

## **Fresno's cow count rising**

**As dairies arrive, expand, county isn't following area's lead in regulation.**

By Mark Grossi / The Fresno Bee

Monday, Dec. 5, 2005

Dairy herds in the San Joaquin Valley have grown by 360,000 animals in three years, and leaders are talking about tons of manure in every affected county except in the most populous one — Fresno County.

Other counties are taking the lead in preventing manure from polluting water, fouling the air and tainting the quality of life with swarms of flies. One dairy cow produces 20 times more waste than a human, so there is a lot to discuss.

Yet, there is no formal conversation in Fresno County, where up to 50,000 more cows are planned in addition to the current 185,000 dairy animals. In this county, where a quarter of the Valley population resides, the subject hasn't come up, county leaders say.

"We would certainly address an overall policy statement if we heard concern from individuals, environmentalists, nonprofits or others," says Bart Bohn, county administrative officer. "We haven't. Fortunately, we don't have the density of dairies that other counties have."

But over the past three years, the county has the third-highest dairy growth in the Valley, an increase of 21%.

Only Kern and Madera have higher-percentage growth. Those counties require environmental studies for new dairies and take the lead in screening them.

Not so in Fresno County. A state water agency and the local air district handle environmental screening of new and expanding dairies, as they have for years.

Though the water and air agencies are involved in regulating dairy expansion throughout the Valley, no other county between Merced and Kern relies on them to lead the inquiry, as Fresno does.

Environmentalists say the county needs to speak up.

"Fresno County is in the Stone Age when it comes to protecting residents from dairy pollution," says lawyer Brent Newell of the Center on Race, Poverty and the Environment. "When you have one in six children carrying inhalers for asthma, it's neglect of their duty for the county to look the other way."

Here's how the process works in Fresno County: The Central Valley Regional Water Control Board makes sure new dairies won't harm underground water or nearby streams. The San Joaquin Valley Air Pollution Control District looks at air-quality issues related to cow waste.

But enforcement agencies are not designed to fully explore global issues, such as traffic, noise and economics, according to water officials.

Water board geologist Dave Sholes, who oversees dairy regulation, says county planners are in a better position to lead the inquiry for dairy expansion on the scale that the Valley is experiencing.

"Dairies provide jobs and a bigger tax base, and they're a good thing for counties," he says. "But it doesn't matter to us if the dairy is in the best interest of the county. We're a state enforcement agency focused on a specific area of regulation."

Fresno County Supervisor Phil Larson, whose district is home to several new or expanding dairy proposals, says the issue will enter public debate sooner or later.

Larson says he has heard questions about water and air issues regarding the Bar 20 Dairy, which is expanding west of Kerman to 6,000 animals. The dairy is considered far more modern and environmentally safe than older operations.

He says public safety and water supply concern him, but he understands how important dairies can be for the economy.

"Dairies hire a lot of people, and we like that," he says. "You have to consider that side of it, too."

Bohn defends the county's position, saying the dairy industry isn't nearly as large here as it is in Tulare and Kings counties — both of which have more cows than people. To the north, San Joaquin and Stanislaus counties have had sizable and growing dairy economies for many years.

In Fresno County, dairies are simply part of a diverse farm economy, he says.

But no one denies the county is affected by the upward trend of dairy construction, which is focused primarily from Madera to Kern in the Valley. Dairy animal numbers Valleywide have grown from 2.27 million three years ago to more than 2.63 million now, according to air district estimates.

The industry grows as dairies leave the contaminated and confining Chino Valley in Southern California for cheaper, open spaces in the Valley. County officials throughout the area recognize it.

As a result, Madera County, which has the fewest dairy cows of any Valley county, now requires permits and environmental studies for any new dairy or dairy expansions for operations with 700 or more cows.

Tulare and Kern counties appear to be the main destinations of the Chino migration.

Tulare is the biggest dairy county in the nation with an estimated 854,898 animals — about double the number of county residents. The Planning Department says 130,000-plus more animals will be added when all dairy expansions and constructions are complete in the coming years.

The county requires extensive environmental study before dairies can be built or expanded.

But Kern County's growth curve is steeper. The area has 24 large dairy projects waiting for environmental studies to be complete.

Planning officials say the dairies would add more than 200,000 animals, more than doubling the current total. Planners are beginning a countywide environmental impact report on dairies, and other studies are planned.

Kern leaders say they want to set limits on the number of dairies, deciding how close they can be to cities, setting up controls for flies and odor and establishing ways to monitor the air and water. Studies will look at these issues and a range of others, including traffic and noise.

Two major worries are air pollution and contamination of the underground water from dairy lagoons where liquid waste is stored. Air authorities currently consider dairies the Valley's biggest source of reactive organic gases, a building block of smog.

"We're going to look at all of the impacts of dairy, not just a part of the picture, as other agencies might do," says Kern County Supervisor Barbara Patrick. "Who cares more about the future here than the county supervisors?"

Many years ago, Kern approached new dairies as Fresno County does now. The system is called "buy right," meaning dairy owners had the right to build if they bought property that was zoned for agricultural uses.

No special permits are necessary in a buy-right county, which relies on the water and air agencies to lead the environmental scrutiny.

"We stepped in front of those agencies," says Kern Planning Director Ted James. "The water board is not looking at cumulative effects. We need to look at things like spacing from cities, schools and developments."

Fresno County is among the last places in the state where the buy-right system continues. But planners say it works, emphasizing that California has the most stringent environmental protection in the country.

"Dairy owners go through the same environmental process as they would if the county were leading it," says Bernard Jimenez, manager of development services with the county. "It just doesn't go through Fresno County."

## **Deal made in tire fire lawsuit**

### **Court must approve \$500,000 payment to people claiming health issues caused by blaze**

By TIM MORAN - BEE STAFF WRITER

Modesto Bee, Saturday, Dec. 3, 2005

The last of the personal injury lawsuits stemming from the Westley tire fire six years ago has reached a tentative settlement.

Modesto Energy Unlimited Partnership and related companies have agreed to pay \$500,000 to at least 8,700 residents who claimed to have suffered health problems as a result of the fire, which burned for 34 days in September and October 1999. The agreement was filed in the Santa Clara Superior Court.

After legal fees are deducted, that's likely to average about \$30 to \$45 per plaintiff.

The tire fire was started with a lightning strike in a pile of more than 5 million tires that had accumulated in a canyon on the west side of the county over many years.

Modesto Energy Unlimited Partnership and other companies were formed to build and operate a tire-burning plant that generated electricity.

The tire blaze spurred a legal firestorm, with lawsuits over who would pay for the cleanup and from residents contending they were harmed by the smoke.

The cleanup lawsuits were settled when several companies and a family trust involved in the tire collection and the tire-burning plant agreed to pay about \$12 million of the \$18 million cost of the cleanup. The rest was funded with an increase in the state tax on new tires.

The personal injury lawsuits were combined in Santa Clara County and initially included 11,000 plaintiffs from communities stretching from Patterson to the west side of Modesto and south to the Gustine and Stevinson area.

One of the defendants, CMS Generation Co., settled with the plaintiffs for \$9 million about two years ago. Last year, area residents picked up checks ranging from \$130 to more than \$300 as a result of that settlement.

Many of the original plaintiffs have moved or otherwise dropped out of the lawsuit, leaving 8,700, attorney Leslie James Sherman said.

Others may still join in the latest settlement, Sherman said, but they must file a claim form with detailed medical records or documentation of damages from the fire.

**Defendants don't admit liability**

Individual plaintiffs could get different amounts based on age, where they lived and any respiratory ailments they have, Sherman said. But from a practical standpoint, they are likely to get similar amounts because the cost of sorting through individual claims could eat up a large chunk of the settlement, he said.

A final approval hearing on the settlement is scheduled for March 21.

If the court approves the settlement, people could get checks by May or June of next year, Sherman said.

"This is the end of six years of litigation, much time and cost, with experts, plume studies and doctors' analyses," Sherman said. "I think it is the best that could be achieved under the circumstances. There were extensive court appearances. It was well-negotiated. I don't think another dollar was available."

Modesto Energy Unlimited Partnership and the other defendants admitted no wrongdoing or liability in the settlement, attorney Noel Edlin said.

"It was a hard-fought battle; we litigated the case for five years. We believed the entire time that our clients had done nothing wrong," Edlin said.

"We feel we would have prevailed. We were prepared and had experts ready to testify," he added.

"Obviously, it was an unfortunate event that nobody wanted to occur. But with the proper handling of the fire, the appropriate response to the fire by authorities and good luck on the wind direction, the fire did not have a long-term deleterious impact on anyone. There were no long-term health effects, and we are all grateful for that. We needed to make that point," Edlin said.

Plaintiffs can opt out of the settlement or object to aspects of it by contacting the law offices of Leslie James Sherman, 23 N. El Circulo Ave., Patterson 95363. Residents of the area with documented medical claims can join the settlement by contacting Sherman at 892-2508 and filing a claim.

### **Clean-air calendar coming**

Around the Valley

The Fresno Bee, Sunday, Dec. 4, 2005

The San Joaquin Valley Air Pollution Control District's 2006 Clean Air Kids calendar will be available to the public free of charge starting Wednesday.

Locations and details: Modesto area at (209) 557-6440, Fresno at (559) 230-6000 or Bakersfield at (661) 326-6900.

### **Bush plan eases law on toxin notices**

#### **3 Tulare County companies would be affected**

By Tracey La Monica, Special to the Times-Delta

Visalia Times-Delta and Tulare Advance-Register, Saturday, Dec. 3, 2005

A new Bush administration proposal would exempt three Tulare County companies and thousands throughout the nation from requirements to make public details of the chemicals and toxic substances they release into the environment.

Some environmentalists see the proposal as a backward slide in the protection of the environment.

But a spokesman for one of the local companies targeted said it is a distribution center that releases nothing into the environment but still must file a report.

Toxics Release Inventory

At issue is the Toxics Release Inventory, established by Congress in 1986 after a leak from a pesticide plant in Bhopal, India, killed thousands of residents in 1984. The residents were unaware that a potentially deadly chemical was used at the facility, owned by the American company Union Carbide.

Currently, the inventory - which is collected by the U.S. Environmental Protection Agency - is available in about 9,000 communities where toxic substances and their emissions are reported and the data compiled.

In the Tulare/Visalia area, the three companies that will no longer be required to file an extensive report are the Franzia winery in Tulare, Tulare Cultured Specialties and Basic Chemical Solutions in the Visalia Industrial Park.

Scott Lewis of Basic Chemical Solutions is in charge of filling out the form, which is then sent to the Environmental Protection Agency.

"For what we do here, it's not going to affect us," Lewis said Friday. "There are no air emissions."

The Visalia company is a chemical distribution center but is still required by law to fill out the form every year.

Lewis said the form takes about a half hour to complete with a small fee involved.

Officials at Franzia, whose winery is on Mooney Boulevard north of Prosperity Avenue and is headquartered in Ripon, did not return phone calls seeking comment. Neither did Tulare Cultured Specialties, which processes milk, cottage cheese and sour cream on North J Street, Tulare.

The EPA's recent report showed the Franzia Tulare winery had 3,326 pounds of chemicals removed to other locations, presumably a landfill. Attempts to learn from Franzia what those chemicals were and where they were taken were unsuccessful. The other two Tulare County companies reported no chemicals.

Environmentalists say the inventory has other uses.

"California in particular has used Toxics Release Inventory to pass strong environmental laws," said Moira Chapin, federal field organizer for Environment California, a group which focuses on protecting California's environment through advocacy and research. "I think [the inventory] is the most important thing."

The EPA has proposed eliminating some requirements for smaller facilities that must monitor and file annual reports.

Presently, the inventory requires companies using 500 or more pounds of toxic substances each year to report their chemical usage emitted into the air, placed in waterways or disposed into landfills.

But the new proposal would raise the figure to 5,000 pounds and exclude many smaller companies.

"It's inherently contradictory for the toxics release inventory to be ignoring these smaller amount programs," said Tom Natan, director of research with the National Environmental Trust.

"If a chemical is highly toxic, it's important information to know," Natan said.

But according to the EPA, the proposal is just that - a proposal.

"This is a proposal for public comment," said spokeswoman Suzanne Ackerman. "It's not a done deal."

Currently, the agency collects data on 650 chemicals and has for the past 20 years.

Companies either fill out a Form A, which is a simple form comparable to the tax form 1040 EZ, or Form R, a larger more detailed and complex report, Ackerman said.

Depending upon the amount of chemicals used, the company will fill out the appropriate form.

Ackerman said the proposed plan will include some lost detail with certain companies, but citizens will still know what chemicals are in their neighborhood.

The agency has been accepting public comments since the proposal was introduced in October and will continue until Jan. 13.

"We estimate six months to process and review the public comments," Ackerman said.

The agency, together with the Office of Environmental Information, will go through every one of the public comments and determine the next step of action, Ackerman said.

If the agency decides to move forward with the proposal, the implementation would begin in December 2006, Ackerman said.

The Los Angeles Times contributed to this story.

## **Candle power**

### **There's nothing like flickering light on a dark and stormy night.**

By Nzong Xiong / The Fresno Bee

Also published in part in the Modesto Bee, "Your Home" section

Saturday, Dec. 3, 2005

After a difficult day at work, some people work out their stress by exercising. Others might sit outside and listen to the soothing sounds of a waterfall.

Then there are some people, like Lynda Evans of Fresno, who prefer to sit back and relax by candlelight.

"Candles, I believe, create a lovely place that gives a feeling of serenity and peace," says Evans, a Fresno grandmother who has used candles in her home for at least 35 years.

Like the soothing sounds of a fountain, a candle's flickering flame or aroma can create a comforting atmosphere. By adding a few lit candles to your decor, you can help make yourself, friends and family feel welcome and at home.

Candles come in a number of sizes, shapes and styles. You can buy wax chips in various shapes and smells that you use with a simmering pot. There are tapers for dinner parties or romantic meals. Pillar candles to place on top of decorative stands or plates. Tea lights and votives are short and small and often are used in groupings.

#### Candle scents

Candles can give off smells or be unscented, which is better for dinner engagements, says Julia Thompson, store manager of Wicks 'n' Sticks in Fresno.

"You don't want two conflicting smells," she says. "Half of what you taste is with smell."

Many people who go with unscented candles want them for what they can do to a room. "It adds that special ambience," Thompson says. "Regular lighting can sometimes be kind of harsh. Candles give a glow."

Personal chef Wendy Carroll of Fresno, who doesn't like "a lot of scents competing in my home," prefers her candles unscented. With a Spanish-style home built in the 1920s, the 12 candles scattered around the house blend right in, she says.

"You get those beautiful flickering shadows," she says.

One place Carroll likes to use candles, especially when she entertains, is the fireplace. She loved to burn logs in it until the San Joaquin Valley Air Pollution Control District began its no-burn program. In lieu of burning wood, she uses a two-tier candle fireplace insert, which she received as a gift.

"It's a nice, cozy alternative," she says. "It's really pretty at night when the lights are mellow."

Some people, though, prefer scented candles, which not only provide some ambience, but also a fragrance. Smells include baked goods, fruit, floral and scenic aromas.

Even before Jennie Feliz of Clovis began selling Gold Canyon Candle Co. candles about seven years ago, she already was a fan of scented candles. One of her sisters "has always burned candles in her home," says Feliz, 44. "I always love going into her home. She has more of a floral smell. It gives the home a warm, homey smell."

A bonus of scented candles is that they can evoke memories of places of where we have been or create new ones, she says.

Feliz, who likes spice and floral scents, is thrilled that there are so many scents now. The selection wasn't always this plentiful, she says. She also has noticed that the quality of candles has gotten better.

"Candles just had integrity issues," she says. The candles often would burn unevenly or create ugly, waxy spills. It was supposed to create a positive feeling, but results weren't always positive, she says.

That isn't the case these days, she says, citing improvements in the ways candles are made to ensure more even burning and less dripping.

#### Accessorizing candles

Candles easily can be incorporated into a home's decor. They can be used by themselves or in jars, or they can be paired with accessories such as candle holders. Speckled glass bowls and wrought-iron stands or screens all are decorative holders.

Typical locations to place candles are on tabletop surfaces, such as dining tables, side tables or buffet tables. Other popular spots are the fireplace area (including the mantel) and around the bathtub.

Evans, a retired interior designer, has an eclectic collection of candles and accessories in her home, including animal-motif candles and crystal candle holders. She likes to use candles of varying sizes and shapes with plants, flowers or sculptures. Each accentuates the other, she says.

Candles and candle accessories can be found at many stores, including drug, department, home decor and specialty stores. Candles can cost a few dollars to about \$30, depending upon size and type.

Candle holders also vary. Pier 1 Imports in Fresno sells a number of candle holders, including an 18-inch, three-panel tea light screen for \$12, a martinilike glass holder for \$18 and decorative pillars for \$30 to \$35 each. Wicks 'n' Sticks has a selection of candle holders, including simmering pots for \$7.95 to \$24.95, wall sconces that hold six candles for \$40.98 each and wrought-iron fireplace inserts for \$100 each.

#### Candle safety

Evans raised seven sons around candles, and each has grown up to appreciate them. They, in turn, are raising their children to enjoy and be safe with candles.

"You teach them not to play with candles or matches," says Evans' son Travis Godden, 34, of Clovis, who has three children and about 25 candles. Also, he says, "You place the candles in either an enclosed glass or in a place where they can't knock them down."

Other candle care tips from Wicks 'n' Sticks and Feliz include trimming the wick to 3/8 or 1/4 inch before lighting, burning candles no more than four hours, keeping candles away from drafts, children, pets, matches and flammable objects, and placing a holder or plate under all burning candles.

Godden encourages everyone to try candles.

"Just add a candle here or there," he says. "It's a simple pleasure. It really adds to a relaxing environment in your home."

### **Report: California cargo pollution deadly, getting worse**

The Associated Press

in the Fresno Bee, Saturday, Dec. 3, 2005

LOS ANGELES (AP) - California's booming cargo industry produces enough pollution to cause as many as 750 premature deaths a year and is expected to cost the state \$70 billion in related health care costs over the next 15 years, according to a report by the state Air Resources Board.

The problem is caused by diesel-burning ships, trucks and trains connected to the seaports, freeway corridors and railroad lines that are increasingly used by the cargo-hauling industry, according to the Air Resources Board.

"Californians who live near ports, rail yards and along high-traffic corridors are subsidizing the goods-movement sector with their health," the study's authors concluded.

This past year, according to the report, cargo-related pollution resulted in 18,000 asthma attacks, 160,000 lost days of work, 350,000 school absences and 290 hospital admissions. Premature deaths, meanwhile, will rise from 750 to 920 a year in 20 years if pollution isn't reduced, the report's authors concluded.

Oceangoing ships are the worst polluters, according to the study, producing eight tons of particulate matter and 94 tons of nitrous oxide a day in 2001. Trucks produced 129 tons of nitrous oxide a day in 2001 and trains produced 77 tons.

To offset the report's predictions, its authors recommend reducing cargo-related pollution levels to what they were four years ago by the year 2010, then continuing to roll them back after that. They also call on state officials to cut diesel-related health risks by 85 percent over the next 15 years and to provide relief to communities most affected by cargo-hauling pollution.

The report also calls for spending as much as \$6 billion over the next 15 years on a programs requiring the use of diesel-electric hybrid engines and cleaner-burning fuels, as well as establishing stricter anti-pollution policies.

Public hearings on the proposals will be held throughout the state next year.

"Retailers, wholesalers and manufacturers have to believe that solving this problem is their responsibility," said Wally Baker, a senior vice president with the Los Angeles Economic Development Corp. "They can demand that their vendors get in a room and figure this out. They haven't, and that's wrong."

Pacific Merchant Shipping Association spokesman Tupper Hull said his group's members are trying to do just that, but he expressed some concern that the board may have used dated figures in compiling its report. Hull said the state used a 2001 baseline that did not reflect major measures that have since been taken to reduce pollution.

Board spokesman Jerry Martin said the findings were based on medical records and computer predictions of future population and pollution growth.

## **Leaders push for cleaner energy**

By Kerry Cavanaugh, Staff Writer  
LA Daily News  
Dec. 2, 2005

As neighboring states proceed with plans to build nearly two dozen coal-fired power plants, Los Angeles leaders said Thursday that the city Department of Water and Power will cut its use of coal-generated power in favor of "green" energy.

The DWP now gets half of the city's electricity from coal-fired power plants in Utah, Nevada and Arizona, which are among the region's biggest sources of global warming and smog-forming pollutants.

And some 20 additional coal plants are in development throughout the West - states outside California's strict air quality rules but with an eye toward the energy-hungry state.

A report released Thursday by environmental groups pushed for energy conservation and stronger air quality controls on new plants.

In response, Los Angeles officials said they are committed to cleaner energy and have no plans to buy more coal power.

"We're going to be looking at reducing our dependence on coal in the future," said Mary Nichols, who heads the DWP Board of Commissioners. "We don't have any coal of our own and we shouldn't be polluting other parts of the West."

The DWP is trying to buy 20 percent of its power from renewable sources, such as solar, wind or geothermal energy.

Councilman Tony Cardenas, who chairs the council committee that oversees the utility, said the DWP's new contracts will be with clean, renewable energy.

California utilities have become increasingly reliant on out-of-state coal power plants. In the past 10 years, the portion of the state's energy from coal rose from 16.5 percent to 21.3 percent.

However, the California Energy Commission recently said that all new out-of-state power plants serving California should meet the state's strict air quality standards.

That could slow the expansion of new coal plants in neighboring states.

"California decision-makers are beginning to realize they need to encompass the out-of-state, very intensive sources of global warming pollution that they are relying on for in-state energy," said Vickie Patton, a senior attorney with Environmental Defense.

That wouldn't affect Los Angeles, Burbank and Glendale, which have public utilities, but it would apply to customers in surrounding areas who are served by Southern California Edison.

Edison officials were not available for comment Thursday.

## **Report Accuses EPA of Slanting Analysis**

### **Hill Researchers Say Agency Fixed Pollution Study to Favor Bush's 'Clear Skies'**

By Juliet Eilperin

Washington Post Staff Writer

Also published in the SF Chronicle

Saturday, December 3, 2005

The Bush administration skewed its analysis of pending legislation on air pollution to favor its bill over two competing proposals, according to a new report by the Congressional Research Service.

The Environmental Protection Agency's Oct. 27 analysis of its plan -- along with those of Sens. Thomas R. Carper (D-Del.) and James M. Jeffords (I-Vt.) -- exaggerated the costs and underestimated the benefits of imposing more stringent pollution curbs, the independent, nonpartisan congressional researchers wrote in a Nov. 23 report. The EPA issued its analysis -- which Carper had demanded this spring, threatening to hold up the nomination of EPA Administrator Stephen L. Johnson -- in part to revive its proposal, which is stalled in the Senate.

The administration's "Clear Skies" legislation aims to achieve a 70 percent cut in emissions of sulfur dioxide and nitrogen oxide after 2018, while Carper's and Jeffords's bills demand steeper and faster cuts and would also reduce emissions of carbon dioxide, which are linked to global warming. The Bush plan would also cut emissions of neurotoxic mercury by 70 percent, while Jeffords's bill reduces them by 90 percent.

"Although it represents a step toward understanding the impacts of legislative options, EPA's analysis is not as useful as one could hope," the Research Service report said. "The result is an analysis that some will argue is no longer sufficiently up-to-date to contribute substantially to congressional debate."

The congressional report, which was not commissioned by a lawmaker as is customary, said the EPA analysis boosted its own proposal by overestimating the cost of controlling mercury and playing down the economic benefits of reducing premature deaths and illnesses linked to air pollution.

EPA estimated the administration's plan would cost coal-fired power plants as much as \$6 billion annually, compared with up to \$10 billion in Carper's measure and as much as \$51 billion for Jeffords's. It calculated that Bush's proposal would produce \$143 billion a year in health benefits while Carper's would generate \$161 billion and Jeffords would yield \$211 billion. Carper's

measure would achieve most of its reductions by 2013, while Jeffords's bill would enact even more ambitious pollution cuts by 2010.

EPA spokeswoman Eryn Witcher said the agency based its cost estimates on mercury controls by gathering comments from boilermaker workers, power companies and emission control companies, whereas the Research Service used a single study to reach its conclusions on mercury.

"Clear Skies delivers dramatic health benefits across the nation without raising energy costs and does it with certainty and simplicity, instead of regulation and litigation," Witcher said. "Because of our commitment to see this become a reality, EPA went above and beyond to provide the most comprehensive legislative analysis of air ever prepared by the agency, so it does a real disservice to this discussion to have a report that largely ignores and misinterprets our analysis."

But aides to Carper and Jeffords said they felt vindicated by the congressional study.

"The CRS report backs up a lot of what we initially said about EPA's latest analysis, that it overstated the costs of controlling mercury and understated the overall health benefits of Senator Carper's legislation," said Carper spokesman Bill Ghent. "The report clearly states that there's no reason to settle for the president's Clear Skies plan because the legislation doesn't clean the air much better than current law."

## **Congress Researchers Fault EPA Studies**

By JOHN HEILPRIN

The Associated Press

Published in the Washington Post

Friday, December 2

WASHINGTON -- Researchers who work for Congress say the Environmental Protection Agency skewed its analysis of air pollution legislation to favor President Bush's plan.

EPA's analysis "works in favor of" Bush's plan by overstating some costs of competing bills, said a report Friday by the Congressional Research Service. The 2002 Bush plan, dubbed "Clear Skies," remains stalled in Congress.

"Although it represents a step toward understanding the impacts of the legislative options, EPA's analysis is not as useful as one could hope," the report concludes.

It took three years for EPA to provide comparisons of Bush's plan with competing versions by Sens. Tom Carper, D-Del., and James Jeffords, I-Vt.

When it did in October, the EPA said its analysis showed the superiority of the Bush proposal, which relies on market forces to cut pollution from the nation's 600 coal-burning power plants but does not address global warming.

EPA officials dismissed any notion of playing favorites.

"It does a real disservice to this discussion to have an analysis that makes unfounded and inaccurate conclusions," agency spokeswoman Eryn Witcher said.

She said Bush's plan builds on new EPA rules "which is why we have been urging Congress to pass a permanent, nationwide solution and have gone the extra mile to provide the most detailed, thorough, comprehensive legislative analysis of air ever prepared by the agency."

The EPA also had projected a broad range of potential costs if the United States were to regulate carbon dioxide, a gas produced by the burning of fossil fuels that many scientists blame for global warming.

But along with aiming to reduce carbon dioxide, the competing bills would force industry to install more high-tech pollution controls to cut emissions of three main pollutants from power plants: nitrogen oxides, which form smog; sulfur dioxide, which causes acid rain; and mercury, a neurotoxin that accumulates in fish and works its way up the food chain.

But the agency overestimated costs of installing the high-tech controls for mercury and assumes natural gas will more plentiful and available at cheaper prices than the Energy Department estimates, according to congressional researchers James McCarthy and Larry Parker.

Proponents of Bush's approach have repeatedly argued that stricter controls like those sought by Carper and Jeffords could harm coal-producing states in the Midwest and East by forcing more power plants to switch from coal to natural gas.

EPA estimated that Bush's plan would cost utilities up to \$6 billion a year, compared with up to \$10 billion under Carper's bill and as much as \$51 billion in Jeffords'. Bush's bill provides \$143 billion a year in health benefits, EPA said, compared with \$161 billion under the Carper bill and \$211 billion in the Jeffords bill.

[Lodi News Sentinel, Letter to the Editor, Saturday, Dec. 3, 2005](#)

### **Pollution is not OK**

Responding to Ed Walters' rude insulting letter on Nov. 12 regarding my letter on Oct. 12: Mr. Walters, if it makes you feel superior to call me names like Chicken Little because I care about the legacy we leave future generations with cleaner air and water and the least amount of radioactive waste, so be it.

I have done lots of research on coal plants. In the 1980s, I fought hard to keep a Pacific Gas and Electric coal-fired power plant out of Collinsville in Solano County.

As a member of the Women's Improvement Club, I engaged speakers from Davis to speak at our meeting with the Rio Vista Lions and Rotary clubs about solar energy and the negative effects of coal-fired power plants.

I'm proud I fought to defeat PG&E in this endeavor. Collinsville now has windmills. Yes, Mr. Walters, I know about the birds.

I studied one of Washington's coal-fired plants and learned about acid rain polluting our waters, and escaping particulate matter that is so minute it lodges in peoples' lungs.

My letter said, "The additives they put in gasoline are polluting our waters."

You said, "Unless a car or fuel tanker goes in the water, that's just not so." Maybe, as you admonished me about my lack of research, you should do some research of your own, and bone up as you advised me to do.

MTBE in the very early 2000s, according to state records, had already leaked into 48 wells in California's public water systems and wasn't phased out in California until 2004. MTBE leaked from storage tanks and created some effects from air deposition from unburned fuel emissions. So water wells, rivers and streams were adversely affected.

I wrote, "Do you want nuclear waste in your backyard?"

You answered, "That will never happen."

Are you so myopic as to take this literally and think I meant my actual backyard? Where do you propose to put radioactive waste?

Nevada sure doesn't want it!

Perhaps it's OK with you that it is leaking into the Atlantic Ocean because we live by the Pacific, but it's not OK with me.

Valerie Halloran, Lockeford

[Letter to the Fresno Bee, Monday, Dec. 3, 2005:](#)

### **Keep it rural**

The article about Gateway Village Nov. 20 mentions a "city-sized community" proposed by several developers for the area near Children's Hospital Central California. As a resident of eastern Madera County, I would much prefer that the land continue to be used for the orchards and farmland presently there.

Each proposed development may have many positive features. However, the total build-out, if allowed, would certainly increase traffic and pollution. There are more than 10,000 units planned for this area. Local water has already been shown to be insufficient. Rio Mesa residents in the same general area have had serious problems with the availability of water.

When a new community is built so close to a city, the land between it and the city usually gets developed also. Eventually, the "city-sized community" is likely to extend all the way from Avenue 12 to Fresno.

Once developed, land can never go back to its pristine condition. We need open space for the air quality it provides and for the products grown there. The Madera County Supervisors would be well advised to keep as much rural land as possible in the county by forbidding these developments.

Barbara Ulman, Coarsegold

[Letter to the Editor, LA Times, Dec. 2, 2005](#)

### **LNG terminals and public safety**

The Times editorial "A terminal case" (Nov. 28) about a proposed liquefied natural gas terminal in Long Beach leaves out the stringent and intentionally redundant regulations and design factors that provide for public safety. It also mischaracterizes the manner of energy release in the event of an unintended product release and subsequent ignition.

There is no evidence from the use of LNG over the past 40 years to suggest that it is more explosive or dangerous than storing other hydrocarbon fuels. When the LNG vapors are exposed to an ignition source at the appropriate mixture with air, they burn, not explode.

The circumstances necessary to create an explosion that would extend beyond a terminal site are virtually impossible to create. While theoretical analysis can produce various scenarios for explosions, it is almost impossible to replicate those scenarios in real-world conditions.

Safety should be the most important criterion in locating an LNG terminal. Statements on safety should include the reliability and performance of technology and equipment designed to the highest level of protection against earthquakes, tsunamis and terrorist attack. By these objective criteria, an onshore facility at the Port of Long Beach would be safe.

ED ARNOLD

Long Beach

The writer is a retired task force commander with the Los Angeles Fire Department.

[Letter to the Editor, LA Times, Dec. 2, 2005](#)

Your editorial concerning LNG terminals missed the major point completely. That is, we must stop shipping carbon fuels to California — period. We can't tolerate any more global-warming carbon dioxide to trap smog pollution in California.

British Petroleum is reforming methane natural gas using steam to extract the hydrogen and combining the carbon with oxygen to produce carbon dioxide as a byproduct, which is then pumped under pressure into oil wells to extract more oil.

Natural gas is now being wastefully flared into the atmosphere in Nigeria and the Middle East while it should be reformatted on site into hydrogen, liquefied and then shipped to California. Hydrogen is safer because it is lighter than air and burns vertically, while methane is heavier and burns laterally.

Methane shipped by pipelines should be reformatted into hydrogen at the wellhead in Canada, Texas and New Mexico to keep the carbon out of California.

CHARLES GRIFFIN  
Newport Beach

[Sacramento Bee, Guest Commentary, Sunday, Dec. 4, 2005](#)

### **Right wingers going for the green**

By Mark Braly -- Special To The Bee

The environmental movement hears the same message from reformers as the Democrats: Recast your agenda to mean something to everyday working Americans or resign yourself to losing.

Ever since Michael Shellenberger and Ted Nordhaus' essay, "The Death of Environmentalism," roiled the green movement last year, the enviros have been choosing up sides. Many think Shellenberger, Nordhaus and the Republicans are right; environmental issues appear narrow and indifferent to the interests of people, especially working people.

Thus, even legislation that proved successful in the past, such as higher mileage standards for new vehicles, can't win the support of unions. Hand-wringing about an obscure endangered species does not play well in Kansas. Intransigence about drilling on the North Slope of Alaska doesn't sound right when gasoline prices hit \$3 a gallon. Although polls show majority support for most environmental goals, few outside the movement will admit to being environmentalists. The term joins "liberal" on the fringe.

At the same time, the case for a radical change in America's energy future has become so compelling that conservative agenda makers are taking it out of the environmentalists' hands. Plan A - the nailing down of Iraq's oil reserves for America's future - having failed, they turned to Plan B. It turns out to be exactly what the environmental movement has advocated.

Right-wing opinion makers see the overlaps of their central concerns with drastically lowering U.S. dependence on oil.

Think global warming is liberal junk science? Move on to the depression that follows \$100-a-barrel oil that follows any one of a number of plausible terrorist attacks on oil infrastructure. Worried about the nation's security with the bulk of the world's oil reserves and revenues within grasp of Islamic terrorists? The oil could be replaced sooner than you think by domestic alternatives. Concerned about where the new jobs will come from as cheap foreign labor out-competes Americans in every industry and at every technical level? Consider the millions of good-paying new energy jobs that couldn't be exported. Feel threatened by the unprecedented trade deficit? Its rapid growth is due mainly to oil imports. Hopeless about the future of rural America and small family farms? How about biofuel and windmills as profitable new crops? World poverty? Start by bringing modern small-scale energy to the two billion people who are deforesting the globe and spending their productive hours collecting dung for warmth and cooking. The list goes on.

The idea that a deliberate switch to clean, domestic energy sources and efficient energy use could create jobs and new wealth in addition to national security benefits emerged in the late 1970s. But it had few takers. I led a team of researchers who showed that Los Angeles could

reduce the city's oil dependence about 20 percent by 1990, while bringing better air quality, thousands of new jobs, and cheaper energy bills. The Los Angeles City Council adopted the Energy/L.A. Plan as an element of the general city plan. The L.A. Department of Power eventually claimed it as its own and implemented one of the nation's more progressive conservation and alternative energy programs. But the issue faded.

No one could pinpoint the peak of global oil production, but Mayor Tom Bradley felt he could at least declare the end of cheap oil in his preface to the Energy/L.A. Plan. This proved to be spectacularly wrong for 30 years as oil prices famously sank to levels below those of bottled water. The new energy technologies were immature and expensive. With gasoline prices down, due in large part to federally mandated fuel efficiency standards, energy ceased to be a hot political issue. Paralyzing price stability set in as OPEC, learning from its mistakes of the 1970s, and with the full acquiescence of successive U.S. administrations, kept prices just at the level that optimized revenue without encouraging alternatives.

But something - be it the competition from China and India for petroleum supplies, the failing war on terrorism, the embarrassing stalemate on new energy legislation, honest-to-God fear of global warming, polls showing growing public concern - has created a focus of right-wing support for a new national energy economy. And, more surprisingly, people realize that the government needs to take responsibility for it.

Recently, former Reagan Secretary of State George Shultz and Clinton CIA Director James Woolsey called for a program to cut oil dependence ASAP. Operating under the name of the old Cold War vigilante group the Committee on the Present Danger, Shultz and Woolsey urged Congress and the White House to underwrite a half dozen existing, commercial technologies that could deliver "stunning" reductions in oil dependence in a relative few years. They ranged from plug-in hybrid vehicles to diesels burning homegrown bio fuels.

Frank J. Gaffney Jr., the fire-breathing neo-con essayist for the National Review and Washington Times, had a few months earlier put together Set America Free to link national security to oil dependence. Gary Bauer, former evangelical presidential candidate, and Daniel Pipes, the über-hawk Middle East policy analyst, joined him. The group set the price of significant oil freedom at \$12 billion over the next four years. Almost concurrently, the Energy Future Coalition, whose movers include Nixon's General Counsel Boyden Gray and Reagan's National Security Director Bud McFarlane, joined in. The group laid out a program for reducing U.S. oil consumption by one third in 25 years for a modest \$30 billion investment, yielding an annual return estimated at \$22 billion.

These conservative initiatives included few moderates or liberals, but they seemed to build on last year's well-researched bipartisan efforts. The Apollo Alliance, in which environmentalists and labor unions teamed up, advocated a 10-year, \$300 billion effort with an emphasis on good-paying new jobs: an estimated 3.3 million of them, while eliminating oil demand equal to Persian Gulf imports. The National Commission on Energy Policy, foundation-funded despite its name, condemned energy myths of both the left and right. Reaching out to the more progressive oil companies, it included Conoco-Phillips Chairman Archie W. Dunham on its board. They concluded that its \$36 billion program could be funded entirely by government auctioning off greenhouse gas emission permits. These proposals, whether from the left, right or both, unabashedly call for a bold government role, reminiscent of the World War II Manhattan Project that produced nuclear weapons and power, and the Apollo man-on-the-moon effort: winners the government - not the free market - had picked before.

Last month, even the Bush administration, which had once dismissed conservation as nothing more than a virtuous gesture, called for less driving and more conservation. We have not yet seen President Bush on television in Jimmy Carter's sweater asking Americans to turn down their thermostats, but that may come.

Could this be the seed of the bipartisanship we have longed for? Or, are the positions that have developed over three decades too rigid?

