

Gap installs solar panels

System at Fresno distribution center uses latest technology.

By Robert Rodriguez / The Fresno Bee
Fresno Bee Wed., Oct. 8, 2008

Gap Inc. officials flipped a symbolic switch Tuesday on a 4,500-solar-panel system at its east-central Fresno distribution center.

The 1-megawatt system spans nearly 5 acres and is capable of producing 1.9 million kilowatt hours annually, or enough to supply power to about 350 homes. Kindley Walsh Lawlor, Gap's senior director, strategic planning & environmental affairs, said the solar project fulfills several important goals for the corporation: support for clean energy, shaving operating costs and reducing its impact on the environment.

"Over the past decade, Gap Inc. has sought to find better ways to do business, and this solar installation is one such shining example," Lawlor said.

As part of a 20-year agreement, MMA Renewable Ventures, the San Francisco-based owner and operator of the system, will sell power to Gap at or below utility rates.

"This is good for business and it's good for the planet," said Mark McLanahan, senior vice president, corporate development for Renewable Ventures. "And in these tough economic times, you need to make that connection."

The installation, one of the larger ones in the San Joaquin Valley, is expected to offset 2.5 million pounds of greenhouse gas emissions annually. That is the equivalent of taking 2,466 vehicles off the road over the life of the project.

Lawlor said Gap is looking at the possibility of adding other solar power sources to its distribution centers throughout the country.

Designed by SunPower Corp. in Richmond, the panels used in the Gap project apply the latest in technology, including a tracking system that automatically tilts the panels to capture the maximum exposure to the sun.

Ingrid Ekstrom, communications manager for SunPower, said the company has designed systems for major companies, including Macy's, Hewlett-Packard and Wal-Mart.

The Gap's system was built in about six months and cost \$7 million. The project was financed by Renewable Ventures, who retains ownership of the system. It's an arrangement that's becoming increasingly popular as companies want the economic advantages of solar power without having to pay for building a system.

"Fresno is a perfect location for these types of projects," said McLanahan of Renewable Ventures. "You have plenty of sun, lots of land and air-quality issues. It makes a lot of sense."

Others have already taken advantage of solar power.

Sizable solar projects in the Valley include a 4.2-megawatt system at Fresno Yosemite International Airport, a 1.2-megawatt system at Fresno State and a 1.13-megawatt system at Clovis-based P-R Farms.

Georgeanne White, Fresno Mayor Alan Autry's chief of staff, welcomed Gap into Fresno's "green" family, saying that much of the region's interest in solar was spurred by OK Produce, a family-run Fresno company that installed a 232-kilowatt solar system five years ago.

Solar for Schulte

By Eric Firpo

Tracy Press Wednesday, October 8, 2008

Tracy will try to put solar or other renewable energy generation on 200 acres it owns on Schulte Road west of town, the City Council decided with a 4-1 vote Tuesday night.

Supporters say a solar or wind farm on the property would put Tracy on the map when it comes to sustainable living, but there are hurdles to overcome first.

Most of them center around restrictions placed on the land by the federal government when it allowed Tracy to acquire it in 2004.

The General Services Administration sold 50 of the 200 acres to Tracy at \$50,000 per acre, but it handed over the rest of the land to Tracy with the proviso that it be used for recreation or education.

The City Council several months ago reversed itself and rejected the site for youth sports fields because of worries about underground high-pressure natural gas pipelines and heavy industry right next door.

To use the land for renewable energy, the federal legislation that granted the city ownership would have to be changed, and the city will now approach its congressman, Rep. Jerry McNerney, D-Pleasanton, to see if that can be done. Mayor Brent Ives and others on the council have brought up the possibility to McNerney in the past, and said he is agreeable to try to alter any hindering laws.

One power company is already in line to see if it can build a solar farm on the land.

GWF Power Systems has applied to double the output of the Tracy Peaker plant to about 350 megawatts, and the company sees a solar farm on the nearby city-owned property as a virtual appendage to a bigger plant, vice president Doug Wheeler told the council. The city will now negotiate with the company to build a solar farm.

"We're very interested, and it makes a lot of sense," Wheeler said.

A solar farm, he said, would make the peaker plant more efficient, and the power it generates would fit nicely with the peaker plant's expansion.

He also said a solar farm would cut the amount of air pollution the plant would spew over Tracy. GWF wants to beef up the plant's megawatt output by burning natural gas to make steam that would drive an electricity-producing turbine. But the solar farm could be used in place of the natural gas, he said, eliminating the air pollution burning fossil fuels could create.

But federal issues with the land have to be settled first, he said, and timing is a question. He said GWF hopes to get its permit to expand the peaker plant in about 18 months.

Federal legislation took 10 years to get passed, Wheeler was told by Councilwoman Suzanne Tucker, who voted against using the land for renewable energy.

"What does (Pacific Gas and Electric Co.) think about driving pylons out there over natural gas pipelines," said the councilwoman, who wanted to explore the chance of using the land for passive recreation. "It's crazy. It's just crazy."

But she had no support.

"This is something we need to do tonight for tomorrow," said Councilwoman Evelyn Tolbert. "We're talking about being in the forefront of a movement."

Broken PM monitor in Bakersfield

By Mark Grossi

Smog Blog, FresnoBee.com, Wed., Oct. 8, 2008

Environmentalists are complaining that an air monitor for dust and other particulate matter in Bakersfield has been broken for months.

It's a bad time for the monitor to be down, they say. Dust from harvesting activities is known to be highest at this time of year.

Plus, the monitor has shown violations in the so-called PM-10 standard in the last few years. Environmentalists say it shows the San Joaquin Valley has problems with PM-10, even though the Environmental Protection Agency last month declared the Valley in attainment of the standard.

The broken monitor will be fixed when officials get a replacement part from the East Coast, according to the San Joaquin Valley Air Pollution Control District. It was ordered in August, officials said.

But they added that the broken equipment is not the official monitor for the Bakersfield area. The official monitor is working, they say.

Related issues will play out in court soon. Earthjustice, based in Oakland, filed legal action earlier this year, challenging the EPA over its findings. The readings from the broken monitor are part of that challenge.

Stanislaus' growth pact leaves some chagrined

By Garth Stapley

Modesto Bee, Wednesday, October 8, 2008

Most leaders in the San Joaquin Valley have approved regional planning cooperation pacts, pledging more compact growth with less pollution.

But reluctant officials throughout Stanislaus County have equated the regional blueprint process with bullying by state government. Their draft pact up for a vote tonight, already several months late, essentially represents the status quo.

Stanislaus' foot-dragging ultimately could harm the valley's seven other counties, some officials say.

"Overall, on a valleywide basis, we're making great strides," said Marjie Kirn, who coordinates the eight-county effort from the Merced County Association of Governments. "But if Stanislaus doesn't step up, it may hurt that effort."

The watered-down scenario going before the Stanislaus Council of Governments tonight would "fall far short of standards called for" by state law, said David Hosley, president of the Modesto-based Great Valley Center.

"There seems to be a tremendous amount of distrust (in Stanislaus County) of motives of the state in wanting a regional vision for land use," Hosley said.

Six counties -- Merced, Madera, Fresno, Kings, Kern and Tulare -- this year overcame differences among their cities to produce countywide growth scenarios. All call for higher living density, a change from the valley's historic pattern of about 91 percent single-family houses.

Fresno County's scenario sees three of every four new units in higher-density duplexes and apartments along transportation routes. Fewer reasons to drive should translate [into less pollution](#) and climate change, the theory goes.

That's what state officials want, reflected in a law recently signed by Gov. Schwarzenegger, a landmark attempt at addressing climate change with new rules for development. Senate Bill 375 would direct transportation money to sprawl-curbing projects.

Not eager, but compliant

Other valley counties were less enthusiastic, but still compliant. Madera County, for example, approved a scenario with duplexes and apartments representing only one in five new units. That's far less than Fresno County, but more than the historic pattern of less than one in 10.

Officials with StanCOG, however, balked at a draft plan calling for 27 percent medium- and high-density units, a "moderate growth scenario" preferred by a majority of people attending 14 community meetings over the summer. StanCOG is a policy board made up of representatives from the Board of Supervisors and the county's nine cities.

In the past month, leaders from the county and its nine cities met individually on the matter. City councils in Newman, Riverbank and Waterford affirmed the moderate-growth plan, but those in Modesto, Turlock, Oakdale, Patterson and Hughson deferred acting until after tonight's StanCOG vote.

Ceres officials rejected the moderate-growth scenario, saying their general plan provisions should suffice. What started as talk of a conceptual plan has morphed into unreasonable demands to satisfy the state's climate-change legislation, Mayor Anthony Cannella said. "Frankly, I find that offensive," he said. "What was supposed to be a carrot has now become a stick."

County supervisors last week said they will come up with another proposal based less on housing options and more on other contributors to greenhouse gas emissions.

"The blueprint thing is the biggest bunch of nonsense I've seen," Supervisor Jim DeMartini said last week. "It's nothing more than a state takeover of local (planning authority)."

Adding more spice to tonight's meeting is a scheduled presentation on SB 375 by its chief consultant, Bill Craven. Supervisor Jeff Grover, at a meeting Tuesday, said Craven is coming to "school us." Scoffed DeMartini, "Spin us might be a better term."

With no consensus among agencies throughout Stanislaus County, StanCOG senior planner Lark Downs cobbled a draft pact for tonight's meeting, relying on individual general plans.

But a study unveiled last week says the valley would not meet new state standards if left to existing general plan policies, a University of California at Davis expert concluded.

Also late to the regional-cooperation party is San Joaquin County, where planning leaders reviewed but did not approve an incremental-change scenario in September. They, too, "expressed concern with respect to the state's intent," said Dana Cowell, deputy director of the San Joaquin Council of Governments. It's too early to say whether the item will be treated this month or next, he said.

Kirn, who is spearheading the valley's blueprint, said some officials may balk at regional planning for fear of losing power over decisions such as approving stores, the sales tax of which brings money to local coffers. That means a lot at a time when agencies are struggling to balance budgets, to keep parks open and keep public safety officers on the street.

"Unfortunately, they're making poor decisions based on short-term financial benefits," Kirn said. StanCOG's policy board will meet today at 6 p.m. in the basement chamber of Tenth Street Place, 1010 10th St., Modesto.

Walkers to raise awareness of pollution, respiratory issues

By Angela Hart - Oakland Tribune

In the Tri-Valley Herald & Contra Costa Times Wed., October 8, 2008

When Jenn Cordeiro's father died in February after being diagnosed with stage four lung cancer, she and her 7-year-old son, Gabrien, both of Danville, formed "Team Grampa" to raise money and awareness about the air we breathe.

"Team Grampa" has raised more than \$1,600 and is part of hundreds of people expected to participate Saturday in the Healthy Air Walk at Lake Merritt in Oakland.

The walk is being sponsored by the American Lung Association and the Bay Area Quality Management District.

Event sponsors hope to raise \$325,000 to combat air pollution and global warming.

"Californians breathe some of the unhealthiest air in the nation," said Karen Fulton Holine, regional vice president of the American Lung Association.

"Air pollution can cause or worsen lung disease and contribute to global warming."

May Visperas of Oakland lost her son to lung disease 10 years ago. She vows to walk Saturday in hopes of turning her personal tragedy into an opportunity to help others understand the seriousness of asthma.

"My son was only 11 when he died from an asthma attack," Visperas said. "This was our nightmare. Please do not let it be yours."

She calls her team "Rey's Angels" in memory of her son. "He brought brightness into every room," Visperas said.

After the walk there will be a Healthy Air festival featuring music and information booths where walkers can get more information on sustainable living, including

electric vehicles, alternative transportation and solar energy.

If you go

- What: Healthy Air Walk
- Where: Lake Merritt, Oakland
- When: 10 a.m. Saturday. Check-in at 9 a.m. at bandstand
- Cost: \$100 minimum pledge
- Details: Visit www.healthyairwalk.org or call 1-800-LUNG-USA (586-4872)

Benicia council rejects Seeno business park plan

By Jessica A. York, Vallejo Times Herald

Contra Costa Times, Wednesday, October 8, 2008

BENICIA — A weary City Council early today rejected a 528-acre business park development amid concerns that its health and safety drawbacks were too numerous to overcome.

The 3-2 vote was taken shortly after 1 a.m. despite last-minute developer concessions to reduce traffic, air pollution and promises to seek high-tech businesses to locate in the project.

The Benicia Business Park, an industrial and commercial venture, has undergone intense resident scrutiny over the past several years. Public distrust of the site developer's parent company has been acknowledged as a stumbling block by both the city and applicant, Discovery Builders, an affiliate of Concord-based Seeno Homes.

All the parties, the city, residents and Discovery Builders representatives had intimated that a legal challenge could follow whatever decision the council made.

Mayor Elizabeth Patterson said Benicia deserved an "A-plus" project, and this one merited a "C."

Supporting the project were council members Mark Hughes and Alan Schwartzman. Joining Patterson in opposition were members Mike Ioakimedes and Tom Campbell.

On Tuesday night, dozens of speakers were directed to confine more than two hours of comments to a supplemental traffic study the council sought in June after they agreed that it had not had enough time to consider the project, and a revised traffic study was needed.

The study indicated that the business park would draw thousands of additional cars each day to East 2nd Street north of Military West.

That led several speakers to argue that the project area would exacerbate existing air pollution problems as well as lead to the types of traffic jams rarely seen in this city.

The city's school district leaders were among the announced foes, having agreed during a closed meeting earlier in the evening that traffic, noise and pollution would endanger the health and safety of students at Robert Semple Elementary School.

Attempts to get Discovery Buildings to commit to an air filtration system, insulated windows and a sound wall at the school were unsuccessful, board president Rosie Switzer told the council.

Later, Discovery Builders vice president Salvatore Evola agreed to the district's demands and shortly before the critical vote committed to others that council members proposed.

During a public hearing in advance of the council vote, project opponent Roger Straw, a representative of the resident group Green Gateway, envisioned a "big city" future for Benicia, where traffic jams, a "brown haze" and a steadily declining downtown would become the norm.

Speaking in support was former Solano County Economic Development Corporation head Brooks Pedder, who said the project offered an opportunity to attract high-end businesses to the county. Pedder also is a managing partner of Colliers International, a commercial real estate firm.

The city staff reported the project would unavoidably affect regional air pollution. Knowing that "requires the city to balance the benefits of the project as a whole against this environmental impact," the staff report said.

Commercial launderer fined by EPA for air emissions in Pittsburg

By Paul Bugarino, East County Times

Contra Costa Times, Wednesday, October 08, 2008

The U.S. Environmental Protection Agency fined a commercial industrial laundry company \$425,000 for violations at two of the company's California facilities, including one in Pittsburg.

G&K Services locations in Pittsburg and Santa Fe Springs generated hazardous waste from the cleaning of solvent-contaminated rags by not controlling air emissions, EPA officials said.

The EPA conducted the routine inspections of the G&K site in Santa Fe Springs in February 2007 and the Pittsburg facility this March, said John Schofield, an environmental scientist with the EPA's Pacific Southwest regional office. This June, the EPA informed G&K it intended to bring administrative enforcement action against the Minnesota-based company, G&K officials said.

EPA inspectors found several violations by G&K Services in the process of heating contaminated rags to dry off solvents. The solvent vapors are supposed to be collected and condensed in storage tanks, Schofield said.

G&K failed to properly store ignitable hazardous waste; failed to meet air-emission standards for equipment leaks and containers; failed to provide overfill protection for small hazardous-storage tanks; and failed to maintain training records among other infractions, officials said.

"This is a large fine because these facilities had significant hazardous waste-management problems," Jeff Scott, Waste Management Division director for the EPA's Pacific Southwest region, said in a news release.

"Controlling air emissions is important in protecting air quality, and the EPA is committed to aggressively enforcing safe hazardous waste-handling requirements."

Shayn Carlson, director of investor relations for G&K, said the company disputed some of the allegations made by the EPA. The company hired an outside environmental consultant, and decided to cooperate and work in good faith to quickly address the violations of which it was accused, he said.

The violations are unusual for a commercial laundry company, as those firms normally use water-based processes, Schofield said.

G&K facilities are now in compliance, Carlson said.

G&K has been "very responsive" in remedying the problems found during the inspection, Schofield said. Pittsburg's facility went to a "closed loop system" so all the vapors are captured, he said.

House Democrats unveil draft climate change bill

By DINA CAPPIELLO, Associated Press Writer

Modesto Bee & other papers Wednesday, October 8, 2008

WASHINGTON — With the presidential election less than a month away and the economy reeling, House Democratic leaders on Tuesday unveiled a proposal to reduce the gases blamed for global warming from power plants, transportation and factories by 80 percent come 2050.

The draft legislation, which will be refined in coming months for introduction next year, would begin slowly, capping emissions of heat-trapping gases released by transportation and power plants first, then moving to other sectors of the economy. The money earned from auctioning off some of the permits would be redirected to energy efficiency and clean technologies. In later years, all permits would be sold with the proceeds going back to the taxpayer, unless Congress reauthorizes the bill.

"Politically, scientifically, legally, and morally, the question has been settled: regulation of greenhouse gases in the United States is coming," wrote House Energy and Commerce Committee Chairman John Dingell, D-Mich., and energy and air quality subcommittee Chairman Rick Boucher, D-Va. in a letter explaining the 461-page draft, which has been in the works for two years and was the subject of more than two dozen hearings.

The only questions are when, and how.

With the economy in turmoil, prospects have dimmed for federal legislation that would create a massive new market for carbon dioxide and in the short-term likely increase energy costs. The draft also makes clear that the federal government should take the lead on regulating greenhouse gases, rebuffing states such as California that want to set their own fuel economy standards and pre-empting regional markets for carbon dioxide, such as the one in the Northeast.

The bill tries to address the economic concerns by excluding small businesses and increasing the number of permits when prices spike.

But Texas Rep. Joe Barton, the committee's senior Republican, said Tuesday the bill would still lead the country off "the economic cliff."

The proposal falls in between plans put forward by both presidential candidates, but makes deeper cuts than a similar bill that failed in the Senate earlier this year. All the proposals rely on a cap-and-trade mechanism - which allows industries to either reduce their pollution or to purchase credits from companies exceeding pollution targets - to meet mandates.

Democratic presidential candidate Barack Obama's plan calls for an 83 percent reduction in greenhouse gases from 2005 levels by 2050, while Republican John McCain's proposal would achieve a 66 percent cut over the same time period. A Senate bill that failed 48-36 in June would have slashed heat-trapping emissions from a variety of sources by 71 percent by mid-century.

Environmentalists on Tuesday said the bill was a step in the right direction, but criticized the pace of the cuts and some of the details. Reductions wouldn't begin until 2012, allowing time for the necessary technology to be developed.

The proposal floats an option that would bar the Environmental Protection Agency and states from setting fuel economy standards for vehicles different from those put forth by the Transportation Department. In April 2007, the Supreme Court ruled that the EPA could regulate carbon dioxide under the Clean Air Act. The Bush administration has since said the law is the wrong tool for the job.

"These options are straight from the playbook of the Big Three," said Frank O'Donnell, president of the advocacy group Clean Air Watch, referring to Dingell's connections with Detroit's automakers.

The U.S. Chamber of Commerce said such measures are needed to prevent overlapping jurisdiction. That, along with the extended timetable, makes this draft "the first time that anyone on Capitol Hill has opened the door to realistic discussion of issue" said Bill Kovacs, the chamber's vice president of Environment, Technology and Regulatory Affairs.

Feds to use computer chips to foil cactus thieves

By Arthur H. Rotstein, Associated Press Writer
Contra Costa Times, Wednesday, October 08, 2008

TUCSON, Ariz.—Anyone thinking of swiping a stately saguaro cactus from the desert could soon be hauling off more than just a giant plant.

National Park Service officials plan to imbed microchips in Arizona's signature plant to protect them from thieves who rip them from the desert to sell them to landscapers, nurseries and homeowners.

The primary objective is deterrence, but the chips also will aid in tracking down and identifying stolen saguaros, said Bob Love, chief ranger at southern Arizona's Saguaro National Park.

"There's probably more of it that occurs than we're aware of," said Love.

The largest theft at the park occurred last year, when 17 saguaros were dug up and stashed for transportation later. The culprits were caught but Love said there have been other cases where three to five plants have been taken at a time.

Saguaros are unique to the Sonoran Desert, 120,000 square miles covering portions of Arizona, California and the northern Mexican states of Baja California and Sonora.

They're majestic giants that can grow to heights of 50 feet, sprout gaggles of arms and weigh several tons. They can take 50 years to flower and 70 years before sprouting an arm. And they help identify Arizona's landscape in everything from Roadrunner cartoons to the back of the state quarter.

A 2000 census of the two districts making up the Saguaro National Park outside Tucson estimated that there were 1.3 million saguaros there.

The number of saguaros statewide is anyone's guess. "How many stars are there in the sky?" said Jim McGinnis, who supervises the Arizona Department of Agriculture's office of special investigations and has been its chief "cactus cop" for years.

Plant pilferers typically target the relatively young and small specimens in the 4- to 7-foot range—which are probably 30 to 50 years old. Plants of that size typically fit in the bed of a pickup truck and can be covered with a tarp; bigger ones require heavy equipment to lift and larger vehicles to haul them.

They typically can fetch \$1,000 or more.

"Saguaros are the plant that gets the most money," said McGinnis. "Everybody wants a saguaro in their front yard."

The officials at Saguaro National Park, a 91,000-acre park outside Tucson, are in the planning phase of the microchip project, said Love, the park ranger.

Under the program, a microchip like those implanted to identify dogs and other pets—smaller than a dime—would be inserted an inch deep into the plant with a large syringe.

Love said the microchips don't emit a signal. Instead, each is uniquely encoded, and waving a special wand within about a foot powers the chip to send back its code.

Love said it's common to see trucks carrying cactus on roads that intersect the park. "So if we saw something like that, we could momentarily stop them and wave these wands over them," he said.

Officials could also go to nurseries or landscape businesses that sell saguaros and wand their saguaros to see if they came from the park, "particularly if we knew that a theft had occurred and that the cactus had not been found," he said.

Love said the park wants the chipping program, but will have to go through a lengthy environmental compliance study to ensure the chips don't harm the plants themselves or create [air quality](#), soil or endangered species issues.

The microchips cost about \$4 to \$4.50 each. Wands or scanners to read them range from \$500 to \$2,500, Love said. Other costs to be factored in include labor needed to insert the chips and to monitor for cactus thefts.

"We would likely not just go out and implant, but would gather data, GPS the locations, and record heights and widths and measures," Love said. "We probably wouldn't implant a plant that was not healthy or a desirable plant for someone to steal."

There's federal precedent for cactus-chipping. The Lake Mead National Recreation Area in Arizona and Nevada began putting microchips in barrel cactuses in 1999 after getting reports of poaching from park visitors.

"Not only has it helped us with reducing the level of cactus that's being poached, but it also has helped us with cataloging our resources within the park," said Lake Mead spokesman Andrew Munoz.

Yale gets \$26 million to study children's health

The Associated Press

Contra Costa Times, Wednesday, October 08, 2008

NEW HAVEN, Conn.—The federal government has given Yale University \$26 million to study childhood health problems as part of the largest study of U.S. children ever performed.

Yale researchers will be looking into how maternal genetics interact with diet, chemical exposure and environmental issues such as air and water quality, and whether those interactions cause mental and physical illnesses in children, including autism, asthma and learning disabilities.

The work is part of the \$3.2 billion National Children's Study, which aims to track 100,000 children from conception to age 21.

Yale's School of Public Health plans to recruit 1,000 pregnant women in New Haven and Litchfield counties for its portion of the research.

Plea deal in BP blast now in hands of judge

By Juan A. Lozano, Associated Press Writer
Contra Costa Times, Wednesday, October 08, 2008

HOUSTON—The fate of a much-criticized plea deal that fines BP PLC \$50 million and sentences the oil giant to three years' probation for its criminal role in a deadly 2005 blast at its refinery near Houston is in the hands of a federal judge.

U.S. District Judge Lee Rosenthal listened Tuesday to a final set of arguments about why she should either accept or reject the plea agreement. Rosenthal gave no indication about when she would rule.

Rosenthal told attorneys her job was limited to either accepting or rejecting the plea agreement, which has a BP subsidiary pleading guilty to a violation of the Clean Air Act.

"I can't make that plant safe. I wish I had the power to decree that enough money will be spent so the plant will meet or exceed regulations or that there will never be any other injuries or worse," she said.

The blast in Texas City killed 15 people and injured more than 170 others.

It has been nearly a year since the plea deal between BP and the Department of Justice was announced as part of an agreement by the London-based oil giant to pay \$373 million to settle various criminal and civil charges.

BP formally entered its guilty plea during a February court hearing. A decision by Rosenthal on the deal's fate was forthcoming then when blast victims appealed, objecting to not being consulted on the plea deal under the Crime Victims' Rights Act.

The case made it to the U.S. Supreme Court, which in July denied a request from blast victims to delay a decision on the settlement. The case was sent back to Rosenthal, who over the summer let attorneys submit additional reports she would use to make a final decision.

On Tuesday, David Perry, one of the attorneys representing blast victims, reiterated his clients' argument that the fine is too low.

He said a sample list he and other attorneys put together of 28 of those who were either killed or had the most serious injuries showed that their actual losses (medical expenses and lost wages) totaled more than \$102 million, twice the proposed fine.

Perry also told Rosenthal he feared BP would not meet safety guidelines that would be imposed by probation. He accused BP of already ignoring a deal with the U.S. Occupational Safety and Health Administration that was put in place after the blast to conduct detailed audits and inspections of equipment and units at the refinery. OSHA also fined BP more than \$21 million.

"Unless the court acts, it is probable more people will be killed," Perry said.

BP attorney Carol Dinkins said the oil company is complying with safety agreements from both OSHA and the Texas Commission on Environmental Quality. She called criticism of BP's efforts to improve safety at the plant "unfounded."

"We would never expect the victims to gain solace from this plea agreement," said Daniel Doher, a senior trial attorney with the Justice Department's Environmental Crimes Section. "Our obligation is to make sure this is a fair and just resolution. We believe that is the case."

Federal prosecutor Stephen Mark McIntyre disputed the figures in the list put together by Perry and other attorneys on blast victims' actual losses, saying 90 percent of the claims in the report

are for expenses that have not occurred and no evidence was provided to support claims that some of these victims can no longer work.

The explosion at the plant, about 40 miles southeast of Houston, occurred after a piece of equipment called a blowdown drum overfilled with highly flammable liquid hydrocarbons.

The excess liquid and vapor hydrocarbons were vented from the drum and ignited at the startup of the isomerization unit—a device that boosts the octane in gasoline. Alarms and gauges that were supposed to warn of the overfilled equipment did not work properly.

The U.S. Chemical Safety and Hazard Investigation Board, in its final report, found BP fostered bad management at the plant and that cost-cutting moves by BP were factors in the explosion.

Health Highlights

Study Suggests Link Between Air Pollution, Appendicitis

Washington Post Tues. Oct. 7, 2008

There may be a link between air pollution and increased risk of appendicitis, suggests a Canadian study.

University of Calgary researchers looked at more than 45,000 patients hospitalized for appendicitis between 1999 and 2006 and found patients were about 15 percent more likely to be hospitalized on days with higher levels of ozone and other air pollutants, BBC News reported.

This association was strongest during the summer, when people were more likely to be outside.

"If the relationship between air pollution and appendicitis is confirmed, then improving air quality may prevent the occurrence of appendicitis in some individuals," said lead researcher Dr. Gilaad Kaplan, BBC News reported.

The study was presented at an American College of Gastroenterology conference.

Green oil recycler opens plant in northeast Ohio

By JOE MILICIA, The Associated Press

Washington Post Wed. Oct. 8, 2008

CLEVELAND -- The nation's first plant with the capacity to recycle used transformer oil opened this week in Canton, bringing some coveted green jobs to northeast Ohio.

The Hydrodec plant has the capacity to recycle 8 million gallons of transformer oil each year. Transformer oil insulates and cools transformers, which switch electrical supply from low to high voltage for transmission over long distances.

"There isn't anyone else out there that can do what we do," said John Cowan, president of Hydrodec North America, a subsidiary of London-based Hydrodec Group Plc.

The plant removes contaminants in a process with virtually zero emissions from oil that otherwise would be burned off and generate carbon dioxide, he said.

Transformer oil generally lasts about 10 years and Cowan estimates that U.S. utilities annually discard about 120 million gallons.

One advantage Hydrodec's recycled oil offers is price stability, Cowan said. Transformer oil is made from crude oil and therefore linked to its price fluctuations.

The plant will employ 20 people to start and will soon grow to 35 employees. It could eventually employ as many as 65, according to a commitment letter with the state.

Ohio leaders, who are pushing for green jobs to help replace thousands of lost manufacturing jobs, are providing Hydrodec with nearly \$1 million in grants and tax credits.

Northeast Ohio has been hit particularly hard by manufacturing losses, including the 750 jobs at Hoover Co. in North Canton.

Canton Mayor William Healy II said the city's strategy is to attract numerous smaller employers like Hydrodec to recover from the big corporate losses.

Hydrodec has a smaller oil recycling plant in Australia and plans another in Laurel, Miss., by late 2009.

[Tracy Press, Guest Commentary, Tuesday, October 7, 2008](#)

Real Energy for America

By Al Medeiros

As our nation continues to face higher gas prices and energy costs, it is no surprise that Californians are there in the middle of it all. Both candidates running for president are well aware of the energy crisis we are facing, as well as global warming.

The current energy crisis has a strong connection to global warming. Both problems are fixed in the unsustainable use of fossil fuels as our primary energy source. Any safe, sustainable and long-term solution to our energy crunch is guaranteed to be the true solution for global warming as well. On the other hand, prolonging our dependence on fossil fuels with ongoing oil and gas production without critically changing the focus to conservation will not only propel us closer to potentially catastrophic global-warming scenarios — but could bring on future energy disasters.

More Americans favor energy conservation instead of increased energy production. More than 78 percent of Americans polled by the Environmental Protection Agency support, in principle, the basic fundamentals of an alternative-energy roadmap, including standards for regulating carbon dioxide emissions, which lead to global warming.

Our anticipation of unlimited energy at low prices, however, isn't consistent with our concern for the environment. It is precisely this contradiction that has allowed the Bush administration to delay steady actions on global warming, while aggressively supporting polluting industries and outmoded methods of energy production.

The energy issue goes well beyond our borders. The United States, with less than 5 percent of the world's population, has long been the largest energy consumer in the world.

Now, global warming has allowed our consumption to be part of our daily reality. Americans account for one-quarter of the global carbon dioxide emissions today, including nearly half of the increase in these emissions since 1990. These emissions have unmistakably tied our excessive energy use to the long-term health of the planet.

Even more troublesome is the detonation of consumption worldwide. Globalization is tempting the rest of the world to imitate the American lifestyle, complete with private automobiles, large houses and disposable products. Energy is used not only to run appliances and cars, but also to make virtually everything we buy — from light bulbs to plastic bottles to computers. If just half the global population followed our level of energy consumption, the consequences would be demoralizing.

We have a unique chance to influence future consumption standards around the world by carefully choosing our response to today's energy crisis. Of course, the transition to a sustainable energy future may well be painful and could require some lifestyle changes.

Both political parties seem cohesive in honestly engaging the public on this issue.

The energy policies of Barack Obama and John McCain, however, differ widely.

McCain would mandate reductions in greenhouse gasses and then largely rely on the free market to spur conservation. In order to ease the pain of high gas prices, he also wants to suspend the federal gas tax.

Obama would tax oil companies and use the money to help low income people. He would also restrict greenhouse gasses but charge more for companies that pollute and use the money to fund renewable energy research. He also sees a bigger role for government in encouraging conservation.

There is an immediate alternative available to those of us who can wait no longer. We could, in fact, see this energy crisis as an opportunity. Instead of complaining about paying more for electricity and gas, we could use the price structure as an instrument to make conservation a habit.

The solution to both the energy crisis and global warming may well depend on the righteous actions of individuals.

If enough of us are determined to solve the problem, politicians will have no problem in following our lead. That might be our best hope for getting the policies and technologies that we'll ultimately need.

• Al Medeiros is an 18-year Tracy resident and a teacher at North Elementary School. He's the newest among a select group of local Town Crier columnists in the Tracy Press.

[Letter to the Hanford Sentinel Wed., Oct. 8, 2008](#)

Funds should not be used for rail line

Concerning the Times-Delta story wherein the county supervisors propose using Measure R funds to buy and operate a rail line, I'm confused and just a bit angry.

The Measure R Final Expenditure Plan of July 26, 2006 (it's on the Web: Check it out), it is stated that funds may be used to purchase rails, "for preliminary light rail" use.

Light rail use is urban transportation to help mitigate congestion and improve air quality, not to ship fertilizer, vegetables, plastics, etc.

Measure R dollars were voted for using in funding road repair, linking regional bike systems and providing increased public transit service. There are no provisions for operating or subsidizing railways.

While it's a nice gesture on the part of Supervisor Ishida and others, funding private freight lines is not a function of Measure R. Borrowing money from a fund of designated tax dollars is a misuse of funds and a dangerous precedent.

I can understand preserving the total 30.5-mile segment in question for inclusion in a future light rail system, because our population is forecast to greatly increase, but I am against using Measure R tax dollars to help out a few businesses move their wares between Strathmore and points south.

NANCY KIRKLAND

Visalia

[Note: The following clip in Spanish discusses pollution alters lungs in fetus according to studies. Air pollution affects the lungs of a fetus when the mother breaths in high concentration levels of particulate matter. For more information on this or other Spanish clips, contact Claudia Encinas at \(559\) 230-5851.](#)

La polución fomenta alteraciones pulmonares en fetos humanos, según estudio

La polución atmosférica fomenta alteraciones pulmonares en el feto humano, cuando la madre respira elevadas concentraciones de partículas en suspensión, según un estudio suizo presentado hoy en Berlín en el marco de un congreso europeo sobre enfermedades pulmonares

El Universal Tuesday, October 7, 2008

La polución atmosférica fomenta alteraciones pulmonares en el feto humano, cuando la madre respira elevadas concentraciones de partículas en suspensión, según un estudio suizo presentado hoy en Berlín en el marco de un congreso europeo sobre enfermedades pulmonares.

Hasta ahora los científicos partían de que la contaminación sólo podía dañar los pulmones infantiles en edad escolar.

Pero un científico de la Universidad de Berna, en Suiza, ha investigado la relación entre la contaminación atmosférica y los problemas pulmonares en el caso de 241 neonatos.

Philipp Latzin analizó las proporciones de ozono, de dióxido de nitrógeno (NO₂) y de partículas en suspensión (PM₁₀) que respiraron las embarazadas y tuvo en cuenta la cercanía del hogar de las futuras madres a grandes arterias de tráfico.

Finalmente, y durante las cinco semanas posteriores al nacimiento, midió la capacidad pulmonar de los neonatos, para llegar a la conclusión de que los hijos de aquellas madres que habían respirado aire con elevadas concentraciones de partículas en suspensión, mostraban alteraciones respiratorias.

Los niños de madres que viven cerca de carreteras con mucho tráfico respirarían más rápido, 48 veces en vez de 42 por minuto.

El estudio concluye que los bebés, cuyas madres respiraron aire muy contaminado durante el último tercio del embarazo, padecerían más infecciones en las vías respiratorias que el resto.

Latzin sospecha que la contaminación atacaría los pulmones de las madres, reduciendo el riego sanguíneo que llega a la placenta, donde se produce el intercambio de oxígeno y nutrientes entre la madre y el feto.

Otra hipótesis apunta a que las partículas en suspensión se mezclan en la sangre del bebé, alterando su ritmo respiratorio.

La tercera hipótesis que plantea Latzin para explicar los daños pulmonares sería una alteración en el metabolismo de la madre, que frenaría el crecimiento del feto y la formación del pulmón infantil.

En cualquier caso, los científicos consideran que los resultados del estudio demuestran que hay que reducir los contaminantes del aire, ya que "la influencia temprana sobre las vías respiratorias llevan a un aumento de las enfermedades pulmonares y una menor esperanza de vida", explican el informe.

[Note: The following clip in Spanish discusses debate grows over environmental propositions for the next elections.](#)

Crece debate por proposiciones ambientales para la próxima elección

Manuel Ocaño, Noticier Latino

Radio Bilingüe, Tuesday, October 7, 2008

A un mes de las elecciones en California aumenta un debate sobre dos proposiciones ambientalistas que serán llevadas a referendo.

La primera, la Proposición 7 convertiría a California en el estado más agresivo en impulsar la energía alternativa. Busca que el 50 por ciento de la electricidad en el estado, para 2025

provenza de fuentes renovables, pero es obra de empresarios que desconocen de energía alternativa.

La Proposición 10 por su parte trata de invertir cinco mil millones de dólares en asistencia a consumidores que adquieran vehículos híbridos y en investigaciones de energía, pero es dinero que el estado tendría que conseguir prestado.