

Confusion Abounds Over Ag Diesel Rule

By Rick Elkins, staff writer

The Valley Voice, Thur., April 1, 2010

Tulare County - Mike Powell is not alone in his confusion. Many in ag are confused by the California Air Resources Board new regulation to reduce emissions from existing on-road diesel vehicles operating in California.

Even after a somewhat contentious meeting in Tulare last week, many don't understand the new regulations that were approved in December by the ARB without the need for the approval of lawmakers.

Basically, the new rule places limits on how many miles a diesel-powered farm vehicle can travel in a year, based on the age of the engine, or requires significant modifications to those engines. In some instances, it could be as few as 15,000 miles. The maximum is just 25,000.

"We knew we were going to have to meet the regulations. We did not expect it to be so broad," said Powell of Brush Control Inc. in Visalia.

Ironically, Powell's business is almost a direct result in regulations to clean up the Valley's air. He removes and shreds trees and vineyards that used to be burned.

Now, he finds his business facing heavy regulation to further clean up the air.

However, many are confused by the lack of clarity in the new rules, and most are upset to find that the mileage limits began the first of this year.

Affected vehicles include on-road heavy-duty diesel fueled vehicles with a gross vehicle weight rating (GVWR) greater than 14,000 pounds, yard trucks with off-road certified engines and certain diesel fueled shuttle vehicles. Out-of-state trucks and buses that operate in California are also subject to the regulation.

Diesel pickups with a GVWR of 19,500 pounds or less with the originally equipped pick-up beds used exclusively for personal use, non-commercial, non-governmental use are exempt. Diesel pickups over 14,000 GVWR with utility or flat beds are included in the rule. Any vehicle with a diesel engine older than 2010 falls under the rule.

Vehicle owners had to file with the ARB by Wednesday the vehicles they owned to get them designated as ag-exempt from having to retrofit the engines. However, Powell said there is so much confusion, truck owners are concerned they will not file the correct information.

By April 30, fleet owners must permanently affix or paint an AG identification label on each low-mileage, limited-mileage, and specialty agricultural vehicle. Enforcement begins in January.

According to the ARB, an ag vehicle is one that is used exclusively to deliver fertilizer or pesticides to a farm; owned by a farming business that is used exclusively in agricultural operations or by a beekeeping business used exclusively to transport its own bees; a truck that is designed for in-field operations that is used exclusively in agricultural operations on the farm; or a truck used exclusively to transport unprocessed agricultural products to the first point of processing.

Powell said last week's meeting in Tulare was the first time many got specifics of the new rules. "We had no idea at all we would have a threshold limit as to miles than can be driven a year," he said, adding most of his vehicles fall in the 15,000 cap, far less than the miles he puts on the vehicles.

"Bottom line, we're going to have to buy at the very least newer engines," he said of his fleet of 12 trucks.

The mileage threshold is based on the age of the engines, although Powell pointed out that heavy-duty diesel trucks are built to last several hundred thousand miles and are very costly to replace.

The rules apply in most counties in the state, but not all. Exempt are most far northern counties and several along the coast below San Francisco.

"Surprising, that grower that grows the same crops in some other areas of the state won't have to comply. It is obviously going to make it tougher to compete," he said.

And, he added, he thought rules to clean up the air were not just limited to certain counties. "I thought the rules were to affect the whole world, not just a particular area."

Without the ag exempt, vehicle owners will have to replace or retrofit their engines must sooner than 2021. "An exemption delays us purchasing new engines or filters by years," said Powell.

Agricultural vehicles that drive fewer than 10,000 miles each year may delay the filter and replacement requirements until January 1, 2023.

More information on the rule, fact sheets, compliance tools and regulatory documents are available at www.arb.ca.gov/dieseltruck or by calling the ARB's diesel hotline at (866) 6DIESEL (634-3735).

EPA to investigate birth defects in Kettleman

By Rebecca Plevin, Vida En El Valle

Vida en el Valle Wed., March 31, 2010

KETTLEMAN CITY -- During a two-hour meeting last Thursday evening, officials from the state Environmental Protection Agency said they would investigate 28 chemicals that could have caused a rash of birth defects in this 1,500-resident community, and determine if those chemicals are present in the air, water, or soil in the Kettleman City area.

Though residents of the 93 percent Latino community had begged the government to conduct a local health study for more than a year, they were not completely satisfied with the plan presented.

Kettleman City resident Maricela Mares Alatorre, of the community group El Pueblo Para El Aire y Agua Limpio/People for Clean Air and Water, questioned the timing of the EPA's investigation, as well as its scope and methods.

She asked why the EPA planned to close the public comment period on the study on April 8, just two weeks after the community meeting, and why the study was expected to be completed by November.

"I want you to know that I don't care how long this investigation takes, as long as it keeps us safe," she said.

She asked why the EPA would be conducting its investigations on computers, instead of testing the residents of Kettleman City.

She also questioned why the study would not be taking diesel emissions into account, since they are known to cause cancer. Kettleman City is located near the intersection of Interstate 5 and State Route 41, and Mares said many trucks pass the community on their way to the landfill facility.

Mares also repeated residents' demand for a moratorium on the permitting process for all polluting industries in the area, until the investigation is complete.

In response, Ray Le Clerc, of the Department of Toxic Substances Control, said the EPA will not make a final decision on Waste Management's proposal to expand the hazardous waste landfill at Kettleman Hills facility until the investigation is complete.

Assemblyman Pedro Nava, D-Santa Bárbara, who attended the meeting in his first official act as chair of the Assembly Environmental Safety and Toxic Materials Committee, said he supports that moratorium. Senators Barbara Boxer and Dianne Feinstein also support the community's request.

"A moratorium is a good faith expression of taking their concerns -- the community's concerns -- seriously," Nava said after the meeting. "That clearly to me is foundational.

"The relationship between the regulatory agencies and the community seems badly, desperately fractured. So the state has to be much more assertive in reaching out to try to rebuild that trust, because there clearly isn't any now. And until they're able to repair that, this community is going to be suspicious about whatever the results are."

That strained relationship was evident throughout the meeting.

During a brief presentation, EPA officials said sources of the 28 chemicals could include agricultural operations; Waste Management's Kettleman Hills Facility, the state's hazardous waste facility, which is located about 3 1/2 miles from the community; illegal dumping of automobiles and household trash in the area; groundwater contamination; or contamination from former industrial or commercial operations.

Chemicals from these sources, EPA officials said, could be present in air pollutants originating from the waste facility; drinking water contaminants, particularly arsenic; and contaminants in the soil.

Officials then asked for community input on the agencies' proposed investigations. Residents responded by telling emotional stories about their battles with birth defects and cancer.

"I was fearful that my daughter would be born with birth defects, and she was," resident Viridiana Franco said in Spanish.

Her daughter, Azul, was born Feb. 17 with two holes in her heart, and underwent an 8-hour surgical procedure a week after her birth. Azul was the 10th baby born with birth defects since late 2007 in this 1,500-resident community, which is 93 percent Latino.

MaryLou Mares begged the officials to go beyond concerns about birth defects, and study all the residents' health issues. She said her husband, Ramón, found a benign tumor in his ear this past week.

"It's not just the babies," she said. "We're all suffering here."

Gov. Arnold Schwarzenegger directed the state EPA and health department to investigate the community's concerns about rising numbers of birth defects on Jan. 29. The health department will return to Kettleman City in a few weeks to present its proposed investigation to the community.

Goats to clear fire breaks for Kern County Fire Department

By Jason Kotowski, Californian staff writer
Bakersfield Californian, Wednesday, March 31, 2010

The new recruits at the Kern County Fire Department don't talk or wear uniforms and spend most of the day eating.

On the plus side, they're willing to work for free.

The fire department will be using eight goats to clear firebreaks of tall grasses and brush, leaving more time for firefighters to take care of other duties. The goats, several of which are pregnant, arrived Tuesday and were fenced in a quarter-acre parcel of land the department owns on Meacham Road, just west of Calloway Drive.

This is the first time the department has used goats in its history, Deputy Chief Heidi Dinkler said. If this experiment is successful, she's hoping to increase the number of goats to the point where they can have goats working on several firebreaks at once.

"We'll section off a couple-acre parcel and just let them go to work," Dinkler said.

They were wasting no time in making short work of the grass on the department grounds. The brown-and-white goats moved together as a group, constantly munching and trimming.

Dinkler said they'll eat anything, even brown grass when the weather gets warmer. In addition to getting rid of brush, the goats will enrich the soil by trampling and defecating on it.

The goats will eventually be named, and some are already starting to show some personality, Dinkler said. She identified one of the larger goats, all of whom are female, as the ringleader.

"They're mischievous," Dinkler said with a smile.

When they're put to work on the firebreaks, they'll have some company. Dinkler said the department is looking into getting a large animal like a llama or donkey to help keep predators away.

Fire Department spokesman Sean Collins said it's a "win-win situation" because the fire department saves manpower and the firebreaks get cleared [without the use of chainsaws or other equipment that use gasoline and result in pollutants](#).

When fully grown, the goats will be able to reach as high as six feet when standing on their hind legs, Collins said. Clearing brush at that height will reduce the risk of fire easily jumping to trees and making it more difficult to fight.

Dinkler said not everyone was immediately receptive to the idea, but now that the goats are here she's never seen so many volunteers for a single project.

Fuel efficiency rules aimed at advanced vehicles

By Ken Thomas, Associated Press Writer

In Contra Costa Times, San Diego Union-Tribune and other papers, Thurs., April 1, 2010

WASHINGTON — The Obama administration is setting tough gas mileage standards for new cars and trucks, spurring the next generation of fuel-sipping gas-electric hybrids, efficient engines and electric cars.

The heads of the Transportation Department and the Environmental Protection Agency on Thursday were signing final rules requiring 2016 model-year vehicles to meet fuel efficiency targets of 35.5 miles per gallon combined for cars and trucks, an increase of nearly 10 mpg over current standards set by the National Highway Traffic Safety Administration.

The EPA, which received the power to regulate carbon dioxide emissions in a 2007 Supreme Court ruling, will set a tailpipe emissions standard of 250 grams (8.75 ounces) of carbon dioxide per mile for vehicles sold in 2016, or the equivalent of what would be emitted by vehicles meeting the mileage standard. The EPA is issuing its first rules ever on vehicle greenhouse gas emissions.

President Barack Obama, previewing the plan Wednesday, said it marked a reversal "after decades in which we have done little to increase auto efficiency." Obama said the standards would "reduce our dependence on oil while helping folks spend a little less at the pump."

Each auto company will have a different fuel-efficiency target, based on its mix of vehicles. Automakers that build more small cars will have a higher target than car companies that manufacture a broad range of cars and trucks. The standard could be as low as 34.1 mpg by 2016 because automakers are expected to receive credits for reducing greenhouse gas emissions in other ways, including preventing the leaking of coolant from air conditioners.

Obama said the new requirements will save 1.8 billion barrels of oil over the life of the program, which will cover the 2012-16 model years. The new standards move up goals set in a 2007 energy law, which required the auto industry to meet a 35 mpg average by 2020.

A NHTSA official familiar with the plan, who was not authorized to speak publicly before Thursday's announcement, said the requirements would add about \$1,000 per new vehicle by 2016 but would pay back that investment within three years. The rule is expected to save more than \$3,000 over the life of the vehicle through better gas mileage.

Environmental groups have sought curbs on greenhouse gas emissions, blamed for global warming, and challenged the Bush administration for blocking a waiver request from California to pursue more stringent air pollution rules than required by the federal government. The request was granted by the Obama administration last year.

"The standards forthcoming under the 'clean car peace treaty' are a good deal for consumers, for companies, for the country and for the planet," said David Doniger, climate policy director for the Natural Resources Defense Council.

Automakers have been working on an assortment of fuel-efficient technologies, including hybrids, electric cars and technologies that shut off an engine's cylinders when full power isn't needed.

Nissan is releasing its electric car, the Leaf, later this year, while General Motors is introducing the Chevrolet Volt, which can go 40 miles on battery power before an engine kicks in to generate power. Ford is bringing its "EcoBoost" line of direct-injection turbocharged engines, which provide a 20 percent increase in fuel efficiency, to 90 percent of its models by 2013.

Under the rules, automakers could earn credits by producing alternative fuel vehicles and by producing advanced technology cars.