

Four valley car dealers join in air rules lawsuit

Attorney says ag market would be hit the hardest

by Patrick Giblin

[Thursday, Dec. 9, Modesto Bee](#)

Four Northern San Joaquin Valley car dealers are among the plaintiffs in a lawsuit challenging California's 2009 vehicle emissions standards.

Dozens of other dealers around the state are involved, along with the Alliance of Automobile Manufacturers, a coalition of nearly every major carmaker that sells vehicles in the United States.

The plaintiffs include Central Valley Chrysler-Jeep of Modesto; Frontier Dodge, which owns Fireside Dodge of Modesto; Tom Fields Motors, which owns Turlock Auto Plaza; and Courtesy Oldsmobile-Cadillac of Merced.

Several of those dealers referred calls to attorney Tim Jones in Fresno. He filed the lawsuit Tuesday in U.S. District Court in Fresno.

He said a large number of San Joaquin Valley car dealers are part of the lawsuit because they believe the new regulations — called the strictest ever in the United States — will hurt valley car dealers more than those elsewhere in the state.

"The problem is that these car dealers are selling into an agriculture market where there are a lot of heavy-duty vehicles being used," Jones said Wednesday. "These emissions standards tend to impact those vehicles heavily, raising their costs and leading to a decline in sales."

The emissions standards as first proposed included an exemption for vehicles used in the agriculture industry. That exemption did not make it to the final version.

Former Gov. Davis signed the regulations before being recalled in October 2003, and they have the support of Gov. Schwarzenegger's environmental protection secretary, Terry Tamminen.

The rules are expected to cut exhaust emissions from cars and light trucks by 25 percent, and from sport utility vehicles and larger trucks by 18 percent.

The rules are set to go into effect on 2009 model cars, which typically are released in late 2008.

State officials said they expect the rules to eventually raise the price of new cars by about \$1,000, but the auto industry has estimated the increase at about \$3,000.

More car dealers probably would have joined the lawsuit, Jones said, but their interests are being represented by the car manufacturers who belong to the Alliance of Automobile Manufacturers.

That alliance includes BMW of North America, DaimlerChrysler Corp., Ford Motor Co., General Motors Corp., Mazda North American Operations, Mitsubishi Motor Sales of America, Porsche Cars North America, Toyota Motor North America and Volkswagen of America.

Jones said the plaintiffs are not against clean air, but rather believe air quality rules should be enforced evenly instead of targeting a specific state.

"People have to appreciate that the automobile manufacturers have done a lot on their own initiative to improve fuel economy and environmental issues," Jones said.

"The regulations are impacting car dealers and manufacturers in one state, and we believe the issue should be a federal one, not a state one."

Protest against PG&E plant

Hunters Point residents say it's sickening their kids

Charlie Goodyear, staff writer

[Thursday, December 9, S.F. Chronicle](#)

A group of residents and environmental activists shut down the main gate of a power plant in Hunters Point on Wednesday to protest pollution they say is sickening neighborhood children and years of what they consider broken promises to close the facility.

Braving a strong cold rain, the protesters called on the plant's owner, Pacific Gas & Electric Co., to close the power station next year, criticizing a recently announced agreement that would shut the plant by the end of 2006.

"This plant is a destroyer of our lives and our well being," said Marie Harrison, a member of the Hunters View Tenants Association. "You can't just keep overlooking the people. This plant could have been shut down three years ago, and the lights would not have gone out."

San Francisco and state officials are working on a plan to close the PG&E plant and a facility owned by Mirant Corp. on the city's central waterfront east of Potrero Hill. But state authorities want to ensure that if the plants are shut down, the power they produce will be replaced through new sources of energy and upgrades.

"It's city policy to close these plants as soon as possible," said Tony Winnicker, spokesman for the San Francisco Public Utilities Commission. "We sympathize with and understand the residents' frustration."

PG&E spokesman Paul Moreno said the company was waiting for approval from the state to close the plant. The plant subject to a host of state, federal and city environmental regulations, he said.

"We have already shut two out of the four generator units out at the power plant," he added. "We're committed to closing the power plant as well."

Residents say they and their children suffer higher rates of asthma and other illnesses because of air pollution from the PG&E plant. About 70 people demonstrated at the plant entrance, with 11 of them sitting in front of the gate as a small group of police officers kept watch.

Resident Tessie Esther said her granddaughter suffered from severe asthma and frequently was treated at a local hospital.

"I know it's the plant," she said. "Over 50 percent of our children have asthma. This plant is killing us in the community. Every day, these kids are getting sicker and sicker."

Federal and local studies indicate that one of out six children in the Bayview-Hunters Point district suffers from asthma. The surveys blame pollution, poor housing, lack of quality medical care and poverty for the raised rate of illness.

Supervisor-elect Ross Mirkarimi made an appearance to show his support for the protesters. He called power plants such as PG&E's "relics of 40 years of environmental racism" and said he would fight to see the Hunters Point plant closed next year.

The demonstration ended peacefully about two hours after it started with no arrests.

Dairymen need clean air help

The state must remove roadblocks to use of renewable ag energy.

[Thursday, Dec. 9, Bakersfield Californian, Editorial](#)

It is time for the state's utilities to stop milking dairymen statewide, but especially here in Kern County. And it is vital that the state be active in forcing needed changes.

Kern County is the target of choice for dairies being forced out of more urbanized Southern California regions. The move creates significant potential air quality degradation and resulting health risks for residents.

Although the new dairies are vastly larger than they have been in the past, and some of the adverse impacts can be mitigated by traditional regulation, more needs to be done with new technology and economic incentives.

Some technology to help is well-known and effective; the problem lies in economics. Just ask dairyman John Bidart, whose southwest facility is on Old River Road.

Cows produce huge amounts of waste. As it degrades it gives off chemicals that promote creation of smog. But those same waste gasses can be used to generate electricity -- which is what Bidart wants to do.

A device called a digester uses a biological process to break down waste and produces methane as a byproduct. Methane is a flammable gas that can be used to generate electricity.

Bidart's problem is that he cannot sell the electricity he generates from his proposed methane digester to Pacific Gas & Electric for anything close to the same price he has to pay the utility for the power he buys from them.

Without that offset, he cannot make his proposed \$4 million-plus digester system economical and thus cannot make his operation as environmentally clean as possible.

And the economics of his power bills are daunting -- between \$25,000 and \$60,000 per month depending on herd size and weather. Bidart pays PG&E 11.8 cents per kilowatt for the power he buys but can only sell power back to utilities at 6.5 cents per kilowatt.

The disparity makes no economic or environmental sense. Try to find out what the problem is and watch more excuses fly than patties in a cow-chip throwing contest.

Clearly, legislation is needed to create greater incentives for private production of all forms of renewable energy, not only digesters. And the state's Public Utilities Commission should also look at rate structures that suppress energy production.

Although it has no direct role in the process, the San Joaquin Valley Unified Air Pollution Control District ought to be lobbying within state government to enhance the use of proven clean air technologies.

As Bidart told *The Californian* about digesters, "It's not anything ground breaking, nothing other states haven't already put into effect."

Why not here? And why not now? The San Joaquin Valley needs answers, not excuses.

Emissions bill is Burton in a nutshell

[Thurs, December 9, 2004, Letter to the Editor, Orange County Register](#)

While I could not bring myself to read the long article on retiring Senate leader John Burton, I did read the highlights of his legislative achievements ["Strong, hardly silent type," Front Page, Dec. 5]. The bill to force the auto industry to reduce greenhouse gas emissions in cars is a perfect metaphor for his entire career: It was opposed by so many people that it could not get passed through the democratic process, so he "gutted and amended" another bill and passed it in the middle of the night without debate.

This bill will add hundreds of millions of dollars in added costs to California residents and will provide absolutely no benefit to anyone at all; that is John Burton's career in a nutshell.

Philipp Renard

Corona