

## **Going green can save you some green**

### **Discounts offered for replacing gas mowers with electric ones**

By Alex Breitler, Record Staff Writer

Stockton Record Net, Tuesday, April 10, 2007

Sure, your lawn is green.

How about your lawn mower?

Air quality officials this spring will try to cut the number of gas lawn mowers, blamed for emitting tons of air pollutants.

The San Joaquin Valley Air Pollution Control District will offer up to 1,000 electric mowers at a discount for those willing to turn in their old gas machines.

Cutting your lawn with an older gas mower might generate as much pollution as driving your car to Sacramento and back, air quality officials say. Lawn mowers are a source of nitrogen oxide, a major component of smog.

"People don't think about it, but it's very significant," said Anthony Presto, a spokesman for the air district in Modesto.

The trade-in program has been offered five times in the past, with more than 4,000 dirty lawn mowers retired, he said. Those lawn mowers were responsible for about 11.2 tons of pollution each year.

Unlike automobile emissions, lawn mower emissions generally have not been regulated nationwide. In California, however, mowers built in 2007 are required for the first time to have catalytic converters that reduce smog emissions.

Electric mowers, though, are smog-free, Valley air officials say. Joann Roberts and her family snagged a cordless mower in 2002; the Stocktonian was fed up with her gas mower and its penchant for belching exhaust.

"Every time we'd mow, I would close all the windows," she said. "It was awful."

The electric mower is quieter and lighter, and all Roberts has to do to get it started is squeeze a lever.

"It cuts a good lawn," she said.

Electric mowers that you plug into the side of your house have been available for three decades, said Bruce Vincent, the "chief wheel," or owner, of Bill's Mower & Saw in Manteca.

Cordless mowers such as those offered in the Valley exchange program are more recent. Manufacturers say the batteries are good for about 60 minutes of mowing on a charge and can last three years, Vincent said.

"It gets better every year," he said of the life of the batteries, which charge overnight.

This brings us to Roberts' lone complaint: Lately her mower has been sputtering to a stop before the job is done. It may be that the battery needs to be replaced, something that, depending on the manufacturer, could cost about \$80.

Electric mowers with all the trimmings - a rear bag and a mulching kit - cost more than \$400, while cheap gas mowers can be found for less than \$200.

But the air district's program allows customers to grab an electric mower for about \$150.

"They're a lot easier to use and quieter," Presto said. "They work just as well as a gas mower, and you're not creating that pollution."

### **To get a mower**

- Starting April 23, call the San Joaquin Valley Air Pollution Control District at (209) 557-6400. It will send you a voucher.
- Drain your old lawn mower of all fluids and take it, with the voucher, to a specified recycler for disposal.
- The recycler will add a code to the voucher. Call the electric mower manufacturer, Vermont-based Neuton Lawn Mower Co., which will ship a new mower to your house within about three working days.
- Information: Visit the air district's Web site at [www.valleyair.org](http://www.valleyair.org) and look for "Clean Green Yard Machines."

### **About the mower**

- Regular price is \$418. The manufacturer provides a \$119 discount; the air district pays \$149. The consumer pays \$150.
- Comes with a rear bag and - new this year - a mulching kit.
- Has a 24-volt battery that lasts about 60 minutes per charge.
- Costs about 10 cents in power usage to recharge the battery, according to Neuton officials.
- There is no string to pull to start the mower. Simply squeeze the handlebar.
- Electric mowers are half as heavy and half as noisy as the gas variety, Neuton says.

## **Challenge to Emissions Rule Is Set to Start**

By Danny Hakim

N.Y. Times, Tuesday, April 10, 2007

The fight over cars and carbon dioxide moves today from the Supreme Court to a federal courtroom in Burlington, Vt., in a case that automakers say could reshape vehicles sold on the East and West Coasts.

The industry is suing to block a 2004 California regulation on global warming from taking effect. The rule would require a 30 percent cut in emissions of greenhouse gases from cars and trucks sold in Vermont and New York, which follow California's air quality rules, to be fully phased in by the 2016 model year.

In court filings, automakers have argued that regulating the emissions will increase pollution, cause more traffic deaths and lead domestic automakers to stop selling most of their passenger models in states that adopt such regulations.

The companies have disputed that global warming is a problem, even though they have acknowledged it in different forums as a serious problem. And they tried, mostly unsuccessfully, to close much of this case to the public.

"This is a huge issue to consumers, because it may well determine what vehicles are available for them to purchase," said Gloria Bergquist, a spokeswoman for the Alliance of Automobile Manufacturers, which includes General Motors, Toyota and most other large automakers. "If it's a big issue for consumers, it's a big issue to us."

Environmental groups and the offices of the attorneys general in Vermont and New York, which is a party to the case, say the automakers are overstating the complexity and hardship of such a regulation.

"It's that sky-is-falling approach, but the sky didn't fall with catalytic converters," Attorney General William H. Sorrell of Vermont said, referring to the antipollution technology forced on the industry in the 1970s.

Last week, in a 5-to-4 decision in *Massachusetts v. Environmental Protection Agency*, the Supreme Court ruled that the agency has the authority to regulate heat-trapping gases in automobiles. The Bush administration has long opposed that.

Instead, more than 12 states, including California, Massachusetts, New York and Vermont, have already or are in the process of moving to regulate such emissions.

California has the authority to set air-quality rules, and Northeastern states have long chosen to follow those rules instead of Washington's. The Supreme Court victory was important for the states, because the approval of the environmental agency is needed before California can regulate emissions involving global warming.

Automakers have sued to block the California regulation in federal courts in California, Rhode Island and Vermont, though just the Vermont case has gone forward. That case is scheduled to enter the trial phase today.

The battle has exposed fault lines among automakers. Two trade groups representing the major manufacturers are involved in the suit, one dominated by domestic producers and one by foreign.

They have clashed in their legal strategies, and just G.M. and DaimlerChrysler, two of the more outspoken companies opposing the new regulation, are directly listed as plaintiffs. The trade groups had initially sued separately but are now plaintiffs in a consolidated suit.

The main legal argument uniting the industry is their contention that states cannot regulate carbon dioxide emissions because that would be little different from regulating fuel economy, and Washington has the sole authority to set mileage standards. The recent Supreme Court ruling, however, appeared to undermine that argument.

The industry estimates that the new regulation would impose a 50 percent increase in fuel economy for passenger cars and small sport-utility vehicles but a more modest increase for large trucks, effectively making it harder for a company like G.M. to bring smaller vehicles like the Chevrolet Malibu into compliance than its Hummers.

An expert hired by automakers said, according to court filings, that DaimlerChrysler, Ford Motor and G.M. "will need largely to exit" from the passenger car and small truck markets.

Environmental groups say the industry is ignoring the potential effects of its move to bolster alternative fuels like ethanol, as well as the advent of hybrid electric technology and other technologies.

Automakers argued in a court filing in January that "defendants make unsubstantiated predictions that global climate change is having a number of alarming adverse effects."

Michael J. Stanton, the president of the Association of International Automobile Manufacturers, a plaintiff group, said in an interview the position did not represent the views of the mostly Asian automakers who are his constituents, some of whom are trying to create "eco-friendly" reputations.

"We believe that there is enough information out there to address climate change and we know that cars — passenger cars and light trucks — contribute, and we want to be part of the solution," Mr. Stanton said.

The regulation California adopted in 2004 was to begin taking effect with 2009 models and to be phased in over eight years. President Bush and Congress more recently discussed fuel economy rules that could potentially accomplish similar reductions for gases tied to global warming, though no firm plan is in place.

Among other points, the industry says more fuel efficient cars could be dangerous, because they will be cheaper to drive and lead people to drive more and potentially have more accidents.

"Everybody's getting a good laugh out of the safety claim," said David Bookbinder, a lawyer for the Sierra Club, which is a party to the case. "Detroit is saying it's a bad idea for everybody to drive more."

## **Valley Voice Newspaper: What's New**

April 10, 2007

Fresno car dealers that took the state of California to court saying the state had no right to regulate vehicle emissions appeared to have received a severe rebuke from the Supreme Court in recent days. The judge in the case has scheduled a new hearing to rule on the issue. Supreme Court voted 5 to 4 to grant the authority to the EPA to regulate greenhouse gas emissions. California is applying to the EPA for a waiver to make its own rules but the EPA has said in the past it couldn't regulate greenhouse gas emissions from cars. Now the Supreme Court says they do. The state wants to tighten tailpipe emissions for new cars but the dealers have fought the move when they filed the suit in 2004. California wants the tighter standards to start with the model year 2009.

## **Bill proposes fee for gas guzzlers**

### **Proceeds would directly fund rebates for buyers of fuel-efficient cars**

By Paul Rogers, MEDIANEWS STAFF

Tri-Valley Herald, Tuesday, April 10, 2007

Call it the Robin Hood approach to global warming.

California drivers who buy new Hummers, Ford Expeditions and other big vehicles that emit high levels of greenhouse gases would pay a fee of up to \$2,500.

And drivers who buy more fuel-efficient cars — like the Toyota Prius or Ford Focus — would receive rebates of up to \$2,500, straight from the gas-guzzlers pockets.

That's the provocative proposal from a Silicon Valley legislator whose Clean Car Discount bill is gaining momentum, sending car dealers into a tizzy and sparking passions among motorists.

Why? Its the first time California has considered penalizing consumers to limit global warming, rather than just providing incentives such as solar power rebates or special access to the carpool lane for hybrid vehicles.

If we are going to effectively fight global warming, we are going to have to find a way to get the cleaner cars on the road and the dirtier cars off the road, said Assemblyman Ira Ruskin, D-Los Altos. We need to have both carrots and sticks.

Ruskins bill, AB 493, won approval of the Assembly Transportation Committee two weeks ago.

The bill has the backing of most major statewide environmental groups, who see it as one of their top priorities in 2007. And the measure received a substantial boost Friday when it was endorsed by the Silicon Valley Leadership Group, a business organization that includes the major tech companies in Silicon Valley, including IBM, Google, Apple and Cisco.

Forty percent of California's greenhouse gases are from transportation, said Carl Guardino, the groups CEO. This is a market-driven approach to drive the production and purchase of cleaner cars.

The bill would apply to new cars, pickups, minivans and sport utility vehicles, starting with 2011 models. Under the proposed rules, the state Air Resources Board each year would rank new car models by the pounds of carbon dioxide and other gases they emit that trap heat in the atmosphere.

Roughly 25 percent of the vehicles in the middle would have no fee or rebate. But buyers of high-emission vehicles would pay a surcharge of \$100 to

\$2,500, depending on the amount of emissions. People buying vehicles that emit few greenhouse gases would be handed rebates of \$100 to \$2,500.

Generally, cars that burn more gasoline emit more greenhouse gases.

The amount of the fees and rebates would be posted on the cars sales sticker. Auto dealers would collect the money from buyers of gas-guzzlers and send it to the state Board of Equalization. Buyers of gas-sippers would be given a certificate from the dealer to mail to the state to receive their checks.

Gov. Arnold Schwarzenegger has yet to take a position on the bill. Since being elected, he has opposed raising taxes, but also has signed a number of first-

in-the-nation laws to combat global warming and encourage renewable energy. Car dealers have taken a position. They're on a collision course with the bill.

They contend that the legislation unfairly targets large families, farmers and ranchers. And because some of the fees will be kept by the state to run the program, the measure is a tax on large vehicles, they argue.

Its one thing to incentivize; its another to put a scarlet letter on a vehicle. Carrots are better than sticks, said Brian Maas, a spokesman for the California Motor Car Dealers Association.

But environmental groups counter that the biggest vehicles should have a scarlet letter because they create more smog, increase global warming and deepen Americas reliance on Middle East oil.

Those vehicles that are polluting the most are harming society more than other vehicles, said Dan Kalb, state policy director for the Union of Concerned Scientists.

Consumer choice is preserved, Kalb said. But if somebody wants to buy a vehicle that pollutes a lot, they are going to have to compensate for the harm that is causing society.

Maas said last weeks Supreme Court ruling that carbon dioxide can be regulated under the Clean Air Act means that the auto industry will probably have to comply with California's strict new rules requiring reductions in greenhouse emissions from vehicles starting in 2009.

We already felt like we gave at the office, he said. Why should Californians be paying a disproportionate price when our neighbors in Nevada or Washington or other states aren't?

The Union of Concerned Scientists says that while smaller cars like the Volkswagen Jetta (+\$1,282) and Ford Mustang (+\$225) would receive rebates — and low-mileage vehicles like the GMC Yukon SUV (-\$2,188) or Dodge Viper

(\$2,500) would incur fees — plenty of mid-size and small SUVs and minivans would not. For example, buying a new gasoline-powered Ford Escape or Chrysler Voyager would generate no fee or rebate, and buying a Toyota RAV4 (+\$993) or Honda CR-V (+\$751) would put money back in the motorists pocket.

Ruskin included exemptions in the bill for emergency vehicles, transit vehicles for disabled people, vehicles purchased by businesses with fewer than

25 employees and vehicles purchased by very low-income people.

To dissuade California motorists from leaving the state to buy cars, the bill specifies that such purchases are liable for California fees — but not rebates.

Although little-known, there already is a federal gas guzzler tax. Passed in 1978 by Congress, it requires the buyer of any new passenger car — but not trucks — to pay \$1,000 if the vehicles mileage is lower than 21.5 mpg, increasing to \$7,700 for vehicles that get less than 12.5 mpg. The tax ensnares mostly exotic sports cars, such as Ferraris.

Drivers interviewed over the weekend had a range of views on the proposal.

I agree with it, said Eric Cross of Carmel, a Marine who visited Stevens Creek auto dealers with his wife, Renee, and children looking for a new Toyota RAV4 or Honda CRV. The folks who would pay the higher prices are already paying higher prices for these big vehicles. If the governor signs it, I would think other states will do it too.

But other drivers fumed.

Imp all for preventing global warming, but Imp so tired of taxes, said Henry Medellin, a San Francisco financial counselor who was waiting at a car wash Saturday near Valley Fair mall for his VW Jetta. Its just ridiculous. I don't know what the solution is. But this seems like another tax.

Others — perhaps foreshadowing talk radio debates - predict the bill will send emotions into high gear in car-crazy California.

Some people buy Hummers to drive to the grocery store and then complain about gas prices, said Sanjay Ved, a Santa Clara software engineer. But other people need big vehicles. Its tough to say.

## **Farm for the birds**

Written by Sarah Ostman, Staff Writer  
Manteca Sun-Post, April 10, 2007

LATHROP — While most people will give barely a thought to the source of their hard-boiled and festively painted treats this weekend, a proposed egg farm is creating a major headache for people in rural Lathrop.

San Jose-based egg producer Olivera Foods has applied for a permit with the San Joaquin County planning department to build a large poultry farm on a 130 acres of land at 4000 W. Undine Road, just outside Lathrop's city limits. Plans call for five 28,000-square-foot buildings in which 900,000 chickens would lay eggs.

But neighbors fear some nasty side effects will come along with those 900,000 birds.

The 11,000-home River Islands development sits less than a quarter mile downwind from the proposed farm site. Developers are on the front line of the debate, voicing worries about odors, insect infestations and the plant's effect on area home values.

Project director Susan Dell'Osso worries that the county has not required an in-depth environmental study of the project, especially since the proposed farm would sit on a flood plain unprotected by 100-year levees.

"To have a million-chicken facility without a thorough environmental review just seems like they're short-circuiting the process, especially when there are major issues like flooding and [air quality](#) and odor," Dell'Osso said.

The project has not yet gone before the Planning Commission. The planning department is awaiting responses from public health officials and other agencies, officials said.

Olivera Foods operates a similar plant at 944 Bowman Road in French Camp that houses about 700,000 chickens. That operation has prompted a number of complaints in recent years, said Laurie Cotulla, assistant director of the San Joaquin County Environmental Health Department.

Most recently, health officials responded in February to an odor complaint. They found improper disposal of manure, as well as conditions that breed mosquitoes and flies, among other violations.

If the Lathrop site is approved, Olivera Foods will close its French Camp location, according to its site approval application.

Also stepping forward to oppose the project are folks worried about inhumane conditions for birds in "factory farms."

Karen Courtemanche, the director of the Harvest Home Animal Sanctuary about a mile from the proposed site, has seen the products of large-scale egg farms firsthand. Her sanctuary took in several chickens from a shuttered Olivera Foods farm in Gilroy after the plant closed two years ago.

The chickens lived in small wire cages that did not allow them enough room to spread their wings, she said. As is standard in the industry, the chickens' beaks had been cut off to prevent the birds from pecking one another to death in such close quarters. They were missing clumps of feathers, and their claws had grown as long as four inches, she said.

Because the chickens lived in stacked, bottomless cages, they were also covered in excrement from the hens housed above them. Their eyes had been burned by ammonia in the air from a buildup of manure.

"It's a horrific practice," Courtemanche said. "It's very disturbing to see."

Later this month, the California state Assembly will consider a bill prohibiting cages in which hens can't spread their wings. The bill would also regulate crate sizes for pigs and veal calves.

Owner Edward Olivera did not return phone calls. Management at the Bowman Road farm declined the Sun Post's requests to photograph the exterior of buildings or tour the site.

## **Governments work on city's future together**

### **Agencies to revise 20-year growth plan**

BY JAMES BURGER , Californian staff writer  
Bakersfield Californian, Tuesday, April 10, 2007

Bakersfield has breakneck development, increasing traffic congestion, air quality problems and a growing call for a better quality of life.

Kern County and the city of Bakersfield have realized they need to get a better grip on what that means for the city's future.

This year the two governments plan to rewrite their 20-year blueprint for how Bakersfield will grow.

The planning commissions from the city and county met Monday to kick off the 18- to 24-month process that will end in a revision of the Metropolitan Bakersfield General Plan.

"Joint plans aren't easy to do," said city Planning Director Jim Movius. "Ted (James, county planning director) and I have both signed a prenuptial agreement on this one. I promise neither of us will have much hair left after this is done."

Neither Movius nor James, who have been doing planning for decades, have much hair to lose.

City planning commissioner Jeff Tkac outlined the struggle Bakersfield faces in redefining its future.

He said he doesn't want Bakersfield to become as densely populated as New York city.

"We westerners' love our sprawl," he said.

But Bakersfield's sprawling growth is causing transportation, health and environmental problems that need to be dealt with -- without killing economic growth.

"Any big city has big beltways or good freeway systems," Tkac said. "We're not transporting people around (Bakersfield) fast enough."

City commissioner John Spencer said the community needs to take real action toward choosing freeway routes that will relieve congestion.

County commissioner Chris Babcock said transportation is the "utmost" problem facing the community.

"It's nice to have the plan in front of you, but we don't have money to build it. You can have the best plan on paper but until you implement it...", he trailed off.

Commissioners said the problems are obvious, but there has to be a plan.

"I think we all know what the problems are. Unless we can agree on how we can solve the problem, we could exacerbate the problem," said city commissioner Tom McGinnis.

Development company Castle & Cooke President Bruce Freeman, who attended the meeting to listen, said common ground will be critical.

"The biggest challenge is to have the city and county work together as allies," he said.

A series of public meetings on Bakersfield's future will be held in May, planners said, and there will be an aggressive push for public input in other forums, such as on county and Vision 2020 Web sites.

Bakersfield Planning Commission Chairwoman Barbara Lomas called on the public to get involved.

"The public's opinion really does matter. Share your thoughts. Share your concerns. Share your ideas. Get involved," Lomas urged.

## **Appeals court opens way for massive project on I5**

By JAMES BURGER, Californian staff writer  
Bakersfield Californian, Tuesday, April 10, 2007

Tejon Industrial Corporation will break ground within a month on a 1,109 acre retail and industrial complex just north of the Grapevine on the east side of Interstate 5 following a court victory Friday.

Kern County approved the project in 2003, but a lawsuit filed by the Center for Biological Diversity has cast a cloud over that approval for more than three years.

Kern County Superior Court judge Kenneth Twisselman originally ruled that the county had failed to adequately evaluate the impacts of the project on air quality - and on the protected coast horned lizard and Swainson's hawk species.

But a ruling issued Friday by the Fifth District Court of Appeal in Fresno favors Tejon Industrial over the environmental groups challenging the project.

And Tejon officials say they're ready to move.

"We are pleased to have this issue behind us so we can move ahead with our vision for Tejon Industrial Complex," said Robert A. Stine, President and CEO of Tejon Ranch Company in a prepared press release. "Tejon Industrial Complex is an important part of our vision to provide for California's future by creating jobs and economic opportunity for thousands."

Tejon Ranch spokesman Barry Zoeller said work on the 1,109 acres has been moving forward for the past year, ever since 2006 when Twisselman ruled that a follow up environmental study of the project had handled his original concerns about the air pollution and species impacts.

Friday's ruling simply dismisses the cloud that the lawsuit had cast over the project, Zoeller said.

"You'll see dirt move within the month," he said.



There is a possibility that the Fifth District's ruling could be appealed to the California Supreme Court.

But Zoeller said Tejon Ranch and Tejon Industrial are committed to moving forward.

Calls to the Center for Biological Diversity offices in Los Angeles and the Center on Race, Poverty and the Environment in Delano were not returned by the time of this publication.

## **Tulare County's Tough Ag Year** **The Four Horsemen of the Apocalypse Rode In** Valley Voice Newspaper, April 10, 2007

From Flood to Heat, to Freeze to Drought Tulare County - UC Farm Advisor Jim Sullins says it seems like Tulare County has been visited by the Four Horsemen of the Apocalypse in the past year having suffered through one tough weather related event after another all resulting in requests for federal disaster declarations. "People in Washington must think we're crazy," says Sullins.

The continuous disasters seemed to go from last winter to this one, from serious flooding to scorching summer heat to a devastating freeze this January and now early this spring, drought conditions being declared.

It started last January and into April when hard rain flooded towns and farmland causing massive flood releases from area reservoirs and damage to levees.

In his proclamation in April of last year, Governor Schwarzenegger pointed to a series of flood events from January, February, March and April as severe storms hit both the county and much of California. A federal declaration followed.

By July attention returned to extreme heat that fried tree fruit and killed cows and poultry resulting in an estimated \$1 billion in damage to agriculture statewide. Temps here climbed to 113 degrees that summer.

The January 2007 disaster was of course an historic freeze that descended on Tulare County and much of the rest of the state causing more than \$400 million in damage here and a federal declaration just a few days ago.

Now the dry winter has already prompted requests to Tulare County Board of Supervisors for a drought declaration based on the effect already being felt in the cattle industry in Tulare County and even worse in Kings County where grasslands have dried up early.

"Yes we've just applied last week for another disaster declaration," confirms Tulare County Ag Commissioner Gary Kunkel. We are seeing about 55% less rangeland because of the lack of rainfall. USDA will process the request.

Kunkel was out this week with Senator Dianne Feinstein who toured citrus groves and packing houses to witness the freeze damage. Senator Barbara Boxer is touring in Strathmore later this week. Special legislation for freeze relief is in the works that could help farmers and workers make it through.

### **One Third Normal Runoff?**

Predictions a few months ago of an El Nino year are history and so far the region is way below normal rainfall. Warm temps in the Sierra are melting what snowpack there is early.

Below average snowpack in the Sierra with the closely watched statewide average set at just 41% of average is better in the north and poorer in the south. Tulare basin is estimated to be just 33% of April 1 average with some Kaweah measuring stations, like Giant Forest just 26% of average.

Visalia has received just a bit over 3 inches of rainfall so far this season with an average of 9 inches by this time. "We are expecting to get about one third our normal water deliveries," says

Friant Water Users general manager Ron Jacobsma. "The crazy thing is that last year the small size of Millerton Lake and reduced capacity in the Friant Kern Canal resulted in flood releases of 1.2 million acre feet of water" almost a full year's average supply.

However, there is some hope that Class 1 deliveries now set at 50% on the Friant this year could increase to 70% - a decision that the Bureau of Reclamation is expected to make in coming days.

Cattle ranchers are feeling the heat right now in the form of reduced grassland for feed down 75% in Kings County and 55% in Tulare County. Expect a drought declaration to follow. Cattlemen will have to sell their young stock earlier, facing lower prices, notes Jim Sullins, UC Extension Farm Advisor. For farmers they are having to irrigate sooner even as there is reduced surface water meaning the pumps are being turned on earlier. "We will be pumping more from the water banks for the next few years than we are putting back in," expects Sullins. Increased population demand in urban areas in the county are dipping their straw into the same water supply as farmers.

Demand for more surface water is increasing even as the supply appears to be dwindling as foothill communities seek to deliver good water for drinking to their residents (see story in Valley Voice in February). Nitrates in the groundwater are a continuing problem for a third of county water systems.

From grim to grimmer, a federal judge is considering whether to shut down state water pumps at Tracy because of fish kills that could jeopardize water deliveries south of the Delta. Governor Schwarzenegger was in Fresno the other day arguing the need for more surface water storage as outlined in his state bond proposal. The governor cited the impacts of global warming and the need for additional infrastructure.

"This will help us to deal with the affect of climate change, because the experts have warned us that we will reduce, or we will see a reduction of 25 percent of our snowpack by the year 2050, which means there will be more water runoffs, more floods in the winter and less drinking water in the summer. Otherwise, we will have less water in the Sacramento-San Joaquin Delta, which is the main water source for 25 million people in California. Now, 25 million people, that is two-thirds of our total population. And to make sure that we can count on a safe and reliable water supply for generations to come, my plan also includes 1 billion dollars to improve the Delta's sustainability," said the governor.

On another happy note, a dry year could mean last year's tough summer conditions could repeat.

The 2006 summer's heat combined in September with high winds that boosted blowing dust in the valley prompting health warnings from the [Valley Air District](#). Mean temps from May through September were above normal and in the late part of July as record heat was recorded, says a special report done by the Air District. Hanford, Bakersfield and Fresno reported 14 days in a row with temps over 100 degrees F. Fresno reported five days in a row of better than 112.

The record heat dried soil in the valley and when the wind picked up in September record PM10 was recorded. Lemoore reported gusts of 40 mph on September 22. The Air District reported in a special paper filed with the EPA in recent days. The report continued that dry weather had also caused fires to sweep smoke into the valley. The result was dense plumes of dust mixed with smoke and PM10 concentrations grew 7 fold the same day choking residents and animals. It's an event we don't want to see more of but in times of extreme dry weather and record heat, it can pass for one of the 7 deadly plagues.

If we aren't getting a biblical plague of locusts in the valley, our ag pest population has exploded in recent years typically a new influx of pests that threaten humans, animals and plants that are imported from around the world. This past week the new pest was an infestation of light brown apple moth in the Bay Area that Tulare County Ag Commissioners will now have to set traps for alongside the glassy winged sharpshooter and oriental fruit fly traps and a half dozen others that weren't around a few years ago. "In an age of global trade, Tulare County must assure its trading partners that it is testing for the pest to prove we don't have it," says Ag Commissioner Gary Kunkel.

## **Former NASCAR driver hired as consultant to RMP project**

By Corinne Reilly, Merced Sun-Star

April 10, 2007

Former NASCAR champion Rusty Wallace has penned a five-year deal to work as a development consultant for the Riverside Motorsports Park, RMP officials recently announced.

Under the agreement reached last week, Wallace will assist in launching RMP and help improve current design plans for the 1,200-acre, multivenue motorsports complex.

RMP did not release financial terms of the deal.

The Merced County Board of Supervisors voted 3-2 in December to approve plans for the complex, which is set to be built near Castle Airport. The decision followed months of contentious debate about whether the track's projected economic merits outweigh concerns about traffic, noise and pollution it could bring to the area.

Rusty Wallace couldn't be reached for comment Monday, but said in a statement released by RMP that he looks forward to contributing to the track's development.

"Riverside Motorsports Park is definitely one of the most unique design concepts in recent motorsports history," he said. "... It's definitely a project with which I am very excited to join forces."

RMP CEO John Condren and RMP spokeswoman Jeanne Harper also did not return phone calls, but Condren echoed Wallace in a written statement.

"We are extremely pleased and very excited that Rusty Wallace will be joining the Riverside Motorsports Park team," said Condren. "... Rusty will be a great asset for us in the development of the speedway, our short tracks, road course and even our kart course."

Wallace, a NASCAR Cup Series champion, retired from driving in 2005. He ranks as one of the top five money winners in NASCAR history, with more than \$50 million in career earnings.

Wallace owns the North Carolina-based Rusty Wallace Inc., under which Wallace provides promotions services, auto retail sales and racetrack design services. In 2006 Wallace opened the Iowa Speedway, which his company designed.

Wallace also appears regularly on ESPN and ABC Sports as an auto racing analyst and owns a NASCAR Busch Series team.

Rumors that Wallace could be named as a partner or consultant to RMP began circulating earlier this year.

According to RMP's Web site, the company hopes to begin construction by the end of the year.

Before breaking ground, track officials must file with the county a development plan that details the park's layout and zoning standards. RMP must also finalize a plan to manage traffic to the raceway and sign financial agreements with the county.

County spokeswoman Katie Albertson said the county has met with RMP officials to discuss the steps that still lie ahead, but track developers have yet to turn in any of the required plans.

RMP has also hired Indiana-based architect Paxton Waters to work on the park's design, according to RMP's Web site. The site says local engineering firm Golden Valley Engineering has signed on to help with road and traffic improvements RMP will be required to make to areas surrounding the park.

## **Road Map to a Cleaner Diesel Drive**

By Cindy Skrzycki

Washington Post Tuesday, April 10, 2007

Change your oil according to your vehicle's maintenance schedule, and don't forget to fill the urea tank.

The urea tank?

Starting in 2010, owners of diesel-powered cars and trucks may have to fill a supplementary tank with urea, an organic compound that fights nitrogen oxide emissions when it's injected into a vehicle's exhaust system.

In anticipation of vehicle makers adopting an emissions-reduction system that depends on urea to meet tight diesel pollution-control rules, the *Environmental Protection Agency* issued guidelines on March 27 telling manufacturers how to earn certification for the new engines. The agency wants to ensure that urea is easily available and that systems will be designed to force owners to keep tanks full.

Besides offering insight into the EPA's concerns, the 10-page document illustrates how Washington's regulatory decisions can spawn applications of new technology, increase demand for a commodity and require the establishment of a supply and distribution infrastructure.

In this case, the industry's practical and engineering ingenuity is being challenged. Companies must design a system that would meet Clean Air Act rules by 2010 calling for the virtual elimination of nitrogen oxides and compel owners to maintain emission-control systems.

Diesel engine makers are looking at an advanced control device, called selective catalyst reduction, that uses a urea solution in the exhaust system, reducing the pollutant to nitrogen gas and water.

The technology is attractive to the manufacturers because it has worked in large industrial applications, is already used in Europe and is less costly than other approaches.

"The challenge is to scale it down," said *Joseph Suchecki*, a spokesman for the *Engine Manufacturers Association* in Chicago, which represents 29 major manufacturers of engines for trucks and industrial equipment.

The EPA doesn't doubt that the catalyst with a spritz of urea can do the job. Yet the agency wants to be sure that urea, now used largely as fertilizer, will be easily available and that vehicle owners will be prompted to use it.

*Margo Oge*, director of the *EPA Office of Transportation and Air Quality*, said the agency has "taken extra steps because we knew there were a number of issues" that companies using selective catalyst-reduction technology would need to overcome to meet nitrogen oxide standards.

The regulators' guidance suggests "driver inducement" as a way to get owners to pay attention to warnings that it's time for a urea refill.

The agency suggests visual and possibly audible alarms that would escalate in intensity as the storage tank approaches empty, "culminating in driver notification that cannot be defeated or ignored." The EPA says an "inducement mechanism" may include one that makes drivers unable to start the vehicle.

The EPA cautioned that the systems must be designed so they can't be disabled, tampered with or filled with something other than the proper concentration of urea. And the agency wants urea to be available at dealers and truck stops, as well as at auto and convenience stores.

"It places a lot of the burden in the laps of engine manufacturers that there never be an empty tank of urea," said *Glen Kedzie*, assistant general and environmental counsel for the *American Trucking Associations*, an Alexandria group that represents trucking companies. Yet he said no

one wants to see a trucker put in an unsafe position, stranded in the middle of nowhere without urea.

To respond to the challenge, the companies involved in efforts to control diesel pollution have formed the *Urea Distribution Stakeholder Group*, which meets monthly in Washington.

"It's kind of a chicken-and-egg thing," said *Steve Namanny*, manager of North American sales at *Terra Industries* in Sioux City, Iowa, which makes about 1.3 million tons of urea liquid annually in five plants. "We are ready to support it."

Petroleum marketers expect demand will determine the extent of investment in storage infrastructure. *Dan Gilligan*, president of the *Petroleum Marketers Association of America*, said one concern is keeping the urea warm enough because it freezes at 11 degrees Fahrenheit.

Environmental groups that battled for diesel-emission reductions want to see the rule implemented on schedule.

"It's an important thing to make sure trucks are clean," said *Frank O'Donnell*, president of *Clean Air Watch*, a nonprofit group in Washington. "It eliminates one of the biggest sources of pollution plaguing us for decades."

The economic payoff from a change in the image and performance of diesel engines is expected to be sales of more expensive truck engines and passenger cars that are quieter, fuel efficient and an alternative to hybrid-vehicle technology.

Diesel has long been the power source of choice for larger rigs. Yet motorists have been uninterested because diesels were regarded as dirty, noisy and sluggish.

*Allen Schaeffer*, executive director of the *Diesel Technology Forum*, a group of engine manufacturers, refiners and makers of emission-control technology, said about 10 percent of new passenger vehicles will be diesel-powered in the next decade. In 2005, 3.6 percent of new passenger vehicles were diesels, including light trucks.

Automakers such as *DaimlerChrysler*, *Honda*, *Volkswagen*, *BMW* and *General Motors* are working on diesel technology, some of which will be urea sippers. The diesel forum's Web site showcases more than a dozen cars, sport-utility vehicles, small trucks and vans that use a variety of diesel-pollution controls.

*Mercedes-Benz*, which is owned by *DaimlerChrysler*, sells four "clean" diesel models in the United States that run on ultra-low-sulfur fuel. Next year, it will roll out three SUVs that will use the urea-based solution, qualifying the vehicles to be sold even in states like California with the most stringent emission standards.

*Cindy Skrzycki* is a regulatory columnist for *Bloomberg News*.

## **State panel rejects gas plant study**

### **Lands Commission votes 2 to 1 to not accept the environmental report on the proposed facility off Ventura County.**

By Gary Polakovic, Times Staff Writer  
L.A. Times, Tuesday, April 10, 2007

Following an all-day public hearing that drew hundreds of opponents, a state commission voted Monday to reject the environmental impact report on a proposed \$800-million floating liquefied natural gas terminal off the Ventura County coast — an action that could effectively kill the project.

The state Lands Commission voted 2 to 1 to reject the environmental study and not issue a lease for the BHP Billiton project. Democratic Lt. Gov. John Garamendi and state Controller John Chiang, both commissioners, voted against the project.

Panelist Anne Sheehan, who represents state Finance Director Michael Genest, a Cabinet member to Gov. Arnold Schwarzenegger, voted in support of the environmental report, stating the importance of bringing a liquefied natural gas plant to California.

But during the hearing, Garamendi, peppered a BHP Billiton representative with pointed questions about the project's environmental effects.

Garamendi challenged whether the energy company had done enough to reduce emissions that contribute to smog and haze as well as global warming. He questioned whether alternatives to the project — including energy conservation, greater reliance on wind and solar power, and a bigger natural gas plant under construction in Baja California, Mexico — were adequately considered. And he questioned the cost-effectiveness of extracting natural gas in Australia, chilling it and shipping it in tankers across the Pacific Ocean.

BHP Billiton spokesman Craig A. Moyer, a partner in the Los Angeles-based firm of Manatt, Phelps & Phillips, told commissioners the project would make California's energy supply more reliable and diverse at a time when natural gas is increasingly being used to meet state power demands.

Further, Moyer said the project would be good for the state's environment. Natural gas burns cleaner than coal or oil. He said the project would slightly improve the state's air quality because the company had gone to great lengths to minimize emissions.

The so-called Cabrillo Port project cannot be built unless the commission and other regulatory bodies decide the 3,000-page environmental impact study is adequate and that BHP Billiton merits a permit to construct a pair of 23-mile pipelines to connect the floating terminal to the coast.

"This is the biggest decision on California's energy future in decades," said Mark Massara, California coastal director for the Sierra Club. "This has everything to do with what our coast will look like for decades to come."

Monday's hearing was the latest in a series that will decide the fate of the proposed gas processing plant that would be built about 14 miles offshore between Port Hueneme and Malibu.

The California Coastal Commission will meet Thursday in Santa Barbara to review the environmental report and decide if the project complies with coastal protection laws.

Staff at the state Lands Commission had recommended approval of the project, despite identifying 20 major environmental effects, including seven serious, long-term issues that cannot be fully controlled. Meanwhile, staff members at the Coastal Commission object to the project, contending it would be harmful to the marine environment and would produce too much air pollution.

Given those concerns, BHP Billiton had launched an all-out lobbying and public relations effort to win approval for its project. It took out full-page newspaper ads last week, and in the 2005-2006 legislative session, it spent \$2.8 million lobbying the governor, the Legislature and the state Public Utilities Commission.

BHP Billiton's lobbying effort in Sacramento has been led by Manatt, Phelps & Phillips, a prominent Los Angeles law firm with strong ties to the Legislature and the governor's office. Manatt partner George Kieffer is the personal attorney of California First Lady Maria Shriver. Former Senate Energy Committee Chairwoman Martha Escutia now works for Manatt and has been lobbying on behalf of BHP at the governor's office.

The efforts have alienated many residents in coastal communities from Malibu to Santa Barbara.

Hundreds of project opponents, wearing T-shirts and buttons saying "No LNG," took off work Monday to attend the commission's hearing. Dozens were bused in from throughout the region.

Air pollution is a chief concern of opponents.

Even with advanced emissions controls, the environmental impact report states that the tankers, support vessels and floating gas processing plant would emit 160 tons of nitrogen oxides and 60 tons of hydrocarbons per year, both of which are precursors to ozone, a colorless, toxic gas and the most abundant pollutant in Southern California. The project would also emit about 34 tons annually of smoke and soot — ranking it as one of the biggest polluters in Ventura County.

Moyer said the company could offset the effects of nitrogen oxides to inconsequential levels by using clean technologies and replacing engines in two dirty old tugboats operating separately along the California coast. He said the company also recently identified five additional tons of emissions that could be cleaned up.

But that assertion triggered a chorus of objections from air pollution experts and environmentalists. The state Environmental Protection Agency said the tugboat reductions would be significantly less than the company estimates, and the state Air Resources Board said 60% of those reductions would accrue from Point Conception to Golden Gate, where the tugboats spend most of their time.

"The ozone impacts in Ventura and Los Angeles counties will be substantially unmitigated and will impact the health of residents," said David Howekamp, an air quality consultant working for the Santa Barbara-based Environmental Defense Center.

"Failing to mitigate those emissions will add to the daunting work of cleaning up the air and will require that other sources make up for the BHP emissions."

## **LNG gas terminal proposal set back**

### **Lands Commission denies environment impact report, 2-1**

Mark Martin, Chronicle Sacramento Bureau  
S.F. Chronicle, Tuesday, April 10, 2007

A proposal to build a liquefied natural gas terminal off the Southern California coast suffered a major setback Monday when the state Lands Commission voted against the plan after a daylong hearing.

The commission, which includes Lt. Gov. John Garamendi, state Controller John Chiang and Gov. Arnold Schwarzenegger's director of finance, voted 2-1 to deny both an environmental impact report on the LNG project and the lease needed for a pipeline. Chiang and Garamendi voted against the project and Anne Sheehan favored it.

The project, proposed by Australian energy giant BHP Billiton, has set off a four-year battle that could have an important impact on California's energy future.

The denial was a major blow, as the Lands Commission approval is needed for the project, and it was unclear late Monday how the company would respond.

State energy officials have predicted growing demand for natural gas, which is used to heat homes and fuel power plants. Company officials argue that building an LNG terminal would create a new source of natural gas in a state that produces only about 15 percent of the gas it uses.

Opposition to the proposition has come from residents in Oxnard (Ventura County) and Malibu (Los Angeles County), which would be the closest cities to the offshore terminal, and many environmental groups.

The company proposes selling natural gas extracted mostly from fields in western Australia into California's gas market.

Creating LNG requires cooling natural gas to minus 260 degrees, which turns it into a liquid that can be shipped. Once it reaches its destination, the gas is reheated.

BHP proposes building a terminal 14 miles offshore that would transform LNG back into natural gas, and building underwater pipes that would connect the gas into the state's onshore gas pipeline system.

The company is one of five groups proposing LNG terminals in California, and is the first to have its project ready for public vote. In addition to the Lands Commission, the state Coastal Commission is meeting Thursday to OK or deny the project.

Schwarzenegger has until May 21 to weigh in; he can give his approval, deny it or demand changes to the plans.

The proposal has led to emotional and packed public hearings, with more than 250 attending a hearing last week.

Area residents have argued that a terminal would be a terrorist target and say the project poses too many safety risks.

Environmental groups note the project will create more than 200 tons of local air pollutants, and one study found that the entire process of extracting the gas, shipping it and using it in California power plant would lead to 23 million metric tons of greenhouse gas emissions. Many note that the state's recent focus on renewable power and slowing global warming should lead policymakers to deny LNG projects in the state.

BHP officials insist the terminal would be patrolled by company workers and the Coast Guard, and studies have shown that explosions at the terminal involving the highly-volatile LNG would not reach the shore.

They also note that natural gas is the cleanest fossil fuel and has multiple uses, including as a cleaner-burning substitute for gasoline in vehicles.

Opponents include the Oxnard and Malibu city councils and Congresswoman Lois Capps, D-Santa Barbara, who represents the area.

### **Environmentalists Cheer Pipeline Vote**

By JEREMIAH MARQUEZ, Associated Press Writer  
S.F. Chronicle, Tuesday, April 10, 2007

Oxnard, Calif. (AP) -- An energy company was dealt a serious blow to its efforts to build a floating liquefied natural gas terminal off the Southern California coast when a state panel refused to grant a lease for pipelines essential to the project.

The 2-1 decision by the State Lands Commission late Monday was met with loud cheers by an estimated 900 people who packed an auditorium for the hearing. Many had spent the day rallying against the proposal and wore blue T-shirts emblazoned with the words "Terminate the Terminal."



"We're ecstatic," said Susan Jordan, director of the California Coastal Protection Network, which provided the shirts and helped organize the opponents. "This effectively kills it."

Patrick Cassidy, a spokesman for the terminal backers, Australia's BHP Billiton LNG International Inc., said the vote was disappointing but the company remains "committed to the process."

Monday's hearing was perhaps the most important in a series that will decide the fate of the terminal that would be built in the ocean northwest of Los Angeles, about 14 miles off Malibu and about 20 miles off Oxnard.

Under the \$800 million project, chilled gas brought overseas by tanker would be heated, then piped ashore through two 24-inch diameter lines. From there, Southern California Gas Co. would pump it out to consumers. In all, the facility would process about 800 million cubic feet of natural gas every day.

BHP officials have said the terminal would supply an amount equal to 10 to 15 percent of California's daily consumption, bringing more reliability to the state's energy sources, and could ultimately lower prices. The company has said it hopes to get some of its gas supplies from an offshore gas field in Australia it operates with Exxon Mobil Corp.

Environmentalists, however, say there is no guarantee the project would be more reliable or lower prices because the gas could also be sold to other states.

Opponents also have argued the terminal would not meet clean air requirements and could be a terrorist target. A host of celebrities who live in Malibu, including Pierce Brosnan and Halle Berry, have protested the proposal.

The plan called for sub-sea lines, which would be laid about 100 feet apart, to be about 23 miles long but only cross about 4 1/2 miles of California land before reaching Ormond Beach in Ventura County.

Without the sub-sea pipelines, the terminal would essentially be inoperable.

The lone panelist who supported the proposal, Anne Sheehan, contended the project would help meet rising energy demand in California.

"I think for the future of the state and the energy needs, we've got to move it forward," said Sheehan, who represents state Finance Director Michael Genest, a Cabinet member to Gov. Arnold Schwarzenegger.

Commission Chairman John Garamendi, who is also the lieutenant governor, said he voted against awarding the lease permit because "serious questions remain about the project's safety and its potential impact on the environment."

Schwarzenegger has veto power over the project, but cannot overturn the commission's decision about the pipeline lease. He has not made a decision on what he'd do should the project move forward.

"It would be inappropriate for me to take a position on any application before the review process is complete, but I do believe that liquefied natural gas should be a part of California's energy portfolio," Schwarzenegger said in a statement Monday.

## **LNG facility lease denied**

**State Lands Commission's rejection of pipelines likely dooms the \$800 million terminal in ocean off L.A.**

By Jeremiah Marquez, Associated Press

San Diego Tribune, Sacramento Bee and other papers Tues., April 10, 2007

OXNARD -- The State Lands Commission decided late Monday not to award a lease essential to a proposed liquefied natural gas terminal off the Southern California coast, citing environmental concerns.

In the 2-1 vote, commissioners complicated efforts by Australia's BHP Billiton LNG International Inc. to build an \$800 million terminal in the ocean northwest of Los Angeles, about 14 miles off Malibu and about 20 miles off Oxnard. BHP officials have said the facility would provide a reliable source of low-polluting energy.

"I ... don't believe this project is going to be in the best interests of the state or its residents," said Commissioner John Chiang, who is also the state controller.

Commission Chairman John Garamendi, who is also the lieutenant governor, also voted against awarding the lease permit, while panelist Anne Sheehan, who represents state Finance Director Michael Genest, voted for it.

The decision was met with loud cheers by the estimated 900 people who packed the Oxnard convention center auditorium for Monday's commission hearing.

Many were opponents who wore blue shirts emblazoned with the words "Terminate the Terminal."

Under the project, chilled gas brought overseas by tanker would be heated, then piped ashore through two 24-inch diameter lines. From there, Southern California Gas Co. would pump it out to consumers. In all, the facility would process about 800 million cubic feet of natural gas every day.

Officials for BHP, one of the world's largest energy companies, have said the terminal would supply an amount equal to 10 percent to 15 percent of California's daily consumption, bringing more reliability to the state's energy sources, and could lower prices.

That has been disputed by environmentalists who say there is no guarantee the project would do either, because the gas also could be sold to other states.

Opponents have argued the terminal would not meet clean air requirements and could be a terrorist target. A host of celebrities who live in Malibu, including Pierce Brosnan and Halle Berry, have protested the proposal.

The plan called for subsea pipelines, which would be laid about 100 feet apart, be about 23 miles long but cross only about 4 1/2 miles of state land before reaching Ormond Beach in Ventura County.

The 30-year lease considered by the three-member State Lands Commission would have granted BHP the right to build, operate, use and maintain the pipelines. Without the subsea pipelines, the terminal would essentially be inoperable. As a result, the commission's vote technically killed the project, although BHP could file a lawsuit to keep it alive.

Patrick Cassidy, a BHP spokesman said the company was disappointed, "but we remain committed to the process." He said he didn't know BHP's next move, including whether the company would file any legal action.

Gov. Arnold Schwarzenegger has veto power over the project but cannot overturn the commission's decision about the pipeline lease.

## **LNG plant vote looms** **Critics assail offshore facility**

BY HARRISON SHEPPARD and LISA FRIEDMAN, Staff Writers  
LA Daily News, April 7, 2007

SACRAMENTO - Despite continuing opposition from environmentalists, a \$1 billion liquefied natural gas facility proposed for off the Malibu coast could win key state approvals as early as next week.

To be built by Australian energy giant BHP Billiton and anchored about 14 miles offshore, the floating facility would become California's first such plant. The 214-foot-high terminal would accept liquefied natural gas from tankers, convert it into natural gas and pipe it to a facility in Oxnard.

"The facility we're proposing is absolutely the most environmental facility out there," said Renee Klimczak, president of BHP's liquefied natural gas division. "That's why we're proposing it for California. It's been specifically designed to meet all of the standards."

Despite BHP's assurances, the proposal has drawn adamant objections from activists who fear that the facility and the tankers that supply it would pollute the water and endanger marine life.

"I don't like this project because I think they've chosen a design that is not suitable for installation along the California coast," said Susan Jordan, director of the California Coastal Protection Network.

"If the government is committed to importing LNG into California, there are other alternatives, technologies, designs and locations that could be more appropriate, that could carry fewer public safety risks and a smaller environmental footprint."

#### **Votes next week**

The California Coastal Commission and the California State Lands Commission are scheduled to hold final hearings and vote on the project next week.

Gov. Arnold Schwarzenegger would have until mid-May to make a final decision. While Schwarzenegger has previously supported more LNG supplies in the state, spokesman Bill Maile said he has not yet taken a position on the Malibu project.

BHP and energy industry officials note natural gas is a cleaner-burning source of energy than traditional fossil fuels such as coal.

And Klimczak said the facility will produce roughly 800 million cubic feet of natural gas every day - enough to supply at least 10 percent of California's overall demand.

The company has received letters from 18 utilities and natural-gas consumers - including Los Angeles' Department of Water and Power - interested in purchasing the gas, she said.

BHP has already agreed to a number of mitigation measures in response to concerns by environmentalists and state officials, Klimczak said.

All LNG tankers would use natural-gas fuel when in California coastal waters, and support vessels such as tugboats will be fitted with catalytic reduction systems.

State Controller John Chiang, one of three members of the State Lands Commission, said he has not yet reached a decision on the LNG project but has questions and concerns.

"I'm concerned about emissions mitigation," Chiang said. "The appearance, at least from the land, doesn't appear all that great. I'm trying to get a better sense of water travel and water usage and public safety. There are strong disagreements."

The Lands Commission staff issued a report raising some concerns about the project but ultimately recommending its approval. A report from the Coastal Commission's staff, however, recommended rejection on environmental grounds.

BHP Billiton has used its political leverage to push the project, spending nearly \$3 million on lobbying. The company and its lobbyists also are closely connected to a number of former members of the Schwarzenegger administration.

The governor's former communications director, Rob Stutzman, now works for a political consulting firm that has worked for the LNG industry. And the governor's former legislative secretary, Richard Costigan, now works for the firm that lobbies for BHP Billiton.

Maile said politics will play no role in the governor's decision.

"As with any major decision, the governor will look at all sides of the issue and make a decision based on the merits and what's in the best interest of California," Maile said.

But environmental opponents have been joined by officials from Oxnard and Malibu, state lawmakers representing the coast and celebrities including actor Pierce Brosnan and anthropologist Jane Goodall.

Los Angeles County Supervisor Zev Yaroslavsky also opposes the project.

"I don't believe it's appropriate in an environmentally sensitive area," Yaroslavsky said. "Of all the places I would site an LNG terminal, it wouldn't be next to a national park. It's like putting a coal-fired power plant in Yosemite Valley."

The plant would be near Channel Islands National Park.

On Capitol Hill, federal lawmakers are starting to question the EPA, which ruled three years ago that the LNG facility must meet the strictest smog regulations. A year later, it reversed that decision.

Rep. Henry Waxman, D-Los Angeles, chairman of the House Oversight and Government Reform Committee, has sent letters to the agency demanding proof of the further analysis EPA officials said they relied upon for the reversal.

Waxman aides said they have not received any new studies or analyses from the EPA. Aides said they did, however, find contacts between a Bush administration political appointee and BHP Billiton.

### **Reversal investigated**

In a letter to EPA Administrator Stephen Johnson in March, Waxman said he is concerned about possible "intervention" by Jeffrey Holmstead, former assistant administrator of the EPA for air and radiation.

Aides said documents show Holmstead met with BHP Billiton in March 2005 and contacted the EPA unit responsible for California shortly after that. An EPA conference call was scheduled for April 27. The agency's reversal came June 29.

Holmstead, who now is a partner with the firm Bracewell & Giuliani, did not return a call seeking comment.

Waxman aides said they have asked the EPA to submit to interviews and expect to conduct those in the coming weeks.

In the meantime, Sen. Barbara Boxer, D-Calif., and Rep. Lois Capps, D-Santa Barbara, are objecting to the Cabrillo Port project and requesting a long list of documents.

"With Democratic control (in Congress), there's more of an opportunity for us to put pressure on the administration to explain their decisions," said Capps spokeswoman Emily Kryder.

### **Asthmatics' bad air days on feds' list**

#### **Symptom control seen as paramount**

By LAURAN NEERGAARD, THE ASSOCIATED PRESS

Modesto Bee, Bakersfield Californian and other papers, Tuesday, April 10, 2007

WASHINGTON — Only one in five children with asthma has the disease under good control, sobering findings that are helping to fuel a shift in care.

The change: A stronger focus on day-to-day symptoms, not just the bad attacks, so that more of the 20.5 million U.S. residents of all ages who have asthma can breathe easier without limiting their activities.

Federal guidelines due this summer are expected to urge doctors to more closely monitor whether treatment is controlling everyday symptoms and improving patients' quality of life — and to adjust therapy until it does.

A campaign is under way to teach patients to recognize when they need better help, and how to convey that to a doctor. If the doctor is happy that you've had no flare-ups but doesn't know you had to quit playing soccer to do it, you're not achieving good control.

Too often, physicians don't realize how severe symptoms are, says Dr. Jill Halterman, a pediatric asthma specialist at the University of Rochester. With children, their own parents may underestimate symptoms.

It's more complicated than denial: When wheezing while running or waking up coughing at night has been routine for years, people may not know to complain.

"It may be part of what they view as normal," said Halterman, who is studying the control gap. "We're hoping we can change that so the goal can really be for the child to have no symptoms and no limitations on activities."

That's the goal for adults, too, as specialists shift from asthma's severity as the chief treatment guide to a broader goal of asthma control, adds Dr. Allan Luskin of the University of Wisconsin in Madison.

"They can live normal lives but it takes work," said Luskin, who is working with the Asthma and Allergy Foundation of America's new patient campaign. "Patients and doctors need to understand that asthma can be controlled, and we really ought to expect nothing less."

Asthma is a chronic lung disease caused by inflammation inside airways that makes them super-sensitive, narrowing in response to irritants that wouldn't bother a healthy lung. The result is recurring episodes of wheezing, coughing, chest tightness and difficulty breathing. Attacks can be triggered by numerous things — cigarette smoke, exercise, cold air, stress, viruses — but about 60 percent are triggered by allergens.

### **Kills more than 4,000 a year**

There is no cure. But there are effective daily medications that reduce inflammation and prevent flare-ups, especially if people also minimize their exposure to environmental triggers. Yet asthma kills more than 4,000 people a year, and causes 2 million emergency room visits and half a million hospitalizations.

Mary-Michal Rawling, program manager for the Merced/Mariposa County Asthma Coalition, says many patients don't have their asthma under control because they fail to understand the complexities of the chronic illness.

Rawling finds that many adult patients are surprised when she shows them a list of things that can trigger an asthma attack.

"You see the light bulbs go on," she said. "They say they didn't know a fireplace could trigger asthma, they didn't know a pet could trigger it or that air pollution can make it difficult to control their asthma."

Researchers have been taking a closer look at why asthma continues to kill patients, despite established treatment practices.

Halterman analyzed 1,000 asthmatics culled from a federal child health study in California, Alabama, Illinois and Texas.

About 37 percent had not been prescribed preventive medication despite current guidelines, a long-recognized problem.

Forty-three percent did have medications, yet experienced persistent symptoms.

Also, secondhand smoke overwhelms asthma medicine's protection, Halterman found.

This summer, an expert panel established by the National Institutes of Health is to update national asthma care guidelines.

Among the steps under consideration are for doctors to closely assess patients' control every few months, looking for clues: Have you missed work or school because of asthma? Changed your activities? Sleeping worse? That's the kind of frank exchange that the asthma foundation campaign aims for patients to spark.

### **'Designated educators' touted**

Rawling is pleased that the proposed guidelines are stressing action plans for every patient with asthma. It's an established guideline, but the plans are not used often enough, she says.

Doctors may be too strapped for time to fully comply with the guidelines. That's why it's important for medical groups or clinics to have support staff for educating patients, she added.

"You need to have designated educators to spend 30 to 45 minutes with each patient — to talk about how to use inhalers, how to use spacers, peak flow meters, and review their symptoms and triggers."

The Merced-Mariposa County coalition began a close relationship with Merced-based Golden Valley Health Centers over the summer, and Golden Valley has made the action plans a standard of care at its clinics in Merced and Stanislaus counties.

The centers, which serve many uninsured patients, have bilingual health educators working with asthma patients.

Michael Wong, chief allergist for Kaiser Permanente's Central Valley service area, says that Kaiser can give every patient a tailored program for controlling asthma. He says many Kaiser physicians are using the tools, but he can't say that all are.

"It is not enough to consider the medication regimen, but one has to look at many other factors," Wong said. "If you have a dog and your asthma flares up because of the dog, you may have to keep your dog outdoors."

Wallace Carroll, an allergist with Sutter Gould Medical Foundation in Modesto, says the physicians group has an educator to assist asthma patients.

He recalls a study that concluded success in treating asthma has to do with the patient's perception of how much the doctor cares.

A patient will have an open discussion about symptoms and peak flow readings if he or she believes it matters to the doctor, Carroll said.

### **Fitness in a Time of Mold and Pollen**

By Eve Zibart

Washington Post Staff Writer

Washington Post Tuesday, April 10, 2007

Okay, so you're buying tissues in bulk these days. You're coughing and sneezing, cursing the pollen count and -- maybe worst of all, if you're a committed jogger like me -- having your usual hour's run come to a wheezing halt after 20 minutes.

Ah, spring in Washington. (Our motto: "Even if you never had allergies before, you'll have 'em here." Comes in a close second to "it's the humidity" in local folklore.)

But maybe it's not allergies you're battling. Maybe it's something more serious: asthma. I've been fighting the condition all my life and never knew it until a few years ago, when those abortive runs were diagnosed first as signs of exercise-induced asthma and later allergic asthma as well. For

me, April really is the cruelest month, when I'm longing to run outdoors and finding it almost impossible.

Many adults (like me) grew up when only those really dire cases of choking were recognized as asthma, *and* our symptoms were brushed off as "sensitivities" or "sinus problems." But asthma is the most commonly undiagnosed condition in the country, according to Washington immunologist Henry Fishman, and it kills 3,500 to 5,000 Americans every year. In fact, you may have both allergies and asthma: Fishman says that 80 percent of asthmatics have allergies, and 20 percent of those diagnosed with allergies have asthma as well. And since asthma can be progressive, the season of the AQI (air quality index, for the uninitiated) should signal that it's time to consult an expert.

But Fishman does encourage asthmatics and allergy sufferers to exercise, once the doctor gives the okay. "It's good for the brain, good for the heart, it's good for the bones and good for the soul."

For springtime exercisers, it's particularly important to know your enemy. Fishman, who has consulted on numerous radio, TV and Web site programs, says an asthma attack begins when the trigger allergen is breathed in or when the nasal passages are cooled or dried out. So while it seems a no-brainer to shift to indoor exercise during allergy season, it's not that simple. Some asthmatics react to swimming, for instance: Mold or water-borne pollen brushes the nose, which is being cooled by the water, and . . . boom, asthma has you spluttering.

(Parents, you'll want to pay double attention: Asthma is the most common chronic illness in children, but many teens become asymptomatic. Their asthma has not disappeared; it has just gone underground and may reappear later. So talk to your child's coach about any coughing or sluggishness; better yet, take the kids to a doctor before signing them up.)

Regardless, listen to your body when you exercise. If the pollen is only an annoyance, that's one thing. If you feel faint or have trouble working out, *cease and desist*. "It is possible to run through an asthma episode," Fishman says, "but it's a terrible idea. . . . Macho and asthma don't mix." Six-time Olympic gold medalist Jackie Joyner-Kersey would agree; she ignored her diagnosis for 10 years until a near-fatal attack in 1993.

Meanwhile, limit irritation. For mild allergy symptoms, an over-the-counter decongestant or antihistamine may help. (Fishman likes loratadine [Claritin, Alavert] and cromolyn sodium [NasalCrom].) For more-bothersome symptoms, consult your doctor: Fishman is adamant that no OTC asthma medicine is safe.

His other recommendations for allergy-challenged exercise enthusiasts: Take medication 30 minutes before a workout, to give it time to get into your system. Wear a mask or bandanna. Head out early -- around 5 or 6 a.m. (before sunlight activates tree and flower pollen) -- or late (after it has closed down). Run after rain, which washes pollen out of the air, or even through it.

Here are some tricks I've picked up: Wear sports goggles or a headband to prevent sweat from dribbling pollen into your eyes. Look for running gloves with terry cloth backs; they're good for wiping runny noses while capturing the pollen so you can't spread it around. Wash your hands the minute you walk in the door. Deposit your exercise clothes directly into the wash.

Even if you don't generally wear eye makeup -- this works for men, too -- buy a jar of hypoallergenic makeup remover pads and clean your eyelashes, where allergens nest; eyedrops are soothing, too. Use a saline solution or nasal spray as you get into the shower. Resist opening the car windows; pollen will stick to your dashboard and upholstery for a long time. Turn on the AC and adjust the thermostat instead.

## **At meeting, public is split on Saturday closure at Golden Gate Park**

Wyatt Buchanan, Chronicle Staff Writer  
S.F. Chronicle, Tuesday, April 10, 2007

Amid indications that a compromise is in the works, more than 150 people showed up at a City Hall hearing Monday to have their say on a proposal to close portions of Golden Gate Park to vehicle traffic on Saturdays for a six-month trial period.

The Board of Supervisors Land Use and Economic Development Committee postponed a vote scheduled for after the hearing -- and mediation sessions between road-closure proponents and foes were scheduled to start later this week.

The hearing gave the public its first chance to comment, and opinions largely were evenly divided.

Felba Lewis came to City Hall with her husband and four young children to tell the supervisors that, while the Colma family likes to spend Saturdays in the park, finding a place to leave their car is already difficult enough.

"If you close the area, it's going to make it even more cumbersome," said Lewis, adding that the \$3 per hour charge for parking in the park's new underground garage was a financial burden.

But John Winston, who lives in San Francisco, said he supports closing a portion of the park and sees it as an effort to benefit his children.

"The park is the city's backyard for the average person," Winston said. "It's the commons and it has been taken over by cars for too long."

As written, the proposal would duplicate for a six-month trial period the traffic restrictions in effect for Sundays and holidays, when cars are barred from 1.7 miles of roadway, mainly on John F. Kennedy Drive alongside the new M.H. de Young Memorial Museum and the Conservatory of Flowers, some of the park's most popular attractions.

Phil Ginsberg, Mayor Gavin Newsom's chief of staff, is scheduled to meet Thursday with interested people, including area neighbors, advocates for the disabled and other community groups, to mediate differences and find compromise, such as a shorter trial period or closure of a different part of the park.

"All options are on the table," said Nathan Ballard, the mayor's spokesman.

Supervisors at the hearing told the crowd they hoped those efforts would succeed. "I think if we get it right it will not come up again and people will feel comfortable" said Supervisor Sophie Maxwell, chairwoman of the supervisors' committee that held the hearing.

Proponents of a Saturday closure say banning cars from a portion of Golden Gate Park makes the park safer for families and children and cuts down on pollution caused by vehicles. Some also say eliminating vehicles will spur people to drive less in general.

Opponents cite the impact on disabled persons' access to the park and on visitors to the de Young Museum and other cultural institutions in the park. The nearby California Academy of Sciences, undergoing a \$429 million renovation, will reopen in late 2008.

"The (Academy of Sciences) is very concerned about the health of the environment and the health of our children, but we believe closing Golden Gate Park is not the way to address those concerns," said Pat Kilduff, a spokeswoman for the academy.

Some residents in surrounding neighborhoods say a closure would cause traffic mayhem on weekends as park visitors grab parking spots.



At the hearing, several people said they felt the Sunday-closure rules currently in effect already represent a fair compromise.

In 2000, two competing ballot measures that would have restricted cars in the park on Saturdays were defeated by wide margins. Last year, the Board of Supervisors revived the plan and approved a six-month trial period by a 7-4 vote. Newsom vetoed the measure.

The city then commissioned a study on a possible closure, which found that more people walked, biked or skated to the park on Sundays than Saturdays -- and that traffic on residential streets around the park increased on Sundays but only slightly.

But neither side seemed to be able to agree on what conclusions should be drawn from the findings -- which one closure proponent said is an argument to give the proposal a try.

"Let's have a trial and see what the evidence shows," said Don Willenburg, a San Francisco attorney. "The only reason to be afraid of a trial is because you're afraid of what the evidence might show."

### **Panel fears mercury lost in Bay**

By Paul Rogers, MEDIANEWS STAFF  
Contra Costa Times, Tuesday, April 10, 2007

Hundreds of pounds of mercury from Bay Area oil refineries are unaccounted for and could be flowing into San Francisco Bay every year, poisoning fish and threatening public health, state water regulators said Monday.

Until now, old mercury mines in the hills of San Jose and the Sierra Nevada were considered the Bay's main sources of mercury -- a neurotoxin that builds up in fish and can cause brain damage in children. But new research by the San Francisco Bay Regional Water Quality Control Board has concluded that roughly 3,700 pounds of mercury a year is coming into the five Bay Area refineries in crude oil -- and nobody can account for where it goes after the oil is refined into gasoline.

On Thursday, staff members of the regional water board plan to order all five Bay Area refineries to measure the mercury concentrations in their crude oil and account for where it goes -- in the air, in waste water and in solid waste sludge -- or face fines of \$1,000 a day.

"In our mind there still is a mystery. We're trying to connect the dots and understand where mercury in crude oil ends up," said Bruce Wolfe, executive officer of the board.

Environmentalists think much of the mercury may be escaping as air pollution up the refineries' smokestacks, then washing into the Bay when it rains. If that is the case, scientific understanding of the source of mercury pollution -- the most serious toxic contaminant in the Bay -- would be turned on its head.

"This is huge," said Sejal Choksi, program director for San Francisco Baykeeper, an environmental group. "We might be looking at the main cause of the mercury problem in the Bay."

The 3,700 pounds of mercury that water board officials now estimate to be entering the refineries in crude oil every year is more than all other sources of mercury combined that flow annually in the Bay. That totals about 2,698 pounds a year.

The 3,700 pounds represents more than 15 times the amount estimated to be leaching from the old Almaden Quicksilver Mines near San Jose.

The five refineries affected are Chevron, Conoco Phillips, Shell, Tesoro and Valero in Contra Costa and Solano counties. Every day, they refine roughly 760,000 barrels of oil into gasoline.

In 2005, the regional water board, a state agency in Oakland whose members are appointed by Gov. Arnold Schwarzenegger, ordered the refineries to complete a study by May 31, 2007, of

how much mercury is in their air emissions. The oil companies told the board on Feb. 19, however, that they would not be finished with the study until 2009.

Tupper Hull, a spokesman for the Western States Petroleum Association, said the refineries are working to learn how much -- if any -- of the mercury in crude oil ends up in the Bay.

"We're going to know the answer to that when the air study is completed," Hull said. "It's really not useful to speculate until we have the data. We are in the process of getting the data."

Mercury is a naturally occurring metal that is harmful to fish, wildlife and humans in high concentrations. It does not degrade in the environment.

Young children and pregnant women are most at risk from its effects, particularly for birth defects. For children, long-term exposure to mercury can impair physical coordination, decrease brain function and even cause mental retardation. In adults, it can impair hearing and speech, blur vision and damage the kidneys.

Around the Bay Area, government signs warn that it is unsafe to eat fish because of mercury poisoning. Health officials long have been concerned about immigrant communities and the lowest-income residents who eat fish from the Bay as a staple of their diets.

Until now, the main sources of mercury in the Bay are thought to have been long-closed mines in the Sierra Nevada and Almaden Hills -- which gave the San Jose Mercury News its name. Mercury from those mines was used to separate gold from the ore during the Gold Rush.

Along with the mines, other mercury sources include consumer products such as thermometers -- and even smog coal burning in China that drifts across the Pacific Ocean.

"The Bay is currently very polluted with mercury," Choksi said. "The mercury problem is so bad that fish in the Bay are unsafe to eat. We really need to get to the bottom of figuring out what is causing the problem."

Hull said the air study is behind schedule because "it was found to be a much more difficult and technologically challenging project" than originally thought.

"We have worked collaboratively with the water board up to this point to fully understand mercury discharges from the refineries," he said. "Once this air study is completed, we will have a very good and clear picture of the refineries' discharges into the Bay."

The board's new order this week will give the refineries until Oct. 31, 2008, to complete their studies. But it requires much more than the old order. It mandates that they test their oil for mercury, test air emissions, waste water emissions and solid waste.

In a report that will be presented to the water board Wednesday, Wolfe and other water board staff members note that the oil Bay Area refineries use has higher mercury concentrations than oil from other areas.

Most oil has mercury levels of 10 parts per billion. But oil from the San Joaquin Valley, where 40 percent of the crude oil used by the Bay Area refiners comes from, has mercury levels of 80 to 30,000 parts per billion, they concluded. Using a conservative number, 100 parts per billion, the water board concluded that the oil contains 3,747 pounds of mercury.

Water board staff members know that about 1,000 pounds of that goes to hazardous waste landfills out of the Bay Area as sludge when the refineries perform maintenance. The fate of rest is a mystery.

"We're saying it looks like this might be more significant than we thought before," Wolfe said. "We want a better understanding."

## **Millions Face Hunger From Climate Change**

By MICHAEL CASEY, AP Environmental Writer  
In the S.F. Chronicle, Tuesday, April 10, 2007

BANGKOK, Thailand (AP) -- Warming temperatures could result in food shortages for 130 million people across Asia by 2050 and cause potentially catastrophic problems in Africa, wiping out one of the continent's staple crops altogether, according to a U.N. report released Tuesday.

Climate change threatens the ecologically rich Great Barrier Reef and sub-Antarctic islands, and could melt the snow on Africa's Mount Kilimanjaro, according to the latest report from the Intergovernmental Panel on Climate Change.

A summary of the full, 1,572-page document written and reviewed by 441 scientists was released Friday. The latest document, the second of four reports including the summary, tries to explain how global warming is changing life around the world, region by region.

Further details were unveiled Tuesday in regional news conferences.

The report suggests that a 3.6-degree increase in mean air temperature could decrease rain-fed rice yields by 5 percent to 12 percent in China. In Bangladesh, rice production may fall by just under 10 percent and wheat by a third by the year 2050.

The drops in yields combined with rising populations could put close to 50 million extra people at risk of hunger by 2020, 132 million by 2050 and 266 million by 2080, the report said.

Water shortages will also become more common in India as the Himalayan glaciers decline, while nearly 100 million people annually will face the risk of floods from seas that are expected to rise in Asia between 0.04 inches to 0.12 inches annually, slightly higher than the global average.

"Unchecked climate change will be an environmental and economic catastrophe but above all it will be a human tragedy," Achim Steiner, executive director of the U.N. Environment Program, said in a statement.

"It is absolutely vital that international action is taken now to avoid dangerous climate change," he said. "Otherwise the consequences for food and water security in Asia, as for many other parts of the world are too alarming to contemplate."

The report said Africa is the continent most vulnerable to the effects of climate change. The fallout from a swiftly warming planet — extreme weather, flooding, outbreaks of disease — will only exacerbate troubles in the world's poorest continent, said Anthony Nyong, one of the lead authors.

The panel predicts that sea levels could rise on the eastern Africa coast, leading to flooding that could cost 10 percent of each country's gross domestic product. East African countries have limited or no budgets for dealing with such emergencies and usually depend on foreign aid.

Wheat, a staple in Africa, may disappear from the continent by the 2080s, the report said.

Africa has "the least responsibility for climate change and yet it is perversely the continent with the most at risk if greenhouse gases are not cut," Steiner said.

But Nyong said African governments cannot rely on outside aid to fix problems from climate change. "It is dangerous ... for African governments to continually and perpetually depend on aid for such things that have such a major impact on what we do," he told reporters in Nairobi, Kenya.

In Europe's Mediterranean region, climate change will sap electric power generation, reverse long-standing tourism trends, raise sea levels in coastal regions and leave millions of people with water shortages, scientists said.

Mediterranean ecosystems are among the world's most sensitive and will thus be among those hardest-hit by global warming, said Jose Manuel Moreno, a Spanish scientist who helped write the report on Europe. By 2070, between 16 and 44 million Europeans are projected to be suffering water shortages, he added.

For Australians and New Zealanders, the warming temperatures will be felt mostly through more extreme weather.

"Heat waves and fires are virtually certain to increase in intensity and frequency," Kevin Hennessy, a lead author on the chapter for Australia and New Zealand, said in a statement.

"Floods, landslides, droughts and storm surges are very likely to become more frequent and intense and frosts are very likely to become less frequent," he said.

In the South Pacific, rising seas are "expected to exacerbate inundation, storm surge, erosion, and other coastal hazards, thus threatening vital infrastructure, settlements, and facilities that support the livelihood of island communities," according to the report.

While the South Pacific islands will struggle to adapt to climate change, the report said Australia and New Zealand have "considerable capacity" to adjust. Efforts to cut greenhouse gas emissions should be launched, although the report predicted immediate reductions would not offset climate changes in these countries until at least 2040.

In Asia, the report calls for mainstreaming of sustainable development policies. It also suggest improving public food distribution networks, disaster preparations and health care systems to reduce the vulnerability of developing countries.

*Associated Press Writer Tom Maliti contributed to this report in Nairobi, Kenya.*

### **Composting plant smells at Mariposa**

Modesto Bee, News and Notes, Saturday, April 7, 2007

A new composting plant that converts Yosemite National Park's trash into soil is roiling some Mariposa residents, who say it puts out a terrible stink. Supporters said the \$8 million plant offered a green solution that would cut in half the volume of locally produced garbage. It opened last year next to Mariposa's landfill, about 40 miles outside the park. Now, Mariposa residents say there are days when it reeks like sewage or a dead animal. County sanitation workers said residents could help reduce the stench if more followed Yosemite's lead and separated their trash.

[Fresno Bee editorial, Tuesday, April 10, 2007:](#)

### **Dairy rules on the table**

**Fresno County will weigh regulations at a public hearing.**

Fresno County has dragged its feet when it comes to regulating the growing number of dairies in the area. That's about to change -- at least a little.

Tonight the county Board of Supervisors will hold a public hearing to get comments on proposed new regulations for dairies. They're sure to hear from dairy farmers who worry that new regulations will put them out of business, and from environmentalists and others who think the proposed rules are too weak.

Fresno County is one of the few dairy counties in the state that still doesn't regulate the operations in an effort to reduce emissions that can pollute the air and water supply, and can create nuisances such as swarms of flies and foul odors.

The county doesn't have the number of dairy cows that populate others, such as Tulare County, but the size and scope of dairy operations is growing here.

That's part of a historic shift of the state's dairy industry from Southern California to the Valley, as urbanization pushes dairies out of that part of the state and shifts the focus north. The industry is enormously productive -- it was worth \$334 million in Fresno County in 2005, and is even more lucrative in Tulare, Merced and Kings counties. Statewide, milk production is worth more than \$5 billion, representing about one-fifth of the nation's total.

There's no question that new regulations will be a financial burden for smaller, family-owned dairies. Mitigating pollution usually means adding new equipment, and that's often expensive. But there may be ways to help such operation pay for the effort.

In any case, market forces, not regulation, are the greatest threat to small dairies. For instance, in Merced County, the state's second leading producer after Tulare County, the number of dairies in operation in 2006 was 305, down from 327 in 2005.

But the number of milk cows in the county increased by about 4,000 last year. Smaller dairies are being squeezed by the so-called "mega-dairies," which are more efficient -- though they come with a host of their own new problems wherever they crop up.

One complaint about Fresno County's proposed new regulations is that they don't include the use of liners in waste lagoons. That waste poses a real threat to groundwater, especially as the number of cows grows.

Enforcement is also lacking, said Dr. Lee Snyder, a member of the Fresno-Madera Medical Society. That must be addressed in any new regulations adopted by the board.

Nor does the draft ordinance require dairy operators to enclose their barns, cover the waste lagoons or protect seed-storage areas, other potential sources of air and water pollution.

This is a critical issue. The Valley's air and water are already under siege from pollution. A rapidly shifting global market strains Valley agriculture, and not just dairies alone. The county must find a balance between that vital important economic activity and the health of its residents. It won't be easy.

[Letter to the Editor, Tracy Press, Tuesday, April 10, 2007](#)

### **Fight for the people**

EDITOR,

Thank you for fighting this fight. I am a stay-at-home mom, so I don't have much spare time. But if there is anything I can do to stop the progression of testing or new building at Lawrence Livermore National Laboratory's Site 300, let me know.

*Laura Aguirre, Tracy*

[Letter to the Fresno Bee, Tuesday, April 10, 2007:](#)

### **'With forked tongue'**

The March 26 letter, "Political disease," is entirely appropriate for Fresno County Supervisor Bob Waterston, only it doesn't end there. There is another disease -- speaking with forked tongue.

Mr. Waterston stated on TV that there would be no more Indian casinos in Fresno County due to the pollution, traffic congestion and lack of water problems in Fresno County, but he is in favor of the Cemex Mine on Jesse Morrow Mountain, creating far more traffic, water and pollution problems than the casinos.

There are already three mining projects in a 3 1/2-mile area supplying gravel and other products to other counties as well. Why should we, as residents of Fresno County, suffer the effects of an additional 900 trucks daily on Highway 180, an additional 15,000 gallons of water from our aquifer per day, unknown hazards of health problems from our grossly polluted air and the destruction of Indian heritage on Jesse Morrow? Could it be Supervisor Waterston is supporting this project due to the generous donations these types of companies make to political campaigns?

He should start serving the constituents of his district, or resign and let a reputable person who listens to the people represent us.

*Ray Unruh, Squaw Valley*