

Air rules target Valley sprawl

Regulations that would add fees to new homes are up for a vote and have builders up in arms.

By Mark Grossi / The Fresno Bee

Monday, December 12, 2005

Air quality options

Builders can take the following steps to reduce the cost of fees:

- Shopping centers
- Install bicycle parking
- Include shower and lockers for employees to bike or walk to work
- Include bike lanes
- Build within a half-mile of a transit stop
- Display bus schedules

Homes

- Install energy-efficient lighting, air conditioning and water heaters
- Include whole-house fans
- Plant trees and landscaping
- Include pedestrian sidewalks and paths
- Include outdoor gas hookup for cooking

It has been two years since the most frenzied debates ended over air cleanup rules for farmers and fireplace burning bans for city folk, but the interlude is over.

Authorities are scheduled Thursday to possibly approve nationally unprecedented air fees on city sprawl — new houses, shopping centers and office space.

This time, it is not just environmentalists versus an industry, namely builders. Farmers, who are on the hook for new air cleanup rules, say it's time for builders to do their part.

Says farm spokesman Manuel Cunha: "I'm changing my farming practices for air quality. Why don't they? If they don't do their part, someone will come after more reductions from farmers. Is that fair?"

But the point is that all homeowners — not just new ones — should be paying, says Robert J. Keenan, executive vice president of the Building Industry Association of Tulare/Kings Counties Inc.

"It's not fair to make new home buyers responsible for cleaning up the air," he says. "Why not divide the cost among all homeowners? Then it's not a hardship."

Those arguments and others will come to a head Thursday at the San Joaquin Valley Air Pollution Control District, as the governing board votes on new rules for builders.

The rules would force builders of new homes, businesses and commercial buildings to make air-quality-friendly developments or ante up fees for pollution coming from the additional traffic.

Environmentalists say the Valley needs these rules to prepare for big growth, or this area will repeat the mistakes made in Southern California, which sprawled prodigiously in all directions.

The Valley's population is expected to expand from 3.7 million people to 7million in the next 35 years. Fresno, Bakersfield, Stockton and Modesto are expected to spread out with new developments, adding more miles of vehicle travel each day.

Valley motorists currently drive 94 million miles per day, according to the state Air Resources Board. When cars, pickups, SUVs and diesel trucks are combined, they become the No. 1 source of air pollution in the Valley, one of the most polluted places in the country.

In other parts of the state and the country, agencies have talked about regulating pollution from sprawl, but no one has passed such far-reaching rules with fees.

National and state building industry lobbies are watching the rule proposals closely because other air districts will be obliged to look at similar strategies if the regulations are adopted in the Valley.

The district predicted completion of the new rules by December 2004, but it has taken an additional year because of the complexity and, many believe, builders' opposition to the fees.

The fee money is intended to buy clean-burning public buses, replace dirty diesel engines and pave road shoulders. Authorities project \$103 million will be raised in the next three years.

State Sen. Dean Florez, D-Shafter, wrote SB 709 in 2003 to require the rules and fees on large developments at the edge of Valley cities.

The fees can be reduced or perhaps eliminated if a developer adds enough clean-air features, such as exterior outlets for electric lawn mowers or energy-efficient water heaters.

Though builders two years ago said they would cooperate in the rule process, they now campaign intensely against the idea.

Representatives say the district's proposal could amass \$225million in fees from homes by 2010, but they say there are not enough specifics on plans to spend it.

They say the rules, which also apply to shopping centers and many other business places, might inhibit job creation by driving companies away from the Valley.

Builders say the fees could amount to \$450 million in the next five years from commercial and industrial development.

The industry also criticizes the mathematical model used to estimate traffic-based pollution from homes, shopping centers and other business centers.

"It overestimates the emissions by as much as 70%," Keenan says. "The science does not work."

Using statistics and criticisms, builders signed up a list of organizations, associations and local government officials to oppose the rules. The effort is called "Stop the air board tax: We'll all pay."

The criticisms are overstated, says Tom Jordan, air district special projects administrator. The district believes the cost will be about \$780 per house until 2008 when the estimate rises to \$1,770.

Jordan says the district's financial-impact study of the rules indicated an extra \$1,770 would not be a deal-breaker on homes.

The district would much rather have air-friendly developments than the cash, he says. That is why there is a list of clean-air options developers can install and get credit to lower the fees.

"The developments are permanent and so are the pollution reductions when you build them into the project," Jordan says. "There are already some good projects going on in the Valley, and a certain momentum is building. You can mitigate these fees with good projects. You can get them down to zero."

Jordan and environmentalists say the science used in estimating pollution has been tested in court and used for environmental study over many years in California.

The air district will have to watch closely so developers do not manipulate the system to underestimate new emissions, says Kathryn Phillips of the Environmental Defense.

Tracking new emissions is vital, she says, because the Valley cannot afford to backtrack and allow new pollution to overwhelm previous reductions. That is why new developments, not existing homes and businesses, are the focus, she says.

"It is very easy for any industrial sector to say, 'Why me?' " Phillips says. "This attack from the building industry is very common. A powerful industry typically goes after the science and says the rules aren't fair."

Clovis Mayor Nathan Magsig says the rules are unfair for people of low or moderate income. Magsig is executive director of the Coalition for Urban Renewal Excellence, a nonprofit group that builds and sells discounted homes to people who otherwise couldn't afford them.

He says many of his customers can barely afford a loan of more than \$100,000, sometimes leaving them stuck in a two-bedroom, one-bathroom apartment with five or six children.

"A few hundred dollars of extra cost can put a house out of reach for them," he says. "Less than 20% of the population can afford the median-priced home. These rules just make it that much harder on many, many people."

The proposed rules would not apply to developments of fewer than 50 housing units, so many of his previous projects would not have been affected. Magsig says he is bidding on a subdivision with 54 units and needs larger projects so he can spread his costs.

Environmentalist Phillips says the majority of builders should be able to cut down the fee quite a bit just by putting in already-accepted features — sidewalks, insulation, turnouts for bus stops, shade trees and walking trails.

"This doesn't prevent the construction of single-family homes with yards," she says. "This is about smart growth and doing it at the early stages so you can do it right."

Fees for pollution go to air district

Opponents say extra fees will hurt low-income buyers, not builders

By Sarah Ruby, Californian staff writer

Bakersfield Californian, Monday, December 12, 2005

Valley builders and business groups are ready to fight a proposed air rule, which could cost more than \$1,700 per house by 2008.

The San Joaquin Valley Air Pollution Control District will consider six new rules Thursday, including two that would require builders to pay a fee for pollution they can't reduce by adding bike lanes, strategically placed retail stores and a host of air-friendly design features.

New construction generates car traffic, which pollutes the air, according to the rules' premises. The district doesn't have the power to regulate cars directly, so it's going after their destinations. Its authority is limited to stationary sources, while state and federal agencies oversee cars and trucks.

Housing advocates say these rules will be particularly hard on first-time home buyers and low-income families.

"We've gotten some elitism, in my opinion, in the environmental (community)," said Michael Lane, an analyst with Self-Help Enterprises, a Visalia-based nonprofit that helps build and finance low-income housing, among other services.

New homeowners will be further shut out of a brutal housing market, Lane said. It's already difficult to convince neighborhoods and city councils to accept low-income housing developments, and adding a layer of red tape will make it worse, he said.

The district is sensitive to the difficulties of the housing market, said Tom Jordan, a special projects administrator with the district. District staff found that what makes low-income developments more affordable -- that they're high-density and efficient -- makes them easier on the air, he said. Those features drive down the proposed fee, he said.

Other concerns abound:

- The district is overestimating pollution from new construction.
- The problem is cars, not homes.

- The district hasn't said exactly how it will spend its money to reduce pollution.
- The new rules unfairly target new construction when cleaning the air should be everyone's responsibility.

"I think we need to reconsider this whole thing," said Brian Todd, executive vice president of the Building Industry Association of Kern County. "I think there are enough smart people on (the air district) board to realize this is a bad, bad rule."

District staff point to the air impact of a population expected to grow by 24 percent by 2010. There's not much the district can do once homes and malls have sprouted, and the new rules are meant to change development patterns before growth hits, Jordan said.

The money generated by the rules will fund existing pollution programs, he said. The individuals and businesses that will benefit from those programs haven't yet applied for grants, so it's impossible to say exactly where builders' money will go, he said.

State law requires a rule like this, Jordan said. It would be unfair to further regulate other industries to offset pollution generated by growth and development, he said.

The air rules attempt to halve dust and diesel particles generated by new construction, and slash smog-forming nitrogen oxides by a third. If they pass, they will go into effect next March.

The rules would cost builders more than \$1,700 per house in 2008 if they chose not to incorporate any of the dozens of fee-saving mitigations proposed by the district. The rules' fees on homes and commercial development could generate as much as \$670 million by 2010, according to builders groups.

The district expects to collect \$103 million in fees during the first three years of the program, according to district documents. The rules allow builders to cut fees by using energy-efficient appliances, walker-friendly designs and other features.

A few thousand dollars in fees won't impact this housing market, said Gordon Nipp, a local Sierra Club member and advocate of this type of air rule. Builders will charge what they can for properties, regardless of fees, he said.

"(The rising cost of real estate) has everything to do with the laws of supply and demand," he said. "The fees are going to come out of ... the developers profits."

The meeting will start at 9 a.m. Thursday at air district headquarters in Fresno. Locals can participate by teleconference at 2700 M St., Suite 275, Bakersfield.

Here's a list, in order of appearance, of rules being considered by the air district Thursday:

Stationary sources: The district is changing the way it regulates oil fields, factories and other stationary sources.

Boilers, steam generators and process heaters: A new rule would require industrial boilers and other equipment to be retrofitted to cut nitrogen oxide and carbon monoxide emissions. It would affect hotels, restaurants, hospitals, warehouses and other operations.

Dryers, dehydrators and ovens: Milk factories, fruit processors and other businesses would have to prove this equipment meets new emission requirements for nitrogen oxides and carbon monoxide.

New construction: Builders would pay a fee for pollution they can't reduce by adding bike lanes, strategically placed retail stores and a host of air-friendly design features, amounting to more than \$1,700 per new house in 2008.

Winemaking: The valley's 18 largest wineries would have to cut emissions of smog-forming ethanol, or airborne alcohol, by 35 percent.

Tallow stench is in the past

County official says plant down to three workers

By Michael G. Mooney, staff writer

Modesto Bee, Saturday, December 10, 2005

With Modesto Tallow Co. halting the processing of animal carcasses, the plant's stomach-turning odors - which spewed for decades into neighborhoods in south and west Modesto - were not detectable Friday.

"They're not processing any more raw animal matter," said Jaime Holt, a spokeswoman for the San Joaquin Valley Air Pollution Control District. "That should take care of it. We hope the odor problem is done with for good."

Holt said there have been 614 odor complaints this year about Modesto Tallow - about half of all those received in the entire district, which stretches from Lodi to Bakersfield.

Company officials in Stockton and Texas did not return repeated phone calls Friday.

Under the terms of a settlement first announced late Thursday afternoon, Modesto Tallow agreed to surrender its animal processing permits.

The company also was fined \$125,000, said air district officials, and agreed to cease all operations by the end of 2006.

The air district agreed to allow Modesto Tallow to continue processing chicken feathers - a much less odorous undertaking - until May 31.

The company also received permission to operate a transfer facility at the site - handling restaurant grease and animal byproducts such as entrails, blood and hooves, but no full carcasses - until Dec. 31, 2006.

Financial incentives built into the settlement agreement, Holt said, would allow Modesto Tallow to escape part or all of the \$125,000 fine, but only if it closes before May 31.

"We are encouraging them to shut down the facility as soon as possible," Holt said.

Modesto Tallow would receive a \$25,000 reduction in the fine for each month it doesn't process chicken feathers. The plant processed feathers earlier in the week.

"I've been in contact with (Modesto Tallow officials) pretty steady," county Supervisor Jim DeMartini said Friday. "They are not even going to process feathers, even though it is allowed in the settlement. They will be down to three people after today."

Other pollution concerns

Though the primary focus of the air district was to eliminate the odors emanating from the rendering plant, other potential pollution concerns remain at the site off Crows Landing Road.

The Stanislaus County Department of Environmental Resources, for example, will continue to monitor for soil contamination caused by petroleum products such as diesel fuel, gasoline and fuel oil leaching into the ground over the years.

Modesto's Wastewater Division, meanwhile, conducts tests weekly to make sure the company properly pre-treats the effluent it generates before discharging into the city's sewer system.

"Our monitoring (program) is ongoing," said Sonya Harrigfeld, the county's Environmental Resources director. "We will be monitoring until the site is cleaned."

Site cleanup rests with Modesto Tallow Co. That would change, however, should the property be sold. Several county and state officials said the new owner would be held responsible for restoring the plant site's environmental health.

Because the rendering plant's permits have been surrendered to the air district, the new owner would start from scratch, whether the owner wanted to refurbish the existing facility or build a new one.

Harrigfeld said a number of potentially toxic materials used by the company in its rendering process have been stored on-site, including everything from acid and propane to bleach and degreasers.

The plant has operated on the site since 1917. A new owner likely would hire an environmental consulting firm to determine what types of pollution problems - if any - exist on the site.

DeMartini said he has been talking to the owners for about six months about building a new rendering plant near the tire-burning plant in the Westley area.

"We still need a rendering plant in the area," he said.

County Planning Director Ron Freitas said the Board of Supervisors would have to change the county's general plan and rezone the area to accommodate a rendering plant.

Even then, he said, the owners would have to negotiate a special use permit.

"I would anticipate an (environmental impact report)," Freitas said, "with air quality the No. 1 issue."

Time's up for Modesto Tallow

Rendering plant, air district agree to closing date of Dec. 31, 2006

by John Holland, staff writer

Modesto Bee, Friday, December 9, 2005

Modesto Tallow Co., long criticized for the foul odors drifting from its plant, will shut down by the end of next year, officials said Thursday.

The owners of the south Modesto plant agreed to stop rendering livestock carcasses and to phase out other operations by Dec. 31, 2006, under a settlement with the San Joaquin Valley Air Pollution Control District.

The news brought relief to parents at Shackelford Elementary School, which has sat less than 1,000 feet from the plant since 1948.

"When the kids go out to play, it smells just terrible," said Esmeralda Avila as she picked up daughters Vanessa, 5, and Cassandra, 4, on Thursday afternoon. "It's good that they'll be able to breathe pure air."

The announcement, while cheered by the plant's critics, raised concern in farming circles about whether other rendering plants could fill the gap.

The air district sought the shutdown in a lawsuit filed in August. It followed years of odor complaints and efforts to fix the problem at the 88-year-old plant.

"We regret that closure of the operation became our only option," Bill Shirley, an executive with the plant's parent company in Texas, said in a district news release announcing the settlement.

He could not be reached for further comment. Plant co-owner Jeff Podesto, whose family operated it for decades, referred inquiries to the Texas company.

The plant employed about 65 people as of Thursday, the news release said.

"It is unfortunate that jobs will be lost, but it has been a long-standing nuisance for the neighborhood," said Catherine Tognazzini, assistant counsel for the district.

Phased closure prevents 'crisis'

The settlement allows the plant to process chicken feathers until May 3, as long as it installs improved odor controls.

It also allows operation through 2006 of a "transfer station" for restaurant grease and for trimmings from slaughterhouses and butcher shops, Tognazzini said. These remains can stay at the plant for up to 24 hours before being shipped to other rendering plants, she said.

Tognazzini said the closure is in phases because "we didn't want to create a crisis by having nowhere to take this material."

She said she did not believe that Modesto Tallow planned to relocate in the region. In an October e-mail obtained by The Bee, Modesto City Manager George Britton said a plant owner told him of plans to move "the majority of the operation to Stockton."

The settlement was signed Thursday by Judge Roger Beauchesne in Stanislaus County Superior Court and is expected to be filed today, Tognazzini said.

Ag worries about disposal

The plant was established in 1917 just off Crows Landing Road, in what was then a rural area along the Tuolumne River.

Neighborhoods were later built nearby, and complaints about the odors increased in the 1990s. At times, the smell has drifted over Ceres and downtown Modesto.

Despite the complaints, the plant has been a key part of the region's agriculture, taking in dead dairy and beef cattle, chicken feathers and other animal remains.

"They have to be disposed of in some fashion, and Modesto Tallow, of course, has provided an outlet for those products for years," said Michael Marsh, chief executive officer of Western United Dairyman, based in Modesto.

He said the cost of disposing of dead livestock could rise if other rendering companies do not have excess capacity.

Ray Souza, who operates a dairy in the Turlock area, agreed.

"It's going to create some issues," he said. "These types of plants play a real crucial role in our operations."

Souza's herd numbers about 1,200. Over a normal year, he said, 2 percent to 3 percent of those animals die. The deaths can rise dramatically if a communicable disease such as hoof-and-mouth infects a herd, he said.

"Under the law, I can't bury a dead animal myself," Souza said, "and I can't burn these animals."

The county's other renderers are Darling International, four miles northeast of the community of Crows Landing, and Sisk Tallow, four miles southwest of Turlock.

"They haven't had near the problem as Modesto Tallow, but it is surrounded by schools and houses," said county Supervisor Tom Mayfield, chairman of the air district board. "That was probably a mistake, made years and years ago."

Rendering plants turn out raw material for animal feed and leather goods. They also produce tallow, a refined fat used in soap, ink, glue, explosives and a variety of other products.

County Supervisor Jim DeMartini said he had mixed feelings about the Modesto Tallow closure.

"It will sure make life better in the Shackelford area, but it creates problems for ag," he said. "Part of me is glad to see it close down, but the bigger part is how it will affect agriculture."

Former county Supervisor Paul Caruso, who runs a shopping center on Crows Landing Road, said he was concerned about the closure's impact on agriculture but glad that it is happening.

"Wow!" he said upon hearing of the shutdown. "There have been people fighting that since I was raised here (beginning) in 1947. It's wonderful news for the community."

Caruso said he met with air district officials two years ago and was told that resolving the problem could take two or three years.

"The company did not perform," he said. "They broke promises. They always denied they really had a problem. They would violate rules and county regulations and then refuse to pay (fines). They dragged their feet on the timelines we had set up. In the end, they did it to themselves."

A look at the history of Modesto Tallow Co.

(sidebar to *Time's up for Modesto Tallow*) Modesto Bee, Friday, December 9, 2005

1917: Modesto Tallow Co. opens along the Tuolumne River in a then-rural area south of Modesto.

1940s: People begin moving to the area near Crows Landing Road, drawn in part by lower taxes outside the city limit.

1948: Shackelford Elementary School opens less than 1,000 feet from Modesto Tallow.

AUGUST 1964: California Department of Public Health investigates complaints of foul odors in the Shackelford neighborhood and concludes that the most offensive come from Modesto Tallow.

JUNE 1973: Shackelford Principal Chuck Dunning petitions Stanislaus County officials to do something about the odor.

AUGUST 1973: An engineering study finds the plant's equipment has "marginal odor and particulate control capabilities."

OCTOBER 1973: County officials threaten to shut down Modesto Tallow because of uncontrolled odors. The company promises to install new equipment that will reduce odors, and it is allowed to stay in business.

AUGUST 1997: Modesto Tallow embarks on a four-phase odor reduction plan that officials say will cost \$750,000 and reduce odors as much as 80 percent.

JUNE 1998: Rep. Gary Condit, D-Ceres, prodded by angry constituents, asks the air district what's being done to reduce odors. Air district officials respond that the company is on the verge of adding new technologies and that air quality improvements are expected to follow.

MAY 1999: A Stanislaus County grand jury criticizes government officials for not communicating enough with residents about issues at Modesto Tallow.

JUNE 1999: Modesto Tallow officials plead guilty to violating the federal Clean Water Act by discharging dead animal parts into a lagoon that is part of the Tuolumne River. Plant Manager Larry Bietz later is sentenced to a year in prison for forging water samples. The company pays a \$600,000 fine.

JULY 1999: Modesto Holding Co., a group of Texas-based investors, buys a majority interest in Modesto Tallow.

JULY 2002: Modesto Tallow installs a thermal oxidizer to reduce odors.

JULY 2003: Modesto Tallow pays \$114,508 to settle a case brought by the Solano County district attorney, alleging that company trucks spilled blood and dead animal parts onto roads.

JUNE 2004: U.S. Environmental Protection Agency agents obtain a search warrant to investigate Modesto Tallow's dealings in Oregon. A special agent alleges that Modesto Tallow rendered chicken carcasses and discharged waste into the Columbia River without a permit, in violation of the Clean Water Act. Three months later, Modesto Tallow pays \$100,000 to a Portland-based environmental group, which had threatened to sue the company.

JULY 2004: Modesto Tallow fails an air district inspection. Among other problems, air district officials found "a large amount of waste, including Styrofoam meat trays and plastic wrap to be in the meat and bone and processing raw material receiving pit."

JANUARY-JULY 2005: Residents lodge 323 odor complaints, more than during the first seven months of any year since the air district began keeping records in 1994.

OCTOBER 2005: Modesto files a \$148,319 lien against the plant and threatens to revoke its sewage permit. City Manager George Britton says Modesto Tallow might move to Stockton within two years, but company officials deny it.

DEC. 8, 2005: The San Joaquin Valley Air Pollution Control District announces Modesto Tallow will stop accepting livestock carcasses immediately and will phase out other operations by the end of 2006.

Neighbors cheer news of plant's closing

Residents look forward to life without constant stench

Modesto Bee, Friday, December 9, 2005

Air quality officials prohibited wood burning today in Stanislaus and Merced counties, the first time that such a ban has been imposed.

Wood-burning fireplaces, fireplace inserts, heating stoves and pellet stoves cannot be used, unless they are the only means of heating a house, the San Joaquin Valley Air Pollution Control District announced.

The ban began at 12:01 a.m. and is in effect until midnight.

People in San Joaquin County are asked to voluntarily stop using fireplaces and inserts.

The district predicts air quality will be unhealthy for the general public in Stanislaus and Merced counties. The problem is stagnant air that causes pollution to build up, district spokesman Anthony Presto said in a prepared statement.

People who violate the ban can be fined between \$50 and \$1,000. Offenders likely face the lower fine, Presto said. But, repeat offenders could get hit with higher levies.

The daily wood-burning status is issued on a countywide basis and is available in English and Spanish toll-free at 800-766-4463 and at www.valleyair.org <<http://www.valleyair.org>>. Updates in Hmong are available toll-free at 877-344-1212.

Animal carcass processor agrees to shut down after lawsuit

The Associated Press

in the Fresno Bee, Thursday, December 8, 2005

FRESNO, Calif. (AP) - A plant that turns animal carcasses into food for pets and livestock will shut down next year as part of a court settlement approved on Thursday.

The San Joaquin Valley Air Pollution Control District filed the civil suit against Modesto Tallow in Stanislaus County Superior Court in August demanding that the plant stop operations after repeatedly violating air pollution standards.

In 2005 alone, there were 614 complaints filed against the plant for the stink it created, said air district spokeswoman Jamie Holt.

"We're tired of fighting them, tired of trying to get them to do the right thing," said Holt.

Plant representatives did not answer phone calls made after business hours. But they said in a statement that 65 people would lose their jobs.

"We regret that closure of the facility became our only option," said company representative Bill Shirley.

The settlement will be filed in court on Friday. According to the agreement, the plant will immediately stop rendering animal carcasses, but will be able to continue processing chicken feathers until May if it installs equipment designed to control the smell.

The company agreed to close down all operations by next December.

Settlement: Animal carcass processor to shut down

The Associated Press

Published in the Merced Sun-Star

Friday, December 9, 2005

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Valley no-burn order imposed

Residential fireplaces target of largest-ever restriction.

By Mark Grossi / The Fresno Bee

Saturday, December 10, 2005

Air authorities banned fireplace burning Friday from Modesto to Bakersfield, the widest residential no-burn order ever imposed in the San Joaquin Valley.

The conditions should improve slightly today in the northern Valley, but residents in Fresno, Kings, and Tulare counties still are banned from burning wood.

"We've had a very, very light northwest wind coming through the northern counties and that should help a little up there," said meteorologist Shawn Ferreria for the San Joaquin Valley Air Pollution Control District. "But it is not getting past Fresno."

Bits of soot, ash and debris have been building in the air for a week, and they remained even after a weak storm Thursday. Residents are encouraged to limit their outdoor activities.

The air was predicted to be unhealthy Friday for everyone in Stanislaus, Merced, Madera, Fresno, Kings, Tulare and Kern counties. Only San Joaquin County escaped the ban; residents were only encouraged to avoid burning wood. The actual air quality readings for Friday were not immediately available.

On Thursday, the Valley's worst reading was in Modesto, which recorded 86 micrograms of tiny debris per cubic meter of air. The federal health limit is 65.

Six of the Valley's eight monitors for particulate matter showed pollution high enough to be considered federal health violations on Thursday. In the Fresno area, Clovis had the highest reading at 81 micrograms per cubic meter.

"It may have been raining, but it doesn't necessarily mean it's washing out particulates," Ferreria said. "You need wind and vertical mixing in the atmosphere. We didn't get that Thursday."

The microscopic bits of pollution penetrate deep into the lung, triggering asthma attacks, bronchial infections and other respiratory ailments.

Such pollution kills more than 1,100 people prematurely in the Valley each year, according to a state study. The pollution also has been associated with an increase in heart disease.

Thursday's storm, which dropped 0.04 of an inch of rain in Fresno, added just enough moisture to bring fog into the forecast. Patchy fog is expected for several days.

On cool, foggy days, air officials have said athletic activities should be postponed until the afternoon when air quality improves. But afternoon air quality has been poor during the past two days, air district officials said, so residents are advised to exercise indoors.

Wood burning banned for today

Merced Sun-Star

Friday, December 9, 2005

For the first time since the adoption of the Check Before You Burn program, the Valley Air District is prohibiting the use of wood-burning fireplaces, inserts and heating stoves in Merced County today.

The mandatory wood-burning ban is in effect until midnight tonight.

The mandatory curtailment in Merced and Stanislaus counties has been prompted by an air-quality forecast of 152 in Merced and 153 in Stanislaus on the Air Quality Index.

At that level, air quality is unhealthy for the general public. Stagnant air and poor dispersion have caused particulates to build up, making air quality poor.

Violations can result in fines.

The Check Before You Burn program, which runs Nov. 1 through Feb. 28, aims to reduce fall and wintertime air pollution in the San Joaquin Valley.

The ban doesn't apply to: devices that use natural gas or propane exclusively; homes that don't have connections to natural-gas service; homes in areas 3,000 feet or higher in elevation; homes in which no other heating device exists and wood-burning is the sole source of heat; and cooking devices.

For more information in English or Spanish: 800-766-4463 and at www.valleyair.org <<http://www.valleyair.org>>. Updates in Hmong are available at 877-344-1212.

Bad air causes ban on burning

prohibition is in place for first time; hefty fines are possible for some offenders

Modesto Bee, Friday, December 9, 2005

Air quality officials prohibited wood burning today in Stanislaus and Merced counties, the first time that such a ban has been imposed.

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Stanislaus burn ban

Modesto Bee, Monday, December 12, 2005

Lighting fireplaces is banned today in Stanislaus County, and it is discouraged in Merced and San Joaquin counties. The San Joaquin Valley Air Pollution Control District predicts unhealthy air in all three counties, but it is expected to be the worst in Stanislaus, where wood-burning fireplaces, fireplace inserts, heating stoves and pellet stoves cannot be used, unless they are the only means of heating a house.

Calif. officials vote to regulate ship pollution at state ports

By Terence Chea, Associated Press Writer

in the Fresno Bee, Friday, December 9, 2005

SAN FRANCISCO (AP) - State air regulators on Thursday approved new regulations to curb pollution from cargo ships, cruise liners and other large vessels that enter state ports, making California one of the first states to regulate emissions from oceangoing ships.

The California Air Resources Board also passed new rules to reduce emissions from the cranes, fork lifts, tractors and trucks that move cargo at state ports. Both sets of regulations are scheduled to take effect in 2007.

Environmental groups praised the board's actions, but ship operators questioned whether California had the right to regulate ships beyond state waters.

The new regulations, unanimously approved by the six-member board in Sacramento, are aimed at cutting emissions at ports in Los Angeles, Long Beach, Oakland and Stockton where increasing air pollution poses a health risk to workers and nearby residents.

"Clearly, the goal is to protect public health," agency spokesman Jerry Martin said. "We want to stem the public health threat as quickly and efficiently as we can."

One set of regulations will restrict emissions of particulates and gases such as sulfur dioxide and nitrogen oxides from the 1,900 oceangoing vessels that make 10,000 stops at California ports each year.

Ships will be required to switch from large diesel engines to smaller auxiliary engines that run on cleaner-burning fuel once they come within 24 miles from the California coast. The regulations were projected to reduce particulates by 75 percent and sulfur dioxides by more than 80 percent in 2007.

The regulations will apply to all ships calling at state ports, where an estimated 90 percent of the docking vessels are foreign.

The other set of regulations will require emissions reductions from cargo handling equipment and vehicles through cleaner fuels and other pollution control measures.

Environmental groups applauded the board's decision to regulate ship engine emissions at a time when state officials anticipate a dramatic increase in port traffic from ships carrying imports from China and other Asian nations.

"It's very good news for the air quality of California," said Teri Shore, clean vessels campaign director for the Bluewater Network. "These SUVs of the seas will now burn cleaner fuels in California waters, and fewer people will get sick or die prematurely so Americans can buy inexpensive shoes, clothes and computers."

The Pacific Merchant Shipping Association, which represents 90 percent of the West Coast's cargo shipping business, supported the cargo handling regulations, but opposed the ship pollution regulations. PMSA officials said its members were already taking measures to reduce engine emissions, and the U.S. government - not individual states - should set regulations for oceangoing vessels.

"We have a fundamental problem with the fact that the state of California is trying to regulate extraterritorially," said Mike Jacob, a PMSA vice president. "They're trying to tell us how to operate beyond California."

The shipping association planned to voice its opposition during the 15-day public comment period.

The Air Resources Board earlier this month released a report that found that California's cargo industry produces enough pollution to cause 750 premature deaths each year and result in thousands of asthma attacks, lost work days and school absences.

State Orders Ships to Use Cleaner Fuel

The Air Resources Board edict applies to vessels up to 24 miles offshore. Shippers say the agency is overreaching its powers.

By Tim Reiterman, Los Angeles Times, Friday, December 9, 2005

Extending its reach far offshore for the first time, California's air quality agency decided Thursday to require ships within 24 miles of the coast to use cleaner fuel to reduce health threats from diesel emissions in seaport communities.

A new regulation adopted unanimously by the state Air Resources Board would force foreign and domestic cargo and cruise ships to switch from heavy diesel to lighter, cleaner fuel whenever they are using auxiliary engines near or in port.

The agency said the rules - effective Jan. 1, 2007 - would affect about 80% of the 1,900 vessels that visit California ports each year but would not have a significant effect on shipping industry revenue or cruise ship fares.

Air board officials said the rule - and a second rule passed Thursday that curbs emissions from cargo-handling equipment - are the first of their type in the nation.

"We recognize the economic importance of the goods-movement industry to our state, but we must ensure that trade is conducted in a manner that protects public health," said acting board Chairwoman Barbara Riordan. "We are examining all aspects of this issue to assure that we protect air quality. Our efforts today will lessen health risks associated with breathing the polluted air near ports and rail yards."

Industry officials generally did not dispute the agency's estimates of additional fuel costs, but challenged the state's legal authority to regulate shipping so far offshore. Spokesmen for the industry stopped short of threatening to go to court immediately to block the regulations, but suggested companies may do so in the future.

During a board hearing in Sacramento, representatives of the maritime and petroleum industries questioned whether the state agency has the legal authority to regulate ships up to 24 miles offshore, especially foreign ships. They also raised concerns about the safety of changing fuels at sea.

"Even though the probability is low, if you should have a tanker lose power, the risk of loss of control is high," Frank Holmes of the Western States Petroleum Assn. later said in an interview. "They would just be adrift."

State officials say air pollution from maritime activity is a growing threat to the health of people who live near ports, including Los Angeles and Long Beach, because diesel-powered vehicles and engines emit soot and other pollutants. Last week, the air resources agency reported that pollution from the cargo industry - much of it caused by ships, trucks and other vehicles in seaports - will cause hundreds of premature deaths this year and billions of dollars in healthcare costs in the future.

The shipping regulation is projected to cut by about three-quarters the soot and sulfur oxide from auxiliary engines that use heavy diesel fuel to produce electric power on ocean-going vessels.

The reduction in nitrous oxide - a key ingredient of ozone, a precursor to smog - is estimated at 6%.

The emissions improvements, regulators said, could be accomplished by using cleaner-burning marine distillate fuel or equally effective emissions controls while ships are in port or are operating within 24 miles of the coast.

Environmental groups and healthcare advocates praised the board's vote on the regulation, which still needs to be finalized after additional staff work and review.

"The state has truly given the gift of cleaner air to communities lying downwind of heavily polluted seaports and rail yards all across the state," the Coalition for Clean Air said in a statement.

The regulation will complement other efforts to reduce pollution around the ports, said Port of Los

Angeles spokeswoman Theresa Adams Lopez. "It goes along with what we are doing here," she said, noting that the port is trying to cut pollution by getting ships to slow down as they approach ports and studying cleaner fuels for cargo-handling equipment.

The Port of Long Beach has not taken a position on the regulation, spokesman Art Wong said. But the port commission has endorsed an international initiative to reduce pollution in ports.

The shipping regulations go far beyond the air board's previous attempts to regulate pollution from vessels. "We have regulated personal watercraft and outboards before, but not this far offshore," said spokeswoman Karen Caesar.

Although the air resources agency said it is permitted under state and federal law to enforce air-quality regulations on U.S. and foreign vessels, industry associations disputed that legal interpretation. But industry representatives later said it was too soon to know whether they would mount a legal challenge.

"We share the goals that the Air Resources Board has, and we recognize that ship emissions are a significant public concern," said T.L. Garrett, vice president of Pacific Merchant Shipping Assn., representing about 60 companies.

However, Garrett said he believes that federal commerce and clean air laws take precedence over the regulation.

"There is a fundamental question of whether a state can extend its jurisdiction outside its territory of three nautical miles," he said, adding that the association would not consider legal action until the regulation is finalized.

Holmes of the petroleum association said he was disappointed with the rule and was not aware of any other state that required switching to cleaner fuel outside ports, let alone 24 miles out to sea.

He said he would let his board decide whether to pursue legal action.

The air board staff concluded that the additional fuel cost of the regulation would be about \$34 million to \$38 million a year, plus \$11 million to \$18 million in vessel modifications. They estimated that the regulation would increase the cost of shipping containers by less than 1%.

The increased cost of a typical Los Angeles to Mexico cruise, they said, would increase by about \$8 per passenger, or about 2%.

Garrett, whose association represents many cargo ships, said the state's fuel cost estimates "are in the ballpark." But he said he was concerned that retrofitting will either keep ships out of service or subject them to hefty fines for failure to comply with the new regulation.

Climate strategy for state proposed

Advisers flesh out governor's call to cut 'greenhouse gases.'

Sacramento Bee, Friday, December 9, 2005

Gov. Arnold Schwarzenegger's climate advisers issued ambitious recommendations Thursday for reducing gases linked to global warming, including a new fee on gasoline and diesel.

The draft proposals fill in the blanks of an executive order Schwarzenegger issued in June, giving California the most aggressive goals in the world for fighting global warming. He commanded the state to reduce "greenhouse gas" emissions 80 percent below 1990 levels by 2050.

The state Climate Action Team's proposals reflect the growing commitment of California's leaders to control greenhouse gases despite opposition within the federal government to mandatory limits on the heat-trapping pollutants.

In a speech in June, Schwarzenegger declared: "I say the debate is over. We know the science. We see the threat. And we know the time for action is now."

The draft plan will give ideas to the Legislature and governor for meeting the targets, said Michael Wintemute, spokesman for the California Environmental Protection Agency. "What it does (is) it shows in detail that the targets can be met."

Besides offering ideas for cutting emissions - ranging from planting trees to finding alternative refrigerants - the plan urges the governor and lawmakers to:

- * Establish a "public goods charge" on petroleum products, which probably would appear at the pump. The fee is modeled after a charge on utility bills introduced in 1998 in which consumers pay into a fund for alternative energy research and efficiency programs. A fee on petroleum to cut climate-changing emissions would be a first in the nation.

- * Mandate reporting of greenhouse gas emissions. The team doesn't specify who would be required to report. Wintemute said details are up to the governor and Legislature, but the mandate likely would apply to businesses and industries, not individuals.

- * Reshape the state's investment strategy to funnel money into businesses and industries focused on emission-reduction technologies.

- * Ensure that California businesses that reduce their emissions get credit in any federal or international emissions-reduction schemes that may be imposed in the future.

The proposals will be aired in public meetings in coming weeks. A final version of the plan is due to the governor and the Legislature in January.

Greenhouse gases produced by modern society, principally carbon dioxide released by burning fossil fuels, are thought to be changing the world's climate, potentially causing more extreme weather. Most scientists who study the issue believe human activities are at least partly responsible for global warming.

As of 2002, by state Energy Commission calculations, California emitted 493 million metric tons of greenhouse gases.

The governor's reduction goal comes in three steps:

- * By 2010, cut emissions to 2000 levels, a reduction of 59 million metric tons.

- * By 2020, cut emissions to 1990 levels, a reduction of 145 million metric tons.

- * By 2050, cut emissions to 80 percent below 1990 levels, a reduction of 385 million metric tons.

Transportation produces more than 40 percent of the state's emissions, the largest share of any sector. Burning a single gallon of gasoline produces nearly 20 pounds of carbon dioxide.

Michael Hanemann, an environmental economist at the University of California, Berkeley, who contributed to the report, said taxing petroleum is a bold idea, but not new.

"The notion that using transportation fuels creates what are considered harmful effects is well-established in economics," Hanemann said. "So is the notion of introducing that into the cost of gasoline." However, he said he knows of no such fees or taxes in any other states.

The climate team did not say how much the fee should be, but noted that a charge of 2.57 cents per gallon would be comparable to the existing public-goods charge on electricity.

A 2.57-cent charge would raise \$408.6 million, based upon the current consumption by Californians of 15.9 billion gallons of gasoline a year.

The team did not specify how that money would be used. "No one sat down and said, 'Boy, how much money do we need to raise?'" Wintemute said. "This is a broad policy recommendation."

Members knew it was sensitive. One member, Energy Commissioner James Boyd, spoke passionately of the need for a petroleum surcharge during a climate-change conference in September. When asked for details, he said, "I have to be careful how I talk about it. The campaign will begin against it before it's proposed."

Other aspects of the plan presumably are less controversial. Few would argue, for example, against the value of planting trees. Reforesting 500,000 acres of logged federal and private timberlands by 2020 would remove an estimated 12.5 million metric tons of carbon dioxide from the air - at a cost per ton of less than \$20 - according to the advisers.

But the study of climate-change impacts is tricky and uncertain business. A scientific study released earlier this week suggests that the California climate team may have significantly overestimated the cooling power of trees in the state.

While trees absorb and store carbon dioxide and evaporate water, which help cool the planet, forests are dark and absorb a lot of sunlight, thereby warming the Earth. In mid-latitude regions such as the United States, this warming effect offsets the cooling by 40 percent, according to researchers at Lawrence Livermore National Laboratory and the Carnegie Institution Department of Global Ecology.

If this is the case, the proposed tree-planting in California would remove 7.5 million metric tons of greenhouse gases by 2020 - much less than estimated, but still a significant volume compared with other strategies.

The call for investing state funds in green technologies expands on efforts already under way at the initiative of state Treasurer Phil Angelides and Winston Hickox, who was environment secretary under former Gov. Gray Davis.

The board of directors of the \$200 billion-rich California Public Employees' Retirement System recently agreed to invest \$700 million in companies that are aggressively shrinking their carbon "footprints" or developing emission-reduction technologies, said Hickox, CalPERS' portfolio manager.

Some California high-tech business owners say they've already realized savings and even profit from taking deliberate steps to cut emissions, mostly through energy conservation, said Jennifer Smith Grubb, executive director of Sustainable Silicon Valley, an industry-led coalition of Bay Area businesses, regulators and nongovernment groups.

Members of the group - Cisco Systems, Pacific Gas and Electric, NASA Ames Research Center, Lockheed Martin Space Systems Co., among the largest - collectively reduced 372,000 tons of carbon dioxide since 1990, the equivalent of removing 73,000 cars from the road for one year, the group recently reported.

"Now we're looking for the next wave," Grubb said.

THE TEAM'S RECOMMENDATIONS

- Impose a fee on gasoline and diesel.
- Invest state funds in companies producing or using technologies that lower emissions of heat-trapping gases.
- Require businesses to regularly report those emissions.
- Credit businesses that have cut the gases in advance of emission caps that the state or federal government may impose.

Scientists predict severe consequences of climate change in California:

- Greater water shortages: A Sierra snowpack diminishing by up to 90 percent during the next 100 years could threaten the state's supply of drinking and irrigation water.
- More smog: Increased temperatures of 8 to 10.4 degrees Fahrenheit could result in a 25 percent to 35 percent increase in the number of smoggy days for most Californians.

- More flooding: A sea level rise of 4 to 33 inches during the next 100 years could worsen flooding along the coast, and on up the Sacramento-San Joaquin Delta to the vulnerable Sacramento region.
- Bigger and more wildfires: Increasing temperatures could render the forests more vulnerable to pest infestation and fire.

Gasoline fee needed to fund global warming measures, panel says

By Don Thompson, Associated Press Writer

in the Fresno Bee, Friday, December 9, 2005, 12:30 AM)

SACRAMENTO (AP) - California should impose a transportation fee - perhaps an added tax on gasoline - to reduce consumption of petroleum products and pay for measures to cut greenhouse gases, top advisers told Gov. Arnold Schwarzenegger and state lawmakers on Thursday.

A so-called "public goods charge" on gasoline would be similar to the fee on electricity bills that pays for energy-efficiency programs. If a proportional fee was imposed at the pump, consumers would pay about 2.5 cents more per gallon.

The draft recommendations by top administration officials are the first attempt to say how California can meet Schwarzenegger's ambitious pledge to cut pollution believed to contribute to global warming.

On June 1, Schwarzenegger set goals of reducing greenhouse-gas emissions. He wants emissions 80 percent below 1990 levels by 2050, with intermediate benchmarks in 2010 and 2020.

The 130-page draft report by his Climate Action Team says the best way to reduce emissions is to tax gasoline as a way of cutting consumption. The revenue also would pay for methods to reduce or clean up the environmental damage caused by burning petroleum.

"Petroleum - particularly petroleum used for transportation - is the largest emitter of greenhouse gases in California," said Mike Wintemute, a deputy secretary of the California Environmental Protection Agency.

The recommendations were developed by top officials of the state EPA, Resources Agency, Air Resources Board, Public Utilities Commission, Energy Commission and Food and Agriculture Department.

A similar transportation fee has previously been proposed by the California Energy Commission. The Public Utilities Commission imposes a similar public goods charge on electricity use.

The report does not put a price tag on meeting Schwarzenegger's goals. Those cost estimates have been delayed until next month.

"There are costs involved, and there is an investment on the front end," said Wintemute. "But the payoff in the end to consumers is substantial - in the tens of billions of dollars."

Thursday's recommendations came as California was being portrayed as a world leader in trying to reduce greenhouse gas emissions during a United Nations climate conference in Montreal. The state is the world's 12th largest greenhouse gas emitter.

A transportation fee is one of several recommendations the panel says are crucial to meeting Schwarzenegger's goals.

The state also should encourage development and use of emissions-reduction technology by California businesses.

"California's industries can meet these measures through innovation and technology, paving the way for a new energy economy," said Karen Douglas, director of the California Global Warming Project at Environmental Defense.

The report says California first must collect emissions data as a baseline so the state can determine if it is meeting Schwarzenegger's goals. That data would later be used to set emissions caps in 2010 and 2020, and a trading program where businesses could buy and sell emissions credits if they fall short of or exceed the caps.

California should also invest its public pensions and other money in technology aimed at reducing emissions of harmful pollutants. Developing that kind of technology also should be a priority for the state's universities.

Finally, the state should encourage businesses to voluntarily cut emissions by keeping track of their reductions. Those companies would get credit for their reductions now if mandatory caps are adopted later.

Three public hearings are set in Sacramento and Los Angeles before the final report goes to Schwarzenegger and lawmakers next month.

Cutting Through Haze of Governor's Stance on Coal

Does he favor clean air or low-cost power? Schwarzenegger is being pressured to decide.

By Marc Lifsher, Los Angeles Times, Monday, December 12, 2005

Gov. Arnold Schwarzenegger, the environmentalist, hates the pollution caused when coal is burned to make electricity.

But Schwarzenegger, the businessman, likes the low-cost, plentiful electrons produced by coal-fired generators from Wyoming to Nevada.

Over the last year, the governor has enthusiastically embraced both positions, issuing seemingly contradictory executive decrees, legal agreements and statements. Now he's getting pressure from pro- and anti-coal factions in his administration and across the West to reconcile his stances. All the vying parties hope to influence energy policy in California, the region's biggest electricity market.

The governor, like others in the state, has a split personality on coal, said Gary Ackerman, executive director of the Western Power Trading Forum, an industry group for electricity sellers. "They want the cheap power and they also want renewables" such as wind and solar energy, which are more expensive.

The Schwarzenegger administration's mixed message on whether to support Western coal has at varying times worried and buoyed environmentalists, California businesses and officials in coal-rich neighboring states. All have hefty stakes in what the governor decides.

Schwarzenegger can try to lower California energy costs - among the highest in the nation - by building transmission lines to import coal-generated power from Wyoming, New Mexico and other mountain states. Or he can make the Golden State a leader in efforts against global warming by reducing greenhouse gas emissions.

Squaring the two is no easy task, players on both sides of the coal issue agree, and they aren't comforted by the administration's assurances that conflicting aims will be worked out.

California energy regulators, meanwhile, have interpreted the governor's greenhouse gas policy as incompatible with allowing the state's utilities to buy more power from coal plants that use even the best available pollution controls.

Businesses counter that California already depends on out-of-state coal generation for about 21% of its electricity needs, and much more is needed to lower the state's dependence on natural gas, whose price has more than doubled since 2002.

"We need to diversify beyond natural gas, or we cannot be competitive," said Justin Bradley,

director of energy programs for the Silicon Valley Leadership Group, an organization of high-tech companies.

For months, confusion has been mounting over where Schwarzenegger and the sometimes warring groups in his close staff stand on coal. In April he signed a memorandum of understanding with the governors of Wyoming, Utah and Nevada to create a partnership to build the Frontier Line, a \$3-billion-plus transmission project that would bring electricity generated from both coal and wind power to California.

"We need abundant, available, reliable power, and we need it now," Schwarzenegger said in a statement.

Environmentalists were rankled by the governor's apparent support for coal-burning power plants, which still produce greenhouse gases even though many other pollutants are scrubbed out of smokestacks. They persuaded Democrats in the Legislature to strike preliminary Frontier Line funding from the state budget.

The environmentalists' fears turned to glee just two months later when Schwarzenegger signed an executive order "establishing clear and ambitious targets to reduce greenhouse gas emissions in our state."

State energy regulators, taking a cue from the governor, endorsed his greenhouse gas policy and came down hard on making electricity by burning conventionally pulverized coal.

In October, the state Public Utilities Commission unanimously approved a resolution telling Southern California Edison Co. and other regulated investor-owned utilities that they could sign long-term contracts to buy power from coal-fired plants only if they were as clean as the most modern natural-gas-fueled generator. What's more, the PUC said that any carbon dioxide emitted from a plant would have to be pumped into the ground instead of the atmosphere.

This technology, which turns coal into gas before burning, produces electricity that costs 20% to 40% more than electricity from conventional coal power plants.

A commercial-scale pilot plant is not expected to be ready until 2012 at the earliest, and some coal experts suggest that gasification may not work efficiently at the high elevations where it's mined in the West.

Last month the California Energy Commission took similar action, approving a comprehensive plan that sets the same stringent greenhouse gas standards.

Members of both commissions stressed that they wanted California to spur industry to develop new anti-pollution technology, much in the way automobile manufacturers were forced to curtail tailpipe emissions by meeting ever-tighter government standards.

"Our policy sends a clear message to developers of current coal projects that they are going to need to reach a bit further to more advanced technology," Energy Commissioner John Geesman said.

Environmentalists hailed the commission's plan as an important victory.

"The Schwarzenegger administration has come out very strongly that it's clean coal or nothing," declared Eric Heitz, president of the Energy Foundation in San Francisco.

Such an all-or-nothing approach could severely damage California's business climate, warned Dorothy Rothrock, vice president for government relations at the California Manufacturers Assn.

"I don't think we should sacrifice the California economy on the altar of solving global warming," she said. "Does it solve global warming if you chase economic growth to other countries and other states?"

"The governor has got to acknowledge the cost associated with energy in California today and bring the costs down. That means some conventional coal," she said.

Trying to reconcile the governor's two positions in a way that satisfies all camps is complicated, acknowledges Joseph Desmond, the governor's top energy advisor and a strong proponent of importing Western coal-based electricity.

Offering few details, he said that Schwarzenegger was committed to meeting "both the environmental and the economic energy goals."

But officials in mining states say they're perplexed by the tug of war over coal in California. Wyoming is considering a lawsuit that contends that California would violate the interstate commerce clause of the U.S. Constitution if it tried to prohibit imports of conventional coal-based electricity.

"There appears to be some one-upmanship activity going on out there" in California, said Steve Waddington, executive director of the Wyoming Infrastructure Authority.

"We've been given assurances by the governor's office that this is not a definitive policy [against coal-power imports] . but on its face, it is what it is. It precludes conventional coal generation from being contracted on a long-term basis."

Paying for power

States with the highest electricity rates(in cents per kilowatt-hour)

Hawaii;17.38 cents

New York;12.74 cents

New Hampshire;12.20 cents

Massachusetts;12.01 cents

Connecticut;11.94 cents

Alaska;11.57 cents

Rhode Island;11.44 cents

California;11.39 cents

Vermont;11.09 cents

New Jersey;10.76 cents

Data are for 2005 and are combined residential, commercial, industrial and transportation rates.

Dial-a-clean-buring-ride: Lodi to buy more natural-gas buses

By Andrew Adams

Lodi News Sentinel, Friday, December 9, 2005

Lodi's bus system could be totally powered by natural gas by this summer, when the city expects to bring five new buses into the system.

The new buses will replace five in use now that run on gasoline, meaning Lodi's 25-vehicle transit fleet would all be running on natural gas, Transportation Manager Tiffani Fink said.

Two city buses are parked next to each other at Lodi's Municipal Service Center on Thursday as a connected pump refills the vehicles with compressed natural gas so they are ready to drive for the next day.

The new buses will be used on Dial-a-Ride and fixed route service.

Natural gas is considered to burn cleaner than diesel or gasoline cutting down on air pollution, and the state and federal government provides funding for cities to switch to natural-gas vehicles. It's cost is comparable, if not a bit higher than standard fuels.

In addition to the buses, the city also operates a natural gas-powered street sweeper and a few other vehicles.

The buses will cost about \$425,000, of which \$375,000 will be covered with grants from the federal and state governments and \$50,000 will come from fare revenue and Measure K funding.

Fink said the city had intended to purchase three larger natural-gas buses but discovered it was easier to find five of the smaller vehicles available than the larger ones.

"We still intend to get those; they have a definite place in our fleet," she said of the larger buses.

When Lodi purchases those vehicles, Fink said, the city will have natural-gas vehicles in reserve.

The city is also spending up to \$182,000 in grant funding to install a new compressor for fueling vehicles with natural gas at the Municipal Service Center located near the intersection of Ham and Kettleman lanes.

Fink said the compressor will serve as a backup and enable transit staff to fuel buses while the other compressor is being serviced.

"Now we have to schedule when we're going to be working on it so everybody (can) fuel ahead of time," Fink said.

Elk Grove adds diesel to its hybrid bus line

By Loretta Kalb

Sacramento Bee, Monday, December 12, 2005

Elk Grove, the city that has boasted one of the cleanest transit systems in the country, has quietly added 10 old diesel buses to its commuter fleet to cope with a surge in ridership.

The decision marks an about-face for a transit agency that had touted its \$17.4 million all-hybrid gasoline-electric fleet as the first such city system nationally.

The purchase of the 14-year-old vehicles at a combined cost of \$12,000 came in August, barely eight months after Elk Grove started its new bus system, called e-tran.

At the time, the city was unprepared financially to buy more expensive clean-fuel buses, city spokeswoman Michelle Smira said. In addition, the lead time is typically months for new buses with the latest emissions technology.

Increased demand forced the city's hand, Smira said, and more routes and bus trips were added to improve service. The school year brought even greater demand when students began riding e-tran after the Elk Grove Unified School District drastically reduced bus service.

By June, ridership was up 21 percent over January. By October it had jumped 90 percent in 10 months, to nearly 64,000 monthly rides, Transit Manager Carlos Tobar said.

This demand was too much for the 17 hybrid buses unveiled last year, each with onboard TVs, Internet access and seats that recline. Four more were added in spring.

To get more buses quickly, Elk Grove turned to the Golden Gate Bridge, Highway & Transit District. It had cut the 10 buses from its fleet in 2004.

"It pains me to run these buses," Tobar said. "You can sit on your hands and say, 'Woe is me, I don't have enough (money) to buy more hybrids,'" he said. "Or you do what you can to get people out of their cars."

The diesels should be replaced next year with buses that run on compressed natural gas, Tobar said. He says the new buses will be cleaner than today's hybrids, and cheaper.

The diesel buses have caught the attention of the California Air Resources Board's compliance officers, who are "looking into their (Elk Grove) records and ... observing how many stops, in fact, these buses make," said Jerry Martin, state ARB spokesman.

Diesel buses used for commute trips do not violate air standards as long as they have 10 or fewer stops per trip, excluding park-and-ride lots, ARB officials say. Buses typically emit the most pollutants when they stop and go. Cruising on the freeway is less of a problem.

"On the face of it," Martin said, "it appears they are in compliance."

But under standards that existed in 1991, when the buses were made, diesels could emit about twice the level of nitrous oxide, greenhouse gases, as those built in 2004. The older buses also may emit higher amounts of soot than is allowed for newer diesels.

Elk Grove and some environmental quality officials say running the buses may be better than having an additional 40 motorists on the road each day.

In 2004, accolades for the proposed all-hybrid system swirled through Elk Grove as the city prepared to break most of its transit ties with Sacramento Regional Transit.

"Tomorrow you will be hailed as visionary," Terry Tamminen, then the state Environmental Protection Agency secretary, told city leaders at a ceremony unveiling the buses.

But when the diesels came on board, city leaders did so with little fanfare. Because the price was so low, Smira said, it required no council oversight.

"I did notice some diesel buses in the community," Councilman Michael Leary said. "But I was not told we actually purchased those buses."

He said that if the diesels were stop-gap, in anticipation of better buses later, "I think we are doing the right thing. But it's unfortunate we had to go this route."

Last month, the City Council also accepted the 2005 "Transit Excellence Award" from the California Transit Association.

On weekdays, seven of the 10 diesels are on the freeway taking commuters between Elk Grove and downtown Sacramento. Most of e-tran's hybrid fleet, about 17 of the now 21 hybrid buses, typically join diesels on the trek.

While Regional Transit stopped running heavy-duty diesel buses in April 2004, they continue to be used in Davis, Folsom and elsewhere, RT spokesman Mike Wiley said.

Smira insists that the city's plan to replace the diesels with compressed natural gas vehicles does not mean it is turning its back on hybrid technology.

The city has filed an application with the Sacramento Area Council of Governments for \$3.3 million, or 80 percent of the cost of 10 compressed natural gas buses.

"If we were made of money," Smira said, "we would be running all of the buses as clean as we can get."

[Modesto Bee editorial, Monday, December 12, 2005](#)

Overall, we're not sorry to see tallow plant go

It is rarely good news when a community loses a longtime business, but the pending shutdown of Modesto Tallow Co. offers more pluses than minuses.

The company has been around since 1917, providing an essential service by processing farm animal carcasses. But in that time, Modesto Tallow also has failed to comply with numerous demands to reduce the nauseating smells from its south Modesto plant.

Now, in a settlement with air pollution regulators, Modesto Tallow has agreed to phase out operations by the end of 2006.

To be sure, poor planning decisions contributed to this classic urban-rural conflict. The county allowed modest houses to spring up in that neighborhood starting in the 1940s, and Modesto City Schools put an elementary campus nearby in 1948. Now the stink reaches newer home developments farther away, in Ceres and Modesto.

For those who argue that Modesto Tallow came first, the response has to be: How big a perimeter was the plant to be allowed for its stench? The more apt question is: Why didn't the company adequately invest in the equipment and improvements that other facilities used to reduce their odors?

No one denies that rendering is an essential part of agriculture. Using processes that date back centuries, it turns animal carcasses into usable products - pet and livestock food, soap, etc. It makes much more sense, environmentally and financially, to find uses for dead farm animals than to find space to bury them.

Modesto Tallow prospered in this ag-rich county with its huge dairy and poultry ranches. But it also took in more carcasses than it could adequately handle and didn't live up to its promises to upgrade.

The company also violated pollution laws for its discharges into the Tuolumne River, and lapsed in paying its bills. Modesto Tallow is more than \$314,000 behind in property tax payments as of last week. The city filed liens because of its delinquencies in sewer bills. This is all in addition to the enforcement action by the San Joaquin Valley Air Pollution Control District.

The closure of the plant means farmers will have to find other places to dispose of dead animals. It might be more expensive, but it won't be impossible.

But the closure offers opportunity - for children at Shackelford School to play outside without covering their noses and for nearby residents to open their windows and enjoy their yards. It also comes as a boost to Crows Landing Road merchants who are trying to improve their neighborhood.

Modesto Tallow owns several parcels along the east side of the river, across from the Tuolumne River Regional Park and Dryden Golf Course. It's not difficult to envision more appealing uses for the property some day.

But Modesto Tallow, infamous for its smells, also has soil contamination and other problems. State and local agencies don't know the scope or the long-term prognosis for cleanup. That's just one more reason, in the end, our community will be better off without Modesto Tallow.

[Modesto Bee editorial, Sunday, December 11, 2005](#)

New pollution impact fee a good idea, with limits

Take a deep breath. Now, let's count to 10.

1. The board of the San Joaquin Valley Air Pollution Control District will be asked Thursday to decide on two rules that district staff, the Union of Concerned Scientists and other environmental groups say are instrumental to cleaning the valley's awful air. The Building Industry Association, various chambers of commerce and others vehemently disagree.

2. At stake are millions of dollars in fees on new construction that will be used for several effective air-quality projects. Seen another way, those dollars will come out of the pockets of home buyers and the rents paid by small-business people to fund a mushrooming bureaucracy.

3. Our "air basin" is a trough stretching from Stockton to Bakersfield with mountains to the east, west and south. Prevailing north winds push whatever's in the air deep into that trough, where it collects. Pollutants can become concentrated, sometimes over Fresno, sometimes right here. Youngsters in the San Joaquin Valley have the highest asthma rates in the state - higher than kids in San Jose or New York City or Chicago.

4. Despite Thursday's dismal readings, when Modesto had the worst ozone levels in the valley, our air has been improving. For the first time in six years, the valley was not the worst place in the United States to inhale in 2004; it was No.3. Air district rules on agriculture and industry appear to be working. But to continue to show improvement, new steps are required. Without them, the valley has no chance to meet federal air-quality targets by 2013. That could mean the loss of hundreds of millions in federal money for roads.

5. Air pollution comes in two basic types - particulate matter, largely dust and soot; and low-lying ozone, created when reactive organic gases and oxides of nitrogen cook in the summer heat. The biggest producers of those gases: diesel trucks and gasoline-powered cars.

(Don't let that breath out yet; you're only halfway there.)

6. The valley's population is burgeoning (duh) as people rush in from the coast to find affordable homes. Housing developments have been predictable - walled enclaves of cookie-cutter homes with two and three-car garages hopscotching away from commercial and urban centers, forcing residents to drive to the supermarket, drive to the dentist, drive to work ... drive, drive, drive.

7. Proposed fees on new construction would start at about \$700 for homes, much more for commercial buildings, depending on their size - hardly make-or-break figures in today's market. But builders can reduce those fees by connecting neighborhoods to schools and commercial districts via walking paths and bike trails, accommodating mass transit, planting more shade trees, etc. Such elements are usually the purview of city planners, but cities too often have lacked the political will or foresight to insist on smart plans.

8. In the face of paying such fees, builders are forecasting doom, casting aspersions on the air board's science and throwing around alarmist and unverifiable numbers. But they do have some points: Beyond construction site emissions reduction, what connects the builders to air pollution created by those who buy the homes? Builders can't control how much pollution is generated after the home is sold. While commuters buy many of those homes, the worst mobile polluters are big diesel trucks that pass through the valley; they're responsible for up to 42 percent of ozone-creating gases. Fees on builders and proposed solutions from the air board won't even touch those trucks.

9. The San Joaquin Valley Air Pollution Control District board, of which Stanislaus County Supervisor Tom Mayfield is chairman, will be asked to approve the two measures. The board has the option of delaying a decision until Jan. 19 - providing time to consider additional options, to insist on answers to the questions above and to hear other input. For instance, the California Department of Housing and Community Development has asked how these fees will affect affordable housing and has questioned the lack of a nexus between housing and transportation. Such concerns must be given adequate consideration. A one-month delay might be the wisest course.

10. Providing incentives for making the construction industry help clean our air is smart and necessary. We support the air district's plans for spending money raised from fees and its methodology for setting those fees. But a sunset provision clearly is in order - perhaps tied to the federal deadline (2013) for cleaner air or to verifiable goals. And there needs to be a means of spending at least part of the money on projects that will reduce traffic - more efficient roads and better mass transit for thousands of commuters.

OK, exhale; and take another deep breath ... if you dare.

[Modesto Bee editorial, Saturday, December 10, 2005](#)

In the winter, it's our turn for extra pollution

When we think about bad air, those of us living in the northern San Joaquin Valley sometimes feel just a tad superior to our neighbors to the south. After all, the delta breeze blows in on summer nights and pushes the smog south, giving us fresher and cooler air.

But what happens during the winter, when there is no delta breeze?

Well, all that crud stays put. That's what happened this week, prompting the San Joaquin Valley Air Pollution Control District to order people in Stanislaus and Merced counties not to light fires - unless it was their only means of heating their homes. The district issued the prohibition Thursday, but by Friday it had downgraded the ban to a warning - essentially, asking people not to light fires.

To the south, the air contained less of the organic gases and oxides of nitrogen that form smog and no fireplace ban was imposed. The air in Fresno, Visalia and Bakersfield wasn't exactly great, but it wasn't as bad as it was in Modesto and Merced.

The air from Stockton to Bakersfield frequently is unhealthy due to a variety of factors. If anything, Thursday's fireplace ban proved one thing: We're in this together. When home fires are banned, let your furnace handle the heating.

[Bakersfield Californian editorial, Monday, December 12, 2005](#)

New partnership will help valley

The Great Valley Center -- a San Joaquin Valley think tank based in Modesto -- and the University of California at Merced are former a partnership that should benefit the area from Redding to Bakersfield.

This will enable the center's work to be "energized by collaborative opportunities with top scholars throughout the university," said Carol Whiteside, president of the organization.

UC Merced Chancellor Carol Tomlinson-Keasey is equally enthusiastic. She noted that the university's faculty "will use the expanded research mission of the Center as an opportunity to involve talented and motivated students in solving the most important problems" facing the valley.

The center was founded as a nonprofit organization that supports organizations and activities that promote the economic, social and environmental well-being of the Central Valley.

Since its founding in 1997, Whiteside said more than 600 elected valley elected officials and community leaders have participated in the Center's leadership and mentorship programs. More than 10,000 have attended its regional conferences and forums discussing ways to improve employment opportunities, [clean the air](#) and brainstorm how to solve numerous other problems.

The fledgling Merced campus opened last September after surviving numerous legislative attempts to gut spending that would have delayed or prevented its opening. It bills itself as the nation's first new research university of the 21st century.

The strategic partnership between the university and the Center will result in some in-depth studies of the valley's unique problems and ways to solve them.

[Merced Sun-Star commentary, Saturday, December 10, 2005, and Modesto Bee, Sunday, December 11, 2005:](#)

PointCounterpoint: Clearing the air

Should the San Joaquin Valley Air Pollution Control District governing board adopt fees for large home developments and new commercial buildings to pay for pollution cleanup?

Yes

by Kathryn Phillips

The San Joaquin Valley is choking, and the question to ask is not should we act, but how quickly.

The San Joaquin Valley competes with Los Angeles and Houston for the title of worst air quality in the country. We have record-high childhood asthma rates and on average, we are breathing unhealthy air at least one day out of every five.

Air pollution is a health crisis in the San Joaquin Valley and this health crisis costs money and lives. Air pollution can cause or trigger ailments like lung disease in children, heart disease in adults and even premature death. Avoiding cleaning our air has much higher costs -- higher costs to our health and to our quality of life -- than any single rule implemented by the San Joaquin air district, including the Indirect Source Rule.

If the Valley is ever going to have the clean air everyone needs, then everyone has to be part of the solution. The region's manufacturers and refiners, after initial resistance, began cleaning their smoke stack emissions years ago. Farmers are also taking responsibility by meeting regulations to reduce their pollution emissions.

Now is the time for developers to step up and do their part. If a person were choking in a restaurant, we wouldn't stand around and point fingers at who is to blame, we would figure out who has the best solution, and how quickly could we act. The Indirect Source Rule is a virtual Heimlich maneuver for clearing the Valley's air.

Developers can control how much energy a building uses, how much polluting vehicle traffic is generated, and how much diesel soot and dust is produced during construction, just by how they design and build their projects. Thoughtful developers already know that how they angle the building, how much insulation they use, how sidewalks are situated, and whether and how closely the development is situated to local jobs and shopping influences how much pollution is created by traffic and energy use.

Developers will find the Indirect Source Rule gives them credit for the good things they're already doing that reduces pollution, and we will all benefit by living in a community that is designed well, protects our quality of life and attracts new business and development.

A title as "smog capital of America" can't be good for business. If someone is allowed to create pollution, and doesn't clean up their own mess, then the cost of cleaning up will reside with someone else. New businesses don't want to move to a region where they believe they'll have to pick up the tab for pollution other sectors create and don't solve.

By proposing this rule, the San Joaquin air district staff is doing its part to clear air and encourage responsible growth and development. They have upgraded a well-respected computer model and a logical formula to arrive at a reasonable fee for each ton of pollution produced from a new development project. Developers who produce less pollution will have less of a fee to pay.

The air district board should pass the Indirect Source Rule on Thursday, and they should be lauded for doing so.

The Indirect Source Rule is providing an incentive to developers to create the cleanest air possible. Estimates are that this could add a one-time cost of up to \$800 to the price of a home in the near term (until 2008). Eight hundred dollars is a small price to pay to protect a family's health. And the returns are abundant - cleaner air, a thriving economy and great communities.

Phillips manages the Clean Air For Life Campaign of Environmental Defense, a national nonprofit with more than 400,000 members.

No

by Joy Madison, Nathan Magsig and Mark Hendrickson

San Joaquin Valley residents, beware: The size and scope of a little-known government agency is about to mushroom into one of the biggest bureaucracies and taxing authorities in the state. And, the result is that the cost of living in our region is going to increase for everyone.

The San Joaquin Valley Air Pollution Control District ("the district") is poised to enact two monumental regulations (draft Rules 9510 and 3180) that will impose hundreds of millions of dollars in new fees -- in the name of cleaning the air -- on every newly constructed home, business, public facility and other projects. If at Thursday's meeting, the air district governing board adopts the proposed regulations, they will have the authority to collect fees that we estimate could exceed \$670 million over the next five years.

By 2008, every new homebuyer will pay a \$1,700 surcharge to this new bureaucracy. The proposed regulations will impose an equally taxing tab on new businesses. For example, by 2008, new fees will add hundreds of thousands of dollars to the cost of shopping centers -- large and small. Many of these developments house mom-and-pop businesses, including restaurants and small retail shops that simply cannot absorb new costs of this kind. With the Valley having some of the highest unemployment rates in the nation, we should be encouraging new business development, not taxing it.

How did all of this happen? Approximately two years ago the state Legislature put a provision into a bill which encouraged the district to develop strategies for reducing "indirect sources" of air pollution. Improving the quality of the Valley's air is something we strongly support and, as residents, employers and employees in the region, something we think all Valley residents are concerned about. The Legislature's plan didn't sound like such a bad idea at the time.

But things got profoundly off track as the district transformed this legislation into a revenue-raising project. The legislation was aimed at developing air-quality-improvement strategies, not growing a government bureaucracy. To illustrate, the current operating budget of the district is roughly \$36 million per year. If enacted, the proposed regulations will quadruple it in size.

What's the district's plan for spending its new millions? Depending on who asks, one gets different answers. For the general public, the district lists a number of activities that will be funded by the new regulations. To the new business owners, homebuilders and others who have to pay the fees, the district says if these groups follow certain guidelines, they won't have to pay a thing.

That simply doesn't add up.

Neither does the science that the district has employed. Experts have repeatedly warned that the methodology being used by the district contains serious flaws. For example, the district's calculations overestimate emissions from new homes and businesses by as much as 70 percent - - which is how the sky-high fees are calculated. Neither the U.S. Environmental Protection Agency nor any other air district in the nation uses this unreliable and inappropriate methodology.

At best, the district has done a sloppy job of interpreting state law. At worst, it has misappropriated statutory authority so that it can raise extraordinary amounts of money for some uncertain use. Regardless, the district has an obligation to demonstrate that its proposed new taxing power is necessary and that the way it uses that power is fair, cost-effective and will produce a real benefit to the residents of the Central Valley.

So far, the Air District has failed on all counts.

Madison is chief executive officer of the Modesto Chamber of Commerce. Magsig is mayor of Clovis. Hendrickson is president of the Greater Merced Chamber of Commerce.

[Modesto Bee commentary, Saturday, December 10, 2005](#)

South side can stop holding its breath

By Jeff Jardine, local columnist

Some very poor people live in south Modesto.

Some people who speak no English live in south Modesto.

Some people who aren't U.S. citizens live in south Modesto.

Some highly educated, better-paid commuter types live in south Modesto, too, most of them arriving in the past dozen or so years.

While their incomes and racial backgrounds might vary dramatically, these folks have something in common: They all have noses.

And no nose could ever get used to the barf-inducing, eye-watering, gagging smell that wafted from Modesto Tallow Co.

Dead, rotting, cooking animal carcasses - rank enough to kill a rabid hyena's appetite. Nasty enough to make you keep your car windows rolled up, pop a couple of Dramamine pills and hold your breath as you headed down Crows Landing Road.

There is no smell like it. Now, with the plant's closure, the people in south Modesto should never have to endure it again. After decades of degradation and dysfunction, the area just might begin to shed its image as the place time - and government officials - ignored.

Clearly, Modesto Tallow's closure is long overdue.

Beginning in the 1940s, people moved to south Modesto because it was outside the city and offered lower property taxes, and because it offered the area's most affordable housing.

Yes, the tallow plant was there first and was way out in the boondocks when it opened in 1917. But the odor occasionally drifted into downtown Modesto, which was built in the 1800s. So the plant really wasn't that far out of town. Growth was bound to find it, and it did.

And of course, south Modesto's housing is affordable. Until 2003, some of the neighborhoods had no sewers, sidewalks or streetlights (some still don't). Until Thursday, they also were directly downwind of the region's most rancid air.

Thus, these neighborhoods became home to some of Modesto's poorer folks. The tallow plant merely reminded them of their caste. They needed only to inhale to know nobody really cared.

That's why it's taken so long to close the plant, with the final rendering coming from the San Joaquin Valley Air Pollution District - not the county or the city.

No matter what the politicians and government folks tell you here or anywhere else, the poor don't command the same attention and get none of the same respect as those who vote regularly, pay loads of taxes and fund campaigns.

A drive down Crows Landing Road - upchuck bag in hand - when the tallow plant's cookers were cooking spoke volumes.

Meanwhile, agriculture - and primarily the dairy industry - relied on the tallow plant to dispose of the cattle culled each year from the herds. The dairymen needed Modesto Tallow - but really needed it to play by the rules, stop stinking, be a good neighbor and stay open.

Instead, the company spent decades doing all the wrong things.

The state investigated the complaints about the odors in 1964, and found they came from Modesto Tallow. Nothing happened.

In 1973, the principal of Shackelford Elementary School, just across Crows Landing Road, pleaded with the county to force the tallow plant to get rid of the stench. The county threatened to shut the plant down. Tough talk, but when Modesto Tallow promised to buy odor-reducing equipment, the county's threat subsided. The smell didn't.

When new subdivisions began popping up in the 1990s, bringing in commuters with higher incomes and louder voices, officials began to take their complaints more seriously.

Tallow officials didn't, though, claiming the odor was gone when anyone with a nose could tell by the smell that it wasn't.

In 1999, the federal government fined the company \$600,000 for dumping dead animal parts into a part of the Tuolumne River, and plant Manager Larry Bietz received a one-year jail sentence for tampering with water samples.

Modesto Tallow paid \$114,508 to Solano County in 2003 for allegedly spilling animal parts and blood on the road, and \$100,000 to an environmental group in 2004 for dumping chicken parts from its Oregon plant into the Columbia River.

The company failed an air quality test last year and Modesto filed a \$148,319 lien in October, threatening to revoke the company's sewage permit.

Meanwhile, the smell continued and the complaints mounted. Thursday, the air board moved in for the kill.

The folks in south Modesto finally got a carcass they could stomach.

[Bakersfield Californian commentary, Sunday, December 11, 2005](#)

Hurricane wake-up call: More refineries needed

Fuel prices pushed upward as world supplies are threatened by wars, market manipulation and limited refinery capacity

With gasoline prices still at high levels, there is a new urgency for President Bush and Democrats in Congress to put aside their differences and work together to remove the barriers blocking an expansion of oil refinery capacity.

Hurricanes have devastated most of the coastline along the Gulf of Mexico, where more than half of the nation's oil refineries are located. The shutdown of refineries should be a wake-up call, because it spotlighted the urgent need to streamline the permitting process so that the nation's refining capacity can be expanded.

Here in California and elsewhere in the country, building a new refinery has become virtually impossible in large part because of contradictory environmental rules and not-in-my-backyard attitudes. It now takes about 10 years from the time a decision is made to build a refinery until permits are obtained and the facility is completed. A nuclear power plant could be built in less time. In fact, not a single new refinery has been built in the United States since 1975.

Demand for gasoline, meanwhile, has increased 24 percent since 1990. Even though oil companies have been modernizing and increasing the capacity of many refineries in the United States, demand for gasoline, jet fuel and other petroleum products has outpaced supply.

Today, 15 percent of U.S. refinery capacity is located in Los Angeles, San Francisco and western Washington. Unlike the East Coast and Midwest, which obtain a lot of their gasoline from Gulf Coast refineries, the West Coast is largely self-sufficient. But as demand for oil products increases, problems could grow.

The U.S. consumes about 20 million barrels a day of oil products, but our refineries, when operating at full capacity, can process only about 17 million barrels a day. The 3 million barrel difference is made up through imports of products. In fact, imports are projected to increase 90 percent by 2025, according to the Energy Information Administration.

Even now, our reliance on other countries for gasoline has reached the 10-percent mark. The Energy Information Administration estimates that the United States will need an additional 20 percent 4 million barrels a day of refinery capacity before not too long just to meet our society's needs.

Short term, Congress needs to address the refinery situation and should eliminate the barriers impeding the expansion of existing facilities and the construction of new refineries. The overly burdensome, time-consuming permit process could be speeded up if the Department of Energy was empowered to ensure the timely processing of all applications being reviewed at the federal, state and local levels.

Refineries that are able to meet [air quality](#) rules for ozone and particulate matter should be allowed to obtain clean-air credits so they can expand. The process could also be improved by waiving the rigid and counterproductive "New Source Review" provision of the Clean Air Act, which the Environmental Protection Agency has used to press for more stringent pollution controls regardless of the costs involved. And it would help speed up the permit process if refining and other key energy projects were given national security status.

We must confront the problem now. It may take years to build and bring new refineries on line, even with regulatory reforms. We need to focus on expanding capacity at existing facilities and

diversifying our sources of supply. That means increasing the number of regions and countries from which we obtain not only crude oil but also petroleum products.

President Bush's proposal to build new refineries on closed military bases is a positive step and deserves serious consideration. Other measures, such as allowing new refinery investments to be depreciated over five to seven years, instead of 10 years, would help attract investment capital.

Refinery capacity can't continue to be so close to the edge that sudden events send gasoline prices soaring. Until something is done about it, we will be less secure than we need to be.

Sullivan S. Marsden is a professor emeritus of petroleum engineering at Stanford University. He has many years of experience in the economic and environmental aspects of oil refining.

[Letter to the Stockton Record, Friday, December 9, 2005:](#)

Let's all keep our air clean

Regarding a Nov. 20 article in The Record about air-quality officials' plans to reduce smog and pollution resulting from new developments, the Central Valley -- located between two mountain ranges -- forms a natural sink that traps polluted air.

The only way we can hope to maintain air quality is to reduce pollution sources.

The Central Valley is growing faster than any other region in California. With increased population comes increased pollution from traffic, construction equipment, grocery stores, hospitals and power plants.

These sources represent roughly two-thirds of the air pollution clogging our lungs and causing Valley residents to die every year.

Contrary to claims made by business lobbyists, most developers find they have to pay little or no pollution fees under the new rules because they build more environmentally friendly projects.

To avoid fees, developers can locate houses closer to jobs, use low-energy street lights, install bike lockers at commercial sites or provide electric shuttle service.

With asthma at epidemic proportions and one-third of children with asthma missing one or two days every month leading to a loss of millions of dollars a year for schools, we all must act to reduce pollution.

Kathy Schick, Stockton