

## **Dairies fail to delay air rules**

### **Judge cites health issues, affirms Thursday's deadline to submit applications for air permits.**

By Matt Leedy  
The Fresno Bee, June 29, 2004

Valley dairies have until Thursday to turn in applications for newly mandated air-operating permits after dairy officials lost their bid Monday for a delay.

Industry leaders believe they shouldn't be required to obtain permits for two more years and are suing a local air district to get that time. The dairy officials asked Fresno County Superior Court Judge Wayne Ellison to suspend Thursday's application deadline until after the trial.

Ellison denied the request for a preliminary injunction, saying concerns for the public's health outweigh any hardship dairy farmers could endure because of an application process that includes about \$300 in fees.

"It's a public health issue," said Phil Jay, a lawyer for the San Joaquin Valley Air Pollution Control District. "You're looking at the last remaining sources of air pollution that didn't require a permit."

The air district is being sued by the Western United Dairymen and Alliance of Western Milk Producers. Lawyers were working Monday to schedule a trial date. The Fresno County lawsuit, filed in May, is receiving statewide attention. The Valley anchors the state's \$4 billion industry, with Tulare County producing more than \$1 billion in dairy products. It's the nation's No. 1 dairy county.

The dairy officials contend that they negotiated a two-year delay in a new state law, Senate Bill 700, that lifted a decades-old farm exemption from air permitting programs.

Air district officials say the permit process begins this week with the Thursday application deadline. About 350 large dairies in the San Joaquin Valley will have to file for permits.

Dairy pollution in the Valley has gone unchecked for years, Jay said, "but rather than own up to their contribution to the problem, the dairies have filed a lawsuit."

Air officials have said the permits will help them track pollution and make precise cleanup plans.

Dairies with more than 1,954 animals in a confined area will likely need a permit, Jay said. The air district estimates dairies of that size will produce 12.5 tons of smog-producing gases, the permit threshold.

Air district officials estimate it will take 30 days to process the three-page applications and an additional 180 days to issue or deny permits.

The new law, by state Sen. Dean Florez, D-Shafter, targets farms, ranches and dairies.

It includes provisions, dairy leaders argue, that allow more time for emissions research.

The permit process that begins Thursday could require dairies to buy pollution-control technology called "extraordinarily expensive," by David Cranston, a lawyer representing the dairy leaders.

The permit process, he said, could also open dairies up to fines, penalties, closure and criminal prosecution. In all, it could cost dairies "tens of thousands of dollars."

Air authorities base estimates on science from the 1930s. Research updates aren't expected until next year.

The new rules are too vague and difficult for dairy owners to follow, Cranston said.

Farmers haven't had time to voice their concerns, he said, and impacts on the economy and jobs weren't considered.

"The dairy industry does not seek to avoid regulation. They want clean air. They want clean water," Cranston said. "They just want an opportunity to have a public hearing and have their voices heard."

"This is brand new to us. Dairies have never been regulated before. We need time to understand the impacts it's going to have."

## **Out of breath: Asthma sufferers have difficult time in poor conditions**

By Andrea Todd, Bee staff writer

The Modesto Bee, June 29, 2004

Children in the Central Valley live nearly every day under orange alert.

It's not the orange alert you're thinking of.

This one is issued by the San Joaquin Valley Air Pollution Control District -- and means that the air we're breathing is a health hazard.

If you happen to be asthmatic, it means the air you're breathing may be deadly.

Talk about biological warfare.

"Years ago, they never equated air quality with asthma attacks," says Alicia Bohlke, director of the Merced/Mariposa County Asthma Coalition and mother of an asthmatic child. "Now, a parent of a child with it can't go anywhere not knowing what the air quality is."

Bohlke's 7-year-old son, Daniel, was diagnosed at age 1 but didn't have asthma issues until moving to Merced in January 2003. "The following month, I spent the scariest night of my life in the ER following an attack," she says. Her son woke up in the middle of the night, unable to breathe.

"It comes on sudden, and you can develop it any time," says Bohlke, who formed the coalition to organize, educate and empower parents of asthmatic children. "Especially living here, where the air is consistently so bad."

Poor air quality is the leading contributor to asthma, a potentially fatal disease of the respiratory system that reduces or blocks normal air flow in the lungs. There is no cure for the condition; it is managed with medication and lifestyle. It can occur at any age, but is particularly dangerous in children because it does permanent damage to developing lungs.

Nationally, the number of children diagnosed with asthma has increased 200 percent in 12 years and is the No.1 cause of school absences.

According to the American Lung Association's State of the Air report this year, nearly 20,000 Merced and Mariposa residents -- 7,000 of them children -- struggle with asthma.

According to the state Department of Health Services and a 2004 California Health Interview Survey, 14 percent of Stanislaus County residents -- about 68,000 people -- have been diagnosed with asthma. That's more than twice the national average and up from 9.7 percent in 2002.

### **Raising red flags**

The Merced/Mariposa County Asthma Coalition is fighting back -- with education and awareness programs including the Asthma-Friendly Flag Program.

In this color-coded system, asthma sufferers are under orange alert when the air quality is "unhealthy for sensitive groups," or at a level between 101-150, based on standards set by the U.S. Environmental Protection Agency, known as the Air Quality Index, or AQI.

Mary-Michal Rawling, environmental specialist for the asthma coalition, says that when the orange flag is flown from school flagpoles -- right under the U.S. and California flags -- teachers, administrators, parents and students know that sensitive individuals should limit prolonged outdoor exertion and have alternate indoor activities made available to them.

When the valley is under red alert, everyone stays inside, Rawling explains.

"The air-quality flag system is under consideration for implementation in other counties ... but we were the first. We're very proud of that fact."

There are many orange-alert days in the valley. "Air quality here is worse than people know," Rawling says. "It's worse than it is in Los Angeles."

### **Trapped pollutants**

We live in a unique geographical area, she says, that's susceptible to poor air conditions for many reasons. During the summer months, the pollution settles in the valley rather than blowing off the coast because of an inversion layer that acts "like a lid," Rawling says. The extreme heat cooks the noxins (diesel fumes, dust, pollens and allergens, agricultural and industrial pollutants, and vehicle exhaust) in a poisonous cauldron of particulate matters. "These particulate matters bypass the body's defenses and are getting into our blood, causing decreased lung function, heart and respiratory disease over time," she says. "Blood tests prove it's in there, every day."

In 2003, according to air pollution control districts that issue reports to the EPA, there were 130 days of unhealthy air quality in the San Joaquin Valley. Los Angeles had 120. Merced is the sixth-worst U.S. metropolitan area for ozone pollution -- the major cause of asthma, says the American Lung Association of the Central Valley.

Because more than a third of those with severe asthma are under age 17, coalitions like those in Merced and Stanislaus counties have organized educational programs including the EPA Indoor Air Quality Tools for Schools, the Open Airways rescue program, the clean-air badge for Boy and Girl Scouts, and the aforementioned asthma-friendly flags.

Stanislaus County has opted not to use the flag system. Instead, "when we receive a notice from the local air quality control district about potential health issues due to air quality, we send an e-mail out to school principals advising them to curtail student activity," says Debbie Bailey, Modesto City Schools deputy superintendent for business services.

Stanislaus doesn't use the flag system because "we really don't have room to store the flags, or run out to the schools and put them up," Bailey says.

### **Asthma action plans**

Stanislaus County schools are putting together asthma action plans -- materials for teachers and students on how to treat students suffering from asthma and asthma attacks, says Patty Cassinerio, director of health services with the county office of education. "We recognize that it's a high-priority problem for children. We encourage children to bring medications to school and to allow children to carry their inhalers, but each school has its own policy. Families need to contact their school principals and nurses directly and work within their rules and restrictions to set up a plan of action, in case the student has an attack."

Asthma action plans also determine when and if physicians are contacted, Cassinerio says.

"Children with asthma have problems in schools for various reasons," Rawling says. They may not exercise, mistakenly believing that they can't or shouldn't, for example. "Another problem is that these children often have breathing difficulties that interfere with their sleep. They come to school and have trouble with classwork. Their grades may be adversely affected."

Those developing asthma will often experience shortness of breath, chest tightness, coughing and wheezing on a frequent basis. Attacks may be triggered by allergens or irritants -- smoking, dust, pet dander and perfumes. Other factors can include exercise, cold weather and emotions such as anxiety. Asthma is not contagious, but it does run in families.

Poor air quality is the biggest contributing factor because it affects everyone -- worsening the condition in those who suffer from it and causing it in those who aren't born with it, says the American Lung Association.

"In general, in the past, there's been an emphasis on having the rescue medication available for the children -- for attacks that can be life-threatening," says Cassinerio, a former school nurse. "Now there is more emphasis on controlling asthma, using control medication as well as education and awareness to prevent asthma episodes in the first place."

Of course, schools still are prepared to treat asthma attacks, she says, adding that school nurses encourage children to have two inhalers available at school -- one as a backup in case an attack occurs.

But in most schools, children are not allowed to carry their medication and inhalers on their person, because of drug policies and liability issues, Rawling says. "We see it happen -- children have an attack and the inhaler is locked in an office somewhere, or the school secretary may not know how to use it."

While school nurses are responsible for dispensing inhalers and asthma-attack medication, "We have 40 nurses for more than 100 schools here in Merced alone. More often than not, the nurse isn't on campus."

In the event a child has an asthma attack -- and a school nurse is not on campus -- most schools attempt to contact the nurse or a parent before dispensing the medication; a process that can be time-consuming.

"Meanwhile, the child is having trouble breathing," Bohlke points out. "It's scary for everyone, and it's risky to have to wait any amount of time."

Older children break the rules and carry their inhalers with them despite school policy, Rawling says.

Regardless of the differences in school policy regarding this condition, all area administrators agree it's an increasing children's health issue that needs to be reassessed.

"Everyone, not just school administrators, need to take asthma more seriously. Because according to all the stats I'm reading and hearing, it's on the rise," Cassinerio says.

"The flags publicly let everyone know how healthy our air is on a given day," says Bohlke, who checks out the flag each day she drops her son off at school -- and plans her day accordingly. If a yellow, orange or red flag flies, she is ready for a call from the school regarding her son. "I am ready, and the teachers and the students are ready."

The fact that the air quality flag flies below our national flag is significant, Bohlke says. "The flags also remind us how critical it is to have quality air to breathe."

For information about the Merced/Mariposa County Asthma Coalition, visit [www.mmccac.com](http://www.mmccac.com) or call 384-6759.

For information about the Stanislaus County Asthma Coalition -- a branch of the Stanislaus County Health Services Agency -- visit [www.schsa.org](http://www.schsa.org).

For local information about asthma and asthma prevention, contact the California branch of the American Lung Association at 510-638-5864, or visit [www.californialung.org](http://www.californialung.org).

## **Smog plan to benefit car sellers**

### **Auto dealers stand to save millions on tests.**

By Jennifer M. Fitzenberger  
Bee Capitol Bureau

The 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 Holober, 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.

"I don't think it's payback to anybody other than the voters who elected him," Maas said.

Dealers will still have to test cars that need smog emissions system repairs and are under warranty. And, said Carbaugh: "There's nothing that prevents a [buyer] from seeking a smog test should they desire. Nobody's hands are tied."

Consumer advocates fear that some buyers unknowingly will purchase cars with smog emission problems and be stuck with massive repair bills. Such repairs average \$135, but costs can run several hundred dollars.

"If you buy a car not knowing that it won't meet smog, and later down the road you have big repair costs, that could be a big problem," said Rosemary Shahan, president of Consumers for Auto Reliability and Safety.

Chris Walker, representing the California Service Station & Automotive Repair Association, said the car modification market is huge. An owner could tamper with a smog emissions system, then sell the car to someone who might not recognize the change.

Automobile owners have been required since 1989 to provide purchasers with valid smog certificates. The requirement protects buyers from purchasing cars that don't meet smog emissions guidelines.

Consumer advocates, though, say Schwarzenegger's plan has redeeming qualities.

Under the proposal, car owners would have six years instead of four before having to get new vehicles checked for smog emissions standards. That, coupled with the change-of-ownership exemption, would save consumers \$48.5 million annually, according to the administration.

In return, owners would pay a yearly \$12 smog abatement fee -- double what they pay now.

In all, Schwarzenegger's plan puts \$67.8 million per year toward improving air quality. About \$6.8 million per year would go toward the Bureau of Automotive Repair's effort to retire gross-polluting vehicles and help low-income families afford smog-related vehicle repairs.

The remaining \$61 million would feed the Carl Moyer Program, which has helped pay to refurbish or replace 1,500 soot-spewing agriculture engines in the San Joaquin Valley, and about 4,900 engines statewide. The change has kept about 4,650 tons of nitrogen oxides -- an ingredient in

ozone -- from California's air each year, which is equivalent to emissions from 37 large power plants, according to the California Air Resources Board.

Jerry Martin, a spokesman for the board, said Schwarzenegger's plan would, by 2010, cut about 30 tons of nitrogen oxides from the air per day. That amounts to about 40% of the nitrogen oxides California's power plants emit each day.

He said it also would take some pressure off local air districts, including San Joaquin Valley's, that are struggling to meet federal requirements.

The change-of-ownership exemption in Schwarzenegger's plan doesn't help the air pollution control effort -- but it doesn't hurt it either, Martin said. Cars newer than four years old rarely fail smog emissions tests.

Some say Schwarzenegger's plan is more helpful than harmful.

"In the end, we have more funds for Carl Moyer, more savings for individual consumers and cleaner air," said Sen. Dean Florez, D-Shafter, who pushed through five clean-air laws last year. "While the consumer groups may criticize the deal, they can't dispute the air quality benefits."

Sources close to the plan said the Schwarzenegger administration formed its proposal after one offered by a Senate budget committee was opposed by the oil industry.

The Senate plan would increase gas and vehicle registration fees, amounting to about \$200 million per year that would go to Carl Moyer and other air-related vehicle programs.

Carbaugh would not discuss the Senate's plan or say whether Schwarzenegger feared the oil industry's opposition.

Lawmakers late last week still were considering the plans, but sources said Schwarzenegger's likely will get the nod.

John White, representing the Sierra Club, said the governor's plan isn't the best, but it is better than nothing at all.

"We're out of money," White said of Carl Moyer. "It's like bringing water to a thirsty man."

The Legislature created the Carl Moyer Program in 1998 with a \$25 million budget allocation and named the fund in honor of a key figure in developing state air quality measures. The state continued to feed the pot until 2002, when voters approved Proposition 40, giving \$50 million to the Air Resources Board to distribute to local air districts.

But the money soon will be gone.

Walker, representing businesses that perform smog emissions checks, said Schwarzenegger's plan to fund Carl Moyer is flawed. Shop owners who recently spent thousands of dollars to upgrade smog-check equipment would see a drop in business.

"When I first heard about it, I thought, 'Gosh, that sounds like a win-win for consumers and taxpayers in the state,'" Walker said. "But when you start pulling it apart and looking at it, it's a real problem. We believe there are better ways to fund Carl Moyer."

## **Next up in summer: heat, smog**

**Far-out forecasts tough, but these two are a safe bet.**

By Mark Grossi  
The Fresno Bee

Sunday, June 27, 2004

Smog season -- the scourge of summer -- slipped into the San Joaquin Valley on the last day of winter this year when Kern County baked in 90-degree heat.

Arvin recorded a rare March violation of the daylong smog standard, signaling the start of what looked like an early, stifling summer.

After all, the Valley led the nation in such heat-related smog violations for the past five years.

But warm, dry days and cool, pleasant evenings came to dominate spring.

A very warm March does not equate to a miserable April, May and June. On the flip side, a balmy spring does not mean a mild summer, though meteorologists say they talk to people who sometimes see it that way.

"People really connect recent experience with the future," said meteorologist Bill Mork of the state Department of Water Resources. "What have you done lately? That's the weather they remember, and some think it means something for the next month or season."

Adds meteorologist Jeffrey Nesmith with the National Weather Service's Hanford office, "You can't assume things will stay the way they are from month to month."

You also can't assume Nesmith, Mork and their colleagues know exactly what's coming two months from now.

Nature is too capricious for that.

"People call me in June and say they're going to be married on the last week in August," Nesmith said. "They want to know what the weather is going to be for the wedding. We don't do that. We're mostly talking about the next few days."

The next few days should provide what Mork calls "resort weather" for late June in the Valley.

He expects highs in the mid-90s and lows in the 60s.

What about the rest of the summer? Long-range forecasters for the federal government offer clues about what the next season holds.

They produce national 30-, 60- and 90-day forecasts based on probabilities or odds.

The odds favor above-normal temperatures for the West in the coming months. Mork believes the heat will begin rising around the Fourth of July.

You don't need a scientist to figure Valley smog is a safe bet in summer.

Smog, or ozone, forms when sunlight, warmth and calm winds prevail.

Even with a pleasant spring, the Valley already had 27 days this year above the daylong smog standard, tied with the Los Angeles area for the highest total in the country.

A little further grist: The National Parks Conservation Association last week announced Sequoia and Kings Canyon National Parks, east of Fresno, are the smoggiest national parks in the country.

Most of the pollution comes from the Valley.

The smog monitor at Ash Mountain in Sequoia National Park already recorded three air violations.

In the Los Angeles area, where motorists drive 300 million miles daily, Azusa has four so far this year.

Valley smog does not need 100-degree days to form.

The mercury has hit 100 degrees only twice this year in Fresno.

By the end of June last year, the temperature climbed above the century mark 10 times -- including a 105-degree reading in May and a 107 in late June.

As the summer pattern of hot, still days develops, smog probably will hang longer in the Valley, said supervising meteorologist Evan Shipp of the San Joaquin Valley Air Pollution Control District.

"In Southern California, any minor weather system will lower the ozone levels, so they get breaks occasionally," Shipp said. "But the minor systems often just blow over the top of our region, and we still have a murky layer of air."

## **PG&E vs. cow power**

**Dairy farmers say the utility opposes energy from methane gas**

By Glen Martin, Chronicle Environment Writer

Sunday, June 27, 2004

**Durham, Butte County** -- California is the nation's biggest dairy state, with 2,000 dairies supporting 1.2 million cows. And all those contented bovines produce more than milk. They also generate millions of tons of manure, which foul air, land and water.

Some farmers see that mountain of ordure as more than a stinking heap: It's a gold mine, they say, that could be used to generate electricity from methane gas, reducing the state's reliance on foreign oil and providing power for hundreds of thousands of California homes.

But dairy farmers say there's a problem: Pacific Gas and Electric Co.

Rather than encouraging methane-powered electrical generators as other state utilities are doing, critics say, Northern California's largest utility is actively undermining adoption of the technology by burdening farmers with excessive expenses and endless paperwork; that, they say, makes it impossible to get a methane system online in a timely and economical fashion.

"At every step of the way, they try to hit you with new charges, or impose ridiculous metering systems or delay your project," said Leo Langerwerf, whose dairy here near Chico supports 350 milking cows and 450 calves and heifers. "Basically, you can't believe anything they tell you."

Langerwerf, a tall, powerfully built man with an acrid sense of humor and a sharp tongue to match, is in an enviable position compared with most other farmers. His farm has been burning methane to produce electricity since 1982. The contract he has with PG&E requires the utility to buy all his excess power, for which he gets a credit on his electrical bill.

Langerwerf produces about 70 to 85 kilowatts an hour -- enough power to supply about 70 homes. But he says he feels sorry for other farmers who are trying to get hooked up to the PG&E grid because of the enormous costs and hassle involved.

PG&E officials say that the accusation is unfair and that the company is committed to developing renewable sources of energy like methane. Any delays and fees it imposes on methane power generation, they say, are borne out of safety concerns: without proper safeguards, methane-power systems could produce too much power and trip or damage the electrical grid.

Methane digesters, as the systems are known, generate power by burning methane gas produced from manure. The mechanics are relatively simple. First, manure is scraped from barns and dumped into a pit, where it is mixed with water, creating a slurry. The slurry is then piped to another enclosure, typically covered by a huge, expandable plastic bag. Here the mixture is heated, maximizing the release of methane gas. The gas is then piped to an engine where it is burned, driving a generator that produces electricity.

After the slurry has released most of its methane, the solid material is removed and composted. It can either be used as a soil supplement, or dried and employed as livestock bedding. The liquid from the slurry is transferred to a lagoon, where it ultimately is pumped to pastures and croplands as fertilizer.

The technology, which has been around in its current form for at least two decades, provides multiple benefits: It allows farms to end reliance on power from centralized suppliers, feeds excess power into regional grids, and reduces water pollution and methane gas emissions -- a contributor to global warming. Ultimately, its promoters say, methane could provide power for as many as 200,000 homes in the state.

In other areas of the state, said Mark Moser -- whose East Bay company, RCM Digesters, builds methane digesters for large farms -- utilities are promoting the technology. "The Sacramento Municipal Utility District (SMUD) is actively recruiting farmers to build digesters," said Moser. "Southern California Edison and San Diego Gas and Electric are supporting it. These utilities see methane as one part of the solution to California's power needs."

But PG&E seems to view it as a threat, Moser said. "Under PUC rules, they have to (use) the power these systems produce, and they don't like that. So they're trying to extinguish the technology."

PG&E impedes methane technology by imposing complex and expensive requirements on farmers who want to hook up methane systems to the utility's grid, Moser said. These include lengthy studies, special meters and prepaid maintenance fees. "They make it complicated and costly," he said. "And when it gets too complicated and too costly, it stops you."

The state's other utilities, Moser said, "typically take about six months to approve a digester. On one (PG&E) project I'm working on, we're at a year (waiting for approval) and still counting. And PG&E will charge that farmer at least \$20,000 more than another state utility would charge."

Larry Castelanelli of Castelanelli Brothers Dairy in Lodi is trying to install a methane digester at his farm. He said he's been confounded by the complexity and expense of hooking up the system to PG&E.

"I have to go ahead with this, because I've already spent \$200,000," said Castelanelli. "And I don't want to (anger) PG&E -- I have to do business with them. But the time it's taking and the money it's costing really hurts." Ultimately, Castelanelli will spend about \$500,000 for the digester and interconnection to PG&E.

PG&E codifies its requirements for methane system hookups in a "handbook" that it compiled under Rule 21 -- a state Public Utilities Commission regulation governing small energy production systems. The problem is that different utilities interpret Rule 21 differently. Among the things PG&E justifies in its Rule 21 "handbook" are expensive studies, charged to the farmers, on connecting digesters to PG&E's system. For example, the cost for the Castelanelli digester study was \$7,500.

The handbook, PG&E officials said, reflects state PUC policy on safety. Many of the expenses farmers are concerned about, said PG&E project manager Art McAuley, "are related to protection requirements (specified) in our handbook on safety. The intent is to keep the system's integrity. (Digesters) could produce too much power, trip the system or damage it."

But no other utility requires such pricey studies, said Moser, because redundant safety systems are built into both the digester systems and electrical grids, and methane technology is well understood. "Southern California Edison doesn't require (comparable studies)," he said. "Neither does San Diego Gas and Electric or SMUD. It's just PG&E."

Recently, a state PUC official accused PG&E of misrepresenting company guidelines on methane digesters as PUC policy. In an e-mail to David Ore, a PG&E engineer who implements Rule 21 on methane projects, PUC utilities engineer Anthony Mazy questioned the legitimacy of the "handbook" PG&E used to determine interconnection expenses.

"Given the advantage of PG&E's monopoly status within its authorized service territory, to represent to your customers and interconnection applicants that your handbook constitutes CPUC-authorized requirements or anything actually binding on them, if it is not, might be considered consumer fraud," wrote Mazy, who is part of an Institute of Electrical and Electronic Engineers working group that sets national standards for small commercial power projects.

PG&E officials have taken strong issue with Mazy's evaluation and maintain they are boosters of alternative energy.

"These comments clearly misrepresent our interconnection policy and our efforts to work with customers, so they can fully understand the process and install their equipment safely and correctly," wrote company spokesman Brian Swanson in an e-mail response to The Chronicle. "This is a disservice to future customers wanting to install (alternative energy) projects."

PG&E officials pointed to the recent successful hookup of a methane digester operated by Marin County dairy farmer Albert Straus, proprietor of the Straus Family Creamery in Marshall.

Kim Whitsel, a PG&E service manager, said that the company had been closely involved with Straus in getting the digester for his 270-cow dairy up and running, and that the project demonstrated the company's commitment to alternative energy sources in general and methane in particular.

"We have hooked up more (alternative energy) systems than anyone in the state," Whitsel said. "That includes methane, but also solar, hydro and wind. We don't discriminate on technologies."

Still, many farmers who have dealt with PG&E remain bitter about the experience. Langerwerf, the Chico-area dairy farmer, says that more than 20 years after his farm began producing power from methane, the utility still balks when the dairy produces more electricity than expected.

"Whenever the amount of electricity we supply PG&E ticks up, we get a call from them," Langerwerf laughed. "They really squawk. 'What are you guys doing out there?' They just hate it that they have to buy power from us."

Langerwerf pointed to a large flare belching flames not far from one of his barns. "We have a lot of excess methane that we have to burn off, so I'm putting in a new digester that we'll use just for the farm's power needs," he said. "Then I'll be able to sell all my power from the first system to PG&E."

He paused, and laughed again. "That'll really make them unhappy."

## **Pollution rules targeting manure could force dairies to relocate**

TIM MOLLOY, Associated Press Writer

In the S.F. Chronicle, Saturday, June 26, 2004  
(CHINO, Calif. (AP) --

Regulators trying to clean Southern California's infamously unhealthy air have long targeted factories and old buses. Now they're setting their sights on a different breed of offender -- dairy cows.

Every year, the dairies east of Los Angeles and their roughly 300,000 cows produce a million tons of manure. The ammonia and other pollutants they generate mix with smokestack and tailpipe emissions blowing inland from the Los Angeles basin to create the dirtiest air in the nation.

Regulators said the situation has gotten so bad that they need to impose the first air quality rules in the country involving manure. Among other requirements, the plans ask farmers to dispose of the waste more frequently.

Dairy farmers, however, contend the rules will add tens of thousands of dollars a year to their costs and could force them to sell their land to developers.

"With the way that the industry is moving through the more stringent regulations and rules, it doesn't make economic sense to continue in Southern California," said Art Marquez, a third-generation dairy farmer who is considering a move.

"You can sell your piece of property and move somewhere else that's more agriculture-friendly."

Marquez, whose family runs two dairies with a total of 70 acres and 2,000 cows, said it's hard to resist leaving an industry where the annual profit is usually much less than the \$200,000 an acre being offered by developers.

Dairy farmers said they now pay an average of about \$50,000 a year to dispose of manure. They fear that amount could double under regulations proposed by the South Coast Air Quality Management District, which is considering numerous anti-pollution measures while trying to meet a 2010 federal deadline to improve air quality.

If the agency misses that deadline, the federal government could withhold billions of dollars in highway funding.

"Dairies need to do their part like every other business to help reduce the emissions they cause," air district spokesman Sam Atwood said.

Regulators said the region's dirty air can contribute to a variety of health problems, ranging from asthma in children to cardiopulmonary problems in elderly people.

The district estimates the rules would cost the industry about \$3.5 million a year, or \$15,000 per dairy. Under the plan, the amount of ammonia and other pollutants in the area could fall from about 20 tons a day to less than 13 tons a day by 2010, officials said.

The air district board plans to vote on the proposal after a public hearing on Aug. 6.

It may seem unusual that California would be the first state to introduce such clean air regulations, rather than a state such as Wisconsin, which is known for its dairy industry.

But California surpassed Wisconsin in milk production years ago -- even though Wisconsin's Dairy Business Association is quick to note that the state still produces more cheese.

Due to expensive land and encroaching urbanization, Southern California dairy farms are more geographically concentrated than those in other states, leading to a bigger manure problem.

At a typical dairy, hundreds of cows are locked into stations where they line up to eat hay. Once released into open areas, they jam together under whatever shade they can find to avoid the heat and glare of the sun.

In other parts of the country, farmers have room to spread manure as fertilizer. But in Chino and surrounding dairy regions, manure can remain for up to six months before tractors scoop it up for shipment to other farms as fertilizer.

The proposed regulations would require that manure be collected every three months instead of the current six months. Manure that doesn't become fertilizer would have to be disposed of in environmentally safe ways.

Some area farmers already are using one of the disposal methods called for in the regulations.

Six days a week, dairy farmer Bob DeJager cleans the feeding areas of his 45-acre ranch, removing about 60 to 65 percent of the manure. The rest remains in grazing areas to be cleaned up twice a year.

He also collects manure from other farms and delivers it to a device called an anaerobic digester that turns it into gas.

The Inland Empire Utilities Agency built the \$6 million device and uses the gas to fuel a plant that supplies water for 20,000 households a year. Agency officials call it "cow power."

DeJager said he's doing his part to cut pollution and shouldn't have to clean the areas outside his feeding grounds more frequently. The regulations would cost him up to \$20,000 a year and force farmers to raise milk prices, he said.

"It's just economics," he said. "It just all adds up."

Bob Feenstra, executive director of the Milk Producers Council, a trade group that represents Southern California dairies, said the manure problem will solve itself as farms give way to planned communities.

In the past two years, the number of cows in the area has fallen from 350,000 to 300,000 or less, he said. But even the gradual loss of the dairies won't end the fast-growing region's air-quality problems.

"For every cow that leaves this valley, you're gonna get two cars in return," Feenstra said.

## **A look at proposed pollution rules and the impact on dairies**

The Associated Press

In the S.F. Chronicle, Saturday, June 26, 2004  
(06-26) 10:42 PDT (AP) --

Proposed rules for Southern California dairy farms:

\* Effective in 2005, dairies would be required to remove manure from corrals four times a year instead of twice, as is now mandated under state water regulations.

\* Effective in 2006, all manure not used as fertilizer must be sent to an anaerobic digester, composting plant or another environmentally friendly processing facility.

\* Dairies must take steps to minimize dust,

\* With the regulations, the amount of pollutants from dairy farms will fall from 2002 levels, when 16.4 tons of ammonia and 5.8 tons of volatile organic compounds were released each day. Levels are expected to decrease to 9.4 tons of ammonia and 3.3 tons of VOCs a day by 2010.

\* Without the rules, the amount of pollutants is expected to fall to 12.7 tons of ammonia and 4.5 tons of VOCs a day by 2010, primarily because dairies are relocating.

Source: South Coast Air Quality Management District

## **State clears way for Muni to buy hybrid diesel-electric buses Environmentalists nudge agency to remove diesels fast**

by Jane Kay, S.F. Chronicle

Friday, June 25, 2004

The state Air Resources Board approved a new electric-diesel hybrid bus for use in California on Thursday, winning praise from Municipal Railway chief Michael Burns, who deemed it terrific news.

"This is the next step for us in reaching zero emissions by 2020," said Burns, executive director of Muni.

The San Francisco transit system will start moving ahead to request bids from engine manufacturers, Burns said.

A coalition of environmental groups pushing Muni to buy less-polluting buses said that, with Thursday's approval of the 2004-2006 Transit Bus Rule, Muni had no more excuses.

The air board's decision "means that Muni can implement the will of San Francisco voters and replace its dirty diesel buses without delay," said Linda Weiner, a campaign director at the American Lung Association.

"Muni's old, highly polluting diesels are health hazards every day they are driven on the streets of San Francisco," Weiner said.

Diesel exhaust is a major source of particulate pollution that can trigger respiratory and heart problems. The air board says diesel soot is responsible for 70 percent of the state's cancer risk from airborne poisons.

The hybrid bus is similar to a hybrid car, using less fuel and emitting less nitrogen oxides and hydrocarbons. The bus uses an electric engine and an electric drive system, paired with a diesel engine smaller than the one in a conventional bus.

Under Proposition I -- passed in March by more than two-thirds of San Francisco voters -- Muni must replace by 2007 its pre-1991 diesel buses, which number around 150 of the 540 vehicles in the diesel fleet.

The first deadline comes in 2005 for replacing the 1984 and 1988 diesel buses -- about a quarter of those that must be eased out.

Burns has been holding out for the electric-diesel bus, while rejecting the natural gas buses preferred by the coalition of environmental groups that put on the ballot Prop. I, or the Healthy Air Enforcement Act of 2004.

The Natural Resources Defense Council, the Sierra Club and Physicians for Social Responsibility, among others in the coalition, don't oppose the hybrid electric-diesel bus. The coalition said it would accept any alternative to diesel approved by the air board.

Maggie Lynch, a Muni spokeswoman, said it might take three years from the time Muni orders the buses until they arrive.

Jon Gollinger, who coordinates the environmental coalition, called that amount of time "a little far-fetched" and said Muni in the past had estimated 18 months to procure a new bus.

Muni can go to the San Francisco Transportation Commission and request the one-time one-year extension allowed by Prop. I. The environmental coalition wrote Supervisor Jake McGoldrick Tuesday, asking him to schedule a meeting with Muni in July.

Muni officials say they have money to buy 82 buses but lack the resources to replace buses in the reserve fleet that don't qualify for federal matching funds.

Gollinger said Muni had to be creative in seeking funds from Proposition K, passed in 2003 to extend a half-cent sales tax for city transit projects.

New funds will be available to Muni because the air board has approved the new hybrid bus, Gollinger said.

"The one thing Muni has to do is ask for the funding," he said. "It's a thing only Muni can do."

### **Smells like government**

[Porterville Recorder editorial, June 29, 2004](#)

Create a government agency, give it the broadest possible charge, and before you know it that agency will be attempting to regulate just about everything it can get its hands on. That's the nature of government. The latest example comes from the South Coast Air Quality Management Board in Southern California, which has now, belatedly, discovered the awfulness of cow dung.

Chino, Norco and some other areas of Southern California's Inland Empire have long been ground zero for the dairy industry. Cows, of course, make smelly messes, and those unpleasant and sometimes unhealthy smells can waft across the newly built subdivisions that are spreading across Riverside and San Bernardino counties one after another.

So, the board wants to add new, costly regulations that will force dairies to move the stored manure several times a year. Dairies have also faced new water regulations from other agencies, as well as what some view as a campaign by government officials to drive them off their land.

We have mixed feelings here. As advocates of property rights, we agree that a person has responsibility for the problems - economists call them "externalities" - imposed on others by their property. Dairy owners are responsible for limiting smells and pollutants that are outgassed off their property.

Nevertheless, we find it distasteful when officials seem to use selective enforcement or other bureaucratic pressures to try to drive owners off their land to make way for other uses. We also find it ironic that a government agency charged with cleaning up the air has discovered cow waste at a time when dairies are closing up shop in record numbers.

Well, perhaps AQMD knows what it is doing. A few years from now when all the dairies have moved to the Central Valley, officials can credit themselves for the reduction in cow-related fumes. Of course, as one dairy official told the Los Angeles Times: "Just remember, for every cow that leaves the Chino basin, two cars are going to replace it."

### **Truck stop**

**Florez leads push for stricter rules on Mexican diesel truck emissions.**

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

We look forward to the upcoming hearings on the issue of Mexican trucks traveling through California now being organized by state Sen. Dean Florez, D-Shafter.

In reaction to a U.S. Supreme Court decision that recently opened the border to trucks and buses from Mexico, Florez has sponsored Senate Bill 706. This issue has Florez's attention because

officials say the trucks will pump more pollution in the Valley's dirty air and set back the state's effort to clean it up.

Clean air is a passion for Florez. Last year he pushed through five new clean-air laws. This bill is even more aggressive than similar state legislation filed recently that would require all trucks entering California to meet federal emissions standards for their model years. California's standards are more strict than federal standards.

If the bill passes the Legislature, gets a signature from Gov. Arnold Schwarzenegger and becomes law, there is little question that lawsuits would soon follow. However, Florez thinks his arguments would stand up in court because California has a history of higher emissions standards.

Heavy-duty diesel truck emissions are a huge problem for the Valley, which is bisected by Highway 99. Truck emissions account for just 4% of vehicle traffic in California, but they cause 40% of all nitrogen oxide emissions, which help form ozone. More than 1 million trucks from Mexico crossed into the state's border towns last year. Until the court decision, Mexican fleets could not go any farther than 20 miles into the country. The cargo then was transferred to long-haul U.S. trucks. About 12% of those Mexican trucks failed the emissions test compared with 6% of California trucks.

Florez worries that Mexican trucks will spew pollution into California, then leave state taxpayers with the cleanup bill.

While those concerns are real, it is important to remember that most of the Valley's air pollution comes from our own vehicles.

While we expect a robust debate on the issue of Mexican trucks, Valley residents must be mindful that air cleanup is a complex puzzle and there is a role for everyone in the region to play.

## **Smog rule pays off**

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

"Moderate," "justified" and "win-win" all describe a new smog-fighting proposal made by Gov. Arnold Schwarzenegger.

Schwarzenegger proposes doubling the smog-abatement fee imposed on owners of new cars and light trucks from \$6 to \$12 per year as part of the pending state budget. They pay the fee in lieu of having to get much more expensive biennial smog inspections required for older cars.

New cars are exempt from smog inspections for four years because of the reliability of modern emission controls. Under present rules, after four years new cars are subject to the same smog inspections as older vehicles.

The increased fees will be used for a fund that helps operators of older diesel engines replace them with more modern, emission-controlled diesel engines using low-sulfur fuel, or compressed natural gas or electricity. The governor's office estimates the fees will generate nearly \$61 million annually for the Carl Moyer engine replacement program.

But the payoff to new car owners is that Schwarzenegger also proposes extending to six years the exemption from smog checks for cars registered in 1999 or 2000 and later. His office estimates the extension will save new car owners \$48 million more annually in forestalled smog tests. On average, the higher fees will cost new car owners \$36 more, but they will save more than \$50.

Soot and nitrous oxides from diesel exhaust are cited in a study by the Union of Concerned Scientists as being related to 3,000 premature deaths per year in California from heart attacks, severe asthma, stroke and emphysema.

Smog impacts are even more critical in the Southern San Joaquin Valley than in most of the state because of its geography and because it is home to many of the kinds of engines the Carl Moyer fund can help replace. The loss of one round of smog inspection for new cars is negligible compared with the smog reduction stemming from replacement of older diesel engines.

Better engines can be retrofitted on almost anything from fork lifts to locomotives operated by businesses, farmers, transit districts, school bus operators, railroads and the like.

Under the governor's plan, public health benefits, new car owners benefit, businesses and public agencies benefit and almost no one is worse off due to the changes.

It will take years for federal rules requiring emission-controlled diesel vehicles to have an appreciable impact since such equipment as locomotives can last for decades. California cannot afford to wait -- and it isn't.