

Board backs ban on sludge Supervisors to draft all-out rule against biosolid imports

By GRETCHEN WENNER, Californian staff writer
Bakersfield Californian, Wednesday, April 6, 2005

Kern County is no sludge doormat, at least not anymore.

In an astonishing turnaround Tuesday morning, supervisors unanimously agreed to draft an all-out biosolids ban that would keep imported sewage out of Kern altogether. They also voted to back proposed legislation from state Sen. Dean Florez, the Shafter Democrat, that would stop imports of sludge, or treated human and industrial sewage, across county lines.

Supervisor Don Maben made the surprise request for a sludge ban.

"These people still want to put the lousy stuff on our ground," Maben said after the meeting, referring to Southern California sewage districts trucking biosolids into Kern. "I've got no love for them whatsoever."

During the meeting, when asking for a new rule abolishing all sludge imports into Kern, Maben referred to a lawsuit filed by Southland sewage districts against Kern for its ban of low-quality sludge. A state appeals court in Fresno issued an opinion Friday that will require Kern to draft an extensive environmental report regarding the ban.

Maben, known on the board as a man of few words who doesn't waste time explaining his ruminations, launched his request in less than a minute.

Maben called the districts suing Kern "the usual cast of suspects," then said: "I feel no longer do we have to respect and try to work with these people"

"These people are tenacious," Maben said. "They have lots of money" and lots of lawyers.

Maben then asked to "ban (biosolids) imports into Kern County for any purposes whatsoever."

Applause filled the chambers.

After some discussion, the board approved Maben's motion 4-to-0. Supervisor Barbara Patrick was absent, reportedly in Washington, D.C., seeking funding for ozone studies.

Maben's aggressive stance against sludge was an about-face compared w views he expressed earlier this year.

He said recent information, including studies showing flame retardants are turning up in human breast milk, have convinced him serious questions remain about public health risks from spreading biosolids on farmland.

Kern County has become something of a statewide, if not national, ground zero in the sludge debate. Here, as elsewhere, urban centers have turned to rural regions as dumping grounds for land-applied sludge.

About a third of California's biosolids end up in Kern, supervisors said, while Kern produces just 2 percent of the state's sewage.

Almost all sewage from the city of Los Angeles is trucked here and applied to the so-called "Green Acres" farm that city owns on land south of Bakersfield.

In addition, sewage districts in Los Angeles and Orange counties as well as the city of Oxnard also truck waste to Kern. Some 450,000 wet tons were brought here from Southland districts last year.

Maben said after the meeting he wants the ban to apply to all imports, including waste that would be trucked to the new Synagro Technologies Inc. sludge composting plant being built outside Taft.

Maben said Kern might as well get "the whole enchilada" if the county has to prepare an expensive environmental report anyway.

County lawyers estimate the report could cost \$500,000 and take up to two years to complete. In addition, they expect Southland districts to sue Kern once again over any sludge restrictions.

"The generators will probably go after and attack" any environmental report the county drafts, Bernard Barmann, the county's top lawyer, told supervisors.

Currently, Kern allows only the most highly treated sludge, or class A, to be spread on local farmland. The county banned lower-quality, class B sludge in the late 1990s. The Southland districts sued soon after. The litigation has been dragging on for more than five years.

Maben's request also included language suggested by Supervisor Jon McQuiston calling for a range of options. McQuiston said other counties have installed strict sludge rules that essentially function as a ban.

The possible ban and other alternatives will be drawn up by county staffers within 30 days, then come back to the board for a vote.

Separately, the board also unanimously approved supporting Florez's proposed state Senate Bill 926. The bill would require each county to take care of its own biosolids.

Florez, a frequent critic of local supervisors, showed up personally to ask for the board's support. Numerous cities around Kern have already voted to support the bill.

During a lengthy discussion, Florez and the board agreed the environmental report required by the Fresno appeals court could end up being positive for Kern.

"You may well be the first county to require a detailed list of exactly what's in (every truckload of) sludge," Florez said.

Sludge critics have said no one really knows what's in the mix, which contains tons of toxic chemicals distilled from industrial users.

The discussion drew an impassioned speech from a top county bureaucrat, David Price III, who oversees the Resource Management Agency. Price praised the board's leadership in crafting ever-stricter sludge policies with no outside help.

"Let's make no mistake," Price said. "The state has shirked its responsibility for 10 years... . You guys have been the Lone Ranger out there."

Supervisor Michael Rubio, a former Florez staffer, said the county's Sacramento lobbyist should get busy on the issue, which isn't a Republican-versus-Democrat matter but a rural-versus-urban issue.

The urban powers that be, Rubio said, are "taking advantage of folks in Kern County" who often don't have a voice in state politics.

Several members of the public spoke.

Robert Campbell, when discussing what Kern has to gain or lose with sludge imports, closed by saying the county could "lose the name: 'Toilet Bowl of L.A.'"

Arthur Unger of the local Sierra Club said debate about "mixing urine and feces with toxic industrial waste ... and (spreading) it on the ground" could hopefully stimulate federal regulators and the sludge industry to clean up government rules "which have precipitated this mess over the entire nation" in the last few decades.

No biosolids supporters spoke at the meeting.

21 Counties Removed From Dirty-Air List

By MALIA RULON, Associated Press Writer

in the S.F. Chronicle, Tuesday, April 5, 2005

(WASHINGTON, (AP) -- The Environmental Protection Agency announced Tuesday that 21 counties in nine states are being removed from the government's watch list of areas in the country with the dirtiest air.

The government had identified 225 counties in 20 states that were either unclassified or not meeting its new clean-air standards for reducing the amount of microscopic soot in the air, putting those areas on notice that they must devise a pollution-reduction plan.

Failure to comply could mean a county will have to limit development and its state could lose federal highway dollars.

Since those designations had been made in December with 2003 data, Sen. George Voinovich, R-Ohio, chairman of the Senate Subcommittee on Clean Air, Climate Change and Nuclear Safety, asked the EPA to review its list based on 2004 information.

The agency said the review indicated that certain areas now have air that is free of dangerous levels of soot, which comes from power plants, car exhaust, diesel-burning trucks, wood-burning stoves and other sources.

About 5 million people live in these areas and now benefit from cleaner air, the agency said. Soot can penetrate deeply into the lungs, causing respiratory illnesses and heart disease.

EPA's decision also is considered a boon for local officials working to attract development and jobs to their areas.

"These counties will be able to enjoy the benefit of these improvements, both in terms of improved public health and in terms of greater job-creation potential," said Voinovich, who referred to the designations as "economy-strangling limits."

The states with counties now in compliance with the clean-air rules for soot are Ohio, Indiana, West Virginia, Alabama, Georgia, Kentucky, Tennessee, Pennsylvania and California.

On the Net:

List of counties from EPA: www.epa.gov/pmdesignations/documents/Apr05/changes.htm
<<http://www.epa.gov/pmdesignations/documents/Apr05/changes.htm>>

Air Purifier Gets Another Critical Blow

Consumer Reports pans a Sharper Image device. The firm accuses the magazine of 'a vendetta.'

By Roger Vincent, Los Angeles Times

Wednesday, April 6, 2005

Neither the lawsuit nor, it appears, the new model cleared the air.

Shares of Sharper Image Corp. sank 9% on Tuesday after the new issue of Consumer Reports panned the latest version of the company's bestselling air purifier.

Not only does it fail to sufficiently clean indoor air, but the heavily advertised Ionic Breeze Quadra Silent Air Purifier and four similar machines by other manufacturers might even release potentially unhealthy levels of ozone, the magazine said in editions that hit newsstands Tuesday.

Investors also held their noses, sending Sharper Image stock down \$1.36 to \$14.32 on Nasdaq, its lowest closing price since August 2002.

Ozone is an irritant that can aggravate asthma and deaden the sense of smell and may cause permanent lung damage.

Sharper Image attorney E. Robert Wallach blasted the report as "a vendetta" by Yonkers, N.Y.-based Consumers Union, the magazine's publisher, for the purpose of making money. The San Francisco-based retailer unsuccessfully sued Consumer Reports for libel for earlier articles critical of the machines.

"It is outrageous for Consumers Union to engage in scaremongering about indoor air purifiers when they acknowledge any danger is uncertain and in any event not imminent," he said.

The company hasn't received any reports from buyers of problems related to ozone, he said.

Consumers Union Technical Director Jeff Asher said the Ionic Breeze Quadra, which sells for \$450, and the other purifiers the magazine tested were rated "not recommended" because they were largely ineffective. The ozone they create is not an imminent danger, he acknowledged, "but why put additional pollution levels in your air when you don't need them?"

Events to light up annual Energy Week

By ERIN WALDNER, Californian staff writer
Bakersfield Californian, Wednesday, April 6, 2005

It's official: Bakersfield Mayor Harvey Hall on Tuesday issued a proclamation declaring the week of April 11 Community Energy Week.

"Energy is a very popular issue with the citizens of Bakersfield, with the businesses," Hall said at a news conference at the Greater Bakersfield Chamber of Commerce.

Mike Martin, a senior account manager with PG&E and chairman of the chamber's energy committee, said the purpose of the annual Energy Week "is to raise awareness of the energy industry within our chamber members, youth and community at large."

The energy committee and the Community Energy Night committee are co-sponsors of the week.

The week is marked by several events.

Power Breakfast

The breakfast will be held from 7 to 9 a.m. April 13 at the Chamber of Commerce, 1725 Eye St., in downtown Bakersfield.

Martin said the breakfast program will highlight alternate fuel vehicles and will demonstrate how local businesses can benefit from using these fuels. Cars, buses and trucks that run on alternate fuels will be on display.

Admission is free and members of the community are invited to attend.

The featured speakers will be Mark Brown of Bill Wright Toyota; Jerry Cook and Steve Witt of Jim Burke Ford; Chester Moland of Golden Empire Transit; Bob Riding of PG&E; and Linda Urata of San Joaquin Valley Clean Cities Coalition.

Reservations are required. To R.S.V.P., call the chamber at 327-4421.

Community Energy Night

California Oil and Gas Supervisor Hal Bopp will be the featured speaker at the banquet, which is scheduled for April 14 at the DoubleTree Hotel.

A social hour will begin at 5:30 p.m., followed by dinner at 6:30 and an after-dinner program.

Organizers say the purpose of Community Energy Night is to give members of the energy industry an opportunity to discuss the industry with community leaders and educators.

Tickets are \$40 each or \$350 for a table of 10. For more information, call Sherlee Bailey at the Western States Petroleum Institute at 321-0884, ext. 2.

VIP Oil Tour

Community Energy Week concludes with the VIP Oil Tour, 7:30 to 2 p.m. April 15. Attendees will tour the Kern River oil field.

Members of the community are invited to attend. Reservations are required. To R.S.V.P., call Pauline Bartlett at the Chamber of Commerce at 327-4421.

Transfer station can skip full EIR

Tulare supervisors instead require report on problem progress.

By Denny Boyles / The Fresno Bee

Wednesday, April 6, 2005

VISALIA — The operator of a solid-waste transfer station near Dinuba will not have to file a complete environmental impact report to expand his operation.

The Tulare County Board of Supervisors voted unanimously Tuesday instead to require only a report of what Don Guy, owner of Miramonte Sanitation, plans to do to keep problems to a minimum at his trash plant northwest of Dinuba.

Dirk Poeschel, a consultant representing Guy, said the mitigated report is what he had hoped for.

"Last year, we provided 13 pages of suggested mitigation efforts to address the concerns of neighbors. We believe there has been no credible evidence presented, at any stage, that would require a full environmental impact report instead of mitigation," Poeschel said.

The board's decision will impact the proposal in two major areas: time and cost. A full EIR process can take six months or more and may cost more than \$50,000. By comparison, the mitigated negative declaration can be completed in less than half the time, and for as little as \$10,000, according to George Finney, assistant director for long-range planning with the Tulare County Resource Management Agency.

Guy has operated a limited solid-waste transfer site at 42605 Road 72 for more than nine years. Each day, trucks gather about 15 tons of trash in eastern Fresno and western Tulare counties, then bring it to Miramonte where it is sorted and transferred into larger trucks before being taken to area landfills.

Two years ago, Guy approached Tulare County officials and asked for a permit to operate his business and to expand so that he could transfer as much as 150 tons of waste each day.

The move angered neighbors already upset that the business was operating without a permit, and they opposed any expansion.

Tuesday, several neighbors spoke out against Miramonte, citing air quality, water pollution and noise as the main problems with the business.

"One of our biggest concerns is the level of particulates this facility sends into the air, both from the trash and the trucks that bring it," said Bruce Chesterton, who lives near the project.

Canada, carmakers sign tough emissions pact

Deal could force adoption of similar stringent rules for vehicles sold in U.S.

Robert Collier, Staff Writer

in the S.F. Chronicle, Wednesday, April 6, 2005

Faced with the threat that Canada would adopt tough, California-style rules on auto emissions, major automakers agreed Tuesday to voluntarily reduce the global-warming emissions of cars and light trucks sold north of the border.

Auto industry watchdogs said the deal, signed Tuesday in Windsor, Ontario, by officials of the Canadian government and the nation's automobile industry, could force automakers to adopt similar stringent emissions rules for vehicles sold throughout the United States.

The agreement follows the lead of regulations adopted last November in California, which U.S. automakers -- the same multinational giants that dominate Canada's auto industry -- are seeking to overturn in court.

Tuesday's pact commits the manufacturers to reduce overall greenhouse gas emissions of their vehicles sold in Canada by 5.3 million metric tons -- about 25 percent -- by the end of 2010. In

comparison, rules adopted in California oblige automakers to reduce their global-warming emissions by 30 percent, starting in 2009 and culminating in 2016.

Supporters of California's rules praised Tuesday's deal but said it showed the automakers were being two-faced, voluntarily adopting standards in Canada that they oppose south of the border.

"From the purely legal perspective, today's deal may not bolster our case in defending the (California) regulations," said Tom Dresslar, spokesman for the state attorney general's office, which is defending California against separate lawsuits in federal District Court and state Superior Court in Fresno.

"But it shows that the steps on global warming that car manufacturers say would wreak havoc in California are eminently doable," he said. "If you look at the history of this industry, whenever there are regulations proposed about safety, consumers and the environment, Detroit comes out with the Chicken Little routine, and that has never turned out to be an accurate prediction of the future."

In Canada, auto officials put the best face on the deal.

"Canada's automobile industry has a long history of introducing new technologies that make the vehicles we produce more environmentally friendly and safer," said Joe Hinrichs, chair of the Canadian Vehicle Manufacturers' Association as well as president and CEO of Ford of Canada. "We remain committed to doing our fair share to reduce greenhouse emissions while contributing to economic growth."

Because the only known way of reducing greenhouse gas emissions is to increase fuel efficiency, the new standards will force an unprecedented increase in gas mileage for more than one-third of the vehicles sold in North America.

New York, New Jersey, Connecticut, Rhode Island, Massachusetts, Vermont and Maine have adopted California's strict emissions targets. With this mass of auto buyers now joined by millions of Canadians, the auto industry is under increasing pressure to adopt the new levels for all its fleets, rather than offering different models for the two different markets.

Canada's voluntary deal may have been set in motion by unprecedented cooperation between California officials and their Canadian counterparts, who have met in recent months to discuss the possibility of Canada's adopting California's air quality rules.

In November, Assemblywoman Fran Pavley, a Democrat whose district spans Los Angeles and Ventura counties and who drafted the state law that prompted the new regulations, visited Canada's capital, Ottawa. She lobbied officials and legislators to pass tough laws on global warming, and her advocacy fell on willing ears in the administration of Prime Minister Paul Martin. In January, Martin dispatched Environment Minister Stephane Dion to Sacramento to investigate California's strategy on global warming.

Dion used his visit, which was extensively covered by the Canadian press, to threaten automakers that his government would propose legislation mandating reform unless the firms acted voluntarily. Two weeks later, the automakers resumed the talks that led to Tuesday's deal.

"California's pressure and the cross-border visits were very instrumental in helping the Canadian government to move forward and get the deal," said John Bennett, senior policy adviser for energy for the Sierra Club of Canada.

For the Canadian government, the deal is part of a larger political battle involving global warming.

Soon after the pact was signed Tuesday, Martin backed down in a related fight with the opposition Conservative Party. His aides announced that he would accede to demands to remove language from the proposed federal budget that would have made it easier to impose new controls such as a tax on all carbon emissions by industry. The Conservatives had threatened to reject the budget, a move that under Canada's parliamentary system would have toppled Martin's minority government and forced new elections.

Next week, Martin's administration is expected to announce a long-delayed blueprint on how to implement the Kyoto Protocol. Under the treaty, by 2012 Canada must reduce its greenhouse gas

emissions by 6 percent from their 1990 levels. With the booming oil sands industry in Alberta pumping out ever-increasing levels of greenhouse gases, Martin must find reductions elsewhere, such as in the auto industry, to meet the goals set by Kyoto.

Policing Tuesday's agreement will not be a problem, said Adrian Coleman, spokesman for the Association of International Automobile Manufacturers of Canada, which co-signed Tuesday's deal. He said if automakers failed to comply with their promises, they would face the "sword of Damocles" of California-style regulation.

"We take this as a firm commitment," he said. "We would much rather have voluntary arrangements than mandatory ones."

Consumer Reports clearing the air after libel lawsuit

The Associated Press

in the Modesto Bee, Wednesday, April 6, 2005

SAN FRANCISCO - Consumer Reports magazine is taking renewed aim at a popular air purifier made by The Sharper Image two months after it fended off a libel lawsuit filed by the machine's retailer.

The magazine reports in its latest issue that Sharper Image's Ionic Breeze Quadra Silent Air Purifier and four other similar machines failed to significantly clean the air - and also released potentially unhealthy levels of ozone.

Sharper Image lawyer E. Robert Wallach said the company was evaluating how to respond to the article, which advised against buying the Ionic Breeze machines. More than 2 million of the \$350 units have been sold.

"It is astonishing that Consumers Union would continue its misguided efforts to attack the judgment and experience of millions of Americans who are satisfied with the performance of the Ionic Breeze products," Wallach said in a statement.

In a statement of its own, Consumer Reports said the magazine's latest article is accurate and that the nonprofit organization had called on federal regulators to look at the advertising claims being made by sellers of the five air purifiers it examined.

"All of these 'not recommended' products did a poor job in our tests of removing dust, smoke and pollen from the air," the statement said. "In addition, all five of these products failed in Consumer Reports' labs the standard industry test for ozone generation."

[Lodi News Sentinel commentary, Wednesday, April 6, 2005](#)

Can we stop pollution before it's too late?

What about pollution? Who knows. Will it do us in? I don't know, do you?

With 200 million cars in the U.S. alone, you can just imagine the quality of our air right now. Imagine 10 or 20 years down the line. The possibilities may be catastrophic. Will we destroy ourselves? Has technology become our downfall? Could this be the end times as spoken of in the Bible?

Dinosaurs once roamed the earth, but they vanished. Many other kinds of animals have disappeared due to man's neglect.

Has man's neglect once more popped up to do in all forms of life ever created?

If that doesn't bring a chill up your backbone, just think of this. It takes oxygen every time you burn gasoline in an automobile engine.

Now just think, we have all these cars all over the world burning up all our oxygen in the

atmosphere by the gallons. Surely the plants producing oxygen can't possibly keep up with our Chevys, Fords, Pontiacs, Oldsmobiles, even our Volkswagens.

How much longer do we have before we can't fill our lungs with a good supply of this life-giving gas?

Can anything at all be done about this? We may have to go back to the horse and buggy.

Or is there going to be no more dreams, no more lovers in the street, no more children laughing, no more birds whistling, no more thoughts, no more ice cream and cake, no more families gathered for Easter dinner, and no more sound at all heard again from this lonesome planet called Earth?

Jeff Kooyman
Lodi

[Letter to the Modesto Bee, Wednesday, April 6, 2005:](#)

It all depends on how you look at it

It's a matter of competing perspectives: Some say pollution is killing the planet and we must burn less fossil fuel, yet the same prophets complain they can't cut back and gas prices are too high.

Anyone over 40 knows Social Security is perfectly solvent, so long as the two workers for each retiree don't mind giving more. How dare the governor balance the budget by cutting wages and telling employees they'll have to save for their own retirements, instead of raising taxes - which no one will mind.

There is no inflation, as you sign mortgage papers for a house that has doubled in price in just five years. Medical costs are sky high, says the patient in the emergency room with no insurance, who is seen for at or near zero expense to him. The U.S. is such an awful place - just ask one of the estimated 11 million illegals who did everything possible to get to a safe-haven city that refuses to take steps to deport him.

You aren't a human being until you are born.

TRACY LENZ