

Smart growth advocates praise plan

By GRETCHEN WENNER, Californian staff writer
Bakersfield Californian, Thursday, June 17, 2004

It's not often that long meetings about land use policy end with a giddy round of applause.

But a knot of folks at Tuesday's supervisors meeting started clapping after the board passed the county's massive general plan update shortly after 6 p.m.

"I'm still pinching myself," said farmer Terrie Stoller of Sunridge Nurseries, the day after the meeting. Stoller is also a board member of the Smart Growth Coalition of Kern County.

What's got some smart growth advocates, farm groups and environmentalists smiling -- ecstatic, even -- is that county supervisors are talking about issues the groups have pushed for years.

Like preserving farmland, establishing buffers around agricultural operations, encouraging infill development and setting up aggressive sewer policies.

While the plan doesn't have actual requirements for, say, mixing up apartments and homes of different sizes in residential developments, it does encourage such "smart growth" planning.

"We are promoting certain design concepts and projects," said Ted James, the county's planning chief, whose department has been preparing the updated growth blueprint for the last four years.

The document covers only unincorporated county areas. Metropolitan Bakersfield and other Kern cities have their own plans.

"It has real teeth," said John Fallgatter, president of Smart Growth Coalition, about the plan's inclusion of air quality, sprawl and transportation issues.

Much discussion at Tuesday's meeting revolved around friction between Kern's growing population and its existing network of farming operations.

Supervisors asked for follow-up reports on nine items, many related to the farms-versus-development dilemma.

One of those reports will cover buffers for ag land.

Now, farming groups say, when new homes move next to existing farms, it's the farmer who has to change operations so pesticides, dust, flies and smells don't bother homeowners.

But supervisors said developers should bear that burden. They asked for rules making sure buffer zones are created within the new development.

Another topic sent back for further study regards sewer rules, which can have a major impact on growth patterns.

That's because if lax rules allow septic tanks in rural areas, some developers will build homes in the boonies to avoid sewer hook-up requirements in metropolitan areas.

"That's where you get leapfrog development," said Peter Belluomini, president of the county farm bureau, adding that his organization was pleased that many of its ideas were included in the county's plan.

Supervisors also:

- * Cut to five years the length of time developers can keep certain development rights if they're not actually actively building. Before, those rights lasted 10 years. Some supervisors said that merely served to inflate property values and make a few land sellers rich.

- * Adopted new rules for preserving oak trees, and asked to beef up requirements for who gets to tend the trees.

- * Asked for a study about raising requirements for parks to five acres for every 1,000 people. Now, it's 2.5 acres in unincorporated areas.

* Requested a report on minimum road standards in unincorporated Kern. The standards will weigh project costs vs. air pollution from idling cars and determine an acceptable amount of congestion on county roads.

Keeping dairies at arm's length

By CHRISTINA SOSA, Californian staff writer
Bakersfield Californian, Thursday, June 17, 2004

Kern County's first dairy buffer is on its way to county leaders.

The buffer would prevent dairies from being built within about three miles of Wasco and Shafter.

Shafter and Wasco officials first submitted plans to county supervisors for customized buffers in early 2003 but withdrew them when state Sen. Dean Florez proposed a statewide dairy buffer zone bill. Florez withdrew his bill in April because he thought it would be rejected by the governor.

Wasco and Shafter have been working on new buffer zones for more than a year. Shafter's map has been complete for several months, but Wasco's map required more tweaking, according to Shafter City Manager John Guinn.

Wasco City Manager Larry Pennell admitted Wasco has changed its zone more than Shafter.

The last change came Tuesday night, when Wasco added several acres to the eastern part of the zone to protect the corridor between highways 99 and 46.

That was "an effort to protect the front door to Wasco," Pennell said.

Wasco and Shafter both decided to create buffer zones, Pennell said, "Based on the dramatic increase in interest by the dairy industry."

The next step is to take maps of the zones to the Kern County Board of Supervisors. Pennell expects the maps to be submitted in the next few days.

Once submitted, the proposed buffer zones should be on the agenda in about 10 days, Supervisor Ray Watson said.

Watson expects the buffers will be approved, but might require some minor changes.

"I think the board has already indicated that they're going to be receptive to buffers," Watson said.

The buffer zones are roughly three miles around the cities. Together they total nearly 138,000 acres.

The zones are larger in some places than others, Guinn said, because they are based on concerns like prevailing winds, groundwater and residential developments.

Pennell said the proposed zones had nothing to do with any particular dairy that might be trying to set up shop in the area.

"In no case were any dairies proposed in the expanded area," Pennell said. He added that, to his knowledge, no dairies are currently proposed in any part of the buffer zone.

That appears to include eight dairies proposed near Wasco, which would include more than 100,000 cows. Those dairies are northwest of the city and at least one is just outside the proposed buffer.

The zones are more about protecting citizens than prohibiting dairies, Wasco Mayor Daniel Espitia said.

"The only way we can protect the citizens of Wasco is by improving their quality of life," Espitia said. He said that means keeping the water and air clean and the fly population to a minimum.

Watson said that while quality of life is a concern, buffers may infringe on the rights of property owners by not allowing them to sell their property to interested dairies.

He said those two issues need to be balanced.

Harold Hanson, a Bakersfield city councilman, said he knew of no plan to implement a similar buffer zone around Bakersfield.

Pollution from pesticides up 34 percent in 2002

By MATT WEISER, Californian staff writer
Bakersfield Californian, Thursday, June 17, 2004

Air pollution caused by crop pesticides in the San Joaquin Valley jumped 34 percent in 2002, leading critics to call for new rules to take a bite out of the problem.

The increase reverses a downward trend that started in 1997.

Air pollution related to pesticides had dropped for the next five years, thanks to a voluntary program launched by the state in 1994. Even though the pollution dipped, the valley still did not meet the program's goals in 1996 and 1999.

And now the 2002 increase has nearly brought the valley back to the total pesticide emissions recorded in 1990, before the voluntary program was adopted.

"What is supposed to get these reductions is a voluntary program, and if that doesn't work, it's supposed to be replaced by regulations," said Brent Newell, an attorney with the Center on Race, Poverty and the Environment. "Yet the state has not created a regulatory program."

Agricultural chemicals release volatile organic compounds into the atmosphere, which create hazardous ozone after reacting with other pollutants. Ozone damages lung tissue and causes a host of breathing problems.

Farm pesticides accounted for 6 percent of all pollution from volatile compounds in the valley in 2002.

Newell claims pesticides are the largest unregulated source of volatile organic compounds in the valley. His group sued the state in May to push for mandatory pesticide limits, saying the program requires this if a region fails to meet the voluntary targets.

The 2002 figures, released earlier this month, show that the valley continues to miss its targets.

It's unclear what caused the pollution increase in 2002, but a number of factors could be at work, from changes in the crop mix to pesticide prices.

Glenn Brank, spokesman for the California Department of Pesticide Regulation, said the increase is tied to a 14 percent increase in the amount of pesticides applied in the valley, rising to 172 million pounds in 2002.

Brank said his agency will still require agriculture to meet the pollution reduction goals.

"We have these commitments, and we will keep them," Brank said. "We are committed to improve air quality and health for people in the San Joaquin Valley."

Crops that consumed the most pesticides in the valley in 2002 were carrots, cotton, almonds and grapes, accounting for 46 percent of all chemical applications in the region.

Newell wants the state to restrict the use of pesticides to achieve pollution reductions.

But Brank said that won't happen. He said farmers must have the flexibility to apply pesticides when conditions demand it.

"There are lots of pest problems that can pop up on very short notice, and there are critical pest management decisions that have to be made," he said. "Our emphasis is going to be on effective solutions that do not disrupt agriculture on a daily basis."

His department will encourage alternative farming practices that require less chemicals, and will order pesticide makers to come up with products that contain fewer volatile organic compounds. Both are within the agency's regulatory authority, he said.

Ted Davis, Kern County agricultural commissioner, said his department already enforces a limit on one farm chemical, Telone.

Each region of the county is allowed only a fixed amount of the soil fumigant. The cap exists to protect air quality, and he said it can be problematic for farmers.

"If the cap gets used up early in the year, then that doesn't allow farmers who might plant later in the year to use that chemical," Davis said. "It has some impact on planting cycles and the choices farmers can make in their rotation of crops."

Despite the cap, Telone was the second most heavily used pesticide in Kern County in 2002, accounting for 14 percent of all applications.

Pesticide pollution up 34%

Valley falls short of state's reduction target, but no restrictions are planned.

By Mark Grossi

The Fresno Bee

(Updated Wednesday, June 16, 2004, 10:30 AM)

Smog-making gases from pesticides spiked a startling 34% in the San Joaquin Valley, triggering a state evaluation of the agricultural chemicals used in the nation's most productive farm belt.

State officials Tuesday said they will talk with chemical manufacturers about reducing pollution in the pesticides that farmers apply each season to protect several million acres of crops from infestations.

But officials do not expect to restrict pesticide use in any way for the \$14 billion Valley agricultural industry, and that makes environmentalists cringe.

"They should have adopted regulations years ago," said Brent Newell of the Center on Race, Poverty and the Environment. "There's no way this air basin is going to come close to meeting reduction goals."

Newell and state officials disagree over the goals. The lawyer, who filed suit in May to force farm pesticide regulation, says the target is a 20% reduction of pesticide pollution between 1990 and 2005. The state says it's 12% by 1999.

The Valley missed both marks in 2002, the latest data available. Officials said pesticides accounted for more than 6% of the area's smog-making gases, emitting more than 23 tons of pollution daily during the 2002 smog season.

That year, the Valley created more pesticide pollution than the Sacramento, South Coast, Southeast Desert east of Los Angeles and Ventura areas combined. Over the past five years, the Valley also violated the daylong standard for smog more often than any other place in the country.

With rising farm costs, pesticide use had declined in the late 1990s, and pollution dropped dramatically as well. But cheaper chemicals and more farmland in production caused an increase in pesticide use -- 15% more in Fresno County alone.

Pesticides emit gases, called volatile organic compounds, which also come from paints and solvents. The compounds combine with nitrogen oxides from cars, power plants and other sources to make ozone, the main ingredient in smog. Ozone is a corrosive, warm-weather gas known to aggravate lung problems, such as asthma.

Pesticides are vital to the health of crops and the agricultural economy, said farm representatives. Without pesticides, infestations could destroy and damage crops, spreading from field to field.

"Some years you have a problem like the glassy-winged sharpshooter," said Manuel Cunha of the Nisei Farmers League. "You have to deal with it."

Department of Pesticide Regulation officials said they must evaluate options before taking any action. Paul Goslin, chief deputy director of Pesticide Regulation, said manufacturers may have other products that could reduce pollution.

He said farmers should not worry about Sacramento's telling them when and how they can use pesticides. "It's not necessary to put restrictions on agriculture. It's not the way the state has handled air quality in the past. We know cars produce pollution, but we didn't require people to change their driving habits. We use cleaner fuels and better engine standards."

Goslin said the Valley's 2002 increase in pesticide pollution leaves the area only slightly under a commitment to trim such emissions by 12% compared with 1990 levels.

The target year was 1999 because that was the deadline for the Valley to attain the smog standard, officials said. The Valley missed the deadline, but state officials say 12% remains the reduction goal.

Lawyer Newell disagreed, saying the state always has referred to a 20% decrease by 2005. He produced documents dating as far back as 1995, including a Federal Register notice, that commit the state to 20%.

"They've only changed their story since the lawsuit was filed," Newell said.

The lawsuit said the state must enforce restrictions on farm pesticide use because interim reduction goals in the 1990s have not been met. The 2002 figures confirm his position, Newell said.

"They should have adopted regulations when they missed the 1996 interim goal. If they had, maybe we wouldn't have had a problem in 2002."

Air quality regulators want to reduce pollution from cows

By TIM MOLLOY, Associated Press Writer

Published in The Bakersfield Californian and SF Chronicle

Thursday, June 17, 2004

LOS ANGELES (AP) - Air quality regulators are proposing what they say would be the first attempt in the country to regulate pollution from cow manure.

Cows in Southern California dairies, especially around the farm community of Chino, produce 1 million tons of manure every year, according to the South Coast Air Quality Management District, which is proposing the new rules.

As it decomposes, the manure releases more than 20 tons of pollutants daily - mostly ammonia - and combines with pollution blown downwind from Los Angeles and Orange counties, aggravating Southern California's worst-in-the-nation smog problem.

Currently the manure is removed from the corrals twice a year. The proposed rule would require dairies to clear manure from corrals four times a year starting in 2005. By 2006, they would be required to use environmentally friendly means to eliminate any waste that doesn't become fertilizer.

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

Dairy farmers use front loaders and tractors to remove the manure from corrals then take most of it to farms to be spread as fertilizer. Some of it is also taken to a device called an anaerobic digester that breaks down manure and produces fuel in the process.

Farmers are talking to the district about keeping the number of required annual clearings at two, or three at most, said Nathan deBoom, chief of staff of the Milk Producers Council, a trade group representing Southern California dairy farmers.

Doubling the number of clearings would also double the cost of manure removal, which averages \$50,000 annually for the area's approximately 300 dairies, he said.

"If one of those four times falls within the rainy season, it becomes fairly difficult to get into the corrals to the manure, as you can imagine," deBoom said. "When it's wet everything becomes more difficult."

He said it was too early to say whether the regulations, if approved, would raise milk prices. But he said he couldn't rule it out.

AQMD Moves to Corral Cow Pollution

By Janet Wilson, Times Staff Writer
Los Angeles Times, June 17, 2004

Southern California air quality officials, whose regulatory efforts already cover smoke stacks, paint and hamburger stands, have taken on a new challenge - cow manure.

About 250,000 dairy cattle are packed onto farms in the Chino area. The dairy lands that straddle the Riverside-San Bernardino line generate millions upon millions of pounds of manure annually, much of it stored in towering, open-air piles.

Ammonia emissions from those stockpiles contribute significantly to air pollution in heavily populated areas farther inland - and downwind - helping give parts of the Inland Empire the worst air quality in the nation.

The new rules, which would require more frequent cleaning of corrals and more stringent measures for disposing of manure, would cost the dairy industry about \$3.5 million a year, officials at the South Coast Air Quality Management District say. The regional dairy industry has revenues of about \$1 billion a year, industry officials said.

AQMD Executive Officer Barry Wallerstein called the proposed rule "a cost-effective means to reduce dairy emissions and improve public health."

An area dairy farm group and individual farmers said they are not totally opposed to the new regulations, which are expected to go into effect at the end of this year. But they warned that the rules could drive up the price of milk and are likely to speed the replacement of the Southland's dairy lands with housing developments that will generate more traffic.

"Just remember, for every cow that leaves the Chino basin, two cars are going to replace it," said Bob Feenstra, executive director of the Milk Producers Council in Chino.

"All of this comes down to the fact that they want to build houses in Southern California," said Art Marquez, Jr., a third-generation dairy farmer and owner of Marquez Dairies in Chino, where 2,000 Holsteins on 34 acres are milked twice a day. Each of those cows produces an estimated 120 pounds of manure a day.

Marquez said the proposed air quality rules come on top of tough new water-quality rules and skyrocketing land values. He also said regulators were underestimating how much the new rules would cost.

The new rules would require manure to be removed from corrals at least four times a year. Current water-quality rules require the cleanup twice a year.

Starting in 2006, manure that was not used on agricultural fields would either have to be sent to an anaerobic digester, where it could be recycled as "biogas" energy, be placed in a stringently regulated composting facility or be processed by alternative means such as enclosed composting bags.

Much of the waste now is trucked to an open-air composting facility in Chino that is due to close in 2006, or is spread on crop fields in the Inland Empire and Imperial and San Joaquin counties.

The Milk Producers Council has been working with AQMD for years on the rules and is trying to negotiate exemptions during the rainy season.

"When it's wet, it's heavier," said Nathan DeBoom, chief of staff at the council. "The manure acts like a sponge; it gets to be a nightmare."

Part of the pollution problem with the Chino dairies involves location. Cars, trucks and factories in Los Angeles and Orange counties emit nitrogen oxides that are carried east by prevailing winds. When the nitrogen oxides pass over the airborne ammonia from the dairies, chemical reactions in the atmosphere yield bursts of particulate-laden smog over parts of western Riverside and San Bernardino counties that are the worst in the United States on an average annual basis, Wallerstein said.

Particulate pollution contributes to breathing and heart problems, particularly in children and the elderly.

The Milk Producers Council and farmers argue that pollution caused by the dairies is decreasing even without new regulations because of the sheer number of cows being moved out of the region.

State farming figures show that of the quarter-million cows in the Chino area, about 38,000 were moved to other parts of the Southwest in 2003, a 13% decline.

But AQMD staff said that the number of cows being moved out in previous years has been uneven, in part because environmental activists in the Central Valley have gone to court to block the expansion of dairies there.

And while new housing developments will yield more cars, cutting emissions from the dairies is more important because of the role that ammonia plays in creating particulate pollution, the staff said.

Dairy-waste rule would reduce air pollution

By PAT BRENNAN

The Orange County Register

Thursday, June 17, 2004

Chino-area dairy farms, with the largest concentration of dairy cows in the nation, produce plenty of milk. They also produce plenty of air pollution, regional smog regulators say.

Their answer: a proposed regulation that would force the more than 300 dairy farms or dairy-related operations in the area to process more cow manure through treatment systems or to spread more of it on cropland for fertilizer.

The estimated 250,000 dairy cows in the area generate more than a million tons of manure a year - most of it piled in corrals, where it decomposes and releases ammonia as well as volatile organic compounds.

These combine with pollutants blown in from Los Angeles to produce smog, as well as fine particles that are increasingly being recognized as a health threat.

The proposed rule by the South Coast Air Quality Management District would be phased in beginning in December, and take full effect in January 2007. By 2010, it would cut ammonia emissions by three tons per day, volatile organic compounds by 1 ton.

Meeting the new rule by sending manure out for emission-controlled composting or recycling more often than they do now will cost the dairies an estimated \$3.5 million per year, the air district says.

Some of the requirements would pose a hardship to the industry, said Nathan deBoom of the Milk Producers Council. Removing manure four times a year, for instance, would mean at least one move during rainy season, when moving waterlogged waste adds to costs.

"When it's wet, it's difficult to get heavy equipment in the corrals," deBoom said.

The dairy farmers' land values are soaring, and they face increasing regulatory pressure. So, many are already on the move to greener pastures, and the air district estimates that by 2015 there will likely be half as many as there were in the mid-1990s.

That and the new regulations should bring air emissions down to target levels by 2010, the district says.

The district board will consider passing the rule after a public hearing Aug. 6.

Architect of Southern California pollution credit program accused of fraud

The Associated Press

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LOS ANGELES (AP) - A woman who helped design Southern California's "pollution credit" anti-smog program was arrested for allegedly defrauding companies using it of tens of millions of dollars.

It is believed to be the first criminal case involving air pollution credits, which are widely traded around the country.

Anne Sholtz, 39, of Bradbury, was arrested Wednesday by federal agents. At a detention hearing, a federal judge ordered her held on \$100,000 bond.

She also was given a court-appointed attorney after declaring that she was unable to afford counsel. She had been living in a \$5-million home but the title had been transferred to another person, Assistant U.S. Attorney William Carter said.

Sholtz is a former economist who helped the South Coast Air Quality Management District design a program to reduce air pollution by more than 300 companies.

The program, launched in 1993, created pollution credits as a financial incentive for factories and power plants to reduce emissions. Companies that cut their smog production below required levels could sell their credits to other firms who were exceeding their limits.

Sholtz also started a Pasadena-based auction house for the credits but she allegedly made phony trades, resulting in "what was essentially an \$80-million Ponzi scheme," Carter said.

In one case, prosecutors contend, Sholtz falsely told a New York broker of air pollution credits that Mobil Oil Corp. had agreed to buy more than \$20 million in credits through her.

Dozens of oil and power companies, including giant Sempra Energy, were clients of her company. Several firms sued Sholtz in 2001 and 2002, alleging that she was unable to account for millions of dollars in pollution credits she allegedly had sold them.

At the time, Sholtz denied engaging in illegal transactions.

State approves Tesla power plant near Tracy

Project could begin next year, online in 2007

By Matt Carter, STAFF WRITER, Tri Valley Herald, June 17, 2004

SACRAMENTO -- State regulators Wednesday approved the second of two massive power

plants planned on farmland between Tracy and Livermore.

The California Energy Commission voted 4-0 to issue a license to build the Tesla Power Project, a 1,120-megawatt power plant near Tracy. The license was granted to Midway Power LLC, a subsidiary of Florida-based FPL Energy.

Last year, Calpine Corp. won Energy Commission approval to build a similar power plant, the 1,100-megawatt East Altamont Energy Center, near the community of Mountain House.

Regardless of whether the power plants are built, their backers say, depends in part on how California goes about restructuring the electricity market in the wake of the state's failed attempt at deregulation. In an attempt to bring market efficiencies to what had been a heavily regulated market, lawmakers stripped public utilities of their power plants and put power generation in the hands of private companies.

Experts say the experiment failed for a number of reasons, including frequent shortages of electricity, some manufactured by energy traders who were able to "game" the system to send prices skyrocketing.

Now, Gov. Arnold Schwarzenegger and the Legislature have put forward competing plans to harness the benefits of competition while protecting consumers from price gouging.

"I would say (Calpine wants to see) regulatory certainty, and part of that, from Calpine's perspective is that we have a fair, transparent market," said Calpine spokeswoman Katherine Potter. "Right now the system is in flux, and we don't have set rules."

Until those rules are drafted and Calpine has a customer for its electricity, it has no date for breaking ground on the East Altamont Energy Center, Potter said.

A spokesman for FPL Energy was optimistic that ground breaking for the Tesla Power Project could take place next year, in time for the project to be online in 2007.

"We're certainly in the same boat (as Calpine), but I do want to say we're coming out of this period of uncertainty, as opposed to a year ago when we were heading into it," said Scott A. Busa, project development manager for the Tesla Power Project.

Busa and Potter said they hope the state will restore the ability of independent generators to make deals directly with customers, such as private companies and cities banding together to buy power.

Pleasanton, for example, is studying the feasibility of buying its own power in partnership with other cities, a process known as "community aggregation."

Potter said Calpine has an arrangement to supply power to Safeway Corp., a contract that was grandfathered in under the state's first attempt at deregulation.

If built, the Calpine and FPL Energy power plants would be among the largest in the state. While most power plants in urban areas have 100 to 500 megawatts of generating capacity, the sites chosen for Tesla and East Altamont are in an area of eastern Alameda County that's off limits to housing development.

One megawatt of generating capacity is enough to supply up to 750 to 1,000 homes. So Tesla and East Altamont would each be able to supply power for more than 1 million people.

Although far from the cities where the electricity they produce would be consumed, the plants would be located near natural gas pipelines and high-voltage transmission wires used to transport power over long distances.

Both plants would use recycled water for cooling -- Calpine's will come from Mountain House, and the Tesla Power Project will use water from the city of Tracy.

The Tracy City Council on Tuesday approved a \$72 million expansion of a sewage wastewater treatment plant that's designed to purify water to standards permitting it to be discharged into the Old River or piped to the Tesla power plant for cooling.

Tracy's director of public works, Nick Pinhey, said the city will resume negotiations with FPL Energy today on the terms of the water deal.

Although some have been critical that FPL Energy will be getting water for free, Pinhey said there are several benefits to the city. FPL Energy will pay the city an administrative surcharge, and build an 11-mile pipeline to deliver water to the plant. The pipeline also can be used to bring recycled water to Tracy's west side.

He said the power plant will need about 7 million gallons of water a day, while Tracy's treatment plant eventually will produce 9 million gallons a day.

Pinhey said the treatment plant is being built not for FPL Energy, but to meet stringent new standards by the Regional Water Quality Control Board for discharges to streams.

The site selected for the Tesla Power Project is a former cattle ranch near the intersection of Patterson Pass and Midway roads. The East Altamont Energy Center would be built on farmland between Byron Bethany and Kelso roads at the point where Alameda, Contra Costa and San Joaquin counties meet.

The remote locations of the two plants, coupled with the fact that regulators say most of their impacts will be felt in neighboring San Joaquin county, meant that few people took much interest in the licensing process.

Some who did -- including Tracy businessman Bob Sarvey and his wife, Susan -- said regulators failed to do enough to protect public health.

"My experience in this siting case is, (your position is) 'Whatever we have to do to license the plant,'" Susan Sarvey told the Energy Commission Wednesday. "I'm sure you're going to license the plant today, and God help all of us who live in Tracy."

Both plants were approved by the Bay Area Air Quality Management District. To offset the plant's impacts, the air district required the companies to use "best available" pollution controls and purchase of hundreds of tons of pollution credits from other industries.

Energy Commissioners noted that the state imposed additional requirements on the plant's operations to offset impacts in neighboring San Joaquin County. FPL Energy, for instance, would be required to pay for \$1.6 million in air pollution reduction programs in the San Joaquin Valley, \$600,000 of which is earmarked for programs in Tracy.

1500 Mexican-Based Trucks Could Travel Valley Each Day

Radanovich Meeting Set

Valley Voice, June 16, 2004

San Joaquin Valley - Farm advocate Manuel Cunha is incensed over the prospect of 1500 Mexico-based diesel trucks plying the valley each day - a figure he obtained from the federal Department of Transportation. "We've been told to expect from 500 to 1500 a day coming up either Highway 99 or I-5," says Cunha, increasing the vehicle miles traveled in the valley by diesel big rigs by almost 25% over current levels.

"Today we have 6.1 million vehicle miles traveled by trucks each day in the valley and that could grow by 1.5 million vehicle miles traveled," he says. "We think the Department of Transportation and the California Highway Patrol will take care of the safety aspect," says Cunha, but there is nobody that can give these guys a ticket for the pollution they pump out.

The US Supreme Court ruled last week that the president could open the border to about 34,000 Mexico domiciled trucks under the NAFTA treaty and there was no need to assess the environmental effect the trucks might bring.

The Mexican truck fleet tends to be older - many pre-1994 vehicles considered to be high polluters. One study shows that by 2010 trucks from Mexico will emit twice the nitrogen oxides and particulate matter as US trucks. Environmentalists fear Mexican trucks will burn Mexican diesel that is far higher than California diesel in smog producing sulfur content.

Just how many Mexican trucks come through this major travel corridor won't be known until the border is opened - a prospect that could happen in a matter of weeks, sources say. But if 34,000 will enter nationwide, it would not be surprising that 1500 were going up and down the west coast through this - the major north/south artery each day.

Cunha says the numbers he's got are estimates and "I think they are low" anyway.

One joke is that the conversation at the local truck stops will change forever with as many Mexican accents as southern drawls heard at the lunch counter.

Booming trade and the opening of the new San Diego port expansion already increases long haul trucking through the valley, suggests Cunha, concerned that farmers are being asked to carry the burden of cleaning up the valley's air while truckers go unregulated.

Mexican truckers may be in high demand considering a truck shortage in some areas. Already over 1 million Mexican trucks cross the US border last year carrying their cargo no more than 20 miles. The cargo is offloaded to US carriers.

Another study done in the San Diego area finds truck traffic from Mexico at the three ports of entry has increased from 900,000 crossings in 1993 to 1.5 million in 1996. The survey found 85% of the diesel trucks bought their fuel in Mexico.

Much of the vehicle fleet in Tijuana according to the San Diego study are cast offs from the US. Tijuana's fleet includes 300,000 mostly old, high polluting vehicles that has impacted San Diego's air quality in recent years. About 90,000 of those vehicles are trucks.

Valley Air Board planner Scott Nester says he has done some estimates of how much more pollution could come from the Mexican trucks, but it was based not on the quantity of the trucks that could come here, but the supplanting of 10% of the trucks with Mexican trucks - an assumption he agrees may not come to pass. In fact, the Mexican trucks could simply add to the existing US truck fleet compounding the emission problem. Nester notes that figures he has seen show that about 40% of trucks coming into the valley pass on through without stopping - belching their fumes up and down both north/south highways.

"We have concern for our highway infrastructure too," says Cunha since truck traffic is far harder on our highways than autos.

Cunha says farmers have a special concern - the fact the Mexican trucks could be carrying pests that could impact valley ag. "They could open the back door and a medfly pops out," says Cunha wondering if USDA will set up an inspection program - an inspection complicated by the fact those trucks will be full.

"We've been talking to the leaders about all this," says Cunha who is well connected in the Bush administration. Cunha says the California delegation has been working on the problem. He says Congressman Radanovich will have some meetings on this issue in the next few weeks.

Cunha says Radanovich has lined up some top department heads from the Bush administration to come to California to explain how they will deal with the issue.

"Our concern is over security in the US now that those trucks won't be offloaded so inspection can't take place any more," he says. Bioterrorism is a worry, too. "I wonder how salmonella got on Paramount Farms' almonds," asks Cunha.

Trade advocates hope that the truck traffic will actually provide an opportunity for US goods to head back to Mexico, on the other hand and suggest trade between the two countries is a good fit for the US.

News Brief in the Valley Voice, June 16, 2004

On June 28 a Fresno County Superior Court will hear the dairy industry challenge to the Valley Air Board over requiring dairies to have air pollution permits. The Air Board wants dairies to apply by July. But Western United Dairymen complain the new law, SB 700, doesn't require dairy permits for two years - a position supported by the bill's author Dean Florez.

More for Moyer

Governor's infusion of cash would help effort to clean up Valley's air.

[Fresno Bee editorial, June 17, 2004](#)

A popular state program that helps farmers and others replace older, dirtier diesel engines would receive a timely infusion of funding under a budget plan announced by the governor on Tuesday. It's a measure worth pursuing aggressively.

Gov. Schwarzenegger said he wants to add \$61 million annually to the Carl Moyer Program. He proposes to fund the injection of cash with changes in the state's Smog Check Program, including a doubling of smog abatement fees to \$12. He would also permit new car owners to wait six years instead of four before being required to put their cars through smog testing.

That won't please everyone, particularly in the environmental community. But the Carl Moyer program has been such a major success, especially here in the Valley, that some trade-off is reasonable to keep it alive.

The program, named for a scientist who did pioneer work in air quality standards, offers incentives to replace older, dirtier engines used in a number of applications, including school buses, forklifts, tractors and engines used to run farm irrigation pumps.

It is those agricultural applications that matter most here, and it is in those areas that the greatest success has been achieved. Diesel engine emissions include nitrogen oxide, a precursor to ozone, and fine particulates associated with various cardiovascular and respiratory illnesses. The older the engines, the worse the pollution. Thousands of such engines are used on Valley farms.

Under the Moyer program, farmers may apply for matching funds to replace or retrofit older engines with newer, cleaner models. Most farmers can't afford to do that, especially all at once, without the incentive of matching funds. But using the Moyer program funding, Valley farmers have replaced nearly 1,600 older engines since 1998. That's had a measurable impact on Valley air, removing tons of pollution.

The \$100 million spent so far on the Moyer program has reduced air pollution by nearly 5,000 tons annually. That, according to the state Air Resources Board, is the equivalent of emissions from 37 power plants

Schwarzenegger's proposal would keep this vital work going. So would the bond measure proposed by state Sen. Dean Florez, D-Shafter. That \$5.2 billion measure would dedicate \$400 million to the Moyer program.

This is a program that works. The ag industry has been as aggressive as the funding allows in replacing older, dirtier engines. All of us breathe a little easier for that effort. Let's keep it up.

[Letter to the S.F.Chronicle, June 17, 2004:](#)

Editor - I commend and congratulate the Metropolitan Transportation Commission (MTC) for conceiving the unique "Spare the Air" free BART ride program on particularly smoggy days in the Bay Area this summer ("Spare the air, open the gates," June 15). However, limiting the free rides to the one-way ride between 4:30 to 9 a.m. and expecting the perspective takers to pay for their return ride may dissuade some commuters.

A collaboration by MTC, the Bay Area Air Quality Management District and BART to make the rides on high smog days free both ways will attract more riders, and yield new data that could serve as a model for adoption elsewhere.

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