

Injunction may allow dairies breathing room

By Mark Grossi
The Fresno Bee

[Fresno Bee, Monday, June 28, 2004](#)

It is the eleventh hour for dairy leaders who hope a judge today will prevent authorities from forcing air-operating permits on dairies two years earlier than they expected.

If their case for a Fresno County Superior Court injunction fails, owners of about 350 large dairies in the San Joaquin Valley will have to file for the permits by Thursday.

Dairy officials are fighting the deadline, believing they negotiated a two-year delay as part of a new state law, Senate Bill 700. The law last year lifted a decades-old farm exemption from air permit programs.

"They have to abide by the July 1, 2006, deadline for dairies," said Michael Marsh, chief executive officer of Western United Dairymen, one of the plaintiffs. "But, in any event, we've told our members to be prepared with the permit paperwork for the deadline."

Many around California are watching this lawsuit, which will affect dairies statewide. The Valley provides the biggest boost to the state's \$4 billion industry with Tulare County generating more than \$1 billion in dairy products as the nation's No. 1 dairy county. Western United and Alliance of Western Milk Producers filed the suit in May against the San Joaquin Valley Air Pollution Control District, which also cites SB 700 as the reason for requiring large dairies to join the permit program by Thursday.

District officials maintain the law, authored by Sen. Dean Florez, D-Shafter, specifies the July 1, 2004, deadline for all of agriculture.

That includes farms, ranches and dairies annually producing 12.5 tons or more of smog-forming gases.

But dairy leaders argue the law includes provisions allowing more time for research on dairy emissions.

Air authorities base estimates on science dating back to the 1930s, and no one expects credible research updates until next year.

Preliminary research suggests estimates are overstated, which could mean some dairies might not need to get a permit.

When research is completed, the law says state and local officials must review it and make regulations by July 2006, dairy officials said.

Valley air district counsel Phil Jay agreed the law includes such language, but he said it does not provide a two-year delay for permits.

"That's not the way the bill reads," he said.

The permits require businesses to pay fees and account for all the pollution from their operations.

For many years, authorities have required these permits from large businesses, such as power plants and glass factories.

Air officials said the permits help them track pollution from major sources. The district then can make more precise cleanup plans.

With the deadline approaching, district officials are concerned about the low number of farm applications received thus far.

Officials estimate that about 1,000 farms and ranches and about 350 animal operations must apply for the permits. Only several dozen farmers have filed applications.

"It's important for every ag source to know that unless they already have verified with the district that they don't need a permit, they should contact us right away," said Dave Warner, director of permit services.

The deadline applies statewide for all large farming operations, but Southern California dairies face even more regulation.

South Coast Air Quality Management District officials propose an unprecedented regulation to control ammonia, which combines with other chemicals to form microscopic specks of pollution.

The proposal would require manure removal four times a year, record-keeping and fees for any dairy with more than 50 cows, heifers and calves.

The South Coast governing board is scheduled to consider final approval in August.

In the Valley, dairies face further regulation for dust and particle control on unpaved roads and equipment areas.

Smog plan to benefit car sellers

Auto dealers stand to save millions on tests.

By Jennifer M. Fitzenberger
Bee Capitol Bureau

[Fresno Bee, Monday, June 28, 2004](#)

SACRAMENTO -- Gov. Schwarzenegger's smog reduction budget proposal contains a provision that insiders say would save auto dealers millions of dollars, prompting some to question the governor's political motivation.

Schwarzenegger's plan would allow Californians to sell cars newer than four years old without having to get them tested for smog emissions regulations. Dealerships sell about 90% of used cars four years old or newer, according to consumer watchdog groups.

If lawmakers accept the governor's proposal, auto dealers stand to save tens of millions of dollars they otherwise would have spent to test their cars' smog emissions system -- and dealers don't have to pass the savings on to buyers.

Many say the provision doesn't belong in an air quality plan and question whether Schwarzenegger is cozy with auto dealers.

"What is publicly presented as a pollution reduction program, which we all would want to support, in fact provides a hidden benefit worth millions to the car dealers," said Richard Holoher, executive director of the Consumer Federation of California. "That is a very devious way of doing public policy."

The auto dealership industry has pumped about \$1 million into Schwarzenegger's campaigns, according to the Foundation for Taxpayer and Consumer Rights.

During his first week in office, Schwarzenegger celebrated his rollback of vehicle license fees at Galpin Ford in Southern California, where he urged Californians to buy cars. The family that owns the dealership donated more than \$50,000 to Schwarzenegger committees.

Schwarzenegger also abruptly fired Steve Gourley, the director of the Department of Motor Vehicles who was known for cracking down on auto financing scams.

Terri Carbaugh, a spokeswoman for Schwarzenegger, said the smog reduction plan, released this month, benefits consumers and the fight to clean California's air. If dealerships also benefit, so be it. "What's wrong if the consumer benefits and the industry benefits? I'm not understanding where the problem is," Carbaugh said.

Brian Maas, director of government affairs for the California Motor Car Dealers Association, acknowledged that Schwarzenegger's plan benefits dealers, but he said his group did not ask for the change-of-ownership provision. The plan, he said, also benefits consumers.

New air district rules start July 1

As deadline for permits approaches, many farms have not completed applications

By Dave Myhra - SAN JOAQUIN BUREAU

[TriValley Herald, Sunday, June 27, 2004](#)

The deadline for large farms and dairies to apply for air and dust permits is fast approaching, and the San Joaquin Valley Air Pollution control District has yet to get an overwhelming response.

The deadline for applications for air permits is July 1. Yet of the 1,000 dairies and farms affected by the new rule, only a few dozen have completed applications.

"I think that they are waiting for more information, they are waiting to become more educated on it," said Anthony Presto, air district spokesman.

The district has been attempting to educate farmers with 34 workshops held in May and June, the last one was held on June 10.

The new rules state that any farming operation putting out half of the federal government's major source threshold for air pollution must get a permit. That threshold for farms is 25 tons of ozone per year.

"It is important for every ag source to know that unless they already have verified with the air district that they don't need a permit, they should contact us right away so we can help them determine if they need to go through the application process," said Dave Warner, air district's director of permit services.

Those who put out more than the federal standards will need to get a federal permit as well, beginning next year, Presto said.

July 1 also marks the beginning of the district's conservation management practices, which are designed to minimize dust in crop farms and animal feed lots.

Any farming operation that puts out more than 35 tons of particulate matter, which includes dust, in a year must get a permit and institute reduction measures, including farming at night and covering manure piles.

Farmers can use "whatever means works best for them," Presto said.

For more information, or to apply for an air permit, visit www.valleyair.com, or call the district at (209) 557-6457.

Jones: I'll lobby for capacity

By ERIN WALDNER, Californian staff writer

[Bakersfield Californian, Monday, June 28, 2004](#)

In a visit to Bakersfield Thursday, GOP Senate candidate Bill Jones said if elected he will lobby to expand refining capacity in California.

Jones spoke at Guinn Construction, the Shell Bakersfield Refinery on Rosedale Highway directly behind him. The refinery's last scheduled day of operations is Sept. 30.

Jones said he supports the California attorney general's decision to hire a consultant to facilitate the refinery's sale.

"But Barbara Boxer, in contrast to that, just as she has in every other case, simply sends out angry letters," Jones said. "But she's done nothing. She has not generated one additional drop of high octane fuel."

Jones, former secretary of state, is vying for Boxer's seat in the U.S. Senate.

Boxer's office did not return calls seeking comment.

Boxer has called on the attorney general and the Federal Trade Commission to do what they can to keep the refinery open. She also met with the head of Shell Oil Products U.S. to discuss the refinery.

Jones spoke of his five-point plan for "energy revitalization" in California. Oil production is one component of the plan, said Jones, who served in the California Assembly for 12 years and authored the three-strikes law.

"For 31 years, since the original Middle East embargo, we have been held hostage to an ongoing problem of limited refinery capacity and other problems with respect to energy," Jones said.

Jones' energy plan includes the following goals:

- * Increase electricity capacity through power plant development.
- * Expand and modernize transmission lines.
- * Expand natural gas supply and infrastructure.
- * Expand refining capacity and California's access to transportation fuels.

"We have built no new refineries in 35 years and we sit here today, in front of an old refinery ... and these refineries have been unable to stay competitive in California," Jones said. "With the new air quality requirements, with the depletion of oil in the area, we've seen a situation where these refineries cannot stay competitive."

* Expand production of alternative energy. He said Pacific Ethanol, a company he began last year, will begin to break ground on one large bio-refinery.

"So there are new solutions that we can bring to California that protect the air and that also provide low cost fuel. But we also at the same time need to work together to keep facilities like this open," Jones said.

About 20 supporters gathered to hear Jones speak.

"We support Bill Jones. He's trying to get refineries built. He's trying to help all Californians," said Brianna Buoni of Bakersfield.

Chipping In:

Market heats up for gourmet smoking woods

By PATRICK GIBLIN

[Modesto Bee, Monday, June 28, 2004](#)

Mesquite wood chips in the barbecue might have been all the rage 10 years ago, but it's time to try something different, said Tom Duncan, owner of Duncan's Gourmet Smoking Woods.

Maybe apple wood or persimmon chunks or even wood soaked in red wine or whiskey.

Those types of wood are among the 15 types Duncan sells.

Those woods, he said, will add a new spice to barbecued steaks or anything else cooked on a grill.

"You want to use alder wood for salmon and olive wood for Greek and Mediterranean foods," Duncan said. "But my best selling chips are the plum wood. They are great for baby back ribs."

Duncan, 61, said that when he grills, he combines apple and cherry wood for his marinated beef. It adds a slightly sweet and tangy flavor to the food.

He sells the chips through his home-based business near Waterford and at Jonathan's Fresh Fish Market in Modesto.

He also sells them out of a trailer at local festivals along with a line of honey he's offered for about six years, he said.

"At the Hughson Fruit and Nut Festival, we actually sold more honey than we did wood chips," Duncan said.

But he hopes that will change once people learn how different woods can enhance the flavor of barbecued food. For example, peach wood adds a tangy taste, while almond gives meat a nutty flavor.

About one to three cups of chips should be used per cooking session, Duncan said. They need to be soaked about 30 to 45 minutes before being added to the barbecue. That way, when the chips heat up, the steam from the water carries the wood's natural flavor into the meat.

Directions on how to use the chips are included with each bag, which come in two- to 20- pound sizes. Duncan chops, chips and packs the wood himself, he said.