

Modesto City Council Watch

By Garth Stapley

Modesto Bee, Wednesday, January 9, 2009

Modesto council members on Tuesday unanimously agreed to:

- Hire Delta Wireless of Stockton to repair the city's 250 mobile and 611 portable two-way radios, for an estimated \$120,000 per year
- Pay HSBC Mortgage Services \$155,000 for a vacant house on land needed to renovate a sewage pump station at the southeast corner of Nightingale Drive and Honey Creek Road
- Sell land acquired to build the overcrossing of railroad tracks at Needham Street and Kansas Avenue, which opened five years ago. The parcel at 1517 10th St. has been appraised at \$463,000
- Name Councilwoman Kristin Olsen as vice mayor for 2009
- Appoint Councilwoman Janice Keating to represent Modesto on a committee recently created to select governing board members of the [San Joaquin Valley Air Pollution Control District](#)
- Reappoint the following volunteers: Planning Commission, Tom Berglund; Board of Zoning Adjustment, Ted Brandvold, Amy Neumann and Henry Pollard; Board of Building Appeals, Bruce Norris; Citizens Housing and Community Development Committee, Carolina Bernal, Dana Culbertson, Charles Chituras and Michael Pratt; Community Qualities Forum, Carol Dolan and Kirk Stockham; Culture Commission, Alice Ingham Richards; Downtown Improvement District, Eric Benson and Andrew Mendlin; Equal Opportunity-Disability Commission, Harinder Grewal; Golf Courses Advisory Committee, Jeannie McDonald and Richard Laurenz; Housing Rehabilitation Loan Committee, Veronna Simril; Landmark Preservation Commission, Dolores Niemi; Local Cable Programming Committee, Chris Murphy; Solid Waste Advisory Committee, Jim Patton; Tuolumne River Regional Park Citizens Advisory Committee, Margaret Leaman and Mary Grogan; Citizen's Redevelopment Advisory Committee, Pat Gillum, Tammy Maisetti, Michael Pratt, Tom Slater and Michael Navarro

Lower gas prices not hurting bus ridership

By Courtenay Edelhart, staff writer

Bakersfield Californian, Wednesday, Jan. 7, 2009

Last year's record gas prices spurred new bus routes and wooed a bunch of commuters from their cars, but it wasn't clear at the time whether demand would remain after fuel prices fell back down to earth.

So far, it looks like Golden Empire Transit is holding on to its gains. Gas prices have been below \$2 a gallon for weeks, and ridership is still ahead of boardings prior to last year's spike.

"We're still seeing a significant increase," said spokeswoman Gina Hayden.

That's true even for a new pilot project, the Tejon Complex Express to the IKEA distribution center in the Tejon Industrial Complex. IKEA contracted with GET to provide daily bus service from Bakersfield to the Lebec complex last fall.

"Round trip from Bakersfield, it's 40 miles, so when gas was up above \$4 a gallon, that was pretty expensive," said IKEA human resources manager Paul Adams.

The company examined a lot of strategies to get workers some relief, and settled on partnering with GET as the most cost-effective solution.

When the service started in October, it had average daily boardings of 205 on weekdays. By early December that had fallen to about 100, but GET says last month wasn't typical because of holiday vacations. In November, there were an average 165 boardings a day during the week.

IKEA's Adams said he's still pleased.

"People seem to like it," he said. "That's an extra 30 minutes a day they can nap or read or whatever instead of driving."

There's the added bonus, too, of reducing carbon emissions. "Especially with our weather and air quality, as a company we're trying to get more involved with local environmental issues," Adams said.

Eric Poli, 29, has been using the Tejon Complex Express regularly since it started. An operations support manager for IKEA, Poli estimates he commutes by bus three or four days a week, pretty much any time he doesn't have to come in early or work late.

"It's not only the gas," he said. "It's just more relaxing than driving. Instead of sitting behind the wheel I can work or sleep or go on the Internet."

GET calls the Tejon service a work in progress, and says it may still tweak schedules and routes as it gets more feedback. Right now departures are timed to coincide with IKEA shift changes.

Overall bus ridership was growing even before gas prices started soaring in April, and remains strong, GET's Hayden said.

Daily boardings increased by about 6 percent last March compared with the same period in 2007, Hayden said.

By July, boardings had increased 18 percent year-over-year. In November, the annual increase was back at about 6 percent.

The bus company is considering changes to meet the demand.

GET has asked its board to approve the purchase of five buses, but new buses are made to order, and it takes about a year to get one.

Reserve buses are called into service if a regular bus is sidelined by a mechanical problem or routine maintenance. GET diverted three vehicles normally held in reserve to the Tejon route, so it hasn't any more to spare.

One short-term measure would be to overhaul buses due for retirement, Hayden said. Another possibility might be to replace underutilized routes with dial-a-ride service.

"That way we don't have empty buses going in circles. They'd only go when someone needs them," Hayden said.

The bus company commissioned a study recently to see how it could run more efficiently, and will look at the study's findings as it weighs its options, Hayden said.

Tulare City Council meets tonight

Staff reports

Visalia Times-Delta and Tulare Advance-Register, Tuesday, Jan. 6, 2009

The Tulare City Council will meet at 7 p.m. today at the Civic Affairs Building, 125 South M St.

On the agenda:

- Appointment of Beau Scarbrough to the Rehabilitation Loan Committee.
- Authorization for City Engineer Ken Ramage to enter negotiations with Tischler-Bise for the preparation of a comprehensive Development Impact Fee study.

- Designation of two council members to serve as a primary and alternate member to represent Tulare on the Special City Selection Committee for the San Joaquin Valley Air Pollution Control District.
- Consideration of alternatives for additional staffing of fire department.
- Discussion and direction to city staff regarding the status and funding of the environmental impact report for the Tulare Motor Sports Complex.

Before the regularly-scheduled meeting, the council will meet at 6 p.m. for a study session that will include a presentation by attorney Tim Sabo regarding Mello-Roos Community Facilities District formation procedures and financing.

NY adopts clean air rules, stricter than EPA's

By MARY ESCH, Associated Press Writer

In the N.Y. Times, S.F. Chronicle and other papers, Tuesday, January 6, 2009

Albany, N.Y. (AP) -- New York environmental regulators adopted stricter air pollution rules on Tuesday to prevent power plants and factories from belching out more smog and soot.

Under rules adopted by the New York State Environmental Board, new industrial plants — as well as existing ones that modify operations in ways that increase emissions — will have to install state-of-the-art pollution controls. The rules take effect in March.

The rules are related to a provision of the federal Clean Air Act known as "new source review," which governs whether plants must install new emissions controls when expanding or making upgrades that go beyond routine maintenance.

State Environmental Commissioner Pete Grannis says the changes make the state's regulations stricter than those imposed by the Environmental Protection Agency.

The state Business Council says the rules will hurt businesses by increasing costs and red tape.

Kenneth Adams, president and CEO of the industry group, said the new rules could make New York less competitive for businesses compared to other states.

"These new rules will impede efforts by New York manufacturers and power generators to become more productive and energy efficient," Adams said in a prepared statement.

The Business Council submitted comments to the state Department of Environmental Conservation saying the rule change will make it difficult for businesses to make routine repairs to equipment and processes.

New York regulators beefed up the state's pollution control rules after several attempts by the EPA to weaken its new source review standards early in the Bush administration, said J. Jared Snyder, DEC deputy commissioner. While New York and other states sued to stop attempts to weaken the federal rules, New York started working on the stricter rules that got final approval on Tuesday.

"We have to administer the federal new source review requirements in a state implementation plan," Snyder said. "What we're doing is modernizing our program and restructuring it to incorporate some federal reforms, but in a way that is more protective of the environment than EPA rules."

The regulations apply only to plants in New York.

Hundreds of Coal Ash Dumps Lack Regulation

By Shaila Dewan

N.Y. Times, Tuesday, Jan. 6, 2008

The coal ash pond that ruptured and sent a billion gallons of toxic sludge across 300 acres of East Tennessee last month was only one of more than 1,300 similar dumps across the United States — most of them unregulated and unmonitored — that contain billions more gallons of fly ash and other byproducts of burning coal.

Like the one in Tennessee, most of these dumps, which reach up to 1,500 acres, contain heavy metals like arsenic, lead, mercury and selenium, which are considered by the Environmental Protection Agency to be a threat to water supplies and human health. Yet they are not subject to any federal regulation, which experts say could have prevented the spill, and there is little monitoring of their effects on the surrounding environment.

In fact, coal ash is used throughout the country for construction fill, mine reclamation and other “beneficial uses.” In 2007, according to a coal industry estimate, 50 tons of fly ash even went to agricultural uses, like improving soil’s ability to hold water, despite a 1999 E.P.A. warning about high levels of arsenic. The industry has promoted the reuse of coal combustion products because of the growing amount of them being produced each year — 131 million tons in 2007, up from less than 90 million tons in 1990.

The amount of coal ash has ballooned in part because of increased demand for electricity, but more because air pollution controls have improved. Contaminants and waste products that once spewed through the coal plants’ smokestacks are increasingly captured in the form of solid waste, held in huge piles in 46 states, near cities like Pittsburgh, St. Louis and Tampa, Fla., and on the shores of Lake Erie, Lake Michigan and the Mississippi River.

Numerous studies have shown that the ash can leach toxic substances that can cause cancer, birth defects and other health problems in humans, and can decimate fish, bird and frog populations in and around ash dumps, causing developmental problems like tadpoles born without teeth, or fish with severe spinal deformities.

“Your household garbage is managed much more consistently” than coal combustion waste, said Dr. Thomas A. Burke, an epidemiologist at the Johns Hopkins Bloomberg School of Public Health, who testified on the health effects of coal ash before a Congressional subcommittee last year. “It’s such a large volume of waste, and it’s so essential to the country’s energy supply; it’s basically been a loophole in the country’s waste management strategy.”

As the E.P.A. has studied whether to regulate coal ash waste, the cases of drinking wells and surface water contaminated by leaching from the dumps or the use of the ash has swelled. In 2007, an E.P.A. report identified 63 sites in 26 states where the water was contaminated by heavy metals from such dumps, including three other Tennessee Valley Authority dumps. Environmental advocacy groups have submitted at least 17 additional cases that they say should be added to that list.

Just last week, a judge approved a \$54 million class-action settlement against Constellation Power Generation after it had dumped coal ash for more than a decade in a sand and gravel pit near Gambrills, Md., about 20 miles south of Baltimore, contaminating wells. And Town of Pines, Ind., a hamlet about 40 miles east of Chicago, was declared a Superfund site after wells there were found to be contaminated by ash dumped in a landfill and used to make roads starting in 1983.

Contamination can be swift. In Chesapeake, Va., high levels of lead, arsenic and other contaminants were found last year in the groundwater beneath a golf course sculptured with 1.5 million tons of fly ash, the same type of coal ash involved in the Tennessee spill. The golf course opened in 2007.

State requirements for the handling of coal ash vary widely. Some states, like Alabama, do not regulate it at all, except by means of federally required water discharge permits. In Texas, the vast majority of coal ash is not considered a solid waste, according to a review of state regulations by environmental groups. There are no groundwater monitoring or engineering requirements for utilities that dump the ash on site, as most utilities do, the analysis says.

The lack of uniform regulation stems from the E.P.A.'s inaction on the issue, which it has been studying for 28 years. In 2000, the agency came close to designating coal ash a hazardous waste, but backpedaled in the face of an industry campaign that argued that tighter controls would cost it \$5 billion a year. (In 2007, the Department of Energy estimated that it would cost \$11 billion a year.) At the time, the E.P.A. said it would issue national regulations governing the disposal of coal ash as a nonhazardous waste, but it has not done so.

"We're still working on coming up with those standards," said Matthew Hale, director of the office of solid waste at the E.P.A. "We don't have a schedule at this point."

Last year, the agency invited public comment on new data on coal combustion wastes, including a finding that the concentrations of arsenic to which people might be exposed through drinking water contaminated by fly ash could increase cancer risks several hundredfold.

If such regulations were issued, the agency could require that utilities dispose of dry ash in lined landfills, considered the most environmentally sound method of disposal, but also the most expensive. A 2006 federal report found that at least 45 percent of relatively new disposal sites did not use composite liners, the only kind that the E.P.A. says diminishes the leaching of cancer-causing metals to acceptable risk levels. The vast majority of older disposal sites are unlined.

Most coal ash is stored wet in ponds, like the one in Tennessee, almost always located on waterways because they need to take in and release water. But scientists say that the key to the safe disposal of coal ash is to keep it away from water, by putting dry ash into landfills with caps, linings and collection systems for contaminated water.

Environmentalists, scientists and other experts say that regulations could have prevented the Tennessee spill. Andrew Wittner, an economist who was working in the E.P.A.'s office of solid waste in 2000 when the issue of whether to designate coal ash as hazardous was being debated, said the agency came close to prohibiting ash ponds like the one at Kingston. "We were going to suggest that these materials not be wet-handled, and that existing surface impoundments should be drained," Mr. Wittner said.

If storing coal ash were more expensive, environmental advocates say, utilities might be pushed to find more ways to recycle it safely. Experts say that some "beneficial uses" of coal ash can be just that, like substituting ash for cement in concrete, which binds the heavy metals and prevents them from leaching, or as a base for roads, where the ash is covered by an impermeable material. But using the ash as backfill or to level abandoned mines requires intensive study and monitoring, which environmentalists say is rarely done right.

The industry takes the position that states can regulate the disposal of coal ash on their own, and it has come up with a voluntary plan to close some gaps, like in the monitoring of older disposal sites.

"There probably isn't a need for a comprehensive regulatory approach to coal ash in light of what the states have and our action plan," said Jim Roewer, the executive director of the Utility Solid Wastes Activity Group.

Mr. Roewer said there was a trend toward dry ash disposal in lined landfills, though that trend was not identified in the 2006 federal report on disposal methods.

Environmentalists are skeptical of the industry's voluntary self-policing plan and the states' ability to tighten controls.

"The states have proven that they can't regulate this waste adequately, and that's seen in the damage that is occurring all over the United States," said Lisa Evans, a former E.P.A. lawyer who now works on hazardous-waste issues for the environmental advocacy group Earthjustice. "If the states could regulate the industry appropriately, they would have done so by now."

Utility companies are often aware of problems with their disposal system, Ms. Evans said, but they put off improvements because of the cost.

The Tennessee Valley Authority, which owns the Kingston Fossil Plant, where the Tennessee spill occurred, tried for decades to fix leaks at its ash pond. In 2003, it considered switching to dry disposal, but balked at the estimated cost of \$25 million, according to a report in The Knoxville News Sentinel. That is less than the cost of cleaning up an ash spill in Pennsylvania in 2005 that was a 10th of the size of the one in Tennessee.

Proponent touts benefits of coal-to-liquids plant

The Associated Press

In the Contra Costa Times, Wednesday, Jan. 7, 2009

FAIRBANKS, Alaska—The multibillion dollar price tag on a coal-to-liquids plant might seem expensive but a project proponent says the benefits could outweigh the cost.

Jim Dodson, executive director of the Fairbanks Economic Development Corporation, addressed business people this week at the Greater Fairbanks Chamber of Commerce luncheon.

He asked them to look beyond the estimated \$2 billion to \$6 billion price tag.

"It brings tremendous opportunity to Alaska, not just Interior Alaska, but really, all of Alaska," Dodson said.

The Fairbanks Economic Development Corporation spent \$550,000 in 2008 on a feasibility study developed by Toronto-based consultant Hatch. Released in November, the study indicated that a coal-to-liquids plant using Fischer-Tropsch and gasification technology could be economically feasible in Alaska's Interior, providing that oil prices remain high and that investors don't expect a high rate of return.

Ideally, a coal-to-liquids plant could supply Fairbanks with fuel on par with \$2 per gallon about the same price customers pay when oil is going at \$88 per barrel, Dodson said. At that level, investors in such a plant could expect a 5-7 percent rate of return, not likely high enough to attract big money, he said.

Dodson and others, including borough Mayor Jim Whitaker, have touted the plant as a solution for Fairbanks' long-term economic viability. Proponents say the plant could ease the region's dependence on oil by processing coal into liquid fuels, and help reining in energy costs.

At the same time, the plant could offset some air quality concerns as liquid fuels are generated without the emissions released by oil-fired refineries, proponents say.

Most of all, the coal-to-liquids plant could produce synthetic fuels for the U.S. Air Force, which in turn could anchor the military's future in Interior Alaska, Dodson said.

He said the FEDC has discussed terms with and is waiting to start negotiating with the U.S. Air Force for a contract to study further a coal-to-liquids plant, possibly located near Eielson Air Force Base. The air force has \$10 million available to advance those studies, he said.

Bay Area company sells 150 electric cars in '08

By Mark Glover

Sacramento Bee, Wednesday, January 7, 2009

Tesla Motors, the San Carlos-based electric car manufacturer, said it delivered 150 vehicles to customers in 2008.

The company said the 100th customer was a buyer of some note – Sam Perry, the Silicon Valley business consultant whose face became familiar to millions nationwide when President-elect Barack Obama addressed a crowd in Chicago's Grant Park on Nov. 4 after his election.

Perry was the man who provided a shoulder for talk show host Oprah Winfrey to cry on as the crowd watched Obama. At the time, Winfrey did not know Perry.

Tesla's two-seat, [zero-emissions](#) Roadster is priced at about \$110,000.

Utilities: gas emission caps government issue

The Associated Press

Tri-Valley Herald, Tuesday, January 6, 2009

SANTA FE, N.M.—Utilities and energy producers in New Mexico oppose a petition that asks the state Environmental Improvement Board to set a statewide cap on greenhouse gas emissions from coal-fired power plants, oil and gas production and other sources.

The board set a hearing for April 6 to consider arguments about its authority to regulate such emissions.

The New Mexico Environmental Law Center, on behalf of a four-year-old organization called New Energy Economy, on Monday petitioned the board to adopt regulations that would, by 2020, reduce greenhouse gas emissions by 25 percent below 1990 levels.

Public Service Company of New Mexico, the New Mexico Oil and Gas Association and the Association for Commerce and Industry oppose the petition.

PNM believes Congress and the state Legislature should address such emissions and that any solution should be market-based and analyze how changes would affect customers, PNM spokeswoman Cathy Garber said. The utility, New Mexico's largest, also questions whether the EIB has the authority to regulate the emissions, she said.

The state Environment Department believes the board "does have the legal authority to regulate emissions out of smoke stacks in New Mexico," said Sandra Ely, environment and energy policy coordinator for the department.

Pending a decision on whether the EIB can consider the issue, the board also set an Aug. 3 hearing to consider the request for a statewide cap.

In September, seven Western states—including New Mexico—and four Canadian provinces proposed a comprehensive program to cut greenhouse gas emissions from power plants, manufacturers and vehicles. The Western Climate Initiative would establish a regional market to trade carbon emissions and cover more polluters than other regional plans adopted in the United States and Canada.

The initiative calls for each state and province to create its own trading scheme that complies with the regional guidelines. The idea is to let industries that emit greenhouse gases buy and sell credits for their emissions. Businesses that cannot cut their emissions enough can buy the right to pollute from other, cleaner companies.

The New Energy Economy petition simply calls for a cap and doesn't mention trading or other market means to encourage that goal, said Jim Norton, director of the Environment Department's Environmental Protection Division.

"It's a crucial time," said physician John Fogarty, who heads New Energy Economy. "We're already beginning to see changes from climate change. Without urgent action, scientists are saying we will move into the next catastrophic stage."

Norton said state officials agree action is critical.

Climate change "is a serious global problem that has to be addressed. For us in New Mexico, hotter temperatures will reduce snowpack and (mean) less precipitation. We're already seeing more extreme weather," he said. "If we don't get a handle on this problem, it is seriously going to affect the economy and the ecology of New Mexico and the rest of the world."

The Intergovernmental Panel on Climate Change, made up of more than 1,200 international scientists, concluded developed nations must reduce global warming pollution by at least 25 percent below 1990 levels by 2020 to avoid catastrophic changes, New Energy Economy said.

Renault orders boosted by French car scheme

The Associated Press

In the Washington Post, Tuesday, January 6, 2009

ARGENTEUIL, France -- Orders for Renault cars were boosted in December by a government-sponsored euro1,000 bonus for French consumers who trade in old cars for new lower-emission models, a top executive at the automaker said Tuesday.

The measure, introduced by President Nicolas Sarkozy on Dec. 4, is part of a euro26 billion (\$35 billion) stimulus plan designed to ward off the worst of the economic crisis and shore up automakers.

During a visit to a Renault SA dealer in the Paris suburb of Argenteuil, chief operating officer Patrick Pelata told government ministers Patrick Devedjian and Luc Chatel that the bonus "allows us to cushion ourselves from this crisis."

Renault calculates that orders in December were 40 percent higher in France than they would have been without the incentive, he said. The French car maker has extended the bonus scheme to car buyers trading in older models for younger used cars, he said.

The orders will show up in vehicle registrations in February and March, Renault spokeswoman Nathalie Bourotte said.

In December, new car registrations plunged 16 percent from a year earlier, the French carmakers association said Monday. Registrations for the 12 months of 2008 were 0.6 percent lower than 2007.

To deal with the crisis, Renault has been reducing inventories by cutting or temporarily halting production on some sites.

Pelata said the car maker has beat its goal of cutting stocks of vehicles and parts. Inventories were less than euro5.9 billion at the end of 2008, compared with euro6.4 billion in July, he said.

[Letter to the N.Y. Times, Tuesday, Jan. 6, 2008:](#)

E.P.A. and Clean Air

To the Editor:

Here's why your Dec. 25 editorial "E.P.A.'s Doctor No" misses the mark.

In 2002, President Bush asked Congress to give the Environmental Protection Agency the authority to develop a market-based strategy for controlling interstate pollution. Congress failed to act, and the E.P.A. developed the Clean Air Interstate Rule using existing authorities. The Court of Appeals has now said the E.P.A. acted beyond its authority. Action by Congress would have avoided this uncertainty.

With respect to energy security and climate change, in 2007, as the president requested, Congress enacted legislation to increase renewable fuels production and improve fuel economy. The Department of Transportation and the E.P.A. are working to carry out these programs.

More needs to be done on other sources of greenhouse gas emissions, but existing Clean Air Act authorities could well be cumbersome and ill suited. Congress should act to avoid years of litigation and regulatory uncertainty.

*Stephen L. Johnson, Administrator
Environmental Protection Agency*

[Letter to the Modesto Bee, Wednesday, January 7, 2009:](#)

Hot Topic: The Economy
Ideas for raising money, free of charge

No new taxes on gasoline or higher sales taxes or higher car taxes. We offered you a lot of new ways to fix the budget, without raising anything, but you seem to just want to raise things. Why?

Charge a fee (\$20) on all cargo containers shipped into California; this would provide billions.

A smog bypass fee. If you cannot smog your car when due, pay \$35. Lower the superhigh wages of all CHP officers.

Put prisoners to work fixing roads, growing their own food like other states. See Georgia.

Stop running businesses out of the state by making them waste time on smogging all their trucks and vehicles — they don't have the time.

Why are the people on top getting raises when the other people are losing income?

Lee Ogle, Modesto