

Bill would limit dairy operations

Tuesday, August 19, 2003

By Cheri Carlson, Merced Sun-Star

Proposed state legislation intended, in part, to help area children breathe a little easier has pushed some Merced County leaders to air their disapproval.

State Sen. Dean Florez, D-Shafter, has authored a bill restricting large dairies - with 700 or more cows - from being built or expanding within three miles of a school, city or other specified area unless certain conditions are met.

Those conditions include consulting with and garnering support from any school district, city or county with an unincorporated area of 5,000 people that exists within a three-mile zone. If any of those area agencies find that based on substantial evidence, the large dairy would adversely affect them, the dairy project could not be approved.

According to Florez, Senate Bill 707 seeks to provide a buffer between harmful particulate matter that emanates from large dairies and the developing lungs of young children.

But critics say that dairy projects are already subject to environmental review and this bill not only strips counties of their power, but also forces more unnecessary legislation on the state's dairy farmers.

According to Merced County Supervisor Jerry O'Banion, the bill takes away the Board of Supervisors' local authority with regards to the location of dairies and gives other area agencies the ability to reject project proposals.

Also, he said, "I think it would be very detrimental to the dairy industry in the county."

If the legislation is approved, Jeff Palsgard, the county's director of environmental health, said about 90 percent of the area's 340 dairies could potentially be impacted.

About 100 of the county's dairies have 700 or more cows, but Palsgard said that dairies tend to grow and smaller operations could someday be affected by the proposed legislation as well.

At O'Banion's request, the Board of Supervisors will consider a resolution opposing the bill at its meeting today.

Merced County has already adopted ordinances that discourage dairies from expanding within 1,000 feet of urban areas and inhibit new dairies from being built within a half-mile of urban boundaries. And, according to Palsgard, that distance provides enough of a buffer zone.

Florez, however, said the three-mile mark in his legislation was chosen based on information from respiratory doctors.

He said those doctors indicated that with a 1- to 2 mph wind, particulate matter from dairies drifts between three to five miles. Florez said a three-mile buffer was chosen because it was the least onerous distance for the dairy owners.

Florez also said he doesn't think the legislation creates a loss of power for counties.

He said his intent was to make sure that cities and school districts don't just have to live with decisions made by the county Board of Supervisors.

"Our bill (requires) everybody at the table come to agreement," he said. "We think it's fair and good planning."

Although staff in other California cities have reported having problems with county decisions regarding dairy project approval, officials in Merced, Atwater and Livingston said Monday that they have not experienced those issues.

O'Banion pointed out that the county already considers comments from schools and cities as required by the California Environmental Quality Act (CEQA).

At the end of April, the Senate voted to approve the bill, and the proposed legislation was sent to the Assembly for consideration.

Merced County's Sen. Jeff Denham, R-Salinas, opposed the bill. According to his spokesman, Nick Rappley, the senator was concerned that the bill would cost farmers more money.

Environmental impacts are already considered during the CEQA process and public hearings, said Rappley, adding, "This is adding on another layer of bureaucracy."

O'Banion and Denham are not alone in their opposition to the bill. Organizations, including the California Cattlemen's Association, the California Farm Bureau Federation, California State Association of Counties and Hilmar Cheese Co., have indicated their opposition.

Groups in support of the bill include the California League of Conservation Voters, the cities of Bakersfield and Shafter, the Sierra Club and the Natural Resources Defense Council.

The bill has passed through two Assembly committees and is scheduled to be heard by the Assembly Appropriations Committee Wednesday.

If it passes again, Florez said the bill will go to the Assembly floor and then possibly back to the Senate for another vote before it can go to the governor's desk for his signature.

Today's Board of Supervisors' meeting will begin at 10 a.m. in the Board Chambers on the third floor of the County Administration Building, 2222 M St. in Merced.

BC professor breaking ground, turning heads

By Matt Weiser, Californian staff writer
The Bakersfield Californian

Monday August 18, 2003, 08:30:18 PM

In smoggy, sweltering Bakersfield, Clark Parsons figured the Segway would be an ideal way to get to work.

The Bakersfield College professor lives just over a mile from campus and usually walks. But some days are just too hot for that, leaving Parsons in a sticky sweat by the time he reaches his office. The Segway seemed the perfect answer, a clean and quiet way to go door to door on the hottest, smoggiest days without arriving in a lather -- and without causing pollution.

"That was how I justified it to my wife," Parsons joked, confessing that he was also entranced by the Segway's technology. "Part of it, for me, is just the novelty value. But it also has a useful purpose."

So Parsons decided to spend \$4,995 to become one of the first Segway buyers. He even won an essay contest that earned him a free trip to the factory in New Hampshire to meet Segway creator Dean Kamen, tour the facilities and take special riding classes.

Parsons, an instructional technology specialist at the college, took delivery of his new Segway in November. It may be the only Segway in Bakersfield.

And like Segway owners everywhere, Parsons is already pushing boundaries on his two-wheeled transporter: It turns out the Segway is banned on the Bakersfield College campus.

Even though a state law approved in March treats the Segway just like a pedestrian, college officials see it as a scooter or motorcycle, which are not allowed on campus sidewalks.

The same state law allows state agencies, cities and counties to pass their own rules regulating Segway operation, and college officials believe Parsons' Segway is a danger to pedestrians.

"Bakersfield College is state property, and we have a policy that states that no person will operate a vehicle on campus, and a Segway is defined as a vehicle," said Mark Graf, the college's director of public safety. "You can't ride it on Bakersfield College property because we have an ordinance prohibiting that. It's just not safe."

Billed as a revolution in human transportation, the Segway has instead come to be seen as a threat to humans, and not just at Bakersfield College. Cities all over the world have banned the Segway from sidewalks, including such liberal standard-bearers as San Francisco.

Elsewhere in Bakersfield, Lt. Tim Taylor of the Police Department's traffic division said Parsons' Segway is welcome on city sidewalks.

"The city does not have a specific ordinance that prohibits their use, so at this point we would follow state law, which allows these devices on the sidewalk as long as it's done safely," said Taylor. "We would consider it much like a

motorized wheelchair. But the Segway device is intended for the average person to use, and it allows them to move around and get someplace a little quicker."

The Segway runs on electricity and is recharged by simply plugging it into a wall outlet. One charge is good for up to 17 miles, with a top speed of about 12 mph. The riding platform is about 8 inches above the ground, and at 25 inches wide, the Segway consumes about as much space on a sidewalk as an average person.

Parsons believes the Segway is just misunderstood, and maybe ahead of its time.

"It's a great thing for the environment. If every car out there was replaced by one of these, I'm sure there would be less pollution," he said. "I think they're not that popular yet because they're not exciting. They're just a way to get around."

Parsons recently demonstrated his Segway outside the college's library building - despite the ban -- in an effort to show that it poses no threat to pedestrians.

Wearing a bicycle helmet and standing atop his Segway, he maneuvered within an inch of a volunteer with complete control and precision. Gyroscopes and sensors in the Segway allow a rider to stop and start as quickly as a person on foot, and much quicker than the college's own electric maintenance carts, which sped across lawns and sidewalks in the background.

Heads turned among the jaded student population as Parsons zipped smoothly around corners.

"After you spend a little time with it," he said, "you just feel real comfortable."

Parsons said he will continue to ride his Segway to work. His office is in the library building, which lies near the west edge of campus on Haley Street, and he intends to ride right to the door.

"If I get a ticket someday, I'll just have to take it from there," he said. "I guess I'm kind of breaking some ground here."

Rule change clouds smog outlook

By Mark Grossi

The Fresno Bee

(Published Tuesday, August 19, 2003, 5:35 AM)

The San Joaquin Valley should wait a few more months before volunteering to join Los Angeles in a federal category reserved for the country's worst offenders of smog standards.

That's the recommendation coming this week from the staff at the San Joaquin Valley Air Pollution Control District. The district's governing board Thursday is scheduled to hear the staff's reasons.

District officials have campaigned since last year to volunteer for the worst-offender status to push the Valley's 2005 smog cleanup deadline to 2010 and avoid expensive penalties. Officials still like the idea, but there's a new wrinkle.

The federal smog standard will change in the next two years, meaning the current one will probably be revoked.

So, does the district still need to meet a defunct standard? Does the Valley really need to volunteer for worst-offender status?

Nobody knows yet.

"There are a lot of unanswered questions right now," said district planning director Dave Jones. "We anticipated having full knowledge by this time, but the questions haven't been answered."

The U.S. Environmental Protection Agency is scheduled to produce the details in December.

That's why district staffers are advising the board to postpone its decision on the worst-offender status from September to January.

Staffers still think the district should volunteer for the status, known as "extreme noncompliance" for the federal ozone standard. Los Angeles, perennial smog king for decades, is the only area in the category.

Unless the district moves into the extreme status, staffers said, the Valley will face federal sanctions over missing cleanup deadlines. The sanctions can begin as early as March 18 with new and expanding businesses paying thousands in extra fees.

By Sept. 18, 2004, more than \$2 billion in federal road-building money could be held up.

"We can't wait very long to see what happens with the new standard," Jones said.

Businesses may see it differently, though. If the Valley enters the extreme status, more businesses will be forced to obtain an air pollution operating permit.

Only businesses that produce 25 tons or more of air pollution each year must get a permit, which requires a full accounting of pollution and fees. The threshold would drop to 10 tons annually -- which would bring many more businesses into the permit program -- if the air district board accepts the extreme status.

That 10-ton threshold would remain even after the new standard kicks in.

The new standard will focus on monitoring over eight-hour periods, replacing the standard that reveals peak readings each hour. The new, longer-term standard is considered more protective.

Environmental legal action over the past few years forced federal officials into implementing the new ozone standard.

Ozone, the main ingredient in smog, is a corrosive gas that forms on sunny days when various pollution emissions combine.

This year, the Valley is the third-worst place in the country for one-hour violations of the ozone standard, behind Los Angeles and Houston.

But during the past four years, the Valley has led the nation in violations of the eight-hour standard. Officials have done eight-hour monitoring for several years in preparation for the new standard. This year, the Valley has 70 eight-hour violations, a close second to 75 for Los Angeles.

With the nation's two worst air basins for the eight-hour standard, California has written a letter to the EPA urging federal officials to close any possible loopholes that might allow smog-fighting efforts to backslide.

"The eight-hour standard

pushes [cleanup] deadlines back to 2018 or 2020," said spokesman Jerry Martin of the California Air Resources Board. "There's a potential for letting polluters off the hook for a number of years."

Federal officials say they are addressing those concerns.

IF YOU GO

What: San Joaquin Valley Air Pollution Control District governing board meeting

When: 9 a.m. Thursday

Where: 1990 E. Gettysburg Ave., Fresno

Council hoping to get some answers on plant

By Tim Bragg, Californian staff writer

The Bakersfield Californian

Monday August 18, 2003, 10:05:09 PM

City Council members hope months of speculation about a northwest Bakersfield power plant will be cleared up during a special meeting of the council Wednesday.

The council invited North American Power Group, a Colorado-based company that wants to purchase part of the property and restart electricity production there, to explain to the city and the general public what methods it would use to generate power and how it would deal with several serious environmental issues concerning the plant.

The city has also invited representatives from utility Pacific Gas & Electric and the California Public Utilities Commission to the special meeting, which will be held at 6 p.m. Wednesday in the City Council chambers.

"The proponents of the plant have wanted to make their case for the sale," said City Councilman David Couch, who represents areas surrounding the plant.

"I felt it best that the case be made in public for our staff and for the public to hear," Couch said.

The City Council unanimously approved a resolution opposing efforts by PG&E to sell the plant to North American Power Group for the purpose of generating energy there again, citing environmental and quality-of-life concerns.

When the plant, located near the corner of Coffee Road and Rosedale Highway, was built in the late 1940s, it was considered to be out in the countryside. But Bakersfield's urban growth has surrounded it.

Officials from North American Power Group and PG&E declined on Monday to detail the specifics of the presentations they will offer at Wednesday's meeting.

Jane Zachary, a spokeswoman for North American Power Group, said the company will answer questions from the public and city about the power plant.

Zachary said the company held focus group meetings during which northwest Bakersfield residents were invited to share their thoughts on the power plant.

She said air quality and the appearance of the plant site were the top concerns.

So far, North American Power Group officials have declined to say what fuel they would use to power the plant, other than to say it would be a renewable resource of some sort.

Company officials have denied early speculation that it would be a biomass plant that burned agricultural prunings.

Zachary said the confusion over the fuel has contributed to perceptions some have about the plant.

"Once the project is better understood, we believe people will be supportive of it," Zachary said.

North American Power Group President Michael Ruffatto sent a letter to Bakersfield Mayor Harvey Hall on Aug. 5 asking that the meeting be postponed until Sept. 17 or Sept. 24.

In his letter, Ruffatto said a city staffer didn't give him much information about the meeting's form or what topics would be discussed when she called to advise him of it.

Couch answered Ruffatto's letter with a letter of his own that included further details of the city's intentions, but did not offer alternative meeting dates.

Some have questioned whether remodeling the current plant or building a new one on the site is economically feasible given that California's electricity supply has stabilized after a period of shortages about two years ago.

It is also unclear whether the plant could pass muster with regulatory officials, who fear the resumption of power generation there could destabilize a plume of contaminated water from a defunct oil refinery that was once nearby.

North American Power Group has an agreement with Southern California Edison to produce power under a state program that requires utilities to get a percentage of their power from renewable resources.

The power would be generated by the Bakersfield power plant.

North American Power Group officials say the agreement with Southern California Edison is among the requirements that state officials spelled out before

they would again consider an application to allow PG&E to sell the plant to the company.

PG&E spokesman Jon Tremayne said the utility has not filed an application with the commission for approval of the sale, but he said that's the next logical step.

Paul Gipe, chairman of the Sierra Club's Kern-Kaweah Chapter, said the plant would have to be rebuilt with the best available technology to prevent pollution in order to get permits from air quality regulators who are trying to prevent further degradation of the San Joaquin Valley's already poor air quality.

The plant, which has been shuttered since 1985, is in an area now surrounded by hundreds of homes and businesses.

But he said the Sierra Club supports locating power plants as close as possible to the consumers of the energy.

"These plants shouldn't be shoved onto rural communities because the people in the cities say, 'not in my back yard,'" Gipe said.

He said if city and county officials are worried about the effects the plant could have on quality of life in the northwest, they should have paid more attention to the possibility that the plant could be reopened when they allowed urban development to surround the site.

"PG&E should have been held accountable in demolishing that old plant and cleaning up the site, but the city and the county and us citizens didn't hold PG&E's feet to the fire on that issue," Gipe said.

More soil to be removed

By Doug Keeler, Midway Driller City Editor

The Taft Midway Driller

August 19, 2003

State environmental agencies will be removing more lead contaminated soil from a Ford City lot that has already been involved in two cleanups.

In addition, testing will be done at six other Department of Energy drill sites in Ford City.

The California Department of Toxic Substance Control collected 13 soil samples from the vacant lot designated drill site 26 in March when the federal Environmental Protection Agency was removing lead-contaminated soil from the neighborhood around the lot.

Those results from DS-26 showed levels of lead in the soil higher than what is considered safe for residential areas, and 48 more soil samples were taken from the lot to help officials determine how much soil needed to be removed.

The DTSC is currently working with the Department of Energy, which owns the other six lots scattered throughout Ford City, to set up a plan to remove the remainder of the tainted soil in DS-26. The two agencies are also going to test the other sites to see if any additional contamination exists at the other lots.

The EPA removed soil from the alley and right-of-ways surrounding DS-26 and the yards in 14 homes on Jackson, Ash and Birch Streets last spring.

The seven-week cleanup cost an estimated \$600,000 and involved the removal of 3,300 tons of contaminated soil.

Federal and state officials believe the high concentration of lead in the soil at DS-26 and the surrounding neighborhood was residue from an old burn dump.

The Ford City cleanup was prompted by studies done in 2002 that found levels of lead in the soil higher than what is allowed in residential neighborhoods.

The studies also found traces of dioxins, but not in concentrations high enough to be harmful.

Contaminated soil was removed from DS-26 in 1997.

[Letter to the Editor, The \(Stockton\) Record, Aug. 19, 2003:](#)

Overgrown future

I'm thankful for the open patch of land bordering Hammer Lane and Don Avenue in Stockton.

A solitary oak tree stands witness to the urban sprawl going on around it.

Civic leaders are quick to tell us of all the improvements coming our way: a new and improved waterfront, new subdivisions on Eight Mile Road, 4,000 new homes in southeast Stockton and new buildings everywhere, anywhere.

I foresee an ailing, dying body known as San Joaquin County, with Stockton as its heart.

Clogged arteries will impede the distribution of happiness and well-being. Polluted air will choke the lungs of its inhabitants. Precious water will be rationed as new cells that the body accumulates overwhelm reserves.

Food prices will rise, denying less-fortunate members proper nutrition. Housing costs, the body's shelter, will become astronomical.

The body will suffocate. It will be buried under the weight of its own greed and folly.

The body could be saved by civic leaders courageous enough to stand up to insatiable developers.

That open field on Hammer Lane stands as a reminder of what should frighten us all -- the day when dollars and cents overcome common sense and doom our children's future to one of parking lots and shopping centers.

Dave Walden, Stockton

Transit study offers alternatives for casino

By M.J. Nabors-Mayor of Madera - Special to the Madera Tribune

Aug. 18, 2003

The Chukchansi Gold Resort Casino, a \$150 million business that features a casino with approximately 1,800 slot machines, seven (soon to open) restaurants and a 192 bed hotel, has not requested financial assistance to fund a transit system.

However, they requested our local transportation commission assist in determining the best strategies to meet transportation needs for their large employee work force.

Yes, I was supportive of funding a transportation alternatives study for this large employer located in the eastern part of our county. The study cost \$7,875 and expenses were split equally between the county and city. However, the study concludes that \$172,000 in public funding will be needed annually to operate the system. I cannot support financing a specialized Casino employee transit system with taxpayer money.

The purpose of the transportation study was to provide the Chukchansi Casino with an evaluation of potential transit service alternatives to serve many of their employees who would benefit from a transit service.

The study addressed such benefits as less traffic on SR 145; less employee parking needs; and improved air quality.

The City of Madera recognizes the benefits of employing both city and county residents, especially with our area experiencing double digit unemployment, but, I strongly feel that a private (not open to the public) transit system if needed, should be funded by the Casino.

A sample survey of six California casinos revealed only one was provided a public employment subsidy. The other five casinos either paid for their transit services or organized their own informal ride-sharing program.

The transit study provided the Casino with other non-public transportation alternatives, i. e. casino operated and funded van pool, a \$100-a-month employee pre-tax transit benefit to ride in a van pool, employee transit vouchers, and the implementation of a ride sharing program operated by the Casino.

The City of Madera is experiencing many competing interests in funding our local transportation needs. For example, city staff estimates that in the next five years our existing MAX system will require service expansions to serve the north and west side of town and the Madera Community College at an additional cost of \$100,000 a year.

Further, to accommodate our growing transit fleet, we need to acquire more land and construct a transit facility to park, fuel, and repair our buses at an estimated cost of \$1.5 to \$2 million.

We also need to install and maintain MAX bus shelters to serve our rider-ship. These projects are outside the normal capital investments we must make to replace our existing bus fleet every three to five years.

Other transportation related needs also compete for matching funds to expand and construct the Gateway and SR 99 off ramp interchange to serve Madera Community Hospital.

Meanwhile the list goes on and on.

During the City Council's initial review of the study, at our Aug. 6 public meeting, several council members asked why as a good corporate citizen, the Casino was not funding its employee transportation needs.

Concluding, I believe the Chukchansi Casino was provided two viable study alternatives for consideration (a private system, or van, car pooling or ridesharing) to provide employee transportation services.

In coming months, I hope these transit alternatives will be evaluated by the casino to assist their employees.

[Letter to the Editor, Madera Tribune, Aug. 15, 2003:](#)

Reader says casinos should pay for own buses

Enjoyed the article in the newspaper about the perplexed county officials who are working with the transportation department to profitably transport employees to the new gambling casino.

If the casinos can afford to send buses to pick up gamblers, give them a token amount with which to gamble and give them food coupons ... surely they can transport their own employees.

Paula Baraldi, Madera

Spare the Air Day forecast for today

The Hanford Sentinel

Aug. 18, 2003

FRESNO - A Spare the Air Day was forecast for today in all three regions of the Central Valley including Kings County, the San Joaquin Valley Air Pollution Control District reports.

The Central Region of Kings, Fresno and Madera counties as well as the Northern and Southern Regions all had forecast Spare the Air days for today, as triple digit temperatures were expected over the early part of this week.

Valley residents can help reduce and control air pollution levels by taking the following measures:

€ Linking trips;

€ Using electrical briquette starter instead of lighter fluid when barbecuing; and

€ Avoiding long periods of unnecessary idling.