

## **Tulare steps up use of green technology**

Luis Hernandez

Visalia Times Delta, Monday, February 7, 2011

Tulare is already among the leading entities for on-site green-power generators nationwide and is looking to move higher up the list with the completion of two more projects.

Public Works Director Lew Nelson said Tulare currently ranks 16th on the Top-20 list of on-site green-power generators. No other Central Valley city or entity made the list.

Making the list is the result of the Tulare City Council's philosophy to find alternative ways to produce energy.

"We had authorization to apply for green-powered and sustained community grants," he said.

And with the addition of a completed fuel cell, the fourth one at the wastewater treatment plant, and a solar plant expected to be online by mid summer, Tulare will climb up to 13th on the on-site power-generators list.

Currently, the city operates three 300-kilowatt fuel cells and a 450-kilowatt cogeneration engine from Waukesha fueled with renewable biogas, Nelson said. The energy produced goes to operate the wastewater treatment plant and translates to savings on consumers' bills. About \$6,000 is saved daily, Nelson said.

The fourth cell is already built, but needs to be installed for production, Nelson said.

The city is also building a 1-megawatt plant. Trenching is being dug and material has been delivered, Nelson said. Construction is expected to be completed by June.

With the two additions, the city will produce 14.5 million kilowatt-hours of green-power generation per year.

Other entities on the list include San Diego, San Jose, San Francisco, Portland and Los Angeles County Sanitation Districts and private companies such as the BMW manufacturing plant in South Carolina and Safeway Inc. "It's good company," Nelson said.

Nelson said Tulare figures to remain on the list as long "as long council stays with this philosophy."

## **Climate change of opinion**

By Alex Breitler

Stockton Record, Sunday, February 6, 2011

San Joaquin County backtracked last week after sending state officials written comments strongly questioning the fundamentals of climate change science.

In a Jan. 25 letter to the state's new Delta Stewardship Council, the county said it appears the "level of climate science currently available is unreliable and the ability of climate models to actually explain past temperatures is in serious doubt." Climate change was just one of many subjects in the letter, intended to help shape a new plan to govern the river estuary west of Stockton.

The document also quoted portions of a paper by former University of Pennsylvania economist Jason Johnston saying that the "climate establishment" has used "a variety of stylized rhetorical techniques that seem to oversell what is actually known about climate change while concealing fundamental uncertainties. ..."

Three days after the letter was received by officials in Sacramento, the county submitted a second letter which omitted the controversial language.

"It really doesn't add to the message that we're trying to deliver," said Tom Gau, interim director of county Public Works, from within which the original climate change comments came. "Let's

stick to the point. What we're really talking about is using best available science (in writing the Delta Plan)."

He said there are different opinions about what causes climate change.

"We just felt the real relevance is best available science," Gau said. "Let's not get into the controversial aspect."

The retracted comments seem to be in contrast with actions San Joaquin County has previously taken. In 2008, the county supervisors supported a "Cool Counties" declaration committing local officials to reducing greenhouse gas emissions. And last year, supervisors accepted a vision statement to help shape an upcoming General Plan update. That vision refers to residents and businesses minimizing their impacts on climate change and air quality.

Both the new and old letters remained posted on the Stewardship Council's website for more than a week, until Thursday, when the old letter was removed.

It's not that climate change discussion is irrelevant when it comes to the Delta.

Some experts say Delta levees are threatened by rising sea levels. The more susceptible those levees are portrayed to be, the more certain interests push for a peripheral canal or tunnel to send water around, rather than through, the Delta. Such an outcome could harm the county's \$2 billion-a-year agricultural industry, among other impacts.

Indeed, criticism of rising sea level projections and the impact on levees was left intact in the county's rewritten letter.

But condemnation of climate change science as a whole was deleted.

The earlier comments were first released in draft form by Mel Lytle, the county's water resources coordinator. Lytle is skeptical of human-caused climate change. At county water commission meetings, he has led discussions ranging from the welfare of polar bear populations (he says they're doing fine) to the condition of the Arctic ice cap (he says it's not shrinking).

Asked if he felt like Public Works' initial climate change comments had been censored, Lytle said no.

"I think essentially those were recommendations that came out of Public Works," he said. "You always leave some things on the cutting-room floor. They didn't feel it was appropriate to bring that out at that time."

When he discusses his climate change doubts - "I'll talk with anyone who will listen with me" - Lytle says he's sharing his own opinion and not necessarily that of the county.

In this case, however, those doubts ultimately manifested themselves on Board of Supervisors letterhead, in the Jan. 25 letter signed by board Chairman Larry Ruhstaller.

"I signed it," Ruhstaller said Friday. "To be honest, I gave it a quick read and it was a pile of stuff that was on my desk and I signed it. ... I thought we were just restating everything we've already done."

"I signed it. It was my mistake."

He said the board has never taken a formal position on climate change issues.

The letter was already filed in Sacramento when officials decided to revise it. The decision was made by retired County Counsel Terry Dermody, now a consulting water attorney for the county.

"The reason that I asked it be amended, and they did amend it, was because I thought it was extraneous to the point we were trying to make, which was to use the best available science," he said. "I thought it (the letter) went into an area that has been politicized. That's not what we wanted to do."

A Delta Stewardship Council spokesman said the council typically agrees to replace comments upon request, meaning the old climate change comments would no longer be part of the official record.

"The council wants to make sure they have the true comments that people want to make," spokesman Eric Alvarez said.

## **Merck faces trial over Beachwood pollution**

By John Ellis, The Fresno Bee

in the Merced Sun-Star and Sacramento Bee, Friday, February 4, 2011

FRESNO -- A company once owned by pharmaceutical giant Merck & Co. exposed residents near its now-shuttered Merced plant to cancer-causing chemicals, then covered up the contamination for years and downplayed its severity, a lawyer said Thursday.

Fresno attorney Mick Marderosian made the allegations in opening statements in U.S. District Court in Fresno.

Marderosian is part of a legal team representing more than 2,000 residents of Merced's Beachwood neighborhood, who claim the air they breathed and the water they drank were contaminated by the cancer-causing chemical hexavalent chromium -- which gained attention after the 2000 movie "Erin Brockovich."

The result, many of the residents say, has been a high number of deaths and sicknesses for those who were exposed.

In his own opening statement, an attorney representing Merck -- as well as Amsted Industries of Chicago and Baltimore Aircoil Co. -- acknowledged the plant site was contaminated by arsenic and hexavalent chromium. The plant used industrial chemicals to pressure-treat wood that was used to make cooling tower frames.

But attorney John Barg disputed that any contaminants escaped the confines of the plant. He said no hexavalent chromium -- also known as chromium-6 -- entered the groundwater, an adjacent canal or got into the air.

"No one has been exposed to contamination from this wood-treating site," he said.

The trial that began Thursday is just the first phase. It will determine if the residents were contaminated. If the federal jury agrees, a second jury will be convened to examine if the residents were harmed by exposure to the chemicals.

The entire matter, which is being heard by U.S. District Judge Oliver W. Wanger, could take a year to resolve.

Merced County, the city of Merced, the Franklin County Water District and Merced Irrigation District settled before the trial.

The plant's history stretches back to the early 1960s, but it didn't start pressure-treating wood until around 1969.

In 1975, BAC Pritchard was created. It was owned by Baltimore Aircoil, then a Merck subsidiary. In 1985, Merck sold the company to Amsted.

The contamination was discovered in 1984, but the plant continued to pressure-treat wood until 1991. It was shut down in 1993.

Marderosian said the hexavalent chromium seeped into the groundwater, where it was picked up by a pump operated by Meadowbrook Water Co., which is also a defendant.

In addition, he said, the chemicals would drip onto dirt which in turn was kicked up into dust by forklifts at the site and carried by air to the neighborhood.

Also, a stormwater pond on the site was drained after it was found to be contaminated. The water was sent into an irrigation canal that runs near a subdivision where residents swam and fished. Nobody was notified, Marderosian said.

The problem was exacerbated, he said, because state officials relied on the company to self-report on the extent of the contamination and cleanup efforts.

Barg dismissed the claims in his opening statement, and said he will have experts, as well as state officials, testify that contamination did not occur in wells, canals or in the air.

He said area wells -- including the one operated by Meadowbrook -- were tested and found to be clean, and a state report generated after an inquiry by U.S. Sen. Dianne Feinstein found no contamination.

In addition, Barg said, the stormwater pond water wasn't contaminated and there is no data to support the air pollution charge.

He also said residents were notified and offers were made to test any well they might own. Only one took up the offer, and that well tested negative for contaminants.