Faced With New Air Standards, California’s Earthbound Farmers Are Wary

By CAROL POGASH

New York Times, Thursday, July 1, 2004

SAN FRANCISCO, June 30 - Beginning Thursday, all but the smallest of farmers in California’s fertile San Joaquin Valley will be forced to comply with what critics say are the most stringent agricultural pollution standards in the nation, in an effort to improve air quality.

Under the regulations, which are the result of a new state law, the farmers will become the first in the nation required to seek permits to operate, while meeting governmental air quality standards for the first time.

California produces more than half of the nation's fruits and vegetables and more of its milk, butter and ice cream than any other state, and a third of the state's farms are in the yardstick-flat alluvial land of the San Joaquin Valley, whose air is among the nation's most polluted. The valley has more days when smog levels exceed federal standards than anywhere else in the country. More than 16 percent of children in Fresno County, one of eight counties in the valley, have asthma, caused in part by the pollution, according to a study conducted by the University of California, Los Angeles.

Schoolchildren have grown accustomed to indoor recess and the postponement of Friday night football on days when pollution levels are high.

The valley is ringed by the foothills of the Sierra Nevada to the east and the Diablo and Coast Range mountains to the west. With searing summer heat, rain only in the winter and an unrelenting stillness in the air, dust and smog-forming emissions from farms and ranches float in a yellowy soup of pollutants that spill over the 25,000 square miles of the valley.

"We're the perfect petri dish for creating and retaining air pollution," said Kelly Hogan Malay, a spokeswoman for the San Joaquin Valley Air Pollution Control District, which developed the new regulations.

Some 26 percent of ozone-forming emissions in the valley comes from agriculture.

The pollution is caused by "fugitive" dust from open fields, nitrous oxide emissions, diesel pumps and emissions from animal manure and urine that vaporize. The rest spews out of rumbling trucks and cars that race up and down the freeways here connecting the southern part of the state with the north.

"We’re easy targets," said Russel Efird, who grows grapes, almonds, plums and walnuts at his Double E Farms just south of Fresno. While he found complying with the new standards quite simple, some neighbors, he said, will refuse to cooperate.

Michael Marsh, chief executive of Western United Dairymen, an organization representing most of the milk producers in the state, said, "We're very distressed with the regulations." Mr. Marsh said that new regulations could cost large dairy farmers as much as $5 million.

His organization filed suit against the air pollution control district, arguing that the new requirements were based on faulty, "antique science." The study on which the standards were established was conducted in 1938. This week a judge failed to grant a preliminary injunction, which would have given dairy farmers more time for scientific research and compliance.

"Producers want to do the right thing," said Ray Souza, a dairyman from Turlock. "We want a good clean environment for our children, but things have to make sense to us."

The applications for permits require farmers to document the equipment they have, including the make, model, horsepower and hours of operation of an irrigation pump. That equipment will be grandfathered in, but changes will require farmers to select the best air pollution control equipment available.
Farmers have been given a choice of some 100 conservation practices to comply with the new conservation management practices. They may decide to mulch rather than burn clippings and prunings, to cover soil with vegetation or to till at night when there is a little moisture in the air.

The new regulations came about after State Senator Dean Florez, who is from the San Joaquin Valley, developed a package of clean air bills, which was signed into law last year by Gov. Gray Davis. Praised by environmentalists and vilified by some farmers, Mr. Florez said, "It was the hardest thing I had to do in my career."

For decades, Mr. Florez said, the state "turned a blind eye" to the problem. "Health was not as important as industry and jobs," he said.

Mr. Florez said the success of his legislation was owing "single-handedly" to the children with asthma who were bused to the Capitol to testify about clean air.

With passage of the legislation, farmers of the Central Valley had to comply with the Federal Clean Air Act, which requires states to develop their own clean air plans.

"They're being asked to do what any other industry was asked to do 20 or 30 years ago," Mr. Florez said.

The problem, said Cynthia Cory, director of environmental affairs for the California Farm Bureau Federation, is that the state's farmers have to compete against farmers in Chile, Argentina, Brazil, Arizona, Florida and Iowa, who do not face the same requirements.

"We can't tell a big distributor to pay $25 for a box of oranges from Ventura County rather than $5 for a box of oranges from Chile," Ms. Cory said. "We want a nice clean environment, but it may run our farmers out of business.

"We're probably more regulated than any other farmers in the nation," she said. "Now, we're going to be more regulated. It's going to be a whole new day in California."

**Nation's richest farming counties brace for new air quality rules**

JIM WASSERMAN, Associated Press Writer

San Francisco Chronicle and New York Times, Thursday, July 1, 2004

(SACRAMENTO, Calif. (AP) -- Farmers and dairy operators in the lush San Joaquin Valley became the first in the nation Thursday forced to comply with state agricultural air pollution standards.

An estimated 1,350 farms and dairies, long ignored while other industries faced crackdowns, now face regulation on smog-forming emissions by the eight-county San Joaquin Valley Air Pollution Control District. Thousands more along a 270-mile corridor also must begin controlling dust and other small particles.

Air pollution officials consider farms and dairies responsible for 26 percent of the region's smog-producing emissions and 51 percent of the dust and particulates that have given the San Joaquin Valley the nation's highest asthma rate.

The decision to change the hands-off policy came in the 2003 state legislative session. The law requires farmers to observe the Federal Clean Air Act.

"Agriculture and dairies are now catching up with the rest of the world in the landscape of clean air," said state Sen. Dean Florez, who was instrumental in bringing about the standards.

Under the regulations, farms and dairies that produce more than 12.5 tons annually of the gases that contribute to smog must apply by Thursday for local air quality permits, pay hundreds of dollars in annual fees and begin accounting for the air pollution produced by their farms and dairies.

The biggest culprits, say air pollution officials, are thousands of diesel-powered irrigation pumps. The air district's new program includes financial incentives for farmers to retrofit the engines or replace them with electric-powered units.
Another pollution source is ammonia produced by hundreds of dairy operations that have moved into the valley in recent years, helping California surpass Wisconsin as the leading dairy state.

Dairy operators sued the air district in May hoping to remain exempt until 2006. But they lost a bid Monday in Fresno County Superior Court to temporarily delay the requirement while they prepare for a September trial. That ruling prompted an avalanche of last-minute signups for the air permits.

"Our front office is swamped right now with applications," said Dave Warner, the air district's director of permit services. "We're receiving buckets of them right now."

Just days earlier, Warner's office expressed concern that many farmers and dairies weren't signing up.

Michael Marsh, chief executive officer of Western United Dairymen, said the group advised dairy operators to sign up, but said, "we're very confident" an eventual court ruling will overturn the requirement. Marsh estimates the rules could cost a large dairy farmer up to $5 million.

Graze and means: Dairies love Kern

Influx of new projects tied to plentiful cow fodder, affordable land

By GRETCHEN WENNER, Californian staff writer

Bakersfield Californian, Thursday, July 1, 2004

You don't usually think of cows as slippery beasts. But pinning down why more than 100,000 of them could be coming here all at once is tricky business.

A recent rush of dairy-related applications has brought about 10 proposals to county planners in the last six months. Eight are clustered northwest of Wasco.

Some say a flood of new housing developments in the Chino area is driving dairymen out of that once milk-friendly stronghold. Southern California's housing boom has pushed up land prices there and fueled tough environmental rules.

Others say the burst in local dairy plans is a result of rising milk prices.

Dairyman Ted DeGroot is one of the latter. He's a partner in the proposed Rex Ranch dairy, one of the Wasco-area projects.

"I know what happened in our case," said DeGroot, who plans to relocate operations here from the Chino area. "Milk prices went up."

In the last six months, he said, prices have jumped following a two-year slump. That's put money in dairymen's pockets, which is bringing long-standing plans to life.

The DeGroot family's larger operation, Rockview Dairies, bought 2,400 acres in Kern about three years ago to farm, he said, with hopes of building a dairy in the future.

"Maybe now's the time," he said. "I think a lot of these dairies have been conceived for quite some time."

The Rex Ranch dairy could have more than 10,000 cows -- some 4,000 milk cows and about 6,270 support animals.

DeGroot will install an anaerobic digester at the site, which will create electricity from manure.

Kern County is attractive to dairymen for several reasons, DeGroot said. It's conveniently located for processing and shipping milk. It's got a good-sized city close by. But mostly, it's got plants to eat.

"There's feed there," DeGroot said. "Cows go where feed is."

In fact, dairy operations will take up just 177 acres at the Rex Ranch site. The remaining land, more than 2,000 acres, will grow food for cows.

Craig Knudson, a Tulare County Farm Bureau official, said Kern's available land is a huge draw for dairymen.
"Land prices in Kern County make it a much more attractive location to these guys," Knudson said, adding that Tulare's land prices have gone up.

While the majority of new projects on the table list addresses from Tulare County, they're originally from Southern California, Knudson said.

"The bulk of our operations came out of Chino," he said. Now, those dairies are "finishing moving their Southern California operations," he said. Those are many of the projects now headed to Kern.

Because dairymen often run multiple operations with extended family members that cross generations, it's hard to figure out exactly who's moving from where, he added.

Generally, though, most of the Dutch family dairies are from Southern California, while Portuguese and Azores operators started out in Tulare County, he said. Tulare County is by some measures the No. 1 dairy county in the nation. Last year, the milk crop brought in more than $1 billion.

Kern's milk crop reached about $230 million last year.

**Owner: Padre to stay hotel**

By JAMES BURGER, Californian staff writer

Bakersfield Californian, Thursday, July 1, 2004

The Padre Hotel will remain a hotel, its owner confirmed Wednesday.

The fate of the downtown icon on H Street has been unclear as owners waffled for more than a year between turning it into an upscale hotel or into a high-rent apartment tower.

Pacifica Enterprises spokesman Paul Holling said Wednesday that the Padre will be turned into a four-star hotel that will be more ritzy than anything Bakersfield has now.

"I think it will be a terrific addition to downtown Bakersfield," said Mayor Harvey Hall. "I'm really pleased to hear that the folks over there have finally decided what to do."

In the end, the planned apartments just wouldn't rent out for enough money to make the hotel a viable business, Holling said.

Construction on the final phase of the hotel -- the finished rooms, halls and common areas -- will begin as soon as Pacifica hires a construction firm to do the work.

While it remains uncertain, Holling said company officials hope that all the work can be done by the end of 2004.

Holling also commented on a lawsuit filed against Pacifica earlier this year that claimed the company knowingly and intentionally violated environmental laws by removing asbestos from the old hotel without adequate equipment.

He said the San Diego company did not cut corners in removing the hazardous material or intentionally violate any environmental laws.

A company statement regarding the lawsuit said, "We have always taken hazardous materials issues very seriously and have never, nor will ever, intentionally violate any laws or standards."

But the criminal lawsuit, filed by the Kern County District Attorney's office, said Pacifica realized the high cost of cleaning up the asbestos properly, chose to hire unskilled workers to complete the removal illegally and dumped the asbestos in the Bena Landfill.

The Pacifica statement said the company has tested the air in and around the Padre Hotel and found no dangerous levels of asbestos.

**Light rail could be left up to voters**

Rep. Dana Rohrabacher says the pricy CenterLine project's only supporters on the street seem to be 'social engineering types.'
COSTA MESA - Facing a critical lack of congressional support - in the form of half a billion dollars worth of federal funds and simple backing - county transportation officials will decide later this month whether to place plans for a light-rail project on the November ballot.

Putting the project, now in its final stage of preliminary engineering, before voters comes at the behest of Orange County Transportation Authority Board member Cathryn DeYoung, who believes the only way to get congressional support is to show that people are behind the plan.

But even that might not be enough. One member of the local congressional delegation, Rep. Dana Rohrabacher, said even if county voters support CenterLine, he would not champion the project financially. He doesn't believe Orange County, an automobile-saturated environment, would support it.

And even if voters do, he doesn't think the federal government should pay for it.

"If the ballot measure is to be real, it should be real in the sense that the public has to pay for something in order to receive it," Rohrabacher said. "Let them put a bond or tax increase that will pay for CenterLine [on the ballot] and then we'll know if the public really supports it or not. If they don't, why should we go to the federal government and tax everyone around the country, if the public's not willing to pay for it here?"

CenterLine is slated to run 9.3 miles from Santa Ana to John Wayne Airport through Costa Mesa. Half of the funds are coming from Measure M, the half-cent sales tax to fund transportation improvements in Orange County. The transportation authority is hoping to receive the matching funds - about $500 million - from the federal government. But so far, it has received zilch.

While the money is part of a bill still working its way through Congress, Rohrabacher pegged the likelihood of CenterLine receiving any federal funding at zero.

"I don't know any Republicans that support it," Rohrabacher said. "And frankly, when I'm out in the street, I don't hear anybody supporting it. I hear basically social engineering types who are trying to restructure our society by their little game plan."

A survey conducted on CenterLine by Cal State Fullerton and the Orange County Business Council last September found 43% of county voters strongly agreed that the light rail should be part of the mix of transportation in the county. Only 11% strongly disagreed, the survey found.

One supporter, county Supervisor Jim Silva, said he is disappointed that lobbyists for CenterLine have spent between $300,000 and $400,000 over the last few years in Washington, D.C., and have nothing to show for it.

"The streets and freeways are maxed out," Silva said. "Every time we add another lane, as soon as we open it on the freeway, it's at capacity. The CenterLine will not solve the county's problems, but it will be part of the solution."

Putting it on the ballot is a dicey proposition, though, Silva acknowledged. If voters reject CenterLine, "in terms of game hunters, it's called a dead duck," Silva said.

Another light-rail proponent, Costa Mesa Mayor Gary Monahan, said he doesn't think it's a good idea to rush CenterLine onto the November ballot.

"I don't know if it's good timing, because whichever side prevails, [the other] will cry foul because
of the short time and confusing campaign," Monahan said.

Tim Keenan, a transportation authority board member, said he doesn't see the need to put the plan on the ballot, especially since voters already approved the light rail with Measure M.

"Hello, it passed by 55%," Keenan said. "That was the third time [a 1/2-cent sales tax] was voted on, but the final thing that was voted on and the only reason it passed was because of the addition of [a high-technology rail system]."

If the transportation authority board does approve putting CenterLine on the ballot, the county Board of Supervisors would have to give the ballot measure its final approval by August.

Air pollution report no surprise to county

By: GIG CONAUGHTON - Staff Writer

North County Times, Thursday, July 1, 2004

SAN DIEGO -- County air quality officials said Thursday that they were not surprised by a report stating that San Diego County was failing to meet a new federal standard for dangerous particulate air pollution.

The federal Environmental Protection Agency released a report Wednesday stating that California was one of 22 states failing to meet the nation's new standard for particulate pollution ---- pollution made up of particles so tiny they can pass through the lungs into the blood stream.

San Diego was one of 13 counties in California where air contained dangerous levels of the pollution, according to the report.

The new standard is not scheduled to go into effect until the end of the year. Regions within failing states would then have until 2007 to submit plans for how they would meet the standards by 2010. States could ask for extensions until 2015.

Particulate pollution has become a growing public health concern in recent years.

Rob Rieder, a planning manager with San Diego County's Air Pollution Control District, said particulate pollution includes dust, soot, smoke and ash, but that the main sources are combustion engines in cars and trucks. Southern California's congested freeways are a prime source. However, the biggest culprits are generally considered to be diesel engines and industrial power plants.

The American Lung Association reports that particulate pollution is especially dangerous for people with asthma, chronic obstructive pulmonary disease, bronchitis, emphysema and heart disease.

Rieder said local air quality experts know the county has a problem with particulate pollution.

However, Rieder said the county failed only one of the two new federal standards, and was close enough to passing that county officials feel they will easily comply by the time the standards take effect.

"We know that we have a problem and we're hopeful that our existing aggressive pollution control program will be sufficient to meet the attainment deadline," Rieder said. "We're within striking distance."

He said county officials hope a continuing effort to force diesel engines to burn more cleanly will reduce the local particulate problem.

Rieder said the new federal standards will have two measurements, a "peak" hourly limit for
particulates, and a yearly average limit. He said the county now passes the hourly standard but fails the annual average.

In April, the American Lung Association gave San Diego and Riverside counties "F" grades for air pollution for the fifth straight year. The lung association report card, using three years of information spanning 2000, 2001, and 2002, gave "F"s to 34 of California's 58 counties.

The report said the county failed in the areas of ozone and particulate matter.

However, Rieder and others said the lung association's annual report failed to take into account the progress California counties have made in fighting air pollution.

The lung association report did say that Southern California had some of the most aggressive pollution standards in the nation. However, it said the region continues to have some of the highest levels of pollution in the country.

More air challenges
The Valley flunks yet another set of new pollution standards

Fresno Bee, Editorial, Thursday, July 1, 2004

Someday we'll be able to write an editorial about the Valley's air quality being much improved after years of hard work and lifestyle changes. We'll be able to crow about the Valley's air meeting the latest, stringent federal standards.

Today is not that day.

The federal Environmental Protection Agency on Tuesday announced tighter standards for particulate matter, the tiny bits of soot and dust that work their way into human lungs to cause all manner of damage, sometimes even death.

The Valley remains firmly ensconced in the dubious company of the Los Angeles air basin, along with San Diego, on the list of the nation's worst places for air quality. Earlier, the EPA promulgated tighter rules for ozone, or smog -- and we flunked those new standards, too.

The rest of California meets the new standards. In fact, only one other area west of the Mississippi, a portion of Montana near the Idaho border, fails the new standards for particulates. There are many sources for the destructive particles, including fires -- whether in forests, fireplaces and fields -- as well as various industrial and commercial activities.

Smoke from diesel engines is a major contributor of soot and other toxins. The Valley and the nation are only slowly beginning to bring diesel engines into compliance with clean air standards, and there is a very long way to go.

The picture is not entirely bleak. Some of the measures already enacted will help clean tons of pollutants from the Valley's air. New regulations for diesel fuel and engines will also help.

But the problem is enormous, and the biggest obstacle remains our inability to divorce ourselves from practices that do us all considerable harm. It's dreadfully hard to change comfortable habits, but our lives and the lives of our children depend upon it.

Cleaning valley's bad air requires everyone's help

Fresno Bee, Editorial, Wednesday, June 30, and Modesto Bee, Editorial, Thursday, July 1, 2004

Cleaning up the San Joaquin Valley's terrible air is going to take the commitment of everyone because we all are part of a problem that's threatening our health and our economy. That means every segment of the valley family -- from industry to individuals -- must take a turn when called upon to solve our air-quality problems.

Effective today, agriculture steps up once more. For the first time, farms and dairies in eight valley counties will have to get permits and begin reporting and reducing pollution from their operations.
This requirement is among several that will help improve air quality in a region where child asthma rates are a disgrace. Our collective disregard of the impacts of the way we do business is at odds with our claim that the valley is a great place to raise children.

Our actions don't match our words. It's time that we do more to make our air more breathable -- for our children and for all of us.

Under Senate Bill 700, agriculture now will have many of the same pollution requirements that other California industries must adhere to in the air-quality battle. "Twenty-six percent of the air pollution problem in the San Joaquin Valley comes from agriculture," said Sen. Dean Florez, D-Shafter, who has been doing the heavy lifting in the Legislature on this issue. "With the rules established under the legal authority of SB 700 on Thursday, air districts can finally take steps to control it."

In addition to the health costs associated with our bad air, the valley could lose $2 billion in federal transportation funds and increased air permit fees for businesses if it does not meet the 2010 federal attainment deadline.

Florez said California farmers will be the first in the nation to undergo the permitting process. Although agriculture must step forward now, the rest of us must also be part of the solution. We contribute to the problem every day by using our cars too much, our fireplaces in the winter and making lifestyle choices that put individual convenience ahead of common sense.

Do we really need to sit eight deep in our cars at a fast-food restaurant's drive-through lane? Is it too much to park and walk a few feet for those super-sized meals?

Today is a historic day for improving air quality in the San Joaquin Valley. But we have much more to do before this problem gets fixed. We must be willing to attack it from every angle and we all must be involved in the solution.

**Clean-Air Order Undercut**

*Los Angeles Times, Editorial, Thursday, July 1, 2004*

Some of the most microscopic particles in the air are of the greatest concern to health because they easily find their way to the deep recesses of our lungs. Such pollutants, which include diesel exhaust and wildfire ash, can cramp lung function and cause coughs and shortness of breath. They aggravate asthma and turn bronchitis into a chronic condition. They're behind thousands of hospitalizations and premature deaths each year and have been linked to increased lung cancer risk. Because the risks only recently became clear, though, fine particulates have taken a back seat to ozone when it comes to air regulations.

That's not likely to change under a new directive from the U.S. Environmental Protection Agency ordering 243 counties nationwide to reduce unhealthful levels of fine particulate pollution by 2010. As on-target as EPA Administrator Mike Leavitt's demand sounds, it is seriously undercut by his own efforts and those of his boss, President Bush, to erode even existing protections.

That's especially true of the administration's decision to file a friend-of-the-court brief against an important anti-pollution initiative in Southern California, where some of the worst particulate pollution occurs. The U.S. Supreme Court in April struck down a regional air quality rule that would have required fleet owners to buy cleaner engines when they replaced their dirty diesel vehicles. The White House could and should have left engine makers to mount their own attack, giving the state a better chance of winning.

Bush also rejected the idea of environmental reviews before allowing dirtier Mexican diesel trucks to drive U.S. roads. That decision, backed by the high court in June, would disproportionately pollute Southern California. The administration extols its "Clear Skies" initiative, stalled in Congress, as a pollution cutter even though it would leave more soot and smog in the air than the Clean Air Act, which it would replace. Under Bush, the EPA has made it easier for coal plants -
the major source of fine particulates in the East - to avoid installing state-of-the-art pollution equipment when they renovate.

The EPA put forth a valuable air regulation in May, when it announced tough pollution standards for construction vehicles and other non-road diesel engines. Because those engines are now unregulated, the rules will make a real difference in the long term. But diesels last decades, and it will take about 25 years to replace most of them.

California and many other states are way ahead of the feds in trying to scrub the air of these particles, thousands of which could fit on the period at the end of this sentence. The regional Air Quality Management District is forging ahead with a more limited fleet-replacement rule, covering only public agencies and perhaps private companies that want public contracts. Gov. Arnold Schwarzenegger recently announced an innovative way to keep funding incentive payments that nudge diesel owners to replace their engines with cleaner technology. New state legislation seeks to keep foreign trucks out of California unless they meet federal pollution standards.

California doesn't need to be forced by the Bush administration to clean up the air. What it needs is for the administration to stop erecting roadblocks.

**Farmers to face manure problem July 1**

Commentary by Charles Doud - Editor & Publisher

* Madera Tribune, Editorial, Wednesday, June 30, 2004

As of tomorrow, many dairies in the valley will be in the awkward position of having to do something about air pollution while still getting milk from the cows which do the polluting.

Most dairy farmers will rise to the challenge, as they have before, when other regulations have come along, but you do begin to wonder when the final regulation will come along that will make dairy farmers say, “That’s it - start making your own milk,” and go do something else.

The nature of modern dairy farming is to use the economies of scale and the discoveries of science to squeeze a profit out of milking cows. This means large dairies, scientifically run at every level, from breeding of animals to feeding them, from milking the animals to keeping them healthy and safe. And you run them 24 hours a day.

One of the realities of dairying is that cows aren’t toilet trained.

The good news is that the manure they leave behind is a fertilizer which most dairy farmers return to the soil. Manure, an environmentalist’s dream.

The smell of the manure offends some people, and they figure if they can smell it, it must be pollution.

And manure does pollute the air somewhat when it is concentrated, giving off wafts of ammonia.

People should realize, however, before moving next door to dairy farms, that the air doesn’t always smell like Chanel No. 5.

And perhaps dairy farmers should realize that when folks move out from the city, bringing their polluting cars and pickups, that farming will be just that much harder and more regulated.

**Costly decision**

* Fresno Bee, Letter to the Editor, Thursday, July 1, 2004*
What is wrong with government leaders? California is in the middle of a budget crisis, it is firing teachers because the state can't afford to pay them even though the classrooms are overcrowded, there is a so-called electricity shortage, there is a so-called gas shortage, we have a major pollution problem because of too many people and cars, there are too many cars for our overcrowded streets, and yet thousands more Hmong are being brought to live here.

Government is going to provide housing, medical care and welfare to these people. Their children are going to go to school, which means they are going to require special attention and extra teachers to bring them up to the other children's level, which requires more money.

And yet schools are canceling music, art and all other activities that made it a little easier for kids to enjoy school. Government leaders need to stop and think. It doesn't take a genius to figure it out.

I think government needs to try to fix California's existing budget problems first before it brings more people here. I don't know about anyone else, but I work hard for my money. I can't afford to pay taxes to be wasted in this manner. If I am going to be forced to pay taxes, I want my money to go toward fixing California's problems, not to adding to them.

Debbie Archer
North Fork