

Public invited to weigh in on how Bakersfield should grow

By James Burger, staff writer

Bakersfield Californian, Saturday, Oct. 24, 2009

Bakersfield's future will be on display Monday night at the Kern County Administrative Center.

People who like to complain about traffic, bad air, the terrible economy and the half-built ghosts of housing developments that sprawl along the outskirts of the metropolitan area are invited to come.

People who don't like the idea of government tampering in the land development business will be welcome too.

Supervisors will get a briefing from county planning staff on the Metropolitan Bakersfield General Plan update -- and then supervisors and the public will have a chance to chew over some tough issues.

This won't be the last time the joint plan, currently being crafted by city of Bakersfield and county staff and consultants, will be discussed publicly.

But there are some big questions on the table and there is a lot of talking to do:

- How far out should urbanization occur before we stop build and out and work to fill in the vacant lots and empty areas closer to the city's center?
- Should there be areas of controlled growth where land development is more costly and difficult to do?
- How will we deal with legislation that requires us to reduce our production of greenhouse gases to 1990 levels by 2020?
- How can Bakersfield, a community that deeply reveres the automobile, be encouraged to drive less or use public transit?

In short, how does Bakersfield grow in the next 25 years?

Supervisor Mike Maggard, who went through the last general plan update in 2003 as a member of the Bakersfield City Council, encouraged people to get involved.

"I need to see if the public's perspective is any different than the last time we updated it. I hope the public shows up and shares with us their ideas," he said.

New state legislation, aimed at controlling the greenhouse gases that contribute to climate change, demands changes in the way local governments control growth.

"Whether you like this legislation or not, it's changing the way we do things," Maggard said.

Some of the solutions contemplated in the plan include three tiers of development -- one for now, one for after 2035 and one for after 2050.

"If we continue growing the way we have - on the periphery - our roads system is going to become more and more expensive," said county interim Resource Management Agency Director Ted James. We want to "see if we can't come up with better ways to address greater use of transit, better use of mixed-use development so people don't have to drive across town."

At the same time the goal is to try to maintain the opportunity for development that can fuel the local economy.

"Our challenge is especially magnified by the fact we're in an economic downturn," James said.

Speakers express doubts about Oceano Dunes deal

By Bob Cuddy / San Luis Obispo Tribune
In the Fresno Bee, Sat., Oct. 24, 2009

SAN LUIS OBISPO -- Any state study of the La Grande Tract at the Oceano Dunes before its sale should include traffic, air quality, and other effects on the beach and surrounding communities, south San Luis Obispo County residents told the state Department of Parks and Recreation on Thursday.

Two-thirds of the dozen or so speakers also expressed doubts to the state about whether the 584-acre property should be sold by the county to the state. Some opposed it outright.

Local resident Ted Ehring said he can't see giving up a \$25 million or \$30 million property for \$4.8 million, the price currently on the table. Ehring suggested a continued lease agreement.

The state called the meeting in Grover Beach to find out what local residents think should be included in an environmental impact report, as discussions of a possible sale proceed.

Moderator John Jostes, a consultant hired by the state, told the audience to limit its remarks to the EIR, not the merits of the sale. "If you're favoring or not favoring the project, this is the wrong meeting for that," he said.

However, most of those who spoke did both.

County Supervisor Jim Patterson questioned the quick turnaround on the state's EIR. "It's a very aggressive schedule," he said. "I've never seen an EIR done in two months."

EPA estimates Senate climate bill costs modest

H. Josef Hebert, Associated Press
In the S.F. Chronicle, Saturday, October 24, 2009

Washington - -- An analysis by the Environmental Protection Agency says a proposed Senate bill to combat global warming would add around \$100 a year to a typical household's energy costs.

The analysis released late Friday by Sen. Barbara Boxer, D-Calif., generally mirrors the cost projected by the EPA when it examined similar legislation passed last summer by the House.

The Democratic bill calls for cutting greenhouse gases from power plants and large industrial facilities by shifting energy use away from fossil fuels, especially coal. It would cap emissions and allow trading of pollution allowances to mitigate the cost.

Boxer - chair of the Environment and Public Works Committee - has scheduled hearings next week on the bill and will hear from Obama administration officials, including the EPA, on the legislation on Tuesday.

President Obama, in a speech in Boston on Friday, said he believes a consensus is emerging in Congress on the climate issue. But he also accused some opponents of making "cynical claims that contradict the overwhelming scientific evidence" that the Earth is becoming warmer in an attempt to derail legislation.

"There are those who will suggest that moving toward clean energy will destroy our economy, when it's the system we currently have that endangers our prosperity and prevents us from creating millions of new jobs," Obama told his audience at the Massachusetts Institute of Technology.

Boxer said the bill provides "a clean energy future, creating millions of jobs and protecting our children from dangerous pollution."

Critics of the bill have called it a massive energy tax. And they maintain that the EPA uses overly optimistic assumptions disguising the likely increase in energy costs to consumers.

Sen. James Inhofe, R-Okla., called the EPA analysis "unacceptable" and said he wanted a more complete economic assessment of the bill before proceeding.

The EPA analysis released by Boxer said that while there are differences between the Senate and House bills, they are so small that the economic costs "would be similar" in the case of either bill. As a result, the EPA produced in detail the same numbers for household costs it issued earlier this year when examining the House legislation - and no revised numbers specifically for the Senate legislation.

It said the cost would add \$80 to \$111 a year to households' energy bills as a result of higher prices, although energy consumption was expected to decline slightly as a result of increased efficiency measures.

Nuclear energy becomes pivotal in climate debate

By H. Josef Hebert- Associated Press Writer
In the Modesto Bee, Sunday, October 25, 2009

WASHINGTON -- Nuclear energy, once vilified by environmentalists and facing a dim future, has become a pivotal bargaining chip as Senate Democrats hunt for Republican votes to pass climate legislation.

The industry's long-standing campaign to rebrand itself as green is gaining footing as part of the effort to curtail greenhouse gases.

Nuclear power still faces daunting challenges, including the fate of highly radioactive reactor waste. Reactors remain a tempting target for terrorists, requiring ever vigilant security measures.

But 104 power reactors in 31 states provide one-fifth of the nation's electricity. They also are producing 70 percent of essentially carbon-free power and are devoid of greenhouse gas emissions.

It's something the nuclear industry has hammered away at in advertising and in lobbying on Capitol Hill for nearly a decade. Only recently, however, has the message begun to resonate among both industry supporters and skeptics.

"If you want to address climate change and produce electricity, nuclear has got to be a significant part of the equation," Marvin Fertel, president of Nuclear Energy Institute, the industry trade group, said in an interview.

Not unexpected from a top industry lobbyist. But the same is heard from Republicans and Democrats in Congress, from a growing number of environmentalists and from the White House, where nuclear power otherwise has received tepid support.

The Senate this week will kick off three committee hearings on legislation to cap greenhouse gases from m power plants and large industrial facilities. The goal is to cut them about 80 percent by 2050.

The House has already passed a bill. Its chances in the Senate could hinge in part on whether demands by a few GOP senators, including Lindsey Graham of South Carolina and John McCain of Arizona, that the legislation provide help to build new reactors.

"Nuclear power is pivotal to both a low carbon economy and to generate a bipartisan coalition to pass a carbon cap," says Jason Grumet, executive director of the National Commission on Energy Policy, a bipartisan group of experts created in seven years ago to advise government officials on energy matters.

He says all economic models on climate legislation "assume significant increases in nuclear power" - an expansion binge unseen since the 1970s, before the Three Mile Island nuclear accident brought new reactor orders to a halt.

A study by the industry-supported Electric Power Research Institute says 45 new reactors are needed by 2030. The Energy Information Administration puts the number at 70. An analysis by the Environmental Protection Agency assumes 180 new reactors by 2050 for an 80 percent decline in greenhouse gas emissions.

The Nuclear Regulatory Commission has applications for 30 new reactors. Only a few probably would be built over the next decade, the earliest in 2016 - and then only with the government guaranteeing the private financing.

Democratic sponsors of the climate bill are far short of the 60 votes needed to overcome a GOP filibuster. They hope a compromise could bring along uncommitted centrist Democrats and some Republicans. Along with talk of opening more waters to oil drilling, support for nuclear energy is seen as the carrot that might attract Republicans.

The prospects of such a compromise appeared to brighten recently when Sens. John Kerry, D-Mass., the climate bill's principle sponsor, and Graham collaborated on a new bid to build consensus.

"Nuclear power needs to be a core component of electricity generation if we are to meet our emission reduction targets," they wrote. They called for ending "cumbersome regulations that have stalled" new reactors, measures to help utilities secure financing and expanded research to resolve the waste problem.

They outlined a framework that other Republicans might follow. GOP senators such as McCain, Lisa Murkowski of Alaska, Lamar Alexander of Tennessee and independent Sen. Joe Lieberman of Conn., have shown an interest in climate legislation - if nuclear energy plays a greater part.

To many environmentalists, it remains a choice of dealing with one overriding environmental problem, while accepting another, to some degree.

"You can't dismiss nuclear power's potential as a climate solution," says Susan Vancko of the Union of Concerned Scientists. Yet, she says, with reactors costing upward to \$10 billion apiece, "this is one of the most expensive options out there" to cut greenhouse gases.

Vancko cautions against providing "almost unlimited loan guarantees" for reactors that could go bust.

A group of 14 environmental and anti-nuclear groups expressed concern in a recent letter to senators that easing licensing requirements and rushing to build new plants "would fatally undermine public confidence in the safety of U.S. reactors."

Atop the nuclear industry's wish list - 26 items covering two single-line typewritten pages - is an expansion of loan guarantees for new reactors. But it also mentions eliminating some speed bumps in the road to reactor licensing, new efforts to deal with reactor waste and an array of other items.

Some are in the Senate bill; others are likely to be added.

The goals of those calling for aggressive action on climate change have become intertwined with those pushing for more nuclear energy.

"I don't think it gets you there alone," industry official Fertel says about nuclear's role in combating global warming. "But you can't get there without it."

E.P.A. Agrees to Deadline in '11 for Setting Rules on Mercury Emissions

By Andrew C. Revkin, staff writer
N.Y. Times, Friday, Oct. 23, 2009

The Environmental Protection Agency, resolving a lawsuit aimed at cutting the flow of mercury and other toxic substances from coal or oil-burning power plants, has agreed to develop standards by late 2011 for limiting such emissions.

Environmental and public health groups that had sued the agency in pursuit of a deadline for issuing the standards said the agreement set the stage for closing longstanding gaps, which persisted through the Clinton and Bush administrations, in clean-air rules for power plants.

But groups representing the energy industry and companies that require large amounts of electricity warned of higher energy bills and predicted more litigation when the rules emerge.

According to the E.P.A., American power plants emit close to 50 tons of mercury a year, about a third of the nation's total emissions of the metal, along with traces of arsenic, beryllium, cadmium, chromium, dioxins and other toxic substances.

Under the new agreement, made final in a consent decree issued late Thursday by the Federal District Court in Washington, the deadline for setting standards limiting those substances is Nov. 16, 2011.

John Walke of the Natural Resources Defense Council, one of a dozen groups involved in the litigation, said that as of last December, when the suit was filed, only 28 percent of the coal-burning power plants in the United States had basic scrubbers for such pollution, which he called "a two-decade-old technology."

Mr. Walke said big cuts in these emissions would have substantial economic benefits, because tiny particles of toxic pollution have been linked to a variety of health problems, including an increased incidence of heart disease and strokes.

This week the National Academy of Sciences reported that annual cost of health damage related to emissions from coal and oil burning totaled about \$120 billion in the United States, with half of that coming from coal.

Scott Segal, director of the Electric Reliability Coordinating Council, a group representing the energy industry, said the industry had been steadily reducing emissions for 20 years. Mr. Segal warned that speeding the process could raise electricity costs and push more manufacturing overseas, simply moving pollution instead of cutting it.

EPA to limit mercury emissions from power plants

By Renee Schoof, McClatchy Newspapers
Modesto Bee, Friday, October 23, 2009

WASHINGTON -- The Environmental Protection Agency will put controls on the emissions of hazardous pollutants such as mercury from coal-fired power plants for the first time by November 2011, according to an agreement announced Friday to settle a lawsuit against the agency.

Many other polluters were forced to reduce emissions of toxic material such as mercury, arsenic and lead after the Clean Air Act was strengthened in 1990. But power plants, the largest source of mercury pollution, aren't subject to nationwide rules.

The tougher rules will clean up more than just heavy metals because some kinds of pollution controls - scrubbers, for example - also remove other pollutants, such as soot.

Controlling mercury is significant because the pollutant enters the food chain and ends up in fish. Children, including those who were exposed to mercury before birth, are especially at risk of developmental and learning disabilities. Adults also can experience health problems from eating too much contaminated fish.

Although the EPA has issued guidelines about eating fish, it hasn't required power plants to reduce toxic emissions. The Clinton administration, before leaving office, declared that plants should be subject to controls under the Clean Air Act, but the Bush administration reversed that decision. Instead, it set up a cap-and-trade system, which imposed limits on emissions and established a system to trade pollution allowances.

In February 2008, a federal appeals court overturned that approach and ordered the EPA to regulate toxic air pollutants from power plants. Then the American Nurses Association and environmental groups sued to compel the EPA to issue the regulations.

"Nurses see firsthand the negative effects the pollutants have on the patients they serve," said Alice Bodley, general counsel for the nurses association. "It's a long overdue but welcome commitment from EPA. Once finalized, these regulations should provide a higher level of protection for hundreds of thousands of people, especially young people."

The settlement requires the EPA to adopt the rules by November 2011.

"Addressing hazardous air-pollutant emissions from utilities is a high priority for EPA," the agency said in a statement Friday. It noted that the efforts began in July with the procedural step of asking for public comments on its plan to collect information on emissions from utilities.

The EPA is "committed to developing a strategy to reduce harmful emissions from these facilities, which threaten the air we all breathe," the statement said.

The decision "ends a long-running scandal" that's allowed toxic pollution to poison the air and water, said Frank O'Donnell, the president of Clean Air Watch, a nonpartisan clean-air watchdog group.

John Walke of the Natural Resources Defense Council agreed. "Coal-fired power plants are the 800-pound gorilla of air pollution problems in America," he said.

The EPA will be required to set controls for coal- and oil-fired power plants, but oil is used to generate a relatively small percentage of the nation's electricity.

Today 70 percent of the nation's power plants don't have scrubbers. Those that do have them added the equipment as a result of acid rain controls in 1990, state regulations on emissions of soot and sulfur dioxide, and mercury controls that some states began to adopt in 2006, Walke said.

Many plants, however, met the federal acid rain rules by using low-sulfur coal instead of scrubbers, Walke said.

After the new regulations go into effect, the law gives companies three years to prepare to comply, he said. Walke also said some would make the cuts earlier, but that reductions would be huge in 2014 and 2015.

Dan Riedinger of the Edison Electric Institute, an association of electric power companies, said the settlement put the EPA on a tight schedule. The agency will ask companies for data about mercury emissions, and "this might squeeze the time we have" to provide the information, he said.

The Government Accountability Office, the investigative arm of Congress, reported earlier this month that scrubbers already in place at U.S. power plants have cut mercury substantially at a "relatively low cost."

The EPA's Web site includes health guidelines about eating fish. It also advises people to check local mercury-contamination advisories before eating fish they catch.

In August, the government found mercury contamination in every fish sampled in 291 streams nationwide. About a quarter of them contained mercury above the EPA's guidelines.

Senate's climate bill a bit more ambitious

Early version would cap carbon allowance prices -- and deficit

By Steven Mufson and Juliet Eilperin, staff writers
Washington Post, Sunday, October 25, 2009

Climate legislation took a small step forward late Friday night as Senate Environment and Public Works Committee Chairman Barbara Boxer (D-Calif.) issued a version that includes big benefits for farmers, provisions for deficit reduction and a ceiling on carbon prices.

The proposal, sponsored by Sen. John F. Kerry (D-Mass.) and Boxer, calls for reducing U.S. greenhouse gas emissions by 2020 to a level 20 percent below 2005 emissions, a more ambitious target than the 17 percent set in a climate measure approved by the House in June.

The draft, which resembles the House bill, sets the parameters for what promises to be a sharp debate on one of President Obama's top legislative priorities.

Like the Waxman-Markey bill adopted by the House, the Kerry-Boxer legislation favors a cap-and-trade system that would issue permits for greenhouse gas emissions, gradually lower the amount of emissions allowed, and let companies buy and sell permits to meet their needs. And like the House bill, the Senate measure would give away the vast majority of allowances for a transition period of 20 years to ease burdens on energy-intensive industries and on consumers in states that rely heavily on coal for electricity.

But 25 percent of the allowances would be auctioned off, with revenue going to the federal government to keep the legislation from increasing the deficit.

"This is a very promising start that could lead to the ultimate passage in the Senate of a clean-energy bill," said Daniel Weiss, director of climate strategy at the liberal Center for American Progress.

American Petroleum Institute President Jack Gerard, however, said the Senate legislation is similar to the House bill but more damaging. "It will impose even greater costs on the economy and distribute those costs just as inequitably," he said.

The Senate draft will go to the full committee on Tuesday for consideration and then could be altered further once it is taken up by the full Senate. Many leading senators -- including Lindsey O. Graham (R-S.C.) and Joseph I. Lieberman (I-Conn.) -- and Obama administration officials are already working to craft a bill that would win over wavering Democrats and Republicans whose votes will be needed for passage.

Other highlights of the Senate proposal include the setting aside of allowances in a strategic reserve to stabilize carbon prices. It would be tapped if prices exceed \$28 in 2012; the ceiling price would rise 5 to 7 percent a year.

The bill would give bonus credits to coal-fired plants that use techniques to capture carbon emissions and store them underground, more than tripling the bonuses allowable under the House bill. That provision would help about 25 or more coal plants. This has been a key issue for coal-state lawmakers.

The Senate proposal would also expand the scope of domestic offsets -- carbon-reducing measures that could help firms meet emission targets. The Environmental Protection Agency estimated in a report on the economic impact of the Kerry-Boxer draft that farmers could reap \$1.2 billion to \$18 billion in annual benefits.

The Senate version would also increase benefits for oil refiners, provide training for nuclear power plant workers and give unspecified appropriations for coal plants that convert to natural gas.

The decision by Senate Democrats to give away large numbers of pollution permits angered some environmentalists, who noted that doing so would favor wealthier Americans who owned stock in companies affected by a national carbon cap.

The EPA analysis issued Friday said that the "free distribution of allowances to firms tends to be very regressive. . . . This is because the asset value of the allowances flows to households in the form of increased stock values or capital gains, which are concentrated in higher-income households."

Frank O'Donnell, head of the advocacy group Clean Air Watch, said lower- and middle-class consumers should not be penalized for not owning certain stocks. "This is one reason why auctioning permits is better than giving them away for free," he said.

While the Democrats plan a hearing on the bill on Tuesday and aim to mark up the measure within two weeks, committee Republicans might try to block the markup by denying the majority a quorum. The panel's top Republican, Sen. James M. Inhofe (Okla.), issued a statement saying the 37-page EPA analysis was not thorough enough.

"The majority prefers to keep this bill under wraps for the very straightforward reason that it will destroy jobs, stifle economic growth and tax the energy Americans use every day," Inhofe said.

Meanwhile, on Saturday, an international group of lawmakers met in Copenhagen and agreed to promote common environmental principles, including national energy-efficiency targets, short- and medium-term emissions-reduction goals, and a mechanism for putting a price on greenhouse gas emissions.

Rep. Edward J. Markey (D-Mass.), co-author of the House climate bill, attended the meeting and said it was significant that the principles were endorsed by figures such as Wang Guangtao, who chairs China's Environment and Resource Protection Committee.

To settle suit, EPA agrees to issue rules

Washington Post, Saturday, October 24, 2009

The Environmental Protection Agency agreed to issue rules by November 2011 to cut toxic air pollution at electric generating plants that burn coal or fuel oil, under an agreement to settle a lawsuit against the agency.

The court-ordered agreement issued Thursday aims to reduce mercury pollution and soot that cause asthma, bronchitis and other health problems, particularly in children. The EPA agreed to issue the rules after a coalition of environmental and public health groups sued the agency.

-- Reuters

EPA proposal to cut Great Lakes ship emissions stirs the waters

By Kari Lydersen and Juliet Eilperin

Washington Post, Friday, October 23, 2009

DULUTH, MINN. -- A horn blasts, seagulls screech and tourists clap as the longest ship in the Great Lakes, the 308-meter Paul R. Tregurtha, glides through Duluth's canal and heads into Lake Superior, loaded down with coal bound for Midwestern power plants.

Piles of crushed limestone, salt, iron ore and coal line the shores of the Great Lakes' busiest port, destined to forge steel, de-ice roads and build skyscrapers throughout the heartland. The towering grain elevators along the harbor's shores are stuffed with wheat and soy waiting for the trip out the St. Lawrence Seaway to the Atlantic Ocean, then on to Europe, North Africa or South America.

Underlying this show of commercial strength is a maritime industry many see as fragile, threatened not only by a weak economy but also by broader environmental initiatives. The emissions from these ships -- the only mode of transportation not under new federal air pollution regulations -- have been linked to increased levels of heart and lung disease.

Now, an Environmental Protection Agency proposal that would compel the vessels to burn cleaner fuel and upgrade their engines has sparked a furious behind-the-scenes lobbying campaign that has come to a head this week, pitting congressional Democrats against a Democratic administration as lawmakers allied with Midwestern and Alaskan shippers pressure the EPA to back down and protect jobs.

High stakes

The outcome of the battle -- which has delayed consideration of the EPA's budget -- has implications for a region battered by unemployment and one of the Obama's administration's key environmental strategies.

Large vessels rank second only to power plants as to the health risk their air pollution poses, and the EPA estimates the proposal will produce more health benefits than those it has applied to off-road vehicles, diesel trucks and other sources. Without further regulation by 2030, the agency projects that smog-forming nitrogen oxide emissions from the ships will more than double, to 2.1 million tons a year.

Environmental and health groups say the new standards, proposed in July and set to be finalized by Dec. 17, would prevent up to 33,000 premature deaths a year from problems such as heart disease, respiratory illness and cancer. Although coastal areas would reap the biggest clean air benefits, air quality would also improve for states hundreds of miles inland, including Nevada, Tennessee and Pennsylvania, and parks such as the Grand Canyon and the Great Smoky Mountains.

The proposal would limit air emissions from ships in the United States' exclusive economic zone, which extends 200 nautical miles from its coasts. This includes the 133 American and Canadian "Lakers" that spend their whole lives in the Great Lakes or St. Lawrence Seaway and the smaller "Salties" that go between foreign and Great Lakes ports.

The agency wants to require vessels to switch by 2015 from viscous bunker fuel, which contains about 30,000 parts per million sulfur, to fuel that contains no more than 1,000 parts per million. Trucks are required to use fuel with no more than 15 ppm sulfur, and by 2015 locomotives, bulldozers and barges will have similar limits.

Great Lakes shipping industry officials say the cost of the new fuel and the engine overhauls needed to burn it would undermine their competitive edge and shift commodity transport to rail and truck.

Lake Carriers' Association President James H.I. Weakley said the rule would cost U.S. and Canadian ships an extra \$210 million a year for fuel. Out of a U.S. fleet of 65, he predicted that 13 steamships with 429 mariners would be scrapped and that 13 ships with old diesel engines might face premature retirement.

Great Lakes shippers said the process is incomplete. The EPA analysis that the policy's health benefits would outweigh its compliance costs by at least 30 to 1, they said, fails to grasp the impact the rule would have on a region experiencing double-digit unemployment -- a problem that could spread to iron ore miners, farmers, salt miners and others if exports decrease. Iron ore shipments from Great Lakes ports are nearly half of last year's, with coal shipments falling by a third.

"We asked them to pause, go back, study the economic impact, work with industry," said Steven Fisher, executive director of the American Great Lakes Ports Association. "We applaud their goal of clean air, but how do we get there without wrecking this economy and wrecking this industry?"

The government has required businesses as small as bakeries, dry cleaners and auto body refinishing plants to curb emissions, said S. William Becker, executive director for the National

Association of Clean Air Agencies. "How can all of these other industries be expected to clean up," asked Becker, "while this one, spewing all this stuff, be exempted?"

Lawmakers' doubts

In an economic downturn, however, many lawmakers appear to have little patience for such arguments. Led by House Appropriations Committee Chairman David R. Obey (D-Wis.) and House Transportation and Infrastructure Committee Chairman James L. Oberstar (D-Minn.), they are trying to soften the rule for Great Lakes shippers.

Neither Oberstar nor Obey would comment. But Rep. Candice S. Miller (R-Mich.) said she and others have asked the "EPA to really rethink what they're talking about. You can't imagine how bad it is in a state like Michigan. We're looking at this, and we could lose 50 percent of our shipping capacity -- that's what the shippers are telling us."

On Oct. 8, Oberstar arranged for EPA officials to meet with him, Miller, Obey and Reps. Kathy Dahlkemper (D-Pa.), Marcy Kaptur (D-Ohio), Dale E. Kildee (D-Mich.) and Don Young (R-Alaska). They raised the prospect of attaching language to the annual Interior and Environmental Appropriations Bill that could halt implementation of the rule, Kaptur and Miller said, and have delayed moving the bill as they seek to resolve the matter.

Kaptur said the lawmakers want "a realistic effort to assist our industry transition." Miller said the EPA could explore options such as exempting Great Lakes shippers temporarily as it studies the issue or permanently.

EPA spokesman Brendan Gilfillan said the agency is aware of the industry's concerns and its international obligations to curb emissions. The EPA, he said, listens to public comments and prides itself on "taking them into account."

Arlington goes its own way in lawsuit over HOV lanes

Many N.Va. officials reject county's use of civil rights as an issue in highway case

By Derek Kravitz and Jennifer Buske

Washington Post, Friday, October 23, 2009

After 3 p.m. on any given day, the traffic along Glebe Road between interstates 395 and 95 in Arlington County is voluminous. Cars slow, stop and snake around crowded intersections. Overheated vehicles cause tempers to boil over. Amid the exhaust fumes and gridlock, one thing is clear: No one is happy driving here.

Arlington leaders say plans for three high-occupancy toll lanes on the nearby highways will make traffic worse on Glebe and other roads. But it's not just a transportation problem, they say in a federal lawsuit; it's also a civil rights issue.

The suit, filed in August, asks a judge to order a more stringent environmental study of the toll-lane project. Among the chief concerns it cites is the potential effect of air pollution on the health of low-income and minority residents clustered near the highways in areas such as Shirlington. More vehicles on offramps would mean more vehicles in residential neighborhoods, officials argue.

In the often political world of transportation projects, the suit's use of the Civil Rights Act has sparked a torrent of criticism from lawmakers and government officials who say issues of race and class have no place in highway planning.

At a Fairfax County Board of Supervisors meeting last month, Supervisor Pat S. Herrity (R-Springfield) said Arlington officials erred in including any mention of disparate impact between the white, mostly suburban drivers in Spotsylvania and Stafford counties who would have "unimpeded access" to the toll roads and the more diverse, bottlenecked drivers in Arlington.

"I don't think race or class warfare has any standing in this argument," Herrity said.

Arlington County Attorney Stephen MacIsaac said the suit was not intended to "create some kind of wedge issue on race or income," but rather to force state officials to reevaluate the effect of air pollution on nearby schools, day-care centers and low-income housing.

"We're not just throwing this out there to throw in the race element," MacIsaac said. "We believe this is an environmental justice issue."

What's in contention

Calvin and Loretta Mitchell, who are black, run an at-home day-care center at the end of Arlington's South Fillmore Street, which is in a predominantly black neighborhood. Most of the families who pick up their preschoolers at the Mitchells have to park on curbs across the street and walk several blocks to reach the two-story brick house.

"Cars are parked all over the place. It's terrible," said Calvin Mitchell on a late Thursday afternoon as rushed parents snatched their children from the home.

The Mitchells say traffic caused by three planned high-occupancy toll lanes on nearby highways is going to make their headaches worse. But Herry and other officials who support the project say it will ease congestion.

Many have questioned Arlington's decision to include discrimination claims in its lawsuit.

Robert Chase, executive director of the Northern Virginia Transportation Alliance, a business-funded group that lobbies for transportation improvements, called the argument "completely outrageous." John B. Townsend II, a spokesman for AAA Mid-Atlantic, said Arlington is "grasping at straws." Ronald F. Kirby, the director of transportation planning for the Metropolitan Washington Council of Governments, an independent arbiter of sorts, said the lawsuit "came right out of the blue," as Arlington had not expressed its concerns in that "explicit of a form" in meetings.

What is noteworthy about the suit, legal experts say, is the claim of intentional discrimination. Arlington would have to prove that Virginia transportation officials deliberately set out to create a disadvantage for Arlington residents because of race or income level. The U.S. Supreme Court ruled in the 1977 case of Village of Arlington Heights v. Metropolitan Housing Development Corp. that racial animus can be found only if the measure is "unexplainable on grounds other than race," said John F. Preis, an assistant law professor at the University of Richmond. The same rule generally applies in income discrimination cases.

"But governments can almost always point to some nondiscriminatory reason for a particular law or action," he said.

The Arlington difference

Three environmental groups sued Maryland in 2006 to stop construction of the Intercountry Connector, arguing that officials had not adequately assessed the amount of air pollution the roads would generate. That lawsuit did not deal with civil rights issues, but it did include environmental claims similar to those in Arlington's suit. It was settled last year when Maryland agreed to spend \$2 million to reduce air pollution from school buses in Montgomery and Prince George's counties and to install new air quality-monitoring equipment.

Arlington's lawsuit is different in that it makes an issue of the racial and socioeconomic disparity between those who would benefit most and least from the toll roads. The argument is reminiscent of those advanced in the 1960s by activists who protested transportation projects through black neighborhoods in Northeast and Southwest Washington. Supporters of that movement used the slogan, "No white man's highways through a black man's home."

Even some opponents of the toll lane project say it is difficult to accuse state officials of deliberately discriminating against black and poor Arlington residents.

Arlington asked the Prince William County Board of County Supervisors to join in the lawsuit about a month ago. Prince William supervisors discussed the possibility last week in a closed

meeting, but they voted against joining because of the "scandalous allegations" in the suit, Chairman Corey A. Stewart (R-At Large) said.

"The Arlington lawsuit makes unsubstantiated claims of racism against the U.S. secretary of transportation and the secretary of transportation in Virginia," Stewart said. "These claims are unfair and extremely hurtful. The board does not want to join as a plaintiff in a case that makes such hurtful claims against public officials."

Stewart said the board will probably do something on its own, possibly including a separate lawsuit to show its opposition to HOT lanes. Prince William officials have long voted against the project, worried about how it will affect congestion inside the Capital Beltway and "slugging," the informal ride-sharing system used by many area commuters.

The lawsuit is ironic, Stewart said, because Arlington initially voted in favor of the HOT lanes. If the county had sided with Prince William, "we wouldn't be where we are today," he said.

Freewheeling: U.S. cities challenge: Going green -- getting the gray out

By Holly Reich

In the Contra Costa Times and Tri-Valley Herald, Friday, October 23, 2009

In what could develop into a model program for other U.S. cities across the country, New York City goes green with electric vehicles.

New York City is growing greener. And we're not talking about Central Park. Mayor Michael Bloomberg recently announced three new developments in the city's use of alternative fuel vehicles. Through an initiative called PlaNYC, the plans are to reduce the municipal government carbon emissions 30 percent by 2017 and the entire city's carbon emissions 30 percent by the year 2030.

"Through PlaNYC and our vision for a greener, greater, New York, we are dedicated to reducing pollution and improving the air quality in our city," said Mayor Bloomberg.

"We are encouraging people to leave their cars at home by making mass transit more accessible and attractive, but no matter how much we modernize our public transportation, there will still be trips that have to be made by car."

Bloomberg added that he wanted the vehicles driven in New York to be more energy efficient and to use cleaner fuels. The three-part program includes:

- The Department of Sanitation will use two new hybrid electric diesel collection trucks, a hybrid hydraulic collection truck and a hybrid rack truck, the first in the country designed for heavy-duty applications.

These vehicles will reduce truck emissions, decrease fuel consumption and truck noise, and help collect some of the over 11,000 tons of garbage and recycling the department picks up every day.

- The Parks Department and the Street Conditions Observation Unit (SCOUT) will field-test 10 all-electric MINI E vehicles on loan from the BMW Group.

The MINI E travels about 100 miles on a single charge powered by a 150-kilowatt electric motor (equal to 201 horsepower). The energy supply comes from a high-performance rechargeable lithium-ion battery. Recently, the BMW Group presented a fleet of 10 zero-emission, battery-powered MINI E vehicles to NYC. Eight of them will be used in NYC's SCOUT, the remaining two have been designated for the NYC Parks Department for special events and patrolling.

SCOUT is a squad of 15 inspectors who drive around New York's five boroughs looking for quality of life violations, including potholes, overflowing litter baskets or missing stop signs or graffiti. Inspectors motor around in a fleet of 10 three-wheeled vehicles (Interceptor Scooters), five hybrid Toyota Prius' and eight of the newly acquired MINI E's.

The Bloomberg Administration has launched a study on how the electric vehicle consumer market in New York City can be developed. The study will examine city driving and parking patterns. For

example, most New Yorkers do not own a car and even those who own cars may still rely on mass transit for daily commuting purposes. Also, many New Yorkers park their cars on the street or in commercial parking garages.

The goals for the program include:

- An education campaign to help drivers understand the economic and environmental benefits of electric vehicles;
- Expedited permitting to install chargers at home or in commercial garages;
- Rebates to lower the upfront cost of an electric vehicle;
- Working with automotive manufacturers and other companies to build charging facilities where New York City drivers currently park.

Swedish foods now show carbon footprints

Elisabeth Rosenthal, New York Times

In the S.F. Chronicle, Friday, October 23, 2009

Stockholm - -- Shopping for oatmeal, Helena Bergstrom, 37, admitted that she was flummoxed by the label on the blue box reading, "Climate declared: .87 kg CO₂ per kg of product."

"Right now, I don't know what this means," said Bergstrom, a pharmaceutical company employee.

But if a new experiment here succeeds, she and millions of other Swedes will soon find out. New labels listing the carbon dioxide emissions associated with the production of foods, from whole wheat pasta to fast food burgers, are appearing on some grocery items and restaurant menus around the country.

People who live to eat might dismiss this as silly. But changing one's diet can be as effective in reducing emissions of climate-changing gases as changing the car one drives or doing away with the clothes dryer, scientific experts say.

"We're the first to do it, and it's a new way of thinking for us," said Ulf Bohman, head of the Nutrition Department at the Swedish National Food Administration, which was given the task last year of creating new food guidelines giving equal weight to climate and health. "We're used to thinking about safety and nutrition as one thing and environmental as another."

Some of the proposed new dietary guidelines, released over the summer, may seem startling to the uninitiated. They recommend that Swedes favor carrots over cucumbers and tomatoes, for example. (Unlike carrots, the latter two must be grown in heated greenhouses here, consuming energy.)

They are not counseled to eat more fish, despite the health benefits, because Europe's stocks are depleted.

And somewhat less surprisingly, they are advised to substitute beans or chicken for red meat, in view of the heavy greenhouse gas emissions associated with raising cattle.

"For consumers, it's hard," Bohman acknowledged. "You are getting environmental advice that you have to coordinate with, 'How can I eat healthier?'"

Many Swedish diners say it is just too much to ask. "I wish I could say that the information has made me change what I eat, but it hasn't," said Richard Lalander, 27, who was eating a Max hamburger (1.7 kilograms of carbon dioxide emissions) in the shadow of a menu board revealing that a chicken sandwich (0.4 kilograms) would have been better for the planet.

Yet if the new food guidelines were religiously heeded, some experts say, Sweden could cut its emissions from food production by 20 to 50 percent.

An estimated 25 percent of the emissions produced by people in industrialized nations can be traced to the food they eat, according to recent research here. And foods vary enormously in the emissions released in their production.

While today's American or European shoppers may be well versed in checking for nutrients, calories or fat content, they often have little idea of whether eating tomatoes, chicken or rice is good or bad for the climate.

Complicating matters, the emissions impact of, say, a carrot, can vary by a factor of 10, depending how and where it is grown.

Earlier studies of food emissions focused on the high environmental costs of transporting food and raising cattle. But more nuanced research shows that the emissions depend on many factors, including the type of soil used to grow the food and whether a dairy farmer uses local rapeseed or imported soy for cattle feed.

"This is trial and error; we're still trying to see what works," Bohman said.

[L.A. Times commentary, Monday, Oct. 26, 2009:](#)

Trading in 'cap and trade'

Focusing on specific industries rather than capping overall emissions work better for modernizing nations, although it may result in higher greenhouse gas levels in developed countries.

By Tim Flannery

The international climate negotiations that have been grinding on for years may have crossed a Rubicon of sorts. That's because a new model of engagement for some nations is receiving wide attention. It's shorthanded as "national schedules," and it could get incorporated into the next world climate treaty -- the one that replaces the Kyoto Protocol -- to be signed in Copenhagen in December.

Under the proposal, nations would list the steps they promise to take to deal with climate change and the reduced emissions they expect each step to result in. The model is drawn from international trade negotiations, in which nations schedule measures taken to free up trade.

There are very important differences between agreeing to Kyoto-type terms and agreeing to list actions on national schedules. Under Kyoto, developed nations are obliged to account for all of their greenhouse gas emissions and to reduce them to a pre-agreed cap by a certain year. Under a national schedules approach, however, countries select a subset of emissions sources to act on and fix, but they do not agree to account for and cap all of their national emissions.

The increased national autonomy this provides, and the simplified accounting resulting from having to deal with a self-chosen subset of emissions, is very attractive to some countries. But the downside is the lack of an overall emissions cap -- and therefore the potential for greenhouse emissions to continue to grow.

Still, adding a national schedules option to the global climate treaty makes sense, especially because it could spur climate-saving action in developing nations, which have so far been given a pass by the Kyoto Protocol. India and China, for example, two hefty polluters, are not obliged to account for and cap their emissions. However, getting them to schedule specific actions to reduce some of their emissions could put them on track toward a total cap, not to mention contributing to lower emissions in the meantime.

It's tempting to believe that the proposed mechanism of national schedules may have played a role in the breakthrough announcement by India's environment minister, Jairam Ramesh, on Sept. 18 that India would accept some sort of limits on its carbon emissions. And it also may have influenced Chinese President Hu Jintao's announcement on Sept. 22 that his country would mandate a "notable decrease" in carbon intensity by 2020. These surprising developments from the world's largest developing economies, which have long declined to engage meaningfully in climate negotiations, have had the effect of revitalizing the negotiations.

While national schedules could play a crucial role in reengaging developing countries in the climate negotiations, they raise many difficulties. One of the most immediate is their effect on carbon trading -- the buying and selling of emission allowances meant to put a (high) price on greenhouse gases. The Kyoto Protocol, with its accounting of total national emissions, provides a clear mechanism for carbon trading. There's no obvious way for countries on national schedules to participate, so the overall market is likely to shrink. This is bad because it would lower the price of polluting, just the opposite of what is needed for clean-technology innovation.

There is, however, a much more serious problem with national schedules. If the model were to apply to the U.S., it would represent a major step backward in controlling greenhouse gases. The U.S. remains the biggest per capita carbon emitter in the world and the only developed nation to have sidestepped Kyoto (Congress never ratified the treaty). It has made no commitment to a national emissions cap. Nor has it had the political will to pass legislation aimed at setting up a national carbon trading system. If the U.S. is allowed to adopt a national schedule instead of finally agreeing to a national cap, it would almost certainly lead to the failure of Australia and Canada to abide by their agreements to cap emissions. And that in turn would leave the Europeans all but isolated in their adherence to national emissions caps, and the developed world without an overall greenhouse gas target.

Most of the major energy generators and many of the largest polluters in the U.S. -- such as Alcoa and Duke Energy -- now favor a cap-and-trade bill. The opposition is coming primarily from chambers of commerce, principally in the Midwest, whose members fear rising energy prices.

If the United States is to lead at Copenhagen, it desperately needs to pass cap-and-trade. The reinvigorated global negotiations have only increased the pressure -- it's time for the United States to bring something concrete to the table in December.

Tim Flannery is chairman of the Copenhagen Climate Council and the author of "Now or Never: Why We Must Act Now to End Climate Change and Create a Sustainable Future."

[S.F. Chronicle commentaries, Sunday, Oct. 25, 2009:](#)

Crafting a Copenhagen deal with teeth

By Jared Blumenfeld

In just 44 days, nations will meet in Copenhagen to work out a replacement for the Kyoto climate change treaty. Any Copenhagen agreement needs to be verifiable and enforceable - and that means committing to measurable national actions and a personal carbon-dioxide reduction target for all.

The 1995 Kyoto climate deal was a win-win for no one. Rich countries agreed to targets they had no intention of meeting. Poorer nations had no targets at all. Voters at home were conned into hoping that climate change was being tackled by politicians. Politicians got credit for taking action while knowing there was no penalty for doing nothing - and little was done. Canada, for instance, is 29 percent above its Kyoto carbon-dioxide-reduction target - and there are no repercussions.

The United States, unlike the vast majority of the world's nations, takes the implementation of international agreements seriously. That is, perhaps, why we don't sign many (including Kyoto). Implementing changes to close the gap between legally binding treaty language and inaction on

the ground is critical if we want to reduce the effects of climate change. Under the Kyoto agreement, global greenhouse gas emissions increased 15 percent (from 2000 to 2005).

The Copenhagen climate deal must penalize noncompliance; otherwise, there is little reason for the United States to sign. Both the Waxman-Markey bill (passed by the U.S. House of Representatives) and French President Nicolas Sarkozy's proposal would impose a carbon border tax on imports from countries that do not sign on to a global climate deal. Rather than signing on to agreements that do not ever seem to translate into action, Copenhagen conferees should instead ensure that hard fought-over targets are implemented.

It would be better to establish a climate oversight body with real enforcement powers much like the World Trade Organization. However, given that countries don't want to be held accountable by international bureaucrats, few (even from Europe and the United States) would vote for such powers. Inserting the existing WTO enforcement regime (with real sanctions) into the Copenhagen deal is also feared because of the potential for climate-related disputes blowing up the world trading system.

It's difficult to argue for more actions because very few have a clue what the Kyoto targets are or how they work. To address this problem, Australia is touting a creative idea to focus on measurable national action to reduce carbon dioxide. That is, track whether energy-efficient building standards are being applied, or whether a forest has, in fact, been replanted. However, the Australian proposal lacks any baseline from which to measure progress. And Copenhagen discussions are nowhere close to agreeing to economywide carbon dioxide reductions for rich or poor nations. This quagmire mirrors last year's collapse of the Doha trade talks, underscoring how difficult it is to develop either one-size-fits-all regulations or to agree on an equitable sharing of carbon-reducing costs and benefits between the world's bickering nations.

Better to take climate change personally. Economist Sir Nicholas Stern calculated in his review that if we are to avoid the worst impacts of climate change, by 2050 each man, woman and child on the planet can emit only 2 tons of carbon dioxide per year. Today, global per capita greenhouse emissions are at 4.2 tons - in San Francisco, the per capita average is 11 tons, and for the United States, it is 24 tons per person.

Rwandan President Paul Kagame is pushing this per capita solution as a means to establish both a clear baseline and equity between nations. President Kagame believes that "(t)he global trade in this 'commodity' would eventually yield a carbon dioxide global value in the region of \$1 trillion." Not a bad way to fund the developing world's cost of reducing carbon dioxide and adapting to climate change.

Even though the impacts of climate change are global, greenhouse gas emissions themselves are all local. It is at the local level that enforcement of climate goals has the best chance of being effective.

By combining clear climate actions with a per capita carbon dioxide target, citizen groups, lawyers and the public will have the tools to hold their politicians accountable to their Copenhagen commitments. By focusing on what each country can do today rather than what 192 nations are unlikely to do tomorrow, the Copenhagen climate conference still has the opportunity to save the planet.

Jared Blumenfeld is the director of the San Francisco Department of the Environment (www.sfenvironment.org).

Smart meters are key to a clean energy future

By Helen Burt

To win the fight against runaway global warming, every one of us will have to make smarter use of energy and shift to cleaner forms of energy. A key tool will be the smart electric meter.

Smart meters are like any other meter, with the added ability to communicate between the customer's home or workplace and the utility. They can record energy usage every hour, instead of waiting for a read once a month. And they can inform the customer of electricity prices that vary with system supply and demand.

Smart meters can also communicate with in-home displays that show customers how much energy they are using and at what price, and with smart appliances, which can be programmed to operate during hours when there's less demand for power and lower prices.

Smart-meter-enabled systems will give customers immediate visibility into their real-time energy use and the ability to manage it remotely - via the Web or cell phone - down to individual appliances.

The more conscious customers are of their energy use, and the more empowered they are to change it, the more they tend to save.

Smart meters also let utilities such as Pacific Gas and Electric Co. offer voluntary pricing programs that reward customers for cutting back on energy during periods of peak demand, typically scalding days when air conditioners are turned up high.

Timely reductions in electric demand reduce the need to fire up expensive fossil-fueled "peaker" power plants, thus minimizing air pollution and carbon emissions.

The result: Customers save money and help the environment.

More than 25,000 PG&E customers are now enrolled in SmartRate, the first Critical Peak Pricing Program in the United States to use data from smart meters.

The program gives enrolled customers a discount on summer electricity usage in return for a surcharge on electricity used during afternoon hours on no more than 15 days in summer when soaring temperatures drive up demand on PG&E's grid.

On the nine peak SmartDay events called by PG&E last year, participating customers cut their usage by an average of 17 percent. Nine in 10 said they intended to stick with the program.

Besides slashing the need for new generation, "demand response" programs like SmartRate, facilitated by smart meters, offer another environmental benefit: They will help utilities manage the critically important shift from fossil fuels to renewable energy.

As the North American Electric Reliability Corp. noted last year, "Variable resources, for example wind generation, often need a 'dance partner' which can provide operational flexibility to maintain reliability" when energy output fluctuates. "Demand response can provide all or a portion of the flexibility required for this integration."

Smart meters will take time to show their full promise. New home energy displays and smart appliances that take advantage of meter capabilities are only now just beginning to find their way to market.

The benefits of smart meters will grow as they are deployed to all PG&E customers. They represent a vital investment in our clean energy future that will pay dividends for years to come.

Helen Burt is senior vice president and chief customer officer at Pacific Gas and Electric Co.

[Fresno Bee editorial, Monday, Oct. 26, 2009:](#)

It makes sense for rail money to come here

California's high-speed rail advocates are lobbying for a sizable chunk of the \$8 billion in federal high-speed rail funding that's available. California's application includes about \$1.3 billion for San Joaquin Valley routes that would run from Merced to Bakersfield. The remainder of the application, about \$3.4 billion, would include segments for San Francisco to San Jose and Los Angeles to Anaheim.

With 23 states going after the federal funding, California will have to prove its application is worthy, especially considering that the Golden State wants more than half of the federal money available.

California High-Speed Rail Authority leaders were on Capitol Hill lobbying for the state's \$4.7 billion funding request. Gov. Arnold Schwarzenegger, Rep. Jim Costa, D-Fresno, and Sens. Dianne Feinstein and Barbara Boxer have also been pushing California's application with federal officials.

California would be perfect for high-speed rail because of the large distances between major cities and the need to get motorists off the state's crowded freeways.

For San Joaquin Valley residents, high-speed rail system would offer quick and efficient transportation to the Bay Area and Southern California. It would help improve the Valley's air quality, and give residents other transportation options.

In addition, this massive public works project would create high-paying jobs in construction and related industries. The Valley could use those jobs right now.

California voters helped the state's quest for a high-speed rail system in 2008 when they approved a bond that includes \$9 billion to jump-start construction. The entire system in California could cost \$40 billion, and the rest of the funding must come from other sources, including state and federal funds and private donations.

We believe high-speed rail is part of our nation's future. It will reduce dependence on foreign oil, lower greenhouse gas emissions and provide a cheaper alternative to costly air travel.

There's no better place to start with high-speed rail than California.

[Letter to the Contra Costa Times, Sunday, October 25, 2009:](#)

Be green

I'm green and so are many of my friends. We've been seriously recycling for years.

We drive the most energy efficient cars we can find. We conserve. We don't litter. We use as little water, gas and electricity as possible.

We weather strip and put in energy efficient windows. We wear sweaters. Our carbon footprint is as small as we can make it.

One of my friends purchased an electric Mini Cooper and installed solar panels to charge it. Another friend put in a salt water swimming pool for his kids and heats it with solar panels.

California has miles of wind farms. What we need is more product. I'm not buying a new car until I see what the American car manufacturers come out with.

One of California's solar panel corporations received a large chunk of money from the government to expand. Vice President Joe Biden made the presentation. I like it when my government spends my tax dollars this way.

Let's go. Lots of us are ready! Make the products to turn this old planet around and we'll buy it. We love this planet. We want clean air and oceans. Nature is beautiful.

I'm standing with President Barack Obama on this.

Anita McGovern, Richmond