

Clean Air Performance Professionals

Director

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HEALTH AND SAFETY CODE ARTICLE 6

Public Information

Section

44070. Public information program

44070.5. Public information program inclusions

44071. Funding

§ 44070. Public information program

(a) The department shall develop within the bureau, with the advice and technical assistance of the state board, a public information program for the purpose of providing information designed to increase public awareness of the smog check program throughout the state and emissions warranty information to motor vehicle owners subject to an inspection and maintenance program required pursuant to this chapter. The department shall provide, upon request, either orally or in writing, information regarding emissions related warranties and available warranty dispute resolution procedures.

(b) The telephone number and business hours, and the address if appropriate, of the emissions warranty information program shall be noticed on the vehicle inspection report provided by the test analyzer system for any vehicle which fails the analyzer test.

Added Stats 1984 ch 1591 § 3. Amended Stats 1988 ch 1544 § 57; Stats 1995 ch 91 § 93 (SB 975).

CAPP contact: Charlie Peters (

State Republicans take another jab at cap-and-trade

Allen Young, Sacramento Business Journal, December 1, 2014

Stressing the hit to small businesses and motorists in rural areas, Republicans from both houses of the state Legislature lined up another offense against California's cap-and-trade program Monday.

Depending on dueling estimates, the pollution-reduction program is expected to raise gas prices next year between a few pennies and 76 cents per gallon. Legislation introduced Monday would ward off that increase by eliminating a provision in the law that inserts gas and diesel fuels into the program.

The legislation duplicates another GOP bill from this year that didn't earn as much as a policy hearing under the Democratic-controlled Senate. This newest vehicle appears to face just as steep a climb -- with Gov. Jerry Brown a big supporter of cap-and-trade. But GOP legislators said Monday they are undeterred.

"Our job is to make the case and to be persistent and be persuasive whether we win or lose," said Assemblyman Jim Patterson, a Fresno Republican and bill co-author, in an interview.

"My suggestion to Democrats has been, if you want to pay the stubborn card ... if what you really want to do is just pat us on the head, kill us in the first committee we see -- we're not going away. We're going to come back and continue to talk about this," he said.

Patterson mentioned a survey that showed nearly 70 percent of Californians haven't heard of impending gas price increases

under cap-and-trade. The figure comes from the California Drivers Alliance, a group organized by an oil industry lobby group.

During a news conference, Patterson emphasized the hit to small businesses that pay drivers. He also was skeptical that cap-and-trade would actually clean the environment or benefit Californians.

Cap-and-trade is a 2006 law that caps levels of acceptable greenhouse gas emissions and allows companies to trade pollution credits amongst each other. Beginning Jan. 1, gas and diesel will be included in the regulation. Oil companies are expected to pass the fees onto consumers, but trying to discern the actual impact at the pump is difficult due to numerous factors.

Revenues from cap-and-trade are expected to total \$832 million next year and fund an array of different government programs. They include high-speed rail, affordable housing and projects that benefit public transit and energy efficient buildings. Local firms and nonprofits in Sacramento have begun organizing to win a share of the proceeds.

Given the recent fall in gas prices, the California Air Resources Board has said most consumers probably won't notice the impact.

A survey from the National Federation of Independent Business showed that 98 percent of small businesses oppose increasing fuel costs under cap-and-trade, said John Kabateck, the trade group's executive director, during Monday's event.

<http://www.bizjournals.com/sacramento/news/2014/12/01/state-republicans-take-another-jab-at-cap-and.html>?

Officials know that ethanol is carcinogenic. Does California water providers check for ethanol in the supply water for public consumption?

CAPP contact: Charlie Peters

Gas prices could dip below \$2 in TN

WBIR, November 30, 2014

Even if you have to travel this weekend, one of the busiest on the roads, there's something to be thankful for: low gas prices.

According to AAA, the average price for a gallon of unleaded gas in the U.S. has fallen to \$2.78, the lowest it's been since 2010. In Tennessee the average is even lower at \$2.57 per gallon of gas and Knoxville is sitting at \$2.58.

One year ago, AAA said gas was \$3.15 for a gallon of gas.

In even more exciting news, we could see an even bigger drop in Tennessee.

The website 24-7 Wall Street is reporting eight states-- including Tennessee-- will have gas prices below \$2 a gallon as early as next year.

24-7 Wall Street Most said the states likely to have lower prices have three things in common: the general drop in oil prices, proximity to large refineries, and low state gas taxes.

With Christmas spending in full swing, economists say the timing couldn't be better.

"Every penny drop in gas prices is a billion dollars pumped back into the economy in terms of discretionary income. That's a huge amount of money as we have seen gas prices fall," said economist Jesse Tron.

Some experts say these low prices could last until at least the middle of next year.

<http://www.wbir.com/story/money/economy/2014/11/30/report-gas-prices-could-dip-below-2-in-tn/19701271/>

CAPP contact: Charlie Peters

Gas prices expected to fall below \$2 per gallon in 8 states *By Leada Gore, Alabama Media Group, November 29, 2014*

The falling price of gas means more money in the pockets of consumers right at a time when most are looking for ways to stretch every dollar.

It turns out the recent price decline may be just the start of good news at the pump.

WallStreet 24/7 recently did an examination of gas prices and picked eight states where it's believed a gallon of regular unleaded could fall below \$2 per gallon. The drop, the site predicted, will start now and continue through the first of the year.

Here's the really good news: Alabama's one of the states pegged for the lower prices.

The other seven are Mississippi, Louisiana, Texas, Oklahoma, South Carolina, Missouri, and Tennessee.

Alabama - like Mississippi, Texas and Louisiana - all benefit from close proximity to the Gulf of Mexico and Texas refineries. Oklahoma and Tennessee border at least one of each of those four states.

"So, each has the advantage that among the variable costs of gasoline is the distance it must travel from refineries to retailers," the site notes.

Oil has dropped below \$66 a barrel, as compared to a late June price of \$100. If oil stays below \$70 a barrel, that means a drop of as much as 30 cents off the average price of regular gasoline. The average nationwide gas price is now \$2.79.

http://www.al.com/news/index.ssf/2014/11/gas_prices_expected_to_fall_be.html

Officials know that ethanol is carcinogenic. Does California water providers check for ethanol in the supply water for public consumption? Should the Attorney General request conversation with EPA about a waiver of the "Wallet Flushing" ethanol mandate so fuel ethanol ozone is in compliance?

CAPP contact: Charlie Peters (

Area's gas prices could dip to near \$2 a gallon

By Joe Taschler of the Journal Sentinel, November 28, 2014

The price of regular gasoline will approach \$2 a gallon in southern Wisconsin before year's end and is likely to fall below that point in other parts of the country in coming weeks, oil industry analysts say.

The predictions come as the price of crude oil plunged 10% Friday, a day after OPEC said it would not cut production to stem a supply glut and stabilize prices.

The price for a gallon of regular in Milwaukee isn't likely to fall all the way to \$2, "but \$2.25 is certainly on the table," said Jim Ritterbusch, president of Ritterbusch & Associates, an oil trading and advisory firm in Chicago.

Already, some gas stations in the South and Midwest are about 20 cents shy of the \$2-a-gallon mark.

"We could see the cheapest 1% of stations get within a few pennies of \$1.99 over the next two weeks," said Patrick DeHaan, a senior petroleum analyst at GasBuddy.com "We'll see at least one station in the nation at \$2 by Christmas.

"And that's not really a prediction at all. That's more like a certainty."

Drivers in some low-cost states such as South Carolina, Missouri, Oklahoma and Texas could see prices below \$2, said Tom Kloza, chief oil analyst at the Oil Price Information Service.

The U.S. national average was \$2.79 on Friday, down from its June peak of about \$3.70 a gallon.

"These are numbers that we would have regarded three or four months ago as something from the lunatic fringe," Kloza

said. He expects the price of oil to fall by another \$5 or \$10 a barrel before stabilizing. In Wisconsin, the current average price is \$2.81. In Milwaukee, a number of stations were selling gasoline at \$2.69 a gallon, according to milwaukeeprices.com.

"Given that OPEC has decided not to cut production and, for all intents and purposes, are entering into a market share war with the rest of the world, \$2 a gallon (gasoline) could be in the cards," said Andy Lipow, president of Lipow Oil Associates LLC, an energy consulting firm in Houston. "I don't think anyone would have said that at the beginning of the year, or a month ago, or even a week ago."

The gasoline price drop would give Americans at least \$500 annually in extra disposable income, according to IHS Inc. estimates. The last time the average gas price was below \$2 was March 24, 2009, as the nation was mired in a deep recession.

Many energy experts had expected OPEC to act to halt the slide in the price of crude. When the cartel left things as-is, the effect was immediate. The price of U.S. crude oil dropped \$7.54 a barrel, or 10%, to \$66.15 Friday. That same barrel of oil was trading at \$107 as recently as June.

Brent crude, an international benchmark, fell 3% to \$70.15 a barrel on Friday. It has fallen 13% this week.

While the price drop means more cash for American consumers, declining fuel prices add to one of the eurozone's biggest headaches: low inflation.

The eurozone inflation rate is slipping toward zero, official data showed Friday, highlighting the weak demand at the heart of

the bloc's economy and posing a test of the European Central Bank's pledge to head off deflation.

U.S. awash in oil, prices falling

Partly because of the shale oil boom in the U.S., the world is awash in oil at a time when demand from major economies is weak — so prices are falling.

Citibank analysts wrote in a report Thursday that global supplies exceed demand by about 700,000 barrels a day now.

Oil drillers may have to cut back at least some activity. Forcing such a slowdown may have been part of OPEC's motivation for declining to cut production.

U.S. oil patch executives have vowed to drill on, asserting they can profit well below \$70 a barrel, with output unlikely to fall for at least a year.

In the U.S., supply is expected either to remain flat or rise by almost 1 million barrels a day next year, according to the Paris-based International Energy Agency and ITG. That's because only about 4% of shale production needs an \$80 per barrel or more price to be profitable.

Most drilling in the Bakken formation, one of the main drivers of shale oil output, returns cash at or below \$42 a barrel, the IEA

estimates.

An OPEC production cut would have been the quickest way to tighten the world's oil supplies and boost prices.

Many expect any reduction to U.S. output to occur slowly because of a backlog of wells that have already been drilled and aren't yet producing, and financial cushioning from the practice of hedging, in which producers locked in higher prices to protect against market volatility, according to an Oct. 20 analysis by Citigroup Inc.

Ritterbusch said OPEC is underestimating the ingenuity of American producers who are continually taking advantage of technology to extract oil in ever more efficient ways.

"They think they are going to choke off U.S. production, but they are not leaving any room for technological advances that will lower the production cost," he said.

"For all practical purposes, OPEC is irrelevant for a while."

In the meantime, expect prices to keep falling, Ritterbusch said.

"There's some downside left," he said. "That will be a nice Christmas present for the American consumer."

"Sit back and enjoy the ride because it's going to last awhile, I think well into next year."

The Associated Press, New York Times and Bloomberg News contributed to this report.

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<http://www.jsonline.com/business/oil-prices-plummet-in-friday-trading-b99399228z1-284164911.html>

After years of waiting, Clean Air Performance Professionals (CAPP) has received no response to ozone comment to EPA in Sacramento, Mr. President, how long does it take?

Do water providers check for ethanol in the supply water for public consumption? Should the attorney general request a conversation with EPA about a waiver of the "Wallet Flushing" ethanol mandate so ozone is in compliance?

CAPP contact: Charlie Peters

Toyota's fuel cell plans grab headlines

By Neil Winton, The Detroit News, November 28, 2014

Toyota's launch of the Mirai fuel-cell powered car at the Los Angeles car show was greeted by "game-over" victory shouts by some alternative technology advocates saying battery-only powered cars have been driving down a dead-end street.

Not so, say the battery-car proselytizers, who wonder why Toyota, and to a lesser extent Honda and Hyundai, have wasted so much time and money on a technology fatally undermined by sky-high production prices, the need for scarce commodities like platinum, questions about safety, and the lack of a hydrogen infrastructure.

At the show, Volkswagen joined in the fuel cell rush, unveiling its Golf SportWagen Hymotion concept car. Its subsidiary Audi did the same with the A7 h-tron. BMW has hydrogen cars on its backburner, as do all the big car manufacturers.

Critics of batteries tend to be matter-of-fact in their criticism of the technological limits, led by range-anxiety and price doubts. Fuel cell critics tend to be much more strident, led by Tesla Motors CEO Elon Musk with his famous quote that "fuel cells are so (BS). Hydrogen is suitable for the upper stage of rockets but not for cars".

One way for cynics to explain away Toyota's big spending on fuel cells is the availability of money from governments eager to placate voter's call for spending on environmentally friendly projects. Companies too are eager to show that they are committed to green policies, even though they probably would concede that many have no chance of success. And there is the fear of being blindsided by a sudden technological development. This spending is often completely at variance with

actual likely demand for new technology cars which can only begin to move off dealer lots unless backed by copious amounts of taxpayer dollars.

If there is an area of agreement in the argument about what will replace the internal combustion engine (ICE), it is the consensus that there won't be one for the foreseeable future. ICE engines will remain the overwhelming choice for maybe the next 50 years, unless fossil fuels run out before.

Fuel cells barely register

As for the more immediate future, a report by consultancy IHS Auto is respected by many. This said that by 2020 regular hybrids and plug-in hybrids (PHEVs) will account for almost five percent of global sales compared with less than one percent for electric only vehicles. By 2025, battery-only will have slowly expanded to 1.5 percent, while PHEVs and hybrids will push just past six percent. Fuel cell vehicles will barely register at all by 2025. So about 92.5 percent of cars in 2025 will be fossil-fuel powered.

"I have not seen any evidence to undermine the IHS projections. Fuel cells are likely to be a very small percentages of global sales," said Art Wheaton, senior lecturer at Cornell University's ILP School.

Wheaton said (ICE) power is likely to remain dominant for the next 50 years and will continue to be the fuel of choice until fossil fuel supplies run out. Electric cars are flawed, but he doesn't see much future in hydrogen power either.

"Most automotive experts do not believe that pure electric vehicles are the long-term answer. The same problems that faced electric cars over 115 years ago are still

the same today. Batteries are heavy, expensive and do not go very far," Wheaton said.

Heavy and complex

Toyota, and the big car manufacturers aren't sure what will replace ICE power. Hybrids are heavy and carry around complex and costly redundant propulsion systems. Fuel cells are problematical because harnessing hydrogen is not simple or cheap.

Why would Toyota and others pursue fuel cells then? Government subsidies.

"Public policy has forced Toyota and others to develop electric cars and hybrids, not consumer demand," Wheaton said.

"Fuel cell vehicles are seen as the long term future for the auto industry but cost of development is prohibitively expensive and seen as only surviving the short term with subsidies," Wheaton said.

Peter Schmidt, editor of British-based newsletter Automotive Industry Data, believes the Toyota Mirai in particular and fuel cell cars in general will mark the end of the road for battery cars.

In an editorial headlined "Toyota's fuel-cell powered Mirai - nail in electric coffin?", Schmidt said the company had already decided to by-pass battery-only cars as a fleeting stop-gap, in favor of hybrids and plug-in hybrids.

"Yes, Mirai's future commercial success is totally dependent on the future distribution of hydrogen fuel. On this issue too, Toyota's hybrid-tested visionaries have a viable plan readily to hand. This is indeed a bad day for pure electric and all those who bet the house on them. No wonder Daimler cashed its Tesla shares," Schmidt said.

When it unveiled the Mirai, which means "future" in Japanese, Toyota also announced plans to kick-start hydrogen infrastructure with other auto manufacturers. A couple of months ago Daimler sold its four percent stake in Tesla, but said it will continue cooperation deals.

Doubters line up

But fuel cell doubters lined up to question the future of hydrogen vehicles.

London-based Evercore ISI analyst Arndt Ellinghorst, in a report entitled "Fuel Cells or "Fool" Cells?" was puzzled by Toyota's Mirai plans given the progress made by companies like Tesla.

"We struggle to understand the rationale for FCEVs (fuel cell electric vehicles) given the performance capabilities already achieved by BEVs (battery electric vehicles)," Ellinghorst said.

He couldn't see why car buyers would go for fuel cells over a battery-only vehicle. Fuel cell vehicles are expensive and are loss leaders for their manufacturers. Costs of hydrogen to refuel are much higher than electricity.

"Following our detailed dive into FCEV technology, our overriding conclusion is that with the exception of re-fuelling time FCEVs hold no clear advantages. When we look ahead to 2020 and 2025, independent research suggests that FCEVs will offer few advantages over BEVs from a

consumer cost of ownership perspective and will be less efficient on a well to wheel basis," Ellinghorst said.

Battery expert Donald Sadoway, Professor of Materials Chemistry at the Massachusetts Institute of Technology (MIT) is even more dismissive of fuel cells.

"This is a dead end technology and (the manufacturers) are foolishly wasting their time. Where are they going to get the hydrogen from? It's absolutely nuts. Who installs the infrastructure. You can't send it down a natural gas pipeline. You need to have an entirely new infrastructure. I can't explain it. It doesn't make any sense," Sadoway said.

Sadoway also has an interest in a battery technology company, working with Dr Qichao Hu at startup SolidEnergy. This company is developing battery technology which can double the running life of smartphones and laptops, and which could eventually find its way into cars.

Transforms

The improvement is to lithium batteries, which will be able to operate safely at higher temperatures. This will cut costs, save weight and lengthen life because they won't need the elaborate cooling systems current lithium-ion batteries need.

"There are two major innovations that make this battery far superior to lithium ion – lithium metal in the negative electrode and a polymer

membrane that acts as both electrolyte and separator. This transforms energy density by huge amount," Sadoway said.

If the technology can prove itself as suitable for cars, Sadoway predicts a big upheaval in battery-car appeal.

"It could have a huge impact on cost and service lifetime which would then make the all-electric vehicle much more mainstream. Right now, it's for early adopters and the Tesla is only for ultra-rich people. This would also have a huge derivative impact by even depressing demand and the price of petroleum," Sadoway said.

Meanwhile, without big changes in battery technology the IHS Auto projections look safe.

Grim

"Based on a projection of today's technology, with improvements like Tesla's giga-factory which might bring down costs by about 30 percent from today, this will have minimum impact on the market place. But a radical breakthrough will mean you can throw out those forecasts," Sadoway said.

Sadoway sees another, grimmer and ominous obstacle to the future of fuel cells because of the dangerous nature of hydrogen.

"When you see the first collision between hydrogen vehicles, then we'll see the end of it," Sadoway said.

<http://www.detroitnews.com/story/business/columnists/neil-winton/2014/11/28/toyota-fuel-cell-plans-grab-headlines/19620409/>

After decades of waiting, Clean Air Performance Professionals (CAPP) has received no response to Ozone comment to EPA in Sacramento, Mr. President, how long does it take?

Do water providers check for ethanol in the supply water for public consumption? Should AG Kamala Harris request a conversation with EPA about a waiver of the "Wallet Flushing" ethanol mandate so fuel ethanol ozone is in compliance?

CAPP contact: Charlie Peters

Patterson, Vidak keep heat on cap-and-trade transportation fuel tax

The Fresno Bee, November 28, 2014

Two central San Joaquin Valley Republicans are pushing for a legislative act that would eliminate the impending cap-and-trade gas tax.

Assembly Member Jim Patterson of Fresno and Sen. Andy Vidak of Hanford both announced that they'll introduce the Affordable Gas for California Families Act on Monday. It would exempt transportation fuels including natural gas from the cap-and-trade program. It's a last-gasp effort; transportation fuels are scheduled to be covered by the program beginning in January.

Gas prices are expected to go up because of the program — by some estimates ranging from 13 cents to as much as 76 cents per gallon.

California's cap-and-trade program is part of the state's 2006 emissions-reducing law. It requires industries to buy pollution allowances for carbon they release into the air. Earlier this year, Assembly Member Henry T. Perea, a Fresno Democrat, failed in an effort to delay by three years putting transportation fuels under the cap-and-trade program.

Perea has said the fight is over, and it's time to lobby to make sure that the Valley gets a good shake in distribution of the more than \$200 million the tax will generate. On Oct. 31, state officials said that money will be invested in the census tracts of California's most disadvantaged communities — about 20% of which are in the San Joaquin Valley.

Patterson and Vidak are still fighting. In a statement, Patterson said, "We're all enjoying the lowest gas prices in years but when the gas tax kicks in, we will feel the pinch at every level of our economy and we know that low-income families will be hit hardest. From the dining room table to our favorite restaurant, even the gas budgets at our school districts will be impacted, which means less money goes towards educating our kids."

Patterson and Vidak said they'll introduce their legislation Monday at 10 a.m. after Capitol swearing-in ceremonies. They've invited several people from their districts including Cheryl and David Salter from Madera-based Salter's Distributing and Steve Ward, the legislative analyst for the Clovis Unified School District.

http://www.fresnobee.com/2014/11/28/4258920_patterson-vidak-keep-heat-on-cap.html?rh=1

After decades of waiting, Clean Air Performance Professionals (CAPP) has received no response to ozone comment to EPA in Sacramento, Mr. President, how long does it take?

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CAPP contact: Charlie Peters

Secretive Lexus LFA workshop now makes Toyota Mirai fuel cell sedan

By Hans Greimel, Automotive News, November 27, 2014

TOKYO -- Toyota Motor Corp. has struggled to fill the void at the secretive workshop in Japan where the Lexus LFA was assembled ever since the last \$375,000 sports car rolled off a line in December 2012.

Now, it finally has landed a new product, one just as niche and high profile: Toyota's new Mirai hydrogen fuel cell sedan.

The backlot LFA Works at Toyota's Motomachi assembly plant in Toyota City has been tasked with hand building the limited-run car partly because of its craftsmanship and attention to detail.

And also because the Mirai, with its dedicated platform and hydrogen-powered drivetrain replete with mammoth fuel tanks, is better built by hand than in Toyota's ultra-efficient factories.

In fact, production is so limited -- to just 700 vehicles in the first year -- that Toyota is already warning of delivery delays.

Toyota now has 200 orders for the car, and people ordering one today will have to wait until next summer to get theirs, said Masamoto Maekawa, executive vice president for domestic sales.

"Each unit is carefully built with utmost care. So therefore, the production volume might be limited," Maekawa said. "During the initial stages, delivery time might be delayed. The 200 orders are mostly from government and corporate fleets."

Toyota is building each car to order, not en masse, partly because it wants to prudently match output to demand and not overproduce, said Yoshikazu Tanaka, chief engineer of the Mirai and former chief engineer for the Prius plug-in hybrid.

The Mirai's drivetrain and other components are manufactured at Toyota's Honsha plant in Toyota City, and the car is assembled at the nearby Motomachi plant, in the same workshop that made exactly just 500 Lexus LFA V10 sports cars from 2010 to 2012.

Since then, Toyota has toyed with different projects there.

<http://www.autonews.com/article/20141127/OEM01/141129877/secretive-lexus-lfa-workshop-now-makes-toyota-mirai-fuel-cell-sedan>

CAPP contact: Charlie Peters

STOCKTON

Central Valley Business Times

November 26, 2014

GOP makes a run at cap-and-trade tax

Two Central Valley lawmakers seek repeal of the pending state gasoline cap-and-trade tax, expected to be passed along to motorists by the oil companies and say they'll submit legislation next week, as soon as they're done taking the oath for their new terms.

They say the tax might increase the cost of gas in California by 16-76 cents per gallon.

Assemblyman Jim Patterson, R-Fresno, and Sen. Andy Vidak, R-Hanford, say their legislation would exempt transportation fuels -- including natural gas -- from inclusion in the state's cap-and-trade program, ultimately saving consumers from the anticipated increased prices when oil companies begin passing on their cap-and-trade costs to their consumers.

"We're all enjoying the lowest gas prices in years but when the gas tax kicks in, we will feel the pinch at every level of our economy and we know that low-income families will be hit hardest," says Mr. Patterson. "From the dining room table to our favorite restaurant, even the gas budgets at our school districts will be impacted, which means less money goes towards educating our kids. Let's keep gas prices low by eliminating the gas tax."

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<http://www.centralvalleybusinesstimes.com/stories/001/?ID=27233>

CAPP contact: Charlie Peters

Republican Lawmakers Hope to Keep Cap-and-Trade Rules from Fuel
By Joe Michaels, KFBK News, November 26th 2014

A pair of Republican state lawmakers are working to keep gas prices low, and they'll formally introduce their idea when the legislature re-convenes after the holiday.

Cap-and-trade rules are set to extend to fuel distributors in January, which could lead to an increase of up to 76 cents a gallon on gasoline.

Concerned about the impact, Fresno Assemblymen Jim Patterson will introduce a bill Monday to create exemptions from the program.

"It will take natural gas and fossil fuels and other fuels -- gas, diesel, etc. -- out from under cap-and-trade and it will eliminate what amounts to a \$3 billion tax on fuel that I don't think consumers, and I don't think the economy, can stand," Patterson.

Patterson says, among other things, the bill will prevent increases in gas budgets at state schools.

Senator Andy Vidak will introduce a companion bill in the state's upper house.

<http://www.kfbk.com/articles/kfbk-news-461777/republican-lawmakers-hope-to-keep-capandtrade-13011634/>

Does California use 1500 gallons of water to grow corn to produce 1 gallon of GMO fuel ethanol? Does California water providers check for ethanol in the supply water for public consumption? Should Kamala Harris request conversation with EPA about a waiver of the "Wallet Flushing" ethanol mandate so fuel ethanol ozone is in compliance?

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EPA to propose tougher rules on smog-causing ozone, setting up clash with GOP
By Joby Warrick, The Washington Post, November 26, 2014

The Obama administration on Wednesday announced plans to tighten restrictions on smog-causing ozone, a move that will address a major cause of respiratory illness for millions of Americans while also setting the stage for new clashes with industry and the Republican-controlled Congress.

Environmental Protection Agency Administrator Gina McCarthy cited ozone's damaging effects on children and the elderly in moving to toughen limits on the pollutant for the first time since 2008. Ground-level ozone, a respiratory irritant that derives from fossil-fuel burning, is linked to asthmatic attacks and other ailments and is the cause of "code red" respiratory warnings common to Washington and other urban areas during the summer months.

"We deserve to know the air we breathe is safe," McCarthy said in a statement announcing the proposal. In deciding to revise the ozone standard, the EPA was following a legal mandate for "bringing ozone pollution standards in line with the latest science" to protect Americans from a significant health threat, she said.

McCarthy said the EPA's long-awaited proposal would lower the allowable ozone level from 75 parts per billion, set in the final years of the George W. Bush administration, to a new standard "in the range of 65-70

parts per billion." As part of the rule-making process, the EPA would accept comment on a wider range of possible limits, from the current 75 ppb to as low as 60 ppb, according to other officials familiar with the EPA's plans. The agency is expected to adopt a final rule next fall.

The EPA faced a Dec. 1 deadline to revise its standards for ozone, which is one of six pollutants regulated under the Clean Air Act. Cities and counties that fail to meet the standard are required to take steps to reduce emissions to improve air quality.

Leaked details of the proposal drew sharp criticism from industry groups, which argue that tighter restrictions will lead to higher costs and losses in jobs and economic productivity. American Petroleum Institute President Jack Gerard said air quality is already improving throughout much of the country, and many states are still struggling to adjust to the last change in ozone regulations six years ago.

"Tightened standards could impose unachievable emission reduction requirements on virtually every part of the nation," Gerard said. "Even pristine areas with no industrial activity such as national parks could be out of attainment."

Some environmental groups had

low as 60 ppb, yet many cheered the EPA's move.

"It is clear that this would be a positive step forward, even if it doesn't go as far as we think they should go," said Frank O'Donnell, president of Clean Air Watch, a Washington environmental group.

GOP lawmakers already have vowed to fight any effort by the administration to toughen existing ozone standards. Last week, Republicans on the Senate Environment and Public Works Committee warned the White House that they would seek to block what they said would be one of the "most devastating regulations" ever issued by the EPA.

Industry groups had waged a month-long campaign to dissuade the EPA from adopting a stricter standard. Industry-sponsored studies — some assuming much tougher ozone limits than those the EPA is said to be contemplating — estimated economic losses in the billions of dollars.

"This new ozone regulation threatens to be the most expensive ever imposed

on industry in America," said Jay Timmons, chief executive officer of the National Association of Manufacturers. He said the proposal, coming on top of other proposed EPA regulations on greenhouse gas emissions, could reverse recent economic gains by "placing massive new costs on manufacturers and closing off counties and states to new business."

But other groups, including state health and environmental agencies, said the claims of economic harm were exaggerated. Some noted that current law allows states considerable flexibility and a long lead time — decades, in some cases — to come into compliance. Others pointed to studies showing economic losses due ozone-related respiratory illnesses and premature deaths.

"The public should have the right to know whether the air they are breathing is safe," said S. William Becker, director of the National Association of Clean Air Agencies. "There can be a false sense of security thinking that levels at 75 ppb are safe to breathe when scientists are saying they are not."

http://www.washingtonpost.com/national/health-science/epa-to-propose-tougher-rules-on-smog-causing-ozone-settling-up-clash-with-gop/2014/11/26/0a4670cc-756a-11e4-bd1b-03009bd3e984_story.html

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E.P.A. Ozone Rules Divide Industry and Environmentalists

By Coral Davenport. New York Times, November 26, 2014

WASHINGTON — The Obama administration on Wednesday announced a long-delayed environmental regulation to curb emissions of ozone, a smog-causing pollutant linked to asthma, heart disease and premature death.

The sweeping regulation, which are aimed at smog caused by power plants and factories across the country, particularly in the Midwest, is the latest in a series of Environmental Protection Agency controls on air pollution that wafts from smokestacks and tailpipes. Such regulations, released under the authority of the Clean Air Act, have become a hallmark of President Obama's administration.

Environmentalists and public health advocates have praised the E.P.A. rules as a powerful environmental legacy. Republicans, manufacturers and the fossil fuel industry have sharply criticized them as an example of costly government overreach. The National Association of Manufacturers has called the proposal "the most expensive regulation ever."

The proposed regulation would lower the current threshold for ozone pollution to a range of 65 to 70 parts per billion, from 75 parts per billion. That range is less stringent than the standard of 60 parts per billion sought by environmental groups, but the E.P.A. proposal would also seek public comment on a 60 parts-per-billion plan, keeping open the possibility that the final rule could be stricter.

The agency estimates that the new regulation would by 2025 prevent from 320,000 to 960,000 asthma attacks in children, and from 330,000 to 1 million missed school days. It also estimates that by 2025 the rule would prevent 750 to 4,300 premature deaths, 1,400 to 4,300 asthma-related emergency room visits and 65,000 to 180,000 missed workdays.

The regulation would come with a high cost to industry, which the E.P.A. estimates would be \$3.9 billion in 2025, using a standard of 70 parts per billion. The cost would be \$15 billion in 2025 at a standard of 65 parts per billion. (The E.P.A. chose 2025 as an example because that is when the agency expects the regulation

to be fully in force.)

The agency estimates that the economic benefits of the rule – measured in avoided asthma attacks, heart attacks, missed school and work days and premature deaths – would significantly outweigh the costs. It calculates the benefits at \$6.4 billion to \$13 billion annually in 2025 for a standard of 70 parts per billion and \$19 billion to \$38 billion annually in 2025 for a standard of 65 parts per billion.

"Bringing ozone pollution standards in line with the latest science will clean up our air, improve access to crucial air quality information, and protect those most at-risk," the E.P.A. administrator, Gina McCarthy, said in a statement. "It empowers the American people with updated air quality information to protect our loved ones — because whether we work or play outdoors — we deserve to know the air we breathe is safe."

Public health groups have lobbied the government for years to rein in ozone emissions and said the regulation was one of the most important health decisions Mr. Obama could make in his second term.

"Ozone is the most pervasive and widespread pollutant in the country," said Paul Billings, a senior vice president of the American Lung Association. William Becker, executive director of the National Association of Clean Air Agencies, said, "Ozone is not only killing people, but causing tens of millions of people to get sick every day."

But industry groups say that the regulation would impose unwieldy burdens on the economy, with little public health benefit.

"Air quality has improved dramatically over the past decades, and air quality will continue to improve under the existing standards," said Howard Feldman, director of regulatory affairs for the American Petroleum Institute, which lobbies for the oil industry. "The current review of health studies has not identified compelling evidence for more stringent standards, and current standards are protective of public health."

The proposed ozone rule comes as the longstanding battle over Mr. Obama's use of the Clean Air Act to push his environmental agenda is erupting in Congress and the courts. The ozone rules are expected to force the owners of power plants and factories to install expensive technology to clean the pollutants from their smokestacks.

Next year, the E.P.A. is expected to make final two more historic Clean Air Act rules aimed at cutting planet-warming greenhouse gas emissions from coal-fired power plants. Those rules, which are intended to curb pollutants that contribute to climate change, could lead to the shutdown of hundreds of power plants and freeze construction of future coal plants.

The Republican-majority Congress, to be led by Senator Mitch McConnell of Kentucky, the incoming majority leader, has vowed to block or overturn the entire group of rules. In a separate development, the Supreme Court on Tuesday agreed to take up a challenge led by industry groups against another E.P.A. rule intended to curb emissions of mercury from coal plants.

"We're facing a series of regulations, and the cumulative cost of compliance and the burden of permitting is significant," said Cal Dooley, president of the American Chemistry Council, a group which has lobbied aggressively against the rules. "An industry such as ours is poised

to make significant investments in growth, but these regulations make that harder."

The standard for ozone was last set in 2008 by the Bush administration at a level of 75 parts per billion, above the range of 60 to 70 parts per billion recommended by the E.P.A.'s scientific advisory panel at the time, although never enacted. Environmental and public health groups challenged the Bush standard in court, saying it would endanger human health and had been tainted by political interference. Smog levels have declined sharply over the last 40 years, but each incremental improvement comes at a significant cost to business and government.

The E.P.A. had planned to release the new ozone rule in August of 2011, but as Republicans and powerful industry groups prepared to go on attack against the plan, Mr. Obama decided to delay its release, fearing that opposition to the regulation would hurt his re-election chances in 2012.

At the time, Mr. Obama said the regulation would impose too severe a burden on industry and local governments at a time of economic distress.

Environmental advocates, who took the delay as a setback, then sued the Obama administration, and earlier this year a federal judge ordered the E.P.A. to release the rule by Dec. 1.

http://www.nytimes.com/2014/11/27/us/epa-ozone-limits-divide-industry-and-environmentalists.html?_r=0

After decades of waiting, Clean Air Performance Professionals (CAPP) has received no response to Ozone comment to EPA in Sacramento, Mr. President, how long does it take?

Do water providers check for ethanol in the supply water for public consumption? Should AG Kamala Harris request a Conversation with EPA about a waiver of the "Wallet Flushing" ethanol mandate so fuel ethanol ozone is in compliance?

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EPA expected to propose stricter ozone limits

Neela Banerjee, Tony Barboza, Los Angeles Times, 25-Nov-14

After years of inaction, the Obama administration is expected to propose tougher limits on smog Wednesday, according to people with knowledge of the rule-making effort. The new rule would be a major victory for public health groups, but it is sure to further stoke the partisan clashes between the president and Republicans poised to take control of Congress.

The current limit for ground-level ozone, the lung-damaging gas in smog, is 75 parts per billion. Concluding that the limit is too weak to protect people's health, Environmental Protection Agency staff and its science advisors had recommended strengthening the federal standard to 60 to 70 parts per billion.

The proposal that the EPA will unveil Wednesday would offer its preferred option of 65 to 70 parts per billion, said the people familiar with the draft measure. The EPA would also seek public comment on the more stringent standard of 60 parts per billion, which environmentalists seek, and on the existing standard of 75, which businesses want. The EPA will issue a final rule in October.

A tighter limit on ground-level ozone could save lives and bring cleaner air to millions of people, including in Los Angeles and other parts of California. Proponents say that states will have ample time to meet the new benchmark and that technology could help close the gap. "The standard today doesn't provide the protection to which the public is entitled," said

Janice Nolen, assistant vice president with the American Lung Assn. "But they need to aim at the right target when making the reductions we need. They're breathing unhealthy air now in too many places."

But the oil industry, power companies and other industries, along with their mostly Republican allies in Congress, contend that a tighter ozone standard would damage the economy and send manufacturing jobs overseas. Even some nonpartisan experts such as former regulators worry that a deep cut to ozone implemented too fast could hammer local economies.

Republicans are weighing options that would thwart the rule. Rep. Pete Olson (R-Texas) maintains that the current standard is healthy and that a lower ozone limit could lead to job loss, carpooling and even the end of barbecues in Texas. He has introduced a bill to amend the landmark Clean Air Act to consider the effect of rules on jobs. A similar proposal is in the Senate.

The act prohibits the EPA from considering cost when establishing a limit for certain pollutants, such as ozone, and asserts the primacy of human health, a principle the Supreme Court has unanimously upheld. Instead, the agency factors in costs when looking at how states plan to implement its rules.

"The law as it stands now says [the EPA] can't look at jobs," Olson said, then pointed to a different kind of health risk. "But if you don't have jobs, you don't

have healthcare, and that is a public health issue."

Republicans could also deprive the EPA of funding to put the change in place, or attack other rules whose secondary benefits include ozone reduction. But some opponents of the tighter ozone limit think the president would probably veto such bills.

"It may be one of those things that takes a change in administration," said Rep. Michael C. Burgess (R-Texas). Speaking in the wake of aggressive action Obama has taken since the midterm election on other issues such as climate change and immigration, Burgess said, "The president is determined to go his own way."

Ozone is created when unstable gases are released during combustion, whether at power plants, factories or in vehicle engines. The pollutants react with sunlight to create ozone, which can trigger asthma attacks, worsen heart and lung disease and lead to premature deaths.

Because so many sources emit those ozone components, the effect of an ozone standard is far-reaching, which has made politicians leery of regulating it. The Bush administration rejected EPA science advisors' recommendation six years ago for a tougher limit. The Obama administration vowed to implement a tighter standard, but the president shelved it and let the Bush-era limit remain at the start of his reelection bid.

Pollution advisories classify the air in many regions as healthy

when it is not, backers of a new standard say.

The standard "is going to be based on the science, and we will take close consideration of what scientists have told us," EPA Administrator Gina McCarthy said last week.

Most areas of California that are likely to fall out of compliance under a more stringent ozone standard are rural and lightly populated. But if the EPA opts for a stricter rule, it could affect places like Santa Barbara and San Luis Obispo counties, where the air has long been considered relatively clean.

In urban California, where vehicle emissions dominate, achieving the deep pollution cuts needed to meet a stricter smog standard will require a full-scale transformation of the transportation sector, regulators say, including significant advances in alternative-fuel cars and trucks and cleaner ships, trains and construction equipment.

"We are trying to come up with advanced technologies, get dirty vehicles out of the fleet and get new, near-zero vehicles into the fleet," said Sylvia Vanderspek, chief of the California Air Resources Board's air quality planning branch.

Of the 715 counties nationwide

with EPA-certified air quality monitoring equipment, 185 do not meet the existing ozone standard, agency records show. That total would more than double if a stricter limit of 70 parts per billion were in effect today, a Times review of the agency's most recent air quality data found.

The EPA denied a Freedom of Information Act request by The Times seeking a list of the counties nationwide projected to violate a revised ozone standard, citing an exemption that protects information used in deliberations around rule-making.

A review of available data shows that small and mid-size cities and some rural areas across much of the country would run afoul of the new limit. Among the cities that would violate a standard of 70 parts per billion if it were in effect today are Albuquerque; Winston-Salem, N.C.; El Paso; and Chattanooga, Tenn., the EPA's data show.

In Colorado, for instance, a tighter ozone standard probably would put Colorado Springs, the state's second-largest city, out of compliance. That would force regulators to come up with a plan to reduce smog-generating pollution, either through additional controls on industrial sources or more stringent vehicle emissions testing.

"Beyond that, I'm not sure what else we could do to tighten things up," said Gordon Pierce, who oversees air quality monitoring for the Colorado Department of Public Health and Environment. If the standard is set at a lower range, he added, "it's going to be very difficult."

Once finalized, the ozone standard would not go into effect for years. States are given three years to collect air quality data before their status is determined. They then have years to devise a plan to cut pollution and force industry and communities to comply.

The worst-polluted regions in the U.S., including Los Angeles, would have until 2037 to meet a new standard.

"There will probably be two presidents elected before the first ounce of pollution is reduced by these new standards," said S. William Becker, executive director of the National Assn. of Clean Air Agencies, a coalition of state regulators.

By that time, many communities expect their emissions to fall because of other recently introduced air pollution measures whose secondary benefits include reductions in smog-forming emissions, including power plant and vehicle rules.

<http://www.latimes.com/nation/la-na-epa-ozone-rule-20141126-story.html#page=1>

Does CA water providers check for ethanol in the supply water for public consumption? Should AG Kamala Harris request a Conversation with EPA about a waiver of the "Wallet Flushing" ethanol mandate so fuel ethanol ozone is in compliance?

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Would ethanol help the environment? Obama administration can't decide

By Evan Halper, Los Angeles Times, November 24, 2014

Ethanol mandates are flawed but one of Obama's few options to promote green energy

As the Obama administration remains undecided on ethanol, biofuels firms race to show innovations possible

As President Obama looks to take legacy-defining actions while facing a hostile Congress, one of his more challenging decisions involves what goes into the fuel tanks of America's cars.

For months, the administration has dismayed innovators and environmentalists with its skepticism of requirements that gasoline contain escalating amounts of ethanol. The untidy politics of ethanol -- an additive that has done a great deal to bolster the corn industry but has fallen short in delivering marketplace innovations -- have bedeviled the Environmental Protection Agency and put Obama at odds with longtime allies on the left.

But while the administration keeps talking about rolling back requirements that millions of gallons of ethanol be blended into the nation's gasoline supply, it also keeps not taking action.

On Friday, it delayed making any decision until next year.

The November election may have had something to do with that. The Republicans who now control both the Senate and House have little interest in new initiatives to combat global warming. Many of them question whether climate change is a real threat. Ethanol mandates, flawed as they may be, are one of the few tools the administration has to unilaterally advance a green-energy agenda.

The administration is getting pressure from all directions on the ethanol issue.

The oil industry, clearly alarmed by the EPA's plan to delay action, is redoubling its efforts to persuade Congress to scrap the entire program of ethanol requirements, called the Renewable Fuel Standard.

It is amazing how radicals "push" ethanol without telling the "full" truth. Conduct your own, simple, on line research. First, ethanol is highly subsidized by the federal government (tax payers). That fact alone proves that it's production is inefficient and not cost...

"The Renewable Fuel Standard was flawed from the beginning, horribly mismanaged, and is now broken," said a statement from Jack Gerard, CEO of the American Petroleum Institute.

"The only real solution is for Congress to scrap the program and let consumers, not the federal government, choose the best fuel to put in their tanks. Failure to repeal could put millions of motorists at risk of higher fuel costs, damaged engines, and costly repairs."

The sentiment is backed by a large coalition of auto enthusiasts. The American Automobile Association has been lobbying aggressively for a rollback. Car manufacturers warn that fuel tanks are in danger of being saturated with ethanol, and warranties could be voided.

But the fuel standard has some influential backers, and not all of them are corn growers.

The EPA's announcement Friday that it will delay action came after its plan to roll back the requirement was denounced by influential lawmakers. Gov. Jerry Brown and Sen. Barbara Boxer warned that scrapping the rule would scuttle research into new fuels made from such things as algae and agricultural waste and undermine state efforts to fight climate change.

The EPA on Friday said such concerns were a chief reason it was holding off on a decision.

In response, the national network of scientists, startups and agribusiness companies involved in producing ethanol are racing to show the EPA they can, indeed, produce the next generation of biofuels that the renewable fuel rule was designed to advance.

Ethanol backers note that only weeks ago plants in the Midwest that generate fuel out of corn waste -- husks, stalks and cobs -- got up and running. Some owners of corn ethanol plants are adding retrofits so that they, too, can produce fuel from such agricultural waste.

The aim is to get millions of gallons of next-generation fuels into the marketplace before the EPA needs to act. That could prove to the agency that such fuels are viable and that the ethanol mandate is helping bring them to the market.

"This is the only federal law that does anything to reduce greenhouse gas emissions in transportation," said Neil Kohler, CEO of Sacramento-based Pacific Ethanol. The administration's signature climate change policy, which involves reducing emissions from power plants, is years away from being fully in place, he noted.

The ethanol mandate "is the only law the federal government has in place to address climate change now. Period. End of story. We need the EPA to stand behind this," he said.

Follow @evanhalper on Twitter for more on the politics of ethanol.

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<http://www.latimes.com/nation/la-na-pn-obama-ethanol-20141124-story.html>

Do water providers check for ethanol in the supply water for public consumption? Should the Attorney General request a conversation with EPA about a waiver of the "Wallet Flushing" ethanol mandate so fuel ethanol ozone is in compliance?

CAPP contact: Charlie Peters

Pacific Ethanol receives \$3 million grant

By Reed Fujii, Record Staff Writer, November 24, 2014

State energy officials awarded Pacific Ethanol Inc. \$3 million to help develop grain sorghum as a low-carbon feedstock, replacing some of the corn traditionally used, at its plants in Stockton and Madera.

The award came at the California Energy Commission meeting last week and was part of \$7.7 million in grants made under the state Alternative and Renewable Fuels and Vehicle Technology Program.

Paul Koehler, a spokesman for Sacramento-based Pacific Ethanol, said the company is working with two other California ethanol producers — Aemetis Inc. in Keyes and Calgren Renewable Fuels in Pixley — to encourage the development of grain sorghum in California for the production of ethanol.

“We’re all interested in developing more noncorn feedstocks,” he said.

“It’s supporting demand for a crop that can be grown in California, particularly on marginal lands,” he said of the grant.

Koehler said the new grant will go toward making plant improvements to accommodate the use of sorghum, make support payments to sorghum growers and underwrite outreach programs to encourage more California farmers to cultivate the crop for ethanol production.

Pacific Ethanol used sorghum at its Stockton plant in 2013, but high commodity prices made it unattractive as a feedstock this year, Koehler said.

Other alternative and renewable fuels grants awarded last week were:

- San Mateo received \$2.4 million to produce low-carbon biomethane from the unused digester gas generated at the city’s wastewater treatment plant. The biomethane will be used to fuel fleet vehicles.
- South Coast Air Quality Management District got \$1.4 million to install overhead wire infrastructure to demonstrate zero-emission truck operations along Interstate 710 in Los Angeles County.
- CalSTART Inc. of Pasadena received \$900,000 grant to develop and demonstrate a battery/fuel cell hybrid zero-emission transit bus.

Contact reporter Reed Fujii at (209) 546-8253 or rfujii@recordnet.com. Follow him on Twitter @ReedBiznews.

<http://www.recordnet.com/article/20141124/News/141129762>

Does California water providers check for ethanol in the supply water for public consumption? Should Kamala Harris request conversation with EPA about a waiver of the “Wallet Flushing” ethanol mandate so fuel ethanol ozone is in compliance?

CAPP contact: Charlie Peters



Clean Air Performance Professionals

Saturday, November 22, 2014

Voluntary GMO corn fuel may reduce CO2 & Fuel cost to \$2 per gallon.

50% butanol mandate may raise fuel to \$10 per gallon.

Monopoly patent mandate may lower BP-DuPont stock value and profit while a move to voluntary may improve employee and customer relationship with improved profit. Win Win outcome.

MTBE is in our water and a pain to oil profit. Is it time to check California water for fuel ethanol? Time for food air & fuel price midigation? Time for a AG conversation for consideratio of a California fuel ethanol waiver?

UN supports voluntary GMO fuel, a waiver.

Go OOIDA, Clean Air Performance Professionals supports your fuel performance and price conversation, Fed EPA ethanol mandate stinks.

A random 'Smog Check' inspection & repair 'secret shopper' audit, ethanol cap and elimination of dual fuel CAFE credit can cut California "Wallet Flushing" car tax over 50% in 2015. (Prevent 2000 tons per day of sulfur, PM, HC, O3, NOx, CO & CO2.) Improved performance of AB32 by \$billions

CAPP contact: Charlie Peters

Judges Question Industry Groups' Standing In Lawsuit Challenging E15 Labeling Rule
By Andrew Childers, Bloomberg BNA, October 7, 2014

Oct. 6 — Federal appellate judges raised significant questions about the standing of industry groups seeking to overturn an Environmental Protection Agency rule requiring warning labels on pumps selling gasoline containing 15 percent ethanol.

Petroleum refiners haven't demonstrated that they are harmed by the rule, issued under Section 211 of the Clean Air Act, given they have no plans to produce or sell E15, judges from the U.S. Court of Appeals for the District of Columbia Circuit said Oct. 6.

"It would be a very different case if you had affidavits saying you plan to engage in this activity," Judge David Tatel said.

Argument was heard by Tatel and Judges Janice Rogers Brown and Stephen Williams.

The EPA approved the use of E15 only in model year 2001 and newer passenger vehicles. The labels are intended to indicate which pumps offer the E15 blend and to warn customers about which vehicles are considered incompatible with E15, including older cars and light trucks, motorcycles, watercraft, and other equipment that uses gasoline, such as lawn mowers and chain saws (76 Fed. Reg. 44,406).

The labeling requirement is being challenged by several industry groups, including the American Petroleum Institute, Alliance of Automobile Manufacturers, Association of Global Automakers, National Marine Manufacturers Association and Outdoor Power Equipment Institute.

No Harm Shown

Eileen McDonough, the Justice Department attorney representing the EPA, argued the groups lack standing because the labeling rule doesn't harm them.

"At this point, there's no sense for them to claim they can be harmed by rules designed to minimize misfueling," she said.

However, she conceded the industry groups, particularly petroleum refiners, might have been able to demonstrate standing if they could show a tangible harm caused by the rule.

William Wehrum, a partner at Hunton & Williams LLP representing the industry groups, argued the EPA's rule imposes new burdens on petroleum refiners in particular, which could affect their decision to pursue E15.

“It immediately changed the rights and responsibilities of my clients and impacted current business decision-making,” he said.

Prior Decision Cited

The judges said many of the same industry groups failed to demonstrate standing in a prior lawsuit that sought to overturn the EPA's Clean Air Act waivers allowing the use of E15. Those challenges were dismissed due to lack of standing (*Grocery Mfrs. Ass'n v. EPA*, 2012 BL 210947, 693 F.3d 169 (D.C. Cir. 2012); 160 DER A-1, 8/20/12).

In that case, the industry groups' standing was challenged by ethanol producers who intervened on behalf of the EPA, not by the agency itself.

“If you had not issued that decision, our position may have been different,” McDonough told the court. “The court issued its decision, and we have to live with it.”

The judges never reached the merits of the industry groups' challenges during oral argument Oct. 6. In a brief, the industry groups argued the EPA hadn't conducted the analysis necessary to demonstrate that its labeling rule would prevent misfueling. They also challenged the rule's “presumptive reliability” provisions, which could hold companies throughout the fuel distribution supply chain liable for misfueling incidents.

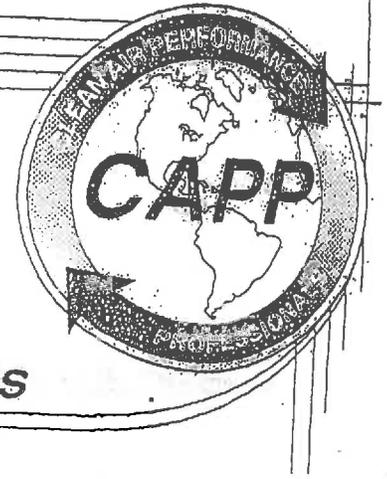
To contact the reporter on this story: Andrew Childers in Washington at achilders@bna.com

<http://www.bna.com/judges-question-industry-n17179895770/>

Mr. President, audit the fed EPA ethanol ozone issue.

Officials know that ethanol is carcinogenic. Do water providers check for ethanol in the water for public consumption?

CAPP contact: Charlie Peters



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Clean Air Performance Professionals

Sunday, August 31, 2014

I'm confused, that a graph of ethanol used in our gas and the price we pay for fuel sure paints an interesting picture.

An op-ed from May 1, 2002 warned the legislation that is requiring ethanol might create an additional 10% increase in price.

An internet search indicated California fuel ethanol use was very minor and with a pump price of about \$1.37 per gallon of regular CA CARB fuel.

Fed EPA told CARB's board Chair to use 5.6% and the fuel price went up.

More time passed and the Arnold crew went for 10% and the price goes up.

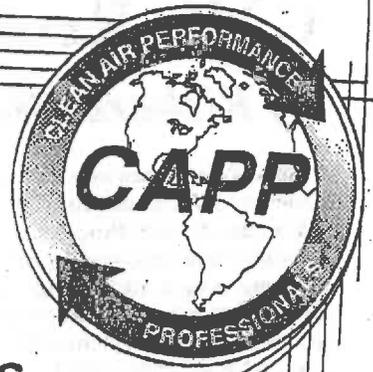
We now are at 10% and considering 15% and the price has gone from about \$1.37 to \$3.50.

The California Government regulators say we use about 14 billion gallons of fuel per year.

So if the price has changed over \$2.-- in a decade the ethanol laced fuel price increase may be about \$40 Billion per year. Is it time for Governor Brown to request a waiver from EPA?

Does California use 1500 gallons of water to grow corn to produce 1 gallon of GMO corn fuel ethanol? Does California water providers check for ethanol in the supply water for public consumption? Should California request a waiver of the "Wallet Flushing" ethanol mandate so fuel ethanol ozone is in federal EPA compliance?

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GMO Research Dominates BP-UC Partnership

By Richard Brenneman, Berkeley Daily Planet, March 06, 2007

Critics of the proposed agreement between UC Berkeley and BP — the rebranded British Petroleum — should take their best shots now, because once the deal is signed not only Big Oil, but Big Academy and Big Government Lab will mobilize their own PR folks to fire back.

Should a final contract be signed as UC Berkeley proposes, the collective public relations efforts of academia and the corporation will be formally obligated to uphold the project as the world's leading research in alternative energy, implicitly holding up biofuels as the preeminent solution to world energy woes.

What's more, venture capital firms have promised to marshal their lobbying efforts to catch the ears of hesitant legislators and other government leaders.

All these efforts will target would-be critics of a project that proposes nothing less than to re-engineer living plant cells to toil away as microfactories, delivering the raw materials to other living cells toiling away to turn plantstuff into fuel to keep cars and trucks on the road.

These facts—and many more—emerge from a close reading of the 93-page submission, a copy of which was obtained by the Daily Planet, which was used by UC Berkeley, the Lawrence Berkeley National Laboratory (LBNL) and the University of Illinois at Champagne-Urbana (UI) to win the promise of a half-billion dollars from the global oil giant,

One commonly understood phrase is missing though omnipresent throughout the first 56 pages of the document and appears only in the final and shortest item in the research program—and then only as a warning that “This research will profit from paying significant attention to the evolving regulatory and societal response to genetically modified organisms at the domestic and international level.”

Genetically modified organisms—or GMOs—have provoked political firestorms, and bans in Europe and protests and suicides by Indian

farmers have heightened the controversy around their creation and use.

But, as the document makes clear on page 56, “Synthetic biology is a core function with the EBI,” with “synthetic biology” being the reframed and university-and-BP-preferred alternative name to GMO.

“Synthetic biology is the design and construction of new biological entities—such as enzyme, genetic circuits and cells—or the redesign of existing biological systems,” states the proposal.

Still to be finalized is a basic legal document for the project, which is to be negotiated between and signed by UC Berkeley and BP, with the University of Illinois and LBNL serving as subcontractors to Cal.

BP itself would create a proprietary subsidiary to conduct its own research in separate quarters in the same building.

Designer genes

While some gene-engineered microbes are eating GMO plantstuff and excreting ethanol and other fuels, other microscopic forms of “synthetic biology” could be slaving away deep beneath the earth's surface, chomping down on hard-to-reach oil and rendering it easier to extract or digesting coal into cleaner forms of liquid fuel.

But most of the emphasis is on biomass—chopped up bits of cropped plants—as the likely source of the energy-creation efforts of the Energy Biosciences Institute, or EBI.

The proposal lists three potential sources of biomass to be used for fuels in addition to corn: fast-growing poplar trees, switchgrass and miscanthus—with the emphasis on the last, a tall, hardy perennial already being used in European pilot programs.

Experiments will focus on developing GMO strains tweaked to overcome biological factors that make it hard for microorganisms to digest.

Tasked with creating the new plants are the Biomass Engineering, Lignin, Feedstocks and Breeding laboratories. The Feedstock Pretreatment, Enzyme Discovery, Enzyme Evolution and Engineering and Biofuels Chemistry laboratories will explore processing the plants, and the Laboratory for Integrated Bioprocessing will focus on treating a single organism that would both produce enzymes to break down biomass and convert the resulting compounds to fuels.

The Pathway Engineering Lab, aided by the Host Engineering Laboratory, will identify the genes that produce critical enzymes and develop organisms that thrive in harsh industrial conditions in the presence of compounds that might otherwise destroy the microbes in their naturally occurring forms.

Several more labs will focus on enzymes.

The Microbial Enhanced Oil Recovery and Fossil Fuel Bioprocessing labs will concentrate on petroleum and coal, respectively, while the Biological Carbon Sequestration lab will seek ways to trap more carbon and keep it from the atmosphere.

Another lab will focus on harvesting, transport and storage.

The remaining labs will focus on marketing, social and environmental implications, and developing tools to implement, evaluate and regulate the emerging GMO-derived fuel industry.

Construction sites

The proposal sites the main offices and labs in a purpose-built facility at LBNL. Gov. Arnold Schwarzenegger has pledged \$40 million in state funds for the structure, and the university has lined up \$15 million in private contributions and \$30 million in state lease revenue bonds, based on revenues anticipated from BP.

The structure, envisioned as a three-story building, will be located next to a planned new parking lot with 150 spaces—the same number as the anticipated number of staff positions.

Initially, the program would operate in two existing structures, Hildebrand Hall, a research building, and the Calvin Laboratory, a structure scheduled for demolition to make way for a new office and meeting complex joining the university's law and business schools.

Initial plans call for a three-story building at LBNL with special containment labs designed to prevent release of any of the organisms created at the lab. The lab rated Biohazard Safety Level 2 on a scale from one to four, with four covering the most lethal agents. BSL 2 is the level mandated for handling the HIV, influenza and hepatitis viruses.

The proposal accepted by BP last month declares that UC Regents are scheduled to approve the structure this month, with detailed design work to start by summer.

That schedule is dependent on approval of the Environmental Impact Report for LBNL's Long Range Development Plan, now the subject of public hearings, including an upcoming joint meeting of the city's Planning, Landmarks Preservation, Transportation and Community Health commissions. The session begins at 7 p.m. Mar. 14 in the North Berkeley Senior Center, 1901 Hearst Ave.

The City Council will add its own comments the following Tuesday.

The deadline for all public comments is March 23. A copy of the draft EIR is available on the lab's website at www.lbl.gov/LRDP/.

A smaller, 6,748-square-foot lab will be housed in an existing building at the University of Illinois Champaign-Urbana in the Institute of Genomic Biology building.

The project will use a variety of other facilities and scientific equipment at LBNL and will occupy some of the space in a new 11,600-square-foot Biomolecular Nanotechnology Center.

Plans also call for use of the university's Oxford Tract and Growing Field and yet another university-own site three miles from campus.

In addition to controlling all of the research conducted by its own scientists, BP has the right to review all research conducted by faculty and students at the institute to make sure no trade secrets for corporate research leak out.

In addition to testing crops at sites provided by UI, the Biofuels Markets and Networks and the Biofuels Evaluation and Adoption laboratories will seek out test sites in Europe, China and Africa and field research sites in the U.S., Europe, China, India, Africa and Latin America—looking at both growing conditions and the political and regulatory climates.

PR and outreach

The public relations push is mandated on page 56 of the proposal, which calls for the combined PR efforts of BP, the two universities and the lab "to ensure that the EBI maintains national and international visibility as the world's premier energy research institute."

Implications of this massive PR push for other forms of energy research, including solar, wind, tidal and even nuclear, aren't mentioned. The universities have committed to pushing biofuels as the premier solution to the world's energy crisis—and as a lab representative told the Berkeley Planning Commission, the primary purpose of the fuels is to keep transportation moving.

The proposal also recruits the extension services of the two university systems to sell the institute to students at the universities and in public schools, and to grant access to both forms of academia to BP engineers and scientists to encourage the young to pursue careers in the field.

Scientists will also get to work on marketing their work with the help of

MBA students from UC Berkeley's Management of Technology Program, a joint effort of the Haas School of Business, the College of Engineering and the School of Information.

Senior industry executives and venture capitalists have pledged to support the program by:

- Investing in BP spinoff companies and other businesses needed to solidify the emerging industry.
- Bringing in new corporate partners in line with BP's interest.
- Mentoring EBI graduate and post-doctoral students looking for jobs in the industry.
- "Advocating for" federal and state policies supporting EBI and the biofuel industry.

The closest the proposal comes to a watchdog body is the Social Interactions and Risk Laboratory, which is staffed by two economists, a biologist, an MBA and a Harvard-trained lawyer. There is no provision for lay membership or an ombudsperson.

Rights

Patent rights to inventions and discoveries fall into two classes: BP-only and open research.

The first category involves the work of BP scientists in the half of the building they lease from the university, a space from which university staff are "excluded entirely in performance of their university activities."

However, BP will also contract with faculty and do research jointly with faculty members, resulting in more complex financial relations.

University-only research would belong to the university, but profits from discoveries by joint teams would be shared, as would the fruits of research by BP scientists using university or LBNL facilities.

<http://www.berkeleydailyplanet.com/issue/2007-03-06/article/26481?>

Should AG Kamala Harris request conversation with EPA about a waiver of the BP-DuPont-Tide "Wallet Flushing" ethanol mandate so fuel ethanol ozone is in compliance?

CAPP contact: Charlie Peters

Water Agencies Weigh Suit Against MTBE in Gasoline

Utility: State and federal officials are chastised for failure to act against the additive, which has leaked into ground water and reservoirs.

By Kenneth Reich, Los Angeles Times, July 21, 2001

The Bush and Davis administrations were assailed Friday by officials of the Metropolitan Water District and several municipal water agencies for failing to act vigorously against water pollution caused by the gasoline additive MTBE.

Meeting in Santa Monica, the water agency leaders agreed that a lawsuit might be the best way to remove a federal requirement that the state add either MTBE or ethanol to gasoline. The officials said they would explore the possibility with state Atty. Gen. Bill Lockyer.

The Bush administration last month denied a waiver that would have allowed dispensing with the additives, which are designed to cut smog. Congress also has balked at waiving the requirement. Midwestern agricultural interests are lobbying strenuously for continued use of ethanol, which is made from corn, while California's 52 members of the House of Representatives stand unanimously for removing the additive requirements in the state.

MTBE (methyl tertiary butyl ether) raises gasoline octane levels and is supposed to help stem air pollution. But the air quality additive has been leaking, often from underground tanks, into ground water and reservoirs.

Even tiny quantities impair water quality. As little as a single pint could contaminate 600,000 gallons of water, making it taste and smell bad, water officials said.

The city of Santa Monica, which hosted Friday's meeting, has closed most of its wells and is relying for 80% of its water supplies on the MWD, at considerable expense to the city's ratepayers. Many officials are convinced that MTBE is carcinogenic.

At the three-hour meeting, water officials also complained that the state Department of Health Services has been dilatory in dispensing \$20 million authorized to help clean up ground water supplies contaminated by MTBE.

They expressed concern that a Davis administration committee designed to encourage research into cleanup methods for such contamination has not met in nearly a year.

They also were worried that Gov. Gray Davis may back away from an order banning MTBE as of Jan. 1, 2003.

Davis spokesman Roger Salazar said the governor "has not made any decisions to change the ban, so this is just speculation."

Davis has asked the head of the California Environmental Protection Agency, Winston Hickox, to recommend the next steps by September.

A spokesman for Hickox said Friday that he believes the ban should go forward, but that it might be delayed.

Meanwhile, Ken August, spokesman for the state Department of Health Services, denied that the agency has been slow to distribute money for cleaning up MTBE and providing alternative sources of water. All eight requests by local agencies for funds, totaling \$6.5 million, have been filled, he said.

Kevin L. Wattier, general manager of the Long Beach Water Department, chaired Friday's meeting and led a discussion of an "action plan" for resolving MTBE pollution problems. Among the proposals: barring the use of MTBE in boating fuel to prevent contamination of reservoirs.

Water officials said they have made little progress because of lobbying by industry groups to continue use of the additive.

Edgar G. Dymally, senior environmental specialist for the MWD, gave a pessimistic report, saying: "California is probably not going to get the relief it needs from the federal government."

State officials have said there may not be sufficient ethanol available at an acceptable price as an alternative to MTBE, if the additive is banned.

Either MTBE or ethanol is considered necessary to oxygenate the gasoline supply and curtail air pollution. But the water officials insist that other means are available to fight air pollution.

<http://articles.latimes.com/2001/jul/21/local/me-24939>

Officials know that ethanol is carcinogenic. Does California water providers check for ethanol in the supply water for public consumption? Should the Attorney General request conversation with EPA about a waiver of the "Wallet Flushing" ethanol mandate so fuel ethanol ozone is in compliance?

CAPP contact: Charlie Peters

Military Bases Present Toxic-Waste Problems: Environment: A consultant says sites slated for closure may never be fit for civilian use. The Pentagon estimates cleanup costs at \$1 billion.

Charles Campbell, AP, Los Angeles Times, September 08, 1991

WASHINGTON — For years, most military bases disposed of solvents, dead batteries, used motor oil and most any other kind of waste by dumping it in an out-of-the-way corner.

Now, many of the 43 bases that Defense Secretary Dick Cheney wants to shut down are so poisoned by old wastes that converting them to civilian use is likely to take a lot of time and money.

Just how lengthy and how costly the cleanup projects might be is anybody's guess. Estimates range to decades and billions of dollars.

"Nobody really knows how much contamination exists at these bases," said Tim Terry, military affairs aide to U.S. Rep. Vic Fazio (D-Sacramento), who has made the problem his specialty. "You don't know for sure until you start digging."

Some of the bases Cheney wants to close could be attractive sites for parks, housing, factories or civilian airports--but only after the mess is removed. In most cases, selling the land before cleanup would be illegal or impractical.

At Castle Air Force Base in California's Central Valley, trichloroethylene, a suspected carcinogen that was used to hose down aircraft, has seeped into the water table beneath the base.

In 1987, the Air Force had to supply bottled water to neighbors of the base whose wells were contaminated, then drill new, deeper wells for the town of Atwater and for the base itself.

Besides a permanent cleanup of the ground water, before the base can be sold to civilian developers officials have to worry about buried oil tanks, old landfills, chemical disposal pits, fuel spill dumps and other discharge sites for solvents, pesticides, cyanide, cadmium and other pollutants.

Hazardous wastes in the soil or in the ground water pose the biggest problems, but some bases may also harbor other poisons--such as asbestos or radon gas--that could require expensive remedies.

Eleven of the 43 bases to be closed by 1997 are priority cleanup locations under the federal Superfund law. The others, although less polluted, have hundreds of hazardous waste sites that are noted in the Defense Department's annual environmental report. The report offers few clues, however, to how serious those problems might be.

At some bases, the cleanup is likely to eat up whatever savings the Pentagon might expect to come from the closure and land sale.

"Some of these properties--they're just going to have to build a high fence around them and mark it off forever," said Gary McKown, vice president of ICF Engineers, an Oakland-based contractor hired design environmental remedies for the Army.

One of the toughest cases is that of the Army's Jefferson Proving Grounds in Indiana, where 1.4 million unexploded shells, bombs and mines have accumulated on a 100-square-mile test range. Jefferson is one of the 86 bases slated to be closed since 1988, but no one knows how the range

could be cleaned up.

Complete restoration depends on technology not yet invented, and could cost more money than has been spent on the base since it opened, McKown said. Cheney's list of 43 bases is being reviewed by an independent commission, but the panel is not supposed to take cleanup costs into account in deciding which installations should be closed. The Pentagon's rationale is that cleanup costs will have to be paid even if a base remains in operation.

The Pentagon's chief cleanup man, Thomas Baca, dismisses the most alarming cost estimates. He said he thinks the 43 bases can be restored to good environmental condition for less than \$1 billion.

"Our intent is to clean them up," said Baca, who is deputy assistant secretary for the environment. "We feel we will have the money."

The people who live near the bases proposed for closure are not so sure.

"We're worried that, once it's closed, it'll be 'out of sight, out of mind,'" California's U.S. Rep. Gary A. Condit (D-Ceres) said in an interview.

Condit's district includes Castle Air Force Base, which is on both the new closing list and the Superfund priorities list.

Cleaning up Castle could take until 2017 and cost as much as \$400 million, Condit said, and the money could be hard to find.

The Pentagon's annual budget for environmental restoration at all bases totals just \$1.2 billion, and \$100 million of that is earmarked for bases already scheduled to be closed before the latest list was drawn up.

Condit recently introduced a bill to require the military to keep bases open until 75% of the cleanup was complete, then finish the job within two years after closing.

"Without this legislation, Castle Air Force Base and other military bases scheduled for closure could become wastelands for years to come," Condit said.

Asked if his proposal was reasonable, considering the scope of the mess, Condit said that if Pentagon officials are not given a deadline, "community leaders wind up fighting them for the next 25 years. I don't think that's reasonable."

http://articles.latimes.com/1991-09-08/news/mn-2853_1_military-bases

Officials know that ethanol is carcinogenic. Do water providers check for ethanol in the supply water for public consumption? Should the Attorney General request conversation with EPA about a waiver of the "Wallet Flushing" ethanol mandate so fuel ethanol ozone is in compliance?

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