

Developers say they'll pay for air

By SARAH RUBY, Californian staff writer
Bakersfield Californian, April 21, 2005

Two of Kern County's biggest developers have promised to cough up big bucks to clean up local air pollution, a move that could avoid environmental lawsuits.

Tejon Ranch Co. and Castle & Cooke California Inc. made deals with the San Joaquin Valley air district: for every pound of pollution their projects produce, the district will remove a pound nearby.

The cost depends on the amount of pollution and the price of cutting it elsewhere.

Developers don't pollute in the traditional way. Housing doesn't have a smokestack to regulate or a heavy engine to replace.

But most homes bring one or more cars with them, often from out of the valley. Shopping centers attract vehicular crowds, and warehouses bring in diesel trucks.

Individually, these projects don't budge air quality statistics. But the ozone and fine dust they produce add up, irritating lungs.

The local Sierra Club has filed -- and settled -- almost a dozen lawsuits on this topic, raising roughly \$3 million from developers to fight air pollution. And city and county officials are discussing new rules for this kind of air pollution.

Tejon Ranch and Castle & Cooke aren't waiting around. The air district will use their money to buy cleaner diesel engines at nearby oil fields and farms.

"They don't have to do this," said Barbara Patrick, Kern County supervisor and member of the air district board. "For them to step up to the plate, that's good."

Tejon Ranch will pay \$531,900 for its 15-million-square-foot industrial complex at the base of the Grapevine.

That amount could change, depending on the cost of cutting the project's estimated 53 annual tons of air pollution.

It costs about \$15,000 to cut a ton of pollution, air district officials said, but Tejon Ranch and Castle & Cooke will likely pay less. Diesel engine replacement costs less than other pollution-cutting strategies.

"As you deal with low-hanging fruit, (it's) often less costly," said Seyed Sadredin, deputy air pollution control officer for the district.

In time, developers will likely have to buy into more expensive programs, he said.

Castle & Cooke hasn't said how much it will pay for its West Ming Project, a 7,450-unit housing development mixed with commercial and industrial uses. The company and the air district must first determine how much pollution the project generates, and how much it will cost to offset nearby.

A few constituents urged the air district to slow down and allow more public input before signing these deals, but the air district board voted Wednesday to approve them.

Cities and counties have the last word on development projects. By making deals with the air district, developers are anticipating concerns that will come up when local governments review their projects, they say.

"We are doing this ahead of time," said Joe Drew, senior vice president of real estate at Tejon Ranch. "We're going to create 6,000 new jobs, but we're going to offset all those new emissions."

Developers offer to fight pollution; contracts signed

By MARK GROSSI

The Fresno Bee, April 21, 2005

Local air officials Wednesday signed unprecedented contracts with two developers who volunteered more than a half-million dollars and their best efforts to fight pollution from their Bakersfield-area projects.

The contracts - pushed by the developers - are considered a unique cleanup approach nationally. Officials hope other developers follow suit in the San Joaquin Valley, which has some of the worst air pollution in the country.

Even activists praised the effort from the two developers, Tejon RanchCorp and Castle & Cooke California Inc. But they still wanted a delay, saying the contracts were rushed, vague and flawed.

"The contracts are not a bad idea," said Kathryn Phillips of Environmental Defense, a watchdog organization. "The bad idea is to start off with a weak framework."

Carolina Simunovic of Fresno Metro Ministry added that the contracts might not be necessary if local authorities last year had passed a mandated rule dealing with such pollution. The rule has been delayed for months. After hearing the objections, the San Joaquin Valley Air Pollution Control District board Wednesday approved the contracts. Most board members liked the contracts and didn't want to discourage other Valley developers from stepping forward.

"They didn't have to come to us," said board member Barbara Patrick, who will consider the proposed Tejon and Castle & Cooke developments at some point in her capacity as a Kern County supervisor. "They did this voluntarily."

Board member Susan B. Anderson, a Fresno County supervisor, voted no because she didn't think the process had been open enough to the public over the past couple of months. She wanted to delay the contracts a month.

A company official said that waiting another 30 days would have caused a months-long delay in Tejon's plans for a 15-million-square-foot warehouse and industrial complex about 20 miles south of Bakersfield near Interstate 5.

In addition to cutting out as much pollution as possible in construction, the company agreed to pay the district \$531,900 to wipe out pollution in the surrounding area. The money will be used to upgrade engines and pollution-control devices for surrounding businesses and industries.

"We're talking about bringing in 6,000 jobs and no net increase in air pollution," said Senior Vice President Joseph Drew of Tejon.

The other developer, Castle & Cooke California Inc., proposes about 7,500 residential units in Bakersfield. Castle & Cooke also agreed to pay for additional pollution reduction in the area.

Air district officials do not have a cost figure yet for Castle & Cooke. The cost will depend on how much pollution the development generates in additional traffic and other activities, such as landscape maintenance.

The air district has been working on a rule that will impose fees for such so-called "indirect" pollution. The rule has been delayed over technical details and issues raised by the building industry.

During the past three years, developers in Kern County have been sued regularly by the Sierra Club over proposed projects and air pollution. The developers usually settle the lawsuits out of court and agree to pay an air impact fee for each home.

With the contracts, Tejon and Castle & Cooke may be able to avoid lawsuits down the line. The information gathered to fight air pollution in the developments also can be used in the county's permit process when a public review of the projects takes place.

But David Crow, executive director of the air district, said the contracts have far more significance.

"These are businesses voluntarily coming to the district," he said. "Normally, we're in a command and control situation. This is most unusual."

Study claims bad air costs Kern millions Missed school days account for largest chunk of lost dollars

By CHRISTINE BEDELL, Californian staff writer
Bakersfield Californian, April 21, 2005

Smoggy air costs Kern County residents some \$23 million a year in certain health and education costs, much of which could be saved with stricter air standards being mulled, according to a study set for release today.

The report, by an environmental-activist organization called Environmental Working Group, based its findings on various studies linking smog and health problems.

It found California's price tag for smog -- if one looks at emergency room visits, hospital admissions and missed school days -- is \$521 million annually.

The costliest component -- almost \$330 million statewide and \$15.4 million in Kern County -- is missed school days as schools lose funding when students are absent, the group said.

The Working Group based its findings on myriad studies, including some by the Air Resources Board.

Schools are also increasingly burdened with limiting activity during bad-air days and watching out for kids with air-affected conditions such as asthma.

"Schools have become the front line in dealing with childhood asthma," said Environmental Working Group spokesman Bill Walker. And it's important for them to be protective, he said, because children spend so much time -- and are so active -- at school.

To help parents and schools see what kind of protections are in order, the Working Group posted on its Web site, www.ewg.org, "air quality report cards" for the state's schools. The cards are based on air-monitoring data.

The Kern County findings are harsh -- 265 of the 281 schools listed are deemed to have "among the worst smog levels in the state."

The group estimated that about 153,510 school absences in Kern County could be averted, saving \$15.4 million each year, if the California Air Resources Board adopts stricter ozone standards that are up for discussion April 28.

High levels of ozone, a primary cause of smog, irritate lung passages, causing coughing, wheezing, chest tightness and shortness of breath. Children and people with respiratory problems are most vulnerable.

The Kern County Superintendent of Schools office doesn't track why its 160,000 students in kindergarten through 12th grade are absent.

But anecdotally, the Working Group's estimates of how many Kern County absences are tied to poor air quality sound about right and could be underestimates, said Debbie Wood, health coordinator for the Bakersfield City School District.

Asthma is a top explanation when, during truancy-reduction classes, school officials ask parents why their children are absent, she said. Wood said she believes there's a strong link between air pollution and asthma.

"I've been a school nurse for more years than I care to admit and there's been a huge increase" in asthma-related problems among students, Wood said.

To protect kids from bad air, she said, the district recently agreed to limit outdoor activity -- and is working to post cautionary flags -- at schools when the temperature or air quality index reach certain levels.

A board spokeswoman said the school and hospitalization numbers cited look accurate, but her agency hasn't had time to study the Working Group's economic data.

Officials at the San Joaquin Valley Air Pollution Control District said they haven't studied the numbers in detail either and haven't come up with their own cost data -- though that could happen in the future.

The Working Group said that by reducing ozone by proposed levels, Kern County could cut early deaths by 25; respiratory hospitalizations by 167; emergency room visits for asthma by 29; and days of restricted activity by adults by 119,170.

All that adds up, the group said, to \$23 million saved.

Smog costing schools millions in absences

By DANA NICHOLS

Stockton Record, April 21, 2005

STOCKTON - Smog costs Californians more than a half-billion dollars a year by sending them home or to emergency rooms when they should be at school or work, according to a study released today.

The report, by the Environmental Working Group, comes a week before the California Air Resources Board is to consider adopting tighter standards for smog pollution intended to protect the health of children.

The plague of asthma and other respiratory problems is no secret to officials at San Joaquin County schools.

"You ought to see all the inhalers we have here," said Fred Medina, principal at North Elementary School in Tracy. "Our secretaries have to be the nurse and secretary in this office."

The report broke down the costs of smog-caused illnesses by county and rated individual schools according to smog levels. Generally, schools in southern San Joaquin County had below-average scores. Schools in Stockton and Lodi rated average for pollution exposure, thanks to the cleansing effect of ocean winds coming across the Delta.

North School was rated worse than the state average for one-hour and eight-hour average exposures to ozone, the main ingredient in smog.

Medina said he limits the activities allowed in physical education classes on bad-air days, which he expects to face more often after July 1, when his school starts operating year-round through the summer pollution season.

"It might be something like playing catch so they are not running and breathing hard," he said.

According to the report, San Joaquin County families and schools lose more than \$15 million a year in pay, health costs and funding due to smog. The report estimated that if California adopts and meets the tighter standards for ozone, it would eliminate 114,400 school absences a year in San Joaquin County, saving \$11.4 million.

Dollars aren't the only cost.

"I think only a parent can understand when they see their child gasping for air how bad that feels," said Dr. Felipe Dominguez, a pediatrician for Kaiser Permanente in Stockton. "It is probably one of the worst feelings in the world."

Dominguez's 6-year-old daughter suffers from asthma.

Dominguez said he worked last weekend at Dameron Hospital, "and half the admissions were for asthma. Basically, we were full. We had to turn away some patients."

The report's conclusion was based on state data, much of it produced to meet the requirements of the 1999 Children's Environmental Health Act. That law requires regulators to reconsider their standards based on what pollution does to children.

Air Resources Board spokeswoman Gennet Paauwe said it's the first time California will consider setting a standard to limit average ozone levels over an eight-hour period.

But Paauwe said staffers also are recommending additional study to see if even lower levels of ozone are hurting people.

Many Calaveras County schools rated among the worst in the state for exposure to ozone.

Campbell said smoke from wildland fires keeps students inside a few days each school year, but he never restricted activities due to ozone pollution. Still, he said, many students at his campus suffer from asthma or other respiratory problems.

Florez revises sludge proposal

Bill now limits only Kern from importing biosolids; changes win key support

By VIC POLLARD, Californian Sacramento Bureau
Bakersfield Californian, April 21, 2005

SACRAMENTO - In a major strategy shift, state Sen. Dean Florez on Wednesday rewrote his proposed ban on sewage sludge imports to limit it to Kern County alone.

He also picked up key support for the bill from the powerful leader of the state Senate and a Kern County assemblywoman with whom Florez had been publicly bickering over the issue.

In a face-to-face meeting with Florez, Assemblywoman Nicole Parra, D-Hanford, said she could support the new version of the bill "one hundred percent."

The amended bill would prohibit Kern County from importing sewage sludge, known as biosolids, from outside its borders.

Florez said that would still accomplish the goal of banning thousands of tons of sludge that now come in every year from Los Angeles, Orange and Ventura counties. The biosolids, the solid byproduct of domestic and industrial sewage treatment, is trucked to Kern and spread on farmland as fertilizer.

Growing concern about its impact on water and [air pollution](#) has produced a public backlash recently.

Kern County supervisors and many other local officials have called for a complete ban on the imports. The county already has a partial ban in place, allowing imports of only the most highly treated form of sludge.

Florez believes the new version of the bill may eliminate opposition it was getting from other cities and counties in Central and Northern California that were nervous about the state prohibiting them from exporting their own sewage.

"It makes it much more palatable politically," Florez said. "We can say to the rest of the counties, 'Look, if you're not exporting sludge to Kern County, don't worry about it.'"

It will do nothing, however, to dampen opposition from the politically influential sludge-exporting counties that are already fighting Kern's partial ban in court.

"It sets a precedent that concerns us," said Marlaigne Hudnall, biosolids program manager for the California Association of Sanitation Agencies. "If you're looking at counties being unable to transport biosolids, what else are you going to limit?"

Florez said attorneys say the new bill also will relieve Kern County from having to do a costly environmental impact report on the complete ban it wants because the county would simply be carrying out orders from the state.

Florez also predicted the bill's legislative prospects will benefit from powerful new support in the state Senate.

He said the Senate's top leader, Don Perata, D-Oakland, has agreed to become a joint author of the bill, meaning it will carry the names of both Florez and Perata.

"I applaud Senator Florez for working to protect the environmental and economic health of the Central Valley and I look forward to joining Kern County elected officials and residents in supporting this bill," Perata said in a statement.

Hundreds turn out to blast mine

STEPHANIE TAVARES and SARAH RUBY, Californian staff writers
Bakersfield Californian, April 21, 2005

Hundreds of people turned out to a town hall-style meeting Wednesday night in Tehachapi in opposition to a proposed mining project. About 200 Tehachapi-area residents turned up for an informational meeting held by the Kern County Planning Department Wednesday to voice their opinions and concerns about a proposed limestone mine in the Tehachapi mountains near Keene.

County Planning Director Ted James called the meeting after Tehachapi residents drove nearly an hour into Bakersfield at least twice to bring the issue before the county Board of Supervisors. He explained how the project's Environmental Impact Report was done and what the findings were, and allowed the owner of the mining company seeking approval for the project to speak before opening the floor to questions.

The meeting comes on the heels of hundreds of letters and petition signatures asking the county to reject the mine.

Dozens of area residents voiced concerns ranging from the high levels of dioxins the site is expected to produce to the effect on local water supplies and property values.

"How many of you moved here to enjoy the rural lifestyle," Tehachapi-area resident Linda Smith asked the crowd. "We did not move here for a commercial lifestyle."

Smith said she lives directly across the highway from the proposed mining site and that the dust and noise created by the project would ruin the home life it has taken her 15 years to create.

"Now I have to look at having lights (from the mine) when I treasure the night sky. We're going to have dust when I can look down and see what that does in the valley. We're going to have blasting when we have animals, and the noise of crushing. We have animals out here."

H. Lima Co. is looking to rent more than 1,000 acres of hillside tucked along the north side of Highway 58. The mine would produce 4.9 million tons of limestone in its 20-year lifespan, to be used as building material and fertilizer.

Mining activity would disturb a total of 155 acres, but H. Lima Co. would have to leave behind good grazing land, according to planning documents.

Tehachapi-area residents are concerned about the mine's impact on air quality, habitat, traffic and the water supply. The mine will need more than its stated 5,000 gallons of water per day, they say, but even that is a burden on the dry mountain region.

Residents also point to air quality. The project will generate almost twice as many tons of nitrogen oxides as the county's recommended limit. Nitrogen oxides form ozone, which can cause lung damage.

Only one area resident, Ed Duggan of Golden Hills, voiced support. Duggan said he thought the mine would bring good jobs into the area, even it was only nine jobs, and that people should have an open mind about the project.

"I think it's something that should be given a chance," he said to the crowd.

"It's good to see a lot of community interest and I think it's good that the people are getting a chance to get their questions answered," he said after the meeting. "I also think there's a lot of emotion and it's sometimes hard to see through them."

Compost/Sewer Sludge Picture Muddies

Valley Voice Newspaper, April 21, 2005

TULARE COUNTY - Proposed tightened regulations, growing opposition to imported sewer sludge and a new bill carried by Kern County Senator Dean Florez threaten to shut down existing and new compost and biosludge operations in the central valley as well as derail co-composting projects like the big Westlake Farms biosolids/green waste project in Kings County.

The Valley Air Board is considering staff supported proposed regulation requiring outside green waste in composting operations that take everything from lawn clippings to orchard prunings and turn them into compost— be enclosed. "With what we get for this waste material that's just not economical," says owner Kent Kaulfuss of Wood Industries of Visalia.

The potential closing down of composting operations like Wood Industries and Tulare County Compost would be a big hit on city and county efforts to meet recycling goals in the state, he says.

Green waste can account for as much as a quarter of the county's waste that would otherwise go to the landfills.

Jeff Monaco solid waste manager for the county say any closure of green waste operations in Tulare County would be "disastrous" for the county and the cities. "This seems like a classic case of two agencies working at cross purposes with each other" with the State Integrated Water Management Board demanding the counties and cities divert and recycle their waste and the air board demanding compost operators reduce their emissions. Assembly Bill (AB) 939, California Integrated Waste Management Act, mandated that cities and counties achieve a total waste diversion of 25% by 1995 and 50% by 2000; composting is one of the waste diversion options.

Staff at the air board hopes to adopt new rules this year and encapsulation would cut 90% of VOCs to meet air goals. The district says there are four biosolid compost facilities in the valley, one co-composting facility and 39 green waste composting facilities including three in Tulare County and two in Kings.

Kaulfuss says there are ways to lessen volatile organic compound emissions without forcing composters to build a building to enclose them.

Farm advocate Manual Cunha says he expects the air board to rethink the compost enclosing proposal suggesting "maybe it's time for some of the staff at the Valley Air District to take a vacation." After the staff report was made recently members of the Integrated Waste Board also complained about the plan.

Settlement?

In Kings County a large composting facility is being planned on Westlake Farms property that includes 325,000 tons per year of biosolids and 200,000 tons of green waste imported from LA County. The project is tied up in litigation on its way to the 5th District Court of Appeal with complaints by two entities.

Westlake owner Ceil Howe says rather than wait for final word from the court of appeal that could be many months away, "We've been in settlement discussions with the Center For Race Poverty

and the Environment" - one of the entities suing over the project. In addition, he says, he is trying to work out a settlement with the other Kings County group represented by attorney Richard Harriman. "If he would ever return our phone calls."

Harriman says he has been in settlement discussions with Westlake's attorney working on an agreement to set aside some land for wetland development and pushing for the trucks who will bring the sludge from LA to use clean burning alternative fuels. They are also seeking funds to train local people as part of the deal.

It could be a sludge backlash in Kern County that has muddied the picture even more. Kern County officials have agreed in recent days that would seek to ban Southern California cities from shipping sewage into the county forcing LA County to ship elsewhere.

LA County already has spent \$33 million to buy and improve the Kern County farm that accepts the sludge near Taft. A Kern County ban would mean LA County could not use the land. This month not only did the Kern Board of Supervisors call for a complete ban but the county Grand Jury seconded the idea citing concerns over Kern's big underground water bank owned by the Kern County Water Agency.

That water may some day be shipped to Metropolitan Water District for drinking water but if it was found to be contaminated with say heavy metals - it would be worth far less.

The uproar has Shafter Democrat Dean Florez put forth a bill (SB-926) that would not allow any importation of sewer sludge over county lines in the state as of January 2006 unless you were grandfathered in.

The controversy in Kern County may be spilling over to Kings County and may explain why settlement discussions are in progress over the big Westlake project.

Local officials support the Westlake project largely because of the employment - 130 full time jobs - it will bring and the opportunity to recycle lots of valley green waste that will no longer be able to be burned due to new air regulations. The enclosed co-composting facility would meet the new staff supported air guidelines.

The Kings County Superior Court ruled in favor of the Westlake project last November 5. But the appeals has meant the project will have to wait unless there is settlement.

House quarrels on gas additive cleanup costs

By DAVID WHITNEY, Bee Washington Bureau
Sacramento Bee, April 21, 2005

WASHINGTON - The Environmental Working Group, a research and policy organization, thought Rep. John Doolittle, R-Roseville, might want to rethink his support for immunizing MTBE producers now that there are pending lawsuits in the Sacramento area over damage caused by the leaking gasoline additive.

But as the House took up energy legislation Wednesday that includes the controversial MTBE provision, Doolittle made clear that he is not about to hold manufacturers liable for the damage that now may include three wells in his hometown of Roseville.

Instead, Doolittle blasted the Environmental Working Group as a "band of ultra-leftists" and accused environmental organizations more broadly of causing the problem in the first place. He said they pressured Congress in 1990 to require gasoline manufacturers to produce cleaner-burning fuel using the additive.

"I don't deny it's a problem," Doolittle said of MTBE. "But when the government rushes in at the behest of these eco-Marxists, we should send the bill to the Sierra Club and all of them that have done so much to harm the environment."

The battle over MTBE, or methyl tertiary butyl ether, is again arising as a major hurdle to enactment of energy legislation.

In the last congressional session, the House and Senate reached an agreement on an energy bill but the deal failed to clear the Senate, in large part because of opposition to letting MTBE manufacturers off the hook for what could be nearly \$30 billion in cleanup costs around the country.

MTBE has made the air cleaner in areas where pollution from cars and trucks has been most severe. But when the substance leaks from underground storage tanks, it spreads quickly, and tiny amounts can taint the drinking water supply.

So far, about 1,450 wells in 29 states have been contaminated.

California, which ended the use of MTBE more than a year ago, has been among the hard-hit states.

In October 2003, the Sacramento County District Attorney's Office and 10 local water agencies filed suit against MTBE manufacturers in an effort to force them to pay for cleanup costs associated with MTBE leakage, including wells that might be contaminated in the future.

In a separate federal lawsuit, the city of Roseville said that there are at least eight sites where MTBE has been detected within a half-mile of city wells and 20 sites within a mile of the wells.

"The refiners will argue that this lets them off the hook," said Vic Sher, the San Francisco attorney who filed the lawsuits. "If they're right, it could result in taxpayers paying these very large cleanup costs."

Doolittle was one of 11 California House members to whom the Environmental Working Group sent a letter this week urging them to reverse their position on the immunity provision.

"A 25-year trail of internal industry documents and congressional committee reports shows that oil companies were not forced to adopt MTBE as a gasoline additive," it said. "Instead, the companies knew that MTBE would pollute the water supplies, but they lobbied the Environmental Protection Agency for permission to use it anyway."

But Doolittle dismissed that argument as a "weasel claim," saying that everyone knew at the time the clean air standard was written that the leading additive to do the job was MTBE.

Many Democrats, however, charged that the Republicans and the Bush administration were seeking to subsidize the oil industry that produced MTBE at a time when gasoline prices are at record levels.

"They think they deserve a bailout," said Rep. Doris Matsui, D-Sacramento. "It's unbelievable."

Despite the tough rhetoric, it is not clear that the liability waiver for MTBE manufacturers will stick this year, at least in its blanket form. Congressional leaders vowed that the issue would not be allowed to hold up an energy deal as it did last year.

High Real Estate Prices Driving Bessy Out Of LA Report Details Southland Dairy Exodus

Valley Voice Newspaper, April 21, 2005

CALIFORNIA - The annual California Dairy Statistics Report for 2004 is out and highlights a long term trend of an exodus of dairies from the southern part of the state and relocation mostly to the central valley. The report notes that in the past four years, San Bernardino and Riverside counties have lost 77 dairies while during the same period some 75 dairies have opened for business mostly in the central valley. Just in the past year the survey finds 34 dairies left the two Southland counties.

"We're really starting to feel it," says CEO of California Dairies, Gary Korsmeier in Artesia as more dairymen who supply milk to southland processing plants are pulling up stakes. The price of real estate and [continued pressure over pollution issues](#) have combined to create what appears to be a stampede out of what had been rural dairy areas east of Los Angeles.

From 2003 to 2004 Tulare County gained 11 new dairies and Kings County 10.

Tulare, Merced, Stanislaus, Kings and San Bernardino account for two thirds of the state milk production with Tulare itself accounting for 26% and Kings at 9%. That's up from a few years ago. In 1999 Tulare County accounted for 23% of the state's milk supply.

The annual report suggested dairymen had a good year by in large in 2004 with average prices of \$14.60 per hundredweight paid to them. That's up 29% from 2003.

That will help make 2004 a record year for milk money in the 2004 Tulare County Crop Report set to be released in the next few days.

Tulare production of milk in 2004 was 9.2 billion lbs., more than double any other county. But that was up under 1% from 2003 reflecting perhaps a slowdown in the growth of milk production here.

[Helping to slow growth in Tulare County is continued difficulty in getting permits for new dairies.](#) A program to retire cows funded by the industry and a reduced use of rBST that stimulates production may be factors.

The report notes that milk cows grew from 437,476 in 2003 to 442,853 in 2004 as the average dairy size actually fell to 1326 for the first time. Kern County dairies are the largest by average with a herd size of 2375.

Kings County milk production increased in 2004 - up more than 6% as its dairy permitting process has been streamlined. The county gained over 9000 cows last year.

Kern County was the big gainer in 2004 on volume basis up a whopping 27% to 2.5 billion lbs. of milk produced. Kern experienced a growth of 23,000 more cows last year with the siting of several very large dairies relocated and expanded from the southland.

If Tulare County milk volumes aren't increasing at the pace they once did - today we have just about doubled the milk volume in the past ten years since 1995 - some welcome a leveling off of the pace. Still growth is happening here with three dairy projects going through the permitting process right now.

The growth of the dairy industry in Tulare County has been phenomenal by any measure from production of 1.9 billion lbs in 1982 to 9.2 billion in 2004 - a nearly five fold increase in the past 22 years.

Contrast the growth of the milk supply in Tulare County over this two decade plus period at an eye popping 500% to the more modest growth of the county's number two farm crop - citrus, up about 35% in acreage over the same period.

In 2004 the value of Tulare County's number one crop, milk, is likely to be about \$1.38 billion dollars - at least three times the value of oranges. But in 1983 milk and citrus each recorded about a \$250 million value. Citrus grew nominally in value but while you weren't looking, Tulare County was just swimming in milk.

Most dairies are shipping their milk through one of the major co-ops including Land O'Lakes, California Dairies and Dairy Farmers of America.

About half the milk goes to some variety of cheese with mozzarella being the biggest. Two of the world's largest cheese plants have been built in recent years - one in Tulare and the other in Lemoore.

Part of the equation in milk is that since the early 80s Tulare County has more than 3 times the milk cows that reside here. But there's more to it than that. Through genetics, research on feed rations and improved cow comfort practices, dairymen are able to coax Bessy to produce an average of 21,400 lbs of milk per cow last year up from an average of 8900 lbs in 1940 and

16,304 in 1980. The increase has leveled off in the past few years suggesting dairymen had pressed Bessy about as far as she wanted to go toward becoming a virtual milking machine.

UC Veterinarian Dr. Jim Cullor says the milk cow hasn't yet reached her limits and compares her to an athlete. He says there still is room to grow production per cow and theorizes dairymen right now might be making a business decision not to push either the cows or the worker at this any harder.

California Dairies Korsmeier has said the cooperative is looking at another dairy processing plant in the central valley in the future that will be the home for some of this new milk coming into the valley in the next few years.

Korsmeier also says the co-op is concerned about increasing volumes of milk coming in the state in recent years. The report says imports of milk in California totaled 1.34 billion lbs in 2004, up from just 0.58 billion lbs in 2000. Korsmeier says some this milk is sold far cheaper than California milk and is looking to close a loophole that allows this milk to undersell California dairies. gotten this far," says the UFW's Arturo Rodriguez after the 53-45 Senate vote.

Settlement to reduce air pollution in San Joaquin Valley

S.F. Chronicle, April 21, 2005

Madera, Calif. (AP) -- A company that makes glass containers has agreed to pay \$929,000 in civil penalties and upgrade its production plant for alleged Clean Air Act violations, the U.S. Justice Department and Environmental Protection Agency announced Wednesday.

The settlement with Saint-Gobain Containers Inc., based in Muncie, Ind., will reduce emissions of nitrogen oxide, sulfur dioxide and particulate matter by more than 400 tons per year through the installation of about \$6.6 million worth of new equipment, according to a statement issued Wednesday by the agencies. The equipment will control and monitor air pollution.

The company also will pay \$1.2 million for additional environmental protections. In its statement, the EPA did not specify what those protections are. A call to the agency was not immediately returned.

The EPA alleged the company failed to control pollution at its Madera plant when it modified a furnace in 1998 and later didn't install an emissions-monitoring system. A telephone message left with the company was not immediately returned.

Glass manufacturing generates nitrogen oxides, a key component in smog that can aggravate respiratory illnesses such as asthma, bronchitis and emphysema.

The San Joaquin Valley ranks second to Los Angeles as the smoggiest region in the country.

State officials losing fight over energy bill

House would give U.S. more power in offshore drilling, natural gas storage sites

By ZACHARY COILE, Chronicle Washington Bureau

S.F. Chronicle, April 21, 2005

California officials -- including top members of Gov. Arnold Schwarzenegger's Cabinet -- are warning that the House energy bill expected to pass today will make it tougher for the state to block offshore oil drilling or the placement of liquefied natural gas terminals.

The energy bill is strongly opposed by many California lawmakers, who claim its provisions to boost domestic energy supplies could threaten the environment and limit states' abilities to object to energy projects.

But proponents of the bill, including House Resources Committee Chairman Richard Pombo, R-Tracy, argue that Democrats have failed to offer a viable alternative to reduce the nation's dependence on foreign oil.

"We are not providing enough energy to meet the demands that we have," Pombo said at the start of Wednesday's debate on the bill. "I ask my colleagues, with oil at \$55 a barrel, don't you think it's time we did something? If you don't like this bill, where's your alternative?"

Democrats say the bill, which includes \$89 billion in tax breaks and grants to the energy industry and consumers, is too heavily focused on oil, gas, coal and nuclear energy and fails to reduce demand for foreign oil by raising federal fuel economy standards.

President Bush, during a speech Wednesday to the Hispanic Chamber of Commerce, said he opposed some of the tax breaks.

"With oil at more than \$50 a barrel ... energy companies do not need taxpayers'-funded incentives to explore for oil and gas," he said.

But Bush still urged Congress to pass the House energy bill. "I believe America should not live at the mercy of global trends and the decisions of other nations. For more than a decade this country has not had a comprehensive national energy policy, and now is the time to change it."

The Senate, which has blocked the bill repeatedly, has not yet taken up the latest version of the legislation.

California lawmakers warned Wednesday that several provisions in the bill aimed at speeding the construction of energy projects would weaken the authority of states and local communities to block proposals they oppose.

One provision makes the Federal Energy Regulatory Commission the final authority to decide the sites of liquefied natural gas terminals -- which could give the agency significant leverage in disputes with states that often oppose the projects for environmental or safety reasons.

The language was added because of a legal fight between the agency and the California Public Utilities Commission over the site of a liquefied natural gas terminal in Long Beach. The state objects to the Federal Energy Regulatory Commission's ruling that states have only limited authority over such projects.

The House bill also would put the Interior Department's Minerals Management Service in charge of leases for energy projects on the Outer Continental Shelf. Backers of the bill say the measure would not affect moratoriums on offshore drilling in California and elsewhere, but it appears to strengthen the Interior secretary's authority to approve offshore energy projects.

"The bill will undermine states' appeal rights under the Coastal Zone Management Act," said Rep. Anna Eshoo, D-Atherton. "The bill paves the way for building energy facilities on the Outer Continental Shelf, including areas subject to oil and gas drilling."

In a letter to California lawmakers earlier this month, two members of Schwarzenegger's Cabinet -- Resources Secretary Mike Chrisman and California EPA Secretary Alan Lloyd -- joined Democratic Lt. Gov. Cruz Bustamante in questioning provisions of the bill that could reduce the power of the California Coastal Commission and other state boards.

California officials also strongly oppose a provision in the bill that shields makers of the gasoline additive MTBE from product liability lawsuits. California has more than 15,000 sites contaminated with the additive, a potential carcinogen that fouls groundwater. Many communities are suing the manufacturers to help pay for the cleanups.

Rep. Doris Matsui, D-Sacramento, who was elected last month to replace her late husband, Robert, gave a hard-nosed floor speech accusing oil firms of lobbying Congress to require the use of the clean air additive in 1990 only to turn around and seek legal protection after it became a major water pollutant.

"Making our drinking water clean will cost \$29 billion nationwide. I think polluters should pay that bill," Matsui said. "However, the Texas-based MTBE manufacturers think they deserve a bailout so they went to their friends in Washington, and the Republican majority gave them a blanket amnesty from cleaning up their pollution. It's unbelievable."

The Association of California Water Agencies strongly opposes the provision. The group's executive director Steve Hall said, "In essence, the House is saying to the oil industry, 'Don't worry about the water supplies that have been contaminated by your product -- local water ratepayers will pay for the cleanup.' "

Proponents of the measure, including House Majority Leader Tom DeLay, R- Texas, say the liability waiver is needed to stop lawyers from filing frivolous suits against deep-pocketed oil companies.

Bush, who met with House and Senate leaders about the bill Tuesday, said he was urging Congress to "come up with reasonable compromises on issues such as MTBE" that have previously blocked the bill.

"It's four years behind schedule," Bush said of the energy legislation. "And now it's time for Congress to pass it."

The battle over energy policy

What the bill's backers say: High oil prices require the U.S. to decrease its dependence on foreign oil supplies.

What the bill's opponents say: Provisions to increase domestic energy supplies carry environmental risks and limit states' rights.

What's next: The House is expected to approve the measure today, but its fate in the Senate is uncertain.

Boat maker settles with EPA

By DAVID CHIRCOP

Merced Sun-Star, April 20, 2005

A Merced boat manufacturer agreed to pay the U.S. Environmental Protection Agency nearly \$60,000 for failing to report the amount of a toxic chemical released from its Grogan Avenue facility.

In 1999 and 2000, Finline Industries Inc., which builds Centurion Boats, didn't file reports with the EPA detailing the amount of styrene it released into the air.

Companies that process more than 25,000 pounds of the chemical annually are required by federal right-to-know laws to report styrene emissions.

"It's a real simple issue," said Rick Lee, Finline Industries President. "We have a guy who forgot to file the forms."

Other than the missing documents, Lee said, the company -- with about 135 employees in Merced -- is in good standing with the EPA.

Finline was not accused of releasing unlawful or dangerous quantities of styrene into the environment -- just of not filing the proper paperwork.

Styrene is used in the boat-building process, but exposure to styrene vapors can affect the nervous system, resulting in depression, concentration problems, muscle weakness, tiredness, nausea and eye, nose and throat irritation, according to the EPA. The agency and the International Agency for Research on Cancer classify styrene as a possible human carcinogen.

Jeff Palsgaard, Merced County's director of environmental health, said he is unaware of any health threats or complaints related to styrene vapors released by the plant.

Nancy Sockabasin, a Toxics Release Inventory Coordinator with the EPA's San Francisco office, said the paperwork violations were discovered during a routine inspection in 2004.

Lee said it was, in fact, Finline that brought the oversight to the EPA's attention.

Either way, the company cooperated in providing information to environmental officials, Sockabasin said.

Not reporting styrene emissions violated The Emergency Planning and Community Right-to-Know Act of 1986. The law was designated to inform the public of chemicals being released in communities for the purpose of emergency planning.

Congress enacted the law in response to the 1984 gas leak that killed an estimated 2,500 people in Bhopal, India. Several states, including California, also passed similar legislation following the Union Carbide Corp. disaster.

The laws require companies to disclose hazardous chemicals they use or store.

Lee said the company is the first in Merced to forge ahead with a no-emissions indoor molding process.

He said the company offered to purchase new styrene emissions-reducing equipment in lieu of fines, but the EPA refused the offer.

Last year, Fineline built about 1,800 boats in Merced, and has operated near the Municipal Airport since 1979. The company also has a plant in North Carolina with about 70 employees.

Letter to the Editor in Merced Sun-Star, April 20, 2005

Park steers trouble

Editor: We have deep concerns about the Riverside Motorsports Park, which is proposed near Castle Airport Aviation and Development Center. We are definitely opposed to this raceway and feel it would threaten us in many ways.

We live in the general area of the site. We think the noise pollution and traffic would be horrendous. I have asthma, and I find Merced County hard on asthmatics. Our Valley air is the worst in the country. We need to clean up the air, not dirty it.

It is our understanding that thousands of automobiles per weekend could come here. The policemen, sheriff and Highway Patrol are burdened with gangs, drugs and violence on the rise in Merced County. Why add more stress to an already stressed situation? Riverside Motorsports Park could only escalate into more trouble for the law enforcement officers.

Please wake up and pay attention! This is something that would harm the farmers and dairymen in this area, plus it would be a thorn in our sides for years to come!

BEVERLY and HELEN HANSEN

Atwater