

## **Florez bill on Valley air faces obstacle**

He has one more shot at launching bill to floor with panel next week.

By Jennifer M. Fitzenberger, Fresno Bee Capitol Bureau

*(Published Thursday, August 21, 2003, 6:12 AM)*

SACRAMENTO -- A key bill to clean the Valley's dirty air was politically sabotaged Wednesday by Democrats seeking to keep a colleague from casting a controversial vote, the author said.

Sen. Dean Florez said his bill to end the agriculture industry's historic exemption from air operating permits was held up in the Assembly Appropriations Committee to keep it from the floor, where Assembly Member Nicole Parra would be asked for her vote.

Voting on SB 700 could put Parra in a political bind. She squeaked by underfunded Republican opponent Dean Gardner in last year's election, and a vote on Florez's bill could serve as ammunition for her political enemies.

Parra, a Democratic freshman lawmaker from Hanford, has yet to take a stance on SB 700, the linchpin of an eight-bill clean-air package written by Florez, a Shafter Democrat.

"It was very clear to me that what happened today was politics over our kids," Florez said after the bill failed to receive a majority vote. "Holding a bill so a member doesn't have to take a vote on it just blows me away."

Parra denied Florez's claims, saying she knows of no political conspiracy to kill his bill. She said she is an advocate of clean air but wants to see the bill in its final form before picking a side.

"I commend Dean in his effort to work to improve the Central Valley's air, but I do not commend sometimes his tactics in how he gets bills passed," Parra said. "You need people at the end of the day, and if you haven't treated people with respect and courtesy, you will be standing alone."

The bill needs 13 of the committee's 24 votes to pass. Seven members voted for it Wednesday; seven opposed it; nine abstained and one member was absent.

Assembly Member Leland Yee, a San Francisco Democrat, voted against the bill for policy reasons, said Juan Thomas, his chief of staff. He said the measure unfairly burdens farmers.

In response to accusations that Yee's vote was politically motivated, Thomas said, "That's not true. ... Leland would be willing to vote for his bill if some of the issues that agriculture had were addressed in a fair way."

Farm officials want to see SB 700 amended to comply with the U.S. Environmental Protection Agency's initial request: Repeal agriculture's exemption for air permits. That issue has never been in question, said Debbie Jacobsen, president of the Fresno County Farm Bureau.

Farm interests feel the bill goes too far.

Forced by an environmental lawsuit settlement, the EPA last year told California to repeal the exemption or face statewide sanctions.

The sanctions, including increased fees for some businesses and eventual suspension of billions of dollars in highway-building funds, will begin in November unless the loophole is repealed.

"Why not do what the EPA says?" Jacobsen asked. "We will continue to work on amending SB 700 to do that."

Instead of simply repealing the exemption, which dates back to 1976, Florez's bill also would require farmers to use the most up-to-date technology to control Valley farm sources of particle pollution and dust.

Among other requirements, the bill would force owners of large animal operations, such as dairies, to obtain an operating permit.

Environmentalists say they do not want to see the additional requirements gutted from the bill. Lawyer Anne Harper of Earthjustice Legal Defense Fund, which has filed several Valley air-quality lawsuits, said she is disappointed in the committee vote.

"It's easy to see why four of the country's five smoggiest cities are in California," she said.

"In an area where children suffer from asthma at triple the national rate, it's time for politicians to stand up and do the right thing."

Florez has one more shot at launching his bill to the floor: The Appropriations Committee will reconsider it next week. Florez said he will stand strong on his bill but "cut around the edges" if he needs to.

Said Florez: "The reality is we will bring the bill up next week, and we will get it out."

## **Board gives air stance little care**

By Bill McEwen, The Fresno Bee

*(Published Thursday, August 21, 2003, 5:30 AM)*

Let me tell you how much the Fresno County Board of Supervisors cares about the filthy air clogging our lungs and choking our economy.

Wanting to take a stand on a landmark package of air-pollution cleanup bills wending through the state legislature, the board added the item to Tuesday's agenda at the last possible minute, effectively cloaking it in secrecy.

You know how it is with politicians.

Out of sight, out of mind. Take care of special interests and ignore everyone else except at campaign time.

Too bad for us, the board can't make all the bad air go away by closing its eyes, wishing really hard and tapping some ruby slippers.

The board could have asked the local chapter of the American Lung Association for its opinion of the bills written by state Sen. Dean Florez of Shafter.

It didn't.

The board could have asked its own health department to analyze the potential effectiveness of the bills.

It didn't.

But board members did talk with the one-for-all-and-all-for-one environmentalists at the Fresno County Farm Bureau.

Guess what?

The Farm Bureau said half of the bills -- particularly the ones that would end agriculture's historic license to pollute the air -- were bad for Fresno County, where one in six children has asthma.

Being the nice guys they are, the Farm Bureau wrote up a resolution opposing the bills it didn't like and handed it to the board.

Some board members, perhaps not wanting to look like they are owned lock, stock and barrel by the Farm Bureau, objected to part of the resolution.

So when the board broke for lunch, the resolution was handed to Manuel Cunha Jr., president of the 1,000-grower Nisei Farmers League, for tinkering.

The changes originally were to be authored by board Chairman Juan Arambula and Supervisor Judy Case, who is the board's representative to the San Joaquin Valley Air Pollution Control District.

But Arambula and Case had to hurry off to closed session to discuss, among several items, the county's pension mess, and Cunha took over the assignment.

In other words, the board cares so little about our lungs, it let someone else write the resolution.

Later, an irate Florez -- who didn't learn until Tuesday morning that the bills would be on the agenda for sure -- flew in from Sacramento to explain the proposed legislation.

After three hours of testimony from Florez and a handful of others, the board approved the farm-lobby-written resolution on a 3-2 vote with Case, Bob Waterston and Phil Larson, a former Farm Bureau president, backing it.

Arambula and Susan Anderson dissented, saying the vote should be delayed one week so more people could weigh in and to give the board time to analyze all the bills.

For the record, copies of the resolution didn't credit the Farm Bureau with authorship, and Cunha's participation wasn't explained publicly. Only after a reporter asked during a board recess, "Who wrote this?" did Arambula explain the resolution's special-interest history.

This resolution does no one any good. It creates a problem for Florez with his colleagues in the Legislature because it shows he doesn't have universal support in his back yard.

It also hurts the board and the Farm Bureau because the legitimate objections they have -- such as uncertain funding and holding farmers to higher standards than other industries -- are tainted by the board's shameless kowtow to agriculture.

"I know the importance of every business in the community and the importance of agriculture," says Chuck Sant'Agata, executive director of the American Lung Association of the Central Valley.

"But there are things we need to do to clean the air. People are dying and everyone has to do something. The ag community has had 30 years of exemptions and now they want more time to study the problem."

Case covers her 1,000-square-mile district in east Fresno County in a clean-burning hybrid car that gets 54 miles to the gallon.

Told that General Motors is promising an emission-free, hydrogen-powered fuel cell car at a consumer-friendly price by 2010, Case said, "They should deliver that car today."

Too bad the board majority didn't hold itself to that standard.

## **Air bill battle underscores feud between Florez, Parra**

By Vic Pollard, Californian Sacramento Bureau The Bakersfield Californian

Wednesday August 20, 2003, 10:34:00 PM

SACRAMENTO -- A major bill to help clean up the air in the Central Valley bogged down in an Assembly committee Wednesday, apparently a victim of a political feud between two Kern County Democratic lawmakers.

State Sen. Dean Florez charged that his bill to end agriculture's exemption from clean-air rules was scuttled by leading Democrats on the committee in an effort to protect Assemblywoman Nicole Parra from having to vote yes or no on the controversial measure on the Assembly floor later this year.

"They're playing politics, and petty politics, in my view," said Florez, D-Shafter. "It's choosing politics over kids' health."

Parra, D-Hanford, denied that she or Assembly leaders were involved in trying to torpedo the bill for political reasons. She said she supports clean air, but she said she would not vote for it without amendments that would soften the impact on farmers. Florez refused to accept them Wednesday.

"In the current form, without the amendments I have seen, I wouldn't support the bill," Parra said.

It's not the first outbreak of friction between Florez and Parra. There is a long-running feud between Florez and Parra's father, Kern County Supervisor Pete Parra. In addition, a Florez staffer, Michael Rubio, announced last week he is running against Pete Parra for supervisor next year.

Florez's bill, SB 700, would require farmers to obtain air quality permits for tractors and other equipment and take steps to reduce harmful exhaust emissions and quell blowing dust.

It is backed by health officials and environmentalists who point out that the Central Valley has some of the nation's dirtiest air, and agriculture, the only major industry exempted from cleanup requirements, is a big contributor. The U. S. Environmental Protection Agency is threatening severe sanctions if California does not revoke the exemption.

Farmers and other agribusiness groups are staunchly opposed, arguing that the Florez bill goes far beyond what is required by the federal government.

Florez charged that a last-minute attempt to weaken the bill with amendments was part of an effort by Assembly Democrats to protect Parra from having to cast votes that might cost her support from key groups in her conservative west valley district in next year's re-election campaign. She won the election by a razor-thin margin last year and is considered one of the most vulnerable Democratic incumbents in the Legislature.

"They want to shove in amendments that would make the bill do nothing," Florez said. "I think it's the leadership trying to change the bill so she can vote for it (without offending agriculture) and we're not going to do that."

Fresno Assemblywoman Sarah Reyes, who helped Florez lobby Appropriations Committee members for the bill, said she does not believe the office of Assembly Speaker Herb Wesson is behind an effort to scuttle the bill.

But she joined Florez in voicing frustration that Democratic Assemblymen Leland Yee of San Francisco, Fabian Nunez of Los Angeles and other urban Democrats who normally support environmental legislation refused to support the bill.

"Once again, it's people from the outside who are trying to tell the valley what's best for us," Reyes said.

Florez added, "These are people who have no business voting against an environmental bill for the valley."

Yee said he personally carried proposed amendments to Florez's office Wednesday morning because agriculture representatives said they had tried to talk to Florez about them for months and "couldn't get anywhere with him."

Yee acknowledged that agriculture is not a major constituency in his San Francisco district, but he said farm lobbyists came to him "because they were looking for somebody who was maybe a little more objective."

The bill failed to pass the Appropriations Committee, but the panel agreed to give Florez a second chance next week.

Modesto Bee, Aug. 21

## **Calpine energy project gets OK**

By TIM MORAN, MODESTO BEE STAFF WRITER

The California Energy Commission on Wednesday approved a \$500 million power plant project in the Altamont Pass near Tracy.

San Jose-based Calpine Corp. filed the application for the 1,100-megawatt, natural gas-fired plant. It would serve the Bay Area and Central Valley.

Calpine is committed to building the plant, company spokeswoman Katherine Potter said, but it has no timetable. The state license is good for five years, and construction must start within a year.

The East Altamont Energy Center would go on agricultural land in eastern Alameda County, one mile west of the San Joaquin County line and a mile southeast of the Contra Costa County line.

The location drew criticism, because the plant would be in the Bay Area Air Quality Management District but on the edge of the San Joaquin Valley air basin.

Critics said plant emissions would impact Tracy and the San Joaquin Valley, without requiring the approval of valley air quality officials.

Calpine and state regulators developed a program designed to alleviate air quality problems downwind.

It calls for Calpine to pay \$1 million to the San Joaquin Valley Air Quality Control District to replace older irrigation pumps with new, cleaner ones, according to Mike Hatfield, manager of the East Altamont project for Calpine.

Discussion of water issues resulted in a a pledge to use recycled water as it becomes available from the nearby Mountain House residential community now under construction, Hatfield said.

The air and water issues dragged out the licensing process to 27 months, according to Hatfield.

Potter said the project is "ideally located," saying the proximity to the Bay Area and major transmission lines will alleviate some of the constraints that state power operators have struggled with in moving electricity to where it is needed most.

The East Altamont project still faces a 30-day appeal process and the potential for litigation, as well as a few final permits.

Once those are in place, the company can concentrate on lining up financing and wholesale customers for the plant, Potter said.

"We believe there is a good market in California," Potter said. The new plant will be very competitive, she said, because its fuel efficiency will be 40 percent greater than some of the older natural-gas fired plants in the state.

The Energy Commission has licensed 39 power plants since 1999, totaling 15,465 megawatts. Of those, 24 are in operation, generating 8,086 megawatts.

A megawatt is enough electricity to power 300 homes in Modesto in the summer or about 1,000 homes in the winter.

## **East Altamont power plant approved**

Tony Biasotti, The Tracy Press, August 21, 2003

SACRAMENTO - The California Energy Commission gave its final go-ahead Wednesday to a power plant five miles northwest of Tracy, and the plant's opponents immediately vowed to fight the commission's approval in court.

Wednesday's unanimous decision caps more than two years of study and debate by the energy commission on the East Altamont Energy Center, but the debate is likely to continue in state or federal court, or both.

Tracy resident Bob Sarvey and clean-energy advocate Michael Boyd have led the opposition to

the East Altamont Energy Center. Both spoke against approving the power plant Wednesday, as did Tracy City Councilman Wes Huffman and Planning Commissioner Irene Sundberg. Boyd said his group, Californians for Renewable Energy, will sue to challenge both the energy commission's procedures and the conditions of the power plant's approval.

"We're going to look at everything," he said. "If we sue the CEC, it goes straight to the California Supreme Court. If we sue the San Joaquin Valley Air Pollution Control District, it goes to state Superior Court. There's also a federal agency, the Western Area Power Administration, so we could go to federal court."

The controversy revolves around a series of measures the energy commission is requiring from San Jose-based Calpine Inc. to offset the pollution from East Altamont.

According to an energy commission staff report, the center will produce about 500 tons of air pollution every year. Though the plant will be built in Alameda County, placing it in the Bay Area Air Quality Management District, most of its air pollution will drift eastward into the San Joaquin Valley.

The energy commission's approval includes a number of conditions Calpine must fulfill to offset that pollution. The conditions include purchasing emissions credits, which are payments to other companies for reducing their pollution, paying the San Joaquin Valley air district \$1 million for pollution control programs, and funding clean-air programs such as natural gas buses and clean-burning farm equipment in the valley.

Sarvey, Boyd and other Tracy residents said those measures do not go far enough, especially for the Tracy area.

"Yes, this plant is going to be in Alameda County, but the effects ... are going to end up in Tracy," Sundberg said. "This is a travesty for our community."

Those effects will be magnified by the fact that Tracy will be home to three power plants by the time East Altamont opens, Sarvey said. The Tracy Peaker Plant is operational, while the Tesla Power Plant, in eastern Alameda County and southwest of Tracy, is working through CEC's licensing process.

"We're not saying we don't want the plant," Sarvey said. "We just want it fully mitigated."

The energy commission's staff recommended more stringent conditions, but energy commission attorney Lisa DeCarlo said Wednesday that the staff would support the commissioners' decision. "While this is not what staff recommended, it is based on the evidence and staff will have no problems enforcing it," she said.

Boyd said he will argue in court for stricter pollution control measures, and will also accuse the energy commission of violating California's open meeting laws. The commission's development committee - commissioners William Keene and Robert Pernell - reached important conclusions behind closed doors, he said. Keene said that wasn't true.

"There was no such meeting," he said. "There was discussion between my fellow committee member and I in coming to our decision."

Calpine will now pursue financing for the East Altamont Energy Center. Mike Hatfield, the site's project manager, said the conditions set by the energy commission were not onerous enough to endanger the project's funding.

"We were pleased that the decision clarified what the conditions were, so we have certainty for the banking community," he said.

Based on similar projects in the industry, the East Altamont Energy Center should cost about \$600 million to build, Hatfield said. Between 5 percent and 7 percent of that total will go to air pollution control measures, including those mandated by the energy commission.

Calpine does not have a timetable for opening the plant, but Hatfield said construction is still at least a year away.

In a press release, Gov. Gray Davis praised the decision to license the plant, saying it helps the state on the road to energy stability after the disastrous attempt at electric deregulation of 2001. Davis' handling of the crisis has become a centerpiece of the effort to recall him. In the release, Davis noted the state has licensed 39 power plants during his administration.

## State approves Altamont power plant

Some Tracy residents worry about emissions

By Andy Samuelson, The Record Tracy Bureau Chief  
Published Thursday, August 21, 2003

TRACY -- The California Energy Commission approved a license Wednesday to build one of the largest power centers in the state in eastern Alameda County, despite protests from some residents concerned that pollution from the plant will deteriorate the region's air quality further.

The commission's 4-0 approval culminated more than two years of community meetings and revisions on the 1,100-megawatt East Altamont Energy Center proposed by San Jose-based Calpine Energy Corp. The facility will be built on 50 acres west of the San Joaquin County line, about eight miles west of Tracy.

"Certainly this license is a major development milestone in terms of moving the project forward," said Katherine Potter, a spokeswoman for Calpine.

Proposed at the height of the state's energy crisis two years ago, the East Altamont Energy Center will supply power to about 750,000 homes when it comes on line.

The white-hot energy market has cooled since prices dipped dramatically in the past year, but Potter said the energy center is needed to provide power to homes in the Central Valley and Bay Area.

Mike Hatfield, development manager for Calpine, said he didn't know when construction would begin, adding that the company is trying to secure financing for the project and line up clients.

With the license, Calpine has five years to build a plant on the property, said Chris Davis, spokesman for the California Energy Commission.

East Altamont is one of three power plants slated for the Tracy area, concerning residents such as Bob Sarvey who feel the combined effect of the three plants will dirty the region's air supply.

The 169-megawatt Tracy Peaker Plant went on line in June, and the Energy Commission is reviewing another massive power center, the Tesla Power Plant, also in eastern Alameda County.

The plants generate elements that lead to air pollution by ozone, the primary component of smog, and microscopic particles known as PM 10. The particles can become lodged deep inside the lungs when inhaled.

However, the combined emissions of the three plants running in a year's time is equal to three day's worth of emissions from cars driving on Interstates 205 and 580 near Tracy, Davis said.

Sarvey, who attended Wednesday's meeting, said afterward that he plans to file a petition asking the commission to reconsider its decision. If commissioners decline, he plans to challenge the decision in court.

Sarvey, who owns a shoe store in Tracy and has attended most of the meetings, pleaded with the commission to force Calpine to pay more toward reducing pollution in the Central Valley to offset the plant's emissions.

"The reason I'm here is because my family, my wife, they all have severe asthma," Sarvey said. "I could just move out of Tracy, and I probably should, but then I'd leave behind these people who will be subjected to what I perceive and what the staff has said in its analysis are unmitigated emissions" from the power plant.

In approving the license, the California Energy Commission tried to offset the effects that emissions would have on the Bay Area Air Quality Management District and the San Joaquin Valley Air Pollution Control District.

The commission required Calpine to pay the Valley air district \$1.2 million that would go toward reducing pollution in other parts of the Valley by replacing engines on older farm trucks and farm pumps. San Joaquin Valley air officials signed off on the agreement with Calpine.

The mitigation fees were substantially less than staff had required and were changed by an Energy Commission committee after Calpine officials said they would have difficulty financing the project with the requirements.

The committee, headed by Commissioners William Keese and Robert Pernell, pulled back a proposal to give the Tracy Fire Department \$500,000 to offset costs of responding to incidents at the plant and another that would make Calpine liable for any future air impacts caused by plant emissions.

Commissioner James Boyd said his decision was swayed partly because San Joaquin Valley Air Pollution Control District officials felt confident that Calpine's \$1.2 million payment would offset emissions from the plant.

"I do feel that what the committee is recommending ... is going to be more than protective of the public health of the people in that district," Boyd said before the vote. "I think the committee went the extra mile in going to protect the public's health in that region."

## Meeting fails to answer questions

By Tim Bragg, Californian staff writer  
The Bakersfield Californian

Wednesday August 20, 2003, 11:20:00 PM

More questions were generated than answers Wednesday during a special meeting of the Bakersfield City Council on efforts to resume electricity generation at a Rosedale power plant.

But city officials also acknowledged they do not have any direct power over whether a company's proposal for the plant becomes a reality.

And officials from the current owners of the plant, Pacific Gas & Electric, say the state may force them to restart the plant if the proposal by the company wishing to buy it isn't approved.

North American Power Group, a Colorado-based company trying to get permission to buy the Kern Power Plant from PG&E, told council members that it wants to install electric generators at the plant that would burn biodiesel.

The plant would generate about 100 megawatts of power for utility Southern California Edison.

North American Power Group representatives handed out fliers showing how the plant site, dubbed the "Kern Energy Park," would be landscaped and developed to make the area look more presentable.

The fliers prepared by the company showed a park-like setting with the plant a small part of the background. An energy education center and commercial development would be located on parts of the site.

Michael Ruffatto, North American Power Group's president, said restarting power generation at the plant site would not make Kern County's polluted air any worse.

Instead, Ruffatto said he believes the plant would help air quality by making biodiesel more available for transportation and other uses in the area.

Because biodiesel is considered cleaner than fuels produced from oil, he said having school buses and other vehicles running on biodiesel would reduce the amount of pollutants going into the air enough to offset emissions from the plant. Biodiesel is a fuel produced from vegetable matter.

"This is the perfect location for this kind of plant," Ruffatto said, citing the plant's existing infrastructure and proximity to a railroad line and city streets.

But some city officials called North American's statements way too good to be true.

Instead of answering his questions, City Manager Alan Tandy told council members that the presentation by North American Power Group officials made him even more suspicious of their intentions.

"There's never been a power plant that created no pollution whatsoever," Tandy said. "That simply can't be done."

The power plant, located on the southwest corner of Coffee Road and Rosedale Highway, has not produced any electricity since 1985.

The electricity generators that North American plans to install would not use the existing power plant boilers or superstructure.

Instead, they would be housed in a free-standing building or enclosure the company plans to build. An existing power grid connection at a switching plant on the property would be used to get the energy into the state's electrical system for delivery to Southern California Edison.

The switching plant would continue to be owned by PG&E. North American would keep the old plant infrastructure in place for possible use in the future.

City officials have major concerns about the plant.

They include air and groundwater quality issues, concerns about increased traffic on surrounding streets and the impacts an operating power plant would have on the hundreds of houses and dozens of commercial developments that have grown around the plant since it was completed in the late 1940s.

In May, the City Council approved a resolution by Councilman David Couch that opposes the transfer in ownership to North American with the aim of restarting power generation there.

"I didn't hear or see anything tonight that would change my mind on opposing the plant," Couch said Wednesday.

City Development Services Director Jack Hardisty said most of the permitting process for the plant would be handled on the state level, giving the city a limited role in deciding the plant's future.

PG&E officials said the California Public Utilities Commission has ordered them to sell the plant or resume power generation there itself.

North American officials touted biodiesel as a fuel that could actually help the San Joaquin Valley's chronic air pollution problem instead of hurting it further.

But officials from the San Joaquin Valley Air Pollution Control District say while biodiesel generally produces fewer emissions than petroleum diesel, it produces more emissions than natural gas and some other fuels.

North American Power Group would have to install technology that would reduce the level of emissions from the biodiesel generators to levels given off by natural gas power plants in order gain a permit to operate from the district, officials say.

"I think it's physically possible for them to do that," said Tom Goff, permit services manager for the air district. "But I'm not sure it's financially feasible."

The plant once burned oil and natural gas.

**Editorial, The Fresno Bee, Aug. 21, 2003:**

## **Unhealthy for all**

Valley supervisors take counties down the wrong path on air quality.

*(Published Thursday, August 21, 2003, 5:42 AM)*

What a perfectly sorry spectacle the Fresno County Board of Supervisors staged on Tuesday.

The board went on record in favor of one special interest -- agriculture -- at the expense of a much larger group: anyone who breathes the Valley's polluted air.

The supervisors launched their well-planned stealth attack with the support of the ag industry, voting to oppose four of the eight clean-air bills offered by state Sen. Dean Florez. They were joined by their colleagues on the boards of Kings and Tulare counties.

The whole thing smells worse than a bad air day in the Valley.

To their credit, Supervisors Phil Larson, Judy Case and Bob Waterston orchestrated the charade masterfully. The item was added to the board's agenda on Friday -- after printed agendas had been circulated. That took proponents of the legislation by surprise, though the lobbyists for the ag industry somehow managed to hear about it and show up in force. Very convenient, no doubt, but utterly reprehensible on the part of a public body.

Florez heard about the "debate" while in Sacramento on Tuesday morning, and flew to Fresno in time to address the supervisors that afternoon. By then, industry lobbyists had been given time by their pals on the board to rewrite the resolution so it was more to ag's liking. Florez spoke in vain to a board that had locked in its decision long ago.

The board majority faithfully echoed the bilge that has spewed from the ag industry since the Florez bills first began to take shape. Ag's being singled out by a bill that would require it to get permits for its pollution. Well, yes, since ag is the only industry that has such an exemption, it stands to reason it would be singled out. Ag and its elected shills complain that ag's being singled out by a bill that would phase out open-field burning over a period of years. Well, yes, agriculture's being singled out -- it's the only industry now allowed to burn its waste in the open air.

These supervisors are identified with so-called "voluntary" efforts to clean the air. Such efforts must now be viewed with considerable skepticism. It's apparent that to some, "voluntary" means "as little as we can get away with."

Larson -- former head of the county Farm Bureau, not coincidentally -- offered this blather: "I think we either support our major industry in the Valley or we don't." This isn't a case of either-or; no industry, including agriculture, will get a free ride in the effort to clean up the air.

Agriculture is naturally concerned these days. American farmers are increasingly less competitive with their foreign counterparts, for a variety of reasons. That adds up to a high anxiety level in an industry that's used to having its own way.

But to characterize these clean-air bills as the death knell of the industry -- exactly the song-and-dance performed on Tuesday -- is ludicrous.

The trouble is, it's a strategy that may work. So long as the industry can find such stout defenders as Larson, Case and Waterston, it may stall the inevitable for a while.

The failure of Florez's air bills would have a huge cost. Federal sanctions loom for California and the Valley if we don't make changes. Those sanctions will hit the business community very hard. The supervisors had better start work now on their speeches explaining to business people -- and the rest of the larger community -- why those huge new fees are a good thing.

**The Bakersfield Californian Community Voices / Conrad Howard: Balanced reviews of global warming noted**

Monday August 18, 2003, 05:40:13 PM

This letter is in response to a recent article quoting Raymond Bradley about the Bush administration's "ludicrous" position on global warming and his "fringe" science advisers. Bradley's research groups are supported by grants from the National Science Foundation, the National Oceanic and Atmospheric Administration and the Department of Energy.

For a balanced scientific review not tainted by political agendas and grant monies, I suggest you read the best seller "Satanic Gases" by Patrick Michaels and Robert Balling, which rebuts much of what Bradley states.

This book systematically covers each and every facet of global and climate warming, and has a couple of interesting chapters dealing with federal grant programs and the dictatorial disbursement of hundreds of millions of dollars promoted by former Vice President Al Gore.

Michaels is a research professor of environmental sciences at the University of Virginia and visiting scientist with the Marshall Institute in Washington, D.C. He has a Ph.D. in ecological climatology from the University of Wisconsin.

Balling is professor and director of the Office of Climatology at Arizona State University and has a Ph.D. from the University of Oklahoma.

A quicker read on the subject is by Richard S. Lindzen, the Alfred P. Sloan Professor of Meteorology at the Massachusetts Institute of Technology. It can be found at <http://www.cato.org/pubs/regulation/reg15n2g.html>.

These scientists are not "fringe." They just refute what Bradley is propounding and potentially hurting him in the grant money pocket book.

Global warming is a natural, fluctuating and long-lasting phenomenon accepted by all Earth scientists. It is largely controlled by the Earth's position in the galaxy and sun activity, not carbon dioxide build up.

More on this subject can be found in the July 2003 issue of GSA Today, co-authored by University of Ottawa geology professor Dr. Jan Veizer and University of Toronto-trained astrophysicist Dr. Nir J. Shaviv.

Global warming should not be confused with climatic warming. Climatic warming is considered provincial and the result of events in the troposphere -- the oceans, the atmosphere and volcanic activity. Man may have some influence on climatic warming, but to what degree is still debatable.

The differential criteria for global and climatic warming are clearly explained in the above-mentioned papers.

Carbon dioxide is not a pollutant. On the contrary, it makes crops and forests grow faster. Economic analysis has demonstrated that more CO2 and a warmer climate will raise the gross domestic product, and, therefore, average income.

## **County opposes pollution bills**

By Glen Faison, Hanford Sentinel Executive Editor

The Hanford Sentinel

Aug. 20, 2003

HANFORD - Kings County closed ranks with neighboring Tulare and Fresno counties in opposition of a series of air pollution bills authored by state Sen. Dean Florez.

The four bills, following a summer of revisions and amendments, are part of the Valley Democrat's original 10-bill air pollution legislative blitz.

The bills - and Florez - have drawn fire from Valley farmers and politicians because of the requirements they would place on agriculture. Florez - and his bills - drew similar fire Tuesday.

"Agriculture really hasn't been given the credit for doing what it's done to clean the air," said District 5 Supervisor Alene Taylor. "This is more like the governor and his electricity contracts. ... It's a knee-jerk reaction."

"Sen. Florez has done a lot of good work but in this case he's forgotten where he comes from," said District 3 Supervisor Tony Oliveira.

Deputy County Administrative Officer Mary Gallegos, in her prepared report to supervisors, detailed the proposed legislation as follows:

€ SB 700 would, among other things, redefine agriculture in terms of air pollution emissions, requiring agricultural operations to be permitted and monitored for control by local districts. The bill would dub agriculture a stationary air pollution source, thereby imposing upon individual farmers the full weight of federal regulations and rules under the Clean Air Act.

€ SB 705 would eliminate the permitting or practice of agricultural burning.

€ SB 707, as amended, sets restrictions on large dairies. The bill, for example, would restrict construction or expansion of large dairies by creating a three-mile buffer zone between the dairies and any nearby cities, school sites or census-defined places of at least 5,000 people.

€ SB 709, as amended, requires the San Joaquin Valley Unified Air Pollution Control District to set "a schedule of fees to be assessed on area wide or indirect sources of emissions that are regulated, but not subject to permit, by the district, to recover the costs of district program(s) related to those sources." There are no limits set on these fees. The bill would also add a surcharge to all motor vehicle registrations in the counties served by the district, including Kings. Finally, the bill would grant the district the authority to monitor emissions from all stationary agricultural pumps within the district, including those designated by the Environmental Protection Agency as "nonroad" engines.

The bills are being heard this week in the Assembly, three of them today, after having passed muster in the Senate. Ryan Bertao, executive director of the Kings County Farm Bureau, said local farmers were in Sacramento lobbying against the Florez bills.

Supervisors unanimously passed a resolution opposing the four bills. District 2 Supervisor Jon Rachford was absent from the session. Similar resolutions were passed Tuesday in Fresno and Tulare counties.

Florez, D-Shafter, flew to Fresno from Sacramento Tuesday afternoon to take part in the discussion at the Fresno County Board of Supervisors. He noted that both the cities of Fresno and Bakersfield support his legislation based on the extreme air quality circumstances in the San Joaquin Valley.

The Surface Transportation Policy Project, a nonprofit group based in the nation's capital, released a report Tuesday ranking Fresno as having the second worst air in the nation, while Bakersfield placed third in the list. The Central Valley, meanwhile, is designated a severe non-attainment area under the Clean Air Act.

Kings County's resolution states both the agricultural community and the Board of Supervisors support clean air and recognize the need to change the state's current laws to help in the continuing effort to improve air standards. However, the resolution states that supervisors oppose the passage of the four Florez bills in their current form based on the "devastating adverse economic impacts" they would cumulatively cause on Kings County's economy - harm they contend will come without comparable benefits to the environment.

## **Automobiles are a bargain**

By Randal O'Toole, Tri-Valley Herald  
Aug. 21, 2003

An anti-automobile group called the Surface Transportation Policy Project recently charged that the high cost of driving threatens the American dream for working families. People would be better off, the group claimed, if we invested more in transit and less in highways.

Personally, I would rather ride a bicycle or take the train than drive any day. So I would be attracted to STPP's ideas if they worked. But the group's claims about driving costs are wrong, and its urban transportation goals will only make cities more congested, more expensive and less livable.

STPP claims that transportation is costing an increasing share of American family incomes, and it blames this on the increasing cost of driving. But U.S. Department of Commerce data say otherwise.

In 1950, says the department's Bureau of Economic Analysis ( [www.bea.gov](http://www.bea.gov), auto driving consumed 9.8 percent of the average American's personal income. At that time, Americans drove an average of about 3,000 miles a year. Today, the average American drives almost 10,000 miles a year, yet spends only 8.5 percent of his or her personal income on autos and driving.

Of course, we spend more dollars on cars, but we get a lot more too. Thanks in part to our increased automobility, average incomes have more than tripled since 1950 even after adjusting for inflation. Cars get us to higher-paying jobs than we could reach by transit. Employers pay more because cars give them access to more highly skilled workers. Cars also give us lower-cost consumer goods; without cars, Costco, Wal-Mart and even Safeway couldn't exist.

STPP says transit is better than driving because the average auto commuter spends \$1,280 a year on commuting while the average transit commuter spends only \$765. What they don't mention is that auto commutes tend to cover greater distances than transit commutes. Given equal distances to work, cars cost little, if any, more than transit.

More important, STPP ignores the huge subsidies that support transit. Nationally, for every dollar transit riders pay in fares, taxpayers pay an average of nearly \$3 more. For many Contra Costa County transit riders, the subsidy is even greater. Factor in this cost, and that \$765 a year becomes \$3,000 or more a year.

Admittedly, roads are subsidized too. But most road costs are paid out of gas taxes and other user fees, and the remaining subsidies are tiny relative to transit. In 2001, subsidies for highways, roads and streets averaged just 0.3 cents per auto passenger mile. By comparison, subsidies to transit averaged more than 50 cents per passenger mile, or 150 times more.

STPP wants you to believe that America once enjoyed a Golden Age of transit, when everyone was as mobile as we are today, but by streetcars and commuter trains. If we only spent more money on transit, STPP urges, that Golden Age could return.

This Golden Age never existed. In 1920, when America's cities had the world's most extensive network of streetcars, the average American traveled just 1,000 miles a year by transit. This is less than 10 percent of the travel we do today by car.

Transportation expert Wendell Cox estimated what it would take to build and operate a transit system competitive with the automobile. By this he meant transit that could connect any two points in an urban area in no more than 50 percent more time than it would take to drive. A rail system that could do this, Cox found, would cost 110 percent of the region's personal income. A bus system would cost 22 percent of the region's personal income.

In this light, spending 8.5 percent of our personal incomes on cars is a real bargain. Automobiles don't threaten the American dream; they make it possible.

We need efficient transit systems for people who can't drive, but the sort of transit STPP wants -- expensive rail transit aimed at attracting a few people out of their cars -- doesn't work. STPP's ideas are especially harmful to poor people, who tend to live in the most congested areas and see automobility as their best hope for getting out of poverty.

Automobiles give us higher-paying jobs, lower-cost consumer goods, rapid-response medical care, access to distant friends and relatives, and all sorts of recreation opportunities. STPP's prescription for urban areas would stifle these advantages by building rail lines that few people use while letting the highways become increasingly gridlocked. That's a prescription we can't afford.

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## **Ag air bill stalls but is still alive**

Legislation is one in group aimed at Valley smog

By Jake Henshaw, Visalia Times Delta Sacramento Bureau, August 21, 2003

SACRAMENTO -- A bid to require farmers to meet clean air standards stalled Wednesday in the Assembly, but the issue is likely to get another hearing.

The Assembly Appropriations Committee, on a bipartisan vote, defeated Senate Bill 700 by Sen. Dean Florez, D-Shafter, that would end agriculture's exemption from federal clean air rules.

But the committee granted him a second vote, probably within the next week or so.

"I imagine it will get out," Florez said. "It's just a matter of talking to those [committee] members who still don't understand the bill."

The committee passed Florez's SB708, which increases fines for gross-polluting vehicles and increases aid to help low-income people repair their cars so they meet smog check standards. It next goes to the full Assembly.

Action was delayed on a related air bill, SB707, which would set new standards for locating or expanding dairies of at least 700 cows near communities and schools.

These bills are part of an effort to help the Valley, with some of the dirtiest air in the nation, meet federal requirements and avoid sanctions that could cut federal transportation funds by more than \$2 billion.

SB700 targets an exemption that farmers have enjoyed from clean air standards for decades.

The debate over the bill is driven at least in part by federal officials who agreed last year in the settlement of a lawsuit brought by environmentalists to enforce national air standards on growers.

Health and environmental groups generally supported the bill, while farm groups opposed it.

Farmers have resigned themselves to obtaining permits, but they argue that SB700 goes beyond the minimum federal requirement that targets major sources of agricultural pollution.

Cynthia Cory of the California Farm Bureau said the federal rules only require farm permits for stationary sources of pollution like diesel pumps.

She said SB700 unnecessarily targets other areas such as small animals like a few horses confined in a corral for significant reductions of air pollution.

"These control measures need to go on places that are meaningful," Cory said.

She is offering amendments to scale back the reach of Florez's bill with the backing of what she said are 76 agricultural groups.

"This is a huge priority," Cory said of defeating or amending SB700. "This is going to have a huge impact on agriculture."

[Visalia Times Delta Editorial August 21, 2003:](#)

## **Our bad air comes from many places**

Air pollution is being frequently cited for a host of ills in our Valley and in Visalia. It was cited frequently, for instance, in a discussion about whether to build a new auto mall in Visalia.

A good deal of the criticism of the project came from people who objected to its adding to pollution by increasing the number of vehicle trips. The environmental impact report concluded that it would have the effect of increasing air pollution, but that was unavoidable and impossible to fix.

There is no shortage of surveys and studies that indicate we in Visalia live in the midst of some of the least healthful air in the nation. Another report was released Tuesday, naming Fresno as having the second-worst air in the country, as measured by the number of days in a two-year period in which the air was unhealthy. Riverside was worst, and the top five were all in California. (Bakersfield, Sacramento, Los Angeles).

The survey was conducted by the Surface Transportation Policy Project, a nationwide network of more than 800 organizations, including planners, community development organizations, and advocacy groups, devoted to improving the nation's transportation system.

The organization also concluded that 50 percent of air pollution comes from automobiles and trucks.

These findings were not exactly eye-opening. The air pollution in the Valley is well-documented, and official organizations are beginning to promote mitigation measures.

It is important to keep in mind that pollution comes from many sources, not just one. Even a significant reduction of automobile use would still allow other sources to continue polluting.

That is not to say the area should not take opportunity to reduce pollution, even a little bit, whenever it finds it. We are taking baby steps in this Valley in measures to clean up the air, and we can't afford to pass up even the smallest opportunities.

Stopping the auto mall project might have given people the feel-good sentiment that something was accomplished to reduce air pollution, but it was never conclusive that rejecting the project would have reduced air pollution. True, the project would increase vehicle trips from both employees and customers. But Visalia has concluded that expansion of new car dealerships was desirable and necessary -- perhaps unavoidable. Vehicle trips would increase, just somewhere else. The argument was not whether air pollution would be increased, but where.

Rejecting a project -- whether new business, residential development, commercial or industrial development -- because it will contribute to air pollution is a most unsatisfying solution. Certainly, the area can eliminate air pollution altogether by having all people, vehicles and businesses move out of the Valley. That's not practical.

Our solutions need to lie in the realm of changing technology, behavior and assumptions while accepting growth and progress. Otherwise all we'll have is a vacuum. Oh, the air will be clean, all right, but nothing will live here.

We've repeatedly said it is unfair to put the entire burden of cleaning the air on one industry. In this area, the industry is often agriculture. It can also be business related to automobile sales and use.

The area needs to focus on allowing those industries to function while promoting strategies that help clean our air through all interests, not just with new car dealers.

[Tulare Advance Register editorial August 20, 2003:](#)

## **Emission controls on diesel pumps go too far**

The Environmental Defense, based in New York, has notified the Environmental Protection Agency of its intent to sue for that agency's failure to establish nationwide emission standards for

diesel-powered electrical generators and other stationary diesel engines, such as irrigation pumps.

Simply put, such a requirement would do little to curb pollution and would place a financial hardship on many businesses, especially farmers.

There is little doubt that diesel engines lead to air pollution, but that is mainly from those that power trucks. Most stationary engines are used fewer than 500 hours a year, some less, and add very little to air pollution.

If the EPA sees fit on imposing some sort of emission standards on diesel engines, then it should do so only on those that operate more than a certain number of hours a year. Forcing expensive adjustment requirements on farmers who run such engines a few days at a time only three or four times a year would only place a greater burden on them to stay in business. And, limiting emissions from an engine that only runs a few hours a year would do almost nothing to improve air quality. The same is true for backup generators that may not be used regularly, if at all in a year.

The EPA already has strict emissions standards for diesel trucks and buses.

What could be done is for the government to come up with a program to help farmers switch their old diesel engines to natural gas or electricity. That program would solve emission problems without costing taxpayers a lot of money to monitor emissions from the 16,000 stationary diesel engines in California alone. A similar program conducted recently helped farmers replace their old diesel engines with -- newer diesel engines.