

Merced City Hall showdown over Wal-Mart center looms **Supporters, opponents to make final cases Merced City Council expects to make decision on Sept. 28.**

By Scott Jason, staff writer

Merced Sun-Star and Los Banos Enterprise, Thursday, Sept. 17, 2009

The fate of the proposed Wal-Mart distribution center will soon be known.

The Merced City Council will hold four hearings in the coming week-and-a-half, culminating with a vote to approve or deny the project.

With crunch time approaching, both supporters and opponents have intensified their public relations campaigns.

The Merced/Mariposa County Asthma Coalition plans to send to 3,000 residents a letter outlining the air quality effects of the project. It notes that the county had 62 bad air days last year and that the center will be a quarter-mile from a public school.

Supporters have taken out newspaper ads to rally citizens. They also plan to march together to City Hall to show their commitment to bringing jobs to the county.

The distribution center last month won a unanimous nod from the Planning Commission, which touted the 600 full-time jobs it would create when it first opens. The center would grow to employ 900 full-time workers.

With those jobs come hundreds of diesel trucks that will come and go each day. The center will operate all day and all night.

The City Council will begin hearing a presentation from city staff Monday, as well as from Wal-Mart officials and opposition leaders.

Public comment will begin Wednesday and continue to Sept. 26, a Saturday. The council will likely cast its vote Sept. 28.

The project, while controversial, hasn't faced the fierce opposition generated by Riverside Motorsports Park, the last major project to polarize the community. (Though plans for Riverside Motorsports Park were approved in 2006, the project never broke ground. The project's leader has since said it will never be built.)

For instance, the Merced County Farm Bureau commented on the distribution center, but hasn't actively lobbied against it as it did during the motorsports park hearings.

The change in tenor may be attributed to at least two factors. One is that Merced's economy has changed considerably since 2006.

The unemployment rate has nearly doubled to 17.6 percent, and several major institutions have gone out of business.

The second factor is that the distribution center is slated for an area that's been zoned for industrial use for several years and near an existing distribution center.

Nevertheless, public turnout for the debate is expected to be large. The city has set aside the Sam Pipes Room at City Hall for overflow seating.

The hearings will also be broadcast live on Channel 96, except the Sept. 28 hearing, which will be on Channel 95.

California gubernatorial hopefuls support nuclear power

In the Stockton Record and other papers, Thursday, Sept. 17, 2009

SANTA CLARA, Calif. (AP) — Two of the three leading Republican candidates for California governor next year say they support nuclear power to help the state meet its demand for energy. Insurance Commissioner Steve Poizner said during a public policy forum Wednesday in Santa Clara that he would like to see an expansion of nuclear power and would make it a campaign theme.

He said it would be an important tool to help California meet its energy needs but says state regulations prohibit its expansion.

Another GOP candidate, former Congressman Tom Campbell, later said he also supports nuclear power. Republican hopeful Meg Whitman did not attend the conference.

One of the potential Democratic contenders, Attorney General Jerry Brown, says he does not oppose nuclear technology. He says California should consider all options to reduce its greenhouse gas emissions.

EPA tells court it will redo Bush-era smog rule

By Dina Cappiello, Associated Press Writer

In the Modesto Bee and other papers, Thursday, Sept. 17, 2009

WASHINGTON -- The Obama administration signaled Wednesday that it would scrap a controversial Bush-era rule that set stricter limits for smog but fell short of scientific recommendations.

In a notice filed Wednesday in a federal appeals court, the Justice Department says there are concerns that the revision made by the Bush administration does not adhere to federal air pollution law. The Environmental Protection Agency will propose revised smog standards to protect health and the environment in late December.

"This is one of the most important protection measures we can take to safeguard our health and our environment," said EPA Administrator Lisa P. Jackson in a statement. "Reconsidering these standards and ensuring acceptable levels of ground-level ozone could cut health care costs and make our cities healthier, safer places to live, work and play."

Smog is a respiratory irritant that can aggravate asthma and has been linked to heart attacks.

The Bush regulation, announced in March 2008, was the subject of much controversy, although it was estimated that it would have prevented thousands of hospital and emergency room visits and 1,400 fewer heart attacks.

While stronger than the previous rule, it wasn't as tough as the government's independent scientific advisers had recommended. Documents later showed that then-President George W. Bush had intervened personally on the level of smog protection for wildlife, farmlands, parks and open spaces.

EPA officials had wanted to make this secondary standard stronger than the one to protect human health. But the White House sided with its budget office, where officials argued that the two standards should be the same.

Eleven states and a number of health and environmental organizations filed suit against the Bush regulation, arguing that it ignored the recommendation of a key panel of scientists. Industry

groups, whose emissions of nitrogen oxides and volatile organic compounds form smog in sunlight, also sued to weaken the standard.

The office of New York Attorney General Andrew M. Cuomo said Wednesday its lawsuit would be put on hold until the EPA issues new rules.

In a statement, Cuomo said that the Obama EPA's conclusion "that the smog standards promulgated under the Bush administration were weak and insufficient" opens the door for real, science-based standards that will protect the environment and public health.

In March, the Justice Department asked the U.S. Court of Appeals for the District of Columbia Circuit to delay the legal proceedings so the EPA could review the standards.

The Bush regulation set a maximum airborne concentration for ground-level ozone at 75 parts per billion.

EPA's science advisory board - and most health experts - had recommended a limit of 60 to 70 parts per billion to adequately protect the elderly, people with respiratory problems and children.

Environmentalists applauded the agency's decision Wednesday.

Frank O'Donnell, president of advocacy group Clean Air Watch said that if EPA follows the science and the law "it will inevitably mean tougher smog standards than those issued by the Bush administration."

The brief filed Wednesday indicates that the agency will attempt to reach some sort of agreement on the case in coming weeks.

EPA limits pollution from medical incinerators

By Associated Press

In the S.F. Chronicle and other papers, Wednesday, Sept. 16, 2009

WASHINGTON, (AP) -- About 50 medical waste incinerators nationwide will have to reduce their air pollution under new regulations announced Wednesday by the Environmental Protection Agency.

The EPA said that the new rules, which require better monitoring and tighten emissions limits, will reduce toxic pollution from the burning of medical waste by 390,000 pounds annually and likely result in no new incinerators being built.

Medical incinerators burn biological waste, needles, plastic gloves, batteries and other items. The resulting emissions account for only a fraction of the country's air pollution, but it is a particularly toxic mix of heavy metals, acid gases and other contaminants.

The EPA estimates the cost to comply with the new regulations will be about \$15.5 million per year.

The new standards settle a 1997 lawsuit brought by environmental groups that argued existing standards were too weak.

College Students Protest Coal Use on Campuses

By The Associated Press

In the N.Y. Times and other papers, Wed., Sept. 16, 2009

COLUMBIA, Mo. (AP) -- College students from Missouri to Oregon are urging their schools to stop using coal-based electricity in favor of cleaner energy sources ranging from wood chips to geothermal power.

On Wednesday, students at the University of Missouri and other schools nationwide mounted a Sierra Club-led campaign targeting coal-based power at colleges, whether generated at on-campus plants or purchased from private utilities. The campaign began the same day a group of college presidents rallied in Washington in support of clean energy legislation.

Student organizers said colleges have a societal obligation to reduce and eventually eliminate coal use in favor of renewable energy. At Missouri, the school used more than 48,000 tons of coal to generate electricity in 2007, accounting for 80 percent of campus energy use.

A Sierra Club report singled out UCLA, Oregon State, Indiana, Minnesota, North Carolina and five other schools along with Missouri. The environmental group identified 60 campuses with their own coal-burning power plants, including Georgia, Penn State and Virginia.

"University campuses have been at the forefront of many of the most important movements in history," said Mallory Schillinger, a senior from St. Louis County. "Global warming is where the fight is at, and the most crucial part of that fight -- coal -- is located right here on our campus."

In recent years, several schools have opted to forego campus coal plants in response to student protests and regulatory scrutiny.

A 2007 Sierra Club lawsuit charging the University of Wisconsin with violating federal pollution standards and a subsequent court ruling led that state's governor to endorse a \$251 million project to convert the school's coal boilers to instead burn paper pellets and wood chips.

Northern Michigan University withdrew plans to use coal as a backup fuel in its new power plant after the federal Environmental Protection Agency declined to issue an air permit. The new plant will burn only wood products.

And Ball State University is moving to eliminate coal use as it creates what the Sierra Club says is the nation's largest closed geothermal energy system on its campus. In response to the protest, Missouri's sustainability office issued a statement outlining its efforts to reduce fossil fuel use.

Among the projects planned is a new biomass boiler that will replace a coal-fired unit and reduce the school's coal usage by up to 25 percent. The school is also a member of a broader university presidents' initiative on climate change.

"We're very proud of our sustainability efforts, but we know we have more work to do," said Steve Burdic, Missouri's sustainability coordinator.

Statewide, Missouri generates more than 80 percent of its electricity from coal. That reliance accounts for the state having the fourth-lowest energy prices in the country, according to the American Coalition for Clean Coal Electricity.

A spokeswoman for the northern Virginia-based energy group said the new campaign will hurt the state's economy and could lead to increased college costs for Missouri students and their families.

"It's certainly not a proposal the people in Missouri are going to get behind," said Lisa Camooso Miller. "What is the cost for developing these kinds of fuel sources?"

[S.F. Chronicle commentary, Thursday, Sept. 17, 2009:](#)

Will world make December climate deadline?

By John Bruton

The clock has begun ticking on the countdown to the United Nations Climate Summit this December in Copenhagen where leaders from 192 countries will gather to forge an effective response to climate change. We all know what is at stake: the signals from our warming planet are becoming all too clear. The Bali Action plan, agreed on behalf of the United States by the Bush administration two years ago, noted that deep cuts in global emissions would be required to mitigate the impact of climate change, and that the severity of these impacts would increase the longer we delayed reducing emissions.

Our challenges at Copenhagen are threefold:

First, we must reach an agreement on how to distribute the burden of reducing emissions among countries in a way that reflects their different emissions contributions and capacities. For the purposes of burden-sharing, in 1992, countries were divided into "developed" countries, including the European Union and the United States, which must meet mandatory emission limits, and "developing" countries, which are not subject to mandatory limits but must commit to mitigating their emissions.

Much has changed since then. Some "developing" countries, including China, have significantly increased their emissions. Second, we must improve the monitoring mechanisms for CO₂ emissions. If some countries have their emissions verified by independent observers while others police themselves, confidence will be weakened. Third, we must set short-term goals to support the long-term agreement on emissions reductions by developed countries reached by the G8 this summer. Commitments that don't need to be met for 40 years lack urgency and credibility in the absence of shorter-term goals. The EU has already committed to reducing its emissions to 20 percent below 1990 levels by 2020, and is prepared to agree to go to 30 percent below 1990 levels. By contrast, U.S. emissions would be reduced to a maximum of only 7 percent below their 1990 levels even if the Waxman/Markey legislation becomes law, and many U.S. senators are balking even at passing that.

This complicates the U.S. negotiating position for Copenhagen.

I am seriously concerned at the prospects of getting a deal in Copenhagen by the deadline of December. With many U.S. commentators saying that America's top priority is to pass health care legislation, and that the Senate will be unable to pass both health care and climate change legislation before the December deadline, the talk from official U.S. sources is now of "managing expectations" for Copenhagen.

The rest of the world cannot be expected to sit around the negotiating table in Copenhagen twiddling their thumbs, waiting for the Senate of one country (however big) to deal with other business. And developing countries will not be willing to agree to restrictions on their economic growth in the name of climate change if the United States has not demonstrated that it is prepared to join them.

John Bruton is the European Union ambassador to the United States.

[MediaNews editorial in the Contra Costa Times, Thursday, Sept. 17, 2009:](#)

Impasse between Chevron and environmentalists must end

THE IMPASSE between Chevron and environmentalists regarding extensive renovations at the Richmond refinery is one that never should have occurred.

It is primarily the result of inadequate communications by Chevron and environmentalists' focus on what goes into the refinery rather than what is emitted. Backroom political dealing between Chevron and the city of Richmond didn't help the situation either.

Environmental groups won a lawsuit in Superior Court challenging Chevron's environmental impact report concerning the refinery's ability and intent to process heavier grades of crude oil. Plaintiffs argued that processing heavier grades of crude could increase air pollution.

Chevron says that it does not plan to refine heavy grades of crude and that there are strict environmental rules in place to make sure pollution does not increase. In fact, Chevron says that after the renovations are completed, there will be a reduction in air pollution.

In an editorial last month, we asked if Chevron did not plan to refine heavy crude, why wouldn't it agree to a cap on the use of heavy crude to assure everyone that it would not process it?

Last Friday, Chevron officials gave what we believe is a credible answer, but one that unfortunately is too late to prevent further delays in the Richmond refinery renovation project.

The oil company told the Bay Area News Group East Bay Editorial Board that it opposed the cap because it did not want to set a precedent for regulating what goes into a refinery, and that it was not necessary. That makes sense as long as emissions are strictly regulated. It is what comes out of a refinery that affects air quality, not necessarily what goes in.

However, Chevron might well have avoided a loss in the environmental lawsuit if it had produced the EIR had explicitly described the grades of oil the company would be able to process and the range of grades it planned to refine as well as a detailed analysis of their impact.

It is the EIR that the court found to be inadequate because it believed the report was too vague about which grades of oil Chevron could refine and intended to process, not necessarily whether air quality would be adversely affected.

The court ruling is disappointing because more than 1,000 construction workers have been idled and Richmond is missing out on tens of millions in revenue from Chevron.

Chevron is appealing the court decision, but will have to rewrite the refinery project EIR if it loses, further delaying work.

It is unfortunate that the debate over the refinery renovation is centered on what goes into the refinery rather than emissions. That focus needs to change.

The lesson here is that Chevron and the city of Richmond should have done a better job of working openly with environmentalists to guarantee that the refinery project would not increase air pollution no matter which grades of oil were processed.

Had they done so, a more complete EIR could have been written, avoiding a costly lawsuit and delays in renovating a refinery to increase production and lower emissions.

Regardless of who wins the appeal of the EIR ruling, all concerned parties need to make a better effort to cooperate and communicate so the refinery project can resume with air quality standards that satisfy environmentalists' concerns.