

Smog-control plan approved

Air district extends the Valley's cleanup deadline

By Mark Grossi
[Fresno Bee, Saturday, October 9, 2004](#)

The San Joaquin Valley Air Pollution Control District board on Friday approved a smog-control plan that extends the Valley's cleanup deadline five years as one of the country's two worst-polluted places.

The district, stretching from Stockton to Bakersfield, last year asked the federal government for worst-offender status, which pushes the cleanup deadline from 2005 to 2010 and avoids millions of dollars in business sanctions. Los Angeles is the only other place with worst-offender status for the peak, or one-hour, ozone standard.

The Valley's old 2005 deadline was an impossible goal, officials said. The Valley's biggest smog problem comes from vehicles, which the district does not regulate. State and federal agencies control those sources. They plan a significant cleanup of fuels and engines in 2007, officials said.

The Valley's new plan, containing further controls on business and industry, will be submitted to the state Air Resources Board and then the U.S. Environmental Protection Agency. Both are expected to approve it.

"We're confident that we will reach attainment in the time frame specified in the plan," air pollution control officer Dave Crow said in a prepared statement. The plan aims at reducing the main ingredient of smog, which is ozone. The corrosive gas aggravates asthma and other breathing difficulties. Ozone forms on hot, still summer days and remains trapped in the bowl-shaped Valley.

The one-hour standard this year was replaced by a more protective, daylong standard. But federal officials said the Valley and other air basins still would be responsible for achieving the old one-hour standard.

The more protective standard will be a tough goal as well, officials said. The Valley has had more violations of that standard than any other place in the country over the last five years. Officials are devising another plan to meet the 2013 cleanup deadline for the more protective standard.

District blows life into air plan

Purification program may be revoked by next year officials say

By Dave Myhra - SAN JOAQUIN BUREAU
[Tri-Valley Herald, Saturday, Oct. 9, 2004](#)

The San Joaquin Valley Air Pollution Control District approved a plan Friday that would give the Valley cleaner air by 2010 -- but planners soon may have to go back to the drawing board.

Designed to reduce peak ozone levels, the plan would bring the Valley into compliance with state and federal laws under the one-hour ozone standard.

The district's goal is to reduce nitrogen oxide and inorganic compounds, such as paint fumes, in the air by 2010.

An even more stringent standard may go into effect next year.

If it doesn't, the Valley could lose billions of dollars in transportation funds, according to the district.

Since the air district only controls about 25 percent of pollution sources in the Valley, the plan also includes state and federal efforts to clean up the air.

It takes into account the recent state law that requires car manufacturers to reduce emissions by 2009, and the diesel engine emission rules. The plan also looks at its own programs, such as "Spare the Air," and at rules governing how many fireplaces can be put in any given subdivision.

"They had to take everything that is being done into account," said Anthony Presto, public educator for the district.

The district is confident the plan would work if it were in place for the full five years.

"We're very pleased with the board's endorsement of this far-reaching plan," said Dave Crow, district air pollution control officer.

But it's probably not going to be followed to conclusion.

"The one-hour plan is expected to be revoked on June 15, 2005," Presto said.

Right now, the district is operating under both the one-hour ozone standard and the much more strict eight-hour ozone plan. The eight-hour standard is more accurate, because it measures ozone concentration over a longer period of time.

The district will develop a new plan for the more stringent standard, Presto said.

Valley air program given ok Smog plan includes 5-year extension to reduce unhealthy levels of ozone

BEE STAFF REPORTS AND NEWS SERVICES

[Modesto Bee, Saturday, Oct. 9, 2004](#)

FRESNO - A smog control plan approved Friday takes into account a five-year extension for cleaning up the San Joaquin Valley's air, which ranks among the worst in the country.

The plan, approved by the San Joaquin Valley Air Pollution Control District board, specifies a cleanup deadline of Nov. 15, 2010.

Previously, the district - stretching from Stockton to Bakersfield - faced a 2005 deadline. But, acknowledging that it could not meet that deadline, the district last year asked the federal government to downgrade the valley's air to worst-offender status.

This gave the air district an additional five years, and staved off millions of dollars in business sanctions and the loss of billions of dollars in federal transportation funds.

Worst-offender status now applies to the valley and only one other place in the country: Los Angeles.

The valley's 2005 deadline was an impossible goal, officials said. Most of the valley's smog problem is attributable to motor vehicles, which the district does not regulate. State and federal agencies control those sources. They plan a significant cleanup of fuels and engines in 2007, officials said.

The valley's new plan, containing further controls on business and industry, will be submitted to the state Air Resources Board and then the U.S. Environmental Protection Agency.

"We're confident that we will reach attainment in the time frame specified in the plan," air pollution control officer Dave Crow said in a statement.

The plan aims at reducing ozone, the main ingredient of smog, over the next six years. Ozone is a corrosive gas that aggravates asthma and other breathing difficulties. Ozone forms on hot, still summer days and remains trapped in the bowl-shaped valley.

The cleanup plan is based on the federal government's one-hour standard - which looks at hourly peaks of ozone.

Earlier this year, the federal government adopted a new, more protective, daylong standard. Valley officials are devising a plan to meet the 2013 cleanup deadline for the new standard.

In the meantime, the valley air district is required to work on meeting the old one-hour standard.

The more protective standard will be a tough goal as well, officials said.

Under the new standard, air districts must calculate ozone levels based on data collected over eight hours. Sustained smog, then, even at lower concentrations, will result in bad grades.

The valley's air has violated the new standard more times than any other place in the country during the last five years. In 2003, the air district recorded 134 violation days.

State Money Helped Dairies Dirty the Air

Angelides freezes future loans after saying bonds were used to build bigger, smoggier farms

By Mark Arax, Times Staff Writer

[Los Angeles Times, Monday, October 11, 2004](#)

FRESNO — Over the last four years, nearly \$70 million in state bond money designated for pollution control has financed a score of giant dairies that have helped turn the San Joaquin Valley into the nation's most polluted air basin.

In several cases, the tax-exempt, low-interest loans to fight pollution have been used by dairymen to close smaller operations in Chino and open dairies with as many as 14,000 cows each in the valley, which produces more milk than any other region in the country but has more violations of the eight-hour ozone standard than even Los Angeles.

"It's hard to believe that low-interest loans set aside by California to fight pollution are instead being used to expand some of the biggest polluters in agriculture," said Brent Newell, an attorney for the Center on Race, Poverty & the Environment, a San Francisco-based law firm that has joined the Sierra Club to fight the expansion of industrial dairies.

State Treasurer Phil Angelides, who heads the Pollution Control Financing Authority and approved the loans, now says the \$70 million in bond money for dairies was misspent. He said the blame lies not with the dairy farmers but with the pollution control authority, which failed to scrutinize the environmental impacts of the big dairies.

In their loan applications, the farmers stated that their bigger dairies would provide an "environmentally sound method of disposing of animal waste." By expanding their acreage, they would have more land to spread manure, and thus lessen its effects on groundwater.

But Angelides now says that this reasoning was faulty and that the dairies never should have received the bond money. The larger dairies might have made some progress in protecting groundwater, but they continue to rank among the major air polluters in the San Joaquin Valley, according to local regulators. Simply put, more cows mean more gases are released into the air to form smog and particulate pollution.

Angelides said only businesses that take important steps to curtail their pollution should qualify for the financing. The 18 dairies awarded state bond money since 2001, by contrast, never offered any plans to use new air pollution control technology, he said.

Citing the concerns of the Sierra Club and others, Angelides has decided to freeze an additional \$24 million in loans approved this year for a new set of dairies.

"We're going to stop financing dairies until we can do a comprehensive review," Angelides said. "In the future, I'm going to press hard to make sure that any dairy we finance will be taking steps to resolve environmental problems, not contribute to them."

The decision to finance dairies — and now declare a moratorium on that funding — is a setback to a program that the state treasurer has worked to reform since taking office in 1999, making the bond money available to a broader range of industries.

David Albers, whose 4,000-cow dairy in Fresno County got a \$5.8-million loan at 1% interest in 2003, said he thinks his new dairy deserved the financing.

"It's remarkable that Phil Angelides is now saying that his own agency has fallen short, but we didn't do anything wrong," he said. "We went through the process and got the money fair and square."

Albers emphasized that his new dairy warranted funding because it posed fewer risks to groundwater than his old dairy had. "We have about twice as many acres as we need to handle the manure that we produce," he said. "The chances of our new dairy polluting the groundwater are slim and none."

But Albers and other dairy farmers acknowledge that they continue to use an old recycling system that adds considerable pollutants to the air. Dairy waste is shunted into large, open-air lagoons that cook in the sun. Those lagoons emit millions of pounds of smog-forming gases each year, according to regulators at the San Joaquin Valley Air Pollution Control District.

In addition, they say, dairies here account for more than 100 million pounds of ammonia per year — a major source of particulate matter that can lodge deep in the lungs and cause disease.

Over the last six years, the San Joaquin Valley has violated the national eight-hour ozone standard 689 times, as opposed to 569 violations for the South Coast Air Quality Management District. The eight-hour measure is now regarded by federal regulators as the best standard for gauging the effects of smog. Los Angeles and Houston still lead the nation in one-hour peak violations.

The recycling process used by dairies also carries risks to the water supply, say state water regulators. As dairies spread their liquid and dry fertilizer on adjacent cropland, it can leach into the aquifer or run off into rivers. One Solano County dairy receiving the bond financing was fined recently by the state for spilling 1.3 million gallons of liquefied manure into local irrigation canals.

State records show that the pollution control authority under Angelides never required the dairies to employ methane digesters or other new technologies that enclose lagoons and reduce the amount of harmful gases. Neither did the agency encourage stricter standards on lining the lagoons with clay and other material to protect groundwater.

"The state has missed a major opportunity to push these big dairies in the direction of new pollution control methods," said Vicki Lee, a Sierra Club member in Sacramento who first questioned the dairy loans in an Aug. 30 letter to Angelides. "The dairies haven't taken a single step to justify this financing."

The pollution control board's rationale in awarding the loans was clearly wrong, Angelides now says. In every instance, the three-member board — which includes state Controller Steve Westly and the governor's finance director, Donna Arduin — cited the same reason: Each new or expanded dairy would benefit the environment by diverting waste from a state landfill.

But dairies, by long-standing practice, do not send their waste to landfills. The dumping fees alone would be prohibitive. "Diversion from landfills is not accurate," Angelides said. "That's a staff error."

The controversy over the dairy loans has shined a light on a rather obscure state program that delivers hundreds of millions in tax-exempt revenue bond money to fight pollution.

The pollution control financing board was established by the Legislature in 1972 "to provide industry within the state, irrespective of company size, with an alternative method of financing" to build or expand pollution control facilities. After the authority approves a project for financing, the tax-exempt, variable-rate bonds are sold to money market funds, insurance companies and other investors.

In the early years, much of the financing went to Mobil and Arco, Southern California Edison and Pacific Gas & Electric to fund programs that cut back on their pollutants.

Under Angelides, the board has moved away from financing oil companies and utilities and began awarding loans as large as \$91 million to solid-waste firms now required under law to recycle and reduce garbage at landfills. Angelides said he has tried to direct more of the agency's \$200 million to \$300 million in annual pollution control bond funds to projects that carry a real potential for environmental cleanup.

"When I came here, we wanted to turn it into a much more aggressive, cutting-edge, environmentally friendly authority," he said. "And I think we've done that."

Three years ago, for instance, the board gave a \$15.4-million loan to a cheese manufacturer in Tulare County to install a state-of-the-art waste recovery system. This year, the board has given initial approval for \$89 million in financing to a Glenn County company that will produce fiberboard by recycling 200,000 tons of rice straw each year.

In the case of the dairies, most recipients have been financed under the agency's so-called Small Business Assistance Fund. The fund has allowed each dairy to also receive grants of up to \$250,000 to cover the loan's administrative costs.

At least six of the dairy farmers who got financing have consolidated or closed operations in Chino and other Southland cities where suburbia continues to swallow up farmland. By selling their land to developers, many third-generation Dutch and Portuguese dairy farmers have become wealthy. But it also has sent them over the mountain to the San Joaquin Valley in search of dairy land for their children and grandchildren.

The dairies now rising in Kern, Tulare, Kings and Fresno counties are among the nation's largest, transforming the middle of California into a milk-producing marvel even as they pollute the air and threaten to degrade the groundwater. Nearly 2 million cows are spread out over 625 dairies across the San Joaquin Valley, industry figures show.

Outside Bakersfield, the B&B, a dairy owned by James Borba, who received \$8 million in state bond money at 1.1% interest last year, milks 14,400 cows. His cousin, George Borba, has built his own 14,400-cow dairy next door with \$3.8 million in state bond financing.

Like the Borba dairies, Albers' Vintage Dairy on the far west side of Fresno County is built on an industrial scale. More than 4,000 Holsteins feed in tight stalls in open-air metal barns bigger than football fields. Twice a day, like clockwork, comes the call of the milking line.

Albers' dairy produces not only a river of milk, but also 9,000 tons of wet sewage a year, according to state bond documents. Dairy experts say that is the equivalent waste of a city of 80,000 people.

"Yes, big dairies do emit certain pollutants," Albers said. "So doesn't it make sense for society to allocate resources to control that pollution?"

As a condition of the \$5.8-million loan, the pollution control board never required Albers to install technology to reduce pollutants from the lagoons. Instead, Albers bought enough adjacent land to plant 2,500 acres of corn, alfalfa and wheat. That way, the manure from his cows can be completely utilized as fertilizer.

"No, we don't have any of the new technology, but we're using manure to grow crops and enrich the soil," said Albers, a third-generation dairyman who practices law in Bakersfield. "This new dairy is much more environmentally efficient than our older one."

But regional air district regulators point out that before cow waste is spread as fertilizer, it releases much of its reactive and other gases into the air. Whatever efficiency Albers has gained by building a new dairy, they say, he will more than offset by eventually doubling the size of his herd to 8,000 cattle.

Part of the problem, Angelides said, is that local and state regulators have been toothless in holding dairies to more rigorous standards.

Last month, for instance, the San Joaquin Valley Air Pollution Control District delayed requiring dairies to install new technologies to reduce air pollutants. Likewise, the Central Valley Regional Water Quality Control Board is monitoring fewer than 15% of the dairies for groundwater impacts.

Angelides said the pollution control financing board under his leadership shared the blame.

"In absence of those tougher standards from regulators and the Legislature, I'm going to now urge the board to set our own tough standards," he said. "If we decide to finance dairies in the future, the pollution controls will be real."

Report: Millions of state dollars helped polluting dairies expand

The Associated Press

[In the Fresno Bee and Bakersfield Californian, Monday, Oct. 11, 2004](#)

LOS ANGELES (AP) - Nearly \$70 million in state bond money earmarked for reducing pollution was used by California dairies to expand their operations, which resulted in more air pollution, the Los Angeles Times reported Monday.

The result, the newspaper said, is that the air in California's dairy-rich San Joaquin Valley is now among the dirtiest in the nation, recording more eight-hour ozone level violations than Los Angeles.

State Treasurer Phil Angelides, who as head of the Pollution Control Financing Authority approved the loans, now says the money was misspent. The environmental impact of large dairies should have been studied more closely before the loans were OK'd, he said.

"We're going to stop financing dairies until we can do a comprehensive review," Angelides said. "In the future, I'm going to press hard to make sure that any dairy we finance will be taking steps to resolve environmental problems, not contribute to them."

He said none of the 18 dairies receiving loans since 2001 offered any plans to use new air pollution control technology. The dairies qualified for the money through tax-exempt, low-interest loan programs by stating in their applications that expanding operations would provide an "environmentally sound method of disposing of animal waste" by spreading cow manure across a greater area and thus decreasing its impact on groundwater supplies.

But while some of the expanded dairy operations have been successful in increasing groundwater protection, the Times said, dairies that expanded their herds to as many as 14,000 cows also put much more methane gas into the air.

"It's hard to believe that low-interest loans set aside by California to fight pollution are instead being used to expand some of the biggest polluters in agriculture," said Brent Newell, an attorney for the Center on Race, Poverty & the Environment, which has joined with the Sierra Club in fighting the expansion of industrial dairies.

Angelides, meanwhile, has frozen \$24 million in dairy loans that were approved earlier this year.

One of the farmers who received a low-interest loan last year said he got the money "fair and square" and that his expanded operation does indeed pose less risk to groundwater.

"We have about twice as many acres as we need to handle the manure that we produce. The chances of our new dairy polluting the groundwater are slim and none," said David Albers, whose 4,000-cow dairy in Fresno County received a \$5.8 million loan with a 1 percent interest rate.

He acknowledged, however, that like other dairy farmers he continues to use an old recycling system that shunts waste into open-air lagoons, where it bakes in the sun. The result, say regulators with the San Joaquin Valley Air Pollution District, is millions of pounds of smog-forming gases being emitted into the air each year.

"The state has missed a major opportunity to push these big dairies in the direction of new pollution control methods," said Vicki Lee, a Sierra Club member who questioned the dairy loans in an Aug. 30 letter to Angelides. "The dairies haven't taken a single step to justify this financing."

Pact between dairies, air district faces fight

By MATT LEEDY, The Fresno Bee

[In the Modesto Bee, Monday, Oct. 11, 2004](#)

After a defeat in Fresno County Superior Court, an activist group vowed to fight again against dairy leaders and local air district officials who have agreed on how to implement a new clean-air law.

Thursday, the Association of Irrigated Residents withdrew its attempt to block a lawsuit settlement between dairies and the San Joaquin Valley Air Pollution Control District.

A lawyer for the AIR group said the group will take its fight to federal court.

AIR representatives were angered when they were excluded from lawsuit negotiations between the air district and dairy leaders.

Those negotiations led to an agreement reached last week, when the air district said it would wait until scientific emission studies are completed before requiring dairy owners to make substantial — and costly — changes to curb pollution.

The district still can require dairies to have permits under the new law. Dairy leaders, in turn, agreed to drop their lawsuit against the air district.

In their lawsuit, dairy owners — including Western United Dairymen and Western Milk Producers — had argued that they shouldn't be forced to obtain permits until after the studies are complete.

An advisory board also will be formed as part of the agreement to track emissions studies and determine the best way to control pollution.

Some say more can be done

AIR, however, doesn't believe the settlement goes far enough. The group argues that air district officials also should force new and expanding dairies to use the best possible control measures to reduce pollution.

AIR initially tried to block the settlement. As that plan began to unravel, the group's lawyer, Brent Newell, withdrew his request Thursday and asked Fresno County Judge Wayne Ellison to change the settlement by forcing dairies to use the pollution-control measures.

But Ellison said he could not modify and enforce a new agreement.

AIR was not a plaintiff or defendant in the dairies' lawsuit, Ellison pointed out, so the group didn't have to be included in negotiations to settle it.

After Ellison made his ruling, Newell said AIR representatives would file lawsuits in federal court if new or expanded dairies were created without permits and the best pollution-reducing technology.

Meanwhile, dairy leaders and the air district moved ahead with plans they say will protect jobs and lead to better air quality in one of the dirtiest air basins in the country.

Legislation put to the test in valley

The settlement "forges a cooperative working relationship that will improve air quality in the valley," said David Cranston, a lawyer representing the dairy leaders.

The actions of air district officials and dairy leaders are receiving statewide attention.

Environmental groups and dairies are watching how the valley — California's anchor to its \$4 billion dairy industry — responds to Senate Bill 700. The new law repealed agriculture's decades-old exemption from air-operating permits.

Dairy owners filed their lawsuit in May after air district officials made plans to require permit applications from about 350 large dairies and farms by July 1.

The dairy groups complained that district officials would be basing the permitting decision on emission information compiled in the 1930s.

New studies, under way in Fresno and Davis, are expected to be completed next year.

Arsenic and Old Stakes

Too dangerous to burn or bury, treated wooden grape stakes sit in piles of thousands. They're a symbol of hard times that can't be erased.

By Dennis Pollock
[Fresno Bee, Sunday, Oct. 10, 2004](#)

SANGER -- From a distance, it looks like a wooden fort churned to toothpicks.

Instead, it's grape stakes from an 80-year-old vineyard. It is good wood gone bad because much of it contains arsenic, a poison that kept it strong enough to withstand rot and support a bounty of grapes every year.

Now the grape stakes sit, the length of more than four football fields, a splintered magnet for trash, strewn with plastic bags filled with garbage, an old television set, tires, smashed glass, carpeting, a chair and other items.

The mound, one of many around the central San Joaquin Valley, is the legacy of tough times in the vineyard three years ago, most notably for raisin- and wine-grape growers.

The challenge now is how to dispose of thousands of tons of arsenic-treated wood from the 100,000 acres of grapes that Valley farmers pulled out.

Those who represent farmers say the cost is too high -- as much as \$63,000 for the quarter-mile stretch of stakes that came from a 20-acre parcel a farmer cleared before he died last year.

Air district officials and farmers worry about what could happen to the piled stakes, particularly those next to roads.

"We think this is a serious problem," says Seyed Sadredin, deputy air pollution control officer with the San Joaquin Valley Air Pollution Control District. "These piles sitting near roadways are an accident waiting to happen. In some cases, the fields have been abandoned and the bank owns the property. We need to put our heads collectively together with the industry and environmental groups to find a safe and cost-effective way to eliminate the problem."

The problem is that many of the stakes -- Sadredin says there could be as much as 90,000 tons of them -- were treated with chromated copper arsenate that was forced into the wood. Farmers are not permitted to burn them because that would release chemicals into the air that are highly toxic and leave toxic ash. Health officials say the arsenate has long been associated with cancer and can attack the liver and kidneys. Chipping them also creates an air quality problem. The chemical can leach into the soil and contaminate water if buried in landfills.

Aside from the cost of dumping them at a landfill, the stakes are costly to haul because they do not compact easily. "It's like trucking feathers," an operator of a biomass facility says.

Sadredin says a ban on burning arsenic-treated stakes has been in place for more than a decade. Some farmers say they had burned the stakes until the air district began more stringent enforcement two years ago as state laws to curb burning were being readied and the number of vineyard acres removed skyrocketed. In the autumn of 2002, environmentalists, occasionally taking pictures of treated wood in piles with grapevine stumps, put pressure on the district to tighten enforcement.

Grape stakes made of untreated redwood can remain in a pile and can be burned. But stakes made of treated wood must be taken out.

"This is one of the hidden costs of the ban on burning," says Bill Boos Jr., a Sanger grower and principal in a vine- and orchard-removal and land-leveling business. Boos removed 6,000 stakes from 12 acres; the stakes are in a pile that is well-hidden from public view, but it's an eyesore that takes up a chunk of land on his farm.

Boos says it once cost \$150 to clear an acre of vines. "Now you have to pick the stakes out, and it's closer to \$500 an acre." He was among those who were told in 2002 that he had to pull treated stakes out of a pile he was preparing to burn. Now the stakes are on his farm, and navel orange trees have taken the place of grapevines.

The farming industry -- along with other industries that use treated wood -- received some solace recently when Gov. Schwarzenegger signed a bill sponsored by Assembly Member Barbara Matthews, D-Tracy, that permits disposal of treated wood at hazardous-waste landfills or at lower-level disposal sites with composite lining.

Leaders of farm groups say the bill helps. But they say landfill operators still can refuse to accept the stakes.

"This was important for the environment and for more than one industry, including the building industry," Matthews says. "Caltrans generates tons of treated wood waste. There were a lot of concerns about this becoming a public nuisance."

The rule on disposal of the waste wood remains until January 2007, when new regulations will be adopted for management standards by the Department of Toxic Substance Control. Previously, the lower-level landfills were allowed variances to dispose of the treated wood, Matthews says, "and the environmental community wanted the variances to disappear. It was an economic nightmare."

Department spokesman Ron Baker explains that a lined landfill has multiple layers of lining, "like a sandwich." It can include plastic as thick as a car tire. Under that is clay, and other layers can include nonporous rock.

"That makes it difficult for moisture to get through," Baker says, adding that there also is a system for collecting chemicals that may leach from the waste in the landfill.

Manuel Cunha Jr., president of the Nisei Farmers League, says Matthews' bill helps clarify dumping issues "but does not solve the problem."

"The landfill operator can still say 'no,' " he says. "What she did was good; it legitimizes the issue. But do they want to do it or not?"

The cost for farmers to dispose of stakes ranges from \$35 to \$65 per ton. There are about 520 stakes per acre, weighing a total of 3,560 pounds -- 440 pounds short of 2 tons.

Madera County grower Steve Schafer says he has had no difficulty disposing of treated stakes through the Madera Disposal Systems at a landfill in Fairmead.

"This is an issue that will become less and less of a problem because people are not going in with treated wood," he says. Many, like Schafer, are switching to metal, though he says the price for that has doubled in the past 10 months. "I've been using metal the past 25 to 30 years," he says.

Barry Bedwell, who heads the California Grape and Tree Fruit League in Fresno, says better prices to growers of raisins and wine grapes have slowed the removal of vines.

"The good news is there is some stabilizing of the acreage," Bedwell says.

Bedwell and Cunha say some growers had to dispose of the stakes at a hazardous-waste facility in the Kettleman Hills, but fear the prospect of lifetime liability.

"If you put something into that landfill today, 20 to 30 years from now you have a responsibility if there is a problem," Bedwell says.

Baker, spokesman for the Department of Toxic Substance Control, says that those who dispose of toxic waste in California have a "cradle-to-grave responsibility." That responsibility, in the case of the grape stakes, applies to the farmer whose stakes are hauled to a dump site and the person who transports them. The state documents what is placed in the toxic waste sites and who puts it there.

Baker adds that operators of toxic-waste sites carry insurance and are bonded. He says that reduces the likelihood that the person who generated or delivered the waste would face costs for disposal in case of a bankruptcy or mishap at a site. "But it does not eliminate that," he says.

Cunha and Bedwell say it is impossible to know how many treated stakes are mounded statewide because of the mix with untreated redwood and metal stakes.

And Alex Ott, the Grape and Tree Fruit League's director of government relations, says some growers simply have abandoned vineyards rather than paying the costs for removal and disposal. Those abandoned vineyards can then become breeding grounds for insect pests and diseases.

Cunha says the federal government, which had sanctioned the use of treated stakes for decades, should help with some funding for the disposal of the stakes now that burning is outlawed.

In December 2002, Cunha wrote to U.S. Agriculture Secretary Ann Veneman about the problem posed by the air district's finding that "chemically treated wooden grape stakes and end-posts release toxic materials into the air and leave toxic ash in the soil when burned."

Cunha asked for \$500,000 to defray the cost for farmers. He suggested the funding could be established through the Natural Resources Conservation Service on a cost-share basis. He says there was no response to his request.

Farm groups and air district officials are talking about the prospect of working with a biomass plant to accommodate disposal of the treated wood.

Phil Reese, chairman of the California Biomass Energy Alliance, says the biggest problem with burning the wood is the toxic ash.

"Any of the biomass plants could physically burn it," Reese says. "Two problems are that permits would have to be amended to permit that and the arsenic ends up in the ash."

Reese, director of the Colma Energy Plant in Riverside County, says biomass plants take precautions to avoid taking treated wood from their suppliers. He says ash is sampled and tested routinely and disposal of any toxic ash is very costly.

"Biomass would love to find a solution," he says. "We'd love to help the ag industry."

Reese says there have been at least two instances in which biomass plants responded to a crisis when disposal of treated or lead-painted wood was needed -- after the 1989 Loma Prieta earthquake and the 1994 Northridge earthquake.

"To be good citizens, some plants took the old wood that included lead-based paint," he says.

Then, however, they found themselves facing substantial costs for disposal of toxic ash.

Clearing the air

Farmers must help decrease dust in the valley

By TIM MORAN, BEE STAFF WRITER

[Modesto Bee, Saturday, Oct. 9, 2004](#)

Ladd Hackler, who farms 20 acres of almonds near Hughson, recently invested \$6,000 in a used flail mower.

Mowing is a substitute for discing the soil, Hackler explains. Breaking up the soil with a disc creates dust, and farmers like Hackler are under the gun to reduce the amount of dust they create.

"I mow more than I ever have, and disc only once," Hackler said. That leaves the ground firmer, and as a side benefit, Hackler said, he loses fewer nuts in the sandy soil.

Hackler is also shredding brush rather than burning it, and the contractor who picks up his almonds in the field changed the configuration of his machinery so it will kick up less dust.

"We are all trying to do our part," Hackler said.

Bigger growers are using water trucks in the field, mowing fewer times and discing once or not at all, Hackler said.

"I'm kind of old school. I like to get out and disc once a year, work the material into the ground," he said.

The dust suppression efforts are a part of a mandate from the San Joaquin Valley Air Pollution Control District for farmers to reduce the amount of PM10 in the valley's air.

PM10 is the technical term for dust - particulate matter 10 microns or smaller. The valley is in "serious non-attainment" of the PM10 emissions defined in the federal Clean Air Act.

According to the state air resources board, the PM10 mix can include smoke, soot, dust, salt, acids and metals.

And when those tiny particles - one-seventh the thickness of a human hair - are inhaled, they lodge deep in the lungs, triggering asthma attacks, bronchitis and other lung diseases, according to the California Air Resources Board.

"I hate it," said Mary Anne Vient of Modesto. "When you are driving down the street, there are dust clouds. I feel like I'm eating dirt."

The dust clouds along highways are a safety hazard, she added. "You can't really stop, or pull over and turn around."

Johnnie Savage of Escalon, a Bay Area transplant, says she notices the dust in her house, but is resigned to living with it.

"When you move here, those are the consequences," she said of life in the state's agricultural heartland. "It wouldn't bother me so much I would move back."

Farmers and air district officials are trying to alleviate the problem.

New dust suppression rules for valley farmers went into effect July 1, and they will have to file a formal plan for controlling it by Dec. 31.

So far, about 3,000 of a possible 8,000 farming operations have filed plans, said Anthony Presto of the valley air district.

Under a separate law, farmers will have to phase out the burning of ag waste by the year 2010.

There are no measurable differences in the air data yet, Presto said. The program is in its infancy, and it may take a few years to see a measurable difference, he said.

Farming is dirty work

The problem is daunting because farming is a dusty endeavor. Growers break the soil to plant and harvest and are in the fields with equipment frequently for weeding, pruning, tilling and spraying.

The agriculture community worked with the air district to come up with a plan, the Conservation Management Practices, said Wayne Zipser, executive manager of the Stanislaus County Farm Bureau.

"A lot of hard work was put into it," Zipser said. "We wanted to build up an inventory (of dust-reduction activities), to show the air district and the public what the ag industry is doing to help in that area."

The rules apply to farms with 100 acres or more of contiguous farmland - so technically, Hackler doesn't fall under the rules. But, the Hughson farmer notes, he lives in the valley and has asthma.

"It's on everyone's mind; we all need to do our part," he said.

The air district regulations are broken into five categories of farm activity. Farmers can choose from a menu of dust suppression strategies for each.

For instance, under land preparation and cultivation, farmers can opt for no tillage, night farming, mulching, drip irrigation or a number of other practices.

Farmers have to choose five of the practices for each crop.

"It's a way for ag to say, 'We've stepped up to the plate,'" Zipser said.

The almond industry in particular is a dust generator, with its tree shaking, sweeping and vacuuming of the nuts.

The industry is working hard to minimize the problem, said Chris Heintz, director of production research and environment for the Almond Board of California.

The almond board is researching how to measure PM10 and how it is dispersed in the air, Heintz said. It also is working with equipment manufacturers on modifications to minimize dust, she said.

"We will have to pick up less dirt off the orchard floor," Heintz said.

Using sprinklers and paying attention to the moisture content of the soil can also help keep dust out of the air, she said.

"Our industry is very committed to issues of air quality. We live in the valley, too," she said.

The efforts will be costly.

"It's going to be a financial impact. Oiling of roads, chipping (instead of burning), there's an additional cost," Zipser said. "You have to find someone to come in and do the chipping, rather than buying a \$250,000 piece of equipment."

It's difficult to stay competitive

Zipser worries about farmers remaining competitive in world markets, and whether they are being asked to shoulder more than their share of the problem.

"Other things are causing air pollution; they need to clean up their act, too," Zipser said, citing autos, trucks, trains, fireplaces and growth in the valley.

"Don't put all the regs on agriculture. We are cleaner, doing things better, using more conservation management practices than ever before."

Some valley residents are sympathetic to the farmers' plight.

"If you don't like dust, don't live here," said Walt Price of Riverbank. "The farmer was here before we were. It's just something you have to contend with."

If the new strategies being used by farmers work, there will be less dust to contend with in the future.

Operation seeks permit again Sanitation group was denied in September

By Staff reports

[Visalia Times-Delta, Monday, Oct. 11, 2004](#)

A waste-hauling operation between Dinuba and Reedley will ask supervisors on Tuesday to overturn a decision that has kept it from getting the special-use permit it needs to expand.

Miramonte Sanitation, an operation that started without the proper permits, was last month denied a special-use permit by the Tulare County Planning Commission on the grounds that it had the potential to adversely affect neighbors.

The agricultural waste-hauling operation collects waste -- such as green material, construction and demolition material from local construction projects, and mixed municipal waste -- from rural customers, sorts it, then hauls it to landfills from its site at 42605 Road 72, in northwest Dinuba.

The hauling operation occupies 2.6 acres of a 47.57-acre parcel. But concerns over things such as noise, odor and groundwater contamination were enough for commissioners to deny the waste-hauling operation a special-use permit.

Supervisors will hold a Permit public hearing Tuesday to consider an appeal by Miramonte Sanitation's agent Dirk Poeschel of the planning commission's denial of the special-use permit.

The county's Resource Management Agency is recommending that supervisors deny the appeal and uphold the planning commission's decision.

In a petition to the county, at least 28 area residents said they didn't want the waste facility in their neighborhood.

"Why should they have a right to build something that will damage and degrade not only the quality of life here, but also devalue our hard-earned property?" said ElRay and Mona Clarkson of Dinuba in a letter to commissioners.

Complaints

Neighbors who opposed the project said: things such as flies and rodents from the garbage were a nuisance and a source for disease; that mosquitoes from the operation's ponding basin increased the risk of encephalitis and West Nile virus and odor, noise and dust from the operation keep them from enjoying the use of their properties.

A letter of opposition to the proposal was also submitted to the county from the city of Dinuba. It opposed the project because it raised "issues of property value and salability" for future residential development in the area.

Although the facility is operational, the facility may not transfer more than 15 tons of material per day under its current permit, according to an RMA report.

With the approval of this and other permits, the facility would be allowed to expand to 150 tons of material per day, the report said.

In its denial, the planning commission said as proposed, the project is incompatible with the surrounding area, but that if limited to just a transfer station or relocated to the west side of a ditch on the property, it is possible that the use could be compatible.

New buses hit streets of San Joaquin County

By San Joaquin News Service

[Lodi News Sentinel, Saturday, Oct. 9, 2004](#)

Riders of San Joaquin Regional Transit district buses probably won't notice the difference, but there are two new buses on city streets.

The buses, unveiled Friday morning at the SJRTD bus yard, are of the hybrid type, with a smaller engine but more pickup and less pollution.

According to Bob Kuhn, director of maintenance for the district, it's a combination of things that help make the bus not only more fuel efficient, but also cuts down on air pollution.

First, a smaller, a 5.9 liter diesel engine powers the bus and recharges the set of batteries, he said. Then those batteries supply power to the Allison electric motor which also helps power the bus.

By using the electric motor, fuel is saved, Kuhn said. And by using less fuel, fewer pollutants are sent into the air.

The cost for each bus, about \$500,000 apiece, is \$100,000 more expensive than the district's current buses, Kuhn said. But the district expects the cost savings to be realized in fuel efficiency, he said.

Current buses average about 3 miles per gallon. The new hybrid buses average about 4.5 miles per gallon, Kuhn said

Kuhn said the district will buy 54 more hybrid buses by 2006 as it starts to phase in the new buses. And by 2011 or 2012, Kuhn said technology might be advanced enough so hydrogen fuel cell buses will be on the roads.

Visalia, Tulare schools to fly flags advising air quality

By Tim Bragg, The Bee

[Fresno Bee, Friday, October 8, 2004](#)

People wanting information on air quality can look no farther than the nearest school in Visalia or Tulare.

The Visalia Unified and Tulare City school districts have agreed to fly flags featuring a multicolored code to inform children, parents and the community about air quality.

The flags will be flown at all schools in the districts. Tulare District Hospital and the city of Tulare also have agreed to fly the flags over their buildings.

"When parents are dropping off their kids in the morning, they can look at the flag and tell them, 'I don't want you running outside after school,'" said Christine Foster, project director for the Tulare County Asthma Coalition, which is organizing the flag project.

Officials from Visalia Unified and the asthma coalition will hold a ceremony at 10 a.m. Tuesday at Hurley Elementary in Visalia to highlight how the flags work. The public is invited. Foster said flags are up at participating schools. Each participating site has received four flags that correspond to colors of the Air Quality Index issued daily by the San Joaquin Valley Air Pollution Control District. Each day, a flag will be raised that corresponds to the color of the index:

Green means air quality is good and all outdoor activity is permitted at school.

A yellow flag means the quality is moderate, but may be unhealthy for extremely sensitive children or adults.

An orange flag shows the air is unhealthy for sensitive people. Active children, adults and others should limit prolonged exertion outdoors, and indoor activities will be made available for children.

A red flag means the air quality is unhealthy for everyone. Indoor activities will be provided at school.

Foster said the flags were paid for with help from The California Endowment. She said the coalition hopes to have the flags put into use at other schools and public buildings throughout the county.

Briefs, S.F. Chronicle

[Saturday, Oct. 9, 2004](#)

FRESNO, Calif. (AP) - The deadline for commuters, farmers and businesses in the San Joaquin Valley to improve air quality has been extended five years by the regional air board.

The district, which stretches from Stockton to Bakersfield, ranks among the most polluted in the nation.

The San Joaquin Valley Air Pollution Control District board, however, said Friday that the 2005 deadline for complying with federal air standards is impossible to achieve. The board voted to give the district an additional five years - until 2010 - to meet air standards.

The valley's new plan, which includes tighter controls on business and industry, will be submitted to the state Air Resources Board and then the U.S. Environmental Protection Agency. Both are expected to approve it.

EPA reduces oil refinery pollution

Settlements, fines, equipment-upgrade proposals key to success

[New York Times -- In the S.F. Chronicle, Sunday, October 10, 2004](#)

Washington -- Despite its difficulties forcing power plants to reduce their toxic emissions, the Environmental Protection Agency has had unusual success in bringing down pollution levels from some of the nation's largest oil refining companies.

Enforcement efforts begun in the Clinton administration have led to negotiated settlements with a dozen companies in the last four years, resulting in fines of \$40 million and promises by the companies to spend \$2.2 billion for equipment upgrades that reduce toxic emissions. The improvements are projected to eliminate nearly 170,000 tons of sulfur dioxide and nitrogen oxide, substances that cause problems for human health and the ozone layer.

Agency officials say the settlements represent 41 percent of the industry, with negotiations under way that would bring the number to 60 percent by early next year. Officials say no other industry group monitored for toxic emissions has responded so aggressively to threats of litigation over Clean Air Act violations.

"This is the model," said Thomas Skinner, the EPA's chief enforcement officer. "Our goal is 100 percent, but I'm sure some companies won't sign on; they'll end up fighting. But 60 percent is an incredible success story."

Even environmental groups admit that the agency has done a commendable job in reducing toxic emissions at refineries, which account for about 1 percent of the nation's total emissions.

The first of the refinery settlements came just after the 2000 elections, when the agency concluded deals with Koch Industries, BP Exploration and Oil, Motiva Enterprises LLC/Equilon and Marathon Ashland Petroleum. The latest settlement, with Citgo, was concluded last week.

The agency has had less success with utility companies because of the way they interpret accusations of violations of Clean Air Act regulations under what is known as the New Source Review rule, which requires older facilities to install pollution controls when renovations would lead to increased emissions.

The operators of power plants, which account for almost a quarter of the nation's nitrogen oxide emissions and nearly 70 percent of sulfur dioxide emissions, have generally argued that they are complying with all federal laws and that court decisions would eventually bear that out.

The utilities' willingness to litigate has been emboldened by two lawsuits, now on appeal, in which the trial court ruled in favor of the company, as well as by a Bush administration decision to revise the New Source Review rule to make it easier for operators to delay or avoid adding the new controls.

General Motors, Shanghai partner to build hybrid bus in China

[S.F. Chronicle, Monday, Oct. 11, 2004](#)

SHANGHAI, China (AP) -- U.S. automaker General Motors Corp. said Monday that it will build its first hybrid bus in China next year with its partner in Shanghai to promote the technology for cleaner, more fuel efficient vehicles.

GM and Shanghai Automotive Industrial Corp. will begin by developing one bus and test run it in Shanghai to see if it would be commercially viable in China, said GM's vice president of Environment & Energy, Elizabeth Lowery.

"We will see if there is opportunity for volume ... if there is an interest in this technology from the government," said Lowery.

The number of vehicles on China's roads is soaring, bringing a growing reliance on imported oil and worsening already severe air pollution.

In response, foreign automakers are beginning to test some of their hybrid vehicles in China.

DaimlerChrysler AG has said it plans to test three hydrogen fuel-cell buses in Beijing next year, and Toyota Motor Corp. said last month that it will assemble and sell its Prius model, a gasoline-electric hybrid, in China.

Hybrids draw power from two energy sources, typically a gas or diesel engine combined with an electric motor.

"We're starting with the bus because you get the biggest bang for the buck," Phil Murtaugh, chairman of GM's China operations, told reporters.

Although the bus will be built in China with Shanghai Auto, the key technology will not be shared with its China partner and those parts will be imported from the United States, Lowery said.

According to GM, the buses could help save 40 percent to 60 percent in fuel and reduce some emissions by up to 90 percent.

It is unclear, however, if the automakers can persuade the Shanghai government or any other city to purchase expensive hybrid buses.

There are already thousands of natural gas buses on the road in several Chinese cities, and the country has increasing access to natural gas, a cleaner option than diesel or gasoline buses. GM's partner Shanghai Auto also has a program to develop buses with natural gas.

In morning trading on the New York Stock Exchange, GM shares were up 16 cents at \$41.65.

Tough enforcement needed

State, county inspections of dairy industry needed to protect environment, residents.

[Bakersfield Californian, Editorial, Sunday, Oct. 10, 2004](#)

California dairymen are quick to remind us that their industry is a key economic driver in a state that has become a national milk producing power house.

Kern County alone is home to an estimated 290,000 milk cows on 55 dairies. An additional two dozen projects, with more than 214,000 cows, are waiting in the wings.

A linchpin in California's economic wheel, the dairy industry merits public and legislative support.

But if dairies have become such a vital California industry, they must be treated as such an industry, where factory-sized dairies have replaced bucolic mom-and-pop farms.

The dairy industry has a great potential to do great good for California and its citizens. It also has the potential to do great harm.

The very air we breathe, the water we drink and the life we enjoy depends on striking a balance supporting the industry's ability to operate, while enforcing strong, appropriate rules to protect the environment.

State Sen. Dean Florez, D-Shafter, is correct to recognize the need for this balance.

Last week, Florez announced he will introduce legislation to strengthen state and local government oversight of the dairy industry.

- Increase inspections and fees associated with Regional Water Quality Control Board permits to guard against groundwater contamination.

- Strengthen enforcement of county dairy requirements, such as those included in conditional-use permits issued when dairies build or expand.

Florez's proposal requires state and county government agencies to keep a watchful eye on the rapidly growing dairy industry.

Florez must work with state and county officials, as well as dairy industry representatives, to craft a fair and workable regulatory scheme.

Operators now obtain discharge permits and pay one-time fees when they build their dairies. The current system does not generate sufficient money to pay for state inspectors to regularly visit dairies to ensure they are not polluting the ground water.

Operators also obtain county conditional-use permits that place construction and operating requirements on new dairies. This one-time permit provides no money for ongoing enforcement. The cost is borne by taxpayers.

Link the two permits to an annual fee system that would require the dairy industry to pay for county and state oversight.

The Chino Basin once the state's dairy mecca in Southern California provides harsh evidence of what can happen when dairies are not watched and are allowed to pollute.

The industry is quick to note that Chino's dairies are "old" technology. Modern-day dairies are more efficient and less polluting.

But Florez said last week that the impetus for his push to increase state and county oversight was an allegation that a Kern County operator illegally piped wastewater from his dairy into the Buttonwillow Ecological Reserve.

Four years ago, the same dairyman paid a \$9,000 fine to the U.S. Environmental Protection Agency when wastewater from his Chino dairy flowed through a man-made ditch into a flood basin.

A representative of the Dairy Action Network, an advocacy group that includes many Chino dairies relocating to Kern County, was quick to announce that the dairyman is not a member of the network or the Milk Producers Council.

Sadly the new technology dairymen claim should allay our fears about pollution is only as good as the operators.

The only real protection we have is through tough state and county rules that are enforced.

Send Matthews, Cogdill, Aghazarian back to Sac

[Modesto Bee, Editorial, Monday, Oct. 11, 2004](#)

Barbara Matthews has delivered. That is the best reason to send her back to the Assembly to represent the 17th District.

When some important Democrats in the Legislature decided the University of California at Merced campus should be delayed, Matthews worked hard to change their minds. With important help from two governors and legislators from both parties, she made certain that this crucial institution stayed on track for its fall 2005 opening. Now, educational opportunity is rising from the grassland of eastern Merced County.

Matthews fits her constituency - a mix of newcomers, commuters, farmers and longtime valley residents. Merced County makes up about 85 percent of the territory in the district, but only half its voters. Imagine a fist with a crooked pinky extended; the fist is Merced County but within the pinky lies Grayson, Westley, Tracy, Lathrop, west Manteca and a portion of Stockton. There, Bay Area commuters mingle (sometimes uneasily) with people who depend on agriculture for their incomes.

Matthews understands commuters - she was one for 21 years. She also understands farmers - she chairs the Assembly Agriculture Committee and is endorsed by the California Farm Bureau, which typically supports Republicans. Such understanding informs many of her views. Take air pollution, where she

supports any number of clean-up efforts, but is steadfastly sympathetic to the plight of farmers: "When there was only agriculture in the valley, the air was clean; then we all arrived here and started blaming agriculture for the dirty air."

Such understanding also allows her to work well with members of both parties - including the governor.

That Matthews has emphasized her frequent agreements with Gov. Schwarzenegger has become an issue in the campaign. Republican challenger Nellie McGarry insists that Matthews is trying to blunt her endorsement by the popular governor. Unfortunately, that endorsement - reproduced prominently in her literature and signs - appears to be the bulk of McGarry's platform.

Endorsements only carry so much weight with voters. It's performance that counts. Matthews has performed well for the valley. We should deliver her back to Sacramento.

25th Assembly District

Republican Dave Cogdill is so sure of re-election in the 25th Assembly District that he hasn't even printed campaign materials. For much the same reason, we endorse his candidacy over that of the inexperienced Bryan Justin Marks. We would prefer that Cogdill take more cues from the leader of his party, Schwarzenegger, and fewer from the more dogmatic elements with which he usually aligns. Cogdill prides himself on constituent service in a geographically immense district, a laudable attribute. As for Marks, we admire his determination, but a less ambitious office would be more suitable as a starting point in public service.

26th Assembly District

Greg Aghazarian is the only reasonable choice for voters in the 26th Assembly District. The Stockton businessman is an emerging power in his party, raising substantial funds for other candidates and straddling the gulf within the Republican Party. Aghazarian earned some "green" credibility by promoting recycling of diesel oil filters and sponsoring clean-up money for closed manufacturing facilities. He also joined Schwarzenegger in pushing through creation of the Sierra Nevada Conservancy. At the same time, Aghazarian has supported tax credits for farmworker housing, environmental remediation and other conservative causes. We would like to see more of the assemblyman in the southern portion of his district, which stretches between the Sacramento and Merced county lines. Aghazarian's opponent, Tim Weintz Sr. of Stockton, is not a viable alternative in this race. Weintz has no support from the Democratic Party and expresses fears that he is being poisoned and that his phones are wiretapped.

[Fresno Bee, Commentary, Sunday, Oct. 10, 2004:](#)

PETER SCHRAG: Governor forgets about other half of state's health

The Arnold assessments last weekend were almost entirely predictable and, with one major exception, mostly correct.

With the completion of Gov. Arnold Schwarzenegger's first round of bill signings and vetoes, he showed himself to be pretty much as advertised when he won the recall a year ago: a pro-business Republican with a decidedly moderate, even liberal, streak on social issues. Gov. Pete Wilson, as Bee columnist Dan Walters said, with a personality.

Schwarzenegger even signed a bill that he made fun of and used as evidence in his aborted argument for a part-time Legislature.

The bill, prohibiting the force-feeding of ducks and geese in the production of pate, was sponsored by Schwarzenegger's smoking buddy, Senate President Pro Tem John Burton, and the signing was probably a wink-and-nod favor to him.

He also signed bills legalizing the sale of sterilized syringes without a prescription, broadening protections for transgender people, requiring health insurers to provide the same coverage for domestic partners as for spouses and banning the sale of .50-caliber rifles.

All predictable

But from proposals to raise the minimum wage to enlarged consumer protections for car buyers, there was nary a bill opposed by business that Schwarzenegger approved. All that, too, was predictable a year ago. From the start, candidate Schwarzenegger ran on a declaration that he'd be business friendly.

Yet the business-friendly record of the past year contains one huge anomaly.

Among the governor's favorite refrains is the wonderful state of opportunity that he came to as a new immigrant in 1968. What he omits is that that moment followed two decades of unprecedented investment in public infrastructure and programs -- in transportation, in the creation of new campuses for the University of California and the state college system, in water systems, in park acquisition and development. In 1967, the year before Arnold arrived, Gov. Ronald Reagan backed and signed the largest tax increase in the history of this or any other state.

In 1968, California's per-pupil spending for K-12 education was among the top 10 in the nation. Now it hovers somewhere in the 30s among the 50 states, well below the national average.

In 1968, despite Schwarzenegger's McCarthyite conflation in his GOP convention speech of socialists with liberals like the late Hubert Humphrey, liberals like Humphrey had been running the country for 28 of the previous 36 years. That was the country that had been crucial in the victory over Adolf Hitler and whose economy dominated the postwar world and whose resources helped restore the Europe that the Nazis of Arnold's father's generation destroyed.

California's great public investments in the postwar decades were central in bringing businesses here and, in particular, fostering the innovative home-grown enterprises that laid the foundation for California's high-tech boom a generation later. Along with California's climate and natural beauty, they generated an eruption of national and international attention that made California a model for the world.

The governor seems to have forgotten that part of the state's appeal. If you ask people like Burton, who worked closely with the governor, what the agenda is for California they say they don't have a clue. He's not sure, Burton said the other day, whether Schwarzenegger himself knows.

Not part of plan

What's absolutely clear in the record of the past year is that the public programs that are crucial to the high-tech, high-skill industries on which California grew great have been stifled in favor of a crimped anti-tax agenda that's stifled the state's universities, drained billions of dollars from transportation improvements and starved the schools for some 30 years.

It's also more than likely that unless he changes his posture on revenue increases, and thus abandons the GOP theology on taxes, that the governor's deferral of the tough budgetary decisions, which includes the cost of his \$15 billion deficit bond, will keep California in its budgetary straitjacket indefinitely.

Even if the economy improves, the state will face another deficit next year meaning no money for any significant public investment.

Burton, Assemblyman Darrell Steinberg of Sacramento (both now termed out) and other legislative Democrats are proud they managed to protect as much in public services as they did.

But for this year at least, virtually all of them accepted not only the no-new-tax absolutes imposed by the Republican minority but Schwarzenegger's \$4 billion cut in the vehicle license fee, a fee that Californians had accepted for generations until Sen. Tom McClintock made an issue of it.

So now that we've reformed workers' compensation and blocked increases in the minimum wage and tougher air pollution regulations on the diesel-choked port corridors in Southern California, when will we do the positive things that once made the state so attractive?