

## **Kern still pumping oil, but little guys are about finished**

By ANDREA ALMOND - THE ASSOCIATED PRESS

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BAKERSFIELD — On a slip of flat yellow earth dotted with sagebrush and foxtail lies the rusting legacy of three generations of drilling: a graveyard of toppled oil derricks — and Bruce Holmes' solitary moneymaker.

Like a squeaky steel horse, the lone pump bucks and thumps, sapping crude from nearly a mile down.

Holmes spent 13 years' savings for the \$200,000 well his brother installed a year ago. At 40 barrels a day, its haul exceeds the combined output of his 19 other aging pumps. All are older than the 64-year-old oilman, and barely yield a profit.

Holmes, who drives a dusty pickup truck and sports a brass belt buckle etched with his company's name — Western Production Inc. — is one of the last of the mom-and-pop oil producers in California's southern San Joaquin Valley.

"This is the end of an era," he drawled from under a Stetson-shaped hard hat.

It's a common refrain in Kern County. Just as in parts of Texas, Oklahoma and Louisiana — even in Los Angeles County cities such as Signal Hill and Long Beach — its oil fields are slowly running dry.

At stake is not just the livelihood of independent drillers like Holmes but also the economy — and identity — of a region that for a century has helped keep California one of the top oil-producing states.

"People don't realize what oil has meant to the communities of the San Joaquin Valley," said Sally Kinney, 52, a waitress whose grandparents moved from Oklahoma during the Great Depression.

"Used to be everyone you'd meet had ties in some way to oil," Kinney said. "Now, fewer people know the fields. ... There's too many other options than to tie their future to a resource that won't be around forever."

Kern is still California's top oil-producing county, with 37,000 of the 43,000 wells statewide. At nearly 200 million barrels in 2002, the region generates three-fourths of California's oil, more than any state but Alaska and Texas and about one-tenth of overall U.S. production.

Some oil companies continue to invest, and state officials predict that there are at least 20 years of crude left in 75 active fields.

But it's a finite resource, and plugging parched wells is now a thriving business. In 2002, regulators issued 2,000 permits to drill new wells and 2,500 to abandon old ones, said Randy Adams of the California Division of Oil, Gas and Geothermal Resources. Where pumps once stood, housing developments and strip malls have blossomed.

The Kern County fields have been declining by 3 percent to 5 percent annually since 1985, Adams said. That's not an exceptionally high rate for an old field, according to industry experts. But because producers already are using advanced technology to tap existing pools, the drop is all the more acute.

In November, Shell Oil Co. announced that it will shutter its 72-year-old refinery in Bakersfield, citing the decline in local production. Processing 70,000 barrels of local oil a day, the 400-worker refinery is one of only 13 in the state that produce California's required clean-air gasoline.

The proposed shutdown sparked protests from politicians and consumers who argued that the closure would hike the already-inflated tab California motorists pay for gas. Under pressure from politicians and consumers — and facing state and federal investigations — Shell announced in August that it would delay the shutdown to allow more time to find a buyer.

The valley locals christened "California's Golden Empire" lies two hours north of Los Angeles, beyond the strip malls and superstores of Bakersfield — population 267,000 and growing. Streets

are named Standard, Gulf, Getty and Shell; nearby towns are called Oildale and Oil City. The Bakersfield High mascot: The Driller. "Once a driller, always a driller," boasts the school's Web site.

Forty years after gold lured prospectors to the valley in the mid-1800s, a hand-dug pit that gurgled black gold on the western bank of the Kern River ushered in a new era. Forests of wooden derricks and instant communities sprang up along a swath that, according to the Kern County Museum, would produce more wealth from oil than all the West's gold mines.

Output from the Kern River field soon accounted for seven of every 10 barrels of oil coming from California, which by 1903 had become the nation's top oil-producing state, industry experts say.

When the first gushers blew, thousands of oil companies were incorporated in just a few days. The number of independents in Kern County has dwindled to about 225 companies, according to Les Clark of the Independent Oil Producers' Agency — about 100 fewer than just 20 years ago.

New oil field discoveries are uncommon; one was located several years ago, but the last big finds were in the 1980s.

Now, of the 15 fastest-growing occupations in Kern County, only one is directly related to oil, according to Bakersfield Chamber of Commerce statistics.

Fewer young people are interested in a job that's dirty and smelly, topping 100 degrees in the summer and sometimes dipping below freezing in winter. Some say they'll settle for easier work, even if it pays less than the relatively robust \$16 per hour a new rig hand gets.

Local officials say the new economy has arrived, that service jobs will let Bakersfield smooth out the cyclical oil-and-agriculture economy. The hot jobs: information technology, corrections officers or human services workers.

California as a whole is well-positioned to ride out the decline, said Ed Porter of the American Petroleum Institute. That's in part because nonconventional recovery techniques, such as steam injection, are being used to force out the molasseslike San Joaquin crude. Other states, depending on the type and depth of their oil, haven't been equally successful in using existing technology to continue extracting in mature fields.

For big producers in Kern County, expensive technology is extending the life of the oil patch.

ChevronTexaco says it plans to invest \$350 million in 2004 — \$100 million more than last year — to build more than 800 new wells in the San Joaquin Valley.

Independent producers who don't have such deep pockets say they can't afford to keep relying on a fading resource.

Oil has been in the Holmes family's blood since 1923, when Bruce Holmes' grandfather moved here hoping to tap a gusher. Holmes expects he'll be the last to work the family business, to love the bitter smell of crude, to fall asleep to the clamor of an active oilfield.

"It's everything I ever had," he said. "It's all gonna die with me."

## **Consumer, environmental groups battle businesses over lawsuits**

By Steve Lawrence, Associated Press Writer

[Sunday, Sept. 19, 2004, Fresno Bee](#)

SACRAMENTO (AP) - Kelly Stelle had just sunk her money into an auto repair shop in Laguna Hills when a Beverly Hills law firm filed a suit accusing her of a long list of business violations.

"They just went and found anything and everything they could sue for," she said. "I was just freaking out. I'd just settled in and these guys were doing this."

Stelle ended up borrowing money from an uncle to settle the suit for \$2,000, not knowing that she was among the first in a long list of small businesses that were targeted by the Trevor Law Group.

Three Trevor attorneys resigned from the State Bar last year to avoid disbarment proceedings for allegedly filing frivolous suits, but the fight over the law used by those attorneys continues.

A coalition that includes some of the nation's biggest corporations is trying to persuade California voters to approve Proposition 64 on Nov. 2, saying it would prevent the kinds of "shakedown lawsuits" filed by the Trevor group. "In our opinion it's very mild reform," said Peter Welch, president of the California Motor Car Dealers Association, which has raised more than \$4.9 million to promote the ballot measure. "It leaves intact the substantive statute of unfair competition."

But environmental and consumer groups say the proposition would make it difficult, if not impossible, for them to use the law to stop polluters or businesses that rip off consumers. Prosecutors often don't have the time or resources to file those suits themselves, the measure's opponents say.

The proposition "throws out the baby with the bath water," said Bill Magavern, a lobbyist for the Sierra Club.

California's Unfair Competition Law, passed in 1933, allows individuals, interest groups, other companies and prosecutors to sue to stop practices that allegedly give a business an unfair advantage over competitors or defraud consumers.

Supporters say it's been used, among other ways, to punish polluters, stop misleading advertising, prevent discrimination, stop the mislabeling of meat and win employees' overtime pay that had been illegally withheld.

But critics say the law has also been used by unscrupulous attorneys to shake down usually small businesses to settle lawsuits filed because of minor violations, such as failing to post a business license or using the wrong print size in ads.

Proposition 64 would bar anyone other than the attorney general or a local prosecutor from filing an unfair competition lawsuit unless they had been injured or lost money or property because of the business' conduct.

The Trevor Law Group attorneys set up a dummy corporation as the plaintiff in their unfair competition suits, said Jayne Kim, one of the State Bar's prosecutors in that case.

Proposition 64 also would require that unfair competition suits filed for a group of people by someone other than the attorney general or another prosecutor qualify as class-action cases.

And it would earmark any unfair competition fines for enforcement of consumer protection laws.

Class-action filings are expensive and time consuming, and getting the necessary expert testimony is "basically impossible" for most public-interest groups, said Hernan Vera, an attorney for Public Counsel, a public-interest law firm that represents the poor.

Now the law allows consumer, environmental and other public-interest groups to file lawsuits on behalf of a group of people - the general public - without having them certified as a class-action case, Vera said.

The proposition's injury and class-action requirements would also stymie environmental lawsuits, Magavern said.

It often takes years for damage from pollution to show up, and it's "almost impossible" to qualify an environmental lawsuit as a class-action case because it's difficult to show "similarity of harm" among the victims, Magavern said. "We don't think you should have to have dead bodies and sick people before you can stop violations of the law."

John Sullivan, president of the Civil Justice Association of California, a group of businesses and local governments that fights what it considers wasteful lawsuits, said there are other state and federal laws under which environmentalists can file their suits.

"Proposition 64 will not deter environmental protection in California," he said. "That's very clear to anyone who takes the time to look at the example of cases and all the environmental protection laws on the books."

But James Wheaton, president of the Environmental Law Foundation, said the other laws cited by Sullivan are of limited use.

"The genius of (the Unfair Competition Law) is that it gives environmental and public health groups the ability to enforce all the laws that protect the environment, whether they protect drinking water, the air, products we eat and drink, the coast, our beaches, forests - everything."

There have been several unsuccessful attempts to fashion legislation to prevent frivolous suits, including a last-minute effort before the Legislature adjourned its 2004 session in August.

Environmental groups offered a plan late in the session that would have "used sunshine as a disinfectant to clear out the extortion lawsuits," in part by requiring unfair competition settlements to win approval from a judge in many cases, Magavern said.

"We put forward a very reasonable proposal that would have chased out the bad lawyers but kept the good law," he said. "The business lobbies were completely unwilling to even negotiate over it."

He said Gov. Arnold Schwarzenegger "never lifted a finger" to get a compromise, although he said he wanted one.

A spokeswoman for Schwarzenegger, Terri Carbaugh, said the Republican governor "made it clear that he wanted a legislative solution and hoped that the parties could come to terms before the end of the session."

"I can't comment on details of the negotiations except to tell you where the governor stood on the issue."

Sullivan contended the environmental groups' proposal would have created only a "minuscule hurdle" for unscrupulous attorneys.

Schwarzenegger endorsed the proposition two weeks after lawmakers adjourned, saying it would help the state's business climate.

The ballot measure's supporters have raised more than \$10.75 million, largely from automakers and dealers, banks, developers, health care plans, insurers, oil companies and other major corporations.

No campaign committee opposing the measure had surfaced as of mid-September, but Jim Sturdevant, president of the Consumer Attorneys of California, promised a well-financed campaign that would include opposition from environmental, senior citizen, consumer and health groups.

## **Dairy decision handed to jury**

By MIKE CONWAY - BEE STAFF WRITER

[Saturday, Sept, 18, Modesto Bee](#)

MERCED — A jury must decide if the state was picking on a Gustine dairyman to cover its inadequacies or if Patrick J. Faria was too cheap to provide the equipment and training necessary to protect his workers, leading to the death of two men.

Faria is charged with two counts of involuntary manslaughter and a violation of the state Labor Code in the deaths of Jose Alatorre, 22, and Enrique Araiza, 29, both of Gustine.

The trial went to the jury of eight women and four men late Friday afternoon. After deliberating for more than an hour, the jury broke for the weekend.

Faria was the operations manager and co-owner of the Aguiar-Faria & Sons Dairy in Gustine when the two men drowned in dairy waste Feb. 22, 2001, after climbing into a manure pit shaft.

As the trial wrapped up, prosecutor Gale Filter described the 30-foot-deep pipe where the men died as "a shaft of death."

"There is no way you are going to go into a dairy pit if you have knowledge of what those dangers are," Filter said. He hammered home that Faria knew the dangers of "confined spaces" such as manure pits because of a course he took as a volunteer firefighter in 1999.

Defense attorney Kirk McAllister said the state knew about the dangers of the manure pits in 1990 when a branch of the Centers for Disease Control issued a warning. Another warning came out in 1993.

It wasn't until after the deaths at the Faria dairy that the state took any enforcement action, he said. The California Occupational Safety and Health Administration had never cited the dairy before the deaths.

"They had to twist things, spin them, make them look baaad," McAllister said, referring to a e-mail from a Cal-OSHA engineer who said a pallet leaning beside the pump "makes them look really baaad." The prosecution contends that the two drowned at the bottom of the manure pit because they lacked adequate training and the proper safety and monitoring equipment.

The dairy didn't have breathing apparatuses, harnesses and other equipment required to send workers into the pit.

"When the local fire department gets to the dairy, do they have all that jazz?" McAllister asked. He noted they had to send for a crew from the Merced Fire Department that had the training and equipment. "It wasn't very readily available on Feb. 22, even to the firefighters."

He noted that the trained firefighter who climbed into the shaft to retrieve Alatorre's body had never made a confined-space rescue before that day.

McAllister said a witness called Friday morning testified how he climbed into the same shaft two years before without any safety gear and welded a piece of metal.

"That is the man who was trained by a company doing service for dairies," McAllister said. He said if a dairy repairman didn't use special equipment at the time, why should Faria's workers think it was necessary?

"There's no way you're going to be able to convict Mr. Faria of anything," he said.

"This is not a case against an industry, this is a case against a man," Filter countered. The prosecutor said the deaths were the result of "indifference, apathy, greed."

## **L.A. Port Director Resigns**

**Larry Keller steps down under pressure from city officials, clean-air activists and community leaders. Hahn's aides say he wasn't forced out.**

By Patrick McGreevy and Deborah Schoch, Times Staff Writers

[Sept. 18, 2004, Los Angeles Times](#)

Under pressure from city officials and community leaders, Larry Keller resigned Friday as executive director of the Port of Los Angeles, which has been in turmoil amid investigations into contracting practices and an outcry from residents over air pollution.

Keller, who headed the harbor for seven years, presided over its growth into the nation's largest port, but had come under sustained criticism for his leadership in recent years.

In a statement, Mayor James K. Hahn praised Keller on Friday, but just a month ago, in a major embarrassment to the port director, Hahn rejected the port's plan to curb air pollution. The mayor's aides said Friday that he had not forced Keller out and was not dissatisfied with his performance.

But City Councilwoman Janice Hahn, who represents the harbor area and had called on Keller to resign more than a year ago, welcomed the announcement.

"It gives us an opportunity to really get leadership at the port that is more in line with the mayor's direction and the community's direction of having a neighborhood-friendly port," said Hahn, who is the mayor's sister and, like him, lives in San Pedro near the port.

The news won praise from critics who have long blamed Keller for what they see as the port's arrogance and failure to listen to community concerns about pollution and unbridled growth.

"The paradigm is shifting - at least, we pray it is," said San Pedro community leader Noel Park, who has wrestled with the seaport for years over development projects.

Some in the shipping industry defended Keller on Friday.

Capt. M.H.K. "Manny" Aschemeyer, executive director of the Marine Exchange, which monitors port traffic, said: "I thought he was a fine manager, and much of the waterfront is perplexed and somewhat dismayed over the political situation that has caused his ouster."

The announcement from the mayor's office, at 4:44 p.m. Friday, came as Keller was being hammered from all sides: from city auditors, from federal and county prosecutors looking into port contracting practices, and from clean-air activists who have lambasted him for what they see as a zeal for economic progress at the cost of human health.

Keller has been engulfed in a mushrooming controversy over the role of the Los Angeles-Long Beach port complex, as residents near the ports and area freeways grow angry about diesel pollution and truck traffic.

He also clashed in recent months with members of the mayoral-appointed harbor commission, who had been holding closed-door meetings to evaluate his performance.

"I think the harbor commissioners were beginning to feel at odds with him, as I did, and I think he saw the writing on the wall," Janice Hahn said.

On Friday, port officials focused on the positive, saying Keller helped make the port the sixth-largest in the world.

"Larry arrived at a critical time at the port," said harbor commission President Nick Tonsich. "His maritime industry expertise helped establish us as the leading Pacific gateway to the U.S."

But a source close to the shipping industry said he understood that the mayor had been pressuring Keller to leave.

"The mayor blamed him for some of the bad relationships with the surrounding community. The pollution, the traffic and the noise. They never felt he was on the team," the source said. Deputy Mayor Doane Liu said the mayor did not pressure Keller to quit. "We were in the process of making some major changes in what the port was doing and Larry was on board with that," he said.

Liu said the city would launch a national search for a port director and said that Chief Operating Officer Bruce Seaton would temporarily assume the duties of the executive director.

Mayor Hahn, in his statement, praised Keller, who was paid \$278,000 annually. "Larry's tenure saw the Port of Los Angeles grow into America's largest maritime gateway and the prime economic generator in the Southland," he said. "I wish him well in all his future endeavors."

Keller did not return calls for comment, but said in a letter of resignation that he gave a "great deal of thought" to his decision to quit. He made no mention of his tense relations with commissioners, the investigations or his stormy relationship with area residents.

Keller started at the port in April 1996 as chief operating officer after 20 years with Maersk, a major international shipping line. In 1997, Mayor Richard Riordan named him the port's executive director.

For the last three years, the port has held the record for the highest U.S. container volume and, this year, the port's China Shipping pier became the first terminal to allow container ships to turn off their diesel engines and plug into shore power, reducing the amount of pollution from the vessels.

A key turning point in Keller's tenure was a major lawsuit brought in 2001 by clean-air groups over what they claimed was the flawed environmental review for the pier for China Shipping. That lawsuit was settled in 2003 when the port and city agreed to pay \$60 million, primarily for air improvements.

But though community groups thought that meant the port had turned a corner, they were later disappointed, first by what they called a faulty environmental review for another new project, and then by a plan long promised by Hahn to cap port emissions at 2001 levels.

Gail Ruderman Feuer, a senior attorney at the Natural Resources Defense Council who spearheaded the China Shipping lawsuit, said, "All eyes are on the mayor to see whether the new director of the port will be sensitive to environmental issues."

Todd Campbell, policy director at the Coalition for Clean Air, called Keller a member of the "old guard," adding: "If the port is going to triple in size, it's going to require a person with a whole new vision and ideas."

Keller's tenure has been marked by other controversies, including an audit last year by the city controller that faulted the department for awarding long-term leases in a secretive selection process that relies on little analysis or documentation in rating shipping companies.

Then, in March, federal and county prosecutors began subpoenaing port officials, including Keller, as part of an investigation into city contracting.

Civic leaders who have been critical of Keller had mixed feelings Friday about whether conditions at the port would improve with his departure.

"He wasn't the root cause of the problem," said Andrew Mardesich, who headed the Harbor Study Foundation. "He came into an existing culture where the ends justify the means and they know better. He adapted that culture and he perpetuated that culture."

## **What's really in the air**

### **Why pollution alarms don't tell the whole story**

**By Edie Lau -- Bee Science Writer**

[Sunday, Sept. 18, Sacramento Bee](#)

The air quality index most widely publicized in Sacramento and other smoggy California cities gives an incomplete picture of the witch's brew of pollutants harmful to human health, The Bee has found.

The public, especially in Sacramento, frequently is alerted to ozone levels but rarely hears about culprits such as particulates, carbon monoxide and nitrogen dioxide, which can be equally hazardous.

This is because the air quality index that's typically broadcast applies to only the top pollutant of the day. "Some of these other pollutants may be more harmful to specific individuals, with their own health concerns," acknowledged Jerry Martin, spokesman for the California Air Resources Board.

A landmark study published this month put the issue in sharp focus: Chronic exposure to particulates, nitrogen dioxide, diesel exhaust and other lesser known pollutants - not ozone - permanently diminished lung function in schoolchildren, researchers at the University of Southern California found.

The reasons that secondary pollutants get less attention are rooted in bureaucracy, funding limits and a lack of data.

"You can't do everything at once," said Lori Kobza-Lee, a spokeswoman for the Sacramento Metropolitan Air Quality Management District, whose education campaign concentrates solely on ozone.

"Our focus has been trying to reach the ground-level ozone attainment status," she said.

"Ozone attainment status" means that a region meets national clean-air standards for ozone.

Because of its high summertime ozone levels, Sacramento fails the standard and faces the possible penalty of losing federal highway funds.

At the same time, the district gets special funding, amounting to \$1.9 million over the past five years, to forecast ozone levels and run a "Spare the Air" campaign that aims to get people out of their cars and into car pools, buses, bicycles or walking shoes on bad-ozone days.

Ozone is a colorless, odorless gas generated in nature and as a byproduct of fossil-fuel combustion. In the stratosphere, ozone protects the Earth from ultraviolet radiation. On the ground, ozone is a corrosive agent that inflames living tissues.

On stagnant days, lots of it accumulates, chiefly from the interaction of sunlight, heat and tailpipe emissions.

W. James Gauderman, a member of the research team tracking the effects of dirty air on Southern California students, said the attention to ozone is understandable.

"It's clearly a bad pollutant; no question about that," said Gauderman, an associate professor of medicine at USC. "But ... for these longer-term kind of chronic things ... it's the fine particles that appear to carry more adverse effects."

By not sharing comprehensive information about the panoply of pollutants in the air, officials are shortchanging the public, Gauderman said.

"You're not informing the public as to exposures that might be affecting them," he said.

Susan Stone, an environmental health scientist at the U.S. Environmental Protection Agency, said the government wants people to become as familiar with the hazards of fine particulates as they are with ozone.

"We're working to make it a no-brainer for particles," she said.

But the word isn't necessarily filtering down to communities through local pollution districts.

For example, the EPA's Web site depicts a map showing results from real-time fine-particle monitors around the country, including in Sacramento. But the Sacramento air district's own Web site does not show those readings.

Kobza-Lee said it's a matter of priorities, and that Sacramento air officials don't yet have a handle on how bad the fine-particulate pollution is here, nor how to forecast it accurately.

Fine particles are specks that measure no more than 2.5 microns in diameter. For a sense of scale, consider that the finest human hair measures 40 or 50 microns across.

Such tiny particles can lodge deep in the lungs, impairing the body's ability to take up oxygen. They also can work their way into the bloodstream.

Controlling fine particulates is a special challenge because they come from all over.

"Particulates can be pretty much anything," said Martin of the air board, ticking off some examples: They can come from gas and diesel emissions, from brake pads, tires, power plants and other industrial smokestacks.

The state has begun cracking down on major sources of particulate pollution such as diesel engines, with more such regulations to come.

Sacramento and other California communities, meanwhile, are waiting to hear from the EPA whether they meet federal clean-air standards, established in 1997, for fine particles.

"As time goes on, (particle pollution) could be something that we need to begin a public education program for," Kobza-Lee said, "but we can't do that until we have enough data; until we have a (federal) designation; until we find out if we have a problem."



EPA's Stone said one difficulty with giving day-to-day warnings about particle pollution is that health effects - as documented by the USC study - tend to result from chronic exposure.

"What would you tell people?" Stone said: "Well, if you have a day like this and 400 more over an eight-year period, this is what you can expect? This is not what (the Air Quality Index) is designed to do."

Martin, with the state air board, said he'd like to see an air index that factors in a variety of pollutants, but developing one would be a huge undertaking. "This is just something that we have not had the staff or the resources to pursue adequately," he said.

In the Sacramento region, the index - such as it is - has a faithful following. At the Rio Linda Union School District, for example, children are kept indoors whenever a Spare-the-Air advisory is issued.

Advisories, which are based on the index, mean that ozone levels are expected to be unhealthy for sensitive groups, such as children and the elderly.

At Madison Elementary School, where students and faculty weathered three such days in a row early this month, Principal Jim McLaughlin said, "The kids appreciate it."

Short of developing a more sophisticated air index, air districts could issue advisories about more pollutants than just the day's top pollutant. But some officials worry about causing confusion.

"How do you ... get the message out to the susceptible portions of the population, making it cognizant of subtle differences (among pollutants) without overwhelming the public with too many cautionary statements?" asked Joe Cassmassi, senior meteorologist at the South Coast Air Quality Management District in Southern California.

Some people who follow air quality conditions closely, however, say it's better to give more information than too little.

"I don't think there's ever too much information," said Marilyn Hawes, a Sacramentan who regularly checks the day's air quality before ferrying her grandchildren to sports activities.

"I think that people can select what they want to read and pay attention to," Hawes said.

### **The air we breathe**

Sacramento violates federal air-quality standards on ozone and is awaiting federal designation on fine-particulate pollution. But all pollutants can have health effects and are considered of concern. Here are the characteristics of major air pollutants:

- \* **Ozone:** invisible; irritates lungs and impairs breathing
- \* **Nitrogen dioxide:** visible as brown haze; impairs breathing
- \* **Carbon monoxide:** invisible; reduces blood oxygen
- \* **Particulate matter:** visible as haze; invades deep into lungs, reduces visibility

**Source:** South Coast Air Quality Management District

## **State's air quality regulators win backing**

### **Panel on streamlining government holds Fresno hearing.**

By Mark Grossi

[Sat., Sept. 18, 2004, Fresno Bee](#)

State Sen. Dean Florez doesn't want the guardians of California's murky air to disappear in a bureaucracy-busting campaign, which is approaching a deadline in 12 days.

The Shafter Democrat testified Friday at a state hearing in Fresno that a proposal to fold the California Air Resources Board into a larger agency would be dangerous.

He said the possible loss of an agency filled with world-class expertise might weaken regulations, allowing more pollution and jeopardizing the public in Los Angeles and the San Joaquin Valley, the nation's dirtiest air basins.

"The small children and the elderly whose lungs are damaged by air pollution are, in my opinion, the customers of our state," Florez said.

He spoke before members of the California Performance Review Commission, which heard from industry advocates and environmentalists. The 21-member commission is considering Gov. Schwarzenegger's sweeping proposal to slim down state government. Commission members will make recommendations in the coming months.

The Fresno hearing was the sixth of seven statewide on the proposal, which officials say will save \$32 billion over the next five years and make the state bureaucracy easier for residents to understand.

The Air Resources Board -- supported across the board by farming, public health and air activist groups -- is among dozens of agencies protecting the state's air, land and water. The board would be lumped into a jumbo agency along with many other boards and commissions.

Environmentalists complained this is happening too quickly, saying public comment on the 2,500-page proposed overhaul ends Sept. 30. The last public hearing is scheduled for Sept. 27 in Davis.

The document, compiled this year by 275 seasoned state workers, cuts a wide swath through the government from education to public safety to environmental protection. It recommends eliminating 120 state boards and commissions.

Critics are coming from many directions, but none as loud as environmentalists.

"We don't need to fix what ain't broken," said lobbyist Ann Notthoff of the Natural Resources Defense Council.

But if the Fresno hearing was any indication, the streamlining effort has its share of support from lobbies and industries. And most everyone, including environmentalists, backs the idea of making state government simpler and cheaper to run.

"We support this," said David Guy, executive director of the Northern California Water Association, representing many water users. "The temptation is to be very protective."

Farmer Gary Robinson, who grows pistachios near Coalinga, added his voice, saying it is time for change in the "one-size-fits-all" approach to regulating water in the state.

He said the Central Valley Regional Water Quality Control Board holds firmly to a single set of rules for a wide variety of agriculture. With more than 25,000 farms and hundreds of different crops, Valley agriculture needs more flexibility, he said.

"Under the rules, all farms pose an assumed threat to the water, despite the fact that most farms don't," he said.

Lawyer James McKelvey, a former city attorney for Fresno, spoke for the home building industry. He told "horror stories" about spending years winding through lines of environmental regulations and fees only to see projects wind up in court.

"Home builders support the California Performance Review," he said.

But environmentalists saw problems with the approach to water regulation. Linda Sheehan, regional director of The Ocean Conservancy, said the proposal would move the state's enforcement toward a federal model, which does not allow as much public comment.

In California, major water decisions go through board hearings that often take many months -- many take years. Federal officials see far more lawsuits because their process is not as laborious, environmentalists said.

"There is far less transparency and trust," she said. "It's far less accessible to the public."

Others at the hearing worried about the proposal to turn five of the state's eight conservancies, including the San Joaquin River Conservancy, into local agencies. The conservancies buy land for habitat protection and provide the public access to open spaces.

The three surviving conservancies would be the State Coastal Conservancy, California Tahoe Conservancy and the Santa Monica Mountains Conservancy. The three have "statewide interest," according to the restructuring proposal.

"If Santa Monica can be a conservancy, why can't we?" asked Dave Koehler, executive director of the San Joaquin River Parkway and Conservation Trust. "The San Joaquin is a statewide resource, vital to a large part of California."

## **Refinery reports alarm Boxer**

[The Bakersfield Californian, Saturday, Sept. 18, 2004](#)

In a letter to Shell Oil, U.S. Sen. Barbara Boxer, D-California, said she is "deeply concerned" by reports the company has placed roadblocks in the path of the Bakersfield refinery sale by refusing to sell key parts of the facility.

"Is this true? If so, how do these unprecedented restrictions show Shell's good faith commitment to make a sale real?" she wrote in the letter, which her office released Friday.

Shell recently promised the California Attorney General's office that it would make a good faith effort to sell its Bakersfield refinery.

Boxer also sent a letter to Deborah Majoras, the new chairwoman of the Federal Trade Commission, which, along with the Attorney General's office, is investigating possible antitrust implications in Shell's decision to close the refinery.

Boxer urged Majoras to "determine exactly what the facts are regarding these sales and negotiations. I also continue to urge you and your agency to ... do everything within your power to assure that the Bakersfield refinery continues to operate."

Shell has said it will operate the refinery until at least the end of the year.

## **Surprise e-mail jolts dairy trial**

By MIKE CONWAY - BEE STAFF WRITER

[Friday, Sept. 17, Modesto Bee](#)

MERCED — A safety engineer for the state told an investigator looking into the deaths of two men at a Gustine dairy to include information in his report that would make the dairy "sound really baaad."

The e-mail came out Thursday during testimony in the trial of Patrick J. Faria, operations manager and co-owner of Aguiar-Faria & Sons Dairy.

Faria is charged with two counts of involuntary manslaughter and a state Labor Code violation in connection with the Feb. 22, 2001, deaths of Enrique Araiza, 29, and Jose Alatorre, 22, after they climbed inside a dairy drain pit. They were overcome by toxic hydrogen sulfide fumes and drowned in liquefied manure, a pathologist said.

"Include (the detail that) they were using a pallet to climb in and out of the pit. It makes them sound really baaad," said the e-mail from Michael Donlon, a senior safety engineer for the California Occupational Safety and Health Administration.

Donlon wrote the memo at the request of Cal-OSHA Regional Manager William Krycia after the engineer reviewed the case.

Defense attorney Kirk McAllister asked Krycia if he had ever instructed any of his employees to make someone look bad.

"We never encourage anyone to make anyone look bad," Krycia testified.

McAllister produced the e-mail, which sparked a discussion between the attorneys before Superior Court Judge Frank Dougherty allowed the memo to be used as evidence.

"Is that OSHA talk?" McAllister asked.

"No sir," Krycia replied. He said that he never censured Donlon for the comment or told him to refrain from using that kind of language.

In his e-mail response, Krycia referred to "Mikey's comments" and told the investigator, "Let's get this done, ASAP. Everything else will have to wait."

The prosecution contends the dairy employees did not have proper training, safety gear or air monitoring equipment to climb into the 30-foot-deep concrete shaft often called a manure pit. The dairy wastes are flushed from the barns into a holding lagoon, and the shaft is used to pump the residue into adjacent fields.

McAllister contends that Faria didn't know there was a problem with the manure pit and was 90 miles away when the two men died.

Kathleen DeLang, the co-owner of Sallaberry Pumps in Turlock, testified that a month following the deaths, her firm was called to fix the problem in the shaft. Large pieces of lumber were hauled out of the shaft before the gate at the bottom was repaired.

The debris found at the bottom wasn't unusual, she testified.

"People don't do it on purpose. Stuff just gets washed down," she said.

## **Plan to eliminate air board worries clean air advocates, farmers**

By JULIANA BARBASSA, Associated Press Writer

[Friday, Sept. 17, Fresno Bee](#)

FRESNO, Calif. (AP) - Environmental advocates, public health officials and farm groups, often on opposing sides of the debate on how to clean the Central Valley's air, are united in opposing the elimination California's Air Resources Board.

The board is one of dozens of boards and commissions overseeing the state's resources and environment that would be folded into one department under a state plan designed to simplify the state's decision-making process, enhance accountability and cut expenses, according to Chris Reynolds, who heads California Performance Review's resource and environmental protection group.

The Performance Review team, a group of 275 state employees created by Gov. Arnold Schwarzenegger, has been scrutinizing state programs since February. Last week the group presented a 2,500-page report to the governor, recommending the abolition of about 120 boards and commissions. Now, the governor is inviting public comment on the report at hearings across the state. A session held at California State University, Fresno, on Friday focused on the proposals surrounding environmental regulations.

The experts speaking on three panels throughout the day said they supported the general goals of making government more efficient, less expensive and more responsive to the people, but many argued that centralizing the state's environmental oversight would reduce public access to government bodies that regulate matters of vital importance to the population.

Many of those invited to speak as representatives of trade groups, advocacy organizations or as elected officials said although the elimination of some boards might be justified, others served a purpose, and provided government with a valuable range of expertise that would be difficult to achieve if their functions were consolidated. Many of the boards also provided stability and historical memory to programs that lasted beyond changes of administration. "By eliminating some of these key boards, they're effectively taking government away from the people and into

offices where the public can't see," said Carolina Simunovic, the Environmental Health Project Coordinator with Fresno Metro Ministry.

Under the plan, independent boards regulating everything from water policy to waste management and pesticide regulation would be rolled into one administrative office.

Although air quality was not the main focus of any of the panels, which discussed water issues, regulations and environmental protection, speakers and members of the public offered their opinions.

Fresno, in the heart of the Central Valley, sits in one of the nation's dirtiest air basins - a fact that concerns public health, environmental, and industry officials.

"Some of the other boards, sure, eliminate them," said Manuel Cunha, president of the Nisei Farmers' League, who came to speak during the public comment period. "This is an 11-person board with expertise in all categories - health, automobiles, agriculture - that can hear commentary from cities, industry and activist groups and make an informed decision. Air quality is a complex thing - these aren't decisions that can be made by one person."

The state's air board was created in 1967 to fight air pollution, which was increasing without much regulation. The board has issued decisions that have often put California's clean air regulations ahead of other states, like the 1976 rule that began phasing out lead in gasoline, and the 1996 rule that cut other toxins in gasoline, reducing emissions that were equal to removing 3.5 million cars from the roads. In 1998, the board recognized particulate matter - the microscopic dust, soot and toxic matter released in the air by cars, agricultural machinery, fires and other sources - could cause cancer. Since then the agency has been involved in efforts to reduce these kinds of pollutants, targeting the diesel engines responsible for a large part of the problem.

The goal of the proposal is not to roll back the air board's successes, said Reynolds, but to streamline government.

The state's air board oversees 35 regional boards, and has a budget of \$150 million. Dissolving the board would save at least \$250,000 a year on stipends to board members and travel expenses, Reynolds said. That money could then be used on efforts that are working, like the Carl Moyers Program, which helps farmers fund the replacement of old, polluting diesel engines.

One panelist, Ann Notthoff, the state advocacy director for the Natural Resource Defense Council, called some of the proposed cuts "false economies," that would not significantly impact the state's budget because "environmental programs are already some of the leanest - the last funded and the first cut."

The day's discussions ranged widely to cover the dozens of boards and regulations that could be overhauled as recommended by the California Performance Review's voluminous report - too widely to give the public time to digest what the proposal could mean for forest management, fire prevention, waste management, housing development, and the myriad aspects of public life that could be altered under these recommendations, Notthoff said. She has asked the commission to extend the public comment period.

## **AQMD Critical of Port Plan to Grow**

By Deborah Schoch, Times Staff Writer

[Thursday, Sept. 16, Los Angeles Times](#)

The agency says Long Beach officials have underestimated the amount Long Beach port commissioners approved a 115-acre expansion plan last month even though smog regulators warned them that the harbor's environmental review underestimated how much air pollution would be generated by trucks and other vehicles.

Air pollution has emerged as the central issue in the debate over whether to expand a pier near the Queen Mary. Critics of the plan point out that the Los Angeles and Long Beach ports are

already the single largest source of air pollution in Southern California and that the new berths would simply make the problem worse.

Officials at the South Coast Air Quality Management District said that they informed port officials in letters in October 2003 and again this July that its calculations of future air pollution were inadequate, but the port still used those calculations in environmental documents to support the expansion of Pier J. Susan Nakamura, AQMD planning and rules manager, reiterated the agency's concerns at a Long Beach City Council meeting Tuesday.

After hearing Nakamura's comments, the council abruptly postponed until November a final decision on whether to sign off on the Pier J project.

"When you've got AQMD coming out in two separate letters saying you're inadequate, and you're ignoring it - that was the most damaging thing," said City Councilman Val Lerch, a critic of the proposal.

Port officials maintained Wednesday that their calculations were sound. The AQMD letters were sent by the air agency's planning and regulatory department, but port administrators said they received guidance from other AQMD staff members.

"We're very concerned that we have an agency that we're depending on for guidance and we're not getting consistent information," said Robert Kanter, the port's planning director.

Kanter also said he was puzzled by what he called the "eleventh-hour" testimony from Nakamura.

In its letters, the AQMD took issue with the port's assertion that the harbor would eventually see a 75% reduction in diesel particulate matter from vehicles. That decrease will occur only in new trucks meeting federal standards being phased in beginning in 2007, air officials said. Even though many old trucks will remain on the road long after the standards take effect, the port seems to be assuming that all trucks entering the port after 2007 will have the new, cleaner engines, the AQMD said.

The port's environmental documents "did not provide any enforceable commitment to ensure this level of control would occur at the project site," one letter said.

Addressing the council on Tuesday, Nakamura said the AQMD believes its concerns "were not adequately addressed" by the port and that the environmental report underestimates certain emissions.

The battle over Pier J reflects an emotional debate about growth at the Los Angeles-Long Beach port complex, the busiest in the United States.

Residents of the harbor area and along major area freeway corridors blame the port for increased air pollution and traffic congestion.

That debate escalated after USC scientists released the results of two studies in the last two weeks, one reporting on unexplained pockets of cancer downwind of the port, and the other on the loss of lung function in children in six cities with dirty air, including Long Beach.

One resident of Camden Harbor View, a new residential development overlooking the port in the city's downtown, took the podium Tuesday night and pulled a soiled rag out of a plastic bag.

The dirt on the rag had accumulated in one week on a terrace off his living room, David Carden Jr. told council members.

"Just think what it must be doing to our lungs when we breathe," Carden said.

A total of 28 people addressed the council, with most residents criticizing the project; union members and port businesses praised it.

Supporters said the project would create more high-paying dock jobs. One member of the pipe fitters union said that an estimated 500,000 people recently applied for 3,000 new jobs at the port.

Lawyers from the Natural Resources Defense Council spent nearly an hour critiquing what they called flawed assumptions and calculations throughout the environmental impact report. Port officials, in turn, said the public may be misunderstanding the intricacies of port operations.

## **Drifting into danger**

### **Florez bill would help ameliorate problems with pesticides.**

[Fresno Bee editorial, Monday, Sept. 20, 2004](#)

Hazardous materials crews and other emergency personnel summon considerable training and specialized equipment as they respond quickly to spills along highways or fires that threaten to spread dangerous toxins.

The picture is less encouraging when it comes to drifting clouds of pesticides that can spread over wide areas of the Valley, putting people at risk.

Senate Bill 391, by state Sen. Dean Florez, D-Shafter, seeks to improve on that by mandating changes in the ways counties prepare for such emergencies, and requires those responsible for the pesticide drift to cover any uncompensated medical costs for acute care for those affected by the drift.

Specifically, the bill would require counties to make sure their hazardous materials emergency response plans include measures to be taken in case of pesticide drifts and be prepared to deal with such specific emergencies. That's not always the case today, and it causes problems.

Take the example of a pesticide drift in Earlimart in 1999. Many were sickened, and some residents were taken to a football field, told to undress and then hosed down with water. Some were told to leave their homes, others were told to stay. Such inconsistencies breed confusion at the least, and may lead to people not getting proper treatment for any injuries the drifts may cause.

It has often been easy and convenient to regard farmworker exposure to pesticides as just part of the cost of doing business in California's fields. There are few prepared to speak up on behalf of farmworkers, and elected leaders can often safely ignore them as a constituency because fewer of them vote. That's not right.

And setting aside the ethical questions of such treatment, there is the growing concern that pesticide drifts may become a problem for Valley residents who think it's something they needn't worry about.

Increasing urbanization is putting more and more people closer and closer to farms where pesticides are used. A cloud of pesticide -- a cloud of anything -- is no respecter of artificial human boundaries. It may land as easily on an upscale, gated community as on clusters of rural farmworker housing.

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SB 391, amended to address some of the concerns of the agricultural industry, is a useful start on handling these problems better in the future. The bill awaits a signature from Gov. Schwarzenegger, and we hope he will sign it.

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## **Our air, our economy**

[Fresno Bee editorial, Monday, Sept. 20, 2004](#)



A series of Air Fairs throughout the San Joaquin Valley will begin this week on university campuses, offering Valley residents a chance to learn more about our air quality problems and some of the solutions available to us.

Operation Clean Air, Inc., in cooperation with the Kenneth L. Maddy Institute, is sponsoring the fairs, with a focus on air quality and its relation to the Valley's economy.

Government, business and civic leaders will offer perspectives on the issues. Students, local business people and the community at large are invited to attend.

The first of the fairs will be held at California State University, Fresno, from 9:30 a.m. to 1:30 p.m. on Wednesday in University Center, room 200.

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Subsequent fairs will be held at CSU Sacramento, Stanislaus (Turlock) and Bakersfield. Information: (559) 287-2595.

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## **For kids' sakes, clean up the air**

[Monday, Sept. 20, Modesto Bee, Editorial](#)

A study of air pollution's effect on children in Southern California has confirmed what has long seemed obvious in the San Joaquin Valley: Dirty air stunts the growth of lung capacity in the youngest among us.

That diminished capacity can cause health problems that extend over a lifetime, and in the worst cases it can end those lives prematurely. In fact, only smoking represents a greater risk of respiratory problems that can lead to premature death.

The new study, by a team of researchers from the University of Southern California, is strong evidence that pollution actually causes damage in young lungs, rather than simply aggravating conditions that are caused by other factors. The difference is crucial. It means that reducing air pollution will have a direct and measurable effect on the healthy growth of children, rather than just helping at the margins of kids' health.

The study, published earlier this month in the New England Journal of Medicine, tracked nearly 1,800 youngsters in 12 Southern California communities from the fourth grade through high-school graduation. The children who grew up breathing the dirtiest air were nearly five times more likely to grow up with weak lungs.

The damage occurred across ethnic and economic lines. We all breathe the same air, after all. Nor was the damage restricted to children already suffering from diseases such as asthma. Otherwise healthy children suffered damage as well, especially in those areas with the worst air quality.

The San Joaquin Valley wasn't part of this study, but we can draw some conclusions nonetheless. Air pollution is as bad here as it is in the worst areas monitored in the study, and we can expect the same sort of damage is being done to children here - with every breath they take.

Significantly, the study suggests that the worst damage is caused by tiny particulate matter from dust and diesel exhaust, as well as ammonia generated by large-scale farming operations, especially dairies. Ammonia combines with nitrogen oxides to create a particularly dangerous form of particulate pollution.

Such pollution hasn't been regulated much until very recently, in part because its effects haven't been well understood. That's changing, with this study and with each similar piece of research that emerges.

As that picture clears, the lines in this struggle become clearer as well. Opposition to efforts aimed at cleaning up the air is typically based on the economic self-interest of various groups among us - and we're all part of one such group or another.

On the other side stand our children, their health and the quality of their lives. Are we ready to get serious?



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## Putting the heat on

### New regulations could help forestall frightening changes from pollution.

[Fresno Bee editorial, Sunday, Sept. 19, 2004:](#)

California has a historic chance to take the lead nationally in the increasingly urgent effort to limit greenhouse gas emissions from vehicles. It's an opportunity that should not be missed.

On Thursday, the California Air Resources Board will meet in Los Angeles to consider recommendations from its staff for a set of new regulations for passenger cars, light trucks and SUVs in the state.

Predictably, the auto industry objects, raising the specter of huge price increases to consumers. We have heard such dire predictions from that industry before; the next one that comes true will be the first.

CARB's staffers, in fact, estimate that the new rules would add about \$292 to the cost of cars and small trucks and about \$308 to the cost of a large pickup or SUV.

In return, the new technologies would reduce greenhouse gas emissions about 25% in cars and light trucks and about 18% for larger trucks and sport utility vehicles in the first phase of the plan, beginning in 2009. The rules offer considerable flexibility to the automakers, allowing them to choose the packages of technologies that suit their needs, so long as they meet the overall goals set in the regulations.

Among the technologies included in the staff recommendations are new air-conditioning systems, more efficient transmissions and smaller engines. Many of the suggested improvements are already being employed by European and Japanese automakers.

Environmentalists generally praise the new regulations, though many wish they had gone farther.

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California is in a unique position of leadership. Since the state was regulating pollution before the federal government began to do so, it is the only state permitted to exceed federal standards. Other states may adopt California's standards, or accept the federal ones. To the extent that other states go with our rules, the pressure rises on the auto industry -- and others -- to meet those standards. Let's keep that lead.

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## One driver tires of seeing red

by Bill McEwen / The Fresno Bee

[Fresno Bee columnist, Sunday, Sept. 18, 2004](#)

Some nights I go home on Weber and West avenues.

My reward for obeying the speed limit: red light at Belmont, red light at Olive, red light at McKinley, red light at Clinton, red light at Shields, red light at Dakota, red light at Griffith, red light at Ashlan, red light at the stupid little street that shouldn't even have a light.

Finally, I'm there -- ticket-free, but second-guessing myself for not taking Freeway 41.

Driving isn't supposed to be like this.

"It creates a level of frustration that can create an environment of speeding," says Lt. Andy Hall, city traffic-enforcement commander. My own frustration got me thinking about a news conference Jim Patterson held in 2000 before he termed out as mayor.

You know what a salesman Patterson is. He said Fresno had received \$20 million in federal and Measure C money, a big chunk of which would go to a Traffic Operations Center and synchronized signals.

There'd be cameras at major intersections and technicians downtown changing signals to handle the flow. We'd move around quicker and safer and with less pollution -- all because of the wonderful Intelligent Transportation System.

Four years later -- after several false steps that included not budgeting for staffing and maintenance -- Mayor Alan Autry's administration has the traffic center up and running. Using bus dispatchers and student aides to monitor the system is stretching city dollars.

So far, about 10% of the city's 590 traffic lights are tied to the system, which uses miles of underground fiber-optic cables. There are synchronized lights on Blackstone Avenue, the sections of streets linking Blackstone and Freeway 41, Shaw Avenue east of Blackstone, and Herndon Avenue between Blackstone and Palm avenues.

If work stays on track and at least \$13 million more is secured, the project will be completed in 2010. Among the highlights: synchronized lights in the Freeway 99 corridor that keep traffic moving at rush hour.

Now some bad news. Synchronization isn't nearly as sexy as it sounds. Come 2010, if I'm still using West, I'm going to catch a lot of red lights.

Blame this lack of perfection on left-turn lanes with dedicated signals and the first law of synchronization: Majority rules. People on busy streets enjoy the luxury of long green signals; everyone else cools their heels.

"Synchronization doesn't mean that you'll never again get a red light," says John Ruiz, assistant city manager in charge of public works. "The real driving force is air quality, which improves because there is less idling time.

"Some people may not notice a lot of difference, but there will be more free-flowing traffic."

I put synchronization to the test one day last week by using Blackstone for my morning commute. Starting from Shaw and driving 35 mph, I caught a red at Gettysburg but didn't stop again until McKinley. After red lights at Olive and Belmont, I made it downtown to E Street under green.

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Not perfect, but a lot better than the hurry-up-and-stop act that fouls air and tempers. It reminded me of decades ago when you could drive 33 mph on First Street and never see red.

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## **Running low: Start looking for alternative fuels**

By Mike Kaufher

[Fresno Bee commentary, Sat., Sept. 18, 2004:](#)

Noticed any changes in the energy business lately? Over the past 10 years many of us have done what normal people do when change occurs. We have avoided facing the reality of our energy future.

Some have felt we could beat future shortages with more power plants that use shorter supplies of fossil fuels such as oil, natural gas and coal. Some have increased exploration efforts. Many elected leaders have continued to believe state and federal energy policy can depend on affordable and abundant fossil fuels. They've all been mistaken.

We cannot continue to depend on unlimited, cheap oil and gas for generations to come. It doesn't exist. Oil and gas will be in the ground somewhere in the world, but we'll soon arrive at the point where it will cost as much to get it out of the earth as it will be worth on the market.

Recently, Fortune magazine and Newsweek, among others, have published very thoughtful articles on the peak in oil. Read "Hubbert's Peak" by Kenneth Deffeyes to learn more about oil availability. The increasing pinch even caused two major energy companies to have to pay huge fines for fraudulently overstating estimates for oil reserves.

Apathy and the status quo hampered earlier efforts to develop cleaner alternatives to fossil fuels. Mention the potential of weaning ourselves from our dependence on oil and you'd be met by a hail of disbelief, dissent and tail spinning more appropriate for a Mel Brooks comedy than for a

public debate on energy policy. Resistance to a different future is normal for us all. But there is an emerging new reality on energy. A quick read of news in recent weeks is one way to see the energy diversity happening right before our very tailpipes.

### **Setting records**

Crude-oil prices have set records, and most experts don't expect a return to previous levels due to chronic shortages and expanding demand worldwide.

Ethanol plants that will produce jobs as well as millions of gallons per year of a clean-burning, sustainable blending agent for gasoline are planned in several parts of the Valley and in Southern California to satisfy a burgeoning demand for the fuel additive.

A hydrogen-producing plant is proposed for the city of Fresno's sewage treatment plant, where waste would contribute to a clean process to produce hydrogen to help run the waste plant operation, thereby saving energy.

Fresno awarded a \$3.3 million contract to build a natural gas refueling station for a growing fleet of clean-air city buses and other vehicles. Wind energy worldwide has topped 40,000 megawatts (enough to light the equivalent of 120 million homes).

Renewable Portfolio Standards (RPS) in 15 states now require power companies to produce and sell larger percentages of their energy from renewable sources, including solar, wind and biomass. The California RPS requires retail sellers of electricity to increase their procurement of such energy by at least 1% per year to reach 20% of their retail sales by 2017. Increasing the use of renewable fuels is a growth industry and promises to contribute to the California economy. That's a start.

### **Boosting energy**

I've spent the better part of the past eight years in efforts to boost energy efficiency and develop sustainable alternative energy sources in the Valley and elsewhere. Developing clean, economical ways to produce ethanol (fuel alcohol) for blending in gasoline has been one of those efforts. Gasoline with ethanol burns cleaner and causes less air pollution. In California, it's already part of the blend.

Fewer among us continue to see fossil fuels as the only future for running our vehicles or heating and cooling buildings. There is a growth industry developing in alternative transportation fuels. Ethanol production technology becomes cleaner and more efficient each day. Production costs have declined by 4%-5% annually since 1975, and it is now cheaper per unit of energy than gasoline.

Efforts to develop fuel alternatives also make public policy sense. The oil and natural gas we have come to depend on are increasingly under the control of other countries.

Consider that more than half of the natural gas reserves in the world are in Iran and Russia. Or, think about how volatile our oil sources have become in the Middle East. Then ask yourself if those conditions will improve over the next 25 years.

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We can approach energy independence in the U.S. within 10 years if we want to. We can develop renewable energy alternatives that are profitable, clean and good for the economy as well as for our health and national security. To do otherwise betrays all of us as well as our future generations.

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### **Air doesn't need raceway**

[Saturday, Sept. 18, Merced Sun-Star, letter to the editor](#)

Editor: It is interesting that the Sun-Star last week published a front-page article ("Growing up in pollution causes lifelong woes," Sept. 9) and an editorial ("We can help kids breathe easier," Sept. 10) responding to our growing air pollution problem. In this case, I use the word "interesting" euphemistically. Why? Simply because the Sun-Star has enthusiastically supported

the planned Riverside Motorsports Park Raceway, which would dump tons of pollutants into our already pollutant-thick sky. You just can't have it both ways. As we recently have learned, the Central Valley is now rated as the worst in the entire United States regarding ozone. The only thing that this proposed "park" will do is worsen an already bad situation where air quality is concerned (as the soon-to-be-released EIR will undoubtedly show.) As a teacher, I have seen the local incidence of asthma skyrocket since I started teaching 20 years ago. This proposed raceway will only exacerbate this growing health problem. Besides the fuel burned on site, the introduction of thousands of motor vehicles bringing race attendees will simply compound our horrific air quality. If we truly are interested in improving our air quality, the RMP proposal is a "no-brainer" and should be shot down. Health-conscious citizens and other breathing homo sapiens should be appalled that such a venue would even be considered for this area. No amount of big-moneyed interests should ever hold sway over our health. In the Sept. 10 editorial, a list of "seemingly innocuous" suggestions was given for individuals to combat pollution. It's my strong suggestion that we add to this list a more obvious piece of advice -- tell our Board of Supervisors to keep this potentially gigantic polluter out of our county!

Marc Medefind

Merced

## **Clunkers, Classics and Smog**

[L.A. Times editorial, Friday, Sept, 17, 2004](#)

There's no reason a car that's been passing smog checks all along shouldn't continue to do so, with proper maintenance and repair. Yet legislation passed seven years ago at the behest of car collectors exempted automobiles from the state's smog program when they turned 30. With cars lasting longer, that has meant increasing numbers of old clunkers each year, putting out a hugely disproportionate share of pollution. This was never a good idea, and it's time for it to end.

It's not as though a bill by Assemblywoman Sally Lieber (D-Mountain View) would force the owners of classic cars to overhaul their engines to meet smog standards they never were meant to pass. It would simply make cars manufactured after 1975 continue to operate as cleanly as they were designed to - and already do.

The objections of classic car owners are hollow and sometimes self-defeating:

- Many owners of older cars want to modify their engines in ways that would flunk the smog test. Yes, exactly.
- Many car collectors drive their automobiles rarely. All the more reason that those vehicles should be able to pass a smog test; their engines and parts aren't being worn down.
- Older cars are often owned by poor people who can't afford extensive repairs. State funds have been set aside to help these people bring their cars up to snuff. The smog program exempts automotive parts that are too hard to find.
- Diesel engines cause far more pollution than old cars, which make up a relatively small percentage of vehicles on the road. True. That's why the state and federal governments have several initiatives in the works to clean up diesel engines. It's not a reason to add pollution from existing cars. The number of cars manufactured before 1976 can only decrease with time; the number of cars 30 and older will increase.
- This bill is just a start. Next they'll go after all the old classics. The current bill permanently exempts those cars. Of course, it's reasonable not to trust a promise from Sacramento. But it's not reasonable to object to a good bill because it might be followed by a bad one. Should such silly legislation be proposed, this editorial page will be lining up with the car owners.

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Comedian Jay Leno, an avid car collector who was among those who sought the exemption for 30-year-old cars, has made his objections to AB 2683 vociferously clear. Some supporters of the bill fear that Gov. Arnold Schwarzenegger will want to appease the entertainer whose talk show jump-started his gubernatorial campaign. But the governor also has been a champion of clean-air proposals. He should sign this bill, knowing that smog is no joke.

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## **Seein Bush for what he really is**

[Friday, Sept. 17, Modesto Bee, Letter to the editor](#)

I am puzzled as to why people still support George Bush. He has lied from the moment he took office -- with the Clean Air Act, which loosens restrictions on industrial air pollution; the Healthy Forests Initiative, which does not get rid of the underbrush that causes the extreme fires but allows the lumber industry to cut down the large trees. Getting rid of the estate tax did not help farmers; your estate has to be worth at least \$1.5 million.

Not to mention the lies about the Iraq and al-Qaida collaboration they are still trying to portray even though the Sept. 11 commission, the CIA and foreign agencies have all said there was no relationship. So why do people still support him? Is it delusion? Is it willful ignorance? Someone please tell me a legitimate reason.

And don't tell me he is folksy; he comes from some of the oldest money in this country. He has never had to work a real day in his life; daddy or rich friends always bailed him out. Please do not tell me it is because he is Christian, because last I checked, it is what you do, not what you say! Wake up, people, and smell the hypocrisy!

**ERIN HORTON**

Modesto

## **Winning Clean-Air Bills**

[Friday, Sept. 17, Los Angeles Times, Letters to the Editor](#)

Although cooler temperatures have eased smog's grip on the Southland this summer, the region still has the dirtiest air in the nation. Our air pollution is so severe that it is stunting the lung growth of our children and probably endangering their future health, according to a USC study released last week.

For these reasons, Gov. Arnold Schwarzenegger should sign two sensible bills to reduce air pollution from two of the largest sources - old cars and marine ports.

AB 2683 would eliminate the current exemption for vehicles 30 years and older from the state's Smog Check Program. Concerns reportedly expressed by Jay Leno and classic car collectors that the bill would interfere with their hobby are unfounded (Sept. 14-15). Under the measure, models from 1975 and earlier would be permanently exempt from a smog check.

AB 2042 would prohibit an increase in emissions from the ports of Los Angeles and Long Beach - the largest fixed sources of toxic and smog-forming pollution in Southern California. Unlike virtually every other significant source of pollution, emissions from the ports are expected to substantially increase in coming years due to growth in trade and cargo traffic. Cost-effective emission control strategies at the ports can prevent this growth in pollution while accommodating greater cargo capacity.

Barry R. Wallerstein, Executive Officer

South Coast Air Quality Management District

Diamond Bar

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Recently, The Times has run several articles regarding the increases in respiratory and oral-pharyngeal cancers in Los Angeles, the detrimental affects of smog on lung development in young children and smog checks for classic cars.

I have a particular interest in these topics as my sister, who lives in the L.A. area, was diagnosed six months ago with lung cancer. She is only 44 years old. She never smoked. We may never know the exact cause of her lung cancer.

However, it doesn't take a doctor, scientist or environmentalist to realize the profound effect that all kinds of pollution have on our bodies. Perhaps Leno would feel differently about having his classic car collection smog-checked yearly if he or someone in his family developed lung cancer.

Jennifer Norin

Upland