

## **Officials search for solution to ag waste**

### **Phaseout of field burning sparks attempts to secure more affordable options.**

By Jennifer M. Fitzenberger - Bee Capitol Bureau (Published in the Fresno Bee - Wednesday, January 28, 2004, 5:31 AM)

SACRAMENTO -- Faced with the phaseout of open-field agricultural burning, officials from several industries Tuesday swapped tales of hardship and ways to affordably dispose of prunings and uprooted orchards.

But every solution had a downside, leaving more questions than answers after the two-hour meeting called by state Assembly Member Dave Cogdill, a Modesto Republican.

"Now I have an even better appreciation for the size of the problem," Cogdill told about 20 agriculture, air and biomass industry representatives. "It is in everybody's best interest to find a solution."

The law to phase out field burning was part of a series of fiercely debated clean-air measures by state Sen. Dean Florez, a Shafter Democrat, that were signed into law last year.

Senate Bill 705 phases out the burning over five years, ending in June 2010 with old vineyards and almond, walnut and pecan-tree prunings. That's no small task in the Valley. In 2002, farmers here burned about 1.1 million tons of agriculture waste, most of which was wood in the form of prunings or old trees.

Cogdill sponsored legislation that would have given farmers a financial incentive to haul their waste to biomass plants, but the measure died this month in an Assembly committee.

Biomass plants turn wood waste into electricity. The process is much cleaner than open-field burning, making it the preferred option.

But getting the waste to the plant is expensive. In many cases, it costs more to ship the waste than the electricity it produces is worth.

Plus, biomass operators get a better deal on urban waste from construction and demolition sites, so they accept a limited amount of agricultural waste.

That leaves farmers with a problem: how to affordably get rid of the waste they no longer will be able to burn, beginning in 2005. For health and safety reasons, letting the waste pile up is not an option.

A few officials Tuesday suggested raising a surcharge on electricity to subsidize the biomass industry.

Increasing the public goods charge -- which accounts for about 1% of all customers' utility bills -- by just 0.1 of a cent could generate millions of dollars, said Robert Hoffman, an attorney and lobbyist who represents biomass plants in the central San Joaquin Valley.

A similar proposal by Florez in different legislation received frowns from lawmakers who don't want to increase utility bills. Cogdill said he would look into the option but prefers to find a market-based solution to the problem.

Others suggested the federal government could come to California farmers' aid with tax incentives -- an idea Cogdill also said he would explore.

"The problem is we need money, and it can't come from the state," said Cynthia Cory, director of environmental affairs for the California Farm Bureau Federation, referring to the state's dismal budget situation.

Louie Brown, an agriculture lobbyist, said the issue needs to be addressed crop by crop. He said growers are nervous about the pending burning ban.

"The task is daunting," Brown said. "I hope that through this brainstorming session, we can do something about it."

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## **Group Disputes Smog Status**

Mark Grossi, The Fresno Bee

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A lawsuit claims regional air quality officials emphasized business over human health when they submitted a request to put the San Joaquin Valley into the country's worst category for smog polluters.

The Association of Irrigated Residents, or AIR, a south valley-based group, claims that officials failed to review the health impacts of making the move, which would avert costly federal sanctions for businesses, at least for five years.

"We contend they violated state environmental law when they made this decision without an analysis of health," said attorney Brent Newell of the Center on Race, Poverty and the Environment, representing the plaintiffs.

The association filed its lawsuit Monday in Kern County Superior Court.

The lawsuit asks a judge to stop the December decision by the San Joaquin Valley Air Pollution Control District -- which stretches from Stockton to Bakersfield -- to move the valley into the so-called "extreme" polluter category.

The extreme status, which the federal government has not yet approved, would delay the valley's clean air deadline from 2005 to 2010 and avoid millions of dollars in business sanctions for missing the earlier deadline.

Only smoggy Los Angeles occupies the extreme category.

The valley's unprecedented request is needed for the extra five years it will take to clean up the 25,000-square-mile basin, which is the second-smoggiest place in the nation.

Ozone, the main ingredient in smog, is a corrosive gas that aggravates asthma and other breathing difficulties.

Extending the deadline will make valley residents breathe the dirty air longer, Newell said.

"I have asked for the last year and a half to have them tell the public what the health impacts will be," Newell said. "They refused to make the analysis."

Valley air district officials on Monday said they had not yet had a chance to read the lawsuit. But they said they do not need an in-depth environmental study for the switch to extreme status because it is not a project.

State law, they said, requires such studies only on projects.

They added that sanctions, amounting to millions of dollars for missing the deadline, would begin March 18.

The district cannot clean up the air fast enough to meet that deadline, mostly because stringent state and federal controls on vehicles and fuel will not kick in until 2007.

But activists believe financial penalties from missing the 2005 deadline would help buy clean air before 2010.

The penalties, estimated at \$36 million for the business community by 2007, would help pay for mass transit and other pollution-fighting efforts.

Another sanction would require large, new and expanding businesses to pay more for pollution reduction.

The federal government would withhold more than \$2 billion in road-building money from the valley, except for projects that help the environment or improve safety.

Perhaps the biggest sanction would be a federal takeover of cleanup plans.

Officials fear loss of local control in such a takeover, but that is not how activists see it, said Tom Frantz of the Association of Irrigated Residents.

"Reaping the environmental benefits of sanctions would have reduced smog-forming pollution faster," said Frantz, a Kern County resident.

Sanctions are a short-term fix, said Don Hunsaker, supervising air quality planner for the valley district. He said long-term reductions in pollution come through rules and controls.

"The prudent path is development of rules and allowing the new fuels and engine standards to take hold," he said.

## **Report: Trains would cost less, be better for environment**

Associated Press

Published in the Turlock Journal - Wednesday, January 28, 2004

SACRAMENTO - A high-speed rail system linking California's major cities would be less than half as expensive and more environmentally friendly than building highways and airports to meet the state's travel demands, a draft environmental impact report says.

The 2,000-page document, scheduled to be released Tuesday at news conferences in San Francisco and Los Angeles, looks at three options to deal with the state's transportation needs as intercity travel increases as much as 63 percent over the next 20 years.

Under the first scenario, the state would build only those highway and airport projects currently in the planning stages.

Under the second, the state would build those projects and add an additional 2,970 miles of new highway lanes, nearly 60 new airport gates and five runways at a cost of nearly \$82 billion in today's dollars.

The third option calls for a 700-mile high-speed rail system to supplement the currently planned highway and airport projects with trains running at top speeds of more than 200 mph.

The trains would cost \$33 billion to \$37 billion in today's dollars and carry as many as 68 million passengers a year by 2020, according to the report.

"Our conclusion is, and data shows, that basically the high-speed train is the best of the three options," Mehdi Morshed, executive director of the California High-Speed Rail Authority, said Monday.

The first option would result in "almost a chaotic situation ... where we have extreme cases of gridlock," he said.

The second alternative "would cost more than twice as much as high-speed trains, if we could do it, and would have substantially more impact on wetlands, farmlands, air quality and other environmental impacts that we are concerned about."

The authority, headed by a nine-member board, is proposing construction of a high-speed rail system that would link the San Francisco, Sacramento, Fresno, Los Angeles and San Diego areas.

A \$9.95 billion bond measure on the November ballot would provide part of the funding for the first leg of the system, between Los Angeles and San Francisco. But Gov. Arnold Schwarzenegger is urging lawmakers to postpone that vote, and a key legislative supporter of

high-speed rail, state Sen. Dean Florez, D-Shafter, supports a delay until 2006, saying voters might be more willing to take on additional debt when the economy improves.

The project is likely to run into opposition, the draft report acknowledges, although its ridership projections are based on "investment grade" estimates that could draw private financing, Morshed said.

The draft report is subject to public comment and hearings before a final report is prepared.

On the Net:  
[www.cahighspeedrail.ca.gov](http://www.cahighspeedrail.ca.gov)

## **Report finds train system worthwhile**

By Audrey Cooper, Record Staff Writer

Published in the Stockton Record - Wednesday, January 28, 2004

SAN FRANCISCO -- Building a 700-mile bullet-train system across California is feasible and would go a long way toward preventing future congestion on highways and at airports, according to a draft environmental report released Tuesday.

The long-awaited environmental report from the state's High Speed Rail Authority said such a train system could cost up to \$37 billion, up from earlier estimates of \$25 billion.

Proponents of the idea said it would be cheaper and more environmentally friendly than resolving future transportation needs with more airport runways and highways. Without the train system, the state would need the equivalent of two more airports and 3,000 miles of highway to meet the needs of a growing population, said Joe Petrillo, chairman of the rail authority.

"It's not a question of if but when we'll build high-speed rail. California, in my opinion, doesn't have an option," Petrillo said.

As envisioned, the 220 mph train could take passengers to San Francisco to Los Angeles in just 2½ hours. A round-trip ticket would cost less than \$50, according to the rail authority's business plan.

Highlights of the environmental review were announced at a Tuesday morning news conference in San Francisco. At times, the event sounded more like a pep rally for politicians than an airing of challenges facing the high-speed rail plan. Nearly a dozen supporters spoke at the event but declined to entertain reporters' questions at the news conference.

"Buy into this program now. It's time to put your egos on the line," declared Ron Diridon, a rail authority board member and former Santa Clara County supervisor.

Yet already it's clear that some pro-rail groups are far from signing onto the plan. One group has called on the Federal Railroad Administration to withdraw its approval of the environmental document. Others said the environmental review was shoddy and have hinted that they'll sue if the final document is unchanged.

The groups fear that a failed high-speed rail plan will doom future efforts to improve the state's rail service.

Among the most controversial issues is a decision by the rail authority to not study a rail alignment over the Altamont Pass, a route that would have ensured a stop in Stockton before heading south to Los Angeles.

The routes being studied by the rail authority go from San Francisco to San Jose and over either the Pacheco Pass or Diablo Range before heading into the area near Merced. An add-on line that includes Sacramento and Stockton stops would be built later, the rail authority said.

Although the Altamont Pass route was endorsed in earlier studies, the rail authority decided it wasn't worth studying in the environmental review, said Mehdi Morshed, executive director of the rail authority.

Such a route would pass over sensitive San Francisco Bay wetlands and would require spur lines to serve populations in Oakland, San Jose and San Francisco. For those reasons, the route hasn't been considered as a possible alignment, Morshed said.

Officials with the nonprofit Train Riders Association of California said any route other than the Altamont Pass option would require needless destruction of Bay Area wilderness areas.

Richard Tolmach, TRAC's president, said the environmental documents only pay lip service to potential environmental impacts. The Pacific Flyway, a migration route for millions of birds, isn't mentioned, and neither are much of the impacts of drilling tunnels through wilderness areas, he said.

"The authority is vulnerable on at least 20 or 30 environmental omissions that I can see," he said.

Ken Gosting, head of the group Transportation Involves Everyone, agreed.

"This document is so inadequate it will be thrown right back in their face," he said.

Meanwhile, debate is growing in Sacramento about whether a \$10 billion high-speed rail bond measure should stay on the November ballot. Some lawmakers and Gov. Arnold Schwarzenegger have said it should be pushed off until the state is in better fiscal shape. Others, including Treasurer Phil Angelides and Senate President Pro Tem John Burton, say it should stay on the ballot.

The bond measure would help pay for the construction of the backbone of the rail line. The additional routes could be funded with revenue from ticket sales, rail authority members have said.

The rail authority meets today in Fresno, where staff members will present some aspects of the environmental review. For more information, go to [www.cahighspeedrail.ca.gov](http://www.cahighspeedrail.ca.gov).

## **Federal rule limits pollution monitoring of industrial stacks**

By Seth Borenstein  
KNIGHT RIDDER NEWSPAPERS

Published in the Contra Costa Times - Friday, January 23, 2004

WASHINGTON - The Bush administration issued Thursday a new federal rule that limits pollution testing and likely will make it harder for state and federal regulators to monitor pollution from some industrial smokestacks.

Fewer air polluters are likely to be caught if government agencies measure emissions from smokestacks less often, which critics say will happen under the new rule limiting a tool used by environmental cops.

Under the new rule, the Environmental Protection Agency will limit how often federal and state environmental police can monitor some stacks.

The rule applies to hundreds of companies whose smokestack emissions aren't monitored under specific EPA rules aimed at curbing such problems as acid rain from power plants and smog in cities with heavy air pollution.

In the late 1990s, the EPA at times would require large plants to monitor smokestacks more often than the twice every five years spelled out in the Clean Air Act if the companies already weren't being checked under other EPA provisions.

Industry groups sued the EPA to stop requiring such additional monitoring, saying it wasn't legal for the agency to do more than the act required.

The EPA agreed, and on Thursday issued the new rule, saying neither it nor state environmental agencies could require pollution checks more than twice every five years in those cases.

"This regulatory rollback would make oversight and enforcement by states, the EPA and citizens extremely difficult, if not virtually impossible," Pennsylvania, New Jersey, New York, Illinois, Massachusetts and Vermont said in a formal objection to a court settlement preceding the rule.

"This is yet another example of where the EPA is taking away an important tool that states have to enforce their health-based air quality standards," said Bill Becker, the executive director of the Washington-based State and Territorial Air Pollution Program Administrators and Association of Local Air Pollution Control Officers.

EPA spokesman John Millett said the rule doesn't apply to most of the 15,000 major plants regulated under the Clean Air Act.

"There are plenty of other means at the disposal of permitting authorities to address monitoring gaps," he added.

William H. Lewis, a Washington attorney representing the nonutility manufacturers who sued, said the new rule could apply to hundreds of plants, although the old rule requiring more monitoring had been used in only about a dozen instances.

Bruce Buckheit, the EPA's air enforcement division director from 1996 until he resigned in protest last month, conceded that the old rule rarely was invoked.

But he said the threat of frequent monitoring was "an important tool" for environmental cops seeking to persuade companies to reduce pollution.

A Knight Ridder database analysis of 15 years of enforcement records at the EPA found that the Bush administration has cut enforcement of air pollution rules nearly in half.

[Fresno Bee editorials, Jan. 28, 2004:](#)

## **Standby for more: Valley's clean air struggle enters new round in state Legislature.**

The latest piece of clean-air legislation to move through Sacramento is founded on a simple premise: If farmers can economically switch from diesel engines to electricity to run their irrigation pumps, a significant amount of pollution can be removed from the air.

Of course, this being California, it's not that simple.

In its first incarnation last year, Senate Bill 703, by state Sen. Dean Florez, D-Shafter, would have ended so-called "standby charges" that farmers pay to keep electric pump motors hooked up to the state's energy grid. The charges can amount to 40% of the total bill a farm operation pays, even when the electric motors stand idle. That high cost caused most farmers to switch to less expensive diesel engines for pumping -- but at a cost to the air.

And that cost is not small: Some 8,200 agricultural diesel pump engines in use statewide release about 13,200 tons of smog-forming nitrogen oxide and other toxic compounds into the atmosphere annually, along with 1,000 tons of particulate matter. About 4,500 of those diesel engines are in the San Joaquin Valley, where geography and climate conspire to keep the contaminants around even longer.

Florez wanted to subsidize the switch with funds from the 1% "public goods charge" paid by all electricity customers statewide. Utilities use the money for research and to assist low-income customers. But that plan ran headlong into resistance from Assembly members, including Fresno's Sarah Reyes, who argued -- compellingly -- that all energy customers shouldn't have to pay more just to subsidize one industry.

As a consequence, Florez made the measure an "intent" bill and stripped it of details, which must now be negotiated.

The bill sailed through the state Senate on Monday, and is headed for the Assembly, where the hard work will have to be done. Florez also plans to hold public hearings.

It is work worth doing. The Valley's effort to cleanse its foul air got a boost from the passage of earlier Florez legislation, and this measure is another useful piece of the puzzle. It is distressing to know that a cleaner alternative to the messy diesel engines is readily at hand, but can't usually be employed because it costs too much.

There has got to be a way. We count on our elected leaders and others to find it. The stakes are so very high in this fight for cleaner air, and every little bit of progress we can make is valuable.

LASTGASP

"We can't go on living this way.

And we won't."

Action is under way again on the legislative front in the fight for cleaner air in the Valley.

## Vision in motion

### High-speed rail line emerges as California's best alternative.

The promise of high-speed rail for California and the Valley is as clear as a bell in a draft environmental impact report released Tuesday: It's an employment and economic development engine that will cost much less than any other option -- [and it will help us clean the air we breathe](#).

The system that's envisioned to connect the Valley with Los Angeles and San Diego to the south and the Bay Area and Sacramento to the north would be dramatically less expensive than an equivalent investment in more highways and airports, according to the report.

Projections are based on assumption that intercity travel in the state will increase some 63% by 2020. Three options were considered:

Build only those highway and airport projects currently in the plans.

Add nearly 3,000 miles of new highway lanes, nearly 60 new airport gates and five runways to the existing plans. That would cost an additional \$82 billion. Add the 700-mile high-speed system to existing plans -- at a cost of \$33 billion to \$37 billion.

That math is simple. The high-speed rail option is vastly cheaper.

But the benefits of such a system hardly end there. Construction of the line would create a generation's worth of high-paying jobs in all the building trades. Spinoff activities -- designing systems, building the rail cars -- could become for California what the aerospace industry once was. Indeed, many of the same people could fill those new jobs.

Travelers will find the rail line cheaper, less aggravating, more comfortable and faster -- at speed approaching 200 mph -- than automobile or airplane travel.

Such trains would be a boon to business people as well as those traveling for pleasure. Rail cars can be configured for business purposes much more easily than airliners. Valley economic interests will be better served by such connections.

There is one other benefit for the Valley and those of us who live here. A high-speed link to the large metropolitan areas of the state would go a long way toward ending the physical and psychological isolation of interior California from the more prosperous coastal regions.

A \$9.95 billion bond measure on the November ballot would provide part of the funding for the first leg of the system, through the Valley to connect Los Angeles and San Francisco. Gov. Schwarzenegger wants to postpone that vote, reckoning that voters may be reluctant to take on

such an obligation in the face of the state's tattered finances. That would be shame, but it detracts not one bit from the promise of high-speed rail.

Is there a better transportation bargain for California and the Valley than a high-speed rail system? Clearly not. Do we have the wisdom and the will to pursue such a project? The jury's still out on that one.