

Smog conference in Bakersfield to discuss problem, solutions

By MATT WEISER, Californian staff writer
[Bakersfield Californian, Sunday, Sept. 5, 2004](#)

Kern residents will have a unique chance to mingle with air pollution experts and share ideas on the problem at a special "smog conference" coming to Bakersfield.

The Air Quality Symposium, sponsored by the San Joaquin Valley Air Pollution Control District, will be held in Bakersfield Sept. 29 and 30 at the Holiday Inn Select Hotel downtown.

The event's purpose is to discuss the valley's unique smog problem, and brainstorm solutions that everyone can adopt. Drafting new regulations, however, is not part of the agenda, said spokeswoman Kelly Hogan Malay.

"We have a very serious air quality problem, and we have unique contributing factors," she said. "This symposium is an attempt to get people from all different sectors together to talk about unique solutions."

The San Joaquin Valley has the nation's worst air quality, as measured by violations of a federal ozone standard. Our air pollution is classified as "extreme" under federal law, a status shared only with notoriously smoggy Los Angeles.

Everyone is welcome to attend the symposium, but not everyone will be able to afford it. The cost is \$165 for both days, or \$105 for one day. Those prices include meals.

Full or partial scholarships are available to those who can't afford to attend. Nonprofits and students can also get half off the admission price.

The symposium includes panel discussions covering topics from new pollution control technologies to how the rule-making process works. Other sessions focus on urban development and transportation, and how industry groups are reducing emissions.

The first day includes a "vendor's court," featuring products and information from industry, health and community groups. Vendor booths are still available at \$100 each.

All the co-sponsors for the symposium are industry groups, including Western States Petroleum Association, Southern California Gas Co. and others. Malay said this does not mean the event will be biased.

"They have the money. That's what it came down to. They're actually paying for segments of the symposium," she said. "The info we're going to provide is very diverse, and we hope it sparks a lot of conversation."

The symposium was an annual event until 1999, when it came to a halt. It was revived this year at the request of Kern County Supervisor Barbara Patrick, this year's chair of the air district board.

"I hope to increase everyone's feeling of personal responsibility towards cleaning the air," she said, "and also see if there are any new and innovative ways to accomplish things."

The cost may keep some away.

Kevin Hall, an air pollution specialist with the Sierra Club, criticized not just the cost of the symposium, but the midweek scheduling.

"This is for anyone but the public," said Hall. "This is for private industry and government agencies affected by air quality regulations. If the air district really wanted to educate the public, this would be a Saturday-Sunday event, and it would be free to everyone."

Infobox

What: 2004 Air Quality Symposium

When: Sept. 29, 7:30 a.m. to 7 p.m.; Sept. 30, 7:30 a.m. to 2:30 p.m.

Where: Holiday Inn Select Convention Center, 801 Truxtun Ave., Bakersfield.

Cost: \$165 per person for both days before Sept. 22, \$205 after. \$105 for one day. Students and nonprofits can attend for half price. Others who cannot afford the full cost can request a scholarship by explaining their need and desire to attend in a letter to: David Crow, air pollution control officer; San Joaquin Valley Air Pollution Control District; 1991 E. Gettysburg Ave.; Fresno, 93726.

Information: Call Kelly Malay at (559) 230-5851, or e-mail kelly.malay@valleyair.org. Or visit www.valleyair.org.

Teens get lowdown on ozone

Students devise project in effort to maximize time for outside activities

By MATT WEISER, Californian staff writer
[Bakersfield Californian, Tuesday, Sept. 7, 2004](#)

They heard it too many times last year at Stockdale High School: No P.E. class today because of smog. Practice canceled after school because of smog.

So Shelley Patel, Caelan O'Sullivan and Shivani Softa, all juniors at Stockdale this year, started asking that one question that drives all great researchers: Why?

There were a lot of whys, actually.

Why the smog?

Why the canceled sports?

Why canceled for so long every day?

"In our P.E. classes, there would be days when we'd have to go into the gym, and they would never tell us why," said Patel, 16, a tennis player.

They decided to launch a science project in hopes of maximizing their outdoor time, while still protecting people from the worst episodes of ozone pollution, a summer problem caused when fumes from cars and factories react with sunlight and heat. The invisible gas can damage lung tissue and aggravate a variety of breathing problems.

The results of their work are a series of wavy lines on paper, produced by crunching volumes of computer data over many months. They found a clear connection between ozone and temperature, and their wavy lines may serve as a better way for people to plan their activities based on how hot the weather is on any given day.

When the day's temperature peaks above 100 degrees, for instance, their charts show that ozone above the state health standard usually occurs in Bakersfield between 11 a.m. and 5 p.m.

But on cooler days, the ozone peak doesn't last as long. When the temperature tops out between 90 and 100 degrees, their work shows that harmful ozone may occur only between 2 and 4 p.m.

That leaves a lot more time for outdoor exercise.

"We didn't really set out to predict ozone. It just sorta happened," said O'Sullivan, 15, a member of the school's cross country team last year.

The San Joaquin Valley violates the federal eight-hour ozone standard more often than any other region in the country. So there are many days when air quality officials advise people to minimize their outdoor activities, especially children, the elderly, and people with breathing problems.

The San Joaquin Valley Air Pollution Control District usually issues a broad caution on unhealthy days to try to protect the most people, based on the worst conditions in a region. Spokeswoman Brenda Turner said the agency usually advises schools to cancel -- until after 7 p.m. -- outdoor sports when ozone hits unhealthy levels.

O'Sullivan said her school commonly cancels physical education classes and team practices between 9 a.m. and 6 p.m. on smoggy days.

"Especially in cross country, it's been a big problem because there's days when we just have to go home after school because of the health risk," O'Sullivan said. "We realized that temperature and time of day are key issues."

The trio's results were produced using actual smog data for 2001, recorded by an air district sensor on California Avenue in Bakersfield. As a result, their findings are applicable to a small area, not all of Kern County or even Bakersfield.

For instance, east Bakersfield often has longer-lasting smog events because of wind currents and because it is downwind from most pollution sources in the area.

Edison and Arvin have even longer-lasting pollution events, with higher concentrations of ozone, because they are even farther downwind and close to the Tehachapi Mountains, which tend to trap and concentrate smog.

Their findings also don't account for the fact that some people are simply more sensitive to smog than others.

Even so, Evan Shipp, chief of air quality analysis for the valley air district, said the girls' findings are probably useful to people who live in central Bakersfield.

"It might be a valid way of indicating what the ozone levels are, but there's going to be some uncertainty to it, of course," he said. "Most likely that's correct that there is going to be a proportional relationship between temperature and ozone concentration. I think it's a real service to the community to understand when exactly this stuff occurs."

The project was driven by curiosity, rather than a school assignment. The girls had some assistance from Joel Stewart, a biology teacher at Stockdale High, and from Terry O'Sullivan, Caellan's father, a petroleum scientist at Aera Energy.

The trio entered their project in county and state Science Fair competitions, winning first place at the county level and honorable mention at state.

"It was difficult," said Softa, 15, a member of Stockdale High's golf team last year. "We had to do a lot of research into what factors lead to ozone. I think we were very successful."

Another variable is that the girls' work deals only with ozone. Particulates are another concern, but usually only a winter problem caused by wood burning and other combustion. Unlike ozone, typically an afternoon problem, the tiny lung-clogging specks of particulate pollution are most often a morning problem.

The goal of their project was to increase outdoor time on smoggy summer days. But they still urge people to use caution, and stay indoors if there is any doubt about air quality.

"We definitely would like to see people pay more attention to ozone. I don't think it's stressed enough," Patel said. "It's important to heed it, especially after all that we've learned. It can really damage your lung tissue."

Kern supervisors to hear disputes over 3 projects

By GRETCHEN WENNER, Californian staff writer
[Bakersfield California, Monday, Sept. 6, 2004](#)

A trio of contentious road-and-building items will dominate Tuesday's meeting of county supervisors.

All three items have previously sparked impassioned testimony from residents at county planning commission meetings. Similar showdowns are expected at the supervisors' afternoon session.

West Beltway/Shilo Estates

A controversial roadway dispute surfaced late last year when 13 Rosedale homeowners in the Shilo Estates subdivision learned a proposed freeway was set to roll through their living rooms.

Since then, residents and county planners and engineers have rigged a plan to tweak the West Beltway's path to avoid the homes, located on Rudd Road south of Rosedale Highway.

Now, however, the proposed freeway will impact five homes not originally in its path.

The new plan will cost county taxpayers less: \$11 million vs. \$14 million. It also will affect fewer homeowners.

The fix was grudgingly accepted by most residents when planning commissioners approved the plan in July.

But some were angered that the developer behind Shilo Estates, Carriage Homes, didn't account for the long-planned freeway when building the subdivision. Carriage Homes officials claim they did not know of the beltway, even though it's been on the books for a decade.

Planners recommend supervisors approve the revised plan for the future freeway, which might not be built for 20 or more years.

Mountain Meadows

Residents of the rural Mountain Meadows community in Tehachapi want to gate off access to 27 miles of private dirt roads.

Officials from the development's road district say vandalism, illegal dumping and liability issues involving outlaw off-roaders have overwhelmed them.

The proposed plan: install five electronic gates along Highline Road to lock out nonresidents.

Planning commissioners nixed the idea, and county planners are recommending supervisors do the same.

That's because the public already has the right to drive on the community's primitive road system, thanks to a move made decades ago by the original developers, Boise Cascade Properties Inc.

What's more, residents of the Old West Ranch community just south of Mountain Meadows vehemently oppose the plan. They say gates would slow access of emergency vehicles -- fire officials agree -- and would create a prisonlike setting they don't want.

Bad blood between Mountain Meadows and Old West Ranch folks has simmered for years, partly because Ranch residents use Meadows' roads to get in and out.

Residents of both communities have written more than 100 letters to planners, almost equally divided for and against the plan. Planners expect fireworks when the two sides square off again Tuesday.

Hageman Northwest

A proposed residential development at the southeast corner of Heath and Hageman roads marks the beginning of the end for some nearby neighbors.

Some 350 homes squeezed onto mostly quarter-acre lots would ruin countrylike living, say surrounding homeowners. Most say they enjoy life on uncrowded 2 1/2-acre lots. Many have horses and other large animals.

They object to developer Hageman Northwest LP's plan to turn 160 acres, now used for row crops, into a walled enclave that they say will clog traffic, crowd schools, crumble roads and [pollute air](#).

Planners recommend supervisors approve the project.

Residents oppose megadairy

By Staff reports

[Visalia Times-Delta, Tuesday, Sept. 7, 2004](#)

County officials will respond Wednesday to concerns raised last month by residents of a Visalia housing development who aren't happy that a new dairy could moving into the area.

Before the Tulare County Planning Commission is a request to approve a permit to allow Neil Zwart to build a 1,648-acre dairy on the outskirts of northwest Visalia.

Called the Mineral King Dairy, it would have 5,625 head of cattle and be three miles from Shannon Ranch, where 1,400 single-family homes are planned along Riggin Avenue.

Opposition

Residents in the area near Road 108, which is Demaree Street in Visalia, between Avenue 328 and Avenue 360 -- including a couple who own a small dairy that would butt up against the proposed dairy -- have said they are opposed to the project.

At least 25 residents of Shannon Ranch last month turned in a petition asking commissioners to deny the proposal, saying it would bring more dust and flies to the area, would affect groundwater and increase traffic. Commissioners closed the public testimony portion of the hearing last month but said they would address concerns and critics of the project Wednesday.

If approved, dairy operators Floyd and Gail Kampen, said it would be the 37th dairy within a five-mile radius.

How to attend

A public hearing on the Mineral King Dairy will continue 10 a.m. Wednesday before the Tulare County Planning Commission, 5961 S. Mooney Blvd., Visalia.

Visitors, communities protest Yosemite funding shortfalls

By Juliana Barbassa, Associated Press Writer
[Fresno Bee, Monday, Sept. 6, 2004](#)

FRESNO, Calif. (AP) - Visitors and community leaders are speaking out against funding shortfalls at one of the country's flagship national parks, saying the resulting cuts - to staff, trail maintenance and educational activities - are affecting the quality of visits to Yosemite.

Some longtime visitors enjoying the park's giant sequoia groves and granite cliffs on Labor Day noticed the difference.

At the end of a four-day camping and hiking trip through the park, Miles Millstone said he found that it's harder to get information about wildlife and the environment, and there are fewer guided tours.

Millstone, from San Rafael, said it's "a shame" that kids visiting today don't have the easy access to information he found during his visits in the 1980s and 1990s.

The entire national park system, which drew 265 million visitors last year, is struggling to offer a memorable experience while getting only two-thirds of the funding it needs - an annual gap of about \$600 million, park advocates said. National parks have seen an 0.6 percent increase in their budget this year, boosting it to \$988.2 million, but that's the smallest increase in about a decade, and comes at a time when mandatory increases in security costs and federal employee health and pension benefits are eating into the money allotted to basic services.

Yosemite National Park alone needs an extra \$18.5 million per year to adequately maintain infrastructure and meet the needs of its visitors, according to the National Parks Conservation Association, a park advocacy organization with 300,000 members.

"Millions of people visit Yosemite every year to hike the Yosemite Falls trail, learn how half dome was created and have an opportunity to chat with a ranger," said NPCA's Laura Whitehouse from Yosemite, where she was surveying visitors on their impressions of the park. "Funding shortfalls are straining the park service's ability to provide visitors with a meaningful experience and to protect these great places."

At Yosemite, staff positions have been eliminated and the number of rangers who lead educational activities are at their lowest level in more than a decade, Whitehouse said.

The increased cost of running federal parks often comes from factors outside the park's control, said Rep. Mark Souder, R-Ind., co-chair of the congressional National Parks Caucus and a member of the House Resources Committee and its Subcommittee on National Parks, Recreation and Public Lands.

"Federal employees' health benefits and pension benefits costs are going up far faster than inflation," he said, adding that new security demands mean "some parks will have as many as 10 to 40 percent of their force dedicated to Homeland Security, having to do things they weren't doing before."

In the Sierra Nevada, staff time also goes into policing the area for marijuana plantations, methamphetamine labs, and research into the impact of air pollution on the parks, Souder said.

Sequoia & Kings Canyon National Parks officials announced their largest marijuana to date Thursday, when 18,926 mature plants were pulled up.

Souder said the slight increase in the national parks budget does not make up for these additional costs, or for the new land purchases.

"We have to get that land, or else we're going to lose it to development," Souder said.

Yosemite draws visitors from around the country and the world, but local residents also lose when the park loses, local leaders said.

The national parks draw tourists and their dollars to the Central Valley, and to the towns that surround them.

"We see ourselves as being a gateway community to three national parks; that's an economic engine that needs to be protected," said John Hernandez, a leader in the Central California Hispanic Chamber of Commerce.

The parks help boost the economy of the Central Valley, a region beset by double-digit unemployment, but they're also a fun way to learn about the environment.

"You've got to look at education, and the recreational opportunities that parks provide to our inner city youth," said Henry T. Perea, acting Fresno City Council president and sponsor of a city resolution supporting adequate funding for parks.

Perea's district includes some of Fresno's underserved neighborhoods, and he said that without outreach programs or educational funding, many of these "Latino and Southeast Asian kids wouldn't have the opportunity to go to these parks."

News briefs from around California

[Fresno Bee, Sunday, Sept. 5, 2004](#)

SAN LEANDRO, Calif. (AP) - Residents and parents here are seeking to bar a proposed crematorium that would be within 1,000 feet of two elementary schools.

Many residents of San Leandro, just south of Oakland, are worried that the crematorium's burners will release pollutants that could have long-term health effects on children and adults in the area. The potential air contaminants include arsenic, formaldehyde, lead and mercury.

On Tuesday, the City Council will hold a hearing on whether All Faiths Crematory can move into a vacant building near Woodrow Wilson Elementary and John Muir Middle schools. The crematory would burn about 4,200 bodies per year.

Bay Area health officials have determined that health risks from toxic air contaminant emissions are within acceptable levels, and that the project would comply with all other air pollution requirements.

Still, resident Jim Athey started a petition to oppose the crematorium and has collected more than 700 signatures.

"I'm not opposed to a crematorium, per se, but more in an industrial area, not where there is a residential/industrial mix," Athey said.

Lawmaker comes up for air Florez takes breather from spotlight of clean-air legislation

By Jennifer M. Fitzenberger, Capitol bureau
[Fresno Bee, Sunday, Sept. 5, 2004](#)

SACRAMENTO -- Sen. Dean Florez was a clean-air maverick last year, taking the lead on five new laws that require farmers to help clean California's dirty air.

Florez, D-Shafter, was outspoken and bullheaded, landing big headlines and praise from leaders in the state's environmental community for ending agriculture's exemption from air operating permits and setting a schedule for phasing out open-air farm burning.

But this year -- the second in the two-year legislative session that ended in late August -- Florez avoided the clean-air spotlight. He went public with two bills to improve air quality, but both died without Florez vigorously defending them.

"Do I feel I need to be the marquee or can I be the second movie? I can be the second movie," Florez says. "As long as the policy gets done, no big deal."

Some political players say Florez worked hard behind the scenes to support other clean-air legislation and has evolved from a lawmaker who thrived on taking credit to one content to let others shine on an issue that has defined his Senate career. Others are more critical, saying Florez took advantage of last year's more Democratic-friendly political climate to gain clout for a possible 2006 run for state treasurer.

"It was strictly statewide recognition to run for statewide office," Manuel Cunha, president of the Nisei Farmers League in Fresno, says of Florez's motivation. "I am absolutely disappointed, and I just don't have any more trust."

Cunha says Florez had little to do with legislation this year that could provide millions of dollars for clean-air programs and allow farmers to continue accessing state funds to help switch and revamp their dirty diesel engines.

But environmental advocates say Florez was instrumental in pushing such bills through the Legislature. They say they depend on Florez for help, knowing he is a staunch supporter of cleaning the Valley's air.

"He hasn't been as much of a leader this year, but he's still showing concern about air quality in the Valley," says Bonnie Holmes-Gen, assistant vice president of government relations for the American Lung Association of California.

Carolina Simunovic, a member of the Central Valley Air Quality Coalition, says Florez hasn't abandoned his effort to reduce air pollution. She says he might be more subdued this year because he recognizes that other lawmakers also have expertise on air quality.

Says John White, representing the Sierra Club: "One of the things Dean is learning how to do is be a team player."

Florez has not decided whether he will run for treasurer in 2006. He says he will run for re-election if his work on air quality isn't finished.

The senator scoffs at the suggestion he took up the air quality issue to get attention.

"It's been a somewhat hostile environment -- given the air bills -- to go home. You have to argue why they're good bills," says Florez, who lives in agriculture-rich Kern County. "You don't really need to do that unless you really feel that it's important."

The political landscape this year is different because of Gov. Schwarzenegger's recall win over Gray Davis. Florez says he has chosen his bills more carefully.

"I don't know if I can go and ask the governor to sign all of these clean-air bills if ag opposes them," Florez says. He doubts Schwarzenegger would have signed last year's air bills.

Florez says he had a hand in advancing key air legislation this year.

He supported Assembly Bill 923 that could provide up to \$90 million for clean-air programs. The bill, sent to the governor at the end of the session, also would allow farmers to use state funds to replace their diesel engines for at least a few more years.

Florez says he didn't push hard this year for some of his bills because other lawmakers had similar legislation.

One of those measures, AB 1009, would require trucks heavier than 10,000 pounds to meet federal emission standards for their model years. Assembly Member Fran Pavley, D-Agoura Hills, introduced the bill in June after the U.S. Supreme Court opened the border to trucks and buses. It awaits the governor's signature.

Florez in June announced he would introduce a similar bill to hold foreign trucks to California emission standards, which are more strict than federal standards, and he held a hearing on the issue. But the bill never materialized because, Florez says, Democrats wanted Pavley to carry the bill.

Florez says he didn't push the issue because "there are other things that I want to do ... like my other bills."

The senator focused this year on measures to help make medical care affordable to people sickened by drifting pesticides and to discourage diesel fuel theft. The pesticide bill cleared the Legislature and is on Schwarzenegger's desk, but the fuel theft bill died in committee.

Florez's revived \$5.2 billion clean-air bond measure -- his most high-profile air legislation this year -- also died. It would have provided money for asthma screening, biomass energy plants and alternative waste disposal methods such as wood-chipping. Florez hoped to get it on the 2006 ballot.

The bill, SB 403, ran into problems when lawmakers asked that a larger chunk of the bond proceeds go to urban interests, and Florez abandoned it after learning that Schwarzenegger wouldn't pledge his support.

Environmental and agricultural advocates back Florez's decision.

"The bond wasn't happening because of the fiscal condition of the state," White says.

Says Louie Brown, an agriculture lobbyist: "While the bond is a good idea in some respects, the time just isn't right. I don't think it has the political momentum to happen at this point."

Florez plans to bring the bond back next year.

Air district takes steps toward regulating refinery flares

The Associated Press

[Fresno Bee, Saturday, Sept. 4, 2004](#)

DIAMOND BAR, Calif. (AP) - Southern California air quality regulators took the first steps Friday toward regulating pollution from refinery flares - plumes of flame seen at the top of tall stacks in refineries and other facilities.

The South Coast Air Quality Management District's governing board ordered its staff to develop a proposed rule for reducing emissions from the flames used to relieve pressure and prevent fires or explosions.

The governing board intends to vote on the proposal once it is complete.

Refineries have voluntarily worked to reduce emissions from flares for several years, district executive officer Barry Wallerstein said in a statement.

A study found that emissions of sulfur oxides from the flares have gone from 7.2 tons per day in 2000 to 2 tons per day in 2003 - about the same as the total amount produced each day by diesel tractor trailers. Sulfur oxides contribute to the creation of fine particulate pollution, which has been linked to respiratory problems and premature deaths.

The district has 27 flares in eight refineries, a sulfur recovery plant and a hydrogen production facility, all in Los Angeles County.

In another decision Friday, the district's governing board awarded \$834,000 to school districts and bus operators to retrofit diesel school buses with particulate filter traps and to make other improvements to filter traps.

The district covers Orange County and parts of Los Angeles, San Bernardino and Riverside counties.

Vegans seen as 'bull's-eye' for green car credentials

Sharon Bernstein, Los Angeles Times
[S.F. Chronicle, Sunday, Sept. 5, 2004](#)

Los Angeles -- Is your car vegan?

Actor Michael Bell's is. The 66-year-old Los Angeles resident doesn't eat or wear animal products, and his hybrid car doesn't have a stitch of leather in it.

If it had, Bell said, he wouldn't have bought the car, a 2001 Toyota Prius, despite its impeccable green credentials.

In raw numbers, vegans such as Bell are so few that they barely register on surveys of consumer habits. But to automobile manufacturers trying to win favor among the increasing number of consumers who say they are environmentally conscious, vegans -- who avoid all animal products -- are what one marketing expert called the center of the bull's-eye.

Pleasing vegans, the theory goes, is key to reaching a wider group of consumers -- affluent shoppers who worry about the environment and who are willing to pay extra for food, clothing and even automobiles, if they are made in ways that do less harm to the planet.

Toyota Motor Corp. is so attuned to the sensibilities of these so-called green consumers that the company doesn't even offer leather seats for the popular Prius.

Ford Motor Co., under fire from environmental activists for its gas-guzzling sport utility vehicles, ran an eight-page advertisement in the New Yorker magazine touting the company's green credentials. The ad led off with the boast that 11 members of the design team for the company's soon-to-be-released hybrid Escape SUV are vegetarians, and its leader is a vegan.

Even Mercedes-Benz, which does not make a hybrid, will offer a "non-leather" package starting with the 2005 model year, in response to customer requests. Previously, all of the luxury automaker's high-end cars came standard with leather seats.

"As a marketer you want to identify with the passionate group," said Bob Kurilko, vice president of marketing for the automobile Web site Edmunds.com.

"The middle of the bull's-eye is where you want to focus your marketing, and then you want to expand your message around that. If you draw these concentric circles, the middle of the bull's-eye right now is the vegan."

Marr Nealon, a nutritional consultant based in Los Angeles, is just such a consumer. She doesn't wear silk out of concern for silkworms. She won't eat honey, saying, "It's something the bees make for their own consumption. Why should we take their food?"

Nealon's 2001 Volkswagen Golf has no leather in it. She said she would gladly pay extra to ensure that her car was leather-free and environmentally friendly. Next year, she plans to buy a Toyota Prius, despite its higher cost.

Vegans themselves are not a powerful market force. Joe Marra, executive director of a market research firm that specializes in environmentally conscious consumers, said vegetarians make up just 1.5 percent of the general population, and vegans hardly register at all.

But Marra's firm, the Natural Marketing Institute, has done research showing that more than a quarter of the adult population, about 56 million people nationwide, say they look for products that are "healthy and

sustainable." And the vast majority of these consumers say they are willing to pay significantly more for environmentally friendly products.

It's these customers -- who buy organic produce and biodegradable cleaning products -- whom the car companies really want, Marra and others said.

"The incidence of veganism and vegetarianism is very low, but the incidence of people being aware of issues like cruelty to animals is much higher," Marra said.

This broader circle of crossover consumers accounts for \$226.8 billion in sales of alternative products, including organic foods, cruelty-free cosmetics and, increasingly, hybrid and other vehicles that emit less air pollution than typical vehicles, said Brad Warkins, president of Conscious Media.

Warkins puts on an annual trade show for companies that want to reach these consumers. Eight years ago, he said, the conference drew a few small companies; last year, it attracted 800 representatives from hundreds of businesses, including Ford Motor Co. and Time Warner Inc.

Sherri Shapiro, who is directing Ford's marketing campaign for the Escape hybrid, defines the target buyers this way: They have higher than average educational levels and household incomes, they tend to live in metropolitan areas, they read more than average and they watch less TV.

To reach them, the company has taken out ads in the New Yorker, developed a promotion with an organic tea company and sponsored programming on National Public Radio. Last year, Ford co-sponsored Warkins' trade show. There, Mary Ann Wright, who heads the company's hybrid technologies division, told a lunchtime crowd that she had been a vegan for 23 years. Moreover, Wright said in remarks that were later printed in the New Yorker ad, 11 members of her design team were vegetarians.

Toyota, trying to reach a similar audience, has co-sponsored a yoga conference and advertised the Prius in Organic Style magazine.

While not targeting vegans or vegetarians with direct appeals, Toyota has chosen not to offer its Prius with leather, aware that might offend some customers.

"We are sensitive to this," said Paul Daverio, manager for advanced technology vehicle marketing at Toyota. "Prius does represent social responsibility to the environment for many people. ... And we understand that there are some issues with leather."

Sam Gerard, a businessman who lives in Santa Barbara, has made finding the perfect vegan car a personal quest.

Gerard, a vegan who manufactures a line of plant-based nutritional products, isn't interested in the Prius, which he thinks is ugly, or the Escape, which is too ordinary for his tastes. He wants a luxury car.

For the past two years, Gerard says, he has scoured the Internet and written letters to automakers, to no avail. His last car was a special order from Mercedes. The automaker let him order synthetic seats, he said, but it was really hard to find a steering wheel that wasn't wrapped in leather.

He now plans to buy a BMW, having discovered after months of calling around and grilling salespeople that one of the upgrade options on the company's 300 line can be ordered with its seats, upholstery and steering wheel wrapped in synthetic suede.

There are still some animal byproducts in the tires, Gerard said, but he believes he did the best he could.

He scoffs at the idea that Toyota, Ford and other car companies are interested in the vegan market. "If they cared, then why can't you find a luxury car without any leather in it?" he said.

As the market for the Prius has grown more mainstream, more and more potential customers have had the opposite reaction: Why can't you buy a Prius with leather in it?

Christopher Cutright, fleet director at Hollywood Toyota and a top Prius salesman, said that nowadays, most of his customers are requesting leather seats in their cars -- and paying a \$1,500 premium to get it.

Last month, Cutright said, Hollywood Toyota sold 36 Priuses -- 30 of them with leather added by the dealership.

At Toyota, marketing officials are well aware of the brisk and lucrative business that dealers are doing in after-market leather.

That has sparked a debate within the company: These consumers are the crossover market Toyota wants for its hybrid car. But putting leather in the Prius, even if it is just an option, could turn off the vehicle's core customers.

"It would disturb me, because I would feel that they are caving in for the few extra bucks they could make," said Bell, the vegan actor, who has already ordered a 2005 Prius.

Still, there is a way around the issue of dead cows: synthetic leather.

"There are imitation leathers that do not have an impact on the environment and we are looking at that," Daverio said.

But Daverio insists Toyota will never make a Prius with real leather.

"Oh, no," he said. "We would never do that."

Review shows pockets of cancer clusters in LA region

The Associated Press

[Fresno Bee, Friday, Sept. 3, 2004](#)

LOS ANGELES (AP) - Researchers are puzzled over what may cause high levels of respiratory and throat cancers found in various clusters across the county.

A review, by epidemiologist Dr. Thomas M. Mack at the University of Southern California, provides no explanation of the cause for the higher-than-normal levels of the two cancers. He also found no evidence of environmental causes, although he and other experts said possible exposure to air pollution should be investigated further.

Mack's review of cancer data over a 27-year period stemmed from years of watching communities worry about a neighborhood toxic site or other potential pollution sources, he said. Mack wanted to show people that cancer patterns often can be caused by other factors, such as age, behavior, social class and work history.

"Neighborhoods may be at high risk because of the people that live there," he said.

The review of cancer reports found higher levels of oropharyngeal carcinoma - cancer of the mouth and throat - in several areas in and around Long Beach, including a strip of census tracts running north-south immediately east of the Long Beach Freeway. Higher levels of small cell carcinoma of the lung and bronchus were found in some contiguous census tracts in the southeastern portion of the county.

But researchers are unsure why high levels of both cancers were found in their respective spots, although several of those areas are downwind of industrial facilities.

"I don't know that this is air pollution, but it is worth a shot to try to find out whether it is," Mack said.

Also listed in the review was Kaposi's sarcoma, a cancer associated with AIDS, and shows up in a band from West Hollywood to Silver Lake -- home to a large gay population.

Mack reviewed data on 84 kinds of cancer reported by doctors countywide from 1972 to 1998 to the Cancer Surveillance Program, the county's cancer registry and published the results in June in a book, "Cancers in the Urban Environment."

Mack matched cancer cases with census tracts to see how the cancers occurred geographically. A census tract contains about 5,000 people.

Mack labeled as high risk only those tracts whose rates were more than 50 percent higher than the average county rate and which couldn't easily be explained.

ExxonMobil settlement may help clean air regulators avoid budget cuts

By Tim Molloy, Associated Press Writer

[Fresno Bee, Friday, Sept. 3, 2004](#)

LOS ANGELES (AP) - Exxon Mobil Corp. paid \$8.25 million to Southern California air quality regulators to settle dozens of violations at the company's Torrance refinery and Terminal Island facility, officials said Thursday.

The payment, the third largest in the history of the South Coast Air Quality Management District, would let the district restore inspections and monitoring operations cut earlier this year due to budget constraints - an option that was discussed by members of the district's governing board when they approved the cuts in June.

The reductions would lead to fewer inspections like the ones that uncovered the violations at the ExxonMobil sites. The board opted to leave 44 jobs unfilled, a decision that was expected to result in 3,300 fewer inspections of polluters, fewer antismog rules, less monitoring of community air quality, and less public outreach, according to an analysis by AQMD staff.

District spokesman Sam Atwood said it would be up to the board to decide whether to spend the settlement money on restoring the cuts.

ExxonMobil and the district agreed on the terms several months ago, but the district would not release the company's name until the settlement was formally approved. ExxonMobil paid the district Wednesday. Most of the violations involved the improper storage of diesel, rocket fuel, gasoline, and other substances that include volatile organic compounds that contribute to smog, Atwood said. Inspectors found that tanks holding the substances were not properly sealed.

"This sends a very strong signal to all similar sources and all others who would consider violating our rules that this agency is vigorously dedicated to enforcing its rules against all violations, especially when there's a pattern of serious violations," said Joe Panasiti, senior deputy district prosecutor.

Company spokeswoman Carolin Keith said the settlement was part of a "cooperative effort on the part of ExxonMobil and the district."

"We see it as the best way to set aside any differences of opinion and to reach a common understanding on all regulations and requirements," she said. "It is our goal to be in full compliance with all local and federal rules."

The AQMD's first- and second-largest penalty settlements were with AES Alamosa LLC, for \$17 million and with Los Angeles Department of Water and Power for \$14 million. Both were in 2000 and involved excess power plant emissions during the state's energy crisis.

The district regulates air pollution in Orange County and parts of Los Angeles, San Bernardino and Riverside counties. The region has the worst air quality in the nation.

Park burn opens door to fine

By MARK GROSSI - THE FRESNO BEE
[Modesto Bee, Sunday, Sept. 5, 2004](#)

Sequoia and Kings Canyon National Parks defied a burning ban from local air quality authorities and lit a brush-thinning fire June 30, opening the door for a fine of up to \$75,000.

Local air authorities said they are preparing a substantial fine because they ordered park officials not to burn on that day.

Sequoia-Kings Canyon officials disagreed with the order, saying the federal fire forecast and their assessment of the meteorology conflicted with the air district decision. They decided the smoke would not be a problem in downwind communities.

A San Joaquin Valley Air Pollution Control District leader said park officials could not refuse the order. The district has the authority to protect the valley's air from smoke and smog-forming gases from brush-clearing fires.

"That's a willful and intentional violation of state law and district rules," said Bob Kard, director of the district's compliance division. "It was not an accident."

Jody Lyle, Sequoia-Kings Canyon fire information officer, replied that park officials take district orders seriously, but there's more to the story.

"We spend a lot of money each year to forecast conditions and monitor burns," she said. "We gather predictions from several places, including federal fire forecasters in Southern California. The only unfavorable forecast was the one coming from the San Joaquin district."

The violation is a rare slip in the annual summer cooperation between many land managers in the Sierra Nevada and air authorities in the valley. Sequoia-Kings Canyon has never had such a violation notice.

Like other forest management agencies, Sequoia-Kings Canyon and air authorities talk regularly about brush-clearing fires, as they did about the fire on June 30. The basic question: Will a community or populated area get smoked out?

That day, Lyle said, parks Superintendent Richard Martin made the decision to ignite the burn, which promotes forest health and prevents larger fires. Lyle said air district inspectors had signed off on burns in the area the previous two days.

On June 30, which was the third of five burning days to clear 257 acres in Giant Forest, park officials set a 17-acre fire that did not cause downwind air problems in the foothills or the valley, air officials said.

The parks received the citation not for creating pollution, but for defying the order.

An air district representative visited the site the next day and confirmed that the burn had taken place, said Ted Strauss, supervising air quality inspector.

"It was above and beyond the burning that had already taken place the previous day," Strauss said.

He added that the district's restriction on burning takes into consideration previous burning, which often smolders the next day. He said the district authorized burning on the two days after the June 30 fire.

Finishing the burn by July 2 was important, park officials said. They wanted to release firefighting crews for the Fourth of July weekend in case they were needed to protect communities.

After considering the episode, the district last week sent the notice of violation.

Fines for air violations are negotiated in private, then announced after both sides reach agreement. If disagreement over a fine goes unresolved, the case can wind up in Superior Court.

Park officials said they are disappointed about the citation, but they want a quick resolution.

"We've been working closely with the National Park Service for a long time," Kard said. "We've never had anything like this. It's hard to understand why they didn't follow the order."

News from the San Joaquin Valley

The Associated Press

[Fresno Bee, Friday, Sept. 3, 2004](#)

SEQUOIA NATIONAL PARK, Calif. (AP) - A national park is facing a fine of up to \$75,000 for setting a controlled fire against an order from local air quality authorities.

An official from the San Joaquin Air Pollution Control District said that Sequoia-Kings Canyon National park authorities defied a June 30 ban on burning.

No-burn days were designed to protect the valley's air from smoke and other pollutants on days when air quality is low, air officials said.

Park authorities disagreed with the air board's finding and decided to go with their own weather assessment, which concluded that the smoke would not be a problem.

"That's a willful and intentional violation of state law and district rules," said Bob Kard, director of the district's compliance division. "It was not an accident." Parks officials took the district's orders seriously, but other sources of information were considered, said Jody Lyle, Sequoia-Kings Canyon fire information officer.

"We spend a lot of money each year to forecast conditions and monitor burns," she said. "We gather predictions from several places, including federal fire forecasters in Southern California. The only unfavorable forecast was the one coming from the San Joaquin district."

The park was trying to finish all its controlled burns by July 2, officials said, so that firefighters would be free to help communities in need during the Fourth of July weekend.

A fine will be levied after the case is thoroughly reviewed, air officials said.

PUC votes to allow liquefied natural gas to flow from Mexico into California

By Terence Chea, Associated Press
[S.F. Chronicle, Friday, Sept. 3, 2004](#)

SAN FRANCISCO (AP) -- Huge quantities of liquefied natural gas are set to flow into United States from Mexico, after a vote by the state Public Utilities Commission to permit the shipment of LNG through California pipelines.

Despite opposition from environmentalists, the commissioners voted 3-2 on Thursday to allow the creation of border access points, where LNG could flow from Mexican to U.S. pipelines for use in California and other Western states. The PUC rejected a proposal to delay the vote so the economic and environmental effects could be studied.

"We're experiencing the high prices of natural gas constraints today. We don't have a moment to lose in addressing this threat," Commissioner Susan Kennedy said at Thursday's meeting in San Francisco. "These high prices are hurting residences and businesses of all sizes."

But Commissioner Loretta Lynch, who wanted to delay the vote, said the commission's rushed the decision without studying how much natural gas the state needed.

"We were willfully blind," Lynch said. "We decided that we didn't need any evidence before we made the rate payers pay for all sorts of natural gas."

LNG, a super cooled natural gas, carries advantages in cost and increased transportation capacity, but its extreme volatility has raised safety concerns. In January, 27 people were killed by explosion at an Algerian LNG plant.

Despite those concerns, several companies are considering establishing LNG facilities for the fuel in California.

Sempra Energy and Shell have secured Mexico's approval to construct a new plant at Costa Azul, about 55 miles south of the border, to process up to 1 billion cubic feet of liquefied natural gas daily when it opens in 2007.

Some of that output would go to California, which typically uses 5 billion to 6 billion cubic feet of natural gas daily for generating electricity, heating homes, and other uses.

Thursday's decision will allow California to boost its natural gas capacity by about 10 percent, or 500 million cubic feet, said Brian Prusnek, Kennedy's energy adviser.

Sempra spokesman Art Larson said Thursday that the decision "provides California's natural gas customers the ability to tap into a significant and competitively priced future source of energy."

Critics say LNG generates air pollution and poses safety risk at facilities in the event of earthquakes or terrorist attacks. A recent Greenpeace report said LNG releases carbon dioxide that contributes to global warming and is less efficient than alternative fuel sources such as wind and solar energy.

"Our fear is that this puts California's commitment to renewable energy and energy efficiency at risk," John Coequyt, a Greenpeace energy policy specialist, said Thursday. "The state is basically promoting a technology in LNG that's unsafe, unnecessary and bad for the environment."

Sempra has agreed to pay the cost of upgrading infrastructure to link the Mexican supply with pipelines owned by San Diego Gas and Electric Co. and Southern California Gas Co. But it will ask the PUC later for permission to pass on the expense to rate payers.

Thursday's decision will allow the two utilities to establish access points for LNG near Long Beach, Ventura, Otay Mesa and possibly other sites. The two utilities currently pipe in natural gas from New Mexico, Texas and other Western states.

Having access to LNG from Mexico will allow the utilities to diversify their energy supplies and boost reliability and cost-savings for customers, said Rick Morrow, vice president of customer service for the utilities.

Technology taps manure as a source of energy

By Reed Fujii

[Stockton Record, Tuesday, Sept. 7, 2004](#)

LODI -- Lodi dairy farmer Len De Snayer has long lived with the smelly business of handling the manure produced by his 1,200 cows and calves.

The largely liquid wastes washed out of the dairy's milking barn and cattle stalls are stored in ponds or lagoons, then twice a year applied to crops that help feed his herd.

In a little more than a year, however, De Snayer hopes to have a new system in place that would produce energy, animal feed and commercial compost, as well as reducing the stink.

He's signed a contract with a New Hampshire company to install a manure digester to generate methane gas that would, in turn, be used to process animal feed.

Liquid waste coming out of the digester would still be applied as fertilizer, but De Snayer said it would also produce solid materials that can easily be turned into high-grade compost.

"I can either market that compost later or lay it on my own fields," he said.

"The big benefit is I don't have to smell it anymore, and I get a better handle on my manure management."

Microgy Cogenerations Systems Inc., a subsidiary of Environmental Power Corp. of Portsmouth, N.H., would install, own and operate the pioneering system. Omaha, Neb.-based Scoular Co., which specializes in handling grain, feed and food ingredients, would provide the feed-processing technology, as well as supply feed ingredients and market the finished feed.

The key to the whole system is tapping manure as a "reliable, stable, renewable energy supply," said Jeff Dasovich, in charge of Environmental Power's West Coast operations.

Tapping cow manure in California, the nation's leading dairy producer, could provide such a reliable supply.

Such systems are not new to the state, however. Many were built in the 1980s, following the oil crises of the 1970s, and were designed to generate electricity.

Those projects mostly faded away, however, after energy prices declined in the 1990s and tax breaks and other incentives lapsed.

Also in most cases, those earlier manure-to-energy projects were built and managed by the farmers themselves.

Dairy farmers, Dasovich said, "are very good at what they do, but they're not power companies or digester companies."

His company offers a different business model.

"We're brining the digesters to the farm and asking the dairy farmer to keep the dairy farm focused on producing milk," Dasovich said. "We build and maintain the digester."

Also, using methane directly as a heat source for processing animal feed is a much more efficient use of the fuel than electrical or cogeneration applications, said Tom Kopp, a Scoular Co. senior manager.

"We're trying to bring a solution industrywide that will allow better use of that bio gas," Kopp said from his Minneapolis office.

The De Snayer project, in fact, would tap another throwaway as raw stock for animal feed.

"We're working with ... food companies that have problems with their waste streams and bringing those waste streams in and making animal feed out of it," Kopp said.

Scoular believes the combined manure-digester and feed-processing system has great potential.

"We see these facilities being put up all over," Kopp said.

Similar applications have long been used in Europe, where energy prices are generally higher and land resources more limited than in the United States.

"The technology is there," De Snayer said. "For the future, the green energy is a good way to go. ... You just get more out of what you've got."

Tire-fire settlements hit \$22 million

By DENNY WALSH - SACRAMENTO BEE
[Modesto Bee, Saturday, Sept. 4, 2004](#)

SACRAMENTO - The flames and smoke from the notorious 1999 Westley tire fire are long gone, but the legal fallout lingers.

A recent settlement of nearly \$1 million pushes the total to almost \$22 million paid out by companies and a family trust associated with the Stanislaus County site of a gargantuan pile of discarded tires that was ignited by lightning.

Under the terms of two consent decrees filed in Sacramento federal court - one on Aug. 27 and the other Wednesday - three companies and a partnership will pay the U.S. Coast Guard \$957,000 as partial reimbursement for its part in cleaning up the mess left by the blaze.

In a complaint filed in June, the Coast Guard said it spent \$3.89 million "for the oil spill cleanup of the Westley Tire Pile Facility."

The pile was on a 40-acre parcel "that includes a canyon with drainage that flows into an unnamed intermittent spring," the complaint says. "The spring flows under Interstate 5, across a field, to the California Aqueduct," part of the manmade system that moves water from Northern to Southern California.

Because federal law classifies the aqueduct as "navigable waters of the United States," the Coast Guard and the U.S. Environmental Protection Agency acted quickly to contain and remove thousands of gallons of oil that leaked from the pile during the fire, according to the complaint.

At the time of the early morning lightning strike on Sept. 22, 1999, the complaint says, there were about 7 million scrap tires on the 60-foot-high heap near the community of Westley in the foothills west of Interstate 5.

250,000 gallons of oil generated

"The tires burned for 34 days, releasing carcinogenic toxins, including polynuclear aromatic hydrocarbons, benzene, carbon monoxide and nitrogen oxides into the atmosphere, and generated at least 250,000 gallons of pyrolytic oil," the complaint alleges.

Modesto Energy Limited Partnership, Modesto Environmental Corp. and Enpower Management Corp. will pay the Coast Guard \$482,000. CMS Generation Co. will pay \$475,000.

All four entities - or subsidiaries or predecessor companies - were, in one way or another, affiliated with the operation of the tire pile or a nearby energy plant during 15 years prior to the fire.

That leaves only a lawsuit being pursued on behalf of 11,000 residents of western Stanislaus County against Modesto Energy and a trust administered on behalf of the family of rancher Ed Filbin, who started the pile on his property nearly a half century ago.

Health-claims lawsuit trial set

Residents claim the dirty air left by a thick plume of black smoke that spread over the area caused chronic headaches, coughing and skin irritations.

The lawsuit is scheduled for trial in April in Santa Clara Superior Court, according to Scott Cole, lead plaintiffs' attorney.

CMS Generation paid \$9 million last year to resolve its part of that lawsuit. CMS is a subsidiary of Michigan-based CMS Energy Corp. and the former owner of Oxford Tire Recycling of Northern California, which dumped tires at the site.

A lawsuit brought by the state has been settled, according to Deputy Attorney General Russell Hildreth. Most of the recovered funds went to the California Integrated Waste Management Board, which supervised the cleanup, he said.

Modesto Energy, which operated the tire-to-power plant next to the site, settled with the state for \$2.5 million and for work at the site valued at \$1.6 million, Hildreth said.

CMS settled with the state for \$4.7 million and for work at the site valued at \$800,000, he said.

The state also collected \$875,000 from an Oxford Tire insurer, the deputy attorney general said, and \$50,000 from Total Tire Recycling of Sacramento, a supplier of tires to the now-closed energy plant.

A Filbin family trust paid the state \$400,000, and the state paid Stanislaus County \$100,000 of that money to settle the county's claims, Hildreth said.

He said the money collected falls far short of the \$18 million the cleanup has cost the state. Other funds for the project came from an increase in the state's tax on new tires, he added.

Can we do without Air Board?

By JENNIFER M. FITZENBERGE - RBEE CAPITOL BUREAU
[Modesto Bee, Tuesday, Sept. 7, 2004](#)

SACRAMENTO - Of nearly 120 boards and commissions Gov. Schwarzenegger's California Performance Review team wants to eliminate, perhaps no recommendation has sparked as much criticism as the one to abolish the state Air Resources Board.

Team leaders say folding the board into the California Environmental Protection Agency would save money, create more accountability and intensify the scrutiny of new ideas for cleaning the air.

But air officials say eliminating the board would threaten the stability of California's fight against pollution at a time when the state harbors some of the grimmest air basins in the country.

"There's no reason to do it," said John White, representing the Sierra Club. "It doesn't accomplish any particular important objective other than save a little bit of salary."

Schwarzenegger created the review team in February, putting 275 state employees and volunteers to work analyzing nearly every state program and process. Its mission: Find ways to streamline government and save money.

Two weeks ago, the team presented its 2,500-page report to Schwarzenegger, who said he would study the suggestions and get public comment. The governor said he would take ideas he likes to the Legislature and possibly the ballot.

Public hearings on broad categories of recommendations began Friday in Riverside. A hearing in Fresno Sept. 17 will cover the EPA and conservation, including the proposed elimination of the Air Resources Board.

Dissolving the Air Resources Board would, at a minimum, save about \$250,000 per year on member stipends and travel. That money could be used to boost clean-air efforts such as a program that helps replace and retrofit dirty diesel farm engines, said Chris Reynolds, who headed the team's resource conservation and protection group.

If every recommendation in the report is enacted, the state could save \$32 billion in the next five years.

History of making landmark decisions

The Legislature created the Air Resources Board in 1967 to combat pollution that, in some parts of California, was getting out of control. Cities were growing, and motor vehicle pollution was virtually uncontrolled.

"It was getting so bad, especially in Los Angeles, that people couldn't see across the street the smog was so thick," said Gennet Paauwe, a spokeswoman for the board.

The board has made several landmark clean-air decisions. In 1976, it started limiting lead in gasoline, and phased it out by 1992.

In 1996, the board set rules to reduce toxins in gasoline, cutting emissions equivalent to that produced by 3.5 million cars from the air. In 1998, it listed particulate matter in diesel exhaust as something that can cause cancer and since has worked to clean heavy-duty diesel engines that spew the microscopic specks.

The 11-member board oversees 35 local air districts, including the San Joaquin Valley Air Pollution Control District. It meets once a month and has a \$150 million budget.

Five board members are experts in fields ranging from medicine to law, and five are elected officials who represent different parts of the state. The chairman, Alan Lloyd, is a scientist with a long résumé of environmental work.

But having an independent board, Reynolds said, hinders accountability and efficiency. He said a centralized office would make it easier for the state to consider how proposed air rules would affect water, soil, plants and animals.

Under the plan, the Air Resources Board and five other divisions of the EPA, ranging from waste management to pesticide regulation, would be rolled into one administrative office.

"We don't want to undermine or harm any program that's working in California," Reynolds said. "Air quality programs, in many people's (opinions), have been on the cutting edge. The intent is not to slow that progress."

Air quality advocates, though, say the Air Resources Board structure not only works, but is a model system. "The Air Resources Board is the most successful environmental regulatory agency in the world," said the Sierra Club's White.

State Sen. Dean Florez, who pushed through five clean-air laws last year, said the board is critical in keeping tabs on motor-vehicle pollution. Eliminating it, he said, "would be disastrous."

"That would be a step backward," said Florez, D-Shafter, adding that he plans to testify at the hearing in Fresno.

Struggle Over Power Plants

Cities say a union group is using environmental laws to protect jobs, but CURE says it's trying to prevent pollution.

By Marc Lifsher, Times Staff Writer
[LA Times, Monday, Sept. 6, 2004](#)

Council members in two cities that are rushing to build power plants to avoid the next energy meltdown are accusing a labor organization of exploiting environmental laws to keep nonunion contractors from bidding on the jobs.

The union group says it's trying to protect California from pollution as well as electricity shortages.

Call it a power crisis power struggle.

The California Energy Commission is studying allegations that California Unions for Reliable Energy, or CURE, repeatedly has threatened to raise environmental concerns that could cause costly delays in

licensing procedures unless power plant developers agree to use only union construction workers.

"People don't want to use the word blackmail, but that's what it is," said Richard Roccucci, a councilman in the fast-growing Sacramento suburb of Roseville. "This may be legal, but in my opinion, it's unethical."

Roccucci cast the lone dissenting vote against a July 21 motion that Roseville sign such a labor agreement with CURE to speed up the construction of a 150-megawatt gas-fired plant.

Councilman Steve Adams in Riverside is even more adamant, calling CURE's effort to slow down his city's licensing of a proposed plant "borderline extortion, if not racketeering."

The Riverside City Council unanimously voted July 27 to sign a contract with a nonunion contractor that bid \$5 million less than its closest competitor.

At about the same time, CURE filed legal papers with the energy commission, raising concerns about air pollution at the Riverside project. The unions at a hearing last week asked the commission to subject Riverside to a yearlong full environmental review, instead of the six-month "expedited" process for small power plants, like Riverside's 96-megawatt facility.

CURE rejected the criticism, asserting that unions had been in the forefront of efforts to reduce air and water pollution from recently built electricity generating stations.

"We have done cutting-edge stuff in the environmental field," said CURE Chairman Robert Balgenorth, president of the State Building & Construction Trades Council of California. "These people are trying to slander our reputation and say we did wrong."

He said negotiations between CURE and developers had resulted in a 50% drop in power plant emissions of nitrogen oxide since 1997.

Unions, Balgenorth added, have a strong record of providing skilled workers who have helped developers finish numerous projects in California on time and under budget.

CURE's negotiations with power plant developers seek to create a balance between protecting the environment and fostering jobs, Balgenorth said. Reaching a union-hiring agreement means that "we will have satisfied that balancing act," he said.

CURE's motivations appear to be more about protecting union jobs than preserving the environment, said Herbert R. Northrup, a retired management professor at the University of Pennsylvania's Wharton School who has written extensively on union activities in the construction industry.

"They're using a lot of desperate tactics to try to get back the jobs they once had," Northrup said, noting that unions now represent 17% of construction workers, compared with 87% in 1945.

Northrup's statement is echoed by a July 12 memo to the City Council from Roseville's municipal utility director. Tom Habashi said that in recent years CURE's involvement in energy commission licensing proceedings had been "light and supportive" when it got a union-only labor agreement. But "on those projects that do not sign ... CURE's involvement has been heavy and adverse to the interests of the project sponsor."

The memo concluded that not signing a union agreement could cost Roseville ratepayers "anywhere from \$3 million to \$15 million or more ... not including the risk of higher replacement power costs and rate increases, 18 months' delay, plus greater risk and uncertainty." Habashi recommended that members make a "business decision" to support the union agreement.

The rationale persuaded the council but left members of the four-person majority feeling tainted.

"Quite honestly, I'm disgusted to have to be put in a position like this," Councilman John Allard said just before the vote. The unions are saying that "if you don't do what we want you to do, we are going to take you to court and jam you."

Shortly after the council vote, the city and CURE drew up an agreement in which Roseville promised to use only union workers and CURE pledged to not engage in any actions before government regulatory agencies that could slow construction.

Faced with a similar situation, Riverside officials took a different tack. The council insisted that it had no choice but to spurn CURE's demands because the city charter required contracts to go to the lowest bidder.

When Riverside built a small power plant about a year ago, "it happened to be that a union company got the bid, and we didn't get any objections from anybody," Councilman Art Gage said. "But this time around the nonunion company got it, and all these people came out of the woodwork."

In both cases, he said, the city is required to pay union-scale prevailing wages to all workers, whether they are employed by union or nonunion contractors.

The successful nonunion bidder said CURE's legal strategy was costly to electricity ratepayers because it prevented many qualified firms from bidding on California projects.

"All that we ask for is that projects be bid on a competitive basis," said Gary Bennett, corporate relations director of Industrial Co., an international construction company based in Steamboat Springs, Colo. Bennett said his firm often hired union subcontractors or independent union craftsmen and planned to do so in Riverside.

CURE's use of the energy commission licensing process worries some environmentalists.

"The environmental pretext of CURE's work has gotten thinner and thinner," said V. John White, legislative director of the Clean Power Campaign in Sacramento, which advocates for renewable energy like solar, wind and geothermal power. "Lately, they have become more cynical and hypocritical. It suggests they don't have an environmental agenda at all."

Even nonpolluting alternative energy projects have become the targets of the union's environmental concerns, said Jonathan Weisgall, vice president of MidAmerican Energy Holdings Co., whose CalEnergy unit recently completed construction of 10 geothermal energy plants in Imperial County.

"CURE aggressively opposed this project, which was surprising because as renewable energy, it faced few environmental hurdles," he said. "But once we executed the project labor agreement and were confirmed as working with the unions, CURE's intervention at the energy commission no longer was an issue."

CURE's attorney, Marc Joseph, denied that the unions opposed the project for other than environmental reasons. The unions, he said, "got the developer to agree to make the project environmentally better."

How green is the governor?

[S.F.Chronicle, Editorial, Tuesday, Sept. 7, 2004](#)

SINCE WINNING office, Gov. Arnold Schwarzenegger has done nearly everything right as a green politico. Environmental groups applaud his appointments, position papers and outspokenness on air pollution and ocean protection.

Now comes the telling moment. On his desk is a pile of environmental bills to sign or veto. As a group, they don't compare to weighty measures to raise the minimum wage, bar offshoring of jobs or buy cheap

Canadian drugs. But the governor's actions will establish his record on issues such as smog, pesticides and energy.

The bills could put him on a collision course with favorite groups such as business, agriculture and even car collectors such as TV star Jay Leno, on whose show Schwarzenegger launched his recall run.

The governor starts out with Sierra-sized political capital. His recall position paper from last fall called for cutting air pollution by 50 percent, protecting the ocean and coast, promoting solar power and boosting renewable energy. His advisers include Terry Tamminen, a well-regarded Santa Monica enviro who now heads the state Environmental Protection Agency, and Mike Chrisman, the director of the state Resources Agency and a Republican moderate with wide connections among outdoors groups. It's a promising start.

Here are several key bills that will fill the record further:

SMOG: AB2683 by Assemblywoman Sally Lieber, D-Mountain View, toughens tailpipe regulations on smog-spewing older vehicles. It's opposed by collectors such as car fancier Leno, a pal of the governor and owner of more than 100 classic cars.

A second pollution bill puts Schwarzenegger on a collision course with business. AB2042 by Assemblyman Alan Lowenthal, D-Long Beach, would cut down on diesel exhaust of idling ships at the ports of Los Angeles and Long Beach. The emissions are a major source of smog in the region, but the ports are economic engines. Both smog bills deserve signing.

OCEANS: Schwarzenegger has energetically endorsed two national reports calling for stronger oversight of fish-depleted oceans, a stance that adds to pending overhaul of fishing rules and conservation practices. He should continue this fight by signing SB1319 by Sen. John Burton, D-San Francisco, a measure that calls for closer planning between a multitude of state agencies.

Locally, the governor also should sign AB1876 by Assemblywoman Wilma Chan, D-Alameda. It requires health warnings where humans come in contact with the bay, such as windsurfers at Crissy Field in San Francisco.

PESTICIDES: The governor must choose between agricultural interests and health groups on SB391 by Sen. Dean Florez, D-Shafter. The measure sets up rules and fines covering the dangers of lethal pesticides that drift from cropland into nearby residential areas, a problem in the Central Valley. He should sign it.

SOLAR: The governor advanced a late-session idea to push solar power in new-home construction. But his plan was tagged to higher energy bills, a method that drew Democratic opposition. Back to the drawing boards, governor, and find a way to make solar work.

ENERGY: SB1478 by Sen. Byron Sher, D-Palo Alto, would wean California from fossil fuel in favor of renewables like wind, solar or biomass. Current rules require 20 percent of the state's energy diet to come from these new sources by 2017. Sher's bill would move this date to 2010. It matches Schwarzenegger's position paper supporting a move to clean fuels and an end to dependence on foreign oil. Sign it, governor.

TIMBER: He supports the state's homegrown plans to balance logging with conservation, as mapped out in the Sierra Nevada Framework. He's also favors a conservancy for the Sierra that would purchase public access rights on private land.

A further test is SB1648 by Sen. Wes Chesbro, D-Arcata, to moderate tree-cutting in the 50,000 acre Jackson State Forest in Mendocino County. Instead of getting the best timber yield in the redwood forest, state criteria would also include recreation, education and public enjoyment. He should sign this model measure.

During his campaign, Schwarzenegger said, "I have always been environmentally friendly, and I will fight for the environment." He added, "Nothing to worry about." It's time to continue a promising start with bill signings.

How to ease I-5 congestion

Los Angeles transportation think tank believes problem could be solved by constructing toll-lanes for big trucks

[Bakersfield Californian, Editorial, Sunday, Sept. 5, 2005](#)

Anyone traveling on on I-5 from near the base of the Grapevine in Kern County to Sacramento knows more lanes are needed on the 40-year-old traffic-clogged thoroughfare.

Truck traffic increases significantly each year on the route, adding to the problem. What's the solution?

Since state funding for widening and improving the four-lane highway is unlikely due to the continuing California budget crisis, a Los Angeles transportation think tank -- Reason Institute -- has come up with a provocative plan that deserves further exploration.

It proposes building truck-only lanes that could reduce accidents and air pollution.

The new lanes would be funded by revenue bonds that would be repaid through tolls paid by the truck companies that use them. The Institute has not yet projected a dollar cost for the project.

Robert Poole, director of transportation studies for the Reason Institute, said: "It's pretty clear that over the next 20 years, there's going to need to be a widening of Interstate 5. If you carve out new lanes to take a significant chunk of the truck traffic, that would create space for the growth in car traffic that we know is coming."

A recent *Californian* story noted the need to fix I-5 congestion as soon as possible.

It pointed out: "There is widespread agreement that rapid growth in California has pushed Interstate 5 to its limits. The highway is a key commercial artery not just in California, but for the entire West Coast, from Mexico to Canada. Increasing traffic on the artery will begin to slow the delivery of goods, which could cause economic ripples."

Ron Brummett, executive director of the Kern Council of Governments, the county's regional transportation planning agency, agrees the I-5 traffic problem needs fixing.

"We do need more capacity on I-5," he said. "The biggest stumbling block is getting the financing. It may take some new concepts like this (toll road proposal) to make it happen."

Traffic on I-5 increased 10 percent between 2001 and 2003, according to Caltrans, the state transportation agency. And traffic has at least doubled on most segments of the highway in the last 25 years. Traffic is expected to double again in the next 20 years.

Adding to the headache of a huge increase in the volume of traffic is that the highway has never been widened despite plenty of room on the sides of both southbound and northbound lanes.

Federal law now puts a roadblock on construction of new toll lanes. However, both House and Senate versions of the new national transportation bill would eliminate the ban. The bill has stalled but should be passed when Congress reconvenes later this year.

According to the Reason Institute's plan, the toll lanes would be constructed in the I-5 median and separated from the passenger lanes by concrete barriers.

The truck-only toll lanes should be seriously considered by California's legislative and congressional leaders. Their help will be needed to alleviate a serious congestion problem on Interstate 5.

New development must pay its share

Law enforcement, fire protection, parks -- growing need will be met with the help of new fees

[Merced Sun-Star, Editorial, Saturday, Sept. 4, 2004](#)

New development should pay its own way. Those developing new homes, apartments, hotels and motels -- as well as businesses and industries -- should pay for the impact that this growth creates.

So we have no problem with recent actions by the Merced County Board of Supervisors to raise four different developer fees and create a new one. Fee hikes should help county officials recoup the costs of processing expansion requests as well as enable fire and law enforcement personnel to handle needs for extra service brought about by population growth. It wouldn't be fair for current residents to have to bear costs to accommodate people new to this area.

We're most excited about a newly instituted fee that could see the Merced County Sheriff's Department receive about \$24 million more over a 20-year period. While money from these new fees can't be used to hire more deputies, it can be utilized to buy vitally needed equipment such as bulletproof vests or new patrol cars, thereby freeing up regular funds for other uses.

Sheriff's deputies now have hundreds of miles of territory to cover and a growing number of daily requests for service, from mundane to life-threatening situations. We must equip those who protect us with the resources to do the job well. This is a step in the right direction.

The new law enforcement fee, which goes into effect in mid-September, includes \$563 for each new home. Hotels and motels will be levied a \$575 fee for every 1,000 square feet of space and commercial project charges will range from \$527 to \$554 for every 1,000 square feet. Revenue from these fees clearly will stretch general fund dollars further for law enforcement needs.

It's also good to know new county regulations will require developers to donate three acres of park space for every 1,000 subdivision residents or pay the equivalent cost of buying that much land. Parks add to our quality of life and they should be accessible to residents throughout the county, in the areas where they live.

Also worthy of note is a hike in development impact fees for Merced County Fire Department needs. Like their law enforcement brethren, county firefighters at present are stretched thin, protecting existing structures with threadbare equipment, to say nothing of new subdivisions and commercial structures yet to be built.

Officials say the amended fees will help the county at least break even with costs in processing various growth requests, again wisely reducing the burden on the general fund.

These new fees just make sense as Merced County tries to cope with the impact of growth. We're glad to see they will be in place soon.

Expanded bus service serves city well

[Visalia Times-Delta, Editorial, Monday, Sept. 6, 2004](#)

Visalia City Coach is doing its part to expand access to public transportation. We could not applaud that effort more heartily.

A couple of weeks ago, City Coach started offering service on Sundays, much to the delight of those who depend on bus service in Visalia. An entirely new day was opened up for them.

Then last week, Visalia City Coach announced it would expand its service to Farmersville and Exeter, thanks to an agreement between the three cities. The details have not been announced, including schedules and fares, but it's certain that it will at least expand the options available to those who depend on public transportation.

There is plenty to applaud about that development, starting with the collaboration of the three cities on a project that will benefit those who are among their most underserved constituents. We commend them on working together to find joint solutions to common problems. It's also of benefit to the Valley's beleaguered air quality to establish links with public transportation as much as possible.

A common misconception among Visalians, and probably others who live in the Valley, is that public transportation is infrequently used. In fact, it is among the most vital services the city of Visalia provides, serving literally millions of riders a year.

The popularity of that service was confirmed on the first day of Sunday service. Visalia transit manager Monty Cox said he didn't expect Sunday bus service to draw a lot of riders, and he hopes it builds to a modest 2,000 riders on a Sunday. The first day, 700 riders took the bus, so it is obvious the need is there and will grow.

On top of that, providing service to the neighboring cities is a bonus to those areas that we are sure will be well-used. Farmersville residents, especially those without access to private transportation, will welcome bus service enthusiastically.

When those steps are taken to improve access, we believe Visalia City Coach should continue this trend and expand further. For instance, bus service ends in Visalia at 9:30 p.m. We urge the city to begin experimenting with service from downtown and Mooney Boulevard up to 11 p.m. on weekdays and midnight on Friday. It would be a simple enough matter to establish whether there is a market.

The steps that Visalia City Coach have already taken, however, are welcome. It's gratifying to know that those who need this important service are being served, and their interests are being considered.

Protecting Against the Protectors **The upsetting truth about air pollution in the Bay Area**

By Denny Larson, Linda Weiner
[S.F.Chronicle, Commentary, Tuesday, Sept. 7, 2004:](#)

It's hard not to be upset when you live near a refinery and see clouds of pollution coming out of the stacks, bearing down on your neighborhood.

California ranks second, behind Texas, in the number of refineries. The Bay Area alone is home to no fewer than five major refineries. A recent national study by the Environmental Integrity Project (www.environmentalintegrity.org.) discloses that accident reports at refineries and industrial sites in 29 states reveal the same accident happening often at specific units without being systematically and fully repaired.

These recurring incidents -- named "upset" pollution or extra pollution caused when something supposedly "accidental" goes wrong at a refinery -- should result in enforcement, correction, and public reporting.

Therein lies a problem in the Bay Area. While the Bay Area Air Quality Management District is one of the leaders in dealing with some aspects of air pollution, such as increased monitoring of flares in industrial sites, it falls behind places such as Texas when it comes to providing the public with information about what industry is spewing into the air we breathe. This information is critical because some of the pollutants released into the air in these upsets are known health hazards. If the Bay Area wants to continue to be a leader in clear air policy, we need to give people easy access to information about what they are breathing.

This "upset" pollution problem is not unique to the Bay Area. Industrial plants, including refineries, are emitting tons of toxic pollution as a result of these so-called accidents, according to the report released last month by the Environmental Integrity Project. For example, in two states, the report scrutinized 37 facilities and found that those facilities released more than 63.4 million pounds of extra pollution over one year due to accidents, or "upsets." The pollution included significant amounts of benzene and butadiene, two known carcinogens.

Bay Area residents who live in the communities in or near refineries -- where there are documented high rates of lung disease -- have complained for years about the refinery explosions, fires and other "accidents" that have showered their homes and neighborhoods with excess pollution. As the EIP report points out, getting timely information from Air Quality Management District about the pollution released during many of these accidents is difficult at best. Unlike Texas, which makes this information available on its state Web site, a number of the district's files on these pollution episodes were missing, incomplete, corrupted or withheld by the legal department. People, especially those living adjacent to the refineries, have a right to know what these facilities are emitting so they can make decisions to protect their health.

The good news is that the district has acknowledged that the lack of publicly available information about refinery pollution is a problem. We believe it's time for the district to modernize its reporting system and make data regarding excess air pollution from refineries and other industrial facilities available to the public in a timely, complete and accurate way through its Web site, www.baaqmd.gov. While this won't immediately solve the problems with industrial pollution, at least it would be a first step to providing the public with timely information about what's in the air.

When it comes to air pollution, what you don't know can hurt you. Bay Area residents have a right to be upset about the current lack of information about "upset" pollution and to expect a timely release of all the data from the agency charged with providing it.

Denny Larson is coordinator of the National Refinery Reform Campaign (www.refineryreform.org). Linda Weiner is director of air quality advocacy for the American Lung Association of San Francisco and San Mateo Counties (www.californialung.org).

Dairy industry hoodwinked Kern County

By BILL DESCARY, Bakersfield

[Bakersfield Californian, Commentary, Tuesday, Sept. 7, 2004](#)

The dairy industry just hoodwinked Kern County. Members were in town for a day and left "gratified" according to the industry's consultant.

On Aug. 24, 2004, the Board of Supervisors held a public hearing on a staff recommendation to enact an interim urgency ordinance to prohibit accepting further dairy conditional use permit applications until previously filed applications could be processed under a single, comprehensive environmental impact report showing the impact of 214,000 cows on air and water quality.

The day began with a letter to the editor by the Chino Dairy Action Network chastising *The Californian* for stating a dairy moratorium was best for Kern County. The letter said the moratorium was "unfair and irresponsible," tilted the playing field, and that the California dairy industry cares about the communities in which it locates. It cares so much it has filed a lawsuit against the San Joaquin Valley Air Pollution Control District, blocking it from enforcing SB700 authorizing the district to regulate sources of pollution emitted from farming.

Remember, the valley has the worst air quality in the nation.

The real irresponsibility was the board's vote not to support staff, be conservative and protect county residents from known unmitigated dairy pollutants while awaiting the "facts to come out" from dairy pollution research.

The Californian was not irresponsible. The board vote was irresponsible with a major population center, the city of Bakersfield, downwind from the Wasco dairy cluster.

I knew it would be a bad day when I walked into the hearing room and saw all those dark suits and brief cases. It just didn't have a good Kern County feel about it.

It was a perfectly choreographed show. Dairy families were introduced to the board saying how they would be involved in the community and they attended church and were just salt of the earth folks.

So what? County residents I know are active in the community and attend church. After a few families were introduced and gave their testimony, a consultant would speak for a while and then the process was repeated. It went on for several hours. It was revolting but effective.

The staff recommendation needed a 4-1 vote to pass. It went down 3-2. One of the three was lame duck supervisor, Pete Parra, proposing to solve a decades old high unemployment rate in the county with a few dairy jobs which got a round of applause from the dairymen. Tulare County has a large concentration of dairies yet has one of the highest unemployment rates in the state. Do flies and dairy aroma drive out other employers?

Another no vote was Ray Watson, who concocted an idea, passed by the board, of continuing to accept permit applications but not process them until the current 24 are grouped, processed and completed.

Don Maben was the other no vote.

The dairy welcome flag is out in Kern County. The dairymen, through their powerful lobby, have their foot in the door. We cannot promise every cow leaving Chino a home in Kern County.

Bill Descary is a 30 year resident of Bakersfield and is retired treasurer of the city of Bakersfield. Community Voices is an expanded commentary that may contain up to 500 words. The Californian reserves the right to reprint commentaries in all formats, including on its Web page.

Had to move from bad air

[Bakersfield Californian, Letter to the Editor, Saturday, Sept. 4, 2004](#)

I was born and raised up -- until I was 12 -- in Bakersfield. All of my family, except two of us girls -- a total of 100 and counting (that's cousins, aunts, uncles, nieces, nephews, brothers and a sister, grandparents and second cousins) -- all still live there and have to put up with the crappy air from all the oil fields and industrial pollution from L.A.

I remember how the air gets so thick it's hard to breath and because of the air I got bronchitis when I was 10 and have had it since, off and on. I can't move back to Bakersfield.

I wish for everyone's health, safety and well-being that California, and especially Bakersfield and L.A., can clean up their act and clean up the air and hold true to the Clean Air Act.

-- CYNTHIA MOHN, Campbell, Ohio

Time to stop bad growth

[Bakersfield Californian, Letter to the Editor, Friday, Sept. 3, 2004](#)

Am I missing something? Kern County is one of the worst possible rated air quality areas. We are under a mandate to initiate procedures and policies consistent with improving our dreadful air. In Chino, officials realized that cows were a significant source of air pollution. Yet Kern County, which has a worse air pollution problem than Chino, is evaluated by some to be a more appropriate local for dairies.

Bob Feenstra, Dairy Action Network, praises the "fair-mindedness" of county officials and our hospitable business climate. Does fair-minded mean easily manipulated? Does hospitable business climate mean jobs at any cost?

Our county officials need to draw a line in the sand and decide that our right to breathe decent air is more important than irresponsible growth.

I escaped the Los Angeles area for Bakersfield 34 years ago. I have since witnessed disturbing trends in deteriorating air quality, traffic congestion and other problems associated with poorly planned growth.

I love Bakersfield and do not want it to become L.A. junior. We trust our elected officials to make decisions that protect us. You cannot say that air quality is an important objective and continue making decisions that negatively impact our air.

-- JOHN SCOTT JOHNSON, Bakersfield

Cess pool of Bay Area

[Bakersfield Californian, Letter to the Editor, Friday, Sept. 3, 2004](#)

We are getting it from both ends. Kern County has long been the cesspool of the Bay Area. It's no secret that the prevailing winds from the northwest see to that. Are we going to send them a bill? Probably not.

We also don't need eight more dairies up wind in Wasco adding to the smog. It seems to me we now have a chance to control incoming dairies and we need to do it soon.

If we really must bring in more, the least we can do is put them where the others have been approved southwest of town. The experts say that the L.A. sludge or the dairies will not harm our ground water. Well now's the time to prove it.

It's also no secret that L.A. has long been after our water. How about we sell our buddies to the south some sparkling Kern County water? Pumping it from under the dirt they have trashed and into the California aqueduct that just happens to run through the area.

If they don't want the water, what better proof is there? Just how far can the stuff travel down wind?

-- PAUL E. MILAZZO, Bakersfield

Consider Carpooling

[LA Times, Tuesday, Sept. 7, 2004](#)

Re "It's Back to School — and to Rush Hours," Behind the Wheel, Aug. 31: I'd like to offer a simple solution to school traffic congestion: carpooling. My son's school is about half a mile from our house and the drop-off line inches along past us. We can walk faster. When we do, we pass a parade of sport utility vehicles transporting mostly one or two kids. They can easily carry twice that number, which would be a huge relief not only on traffic but on gas, pollution and parents' time. In addition, carpooling routines encourage cooperation and trust among neighbors, which is healthy for any community.

Robin Supak
Canyon Country