

## **Area farmers accept pending burn rules**

**New program is OK if it helps clear Valley's air and doesn't slow work, some say.**

By Robert Rodriguez, The Fresno Bee, August 20, 2002

Clovis-area farmer James McFarlane is a practical man when it comes to agricultural burning.

Standing in downtown Clovis recently, McFarlane could barely see the nearby auditorium at Clark Intermediate School through the smog.

He knows farmers aren't all too blame, but he realizes something has to change.

"We are going to have to be somewhat flexible," McFarlane said. "We can't just go out there and do whatever we want just because we are farmers."

McFarlane is one of several farmers who accepts a new set of agriculture burning rules proposed by the San Joaquin Valley Air Pollution Control District. The program is designed to reduce the cumulative effect of agriculture burning by encouraging smaller burns.

The local air district approved the proposal last week, and it awaits final approval from the California Air Resources Board. The plan could be in place by January 2004.

Under the proposal, the 23,000- square-mile San Joaquin Valley Air Pollution Control District will be broken down from three large regions into roughly 100 smaller zones. The smaller zones allow air district officials greater flexibility in declaring burn days. Previously, if weather conditions did not allow a burn day in a remote corner of a region, the entire region could not burn. Under the proposal, the Pollution Control District can bar burning in a few zones while still allowing burns in other zones.

The new proposal is not a green light to fire up.

Officials will set a limit on how many acres in a zone can be burned on a designated burn day. Burning will be on a first-come, first-served basis. An automated telephone and Internet system will handle the scheduling.

Those not making the cutoff are put on a waiting list and notified by the district when it's their turn.

Although state law allows variances, a no-burn day means farmers can't burn agricultural waste. Variances are granted on a case-by-case basis, and farmers must prove the threat of eminent and substantial economic loss.

McFarlane said that while he hasn't seen the complete proposal, he doesn't have a problem with it as long as it doesn't significantly slow down work on the farm. For instance, farmers replacing an aging tree or grape variety with a new one, must clear the field and burn the waste before planting.

Josette Merced Bello, Air Pollution Control District spokeswoman, said the proposal attempts to get away from allowing burning in larger regions and in greater amounts. What sometimes happened after a string of no-burn days was that the number of farmers waiting to burn stacked up, Bello said.

"Then, on the first no-burn day, everyone lights up," Bello said. "What we are trying to do with this new proposal is find ways to manage the system better. Our main mission is to protect the public health."

Bello said the Pollution Control District fights with the perception that it has the authority to ban agriculture burning entirely. It can only enforce bans when air quality is bad. The state Legislature grants to farmers the right to burn agricultural waste.

For several years, environmentalists have voiced concerns about the Central Valley's air quality and agriculture's role as a source of pollution. The San Joaquin Valley has one of the dirtiest air basins in the nation.

Like McFarlane, Madera-area farmer Alex Lehman also is concerned about air quality.

He agrees with the idea of burning less on a given day.

"The less we burn, the less pollution and particulates we have in the air," Lehman said. "And if that is what is required, then that is what we need to do."

While some farmers have turned to chipping their pruned and pulled-out trees, Lehman chose to replant a new vineyard using old wooden grape stakes. He could have removed them, but he didn't want to burn them.

"There are other ways to do these kinds of things," Lehman said.

## **Renewable energy requirement passes key committee**

**By JENNIFER COLEMAN, Associated Press Writer**

Bakersfield Californian, August 20, 2002

SACRAMENTO (AP) - A measure that would require utilities to have 20 percent of their electricity produced from renewable sources passed a key legislative committee Monday.

The bill, by Sen. Byron Sher, D-Stanford, gives the utilities until 2017 to meet that threshold, increasing the requirement each year until then.

"A diversity of sources of energy in California is essential for reliability," Sher said.

Environmental groups have warned the state is becoming too dependent on natural gas-fired power plants, leaving it vulnerable to price spikes if that commodity becomes scarce.

Sher's bill, and a companion bill that allows funds raised by a public goods charge to be used to help offset the higher cost of renewable energy, were approved by the Assembly Utilities and Commerce Committee after languishing there for a year.

Gov. Gray Davis praised lawmakers for moving the bill, saying it would cut the state's dependence on aging, inefficient and pollution-producing power plants, reducing pollution and greenhouse gas emissions.

"California is the nation's leader in renewable energy -and we intend to keep that title," Davis said.

Julia Levin, of the Union of Concerned Scientists, said the bill was "great for consumers, it reduces air pollution, it creates jobs."

Southern California Edison supported the bill, but it was opposed by the state's other two investor-owned utilities, Pacific Gas and Electric Co., and Sempra, which owns San Diego Gas & Electric Co.

Under the bills, utilities would be able to receive money from a fund supported by a 3 percent surcharge on electricity bills. The public goods charge goes toward renewable energy, conservation and efficiency research, and rebates for energy efficient products.

Sher's bills allow the funds to also help utilities offset the higher cost of renewable energy, which will prevent those costs from being passed on to consumers.

"That's the incentive," said Levin. "The problem in the last few years has been there's been no market for renewables. Clearly, we need both incentives and a requirement."

The bill requires the PUC to find utilities in contempt if they don't meet the minimum standards.

If alternative energy providers, also called direct access providers, are allowed to continue in California, they will also be required to buy at least 20 percent renewable energy. The Public Utilities Commission has the final say on whether those providers will be allowed to take on new customers.

Currently, customers cannot sign up for direct access service because state regulators were concerned that too many customers were fleeing the utilities, leaving the state with a large power debt.

The bill setting the 20 percent threshold was also approved by the Assembly Natural Resources Committee later Monday. Both bills will now be heard in the Assembly Appropriations Committee. In other energy developments Monday, the state Assembly approved a bill that would allow the California Energy Commission to revoke a power plant construction permit if the plant's owners didn't begin construction within 12 months of approval.

The bill, by Sen. Steve Peace, D-EI Cajon, was approved 45-27 and goes back to the Senate for concurrence in Assembly amendments.

Also Monday, the Assembly Governmental Organization Committee approved a bill by Sen. Debra Bowen, D-Marina del Rey, that would require the California Independent System Operator to comply with state open meeting and public records laws.

## **Tracy man sues to halt power plant**

By Kate Fowlie, Record Staff Writer, August 20, 2002

TRACY -- In a last-ditch effort to stop construction of a power plant on the edge of Tracy, community activist Bob Sarvey has taken his case to the California Supreme Court.

Sarvey filed a petition Friday with the Supreme Court and with Sacramento County Superior Court in Sacramento asking for a review of the California Energy Commission's approval of the 169-megawatt Tracy Peaker Power Project. Also under fire is the company that wants to build the plant, Pittsburg-based GWF Energy LLC, which started leveling the ground for construction Monday at the site off Lammers and Schulte roads.

The commission granted the project final approval last month, and the public had 30 days to comment. In a surprise move, Sarvey, who originally said he did not plan to challenge the decision, hired a lawyer, Oakland environmental attorney Stephan Volker.

Sarvey said he had no other choice, because state representatives wouldn't or couldn't do anything. Tracy city officials and the San Joaquin County Board of Supervisors opposed the plant, but neither has jurisdiction over the commission.

Sarvey, whose children and wife have asthma, lives near the project site and said he doesn't want the plant built, because he thinks it will cause too much pollution.

"I'm doing this for the residents of Tracy, because no one else will step up to the plate," he said.

Energy Commission spokeswoman Mary Ann Costamagna said Monday that she could not comment on the petition, because she had not seen it. GWF spokesman Doug Wheeler said he also had not seen the petition but had heard about it from the commission.

Wheeler said he thought GWF had worked out a satisfactory deal to compensate for the effects of the added pollution. The deal includes having GWF pay up to \$600,000 for projects such as converting diesel buses to cleaner-burning, natural-gas engines.

"We are a little disappointed. From our perspective, the Energy Commission approval process was very long and very thorough," Wheeler said.

The plant will occupy about 10 acres of a 40-acre parcel along the Delta-Mendota Canal in unincorporated San Joaquin County. When it is running, it will provide about 170,000 homes with power and generate about \$1.5 million annually in tax revenue for the county.

GWF has a 10-year contract with the state to provide energy during times of peak demand and had hoped to have the natural-gas-fired plant on line by the end of the year. Community concerns over pollution and other issues delayed the project's approval. Despite the lawsuit, Wheeler said he still hopes to have the plant built by the end of March.

Sarvey hopes that never happens. He has led efforts opposing the plant since GWF first applied to the commission a year ago to build the facility. The shoe-store owner said he already has spent about \$35,000 fighting the project.

But it's a battle worth fighting, he said. He believes the Energy Commission violated its own laws by ignoring the plant's impacts on the city and county, along with the endangered white-tailed kite, a bird Sarvey says lives where the plant is being built.

He also said GWF hasn't provided enough mitigations and worries about the combined environmental effects of two other, much-larger power plants proposed for the area, the 1,200 megawatt Tesla Power Plant Project and the East Altamont Energy Center.

"I am worried about air quality," Sarvey said. "If all these plants go through, I'll be forced to move."

Fresno Bee editorial, August 20, 2002

## **Be kind to the environment and it will be kind to us**

### **Guide to an urban future**

**The proposed general plan for Fresno offers a great deal to like.**

Fresno needs a new direction when it comes to how we address issues of land use and sprawl. The city's planning commission can put us on that track Wednesday by approving a new general plan to guide the city's growth and development over the next quarter-century.

Past plans have accepted as a given that the city would grow ever northward, covering acre after acre of orchard and farmland with tract homes and shopping centers. Masterful marketing has sold that development to generations of Fresnoans without much public debate or discussion, except from the occasional planner or environmentalist. It's been easy to dismiss such dissenters as cranks, modern-day Cassandras hectoring us about impending doom when the conventional wisdom has been that the American Dream meant growth forever outward, suburbs without end, amen.

Well, we know better now. We are beginning to recognize the problems with water supplies, [air quality](#), the cost of public services in an ever-expanding city, the impact of losing all that agricultural land and the increasing decay in the abandoned heart of the city.

The new plan proposed for the city addresses those concerns -- or at least begins to do so. Growth would be steered back to the south, into undeveloped pockets within the city. It would place a greater premium on denser residential housing -- growing "up" as opposed to "out." That's a good direction for a city that may have to absorb as many as 300,000 new residents by 2025.

One element of concern with the new plan is the inclusion of areas to the southeast of urban Fresno that could accommodate as many as 55,000 of those new residents. There is much productive farmland to the southeast, and it would be a bad bargain for the region to trade good farmland elsewhere for protections against residential growth in the northeast. There is a natural limit to how much growth can be added in the southeast if we are serious about saving farmland.

The plan has other virtues in its strong focus on Fresno's downtown, and on other, older parts of town that have been left to crumble as the great flight north bled neighborhoods of families whose vitality and resources have been hard to replace.

It's not an easy sell. The enormous inertia of recent decades will be difficult to overcome. Residents of older neighborhoods may not like all the clatter and bang of new construction; they may like even less the changes that new demographics bring to old, settled areas.

There are powerful commercial forces arrayed in favor of the status quo, or something like it. We hear the ceaseless mantra that Fresnoans want to move north and east; that's what the market dictates, we're told. It's difficult to know just how true that is, since the newer developments have almost all been in those areas, and choices have been severely limited.

This plan is a bold departure from the past, and a welcome one, and we urge the planning commission to approve it on Wednesday.

## **Valley Voices** ■

Fresno Bee opinion piece by Jemmy Bluestein, published August 18, 2002

There is no doubt that we all pay for our abysmally bad air quality here in the Valley.

We pay through the suffering of our most vulnerable citizens, the young and the very old. We pay the associated health-care costs. Our local economy suffers from our national reputation for the

worst air in the country. We pay through the nose, you might say; also through the eyes, the liver and kidneys.

#### Pay for good air

Certainly it will cost us something to improve conditions, so let's agree that instead of paying for bad air, we are willing to foot the bill for healthy air for ourselves and our families.

Meanwhile, where is our local leadership on the issue? If our mayor cares so much about our children (wanting to curfew them and to personally take over control of the school board) then what about some clean air for them to breathe? Hello, Fresno City Council and Board of Supervisors: what is the plan? Of course, facing the decades-old tradition of total denial and across-the-board exemption, I have gleaned a few ideas here and there, which I would encourage our community to examine for possible implementation.

Here's a no-brainer: eliminate all agricultural burning throughout the Valley immediately and permanently. There is no need for it.

How cynical and ignorant to identify a day of potentially breathable air and designate it a permissive burn day, thereby forcing us to breathe all the particulate soot and muck from burning waste and rendering the atmosphere unhealthy or dangerous.

These materials should be ground up and shredded into useful mulch. Keep the carbon in the soil, not in the air where it causes climatic disruption.

#### More public transit

Increase the scope of our public transit in all directions, with clean-burning vehicles, of course. Then to assure that people will use the system, make it free of cost to all riders. Give them convenience and financial savings all at once, and they will ride. All our planning to date has been fueled by land-development speculation. Rich people are getting richer quick off of our collective loss of farmland and quality of living.

This gives us leapfrog development, hospitals way outside their service areas (north and east), useless freeways to nowhere which only serve to increase people and miles traveled daily and a community ill-suited to conventional mass-transit strategies.

Let's get radical here and make it work. What about the cost? Let's charge real developer fees on all new housing units. How about a penny or two per gallon gas tax? Would we rather choke?

We need a real network of bike paths, off and away from the dangerous road shoulders. We visited Boulder, Colo., recently and were delighted to see that from our cousins' residential neighborhood, we could navigate the town safely and pleasantly on bike roads independent of the car streets. Why can we not travel this way in Fresno's metro area?

Let's give ourselves incentives and support to convert cars to natural gas or propane. Get some grants, employ some talented people, clean up some older polluting vehicles with subsidies to reduce pollution.

#### Farm organically

Let's collectively endorse, encourage and support organic farming techniques and strategies. This is the way of the future, people. It is the way for us to have a future. Agricultural exemptions allow us all to breathe, eat and drink toxic compounds every day of our lives.

Our soil, water and air are becoming increasingly toxic. Organic ag markets are growing strong and fast.

Farmers, take note: You can make a better return and protect your families, workers and community. Agriculture must be transformed from a toxic wasteland unfit for human contact into a way of life which is compatible with sustainable and healthy human interaction.

Why do we all live here in this world-class toxic soup?

Fresno and the Valley have many redeeming qualities. We don't have to be the armpit (or worse) of our nation.

It is only our lack of imagination and commitment that perpetuates this denial of reality and potential. It is costing us a lot, and we are losing a lot.

Let's give what it takes to achieve something of enduring value. Let's be noticed for vibrant cultural harmony and a healthy way of living. Let's change course right away while we still can.

[Letter to the Editor, Bakersfield Californian, August 20, 2002](#)

## **Dairy people deserve better**

I am writing in response to the letter written by a reader regarding the dairy odor she smells near her house at District Boulevard and Gosford Road. I believe she might be mistaken as the overpowering smell she is referring to is human waste.

I frequently drive on Taft Highway, Gosford and Stine Road and am always overpowered by the stench that comes from the human waste treatment plant on Ashe Road in southwest Bakersfield. Even from the Home Depot on Gosford, my husband, two young girls and I notice the overpowering stench from the sewage plant.

I live on a dairy. I run and exercise on the dairy as well. I would much rather breathe the fresh air generated from the surrounding crops than the exhaust fumes and human waste stench you get near Gosford.

The citizens from the community are slightly misinformed regarding dairies and farms. Instead of looking at the positive things we do and hard work, they often bash us and say we pollute. Please just remember we are not these evil people that everyone thinks we are. We are decent hard-working families and we are just trying to make a living by providing the American people with a nutritious product.

**KERRI VANDER POEL, Bakersfield**

## **Know what you're smelling**

This is in response to an earlier writer complaining that the dairy odor is overpowering.

No! The dairy odor is not overpowering! Does she not know that she lives only one-half mile north of the city's sewer farm? Oops, I must be politically correct -- the waste management plant.

Thanks to the great minds of the city fathers, they dumped the sewer farm in the middle of our farming community. Now the city is our neighbor.

By my calculations, the writer lives at least 3 1/2 miles from the nearest dairy. I live less than one mile from this dairy and I do not smell the cow poop.

I think she needs to learn the difference between human poop and cow poop.

**ISABEL BANDUCCI, Bakersfield**

### **Here's the facts**

This is in response to the letter, "Dairy odor overpowering." If the writer of the letter would take a three-block walk east of her house, at the southeast corner of District and Gosford there is a sewage lift pump.

Also, if she goes down Gosford one and one-half south, she will find a city sewage plant. What I believe she smells is the "poop" from her and her neighbors.

**RALPH te VELDE, Bakersfield**

## **Wyman just wrote the truth**

Environmental zealots have piled on Assemblyman Phil Wyman for writing what was essentially the truth about politically left-wing-driven, junk-science theories of global-warming. With their slick, but false talking points, they did such a good job that if I didn't know better, they could have almost convinced me.

I have, however, read a half-dozen or so books by reputable authorities who do not believe that global warming is a fact. (I could list them, but I don't believe that The Californian wishes to publish a bibliography.)

I even read the pro-warming screed: "Earth in the Balance," by Al Gore, who wrote that 98 percent of scientists believe that there is global warming. That was not true. A Gallup poll at the time showed that only 17 percent of scientists believed in global warming; 53 percent did not, and 30 percent were uncertain.

I certainly don't expect the truth from the Environmental Caucus of the California Democratic Party or from the League of Conservation Voters. Their idea of the truth is what they can sell as the truth to advance their left-wing agenda of crippling and putting the heavy foot of government on capitalism.

During the 1970s, so-called scientists warned us of global cooling -- a new ice age. Then in the 1980s, they changed the scare to global warming.

Did they go from being dumb to smart? Did they have an epiphany --sort of a divine revelation? Or did they just decide that global warming would be easier to sell to the populace than global cooling? Obviously, we cannot have both global cooling and global warming. If you can't explain it, you can always call me names.

**CHARLES A. KRAMER, Tehachapi**