

Positive trend continues in EPA report on toxic polluters

By Alex Breitler, Record Staff Writer
Stockton Record, Sunday, March 22, 2009

STOCKTON - Toxic pollution from some of San Joaquin County's larger industrial facilities has decreased again, continuing a trend that dates back at least several years, according to federal data released last week.

Emissions to air and water dipped 3 percent in 2007, adding to an overall 44 percent decline since 2002, according to the Environmental Protection Agency.

Air and water pollution emissions declined across California, which EPA officials said could be the result of many factors, including businesses closing down or installing new technology to comply with tougher environmental regulations.

The EPA's Toxics Release Inventory is not a complete record of any region's pollution problems; not every industry is required to report.

And in the San Joaquin Valley, the biggest polluters aren't factories or power plants, but cars and trucks, which account for about 70 percent to 80 percent of the Valley's air woes.

Still, it's "absolutely true" that industrial emissions have dropped perhaps tenfold in the past couple of decades because of numerous rules and regulations, said Dave Warner of the San Joaquin Valley Air Pollution Control District.

The EPA's emission inventory does not gauge whether the public is at risk from any of the 41 facilities in San Joaquin County that were required to report in 2007. It merely counts how much of each chemical or heavy metal was released.

An EPA spokeswoman said the inventory, available online, "arms communities with powerful information" about sources of pollution.

Easily the biggest county polluter reporting to EPA is the POSDEF Power Co. coal-fired plant at the Port of Stockton; it ranked as the sixth-greatest polluter across the Valley, the EPA said.

However, POSDEF has seen its pollution drop from about 349,000 pounds in 2002 to 208,000 pounds in 2007, a 40 percent decline. Spokespersons for Florida Power & Light Energy, which owns the power plant, did not provide an explanation for the drop-off.

The county's overall decline also might be a result of factory closures in recent years, including Silgan Container plants in Stockton and Lodi, and a Dow Chemical foam insulation plant in Tracy.

Overrun by waste: Large agriculture operations add billions to our economy but what price are we paying?

By JONAH OWEN LAMB
Merced Sun-Star and Modesto Bee, Saturday, March 21, 2009

A brown frothy mix of water tumbled from the mouth of a 42-inch pipeline to a cinderblock basin covered with slime, its rim shining with the gloss of accumulated muck.

The air smelled of boiled sour chicken.

Beyond the pit of churning water, 12 brown ponds spread across a patch of earth edged by dirt roads.

"Welcome to the chicken sewer," said Larry Parlin, as he looked at Livingston's Industrial Waste Water facility, which his company, Environmental Management Services, runs for the city.

Waste it might be, but it's no sewer. The 283 million gallons of water in the ponds came from the nearby Foster Farms chicken processing plant. The water that is used to clean chickens in the nearby plant ends up here.

Five days a week, roughly 4.4 million gallons of water empties into these ponds along the Merced River. It is through these ponds that the plant's dirty water is meant to be cleansed. About half the water is spread

across nearby reclamation fields, said Parlin. The rest seeps into the soil below where toxins, in theory, filter out. Leftover solids are trucked away and used as fertilizer.

But the ponds haven't been working as they should. They are leaching nitrates into the soil and groundwater -- nitrates that in some cases are high above the levels deemed safe by the California Regional Water Quality Control Board, which regulates wastewater discharges.

"That's what needs to be addressed and treated," said Parlin.

Welcome to one of the most serious tradeoffs of the 21st century: as America and the world gird to become green, they're finding that ecology and economy sometimes don't stroll hand in hand into an unpolluted sunset.

The cost of cleaning and greening has to come from somewhere. Increasingly, that cost is being paid by consumers in the form of higher prices passed along by businesses trying to meet ever-stricter environmental regulations.

Another factor is that residents of communities where some companies may pollute have to decide whether the jobs offered at those companies are enough to offset any environmental harm that may occur. With an unemployment rate pushing 20 percent, Mercedians have to ask themselves whether the fate of a fairy shrimp or more chicken guano in their soil matters more to them than a world-class research university or a decent-paying blue-collar job.

Hilmar Cheese Co., for instance, may well inject saltier water into surrounding soil. But no company in the county is engaged in more philanthropic outreach than the firm founded by local families a generation ago.

It's not an either-or choice, but as such, its resolution will affect both the environment and the economy in years ahead. It's all about value judgments, and there are no simple answers when the green of the environment conflicts with the green of a paycheck.

However Mercedians decide, the Central Valley Regional Water Quality Control Board hasn't been sitting on its hands. In 2006, after a series of violations and notices, the Foster Farms Livingston facility was issued a cease-and-desist order demanding the site clean up its act.

The order listed a series of violations: the unlined ponds allowed water with nitrate levels four to five times above the regulated levels to seep into the ground below. At least 190,000 cubic yards of sludge had accumulated in the ponds as well, which further contributed to high levels of nitrates in the soil.

Eventually, the water board reached a settlement with Foster Farms and the city of Livingston to build a modern wastewater plant with a larger capacity. The project is slated for completion some time in 2011.

Afterwards, Foster Farms will clean up the abandoned facility along the river. In the meantime, the river of waste from Foster Farms and the ponds' nitrates continue to pollute the groundwater below the site. In October 2008, two wells on the site registered nitrate levels two to four times above the levels the water board allows.

A Foster Farms representative could not be reached but the company's Web site noted their stance on waste and the environment: "At each stage of our operations, from poultry ranches to processing, packaging, shipping, distribution and corporate offices, we have implemented environmental initiatives that promote recycling and reuse, increase energy efficiency, reduce and eliminate waste, and improve air quality, while protecting our precious natural resources."

Bigger operations

Livingston's industrial wastewater facility is just part of the county's problem with animal-related wastewater created by an increasingly industrialized farming sector.

After Tulare County, Merced has the most dairy cows and dairies in the state, with 335 dairies here, according to the Merced County Public Health Department. The county's cow population in 2007 was 243,762. That year those cows produced more than 29 million tons of manure.

Merced County also has the second-largest poultry industry in the state, second only to Fresno County, according to 2002 data, the most recent available from the regional water board.

Today, there are 45 poultry facilities in the county, according to the county agricultural department. In 2007, there were 91.6 million chickens processed for meat in the county and roughly seven million egg laying hens. In total they produced 471,326 tons of poultry manure.

Regulators refer to industrial farms with large numbers of animals living in close proximity as confined animal feeding operations (CAFO).

Their waste is only the first part of a chain that ends in finished products. In Merced, that mainly means chickens and cheese.

Besides the second-highest population of bovines in the state, Merced also has the single largest cheese plant in the country and the biggest chicken plant on the West Coast. The milk from many of the county's dairies, as well as many chickens from chicken farms, ends up at one of these two plants.

The cumulative effects of these industries' pollutants haven't been good.

For cows, that has meant the effects from their massive manure output. According to the Environmental Protection Agency, the proper management of dairy waste is "one of the state's most pressing environmental issues."

Chickens produce waste too, but much of it comes at the end of their lives. One of the byproducts from chicken processing, like that of Foster Farm's waste ponds, and cow manure is nitrate.

Nitrates, perhaps the most common and dangerous pollutant from these industries, can sicken and even kill infants if it gets into the water supply, according to Merced County's Department of Health.

Merced County may be a bucolic place filled with flowering almond orchards, but some of the worst pollution in the county -- groundwater pollution -- is connected to some of the very industries that are at the heart of the area's economy.

To be sure, the economic benefits of these industries are undeniable. Hilmar Cheese employs 750 people at its plant, 40 of whom work at the water treatment plant. And according to David Sunding of the Department of Agricultural & Resource Economics for the University of California, Berkeley, the economic impact of Hilmar Cheese in Merced was more than \$1.8 billion in 2005.

And, overall, the dairy industry that supplies the plant with milk and employs people across the county, has an economic impact in the region in the billions of dollars, according to the Western United Dairymen, an industry group.

Foster Farms equally influences the local economy. The company employs 3,500 people alone in Merced County and their economic contribution through payroll is \$112 million a year.

Foster Farms and Hilmar Cheese are at the tail end of a long process that begins in feedlots across the county and ends up as products on our dinner table and also as waste.

Waste is widespread

The fingerprint of waste from animal farming can be found across the county.

The county's nitrate pollution problem, for instance, is spread almost evenly. According to the county's Public Health Department, almost every city in the county and their environs have problems with nitrate pollution.

While there are many causes of nitrate pollution, from fertilizer to sewage, some research indicates that dairies play a role in this pollution.

Research by UC Davis groundwater hydrologist Thomas Harder found significant nitrate and salinity levels at five dairies in Stanislaus and Merced counties. The 2001-2002 study indicated that animal manure is a contributor to these substances in the groundwater.

Part of the pollution from dairies has been a result of the industry consolidation, said David Sholes, a senior engineer for the water board's confined animal unit. "They did get way bigger in the last 20 years," he said. That consolidation has increased farm waste concentration levels "equivalent to that of a small city," points out the EPA.

In 1993, the state had 4,000 dairies that produced 2.7 million gallons of milk. By 1998, the number of dairies shrank to 2,700 but milk production was up by 20 percent, according to the EPA.

Until 2007 there was little or no direct regulation of the dairy industry's waste, said Sholes.

In 2007, that changed with the first regulations explicitly for dairy waste. The statewide effort, called the general order, has put into effect a series of waste management steps all dairies must live up to. "This is a huge new effort. It's the first time we have tried to regulate an industry this large," Sholes said.

The industry has until 2012 to become fully compliant with the new rules, said Michael Marsh of the Western United Dairymen. Until then there are efforts to educate dairymen on how to make these changes. "The biggest challenge that farmers have right now is financial," he said.

He blamed much of the industry's consolidation on the cost of complying with the state's environmental rules. He also dismisses the idea that there has been any direct connection between high nitrate levels and the dairy industry.

There may be new rules forcing farmers to clean up their act, but the regulators are not always on the ball, said Layne Friedrich with Lawyers for Clean Water, a group suing the regional water board over dairy regulations. "I think that people who are on the ground writing permits are concerned about water quality. I think that upper management and the board members are worried and working with the industry and not protecting water quality -- as their mandate says," she said. She also said regulators are short on personnel, limiting their ability to check on sites.

Mass waste

The towering operation that is Hilmar Cheese's plant in Hilmar spans more than 40 acres and stands above the flat Valley floor. Beyond the visitor center and cafe, trucks off-load milk from as many as 235 dairies.

Each day, the world's biggest cheese plant pumps out 1.4 million pounds of product.

At some point, all that cheese leads to waste. And in the case of Hilmar that means water -- salty water. About 2 million gallons of water a day passes through its \$100 million wastewater plant. Some of the water is reused, the rest spread across nearby fields.

But not everyone has been happy with the plant's wastewater cleaning in recent years.

From 2002 to 2004, according to regional water board filings, Hilmar exceeded its allowed salt limits, dumping a total of 821 million gallons of high salt content water. In a report filed in 2003, the board noted that Hilmar had an "extensive violation history."

In 2006, the water board fined Hilmar Cheese \$4 million for failing to reduce the salinity in its waste discharges. Eventually they came to a compromise. Hilmar paid a \$1 million fine and limited the waste. The new agreement basically allowed Hilmar to discharge a limited amount of water above the recommended salt levels.

"In the last three years we have never filed a late or incomplete report and have never been out of compliance with the settlement agreement," said Burton Fleischer, Hilmar Cheese's environmental director.

In any case, for the last 18 months the permit has allowed Hilmar to dump 1.2 million gallons of salty water -- three times above the levels originally permitted.

Fleischer said that even though the permit allows them to discharge 1.2 million gallons of the saltier water, they release on average only 900,000 gallons of it a day.

That's not the end of Hilmar's wastewater woes. There's a cleanup order investigating to what extent surrounding groundwater was affected by Hilmar's discharges. It will be a few years yet before any result.

For the rest of the county events will unfold as they have, moving forward slowly one dairy at a time, one wastewater treatment plant at a time. Despite new regulations and private cleanup efforts, the costs of concentrated industrial farming in Merced County will have to be paid for.

It will be paid for in the higher cost of doing business to lessen the toll taken on the local environment.

Smog: Is this too much money for advertising and marketing?

By Mark Grossi, FresnoBee.com, Friday, March 20, 2009

Call it a philosophical argument.

The San Joaquin Valley Air Pollution Control District on Thursday approved \$857,500 for multilingual advertising and marketing.

On the one hand, the fight against pollution has to become part of the culture in anyplace with the air quality problems of the Valley. That costs money.

On the other hand, that's a lot of money, as one person in the audience pointed out. He said he is surprised to see the district spending so much money in such tough economic times.

I'll admit, the number made me look twice.

So how about it, folks? Should someone be challenging this district on a figure that large?

Or, has the time arrived for the Valley to spend serious money getting everyone involved in a serious fight?

Court: Trucks program injunction should be granted

Associated Press

In the S.F. Chronicle, Merced Sun-Star, Tri-Valley Herald and other papers, Friday, March 20, and Saturday, March 21, 2009

LOS ANGELES, (AP) -- An appellate court ruled Friday that a temporary injunction should be granted to halt part of a plan aimed at reducing pollution at the Los Angeles and Long Beach ports.

The 9th U.S. Circuit Court of Appeals remanded the case back to U.S. District Judge Christina A. Snyder, who rejected a request last year for an injunction by the American Trucking Associations. The group, which represents 37,000 trucking companies, argued the so-called Clean Trucks Program could jeopardize the ability of independent haulers to work at the ports, noting a requirement that all truckers become employees of trucking companies.

"The District Court shall proceed as quickly as possible so that ATA will not suffer unnecessary harm from any unconstitutional provisions," the three-judge panel wrote in its decision.

Under a temporary injunction, the ports would be unable to require harbor trucking companies to replace 20 percent of their owner-operator drivers with employee drivers by the end of this year, as the ports originally mandated.

Los Angeles Mayor Antonio Villaraigosa said the court's ruling doesn't change the program's main components — a ban on trucks with high emissions and fees levied to reduce pollution.

"We are committed to fighting this case because our clean truck program is the most sustainable plan for ensuring a clean, safe and secure trucking system for the long-haul at the Port of Los Angeles," Villaraigosa said.

The cities of Los Angeles and Long Beach approved plans last year aimed at reducing diesel emissions at the ports by as much as 80 percent by replacing 16,800 older trucks with newer, cleaner models. By 2012, all trucks passing through the ports must meet tougher 2007 federal vehicle emission standards.

Robert Digges Jr., ATA's vice president and chief counsel, said the appellate court understood that the program's restrictions left independent truckers in a bind.

Truckers could either "refuse to comply and lose their customers and possibly their businesses, or comply and bear the costs of totally restructuring their business model," Digges said.

Some environmental groups opposed the appellate court decision, arguing that the removal of any component of the Clean Trucks Program would adversely affect public safety in the harbor area.

"This decision places in jeopardy the clean-air goals at the ports. We are going to vigorously fight to protect these truck plans in court," said David Pettit of the Natural Resources Defense Council, which fought against the ATA's injunction request.

Snyder said in her ruling last July the need for public safety overrides any hardships drivers might face in meeting the security and concession provisions.

No "irreparable injury" would come from the concession agreements, she wrote, but halting them "could significantly harm the public interest in secure ports."

Lockeford highway bypass could be 20 years away

By Ross Farrow

Lodi News Sentinel, Friday, March 20, 2009

If a bypass around downtown Lockeford is built to improve traffic conditions, it won't be for at least 10 or 20 years. And even if the project were fully funded, it would be at least 2016 before construction would begin.

That was the news from project manager Kevin Sheridan from the San Joaquin Council of Governments, who spoke about the bypass proposal at Thursday's Lockeford Municipal Advisory Council meeting.

State and San Joaquin County officials are looking at a possible bypass to alleviate traffic congestion, especially on Friday and Sunday afternoons, when people from Lodi, Stockton and the Bay Area drive through Lockeford to go to and from the foothills and Sierra Nevada mountains.

"There's a recognized need for some improvements through Lockeford," said Gregory Oslund, vice president of David Evans & Associates, a Roseville consulting firm that will prepare the environmental report.

The options are far from etched in stone, Oslund and Sheridan told the Municipal Advisory Council on Thursday night at the Old Lockeford Schoolhouse. What's on the table at this point are:

- Making the existing Highway 88 through downtown Lockeford a one-way street going west. Eastbound traffic would go along Locke Road east of Highway 88, and Hammond Street. Hammond would be extended past the east end of town before it meets up with the present highway. Estimated cost: \$35 million to \$45 million.
- Diverting the highway along Brandt Road east from the existing highway and north along Disch Road to rejoin the highway. Another option is through property west of Disch Road. Estimated cost: \$60 million to \$75 million.
- Moving the highway to Brandt Road east to Clements Road, then north to the town of Clements, where it rejoins the highway. Cost estimate: \$80 million to \$100 million.

"It affects us as a town," said MAC member Joe Sublett. "This town is choked. There is no parking. It's risky going across the street."

On the other hand, new MAC member Jordi Domenech questioned the need for a bypass.

"Friday to Sunday there's traffic. Other than that ..." Domenech said as he shrugged his shoulders.

For several years, Lockeford residents have complained about bumper-to-bumper driving conditions through Lockeford. They have especially complained about drivers heading toward the mountains on Friday afternoons and evenings, and those headed west on Sundays.

Over the years, residents and merchants have been divided over whether the bypass would be a good idea. Some say that a bypass would allow people to stop, park and shop at local restaurants, antiques shops and other small businesses. Others fear that a Brandt Road bypass would divert traffic away from their stores.

There was little comment from residents at Thursday's MAC meeting.

During the next two years, David West & Associates will conduct a detailed traffic study, plus environmental, noise, air quality and drainage studies on all options. The option of not improving the highway at all will be studied as well.

A town-hall meeting will be held in Lockeford in the near future, and a project newsletter and Web site will be developed.

Lockeford resident Richard Eklund asked if the consultant has considered that a traffic study at this time may be skewed because the recession has resulted in a decrease in truck traffic on Highway 88.

Oslund replied that the study must address all economic conditions.

"We need to project 20 years from now," he said.

If construction were to begin, it would depend on when state and federal funding would be available, Sheridan said. All the San Joaquin Council of Governments has right now is \$3 million for the environmental and related studies over the next two years.

World Oil envisions upscale development; traffic concerns a hurdle

BY JENNY SHEARER, Californian staff writer
Bakersfield Californian, Monday, March 23, 2009

World Oil wants to bring upscale shops and boutiques with charming facades, cafes and movie theaters to northwest Bakersfield.

Its defining feature, proponents of the project say, is a traditional "Main Street," a central gathering area for patrons to come together to shop, dine and stroll.

Tree-lined paths and paseos would connect the center to surrounding neighborhoods.

The massive development, dubbed Bakersfield Commons, would occupy 255 acres along Brimhall Road, with some big-box retail east of Coffee Road.

"We think we've got a great product. We love the demographics of northwest Bakersfield," said Dan Niemann, the project manager.

It has three phases, with buildout scheduled for 2030. It's like two Valley Plazas on the same piece of land, city planners said.

But first, World Oil and the city of Bakersfield need to figure out how to handle traffic.

TRAFFIC ISSUES

A revised traffic study by World Oil's consultants is in process. A project spokesman said it may be ready in a few weeks.

City staffers and consultants would be next to review it; it would drive an [air quality](#) study before a draft environmental impact report may hit the streets. The project is a big infill site, a vacant area near existing homes, businesses and the Friant-Kern Canal.

It's also near several chronically overloaded intersections, such as Coffee and Stockdale Highway and Coffee and Rosedale Highway, said City Manager Alan Tandy.

Tandy believes the planned Westside Parkway, the future Highway 58, needs to first be in place — or a significant chunk of it — because "it represents relief to a great many of our severely congested street segments and intersections," he said.

The size of the project and its proximity to existing developments and roads makes the Parkway's presence a necessity.

"We are trying to work with the city to invest in the transportation improvements that are their priority," said spokesman Steve Sugerman. That could include paying traffic impact fees upfront.

“They are on a segment of road that is clearly an issue to us right now,” said Raul Rojas, the city’s public works director. “We are taking this very, very seriously. We understand that the public would not tolerate anything less than that.”

The City Council could decide the development’s benefits to the community outweigh traffic concerns.

The traffic study’s been delayed, Sugerman said, because the traffic model Kern Council of Governments uses needed some tweaks.

The regional transportation and planning agency uses models and assumptions about future housing and employment to forecast what the region’s traffic would be like in 2030 and beyond. About a week ago, KernCOG ran an analysis that Sugerman said is more realistic.

KernCOG’s executive board awarded federal infrastructure funds Thursday to widen a portion of Highway 46 rather than a later planned phase of the Westside Parkway because the latter isn’t shovel ready.

WHAT’S NEXT

World Oil, the sixth largest privately owned company in the state, plans to tout the project and its benefits at a series of meetings with civic groups in the next 30 to 60 days, Sugerman said.

He added the company would welcome any chance to talk about it with Bakersfield residents. Want them to come to your living room? They just might.

World Oil would team up with a national development firm on the project.

As proposed, the Bakersfield Commons would be similar to Victoria Gardens in Rancho Cucamonga, which includes retailers such as Macy’s, Ann Taylor Loft, Anthropologie and Crate & Barrel.

Office space would be part of the project’s second phase, and housing would comprise the third.

World Oil extended escrow on Pacific Gas & Electric Co.’s power plant, which has been an industrial sentinel since the mid-1980s.

“Right now, we’re focused on development rights on the 255 acres,” Sugerman said. “We’re taking time to evaluate whether or not to purchase that property.”

In addition to the \$5 million purchase price, Sugerman estimated it could cost \$15 million to \$20 million to remediate the site.

Councilman David Couch, whose ward includes the project site, encouraged World Oil to meet with neighbors about its plans.

“I’m hopeful there are some things that we can do, that they can do that will allow their project to move forward that will allow traffic mitigation. As I sit here right now, I don’t know exactly what those are.”

Vital questions: Oil industry enduring uncertainty over refinery, laws, taxes

By JOHN COX, Kern Business staff writer

Bakersfield Californian, Sunday, March 22, 2009

The one great indicator of how Kern’s oil industry is doing — the price of a barrel of heavy crude — is almost beside the point these days.

Yes, this winter’s prices are far less than summer’s record highs, continuing a cycle of booms and busts. And after the recent run-up in materials and diesel, some of the county’s independent producers only just cover their costs. But both of these challenges — low prices and high costs — merely exacerbate a deeper problem vexing the industry locally: uncertainty.

The unpredictability comes from different quarters. Even if barrel prices were to stabilize in the near term, there would still be important questions to which there are, as of yet, no clear answers for the long term:

- What will become of the area’s most important buyer of oil, Big West refinery in Bakersfield?
- How will local oil producers be asked to comply with an ambitious new greenhouse gas law?

- Will the state's dismal finances lead to a steep severance tax on oil produced in California?

To an industry known locally for its resilience, the uncertainty is significant. It leaves local oil producers and the companies they support — such as drilling rig operators and other oil service companies — unable to plan for the future or adjust their expenses in a timely manner.

Longtime Taft oilman Fred Holmes, owner of Holmes Western Oil Corp., described the uncertainty in terms of the sudden decrease in oil prices in the second half of last year.

Previous downturns, he said, arrived slowly, giving producers time to “notch down.” But because prices dropped suddenly this time, he said, the experience was more painful.

“In the oil field, we have to learn how to be in a bust cycle,” Holmes said. “We didn’t have much time to prepare.” Bakersfield oilman Ken Hunter, president of oil production company Vaquero Energy Inc., said uncertainty related to the tax question in particular has caused him to consider reallocating capital outside the state — a move he said he never considered until recently.

“California has more uncertainty, probably, than any other state, just because of its regulatory environment,” he said. “You finally reach a point where you think, ‘Maybe I should diversify.’”

REFINERY BLUES

Perhaps the biggest new source of uncertainty in Kern oil fields is the sudden shutdown of Big West refinery on Rosedale Highway.

The refinery's owner, Ogden, Utah-based Flying J Inc. said in January it was closing the plant indefinitely while it pursues options including a sale of Big West.

The move was precipitated by Flying J's Chapter 11 bankruptcy filing on Dec. 22. Oil suppliers became nervous that the company would be unable to pay its debts, and they insisted on new payment terms that Flying J was unable to offer. As a result, so many producers halted shipments that the refinery could no longer operate.

Since the plant's closure and the initiation of mass layoffs there, refinery workers have reported seeing potential buyers touring the refinery. But Flying J so far has confirmed nothing beyond word that Big West is for sale.

Producers are sweating the closure largely because of how much oil Big West had been buying: 65,000 barrels a day, thousands of them from local independents. What's more, a good portion of that total was heavy Kern crude, which can be a hard sell outside the area.

For the most part, Kern oil producers who used to sell to Big West have responded in one of two ways: idle their wells, or pay \$1 or more per barrel to have their oil transported to a buyer outside the area.

Neither option is ideal, independent oil marketer Bob Devine said. But he said idling some wells — especially the ones that require steam injection technology to operate profitably — has the potential to become an unfortunate, permanent outcome to what many think is a temporary problem.

“Some wells will never come back online,” Devine said.

FUZZY DIRECTIONS

Another of the industry's big question marks pertains to the Global Warming Solutions Act of 2006, better known in oil circles as AB 32. It aims to roll back California's greenhouse gas emissions to 1990 levels by 2020.

The law does not target the oil industry alone; it could ultimately affect every household and business in the state. But because much of what the oil industry does entails some kind of [air emissions](#), many oil executives worry that it will force them to change the way they do business, ultimately cutting into profits.

So far, the state Air Resources Board has released no details about how it intends to carry out the law's mandates.

The board has told industry leaders not to expect enforceable guidelines until next year. In the meantime, however, oil executives say they are looking for news about the possible use of offsets, which would work within a market-based "cap-and-trade" system.

To date, no such system exists in California. That leaves the industry little or no guidance on how to prepare for the changes ahead.

"They're not even giving us an option to comply with the mandates (state government) is putting forward," said Rock Zierman, CEO of the California Independent Petroleum Association, a Sacramento trade group.

A TAXING PROPOSAL

California's oil industry was shaken recently by Gov. Arnold Schwarzenegger's call for a 9.9 percent tax on oil produced in the state. Unveiled in November as a step toward bridging the state budget gap, the proposal was to raise about \$1.2 billion a year.

By mid-February, the governor's plan had been all but dismissed by the industry, which had argued that it would have made some drilling projects financially unfeasible, and that the burden ultimately would end up on the backs of already cash-strapped consumers.

Nick Ortiz, government affairs manager for the Greater Bakersfield Chamber of Commerce, which opposed the tax, said it appeared as though the proposal had been taken off the table during state budget talks. Even so, Ortiz said, the idea comes up regularly. It could be back next year.

"I think that it's a bit of a perennial idea when we are in good budget times and bad budget times," he said.

PRICE IS KING

Mike Kranyak said he is less worried about the tax proposal than he is about the uncertainty surrounding oil prices.

Kranyak, part-owner of Bakersfield oil production company San Joaquin Facilities Management, said the company recently idled its marginal oil wells and is now "just cooling our heels" until prices recover.

How long that will take is anyone's guess.

"It's a waiting game right now," he said.

VTA Joins Green Grazing Movement Sheep and Goats are Grazing at Facility near SR 237

El Observador, March 23, 2009

San Jose, Calif. - While using grazing sheep and goats to reduce weeds and grasses is a time honored tradition in more rural regions, the Santa Clara Valley Transportation Authority believes it is the first transit district in the Bay Area to employ four-legged lawn mowers.

Approximately 400 animals will be providing a natural alternative to mowing for the springtime growth of grass and weeds around VTA's Cerone Division, which is located alongside State Route 237 and Zanker Road in north San Jose. The animals are slated to be on site until March 28, or until the 10-acre test parcel at Cerone has been fully grazed, whichever comes first.

"This activity allows VTA to try an alternative process that significantly reduces the use of herbicides," said Michael Burns, General Manager of VTA. "If the program proves to be practical, it also means less dependence on motorized mowers."

The company providing the animals is the same one that has been supplying sheep and goats to the San Jose/Santa Clara Water Pollution Control Plant, located directly across SR 237 from the Cerone Division. In addition to the animals, the contract also provides for shepherds, sheep dogs and temporary fences for herding.

A decision to extend the contract will be made after the impacts and results of the two-week trial period are fully evaluated.

The grazing experiment is part of VTA's Sustainability Program, which has also seen VTA purchase hybrid vehicles for its paratransit and non-revenue vehicle fleet, greatly increased paper recycling and significant reductions in overall water, paper and electricity usage. VTA also plans to purchase a number of hybrid passenger buses in the near future and use them to replace older, diesel-burning buses.

VTA is committed to creating a greener Santa Clara Valley through its Sustainability Program. The program seeks to meet today's needs without compromising future generations. VTA's Sustainability Program will strengthen VTA's commitment to the environment through the conservation of natural resources, the reduction of greenhouse gases, the prevention of pollution and the use of renewable energy and materials.

Seed treatments give plants head start Fungicides in coatings result in fewer side effects

By Cecilia Parsons

Capital Press Ag Weekly, Thursday, March 19, 2009

Vegetables are judged by taste, eye appeal and nutrition. Vegetable seeds must have the potential to provide those things, too, but they've got some added requirements. Seeds must germinate and produce healthy plants in spite of soilborne pathogens.

University of California-Davis vegetable crops professor Kent Bradford said seed production techniques developed over the past few years have increased the value of the seed, raising the bar for the industry.

"Vegetable seed technology is highly developed - more than agronomic crops," said Bradford, who is also director of the UC Seed Biotechnology Center.

Most vegetable seeds are tiny, many are irregularly shaped and nearly all are susceptible to soil pathogens. Seed treatments have been developed to address all those challenges and a few more.

Bradford said seed coatings serve several purposes. The material makes them heavier - and round if the seeds themselves are not - so they can be planted with more precision. Coatings can also include fungicides to protect the seed from soil pathogens. Seed companies have worked to ensure the material stays on the seed and does not come off when it's handled.

The current push, Bradford said, is to deliver systemic pesticides that will give the seed and emerging seedling three to four weeks of protection.

"The materials are delivered right where the seed needs them, so far less material is applied. The materials are also tested to make sure they break down in the soil," Bradford said.

Spinach seed has some challenges with the soilborne pathogen *Verticillium dahliae*, said Becky Peterson with the California Seed Association. She said the pathogen can be on spinach seed and not affect that crop, but lettuce crops planted after the spinach is harvested are affected.

Peterson agreed with Bradford that advances in seed coatings containing fungicides mean far fewer pounds of pesticide are applied. Placing the material on the seed also cuts down on above-ground treatments and reduced volatile organic compound releases, which are becoming more regulated due to [air quality](#) concerns.

Priming is another seed enhancement that has been developed for commercial vegetable seeds. Peterson said the process involves activation of the germination process and stopping it. When the seed is planted, the process has already started, and it takes less time and effort to establish a stand.

Seed treatments are integral to successful vegetable production, said Lindsey du Toit, a vegetable seed pathologist at Washington State University. Intensive production of "baby leaf" crops - seed counts of 4 million per acre, with sprinkler irrigation - promotes ideal conditions for the pathogen that causes "damping off," du Toit said. The treatments can keep the disease in check.

Du Toit said more research is needed to develop similar protections for organic production. Seeds can be disinfected and some biologicals applied to prevent disease, she said, but often the organisms have a niche where they perform best. Where the seed is planted may not be the best place, she said.

"That creates some confusion and tremendous cost, because when the crop fails they blame the seed or the treatments or the field, but it could be that all or one are to blame," she said. "It's a hot topic."

Official wake-up call directed at ag pesticide users

New administration lays out specific values, priorities

By Cookson Beecher

Capital Press Ag Weekly, Thursday, March 19, 2009

Compared to the past eight years, it's a whole new day for pesticide users now that Barack Obama is in office, an agricultural scientist told a group of growers during the recent Western Washington Potato workshop.

"From the top down, the Environmental Protection Agency is completely changing the way it is implementing things, and that will have an effect on how fast and how far things go," said Catherine H. Daniels, pesticide coordinator at Washington State University's Puyallup Research and Extension Center.

Daniels' comments during the workshop paralleled those of newly appointed EPA Administrator Lisa Jackson in her Jan. 23 letter to EPA staff members: "With his election and with my appointment, President Obama has dramatically changed the face of American environmentalism," Jackson wrote.

The letter also provided information about the three values that Obama expects EPA to uphold.

- Science, not policy, must be the backbone for EPA programs.

Jackson said this directive makes it clear that when EPA addresses scientific issues, it should rely on the expert judgment of the agency's career scientists and independent advisers.

Jackson also emphasized that even though laws that Congress has written and directed EPA to put into place may leave room for policy judgments, "policy decisions should not be disguised as scientific findings."

- EPA must follow the rule of law. When Congress has been explicit about environmental laws, EPA cannot misinterpret or ignore the language Congress has used.

Likewise, said Jackson, when a court has determined EPA's responsibilities, EPA cannot turn a blind eye to the court's decision or procrastinate in complying.

- EPA's actions must be transparent. Jackson said she embraces this philosophy, pointing out that the agency will reach out to all stakeholders fairly and impartially.

"Public trust demands that we fully disclose the information that forms the basis for our decisions," she said.

Daniels told the growers that these comments from Jackson send a wake-up call to growers that the days of foot-dragging and ignoring directions from Congress and the courts are over.

In her letter, Jackson also shared EPA's five priorities with agency staff members:

- Reducing greenhouse gas emissions - Obama has pledged to make responding to the threat of climate change a high priority of his administration. "We will move ahead to comply with the Supreme Court's decision recognizing EPA's obligation to address climate change under the Clean Air Act," Jackson said.
- Improving air quality - The agency will plug the gaps in the regulatory system as science and the law demand.
- Managing chemical risks - Now is the time to revise and strengthen EPA's chemicals management and risk assessment programs.
- Cleaning up hazardous-waste sites.
- Protecting America's water - The agency will intensify its work to restore and protect the quality of the nation's streams, rivers, lakes, bays, oceans and aquifers, which includes reducing non-point pollution.

Daniels told the growers that the relationship between water quality and pesticides has recently been dealt with in a January 2008 decision handed down by the U.S Court of Appeals for the 6th Circuit, which covers Ohio, Michigan, Kentucky and Tennessee.

In that case, the court ruled that pesticides are not exempt from the Clean Water Act and that anyone who gets pesticides in the water will need to obtain a National Pollutant Discharge Elimination System permit.

Daniels said the decision is in contrast to EPA's stand that pesticides are exempt from the Clean Water Act.

She also pointed out that Washington state is in the 7th Circuit.

"This issue will rise up to the next level," she said. "You really can't have a federal law that's implemented in different ways around the country. In the end, we don't know how it will come out, but it could very well be that pesticides are going to fall into the domain of the Clean Water Act."

When referring to the potential of water monitoring, Daniels said that this could be a good thing for growers whose agricultural practices are keeping pesticides out of the water.

She also warned that unlike criminal court, where a person is innocent until proven guilty, in the court of public opinion, pesticide users are guilty until proven innocent.

"They're sure agriculture is responsible for most of the contamination," she said. "You need to be thinking as an industry how to gather data and show you're doing the right thing, and that it (pesticide pollution) is not coming from you," Daniels said.

Coal industry hopes for a place in Obama's energy policies

By HALIMAH ABDULLAH - McClatchy Newspapers
Merced Sun-Star and Modesto Bee, Monday, March 23, 2009

WASHINGTON -- The coal industry - long the lifeblood of mountain-rich but economically poor states like Kentucky - is bracing for a seismic shift as the Obama administration charges ahead with re-envisioned energy policies focused heavily on renewable resources and new ways of storing carbon emissions.

The gambit pits mining companies and lawmakers who are concerned about costly innovations against environmentalists who argue the ecological damage left by an industry that powers nearly all of Kentucky and much of the nation is too high a price.

"The stakes are very high. We have to reduce our greenhouse gas emissions and efforts to do that will affect how we use coal in the future," said Barbara Freese, author of the book "Coal: A Human History," and a clean-energy and climate policy advocate with the Union of Concerned Scientists. "Climate change will force economic and technological changes. The question is how to bring those changes about in the most cost-effective and efficient way."

The Department of Energy will soon announce whether it will use \$1 billion in stimulus funds to resurrect FutureGen, a proposal to create in Illinois the world's first coal-fired power plant designed to capture and bury carbon emissions underground. Kentucky was once a contender for the plant, which the Bush administration ultimately decided not to build, citing a cost overrun that pushed the price tag to \$1.8 billion.

A recent Government Accountability Office report said the cost to build is actually closer to \$1.3 billion, and the Bush administration's overestimation, coupled with the decision not to build the plant, set the country's "clean coal" efforts back a decade.

In response to last year's massive coal ash spill at a Tennessee Valley Authority facility in Kingston, Tenn., the Environmental Protection Agency recently announced plans to create standards for regulating the ash that is left over after coal is burned to produce electricity.

According to a Natural Resources Defense Council report, Kentucky comes in at No. 11 on a "Filthy 15" list of states where new power plants would produce more coal ash.

The Obama administration is also promising to make good on a campaign pledge to implement a governmental cap-and-trade program that would "cap" companies' carbon emissions and force businesses to purchase or "trade" for lower emissions levels.

The economic stimulus has \$16.8 billion for renewable energy and efficiency programs compared to \$3.4 billion for the coal industry. Congress previously nixed \$50 billion in loans for the coal-to-liquid fuels and nuclear industries.

Some Kentucky lawmakers feel that's not nearly enough.

"President Obama in his budget proposal said that if they initiate a cap and trade it would produce \$650 billion in revenue for the federal government. That's a little bit scary in itself because it's a source of income he's depending on to offset some of his proposals," said Rep. Ed Whitfield, R-Ky, who sits on the House Energy and Commerce Subcommittee on Energy and the Environment. "It will increase the cost of electricity being produced and it will be extremely difficult for Kentucky and a lot of Midwestern states to get themselves in a position to meet these standards."

Lexington has the country's largest "carbon footprint" - leading the nation in emitting the greenhouse gases that most scientists think contribute to global climate change. Other Kentucky cities follow closely, including the Cincinnati-Northern Kentucky area and Louisville, according to a study of the nation's 100 largest metropolitan areas by the Brookings Institution.

The coal mining industry has donated heavily to the state's congressional delegation's campaign war chests.

Kentucky lawmakers have long pinned their hopes for an economic revival in Appalachia on a windfall in federal funding to capture and store carbon emissions underground. The method is seen as critical to efforts to convert coal to liquid fuels - a process that produces a significant amount of carbon dioxide that could be released into the atmosphere.

Clean Coal Power Resources of Louisville, Ky., could decide in a few months if it will move forward with a proposed \$7.6 billion coal-to-liquid fuels plant in McCracken County - a project that would take years to build as environmental and regulatory standards are met. During the last Congress, Whitfield and other Kentucky lawmakers co-sponsored legislation to advance the development and deployment of carbon capture and storage.

However, that technology is not yet commercially viable, and "absent greater incentives through government subsidies, regulatory policies, or shifting construction risks to vendors, 'clean coal' is likely to remain an elusive part of the future of electric generation," Todd Shipman, a credit analyst with Standard and Poor's, told the House Energy and Commerce Subcommittee on Energy and the Environment during a panel on the future of coal last week.

The tremors created by the shift in energy policy can perhaps best be seen in the multimillion-dollar advertising battle over the public perceptions of coal as an energy resource. The mining industry, environmentalists, lawmakers and the Obama administration all have varying definitions of "clean coal". Coal companies through the American Coalition for Clean Coal Electricity have produced television spots punctuated with snippets from Obama's campaign trail speeches extolling the virtues of "clean coal".

The Reality Coalition shot right back with a commercial directed by Academy Award-winning filmmakers Joel and Ethan Coen that features a clean coal air freshener that "harnesses the awesome power of the word clean."

"The term 'clean coal' has been around for a long time, before we were even talking about carbon capture and storage," Freese said. "It came out of the industry and it became a catchall phrase for reduced pollution related to coal. That's not helpful because there are so many technologies involved."

Alaska volcano Mount Redoubt erupts 5 times

By MARY PEMBERTON - Associated Press Writer
In the Modesto Bee, Monday, March 23, 2009

WILLOW, Alaska -- Alaska's Mount Redoubt volcano erupted five times overnight, sending an ash plume more than 9 miles into the air in the volcano's first emissions in nearly 20 years.

Residents in the state's largest city were spared from falling ash, though fine gray dust was falling Monday morning on small communities north of Anchorage.

"It's coming down," Rita Jackson, 56, said early Monday morning at a 24-hour grocery store in Willow, about 50 miles north of Anchorage. She slid her fingers across the hood of her car, through a dusting of ash.

Ash from Alaska's volcanoes is like a rock fragment with jagged edges and has been used as an industrial abrasive. It can injure skin, eyes and breathing passages. The young, the elderly and people with respiratory problems are especially susceptible to ash-related health problems. Ash can also cause damage engines in planes, cars and other vehicles.

Alaska Airlines on Monday canceled 19 flights in and out of the Anchorage international airport because of the ash.

Elmendorf Air Force Base in Anchorage told only essential personnel to report to work. The Air Force says 60 planes, including fighter jets, cargo aircraft and a 747 commercial plane, were being sheltered.

The first eruption, in a sparsely area across Cook Inlet from the Kenai Peninsula, occurred at 10:38 p.m. Sunday and the fifth happened at 4:30 a.m. Monday, according to the Alaska Volcano Observatory.

The wind was taking the ash cloud away from Anchorage, toward Willow and Talkneetna, near Mount McKinley, North America's largest mountain in Denali National Park.

Dave Stricklan, a hydrometeorological technician with the National Weather Service, expected very fine ash.

"Just kind of a light dusting," he said. He said the significant amount of ash probably dropped immediately, right down the side of the volcano.

"The heavier stuff drops out very quickly, and then the other stuff filters out. There's going to be a very fine amount of it that's going to be suspended in the atmosphere for quite some time," he said. "The finer ash is going to travel farther, and any ash can affect aviation safety."

Jackson said she was taking a sip of coffee when she tasted something funny on her lips - ash. She was experiencing other affects, too.

"My eyes are itching really bad," she said as she hurried to get out of the store and to her car.

Jackson, who unexpectedly got the day off, hurried home from the grocery store to secure a motorcycle, snowmachine and vehicles under protective blue tarps.

The 10,200-foot Redoubt Volcano, roughly 100 miles southwest of Anchorage, last erupted during a four-month period from 1989-90.

In its last eruption, Redoubt sent ash 150 miles away into the path of a KLM jet and its four engines flamed out. The jet dropped more than 2 miles before the crew was able to restart all engines and land safely. The plane required \$80 million in repairs.

Meanwhile, the volcano became restless earlier this year. The observatory had warned in late January that an eruption could occur at any time.

Increased earthquake activity over the past 48 hours prompted scientists to raise the alert level for Mount Redoubt on Sunday.

On Sunday morning, 40 to 50 earthquakes were being recorded every hour.

A steam plume rising about 1,000 feet above the mountain peak was observed Saturday.

[Fresno Bee, Commentary, Sunday, March 22, 2009:](#)

MINDY LUBBER: U.S. needs honest accounting of pollution's true costs

Twenty years ago the Exxon Valdez plowed onto Bligh Reef in a pristine Alaskan inlet and let loose 11 million gallons of crude oil while the captain slept and the Coast Guard ignored the ship's course.

The deadly viscous goo that devastated fish, birds and other wildlife seared our consciousness as a symbol of environmental negligence and brought calls for greater safety measures to protect our fragile world.

Two decades later, our global climate is perilously warming, and our economy has run aground as its captains ignored the dangers in a binge of profiteering and risky economic shortcuts.

Our poor treatment of the environment and neglectful stewardship of the economy share a genesis. Both result from a fixation on short-term financial results, our stubborn denial of consequences and a refusal to prudently protect our future.

As the Obama administration's stimulus package makes clear, the two issues also are joined in remedy. If we take the steps now to reverse the environmental footprint from burning the fossil fuels that are heating our planet, we can protect our world and prepare our economy for a new green age. The word "sustainability" may have political overtones, but its relevance is simple: It means changing how we live now to assure we have a future.

To sustain ourselves, we need to transform the energy system that fuels our industrial society, as we alter course in the priorities and principles that guide our economic and environmental decisions.

In short, we have to start investing in the future rather than borrowing on it in hopes that our children can pay the bills.

We can do so through a series of practical, realistic steps, already embraced by many of today's most thoughtful business leaders.

Those steps include honest accounting that factors into financial decisions the real cost of air and water pollution, the real effects of global warming and the real limits on precious resources such as water and forests. A national carbon cap-and-trade system that reduces global warming pollution and puts a price on carbon emissions is a big step in that direction.

Other steps include enacting new standards that reward businesses for sustaining, rather than exhausting, our world. Utilities should be rewarded, not punished, for helping their customers use energy more efficiently. No longer should business strategies and board meetings center only on what makes the most money in the next quarter.

Shareholders must demand transparency in carbon-intensive projects such as new coal-fired power plants and investors must shift investments toward clean technology, which will be more profitable in the long run.

We must also enact smart government policies that send clear market signals to encourage clean solutions with a long-term perspective. Congressional proposals to set aggressive goals to cut electricity demand by 15% and greenhouse gas emissions by 25% by 2020 are on the right path, as are tax structures that discourage high-polluting technologies and reward clean energy and green job creation.

But we must also reform our broken Securities and Exchange Commission, which has utterly failed in its duty to protect investors and maintain fair, orderly markets. Such reform must include a requirement for all publicly-traded companies to report on their risks and opportunities from climate change, water shortages and other social and environmental challenges they face. This will enable investors to make informed decisions and direct their dollars toward a new green economy.

The Exxon Valdez tragedy on March 24, 1989, brought some reforms, but not enough. Improvements in spill response and tanker design are overshadowed by calls to "drill, baby, drill!" in even more environmentally sensitive areas and to extract dirty oil from Canada's tar sands, which have two to three times the carbon footprint as conventional oil production.

Though we are in turbulent waters, it is not too late to chart a new course, one that values the long-term prosperity of the planet and its people. With \$83 billion pegged for clean technology, the economic recovery package -- the largest green investment in the nation's history -- offers promise to help right the ship.

Honest accounting of pollution's true costs, coupled with new expectations for business, and smart policies to stimulate long-term, clean energy solutions, will further guide us toward safe waters.

Mindy S. Lubber is president of Ceres, a coalition of investors, environmental groups and other public interest organizations working to address sustainability challenges such as global climate change.

[Fresno Bee, Editorial, Monday, March 23, 2009:](#)

High-speed rail meetings are a chance for public input

Valley residents have a chance to dig into the details of the proposed high-speed rail project at two public meetings set for this week.

The California High-Speed Rail Authority is holding "scoping meetings" as part of the environmental review process for the system. It's a chance to ask questions and provide input for the 800-mile system approved by voters in November with Proposition 1A.

A meeting will be held from 3 to 7 p.m. Tuesday in Visalia at the Visalia Convention Center. A meeting is scheduled from 3 to 7 p.m. Wednesday at the Fresno Convention Center Exhibit Hall.

The meetings have an open house format. Just drop in and start finding out about high-speed rail and the enormous impact it will have on the Valley, in job creation, economic development, air quality improvement and cheaper and more convenient transportation.

The planning process took on new urgency when President Obama added \$8 billion to the stimulus bill and another \$5 billion to the omnibus spending bill dedicated to high-speed.

California is first in line for that money now, owing to Proposition 1A and the work already under way planning the system.

But other states and regions are awakening very quickly to the possibilities; it's imperative that California hold its lead.

Public support is crucial to that effort. Come out and join the process.

[Guest Commentary in the Tri-Valley Herald, Saturday, March 21, 2009:](#)

Readers' Forum: We must encourage everyone to spare our air

By Mark Ross

THE BAY Area enjoys an atmospheric cleansing wind most of the year. At times, however, our semi-arid climate is bereft of breezes, enabling smog to "cook" and form in the summer, and wood smoke to hang over our neighborhoods in the winter. Hence our legendary air pollution problems that require proactive solutions that help clear the air.

Spare the Air programs from the Bay Area Air Quality Management District, both summer and winter versions, have been in play for 15 years. But the voluntary guidelines have not been effective — a fact overlooked in a recent Times editorial. So we have had to move to a mandatory program during the winter.

Recent scientific evidence has identified lingering wood smoke as being particularly dangerous to the young and elderly, and generally unhealthy for everyone in between. These micron-size particles of soot pass through home air filters and human lung membranes effortlessly, ending their short neighborhood journey in the bloodstream and hearts of anyone nearby.

Similar to the evolution of concern about second-hand cigarette smoke from denial to relative acceptance of the danger of passive exposure, the health consequences of soot inhalation are clearly being signaled by the medical community.

Second-hand wood smoke is now known to trigger, and may even cause, asthma in all segments of the population, along with other respiratory ailments. Additionally, cardiovascular events (including heart attacks) can be triggered by one-time exposures to smoke, as recently reported by a Center for Disease Control study in Colorado focusing on emergency room visits.

Not surprisingly, while climate change was debated by the previous White House administration, acceptable levels of exposure to particulate matter were cut in half by the same Environmental Protection Agency last year.

San Joaquin Valley saw fit several years ago to prohibit the intrusion of soot into neighborhoods on their Spare the Air nights. While the Times insists that compliance should be voluntary, even the conservative Central Valley has mandatory rules that ensure that protection against bodily intrusion of soot from ill-timed use of fireplaces trumps the right to burn.

In the Bay Area, wintertime second-hand wood smoke from fireplaces accounts for more soot than diesel trucks, generators and power plants combined—sometimes totaling 30 percent to 40 percent of the total particulate matter "load" wafting through the region. Much of this smoke is not from exempted fireplaces (where wood burning is the sole heat source), but from homes that have conventional heating systems that could be employed on these 12-20 nights a year.

Alerting millions of Bay Area residents almost immediately of "no burn nights" was a challenge the air district board unanimously recognized would be daunting. Thus the message, and not the fines, was to be the primary focus in this initial year, although due process is proceeding for the citations issued, and some fines may be levied.

Enforcement was aided, as it is in most air pollution matters, by citizen reporting. This year we received over 1,400 complaints. The Times objects to this basic facet of pollution control, which remains the primary source of information regarding any source of emissions and, for that matter, many areas of civil and criminal enforcements.

The air district also relies upon media outlets such as the Times to inform the public about impending Spare the Air nights, along with the e-mail alerts and phone call notification systems currently in place (Sparetheair.org and 1-877-4NO-BURN). We will take the suggestion by the Times to notify earlier as we do in the summer.

Finally, the Times recommends we focus efforts on the "big" polluters, such as refineries and diesel sources. We are continually "clamping" down on these sources, including a just-approved retrofit program that will significantly reduce diesel particulate pollution from 400 trucks serving the Port of Oakland and the Bay Area.

But most people live near chimneys, not ports and refineries.

The success of encouraging the public to share the air responsibly will require continued proactive solutions that are improved with public participation, cogent criticism and responsive adjustments by our air district.

Ross is a Martinez city councilman and a director of the Bay Area Air Quality Management District.

[Note: The following clip in Spanish discusses clean energy and jobs are President Obama's words in California. For more information on this Spanish clip, contact Claudia Encinas at \(559\) 230-5851.](#)

Energía limpia y empleos, las palabras de Obama en California

Manuel Ocaño

Noticiero Latino

Radio Bilingüe, Friday, March 20, 2009

El presidente, Barack Obama impulsó su agenda ambiental durante su primera visita como mandatario a California, donde propuso inversiones multimillonarias en energía alternativa. Al visitar la empresa *Edison*, del sur de California, el mandatario dijo que tanto el presupuesto, de tres mil 600 millones de dólares, como el estímulo económico de 787 mil millones, enfatizan las llamadas "empresas verdes", que son iniciativas que al mismo tiempo ayudan a reducir la contaminación y a crear nuevos empleos en el país.

Obama insistió sin embargo en que los proyectos de energía alternativa deben estar bien definidos y contar con el apoyo de los estadounidenses. "Si vamos a hacer una inversión seria en energía limpia, eso significa que vamos a enfrentar a la energía sucia, y alguien no va a alegrarse por eso, porque ha venido

teniendo subsidios del gobierno; así que van a empezar a anunciar en televisión que este es un terrible plan energético", advirtió el presidente.

El mandatario habló de manera similar sobre la industria automotriz. Dijo que puede reducir la contaminación, competir y ganar.