

Diesel Rule a Catch-22 for Trucking Industry

An additive that is required in some states starting today can hurt pipelines. Truckers fear shortages of the fuel.

By James F. Peltz, Los Angeles Times, January 1, 2005

Here's another slippery problem for the volatile U.S. diesel fuel market.

Already grappling with prices that are 30% higher than a year ago, truckers and other users are bracing for possible diesel shortages starting today. The culprits: a lubricating fuel additive and new regulations created by an obscure standards-making board.

"We're watching this very carefully, because our members are concerned about shortages of diesel fuel for whatever reason," said Bill Gouse, vice president of engineering at the American Trucking Assns., an industry trade group in Washington.

The possible supply squeeze stems from new federal clean-air regulations mandating the use of diesel fuel with an ultra-low sulfur content beginning next June. Sulfur provides lubrication that is essential for engines and fuel pumps that run on diesel - this is not an issue with gasoline - and a replacement needed to be found.

Enter ASTM International, a century-old volunteer organization formerly called the American Society of Testing and Materials. Its 30,000 members, mostly scientists and technical engineers, develop safety and efficiency standards for many industries, including the energy business.

The group has no enforcement power, but its edicts are often put into law by state and local governments. In the case of diesel fuel, its standards are automatically endorsed by about 20 states, including California, and generally followed by other states as well.

The group declared this year that an additive should be mixed with the fuel, starting today, to solve the "lubricity" problem in diesel fuel.

"Everyone assumed the additive could be put in [the fuel] at the refineries," where other additives are routinely injected, said Dean Simeroth, fuels chief at the California Air Resources Board. Then the fuel would be shipped normally through pipelines to the nation's 1,500 fuel terminals.

But in October, sand got thrown into the gears. Colonial Pipeline Co. in Atlanta, which runs one of the nation's largest independent pipeline systems, tested the new additive-laced fuel to make sure it didn't corrupt other fuels that it feeds through its pipes.

To its alarm, the altered diesel fuel left a residue - or "trail back," in industry parlance - that could contaminate jet fuel that also runs through its pipelines.

Another major pipeline operator in the West, Kinder Morgan Energy Partners, discovered the same problem, Simeroth said.

Any threat to airline safety, naturally, is off limits. "The pipeline operators said 'Whoa, we need to do something,' " Simeroth said.

They did - promptly announcing that they would not ship diesel fuel with the additive.

Disarray ensued. Operators in California and other states suddenly realized they would have to mix the additive not at the refineries, but at the terminals - a much bigger and time-consuming job.

Moreover, each state would have to ensure that its terminals were modified to inject the additive into fuel and thus meet state standards.

"It's a logistical nightmare," said Al Mannato, senior fuels associate at the American Petroleum Institute, the industry's trade group in Washington. "We've been working state by state to explain the problem and get them to issue emergency rules or letters" extending the Jan. 1 deadline, "to allow the terminals enough time to put the additive equipment in."

California did just that. The state Air Resources Board delayed implementing the new lubricity standard until May 1, to give terminals more time to comply.

Several other states have taken similar action, but a handful have yet to signal their plans, Mannato said. They include New Mexico, Montana and Washington. Truckers and other diesel-fuel users in those states could run into shortages if marketers can't sell either the old version of the fuel or aren't ready to sell the new one. Since trucks crisscross the nation, the ripple effect of delayed shipments could still reach California.

The lubricity snag is just one more problem in a tough year for the U.S. trucking industry, which burns about 650 million gallons of diesel fuel each week.

Diesel prices have soared in tandem with oil and gasoline prices. In September, the average national retail price for diesel climbed above \$2 a gallon for the first time. In the week ended Monday, the U.S. price was \$1.987 a gallon, up 48.5 cents from a year earlier, the Energy Department said. The average price in California was \$2.097 a gallon, 42.1 cents higher than a year earlier.

The trucking industry's plight led to some protests last April and May, when truckers created huge traffic jams by parking their big rigs on Southern California freeways and by slowing traffic at the ports of Los Angeles, Long Beach and Oakland.

Some of the major oil companies are quickly modifying their refineries and terminals to accept the new fuel by today, regardless of what the states do. They include ConocoPhillips, which said its Colton terminal would be among those modified.

But whether all U.S. terminals will be equipped in time is an open question, Mannato said, which leaves truckers "concerned that the fuel won't be there when they need it."

Smoky Hangover on New Year's Day

From Los Angeles Times Wire Reports, January 1, 2005

Residents of Mexico's capital began 2005 breathing air that was more polluted than normal, as the high number of fireworks and wood fires lighted during thousands of New Year's celebrations left a dense, gray pall over much of the city, authorities said.

In some northeast Mexico City neighborhoods, ozone levels climbed above 190 on a scale that uses 100 as the cutoff at which air is considered unhealthy.

Mexico City often exceeds the 100-point ozone mark, but Saturday's unsatisfactory rating was noteworthy because air quality usually improves on holidays, when streets normally clogged with traffic day and night are relatively empty.

Mexico City begins 2005 with 'unsatisfactory' air pollution rating

S.F. Chronicle, Saturday, January 1, 2005

MEXICO CITY (AP) -- Residents of Mexico's capital began 2005 breathing air that was more polluted than normal Saturday, as the high number of fireworks detonated and wood-burning fires lit during thousands of New Year's celebrations left a dense, gray pall over much of the city, authorities said.

In some northeast Mexico City neighborhoods, ozone levels climbed above 190 on a scale that uses 100 as the cutoff at which air is considered unhealthy. Overall, the local Environmental Department labeled the air quality conditions "unsatisfactory" throughout the capital.

Mexico City often exceeds the 100-point ozone mark, but Saturday's unsatisfactory rating was noteworthy because air quality usually improves on holidays, when streets normally clogged with traffic day and night are relatively empty.

In its daily report, the department said those celebrating the new year generated a larger amount of smoke with fireworks and fires Friday night than during New Year's parties leading up to Jan. 1, 2004. Chilly weather and the collision of a high-pressure system from the west and a low-pressure one from the north also combined to trap contaminated air above this sprawling metropolis, whose metro area is home to about 20 million.

The mountains surrounding the 7,400-foot (2,255-meter) high city trap pollutants generated by millions of vehicles as well as factories, often cloaking it in a dense haze.

Hundreds of state laws make debut

Rules cover using tanning booths to force-feeding of geese.

By Jennifer M. Fitzenberger, Bee Capitol Bureau, The Fresno Bee, Sat., Jan. 1, 2005

SACRAMENTO -- Violent sex offenders will notice. So will cell-phone company executives, prisoners who smoke and farmers who force-feed geese to create liver pâté.

But most Californians' lives won't dramatically change today, when the majority of hundreds of new laws go into effect, despite the fact that rules will tighten in areas ranging from criminal justice and civil rights to transportation and the environment.

"I don't think the everyday citizen is going to see a change," said former Assembly Member Sarah Reyes, D-Fresno. "The everyday person, I think, is just going to see the status quo."

Since taking office in November 2003, Gov. Schwarzenegger has signed nearly 960 pieces of legislation, many of which are enforceable beginning today. He vetoed more than 310 bills.

Of the major bills the governor approved, a few were by central San Joaquin Valley lawmakers, including one by Reyes that requires bosses with 50 or more employees to provide training on sexual harassment to supervisors once every two years. Reyes, who reached her term limit and no longer is in the Assembly, also pushed through a law that prohibits cell-phone companies from including their customers' numbers in a wireless phone directory without their consent.

Sen. Dean Florez, D-Shafter, sponsored a law that requires pesticide applicators to help pay the medical bills of Californians sickened by sloppy sprays. Local agencies also will have to include drift scenarios in their emergency response plans.

A law written by Assembly Member Nicole Parra, D-Hanford, put the photos, names and home addresses of violent sex offenders on the Internet on Dec. 15. Expansion of the Megan's Law

database comes after nearly a decade of legislative bickering over the issue.

Here's a sampling of other new laws:

Transportation

SB 1085: Prohibits the manufacture and purchase of electronic devices designed to override traffic signal lights. Police, fire and other emergency and transit agencies are exempt from the prohibition.

AB 2628: Allows solo drivers of low-emission vehicles to use carpool lanes and other preferential highway lanes until 2008.

AB 2683: Repeals the rolling exemption from certain smog-check requirements for vehicles more than 30 years old and replaces it with an exemption for vehicles made before 1976.

Environment

AB 2600: Establishes the Sierra Nevada Conservancy. Aims to attract up to

\$30 million in new funding to save open space, improve water quality and guard against forest fires from the Oregon border to Kern County.

AB 923: Authorizes air districts to increase the surcharge levied on motor vehicle registrations from \$4 to \$6. Increases the California tire fee by 75 cents to fund state Air Resources Board programs.

Michael Crichton's new novel, "State of Fear," not only unfairly bashes the global environmental movement.

By Wayne Madsen [Sunday, Jan. 2, Stockton Record, Editorial](#)

It's also another example of how multinational corporations and their political allies are invading popular culture to advance lunatic, right-wing ideas and agendas. The book demonizes scientists who argue the world is heading toward cataclysmic weather change unless something is done about the spewing forth of greenhouse gases into Earth's atmosphere. Crichton develops a story line that has environmentalists and scientists creating weather-making doomsday machines that wreak havoc on the planet. Killer hurricanes, towering tidal waves and destructive lightning storms are all meant to prove the scientists' point about the deadly effects of global warming. The environmentalists are the villains. The corporate shills who've been paid to debunk global warming are the good guys. According to Crichton, global warming is a myth. In today's world of increasing corporate control of almost every facet of our lives, Crichton's screed against the environmental movement should come as no surprise. The publisher of "State of Fear" is Harper Collins, a subsidiary of Rupert Murdoch's News Corp., the same group that feeds us a daily dosage of right-wing propaganda billed as 24-hour news. Murdoch can wave his big money around and always expect to find some novelist; screenwriter; movie director; journalist; left, center, or right-wing magazine editor; cartoonist; or research institute fellow to become human versions of coin-operated nickelodeons or laundromats. Crichton is no different than crossword-puzzle editors who now are paid to include as answers to their clues the names of corporations and brand names as a form of subtle advertising -- a new low in the newspaper business. It's obvious Murdoch eventually will have his Fox movie operation put Crichton's global ecoterrorism conspiracy tale on the big screen to counteract the climate-change warning conveyed by Roland Emmerich's global-disaster flick "The Day After Tomorrow." Crichton's book arrives as the Bush administration is blowing off Arctic meltdown concerns raised in the Arctic Climate Change Assessment initiated by regional Arctic nations and native tribal peoples. Murdoch and his corporate cronies might want to think twice before using a science-fiction messenger such as Crichton, who has suggested in his previous novel "Jurassic Park" that living dinosaurs can be re-

created using 65 million-year-old DNA extracted from the blood of mosquitoes encased in amber to launch a tirade against actual and reasoned scientists. Unlike the "silly science" of Crichton, a group of 300 scientists recently concluded the Arctic is warming much more rapidly than previously known. Disappearing are the Greenland ice sheet and Arctic ice pack. Similar melting is occurring in Antarctica with the largest recorded iceberg now causing devastation to indigenous species and science stations. Crichton's broadside against environmentalists comes at a time when the right wing and its corporate masters are stooping to all sorts of chicanery to muddy the waters regarding global warming. Some ludicrous right-wingers have suggested global-warming experts are somehow irresponsibly focusing the world's attention away from the war on Islamic terrorism. Then comes Crichton with his novel about global ecoterrorism. It's pathetic that the neoconservatives, megamedia perception managers and multinational corporations have resorted to such McCarthyite tactics to push their sordid and destructive agendas.

Growth will keep plaguing us

By CLAUDIA D. NEWCORN

[Saturday, Jan. 1, Modesto Bee, Opinions](#)

I have to blink when I realize we're half a decade into the 21st century. Doesn't Y2K seem forever ago? So what will 2005 bring for Modesto?

More urban sprawl and accelerating flight of longtime locals to the hills, as Modesto continues its evolution into a large city.

More people who define quality of life as how many stores they have to shop in vs. clean air, outdoor activities and a close-knit sense of neighborhood and community.

Bay Area-type congestion on all major arteries and highways. The commute time across town has doubled in the past three years.

Quiet desperation on the part of The Bee as it seeks to replace two years of Scott Peterson-related coverage.

The laughter of children playing, reminding us that there is hope amidst all the problems and that we must remember we are the stewards of these children's futures.

Justice goes up in smoke

The valley air district must work more cooperatively with the public to meet its clean air mandate.

[Bakersfield Californian, Editorial, Sunday, Jan. 2, 2005](#)

Simple justice demands that the San Joaquin Valley Unified Air Pollution Control District quickly and unquestionably change the way it enforces "no burn" fireplace regulations. It must automatically void citations issued in error.

The air district's credibility is at stake in the way it now issues citations to residents who burn their fireplaces on "no burn" days.

If district inspectors see evidence of wood fireplace use when "no-burn" days have been declared on the basis of unhealthy air quality predictions, they issue citations, which carry fines ranging from \$50 to \$1,000, depending on the recipient's compliance record.

But fines have been imposed when the prediction for unhealthy air turned out to be wrong. Under "actual" air quality conditions, fireplace use would have been legal. Since the air quality wasn't that bad, a "no burn" declaration should not have been issued.

An obvious question: How reliable are the district's predictions about air quality and the area's compliance with federal Clean Air Act standards? No doubt, the district's predictive record should be improved.

But change also must be made in the way the district responds to prediction errors.

Atmospheric modeling is one of the most difficult disciplines in meteorology, which overall is a complicated environmental science. And the terrain geography and air mass movements in the San Joaquin Valley are complex, adding to the challenge.

The district has had an error rate as high as 36 percent during some monthly prediction periods. So why doesn't the air district own up to its mistakes and automatically void erroneously issued citations?

Instead, the district requires residents to appeal such citations administratively or fight them in court.

The district's flawed citation practice seems to fit an emerging pattern of arrogant insensitivity by district management.

Recently some district trustees complained of insufficient and tardy financial reporting. And for too long the district ignored critics who correctly warned it was using unconstitutional and inaccurate methods infrared sensing devices to detect suspicious fireplace use on "no burn" days.

The APCD has a nearly impossible job bringing the San Joaquin Valley's notoriously poor air quality into compliance with the Clean Air Act in time to avoid federal sanctions.

But that does not justify district employees engaging in a thoughtless "we're-on-a-mission-from-God" mentality.

The district's arrogance must give way to understanding the need for balance between meeting federal mandates and treating residents fairly.

Valley residents want and need clean air. They are willing to carry a large economic and social burden to clean up their air.

But it is better for government agencies to work with the public so people understands the need for regulations.

People must believe regulations are necessary and are being fairly applied. The district's enforcement of its "no burn" regulations does not meet the test.

Second-hand smoke

[Bakersfield Californian, Letter to the Editor, Monday, Jan. 3, 2005](#)

Once again there was a letter asking people to abide by the no-burn law. The writers who are supporting this law are the ones who say they have minimum lung capacity and I can sympathize with their disability.

But I must ask how many of these people smoked one or more packs of cigarettes a day for years? All the years they were enjoying their cigarettes I was having to breath the second-hand

smoke everywhere I went and every day I stepped outside of my home.

Their smoke invaded the meals I tried to enjoy at restaurants and any public venue I chose to patronize. Did I have a right to tell them not to smoke and infringe on my rights? I think not. I had to endure their infringements 12 months out of the year, not just a couple of months during the winter.

I would also like to ask these people how often they go out walking, etc., when the weather is cold and damp and the air is bad. If I remember correctly, those with lung problems are advised to stay indoors on days when the air quality is harmful.

I am not an intolerant person, but I am tired of being tolerant of everyone's special interest when the interests of the majority are continually ignored.

It seems as if when things don't go our way, we form a special interest group and get whatever we want because people have become afraid of not being "politically correct".

Well, let's start using some common sense and let special interest groups know that the world doesn't revolve around just them.

-- BONNIE BARNETT, Bakersfield

Coping with pollution

[Bakersfield Californian, Letter to the Editor, Friday, Dec. 31, 2004](#)

Kern County is the second most polluted area in the United States. Air pollution is a problem for all residents living in Kern County, because it causes cancer, breathing problems, angina, asthma and heart disease.

Help yourself by trying to stay indoors when air pollution is high; limit activities or do them either in the early morning or wait until after sunset. The faster we breathe the more pollution we take into our lungs.

Another thing that helps clean the air are trees. NASA scientists found out that trees absorb carbon dioxide and give oxygen back. So it's really important to conserve the most plants and trees we can in our areas.

We can all help by driving less, having our vehicles smog checked more often, especially during cold weather when carbon monoxide is typically high, because cold temperatures make combustion less complete and cause inversion that traps pollutants close to the ground.

If you wish to help or simply want more information, visit: www.kernair.org.

-- JULIA FLORES, Lamont

Look to tomorrow

[Fresno Bee editorial, Sat., Jan. 1, 2005](#)

"The future does not just happen to us ... Since the future is hurtling toward us at breakneck speed, foresight is the great need of our times. We must think ahead if we are to cope with the hurricane-force changes now bashing at every aspect of our lives. This acceleration of change brings enormous opportunities as well as great dangers."

-- Edward Cornish, author "Futuring: The Exploration of the Future"

Today the Valley vaults into 2005, a year that can be filled with promise or peril depending on one important word: foresight.

As Cornish says quite simply, most of the things that will happen to us this year should not be a big surprise. By our thoughts and actions today, we are making the events in the year ahead come to pass.

For example, last year the future of the Chaffee Zoo looked quite dire, if we continued to neglect its needs. The community decided to change the future of Fresno County by altering our behavior just slightly -- approving Measure Z, a small sales tax that will ensure that the zoo is a plus, not a minus, for the region. We should be inspired by our own example to step forward in every area possible and shape our own future. There are many challenges facing us this year, and we wish all could be as easily solved with a tiny sales tax. Iraq, for example.

But we have already demonstrated that we can work together to make the future a bright one. So let's look at the challenges ahead with a commitment that we will do our part to make at least one situation better this year.

Fresno Unified: It's infuriating to look at the dark side of what's happened to the region's largest school district, so let's focus on the future. Before we can prevent the district from imploding our city, we must know our facts. In Sunday's Vision section, a summary of a recent citizens report will be published. Examine the research and make note of two town hall meetings designed to explain the study further and elicit comments. One will be Wednesday at Edison High School and the second on Jan. 13 at Fresno High School. Each session will run from 7 p.m. to 9 p.m. This is an opportunity to get a clear explanation of how serious the problems are in the district and offer your ideas on how to remedy them.

Every other district: There are precious few residents in Valley districts who can afford to feel smug over Fresno Unified's failings. Most have financial and academic challenges themselves. The schools need you. It's time to step forward.

Take a breath: Some progress is being made by the Legislature, agriculture, business and industry toward solving the problems of air pollution. In addition, cities like Tulare and school districts like Clovis Unified are earning praise for replacing their fleet buses and cars with low-emissions vehicles.

The biggest problem, however, continues to be everyday folks in their cars. Get Californians out of their cars? Probably not in great numbers, but this may be the year that turns that tide in some ways. The hybrids are catching on in a big way. Associated Press reports that the new Lexus RX hybrid SUV was delayed to April 15 due to a huge response. Some reports say this car could have the most pre-orders of any car in history. More than 9,000 people have ordered the car and about 8,000 people are on waiting lists.

Maybe for your family it won't be a new car, but perhaps car pooling or fewer wasteful trips. What will be your contribution?

Iraq: This won't be solved in 2005, and we need to push our leaders to develop a strategy that works. At the very least our fighting men and women need proper equipment and training.

Healthy brains: The Valley has been shamefully remiss in its care for mentally ill children and adolescents. There is no inpatient facility in our six-county area to care for children who need intensive psychiatric care. But there is some hope if county boards of supervisors join forces with a hardy group of professionals who are making progress in setting up a center in Visalia. Every county in the Valley should count it a privilege to take part in this joint powers agreement, which would enable us all to work together for a most worthy goal. Families coping with mentally ill

children have enough heartache, without being separated from their children or forced by geography to incur huge expenses just to be with them through their illness. We would never allow such treatment for heart patients. The stigma against mental illness must be challenged.

Enjoy the arts: Now, here is a painless assignment. Get out there and listen to some good music. Last year, Fresno was named one of the nation's hot spots for music, and we can be assured of staying there only if people get out there and fill the seats. There are musicians and artists ready to soothe, relax, excite, heal and inspire you. Put a dance concert, live play, museum exhibit, gallery showing or music concert on your calendar this year. Valley venues cater to just about every taste, so you're sure to find some fun. Or check out the Art Hop, a free tour through the top art galleries on the first Thursday of every month.

Jobs: Yet another study popped up last year emphasizing the need for our region to diversify the employment market. The Public Policy Institute of California showed that between 1995 and 2000, the region experienced a net gain of 13,000 adults without high school diplomas, with a net loss of 3,000 college graduates during the same period. The imbalance is proof that this year the Valley must keep working to create incentives for companies that offer high-skilled jobs, not just entry-level employment. We also must invest in amenities that make college graduates want to live here. It hurts us to see highly educated people streaming out of here like the birds flying south for the winter.

Libraries: In Fresno County, voters who passed Measure B have made sure that great things are being added every month, so be sure to make good use of them.

Museums: Fresno's museums are going to be jumping into an expansion period and their success will be driving downtown's cultural arts district. Be sure that your fingerprints are on those efforts.

Take the plunge: Fresno's downtown is cooking, and this may be the year that people start to come back. The Vagabond Lofts complex will offer apartments over commercial space, and this may be a great time to get in on what surely will be a trend. Hundreds of offices are planned for construction in downtown in the coming months, so why not consider being part of the renaissance of the city's heart? Watch those apartments going up and give downtown living a chance.

It's now 2005. Let's make this the year we all looked with foresight upon our region and vow to make the connection between what we know and what we do.

'Overheated claims'

[Letter to the Fresno Bee, Sat., Jan. 1, 2005:](#)

(Updated Saturday, January 1, 2005, 6:28 AM)

George Will's Dec. 23 column thankfully throws cold water on the ridiculous doomsday theory of human-caused global warming.

In 1973, I remember pasting some weather-related news articles on a poster board for a science project in fifth grade. Along with the articles, my project included diagrams of the water cycle and general information on cold fronts and cloud classifications.

One item in my project was a story about some climate expert who claimed that global cooling was being hastened by jet contrails. The expert determined that the contrails -- from American jetliners, of course -- might reflect enough sunlight back into space to trigger a cataclysmic climate event.

Back then, the media and their "favored scientists" boldly concluded that mankind's industrial activity would bring back the ice age. Now, the media give front-page room to anyone who claims we are going to fry.

I predict that in 30 more years, we'll be talking about man-caused global cooling again. If that happens, maybe people will recall the overheated claims from the media and their grant-hungry lapdogs in the scientific community.

R. Kirby Smith, Fresno

'Big obstacle'

[Letter to the Fresno Bee](#)

(Updated Sunday, January 2, 2005, 6:46 AM)

The Dec. 20 headline read, "EPA sets strict new limit" -- and our air is some of the worst in the country. No big surprises there.

I know of one way to make about a 5% to 10% improvement: Car pooling could get a lot of commuting cars off the road. The big obstacle to this common-sense, smart thing is that auto insurance companies have been obstinate about insuring ride-sharers.

If I really cared, I'd do something about it -- like study it or protest to the insurance companies, or urge everybody else to do so. I don't have to breathe this filth much longer and I don't really care any more than the insurance company CEOs do, so I'm not going to mention it again.

Grace Longenecker, Fresno