

Bill to alter valley air board yanked

VIC POLLARD, Californian Sacramento Bureau
[Bakersfield Californian, Friday, Sept. 9, 2005](#)

SACRAMENTO -- The author of a bill to shake up the San Joaquin Valley's much-criticized air board shelved it Thursday in the face of stiff opposition from local government officials and agribusiness in the region. But Democratic Sen. Mike Machado from the Stockton area said he will continue negotiations on the measure and try to get it passed next year.

"I believe there are some misunderstandings about the bill that we can work out," Machado said.

The measure would expand the San Joaquin Valley Air Pollution Control District Board from 11 to 15 members. While it would give permanent seats to Bakersfield and two other cities, critics focused on provisions that would add two public members with air pollution and health expertise.

Machado and other supporters of the bill said the current board, dominated by elected county supervisors from the region, is too beholden politically to farmers, oil producers and other business interests to crack down on valley smog, among the worst in the nation.

Talks ground to a standstill in the Assembly during the final hours of the year's legislative session.

The key roadblocks were the valley's moderate Democratic Assembly members, including Nicole Parra of Hanford.

They said their chief objection was a provision calling for the two experts to be appointed by the California Air Resources Board.

"We don't particularly trust Sacramento and I think we can come up with a better way to do it," said Assemblyman Juan Arambula of Fresno, the point man for the critics. He said he would rather see the experts appointed by the valley's county public health officers.

Parra said she was not convinced of the need for the bill at this point.

"They never made the case on why the present board should be expanded," Parra said.

The California Farm Bureau was relieved that the bill was sidetracked, said lobbyist Cynthia Cory.

"He (Machado) obviously got resistance from his other colleagues to the idea that adding outside members to board would help clean the air," Cory said.

But clean-air advocates and other supporters were disappointed.

"I just think it shows a lack of courage on the part of some Assembly members to do what's needed to clean up the air," said Sen. Dean Florez, D-Shafter, a longtime critic of the air board.

Lack of support dooms air-quality bill

Hank Shaw - Capitol Bureau Chief
[Stockton Record, Friday, Sep 9, 2005](#)

SACRAMENTO -- A proposal to shake up a regional air-quality board by adding a scientist and a doctor foundered in the Assembly on Thursday night.

Sponsored by Linden Democrat Michael Machado, the measure never came to a vote because Machado's fellow San Joaquin Valley Democrats said they'd join the Republicans to reject the proposal, which is bitterly opposed by industry as well as the San Joaquin Valley Regional Air Pollution Control District.

Machado spokeswoman Jody Fujii said she was disappointed but that she expects the bill to re-emerge this winter. This was the third time Machado has tried to pass the measure.

The San Joaquin Valley has some of the worst air quality in the United States, and asthma rates among children who live here are twice that of the rest of California.

The air district regulates pollution caused by stationary sources such as farms and the petroleum companies based around Bakersfield, imposing restrictions on how much gunk they can release into the giant bowl that is the Valley.

Machado and supporters said adding the two nonpoliticians would give the body new expertise and serve as a watchdog against its perceived bias toward the industry. The air board is currently run by politicians from the Valley's city councils and county boards of supervisors.

Machado pointed to reports earlier this month of a formerly secret deal between the air board and the dairy industry to delay enforcing stricter air-pollution rules at the industry's behest.

Opponents say the district already is doing a good job cleaning the Valley's air and that adding non-politician positions would make it less responsive to the people.

Dairy agreement staves off lawsuit

By Seth Nidever - Sentinel Reporter

[Hanford Sentinel, Friday, Sept. 9, 2005](#)

HANFORD - Dairy interests that were threatening litigation to challenge a ruling that cows produce more smog-forming gas than cars are singing a different tune after recent discussions with air quality officials.

An Aug. 18 informal agreement between the San Joaquin Valley's top air regulator and two dairy groups has the industry backing new research and promising to cooperate in regulatory efforts.

In return, the San Joaquin Valley Air Pollution Control District promised to adjust its cow pollution estimate when current studies are finished - and delay forcing dairymen to install the most costly pollution control equipment.

"It provides a comfort level to the industry that (the air district) is going to proceed in an appropriate manner," said Michael Boccadoro, a spokesman for Dairy CARES, a Sacramento-based industry group involved in the discussions with Dave Crow, executive director of the district. Crow could not be reached for an interview Wednesday.

The new-found goodwill comes after an acrimonious July 11 public meeting to consider the district's estimate that every milk cow adds 20.6 pounds of VOCs to the air a year.

VOCs, volatile organic compounds, react with other chemicals to form ozone, a lung-damaging gas that helps make Valley air the worst in the nation.

At 20.6 pounds per cow, the 2.5 million dairy cattle in the Valley top motor vehicles as the number one source of VOCs.

And the district concluded that one-third of the total comes from cow feces, confronting farmers with the prospect of installing multi-million dollar "manure lagoon" covers and digesters.

The announcement had dairy interests fuming and, in the words of one press release, "investigating all options" to get the number reconsidered.

A slightly reduced emissions factor -- 19.3 pounds -- went into effect Aug. 1.

The district started permitting dairies under the new standard with the threat of a lawsuit hanging in the air.

Dairy figures said last month's agreement reflected their decision to cooperate rather than battle it out in court.

"The fact of the matter is, we need to work together," said Kevin Abernathy, executive director of California Dairy Campaign, the other dairy lobbying group involved in the Aug. 18 agreement.

Abernathy and Boccadoro denied that any "back-room deal" took place.

The phrase was used in an Aug. 29 Bakersfield Californian article to describe the agreement.

"This isn't some secret back-room deal that's going to delay implementation in any way," Boccadoro said.

Brent Newell, an attorney for the Center on Race, Poverty and the Environment who has been following dairy regulations closely, also disavowed any notion of a back-room deal, saying he didn't know "what the deal was."

"The only thing I can tell, what happened is (that) the dairy industry backed off," he said.

The industry already settled one lawsuit against the air district in 2004.

In that settlement, the industry agreed to the formation of an advisory group to look into changing the old estimate of 12.8 pounds of VOCs per cow per year.

That estimate was based on a 1930s study everybody agreed was inadequate.

The advisory group, know as DPAG, was unable to agree on a single figure, instead splitting into industry, university and environmentalist factions recommending numbers ranging from 5.6 pounds to 38.2 pounds per year.

District officials decided on 20.6 pounds, a figure they said was based on the best science.

But scientists involved in the research questioned the decision.

Dr. Frank Mitloehner, a University of California Davis researcher whom air officials largely relied on, said fully one-third of the estimate is based on data from his own experiments that he called "scientifically invalid."

J. P. Cativiela, a program coordinator with Dairy CARES, said his group will, if necessary, help pay for more of Mitloehner's "bovine bubble" experiments as well as other research designed to nail down the actual VOC amount.

The district hopes to get new numbers from Mitloehner and C.E. Schmidt, a scientist who has done work for the California Air Resources Board, in time for a Dec. 31 deadline for recommending pollution control equipment for new or expanding dairies.

"We've said all along, we're willing to live with a science-based emissions process," Cativiela said.

Currently, dairies with 1,290 cattle or more have to get air permits, district spokeswoman Kelly Malay said.

New or expanding dairies will likely have to install the manure lagoon systems if the current pollution estimate holds up, Boccadoro indicated.

Part of last month's agreement allows dairy farmers to hold off on the lagoon systems until Dec. 31, by which time dairy interests hope new numbers will be in.

Pollution bill heads to governor

Proposed biomonitoring program, cleared for first time by Assembly, aims to track pollutants in our bodies

by Douglas Fischer

[Tri-Valley Herald, Friday, Sept. 9, 2005](#)

The state Legislature on Thursday handed the governor a bill creating the nation's first-ever state biomonitoring program tracking levels of environmental pollutants in Californians.

The bill, which in three previous tries had never cleared the Assembly, aims to sample California's population for a variety of industrial, consumer and naturally occurring compounds -- flame retardants, plastics, heavy metals, even vitamin C -- with the goal of tracking exposure trends.

Separately, a bill requiring cosmetics manufacturers to tell the state of ingredients known to cause cancer or reproductive harm cleared the Legislature Thursday and is headed to Gov. Schwarzenegger's desk.

The central assumption behind both bills is that exquisitely small amounts of chemicals leaching from everyday consumer products - our couches, mattresses, cosmetics and cleaners, to name a few - contaminate our bodies with unknown health consequences.

Government health officials have called the biomonitoring program an essential tool for identifying and preventing future public health threats. Opponents say the money -- \$250,000 the first year but sure to grow with the program -- would be better spent fighting known health threats such as obesity, smoking and air pollution.

The people of this state want this done, said Assembly Majority Leader Dario Frommer, D-Glendale, prior to Thursday's vote on Senate Bill 600. Toxic chemicals are an increasingly important health threat that we need to track.

The state Department of Health Services, as is custom, declined to comment on pending legislation. But in previous comments to industry and environmental groups, the state's former medical officer, Dr. Richard J. Jackson, has described biomonitoring programs as the future of public health.

The federal government already runs a large program tracking 150 compounds in thousands of Americans across the country. Data from that effort have cemented regulators' decisions to rid lead and mercury from the environment.

Faulty air filters mean stuffy city buses **Hard-to-get part is disrupting transit service**

By Lynn Doan, Staff writer

[Visalia Times-Delta, Friday, Sept. 9, 2005](#)

Visalia bus riders may have been feeling a bit stuffy or cramped during their rides lately, and it's not their imagination.

Visalia City Coach officials said a state-required device is causing fully operating buses to break down, forcing them to put faulty ones on the road. Transit Manager Monty Cox said the city began installing particulate traps, or air filters, in diesel buses three years ago, and now they're clogging up.

"We've had these things fail repeatedly," Cox said. "Several buses are down. It's been a nightmare."

The California Air Resources Board passed the Transit Bus Fleet Rule in 2000, which required local governments to either install air filters on large diesel buses or buy buses that run on compressed and liquefied natural gas. Visalia, which is the only agency in Tulare County that falls under the rule, chose to stick with diesel for its fixed bus routes.

But starting in April, officials were rethinking their decision.

"You never know when they're going to clog," said Lee Miller, whose company, MV Transportation, maintains the fleet. "Black smoke just comes spewing out and the engine quits."

Just Tuesday, Miller said, he had to tow a bus off the intersection of Goshen Avenue and Plaza Drive when the filter clogged.

And bus riders are feeling the effect.

"When a particulate trap goes down, I have no choice but to put a bus on the street that doesn't have air conditioning, or I miss the run," Miller said.

Cox said he's also been forced to replace regular, large buses with the fleet's smaller, Dial-A-Ride buses for weeks as the filters are cleaned.

The city must ship the buses to Detroit Diesel in Fresno for cleaning, which can take weeks as replacement parts are delivered, Miller said.

Laks de Silva, transit business manager for Detroit Diesel, said the filters are hard to come by because only one company is certified to make them.

"That's the problem, [the filters] are failing faster than we can order them," he said. "They take up to six weeks to deliver."

Cox said the city will eventually be forced to replace its diesel buses with compressed and liquefied natural gas buses as the state strengthens its air emissions requirements.

"No company will be able to produce diesel buses that can meet the requirements in 2007," he said.

But in the meantime, officials say, bus riders will have to cope with the sporadic breakdowns.

"You never know when it's going to blow," Miller said. "It's like Eddie Murphy when he puts bananas in the tailpipe."

Bakersfield notables join state's economic development team

VIC POLLARD, Californian Sacramento Bureau

[Bakersfield Californian, Friday, Sept. 9, 2005](#)

SACRAMENTO -- Two prominent Bakersfield residents are among 18 people appointed by Gov. Arnold Schwarzenegger to a newly created economic development partnership for the San Joaquin Valley. Bakersfield City Councilwoman Sue Benham and businessman Ray Dezember were named to a panel that will join with representatives of eight state government agencies to tell the governor how to improve the valley's economy and the quality of life for its residents.

The California Partnership for the San Joaquin Valley was created by an executive order issued by the governor in June.

However, it was originally proposed in legislation by Assemblywoman Nicole Parra, D-Hanford. She modeled the idea on a federal economic development initiative pushed a few years earlier by former Rep. Cal Dooley, D-Hanford.

The valley is home to a huge agricultural industry and a pathway for international commerce and is one of the state's fastest growing areas, Schwarzenegger noted when he announced the order.

"But this region also faces some tremendous challenges, including high levels of poverty and unemployment, [some of the lowest air quality in the nation](#) and limited access to health care," he said. "The partnership we have begun today will bring state and local representatives together to develop a strategic plan to address those issues."

Benham and Dezember were among local government officials and public members from throughout the valley appointed to help guide the partnership.

Residents weigh in on cheese firm's idea

Plant wants to put its waste deep underground

By Tim Moran

[The Modesto Bee, Friday, Sept. 9, 2005](#)

MODESTO -- Hilmar Cheese Co.'s proposal to inject its wastewater deep underground drew criticism from several area residents at a U.S. Environmental Protection Agency hearing Thursday in Modesto.

The hearing held at the Stanislaus County Agricultural Center drew about a dozen people.

Several of them raised questions about how the process would affect drinking water in shallower aquifers, and some criticized Hilmar Cheese's past record of water quality violations.

"I have to look at history, and that tells me Hilmar Cheese is not a good environmental participant," said John Mataka, who said he represented the Grayson Neighborhood Council.

"They are one of California's most chronic violators of clean water laws," Mataka said.

Ken Rodrigues, a former Hilmar Cheese employee, cited a long list of the company's violations and said they couldn't be trusted to comply with reporting regulations for the injection well.

Rodrigues said the company should be required to send its wastewater to the Turlock municipal waste treatment facility 4.6 miles away.

Vance Kennedy, a retired hydrologist from Modesto, said pumping the wastewater underground would eventually force briny water from the deep aquifer up into the shallower drinking water aquifer.

"The quality of groundwater for miles around the proposed Hilmar well is at stake here," Kennedy said.

Kennedy urged the EPA to require Hilmar Cheese to drill many monitoring wells as far as several thousand feet away from the test well.

"If this is not done at Hilmar Cheese's expense, large groundwater users should do so in order to provide the basis for future lawsuits," Kennedy said.

No one from Hilmar Cheese spoke at the meeting.

The cheese company applied for the U.S. Environmental Protection Agency permit to drill a test well to determine if injecting its wastewater deep underground is feasible.

The test well, from 3,350 to 4,150 feet deep, would reach past the shallower drinking water aquifer to an area of briny water. A layer of rock and clay separates the clean drinking water from the salty water below.

The permit would require Hilmar Cheese to monitor water quality in the groundwater around the test well. If successful, the test could result in the drilling of up to four injection wells on property near the North Lander Avenue cheese plant.

The permit application asks that Hilmar Cheese be allowed to inject up to 2.2 million gallons of nontoxic wastewater per day into the ground.

The proposed injection wells are part of the company's solution to its wastewater troubles. Hilmar Cheese was recently fined \$4 million by the Central Valley Regional Water Quality Control Board for years of water quality violations.

[The company had been flushing high volumes of milky wastewater onto land, causing odors as well as air and water quality problems.](#)

Hilmar Cheese has built a treatment facility on site to remove organic solids and reduce salts and other minerals in the wastewater.

It also is applying wastewater to the ground, and trucking some of it to a treatment plant in the Bay Area, according to Alexis Strauss of the EPA.

Some people at the hearing protested that the EPA had not made the entire Hilmar Cheese application record available at local libraries.

Strauss said parts or all of that record can be made available, and the comment period could be extended to Sept. 30 for people to read and respond to the material.

Once the hearing process ends, the EPA will make a decision in about 60 days, Strauss said. The agency's preliminary recommendation is to approve the injection well.

Written comments on the proposal can be submitted to Eric Byous at the U.S. EPA, 75 Hawthorne St., WTR-9, San Francisco 94105, or via e-mail at byous.eric@epa.gov.

California air regulators want to ease standards for gas refiners

By Don Thompson, Associated Press Writer
[in the S.F. Chronicle, Friday, Sept. 9, 2005](#)

SACRAMENTO -- California air regulators are considering easing processing standards for gasoline refineries, a move they hope will lower prices at the pump.

Lifting some of the state's stringent fuel standards would increase the amount of gas available by about 10 percent, according to a staff recommendation to the California Air Resources Board. The state's petroleum market lost about that much because of the destruction wrought by Hurricane Katrina on Gulf Coast refineries.

"What we hope it will do is at least stabilize prices, because then we would be able to supply our own gasoline needs so there would be no pressure from a shortage," air board spokesman Jerry Martin said.

But he added that pricing ultimately was "a market decision."

California traditionally has had some of the highest gas prices in the nation, in part because refiners have to mix a different grade of fuel than is used elsewhere. The mixture is required to meet the state's stricter air-pollution standards.

The board's executive officer is expected to decide Friday whether to seek permission from the U.S. Environmental Protection Agency to suspend the standards for cleaner-burning gasoline sold in the state.

The board wants to suspend summertime pollution rules for refiners, requirements that normally end Nov. 1.

The environmental cost of easing the regulations is about a 7 percent increase in hydrocarbon emissions. Most of the additional pollution will affect Southern California and the Central Valley. Depending on the weather, that could translate to about a 1 percent increase in ozone.

"Compared to what's happening on the Gulf Coast, this is a very small price that we have to pay," Martin said.

Environmental groups voiced concern during a Thursday hearing.

The Natural Resources Defense Council said the proposal is not a long-term solution to California's high gas prices. The group said refiners should be required to use some of their record profits to pay for clean air projects to make up for the extra pollution.

The group does not oppose a temporary waiver, said Roland Hwang, a spokesman for the environmental group.

"But it's important to recognize that it will cause harmful health effects from increased air pollution. It cannot be a permanent rollback," he said.

Gasoline prices that had been climbing nationwide throughout the summer spiked after the hurricane, which damaged or destroyed several oil platforms and refineries along the Gulf Coast.

On the Net:

California Air Resources Board: <http://www.arb.ca.gov>

LUSD must do environmental study before expanding Lockeford School

By Ross Farrow

[Lodi News Sentinel, Friday, Sept. 9, 2005](#)

Some Lockeford parents want their elementary school expanded as soon as possible so it can accommodate middle-school students.

However, some history buffs from Lockeford are working diligently to preserve a brick 19th-century grain warehouse that the Lodi Unified School District wants demolished so it can expand Lockeford Elementary School on Tully Road.

D.H. Winn Trucking Co. service building and yard is seen on Elliot Road in Lockeford in this file photo. The trucking company shares a property line with Lockeford Elementary School and is in danger of being torn down

Gary Reiff, who has three children ranging from preschool to third grade, said he is concerned about that the project may be delayed because he wants Lockeford and Clements children to attend seventh and eighth grade in Lockeford. Currently, middle-school students from the two communities attend Houston School in Acampo.

"The old building is a dilapidated piece of junk," Reiff said. "Just because it's an old building doesn't mean it's a valuable building."

Some historically minded Lockeford residents hardly consider the old warehouse owned by D.H. Winn Trucking as junk. It was also built in the 1880s by Dr. Dean Jewett Locke, for whom Lockeford is named.

"People are drawn to this community because of the charm of those buildings," said Lani Eklund, a Lockeford resident who wants to preserve her community's historical structures.

Lodi Unified won't accept the property until the historic, 12,000-square-foot Winn building is demolished. And that will likely wait until the school district completes what is known as a "focused" Environmental Impact Report to evaluate the Winn building's historical value, said Mamie Starr, Lodi Unified's assistant superintendent of facilities and planning.

The EIR is called "focused" because it won't analyze environmental issues like traffic, [air quality](#), endangered species and vernal pools. The report will be limited to the brick building's historical value.

Lodi Unified was going to purchase the Winn property without completing the EIR until Lockeford history buffs sent a letter to the governor's office, Starr said. From there, it was referred to the California Department of Education and the state Office of Historic Preservation.

After talking to the district's attorney and with state officials, school district officials decided to do the EIR before expanding Lockeford Elementary.

"We definitely want to follow the law," Starr said.

Reiff questions whether Lockeford history buffs, which include Gary Gordon, Mark True and the Eklunds, truly represent the community. Reiff is president of the Lockeford-Clements PTA, but he said he is not speaking on behalf of that organization.

Like Reiff, Lockeford history buffs say they want middle-school students to attend Lockeford School because it creates a center of community education in Lockeford. Besides, it saves the school district money not having to bus students to Acampo, Lani Eklund said.

"I'm an educator, as is Gary Gordon," said Lani Eklund, who has taught in four states. "No way would we would sacrifice the education of our children."

Although the EIR won't be completed until November or December, Starr said it won't delay project construction.

School district officials haven't determined how many classrooms will be added, how big the new multipurpose room will be or exactly where the buildings will go, Starr said.

Reiff said he also objects to the stiff price tag the school district must pay to research the Winn building's historical value. Starr estimates the price tag at between \$15,000 and \$20,000, not including legal advice on the matter.

"It's part of the cost of doing business," Starr said.

Lani Eklund said she doesn't see any problem with Lodi Unified having to prepare an EIR regarding its desire to acquire the Winn property.

"That is part of what the school has to do anyway," she said.

EIRs should be done on housing, commercial and school developments, Lani Eklund said, because they affect the quality of life.

She maintains that history buffs in Lockeford don't want to create any trouble for the school district.

"All we're trying to do is raise the consciousness and see if we can get some support for a creative solution so that everyone wins."