

## **Initiative sets priorities to fix Valley's problems**

in the Modesto Bee, Sacramento Bee and the Lodi News Sentinel, Wednesday, October 10, 2007

FRESNO — Business, government and community leaders in the state's farming region have narrowed down six new priorities to improve health, income levels and education in the San Joaquin Valley.

The California Partnership for the San Joaquin Valley — a task force whose board members are appointed by Gov. Arnold Schwarzenegger — said Monday they outlined steps to improve the high unemployment and poverty rates and poor air quality plaguing the region in the next decade.

The initiative, funded through \$5 million authorized last year by Schwarzenegger and the Legislature, seeks federal support for projects that would focus on six main objectives:

- Growing a diversified, globally competitive economy supported by a highly skilled work force
- Creating a model K-12 public education system
- Implementing an integrated framework for sustainable growth
- Building a 21st-century transportation system
- Attaining clean air standards
- Developing high-quality health and human services.

Last year, partnership members helped win \$1 billion from a transportation bond dedicated to Highway 99, get a grant for \$5 million for a medical school at UC Merced and established a regional agreement to support a high-speed rail system.

## **Dairymen unhappy about wait**

Kern application process taking too long, they say  
BY STACEY SHEPARD, Californian staff writer  
Bakersfield Californian, Wednesday, Oct. 10, 2007

The county is taking too long to process applications for new dairies, a group of dairymen told the Board of Supervisors Tuesday.

In 2004, Kern County received 24 dairy applications that would bring 200,000 cows to the area. Because of the influx, the county put a halt to new dairy applications until it could analyze the air, water smell and other environmental impacts of the proposed dairies, and draft an ordinance to deal with future applications.

But the deadline to finalize the environmental document has been pushed back several times. On Tuesday, planning department officials said it would take seven more months to finalize.

Would-be dairy owners aren't happy about the long wait.

"The dairy industry has been very patient," said Betsy Hunter, an area representative for Chino-based Milk Producers Council. "We've been given numerous deadline and it keeps getting moved back."

The extended deadline also is driving up the cost of the environmental study and the dairy applicants are being asked to cough up more money to pay for it. Most have already paid \$25,000 to \$30,000.

County planner Lorelei Oviatt gave several reasons for the delay.

One is the changing science with regard to pollution created by dairies.

Also, the county has had to consider new environmental problems, like the effects of greenhouse gases. Cows produce a large amount of methane, a greenhouse gas that has been linked to global climate change.

The state attorney general recently sued San Bernardino County for not considering the impact of increased greenhouse gases from future growth in the county's general plan. Oviatt said she didn't want to put Kern at risk of facing a similar legal challenge that could further drag out a decision on the dairy permits.

The delays have also been caused by a lack of county planning staff and the sudden death of an outside consultant assisting the county on the project, she said.

While costs of the study have increased, Oviatt said, the dairymen are getting a deal because one study is being undertaken to address all the dairies.

Under normal circumstances, an environmental study would be conducted on each new dairy. That would cost each dairyman more than what's he's now paying, she said.

The dairymen's costs have also been offset by a \$400,000 state grant, she said.

When pressed on a deadline by supervisors, Oviatt said she couldn't promise a delivery date but she would work overtime and weekends to meet the new deadline.

## **Composting company fined**

BY JAMES BURGER, Californian staff writer  
Bakersfield Californian, Wednesday, Oct. 10, 2007

Lamont-area composting company Community Recycling was fined Tuesday by the Kern County Board of Supervisors for keeping huge piles of concrete and gypsum on farmland south of Lamont.

Kern County planning and engineering officials told supervisors the company has been crushing concrete and keeping gypsum wallboard in violation of county land use laws.

The decision to fine the company wasn't easy for all supervisors.

Supervisor Ray Watson said he didn't like the idea of fining a business which has been operating for a long time under the assumption it was in compliance.

So Supervisor Michael Rubio proposed a compromise that would allow the company to avoid some of the fines if it moves quickly to clean up the piles.

"We are not coming here today asking to close them down," Rubio said. "The intention is to make them play by the rules."

Around 10,800 cubic yards of crushed concrete and 38,800 cubic yards of gypsum wallboard are stored on two pieces of property the company leases from the Lamont Public Utilities District, county officials said.

Supervisors levied a \$5,000 one-time fine on Community Recycling.

The county also will tally an additional \$500-a-day fine for each day those piles aren't cleaned up.

If Community Recycling cleans up the piles or gets a permit to keep the concrete and gypsum within 120 days, the company won't have to pay that daily fee.

"The operator needs to do a better job and they need to follow their conditions of approval," said Kern County Planning Director Ted James.

Charles Melton, a lawyer for Community Recycling, argued that the county's charges are simply incorrect allegations.

The pile of crushed concrete was intended for company-owned farm roads, and the company doesn't need a permit for that, Melton said.

But, James said, "the actual act of taking in large amounts of concrete and crushing it on site is not allowed."

And gypsum wallboard was always used in the creation of the company's compost, Melton said, and was never cited by the Kern County Environmental Health Department during regular inspections.

"We are not in violation. For the past years we've been doing it right. Nobody has said we've been doing it wrong."

James said specific lists exist of what Community Recycling is allowed to take onto its property -- and gypsum is not included.

Community Recycling official John Richardson said the business is a responsible company serving Kern County.

"We're not perfect but we try to make sure that anything we do there would be looked at as a good corporate citizen," Richardson said.

But people who live near the plant and the company's surrounding farm fields spoke at the hearing Tuesday and said Community Recycling is not a good neighbor.

"These people are bad actors," said neighbor Randy Parker said. "They do bad deeds and when they are caught they ask for permission."

The company tracked mud out onto county roads for 13 years until the county finally made them clean it up, Parker said.

The company also was forced to clean up its farm fields after Environmental Health officials found tons of metal, plastic and other trash buried on the field.

Other speakers complained about terrible smells from the area and some neighbors called for the county to shut the business down.

## **State reduces gas usage**

### **Californians sustain trend towards lower consumption**

By Janis Mara

Tri-Valley Herald, Wednesday, October 10, 2007

Californians can pat themselves on the back as they continue to ease off on the accelerator. Drivers here used 1.6 percent less gasoline in June than the same period last year and 0.6 percent less gas in the second quarter, state figures said.

And it looks like a trend: This is the fifth consecutive three-month period with lower gas consumption, according to the state Board of Equalization, which released the figures Tuesday.

"This is very significant," said Sean Comey of AAA of Northern California. "For the previous 14 years, gas usage went up relentlessly despite high prices. This probably signals a fundamental shift. A combination of extremely high prices and concern about climate change was the tipping point."

Tuesday's gas prices underlined the issue. A gallon of regular unleaded gas is selling for an average price of \$3.03 in the Oakland metro area, according to AAA. The price run-up began around May of 2006 and, despite fluctuations, prices have stayed high for more than three years.

Although Californians still use a lot of gas, the drop in consumption "certainly points to a continuing downward trend," Betty Yee, chairwoman of the board, said in a statement.

In the second quarter of 2007, Californians used 22.1 million gallons of gas less than they did in the same period last year, the board reported. This means about 221,000 fewer tons of carbon dioxide were released into the air, according to Christopher Knittel, a researcher at the Institute of Transportation Studies at the University of California, Davis.

"The fact that prices have been high and have sustained these levels means consumers are likely going to start making long-run decisions" — such as buying fuel-efficient cars and houses close to public transit, said Knittel, who co-authored a study on the subject.

"These long-run decisions often have a larger effect than what consumers can accomplish in the short run," Knittel said. The professor said June is a prime driving month, making the 1.6 percent drop in gasoline use that month all the more significant.

"Often we may feel that issues like global warming and energy may be beyond our ability to influence. But this shows that individual efforts multiplied across millions of people can yield impressive results," Comey said.

## **Supervisors want Hayward plant delayed**

**County says panel moving too fast on power station County: Not so fast on energy facility**

By Karen Holzmeister, STAFF WRITER

Tri-Valley Herald, Wednesday, October 10, 2007

OAKLAND — The California Energy Commission is moving too fast on Hayward's Russell City Energy Center,

Alameda County supervisors said Tuesday.

The county will ask the commission to reconsider its mid-September approval for the 600-megawatt power plant until environmental issues affecting unincorporated areas are resolved.

Last month, the commission's unanimous vote appeared to end a nearly seven-year review process that escalated into intense public debate during recent months.

County Counsel Richard Winnie said [air quality issues](#) in nearby unincorporated areas haven't been addressed, and the county never was formally notified about the project.

Mt. Eden is the closest unincorporated area to the plant slated to be built near the Hayward shoreline.

Other unincorporated areas within a three- to six-mile radius include Ashland, Castro Valley, Cherryland, El Portal Ridge, Fairmont Terrace, Fairview, Hayward Acres, Hillcrest Knolls and San Lorenzo.

"I'm glad we're pursuing this, and grateful to Alameda County for taking whatever steps are necessary to get heard," said county Supervisor Gail Steele, herself a Hayward resident.

The supervisors' vote to contact the Sacramento-based Energy Commission was made in closed session. Winnie announced the decision during the subsequent open meeting.

Winnie said the county will file a motion this week calling for a delay on approving the plant.

Air quality issues weren't "properly considered," Winnie said. He cited a "lack of testing" by the Bay Area Air Quality Control District.

The commission claimed it contacted the county, but couldn't identify which individual or agency received the notice, Winnie added.

When county officials raised the same issue at last month's commission hearing, CEC staffers countered that no fewer than eight county offices were notified of the proceedings in recent years. Aviation safety was among other issues raised at that hearing.

Hayward residents have opposed the plant because it would release thousands of pounds of [pollutants into the air daily](#). Calpine Corp., the San Jose-based developer, would be allowed to buy banked energy credits to reduce pollution elsewhere in the Bay Area, under terms of the decision.

## **Settlement signals end of acid rain debate**

### **\$4.6 billion deal praised as largest environmental settlement in U.S. history**

By Devlin Barrett, Associated Press

Tri-Valley Herald, NY Times, Merced Sun-Star and Modesto Bee, Wednesday, October 10, 2007

WASHINGTON — A \$4.6 billion settlement Tuesday by one of the last holdouts among polluting power companies signals the end of a long legal debate over acid rain — and a tougher battle ahead over carbon dioxide and the use of fossil fuels.

The agreement with American Electric Power Co., struck just as the company was to defend itself in court, ends an eight-year battle over reducing smokestack pollution that drifted across Northeast and mid-Atlantic states and chewed away on mountain ranges, bays and national landmarks.

Government officials praised the deal as the largest environmental settlement in the nation's history.

AEP, based in Columbus, Ohio, maintains it never violated Clean Air Act rules to curb emissions, and had already spent or planned to pay \$5.1 billion on scrubbers and other equipment to reduce its pollution.

"Plans change," said acting Assistant Attorney General Ron Tenpas, announcing the settlement filed in U.S. District Court in Columbus. "And obviously there is a big difference between a company saying it has plans to do something and a company being bound by the court to take those steps."

AEP also must pay a \$15 million civil fine and \$60 million in cleanup and mitigation costs to help heal polluted land in the Shenandoah National Park and waterways including the Chesapeake Bay.

In all, the costs and civil fines will far exceed any company payout in an environmental case, the attorneys said.

The 1989 Exxon Valdez oil spill, by contrast, yielded \$1 billion in restoration and restitution costs, although Exxon Mobil Corp. estimates it has so far spent \$3.5 billion and faces an additional \$2.5 billion in criminal penalties.

New York Gov. Eliot Spitzer, who as the state's attorney general hounded AEP and other pollution-spewing power companies, said AEP finally conceded to legal, scientific and political pressure.

"The debates over acid rain to a certain extent have been resolved," said Spitzer, a Democrat. "Carbon is the real issue now. Do we have to move away from all fossil fuels? These are tough issues, from a policy standpoint and an economic standpoint."

John Walke, a lawyer for Natural Resources Defense Council, an environmental group involved in the case, said Tuesday's success is a blueprint for confronting global warming.

"Many people have compared where we are now with global warming to where we were with acid rain in the 1980s," said Walke. "We are following the road map from the acid rain era."

The case against AEP began in 1999 when eight states and 13 environmental groups joined the Environmental Protection Agency's crackdown on energy companies accused of rebuilding coal-fired power plants without installing pollution controls as required. In states like New York, officials complained that acid rain linked to sulfates and nitrates from coal-fired plants were eating away at landmarks, including the Statue of Liberty.

AEP has more than 5 million customers in 11 states. In a statement Tuesday, chief executive officer Michael G. Morris noted the settlement did not find AEP guilty of violating the Clean Air Act, but was willing "to consider ways to reasonably resolve these issues."

As part of the settlement, AEP will clean up 46 coal-fired operations in 16 of the plants in Ohio, Indiana, Kentucky, Virginia and West Virginia. Morris also noted the risk of AEP paying a far greater fine if the company had fought the case in court and lost.

AEP said it has paid nearly \$2.6 billion since 2004 on equipment to cut emission in coal-fired plants in Kentucky, Ohio, Virginia and West Virginia and will be spending an additional \$1.6 billion for environmental controls in two more plants. Both costs are part of the company's \$5.1 billion plan reduce the emissions of its eastern region by 2010.

The states involved in the lawsuit were: Connecticut, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island and Vermont. Connecticut Attorney General Richard Blumenthal, a Democrat, said the deal shows "clean air enforcement is alive and well despite Bush administration efforts to gut the Clean Air Act."

In all, the government brought eight lawsuits against polluters accused of violating the Clean Air Act. Four are still ongoing, and AEP was considered the largest polluter of the bunch, government attorneys said. Tuesday's settlement will reduce pollution by 1.6 billion pounds each year through 2018, and save \$32 billion in annual health costs to treat lung and respiratory problems, officials said.

## **Ohio power company settles clear air suit**

**AEP to pay \$4.6 billion to reduce chemical emissions in largest environmental agreement.**

By LARA JAKES JORDAN, The Associated Press

In the Orange County Register, Wednesday, Oct. 10, 2007

WASHINGTON -- A big power company accused of spreading smog and acid rain across a dozen states agreed today to pay at least \$4.6 billion to cut chemical emissions in what the government called the nation's largest environmental settlement.

The agreement with American Electric Power Co. ends an eight-year legal battle over reducing smokestack pollution that drifted across Northeast and mid-Atlantic states, chewing away at mountain ranges, bays and national landmarks.

AEP, based on Columbus, Ohio, maintains it never violated Clean Air Act rules to curb emissions, and had already spent or planned to pay \$5.1 billion on scrubbers and other equipment to reduce its pollution.

"Plans change," said acting Assistant Attorney General Ron Tenpas, announcing the settlement filed in U.S. District Court in Columbus, where a trial against AEP originally was scheduled to begin Tuesday. "And obviously there is a big difference between a company saying it has plans to do something in the future and a company being bound by an order of the court to take those steps."

Failure to comply with the settlement could result in daily penalties of hundreds of thousands of dollars, government attorneys said. Additionally, AEP must pay a \$15 million civil fine and \$60 million in cleanup and mitigation costs to help heal polluted land in the Shenandoah National Park and waterways including the Chesapeake Bay.

In all, the costs and civil fines will far exceed any company payout in an environmental case, the attorneys said. The 1989 Exxon Valdez oil spill, by contrast, yielded \$1 billion in restoration and restitution costs, although Exxon Mobil Corp. estimates it has so far spent \$3.5 billion and faces an additional \$2.5 billion in criminal penalties.

The case against AEP began in 1999 when eight states and about a dozen environmental groups joined the Environmental Protection Agency's crackdown on energy companies accused of rebuilding coal-fired power plants without installing pollution controls as required. In states like New York, officials complained that acid rain linked to sulfates and nitrates from coal-fired plants were eating away at landmarks, including the Statue of Liberty.

AEP has more than 5 million customers in 11 states. It has countered that the work in at least some of its plants was routine maintenance that didn't fall under federal requirements for pollution controls.

In a statement Tuesday, chief executive officer Michael G. Morris said the company still believes that, noting that the settlement did not find AEP guilty of violating the Clean Air Act. "But we have also said that we would be willing to consider ways to reasonably resolve these issues," he said.

As part of the settlement, AEP will clean up 46 coal-fired operations in 16 of the plants in Ohio, Indiana, Kentucky, Virginia and West Virginia. Morris also noted the risk of AEP paying a far greater fine if the company had fought the case in court and lost.

"While we would have preferred that the agreement not include a civil penalty - a position we argued vigorously during our discussions with the plaintiffs - this settlement is an excellent outcome for our shareholders," he said.

AEP said it has paid nearly \$2.6 billion since 2004 on equipment to cut emission in coal-fired plants in Kentucky, Ohio, Virginia and West Virginia and will be spending an additional \$1.6 billion for environmental controls in two more plants. Both costs are part of the company's \$5.1 billion plan reduce the emissions of its eastern region by 2010.

The states involved in the lawsuit were: Connecticut, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island and Vermont. Connecticut Attorney General Richard Blumenthal called the settlement "huge and historic."

"Clean air enforcement is alive and well despite Bush administration efforts to gut the Clean Air Act," said Blumenthal, a Democrat.

Thirteen environmental groups joined the lawsuit as well. They included the Sierra Club, whose executive director on Tuesday accused AEP of for years evading the law.

"The massive reductions in smog, fine soot and acid rain from these plants will profoundly benefit both public health and the environment, said Sierra Club executive director Carl Pope.

In all, the government brought eight lawsuits against polluters accused of violating the Clean Air Act. Four are still ongoing, and AEP was considered the largest polluter of the bunch, government attorneys said. Tuesday's settlement will reduce pollution by 1.6 billion pounds each year through 2018, said EPA assistant administrator Grant Nakayama. By contrast, government enforcement efforts has led to emissions reductions of about one billion pounds or less annually over the last three years, he said.

The crackdown should also lead savings of an estimated \$32 billion in annual health costs to treat lung and respiratory problems caused by the pollution, Nakayama said.

"That is just huge when you talk about the amount of emission reduction," he said.

## **Agency: Pollution cuts Europe lifespans**

By DUSAN STOJANOVIC

In the N.Y. Times, Washington Post, Fresno Bee and other papers, Wed., Oct. 10, 2007

Poor air and water quality, and environmental changes blamed on global warming, have cut Europeans' life expectancy by nearly a year, Europe's environmental agency warned Wednesday.

More must be done - fast - to reduce greenhouse gas emissions and to improve air and water quality, the European Environment Agency said in a 400-page report presented at a ministerial conference held in Serbia.

Hundreds of thousands of people across Europe are dying prematurely because of air pollution, it said. "The estimated annual loss of life is significantly greater than that due to car accidents," the report said.

At this rate, life expectancy in western and central Europe will be shorter by nearly a year, it said. The current average age expectancy in western and central Europe is 70 for men and 74 for women.

The report also warned of the risks to the development of children.

Pollution is "similarly bleak" across eastern Europe, mostly from vehicle gas emissions and the expansion of industry in ex-Soviet nations, the report said.

Also, more than 100 million people in the region still do not have access to safe drinking water, it said.

The emission of greenhouse gases - on the rise across Europe - has contributed to global warming, the report said, citing overfishing and damage to crops as key risks facing the continent as climate change upsets Europe's ecosystems.

"Climate change is likely to affect seas and coasts, including marine organisms," the report said.

Emissions must be reduced by up to 50 percent by 2050 to limit rises in the earth's temperature - the target proposed by the EU as necessary to avert major climate changes in the future, the report noted.

"We need to further strengthen the will to act on environmental issues across the pan-European region," the agency's director, Jacqueline McGlade, said at the opening of the conference attended by environment officials from 53 countries.

"This requires a better understanding of the problems we face, their nature, and distribution across societies and generations," McGlade said. "Analysis, assessment, communication and education will help overcome this 'information gap' and will better equip those who need to act."

[Modesto Bee, Letter to the Editor, Wednesday, October 10, 2007](#)

### **Support bill giving us more air board seats**

I cannot figure out why anyone would oppose Senate Bill 719 (by Sen. Mike Machado, D-Linden). This bill makes sense, especially in the San Joaquin Valley where one in five children have been diagnosed with asthma. SB 719 would add four seats to the district air board, two health experts and two city seats.

Having more seats on the board brings more representation. This is a good policy bill. Common sense tells us why this is important -- the San Joaquin Valley has some of the worst air in the nation and almost five times the national asthma rate.

Gov. Schwarzenegger has made a commitment to the environment by cutting greenhouse gas emissions. The governor's targets are to reduce greenhouse gas emissions to year 2000 levels by 2010; to 1990 levels by 2020; and to cut emissions to 80 percent below 1990 levels by 2050.

If he expects the San Joaquin Valley to participate in this endeavor, he must sign SB 719. Otherwise, we will continue to see "business as usual" and asthma rates rise. Governor, stay true to your environmental commitment and sign SB 719.

MELISSA KELLY ORTEGA, Merced

[Sacramento Bee and Fresno Bee, Letter to the Editor, Tuesday, October 10, 2007](#)

### **It's time to clean up Valley air**

In June, Gov. Arnold Schwarzenegger reprimanded the state and San Joaquin Valley air boards for their decisions to delay cleanup of the valley's ozone pollution until 2024. At that time, he stated, "when one out of six residents in the San Joaquin Valley has been diagnosed with asthma and one in five children carry an inhaler to school, it is a call to action." He acted then by firing the state air board's chairman and appointing Mary Nichols as the new chair.

That change has benefited the valley. Under Nichols' leadership, the state board voted to reduce even more pollution from trucks and farm equipment. The governor's actions proved to be the arm-twisting it needed.

But there's more work to be done. The time line for cleaning up Valley smog is still 2024. It's going to take arm-twisting at the Valley air board to really achieve healthy air sooner.

The governor now has the opportunity to do just that. By signing Senate Bill 719 (by Sen. Michael Machado, D-Linden) he will be able to appoint a doctor and a scientist to the Valley air board. These experts will enhance the Valley board's capacity. These changes to the board are timely, necessary and reasonable.

Carolina Simunovic, Fresno, Co-Chair, Central Valley Air Quality Coalition