

Required pollution limits derailed in Senate Bush's plan for voluntary efforts survives challenge

Justin Blum, Washington Post

in the S.F. Chronicle, Thursday, June 23, 2005

Washington -- The Senate on Wednesday rejected a measure calling for mandatory limits on emissions linked to global warming, siding with the Bush administration's position that the restrictions would cost jobs, drive industry overseas and run up consumer energy bills.

Voting 60-38, lawmakers rejected an amendment to a major energy bill that would have forced reductions in emissions of greenhouse gases to 2000 levels by 2010 and created an emissions trading program. Eleven Democrats joined Republicans in opposing the measure and six Republicans voted with the Democrats to support it.

California's Democratic senators split on the vote, with Barbara Boxer voting no and Dianne Feinstein voting yes.

Opponents said the legislation would be too costly for businesses and would force manufacturers to move operations and jobs overseas. Some also disputed the conclusions of most scientists who have linked greenhouse gas emissions with global warming.

Lawmakers then passed by voice vote a nonbinding resolution calling for Congress to approve mandatory limits on greenhouse gas emissions in a way that does not "significantly harm the ... economy." The resolution also acknowledges the "growing scientific consensus that human activity is a substantial cause of greenhouse gas accumulation in the atmosphere."

The defeated amendment was sponsored by Sens. John McCain, R-Ariz., and Joseph Lieberman, D-Conn., who said urgent action is needed. They disputed forecasts that the legislation would damage the economy.

Discussion of the issue comes at a time when the United States faces increasing international pressure to take stronger action on emissions of greenhouse gases. European leaders are planning to press the United States on the issue at an annual meeting next month of the Group of Eight industrialized nations.

The Bush administration has repeatedly rejected calls for mandatory controls in favor of voluntary emissions limits, and says that program is working. The White House contends that mandatory controls would cost jobs and lead to higher energy prices.

Separately, the Senate voted to give federal regulators authority over the location of liquefied natural gas terminals, despite objections from governors that states should have an equal say in deciding where such projects are built.

Republican and Democratic officials from city halls to Capitol Hill have expressed concern that the terminals could become targets of terrorist attacks or pose other safety risks, and they have sought a role in siting them.

But Bush has pushed to put Washington in charge of deciding where terminals are built, saying that a lengthy approval process could delay the building of facilities critical to providing the natural gas needed to fuel the nation's economy.

On Wednesday, a majority of the Senate agreed with him. The lawmakers voted 52-45 against adding a provision to the energy legislation that would have given governors the authority to veto or impose conditions on the terminals.

Both Boxer and Feinstein voted with the 45 who supported the provision.

As a result, the Senate bill -- like energy legislation approved by the House -- would give the Federal Energy Regulatory Commission the final word on where terminals are built, virtually ensuring that the provision will be included in any final bill that emerges from Congress.

The Los Angeles Times contributed to this report

Senate defeats climate measure

It also grants federal officials authority over liquefied natural gas terminal sites.

By H. JOSEF HEBERT

The Associated Press

Published in the Orange County Register

Thursday, June 23, 2005

WASHINGTON - The Senate soundly defeated a proposal Wednesday for mandatory reductions in heat-trapping pollution that may be warming the Earth. Supporters managed to get five fewer votes than they did two years ago.

The proposal by Sens. John McCain, R-Ariz., and Joe Lieberman, D-Conn., to cap greenhouse gases at 2000 levels within five years lost by a 60-38 vote. It was a victory for President George W. Bush's policies that focus on voluntary actions by industry.

Separately, the Senate agreed to give Washington clear authority to override states' objections to the location of liquefied natural gas terminals.

Senators rejected, by 52-45, an amendment to a broad energy bill that would have allowed governors to veto a federal permit for such a terminal because of concerns about safety or environmental harm.

Proponents said deciding where to put these facilities was a federal matter because imports will help meet a growing demand for natural gas and perhaps lower prices. But opponents of the idea said states should have a greater say because of concerns about possible tanker spills and terrorism.

"We're not talking about the siting of a neighborhood ballpark or a Wal-Mart," said GOP Sen. Olympia Snowe of Maine, which has rejected several LNG projects. "It's a states' rights issue, plain and simple."

Many senators from coastal states objected to a part of the energy bill that says federal regulators have "exclusive" authority in the final say about where a facility is built.

"States must have a role in siting LNG facilities to protect the welfare of their citizens," said Sen. Dianne Feinstein, D-Calif.

Both Feinstein and Sen. Barbara Boxer, D-Calif., voted against giving the federal government authority to override states' objections to the location of LNG terminals. Feinstein failed in an attempt to add proposals that would have given governors the right to veto a federal siting decision.

Energy experts predict a soaring growth of LNG imports over the next 20 years to make up for a shortfall of domestic natural gas. Currently, there are only four U.S. import terminals. But about 40 new facilities have been proposed; perhaps one-third of them are expected to be built.

A report last year by the Sandia National Laboratory concluded that a terrorist attack on a tanker carrying liquefied natural gas would create an intense fire at a terminal.

The fire would cause significant property damage and seriously burn people who were as far as a mile away from the facility.

LNG now accounts for only about 3 percent of U.S. natural gas use. The Energy Department estimates the market share will grow to more than 20 percent by 2025 because of a decline in domestic natural gas supplies.

Wis. Power Plant Project Causes Alarm

By JULIET WILLIAMS, Associated Press Writer

in the S.F. Chronicle, Wednesday, June 22, 2005

Oak Creek, Wis. (AP) -- Environmentalists and the state of Illinois are lining up against a proposal to construct a mammoth coal-burning power plant on the shores of Lake Michigan, warning it will

pollute the air and water across the Midwest and set off a "coal rush" to build more such projects around the country.

The project is actually a \$2.15 billion expansion of a 1950s-era plant in this Milwaukee suburb 80 miles north of Chicago. The resulting complex would produce enough electricity for 615,000 homes, burn 1.5 million tons of coal a year, and draw 2.2 billion gallons of water from the lake each day, or almost as much as Chicago and 100 of its suburbs use.

The plant's operator, We Energies, and the state Public Service Commission, which approved the project, say that it is the cheapest and best way to meet growing power needs in the busy Milwaukee-Chicago corridor and that the project complies with all environmental regulations.

Environmentalists would rather see a cleaner-burning natural gas plant, or at least a project that uses more advanced coal technology.

Bruce Nilles, the Sierra Club's senior Midwest representative, said there are around 115 coal-fired power plants on the drawing board around the country because of the nation's burgeoning demand for electricity, the fast-rising price of natural gas and a coal-friendly administration in Washington. He said the go-ahead for the Wisconsin project could be the signal the rest of the industry is waiting for.

"It is the largest of the first wave of this coal rush. It is a giant, giant coal plant. There are only one or two others bigger" in the country, Nilles said. "Other states are weighing in because of the regional and national significance of this coal plant. Every other utility's going to say, 'I want my coal plant, too.'"

The Wisconsin Supreme Court is weighing the future of the plant, which has come under legal challenge from environmentalists and others.

The plant would use pulverized coal to produce electricity, a relatively old-fashioned technology. But the state Department of Natural Resources and We Energies say modern emission controls will drastically cut the pollution.

Others argue in favor of gasification, a next-generation compromise between pulverized coal and natural gas. Gasification uses steam to turn coal into a gas before it is burned, producing lower greenhouse gas emissions and using about 40 percent less water. Only two U.S. plants, in Indiana and Florida, use the technology.

"The times have changed. You wouldn't buy a 15-year-old computer today. It wouldn't work very well. Likewise, you shouldn't build yesterday's coal plants today. That's what We Energies is doing," said John Thompson of the Clean Air Task Force, a Boston-based environmental group.

A plan to use gasification for one boiler at Oak Creek was rejected by regulators as unproven and too expensive. Gasification typically costs about one-fifth more than traditional coal burning.

"We have no choice but to build new plants. The question becomes what is the best choice for customers in terms of keeping the rates as low as possible," We Energies spokesman Thad Nation said.

Gov. Jim Doyle has backed the plant. And Environmental Protection Agency spokeswoman Eryn Witcher said the agency is confident federal and state laws will ensure the plant does not threaten air quality in Wisconsin or neighboring states.

Illinois Attorney General Lisa Madigan has intervened in the lawsuit against the project, saying Lake Michigan and the states along it would be exposed to toxic mercury emissions and other pollution. Madigan said the coal-burning technology planned for Oak Creek is already banned in Illinois. Chicago is downwind from the plant.

"Our two states share both the benefits of this important resource and a responsibility to protect it," the attorney general's office said.

Wisconsin's high court must decide whether regulators scrutinized the proposal adequately and weighed all alternatives. PSC officials said they reviewed thousands of pages of documents and issued an 882-page environmental impact statement.

Lawsuits are also pending in lower courts over air, water and construction permits, including the permit allowing the boilers to tap water from Lake Michigan through an 8,000-foot tunnel, then return it to the lake 15 degrees warmer.

The U.S. Fish and Wildlife Service raised serious concerns about possible harm to fish and other animal and plant life.

Similarly, S.C. Johnson & Son, the floor-wax company in neighboring Racine, hired University of Michigan water scientist David Jude to look into the project, and he concluded that the intake valve system, the hot water and construction would hurt the lake's food chain.

"It's probably going to kill all the aquatic life in some places," Jude said.

Oak Creek already has four coal-fired boilers. Under the expansion project, two will be retired, and two more efficient new ones will be added, doubling the complex's output.

Opponents argue that the utility is skirting tougher emissions standards for new plants by calling the new boilers an addition to an existing facility. They say it is essentially a new plant.

Children's book illustrator closes doors of her studio

Illness causes woman to put dream on hold

By Shannon Darling, Staff writer

Visalia Times-Delta, Thursday, June 23, 2005

It has always been a dream of Akemi Gutierrez's to have an art studio of her own, to showcase her children's book illustrations and teach children to love art as much as she does.

That dream became a reality when she opened Akemi's Studio in downtown Visalia on Halloween last year.

But for Gutierrez, 44, the dream will have to be put on hold until she recovers from a recent illness.

"We are very sad about the whole thing. For now, I want to get my health back together," she said.

Gutierrez is recovering from surgery and from a lung condition.

"I'm just going to concentrate on getting better and working on more children's books," she said.

The store will open for one last time from 3-6 p.m. Friday and Akemi will be in the store that day. Everything in the studio will be sold at cost.

Gutierrez said she and her husband, Ed, will move to the Bay Area. There, she said she will be able to recover from a collapsed lung and her surgery.

She said the Valley air added to her health problems.

"I never had asthma until I moved here," she said.

Akemi and Ed are former Disney animators, but were laid off several years ago when the company converted its animation studios to digital ones. Ed taught an animation class last semester at College of the Sequoias.

Ed is going to work on obtaining his master's degree.

Akemi said she has a book, the first one she both illustrated and wrote, coming out on July 25, titled "The Mummy and Other Adventures of Sam and Alice."

"We are really going to miss [Visalia] a lot," she emphasized. "It was a good experience, even though it was a short one."

[Fresno Bee editorial, Thursday, June 23, 2005:](#)

Dairy dustup

Lawsuit seeks heavy penalty for failure to secure air permit.

A new Tulare County dairy is the target of a lawsuit seeking a \$15 million fine for not complying with a state law that requires such operations to get an air permit from the Valley's air district. It's not likely the dairy owner will get stuck with such a massive payout, but the lesson is worth teaching.

Owner Fred Schakel got the go-ahead for construction of the new dairy from Tulare County just five days after the permit law, SB700, took effect on Jan. 1, 2004. The law was part of a package of legislation pushed by state Sen. Dean Florez, D-Shafter. It requires dairies above a certain size to secure the "new source review" permits, which mandate the latest pollution control technology and detailed reporting to help the district track new sources of pollution.

Ten other dairies have applied for the permits since the law went into effect, paying \$2,000 to \$3,000 in processing fees.

Schakel's attorney has basically said that his client wasn't told he needed the permit. The environmental activists who launched the lawsuit beg to differ. Brent Newell, a lawyer with the Center on Race, Poverty and the Environment, which brought the suit on behalf of the Association of Irrigated Residents, a citizens group, said the county permit allowing the Schakel dairy to move forward included the condition that Schakel comply with SB700.

This will get sorted out in court, no doubt, but it has already left an aroma of arrogance on the part of the dairy owner in the nostrils of some observers. There are no completely definitive numbers yet on the contribution the Valley's 1.4 million dairy cows make to air pollution, but most everyone, including the industry, acknowledges that it is significant. The San Joaquin Valley Air Pollution Control District is assessing data and recommendations, and should have a firm estimate on the amount of such pollution in August.

The district is also investigating Schakel's failure to apply for a permit. That's fine, but we might wish that it had been the district, and not environmental activists, who first took action in this matter. But the important thing is getting the dairies, and others, to comply with the law. Cleaner air is serious business.

[Fresno Bee commentary, Wednesday, June 22, 2005:](#)

Clean diesel shouldn't be dismissed

by Allan Schaeffer

Sen. Charles Poochigian's proposed bill, SB 698, would have appropriated funds to remove older, polluting school buses from our roads. This legislation would have benefited Central Valley residents, where air quality is of primary concern, while at the same time recognized the value of keeping the marketplace open for all cleaner fuels. It's a shame his proposal was defeated in committee. Let's hope the state will continue to embrace one of its core elements.

Poochigian's bill supported a fuel-neutral approach, meaning it didn't put a preference for one fuel over another; it simply called for the use of cleaner technologies. When a variety of options are allowed, the market will remain competitive, positively impacting California's air quality, economy and ultimately, taxpayers.

At a recent event in Sacramento, Poochigian rallied support for his proposal by displaying two popular fuels, compressed natural gas (CNG) and clean diesel. Many Californians have a "dated" perception of diesel and have not even heard of clean diesel. It is a ready technology that has tremendous potential for California's environmental progress and energy future. Thus, the fuel-neutral approach in Poochigian's bill is the best policy for California on the basis of cost, energy and environmental benefits.

Starting with cost, California communities that remain committed to using alternative fuels in their fleets can save millions with clean diesel buses. Clean diesel buses cost 20% to 25% less than other alternatives, while nearly as clean as alternatives without requiring costly new infrastructure upgrades.

As for air quality benefits, the continuous improvement of diesel technology has delivered consistent clean air benefits, and the proof is in the air. In the San Joaquin Valley, over the last 30

years (1975-2005) emissions of oxides of nitrogen (NOx) from diesel engines have declined by 45%, and 25% for particulate emissions. Today, other area and stationary sources contribute seven times more NOx, and 114 times more tons per day of ozone-forming organic gases than all diesel engines in the region combined. Many of the innovative technologies responsible for reducing emissions in newer diesel engines — such as particulate traps and catalytic converters — can be used to retrofit older diesel engines and reduce pollutants up to 90%. Retrofitting older, durable engines with new clean diesel technologies allows for cleaner air and better engine performance, and is one of the most cost-effective ways of improving air quality.

Clean and quiet

Another advantage diesel offers is performance, and that's exactly why more consumers are turning to a new generation of diesel automobiles that are not only 20% to 40% more fuel efficient, but also clean, quiet and fun to drive. From 2000 to 2004, sales of diesel cars and pickup trucks jumped by 42% in the United States. California's emissions standards and business plans have held manufacturers back recently from certifying new diesel cars — but all is not lost. The industry remains committed to providing a diesel choice for California consumers in the future; stay tuned.

Unfortunately, not everyone shares the same outlook on fuel neutrality and the concept of choice. In Southern California, the South Coast Air Quality Management District is attempting to force fleet operators to purchase only compressed natural gas (CNG) vehicles, effectively banning the purchase of clean diesel buses. The so-called "fleet rules" policy would require all fleet operators — from waste pickup trucks to street sweepers to school buses — to purchase CNG buses and the expensive fueling infrastructure they require.

If the South Coast district gets its way at a California Air Resources Board (CARB) hearing later this year, this could become a de facto statewide policy, giving local governments and taxpayers across the state another unnecessary economic burden in delivering basic public services, with virtually no environmental benefit. And it could possibly produce an unintended consequence of keeping older vehicles on the road, meaning citizens breathe dirtier air longer.

The hope is that the wisdom of fuel neutrality and diversity embraced in Poochigian's bill will continue to be embraced statewide. Since CARB has continually pushed for better diesel technology, it makes no sense that the public should be denied the benefits of this technology when it becomes available. Cleaner air can best be achieved by leaving all options open. The availability of a range of technologies gives consumers and public and private fleets a choice and challenges manufacturers to provide the cleanest and most efficient engines.

Just as computers put the typewriter out of existence, new clean diesel technology is rendering last century's engines obsolete and delivering a clean-air alternative that is more fuel efficient, powerful and durable than ever.

Allen Schaeffer is executive director of the Diesel Technology Forum (www.dieselforum.org <<http://www.dieselforum.org>>).

[Modesto Bee column, Thursday, June 23, 2005:](#)

Modesto's already All-America

Perhaps city's pitch could be about feel-good stuff

By Jeff Jardinbee,

Modesto's campaign to be recognized as an All-America City raises some questions:

First, if you are doing the right things to improve your city and believe it's a great place to live, why go to Atlanta to have some people who don't live, work or play here tell you what you already know?

Second, will Modesto be considered a better city if it wins one of the 10 All-America City awards? Or will it be named an All-America City as a result of having made itself a better place?

The All-America City program focuses on the things American towns and cities do to improve their so-called quality of life and address their problems.

It's basically feel-good stuff, which is OK as long as it doesn't sugarcoat reality.

One of 30 national finalists, Modesto raised roughly \$25,000 in private funds to send a delegation of 17 business and city officials to Atlanta, where they'll make their pitch today. On Friday, they'll know whether Modesto - which won in 1954 and 1972 - is among the 10 All-America City winners for 2005.

Cities use the honor to build pride, as a marketing tool for business and job recruitment, and for showing a better face to the rest of the nation. And yes, we could certainly use the latter after being linked to two major national events that didn't happen here - the Yosemite tourist murders in 1999 and the Chandra Levy case in 2001 - and one that did, the murder of Laci Peterson and her unborn son by her husband, Scott.

(For the sake of our civic image, and because his family so clearly disdains our fair city, I suggest we refer to him as "San Diego-area native and current San Quentin resident Scott Peterson" from this point forward.)

Like virtually every other town in America, Modesto has its share of problems that need fixing - drugs, gangs, pollution, rampant growth, lagging education, high unemployment rates and poverty. The city's finances are in tough shape, and the quality of life certainly won't be enhanced by cutting back forestry and summer recreation programs.

In Atlanta, each finalist city will offer three examples of how it has improved its quality of life. Modesto's contingent will highlight the new Salvation Army homeless shelter, the revitalization of Modesto's downtown and the YES Company performing arts and prevention education group.

And if they win?

I contacted officials from some of the 10 reigning All-America City winners from 2004, and some among the 20 other finalist cities.

Gary Williams, mayor of Cottage Grove, Ore., said his city experienced a tremendous boost in volunteerism after it became an All-America City in 2004.

"The most tangible thing I have witnessed is that it has boosted the confidence of our people," said Williams, who also heads the state's mayors association. "This has really energized our volunteers in terms of their civic duties."

He couldn't point to any economic gains such as new businesses coming to town.

"We haven't seen anything big yet, but I do anticipate that we will," he said.

Stockton Mayor Ed Chavez agreed the award does more for civic pride than economic gain.

"It recognizes your community for collaboration on how you deal with the issues in your community," Chavez said.

Stockton, which also was an All-America City winner in 1999, saw its image change locally and nationally, he said.

"You build a sense of pride," Chavez said. "And other people from around the country recognize you've done some good things. And maybe some other city has been successful in addressing the same kinds of problems we have. We can learn from them."

At the other end was Cedar City, Utah, population 25,000. It raised a few thousand dollars to send a contingent of 10 people and finished among the runner-ups. No regrets, Mayor Gerald Sherratt said.

"We think we're a pretty good city and we wanted to test what was going on here compared to other cities," he said. "It's validation that you're on the right track. We took about 10 people and really didn't go back there expecting to win. But there were some cities that bused in 100 people and didn't win, so I don't see where it helped."

The city of Sparks, Nev., is constantly trying to emerge from the shadow cast by Reno next door. Like Cedar City, Sparks wasn't among the top 10 but felt its effort was worthwhile.

"It absolutely put us on the radar screen," Mayor Geno Martini said. "(Not winning) was not disappointing. In fact, it was a great honor to be one of the final 30. It's an ego thing that you had the chance to be chosen as one of the top 10 cities in the United States."

So, if you listen to those who have been there, winners and runners-up alike, you'll find answers to the questions I posed earlier.

Yes, they say, it's worth a privately financed trip to Atlanta to be told what you already know.

Yes, they say, Modesto would become a better city if it wins an All-America City award.

And yes, they say, Modesto would win because people are trying to make it a better place to live.

[Letter to the Merced Sun-Star, Wednesday, June 22, 2005](#)

Park Not a Solution

Editor: This is regarding Scott Reisdorfer's recent letter to the editor.

With all due respect to Mr. Reisdorfer, how can someone who lives in Fresno tell us that Riverside Motorsports Park is the answer to our prayers?

What about our air quality and traffic problems? We do need more business opportunities, but the proposed racing facility is not a solution.

Pat Loewe, Atwater

[Letters to the Sacramento Bee, Thursday, June 23, 2005](#)

Value in ethanol mandate

Re "Corn lobby wins again," editorial, June 11: The Bee appears to have missed one very large point: What has caused this air quality mess? The burning of fossil fuels. What can clean this mess up? Cutting back on fossil fuel use and turning to other fuel sources, such as wind, solar and ethanol.

Ethanol decreases our dependence on foreign supply, and using fuel ethanol significantly reduces greenhouse gases. The absurd arguments of this misguided editorial suggest that Californians need to increase demand for fossil fuels, meaning ravaged natural resources in the Arctic National Refuge and the Gulf of Mexico, and sending more U.S. soldiers to the Mideast to protect unstable fuel sources.

Gabi Streuer, Davis

Harm in ethanol mandate

The June 11 editorial on the mandatory use of ethanol in gasoline implied that only California suffers from the federal mandate to use ethanol as an oxygenator to replace the ground-water-polluting additive MTBE.

The mandatory use of up to 10 percent ethanol in our gasoline harms every state, not just California. The only people who benefit from using biofuels such as biodiesel from soybeans and ethanol from corn are farmers and the producers of the fuel. It in fact requires almost as much energy to grow the corn and soybeans as is obtained in energy from the fuel, so it does nothing to reduce oil imports.

Of course, gasoline in California is typically an average 30 cents more than Midwest prices because of the political situation.

Compared to the early 1970s pre-emission control days, a current gasoline engine has eliminated 97 percent of the emissions, diesel has eliminated 96 percent of the emissions and biofueled engines eliminate 98 percent of the emissions. It costs more in imported diesel fuel to plow, seed,

fertilize, apply herbicide and pesticide, combine and transport the grain than is recovered in energy from the biofuels.

Joseph Neff, Corning
Retired chief engineer, Cummins Engine Co. and the Peterbilt Motors Div. of Paccar

Hydrogen highway scam

The June 18 commentary "Hydrogen fuel means cleaner air" was unsupported by the facts.

In the March 2005 article in Scientific American, "On the road to fuel-cell cars," the author states: "The National Academy of Sciences committee recently estimated the transition to a 'hydrogen economy' will take decades." And "... using fossil fuels to make hydrogen takes more energy than is contained in the resulting hydrogen itself."

So how does this mean cleaner air? Cleaner in California and dirtier where the hydrogen is produced? It is impossible that by 2010 we will have production hydrogen vehicles available, or a hydrogen highway. GM states it will take \$10 billion to \$15 billion to build 11,700 new fueling stations, assuming the major obstacles can be overcome. Where is the return on investment?

So if you are really interested in clean air, get on the nuclear power plant bandwagon and support the president's energy plan. As long as we rely on fossil fuel for electric power, we will never have clean air. The hydrogen highway is red herring and a great waste of taxpayers' dollars.

David Dudley, Meadow Vista