

Wednesday, June 2, 2004, Visalia Times-Delta

Farmers go to school on new laws Dairymen meet on how to fill out new paperwork

By David Castellon
Staff writer

TULARE -- Although the more than 90 dairy farmers packed into the International Agri-Center social hall Tuesday morning may have preferred working on their farms, they learned how to fill out paperwork required by new air pollution laws.

The laws, which affect all but small-operation farmers in the Valley, are meant to limit the amount of dust and other pollutants generated by dairies and other farms in the San Joaquin Valley.

"Any [paperwork] is a pain in the butt," said Pete Tiemersma, a partner in Tiemersma Dairy in Visalia. "Agriculture is being scapegoated for causing pollution in the Valley."

Conservation Management Practices Rule 4550, which was finalized May 20 by the San Joaquin Valley Air Pollution Control District, requires farmers to reduce airborne dust generated by cattle, vehicles, harvesting and other farm operations.

At Tuesday's seminar for dairies, farmers learned how to submit their plans to the district on dust reduction. A second seminar for crop farmers was held at the Tulare County Agricultural Commissioner's Office.

Plans, which the farmers must implement starting July 1, can include spraying water on dirt roads during harvesting, limiting field tilling and alternate methods of penning cattle.

The rules only apply to farmers working more than 100 crop acres or more than 500 head of cattle, said Dave Warner, director of permit services for the district.

He said the goal is to eliminate about 34 tons of particulate dust daily from the Valley's air, about 23 percent of the estimated 144 million tons Valley farms are believed to generate daily.

In addition, the farmers at the seminars also learned how to fill out forms to apply for pollution-control permits. Warner said industries from oil refineries to dry cleaners in the Valley have had to obtain such permits and meet the pollution control standards since the early 1970s, but farmers had been exempt. That changed when Senate Bill 700 became law at the start of year.

The law applies to dairies that have cattle or cattle waste producing more than 12.5 tons of Volatile Organic Compounds a year, or farms using stationary internal combustion engines -- such as generators and water pumps -- producing 12.5 tons of emissions.

Who needs a permit

Among the forms officials from the air district, the U.S. Department of Agriculture and farm industry representatives helped the farmers fill out Tuesday were questionnaires to find out if the permit law applies to them.

"As a really rough rule of thumb, if your farm has 350-plus acres with internal combustion water pumps, you'll need a permit," said J.P. Cativiela, a spokesman for the Community Alliance for Responsible Environmental Fellowship, which helped run the morning and evening seminars held Tuesday in Tulare and at the Tulare County Farm Bureau in Visalia.

Dairies with 1,954 or more head of cattle probably also would be affected by the permit rules, Warner said. But, he added, only new farms or dairies would have to get the permits.

On the other hand, Warner added, existing farms that expand beyond the minimum emissions levels will have to obtain permits as will larger farms that had been exempt but increase their emissions by 2 pounds or more, which could occur just by adding just a few head of cattle to a herd.

Complaints

"I'm not thrilled [with the new rules] based on bad science" that district officials are using to base their standards, Tiemersma said.

And dairy farmers in the Valley already are pushing to stop implementation of the permit rules by suing the air district, claiming that no permits should be required until studies on farm-caused pollution can be completed.

Cativiela said implementing the rules now just doesn't make sense -- nobody knows for sure exactly which VOC gases cattle produce and whether the harmful gasses mostly come from the cows themselves or from manure breaking down in their pens.

Frank Mitloehner, an air quality specialist for University of California, Davis, said the information the district is using to estimate VOC gases "is completely outdated."

He said it's based on a 1938 study that looked at how much methane gas -- which isn't among the 700 VOC gases that concern pollution control officials -- a cow produces in a year, which said was about 160 pounds. But in 1978, "somebody totally screwed up" in a research paper and listed the methane as 160 pounds of Total Organic Gases, an error used in subsequent studies, Mitloehner said.

Finally, he said, the air district needed a VOC number for a 1997 study, and figured that since 8 percent of TOCs produced by gas-powered engines are VOCs, the same should apply to cattle.

"And that's the number we use on cows today, and it's as wrong as can be," Mitloehner said, adding that estimations on the amount of dust generated by dairies are nearly as unreliable.

Mitloehner is heading up a series of studies sponsored by the U.S. Environmental Protection Agency and the Milk Advisory Board to more accurately determine the amount and types of gases emitted by cows as well as how much dust they stir up in their pens.

Warner conceded the science used now isn't necessarily accurate, but his agency has to use the best science available to enforce clean-air laws.

"It's the best available information we have right now. And it's not been disproven," he said, adding that if Mitloehner's study shows farmers emit less dust and VOCs than had been estimated, more farms might end up being exempt.

On the other hand, he said, if the study shows the problem is worse, even more clean-air requirements could be leveled against Valley farmers, such as adding smaller farms and dairies to those requiring permits.

More seminars are planned for farmers in the other affected counties through June 10.

[Wednesday, June 2, 2004, Fresno Bee](#)

Dairy rides out legal troubles

Three years after a lawsuit is settled, a Lindsay farm is milking 5,000 cows.

By Diwata Fonte
The Fresno Bee

LINDSAY -- Cow off, cow on.

Not a moment is wasted at Hilarides Dairy's milking carousel. As one cow backs out of a milking pen, another files in.

With 80 cows lining the edge of a revolving, elevated platform, 5,000 cows are milked twice a day over a 16-hour period. Together, the cows produce five truckloads of milk per day.

This operational flow is a far cry from four years ago, when the proposed 14,000-calf-and-cow dairy was at the core of an environmental controversy that prompted the Center on Race, Poverty and the Environment to sue Tulare County. The group challenged the county's dairy regulations, saying the rules weren't stringent enough.

The county and the group settled the lawsuit in 2001.

In 2002, Hilarides Dairy was the first new dairy to gain approval from the county in several years.

Hilarides, which provides milk for Three Sisters Farmstead Cheese, just finished its first year in operation, starting with 2,500 milking cows and expanding to 5,000 in recent months.

Three Sisters Farmstead Cheese, a family operation, has grown to produce 1,000 pounds of cheese per week.

Marisa Simoes, who operates the cheese company, said Three Sisters has been giving about one tour a week since February to help people understand the operation.

"We want people to know it's not a bad thing," she said. "We want people to know how clean it is, how efficient it is and how environmentally friendly it is."

Mary Alice Isais, 59, has lived in the area since 1973. In the past 31 years, a county dump, a brine pond and a tire plant operated in the area just outside the city of Lindsay.

The dairy has not affected her family's lifestyle, except for the smell, she said.

"It's here; it doesn't bother us ... just in the evening when it's a little windy, there's an odor. We haven't had any problems with flies yet; that's good," she said.

"It's pretty good; I can't complain too much about the dairy. Maybe it's good business, I don't know."

Regardless, the dairy's location -- about three miles from Lindsay's city limits -- still irks some nearby residents. At full capacity, the Hilarides Dairy would be one of the largest in the county.

Tulare County is the nation's largest dairy-producing region, with a value of \$1.07 billion in 2003. The county has 315 dairies, said Roberto Brady, project review division manager for the county's Resource Management Agency.

Lindsay resident Virginia Wilson, 61, said, "I'm very concerned about our population." She has been a vocal opponent of the dairy, which she says is too close to town.

Wilson, who has a 2-year-old grandson and another grandchild on the way, said, "Young lungs are not helped by the particulate matter that is generated."

She said she was shocked that county supervisors approved a 14,000-cow-and-calf dairy when odor and air quality were among the worst in the country.

"My fear is that in their eagerness to be happy about such a big business being identified with Lindsay, they're not thinking about the overall health effects from this dairy and others that might be approved."

More dairies are on the way. About 70 dairies are in the pipeline for approval, Brady said.

A handful have completed the permitting process, but many are still deterred by the cost of funding their own environmental impact reports, which they must do until the county produces supplemental reports as agreed to in the lawsuit settlement.

"Any of these projects can proceed, but it's been kind of a lot of cost and uncertainty, and a lot of them have been waiting to see what happens."

Milk prices also may determine whether future dairies will spend the money for the report.

Five dairies have received approval from the county since Hilarides, Brady said.

County officials are accepting public comments about a new Mineral King Dairy that would accommodate 3,320 Holstein milk cows and a total of 5,625 animals about three miles north of Visalia, west of Road 108 between avenues 336 and 352.

The project is under review, and the county will accept public comments on the environmental impact report until June 21, Brady said.

Four to six dairies also are working on their environmental impact reports, he added.

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Summer's Spare the Air days ahead

Valley residents urged to become a part of annual event

By Dave Myhra - SAN JOAQUIN BUREAU

TRACY -- As the air heats up, San Joaquin Valley residents are in for the ninth annual summertime Spare the Air days.

The Spare the Air program is sponsored by the San Joaquin Valley Air Pollution Control District, and aims to lower the levels of ozone, smog and other pollution during the heat-filled days of summer.

"We're trying as hard as possible to get every resident aware and participating in reducing emissions," said Anthony Presto, district public education representative.

District officials are especially concerned about ozone-emitting chemicals. On hot days, chemicals such as paint and degreaser fumes, combine with car emissions to create ozone.

"It has to be at least 90 degrees for that to happen," Presto said.

Officials worry about the ozone because right now the San Joaquin Valley air is listed as comparable to Los Angeles air.

Spare the Air days will only be called when the district sees that the air is at an unhealthy level. Last year, there were only 15 such days in San Joaquin County, and Valleywide there were a total of 41.

As a kick off to the season, the air district set up a lawn mower discount program.

Coupons give residents significant discounts on push, and electric lawn mowers at Orchard Supply Hardware branches in San Joaquin County.

"At this point, it's so late in the program that people need to come into our offices to pick them (coupons) up," Presto said.

The two styles of discounted lawn mower don't put out any kind of pollution, while their gas powered cousins spew fumes.

And on Spare the Air days, gas powered mowers are taboo.

On those days, when the air is thick with pollution, the air district has a few suggestions, which it hopes people will take to heart.

"We (are asking) that people drive less, we're encouraging them to car pool, keep their cars tuned up, and inflate their tires properly," Presto said. "and if you are in the market for a new car, we encourage you to buy a low-emissions vehicle, and put off using gas powered lawn mowers."

The air district also asks that people not paint on days when the air is unhealthy.

Spare the Air season begins on June 8 and goes through September. This is a purely voluntary program, unlike the air districts smoke management program, so people will not get in trouble if they have to partake in an activity that is not so good for the air.

"Spare the Air" days will be announced on the Internet at www.valleyair.org, or by calling 1 (800) 766-4463

To pick up a coupon for a lawn mower, the Modesto office is located at 4239 Kiernan Ave.

For more information call the district office at (209) 557-6400

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Californians can do more

With summer fast approaching, Gov. Arnold Schwarzenegger sent out a useful reminder to state workers this week about energy conservation. As they did during the electricity crisis three years ago, the governor asked his "Fellow California State Workers" to reduce electricity use in state buildings and to use the air conditioners at home and work selectively.

In view of high gas prices (not record high, as some have said, but high enough), the governor went a step further. He also urged state workers to flex their power at the pump -- "to conserve gasoline, save money, help the economy and the environment."

In his letter, the governor listed five specific things to do -- keep tires properly inflated, observe posted speed limits, accelerate and brake smoothly, properly maintain vehicles and minimize idling times. Unfortunately, he omitted some of the most effective and obvious strategies for saving gas: Leave the car in the garage and walk, bike or take public transit.

Of course not everyone lives within walking or biking distance of work and transit isn't always convenient. But many more of us could take advantage of these options. Such strategies not only reduce gasoline consumption, they relieve congestion on the road, cut air pollution and save money. The more the governor can remind Californians that there are sometimes alternatives to the car (particularly since he has a Hummer in the garage), the better.