

BAY AREA SPARE THE AIR DAY

Breathing easy at under 85 ppb on ozone scale

Kelly Hill, staff writer

S.F. Chronicle, Thursday, July 28, 2005

The Bay Area was under the federal limit for air pollution on its first Spare the Air Day of the year, when virtually everyone who hopped on public transit during the morning commute got a free ride, officials said Wednesday.

No Bay Area location exceeded the federal ozone standard Tuesday, and only one spot -- Livermore -- exceeded the state standard, said Lucia Libretti, a spokeswoman for the Bay Area Air Quality Management District.

Livermore registered 96 parts per billion of ozone in a one-hour period, edging just past the state standard of 95 parts per billion.

"In the old days, we used to have very high concentrations," Libretti said. "Those concentrations are still over, but they're a lot lower than they used to be."

To meet the federal standard, ozone level must not exceed an average of 85 parts per billion over eight hours. Although its one-hour total missed the state target, Livermore's air was clean enough to beat the federal standard.

Most Bay Area public transit agencies offered free rides during the peak commute hours of 4 to 9 a.m. Tuesday, as part of a federally funded effort to encourage people to leave their cars at home. Transit agencies were still calculating their Spare the Air Day ridership Wednesday, but Libretti said that "anecdotally, we've heard people say that there were a lot more people on there."

So far this year, the Bay Area has violated federal air quality standards only once, this past Saturday. The state levels have been exceeded seven times.

Libretti said last year was the Bay Area's cleanest on record, with no violations of the federal ozone standard and only seven days that exceeded state standards.

U.S. Partnership to Address Climate Change

By H. Josef Hebert, Associated Press Writer

in the S.F. Chronicle, Thursday, July 28, 2005

WASHINGTON -- President Bush's answer to global warming is technology.

In a move to counter the Kyoto Protocol that requires mandatory cuts in so-called greenhouse gas emissions, he is making the technology pitch as part of a partnership with five Asian and Pacific nations, including China and India. The idea is to get them to commit to cleaner energy production as a way to curtail air pollution that most scientists believe is causing the Earth to warm up.

The administration announced late Wednesday that it has reached an agreement with the five countries to create a new partnership to deploy cleaner technologies whenever possible to produce energy.

The agreement does not bind any of the countries to specific emission reductions, adhering to the Bush doctrine that dealing with climate change should be voluntary and not imposed by mandatory reduction targets and timetables. White House officials also dismissed suggestions that the diplomatic initiative was aimed at undercutting the Kyoto accord, noting that several of the participants also embrace Kyoto.

Neither China nor India were covered by the Kyoto agreement.

The new pact, which also includes as participants Japan, South Korea and Australia, was viewed by senior White House officials as a significant step toward establishing a framework in which

rapidly emerging industrial countries will be encouraged and helped to produce cleaner energy as a way to keep climate-changing chemicals out of the atmosphere, especially carbon from fossil fuels.

Bush called it a "new results-oriented partnership" that he said "will allow our nations to develop and accelerate deployment of cleaner, more efficient energy technologies to meet national pollution reduction, energy security and climate change concerns in ways that reduce poverty and promote economic development."

"The fairness and effectiveness of this proposal will be superior to the Kyoto Protocol," Australian Prime Minister John Howard told reporters in Sydney. His nation also refused to ratify Kyoto.

Secretary of State Condoleezza Rice and Energy Secretary Samuel Bodman will seek to move the issue forward in meetings with their counterparts in the partnership this fall.

"We are hopeful this will create a complimentary framework (to Kyoto)," said James Connaughton, chairman of the president's Council on Environmental Quality. He said it was not meant to replace it.

The United States rejected the 1997 Kyoto pact, which requires reductions by industrial nations of greenhouse emissions. Bush said earlier this month he recognizes that human activity contributes to a warmer Earth, but he continues to oppose the Kyoto treaty that all other major industrialized nations signed because developing nations weren't included in it.

Bush prefers to address climate change through voluntary actions and by emphasizing development of new technologies that reduce emissions and capture carbon.

As the new partnership develops, it will "harness in significant and greater ways the investments necessary to ... reducing greenhouse gases" through technology transfers and exchange of ideas, Connaughton said.

The six countries pledged "enhanced cooperation" to address the climate change issue through development of less carbon intensive technologies, including clean coal and civilian nuclear power when outlining their energy needs.

Today the United States accounts for a quarter of the world's greenhouse gases going into the atmosphere, with emissions growing at the rate of 1.5 percent a year despite the administration's voluntary climate change policies.

However, emissions are expected to surge in countries such as India and China, whose industrial base is growing rapidly.

"Within the next decade or two, developing countries will overtake the industrial world in total greenhouse gas emissions, so that by 2025 more than half of global annual emissions will be coming from developing countries," economist W. David Montgomery, a critic of the Kyoto accord, told a recent Senate hearing.

Environmentalists, who have been sharply critical of Bush's voluntary approach to dealing with climate change, called Wednesday's initiative little more than what already is being pursued through various bilateral discussions.

"All they're doing now is wrapping together a few of these partnerships. There does not seem to be anything new," said Annie Petsonk of Environmental Defense.

Connaughton said the agreement with the five Asian countries culminated more than five months of talks. Bush personally discussed the issue with both Australian Prime Minister John Howard and Indian Prime Minister Manmohan Singh when they recently visited Washington.

Like Bush, Howard has been a sharp critic of the Kyoto climate accord, preferring other approaches to dealing with global warming. "We know that this is the answer," Howard told reporters in Canberra, referring to the technology development partnership. "We know the Kyoto Protocol is a failure in terms of saving the climate. We have to do better."

In recent weeks Bush has gained several victories for his climate policies.

Congress is preparing to enact broad energy legislation that essentially endorses the voluntary approach on climate and includes incentives for development and exporting clean energy technologies.

And earlier this month in Scotland, the Group of Eight industrialized countries bowed to U.S. pressure by approving a declaration on climate change that avoided taking any concrete steps to fight global warming, such as setting targets or timetables for reducing greenhouse gas emissions.

On the Net: White House:

www.whitehouse.gov <<http://www.whitehouse.gov>>

News briefs from California's Central Coast

By The Associated Press

in the S.F. Chronicle, Sacramento Bee and other papers, Thursday, July 28, 2005

San Luis Obispo -- ConocoPhillips agreed to pay \$900,000 in fines for air pollution spewed from its Nipomo Mesa refinery.

County air pollution control investigators said the refinery emitted more than 33 tons of excess particulate matter from the plant's petroleum coke refinement facility during a four-month period ending in August 2004.

Most of the settlement will pay for pollution control programs to reduce emissions and improve air quality.

The pollution was traced to a facility that processes petroleum coke, a refining byproduct that is similar to coal, the plant's environmental manager Jim Anderson said.

County investigators said the refining process remained within its pollution limits, but a large fan in the facility was corroding and rust particles caused the violation.

Anderson said he is confident the problem is fixed.

Massive energy bill ready for both House, Senate vote Debate heats up over whether bill just gives money to producers

By David Whitney, McCLATCHY NEWS SERVICE

Published in Tri Valley Herald, July 28, 2005

WASHINGTON - Congressional negotiators wrapped up work Tuesday on a major energy bill to boost oil and gas production, triggering a debate over whether the massive bill would steer the nation toward energy independence and reliability or just pour money into the pockets of producers.

For California, the compromise bill clears the way for the waters off the coast to be mapped for their oil and gas potential. The state also could see its authority over the location of liquefied natural gas plants weakened and, for the first time in six decades, electric utilities could be sold to corporations with no experience in the business or connection to regional markets.

But in a last-minute compromise, negotiators rejected a House-passed provision that would have immunized producers of the controversial gasoline additive MTBE from liability when the product leaks from underground storage tanks and pollutes drinking water.

Rep. Joe Barton, the chairman of the House Energy and Commerce Committee who led the negotiations, immediately went to work Tuesday trying to sell the measure that had been four years in the making and labeled a top priority of President Bush.

"This balanced bill will lower energy prices for consumers, spur our economy, create hundreds of thousands of jobs and take unprecedented steps to promote greater energy conservation and efficiency," said Barton, R-Texas.

Committee Democrats, however, condemned the legislation and said they would vote against it, virtually assuring that Congress will approve it with deep partisan divisions.

"For those Republicans who want to borrow money to give to their friends in the energy business, they've won the day," said Rep. Henry Waxman, D-Los Angeles, emphasizing the bill's \$11 billion in subsidies and incentives to boost energy production.

Waxman complained that an additional \$500 million was added into the bill at the last minute "for the oil companies to develop oil resources" - something they already are pocketing record profits for doing, he said.

Reaction to the bill was sharply divided, with the oil and gas industry hailing the deal and environmentalists solidly opposed.

"Today's vote is an encouraging sign that Congress is serious about the nation's energy crisis," said Barry Russell, president of the Independent Petroleum Association of America.

"There's nothing in this," said Phil Clapp, president of the National Environmental Trust. "There's not one politician in Washington, from the president on down, who really believes this will do anything to address the big energy challenges."

Even Republicans involved in the negotiations conceded that nothing in the measure will immediately bring down the high prices of gasoline and natural gas. Opening the Arctic National Wildlife Refuge in Alaska, the most promising prospect in the United States for a major oil discovery, is not included in the bill and will be taken up later as part of a budget package.

The energy bill proposes through a series of incentives and subsidies, however, to foster development of other oil and gas reserves in the United States. It also seeks to expand oil refining in the country and to tighten down on states and regions that, through their own regulations on gasoline, force oil companies to sell fuels tailored for specific environmental conditions.

The bill also accomplishes a long-sought goal of the electric power industry of repealing the Public Utility Holding Company Act, which for more than 60 years has banned companies not in the electricity business from owning power companies.

Michele Boyd of the watchdog group Public Citizen said the law's repeal is certain to touch off consolidations within the electric utility business and open their sale to oil companies and perhaps even foreign countries.

But the bill also gives the Federal Energy Regulatory Commission that oversees electricity and natural gas broader authority to punish companies like Enron that manipulate markets to boost profits - something the commission has been seeking since the California electricity crisis of 2000-2001.

The bill also sets new efficiency standards for appliances and extends Daylight Savings Time by a month to save energy. But the measure does nothing to increase gas mileage of cars and trucks.

The most tangible provision affecting gasoline is a new requirement increasing the use of ethanol, distilled from agricultural products such as corn. The bill calls for at least 7.5 billion gallons a year of ethanol to be mixed with gasoline by 2012.

California had sought an exemption from that requirement because of concerns that ethanol can increase air pollution.

Other provisions affecting California include the requirement for a national inventory of offshore oil and gas reserves, which most of the state's congressional delegation and Gov. Arnold Schwarzenegger opposed.

Drilling in federal waters off the state has been banned until 2012, and there's been no new development in state waters since a 1969 oil spill in Santa Barbara.

While the national inventory would not include drilling, it's likely to involve seismic testing in which explosives are detonated on the ocean floor so that sensors can map the vibrations and pinpoint geologic structures that could be favorable to oil and gas deposits.

The House consistently has opposed the inventory idea but it's been favored in the Senate, where advocates said that it is only prudent for the country to know what natural resources it has. But many see the inventory as the first step to ending drilling bans. And rather than benign scientific studies, many think the noise from seismic testing will be damaging to sea life.

"This inventory will have a devastating impact," said Lydia Weiss of Defenders of Wildlife.

The Senate also prevailed in keeping out of the bill an effort to scuttle lawsuits filed by municipalities against the oil industry producers of the fuel additive MTBE. The House had sought to immunize the producers from lawsuits accusing it of manufacturing a defective product. More than 1,500 such lawsuits are pending around the country, including several in the Sacramento area.

On another California issue, the legislation resolves in the federal government's favor any question about whether the state has the authority to stop the site selection of liquefied natural gas plants under the Natural Gas Act. Under the bill, that role is given exclusively to the Federal Energy Regulatory Commission.

The California Public Utility District is challenging FERC's authority now before the 9th U.S. Circuit Court of Appeals in San Francisco, and it was not clear Tuesday what impact the energy bill would have on that case.

The lawsuit involves the state's say in whether a consortium can build a new liquified natural gas plant in Long Beach. But regardless of the provision's impact on the appeals court case, both the developer and the FERC say California's voice will be heard.

Bryan Lee, spokesman for the commission, said California has considerable authority to block a plant seeking permits under such laws as the Clean Air Act and the Clean Water Act.

"This does not take away authority from the states," Lee said.

Tom Giles, president and CEO of Sound Energy Solutions, which is seeking to build the plant, said local authorities will have final say simply because the Port of Long Beach owns the property.

"The FERC can approve the site but it can't lease the land," Giles said.

[Editorial, The Merced Sun-Star, July 28, 2005](#)

Our View: Polluting cars make a mess of the roads

Davis study shows particulate emissions can cause heart disease, death when put in atmosphere

Anyone who's driven for any length of time knows what an annoyance it is to pull up behind a clunker that looks like it's burning coal. Tailpipe smoke is wretched stuff. And nowadays we're finding out that it's even worse: The stuff can be deadly.

A new study from the Sacramento area confirms and enhances our knowledge of the danger of particulate emissions from vehicle tailpipes. The small particles of dust, soot and smoke can lodge deeply in lungs and increase the chance of heart diseases, and even death.

The study, by Tom Cahill, an atmospheric physicist at the University of California, Davis, suggests that getting smoking cars off the road could pay huge benefits to health and air quality in California, especially in the Valley.

The Fresno Bee pointed that out more than two years ago, in its special report, "Last Gasp." The newspaper also reported that technology already existed then for quickly identifying the worst offenders, called "gross polluters." There are devices that sit alongside the road and "sniff" the exhaust of passing vehicles, making note of the worst offenders.

We don't use them in California. The public doesn't like the "Big Brother" aspect of remote sensing, we're told. More studies are needed about the devices' effectiveness. We didn't buy that in 2002, and we don't buy it now. A smoking car's emissions can be 75 times as toxic as those from a well-maintained car. The California Air Resources Board estimates there are some 200,000 gross polluters on the state's roads. It's past time for the state to get serious about removing them.

The air board offers a toll-free number to report gross polluters (800-END-SMOG) but lacks any enforcement power. That ought to change.

The state's Smog Check program needs revision as well. Those tests are focused on the gaseous emissions that form ozone, the main building block of smog. They are less effective at measuring the particulate pollution from tailpipes, and smoking cars frequently pass. A change is in the works and should be supported.

There is a social problem that must be addressed. The vast majority of gross polluters are owned and operated by poor people, who very often cannot afford newer and cleaner cars, or the required maintenance that can keep even older cars from polluting badly. Any program to get those cars off the road must not leave such people stranded, especially in a Valley where poverty is so prevalent and alternatives to private vehicles are so sorely lacking.

Making a serious effort against gross polluters offers Valley legislators one more chance to join in a bipartisan effort to clean up the air we all breathe. It's an opportunity to lead. Won't someone take it?

[Letter to the Editor, Modesto Bee, July 28, 2005:](#)

Best available emissions data used

We would like to address some issues raised in the July 1 editorial ("Ag groups should fund better pollution studies," Page B-6) and responding letters concerning the amount of pollution emitted by cows.

Those who feel the air district's proposed estimate of 20.6 pounds per cow per year is too high have argued that it is backed by "unsound science." They point to the use of international studies in place of California research. At the July 11 hearing, California scientists came out for a lower number acting like lobbyists instead of objective researchers.

What no one has pointed out is that the four California studies contained weaknesses, data gaps and flaws. They could not be relied upon as the basis for the estimated emissions factor. For example, one used a sample size of only three cows. Anyone with minimal scientific training knows that this is an inadequate sample for a valid study.

There is consensus that more research with better funding is required to fill in the gaps in the California data. The inadequacy of these studies pushed the district to use existing studies in order to come up with an estimate. It just so happens that the best available science to date has been done in other countries.

Another important issue: 20.6 pounds does not include components the district has acknowledged as having significant VOC (volatile organic compound) emissions. So 20.6 pounds is too low.

The valley is in the midst of a public health crisis because of our air quality. We can't afford to wait for the science to be perfect. It could take decades for the scientific world to reach consensus on this issue. The science can wait, but our kids can't.

DANIELA SIMUNOVIC and MARK STOUT, Environmental Health Program, Fresno Metro Ministry
Fresno

Letter to the Tri Valley Herald, Wednesday, July 28, 2005:

Diesel bus sullies neighborhood

AC Transit is currently running an empty, polluting, 30-foot diesel bus on Line 67 every day from 6:30 a.m. to 8 p.m. up in the Berkeley and Kensington hills. The narrow, steep streets that it attempts to navigate are not suited for a 20-ton vehicle.

Most streets have signs limiting access to vehicles 3 tons or less. Despite hundreds of complaints and a lawsuit by the neighbors (67 Neighbors Against Big Diesel Buses), AC Transit is unwilling to alter the route, the type of bus or even consider reducing the number of runs a day (currently 28 times a day).

It is a known fact that diesel causes cancer, asthma and lung disease. Many elderly people and children in my neighborhood have complained about increased asthma attacks since the bus has been running on our streets.

Currently, AC Transit is hoping that we will run out of energy or money in our efforts to make a change. It has been over two years since they replaced a quiet gas van with the huge diesel bus. AC Transit stated they won't even consider another van, despite the fact that a gas van is the best solution for tiny, steep streets.

The soot in the air after each bus barrels up our one-lane streets is horrible. The noise is oppressive - and it is a waste of public funds since no one is riding the bus. For more information, visit <http://www.67bus.org>.

Marianne Betterly-Kohn, Representative

67 Neighbors Against Big Diesel Buses

Kensington