

Prospects for Energy Bill Improve

By H. Josef Hebert, Associated Press Writer

in the S.F. Chronicle, Tri-Valley Herald and other papers, Sunday, July 24, 2005

WASHINGTON, (AP) -- House and Senate negotiators removed a major obstacle that had deadlocked energy legislation for more than two years, but even supporters say the measure will not provide short-term relief from high gasoline prices.

Lawmakers hoped a compromise bill might be completed in a day although disputes remained over the size of an energy tax package.

The conferees on Sunday abandoned a bid to give makers of the gasoline additive MTBE liability protection against environmental lawsuits. That decision defused the issue that had caused the collapse of a sweeping energy bill two years ago in the Senate.

Senate negotiators rejected a House proposal for an \$11.4 billion MTBE cleanup fund. House Republicans had hoped the fund would serve as a compromise liability shield for the oil industry. The industry faces scores of MTBE lawsuits arising from contamination of water supplies by the additive in at least 36 states.

A number of senators had vowed to filibuster any bill with such protection for the industry, and the bill's supporters doubted they had the 60 votes needed to end debate.

Sen. Pete Domenici, R-N.M., leader of the Senate energy negotiating team, said while some MTBE issues were still being discussed, they did not include a cleanup fund or liability protection. "Those are gone," he told reporters as the House-Senate conferees held an unusual Sunday session in hopes of completing work on sweeping energy legislation by Monday night.

Rep. Joe Barton, R-Texas, the conference chairman, said he was certain the remaining issues could be resolved in time to complete work late Monday and allow both the House and Senate take up the measure later in the week.

Congress has been trying to enact energy legislation for four years, each time falling short after the House and Senate passed widely different bills.

Facing public pressure over soaring gasoline and other energy prices, President Bush said he wanted a bill on his desk before Congress departs for its August recess. Still, the president and lawmakers crafting the bill have acknowledged it will do little or nothing to lower fuel prices in the short term.

The legislation creates billions of dollars in tax breaks and other federal subsidies such as loan guarantees for energy industries and for energy conservation and to develop technologies to reduce pollution from burning coal at power plants. It also would provide a boon to farmers by requiring billions of gallons of corn-based ethanol to be used in gasoline, although the amount remains to be negotiated.

Some provisions are still in dispute.

Among them: A Senate-passed requirement for an inventory of offshore oil and gas resources and a House-approved measure, pushed by Majority Leader Tom DeLay of Texas, to provide \$2 billion in subsidies for research into oil exploration in the deepest parts of the Gulf of Mexico.

Lawmakers from most coastal states fear the inventory is a prelude to drilling in waters now off limits to energy development and could jeopardize the final bill in the House. Opponents to the deep-water drilling subsidy say oil companies are flush with cash and should pay for the research.

House conferees also oppose a Senate provision to require all utilities to generate 10 percent of their electricity from renewable sources and disagree with the Senate over how much corn-based ethanol refiners should be required to use in gasoline. The Senate wants 8 billion gallons a year to be used, while the House favors 5 billion gallons.

Domenici and Barton said they're optimistic the outstanding issues can be resolved.

Congressional tax writers have been negotiating separately behind closed doors on the tax package. The Senate approved a \$14 billion package with emphasis on promoting renewable energy sources and conservation, while a \$8 billion House proposal leaned toward helping oil, gas and coal industries.

But MTBE liability had been viewed as the biggest obstacle to a deal again this year.

Communities and water agencies say they face billion-dollar cleanups because MTBE, a gasoline additive introduced in the mid-1990s to reduce air pollution, polluted drinking water. More than 150 lawsuits have been filed to get MTBE makers pay for cleanup.

Barton had hoped to defuse issue by proposing an \$11.4 billion cleanup fund for MTBE, including \$4.1 billion to be paid by MTBE manufacturers, refiners and gasoline station owners. But the oil industry said it was being asked to pay too much, water agencies said there were too many loopholes and not enough money, and others said taxpayers shouldn't have to pay at all.

On the Net:

House Energy and Commerce Committee:

Environmental Protection Agency:

<http://energycommerce.house.gov>

<http://energycommerce.house.gov/>

<http://www.epa.gov/mtbe> www.epa.gov/mtbe <http://www.epa.gov/mtbe/>

MTBE cleanup plan by GOP draws criticism

By David Whitney -- Bee Washington Bureau
Sacramento Bee, Saturday, July 23, 2005

WASHINGTON - House Republicans, hoping to put the finishing touches on a national energy bill, proposed Friday a joint government-industry program to clean up the gasoline additive MTBE, which is a growing problem in many parts of California and elsewhere.

But the proposal was immediately dismissed by Democrats as a bailout of the oil company manufacturers of MTBE, raising doubts about whether a settlement of the issue can be reached before Congress adjourns for its annual August recess next week.

A disagreement between the House and the Senate over MTBE contributed heavily to the collapse of energy legislation last year.

MTBE, or methyl tertiary butyl ether, was the leading additive used by the oil industry under a 1990 Clean Air Act amendment aimed at reducing air pollution.

But it turned out MTBE, when leaked into the soil, quickly turned into a pollution nightmare. According to reports of a draft study under way at the Environmental Protection Agency, MTBE also may cause cancer.

MTBE was banned by California in 2004.

At a press conference Friday, House Energy and Commerce Committee Chairman Joe Barton, R-Texas, unveiled a proposal to settle the issue by creating a trust fund to pay for the mounting municipal costs of cleaning up MTBE that has leaked from underground storage tanks.

Under the House Republican proposal, \$11.43 billion would be available over 12 years for the cleanup effort. Of that sum, only about \$4 billion would be paid by the petroleum industry, with the remainder coming from federal and state governments.

Enactment of the fund would immunize MTBE manufacturers from defective-product lawsuits, about 1,500 of which have been filed around the country.

Among those seeking damages are the city of Roseville, the Sacramento County District Attorney's Office and 10 local water agencies in connection with known and unknown contamination problems.

Those lawsuits would be negated by the proposed settlement.

But Barton said the proposal will clean up the contamination.

"If you're interested in cleaning up MTBE, this proposal will do it," Barton said, adding that Rep. John Doolittle of Roseville was among the small group of House Republicans who fashioned the proposal.

California Democrats immediately denounced the proposal as a bailout, however.

"We are strongly opposed," said Howard Gantman, spokesman for California Sen. Dianne Feinstein. "This would make it very difficult to clean up what has become a major problem in many areas of California."

"This deal takes us away from 'polluter pays' and puts cleanup on the backs of taxpayers - and that's wrong," Sen. Barbara Boxer said.

The Barton proposal is an alternative to the House-passed energy bill that gave manufacturers of MTBE immunity from defective-products lawsuits, leaving states and municipalities with the capacity to sue only for negligence in allowing the product to leak from the tanks.

The proposal could come up for consideration by a House-Senate conference committee trying to negotiate a compromise bill as soon as Sunday or Monday, when Barton said he would like to have the legislation finished.

El Dorado asbestos rules OK'd

Contractors and residents criticize anti-dust measures.

By Cathy Locke -- Bee Staff Writer
Sacramento Bee, Saturday, July 23, 2005

Construction projects in El Dorado County will be subject to more stringent dust-control measures under rules adopted by the county's Air Quality Management District board.

The measures were crafted to reduce risks emanating from naturally occurring asbestos. However, while some residents argued that the rules fall short in protecting public health, contractors warned that the measures will financially damage businesses and county government.

"Be prepared to open your wallets," contractor Doug Veerkamp told the county Board of Supervisors, acting as the air quality board last week.

Jon Morgan, the county's environmental management director characterized the issue as "a fragile balance."

The rules apply to projects as small as residential swimming pools involving excavation of as little as 20 cubic yards of soil.

The Board of Supervisors, acting as the air quality board, adopted the rules this week and described the measures as a work in progress, adding that they will be updated to reflect evolving science.

"We're trying to get something in place," said board Chairman Charlie Paine. "Otherwise, we have this huge document and we're going nowhere."

County staff members Tuesday said revisions had been made in response to concerns raised during a June 28 hearing. Construction industry representatives had questioned test methods to determine soil moisture content. Carolyn Craig, air quality district engineer, said staffers concluded that the criteria could be met by eliminating visible dust at a project site.

Placerville resident Alice Howard argued, however, that asbestos fibers can be present without visible dust. She also criticized the decision to reduce the buffer zones in which the rules apply - from a half-mile zone to land within a quarter-mile of areas expected or found to contain naturally occurring asbestos. She said it appeared that members of SAGE - Surveyors, Architects, Geologists and Engineers - had influenced the decision to reduce the buffers. "But they aren't experts in public health," Howard said.

El Dorado Hills resident Chris Anaya said the test methods specified are not "state of the art." More-sensitive tests that use electron microscopes to detect asbestos fibers should be used at least for soils in critical areas such as school sites, he argued. Anaya also said county maps identifying areas of naturally occurring asbestos do not show some known "hot spots."

Morgan said the maps were prepared by the state Department of Conservation in 2001-02 and were overlaid on county parcel maps. Some sites might be missing, he said, but the maps will be updated as new locations are discovered.

Knowing precisely where asbestos will be found is difficult. But Supervisor Jack Sweeney said, "If you find it when you start digging at a location, you stop, and you've got to do something about it. That's down to shovel-specific accuracy."

Art Marinaccio of Shingle Springs opposed provisions restricting rock-crushing activities, arguing that it could be construed as prohibiting such operations at quarries in designated aggregate resource areas. "I know some attorney is going to bring it up," he said.

Marcella McTaggart, air pollution control officer, said the rule applies only to construction and construction-related activities.

Sweeney said, "If a quarry has a permit for crushing, that's OK."

The more stringent measures are expected to boost costs for public and private construction projects. Kris Payne of the county Transportation Department said more efficient street sweepers might be required to handle dirt that vehicles and heavy equipment track out from construction sites.

Asked whether the department had studied how the new measures might affect the cost of construction jobs, Payne said uncertainty about the changes has been reflected in higher bids.

Contractor Veerkamp said contractors are reluctant to bid on construction jobs in the county. Two recent Department of Transportation projects drew only one bid each, and both came in over the engineer's estimate, he said. He predicted the increased costs will be "in the millions."

Air quality officials will monitor the effects of the new rules and report to the board in mid-October. The goal, Morgan said, is not to overregulate or underregulate. "We'll see where it lands," he said.

Addressing asbestos

Conditions of a new El Dorado County Air Quality Management District regulation to address construction dust and reduce hazards from naturally occurring asbestos:

- Applies to earth work and construction projects involving more than 20 cubic yards of soil and within a quarter-mile of areas expected or found to contain naturally occurring asbestos.
- Prohibits construction-generated dust plumes that exceed 25 feet or cross the project boundary.
- Requires documentation for on-site disposal of excavated soils.
- Requires testing and documentation for off-site disposal of excavated soils.
- Requires asbestos warning signs at the project entry point.

Source: El Dorado County Air Quality Management District

Spare the Air day called for in Valley

Modesto Bee, Friday, July 22, 2005

The air quality in Stanislaus, Merced and San Joaquin counties is expected to be unhealthy today. The San Joaquin Valley Air Pollution Control District has declared a Spare the Air day, asking residents to limit outdoor exertion, especially from 3 to 7 p.m., when ozone levels usually are highest. Residents also are asked to postpone emission-causing activities such as making unnecessary auto trips, using gas-powered lawn equipment or igniting charcoal barbecues with lighter fluid.

Spare the Air day

Modesto Bee, Sunday, July 24, 2005

San Joaquin County will get a break today, but not Stanislaus or Merced counties, where the air quality is expected to be unhealthy. A Spare the Air day is forecast today in those two counties by the San Joaquin Valley Air Pollution Control District. The district is asking residents to limit outdoor exertion, especially from 3 to 7 p.m., when ozone levels usually are highest. Hold off, too, they say, on using a gas-powered lawn mower. If you're barbecuing, don't ignite the charcoal with lighter fluid. Meanwhile, the forecast in Modesto calls for a second straight day with a high of 103 degrees.

Farmers rallied at Reedley ag event

Fun entertainment as well as serious discussion mark Ag Day luncheon.

By Dennis Pollock / The Fresno Bee

Saturday, July 23, 2005

REEDLEY — It could have been tough to follow entertainers like the tall, stocky Matt Wiebe in drag playing Fanny Feastyereyes and singing "Packinghouse Blues" at the Reedley Opera House on Friday.

"An endless flow of peaches,

A constant stream of plums.

Soon as I think it's over,

Another tractor comes." But A.G. Kawamura, secretary of the California Department of Food Agriculture, had no difficulty following that bit of frivolity — and others — from a musical production by Reedley's River City Theatre Company at a Reedley Ag Day luncheon.

Kawamura punctuated his keynote address with occasional humor and celebratory observations on agriculture's promise, akin to the theater troupe's "Blossoms Up" ditty that rhymed "celebration" with "fumigation," "irrigation" and "propagation."

He also had serious comments on the need to keep up defenses against invasive pests that can threaten farming communities, people and the environment.

In an interview after his talk, he said "attention to pest exclusion has to be linked" to trade agreements, such as the proposed Central American Free Trade Agreement.

"It doesn't help us and it doesn't help our trading partners if there are not systems in place," he said. "They have to be part of any agreement."

Kawamura toured Valley fruit packinghouses before speaking to the audience of about 90 people, including city officials, farmers, leaders of agricultural organizations and others.

Often kidded about his long hair, which he wears in a ponytail, Kawamura opened his luncheon talk by observing that during lunch he was seated beside Reedley Mayor Ray Soleno, "who happens to cut hair."

Kawamura urged those in agriculture to try to work more closely with those they may see as adversaries. "Our real adversaries are overseas operations run by people who want to replace us," he said.

Simply "whining" about challenges to agriculture, he said, has not been fruitful. He said agriculture needs to do a better job of having its voice heard when issues arise in various quarters — including air quality, water pollution and growth.

"We're not just a little bubble over in the corner called 'ag,'" he said.

His was a very different tune from the purposely overwrought rendition of a song by Mark Norwood, artistic director of the Reedley troupe who wrote the lyrics for the production.

Adopting the evil persona Split Pits, Norwood sang a song about frustrations with such matters as overregulation. It featured the repeated refrain: "Find me a dog, so I can kick it."

Kawamura conceded it has been a challenge for agriculture to always get its due: "The rest of the state doesn't realize what a resource agriculture is. How can the state not recognize ag production that in 2004 will probably be over \$30 billion?"

On a more positive note, he said the picture for agriculture holds considerable promise because of interest in nutrition and in alternative fuels, such as ethanol and biodiesel.

He described Gov. Schwarzenegger as "a great salesman" for California's agricultural bounty, and said the governor is considering a visit to China in November to tout farm products.

[Fresno Bee commentaries, Sunday, July 24, 2005:](#)

Climate campaign

Were European leaders off-base in pressing the U.S. to do more to combat global warming at the G-8 meeting?

Yes: US should never enter into an economic suicide pact

By James L. Martin

WASHINGTON — The "old Europe" members who still control the turbulent European Union are a curious lot — bereft of ideas and devoid of intellectual honesty.

The older members of the EU, led by France and Germany, are having their economic lunch eaten for them by such free-market upstarts as Poland, Hungary, Spain and the Czech Republic, yet they cling, lemming-like, to welfare state socialism that encourages 35-hour workweeks and paid vacations of 10 weeks or more.

Except for some token troops in Afghanistan, they've done precious little in combating Islamic terrorism and virtually nothing to alleviate the suffering of millions of their former subjects in Africa.

Rather than stepping forward to contribute to human progress, the French and Germans seemed obsessed with an apocalyptic view of global warming as well as pointing a collective finger of blame at the Bush administration for failing to take their obsession seriously.

Although the Earth may well be in one of its gradual warming cycles, the EU establishment has embraced a sky-is-falling theory based on computer projections that temperatures will warm by as much as 10 degrees over the next century — all because of manmade emissions of carbon dioxide.

As economic columnist Robert Samuelson recently observed in *The Washington Post*: "Considering Europeans' contempt for the United States and George Bush for not embracing the Kyoto protocol, you'd expect that they would have made major reductions in greenhouse gas emissions — the purpose of Kyoto."

Not, Samuelson notes, according to the latest figures supplied by the International Energy Agency. From 1990 to 2002, global emissions of carbon dioxide, the major greenhouse gas, have increased 16.4%. Among the Europeans, Spain was up 46.9%, Ireland 40.8% and Greece 28.2%. France was only up 6.9%, but it derives almost all of its electricity from non-carbon emitting nuclear power — an environmental no-no in many other Western countries, including the United States.

True enough, Germany was down 13.3%, but their reductions did not come from complying with Kyoto. Germany shut most of the pollution-belching coal-fired plants inherited from its absorption of East Germany.

With China and India continuing to rev-up industrial output, there's undoubtedly much more carbon dioxide in the Earth's atmosphere than three years ago, but both countries were exempted from the Kyoto treaty because they were "emerging nations." Try telling that to a laid-off American assembly-line worker as he stands in line at the unemployment office, by the way.

Europe's insistence that the U.S. sign-on to Kyoto's emissions cuts would idle even more Americans. Testifying before the House of Representatives earlier this year, Richard Trumka, the president of the United Mine Workers, cited studies that found ratifying Kyoto would cost the United States "hundreds of billions of dollars of lost economic output, and over a million-and-a-half lost American jobs."

France and Germany, both saddled with high unemployment and sluggish economies, would like nothing better than to see Kyoto's restrictive mandates rein-in America's robust economic recovery. That — and that alone — is the major reason they and their EU allies keep pressuring the Bush administration to sign what amounts to an economic suicide pact.

James L. Martin is president of the 60 Plus Association, a senior citizens' advocacy organization.

No: Bush should wake up while the Earth still has a chance.

By Wayne Madsen

WASHINGTON — President Bush, who has previously rejected any links between global warming and manmade pollution, is sending confusing and mixed signals on one of the most important issues to face the planet.

In Denmark, just prior to the G-8 Summit, Bush told a news conference, "Listen, I recognize that the surface of the Earth is warmer and that an increase in greenhouse gases caused by humans is contributing to the problem." But then Bush continued to reject the 1997 Kyoto Treaty that seeks mandatory limits on greenhouse gas emissions.

Bush's contradictory policy on global warming and pollution has left European leaders, who strongly support the Kyoto treaty to fight global warming, noticeably perplexed.

The president also said Kyoto's curbs on energy use would have "wrecked" the U.S. economy. Bush fails to recognize that "green" industries are among the few success stories in an otherwise stagnant U.S. economy, particularly in California.

Bush blamed worldwide greenhouse gas emission increases on India and China.

The Kyoto Treaty calls for a mere 5.2% reduction in 1990 global greenhouse gas levels by 2012. A few months after his inauguration in 2001, Bush withdrew President Clinton's signature from the accord, dismayed the Europeans who worked for years to hammer it out.

With a U.S. environmental policy that is listless and rudderless, it is no wonder that European leaders are trying to exercise responsible leadership on one of the most important international policy issues since the Cold War.

German Chancellor Gerhard Schroeder, French President Jacques Chirac and other G-8 leaders are correct in pressuring Bush, who has listened too much to Vice President Dick Cheney shilling for greenhouse gas-producing oil, coal and gas companies, to get with the international effort to stem global warming. There is no time for Bush to be waffling and delaying. On his flight to Denmark and Scotland, Air Force One likely flew over or near Greenland — a land that is experiencing the rapid melting of its ice sheet, disrupting the lives of its inhabitants.

If Bush continues to dismiss the effects of global warming, perhaps the next G-8 Summit should be held on the island of Funafuti, the capital of Tuvalu, so the industrial nation leaders can show Bush how rising sea levels are poisoning fresh water aquifers and crops and threaten to make the island country the first extinct nation in modern history.

The United Nations is already calling such an option "abandonment." If Bush continues to falter in his responsibilities to have America take the helm on global warming, the U.N. General Assembly desk plates for Kiribati, Maldives and the Marshall Islands will soon join Tuvalu's in a box in some dusty U.N. storage closet — "abandoned nations."

But it is not just the developing world that will suffer. The sea may reclaim parts of the Netherlands.

It is past time for President Bush to start acting more like President Theodore Roosevelt and less like Emperor Nero.

[Letter to the Fresno Bee, Sunday, July 24, 2005:](#)

All for the better

Robert Smiley's letter [July 22] blaming developers for our local energy problems (due to out of control construction) ignores reality. Our leaders, by allowing developers to build just about as much as they want, improve our way of life. This incredible building means more taxes, which translates into improvements for all of us.

As a 40-year resident of Fresno, I have seen our traffic problems become non-existent. Commuting has become a breeze.

This whole blackout "problem" is misunderstood. This is an opportunity to not use our air conditioners in summer, saving energy for that one curious day in January when the thermometer soars to 71 degrees. Then we can all blast our air conditioners, returning our homes to the 58 degrees we are used to in winter.

A lack of water and water pressure has improved my life. I no longer have to mow my lawn or weed, since my lawn and flowers have died. I now have a drought-resistant yard.

And finally, because of our air pollution, I no longer exercise. This saves me energy and money, since I no longer purchase expensive running shoes. Hasn't Mr. Smiley's way of life improved, too?

William MacKenzie, Fresno

[Letter to the Fresno Bee, Friday, July 22, 2005:](#)

Just don't care

In response to June Dorfmeier (letter July 19): I totally agree. Every summer the Fresno-Clovis area experiences numerous power outages due to insufficient power to go around with everyone using air conditioners.

And every year there are concerns about the dwindling water supply.

Then there are concerns about the unhealthy air we are breathing from all the pollution from the thousands of cars on the overcrowded roads.

And yet the government is still trying to bring more people here by allowing thousands of new homes. Every home built is going to require electricity and water. Where is it going to come from? And every home built is going to add at least one or more vehicles to our already overcrowded streets, creating more pollution.

It is obvious government is not concerned about our environment. It does not care about all the people who suffer in the 100 degree-plus temperatures without their air conditioners due to power outages. It does not care about the unhealthy air we breathe, or that our water supply is quickly disappearing. All our government cares about is the almighty dollar.

Debbie Archer, North Fork

[Letter to the Bakersfield Californian, Monday, July 25, 2005:](#)

Vote away dairies

This weather is an opportune time for our county supervisors to roll out of bed early some morning, tour their constituents areas and smell the manure that these dairies are causing as well as the pollution they cause.

These dairies cannot be built in our backyards without approval by our elected representatives. It appears the only way the problem can be solved is in the voting booth.

Jack Brus, Bakersfield

[Letter to the Tulare Advance-Register, Saturday, July 23, 2005:](#)

Time for alternatives to spare polluted air

I cannot believe we are still allowing leaf blower machines that stir up dust, pollens, trash, etc. into our already harmful, polluted air.

I came to work yesterday, and the yard people were blowing everywhere in our complex. Dust was blowing toward me in such a rush that I had to run to my building to get inside to escape it. It got inside my car and all over the outside of all the vehicles parked in the area, some newly washed.

I ended up coughing and sneezing even worse the whole day.

Why can't these things be outlawed? What's wrong with vacuuming this stuff instead of adding more pollution to our already harmful air? This serves to help the air and recycle materials also.

To add to this dilemma, on the front page of today's paper it states that fireworks also harm the Valley's already polluted air. I love fireworks and the shows as much as anybody and I buy them each year also, but I have to admit, the smoke this year made me even sicker.

Maybe it's time to find alternative ways to celebrate our independence.

Sherry Fuller, Visalia