

S.J. loses voice on clean-air board

Johnston's departure will leave Ornellas as lone local rep on panel of 15

By Alex Breitler

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San Joaquin County's pull on a regional air-quality board will be cut in half come January, as Stockton Mayor Ann Johnston leaves the dais at the end of her three-year term on that board.

County Supervisor Leroy Ornellas will be the only local representative left on the 15-member board.

Not that he's concerned.

"I've had to fly solo before, and I'll do it again," Ornellas said.

Local representation is important on the air board, since the severity of the San Joaquin Valley's air pollution problem varies across the region. The board has power to approve costly regulations on businesses as well as broad plans to curb pollutants.

Its decisions also can affect everyday residents. In one of its most publicized actions of late, the board approved a new \$12 DMV surcharge on Valley drivers to pay a penalty for failing to meet ozone pollution standards.

But the change on the board is no conspiracy to shut out the voice of the far north Valley, said Seyed Sadredin, director of the Valley Air Pollution Control District.

"The mentality we've always tried to encourage is that air pollution does not recognize political boundaries," he said. "When you get on this board, you need to think regionally."

The makeup of the board, in fact, is governed by complex rules set in a 2007 state law that changed the board's composition from 11 members to 15 members to reflect the Valley's growing urban population. As large as it is, the city of Stockton had never had representation on the board until the new law passed.

Today, each of the eight Valley counties appoints a supervisor to serve on the board, ensuring that every Valley resident has at least one representative.

Two more members are appointed by the governor, including - just last week - Alexander Sherriffs of Fowler, south of Fresno.

Finally, council members from five of the Valley's 59 cities are selected, including three from small towns and two from large ones.

The large cities are picked based on a set rotation. For the past term, Stockton and Visalia were represented on the board. Next term, it'll be Fresno and Bakersfield.

Next year's representatives from smaller cities will be from Tulare, Madera and Ceres. Eventually, towns such as Manteca and Lathrop could have a seat.

From a regional perspective, the north Valley - including San Joaquin, Stanislaus and Merced counties - will have four of the 15 seats on the board.

Who's on the board?

A look at the new composition of the San Joaquin Valley Air Pollution Control District as of January:

- San Joaquin County Supervisor Leroy Ornellas (the only San Joaquin County representative)
- Tulare County Supervisor J. Steven Worthley (chairman)
- Kings County Supervisor Tony Barba (vice chairman)
- Fresno County Supervisor Judith Case
- Madera County Supervisor Ronn Dominici

- Stanislaus County Supervisor William O'Brien
- Merced County Supervisor Hub Walsh
- Kern County Supervisor Ray Watson
- Fresno City Councilman Oliver Baines III
- Tulare Vice Mayor Melvin "Skip" Barwick
- Madera City Councilwoman Sally Bompreszi
- Ceres Mayor Chris Vierra
- Bakersfield City Councilman Harold Hanson
- Henry Jay Foreman, appointed by the governor
- Alexander Sherriffs, appointed by the governor

Still searching for answers

Can attorney help relocate Kettleman City residents?

By Eiji Yamashita

Hanford Sentinel, Monday, Dec. 5, 2011

KETTLEMAN CITY — Uncertainty, worry and skepticism hang over residents as Kettleman City continues to wrestle with a frightening phrase: "birth defects cluster." After state health and environmental investigations were conducted last year, people there have nearly as many questions as they started with. Is Kettleman City a neighborhood in peril, as residents and environmental justice advocates fear?

Fresno attorney Gordon Stemple thinks so, and he is trying to find the answers he says could help relocate the residents from Kettleman City.

"It's a riddle I'm going to try very hard to solve, and I'm starting with a hypothesis," Stemple said. "The hypothesis is it appears that there are a number of children with birth defects in the community that at least anecdotally seems to have a fair amount of illnesses in it. I want to find out if their fears are justified."

Stemple said his goal is to find a link between the widespread complaints of asthma, cancer and birth defects among the residents and environmental contaminants so that he can negotiate or sue for money to help them move elsewhere.

Over the last several months, Stemple has held frequent community meetings with residents under a confidentiality agreement. He said he has signed up about 1,700 clients so far, including some 200 former residents who have recently moved away for fear of health risks.

Kettleman City, with its nearly 1,400 primarily Spanish-speaking residents, is an impoverished enclave just off Interstate 5 where 11 cases of birth defects were reported from 2007 through 2010. Intensive investigation by state health authorities launched last year in response to pleas from parents confirmed abnormally elevated rates of birth defects, but as is typical in such inquiries, a cause could not be pinpointed.

The testing of soil, water, air and pesticides, as well as case reviews of children born with birth defects and interviews with mothers, have found no link between the deformities and local pollutants. The studies also ruled out the nearby hazardous waste landfill — the largest of its kind west of Louisiana — as the source of pollution in town.

Meanwhile, the town remains in limbo.

But the birth defects continue to plague Kettleman City, says Maricela Mares-Alatorre, a local resident and activist who leads the group El Pueblo Para El Aire y Agua Limpio (People for Clean Air and Water).

"It hasn't stopped; there are still people having babies with birth defects," she said. "In fact, there was a child born a few months ago who had severe birth defects and passed away. A lot of people in Kettleman City are scared of what could happen to their babies."

Stemple is working with a team of scientists to do his own full-year study. Starting in January, his team will take fat tissue samples from people and animals to test them for signs of exposures to contaminants — something that residents and activists demanded, but was never done during the state investigation. Stemple said other types of testing will be done, but wouldn't elaborate on them.

Stemple is advancing the cost of the work, and his clients are not paying anything out of pocket. He will take a portion of any settlement money his clients may receive, but said he would not charge them if no compensation is awarded.

Bradley Angel, executive director of Greenaction for Health and Environmental Justice, called Stemple's plans an "important initiative" in getting to the bottom of the problems facing the town.

"We felt that the state's investigation of the environmental exposures in Kettleman was incomplete, inadequate and biased," said Angel, whose group lobbied government agencies to find the cause.

Angel said he would welcome any positive outcome resulting from Stemple's work.

"The idea to get the residents enough money to move away, if that succeeds, would be wonderful," Angel said. "But we need to figure out how to prevent other unsuspecting families from moving into this toxic town."

Angel said his group will continue its fight against new industrial projects, such as the oil and gas exploration project by Zodiac Energy and the Avenal Power plant, which keep winning approvals despite government recommendations to reduce pollution there.

Stemple, 63, has spent the last 35 years of his career handling asbestos, pesticide and nuclear radiation injury litigation. He acknowledged he had never been successful in his previous attempts to relocate a population from one area to another.

He makes no guarantee, but said he is hopeful about his work in Kettleman City.

"The reason I have hope that I may be able to make a difference in Kettleman City is because there are multiple potential exposure sources, and they are all still there," Stemple said.

For example, he says, a labyrinth of old oil lines and at least one natural gas line surround the town, while elevated levels of benzene and arsenic are found in its drinking water. He wonders if any of the old oil equipment might be rusted away and leaking.

"Under one of the three wells in 1997, the state water board discovered a 40-foot-thick layer of crude oil floating on top of the water, so there's an issue about where that oil is coming from," he said.

Stemple does not point a finger at any particular industry, but he is not discounting any, either.

"It would be irresponsible to blame any company until there is sufficient scientific data to support that," he said, "but I also think it would be irresponsible of me and my scientific team to ignore any of them."

Waste Management spokeswoman Jennifer Andrews said the company has little to say about Stemple's work. Andrews stressed the company stands by its record.

"Although we are aware of Stemple, we don't have anything to say other than the recent unprecedented studies have shown that our landfill has no link to health concerns in Kettleman City," Andrews said.