

Visalia Times-Delta commentary, Friday, March 14, 2008 and Bakersfield Californian commentary, Saturday, March 15, 2008:

## Valley residents can create healthy air

Doing the right thing can have tangible rewards. And in the case of the San Joaquin Valley's air pollution, doing the right thing can put a new hybrid automobile in your garage.

The Valley Air District is rolling out the most sweeping initiative in its history, Healthy Air Living. This comprehensive, year-round, multi-faceted program involves every sector of the Valley's population. It's a new collaboration with every Valley resident, business and organization, and its goal is simple: to improve the health and quality of life of all Valley residents through strategies that clean up our air.

One facet of Healthy Air Living is a weeklong, intensive focus on alternatives to the things we do that produce emissions during July 7-13 (hence, the opportunity to win the aforementioned vehicle). More details on Healthy Air Living Week will be forthcoming this spring.

But your question now may well be, why Healthy Air Living? And why now? The Valley's tough air-quality challenges, which are a surprise to no one, present an opportunity for all of us to shine. Collectively, we can take the Valley to a place where our ingenuity, creativity and hard work on cleaning our air will be a source of genuine pride for all of us.

We are already well on our way, as many other regions are looking at Valley strategies, including pioneering rulemaking (witness the unprecedented development-impact rule that was vindicated recently after a two-year court battle), as a model for their air basins.

With Healthy Air Living, our goal is to make air quality a real priority in the day-to-day decision-making process for all individuals and businesses. The good news is that much can be accomplished through "win-win" voluntary measures that help individuals and businesses save money and reduce air pollution.

In advancing Healthy Air Living, we need help from every individual, business and municipality in the Valley. Businesses have already invested great sums of money in applying clean-air technologies and will continue to be major partners in this new initiative.

But to achieve the success we know is possible, we need to build strong alliances with some new participants, such as faith-based organizations.

This natural overlap with good stewardship of the Earth and caring about air quality has exciting potential. In fact, the district is conducting intensive, targeted outreach to segments of the community such as the faith-based community, which have not previously been at the forefront of the air-quality dialogue.

The air district is looking forward to working with this vibrant and engaging community. Strategies for Healthy Air Living components are being developed with the capabilities and needs of very specific target groups in mind.

For example, our outreach to the business community and the municipalities offers a virtual "toolbox" of strategies that can ultimately reduce vehicle miles traveled by individuals within each organization: telecommuting; flexible work schedules; and on-site employee services such as banking, stamp sales and dry cleaning pick-up and delivery are just a few.

Individuals can also put Healthy Air Living tips to work in their daily lives at home.

Some of these — foregoing the use of aerosols or using a clean, electric lawnmower in place of a gas-powered mower — may be familiar through the long-running Spare the Air program, which has been absorbed into Healthy Air Living.

To explain Healthy Air Living in detail and solicit even more ideas from the diverse Valley community, the Valley Air District is hosting three, free, one-day Healthy Air Living summits during the last week in March in each region of the air basin:

- March 25, in Bakersfield, at the Holiday Inn Select Hotel and Convention Center;
- March 26, in Fresno, at the Radisson Hotel and Conference Center; and
- March 27 in Modesto, at the Doubletree Hotel.

Registration materials and additional information is available at [www.healthyairliving.com](http://www.healthyairliving.com).

I personally extend an invitation to each Valley resident to take an active part in strategizing Healthy Air Living and attending a summit. We can absolutely make dramatic improvements in our air quality, years ahead of schedule.

But it requires all of us to embrace this initiative and live a healthy air life.

*Seyed Sadredin is executive director/air pollution control officer for the San Joaquin Valley Air Pollution Control District.*

## A damper on home fires

**A proposal to increase the number of no-burn days may leave many Valley residents who use wood-burning fireplaces out in the cold.**

By Mark Grossi / The Fresno Bee

Monday, March 17, 2008

Valley air officials want to triple the number of days that residents are banned from burning wood in their fireplaces -- and it's not because the no-burn days are popular.

The bans, which began five years ago, have been a major reason that the region achieved the federal standard for coarse specks of pollution, called PM-10, such as soot and ash from fireplaces.

Now, the staff for the San Joaquin Valley Air Pollution Control District wants a far stricter fireplace rule to help control more dangerous fine particles -- PM-2.5, which include the tiniest bits of soot and ash.

Five years ago, the district's first no-burn rule encountered waves of protest from residents who objected to the \$50 fines and the intrusion into their lives.

That sentiment is still alive. People who prefer to warm their homes with wood fires are complaining about the latest proposal.

"We cannot afford to pay \$500 a month for PG&E," Sandi Murray of Bakersfield wrote in an e-mail to air officials this month. "I see that you guys have gotten an inch from us homeowners, and now you are trying to simply cut off burning in our fireplaces."

The district proposal would ban burning on 25% to 30% of the days from November to the end of February in the more-polluted counties, such as Kern and Fresno, officials said.

Under the current rule, Kern and Fresno counties are ordered to stop burning on an average of fewer than 10% of the days each season, according to district figures.

A stricter fireplace rule is only one of many proposals in the plan to clean up PM-2.5, which medical research has linked to lung disease, heart problems and early death.

About 30 of these specks would fit across the width of a human hair. The Valley has some of the worst fine-particle pollution in the state.

The PM-2.5 plan is scheduled for a public hearing at 9 a.m. April 30. The cleanup completion is expected by 2014.

Before any new fireplace rule could be passed, the district must develop a detailed rule and hold public meetings in the coming months. It might be 2009 or later before the rule could take effect.

The district in 2003 became the first in the state to pass a fireplace rule.

Since then, a similar rule has been approved in the Sacramento and the South Coast air basins. A fireplace rule also is being discussed in the San Francisco area.

Valley officials defend their latest fireplace proposal by saying the district has avoided many violations in the last five years by stopping wood fires on bad-air days.

"This control lets us stop a problem at a time when we really need to," said Donald Hunsaker, district plan development supervisor.

The proposed rule would be triggered by forecasts of actual pollution instead of the air-quality index, which is a prediction based on temperature, moisture, wind, pollution and other factors. Activists have long considered the index too lenient and dangerous for people who have breathing problems.

The index is a health-based rating of air quality, from a healthy 0 to a lung-searing 300 and above. When the index reaches 100 -- unhealthy for those with lung problems -- the district now asks residents to refrain from burning wood.

At 150 -- unhealthy for everyone -- residents are ordered not to light wood fires.

The new approach would simply ban burning in any county where actual air pollution is forecast to exceed healthy levels. The air district would use a standard of 35 micrograms of tiny particles per cubic meter of air.

The Sacramento Air Quality Management District last year passed a similarly structured rule. It went into effect in late 2007.

John Crouch, spokesman for the Hearth, Patio and Barbecue Association in Sacramento, said he had not yet studied the Valley district's proposal. But he said wood smoke is not the only source of PM-2.5.

In the Valley, a major part of the PM-2.5 problem is ammonium nitrate, a speck that forms when ammonia from dairies combines with nitrogen oxides from vehicle exhaust.

That pollutant has nothing to do with fireplace burning, Crouch said.

"Somebody's going to have to decide if we're forecasting 35 micrograms for wood burning or for something else," he said. "There has to be more of a judgment than just the federal standard."

## **Winter not yet ready to let go**

### **Approaching storm may bring cool winds, rain and snow today.**

By James Guy / The Fresno Bee

Sat., March 15, 2008

Don't break out the lawn furniture yet. Rain, wind and thunder are threatening to put a damper today on an early spring weekend.

The National Weather Service says a mass of cold air high above the California coast is moving toward the central San Joaquin Valley.

The advance of the cooler weather already could be felt through cool breezes blowing Friday.

Expect more of the same, with winds of 10 to 15 mph for much of today.

In addition, the high, cold air moving toward warmer air below carries with it the potential for thunderstorms this afternoon and evening, according to the weather service.

The chance of precipitation is 50% today and tonight, with a temperature high today of 59 and a low tonight of 38.

The rain is expected to be gone by Sunday, but the breezy weather is likely to continue, with winds of 10 to 15 mph on the eastern side of the Valley and gusts up to 40 mph on the west side.

In the foothills, the snow level is expected to drop as low as 3,000 feet today, while in the Sierra Nevada the weather service forecasts a 70% chance of precipitation and expects as much as 4 inches of snow to fall.

Sunday in the mountains, forecasters say, the chance of snow showers is 20%, and wind speeds may reach 55 mph after midnight at the highest elevations.

The snowfall is good news for those heading to the Sierra for spring skiing next week.

Sierra Summit near Huntington Lake reports a base of between 6 and 7 feet, while Badger Pass in Yosemite National Park is reporting similar depths.

The silver lining in today's clouds is that the rainy, breezy weather carries the benefit of clearing Valley air.

The San Joaquin Valley Air Pollution Control District is forecasting good air quality today.

## **County committee favors putting off West Park vote**

Written by Jonathan Partridge

Patterson Irrigator, Friday, March 14, 2008

MODESTO — New studies, development plans and an upcoming vote all were discussed at Wednesday's meeting of the Stanislaus County Crows Landing Air Facility Steering Committee.

Committee members decided to postpone making an advisory vote on the proposed PCCP West Park industrial project until April 9, after a rail study and economic feasibility study are released to the public.

They also favored postponing the county board of supervisors' decision on whether to approve a master development agreement with West Park until it is clear whether the project will receive state bond money.

PCCP West Park is a 4,800-acre industrial development proposed to be built on and around Crows Landing's former naval airfield, now owned by Stanislaus County. It would include an inland port where goods would be shipped to and from the Port of Oakland via short-haul rail.

California Transportation Commission staff recommended this week that \$25 million in infrastructure bond funding go toward construction of the park's \$52 million first phase; the project as a whole could cost anywhere from \$492 million to \$534 million.

However, the state commission will not vote on bond allocations until April 10, two days after county supervisors are slated to vote on a master development agreement with West Park.

## **Meetings galore**

West Park developer Gerry Kamilos said at the meeting that he had met with several groups and agencies during the past few months. During that time, he told the Newman-Crows Landing School District that the district would reap \$22 million in school fees from the project without gaining a single student. That would happen through property assessments. He also met with the Crows Landing Community Services District and discussed spending \$12 million to improve the town's water and sewer infrastructure.

Kamilos said he also has met with the West Stanislaus Fire Protection District about building a fire station and has met several times with Union Pacific about obtaining rights-of-way for the rail project.

The Altamont Commuter Express rail service hoped to obtain bond money to buy up a leg of Union Pacific's right-of-way that West Park would need to use, but California Transportation Commission staff has recommended against funding that project.

Kamilos said there are other options, and he plans to meet again with Union Pacific officials if the board of supervisors approves West Park's master development agreement.

Kamilos said the railroads have shown no particular interest in short-haul rail because long-haul rail is more economical for them. But the advantage of short-haul, he said, is that it would not conflict with their existing train routes.

### **Conflict continues**

Other aspects of Wednesday's meeting, which covered a host of West Park-related topics, followed the same trend as at past meetings: Kamilos touted progress on project plans, Supervisor Dick Monteith sang the project's praises and Supervisor Jim DeMartini lambasted it.

"I just don't want to see my district screwed over," DeMartini said toward the end of the meeting, while Monteith chided him for saying such things.

Both supervisors continue to disagree on the merits of the project and on its public support.

DeMartini said he has walked through several West Side neighborhoods while gearing up for his upcoming election campaign, and he has found little or no support for West Park. Monteith said he has received several calls from West Side residents who favor the project and said it will solve regional problems, provide jobs and eliminate air pollution. He said the Central Valley deals with much pollution from diesel trucks traveling into and from the Bay Area, and those truck trips could be eliminated by more short-haul rail.

"This is the largest program in the Central Valley and the state of California to address this problem of pollution that we have," Monteith said.

### **Local concerns**

Meanwhile, Patterson City Manager Cleve Morris said the city continues to fret about the project's size, the movement of trains through the city and the potential harm to local air quality.

Morris specifically noted that it is unclear what will happen at Highway 33 and Las Palmas Avenue, where trains are expected to cross the roadway. He mentioned worries that an overpass or some other graded crossing there could interfere with the city's downtown circle. He said by phone Thursday that the city would like to know whether that is the case before the project is approved.

Kamilos said preliminary engineering studies have shown that Plaza Circle will not be touched. He also explained that West Park plans to spend \$40 million on that intersection and another \$30 million on a graded crossing to the airbase at Highway 33.

The developer said mitigation requirements would be determined during next year's environmental review process, which would include input from state, federal and local agencies.

Committee member Andrew Souza of Crows Landing also expressed worry about trains crossing Highway 33 to get to the air facility near Crows Landing, referring to several accidents when trains used to cross the highway.

Kamilos replied that whatever crossing is approved must be safe.

Steering committee members also were curious about how the developer would supply water to the industrial park and pay for its construction. Kamilos talked about using underground water storage and groundwater recharge, though he said specifics have yet to be worked out.

As for financing plans, a West Park consultant aims to release a study with more information before the month's end. Kamilos said PCCP West Park LLC must prove that its project can pay for itself.

Part of the project's financing will include Mello-Roos bonds, he said, which would be repaid through fees assessed on West Park businesses.

That news seemed to soothe at least one steering committee member, who wanted to make sure present residents would not have to foot the bill.

"Our concern we have is that the costs of the project will not be borne by the people who are already there," Crows Landing farmer Earl Perez said.

## **City considers increasing garbage collection fee**

## **Bills could be \$31.21 a month in 4 years; fee hasn't been increased since 2002.**

Merced Sun-Star, Friday, March 14, 2008

The famous computer science term GIGO -- garbage in, garbage out -- could soon change in Merced to GOGU -- garbage out, garbage up.

Spiking labor, fuel and equipment costs could mean higher trash collection bills for Merced residents starting in July.

The City Council will review a possible fee hike at a study session before its Monday night meeting. The council won't vote on the rate increase until at least May. A public hearing before the vote will let citizens weigh in about the proposed increase.

If approved, the increase would push monthly residential bills from \$24.71 to \$26.69 this July, with subsequent yearly increases for the next four years. By 2012, residential customers would be paying \$31.21 a month.

The city last bumped up garbage collection rates in 2002. Since then, the cost of picking up the city's trash has increased substantially, said Public Works Solid Waste Manager Stan Murdock. "We're paying more for everything," said Murdock. "We're paying more for labor, we're paying more for trucks, we're paying more to dispose, we're paying more for fuel."

For example, diesel fuel costs have skyrocketed 170 percent since the city last raised bills. In 2002, the price for a gallon of fuel was \$1.06; today it's \$2.87 a gallon.

The city is also paying more for both garbage trucks and the people who drive them. Recently approved union contracts guarantee a pay raise for public works employees every January until 2010, said Murdock. New regulations mandated by the San Joaquin Valley Air Pollution Control District mean the city must outfit its trucks with special devices that trap toxins and make exhaust cleaner. The contraptions mean cleaner air, but they add about \$15,000 to the cost of each vehicle.

In 2002, garbage trucks cost the city about \$150,000; today it's \$215,000, said Murdock. Consultants who helped the city analyze its garbage costs project that Merced could need three new trucks over the next four years.

Other factors contributing to the need for the rate increase are the recycling and green waste programs the city added in 2003.

Residents aren't the only ones being asked to pony up more for trash collection. Consultants are also recommending a hike in the fees developers pay when they build in Merced. Right now Merced charges developers \$299.55 for each new single-family house.

The fee is meant to cover the cost of garbage service and containers for the new house. If approved, the city would hike that fee to \$415 per house.

"That's to help that new construction pay for the cost of providing service," said Murdock. "What happens then is that people who live here in Merced are then not subsidizing the cost of the new truck to serve the people way up in Bellevue Ranch."

Council meeting

WHAT: City Council study session on garbage collection rate increase

WHEN: Monday at 5:30 p.m.

WHERE: City Council Chambers, 678 W. 18th St.

WHY: The city is considering raising residential garbage collection fees by \$1.98 a month later this year.

## **Air officials consider increase in number of no-burn days**

Merced Sun-Star, Monday, March 17, 2008

Valley air officials want to triple the number of days that residents are banned from burning wood in their fireplaces -- and it's not because the no-burn days are popular.

The bans, which began five years ago, have been a major reason that the region achieved the federal standard for coarse specks of pollution, called PM-10, such as soot and ash from fireplaces.

Now, the staff for the San Joaquin Valley Air Pollution Control District wants a far stricter fireplace rule to help control more dangerous fine particles -- PM-2.5, which include the tiniest bits of soot and ash.

Five years ago, the district's first no-burn rule encountered waves of protest from residents who objected to the \$50 fines and the intrusion into their lives.

That sentiment is still alive. People who prefer to warm their homes with wood fires are complaining about the latest proposal.

"We cannot afford to pay \$500 a month for PG&E," Sandi Murray of Bakersfield wrote in an e-mail to air officials this month. "I see that you guys have gotten an inch from us homeowners, and now you are trying to simply cut off burning in our fireplaces."

The district proposal would ban burning on 25% to 30% of the days from November to the end of February in the more-polluted counties, such as Kern and Fresno, officials said.

Under the current rule, Kern and Fresno counties are ordered to stop burning on an average of fewer than 10% of the days each season, according to district figures.

A stricter fireplace rule is only one of many proposals in the plan to clean up PM-2.5, which medical research has linked to lung disease, heart problems and early death.

About 30 of these specks would fit across the width of a human hair. The Valley has some of the worst fine-particle pollution in the state.

The PM-2.5 plan is scheduled for a public hearing at 9 a.m. April 30. The cleanup completion is expected by 2014.

Before any new fireplace rule could be passed, the district must develop a detailed rule and hold public meetings in the coming months. It might be 2009 or later before the rule could take effect.

The district in 2003 became the first in the state to pass a fireplace rule.

Since then, a similar rule has been approved in the Sacramento and the South Coast air basins. A fireplace rule also is being discussed in the San Francisco area.

Valley officials defend their latest fireplace proposal by saying the district has avoided many violations in the last five years by stopping wood fires on bad-air days.

"This control lets us stop a problem at a time when we really need to," said Donald Hunsaker, district plan development supervisor.

The proposed rule would be triggered by forecasts of actual pollution instead of the air-quality index, which is a prediction based on temperature, moisture, wind, pollution and other factors. Activists have long considered the index too lenient and dangerous for people who have breathing problems.

The index is a health-based rating of air quality, from a healthy 0 to a lung-searing 300 and above. When the index reaches 100 -- unhealthy for those with lung problems -- the district now asks residents to refrain from burning wood.

At 150 -- unhealthy for everyone -- residents are ordered not to light wood fires.

The new approach would simply ban burning in any county where actual air pollution is forecast to exceed healthy levels. The air district would use a standard of 35 micrograms of tiny particles per cubic meter of air.

The Sacramento Air Quality Management District last year passed a similarly structured rule. It went into effect in late 2007.

John Crouch, spokesman for the Hearth, Patio and Barbecue Association in Sacramento, said he had not yet studied the Valley district's proposal. But he said wood smoke is not the only source of PM-2.5.

In the Valley, a major part of the PM-2.5 problem is ammonium nitrate, a speck that forms when ammonia from dairies combines with nitrogen oxides from vehicle exhaust.

That pollutant has nothing to do with fireplace burning, Crouch said.

"Somebody's going to have to decide if we're forecasting 35 micrograms for wood burning or for something else," he said. "There has to be more of a judgment than just the federal standard."

## **Measures aim to make dairies good neighbors**

**Requirements force owners to keep close tabs on their operations to ensure environmental stewardship**

By Dhyana Levey

Merced Sun-Star, Monday, March 17, 2008

Each week Kimberly Clauss photographs lagoons at her Hilmar dairies.

She isn't an aspiring photographer. Taking pictures is now part of her job.

Documenting pond levels is one of many new requirements for dairies set recently by state and regional water quality control boards.

The stricter laws are geared toward green goals for California's air and water. However noble their intention, they also add hours and costs to a dairy's grueling dawn-to-dusk timetable. The county's hundreds of dairies -- many of them run by

deeply rooted families for generations -- produce vital kitchen-table products for countless consumers. And they form a venerable link to livelihoods handed down as legacies for more than a century.

Lagoons hold dairy waste, such as manure, and runoff water that in turn is used to irrigate and fertilize. And their contents have to stay about 1-to-2 feet below the sides. That level must now be proven by photographs each week during the rainy months of October through May.

It's not that dairies weren't already watching their lagoon levels, Clauss said: "We don't want our lagoons to leak."

And it's not that dairies weren't already regulating other environmental effects on the land they use, she added. But now dairy owners are required to produce nutrient and wastewater management plans, conduct additional environmental monitoring and complete stacks of record-keeping.

They also must further track and manage emissions from cows and feed to address air pollution problems.

Not only does this cost plenty of cash, but the new requirements eat up time -- so much time that Clauss Dairy Farms had to hire a new employee to care for all the new paperwork.

"It's just a fact of life now," Clauss said. "Would it be easier not to do it? Yeah. But we have to change."

### **What happened?**

The water board decided to toughen requirements after gaining more information about the potential harm dairies can do to ground and surface water, according to Rudy Schnagl, manager for the confined animal program of the Central Valley Regional Water Quality Control Board.

And the San Joaquin Valley Air Pollution Control District identified dairies as a possible source of pollution. Dairymen are required to provide more controls to lessen volatile organic compound emissions from lagoons, cow waste and their feed.

These changes apply to all of Merced County's 300 or so dairies. To operate a dairy here, permits must now be obtained from the county, San Joaquin Valley Air Pollution Control District and the Regional Water Quality Control Board.

The water protection rules were adopted by the water board in May, including a five-year plan for dairies to make the improvements.

"This was a previously unregulated industry -- there were laws, you couldn't discharge manure off of a dairy, but permits were general," explained Michael Payne, program director of California Dairy Quality Assurance Program (CDQAP), which helps producers meet environmental regulations. "The regional water board said ... each year, turn in more reports, do more evaluations, collect samples from lagoon water, irrigation water -- it's huge."

A preliminary dairy assessment was due Dec. 31 to map out the land and note cattle numbers, irrigation systems and lagoons.

Dairies of all sizes must improve their irrigation and storage systems and continue to monitor groundwater, soil, plants and manure.

The regulations stretch from Bakersfield to the Oregon border, affecting about 1,600 of the 2,000 dairies in California, Payne said.

### **What does this mean?**

Paperwork, paperwork, paperwork, Clauss said. She opened a drawer in her office filled with dozens upon dozens of folders, all containing work related to the new regulations.

For her family's dairies, which include the Hilmar-based Clauss Dairy Farms and Sunwest Jersey Dairy, the rules cost more in time than money. Even with a new employee to fill out the paperwork, many hours are spent in the field to make sure everything -- including flow meters, pumps and filtering systems -- are up to par, said her farm manager Luis Fernandes, who does a lot of the work.

Even so, these changes cost dairies a lot of cash.

Costs vary greatly from dairy to dairy, said J.P. Cativiela, program coordinator of Community Alliance for Responsible Environmental Stewardship (CARES), a coalition of dairy industry groups that work solely on environmental issues.

The water board estimated the average costs of the new regulations to be about \$45,000 to \$60,000 in the first year, and between \$35,000 and \$45,000 each year after that.

The money is spent through sampling, equipment and hiring outside consultants to help with all the work.

Western United Dairymen, a Modesto-based organization that works with Merced County dairies, is trying to help producers bear these expenses. It provides discounted lab services and consultant work and helps dairymen with paperwork, said Michael Marsh, CEO of the organization.

It opened an environmental services division in September to deal solely with the new regulations. "The ultimate goal is to have all dairy producers know how to do paperwork, and we go out of business," he said.

However, he's plenty worried about how all the changes are affecting the dairy industry.

### **The down and up sides**

Small farms are hit harder by the costs because they have fewer resources to recoup the money they spend. That can make it harder for them to stay in California, Marsh said.

Some dairies -- big and small -- are moving to states with less stringent regulations, such as Oregon, Washington, Arizona and New Mexico. And some operations are simply retiring early. "You see these folks, these farms that have been around since the 1880s," he said. "It's sobering."

Clauss, 36, has had dairies on her mother's side of the family since the early 1900s, and on her father's side since the 1950s. Her family continues to work with Jersey cows on Hilmar dairies, supplying Hilmar Cheese Co. with their product.

Their operation is large, with 1,200 milk cows at Clauss and 1,100 milk cows at Sunwest dairy farms. With three lagoons at one and four at the other, Clauss takes a lot of photographs each week.

But she plans to stay in the dairy business, for all its ups and downs. "For me, it's a way of life," she said. "We have to make the changes, but we need the time to do it. Dairies are an important part of the economy."

And being good stewards to the land is important, she added. Future generations want to continue the dairy industry under the best conditions possible.

The regulations are part of an effort to meet federal ozone and dust standards, and to keep waste such as nitrogen and salts from polluting nearby water.

"I think overall this is a good thing," said Jeff Palsgaard, director of Merced County's environmental health department. "The standards have become more strict -- I'm not saying I agree with every single one of them -- but, overall, the requirements are stricter and more protective of the environment than before."

Marsh believes the agriculture business is falling under sharper scrutiny as urban areas expand into farmland. A higher population nearby means more dairy visibility.

That's not necessarily a bad thing.

"The education part is positive," he said. "A recognition that we have to do a better job to comply, do our share to clear the air and enhance water quality."

However, that doesn't mean the dairy industry was at all pleased by the new requirements. "It's another thing they gotta do instead of milking their cows," Marsh said.

### **What help was available?**

County, state and regional organizations tried to brace dairymen for the changes. "We are blessed to live in Merced County," Clauss said, referring to two grants the county obtained.

One was for \$1.2 million to help dairymen prepare their waste management plans, Palsgaard said, adding that 227 dairymen signed up for the program. Another grant for \$253,000 came from the state water board to prepare a Web-based model program for other plans that must be followed.

And organizations like CARES, Western United Dairymen, and CDQAP put in their time.

They studied cost scenarios, brought dairy groups together to address the issues and lobbied on behalf of the industry.

CDQAP offered outreach throughout each Central Valley county in November and December -- 21 separate workshops on 13 dates in 10 locations, said Payne, CDQAP program director and an outreach veterinarian for the University of California, Davis.

Western United Dairymen staffed the workshops, which helped dairymen learn how to complete their waste discharge reports.

Results were good -- there was a 98 percent compliance rate. "Almost every dairyman in the Valley stepped up and said, 'Here I am regulating,'" Payne observed.

The outreach efforts and responses by participants were unprecedented. The Merced County workshops were so full, they were standing-room only.

"It's a really big turning point in our industry as far as what's going to happen over the next four years," said Clauss, who attended the seminars with everyone else. "So, for me, for dairy farmers, it's been an educational process."

Merced County cows may not be sacred, but the women and men who raise and milk them now know that, for the environment, they labor on hallowed ground.

## **Group plans to sue EPA over Valley air quality**

**Oakland lawyers say agency wrongly labeled air as less polluted**

By Garance Burke, Associated Press

Tri-Valley Herald, Saturday, March 15, 2008

FRESNO — Environmentalists vowed to sue the U.S. Environmental Protection Agency on Monday after the agency found that air quality in the San Joaquin Valley met federal standards for airborne dust, smoke and soot.

On Friday, the agency ruled the region's air was no longer plagued with excessive levels of PM-10 pollution, tiny airborne particles that are linked to asthma, bronchitis and heart problems.

Monitors throughout the valley showed pollution levels hadn't violated requirements under the federal Clean Air Act over a three-year period, the agency said.

But environmental groups — including three chapters of the Sierra Club and a group of physicians in the valley — say the EPA's data show that federal pollution standards were surpassed nine times from 2003 to 2006.

"They're saying, 'The air is clean, we wash our hands, and whatever the valley's dust problems are now will be the reality from here on out,'" said Paul Cort, an attorney with Earthjustice, an Oakland-based law group that plans to file suit in the 9th U.S. Circuit Court of Appeals. "We believe that if you look out your window in Bakersfield, you can see that the problem has not been solved."

Officials in the EPA's Region 9 in San Francisco said Monday the temporary spikes environmentalists decried were excluded from the records, because the monitors were registering dust kicked up by high winds and construction, the EPA said.

"We all know that the San Joaquin

Valley has air pollution problems that need to be dealt with," said Kerry Drake, an associate director in the air division in EPA's Region 9. "It appears to us that this standard has been met. There's no going backward, and there's plenty more work to be done."

Pollutants from tailpipes, smokestacks and livestock waste all contribute to smog in the valley, which is one of the nation's dirtiest air basins.

The valley still exceeds federal standards for ozone and fine particle pollution.

## **24 arrested at Chevron protest**

**Demonstration against Iraq war, plant upgrade 'controlled and orderly'**

By Tom Lochner and Mike Taucher, Staff Writers

Contra Costa Times, Sunday, March 16, 2008

RICHMOND -- Two dozen people were arrested peacefully outside the Bay Area's largest oil refinery late Saturday at the end of a daylong protest aimed at the war in Iraq and a planned upgrade of the plant.

"Chevron is profiting at the expense of people you love, who live in this community," Sean O'Brien of Berkeley shouted, shortly before he was arrested, to some 50 helmeted Richmond police and California Highway Patrol officers who formed a human barricade between the protesters and the Richmond refinery.

"Polluting the community -- think about whether that's right," O'Brien continued. "Think about whether it's just."

The protesters were taken to the city jail, where they were booked on suspicion of misdemeanor trespassing, said Richmond police Lt. Mark Gagan. He said they would be released if they had valid identification. By 8 p.m., most of the 24 arrestees had been released with a notice to appear in court as processing of the rest continued, Gagan said.

Three other people were cited for infractions, Gagan said -- two for climbing up light standards to hang a banner and one for using an amplified public address system without a permit.

The protest, sponsored by a group of environmental and antiwar groups, by and large was "controlled and orderly," and organizers and police communicated well throughout it, Gagan said.

Although the protest was billed as an attempt to blockade the Richmond refinery, Chevron said operations there were unaffected.

"People have the power to stop the refinery any time we want to, to stop the processing of stolen Iraqi oil," said Henry Clark of the West County Toxics Coalition.

However, Chevron spokesman Dean O'Hair said the refinery's production was unaffected.

About 300 people attended the event, which included speeches, music by the Brass Liberation Orchestra, step dancing, street theater and a protest march. Protesters wielded placards linking the war in Iraq, America's avidity for oil and health problems in Richmond. The inscriptions included, "No war, (no) warming, (no) empire;" "Fight toxic racism;" "End Chevron crimes from Richmond to Iraq;" "Shut down Guantanamo;" "Oil=Blood;" and "Boycott Chevwrong 24/7."

Protesters accused Chevron of profiteering from additional access to Iraqi oil as a result of the war and of polluting Richmond's air.

O'Hair called the link between Chevron and the war "baseless," saying the company buys crude on the global market and that it comes from multiple regions.

On Thursday, the retrofit proposal for Chevron's Richmond refinery is expected to come before the city's planning commission. That, and the fifth anniversary of the start of the war in Iraq, prompted the protest.

"It is time to clear the air and say no more pollution, no more war and no more lies," Richmond Mayor Gayle McLaughlin told the crowd.

O'Brien was among a group that sat on the pavement, encircled by yellow "Global Warming Crime Scene" tape, about 35 feet inside the Chevron property line after pushing aside temporary fencing erected by police at the entrance to the refinery grounds.

More than 40 additional Richmond officers were called in to deal with the protest, and all were earning overtime, Gagan said. The average hourly rate for a police officer on overtime is \$65 to \$70, he said.

## **Letting nature clear the air**

### **California is reshaping forest management strategies in the campaign to reduce gas emissions**

By Michael Gardner

San Diego Union-Tribune, Sacramento Bureau, Monday, March 17, 2008

SACRAMENTO – For California's timber industry, the value of forests may no longer be just the logs but also what's in the wood.

Trees absorb carbon dioxide from the Earth's atmosphere, where the presence of too much of the greenhouse gas – emitted by cars, factories and other human activity – is being blamed for the escalating threat of global warming.

The 17 million acres of timberland in California are becoming part of the solution.

Across the state, nature's photosynthesis technology is being enlisted as California gradually reshapes forest management into an ally in the campaign to reduce greenhouse gas emissions and prevent severe climatic disruptions.

"Can you think of anything more appealing to the public than planting redwoods to fight global warming?" said Mike Wells, a parks superintendent overseeing a revegetation project at Cuyamaca Rancho State Park in East County.

Along Cuyamaca and Middle peaks, where the 2003 Cedar fire charred hillsides so intensely that natural rejuvenation of 17,000 acres of mixed conifers is virtually impossible, workers are planting swaths of fast-growing native Jeffrey pine, a species picked for its fire resistance – and superior ability to store carbon dioxide.

Near Mount Lassen in northeastern California, Gary Hendrix is helping researchers learn more about how his family's forest land can be better managed for fire protection and to soak up tons of carbon dioxide when he is not milling his Ponderosa pine into unique gift boxes for books.

Along California's north coast, conservation-minded organizations manage forests for storing carbon even while allowing some logging to keep the local economy churning.

The most notable of those sites, the 2,200-acre Van Eck Forest in Humboldt County, operated by the Pacific Forest Trust, has attracted international attention for its carbon offset program. Sun Valley jet-setters such as Gov. Arnold Schwarzenegger, industrial producers and solo commuters have invested in maintaining and planting trees. The project's goal: store a half-million tons of carbon dioxide over the next 100 years.

Pacific Gas and Electric Co. has invested in carbon sequestration programs at the Garcia River Forest in Mendocino County, where the Nature Conservancy and other conservationists hope the trees preserved on its 23,700 acres will bank 77,000 tons of carbon emissions annually – the equivalent of taking more than 51,700 cars off the road every year.

"If we only address emissions from the energy sectors and the consumption of fossil fuels we won't be addressing climate change," said Louis Blumberg, a climate policy specialist with the Nature Conservancy.

Challenges still loom, however, as the state Air Resources Board pursues a strategy on reducing carbon dioxide emissions that likely will include regulations sweetened by incentives.

Carbon markets, which allow polluters to pay landowners to protect forests and, in turn, receive credit toward complying with greenhouse gas emission limits, remain unsettled.

There is also an intense behind-the-scenes struggle over whether the state should require landowners to sign binding promises not to develop the land as a condition of receiving benefits or participating in carbon markets.

Questions over how to fairly and accurately credit landowners for the amount of carbon saved through innovative new forestry management in comparison to what would be stored by the trees anyway are still not completely answered. That's a complicated, yet important, distinction given the potential value of carbon credits.

Timber interests, already believing there is too much regulation, remain leery of more government intervention.

Some environmental groups are wary of timber interests using the process to secure state permission to log increased numbers of larger, older trees by arguing that newly planted forests would absorb more carbon more quickly as they mature.

"The logging industry is shamelessly trying to exploit legitimate concern over global warming to advance their agendas," said Bill Magavern, director of the Sierra Club in California. "Some of the same people who have denied global warming has been a problem are now claiming to be the solution."

However, some studies point out that wildfires release large amounts of greenhouse gases and that forest thinning would reduce the fuel for fires.

Industry in California, such as refineries and power plants, is facing regulations to gradually scale back greenhouse gas emissions to 1990 levels by 2020.

Dave Bischel, president of the California Forestry Association, is optimistic that the state can achieve its goals as long as landowners are provided the proper incentives, from financial resources to streamlining permits.

"We've estimated conservatively that we can double the amount of sequestration out of forests over the next 15 years if the proper incentives are provided," Bischel said.

About half of the 17 million acres of timber land in the state is public property and half is in private hands. Industrial forests of more than 50,000 acres each make up at least 4.2 million acres, according to state figures.

In broad terms, an acre of 40-year-old trees can absorb nearly the same amount of greenhouse gases emitted every year by a car. Foresters say as much as half of a tree's weight can be stored carbon. Just as importantly, carbon does not escape when a tree is logged and processed into desks or bookcases. Amounts have even been measured in 400-year-old Elizabethan-era furniture.

State air quality regulators report that 8 million metric tons of carbon dioxide could be pulled out of the atmosphere annually by 2020 "with appropriate incentives, programs and management."

"We have an opportunity to set the record straight – that forests have to be part of the solution," said Tony Brunello, one of Schwarzenegger's top climate-change advisers.

Moreover, the emerging trend toward managing some timber for carbon savings could deliver other benefits. Significantly, private and public investments to protect carbon-storing forests could encourage landowners to rebuff advances from monied suitors seeking to convert trees to tracts.

"The two things markets pay landowners for is development and logging the most they can as quickly as they can," said Laurie Wayburn, president of the Pacific Forest Trust. "California has flipped that on its head by paying to protect and restore the land while still allowing some logging."

Other states, from Montana to Texas, and the U.S. government also are taking action. In a recent meeting in Bali, Indonesia, many countries – backed by \$400 million pledged by the World Bank – agreed to work together to slow the pace at which carbon-absorbing forests are being cleared to make way for farmland. That fire is often used for the clearing makes matters worse.

Worldwide, deforestation is a major culprit, accounting for about 20 percent of the greenhouse gas emissions entering the atmosphere every year because of human activities.

"This is not just about California or the U.S. This is about the world," said Nicholas Martin, a program officer for Winrock International, a global nonprofit that works to wed economic and environmental sustainability.

In California, industry, landowners and government agencies are working to establish the rules for a carbon market. Once in place, companies could invest in forest programs. In return, they would receive credits that could be applied toward meeting emission reductions required of operations elsewhere.

"We get calls almost every single day," said Josh Margolis, a prominent carbon trader with the San Francisco firm of CantorCO2e.

Nevertheless, Margolis urges caution. Carbon markets across the country rise and fall, depending on demand for reductions, supply and government regulations.

"That's a daunting goal, one that will require equal parts ingenuity and cash to realize," he said. "There are no ruby slippers to click."

Martin agreed caution must be the watchword.

"Some segments of the industry see this as a cash cow. They're going to be disappointed," he said.

Martin also advises state regulators against going too far, such as rewriting timber harvest plans to add dictates, such as where to plant specific species, predicated on emission targets.

"If you add additional layers of rules on top of already prescriptive rules, you will make all the opportunities to do market-based solutions disappear," Martin said.

As part of a West Coast partnership led by the California Energy Commission, Winrock International is working in Shasta County with local partners on a research project that aims to lower forest-fire danger, plant trees that best absorb carbon dioxide, and still produce sustainable timber yields.

Hendrix, whose family has milled lumber since 1897, is one of about a dozen private landowners participating in the program.

"Our family wants to leave a legacy," he said.

That legacy could be as weighty as slowing global warming, or as down-to-earth as blocking the march of subdivisions rising from the valley floor toward his 2,300-foot ridge near Mount Lassen.

"What if I'm wrong? What if there isn't such a thing as global warming?" Hendrix said. "Then I've only left behind a better legacy and cleaner world."

## EPA toughens rules on diesel emissions

By Juliet Eilperin, Washington Post

In the Contra Costa Times, Saturday, March 15, 2008

WASHINGTON -- Diesel-powered locomotives, ships, ferries and tugboats will have to eliminate 90 percent of the soot and 80 percent of the nitrogen oxides in their exhaust by 2030 under tougher air-pollution standards issued Friday by the Environmental Protection Agency.

"Today EPA is fitting another important piece into the clean diesel puzzle by cleaning emissions from our trains and boats," EPA Administrator Stephen Johnson said, adding that the nation's "diesel rule has reached its final stop on its journey to deliver cleaner air to all Americans."

Over the past decade, pollution from diesel-powered cars, sport utility vehicles, trucks and off-road vehicles has been cut by a series of rules that curb emissions of fine particles and smog-causing chemicals.

Environmental groups, which had criticized the EPA this week for setting new limits on smog-causing ozone at a level higher than recommended by the agency's independent scientific advisers, applauded Friday's action.

The new standards will yield \$8.4 billion to \$12 billion in health benefits and prevent 1,400 premature deaths annually by the time they are in full effect in 2030, Johnson said. He estimated they will cost the industry \$740 million to implement.

The EPA accelerated its original proposed deadline for cutting nitrogen oxides by two years; the rules will take effect in 2014 for vessels and in 2015 for locomotives.

Some regional officials, however, said the new rules do not go far enough.

The regulations apply to ships that travel on inland waterways and between U.S. ports, but exempt large ocean-going container ships. Barry Wallerstein, executive officer of the South Coast Air Quality Management District, which oversees Los Angeles, called the omission "a huge hole in these regulations."

"The rules released today are inadequate for Southern California and are not protective of the public health in our region," said Wallerstein, whose district includes 16 million people. Ocean-going vessels are responsible for 800 preventable deaths each year in the Los Angeles area, he said. "These vessels are going to continue to use the dirtiest fuel around."

## Ships, Trains Ordered to Become Cleaner

By H. JOSEF HEBERT - The Associated Press

Washington Post, Friday, March 14, 2008

WASHINGTON -- The nation's locomotives, cargo ships, tugboats and passenger ferries will become much cleaner under new air pollution requirements announced Friday by the Environmental Protection Agency.

The EPA will require the locomotives and U.S.-flag ships and passenger ferries to cut soot by 90 percent and smog-causing chemical releases by 80 percent.

"As more and more goods flow through our ports and railways, EPA is cutting diesel emissions at their source," EPA Administrator Stephen Johnson said in a statement.

The EPA regulation will require ship and locomotive engines to meet the tougher pollution requirements beginning six to seven years from now. All the ships and locomotives would be expected to meet the new standards by 2030 as older engines are replaced.

These pollution reductions will result in annual health benefits of \$8.4 billion to \$11 billion by 2030, prevent 1,400 premature deaths, fewer hospital visits and avoid 120,000 lost work days a year due to illnesses, the EPA estimated.

Train and ship engines often operate for decades. The pollution improvements would also be required for old engines when they are overhauled to make the transition more quickly.

The action brought praise from environmentalists, who in recent days have sharply criticized the EPA for issuing smog regulations that many health experts view as inadequate and for not moving to regulate greenhouse gases linked to global warming.

"This is a good news story," Richard Kassel, director of the clean fuels and vehicles project for the Natural Resources Defense Council, said of the ship and locomotive requirements. "Thousands of asthma attacks and other health emergencies will be avoided as the nation's 40,000 ships and 21,000 diesel locomotives are cleaned up in years to come."

"This is definitely person bites dog," said Frank O'Donnell, president of Clean Air Watch, an advocacy group that has been highly critical of the EPA. "This is a rare case of the Bush administration doing something positive on air pollution."

The ship and locomotive clean engine requirements are in addition to regulations already in place for phasing in low-sulfur diesel fuel. Such fuel is needed to allow the new engine pollution systems to work properly.

The new clean air requirements for ships and locomotives have been in the works for more than three years. It follows tougher tailpipe pollution controls for large tractor-trailer rigs.

The rule will cover cargo ships that travel between U.S. ports, vessels on inland waterways including the Great Lakes, as well as tugboats and passenger ferries in such places as Seattle and New York City. The requirements do not cover foreign vessels using American ports, which fall under international standards.

## **Tougher Pollution Rules Issued for Ships, Locomotives**

### **Advocacy Groups Praise EPA Action**

By Juliet Eilperin

Washington Post, Saturday, March 15, 2008

Diesel-powered locomotives, ships, ferries and tugboats will have to eliminate 90 percent of the soot and 80 percent of the nitrogen oxides in their exhaust by 2030 under tougher air-pollution standards issued by the Environmental Protection Agency yesterday.

"Today EPA is fitting another important piece into the clean diesel puzzle by cleaning emissions from our trains and boats," EPA Administrator Stephen L. Johnson said, adding that the nation's "diesel rule has reached its final stop on its journey to deliver cleaner air to all Americans."

Over the past decade, pollution from diesel-powered cars, SUVs, trucks and off-road vehicles has been cut by a series of rules that curb emissions of fine particles and smog-causing chemicals.

Environmental groups, which had criticized the EPA this week for setting new limits on smog-causing ozone at a level higher than recommended by the agency's independent scientific advisers, applauded yesterday's action.

"Our children, and our children's children, will grow up in an era where diesel engines are no longer associated with these noxious black plumes of smoke," said Janea Scott, a staff lawyer with the group Environmental Defense. She added that the reductions ordered by the EPA "are challenging but achievable."

The new standards will yield between \$8.4 billion and \$12 billion in health benefits and prevent 1,400 premature deaths annually by the time they are in full effect in 2030, Johnson said. He estimated that they will cost businesses \$740 million to implement.

The EPA accelerated its original proposed deadline for cutting nitrogen oxides by two years; the rules will take effect in 2014 for vessels and in 2015 for locomotives.

Edward R. Hamberger, president of the Association of American Railroads, said he is confident his industry could comply.

"Our locomotive builders will be required to design diesel particulate filters and selective catalytic reduction systems that can fit within the narrow confines of a locomotive and withstand the harsh railroad operating environment," Hamberger said in a statement. "In meeting the emissions limits established by the previous standards, the railroad industry has achieved emissions and energy efficiencies beyond those contemplated at the time the previous standards were issued."

Some regional officials, however, said the new rules do not go far enough. The regulations apply to ships that travel on inland waterways and between U.S. ports, but exempt large oceangoing container ships. Barry R. Wallerstein, executive officer of the South Coast Air Quality Management District, which oversees Los Angeles, called the omission "a huge hole in these regulations."

"The rules released today are inadequate for Southern California and are not protective of the public health in our region," said Wallerstein, whose district includes 16 million people. Oceangoing vessels are responsible for 800 preventable deaths each year in the Los Angeles region, he said. "These vessels are going to continue to use the dirtiest fuel around."

In a telephone news conference about the new rules, Johnson criticized the account in yesterday's editions of The Washington Post of how the EPA crafted one part of the ozone standard announced on Wednesday.

Johnson said he was "unaware" that the office of the U.S. solicitor general had advised administration officials that the crafting of the regulations conflicted with the EPA's past submissions to the Supreme Court.

But White House spokesman Tony Fratto reiterated yesterday that administration officials did consult with the solicitor general's office over the language used to describe the decision. "We sought advice from the Justice Department, as you would expect us to do, in how to carry out our decision on that," Fratto said.

The EPA administrator also defended President Bush's decision, which Johnson carried out, to make the secondary ozone standard relating to wildlife, forests and farmland identical to the primary ozone standard for protecting human health. EPA documents show that Johnson had earlier accepted the scientific reasoning of both the EPA's staff and its outside advisers for measuring ozone on a cumulative, seasonal basis for the secondary standard; the regulation published on Wednesday quotes Johnson as agreeing that "a cumulative, seasonal standard is the most biologically relevant way to relate exposure to plant growth exposure."

But, in the end, Johnson opted not to go that route. Yesterday, he said that changing how regulators measured ozone's impact on plants made no difference in the regulation. "Regardless of the form, the stringency was there," he said.

But Rich Poirot, a member of the EPA's Clean Air Scientific Advisory Committee who helped craft the panel's recommendations for the secondary standard, said the final regulation did not take into account the fact that trees and plants, unlike humans, are exposed to ozone 24 hours a day.

"Sensitive vegetation responds to ozone at different levels and over different averaging times differently from how people respond to ozone," said Poirot, an air-quality planner at Vermont's Department of Environmental Conservation. "It's important to have a different secondary standard. Otherwise, what's the point?"

Two congressional panels -- the House Oversight and Government Reform Committee and the Senate Environment and Public Works Committee -- announced yesterday that they are investigating how the EPA set the ozone rules and the president's role in altering the public-welfare standard.

## EPA tightens smog rules for rail, sea

By H. Josef Hebert, The Associated Press

In the Contra Costa Times, LA Daily News and other papers, Friday, March 14, 2008

WASHINGTON - The Environmental Protection Agency said Friday that marine and locomotive engines must meet tougher pollution controls, hoping for dramatic cuts in the amount of smog-causing chemicals and soot coming from trains, cargo ships, tugboats and passenger ferries.

The EPA regulation would require that new diesel engines used on ships and locomotives produce 90 percent less soot and 80 percent less smog-causing nitrogen oxide beginning within six or seven years.

All the ships and locomotives would be expected to meet the new standards by 2030 as older engines are replaced or overhauled with cleaner technology.

"As more and more goods flow through our ports and railways, EPA is cutting diesel emissions at their source," EPA Administrator Stephen Johnson told reporters in a teleconference from the bustling Port of Houston in Texas.

The pollution reductions will result in annual health benefits of \$8.4 billion to \$11 billion by 2030, prevent 1,400 premature deaths, fewer hospital visits and avoid 120,000 lost work days a year due to illnesses, the EPA estimated.

The action brought praise from environmentalists, who have recently criticized the EPA sharply for issuing smog regulations that many health experts view as inadequate and for not moving to regulate greenhouse gases linked to global warming.

"This is a good news story," Richard Kassel, director of the clean fuels and vehicles project for the Natural Resources Defense Council, said of the ship and locomotive requirements.

"Thousands of asthma attacks and other health emergencies will be avoided as the nation's 40,000 ships and 21,000 diesel locomotives are cleaned up in years to come."

"This is definitely person bites dog," said Frank O'Donnell, president of Clean Air Watch, an advocacy group that has been highly critical of the EPA.

"This is a rare case of the Bush administration doing something positive on air pollution."

## **Documents: White House intervened in new smog rules**

The Associated Press

USA TODAY, Friday, March 14, 2008

WASHINGTON (AP) — The Environmental Protection Agency agreed to weaken a key section of its new smog requirements announced this week after being told at the last minute that President Bush preferred a less stringent approach, according to government documents.

The documents depict a series of tense exchanges between the EPA and the White House Office of Management and Budget during the days before the new smog air quality standard was announced Wednesday.

Changes directed by the White House were inserted into the smog regulation only hours before it was issued with the late flurry of activity forcing the EPA to delay the announcement for five hours.

The disagreement revolved around the amount of protection from ozone, or smog, should be afforded wildlife, farmlands, parks and other open spaces.

This so-called "public welfare" or "secondary" smog standard is separate from a decision to tighten the smog requirements for human health, which the EPA decided to do by reducing the allowable concentrations of ozone in the air from 80 parts per billion to 75 parts per billion.

The revised human health standard got all the attention when it was unveiled Wednesday. But the sharpest behind-the-scene tug-of-war centered on the public welfare standard, according to papers inserted in the EPA regulatory docket on Thursday.

The memos and documents indicate that senior EPA officials had wanted to make the public welfare standard more stringent than the health standard, although still not as protective as some scientists had recommended.

But the White House Office of Management and Budget insisted that both standards be identical, according to the documents. When EPA officials balked, the issue was taken to Bush, who sided with the Office of Management and Budget.

The White House involvement in the EPA smog decision was first reported by The Washington Post.

Susan Dudley, head of OMB's Information and Regulatory Affairs, alluded to Bush's direct involvement in a last minute memo she sent to EPA Administrator Stephen Johnson.

"The president has concluded that consistent with administration policy, added protection should be afford to public welfare by strengthening the secondary ozone standard and setting it to be identical to the new primary standard," she wrote in a memo to Johnson. It should not be weaker or more stronger than the human health standard, the OMB insisted.

Although dated March 13, the memo was faxed to the EPA on March 12, only hours before the rule's announcement. Parts of the memo were included in the rule's preamble posted on the EPA website.

"Never before has a president personally intervened at the 11th hour, exercising political power at the expense of the law and science, to force EPA to accept weaker air quality standards than the agency chief's expert scientific judgment had led him to adopt," said John Walke, clean air director at the Natural Resources Defense Council, a private advocacy group. "It is unprecedented and an unlawful act of political interference."

Dudley in an earlier March 6 memo had questioned the EPA's justification for have a stronger smog requirement for public welfare than for human health.

The "public welfare" — or secondary — standard is fashioned in a way to protect against long-term harm to the environment. The limits on ozone under this standard are likely to have more impact on rural areas than urban centers.

Environmentalists and ecologists have argued that the standard should be more stringent than the human health ozone standard.

Last year the EPA staff as well as a science advisory panel on clean air also concluded that protection of forests, agricultural lands and the nation's ecosystem requires a "substantially different" ozone standard than the one for protection of human health.

In recent weeks the Agriculture Department, however, weighed in heavily against making the public welfare ozone standard tougher. The department expressed concerns about the impact additional pollution controls might have on agriculture and development of biofuels, especially ethanol.

The Agriculture Department made its concerns known to OMB, which in a March 6 memo sent by Dudley to the EPA, questioned the need for a different public welfare ozone standard. EPA officials replied that the need is clear and that drifting ozone pollution has been found to cause "adverse effects" on agricultural crops, forests and vegetation.

## **Bush intervention led EPA to scale back ozone limits**

Juliet Eilperin, Washington Post

In the S.F. Chronicle and other papers, Friday, March 14, 2008

Washington -- The Environmental Protection Agency weakened one part of its new limits on smog-forming ozone after an unusual, last-minute intervention by President Bush, according to documents released by the EPA.

EPA officials initially tried to set a lower seasonal limit on ozone to protect wildlife, parks and farmland, as required under federal law. While their proposal was less restrictive than what the EPA's scientific advisers had proposed, Bush overruled EPA officials Tuesday and ordered the agency to raise the limit, according to the documents.

"It is unprecedented and an unlawful act of political interference for the president personally to override a decision that the Clean Air Act leaves exclusively to EPA's expert scientific judgment," said John Walke, clean air director for the Natural Resources Defense Council.

The president's order prompted a scramble by Bush administration officials to rewrite the regulations to avoid conflicting with past EPA statements on the harm caused by ozone.

Solicitor General Paul Clement warned administration officials Tuesday night that the rules contradicted the EPA's past submissions to the Supreme Court, according to sources familiar with the conversation. As a consequence, administration lawyers hustled to craft new legal justifications for the weakened standard.

The dispute involved one of two distinct parts of the EPA's ozone restrictions, the "public welfare" standard, which is designed to protect against long-term harm from high ozone levels. The other part is known as the "public health" standard, which sets a legal limit on how high ozone levels can be at any one time. The two standards were set at the same level Wednesday, but until Bush asked for a change, the EPA had planned to set the "public welfare" standard at a lower level.

The documents, released by the EPA late Wednesday, provided insight into how White House officials helped shape the new air quality rules that, by law, are supposed to be decided by the EPA administrator.

The White House Office of Management and Budget questioned in a March 6 memo to the EPA why the second standard was needed. EPA officials answered in a letter that high ozone concentrations can cause "adverse effects on agricultural crops, trees in managed and unmanaged forests, and vegetation species growing in natural settings."

The preamble to the new regulations alluded to this tug-of-war, stating there was a "robust discussion within the Administration of these same strengths and weaknesses" in setting the secondary standard. The preamble went on to say that the decision to make the two ozone limits identical "reflects the view of the Administration as to the most appropriate secondary standard."

The bid to rewrite the language - on the day the agency faced a statutory deadline - forced EPA Administrator Stephen Johnson, at the last moment, to postpone a scheduled news conference to announce the new rules. It finally took place at 6 p.m., five hours later than planned.

Under the Clear Air Act, the federal government must re-examine every five years whether its ozone standards are adequate, and the rules that the EPA issued Wednesday will help determine the nation's air quality for at least a decade.

Ozone, formed when pollutants such as nitrogen oxides and other chemical compounds released by industry and motor vehicles are exposed to sunlight, is linked to an array of heart and respiratory illnesses.

## **White House Played Role in Smog Rule**

By H. JOSEF HEBERT, Associated Press Writer

In the S.F. Chronicle, Contra Costa Times, Washington Post and other papers, Friday, March 14, 2008

WASHINGTON (AP) -- The head of the Environmental Protection Agency rejected suggestions on Friday that the White House forced him to weaken a key part of its new smog requirement after intervention by President Bush.

"I made the decision," EPA Administrator Stephen Johnson declared, saying he wanted to "set the record straight" on the issue.

Documents and e-mails that EPA provided as part of the record on the smog regulation, issued on Wednesday, showed that Bush became personally involved in settling differences between the EPA and the White House Office of Management and Budget over a part of the smog rule.

The documents show a disagreement between EPA and the OMB, which reviews regulations, on the amount of protection from ozone, or smog, that should be afforded wildlife, farmlands, parks and open spaces.

EPA officials had wanted to make the so-called "public welfare" or "secondary" standard stronger than the human health standard, a position also taken by environmentalists and health experts. But the White House insisted on making both standards identical, according to the documents. The issue went to Bush, who sided with his budget office.

At the conclusion of a conference call with reporters Friday on a new EPA rule to curb pollution from ships and trains, Johnson said he wanted to "set the record straight" on the issue.

"Invoking of the executive order (from the White House) did not deal with the stringency" of the public welfare standard, only "the form" it was to take, said Johnson. "I made the decision on the stringency."

The EPA on Wednesday issued a rule that tightened the smog requirements for human health, reducing the allowable concentrations of ozone, or smog, in the air from 80 parts per billion to 75 parts per billion for air to be deemed healthy. The public welfare standard was set at about the same level, though calculated differently.

The White House defended Bush's action.

"This is not a weakening of regs (regulations) or standards," White House deputy press secretary Tony Fratto said Friday. "But it was an effort to make the standards consistent. There's no question we have an interest in how federal regs impact communities."

Fratto said the new standards are the "most stringent smog standards in history" and that communities will have a hard time meeting them. He described the area where Bush intervened as 'a technical matter' and said he acted on the advice of the Justice Department.

The White House's involvement was first reported by The Washington Post.

Susan Dudley, head of OMB's Information and Regulatory Affairs, alluded to Bush's involvement in a last-minute memo to EPA chief Johnson.

"The president has concluded that consistent with administration policy, added protection should be afford to public welfare by strengthening the secondary ozone standard and setting it to be identical to the new primary standard," she wrote. It should not be weaker or stronger than the human health standard, the OMB insisted.

Although the memo was dated Thursday, it was faxed to the EPA on Wednesday, hours before the agency announced the rule. Parts of the memo were included in the rule's preamble posted on the EPA Web site.

"Never before has a president personally intervened at the 11th hour, exercising political power at the expense of the law and science, to force EPA to accept weaker air quality standards than the agency chief's expert scientific judgment had led him to adopt," said John Walke, clean air director at the Natural Resources Defense Council, a private advocacy group. "It is unprecedented and an unlawful act of political interference."

Dudley, in a March 6 memo, had questioned the EPA's justification for having a stronger smog requirement for public welfare than for human health.

The "public welfare" — or secondary — standard is fashioned in a way to protect against long-term harm to the environment. The limits on ozone under this standard are likely to have more impact on rural areas than urban centers.

Environmentalists and ecologists have argued that the standard should be more stringent than the human health ozone standard.

Last year the EPA staff and a scientific advisory panel on clean air concluded that protection of forests, agricultural lands and the ecosystem requires a "substantially different" ozone standard from the one for protecting human health.

In recent weeks the Agriculture Department has weighed in against making the public welfare ozone standard tougher. The department expressed concerns about the impact additional pollution controls might have on agriculture and development of biofuels, especially ethanol.

The department made its concerns known to OMB. EPA officials said the need was clear for a different standard for public welfare and that drifting ozone pollution has been found to cause "adverse effects" on agricultural crops, forests and vegetation.

## **In Revising Clean Air Rules, E.P.A. Draws Praise and Criticism in the Same Week**

By David Stout

The N.Y. Times, Sat., March 15, 2008

WASHINGTON — The Environmental Protection agency announced tougher rules governing the soot emissions from train and boat diesel engines on Friday, winning praise from the very environmentalists who have been attacking the Bush administration for its handling of smog standards earlier in the week.

It was a striking juxtaposition of two developments in the basic clean air regulations that affect millions of people nationwide. When it comes to addressing soot from diesel exhaust pipes, the administration has repeatedly tightened the rules, and even its critics called this another step in the right direction. But on smog, the critics have objected to what appeared to be the personal intervention of President Bush in adjusting some of the new limits that were announced on Wednesday.

The diesel rules call for engine makers to produce cleaner models several years from now and to make sure existing engines are cleaned up when they are refurbished, which typically takes place every four or five years, E.P.A. officials said. The rules also tighten restrictions on when boats can idle their engines.

"Today, E.P.A. is fitting another important piece into the clean-diesel puzzle," Stephen L. Johnson, the E.P.A. administrator, said at a news briefing.

Mr. Johnson predicted that the restrictions, when fully in place by the year 2030, would help prevent 1,400 premature deaths a year and save billions of dollars in health costs by cutting diesel soot from the affected engines by up to 90 percent.

The Natural Resources Defense Council said it was pleased with the new regulations. "E.P.A. has delivered a strong program that will go a long way toward solving the problem of diesel train and ship pollution," said Richard Kassel, head of the organization's clean fuels and vehicles project. "Thousands of asthma attacks and other health emergencies will be avoided, as the nation's 40,000 ships and 21,000 diesel locomotives are cleaned up in years to come."

Environmentalists were less accepting of the administration's actions on Wednesday in issuing new national air quality standards for smog, setting permissible levels of the chemical ozone in the air. They said the agency had bowed to eleventh-hour White House pressure in the part of the rule intended to prevent ecological harm to crops and forests. Previously, they had said the agency did not go far enough in tightening the part of the standard intended to protect people's health from ozone, which damages lung tissues.

"I predict there will be lawsuits," said John Walke, clean-air director at the resources council, suggesting that the issue will not be resolved until long after the Bush administration is over.

The health-based part of the smog rule sets limits on the amount of smog people breathe at any one time, while the other part of the rule, known as the secondary standard, sets limits over longer spans.

The new level for both standards was set Wednesday at 75 parts per billion, tougher than the current 84 parts per billion but less stringent than the 60-to-70 parts target that E.P.A. scientists had urged.

The environmental agency had originally intended to set an even stricter rule on the secondary standard, a detail that emerged in the fine print of the documentation for the rule, and was first reported by The Washington Post on Friday.

Documents released by the agency showed that the White House Office of Management and Budget weighed in on Tuesday, just as the E.P.A. was up against a deadline under the 1970 Clean Air Act to adjust its standards. Under the act, the government must look at the standards every five years to determine whether they are adequate. The statutory deadlines are important, since they can influence the country's air quality for years to come.

The Natural Resources Defense Council says that the Office of Management and Budget in effect usurped the rule-setting powers of the E.P.A. administrator, as spelled out in the Clean Air Act, and that the bureaucratic paper trail proves it. But the White House and the environmental agency insisted on Friday that the council's version of events was not true, and that any late changes in the new regulations were made for the sake of efficiency and simplicity.

Mr. Johnson, the E.P.A. administrator, said Friday that there had been a "robust discussion" about the new standards, rather than any last-minute steamrolling by the White House. The agency's press secretary, Jonathan Shrader, said the E.P.A. had based the changes "on the full breadth of the most recent scientific evidence about the effects of ozone."

"Bottom line: America's air is cleaner today than it was a generation ago," Mr. Shrader said.

The far less controversial rules on train and maritime diesel engines were lauded on Friday by another environmental group, Earthjustice.

"This is certainly a move in the right direction," said Sarah Burt, a lawyer for the organization.

Unfortunately, Ms. Burt said, the new regulations cover only those engines used on recreational boats, tugs, lake freighters and other relatively small ships. To be truly effective, she said, the agency must set standards for huge ocean cargo and cruise ships, including those sailing under foreign flags when they enter American waters.

Ms. Burt noted that Earthjustice had initiated a suit in federal court to compel the agency to regulate engines in those giant ships.

## **Crackdown on pollution from engines**

### **New EPA regulations to reduce smog, soot from trains, cargo ships, tugboats, ferries**

H. Josef Hebert, Associated Press

In the S.F. Chronicle and other papers, Saturday, March 15, 2008

Washington - -- The Environmental Protection Agency said Friday that marine and locomotive engines must meet tougher pollution controls, hoping for dramatic cuts in the amount of smog-causing chemicals and soot coming from trains, cargo ships, tugboats and passenger ferries.

The EPA regulation will require that new diesel engines used on ships and locomotives produce 90 percent less soot and 80 percent less smog-causing nitrogen oxide beginning within six or seven years. All the ships and locomotives would be expected to meet the new standards by 2030 as older engines are replaced or overhauled with cleaner technology.

"As more and more goods flow through our ports and railways, EPA is cutting diesel emissions at their source," EPA Administrator Stephen Johnson told reporters in a teleconference from the bustling Port of Houston.

The pollution reductions will result in annual health benefits of \$8.4 billion to \$11 billion by 2030, prevent 1,400 premature deaths, reduce hospital visits and avoid 120,000 lost work days a year due to illnesses, the EPA estimated.

The action brought praise from environmentalists, who have recently criticized the EPA for issuing smog regulations that many health experts view as inadequate and for not moving to regulate greenhouse gases linked to global warming.

"This is a good news story," Richard Kassel, director of the clean fuels and vehicles project for the Natural Resources Defense Council, said of the ship and locomotive requirements. "Thousands of asthma attacks and other health emergencies will be avoided as the nation's 40,000 ships and 21,000 diesel locomotives are cleaned up in years to come."

Johnson said the requirements will be phased in two years earlier than proposed a year ago because of advancements in engine technology. The more protective requirements for locomotive engines go into effect in 2014, and for the marine engines in 2015, the EPA said. It also will require that old engines be retrofitted to meet the more stringent emission standards when overhauled.

The more advanced engines are needed to get the full benefits of the nearly sulfur-free diesel fuel that refiners must produce under separate EPA regulations. The new clean air requirements for ships and locomotives have been in the works for more than three years. It follows a similar tightening of tailpipe pollution requirements for large tractor-trailer rigs.

The rule will cover cargo ships that travel between U.S. ports, vessels on inland waterways including the Great Lakes, as well as tugboats and passenger ferries. The requirements do not cover oceangoing vessels including foreign freighters that use American ports, which fall under international standards.

Environmentalists and health advocates for years have pushed the EPA to lower pollution requirements on diesel-powered locomotives and marine vessels.

A study by Environmental Defense two years ago found that ships at three of the nation's largest ports - Los Angeles, Houston and New York-New Jersey - together produced as much smog-causing chemicals as 1 million cars. The group also found the nation's locomotives produced fine soot, or particulate, equal to 70 coal-burning power plants and as much smog-causing nitrogen oxide as 120 coal plants.

## **Ozone Rules Weakened at Bush's Behest**

### **EPA Scrambles To Justify Action**

By Juliet Eilperin  
Washington Post, Friday, March 14, 2008

The Environmental Protection Agency weakened one part of its new limits on smog-forming ozone after an unusual last-minute intervention by President Bush, according to documents released by the EPA.

EPA officials initially tried to set a lower seasonal limit on ozone to protect wildlife, parks and farmland, as required under the law. While their proposal was less restrictive than what the EPA's scientific advisers had proposed, Bush overruled EPA officials and on Tuesday ordered the agency to increase the limit, according to the documents.

"It is unprecedented and an unlawful act of political interference for the president personally to override a decision that the Clean Air Act leaves exclusively to EPA's expert scientific judgment," said John Walke, clean-air director for the Natural Resources Defense Council.

The president's order prompted a scramble by administration officials to rewrite the regulations to avoid a conflict with past EPA statements on the harm caused by ozone.

Solicitor General Paul D. Clement warned administration officials late Tuesday night that the rules contradicted the EPA's past submissions to the Supreme Court, according to sources familiar with the conversation. As a consequence, administration lawyers hustled to craft new legal justifications for the weakened standard.

The dispute involved one of two distinct parts of the EPA's ozone restrictions: the "public welfare" standard, which is designed to protect against long-term harm from high ozone levels. The other part is known as the "public health" standard, which sets a legal limit on how high ozone levels can be at any one time. The two standards were set at the same level Wednesday, but until Bush asked for a change, the EPA had planned to set the "public welfare" standard at a lower level.

The documents, which were released by the EPA late Wednesday night, provided insight into how White House officials helped shape the new air-quality rules that, by law, are supposed to be decided by the EPA administrator.

The White House Office of Management and Budget (OMB) questioned in a March 6 memo to the EPA why the second standard was needed. EPA officials answered in a letter that high ozone concentrations can cause "adverse effects on agricultural crops, trees in managed and unmanaged forests, and vegetation species growing in natural settings."

The preamble to the new regulations alluded to this tug of war, stating there was a "robust discussion within the Administration of these same strengths and weaknesses" in setting the secondary standard. The preamble went on to say that the decision to make the two ozone limits identical "reflects the view of the Administration as to the most appropriate secondary standard."

The effort to rewrite the language -- on the day the agency faced a statutory deadline -- forced EPA Administrator Stephen L. Johnson to postpone at the last moment a scheduled news conference to announce the new rules. It finally took place at 6 p.m., five hours later than planned.

Under the Clean Air Act, the federal government must reexamine every five years whether its ozone standards are adequate, and the rules that the EPA issued Wednesday will help determine the nation's air quality for at least a decade.

Ozone, which is formed when pollutants such as nitrogen oxides and other chemical compounds released by industry and motor vehicles are exposed to sunlight, is linked to an array of heart and respiratory illnesses.

The EPA set the allowable amount of ozone in the air at 75 parts per billion, a level stricter than the current limit but higher than what the scientific advisers had recommended.

Carol M. Browner, who served as EPA administrator under President Bill Clinton, also encountered objections from the OMB when she established new ozone standards in 1997. In that instance, the president backed the EPA over White House budget officials.

"We did not allow OMB to push us into a decision we were quite certain was outside the boundaries of the law," Browner said in an interview. The Clean Air Act, she added, creates "a moral and ethical commitment that we're going to let the science tell us what to do."

Asked for a comment yesterday, EPA spokesman Timothy Lyons said the agency had complied with the Clean Air Act. "The secondary standard we set is fully supported by both the law and the record, and it is the most protective eight-hour standard ever for ozone."

When asked about Clement's role, White House spokesman Tony Fratto said: "The White House sought legal advice from the Justice Department and made its decision based on that advice."

The EPA's documents suggest that senior officials and scientific advisers resisted the White House's position. Last year, the agency's Clean Air Scientific Advisory Committee wrote -- using italics for emphasis -- that it unanimously supported the EPA staff's conclusion that "protection of managed agricultural crops and natural terrestrial ecosystems requires a secondary [ozone standard] that is substantially different from the primary ozone standard. . . ."

When the OMB's Susan E. Dudley urged the EPA to consider the effects of cutting ozone further on "economic values and on personal comfort and well-being," the EPA's Marcus Peacock responded in a March 7 memo: "EPA is not aware of any information that ozone has beneficial effects on economic values or on personal comfort and well being."

Lisa Heinzerling, a Georgetown University law professor who specializes in the Clean Air Act, said Dudley's letter to the EPA represents "a misunderstanding of the statute, a misunderstanding of Supreme Court precedent and a misunderstanding of the science as the expert agency understands it."

## **IOC: Beijing air poses 'some risk'**

By STEPHEN WADEAP Sports Writer

In the Modesto Bee, Contra Costa Times, Merced Sun-Star and other papers, Monday, March 17, 2008

BEIJING --The IOC's top medical officer says Beijing's air quality is better than expected, although a study shows there are risks to athletes in outdoor endurance events and conditions may be less than ideal during this summer's Olympic Games.

Arne Ljungqvist, chairman of the International Olympic Committee's Medical Commission, said Monday that an analysis by four independent experts of data supplied by Beijing organizers found heat and humidity might be a greater threat to athletes than the city's noxious air.

IOC President Jacques Rogge has repeatedly said that outdoor endurance events would be postponed if the air quality is poor, which would be a huge embarrassment for organizers hoping to feature a clean, modern city.

The release of the IOC study comes as protests in Tibet against Chinese rule throw a spotlight on Beijing's human rights record, which - like Beijing's pollution - has come in for heavy criticism with the games fewer than five months away.

"In general terms I must say that I am sort of pleased really with the outcome of this analysis," Ljungqvist said, speaking on a conference call from Sweden.

"We find that the competitions, although not necessarily under ideal conditions at every moment ... will be good for athletes to compete during the Beijing Games."

Ljungqvist said the data were gathered on Aug. 8-29, 2007, in Beijing, dates that roughly match this year's Olympics - and were supplied after the IOC requested the study. He said athletes would not need to compete with face masks, which at least one international federation had initially suggested.

He said athletes with asthma would not need to take "any particular precautions or actions but be aware there may arise a problem that can arise in any place on earth."

"The risk is more related to the fact that they may not perform at the best level," Ljungqvist said. "It means we may not see much of world records under unfavorable conditions, but that's not the main purpose of the Olympic Games - to set records."

Ljungqvist said the IOC and the relevant international federations would monitor daily air quality and had a "B" plan if needed. He said the decision to postpone any event would be made by the IOC executive board and IOC coordinating commission.

Though ski races have been postponed at the winter games, he said he did not know of an Olympic event that had been postponed because of pollution.

"This to my knowledge is the first time in sports history we are conducting an analysis like the one we have been conducting," Ljungqvist said. "Air pollution has not been an issue until this time. But we have been in polluted places earlier without paying attention or making any analysis at all."

He said World Health Organization guidelines would be used to judge pollution, heat and humidity levels. He said any postponement would be explained openly. WHO has said some pollution levels in the Chinese capital are five times over their safety level.

"There is no single parameter that would be decisive for the postponement of an event," he said. "There would be a number of data including concentration of pollutants, wind conditions, heat and humidity and so forth. There is no exact level. ... It will be an evaluation based on numerous pieces of information and we will issue an explanation as to why."

Ljungqvist said he received full cooperation from Beijing authorities and had confidence in their data. He said some Beijing officials "were not so happy" when some data were requested, fearing some of the findings might not be "ideal."

"There is an awareness among Beijing authorities that they have a sort of problem; that air pollution is an issue for the Olympic Games and they are taking it seriously," Ljungqvist said.

"I think we are facing a problem that could not be that well foreseen at the time when the decision was taken," he said of Beijing's selection seven years ago by the IOC. "But now we are there and we have to cope with it."

[Letter to the Fresno Bee, Monday, March 17, 2008:](#)

### **Think twice on ethanol**

Katherine Abston's fine letter March 7 states she wants to live where people care about the health of young people. So do I, but it seems not to be of any overriding importance to the Valley's county supervisors and city councils. Otherwise, why are these governmental bodies approving so many ethanol plants in our midst?

This is not a question of the value of ethanol. It is not about finding jobs for the unemployed nor about adding to the tax base. It is about health!

One of every five children in the San Joaquin Valley is afflicted with a breathing disorder, and every county has an organized group called Better Breathers, whose sole purpose is to offer members any information which can alleviate their distress.

There are several ethanol plants in operation in our Valley. One opened last year in Goshen, two are planned for Kern County and one in Hanford, which will emit 1,000 tons of pollution every day and is up for approval March 18.

If, down the road, ethanol is found to be a viable product, that's fine, but please, for Katherine's sake, don't produce it here.

*Elizabeth Clark, Hanford*

[Letter to the Fresno Bee, Sat., March 15, 2008:](#)

### **Praise climate change**

We can all be thankful for so-called man-made global warming of the planet. One can only speculate how cold this past global winter would have been had it not been for man-made global warming.

Of course, we are told by the warm earth experts that the reason this past winter has been so cold is because of global warming. Let me see if I understand the theory of man-made global warming: Real hot summers and very cold winters are the result of man-made global warming.

The whole thing sounds like a ruse to me.

*Ed Staples, Visalia*

[Letter to the Visalia Times-Delta, Friday, March 14, 2008:](#)

### **Bike lanes are important for Visalia**

The following letter was emailed to Visalia City Council for its March 3 study session on the widening of Acequia:

I am writing on behalf of the Sierra Club Mineral King Group, which has 187 members living in Visalia.

With regard to the Acequia Avenue two-way conversion project, we wish to strongly support Alternative 1, to provide the maximum five-foot-wide striped Class 2 bike lanes on both sides of the road.

Bike lanes are no longer a mere amenity or luxury. They are essential not merely to the quality of life in our city, but to the health of our citizens and our planet. Creating more bike lanes are an essential response to the problems of global warming, San Joaquin Valley Air Pollution, high gasoline prices and potential peak oil, traffic congestion and lack of physical fitness. We must think globally, act locally. Most importantly, we must think in terms of sustainability over the long run.

As larger cities have discovered, you can never expect to have enough parking spaces to keep up with ever-increasing supply of automobiles. The more parking spaces you build, the more cars there are; the more cars, the more congestion, the more congestion, the more need for more parking, ad nauseum.

The largest cities have discovered this; it is better for Visalia to learn this lesson early. It is time for us to shift our priorities by providing pedestrian and bicycle alternatives in every possible location. Only by such a work-around will we make the downtown area, or any other part of Visalia, a quality place to live for the future.

*Harold Wood, Global Warming Chair  
Mineral King Group, Sierra Club*

[Editorial in the Washington Post, Monday, March 17, 2008](#)

### **Ozone Alert**

#### **Mr. Bush's role in setting a smog standard raises the specter of political interference.**

LAST WEEK the Environmental Protection Agency tightened the limits on the amount of smog-inducing pollutants that could be released into the air from 84 parts per billion to 75 parts per billion. This is important. Not since 1997 had the

ozone standard been strengthened. The EPA estimates up to 2,300 fewer premature deaths and savings of up to \$19 billion in health-care costs by 2020. But the intervention of President Bush in the decision has environmental activists questioning whether politics trumped science in fashioning the new ozone rules.

Good ozone is what protects Earth from the burning rays of the sun. But bad ozone, which can lead to and aggravate respiratory ailments during long exposure, forms when sunlight and heat at the ground level mix with the emissions from cars, power plants and other entities. The Clean Air Act regulates the bad ozone on two levels. The primary standard seeks to protect public health while the secondary one guards the public welfare or the overall environment. A unanimous Supreme Court ruled in 2001 that in setting the new limit, only science can be considered, not the costs of implementation.

There was a vigorous debate within the administration over how to monitor and measure the two standards and over whether to join the two standards under a common approach or to deal with them separately. The back-and-forth is discussed in the EPA's final rule, including Mr. Bush's decision last week that the two standards should be joined. Environmentalists are enraged because, they say, the president usurped EPA Administrator Stephen L. Johnson's authority under the Clean Air Act to make the final determination. They are also unnerved that the agency ignored a scientific advisory panel's recommendation of limits between 60 and 70 parts per billion for public health. And they are concerned that Mr. Bush's "consistent with administration policy" justification for joining the standards is a cover for letting cost considerations determine the new limits.

In fact Mr. Johnson wants the law changed so that costs can be counted when pollution standards are crafted. The administration's rationale: What's the use in passing standards that states and counties can't afford? Under the previous standard, 85 counties were in violation, including a few between Washington and New York. That number shoots up to 345 under the new rules. Mr. Bush's intervention may touch off a useful debate.

[Letter to the Patterson Irrigator, Friday, March 14, 2008:](#)

### Fancy advertising

EDITOR,

PCCP West Park developer Gerry Kamilos is nothing more than a politician. He is a wealthy land developer. He doesn't actually have the West Side's best interests at heart. People can't honestly believe that.

There have been many people saying that the only supporters are those from the Bay Area, and they don't understand the impact. I grew up in the Bay Area and completely understand the impact, and all of it is negative.

If anyone out here has ever seen the actual Port of Oakland, they would be dead set against this project. Even a miniature version of the place would be bad. The outlying neighborhoods around the Port of Oakland are terrible. There have been many attempted improvements over the years, but those areas are still undesirable places to live. Who wants to live around a train yard?

There has been a high-gloss, expensive campaign to get the West Side to approve this project. It looks shiny and promising, but it is all a trick to make people think it will be the valley's saving grace. I strongly believe it will be quite the opposite. If you read deep into the intentions of this developer, you will read that the amazing promise of 37,000 jobs is nothing more than a slight probability, and even that number is at the end of 30 years. This is a three-decade project, if it goes the way the developer plans.

Most of the jobs will be warehouse jobs anyway.

Also, developers promise to bring income to our communities. Where are those people going to spend their paychecks? In Modesto and Turlock. What's the point?

Can you imagine double-decker trains crossing Highway 33 several times each day and night?

His fancy ad campaign also boasts of taking large trucks off the interstate, but what it doesn't say is that they will be leaving the interstate to drive down into our communities.

All they will be doing is taking those big trucks off the Bay Area highways, not ours.

I am sure that we have dangerous materials already traveling through our towns via the rail system.

This project will easily triple that likelihood. There will be a lot more than nuts and apricots on those boxcars.

Why aren't more people talking about the other side of the coin?

*Danielle Davis, Newman*

### End contract with West Park

EDITOR,

Recent letters from West Park supporters suggest the project is going to bring local jobs that will eliminate the need for commuters to work in the Bay Area. West Park will not bring these types of jobs, as West Park's plan is to create a giant parking lot for the Port of Oakland. I believe most of the related jobs will pay close to minimum wage, with no benefits. None of these commuters will be able to make their mortgage payments, let alone support their families.

Project supporters continually refer to the 37,000-job estimate given by West Park developers. Based on West Park's proposal, that figure appears highly questionable and highly unlikely.

Supporters also falsely claim that the opponents of the plan are opposed to development of the airbase and the creation of jobs. Nothing could be further from the truth. Those organized in opposition to West Park have consistently stated they would drop their opposition if developers agreed to hold their project to the airbase's original 1,500-acre footprint and drop the short-haul rail component, which West Park developers refuse to do. Initially, when proposals were being submitted for the air base, the West Side cities, the county airfield committees mainly composed of West Side people and most West Side residents supported Hillwood's development plan. West Park's plan is deeply flawed and will destroy the quality of life on the West Side. Frankly, we can do much better than create a giant parking lot for the Port of Oakland.

The best thing county supervisors could do is vote to terminate the county's contract with West Park.

The county could then work with the cities of Patterson and Newman to come up with a plan for the airbase that is acceptable to everyone, offering good-paying jobs and preserving the West Side's quality of life. Neither of those goals is accomplished with the West Park plan.

*Robert Granelli, Gustine*

## **Help county back on its feet**

EDITOR,

There is potential for greater success and upward mobility for Stanislaus County. Although the job market is small and many residents are forced to commute elsewhere for work, there is still ample room for growth as long as West Park becomes a part of the community.

West Park will bring the county back on its feet and help it gain an economic and social advantage for its residents. Economically, West Park will boost employment opportunities for Stanislaus County residents and, in return, will generate funds that will be recycled back into the community. Socially, the economic benefits reaped from West Park will create the opportunity to fund our social services, infrastructure and road improvements.

So there is no time to lose — now is the time to recognize the economic and social importance of West Park, and now is the time to take action and support this once-in-a-lifetime project.

*Dom Esteban, Diablo Grande*

[Note: The following clip in Spanish discusses EPA sets new limits for ozone pollution. For more information on this or other Spanish clips, contact Claudia Encinas at \(559\) 230-5851.](#)

## **Establece la EPA nuevos límites a contaminación por ozono**

Noticiero Latino

Radio Bilingüe, Thursday, March 13, 2008

13 de marzo de 2008

La Agencia Federal de Protección Ambiental impuso mayor restricción a la contaminación con ozono en el país pero organizaciones ambientalistas consideran que el nuevo límite es insuficiente para proteger la salud de los estadounidenses.

La EPA bajó de 80 a 70 cienmillonésimas el nivel de ozono aceptable en el ambiente.

El director de la Asociación nacional de Agencias para Aire Limpio, William Becker, dijo que la EPA acaba de desaprovechar una oportunidad de proteger realmente la salud pública.

Es la primera reducción de ese tipo desde 1997. El ozono causa asma, problemas respiratorios y males cardíacos

[Note: The following clip in Spanish discusses that Legislators see EPA in trouble due to their decision against California's waiver.](#)

## **Opinan legisladores que la EPA está en impasse sobre ley ambientalista de California**

Noticiero Latino

Radio Bilingüe, Friday, March 14, 2008

Un congresista de California, Henry Waxman, declaró que la Agencia Federal de Protección Ambiental estaría en un estancamiento sobre su negativa para que California active una ley severa contra la contaminación.

Waxman, presidente del comité de Observación al Desempeño Gubernamental, dijo que la EPA aparentemente considera que viola una disposición de la Suprema Corte de Justicia y pone en riesgo la salud de los estadounidenses.

La administración nacional de esa agencia también estuvo en escrutinio en el senado y ahora comparecerá antes los comités de Energía y Cambio Climático del Congreso.