Builders criticize planned air rule

Home buyers could be priced out of market, developers argue.

By Mark Grossi

Fresno Bee, Friday, July 1, 2005

The building industry pulled few punches Thursday in opposing an air pollution rule that would tack thousands of dollars onto the price of a new home.

"For each additional $1,000 of cost in a home, 21,348 buyers are priced out of that market," said Bob Keenan, executive vice president of the Building Industry Association of Tulare and Kings Counties. "Tens of thousands of people will be priced out of the market."

Keenan and many others voiced concerns and had questions and suggestions about the San Joaquin Valley Air Pollution Control District's proposed rule at a workshop where the proposal was introduced.

Officials announced further comments would be received until July 22. The district governing board will decide on a final version this fall.

The Valley, one of the dirtiest air basins in the country, is required to have the rule under its air cleanup plans and a 2003 law, Senate Bill 709. It is meant to reduce pollution coming from traffic around new homes and businesses at the edge of cities -- pollution from urban sprawl. The district will collect $4,650 per ton of excess smog-making gas and $2,907 per ton of particle pollution from developers over the next 10 years.

But developers can avoid the costs on the smog-making gas, called oxides of nitrogen, or NOx, if they build projects that eliminate about a third of estimated pollution for which they are responsible.

Such features include locating near transit bus stops, building bicycle lanes, encouraging telecommuting and planting trees to shade buildings from the sun to cut down on air conditioning use.

Environmentalists and health advocates support the rule, but they want it to be stronger.

"I think this rule has a lot more potential," said Kathryn Phillips of Environmental Defense, a national advocacy group.

As the first large air agency in the country to have such a rule, district officials have worked two years on it. Building representatives have challenged them throughout the process.

On Thursday, a lawyer, a technical consultant and at least two Building Industry Association leaders raised criticisms of the rule.

For instance, the district's mathematical model for estimating NOx should be lowered by about a third for certain projects, said consultant Tom Carlson of Sierra Research in Sacramento. The model includes pollution from heavy-duty diesel trucks, which are not commonly found in subdivisions. They should not be part of the equation for many projects, he said.

"I think it's a reasonable assumption," he said.

Though environmentalists support the rule, they have criticisms as well.

They challenged the district's proposal that developers would be responsible for only 50% of the NOx created by traffic. The other 50% would belong to new businesses, stores and other destinations for motorists' return trip home in the area.

"It's unrealistic to assume that any trip from a new home would be only to new projects in the area," Phillips said. "Something more than 50% would make more sense."

Builder advocate Keenan of Tulare and Kings counties argued against the district's proposal to cut out all of the particle pollution during the construction phase of projects.

"It's infeasible, unenforceable, irrational," Keenan said.

District eyes new air rule

By SARAH RUBY, Californian staff writer

Bakersfield Californian, Friday, July 1, 2005

If you build it and they come, you'll likely have to pay for the air pollution they create on the way.

That's the premise of a new rule being drafted by the San Joaquin Valley air district, which is trying to tackle emissions generated by new development. It addresses 10 years of car trips, truck travel and energy inefficiencies for each project.

If the rule is adopted, developers will have to slash emissions by 50 percent for particulate pollution, and by a third for nitrogen oxides, which react with other chemicals to form particulates and ozone. If they can't meet those goals, builders can pay for equivalent reductions elsewhere.

The district held a workshop in Fresno Thursday. Amid grumbles from the building community and pleas from environmentalists for a stronger rule, air officials think they've hit the right balance.

"If we want to continue to reduce emissions, we don't want to keep going back to (oil companies)," said Tom Jordan of the air district. "We have to look at other sources as well."

The rule would apply to housing developments with 50 homes or more, and commercial space between 2,000 and 55,000 square feet. Developers have several pollution-cutting options, including offering solar panels, mixing houses with retail stores, modernizing truck fleets, accommodating pedestrians and bicycles and increasing density.

Some imagined the worst.

"Perhaps not every subdivision needs a mini-mart," said Sandra Brock, a planner with the city of Fresno.

It's unfair to new development, said builders, planners and consultants. It will drive up housing costs, pricing potential homeowners out of our market, they said.

"I think you guys have done a masterful job but (the rule is) much too complex," said local environmental consultant Mary Jane Wilson, president of WZI, Inc.

Those are the kinds of complaints that killed the rule in the early 1990s, environmental advocates countered. If anything, it should be stronger, they said.

"This is a cool thing that's going on here," said Sierra Club activist Gordon Nipp, who has led a parallel effort to get developers to build air-friendly projects.

The Sierra Club has sued and settled with 16 developers, convincing them to cut emissions from their projects or pay into a fund that will buy emission reductions elsewhere. So far it's been promised $5 million by builders to cut pollution elsewhere.

"It's time for developers to kick in and help clean our air," Nipp said.

District urges residents to 'Spare the Air'

Bakersfield Californian, Friday, July 1, 2005

Air quality officials have declared that today is a "Spare the Air" day, and they urge all residents to curtail outdoor activities to protect their health.

Spare the Air conditions are declared whenever the Air Quality Index is likely to exceed 150, considered unhealthy for everyone. At these levels, ground level ozone pollution can harm healthy lung tissue and aggravate asthma and other breathing problems.

The San Joaquin Valley Air Pollution Control District urges residents to avoid outdoor exertion in the middle of the day.

Children and the elderly, in particular, are advised to avoid all outdoor activities.

Residents also are urged to help reduce the smog problem by driving less and using public transportation if possible, avoid using gas-powered lawn equipment and off-road vehicles, and use water-based paints and solvents instead of oil-based varieties.

2 Liquefied Natural Gas Facilities Are Approved

Federal commission OKs Massachusetts and Texas plans but rejects Rhode Island project.

Printed in the LA TImes, from Associated Press, Friday, July 1, 2005

WASHINGTON - Plans for new liquefied natural gas terminals in Massachusetts and Texas won federal approval on Thursday. An LNG project in Rhode Island was rejected as regulators said they tried to balance energy needs with public safety.

It was the Federal Energy Regulatory Commission's first such rejection. Seven other projects have been approved since 2003.

Commissioners approved the Weaver's Cove Energy project for Fall River, Mass., by a 3-1 vote. They said the plan met safety standards and would provide critically needed energy in New England. Residents and government officials have said the project would put the community at risk.

Commissioner Suedeen Kelly, the lone dissenter, said the project would damage the environment. She said tanker traffic along the narrow Taunton River would raise safety concerns and disrupt the community.

The commission unanimously approved construction of the Golden Pass LNG terminal and 120-mile pipeline in Jefferson County, Texas, on the Gulf Coast. The commission chairman, Pat Wood, who said he owns property less than three miles from the site, said environmental concerns were handled well. The company agreed to restore wetlands to offset those lost due to the project.

By a 4-0 vote, the commission rejected the KeySpan LNG proposal to convert its LNG storage tank in Providence, R.I., into an import terminal. The commission said the project did not meet current safety standards.

Company officials have said they met applicable safety standards and that further upgrades would be costly.

Massachusetts and Rhode Island officials, who opposed the New England projects, said they would go to court, if necessary, to fight the Fall River approval.

"We'll kill this project with a thousand paper cuts," said Fall River Mayor Edward Lambert.

Smog alert prompts free bus rides

Sacramento Bee, Friday, July 1, 2005

PLACER COUNTY - Today is a Spare the Air day and, as such, tickets to ride bus transit in Placer County are free as part of a program to get people to park their cars on days with higher than normal air pollution.

The "Spare the Air - Free Fare" program will run through September, the Placer County Transportation Planning Agency said.

The program is funded through a grant from the Placer County Air Pollution Control District.

Residents can be alerted via e-mail to Spare the Air days by signing up at www.myairalert.net.

Lawmakers Seek to Overturn Mercury Rules

By John Heilprin, Associated Press Writer
In the San Francisco Chronicle, Friday, July 1, 2005

WASHINGTON, (AP) -- Senate Democrats have been joined by some Republicans from Northeastern states in an effort to overturn new federal regulations on mercury pollution.

Under a 1996 law, there's not much the Bush administration and its Republican allies can do to thwart a likely Senate debate in July over the regulations, issued in March by the Environmental Protection Agency. The White House and Republicans four years ago used the 1996 law to overturn Clinton-era workplace ergonomic rules.

The mercury regulations encourage market trading in mercury pollution. They set a nationwide cap and allocate an amount to each state, which then sets specific limits on each power plant. Utilities that cut more pollution than needed can sell those unused allowances to others.

Environmentalists say the regulations, written with the help of industry lobbyists, are inadequate. Clean air laws, they say, require plants to install specific technology controls that can clean up mercury faster and protect people's health better.

The Bush administration disagrees, saying the clean air laws allow such a market-trading system.

Concentrations of the toxic metal accumulate in fish and work up the food chain, posing the greatest risk of nerve damage to young children and women who are pregnant or of childbearing age.

"Now, those flaws are open to a debate in the Senate and a vote on the floor," said Felice Stadler, a policy specialist with the National Wildlife Federation.

The EPA and the Bush administration "continue to feel strongly that we must act now to effectively reduce mercury emissions from power plants," agency spokeswoman Eryn Witcher said. EPA officials say mercury-contaminated fish from abroad poses the biggest threat.

"This action (in Congress) threatens to delay the world's first mercury regulation on power plants - a regulation that will cut harmful emissions by 70 percent nationwide," Witcher said.

In the 100-member Senate, the resolution by Sens. Patrick Leahy, D-Vt., and Susan Collins, R-Maine, has the backing so far of 29 other Democrats and Maine's senior Republican senator, Olympia Snowe. In the House, a similar effort by Democratic leader Nancy Pelosi of California and four other Democrats is under way.

A congressional analysis performed for Leahy found that the market-trading approach would delay the EPA's own target dates for reductions in mercury pollution.

"With this (mercury) rule, the administration revokes a 2000 EPA finding that it is 'necessary and appropriate' to require that each power plant apply technology to reduce mercury emissions," Leahy said. "That is what this rule gives us: more pollution, for longer than the Clean Air Act allows."

Pelosi said the Bush administration "downplayed scientific evidence of the dangers of mercury and even let energy lobbyists write parts of the mercury rule."

The 1996 law gives Congress 60 days to look over and possibly reject an agency rule after it is submitted, with limited House debate and no chance for a Senate filibuster. A president can veto a "disapproval" resolution, but Congress can override that.

First, the Leahy-Collins resolution goes to the Senate Environment and Public Works Committee, chaired by Sen. James Inhofe, R-Okla. Its supporters can still get the resolution to the Senate floor even if the committee doesn't consider or votes against it.

Inhofe's aides were looking it over this week.

"It's certainly ironic, though, that some of the same senators who haven't supported even stronger mercury reductions under the Clear Skies legislation (proposed by Bush) seem to be determined to delay any progress on reducing mercury by seeking to have the administration's rule overturned," said Bill Holbrook, Inhofe's committee spokesman.

In March 2001, Congress repealed Clinton administration regulations that set new workplace ergonomic rules to combat repetitive stress injuries. It marked the first time the 1996 law was invoked.

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On the Net:
Environmental Protection Agency:
National Wildlife Federation:
<http://www.epa.gov/mercury> <http://www.nwf.org>

Ocean waters are becoming more acidic, scientists report

Kenneth Chang, New York Times
In the San Francisco Chronicle, Friday, July 1, 2005

Whether or not it contributes to global warming, carbon dioxide is turning the oceans acidic, Britain's leading scientific organization warned Thursday.

In a report by a panel of scientists, the Royal Society said the growing acidity would be very likely to harm coral reefs and other marine life by the end of the century.

"I think there are very serious issues to be addressed," said the panel's chairman, John Raven of the University of Dundee in Scotland. "It will affect all organisms that have skeletons, shells, hard bits that are made of calcium carbonate."

Unlike global warming forecasts, which are based on complex and incomplete computer models, the chemistry of carbon dioxide and seawater is simple and straightforward.

The burning of fossil fuels by cars and power plants releases more than 25 billion metric tons of carbon dioxide into the air each year. Roughly a third of that is absorbed by the oceans, where the gas undergoes chemical reactions that produce carbonic acid, which is corrosive to shells.

"That's indisputable," Raven said. "I don't think anyone can get around that. It's really rock-solid high school chemistry."

The pH scale, which measures the concentration of hydrogen, runs from 1, the most acidic and highest concentration of ions, to 14, the most alkaline, with almost no ions. Ocean water today is somewhat alkaline, at 8.1, about 0.1 lower than at the start of the Industrial Revolution two centuries ago.

But like the magnitude scale of earthquakes, one unit on the pH scale reflects a change of a factor of 10. The 0.1 pH change means there are now 30 percent more hydrogen ions in the water.

Depending on the rate of fossil fuel burning, the pH of ocean water near the surface is expected to drop to 7.7 to 7.9 by 2100, lower than any time in the last 420,000 years, the Royal Society report said.

Dr. Patrick J. Michaels, a senior fellow in environmental studies at the Cato Institute -- the research group based in Washington that is skeptical that global warming will cause serious environmental harm -- pointed out that carbon dioxide levels in the atmosphere had been higher for 90 million of the last 100 million years.

But Dr. Ken Caldeira, a research scientist at the Carnegie Institution's Department of Global Ecology at Stanford University and a member of the Royal Society panel, said the difference was that the current carbon dioxide release was occurring quickly, over just two centuries. In the past, water from the deeper ocean would have had time to mix, diluting the effect of the carbon dioxide.

"If we put it out over a few hundred thousand years, we'd have nothing to worry about," he said.

The pH change is likely to slow the rate of growth of coral reefs, which are already suffering from warmer temperatures and pollution, the report said.

"By midcentury, 2050-ish, we will probably see noticeable gaps within coral reefs," Raven said. "Any weakening of their skeleton can make them more prone to storm events."

The increased acidity could also reduce populations of plankton with calcium carbonate shells, disrupting the food chain and hurting some fisheries, the scientists said.

Dr. Sherwood B. Idso, president of the Center for the Study of Carbon Dioxide and Global Change -- an organization skeptical that carbon dioxide will cause damaging climate change -- said he accepted that carbon dioxide was dissolving into the oceans and turning them more acidic. But he cited scientific studies showing that corals are more successful now building their calcium carbonate structures than in the past.

"The biology is apparently strong enough to overrule it," Idso said. "Part of the help may come from warming, actually." More calcium carbonate can be dissolved in warmer waters, he said.

Fresno Bee, Editorial, Friday, July 1, 2005:

Charles Keeling: California scientist pioneered global warming studies

Charles David Keeling may one day be credited as a scientist who helped save the planet.

A geochemist at San Diego's Scripps Institution of Oceanography, Mr. Keeling was the first researcher to notice that carbon dioxide was building up in the Earth's atmosphere. Before Mr. Keeling came along, no one had documented that the burning of fossil fuels was altering the Earth's chemistry and its climate.

Mr. Keeling died recently at age 77 while hiking with a son in Montana. Mr. Keeling was in his element when he expired, since he spent much of his time outdoors mixing research with pleasure.

While camping at Big Sur in 1955, Mr. Keeling started experimenting with one of his own inventions, a "manometer" that measured concentrations of carbon dioxide.

The air at Big Sur, however, wasn't clean enough for Mr. Keeling to conduct long-range experiments. So in 1958, he started sampling air on Hawaii's Mauna Loa volcano, which towers two miles above sea level.

Through those tests, Mr. Keeling found that carbon dioxide in the atmosphere was increasing about 1 part per million a year.

Global carbon dioxide has since jumped 22%. Mr. Keeling's findings have sparked other research documenting how greenhouse gases are raising temperatures, melting ice caps and changing weather patterns.

Sadly, the scientist died while global warming naysayers continue to dominate Washington. Ralph Keeling, a scientist at Scripps, plans to continue his father's work. Here's hoping the younger Mr. Keeling will live long enough to see that legacy turned into action.

Modesto Bee, Editorial, Friday, July 1, 2005:

Ag groups should fund better pollution studies

You'd think dairy farmers would be smiling. The 2004 Stanislaus County crop report put the value of their milk at $599.7 million -- up 30 percent from 2003. It's great news for farmers and good news for the communities in which they live and spend most of that money.

So why are there scowls on dairy farmers' faces? Because they're afraid they're going to get stuck paying for changes to their farms to help clean up the valley's horribly polluted air.

Monday, the San Joaquin Valley Air Pollution Control District announced how much pollution it attributes to dairy operations. Measuring animal emissions (we'd rather not be more specific), gases released from waste lagoons, storage ponds and other points, the district put the number at 20.6 pounds of "volatile organic compounds" per cow. Those compounds are the building blocks of air pollution, and our air is some of the most polluted in the nation.

The district reviewed 15 studies from around the world, then asked 12 people -- four scientists, three industry representatives, three environmentalists and two district experts -- to arrive at a number.

The review was forced on the district by a lawsuit brought by the dairy industry. The only previous study was done in 1938, putting the VOCs at 12.8 pounds per cow.

The farmers presented new studies that said each of the valley's roughly 2.3 million cows created 5.6 pounds of VOCs a day. Environmentalists had studies that put it at 38 pounds.

Working on a deadline of Aug. 1, the panel of 12 compromised. But before the number becomes official, there will be hearings July 11 at 1:30 p.m. at district offices in Fresno, Bakersfield and Modesto.

Once adopted, dairies milking 1,200 or more cows a day will be monitored to see if a permit is needed. A permit would require the dairy to use "the best available" technology to reduce emissions. The district figures around 430 dairies from Kern to San Joaquin counties will be affected.

Most of the big dairies already use that technology because it makes good business sense. And the district isn't even sure yet what that "best available" technology is. Meanwhile, research continues.

We don't have all the data. As better numbers emerge, the air district insists it will make adjustments. Farmers are skeptical - as farmers often have reason to be.

Naturally, they have friends. Rep. Dennis Cardoza blasted the district Thursday, calling the process "an attack" on farmers. That's not helpful. The district's estimate is a compromise based on what is known.

Perhaps greater compromise is in order; name-calling is not.

Regardless, threatening more lawsuits is the wrong approach. While farmers cannot be expected to study such huge issues individually, the organizations that represent them can help fund more specific studies. Instead of paying lawyers, they should be paying scientists to find the facts.

After all, it's been a very good year.

Fresno Bee, Commentary, Thursday, June 30, 2005:

Dust hasn't settled on cows' role in dirty air

By Bill McEwen, The Fresno Bee

Contrary to the Happy California Cows commercials, bovine life is no picnic in the grass.

Truth is, cows spend a good chunk of their lives engaged in excretory bodily functions. You would, too, if you had four stomachs and chewed cud.

This biological fact would be of little interest if not for this: The San Joaquin Valley is home to 1.3 million cows and some of the nation's worst air.

Moreover, the Valley is adding cows through the creation of superdairies and the welcoming of Southern California operators fleeing high land prices.

You'd think we could find better ways to help our economy than bear-hugging dairies. It's as if we're determined to live up to outsider perceptions: We're a 250-mile stretch of cowtowns choking on our own dust.

Not unexpectedly, there is disagreement among people trying to clean the air and the dairy industry about how much cows contribute to the air problem.

Also unsettled is whether cars or cows are the biggest polluters. First it was cows. Then cars. Now it's cows again.

(Maybe the California Lottery should add Janice and Diane — those mythical Happy California Cows — and a gross-polluting muscle car to the Daily Derby.)

Again, not unexpectedly, the science of cow belches, flatulence and other stuff too gross to mention in a family newspaper is inexact at best.

These arguments only can be settled by finding reliable people to hang around stalls and devise ways to measure smog-making ingredients from cows and waste lagoons. As career choices go, this ranks somewhere between proctologist and bomb-squad member.

Until recently, emission estimates relied on a 1938 study that said cows were responsible for 12.8 pounds of volatile organic compounds a year.

I imagine the people in that effort took off their rubber hip boots and said, "Whew. Once is enough."

One study might've been enough if not for a 2003 state law requiring large dairies to join a permit program aimed at improving the air.

You know ag. It hates change — except subsidy hikes and foreign tariff cuts.

So the dairies went to the ag playbook and demanded that the San Joaquin Valley Air Pollution Control District use "sound science" to calculate emissions.

Ag typically rings the sound-science bell as a stalling tactic. But this time, the dairies were right. Valley residents deserve better than a pig in a poke from 67 years ago.

Now, there are estimates ranging from 5.8 pounds to 35 pounds a year. I'll give you one guess which number the dairies believe is rock-solid, 100% accurate.

When the air district pegged the number at 20.6 pounds this week, a dairy advocacy group said regulators relied on "shoddy science" and "questionable conclusions" from an article about a British dairy.

California or England, what's the difference?

A cow is a cow.

Unless it's one of the cute, cuddly, burp-free fakes the dairy folks use to pitch their cheese.