

## **Around the Region**

### **Northern San Joaquin Valley and Foothills**

Modesto Bee, Tuesday, December 18, 2007

**CLEAN AIR CALENDARS:** Orders are being taken for the San Joaquin Valley Air Pollution Control District's bilingual 2008 Clean Air Kids Calendar. The calendar features 14 pages of artwork by valley schoolchildren. The clean-air message for each month is in English and Spanish. The wall calendars are free while supplies last. Calendars are available in the Modesto district office, 4800 Enterprise Way. If you live in another town within the district, the district will mail or UPS copies to you. Please send your order request to [brenda.turner@valleyair.org](mailto:brenda.turner@valleyair.org) or call the district office nearest you.

### **Farmers, clean-air regulators talk truck**

#### **Growers tell air board employees that meeting rules will be expensive.**

By Dennis Pollock / The Fresno Bee

Tuesday, December 18, 2007

EASTON -- Farmers tried to drive home some points Friday, bringing more than 30 trucks to Easton as state regulators continued to work on far-reaching new diesel emission regulations expected to cost the agriculture industry alone hundreds of millions of dollars.

Standing beside their equipment, several farmers and truckers sought to make the case that their trucks are used only a few months out of the year, are often not driven more than 15,000 miles and are customized for special uses -- often at high expense -- so they cannot be replaced quickly or cheaply.

They asked regulators to slow down the recommended pace for replacing diesel engines to cut emissions and to provide funding to help them make the transition to newer trucks.

Representatives of the California Air Resources Board gathered in the parking lot outside the Portuguese Hall to talk with farmers and examine the equipment, then moved inside the hall to explain efforts to clean the air in one of the nation's most polluted air basins. The event drew about 80 farmers and truckers.

Roger Isom, with California Cotton Growers and Ginners, said a proposed schedule for replacing engines could mean truckers or farmers would have to do so twice within a few years.

Tighter rules on diesel emissions call for replacing older diesel trucks or their engines, or retrofitting them with filters, between 2010 and 2020.

Diesel engines on trucks driven in California would have to meet emission standards common to 2007 models by the end of 2013, and would have to comply with emissions levels for 2010 models by 2021.

Farmers have advocated a "trade-down" approach in which they could pass down high-use later model trucks to replace low-use, older trucks.

"Why throw away a good truck?" asked Jobie Tacker with Agpro of Turlock, standing beside a 1990 Peterbilt used to haul fertilizer.

Tony Brasil, who is helping put together the new regulations, resisted the "trade-down" suggestion, stating "the older [the diesel engine], the dirtier." He said there is the option of selling the trucks outside the state.

Brasil, manager of the In-Use Control Measures Section of the ARB, said making an exception for a truck driven, for example, less than 50,000 miles a year "would be a do-nothing regulation."

Several truckers and farmers talked of how they are able to drive their trucks for a million miles over their lifetimes. Brasil said the long lives of the higher-polluting trucks mean they would continue to pollute the air for years.

A recommendation for new emission rules will be taken to the Air Resources Board next October, Brasil said. Rules would be adopted in 2009.

At the meeting with Brasil, Fresno County Farm Bureau President Russel Efird said it would cost him \$3.5 million to replace trucks he uses on his 1,000-acre diversified farm by 2020.

"I don't make the money to do it," Efird said. "You can't ask us to do something that is impossible."

Brasil said the new emission requirements are aimed at reducing emissions of nitrous oxide as well as particulate matter that help keep the region from complying with federal regulations. That costs the region federal money, he said, as well as posing significant health threats.

He said equipment owners can buy used equipment as replacements and can use exhaust retrofits costing from \$9,000 to \$20,000 to forestall having to replace equipment twice.

There are exemptions for equipment that travels fewer than 1,000 miles a year and is used less than 100 hours, Brasil said. Personal vehicles, military vehicles and emergency vehicles are also exempted.

The ARB estimated the cost to replace trucks in the years ahead would amount to \$3.5 billion. The trucking industry says the figure is more than \$12 billion. Manuel Cunha Jr., who heads the Nisei Farmers League, said the cost to the agricultural industry alone could reach \$2 billion.

Growers and truckers may be able to seek some financial assistance through sources such as the Carl Moyer program, which assists farmers in replacing farm equipment on a cost-share basis.

"But you need to put the money in the right place," said Pat Ricchiuti as he stood beside a 1984 Ford 7000 truck he uses in his Clovis-based farming operation. "We need to use the dollars for new trucks. The Moyer program provided \$25,000 to replace the engine on a 1983 truck that was probably worth no more than \$5,000."

Historically, the Moyer program has not paid for vehicle replacement.

### **Public faces barriers to grasping air policy**

BY STACEY SHEPARD, Californian staff writer

Bakersfield Californian, Wednesday, Dec. 19, 2007

If you're like most San Joaquin Valley residents, you're concerned about asthma and other health impacts of the region's dirty air but you have little knowledge of how air pollution is created or managed, and have likely never participated in a public hearing on an air quality regulation.

If so, don't worry. You're not to blame, according to the findings of a report released Tuesday by social scientists at the Central Valley Health Policy Institute at Fresno State.

The report, titled "The Long Road to Clean Air in the San Joaquin Valley," explores the reasons for the disconnect between the public's high level of concern for poor air quality and their low level of involvement in policymaking.

The 34-page document also provides a detailed overview of the factors contributing to air pollution in the valley and a policymaking scene dominated by politicians, business interests, and environmental and public health advocacy groups.

The study was based on existing research, interviews with valley residents and the authors' own observations and participation in valley air quality policymaking in recent years.

The report attributed low public engagement to:

The complexity of understanding the science of air pollution.

Confusion created by the varying roles and responsibilities among federal, state and local air quality agencies.

A flawed governance system that does not include public elections, routinely holds daytime meetings and provides few other chances for public participation.

Environmental and public health advocacy groups that are too one-sided in their push for stricter regulations on the private sector.

The report was written for average citizens "to get an understanding of the issues, so they can wrap their minds around it and get a sense of who the players are," said David Lighthall, one of the study's lead researchers.

Lighthall said it's critical for the public to be aware of what to expect in the "long, difficult struggle" to reach long-term sustainability of clean air.

Seyed Sadredin, executive director of the San Joaquin Valley Air Pollution Control District, the regional air regulatory agency, said he didn't agree with everything in the report but acknowledged there are barriers to public engagement.

"It's a difficult subject matter that requires a steep learning curve for people who want to get involved, and that sometimes is a deterrent for the average Joe," he said.

The report also laid out a variety of strategies for improving public participation, such as more air quality education in schools.

## **Trash transfer station may mean less air pollution**

BY JAMES BURGER, Californian staff writer  
Bakersfield Californian, Wednesday, Dec. 19, 2007

Kern County supervisors like the idea of building a trash transfer station in Bakersfield that could collect refuse and transfer it to bulk trucks for the drive to Bena Landfill.

Fewer truck trips mean less air pollution.

But they voted Tuesday to talk more about pulling recyclable material out of the trash before it's driven to the landfill.

"Can we have a larger plan that might consider some of the recycling opportunities we have?" asked Supervisor Ray Watson.

Kern County Waste Management Department Director Daphne Harley said the hope is recycling will be a big part of discussion in the future.

"We are going to be hiring a consultant to look at that piece," Harley said. "The best I can offer you is we are going to be moving forward on parallel track."

Larry Moxley of the Kern Refuse Haulers said it makes sense to build in recycling to the facility.

"Putting an independent transfer station up by itself is the least cost-effective thing you can do," he said.

Supervisors agreed.

"I'm having difficulty going forward without that bigger picture," said Supervisor Jon McQuiston. "If you're going to have all this trash coming, it seems like such a waste not to grab it and do something with it in terms of recycling."

Supervisor Michael Rubio made a motion to require Harley, the haulers and the city of Bakersfield to come back in January with a plan for how to build both a transfer station and a facility to pull recyclables out of the trash stream.

The three other supervisors supported the motion. Supervisor Mike Maggard was absent.

## **Air report calls for an informed public**

### **Fresno State scientist says that Valley residents must become more engaged.**

By Barbara Anderson / The Fresno Bee

Wednesday, December 19, 2007

Air quality officials need the help of an informed public to clean the region's dirty air, according to a health report released Tuesday.

People living in the San Joaquin Valley cite air pollution as one of their biggest environmental concerns, yet they show a "low level of public engagement in the issue," said David Lighthall, senior scientist for the Central Valley Health Policy Institute at California State University, Fresno.

Educating the public about air pollution is crucial, said Lighthall, co-author of "The Long Road to Clean Air in the San Joaquin Valley: Facing the Challenge of Public Engagement."

"The most important recommendation I can make is, if people care about the problem, they need to do their homework," Lighthall said at a news conference and panel discussion about the report.

The San Joaquin Valley Air Pollution Control District has been around for 16 years, but more than two-thirds of Valley residents have little or no knowledge of the agency, which enforces air quality regulations, the report said.

Air pollution is a complex problem, and it's unrealistic to expect the public to understand the scientific background or the air quality laws, said one of the panelists, Pete Weber, chairman of the air quality coalition of the Partnership for the San Joaquin Valley, a group trying to improve the Valley's economy.

But it is realistic, Weber said, "to expect the public to understand the broad outlines of the issue."

Regulations on businesses and industry are not enough to clean the air, said Tom Jordan, senior policy adviser at the San Joaquin Valley Air Pollution Control District. "It's going to require voluntary actions -- and actions by every sector of our economy."

The clean air report lists 10 conclusions and recommendations for cleaning the air, such as:

A reduction in pollution from every sector of the economy, including trucking, housing and dairies.

An equitable distribution of the cost of cleaning the air so the burden does not harm jobs and the regional economy.

More help from the federal government for regions like the Valley that face challenges in cleaning the air.

A commitment to educating the public about air quality problems in the Valley.

## **Activists to protest air panel meeting**

**Some say cleanup plan won't help because it's geared to old standard.**

By Mark Grossi

Fresno Bee, Tuesday, December 18, 2007

While regional air officials tonight discuss a plan to clean up dangerous pollution particles, activists will protest outside the meeting to say the plan won't really protect people.

Activists say the district's plan will comply with a 1997 air quality standard that is already out of date. The federal Environmental Protection Agency adopted a more stringent standard last year.

"They're just not taking it seriously," said Merced resident Melissa Kelly-Ortega.

Officials reply that federal law prevents them from using the newer, more health-protective standard for PM-2.5 -- microscopic dust, soot and chemical debris. Like other dirty air basins, the region must first comply with the long-delayed 1997 standard, says the San Joaquin Valley Air Pollution Control District.

The quandary frustrates activists and forces the district into a corner. Because of lawsuits and bureaucratic red tape, new federal standards routinely take years to enforce. The 2006 standard won't be seriously discussed for at least another year, maybe longer.

"That's the nature of the world in air quality," said Don Hunsaker, district plan development supervisor.

The district is holding workshops today and Wednesday to introduce the public to the plan for meeting the 1997 standard. If the district fails to finish the plan by April, the Valley faces possible sanctions, such as a temporary freeze of \$2 billion in federal road-building funds.

PM-2.5 particles are so small that 30 of them would fit on the width of a human hair. They come from many sources, such as fires and diesel exhaust.

But the Valley's biggest PM-2.5 problem involves oxides of nitrogen from vehicles combining with ammonia from dairies, creating plumes of ammonium nitrate. The fine chemical specks often hang in the Valley fog during fall and winter.

The particles can penetrate deep into the lungs, sometimes crossing into the blood stream. Researchers have linked PM-2.5 with asthma, heart disease and early death. The Valley's problems with this pollutant are among the country's worst.

The air district proposes to focus on reducing oxides of nitrogen, which also is a key ingredient in ozone, or smog. Officials say the district's ozone reduction plan, passed earlier this year, is aimed largely at oxides of nitrogen, so it should greatly reduce the particle problem.

The cleanup target is 2014.

But activists say the air won't be clean at that point. The 1997 standard is nearly twice the threshold of the 2006 standard, which authorities established after reviewing the latest health-related research.

The consequences of such dirty air are clear, activists say. Nearly one in three children has asthma in Fresno County. State figures show dirty air annually causes more than 1,000 early deaths in the Valley.

Almost three dozen people plan to hold a vigil this evening in front of the air district offices, said Kelly-Ortega, a member of the Merced-Mariposa County Asthma Coalition. She said the district should go above and beyond the 1997 standard for public health.

"We're doing this vigil in recognition of the people who are suffering, people who have passed on and people who are moving away from this area," she said. "This air district is not pushing hard enough."

Federal air regulation does not happen quickly, though. The 1997 standard, for instance, was delayed four years in legal action that went all the way to the U.S. Supreme Court.

There is also a lengthy process to determine which of the nation's air basins do not comply with the new standard. Now, any air basin that doesn't meet the 1997 standards is on roughly the same timetable as the Valley district to develop a cleanup plan.

For the 2006 version of the PM-2.5 standard, the U.S. Environmental Protection Agency must make those determinations in the next 12 months. But the EPA Web site adds that the agency can delay the decisions until late 2009 if it does not receive enough information about each district.

### **Air district to award \$3M in grants today**

#### **Money to be given to cities, counties, nonprofits to encourage climate change awareness**

By Denis Cuff, STAFF WRITER

Tri-Valley Herald and Contra Costa Times, Wednesday, December 19, 2007

Hoping to spur local action to combat global warming, the Bay Area's air pollution district is poised today to become the first in the nation to approve grants to cities, counties and local groups to reduce greenhouse gases.

In all, 53 grants of up to \$75,000 will be awarded — totaling \$3 million. Money will be used for projects ranging from installing solar panels on Contra Costa homes, planting shade trees to cool West Oakland homes, creating a municipal energy office in San Mateo County and developing climate action plans in Hayward and Fremont to reduce auto and energy use.

In Marin County, sixth-graders would be trained to make energy-reduction upgrades in homes.

In Berkeley, the city would use its \$75,000 grant to start a program offering low-interest loans to install solar power in homes and businesses.

Reducing greenhouse gases is new to local air districts, which generally focus on pollutants such as smog and soot as regional public health concerns.

"We are not going to wait for the Bush administration or a treaty in Bali before we take action on global warming," said Mark Ross, a Martinez city councilman who chairs the Bay Area Air Quality Management District Board.

"It's a problem that affects all of us."

The Bay Area board is scheduled approve the grants this morning in San Francisco.

District pollution experts assessed the applications with a point system that rewarded innovation and likely results in the fields of land use, transportation and public education.

"At the end of the day, we want the best ideas and applications that we can put together as a model for actions that can be applied across the state," Ross said.

The projects recommended for grants would reduce at least 350,000 tons of greenhouse gases within five years, air district engineers estimated. Some projects won't cut pollution directly, but will yield big reductions over time by changing policies, officials said.

Richmond is looking for big reductions by adding a climate element to its city general plan to get more housing near BART stations.

The city also will look into the feasibility of establishing a municipal electric train system to move people across town to BART stations, said Parin Shah, an aide to Richmond Mayor Gail McLaughlin.

Other cities recommended for similar grants to design climate action plans include Lafayette, Benicia, Albany, Piedmont, Vallejo, San Leandro, San Carlos, Hillsborough, San Rafael and Mountain View. Contra Costa, Alameda and Sonoma counties are also in line.

for grants to create climate action plans.

"We have wanted to do a climate plan, but the big challenge was how to pay for it," Contra Costa County Community Development Director Dennis Barry said.

Barry said the county will look at how development policies, building standards and transportation policies might be changed.

County departments also will look into reducing energy use in county buildings and vehicles, he added.

Ross said the district is demanding grant recipients explain their use of the money and file progress reports.

"We are very clear in that this is not to plug holes in city or county budgets," Ross said.

A few nonprofits are in line for grants, although cities and counties are earmarked to get most of the money.

The Oakland-based Transportation and Land Use Coalition would spend \$75,000 to develop a rating system to evaluate how well building plans promote public transit use.

The Green Team Environmental Network would use a \$25,000 grant to organize middle and high school students in the East Bay to sign pledges to do energy saving at home with measures such as switching to lower-energy use light bulbs or buying less plastic water bottles that require water to be trucked long distances.

"It's about fostering leadership for our youth to be make environmental change," said Sheilah Fish, president of the Green Team board.

## **Deliveries come with no emissions**

### **UPS rolls out battery-powered vehicles this holiday season**

Judy Richter, Special to The Chronicle

S.F. Chronicle, Wednesday, December 19, 2007

With gasoline prices soaring and its holiday delivery season peaking, the company known as Brown is going a little green.

United Parcel Service has leased 42 plug-in electric cars and trucks made by Zap of Santa Rosa to deliver smaller packages in Petaluma, Rohnert Park, Sebastopol, Sonoma, Novato, San Jose and Santa Cruz during this busy holiday season.

UPS won't get power steering, power brakes or power anything else with these little three-wheel Xebras. The company won't get any gasoline bills either. Nor will there be any tailpipe emissions to contribute to global warming. Zap stands for zero air pollution. With six dry-cell batteries powering its real-wheel-mounted motor, a Xebra can go up to 40 mph. It has a range of about 25 to 40 miles after being plugged into an ordinary electrical outlet overnight.

Zap estimates driving costs at 3 cents per mile for electricity.

Because of its low speed and lack of air bags, the Xebra isn't allowed on freeways. However, it is well suited for short trips - running errands, shuttling the kids around, commuting to a nearby job - or delivering small packages.

UPS delivers 15 million to 22 million packages a day nationwide, said spokeswoman Heather Robinson, speaking by phone from company headquarters in Atlanta. Each driver delivers about 150 packages a day. Today is expected to be the peak day for the holidays, hitting that 22 million high. Most of the Xebras are stationed in Sonoma and Novato, said Mike Yates, business manager for UPS' Petaluma distribution center. UPS is using them in high-density residential areas where parking and traffic are a problem for the familiar big brown trucks.

UPS has set up small distribution centers in such areas, using portable storage containers to store packages brought by big trucks. Then Xebra drivers pick them up for final delivery. At night, the vehicles are driven to secure locations for recharging.

UPS started using Xebras shortly before Thanksgiving and will keep them through the end of the year. "It's an evaluation, a chance to use a different solution," Robinson said.

"It's too early" to say what the outcome will be, but "so far it's working well," she said.

Before using the Xebras, the drivers were trained to get used to the handling and potential hazards, such as pedestrians and bicyclists who might not hear the quiet vehicles. To be safe, the drivers tap their horns when they see someone.

Even though the final verdict on Xebra isn't in, the drivers "absolutely love it," Yates said. People often tell them "they're happy to have (the zero-emission vehicles) in their neighborhood."

Zap was founded in Alameda in 1994 by Gary Starr, now the company's chairman, and inventor James McGreen. It moved to Sebastopol a few months later.

It set up its offices, a showroom and museum in Santa Rosa in 2002. Initially it made electric bicycles and scooters. Cars joined the lineup in 2003.

Xebras are assembled by the Shandong Jindalu Vehicle Co. Ltd. at its new factory in the city of Ling Xian in the Shandong Province of China. It has a capacity of up to 4,000 vehicles a month.

They're shipped to two warehouses in Santa Rosa for completion, inspection and distribution.

Zap had sought the rights to distribute Daimler-Chrysler's tiny, gasoline-powered Smart car in the United States, but that deal fell through, said Zap spokesman Alex Campbell.

Popular in Europe, the 60-mpg Smart car was featured in the 2006 film "The Da Vinci Code."

The Xebra car is a four-door sedan that's 10 feet long, 5 feet wide and just over 5 feet high. It weighs about 1,900 pounds.

With one wheel in front and two in back, it's registered as a motorcycle, said Taylor Smith, general manager of the Electric Green Showroom at Hilts Auto in San Carlos, Zap's newest Bay Area dealership.

"It's a town car. It's for tooling around town," Smith said.

The truck is slightly longer and narrower with larger batteries. It can be configured as a flatbed or dump truck and carry up to 500 pounds. Smith sees it as useful at school or business campuses or in parks.

Both vehicles come with a radio; a CD player; a heater; and a 12-volt plug for a fan (no air conditioning), a GPS device or a cell phone. An optional solar charger can extend driving range during the day.

The base price of the sedan is \$9,900, while a truck with upgraded batteries is about \$12,000, Smith said. Taxes and registration are extra.

Batteries last about three years and cost \$1,200 to \$2,000 to replace, said Zap spokesman Campbell.

Little maintenance is needed, mainly for the brake fluid and gear box about every 100,000 miles, said Mark Appel, marketing manager for the San Carlos dealership. State Farm and other companies will insure the vehicles, he said.

A short test drive showed that driving a Xebra takes some adjustment because of its zippy acceleration and tight turning radius. It's also a rough ride, but there's no engine noise. The engine turns off when the driver takes his foot off the accelerator.

Zap also makes the \$2,995 Zapino electric scooter, which resembles a Vespa; three-wheel off-road vehicles ranging from \$799 to \$4,800; the \$530 Zappy, a three-wheel stand-up scooter; and two upgraded Zappy models for \$580 and \$900.

Besides electric vehicles, Zap makes Recharge-It-All Batteries and Chargers for electronic devices. The company is expected to introduce its iZAP rechargeable battery for iPods at the MacWorld conference next month in San Francisco. Next year, Zap plans to distribute the Obvio, a small Brazilian-made car that can use ethanol, gasoline or any combination of those fuels.

Late in the year, Zap and Lotus Engineering hope to introduce a crossover electric sport SUV, the Zap-X. It reportedly will have a range of about 350 miles, a top speed of 155 mph and a 10-minute recharging time. Zap is taking reservations for \$25,000.

A sedan version with a range of about 100 miles, a top speed of about 100 mph and a price of about \$30,000 is expected to be available sooner, according to USA Today.

Also next year, a potential competitor to Zap, Tesla Motors of San Carlos, hopes to deliver its long-delayed Tesla Roadster to buyers who deposit \$5,000 to get on its new waiting list, according to Edmunds.com. This electric sports car is said to have a range of 245 miles, a top speed of 125 mph and a price tag of around \$98,000.

Zap is publicly traded over the counter. It had a net loss of \$480,000 for the nine months that ended Sept. 30, according to its latest quarterly report. Its stock closed at 82 cents Tuesday.

Still, company officials are optimistic. "Electric car technology is here, and the race is on to see who can take the lead in creating sustainable transportation. ... With our experience, we know Zap will play a leadership role," said Steve Schneider, chief executive officer, in a letter to shareholders in May.

Al Yousuf Group, a manufacturing and distribution company in Dubai, United Arab Emirates, bought \$5 million in shares in November, Zap reported. One of its subsidiaries is Al Yousuf Motors, which serves several cities in the oil-rich Middle East.

The Electric Vehicle Co., a startup in Chicago, ordered \$79 million worth of Zap vehicles in April, Automotive Tech reported. It plans to sell electric vehicles to municipalities, campuses, the military, foreign countries and other entities.

Coca-Cola's Latin American subsidiary said in October that it will use Xebra trucks in South America, Zap reported.

"We're not out to get rid of gas cars. We're just trying to create a choice," said Zap's Campbell. For now, "we're the only company that's selling anything faster."

## **Democrats warn of denial by EPA**

### **Boxer, Waxman pressure officials on state's emission waiver ruling**

By David Whitney

Sacramento Bee, Wednesday, December 19, 2007

WASHINGTON – Key Democrats on Capitol Hill are preparing for the Environmental Protection Agency to rule against California's application for a Clean Air Act waiver permitting it to proceed with tough reductions in car and truck emissions.

The decision could come any time. Despite congressional pressure and a California lawsuit filed in October seeking a quicker decision on the state's 2-year-old application, EPA Administrator Stephen Johnson has said only that the waiver decision will be made by the end of the year.

In a gathering with reporters Tuesday, Sen. Barbara Boxer, D-Calif., said she has "very little hope" that the EPA will grant the waiver, which would open the door to California and more than a dozen other states imposing emission standards more stringent than federal requirements.

The California standard calls for a 30 percent cut in tailpipe emissions by 2016. It is a key part of the state's aggressive effort to reduce global warming.

Asked whether she thought the decision would be made by the EPA or at the White House, Boxer said: "If you look at everything done on the environment, a lot of this leads back to the vice president's office."

"Politics is alive and well in relation to this waiver," said Boxer, chair of the Senate Environment and Public Works Committee.

Under the Clean Air Act, California is entitled to impose stricter air pollution standards than the federal government as long as it first obtains a waiver. Over the last three decades, 40 such waivers have been issued. None has been denied.

Once a waiver is granted, federal law permits other states to follow California's lead. Sixteen states have now adopted or soon will adopt emissions laws similar to California's, and they would be entitled to move ahead with them if the California waiver is adopted. Among the states are Florida, Massachusetts, Maryland, New Jersey, New Mexico, New York, Oregon, Pennsylvania and Washington. Together they represent 70 percent of the new cars and trucks sold in the United States, according to the automobile industry.

Boxer cited "rumors" from inside the EPA of deep divisions over whether to grant the waiver. Bettina Poirier, chief of staff to Boxer's committee, said she had heard reports of "resistance" among EPA staffers to completing the necessary legal and technical analyses.

Those reports parallel concerns raised by Rep. Henry Waxman, D-Los Angeles, in a letter to Johnson last week. Waxman, chairman of the House Oversight and Government Reform Committee, asked Johnson to report back on whether the administrator had assigned the agency's technical and legal staff "with preparing the appropriate decision documents."

The last-minute hand-wringing comes as Congress completed work this week on an energy bill raising vehicle gasoline mileage standards to an average of 35 miles per gallon by 2020 – the first time in two decades the standard had been increased.

Charges of political interference have been raised before in the waiver battle.

In September, after his panel looked into reports that an agency staff member called congressional offices urging them to oppose the waiver, Waxman issued a report blasting the White House for backing a lobbying campaign by the U.S. Department of Transportation against the state's application. The calls were placed just as the public comment period on the California application was coming to an end in June.

Boxer said Tuesday she had been seeking a meeting this week with Johnson, but that the administrator was "ducking" her.

"Administrator Johnson will absolutely meet with the senator after he makes his decision," EPA spokeswoman Jennifer Wood said. "The administrator remains committed to maintaining the integrity of the process, and the senator has already made her position clear in her statements to the media and to the agency."

## **Ag element revise given OK**

### **After land preservation provision altered, board approves on split vote**

By TIM MORAN

Modesto Bee, Wednesday, December 19, 2007

A long-awaited rewrite of the agricultural element of Stanislaus County's general plan won approval from the Board of Supervisors on Tuesday night on a 3-2 vote after changes were made to a controversial land mitigation provision.

The ag element addresses issues such as creating buffers between agriculture and other uses; offsetting the loss of farmland to development; housing for farmworkers; protecting food safety; and air quality, water and soil resources.

But the provision that calls for mitigating the loss of farmland to development drew the most opposition. The Building Industry Association of Central California, among others, opposed the mitigation measure as a violation of property rights.

Farm and environmental advocates favored the ag element revision -- the first since 1992 -- and spoke in favor of the mitigation provision, which calls for developers to preserve an equivalent quality of farmland on an acre-for-acre basis.

After a motion to approve the element as proposed failed, supervisors changed the mitigation provision to apply only to residential developments. Supervisor Jeff Grover was concerned that the county's efforts to bring employers and jobs to the area would be hampered if mitigation were required for conversion of farmland to industrial or commercial uses.

The amended motion drew support from Grover, Tom Mayfield and Jim DeMartini.

Supervisor Dick Monteith voted against it after talking about creating incentives for developers to build on poor agricultural soils.

Supervisor Bill O'Brien voted "no" after discussing the ag element's impacts on farmers who own unirrigated pasture land, which makes up a large part of his district in the northeast part of the county.

The latest draft of the general plan amendment addresses several issues the Board of Supervisors raised in rejecting the amendment in April.

The supervisors wanted more specific guidelines for the ag land buffers, an update of the Williamson Act rules, a review and update of the A-2 general agriculture zoning district, guidelines for offsetting the loss of agricultural lands to development and a better definition of a viable farming operation.

Those items were addressed in the new draft, but the guidelines for mitigating farmland loss drew the ire of the Building Industry Association.

Association officials protested at a county Planning Commission meeting Dec. 6 that the guidelines violated property rights and amounted to taking land value from developers and giving it to farmers.

They also argued that farmland in the county is not endangered. They pointed to an increase in farm acreage and the price farmers have been paid for goods in recent years.

Agricultural and environmental advocates defended the mitigation measure as vital to protecting the county's No. 1 industry.

The Planning Commission approved the draft ag element on an 8-0 vote.

Also Tuesday, on a 3-2 vote, the board approved the third-quarter report on the PCCP West Park LLC negotiations on a master development agreement for a 4,800-acre business and industrial park near Crows Landing.

DeMartini and O'Brien voted against a motion to approve the report; to increase the acreage dedicated to an inland port from 150 to 170 acres and use the land's value as part of the matching funds required for state bond money; and to authorize the chairman to sign a letter of support for the concept of a short-haul rail system between Oakland and Crows Landing.

West Park, headed by Sacramento developer Gerry Kamilos, would be anchored by a rail link between the Port of Oakland and an inland port developed on the county-owned Crows Landing air facility. West Park is applying for \$26 million in state transportation corridor bond money, and the project needs matching money for the application.

West Park also is considering state bond money earmarked to reduce transportation air pollution.

The West Park project is controversial on the West Side, and has drawn opposition from the cities of Patterson and Newman, as well as from school and fire districts.

But Tuesday's vote came after about two dozen people spoke in favor of the West Park proposal. They spoke of the need for jobs for future generations, and of the lack of medical facilities on the West Side. Kamilos has offered to provide land for a medical facility in West Park.

DeMartini, a vocal opponent of the project, objected to several aspects, including the increase of land to be dedicated to the inland port, the financial viability of the short-haul rail proposal, and the government money being sought to support the project from the state bond fund and the county donation of land.

At one point, DeMartini commented that he thought all of the speakers in favor of the project were on West Park's payroll.

Some of the speakers took umbrage at DeMartini's comments.

"Nobody pays me to say what I feel in my heart," said Angie Archibeque of Newman. She gave the board what she said were 400 signatures on a petition in support of the project.

## **N.J. sues Pa. power plant over pollution**

By ANGELA DELLI SANTI , Associated Press Writer

Modesto Bee and Contra Costa Times, Tuesday, December 18, 2007

TRENTON, N.J. — New Jersey has filed suit against a coal-fired power plant in neighboring Pennsylvania, claiming the plant's pollutants blow across the Delaware River and harm New Jersey residents.

The state claims sulfur dioxide and other pollutants from the plant, owned by Reliant Energy Mid-Atlantic Power Holdings, are carried downwind across New Jersey's western boundary, less than a mile away.

The suit, filed in U.S. District Court in Pennsylvania, alleges that the Portland Generating Station has been modified in ways that increase air pollution. It also alleges that the owners did not obtain proper permits before modifying the Northhampton County plant and that they are violating the federal Clean Air Act by not using the best pollution control technology available.

Patricia Hammond, a spokeswoman for Reliant, said the Portland facility has a valid air permit and is operating in compliance with the requirements of that permit.

"We disagree with New Jersey's contentions," she said.

New Jersey has tried to address claims of excessive downwind pollution by Reliant before. It filed a notice of intent to sue the U.S. Environmental Protection Agency a year ago for failing to respond to its objection of an operating permit for Reliant. When the EPA rejected New Jersey's opposition to the license in June, the state appealed; that appeal is pending.

A report by the public health advocacy group Environmental Integrity Project, released in July, ranked the Portland plant fifth-highest nationally in terms of sulfur dioxide emissions per megawatt of power generated.

[Letter to the Fresno Bee, Wednesday, December 19, 2007:](#)

### **It's a start**

Every winter the past few years we have heard the weather channels declaring no-burn days because the air quality is bad. Air quality isn't the only thing we need to be worrying about. One NASA climate scientist said that the Arctic Ocean will be almost ice-free by the end of the summer of 2012.

It is the continuous burning of coal, oil and other fossil fuels that produces carbon dioxide and other greenhouse gases that are responsible for this man-made climate change. Whether you want to believe it or not, what happens in the Arctic has implications for the world we live in. White sea ice reflects close to 80% of the sun's heat off Earth, and when there is no sea ice, about 90% of the heat goes into the ocean, which in turn warms everything else. Warmer oceans then lead to more melting.

The burning of firewood in the Valley should be banned, and we need to help stop this climate change in every way we can. The elimination of wood-burning is a start.

*Colin Kraft, Fresno*

[Modesto Bee Editorial Tuesday, December 18, 2007](#)

### **Judge says state can regulate its own air quality**

California won a major victory in a Fresno court last week, when a federal judge tossed a lawsuit brought by automakers that sought to derail the state's tough, new effort to reduce emissions of the greenhouse gases blamed for global climate change.

The automakers wanted to overturn Assembly Bill 1493, which requires a 30 percent reduction in statewide greenhouse gas emissions by 2016. They argued that the law would put the state in the business of regulating fuel economy standards, a job they said belongs to the federal government.

But U.S. District Judge Anthony Ishii rejected that argument, saying "both EPA and California ... are equally empowered to promulgate regulations that limit the emissions of greenhouse gases, principally carbon dioxide, from motor vehicles."

Ishii left no doubt where he stood in the matter. He called the auto industry's challenge "the very definition of folly."

The ruling, mirroring one in Vermont, is good news to California and the 16 other states that have adopted or are working to adopt California's new, more stringent rules. Together, those states account for 45 percent of the nation's new vehicle sales, which means the California standard could become the de facto national standard.

It's important for those other states because, under the federal Clean Air Act, California is permitted to create more stringent standards than the federal government. Other states then may choose between adopting California's rules or sticking with the more lenient federal regulations.

Now the ball is in the EPA's court. Under the terms of the Clean Air Act, the agency still must approve a waiver California needs to begin enforcing its law. Such waivers have been granted routinely in the past, but the EPA -- reflecting pressure on the Bush administration from the auto industry -- has stalled its approval for two years.

That delay prompted Gov. Schwarzenegger to sue the EPA to force a decision and threaten to sue again if the EPA rejects the waiver. Fourteen other states have joined in that lawsuit.

[Note: The following clip in Spanish discusses that Senator Barbara Boxer has little hope in that the EPA will give California authorization to implement their air quality control law. For more information, contact Claudia Encinas at \(559\) 230-5851.](#)

### **"Poca esperanza" de senadora para que California pueda implementar ley ambiental**

Noticiero Latino

Radio Bilingüe, Wednesday, December 19, 2007

La presidenta del Comité de Obras Públicas y Medio Ambiente del Senado, Bárbara Boxer dijo tener poca esperanza en que la Agencia federal de Protección Ambiental (EPA, por sus siglas en inglés) conceda autorización para que California implemente su propia ley de control al cambio climático.

Boxer dijo que ha esperado una respuesta del titular de esa agencia, Stephen Johnson, para solicitarle que otorgue el permiso a California y que el funcionario sigue sin atender su solicitud, pese a que este mes vence el plazo para el permiso que la propia agencia estableció.

California interpuso una demanda contra dicha agencia en noviembre, y Boxer sostiene que la EPA estará en problemas si carece de razón legal para mantener el retraso.

La Suprema Corte de Justicia determinó este año el derecho de California a poner en práctica su ley.