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Millions in funds sought to clean Valley air

Delegation prepares to lobby in Washington, D.C.

FROM STAFF REPORTS

Tri-Valley Herald, Sunday, April 15, 2007

A coalition of clean air activists and health officials soon will be traveling to Washington, D.C., to lobby for a plan that could leave everyone in the Central Valley breathing a little easier.

The goal is to secure more than \$100 million in federal funding they believe is crucial to "executing Valley air cleanup plans."

"We are urging Congress to allocate the San Joaquin Valley its fair share of funds to address our serious air-quality problem," said Seyed Sadredin, executive director for the Valley Air District.

Among those who will be meeting with and listening to the concerns of the delegation are California Sens. Dianne Feinstein and Barbara Boxer, along with Environmental Protection Agency Administrator Stephen Johnson and Energy Secretary Samuel Bodman.

If successful, the money will fund four ambitious air-quality initiatives said to be critical to meeting health-based air quality standards in the San Joaquin Valley.

The district is already in the process of adopting the first U.S. "eight-hour ozone plan" that would achieve 85 percent of the emission reductions the Valley is striving for.

However, air district officials said additional funding is necessary to reduce emissions from those sources "outside of the regulatory authority of the government."

Funding also is needed to expedite fleet turnover and retrofit diesel engines operating in the Valley.

To really make a difference in Valley air quality, the coalition will propose the following to the lawmakers:

- Establishing an Air Quality Empowerment Zone, which would serve as an umbrella program for federal funding and tax incentives.

- Earmarking \$100 million in funding from an EPA appropriations subcommittee.

- Full funding of the Diesel Emission Reduction Account at \$200 million.

- Supporting the Air Quality Agricultural Task Force recommendation for \$300 million in new funding for USDA Environmental Quality Improvement Program.

"We believe that our funding request, although ambitious, is well justified, given the Valley's severe air quality and economic challenges," Sadredin said.

"The Valley is united on this issue, and with this broad coalition working together, we feel confident that the Valley will be heard."

Bill shrinks dairy-free zone near Allensworth

By E.J. Schultz / Bee Capitol Bureau

Fresno Bee, Saturday, April 14, 2007

A Southern California state lawmaker pushing for a dairy-free zone around Colonel Allensworth State Historic Park has shrunk the zone in a move to get more Valley support.

But Tulare County supervisors say they are still against the legislation, which will be heard next week by an Assembly committee.

"The fundamental problem is I don't agree with the state of California getting involved in local land-use issues," said Steve Worthley, a county supervisor who plans to testify against the bill in Sacramento on Wednesday.

Written by Assembly Member Wilmer Amina Carter, D-Rialto, Assembly Bill 576 originally was written to forbid any dairies within five miles of the park, a former village settled for and by blacks. Late this week, Carter amended the bill to change the buffer zone from 5 miles to 2.5 miles.

Carter was not available to comment Friday afternoon, but representatives said the change was made to soften opposition. The intent is to ensure existing dairies aren't affected by the ban, staff members said.

The real targets of the bill are two proposed dairies planned within the newly defined buffer zone.

Members of the Legislative Black Caucus are supporting the bill, because they believe that placing dairies close to the historic park would expose visitors to foul odors and flies.

The Board of Supervisors approved the dairies in March and subsequently passed a resolution opposing Carter's bill.

The legislation will be taken up Wednesday morning at a hearing of the Assembly's Water, Parks and Wildlife Committee.

Wild weather: Winds fan fires, knock out power

By Seth Nidever

Hanford Sentinel, Friday, April 13, 2007

Thursday's windy weather kicked up grass fires, caused power outages, generated unhealthy levels of air pollution and generally created a nuisance for Kings County residents.

"We got a number of calls about the high winds," said Modesto Vasquez, a meteorologist at the National Weather Service's Hanford office.

A wind advisory was in effect on the San Joaquin Valley floor until 6 p.m. Gusts topped out at 36 mph in Hanford and 47 mph in the Lemoore area, Vasquez said.

As many as 4,500 Pacific Gas and Electric customers were without power in Lemoore, Coalinga, Fresno, Kerman, Clovis and Hanford due to wind-related outages, according to spokeswoman Nicole Tam.

Among the disturbances was a line pulled off a house that went down in Lemoore, Tam said. She did not have specific information about other problems in the area.

"The winds have really packed a punch," she said.

Up to 13,000 Southern California Edison customers were without power in the company's 15-county service area, according to spokesman Gil Alexander. A breakdown for Kings County wasn't available, Alexander said.

SCE's coverage includes most of Hanford and Tulare County.

The strong wind Thursday created more than headaches for power customers and problems for repair crews.

It also kicked up dust clouds that exacerbated air pollution and led the San Joaquin Valley Air Pollution Control District to issue a health warning through Thursday night.

The district advised people with respiratory problems to limit outside exposure and avoid outdoor exercise.

Firefighters received numerous calls.

Crews from the city of Hanford doused a shed and debris fire behind a house as wind whipped the flames toward a nearby motorhome. As of Thursday afternoon, officials weren't sure what caused the blaze.

County firefighters responded to several grass fires and a mobile home fire at 17895 Excelsior Avenue west of 17 1/2 Ave.

The mobile home fire burned out one bedroom before it was extinguished, Capt. Bud Ross said. The fire started accidentally when somebody left a cigarette burning, Ross said. Nobody was seriously injured.

None of the incidents county crews responded to produced major damage, according to Jim Kilner, county fire chief.

"(Mostly) a lot of nuisance grass fires," Kilner said.

Kilner said it's typical to have more calls on this kind of day when there's lots of dry grass.

"It's that time of year again. Get your yards cleaned up. Get ready for a long, hot dry fire season," Kilner said.

Public works departments in Kings County and Hanford reported no downed trees despite the high winds.

Downed trees are more likely when rain softens up the ground before the wind hits, said Gary Misenheimer, Hanford public works director.

No significant rainfall is expected from the low-pressure system that moved through the area Thursday.

By today, Hanford and the region were to return to a more normal pattern of northwest winds between 10 and 15 mph, Vasquez said.

Winds could bring air pollution

Staff reports

Visalia Times-Delta, Thursday, April 12, 2007

The Valley air district warned this afternoon that high winds could raise air pollution to unhealthy levels this evening.

Gusty winds could kick up dust in large concentrations, said Shawn Ferreira, meteorologist for the San Joaquin Valley Air Pollution Control District.

The district's monitoring stations in Bakersfield and Corcoran have recorded elevated dust measurements since 10 a.m. Officials said visibility had dropped in some Valley locations from 10 miles to 300 feet.

Officials said residents of Tulare and other Valley counties should use caution and avoid dust exposure.

High winds stir up health warning

The Bakersfield Californian, Friday, April 13, 1007

High winds kicking up dust throughout the southern San Joaquin Valley have prompted air officials to issue a health warning in effect through this evening.

Local air monitors are registering elevated levels of small particles in the air due to wind gusts throughout the area that have reduced visibility in some areas from 10 miles to 300 feet. Health officials have warned sensitive groups to be cautious, remain indoors if possible and avoid strenuous activity.

Tiny specks of dust in the air are known to aggravate lung disease, cause asthma attacks and increase the risk of acute bronchitis and respiratory infections. Short-term exposure to particle pollution has been linked to heart attacks and arrhythmias in people with heart disease, according to the U.S. Environmental Protection Agency.

The National Weather Service in Hanford has issued a wind advisory for southern parts of the valley through 6 p.m. today.

Air officials said Friday's air quality may remain unhealthy for sensitive groups.

Santa Cruz is embracing car sharing by the hour or day

In the Bakersfield Californian, Friday, April 13, 1007

Communal cars are coming to Santa Cruz.

The cars will be sprinkled around the city and University of California, Santa Cruz, for use by the hour or the day. People who need cars for short periods to run errands or take day trips would pay \$7 to \$10.

The idea is to ease traffic and parking congestion as well as cut down on pollution. The university is soliciting bids from two companies that participate in car-share programs elsewhere.

People who sign up for the program get the advantages of a car without the cost - gasoline and insurance are included. The companies own and maintain the cars.

"With the program, there's a greater incentive to use a car just when you need one, and the rest of the time you'll use the bus or ride a bike," said Larry Pageler, co-director of university Transportation and Parking Services.

Seven communal cars are expected to be available this fall, he said. More cars and pick up sites could soon follow.

With 20,000 cars entering the campus daily, university officials hope the program will relieve parking problems.

Mall owner sues to block Fresno State's Campus Pointe project

The Associated Press

In Contra Costa Times, Friday, April 13, 2007

CLOVIS, Calif.- Companies that own and manage a Clovis mall sued to stop plans to build apartments, a movie theater and shops on the California State University, Fresno campus.

The suit filed against the university system and its board of trustees in Sacramento County Superior Court on Thursday aims to stop the Campus Pointe project, which the board approved March 14.

LandValue 77 and LandValue Management, which own and manage the Sierra Vista Mall, claim the 45-acre development was illegally approved because one university trustee has a conflict of interest in the project. Trustee Moctesuma Esparza, who abstained from voting on the development, has a contract to build the 14-screen theater on university land.

Nearby Sierra Vista Mall opened a 16-screen theater in December.

The owners of planned apartments, a 200-room hotel and retail space would also gain unfair tax advantages by locating on public land, which is exempt from local planning and zoning rules, the suit said. The claim also said that the project's environmental report did detail its impact on air quality, traffic, water supplies and the local economy.

A lawyer for the CSU system said Esparza's deal did not create a conflict because his contract was not with the university, but with Kashian Enterprises LP, a Fresno developer who will lease the land.

Imperial Valley sludge plant draws ire

The Associated Press

In Contra Costa Times, Friday, April 13, 2007

EL CENTRO, Calif.- Residents voiced opposition to a proposed \$95 million sludge-burning power plant in Imperial County.

About three dozen people attended the first of several public meetings Thursday night to gather input for an environmental assessment.

At issue is whether the Imperial County Board of Supervisors will approve Liberty Energy Resource's plans to build a power plant about four miles north of Niland. Regulators are expected to finish the environmental impact report in about nine months.

The Bakersfield-based energy company, a unit of McCarthy Family Farms Inc., would also need approval of five state agencies, two federal agencies and several other local agencies.

Holding a photograph of a two-story outhouse, El Centro resident Antonio Ramos said, "This is what they want to do to us."

Another opponent wore a toilet seat on her head.

Opponents say the power plant will exacerbate Imperial County's notoriously poor air quality and will set the stage for the arrival of other waste-related companies, turning the county into a dumping ground.

Luis Plancarte, a Liberty Energy Resource representative, said there are more than 300 such plants worldwide. He said the proposed Niland plant would emit no odor and would not store waste on the ground.

Paying to absolve the sin of emissions

Consumers snapping up carbon credits to allay their guilt over greenhouse gases

Jane Kay, Chronicle Environment Writer

S.F. Chronicle, Sunday, April 15, 2007

When Cal Broomhead drove to the Grand Tetons and Yellowstone last summer on vacation, he felt pretty bad about the carbon dioxide emissions from his Volvo station wagon.

So he paid \$100 to a company that then subsidized a wind energy project that generates electricity without producing greenhouses gases. Broomhead was told his contribution made up for a year of driving about 12,000 miles as well as his household's annual use of electricity and natural gas.

In the new vernacular, Broomhead and his family were "carbon neutral."

"It makes me feel good. It means I'm walking my talk," he said.

A new green fever is sweeping the nation, much of it fueled by worry over global warming. Broomhead and tens of thousands of others are using Internet calculators to determine their "carbon footprint" and then paying to "offset" that damage.

Still to be determined is whether carbon offsets are the new commodity that will truly help the environment-- or merely salve the consciences of people who don't want to give up the luxury of big cars, jet travel, overheated homes, blazing lights and glutinous appliances.

More than four dozen companies worldwide sell carbon offsets, the credits for cutting emissions through green energy projects. And although many seek independent experts who verify that the money is used to cut greenhouse gases, the businesses are unregulated by the government and lack even voluntary standards. That opens the door to fraud and mismanagement, critics say.

Denis Hayes, who coordinated the first Earth Day in 1970, doesn't see harm in individuals buying carbon credits. But it could be like trying to absolve sins by buying indulgences, he said.

"I find it slightly offensive that somebody who literally goes on two safaris a year, drives a Rolls-Royce, has at least three houses, and offsets his carbon emissions for \$85 can brag about it," he said. "It's doing some good, but it doesn't in any way compensate for his impact on global warming."

Broomhead, 56, agrees. He has decided to purchase offsets only after taking other steps to lower emissions, such as replacing incandescent lightbulbs and inefficient appliances. Broomhead, who manages the energy and climate program for San Francisco's Department of the Environment, has also put solar panels on his house in the Glen Park neighborhood.

Studies show that at the present rate, global citizens will produce 2 trillion tons of carbon dioxide over the next 50 years. At least 642 billion tons must be cut to stabilize Earth's greenhouse gas levels and escape the most extreme effects of global warming -- melting ice fields, rising sea levels, widespread extinctions of species, and extreme weather like drought, heat waves and hurricanes.

Much of that responsibility falls to U.S. residents, who on average put out 21 tons a year of greenhouse gas emissions per person. By comparison, the global average is 4.5 tons per person, according to a 2006 report prepared by environmental consultant Trexler Climate and Energy Services.

In response, individuals, businesses and institutions are lining up to turn a carbon deficit into a carbon credit and win environmental grace. Even the opulent Academy Awards ceremony claimed carbon neutrality, and the Earth Day Network, which is organizing Earth Day events across the nation, is weighing ways to offset emissions from world's greenest of celebrations on and around April 22.

This is how it works:

More than 40 profit and nonprofit companies offer online calculators where people can tabulate the greenhouse gas emissions that they cause. By plugging in annual use of kilowatt hours and therms of natural gas, along with miles of car and airplane travel, they get their estimated tonnage. Some calculators take into consideration recycling and other good deeds.

The calculators take the estimated tonnage and charge \$10 per ton of carbon dioxide. An individual can produce 1 ton of emission, for example, by flying 2,000 miles in an airplane or driving 1,900 miles in a midsize car.

With the money, the company buys carbon offsets from projects worldwide such as new wind farms, or conversion of cow manure to electricity-producing biogas fuels, or installation of new efficiency measures at power plants. The projects must have the effect of reducing, or offsetting, emissions by either preventing more greenhouse gases from going to the atmosphere or absorbing gases already there.

In the United States, the buying and selling of carbon offsets by individuals and businesses has created a voluntary carbon market. It's voluntary because the government has not joined the 163 countries that signed the Kyoto Protocol, an international agreement that mandates the reduction of greenhouse gases. There are also no federal regulations that require U.S. utilities and businesses to cap and reduce emissions.

It's different in Europe, where the European Parliament has required mandatory cuts, creating a true regulatory carbon market. There, businesses that cut their emissions to below legal caps have a saleable commodity. They can sell their credits to businesses that can't sufficiently reduce emissions.

Transactions in the European Union's cap-and-trade carbon market jumped from \$11 billion in 2005 to \$30 billion in 2007, according to figures from the World Bank and Point Carbon, an industry analyst.

Some experts predict that carbon offsets will be the world's biggest commodity market in the next 10 years.

Offsets have taken on new significance in this country with the Supreme Court's ruling two weeks ago that the U.S. Environmental Protection Agency can regulate carbon dioxide as a pollutant under the Clean Air Act. The decision opens the way for lawsuits that demand federal regulation.

Congress is considering limits on greenhouse gases, possibly by taxing companies that produce them or establishing cap-and-cut systems.

Oregon is already regulating carbon dioxide, and California is on its way to implementing new laws that require 25 percent cuts in greenhouse gases by 2020. Northeastern states are also putting caps in place.

Portland, Ore.-based Climate Trust, the nation's largest supplier of carbon offsets to regulated businesses, got started a decade ago when Oregon passed its landmark law requiring new power plants to reduce or offset carbon dioxide emissions, stimulating that state's participation in the regulatory carbon market.

Climate Trust also works in the voluntary market because it sells to individuals and businesses that just want to find ways to help reduce emissions.

Mike Burnett, executive director of Climate Trust, agrees with Broomhead and Hayes: People should take other energy-reducing steps before buying offsets, he said.

"You cut waste, invest in efficiency, select renewable choices from your utility, and then offset the rest," he said.

He believes in a carbon market and what it could do to help slow global warming.

"Offsets are a way for us to address the climate challenge at the lowest possible cost to society," Burnett said.

The size of the voluntary carbon market can only be guessed at, but its growth appears phenomenal, said Ricardo Bayon, an industry analyst at Ecosystem Marketplace in Mill Valley. Between 10 million and 20 million tons of carbon dioxide offsets were traded yearly in 2005 and 2006, his group estimates.

"We think it could be nearer to 100 million tons this year," Bayon said.

While the absence of standards, transparency and uniform certification pose problems, many environmental groups endorse the idea. Personal footprint calculations can help make people aware how much pollution they cause, and changing those behaviors can make a difference, they say.

People should also be cautious about what they spend money on, experts agree. Likewise, the carbon companies need to be diligent about researching projects they subsidize and determining how much good those projects will do, said Hayes, the original Earth Day organizer.

There are groups out there that "plant a sapling for \$2, not water it, not fertilize it, and figure out how much carbon dioxide it would absorb over 50 years," he said. Providers such as Climate Trust, NativeEnergy, Sustainable Travel International and MyClimate agree that to count as a carbon offset, a project's reduction of global warming gas must be real, permanent, verifiable and truly "additional," a term from the Kyoto Protocol. The projects must be in addition to a business-as-usual scenario. If a business is reducing emissions to comply with a law, or getting credit for the reductions elsewhere, or if the reductions would have occurred without any extra funding, it wouldn't count as a carbon offset.

Lawyers refer to it as the "but for" test, Hayes said: "But for this money, the project wouldn't go forward."

Last month, some of the high-profile providers got bad publicity over what appears to be inadequate vetting of the projects they use to offset emissions.

The Academy of Motion Picture Arts and Sciences used TerraPass Inc., a San Francisco company started in 2004, to wash away the greenhouse gas emissions associated with a year of celebrity lifestyle.

Each performer and presenter received a glass statue representing about 50 tons of offsets. But a BusinessWeek investigation into TerraPass projects found that 5 out of 6 would have occurred anyway, which could violate the company's promise of raising money to do projects that wouldn't otherwise be built.

In one project where the company helped pay for an Arkansas landfill to capture and burn off methane, a greenhouse gas that escapes from rotting garbage, the magazine quoted state officials as saying that the mitigation would probably have occurred anyway as a corrective action to protect groundwater.

In his Battery Street office, TerraPass CEO Tom Arnold said his company has appointed three experts to investigate whether the project meets the test of a true carbon offset. All the findings will be made public, he said.

"This is a very young market still trying to find its feet. I think we learned a lot about project selection," Arnold said.

Others aren't so sanguine. Burnett at Climate Trust said, "It would be extremely difficult for an offset project to go through our due diligence process and then for us to be surprised at the end."

Picking less-than-solid projects can lead to consumer backlash against the voluntary carbon offset market and affect the political process of setting up a regulated market in the United States, Burnett said.

The World Resources Institute, the World Business Council for Sustainable Development and others are working on ways to hold carbon-credit companies accountable for actually reducing or preventing emissions. And the Climate Group, a global nonprofit with an office in San Francisco, is working with an industry group, the International Emissions Trading Association, to develop voluntary standards for projects that should qualify as offsets.

The debate over uniform standards is a critical step in keeping the public's faith in purchasing offsets, cautioned Ecosystem Marketplace's Bayon, who has contributed to a new book on voluntary carbon markets.

"The issue of standards and quality is an important one," he said. "There are a small handful of companies where credits may not pass muster. The majority are credible. But a few bad apples are enough to spoil the market."

He disagrees with the cynics who compare buying carbon offsets to buying indulgences.

"In contrast to heaven, the state of our atmosphere is something measurable."

What is a carbon offset? Carbon offsets-- sometimes called carbon credits -- help curtail greenhouse gases by putting a monetary value on reductions of greenhouse gases. The offsets represent emissions reduced via green projects such as new wind farms, solar installations or simply controlling fossil fuel pollution. The offset is sold through companies that act as brokers or traders. Individuals and businesses can buy the offsets to help reduce their "carbon footprint."

Anti-pollution plan for busy ports

Los Angeles Times

Saturday, April 14, 2007

Los Angeles -- The ports of Los Angeles and Long Beach, the nation's busiest, have agreed on a plan to transform dockside trucking that would slash their diesel air pollution by 80 percent in five years and improve domestic security and working conditions for drivers, officials said Friday.

Beginning next year, all 16,000 short-haul trucks that move goods from the wharves would be replaced or retrofitted, and their drivers would be employed by trucking companies required to bid annually on contracts that include environmental and labor requirements. The plan would be funded largely by per-trip fees assessed on the trucking companies.

S. David Freeman, president of the Los Angeles Board of Harbor Commissioners, said Friday that consumers would pay pennies more on the price of goods moving off the docks. He said replacing the trucks, at an estimated cost of \$1.8 billion, is vital to improving public health in neighborhoods surrounding the booming ports.

Environmental, labor and community groups who fought for the plan for more than a year as a unique "blue-green" coalition were overjoyed.

"This is an example of not one but two governments coming together ... to solve a problem in a truly comprehensive way," said Barry Broad, state director for the Teamsters.

Retail industry representatives expressed doubts, saying the plan, the first of its kind in the United States, could drive up costs of consumer goods.

Coastal panel rejects natural gas terminal

Commissioners say the project poses too much risk to the coast between Malibu and Ventura. It's the second setback for the plan in four days.

By Gary Polakovic, Times Staff Writer

L.A. Times, Friday, April 13, 2007

In another blow to a huge natural gas terminal proposed off Southern California, a state commission rejected the project Thursday after concluding that it posed an unacceptable risk to the coast between Malibu and Ventura.

The California Coastal Commission unanimously decided that the project failed to meet rigorous coastal protection standards.

The commissioners concluded that the processing plant - proposed to be moored about 20 miles off Malibu - would damage marine mammals, ocean views and birds near Channel Islands National Park, and contribute to smog and global warming.

Further, the commissioners, echoing concerns of coastal residents, sharply criticized the company proposing the project, Australia energy and mining giant BHP Billiton.

"If we don't feel that BHP has its heart in this, and you look at it as merely profit, it's not in our coast's best interest to have the project," said Commissioner Ben Hueso, a San Diego councilman.

But the decision is expected to be challenged. BHP Billiton officials said they would consider their next move over the next few days. The company has 30 days to appeal to U.S. Commerce Secretary Carlos Gutierrez.

The day before the hearing, BHP Billiton tried to prevent the commission from reviewing the project and also urged the federal Maritime Administration to halt an ongoing federal review of the project.

"California needs natural gas to meet its future energy and environmental needs. Natural gas is the cleanest fossil fuel," Renee Klimczak, president of BHP Billiton LNG International Inc., told the commission.

Despite the company's request, the commission proceeded with the hearing because the company's federal application to build the plant remains valid.

Further, a decision on the project cannot be delayed because a key hearing last week before the U.S. Coast Guard triggered a clock under which Gov. Arnold Schwarzenegger must render a decision on the terminal by May 21.

About 500 people attended the all-day hearing Thursday in Santa Barbara. It was the third hearing on the project in the last eight days.

The company seeks to build an \$800-million offshore plant that would process about 800 million cubic feet of liquefied natural gas daily. Tankers would bring the super-chilled fuel from Australia and possibly Asia. The fuel would then be processed on the floating factory before being shipped to Oxnard.

But the Coastal Commission's 12-0 decision was a major blow to the plan. It is the second time in four days that a state agency has rejected the project.

On Monday, the California Lands Commission, which has jurisdiction over the pipelines, concluded that the environmental impact report was seriously flawed and refused to issue the company a lease. That decision cannot be challenged, except in court, and the governor cannot overturn it.

The company has spent nearly four years and tens of millions of dollars on studies and lobbying to build its project, called Cabrillo Port, which would be 14 miles offshore from the point where Ventura and Los Angeles counties meet.

During three key public hearings since last Thursday, hundreds of opponents - from students to biologists to movie stars - blasted the proposal.

The coastal commissioners overwhelmingly challenged the need for the natural gas terminal and ripped the 3,000-page environmental impact report on which it is based.

Commissioner Sara Wan of Malibu called the environmental review "highly deficient" and said the project would imperil migratory whales, marine birds and other sea life. She said underwater noise from the project would exceed 120 decibels for 390 square miles. She said the company failed to identify ways to prevent whales from being struck by ships and said there was "no mitigation, period" to protect endangered birds from bright lights.

Commissioner Mary Shallenberger said the company had failed to demonstrate "maximum feasible" controls to reduce greenhouse gases from its project.

Coastal Commission staff had requested that the company use natural gas to power its 11 Cabrillo Port ships across the Pacific Ocean, but the company had refused.

The commission staff estimated that the project would produce the equivalent of 23 million tons of carbon dioxide per year - 40% of the amount emitted by New York City. It is the first time the Coastal Commission has examined global-warming gases when considering a project.

Many commissioners worried that the project would emit too much air pollution. Cabrillo Port and its vessels would release about 219 tons of smog-forming emissions annually upwind of Los Angeles and Ventura counties - two of the smoggiest places in the nation. The commission's staff contended that the company failed to adequately control emissions and instead won an exemption from the Clean Air Act that allowed it to skirt stringent measures that businesses ashore must meet.

Actor Pierce Brosnan, a Malibu resident, said public comments and votes by the regulatory agencies were sending a message to the governor.

"The Lands Commission has spoken, the Coastal Commission has spoken, and the public has spoken. It's time for the governor to listen and say goodbye to LNG and send [Billiton] home," Brosnan said.

Klimczak on Thursday said the company needed more time to digest the week's events and plan its next steps.

"We appreciate the commission's comments today, and we are continuing to review our options at this time," Klimczak said.

Panel says 'no' to gas terminal

Mark Martin, Chronicle Staff Writer

S.F. Chronicle, Friday, April 13, 2007

An Australian energy company's proposal to build a liquefied natural gas terminal off the Southern California coast suffered its second and possibly fatal setback of the week Thursday as the state Coastal Commission voted unanimously to deny the project.

After a daylong meeting in Santa Barbara, the 12-member commission's vote concluded that the project did not meet coastal standards set up by state law, with commissioners voicing complaints about the project ranging from its potential to create local air pollution and greenhouse gas emissions to its effect on marine mammals. The commission is comprised of four gubernatorial appointees and eight legislative appointees.

The vote came three days after BHP Billiton's proposal also was rejected by the three-person State Lands Commission. The company has proposed shipping liquefied natural gas from Australia to California, converting it to gas form at a terminal 14 miles offshore near Oxnard (Ventura County) and Malibu and sending it into the state's natural-gas pipelines.

Company officials at Thursday's meeting chose not to make a presentation to the commission. They had issued a statement Wednesday saying they sought to delay the meeting Thursday in an effort to rethink their project after Monday's vote, but Coastal Commission officials argued that federal law required them to hold the hearing and make a decision.

It was unclear after Thursday's vote what the company will do. It could possibly appeal the decisions by going to court.

The commission's decision was met by loud cheering from dozens of opponents who attended the meeting and testified against the project.

Oceano Dunes' unhappy campers

A decision this week could mean new restrictions on off-rovers for whom life is a beach.

By Steve Chawkins, Times Staff Writer

L.A. Times, Sunday, April 15, 2007

OCEANO, CALIF. - For Byron Clayworth, it didn't get much better than this: sipping a beer, camping on the beach with his buddies and their families, frying up dinner for 15 on a homemade wok, and, most of all, zooming around the dunes on an amazing variety of off-road vehicles.

That about 25,000 other people were enjoying the Oceano Dunes State Vehicular Recreation Area in much the same way this weekend was no big deal. Getting used to the constant background whine of engines is easy, Clayworth said, but getting used to the constant buzz of environmental activists - that's a different story.

"We've been squeezed too much already," said Clayworth, 51, a mechanic at a Modesto dairy. "How much do they want?"

It's a question on the minds of thousands of off-road enthusiasts as a crucial decision looms for the Oceano dunes - one of the state parks' busiest campsites and the last major place in California where driving on the beach is still legal.

Over the years, the off-roaders point out, the sand they have been allowed to whip across on everything from Model T Fords to hopped-up Hummers has, mostly for environmental reasons, been whittled from 15,000 acres to about 1,500. They fear that a decision Tuesday by the San Luis Obispo County Board of Supervisors could impose further restrictions on the site's 2 million annual visitors.

Since 1983, the county has leased 584 acres to the park free of charge, most of it in prime riding terrain. With the 25-year operating agreement set to expire next year, the board is to decide whether to approve the state's purchase offer of \$4.8 million - a choice as highly favored by the off-roaders as it is opposed by San Luis Obispo's vocal environmental community.

"A sale to the state would be a huge mistake," said Nell Langford, a retired psychology professor who owns a vacation rental home that looks out on the parade of cars, trucks and trailers hauling all-terrain vehicles down the beach. "Here's a county that's environmentally evolved, that's into protecting its citizens from air pollution and all the things that ATV use generates. What are they thinking?"

Off-roaders want the sale approved, figuring a permanent transfer to the state would preserve the remaining riding territory. In their view, a return to county control would allow environmental activists to sway local political leaders and ultimately destroy a pastime that has been cherished for generations.

"There's been motorized recreation on this beach for over 100 years," said Jim Suty, head of the off-road advocacy group Friends of Oceano Dunes. "My parents used to race Jeeps here in the '60s, I'm enjoying it with my kids, and I want their kids to be able to enjoy it too."

After years of conflict, both sides are highly organized. Suty's group just held its annual crab feed, a fundraiser for its legal fees, in the Central Valley town of Hanford.

And Langford was organizing a pointed "Children's Day" celebration, with playing tots encircled by a "human shield" protecting them from traffic on the beach.

Even with all the passion of the debate, neither side expects a sudden end to off-roading in the dunes - permitted by the California Coastal Commission after the establishment of off-highway vehicle areas in 1982. But both sides are bracing for a fight over more restrictions.

For state parks ranger Will Pierce, the politics of it all took a back seat as he watched a gray sedan carving a serpentine track through the traffic on the hard-packed mud beside the sea.

"I've seen it a million times," said Pierce, a beach ranger for eight years. "Ordinarily sensitive, nice, conservative people get behind the wheel here and suddenly it's the Baja 500."

Pierce had his hands full. One of 140 employees who work in the park at peak hours, he had spent his shift dealing with groups of rowdy college students, an alleged sexual assault, park restrooms stripped of toilet paper, and an empty 28-foot cabin cruiser that had broken loose of its moorings and smashed onto the beach.

He waved down speeders exceeding the 15 mph limit on the flats - there is no limit on the dunes - and warned parents who were illegally letting young children drive.

Cruising through the dunes in his truck as dirt bikes and quad-runners leaped skyward, he paused at a crest and looked down at the sprawling encampment several hundred feet below. In row after jagged row sat a thousand RVs and pickups and trailers, many with banners blowing in the wind - Old Glory, the flag of Mexico, the Confederate flag, here a frosty beer mug, there a skull-and-crossbones.

In the 1930s, the dunes were home to a community of mystics who called themselves Dunites. Earlier, it was home to a failed subdivision that advertised itself as "the Atlantic City of the Pacific." Now it's home to big families of weekend warriors, many making the hours-long trek from the Central Valley with generators, gas grills and the latest in motorized fun.

"They just love it," Pierce said. "It's their Disneyland."

For environmentalists, though, it's not quite the happiest place on Earth. Each weekend, legions of trucks and trailers splash across the Arroyo Grande Creek - a habitat for several rare species - at both of the park's entry points onto the beach. Dust whipped up by off-roaders pollutes the air in nearby communities, activists say, and protections afforded the Western snowy plover after a Sierra Club lawsuit over the threatened bird are inadequate, they add.

"It's the local version of the spotted owl," said Andrew Christie, a spokesman for the local Sierra Club chapter. "You can still find lots of 'Run Over a Plover' bumper stickers in Oceano."

When the birds are nesting, park employees monitor their fenced-off, 300-acre patch of sand with binoculars, laying down driftwood and kelp to "artificially enhance the habitat," said park Supt. Andrew Zilke.

The effort takes three full-time environmental scientists and 10 or 11 seasonal employees. Zilke, an advocate of the land sale, said he doubted that the county could go it alone.

But the sale's opponents insist that the county, even if it negotiates a new lease with the state, exert more control over a precious natural resource.

In a letter to county supervisors, the Sierra Club likens selling the land to "selling Half Dome in Yosemite." The more responsible course, the letter says, is to offer the state a lease with some tough conditions, such as building a less damaging park entry and permanently closing the 300 acres now fenced off for the plover and the least tern from March through September.

"Your whole focus should be on how your decision will help or harm this land in years to come," the letter says.

That's not quite on target for many local businesses, who say the focus should be on the money - about \$200 million annually, by state estimates - that off-roaders leave behind.

"If the environmentalists have anything to do with it, there'll be complete devastation," said John Aitkens, who has run B.J.'s ATV Rentals since 1982. Off-roaders "spend on fuel, on groceries, on hopping down to the outlet mall in Pismo Beach. They close the beach and you'll see people all around there going broke."

The arguments over the dunes will continue after Tuesday's hearing, almost certainly up to the Coastal Commission and perhaps to the courts. Among the issues to be settled is a basic one: Did the commission OK off-roading on the beach decades ago despite a county plan forbidding it?

But to Clayworth, the Modesto dairy mechanic, the reality of the dunes was far different. Later on, he and his friends would build a big bonfire. As happily exhausted as skiers after a day of schussing, the children would roast marshmallows and have a great time. They wouldn't have the payper-view setup they had a few months ago that drew other campers for a televised kickboxing tournament, but it would be great anyway.

"Where else can you go and ride quads on the beach with the whole family for \$10 a night?"

2 L.A.-area ports aim to slash diesel exhaust

The plan seeks to cut such pollution from short-haul trucks by 80% and boost security. Industry says business might drop.

By Janet Wilson and Ronald D. White, Times Staff Writers
L.A. Times, Saturday, April 14, 2007

The ports of Los Angeles and Long Beach, the nation's busiest seaport complex, are proposing an "unprecedented" overhaul of dockside trucking that officials say would slash diesel pollution from trucks by 80% in five years while improving domestic security and working conditions for drivers.

The draft plan drew rave reviews from environmentalists and labor groups but was criticized by industry groups, which said that lawsuits could be filed and that the booming ports could lose business to other states and countries if they press forward.

More than 40% of all goods imported to the United States move through the two neighboring ports.

Under the plan, posted online Friday, all 16,000 short-haul trucks that move goods from the wharves to nearby rail yards or warehouses would be scrapped or retrofitted, starting next year, at a cost of \$1.8 billion. Their drivers - mostly low-paid independent contractors - would be employed by companies that would bid on port concession contracts containing stiff environmental, equipment maintenance and workplace requirements.

Numerous studies have shown elevated levels of diesel particulates and other harmful air pollutants on docks and in neighborhoods near truck-laden highways and freight rail yards.

The cost of replacing the current, aging trucks would be funded largely by per-trip fees of \$34 to \$54 assessed on the licensed firms, with some matching state bonds and taxpayer money. A second portion of the plan would impose a \$26 fee on every container of goods moved through the ports to help fund rail and highway improvements.

Both measures are part of the ports' joint clean-air action plan, which aims to reduce deadly air pollution from all sources - including ships, trains and trucks - by 45% in five years. The plan is "a model for seaports around the world ... the boldest air quality initiative by any seaport," according to the online draft.

S. David Freeman, president of the Los Angeles Board of Harbor Commissioners, said consumers would pay just pennies more for goods moving off the docks. He said replacing the trucks is vital to improving public health in neighborhoods near the ports.

"If you just look at the difference between the emissions of one of these dirty trucks and a new, cleaner one - and do the math - this is one of our biggest opportunities to get clean air," said Freeman, who along with other port officials unveiled the proposal Thursday at a closed-door meeting with industry, labor and environmental groups. "We can make major advances by replacing them."

Environmental, labor and community groups that fought more than a year for the plan praised it.

"It's a huge, huge step forward in our quest for clean air," said Melissa Lin Perella of the Natural Resources Defense Council.

"Usually governments just nibble around the edges of a major social problem," said Barry Broad, a state director for the Teamsters union. "This is an example of not one but two governments coming together ... to solve a problem in a truly comprehensive way."

But industry representatives saw it differently. Business groups, including the National Retail Federation, have argued strenuously for a market-based, voluntary approach and new statewide emissions standards for trucks. The groups argued that money could be raised quickly to improve the condition of port truck fleets.

On Friday, the federation said there should be "serious concerns" about the ports of Los Angeles and Long Beach losing business under the new plan.

"We don't think that a private, local standard is the way to proceed," said Erik Autor, vice president and international trade counsel for the federation. "And we are not sure how the state and federal governments are going to view this."

Shippers who would foot the bill for the multibillion-dollar plan, which could go into effect Jan. 1, say it could end up being challenged in court.

"We are looking at it now from our lawyers' point of view to see what we might do. I think we might challenge that," said Curtis Whelan, executive director of the Intermodal Motor Carriers Conference for the 38,000-member American Trucking Assn. "By definition, these containers represent interstate commerce. It would impact interstate commerce in a dramatic way. Can a port authority do that?"

Whelan added that the plan could drive out dozens of smaller companies currently handling port trucking.

But Broad of the Teamsters reacted angrily, saying the current shipping companies were "bottom of the swamp" operations that moved in 25 years ago after port trucking was deregulated, firing drivers overnight to avoid paying decent wages or insurance and relying on poorly paid immigrant labor using decades-old, dangerous trucks.

Under the plan, drivers would get workers' compensation and other benefits. They also would undergo criminal background checks, drug and alcohol testing and identity screening aimed at tightening port security.

Wall Street analysts who rate the ports' bonds and other investments said they would be watching closely.

"It remains to be seen how they are going to do this. The port has obviously done quite a bit attempting to get shippers to change their behavior to align with environmental norms," said Joshua Schaff, ports analyst for Moody's Investment Service. "It's a sensitive issue. There is a lot of demand for the services these ports provide, and we just don't know what the price elasticity is, how high the price can go before you have some defection from customers."

Responding to industry concerns, Freeman said, "Of course I worry We are completely open to suggestion as we move forward aggressively with this plan ... but eternal happiness for everyone is not one of the criteria. We're going to get cleaner air out of this, and a more stable, reliable workforce and better homeland security. Eternal happiness is above my pay grade."

Public hearings on the plan will be set, officials said.

Boards of the two ports are expected to vote on a final version in July.

State sues to nullify blueprint for growth

The San Bernardino County plan fails to assess properly the effects of various pollutants, the attorney general says.

By Tim Reiterman, Times Staff Writer
L.A. Times, Sunday, April 14, 2007

SAN FRANCISCO - The growth blueprint for San Bernardino County, which projects a 25% increase in population by 2030, fails to adequately assess the effects of increased greenhouse gas emissions and other pollutants, California's attorney general alleges in a lawsuit seeking to have the plan thrown out.

In a suit filed Thursday in San Bernardino County Superior Court, Atty. Gen. Jerry Brown's office contends that the General Plan update approved last month by county supervisors violated the California Environmental Quality Act by not fully evaluating and addressing foreseeable effects on global temperatures, air quality and natural resources.

Under the plan, the population would increase from almost 2 million to more than 2.5 million in a county that already has air quality problems and covers more land than any other in the contiguous United States.

Although a landmark state law that was passed in 2006 requires California to reduce its levels of greenhouse gas emissions to 1990 levels by 2020, the attorney general's lawsuit alleges that the county plan does not try to estimate the increase in such emissions because of growth.

"I don't underestimate the challenge of curtailing greenhouse gases," Brown said in a phone interview. "But the state is committed to this. We're all in it together, and it's unfortunate it's going to take a lawsuit to get San Bernardino to do what is needed."

David Wert, spokesman for the county, said officials spent four years on the plan and were confident that they had done a thorough job of addressing the effects of increased traffic and development.

To cut down on pollution and greenhouse gases, Wert said, the General Plan encourages public transportation and smart development that includes jobs close to home.

"We didn't ignore global warming," he said.

The lawsuit said some of the county's measures for reducing future air pollution seemed of a "blue sky" nature, without clear statements of funding or methods of execution.

Earlier this week, the Sierra Club, the San Bernardino Valley Audubon Society and the Center for Biological Diversity filed a similar suit.

"San Bernardino County has to take responsibility for the impacts of global warming and its actions and policies that contribute to it," said Steven Farrell of the Sierra Club. "Warming may be a global issue, but it requires a local response."

Schwarzenegger's 'green' credentials questioned

Though a national symbol of environmentalism, some say he is unreliable in signing needed bills and too beholden to the oil industry.

By Peter Nicholas, Times Staff Writer
L.A. Times, Friday, April 13, 2007

SACRAMENTO - He is gaining a reputation as the green governor who is marshaling California in the fight against global warming. But Arnold Schwarzenegger was one of the last people in the Capitol to join the battle, and has earned so-so grades from environmental activists.

Schwarzenegger seems to be everywhere as the crowd-friendly face of environmental activism. Catch him on the cover of Newsweek, balancing a fragile globe on the tip of a finger, or giving a big environmental speech in Washington.

On Thursday he addressed the prestigious Council on Foreign Relations in New York. Diane Sawyer interviewed him about the environment for ABC, Charlie Rose did so for PBS, Hannity & Colmes for Fox. And Britain's Conservative Party has booked him for a fall trip to spread the message abroad.

MTV viewers will even find Schwarzenegger in a cameo on "Pimp My Ride" on Earth Day, April 22. He will inspect a 1965 Chevy Impala that has been given an 800-horsepower engine powered by clean-burning fuel.

His aim, Schwarzenegger said in Washington this week, is to make environmentalism "hip."

"You don't have to get rid of SUVs, you don't have to get rid of Hummers," he said. "We need to take the technology and make clean engines. That is the message."

Back home, environmentalists see the governor's green credentials as thin.

The governor has taken more than \$1 million in campaign money from the oil industry, whose products contribute to the greenhouse gas buildup that Schwarzenegger says he wants to roll back. And he is not reliable in using his bill-signing powers to protect the environment, activists say.

Each year, the California League of Conservation Voters puts out an annual scorecard that rates the governor on a scale of 0 to 100, based on the environmental bills he has signed or vetoed. Last year, Schwarzenegger's grade was 50, down from the previous two years when he logged a 58.

Gray Davis, the governor Schwarzenegger ousted in the 2003 recall, scored 75 in 2002 and 85 the year before that.

"Despite the governor's public embrace of the environment, his record on signing good environmental bills into law remains mediocre," the league said in its annual report card.

Schwarzenegger administration officials insist that the governor is a progressive force for environmental protection.

He has formed partnerships with Britain and Western states to curb greenhouse gas emissions; endorsed a program to install as many as 1 million rooftop systems for solar electricity; and set aside money to remove older, high-polluting cars from the road.

But it was two Democratic lawmakers - not Schwarzenegger - who devised the law for which the governor is being celebrated.

The measure is aimed at cutting California's greenhouse gases 25% by 2020. Schwarzenegger was not the architect of the bill and at times seemed a reluctant partner in its adoption.

At a global warming conference in San Francisco last April, he voiced skepticism about new regulations.

"We don't want to go after business and make business leave the state," he said.

With only one day left in the legislative session, it was by no means certain that Schwarzenegger would sign the bill. Powerful interests stood in opposition. Business groups - the core of Schwarzenegger's fund-raising base - feared that it would jack up costs.

Schwarzenegger wanted business-friendly provisions that would allow companies to trade emissions credits, meaning some could pay for the right to pollute.

The governor's office offered "a number of amendments that would have watered down provisions of the mandatory reductions," Assembly Speaker Fabian Nuñez (D-Los Angeles), a coauthor of the bill, said in an interview.

A game of chicken followed. Nuñez told the governor's staff that he would push forward with or without Schwarzenegger's support. The governor threatened to veto the bill if his changes weren't adopted, Nuñez said.

With Nuñez poised to tell a news conference that he was proceeding alone and Schwarzenegger needing legislative achievements to fuel his reelection campaign, the governor signed on. The trading system Schwarzenegger wanted is allowed under the law but is not mandatory.

"It was touch-and-go until the very end as to whether or not the governor would sign the bill," said Ann Notthoff, California advocacy director for the Natural Resources Defense Council, who was involved in the discussions.

Schwarzenegger used his veto power to quash other environmental bills.

One would have imposed a \$30 fee on each container that moves through the Los Angeles and Long Beach ports, with the money devoted partly to cutting air pollution.

"It was not just an environmental bill, it was a bill that addressed a public health crisis," said the author, Sen. Alan Lowenthal (D-Long Beach), citing the dangers of diesel particulates and other health hazards linked to the movement of goods.

The legislation was opposed by some of the governor's most stalwart business allies, including farmers, manufacturers and retailers such as Home Depot. In his veto message, Schwarzenegger said he was worried that raising fees might hinder the movement of products made in California.

Schwarzenegger killed another bill last year that would have made it state policy to take every step necessary to reduce dependence on oil. And he vetoed a measure that would have required that half of all cars sold in California by 2020 be capable of using alternative fuels.

Watchdog groups said the governor faces a conflict of interest by rejecting such legislation, given the campaign money he takes from the oil industry.

Chevron alone gave campaign committees supporting the governor about \$345,000 in 2005-06.

"To see him climbing on board the same train with Al Gore could be beneficial," said Judy Dugan, research director for oilwatchdog.org, part of the Santa Monica-based Foundation for Taxpayer and Consumer Rights. "But money at the amounts that he takes pollutes what he's saying."

Terry Tamminen, who was environmental secretary during the governor's first term, suggested that the campaign donations helped to keep Schwarzenegger in office, permitting him to take pro-environment steps.

"It's very important for him to be elected to do the things he's been doing," said Tamminen, author of "Lives Per Gallon: The True Cost of Our Oil Addiction." Schwarzenegger "would be the first to tell you he didn't want to take contributions from anyone."

"But unfortunately, that's the way the system works," Tamminen said. "I would refer people to the actions he's taken. Our greenhouse gas policy hasn't been anything that Chevron has been saying thank you for."

Still, audio recordings of the governor's private meetings show that his aides have seen political value in making the environment a pet issue.

"Every four or five weeks, we're going to spend an entire week on the environment," the governor's communications director, Adam Mendelsohn, told him in a private meeting in early 2006. "... I do not believe it's smart politics here in California to not talk about your environmental stuff."

The recordings were made by the governor's speechwriting staff and mistakenly posted on Schwarzenegger's website.

They were copied by aides who were working for the governor's former Democratic opponent, Phil Angelides, and made public.

In the recordings, Schwarzenegger seems to wonder if people would accept a high-living, Hummer-driving ex-muscleman as an environmentalist.

"Here I was driving Hummers," he says at one point. "I don't know if I leave myself open here by calling myself an environmentalist. So we should just be aware of that."

For Hartford, a Fuel-Cell Bus Milestone

By JAN ELLEN SPIEGEL

N.Y. Times, Sunday, April 15, 2007

HARTFORD now has the only fuel cell bus operating east of the Rocky Mountains, a zero-emission vehicle that is among a few dozen running anywhere in the world.

The bus represents an important milestone on a municipal mass transit stage that is increasingly mindful of global warming and other pollution issues. But at \$2 million, it is unclear whether it is cost effective.

The price is nearly six times the cost of each of the 650 full-size conventional diesel buses running in Connecticut and \$1.5 million more than each of two diesel hybrid buses that have been running in Stamford.

"That's the \$64,000 question," said Michael A. Sanders, public transit administrator for the Connecticut Department of Transportation. "There's a benefit to having no emission from a tailpipe, but it's not worth a million and a half to me."

Jan van Dokkum, president of UTC Power in South Windsor, the division of United Technologies that developed the fuel cell for this bus and others running in California, said all the buses were still in a demonstration phase. He said UTC was continuing to refine the fuel cell, which combines hydrogen and oxygen to produce power, as well as the overall system, which is actually a fuel cell/electric hybrid. He expected the price eventually to compete with diesel hybrid buses.

"It's about twice as efficient as a diesel bus," Mr. van Dokkum said. "It has no emissions and no noise. It's a very steep price, but like anything in technology, you need to start somewhere."

Industry experts believe fuel cell buses and other fleet vehicles show more promise than fuel cell cars, in part because the fueling apparatus can be centrally located. Part of the \$2.9 million Federal Transit Administration grant that financed Hartford's bus went toward building a fueling station at UTC Power. The station produces hydrogen for the fuel cell through a process that uses natural gas and produces greenhouse gases, mainly carbon dioxide.

The Hartford bus has a range of 300 miles, can reach 60 miles an hour and is running on the free downtown shuttle route.

Plan calls for open-space buffer near dump

BY ERIC LEACH, Staff Writer
LA Daily News, April 15, 2007

SIMI VALLEY - When Waste Management Inc. announced Wednesday that it was applying to Ventura County to double the size of the Simi Valley Landfill, company officials said they wanted to set aside 516 acres around the landfill as a buffer area and wildlife habitat.

And they also said they were in discussions with the Nature Conservancy to preserve Alamos Canyon, an open area of more than 700 acres between the landfill and Moorpark College and north of the Ronald Reagan Freeway.

But news of the potential expansion heightened concerns by some critics that there would be increasing dump truck traffic in the area, more opportunities for filling up the landfill with trash from outside Ventura County and the possible disappearance of cherished open space.

"Alamos Canyon is so visible, people would have an absolute fit if they tried to touch it," said Simi Valley City Councilwoman Barbra Williamson, who was in the process of forming a citizens committee on the landfill when the expansion plans were announced.

Williamson said she hadn't seen the detailed plans, but she hoped some land could be set aside for youth sports and a permanent home for Simi Valley Days.

"What is Waste Management going to

do for the residents of Simi Valley?" she said. "Are they going to put in soccer fields? Are they going to put in baseball fields?"

As for Alamos Canyon, Misty Herrin, a spokeswoman for the Nature Conservancy in Los Angeles, said her organization has been concerned for years about preserving the open land west of the landfill.

"We are talking with (Waste Management) about preserving a big chunk of this canyon. It's a really crucial wildlife corridor," she said. "This is one of the great examples of an area that is beautiful and ecologically important. Our number one mission is to protect biodiversity. In terms of native plant and animal habitat, (Alamos Canyon) is really critical."

One reason Alamos Canyon is important, officials say, is because it feeds into an underpass and a tunnel under the 118 Freeway that can be used by animals moving between the Los Padres National Forest and the Santa Monica Mountains. Mountain lions, among other animals, have been tracked there.

Waste Management filed its request for expanding the landfill with the county Wednesday, proposing to double the area where the trash is actually dumped from 185 acres to 371 acres.

Without the expansion, company officials said, Ventura County's two landfills will reach capacity in about 20 years. And under current dumping permits, the county would be generating more trash than it is permitted to receive in three to five years.

Mike Smith, market area general manager for Waste Management, said his company is encouraging residents to take tours of the landfill to get a clear idea of where it is, how it operates and what the expansion would involve.

"We deeply value the relationship we have with our customers and we encourage anyone with questions to contact us," he said.

The ultimate decision on the landfill permit is up to the county Board of Supervisors. Williamson said there should be time to review all proposals carefully, and there is no need to rush to judgment.

"The people of Simi Valley are going to be more affected by this than anybody," she said, promising to go forward with her efforts to get the community involved in the decision process through the committee she is forming.

The Simi Valley Landfill and the Toland Road Landfill, between Santa Paula and Fillmore, are the county's two main disposal sites, with the Simi Valley Landfill meeting about 60 percent of the county's disposal needs.

In 2004, Waste Management purchased 2,800 acres adjacent to the landfill from the Unocal Corp. and announced at that time its plan to double the size of the dump. But it wasn't until Wednesday that Waste Management filed a formal expansion plan with the county.

The landfill is located in the hills at the northwestern end of Simi Valley, north of Madera Road and the 118. Although there are panoramic views of Alamos Canyon from the freeway, the landfill area is mostly hidden, and many local residents don't know exactly where it is.

Under the plans, the dump area would be expanded directly north and remain about the same distance as it is now from homes, officials said.

The landfill operators would continue to maintain the 9,250-ton limit currently placed on the amount of trash brought into the landfill each day, but the ratio of trash to recyclable items placed in the dump would change.

The plan involves doubling the amount of trash deposited there each day from 3,000 tons to 6,000 tons, with the remaining 3,250 reserved for recyclables.

The old G.I. Rubbish hauling operations at 195 W. Los Angeles Ave. in Simi Valley would be moved to the landfill site to reduce truck traffic on city streets.

This would involve moving 200 employees and would increase traffic at the landfill, which is accessed directly from the freeway at Madera.

Overall, Waste Management officials estimate, the number of daily vehicle round trips would increase to 1,297, or 475 more than the current landfill permit allows.

The number of vehicles crossing landfill scales for disposal would increase from the currently permitted 822 to 897 per day, said company officials, who noted that the county will conduct its own traffic analysis.

The company also would build an environmental collection center and other upgrades designed to improve the landfill's recycling capabilities and help keep out hazardous waste and consumer electronics.

Waste Management is asking the county to permit the recycling of construction and demolition waste, which would help businesses recover reusable commodities.

The landfill's gas-to-energy program, which collects methane from the landfill to generate electricity, would produce enough electricity to power 6,250 homes, instead of the current 2,500.

In response to critics concerned about filling the landfill with trash from other counties, Waste Management officials said about 75 percent of the trash deposited at the landfill comes from Ventura County, with the remainder coming from Santa Barbara County and parts of Los Angeles County, including Malibu, Calabasas, Woodland Hills and Agoura Hills.

Some trash generated in Ventura County winds up in other counties, including hazardous waste, used oil, medical waste, sewage sludge and recyclable materials.

The landfill is regulated by government agencies, including Ventura County Environmental Health, the Ventura County Air Pollution Control District, the California Integrated Waste Management Board, the state Regional Water Resources Control Board and the federal Environmental Protection Agency.

Clearing the Air With China

By Orville Schell

Washington Post, April 15, 2007

BEIJING—As bitterly cold air pours down from Siberia each winter, one of the charms of this ancient capital has been the sight of bundled-up people heading to Beijing's picturesquely frozen canals and lakes for ice skating.

This year, however, a 161-year-old temperature record was broken, causing the ice to melt in early February. As young women walked Beijing's streets in short skirts instead of heavy winter clothes, Chinese were confronted in the starker way with the phenomenon of global warming.

Indeed, almost everywhere one turns today in China, the environmental consequences of the country's economic juggernaut are evident. A recent trip northwest from Beijing through the coal-rich province of Shanxi revealed an almost endless landscape in black and white where the sun rarely shines because of uncontrolled air pollution from coal-fired plants that produce electrical power, cement and fertilizer. Meanwhile, glaciologists now report that high up on the Tibetan Plateau, where glaciers have for millennia fed most of the major river systems of Asia-- Yangtze, Yellow, Mekong and Brahmaputra -- there is an annual melt rate of 7 percent, giving these life-sustaining waterways estimated actuarial tables of less than two decades. In 2000, the U.N. Development Program reported that air pollution was already causing about 400,000 premature deaths a year. It is hardly surprising, as China is home to 16 of the 30 cities with the worst air pollution in the world.

In today's China, nature is on the run, and at the heart of this environmental crisis sits coal, from which the country derives 69 percent of its primary energy and 52 percent of its electricity. China uses well over 2.2 billion metric tons of the stuff per year -- more than the United States, India and Russia combined -- and produces more conventional harmful emissions than the United States.

Sometime next year, China could surpass the United States in greenhouse gas emissions, but the average person in China still consumes less than one-fifth the energy the average American does. For China to achieve the same living standard as the United States, it would have to triple its use of coal, creating an enormous increase in both conventional pollutants and greenhouse gases. And make no mistake about it, China is angling to catch up. In fact, to keep up with this voracious demand for energy, a new conventional coal-fired power plant comes on-line in China every week.

China is not alone. The United States has 100 to 160 conventional coal-fired plants on the drawing boards, all with life spans of about 40 years, and none equipped to capture and sequester CO₂. Indeed, as oil and gas have become increasingly expensive, countries rich in coal have found themselves relying on it ever more. The global consequences of continuing this trend without first adopting new "clean coal" technologies will be dire.

And for those unimpressed by the more distant threat of climate change, there is always the immediate problem of conventional pollutants. China's State Environmental Protection Administration estimates that sulfur-dioxide (SO₂) emissions alone are causing China's GNP an annual loss of 12 percent, which is about equal to its impressive growth rate.

Meanwhile, the United States has opted out of the Kyoto Protocols, while China has signed on only as a "non-annex" developing country, which means it is obliged to meet no binding commitments to reduce its emissions. Last November, China did commit itself to deriving 15 percent of its energy from renewable sources by 2020 and to cutting the energy consumed per unit of GDP by 20 percent over five years. But during the first half of last year, Beijing not only failed to meet these targets but had an increase of 8 percent in energy consumption per unit of GDP. Initial reports from China's massive hydropower facility at the Three Gorges are also underwhelming; it appears that the Yangtze River isn't yet flowing fast enough to keep the turbines turning.

Concerned about keeping economic growth rates high enough to maintain social order, Chinese officials recently lobbied to tone down the alarming conclusions of the just-released report of the U.N. Intergovernmental Panel on Climate Change and reaffirmed their unwillingness to commit China to any limits on greenhouse gas emissions.

"China is still a country with a huge developing population," said Qin Dahe, a ranking Chinese climate change negotiator, justifying his country's inaction.

There is a certain degree of justice in China's official view. After all, for more than a century, the United States has been a profligate emitter of CO₂, and it continues to refuse to face the fact that it is the world's largest producer of greenhouse gases.

But justice or no, the world is left to confront a situation in which the two largest polluters have opted out of the solution. If the United States will not lead, China will not follow, and the results will be tragic: Both countries will suffer grievously, and so will the rest of the world.

What, then, is to be done?

The next U.S. presidential election will present a fleeting moment of opportunity, if only the candidates can be persuaded to commit themselves to pursuing a major new cooperative effort to tackle our common problem.

What could be more promising than our leaders jointly seizing the reins of lapsed global leadership and guiding our two countries, and the world, out of this impasse? Interestingly, both countries are in need of a rebirth of national leadership: the United States because of the miasma of Iraq and the Bush administration's foreign policy, and China because of its failed Marxist revolution, whose vestiges it has still not been able to shed entirely.

How should we proceed? By forming a coalition of respected scientists, business leaders and policy experts, calling a high-level emergency summit with their counterparts in China and then enlisting the U.S. presidential candidates to pledge to make the coal/climate change issue a priority. The ultimate goal should be to undertake a \$25 billion collaborative effort, with the United States providing capital, technological know-how and entrepreneurial and managerial skills and China providing some resources of its own, research, critical leadership among developing countries, its low-cost manufacturing base and its prodigious market energy.

Not only would such a plan be an encouraging first step toward solving the world's most urgent long-term problem, it would also bring the United States and China together in a new common endeavor. Indeed, if any initiative could begin to ease U.S. fears that China may become an economic or military threat, and at the same time allay Chinese suspicions that this country seeks to deny China its rightful place in the world, global warming is the place to start.

Finally, for those realists who understand that costly projects are rarely a matter of pure altruism, it is worth remembering that an initiative of this kind presents candidates with exactly the kind of win-win proposition that worried voters are now eager to support. Moreover, should the United States and China find a way to undertake such a collaborative effort, it would not only be a historic expression of global political leadership, but could turn both nations into constructive partners at the center of what may well become a dynamic and lucrative new sector of the global economy.

Whether we choose to acknowledge it or not, the United States and China have been irrevocably brought together by this common problem. Like it or not, the two countries have become each other's keeper, and unless our leaders can find new ways to cooperate on this epic challenge, the world will pay a bitter price.

Orville Schell is director of the Center on U.S.-China Relations at the Asia Society and a longtime writer on China.

[Sacramento Bee, Editorial, Monday, April 16, 2007](#)

Editorial: LNG can't R.I.P.

State must confront energy realities

The defeat this week of a proposed liquefied natural gas (LNG) plant off the Southern California coast is not a victory for saner energy policy. Saying No to a single potential source for the cleanest-burning fossil fuel doesn't cool the planet. It doesn't lower demand. But it does one useful thing: It brings to the forefront the state's tough choices. If California wants to keep saying No to LNG, the state must say Yes to something else and embrace all its consequences.

Natural gas is the fuel of choice for electricity production in California. Coal means too much pollution. Nuclear power? It appears off the table until a permanent site for radioactive waste is available. Hydropower has its limits. Renewable sources are increasing, but the goal at the moment is they will meet just 20 percent of the total demand by 2010. That leaves natural gas as the "bridge" fuel between now and that day when fossil fuel is no longer necessary to keep the lights on.

It's true, the "bridge" is shaky. Domestic production of natural gas is flat despite drilling all over the place. And demand is up. Dramatic price increases are a real possibility, particularly if supplies from the Gulf of Mexico get knocked out by hurricanes.

To tap into natural gas supplies that originate overseas, a liquefied natural gas plant somewhere along the coast would be necessary. The gas is chilled overseas, pumped aboard a ship and then gasified once at a terminal here. The questions are how many terminals (if any), and where. One of the best proposals, a terminal off the coast of Ventura County, came before the State Lands Commission and California Coastal Commission last week. Both commissions said No. Air pollution was a stated concern. Hmm.

Let's review reality: California is on borrowed time. It is importing roughly a quarter of its electricity from states such as Arizona and Washington that will need more power for their growing populations. California will either have to produce a lot more electricity or reduce demand, likely both. If the concern is air pollution, the worst thing for the air would be to say No to LNG plants here, and let Mexico and Oregon build them. (That would just increase transportation and pollution problems.) The environment doesn't win by exporting the problem to a neighbor. Saying Yes to LNG -- as a necessary part of an overall energy strategy that maintains California as a leader against climate change -- would be a saner course than saying No and somehow feeling good about it.

S.F. Chronicle commentary, Friday, April 13, 2007:
Robbing SUV owners to pay hybrid buyers

By Jennifer Nelson

I KNEW that the debate about whether global warming is happening was over when the March 12 issue of Sports Illustrated arrived, with its sports and global-warming theme and huge headline "As the Planet Changes, So Do the Games We Play: Time to Pay Attention." Everyone, even the jocks at Sports Illustrated, wants to get in on the game of appearing to be the most caring about our Mother Earth.

But the rush to appear to be the most green has led to some silly public-policy ideas. Take, for example, the "Clean Car Discount Act of 2007," a legislative proposal by Assemblyman Ira Ruskin, D-Redwood City. Ruskin's proposal would create a new car rebate and surcharge program based on state carbon dioxide emission ratings. The penalties and rebates would range from \$100 to \$2,500, depending on a state-rating system.

Ruskin hopes his bill, which is sponsored by the Cambridge, Mass.-based Union of Concerned Scientists, will reduce the number of cars that emit higher levels of carbon emissions. According to the scientists' organization, if the proposed program's rules were applied to today's market, up to one-third of new car purchasers would pay the surcharge, roughly 40 percent of consumers would receive a rebate and the balance would neither pay nor receive any money.

There are, however, huge practical questions about the bill. Allegedly "selffunded," the program, which would begin in 2011, will collect surcharges, set aside 15 percent for a reserve and pay the administrative costs for the three state agencies that are involved its implementation before any rebates will be paid. As sales of the acceptable cars rise and sales of the unacceptable cars fall, the Air Resources Board will manipulate the rebate and surcharge amounts in order to continue funding the program. Over time, in order to make the program pencil out, more of the disfavored cars buyers would end up paying higher penalties while rebates on the favored cars would fall.

That's not even touching on the "robbing Peter to pay Paul" method of achieving state environmental goals. Why should a family of five, who decides that a Ford Explorer best meets their families' needs, pay roughly \$1,600 so a smaller family or a single adult could receive, roughly, a \$2,200 rebate on their purchase of a Honda Civic-- which they were likely to purchase anyway?

While the intent -- more cleaner cars on the road -- is laudable, Ruskin's approach is flawed. Data on new-car sales tells us that the buying public is already moving toward smaller, cleaner cars. With gas prices moving up, consumers are expected to continue to navigate toward lighter cars.

So what is the need for a new government program? Brian Maas, the director of government relations for the state's new-car dealers' trade association, says it is because legislators want to seem as if they are dealing with global warming issues. "The policy-makers are in such a rush to get out in front of these greenhouse-gas emission issues that they are not thinking of the practical implication of how their policies are going to work in the real world," Maas said.

Maas predicts new SUV sales would shoot up in 2010, as consumers tried to avoid the surcharge that would be slapped on the following year. At the same time, used cars-- the dirtiest vehicles on our roads-- will become the more affordable choice for some consumers.

The proposal doesn't attempt to deal with driving behaviors. Soccer moms driving a vehicle with a higher emission rating but with other people's kids in the car -- saving a car trip or two -- may be doing more for the environment than if multiple families were driving multiple low-emission vehicles to soccer practice. The fact is that government attempts at market engineering usually backfire.

The federal fuel standards program prompted the creation of the popular SUV as passenger cars became smaller and lighter. "A program aimed at reducing gasoline consumption probably accomplished exactly the opposite," said Sam Kazman, general counsel for the Washington, D.C.-based Competitive Enterprise Institute. "People wanted something that they couldn't find and industry gave it to them."

Ruskin contends, "Without programs like this, there is no way to be certain that the market will produce cleaner and cleaner vehicles." In fact, the market is working.

High gas prices have consumers choosing smaller cars and driving less. As the car companies bring to market hybrids, they and other alternative-energy-type cars will grow in popularity.

Ruskin wants the governor to sign this bill, saying it will help the state achieve the goals set in AB32. The governor should veto this bill as a sign that he recognizes the market can achieve our environmental goals without the creation of new government programs.

Jennifer Nelson worked in state policy-making positions in the Deukmejian and Wilson administrations

N.Y. Times commentary, Sunday, April 15, 2007:

Packing on the Pollution

By MIMI SELLS
San Francisco

WHEN "Harry Potter and the Goblet of Fire" came out in July 2000, Amazon and FedEx collaborated on shipping 250,000 books overnight to Potter fans around the world, myself included. A few weeks ago, Amazon e-mailed its customers to offer first-day (and bargain-priced) acquisition of this summer's must read, "Harry Potter and the Deathly Hallows," the seventh and last in the series. As a result, Amazon reported that advance orders were 547 percent higher than for Book 6, published in 2005. Like millions of others, I signed up for mine.

But now, I'm having second thoughts. While researching the environmental effects of online shopping, I discovered that e-commerce isn't necessarily a greener way to shop. Indeed, a trip to the local bookstore might be "cleaner" than shopping online.

The really scary thing about my research is that there is so little information about the environmental costs of online shopping and none of it current. Salon published an article seven years ago that clued me in to the great Harry Potter mail drop of 2000. The article said: "It's easy to imagine how good shopping online could be for the environment. After all, retail space with its hardwood floors, heating and cooling costs and huge parking lots can be a bigger drain on natural resources than warehouse space."

But the article also pointed out that although we might buy products online in what appears an efficient trade-off from driving, if we ship them back for returns or exchanges we create a double shipping impact. And when we order a single book on a whim rather than bundling several book or other purchases into one shipment, we create excess trips.

Moreover, in 2000, people were mostly buying books and CD's online; today they're purchasing big items like plasma TVs, computers and home appliances that weigh a whole lot more and require a lot more packaging.

Perhaps the biggest anti-green factor is the seductive power of the Internet to provide instant consumer gratification: If you want something, order it now! Have it shipped overnight! Why wait? Back in 2000, few people were talking about carbon footprints. We were worried about the price of the fuel, not the cost of the fumes. But now we know air transport is a serious carbon polluter.

What's worse is that overnight shipping is an even dirtier business. Research has shown that nighttime air transport produces twice the pollution of day flights because of condensation trails that trap heat. These trails create a greater warming effect in the dark because there is no sunlight to reflect them back into space.

The Internet seduces you with access to millions and millions of products that you can instantly click and order and see miraculously appear on your doorstep the next morning. You can shop day or night. And, there are thousands of merchants that will gladly give you free shipping for the privilege of feeding your retail appetite.

How big is that appetite? According to [eMarketer.com](#), a digital market research firm, online shopping increased to more than \$102 billion in 2006 from just \$60 billion in 2000.

I know women who swear by Zappos shoes. They will buy several pairs and simply return the ones they don't like. Free shipping and free returns are the bait that turn us into restless consumers. But all this shipping back and forth can't be good for the environment.

I'm not suggesting that we don't shop online. I love comparison and product-review shopping sites that help me find the best stuff at the lowest prices. But I think we all need to be more conscientious consumers to avoid increasing environmental (and personal) pollution with things we don't really need. Never order overnight delivery unless it's a true emergency (the latest Manolo Blahnik shoes are not an emergency). Avoid compulsive click shopping. To reduce shipping returns, do your research online to be sure that what you order is what you really want. Indeed, wait 24 hours before placing an order. If you still have to have it a day later, then buy it.

We also need to encourage retailers to observe clean shipping practices like using recycled shipping materials, eliminating excess packaging and discouraging excess customer returns by charging a small restocking fee. We

don't need fancy boxes arriving by mail (unless it's a Tiffany box, of course) so let merchants know you'd like the most environmentally friendly packaging and shipping method for your purchases.

Harry Potter transported through the fireplace to Diagon Alley for his shopping needs. Shopping online can be just as magical and be far more environmentally gentle if we simply think before we click.

Mimi Sells is a former public relations executive for an online comparison shopping company.

Fresno Bee editorial, Saturday, April 14, 2007:

We must consider gas

California must confront energy realities and consider all options.

The defeat this week of a proposed liquefied natural gas (LNG) plant off the Southern California coast is not a victory for saner energy policy. Saying "No" to a single potential source for the cleanest-burning fossil fuel does not cool the planet. It doesn't lower demand.

But it does one useful thing: It brings to the forefront the tough choices that California must make. If the state wants to keep saying "No" to LNG, the state must say "Yes" to something else and embrace all its consequences.

Natural gas is the fuel of choice for electricity production in California. Coal means too much pollution. Nuclear power? It appears off the table until a permanent site for radioactive waste is available. Hydropower has its limits. Renewable sources are increasing, but the goal at the moment is they will meet just 20% of the total demand by 2010. That leaves natural gas as the "bridge" fuel between now and that day when fossil fuel is no longer necessary to keep the lights on.

It's true, the "bridge" is shaky. Domestic production of natural gas is flat despite drilling all over the place. And demand is up. Dramatic price increases are a real possibility, particularly if supplies from the Gulf of Mexico get knocked out by hurricanes.

To tap into natural gas supplies that originate overseas, a liquefied natural gas plant somewhere along the coast would be necessary. The gas is chilled overseas, pumped aboard a ship and then gasified once at a terminal here. The questions are how many terminals (if any), and where. One of the best proposals, a terminal off the coast of Ventura County, came before the State Lands Commission and California

Coastal Commission last week. Both commissions said "No." Air pollution was the stated concern. Not so fast.

Let's review reality: California is on borrowed time. It is importing roughly a quarter of its electricity from states such as Arizona and Washington that will need more power for their growing populations. California will either have to produce a lot more electricity or reduce demand. If the concern is air pollution, the worst thing for the air would be to say "No" to LNG plants here, and let Mexico and Oregon build them. (That would just increase transportation and pollution problems.)

The environment doesn't win by exporting the problem to a neighbor. Saying "Yes" to LNG-- as a necessary part of an overall energy strategy that maintains California as a leader against climate change-- would be a saner course than saying "No" and somehow feeling good about it.

S.F. Chronicle editorial, Friday, April 13, 2007:

Fighting climate change

IT MAY SEEM to be the Robin Hood of bills-- rob the rich bad SUV owners to give to the poor virtuous hybrid owners -- but AB493, the brainchild of Assemblyman Ira Ruskin, D-Redwood City, and the Union of Concerned Scientists, is far more than that. In fact, it's one of the first bills to show how market-based mechanisms might be successfully employed in the fight on global warming. The bill's long list of co-sponsors -- which includes the pro-business Silicon Valley Leadership Group as well as the usual environmental suspects-- should include the governor.

One of the best aspects of AB493 is that it uses information we already have-- the California Air Resources Board already tests to see how "clean" or "dirty" new cars and trucks will be in terms of their greenhousegas emissions -- to develop a system of consumer incentives. Ruskin's bill would offer the most fuel-efficient vehicles a rebate of \$100 to \$2,500. The money would come from levying equitable penalties on the most highly polluting vehicles.

SUV lovers, already so sensitive to the widespread demonization of their automotive choices, needn't worry: Because Ruskin's bill focuses on technical measurements, they'll still have plenty of choices. In fact, had this bill gone into effect in 2004, they'd even have some rebates: popular SUVs such as the Saturn Vue, the Hyundai Santa Fe, or the PT Cruiser, for instance, would all be eligible for rebates. True, the much-maligned Hummer would come with a surcharge, but this bill wouldn't unfairly penalize large families who made smart choices-- the Honda Odyssey, a best-selling minivan, would earn a rebate.

The bill's flaws mainly have to do with the future -- how will these rebates be phased out when everyone is purchasing cleaner cars -- and the difficulty, given the strength of the auto lobby, of passing this kind of legislation. Fairness, in terms of wholly unfettered consumer choice, isn't relevant here. Global warming isn't fair, either. But we still have to fight it, and market-based mechanisms are the right way to start.

[N.Y. Times editorial, Saturday, April 14, 2007:](#)

Courts and Greens

A little over four years ago, when the forces of deregulation were riding high, this page observed that the federal courts could turn out to be the last, best hope for slowing the Bush administration's assault on the body of bipartisan environmental law established over the last four decades and, by extension, on the environment itself.

As things have turned out, this is pretty much what has happened. In the last few weeks alone, federal judges at the district or appellate level have:

- Rejected efforts to weaken protections for the national forests, including the old-growth forests of the Pacific Northwest.
- Overturned a government plan that would have hastened the decline of endangered salmon in the Pacific Northwest.
- Rebuffed challenges to clean air laws governing pollution from older power plants.
- Invoked the Clean Water Act to prevent mining companies from laying waste to streams and valleys in Appalachia.

In some cases the courts have done more than just play defense. In the Supreme Court ruling on global warming two weeks ago, the court not only protected existing law but aggressively enlarged its reach, ruling that the Clean Air Act all but required the Environmental Protection Agency to regulate emissions of greenhouse gases.

The courts, of course, have hardly been alone in this struggle. When the history of this administration's endless tussles with environmental law and practice is written, the various advocacy groups that challenged the administration in court at nearly every step of the way will occupy a major role. So, too, will an often underappreciated group, the states' attorneys general, particularly those from California and the Northeast.

It was Eliot Spitzer, for instance, then New York's attorney general and now its governor, who helped revive a dormant provision of the Clean Air Act known as "new source review" to force the cleanup of dirty plants grandfathered in under the original law. And it was New York, 11 other states, three cities (including New York City, which served as the lead city petitioner), American Samoa and various environmental groups that together brought the global warming case to the Supreme Court.

Yet all of these efforts would have been for naught had the courts not read the law the same way. Some cases, of course, were easier than others. In the salmon case, for example, the government advanced a weak (and preposterous) salmon "recovery" plan that, among other things, argued that dams were immutable parts of the landscape, like mountains, and could not be tampered with to help fish. James Redden, a federal district court judge, saw through this nonsense and ordered the government to draw up a more plausible plan. This week, he was resoundingly upheld by the Ninth Circuit.

The clean air cases were more difficult, involving complex industry arguments about measuring pollution--arguments that would essentially have allowed industry to evade the law. The Seventh Circuit ruled against industry's position and the Fourth Circuit for it, but when the Fourth Circuit case reached the Supreme Court, the court (ruling on the same day it issued its global warming decision) came down firmly on the side of the law.

Nothing inspires litigation like environmental regulation, so these cases are hardly the end of the struggle. But so far - given the administration's determination to roll back the law and the acquiescence, until recently, of Congress - we can be grateful for the existence of the third branch.

[Letter to the Fresno Bee, Monday, April 16, 2007:](#)
'God gave us choices'

Regarding global warming, to just say "Let God be in charge" is naive at best (Frank De Tienne, letter April 12). Even if one believes God is in charge of everything, God also gave us choices and we should endeavor to choose wisely.

The actions of man on earth are accelerating the buildup of greenhouse gases, which is heating up the earth's atmosphere, so say the majority of scientists. When something goes wrong, we seek out expert advice and fix the problem. That's why we visit doctors when we are sick and not accountants, and that is why we should listen to these scientists.

Those who don't care about the earth getting warmer too quickly should have already converted their assets into groceries. Otherwise, they won't be worth a hill of beans. The economists have put their two cents in and they think global warming is bad for the financial environment.

Of all the creatures on earth, man has the greatest capacity to alter the environment for good or ill. It would be foolish to waste the good sense God gave us and not use our choices to make the world a more livable place.

Mark E. Osburn, Fresno