

Dairy built without permit

\$15 million fine sought for dairy in Tulare Co.

By Mark Grossi / The Fresno Bee

Monday, June 20, 2005

A former Chino dairyman faces a federal lawsuit seeking a \$15 million fine for allegedly building his new Tulare County dairy without an air permit.

Dairy owner Fred Schakel received the green light for construction on the 9,100-cow dairy just five days after a new law required the permit. He moved ahead without the air permit, and he should have known better, activists say.

This month, they sued him in U.S. District Court in Fresno, citing violations of the federal Clean Air Act as the basis for the fine and saying he illegally constructed a major new source of air pollution in one of the country's dirtiest air basins.

"It's about time dairies start doing their part," says Shafter resident Tom Franz, president of the activist group Association of Irrigated Residents, the plaintiff. "We will not subsidize the dairy industry with our lungs."

Schakel referred questions to his lawyer, David Albers of Bakersfield, who says the industry's reaction to the lawsuit is disgust. He said Schakel made a large investment in Tulare County and played by the rules. "How can you go through three or four years of environmental review, doing everything the county asks and still have a lawsuit?" he asks.

The lawsuit, filed by the Center on Race, Poverty and the Environment on behalf of the San Joaquin Valley activists, further stirs controversy around dairies and air pollution.

The dairy industry is among the biggest sources of smog-making gases in the Valley, which has had more daylong smog violations than any other place in the country over the past six years.

The multibillion-dollar industry is growing as dairy owners close their Southern California operations in places such as Chino and buy cheaper land in Tulare, Kern and other counties. The industry was worth \$1.4 billion last year in Tulare County, the country's leading dairy county.

Dozens of dairy proposals that would bring tens of thousands of animals are in the development process in various counties.

To complicate the issue, the science of dairy emissions keeps evolving. The Valley air district is reviewing studies and recommendations to update pollution estimates on the Valley's 1.4 million dairy cows. By August, the district will come up with a new estimate.

In the process, dairy industry officials and health and environmental advocates have disagreed sharply over the most recent research. But most agree that dairies are among the top seven pollution sources -- perhaps one of the top sources -- for smog-building gases called volatile organic compounds.

To help control the pollution, the new law, Senate Bill 700, took effect Jan. 1, 2004, requiring air permits from dairies. Lawyer Brent Newell of the Center on Race, Poverty and the Environment says it is the dairy owners' responsibility to know the law.

Newell adds that the county permit allowing the Schakel dairy, seven miles northeast of Alpaugh near Highway 43, included a condition to comply with SB 700.

"He hasn't done everything he needs to do," Newell says. "This is a big facility."

The center seeks the fine in addition to demanding that Schakel get the permit.

The activists are asking for the maximum federal fine, but judges rarely levy such a drastic punishment. Any fine would be paid to the federal treasury.

Schakel's dairy, which Albers says already is operating, is supposed to have up to 5,800 milking cows when it is fully constructed. Schakel also will have about 3,300 dry cows and heifers, county records show.

The Tulare County Planning Commission approved his special use permit on Dec. 18, 2003, county officials say. The final green light, the construction permit, was issued Jan. 6, 2004 -- five days after the new law required the air permit.

Schakel's dairy is large enough to qualify as a major source of air pollution and should have a permit if construction took place after the law took effect, say San Joaquin Valley Air Pollution Control District officials.

Using current state emissions estimates, the dairy's 5,800 milking cows would send out about 37 tons of volatile organic compounds per year from animal waste. Pollution sources are considered "major" in the Valley when they exceed 12.5 tons per year, and they are required to have a permit.

The permit initially costs businesses \$2,000 to \$3,000 in processing fees, the air district says.

Ten other large Valley dairies have filed to get air permits before construction, says Rick McVaigh, air district director of compliance. Such "new source review" permits require the latest pollution control technology and detailed reporting to help the district track new pollution.

The district will investigate the Schakel dairy. Schakel's lawyer, Albers, suggests the district has been aware of his client's new dairy all along.

"The San Joaquin Valley Air Pollution Control District was involved in this project and commented all along," he says. "If there was supposed to be another permit, we should have heard something."

Air district officials say they wrote three comment letters on the Schakel dairy. One was sent in 2002, and the other two in 2003 before SB 700 passed.

"We didn't have a law to advise them about," spokeswoman Kelly Malay says.

News from the San Joaquin Valley

The Associated Press

Friday, June 17, 2005

BAKERSFIELD, Calif. (AP) - Central Valley farmers will have to substitute their diesel-burning irrigation pumps for newer, cleaner running engines after air regulators voted to ban some of the older models, and hold all others to state-mandated emissions standards.

The San Joaquin Valley Air Pollution Control District board decided Thursday to adopt monitoring systems and emissions standards for irrigation pump engines. Farmers have until 2010 to bring their irrigation pumps up to standard.

The decision came as no surprise. The state Legislature decided in 2004 to remove the pollution exemptions for the diesel and natural gas engines farmers rely on, and gave air districts until July 1 to adopt the standards.

The move was celebrated by clean-air advocates and community members who have long complained that farmers' engines go unregulated even as emissions standards are tightened for other industry, cars and even fireplaces in the region.

Farmers said they've already been working on replacing the engines slowly, with state help. The new mandate is unfair, they said. "We're not like the diesel trucks that run down the highway. We're growing crops that themselves clean the air," local farmer Fred Starrh said. "It's a difficult process to keep getting slammed for creating problems when we're also doing something that actually helps, and that's the frustrating deal."

To make the process less expensive for farmers, the air district is offering to match funds for engine replacement through its Heavy Duty Incentive Program.

Local air officials said the changes are part of a program to reduce pollution in the valley, which has some of the nation's highest rates of asthma and lung disease.

The new rule's implementation is expected to reduce the amount of nitrogen oxide in the region by 24 tons a day.

The week in review

Bakersfield Californian, Sunday, June 19, 2005

If you missed some news last week, don't panic. We've got a recap of the major local happenings here.

Farmers: Don't start your engines

The San Joaquin Valley Air Pollution Control District voted Thursday to implement statewide regulations that may force a number of farmers to replace their irrigation pump engines with cleaner models.

Breathing easier: The move is a big win for local environmentalists and No Burn Day opponents who resented that farmers had few regulations on their engines while residents' cars and fireplaces are heavily regulated. Farmers say the constant upgrading necessary under the new rules will be expensive as they will have to buy new pumps that they will no longer be able to service themselves.

Ash hash

Giant grey mountains of ash stockpiled outside Wasco remain a mystery, even after a town hall meeting there Thursday night.

Mystery powder: Some 72,000 tons of the graphite-like powder have amassed at the city of Oxnard's sludge processing site off Gun Club Road. Oxnard officials, local and state environmental regulators and others agreed with Wasco City Councilman Larry Pearson's assessment: Whatever the stuff is, there's too much of it and it's got to go.

This much is known: It's from a BP refinery in the Los Angeles area. It's trucked in by U.S.A. Transport Inc., the outfit hired by Oxnard to operate its sewage processing site. Oxnard officials insisted the material was so-called "synthetic gypsum," or calcium sulfate.

Ash near waterways: But the claim sagged under scrutiny, and unfinished questioning led attendees to suspect the ash was at least in part calcium oxide, which can be hazardous. The ash sits next to environmentally sensitive waterways where duck hunters, in particular, are concerned about the free-blowing crud. County and state environmental regulators are testing the substance.

What's next: Pearson formally requested all information Oxnard has regarding the ash. County and state regulators are stepping up scrutiny of the pile, which has built up over the last decade. Oxnard city officials vowed to take care of any excess material.

Rules fuel patchwork quilt of gas blends nationwide Feds may limit formulas designed to cut pollution

David R. Baker, staff writer

S.F. Chronicle, Sunday, June 19, 2005

When it comes to gasoline, California is an island. So are most of America's biggest cities.

Each uses a different kind of gas.

The United States pumps 17 specialized blends in addition to regular gas. The gasoline found in Milwaukee isn't sold in the rest of Wisconsin. Houston gas isn't the same as East Texas gas, which isn't the same as West Texas gas. Minnesota has a blend of its own. California has two, which both come in summer and winter versions.

Specialized blends, such as the ones used in California, cut air pollution, but at a price. Each is produced by a limited number of refineries, which means they typically cost more than the regular unleaded gas sold throughout most of the country. If one of those specialized refineries runs into trouble, the price can spike.

Now some politicians and oil experts want to cut the number of boutique fuels to stabilize prices.

If Americans used just a few types of gasoline, they argue, supplies could move more freely around the country. Refineries could serve more cities. Supply disruptions -- from, say, a broken pipeline or a refinery fire -- wouldn't drive up prices at the pump, at least not as much.

"The proliferation of boutique fuels can contribute to supply pinches and price volatility, which are prime sources of customer ire," said Patricia Woertz, Chevron Corp.'s executive vice president for refining.

Politicians are listening. A provision tucked inside President Bush's energy bill would limit the number of boutique fuels and mandate a study on cutting them.

But which blends should the country use?

Should everyone switch to California's formula? Should Atlanta's gasoline become the norm? New York's?

"It's easy to say, 'Let's standardize,' but everybody wants the standard to be their current fuel," said Severin Borenstein, director of the University of California Energy Institute in Berkeley.

"California has cleaner-burning gasoline, and we would love it if other states adopted it," Borenstein said. "But other states would look at it and say, 'Our air quality isn't that bad. We don't want to do it.' "

The situation reflects the United States' often piecemeal approach to energy and pollution issues.

Cities and states trying to curb air pollution have adopted a range of cleaner-burning gas blends with different formulas. There are so many different varieties because problems of pollution and congestion differ from place to place. Each blend is designed to address a specific region's air pollution problems at the cheapest cost.

As a result, rather than one or two fuel islands, a complex archipelago now stretches across the country. Each island depends on a limited set of refineries to produce its gas.

If the country had more refineries, this might not be such a problem. But since 1981, the number of working refineries has plunged from 324 to 144. None has been built since 1976. All are running full-tilt.

A problem at any of them can cause a hiccup in gasoline supplies for the places that refinery serves. Gasoline distribution networks are equally vulnerable. If a pipeline carrying a specific type of fuel ruptures or shuts down, there may not be a backup nearby.

"The more we have to do different things in different places, the more physical infrastructure it takes," said Amy Myers Jaffe, an energy studies fellow at Rice University's James A. Baker III Institute for Public Policy in Houston.

"If I have a supply outage in Chicago, I can't just ship something from Houston," she said.

Reducing the number of fuel blends in use would remove some of that vulnerability, at least in theory. But getting there would require agreement between states and cities that don't have the same interests at heart.

Sparsely populated areas don't have the same pollution problems as Dallas or Los Angeles. Their residents would probably balk at the idea of paying extra for cleaner-burning gas. Midwestern states want to increase the use of ethanol in fuel blends, while other states -- notably California -- have resisted it.

"It's a challenge of political leadership," said Jaffe, who considers cutting the number of boutique fuels a matter of national security. "You have differing community views of what the standard should be."

Nor is it clear how much standardization would help prices.

A 2002 federal study of fuel blends found that standardization could help protect against price spikes. But it couldn't prevent them. The price of gas mainly reflects international events and trends that affect supply and demand -- economic growth in Asia, for example, or terrorist attacks in the Middle East. Cutting the number of fuel blends wouldn't change that.

And even with fewer gas blends in use, there would still be differences.

Big cities and their suburbs would probably use a different blend from the small towns around them, which have fewer cars and cleaner air. The cities would remain gasoline islands, unable to get the same type of fuel from neighboring areas during emergencies, said Joanne Shore, a senior analyst with the federal Energy Information Administration.

Switching blends also wouldn't be cheap. Refineries usually require expensive upgrades to produce a new kind of gas. Consumers would pay those costs.

"You haven't really solved the problem. You've shifted it," said Shore, who worked on the federal fuel-blend study.

Those who argue against standardization say different places have adopted different blends for good reason. Reducing the number of blends, they say, could lead to higher gasoline prices in parts of the country forced to switch to more expensive fuels.

Charlie Drevna, policy director for the National Petroleum Refiners Association, said many cities have been able to achieve the pollution cuts they need by using blends that are cheaper to produce than California's reformulated gas. That saved refiners and their customers money, he said.

"We had to sink a lot less into making the boutiques than we would have spent if we'd had to go to (reformulated gas) everywhere," Drevna said.

Special blends

Blends in many parts of the country vary by locality. For example, Texas uses four special blends in addition to regular gas..

California

California's two gas blends are considered the cleanest burning in America. No other state uses them..

States and cities with **air pollution** problems use 17 special blends of gasoline, which often cost more than regular gas..

Source: ExxonMobil, Jan. 2005

California cities among cleanest

From Times wire reports

LA Times

June 19, 2005

Reader's Digest has ranked the cleanliness of U.S. cities based on their air and water pollution, toxic emissions, hazardous waste and number of sanitation workers per capita.

The cleanest cities, the magazine reports, are Portland, Ore.; San Jose; Buffalo, N.Y.; Columbus, Ohio; and San Francisco.

Chicago was at the bottom of the cleanliness list, and the New York, Pittsburgh, St. Louis and Birmingham, Ala., metropolitan areas were also among the "dirtiest."

Ideas for Reformulating a Volatile Fuel Market

Taming pump prices will require curbing demand, boosting supply or changing the way the industry operates, experts say.

LA Times, June 20, 2005

By Gary Cohn and Elizabeth Douglass

Times Staff Writers

California Atty. Gen. Bill Lockyer has spent years examining the inner workings of the state's fuel business and thinks he's found a partial solution to expensive gasoline: Every time he starts up his hybrid Toyota Prius, he figures he's conserving.

"Doing something that expands supply and reduces demand is absolutely necessary," said Lockyer, who convened a gas-price task force in 1999 and once likened the state's refiners to the Organization of the Petroleum Exporting Countries oil cartel. Two years ago, Lockyer bought his black Prius, which runs on gasoline and electricity, to show his commitment to burning less fuel.

Taming California's energy prices will require using less gasoline and diesel, making or importing more fuel or tinkering with the way refiners and retailers operate, according to interviews with two dozen economists, consumer advocates, oil executives and government officials.

Expensive gasoline is a national problem, reflecting the steep cost of crude oil. But the situation is particularly serious in California, which has some of the highest gas prices in the United States because of a series of actions by regulators, oil companies, community groups and others. Step by step over the last decade - starting with mandates for a special cleaner-burning fuel and adding in oil company mergers, community resistance to refinery expansions and unrestrained demand - the Golden State's fuel business has been transformed into a kind of dream market for oil refiners.

The strains on California's fuel sector won't be easily fixed, the experts stressed. Some ideas are likely to be painful and politically unpopular.

Take taxes, which currently add about 55 cents to California's per-gallon gasoline cost, with 18.4 cents going to the federal government and the rest to state and local governments.

"If we were smart about this, we would increase the gas tax substantially - that would reduce demand and get us back to a point at least for a while where we were able to supply our own needs for California," said Severin Borenstein, director of the University of California Energy Institute in Berkeley.

California Democrats took a different approach in April, proposing cutting the gas tax 11 cents a gallon and increasing the sales tax on everything else. Legislation has yet to be introduced.

"That's a really bad idea," Borenstein said. "Lowering the tax on gas is not a good response to the fact that we don't have enough gasoline."

But raising taxes isn't the right approach, said California Assembly Speaker Fabian Nuñez (D-Los Angeles).

"I don't think it's fair to jack up gas prices and force consumers to take it in the shorts," Nuñez said.

So it goes with most proposals to alleviate gas-price sticker shock.

And not everyone believes that drastic action is warranted. Joseph Sparano, president of the Western States Petroleum Assn., an industry trade group, said that California's fuel business worked pretty well. However, he acknowledged that some structural enhancements were needed

to produce and import more petroleum and its products.

"The market's not broken, but the structure needs improvement," said Sparano, who advised easing refinery permits and expanding port fuel-importation facilities. "We need to have policies in California that promote investment, not create barriers against it," he said.

Any serious revamp, the experts agreed, must recognize the growing demand and tight supplies of the specially formulated fuel required to help clear up the state's polluted skies. Few refineries outside the state are capable of producing California gas.

The problem is both immediate and long term: A minor disruption at one of California's 13 gasoline-making refineries could immediately increase prices, and a serious one could send gas costs through the roof.

"If there was a major accident at one of the California refineries that took a refinery out of production for six months, you'd probably be dealing with gasoline prices that started with a \$5," said oil economist Philip K. Verleger Jr.

The problem has been building for years and isn't going to go away as long as consumption continues to grow, according to the California Energy Commission and the California Air Resources Board.

"California faces a future of increasing petroleum dependence, supply disruptions and price volatility," the two agencies said in a 2003 report. The state Energy Commission has sent Gov. Arnold Schwarzenegger a series of recommendations to boost fuel production or reduce demand, including pressuring the federal government to require more fuel-efficient vehicles.

There have been a few signs of change, including a recent upgrade to the BP refinery in Cherry Point, Wash., to make California-grade gasoline. In addition, Paramount Petroleum Corp., a small Southern California refiner that makes asphalt, will begin producing gasoline in the next month. Still, few significant steps have been taken to address the state's nagging fuel headache. Instead, cycles of high gasoline prices have been greeted with cycles of political speechmaking, repeated calls for investigations and the creation of task forces whose recommendations have largely gathered dust.

"I see very little across the board from either party," said Michael Shames, executive director of the Utility Consumers' Action Network in San Diego.

Here are some proposed solutions:

- **Limit prices or profits or otherwise regulate market activity**

On Sept. 1, the nation's only cap on wholesale gasoline prices will be launched in Hawaii, an isolated market where gas often costs more than anywhere else in the United States. Hawaii's average retail price for a gallon of self-serve regular was \$2.54 on Friday, compared with \$2.37 in California, according to AAA, the nationwide auto club.

Under the controversial law - which is being watched closely by oil industry executives, consumer advocates and economists - Hawaii's Public Utilities Commission will set a maximum wholesale price based on weekly spot-market averages in Los Angeles, New York and the U.S. Gulf Coast.

Although the law doesn't limit retail prices, it's intended to keep a lid on what's charged at the pump while ensuring the oil industry a reasonable profit. Critics say it could result in gasoline shortages and higher prices.

"The Hawaii gas price cap is a very, very flawed idea," industry spokesman Sparano said. He

added that the Hawaii law brought back memories of the gasoline price controls imposed by President Nixon in 1971.

"There were gasoline lines and prices shot up," Sparano said. The measures were lifted by President Reagan in 1981.

The architect of the Hawaii price cap law, Democratic state Sen. Ron Menor, called such talk "scare tactics."

"We think those concerns are being raised by the oil companies who from the very start have attempted to derail our gas price law," Menor said.

Consumer activists and some politicians have also suggested figuring out whether oil companies are earning too much money off consumers - a popular proposal anytime gas prices soar.

Shames of the Utility Consumers' Action Network has called on Schwarzenegger to require oil companies to disclose the quarterly profit margins for each of their California operations. Then the state should consider imposing a tax on earnings that exceed a five-year average for each company, he said in a recent letter.

In addition, there have been various efforts to boost competition in the market.

Under an Assembly bill introduced last year by Democrat Christine Kehoe, now a state senator representing San Diego, California refiners would have been required to allow their dealers to buy generic gasoline from any supplier and pay the oil companies separately for the additives that make each brand of fuel different.

Currently, dealers who sell Chevron-branded gasoline, for example, must buy their supplies from Chevron at prices set by Chevron. Dealers and consumer groups have long complained that because most of California's service stations are branded - and thus bound by contracts with refiners - the system keeps dealers from getting the best deal on fuel and allows oil companies to control pump prices without owning the stations. Kehoe and consumer advocates argued that the bill would have helped to lower prices at the pump, but the bill was opposed by the oil industry and got nowhere.

Others have suggested laws that would prohibit refining companies from owning and operating gas stations in California or from using "zone pricing," a practice in which refiners charge different wholesale prices to gas stations in neighboring areas using complex and secret formulas.

- **Expand fuel production and imports**

The conventional wisdom is that California's 13 gasoline-producing refineries produce almost their maximum amount of gasoline with limited prospects for major expansion. But a new report from the California Energy Commission concluded that California's refineries could produce more.

"Operators of the state's refineries generally acknowledge this potential, pointing out that land and other assets are available to expand most refinery facilities well beyond the projected refinery creep" of 0.5% higher production a year, the staff report stated, although it didn't specify how much more refiners could expand. "The ability to match or exceed future growth in clean-fuels demand is, therefore, not out of the question."

Indeed, Valero Energy Corp. has tentative plans to increase processing capacity at its refineries in Benicia and Wilmington, but it's unclear how much additional gasoline the projects might yield. "Valero wants to grow right along with [California's fuel] demand and serve the market," said Rich Marcogliese, Valero's senior vice president for refining.

Oil executive Thomas D. O'Malley said California must streamline the permitting and approval process if it wants refiners to expand.

"You cannot go and tell an oil company, or any industrial company, that you need five years to permit a project and that you have to go through all these incredible steps and get nowhere," said O'Malley, who operated several California refineries as chairman of Tosco Corp., which subsequently was sold. "We looked at it, and we wanted to do it, but the process was so cumbersome that we basically said, 'This is not going to work. We can't go with that uncertainty,'" said O'Malley, now chairman of Premcor Inc., a Connecticut refiner.

The Energy Commission is expected to recommend this month that the state simplify and speed up the permitting process for refineries, pipelines and storage facilities.

There hasn't been a new U.S. refinery built in 29 years, and the obstacles to constructing one in California are formidable: cost, complex licensing regulations, lack of good sites, environmental and safety concerns and community opposition. A \$2.5-billion refinery has been proposed in Arizona, on a 1,400-acre site near the Mexican border.

The company proposing the project, Arizona Clean Fuels Yuma, recently obtained a crucial air permit and hopes to open by the end of 2009, but significant permitting and financial obstacles remain. The refinery could indirectly help boost supplies in California because it would enable California refineries, which supply much of Arizona's and Nevada's gasoline needs, to send less gasoline out of the state.

In California, imports have become a crucial source of gasoline, fuel ingredients and crude oil. But projected fuel demand increases will require more imported fuel, which will strain port capacity, according to the Energy Commission. Also, there is growing public concern over pollution and traffic congestion generated by the ports of Los Angeles and Long Beach, making expansion more difficult.

Officials at the Los Angeles and Long Beach ports said they recognized the need for expanding and upgrading facilities to handle increased petroleum imports but they also had to accommodate rapidly increasing container-cargo shipments.

- **Reduce fuel use**

The California Air Resources Board last year adopted rules requiring carmakers to begin producing vehicles in 2009 that emit nearly a third less pollutants than older cars, which would probably be accomplished by consuming about 30% less fuel; the automakers sued to block the effort. Separately, the California Energy Commission recommended in 2003 a statewide goal of reducing demand for gasoline and diesel fuel by 15% by 2020.

The state Senate recently passed a bill requiring state agencies to reduce the rate of growth in gasoline and diesel consumption and to increase conservation and fuel efficiency and the use of alternative fuels in California, but didn't specify by how much. State agencies would take these goals into account in adopting rules and regulations. The measure has been sent to the state Assembly for consideration.

The oil industry is adamantly opposed to laws that mandate reductions in gasoline consumption. "Why would anyone want to invest in California if the market was going to be reduced by law?" Sparano said. Indeed, intensive oil company lobbying has derailed most market-changing legislation in the last several years.

Some advocate that the state do more to encourage drivers to turn to hybrid gas-electric vehicles and other fuel-efficient cars. "I'd just tax the big things off the road," energy economist Verleger said.

Consumption of today's fuels could be cut by promoting alternatives, such as hydrogen, ethanol and biodiesel, experts said.

For Lockyer, the search for fuel-market solutions has a familiar ring: Five years ago, Lockyer's task force produced a series of recommendations but little real action. With the gasoline squeeze worsening, Lockyer proposed convening an energy summit on ways to expand supplies and inviting top policymakers with the authority to bring about changes.

"We need to pull everybody together," he said, "lock them in a room somewhere, and not let them out until the conclave has produced some solid answers."

Supervisors fighting pollution, and hoping to save money on gas

By Joel Hood, staff writer

Modesto Bee, Monday, June 20, 2005

Waging a battle against rising gas prices and dirty air, Stanislaus County has joined the growing number of San Joaquin Valley cities and counties in buying low-emission hybrid vehicles.

A status symbol among Hollywood trendsetters and leftleaning university professors, gas-electric hybrids such as the Toyota Prius are a hit with government agencies looking to cut costs and pollution.

In January, Stanislaus County set aside about \$80,000 to buy four of the popular sedans, which get up to three times as many miles per gallon as the county's gas-only vehicles. The Prius is so coveted, however, that the county doesn't expect to see the cars until after July.

Nevertheless, Stanislaus County's director of environmental resources, Sonya Harrigfeld, announced plans last week to purchase five more in the next fiscal year, taking advantage of state grant money made available to local governments through the San Joaquin Valley Air Pollution Control District.

Ultimately, the county would like to convert 50 of its 600 vehicles to low-emission hybrids.

"There's a huge demand for them, so we know it will be a long wait," said Harrigfeld, whose department will have use of the initial shipment. "That's why we had to act quickly to get our place in line."

Like other gas-electric hybrids, the Prius is propelled by a gas-powered internal combustion engine but switches to an electric motor when idling or driving at low speeds. The battery recharges itself when the brakes are applied, meaning it never needs to be plugged in.

Aided by its popularity among environmentally conscious celebrities such as Leonardo DiCaprio, the Prius has become something of a phenomenon in the United States. Sales of the vehicle jumped 33 percent from 2003 to 2004, and new-car buyers can expect a six-month wait at most Toyota dealerships, according to industry researcher R.L. Polk & Co.

"It's a hip pick for new car buyers, but they're also great cars," said Board of Supervisors Chairman Jeff Grover, a Prius owner himself. "It's fabulous technology."

California leads the way

Nationwide, California leads the way with more than 25,000 hybrid vehicle registrations in 2004, nearly five times that of second-place Virginia.

A natural in California's urban centers of Los Angeles and the Bay Area, hybrids now are en vogue in the Central Valley, home to the second-worst air quality in the country.

The Sacramento-Stockton-Modesto media market saw a 108 percent jump in the number of hybrid vehicle registrations between 2003 and 2004 and now ranks seventh nationally with 2,182 hybrid owners, more than metropolitan centers such as Chicago, San Diego, Philadelphia and Dallas-Fort Worth.

The San Joaquin Valley Air Pollution Control District has been championing the use of hybrids and alternative fuels since the technology emerged on the national stage in the late 1990s.

Officials attribute the valley's growing demand to increased awareness about poor air quality, rising gas prices and something less quantifiable: the lure of new technology.

"The coolness factor," said Air District spokeswoman Kelly Malay. "Everyone wants to have the latest technology. And the new hybrids are much more user-friendly than in the past."

Since 2001, the air district has allocated \$750,000 in state and federal grant money to government agencies and area nonprofits for the purchase of low-

emission passenger vehicles, trucks and small buses in the San Joaquin Valley. Recipients receive between \$1,000 and \$3,000 per vehicle, depending on size and emission level.

When funding dried up in 2003, the program was shelved. But it has re-emerged with money from an amended Senate Bill 709, which imposed a \$1 increase on all vehicle registrations to fund programs to cut air pollution.

The air district already has received grant applications this year from Fresno County and the cities of Madera and Stockton.

Stanislaus County is applying for \$18,000 in grants to help cover the purchases. The car's \$20,000 price tag is \$7,000 more than what the county typically spends on gas-powered passenger vehicles such as the Ford Taurus.

A good long-term investment

But Harrigfeld said the Prius' higher gas mileage would save the county more than \$800 a year in fuel costs, making it a better long-term investment.

The county's purchasing of a handful of hybrids may be little more than a symbolic effort to reduce emissions, said county Supervisors Ray Simon and Grover. But they say it's an effort worth pursuing.

"This may not be more than a drop in the bucket, but it's the first drop," Simon said at Tuesday's county supervisors meeting.

Grover agrees, but said the higher costs should not be minimized.

"It has to at least break even - if it didn't I'm not sure I could support spending the money," Grover said. "It's easy to say that it's only \$5,000 more (per vehicle), but it's not really our money, is it?"

"As great as the technology is, if we weren't breaking even on the purchases, it wouldn't be a good use of taxpayers dollars."

Putting asbestos mystery to a test

A study of lung tissue might help clarify the danger in El Dorado County.

By Carrie Peyton Dahlberg -- Bee Staff Writer

Sacramento Bee, Monday, June 20, 2005

"Why not do a post-mortem for traces of fibers and dust in lungs of persons who have recently died ... to determine the actual effects of the asbestos?" he snapped out in a curt e-mail to the Bee last month. "Results should settle the matter once and for all."

For someone who says he follows asbestos issues largely because companies whose stock he owns keep getting sued, Rogel had asked an awfully good question.

A study much like the one he outlined could help verify - or dismiss - the possibility of health risks from naturally occurring asbestos in El Dorado County, many researchers say.

Some, including federal health officials, say a lung tissue study would be informative and important, although it's not their top priority.

Others, including pathologists who have studied asbestos's impacts on the human body, say it may be the single most significant thing that could be done right now to whittle away at the mountain of unknowns in El Dorado.

"The best way to know if there's increased risk would be to look at the lung tissue of these people," said Dr. Victor Roggli, a Duke University pathology professor who has devoted more than 25 years to studying asbestos-related diseases.

Roggli and others say a well-designed lung study, using tissue from autopsies, could establish two things:

- * Have people who have lived many years in affected areas of El Dorado County breathed in more asbestos fibers than similar people elsewhere in the county?
- * Are the especially dangerous and enduring amphibole asbestos fibers present in levels linked to asbestos-related diseases?

Past research is beginning to map out upper and lower boundaries for how many fibers tend to be associated with increased illness, although results vary from lab to lab, said Dr. Bruce Case, a professor of pathology at McGill University in Canada.

In addition, fiber analysis could provide some answers sooner than waiting for a possible disease outbreak.

It can take 30 or 40 years for people exposed to asbestos to develop mesothelioma, a rare and lethal cancer, and many people with heavy exposure don't get the cancer or show changes detectable in lung X-rays.

Anyone heavily exposed, though, would retain the fibers. The body breaks down amphibole asbestos very slowly, so "the lung is a very good sampler of what your total dose was," Roggli said.

Still, there would be limits to the conclusions that could be drawn from a lung tissue study, said John Wheeler, a senior toxicologist with the federal Centers for Disease Control and Prevention's Agency for Toxic Substances and Disease Registry.

One big complication, as Wheeler sees it, is that the federal Environmental Protection Agency's sampling has shown people's individual activities affect how much dust they stir up, and so how many asbestos fibers they might inhale.

It would be tough, even after interviewing survivors, to know enough about a deceased person's activities to extrapolate to living people, each with his or her own activity pattern, the toxicologist said.

So while a lung tissue study "would certainly lend to our understanding," Wheeler said, "I don't think it would be the definitive piece of evidence of saying these people are at very high risk or they're not."

Right now, the ATSDR wants to focus on looking for early signs of disease in those who have been exposed, he said, although one of its divisions is interested in looking into lung studies.

The idea of studying lung tissue in El Dorado has been floating around since at least 2001, but air expert Earl Withycombe believes the time has come.

Withycombe, who sits on the boards of both Sacramento-area and statewide branches of the American Lung Association, hasn't always been satisfied with the pace of efforts to delve into El Dorado's asbestos issues, but says there has been serious progress.

Since 1998, better maps have been made, dust control measures have been toughened, numerous sites have been tested and human activities have been monitored.

Now, Withycombe said, a lung study is probably among the top two things that should come next - along with additional neighborhood monitoring.

Doing a lung tissue study in El Dorado County would cost "in the range of tens of thousands of dollars instead of hundreds of thousands," he said. "It's a low to moderate amount of money in the research world."

Professors at two university labs that deal extensively in asbestos testing said their labs would not charge for sample analysis if they were listed as co-authors of a research study.

Canadian pathologist Case already has taken part in a small study that found elevated asbestos in a few pets' lungs in El Dorado County, although there are problems with trying to extrapolate from animals to humans.

"Without question, the most useful thing would be to get hold of some human lung tissue," Case said.

As outlined by Roggli and Case, a lung tissue study would not have to be particularly large to tell people considerably more than they know now.

Basically, a study could be done by looking at lung tissue samples from autopsies of 10 to 20 people older than 35 who had lived for more than two decades in El Dorado County areas identified as having veins of asbestos-bearing rock.

Samples from a control group with the same general characteristics, living in other areas of the county, and ideally autopsied at the same hospital, would be evaluated for comparison.

The most practical source of the lung tissue would be from autopsies because it's risky to take samples from a living person's lung.

Whether El Dorado County simply could order such a study in the interest of public health is open to question. Any coroner, by law, can order an autopsy without family permission when a death needs to be investigated.

But there's enormous variation from county to county in how coroners approach research unrelated to the cause of death, said Gary Tindel, president of the California State Coroners' Association. Most prefer getting permission from next of kin for such research, he said.

About 200 autopsies a year are performed by Marshall Medical Center pathologists for the El Dorado County Coroner's Office on people who die from accidents and other causes, and small amounts of autopsy material, including lung tissue, are kept for five years, hospital officials said.

Sheriff Jeff Neves, who is the county's coroner, said through a spokesman that he believes a judge's order would be needed to permit the lung research.

That's stricter than the practice in Los Angeles or Sacramento counties, which sometimes allow medical research in conjunction with autopsies. Los Angeles uses an ethics committee to screen research proposals, favoring those it sees as offering significant community benefit, and always requiring survivors' permission, said Coroner's Department director Tony Hernandez.

Sacramento County Coroner Robert Lyons usually consults with his pathologists before deciding which research requests to approve, and requires next-of-kin consent for all but a few minimally invasive projects.

The Lung Association's Withycombe speculated that a lung tissue study has yet to attract much support because there are so many competing priorities for state and federal agencies, and so many diseases that are demonstrably killing more people.

But he and others remain hopeful the idea will make it onto someone's short list of projects that deserve the dollars.

One source might be state public health officials, suggested Dr. Rajen Ramsamooj, an associate professor of pathology at UC Davis Medical School.

The National Cancer Institute could be another option, said Dr. Marc Schenker, chairman of the medical school's epidemiology department, who has done other asbestos-related research.

"It's not going to answer everything," Schenker said, "but no one of these things we're doing will have all the answers."

Support desired for air bills

AQMD wants city backing for stricter set of regulations

By Susan Abram, Staff Writer
Los Angeles Daily News
June 19, 2005

SANTA CLARITA -- A state agency wants Santa Clarita to endorse three Assembly bills aimed at cleaning up air pollution by enforcing a set of laws and fees on heavy trucks and the railroad industry.

The South Coast Air Quality Management District is behind the bills that would affect owners of heavy-duty vehicles, as well as overseeing the testing, repairing and maintenance of train locomotives, and imposing mitigation fees on railroad companies that operate within Southern California.

"We're hoping that all three bills pass ... so that we can get significant reductions in Southern California," said Sam Atwood, spokesman for the AQMD. "We're asking all the cities in the four-county area to support these measures."

The AQMD is counting on Santa Clarita to support the bills, in part because of an analysis of air quality in the region that found that most ozone is transported into the valley.

From 2001 to '03, Santa Clarita recorded the third-highest-average ozone readings in the nation, at 126 parts per billion, according to the federal Environmental Protection Agency. The standard at that time was 80 ppb. Santa Clarita also ranked in the national top 10 for number of days exceeding the standard, averaging nearly 50 days a year for the past three years.

Last year was the cleanest year on record, but only because of cooler temperatures, Atwood said.

State officials believe the three bills before the state Assembly will in the long term help reduce those unhealthy days.

"Whether or not you live near railroad tracks, they are a major polluter," Atwood said.

But the California Short Line Railroad Association opposes the bills, saying that an extensive voluntary effort has already been in progress among its members such as Union Pacific.

The association also is working with the California Air Resources board on new technology, said Jalene Forbis, the association's executive director.

"All of the railroads have voluntarily stepped up to the plate to help reduce emissions," Forbis said. "We are in this voluntary process, and then someone comes up with a cumbersome bill and wants to add fees. We've done an awful lot as an industry and we've seen results."

The city was expected to discuss the issue Monday, but postponed it to a yet-to-be-announced date, officials said.

Atlanta Meets Federal Clean Air Standard

By DICK PETTYS, Associated Press Writer
in the S.F. Chronicle, Friday, June 17, 2005

ATLANTA (AP) -- The air in the Atlanta area has met a key cleanliness standard for the first time since 1978, government officials announced Thursday.

The 13-county area was found in compliance with standards that specify how polluted air can be during any one-hour period. The region is still trying to meet a new, tougher standard that measures pollution levels over eight hours.

Still, considering the many who doubted that the region would ever reach the one-hour milestone, "this is big news," said Jimmy Palmer, regional director of the federal Environmental Protection Agency.

The region at one point was so far out of line with federal standards that it was unable to spend federal road construction money in Atlanta.

"The naysayers were wrong," said Palmer, who appeared with Gov. Sonny Perdue at a Capitol news conference.

To reduce the area's air pollution, the state is using custom-formulated, low-sulfur automobile fuel, requires automobile emissions checks and has taken steps to curb industrial emissions, officials said.

Beth Allgood of the Southern Environmental Law Center hailed the announcement but said the state cannot yet claim victory, arguing that mild, wet summers played a part in meeting the one-hour standard.

On the Net:

www.epa.gov <<http://www.epa.gov>>

www.southernenvironment.org <<http://www.southernenvironment.org>>

www.southernenvironment.org

[Bakersfield Californian commentary, Sunday, June 19, 2005](#)

Political 'peace' about to end

By DIANNE HARDISTY

The memory is still fresh. The mud on my face. The sweat...well, just about everywhere. June 1994. The neighborhood turned out to help the Joneses a nice young couple that recently moved into my northeast Bakersfield subdivision.

The college-student mother of two young children and wife of a Mother's Cookies truck driver/distributor was graduating from Cal State Bakersfield. She had invited her family and friends to a back yard bash.

But the Joneses had no back yard. So when the pallets of sod arrived, so did the neighbors. Bathed by the light of lanterns, we worked well into the night creating their back yard. Occasionally I ducked into their house to check election results.

It was the June primary. The most exciting, hard-fought races on the ballot was for the 3rd District supervisorial seat. Completing her third term, Pauline Larwood was retiring. Her longtime friend and supporter, Barbara Patrick, was running against a slate of candidates. The "assumed front-runner" was Bakersfield Councilwoman Conni Brunni.

Patrick, an elementary school teacher who taught one of the Joneses' daughters, waged a grass-roots campaign, relying heavily on her American Association of University Women friends.

Brunni relied on the full force and money of Congressman Bill Thomas' Republican political machine. Developer money also poured in to finance Brunni's professionally managed, no-holds-barred campaign.

I'm impressed by money particularly political money. Those who spend the most seem to win. And Brunni was spending it faster and more than Patrick.

Many political observers thought Patrick was toast; headed back to the classroom. She surprised us. The power of money and the Thomas machine faded as votes were counted.

"Holy cow!" I shouted to the yard crew. "She's beating Brunni. Can you believe it?"

Knee-deep in dirt, Patrick's surprise victory became the talk of the evening. None of us had given her much of a chance. But neither Patrick nor Brunni captured over 50 percent of the vote that

night, so they faced each other in the November general election. Despite more lopsided campaign spending and Brunni intensifying her attacks, Patrick emerged the victor.

While seats on the Board of Supervisors and City Council are nonpartisan, they are viewed as stepping stones to higher partisan offices. Brunni's defeat was a setback for the "up and coming" Republican.

In the years that followed, Patrick did her job so well and in its intended non-partisan spirit that she faced no challengers in two subsequent elections.

Look around the 3rd District -- which stretches from northeast to northwest Bakersfield. You will see Patrick's mark. A former city planning commissioner and member of the county's planning advisory committee, Patrick has pressed for responsible growth.

Her legacy rests with her leadership in setting sometimes politically risky public policy like re-establishing the county Planning Commission, eliminating automatic pay raises for supervisors, mandating trash pickup in metropolitan areas, setting limits on the number of dogs kept in residential areas, putting the brakes on mega-dairy construction, limiting the size of billboards along county roads and targeting junk cars. The list of community concerns Patrick targeted is long. And her efforts have not always succeeded. But give her credit for guts.

She isn't afraid to tackle the complicated, as well as controversial. As a member of both the California Air Resources Board and the San Joaquin Valley Air Pollution Control District Board, she has been committed to cleaning up the valley's air.

Her legacy also includes projects, such as the park along Panorama Drive. Continuing the work of her predecessor, the park overlooking the bluff is now a community treasure.

I write as if she is gone. She soon will be at least from the Board of Supervisors. As a true shepherd of her district, Patrick announced last week she will not be seeking re-election upon completion of her third term next year.

She is giving plenty of notice to her constituents and those interested in serving on the board to begin their campaigns. The announcement will set off a scramble; political "machines" are starting their motors.

Long considered a potential candidate, Councilman Mike Maggard already has said he is interested. Maggard's diligence as a City Council member and his leadership in guiding northeast Bakersfield's growth make him a leading candidate.

But not if you listen to Mark Abernathy, a political consultant tied to Thomas. Scoffing at Maggard's chances, Abernathy told *The Californian*, "A dozen or more people are going to read this article and say, 'It's wide open. I could do a good job.'"

Abernathy will be looking for one. Bad blood exists between Maggard and the Thomas camp over Maggard's unsuccessful 2002 challenge of Thomas protege Kevin McCarthy for the 32nd Assembly seat.

While 3rd District candidates won't begin taking out nomination papers until December, they already are scheming. Twelve years of political peace in District 3 is about to end.

Dianne Hardisty is the Californian's editorial page editor.

[Sacramento Bee, Editorial, Saturday, June 18, 2005](#)

Hydrogen fuel means cleaner air

By Alan C. Lloyd -- Special To The Bee

It's clean and invisible, and it will take our cars farther than we ever dreamed. Hydrogen could be the fuel in our grandchildren's cars, or perhaps even our own, but only if we invest now.

California is the nation's smoggiest state. Air monitoring records that more than 90 percent of Californians breathe unhealthy levels of air pollution sometime during a year, according to the California Air Resources Board. Health studies show that one in seven children ages 6-17 in the

state have been diagnosed with asthma. In 2003, more than 60 percent of the state's air pollution came from mobile sources such as cars and trucks that rely on gasoline and diesel fuels. Hydrogen-powered vehicles have zero polluting emissions.

Generated by a variety of sources, some of them clean and renewable, hydrogen is not a pipe dream. While hybrid vehicles do reduce our dependence on foreign oil and clean our air, we also must invest in totally eliminating our dependence on fossil fuels and their related air emissions.

Hydrogen is the simplest and lightest element. It can be produced from molecules called hydrocarbons by applying heat. This process is currently used to make hydrogen out of compressed natural gas (CNG) and is the cheapest method of its production. CNG contains some of the hydrogen that is produced, and it also provides the energy needed to separate this hydrogen out. The rest of the hydrogen comes from steam that is added during the process. As technologies progress, renewable, nonpolluting fuel sources such as solar energy will be used, creating cleaner means of hydrogen production.

Currently, vehicles running on CNG are effective in combating harmful emissions. Some hydrogen critics question continuing to devote resources into hydrogen fuel cells while current technology is working. It's because the progress we put into hydrogen now will let us get rid of nonrenewable sources in the future. California will become a true protector of natural resources.

Gov. Arnold Schwarzenegger has set the wheels in motion, pledging to take California to "the environmental future" by way of hydrogen. The Vision 2010 outlined in his Hydrogen Highway Network Action Plan would ensure that, by 2010, every Californian would have access to hydrogen fuel along the state's highways, with an increasing percentage of that hydrogen produced from clean, renewable resources.

California's hydrogen highway would first develop refueling sites in urban areas away from major freeways to service growing populations of hydrogen-powered cars. As more hydrogen vehicles were sold, sites would be developed on the state's interstate and freeway systems. They would be approximately 25 miles apart and allow all owners of hydrogen-powered vehicles easy access to refueling facilities. Equipment at the sites would make and store hydrogen.

As the world's fifth largest economy and the nation's most populous state, California is home to almost 25 million vehicles that travel more than 800 billion miles a day. A move to a clean, hydrogen transportation economy would bring jobs, investment and continued economic prosperity. The hydrogen economy is already evolving around us; auto manufacturers are investing billions in technology, and oil companies are diversifying their portfolios to include clean, renewable fuels. Other states and countries are creating policies and investing in hydrogen as well. California's ongoing commitment to this resource will blaze a trail for them to follow.

The state's well-known pioneer spirit could demonstrate to the world that our environment and economy don't have to merely co-exist, but can actually help each other thrive.

[Fresno Bee editorial, Friday, June 17, 2005:](#)

Climate change

Governor has new chance to lead in fight against global warming.

Even if Californians stopped driving cars and switched completely to alternative energy sources, the state could make only a small dent in the fossil-fuel emissions warming the earth's atmosphere.

California, however, can provide global leadership on protecting the climate. That is where Gov. Arnold Schwarzenegger could be pivotal.

The U.S. Senate is preparing to debate the McCain-Lieberman Climate Stewardship Act as part of a larger energy bill.

The measure, sponsored by Republican John McCain of Arizona and Democrat Joe Lieberman of Connecticut, would require mandatory reductions in carbon dioxide emissions in every sector of the U.S. economy by 2010.

The administration's position, as usual, is much less aggressive. President Bush, bowing to ExxonMobil and other major polluters, has called only for voluntary reductions in carbon dioxide, a main cause of global warming. The McCain-Lieberman bill isn't perfect. It includes loan guarantees for certain hand-picked industries, including nuclear power, instead of an approach that lets the market determine the cleanest and most efficient technologies.

On the other hand, the bill includes firm mandates, not mushy goals, for industries to reduce their emissions to 2000-year levels by 2010. It includes an innovative trading program that gives businesses flexibility in meeting this mandate.

Schwarzenegger made us proud by declaring two weeks ago that the debate is over on global warming. "We know the science. We see the threat, and we know the time for action is now," the governor said.

Schwarzenegger could now put words into action by picking up the phone and urging some of his Republican friends in Congress to support McCain-Lieberman.

He also should urge bipartisan support from California Sens. Dianne Feinstein and Barbara Boxer, who are concerned because the bill includes minor subsidies for nuclear power.

Speaking of bipartisan support, why are Democrats and Republicans sniping about global warming policy here in California? Schwarzenegger recently signed an executive order that sets benchmarks for reducing greenhouse emissions in the state. Democrats called a press conference to say the order doesn't go far enough.

Although Democrats are justified in seeking the strongest possible provisions, they should give the governor some slack. Schwarzenegger is one of the few Republicans with the courage to be candid about global warming. If Democrats can't meet him halfway, they have been spending too much time in the sun.

[Letter to the Modesto Bee, Sunday, June 19, 2005](#)

Gallo Glass polluting near school

The Bee has run articles on Modesto environmental issues, (e.g., Tallow Plant and the Bonzi Landfill). There is another issue I'd like to see covered: the pollution emitted by the Gallo Glass Co. I work at a school approximately two blocks from the plant and worry about its long-term effects on people's health. According to EPA reports, the facility emits chemicals such as mercury, lead, arsenic, chromium compounds and formaldehyde. We recently lost a colleague to cancer and some of the teachers wonder if his death could be related to the chemicals emitted from this factory.

Would planners allow a facility like this to locate near a school like Lakewood Elementary or Rose Avenue Elementary? I doubt it. Isn't there a grass-roots organization suing the city and county for underrepresentation in areas such as this?

Why put a Modesto school there if it's not part of Modesto? I'd like to see a new state law requiring facilities emitting toxic chemicals to locate a longer distance from schools.

Ernie Neely, Ripon

[Letter to the Fresno Bee, Thursday, June 16, 2005:](#)

Bicycling provides health benefits of all sorts

Riding a bicycle is commonly perceived as a way to help the air quality in the Valley. But riding a bike helps your overall fitness in both the body and mind.

From a physical viewpoint, riding a bike can elevate your heart rate, resulting in a great cardiovascular workout. This results in burning calories and fat, also creating lean muscle in your legs.

Although riding a bike is great for your body, it is also one of the best activities you can do to alleviate stress. There is a sense of serenity you gain from riding a bike that can be achieved from few other activities. It creates a sense of oneness with your surroundings, whether that is the

busy road or a county lane. Riding a bike gives us our much-needed personal time, which is typically lost in the hustle and bustle of our daily lives.

Do yourself a favor. Dust off your old bike, pump up the tires and go out for a ride toward your wellness.

Tyler Madison, Fresno