

## **Researcher's lie could threaten diesel rules**

By Wyatt Buchanan, Chronicle Sacramento bureau  
S.F. Chronicle, Wed., Dec. 9, 2009

**Sacramento** - -- A sweeping California regulation aimed at cutting hazardous pollution from diesel engine exhaust could be derailed after a key state researcher on the project was caught in a lie about his academic credentials.

The California Air Resources Board is scheduled to meet today to discuss whether to delay the implementation of the regulation because of the weak economy, which some experts claim has led to a drop in diesel emissions. But that discussion has been overshadowed by revelations about the researcher's trumped-up resume.

Two of the 11 air board members have asked that the anti-pollution rules be suspended because they were partially based on a report by Hien Tran that found particulates in diesel emissions account for 3,500 premature deaths a year in California. Tran falsely claimed he had a doctorate in statistics from UC Davis.

"I've been on the air board 14 years and I've never seen anything approaching this," said Ron Roberts, who also is a San Diego County supervisor. He added that the air board should do everything it can to assure the public "the science is proper to arrive at legitimate decisions."

### **Regulation's effect**

The regulation, unanimously approved nearly a year ago, requires big rig owners to retrofit or replace trucks and buses to cut diesel particulates spewed into the air. The regulation would begin to take effect next year and ramp up over the next several years.

The rules, which also apply to out-of-state vehicles if they are driven in California, affect 1 million vehicles. It will cost the trucking industry \$5.5 billion, according to air regulators.

Tran, whose estimate of 3,500 deaths was higher than previous estimates, does have a doctorate in statistics, but he obtained it from Thornhill University, a distance learning school. He has a master's degree in the subject from UC Davis.

Tran, who has worked at the air board for 11 years, was demoted and his salary was cut by \$1,066 per month to \$7,899 per month. He was not fired.

### **Whole board not told**

A few days before the board voted on the regulation, a researcher from UCLA notified the board staff that Tran did not have the degree he claimed, said air board spokesman Leo Kay. Some, but not all, members of the air board were told about the falsification, Kay said.

Kay said it was a mistake that the full board was not notified.

"Our feeling is a falsely claimed Ph.D. is not grounds to reopen this rule. But we do feel that if there are significant data out there that suggest the economy has changed the emissions picture from what was anticipated when we passed the rule, that's a more legitimate issue we need to look at," Kay said.

### **Credential casts doubt**

Yet Dr. John Telles of Fresno, an air board member who was not informed of the false credentials and looked into the issue on his own, noted in a letter to an agency attorney that the air board told the researcher "your dishonesty regarding your education has called into question the validity of the report."

Both Telles and Roberts said they think the science likely is solid, although Roberts said the false credential casts doubt on the integrity of the entire board.

The air board cannot suspend the regulation at this meeting due to public notice requirements, but it could in the future.

Many business owners argue that the rules should be delayed because a slowdown in economic activity means fewer trucks are on the roads.

The air board also will listen to comments on the need to implement regulations passed in 2007 affecting off-road diesel emissions, which come largely from construction machinery.

Mike Kennedy, chief counsel for the Association of General Contractors of America, said that organization has calculated diesel emissions with the air board's original model and found a significant decline due to the dearth of construction in California.

"California construction contractors have reduced emissions from construction equipment far faster than the board estimated," Kennedy said.

Some scientific and public health organizations say that while the false-credential issue is troubling, it does not undermine myriad other studies showing health impacts from diesel emissions.

"There's not an issue of whether it's harming people," said Don Anair, a senior analyst with the Union of Concerned Scientists in San Francisco.

## **State air board will debate a recession break on diesel rules**

By Jim Downing, staff writer

Sacramento Bee, Wed., Dec. 9, 2009

The California Air Resources Board must decide today whether the bad economy justifies giving truckers and construction firms more breathing room on the state's toughest-in-the-nation diesel pollution regulations.

By cutting diesel consumption, the recession has likely improved the state's air quality, air board staff say. Fleet owners hope to use that evidence to convince the agency that it should delay mandated retrofits and upgrades they say the recession has made them unable to afford.

"They could not have put enough regulations in place to do what this slowdown has done," said Felipe Martin, chief financial officer at Sacramento's Martin Bros. Construction.

Separate sets of regulations apply to diesel trucks and construction equipment. The trucking regulations alone, set to take effect in 2011, have been projected to cost California companies \$4.5 billion over the next two decades.

Over the next 15 years, the regulations are projected to avert about 9,400 premature deaths and save billions in medical costs and lost work time. Environmental and public health groups don't want the rules altered in a way that would give up any of those benefits.

"These are probably the most important regulations that ARB has adopted in this decade," said Bonnie Holmes-Gen, senior policy director with the American Lung Association of California.

At the same time, the air board is struggling with a festering controversy over a staff statistician, Hien Tran, who prepared a key report related to the truck rules and later was found to have lied about his academic credentials.

Tran claimed to hold a Ph.D. from the University of California, Davis. He had been a graduate student at the school, but had not completed his doctoral dissertation.

The agency knew about Tran's fraud before last December's board meeting, but it did not disclose that information to every board member or raise it at the public hearing on the trucking rules. One industry group has called for Gov. Arnold Schwarzenegger to fire air board Chairwoman Mary Nichols over her handling of the matter. At least two of the agency's nine board members have said the issue raises serious concerns about the regulations' legitimacy.

"To me, it's a violation of the public's trust," said Ron Roberts, a 13-year board veteran.

Tuesday, Nichols spokesman Leo Kay said agency staff should have notified the board about the problems with Tran's credentials before the diesel vote. But he said the regulations were warranted even without the conclusions in Tran's study.

"We had mountains of other health reports guiding our hand on this regulation," Kay wrote in an e-mail.

Tran was ultimately suspended for 60 days and demoted. Air board officials ordered his study reassessed by a peer review panel, which declared it sound.

At its meeting today in downtown Sacramento, the air board is scheduled to decide whether to order staff to prepare a proposal to change the rules governing heavy-duty trucks. The agency could take similar action on the construction equipment regulations. Those rules were already relaxed earlier this year.

An agency report released last week projected that recession-related pollution reductions would be sufficient to meet state air-quality targets through 2011, even if the diesel truck regulations were not enforced. In 2012 and beyond, though, regulation would be needed to keep the state on pace to meet longer-term goals, including a 2014 federal air-quality mandate.

Based on that study, the California Trucking Association is pushing for the board to delay implementation of the rules for one year to 2012 and to ease enforcement after that.

The air board could also be swayed by industry arguments that the recession has made it impossible to retrofit and replace old trucks on the agency's timeline. Heavy-duty truck sales in California dropped 60 percent between 2006 and 2009, according to the air board staff report.

To some degree, those slow sales cancel out the air quality benefits of reduced trucking activity because old, dirty diesel engines are replaced with new ones at a slower rate than the agency predicted last year.

"Longer-term, emissions might not be lower even if activity is lower than our initial projections," said Tony Brasil, chief of the air board's heavy duty diesel implementation branch.

The regulations to be debated today do not apply to diesel pickup trucks and cars.

### **Kettleman City asks: Why so many birth defects? Some residents of the impoverished town wonder if a nearby hazardous waste facility is to blame.**

By Louis Sahagun, staff writer  
L.A. Times, Tuesday, Dec. 9. 2009

Reporting from Kettleman City, Calif. - When environmental activists began a survey of birth defects in this small migrant farming town halfway between Los Angeles and San Francisco, the results were alarming.

Approximately 20 babies were born here during the 14 months beginning in September 2007. Three of them died; each had been born with oral deformities known as clefts. Two others born with the defect during that period are undergoing medical treatment.

The 1,500 primarily Spanish-speaking residents of this impoverished enclave just off Interstate 5 want to know what is causing these health problems. Some blame them on a nearby hazardous waste facility -- the largest landfill of its kind west of Louisiana and the only one in California licensed to accept carcinogenic PCBs.

Residents and environmental activists want the Kings County Board of Supervisors to stop a proposed expansion of the 1,600-acre landfill until the issue can be investigated by state and federal regulatory agencies. Even Chemical Waste Management Inc., which owns the site, has also expressed concerns about the county's reluctance to call for an outside investigation.

County health officials say it is extremely difficult to quantify the relationship between pollution and birth defects.

"I understand why people are concerned," Kings County health officer Michael MacClean said in an interview. "But most of the time, when we are talking about small numbers such as these, they are just random occurrences.

"We will definitely continue to monitor the situation to see if over time the apparent excess of cleft palates continues," he said. "If so, I would at that point ask for the state to come in and investigate."

On Monday, dozens of Kettleman City residents and hundreds of landfill employees and supporters traveled to Hanford Civic Auditorium, some 40 miles away, to hear the Board of Supervisors consider an appeal of the county planning commission's recent unanimous approval of the expansion.

Supervisors heard from several witnesses into the evening. A final decision on whether to approve the expansion is expected Dec. 22.

Holding up hand-painted posters that read "Health First, Money Last," 150 people gathered on the steps of the auditorium and demonstrated boisterously against the landfill firm and the county. Inside, about 300 company supporters filled the seats wearing black T-shirts emblazoned with the Waste Management logo.

For decades the people of Kettleman City have endured a variety of toxic substances, including agricultural sewage, pesticides sprayed on surrounding fields and orchards and tons of chemicals and contaminated soils hauled each day into the landfill, which is 3 1/2 miles west of town.

The appeal of the landfill expansion was filed by community groups led by Greenaction for Health and Environmental Justice.

Among other things, they question the county's reliance on state Department of Health statistics showing low birth-defect rates for Kettleman City from 1998 to 2006. The data showed a ratio of 2.9 birth defects per 1,000 live births in Kettleman City during those years. County officials said they are waiting for state birth-defect data covering the 14-month period in question.

"It's a cover-up, a whitewash . . .," said Bradley Angel, a Greenaction spokesman. "We stumbled

upon the problem while conducting a community health survey. Since then, not one agency has bothered to investigate. They're dismissing it as a random coincidence.

"We never said that Waste Management caused this problem," he added. "We said we want an investigation. All we know for certain is that there are dead and ailing children and a community whose members are suffering with a health emergency."

Maria Saulcedo's daughter Ashley, who had a cleft palate and other ailments, died at 11 months.

"I tried to give her all my love. I learned to feed her with a tube. She was always constipated. She died of a blood infection," said Saulcedo, 41.

Daria Hernandez's 1-year-old son, Ivan, has undergone two surgeries for a cleft palate and related problems. "He suffers from ear infections and will require speech therapy later," said Hernandez, 23.

Looking out her living room window, she added: "I don't want other children to make fun of him when he is older."

Chemical Waste Management officials have also chastised county officials for not formally requesting a state investigation.

"We may never find the exact cause of this problem," said Jim Sook, the company's waste approvals manager. "But they should at least show some concern. The people of Kettleman City will never feel they are getting a fair shake if they are being ignored."

Kettleman City residents were already distrustful of the company, which said it contributes about \$3 million annually in taxes and disposal fees to the Kings County general fund.

In 1985, the Environmental Protection Agency fined the company \$2.1 million for violations that included operating additional landfills and waste ponds without authorization.

In 1990, residents defeated a proposed commercial toxic waste incinerator project -- which had been approved by the Kings County Board of Supervisors -- by pointing out that the environmental impact report had not been translated into Spanish, the primary language of the town's citizens.

In 2003, the waste dump was among 22 such facilities that California Environmental Protection Agency officers determined contained unusually high levels of radiation.

Now, residents are voicing concerns about the legacy of toxic substances buried at the landfill.

Company officials sympathized, but they insisted their facility is heavily regulated and not the source of the birth defects.

"We are a lightning rod for the anger of the community, and in some ways it is deserved," said company spokeswoman Kit Cole. "The challenge for us as a company now is to work through this issue in a two-way dialogue with the community and have a tolerance for the pain and frustration it will unleash on us."

## **Great America owners sue Santa Clara over 49ers stadium deal**

By Howard Mintz, staff writer

In the Contra Costa Times & Tri-Valley Herald, Wednesday, Dec. 9, 2009

As the Santa Clara City Council approved a crucial environmental report Tuesday on a proposed stadium for the 49ers, the corporate owners of Great America theme park sued to void the terms

of a deal between the city and the NFL team, saying the pact is illegal and threatens the rights of the park — which would stand adjacent to the new stadium if it is approved.

The lawsuit marked yet another escalation of tension between Cedar Fair Entertainment — Great America's owners — and the city over the stadium project, just as the council was considering a resolution to put the stadium proposal before voters on the June 8 ballot. In a lawsuit filed late Monday in Santa Clara County Superior Court, Cedar Fair argues that the June agreement between the city and the 49ers should not have been consummated before the completion and approval of an environmental impact report.

With its chamber packed with stadium supporters and foes, the council late Tuesday voted 5-2 to approve the environmental impact report, a thick document that outlines the potential impact of a 49ers stadium on area traffic, parking, noise, air quality and other factors. The vote enables the city to put the stadium issue to a binding vote of Santa Clara residents. The City Council early this morning instructed city staffers to prepare language for a measure for the June 8 ballot for voters to decide the stadium issue.

At the same time, a member of a Santa Clara civic group told the council they would at some point today unveil a voter initiative, backed by the 49ers, to put the issue on the June ballot separately. Former city councilman Pat Kolstad said the group, Santa Clarans for Economic Progress, would immediately begin gathering signatures to get the initiative on the ballot, arguing that such a measure would be tougher to challenge and delay before an election than a measure placed on the ballot by the council. City council members indicated they want to avoid dueling measures on the ballot.

"There would be no delay in finding out what the voters want in this deal," Kolstad told the council.

More than two dozen residents addressed the council, some wearing 49ers gear and backing a stadium, and others expressed concern about tens of thousands of fans descending on the region on Sundays and spoiling local neighborhoods. It remained possible late Tuesday that the council would put off a vote until its meeting next week.

The lawsuit relates to a city term sheet with the 49ers in the spring that sets out a host of conditions for constructing and operating the stadium, which would be built on a large parking lot next to Great America. The agreement provides for a package of \$114 million in public contributions, as well as promises from the 49ers to cover any construction overruns on the \$937 million project and any operating deficits once the stadium opens in 2014.

Santa Clara City Manager Jennifer Sparacino said she had not fully reviewed the lawsuit, but stressed that the term sheet with the 49ers is nonbinding on the city and called for compliance with environmental impact review laws as the project proceeds.

A spokesman for the 49ers declined to comment on the lawsuit, saying it is a matter between the city and the theme park owner. But the lawsuit could push the 49ers to follow through with a plan to go to the voters through an initiative, a move that would eliminate the need for environmental review and approval before the matter goes on the ballot and could short circuit legal challenges under state environmental laws.

In a letter sent to city officials and the 49ers this week, Cedar Fair's lawyers indicated they are trying to preserve their legal rights as negotiations with the city proceed. The park's owners have repeatedly warned that the potential impact on the park's business has not been taken into account and have asked the council to postpone consideration of the environmental impact report for at least another 30 days.

The council was also slated to consider a resolution to put the stadium issue on the June ballot for a citywide vote. Both the city and the 49ers have said the project will not go forward without approval from Santa Clara residents. The council may finalize that ballot measure, and what language would be placed before voters, on Dec. 15.

At the same time, the 49ers have told city officials they are considering an initiative to put the issue before the voters, instead of a council-backed ballot measure. Among other things, such a citizens' initiative would negate the need for an approved environmental impact report under California environmental laws; a ballot measure from the council requires an approved EIR. A "community-based group" would join the 49ers in the initiative push, according to a report from city officials.

Sparacino declined to comment on the possibility of the 49ers going with an initiative. Lisa Lang, a spokeswoman for the 49ers, said the team "is not prepared" to make any announcement on whether it intends to go the voters directly. Bill Bailey, treasurer of the anti-stadium group Santa Clara Plays Fair, expressed concern about the possible tactic.

"If the purpose is to get around (the environmental impact review), then that's dirty pool," he said Tuesday.

During Tuesday's meeting, Sparacino stressed that by approving the environmental impact report and date for a vote, the council was far from approving the stadium project. "By certifying the environmental impact report this evening, we still do not have a project that is approved," she told council members.

### **Regulators eye Limestone County coal plant permit**

The Associated Press

In the Contra Costa Times & Tri-Valley Herald, Wed., Dec. 9, 2009

AUSTIN, Texas—State environmental regulators will consider an air quality permit application for a proposed expansion of a central Texas coal-fired power plant.

The Texas Commission on Environmental Quality will hold a hearing in Austin on Wednesday on the proposed expansion of the NRG Limestone plant.

Princeton, N.J.-based NRG Energy Inc. proposes to build an 800-megawatt generating unit in Limestone County near Jewett, 100 miles south of Dallas. NRG says the plant would burn pulverized coal to fire its boilers.

However, the Sierra Club and other environmental activists oppose the permit.

The project is part of NRG's \$16 billion plan to add 10,500 megawatts in electricity generating capacity over the next 10 years.

A megawatt is enough power to serve between 700 and 1,000 homes.

### **Public meeting set on W.Va. coal-to-gas project**

The Associated Press

In the Contra Costa Times & Tri-Valley Herald, Wed., Dec. 9, 2009

GILBERT, W.Va.—West Virginia regulators will hold a public meeting Thursday on a draft air pollution permit for a planned coal-to-gasoline facility in Mingo County.

Representatives of the state Division of Air Quality will accept comments on the permit and provide information about the project. Written comments can be submitted until 5 p.m. Friday.

New York-based TransGas Development LLC announced last year it planned to build the plant near Wharncliffe. The facility is expected to turn 3 million tons of coal a year into methanol that would then be converted into as many as 756,000 gallons of gasoline a day.

The state Department of Environmental Protection has given preliminary approval to the permit.

### **EPA clears a path for emission limits**

**An 'endangerment finding' is a key step in a legal process that would offer Obama an alternative to climate legislation if Congress stalls.**

By Christi Parsons and Jim Tankersley. staff writers

L.A. Times, Tuesday, Dec. 8, 2009

Reporting from Washington and Copenhagen - The Obama administration on Monday declared that greenhouse gases produced by vehicles, power plants and factories were a danger to public health, clearing the way for broad federal limits on climate-warming emissions.

The announcement by the Environmental Protection Agency is a key step in a legal process that would allow the agency to act, without Congress, to develop tough rules to control emissions of carbon dioxide and other gases that scientists blame for global warming.

"The vast body of evidence not only remains unassailable, it's grown stronger, and it points to one conclusion," said EPA Administrator Lisa P. Jackson in announcing the decision. "Greenhouse gases from human activity are increasing at unprecedented rates, and are adversely affecting our environment and threatening our health."

The EPA's "endangerment finding" came on the opening day of an international two-week climate conference in Copenhagen aimed at hammering out an accord on reducing greenhouse gas emissions.

Though the White House said the timing of the EPA announcement and the conference was a coincidence, the finding still sent a clear message of the administration's resolve to push ahead with emission controls -- with or without Congress.

In making the announcement Monday, Jackson said the administration "will not ignore science or the law any longer."

"Look at the droughts, the flooding, the changes in diseases, the changes in migratory habits, the changes in our water cycle and climate that we now find affect human health and welfare," she said.

The finding might be the latest step in the Obama administration's carrot-and-stick strategy for keeping pressure on Congress to approve a comprehensive climate bill, while giving the president an alternative approach if the legislation bogs down.

The White House has said repeatedly that it would prefer to deal with the complex and emotion-charged issue through congressional action.

The House passed a climate bill in June that proposed a 17% reduction in carbon emissions from 2005 levels. A similar bill is pending in the Senate.

Climate legislation would affect a broad swath of the American economy; it could raise consumer prices and manufacturing costs in at least some areas and faces formidable opposition from business groups, Republican lawmakers and some Democrats.

The challenge of passing a bill is all the greater at a time when Congress is preoccupied with the even more controversial healthcare overhaul and voters seem more concerned about jobs and the economy than about long-term climate change.

As a result, President Obama, who promised action on global warming during his campaign, has moved forward on the alternative track: direct administrative action by the EPA.

Coming on the eve of Obama's trip to the climate summit in Copenhagen, the endangerment announcement gives the White House something positive to point to in the absence of congressional action.

But even with the EPA finding, the White House has not committed to pushing ahead with the

regulatory process if climate legislation stalls.

Criticism of the EPA announcement came quickly.

"The elected Congress, not an administrative agency, should write the laws governing the economy's response to climate change," Sen. Lamar Alexander (R-Tenn.) said.

Alexander, chairman of the Senate Republican Conference, added: "The costs of compliance with the EPA's unilateral announcement today could run into hundreds of billions of dollars a year -- costs borne by average Americans through huge increases in their electric bills and at the gas pump. This is an especially bad idea when unemployment is at 10%."

Jeff Holmstead, EPA air administrator in the George W. Bush administration, expressed concern that new paperwork requirements would bring new construction "to a standstill."

"If the agency's eventual regulatory approach is mishandled, it could result in profound consequences for the economy with little environmental benefit to show for it," Holmstead said.

Climate legislation is also strongly opposed by the U.S. Chamber of Commerce, though its position has drawn criticism from some of its prominent members, with some major companies withdrawing from the organization in protest.

The endangerment finding was part of a process prompted by a Supreme Court decision in 2007 that ordered the EPA to review scientific evidence for regulating climate-altering gases under the Clean Air Act.

The Bush administration largely ignored the decision. Obama, however, had promised before taking office that he would address the issue quickly.

The long-anticipated announcement upped the ante for the administration and the Democrats in their push to pass a climate bill.

White House Press Secretary Robert Gibbs, however, cautioned not to read too much into the timing of the announcement.

"This is part of a process that started more than two years ago with a Supreme Court finding that the EPA should regulate greenhouse gases that threaten the public health because it's a pollutant," he said.

Jackson said Monday that the endangerment finding was not intended to pressure Congress and that legislation was still the best way to address climate pollution and move toward clean energy.

In economic terms, complying with new emission regulations would be much more expensive than using the "cap-and-trade" provision in the climate bill, some analysts say.

The cap-and-trade system, under which companies could buy and trade permits to cover the greenhouse gases they release, is designed to minimize costs to emitters. For example, major emitters could use permits to spread the cost of reducing pollutants over time.

If the EPA imposes rules, companies would probably have to move more quickly to make costly changes in their operations.

Even so, Jackson said, "I do not believe this is an 'either-or' proposition. I actually see this as a 'both-and.' I believe the Clean Air Act can complement legislative efforts."

She said the administration still planned to work with Congress to get a climate change bill to the president's desk.

## **EPA agrees to review oil, gas pollution standards**

By Associated Press

In the S.F. Chronicle and other papers, Wed., Dec. 9, 2009

DENVER, (AP) -- Federal officials have agreed to review air pollution standards for oil and gas operations to decide if they need to be updated.

The proposed settlement of a complaint by two environmental groups calls for the Environmental Protection Agency to start the review in January 2011. The settlement needs court approval.

WildEarth Guardians and the San Juan Citizens Alliance filed a complaint in January saying the EPA hasn't updated air quality standards for oil and gas development despite increased activity. The groups also want the EPA to set standards for pollutants not currently regulated, including greenhouse gases.

The Denver-based Independent Petroleum Association of Mountain States, a trade group, says the industry has worked hard to reduce its emissions.

## **Environmentalists discuss TVA ash spill pollutants**

By Bill Poovey, Associated Press Writer

In the S.F. Chronicle and other papers, Tuesday, Dec. 8, 2009

Chattanooga, Tenn. (AP) -- The Tennessee Valley Authority's huge ash spill boosted waterway pollutants at its Kingston Fossil Plant to 2.66 million pounds in 2008, more than the total water pollution output of the power industry nationwide the previous year.

The plant's discharges of metals-laden waste were also nearly 45 times higher than the 59,950 pounds it discharged into waterways in 2007.

From a report released ahead of congressional hearings this week on the utility's cleanup in Tennessee, an environmental group, the Environmental Integrity Project, said the coal-fired plant dumped about 140,000 pounds of arsenic, a known carcinogen, into the Emory River in 2008, more than twice the amount of arsenic discharged elsewhere in the U.S. by power plants in 2007.

No one was injured in the spill of about 5.4 million cubic yards of coal ash from a Dec. 22 breach of an earthen dike at the Kingston plant about 40 miles west of Knoxville, but much of the metals-laden waste swept into the river, causing extensive damage to nearby homes and raising health concerns.

Water sampling since the spill shows the river meets water quality standards but Eric Schaeffer, director of the Environmental Integrity Project, said Tuesday much of the spilled heavy metals are likely in the river sediment.

TVA spokesman John Moulton said in an e-mail the utility and government agencies "have continuously and rigorously monitored the air and water in the spill area to ensure compliance with government health and safety standards."

A study from Duke University researchers has suggested that exposure to dust and river sediment from the Kingston ash could pose health risks to local communities and wildlife.

The Tennessee Department of Environment and Conservation Web site shows its officials continue to monitor the cleanup as well as the Emory, Clinch and Tennessee rivers. The

department has said the spill disrupted people's lives, impaired water quality and destroyed aquatic life. It also says all samples to date indicate municipal water supplies are safe.

The TVA report shows the Kingston plant discharged 2.66 million pounds of arsenic, lead, mercury and other pollutants into the river in 2008, compared to 2.04 million pounds of waterway discharge from all of the nation's 531 U.S. power plants the previous year.

TVA President and CEO Tom Kilgore is scheduled to address a House subcommittee about the cleanup Wednesday. Alabama Environmental Council director Michael Churchman is also expected to speak.

Churchman has concerns about the disposal of the ash that TVA is sending by train to a landfill in a poor west Alabama community.

Churchman said the nation's largest public utility is being too hasty in transporting the coal ash at a time when the Environmental Protection Agency has said it will propose disposal rules by the end of the year. Some environmentalists want the ash treated as hazardous waste.

"I think there are still too many questions and too many unknown factors to be pursuing this action the way all these agencies seem to be going," Churchman said Monday before traveling to Washington, D.C.

"There are numerous people in Perry County who have questions. It just seems like they continue to push forward as fast as possible."

Some officials say the Alabama community needs revenue from fees on the ash shipments that at times have exceeded more than 100 rail cars a day.

Jim Berard, a spokesman for the U.S. House Transportation and Infrastructure Committee, said the subcommittee hearing Wednesday is to find out what happened since the spill and "determine what can be done to keep such a man-made disaster from happening again."

TVA owns nearly 3,000 acres of ash ponds at its other coal plants in Tennessee, Kentucky and Alabama, four of which are rated as 'high hazard' by EPA. Schaeffer said that until the EPA takes regulatory action "there are no federal rules setting standards for the safe disposal of ash" or limiting the waterway discharge of pollutants it contains.

The utility expects to get the ash out of the Emory River by spring 2010 and to have the 2.4 million cubic yards that spilled on site collected two years or so later.

More than a dozen related lawsuits have been filed against Knoxville-based TVA, which serves nearly 9 million consumers in Tennessee and

## **EPA reports decrease in toxic chemical pollution**

By Dina Cappiello, Associated Press Writer

In the S.F. Chronicle and other papers, Tuesday, Dec. 8, 2009

WASHINGTON, (AP) -- When it comes to pollution, the economic downturn could have an upside.

The Environmental Protection Agency on Tuesday reported that toxic chemical pollution from the nation's industrial plants, mines and factories declined by 6 percent in 2008, the second year in a row that companies have reported releasing less pollution.

Companies put 3.86 billion pounds of toxic chemicals into the air and water and onto land in 2008, down from 4.1 billion pounds in 2007 and 4.26 billion pounds in 2006.

Part of the explanation for the decrease is that fewer facilities reported to the EPA's annual database — known as the Toxics Release Inventory, or TRI. The decline, the EPA said, could be the result of the economic downturn.

As companies shut down or reduce manufacturing, the amount of pollution also dips.

The EPA said the economy's toll on pollution would likely be even more visible in 2009 numbers.

Air pollution decreased the most in 2008, by about 14 percent. Pollution entering lakes, rivers and streams actually increased, an uptick that the EPA said was caused in part by a large coal ash spill at a Tennessee Valley Authority power plant in Kingston, Tenn.

Other pollution indicators have also shown the link between a faltering economy and less pollution. The Energy Information Administration earlier this month predicted that emissions of the gases blamed for global warming would decline by 6.1 percent in 2009 because of a drop in energy consumption and power plants burning less coal.

The Toxics Release Inventory is released annually by the EPA and includes information on 650 chemicals from more than 21,000 facilities.

### **EPA chief: Obama to work with Congress on climate**

By John Heilprin, Associated Press  
in the Hanford Sentinel, Wed., Dec. 9, 2009

COPENHAGEN - The top U.S. environmental official told a divided U.N. climate conference Wednesday that the Obama administration's moves to "make up for lost time" and cut greenhouse gases would complement congressional action and wasn't intended to bypass recalcitrant lawmakers.

The comments by U.S. Environmental Protection Agency chief Lisa Jackson came on the same day that the tiny Pacific island nation of Tuvalu \_ which would be among the first victims of rising seas \_ was rebuffed by the conference in an attempt to demand strong action against major polluting countries.

Jackson suggested the EPA's decision Monday that greenhouse gases should be regulated would be a dual path of action by the Obama administration and Congress. "This is not an either/or moment. This is a both/and moment," she told more than 100 people who packed a U.S. meeting room in the conference center.

The EPA determined Monday that scientific evidence clearly shows they are endangering the health of Americans, and that the pollutants \_ mainly carbon dioxide from burning fossil fuels \_ should be regulated under the Clean Air Act. That means the EPA could regulate those gases without the approval of Congress.

The EPA decision was welcomed by other nations in Copenhagen that have called on the U.S. to boost its efforts to cut greenhouse gas emissions, because it seemed President Barack Obama could act more quickly and bypass legislation slowly working through Congress.

The full Senate has yet to take up legislation that cleared its environment committee and calls for greenhouse gases to be cut by 20 percent by 2020, a target that was scaled back to 17 percent in the House after opposition from coal-state Democrats.

"We have been fighting to make up for lost time," Jackson said, referring to the Bush administration's rejection of the 1997 Kyoto Protocol, which limited the greenhouse emissions of industrial countries.

Jackson said "we need legislation" to remove any uncertainty that businesses might have.

"The reason for legislation is to take that question out of their minds," she said. "We will work closely with our Congress to pass legislation to lower our greenhouse gases more than 80 percent by 2050."

The U.S. intends to make "reasonable efforts" and also "meaningful, common-sense steps" to cut emissions, Jackson said, without giving specifics.

U.S. business groups have strongly argued against tackling global warming through the Clean Air Act, saying it is less flexible and more costly than the cap-and-trade legislation being considered by Congress. Any regulations from the EPA are certain to spawn lawsuits and a lengthy legal fights.

Negotiators at the 192-nation U.N. conference in Copenhagen are working to bridge the chasm between rich and poor countries over how to share the burden of fighting climate change.

Tuvalu proposed amending the U.N. climate treaty to require the world's nations to keep the rise in temperatures to below 1.5 degrees Celsius (2.7 degrees Fahrenheit) above pre-industrial levels. Rich countries have set 2 degrees C (3.6 degrees F) as a target.

The Danish conference president, Connie Hedegaard, declined to advance Tuvalu's proposal, after objections from other nations, including oil producers, who would be hurt by the required strict limits on burning fossil fuels. Consensus is needed for taking such actions.

Tuvalu and other low-lying oceanic nations will be the first victims of rising seas, as warmer temperatures make oceans expand, melt glaciers and create more extreme weather.

"Our future rests on the outcome of this meeting," said Tuvalu delegate Ian Fry.

Getting an agreement that satisfies both rich and poor nations would not be easy, said Todd Stern, the top U.S. climate envoy. "But I think an agreement is there to be had if we do this right," he added.

Lumumba Di-Aping of Sudan, the head of the 135-nation bloc of developing countries, said the \$10 billion a year that has been proposed to help poor nations fight climate change paled in comparison to the more than \$1 trillion already spent to rescue financial institutions.

"If this is the greatest risk that humanity faces, then how do you explain \$10 billion?" he said. "Ten billion will not buy developing countries' citizens enough coffins."

Small island nations, poor countries and those seeking money from the developed world to preserve their tropical forests were among those upset over competing draft texts attributed to Denmark and China outlining proposed outcomes for the historic summit, which runs through Dec. 18. China has recently overtaken the U.S. as the world's top greenhouse gas emitter.

Some of the poorest nations feared they would bear too much of the burden to curb greenhouse gases. They are seeking billions of dollars in aid from the wealthy countries to deal with climate change, which melts glaciers that raise sea levels worldwide, turns some regions drier and threatens food production.

Diplomats from developing countries and climate activists complained the Danish hosts pre-empted the negotiations with their draft proposal, which would allow rich countries to cut fewer emissions while poorer nations would face tougher limits on greenhouse gases and more conditions on getting funds.

"When a process is flawed, then the outcome is flawed," Raman Mehta, ActionAid's program manager in India, said of the Danish proposal. "If developing countries don't have a concrete indication of the scale of finances, then you don't get a deal \_ and even if you do, it's a bad deal."

A sketchy counterproposal attributed to China would extend the Kyoto Protocol, which required 37 industrial nations to reduce emissions of carbon dioxide and other gases blamed for global warming by an average 5 percent by 2012, compared with 1990 levels.

The Chinese text would incorporate specific new, deeper targets for the industrialized world for a further five to eight years. However, developing countries including China would be covered by a separate agreement that encourages taking action to control emissions but not in the same legally binding way.

Poorer nations believe the two-track approach would best preserve the principle of "common but differentiated responsibilities" recognized under Kyoto.

Also on Wednesday, China strongly protested a blunder that prevented a top diplomat from entering the vast Bella Center where the U.N. conference is being held.

Su Wei, the director general of China's climate change negotiation team, told the meeting he was "extremely unhappy" that a Chinese minister was barred from entry three days in a row.

Su called the incident "unacceptable" and expressed anger that U.N. climate chief Yvo de Boer was not informed. De Boer pledged to investigate and "make sure it doesn't happen again."

## **EPA chief: U.S. making up for lost time**

By Juliet Eilperin, staff writer

Washington Post, Wed., Dec. 9, 2009

COPENHAGEN--The United States has been "fighting to make up for lost time" in the fight against global warming since President Obama took office, Environmental Protection Agency administrator Lisa P. Jackson said Wednesday.

In the Obama administration's keynote speech at the U.N.-sponsored climate talks here, Jackson said more progress has been made in the last 11 months than what "happened in the last eight years prior" under former president George W. Bush.

Making a pitch to an international community that has demanded bolder action from Washington on climate change, Jackson detailed a list of measures ranging from stricter fuel economy standards to the promotion of renewable offshore energy projects.

But Jackson's biggest applause line came when she said she was "proud" of the EPA's declaration Monday that greenhouse gases endanger public health and welfare. "That is a decision that has been a long time coming," she said to a packed crowd in the U.S. Pavillion.

Jackson wouldn't comment publicly on the state of the U.N.-sponsored climate talks. But she has made the case for the U.S. position in a series of closed-door briefings over the last 24 hours, including meetings with Connie Hedegaard, the Danish chair of the climate conference, and Xie Zhenhua, vice-chairman of China's National Development and Reform Commission.

Jackson said she discussed with Hedegaard, who is guiding negotiations here, the significance of the greenhouse gas declaration. "No one can say we are a nation that is...a climate denier," Jackson told The Washington Post. "We are finally leading the world for us to have a united solution" to global warming.

In her session with Xie, Jackson said, she discussed how the two countries could collaborate on a new memorandum of understanding in which the U.S. has agreed to help China track its greenhouse gas emissions. "We think that's very important," she said.

Jackson said she has emphasized in her meetings that while the Obama administration will push Congress to enact legislation next year curbing greenhouse gas emissions, it will move ahead with plans to both finalize greenhouse gas rules for vehicles in March, and then curb the carbon output from large emitters like coal-fired power plants.

"We will continue to think about how the Clean Air Act applies," she said. It's unclear whether Jackson--who also met with youth activists and African women affected by climate change, and joined deputy special envoy for climate change Jonathan Pershing in addressing more than 250 non-governmental group representatives--succeeding in convincing delegates here that the U.S. has done what it takes to help secure a global climate pact.

On Wednesday morning, Xie told Reuters the U.S. needs to lay out a more ambitious reduction target than its current proposal to cut America's emissions "in the range of 17 percent" below 2005 levels.

"I do hope that President Obama can bring a concrete contribution to Copenhagen," Xie said.

In her speech, Jackson said that in light of the scientific finding, the EPA is obligated "to take reasonable efforts to reduce greenhouse pollutants under the Clean Air Act."

In a sign of how intensely people are watching the Obama administration's actions at this conference, dozens of people gathered at the door of the small pavilion long before Jackson started speaking--only to be turned away because the room was full.

While Jackson deflected questions about the ongoing state of negotiations, she fielded several queries about Monday's endangerment decision, which she said opens the door to regulate greenhouse gas pollution under the Clean Air Act. At the same time, she said, the White House still will push Congress to produce a U.S. climate bill.

"This is not an either/or moment," Jackson said. "This is a both/and moment."

## **Green growth advocate hopes for bigger changes from the Copenhagen conference**

**Rae Kwon Chung of South Korea believes nations can profit from energy efficiency and emission reduction. More than a policy position, it's a paradigm shift -- and it's catching on.**

By Jim Tankersley, staff writer  
LA. Times, Wed., Dec. 9, 2009

Reporting from Copenhagen - Rae Kwon Chung glanced out the window of a terrace restaurant, down at hundreds of diplomats in suits and activists in T-shirts who milled happily in a grand atrium of Copenhagen's Bella Center. He frowned.

His green tea cooled in the cup, barely sipped.

"They're all obsessed with the deal and numbers," South Korea's climate-change ambassador said, explaining his frustrations with the negotiators and advocates assembled here to discuss carbon-emission cuts and forge what could be a landmark treaty on global warming.

"In order to make this numbers game work, we have to agree on how to have a global paradigm shift."

By which he meant this: World leaders need to rethink some fundamentals of daily life -- tax structures, transportation patterns and, most of all, the very notion that cheaper energy is better for economic growth. All to capture what he calls the opportunity of renewable energy technology.

Chung is 55, with splashes of gray in his hair and a blue striped shirt and tie under his sweater vest. He is a godfather of the so-called green growth movement, which, in defiance of decades of economic theory, holds that countries can boost their wealth by reducing the emissions that scientists say cause global warming.

He is concerned that negotiators in Copenhagen have gotten their climate priorities exactly backward, arguing over dates and levels of emission cuts instead of asking one another: How can we work together to change the way we consume energy -- and make some money in the process?

Chung has been active in climate negotiations since they began internationally in 1991. For most of that time, he said, negotiators saw emission reduction as a trade-off that would force nations to sacrifice economic growth.

But some years ago, while working for the United Nations, Chung noticed that South Korea and its Asia-Pacific neighbors shared a problem: Each country spent billions of dollars to import oil from the Middle East. Money down the drain, he thought, echoing U.S. politicians who have wrestled with energy-dependence issues for decades.

Instead of just seeing a problem, Chung saw a market.

To cut their fossil-fuel use and carbon emissions, he reasoned, Asia-Pacific countries would need to invent more efficient energy technologies. If the rest of the world decided to cut emissions as well, those countries would have something valuable to sell.

To promote the development of those new technologies, Chung urged government leaders to overhaul some of their most fundamental policies.

He pushed them to reduce income taxes and increase energy taxes to encourage efficiency, to invest heavily in public transportation and to embrace the idea that higher energy prices would create jobs, not kill them, by seeding new industries.

A wide array of economists and politicians reject Chung's basic premise, particularly in the United States. Studies funded by business and free-market groups project that an emission-limit bill being pushed in Congress by President Obama would raise energy costs by thousands of dollars for the typical American family, stunting national growth.

For example, Rep. Doc Hastings of Washington, the top Republican on the House Natural Resources Committee, said in a news release Tuesday that Obama's emission-limit proposal would "destroy jobs, strangle economic growth and hinder recovery."

Gradually, though, many world leaders have come around to Chung's way of thinking. The Asia-Pacific branch of the United Nations, where Chung worked, declared itself in favor of "green growth" in 2005.

The South Korean government followed suit last summer. After doubling its carbon emissions over the last 15 years because of fast development, South Korea pledged to cut emissions over the next 15 years. Officials are pushing for higher energy taxes and reduced income taxes, even though many of the nation's key industries, such as steel and auto manufacturing, are voracious consumers of energy. The bulk of the nation's economic stimulus measure went to renewable energy.

"They're walking the walk" in South Korea, said Jake Schmidt, international climate policy director for the Natural Resources Defense Council, who has worked closely with Chung on climate issues. He said Chung "has had a very big impact in how South Korea views their role" on emission limits, domestically and internationally.

In a long afternoon interview over a back table in the terrace restaurant here, Chung called his philosophy and advocacy "destiny," the natural outflow of a climate-concerned citizen from a small, energy-intensive country that is still racing to join the ranks of the world's wealthiest nations.

He said he was encouraged by "green growth" rhetoric from some European nations, Japan and the United States, where Obama has made "clean energy" a focus of his job-creation efforts.

But on a day when the Copenhagen conference buzzed with anger and accusations over a proposed climate treaty framework that poor nations called inadequate -- in part because of how it handles emission reductions -- Chung worried that negotiators were too caught up in details to see the dollar signs before them.

"What we're negotiating here is the real substance of the real economy," he said. "We are talking about billions of dollars in real numbers."

## **Plans for Third Heathrow Runway Win Conditional Approval**

By Nicola Clark, staff writer

N.Y. Times, Tuesday, Dec. 8, 2009

PARIS — Britain's plans to build a third runway at chronically congested Heathrow Airport in London won conditional endorsement from the government's chief climate adviser on Tuesday, which said that the expansion would not necessarily keep the country from meeting its long-term commitments to lower carbon emissions.

Improvements in aircraft fuel efficiency and technology and better air traffic management are likely to allow for a 54 percent increase in the number of flights at all British airports without breaching the government's goal of reducing aviation emissions by midcentury to 2005 levels, the Committee on Climate Change, an independent advisory body, said in a report.

Britain has said the aviation sector's carbon dioxide emissions by 2050 must not exceed 2005 levels of 37.5 million tons per year.

The committee's report cautioned, however, that broad changes in public behavior — including increased use of rail for short-haul travel, as well as increased use of video-conference technology in place of face-to-face business meetings — would probably be required to accommodate the expected 3 percent to 4 percent annual rise in air traffic for the period. A "business-as-usual" approach to air travel, it warned, would see air passenger demand soar by 200 percent by 2050.

John Stewart, chairman of Hacan ClearSkies, a group opposed to the Heathrow expansion, argued that the committee's "hidden message" to the government was that its current aviation policy was unsustainable. "What they are really saying is that the government needs to go back to the starting block," Mr. Stewart said.

Britain's Labour Party government approved plans for a third runway at Heathrow in January, after years of tense public debate that pitted London's business community, which strongly supported the move, against environmental and community activists. The opposition Conservative Party has vowed to abandon the plans if it wins in national elections expected next year.

Because Heathrow has been operating at or beyond capacity for many years, the rate of traffic growth there has been limited compared with other airports of comparable size. According to ACI Europe, an industry body representing the region's airports, Heathrow traffic fell by 2 percent in 2008, compared with just 0.8 percent growth in 2007 and a 1 percent decline in 2006. Analysts at ACI Europe estimate that, based on the current mode of use of the runways at Heathrow, a third runway could increase air traffic by 50 percent at most.

BAA, the private company that operates Heathrow and five other British airports, has estimated that a third Heathrow runway could generate as much as £7 billion, or about \$11 billion, a year in economic benefits for London and southeastern England.

Heathrow, which first opened in 1946 as a tiny airfield supporting about 9,000 commercial flights a year, has expanded steadily over the past six decades to encompass an area of about five square miles, or 13 square kilometers. The airport now serves more than 180 destinations in more than 90 countries. But that figure is down 20 percent from the 227 destinations served in 1990. Heathrow's two existing runways now run at 99 percent capacity, handling more than 460,000 takeoffs and landings per year, with nearly 67 million passengers annually passing through its five terminals. The International Civil Aviation Organization, an arm of the United Nations, this year committed the aviation industry to improving aircraft fuel efficiency by an average of 1.5 percent per year until 2020, with an aim of achieving a net 50 percent reduction in carbon emissions by 2050 from 2005 levels.

[L.A. Times news blog, Wed., Dec. 9, 2009:](#)

### **Standing "O" for EPA head in Copenhagen**

By Jim Tankersley

COPENHAGEN -- The Obama administration launches a high-level charm offensive today here at the international climate treaty talks, as Environmental Protection Agency Administrator Lisa Jackson kicks off a series of daily events by Cabinet secretaries in hopes of convincing world leaders that the United States is serious about tackling global warming.

Jackson is set to tout the EPA's Monday announcement that it was formally declaring greenhouse gases, which scientists blame for climate change, a danger to public health and thus subject to federal regulation under the Clean Air Act.

Even before Jackson takes the spotlight, her announcement already appears to have bought the Obama administration some goodwill from delegates assembled here (along with barbs from congressional Republicans and critics who say a recent British e-mail scandal undermines the scientific evidence of global warming).

Most tangibly, sources report that Jackson received a standing ovation last night at a closed-door administration briefing for environmentalists and other nonprofit groups on the status of the climate talks so far.

A source said it was the first time in recent memory that those groups had given such applause to a U.S. bargaining team at a climate conference. Under the Bush administration, of course, relations between climate activists and the administration were icy, at best.

[L.A. Times commentary, Wed., Dec. 9, 2009:](#)

### **'Climategate' distracts from a crucial issue**

**The purloined e-mails of climate scholars raise legitimate questions that must be addressed. But their work is a drop in a global flood of evidence that something critical is going on.**

By Glen MacDonald

For the past week, I have been riveted by the disclosures and diatribes swirling around Climategate. If you haven't followed the story, it began when a hacker gained access to e-mails at the Climatic Research Unit at the British University of East Anglia and released private correspondence.

Some of the leaked correspondence implies that Phil Jones, director of the Climatic Research Unit, used a "trick" based on splicing together different data sets to hide an apparent decrease in 20th century temperatures. The origin of the trick was attributed to another scientist, Michael E. Mann of Penn State. Other e-mails suggest a conspiracy to keep data out of the hands of climate warming skeptics, to destroy communications and to suppress certain scientific publications.

Global warming skeptics have pounced on the e-mails as proof that climate scientists manipulate data and arbitrarily dismiss the work of scholars who hold contrarian views.

The snippets from the purloined e-mails do not provide a full context to the disturbing quotes, and I am not willing to condemn two highly talented and dedicated scientists without a full accounting. Investigations are taking place at East Anglia and Penn State. I trust these will be thorough and fair.

As illegal and unethical as this electronic theft may be, the e-mails do raise legitimate questions that must be addressed by the scientists involved and the climate community at large. The troubling questions fall into two categories -- those of scientific ethics and responsibility, and those related to the veracity of evidence that the world is warming at an alarming rate and magnitude.

Even under the best-case scenario, it can be argued that the science of climate change has been let down by what is contained in the e-mails. The perceived value of scientific research in formulating and implementing policy is greatly reduced if there is any question about its validity or any evidence of overriding bias by the researchers. The release of the stolen e-mails on the eve of the Copenhagen summit seems aimed to impede any real progress there. Even if they were nothing more than verbal rants and without underlying malfeasance, the troubling statements have handed the militant skeptics a platform from which to cast aspersions on the conclusion that the Earth is warming.

So, what if we faced a worst-case scenario and the climatic records from Jones and Mann were spurious? Do we have reason to discount the whole corpus of evidence that the 20th and 21st centuries have experienced an unusual spike in temperatures? The answer is a simple and clear no.

The climatic data from both Jones and Mann are only two instances of such evidence. Instrumental climate records of 20th century warming trends have been developed by other groups, including NASA. Well before Mann produced his famous "hockey stick" record of unusual 20th century warming relative to the past 1,000 years, there were centuries-long tree-ring records reported from places such as the Arctic that displayed unusually high and persistent warming over the 20th century. Hundreds of records of unusual 20th century warming from glaciers, lake and marine sediments, soil temperatures, tree rings, climate model estimates, etc., have been produced independently by many scientists in many countries.

In the Arctic, where I have worked for 30 years, there is evidence of environmental changes in sensitive ecosystems such as lakes that appear to be unprecedented in recent millennia. In some cases, Arctic lakes, including ones that I visited as a student, have simply disappeared. Similar temperature-related changes are occurring in many places. We've seen disappearing glaciers from Mt. Kilimanjaro to the Andes, terrestrial plant and animal species expanding their ranges to higher altitudes or latitudes, increasing abundance of tropical/subtropical plankton species off the coast of California, and on and on.

The Jones and Mann reconstructions are drops in a global flood of evidence that something is going on with the world's climate and environments that we had better take note of. The climate change summit in Copenhagen remains completely justified in tackling the issue of climate warming now rather than later. In this regard, Climategate is a dangerous distraction from a frighteningly urgent threat.

We are facing a world of many environmental challenges, of which climate change is one important facet. We will not be able to confront all the threats at once and are faced with difficult decisions of environmental priorities and strategies. One important lesson from Climategate for all environmental scientists is that we must redouble efforts to hold ourselves to the highest ethical standards -- and be seen to be upholding those standards. Transparency and openness are not just virtues, they are necessities. For in a world of environmental triage, the production of sound science and public faith in such science are crucial to the ultimate health of the planet.

*Glen MacDonald is a climate change scientist, UC presidential chair and director of the UCLA Institute of the Environment.*

[L.A. Daily News guest commentary, Wed., Dec. 9, 2009:](#)

### **Port clean-truck program is goal worth fighting for**

By Geraldine Knatz

Just over a year ago, the Port of Los Angeles started the Clean Truck Program, a groundbreaking initiative designed to take the truck pollution issue head-on.

Prior to the implementation of the CTP, pollution generated by port-related sources (trucks, trains, ships, etc.) was such an issue that mounting health concerns and legal threats paralyzed port expansion efforts and threatened Southern California's future viability as the nation's largest cargo gateway.

As part of the program, we are developing long-term business relationships with the hundreds of trucking companies that routinely access port terminals. Through their concession agreements with the Port of Los Angeles, these companies are accountable for operating and maintaining trucks that meet local and state emissions requirements and also for the safety and security performance of their drivers. Our concessionaires represent 700 area trucking companies, 80 percent of which are small businesses with fewer than 50 trucks. Now, the Port of Los Angeles is engaged in a lawsuit with the American Trucking Association over our right to have access controls for the thousands of trucks that enter into our cargo terminals each day.

The ATA was successful in getting the court to stop our direct enforcement of the truck replacement program against trucking companies, as well as a requirement that these companies gradually transition over to using employee drivers - a measure that would have made our port more secure and our program more sustainable over the long-term.

But the ATA is not stopping there. In fact, the most significant legal fight our port continues to wage with the ATA is over our ability to use concessions, or enforceable agreements, to hold trucking companies responsible for the trucks and drivers they dispatch to our port.

Instead, if problems arise with any of these thousands of contracted drivers or their trucks, the ATA wants the port to chase down those individual truckers - an enforcement measure that is neither practical nor realistic.

We argue the opposite position. We believe in creating accountable, self-reliant trucking companies that can continue to operate clean truck fleets for generations to come. And we have already seen the benefits of a program tailored to this goal. So far, the CTP has created a more efficient trucking system.

Our roads and facilities aren't overwhelmed by thousands of independent truckers who drive rates below the true cost of business, cannot afford to purchase and maintain clean trucks.

Yes, the ATA will extol its support for cleaner truck fleets and cleaner air. And, not surprisingly, it's not opposed to the tens of millions of dollars in local and federal subsidies and incentives that have helped operators purchase clean trucks.

The ATA contends that if we have come so far so quickly - reducing truck emissions by as much as 70 percent since October 2008 - our mission is accomplished and we should stop arguing for program requirements like concession agreements. But who will pay for the next fleet of clean trucks when today's new trucks will need to be replaced? Our challenge - and what the ATA fails to acknowledge - is that emissions standards are a moving target.

We know that even today's cleanest trucks will not pass 2020 environmental standards, when mandatory caps will push greenhouse gas emissions back to 1990 levels.

As the largest port in the nation and a major economic engine in a region with legacy air quality issues, we need to plan for the future. Accordingly, the Port of Los Angeles' Clean Truck Program was designed to be a long-term solution for ensuring that our port trucking system will be environmentally clean, financially self-reliant and continually upgraded.

And that's a goal worth fighting for.

*Geraldine Knatz is the executive director for the Port of Los Angeles.*

[Contra Costa Times & Tri-Valley Herald guest commentary, Wed., Dec. 9, 2009:](#)

## **My Word: Latest Coyote Hills proposal as problematic as past Fremont plans**

By Dan Ondrasek

The Patterson Ranch development proposal is back.

A draft environmental impact report (EIR) recently was released for development of Patterson Ranch in front of the Coyote Hills Regional Park. The proposal in the EIR is just as problematic as all of the past proposals.

Here are just some of the unacceptable issues with this new proposal:

- Nearly 700 new students (358 elementary, 113 junior high and 228 high school students) would be enrolled into already overcrowded and under funded Fremont schools. In June 2008, the developer proposed only \$9 million for an elementary school the developer estimates will cost the school district \$20 million to build. What are the real costs in today's dollars? Who will make up this \$11 million-plus shortfall?
- The school is proposed in a flood zone, on lands that are subject to high shaking in an earthquake. Who will make up the funding shortfall?
- The developer is asking Fremont to quadruple current zoning to allow more than 870 housing units. This will increase traffic by 4 million car trips annually, degrading air and water quality. Some of these proposed buildings are five stories tall. The development will block scenic vistas of Coyote Hills.
- Sea levels are expected to rise by 55 inches in the next century as a result of global warming. Are we sure that these lands on the edge of the Bay are truly protected from flooding? Will Fremont residents have to foot the bill if flooding occurs?
- The developer is again asking to pave over the land directly in front of our beloved Coyote Hills Regional Park. Multiple voter surveys confirmed that more than 70 percent want no development directly in front of the Coyote Hills. Yet the new development places acres of parking lots and development directly in front of the park.

If this development is allowed to go forward as planned, pollutants and nuisance species will invade this special place, forever changing it.

At 7 p.m. Thursday, Fremont's planning commission will be hearing public comment on the proposed development in the City Council chambers. The Friends of Coyote Hills ask that you attend this meeting and make your voices heard on why there should be no development in front of the park.

Let them know how you feel — it does have an impact. Without this community's involvement, the area would have been developed long ago.

We need to protect Coyote Hills.

Once it is gone, it is gone forever.

*Dan Ondrasek has been a member of the Friends of Coyote Hills since 2001. He is an 11-year resident of the Tri-City area, and now lives in Newark.*

[Note: The following clip in Spanish discusses the U.S. evaluating climate change advancements. For more information on this Spanish clip, contact Claudia Encinas at \(559\) 230-5851.](#)

### **Evaluará UE avances sobre cambio climático**

Notimex

El Diario, Wed., Dec. 9, 2009

Bruselas— Los gobernantes de los 27 países de la Unión Europea (UE) evaluarán la evolución de las negociaciones sobre el cambio climático que tienen lugar en Copenhague, en su cumbre periódica de dos días que inician este jueves en Bruselas.

Con la conferencia de Naciones Unidas en Copenhague en pleno curso, la UE tiene previsto ultimar durante la cena del jueves su postura para la reta final de las pláticas sobre un nuevo acuerdo global de recorte de emisiones.

Los líderes europeos deberán ponerse de acuerdo sobre la conveniencia de incrementar de 20 hasta 30 por ciento su compromiso de reducción de emisiones, como habían propuesto hacer si los demás países desarrollados y emergentes hicieran un 'esfuerzo similar'.

Business Europe, el lobby que representa las mayores industrias europeas, alega que esas condiciones no se han reunido y, por lo tanto, la UE no debe mejorar su oferta en Copenhague.

'La propuesta estadounidense de reducir sus emisiones en 17 por ciento hasta 2020 frente a los niveles de 2005 representa una reducción de sólo 3.0 por ciento en relación a las emisiones de 1990', sostuvo en una carta enviada esta semana a la Presidencia sueca en turno de la UE.

'Por eso, no puede ser considerada un esfuerzo 'similar' que justifique un avance europeo hasta 30 por ciento', señaló el colectivo.

Para otro colectivo integrado por las alianzas ambientalistas 'Prince of Wales', 'EU Corporate Leaders Group', 'Grupo Climático' y 'Salvadores del Clima de WWF', la UE debe incrementar unilateralmente su meta de corte de emisiones.

Esto a fin de 'inyectar confianza en el mercado internacional de carbono y estimular las inversiones necesarias' para tornar los sectores industrial, eléctrico y de transportes menos contaminantes.

El primer ministro sueco, Fredrik Reinfeldt, programó además para el jueves un debate sobre la situación económica y financiera en la UE, con énfasis en la estrategia de salida que el bloque deberá adoptar para asegurar la estabilidad una vez retiradas las medidas de estímulo.

Reinfeldt también quiere acordar con los demás países las líneas generales del futuro plan de crecimiento de la UE, que sustituirá la Estrategia de Lisboa y cuyo marco deberá ser finalizado el próximo semestre, bajo la Presidencia de turno española.

Organizada bajo las directrices del Tratado de Lisboa, en vigor desde el 1 de diciembre, esta cumbre europea reunirá apenas a los jefes de Estado y de gobierno de la UE, dejando de lado a los ministros de Exteriores, que participaban del encuentro anteriormente.

El nuevo presidente estable del Consejo, el belga Herman Van Rompuy, estará presente en la cena del jueves, pero no asumirá sus plenas funciones hasta el 1 de enero de 2010.

La próxima vez que gobernantes europeos se reúnan en Bruselas, será él quien coordinará los trabajos, y no el entonces presidente de turno, el español José Luiz Rodríguez Zapatero.

[Note: The following clip in Spanish discusses a lack of progress at the climate change summit in Copenhagen. The summit has begun its third day with a clash between rich and poor countries on a document released with a new plan to reduce greenhouse gases.](#)

### **Cumbre del Cambio Climático en Copenhague navega sin rumbo**

**La Cumbre de la ONU sobre Cambio Climático de Copenhague navegaba hoy sin rumbo en su tercer día, en medio de un claro enfrentamiento entre naciones ricas y pobres tras filtrarse un documento del gobierno danés respecto a un nuevo acuerdo sobre la reducción de gases de efecto invernadero.**

Terra, Wed., Dec. 9, 2009

Rasmussen señaló, no obstante, que si este fin de semana no se ha producido un avance significativo en las negociaciones, la presidencia danesa sí podría entonces presentar una propuesta.

También el secretario ejecutivo de la cumbre, Yvo de Boer, quiso tranquilizar a los países en vías de desarrollo, que se han mostrado contrarios a algunos puntos del texto danés, y subrayó que la preocupación de este grupo obedece a que "el texto está desequilibrado".

Agregó que la vasta mayoría de los 192 países asistentes en Copenhague "quieren una continuación del Protocolo de Kioto".

A la espera de que lleguen los ministros de Medio Ambiente de los 192 países participantes, a partir de finales de esta semana, y los jefes de Estado y de Gobierno hacia el final de la conferencia, el 18 de diciembre, ni la sesión plenaria ni los paneles sectoriales daban pistas sobre el camino a seguir para lograr un documento vinculante en Copenhague.

El jefe de la delegación de China, Su Wei, llegó incluso a pedir a la presidenta del plenario, Connie Hedegaard, que se abstuviera de las cuestiones de procedimiento para ir más al grano.