

Court upholds builder air rule

By Alex Breitler - Record Staff Writer

Stockton Record, Saturday, September 20, 2008

FRESNO - Developers fighting an air pollution rule that they claim could add thousands of dollars to the price of a new home lost another legal battle Friday, this time in federal court.

The National Association of Home Builders sought to overturn the innovative rule, which requires builders in the San Joaquin Valley to compensate for indirect pollution, such as traffic smog resulting from a new shopping center or neighborhood.

A federal judge, however, found that the San Joaquin Valley Air Pollution Control District's rule is legal. Earlier this year, a similar lawsuit was thrown out by a Fresno County Superior Court judge.

District officials praised the ruling, saying that developers already are complying with the rule, despite the legal tie-up.

"We have significant natural challenges to our air quality in the Valley" because of geography and climate, said Seyed Sadredin, the district's executive director. "Piling on our historic tendency to sprawl has only posed another obstacle to achieving cleaner air."

Officials with the home builders' association could not be reached for comment late Friday. In court papers, the association called the rule "burdensome" and said it would lead to "extensive requirements" for builders.

"It will certainly be ironic when home buyers are forced to purchase less expensive new homes outside the air district and commute back into the area, bringing even more tailpipe emissions with them," association President Brian Catalde said last year.

Environmental groups, which often criticize the air district for being too lax on Valley polluters, this time filed legal papers supporting the district.

Kathryn Phillips, an advocate with Environmental Defense and a Valley air pollution watchdog, said the district already has processed 300 applications from developers under the new rule and cut more than 6,000 tons of pollution.

"It just seems to me that the time has come for these trade associations to send their lawyers home and let the developers do what they've already shown they can do," Phillips said. "There's air pollution, and everybody has to play a part in cleaning it up."

Under the rule, builders must reduce pollution that is indirectly caused by their projects. They could do this by building more sidewalks, plug-ins for electric vehicles or green spaces, for example.

They also can pay to offset their pollution, with the money used to clean up other sources, such as dirty diesel engines. The rule was adopted in December 2005. Officials have said they believe it could be a model for other regions attempting to clear the air.

How it works

- Developers are encouraged to reduce air pollution by putting homes or businesses near bus stops, building bicycle paths and sidewalks, increasing energy efficiency and other strategies.
- Developers pay a fee if emission levels still are above a certain threshold after mitigation actions are taken. The amount depends on the quantity of pollution.
- The money the district collects is used to prevent pollution elsewhere.
- The program includes more than merely homes and businesses of a certain size. Schools, government buildings, hospitals and industrial properties also are subject to the program.

Source: San Joaquin Valley Air Pollution Control District

Builders' suit on air fees rejected

Federal judge tosses group's challenge to levy, rules on pollution related to sprawl.

By John Ellis / The Fresno Bee
Saturday, Sept. 21, 2008

A federal judge in Fresno threw out a lawsuit Friday that challenged a controversial -- and possibly precedent-setting -- fee that makes developers pay for pollution caused by traffic coming from new homes and businesses.

In a 26-page ruling, U.S. District Court Judge Lawrence J. O'Neill rejected arguments by the National Association of Home Builders that the fee and accompanying rules set up by the San Joaquin Valley Air

Pollution Control District in December 2005 -- and took effect in March 2006 -- were superseded by the federal Clean Air Act.

"It's a good rule," said district counsel Phil Jay. "It gets good [emissions] reductions. It's innovative."

But the building industry says the rules have resulted in higher home costs, though the exact number is hard to quantify because there are so many variables involved, said Michael Prandini, executive director of the Building Industry Association of the San Joaquin Valley.

"Obviously, we're disappointed," he said of Friday's ruling.

The new rules had already survived a challenge -- based on different legal issues -- in Fresno County Superior Court, though that February decision by Judge Donald S. Black is under appeal.

Environmentalists hailed O'Neill's decision, saying other air districts in California -- and states such as Nevada and Arizona -- are considering following the lead of the Valley's air pollution district. But they were waiting to see what happened with the state and federal lawsuits.

"This was, I think, maybe the first attempt by an air district or state or anyone to try and get at that sprawl-related pollution," said Paul Cort, an attorney with Earthjustice, a nonprofit legal watchdog group in Oakland. Cort worked with the Environmental Defense Fund, a national environmental advocacy group that joined the air pollution district's side in the lawsuit.

The rule requires developers of some large commercial projects and residential developments to measure emissions that would be indirectly generated both during the construction process and after completion. Emission targets were then set for developers to meet -- or pay a fee if they were exceeded.

Officials calculate the amount of emissions with a mathematical model commonly used by planners in determining the number of miles people drive from developments into other parts of a city. From the mileage, air officials estimate the amount of pollution coming from new developments.

When the district passed the rule, provisions to reduce fees were included for builders who installed clean-air features, such as outdoor outlets for electric lawn mowers, bike lanes and energy-efficient water heaters.

"This is definitely important in setting a precedent that the courts, along with the air district, see this as a measure that can withstand the Clean Air Act and other California law," said Camille Kustin, a policy analyst with Environmental Defense Fund.

Prandini said the National Association of Home Builders will likely study O'Neill's decision and then decide whether to appeal it to the 9th U.S. Circuit Court of Appeals.

Judge upholds smog reduction measures

Ruling backs San Joaquin Valley measure requiring developers to take steps to reduce driving by encouraging public transit, cycling and walking.

By Margot Roosevelt, Los Angeles Times Staff Writer

L.A. Times, Saturday, September 20, 2008

California chalked up a victory in its long battle against sprawl-induced smog Friday.

A federal judge in Fresno upheld an ambitious regulation passed by the San Joaquin Valley Air Pollution Control District in 2005 that requires developers to minimize pollution by building near public transit, adding bicycle lanes or creating shopping areas designed for pedestrians. If they don't, they must pay a fee to fund emission reduction projects elsewhere.

The heavily agricultural San Joaquin Valley, along with the Los Angeles area, suffers from some of the dirtiest air in the nation and a high rate of asthma and other respiratory diseases. The regulation, part of a plan to meet federal Clean Air Act standards, was challenged by the National Assn. of Home Builders.

U.S. District Judge Lawrence O'Neill ruled that the district had authority to enact the regulation. Builders reacted angrily. "Single issue agencies such as the air board look for ways to grab local land use authority," said Jill Workman, a spokeswoman for the Building Industry Assn. Orange County. "Additional layers of bureaucracy will exacerbate the current housing and economic crisis."

The National Assn. of Home Builders may appeal the decision.

Environmental groups applauded the ruling. "No special interest should have a free ride in a region where schools warn parents to keep children indoors on bad air days," said Paul Cort, an attorney for Earthjustice, which represented the Sierra Club and Environmental Defense Fund in the case.

According to Kathryn Phillips of the Environmental Defense Fund, hundreds of California developers have already complied with the pollution-cutting rule.

"Its time for the trade associations to back off," Phillips said.

Kids Calendar Artwork

In the Hanford Sentinel, Coalinga Record, Sunday, September 21, 2008

KINGS COUNTY -- The deadline to submit artwork for the San Joaquin Valley Air Pollution Control District's 2009 Healthy Air Living Kids Calendar is Oct. 13.

The Valley Air District produces the four-color, bilingual calendar each year. About 20,000 calendars are distributed free to schools, community groups, healthcare facilities, churches and non-profit organizations in December.

Valley school students in kindergarten through 12th grade who live within the Air District's boundaries are eligible to enter the contest. Artists should place the page sideways, in landscape orientation, so the paper is 8 1/2 inches high and 11 inches wide. Artwork should be in color and contain a written message about how to live a healthy air life. Healthy Air Living, a new, comprehensive initiative, aims to improve the health and quality of life of all Valley residents by making air quality a priority consideration in all business and personal decisions.

Messages for the 2009 calendar could include:

I Live a Healthy Air Life!

I Healthy Air Starts with Me!

I When we breathe cleaner, we live better!

I Avoid using leaf blowers!

I Use a propane grill, instead of charcoal.!

I Avoid drive-through restaurants.

Fourteen drawings will be selected for the calendar. Artists must include their name, address, phone number, age, grade and school on the back of the artwork and mail it flat, not folded, to 2009 Kids Calendar, Valley Air District, 1990 E. Gettysburg Ave., Fresno, CA 93726.

The Valley Air District covers eight counties including Merced, Madera, Fresno, Kings and Tulare. Information: call Maricela at 230-6000.

Kings gets eight natural gas-powered buses

By Eiji Yamashita

In the Hanford Sentinel, Coalinga Record, Sunday, September 21, 2008

A year ago, Kings County's buses were synonymous with thick plumes of black diesel smoke that often choked drivers traveling behind them. Today, that's mostly an image of the past -- thanks to a new fleet of clean-air buses introduced this summer to replace polluters. The Kings County Area Public Transit Agency is in the process of replacing diesel buses with buses that use compressed natural gas, or CNG, which burns cleaner and costs less than diesel.

Among its fleet of 13 buses that serve fixed routes that currently meander through Kings County are eight CNG buses the agency has recently purchased using federal and state funds totaling nearly \$3 million.

One more CNG bus is on order; two more will be added to the fleet by next summer, said Ron Hughes, director of the inter-governmental agency created eight years ago.

"It's a mandate from the California Air Resources Board. We're on the path that has us replacing those buses whether we like it or not," Hughes said. "The other problem is that they no longer make parts for the old diesel buses, so we're at a point where we have to move to another platform ... The change is critical."

The Valley ranks among the nation's dirtiest air basins. Experts say such a technological conversion motivated by diesel emission reduction is a critical step toward improving air quality, decreasing greenhouse gas emissions and reducing dependence on foreign oil.

From Kings County's point of view, it's all that plus a side benefit: significant cost savings in the operation of a money-losing enterprise mostly supported by tax dollars.\

CNG buses aren't cheap. One CNG bus costs \$365,000. But long-term benefits far outweigh the cost, Hughes said.

"We end up with much cleaner air, something that has current technology in it, something that has more liability and something that's easier for customers to use," Hughes said.

Replacement of the fleet for the Kings Area Rural Transit bus program, better known as KART, will significantly reduce vehicle exhaust emissions. New buses are six times cleaner than the ones replaced, Hughes said.

Based on data provided by the KCAPTA, CNG is estimated to cost about 45 percent less than diesel.

As of this week, utilities charge about \$1.90 per therm (100 cubic feet) for CNG used as a motor fuel, according to the California Energy Commission. That's comparable to paying about \$2.20 per diesel equivalent gallon (135.3 cubic feet), and that's also the figure given by Hughes. Diesel today costs about \$4 per gallon.

In addition, the new buses get 60 to 80 percent better fuel economy than diesel buses, Hughes said.

With everything considered, the CNG conversion could save his agency about \$200,000 a year just on fuel, Hughes said.

The agency also anticipates saving even more on maintenance because the new vehicles come with a warranty. Saving on maintenance on eight CNG buses could amount to \$120,000 a year, Hughes said.

The new CNG buses are low-floor buses equipped with ramps that flop out. Unlike the old buses, they have no wheelchair lifts. The new buses are also equipped with eight surveillance cameras inside, ensuring better security.

Feedback from the riders has been positive, Hughes said.

"People love them," Hughes said. "We had City Councilman Dan Chin on a bus at the inauguration of the new transfer site. He commented that this is the best thing he's seen in his travel on buses in terms of the ease to get on it."

Chin is wheelchair-bound.

Also, the new buses are designed so that elderly riders with walkers can simply scoot right in.

"Our older riders -- who would have previously had to get on a dial-a-ride bus, which takes scheduling and wait for the bus -- can now ride that large bus as easily as anyone else can because there's no steps on it," Hughes said.

The reporter can be reached at 583-2429.

County planners endorse refinery expansion plan

BY STACEY SHEPARD, Californian staff writer
Bakersfield Californian, Saturday, Sept. 20, 2008

County planners recommended approving the Big West of California expansion Friday in a way that appears to bridge a compromise between the refinery and some of its biggest opponents.

The Kern County Planning Department endorsed expanding fuel output at the Rosedale Highway facility under a design called "Alternative D" that does not use the toxic chemical modified hydrofluoric acid.

Big West, which originally proposed the chemical's use, immediately released a statement supporting the planning department's decision.

A coalition of firefighters, police officers, nurses and residents that was adamantly opposed to the chemical's use also backed the recommendation.

"We are very pleased that the Kern County Planning Department agrees with us and wants hydrofluoric acid to stay out of Bakersfield," said Betsy Ramsey, who organized the Bakersfield Citizens Against Hydrofluoric Acid campaign.

"Alternative D" would still allow the refinery to boost fuel production while eliminating the acid, producing less pollution and reducing power and water demands.

In recent months, the citizens group and refinery waged a public relations battle over the proposed expansion. The citizens group sent mailers detailing the dangers of modified hydrofluoric acid while Big West sent out its own fliers and ran television ads reassuring the public it could use the chemical safely.

The quantity of modified hydrofluoric acid the refinery originally planned to use could create a hazardous gas cloud capable of traveling up to 6.5 miles in a catastrophic release, according to an environmental analysis.

Big West refinery already stores enough anhydrous ammonia to create a gas cloud that could impact people living within 10 miles of the facility under similar circumstances, according to emergency management plans submitted to the federal government.

The planning department's recommendation was formulated by planners who worked on an exhaustive environmental review of the project for nearly 18 months.

"The intent is to provide the maximum health, safety and environmental protection while still encouraging oil production here in Kern County," said Lorelei Oviatt, a planning department division chief.

The decision is meant to guide the Kern County Planning Commission, which will hold a public hearing on the project Thursday and formulate a recommendation for the Board of Supervisors. The supervisors have the ultimate say.

Supervisors could deny the expansion, approve Alternative D or approve the original project Big West proposed.

However, Big West officials said Friday they no longer plan to seek approval of that project and will instead support Alternative D.

"It makes a lot of sense," Big West's Health, Safety and Environmental Director Bill Chadick said of the county's recommendation.

"The whole acid issue goes away. There's 30 percent less demand on water, a 30 percent reduction from air emission, it will use less power, there will be a smaller construction force so that means less traffic during construction."

Up until now, Big West has been open to "Alternative D" but said it preferred its original project.

Under Alternative D, the refinery would build equipment similar to what currently operates at the facility, whereas the original project called for another type of refining process.

The recommended project would still create 100 new jobs and cost about \$700 million to build. The construction force would total about 700 laborers compared to 1,200.

About 65 percent of the new fuel produced would be diesel and 35 percent gasoline under Alternative D, whereas the original project would have generated more gasoline and less diesel.

ABOUT THE PROJECT

Big West's "Clean Fuels Project" would allow the facility to nearly double gasoline production and increase diesel output by 60 percent without increasing crude oil coming into the facility.

The refinery would add equipment to convert an intermediary petroleum stream, called gas oil, into transportation fuel. Currently the refinery can't convert all its gas oil to fuel so it sells the product to other refineries in the Los Angeles and San Francisco areas.

Big West's parent company, Flying J, said when it bought the refinery from Shell Oil in 2005 that an expansion would be needed to ensure the facility's long-term viability. The project is expected to cost about \$700 million.

The Kern County Planning Commission must approve a conditional use permit for additional storage tanks and a zone variance for equipment that will exceed height requirements.

The project also requires an air permit from the San Joaquin Valley Air Pollution Control District and a separate environmental permit from the U.S. Environmental Protection Agency.

The expansion would create about 100 new jobs at the refinery paying an average of about \$70,000 a year, double the facility's property taxes from about \$1.5 million to \$3 million annually, and create 1,200 construction jobs, refinery officials say.

Opponents have raised concerns about the use of a controversial chemical called modified hydrofluoric acid, as well as increased air pollution and truck traffic on Rosedale Highway.

Shafter import-export center would boost trade efficiency

By JOHN COX, Californian staff writer
Bakersfield Californian, Sunday, Sept. 21, 2008

Government officials are working on a multimillion-dollar rail project that could turn Shafter into a regional hub of international trade.

The idea behind the Shafter Intermodal Rail Facility is to create a transportation center where imports would be broken down for distribution statewide and exports would be consolidated for

shipment to the Port of Oakland. To the extent possible, goods would be taken off trucks and loaded onto trains, which would cut shipping costs and [reduce pollution](#).

Shafter is considered an ideal location because of its close access to rail lines and distribution and warehouse facilities, as well as its relative proximity much of the state's population.

The center would measure around 45 acres at first but could be expanded to become to as large as 200 acres.

Shafter business development director Brent Green said negotiations are under way with railroad executives. He said they seem to be reticent because railroads typically deal with interstate commerce rather than something that would move shipments through only one state.

"What we're trying to accomplish here is something that quite frankly doesn't exist in California," he said.

John Giumarra, vice president of Giumarra Vineyards, in Edison, said the center has the potential to save exporting companies like his big money, in large part because trucking freights have gotten "very, very expensive."

Some money for the project has already been secured. The city has invested \$6 million in initial rail infrastructure, and the state has dedicated an additional \$15 million. The final \$15 million would need to come from other sources, which Green said would likely be some kind of public-private partnership.

Does it make financial sense to buy hybrids? In the long run, yes

Modesto Bee, Sunday, September 21, 2008

With gas prices soaring, Consumer Reports' latest analysis of owner costs shows that drivers can save anywhere from \$500 to \$4,250 over a five-year ownership period by choosing selected hybrids rather than similar conventional gasoline-powered vehicles.

Six of the 12 hybrids CR experts looked at -- the Toyota Prius and hybrid versions of the Chevrolet Malibu, Chevrolet Tahoe, Ford Escape, Saturn Vue and Toyota Camry -- can save consumers about \$500 to \$4,250 even without tax credits, and pay back their price premium after only one year. For several of these hybrids, owners can save even more by taking advantage of federal tax credits.

CR experts compared the five-year owner costs of 12 hybrids with those of similar conventional vehicles using CR's new-car owner-cost estimates.

The Toyota Camry hybrid, which gets 34 mpg overall in CR's tests, saves the most money, about \$4,250 over five years compared with a similarly equipped four-cylinder Toyota Camry XLE, which gets 24 mpg.

The Saturn Vue Greenline Hybrid can save about \$3,000, while the Toyota Prius and Chevrolet Tahoe save \$2,000 and \$1,500 respectively, when compared to their nonhybrid counterparts. With tax credits, the Vue and Tahoe come out ahead by about \$4,500 and \$3,700. Federal tax incentives no longer are available for Toyota and Lexus hybrids.

It would take many years for most hybrids to pay back their premium price just on fuel savings alone. But fuel costs are a relatively small part -- 25 percent -- of the overall owner costs in the first five years. Other factors include depreciation, insurance, interest on financing, maintenance and repairs, and sales tax.

Cost estimates were based on driving 12,000 miles per year and paying \$4 per gallon for regular gasoline and \$4.20 for premium.

The Honda Civic, Nissan Altima and Saturn Aura hybrids will cost drivers a little more than their conventional counterparts -- from \$250 to \$750 over five years -- but some consumers might find it worthwhile to drive a more environmentally friendly car. With federal tax incentives, all three come out ahead after just one year.

Three hybrids -- the Lexus GS 450h and RX 400h and the Toyota Highlander Hybrid -- cost more than their counterparts in the first five years. They show five-year losses ranging from about \$1,250 for the Highlander to \$5,500 for the GS.

HYBRIDS VS. CONVENTIONAL CARS -- Interest in hybrids has been on a parallel trajectory with gas prices. Hybrid sales jumped almost 40 percent last year. According to a recent CR survey, 32 percent of active car shoppers are considering a hybrid for their next vehicle. And this past summer, automakers had a difficult time keeping up with demand for the most popular models.

In addition to being thrifty with fuel, hybrids emit less pollution, with some models classified as partial zero emission vehicles by the California Air Resources Board. They also release fewer greenhouse gases because each gallon of gasoline not burned prevents the emission of 19 pounds of carbon dioxide.

THE BOTTOM LINE -- With higher gas prices, many hybrids now provide a definite benefit in overall owner cost, despite an initial price premium. Still, if saving money right out of the gate is important, some conventional cars provide good fuel economy and cost less than hybrids. CR advises drivers to decide what type of vehicle is right for them and then to choose one that gets good gas mileage for its class and rates highly in CR's road tests and reliability, safety and ownership-cost ratings.

On the Net: www.consumerreports.org.

Draft environmental report for eBART project available

By Hilary Costa, East County Times

In the Contra Costa Times, Tri-Valley Herald, Monday, September 22, 2008

East County residents interested in the proposed plan to bring a BART extension to Antioch can now view and comment on the eBART draft environmental impact report.

The report, released Friday, outlines the potential impacts the project could have on things such as air, water and soil qualities; noise levels; visual quality and energy requirements in the area. Residents have until Nov. 5 to review and submit comments on the draft EIR, which can be viewed at www.ebartproject.org.

BART will also hold a series of public meetings at which residents can voice their opinions on the plan.

The proposed \$486 million eBART project would connect eastern Pittsburg and Antioch to the current Pittsburg-Bay Point BART station with a system of Diesel Multiple Unit trains that will run in the median of the widened Highway 4. Extending traditional BART service has generally been deemed too expensive, at more than double the cost.

The eBART system will include a Pittsburg station at Railroad Avenue and one at Hillcrest Avenue in Antioch. BART spokesman Linton Johnson said the project will be built as Caltrans expands Highway 4, and it is slated to open a year after the expansion is completed — about 2015.

"The process is moving along, and we're pleased that we're able to deliver a project to a really congested area," Johnson said.

According to the draft EIR, the project's most significant impacts include increased roadway congestion, degradation of the "visual character" of the surrounding area, and construction noise.

Ridership projections estimate 3,900 weekday trips — including 2,050 trips by new users — on eBART in 2015. That number would nearly triple, to 10,100 weekday trips — 5,400 of those by new users — by 2030.

As part of a condition of receiving BART funding from the Metropolitan Transportation Commission, cities to be served by eBART are already designing coinciding transit villages that

would encourage people to live nearby, said Victor Carniglia, Antioch's deputy director of economic development and advanced planning.

Pittsburg has drafted a plan to build 1,845 residential units and more than 1 million square feet of commercial space within walking distance of the Railroad Avenue station; Antioch is preparing a plan to develop a mix of residential-, commercial- and public-use projects on 375 acres east of the proposed Hillcrest station.

"You want to take advantage of the opportunity that transit presents, and obviously it's not every day that a city gets a significant transit extension," Carniglia said.

Public comments on the draft EIR will be reviewed by BART officials and addressed in the final EIR, due out next year.

Palin's policies in Alaska weighted toward development

She speaks of a balanced approach to wilderness protections, but has put energy exploration and hunting before struggling polar bears and other wildlife.

By Kim Murphy, Los Angeles Times Staff Writer
L.A. Times, Monday, September 22, 2008

BARROW, ALASKA -- Federal scientists flying over the Arctic Ocean last month spotted something nearly unprecedented during their annual count of bowhead whales: nine polar bears in the open sea, miles from anywhere.

One was swimming 60 miles off Barrow. A flight a week or so later found five bears plying their way through the swells. The findings wouldn't have been so alarming -- they are powerful swimmers -- except that their likely destination, the sea ice on which the predators depend for survival, had retreated 400 miles offshore.

U.S. Geological Survey biologists believe that, if current climate-change trends continue, every polar bear in Alaska could be gone by 2050.

Yet Gov. Sarah Palin's administration has fought federal protections announced in May for polar bears, going to court to assert that the projections for a dramatic shrinking of the bears' icy habitat are unreliable and that polar bears are already protected enough.

Since becoming the Republican vice presidential nominee this month, Palin has championed a balance between energy exploration and environmental regulation. A review of her record as governor shows that, most often, she has tilted that balance in favor of oil and gas development, mining and hunting -- the economic backbones of a state that many residents consider both a scenic treasure and an exploitable resource.

"From further oil and gas development to fishing, mining, timber and tourism -- these developments remain the core of our state," Palin told state legislators last year.

"We here in Alaska share concerns about wildlife, of course -- every Alaskan has concerns about wildlife," she later said. "We're going to continue to . . . make sure that polar bears survive, and thrive, for decades to come."

Since Palin became governor in 2006, the state has sought to ramp up a program that encourages the shooting of wolves from aircraft in areas where they compete with human hunters for moose, caribou and deer.

Federal law prohibits aerial hunting of wolves, which can involve planes chasing wounded and terrified animals until they can't run anymore. But a loophole allows Alaska to impose "airborne predator management" across 60,000 square miles. Palin sought last year to significantly raise the number of wolves killed under the program by putting a \$150 bounty on dead wolves, until a judge blocked the payments.

Palin alarmed conservationists further last month when she came out against a ballot initiative that would have prohibited the discharge of toxic mining waste into some of the nation's last wild-salmon rivers. The measure failed.

The governor also has been a vocal advocate of drilling for oil in the Arctic National Wildlife Refuge -- something the GOP presidential nominee, John McCain, opposes -- and she favors offshore exploration in the vast, often-frozen waters of the Beaufort and Chukchi seas. A spill there, conservationists say, would be virtually impossible to clean up.

"When you look at her record in the context of what other states have done, including states with Republican governors, her record is weak, and I'd even say ominous in some areas like drilling," said Kate Troll, executive director of Alaska Conservation Voters.

But Palin insists that with Alaska's record of environmental regulation, it can develop its oil and mineral resources without compromising America's last great wilderness.

"Alaskans must feel confident that yes, we do have the best permitting system in the nation," she said recently.

Palin has committed \$250 million in state funding over the next five years to developing alternative energy sources. And environmental groups applauded her when, early in her term, she took responsibility for wildlife habitat protection away from the development-friendly Department of Natural Resources.

But conservation groups say Palin's position on climate change -- that it is a measurable reality but not necessarily man-made -- defies scientific consensus.

"Palin's insistence that Arctic melting is 'uncertain' is like someone debating the theory of gravity as they plunge off a cliff," Kieran Suckling, executive director of the Center for Biological Diversity, said in a recent statement.

Two years of record-breaking shrinkage of the sea ice has set off a global race for oil, gas, fishing and shipping rights in the newly navigable Arctic. That competition alarms scientists, who already have seen an increase in the number of polar bears denning perilously near the busy oil fields of the North Slope.

Just as worried are Alaska's Inupiat Natives, who depend on the icy coastal waters for the bowhead whales and seals that have been mainstays of their existence for generations.

"When she got on TV and talked about how she wanted to develop all the offshore and [the Arctic National Wildlife Refuge], she just blew us away, talking like that," said George Edwardson, president of the Inupiat Community of the Arctic Slope, which represents Native populations across the Alaskan north.

In Barrow -- a treeless expanse of squat houses and spacious schools and clinics (paid for with oil money) perched on the confluence of the Beaufort and Chukchi seas -- there is support for Palin's fight against federal protection for the polar bears. Many Native Alaskans fear that once polar bears are listed, the government will put up roadblocks to their hunting of other marine wildlife.

All summer, there have been signs here that the polar bears -- which normally would be hunting seals off chunks of sea ice -- are retreating ashore in increasing numbers. At least 13 bears have been spotted around town, sniffing at moose meat drying in yards, and lumbering along the beaches in search of washed-up carcasses.

Posters warn citizens against leaving garbage exposed or allowing children to play unattended. Earlier this month, a polar bear was spending its time leisurely near Point Barrow, swimming along the shore and frolicking on the AstroTurf field where the high school football team plays.

After a few days, however, the bear's half-skinned carcass was found lying on the sand. North Slope Borough Mayor Edward S. Itta said the animal had been shot by a village youth as a precaution to protect children playing near the beach.

Villagers increasingly are seeing signs of bears swimming to shore exhausted. Not long ago, Itta said, a mother and two cubs crawled onto the beach and lay immobile for two days.

"They obviously had to struggle to get there," Itta said. "You know, it's Mother Nature running its course. It can seem to be very cruel sometimes, but that's just the nature of our land up here. It's not forgiving."

In July, scientists found the carcass of a drowned polar bear washed ashore 70 miles west of here.

"There's a lot of bears in the water right now. . . . Some of them could be dead, drowned already, or they could still be trying to swim to shore," said Rick Steiner, a University of Alaska professor in the marine conservation program.

The Palin administration has argued that it is premature to declare the bears threatened, given that their worldwide numbers have increased substantially since they stopped being widely hunted in the 1970s.

Moreover, state officials argue, there is no way of knowing whether climate change will shrink the ice pack over the next 40 years to the extent federal scientists fear.

"We don't think you can look much beyond a 10- [to] 15-year horizon in trying to assess climate-related impacts," said Doug Vincent-Lang, the state's endangered species coordinator. "And within this more reasonable foreseeable future, we really don't feel the legal thresholds for a listing that the bears will either become extinct or threatened . . . can be met."

Steiner spent months pressing the Department of Fish and Game for public documents discussing the state's positions on polar bear protection and wolf control. The state's response? A bill for \$468,784 to cover its costs for looking for the material. Steiner eventually obtained the e-mails free, and one confirmed what he had suspected all along: that the department's own marine mammals staff considered the bears to be in peril.

"The finding that the polar bear will decline significantly across much of its range is correct," the department's leading marine mammal expert wrote to his superiors.

In Barrow, most residents seem to believe there are still plenty of polar bears. But the weather in the Arctic is far from normal, they say.

"When I was growing up, we had snow shortly after school started and the first frost somewhere around September. Now look at it: We're in September and it seems like August weather," said Marie Carroll, a longtime resident.

"We know there's a problem, but we didn't create it," she said. "For all the mistakes down south, they're making us pay here."

First US greenhouse gas auction set for Sept. 25

By Mary Esch

Contra Costa Times, Sunday, September 21, 2008

ALBANY, N.Y.—A coalition of 10 northeastern states this week will take steps to check global warming when it conducts the nation's first carbon auction, taking the same approach that curbed lake-killing acid rain.

Environmental groups, energy producers, and government leaders will be watching closely as the Regional Greenhouse Gas Initiative sells carbon credits Sept. 25 in the first of a series of quarterly online auctions. The cap-and-trade greenhouse gas reduction program, which aims to hold carbon dioxide emissions steady through 2014 and then gradually reduce them, is widely viewed as a model for future programs around the globe.

"With the leadership vacuum in Washington, it has fallen to the states to take the lead on combating climate change," said Richard Revesz, dean of the New York University School of Law and an expert on environmental law.

In July 2003, then-New York Gov. George Pataki brought together nine other governors to develop a regional strategy to limit carbon dioxide emissions from power plants. The bipartisan

action followed President Bush's rejection of greenhouse gas reduction goals set under a 1997 United Nations protocol reached in Kyoto, Japan.

Governors in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Jersey, New Hampshire, Rhode Island, and Vermont joined Pataki in the coalition known as RGGI, or "Reggie." Other regional greenhouse gas coalitions, such as the Western Climate Initiative and the Midwestern Greenhouse Gas Accord, are in earlier stages of development.

Both John McCain and Barack Obama support cap-and-trade programs to reduce greenhouse gas emissions, seen as key contributors to global warming.

The approach is patterned after the acid rain-reducing program targeting sulfur dioxide that began with a New York law in 1984 and was expanded nationally with amendments to the Clean Air Act in 1990.

RGGI caps the total amount of carbon that power plants in the 10-state region can pump out of their smokestacks at the current level—188 million tons. Electric power generators must pay for allowances covering the amount of carbon they emit and RGGI will provide a market-based auction and trading system where the generators can buy, sell and trade the emissions allowances.

The initiative will gradually reduce carbon going into the atmosphere by lowering the cap in several steps, until it is 10 percent below the current level in 2018. During that 10-year span, businesses will have to reduce their emissions. Those that can't, because of cost or technical hurdles, can buy allowances from companies that have achieved cleaner emissions.

Companies have a financial incentive to curb emissions because they won't have to buy as many credits and because they can sell any they don't need. The price of credits is likely to rise as the cap is lowered. That gives companies more incentive to curb emissions sooner rather than later so they can buy and use credits at a lower price and sell them at a profit.

In addition, generators can make up for a small percentage of their emissions by purchasing narrowly defined carbon offsets, such as investing in energy-efficient building technology or planting trees to absorb carbon from the atmosphere.

The overall goal is to give utilities an economic incentive, rather than a regulatory mandate, to burn less coal, fuel oil and natural gas, while at the same time making carbon-free energy alternatives such as wind and solar power more economically attractive.

While power plants account for only a third of the carbon dioxide generated in the region, they're the easiest source to regulate because their emissions are already monitored in other pollution programs, said Peter Iwanowicz, director of the state Department of Environmental Conservation's Climate Change Office.

Eventually, the program may be expanded to include sources such as industry and transportation, Iwanowicz said.

Some business and utility leaders have urged the states to hold off until a national plan is developed.

The Business Council of New York State warns that the regional plan could harm the power supply and system reliability while increasing energy prices that are already 52 percent higher than the national average for commercial customers.

Research conducted by RGGI projects the typical New York residential customer will see an increase of 78 cents per month. But the Independent Power Producers of New York, an industry group, says the cost assumptions used by RGGI are outdated and inaccurate.

Not all energy generators oppose the plan.

"We're very much in favor of a national cap-and-trade system for reducing carbon emissions because we believe climate change is real and that it requires a national, and really international,

solution," said Don McCloskey, environmental policy manager for Public Service Enterprise Group, a power generator in Newark, N.J.

While other carbon-curtailling programs have been proposed, including a carbon tax, McCloskey said PSEG supports cap-and-trade because it allows companies to use their ingenuity and knowledge of markets to achieve environmental goals.

He noted that while steep price increases were predicted when a similar program was launched to curb acid rain-causing sulfur dioxide emissions, the worst fears didn't come to pass.

The three-hour auction will be conducted online among previously approved bidders. At the end, bids in the system will be used to determine a clearing price based on supply versus demand. The minimum clearing price is set at \$1.86 per ton for the first auction.

The big question is what the clearing price will end up being. In Europe, carbon trading has hit electric ratepayers hard, with carbon allowances selling for as high as \$48 a ton at auction. RGGI has put plans in place to prevent the price from rising above \$10 a ton.

Proceeds of the auctions are to be invested in programs to increase energy efficiency, support non-carbon-generating renewable energy sources such as wind and solar, and develop carbon abatement technologies.

Peter Cramton, a professor at the University of Maryland with a research focus on emissions auctions, said the RGGI program is a good basis for a national cap-and-trade program. But he said a national program should include all sources of carbon emissions, from automobiles to industries.

The auction isn't limited to electricity generators. Investors or public interest groups also may participate.

For the first auction, only one public interest group has registered in hopes of buying carbon credits and taking them out of circulation, Iwanowicz said.

"We want to purchase and retire some allowances," said John Sheehan, spokesman for the Adirondack Council, a group dedicated to preserving the wilderness character of the 6-million-acre Adirondack Park. "We set a goal of 1,000 tons initially."

Carbon dioxide emissions are of concern in the Adirondacks, Sheehan said, because global warming could transform the region's fragile boreal ecosystem to a temperate zone similar to Richmond, Va.

—On the Net: <http://www.rggi.org>

Federal air proposals stir Fairbanks officials

The Associated Press

In the Tri-Valley Herald, Contra Costa Times, Monday, September 22, 2008

FAIRBANKS, Alaska—Municipal officials around Fairbanks want an extra year to study air pollution problems before the federal government imposes rules for clearing particulate from the skies.

The request by mayors and other members of a transportation planning group came as the Environmental Protection Agency prepared to tell seven pollution-prone communities in Alaska, Idaho, Oregon and Washington where they should focus future prevention measures.

The communities must draft those measures within the three years.

Pollution prevention rules could affect home heating, industry production and future construction projects in the Fairbanks area.

Municipal officials want more information about pollution sources before the federal government decides whether new rules should eventually apply to neighborhoods and small towns outside the Fairbanks city limits.

"Setting an overly large boundary without meaningful data may undermine public support for the hard choices that the community will face in the future to correct and control this health problem," wrote Steve Titus, a state transportation official, in the request for more time.

Particulate pollution consists of airborne particles such as dust and soot. The pollution is generated by inefficient combustion. The pollution peaks during cold winter days in Fairbanks.

Health officials say exposure carries long-term risks that includes chronic bronchitis, decreased lung function and, for people with heart or lung disease, shorter lives.

Potential sources include inefficient wood stoves and traditional fuel heaters. The dirtiest may be outdoor wood boilers, which burn wood to heat water-based household heating systems.

The transportation group questioned the EPA suggestion that local governments should monitor air pollution emissions in Salcha, Two Rivers, Eielson Air Force Base and other areas that are dozens of miles from the city of Fairbanks.

The group asked the agency to wait until it completes a \$2.6 million study reviewing pollution sources.

North Pole Mayor Doug Isaacson said he was frustrated that federal officials want to draw Fairbanks' pollution-prevention boundaries before that study is complete.

"I don't think we should be spending money on projects and be told our money is no good," he said.

Alice Edwards, director of the state Division of Air Quality, said federal officials originally sought to identify the entire 7,350-square-mile borough, an area the size of Connecticut, as the problem spot.

Municipal officials recommended a far smaller boundary, one that might have excluded almost everything outside the Fairbanks city limits.

Gina Bonifacino, an EPA air quality planner, said potential pollution sources exist outside the city. The EPA, she said, considered transportation patterns, community growth trends and population density.

State officials are pressing the EPA to reconsider its proposed boundaries.

"We have a lot of work to do to see if we can whittle down this area," Edwards said.

The EPA is set to publish pollution-prevention boundaries for Fairbanks in December, Bonifacino said. After that, the government will require local officials to submit a pollution-prevention plan in 2012 and meet the plan's goals two years later, Bonifacino said.

—Information from: Fairbanks Daily News-Miner, <http://www.newsminer.com>

[Fresno Bee commentary, Saturday, Sept. 20, 2008:](#)

DEAN ELLER: New diesel rules could hit nonprofits hard

For health care providers like Blood Centers of California, the health and well-being of Valley residents, and, for that matter, all Californians, is our top priority. Cleaning the air that our families, our blood donors, and the patients who rely on our services breathe is an important component of improving our overall health.

However, a proposed state regulation may have unintended consequences that end up harming the very health-care providers who strive to keep our state healthy.

How so?

Blood Centers of California represents the 18 nonprofit community blood banks in California that provide more than 90% of the blood and blood products required by hospitals in the state. We employ thousands of people throughout the state, and last year provided more than 1.3 million units of blood and blood products to hospitals throughout California.

To provide this critical service for Californians, we primarily use bloodmobiles that are self-contained collection centers. Typically, half the blood collected in California comes from mobile blood drives, with most of these drives using a diesel-powered bloodmobile.

That is why we are very concerned about the proposed regulation currently before the California Air Resources Board and the impact it would have on our organizations and many other nonprofits across California.

This new regulation would require that every diesel truck or bus operating in California meet a stringent new emissions standard. The regulation not only targets the almost 1 million trucks and buses used to transport goods and people on California's roads, highways and farms, it would also drastically impact nonprofit organizations, large and small, up and down the state.

Our bloodmobiles, the Goodwill or Salvation Army trucks that collect donated clothes and household goods, or the buses that help transport disabled Californians could all be impacted by this rule.

Although this regulation is still a work in progress, its impact is clear. It would require all of our blood centers to either retrofit or replace their bloodmobile coaches within the next five years. Targeting older diesel vehicles is one thing, but to make a one-size-fits-all rule that targets every diesel vehicle less than five years old puts a heavy burden on businesses and nonprofits in California.

The number of diesel bloodmobiles used by our centers varies by the size of the center and the communities they cover. The number of bloodmobiles per center ranges from two to 10, and some of our centers also have smaller diesel trucks for delivery and mobile setup.

In addition, the engine age of the mobile fleets of our centers range from the mid to late 1990s to as recent as 2008. The cost of a new vehicle can range from \$220,000 to over \$300,000 and we estimate the cost to retrofit older bloodmobiles may range from \$40,000 to \$80,000.

As a nonprofit organization, we are dependent on the communities we serve to provide donations to purchase and/or retrofit our vehicles. Unfortunately, with the downturn in the economy, the high cost of fuel, the increasing costs for attracting and retaining licensed health care professionals and our continuing need to meet the blood requirements of our communities, we see the requirement of the proposed regulation, without any financial assistance and an extended timeline, as extremely onerous.

As responsible citizens of California, we are concerned about the air quality in the state and its impact on our employees, families and blood donors. But we are also a health care provider and we must be able to continue our stated mission to provide life saving blood and blood products. With this proposed regulation, we have concerns that our ability to fully implement our activities and programs may be hampered.

Blood Centers of California is joining with a broad coalition of both businesses and nonprofit organizations to work with the ARB to craft a sensible regulation rule that dramatically reduces harmful emissions while also keeping the maximum number of companies in business, allows nonprofits to perform our duties and keeps our workers employed.

It is our sincere hope that ARB will work with our coalition to ensure the new regulation both cleans the air and keeps all Californians moving forward.

Dean Eller is president of Blood Centers of California and president and CEO of Central California Blood Center in Fresno.

[Note: The following clip in Spanish discusses the court approves right to charge for air pollution in the San Joaquin Valley. For more information on this Spanish clip, contact Claudia Encinas at \(559\) 230-5851.](#)

Refrenda corte derecho regional de California a cobrar por contaminación

Manuel Ocaño
Noticiero Latino

Radio Bilingüe, Monday, September 22, 2008

Una corte federal en California refrendó el derecho de autoridades ambientales del Valle de San Joaquín, para cobrar cuotas proporcionales a la contaminación del aire que generen las empresas y los particulares.

La corte rechazó una demanda de la Asociación Nacional de Constructores de Vivienda, que advirtió que las cuotas atentaban contra una recuperación del mercado hipotecario.

En contra de los empresarios constructores participaron los grupos Sierra Club, EarthJustice y el Fondo para la Defensa Ambiental.

La mayoría de los constructores de California ya cumplen con esa ley ambiental.