

Fresno mayor pitches plan for toll booths to clean air coalition

MARYLEE SHRIDER, Californian staff writer

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Fresno Mayor Alan Autry was in Bakersfield before the Operation Clean Air coalition Monday, making a pitch to install toll booths on Highway 99. Autry unveiled his toll plan in January, proposing to place toll booths both ends of the Central Valley as a way of funding highway expansion and repairs.

Many details of the proposal are still in the works and research into possible impacts of the plan is ongoing, but initial reaction shows few, if any, negative economic or environmental impacts, Autry said.

"It's not going to have any negative impacts, that I can see. It's going to be good for business and the environment. And the beauty of the toll road is it will create an immediate revenue stream," he said.

Operation Clean Air is a coalition of business, government and community leaders from San Joaquin Valley counties, including Kern, working to find ways to clean the air, while increasing economic prosperity in the valley, according to the nonprofit group's mission statement.

Colby Morrow, head of the coalition's advocates legislative committee, said she appreciated Autry's enthusiasm for the plan, but representatives from all of the group's 14 sectors must be included in any decision to support the plan.

"We are a coalition and we respect all our members. The committee takes no stand yet on support of the mayor's proposal," she said.

The toll road topic sparked considerable discussion among those in attendance, some of whom, including Bakersfield Mayor Harvey Hall, raised concerns about state "money grabbing," exemptions for valley residents and reaction from the trucking industry.

Autry said specific and carefully worded legislation would protect toll booth revenues and guarantee their use only for their intended purpose. Exemptions for valley residents are one of the details still to be worked out, he said.

And what of the thousands of trucks that travel the highway each day?

Autry said he has no doubt the trucking industry will come on board with the plan once it understands the benefits.

"This does not target the trucking industry. The cost of the toll booths will be offset by the benefit of more lanes and their ability to carry more cargo," he said.

Bill spawned by Crippen fire advances

Solid-waste centers would stop operating during appeals.

Fresno Bee

By Jennifer M. Fitzenberger, Bee Capitol Bureau

(Updated Tuesday, April 20, 2004, 5:40 AM)

SACRAMENTO -- A bill inspired by the Archie Crippen Excavation fire that would force cited solid-waste center owners to stop operating during the appeals process cleared its first legislative hurdle Monday.

Assembly Bill 2159 puts in motion suggestions by state auditors, who issued a report in December detailing shoddy communication and lax oversight leading up to the massive Fresno junk fire in January 2003.

Proponents say the bill by Assembly Member Sarah Reyes, a Fresno Democrat, would help prevent such disasters by strengthening scrutiny of solid-waste centers and speeding up the appeals process. Opponents, though, worry it would be too tough on operators who abide by the rules.

The Assembly Natural Resources Committee approved the bill with a 7-2 vote.

Under the bill, operators who don't have the required permits or break the conditions of their permits would have to stop business while they negotiate with authorities. Owners would have 30 days to fix the problem before being shut down. Unless the problem presents an immediate danger to the public or environment, owners now can keep operating while they appeal their citations. Reyes said this allows owners to abuse the system by filing appeal after appeal in order to stay in business.

Justin Malan, statewide executive director of the California Association of Environmental Health Administrators, said the bill closes that loophole: "We believe it will be effective to do exactly what the auditors directed us to do, and that is to ensure that we enforce the law and ensure that nobody slips through the cracks."

Crippen was not cited before the fire, so it is unlikely the provisions in Reyes' bill would have prevented the blaze that started in a 40-foot-tall pile of wood, concrete, green waste and construction material. It cost more than \$6.4 million to fight and clean up after the fire, which spawned acrid smoke that threatened the health and safety of nearby residents.

Reyes' bill also would streamline the appeal process, allowing for issues to be resolved in about 40 days instead of up to several months.

Since the mid-1990s, local appeal boards statewide have heard about 50 cases, about six of which advanced to the state Integrated Waste Management Board. None of the cases were in Fresno County, said Tim Casagrande, the county's environmental health director.

Paul Yoder, appearing at Monday's hearing on behalf of the Solid Waste Association of North America, said his client opposes the bill out of concern for law-abiding operators.

"What we want to do is ensure that the rights under current law of operators who are fully permitted are not diminished under this bill," Yoder told the committee.

Under Reyes' bill, local enforcement agencies -- typically counties -- would have the option of using a single hearing officer instead of a board to save money. Fresno County has a three-member appeal board should the need arise to settle a dispute.

Fresno County would consider using a hearing officer if the bill becomes law, Casagrande said. "It gives another option, and it could provide some cost savings to not convene that group," he said.

The bill also would require local enforcers to keep complaint and inspection records of facilities that don't have state permits.

Casagrande said Fresno County already tracks complaints and wouldn't have to change its procedures.

Court allows Castle & Cooke's appeal to be heard in Wal-Mart case

JAMES BURGER, Californian staff writer
Bakersfield Californian, The (CA)
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The 5th District Court of Appeal cleared the way Monday for a Castle & Cooke attorney to widen the scope of the battle over two Wal-Mart Supercenters in Bakersfield. The court allowed attorney Craig Beardsley to appeal part of a decision by a Kern County judge that brought work on one of those two Supercenters to a halt earlier this year.

In January, Kern County Superior Court Judge Kenneth Twisselman II ruled the city of Bakersfield had not adequately studied the "urban decay" impact of building a Supercenter in Castle & Cooke's Gosford Village project.

He made the same ruling against a second Supercenter at Panama Lane and Highway 99 in December.

The city, Twisselman said, had to go back and study whether the huge store would force other businesses to close their doors -- leaving empty buildings and urban blight behind.

But he also said the city had done a good job of studying other impacts of the two Supercenters -- such as on traffic congestion, endangered species and air pollution.

Steven Herum, the attorney for the Bakersfield Citizens for Local Control, filed an appeal of Twisselman's decision on the traffic, species and air pollution issues -- the parts of the Gosford Village lawsuit he lost.

Herum didn't file an appeal of the decision to send the city back to investigate urban decay -- a decision that counted as a win for him.

Beardsley filed a counter-appeal to Herum's on the Gosford Village project on April 2 -- challenging Twisselman's urban decay ruling and Herum's victory.

According to court documents, Beardsley's cross appeal was denied by the clerk of the Kern County Superior Court because it had missed a filing deadline.

Beardsley then appealed the denial of his cross appeal to the 5th District, stating that the court clerk had misinterpreted the deadline rules.

The 5th District agreed with Beardsley and, on Monday, ordered the clerk to accept the cross appeal.

Beardsley said his appeal will be consolidated with Herum's and the 5th District justices will hear the whole Supercenter case at the same time later this year.

"We felt the best way to go -- to make sure everything was in front of the court -- was to cross appeal," he said. "We appealed everything that Herum didn't appeal."

Herum said he has no problem arguing the urban decay issue before the 5th District.

"We're enthused about the opportunity to present our side of this issue to the 5th District," Herum said.

If he wins, he said, it could create appeal court precedent that cities must study urban decay as an environmental issue.

Technology should drive global warming standards, report says

DON THOMPSON, Associated Press Writer

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The technology already exists to cut vehicles' greenhouse gases sharply as required by a precedent-setting California law, according to the Union of Concerned Scientists.

The 2002 law requires the state to set the world's first regulations to trim vehicles' global warming emissions. Without them, the group said, carbon dioxide emissions will nearly double by 2040, trapping heat in the atmosphere and helping cause a steady rise in global temperatures.

The group concludes that "automakers have the technology now to meet strong global warming pollution standards, just as they have met past standards for other air pollutants or safety."

Alliance of Automobile Manufacturers spokesman Charles Territo objected that "federal law and common sense" dictate that such standards should be set nationally, presaging another battle over California's efforts.

Consumers themselves have largely rejected the technology the auto industry has spent billions of dollars to invent, Territo added. Less than 2 percent of sales are vehicles that get more than 30 miles per gallon, he said, while 52 percent of California sales last years were higher polluting light trucks.

The California Air Resources Board holds its first meeting on the pending regulations Tuesday, with a draft regulation expected next month and a decision this fall.

The nonprofit Union expects the California decision to help set a worldwide standard, as have the state's previous efforts.

While there may be debate over the legality of California's regulations, "the auto industry's own consultants acknowledge that the technology exists to cut global warming pollution substantially while cutting prices at the pump," said Roland Hwang of the Natural Resources Defense Council.

The Union calls vehicles the largest single cause of global warming in California. But for about \$600 a vehicle, the group said existing technology could cut emissions by one-fifth. Adopting advances expected within the next five years would mean potential reductions of 40 percent, and should also be required by the state, the group urged.

"Californians are going to continue to drive the cars that they know and love, they will just have a smaller impact on the environment and their pocketbooks," wrote Louise Bedsworth, the report's author.

Requiring automakers to adopt the most advanced existing technology would save vehicle owners a combined \$2 billion by reducing long-term operating costs, the group estimated; adding the pending technology would double the savings.

It envisions a new fleet of vehicles combining the best technology from existing automobiles: Honda's variable valve lift and timing advances; continuously variable transmissions from the Saturn Ion, Nissan Murano, and the Mini Cooper; and cylinder deactivation now available through DaimlerChrysler and General Motors.

Putting all that technology into a Ford Explorer would cut emissions by nearly a quarter; in a Toyota Camry, by 20 percent, the group calculated.

Within five years, automakers will be using more advanced technology like stoichiometric direct-injection engines, automated manual transmissions, 42V integrated starter-generators, and better coolants in air conditioners. Putting all that into an Explorer would cut emissions by 43 percent; in a Camry, 40 percent, the group said.

California board to begin setting regulations on auto emissions

DON THOMPSON, Associated Press Writer

Published in the S.F. Chronicle

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Automakers have the technology to meet strong global warming pollution standards, and existing technology could be used to significantly reduce emissions, according to a nonprofit group of citizens and scientists.

The report by the Union of Concerned Scientists was released a day before the California Air Resources Board was scheduled to hold its first meeting Tuesday on regulations to trim vehicle emissions, as required by a 2002 law. A draft regulation is expected next month.

The group said a new fleet using technology available in some vehicles could reduce global warming pollution about 20 percent while saving state drivers more than \$2 billion.

The report envisions a new fleet combining the best technology from existing automobiles: Honda's variable valve lift and timing advances; continuously variable transmissions from the Saturn Ion, Nissan Murano, and the Mini Cooper; and cylinder deactivation now available through DaimlerChrysler and General Motors.

"Automakers have the technology now to meet strong global warming pollution standards, just as they have met past standards for other air pollutants or safety," the group said.

A spokesman for the Alliance of Automobile Manufacturers, Charles Territo, said that the standards should be set nationally and consumers have largely rejected the technology the auto industry has spent billions of dollars to invent.

Less than 2 percent of sales are vehicles that get more than 30 miles per gallon, he said, while 52 percent of California sales last year were higher polluting light trucks.

Kerry opens three-day swing with focus on environment

MIKE GLOVER, Associated Press Writer

Published in the S.F. Chronicle

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Democrat John Kerry, shifting from the Iraq war to the environment as Earth Day approaches, says President Bush has presided over a "devastating deterioration" of the quality of the nation's air and water.

Kerry on Tuesday was opening a three-day campaign swing centered on Bush's environmental record, starting with a Tampa event focused on clean water. He was being joined by Carol Browner, a former Environmental Protection Agency administrator.

On Monday, Kerry's campaign released a lengthy critique of Bush's treatment of the environment, accusing him of fighting to weaken protections on several fronts. Kerry's campaign also launched a new television ad in five states that accuses the president of allowing corporate polluters to rewrite the nation's environmental laws.

"Under President Bush we have seen a devastating deterioration not only in our economy but in our public health and safety," Kerry said of the effort to mark Earth Day on Thursday. "It does not have to be this way."

Bush's re-election campaign immediately rejected Kerry's criticisms.

"President Bush has focused on making our air, water and land cleaner," said campaign spokesman Steve Schmidt. "The president's environmental policies have significantly improved public health and environmental protection, including protecting our natural resources."

In its critique, Kerry's campaign said the president's air quality proposals will send 21 tons more pollution into the atmosphere, contribute to up to 100,000 premature deaths from respiratory troubles and induce millions of asthma attacks.

The report claims that one in 12 women of childbearing age has enough mercury in her system to pose a potential threat to fetal health.

Bush also has opposed efforts to ban the gasoline additive MTBE, a petroleum-based product that critics argued has fouled water supplies in 28 states. The campaign critique argues that Bush has supported protections that would prohibit the petroleum industry from being forced to clean up such pollution. As a result, the report says, taxpayers will foot the bill for the cleanup that could approach \$30 billion.

Kerry argues on the campaign trail that pitting economic interests against environmental protections is a "false choice," and that millions of jobs can be created through development of alternative energy sources.

Browner said one of the Bush administration's worst environmental decisions was to allow older, dirtier power plants to largely avoid converting to cleaner technology. She said up to 30,000 premature deaths a year are blamed on pollution from power plants.

"George Bush is reversing 30 years of environmental policies that have protected public health and safety," the critique concluded. "The Bush administration has crippled provisions of the landmark Clean Air Act, rolled back important regulations and proposed drilling in the pristine Alaska National Wildlife Refuge."

Schmidt, Bush's campaign spokesman, said Kerry was continuing his own "campaign of pessimism with this latest round of false attacks."

On Monday, the two camps argued over a "60 Minutes" report CBS aired Sunday night that Washington Post journalist Bob Woodward said Prince Bandar bin Sultan, the Saudi ambassador to Washington, has promised Bush that Saudi Arabia will lower oil prices in the months before the election to ensure the U.S. economy is strong on Election Day.

"If it is true that gas supplies and prices in America are tied to the American election, tied to a secret White House deal, that is outrageous and unacceptable to the American people," Kerry said.

Bandar denied there was such a plan. White House spokesman Scott McClellan said only that Bandar had visited the White House in April and that Bush keeps in touch with oil-producing nations.

"We've made our views very clear, that oil prices should be determined by market forces," McClellan said.

Saudi foreign policy adviser Adel al-Jubeir said in a statement from Riyadh, "The allegation that the kingdom is manipulating the price of oil for political purposes or to affect elections is erroneous and has no basis in fact."

Attorneys general criticize military environmental exemptions

STEVEN K. PAULSON, Associated Press Writer
Published in the S.F. Chronicle
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Attorneys general from 39 states urged Congress on Monday to reject the Pentagon's request to exempt the military from environmental laws.

Colorado Attorney General Ken Salazar said there was no evidence that three of the requested changes would have any effect on training or the movement of tanks and weapons, as the military claims.

"From my perspective, it is just bad national policy to exempt the nation's biggest polluter, the federal government, from the same environmental laws that states, local governments and private industries must comply with," said Salazar, a Democrat who is running for the U.S. Senate.

The proposed changes were submitted to Congress earlier this month as part of the Pentagon's drive to ease several environmental laws. The Bush administration has sought more flexibility in complying with the laws, claiming environmental restrictions compromise training and readiness.

Congress has already approved five of the eight changes sought by the Pentagon.

Salazar's spokesman, Ken Lane, said Colorado, Idaho, Washington and Utah launched the campaign against easing environmental restrictions four years ago and other states have signed on. He said 11 states did not participate: Some missed deadlines, while others, like Tennessee, did not agree with the protest.

"There are some philosophical differences," Lane said.

Salazar said the Defense Department can already get waivers from the laws. He said if Congress adopts more changes, it could limit state authority over the investigation and cleanup of munitions-related contamination on 24 million acres of military land.

"We all fully support military readiness, but in the three years the Department of Defense has been seeking these exemptions, they have not identified a single instance in which state regulations have impacted readiness in any way," Idaho Attorney General Lawrence Wasden said in a statement.

Reached late Monday, a Pentagon spokeswoman referred questions to a statement on the Pentagon Web site by officials including Deputy Undersecretary Paul Mayberry. He said the Pentagon wants Congress to clarify that environmental laws cannot be used to close down testing and training ranges.

"These ranges have specifically been set aside for the purpose to train our military and to test our weapon systems," he said. "Past court cases have threatened to close down our military training, and that readiness risk is unacceptable whether we are a nation at war or a nation preparing for war."

Among other things, the Pentagon wants the Clean Air Act amended so that any additional air pollution from training exercises wouldn't have to be counted for three years in the plans which states must approve for how they will meet federal requirements. It also wants changes in toxic waste laws to let the military avoid cleansing land of munitions used for normal purposes on operational ranges, according to defense officials.

Susan LeFever, director of the Sierra Club's Rocky Mountain chapter, said the military is using national security to get around pollution laws.

"Part of protecting the United States is protecting the United States," she said.

The attorneys general said 40 military installations have tested positive for perchlorate used in rocket fuel, along with explosives such as RDX, TNT and white phosphorus.

Colorado is trying to investigate and clean up a plume of TNT-contaminated groundwater from the Pueblo Chemical Depot that has contaminated nearby wells. Salazar said the legislation also could hamper the state's efforts to destroy any nerve gas that might turn up at the former Rocky Mountain Arsenal site.

[Letter to the Editor, Fresno Bee, Updated Tuesday, April 20, 2004, 5:15 AM](#)

Help fund buses

I read with a heavy heart the April 15 article, "Valley now has the worst air in country."

Later, as I ran my errands, I was struck by how many businesses are teamed up with elementary schools. The Education Employees Credit Union branch in downtown Clovis has wonderful artwork on the walls by Cole Elementary students. Clovis Costco always has signs from Tarpey Elementary displayed by the checkouts. Sierra Vista Mall runs "Cash Back For Schools." I am sure there are many other businesses that have adopted other Fresno/Clovis area schools.

I thought of another way these businesses could help out schools and do something about the air quality. Please consider a donation to the Community Funded Bus groups at Clovis Unified School District schools. These groups are trying to get children safely to school.

By funding a bus, companies can:

Help reduce smog by decreasing the numbers of cars on the road. (A bus can hold 60 students.) Help reduce traffic around the schools easing congestion for both pedestrians and commuters.

Help reduce the demand on gas, thereby easing gas prices for everyone.

Contributions to Clovis Unified Community Funded Bus Programs are made to the Foundation for Clovis Schools and are tax deductible. Please contact a school near you.

Spare the air -- help fund a bus!

Patricia Williams
Co-Chair, Red Bank
Community Funded Bus
Clovis