

## **Power play**

### **Valley air district seeks millions in incentives for cleaner vehicles.**

With the clock ticking on the effort to meet federal clean air standards by 2012, San Joaquin Valley air district officials have come up with a novel way to squeeze more funds out of Sacramento and Washington. It may be a long shot, but it's worth trying.

What the air district proposes is the creation of an "air quality empowerment zone," a variation on existing empowerment zones put in place to push economic development. The district hopes to get a total of \$150 million a year from state and federal sources to provide incentives for replacing older vehicles that are responsible for a significant fraction of the smog-creating gases and particle pollution that afflict the Valley.

It'll be an uphill fight. But if California's newly powerful congressional delegation buys into the idea, it might work. Incoming House Speaker Nancy Pelosi and Sen. Dianne Feinstein (who will be a ranking member of the Senate Appropriations Committee) are particularly well positioned to help in the effort. The effort will also require the full support of the Valley's delegation from both parties.

The money is needed because the local air district can't control the biggest source of our air pollution, at least not directly. So-called "mobile sources" — cars, trucks, locomotives and other vehicles — produce as much as two-thirds of the air pollution we have in the Valley, but only the state and the federal government can regulate those sources.

The air district could offer cash incentives to replace the older, most serious air polluters on the road — if it had the money. That's where the empowerment zone idea comes in.

New standards and technologies are expected in the years ahead that will be a big help in reducing Valley pollution, but they may not come on line in time to help us meet the deadlines set for clean air attainment. Even with an aggressive retrofit and replacement program in place, we might not make the deadline.

But the effort is worth making. Bad air costs hundreds of lives in the Valley each year, and billions of dollars in added health care costs. Anything we can do to advance the day when we can breathe clean air is an idea worth pursuing.

## **Plan targets dirty San Joaquin air**

### **Officials propose tax-break system to solve Valley's tenacious problem**

FROM WIRE REPORTS,

Tri-Valley Herald, Sunday, December 3, 2006

Officials from California's San Joaquin Valley have a clever plan for solving the region's tenacious air problems. Whether it succeeds in securing more money is another question.

Federal lawmakers are not on board yet, and environmentalists are raising questions. But no one argues about the Valley's air problem.

The region's breathing air and economy are among the nation's worst. Health costs related to air quality are \$3.2 billion annually. Dirty air each year kills 1,000 residents prematurely, a state study shows.

In response, local officials are crafting a plan they say would help bring in \$150 million annually in extra federal and state assistance — more than double the annual budget of the local air district. The plan includes establishing an "air quality empowerment zone," a new twist on a program that provides tax breaks and incentives in blighted areas.

"Why can't there be an air quality version of an economic enterprise zone?" Fresno Mayor Alan Autry asked. "We need these incentives. We have to have them."

The empowerment zone would allow the money to be funneled to businesses and public agencies as tax breaks, low-interest loans and grants to buy new diesel trucks and engines. Vehicle replacement is the key, say officials at the San Joaquin Valley Air Pollution Control District. More than 60 percent of the region's air quality problem comes from vehicles, which are under the jurisdiction of federal and state governments.

"We have regulated our businesses and industry, but we don't have control of mobile sources, like cars and trucks, which are the majority of the problem. We need help," said district executive director Seyed Sadredin.

The concept inspires hope, but serious political obstacles remain. And, although California lawmakers have sounded sympathetic, none has yet endorsed the idea.

"If I think it can be a positive thing, I would support it," said Rep. Jim Costa, D-Fresno. "It's a work in progress."

Democratic Sen. Barbara Boxer, the incoming chair of the Senate Environment and Public Works Committee, likewise indicated only that she was willing to look at the idea.

Environmentalists also say they haven't been involved enough in the process to offer an immediate assessment.

"There is no other place in the country with all the problems the Valley has," said Kathryn Phillips of Oakland-based Environmental Defense. "We're glad to see lawmakers recognizing it. But we need to make sure the money gets into the right places to the people who really can't afford to replace their trucks or diesel engines."

Phillips said she isn't comfortable with tax credits, which basically reduce taxes for companies investing in clean-air technologies. She said they most often benefit well-established prosperous companies.

"It's one thing if tax credits encourage job-creating businesses to locate in an area," she said. "But that's far different from tax breaks for doing what air law would require you to do anyway at some point."

Similar concerns have been raised by auditors and investigators who have examined existing empowerment zones. It's an idea that some think may sound better than it is.

## **Fireplace use banned today**

Modesto Bee, Tuesday, December 5, 2006

People in Stanislaus County are banned from using fireplaces and older wood stoves today, and people in San Joaquin and Merced counties are asked to avoid burning. The ban, issued by the San Joaquin Valley Air Pollution Control District and prompted by poor air quality, is in effect until midnight. It can be extended on a day-to-day basis, depending on air quality. Violations of the ban can result in fines. On the Net: [www.valleyair.org](http://www.valleyair.org).

## **Smoke prompts first cold-weather area smog alert**

By Edie Lau - Bee Staff Writer

Sacramento Bee, Tuesday, December 5, 2006

Sacramentans are used to "Spare the Air" days in the thick summer heat. This week, heavy particle pollution caused by a combination of wood smoke, traffic and weather has prompted the area's first "Spare the Air" days in colder weather.

And in another first, local air officials are asking the public not to build fires, inside or out, until pollution levels subside.

Particulate readings have been high in the vicinity of Town and Country Village since Friday and are expected to continue today to reach concentrations considered unhealthy for sensitive people.

"This is the first time that we've ever had a 'Spare the Air' program dealing with wintertime pollution, particularly with particulates," said Jamie Arno, a Sacramento Metropolitan Air Quality Management District spokeswoman. "On these days, we ask you not to burn anything."

As with its summertime "Spare the Air" program, which focuses on ozone pollution, the district also urges everyone to drive less.

While ozone tends to build fairly uniformly around the region, particulate pollution is highly localized. Of eight monitors located in Sacramento, Yolo, Placer and Solano counties, only one has been registering very high readings recently.

That monitor is located at Del Paso Manor School Park on Avalon Drive just north of El Camino Avenue and east of Watt Avenue.

As of 4 p.m. Monday, the monitor showed an estimated peak Air Quality Index reading of 152. The next-highest reading in the region was 77 at T and 13th streets in downtown Sacramento. The lowest peak measurement in the area was in Davis, with 17 AQI.

A forecasted AQI of 127 in any location triggers a regionwide "Spare the Air" alert. That level is considered unhealthy for sensitive groups. A reading of 150 and higher is thought to be unhealthy for everyone.

"You see much more variance (with particulates)," said air district spokeswoman Christina Ragsdale. Where readings are high, she said, "we believe that's probably due to wood burning."

In metropolitan Sacramento as a whole, about 44 percent of winter season particle pollution is generated by burning wood, with the rest coming from traffic, farming operations, general field burning and fugitive dust, said Brigitte Tollstrup, an air district manager.

The pollutants are known as PM 2.5, shorthand for particulate matter that is 2.5 microns or smaller in size. The specks are so small, they can pass through the lung's defenses to enter the bloodstream, leading to cardiovascular disease and heart attacks.

"If someone is burning a fire because it's the only heat source in their home -- and there are people in Sacramento with that dilemma -- of course they should do that," Ragsdale said.

"But many people do it only for aesthetic purposes, and when they do that they should know they are endangering their health and the health of their neighbors."

Rising recognition of the hazards of particulate matter led the air district to expand its "Spare the Air" program. Until this year, it ran the air-pollution alert system from spring to fall to warn residents of high ozone, a pollutant that forms in the presence of vehicle exhaust, sunlight and heat.

Sunday was the first "Spare the Air" day called under the expanded wintertime program. Monday also was a "Spare the Air" day, as is today.

As with ozone, weather helps promote or disperse particulate pollution.

The recent pattern of warmish days followed by cold nights causes a nighttime temperature inversion to form that traps air on the valley floor, said National Weather Service forecaster George Cline.

"The ground cools off faster than the air, so the air touching the ground will cool off faster," Cline explained. "You get this kind of an inversion, where the air's getting warmer with altitude, and that makes a cover like a cap."

As the ground warms through the day, the cap lifts, Cline said, but it forms again as temperatures drop at night.

The forecast through Thursday is for more of the same: highs in the upper 50s to low 60s and lows in the lower 30s. The first chance of an air-cleansing storm comes Friday.

While the no-burn request is just that -- a request, and not a mandate -- the air district is beginning to impose rules on wood burning. As of Oct. 26 next year, it will be illegal to install traditional open-hearth fireplaces in all homes, new and existing. Permanent outdoor fireplaces also will be prohibited.

## **Wood fire ban aims to limit air pollution**

### **Voluntary measures aligned with Spare the Air**

By Denis Cuff, MEDIANEWS STAFF

Tri-Valley Herald, Saturday, December 2, 2006

Bay Area residents, who drove less in summer to Spare the Air, will be asked for the first time this winter to give up wood fires in stoves and fireplaces to limit smoke on dirty air nights.

Stricter new health standards to protect the public from soot have allowed pollution regulators to ask for voluntary limits on wood fires on dirty nights. The winter pollution season begins Monday and extends through Feb. 16.

"Our message is not to burn wood. It's one of the easiest choices people can make to have a healthy community," said Karen Schkolnick, spokeswoman for the nine-county Bay Area Air Quality Management District.

The Bay Area's regional air pollution district rarely issues winter no-burn advisories. None were called last year.

But regulators say they expect this winter to give advisories to protect people from ultra-fine particle pollution linked to asthma, bronchitis and other lung and heart ailments.

The air isn't dirtier, but pollution levels acceptable in the past are now considered harmful, officials said.

Some may consider the change a crimp in their winter traditions, but a district study shows more area residents are opting not to burn wood in old-fashioned open-hearth fireplaces.

"It's a cultural thing that many people have warm feelings about wood fires," Schkolnick said, "but there is increasing scientific evidence that the smoke can be harmful."

In its Spare the Air Tonight winter advisories, the air district also will ask people to drive less because auto and truck exhaust is also a major source of particle pollution.

No free public transit rides will be offered in winter, however, as was done on six dirty-air days last summer to fight smog, a hot-weather problem.

The closer watch over winter pollution stems from the federal Environmental Protection Agency's decision Sept. 21 to nearly halve its allowable limit for concentrations of tiny particles 1/30th as thick as a human hair.

The limit dropped from 65 to 35 micrograms per cubic meter.

Many studies suggested the tiny particles are more dangerous than previously believed, especially to young children and the elderly, air district officials say.

San Jose and Concord air monitoring stations historically have among the highest particulate readings in the Bay Area, but they are not the only places where past particle readings have topped the new limit.

Car and truck exhaust accounts for many fine particles in Bay Area air on a day-to-day basis, but a surge in wood fires on cold nights can push the air quality readings over the limit into the unhealthy range, Schkolnick said.

Cold air can trap pollution close to ground, so one fire in one old-fashioned fireplace can smoke up a neighborhood.

The air district says the cleanest way to enjoy fires on cold nights is in popular modern fireplaces that use natural gas to heat ceramic logs.

Some people will continue to burn wood, officials say.

For those who do, the air district recommends EPA-approved stoves, fire boxes and fireplace inserts. These devices emit a fraction of the pollution spewed out by old wood stoves and traditional open-hearth fireplaces.

The newer wood-burning technology offers secondary combustion chambers or catalytic converters to destroy most pollution before venting exhaust into the atmosphere.

The Bay Area air district has no current plans to ban wood fires on dirty-air nights, as is done in the San Joaquin Valley, officials said.

However, if the district persistently fails to meet the stricter new health standard, some mandatory limits on wood burning might be considered, officials said.

## **Check before lighting fires**

Bakersfield Californian, Tuesday, Dec. 5, 2006

It's cold. It's foggy. It's time to light up our fireplaces and warm up our bodies and souls.

But it also may be time to obey a San Joaquin Valley Air Pollution Control District's "no-burn" declaration.

The Air Quality Index a measure of unhealthy air pollution sets off alarms particularly in foggy weather, when pollutants, such as particles from wood-burning fires, are trapped.

"No-burn" declarations are part of the district's strategy to curbing air pollution. District inspectors monitor fireplace use on "no burn" nights.

The penalty for a first-time violation is a \$50 fine or attendance at a public education class.

Want to know if you can burn tonight? Check [www.valleyair.org](http://www.valleyair.org), or call 800-SMOG-INFO.

## **APL aims to cut fuel emissions from ships to combat air pollution**

By ALEX VEIGA, The Associated Press

In the Bakersfield Californian; Merced Sun-Star, Tuesday, Dec. 5, 2006

Cargo shipping line APL said Monday it has begun using cleaner-burning fuels and will begin testing technology to reduce harmful emissions from its ships.

APL, a unit of Singapore-based Neptune Orient Lines, said 23 of its ships that make regular stops at the ports of Los Angeles and Oakland now carry low-sulfur diesel fuel to run auxiliary engines, which generate power for the ship while it is docked.

The move coincides with an approaching deadline for a new law that goes into effect Jan 1. It requires vessels to use cleaner-burning fuel while they near California ports or while berthed.

"It's a major way to clean up your ship," said Martin Schlageter, spokesman for the Coalition for Clean Air, a California environmental advocacy group. "If you're not using a lower sulfur fuel, then you are just unnecessarily polluting."

Beginning in February, the ocean carrier will also begin participating in a three-year project to test three environmentally friendly modifications on an engine aboard the 863-foot-long cargo ship APL Singapore.

The ship travels monthly to Los Angeles and Oakland from ports in the Far East.

Among the features being tested is a process that injects water into burned fuel to cut back the emission of nitrogen oxides and particulate matter, both contributors to smog and ozone.

By some estimates, every 1 percent of water mixed with bunker fuel translates into a 1 percent reduction in nitrogen oxide emissions, the company said.

The second modification involves placing side valves in the engine's cylinders to prevent fuel leaks, which can result in harmful emissions being released.

The third feature centers on a lubricating system that the company said can cut cylinder oil consumption by as much as half, also reducing engine emissions.

Researchers at the University of California, Riverside, will monitor the project.

If the tests are successful, APL said it could retrofit other ships with the technology.

"As leaders in this industry, we have a responsibility to address the impact we have on the environment," John Bowe, president of APL in The Americas, said in a prepared statement.

The ports of Los Angeles and Long Beach, several environmental groups and county air quality control agencies contributed \$1.3 million toward the cost of retrofitting APL Singapore's engine and conducting the test.

In May, Maersk Line, a unit of Danish shipping giant A.P. Moller-Maersk, opted to switch its cargo ships to a cleaner burning fuel when they are in close proximity to California's coast.

## **RMP route goes rural**

### **Farmers say raceway traffic would destroy their livelihood**

By Corrine Reilly, staff writer

Merced Sun-Star, Tuesday, December 5, 2006

For as long as Suzy Hultgren- Pimentel can remember, she's been a dairy farmer.

The Merced native, her husband and two children operate a 400-acre organic dairy on Palm Avenue that's been in her family for more than seven decades.

Hultgren-Pimentel says it's a way of life she wouldn't trade for any other. But that way of life, she and her neighbors say, could be lost if Riverside Motorsports Park moves in next door.

"We're a dying breed," said Hultgren-Pimentel, 42. "It's heartbreaking to think we could lose this for someone else's personal gain."

If it is approved by the Merced County Board of Supervisors next week, the motorsports complex will replace 1,200 acres of almond orchards and farmland adjacent to Castle Airport in northwest Merced.

Raceway developers and proponents say the project will vitalize Merced's economy and bring sorely needed entertainment and recreation.

But farmers and ranchers in the rural area just west of the raceway's proposed site say those benefits will come at their expense -- and their concerns have revealed a growing rift between the local agriculture community and the racetrack's backers.

While farmers say they're worried about noise and pollution from the raceway, it's a last-minute plan to reroute raceway traffic through their neighborhood that they say could devastate their businesses and livelihoods.

Many say the new plan comes with too many unanswered questions, including Supervisor Deidre Kelsey. She says she's now considering recommending the board delay its Dec. 12 vote to allow more time to look at how the raceway could affect the farming community.

"These people have serious concerns," Kelsey said. "And our planning department admits they haven't even looked at how traffic will impact these businesses."

Initial traffic plans proposed by raceway developers and the county projected the majority of out-of-town traffic to the raceway would come from Highway 99 through Atwater, the most direct route.

But when the county released a finalized environmental report in October, it came with a new plan that shifts more than half the expected traffic through a rural area just west of the raceway -- from Highway 99 to El Capitan Way, Palm Avenue and Buhach Road.

County traffic engineer Steve Rough said the change came after the city of Atwater raised concerns about impacts on its residents and roads. The county agreed that many of Atwater's roads -- especially the Applegate Road highway exit originally slated to take most of the traffic -- are far from adequate to handle the high number of visitors, Rough said.

"There's no perfect route," he said. "People will be inconvenienced either way. It's just a matter of 'who do we inconvenience?'"

Raceway developers now say they'll use a number of methods to ensure traffic travels as intended, such as closing certain roads on race days.

Residents along the new route -- most of whom run farms, dairies or poultry or cattle ranches for a living -- say they'll be forced to bear the brunt of the raceway's burden if it's approved.

"It's like we're just the rural dummies out here, like they thought we wouldn't notice," said Stacey Machado, whose family owns a 60-acre cattle ranch near the corner of Buhach Road and Eucalyptus Avenue.

"No one has ever asked us what this would do to our lives and our businesses."

While a typical Saturday or Sunday is estimated to bring 5,000 to 15,000 visitors to the raceway, big-name events held one weekend a month could draw daily crowds between 20,000 and 50,000.

During peak times, that means as many as 2,000 cars per hour could travel down Palm Avenue past Hultgren- Pimentel's driveway, according to environmental studies of the project.

Hultgren-Pimentel and her neighbors say that number of cars will clog the narrow rural roads surrounding their homes and businesses -- claims that environmental reviews have confirmed.

Neighbors say backed-up roads will mean farm equipment, service vehicles and milk and cattle trucks won't be able to access their farms and ranches.

"We're a seven-day-a-week operation," said Pat Ferrigno, who grows animal feed on a 1,000-acre farm near the raceway's proposed site. "We can't just shut down because it's race day."

Others say raceway traffic will mean they can't move cattle across roads to graze. And farmers who sell their products from stands on their property say the traffic will mean thousands of dollars in losses each day that it prevents customers from getting there.

"This is a rural area," said John Grace, who also owns a farm near the raceway's planned site. "That's why we started our businesses here ... We just never saw this coming."

To meet certain county road standards, raceway developers have agreed to widen sections of Fox, Buhach, Bellevue and Franklin roads, Winton Way and Palm and Eucalyptus avenues.

But to do so, the raceway must acquire land along miles of roads from numerous land owners. If they aren't willing to sell, developers will be forced to ask the county to take the land- through eminent domain, a law that allows governments to take land from private citizens for public use.

"When I heard those words for the first time -- eminent domain -- I felt so violated," Machado said. "I didn't buy this ranch from my parents and spend my whole life working for this just to have it taken away."

Even with the improvements, projected traffic impacts from the raceway won't meet county standards during its once-per-month, big-draw events. Racetrack developers have asked the county to approve an amendment to its General Plan that would drop road congestion standards on race days to its lowest "failing" level.

Diana Westmoreland-Pedrozo, director of the Merced County Farm Bureau, said approving the amendment would be a "precedent-setting strike" against the county's farming community.

"You have a private developer asking for special privileges to lower county standards for their own gain," Westmoreland-Pedrozo said. "And it will be our agricultural community that pays the price ... We have to remember that for people in agriculture, your business is your life."

John Condren, CEO of Riverside Motorsports Park, LLC, acknowledges that the raceway will impact nearby residents and businesses if it's approved. But he says he believes a "very small number" will be affected and none will be put out of business.

"I can't say we won't have an effect on anyone's business, but there's no way we're going to put anyone out of business and that's certainly not our intention," he said.

"I know that some (nearby landowners) have concerns. But others say they're very comfortable with what we're doing ... Some say they're excited about the entertainment and business that will come to the area."

Condren added that Castle Air Force Base brought thousands of workers to the same area daily until it closed in 1995.

"No one went out of business then, so it seems hard to believe it could happen here," he said.

In fact, no studies have been done to determine how the raceway could affect those neighbors economically, how it could impact their businesses, or what it might mean for the value of their property.

Initial studies on the project say less than a dozen nearby residents will be impacted if the raceway is approved, but no updated counts were done after traffic plans changed; neighbors and the Farm Bureau now estimate those numbers in the hundreds.

"There are so many questions that we still don't have answers for," said Supervisor Kelsey, whose district contains most of the area in question. "How are these people going to get manure spreaders on their property? How will their customers get to them? These are serious concerns that no one has looked at."

Those were among the concerns residents raised during three informational meetings Kelsey hosted in her district last week.

Officials with the county's planning department were on hand to answer questions but had few answers when residents asked how visitors will be able to access their property on race days, whether there are plans in place to compensate for their potential losses, and what recourse they'll have if portions of their property are seized.

"I've never seen the likes of this," Kelsey said. "I'm still unclear on how this (traffic) plan was even chosen in the first place. If you knew the existing condition of these roads, you'd never propose putting that kind of traffic on them."

Kelsey said she's also concerned about impacts the traffic could have on schools in the area, as well as a nearby Mennonite community. Neither question has been studied.

County planning officials say if the raceway is approved, traffic plans can be adjusted to meet the needs of nearby residents and businesses. They also say a new Sultana Drive exit from Highway 99 that's scheduled to open next year likely will reduce traffic on rural roads in the area.

But with so few concrete answers, Kelsey said she's now considering asking the board to delay next week's vote.

"I'm still learning about this project and I'm not sure we have all the information we need to make this decision," she said.

Supervisor Mike Nelson said he's uncertain whether the board should delay its vote, but added that he thinks the project has been adequately studied.

"I've heard compelling arguments both for and against this project," Nelson said. "The traffic out there is just one of the important issues to consider."

Supervisor Kathleen Crookham said she's "interested in some of the new issues that have been raised." She said she believes traffic impacts in the area merit further examination, but that she's "unsure what the next step should be."

Supervisors Jerry O'Banion and John Pedrozo didn't return phone calls seeking comment for this story.

James Holland, the county's senior planner in charge of the project, said state laws that govern the project's review don't require the county to examine its economic impacts. Attorneys for the county and the raceway say the reviews have met all legal standards.

First proposed in 2003, the project is planned to include eight race tracks, restaurants, a shopping mall, an arcade and a lake. If it's approved, the raceway is expected to open in 2008.

Raceway proponents say its benefits, which are projected to include the creation of 150 jobs and \$3.7 million to the city of Merced in annual sales tax revenue, far outweigh its potential costs.

But the farmers and ranchers who could bear them say those costs are more than anyone should have to pay.

"I just hope we're not forgotten in all of this," Hultgren-Pimentel said. "We've worked our whole lives for what we have. We've worked too hard to see it disappear."

### **Shipper to test system to cut emissions**

**In February, the firm APL will experiment with injecting water into a vessel's diesel engines to try to reduce the release of pollutants.**

By Dan Weikel, Times Staff Writer

December 5, 2006

In the growing fight against air pollution in the ports of Los Angeles and Long Beach, one of the world's largest shipping lines announced Monday that it will test an innovative fuel system that could significantly reduce harmful emissions from ship engines.

APL — bucking the adage that one should never mix water and gas — is experimenting with a fuel emulsification process that injects water into marine fuel oil, causing it to burn more thoroughly.

Company officials believe the technology has the potential to cut emissions of nitrogen oxide, a key component of smog, by up to 20% and soot by 40% to 60%.

If the tests are successful, APL executives say, they will consider installing the systems in their fleet of more than 100 container ships, 23 of which call at California ports. The final results could be available by the middle of next year.

"As leaders in this industry, we have a responsibility to address the impact we have on the environment. We are now working on many fronts to lessen that impact," said John Bowe, president of APL's operations in North, Central and South America.

APL, which operates a 300-acre terminal in the Port of Los Angeles, is the eighth-largest container ship line in the world.

Over the years, the global fleet of cargo vessels has emerged as a leading source of sulfur oxides, particulates and nitrogen oxides. Many ships emit as much exhaust per day as 12,000 cars.

The pollution has been linked to global warming, respiratory illnesses and premature deaths. In the Los Angeles area, studies show that diesel exhaust from trucks, locomotives, heavy equipment and ships causes cancer and is responsible for 70% of pollution-related health problems and hundreds of deaths every year.

The fuel tests will be conducted in February aboard the APL Singapore, an 863-foot container ship that regularly travels to Asia from Los Angeles and Oakland.

Though fuel emulsification systems have been used successfully on small diesels since the early 1900s, this would be the first application of such a system to the main engine of a cargo ship.

The technology creates a mixture that is 20% water and 80% fuel. As combustion occurs in the engine, the water turns to steam, which uses energy and lowers the combustion temperature. This change reduces nitrogen oxide in the exhaust.

Soot or particulate matter is lowered because the vaporization of water produces micro-explosions that break up the fuel, causing it to burn more thoroughly.

Participating in the experiment are UC Riverside, the U.S. Environmental Protection Agency, the California Air Resources Board, the ports of Los Angeles and Long Beach and the air quality management districts of Santa Barbara, Ventura and San Luis Obispo counties. They have contributed about \$1.3 million to the project.

APL, like other shipping lines, is facing increased pressure from local, national and international regulatory agencies to reduce air pollution from its operations.

Over the last several years, port officials, state government and environmental groups have been adopting plans to improve air quality throughout the Los Angeles-Long Beach harbor complex, which handles more than 40% of the nation's imports and exports.

APL is the second major shipping line in the last year to initiate air quality efforts for cargo ships. In May, Maersk Inc., which operates the busiest container terminal in Los Angeles, announced plans to use low-sulfur fuel in all of its 37 cargo ships that serve California ports.

## **AP Interview: Boxer says no to further environmental rollbacks**

The Associated Press

In the Bakersfield Californian, Tuesday, Dec. 5, 2006

Environmental rollbacks from the Bush administration "in the dead of the night" are history, the Senate's incoming environment chairwoman said Tuesday.

"That's over. We are going to bring these things into the light." Sen. Barbara Boxer, D-Calif., said in a wide-ranging interview laying out her agenda with The Associated Press. She cited concerns about a host of new Bush administration rules on air, land and water quality.

"Some of the things are so outrageous that when they hit the light of day, you'll see people back off," she said. "And that's something I do, and I will do. The oversight function of this committee is going to be very important to me."

Boxer, who takes over the Senate Environment and Public Works Committee in January, anticipates fireworks as early as Wednesday when the outgoing chairman, Sen. James Inhofe, R-Okla., holds a last hearing portraying the news media as fanning global warming alarmism.

Her first hearing next month will focus on ways to address global warming, including her goal of imposing the nation's first mandatory caps on carbon dioxide and other heat-trapping greenhouse gases.

"This is a potential crisis of a magnitude we've never seen," Boxer said.

Several world leaders have called Boxer expressing their hope for a new day in U.S. environmental policy, she said, adding that "we want to send a signal to the world."

To help pay for Superfund sites that are the nation's worst contaminated, Boxer said she will push to reinstate a special tax on oil and chemical industries and other businesses. Congress that levy expire in 1995.

She also plans to hold field hearings in Louisiana on the environmental effects of Hurricane Katrina.

## **Oakland shipping giant to test new fuel**

### **Company's 23 ships docking in state switch to low-sulfur gas, complying with new regulations**

By Paul T. Rosynsky, STAFF WRITER

Tri-Valley Herald, Tuesday, December 5, 2006

The shipping industry's recent push to show California residents it's serious about reducing air pollution continued Monday as shipping giant APL announced changes to the way it burns fuel on ships.

Sparked by new state regulations that will mandate what fuel can be burned while traversing California waterways, the Oakland-based company said it now has low-sulfur fuel aboard all 23 of its ships that dock at state ports.

But in hopes of jumping ahead of future regulations, and to show that the "industry needs to be responsible," the company also launched a pilot project to test three other technologies it says will reduce ship emissions.

Together, the announcements mark a new trend in an industry that long has opposed regulations that would reduce air pollution at ports.

The mostly foreign-based companies constantly have argued the regulations would be too costly for an industry that strives to find cheap ways to deliver goods from Asia.

Recent public awareness of the environmental damage caused by state ports, coupled with government mandates to curb it, now has shipping companies fighting to find the next new technology.

"The industry needs to be responsible for its impact on the communities where it does business," said Mike Zampa, spokesman for APL, a unit of Singapore-based Neptune Orient Lines. "We have undertaken a number of environmental issues over the last several years. First we addressed the terminals; now we are concentrating on the vessels."

APL's pilot program will test the effectiveness of water-in-fuel emulsification, a procedure that mixes water and fuel.

If done properly, the water reduces the ship's engine temperature, which then reduces the amount of nitrogen oxide and particulate matter released into the atmosphere, Zampa said.

Reducing those two emissions is vital in attempts to reduce air pollution. Nitrogen oxide contributes toward smog and particulate matter is responsible for tiny particles of soot that end up in people's lungs, causing asthma and other lung diseases.

APL will test the procedure on one ship that sails between Asia and the ports of Los Angeles, Long Beach and Oakland. The \$1.3-million program was paid for in part through a partnership the company reached with the California Air Resources Board, the federal Environmental Protection Agency, the ports of Los Angeles and Long Beach and four local air resources boards.

Researchers from the University of California, Riverside, will monitor the ship's emissions to see if the procedure works.

It will be used in the ship's main engines when the vessel sails within 30 miles of the state's coast.

Although the procedure is already used on many ships in Europe and in some power plants in the United States, its benefits to the environment are still in question.

Some experts wonder if it can reduce particulate matter, and others believe using different fuels could do a better job.

Large container ships currently use a fuel that contains large amounts of sulfur. Known as bunker fuel, it is made by using the leftovers of refined crude oil. It is relatively inexpensive compared to other fuels but causes much more pollution.

"If they had said they are announcing an initiative to reduce sulfur content, I would be more encouraged," said Swati Prankash, program director at the Pacific Institute, an Oakland-based think tank that conducts studies and proposes solutions for environmental protection issues. "It's an important step, but there is a whole lot more that can be done."

Others agreed.

"I wouldn't say it is the gold standard, but it is an important step to take," said Diane Bailey, a scientist with the Natural Resources Defense Council. "I am happy to hear when shipping lines go beyond current regulations and search for new technologies, but we really want to see this adopted throughout the industry and in a timely manner."

APL believes nitrogen oxide will be reduced by 20 percent when using the water-fuel combination in its tanks. It also believes particulate matter could be reduced by as much as 50 percent.

"This is an alternative. It may be a better alternative," Zampa said. "There is not one silver bullet to solve the challenges."

In addition to the water-in-fuel emulsification, APL also outfitted some ships with slide valves in the engine's cylinders. The slide valves prevent fuel from leaking during the combustion process. That, the company says, ensures a "complete burn" of the fuel in an engine, which results in cleaner emissions.

The company also said it will meet or exceed new state regulations that call for the burning of lower-sulfur fuel while berthed at state ports.

Maersk Inc. made a similar announcement in October.

Steve Stallone, spokesman for the International Longshore and Warehouse Union, which represents more than 3,000 dock workers, said the recent announcements show progress but cautioned that shipping lines should not be congratulated yet.

"They are starting to realize that they have to do something, which is good," Stallone said. "But this is just a test. They could have started moving faster on these things. ... We still have a lot more to do."

### **Legislation affecting business**

By Jake Henshaw

Visalia Times-Delta, Tuesday, Dec. 5, 2006

They still had hopes of passing a few modest bills in August in the Capitol, but for the most part California businesses are playing defense as the Legislature wraps up its work for the year.

They are trying to defeat proposals to increase the minimum wage, impose emission caps to control global warming, boost benefits for permanently disabled workers and force big businesses to provide health care for its employees.

"As usual, at the end of the session, it comes down to that," Vince Sollitto, spokesman for the California Chamber of Commerce, said of the effort to defeat measures that businesses fear will hurt job creation and competitiveness.

Michael Shaw, assistant state director for the National Federation of Independent Business, said his group is pushing a couple of bills to aid small businesses by requiring a state study of the cost of regulations on them and setting up a state Web site linking state agencies that regulate them.

Businesses appear to have already lost battles to reinstitute a tax credit for the purchase of manufacturing equipment and the four-day workweek for interested workers without overtime pay. They now face a tough battle against any minimum wage increase because the governor supports a \$1 boost while Democrats and unions generally agree with the governor but also want automatic future increases indexed to inflation.

Democrats also are pushing for revisions for workers' compensation. Changes have cut premiums 50 percent, but injured workers claim it also has cut benefits for permanently disabled workers 50 percent. The bill is still being finalized.

The Legislature was scheduled to end its regular session for the year Aug. 31.

### **Bills favored by business**

- AB2330, Assemblyman Juan Arambula, D-Fresno: Requires the state to study the cost of regulations on small businesses.
- SB1436, Sen. Liz Figueroa, D-Sunol: Directs the state to set up an Internet link to all state agencies that have a significant role in regulating small businesses.

### **Bills opposed by business**

- AB1835, Assemblywoman Sally Lieber, D-Mountain View: Increases increase the minimum wage from the current \$6.75 to \$7.75 in two steps over two years. It then would automatically provide for future increases indexed to the rate of inflation.
- SB1162, Sen. Gil Cedillo, D-Los Angeles: Increases the minimum wage from the current \$6.75 to \$7.75 in two steps. The initial increase would come within 60 days of the bill being signed, versus AB 1835, which authorizes the first step on July 1, 2007. Future increases also would be indexed to the rate of inflation.

### **Air quality**

- AB32, Assembly Speaker Fabian Nunez, D-Los Angeles and Assemblywoman Fran Pavley, D-Agoura Hills: Requires state officials to set a cap on greenhouse gas emissions and monitor their prevalence.
- AB1101, Assemblywoman Jenny Oropeza, D-Long Beach: Gives ports, airports and rail yards that attract large numbers of diesel-powered vehicles the power to reduce diesel emissions.
- SB1205, Sen. Martha Escutia, D-Whittier: Increases penalties for pollution from sources other than motor vehicles from \$1,000 to a range of \$10,000 up to \$100,000 with the fines deposited in a new Children's Breathing Rights Fund, for which uses would be established later.
- SB1252, Sen. Dean Florez, D-Shafter: Authorizes a penalty of up to \$25,000, in addition to other existing penalties, for emissions of particulates that violate federal air quality standards.
- SB1368, Senate leader Don Perata, D-Oakland: Establishes a greenhouse gas emissions performance standard for public and private utilities.

### **Resources**

- SB 646, Sen. Sheila Kuehl, D-Santa Monica: Tightens up the procedures for farm and timber companies to get waivers from the operating rules for discharging into public water, which include obtaining permits. The bill also would impose a fee for waivers.
- AB 2641, Assemblyman Joe Coto, D-San Jose: Requires developers who discover Indian burial grounds to consult with likely tribal descendants regarding appropriate preservation.

### **Health**

- SB1379, Senate leader Don Perata, D-Oakland, and Sen. Deborah Ortiz, D-Sacramento: Creates the nation's first biomonitoring program to assess chemical contamination of the general public to aid public health planning.
- SB1414, Sen. Carole Migden, D-San Francisco: Requires companies with 10,000 or more workers to spend an amount equal to 8 percent of their payroll on health insurance or pay that amount to Medi-Cal.

### **Legal issues**

- SB1489, Sen. Denise Ducheny, D-San Diego: Authorizes the California attorney general to recover attorneys' fees and costs when he wins cases enforcing laws on such issues as the environment, civil rights, consumer fraud, corporate responsibility and gambling with the goal of making such actions self-funding.
- SB1737, Sen. Liz Figueroa, D-Sunol: Sets timelines and other rules for consumer rebates.

[Tri-Valley Herald, Commentary, Tuesday, December 5, 2006](#)

## **Regulating air pollution boils down to a court vote**

by Daniel Weintraub

CALIFORNIA'S drive to lead the nation in the fight against carbon dioxide emissions — and thus global warming — may soon rest in the hands of one very powerful native of the Golden State: Supreme Court Justice Anthony Kennedy.

Oral arguments in an important case last week suggested that four justices on the court are inclined to order the U.S. Environmental Protection Agency to regulate greenhouse gas emissions, or at least to allow a lawsuit to go forward that could force the agency to acknowledge that it has the authority to jump into the global warming issue.

The court's four more conservative jurists, meanwhile, might be moving in the opposite direction, toward ruling that the Clean Air Act as passed by Congress does not require the EPA to fight global warming by cracking down on the gases emitted when we burn carbon-based fuels in our cars.

That leaves Kennedy, the Sacramento native and veteran of 18 years on the high court, who seems to have succeeded Sandra Day O'Connor as the court's new swing vote. If the other justices line up as expected, Kennedy's vote would decide which way the decision goes — and ultimately the pace of global warming regulation in California and the nation.

The case was brought by the government of Massachusetts, but it could be crucial for California. The state's law requiring automakers to reduce the greenhouse gases in their cars' exhaust might be in danger if the EPA's position — that it cannot legally regulate the gases — is allowed to stand. And if the state law on auto emissions is blocked, that would in turn deal a significant blow to California's goal of reducing all greenhouse gas emissions by 25 percent by 2020.

At issue is the federal Clean Air Act, under which Congress authorized the EPA to regulate air pollution. The question is whether carbon dioxide, which is a harmless, naturally occurring substance in the ambient air around us, should be considered a pollutant if it rises into the atmosphere, settles there and contributes to the warming of the Earth. Massachusetts, California and several other states petitioned the EPA to regulate greenhouse gas emissions from vehicles, but the agency declined to do so.

In its statement on the issue, the EPA said it lacked the authority to regulate carbon dioxide and that, even if it did have the authority, it wouldn't do so because there is too much uncertainty surrounding the issue of global warming, the contribution of carbon dioxide to the problem and the effect U.S. regulations could have on a global problem.

Although the EPA once said it did have such authority, the Bush administration reversed that position. A 2003 memo from the EPA's legal counsel said Congress never intended for the

agency to regulate greenhouse gases. Amendments to the Clean Air Act adopted in 1990, which listed carbon dioxide in the law for the first time, were aimed not at regulation but at boosting research and information gathering about global warming, the EPA analysis said.

The 1990 provision went out of its way to state that the new duties were non-regulatory and not intended to authorize the imposition on any person of air pollution control requirements. As often happens at the Supreme Court, it appeared Wednesday the justices might focus on a narrower legal issue than the plaintiffs in the case, and many observers, were hoping to see decided.

Before it even gets to the point of considering the EPAs proper role, the court must decide if Massachusetts and the other states have standing to sue the federal government.

The justices could simply throw out the case on that basis or rule that while the case can go forward, the more meaty issues at stake should be heard in a lower court first.

In the one hour of oral arguments, Massachusetts lawyer argued that the threatened loss of 200 miles of coastline gave the state a valid reason to sue the EPA. Justices Stephen G. Breyer, Ruth Bader Ginsburg, David H. Souter and John Paul Stevens seemed to be leaning at a minimum toward allowing the case to go forward, if not ruling outright that the EPA is authorized or even required to regulate carbon dioxide emissions.

Three other justices — Chief Justice John G. Roberts Jr. and Justices Samuel A. Alito Jr. and Antonin Scalia — seemed dubious of Massachusetts claim that it faced imminent harm from global warming. If Justice Clarence Thomas, who said nothing, sided with them, that would leave a 4-4 deadlock to be broken by Kennedy.

Kennedy gave little indication of which way he was leaning. His only substantive comment was to suggest that the court couldnt really decide whether the states had the right to sue without also delving into the entire question of global warming, because theres no injury if theres not global warming.

The court is expected to decide the case by next summer. If the justices return the matter to a lower court, it could be years before the question is finally decided. In the meantime, California awaits word from the EPA on the fate of its own, independent attempt to limit greenhouse gas emissions from vehicles.

Daniel Weintraub writes for the Sacramento Bee.

[Letters to the Merced Sun-Star, Tuesday, December 5, 2006:](#)

### **Say no to outsiders**

Editor: I wish to address the issues of quality growth in Merced County. As a resident of Livingston who returned in 1997 after living away for 30 years, I've witnessed the construction boom in this county. It appears to me that our growth is about getting bigger instead of getting better at building communities.

Ideally, a partnership between community folks and respective governing bodies that make decisions can prevent unbridled growth by developing a vision together of what we want for our communities.

Unfortunately in today's world of Merced County, the reality of growth hits us every day with increased traffic, pollution, loss of agricultural land to subdivisions, and road, railway infrastructures that are decades old. We have a proliferation of subdivisions that look like fortresses, fast-food franchises and national chain stores and we are beginning to look just like every other town up and down Highway 99. People who grew up in this area and worked all their lives here cannot afford to buy a new home. Yet, newcomers from the Bay Area and investors are welcome with open arms. These folks are commuting to jobs over two hours away and don't have time to get involved with the community.

Investors or absentee landlords are primarily interested in buying and selling at a profit. They have a right to buy wherever they want but be mindful they have been forced from their own communities that have priced them out of the market. Where do people who have lived and worked here all their lives go to find a more affordable housing market? Where is the opportunity for the Foster Farms employee who makes an average \$10 an hour to afford a new home? Where are the jobs that can sustain the needs of families who want to build their lives in Merced County?

These questions raise others such as the wisdom of promoting Riverside Motorsports Park. It is being promoted on the basis of job creation, a boost to local hotels, motels and restaurants, and it will put Merced County on the map since racing patrons will be drawn from all over the state and beyond. The glitter and promise of RMP sounds great until one looks into these glaring concerns: a majority of jobs created will be seasonal or part-time, hardly enough to sustain a decent living; increased traffic from 5,000 to 15,000 cars nearly every weekend of the year on decades-old roads.

The environmental impact reports concluded that use of land for the RMP is NOT within the guidelines of current plans, policies and regulations concerning land use for this area of Atwater. However, members of the Merced County Board of Supervisors may approve RMP on Dec. 12 if they believe it has more merit than the overwhelming reasons why it should be denied. By doing so they simply continue to override significant impacts of health, traffic and land use that affect every resident in Merced County and open the doors to more unbridled growth.

They can do better by saying no to RMP. We deserve better by having communities built by the visions of hardworking and dedicated residents of Merced County and not solely by outside developers and investors.

*Luna M. Jamero, Livingston*

## **Not in my backyard**

Editor: I'm a county resident living on Shaffer Road in Winton. My property is two miles from the front gate of the proposed Riverside Motorsports Park Project. This project is for the development of a NASCAR speedway in our county. Apparently the idea for this project has been tossed around for years. It came to my attention a few weeks ago by word of mouth from neighboring ranchers.

This park will dramatically alter the quality of life in our community with traffic and noise. I now know there was an initial environmental impact report generated at the end of last year. The report was supposedly available for public review and comment for a period of 45 days. I was never informed of this report nor invited to review or comment on it.

I hope this project does not involve back door politics. Project backers should keep future lines of communication open to all stakeholders, especially residents of the community.

*Vance W. Shaw Jr., Winton*