

## **\$340m could go to replacing old truck fleets**

**Valley leaders have pushed for share of voter-approved funds.**

By E.J. Schultz / Bee Capitol Bureau

Fresno Bee, Tuesday, Sept. 25, 2007

SACRAMENTO -- The Valley could get as much as \$340 million in state money in coming years to replace pollution-spewing trucks, according to new information about a clean-air program set to debut next year.

Fresno-area leaders have lobbied hard for the money and are pleased with what they see so far, though many details still need to be finalized.

"The Valley's effort to get our voice heard in Sacramento has reached the decision makers and we're pleased about that," said Pete Weber, a civic leader who has teamed with Valley air regulators to lobby for the money.

The program was created in November when voters passed Proposition 1B. The \$19.9 billion transportation bond includes \$1 billion for projects to reduce pollution along trade corridors.

The state Air Resources Board, which will distribute the \$1 billion, released "draft concepts" last week that will guide development of the program over the coming months.

Most of the money, about \$560 million, is going toward reduction of pollution at ports in the Bay Area and Southern California. But \$340 million was reserved for upgrading long-haul diesel trucks and installing auxiliary power systems at truck stops that reduce engine idling.

The Valley has some of the worst air in the nation, and trucks are a major contributor to the problem. Among vehicles, diesel trucks account for 80% of a key smog-making gas called oxides of nitrogen, or NOx.

Furthermore, nearly half of the diesel truck traffic in the state's four major transportation corridors passes through the Valley, accounting for an estimated 11.6 million miles daily.

Armed with that data, Valley officials are confident they will land a major chunk of the truck money when grants are announced.

"It's our understanding that most of the \$340 million will be aimed at the Valley," Weber said.

San Joaquin Valley Air Pollution Control District officials estimate the money could help remove about 7,000 polluting trucks. The district also hopes to snare some of the port money to replace older trucks that run from Valley farm packinghouses to the ports.

The state air board will allocate \$250 million of the \$1 billion in 2007-08, with grants scheduled to be announced in the spring.

The Valley air district is finalizing a truck replacement proposal that would work this way:

Trucking companies could apply for grants to help replace trucks from model years 2000-04.

The companies would then give those trucks to companies running even older trucks.

The older trucks would then be crushed.

The idea is that you "replace two dirtier trucks with one transaction," said Seyed Sadredin, the air district's executive director.

Environmentalists agree with the need to replace trucks, but worry that the district's program leaves room for abuse. For instance, a large company might use state money to pay for a truck replacement it already had planned, said Liza Bolanos, coordinator for Central Valley Air Quality Coalition, a nonprofit group representing public health and environmental organizations.

"We want to make sure that this money is used to incentivize actions," she said.

Sadredin said the district is confident it can identify worthy recipients.

"We will not give it to a truck owner that would have replaced their trucks anyway," he said.

## **State to propose new rules to clean Valley air**

Fresno Bee, Tuesday, Sept. 25, 2007

State officials are expected Thursday to propose tighter rules for farm equipment and diesel trucks, which should result in modest pollution reductions for the San Joaquin Valley over the next 10 years.

The staff of the California Air Resources Board is scheduled to make the proposals at the governing board meeting in Southern California.

The ideas came from state task force meetings in the Valley over the last several weeks.

The proposals call for earlier enforcement of newer, cleaner engine standards while providing government money to help businesses comply.

## **Group to Build Gas-Monitoring Station**

By Mark Stevenson, The Associated Press

S.F. Chronicle, Modesto Bee and other papers, Tuesday, Sept. 25, 2007

MEXICO CITY, Mexico (AP) -- An international group announced plans on Monday to erect what it claims will be the highest-altitude, greenhouse gas-monitoring center to date, to be built atop the Sierra Negra volcano in central Mexico.

The Washington-based Climate Institute and other foundations and companies have raised the initial \$1.9 million to pay for the station, which will join a worldwide web of similar labs at lower altitudes measuring air particles, radiation and gases such as carbon dioxide.

"The importance of having it high (in altitude), rather than low, is that you can get the global picture. For that reason, you go as high as you reasonably can," said Sir Crispin Tickell, Britain's former ambassador to the United Nations and a longtime advocate of confronting climate change.

Centers closer to sea level may capture local pollution variations, Tickell noted, while the 15,117-foot Sierra Negra mountaintop is further removed from such variations.

The station will bear Tickell's name when it goes into service sometime in mid-2008, said Luis Acosta, the Climate Institute's director for Mexico and Latin American Affairs.

According to the World Meteorological Organization Web site, the network of current greenhouse gas observatories include the Mt. Waliguan station in China, which stands at 12,575 feet, and the Niwot Ridge, Colo. station, at 11,467 feet.

The Sierra Negra is one of six Mexican volcanos that are higher than any peaks in the continental United States.

## **Follow California's lead on warming, Schwarzenegger says at U.N.**

Tom Chorneau, Chronicle Sacramento Bureau

S.F. Chronicle, Tuesday, September 25, 2007

Gov. Arnold Schwarzenegger told a gathering of world leaders Monday at a U.N. summit on climate change that the time for action on global warming has come.

Schwarzenegger noted that states such as California are ready to join the rest of the world in tackling the problem even if the U.S. government itself is not - a veiled criticism of President Bush's reluctance to take tough action to restrict greenhouse gases.

"California is moving the United States beyond debate and doubt to action," the governor said to the U.N. General Assembly in New York. "What we are doing is changing the dynamic."

Schwarzenegger's comments came on the same day that U.N. Secretary-General Ban Ki-moon told the assembly "the time for doubt has passed" on the question of whether greenhouse gases are causing climate changes.

Ban called on world leaders to convene a future climate summit to consider what needs to be done after the 2012 expiration of the Kyoto Protocol - the current global framework for reducing greenhouse gas emissions.

The Kyoto Protocol, signed in 1997 by 179 other nations but not the United States, requires 36 industrial nations to reduce carbon dioxide and other heat-trapping gases. It set an average target of a 5 percent cut below 1990 levels by 2012 for emissions from power plants and other industrial, agricultural and transportation sources.

The summit attracted representatives from more than 100 nations, but President Bush was not a participant. The president planned to attend a small dinner Monday hosted by Ban before convening his own global warming conference later this week in Washington. The conference is scheduled to include representatives of 16 "major emitter" countries such as China and India.

Bush has long opposed mandatory limits on emissions, maintaining that such restrictions would hurt the U.S. economy.

Meanwhile, Democratic congressional leaders called on Bush to support a mandatory cap on greenhouse gases similar to the landmark legislation adopted last year by Schwarzenegger and California lawmakers.

House Speaker Nancy Pelosi, D-San Francisco, and Senate Majority Leader Harry Reid, D-Nev., sent a letter Monday to the White House urging more aggressive action.

"This voluntary approach, Mr. President, cannot succeed in staving off catastrophic climate change impacts," the Democrats wrote. "If we are to preserve our world as it exists today, we must take effective action now, both here at home and in cooperation with other nations."

Schwarzenegger, a Republican whose re-election campaign last year was boosted after he embraced the global warming legislation brought forward by Democrats, said leaders do not have time to debate the causes and blame for climate changes.

"The time has come to stop looking back at the Kyoto protocol," Schwarzenegger told the U.N. group. "It is time to stop looking back in blame or suspicion. The consequences of global climate change are so pressing ... it doesn't matter who was responsible for the past.

"What matters is who is answerable for the future. And that means all of us."

Last year, Schwarzenegger and legislative leaders crafted the nation's first law designed to cut emissions of carbon dioxide and other gases blamed for global warming.

The law, AB32, is aimed at cutting greenhouse gas emissions by 25 percent in California by 2020.

The Schwarzenegger administration now is developing "early action" rules such as requiring that big-rig trucks be retrofitted with devices that reduce aerodynamic drag, having workers at tuneup and oil-change shops check tires for proper inflation as part of the service, and requiring sea ports to provide electrical outlets to allow docked ships to shut down their auxiliary engines.

Monday's U.N. event was organized in an effort to build momentum for a climate treaty conference in December where world leaders are set to debate future agreements.

Ban said the December meeting, to be held in Bali, Indonesia, is critical.

"Bali must advance a negotiating agenda to combat climate change on all fronts, including adaptation, mitigation, clean technologies, deforestation and resource mobilization," he said.

## **Opponents ask court to block Potrero peaker power plant**

Bob Egelko, Chronicle Staff Writer

S.F. Chronicle, Tuesday, September 25, 2007

Opponents of a planned cluster of small power turbines in southeast San Francisco filed a last-ditch legal challenge Monday, asking a federal judge to block the project until the federal government sets standards for emissions that contribute to global warming.

San Francisco has already gained approval from regional air quality regulators and state energy officials for the peaker plant, intended to operate at times of peak energy demand. City officials hope to complete construction by early 2009 and say the new plant will give them leverage to force the closure of Mirant Corp.'s much larger and more-polluting plant at the base of Potrero Hill, a quarter mile away.

But the Brightline Defense Project, representing two local residents and a nonprofit organization, said the city has no guarantee of a Mirant shutdown and would only add to the woes of the low-income community with a new plant.

"This plant is a last-generation, fossil-fuel-burning, polluting, stopgap solution," said Joshua Arce, Brightline's executive director. He said the recent approval of plans to transmit 400 megawatts of power to the city by a cable under San Francisco Bay should make the plant unnecessary.

A megawatt provides enough electricity for about 1,000 households. The three turbines, on four acres of city-owned land in the Potrero neighborhood near 25th and Illinois streets, would generate 150 megawatts.

The new city-run plant would operate less than half the time and would produce only 17 percent of the carbon emissions of the Mirant plant, which runs nearly all the time, said Tony Winnicker, spokesman for the San Francisco Public Utilities Commission.

Although any decision on whether to close Mirant's plant is up to the company, Winnicker said California's power grid operator has agreed to eliminate the company's chief incentive for continued operation - the plant's status as the city's supplier of last resort - once the peaker plant is ready. "It's the best chance for the plant to close," he said.

Plaintiffs in Monday's lawsuit questioned such assurances, but focused on another issue in their legal filing: the impact of this year's U.S. Supreme Court ruling that classified carbon dioxide and other greenhouse gases linked to climate change as air pollutants covered by federal law.

The court said the U.S. Environmental Protection Agency must set limits on those emissions unless it finds a scientific basis to reject regulation. The ruling involved motor vehicle emissions but would apply equally to industrial pollution. President Bush has opposed mandatory limits, favoring voluntary curbs by industry.

If the EPA decides to regulate industrial greenhouse gas emissions, the lawsuit said, state and local air-quality agencies will have to use new standards in evaluating power plants. The plaintiffs argued that the peaker plant should be put on hold until the Bay Area Air Quality Management District - which has already approved the plant under existing standards - can reassess the project under future EPA regulations.

If the peaker plant is built before the EPA responds to the Supreme Court and starts regulating greenhouse gases, "there will be no way to retroactively undo the harm," the suit says.

## **Cross-border gas project fuels pollution fear**

### **Air-quality officials decry liquefied natural gas plans**

By Craig D. Rose, STAFF WRITER

San Diego Union-Tribune, Sunday, Sept. 23, 2007

About 50 miles south of the U.S.-Mexico border, along a stretch of dramatically beautiful coastline, Sempra Energy is entering the final construction phases of its Energía Costa Azul liquefied natural gas terminal.

LNG is a supercooled, liquid version of natural gas, the fuel used widely to heat water, warm homes and drive electricity-generating plants. Converting the gas to liquid allows it to be shipped aboard specialized tankers and traded around the world.

The natural gas from Sempra's new terminal, for example, is expected to come from Indonesia and other nations and begin arriving in Southern California early next year. It will travel through the same pipes that carry gas from Texas, New Mexico and Canada, as well as within California. It will be burned in the same equipment.

But there is a key difference: Sempra's gas will bring hundreds of tons of additional air pollution to a region already struggling to improve some of the worst air in the United States.

The Sempra fuel is "hot gas" in industry parlance, laden with compounds such as butane, propane and ethane that cause substantially more nitrous-oxide pollution when burned than most gas now used in Southern California.

Nitrous-oxide emissions play a major role in causing ozone pollution, a prime component of Southern California's air-quality problems. While some of the gas now burned in the region is similar to that which will be imported from Costa Azul, pollution experts say the critical factor is that the average quality of gas now used here is significantly higher.

That average fuel quality will decline markedly when large quantities of Costa Azul's gas are imported, pollution monitors say.

Unlike the introduction of other sources of pollution - which trigger environmental review and plans for mitigation before they are permitted - utility regulators have opened the door to Costa Azul's gas with little scientific study and no plan for dealing with the expected pollution.

The technology exists to bring the gas from Costa Azul up to the average now in use across this region. However, state utility regulators are not requiring that level of treatment, and Sempra has declined to invest what it said would be an additional 1 percent to 2 percent of cost to clean the fuel.

The open-door approach to a new source of pollution has sparked outrage and lawsuits from air-pollution monitors, the city of San Diego and environmentalists. The State Lands Commission has sought to deal with the impact of Costa Azul's gas by requiring owners of the pipeline that would carry the fuel to come up with plans for monitoring and dealing with any pollution that results.

"If anybody wants to replace the natural gas we now get from interstate pipelines, it's fair to ask them to keep the same quality," said Chung Liu, chief scientist for the South Coast Air Quality Management District in Los Angeles. "It's fair to ask anyone who wants to bring in gas to not make it worse."

Local air-pollution officials preliminarily estimate that burning gas from Costa Azul will cause more than three times the nitrous-oxide pollution that is created by the San Diego Gas & Electric Co.-owned power plant in Escondido, currently the largest single source of these emissions in the county.

Air pollution already takes a heavy toll across Southern California. According to the South Coast district, pollution levels cause more than 5,000 premature deaths each year.

"We cannot afford any increase in emission from 'hot gas' in our region," said Sam Atwood, a spokesman for the South Coast district.

San Diego County currently has 208 tons of nitrous-oxide emissions each day. Robert Reider, planning supervisor for the San Diego Air Pollution Control District, said the region's emissions must fall to roughly 195 tons to bring ozone levels down to federally mandated levels.

Burning gas from Costa Azul would add 1 ton per day of nitrous-oxide emissions to the local air basin, the pollution district estimates.

Doug Kline, a Sempra corporate spokesman, said a potential increase in pollution from the Costa Azul natural gas has not been “scientifically proven.” He also noted that Sempra’s gas would meet a new standard set by the California Public Utilities Commission.

Rick Morrow, vice president of customer service for Sempra’s utilities - SDG&E and Southern California Gas Co. - said some hot gas already is burned in the region, although he agreed that the average quality of gas now used does not fall into that range.

The utilities say it should be possible to mitigate whatever additional pollution results from burning the Costa Azul gas. They say equipment used by large gas-burning facilities such as power plants can be adjusted to minimize pollution.

Sempra’s utilities also say they plan to monitor the effect on air quality as Costa Azul’s gas is introduced.

The company has no plans to deal with a potential increase in emissions from residential heating equipment, hot-water systems and other smaller gas-burning devices. Denise King, a spokeswoman for Sempra’s utilities, said the utilities do not believe emissions from that equipment will be an issue.

Emissions from residential appliances are currently responsible for 2 tons of nitrous-oxide emissions a day in San Diego County. Sempra estimates that emissions from those devices could increase by about 1 ton daily if they burn Costa Azul’s natural gas.

The South Coast air district said hundreds of thousands of devices may be affected, setting the stage for a cumbersome and costly process if adjustments are needed to reduce emissions.

“The question is: Who will make the adjustments?” said Tina Cherry, a spokeswoman for the district.

Adjusting appliances in the field generally helps reduce emissions of all kinds, said a spokesman for GAMA, the gas-appliance industry association. Frank Stanonik, GAMA’s chief technical adviser, added that the industry is studying other aspects of the new gas supply.

“We are at the beginning of starting to sponsor some research on how appliances of current design might react to seeing natural gas of different specifications,” Stanonik said. “It appears that most appliances would probably be able to handle the LNG. But I am not going to say there won’t be problems. I don’t have enough information.

“We want the gas to be the same as it is now. That would be our preference.”

Sempra said treating the gas to conform to a specification recommended by South Coast air-quality officials would not make economic sense. The LNG-derived fuel will compete against North American gas, which does not require the expensive shipping and processing of LNG.

Moreover, the California Public Utilities Commission, which last year voted to allow the Costa Azul gas into the state, does not require the gas to be cleaned to that degree.

In its vote, the PUC rejected requests by air-pollution regulators to postpone a decision until it could conduct a California Environmental Quality Assessment, which would have considered the air-quality impact of the gas.

Instead, the commission relied heavily on recommendations from natural gas industry trade groups to set what it characterized as a new and stricter standard for natural gas supply.

While commission members tightened the technical index for gas quality - called the Wobbe Index - they declined to lower it to a level suggested by pollution monitors, which would force further treatment of Costa Azul’s gas.

The failure to perform the environmental analysis prompted the South Coast pollution district and the city of San Diego to sue the PUC. Ratepayers for Affordable Clean Energy, a coalition of environmental groups, also sued. The cases were filed in state courts.

"What we want is a meaningful review of the potential health hazards," said San Diego City Attorney Michael Aguirre. "We are involved because there is a substantial threat to public health."

Citing the ongoing litigation, the PUC declined to comment.

As the cases against the PUC move through the courts, the State Lands Commission has taken action. In July, it required owners of the pipeline that would be used to bring some of the gas from Costa Azul to provide a study of the environmental impact and offer a plan for mitigating whatever additional pollution it might create. That plan is due Oct. 1.

Lt. Gov. John Garamendi, who sits on the lands commission, said even though Sempra asserts that cleaning up the imported gas would be costly, not cleaning it up leaves others paying a price.

"This is a bottom-line issue for people with asthma and a bottom-line issue for health," Garamendi said.

Henry Morse, general manager of North Baja Pipeline, a unit of TransCanada, said the company is studying the commission's decision, which came in an amendment to the company's state lands lease.

Sempra said fears of more pollution are exaggerated, although the pollution data that have alarmed critics were largely compiled by the company itself. The company's utilities said its estimates of additional pollution were based upon using gas from Costa Azul in existing equipment.

"We did thousands of tests on equipment over a three-year period," said Morrow of Sempra's utilities. "We think there will be no impact on safety, and the impact on emissions will be extremely low."

## **U.S. Trying to Block Calif. on Emissions**

By Juliet Eilperin, Washington Post Staff Writer  
Washington Post, Tuesday, September 25, 2007

The Bush administration has conducted a concerted, behind-the-scenes lobbying campaign to try to generate opposition to California's request to regulate greenhouse gas emissions from cars and trucks, according to documents obtained by the House Committee on Oversight and Government Reform.

California, along with 11 other states, is hoping to enact rules that would cut global warming pollution from new motor vehicles by nearly 30 percent by 2016. To do so, California needs a waiver from the Environmental Protection Agency, a request that has been pending for nearly two years. California Gov. Arnold Schwarzenegger (R) has threatened to sue if EPA does not rule on the waiver by Oct. 22.

A flurry of e-mails among Transportation Department (DOT) officials and between its staffers and the White House, released yesterday, highlights efforts that administration officials have made to stir up public opposition to the waiver. Rather than attacking California's request outright, Bush officials quietly reached out to two dozen congressional offices and a handful of governors to try to undermine it.

One May 22 e-mail written by Jeff Shane, undersecretary of transportation for policy, outlined how Transportation Secretary Mary Peters orchestrated the campaign. Peters "asked that we develop some ideas asap about facilitating a pushback from governors (esp. D's) and others opposed to piecemeal regulation of emissions, as per CA's waiver petition," Shane wrote. "She has heard that such objections could have an important effect on the way Congress looks at the issue."

The next day, Shane sent Tyler Duvall, assistant secretary for transportation policy, an e-mail asking: "Are we making any headway in identifying sympathetic governors? [Peters] asked me about them again this morning. . . . She's going to want to address it this afternoon."

Some DOT officials expressed discomfort with the campaign. When one government affairs aide in Peters's office who had been making calls to lawmakers questioned whether the department was being too aggressive, an assistant secretary responded, "I think we need to be a bit careful on this." The agency's chief of staff wrote the next day, "The last e-mail isn't a good conversation for email."

In a letter yesterday to James L. Connaughton, chairman of the White House Council on Environmental Quality, Rep. Henry A. Waxman (D-Calif.) asked him to "repudiate these efforts."

"If Secretary Peters has concerns about whether California's application meets the legal standards set forth in the Clean Air Act, she should submit comments to EPA making her case," wrote Waxman, chairman of the oversight panel, which negotiated for three months to have the documents released. "Instead of taking this action, however, she apparently sought and received White House approval to use taxpayer funds to mount a lobbying campaign designed to inject political considerations into the decision."

Connaughton's spokeswoman, Kristen Hellmer, defended Peters, saying "the issue comes in the context" of President Bush's call to cut gasoline use by 20 percent by using alternative fuels and increasing fuel efficiency for cars and trucks.

"The EPA administrator will be making an independent and objective decision based on the merits of California's petition and the record of public input before the agency," Hellmer said. "Outreach by federal officials to state government counterparts and members of Congress on issues of major national policy is an appropriate and routine component of policy development."

DOT released a statement yesterday saying its staff's efforts were "legal, appropriate and consistent with our long-held position on this issue."

But Schwarzenegger spokesman Aaron McLear questioned why Bush officials would go to such lengths to mobilize opposition.

"The Clean Air Act gives California the right to set its own emissions standards. Regardless of pressure, the EPA has a responsibility to allow California, and all the states that are behind us on the issue, to exercise our right," McLear said.

## **E-mails show DOT chief fought state on emissions**

### **Official lobbied against letting California enforce own standard for tailpipe exhaust**

By Frank Davies, Medianews Staff

Tri-Valley Herald, Tuesday, September 25, 2007

WASHINGTON - U.S. Secretary of Transportation Mary Peters, with the knowledge of the White House, directed a behind-the-scenes effort to block California's request for its own, more stringent tailpipe emission standard, according to documents released Monday by a congressional committee.

A trail of e-mails show Peters prodding her staff this spring to persuade members of Congress and state governors to oppose California's request, now pending with the Environmental Protection Agency, to enforce its own standards. To contact members, DOT staffers used a list of congressional districts with auto facilities provided by the auto industry.

Secretary Peters "asked that we develop some ideas A.S.A.P. about facilitating a pushback from governors (esp. D's) and others opposed to piecemeal regulation of emissions, as per CA's waiver petition," Jeff Shane, Peters' undersecretary for policy, told staffers in a May 22 e-mail about the California request. "Esp. D's" meant "especially Democrats."

In another e-mail, a DOT staffer told Peters' chief of staff that Marty Hall, chief of staff at the White House Council on Environmental Quality, was "OK with (the secretary) making calls" to lobby Congress.

The e-mails were released Monday by Rep. Henry Waxman, chairman of the House Oversight Committee. Waxman, a Los Angeles Democrat, said the documents, along with interviews with

Hall and other staffers, showed that "the administration is trying to stack the deck against California's efforts to regulate greenhouse gas emissions from motor vehicles" and that "political considerations - not the merits of the issue" - will determine EPA's decision.

Waxman's committee revealed three months ago that DOT staffers had made calls to the Hill, suggesting that members weigh in with the EPA against the California request. Monday's documents show a high level of administration involvement, with Peters pushing the lobbying effort and offering to call members of Congress.

Simon Gros, former DOT deputy chief of staff, told the committee that five DOT staffers contacted 20 to 25 members of Congress, and that Peters personally called two to four governors. The e-mails also show that Peters talked several times with the head of the EPA, Stephen Johnson, about the issue.

Gros told the committee, "We were hoping to solicit comments against the California waiver."

In a statement from Peters' office, the DOT defended the lobbying effort as "legal, appropriate and consistent with our long-held position on this issue," that states should not be allowed to set their own fuel economy standards.

California is allowed under the Clean Air Act to set its own emissions standards if it secures a waiver from the EPA. At least 11 other states are waiting to adopt the California standard, designed to reduce greenhouse gas emissions by 30 percent from new models in 2016, which has made this a major environmental issue.

California made its request of the EPA in 2005, and Johnson has said he will make his decision before the end of the year after "a rigorous analysis."

That schedule has not satisfied the state's top officials. Gov. Arnold Schwarzenegger, who asked Johnson to approve the waiver, announced in April that the state will sue by late October to seek the enforcement authority if the EPA has not made a decision.

"Regardless of the pressure and lobbying taking place, we expect the EPA to follow through and allow what California can do under the Clean Air Act," said Aaron McLearn, the governor's spokesman.

Mary Nichols, chairwoman of the state's Air Resources Board that made the waiver request, said: "We're deeply disappointed to hear of confirmed reports of back-room maneuvering to deny our request. We will move ahead with our lawsuit if the EPA fails to act in the next few weeks."

Waxman asked the White House to repudiate the lobbying effort, but a spokeswoman for the Council on Environmental Quality, Kristen Hellmer, said the CEQ did not object to "outreach" by the DOT on the overall issue of fuel standards. Hellmer also said the CEQ, which advises the White House and federal agencies on environmental policies, had not taken a position on the California waiver.

Hall, the chief of staff at CEQ, "did not confirm or deny White House involvement, and said he could not remember specifics," Waxman said.

The committee has not yet sought any documents from the White House or EPA on this issue.

Waxman said that while the DOT effort did not violate anti-lobbying rules, Peters and other top officials should have made their positions public, as did hundreds of other officials, groups and citizens who participated in two public hearings and filed statements with the EPA.

The e-mails show that some DOT staffers were concerned about the propriety of the lobbying campaign, even as Peters was pressuring the staff to make more contacts.

"Simon, we are a bit concerned about the conversation on this task - appears to sound more like lobbying," staffer Heideh Shahmoradi wrote Gros in an e-mail. "I have already made a bunch of calls - looking back, I may have said more than I should have."

The e-mails also show an ongoing relationship between the DOT, several members of Congress and the auto industry. Gros, in one e-mail, told Peters that the staff of Rep. Joe Knollenberg, R-

Mich., "is going to ping other members of the automotive caucus for us. My staff this morning called just about every auto-friendly member of this issue."

Environmental groups said the revelations about DOT lobbying would add to the pressure on the EPA to make a nonpolitical decision. Earlier this month, a federal judge in Vermont ruled that states can set their own emissions standards under the Clean Air Act, despite opposition from the auto industry.

The Congressional Research Service, a nonpartisan arm of Congress, also found in a report last month that California "appears to have a strong case" for its request.

Frank O'Donnell, who heads Clean Air Watch in Washington, predicted "these revelations will make it harder for EPA to turn down California's request because it will appear as if the fix was in from the beginning."

### **Waxman: Administration lobbies against Calif emissions standards**

By JIM ABRAMS , Associated Press Writer

in the Modesto Bee and Merced Sun-Star, Tuesday, September 25, 2007

WASHINGTON - A senior California lawmaker on Monday said the administration was trying to "stack the deck" against his state's proposal to impose tough standards on motor vehicle emissions, and urged the White House to repudiate what he called a questionable lobbying effort.

Rep. Henry Waxman, D-Calif., chairman of the House Committee on Oversight and Government Reform, said documents and interviews showed that the White House approved a behind-the-scenes lobbying effort to urge members of Congress and state governors to oppose EPA approval of the new California standards.

That lobbying campaign, Waxman said in a letter to James L. Connaughton, chairman of the White House Council on Environmental Quality, "sends an unmistakable message: the administration is trying to stack the deck against California's efforts to regulate greenhouse gas emissions from motor vehicles."

The council's spokeswoman, Kristen Hellmer, said the issue comes in the context of President Bush's call for a national program to replace 20 percent of the nation's gasoline use in 10 years through fuel efficiency and alternative fuels.

"Outreach by federal officials to state government counterparts and members of Congress on issues of major national policy is an appropriate and routine component of policy development," she said.

In December 2005 California sent the Environmental Protection Agency a request to waive the Clean Air Act so it could implement new greenhouse gas emissions standards on cars and light-duty trucks aimed at reducing global warming pollution from new vehicles by almost 30 percent by the year 2016.

Eleven other states have adopted the California standards but can't enforce them unless the EPA grants the waiver.

The auto industry is opposed to the waiver, arguing that there should be one federal standard for tailpipe emissions. California officials have reproached the EPA for putting off a decision, which the EPA now says will come before the end of the year.

California Attorney General Jerry Brown said in an interview that he planned to sue the EPA next month over the "unconscionable delay." He said the Waxman disclosures revealed that "a far-reaching and very solid effort on the part of California is being frustrated by covert sabotage by the Department of Transportation."

Waxman's letter cited numerous e-mails and other communications among officials of the Department of Transportation, the Council on Environmental Quality and the EPA that he said showed the clear intent of the administration, led by Transportation Secretary Mary Peters, to lobby against the waiver.

He said former Transportation Department deputy chief of staff Simon Gros, in an interview with committee staff, related that five department staffers contacted between 20 and 25 members of Congress, and that Peters personally called two to four governors.

Waxman, in his letter, said Peters and Connaughton were free to make public comments to the EPA on the merits of the California standards, but "it is not an appropriate use of taxpayer dollars to organize a lobbying campaign to politicize this vital regulatory decision."

He said coordination with the EPA, "would be especially problematic" because the EPA is charged with making an independent and objective decision.

The Transportation Department, in a statement, said its efforts to inform elected officials were "legal, appropriate and consistent" with its long-held positions. "For over 30 years, the department has supported a single national fuel economy standard as part of our effort to save fuel, ensure safety, preserve the environment and protect the economy."

### **Green light for governor?**

#### **Three pro-environment bills await his OK**

By Judy Lin - Bee Capitol Bureau

Sacramento Bee, Monday, September 24, 2007

Gov. Arnold Schwarzenegger is about to be tested on how far he's willing to go to keep his reputation green.

Sitting on the governor's desk are three Democratic bills that would expand California's efforts to reduce greenhouse gas emissions by requiring state, residential and certain commercial buildings to adopt environmentally responsible practices in design and construction.

If Schwarzenegger signs the bills, California could begin requiring more efficient use of water in new homes as well as energy-efficient lighting in large office buildings, and more state workers could find themselves treading on recycled carpet.

"If he's serious about reducing global warming, he needs to make buildings more efficient," said Assemblyman Ted Lieu, D-Torrance, co-author of Assembly Bills 888 and 1058, which deal, respectively, with commercial and residential buildings.

The governor has until Oct. 12 to sign or veto bills passed by the Legislature. The executive branch has remained mum about whether Schwarzenegger will sign the three green building bills, but state officials say they are already working toward green building standards.

"It wouldn't change much of what we're doing," said David Walls, executive director of the Building Standards Commission, which has opposed both bills. The commission regulates building codes.

Building and business interests also are concerned about the cost of going green at a time when construction costs are rising.

AB 888 would require some commercial buildings over 50,000 square feet, including banks and auto dealerships, to meet a gold rating by 2013 from the U.S. Green Building Council, which developed the widely used Leadership in Energy and Environmental Design rating system to measure a building's energy efficiency.

LEED ratings are based on points, and Bob Raymer of the California Building Industry Association said that spending a few hundred dollars on energy-efficient lighting could earn a project the same number of points as installing solar panels, which can run tens of thousands of dollars.

"If you've got a relatively small building and you've got to comply with LEED goals, it's going to cost you more than 1 or 2 percent" of construction costs, Raymer said. "And I'm not sure you'd recoup it."

To be certified as a LEED green building, commercial projects must meet certain prerequisites. Depending on the number of points they accumulate, the projects are awarded either a certified, silver, gold or platinum rating.

Lieu wants the state to adopt the gold rating as the state standard. Assembly Bill 35 by Assemblyman Ira Ruskin, D-Redwood City, would direct state buildings to meet the same standard after 2010.

AB 1058, meanwhile, would direct the Department of Housing and Community Development to set a statewide residential green building standard. The U.S. Green Building Council, which doesn't now have a residential LEED scale, is developing one.

"When you look at the energy consumption and waste of the construction process, they're all huge issues in relation to greenhouse gases and general environmental protection," said Assemblyman John Laird, D-Santa Cruz, co-author of the bill.

Democratic lawmakers and environmentalists say technology has improved enough that it doesn't cost much to build green. To appease opponents concerned about allowing a nongovernmental group to set standards, Lieu amended AB 888 to let the state's Building Standard Commission establish its own green standards.

Dan Geiger, executive director of the Northern California chapter of the U.S. Green Building Council, believes owners often can find themselves saving money in the long run.

A recent study of 221 buildings conducted by the consulting firm Davis Langdon found "no significant difference in average costs" when comparing green and non-green buildings ranging from laboratories to libraries.

The study, titled "Cost of Green Revisited," also found that although average construction costs rose dramatically in the previous three years, many projects achieved LEED certification within budget.

The governor has set a goal to reduce energy use by 20 percent in state-owned buildings by 2015. According to the Department of General Services, the state has nine LEED-certified buildings and more than 100 on the way.

Inside the old Department of Education building at Seventh Street and Capitol Mall, the state has spent \$18 million renovating the 145,000-square-foot structure, which the state hopes will earn a LEED silver rating.

When Department of Rehabilitation employees move into the 1950s building, they will get 21st century technology.

White, light-reflecting rubber replaced the heat-absorbing gravel on the roof. Motion-sensor lighting was installed to save energy. And a less toxic carpet was made from recycled carpet.

The California Environmental Protection Agency building at 10th and I streets already boasts a LEED platinum rating. The new California State Teachers' Retirement System headquarters going up in West Sacramento will seek a gold rating.

Democratic lawmakers and environmentalists applaud the effort but say the state can do more, not only in government buildings but in homes and offices.

"How does rejecting these green building bills fit in (Schwarzenegger's) role in fighting global warming?" said Jim Metropulos, legislative representative for Sierra Club California. "We can't just be fighting (emissions from) moving cars and coal plants. One of the most economical ways is energy efficiency in buildings."

Chuck Hack, director of business development for Lionakis Beaumont Design Group, a private firm, said it can be difficult to talk commercial developers into spending money on LEED certification.

But "at the end of the day, the way technology and products are going, building sustainable should not cost any additional money," Hack said.

"It should just be part of good design."

## **Stop sprawl to curb emissions, environmental group says 'Smart growth' key to cutting greenhouse gas, report advises**

By Erik N. Nelson, Staff Writer

Tri-Valley Herald, Monday, September 24, 2007

OAKLAND - California can boost its fight against global warming while cutting time, fuel and money wasted in traffic congestion if its local governments revamp sprawl-promoting planning policies, a newly formed coalition of environmental and "smart" planning groups declared Thursday.

For a quarter century, local governments have promoted and subsidized vast islands of tract houses in one place, office parks and shopping malls in another and miles of expensive roadways and other infrastructure linking them, notes the first report by ClimatePlan, a group of nine primarily environmental groups that includes the Oakland-based Transportation and Land Use Coalition, the National Resources Defense Council and the Sierra Club.

"This trend of poorly planned growth - sprawl - forces Californians to spend more time behind the steering wheel each year," the report says.

While this problem of sprawl-created congestion and environmental degradation has seemed intractable for decades, the groups hope that the "political climate change" behind reducing greenhouse gases could spur real changes in the way Californians build and redevelop their communities.

"There should be so much new money available if they want to do it right," said Stuart Cohen, executive director of TALC. Even a small portion of the \$20 billion or so in transportation funds doled out by the Legislature and the California Transportation Commission each year could reward such local jurisdictions, he said.

The new group - which also helped present a national growth-altering strategy in the nation's capital Thursday - seeks statewide policy to encourage development patterns that minimize vehicle trips made by residents of new development.

The idea is similar to the way San Bernardino County altered its development policy after settling a global warming lawsuit brought by California Attorney General Jerry Brown in April.

While that sort of enforcement action helps, "you can't get there if you do this on a jurisdiction-by-jurisdiction basis," Adams said.

San Bernardino officials lamented after the settlement that they only control about 15 percent of land that can be built on, while municipalities within the county control the rest.

The connection between planning and greenhouse gas emissions is simple, ClimatePlan members say.

Residents of communities designed with services, work opportunities and convenient public transit nearby drive one-third as much as their counterparts in traditional sprawl development, the group stated.

While the state's landmark Assembly Bill 32 setting targets for the reduction of greenhouse gas emissions might have the power to foster increases in the use of more fuel-efficient cars, it would be virtually powerless to control residential and commercial growth patterns.

"California land use is under the exclusive jurisdiction of local government," explained Tom Adams, president of the league's board of directors, at the Oakland news conference. "We need to encourage local government to use their land use to further our climate objectives."

Local governments subsidize an average of \$20,000 of infrastructure costs needed for every new home built in sprawling suburban subdivisions, said Amanda Eaken, a policy expert with the NRDC.

Maryland, considered the birthplace of anti-sprawl "smart" growth, has passed laws to reward more compact, mixed-use development where people can walk to shops, school and work, she said, "and suddenly, the developers are not seeing sprawl development pencil out anymore."

One of the first steps toward coaxing local governments to foster more compact growth would be passage of State Senate Bill 375, which would require the smog-regulating California Air Resources Board to set regional emissions targets.

But that bill's rocky history - it barely survived this year's legislative calendar - may be an indicator of just how difficult changing land-use policies will be.

"Local government is going to respond, and has responded, pretty negatively to the state getting involved in land use policies," said Randy Rentschler, a spokesman for the Metropolitan Transportation Commission, which supports the bill.

"Part of that is just theological," Rentschler said. "It doesn't matter what the issue is, it doesn't matter if the state is on the right side or the wrong side, local government doesn't want the state involved in how to zone their land."

[Tri-Valley Herald commentary, Tuesday, September 24, 2007:](#)

### **Clear the streets: Work at home**

Erik N. Nelson

We love to complain about traffic congestion.

One thing that often comes up in discussions about how to deal with the problem is telecommuting.

It's like riding a bicycle to work. It would be really helpful if a significant number of people did it, but they don't anywhere except in cities of developing nations where people can't afford cars, trucks and SUVs.

Well, telecommuting isn't exactly like that. It doesn't make you sweat; quite the opposite. But precious few do it on a regular basis, so its impact on congestion and smog don't live up to its glowing reputation.

I know why I don't do it more often. I like to work in an office. I like to be around other human beings, united in the purpose of informing the public or whatever it is we're expected to do.

I'm also called upon now and again to cast off the shackles of my desk, computer and land-line and venture into the Bay Area to talk to other human beings who are not in the news business. It's difficult to do that when you work in an affordable home in the Central Valley.

So sometimes, when I need to be close to home to pick up prescription dog food or take my son to a driver's test, I'll work from home. But when I do, I always fret that the Bay Bridge will collapse and I'll miss the excitement.

But what of the rest of you? Why isn't everyone else enjoying zero-mileage commuting?

I just received an e-mail from a publicist who read my TTI study story calling my attention to another study that helps to explain why so few people telecommute.

The outfit that did the study, CDW, a "technology solutions" and whatever company that studied federal agencies' compliance and noncompliance with telecommuting requirements in 2005 and 2006. This year, the firm studied private companies in 2007 and found:

"CDW's national survey of 2,197 respondents - the only concurrent survey of employees and the IT professionals who serve them - found that even employers who can support telework are failing to inform and encourage their employees to use it."

It's probable that in some cases, bosses are just controlling jerks who just like to lord it over their subordinates. They can't do that nearly as well when the proles aren't underfoot. For the record, my editors are the kindest, most understanding and professionally adept people I've ever worked for.

I think the dearth of telecommuting freedom is mostly a matter of both the employers and the employed craving that personal interaction that makes everything work more smoothly. If I'm in a remote location all the time, I can't see the disappointed expression on my boss's face when he looks over at my cubicle. I also can't mitigate that situation as effectively without the ability to show off my furrowed brow as I make repeated phone calls to my contacts and furiously rattle my keyboard with the results of those conversations.

Clearly there are all kinds of work that require a physical presence at one's workplace. But there are many more that could be done just as effectively with a phone and a laptop in the breakfast nook.

So get with it, employers. Showing up is overrated.

[S.F. Chronicle editorial, Tuesday, Sept. 25, 2007:](#)  
**His incomplete trip ...**

PRESIDENT BUSH once again made it clear that he will approach climate change on his own timetable and in his own way. In other words, he continues to show little sense of urgency or compulsion to work in partnership with other nations.

Bush skipped the United Nations meeting on climate change, even though he was in New York on Monday. The president did plan to attend a dinner with Secretary-General Ban Ki-Moon, but his absence at the one-day summit of 80 leaders was yet another signal that the world's largest emitter of greenhouse gases would remain an impediment to bold action. Bush plans to host his own meeting on climate change with 16 "major emitter" nations in Washington later this week. His administration continues to prefer voluntary emissions reductions.

Meanwhile, Gov. Arnold Schwarzenegger went to New York to let the delegates know that California and other states are filling the leadership void. "What we are doing is changing the dynamic," Schwarzenegger said of California's landmark law to reduce greenhouse gases by an estimated 25 percent by 2020. He called for "action, action, action."

"Bush's position on climate change has evolved during his presidency. For years, he was dismissive of the scientific evidence that the planet is warming at an alarming rate as the result of human activity. Today, he claims to be worried about climate change, even if his reluctance for real action suggests otherwise."