

Fresnans protest business move

Neighbors say landscape supply company will create traffic, draw pollution.

By Russell Clemings / The Fresno Bee

Thursday, March 2, 2006

Community organizers have launched a last-minute campaign to block a landscaping supply business that wants to move into a west-central Fresno neighborhood.

The target is Rosenbalm Rockery, a business now located near Herndon and Villa avenues in Clovis that hopes to move to a 4.6-acre site at McKinley and Hughes avenues, just west of Freeway 99.

Rosenbalm's plans were approved unanimously by the Fresno City Council and the Planning Commission in late 2004. A second required permit was approved by city staff last summer and a third by the San Joaquin Valley Air Pollution Control District in January.

But Rey León, senior policy analyst for the Latino Issues Forum, which is organizing weekly protests at the site, says that nearby residents didn't become aware of the plan until shortly before the air district's action. The second protest took place Wednesday afternoon.

León said neighbors are concerned that air pollution from traffic to and from the business will contribute to asthma and other illnesses among children at Addams Elementary School, which lies just south of the site.

He said that standard city notification policies — advertising in The Fresno Bee and sending letters to property owners within 350 feet — were not sufficient for the neighbors, especially those for whom English is not their primary language.

"If anything is happening in the community, they should not only give notice to the community, they should organize a meeting," León said. "It's called environmental justice."

As León talked, six lanes of freeway traffic sped by just a few hundred feet away. Freeway 99 borders the irregularly shaped site on the east, McKinley on the south and Hughes and Woodson avenues on the west.

The business would sell landscaping materials and small batches of concrete. Owner Ron Rosenbalm said he was worried that neighbors thought his plans were much bigger.

"We're not a concrete plant," he said. "We just sell cart-away concrete. There won't be any big concrete trucks."

The city's files state that concrete sales will be limited to no more than 1.25 cubic yards at a time.

The business is expected to create an average of 66 daily vehicle trips of all kinds, the files said.

Council Member Cynthia Sterling, who represents the area, has concluded that it is too late to reverse the city's approvals, said her chief of staff, Gregory Barfield.

Barfield said, however, that Sterling hopes to get the city to review its notification requirements. He also said she is trying to organize asthma screening for students at the school.

City Development Director Nick Yovino said no appeals were received for either of the city's actions. City records show that notices were sent to owners of 28 nearby properties, including the Fresno Unified School District.

Fireplace restrictions end for San Joaquin Valley

Wednesday, March 1, 2006

Special to the Madera Tribune

Fireplace restrictions in the San Joaquin Valley are winding down for the season.

The Check Before You Burn fireplace and wood stove curtailment program concluded Tuesday night. The program, which runs November through February, aims to reduce wintertime air pollution by discouraging or prohibiting the use of wood-burning devices such as fireplaces and inserts when air quality is expected to be unhealthy.

This season, wood burning was prohibited at least once in each of the eight counties of the San Joaquin Valley. The first Valley-wide mandatory curtailment was issued Dec. 13, 2005. The final prohibition of the season was declared Feb. 14 for the Valley portion of Kern County.

When the San Joaquin Valley Air Pollution Control District adopted the program in 2003, it was anticipated that Valley residents could expect between four and 25 mandatory curtailments per season depending on which county they live in. The first two years, only two to three mandatory curtailments were issued per season.

The Valley experienced a more stagnant weather pattern this winter than last season, said Evan Shipp, supervisor of Air Quality Analysis for the district.

"We had periods of high pressure over the Valley, with weak winds and strong inversions, which allowed particulates to build up day after day," Shipp said. "The year before, we had more dynamic weather systems that moved across the Valley and helped clean the air."

Through Check Before You Burn, wood burning in an open fireplace or older insert is discouraged when air quality is projected to be in the unhealthy for sensitive groups range, or an Air Quality Index between 101 and 150. Wood burning is prohibited when air quality is expected to be unhealthy for everyone, or an AQI of 151 or higher.

When wood burning is prohibited, violators may receive a notice of violation and be subject to fines. First time violators either pay a \$50 fine or attend an air-quality education class at the district office.

Since November, the district has issued voluntary and mandatory curtailments. These include two days in Madera where burning was prohibited, and 28 days when burning was discouraged. One notice of violation was issued.

The restrictions do not apply to natural gas or propane devices, homes in areas with no natural gas service, homes at elevations of 3,000 feet or higher, and homes in which no other heating device exists and wood burning is the sole source of heat.

The district's wood burning rule has two other components aimed at improving wintertime air quality. It limits the number of wood burning devices allowed in new residential developments and requires that any wood stove or fireplace insert left in a home when it is sold or transferred meet 1990 EPA emissions standards.

The Valley Air District covers eight counties including San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, Tulare and the Valley portion of Kern.

For more information visit www.valleyair.org or call the Fresno district office, 230-6000.

EPA Proposes Easing Ethanol Plant Regs

By Mary Clare Jalonick, Associated Press Writer

In the S.F. Chronicle, Wednesday, March 1, 2006

WASHINGTON, (AP) -- In an attempt to increase domestic production of alternative fuel sources, the Bush administration has proposed allowing ethanol plants to send more hazardous air pollutants into the air.

The Environmental Protection Agency announced Wednesday that it has proposed a rule that would raise the emissions threshold for corn milling plants that produce ethanol fuel, allowing those plants to emit up to 250 tons per year of air pollutants before triggering tougher restrictions on production.

Currently, corn milling plants can emit 100 tons of pollutants per year.

Sen. John Thune, R-S.D., has been pushing the agency to make the change since last fall, noting that corn milling plants that produce ethanol products for human consumption had a higher emissions threshold than those that produce ethanol fuel.

The change, he says, will help the country navigate gasoline price spikes by producing more renewable energy.

The plants "are poised to produce ethanol at higher capacities, and farmers are prepared to grow and sell more corn," Thune said.

President Bush pushed increased production of renewable fuels in his State of the Union speech this year, urging Congress to spend federal dollars on ethanol research in order to free the country of its "addiction" to foreign oil.

Though environmentalists have generally supported increased use of ethanol and other renewable fuels, some point out that the EPA has settled several noncompliance cases with companies producing ethanol fuel. In several of the cases, the agency noted that the plants "burn off gases which emit volatile organic compounds and carbon monoxide into the air."

Frank O'Donnell, director of the environmental advocacy group Clean Air Watch, said the rule could "create a new problem by trying to solve an old problem."

"This appears to be an attempt to cut a break for some ethanol producers," he said. "My concern is that this could lead to more pollution in communities near the refineries."

The EPA will gather comments on the proposed rule for 60 days.

EPA plans cuts in benzene, other air toxics for cars, fuel

By John Heilprin, Associated Press Writer

In the S.F. Chronicle, Wednesday, March 1, 2006

WASHINGTON, (AP) -- The government wants better built fuel cans, cleaner-starting engines in cold temperatures and a nearly 40 percent cut in benzene in gasoline to cut air toxics associated with gasoline.

The new requirements would go into effect between 2009 and 2011 under a proposal Wednesday by the Environmental Protection Agency, making federal standards similar to California's evaporative emission standards for light-duty vehicles.

EPA Administrator Stephen Johnson said that within the next two dozen years, air toxics such as benzene and other hydrocarbons would fall to 80 percent below 1999 emissions. That would be a direct result of the new proposal and the fuel and vehicle standards already in place.

"By cleaning up our fuels and vehicle exhaust, EPA is paving the road toward a cleaner environment and healthier drivers," he said.

The EPA plan would set new evaporative standards for fuel containers, beginning in 2009. It would require, starting in 2010, that passenger vehicles started up at cold temperatures emit fewer pollutants.

And, by 2011, the agency would require that all gasoline, which is now allowed to contain little more than 1 percent benzene, have only 0.62 percent or less benzene.

Traditional critics of Bush administration environmental policies were quick to praise the plan.

Frank O'Donnell, president of the Clean Air Watch advocacy group, called it "a positive step toward reducing the cancer risk that Americans face from breathing chemicals in the air produced by cars, SUVs and pickup trucks."

"It is not, however, a substitute for other needed pollution control measures, including steps — and federal money — to clean up existing diesel engines," he added.

Bill Becker, the executive director for the State and Territorial Air Pollution Program Administrators and the Association of Local Air Pollution Control Officials, said the plan was long overdue. EPA issued it to meet court-ordered deadlines in a lawsuit brought by two environmental groups, the Sierra Club and the U.S. Public Interest Research Group, in 2004.

"The proposal is a good first step in regulating benzene, a known carcinogen, and other important hazardous pollutants that are emitted from vehicles and fuels," he said. "These pollutants show up in almost every major metropolitan area in the country in quantities that exceed safe levels."

Congress required EPA in the 1990 amendments to the Clean Air Act to issue mobile source air toxic regulations by 1995. The two environmental groups, represented by environmental law firm Earthjustice, won a court order in November 2005 forcing EPA to issue its proposal by the end of February and a final rule by 2007.

Requiring cleaner-burning gas and cars and tighter fuel containers will cost consumers an estimated \$205 million at dealers' lots and other stores, though cost per vehicle is thought to be just \$1 more and per gas can less than \$2, EPA said.

But the agency estimates the annual health benefits from cutting fine particle pollution that causes respiratory and other illnesses will be \$6 billion a year starting in 2030.

Existing fuel and vehicle standards that also are contributing to fewer emissions of benzene and other toxic air pollutants are EPA's latest tailpipe standards and cuts in emissions from diesel-burning cars, heavy trucks and off-road equipment.

On the Net:

EPA:

Pollution control officials:

<http://www.epa.gov/otaq/toxics.htm> - mobilewww.epa.gov/otaq/toxics.htm#mobile

<http://www.4cleanair.org/www.4cleanair.org>

EPA Seeks Less Benzene In Gasoline

By Juliet Eilperi, staff writer

The Washington Post, Thursday, March 2, 2006

The Environmental Protection Agency yesterday proposed cutting toxic emissions from cars nearly in half by 2030, drawing praise from many environmentalists while sparking concern among gasoline refiners.

The new standards, which are subject to a 60-day comment period, would take effect in 2011. They would force refiners to reduce the annual average benzene content in their gasoline by 36 percent and would establish a national trading system so companies producing gas with more benzene content could buy pollution credits from cleaner refiners. Auto manufacturers would also have to install technology to reduce benzene emissions in new cars.

Benzene, a naturally occurring carcinogen, accounts for about 1 percent of gasoline content; it causes an estimated 40 to 60 U.S. deaths a year. Under the Bush administration's proposal, by 2030 passenger cars would emit 45 percent less benzene than today and release 350,000 fewer tons of benzene and other toxins.

"America has a history of loving its cars," EPA Administrator Stephen L. Johnson said. "By cleaning up our fuels and vehicle exhaust, EPA is paving the road toward a cleaner environment and healthier drivers."

S. William Becker, executive director for the State and Territorial Air Pollution Program Administrators, said states have spent eight years trying to get the federal government to impose stricter standards on air toxics.

"It's disappointing that it's taken this long, but at least they've taken a good first step," Becker said. "This is not an expensive change, but it's a very important one in terms of air quality."

The standards should cost just \$0.0013 per gallon to implement, the EPA estimated, and add less than \$1 to the average cost of a car. This translates into a cost of \$205 million a year for an estimated \$6 billion in health benefits annually by 2030.

But Bob Slaughter, president of the National Petrochemical & Refiners Association, said the proposal would cost his membership much more.

"The new standards on gasoline, including benzene, is a challenge," Slaughter said. He added that he will survey refiners to see how much it would cost them and how it might affect the nation's gas supply.

Becker and other environmentalists said they are concerned the pollution credit trading system would mean Americans in some regions would continue to breathe elevated levels of benzene. Gas in Rocky Mountain states, for example, often has benzene levels two to three times those in other areas.

But Slaughter said the trading system would cushion the plan's financial impact. "It makes a difficult proposal at least marginally more workable," he said.

Conrad Schneider, advocacy director for the Clean Air Task Force, a Boston-based environmental group, faulted the administration for not imposing stricter limits on diesel emissions as part of the new rules. They account for an estimated 3,000 U.S. deaths by lung cancer a year.

Both the Bush and Clinton administrations have imposed stricter diesel pollution rules over the past few years, but because diesel engines last so long the fleet will not turn over until about 2030.

Refineries Lose Appeal of AQMD Rule

Court tells Southland's biggest oil facilities to install new controls on soot. Compliance will be costly and have little or no benefit, a group says.

By Janet Wilson, Times Staff Writer

Los Angeles Times, Thursday, March 2, 2006

A state appeals court has ordered Southern California's largest oil refineries to install technology that will reduce unhealthy smog emissions.

The Western States Petroleum Assn. sued to overturn the new regulation by the South Coast Air Quality Management District, arguing that the rule would cost hundreds of millions of dollars, was not feasible at some plants and would provide little to no public benefit.

In an opinion issued last month, Judge Earl Johnson Jr. of the 2nd District Court of Appeal in Los Angeles rejected those arguments and ordered the refineries to comply.

"This court ruling is good news for the region and especially communities surrounding oil refineries," said AQMD Executive Officer Barry Wallerstein in a statement Wednesday. "Oil refineries are the largest regulated source of particulate matter emissions, emitting more than 400,000 newer, diesel-powered school buses."

But Cathy Reheis-Boyd, chief operating officer of the refineries organization, said, "We are very disappointed. We continue to believe our case is meritorious."

"If you're going to require expensive controls which could ultimately impact the price of the product, and therefore the price at the pump, you should be suggesting those improvements that will result in substantial air quality benefits," she said.

She could not specify what price increases might occur for consumers but said compliance would make it harder to control such increases.

AQMD spokesman Sam Atwood said the agency's studies had found that the upgrade would add less than a 10th of a cent to gas prices.

He added, "I would vigorously disagree with the assessment that half a ton a day of particulate reduction, plus an additional 2 tons reduction from ammonia emissions, is little to no benefit to public health."

About 300 tons a day of particulate matter is emitted by all sources in the region. Numerous studies have shown that breathing the soot reduces lung capacity and causes or aggravates asthma, heart disease and other health problems.

Reheis-Boyd said the refineries group would decide soon whether to appeal to the state Supreme Court.

"Any time you have a decision of this magnitude, you worry about its implications, not only for California but for the rest of the nation," she said.

The six refineries affected by the rule are those run by ExxonMobil in Torrance, BP in Carson, Chevron-Texaco in El Segundo and Shell, ConocoPhillips and Valero in Wilmington. Chevron has already added the new equipment, Reheis-Boyd said, but each refinery is designed differently.

"It's not one size fits all," she said.

Under the rule, refineries must reduce emissions from their fluid catalytic cracking units by year's end, although they can request two-year extensions.

The units "crack" heavy crude oil into lighter products, including gasoline, butane and propane.

Refineries that do not comply face fines or possible shutdown. AQMD spokesman Atwood said such penalties are rarely applied, because when legal challenges are settled, polluters usually comply.

Initiative Targets Punitive Awards

A proposed measure would bar assessment of such damages in many product liability suits.

By Marc Lifsher, Times Staff Writer

Los Angeles Times, Thursday, March 2, 2006

SACRAMENTO - An initiative proposed for the November ballot would curb the abilities of plaintiffs to collect punitive damages in many product-liability cases.

Supporters of the state measure, which include oil giant Chevron Corp. and the business-funded Civil Justice Assn. of California have launched a signature-gathering campaign to put the issue before voters.

If approved, the proposal would bar state courts from assessing punitive damages if a company's product and warning labels had been approved by state or federal regulators. The immunity would be lost only if plaintiffs could prove that a manufacturer, distributor or seller intentionally withheld or misrepresented information specifically required by a government agency.

Punitive damages typically are used by juries in civil cases to penalize the guilty party and send a warning to potential wrongdoers. They can amount to hundreds of millions of dollars and occasionally result in calls for limits on "frivolous" lawsuits and outsized jury awards.

The measure is sounding alarm bells among consumer activists who view punitive damages as an effective way to punish corporate wrongdoing.

"This measure removes a major check on outrageous behavior," said Robert Fellmeth, a former district attorney and executive director of the Center for Public Interest Law at the University of San Diego.

"Somebody could be grossly negligent and escape having to pay punitive damages, provided they didn't deliberately withhold information from any governmental body," said John Nockleby, a law professor and director of the Civil Justice Program at Loyola Law School in Los Angeles.

The initiative's supporters said they didn't want to let companies off the hook if they had committed fraud to get a product on the market. But "if you've already gone through some government approval process, why should you get hammered?" said Jack Coffey, Chevron's government affairs manager for California.

The proposal would not affect the victims' right to collect compensatory damages for economic losses or their pain and suffering, Coffey said. "Nobody is talking about anybody who gets hurt not being compensated," he said.

The measure could affect a number of pending cases in California, including suits against Chevron and other companies that produced MTBE, a chemical compound used to reduce auto exhaust emissions.

Other high-profile California cases that could fall under the initiative's sway include suits involving drug maker Merck & Co.'s pain reliever Vioxx, implanted heart defibrillators developed by Guidant Corp. and Ford Motor Co.'s Explorer sport utility vehicle.

About 20 public water agencies in California are suing oil and petrochemical companies over groundwater pollution caused by MTBE. Coffey said passage of the initiative could shield Chevron from punitive damages in such lawsuits.

He noted that the California Air Resources Board approved the use of methyl tertiary-butyl ether - in the early 1990s as a way to meet the state's tough clean-air standards. A few years later, then-Gov. Gray Davis ordered the phasing out of MTBE after water agencies discovered that the additive had leaked into groundwater from thousands of service station tanks.

MTBE manufacturers are the target of more than 200 lawsuits that have been consolidated before a U.S. district judge in New York. Last year, Republicans in the House unsuccessfully tried

to protect MTBE makers from environmental lawsuits as part of President Bush's energy bill. Bush is a longtime proponent of changes in the law to make it more difficult for consumers to sue businesses.

Private polling financed by \$55,600 in early contributions from Chevron shows the initiative might appeal to voters' "sense of fairness," said John H. Sullivan, president of the Civil Justice Assn., which lobbies for limits on lawsuits and jury awards. It sponsored Proposition 64, the successful 2004 initiative that restricted the ability of consumers to sue under the state's Unfair Competition Law.

Political analysts said Sullivan should have no trouble raising the \$2 million or so needed to collect the approximately 500,000 voter signatures to qualify for the November ballot.

Many of the proposal's other financial backers won't become known until disclosure statements are filed by July 31.

With Train Traffic Up - Time To Double Track Says Mayor

Valley Voice Newspaper, Thursday, March 2, 2006

San Joaquin Valley - The ports of California are humming with ships lined up just offshore queued up to unload their cargo.

With imports into the Golden State breaking records and a healthy export market to the Far East using the same ports to ship out, ground transportation is backed up too.

Train traffic is up significantly in California, says Lena Kent, spokesperson for BNSF Railway, one of two major rail companies in California. "Three years ago we were sending 30 trains a day up the valley. Today that number is about 50."

Because of the volume of traffic, BNSF has invested in double tracking the main route through central California both north and south of Hanford. Likewise in Fresno, the company is double tracking around the Fig Garden area to allow freight trains to continue to run rather than wait on the side track while Amtrak passenger trains go by. CalTrans is paying \$13 million to build the extra track.

But on their main line through the valley - Union Pacific has not pursued double tracking to any degree, says Kingsburg mayor Leland Bergstrom, despite a major increase in train traffic on the line that runs up Highway 99.

"I am watching 125 car train go up and down the valley," says Bergstrom who claims some trains are 2 miles long. Bergstrom sits on the San Joaquin Valley Rail Committee as an advisory group to CalTrans. CalTrans is a partner with the federal government funding the Amtrak passenger services in the state. Bergstrom has been lobbying the local advisory group and CalTrans to pressure the Union Pacific to double track their line with some public funds to help pay for it - if they allow passenger trains to run on the UP (Highway 99) line. Union Pacific who bought the line from Southern Pacific in 1996 has resisted the idea.

"The eastside of the valley is where the large population is," says Bergstrom and over in Hanford "they don't want any more trains."

While some hope California will approve a High Speed rail line through the central valley, Bergstrom says we could have passenger service and better freight movement sooner if monies were allocated to double track the UP line.

While attention has been pointed at the effort to upgrade Highway 99 to three lines on each side little has been made of the need to upgrade train service that could help de-clog Highway 99.

One sign of hope, Bergstrom is lobbying CalTrans on its plan to upgrade the segment of 99 between Kingsburg and Goshen in the next few years to include a new crossing for trains over the Kings River that would allow double tracking both to the north and south of the river. CalTrans interim director Alan McCuen confirms they "are studying the issue."

Bergstrom says all of the cities up and down 99 are supportive of his effort to get Union Pacific to allow passenger trains on their line. He says he is working with Congressman Jim Costa - a rail buff himself - to shake some money loose to provide the incentive UP might need as well as some political pressure.

Union Pacific is making rail improvements in some of their hubs and have added double tracks and even quadruple tracks in some segments of their nationwide line - the nation's biggest. The company website says as much as a quarter of their rail traffic originates in southern California.

Both rail companies have seen rail traffic boom even as they have seen record profits to go with it. Union Pacific's 2005 net income was up 70% while BNSF net was up 93% in 2005.

Union Pacific spokesperson Mark Davis says for the past several years the railroad has experienced about a 5% increase in carloads each year. He says the company is carrying more lumber, bricks and intermodal cargo cars unloaded from ships, cars and car parts. Davis says the goal is speed transportation to relieve the crush of freight. But it's happening slowly. The average train is running in the 20 mph range that includes waiting at stopping points. "Over 400 miles we can deliver faster than trucks," claims Davis.

Asked if Union Pacific would listen to leaders in the central valley who are requesting the railroad consider allowing Amtrak on their rail line perhaps with some public funds to help double track, Davis says the company "is open to dialogue" on such joint ventures that have been implemented elsewhere around the nation. He suggests local leaders contact the Union Pacific Sacramento office.

Nationwide 40% of the nation's freight moves by truck. In California trucking has dominated the freight traffic with about 68% by loads according to the University of California 2001 study. But in recent years as port traffic in LA and Oakland has boomed nationwide companies are having a tough time finding enough truck drivers. State highways are clogged.

Bergstrom says since the early days of Southern Pacific "they never let Amtrak come in" on the 99 corridor even though "the fare box is here," the population centers along that same corridor. That has been the argument the city of Visalia has made to the High Speed Rail Authority as well. Bergstrom says he believes a station near the Visalia airport can act as an Amtrak train station as well as a potential high speed rail station in the future. He believes more effort to use the tracks to move freight in this [smoggy valley](#) is inevitable.

Bergstrom says whatever state bond issue ends up being approved includes improvement in the rail infrastructure of the state.

As to double tracking, BNSF has recently completed 12 miles on both sides of Hanford and is working on 3 more miles, says spokesperson Len Kent. "We're not trying to make room for more trains, we're trying to accommodate the traffic we already have," she notes.

Train movement is affected by miles of go slow orders that the engineer has to follow because of the flood of traffic up and down the line.

Concerns about [air pollution](#) from older locomotives has pushed Union Pacific to order 60 new low pollution locomotives of the LA basin says a news release of the company this month. The Air

Resources Board says an agreement with Union Pacific will create a 20% reduction of particulate emissions by June 2008.

The San Joaquin Valley Rail Committee who meets monthly in one part of the valley or another, gets a regular dose of slow train service to work up their dander for their upcoming meeting. The minutes of the latest meeting says several members taking Amtrak were supposed to leave Bakersfield at 3:45 but didn't do so until 4:55. Fresno supervisor Bob Waterston opened the meeting noting it was an hour late blasting on-time performance of the rail companies.

One non-profit group, Growth Options of the 21st Century (Go21), recently made a presentation to the Valley Rail committee telling the group the public needs to support train transportation alternatives, saying that by 2020 there will be a 67% increase in freight nationwide - double that in California, but Rail Committee members say they want to accomodate more freight movement if the trains agree to also carry passengers.

Aggressive bees attack Oildale boy

By Sarah Ruby and David Burger, staff writers
Bakersfield Californian, Thursday, March 2, 2006

The unluckiest day of Dustin Taylor's young life quickly turned into the luckiest.

A swarm of aggressive bees attacked the 12-year-old in Oildale Tuesday afternoon, stinging him more than 60 times and landing him in the hospital.

But thanks to a nearby car accident, Taylor didn't have to test his allergy against the stings. Law enforcement officers and paramedics were little more than a block away from the thrashing boy, and treated him immediately. His mother and grandmother credit them for saving Taylor's life.

A day later, except for some red marks on his body, he was a typical, healthy boy: bored with interviews and asking his mom if he could jump on their trampoline.

Taylor is allergic to bee stings. He's managed to avoid them since he was a toddler, but on Tuesday, he mistook a bee for a fly and swatted at it, unleashing the wrath of the hive.

Taylor's mother, Tammie Couch, , had warned Dustin to stay away from bees ever since she was told he was allergic. When her son was 2 and playing in the backyard at their Arkansas home, he was stung 44 times by yellow jackets.

On Tuesday, Taylor was walking home after checking out the car accident that drew the ambulance. As he passed a large dead tree branch that housed a beehive on 200 Woodrow St., the bees attacked.

"He was an ambulance chaser," his mother said, "and he ended up in the ambulance."

"It felt crazy," Taylor said. The bees stung him above the waist, even his lower eyelid, and then died in swarms.

"I'm just thankful," said Jeanni Pope, Taylor's grandmother, who was taking care of him while his mother was at work. "The paramedics were right on the spot. He was just in a horrible state before they started giving him meds."

With dead bees falling to the floor at Bakersfield Memorial Hospital, it took three nurses 40 minutes to pull 52 stingers out of Taylor's body; his grandmother and mother said they counted "in excess of 60" marks in all.

The attack is characteristic of Africanized honey bees, a genetic strain of bees that migrated to California from South America. Africanized bees are almost identical to bees used by farmers to pollinate crops, but they're much more assertive when threatened.

"The (Africanized) bees aren't really aggressive, they're more defensive," said Joe Traynor, who owns a local bee pollination service for almond growers. "(They go on the attack) if you get close to their home and rattle their cage, so to speak."

The county will try to confirm through lab tests which strain of bees attacked Taylor, according to Jack Marks, deputy agricultural commissioner.

While on the scene at Tuesday's car accident, California Highway Patrol Captain Brian Smith saw Taylor thrashing against the swarm.

"As we drove down there I saw people screaming. Somebody yelled something about bee stings," he said.

Smith put the boy in his patrol car and delivered him to paramedics, who pumped Taylor with anti-inflammatory drugs and painkillers. They took him to Bakersfield Memorial Hospital, which released him Tuesday night.

The ambulance wasn't needed for the car accident Taylor had gone to look at.

After Tuesday's bee incident, the Kern County Fire Department contacted beekeepers to eradicate the hive, said spokesman Capt. Doug Johnston.

Africanized honey bees are also known as "killer bees," but experts dismiss this label as overly dramatic. Like other honey bees, Africanized honey bees can only sting once. When they do, these bees release pheromones calling others to action.

[Mark Sproat's allergy to stings led him to delve into the world of bees. He's an inspector with the San Joaquin Valley Air Pollution Control District and a local amateur bee expert -- known among safety-engineer colleagues as "the bug man."](#)

Africanized honey bees, when riled, will give chase for miles, he said.

If you jump into a swimming pool, they'll wait for you to come up for air, he said. Experts agree that when Africanized honey bees are attacking, you should run away and find shelter -- a car, a house or anyplace else that might protect you.

Africanized honey bee attacks are infrequent in Kern, Marks said. He recalled an attack in Lake Isabella and another out in the desert in the past decade, but none in Bakersfield, he said.

Eliminating aggressive bees from the landscape is impossible, Marks said.

"It's something we have to live with, just like black widows or snakes or whatever," he said.

Should courthouse be located in southwest?

By Christina Sosa, staff writer

Bakersfield Californian, Thursday, March 2, 2006

Californian staff writer The site for Bakersfield's new federal courthouse was announced in February, and some, including the City Council, are upset about where the building will go.

The U.S. General Services Administration decided the new courthouse should be on the corner of Stockdale Highway and Buena Vista Road, miles from the existing court district downtown. The

GSA passed up at least two central locations when deciding to pick a site owned by developer Castle & Cooke.

"Probably tomorrow we will be sending out a letter asking for a review and an appeal of the decision," City Manager Alan Tandy said Wednesday.

The question: Where should the new courthouse go? Does it belong downtown, or in the rapidly expanding southwest part of town?

The argument for downtown

"This federal courthouse is going to bring a lot of new money to wherever it is, and these businesses need it," said Dale Wilson, who admittedly is far from neutral on this topic. Wilson's brother, Edwin Wilson, was one of two downtown bidders.

There is better public transportation downtown, with the bus and train depots all within walking distance, Wilson said. Plus, that's where most lawyers have offices.

A second development company owned by Philip and Pamela Ganong also threw its Truxtun Avenue property into the ring.

Philip Ganong said the court needed to go downtown because the southwest location would mean a lot of [extra miles on attorneys' cars, and even worse air for Bakersfield](#).

Then there's the issue of transporting prisoners over Stockdale Highway, Wilson said. The courthouse will also include holding cells, and Wilson said people living in the southwest won't like what amounts to a jail in their neighborhoods.

Both Wilson and Tandy believe the GSA ignored two executive orders from U.S. presidents that give preference to central locations when determining federal building projects. Ganong thinks Castle & Cooke used political clout to sway the GSA panel in its favor.

Argument for the southwest

Castle & Cooke won this bid fair and square, according to Darlene Mohlke, the director of community affairs. The company didn't write letters or politically strong-arm anyone in any way.

"Our site has some uniqueness about it," Mohlke said. "We can only speculate on why our site was chosen."

Maybe it was because it was so pretty. Federal Magistrate Judge Theresa Goldner, who will hold court in the new building, said she has seen the sketches of the site, which she called dignified and quite beautiful.

"It combines functionality and architectural elegance," Goldner said.

The Park at River Walk sits at the same intersection. Signs in a vacant lot on one corner promise businesses, shops and restaurants in the future. A Bakersfield Police Department substation and a firehouse are just a couple of blocks away.

"You can literally walk to the restaurants across the street, or the future dry cleaners, all of the services that are going to be coming out here over the next five years," Mohlke said.

As far as transportation, it will be right between Highway 99 and Interstate 5, which will be convenient for people coming from out of town. And how can traffic be a problem when it's sitting right on a six-lane highway, Mohlke said.

The GSA refutes the accusation that it ignored executive orders in choosing a site outside of the city's center.

"The executive order requires consultation with the city, and we did consult with the city," Public Affairs Officer Mary Filippini said. "Based on our knowledge of the market, we felt that we would not get adequate competition by restricting it to the central business area."

And the competition wasn't just about the best price. The GSA took several factors into consideration before choosing the Castle & Cooke site over three others, Filippini said.

"In the end we make a selection based on what we consider the best value to the government," Filippini said.

**Smog fee rule takes effect
Landmark action forces developers to foot costs**

Warren Lutz, staff writer

Stockton Record, Thursday, March 2, 2006

STOCKTON - A controversial rule requiring San Joaquin Valley developers to pay for traffic-generated smog that their projects create took effect quietly Wednesday while other state air districts consider imposing similar fees.

The new rule, thought to be the first of its kind nationwide, imposes fees on everything from schools to malls based on their size. Air quality officials hope it will reduce vehicle pollution by more than 10 tons daily in the San Joaquin Valley.

The building industry and several Valley cities and counties fought the rule, arguing the fees would be passed onto residents. According to district officials, the rule would add \$1,772 to the cost of a typical home by 2008 and from \$872,000 to \$1.3 million to the cost of a typical shopping mall.

Even before the San Joaquin Valley Air Pollution Control District approved the rule in December, opponents threatened to sue. That hasn't materialized, but California Building Industry Association Vice President Tim Coyle said Wednesday his group is still considering legal action.

Meanwhile, at least two other California air districts are now considering following in the district's footsteps.

The new rule is called an "indirect source rule," because it targets projects that lead to more vehicle traffic. Local air districts currently regulate stationary sources of pollution but can't directly control tailpipe emissions.

The Sacramento Metropolitan Air Quality Management District plans to meet with local builders on the issue and will hold a public hearing by the end of the year, spokeswoman Lori Kobza said.

"We're currently gathering information internally," Kobza said. "We're really trying to firm up our approach."

The Bay Area Air Quality Management District plans to study the benefits of an indirect source rule but has no current plans to adopt one, spokeswoman Emily Hopkins said.

Under the local rule, builders pay less if they design energy-efficient buildings, place them near mass transit and throw in some bike and pedestrian paths, all of which would help decrease smog. The district plans to use revenue from the fees to fund public transportation projects and other smog-reducing items. Officials expect to receive 1,200 fee applications a year, district

planning director Scott Nester said. But none came in by early afternoon Wednesday after district staffers hurried to put applications on the district's Web site.

"I keep checking, and we have not received any yet," Nester said.

The fees apply to projects that haven't yet been given "discretionary" approval by Valley cities, which is usually done by local planning commissions. Once a project is approved, developers have 30 days to submit a fee application to the district.

The rule does not prevent a project from moving forward if developers don't pay the fee, Nester said, but the district works with violators to "get them back into compliance."

"We're pretty confident that folks will be cooperative and go through the process," he said.

TID's \$200M electrical plant humming along

By Michael G. Mooney, staff writer
Modesto Bee, Wednesday, March 1, 2006

The Walnut Energy Center — the Turlock Irrigation District's 250-megawatt electricity plant — opened for business Tuesday.

The \$200 million plant, fueled by natural gas, went online at midnight Monday — about two months behind schedule. The start-up went off without a hitch, said TID spokesman Tony Walker.

"There were no problems," Walker said Tuesday. "Everything went smoothly."

TID officials blamed the start-up delay on problems with system components. Construction began March 8, 2004.

The new plant will provide additional energy and more flexibility during peak power-demand periods, as well as the ability to sell excess energy.

The TID figures the plant will save about \$350 million worth of power from outside suppliers over 20 years. But that doesn't mean customers can expect lower monthly bills.

"What's intended here is the money we save and the money we make from selling power in the future will be used to retire the debt on the plant," Walker said. "It also will help us forestall potential future rate increases."

The TID's last rate increase, of about 15percent, took effect Feb.1.

The plant was built under an agreement with Calpine Corp., an energy development company based in San Jose. Financed by bond sales, the plant was built to accommodate rapid residential, commercial and industrial growth, Walker said, as well as to replace power the TID had been buying under contract from other providers. Some of those contracts have expired in recent years.

As part of the project, Walker said, the TID built an electrical switch yard, as well as transmission facilities, a 3.6-mile natural gas service line and a milelong pipeline from Turlock's waste-water treatment plant near Highway 99.

Walker said the power plant uses treated recycled water from the waste-water treatment plant for cooling, among other things.

Considered one of the cleanest power plants of comparable size in the nation, Walker said, air pollution emissions are as much as 85 percent lower than those from older plants in California.

The new plant completed systems testing during the past several weeks.

More than 250 permit conditions were imposed by the California Energy Commission, Walker said, to ensure that the plant was built and is run in a manner that protects the public's health and safety as well as the environment.

A dedication ceremony is scheduled March 23.

Kites to soar at environmental expo

TOWN FOCUS: CARLSBAD

By Linda McIntosh, community news writer
San Diego Union-Tribune, March 2, 2006

CARLSBAD – Kites with tails 100 feet long and others as big as cars will take flight at the Sky Surfers Kite Expo & Earth Day on March 18 at Aviara Community Park.

Enthusiasts from around the county will launch the kites and demonstrate how to keep them in the air.

"It's a day to enjoy the outdoors and learn a little about water conservation and the environment," said Melissa Carreon, senior recreation leader for the city of Carlsbad.

It's all part of the celebration of Earth Day, said John Egidio, senior recreation leader for the city. Traditionally, Earth Day is celebrated worldwide on April 22, but the local event will start off the spring season with a day of special activities.

Bill Pietrusza, president of the San Diego Kite Club, plans to bring a 250-square-foot parafoil kite, along with steerable kites with two or four lines.

About a dozen fellow club members will bring their favorites to fly.

"We'll talk about the kites and give some tips," Pietrusza said.

Anybody can bring a kite and fly it during the event. People also will have a chance to try some demo models.

The expo will feature about a dozen Earth Day information booths and demonstrations about conservation presented by local businesses and environmental groups.

The Solana Center for Environmental Innovation, based in Encinitas, will set up a watershed model to demonstrate how pollution moves through water.

Children will be able to do craft projects, such as making pine cone birdhouses and leaf coasters for a small fee.

A Carlsbad store called Beach Glass, Beads & Scrapbooking will demonstrate jewelry making, scrapbooking and other art forms using beads and recycled materials.

Music will be provided by a local high school band, and vendors will sell food.

"The idea is to bring awareness of Earth Day and our environment and have a fun day for the community," Egidio said.

The expo may become an annual event, organizers said.

For information, call (760) 602-7511.

[Bakersfield Californian editorial, Thursday, March 2, 2006:](#)

Block megadump's end-run

Details are missing or vague about a megadump that out-of-county investors hope to build in eastern Kern County. They are describing it as an alternative energy park, where hundreds of thousands of tons of trash hauled from Southern California will be plopped into a huge dump to generate methane fuel.

They have used focus groups and polling to attractively package the project in hopes Kern County voters will embrace it. But when proponents met this week with The Californian's editorial board, they were short on details.

Pressed for details, public relations representative Nancy Chase explained such a discussion is "getting ahead" of the process, which is in the formative stage.

No kidding proponents are getting ahead of the process. In fact, their plan is to skirt Kern County's planning process that protects residents from the potentially harmful environmental and economic impacts of such things as megadumps.

The proposed High Desert Green Energy Park near California City sounds good. Proponents are even making it sound patriotic, citing President Bush's call for domestic energy development.

But the fine print of the initiative they plan to place on the November ballot exempts the project from generating any energy if it is not cost-effective. It also exempts the project from much of the usual local scrutiny and permits.

Instead of following the local planning and approval process, proponents will take their megadump directly to voters. A thumbs up will change Kern County's general plan and zoning, giving proponents the right to build their megadump.

Proponents contend voters are smart enough to figure out if their project will be good for Kern County. Voters are smart. But how do voters determine if the project will be beneficial if they are given only a glitzy campaign, rather than project details and impact analysis?

Proponents admit the main reason for going straight to voters rather than through the normal local planning process is that it makes the project more attractive to investors. With local land-use approval in hand, the project is more valuable.

That makes business sense for folks hoping to make a buck from this megadump. It makes no sense to those of us who live and work in Kern County; who depend on government oversight to protect the air we breathe, the water we drink and our quality of life.

Sen. Dean Florez, D-Shafter, has introduced legislation to block proponents of this megadump from skirting local oversight.

His SB 1835 requires proponents to satisfy local planning requirements and obtain a county conditional-use permit before state agencies permit it to be built and operated.

Kern County's other state representatives, including Assembly members Kevin McCarthy and Nicole Parra, and state Sen. Roy Ashburn must assist in this legislative effort to protect Kern County residents.

San Leandro's mayor retires from air board

Young plans to concentrate on campaign for supervisor seat

By Tasha Bartholomew, staff writer

Oakland Tribune Thursday, March 2, 2006

SAN LEANDRO - Mayor Shelia Young announced her retirement from the local air district board Wednesday.

Young, who has been a member of the Bay Area Air Quality Management District Board of Directors since 2000, said she is retiring because she wants to concentrate on running for the Alameda County Board of Supervisors District 3 seat in June.

"I felt it was best to give it up to someone who isn't running for office," she said. "I feel I can bring my knowledge from the air district board to the county."

Young said Dublin Mayor Janet Lockhart will take her seat on the 22-member board, which is responsible for approving policies to reduce emissions from stationary sources of air pollution.

The board is made up of supervisors, mayors or council members in the air district, which includes Alameda, Marin, Napa, Solano, Sonoma, San Mateo, Contra Costa, San Francisco and Santa Clara counties.

Although air quality in the region has greatly improved in recent decades, Young said, some of the greatest strides have been made in the past five years.

Some notable air district accomplishments made during her tenure include:

- Launching a Lower-Emission School Bus Program to administer grants to school districts for the replacement and retrofitting of older, diesel-powered school buses.
- Adopting the district's 2001 and 2005 Ozone Attainment plans that were designed to bring the Bay Area closer to compliance with state ozone standards.
- Adopting initiatives to reduce harmful small-particle pollution, such as regulating diesel generators and offering incentives for natural gas refuse trucks.
- Establishing a Community Air Risk Evaluation (CARE) Program to provide better understanding of the cumulative impact of toxic air pollutants on smaller communities throughout the Bay Area.
- Partnering with the Port of Oakland on an Emulsified Fuel Pilot Program to test a cleaner blend of diesel fuel on truck fleets hauling shipping containers to and from port terminals.

"In 2004 and 2005, the Bay Area experienced the lowest pollution levels in recorded history," the mayor said. "And I am very proud to have been a part of the efforts that have made the air healthier to breathe for all Bay Area residents."

[S.F. Chronicle editorial, Thursday, March 2, 2006:](#)

Dark science

FROM THE MOST anti-science White House in memory comes another stunner: Soot pollution isn't worth curbing.

The thinking is bizarre: Forget the evidence in thousands of studies that the speck-sized particles cause heart attacks and lung disease that kill thousands of people each year. Reject the Environmental Protection Agency's own numbers and ignore a lengthy report from a specially chosen advisory panel of scientists.

This is the head-in-the-sand approach by the administration's top leaders on a critical public-health issue. Instead of facing the facts, Bush appointees have adopted weak rules that neglect a dangerous source of disease.

In California, soot -- or, more precisely, "particulate matter" -- is churned out in diesel exhaust from trucks, trains and idling ships. The San Joaquin Valley and much of the Los Angeles Basin have among the highest levels in the nation. Nearly invisible, this dust can burrow into the respiratory system to do its damage. You may not be able to see it, but your inflamed lungs can feel it.

By law, Washington is obliged to re-study clean-air rules on a regular basis to take in fresh science. Last year, an advisory group of scientists did just this in proposing lower soot levels, but

its findings were largely rejected in December. The Bush-run EPA even went a step further, suggesting that agriculture and mining be exempted entirely from soot controls, an especially bad idea in this state's Central Valley farmlands, where pollution is acute.

The excuse-making for doing nothing about particulates is standard Bush-speak. First, conflicting science is cited as the reason to do nothing. How can Washington do anything when there's no clear agreement among experts?

Then, industry hardship is brought forward. Extra costs will kill jobs and drive business overseas, it's claimed. Elsewhere in the United States, where coal-fired power plants are prime soot producers, the expense of earlier pollution controls is mentioned.

Neither of these arguments will work. First, there is next-to-no debate, not after some 2,000 studies, that soot is a health danger. As to industry burdens, there should be financial incentives and a reasonable phase-in period to meet safer levels.

Unless the White House reverses itself, the weak rules will take effect in September. That won't be any reason to breath easier.

There will be a hearing on the proposed soot rules in San Francisco on March 8 -- one of three nationwide -- beginning at 9 a.m. at the Courtyard Marriott at 299 Second Street.

[Letters to the Sacramento Bee, Thursday, March. 2, 2006:](#)

Secondhand smoke hazards

The Feb. 15 editorial "CARB takes on tobacco" cited some of the health hazards caused by smokers. One in five deaths in California are attributable to smoking: more than 40,000 every year.

In the next several months, California voters will have an opportunity to address this acute problem by signing the "Tobacco Tax Act of 2006" initiative petitions for the November election. This act will put an additional \$2.60 tax on each pack of cigarettes bringing the total tax to \$3.47 per pack. If the act passes, five other states will still have a higher tax on cigarettes than California.

This act would generate approximately \$2.1 billion annually, specifically for critical health care programs.

The 13 members of the Coalition for a Healthy California support this initiative. Some of the coalition members are the American Cancer Society, American Heart Association, American Lung Association and 10 other professional health organizations.

Tobacco companies spend approximately 10 times more money to promote tobacco use than California spends to prevent its use and to help tobacco users quit. They are prepared to spend millions of dollars to defeat the Tobacco Tax Act of 2006. Signing this initiative petition will support critical health programs.

Bill Doss, Rocklin

Protecting against smoke hazard

Re "CARB takes on tobacco," editorial, Feb. 15: Once again California has demonstrated world leadership in tobacco control.

The challenge of protecting us from secondhand smoke is ongoing. RESPECT, a statewide project of the American Lung Association, has been educating the owners and managers of apartment houses that going smoke-free is good business. There is no constitutional right to smoke. So, by designating smoke-free buildings, any multifamily housing owner can protect the health of residents, save money on clean-up costs and appeal to the 85 percent of Californians who do not smoke. Apartment owners and managers have been interested, and we anticipate even more positive action motivated by the CARB report.

Renters are asking for smoke-free units - just as Californians once demanded smoke-free restaurants and workplaces. Apartment dwellers are asking, "How is it that my family and I are protected at work but not at home from the unwanted tobacco smoke of others?" Scientific evidence joined with public action can shift the social norm so that apartment dwellers can breathe the same healthy air at home that single-family residents enjoy.

Dian Kiser, Sacramento
Co-director, RESPECT