

[From Washington Post, taken off the MSN website, December 30, 2002:](#)

The Bush administration is preparing new restrictions on life-threatening emissions from off-road diesel-powered vehicles after decades of government neglect of this major pollution source. In a turnabout from previous battles over pollution policy, environmentalists have hailed the move, while some industry groups are vigorously challenging it.

THE ENVIRONMENTAL Protection Agency and the Office of Management and Budget are jointly drafting rules to reduce dangerous emissions from bulldozers, tractors, irrigation machinery and other diesel-powered equipment. The rules would force engine manufacturers to install state-of-the-art devices for capturing and treating exhaust gases, and require oil refineries to produce a low-sulfur diesel fuel required for anti-pollution devices.

The proposed rules — to be formally announced next spring — would slash off-road diesel emissions by as much as 95 percent and bring them in line with newly adopted standards for heavy-duty diesel trucks and buses that traverse the nation's highways. Off-road diesel engines have been held to a much weaker standard than on-road vehicles since 1977.

After power plants, off-road diesel engines are among the largest sources of pollutants that scientists have linked to premature deaths, lung cancer, asthma and other serious upper respiratory illnesses, according to the EPA.

8,300 LIVES A YEAR

The drive to enact the new regulations is unusual because it pits the administration and its frequent critics from the environmental community against industry leaders over an issue with significant economic ramifications. The proposed rules would save an estimated 8,300 lives a year and tens of billions of dollars annually in medical costs and lost workdays, according to government and private studies. But they also would add billions of dollars to the operating costs of diesel engine manufacturers and others who buy off-road equipment.

"This is going to impose some cost on industry and consumers," EPA Administrator Christine Todd Whitman said recently, "but these regulations are going to give us enormous health benefits that will far outweigh those costs."

Environmental and public health groups, including the Natural Resources Defense Council, the American Lung Association, the Clean Air Trust and an association of state and territorial air pollution program administrators, have generally praised the administration's efforts.

'THEY DID THE RIGHT THING'

"The Bush administration had ample opportunity to dismantle the program, and elected instead to sustain it under some serious political opposition," John Walke, an NRDC air quality expert, said recently. "The fact is, we're facing a major health problem and they did the right thing."

Earlier this month, however, the unusual alliance threatened to come apart, after several environmental groups accused the EPA and OMB of bowing to industry pressure to delay the planned implementation of the new standards by two years, until 2010, and to create an emissions credit trading program that might weaken tough new standards for both on-road and off-road diesel emissions. Environmental leaders became alarmed after learning that American Petroleum Institute officials emerged from a Nov. 19 meeting with OMB and EPA officials convinced that the EPA now favored extending the deadline.

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But with both the administration and environmental leaders eager to show that they occasionally can work together on important policy issues, the EPA offered reassurances that it would stick to a tough regulation, and environmentalists released a letter outlining their concerns but pledging to continue to cooperate.

The diesel fuel used in off-road equipment has a high sulfur concentration of 3,000 parts per million that clogs anti-pollution devices and contributes to harmful pollution particles. Under the original EPA proposal, refineries would be required to cut the sulfur content of their fuel to 15 parts per million by 2008, while engine manufacturers would have to install pollution control equipment between 2009 and 2012, according to EPA officials.

But EPA officials say they are leaning toward an alternative approach strongly favored by industry that would require a modest interim reduction in the sulfur content by 2007 and put off the new standard until 2010. Diesel engine manufacturers would be given an additional two years to meet the requirements for installing new anti-pollution devices.

"If we end up going with the two-step approach, it would be structured in a way to get the same environmental benefit," said Jeffrey R. Holmstead, the EPA's assistant administrator for air quality policy. "Things are not slipping. We are still on track."

Environmentalists and public health groups have criticized President Bush for repeatedly siding with industry in disputes over clean air standards, especially those involving older, coal-fired power plants and refineries that generate extensive air pollution. Yet the administration has consistently and aggressively advocated tougher diesel emission standards — well beyond those imposed in Europe. It has also rejected previous pleas of industry and lawmakers for more lenient regulations. Shortly after Bush took office in January 2001, the EPA approved a Clinton administration rule requiring swift and sharp reductions of as much as 95 percent in emissions of particulate matter and nitrogen oxides from large diesel-powered trucks and buses. That rule — later affirmed by the courts — begins to take effect in 2007.

GROWING EVIDENCE

Administration officials say their current effort to slash off-road emissions was prompted by the Supreme Court's unanimous decision last year upholding the EPA's new particulate matter and ozone standards, plus a growing body of scientific evidence on the adverse health effects of fine particles of airborne soot produced by diesel engines. Officials including John D. Graham, chief of OMB's Office of Information and Regulatory Affairs, were particularly impressed by cost-benefit analyses showing that the potential costs to industry were overshadowed by long-term economic and public health benefits.

But industry groups including diesel fuel refiners, engine makers, general contractors and agricultural interests were troubled by the administration's aggressive approach and vigorously lobbied to try to weaken the proposal or delay its effective dates.

Some say the proposed rules would harm engine manufacturers, create diesel fuel shortages by driving some refineries out of business and impose huge new costs on consumers of diesel equipment and vehicles.

"What we've seen preliminarily is that there will be a whole lot of costs for us and very uncertain benefits in terms of improving air quality," said Rebeckah Freeman of the American Farm Bureau Federation. Leah Wood, environmental counsel for Associated General Contractors of America, said, "It is very hard to be supportive of things when the broad-based economic effects are not taken into consideration."

"We're supportive [of new rules] and we recognize we can't sell diesel fuel if it's perceived as dirty and contributing to pollution," said Ed Murphy, a senior official at the American Petroleum Institute. "But we have done studies showing it could reduce the supply of diesel to the markets. The economics make it difficult for refiners to justify the investments you have to make."

Administration officials are exploring ways to mitigate the rules' impact on industry. For example, they are considering an approach that would allow the use of market-based averaging and emissions credit trading between off-road and highway engines. But Whitman said nothing will be done to diminish the impact of the new emission rules for heavy-duty trucks and buses. "We're not backing away from that at all," she said.

Flare burning grossly tainted soil

By MATT WEISER, Bakersfield Californian staff writer, December 26, 2002, 10:38:34 PM

Nearly eight years after an explosion at the former Sunland Refinery in Bakersfield killed a passing motorist, the legacy of that day still burns in the tongue of fire rippling from a flare over the site.

The flare has operated almost continuously for four years, burning soil contamination from the old refinery, which never reopened after the explosion. An investigation following the deadly blast revealed 8,000 safety and pollution violations at the refinery, including a long history of soil and groundwater contamination from leaky storage tanks.

The contamination by various petroleum products is so bad, numbers become almost irrelevant. Benzene, toluene and xylene concentrations in groundwater samples are thousands of times above state drinking water standards.

Which explains the flare.

Out of 16 active soil contamination sites permitted by the San Joaquin Valley Air Pollution Control District, only one uses a flare in its cleanup program: the Sunland site.

"When they're pulling as much (vapor) as they are out of that site, the standard treatment systems aren't big enough," said Bruce Myers, associate engineering geologist with the Central Valley Regional Water Quality Control Board. "The flare is just the most efficient for pulling large volumes of soil vapor out and destroying it."

The flare may run for five more years before the soil is clean, said John Hundley, vice president of environmental affairs for World Oil Co., Sunland's parent company.

The groundwater cleanup may take even longer. Early next year, the first off-site groundwater treatment wells will be installed at the neighboring PG&E Kern Power Plant, at the southwest corner of Coffee Road and Rosedale Highway. The plant is now dormant. The goal is to draw groundwater from the edge of the contaminated plume to prevent the spread of MTBE, the most worrisome of the contaminants because it travels so easily.

"We are very committed to full cleanup, and we are working very closely with the water board and even PG&E on this issue," said Hundley.

The refinery's final chapter began on March 30, 1995, when an improperly sealed storage tank allowed an invisible cloud of flammable gas to leak across Coffee Road. Investigators believe the gas cloud was ignited by a passing Chevrolet Camaro, which was followed immediately by a Honda Accord driven by 22-year-old Tracy Kildebeck. A fireball erupted, engulfing Kildebeck's car. He was burned over 100 percent of his body and died 32 hours later.

Kildebeck's family sued Sunland after his death, winning an undisclosed settlement. The Kern County District Attorney's Office brought a civil case against the company and won a \$5.5 million settlement, a record for the county at the time.

Founded in 1929, Sunland Refining Co. was purchased by South Gate-based World Oil in the late 1970s. The Sunland facility straddled Coffee Road, with refining operations primarily on the east side of the road and storage and distribution on the west.

Both the county and air district had punished Sunland for operational lapses in years preceding the blast. Afterward, the refinery never resumed operating, though World Oil did run the plant's storage and distribution facilities for a short time.

Hundley said most of the contamination occurred during the 50 years before World Oil bought the refinery.

Today the site is dominated by that solitary column of flame. A network of thick pipes feeds the flare with toxic soil vapors drawn from throughout the site. The pipe weaves past rusty chunks of refinery superstructure that never got hauled away. Myers said the cleanup has so far pulled 3.7 million pounds of hydrocarbons out of the soil since 1996, with much more to go.

The flare is considered the best method available to treat the tainted soil, more effective and economical than excavating and dumping the dirt because the site is so large, Myers said.

But as the flare burns off soil pollution, it also causes air pollution. The worst of the flare's pollution is nitrogen oxides, a leading contributor to smog. The flare is permitted to release up to 309 pounds per day of nitrogen oxides, or about one-fourth the emissions of the Shell Bakersfield Refinery.

The plume of tainted groundwater has continued to expand slowly away from the site in a northwest direction and onto PG&E land. The water board has advised PG&E not to use its wells because it could accelerate groundwater migration. This, in turn, has complicated efforts to sell the Kern Power Plant to North American Power Group, because the power plant has no other water source.

Water quality regulators are watching the plume closely because it has the potential to contaminate underground drinking water supplies.

Myers said World Oil has cooperated fully in the cleanup efforts, including the recent order to install groundwater treatment wells on PG&E land in an effort to contain the contamination.

[Record Editorial, December 31, 2002](#)

Growth as prosperity

Population boom keeps county out of economic dumps, but jobs still needed

Without a crystal ball, it's impossible to predict with precision what 2003 holds for San Joaquin County's economic development. We know the foundation has been laid for high-tech business parks in Tracy and Stockton; we know highway, air and port transportation elements are a plus; we know the population is going to grow regardless of job development; and we know infrastructure plays a key role.

How all the assets come into play remains to be seen.

So far, the county has been something of an anomaly. While the national and state economic trends have been flat for months, San Joaquin, at least on some levels, continues to prosper.

Much of our good news, however, has shaky props -- commuters spending most of their waking hours west of the Altamont Pass. We have yet to lure many of their jobs this direction. Nonetheless, ever-steady agribusiness, retail sales and the home-building industry have kept San Joaquin humming.

The challenge in 2003, as it has been for several years, is to better balance jobs and housing. Quality-of-life issues persist.

If we ever hope to improve on the Central Valley's air-pollution problems, we need to remove more vehicles from the network of freeways that punch west to the East Bay.

If we ever hope to reduce the number of latch-key children home alone for hours at a time, we must entice employers who offer higher-paying jobs to relocate.

If we ever hope strengthen our schools and communities with greater involvement by parents and other residents, we need to keep homeowners closer to home.

There are signs things might be shifting.

The San Joaquin Partnership continues to make inroads and progress. Modesto-based Great Valley Center has been a valuable research tool that promotes the region and is helping to create a positive identity for the string of communities between Fresno and Stockton.

Our assets are growing.

Tracy's Gateway project is moving forward, Stockton Metropolitan Airport is improving in service and in highway access, and the Port of Stockton's expansion efforts are paying off. (They include a new partnership with the Port of Oakland.)

For now, the high-tech world of the Silicon Valley remains stagnant, hardly likely to branch out immediately to San Joaquin County. However, local officials and builders wisely continue preparing for the eventual and inevitable migration eastward of Bay Area companies.

Until then, the home-building binge continues unabated. Stockton north of Hammer Lane is like a boom town; Tracy, even with Measure A's limits, is spreading in all directions; Manteca and Lathrop also are part of the commuter corridor.

A new state law, AB857, soon will dictate land-use priorities -- promoting infill, resource protection and efficient development patterns.

The coming year also promises dramatic changes in the county seat. Downtown Stockton, beneficiary in recent years of an infusion of government-funded projects, is on the verge of private-enterprise investment.

As always, the base for the Valley's prosperity is farming. That hasn't changed, and crop values, even on fewer acres, continue to rise.

That isn't going to change anytime soon, although periodic urban-ag conflicts are sure to erupt. Transitions are usually difficult.

Crucial to the land-use changes ahead will be officials with the Local Agency Formation Commission, the San Joaquin Council of Governments and the county Board of Supervisors. Each entity has a responsibility -- and a duty -- to help shape a better future.

Leaders of these entities are good news for new county residents and for those who trace their local ancestry for several generations. Even more than their Bay Area counterparts, they have been at the forefront of regional thinking and regional planning.

[Fresno Bee Editorial, December 31, 2002](#)

A look back

The year now passing held its share of difficulties and disappointments, but progress was also made.

In many ways, 2002 was the year the central San Joaquin Valley began to come to terms with the tremendous challenges of a region that for too long had ignored its soft spots. That didn't mean all the problems got fixed, but the Valley made progress in several areas.

The biggest failing in 2002 was the region's lack of movement on air quality, although it seems the public is beginning to understand the depth of the problem, and the lifestyle sacrifices that will have to be made to solve it. Not many Valley residents, though, are ready to give up their cars -- even a few days a week -- to clean up the air. There are many other changes that individuals and businesses must make if we are going to improve the Valley's filthy air.

Unfortunately, the politicians mostly have stayed silent on the issue, apparently not wanting to anger any of the special interests that have too much sway over public policy in the Valley. It's time for our elected officials to lead, even if it means taking a different direction than their campaign contributors.

A crucial transportation tax, Measure C, was defeated in November largely because the community couldn't get together on its components. The air quality debate divided the electorate, and a new measure must be designed that has a more balanced approach to our transportation needs, including more money for alternative transportation. But it also has to appeal to a broad cross section of the community because a two-thirds vote is required for approval. A new measure must be crafted and passed by voters before the existing Measure C authority expires in 2007.

On the positive side of the 2002 ledger, Fresno's downtown renaissance continued with the opening of a multipurpose stadium that's the envy of the Valley, and construction began in earnest on a \$127 million federal courthouse.

A building that will house 1,400 Internal Revenue Service employees also is under construction, work is progressing on the crucial Regional Medical Center, and an arts and entertainment district is taking shape. Private money also is beginning to work with the many government commitments in the city's central core, allowing the various revitalization efforts to leverage each other.

There were setbacks in downtown in 2002. The closing of the Howard Johnson's hotel was a major blow, reminding us that downtown will never meet its full potential without a greater abundance of high-quality hotel rooms.

Downtown also needs more residential housing if it's ever going to be a 24-hour community. Developers seem on the verge of recognizing this, although their timidity in planning downtown apartments and condominiums has limited housing options in the area.

Parking also has become a volatile issue with this renewed activity downtown. City officials didn't make any points with their mishandling of the parking issue, leaving the impression that government was trying to gouge people who patronized downtown. But downtown parking costs remain reasonable, especially compared with other successful downtowns. It's also reasonable for those who use downtown to help pay for downtown improvements, and charging for parking helps accomplish that goal.

In 2002, Fresno adopted a historic general plan that -- for the first time in the city's history -- seeks to stem growth to the north and redirect it back toward the existing core of the city.

It's a bold plan that wasn't adopted without considerable struggle, though the biggest battle lies ahead: keeping special interests from shredding it, with help from those pliant politicians who lurch about town with sound bites on their lips and their palms held out.

In 2002, voters in the Fresno Unified School District also decided it was time to reform a school system that wasn't meeting the needs of its students. In November, three candidates running on a reform platform were elected, along with a fourth candidate backed by the Fresno Teachers Association.

All four are committed to improving the performance of Fresno students, most of whom come from disadvantaged backgrounds. Every child deserves an opportunity to learn, and this new board will be judged by whether it accomplishes its voter mandate.

Because state government did not deal with the budget crisis this year, and the previous Fresno Unified board gave employee raises it couldn't afford, the district is facing a financial crisis. But that cannot be used as an excuse for not moving the district forward.

One of the legacies of 2002 will be the state's financial crisis and its effect on governmental agencies in 2003. Local governments throughout the Valley will have to deal with reduced funding from the state. The innovative agencies will be those that serve their constituents well, and the new year will be a test for those that can't operate more efficiently.

The past year was not a good one if it is measured by how well we serve our children. Our Child Protective Services system is dysfunctional, and the publicly funded hospitals have abandoned children who need psychiatric services. We must do better by our children, even if it costs more money.

The message that we've sent so far is children are important, but we have to provide for them on the cheap.

It wasn't a good year for most agricultural producers, especially raisin farmers, wine-grape growers and dairy operators. Oversupply contributed to depressed prices in several crucial areas, although the nut industry -- almonds, pistachios and walnuts -- did relatively well in 2002.

In politics, the Valley saw the retirement of two legislators who left an indelible mark on the region with their representation. Secretary of State Bill Jones, R-Fresno, and state Sen. Jim Costa, D-

Fresno, helped the Valley overcome its population disadvantage by earning leadership positions within their parties.

But they also served the Valley well by working together on problems and issues important to the region. They always put partisan interests aside when the Valley's interest was at stake and set a standard that other local representatives should strive to meet.

This year also saw the end of the career of Rep. Gary Condit, D-Ceres, who disgraced himself with his handling of his relationship with a federal intern from Modesto.

Condit withheld information from police when Chandra Levy vanished in the spring of 2001, and then stonewalled to avoid revealing embarrassing details about his relationship with her, even though that information might have helped locate her. Levy's remains were found this year in a Washington, D.C., park.

Condit was defeated in the Democratic primary in March, and Dennis Cardoza, a Merced Democrat and one-time aide to Condit, went on to win the seat in the November election.

The Condit distraction, which became a national obsession, dogged the region until the congressman's defeat.

Condit became a footnote in 2002, especially considering all the other problems the Valley had to resolve. It was a year in which we chipped away at our biggest challenges, knowing full well that in 2003 we'll have to do better.

A new year is a new opportunity. Let's hope 2003 is not a lost opportunity.

[Letter to the Editor, Modesto Bee, December 31, 2002:](#)

Blamed for everything

Over the four years I have lived here, I have read many, many letters from people who have lived here for years indicating that they somehow feel entitled to be the only ones living here and that anyone who moves here is responsible for everything wrong in Modesto. It is pathetic. **The "commuters" or "Bay Area transplants" are blamed for high housing costs, bad traffic and smog.**

People, wake up! Welcome to the real world. This is part of life. We were priced out of our own hometowns, too. Also, you might want to think about blaming the farmer who sold the land to the developer in the first place for "paving over the richest farmland in the country" instead of the family who bought a nice home that was within its financial reach.

And why do I never hear anyone complaining about the farmers who burn their fields instead of recycling this organic material like any other industry would be required. Talk about creating smog!

I consider Modesto home and have since I moved here. How long do I have to be here before these "long-timers" allow me to not be called a "Bay Area transplant" or a "commuter"?

BRIAN KLEIN

Modesto

[Letters to the Editor, Fresno Bee, December 31, 2002](#)

Out of the cars

By Bob D. Murgdechian Sr.
Clovis

In response to your request for solutions to our air quality problem, I suggest a simple preliminary plan that doesn't require any new construction or infrastructure, an incentive plan under which all government or quasi-government employees -- federal, state, county, city and schools -- be allowed free transportation to downtown from outlying areas, inasmuch as they clog the freeways and streets with mostly single-occupant autos and require large parking lots downtown with stagnant all-day parking. Buses originating from strategic locations can quickly and efficiently transport riders to their downtown destination. There are other means of transportation that can be encouraged. As a former Fresno city employee, I rode a bicycle to work daily for 18 years.

Let's not blame the farmers, cows or fireplaces for our foul air. We had these before automobiles were invented. The bumper-to-bumper big rigs on Freeway 99 and the frivolous commuters are the reason for the bulk of the foul air.

Let's inaugurate this simple plan until a more permanent and efficient system can be put into place. Freeways have encouraged auto transportation. Of course it is a convenient means of transportation, but it has its drawbacks, including the foul air.

Foreign countries are decades ahead of the United States in respect to urban transportation.

More like L.A.

By Al Vandersice
Farmersville

If the automobile is our real problem, as some think, then the real problem is too many people in our Valley. Cars do not drive themselves, people do.

So, the solution: Stop building all the new subdivisions. Every city and town in the Valley is building new houses and taking away good agricultural land. Some might say all the new houses are meant for people who are already here. Not so; look at the 1990 census. Now look at the 2000 census for cities in our Valley. See a difference?

Now drive around to all the new subdivisions. See how many cars are in the driveways and parked in the street in front of those houses?

In not too many years our Valley will look a lot like the Los Angeles area -- overpopulated and not enough ag land left.

The solution for the need for new houses for our own Valley people (not newcomers) could be infill building of houses only on vacate urban lots, so as not to take up ag land.

I can see a time not too far off when, like my fireplace, I can only drive my car on certain days.

Keep biomass plants

By Andrea Gjerde
Fresno

As an agriculturalist, too frequently I have to listen to complaints from urban acquaintances about agricultural burning and how it adversely affects air quality.

I try to tell them about the biomass power plants that were started in the mid-1990s but were shut down because Pacific Gas and Electric and Southern California Edison said their power was not needed.

I see that a few were started up again after the power crunch of 2001. Now, isn't it stupid to shut down an effective and needed program like that? If California can sign contracts with out-of-state energy suppliers for expensive power, surely some government official can find money to keep these biomass plants going. If the money isn't spent now, we will be spending it later in increased health care costs.

Letters to the Editor, The Bakersfield Californian, December 31, 2002

Idle all the buses

I have been reading your articles on the state regulation to ban idling buses in school zones. I agree that it is extremely important to protect our children from vehicle exhausts, especially diesel buses that can cause troubles ranging from breathing difficulties to asthma and cancer.

What about banning those huge trucks and buses that have been left to idle for hours at a time (sometimes for more than 12 hours straight) around the Centennial Garden whenever large concerts, groups or entertainers are in town.

Usually there are upwards of four to six trucks or motor homes (Cher had eight that were left running, not only during the performances, but during the setup hours before the performances.)

Since Kern County is known to be one of the most polluted areas (outside of Los Angeles), something should be done about these vehicles that belch and spew forth their filthy exhausts into the community and the surrounding environment.

Another factor is fuel consumption. As stated in the article, "Fuel conservation is much more important than keeping these engines running."

J. SPENCER-BROWN, Bakersfield