

Supervisor slams Florez over dairies

By DAVIN McHENRY, Bakersfield Californian, posted Wednesday February 26, 2003, 10:55:33 PM

A Kern County supervisor is taking a local state senator to task for a proposal that would ban all dairies within three miles of any school or urban area.

Supervisor Ray Watson, whose district includes much of the west side, has complained about the proposed buffer, which was introduced Friday by Sen. Dean Florez, D-Shafter.

The ban was part of a 10-part package of legislation aimed at improving air quality. The legislative blitz also included proposals to tighten restrictions on farming-related pollution, wood-burning fireplaces and dirty cars.

But it was the dairy buffer that Watson said raised his ire.

County supervisors considered an identical buffer zone in January and rejected it as being too "arbitrary."

Instead, Watson said he wants customized buffers around cities that could be closer than three miles in some places and farther in others.

A buffer should take into account the size of a dairy, growth patterns of the community, wind patterns and technological improvements, he said. The limit should also apply to other types of animal industries such as feedlots or chicken farms, he said.

Using those kinds of factors, the limits could be closer than three miles in some places and farther in others, Watson said. Shafter and Wasco city officials are already drafting similar buffers and are expected to present them to the county Planning Commission.

"This is a local planning issue and it should remain so," Watson said. "Kern County should not allow the state to usurp the authority of local governments to establish land use policies."

Such criticism is premature -- and somewhat hypocritical, Florez said.

"We wouldn't even be having this discussion if Ray Watson really believed in local control," Florez said.

The senator said Shafter and Wasco leaders were strongly in favor of a three-mile buffer around their cities, but that county supervisors didn't heed the request when they shot down the limit in January.

"Those city councils spoke loud and clear. They didn't want dairies within three miles," Florez said. "Why shouldn't their voice count? Would we even be talking about this if someone wanted to put a dairy three miles from Westchester? Or from the bluffs? The only difference is that there is a senator who happens to live in Shafter."

Florez also deflected criticism that his legislation is arbitrary, saying that the bill is still in the early stages.

Over the next 30 days, Florez said he expects to have extensive talks with the dairy industry and affected communities about how the final legislation should read.

"I'm having representatives from the dairy industry come in and talk to me (Wednesday)," he said.

"I think Supervisor Watson ought to understand how the legislative process works."

The final bill could have a limit smaller or larger than three miles, Florez said.

And there could be many more provisions, such as requiring city councils or school districts to vote on a buffer before it would take effect.

The bill also could end up with some provisions to help the dairy industry, such as a ban on "reverse encroachment," Florez said.

In the end, Florez said he envisions a final bill that not only keeps dairies away from homes and schools, but also protects the milk producers from encroachment by residents. One possibility would be to make the buffer work both ways, prohibiting new homes or schools from being built within prescribed distances of a dairy.

"Who was there first, the school or the dairy?" Florez said. "In my bill, whoever is there first wins."

Florez said he plans to hold a hearing May 2 at Shafter City Hall on dairies and their effects on the valley's air pollution.

State to request a retest on soil

By Doug Keeler, Taft Midway Driller, February 27, 2003

State officials are going to ask the Department of Energy to retest the soil in the vacant lots that were cleaned up several years ago.

Area residents asked a representative of the state Department of Toxic Substance Control for new testing last week.

Lisa Gray, a spokeswoman for the DTSC, said yesterday that a project engineer has spoken to the DOE and will be arranging for further testing of Drill Site 26 on the 100 block of Jackson and Monroe Streets.

The vacant lots were the site of a burn dump that is responsible for lead contamination in the soil of nearby yards.

Hazardous levels of lead have been found in soil samples in the yards, and the federal Environmental Protection Agency will be conducting a cleanup of soil in the affected yards.

Levels of lead up to 2,000 parts per million have been found in the yards on Jackson Street.

But soil samples taken last year along the alley than runs through the lots have shown levels up to 14,000 ppm, raising concerns about the possibility of more contamination in the lots.

Soil with lead concentrations above 1,000 ppm is considered hazardous waste under EPA standards.

Up to 400 parts per million is considered accepted in soil in cities, according to the EPA.

The EPA is planning on a 10-week project to remove tainted soil from around the homes on Jackson and Birch Streets starting March 10.

The families living in the affected homes will be relocated while their yards are dug up one at a time. Officials estimate it will take six to 10 days for each yard. An EPA representative is meeting individually with the families this week.

The DTSC is compiling a history of the lot to find out who is responsible for the dumping. The lots were originally a part of Naval Petroleum Reserve No. 2, established about 1912 before being transferred to the Department of Energy along with Naval Petroleum Reserve No. 1 (Elk Hills) in the late 1970s.

The lot was used as a burn dump for a time, and the lead contamination is believed to have come from lead solder used in cans and from lead paint.

The DTSC and EPA want to find out who is responsible for the contamination so they can be billed for the estimated \$1.5 million cost of cleaning up the 10 yards.

At least one resident says the Navy should be held responsible.

"If you own that lot, then your responsible for the crap that's in that lot," said the resident, speaking on the condition that he not be identified. "It's your crap, not mine. That property was owned by the Nay and the Navy new there was trespassing and people using the site for a dump. It's there responsibility since they didn't stop the trespassing."

Blaze investigation smolders

Panelists question closed meetings and special interests of appointees.

By Pablo Lopez

The Fresno Bee

(Published Thursday, February 27, 2003, 6:58 AM)

Members of a task force investigating the monthlong Crippen Excavation blaze debated Wednesday night whether it was right to have closed-door meetings and members with special interests.

All of the members, however, agreed they needed to focus on digging out the facts behind the massive fire that sent acrid smoke throughout the community.

The task force meeting was held at Fresno City Hall. Two previous meetings were closed to the public.

On Wednesday, a Bee reporter was allowed to ask questions and listen to the first 30 minutes of the group's discussions.

Among the points covered:

A deadline of late March was set for a final report that would detail whether city employees or

policies contributed to the blaze. Work on the report has not begun. Karen McAllister, who was appointed by Mayor Alan Autry to write the report, resigned in protest of the closed meetings.

Three members -- southwest Fresno residents Harlan Kelly Sr. and Mary Ochoa, and Rey Leon of the Latino Issues Forum -- expressed displeasure about the meetings not being open to the public.

A public hearing before the task force was scheduled for 5:30 p.m. Tuesday at City Hall.

Members questioned Fresno lawyer Richard Caglia's appointment to the task force, saying his family has a solid waste/recycling operation. Crippen's business included a recycling operation.

Members concluded that every appointee represented a special interest, ranging from the residents' health to holding government officials accountable.

Earlier, McAllister said she resigned from the task force because it had "lost credibility by its secret nature."

Task force leader Henry Perea, who is in charge of the final report, said McAllister would be difficult to replace. She was to be paid to write the report, but no contract was ever signed.

McAllister is a former managing editor of fresnobee.com, a Bee Web site. She also worked as a Bee features copy editor and news reporter. She is married to Don Johnson, Bee assistant managing editor for news and business.

Said Perea of McAllister: "I understand her concern, but I wish she could have stepped into the sometimes unpredictable world of public policy with all of its challenges and detours. She could have been a part of creating a solution that would benefit our community."

Task force co-chair Cynthia Sterling, a Fresno City Council member, said others can write the report. "If I have to, I will," she said. "Either way, it will be the truth."

City Attorney Hilda Cantu Montoy ruled that the task force was not violating the state's open-meeting law, known as the Brown Act.

In a memo to the task force, Cantu Montoy concluded: "We do note, however, that the Brown Act prescribes minimal standards. Thus, the task force may hold any or all its meetings in open session. We recommend you consider policy considerations relating to public meetings very carefully."

Before Wednesday's meeting, Ochoa said: "It bothers us to see the meetings closed. People ask us what's going on, and I have to tell them I don't know."

Ochoa said her husband, Frank, has resigned from the task force. She said she might resign, too. Kelly said: "We're discussing public issues in a public building, paid by the public." By keeping the meetings closed, he said, there is a perception that "the city is trying to hide something."

If that happens, he has vowed to resign.

Deputy Mayor Roger Montero, the other co-chair, said task force members are free to talk to anyone, but any official statement should come from him or Sterling.

Autry, who appointed the members, said he delegated authority to Sterling and Montero to ensure there was no perception the mayor was trying to influence the task force.

Montero and Sterling had agreed the meetings should be closed to the public until the task force established ground rules on its mission and learned the technical workings of city departments.

He and Sterling also said the mayor gave them the authority to look at every document, question any employee and criticize any city policy.

"We're not trying to hide anything," Montero said. "The public will have ample time for input before the report is written."

The mayor formed the task force weeks after the fire began Jan. 11 inside acres of demolished homes and junk stacked two stories high on Archie Crippen's property at Marks and Nielsen avenues.

Air district officials say fireplace forums are still in the works

By MICHAEL G. MOONEY

BEE STAFF WRITER

You didn't miss those promised February workshops about a ban on fireplace use when Central Valley air is at its polluted worst.

The workshops never happened.

But a spokeswoman for the San Joaquin Valley Air Pollution Control District said Wednesday that the workshops will be soon -- during the next 15 days.

"There have been lots and lots and lots of comments (to sort through)," Josette Merced Bello said. "We've also had a hard time getting some data from a manufacturer of processed fireplace logs."

Merced Bello said a revision of the proposed rule is nearly complete and could be ready for public review as early as next week.

Federal authorities have given cities and counties in the 25,000-square-mile air district, which stretches from Lodi to Bakersfield, until April to show progress in cleaning the air or face onerous sanctions.

While wood-burning fireplaces and stoves are only part of the problem, air district officials say they play a significant role.

District data show fireplaces, along with pellet stoves and fireplace inserts that are not certified by the federal Environmental Protection Agency, account for up to 30 percent of the region's particulate matter pollution during winter months.

The particles they spew, including soot, ash, smoke particles and dust, have been linked to premature death and chronic respiratory conditions such as asthma and bronchitis.

It's possible that fireplace use could be banned for one or more days during the Christmas holiday, district officials say, because that's when particulate matter pollution often is at its worst.

Under the proposed no-burn rule, noncertified devices, including traditional fireplaces, would be banned if the district's air quality index reached 150. All burning would be banned if the index climbed to 170.

Merced Bello said there likely will be major changes to the first draft of the no-burn rule, which was circulated last year.

At least one manufacturer of processed logs is seeking an exemption from the rules, citing data that show its processed logs burn much cleaner than wood.

While that's true, Merced Bello said, the processed logs still don't meet the EPA threshold of 7 grams of particulate matter per hour.

Enforcement would be another problem, she said. There would be no way for an officer to know that the smoke coming from a chimney was being produced by a processed log rather than a piece of oak or almond.

A predictable link

Hospital visits go up when dust and soot fill the Valley air.

Fresno Bee Editorial (Published Thursday, February 27, 2003, 5:14 AM)

A new study draws a clear link between the amount of soot and dust in the Valley's air and the number of people who must seek attention in emergency rooms and hospitals. That's a

conclusion most of us could have drawn intuitively, but it is very useful to have the science to back it up.

The \$265,000 study, funded by the California Air Resources Board, examined 500,000 hospital and emergency room admissions at Kaiser Permanente hospitals in Fresno and Sacramento from 1996 to 2000.

It tracked the number and type of hospital and ER visits, and compared those figures with the amounts of particulate matter in the air on the same days. A clear correlation emerged: the higher the level of particulate pollution, the sicker people got. The biggest problems with particulate matter in the air come in the months of November to March. The typical presence of an inversion layer over the Valley in late fall and winter makes things worse, trapping the foul air and concentrating its effects.

This and other studies have focused on particles only 10 microns in diameter, called PM10, and the even smaller PM2.5, or particles only 2.5 microns in diameter. To put those numbers in perspective, PM10 describes a particle only one-seventh the size of a human hair.

Particles that small are easily lodged in the lungs, where they are associated with all manner of respiratory problems. The exact mechanism of the damage is not perfectly understood, which is one reason why more research is needed. Palliatives and even cures may emerge when we know more.

But from a public policy standpoint, it is enough to know that the damage occurs -- bronchitis, asthma, heart disease, emphysema. Those diseases wreck lives, and even take them. The more we know, the better we'll be able to fight back.

Funding for such studies is awfully difficult at a time when state and federal budgets are hemorrhaging red ink, but the alternative is to accept more casualties among our families, friends and neighbors.

Valley ag has battle on its hands

Bill McEwen

Commentary, The Fresno Bee

(Published Thursday, February 27, 2003, 4:35 AM)

More than 35 years of living in Fresno finally have convinced me the farmers are right. It always rains at the wrong time.

It is getting harder and harder to compete against foreign producers, with their cheap labor and high tariffs.

If frost doesn't wipe you out, government regulation will.

Americans expect supermarket bargains, but don't ask them to live within 5 miles of a dairy or turkey ranch.

I can't figure out why farmers don't listen to themselves.

If they did, they'd change the name on the Farm Bureau building to Gamblers Anonymous. Besides video poker and cruising Parkway Drive for hookers, what other ventures have a more lopsided risk-to-return ratio?

As tough as things are in agriculture, the future appears worse. While China gears up to become a food-producing superpower, the central San Joaquin Valley swells with city-dwellers demanding cleaner air and restored rivers, and the politicians count votes.

Why don't more farmers beat the rush to bankruptcy court and get out now?

"Maybe they just do not want to see the red ink on the barn wall," writes UC Davis professor Steven C. Blank, an agricultural economist, in his book "The End of Agriculture in the American Portfolio."

Actually, the farmers have seen the red ink. They're living with it every day, pulling out vines and trying to turn this massive sinking ship around.

"If we're not scared, we should be," says Jason Baldwin, executive director of the Madera County Farm Bureau.

The big-picture perspective is the United States economy has matured to the point that it's best to leave farming to others.

Sure, the Valley would suffer in the short run, the theory goes, but our area would prosper eventually by investing in more profitable pursuits.

A trip to the grocery store shows the breadth of competition -- asparagus from South America, tomatoes from Mexico and wine from virtually everywhere.

The projected value of agricultural imports for 2003 is \$43 billion, according to the U. S. Department of Agriculture. In comparison, we will ship out \$57 billion in farm products.

The contrarian perspective and one espoused by Karla Fullerton, executive director of the Fresno County Farm Bureau, is America and the world benefit from the Valley food basket.

"The San Joaquin Valley is a unique place," Fullerton says. "Any crop in the world can be grown here efficiently. I can't say it any stronger. We have the ability to do amazing things no other place can do."

American produce is better, Fullerton says. It is fresher and safer. Unless you buy American, she says, you won't know what you're putting in your mouth.

So these are the make-or-break challenges for Valley agriculture: Focus on the most-profitable crops, be an environmental good neighbor, get government to overhaul a mishmash of tariffs and subsidies, and convince consumers they need a guaranteed home-grown food supply.

This figures to be a pivotal stand for farmers. And though it might not make the most economic sense, I fear the day we don't have at least one big patch of farmland to call our own.

'A real hassle'

By Harold Gaede
Fresno

Letter to the Editor, Fresno Bee (Published Thursday, February 27, 2003, 5:14 AM)

I fully concur with the Feb. 18 letter from Gabe Ochoa on the matter of Department of Motor Vehicle registration and smog checks.

I have an '86 mini RV that is in storage most of the time. Every other year I have to take it in for a smog test, even though it has a Toyota engine and runs clean every time. This is a real hassle. A test every four years should be plenty.

[Letter to the Editor, Modesto Bee, February 27, 2003](#)

EPA bad for business

The federal Environmental Protection Agency is threatening California lawmakers that it will impose higher air pollution fees on new and expanding businesses if "ag exemptions" are not removed from our environmental laws. It's hard enough to do business in this state without their help. New businesses do not come to California because of laws like this. Many businesses are moving out of California to get away from laws like this. I don't see things like this helping to create the jobs that Gov. Davis called for in his State of the State address.

The EPA is going after the farmer because he uses a diesel-powered irrigation pump to water his crops. A diesel tractor is used to cultivate the crop. A diesel truck comes out to pick up the crop

and take it to the processing plant. A diesel truck then takes it to the distributor. A diesel truck then moves it to the retailer. Diesel fuel is more cost-effective than electricity and cleaner than gasoline. Everything you ate, wore and touched today was brought to you by a diesel engine.

LARRY TURNER

Madera