

Air board puts off 'extreme'

Valley district awaits EPA changes before accepting worst-offender label.

By Mark Grossi, The Fresno Bee

(Published Friday, August 22, 2003, 9:39 AM)

San Joaquin Valley air officials will wait a few nervous months before volunteering for the federal category reserved for the country's worst smog offenders.

They want to see details from the U.S. Environmental Protection Agency on a major change in ozone standards before committing to the unenviable designation, which is occupied only by Los Angeles.

But Valley industry representatives Thursday underscored the peril of waiting too long. Without the designation, known as "extreme noncompliance" for the federal ozone standard, the EPA will impose sanctions on Valley businesses by March 18.

And there's another hitch.

When the San Joaquin Valley Air Pollution Control District board approves the worst-offender status, as expected, the EPA must still sign off on it. That could take three months or longer, so Valley officials say they can't wait beyond January to make the move.

"The EPA has never done anything on time for this valley," Manuel Cunha Jr., president of the Nisei Farmers League, told the air district board Thursday. "I am very cautious about this."

EPA officials said details on the shift to new standards should be available in December. But Jack Broadbent, regional air division director, said district officials shouldn't gamble that the changing standards are as important as the worst-offender status.

"That's not a safe bet," he said. "I would continue considering the extreme designation."

The district and large industries, such as petroleum and agriculture, support the idea of moving from the district's current "severe noncompliance" status to extreme. The lower status would push the Valley's 2005 smog cleanup deadline to 2010 and avoid expensive penalties for businesses.

But uncertainty cloaks the approaching federal smog rule change. Next year, the so-called one-hour, or peak, standard will change to a more stringent, longer-term measurement called the eight-hour standard.

The Valley is expected to have as many eight-hour violations as Los Angeles, the nation's smog king for decades.

After the changeover to eight-hour, nobody knows whether the Valley will still need to achieve the one-hour standard. The EPA appears poised to revoke it by 2005.

If the standard is revoked, officials don't know whether the associated sanctions will go away, too.

If the district takes the extreme designation, more businesses will be forced to obtain a federal air pollution operating permit, which requires monitoring and thousands of dollars in fees.

Only businesses that produce 25 tons or more of air pollution each year must get a permit. But the threshold would drop to 10 tons annually under the extreme status.

That 10-ton threshold would remain even after the new standard kicks in, meaning a few hundred more businesses would have to get a federal permit.

"We are committed to fully understanding [the issue]," said Dave Crow, district executive director.

In other action Thursday, the district board approved rules and amendments that will trim more than 9 tons of pollution per day from boilers, steam generators and engines used in petroleum, manufacturing and other industries.

The improvements will reduce emissions of nitrogen oxides, one of the two major ingredients in ozone.

Industry officials largely supported the rules, but they objected to some details and to the mounting cost of air quality.

Air district delays vote

Modesto Bee, August 22, 2003

The San Joaquin Valley Air Pollution Control District decided Thursday to postpone a vote to voluntarily boost its ozone violation status into one of the worst in the nation in an effort to head off a federal deadline.

Air regulators: Work will go on

By **Audrey Cooper**, Record Staff Writer, August 22, 2003

San Joaquin Valley air regulators say they're acting quickly to write an aggressive smog-slashing plan, and those efforts won't be stalled by a Thursday decision to wait a few months before officially requesting more time to clear the air.

The San Joaquin Valley Air Pollution Control District board last year agreed in principle to request the U.S. Environmental Protection Agency consider the eight-county region an "extreme" smog zone, the worst possible pollution designation. It is held only by Los Angeles.

Such a move would give the Valley until 2010 to meet health-based air deadlines instead of the 2005 deadline. It also would allow the region to escape a freeze on billions of federal road-building dollars. But the designation would come with additional costs to businesses and more regulatory burdens. That's why the board decided to wait until the last minute to officially request the "extreme" designation.

A final decision could be made by January.

Meanwhile, work will continue on developing a new plan to cut emissions by about 30 percent, said Dave Jones, the air district's planning director.

That developing plan will include first-ever rules designed to cut down on pollution caused by new housing developments, especially neighborhoods built far from city centers that require residents to depend on polluting cars.

Although the rules haven't been finalized, ideas include requiring developers to find ways to cut pollution. That may include handing out electric lawnmowers or buying pollution "credits" from businesses that voluntarily cut emissions.

"We're moving ahead on coming up with control measures. We're not holding off on that," Jones said. "We want to move ahead and give some of these measures time to work."

If the air district has more time to meet smog standards, certain pollution rules -- such as the proposed ones affecting new home building -- will have more time to work.

Air planners hope to have a pollution plan ready early next year, Jones said.

Some environmentalists have questioned the district's decision to put off an official move into the extreme category. Kevin Hall with the Sierra Club said the decision puts off rules that would require the air district to regulate certain polluting businesses that escape strict permitting rules.

"It's very important that this board become as aggressive as possible and go after as many sources of pollution as possible," Hall said.

Smog, also known as ground-level ozone, is a summertime problem in the Valley. The pollution comes primarily from vehicles, however, many products and activities -- from putting on nail polish to mowing the lawn -- also aggravate the problem.

Doctors believe smog may cause asthma, and the pollution also has been shown to aggravate asthma attacks and other breathing problems. One in six Valley children have asthma.

Longer commuter line eyed

By JOHN HOLLAND, MODESTO BEE STAFF WRITER, August 22, 2003

The Altamont Commuter Express could start serving Modesto once \$44.7 million in railroad improvements are made, a new report estimated.

The report said ACE, which has run between Stockton and San Jose since 1998, eventually could be extended to Turlock and Merced at a much higher cost.

The report built on a 2001 study that projected a cost of \$177.3 million for three round trips each weekday between Modesto and San Jose. This service would branch off the current ACE line at Lathrop, running on Union Pacific Railroad freight track and stopping in Manteca, Salida and Modesto.

The \$44.7 million figure in the new report is for a "starter" service with one round trip each weekday between Modesto and San Jose -- going west at about dawn and returning in the late afternoon or early evening.

The report shows that an ACE branch is worth pursuing, considering the high cost of widening highways between Stanislaus County and the Bay Area, said George Stillman, public works director for the county.

"I think the governing bodies recognize that we're going to have to do something besides cars," he said.

The possibility of a Stanislaus County branch is welcome news to John Vegas of Modesto, who takes a bus to the ACE station in Lathrop, then rides the train to his job as a public defender's investigator in San Jose.

"If it was here, it would be a lot more convenient," Vegas said Thursday as he waited near the Vintage Faire Mall for the 5:15 a.m. bus to ACE. "I think they would get a little more ridership, too, because people have to get up earlier (to ride the bus)."

A Modesto branch could be ready in a year or two if everything went smoothly, said Tracey Mortensen, who oversees ACE as executive director of the San Joaquin Regional Rail Commission.

But she and Stillman said state and federal grants for construction are hard to come by these days. San Joaquin County has paid for part of the service with a sales tax increase for transportation, but a proposed increase in Stanislaus County is still in the talking stages.

Railroad pact needed

ACE and county officials also would have to agree with Union Pacific on track improvements needed to keep the passenger service from interfering with freight trains. The work includes new sidings and signals, plus stations and a site for keeping trains overnight.

"There are a lot of track improvements on a very congested line we have to deal with," Mortensen said.

The report estimated that a Lathrop-Turlock branch would cost \$112.6 million and that a Lathrop-Merced branch would cost \$167.2 million.

The report said the starter service to Modesto would be relatively cheap because it would use a locomotive and cars already bought by ACE, and Stanislaus County would not have to pay a share of past capital costs on the entire route. That might not be the case if the branch goes to Turlock and points south, the report said.

Stillman said he plans to present the report to the Stanislaus County Board of Supervisors, which has not yet committed to the needed spending.

About 1,400 people a day ride ACE's three westbound morning trains and the return trains at the end of the workday. The 2001 report said 15 percent of the riders live in Stanislaus County.

Report examines options

The new report laid out how the branch might develop, with stations built, trains bought and track capacity increased as needed:

Start with one round trip a day between Modesto and San Jose, with new stations on Moffat Boulevard in downtown Manteca, on Kiernan Avenue in Salida and at the J Street transportation center in downtown Modesto. The branch could be served by ACE's fourth train, scheduled to go into service between Lathrop and San Jose next July.

Add one or more round trips to the Modesto-San Jose service.

Extend this service to Turlock, with one station near Whitmore Avenue in Ceres and another at Olive Avenue in Turlock.

Extend the service to Merced, with stations at Second Street in Atwater and at the N Street transportation center in Merced.

Stanislaus County paid \$200,000 for the new study, intended to lay out specific projects for potential funding.

"We want to be positioned so that when things loosen up a bit, we're there," Stillman said.

The 2001 report raised the possibility of running trains on new track between Modesto and Vernalis, joining ACE near Tracy. That idea -- costing an estimated \$288.2 million -- has faded.

The new report offered another option: a commuter line between Stanislaus County and Sacramento, with a connection to ACE at Lathrop. The authors said this could be worth more study if commuting in this direction is growing.

Amtrak provides four round trips a day between the San Joaquin Valley and Oakland, but they are too slow for commuter service. The valley someday could have a branch of the high-speed rail system proposed for California.

ACE train getting Web hookup

By Audrey Cooper, Record Staff Writer, August 25, 2003

Commuters aboard a popular Stockton-to-San Jose train will soon be the first in the nation to surf the Web, check e-mail and work on a college degree during their rides to work.

Altamont Commuter Express officials hope the new wireless Internet service will encourage more Bay Area workers to give up their cars and take the train. The free, three-month trial project with Canada-based PointShot Wireless is expected to begin in mid-September.

Not only will commuters be able to work or e-mail friends with the new hook-ups, but they will also be able to complete work on a college degree. On Sept. 27, University of Phoenix plans to start business classes for ACE commuters who can do some course work online and attend two classes at a university site.

"This may really open the door for more potential passengers. If they know they can work while on board or get a degree, that might get more commuters off the fence," said Stacey Mortensen, ACE's executive director.

Many cafes, restaurants, airports and convention centers have already moved to set up wireless, or WiFi (wireless fidelity) systems. Hooking up WiFi systems aboard moving buses or trains is a new phenomenon.

The PointShot Wireless system uses an onboard server connected to a dish receiver on the train car. That dish picks up a satellite signal from an Internet service provider. Even when the train goes into a tunnel, the system is configured so that users won't be dropped from the system, said PointShot's chief technology officer, Warren Gallagher.

The system will be faster than a typical dial-up modem and slower than Ethernet, Gallagher said.

"Some of these train commuters travel significant distances and would like the opportunity to be caught up with e-mail by the time they get to work. They could tidy up things on the way home, not have to work in the evening and have more time with their families," he said.

PointShot has a similar pilot project under way with a Canadian rail line that runs between Toronto and Montreal. The company also plans projects with the Auburn-to-San Jose Capitol Corridor trains, and East Coast systems.

Eventually, the technology could be used in buses, ferries, emergency vehicles and even for movie studios that want to connect to remote film crews, Gallagher said.

Steve Mayo, a planner with the San Joaquin Council of Governments, said COG is eager to see what happens with the ACE WiFi program. Last year, COG shelved plans to set up high-speed Internet antennae along Interstates 5 and 205. The antennae would hook vanpools to the Internet, but the dot-com bust and higher-than-expected costs forced the transportation planning agency to abandon the project, Mayo said.

If the ACE program works well, the region could eventually move to hook up commuter vanpools and buses to the service, Mayo said.

ACE's Chris Juelch is helping to coordinate the WiFi program. He said about 40 to 50 passengers per train could use the WiFi system during the initial trial period. The servers will at first only be installed in one car per train.

The eventual cost to users could run around \$20 a month for a subscription to the service. The cost will depend on the chosen service provider and whether advertising could subsidize the fee.

Mortensen said the wireless access may also enable more commuters to count their travel time as part of their work day. Many riders have said their employers are open to the idea but needed some proof the employees were working during the train ride. With Internet access, that will be easier for some commuters, she said.

Some businesses may also want to take University of Phoenix's lead and hold training events on the train or via the Internet, Mortensen said.

Surveys show there is interest among passengers. A university survey of about 400 passengers showed that about 225 were interested in the mixed online/on-site classes, said Deuree Noel, a corporate liaison for the university.

"It's great for us to be on the train and great for ACE to have something else to offer its customers," she said.

But ACE commuters shouldn't expect that all their fellow riders will be clicking away on laptops for the long haul into Silicon Valley.

"Sometimes I work on the train, but it's rare," said Ray Torres of Stockton, who works in Fremont as a computer programmer.

"I think I would still sleep," he said.

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How it works

* A server installed inside a train car is connected to a satellite dish atop the train.

* A satellite connects an Internet service provider to the train.

* Passengers will get a sign-on account for free during the first three months of the service. Passengers will need a laptop equipped with a wireless Internet card. Such cards can be purchased for about \$50.

Study finds no harm in Ripon power plant

The Record, published Saturday, August 23, 2003

RIPON -- The California Energy Commission says a proposed 95-megawatt power plant in Ripon would not harm the environment, public health or the state's electric grid. The findings are included in a final study released Friday by the state commission, which has authority over whether the project should proceed.

Modesto Irrigation District wants to build and operate the \$79 million natural gas-fired plant on eight acres of a 12.25-acre lot at South Stockton Avenue and Doak Boulevard.

The turbine-powered plant would be capable of generating up to 95 megawatts of electricity on hot summer days and during other peak usage periods, MID spokeswoman Maree Hawkins said. One megawatt is enough power to serve 1,000 homes in winter and about 300 during peak demand.

The plant would help the irrigation district meet growing demand for electricity in Ripon, Salida and Mountain House near Tracy and could be tapped to generate power during emergencies, Hawkins said.

The state commission is allowed to exempt power plants of up to 100 megawatts from the standard licensing process provided a staff analysis can show that the project would not adversely affect the environment, public health or other energy sources.

The commission determined in an initial draft study released in late July that the Ripon project wouldn't cause any harm. The final study issued Friday reached the same conclusion.

Members of the public can comment on the project and final study at a hearing beginning at 12:30 p.m. Sept. 2 at MID headquarters, 1231 11th St., Modesto. Written comments, which are due Friday, may be sent to James W. Reede Jr., project manager, MEGS Ripon Project, California Energy Commission, 1516 Ninth St. M.S. 15, Sacramento CA 95814.

If approved, the report will be used by the commission and other agencies to issue permits to build the plant.

MID hopes to have the review process completed this year and construction under way in fall 2004, Hawkins said.

Florez, Parra in spat over air bill

State senator fires off letters after Assembly committee's action.

By Jennifer M. Fitzenberger, Fresno Bee Capitol Bureau

(Published Friday, August 22, 2003, 9:28 AM)

SACRAMENTO -- The political tornado surrounding the defeat of a key clean-air bill intensified Thursday with sharply worded letters to Democratic lawmakers accused of tanking the measure to help a colleague.

Sen. Dean Florez fired letters to Assembly Members Nicole Parra, D-Hanford, and Leland Yee, D-San Francisco, after the bill to end the agriculture industry's historic exemption from air operating permits was held up Wednesday in the Assembly Appropriations Committee.

Florez contends that a band of urban Democrats who typically support environmental legislation, including Yee, shot down his bill to keep it from the Assembly floor, where Parra would be asked for her vote.

Parra, who is not on the Appropriations Committee, barely topped Republican opponent Dean Gardner in last year's election, and a vote on Senate Bill 700 could give her opponents a political weapon.

In his letter, Florez blasted Parra for publicly suggesting he lost votes because lawmakers don't like him. Personal relationships, he wrote, should not govern policy decisions.

"I didn't come to Sacramento to drink scotch and smoke cigars with my colleagues in order to have better personal relationships," Florez wrote, making reference to a photo of Parra smoking on a balcony with lawmakers during last month's budget hearing. Parra said she was drinking water and Diet Coke, not alcohol, during the hearing.

"Personal relationships should not matter when it comes to doing the right thing," Florez wrote in his letter.

Parra on Thursday called the letter a personal attack that does nothing to clean Valley air, which is among the dirtiest in the nation.

"Mr. Florez seems to think that attacking me will clean up the air in the Central Valley. I don't think that's right," Parra said. "I'm greatly disappointed in his tactics."

The fury began Wednesday, after a few Democratic committee members told Florez they planned to vote against his bill. They suggested Florez water down the bill to go easier on farmers.

This alarmed Florez, who was hours away from pitching his bill to the Appropriations Committee. He asked Assembly Member Sarah Reyes, D-Fresno, to help pinpoint the problem.

"As I started to do that, I realized there was more going on [with] this bill than the policy," Reyes said Thursday. "Politics got in the way of policy, and maybe a little personality got in the way ... as well."

Florez, who supported Shafter farmer Jim Crettol over Parra in the Democratic primary last year, has a long-running feud with Parra's father, Kern County Supervisor Pete Parra.

Reyes said Assembly Speaker Herb Wesson, D-Culver City, made no move to sway the vote. But "it doesn't mean there was not a move by other members to do that," she said.

Wesson's office did not return a call seeking comment.

Florez wrote to Parra, asking her help to calm the waters. Parra replied with a letter stating that she had concerns about his bill. She noted the boards of supervisors for Fresno, Tulare and Kings counties opposed SB 700.

Later, after the failed Appropriations vote, Parra criticized Florez's strategy: "You need people at the end of the day, and if you haven't treated people with respect and courtesy, you will be standing alone."

Florez said he didn't take her statement as a personal attack, and Parra shouldn't take his words that way.

"I like Nicole personally. I think she's a great person," Florez said. "I don't like her stand on not cleaning the air, and I don't like her stand on ducking votes."

Florez will host a hearing Monday regarding his bill. The Appropriations Committee will reconsider it next week.

Florez, foes try to clear air

State senator, farmers confer on his proposals to clean up Valley's skies.

By Mark Grossi, The Fresno Bee

(Published in the Fresno Bee on Saturday, August 23, 2003 and in the Modesto Bee, Sunday, August 24, 2003)

State Sen. Dean Florez ate lunch Friday with several dozen almond growers in Fresno and explained his controversial bill to repeal agriculture's 27-year-old exemption from air pollution operating permits.

"I think they realized it wasn't as bad as they thought," Florez said when he emerged. "I heard loud and clear that we need to be sensitive to agriculture. We have a little more work to do."

The work will take place Monday in Sacramento when the Shafter Democrat convenes his Senate Select Committee to discuss possible compromises. The topic will be SB 700, the cornerstone of Florez's eight air quality bills for the San Joaquin Valley.

Florez earlier this year proposed the eight bills -- dealing with issues ranging from farm burning to developer fees -- to address the Valley's dirty air, which ranks among the worst in the country.

All of the legislation had been moving smoothly through the Legislature until this week when SB 700 suddenly stalled in the Appropriations Committee of the Assembly amid a politically charged vote. Several urban Democrats surprised Florez by turning thumbs down to it.

Now the bill has one final chance on Thursday to clear the Appropriations Committee. Florez plans to make his point for other legislators by bringing a group of Valley children to Sacramento, as he has for other hearings on the air legislation.

The senator said Friday he thought he could get the votes, and he would pursue them aggressively.

"I never thought we would have to be fighting urban legislators with histories of voting for environmental legislation," he said. "They're concerned about the children in their cities. I think they should know we're talking about our children's health, not politics."

Florez believes the legislators from San Francisco and Los Angeles were trying to prevent the bill from going to the Assembly floor where fellow Democrat Nicole Parra of Hanford would have to vote on it.

His theory is that Parra could be vulnerable to a Republican challenge in her district, so Democratic officials are trying not to thrust her into the volatile air quality issue.

But Parra this week said she was disappointed in Florez's attack. She said she has problems with SB 700.

So does agriculture. The main complaint: The bill goes too far and asks too much.

The bill should simply repeal the farm exemption from the state Health and Safety Code, said Debbie Jacobsen, president of the Fresno County Farm Bureau. Jacobsen attended the lunch Friday with Florez.

"It was a good meeting, and the exemption will go away," she said. "Sen. Florez made it very clear he understands that agriculture doesn't want to keep the exemption."

Neither Jacobsen nor Florez wanted to go into the specifics of their disagreement over SB 700. But farmers are not pleased that the bill would require the most up-to-date technology to control Valley farm sources of particulate pollution and dust.

Among other requirements, the bill also would force owners of large animal operations, such as dairies, to obtain an operating permit.

"We need to cast a broad net and take care of this problem," said Florez. "Just repealing the exemption is the short-term fix. I'm looking at the long term, so we're not coming back next year and the year after to deal with these issues."

But it is important to remove the exemption and soon, farmers said. The U.S. Environmental Protection Agency is poised to enforce sanctions that would cost many businesses thousands of dollars, starting Nov. 18, if the loophole is not removed.

If the exemption isn't repealed before May, billions of dollars in highway-building funds would be suspended for most of California. Farm officials have said they would not allow that to happen.

Florez, Parra square off over air

By VIC POLLARD, Californian Sacramento Bureau

The Bakersfield Californian

Thursday, August 21, 2003, 10:50:09 PM

SACRAMENTO -- In a sharp escalation of tension between two Kern County lawmakers, State Sen. Dean Florez accused Assemblywoman Nicole Parra Thursday of disregarding valley children's health problems in her opposition to his biggest clean-air bill.

"You are standing on the side of those who would like to be allowed to pollute just a little more," Florez told Parra in a letter. "I am standing on the side of children with asthma, and for them there is no compromise."

Parra, who Thursday morning was overheard gloating about the defeat of the bill by an Assembly committee, later sought to disengage herself from the war of words.

"I'm not going to comment or respond to the personal attacks," said Parra, D-Hanford.

Florez also summoned Parra and another Democratic lawmaker to a hastily scheduled hearing of a special Senate committee he chairs to explain their positions on the bill.

In the letter and in an afternoon news conference in Bakersfield, Florez, D-Shafter, lambasted Parra and other Assembly Democrats for what he said was their behind-the-scenes effort to scuttle his bill. The proposed legislation would end agriculture's traditional exemption from air quality rules.

The angry exchanges began Wednesday when the bill fell five votes short of passage in the Assembly Appropriations Committee.

Florez accused Democratic committee members of trying to kill the bill or render it ineffective in order to protect Parra from having to vote on a controversial measure, which might hurt her re-election chances. She is expected to be vulnerable next year in the conservative 30th Assembly District, and Democratic leaders are trying not to give potential opponents ammunition to use against her.

Parra and other lawmakers denied that, but she acknowledged that she would not vote for the bill unless Florez accepted amendments proposed by the Farm Bureau and other agribusiness groups.

"Unfortunately," Parra wrote in a letter sent to Florez late Wednesday afternoon, "your measure as currently written has generated a significant amount of opposition from legislators, local government and the Central Valley's agricultural community -- especially the small farmers that are at the heart of our local economy."

Legislative sources also said they heard Parra expressing delight at the bill's defeat by the committee in conversations with colleagues on the Assembly floor Thursday morning.

Farm representatives say Florez's bill would impose stricter regulations than required by the federal government, which is threatening to punish California financially if it doesn't crack down on pollution from farms.

But Florez said he has negotiated with critics and supporters of the bill for months and has made all the changes he intends to.

"We're not interested in meeting the legal requirements," he said at the news conference. "We need to clean up the air."

Florez also hit back at Parra for criticizing his maverick tactics in pushing legislation.

Parra told the *Fresno Bee*: "I commend Dean in his effort to work to improve the Central Valley's air, but I do not commend sometimes his tactics in how he gets bills passed. You need people at the end of the day, and if you haven't treated people with respect and courtesy, you will be standing alone."

Referring to a photo of Parra smoking a cigar with a Scotch-drinking group of lawmakers on the Assembly balcony, he accused her of being too eager to please everyone.

"I'm not going to sit around and smoke cigars," he said. "I'm not going to sit around and drink Scotch. Personal relations should mean nothing when it comes to public policy."

Florez said he plans to push for passage of the exemption bill at a second hearing by the Appropriations Committee next Wednesday.

In the meantime he challenged Parra and Assemblyman Leland Yee, D-San Francisco, to come to a hearing Monday of Florez's special committee on valley air quality and explain what amendments they would like to see in the bill.

On Wednesday, Yee personally asked Florez to accept amendments proposed by agriculture groups, which Florez rejected.

Florez said Yee rejected the invitation.

Parra spokeswoman Nicole Winger said she did not know Thursday evening whether Parra would attend.

Air bill battle underscores feud between Florez, Parra

By VIC POLLARD, Californian Sacramento Bureau
The Bakersfield Californian

Wednesday August 20, 2003, 10:15:14 PM

SACRAMENTO -- A major bill to help clean up the air in the Central Valley bogged down in an Assembly committee Wednesday, apparently a victim of a political feud between two Kern County Democratic lawmakers.

State Sen. Dean Florez charged that his bill to end agriculture's exemption from clean-air rules was scuttled by leading Democrats on the committee in an effort to protect Assemblywoman Nicole Parra from having to vote yes or no on the controversial measure on the Assembly floor later this year.

"They're playing politics, and petty politics, in my view," said Florez, D-Shafter. "It's choosing politics over kids' health."

Parra, D-Hanford, denied that she or Assembly leaders were involved in trying to torpedo the bill for political reasons. She said she supports clean air, but she said she would not vote for it without amendments that would soften the impact on farmers. Florez refused to accept them Wednesday.

"In the current form, without the amendments I have seen, I wouldn't support the bill," Parra said.

It's not the first outbreak of friction between Florez and Parra. There is a long-running feud between Florez and Parra's father, Kern County Supervisor Pete Parra. In addition, a Florez staffer, Michael Rubio, announced last week he is running against Pete Parra for supervisor next year.

Florez's bill, SB 700, would require farmers to obtain air quality permits for tractors and other equipment and take steps to reduce harmful exhaust emissions and quell blowing dust.

It is backed by health officials and environmentalists who point out that the Central Valley has some of the nation's dirtiest air, and agriculture, the only major industry exempted from cleanup requirements, is a big contributor. The U. S. Environmental Protection Agency is threatening severe sanctions if California does not revoke the exemption.

Farmers and other agribusiness groups are staunchly opposed, arguing that the Florez bill goes far beyond what is required by the federal government.

Florez charged that a last-minute attempt to weaken the bill with amendments was part of an effort by Assembly Democrats to protect Parra from having to cast votes that might cost her support from key groups in her conservative west valley district in next year's re-election campaign. She won the election by a razor-thin margin last year and is considered one of the most vulnerable Democratic incumbents in the Legislature.

"They want to shove in amendments that would make the bill do nothing," Florez said. "I think it's the leadership trying to change the bill so she can vote for it (without offending agriculture) and we're not going to do that."

Fresno Assemblywoman Sarah Reyes, who helped Florez lobby Appropriations Committee members for the bill, said she does not believe the office of Assembly Speaker Herb Wesson is behind an effort to scuttle the bill.

But she joined Florez in voicing frustration that Democratic Assemblymen Leland Yee of San Francisco, Fabian Nunez of Los Angeles and other urban Democrats who normally support environmental legislation refused to support the bill.

"Once again, it's people from the outside who are trying to tell the valley what's best for us," Reyes said.

Florez added, "These are people who have no business voting against an environmental bill for the valley."

Yee said he personally carried proposed amendments to Florez's office Wednesday morning because agriculture representatives said they had tried to talk to Florez about them for months and "couldn't get anywhere with him."

Yee acknowledged that agriculture is not a major constituency in his San Francisco district, but he said farm lobbyists came to him "because they were looking for somebody who was maybe a little more objective."

The bill failed to pass the Appropriations Committee, but the panel agreed to give Florez a second chance next week.

Florez dairy bill irks Kern leader

By DAVIN McHENRY, Californian staff writer

The Bakersfield Californian

Sunday, August 24, 2003, 09:43:00 PM

County supervisors may raise a stink Tuesday about a proposed state law that would create a three-mile dairy buffer around all cities and schools.

State Sen. Dean Florez, D-Shafter, has been working on a series of bills aimed at cleaning up air quality in the valley. One of the bills, Senate Bill 707, would require the buffers between schools and cities.

That bill is currently working its way through the Assembly.

Supervisors initially "expressed concern" about the bill in March, just a few weeks after Florez first proposed it.

At that time the bill would have required a rigid three-mile buffer, unless the cities or schools agreed to an exemption.

At the request of Supervisor Ray Watson, the board sent a letter to Sacramento saying it was worried the bill could take away the decision-making power from the county.

"We have committees, a Planning Commission and Board of Supervisors locally to make decisions on these things," Watson said.

The county's complaints appeared to be placated later when the bill was amended to give the final say on buffers and dairies back to counties. But now Watson says the wording has been changed again and would take control away from the county.

"Therefore it's unacceptable again," Watson said.

Watson has asked the board again to send a letter to state lawmakers, this time opposing the bill.

Florez has defended his bill in the past, saying the county has neglected its duty to protect residents from dairies and the odors, flies and potential pollution they create.

Dairies have been a hot topic in Kern County for several years.

The debate was kicked off in 1998, when Chino cousins George and James Borba applied for permission to build twin 14,000-cow dairies southwest of Bakersfield.

Residents in the southwest and dairy watchdog group Center on Race, Poverty and the Environment actively fought the dairies, even taking the county to court. Despite the opposition, supervisors repeatedly approved the Borba project when it was sent back for more study by a local judge.

The push for a buffer began last year when the board approved a 2,800-cow dairy near Shafter. Officials from the city and nearby Maple School District opposed the dairy, saying they already had problems with odors and flies from existing dairies.

They also asked for a buffer around the city and schools.

Supervisors still approved the dairy in December.

At the time, Watson actually called for the board to consider a three-mile buffer in the future. But when the issue came back to the board he reversed and said it would be arbitrary and would eliminate too many potential dairy sites.

He instead called for cities to draft their own customized buffers, based on each area.

Shafter and Wasco drafted a joint buffer zone earlier this year and were expected to take it to the board for approval. The buffer was put on hold when Florez's legislation was introduced in February.

Dean Florez makes stop in Home Garden

By Eiji Yamashita, Sentinel Reporter

The Hanford Sentinel

Aug. 23, 2003

HOME GARDEN - Sen. Dean Florez got a first hand look at the changes taking place to better children's lives in one of Kings County's poorest areas during a visit Friday.

The Democratic senator from Shafter spent an early morning hour at Hand-In-Hand Family Resource Center meeting face to face with residents and civic leaders and listening to their hopes and concerns.

"After talking to most of them, it seems to me that they do very much care about children in a very significant way," Florez said. "I think what they are asking for is what the state is going to do to help Kings County for protecting kids. Like anything else, we need to continue to talk and do more."

Several communities in the county are hoping to make headway to improve the lives of needy children - newborns to 5-year-olds - with the establishment of family resource centers. Home Garden, a leading example of such neighborhoods, offered a diverse pool of people a chance Friday to share thoughts with the state lawmaker and with one another.

"This is community relations, that's what it's all about," said Judy Horn, director of Kings Partnership for Children, the lead agency for the Hand-In Hand facility. "Bringing in our community partners, bringing our state legislator and bringing people, the whole idea is that we're working to let people know that there's a positive coalition out here."

A coalition of various agencies and non-profits, such as the California Highway Patrol, Kings County Sheriff's Office and Proteus, has banded together to help promote the appropriate uses of child safety seats, Horn said.

Horn said the coalition is in the process of seeking a \$350,000 grant from the California Endowment. The money will help fund programs across the county to give away child car safety seats to people in need and teach them how to use them, she said.

The coalition is seeking Florez' endorsement of the program and support for the grant application, Horn said.

The agenda was open-ended at the breakfast event, however.

Florez spent listened to whoever came by to talk. Among other issues, what people expressed much concern about was California's foster care system, he said.

California's foster care system was one of the subjects of audits while Florez was on the Joint Legislative Audit Committee last year.

Florez brought his own information to tell the attendees as well. Florez first reminded them that an audit he requested recently found flaws in the registry of sex offenders. **He also talked of his controversial air pollution bills and said they will help reduce asthma rate and other health risks among children.** Florez did not forget them to vote in the Oct. 7 Governor's recall election.

Those who had a chance to speak with Florez welcomed the opportunity.

"It was really wonderful because he took time out to listen and took time out to respond back to what you ask ...," Helen Young, a Home Garden resident, said as she finished her conversation with Florez.

Young said she was telling Florez what she feels the community's needs are, such as the future expansion of the Hand-In Hand FRC, and asking whether he could help.

"We know it's about money and the budget, but he said he would consider what I asked. That made me feel good," Young said.

Housing approval spurs more complaints

By JAMES BURGER, Californian staff writer

The Bakersfield Californian

Thursday August 21, 2003, 10:50:09 PM

Bakersfield Planning Commissioners approved a development of 173 homes on Morning Drive just north of Juliet Thorne School in northeast Bakersfield on Thursday night.

But the project, like four other tracts of homes on the Kern River bluffs nearby, drew complaints from the local branch of the Sierra Club.

Sierra Club spokesman Gordon Nipp, who has led the environmental group's campaign against development on the bluffs, spoke against the Morning Drive project.

"I have some comments and questions on this project -- many of which are similar to comments and questions we've had on other projects in the area," he said.

Nipp called for the development to pay a \$1,200 "air quality mitigation fee" on every home built -- a concession the Sierra Club has secured after suing another area developer.

The fee would handle the air pollution that will come from construction of the project and the cars and lawn mowers of the people who will live there.

"The least we can do is come up with some sort of mitigation measure to make sure air pollution doesn't get worse," Nipp said.

He also pushed for the city to demand that the developer makes plans to handle traffic congestion from the project, minimize light pollution and protect endangered species.

On three of the other four projects Nipp has raised these concerns about, the Sierra Club has filed lawsuits against the city and developers.

Commission approval of the fourth project has been appealed to the Bakersfield City Council -- the next step needed before a Sierra Club lawsuit is filed on that development.

The Sierra Club's repeated opposition to any project on the Kern River Bluffs has raised the ire of at least one commissioner.

Commission Chairman David Gay questioned why the Sierra Club doesn't fight projects in the more active building areas in northwest and southwest Bakersfield.

"Fifteen minutes before, over 200 homes were approved in the southwest without a comment about air quality," Gay said. "The Sierra Club has been selective in its extortion techniques."

The comment drew grumbles from Nipp.

Later Nipp, who lives near the developments he is speaking out against, acknowledged that the Sierra Club is focusing on the northeast.

"That's because we're a volunteer organization. We don't have staff to send out to study all these projects," he said.

There was other, less-heated opposition to the project Thursday.

Roy Malahowski, who lives across Eagle Ridge Street from where the project will be built, said he is worried that the project's streets will funnel cars from the new neighborhood down the street in front of his home.

And 18 other residents of the nearby neighborhood signed a form letter protesting, among other things, that the new development would block their views of the surrounding hills.

Bakersfield Planning Director Stan Grady said there are no city rules that require commissioners to preserve someone's view.

"It's always a problem for us when people buy homes next to an open lot and then are surprised when something is built next to them," said Commissioner Murray Tragish.

Project developer Steve Blumer said he is in the process of speaking with all the people who wrote the letters and he is working with them on a compromise that would protect views.

Meeting fails to answer questions

By TIM BRAGG, Californian staff writer

The Bakersfield Californian

Wednesday August 20, 2003, 11:15:14 PM

More questions were generated than answers Wednesday during a special meeting of the Bakersfield City Council on efforts to resume electricity generation at a Rosedale power plant.

But city officials also acknowledged they do not have any direct power over whether a company's proposal for the plant becomes a reality.

And officials from the current owners of the plant, Pacific Gas & Electric, say the state may force them to restart the plant if the proposal by the company wishing to buy it isn't approved.

North American Power Group, a Colorado-based company trying to get permission to buy the Kern Power Plant from PG&E, told council members that it wants to install electric generators at the plant that would burn biodiesel.

The plant would generate about 100 megawatts of power for utility Southern California Edison.

North American Power Group representatives handed out fliers showing how the plant site, dubbed the "Kern Energy Park," would be landscaped and developed to make the area look more presentable.

The fliers prepared by the company showed a park-like setting with the plant a small part of the background. An energy education center and commercial development would be located on parts of the site.

Michael Ruffatto, North American Power Group's president, said restarting power generation at the plant site would not make Kern County's polluted air any worse.

Instead, Ruffatto said he believes the plant would help air quality by making biodiesel more available for transportation and other uses in the area.

Because biodiesel is considered cleaner than fuels produced from oil, he said having school buses and other vehicles running on biodiesel would reduce the amount of pollutants going into the air enough to offset emissions from the plant. Biodiesel is a fuel produced from vegetable matter.

"This is the perfect location for this kind of plant," Ruffatto said, citing the plant's existing infrastructure and proximity to a railroad line and city streets.

But some city officials called North American's statements way too good to be true.

Instead of answering his questions, City Manager Alan Tandy told council members that the presentation by North American Power Group officials made him even more suspicious of their intentions.

"There's never been a power plant that created no pollution whatsoever," Tandy said. "That simply can't be done."

The power plant, located on the southwest corner of Coffee Road and Rosedale Highway, has not produced any electricity since 1985.

The electricity generators that North American plans to install would not use the existing power plant boilers or superstructure.

Instead, they would be housed in a free-standing building or enclosure the company plans to build. An existing power grid connection at a switching plant on the property would be used to get the energy into the state's electrical system for delivery to Southern California Edison.

The switching plant would continue to be owned by PG&E. North American would keep the old plant infrastructure in place for possible use in the future.

City officials have major concerns about the plant.

They include air and groundwater quality issues, concerns about increased traffic on surrounding streets and the impacts an operating power plant would have on the hundreds of houses and dozens of commercial developments that have grown around the plant since it was completed in the late 1940s.

In May, the City Council approved a resolution by Councilman David Couch that opposes the transfer in ownership to North American with the aim of restarting power generation there.

"I didn't hear or see anything tonight that would change my mind on opposing the plant," Couch said Wednesday.

City Development Services Director Jack Hardisty said most of the permitting process for the plant would be handled on the state level, giving the city a limited role in deciding the plant's future.

PG&E officials said the California Public Utilities Commission has ordered them to sell the plant or resume power generation there itself.

North American officials touted biodiesel as a fuel that could actually help the San Joaquin Valley's chronic air pollution problem instead of hurting it further.

But officials from the San Joaquin Valley Air Pollution Control District say while biodiesel generally produces fewer emissions than petroleum diesel, it produces more emissions than natural gas and some other fuels.

North American Power Group would have to install technology that would reduce the level of emissions from the biodiesel generators to levels given off by natural gas power plants in order to gain a permit to operate from the district, officials say.

"I think it's physically possible for them to do that," said Tom Goff, permit services manager for the air district. "But I'm not sure it's financially feasible."

The plant once burned oil and natural gas.

San Joaquin County not named on list of state's dirty air areas

By Les Mahler, Lodi News Sentinel, Aug. 22, 2003

San Joaquin County has some dirty neighbors. According to a survey released Tuesday, Fresno, Sacramento and Alameda counties have some of the dirtiest air in the state. Only Riverside County, which is ranked No. 1 in the nation and state, beat the other three counties when it comes to dirty air, the survey found. The survey was done by the Surface Transportation Policy Project, a Washington, D.C. nonprofit.

From 2000 to 2002, Riverside had 445 days of unhealthy air quality. Fresno County was No. 2 with 421 days of dirty air. San Joaquin County was nowhere to be found on the two-year survey. Even the county's neighbor to the north, Sacramento, had 163 days of bad air quality during the two-year period. And the Bay Area had at least 40 days of bad air quality in that same time period.

For Fresno, the numbers aren't going down. According to STPP's numbers, in 1993 to 1997, Fresno had 64 days of unhealthy air. In 1998 to 2002, the number of days grew to 81, a 27.8 percent increase.

But don't inhale too deeply. Even though the county didn't make the dubious list, it has a hand in Fresno's dirty air, said Josette Merced Bello, spokeswoman for the San Joaquin Valley Air Pollution Control District.

"We do have some modeling that indicates that you do have some influence in the air quality in the basin," she said. "You do contribute to the rest of the picture."

Because the valley is one basin, air pollutants tend to stay locked within the area.

Still, Merced Bello said she wasn't surprised at the survey's findings. "It verifies what we've known for a number of years," she said. "We have significant air pollution problems in the Central Valley."

The reason the northern region is spared is because of the Delta breezes, she said. "The wind pushes the pollutants out," she said.

But the Delta breezes don't matter much when it comes to state standards, according to Richard

Varenchik, a spokesman for the California Air Resources Board.

CARB, on its Web site, lists the entire San Joaquin Valley Air Pollution District, including San Joaquin County, as being in non-attainment status for clean air.

Is that fair? Well, Varenchik said there are areas in Los Angeles that have clean air, but because they're part of the larger L.A. basin, they're locked into the same air quality standards.

Los Angeles is the only area in the nation that is classified in the extreme for ozone levels. Severe classification is bad and extreme is the worst, Merced Bello said.

For San Joaquin County, according to Merced Bello, being part of the SJVAPCD could hinder the county's bid to join with Merced and Stanislaus counties to be designated in a separate district. The three counties are trying to separate themselves from the rest of the air district to stop the loss of federal and state money in transportation projects.

Earlier this week, Merced County approved joining with Stanislaus and San Joaquin counties to petition to be in a separate area. The next move is up to the air pollution district.

The federal Environmental Protection Agency looks at several factors when it designates separate areas, including geographical boundaries or data, Merced Bello said.

But Lisa Fasano of the EPA said the Air Resources Board set the boundaries for the air pollution district, and those boundaries haven't changed.

And besides, just because the northern region is cleaner doesn't mean it's not a pollution contributor, she said. "The prevailing winds are north to south. They may be cleaner, but it doesn't mean that they're not contributing to the pollution problems in the south."

County Supervisor Leroy Ornellas said air quality is different in the northern region. "You have cleaner air here. There is some natural cleansing here."

He said he questions why San Joaquin County is lumped with the dirtier counties. "You're being made guilty and that's not fair," he said.

Recalls

Modesto Bee, Sunday, August 24, 2003

Propane heaters pose carbon monoxide threat

Academy Sports and Outdoors of Katy, Texas, is recalling 40,400 propane heaters because they can emit unsafe levels of carbon monoxide that could poison people if used indoors. The company has not received any reports of injuries caused by its Timber Creek Propane Heaters, the Consumer Product Safety Commission said. The product has a 6-inch heat reflector and operates with a separately sold propane tank. Academy Stores sold the heaters for about \$20 from September 2001 to May 2003 in Alabama, Florida, Louisiana, Mississippi, Oklahoma, Tennessee and Texas. The company urges customers to stop using the heaters, which can be returned to any Academy Store for credit. More information is available by calling the company at (800) 577-8684, weekdays from 6:30 a.m. to 3 p.m. PDT.

Substitute for methyl bromide developed

By GARRY MITCHELL

THE ASSOCIATED PRESS, published in the Modesto Bee, Sunday, August 24, 2003

MOBILE, Ala. -- Auburn University researchers say they've developed an alternative for methyl bromide, a popular pest, weed and plant disease killer that's being phased out because it harms Earth's ozone layer.

For many farmers, finding a substitute is a matter of economic survival because of their years of dependence on methyl bromide. For the pesticide industry, the right substitute could boost corporate profits as debate swirls over one of the chief environmental issues in agriculture.

Despite an outcry from farmers, particularly in California and Florida, methyl bromide production is set to be phased out in the United States by Jan. 1, 2005, under the 1987 United Nations Montreal treaty to reduce ozone-depleting substances.

Methyl bromide users argue that there's no substitute as potent as the highly toxic gas, which is injected into the ground before planting. In large doses, it can be fatal to humans.

Auburn plant pathologist Rodrigo Rodriguez-Kabana believes he's found an alternative with SEP-100, a liquid formula of sodium azide that he says significantly outperforms methyl bromide in controlling weeds, diseases and root-eating nematodes.

SEP-100 is delivered by drip irrigation under plastic sheeting without spraying or release into the atmosphere, he said. It has been tested on crops in Alabama.

In medicine, sodium azide has been used to reduce blood pressure in emergency situations.

Much of the research by Rodriguez-Kabana has been funded by the nation's sole sodium azide manufacturer, American Pacific, or AmPac, which is trying to register SEP-100 with the U.S. Environmental Protection Agency.

Rodriguez-Kabana said the methyl bromide replacement could be on the market by the 2004 growing season for a small number of crops. If the U.S. Patent Office grants a patent on the sodium azide formula, Auburn University would profit from it.

Auburn has applied for two patents on sodium azide: one for the new liquid formulation of the chemical, which previously was marketed only in granular form, and the other for the chemical's soil-enhancement properties.

"As sodium azide decomposes in the soil, it breaks down into fertilizer and leaves the soil healthier than it was before the sodium azide was applied," said Rodriguez-Kabana.

Also, he said, while methyl bromide kills all nematodes and insects, both "good" and "bad," sodium azide doesn't hurt beneficial nematodes and insects.

Rodriguez-Kabana's formulation isn't the only alternative to methyl bromide in development.

The EPA says five alternatives have been registered in the last four years, with others in the registration pipeline that may be approved and become commercially available. That would reduce the critical need for methyl bromide, according to the EPA.

[Editorial, The Bakersfield Californian:](#)

Wrong place for plant

Saturday August 23, 2003, 05:05:12 PM

The intersection of Rosedale Highway and Coffee Road is no place for a polluting and potentially dangerous electricity generating plant.

Pacific Gas & Electric Co.'s plans to sell its old, abandoned plant to North American Power Group for the purpose of resuming electricity generation at the site are wrong and irresponsible.

The sale and startup plans may be good for PG&E's bottom line and North American's speculation. But they are bad for Bakersfield, especially for those who live, work and shop nearby.

A public meeting with PG&E and North American officials that was scheduled last week by Bakersfield City Councilman David Couch, whose ward includes the plant, produced more questions than answers.

The presentation to the City Council by the startup plant's proponent North American's President Michael Ruffatto of Colorado was long on futuristic drawings and short on details.

City Manager Alan Tandy correctly likened Ruffatto's slide presentation to the virtual reality sales video used by the proponent of The Grand Canal, a failed shopping center scheme. The Grand Canal, proposed for along Highway 99, south of Panama Lane, turned out to be little more than pretty pictures and some overturned shovels of dirt.

Ruffatto proposes to use biodiesel to fuel the plant, but he said he has not decided on what machinery will be used, how and where the fuel will come from, and what part if any of the existing abandoned plant will be used.

Will water cool the plant? Maybe. Where will the water come from? Maybe the city. What about waste water? Maybe the city will flush it.

But Ruffatto said the good news for Bakersfield is that the plant won't pollute in fact, it might even improve the area's air quality. It won't cause traffic congestion and noise. And that flume of pollution (gasoline and MTBE) under the site? Not to worry.

Boy are we relieved. Well, actually we would be if all that could be possible.

Based on his experience, which includes operating municipal power plants, Tandy told City Council members, "I am more suspicious of this project after what I have seen tonight."

PG&E representatives, who have been trying to sell the plant and dump the eyesore for years, told City Council members whether North American or PG&E owns it, the plant must restart on orders from the California Public Utility Commission.

But PG&E attaches the words "theoretically" and "technically" to those orders, which were issued during the energy crisis as sales conditions and likely can be rescinded.

Forcing PG&E to start up the plant makes no sense. In the mid-1980s, PG&E declared the plant a loser money-wise and technology-wise. No way would the CPUC now make PG&E spend millions of dollars to rebuild the plant particularly since the utility company is in bankruptcy.

For nearly two decades, PG&E has acted like that annoying neighbor down the street. You know, the one with the ugly, decaying wrecked car up on blocks in his front yard.

Despite the eyesore, businesses, upscale neighborhoods and schools have sprouted around the defunct plant. It was assumed PG&E eventually would clear the land. No one dreamed the old plant would rise from the dead.

North American was the successful bidder in an auction PG&E held to dump the plant. The sale has been blocked by the Legislature and CPUC.

Meanwhile, North American has fished around for ways to develop the site, settling most recently on the biodiesel scheme, which involves squeezing oil from vegetation and recycling waste oil from restaurants.

North American's plans for the location also call for the building of stores and an educational center.

A governor's executive order, state legislation and CPUC orders tie the property's sale to the future production of electricity. This restriction must be lifted to allow the site to be developed in a way that is more compatible with the surrounding businesses and homes.

But before any sale goes forward, PG&E and the buyer must guarantee pollution is cleaned up and the eyesore of a plant is cleared away.

[Editorial, The Bakersfield Californian:](#)

Thumbs up, thumbs down 8-24

Saturday August 23, 2003, 05:05:11 PM

IN THE CENTRAL Valley, California is no longer the Golden State. It's turning into a State of Haze because of the region's infamous dirty air.

So what is Sacramento doing about it? Not much. Many lawmakers are ducking action on major legislation to clean the skies. Adding to this unseemly behavior is the conduct of San Francisco Assemblyman Leland Yee, a Democrat who is helping agriculture gut real reform.

Small wonder Californians are disgusted with state Capitol politics as exemplified by this evasive conduct and favors for special interests.

On Wednesday, the Assembly Appropriations committee narrowly voted down SB700, by state Sen. Dean Florez, a Shafter Democrat. The measure would end smog-control exemptions for Central Valley farms, whose tractors, irrigation pumps and dairy herds contribute to pollution that exacerbates asthma. State emission rules would help rein in the problem.

With the package teed up for a vote, Yee suddenly appeared with last-minute changes to put farm operations under looser federal emission rules and allow farm-friendly local smog boards to do the fine-tuning. With the state facing federal sanctions for the valley's dirty air, Yee is banking that he can substitute a weaker solution and sell it as an alternative to Florez's genuine reform.

Yee, who apparently assumes his urban constituents don't care about the quality of the air in the faraway farm belt, was doing the dirty work for farm lobbyists and nervous Democratic leaders loath to pass a bill opposed by powerful agricultural interests.

Step Two in the political charade was just as bad. Under Sacramento rules, a legislator can dodge voting or "stay off a bill" even though he or she is present during deliberations. Or a legislator can simply plead other business and walk out of the room when votes are counted.

Either way, there is no excuse for not voting on an issue of this importance.

The Bay Area Assembly members who failed to vote on SB700 were Ellen Corbett, D-San Leandro, Joe Nation, D-San Rafael, and Manny Diaz, D-San Jose. They were joined by six other nonvoters on the committee, helping sink the bill, which needed 13 votes -- a majority of all committee members -- to advance to a final vote in the Assembly. Seven voted "yes," eight voted "no."

When will the California Assembly require members to do their job of voting?

There's a chance of reconsideration of SB700 next week, but the more likely scenario is that the committee will approve Yee's lightweight substitute -- and the legislators will then try to claim they did something to help clean the air.

But don't expect the weaker Yee plan to make much difference. Three of the nation's most polluted cities are in the Central Valley. In Fresno, asthma rates are triple the national average. Agriculture feeds up to a fifth of the pollutants into the region's air.

This is a significant problem that demands meaningful action.

The Assembly committee members know what should be done. But they've dodged the hard business of making choices on a matter of great consequence to public health and the environment. When they meet again next Thursday, they should rethink their stand and vote for SB700.

ROLL CALL/SB700

Yes (7)

[Editorial, The Hanford Sentinel, August 24, 2003:](#)

It's political air we breathe

He says she did - she says she didn't - and adds that he should treat people (her?) with respect or "you will be standing alone." Such is the questionable dialogue between "he" (State Sen. Dean Florez) and "she" (Assemblywoman Nicole Parra) as the two take different views of Mr. Florez' clean air bills.

Mr. Florez says part of the legislative reluctance to pass the bills out of the Assembly Appropriations Committee is to protect Ms. Parra's tenuous hold on the 30th District Assembly seat that Mr. Florez once held in an iron grip.

Ms. Parra won by a whisker in a disputed election over Republican challenger Dean Gardner last November. Democratic thinking is that if the controversial clean air bills make it to the Assembly floor, Ms. Parra would have to vote one way or the other - back the Democratic majority and make the farm lobby angry or the other way around. Either way she could lose support.

That's politics.

We don't know if the semi-safety of a Valley Assembly seat is what is causing the Democrat-dominated committee to back off, but what we do find troublesome is that Mr. Florez' clean air bills are in trouble.

While the farm lobbies for less stringent legislation - that, after all, is what it does for a living - the rest of us suffer with the worst air in the country. While we agree that most of the air pollution is not the farmers' fault, we join with officials to suggest all of us - including farmers - do our best to keep from making the problem worse.

"The state's agricultural industry opened its long-anticipated offensive against clean-air legislation on several fronts this week," said an e-mail received on Friday from Mr. Florez. "Among the casualties was the integrity of a number of elected representatives, both locally and in Sacramento. Boards of supervisors in Fresno, Merced, Tulare and Kings counties did the (farm) industry's bidding, voting to oppose several of the eight clean-air bills offered by State Sen. Dean Florez, D-Shafter."

Mr. Florez, as noted in the wording of his e-mail, is obviously disappointed his landmark bills are not finding acceptance on all sides of the clean air question. And we're disappointed, too. We'd hoped the bills would slide through with cooperation from farmers and business alike.

Still, our biggest concern is that backing, or not backing, the clean air bills has something to do with protecting one Assembly seat. Breathable air is a lot more important than one person's political career, and, depending on your view, more important than open burning.

[Editorial, Visalia Times-Delt, August 23, 2003:](#)

Leaders shirk their duty on air quality

Resolve about cleaning up the Valley air is tragically lacking in several circles. But when designated and elected policy-makers shrink from the responsibility of improving air quality, the Valley is in real trouble.

Ironically, a day after another study confirmed that the Fresno area has the second-worst air quality in the nation, a brace of bills in the Legislature sponsored by state Sen. Dean Florez, D-Shafter, failed to make it out of committee.

The day before that, Tulare County supervisors quietly passed a resolution opposing the bills. Supervisors were reacting to a plea from the Tulare County Farm Bureau and other agriculture interests. The bills would enact further controls on ag burning, on dairies and other ag operations.

Shortly before that, Rep. Devin Nunes, R-Visalia, declared that the poor state of the Valley's air was an exaggeration of the media.

With leadership such as this, the Valley will never make progress in its campaign to improve air quality.

Granted, the agriculture industry feels threatened. Farmers insist the standards they are being asked to meet are either unattainable or undefined. They have tried to work on compromises with Florez, but he has rebuffed them. Even so, agriculture cannot simply stonewall while clinging to old ways of doing business.

There is no reason, for instance, to continue burning ag waste when there are more healthful alternatives.

Both agriculture constituents and policy-makers must set aside their posturing and obstinacy and start working together. If agriculture disagrees with Florez's bill, it should have legislative allies introduce their own, not simply reject the bills.

Policy-makers must realize their constituents aren't only ag interests.

Their constituents are also residents who must use inhalers to get through the day. They are little children with asthma who struggle to breathe. They are the patients with respiratory problems who need daily medical care. They are all of us who endure 200 days a year of unhealthy air.

Their constituents are begging lawmakers to do something that will have an impact on air that is killing us.

If they will not respond, their constituents will have to get somebody in there who can.

[Letters to the Editor, Fresno Bee:](#)

'Lack of concern'

By Ken and Betty Cornelisen
Fresno

(Published Monday, August 25, 2003, 5:27 AM)

The lack of leadership by our elected representatives was again displayed by Fresno County Board of Supervisors majority who decided not to support state Sen. Dean Florez's package of bills to clean up air pollution in the Valley.

Their concern for the ag industry and business and their lack of support for the health of all who live here are inexcusable.

We, the concerned citizens of this community, must continue to speak out against the recent behavior of Fresno City Council Member Jerry Duncan, the county board's vote on air quality and all other actions by elected officials that show a lack of concern and leadership.

'Bad rap' for ag

By Budd Brockett
Reedley

(Published Monday, August 25, 2003, 5:27 AM)

I'm a bit confused on this "clean air vs. dirty air" controversy, especially when agriculture is

labeled as a major contributor to "dirty air." In the 1940s and '50s, and even into the 1960s, there was more farmland than there is today, yet we could see the mountains clear-as-a-bell practically every day, except during the foggy season.

Today, thanks to large housing developments, we have lot less farmland and are lucky to see the mountains at all, although they can see seen clearly when a new storm system approaches.

I think farmers are getting a bad rap by politicians and environmentalists. I lay blame for this bad air problem on progress, which is something we cannot stop, nor should we want to. But cities can do something to stem the tide of new housing developments springing up all over the place. More houses mean more people, and this means more pollution from vehicles parked in two-, three- and four-car garages.

But let us not forget all the freeways that have been built to accommodate the motoring public. We have no control over motorists from Southern or Northern California passing through our Valley. We have no control over smog from the Bay Area blowing into the Valley, and we also have no control over all the large diesel trucks delivering goods and produce to markets.

With California growing by leaps and bounds, I often wonder if we will have an adequate supply of water to accommodate this new growth.

It goes without saying that we all want clean air, but I also don't mind "biting a little bit of dust," because thanks to agriculture, we will have food to eat.

[Letters to the Editor, Tulare Advance Register, August 25, 2003:](#)

Air Quality: Fireplaces are not at risk

There were several errors in the July 31 editorial regarding the San Joaquin Valley Air Pollution Control District's rule on wood-burning fireplaces and stoves.

First, Rule 4901 does not require open-hearth fireplace owners to dismantle or convert them to EPA certified appliances prior to home sale. The point-of-sale provision affects only wood-burning stoves and heaters, not fireplaces. Studies show that over the course of a winter, a typical uncertified wood-stove is used more and, therefore, generates much more smoke than the typical open-hearth fireplace.

Also, Rule 4901 does not specify that uncertified stoves and heaters can only be disabled or converted to natural gas. The rule also allows clean wood devices. While natural gas is cleanest, homeowners may also choose to replace their uncertified appliances with EPA Phase II certified wood-burning stoves or inserts. Otherwise, an uncertified appliance would need to be rendered inoperable or removed before the home is sold. An uncertified stove or heater can produce up to seven times more harmful or toxic pollution than an EPA Phase II certified appliance.

While upgrading to an energy efficient EPA Phase II appliance may come with a price tag, we believe it could be a relatively modest home improvement investment that would add value to a residence. Contrary to the editorial, we do not expect that disabling or removing an uncertified appliance would cost thousands of dollars.

Tom Jordan

Advisor

Air Quality Projects

[Letters to the Editor, Modesto Bee, August 25, 2003:](#)

Keep your nose out

Yeah, jeers regarding the tallow plant -- jeers to The Bee and others decrying the smell.

The plant has been in place for more than 75 years. It moved once because of residential encroachment, and now fools want it moved again. The fact that the business has spent millions to clean up doesn't appease any of you.

If the place should be moved, then it should be up to the developers, builders, home and business buyers, and, most especially, the planning commission that allowed the inappropriate development, to pay the freight.

Keep your nose in your own business, Modesto Bee.

PATRICK MORAN

Waterford