

Fresno council OKs draft for Southeast Growth Area

By Brad Branan

The Fresno Bee, Tuesday, July 22, 2008

The City Council approved a draft development plan that's expected to add 120,000 people to an area southeast of Fresno by 2050.

The council voted 5-0 for the draft plan, with Council Member Paul Caprioglio absent and Council Member Jerry Duncan abstaining because his family owns property near the proposed growth area.

The council's approval Tuesday means city staff and consultants can further develop the plan and prepare an environmental study for the Southeast Growth Area.

The council expects to receive a final plan for approval in the spring.

The growth plan aims to direct much of the metro area's expected growth to the now-unincorporated area south of Clovis, west of Sanger and generally to the east of Temperance Avenue on Fresno's eastern edge.

By combining retail, business and residential development in the area, the plan will cut down on vehicle-related air pollution, Assistant Planning Director Keith Bergthold told the council.

Council Member Mike Dages, who represents southeast Fresno, put it another way, saying the growth area will be the place "where you live, work, shop and play in the same area."

Most of the people addressing the council Tuesday supported the draft plan, including developers and some property owners.

But some residents who live in the area said they opposed any plans for development, because the growth will clash with the area's rural qualities.

Barbara Kutzner said many property owners opposed the plan. Owners of large properties support the plan because they will benefit from selling to developers, she said.

Developers of Fancher Creek, a large commercial and residential project under development in southeast Fresno, also expressed concerns about the plan.

A "regional center" with retail businesses is proposed for the Southeast Growth Area about two miles from Fancher Creek, which might create more competition than the market can support, they said.

Bergthold said two other major shopping centers, River Park and Fashion Fair, are also about the same distance from each other. But he added that a consultant will further examine the relationship of the Southeast Growth Area's retail businesses and Fancher Creek.

Dages and Council Member Henry T. Perea said they want to make sure the city's plans don't hurt Fancher Creek.

Greenhouse gas reductions by dairies may be thwarted

Central Valley Business Times, Tuesday, July 22, 2008

MODESTO -- John Fiscalini knows how to make cheese. He's still learning how to deal with government agencies that seem at odds with each other.

That learning has cost him about \$3 million and the meter is still running.

The Central Valley businessman owns Fiscalini Cheese Co. of Modesto, part of Fiscalini Farms where some 1,500 cows are milked for the cheese making operation.

He's about 80 percent through a project to build a system that will convert the cows' manure into methane gas that he plans to use to run an engine to make electricity and heat for the farm and dairy. If it works as planned, the entire operation could be self-sustaining, he says.

But it's one thing to install the state of the art methane digesters. It's another to get the local air pollution district to approve it. Mr. Fiscalini says the San Joaquin Valley Air Pollution Control District pulled the rug out from under him.

"After we had spent a million dollars in down payments on engines and parts to this thing, they changed their mind as to what was really the source of the problem and they decided that while methane was a contributor to greenhouse gas (it) was not the bad guy they thought," says Mr. Fiscalini. "The bad guy is now NOx or nitrous oxide."

Mr. Fiscalini's new lean-burning methane-fueled engine built by Grupo Guascor of Spain is due any day, to be mounted on a large concrete pad just north of the digesters, which are in the last stages of construction

Mr. Fiscalini says he thought he was acting in the best environmental interest in using the manure to make gas instead of spreading it out on farm fields. As manure decomposes, it creates methane that rises into the air, something thought to be a contributing factor to global warming.

"If the dairy industry was in fact a major source of air pollution, I wanted to be one of the people that would help resolve the problem," he says.

But the project, partially funded with a \$720,000 grant from the California Energy Commission because it will reduce greenhouse gases that contribute to global warming, may never be turned on since the Guascor engine emits about 30 parts per million of NOx – nitrogen oxides, a component of smog.

The San Joaquin Valley Air Pollution Control District has mandated that no more than nine parts per million is permissible.

Mr. Fiscalini says he know of no engine in the world that can meet that standard.

"We are afraid that we will not be able to meet the expectation that they have because it appears to be completely unachievable," he says. "There are no engines out there that have been reported to meet the 9 parts per million of NOx that anyone is aware of."

The air pollution police, however, point to the Joseph Farms company of Atwater, which said it could meet the standard and was given a permit. But while subsequent tests have failed to show compliance, the air district says the standard is the standard. The system is operating with a variance from the air district.

Adding to the problem are the terms of the grant from the California Energy Commission.

"That grant was specifically to build a digester that used an internal combustion engine to make electricity," says Mr. Fiscalini. "So, I've got one agency in California saying we want to give you money to help you with a specific project and another agency saying we don't want you to build this project at all."

The problem with using biogas such as manure-derived methane is that it contains a contaminant, hydrogen sulfide, explains Dave Mitchell, an air quality expert with environmental consultancy Michael Brandman Associates of Fresno.

Eliminating hydrogen sulfide is a costly process, he says.

Installing the emissions control equipment to meet the air district's 9 ppm standard would add \$500,000 or more to the cost of constructing new methane digesters, says the group Sustainable Conservation of San Francisco.

Using methane instead for fuel cells or micro turbines also comes with a high cost and unproven technology, says Mr. Mitchell, although in theory it would be cleaner than using it to power an internal combustion engine.

Mr. Fiscalini's problem may presage a massive problem for all of California's more than 2,300 dairies and their 1.7 million cows that produce 120 pounds of waste per day – each.

If methane digesters were installed on all California dairies, they could trap 450,000 tons of methane a year, which is equivalent to taking 2 million cars off the road, according to estimates from Sustainable Conservation.

Dave Warner, director of permit services for the air district, recently told the Modesto Bee newspaper that it is studying why new engines are having trouble meeting the 9 ppm standard.

Mr. Warner told the Bee that the limit has to stay in place to help clean up the region's air.

But with dairy operators caught between the air district staying its course in an effort to reduce smog, and the prospect of costs becoming unaffordable, chances of widespread use of methane digesters seem clouded.

"Already, half a dozen projects in the pipeline have stalled because of the air district's stance," says Sustainable Conservation.

For Mr. Fiscalini, it's more than dollars on a spreadsheet or statistics. It's personal.

"They have been less than cordial," he says of the air board.

"They have told me that economic problems or concerns on my part have nothing to do with their need to enforce the rules, that the air in the Valley needs to be cleaned up ... and if it costs me an extra million dollars to comply, they really don't care," Mr. Fiscalini says.

"I believe that if they drove all of agriculture and all of business out of the Central Valley, they would feel that they had accomplished their mission by cleaning up the air," he says.

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Keep on truckin' ... safely

JSG Trucking in Acampo earns top honors from CTA

By Marc Lutz

Lodi News Sentinel, Wednesday, July 23, 2008

To Joe Giammona safety is more than a word; it's the key to a successful business.

JSG Trucking, Giammona's family owned company, has won the California Trucking Association's Fleet Safety Award for 2007. But it was a long haul.

Started in 1975 in the Bay Area by Giammona's parents, JSG Trucking moved to its current location in Acampo in 1980. The majority of their clients were in the Lodi area, so the move made sound business sense.

Giammona, along with his brother, eventually took over JSG – which stands for Joe and Steve Giammona. Steve Giammona went on to open S&A Auto, while Joe Giammona continued operating the trucking company.

Their clients include canneries, steel companies and grape growers just to name a few. During the summer and harvest season, JSG employs up to 40 employees and contracts about 15 to 20 owner-operators. They cover a radius of about 250 miles, partly because of rising fuel costs, but mainly for their drivers.

"We want everyone home at night," said Giammona.

In his years as the president of JSG, Giammona has chaired the San Joaquin County chapter of the CTA and is currently the chairman of the Membership Services Policy Committee.

Every year, the CTA honors its safety-minded members by highlighting their contributions to the good name of the trucking industry. In order to be considered for the Fleet Safety Award, there are a number of criteria a company must meet.

Members wanting to be considered for the award must submit an application. The application is then reviewed by a CTA committee and an outside board comprised of people in the industry. It takes a couple of months to review the application, and if it's accepted, then an audit of the company is held. Records are reviewed, and the committees verify that the company is doing what it says it's doing.

CTA Vice President of External Affairs Julie Sauls said that companies that applications are reviewed by the various committees, the California Highway Patrol and Department of Motor Vehicles. Reviewers look at any safety programs initiated by the applicants, the overall safety practices and meetings, anything they may do to cultivate a safe environment, the company's accident frequency rate and anything done to improve that rate.

Sauls pointed out that JSG worked hard to earn the award.

"That is really a special distinction, because you're talking about a smaller trucking firm. That should highlight how much they're doing with fewer resources in order to stay safe."

JSG, along with the recipients of other awards from the CTA were honored during a banquet held in April after the judging was completed.

"Truck drivers are an unsupervised group. It's up to them to follow the procedures," Giammona said. "We applaud them for their efforts and share this award with them."

Driver safety and industry compliance go hand-in-hand. To that end, Giammona says JSG will be converting existing trucks and purchasing new vehicles to comply with the [California emission standard taking effect in 2010. The Air Resources Board has adopted a regulation reducing diesel particulate matter and oxides of nitrogen emissions.](#)

Giammona, who still maintains a class A license for driving big rigs, says they won't be relaxing now that they've won the award.

"That's the first thing we said at the driver's meeting; we have to keep going. We can't rest on our laurels now," Giammona said.

"I'm proud of this award and our guys."

News & Notes

West Park lawsuit

Modesto Bee, Wednesday, July 23, 2008

The West Stanislaus Fire District and the Del Puerto Health District are joining the city of Patterson's lawsuit challenging Stanislaus County's approval of PCCP West Park LLC as the master developer of the county's Crows Landing Air Facility property. West Park is a 4,800-acre business and industrial park proposed in and around the 1,528-acre air facility. Patterson sued the county over its April 22 decision to proceed with West Park, contending that an environmental impact report was required. The county believes the board's action created a project description in April, which is the starting point for an environmental review, said County Counsel John Doering. The city of Patterson has opposed the West Park proposal because of the air quality and traffic problems it may create. The development includes a short-haul rail system between Crows Landing and the Port of Oakland.

Progress in wildfires, but problems persist

By Malia Wollan, The Associated Press

In the LA Times, Wednesday, July 23, 2008

SAN FRANCISCO - Officials reported continued progress Tuesday with California's remaining 33 blazes – down from more than 2,000 in the past month – although fire danger remained high in some rural areas.

In Trinity County, the outlying neighborhoods of Junction City are still under mandatory evacuation orders with a large wildfire less than a mile away from the town of about 800, said Mike Johnson, a spokesman with the National Park Service. That fire in the Shasta-Trinity National Forest was about 60 percent contained after burning 93 square miles.

Flames around Northern California, which also has led to a handful of evacuations in Shasta, Lake and Mendocino counties, are contributing to air quality problems. Dense smoke has been making for very unhealthy air that likely will go into the hazardous range in Trinity, Humboldt and Siskiyou Counties this week, said Dimitri Stanich, spokesman for the California Air Resources Board.

"People need to seek shelter and avoid exposure," Stanich said. "These levels are damaging even to healthy people."

State officials planned to turn gymnasiums and other buildings into "clean air shelters" equipped with air filters to screen out particulate matter in all three counties, he said.

Wildfires ignited since June 21 thus far have scorched 1,528 square miles across the state and destroyed 122 homes.

In many parts of the state, cooler temperatures and higher humidity have aided firefighters, including those in the Los Padres National Forest near the coast where a widespread blaze was 72 percent contained Tuesday.

The fire has blackened 216 square miles and burned 26 homes around Big Sur.

"Things are really starting to look good," said Daniel Berlant, spokesman for the California Department of Forestry and Fire Protection.

An inaccessible area on the western edge of the 9,443-acre wildfire near Goleta has prevented fire bosses from fully surrounding the Gap Fire and declaring containment.

U.S. Forest Service spokesman Jim Turner will only say the 22-day-old blaze will be contained "in the near future."

California ports' pollution plan proves a big haul

By Nichola Groom, Reuters

San Diego Union-Tribune, Wednesday, July 23, 2008

LOS ANGELES – A short drive from the sandy beaches of Malibu rise two sprawling ports, where goods from around the world enter the United States before fanning out by road and rail to stores from coast to coast.

The adjacent ports of Los Angeles and Long Beach, the United States' biggest, see nearly half of the nation's container traffic and are key to insuring goods made in China make it to retailers like Wal-Mart Stores Inc.

But the ports hold another, less honorable distinction: They are the biggest polluters in Southern California.

Concerns about pollution-linked illnesses in local communities stalled port expansion projects for years before both ports in 2006 agreed to slash pollutants – mainly exhaust from diesel engines – to below 2001 levels in five years.

The ports are requiring cleaner vessel fuels, shoreside electricity so ships will not run their dirty diesel engines at berth, newer truck fleets and cleaner train locomotives. Much of the plan is funded by increased fees for customers.

"We were dead in the water, and we had to stick our neck out to do some things, so we did," Port of Los Angeles Executive Director Geraldine Knatz said in a recent interview.

The plan, however, is proving to be easier said than done. Already, some shippers, truckers and others who don't want to make changes are choosing other ports, according to Knatz, who said port traffic could drop 10 percent to 15 percent.

Meanwhile, the trucking industry said it plans to sue over what it says is the ports' plan to micromanage its business, while the railroads say they can't comply with a 2014 deadline for new locomotives because the technology won't be available.

Also, retailers are balking at having to pay fees to fund the ports' clean trucks program while also investing in new trucks, according to the Retail Industry Leaders Association.

'YOU CAN'T HIDE'

The ports say they haven't been surprised by the reactions to such a sweeping plan, and are digging in their heels.

"We knew going in if our plan was really good that we would upset everybody," said Port of Long Beach spokesman Art Wong.

Port officials say other major U.S. ports – Oakland, Seattle, Newark, Houston – will eventually follow Long Beach and Los Angeles' emissions reductions efforts.

To local residents, the 17,000 trucks that travel in and out of the ports are the most visible sources of pollution. Daily, they dominate the freeway that runs into the ports and through the outlying residential neighborhoods.

The ports themselves sprawl for miles down the Pacific coast, their massive ships and cranes dominating the horizon. It can take 15 minutes to find your way out of either port.

For the port industries, a major worry is having to comply with requirements that vary by location. The railroads, for instance, are in the midst of complying with a 2010 California state deadline to switch to cleaner locomotives, but the ports' plan would require newer technology a few years later.

"The railroads had just made a commitment to change... and then 'Oh, by the way change out your fleet again,'" said Kirk Marckwald director of the locomotive emissions reduction project for the Association of American Railroads. "That has horrific costs."

The most controversial portion of the ports' plan, so far, involves the move to ban pre-1989 trucks later this year. Trucks older than 2007 will be banned beginning in 2012. The trucking industry, which agrees on the need for cleaner trucks, says the ports are going too far by checking up on truckers' compliance with federal safety and security standards.

"You could have every port that deals with containers setting up this patchwork of what they believe is the best," said Curtis Whalen, executive director of the Intermodal Motor Carriers Conference of the American Trucking Association.

The ATA has threatened to sue over the issue.

Even the ports disagree on how to implement the truck program. Los Angeles has mandated that only trucking company employees will be allowed in the port, arguing that will make the program easier to implement and monitor. Long Beach will continue to allow independent truckers.

SEEKING EXPANSION

The ports are eager to begin work on years of stalled upgrades – projects that will be critical to insuring the ports can handle twice their current volume by 2020.

The Port of Los Angeles in April got approval for its first expansion project in seven years after reaching a long-sought agreement with environmental and community groups. Long Beach, meanwhile, is now seeking approval for a decade-long project to upgrade two old, inefficient terminals.

Knatz said she hopes the Los Angeles port's efforts to address emissions will prevent future delays in expansion projects and bring millions of dollars to local contractors at a time when housing construction has stalled.

Natural Resources Defense Council lawyer David Pettit said he worries progress could be stalled by lawsuits, though even more emissions-control measures are around the corner. The ports are just beginning to look at reducing greenhouse gas emissions, the primary contributors to global warming.

"That's going to be a much longer haul," Knatz said.

Night shift catches on with ports' shippers

'Offpeak' cargo operations, adopted in 2005 to ease traffic jams, already account for 40% of freight movements.

By Ronald D. White

Los Angeles Times, Wednesday, July 23, 2008

An effort to ease daytime traffic at Southern California's major ports is working better than anyone imagined, shifting 40% of freight movements away from peak business hours, the program's manager will announce today.

But some say the push to move cargo at night and on Saturdays doesn't go far enough to ease congestion and other ill effects on neighboring communities.

The "Offpeak" program was launched in July 2005 after an unexpected surge of cargo the year before left dozens of ships at a time stranded at the docks or anchored offshore as they waited to be unloaded. To

avoid a repeat of the expensive traffic jam, terminal operators agreed to open their gates from 6 p.m. to 3 a.m. on weeknights and from 8 a.m. to 5 p.m. on Saturdays.

Even the Offpeak program's supporters assumed that it would take years to persuade retailers and other shippers to move a significant amount of their activities to the night shift, even with the incentive of avoiding a \$100 charge per 40-foot cargo container assessed for moving their goods during peak day-shift hours.

So far this year, the ports of Los Angeles and Long Beach are seeing 4 out of every 10 cargo containers move at night or on Saturdays, up about 8% from 2007 levels, said Bruce Wargo, chief executive of PierPass Inc., a nonprofit company created to run the Offpeak operation. Few ports have attempted such programs.

Some retailers, such as Los Angeles-based Megatoys, primarily use the off-peak hours from August to January, when goods are moving for holidays that run through Easter. That's when it makes sense to absorb the cost of running a second shift and operating through the night, said Megatoys Chief Executive Charlie Woo.

"We receive more than 2,000 containers a year, but in August we begin to move twice as much as usual," Woo said. "The ability to move at night is a really good option. Business does not stop at 5 p.m."

Wargo said record fuel prices also helped drive up off-peak traffic this year. Although the cost of diesel has cooled a bit in recent weeks, the average price in California on Tuesday was \$5.080 a gallon, or \$1.825 higher than it was a year earlier, according to AAA's daily survey.

Still, Wargo was surprised by the scramble away from the day shift.

"There were so many people who were doubtful about this from the beginning that it was hard to maintain optimism," Wargo said. "I'm still shocked that we are moving this much cargo at night. We have fundamentally changed how we move cargo to and from the San Pedro Bay ports."

There has been a cost.

Although the communities surrounding the port have welcomed the reduction in daytime truck traffic, they've discovered an unfortunate side effect: Loud trucks disturb neighbors throughout the night.

That points out the need for more work, such as adopting quieter, alternative-fuel vehicles or electric trucks, said Craig Noble, a senior attorney at the Natural Resources Defense Council. Such vehicles would reduce noise and air pollution.

"With electric trucks, all you hear is the tire noise," Noble said.

The success of night delivery has helped Carson-based Watson Land Co. ride out the rocky U.S. economy.

Watson Land has been building new warehouse space or retrofitting old manufacturing buildings in the South Bay and Inland Empire to handle cargo containers that left the ports after 6 p.m. Customers include some of the nation's biggest retailers as well as smaller regional players, said Lance Ryan, vice president of marketing and leasing.

"You can pick up your cargo at night," Ryan said, "but you do have to leave it somewhere."

Expert: State would pay \$647m a year for rail bond

BY JAKE HENSHAW, Sacramento Bureau

Visalia Times-Delta and Tulare Advance-Register, Wednesday, July 23, 2008

SACRAMENTO — It would cost California \$647 million a year for 30 years to pay off the \$9.95 billion bond on the November ballot for a high-speed railroad, a state expert reported Tuesday.

The 200 mph train also would cost more than \$1 billion a year to operate, though at least part of that would be offset by passenger fares, the Legislative Analyst's Office concluded.

The figures were in the Official Voter Information Guide for the Nov. 4 election posted Tuesday for the first time on the Secretary of State's Web page.

The guide includes the legislative analyst's analysis, along with the arguments of supporters and opponents of the rail bond.

The \$45 billion high-speed rail plan would send the train through the San Joaquin Valley on trips between Northern and Southern California.

Proposition 1, the rail bond, would provide \$9 billion for initial work on the high-speed system but at least half the construction costs would have to be covered by private or other public funds. The remaining \$950 million would be spent to improve other passenger rail systems.

The legislative analyst estimated a total state cost of \$19.4 billion for principal and interest, based on an average interest rate of 5 percent, with average annual payments of \$647 million.

Proponents argue that the bond would give Californians a cheaper, more efficient and more environmentally friendly transportation alternative to construction of additional freeways and airports — all without raising taxes.

Opponents respond that the state would be liable for bond payments and that the money would be better spent upgrading existing roads and transit.

The voter guide will be posted for public review through Aug. 11 at www.sos.ca.gov/elections/vig_11042008_public_display.htm.

Ex-EPA Official Says White House Pulled Rank

Administration Ordered Calif. Emissions Plan Quashed, Former Deputy Testifies

By Juliet Eilperin, Washington Post Staff Writer
Washington Post, Wednesday, July 23, 2008

A former Environmental Protection Agency official yesterday contradicted EPA administrator Stephen L. Johnson's congressional testimony on one of the administration's key global warming decisions, saying the White House ordered Johnson to block California's bid to regulate vehicles' tailpipe emissions.

On Jan. 24, Johnson told the Senate Environment and Public Works Committee under oath that he had made the decision on his own after determining there was no compelling evidence to justify California's plans. "The responsibility for making the decision for California rests with me and solely with me," Johnson said at the time. "I made the decision. It was my decision. It was the right decision."

Yesterday, however, former EPA deputy associate administrator Jason K. Burnett — who resigned last month and has since divulged key details about how President Bush and his deputies have influenced the agency's decisions on climate policy — testified before the committee that Johnson had concluded that California's request was legally justified — until White House officials ordered him to reverse the decision.

California had sought a waiver under the Clean Air Act to implement rules aimed at cutting greenhouse gas emissions from vehicles by 30 percent between 2009 and 2016. Johnson announced in late December that he would not grant the waiver, effectively blocking 17 other states that had either adopted or pledged to implement California's proposed rules.

Burnett told the panel that Johnson had concluded that California had met the legal requirement for a waiver by showing it faced "compelling and extraordinary circumstances" in light of the threat that climate change poses to the state.

"There was no reasonable defense of a denial," Burnett said, adding that Johnson had initially agreed to grant California a "partial waiver" lasting several years.

Johnson reversed course after consulting with the White House, Burnett recalled. After several conversations with White House officials about the possibility that the waiver could lead states to impose varying fuel economy standards, "the administrator knew the president's preference for a single standard," Burnett said.

In his January appearance before the committee, Johnson said he based his decision to refuse the waiver on the fact that "California does not meet the compelling and extraordinary conditions" to seek the exemption.

Johnson also testified about the waiver decision before the House Oversight and Government Reform Committee on May 20, making similar statements and refusing to discuss conversations he had on the matter with either Bush or his top aides on the grounds that it would violate executive privilege. EPA spokesman Jonathan Shradar said Johnson had undergone "a long process" of thinking through how to treat California's request before ultimately deciding that it was unwarranted.

"The administrator has said it was his decision and his alone," Shradar said, adding that it was not surprising that he engaged in a back-and-forth discussion with his staff. "You don't just wake up and say, 'This is the decision.' "

Sen. Barbara Boxer (D-Calif.), who chairs the Senate committee, said Burnett's testimony "raises serious concerns about the account of events provided to the committee, including statements by Administrator Johnson."

Saying she believed Bush took "unlawful" action in refusing to regulate greenhouse gases linked to global warming, Boxer said she would continue pressing to get a full accounting of how the White House has shaped national climate policy. "We're going to get to the truth," Boxer said.

Burnett, a 31-year old heir to a Silicon Valley fortune who showed up for his Senate appearance with a personal public relations representative by his side, has infuriated many Bush administration officials with his revelations about White House actions on climate policy. More than half a dozen EPA career officials interviewed this month, all of whom spoke on the condition of anonymity, remembered Burnett as an administration loyalist who repeatedly sided with the White House while at the agency and gave no hint he was dissatisfied with Bush's approach to global warming.

"Jason, all of a sudden, has found his voice," one career official said wryly. "Jason Burnett was part of making these policies. When he was at EPA he did not have the conscience he's expressing now, this green conscience."

Bush officials emphasize that Burnett – who has donated more than \$120,000 to Democratic candidates in recent years – no longer represents the administration.

"I think everyone concedes that if Jason Burnett was the administrator, he would have taken a different route," said White House spokesman Tony Fratto. "But he's not the administrator."

Boxer's staff is reviewing the discrepancies between Johnson's and Burnett's testimony to determine if false statements were made, an aide said. The EPA's decision to deny California's waiver is being challenged in federal court, but air policy experts said the case would be decided on the law, not the process that led to the policy.

"I wish I could say [Burnett's testimony is] important in the development of policy," said Jeffrey R. Holmstead, who directed the EPA's Office of Air and Radiation from 2001 to 2005 and now heads the environmental strategies group at the law firm Bracewell & Giuliani. "I don't think it is."

Bush rejected EPA advice on California air-quality waiver, whistle-blower says

By Renee Schoof

Sacramento Bee, Wednesday, July 23, 2008

WASHINGTON - The Environmental Protection Agency told the Bush administration that by law California should be able to set air-quality standards tougher than federal law, but President Bush rejected the advice and made clear he wanted a single national standard, a former EPA official said Tuesday.

The testimony from whistle-blower Jason Burnett came as the Senate Environmental and Public Works Committee's chairwoman, Sen. Barbara Boxer, is investigating what the California Democrat charges is an effort by the White House and Vice President Dick Cheney's office to cover up the threat from global warming.

Burnett told the committee that EPA Administrator Stephen Johnson went to the White House last year with a plan to grant California a waiver that would allow it to set tougher standards, at least for several years.

Bush made it clear he preferred a single national standard, Burnett said, and in the end Johnson denied California's request. Johnson has said that there was nothing unique in California's situation that supported granting the waiver and he made the decision independently.

The administration has denied Boxer's requests for e-mails and other documents. She plans to hold a vote Thursday in her committee to subpoena the documents but needs at least two Republican members to attend for a quorum.

A key e-mail that Boxer wants disclosed is an EPA document that describes how global warming endangers public health and welfare. Burnett sent the e-mail to the White House in December. He said Tuesday he sent it only after making last-minute checks that the agency was ready to release it and the White House Office of Management and Budget was ready to receive it.

The White House asked Burnett to withdraw the e-mail, but he refused. The OMB declined to open it. By not officially receiving the e-mail, the OMB ensured that it couldn't be made public.

The finding Burnett helped draft and sent the OMB was the agency's response to a Supreme Court ruling in April 2007.

"This president, I believe, made a decision that flies in the face of a Supreme Court case, and so I believe it is clearly unlawful," Boxer said.

Burnett described for the committee how the EPA produced a report based on the findings of thousands of scientists whose peer-reviewed work on how emissions of heat-trapping gases were causing the Earth to warm was produced or endorsed by the government.

Burnett said that officials from the White House, the vice president's office, the Department of Energy and other agencies agreed at a Cabinet-level meeting in November that greenhouse gases endangered the public and regulation was needed.

But soon afterward, the administration decided to get public comment instead of proceeding with EPA regulation of vehicles under the Clean Air Act. On Dec. 19, the White House announced it was denying California's request.

White House spokesman Tony Fratto said Tuesday that Johnson had taken the views of administration officials into account but made his own decision.

Despite the 'luck of the eights,' pollution worries mar excitement generated around Games' debut

By MICHELLE KAUFMAN, McClatchy Newspapers

Modesto Bee and Sacramento Bee, Wednesday, July 23, 2008

Eight is considered a lucky number in China, so the curtain will rise on the Beijing Olympics on 08/08/08, at precisely 8:08 p.m., inviting the world to peek in and witness three decades of economic progress and the \$40 billion transformation of the nation's capital.

It promises to be the grandest Olympics ever, as Tiananmen Square and the ancient Forbidden City are juxtaposed with cutting-edge architecture such as the whimsical Bird's Nest, a massive 91,000-seat stadium made of intertwined steel ribbons, and the Water Cube aquatic center, with its glowing blue bubbled walls. The new \$3.8 billion airport terminal is among the most massive structures on earth.

But the Chinese will need more than luck to dissolve the thick smog and cloud of worries that hang over the Olympic host city.

Beijing's air quality remained a major concern in the weeks leading up to the Games, despite extensive efforts to clean it up. Human rights groups are still upset with China's treatment of Tibet and support of Sudan, which led to protests on foreign legs of the Olympic torch relay. And the international media is already complaining that it is facing restrictions in direct conflict with the "greater media freedom" promise the Chinese government made in 2001 when it made its pitch to host the Games.

All of these concerns have led the Chinese to clamp down. They stepped up security in the capital city of 16 million, and will employ 100,000 police officers during the Olympics. They also tightened visa restrictions through the summer.

As for the chronic air pollution, the government has imposed restrictions on traffic and factory emissions, in hopes of blue skies. The nearby port city of Tianjin ordered 40 factories to shut down on July 25 and remain closed until the end of September – after the Paralympics. More than 200 steel mills in surrounding areas will suspend operations from late July through the Olympics. Round-the-clock construction in Beijing will be halted in the weeks leading to the opening ceremonies. And, beginning July 20, the city will aim to reduce the number of cars on the road by nearly 2 million with alternate-day driving rules based on license plate numbers.

Despite the efforts, some athletes are worried. Haile Gebrselassie of Ethiopia, the world-record holder in the marathon, decided not to race in that event because he suffers from asthma and was concerned about the smog. He will race at 10,000 meters instead. The Australian Olympic Committee has urged its athletes to arrive as late as possible and skip the opening ceremonies. The British Olympic team will train in Macau and get to Beijing at the last minute.

Jacques Rogge, the president of the International Olympic Committee, said outdoor endurance events that last more than one hour – such as the marathon – will be postponed if the air quality is not satisfactory.

Pollution is also to blame for the thick green algae in the waters of Qingdao, the Olympic sailing venue. More than 100,000 people have been hired to remove the clumps of green algae by hand in the hopes the water will be clean in time for the races.

Though he admitted pollution remains a concern, IOC inspector Hein Verbruggen said Beijing looked ready to host the Games, and that "the quality of preparation, the readiness of the venues and the attention to operational detail for these games have set a gold standard for the future."

Chinese officials are hoping the success of the games and the performances of the Chinese athletes will not only unite the Chinese people in this era of complex cultural change, but also establish the country as a superpower in the global political and economic arena.

Like the new rich family that moves into the neighborhood, China is going out of its way to impress.

Chinese athletes will be under tremendous pressure to win. China is one of the few countries that still supports a Soviet-style Communist sports program, in which athletes are hand-picked at a young age and shipped off to training centers. More money was poured into the sports program after China was awarded the games, and the results have been evident in the medal counts at recent Olympics.

The Chinese finished fourth in the gold medal count (16) at the 1992 and 1996 Olympics, behind the United States, Russia and Germany. They moved up to third in 2000 with 28 golds, and at the 2004 Olympics in Athens, they finished second with 32 golds. Only the U.S. team did better with 34 gold medals.

Look for China to clean up medals in table tennis, badminton and diving. Also, world-record holder Liu Xiang is expected to win the 110-meter hurdles. Xiang, like basketball star Yao Ming, has become a sports icon. He is the face of Coca-Cola, Nike and Visa in China.

China has also made a breakthrough in women's tennis. Zheng Jie made it to the semifinals of Wimbledon before losing to Serena Williams. She was the first Chinese athlete – male or female – to reach the semifinal of a Grand Slam, and she will be a medal contender in Beijing.

As for the U.S. team, several athletes are already poised to make the cover of a Wheaties box. World champion gymnast Shawn Johnson has the skills and smile to be the star-spangled darling of these Olympics. And if she doesn't win, Nastia Liukin might. Swimmers Michael Phelps, Ryan Lochte, Natalie Coughlin and 41-year-old mom Dara Torres are sure to make a big splash. The U.S. basketball teams are loaded with stars, and eager to establish their dominance. And Americans Tyson Gay, Sanya Richards, Lauryn Williams and Allyson Felix are among the favorites in track and field.

Assuming Gay recovers from a hamstring pull, his showdowns with Jamaican sprinters Usain Bolt and Asafa Powell could be electrifying. Look for world records in the pool (thanks to the high-tech Speedo swimsuit) and the track (fingers crossed for no positive doping results).

It remains to be seen whether the haze will clear over Beijing. But there is no question these will be momentous Olympics, and the world will be tuned in more intently than ever.

A gold medal for smog

SF Chronicle, Wednesday, July 23, 2008

It will be a sprint, but Beijing hopes to clean its polluted skies in less than three weeks for the start of the Olympics. The smoggy capital is on a tailpipe and smokestack diet, cutting industry output, power plant operations and everyday driving.

Some 10,000 athletes and a half million visitors need convincing. Several countries, including the U.S., are issuing breathing masks to jocks to screen the dirty air. These teams are also training in other countries such as Japan and Korea to stave off the lung-searing effects until competition begins.

Beijing – a city of 16 million people and 3.3 million vehicles – is a place where visibility is measured in hundreds of yards, not miles. It's bad-air days are likened to living under the pall of a Sierra wildfire. Beijing's inland location amid mountains gets no relief in August when winds from the Gobi Desert die down.

Worst off will be endurance athletes such as marathon runners and cyclists whose events last hours in the open air. One top marathoner, Haile Gebrselassie of Ethiopia, is declining to race in his signature event because of an asthma condition. Already there are doubts about record-setting times in outdoor events where competitors may gasp in the thick air.

Chinese authorities are playing it all down. There were similar pollution worries that didn't pan out for games in Los Angeles in 1984, Atlanta in 1996 and Athens in 2004. This past weekend, when driving restrictions began, brought blue skies.

Athletes and visitors may worry. But Beijing's citizenry should be mystified as well: Why can't the pledges of clean air last beyond the Olympics?

Poll: Most in China expect Olympics to help image

By ALAN FRAM, Associated Press Writer

In the Merced Sun-Star, Wednesday, July 23, 2008

WASHINGTON – Overwhelming numbers of Chinese say next month's Olympics will help their country's tattered image abroad, and they predict the Beijing Games will be successful, according to a poll released Tuesday.

The survey, conducted this spring by the nonpartisan Pew Research Center, comes as much of the international media's pre-Olympics coverage has been a black eye for Beijing, focusing on attempts to clamp down on internal dissidents and diminish air and water pollution in time for the games.

The poll also found strikingly large numbers of Chinese are happy with their nation's overall direction, booming economy and how its government is handling important problems. Yet most are deeply worried about rising prices, pollution and the gap between the rich and poor.

Ninety-three percent said they believe the Olympics will help China's image around the globe. A similar number voiced confidence that the games will go well: 96 percent said their hosting of the Aug. 8-24 competition will be successful.

In both cases, the optimism was shared by people of all ages and income groups, and men and women alike.

The findings point to a divergence between the Chinese sense of their image overseas and how foreigners view them. In the new poll, three-quarters of Chinese believe their country is liked abroad. Yet of 23 other countries where Pew has polled this year, China is viewed positively in only seven.

There was a wave of anti-Western sentiment in China this spring after the Olympic torch relay was beset by protests in Europe and the U.S. of Beijing's crackdown on dissenters in Tibet and other issues.

About half of Chinese view the U.S. unfavorably, including a third who see it as an enemy, the poll said. Seven in 10 have negative views of Japan, including nearly four in 10 who view it as an enemy. China has long-standing, and at times bitter, political and economic rivalries with both countries.

Eight in 10 Chinese said the Olympics were personally important to them, an enthusiasm that was slightly higher for Beijing residents than for those living elsewhere. At the same time, one in three said too much attention is being paid to the games, up from the one quarter who said so in a poll Pew conducted two years ago.

Highlighting the country's high hopes, 75 percent said they think Chinese athletes will win the most medals, with 15 percent choosing the U.S. and 3 percent Russia. China won the third most medals in 2004, trailing the United States and Russia.

On broader issues, 86 percent of Chinese said they were satisfied with the country's direction and 82 percent called its economy good. That was a huge jump from a 2002 Pew survey, when about half were satisfied with each.

It was also the most contentment that Pew measured in all 24 countries it surveyed this year. Australia was a distant second.

Two-thirds of Chinese also gave their government high marks for handling important problems. Three of four approved of Beijing's policy of limiting most couples to one child, although it's more popular with well-off than lower-income people.

Virtually all said rising prices are a big problem – including 72 percent who called them a very big concern. Eighty-nine percent said the gulf between rich and poor people was a great worry.

Large numbers also cited corrupt officials and air pollution as big problems, as well as unemployment, water pollution, corrupt business people, crime and working conditions.

Eight in 10 expressed satisfaction with family life, while six in 10 said the same about their jobs and household income. Even so, half said it is hard to afford health care and a third expressed problems in saving for retirement.

The survey focused disproportionately on Chinese in urban areas, leaving large swaths of the country underrepresented. Though urban Chinese are far more affluent than those from the countryside, rural incomes have been growing lately. Several experts said they doubted the makeup of the poll's subjects had much impact on the results.

The survey was conducted from March 28 to April 19, after civil unrest erupted in Tibet and amid the Olympic torch relay protests in the West, but before the May 12 earthquake in Sichuan province that killed thousands and left millions homeless.

The Pew Research Center poll involved in-person interviews with 3,212 people and was conducted in Chinese, and has a margin of sampling error of plus or minus 2 percentage points. The sample included eight major cities and some towns and rural areas in eight provinces, covering 42 percent of China's adults.

[Tri-Valley Herald, Commentary, Wednesday, July 23, 2008:](#)

Fuel costs should spur federal support for mass transit

By Paul Cooper

Environmental issues, including water conservation and air quality, receive attention from the news media. However, the focus is now on the national economy. The escalating costs of foreign oil have raised havoc with our gasoline pump prices.

There are increasing indications that some energy companies want to increase domestic oil production and congressional help is being sought to remove offshore oil drilling prohibitions.

However, why are the many domestic lands now under lease by these energy companies not being drilled?

Instead, a variety of energy solutions are discussed. Included are accelerated development of both fuel-efficient vehicles and alternative fuels. What about increased federal financial support of public transit?

Locally, we have noted patronage increases on BART and other public transit services. While gasoline prices may have driven some of this, enduring patronage growth may result as commuters become convinced that transit agencies can meet their needs.

In a column in October I mentioned a new water transit alternative being introduced in Hawaii. Recently, some members of my family vacationed in Honolulu, Oahu, to visit the battleship Missouri and the Pacific Aviation Museum located on Ford Island.

While shuttling about, we unexpectedly spotted the first Hawaii Superferry tied up at Pier 19, but had to move on to our tours. Despite a drenching rainstorm aboard the battleship, both Pearl Harbor area visits were rewarding.

The museum is located in Hanger 37, which housed seaplanes and survived the Dec. 7, 1941 attack. While there, I realized that long ago I had been on the naval air station. This occurred during a brief stop in August 1951 while serving aboard a Navy aircraft carrier returning home from Korea.

In May, the new ferry "Alakai" completed its initial month of operations between the islands of Oahu and Maui. Promotional one-way fares of \$49 a person fostered interest, and 21,882 passengers and 6,003 vehicles traveled during the month. Increased patronage on the catamaran was expected to reach 30,000 passengers for June.

Some Honolulu businesses now rely upon the system to deliver products and personnel to the neighboring island. Each morning, a truck full of Love's Bakery products is delivered fresh from Oahu and the ferry returns the empty truck that afternoon.

Significant construction and resort activity occurs on thriving Maui and workers also utilize the service to the island.

Along with scheduled daily runs, additional voyages are provided between Honolulu and Kahului on Sundays, Mondays, Wednesdays and Fridays. As ridership increases, service will be extended.

Separately, another new Superferry is scheduled for delivery next April. Expanded service to Kona on the Big Island of Hawaii will follow.

Meanwhile, improvements to the new vessel are being considered to better outfit it for military assignments. Installation of a new ramp addition is proposed to facilitate loading and unloading of vehicles at most large piers instead of shore-based ramps and barges. Federal funds are now being sought.

While improved water transit moves ahead, a new rail-transit project of benefit to Honolulu residents and visitors is being contemplated.

An earlier light rail proposal was unsuccessful in 1992. I recall that some island representatives sought technical and political guidance from Bay Area transit agencies.

Now a group, reportedly comprised of tour bus, taxi operators and automobile interests, opposes the proposal designed to alleviate city traffic congestion. However, proponents believe the political climate may have changed enabling the new project to succeed.

Will the specter of permanently elevated national gas prices initiate a reassessment of personal transportation options? Although citizens coped with gas rationing during WWII and restrictions in the 1970s, typical driving patterns resumed when crisis situations eased.

Times have changed as our nation now competes with emerging world economic forces for oil supplies.

Although Detroit automakers have taken some steps to improve vehicle fuel efficiency, many gas-guzzlers still roll off production lines. Foreign producers observe our insatiable appetite for size, power and horsepower and compete effectively by providing quality smaller vehicles.

Our reluctance to bite the "power" bullet may cause even more domestic job losses, and continued reliance on foreign oil ultimately may cost more than we want to pay.

We need to commit significant federal support now to mass transit while concurrently developing alternative energy sources and more efficient vehicles. The days of cheap fuel may be gone – perhaps for good.

Note: The following clip in Spanish discusses the state of Arizona has given the biggest notice of violation to the City of Phoenix for their air pollution; they had 5 violations during a two year period. For more information on this and other Spanish clips, contact Claudia Encinas at (559) 230-5851.

Impone Arizona la mayor multa hasta ahora en Phoenix, por contaminación

La directora de la Oficina de Calidad del Aire, Holly Ward dijo que su institución permanece comprometida a cuidar el aire que respiran los residentes de Arizona

Manuel Ocaño

Noticiero Latino

Radio Bilingüe, Wednesday, July 23, 2008

Autoridades ambientales en Arizona impusieron a la empresa, Honeywell Aerospace la mayor multa por contaminación del aire presentada hasta ahora en el área de Phoenix.

Honeywell deberá pagar una multa de tres millones de dólares al estado de Arizona, y unos 750 mil dólares al condado de Maricopa por contaminación que ocasionó en cinco instalaciones durante un periodo de dos años.

La empresa alcanzó un acuerdo fuera de tribunales con Arizona. La directora de la Oficina de Calidad del Aire, Holly Ward dijo que su institución permanece comprometida a cuidar el aire que respiran los residentes de Arizona.

Note: The following clip in Spanish discusses the control over the fires in California is advancing and only three major fires remain and are under control by 90-95%.

Avanza control sobre incendios en California

En total fueron casi dos mil 200 incendios de diversas magnitudes los que devastaron California hace poco más de un mes

Manuel Ocaño

Noticiero Latino

Radio Bilingüe, Wednesday, July 23, 2008

Unos 15 mil bomberos avanzar finalmente en controlar los últimos de más de dos mil incendios que han estado devastando el norte e California.

El Departamento Forestal de California informó que los tres mayores incendios que todavía faltan por apagarse están controlados entre 90 y 95 por ciento.

El clima además ayuda a terminar de sofocar los siniestros, con temperaturas más bajas que en las últimas semanas y un aumento en la humedad.

En total fueron casi dos mil 200 incendios de diversas magnitudes los que devastaron California hace poco más de un mes.