

Merced law aims to make dairies better neighbors

By MICHAEL MELLO
MODESTO BEE STAFF WRITER

MERCED -- Merced County supervisors on Tuesday adopted a new dairy ordinance, calling it fair to dairies and the people who live around the farms.

The ordinance, which had been delayed several times for refinement, won unanimous approval and is due to take effect in 30 days.

The law toughens the county's own environmental standards in what is by far the county's largest industry. The county's 335 dairies, more than any other county in the state, produced \$625.7 million in revenue last year.

The ordinance includes provisions that:
Establish criteria to keep dairies from being built near homes.
Specify uniform guidelines for handling manure.
Provide for county inspections of most dairies every three years.

The ordinance applies not only to dairies but to poultry, sheep and rabbit ranches.

It updates regulations last altered in 1983, and will help bring the county in line with environmental rules soon to be enforced by the state and the U.S. Environmental Protection Agency.

Jeff Palsgaard, director of the county's environmental health division, said the ordinance is the best way "to protect both the industry and the environment. This county is doing more than any other in the state."

Over the previous six months, Palsgaard met extensively with dairy owners. He also listened to people who oppose "mega-dairies," large operations with herds of thousands; many of these dairies have expressed interest in relocating to Merced County from Southern California and other areas.

In public hearings, some people who live near smaller dairies said flies and smells are problems already, and they feared that the problems would grow worse.

Sharon Young, whose family owns a smaller dairy south of Merced, said she thought the restrictions were not tough enough.

"I truly feel we are selling Merced down the river strictly for economic gain," she said. Supervisor Deidre Kelsey said that is not the case.

"Some of the comments about this ordinance allowing mega-dairies is not necessarily true," she said. "Each (new) dairy will come forward before this board. We are not

necessarily going to become another Chino Valley. There are checks and balances in this ordinance to address that."

Supervisor Gloria Cortez Keene of south Merced said: "I think this is a step in the right direction.

"I drive past these dairies every day, and the first thing I think of is the flies and the smell. But this (ordinance) is to control that."

Kings County adopted a similar ordinance this summer. Tulare, Madera, Kern and Glenn counties are considering new dairy ordinances as well.

Suit against EPA a welcome move

Merced Sun-Star Editorial

It would appear everybody is taking air pollution in the San Joaquin Valley a little more seriously these days, and help may be on the way.

A coalition of environmental groups sued the federal Environmental Protection Agency on Tuesday. The groups allege that for more than a decade, the EPA has failed to do its job and clean up particulate matter - dust, smoke and other soot - that leads to respiratory problems and death here in the Valley.

We think the lawsuit is enormously significant, and we thank the groups - the California Clean Air Campaign, the Sierra Club and Medical Advocates for Healthy Air - for their interest and involvement.

The organizations, represented by Earthjustice, ask that the U.S. District Court in San Francisco order the EPA to take control of the San Joaquin Valley Air Pollution Control District's program to remove particulates from the air.

Under the federal Clean Air Act, the air district is required to have strict timetables for submitting plans to reduce pollution, and if the deadlines are not met or if plans are not submitted, the communities in the districts are supposed to be punished. Federal highway funds can be frozen and the EPA can take charge of cleaning up the air.

But that hasn't been happening.

Earthjustice filed a Freedom of Information Act request and uncovered a letter from the EPA dated Dec. 16, 1991. In the letter, the agency said the state had failed to submit a plan for reducing emissions in the San Joaquin Valley and in three other air districts and that if plans were not submitted within 18 months, sanctions would be imposed on the four nonattainment areas. The letter was sent to Gov. Pete Wilson and copies were sent to the California Air Resources Board.

Nothing happened, however. No plans, no sanctions. "More than eight years later, EPA has still not imposed a plan or sanctions - actions that would have had significant impacts on pollution levels in the Valley," Earthjustice says.

The EPA has some incredible explanations for not acting.

Jack Broadbent, the EPA's regional air division director, said agency officials didn't know the air district was found out of compliance until it saw the documents obtained by Earthjustice. And Kerry Drake, an associate director at the EPA, noted, "It would be very easy to give the impression of dereliction." Drake added, "The EPA did miss a deadline, but it is a complicated issue."

At least no one said the dog ate the letter.

Kirsten Tobey of Earthjustice said, "The record is very clear they (the EPA) made this finding and have never done anything afterward. It's like it had fallen behind a desk." Another Earthjustice source said, "EPA has failed to act until it is absolutely forced to." Now then, you might like to know more about particulates.

The state believes particulates contribute to asthma and cause between 3,200 and 9,800 deaths a year in California. And Earthjustice says, "Medical studies have shown that particulate matter is the most deadly form of air pollution." It causes respiratory problems and it can even enter the bloodstream and cause heart attacks, the group says.

Dr. David Pepper of the Medical Advocates for Healthy Air, one of the parties to the suit, said, "More and more kids are getting asthma, and more older folks and people with respiratory problems are dying while the EPA delays."

Where does all of this deadly stuff come from? Earthjustice says that according to the air district, the top 10 sources and their percentages of the total particulate matter emissions in the Valley in 1999 are: unpaved road dust, 24.2 percent; tilling dust, 16.9 percent; paved road dust, 13.3 percent; fugitive windblown dust, 10.9 percent; agricultural and prescribed burning, 8.6 percent; construction and demolition, 5.2 percent; harvest operations dust, 4.5 percent; residential fuel combustion, 2.5 percent; cattle feedlot dust, 2.4 percent; and food and agriculture (industrial processes), 2.2 percent.

Farm equipment accounted for 0.9 percent, heavy duty diesel trucks accounted for 0.6 percent, light and medium duty trucks accounted for 0.5 percent and light duty passenger vehicles accounted for 0.4 percent.

Earthjustice also says that according to 2002 figures from the California Air Resources Board, particulate matter in the Valley has risen from about 450 tons per day to about 470 tons per day from 1991 to 2002. (In the Los Angeles Air Basin, particulates have dropped from about 390 tons per day to about 350 tons per day over the same period.)

Tuesday's lawsuit is the third Earthjustice has filed against the EPA to clean up the air in the Central Valley. The other two suits, including one that killed a statewide agriculture exemption, were settled by the EPA.

Given the facts in this latest action, we expect a similar outcome, with the EPA starting to abide by the law and doing what the air pollution control district has been unwilling and unable to do, which is clean up the air we have to breathe. Our fingers are crossed.

P.S. While we're on the subject, we would like the EPA to kill the air pollution permit and air credit programs. Now, people can buy permits or air credits that allow them to pollute our air. That is ridiculous. If the objective is to clean the air, as we think it should be, then let's eliminate the permits, the credits and the pollution, period.

Royce Hall area shut for asbestos

Fresno High auditorium closed off after fibers found following blaze.

By Felicia Cousart Matlosz

The Fresno Bee

(Published Wednesday, October 23, 2002, 4:52 AM)

Fresno Unified district officials have closed off the auditorium in Fresno High's Royce Hall because of asbestos fibers found on carpet after the fire in the historic building last week.

Tests were conducted last Friday, detecting asbestos in the 2,200-seat auditorium as well as trace amounts in the cafeteria. District officials limited use of the building until test results came back from a San Jose laboratory.

District officials Tuesday gave the go-ahead to reopen the cafeteria and northern wing. The auditorium will be closed and out of use "for some time," said Lyn Peters, the district environmental services manager.

Asbestos apparently was disturbed when water-damaged material was moved into the auditorium after the Oct. 15 fire.

Peters said the district will follow the process required by law to remove the asbestos: "The rest of the building is isolated from the auditorium. It's serious in the auditorium, but it's not serious anywhere else."

The three-story building, which is the focal point of the campus, was built in 1922. On Oct. 15, fire engulfed the building's roof. Firefighters contained the blaze to a portion of the south wing.

Damage from the fire caused the relocation of the school's journalism class. Other classes in Royce Hall resumed last week until tests showed asbestos.

The district brought in outside food service this week because of the cafeteria closure, and students were able to take advantage of a food fair on campus.

Mike Berg, administrator for facilities management and planning, said the district routinely conducts tests when dealing with building repairs, taking into account what type of material makes up the structure.

Use of asbestos, once used in insulation and as a fire retardant, was halted years ago because chronic exposure to the material has been linked to cancer of the lungs, chest or abdominal linings.

District officials stressed they took all necessary precautions before reopening the cafeteria and other parts of Royce Hall.

"We're just being extra vigilant, particularly when it comes to the student's and staff's health and safety," said Jill Marmolejo, a district spokeswoman.

News about the auditorium will cause a dilemma for the drama club, which planned to present the play "Bullshot Crummond" in November.

Tonight, district officials will ask the board of trustees to adopt an emergency resolution that would streamline the repair schedule. Berg said the district must still hire qualified contractors and follow a public bidding process but the emergency document "expedites the process."

The city Fire Department had estimated the damage at \$1 million. Fresno Unified officials say they don't have their own estimate because they're still checking for hidden structural damage.

Meanwhile, life for much of the 2,869-student campus is "business as usual," said Principal Bob Reyes.

"So far, the kids are fine," he said. "We're hoping to get things a little more settled in a week or so."

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Letters

Measure C falls short

By Cal Crane

President, American Lung Association of Central California

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The American Lung Association of Central California board voted not to support the Measure C extension on Nov. 5. At our September meeting, we heard from supporters and opponents of Measure C before making our decision. We took this action because the extension, as written, does not commit to reduce air pollution or build a rapid transit or light rail system.

The extension only perpetuates the current public transit system. It ignores our increasing air pollution problem, which causes suffering, death and the destruction of crops in Fresno County. Some 16.4% of our children and 11.9% of our adults have asthma, which is at epidemic proportions here. Air pollution is also affecting lung growth and development in children and endangering healthy lungs. The Fresno metropolitan area has the third-highest ozone pollution levels in the United States.

We still have until 2007 to design a tax measure to benefit the health and public transit needs of all taxpayers by addressing air pollution head on. We must guarantee that decisions involving urban sprawl, road safety, traffic congestion, road repair, trails and mass transit will have clean air measures and practices, including the use of alternative-fuel vehicles as the No. 1 priority.

Our association welcomes the opportunity to be a part of any future committee to develop an appropriate measure for 2007 that addresses air pollution, rapid transit and light rail.