

## **Modesto area residents should check air quality before burning**

Bee Staff Reports

Modesto Bee, Sunday, November 27, 2011

Residential wood burning can pump dangerous levels of soot, ash, dust and other particulate matter into the valley's already poor air.

To reduce the pollution, each day the San Joaquin Valley Air Pollution Control District issues one of two wood-burning forecasts: "Wood Burning Prohibited" on days the air and weather conditions are poor, and "Please Burn Cleanly" on days the risk is lower.

On "Burning Prohibited" days, all wood burning is banned — including in fireplaces, outdoor chimneys and fire pits. Exemptions are granted to homes where natural gas service is not available, or where burning solid fuel is the only source of heat. Burning on no-burn days can result in a fine.

On "Burn Cleanly" days, only dry, seasoned wood or manufactured logs should be used, to minimize pollution.

The important thing is to always "Check Before You Burn." About 4:30 p.m. each day, the air district issues its county-by-county burning forecast for the following day. You can find it by calling 800-SMOG INFO, by going to [www.valleyair.org/aqinfo/WoodBurnPage.htm](http://www.valleyair.org/aqinfo/WoodBurnPage.htm), or by subscribing to a daily e-mail alert at [www.valleyair.org/lists/list.htm](http://www.valleyair.org/lists/list.htm).

Burn information for Stanislaus, San Joaquin and Merced counties also appears at the top right corner of The Bee's daily weather page.

## **EPA sued over unenforced ozone standards**

Bob Egelko, Chronicle Staff Writer

S.F. Chronicle, Saturday, November 26, 2011

President Obama's refusal to let his environmental chief strengthen the nation's smog standards has prompted an environmental group to sue the government to implement milder ozone standards that were adopted in 2008 but never enforced.

"Even though we don't think (the 2008 standard is) strict enough, it's better than what's currently being done," James Tutchtton, lawyer for WildEarth Guardians, said Friday.

In a suit filed Tuesday in U.S. District Court in San Francisco, the environmental group said the Clean Air Act requires the Environmental Protection Agency to adopt regulations by March 2010 requiring states to meet the new ozone levels.

Because of the EPA's inaction, air quality is still measured by weaker standards enacted in 1997, the suit said.

The organization also said the agency disregarded a March 2011 deadline requiring states to submit plans to meet the 2008 standards adopted by the EPA under President George W. Bush. As a result, the suit said, the agency has not taken action against the 48 states - all but Kentucky and Tennessee - that failed to comply.

Without the regulations, Tutchtton said, the EPA has no way to require states to meet the ozone standard or to prevent states that had been in compliance from allowing their air quality to deteriorate. He said the 2008 law also requires the EPA to impose clean-air plans on states that fail to submit compliance plans by 2013.

Tutchtton said WildEarth Guardians has about 5,000 members, mostly in the Southwest, and is based in Santa Fe.

The EPA did not respond to a request for comment on the suit.

The agency set the maximum level for ozone, the main ingredient in smog, at 84 parts per billion in 1997. The EPA under Bush lowered the maximum to 75 parts per billion in 2008, while the agency's scientific

advisory panel was recommending levels of no more than 60 to 70 parts per billion to protect public health.

Major environmental groups filed suit, but put their case on hold after the election of Obama, who had criticized Bush's pollution policies. This summer, EPA administrator Lisa Jackson announced plans to reduce the level to 70 parts per billion.

But Obama vetoed the proposal on Sept. 2 and said the standard would remain unchanged until 2013. According to the New York Times, the president was under pressure from business lobbyists, who argued that the higher standard would cost money and jobs, and from political advisers, who warned of a backlash in key states next year.

Meanwhile, WildEarth Guardians said in its new lawsuit, the EPA's deadlines for rules implementing the 2008 standard had passed. Tutchton said the agency had told environmentalists that any such regulations would be a wasted effort because Jackson was planning to lower the maximum levels.

"This is not Lisa Jackson's fault," the lawyer said. "We left them (the EPA) alone for three years, and then we got caught holding the bag."

## **TCAG upset by transportation bill that could threaten local control**

By David Castellon

Visalia Times-Delta and Tulare Advance-Register, Monday, November 28, 2011

A proposed Senate version of a new U.S. transportation bill has raised the ire of the Tulare County Association of Governments and similar agencies across the country that administer federal transportation dollars.

The concern stems from a provision of a 600-page draft bill by a Senate committee that — if it became law — would wrest control of how to spend federal transportation and air pollution-reduction funds from TCAG and about half the other metropolitan planning organizations (MPOs) in the country.

"For one, we would lose control of our planning and programming" of an average \$12 million-plus in annual federal funding for road, transit and pollution-reduction projects, said Ted Smalley, TCAG's executive director.

The problem, he said, is a change that would redefine "urbanized areas," which are now made up of individual cities and towns in close proximity with populations numbering 50,000 or more.

TCAG and other MPOs need to have representatives from at least one urbanized area, and TCAG has two — the Visalia/Exeter/Farmersville and Porterville urbanized areas, Smalley said.

And based on 2010 U.S. Census data, the city of Tulare's population has grown to the point that it likely will be designated an urbanized area next year.

But the proposed transportation bill — introduced earlier this month by the bipartisan Senate Environment and Public Works Committee — would change the minimum population for urbanized areas to 200,000.

Tulare County's largest urbanized area — Visalia/Exeter/Farmersville — has a population of less than 170,000, Smalley said.

As such, if the bill were to pass with the urbanized area change, the state might have to appoint the California Department of Transportation to administer the federal road and air-quality dollars or possibly appoint some other agency to do it, Smalley said.

About half of the MPOs in the country wouldn't meet the altered population requirements, he added.

TCAG and other MPOs wouldn't have to disband, however, so they could still administer state money and local funds. In Tulare County's case, local funds mostly are Measure R sales-tax dollars for road, transit and other transportation-related projects.

But there would be a separate group deciding on what transportation and air projects to spend the federal money on and how much, Smalley said. "That's not very efficient."

"We know what our transportation needs are. We know how to use our transportation funds better than anyone else. We want the transportation funds allotted for Tulare County decided in Tulare County how they should be used," he added. "We're also talking about the loss of controlling our air-quality funds."

"I would rather keep the control locally, through TCAG," so cities and towns here have influence in how the federal money is spent, said Tulare County Supervisor Pete Vander Poel, chairman of the TCAG board of directors.

Smalley noted that the provision lacks a lot of specifics in how some of the changes would occur. It's also an early version of the bill, so it could change before it comes to vote before the full Senate — if it even gets that far, he said.

And the House is developing its own bill that may not affect MPOs.

The current transportation bill expired more than a year ago, but lawmakers extended it because they haven't been able to come with a new version.

Smalley said local government leaders and TCAG officials don't know much yet about the MPO provision of the Senate transportation bill, and his staff will present information during TCAG's next board of directors meeting on Dec. 5.

TCAG staff is expected to ask during the meeting for approval to lobby against the MPO changes, which would include removing the provision from the Senate version and not having such a provision in the House version.

"MPOs from all over the country and the state have been actively writing letters in opposition to this," states a TCAG report to the board.

Vander Poel said he's confident that such opposition should ensure that urbanized area population rules aren't changed.

"I think the legislators are going to understand they are elected by these people and if they want to get re-elected or do what's best for these communities ... they're going to have to listen and be aware of the opposition."

## **Clean air, water rules spark different responses**

By Larry Margasak, Associated Press

In the Modesto Bee, Merced Sun-Star and other papers, Friday, November 25, 2011

WASHINGTON -- Large and small companies have told Republican-led congressional committees what the party wants to hear: dire predictions of plant closings and layoffs if the Obama administration succeeds with plans to further curb air and water pollution.

But their message to financial regulators and investors conveys less gloom and certainty.

The administration itself has clouded the picture by withdrawing or postponing some of the environmental initiatives that industry labeled as being among the most onerous.

Still, Republicans plan to make what they say is regulatory overreach a 2012 campaign issue, taking aim at President Barack Obama, congressional Democrats and an aggressive Environmental Protection Agency.

"Republicans will be talking to voters this campaign season about how to keep Washington out of the way, so that job creators can feel confident again to create jobs for Americans," said Joanna Burgos, a spokeswoman for the House Republican campaign organization.

The Associated Press compared the companies' congressional testimony to company reports submitted to the Securities and Exchange Commission. The reports to the SEC consistently said the impact of environmental proposals is unknown or would not cause serious financial harm to a firm's finances.

Companies can legitimately argue that their less gloomy SEC filings are correct, since most of the tougher anti-pollution proposals have not been finalized. And their officials' testimony before congressional

committees was sometimes on behalf of – and written by – trade associations, a perspective that can differ from an individual company's view.

But the disparity in the messages shows that in a political environment, business has no misgivings about describing potential economic horror stories to lawmakers.

"As an industry, we have said this before, we face a potential regulatory train wreck," Anthony Earley Jr., then the executive chairman of DTE Energy in Michigan, told a House committee on April 15. "Without the right policy, we could be headed for disaster."

The severe economic consequences, he said, would be devastating to the electric utility's customers, especially Detroit residents who "simply cannot afford" higher rates.

Earley, who is now chairman and CEO of Pacific Gas & Electric Corp., said if the EPA had its way, coal-fired plants would be replaced with natural gas – leading to a spike in gas prices. He said he was testifying for the electric industry, not just his company.

But in its quarterly report to the SEC, Detroit-based DTE, which serves 3 million utility customers in Michigan, said that it was "reviewing potential impacts of the proposed and recently finalized rules, but is not able to quantify the financial impact ... at this time."

Skiles Boyd, a DTE vice president for environmental issues, said in an interview that the testimony was meant to convey the potential economic hardship on ratepayers – while the SEC report focused on the company's financial condition.

"It's two different subjects," he said.

Another congressional witness, Jim Pearce of chemical company FMC Corp., told a House hearing last Feb. 9: "The current U.S. approach to regulating greenhouse gases ... will lead U.S. natural soda ash producers to lose significant business to our offshore rivals...." Soda ash is used to produce glass, and is a major component of the company's business..

But in its annual report covering 2010 and submitted to the SEC 13 days after the testimony, the company said it was "premature to make any estimate of the costs of complying with un-enacted federal climate change legislation, or as yet un-implemented federal regulations in the United States." The Philadelphia-based company did not respond to a request for comment.

## **California voters could be asked to scrap environmental laws**

Central Valley Business News.com, Thursday, November 24, 2011

The California Environmental Quality Act, the California Coastal Act, the California Endangered Species Act, the California Global Warming Solutions Act, and the California Sustainable Communities and Climate Protection Act would be repealed and the California Environmental Protection Agency and Air Resources Board would be abolished under a proposed amendment to the California Constitution.

The measure has been cleared to gather signatures to try to get on the ballot.

If it did, were passed and then survived probable lawsuits, it would establish, in the words of its approved summary, "new inalienable rights to produce, distribute, use, and consume air, carbon dioxide, water, food, habitat for humanity, universal heal thyself care, and energy generating natural resources."

And in what might come as a bit of a surprise to the national government, it would grant Californians the individual right to nullify all federal powers not specifically delegated to the United States by the federal constitution.

"It is the opinion of the Legislative Analyst and Director of Finance that the measure likely would result in a substantial net change in state or local finances if adopted," the summary notes.

The sponsor of the measure, Oscar Alejandro Braun, must collect signatures of 807,615 registered voters – the number equal to 8 percent of the total votes cast for governor in the 2010 gubernatorial election – in order to qualify it for the ballot. He's got until April 19, 2012, to do it.

Mr. Braun could not be reached for comment and the Secretary of State's office says it has no public contact information for him. Under California's initiative process, anyone who pays \$200 can request a title and summary that begins the process of putting a measure on the ballot.

[The Fresno Bee Editorial, Sat., Nov. 26, 2011:](#)

### **Thumbs up, thumbs down**

Thumbs up to Dr. Alex Sherriffs, a Fowler family practitioner and clean-air advocate, who has been named to the governing board for the San Joaquin Valley Air Pollution Control District and California Air Resources Board. Gov. Jerry Brown announced the appointments for Sherriffs, a 60-year-old Democrat. He replaces Dr. John Telles, who resigned. On the Valley air district board, Sherriffs fills a seat dedicated to a health professional. On the state board, he will be the Valley air district's representative. The state Senate must approve his appointments.

Thumbs down to Sen. Tom Berryhill, R-Modesto, for refusing to explain to his constituents what he did on a weeklong junket to Hawaii, which was paid for by several groups doing business before the California Legislature. When The Bee asked to speak to Berryhill about the trip, an aide emailed back that the senator would be unavailable on the topic. Trip sponsors included the state prison guards union, Southern California Edison, Pacific Gas & Electric and Chevron. Must have been a nice event. The hotel rooms are \$325 a night.

Thumbs up to the donors and volunteers who helped out with Operation Gobble 2011. The operation provided more than 1,700 turkeys to more than 70 organizations, including local school districts, nonprofits and churches in the 31st Assembly District.

[Modesto Bee Editorial, Sunday, November 27, 2011:](#)

### **California must keep driving toward goal of 54.5 mpg**

Since the 1960s California has led the nation on emission standards for passenger cars.

The big driver has always been necessity. Despite tremendous progress, California continues to have the nation's worst air quality. Other states — and the federal government — have tended to follow California's lead.

The state's landmark Assembly Bill 32 leads the way again — setting a goal of reducing statewide greenhouse gas emissions to 1990 levels by 2020, with transportation providing the largest source of reductions. Over the years, California's low-emission vehicle regulations and its giant car market have spurred technological innovations. That should continue.

Current standards require manufacturers to raise efficiency from today's 27 mpg to 35.4 mpg by 2016.

Two recent events highlighted California's leadership as a model for national standards.

The Obama administration announced that it would go ahead with ambitious fuel economy standards for the 2017 through 2025 model years, despite House Republican opposition. Obama, California and 13 major automakers had announced over the summer that they had agreed to an average of 54.5 miles per gallon by 2025 — 62 mpg for cars and 44 mpg for light trucks (SUVs, pickups and vans).

Beginning in 2017, cars would have to improve fuel efficiency 5 percent a year; light trucks, 3.5 to 5 percent a year.

Current standards require manufacturers to raise efficiency from today's 27 mpg to 35.4 mpg by 2016.

At the same time, California released proposed new emissions standards for cars and light trucks from 2015 through 2025. Vehicles sold in 2025 will cut the amount of greenhouse gas emissions by 50 percent. The proposal also builds on the state's zero-emission vehicle program — requiring manufacturers to produce increasing numbers of vehicles that have no tailpipe emissions, as well as plug-in hybrid electric vehicles. The goal is to have 1.4 million zero-emission and plug-in hybrid vehicles on the road in California by 2025 — representing 15 percent of new car sales.

California and U.S. standards are aligned, allowing manufacturers to produce a single, national fleet of cars and light trucks driven by California's ambitious program.

But congressional Republicans, predictably, are squawking, including Rep. Darrell Issa, R-Vista, who has accused the administration of waging "a war on the private automobile and the private light truck." He's missing the point. The target is gas-guzzling vehicles with the aim of producing more fuel-efficient cars and light trucks, which would save people money at the pump and reduce our dependence on foreign oil. What's wrong with that?

House Republicans are trying to block the Obama administration from finalizing the fuel economy standards for the 2017 through 2025 model years. They're also trying to block California from proceeding with fuel emissions limits. That's a step backward.

But the administration hasn't caved in, as it has on some other environmental and energy issues. It and California need to stay together and on course in pursuing the 54.5 mpg goal.

