

New smog laws allows more time to comply

By Tami Jo Nix, Staff Writer

[The Madera Tribune, Tuesday, Feb. 1, 2005](#)

California's new law on smog inspections gives vehicle owners a much longer time to comply, but it doesn't let them off the hook.

"Buyers of brand new cars are exempt from smog testing for the first six years of the car's life," said Bruce Hotchkiss, president of the California Association of Regulatory Investigation and Inspectors an affiliate of CAUSE Statewide Law Enforcement Association.

The new law can be confusing, which is why the California Association of Regulatory Investigation and Inspectors urges everyone to keep two important things in mind, Hotchkiss said. All vehicles registered in California must have all the original smog equipment and it is illegal to modify smog equipment in any way.

That's why it's best to make sure the smog device in the vehicle is working properly. The vehicle will be legal to drive and California skies will be cleaner, he said.

Cars made before 1975 are exempt from smog controls and special rules apply to classic cars.

For more information visit www.smogcheck.ca.gov.

Dairy farmers feel measure of vindication

By Seth Nidever

[Hanford Sentinel, Wednesday, Feb. 1, 2005](#)

HANFORD - Some 150 dairy farmers are breathing sighs of relief countywide after researchers announced last week that their cows are producing half as much air pollution as previously estimated. The 292,000 cows they oversee are simply breathing - and belching. Belching a lot, it turns out.

UC scientists speaking Wednesday at a California Air Resources Board meeting in Fresno pegged cow burps as the culprit behind two-thirds of the total pollution dairies put out.

That doesn't mean a lot to the cows. But for the farmers, it means a measure of vindication - and potential cost savings down the road.

"I'm glad to see that we now have some research indicating we're not as bad as the regulators say we are," said George Longfellow, who runs a 2,000-acre dairy adjacent to farmland south of Hanford.

Longfellow said he's glad to see the sting taken out of some of the negative assertions made about dairies last year in the hubbub surrounding State Sen. Dean Florez's ag air pollution control bill

Longfellow and fellow Kings County dairyman Dino Giacomazzi always suspected the old estimate was too high. Now, they have evidence to support it.

That could produce more than a psychological boost. By reducing the need for expensive new technologies and giving dairymen more flexibility, they say, Wednesday's findings could save them a lot of money.

Regulators had assumed that manure lagoons - those collection ponds farmers use to break down manure faster - were the main source of pollution.

Farmers were staring down multimillion-dollar engineering projects to cover the lagoons, capture the methane and generate electricity with it, Longfellow said.

"Just the cost of it would have put people out of business," he said.

And it would have affected more dairymen, if the 1938 standard regulation for the amount of per-cow pollution had gone into effect, Longfellow said.

Using that standard, dairies greater than 1,000 cows would be over the pollution limit, requiring mitigation measures like lagoon covers, Giacomazzi said. That's two-thirds of county dairies, according to Kings County Planning Department statistics for 2003.

Push that threshold up to 2,000 cows, and only 15 dairymen would be affected - assuming that regulators apply the standard dairy-by-dairy rather than number of cows per square mile.

"It all depends on how they regulate it," said Bill Zumwalt, the county's planning director.

When Zumwalt issues permits to dairies, they come with the condition that operators will comply with all state standards.

They also have to develop manure management plans, fly mitigation measures and animal disposal arrangements to get dead cows hauled away.

Up until now, the only state standard they've had to worry about is the impact on water quality.

Now, thanks to Florez's bill, which went into effect last year, affected dairy farmers will have to get permits from the San Joaquin Valley Air Pollution Control District.

No problem, they say -- as long as the science is accurate.

"When people said we were going to be the biggest polluters in the Valley, we wondered where the research was," Longfellow said.

They're upbeat that the new numbers will improve both public perception and air pollution reduction options.

But they say dairymen will still have to go out of their way to convince the public they aren't the bogeymen they say the Florez campaign made them out to be.

Longfellow said good management practices to control stench would go a long way toward accomplishing that goal.

"We've got a lot more to overcome than just this (air quality) problem," he said.

As state law kicks in, cops crack down on diesel vehicles

Jane Kay, Chronicle Environment Writer

[San Francisco Chronicle, Wednesday, Feb. 2, 2005](#)

Air-quality regulators say they began clamping down Tuesday on idling trucks and buses belching unhealthful pollutants.

State inspectors, aided by local police and the California Highway Patrol, are enforcing a new rule that prohibits diesel-fueled trucks from standing with engines idling for more than five minutes and buses for more than 10 minutes. The rule took effect Tuesday.

Drivers caught ignoring it could get a citation carrying a minimum civil penalty of \$100 and one of a range of criminal penalties.

Long-haul truckers who sleep by the side of the road en route to destinations are exempt from the time limit for now, but must abide by the part of the rule that bans any diesel vehicle weighing over 10,000 pounds from idling within 100 feet of a residence or a school.

The trucking industry and big-fleet companies such as the San Francisco Municipal Railway and Sunset Scavenger said Tuesday that they're aware of the rule and have policies that instruct drivers to turn off the engines when leaving their vehicles for breaks.

"The drivers aren't supposed to sit with the buses idling," said Muni spokeswoman Maggie Lynch. "When they exit the vehicles, they're supposed to turn off the engines and take the keys with them."

Exceptions arise at the end of a route where some drivers have 15-minute layovers before they go out again. In those cases, drivers may warm up their buses for five minutes before leaving, Lynch said. Muni has 495 diesel-fueled buses and 550 electric vehicles.

The state Air Resources Board passed the anti-idling rule last July to reduce the amount of carcinogenic and toxic contaminants emitted into the environment from diesel exhaust.

"We think when drivers learn that idling for an hour uses a gallon of diesel fuel, then this problem will go away," said agency spokesman Jerry Martin.

Stephanie Williams, senior vice president of the California Trucking Association, sent bulletins about the new rule to her 4,500-member group of big-rig, lumber-carrier, refrigerator-truck and waste-hauler drivers.

"Idling is a bad habit that should be broken," said Williams. "As long as the driver's health and welfare is put first, we're fine with the rule."

Occasions exist when idling is necessary, she said, such as when drivers are in the 115-degree Mojave Desert and need their air conditioners or on top of Mount Shasta and need their heating systems. Those are exempt from enforcement, Williams said.

Paul Giusti, business manager of Sunset Scavenger, said that in the old days diesel fuel wasn't reliable and drivers were loath to shut off their engines because they feared that they couldn't start them again. "The new diesel motors are very reliable," Giusti said.

"If a driver takes a break, our policy is that they're to shut the truck off immediately. If a driver is not doing that, we need to find out why," he said.

But, Giusti said, there are exceptions. "If a driver is actively collecting on a block, the truck can idle," he said. "It doesn't make sense to turn it off when moving from stop to stop."

The company is experimenting with two compressed natural gas garbage and recycling trucks in San Francisco, and adhering to a state rule requiring improved capture of exhaust particulates in a certain percentage of the fleet.

Spokesmen for the CHP and the San Francisco Police Department said they would respond to complaints. "We'll follow up on complaints from communities where trucks sit and spew out diesel pollutants for 20 to 30 minutes at a time," said Sgt. Wayne Ziese, public information officer for the CHP in Vallejo.

The CHP has a commercial division with staff dedicated to educating the trucking industry regarding the new rules and about other safety operations, Ziese said.

Dewayne Tully, an SFPD spokesman, said police are aware of pollution from idling buses at tourist spots such as the Cliff House.

"Citizens are encouraged to lodge a complaint whenever they see buses and trucks idling beyond the allotted time, and an officer will respond," he said.

Roads might take toll

Drivers to pay for, companies to run freeways under governor's plan

By JIM HINCH

[Orange County Register, Wednesday, Feb. 2, 2005](#)

SACRAMENTO - Californians would pay tolls to drive on a statewide network of privately built roads and bridges under a major overhaul of state transportation policy about to be unveiled by Gov. Arnold Schwarzenegger.

The proposal, expected to be announced as early as this month, would enable Schwarzenegger to pump up the state's cash-starved road-building program without raising taxes.

It would also mark a fundamental shift in transportation policy in California, where drivers, in love with their cars and the exhilaration of the open road, have long regarded free highways as a near birthright.

Dubbed GoCalifornia, the proposal would make it easier for private companies to build, operate and maintain highways, toll roads, bridges and toll lanes similar to those that whisk commuters between Riverside and Orange County on the Riverside (91) Freeway, according to transportation experts who have spoken to administration officials about elements of the plan.

Private companies could handle all phases of a transportation project, including maintenance. Currently, private involvement on most projects is limited to construction. State engineers design the projects and state crews maintain them.

Experts said the proposal is needed because gas taxes no longer cover highway costs and the state's budget woes have prevented it from investing new money in transportation projects for three years. Critics said the state could just as easily get taken for a ride by unscrupulous private companies or find itself bailing out financially unstable highway operators at considerable taxpayer expense.

"There is a structural issue looming in highway financing," said Marlon Boarnet, a planning professor at UC Irvine. "The gas tax is entering a long twilight. It will work less and less well (as cars become more fuel-efficient) and there need to be other ways to finance roads. ... (But) the private sector can take the government to the cleaners."

Schwarzenegger mentioned the proposal in a recent interview with The Orange County Register, saying, "We want to approach it in a very radical way."

Administration officials declined to comment on details of the proposal until it is publicly unveiled. But transportation experts in Orange County and Sacramento said they had recently been briefed on the plan by Department of Transportation Director Will Kempton.

"We're totally in support of public-private partnerships and (toll) lanes and congestion pricing," said Joe Cruz, director of transportation projects for the California Alliance for Jobs, an advocacy group that represents contractors and heavy equipment operators. Advocates of privatization say the new rules would uncork a flood of private financing for a highway network badly in need of expansion and modernization.

Proposition 42, passed by voters in 2000, was intended to set aside more than \$1 billion per year in gas taxes to fund highway projects. But every year since, the Legislature and governors have borrowed the money to help balance the state budget. Schwarzenegger is proposing to borrow \$1.3 billion in Proposition 42 money this year.

"There's no way we can continue with (free highways) in the 21st century. It's gotten to be so expensive," said Robert Poole, director of transportation studies for the Reason Foundation, which seeks greater private-sector involvement in public projects and has advised Schwarzenegger on transportation policy.

Poole said private companies would build highways faster and more cheaply than Caltrans. Allowing companies to maintain highways after they're built would encourage high-quality construction, he said.

But Bruce Blanning, a spokesman for the union representing state transportation engineers, said private companies have a mixed record.

The state's first experiment with private toll lanes ended two years ago when the Orange County Transportation Authority paid \$208 million to buy out the private developer of the 91 express lanes.

State budget documents show that in 2003, the average yearly cost for a state engineer was \$92,000. The equivalent cost for a private contractor was \$168,000.

"If they rely on toll roads and (public-private partnerships) as a savior for the future, that will be a rough road for them," Blanning said. "Generally those kinds of projects haven't worked."

Carpool lanes: Not just for carpools anymore

ERICA WERNER, Associated Press Writer

[in the San Francisco Chronicle, Wednesday, Feb. 2, 2005](#)

WASHINGTON (AP) -- If helping the environment isn't a good enough reason to buy a hybrid car, lawmakers are contemplating a powerful appeal to drivers' self-interest: an easier commute.

Legislation by lawmakers from California would let states make their own rules for hybrids in car pool lanes. If enacted, that would enable a California law letting hybrids in the lanes -- even without passengers -- to take effect.

Other states including Arizona, Connecticut and Georgia are contemplating similar measures and could move forward with them, too. Because federal transportation money helps pay for car pool lanes, the federal government sets the rules for them, and current regulations require cars in the lanes to carry one or more passengers.

"This is a bill whose time has very much come," said Rep. Darrell Issa, R-Calif., who co-sponsored the legislation Tuesday with Rep. Brad Sherman, D-Calif.

Hybrid cars "are allowing us to enhance the environment, reduce air pollution in California, and yet we're not allowed to do this," Issa said. "This bill will allow that to happen, not just in California but for all 50 states."

Gov. Arnold Schwarzenegger signed California's law in September. The Republican governor has made improving air quality a centerpiece of his environmental agenda, setting an example by commissioning General Motors to develop a hydrogen-powered Hummer for him (though there are not yet enough fueling stations for the vehicle to be practical for regular driving).

Federal law already allows states to open their car pool lanes to electric and alternative-powered vehicles, so the hydrogen Hummer could qualify. But the federal exception does not apply to hybrid cars like the Toyota Prius or Honda Insight, which are powered by a gas engine in combination with an electric motor.

The hybrids are becoming increasingly popular. A 2000 Virginia law allowing them into car pool lanes sparked such huge sales that carpoolers have begun complaining of bumper-to-bumper traffic.

Virginia moved forward with its measure despite the conflict with federal law, and federal officials allowed the state to continue while Congress resolved the issue.

California's law requires hybrid drivers to get decals from the Department of Motor Vehicles to enter car pool lanes. Only 75,000 will be issued, an attempt to avoid the overcrowding Virginia has seen.

The California law, which sunsets after three years, also applies only to hybrids that get at least 45 miles per gallon, a standard that's now met only by the Toyota and Honda versions and excludes models made by Ford and others.

Ford and others in the auto industry oppose California's law. They support more broadly written federal legislation by Missouri Republicans Sen. Jim Talent and Rep. Sam Graves that would open the door to any hybrid vehicles that get 10 percent or greater fuel efficiency than comparable non-hybrid versions.

Both the House and the Senate agreed to a provision allowing hybrids onto car pool lanes as part of a transportation bill that passed both chambers last year, but it never made it to President Bush's desk.

Sen. Dianne Feinstein, D-Calif., is introducing a companion measure to Issa and Sherman's House bill in the Senate.

[San Francisco Chronicle, Commentary, Wednesday, Feb. 2, 2005:](#)

GREEN

Marie Harrison And The Fight For Bayview-Hunters Point

by Gregory Dicum, Special to SF Gate

"I think Bayview-Hunters Point is one of the most beautiful places in the entire city," Marie Harrison told me when I visited her. "It is surrounded by water. It sits on a hill; it has a valley and greenery. The trees are now starting to blossom and grow."

Harrison may be the most optimistic person I have ever met. A lifelong resident of the downtrodden district, she knows all too well the harsh realities that come with living there.

"My grandson used to suffer tremendously," she told me, her eyes fixed steadily on my own. "He had asthma attacks and chronic nosebleeds. He would wake up some mornings with his pillow soaked with blood."

One particularly harrowing night in the hospital with him transformed Harrison into an environmental activist. She began to look outside her own family. "In the building where my grandson stays there were four units," she recalls. "Three of those units had children sick with asthma or another pulmonary disease. The other one had an adult with cancer, and the last one had an older child with really bad skin rashes. I thought, 'This is ridiculous.'"

"Up one more level," -- her grandson lived at the base of a hill -- "three families out of the five in that unit had breathing problems. As I went up further, it got even worse. As you get to the top of the hill, you find babies who just got here having skin rashes and a hard time breathing. Babies! Good God almighty!"

Lacking a background in public health but armed with an uncommonly forceful brand of common sense, Harrison quickly surmised that this cluster of suffering is caused by emissions from the Hunters Point Power Plant, which is directly across the street. Further research confirmed her suspicions.

"I became the biggest advocate for shutting down this power plant," says Harrison. "I told them, 'I have a vested interest in seeing this plant close. I will be after you. And if I lose, I'm coming back.'" She smiles. "I became the power plant's arch nemesis."

Harrison had been working in the community for decades, focusing on bringing in basic services other parts of the City might take for granted. Among her notable successes are an effort to bring a community college to Bayview-Hunters Point and the creation of a local credit union.

But her realization that night in the hospital made her shift her focus from what her community lacked to what it had in ghastly abundance: pollution.

"There are very close to 200 leaking underground toxic sites in Bayview-Hunters Point," Harrison tells me, beginning a catalog of horrors that would have the residents of any other San Francisco neighborhood up in arms. "There are two Superfund sites: the shipyard and the Bay Area Drum Co. There is the Hunters Point Power Plant and the Mirant Power Plant. There is the sewage-treatment plant."

These are some of the largest stationary sources of air pollution in the City, "and they're all in walking distance from one another -- and I mean a leisurely walk," says Harrison. "And then there are the two freeways that intersect in Bayview-Hunters Point -- 101 and 280 -- another huge source of air pollution."

Harrison's radicalization renewed her energy and put her at the forefront of the environmental-justice movement. The [well-documented <http://pubs.wri.org/pubs_content_text.cfm?ContentID=1461>](http://pubs.wri.org/pubs_content_text.cfm?ContentID=1461), almost intuitive idea that communities with less political power tend to be on the receiving end of the worst environmental problems was first enunciated in the late 1960s. By 1994, it had gained enough credibility that Bill Clinton issued an [executive order to address the problem <http://www.fs.fed.us/land/envjust.html>](http://www.fs.fed.us/land/envjust.html).

Yet, a decade later, little has changed.

A demoralized, poor, underrepresented and poorly educated community is the least equipped to fight for justice in a world of environmental-impact statements, epidemiological studies and litigation. Yet, for these same reasons, these communities are the least likely to get outside help. It's up to the communities themselves to make change happen. That's where Harrison comes in.

Her combination of community organizing and environmental activism has made her a potent force in Bayview-Hunters Point. She serves as a community organizer for [Greenaction <http://www.greenaction.org>](http://www.greenaction.org), an environmental advocacy group, is on the resident advisory board for the Hunters Point Naval Shipyard cleanup, serves on councils for the local community college, the community court and others and is a frequent contributor to The San Francisco Bay View, the area's newspaper. Her leadership and her example are beginning to transform the neighborhood. But her vision extends far beyond this locale.

"Bayview-Hunters Point is at ground zero," she explains. "The pollution we generate here walks the water all the way to Oakland and beyond if we get a good wind. You honestly think that what's happening in Bayview-Hunters Point is skipping the rest of the City? C'mon! Anything that happens to folks in Bayview-Hunters Point [will happen to you <http://map2.scorecard.org/AppletPage.jsp?SIZE=300,300&APPLET_SIZE=620,440&VIEW=data/mainland/hap_air.view&EXTENT=-13626738,4552580,-13599843,4531434>](http://map2.scorecard.org/AppletPage.jsp?SIZE=300,300&APPLET_SIZE=620,440&VIEW=data/mainland/hap_air.view&EXTENT=-13626738,4552580,-13599843,4531434)."

Still, Harrison can get frustrated when people don't see the connections between their world and the life-and-death concerns of her neighborhood. "There are people in San Francisco who are more conscious of the environmental health of their pets than they are of the neighbor who lives across the street from them or around the corner, or on the opposite side of town. Not that a pet doesn't have that right, but don't you find there's something a little backward about it?"

As Harrison learned that her community is awash in pollution from systems whose benefits -- power and plumbing, for example -- are largely enjoyed elsewhere, she came to see that this situation bears all the hallmarks of latent racism. "San Franciscans are supposed to be the most liberal-minded folks in the whole world," she says, "but if we are it, then, oh, boy, is this world in trouble! And I say that not being disrespectful toward San Franciscans. They're not vicious or mean people -- they really aren't. They just don't realize they are racist."

It's making that realization -- and overcoming it -- that lies at the heart of environmental justice in America. And there are signs that this process is starting to happen. Although it has been byzantine and sluggish and has moved at all due only to the persistence of people like Harrison, both the city government and PG&E now say they want the Hunters Point Power Plant closed. (They maintain, however, that the state won't let them shut it down.)

At the end of last year, however, Mayor Gavin Newsom announced the plant would [close by 2007](http://temp.sfgov.org/sfenvironment/articles_pr/2004/pr/110804.htm) http://temp.sfgov.org/sfenvironment/articles_pr/2004/pr/110804.htm. But Harrison has learned from experience not to get her hopes up yet. She points out that the plant was originally scheduled to be shut down in 2001, and, for its neighbors, six more years of operation has meant six more years of poison and suffering. Together with Greenaction and 70 community members, Harrison [blockaded](http://www.sfgate.com/cgi-bin/article.cgi?file=/chronicle/archive/2004/12/09/BAGJJA8QQ81.DTL) <http://www.sfgate.com/cgi-bin/article.cgi?file=/chronicle/archive/2004/12/09/BAGJJA8QQ81.DTL> the plant's gate in an effort to accelerate the closure.

The official -- though disputed -- reason for the plant's continued operation is to ensure that the City's power demands never go unmet, which implies that using electricity more efficiently may be one way to alleviate the need for the largest single point source of pollution in the City. "At one o'clock in the morning, why are the lights on at PG&E headquarters, down here on Beale Street?" Harrison asks incredulously. "Why is half of the Financial District lit up after folks have gone home? That's wasteful, and other folks are paying for this."

Yet, as tempting as it must seem after a life on the receiving end of endless industrial indignities, Harrison doesn't spread blame indiscriminately. "A lot of times, we cause harm and we don't realize it," she says. "A person who's going about their everyday business and really, truly does not realize that what they're doing is going to cause somebody harm is not truly guilty. I've learned to understand that."

And this understanding extends to companies such as PG&E, Harrison adds. "They have a moral right to do their business, but it is also their moral responsibility to see to it that their businesses do no harm. So, when someone like me makes you aware that you're doing harm, it is your moral responsibility to do two things: one, find out if it's so -- don't just take us at our word -- and two, do something about it."

This, in the end, is why Harrison is such an optimist. She has faith that people will do the right thing once they know the truth, that together the City as a whole can clean up its act. "Those folks who are in charge need to know that it's not just some poor black folks over there in Bayview-Hunters Point," she says. "It's not about Bayview-Hunters Point -- it's about San Francisco. If we're going to be the leaders that we're supposed to be -- and everyone wants to believe that California and San Francisco really lead the way -- then we need to step up to the plate and lead the way."

"People need to forget their differences -- financial and class, or color, or religion," she adds, "and say, 'Those folks who live over in Bayview-Hunters Point have the same rights that we do.' They need to say it out loud and make sure that everyone around them knows that."

When Harrison speaks, her entire being is focused on her listener. Though she laughs freely -- "I laugh because I have to," she tells me -- her seriousness of purpose comes through as clearly as if she had just grabbed your shoulders and given you a good wake-up shake.

"We have the right to live, work, play and worship on land that is clean," Harrison says in no uncertain terms. "We have a right to breathe air that doesn't have all of the contaminants in it that our air does. Clean land and clean water and clean air is a God-given right. Environmental justice is the free access to that."

Gregory Dicum, author of [Window Seat: Reading the Landscape from the Air](http://www.windowseat.info/) <http://www.windowseat.info/>, writes about the natural world from San Francisco. A forester by training, Gregory has worked at the front lines of some of the world's most urgent environmental crises.

Bakersfield Californian, Letter to the Editor, Wednesday, Feb. 2, 2005

We're not L.A.'s toilet

The Board of Supervisors must stop allowing Los Angeles to dump its sewage sludge in Kern County. We are not their toilet.

No one I know wants sludge here, no matter what the location. Just why do these supervisors want it?

It "smells" like someone is getting paid off. Our once-beautiful valley now has horrible air quality and constantly smells like cow dung. Pesticides have filtered into the ground water for years. Radioactive waste has been allowed west of town.

The last thing we need to top off this mess is L.A.'s sewage seeping into our groundwater. Stop allowing my town to become a cancer pit!

-- **KELLY L. CLANTON, Bakersfield**