

## **Dusty wind over weekend may irritate allergies, illness**

Bee Staff Reports

Modesto Bee, Friday, May 27, 2011

MODESTO -- This weekend may mark the unofficial start of summer, but area allergy sufferers are still coughing, sneezing and itching their way through the annual spring attack.

The San Joaquin Valley Air Pollution Control District on Thursday issued a health cautionary statement through Sunday. Officials said in a news release that gusty winds through much of the area will blow around dust that in turn can result in unhealthy concentrations of particulate matter 10 microns and smaller, or PM10.

National Weather Service forecasters predict highs in the 70s, with winds gusting up to 21 mph over the next couple of days.

"Residents should be aware of their local conditions, and take their particular health issues into account," said Samir Sheikh, director of the air district's strategies and incentives department, which includes air quality forecasting and analysis.

On Thursday, the district's Web site listed the day's air quality in Stanislaus, Merced and San Joaquin counties as "good," but that could change.

Exposure to particle pollution can aggravate lung disease, trigger asthma attacks and bronchitis, and increase the risk of respiratory infections, the district said. Especially susceptible are people with existing respiratory and coronary disease, young children and the elderly.

Daily air quality forecasts by county are available at [www.valleyair.org](http://www.valleyair.org) and at (800)766-4463. For more information about the valley air district, call the Modesto regional office at (209) 557-6400.

## **Air agency: Hard to breathe? Wind will make it worse**

from the Fresno Bee

in the Merced Sun-Star, Friday, May 27, 2011

FRESNO -- People who have lung or heart problems should avoid being outside when dust blows up over the next few days, air quality officials said Thursday.

Gusty wind is forecast to continue through Sunday, raising the possibility of unhealthy levels of particle pollution, says the San Joaquin Valley Air Pollution Control District.

Exposure to particle pollution can trigger asthma attacks and acute bronchitis. Such pollution is hardest on people with respiratory and coronary disease, young children and the elderly.

Daily air quality forecasts by county are available at [www.valleyair.org](http://www.valleyair.org) and at (800) 766-4463.

## **Windy conditions through weekend, AQI worsens**

By Mark Grossi, staff writer

The Fresno Bee, Thursday, May 26, 2011

Strong wind gusts that arrived in the Valley this week brought down trees and kicked up dust – and were a prelude to what to expect Memorial Day weekend.

Thursday's winds gusted up to 26 mph in Fresno, 34 mph in Visalia, 35 mph in Madera and 44 mph in Merced, the National Weather Service said.

The high winds in Fresno kept city workers busy Wednesday night as tree branches crashed to the ground in several areas.

Jamie Hodge, the city's forestry supervisor, said crews in two tree-trimming trucks worked from about 5:30 p.m. to midnight clearing the debris from streets and driveways.

The strong winds also can be a health risk when they kick up tiny specks of pollution that can lead to big health problems.

Exposure to the particulates can aggravate lung disease, trigger asthma attacks and acute bronchitis, warns the San Joaquin Valley Air Pollution Control District. People with lung and heart diseases, young children and older people are particularly susceptible to the effects of the particle pollution.

"Residents should be aware of their local conditions and take their particular health issues into account," said Samir Sheikh, director of the Air District's Strategies and Incentives department, which includes air-quality forecasting and analysis.

Valley residents are advised to use caution through Sunday night. People with heart and lung diseases should follow their doctor's advice for dealing with exposure to high levels of particulate matter.

And there seems to be no respite in sight from the strong winds.

While the front that brought Wednesday and Thursday's gusty weather is leaving the state, more are on the way. Two similar systems will keep winds around 20 mph in the Valley, weather service meteorologist Carlos Molina said. The first, arriving from the Pacific Ocean, will keep the Valley dry, but maintain high winds.

The second system, from the Gulf of Alaska, will drop into the Pacific Northwest and Northern California on Sunday, bringing precipitation as far south as Merced, Molina said. He said that the storm is expected to quickly move out of the state, allowing for a warm and dry Memorial Day.

Temperatures in Fresno are expected to stay constant over the weekend, Molina said. The lows will vary from 51 degrees Friday and Saturday to 49 Monday. The high will drop from 81 degrees today to 72 by Sunday and return to 80 on Monday.

Daily air quality forecasts by county are available at [www.valleyair.org](http://www.valleyair.org) and at 1 800 SMOG INFO (766-4463).

## **Merced activist group plans to appeal Wal-Mart distribution center ruling Friday**

### **Opponents say judge didn't address environmental issues**

Merced Sun-Star, Friday, May 27, 2011

Members of the Merced Alliance for Responsible Growth said they plan to file an appeal today in the Wal-Mart distribution center case.

In March, Judge William Burby ruled for the city of Merced after the alliance filed a petition in 2010. The case was brought against the city by the alliance after the City Council approved the center in September 2009.

The alliance had until June 6 to file an appeal, but some of its members disclosed its intention Thursday.

The judge previously stated the city didn't violate the California Environmental Quality Act in its paperwork for the proposed Wal-Mart distribution center. Nor is the city required to recirculate the draft environmental impact report among the public.

The CEQA is a statute that requires state and local agencies to identify the significant environmental impacts of their actions and to avoid or mitigate those impacts, if feasible.

During a Sun-Star editorial board meeting Thursday, Tom Grave, a member of the alliance, said the judge didn't respond to CEQA issues related to air quality, traffic, hydrology and groundwater issues and urban decay.

Air quality remains one of the main problems with the proposed 1.1-million-square-foot distribution center, according to alliance member Lisa Kayser-Grant. Even though the 230-acre site at Gerard Avenue and Tower Road is zoned for industrial purposes, the City Council made a mistake in allowing homes and schools to be built around it, she said.

"We don't want to ignore the community's health," she said.

Grave agreed that the proximity to the schools is alarming. He said the city would lose more than it will gain because of the amount of air pollution from trucks the distribution center would use.

Moreover, he said property values in a nearby housing division would fall.

"Would you ever buy a house with 900 trucks going by every day?" Grave asked. "This may well happen, and we hope that by going through this we're not just delaying the project but having a better project as a result."

Bill Stockard, another alliance member and a former superintendent of Merced County schools, said his main concern was the location of the site. Dangerous driving as a result of Merced's winter tule fog, coupled with UC Merced commuters sharing the road with big rigs bound for the distribution center, is a recipe for disaster, he said.

If built, the center would employ about 1,200 people and operate 24 hours a day. It would include a 17,000-square-foot truck maintenance building with two underground oil storage tanks and a fueling station with two 20,000-gallon diesel fuel storage tanks.

## **Firefighters battle Visalia dairy processing plant inferno**

By Tim Epperson

Visalia Times-Delta and Tulare Advance-Register, Friday, May 27, 2011

Firefighters from all over Tulare County battled a major industrial fire Thursday night at Advanced Food Products dairy and food processing plant at Ben Maddox Way and Noble Avenue in Visalia.

Several battalions from the Visalia Fire Department were battling the fire from above on several truck ladders topped with firefighters aiming their hoses at the roof of the large structure. Large amounts of flames and black smoke shot out from the rooftop of the structure and could be seen from several blocks away.

No one was injured, said Visalia Fire Department Battalion Chief Charlie Norman.

"We've accounted for all personnel and nobody has been injured," Norman said. "The fire started in a maintenance area of the plant and we're containing it there."

The two-alarm fire was reported at 7:50 p.m. and involved fire departments from Visalia, Tulare, Tulare County and Dinuba.

The second alarm was reported at 7:59 p.m. and that's when surrounding fire agencies were called to assist Visalia firefighters.

Police blocked off the area for several blocks west of the fire and stopped traffic east at the Mary's Vineyard shopping center. Firefighters were monitoring the rooftops at the shopping center and surrounding residences and businesses to prevent any possible spread of the fire.

The plant manager showed up at the plant and consulted with fire officials, however, he refused to comment or identify himself.

Before sending anyone in, firefighters were concerned with the structural integrity of the building, which was compromised by the fire.

Norman could not identify the cause of the fire at press time since the fire was still burning. No damage estimates were available and the fire was still under investigation by Visalia fire officials.

## **Kern, Southern Cal both win points in sludge case**

By James Burger, Californian staff writer

Bakersfield Californian, Friday, May 27, 2011

The first skirmish in a new courtroom battle over Measure E, Kern County's voter-approved ban on the land application of sewage sludge, ended with a split decision Thursday in Tulare County Superior Court.

Attorneys will return to court on June 9 to argue about whether enforcement of Measure E, which takes effect in October, should be frozen while the lawsuit from southland governments and sludge haulers goes forward, said Kern County Counsel Theresa Goldner.

Lawyers for the city of Los Angeles lost their bid to stop Kern's sludge ban in federal court last year after the Ninth Circuit Court of Appeals gutted the core of their federal case, the U.S. Supreme Court refused to hear their appeal and a U.S. District Court judge that had originally ruled in favor of Los Angeles dismissed the case.

In February, Los Angeles launched a case against Measure E in state court -- arguing many of the same points as in the federal case.

But the state court lawsuit is no guaranteed slam-dunk win for Kern.

Tulare County Superior Court judge Lloyd L. Hicks on Thursday refused a request from Kern County to dismiss the entire case, Goldner said.

Hicks did dismiss one of the five counts against Measure E: the argument that the ban unfairly restricts the transport of sludge from outside of Kern County while allowing cities and the county to spread treated sludge locally.

The city of Bakersfield, for example, spreads its sewage sludge on farmland southeast of town. The county of Kern's Kern Sanitation Authority treats its sewage sludge to the "exceptional quality" standard and sends it to a local composting facility.

Chief Deputy Kern County Counsel Mark Nations said he expects two other arguments -- that Measure E violates laws that protect interstate and intrastate commerce -- will be dismissed.

In a tentative ruling issued before Thursday's court hearing, Hicks seemed ready to dismiss the intrastate argument and hear the interstate argument -- which was killed by the Ninth Circuit Court of Appeals during the federal case -- only if plaintiffs resubmitted it with additional evidence.

But on Thursday, Nations said, the judge was swayed by the arguments from Los Angeles and agreed to give further consideration to the argument that Measure E violated commerce within the state of California. Los Angeles attorneys also have the opportunity to re-submit arguments that it also violated laws that govern trade across state lines.

Nations said he doesn't expect those arguments to be at the heart of the coming court battle.

Two other Los Angeles claims -- that Measure E is trumped by the recycling mandates in the California Integrated Waste Management Act and that enforcement of the measure is beyond Kern County's governmental powers -- will be the "meat and potatoes" of the fight, Nations said.

"We're in it for the long haul on those two," he said. "Ultimately we know we're going to end up in the appellate court."

Kern County voters overwhelmingly approved Measure E in June 2006. Kern officials have argued the importation and spreading of certain types of sewage sludge threaten to pollute the environment, while the Southern California plaintiffs have said the practices are safe. The ban only applies in unincorporated parts of the county.

A spokesman for the Los Angeles City Attorney's office said the office had no immediate comment on the results of Thursday's hearing.

## **State, refinery try to narrow down cause of leak**

By Courtenay Edelhart and John Cox, Californian staff writers  
Bakersfield Californian, Friday, May 27, 2011

Preliminary findings indicate no equipment malfunction or failure led to a gas leak from a refinery Tuesday, but it may be that an individual didn't close a valve securely, the refinery said Thursday.

Paramount Petroleum, the division of Alon USA Energy that owns the Alon Bakersfield Refinery, said it isn't certain yet what caused a hydrogen sulfide leak that resulted in a foul odor Tuesday

morning, prompting some in the vicinity to complain of headaches and nausea. The investigation into the cause is ongoing.

Erika Monterroza, a spokeswoman with the state Department of Industrial Relations' Division of Occupational Safety and Health, said Cal OSHA is looking into the matter.

That's routine when there is a gas leak, she said.

Several students at nearby Harris Elementary School reported feeling ill Tuesday, but no one went home or required treatment.

The investigation could take up to six months, but less time is typical, Monterroza said.

The state wants to determine what occurred and whether there were any occupational safety and health standards violated, she said.

As part of preparing the refinery for restart after about two years of being offline, various units and processes at the refinery were inspected recently, said Chad Druten, Paramount Petroleum's director of human resources and community affairs.

"As might be expected in a facility that has not been operated in more than two years, problems can be experienced and that was the case (Tuesday) with a relatively small release of H<sub>2</sub>S," Druten said. "We responded rapidly to sensor data and took all precautions when responding to the incident, including promptly engaging public safety officials to ensure full readiness for whatever might have been discovered.

"With the assistance of these agencies, we jointly concluded the incident without harm to people or property."

The company is "fully committed to the health, safety, environmental and economic vitality of Bakersfield and Kern County and we believe our actions have demonstrated that commitment," Druten added.

[Sacramento Bee Commentary, Friday, May 27, 2011:](#)

### **Viewpoints: Let's get it right on pricing carbon emissions**

By Mark Reynolds - Special to The Bee

Put the brakes on cap and trade.

That was the clear message delivered by San Francisco Superior Court Judge Ernest Goldsmith last week when he ruled that the state's Air Resources Board must refrain from any activity related to setting up a pricing mechanism for carbon until alternatives to cap and trade are fully explored.

Some environmentalists may see Goldsmith's ruling as a setback on climate policy, but I see it as an opportunity to get it right. And if California is going lead the nation in curbing the heat-trapping gases that put our state and our world at risk, it's important that we lead in the right direction.

The state's plan relies on a cap and trade approach, whereby industries are given allowances to release carbon dioxide and other greenhouse gases and must purchase more allowances if they exceed their limit. But Judge Goldsmith said the Air Resources Board did not give adequate consideration to alternatives, such as a carbon tax.

There are a number of reasons to look at such an alternative.

In order to reduce greenhouse gases in our atmosphere to levels that are safe and sustainable, we must transition quickly from carbon-based fuels to clean sources of energy. That transition won't happen unless investors are certain that fossil fuels will be more expensive than clean energy in the future. Cap and trade, which produces a volatile commodities market for carbon that allows the price to go up and down, offers no such certainty. Many investors, then, remain on the sidelines.

On the other hand, a carbon tax, increasing gradually each year, offers the assurance that clean energy will be a better bet for investors. Rather than taxing end users, it would be simpler and more effective to place a fee on carbon-based fuels when they first enter the economy.

If we take the additional step of giving revenue from a carbon tax back to California citizens – known as carbon fee and dividend – this approach becomes even more appealing. Placing a price on carbon – whether through cap and trade or fee and dividend – will increase the cost of energy and goods that require lots of energy to produce.

Middle- and lower-income households, however, shouldn't bear the financial brunt of our transition to a low-carbon economy. Returning revenue to the people takes the economic sting out of pricing carbon.

No such compensation exists, however, under California's cap and trade program, making it a policy decidedly unfriendly to the poor.

And there's another fatal flaw in California's plan to limit climate change: allowing polluters to purchase carbon offsets instead of cutting their own emissions.

Writing for themselves and Citizens Climate Lobby, environmental attorneys Laurie Williams and Allan Zabel filed a comment in December citing significant problems with offsets.

- **Additionality:** Reductions in greenhouse gases through a particular offset project would probably occur in the course of business as usual and, therefore, not be additional.
- **Leakage:** The harmful economic activity that a project reduces – logging of trees, for example – will simply shift to another location.
- **Perverse incentive:** Rather than control a greenhouse gas by regulation – methane from large farm animals, for example – the economic incentive is created to keep activities unregulated in order to reap the economic windfall of offsets.

If we're hoping that California's carbon-cutting policy will set an example for the rest of the country to follow, cap and trade with offsets might not be the horse to hitch our wagon to. Having tried and failed four times to pass cap and trade in the U.S. Senate, it appears unlikely the fifth time will be the charm.

With the current Congress divided between a Republican House and a Democratic Senate, there is no chance that cap and trade could emerge as a national solution. It's a system that increases the size of government and creates more regulatory bureaucracy, neither of which any Republican will agree to.

A carbon fee and dividend approach, however, is revenue neutral, and provides the incentive to switch to clean energy without running afoul of conservative principles. By returning the revenue to the people, either through direct payment or reduced taxes, we can make the necessary transition, boost our economy and create new jobs.

Judge Goldsmith has given us the chance to develop a policy on climate change that is simple, transparent and – most importantly – effective. It's an opportunity we shouldn't squander.

*Mark Reynolds is executive director of Citizens Climate Lobby, based in San Diego.*