

It's no-go for Atwater subdivision

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By Leslie Albrecht

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The city of Atwater was wrong to approve the Atwater Ranch subdivision and Florsheim Homes must start over in its quest to build the 400-acre project, according to a ruling issued by Merced County Superior Court Judge John Kiriara late Thursday.

"Respondents are ordered to fully comply with California Environmental Quality Act and its guidelines and this court's findings before taking any further action with regard to the Atwater Ranch specific plan," read a portion of the 10-page ruling.

That means Florsheim must complete a thorough environmental impact report to show how the 1,500-house subdivision will affect air quality, traffic, water and other environmental concerns.

Dennis Myers, an attorney for the McSwain residents who sued to stop Atwater Ranch, said the ruling was "great" for his clients.

"I feel like my clients have been vindicated," said Myers. "What they set out to do was to point out to the City Council and the developer all the problems they have with this project. They told them they didn't adequately address these problems in their environmental documents and the court agreed with us."

The ruling will mean a significant delay for Florsheim's plans, said Myers, and could even sound the death knell for the project, which would have brought as many as 6,000 new residents to the area.

"After the City Council is informed about the stuff that my clients have been trying to tell them, perhaps they'll make a different decision," said Myers.

The McSwain residents, along with the Atwater Elementary School District, Merced Union High School District, Merced County, and the Merced County Farm Bureau all sued Florsheim, the city of Atwater and the Atwater City Council two years ago. They claimed that the city had approved the project without looking closely enough at how the subdivision would affect schools, traffic, sewer, air and water quality.

Florsheim attorneys had argued that the city's 2000 general plan analyzed the environmental impacts of projects like Atwater Ranch, so no new environmental review was necessary.

Judge Kiriara disagreed.

Atwater Mayor Rudy Trevino called the ruling a "disappointment" and an "economic blow" for the city.

"It's not only a blow to the city, it's a blow to the integrity of our staff," said Trevino. "I believe the staff did everything that was proper to mitigate the situation."

Atwater Ranch is the largest proposed subdivision on Atwater's books. It would build a mix of multi- and single-family houses two parks, and a school on an unincorporated parcel bound by Atwater Jordan Road to the north, White Crane Road to the south, Applegate Road on the west and Swan Road on the east.

The housing market has cooled in the years since Florsheim first proposed building Atwater Ranch, noted Trevino.

"One of the things that hasn't been taken into account is the fact that the market has changed considerably since this whole thing started," said Trevino, who is in the real estate business. "It raises the question of how viable a project of this size is now."

Florsheim attorney Steve Herum could not be reached for comment Thursday evening.

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Decision on oil-field disposal facility postponed

BY GRETCHEN WENNER, Californian staff writer
Bakersfield Californian, Friday, March 24, 2006

A divided commission Thursday night postponed a decision on whether to allow a commercial oil-field disposal facility in the town of McKittrick.

The proposal brought harsh criticism from Kay Pitts, chair of the county planning commission and a petroleum geologist for Aera Energy LLC.

"The lease out there is not well-maintained," Pitts said of the site operated by applicant T. Lewy Co., which does business under the name California Crude Oil Co. "They are not good neighbors, in my opinion."

Pitts also criticized a project document called the "health risk assessment." The document identified the wrong oil field, she said. And it was unsigned.

"The whole thing is questionable to me," Pitts said of the assessment.

Pitts, along with Commissioner Pete Belluomini, said she could not support the proposal because it was too close to town.

"You expect oil production" in McKittrick proper, she said, "not commercial injection."

The applicant has proposed converting an existing disposal well to a commercial injection well able to take oil-field wastewater from operations within a 35-mile radius.

The plan has stirred strong opposition from residents of this tiny oil town 40 miles west of Bakersfield.

More than two dozen -- including the superintendent of the McKittrick School District -- wrote protest letters to county planners, spelling out worries about smells, [air quality](#), traffic and safety.

Five of them spoke at Thursday's meeting; about a half-dozen more observed.

"This injection site is in our backyard," said Julia Morris, who grew up in the town and has raised two daughters there. Morris worried about waste bubbling up in nearby backyards -- a concern some commissioners agreed was valid.

Planning department staffers have recommended approving the permit, saying McKittrick is historically an oil town.

Commissioner Chris Babcock agreed, but said things have changed.

"It was oil production," Babcock said of McKittrick's roots. "And that's a whole different animal than disposal of byproducts" in the modern era.

Babcock recommended postponement until more specifics are made clear. Commissioners Wendy Wayne and Ron Sprague voted with him. The item will return on April 27.

The commission's eventual decision will be final unless appealed to county supervisors.

In other business, the commission:

- Approved a 400-foot radio tower eight miles west of Wasco for Christian broadcasting group Educational Media Foundation. The signal will reach as far as Lamont.

- Granted a reprieve to waste facility EnviroCycle, Inc. outside McKittrick. Proceedings had been started to revoke the operation's permit. Planners asked to hold off because owner John Webb posted a \$200,000 financial assurance as commissioners previously demanded.

Last June, commissioners determined the site was out of compliance on several levels; waste stockpiling had technically turned the transfer station into a dump.

Owners agreed to remove at least 20,000 tons of material a year for five years. County staffers are keeping an eye on the spot to make sure that goal is met by the June deadline. Separately, a pending sale of the site fell through, according to planners.

Air Cleaners Could Capture New Revenue

Associated Press, in the L.A. Times
Friday, March 24, 2006

DALLAS — Nicholas Garzon has such trouble with asthma and allergies that the 13-year-old's mother gave him an over-the-counter antihistamine each night to help him sleep.

Gina Garzon had removed all carpeting from her home in Miami, covered the mattresses and tried portable air cleaners, with little apparent benefit. When an air conditioning salesman mentioned a new machine that cleaned air throughout the house, Garzon decided to try it.

"Within a couple days, my son said, 'Mom, I didn't sneeze all night. I'm feeling great,'" Garzon said. "He hasn't taken an allergy pill to sleep since."

Garzon, a high school biology teacher, hasn't seen the results of testing of the air in her home, but she believes the \$1,400 machine is working. Nicholas and his younger brother are sleeping better, she says, and there is less dust when she does her weekly housecleaning.

Air conditioning manufacturers see consumers like Garzon as a huge source of new revenue. (Garzon got her machine free when she bought a new air-conditioning unit.)

Several companies are beginning to market whole-house cleaning systems as the best way to remove dust, mold spores and other forms of indoor pollution.

"There are a lot of people with asthma and allergies," said Fred Poses, the chairman and chief executive of American Standard Cos., whose Trane division makes the unit that was put into Garzon's house last month. "We're going to make a big difference here."

But independent experts question whether the devices will do much for anyone's health. They say the units won't catch all the airborne chemicals that can trigger asthma and allergic reactions, and that heavier particles such as dust mites don't stay in the air long enough to be trapped in a filter.

Trane has just begun shipping its cleaner to dealers, and Lennox International Inc. has a similar product. Carrier, a unit of United Technologies Corp., plans to start selling one by the end of April.

The companies hope to capitalize on Americans' growing concern with the quality of the air they breathe.

That could add 3% to the residential air-conditioning business' current growth rate of 6% to 8%, said Jeffrey D. Hammond, an analyst with KeyBanc Capital Markets.

The companies plan big marketing campaigns for their products. American Standard plans to spend in the tens of millions for the Trane air cleaner, the parent company's biggest product launch since the Champion toilet several years ago.

Analysts think the campaign could pay off. American Standard's Poses said first-year sales could be \$50 million to \$70 million, and could top \$150 million by 2008.

The new systems are expensive — from about \$600 for the Lennox model up to \$1,400 or more for the Trane, including installation. The Lennox and Carrier models also require annual replacement of filters that cost as much as \$150.

Poses, however, figures that if people will pay a dollar for bottled water because they think it's healthier than tap, they will spend what it takes for cleaner air.

Company executives are careful to stop short of making health claims, which could subject them to increased government regulation.

"We don't go that far out there," said Mike Branson, a marketing executive at Carrier, "but we definitely think it would be an improvement in their indoor environment."

Emissions program shifts to high gear

County installing smog-cutting devices on Mexican big rigs

By Mike Lee, STAFF WRITER

San Diego Union-Tribune

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One truck at a time, San Diego County air pollution officials are trying to cut the smog-forming particles spewed by old Mexican big rigs that cross the international border.

By installing pollution-control devices on these vehicles at no cost to the owners, the pilot program promises to reduce each truck's output of toxic air contaminants by up to 50 percent.

Now, the work is at a crossroads.

The U.S. Environmental Protection Agency is considering whether to expand the project to Imperial County and elsewhere along the 2,000-mile U.S.-Mexico border, which trucks cross by the millions each year. The deliberations are taking place as the daily number of Mexican semis entering California is expected to more than triple once U.S. travel restrictions are removed to boost international trade.

"We hope the (retrofit) concept catches on and other parties, such as the maquiladoras, expand the program to additional border-crossing trucks," said Robert Reider, planning manager for the San Diego County Air Pollution Control District. "That said, it may take another round of EPA funding to continue watering the seed."

Business leaders in Tijuana and San Diego County commonly cast traffic congestion at the border as an economic damper because it slows the movement of goods and people. However, it is also a growing environmental problem because long lines of diesel trucks can idle for an hour or more at checkpoints.

On both sides of the border, government agencies are exploring ways to reduce the spread of diesel exhaust, which California classifies as a toxic pollutant because of its link to lung cancer and other diseases.

Despite wide agreement on the nature of the problem, air quality officials cannot pinpoint how much pollution trucks and other vehicles generate at ports of entry. The commonly cited reason is a lack of data from Mexico, though that is changing due partly to an expanded Mexican air monitoring system and a California study designed to more accurately characterize the Mexican truck fleet.

"We are trying to get a better handle on it," said Gennet Paauwe, spokeswoman for the California Air Resources Board.

Air regulators already know that trucks carrying everything from apples to televisions cross the San Diego-ports of entry about 1.5 million times each year. Between 1995 and 2004, northbound truck traffic at the Otay Mesa checkpoint jumped by more than 60 percent because of increased international commerce.

Trucks from Mexico are more than twice as likely as California trucks to violate the state's smoke emissions standards, data show.

While violation rates are dropping, the inspection program still faces hurdles. About half of the air board's fines against Mexican truckers have not been paid and about the same level of board-mandated truck upgrades have not been made, state officials said. The latter is a particularly pressing problem because diesel truck engines typically run for several hundred thousand miles.

The majority of trucks from Mexico are made in the United States. However, the Mexican fleet is significantly older and dirtier than the U.S. fleet, one state report said.

President Bush is widely expected to dissolve the current limits on Mexican truck travel in the United States as part of the North American Free Trade Agreement. It's not clear when that will happen.

A recent state analysis projected that 12,250 to 17,500 trucks from Mexico will enter California each day once the restrictions are lifted. That's more than three times the present number, and one reason the San Diego air district hopes to expand its truck-retrofitting program.

Big-rig emissions

Trucks are a major source of the total air pollution at sea and border ports in San Diego County.



SOURCE: California Air Resources Board

DANIEL WIEGAND / Union-Tribune

Since July, local air officials have worked with Mexican trucking companies to replace their big rigs' mufflers with pollution-scrubbing devices called diesel oxidation catalysts.

Each catalyst takes a few hours to install and costs roughly \$3,500. It is virtually maintenance-free.

The device reduces diesel particulates by at least 25 percent and hydrocarbons and carbon monoxide by 40 percent to 50 percent.

Mexican truckers have volunteered 25 trucks for the pilot program. An additional 25 retrofits are anticipated in coming months, the county air district said.

Salvador Mapula, owner of the Montana Express trucking company in Baja, offered six semis for the catalysts and said he would recommend the program to other truckers.

"My drivers are telling me the smoke is not as thick" as before the filters were installed, Mapula said.

At the federal level, the EPA is evaluating several other options to reduce diesel exhaust, including the upgrading of Mexican trucks to improve their fuel economy. Meanwhile, Mexico is moving toward requiring trucks to use ultra-low-sulfur diesel in the border region starting next year.

It's unclear whether San Diego County's experimental retrofit program will take off by then, though it offers the kind of on-the-ground improvements that EPA officials like.

"I don't know how many total trucks we would have to retrofit" to see major changes in air quality, said Amy Zimpfer, associate director of the EPA's air division in San Francisco. "But I know there is tremendous opportunity."

Staff writer Sandra Dibble contributed to this report.



HOWARD LIPIN /Union-Tribune

Diesel smoke billowed from a Mexico-registered truck at an emissions inspection station in Otay Mesa yesterday. A San Diego County program is installing pollution-control devices on Mexican trucks.