated by the court also need fixing, as do other rules governing ground-level pollutants like smog. This is a very tall order, but after eight years of neglect and sabotage, the field is clear for the administrator to give the country the comprehensive clean-air plan it needs.

[N.Y. Times editorial, Friday, March 6, 2009:](#)

A Need to Clear the Air

Gov. David Paterson of New York, whose list of friends in the political world seems to be growing shorter by the week, could soon be forced to cross off another group: the environmental community.

Environmentalists — and for that matter anyone who worries about climate change — were disturbed to learn on Friday that Mr. Paterson had agreed in a closed-door meeting with energy executives last fall to reopen rules governing New York's participation in a landmark pact to reduce greenhouse gas emissions.

The news followed other setbacks, including proposed budget cuts that seemed to environmentalists to disproportionately impoverish the Environmental Protection Fund, which finances critical open-space projects.

The governor has promised to refill the fund with a new and more ambitious bottle redemption program. But the new bottle bill is hardly a sure thing, and the beverage industry has hired some of Albany's most powerful lobbyists to beat it.

No program is more important to environmentalists than the Regional Greenhouse Gas Initiative, a laboriously negotiated agreement aimed at gradually reducing power plants emissions of carbon dioxide across 10 states. The agreement requires power companies to buy allowances for every ton of pollution they emit — partly as a disincentive to discourage pollution, and partly to raise money for clean energy investments.

Some of the state's power producers that negotiated long-term contracts to sell power years ago complain that the program squeezes them unfairly because they are now forced to absorb the additional costs of the allowances — without being able to adjust the contracts. They are asking for more free allowances than the modest number the program already provides. This would help their bottom line but would also reduce the amount of money flowing to clean energy projects.

The power generators tried out their argument last year on the state's top environmental officials and got nowhere. So, last fall, they went directly to Mr. Paterson, where they found a sympathetic ear and a promise to reopen the agreement to see whether more free allowances could be provided.

The governor's office says that any changes would have to follow a careful, transparent rule-making process. It has the feel, however, of a done deal. In any case, his apparent willingness to listen to only one side of the case raises serious questions about the way he makes decisions. It

also sends a bad signal to other states, which for years have looked to New York for leadership — not backsliding — on climate change.

[Sacramento Bee, Letters to the Editor, Saturday, March 7, 2009](#)

Common sense on environment

Re "The Buzz" (Capitol & California, March 4): Recently, the California Air Resources Board rammed through its "scoping plan" of AB 32 (the Global Warming Solutions Act of 2006) despite one of the nation's leading environmental economists from Harvard calling the plan's analysis "deficient, flawed and ultimately biased."

The nonpartisan Legislative Analyst's Office said the study was "inconsistent and incomplete." A UCLA economist said the analysis presented "too many uncertainties" to believe.

Yet The Bee has named Senate Bill 295, a bill aimed at fixing these problems, as the bill "most likely to go nowhere."

SB 295 would require the ARB to delay implementation until it has re-evaluated the scoping plan's costs and until the economy has recovered.

These are common-sense changes that don't impact AB 32's goals but simply minimize its harmful impact on the economy and ensure that it's implemented in a cost-effective manner. It is a reasonable approach to fixing the serious problems raised by a variety of experts.

But those determined to push ahead with this flawed plan are not about to let the facts get in the way.

[Letter to the Fresno Bee, Sat., March 7, 2009:](#)

A better grass

This three-year drought requires us to start thinking differently about our lawns. Sure, they look beautiful. But they suck up an awful lot of water and chemicals, they require weekly mowing and edging and the lawnmowers foul our air.

Citizens of California, it is time for a better lawn -- one invented right here at the University of California Davis and UC Riverside. This lawn requires up to 75% less water (a quarter-inch once a week) and only needs to be mowed once a year.

It is called UC Verde Buffalo Grass, and is available in Fresno. UC Verde is custom-made for this Valley and this drought.

Don H. Gaede, Fresno