CITY COUNCIL MEETING
TUESDAY, OCTOBER 13, 2015

DOCUMENTS RECEIVED AFTER PUBLISHED AGENDA

October 13, 2015

Mayor Barbara Halliday
Council Member Al Mendall – Mayor Pro Tempore
Council Member Francisco Zermeño
Council Member Marvin Peixoto
Council Member Greg Jones
Council Member Sara Lamnin
Council Member Elisa Márquez
City of Hayward
777 B Street
Hayward, CA 94541
List-Mayor-Council@hayward-ca.gov

Via Electronic Mail

RE: Unattended Collection Boxes

Dear Mayor Halliday and Council Members,

At the September 22, 2015 Meeting of the City Council, the City Council held a public hearing on whether to establish new regulations related to Unattended Collection Boxes. We appreciate the Planning Commission's and the City Council's efforts to develop a reasonable ordinance to regulate Unattended Collection Boxes; however, we want to address our concerns with the ordinance.

USAgain is a for-profit textile recycling company with a base of operations in Hayward that owns and operates clothing collection and recycling boxes on public and private property for the purpose of diverting useful items from landfills and returning them to the stream of commerce. We operate on these properties with permission and in exchange we provide a revenue sharing agreement with the property owner or local business operator. Our concerns with the proposed ordinance are as follows.

USAgain believes that the proposed ordinance is too restrictive. It limits boxes to only major arteries in commercial zoning areas and requires that box locations be at least 1,000 linear feet apart and for boxes to be within 10 feet from a continually operations light source. As described in the staff report, the purpose of Unattended Collection Boxes is to divert clothing from the waste stream by offering a convenient recycling service to local residents which is not only close

to home, but also accessible 24 hours a day and 7 days a week. This ordinance does not provide convenience to residents of Hayward.

As a local box operator we promote regulation and best practices for collection box operators; however, we also want to ensure that we are able to continue to operate and flourish in the City of Hayward. The impact of this regulation for USAgain is that only 3 of our current locations will remain after one year. Although we appreciate that the distance requirement between boxes was reduced from 2,500 feet to 1,000 feet and that our non-conforming boxes will be allowed to remain for a year to close out business, in a year we will lose the vast majority of our box locations and there will be limited geographic locations to find new placement opportunities. Additionally, with regulations such as this in Hayward and in other communities in the Bay Area, the loss of business may lead to the loss of 1 to 2 local jobs as well.

We understand that the City of Hayward wants to regulate the proliferation of Collection Boxes and related nuisance activities, but Unattended Collection Boxes can effectively divert items from entering the waste stream thereby benefitting the environment, decreasing community disposal costs, and helping with AB 939 reporting. USAgain appreciates all the time and energy that has gone into developing this ordinance; however USAgain has concerns with the over restrictive nature of this ordinance and its impacts on USAgain's operations in Hayward.

We remain willing to work with the City of Hayward to ensure that a fair and reasonable ordinance to regulate Unattended Collections Boxes is adopted.

Sincerely,

Sheila Caplis

Sheila Caplis
Government Relations Manager & Legal Counsel
USAgain, LLC
630-293-1239 x1012 (office)
630-293-1237 (fax)
s.caplis@usagain.com

cc: Henry Rogers

John Douglas Moore

October 13, 2015

Hayward City Council/Clerk
777 B Street
Hayward, CA 94541

RE: Hayward Ordinance Regulating Unattended Collection Boxes

Dear Council Members of the City of Hayward:

I am writing to oppose proposed Unattended Donation Collection Box Regulations on the basis that it will diminish recycling in the City by forcing a requirement on clothes bin owners that reasonably cannot be met: that is, requiring the property owner to sign a consent to the placement of the box for the bin owner. I am a resident and business owner in Alameda County. I was born and raised here and I am active in fostering and protecting opportunities for recycling in the Bay Area.

In my law practice I have negotiated well more than 50 commercial leases, usually representing the tenant/business owner. For a company desiring to place a clothes bin on a commercial premises, this is what they would need to overcome to obtain the property owner's written consent. Please put yourself in the shoes of the clothes bin business and consider:

1. First you have to know who the owner is. The tenant may not know (especially if there is a property manager between the landlord and the tenant) or may not want to tell the box provider, leaving a search of the County assessor's records as the only option left;

2. Even when you know the name and address of the owner, you don't necessarily know who the contact person and/or decision maker is in that organization. It can take a lot of phone time to find the right person when you are cold-calling a business. The assessor's records won't tell you who to contact. The tenant in possession of where the box is to be placed may or may not know this information and may or may not be willing to provide it. Most commercial tenants want as little to do with their landlord as possible. Once a landlord knows that a tenant wants something (signed consent), it changes the landlord/tenant dynamic, and not for the good of the tenant.

3. Even if the clothes bin company ascertains the contact person for the owner, getting a signed consent is a formidable task. Landlords do not sign consents at will or whimsy. Landlords first wonder about possible liability, whether the tenant has insurance, whether this tenant is

following the lease, and a host of other concerns, which often result in consent conditions being negotiated with the tenant, who has no vested interest in the outcome.

4. Even if the bin company finds a contact person willing to have the consent signed, many organizations have decision-making hierarchies that must be followed. Publicly traded REITs (real estate investment trust) own lots of commercial realty. As a publicly traded entity it has internal governance and regulatory rules it must follow before executing a consent.

Needless to say, this process of collecting a property owner signature requires a huge time commitment and amount of diligence for a bin company just to place one box. The result will be the placement of fewer boxes. That result means less textiles are recycled and more textiles are landfilled, an outcome that conflicts with established state policy.

I have no quarrel with wanting these collection boxes and commercial premises to be kept clean and clear of blight. I also have no quarrel with regulation of financial responsibility of both the bin company and the tenant in possession. Regulation of these aspects of clothes collection does not require onerous and recycling-diminishing laws that require a paper signature from a property owner as a condition of placement of the bin. Requiring a signed consent from the occupant of the property and permit conditions about blight and insurance should be satisfactory protection for the city.

All the owner's signature requirement does is create a huge barrier to entry of the market, reduces recycling, and grants economic protectionism to the advocates of this law, Goodwill and Salvation Army. Please remove this item from the proposed ordinance.

Very truly yours,

DocuSigned by:
John Moore
JOHN DOUGLAS MOORE
10/13/2015

CITY COUNCIL MEETING
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DOCUMENTS RECEIVED AT MEETING

Leonardo DiCaprio to produce Volkswagen scandal film

BBC News / Tuesday, October 13, 2015

Leonardo DiCaprio is to produce a film about the Volkswagen emissions scandal.

His production company Appian Way and Paramount Pictures have bought the rights to an as-yet-unwritten book about the scandal, according to the Hollywood Reporter.

It is not known whether DiCaprio will star in the film.

Last month the German car manufacturer admitted 11 million of its diesel vehicles worldwide are fitted with software that beat emission tests.

The Environmental Protection Agency (EPA) in the US found that many VW cars being sold in America had devices in diesel engines that could detect when they were being tested, changing the performance accordingly to improve results.

The "defeat device" allows cars to pass lab testing even though they actually emit 40 times the emissions standard.

Chief executive Martin Winterkorn resigned after the scandal broke.

VW have recalled almost 500,000 cars in the US alone and it has set aside €6.5bn (£4.7bn) to cover costs.

The book proposal about the scandal is by New York Times journalist Jack Ewing and it will reportedly explore the "more, better, faster" ethos and how it played into the scandal.

DiCaprio has produced a number of environmental documentaries including the 2014 films Cowspiracy: The Sustainability Secret and Virunga, about the battle to save the last of the world's mountain gorillas.

His environmental foundation has given $30m in grants since it was founded in 1998.

In 2013, he announced he would enter a team in the new electric motor racing championship Formula E.

The actor, an environmental campaigner, said: "The future of our planet depends on our ability to embrace fuel-efficient, clean-energy vehicles."

http://www.bbc.com/news/entertainment-arts-34515105

CAPP contact: Charlie Peters

Oil unlikely to ever be fully exploited because of climate concerns – BP

The Guardian / Tuesday, October 13, 2015

The world's oil resources are unlikely to ever be fully exploited, BP has admitted, due to international concern about climate change.

The statement, by the group's chief economist, is the clearest acknowledgement yet by a major fossil fuel company that some coal, oil and gas will have to remain in the ground if dangerous global warming is to be avoided.

"Oil is not likely to be exhausted," said Spencer Dale in a speech in London. Dale, who chief economist at the Bank of England until 2014, said: "What has changed in recent years is the growing recognition [of] concerns about carbon emissions and climate change."

Scientists have warned that most existing fossil fuel reserves must stay in the ground to avoid catastrophic global warming and Dale accepted this explicitly.

"Existing reserves of fossil fuels – i.e. oil, gas and coal – if used in their entirety would generate somewhere in excess of 2.8trn tonnes of CO2, well in excess of the 1trn tonnes or so the scientific community consider is consistent with limiting the rise in global mean temperatures to no more than 2C," he said.

"And this takes no account of the new discoveries which are being made all the time or of the vast resources of fossil fuels not yet booked as reserves."

Dale said the rise of shale oil in the US, along with climate change concerns, meant a "new economics of oil" was needed. "Importantly, it suggests that there is no longer a strong reason to expect the relative price of oil to increase over time," he said. The low oil price over the last year has led to billions of dollars of investment being cancelled.

The concept of 'unburnable' fossil fuels is closely linked to the idea of stranded fossil fuel assets – that reserves owned by companies will become worthless if the world's nations act to tackle climate change. Analysis of these issues was pioneered by the Carbon Tracker Initiative (CTI), which warned in 2014 that $1trn was being gambled on high-cost oil projects that might never see a return.

"As BP now recognises, there is a substantial risk in the system of 'peak [oil] demand'," said Anthony Hobley CEO of CTI. "This arises from a perfect storm of factors including ever cheaper clean energy, ever more efficient use of energy, rising fossil fuel costs and climate policy. These are key factors the industry has repeatedly underestimated.""

Institutions including the World Bank, the G20 and city analysts have stated their concerned about stranded fossil fuel assets. Bank of England governor Mark Carney warned recently that the losses were "potentially huge".

http://www.theguardian.com/environment/2015/oct/13/oil-unlikely-to-ever-be-fully-exploited-because-of-climate-concerns-bp

CAPP contact: Charlie Peters

Lawsuit seeks Volkswagen buyback of emissions-cheating diesels in California

By Jerry Hirsch / Los Angeles Times / October 12, 2015

California owners of Volkswagen diesel cars caught up in the emissions-test rigging scandal might have a shot at getting the German automaker to buy back the vehicles.

A Seattle law firm filed a class action lawsuit against Volkswagen in Los Angeles federal court Monday demanding an immediate buyback under California emissions laws.

"We are asking for an injunction hearing in November, and if we win, we would want the refund program in place by the end of the year," said Steve Berman, the Seattle class action attorney who filed the case.

What makes the case viable is Volkswagen's public concession that it could take at least a year or longer to fix most of the 482,000 diesel vehicles it sold in the U.S. with secret software that tricks pollution tests, Berman said.

Both the Environmental Protection Agency and the California Air Resources Board are demanding that Volkswagen fix the vehicles. The software detects when the cars are undergoing laboratory emissions tests and changes how they operate to meet the requirements.

But when the vehicles are driven on the road they emit up to 40 times the limit for smog-forming nitrogen oxide pollution.

There are about 67,000 of the cars – 2009 to 2015 VW and Audis with 2-liter diesel engines – in California, according to auto information company Kelley Blue Book.

Volkswagen faces a Nov. 20 Air Resources Board deadline to provide remedies to bring the fleet of diesels in California into compliance with pollution regulations.

The lawsuit argues that "under California express warranty law," Volkswagen must either buy back the vehicles at the purchase price or provide replacement cars unless it can retrofit them "after a reasonable number of attempts."

It says Volkswagen executives have already conceded that the automaker cannot make the required repairs on most of the cars for at least a year or possibly longer. That obligates VW to take the cars back, Berman said.

"California law is quite clear that a manufacturer has a duty to refund or offer restitution if it can't fix the issue," Berman said.

Pressed by Jan Schakowsky (D-Ill.) at a congressional hearing last week, VW's U.S. Chief Executive Michael Horn said the company would consider buying back the cars. Kelley Blue Book estimates the price tag for such a program would reach $7.3 billion for just the vehicles sold in the U.S.

Horn also said the automaker was looking at giving owners rebates to cover the diminished value of their vehicles. Kelley Blue Book estimates that prices for used VW diesels have fallen about 13% since the scandal broke.

VW admitted to the cheating last month after being confronted by federal and California regulators. The company's chief executive, Martin Winterkorn, resigned a few days later in the wake of the scandal, and the company has already set aside more than $7 billion to pay fines, fix the cars and deal with hundreds of consumer lawsuits.

It faces as much as $18 billion in U.S. Clean Air Act fines as well as a criminal probe by the Department of Justice and sanctions from the California Air Resources Board. It also faces hundreds of lawsuits in the U.S.

The cheating software is on as many as 11 million vehicles worldwide, Volkswagen said.

http://www.latimes.com/business/autos/la-fi-hy-volkswagen-diesel-buyback-lawsuit-20151012-story.html

CAPP contact: Charlie Peters

State's vehicle testing programs have an Achilles' heel

By Thomas A. Cahill / Sacramento Bee / October 11, 2015

Cheating on "clean diesels"? I am shocked! Shocked! But I was really shocked when told in 2009 that the Volkswagen diesel had passed the California Air Resources Board's stringent dynamometer emission tests.

Make no bones about it – diesel combustion is essentially filthy, and only by extensive and expensive efforts can its problems be overcome. But I had no clue that a corporate fix was in.

There had been several earlier examples of shenanigans with "defeat devices" by home-grown and foreign auto companies, but this one from Volkswagen was a lulu, with pollution up to 40 times the standard.

The heart of the matter is that California's vaunted vehicle testing and validation programs have an Achilles' heel: What is seen in laboratory dynamometer tests is not what appears on the highway. Volkswagen knew this, and except for a fluke on-road test in West Virginia, they could have been cheating for years to come.

This is not the first time lab results and real-world results differed. I was working on lead pollution from highways in 1973. We had models from the U.S. EPA, but California wanted to validate these by on-road testing. My work found that the elevated freeways that were supposed to be the cleanest by the EPA model were the dirtiest, dumping 400 percent more lead than the California standard into nearby houses.

My data helped Gov. Jerry Brown, version 1.0, to win a sweeping victory against industry and the EPA, which did not want California to have its own standards. The stunning reductions in California air pollution encouraged most of the world to follow the Golden State, with the exception of Europe and its diesel fixation based on mileage claims.

But the companies do their own testing. What could possibly go wrong in this scenario? It probably explains why on-road mileage of diesels in Europe is about 40 percent worse than advertised.

Again, in 1987, a research team used a freeway tunnel in Van Nuys to compare the predicted auto emissions from ARB dynamometer laboratory tests to real-world conditions. The tunnel tests gave carbon monoxide and hydrocarbon emission values 300 percent and 400 percent higher than expected on the basis of dynamometer tests.

The on-road tests identified a sad result – most California cars were clean, but a small number of "gross emitters" were generating two-thirds of all highway pollution. These cars are modified vehicles with bypassed catalytic converters, old throw-away cars, unregistered cars, some with fake smog-check clearances from shady service stations, and the like.

In order to rectify the problem of gross emitters, the California's Inspection and Maintenance Review Committee, a state board on which I served for years, repeatedly recommended on-road testing to identify gross emitters. The technique is actually simple, using an infrared beam across a freeway on-ramp and to measure pollutants. If this had been modified to detect nitric oxide, the diesel cheaters would have been immediately identified and the pollution stopped years ago. Regretfully, the committee was shut down a few years ago.

Even post-Volkswagen, the problem persists that laboratory dynamometer tests cannot protect us in real-world conditions.

"Wear aerosols" are particles generated by grinding and abrasion by vehicles, such as polluted freeway dust, erosion of brake drums and pads, etc., which cannot be realistically measured in the lab. But health data on children living near freeways in Los Angeles and our data on heart disease in the Central Valley show roadways are still causing health problems. Medical studies points to "wear aerosols" and ultra-fine metals from brakes as potentially toxic agents.

California needs to initiate truly realistic on-road testing to catch gross emitters and cheating by "defeat devices," but also to measure "wear aerosols" by size and compositions. These tests should include realistic freeway actions such as braking and accelerating, as we are doing in a U.S. EPA study in Detroit. Only with such data can we propose legislation that can address these problems and protect the health of California's people.

http://www.sacbee.com/opinion/op-ed/soapbox/article38047368.html

Colorado pollution data helped expose VW emissions cheat

By Aldo Svaldi / The Denver Post / October 02, 2015

RapidScreen vans monitoring tailpipe emissions as cars zoom onto metro Denver highways proved key witnesses to the manipulation of emissions control software on Volkswagen diesel sedans.

"They had emissions many times higher than the other passenger vehicles," said Peter McClintock, a Los Angeles consultant who advises Opus Inspection, the private contractor that runs the Colorado vehicle emissions testing program.

McClintock last year dove into 30 million records from Colorado roadside emissions tests at the request of a colleague in Europe who wanted to to see if certain diesel engines were polluting more than expected.

He found solid evidence that 2-liter diesel sedan emissions far exceeded those of similar gasoline-powered sedans and even light trucks running on diesel.

VW and Audi sedans in particular were spewing up to 40 times more nitrogen oxides than promised by certifications the German automaker submitted to the Environmental Protection Agency.

The vehicles passed controlled emissions tests, but in real word measurements, like Colorado's RapidScreen, they were way out of range for emissions of nitrogen oxides.

That matters because in urban areas, at least half of hydrocarbon and nitrogen oxide pollutants come from cars, buses, trucks, and off-highway mobile sources, according to the Environmental Protection Agency. Those emissions are big contributors to ozone levels, which federal regulators are trying to reduce.

Metro Denver, already handicapped by high background ozone levels, has struggled to stay under existing federal requirements of 75 parts per billion of ozone in the air. On Thursday, the EPA dropped its threshold to 70 parts per billion, leaving the region at an even higher risk of losing transportation funding if it fails to comply.

It's the technology

In the case of the VW-Audi pollution, it's not the diesel engine that is the problem, but rather the type of emissions-control device used, McClintock said.

Diesel light trucks that used a more expensive control technology called selective catalytic reduction tested well despite having much larger engines.

But 2-liter sedans fitted with a device known as a lean NOx trap, that used a material to absorb nitrogen oxides, performed poorly.

McClintock presented his finding to other emission control experts and air quality regulators — including the EPA — in March, in collaboration with University of Denver researchers Donald Stedman and Gary Bishop.

Stedman and Bishop, who developed the technology behind Colorado's remote emissions sensing system, started studying the problem in 2013. They had access to a more limited set of tests from remote sensors in Denver, Los Angeles and Tulsa. But their findings lined up with what McClintock and others found and they published their results in August in the journal "Environmental Science & Technology."

"The 2-liter diesel engines have the same NOx emissions as 10 years ago," Bishop said. "I chalked it up to the technology, that the lean NOx traps didn't work well on the road."

But the DU sensors, which are more precise than those used in the Colorado clean-air program, also found that the VW diesel engines spewed a much higher ratio of nitrogen dioxide, which Bishop said is much more toxic.

About 60 percent of the NOx emissions from the VWs consisted of nitrogen dioxide, compared with 10 to 30 percent before 2009, Bishop said.

McClintock and Bishop said they didn't connect the dots to conclude VW had manipulated its emissions-control software. That would have required the ability to reverse engineer a proprietary system.

Credit for uncovering the cheat has mostly gone to the West

Virginia University Center for Alternative Fuels, Engines and Emissions, which placed portable emissions monitors on a 2012 VW Jetta, a 2013 VW Passat and a BMW X5 SUV.

Results from those tests, reported back in May 2014, showed the BMW passed the road tests, but the VW models didn't. VW blamed the miss on technical issues and unusual conditions and even issued a limited recall.

So many records

Colorado's remote emissions testing system is the nation's most comprehensive, capturing about 7 million readings a year on nearly every kind of vehicle running in the U.S., McClintock said.

Testing stations use remote sensors and cameras that snap a shot of license plates, which can be linked to a vehicle identification number, or VIN. The VIN contains detailed information on a vehicle's year, make, model, engine and fuel type.

Colorado's remote sensors did capture the higher VW and Audi emissions, as McClintock's research found, which raises the question of whether the state could have sounded an early warning.

But nobody at the state was mining the vast trove of remote data for that purpose — nor were they required to.

The RapidScreen program's emphasis, as dictated by the legislature, is on "clean screen" or finding cars that can skip emissions testing rather than calling out polluters.

RapidScreen tests also aren't reviewed for diesel engines, which in Colorado fall under a more limited emissions testing program than gasoline engines, said Christopher Dann, a spokesman for the state's Air Pollution Control Division.

"The diesel inspection in Colorado is visible smoke," Dann said. "Opacity is the way to identify broken diesel vehicles."

That means Colorado looks for soot or particulates, but unlike gasoline engines, it doesn't measure for NOx and other emissions.

And even if the state measured more components in diesel engine emissions, it probably still would have missed the VW problem. New diesel vehicles are exempt from testing for four years, and the manipulation uncovered appears to have started in 2009.

"We aren't designed to anticipate a major vehicle manufacturer cheating to defeat the system," Dann said.

Numbers are also at play. Dann said diesel cars, like the VW sedans and station wagons, represent about 11,000 out of 5 million vehicles on Colorado roads.

Bishop and McClintock said they don't know precisely what role the Colorado testing data played in federal regulators taking the actions they did last month.

One possible scenario is that VW was presented with overwhelming evidence from multiple sources until it cracked, Bishop said.

If so, Colorado drivers unwittingly helped break the case.

VW estimates that as many as 11 million diesel vehicles, including 500,000 in the U.S., may have gamed pollution rules with a piece of software that made the cars behave differently in the testing bay than on the road.

The company is under criminal investigation and could face air-quality violation penalties of as much as $18 billion in the U.S. alone.

The company said it would set aside $7 billion to to cover the costs of correcting the problem and restoring consumer confidence.

McClintock said he would like to see some of the fines levied on Volkswagen go towards expanding the use of remote emissions sensing equipment beyond the six states that currently deploy it.

Aldo Svaldi:

http://www.denverpost.com/business/ci_28909601/colorado-pollution-data-helped-expose-vw-emissions-cheat

Clean Air Performance Professionals

October 1, 2015

RE: VW Smog Check game

Honorable Governor Jerry Brown.

In a 1991 visit to Washington DC Environmental Protection Agency (EPA) upper management, EPA ask for an opinion of Smog Check test performance, can the IM 240 generate desired results?

The opinion provided was NO, even Federal Test Procedure (FTP) could not, NOT, control cheating results.

EPA was provided the opinion that the ethics of regulator and regulated with a proper audit system could perform superior to the modeled technology only results.

So what does it take to consider a Total Quality Management (TQM) E. Edwards Deming audit pilot study concept demonstration?

A California meeting in 1993 resulted in an "agreement" to start a pilot study to demonstrate proof of concept within 45 days.

Is it time to consider adding Little Hoover Commission to the game?

People matter.

Respectfully, CAPP an award winning coalition of motorists

Charlie Peters

cc: interested parties

CAPP contact: Charlie Peters

Test Emissions Where Cars Pollute: On the Road

By Peter M. McClintock / New York Times / September 30, 2015

Los Angeles — VOLKSWAGEN has shown how easy and tempting it can be for car manufacturers to rig the pollution controls on vehicles to cheat the system. We shouldn't have been surprised. Manufacturers of heavy-duty diesel engines were caught doing the same thing in the 1990s.

How do we guard against this happening again?

It would be a mistake to invest millions of dollars only in improved emissions tests and vehicle computer systems. If computers could be rigged once, they can be rigged again.

What's really needed is a truly independent emissions-testing system that measures pollution where it occurs, on the open road, and not just in a laboratory or emissions-testing station.

In fact, this technology already exists. Remote sensing devices on the roadside can measure emissions as a vehicle passes by, without impeding traffic flow, often without the driver or vehicle knowing they have been tested, and without the vehicle owner waiting in line at an inspection station.

Most important, this technology measures vehicle emissions where vehicles actually pollute, on the road. These are real-world emissions, as opposed to what is measured in vehicle-certification laboratories or at testing stations, where it has become clear that those scheduled and scripted tests can be thwarted.

A single roadside remote sensing device can capture thousands of vehicle emissions measurements a day in free-flowing traffic. These machines use infrared scanning technology to measure emissions, speed and acceleration. A camera records the license plate number, which can be matched to state vehicle registries.

This technology has been around for years. About a half-dozen states now use it routinely to supplement their inspection programs, and at least 10 others perform periodic surveys and studies, mostly in urban areas with air-quality problems, to monitor overall compliance to clean air rules. In Colorado, for instance, cars that are found in compliance by a remote sensing device are exempted from vehicle emissions tests.

What makes this technology particularly useful is its ability to aggregate emissions data on makes and models of cars and measure how various models, vehicle technology classes and emissions-control components are performing on the road.

The results can be eye-opening. I was part of a team of scientists in Colorado that used this technology to identify emissions problems with Volkswagens and Audis that have two-liter diesel engines months before the recent scandal broke.

The first hint came from a colleague in Europe who, looking at remote sensing data collected in Switzerland, had

noticed high diesel nitrogen oxide emissions coming from passenger cars. At his suggestion, we examined thousands of measurements collected by Colorado's vehicle emissions program.

Sure enough, late last year, we found nitrogen oxide emissions from Volkswagen and Audi two-liter diesel vehicles significantly above not only the regulations, but also above the emissions of similar vehicles. But we had no idea then that VW had rigged inspection tests, let alone of the scope of the company's subterfuge.

Cops walking their beats notice things, and in this sense, remote sensing is the "cop on the beat" of emissions control, spotting abnormalities, defective emissions devices, deteriorating emission-control systems or unexpected emissions in unusual conditions, such as high elevation and high temperature.

When measuring millions of vehicles, remote sensing technology is far less expensive to implement than laboratory testing or other on-road emission testing methods.

Virginia motorists, for instance, will spend about $5 million a year on an expanded remote sensing device program in the northern part of the state starting soon that will test their vehicles on the road (motorists will be mailed an invoice to cover the cost of the inspection).

The state will allow up to 30 percent of the cleanest cars to bypass testing at an emission-inspection station. The program helps the state meet federal air pollution standards by also identifying vehicles emitting high levels of pollution so repairs can be made before the next inspection is due.

Still, overall, not enough is being invested at the state or federal levels to expand these real-world patrols.

The Environmental Protection Agency should establish a network of roadside devices that would monitor vehicles more methodically for abnormal emissions. This would help the agency better understand how cars and trucks are performing on the roads in all conditions.

In the worst cases, the data could provide the probable cause for focused investigations of particular models that are failing to meet emissions requirements. If necessary, any inquiry could be supplemented by the use of so-called portable emissions measurement systems (the vehicle-mounted "lab in a box" used by the investigators from West Virginia University who exposed the Volkswagen cheating).

Given the scope of the Volkswagen case, with more than 11 million cars involved, there are sure to be calls for laboratory emissions tests that can't be thwarted, and for improved vehicle computer systems.

But we shouldn't lose sight of what is really happening on the road — where vehicles actually pollute, and where they can be monitored without detecting that they are being tested. This is why we should significantly expand the use of remote sensing devices, a technology the cheaters can't cheat.

http://www.nytimes.com/2015/10/01/opinion/test-emissions-where-cars-pollute-on-the-road.html?_r=0

CAPP contact: Charlie Peters

Clean Air Performance Professionals

Charlie Peters

Thursday, September 17, 2015
Governor Jerry Brown
c/o State Capitol, Suite 1173
Sacramento, CA 95814
P (916) 445-2841 / Fax: 558-3160

Honorable Governor Brown,

RE: SB 350 climate crisis performance

Thank you for your service.

The administration of our President George W Bush's rejection of your friend, and my hero California Governor Gray Davis request for a fuel oxygenate waiver supported by all California congressional members, may deserve a review audit of our waiver requests.

GMO fuel waiver & elimination of E-85 flex fuel credit can cut our ozone and CO2 transportation pollution.

I want $2 Gasoline at the pump / We want clean air and water

Let's improve performance of CA climate change law AB 32 (Pavley) in 2015 for future generations.

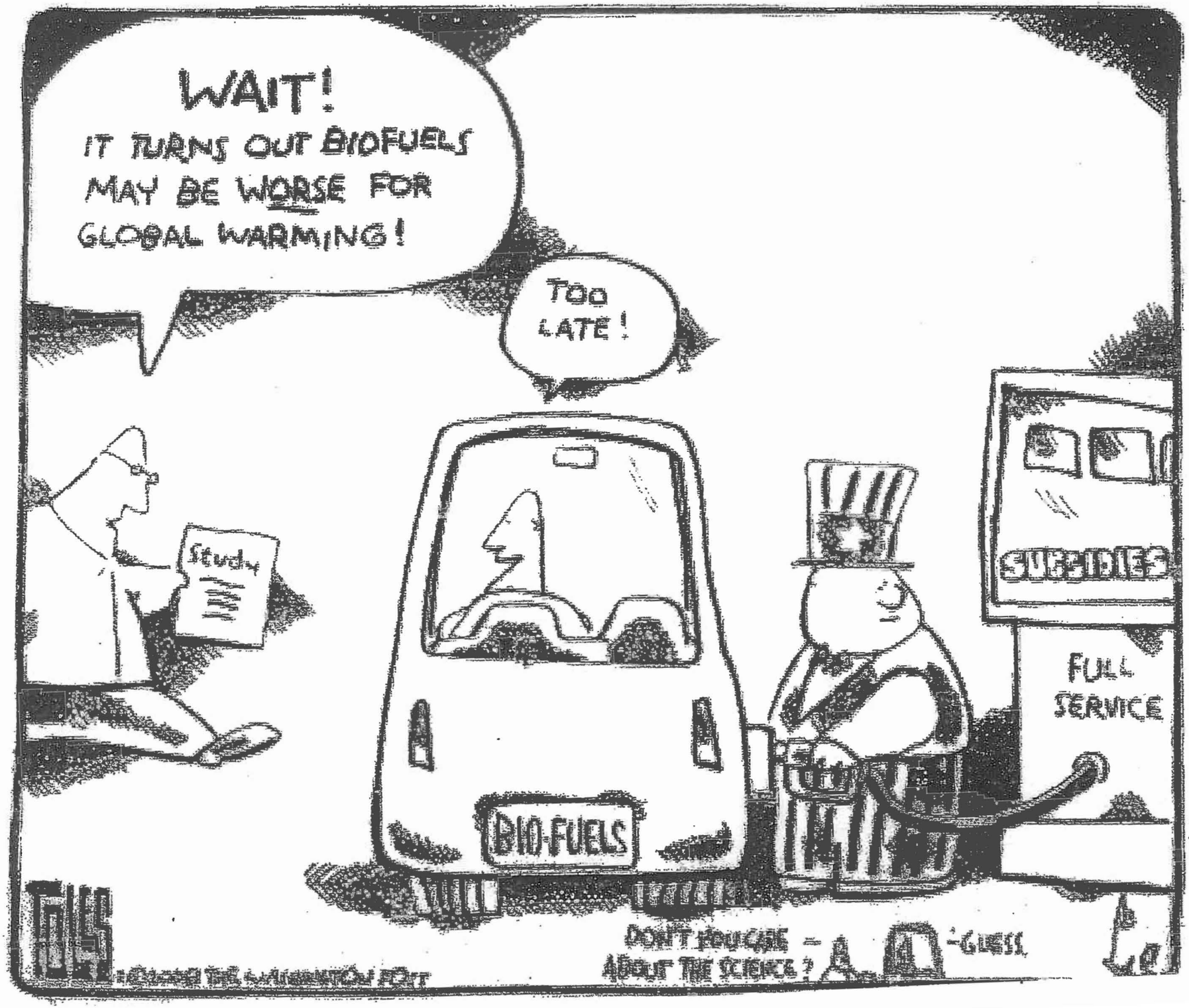
Governor Brown thank you for your interest in our waiver audit request.

Clean Air Performance Professionals (CAPP), an award winning coalition of motorists.

Charlie Peters

cc: interested parties

CAPP contact: Charlie Peters


WAIT!
IT TURNS OUT BIOFUELS MAY BE WORSE FOR GLOBAL WARMING!
TOO LATE!
Study
BIO-FUELS
SUBSIDIES
FULL SERVICE
DON'T YOU CARE ABOUT THE SCIENCE?
-GUESS

ATTENTION MT. EDEN HIGH SCHOOL SENIORS!

Make history as the FIRST ever high school student to attend the Leadership Hayward program!

www.MtEdenAlumni.org

The Mt. Eden High School Alumni Association & Educational Foundation Leadership Hayward Scholarship ***Applications for the 2015-2016 graduating class are due by 5 p.m. on November 2nd, 2015!***

About Leadership Hayward: The program features eight monthly, one-day sessions from November through June. Each session will focus on a general topic presented by experts.

Topics include team building, heritage and cultural awareness; economic and public policy; community design and transportation; health and human services; education; arts and recreation; public safety and disaster preparedness; and public facilities.

Participants receive professional development credit from the Continuing Education, University Extension Division of California State University, East Bay. The June graduation luncheon concludes with the mayor's State of the City address and is attended by local and state elected officials and other dignitaries.

Who's Involved? About 20 individuals participate each year representing a cross section of Hayward's diverse private and public sectors, cultures and age groups.

Participants have included bankers, retailers, restaurateurs, teachers, professors, police officers, firefighters, medical personnel, nonprofit staff, and city employees. Businesses have been represented by executives, managers and staff. The selection criteria includes a commitment to Hayward's well-being, to regular attendance and active participation.

(Ask for the scholarship application to be sent to you!)

www.MtEdenAlumni.org

Our Mission:
To enhance the educational experiences of current Mt. Eden High School students, our goal is to bring in the alumni community to support the students with a well-organized group of volunteers and dedicated, responsible fundraisers.

Our Board of Directors:
Anna May, c/o 1990: President
JoAnn Depoyster, c/o 1990: Vice President
Leanne Tullis, c/o 1990: Secretary/Treasurer
Philip Liang, c/o 1990: Director
Elizabeth Moran Sanchez, c/o 1987: Director

Charter Members:
JoAnn Depoyster, '90
Trevor Fisher, '90
Philip Liang, '90
Anna May, '90
Wendy McCormack-Sison, '90
Angela Meyers (May), '92
Ramir Milay, '89
Sean Reinhart, '89
Elizabeth Moran Sanchez, '87
Leanne Tullis, '90

MT. EDEN HIGH SCHOOL ALUMNI ASSOCIATION & EDUCATION FOUNDATION

A NON-PROFIT ORGANIZATION

501(c)(3) pending

22392 Foothill Blvd. Hayward, CA 94541

(510) 886-2662

www.MtEdenAlumni.org

MEMBERSHIP

_____ New Member Class of _____
_____ Renewal

Date: _____ / _____ / _____

Name:

_____
(First) (Last)

_____
(High School Name if Different)

Address;

_____

_____

_____

Email: _____

Phone # _____

Occupation _____

Membership:

$ 10	yearly membership
$ 40	five years membership
$ 500	Life Time Gold Membership
$ 1,000	Life Time Platinum Membership

$ _____ Tax Deductable Donation

Where would you like to see your Donations?

$ _____	Music
$ _____	Visual Arts
$ _____	Performing Arts
$ _____	Leadership
$ _____	Science
$ _____	Others _____

$ _____ TOTAL

Send application and check to:
Mt. Eden Alumni Association
22392 Foothill Blvd. Hayward, CA 94541

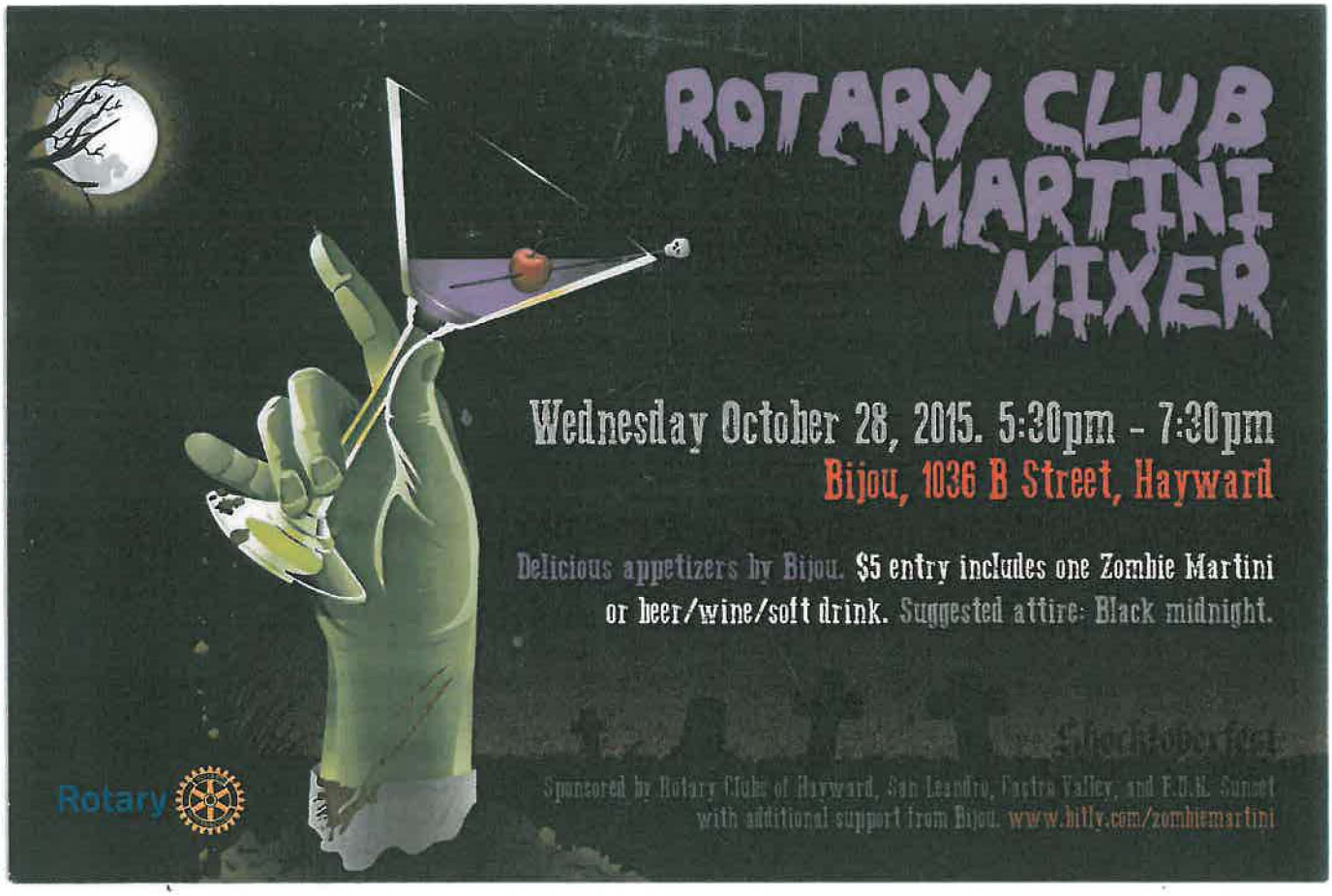
Would you like to be notified about all our fund raiser events? Y / N

Would you like to be a volunteer at our sponsoring events? Y / N

Would you be interested in becoming an active board member? Y / N

Please help us make a difference. Share with us your thoughts and ideas. Participate in our events. Contribute your abilities to better the next generation of Mt. Eden graduates.

Please follow us on our facebook page
www.facebook.com/MtEdenAlumniHayward


ROTARY CLUB
MARTINI
MIXER
Wednesday October 28, 2015. 5:30pm - 7:30pm
Bijou, 1036 B Street, Hayward
Delicious appetizers by Bijou. $5 entry includes one Zombie Martini
or beer/wine/soft drink. Suggested attire: Black midnight.
Rotary
Sponsored by Rotary Clubs of Hayward, San Leandro, Castro Valley, and E.D.H. Sunset
with additional support from Bijou. www.bitly.com/zombiemartini