

## **Report sounds alarm on city's growing pains**

### **Smart Growth Coalition highlights Bakersfield's propensity for sprawl**

By JAMES BURGER, Californian staff writer

[Bakersfield Californian, Sunday, Jan. 30, 2005](#)

Bakersfield residents are spreading themselves outward in ever thinner layers in a classic case of suburban sprawl.

That's the message delivered by a new report that marks the sharp decline in the density of Bakersfield's growth over the past 20 years.

The Smart Growth Coalition of Kern presented the report to the Bakersfield City Council on Wednesday.

As the city spreads out, traffic congestion and air pollution -- two of Bakersfield's worst urban ills -- will increase, according to the coalition.

Coalition spokeswoman Pauline Larwood highlighted a couple of factors in the report that show the city's propensity for sprawl.

The population of metropolitan Bakersfield has rocketed up in the past century to nearly 450,000 while the people per square mile has dropped -- from nearly 3,500 to around 2,250.

And, if the city is built like the Bakersfield General Plan says it should be, that density will shrink to around 1,275 people per square mile by 2020, the coalition's analysis shows.

"It sets the stage for an all-time low in density," Larwood said.

The study also works in the fact that the city's system of roads has grown only slowly while the population has boomed and drivers have begun to spend more time on the road.

That equation creates more traffic congestion, more pollution and contributes to the steady climb in the disrepair of local streets, the study states.

"Everybody knows we have transportation problems and they're only getting worse," Larwood said.

"Everybody knows that we have air quality problems and they're not getting any better."

But the city's general plan accepts those conditions as the cost of growth, the study's authors conclude.

Larwood said she hopes the study will be used by city and county leaders to steer a stronger course in the future.

"They know what's at stake and the consequences of their actions," she said.

City Councilman David Couch, who represents the rapidly expanding northwest section of Bakersfield, said the city and county have taken steps to make new development pay for roads and other services.

Of special note were traffic impact fees that require builders to contribute nearly \$6,000 to city street building for every home built, he said.

"We don't get a lot of credit for that," Couch said.

He also said the city and the county need to coordinate efforts to better serve residents caught in the jigsaw boundary between the jurisdictions.

"The county has to encourage annexation to the city so there can be concentric development. It seems to be a more efficient way to deliver services," Couch said. "When we venture into each other's territory we end up with overlap, and overlap means we take more public resources to get the same thing done."

Other interesting facts from the report include:

- The economic well-being of the community has grown sharply in the past few years. The average Bakersfield resident's income increased by 55 percent between 1990 and 2000. The number of households that made less than \$50,000 a year dropped 12 percent.
- The city's poor are moving together and concentrating poverty into specific areas of the city.
- The city's concentration of poverty went up from 7 percent to 48 percent between 1980 and 2000.

- More than 1,000 workers who live in Bakersfield have commutes that are in excess of 90 minutes -- the time it typically takes to drive to Los Angeles.
- More than 5,000 people have a commute time of 45 minutes to 60 minutes.

## **State fines Hilmar Cheese \$4 million**

By Chris Bowman, THE SACRAMENTO BEE

[Published in the Modesto Bee, Sunday, Jan. 30, and the Merced Sun-Star, Monday, Jan. 31, 2005](#)

California's water-quality enforcers have fined Hilmar Cheese Co. \$4 million, one of the highest penalties they have ever imposed.

The enforcement action against the world's largest cheese company is for repeated pollution violations in the past two years as the company flushed high volumes of milky wastewater onto land, fouling its Merced County neighbors' air and water supplies.

The state Central Valley Regional Water Quality Control Board's executive officer said he issued the fine by certified mail Tuesday, the same day a co-owner of the cheese plant, Chuck Ahlem, resigned as the state's agriculture undersecretary, saying he needed to tend to his company's wastewater issues.

Thomas Pinkos, the water board's executive officer, informed his board of directors of the fine Thursday morning, about four hours before the directors were to question him privately about his enforcement, particularly in the Hilmar Cheese case. Subsequently, Pinkos won the board's continued endorsement of his leadership.

The week's events come in response to The Sacramento Bee's findings of unabated pollution from the cheese plant and the Valley water board's failure to take enforcement action. The Dec. 12 story said the board had not issued any fine or injunction despite 16 years of virtually nonstop violations of state rules designed to protect groundwater.

Hilmar Cheese officials did not return The Sacramento Bee's phone call for comment Friday. The company must pay the fine by Feb. 26 unless it appeals the penalty to the water agency's board of directors.

Hilmar Cheese President John Jeter said the company "has worked hard to comply with environmental standards." He pointed to the company's treatment plant, still under construction, which is intended to cleanse the plant's processing wastes to state standards.

"We understand that actions speak louder than words," Jeter said. "We believe the new treatment facilities to be completed in the next few months will provide unassailable testimony to our environmental commitment." Jeter had told The Bee in November the treatment works would be fully operational in December. Later, Jeter said it would be done this month.

Neighbors of the sprawling cheese plant reacted to news of the fine with delight and relief.

"Yes! Just right!" said John Sanders, who lives next to the fields where Hilmar Cheese spreads its waste water. Sanders and his wife, Rita, blame the company's disposal practices for contaminating their drinking water well.

Over the years, other residents have complained to the water board of flies and putrid odors emanating from the acres of waste-flooded land.

"It's about time," Celia Silveira said. Silveira complained in 2002 to the board that flies were coming into her home through the vents of her Jenn-Air stove. She also said overwhelming odors kept her family from enjoying a backyard swimming pool.

Silveira, whose family runs a dairy, said she did not expect the state to crack down on Hilmar because of the company's political ties.

Hilmar Cheese was a major donor to Gov. Davis and among the first to switch to Arnold Schwarzenegger during the 2003 recall campaign, giving the Republican \$21,200. Three months after taking office, Schwarzenegger named Ahlem as undersecretary of agriculture.

"I thought nothing would be done because of their state campaign contributions," Silveira said. "The law should apply to everybody."

Others, however, considered the \$4 million penalty too soft.

"It should have been 10 times that amount. It doesn't begin to address the damage they have done to the environment," said Ken Rodrigues, a former Hilmar Cheese employee who said he managed waste-water disposal.

The state attorney general's office is investigating Rodrigues' allegations that the company illegally diverted some of its waste to an irrigation canal.

Bill Jennings, who lobbies the water board on behalf of environmental groups, said the high penalty should send a strong message to food processing companies, which have been lightly regulated compared with non-agricultural industries.

"It's a shot across the bow at a largely unregulated industry, an indication that egregious violations will not be tolerated," Jennings said.

Pinkos said the \$4 million levied against Hilmar Cheese is a record high fine for the Valley water board, one of nine regional state boards under the state Environmental Protection Agency. Beth Jines, a Cal-EPA spokeswoman, said the Hilmar penalty is one of the highest her agency has issued against a water polluter.

The enforcement order covers only a portion of the violations the water board has documented since 1989. The penalty addresses the consistently high levels of salinity in the waste water and groundwater beneath the waste fields from January 2002 through last November.

The board's first enforcement action against Hilmar came last month in an order to test residential and irrigation wells in the vicinity to see how far the company's pollution may have spread.

## **Water board: Hilmar mess not official's fault**

By CHRIS BOWMAN - THE SACRAMENTO BEE  
[Modesto Bee, Friday, Jan. 28, 2005](#)

RANCHO CORDOVA - Central Valley water board directors on Thursday endorsed their executive officer's work in protecting water quality.

The action, announced at the end of an hourlong closed-door session, came in the wake of The Sacramento Bee's findings of unabated pollution from Hilmar Cheese Co. - which falls within the jurisdiction of the Central Valley Regional Water Quality Control Board.

The board gave executive officer Thomas Pinkos two months to prepare a public report "reviewing regulatory enforcement and communications," board Chairman Robert Schneider said, without elaborating.

A public hearing on the report is set for the board's March 10-11 meeting, Schneider said.

He made the announcements after he and the board's other four directors emerged from their private meeting, billed as a session to evaluate Pinkos' job performance.

"This board expressed their confidence in his leadership," Schneider said.

## **News report prompted inquiry**

The water board meeting came a day after Chuck Ahlem, a co-founder and part-owner of Hilmar Cheese, announced his resignation as undersecretary of the state Department of Food and Agriculture.

Ahlem said he was leaving Gov. Schwarzenegger's administration immediately "so that my presence here will not create further distractions from the governor's reform agenda."

Ahlem said he will help complete a Hilmar Cheese wastewater treatment project that company officials say will cleanse plant waste to state standards.

The valley water board's enforcement inquiry comes as a result of The Sacramento Bee's Dec. 12 story that documented 16 years of Hilmar Cheese's water quality violations, and the board's failure to penalize the company.

Ahlem served from 1996 to 2000 as a Gov. Wilson appointee to the water board. Schwarzenegger appointed him to the No. 2 post in the Department of Food and Agriculture a year ago.

Hilmar touts its factory south of Turlock as the world's largest cheese plant, making a million pounds a day. The plant dumps an average of 700,000 gallons of milky waste daily onto nearby land leased from dairies that supply milk to Hilmar Cheese, and from company owners.

Some neighbors blame the rogue disposal practices for fouling drinking-water wells and the air.

The water board went behind closed doors Thursday over the protests of an open-government advocacy group, Californians Aware.

In a letter to directors earlier in the week, the nonprofit organization lobbied to keep the board's enforcement-performance inquiry fully open to the public.

Terry Francke the group's attorney, renewed his plea the moment Schneider adjourned the public portion of Thursday's meeting for "a closed session to evaluate the performance of (the board's) executive officer and other employees relative to the operation of the (board's) Fresno office."

No sooner did Francke begin his one-page speech than Schneider cut him off, saying that the session would deal strictly with confidential personnel issues.

The only public testimony on Thursday in regard to Hilmar Cheese came from Bill Jennings, representing several environmental groups in support of Pinkos.

"The lapse in enforcement is ... reflective of a larger problem that needs to be addressed," Jennings said. "We need correction, not a scapegoat."

## **Board to study impact on Farmland**

### **Wildlife habitat will review will examine narrowed choices**

By ERIC STERN - BEE CAPITOL BUREAU  
[Modesto Bee, Saturday, Jan. 29, 2005](#)

SACRAMENTO - Loss of farmland and wildlife habitat will be among the topics studied by the California High Speed Rail Authority, now that it has narrowed its selection of a route through the San Joaquin Valley for a bullet train.

The rail authority board agreed to include in its final environmental review the Amtrak station on East Briggsmore Avenue in Modesto and a stop at either the old Castle Air Force Base in Atwater or downtown Merced.

It would share the Burlington Northern Santa Fe tracks through most of the valley.

But the rail authority has not decided whether it should cross into the valley from the Bay Area over the Altamont Pass along Interstate 580 or the Pacheco Pass along Highway 152.

The board also left open the possibility Wednesday of a route change and location of a station between Fresno and Bakersfield - if the Legislature puts money into the next state budget to pay for a study of the switch.

On whatever routes finally get approved, rail planners hope to have passengers aboard by 2020.

American Farmland Trust, a group organized to protect fertile agriculture land, has raised concerns about an expected population boom along the train route through the valley.

The environmental study is to examine that concern, and also examine positive effects from the train system, such as improved air quality if cross-state commuters abandon their cars in favor of the rails.

## **State opts out of pollution settlement**

### **Decision means California wont get a share of \$525 million in deal with ConocoPhillips**

By Douglas Fischer, STAFF WRITER

[Tri-Valley Herald, Monday, Jan. 31, 2005](#)

California has declined to sign onto a \$525 million Bush administration settlement with oil giant ConocoPhillips because the deal represents a step back from many of the states tight pollution rules, local regulators say.

Better to just avoid the whole thing was our take on it, said Bay Area Air Quality Management District spokeswoman Teresa Lee.

One example: Valves OK to operate while leaking 10,000 parts-per-million — 1 percent of the pipes volume — now can vent no more than 500 ppm under the settlement, Lee said. Californias standard is 100 ppm or less.

Touted by the Bush administration as a major milestone in reducing refinery pollution, Thursdays settlement requires ConocoPhillips to install \$525 million worth of pollution controls on nine refineries in seven states — including California — and pay \$4.5 million to settle a federal lawsuit alleging Clean Air Act violations.

In California, the company controls

13 percent of the states refining capacity, operating one refinery in Rodeo, one near Los Angeles and a third near San Luis Obispo

The settlement requires ConocoPhillips to upgrade leak-detection systems, minimize flaring — the flames often seen atop refinery smokestacks — and curtail sulfur emissions. While it will have an effect nationwide, the deal does little for California, Lee said.

There just was nothing tangible for public health or for reducing emissions from ConocoPhillips, Lee said. Most of it was moot ... and in many instances, it wouldve put us in jeopardy, theoretically, of taking a step backwards.

Opting out comes with a cost. California and Texas, which declined to sign to preserve its negotiating powers, will not get a share of the civil penalty or \$10 million in environmental projects ConocoPhillips agreed to fund. Illinois, Louisiana, New Jersey and Pennsylvania and Washington joined Thursdays agreement and will split those proceeds.

ConocoPhillips, the nations third largest oil producer with 10 percent of the nations refinery capacity, had record profits last year of \$8.13 billion, up from \$4.74 billion a year earlier.

[Modesto Bee, Monday, Jan. 31, 2005, Editorial:](#)

### **More funding needed to separate trains, autos**

A man bent on suicide parked his SUV in the middle of a railroad crossing in Glendale on Wednesday. Eleven people died when a Metrolink commuter train careened into the parked car, jumped the tracks, rammed into a freight train and then jackknifed into another Metrolink train going the opposite direction. About 200 more people were injured.

The tragedy provides bloody evidence of how vulnerable our rail systems are to stupid acts of deranged or evil people. No one could have predicted or prevented Wednesday's tragedy.

That said, much more can be done to reduce the far more likely chance of accidental car-train crashes: Separate car traffic from train traffic. Grade separation projects, in which roadways are built under or over train tracks, save lives. They also reduce congestion, [cut down on pollution](#) and save money that's lost when commuters and truckers are stalled waiting for trains to pass.

This is no small problem. Traffic in many Central Valley communities comes to a halt when trains slice through town. Some towns see 35 or 45 trains a day -- a huge increase over only a few years ago.

The federal government provides a paltry \$15 million a year for grade separation projects in California. That's dangerously inadequate. It can cost from \$20 million to \$40 million to separate one grade crossing, and California has around 9,000 statewide.

No doubt, in the wake of Wednesday's deadly crash, politicians will be under pressure to "do something." It would be prohibitively expensive and ultimately futile to put a guard at every railroad crossing in Southern California or anywhere else.

Scarce resources would be better spent for less dramatic but far more sensible and cost-effective protections, such as separating railroads from roadways.

[Modesto Bee, Sunday, Jan. 30, 2005, letter to the editor:](#)

**Bravo for halt on development**

I am delighted that Mayor Jim Ridenour and the rest of the Modesto City Council have unanimously agreed to put further development on hold until 2007. Our once semi-rural city has grown without adequate planning and consideration for quality of life issues, such as air. It is difficult for our elected officials to consider the overall needs of the city with pressure from those who will benefit from fast growth. I applaud your vote.

JUDITH SHEPPARD  
Modesto