

## **Florez pushes sludge issue**

### **Senator seeks seat on environmental panel**

Bakersfield Californian, Tuesday, Jan. 9, 2007

State Sen. Dean Florez, D-Shafter, hopes he can secure a critical seat on the Senate Environmental Quality Committee.

He's asked for the assignment in the hopes that he can help push through Senate Bill 55, a piece of sludge legislation he first unveiled last week, he said during a Monday morning news conference.

The bill would require tougher testing for sludge, which is treated human and industrial waste, and require sludge producers and haulers to pay for any environmental damage done by the product they spread on farm fields.

The legislation is, in part, a response to a decision by a Los Angeles judge who sided with the city of Los Angeles and Orange County in a lawsuit that the two governments filed to overturn Florez-backed Measure E, a ban on land application of sewage sludge passed by Kern County voters in June.

The lawsuit is ongoing, but Florez said it was important to move forward with legislation while Measure E is stuck in court.

Southland sewage agencies argue that sludge is a great soil amendment that makes marginal farmland productive.

Florez said more science and rigorous testing of sludge trucks for 126 possible pollutants is needed to make sure that's true.

"There is no doubt there is a lack of science," Florez said. "The federal EPA (Environmental Protection Agency) has overlooked many of the pollutants in this bill."

And if sludge is such a great product, Florez said, southland sludge producers and haulers should have no worries about protecting taxpayers from lawsuits from people who get sick from sludge exposure.

"If we see bad health effects, they pay for it," Florez said.

## **News from the San Joaquin Valley**

In the S.F. Chronicle, Bakersfield Californian and other papers, Tuesday, Jan. 9, 2007

Tracy, Calif. (AP) -- A Tracy business owner has appealed a state agency's decision to allow the Lawrence Livermore National Laboratory to triple the amount of explosives it uses in test blasts.

Bob Sarvey said he is worried that radioactive material could be blown into Tracy. The San Joaquin Valley Air Pollution Control District does not regulate radioactive material and should have referred that question to the U.S. Nuclear Regulatory Commission, he said.

The radioactive material Sarvey was worried about — tritium, an isotope of hydrogen — is no longer used in testing, said lab spokeswoman Lynda Seaver.

The laboratory last used tritium in test explosions in 2001 but computer simulations have replaced tests where that radioactive material was used, Seaver said.

"Even when we did use it in the past, we had a permit and it was an amount so small there is probably more in the watch you're wearing or in a typical exit sign," she said.

In November, the air district granted the lab permission to detonate up to 350 pounds of explosives a day but not more than 8,000 pounds annually.

The lab plans to conduct three 350-pound explosions in the next year and a half, none of them with tritium, said laboratory spokeswoman Susan Houghton.

The lab has used a 7,000-acre site south of Tracy to run test explosions since 1997 to simulate nuclear bombs, though the blasts there are not nuclear. Lab workers gauge wind speed, temperature and barometric pressure with weather balloons before a test, Houghton said.

The air pollution board will hear Sarvey's appeal on Feb. 7 in Modesto.

ARVIN, Calif. (AP) — A predominantly Hispanic farm community in Kern County has tallied the most air pollution violations for certain dangerous ozone levels in four of the past five years, according to data from a state agency.

Arvin, a city of about 16,000 about 25 miles southeast of Bakersfield, sits downwind from many cities in the San Joaquin Valley, one of the most polluted air basins in the nation. Air quality is worse there because mountains to the south trap pollution from tailpipes, factories and power plants throughout the valley, air district officials said.

"They're like the bottom of the glass," Scott Nester, director of planning for the San Joaquin Valley Air Pollution Control District.

The region has been ordered by the federal government to reduce emissions that cause smog by nearly 70 percent by 2013, an effort that officials estimate will take at least \$7.5 billion in taxpayer dollars.

Air district officials said the clean up is not possible by 2013 and plan to ask for more time.

"We've gone to state and federal leaders to try to get those funds but it doesn't look likely that we'll be able to meet that deadline," said air district spokeswoman Brenda Turner.

The money is needed for incentive programs to help replace old diesel-burning engines in trucks and agriculture irrigation pumps, she said.

Clean air advocates and civic leaders in Arvin say delaying the clean up there amounts to environmental racism.

"You want me to wait another 20 years? By then, the lungs of the kids at the local day care center are going to be worse than anyone else's," said Arvin City Manager Enrique Medina. "Why? Because they're Mexican?"

The district may request to extend the 2013 deadline as far as 2023 to decrease the cost of incentive programs from \$7.5 billion to \$2 billion or less as the older machines phase out and newer, cleaner technology is used, Nester said.

## **Fireplace use banned today**

Modesto Bee, Tuesday, Jan. 9, 2007

Lighting fireplaces is banned today in Stanislaus County and discouraged in Merced and San Joaquin. The San Joaquin Valley Air Pollution Control District predicts unhealthy air in Stanislaus County, and that means wood-burning fireplaces, fireplace inserts, heating stoves and pellet

stoves cannot be used unless they are the only means of heating a house. On the Net: [www.valleyair.org](http://www.valleyair.org).

## **Developers appeal Lawrence Livermore lab explosives permit**

Stockton Record, Tuesday, Jan. 9, 2007

TRACY - Developers of the 5,500-home Tracy Hills are among appellants of a permit allowing Lawrence Livermore National Laboratory to more than triple the amount of high explosives used in test detonations at Site 300.

Tracy Hills LLC, owned by Sacramento-based AKT Development, is calling for the San Joaquin Valley Air Pollution Control District to review the accuracy of emissions estimates, and environmental and noise impacts of the larger blasts, according to appeal documents.

Homes in Tracy Hills would be more than a mile from Site 300, though a portion of the two properties adjoin.

John Palmer, a representative of Tracy Hills LLC, said the appeal seeks to ensure that the impacts of any new testing activity at Site 300 is consistent with environmental-impact reports for Site 300 and the proposed Tracy Hills housing development. The appeal also seeks to ensure that sound levels from Site 300 will fall within the 126-decibel limit the laboratory places on its tests. The measurement is taken at the site's fence line.

The laboratory received permission in November to increase the amount of explosives in test detonations from 100 pounds to 350 pounds. A lab spokeswoman said the lab plans to conduct three, 350-pound blasts over the next year and a half.

Bob Sarvey, a Tracy shoe-store owner, also is appealing the permit. The San Joaquin Valley Air Pollution Control District is due to hear the appeals Feb. 7.

## **Officials: Burn wood only as a last resort**

**Particulate pollution leads to season's second 'spare the air' advisory.**

By Edie Lau - Bee Staff Writer

Sacramento Bee, Tuesday, Jan. 9, 2007

The cold winter air may be crisp, but it's not clean.

For the second time this season, the Sacramento Metropolitan Air Quality Management District is asking the public to drive less and refrain from burning wood.

A "spare the air" advisory is in effect through tonight because a large mass of stagnant air has particulate pollution trapped over the region. Breathing air fouled by particles can lead to respiratory problems and heart disease.

Air district staff are concerned that freezing nighttime temperatures may drive people to warm homes by building fires.

"If that's your only heat source, then certainly we don't want people to freeze," said district spokeswoman Christina Ragsdale. "But if you have some kind of heating unit, please turn that up instead of burning."

The season's first "spare the air" episode -- marking the first time in Sacramento history that regulators asked people not to build wood fires indoors or out -- lasted four days, from Dec. 3 to Dec. 6.

The dirty air now in place should be swept out by the next storm, which is forecast to approach on Wednesday.

That night and into Thursday morning, a north wind will bring to the Valley a small chance of snow flurries.

Retired television meteorologist Tom Loffman has been predicting for days that conditions were shaping up to possibly bring snow to Sacramento. On Monday, even the conservative National Weather Service acknowledged the potential.

"It's just a 10 percent chance of that," forecaster Angus Barkhuff was quick to say. "Don't go getting people all scared."

As the chance of flurries blows away Thursday afternoon, the region will be left with very cold, possibly record-breaking temperatures, with highs in the 40s Thursday, Friday and Saturday, and lows in the 20s.

Also, Barkhuff noted, the air may stagnate over the weekend, which raises the prospect of pollution accumulating once again.

Alerts will become more frequent as Sacramento air officials work to comply with stricter rules to control particulate pollution. District air officials have banned construction of open hearth fireplaces in all future new and remodeled homes, beginning in October 2007.

For now, the request to refrain from starting fires is voluntary.

## **Brown makes move into office of attorney general** **Longtime political leader sworn in at San Francisco ceremony**

By Josh Richman

Tri-Valley Herald, Tuesday, Jan. 9, 2007

SAN FRANCISCO — Edmund Gerald "Jerry" Brown Jr., who served two terms as California's governor and two as Oakland's mayor, was sworn in Monday afternoon as California's 31st attorney general.

The inauguration of one of the Golden State's best-known political figures was a family affair: Brown's niece, San Francisco Superior Court Judge Kathleen Kelly, administered the oath at the same spot where his father — former Gov. Edmund Gerald "Pat" Brown Sr. — was sworn in as San Francisco district attorney 63 years ago.

Brown, 68, swore to defend the U.S. and state constitutions from enemies foreign and domestic, his hand on a family Bible held by his wife, Anne Gust. After a musical interlude — "Te Deum," a Latin

hymn of praise sung at civic and liturgical events since the Middle Ages and performed Monday by Gregorian chant groups Exaudi nos and Cum júbilo — Brown laid out his vision for the next four years.

As his father did in the same post, Brown said he'll prosecute but not persecute, using common sense to protect the state and provide equal justice for all. He said his four priorities will be to assist local law enforcement agencies in making neighborhoods as safe as possible; tough enforcement of labor laws to create "living, fair conditions in the workplace"; working with state and federal officials to fully enforce laws aiming to [reduce greenhouse gas emissions](#); and working "to promote urban growth in a sustainable way," encouraging those who seek "to invest and make our cities truly livable."

As the ceremony began, 30 uniformed cadets from the Oakland Military Institute — a charter school Brown helped create — filed down the sides of the grand staircase beneath City Hall's soaring rotunda. They stood there stiffly throughout the ceremony. A Department of Justice honor guard stood at the top of the staircase and the speakers' podium was at the bottom.

Hundreds of well-wishers and onlookers packed the area, also lining upper floor railings to view the ceremony from above.

Among those present was Oakland City Council President Ignacio De La Fuente, who afterward called Brown "a man that is making history" and can "put to use the experience of his last eight years" running Oakland.

De La Fuente said Brown "already promised me we're going to get some assistance" from the state in dealing with Oakland's crime problems. "I expect he'll keep his promise," De La Fuente said. "I'm going to remind him."

Also present was Los Angeles City Attorney Rocky Delgadillo, whom Brown defeated in 2006's Democratic primary election for Attorney General.

"I think of the Attorney General as the state's great protector ... and this is a moment that holds great promise" as Brown brings his decades of experience and political connections to bear on gangs, pollution and other threats to the state, Delgadillo said.

The Attorney General's office is the latest in Brown's long line of public posts. He served on the Los Angeles Community College Board of Trustees from 1969 to 1971, as California Secretary of State from 1971 to 1975, as Governor of California from 1975 to 1983, as California Democratic Party chairman from 1989 to 1991 and as Oakland mayor from 1998 to 2006. He also unsuccessfully sought the Democratic nominations for president in 1976, 1980 and 1992, and was an unsuccessful Democratic U.S. Senate nominee in 1982.

Brown won his new post in November, defeating Republican nominee Chuck Poochigian — a state Senator from Fresno, now termed out of office — 56 percent to 38 percent.

Brown succeeds fellow Democrat Bill Lockyer, who served eight years as Attorney General before being elected state treasurer in November; Lockyer was sworn into that office earlier Monday in Sacramento.

A group of Republican activists has sued to boot Brown from his new office. They claim his time as an "inactive" member of the State Bar of California runs afoul of a state law's requirement that the Attorney General be "admitted to practice before the Supreme Court of the state for a period of at least five years immediately preceding his election or appointment to such office." A Sacramento County Superior Court judge will hear the case next month.

## **Next Schwarzenegger target: fuel emissions**

By Marc Lifsher, Times Staff Writer  
L.A. Times, Tuesday, Jan. 9, 2007

SACRAMENTO — Escalating California's battle against global warming, Gov. Arnold Schwarzenegger is expected to announce today that he will order a 10% cut in motor vehicle emissions of greenhouse gases, mainly carbon dioxide.

Under the proposal, petroleum refiners and gasoline sellers would be ordered to reduce the carbon content of their fuels over the next 13 years.

The order could also usher in a new generation of alternative fuels in California, experts say, as refiners consider adding ethanol or other biofuels into gasoline blends. It could also mean a shift of part of the state's auto fleet to hydrogen or electric power.

Experts have said the changes could mean an increase in fuel prices over the years, but industry officials declined to comment Monday.

"Basically, California is signaling the beginning of a whole new era for fuels and for renewable energy," said Fred Krupp, president of Environmental Defense, a New York-based activist group.

Schwarzenegger plans to include the environmental proposal as part of his annual State of the

State address. Contents of the planned executive order were disclosed to The Times by industry sources and confirmed by administration officials familiar with the plan.

A white paper by Schwarzenegger advisors and obtained by The Times said, "To protect our jobs and wages, clean our air, cool our Earth and maintain our way of life, we must diversify our fuel sources and reduce our reliance on oil."

Such an order would be the first major step in implementing the state's landmark law approved last fall that requires California to reduce greenhouse gas emissions 25% by 2020. Greenhouse gases, which trap heat in the atmosphere, are considered a major cause of global warming.

The governor's executive decree, which would be issued in the coming weeks and trigger a lengthy rule-making process, would increase the range of fuels powering the state's cars and trucks. State law grants the governor authority to regulate fuel content.

Democratic lawmakers who provided the votes to pass the landmark law are expected to welcome the news. But Republicans, who opposed the law, probably will be more skeptical.

The governor's initiative "is building on our earlier joint effort" in passing the law, AB 32, said the bill's sponsor, Assembly Speaker Fabian Nuñez (D-Los Angeles).

"We're going to continue to move this thing forward," he said.

California's oil refiners, which would bear the brunt of the new carbon regulations, declined to comment on the governor's expected proposal.

Spokesman Tupper Hull of the Western States Petroleum Assn. said his group had not seen the white paper or been briefed by the Schwarzenegger administration. Nevertheless, some oil companies could be receptive to the governor's plan because they have invested heavily in developing ethanol-based fuel additives.

According to the white paper, a drop of 10% in carbon released by vehicles in California would translate to a 20% drop in gasoline consumption and more than triple the size of the state's renewable-fuels market.

Transportation accounts for more than 40% of California's annual greenhouse gas emissions, and the state relies on petroleum-based fuels for 96% of its transportation needs.

The governor's order would put strict limits on the amount of greenhouse gases in vehicle exhausts and would lessen the U.S.' dependency on high-priced foreign oil, added Roland Hwang, vehicle policy director at the Natural Resources Defense Council in San Francisco.

"A low-carbon fuel standard is a critical step in ensuring the state will meet its targets for reducing global warming pollution," Hwang said.

The marketplace is the key to Schwarzenegger's plan for combating global warming by burning less gasoline in cars. Fuel manufacturers would have a variety of ways to meet the mandates to reduce the amount of carbon dioxide while continuing to satisfy consumer demand.

The white paper suggests that a shift to lower-carbon fuels could be supplemented by creation of a market that would trade credits that could be used to satisfy state requirements to lower greenhouse gas emissions.

For example, high-carbon-fuel makers could meet their mandate by purchasing credits from electric utilities that supply low-carbon electrons to electric passenger vehicles.

The mandate also would provide a significant boost to the state's fledgling alternative-fuels industry, said Bill Jones, chairman of Pacific Ethanol of Fresno, the state's leading biofuel producer. Jones was a former California secretary of state and longtime state legislator.

"This is an excellent effort to connect the dots in the areas of environmental benefits, economic development and energy independence and do it in a way that lets the market determine the process to be developed," Jones said.

Pacific Ethanol, with plants in Colorado and Madera in the Central Valley, is the largest independent marketer of ethanol in the West, producing 60 million gallons a year sold to refineries and oil companies, he said.

The governor's planned executive order would give start-up companies and investors the regulatory certainty they need to expand.

"The opportunity is there, not just for us but for others to see a critical path to additional production of renewable fuels for the California market," Jones said. "That's very important for financing additional plants and the long-term viability of an emerging industry."

### **Tough Pa. Mercury Rule Blocked by Agency**

By Marc Levy, Associated Press Writer

In the S.F. Chronicle, Washington Post and other papers, Monday, Jan. 8, 2007

Harrisburg, Pa. (AP) -- An obscure state agency is blocking the implementation of new restrictions on mercury pollution by refusing to print the rule in a record of administrative actions.

The Legislative Reference Bureau has sided with opponents of Gov. Ed Rendell's proposed rule and says it will not publish the text in the Pennsylvania Bulletin. Publication puts an administrative rule into effect.

Rendell has sought to force the state's coal-fired power plants to cut mercury pollution by 90 percent by 2015. If it becomes official, Pennsylvania would become the nation's largest coal-mining and coal-burning state to approve a tougher-than-federal rule.

Once fully enforced, the rule could transform Pennsylvania from one of the biggest sources of mercury pollution into one of the cleaner coal-burning states. The state's 36 coal-fired plants send roughly five tons of mercury into the air each year.

Attorney General Tom Corbett's office certified the rule Dec. 29, after which the Rendell administration sought to publish it in the bulletin.

The state Senate voted last June to adopt the federal government's less strict mercury rule, and insists that it still has time to review the governor's proposal. But the governor's administration says that review period expired Nov. 30.

"We believe the regulations should be posted and that the Legislative Reference Bureau has overstepped ... the scope of its authority by not posting them," press secretary Kate Philips said Monday.

The bureau's director, Robert W. Zech Jr., would say only that his agency is drafting a response to a request Thursday by a Rendell lawyer that it publish the rule.

Opponents of the tougher rule say it could force some older coal-fired power plants out of business, costing jobs and pushing up electricity bills.

Smokestack mercury accumulates near power plants, working its way up through the food chain, accumulating in plants, fish and humans, state officials say. Children and fetuses are particularly vulnerable to effects of the toxic metal, which can damage the development of the nervous system, according to the Environmental Protection Agency.

[Note: The following clip in Spanish discusses state Sen. Dean Florez's \(D-Shafter\) push for use of biodiesel in California. If you need additional information, contact Maricela \(559\)230-5849.](#)

### **Impulsará legislador de California el consumo de biodiesel**

**Un senador estatal demócrata que se ha caracterizado por impulsar medidas ambientalistas, Dean Flores, de Fresno, anunció que esta semana presentará una combinación de siete nuevas propuestas de ley para favorecer la producción y consumo de biodiesel**

Noticiero Latino, Aire Libre

Radio Bilingüe, Monday, Jan. 8, 2007

La legislatura de California debatirá este año propuestas para impulsar el consumo de biodiesel, un combustible que se produce con base vegetal, principalmente con soya, y se consume sin causar contaminación del aire.

Un senador estatal demócrata que se ha caracterizado por impulsar medidas ambientalistas, Dean Flores, de Fresno, anunció que esta semana presentará una combinación de siete nuevas propuestas de ley para favorecer la producción y consumo de biodiesel.

El senador calcula que si la legislatura de mayoría demócrata aprobara solamente algunas de sus propuestas en el 2007, se reduciría la contaminación del aire a niveles menos peligrosos para los 34 millones de residentes en el estado. Una de sus ideas es imponer el consumo de biodiesel en autobuses escolares.

[Tracy Press commentary, Friday, Jan. 5, 2007:](#)

### **A raw deal for Tracy**

By Jon Mendelson

Now that there is actual public discussion about Site 300, instead of the speak no evil, hear no evil approach Lawrence Livermore National Laboratory was taking before, the public is getting a lot of information.

Activists like Bob Sarvey are speaking against the potential dangers of allowing Lawrence Livermore to increase the amount of particulate matter it flings into the air via explosives testing at its bomb testing grounds near Tracy. Meanwhile, the lab is firing back, saying that alarmists and fearmongers (myself included) are overstating the dangers these explosions pose, and that Tracy residents have nothing to worry about.

The main concern voiced by those in opposition to the increased testing is that bomb explosions on the doorstep of Tracy could subject residents here to potentially dangerous levels of depleted uranium (a radioactive heavy metal) and tritium (a radioactive isotope of hydrogen used in triggering thermonuclear blasts). Sufficient exposure to depleted uranium can result in kidney failure and other symptoms of heavy metal poisoning, and possible increased risk of cancer if the uranium is absorbed into the skeletal system or if windblown particles containing uranium lodge in the lungs, where they can remain for years. That's especially a concern here, because tests at Site 300 will send uranium into prevailing winds, making it ripe for inhalation around Tracy.

Tritium, a beta-particle emitter that might be used in future tests, can also be harmful if present in the human body.

Following the questions and concern, scientists are telling the community that there is virtually no threat posed by large explosions next door to Tracy that will pepper the air with atomized depleted uranium and tritium. They say it's impossible for any resident here to inhale enough of the radioactive substances to cause harm.

Even if they are correct, it doesn't answer the one question that all Tracy residents should be asking, possibly the most telling question in this whole debate and the one question that, so far, has not been asked: How does the testing of explosives involving radioactive materials benefit Tracy?

The simple answer: It doesn't.

There is no possible beneficial outcome for Tracy regarding these tests. Residents will certainly hear the explosions from Site 300. Residents might be exposed to trace amounts of hazardous, radioactive materials. And there's the possibility that it could increase the likelihood of developing cancer while living in Tracy.

That's all Tracy gets — potential downside, no potential upside. There's been no suggestion that Site 300 testing is a boon for our community, only statements that it shouldn't make us glow in the dark. And aside from possible health risks, increased testing could drive down property values in the future Tracy Hills and decrease the attractiveness of the whole area to potential residents. On the flip side, it could give Tracy a new catchphrase for tourists: "Tracy, where tritium is only a stone's throw away."

But I really wonder why this testing is conducted near a populated area at all. The government must have other sites that deal with explosives — and radioactive materials — far enough from cities that there would be no concern about impact on nearby human populations because there would be no nearby human populations. Why Site 300, on the doorstep of Tracy, is the subject of increased tests is beyond me, but common sense tells me there's a better location for explosions with radioactive materials.

That might be a complaint better directed at government officials than the operators at the lab, but Tracy residents have an opportunity to tell the lab that explosions of any kind aren't welcome in this Central Valley neighborhood. We don't want to export the tests to someone else's backyard, but we certainly shouldn't want them in our own.

Even if the lab's paid experts are correct and the explosions pose no outspoken danger, there's still no benefit to having them so close to a downwind residential area. The "unlikely" possibility of harm, in this case, outweighs the certainty of no benefit.

That's something not even a Ph.D can argue with.

*Jon Mendelson is a copy editor at the Tracy Press.*

[Letter to the Fresno Bee, Tuesday, Jan. 9, 2007:](#)  
**Californians want it all, and we want it for free**

In the 39 years I have lived in California, I have come to understand how Californians think. They want the cleanest air, the cleanest water, the best schools, the best roads, the best police, fire and emergency services, the toughest prisons, the cheapest food and the best customer service - - and they don't want to pay for any of it!

That's right, the best of everything, and no taxes -- and no illegal immigrants either. Just offer to cut taxes or kick out illegals and the electorate of this fair state will elect any B-movie specialist to any political office they want.

Wake up! We get what we pay for. If we want the best, we better expect to pay for it. What we get on the cheap is just that.

*Wes Creswick, Clovis*