

Dairy industry, environmentalists clash over air regs

By Chip Power, Staff Writer

Capital Press Weekly Fri., March 17, 2006

FRESNO - Agricultural interests chiseled away at a new set of far-reaching livestock emission rules, intended to clear the air at a time when even regulators say the science on some requirements is incomplete.

The draft rule was released this week as a July deadline approached for meeting new state standards in permitting livestock operations in the San Joaquin Valley, home to the biggest U.S. dairy industry, rapid population growth and a bowl-like geography that traps pollutants near the ground.

The San Joaquin Air Pollution Control District is taking written comments on the new rules until the end of the month.

Environmental groups continued to plea that the added air measures were necessary, while dairy industry representatives contended that some of the recommendations were based on dubious science and may be too costly.

Animal scientist Ron Cooper complained that some of the perceived reductions in smog-forming compounds were based on "semi-educated guesses." He pressed San Joaquin Valley Air Pollution Control district manager Lucinda Roth, who led the workshop, for more data that would justify the animal management changes that may be required.

Roth, whose agency had faced previous litigation from trade group Western United Dairymen over how animal impacts could be quantified, said the local air board uses the best information available at the time.

"We expect to be revising some of this as we go along," said Roth, who said industry comments would continue to shape the rules.

The valley's 2.5 million cows are a major source of smog in the region, which has some of the dirtiest air in the nation, air regulators said. The air district does not regulate cars and trucks, big contributors to smog.

Leaders in the \$4 billion dairy industry said they want more research on dairy emissions. Scientists still are confirming recent research on smog-forming gases from cows and manure.

Environmentalists said the rule doesn't go far enough because it does not regulate ammonia from cow waste.

Large-scale animal operations would be required to choose from a menu of options to meet requirements of the new rule. That option also is offered in recent particulate matter regulations that aimed to cut down on fugitive dust.

The livestock rule is designed to eliminate about 18 tons per day of smog-forming chemicals known as volatile organic compounds. VOCs combine with other chemicals in the air to form ground-level ozone, or smog. Despite years of improved air quality, the San Joaquin Valley fails to meet state and federal health-based smog standards.

Karla Ferguson, who heads up the Fresno County Farm Bureau, said the proposed regulations may fall short on considering animal's health and that in many respects did not apply to dairy life in the valley.

She also asked that regulators "create a regulatory atmosphere to allow (dairies) to be

successful" in reducing air impacts in as yet unknown ways.

Optional air-cleansing strategies could be approved as mitigation strategies, according to the new rules, but only after passing federal review. That condition, she said, adds unnecessary bureaucracy and would steer business owners away from applying for permissions to do those options.

She also characterized a proposed 30-day monitoring schedule for compliance as "not acceptable. She said perhaps the monitoring could be done seasonally or monthly.

Daniela Simunovic of Fresno Metro Ministry called the new air rules "crucial" for public health and said air regulators should not lose sight of the fact that one in six children in the valley reportedly has asthma.

The draft rule incorporates the preliminary findings of recent scientific research conducted in partnership by the Air District, research institutions, the agriculture industry, health advocates and other agencies.

The draft rule is an aggressive measure to achieve important emission reductions that are scientifically supported, said Scott Nester, the Air District's director of planning.

"Throughout the process of developing this rule, we've kept in perspective what we know, and what we don't know," Nester said. "We still have questions, and need more research.

The rule would apply to dairies with at least 1,000 milking cows, meaning 233 dairies in the valley are subject to the rule, according to the district.

Supervisor pushes 'smart growth'

Roman Gokhman - San Joaquin News Service
Tracy Press and Lodi News Sentinel, Tues., March 21, 2006

San Joaquin County Supervisor Victor Mow wants his board to make official the county's support of "smart growth" development practices.

But without an exact definition, what exactly does Mow want the county to support?

"Agriculture is important, but how do we protect it and accommodate the growth that will occur?" he said. "We have to answer those questions."

Mow's definition is similar to that of smart growth advocates: New growth should be next to existing communities, keeping agricultural-zoned land agricultural and making new communities pedestrian-friendly.

He asked planners to draw up a resolution advocating smart growth — community planning that would save farmland and the environment while allowing growth.

The county would not be the only entity to publicly support smart growth. San Joaquin Valley Supervisors Association, which represents the boards of supervisors of the eight Central Valley counties, passed one such resolution last week. Mow, who attended the resolution's meetings in Kern County, brought the idea back to San Joaquin County.

Carol Whiteside, the executive director of the Great Valley Center, a nonprofit that advocates smart growth, added the goals of the concept are also to consider public costs, the environment and transportation, as well as keeping housing affordable.

Such planning stipulates that new subdivisions should not be built far away from an existing town or on farmland that is not already supplied with sewer and water service. "It's hard to define smart growth," Whiteside said. "It's more thoughtful and more strategic growth. You have to put all of the needs together."

Smart growth, however, is not the same as "slow growth," which several cities including Tracy and Lathrop have adopted as a cap to the number of new developments allowed within the cities per year.

The basic principles of smart growth are agreed upon and supported by members of the California Building Industry Association, which represents thousands of contractors in the state. Disagreements tend to arise from conflicting interpretations of which principle is most important in developing "smart" communities.

For example, Mountain House is not near previously-existing development, which smart growth principles dictate as being bad. But the community is not on prime farmland, which is good. It is also built near an existing freeway, and its plans call for a pedestrian-accessible routes; also good principles.

Whiteside said a community must have its own services, jobs, tax revenue and affordable housing to be a good example of smart growth.

Planning Commissioner Pat Stockar said that while only the county general plan may dictate how the area develops, there is already language in the general plan that is consistent with smart growth.

"I think it's a practice in the county anyway," he said. "Smart growth is just the new 'it' word."

Mow said he was told that the Central Valley will take in 1.5 million new residents in the next 20 years and that creating room for them can only be accomplished using smart growth principles.

He said the strategy should be incorporated into the county general plan and used by the San Joaquin County Board of Supervisors and others when they OK new developments.

"The valley has grown tremendously compared to other parts in the state," Mow said. "If we continue in the same manner, we will continue to chew up our ag land — there's only so much of it."

Whiteside said the same, and added that elected officials who make county policy must have long-term and encompassing views regarding development; not just individual construction projects.

"Over 20 or 25 years, you need a building pattern," she said. "Growth is hurt when people make quick, short-term decisions."

Air bill clears hurdle

Proposal would give car owners tax break for trading in smog producers

Hank Shaw - Capitol Bureau Chief

Stockton Record, Tues., March 21, 2006

SACRAMENTO - A lawmaker's quest to clean the San Joaquin Valley's air by junking smog-belching cars and trucks gained new life Monday when an Assembly panel approved legislation that would let some jalopy owners trade in for cleaner cars.

Assemblyman Dave Cogdill, a Modesto Republican whose district includes Calaveras County, began working on the legislation last year to enhance an existing state subsidy that helps low-income Californians remove old cars from the highways.

Cogdill's AB1997 passed the Assembly Transportation Committee 9-0.

California's air quality is fragile, and the Valley suffers particularly, because smog and other pollutants get trapped in the low-lying region.

Experts say pollution in the Valley contributes to more than 1,000 deaths every year. One child in six in the region needs an asthma inhaler.

Cogdill's latest proposal would give car owners - including businesses such as rental car companies - a tax break for donating cleaner vehicles to the state, which would then let San Joaquin Valley residents who owns older, dirtier cars or trucks swap for them.

"It's an opportunity without creating a new bureaucracy or adding fees for people to donate their vehicles and improve the environment," he said. "The goal is to get the gross polluters off the road."

This bill is narrower than Cogdill's previous attempts, partly to allay fears that scam artists could take advantage of the system. It also restricts the recipients of the cleaner vehicles to residents of the eight-county San Joaquin Valley Air Pollution Control District.

That includes San Joaquin County but not the Mother Lode.

To prevent fraud, residents also must have registered their dirty vehicles in the district for at least two years and would be barred from immediately selling their new vehicles.

The legislation would expire in 2012.

Recent federal tax-law changes have made it tougher to write off the full market value of a donated car or truck. An Internal Revenue Service spokesman said a donor under Cogdill's proposal would qualify for the full tax break.

A typical donor vehicle would be built after 2000 and would have been donated because it had been driven extensively, Cogdill said. Retired rental cars are a prime example.

Cogdill's goal is to rid the Central Valley of "gross-polluting vehicles," defined as those that emit at least twice as much pollution as allowed under the law.

According to state records, 38,418 vehicles in the San Joaquin Valley qualified as gross-polluting vehicles in 2004, including 6,545 in San Joaquin County and 5,725 in Stanislaus County.

This dirtiest 10 percent of California's cars and trucks account for about half of all vehicular pollution, Cogdill said. According to the state Bureau of Automotive Repair, a car built in 1985 emits 30 times more pollutants than one built in 2000.

The proposal would piggyback on California's existing vehicle buyback program.

Called the Consumer Assistance Program, the state program gives low-income car owners up to \$1,000 to repair or junk clunkers that fail to pass smog checks.

Since 2000, the program has helped clean up 60,636 vehicles - including 26,118 gross-polluting vehicles - at a cost of \$21million.

The state Air Resources Board also runs a similar project funded by the fee drivers pay to scrap old tires and money from the Carl Moyer Fund, which is dedicated to cleaning America's air.

Gov. Arnold Schwarzenegger included more money for both programs in his budget last year and added \$8million more in the budget he released in January. Cogdill's proposal does not include

income limits. The bill, AB1997, can be accessed on the Internet at www.leginfo.ca.gov.

[Information](#) and applications for existing state programs are available at www.smogcheck.ca.gov or by calling the Department of Consumer Affairs at (800) 952-5210.

Car poolers can win free gas

By Rebecca Johnson, Staff Writer
Tri-Valley Herald Tues., March 21, 2006

A public agency aimed at helping commuters with transportation solutions kicked off a new promotion offering car poolers the chance to win free gas for a year.

Commuters who have signed up to carpool since July 1, 2005, or will sign up for car pooling by June 30 this year are eligible for the contest through 511 Contra Costa.

Were hoping to increase car pooling in or through Contra Costa County by adding this offer to the existing program, said Corinne Dutra-Roberts, a transportation analyst. Were trying to get people to stop driving alone and try something else.

The program is aimed at residents of Contra Costa and those who work in the area or pass through on their way to jobs in other jurisdictions. Newcomers to car pooling also receive a \$60 gas card, in addition to the chance to win free gas for a year.

Currently, about 850 people participate in the car pooling program, Dutra-Roberts said. Commuters need not commit to a full workweek car pool - a minimum of two days a week is the requirement.

511 Contra Costa will draw two winners for the free gas promotion, one in July and one in December. For more information or to sign up, visit <http://www.511contracosta.org> or call (925) 407-0355.

MTBE phaseout puts pressure on ethanol industry

Brad Foss, Associated Press
Published in the LA Daily News, the Modesto Bee
March 21, 2006

WASHINGTON - After a spurt of good fortune, the fledgling U.S. ethanol industry is anticipating some growing pains that could bring it unwanted attention this summer.

Ethanol's public profile rose significantly for the better last July when Congress passed an energy bill that mandates the doubling of biofuels output by 2012. In January, President George W. Bush gave the industry a further boost with a strong endorsement in his State of the Union speech. And with the imminent phaseout of a petrochemical added to gasoline to reduce tailpipe emissions, more U.S. motorists will depend on the corn-derived fuel than ever before.

But there's trouble looming: The ethanol industry might not be ready to satisfy the expected summertime jump in demand. And by crimping the overall supply of motor fuel, this could contribute to a spike in gasoline pump prices at the start of the country's peak driving season.

That, at least, is the view of the Energy Department, which issued a report last month detailing the challenges Midwestern ethanol producers will have in getting their fuel to key markets along the East Coast because of railroad, trucking and other distribution bottlenecks. The report also highlighted concerns about the limited output capacity of an industry still in its infancy.

The Renewable Fuels Association, a trade group representing ethanol producers such as Archer Daniels Midland Co. and Pacific Ethanol Inc., says the industry's challenges and their influence on gasoline prices are being overblown. The association sent an angry letter to the Energy Department last week, questioning the overall thoroughness of its research and accusing it of creating "unnecessary fears in the marketplace."

Still, ethanol-related worries hang over the U.S. market, contributing to a 42-cent-per-gallon increase in unleaded gasoline futures since mid-February. There are other factors behind the recent wholesale gasoline price spike, including soaring oil prices, strong demand and persistent strains on the U.S. refining system.

The average retail price of gasoline in the United States is \$2.51 a gallon - the highest level since October - and some analysts say \$3 is a possibility by summer.

Wholesale prices for ethanol, meanwhile, have surged to roughly \$2.75 a gallon, or about 50 cents per gallon higher than usual, according to the Oil Price Information Service. Because ethanol makes up one-tenth of every gallon of unleaded gasoline with which it is blended, this windfall for ethanol producers ends up costing motorists an extra 5 cents per gallon at the pump.

High prices will spur more ethanol production - there are 33 new plants under construction - but some minor near-term complications can be expected due to the rapid increase in demand, said Bob Dinneen, president of the Renewable Fuels Association and the author of the letter sent to the Energy Department.

Dinneen said the industry is taking steps to mitigate the problems, such as filling ethanol storage tanks on the East Coast before summer arrives and contracting barges that can ship ethanol down the Mississippi River and then up the Atlantic seaboard.

Energy analysts said it is unclear whether ethanol producers can manufacture and distribute enough supply once U.S. refiners phase out the use of a petrochemical called methyl tertiary butyl ether, or MTBE, which enables gasoline to burn more completely, and thus more cleanly, but carries some public health risks.

The refining industry says it warned Congress for years about the difficulty ethanol producers would have in offsetting the loss of MTBE, which accounts for about 10 percent of the volume of every gallon of gasoline with which it is blended.

"When it comes to ethanol, Congress is guilty of more irrational exuberance than on any other issue," said Bob Slaughter, president of the National Petrochemical and Refiners Association.

California, New York and Connecticut have banned MTBE in recent years, but consumers from Virginia to New Hampshire, as well as in Texas, still depend on it.

MTBE, a natural gas derivative, has been the oxygenate of choice since the mandate was established roughly 10 years ago as a byproduct of the Clean Air Act.

But MTBE also has been found to contaminate drinking water supplies and it might cause cancer, exposing the petroleum industry to lawsuits filed by water districts and municipalities on behalf of their citizens. After Congress refused to grant the industry protection from such lawsuits, refiners made clear their intention to stop using MTBE.

Valero Energy Corp., Exxon Mobil Corp. and Shell Oil Co., the U.S. subsidiary of Royal Dutch Shell Plc, all plan to cease using MTBE in gasoline by May 5, representatives of the companies said.

Valero, the country's largest independent refiner, estimates that the country's total gasoline supply will shrink by 145,000 barrels per day, or about 1.5 percent, once MTBE is removed - a transition expected to be complete by May 5. That is when an obscure provision of the energy bill goes into effect, eliminating the need for a so-called oxygenate in gasoline.

Now it is up to ethanol producers to bridge the gap. While U.S. ethanol producers have the capacity to produce roughly 4.3 billion gallons per day in 2006, the near-term crunch means more imports will be needed from Brazil, Dinneen said. The United States imported more than 150 million gallons of ethanol in 2005.

Dinneen said part of the problem for the U.S. ethanol industry right now is that it was caught off guard by the oil industry's faster-than-expected phaseout of MTBE. "Refiners made the decision to accelerate the removal of MTBE, not ethanol producers," Dinneen said.

Perhaps the biggest issue is distribution.

Gasoline with or without MTBE can be shipped in large quantities through an extensive network of pipelines. But ethanol, which tends to corrode pipelines, must be transported on trucks, trains and barges in relatively small batches to storage terminals where it is then blended with gasoline.

[Fresno Bee editorial, Tuesday, March 21, 2006:](#)

Something in the air

California manages three victories in battles against pollution.

California won several victories on the clean air front recently, and that's good news for those of us who breathe the polluted air of the Valley.

The National Academies' National Research Council issued a report last week that supports California's more stringent rules governing emissions from cars, trucks and other vehicles.

Because California was already regulating vehicle emissions when the current Clean Air Act was passed in 1970, the state is allowed to set tighter rules than the federal government.

Other states may choose to adopt California's standards, instead of following the weaker federal rules. Some have chosen to do so, including most of the states of the northeastern U.S., as well as Oregon and Washington.

The auto industry has always been frustrated at being held to higher standards in those states, and frequently lobbies for changes. The industry says the California rules add significant costs to consumers, but the council committee that produced the report said it was difficult to quantify those costs.

The committee also declined to recommend that the Environmental Protection Agency be given the power to stop other states from adopting California's standards, something the auto industry has long sought.

California won another victory on Friday when the Environmental Protection Agency ruled that the state can go ahead with proposed limits on emissions from lawn mowers and other small engines. Machines rated at less than 25 horsepower now account for about 7% of the total air pollution in California, which the state Air Resources Board estimates is the pollution equivalent of more than 3 million cars. It's a source of filthy air worth going after, to be sure.

But not everyone agrees. Sen. Kit Bond, a Missouri Republican, has fought tooth-and-nail against the proposed California regulations on behalf of Briggs & Stratton company, a major employer in his home state.

That has come despite the fact that Briggs & Stratton does only a small portion of its business here, and other manufacturers of small-engine equipment have signaled that they don't oppose the proposed California rules.

The latest objection from Bond and his buddies was that California's insistence on adding catalytic converters to small engines could cause fire risks. The EPA decided such risks do not exist, and even went so far as to assert that adding the pollution-reducing devices may enhance safety.

Also on Friday, The U.S. Court of Appeals in Washington denied the Bush administration one of its cherished goals, ruling that the EPA may not weaken the rules governing the modernization of older power plants, refineries and factories.

Industry groups fought hard for the new rules, which would have allowed older plants to modernize without having to install newer, state-of-the-art pollution control technology.

California was one of 14 states, along with several large cities, that sued to stop the weaker new rules from taking effect.

The court was not convinced by EPA's protestations that the new rules wouldn't add to air pollution. In fact, three-judge panel called the EPA's interpretation of the Clean Air Act "a Humpty Dumpty world" view.

None of this should be regarded as final — the pollution industry has deep pockets to fight these battles — but it's nice to be able to tote up a 3-0 score in a single week.

[Visalia Times-Delta, Editorial, Monday, March 20, 2006:](#)

Water Alliance is Valley's voice

Thumbs up to the Valley Water Alliance for its collaborative effort in fighting for the welfare of the San Joaquin Valley. The group was among those lobbying for a Temperance Flat water project last week. It insisted that the Valley not be ignored while the interests of the more populous north and south parts of the state fought over the statewide bond.

For once, the Valley Water Alliance has shown that a determined group of diverse interests can be an advocate for the entire Valley and all of its diverse interests.

The Valley Water Alliance was formed in response to the court decision regarding the Central Valley Project on the San Joaquin River. A federal judge last year concluded that the CVP had unlawfully built the Friant dam in the 1904s by overstepping its federal authority. Consequently, the judge has ordered that the San Joaquin River salmon fishery be restored by taking some of the water that is delivered via the Friant-Kern canal to Friant Water Users and return it to the riverbed to restore salmon runs.

Still under negotiation is exactly how much water, but transferring water from current uses to the San Joaquin would have devastating and far-reaching consequences. The cities of Fresno and Lindsay and Orange Cove, for instance, draw water from the Friant. That water serves agriculture and urban interests. It also recharges our water table.

The Valley Water Alliance assembled a wide group of elected officials from the five counties served by the Friant-Kern and added a number of community leaders, business people, water experts and representatives from agriculture.

Together those folks have made a cohesive case that the Friant decision would be detrimental to the Valley. It might even change Valley life as we know it.

Meanwhile, the alliance is serving as an advocate for all the interests of the Valley. It is standing up to say that we count and for once we will not accept being a pass-through for the Bay Area and Southern California.

This is just one of the many collaborative efforts occurring in the San Joaquin Valley to address our problems of water quality and quantity, [air quality](#), education, economic opportunity, transportation and infrastructure, and housing.

We commend those efforts and applaud the interests that are setting aside agendas to provide a unified voice for our Valley.

[Visalia Times-Delta, Letter to the Editor, Tuesday, March 21, 2006:](#)

Trees do so much for our environment

March 7 was Arbor Day. Here in California we celebrate it on Luther Burbank's birthday. It is my favorite holiday because we can do something good for our communities and the environment. It is also a holiday that reaffirms our hopes for the future.

Some years ago a friend gave me a short note that said, "If you want to be happy for a season, plant a garden, if you want to be happy for a lifetime, plant a tree."

I hope that many people will follow this advice. Our cities, schools and roadways could be much more pleasant by having more trees. We used to call this beautification, however, we have often neglected this term of late.

Trees can provide needed shade, which could reduce our air conditioning bills. They can also help lessen [air pollution](#) by slowing blowing particulate matter and absorbing carbon dioxide.

People often say that there isn't enough money, however tree planting really doesn't cost that much. The real expense comes in watering, tree care and maintenance. These things do need to be considered.

Please be careful when you plant a tree to make sure you do so in an appropriate place. If you don't have room at your home, perhaps you can contact a local park or the forest service. Our schools and roadways also desperately need more trees.

There are many organizations that are willing to provide information and help such as the National Arbor Day Foundation, American Forests, Tree People, local nurseries and Urbantree.org just to name a few.

Again, please take the time to plant a tree this weekend. If you are unable to do so, at least take some time to reflect on how much we should be grateful for the gifts trees provide. Shade, beauty, oxygen, clean air, fruit, wood, paper, shelter and homes for birds and wildlife are but a few. So go out and enjoy the spirit of Arbor Day.

JOHN R. MILLER

Ducor

[Modesto Bee, Letters to the Editor, Tues. March 21, 2006](#)

State subsidies for Bossy's emissions

Cow belching — moosic to my ears. It's about time the Clean Air Act required a cattle-ytic converter on old Bossy. Hay, if the herd needs an annual smog check to maintain volatile organic compounds, the rancher only need request state subsidies to repair the dysfunctional cattle-ytic converter units.

Thank you! The state's thought process will indeed continue the philosophy that happy cows do indeed live in Calee-fornya.

KIMBERLEE SMITH-YOUNG - Modesto

[Modesto Bee, Letters to the Editor, Tues. March 21, 2006](#)

Let's stop sleeping with developers

According to Webster's, inevitable means unable to be avoided, evaded or escaped; certain; necessary. "Growth is inevitable," the mantra of the building industry, is false. Growth can be avoided and certainly isn't necessary to the Central Valley. It ruins prime farm land, pollutes the air, destroys wildlife, burdens the citizens with more taxes and never pays for itself. It destroys our quality of life.

Our local politicians need to stop buying into this building industry myth. Politicians can choose to support growth moratoriums, which severely limit the number of building permits issued, as other counties have successfully done. Or they can continue to sleep with the developers.

Citizens also have choices. We can let our politicians know we don't support them in ruining our valley. We can sign petitions that limit growth. We can make sure growth issues are put on ballots. We can recall and replace politicians that only represent the developers. Growth is not inevitable.

DEBORAH BASEY - Riverbank