

## **Northern San Joaquin Valley**

Modesto Bee, Thursday, December 14, 2006

**GET KIDS' CALENDARS:** The 2007 Clean Air Kids calendar will be available to the public free starting Friday. The annual calendar, produced by the San Joaquin Valley Air Pollution Control District, features original art from children throughout the eight-county air basin. The artists provide their perspectives and illustrate their ideas on cleaner air for all valley residents. The clean-air message for each month is presented in English and Spanish. More than 800 entries were received in the contest, which was open to all San Joaquin Valley kindergarten through high school students. The artwork of 14 valley youngsters was selected. The educational wall calendar is distributed free to schools, community groups, health care facilities, churches, civic organizations, nonpolitical groups and individuals on a first-come, first-served basis. They can be picked up at the Modesto office, 4800 Enterprise Way. The winning artists from the Northern San Joaquin Valley are: Taylor Corgiat, Our Lady of Miracles School, Newman; Liliana Zermeno, Gustine Middle School; and Brenden Booth, Donn B. Chenoweth Elementary School, Merced.

## **Planned explosives tests have business owners firing back**

By John Upton - San Joaquin News Service

Lodi News Sentinel and Tracy Press, Thursday, Dec 14, 2006

The developer of the Tracy Hills project and a local shoe-shop owner have filed objections to planned explosives tests expected to contain depleted uranium at Site 300.

Site 300 operators refused this week to assure the San Joaquin Valley Air Pollution Control District that radioactive material would be kept out of the planned blasts, which may be up to more than three times the size of any other local test explosion in at least 13 years. The refusal prompted Sarvey Shoes owner Bob Sarvey to appeal an air district permit that was issued Nov. 13 to allow the blasts.

"I'll probably lose, as usual," Sarvey said, "but I've got to give it a chance, because I don't want radiation blown all over Tracy."

Wind blows from Site 300 over the city of Tracy 45 percent of the time, according to a 1994 report commissioned by Site 300 operators.

Radioactive material isn't regulated by the air district, but California law commits public agencies to study the environmental impacts of projects they approve.

Sarvey, in a letter to the air district, accused Lawrence Livermore National Laboratory of filing a misleading permit application because it said Site 300 is at a remote location 10 miles from the city.

Tracy's city limits were moved within a mile of Site 300 during the 1990s real estate boom to accommodate the 5,500-home Tracy Hills project. A hill separates Site 300 from the planned homes, the construction of which has been delayed, in part, by the city's slow-growth law.

Tracy Hills LLC, which is owned by Angelo Tsakopoulos' AKT Investments, called for a hearing to appeal the permit, in part because of concerns over noise and emissions.

Sarvey's letter said the district failed to consider health impacts from radioactive material or from other explosive tests.

The letter also said the district failed to consider noise impacts to residents or the impacts on endangered species.

But Sarvey said in the letter that he had yet to thoroughly review the lab's permit application or

engineering analysis, because the district failed to warn locals about it. Sarvey said he first learned of the permit through a Tracy Press article, published last week just two business-days before the cut-off date for appeals.

Air district permit director Dave Warner said the permit allows the lab to emit up to 1,440 pounds of particulate matter up to 10 microns in diameter per year — well below the 20,000-pound limit that requires public notification.

A Lawrence Livermore spokeswoman defended the lab against charges by Sarvey and Tri-Valley Communities Against a Radioactive Environment that it had been secretive about the planned blasts.

"We are not bound to do a public notice for every permit we request," Lynda Seaver said by e-mail. "We worked directly with the local air quality board and our various regulators."

Seaver pointed to the lab's environmental impact statement to show that the public had been told of the planned blasts. A 794-page preliminary report published in February 2004 stated on a table on Page 338 that 350-pound blasts would be the largest blasts possible at the site. But the report didn't say this would represent an increase relative to existing tests, which have been capped at 100 pounds by air district rules since the district was formed in 1992. The table was repeated in the final report published 13 months later, and 1,429 pages of appendices mentioned the 350-pound limit four times. The limit was not mentioned in the 50-plus page summaries of the preliminary or final reports.

The lab held community meetings to discuss the report, but no written public comments mentioned the limit.

The draft and final reports did not state that energy in outdoor blasts could increase eight-fold annually to the equivalent of 8,000 pounds of TNT, as allowed under the new permit.

An air district board is expected to consider the appeals of Tracy Hills and Sarvey at its Jan. 3 meeting in Modesto.

San Joaquin County Supervisor Jack Sieglock is the only air district board member from this county. All 11 board members hold elected positions with county and city governments.

The lab spokeswoman said the planned explosions would not be nuclear explosions. She said there has never been a nuclear weapons test at Site 300.

"The uranium used in any Site 300 test is depleted and, therefore, can never achieve fission," Seaver said. "The same is true of the tritium. The 300-pound tests will not contain tritium."

Seaver said the majority of outdoor tests at Site 300 would be 100 pounds or smaller.

## **Track gets green flag**

### **Merced Supervisors give nod to raceway's environmental review**

by Adam Ashton

Modesto Bee, Thursday, December 14, 2006

Merced County is on track to become the center of Central Valley motorsports with an eight-track raceway designed to draw people from hundreds of miles away.

That raceway, the Riverside Motorsports Park, could open within 18 months on an 1,187-acre site northeast of Atwater, said John Condren, the project's chief executive.

He won a critical vote from the Merced County Board of Supervisors early Wednesday to approve Riverside's environmental review despite objections about its potential effects on air quality, traffic and farms.

"It's been a long time coming," said Jeanne Harper, Condren's wife and Riverside's communications director. "We've got about six years invested in this project."

The supervisors' 3-2 vote after an 8½-hour meeting had supporters on Wednesday crowing about the raceway's potential economic impact.

Park plans include some NASCAR events such as Busch Series, Craftsman Truck Series, Grand National Stock Car Series and the Whelen Grand American Series.

Drag races, go-kart events and road racing also are proposed at the track.

Condren said Riverside would have 1,200 people working for the park and for anticipated businesses that would open at the site. He expects the park to spark an additional 3,000 jobs in the county.

He said it would cost \$250 million to build the park, which would feature small tracks for amateurs, larger tracks for big events and rows of garages where people can set up their own shops.

"This is not a get-rich-quick scheme," he said.

Riverside's business plan calls for racing on 39 weekends a year. Two of those weekends would see marquee events that could draw as many 50,000 people, according to the plan.

"This could really turn into something truly unique for the valley and for California," said Steve Newvine, chief executive of the Greater Merced Chamber of Commerce.

Nonetheless, Riverside's road ahead has several glaring obstacles. Among them:

The U.S. Penitentiary in Atwater has indicated it opposes parts of the raceway plan.

Foster Farms has voiced concern about the project's impact on nearby poultry ranches.

Northern Merced County farmers say Riverside's traffic plan would steer thousands of cars onto rural roads in Delhi to reach the raceway.

"It's the traffic impacts on a rural agricultural region that has no business having thousands and thousands of cars going through their life to reach a venue in a bad location," said Diana Westmoreland Pedrozo, chief executive of the Merced County Farm Bureau.

She said it isn't clear whether her group would seek to overturn the supervisors' vote. Foster Farms and Atwater prison officials didn't return calls for comment Wednesday.

Condren said Riverside would address their complaints if they follow up with lawsuits. Those complaints could delay the park's opening.

Supervisor Kathleen Crookham said she empathizes with people whose lives would be affected by Riverside, such as farmers who own land around the raceway site and along its proposed traffic route.

Crookham said she voted for the project because she was swayed by its potential economic boost.

"I feel very sorry for the people who live in that general area," she said. "There would be no way of ever mitigating for their needs. But I also thought of what we need in our economy, and how we need to diversify."

Supervisor Deidre Kelsey saw less to praise in the proposal.

"It's probably the worst project I've ever seen," she said.

Kelsey wanted the county to spend more time studying Riverside's traffic and noise impacts. She said she was angered by a late change in the traffic route, which shifted the park's main access from Atwater's Applegate Road exit on Highway 99 to a winding path through Delhi and Cressey.

Suzy Hultgren, 42, of Cressey likewise said her concerns weren't answered by the environmental report the supervisors approved.

"It's insulting when every supervisor sits there and says, 'I'm not comfortable with the traffic.' Well, then why aren't we getting any answers for it?" Hultgren asked.

Crookham said the supervisors and Riverside would have a chance to address some of those questions over the coming year. The supervisors still have to approve the park's development plan, for example.

"What I signed off on was an umbrella," she said.

In the meantime, raceway supporters are eager for a quick groundbreaking. They say they have to travel hours from the Northern San Joaquin Valley to find a track that lets them practice their hobbies.

"There's no place to go, and go fast, safe," said Deanna Babb, owner of Modesto Ducati. She circulated a petition at her shop to advocate for Riverside.

Second-generation Modesto stock car driver Steve Belletto said that Riverside would become a financial asset for Merced County.

His family raced for several years at Stockton 99 Speedway, which closed in September after 60 years. The nearest paved tracks for Northern San Joaquin Valley race fans are Altamont Motorsports Park near Tracy and Madera Speedway.

"That's the best," said Belletto of the planned Merced County raceway. "That is a great thing for NASCAR and auto racing, the greatest thing that could happen for the sport."

## **In wee hours, supervisors OK raceway project**

By Corinne Reilly and Leslie Albrecht

Merced Sun-Star, Thursday, December 14, 2006

After nearly four years of anticipation, another eight-and-a-half hours proved well worth the wait for proponents of the Riverside Motorsports Park.

After a series of votes that spanned a lengthy and contentious meeting, the Merced County Board of Supervisors approved the raceway complex early Wednesday morning.

With Supervisors Deidre Kelsey and John Pedrozo dissenting on two key votes, plans for the 1,200-acre project earned just enough support to move forward.

The board's 2:30 a.m. decision followed hours of emotional public testimony from raceway supporters and opponents, and years of countywide debate over a decision that many say sets the course for the county's development for decades to come.

More than 300 people filled the board chambers and nearby overflow rooms at the meeting's 6 p.m. start. When the final vote was cast just before 2:30 a.m. the crowd had thinned to a weary three dozen.

While racetrack supporters hailed the decision as an economic boon, opponents called the project's approval an assault on both the environment and local agriculture.

"By approving this project ... you are pushing development to my doorway," said Karen Crane, whose family runs a farm near the proposed raceway's site. "Our land will never be the same, and that rests in your hands."

Proponents pointed to the raceway's economic benefits, which are projected to include hundreds of jobs and \$180 million in annual business.

"The bottom line in Merced County is we need jobs," said Carl Pollard, a Merced City Councilman who spoke in support of the raceway. "We have too many people on welfare... We have to diversify our economy. We have to change with the times."

Raceway CEO John Condren said the decision also means a stronger economy for the county.

"I'm very pleased with the way things went," Condren said.

Of the supervisors, Kelsey voiced the strongest opposition to the raceway -- at one point reading a 35-minute statement condemning the project as a disaster for taxpayers and an attack on farmers and ranchers near the raceway's future northern Merced County site.

"As this project sits in front of me today, it's terrible," Kelsey said. "...The credibility of our board is on the line with this."

Kelsey slammed environmental reviews of the project as inadequate and rushed, urging the board to delay its vote until more studies on the project's impacts could be completed.

Pedrozo cast the only other votes against the project.

"I know what it is to be a farmer and I know what it is to have cars coming down your country roads," Pedrozo said. "I can't support the (project), not until I am totally confident that all the people that live out there are taken care of."

The board voted on six motions, allowing the project to move forward. Among them were:

- A vote to approve environmental reviews of the project;
- A vote to allow traffic and noise from the raceway to exceed current county standards;
- A vote to overrule a finding by the Airport Land Use Commission that the racetrack's site is too close to Castle Airport's runway.

Condren first proposed the project in 2003. Since then, the raceway's location has been the subject of much of the debate.

Condren and raceway backers say the project's future site makes perfect sense -- a stone's throw away from an airport and within 100 miles of 10 million potential race fans.

Those opposed to the raceway say its Valley location means the air pollution it generates will remain trapped in the area.

They say a more remote location would make noise and traffic from the raceway less burdensome.

Environmental reviews have confirmed the raceway will contribute considerably to air quality problems the county already faces.

More recently, the controversy has centered around a plan to manage traffic to the site which proposes to route the majority of out-of-town traffic from Highway 99 through a rural neighborhood just west of the track.

The \$250 million raceway complex is planned to contain eight different racing venues, a shopping mall, restaurants, an arcade and a lake.

In addition to professional racing events, the park will host amateur racing, drag racing, motocross and go-kart racing, concerts, car shows and festivals. It is not planned to host NASCAR Nextel Cup events.

While typical Saturdays and Sundays are 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.

The Merced County Planning Commission voted in favor of the project's approval in October.

## **Race complex ready to break ground**

### **As-yet-unnamed NASCAR track at I-5 and Enos Lane would replace old Mesa Marin**

BY JAMES BURGER, Californian staff writer

Bakersfield Californian, Thursday, Dec. 14, 2006

The first dirt will be turned in January on Kern County's new NASCAR raceway if the Kern County Planning Commission gives the project a nod tonight.

An artist's rendering of a new NASCAR raceway that could be built on Interstate 5 in Kern County.

The first rubber could be burned in spring 2008.

State and federal agencies have signed off on the project's environmental impacts on endangered species and [air quality](#) after a careful review, said county Planning Director Ted James.

And naysayers have not appeared to denounce the idea, he said.

So the two well-known Kern County families who are backing the new raceway have high hopes that tonight's hurdle won't be hard to clear.

The Collins family is county racing royalty. Marion Collins built nationally known Mesa Marin Raceway 30 years ago.

After Mesa Marin was sold and demolished in 2005, the Destefani farming family started talking to the Collinses about a new site on orchard land at Interstate 5 and Enos Lane.

Marion's son, Larry Collins, said the raceway project grew out of both families' love of racing.

"That was kind of the driving force -- the passion to keep the sport in our community," Collins said.

Construction of the new raceway was announced a year ago.

The hope at the time was racing could start in spring 2007.

But Larry Collins said the delays, as the environmental impacts of the project got a close look from regulators, turned out to be a blessing.

Designs for the project were refined and some of the best raceway builders in the nation were recruited to work on the Kern County site, he said.

The plan is for a half-mile banked oval racetrack with a 5,200-seat grandstand, more than 20 luxury suites, paved parking and large landscaped lawns perfect for concerts, group gatherings or pre-race festivities. Destefani patriarch Mel Destefani is already crafting a grand entrance corridor for the raceway by transplanting 100-year-old palm trees his family rescued from along Taft Highway where they were threatened by housing development.

Basically the track would be a modern reincarnation of Mesa Marin complete with a tunnel under the track to the infield.

Collins said he is looking forward to reconnecting with the fans and drivers, both local and national, who made Mesa Marin home.

Project vice president Brian Olsen said the new track would add a ton of extras to the tried-and-true 28- to 30-event annual schedule at Mesa Marin. The new track will have a one-eighth-mile drag strip.

And the main track would host events such as motorcycle racing and "drifting" events in addition to the street stock, late model and high school racing events that were Mesa Marin's bread and butter. Concession stands, offices and suites would be housed in a new five-story tower above the grandstands.

The track is currently named only "Kern County's New Home to NASCAR" because there is a hunt for a corporate sponsor who would buy the raceway's naming rights.

Olsen said the Collins-Destefani team has no problem with developers planning a larger, longer-track NASCAR raceway complex near Tulare.

"We hope that something like that can come into the valley," Olsen said. "Any time you add more tracks to the valley it only helps ours."

Collins said he and his family stuck with the smaller half-mile track concept because they wanted to keep a weekly schedule of racing events rather than hosting only a few major races each year. "Bigger isn't always better," he said.

## **Va. Panel Orders Power Plants To Cut Components of Smog**

Associated Press

In the Washington Post, Thursday, Dec. 14, 2006; PW08

Starting in 2009, smog-causing emissions from Virginia power plants will be sharply cut.

The State Air Pollution Control Board voted unanimously last week to require the emission reductions in nitrogen oxides and sulfur dioxide, both linked to smog, haze and acid rain.

The Environmental Protection Agency requires the cuts under a 2005 federal regulation called the Clean Air Interstate Rule, which is designed to cut pollution that blows across state lines.

Based on rough estimates, the state program will cut emissions of:

- Nitrogen oxides by 46 percent, from 216,000 tons to 136,000 tons in 2010, and to 116,000 tons in 2015.
- Sulfur dioxide by 45 percent, from 69,000 tons to 42,000 tons in 2009, and to 38,000 tons in 2015.

Dominion Virginia Power, the state's largest utility, said shareholders -- not customers -- will absorb much of the cost of installing pollution controls.

The company's rates are frozen until 2011 under a state plan to deregulate electric power. After that, the company said, the market will determine the rates.

The EPA has said the new round of emission cuts will result, regionally, in \$85 billion to \$100 billion in annual health benefits after 2015.

The agency said the reductions also will reduce haze in such places as Shenandoah National Park.

## **Farmers discuss waste water**

### **Quality control board holds meeting on new rules affecting dairies.**

By Mark Grossi

The Fresno Bee, Thursday, December 14, 2006

Dairy farmer Eric Westra told state regulators Wednesday he has good reasons for complying with potentially expensive new water rules.

"I have five kids, all under the age of 8," said Westra, whose family operation in Tulare County has about 2,000 cows. "We drink water out of our well. We're in it for our life."

Dozens of farmers packed a workshop held by the California Regional Water Quality Control Board to discuss unprecedented rules aimed at controlling manure-tinged waste water from 1,550 dairies.

No action was taken, and the public has until Jan. 16 to comment on the regulations, which dairy officials believe might cost \$140 million in the first year.

San Joaquin Valley residents and representatives of advocacy groups said their health already has been compromised by contaminated drinking water.

They say the new rules are not stringent enough.

"We have a drinking water crisis in this Valley," said Laurel Firestone, a Visalia-based attorney for the nonprofit Community Water Center.

The crowd of 100 listened as state officials introduced the proposals for the \$5 billion industry, based mostly in the San Joaquin Valley.

"These rules will exceed federal requirements," said Rudy Schnagl, chief of the Agricultural Regulatory and Planning Unit for the regional board. "It's not something that's going to happen overnight."

The water rules are the second major campaign for environmental regulation on dairies.

In the past two years, dairies have worked with the San Joaquin Valley Air Pollution Control District on the nation's first measures to reduce waste gases that create smog.

The industry had been excluded from state water permits for decades until 2003. State and federal officials have begun to focus on water regulation as dairies have grown in size.

In the 1970s, many San Joaquin Valley dairies had only a few hundred head of milking cows.

New dairies now have thousands of cows.

The regional board last month issued a tentative order with requirements for monitoring underground water around dairies as well as managing the waste water coming from dairies.

Dairies wash out tons of manure daily, and the water goes to large holding ponds called lagoons.

The water is rich in plant nutrients, and it is used on crops, such as corn, that can be used to feed cows.

State officials believe the lagoons and the irrigation water have contaminated underground water supplies, but no one knows the extent or the locations.

State officials propose that farmers monitor the underground water and report results to the regional board, using wells already on dairies.

Dairy officials said they will work with the state to comply. But advocacy groups criticized the approach, saying new monitoring wells should be drilled at dairies.

"It gives the dischargers a lot of discretion," said Ingrid Brostrom, lawyer for the San Francisco-based Center on Race, Poverty and the Environment. "Using the existing wells might not be good enough to find a problem."

## **News in brief from Northern California**

By The Associated Press

In the S.F. Chronicle, Thursday, December 14, 2006

SACRAMENTO, (AP) -- Burning oil in vehicle exhaust fumes might pose a more widespread health threat than previously imagined, according to a new report by a Sacramento-based environmental group.

The study, released Wednesday, found that so-called "gross-polluting" vehicles are spewing out just as much — if not more — toxic particles in residential areas than in areas along freeways.



Gross-polluting vehicles include those that have been tampered with or poorly maintained, as well as some of the 500,000 pre-1974 vehicles that won a permanent Smog Check exemption from the state

Legislature in the late 1990s. While they comprise less than 10 percent of California's cars and small trucks, gross polluters account for more than half of the state's smog-forming emissions from light gasoline vehicles.

The study was conducted by 10 air quality and health experts and was issued by the nonprofit Breathe California of Sacramento-Emigrant Trails, formerly the local chapter of the American Lung Association.

The team examined four sites in and around Sacramento during a three-year period and found that heavily traveled secondary highways may be posing a significant health risk.

One sampling site, near Sacramento's Arden Middle School, yielded higher levels of toxic particles than the area immediately downwind of the Roseville train yard, the single largest generator of such pollution in the Sacramento area.

In response to those findings, the Sacramento Metropolitan Air Quality Management District has approved a grant to update the Arden school's ventilation system.

"Just because people may live along residential streets instead of freeways doesn't mean that they're safe from the harmful effects of car exhaust particulate," said Thomas Cahill of the University of California, Davis, who spearheaded the research.

## **Regulators move to curb coal plants**

### **Rules could ban state utilities from buying their electricity**

David R. Baker, Chronicle Staff Writer

S.F. Chronicle, Thursday, December 14, 2006

California utilities would be prohibited from buying electricity from most coal-burning power plants in neighboring states under far-reaching regulations proposed by state energy regulators Wednesday.

The rules, which would impose one of California's landmark laws to curb global warming, also would limit the amount of carbon dioxide new power plants in the state could emit. Most climate scientists blame the gas for raising temperatures around the globe.

The rules proposed by the California Public Utilities Commission could have profound long-term implications.

Coal is cheap and abundant. But it produces significantly more carbon dioxide when burned than does natural gas, which fuels most California power plants.

Almost no power plants in California burn coal. But the state imports energy from coal plants located elsewhere. That power accounts for about 20 percent of California's electricity supply. And more coal plants have been proposed throughout the West, some of them designed to ship their electricity to California.

The new rules are intended as a stop-gap measure to prevent a rash of coal plant development before California adopts specific limits on statewide greenhouse gas emissions, possibly by 2010. Under the rules, the state's investor-owned utilities would not be allowed to buy power from any source that spews more carbon dioxide than does a modern natural gas power plant. Specifically, the source could not emit more than 1,000 pounds of carbon dioxide for every megawatt hour of electricity produced. That's enough energy to light 750 homes for one hour.

"This is really aimed at encouraging new investment, new generation and new power contracts to be clean," said Julie Fitch, director of strategic planning for the utilities commission.

The rules would follow a state law passed earlier this year designed to make sure that California's crackdown on greenhouse gases doesn't foul the air in neighboring states.

As California prepares to limit carbon dioxide emissions within its borders, legislators feared that utilities might rely more on out-of-state generators, many of them using coal.

"We didn't want to have a situation where people had an incentive to sign up dirty resources right now to get in under the wire," Fitch said.

The commission is scheduled to vote on the rules in January. If approved, the regulations would take effect immediately. Existing power-supply contracts would not be affected. Nor would existing power plants within the state.

The commission's rules will not apply to municipal utilities, including those that serve Los Angeles and Sacramento. A separate government agency, the California Energy Commission, is drafting similar rules for municipal utilities.

The financial impact, at least at first, will probably be limited.

Pacific Gas and Electric Co., for example, gets about 2 percent of its power from coal, said spokesman Jon Tremayne. That electricity, however, comes from long-range contracts signed by the state's Department of Water Resources. The utility, which serves most of Northern and Central California, does not contract directly with any coal-fired plants, Tremayne said.

PG&E spokeswoman Darlene Chiu said the utility's executives had not yet seen the proposed regulations and could not comment on them. She noted, however, that the company supported the legislation behind the new rules.

Southern California municipal utilities have been far more dependent on coal than the rest of the state. But, as a result of the new law, several municipal utilities, including the Los Angeles Department of Water and Power, recently decided not to renew their contracts with a major coal-fired plant in Utah.

## **L.A. to pay \$27.7 million to settle port suit**

By Patrick McGreevy, Times Staff Writer  
L.A. Times, Thursday, December 14, 2006

The Los Angeles City Council agreed Wednesday to pay \$27.7 million to settle a lawsuit that accused the city of improperly blocking expansion and changes in the site of a now-defunct petroleum coke operation at the port.

In addition, the council agreed to waive \$46 million in rent it said was overdue from two firms that had sued the city in a dispute over the site on Terminal Island.

Oxbow Carbon & Mineral Inc. and Los Angeles Export Terminal Inc. had filed \$400 million in legal claims against the city, alleging city officials, led by Councilwoman Janice Hahn, had unfairly blocked proposals for alternative uses of the site when the market for coal exports soured.

As part of the settlement, the operator agreed to relinquish a permit and lease that had given it control of the 117-acre, city-owned site until 2032.

The settlement is one of several controversial deals the council has approved in recent months, but is by no means the largest.

Councilman Tony Cardenas said the deal will allow the city to put the site to a profitable use, eventually recovering the settlement cost.

"On the surface it sounds like it's a bad deal, but when you think about it — for that particular piece of land we could be getting \$20 million per year or more," Cardenas said.

Harbor-area activists were disappointed that so much public money was being spent to get the city out of what was a controversial and troubled deal from the beginning.

"The port has proven that it consistently gets in these kinds of messes and takes actions that are not very bright," said Janet Schaaf-Gunter, treasurer of the San Pedro Peninsula Homeowners Coalition. "I just hate to see our money being spent like this."

The Port of Los Angeles has had a 13% interest in Los Angeles Export Terminal Inc., which was created in 1993 by the Harbor Department and 36 U.S. and Japanese coal, energy and shipping companies to establish a coal and petroleum-coke export operation.

When the market for coal soured, the other shareholders sought permission to use part of the property to import crude oil, liquid natural gas and other energy products, but alleged that the city refused to consider the proposals.

Gerald Swan, president and chief executive of Los Angeles Export Terminals Inc., said the firm had invested in developing the site and had a legitimate claim. He noted that the costly dispute had dragged out in court for more than a year.

"We are satisfied with the settlement," said Swan, who, Hahn noted, is a former assistant city attorney who helped negotiate creation of the partnership.

In voting 10 to 0 to approve the settlement, without public debate, council members said the money would come from Harbor Department funds provided by fees and leases.

The claims filed against the city alleged that Hahn led efforts to close the terminal and block alternative proposals while receiving \$8,000 in political contributions from executives and advisors of a firm that operated a competing terminal.

The terminal operator also suggested that former Councilman Rudy Svorinich Jr. had violated city ethics laws by lobbying the city for the competing terminal after voting a dozen times on Los Angeles Export Terminal matters.

The Ethics Commission has not filed complaints against Hahn or Svorinich in the two years since the allegations were made, and neither side in the lawsuit admitted wrongdoing.

Hahn, who represents the harbor area, called the assertions that she was influenced by political contributions "ridiculous," adding that she had been intent from before she took office to get rid of the operation, which she deemed a nuisance.

"This is good for the city because it gets rid of a polluting business and returns 117 acres to the port so it can turn it into better use," Hahn said.

As part of the settlement, the terminal firm agreed to provide "limited environmental remediation" of the site, which has significant potential contamination because of its use for coal storage.

## **School's plan clears the air test**

**DUBLIN: District proceeds with proposal to join campuses after study shows filters can reduce risk from I-580 emissions**

By Eric Louie

Contra Costa Times, Thursday, December 14, 2006

An air quality study for a new, larger campus built at Dublin Elementary School has found significant health risks in some areas, which can be reduced by installing an air filtration system.

The findings, discussed by the school board Tuesday, mean the district's plan to consolidate the school with nearby Nielsen Elementary has passed its first test.

"To me we've passed that gate of decision and can forward," said Trustee Denis King.

The study used standards set by the U.S. Environmental Protection Agency, data from the Bay Air Quality Management District's Pleasanton station and traffic data from the state Department of Transportation.

The study, a preliminary portion of a required California Environmental Quality Act review, found the biggest risk to healthy air is diesel emissions from the nearby Interstate 580 freeway.

Carcinogenic risks for the school staff were significant, but not for students, according to the results. Noncarcinogenic hazards, such as those causing allergy or asthma problems, were within acceptable levels for students and staff.

Risk for staff members is measured by the estimated effects of exposure during 40 years, and students' risk is measured for six years' exposure, said Kim McNeely, director of facilities and construction for Dublin schools.

Particulate matter emissions, as measured by the California Ambient Air Quality Standards, could have a significant health risk to students and the staff. Those could include carcinogenic and noncarcinogenic matter, McNeely said.

But the report concluded air filtration could adequately reduce emissions and their part in short- and long-term health risks for students and the staff.

Consultants hired by the district said the standards are based on 240 days a year of exposure, not on the school year. The study assumes students and the staff at the school would be outside and exposed to those materials the whole time.

Consultants also said the risks from exposure should decrease as more fuel-efficient vehicles hit the road and the use of cleaner-burning gasoline with fewer emissions increases.

The meeting did not draw the regular crowd of school-consolidation opponents, but the findings did not go without comment. Dublin Teachers Association President Lee Carpenter told the board that the filtration must be well maintained. Good maintenance, he said, has not always been a district hallmark.

"We've had other schools with mold," he said. "We've had other systems broken down and not fixed for weeks."

McNeely said the next step would be a schematic design of the school, which would help study other environmental issues, such as traffic flow.

## **Greenhouse gases might be chilling upper atmosphere**

By Marc Kaufman

Washington Post, Thursday, December 14, 2006

Far above Earth, where the atmosphere as we know it merges into empty space, lies the thermosphere — home to space stations and satellites and very thin air. Hardly the kind of place, one might think, where human affairs would have much impact.

But just as all those cars and factories burning gasoline and coal are said to be creating a greenhouse effect, causing the lower atmosphere to warm, new research has concluded that the carbon dioxide released by humans is gradually changing the upper atmosphere, too.

The difference is that the effect is not to make it warmer, but rather to create a cooler — and less dense — environment. And there has already been enough of a change that those who control orbiting satellites have to take the effect into account.

"This is of big interest to the satellite navigation community," said Stanley Solomon of the National Center for Atmospheric Research in Boulder, Colo.

"It will probably make it a little easier to keep large objects like the space station in orbit. But on the other side, space junk or debris gets cleaned out of the atmosphere when it becomes more dense. Because this makes it less dense, space junk may well have a longer lifetime and cause more problems."

Solomon added, however, that the cooling of the thermosphere — which stretches from about 60 miles to nearly 400 miles above Earth's surface — is a slow process and is "nothing to lose sleep over" on its own.

But on another level, the finding, he said, is quite important because climate researchers theorized in the late 1980s that carbon dioxide released by burning fossil fuels could have an effect on the outer atmosphere. Later scientists modeled what that effect might be, and now there is actual evidence that the thermosphere is cooling — and that carbon dioxide is the cause. By 2017, Solomon and his colleagues predict, carbon dioxide emissions will produce a 3 percent reduction in the density of the thermosphere, with a resulting reduction in temperature.

"Carbon dioxide here will cause cooling rather than warming, but that's not what matters," he said. "What we have in common with research into the greenhouse effect is that predictions made by theoreticians were confirmed by observations."

Solomon's work was presented this week in San Francisco at the annual meeting of the American Geophysical Union and is being published in the journal *Geophysical Research Letters*.

The thermosphere is the fourth layer of Earth's atmosphere — only the exosphere is higher — and it contains substantially less gas than the lower levels. The small amounts of residual oxygen and other gases present absorb the high energy radiation coming from the sun, which pushes temperatures up to 3,632 degrees Fahrenheit. (Astronauts do not feel the intense heat because the molecules are so far apart.) Because the thermosphere does not benefit from the protective shield of the lower atmosphere, it is prone to greater swings in density and temperature.

It is also more susceptible to the effects of the sun's cyclical activity — an 11-year ebb and flow of intensity that researchers know to expect. When solar activity is greatest, emissions of ultraviolet light and highly charged particles from the sun intensify, producing a warming and expansion of the outer atmosphere. When solar activity wanes, the thermosphere becomes more settled and cools.

This effect of solar radiation was first seen when sunspots modified the orbit of early Soviet Sputnik satellites. Now it is a well-known feature of satellite and space station life, requiring compensating maneuvers to keep the valuable equipment in proper orbit.

As Solomon explained it, this cycle of relative solar activity or inactivity had to be factored into his team's assessment of how carbon dioxide might be causing its own changes. Taking solar cycles into account, he said, the study still found a decrease of about 5 percent in the density of the thermosphere between 1970 and 2000.

How does this change result in a greater problem with space debris?

At high points in the solar activity cycle, Solomon said, the thermosphere becomes sufficiently dense that some of the space junk is slowed by atmospheric drag and falls to the lower atmosphere, where it burns up and is destroyed. But if carbon dioxide emissions gradually make the thermosphere cooler, that cyclical cleaning out of the orbiting junk will occur less and less. And with an estimated 10,000 unwanted objects larger than a grapefruit now orbiting Earth, anything that keeps them aloft is unwelcome.

Most important, the new research underscores the far-reaching effects of burning fossil fuels, said Stephen Maran, spokesman for the American Astronomical Society.

"This shows how interrelated things are in and around the Earth," he said of the new findings. "The same thing that is melting ice in Greenland or raising sea levels around atolls in the Pacific is actually causing effects in the outer atmosphere that you might have thought was way above the fray."

## **Cashing in on carbon guilt**

Martin LaMonica, for News.com

In the N.Y. Times, Wednesday, December 13, 2006

Pollution penance isn't just for heavy industry anymore.

This year, several Web-delivered services emerged that are designed to reduce an individual's environmental impact on the planet.

Called carbon offsets, these programs are meant to appeal to people concerned about climate change that stems from greenhouse gas emissions.

Service providers invest consumers' money in environmental projects, such as renewable energy research or forest conservation, with the goal of counterbalancing the carbon dioxide generated by a subscriber's energy consumption. Carbon dioxide is a greenhouse gas that contributes to global warming.

Although the idea of voluntarily spending money to help preserve the environment may seem beyond reproach, a recent study has called on consumers to be more discerning about their choices.

The report (click here for PDF), which rated the effectiveness of these services and called for industry standards around carbon offsets, was published earlier this month by the nonprofit organization Clean Air-Cool Planet.

"It is a business opportunity. And just like any other, there will be good businesses and not-so-good businesses," said Bill Burtis, the communications manager at Clean Air-Cool Planet, which advises businesses and communities on how to reduce greenhouse gas emissions. "Some folks will step up and offer high-quality products, and there will be some people who can't."

The group called on consumers to push providers--there are roughly 40 organizations that offer these services--to be more "transparent" and offer more detailed information on the carbon offset mechanisms they use.

The study, which was prepared by Trexler Climate + Energy Services, ruffled some feathers among environmentalists and carbon offset marketers. These critics took issue with the report's objectivity and its method of gathering data and accounting for offsets.

If nothing else, the study appears to have prompted many insiders to scrutinize this nascent marketplace.

"There are no standards for offsets and more than a little disagreement on what constitutes a 'quality' offset. As the stakes grow, with more companies entering the offsets arena, it's time to ask some basic questions," wrote Joel Makower, a consultant on corporate environmental practices and clean technology.

Putting a price tag on carbon investment in technologies to help businesses, such as power utilities, reduce energy consumption and waste is booming.

Big-name venture capitalists, such as Kleiner Perkins Caufield & Byers, which made billions in IT and biotech, have turned their attention to clean tech, a field that covers things such as energy efficiency, renewable energy and biofuels.

That entrepreneurial flair has spilled over into the consumer arena as well.

One carbon offset company, TerraPass, was formed in 2004 out of a class at Wharton School of the University of Pennsylvania and later was funded with \$250,000.

TerraPass offers "products" to neutralize the negative environmental impact a person creates from driving cars, from air travel and from energy consumption at home. Prices for the driving credit range from \$30 to \$80 per year. The most popular service is a \$50 purchase, which offsets the greenhouse gases most drivers generate, according to TerraPass' Chief Environmental Officer Tom Arnold.

Arnold is convinced there will be rapid growth in carbon offsets, because many people want to address global climate change but are unsure where to start.

"The whole idea and innovation behind TerraPass is to make this emotionally relevant to people," Arnold said. "Americans like their cars and the freedom they give them, but they don't like what it does to the environment. This gives them a first-order response."

"We're at 1973 levels of recycling. If we build it to be mainstreamable...we'll have the same impact that recycling did on the waste stream." --Tom Arnold, TerraPass

Later, people may consider switching vehicles, using fuels that have fewer emissions or using cars less altogether, he said. TerraPass currently has 25,000 registered customers and says half-a-million people have visited its Web site.

The money that TerraPass collects is funneled into various projects. One-third is invested in wind power projects, one-third goes to projects that convert cow manure to methane (another greenhouse gas), and one-third goes to capturing methane at smaller landfills, Arnold said.

Mandatory regulations?

Arnold said that TerraPass has been "begging" for two years to establish standards for retail carbon offsets. The company worked with the Center for Resource Solutions (CRS) to audit TerraPass' carbon credit activities (It passed).

CRS already provides certification services to ensure that funds from companies that purchase carbon offsets are spent on renewable energy projects and related credits.

In the near future, CRS intends to extend this service to retail customers and propose a standard, called Green-e Retail Greenhouse Gas (GHG) Product Certification Standard.

Meanwhile, the International Emissions Trading Association and the nonprofit Climate Group have proposed what it calls a Voluntary Carbon Standard ([click here for PDF](#)).

The Clean Air-Cool Planet study, which was commissioned by corporate customers of the nonprofit, said the growth of retail carbon-offset programs can help create awareness of global warming and, in turn, influence public policy.

However, one question that is not totally clear is how mandatory government regulations designed to restrict corporations' greenhouse gas emissions will affect these voluntary markets.

These regimes, such as the Regional Greenhouse Gas Initiative (RGGI) in the northeastern U.S., are expected to rely on a cap-and-trade system where polluters can trade carbon credits if they stay below their allotted emissions targets.

TerraPass' Arnold said regulators are working on establishing rules for these new markets as well, such as how renewable energy projects are accounted for in emissions reductions.

He likens consumers' purchase of carbon credits to recycling, which has taken decades to become commonplace. The average community recycles 35 percent of waste in the U.S., with some areas, including San Francisco, up near 70 percent, he said.

"We're at 1973 levels of recycling," Arnold said. "If we build it to be mainstreamable and supported in everyday life, we'll have the same impact that recycling did on the waste stream."

## **Asian Leaders Call for Pollution Fight**

By Michael Casey, AP Environmental Writer

In the S.F. Chronicle, Wednesday, December 13, 2006

YOGYAKARTA, Indonesia (AP) -- Asia's rapid economic expansion has turned its skies into some of world's most polluted and the region must do more to fight a scourge that is blamed for more than 500,000 premature deaths annually, delegates told a clean air conference Wednesday.

Some 900 experts and government officials from 20 countries meeting in the Indonesian city of Yogyakarta urged the region to impose tighter regulations on emissions, boost investment in public transportation, and introduce fuel efficiency standards to tackle air pollution.

"There are hundreds of millions of children and adults suffering from air pollution in Asia," said Andrew Steers, the World Bank's country director in Indonesia. "It's not necessary and it's our job to do something about it."

Increased burning of coal to fuel the economies of India and China, the millions of new vehicles clogging the roads in places like Manila and Jakarta, and haze-inducing land clearing fires on Borneo island were cited as the main reasons for the dirty air.

Pollution is having an economic effect. China recently estimated that bad air was cutting into its growth, and Hong Kong expressed fears that pollution drifting over from China is scaring off investors and tourists.

The World Health Organization said increased outdoor pollution in Asia is estimated to be causing as many as 537,000 premature deaths each year, as well as a rise in cardiopulmonary and respiratory illnesses.

"We can improve health by improving air quality," said the WHO's Michal Krzyzanowski, noting a study in Dublin where a 1990 ban on coal resulted in a 15 percent drop in cardiac deaths.

The three-day meeting is not expected to produce any binding agreements, but government officials from 17 countries are expected to acknowledge the need to crack down on a problem that "is a serious threat to the well-being of people in the region," according to a draft of the final statement seen by The Associated Press.

They will also embrace calls for harmonizing fuel efficiency and vehicle emission standards across the region, increased use of clean and renewable energy and the building of energy-efficient homes and buildings.



Speakers said progress was being made. Cities such as Bangkok and Singapore are embracing subways and skyways, while three-wheeled taxis and public buses in many cities in India, Bangladesh and Nepal have switched to compressed natural gas.

"Air quality is a battle that can be won," said Cornie Huizenga, head of the Clean Air Initiative for Asian Cities. "There are a lot of examples from parts of the world where substantial improvements have been made over a period of 10 to 20 years. There is a willingness in Asia to do something."

A study released Wednesday by the British-based Stockholm Environment Institute concluded that Asia is better managing the problem than in the 1990s. But it also found that the majority of the 20 Asian cities it surveyed still don't meet international air quality guidelines.

Dieter Schwela, the report's lead author, recommended governments first tackle the transportation sector because it is the biggest problem. He urged countries to adopt stringent vehicle emissions and fuel efficiency standards and regulate the import of polluting secondhand cars.

Schwela and others called for coal-fired power plants and factories to use cleaner fuels, invest in technology to reduce sulfur dioxide and nitrogen oxide emissions, and improve their operating efficiency.

But introducing tougher air quality measures is not enough, delegates said. There must be a concerted effort to enforce whatever measures are approved — something that has proven difficult in many countries because of political pressure or weak capacity.

Pollution coming from China and other countries will have to be addressed by a regional agreement similar to the Convention on Long Range Transboundary Pollution signed by some 40 European and Central Asian countries.

But most delegates said this was unlikely anytime soon.

"The level of political integration is not to the point in Asia that it is likely that you will have real environmental agreements," Huizenga said, adding that it took Europe 30 years to fully implement its agreement.

## **VUSD outlook fiscally sound**

### **School district's finances remain healthy, officials say**

By Natalie Garcia, Staff writer

Visalia Times-Delta, Wednesday, Dec. 13, 2006

The Visalia Unified School District will be able to pay its bills for this year and the next two years, said VUSD chief financial officer Christine Statton said at a school district board meeting Tuesday night.

Among several budgetary concerns, the district has been able to maintain its state-mandated 3 percent expenditure reserve of about \$5.9 million, which is essentially set aside for emergencies.

A substantial portion of the school district's budget is based on its average daily attendance, which the school district expects to increase by 250 students when the official count is taken this upcoming spring.

Money is also set aside for raises for teachers and classified, or nonteaching, staff, which are both still in salary negotiations with the school district.

Earlier in the meeting, the board elected a new president, Donna Martin; clerk, Michael Lane; and secretary, Juan Guerrero.

"I am honored and humbled to be sitting here," Martin said. "I am looking forward to the coming year and I am open to suggestions to smooth things out."

A representative from the Environmental Protection Agency was on hand to present an award to the school district for its efforts to improve [indoor air quality](#) at schools.

VUSD is one of four school districts in the country to receive the Indoor Air Quality Tools for Schools Model of Sustained Excellence Award.