

Bill would help businesses buy anti-pollution tools

By Jake Henshaw, Sacramento Bureau

Visalia Times-Delta, Tuesday, April 25, 2006

SACRAMENTO - San Joaquin Valley businesses could get financial help to install better air pollution control equipment under terms of a bill that passed its first legislative review Monday.

Senate Bill 1230 by Sen. Dean Florez, D-Shafter, would allow the state and regional air pollution officials to designate zones in the Valley where business could get low interest loans to improve air quality.

"It actually produces surplus gains where we can have quantifiable emission reductions that exceed state law," Florez said. "This isn't just providing for the minimum. This is going well above that."

SB 1230 next goes to the Senate Revenue and Taxation Committee.

The region has some of the nation's dirtiest air in the nation, ranking at times in the same league as Los Angeles, with the problem blamed on geography, climate, truck traffic and agriculture.

Pollution has a \$3 billion impact on the health of the Valley's residents, according to a recent study by the Institute for Economic and Environmental Studies at California State University, Fullerton.

SB 1230 would provide the latest in a series of more than \$100 million in incentives since the early 1990s aimed at encouraging a switch to cleaner running farm pumps and natural gas-fueled vehicles, said Tom Jordan of the San Joaquin Valley Unified Air Pollution Control District.

"We see it as another tool to help clean the air in the Valley," Jordan said of Florez's bill.

SB 1230 would allow the Business, Transportation and Housing Agency in consultation with the San Joaquin Valley air district to designate clean air enterprise zones in the Valley that must be certified by the state Air Resources Board.

Participating businesses could get state low-interest loans for equipment that reduces pollution at least 30 percent beyond what's required or that replaces older equipment at least 50 percent sooner than required.

State derails plan to extend rail line in Figarden Loop area

By Matt Leedy / The Fresno Bee

Tuesday, April 25, 2006

State officials have pulled the plug on a controversial plan to extend a railroad track in the Figarden Loop area.

Jubilant city leaders and northwest neighbors who fought the plan received the news Monday.

The California Department of Transportation says its decision to kill a passing-track proposal was made after weighing concerns voiced by residents in the growing Figarden Loop neighborhoods.

William Bronte, Caltrans' rail chief, recently wrote city leaders with the decision. In his letter, Bronte explained that Caltrans won't ask the California Transportation Commission for money needed to extend a turnout track by 2.5 miles. It would have cost about \$12.7million to turn the track into a passing line.

Without the state money, "It's effectively dead," Bronte said last week of the passing-line plan. "The only way it would come back is if the community said, 'Hey, I think we need this project.'"

Neighbors, however, have voiced the opposite opinion.

Figarden Loop residents packed a meeting hosted by railroad officials in January and loudly explained their opposition. A passing line created by additional railroad track, they said, would lead to air and noise pollution and be used to park a string of graffiti-marked trains.

Monica Moens, who was among more than 100 people at the January meeting, said she didn't think the railroad officials would listen but is thrilled they did.

"We thought they were going to do it anyway, no matter what we thought," said Moens, 46, who lives next to the Burlington Northern Santa Fe line with her husband, Randy, 48, and her daughters, 13-year-old Destiny and 8-year-old Moriah. "I'm grateful. I'm so thankful that they listened to our voice.

"We're the little people," Moens said of her family and her Figarden neighbors. "We're not a big company. So it's very encouraging to see when you speak out together you can be heard."

Tom Bailey, president of Fresno Area for Rail Consolidation, also opposed the project and attended many meetings about the passing track. Public outcry, he said, was too loud to ignore.

"It shows you can change the course of history," Bailey said. "You can stand up and make people listen."

Bronte said the decision to wipe northwest Fresno from Caltrans' expansion plans also was influenced by a city resolution opposing the passing track.

"I think the Figarden project was a good one," Bronte said. "But we didn't want to be a bad neighbor."

Council Member Brian Calhoun, who represents northwest Fresno, wrote the resolution, and his colleagues passed it unanimously.

Calhoun has fought the passing-line plan for years and learned Monday afternoon it had been scratched.

"First of all, I'm surprised, but pleased. I thought we were going to arm-wrestle this thing into the ground," Calhoun said. "I'm just really overjoyed. Basically, the state has done the right thing and the state has listened."

Calhoun said he will still introduce the City Council resolution to the California Transportation Commission on Thursday, in case the passing-line plan resurfaces.

City leaders had planned "a strong presentation to the CTC," Calhoun said. "But instead, we'll put our pistols back into our holsters."

The passing line was first proposed in 1996. Northwest Fresno neighborhoods near the BNSF line have grown since then, a factor that also influenced Caltrans' decision, Bronte said.

Caltrans and BNSF officials have said passing tracks, which allow trains to roll past each other, are needed to accommodate an increasing number of passenger and freight trains traveling up and down the state.

Passing lines may be pursued in more rural areas, Bronte said, such as Kings County near Hanford or near Modesto, Merced or Turlock. But Bronte added that state money for passing-track projects won't be available until 2008.

Kennedy inspires audience at MJC

RFK Jr. blasts Bush over environment in 75-minute talk

By LORENA ANDERSON - BEE STAFF WRITER

<mailto:metro@modbee.com?subject=Kennedy inspires audience at MJC>

Modesto Bee, Sunday, April 23, 2006

The gym at Modesto Junior College wasn't full, but when Robert F. Kennedy Jr. concluded his speech, the thunderous applause made it sound as if 10,000 people were there.

Kennedy still was answering questions half an hour after his 75-minute presentation Saturday, talking about politics, the environment, the media and public policy.

The speech was titled "Our Environmental Destiny," but it focused more on President Bush's environmental policy, a defense of environmentalism and a call for Americans to watch, listen and learn - then take back the country.

"This is the administration of plunder," he told the crowd that filled about two-thirds of the gym that seats about 2,000. "The administration looks at our green areas and sees cash money."

Kennedy, son of the late Sen. Robert F. Kennedy and nephew of the late President John F. Kennedy, is an environmental advocate and lawyer who spends much of his time filing lawsuits against corporate polluters.

Appearance good for MJC

Dale Pollard, an agriculture instructor at MJC, said he read Kennedy's latest book, "Crimes Against Nature," and said he came to hear Kennedy because he's interested in the environment and such issues as suburban sprawl and innovative energy use.

He said he thought most people in the audience shared concerns but likely hadn't read Kennedy's 2004 book about the Bush administration.

Kennedy is the most well-known speaker the college has hosted in recent years, he said.

"It's good for the college. It's good for the community," Pollard said. "Even if you don't agree with his perspective, we have to be open to it."

Many audience members arrived in cars bearing left-leaning bumper stickers. The repeated applause that broke out during the speech and the prolonged standing ovation at the end indicated most were more than open to Kennedy's ideas.

Audience members filled out question cards for Kennedy to answer after the speech.

People wanted to know why polluters aren't held more accountable. They wanted to talk about bias in the media. They wanted him to address politics and the presidency. One person sent a card asking: "If even half the statements in your book are true, why hasn't anyone started impeachment proceedings?"

Kennedy spent most of the evening talking, having agreed to meet VIP ticket holders after the speech for a reception, book signing and photo opportunity. He brought his 11-year-old son, Connor, with him, and the two spent most of the day hiking in Yosemite.

Kennedy had said his speech would focus on issues that concern Central Valley residents, and some people might have interpreted that to mean air pollution and the loss of agricultural land.

Coal-burning power plants

But mostly he talked about what he sees as some of the nation's problems: a government unconcerned with leaving a viable environmental infrastructure for future generations and a media that spends more time entertaining people than informing them.

"We have a diminished quality of life that most people don't know about," Kennedy said.

He talked about mercury poisoning that is injuring thousands of American children every year, coal-burning power plants that are spewing pollutants that trigger thousands of asthma attacks and the 18,000 Americans who die annually because of respiratory illnesses exacerbated by pollution.

MJC student Jillian Gil, 19, said she found Kennedy's speech "eye-opening," especially his discussion of the media and politics.

Schoolmate Jamie Landry, 20, who said she attended because she'd get extra credit in some classes, said she came away with a different perspective.

She said she hadn't been aware of some of the issues or particularly concerned with the environment.

"But seeing it in your face like that makes you think more about it," Landry said.

Skateboarder saving gas

By Brad A. Greenberg, Staff Writer
LA Daily News, Tuesday, April 25, 2006

Michael Bernheim's solution to soaring gas prices costs \$1,000, has four wheels, weighs 52 pounds and is covered in grip tape.

It's a 40-inch-long, battery-powered skateboard that tops out at 22 mph. It'll take you 14 miles before its batteries need to be recharged. "Refueling" takes three hours, but only costs about 20 cents.

"You don't have to have insurance. [It's nonpolluting](#). It's portable. And you can carry chicks on it," said Bernheim, co-owner of California Motors Co.

On the niche company's Web site, Bernheim is marketing the electric skateboard as a practical alternative to high gas prices.

The average price of a gallon of unleaded fuel in Los Angeles has mushroomed more than 50 cents during the past six weeks. Many Americans are turning to gimmicks and gadgets to stretch their thinning fuel budgets.

In fact, there are many practical things motorists can do to cut fuel costs. The Environmental Protection Agency recommends avoiding quick acceleration and braking, properly inflating tires and driving at or below the speed limit.

John Millett of the EPA, however, says steer clear of "bogus contraptions" gizmos that can be added to the fuel line or air filter. In 30 years, EPA tests have only found one that improved gas mileage, and that technology has since been incorporated into most vehicles.

As for the Fuel Genie, Platinum Gas Saver and Tornado Fuel Saver, "Don't waste your money," Consumer Reports said in November. "They don't work."

A motorized skateboard could help someone struggling with gasoline prices, said Carol Thorpe, a spokeswoman for the Automobile Club of Southern California. "But given the commutes of most people, is riding a motorized skateboard a rational answer?"

It is for Bernheim, who uses his board to get to the grocery store, the library, the movie theater. If a business doesn't want him lugging the board through a shop, he checks it like a bag.

Sometimes he skates the 10 miles from his Santa Monica home to Beverly Hills, where he is the marketing director for The Balance Disorders Institute of Los Angeles. While he works, the board's batteries recharge.

Growing up in Burbank in the 1960s and '70s, Bernheim was an avid skater. He still looks the part: slate gray Pumas, light jeans, a plain blue T-shirt, large Ray-Ban sunglasses and shoulder-length, wavy red hair.

As a teen, he rigged a board with a four-stroke lawnmower engine and another with a two-stroke weed-whacker engine, but they were too unstable.

Two years ago, he and two partners decided to build their own skateboard engine and power it with two 12-volt batteries. The engine purrs yet is powerful enough to climb Coldwater Canyon

Boulevard in Studio City, as Bernheim demonstrated Monday. The throttle and brakes are controlled by a remote plastic handle.

Trade Boom's Unintended Costs

Neighborhoods such as West Long Beach seek a balance between a thriving port and health concerns.

By Janet Wilson, Times Staff Writer
LA Times Sun., April 23, 2006

On a sunny spring day at Hudson Elementary School in Long Beach, the gleeful shrieks of children on the playground almost drowned out the dull roar of truck traffic.

A third-grader raced into school nurse Suzanne Arnold's office.

"Ambrosia's chest is hurting, she's lying down," she announced. The nurse sighed as she tugged out an old green wheelchair. "Ambrosia is one of my regulars. Last week, she had an asthma attack on the school bus and had to be taken to the emergency room."

Hudson Elementary is tucked in the crook of California's busiest industrial arm. A few miles from the booming ports of Long Beach and Los Angeles, its playground backs up to the truck-clogged Terminal Island Freeway, flaring refineries and double-stacked freight trains powered by belching locomotives. More than 40% of retail goods imported to the U.S. funnel past this poor but tidy neighborhood.

Soon, a global truck and train off-loading center may be built less than 1,000 feet from the schoolyard. It is designed to speed up freight transport and improve regional air quality by pulling diesel trucks off the freeways, and would add 1 million more truck trips a year to local streets.

"What's being proposed is sacrificing this neighborhood for the greater good," said Patrick Kennedy, director of the Greater Long Beach Interfaith Community Organization.

Community activists worry that scenario may be repeated along shipping corridors across the state, from West Oakland and Roseville north of Sacramento to Commerce and the Inland Empire.

They say a new statewide emissions-reduction plan approved by the California Air Resources Board on Thursday, meant to minimize pollution caused by the skyrocketing goods movement, is unfunded, contains no new mandatory controls of polluters and would still result in an estimated 800 premature deaths and hundreds of thousands of lost school and work days each year from exposure to diesel soot, ozone and other pollutants.

The freight transportation corridors "are not located in isolated industrial areas, but in fact pass through hundreds of cities, millions of residential homes," Jesse Marquez, executive director of the Coalition for a Safe Environment, said in a recent speech in Wilmington.

"It is the local communities that deal with daily bumper-to-bumper traffic congestion ... that have to breathe the diesel fuel exhaust from ships, trucks, trains and yard equipment every day. It is our children that are suffering from an asthma crisis.... It is our friends and family members who are dying."

Studies back him up. Students less than a quarter of a mile from major freeways are 89% more likely to suffer from asthma.

Children in Long Beach and other industrial cities are three times more likely to suffer decreased lung development.

Workers at ports and freight yards and area residents experience higher cancer risks and heart disease.

"Californians who live near ports, rail yards and along high traffic corridors are subsidizing the goods-movement sector with their health," said Andrea Hricko, associate professor of preventive medicine at the Keck School of Medicine at USC, which has done several of the studies.

Hricko noted that the air board's own study estimated 2,400 people die each year in some of California's poorest communities from causes tied to goods-movement air pollution.

"That constitutes a public health crisis. Can you imagine if 2,400 deaths annually were attributed to avian flu? And if state officials said, 'We have a plan to reduce that to 800 deaths, in 15 years?' Every expert in the world would be working on it. These communities deserve the same treatment."

California air board members and port and industry officials acknowledge that eliminating "toxic hot spot" communities is a stubborn challenge, but say that the technology to reduce much of the pollution exists or is rapidly being developed.

"We need to do as much as possible as quickly as possible. Our whole plan is structured to do that," said air board executive officer Catherine Witherspoon.

The proposed loading facility behind Hudson Elementary is a case in point, she said. State officials say the facility is "vital for relieving congestion and reducing emissions."

In exchange, rail officials have pledged to make the yard "green," with electric cranes and other equipment emitting no soot or other air pollution.

As for the aging, short-haul trucks that would ferry goods between the docks and the site, Witherspoon and her staff said up to \$400 million in public funds should be allocated to buy 10,000 clean replacement trucks.

But trucking officials say the cost would actually be \$1.2 billion. Even if new trucks are bought, Witherspoon acknowledged that "there will always be some residual emissions.... We can bring the risk down substantially, I'm hesitant to say to completely acceptable levels, but to substantially lower levels."

Back at the nurse's office, Ambrosia, a slight 9-year-old with long, dark pigtails, slumped at the table. Her skin was ashen and she breathed in shallow bursts.

"I can't see," she said, her brow furrowed.

Arnold handed her an asthma inhaler. "Were you playing tetherball again?" she asked. The girl nodded as she puffed.

"She loves tetherball, but when she plays, she can't breathe," Arnold said.

Outside, afternoon tractor-trailer traffic thickened on the freeway. Last year, a volunteer group of mothers did traffic counts next to the school with USC researchers, tallying 580 trucks in an hour.

Goods movement into Southern California is exploding by 1.4 million containers a year and is expected to triple by 2020, if infrastructure can be built.

After hearing from China and other Asian trading partners that the flow of DVDs, sneakers and other goods was bottlenecked in Southern California, and being confronted with mounting

evidence that air pollution cuts lives short and costs billions in healthcare and lost productivity, Gov. Arnold Schwarzenegger 18 months ago ordered his business, transportation and environmental agencies to draft a joint plan.

The goal is to improve the flow of goods while rolling back harmful air pollution to 2001 levels - a target the state must meet under approaching federal Clean Air Act deadlines.

The emission reduction plan approved last week was the first step. A second plan on streamlining goods movement is due out in June. But funding is up in the air. The governor's ambitious infrastructure bond proposal, which included \$1 billion for air quality, failed to make it onto the June ballot, and its chances in November are uncertain. The air board's piece alone would cost \$6 billion to \$10 billion to implement.

Some legislators, led by Sen. Alan Lowenthal (D-Long Beach), say a per-container fee of \$30 to \$60 should be imposed on vessel operators and shippers.

Foreign vessel operators, like interstate rail companies, say they are not subject to state or local law. State air officials have adopted controversial voluntary plans with rail companies to clean up dirty locomotives and reduce idling, and may consider similar agreements with marine operators.

Other than injurious particulate matter emitted by trucks, which is expected to drop as new state and federal standards kick in, the largest sources of harmful pollution from goods movement are the 1,900 ocean vessels that steam into the ports each year, powered by filthy, low-cost "bunker fuel," aging main engines and auxiliary engines they use to idle at port while unloading.

Environmentalists, including attorneys with the Natural Resources Defense Council, say the state has plenty of power to regulate foreign vessels, and they want mandatory controls.

The Port of Los Angeles, the nation's largest, is already quietly renegotiating leases with foreign-flagged companies to force cleanup and changes.

Marine business groups are coming up with their own plan, saying they would contribute \$15 billion in start-up costs and new technology if they could establish a voluntary credit program that would require them to reduce emissions, but do it in market-based ways.

"Something needs to be done, and it needs to be done now," said Robert Wyman, an attorney with Latham & Watkins who is promoting the marine industry plan. He said neighborhoods like West Long Beach, where Hudson School is located, would benefit fastest because industry would make reductions first in public health risk zones identified by the air board.

Many experts credit the new health studies, combined with vocal protests by community groups, for successfully pushing industry and government officials to act.

The studies show \$19.5 billion in costs annually to the state from deaths, lost workdays and healthcare costs.

"Those studies were the impetus for change.... We're beginning to look at the public health costs, and it's either pay now or pay later," said Wally Baker of the Los Angeles County Economic Development Corp.

Neighborhoods like West Long Beach are not only recipients of freight air pollution, but also home to the workforce that staffs the trucks, warehouses and other shipping jobs, he said. "The poorest communities have been the stomping grounds for most industrial facilities and most toxins. Because of the health studies ... and the growing political voice ... it's becoming socially unacceptable, and businesses in Southern California recognize that."

But Baker said it will never be possible to eliminate the serious health risks for Hudson Elementary and similar facilities. He said the school should not have been built where it was, and should be moved. .

Dr. Robert Sawyer, chairman of the state air board, agreed: "Where schools are already located ... where there are legitimate health concerns ... we really think relocation is an option."

Easier said than done, said Long Beach Unified School District officials, who said that it is extremely difficult to find school sites in built-out urban environments, and that Hudson Elementary and a new high school a block away serve their communities well. They hope to collaborate with industry, port and air officials to have an indoor gymnasium built at Hudson and perimeter air-quality monitors added.

The school already goes into a lockdown mode - keeping children inside - several times a year when a nearby refinery flares excessively. South Coast Air Quality Management District officials recently approved pilot funds to test an air-filtration system at the school.

On the same day Ambrosia went to the nurse's office, four more students complained of chest pains. As she phoned the parent of one, the school nurse offered her own take on health conditions there.

"I just have one question for all of them," Arnold said, referring to industry and government officials. "Would they send their children to school here?"

Comment period opens for proposed valley air rules

By Chip Power, Capital Press Staff Writer
Capital Press Weekly Fri. April 21, 2006

FRESNO - A set of rules governing large dairies in the San Joaquin Valley is a step closer to reality, while agriculture groups are still questioning the validity of some of the new air regulations.

"The proposed rules represent the best science available, yet we understand the need for more research and future enhancements as this field of science develops," said Seyed Sadredin, executive director of the San Joaquin Valley Air District.

He called it the "most comprehensive regulation ever put together to control emissions from these types of operations, yet it is designed to provide operators a flexibility that will allow them to choose effective measures best suited for their operations."

The final draft of a rule that is intended to reduce air-pollution emissions from existing dairies, beef feedlots, swine farms and other types of animal operations throughout the valley was posted for public review on the Valley Air District's website, www.valleyair.org.

A public comment period on the far-reaching rules closed this week and the board plans to adopt it in June.

Draft Rule 4570, Confined Animal Facilities, is designed to eliminate about 18 tons per day of volatile organic compounds, according to the air district. The rule also eliminates 113 to 127 tons per day of ammonia emissions or 39 to 44 percent of the total ammonia emissions for each facility.

The rule would apply only to larger confined animal facilities, such as dairies with 1,000 or more milking cows. About 230 such valley dairies would be directly affected.

The Fresno County Farm Bureau said it was concerned with the practicality of the rule.

“The significant number of measures being required in each category is extremely burdensome and impractical in many instances,” said Karla Kay Edwards, executive director of the trade group. “We question the justification of the number of mitigation measures required and ask the Air District to quantify the tons of emission reductions required from this rule in the Ozone Plan.”

Edwards also said that some measures appear to be in direct conflict with other rules like the PM10 practices, or rules already adopted to control dust.

Separately, the Dairy Community Alliance for Responsible Environmental Stewardship filed its comments and announced the proposed rule “now reflects an understanding that in the real world, dairy emissions are complex.”

CARES said its comments were submitted in consultation with its members, including Western United Dairymen. The formal comments and an information sheet can be found on the CARES website at www.dairycares.com.

Among CARES’ comments:

- Rule 4570 should continue to provide as much flexibility and as many options as possible so that dairy producers can choose and customize their own strategies for reducing air emissions on their operations.
- Reporting should be streamlined, with records remaining on the dairy and as little generation of “new” records as possible. In many cases, dairy producers already keep adequate records to demonstrate compliance.
- Useless, expensive or unnecessary “source testing” requirements should be avoided at all costs. An individual dairy producer should not have to scientifically demonstrate a practice reduces emissions, if that practice has been recognized by the district as reducing emissions. The dairy producer should only have to demonstrate that the practice is being implemented.

Despite years of improved air quality, the San Joaquin Valley fails to meet state and federal health-based smog standards.

The rule would have the most impact on facilities built prior to Jan. 1, 2004, when landmark air pollution laws took effect, because many of them would need to retrofit or modify their current practices.

Facilities built on or after that date already are subject to rules that reduce pollution by requiring that new and modified sources of air pollution adopt the best available control technology.

The rules were formed with much industry participation through an advisory group, though much disagreement exists on how to quantify a dairy’s impact to regional air quality.

The air district covers eight counties including San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, Tulare and the valley portion of Kern.

[Tulare Advance-Register, Letter to the Editor, Monday, April 24, 2006:](#)

Public defender's office leads in hybrid cars

Imagine my surprise at being taken to task by you for not setting a good example in using hybrid vehicles for public defender employees assigned county cars.

This organization has been at the forefront of Tulare County departments in the use of hybrid vehicles. We acquired our first hybrid Toyota Prius in 2002 when I was the assistant public

defender. After personally purchasing a hybrid Honda Insight a year earlier, I was extremely enthusiastic about the then new technology and convinced the public defender to obtain a Prius for the office.

Since I have been the department head, the office has replaced two conventional vehicles with hybrids, and we are awaiting delivery of three additional hybrid replacements. By the end of this fiscal year 60 percent of public defender cars will be hybrids. I do not know that any other department can make such a claim.

I applaud the county's move toward purchasing cleaner, more energy efficient cars. However, long before the county adopted an official policy to favor alternative vehicles, the public defender had an internal practice of acquiring hybrid cars when one in our small fleet needed to be replaced. These cars are more than adequate for most of our needs, and I have long felt that as a government agency we need to lead by example in using clean, energy efficient vehicles.

I would urge you to get your facts straight before casting aspersions and welcome a visit by one of your editorial staff to take a ride in one of our hybrids.

MICHAEL SHELTZER, Tulare County Public Defender