

ChevronTexaco says new plant to boost city

By Mike White, TriValley Herald, September 22, 2004

SAN RAMON -- A team from ChevronTexaco tried to convince residents and Planning Commissioners Tuesday night that a proposed cogeneration plant is good for the community as well as the company.

The public hearing was still being held late into the evening by press time. The meeting was expected to be continued until a later date.

ChevronTexaco is seeking permits to build a 2,514-square-foot facility in an existing building at the company's Bishop Ranch campus. The facility would use natural gas to generate 4,200 kilowatts of electricity and to chill water for air conditioning units on the campus.

The plant will save energy, improve air quality and lower costs, officials said.

"Residents won't be impacted by it at all," said Marielle Boortz, a public relations manager for the company. "They won't see it, hear it or feel it."

But residential neighbors who attended the meeting expressed worries over health hazards and declining property values.

Some, like Peggy Kennedy and Paul Bierwith, who live

1 1/2 miles from the plant, just learned about the project from neighbors and wanted more information.

"A power plant has a lot of negative connotations," Kennedy said. "I have a hard time believing what the ChevronTexaco people are saying because they have a vested interest in the project."

Her husband, Bierwith, said if what he heard turns out to be true, he won't have a problem with the plant.

Roy Smart, who also lives less than 2 miles from the campus, said it appeared officials were trying to keep the project "under the radar" and were not making a great effort to alert residents. He was further frustrated because the commission didn't get to the subject until three hours after the meeting began.

"I still haven't heard how this helps the city," Smart said.

In other action, the commission held the first of three public hearings for the Old Ranch II residential subdivision project near the intersection of Timbercreek and Old Ranch roads. The project would consist of 60 homes, nine of which would have secondary units of less than 500 square feet. The high-end homes would be built on lots with a minimum size of 10,000 square feet.

The commission tentatively scheduled the next public hearing on the housing project for Oct. 19, although that date will depend on whether a larger facility can be found for the meeting. Tuesday's hearing attracted a standing-room-only crowd, and most of the speakers, including those who live on Alcosta Boulevard, expressed concerns about the project ranging from traffic to hillside erosion to school overcrowding.

Some neighbors and the developers applauded the plan, saying the project is designed to avoid traffic problems, that the hillsides are secure and that the city would gain additional open space.

Machado criticizes Podesto over Stockton-area "sprawl"

By ERIC STERNBEE CAPITOL BUREAU

[Wednesday, Sept. 22, Modesto Bee](#)

State Sen. Mike Machado, D-Linden, dubbed his Republican opponent in the Nov. 2 election, Stockton Mayor Gary Podesto, the "king of sprawl" Tuesday and launched a television ad accusing the mayor of kowtowing to developers.

Machado, who is seeking a second term, linked Podesto's support for building 25,000 homes on Stockton farmland to a fund-raiser hosted by developer Alex Spanos, whose firm would benefit from the project.

The May 17 event at Spanos' home raised \$560,000 for Podesto's campaign.

Since June, Podesto and the Stockton City Council have fast-tracked plans to include 6,000 acres along Eight Mile Road into the city's growth plan before an upcoming citywide ballot measure could ban development there. The move has drawn criticism and lawsuits.

"I think there is an ethical issue here in terms of the appropriateness of who provided the money at the fund-raiser and the actions subsequently taken," Machado said at a news conference next to the proposed site. "The mayor has shown that those who support him (financially), he will serve, and he will do it at the expense of the voters."

Machado repeats the claim in a 30-second ad airing in the 5th Senate District, which takes in Sacramento, San Joaquin, Solano and Yolo counties.

Machado said he has worked in the Legislature to preserve farmland by fighting to keep the Williamson Act, which gives tax breaks to owners who preserve their land in agriculture for at least 10 years instead of subdividing or selling to developers. He said Podesto "wants to turn the San Joaquin Valley into Southern California."

Podesto, in a phone interview Tuesday, called the timing of his fund-raiser "inconsequential" and said it had more to do with when Gov. Schwarzenegger, who headlined the event, could attend.

He said the city's actions on the housing development are based on unrelated and ongoing talks about land use.

"This was a full council decision, certainly not driven by me or anyone else," Podesto said. "We know we are going to grow and we need to grow orderly."

He added that preserving farmland is easier when agriculture is profitable and farmers aren't tempted to sell their land to developers.

"Don't hinder them into a corner with overregulation," said [Podesto, who has chided Machado for supporting costly clean-air rules for farmers.](#)

Charges go both ways

Meanwhile, Podesto has been airing a television ad that accuses Machado of taking \$235,000 in "dirty" campaign money. The ad, which challenges Machado to "give it all back," refers to penalties Machado faced when he exceeded campaign donation limits.

The Fair Political Practices Commission recently fined Machado \$61,000 and forced him to return \$56,000 in contributions.

"I made an honest mistake," Machado said Tuesday, adding that he had abided by the FPPC orders.

Steven Russo, the FPPC's chief of enforcement, said Tuesday that there is no reason to require Machado to return any other funds.

The money cited in Podesto's ad did not violate campaign donor limits and was "lawfully received but improperly deposited into an old committee," Russo said. "There was nothing unlawful about the acceptance of the money."

Dairies settle beef with air group

Air district can issue permits but must consider scientific data.

By Jennifer M. Fitzenberger

[Wednesday, Sept. 22, Fresno Bee](#)

SACRAMENTO -- The dairy industry and the local air district have settled a lawsuit over how to implement a new clean-air law that requires owners of large dairies to obtain permits.

Under the agreement, the San Joaquin Valley Air Pollution Control District can issue permits to dairies, but it must wait until scientific emission studies are complete before forcing some dairy owners to make substantial -- and costly -- changes to curb pollution.

The district agreed to form an advisory group to keep track of the studies and work with district leaders to determine the best ways to control dairy emissions. Officials from the district, the dairy industry and others with dairy and air quality expertise will be included in the group.

Both sides said the agreement, completed late Monday, will lead to better air quality in the San Joaquin Valley, one of the dirtiest air basins in the country.

"Science is going to be looked at for the first time in developing regulations," said Michael Marsh, chief executive officer of Western United Dairymen, one of the plaintiffs. "That's a pretty substantial change." Jim Tillison, executive director of the Alliance of Western Milk Producers, another plaintiff, said the agreement is fair to everyone: "We believe it will not only protect the environment but also protect the dairy industry and the jobs that it creates."

District counsel Phil Jay said the settlement will help the district and the dairy industry work together to combat pollution.

"We're going to continue on with permits and controls, but we'll incorporate in changes in the science," he said. "It's kind of good for everybody."

California is the nation's top milk-producing state with a dairy industry exceeding \$4 billion per year.

Of the Valley's eight counties, three are among the top five in the United States for milk production.

The dairy industry filed the lawsuit in May after district officials made plans to require permit applications from large dairies and farms by July 1.

Owners of dairies with more than 1,945 cows that produce more than 12.5 tons of smog-forming gasses each year were required to file applications. District leaders were complying with Senate Bill 700, a new law that repealed the agriculture industry's exemption from air-operating permits.

But dairy officials argued that, under SB 700, dairy owners did not have to obtain permits until studies were finished and the California Air Resources Board and local air district had developed regulations.

SB 700 gives the dairy industry until July 1, 2005, to finish the studies, and until July 1, 2006, for the local district to develop regulations adhering to the new data, dairy advocates said.

They also worried that district officials would base permitting decisions on outdated emission information.

For decades, dairy emission estimates have been based on research published in 1938. Other research has been done since then, but nothing definitive enough to replace the old work. The new studies, under way in Fresno and Davis, are expected to be finished next year.

Dairies are known as large sources of reactive organic gases, but research may lower the estimated emissions. If so, some dairies might not need to get a permit.

Dairy leaders asked Fresno County Superior Court Judge Wayne Ellison in June to stop the district from requiring dairy applications by July 1, but the judge denied the request, saying

concerns for public health outweighed any hardship that dairy owners might face by having to turn in the applications.

A trial date was set on the lawsuit, but both sides said they preferred to come to an agreement out of court.

"We've shaken hands," Jay said. "We're hoping to get good collaboration here."

News from the San Joaquin Valley

[Wednesday, Sept. 22, The Associated Press, in the Modesto Bee and the Bakersfield Californian](#)

SACRAMENTO, Calif. (AP) - The San Joaquin Valley Air District and the local dairy industry have settled a lawsuit over clean-air practices, agreeing that large dairies will apply to the air district for operating permits, but the air district will wait for further research before mandating expensive changes.

The region's air cops also agreed to form an advisory board that will keep an eye on air pollution studies, evaluate their findings, and work with the air board's leaders to find the best way to control pollution that comes from dairies. The group will also include representatives of the dairy industry and air quality experts.

Thanks to several San Joaquin Valley counties, California leads the nation in milk production. California dairy is a \$4 billion industry.

But dairies also contribute pollutants to what is already one of the dirtiest air basins in the country.

Industry representatives and air quality regulators agreed that the settlement reached would help clean the region's air.

"Science is going to be looked at for the first time in developing regulations," said Michael Marsh, chief executive officer of Western United Dairymen, one of the plaintiffs. "That's a pretty substantial change."

Attorneys for the air district said the agency will continue to serve as a regulator, but it would consider any new scientific findings in its decision-making.

"We're going to continue on with permits and controls, but we'll incorporate in changes in the science," said district counsel Phil Jay. "It's kind of good for everybody."

Blown Away

Autumn is in the air as many rake-pushers turn over a new leaf

[Wednesday, Sept. 22, Modesto Bee, By TODD MILBOURNBEE STAFF WRITER](#)

The Northern San Joaquin Valley isn't much for seasons. But that doesn't stop the myrtle leaves from mucking up Ozzie Rorabaugh's driveway.

"All year long they bloom, then fall off," said Rorabaugh 75, of Modesto. "It's pretty, but makes a mess."

For decades, Rorabaugh has tackled the situation with a broom. Now, he says he needs some heavier artillery — a 25cc, gas-powered leaf blower.

Rorabaugh is one of thousands of valley residents likely to purchase a leaf blower this fall. A convenient way to sweep decks, lawns and driveways of leaves, twigs and debris, leaf blowers have become a staple of the suburban garage.

Those in the market for a leaf blower this fall can expect to spend from \$29.99 to \$189.99 at retail outlets in Modesto. But before heading to the hardware store, consumers should get a sense of what type of blower best fits their needs.

For people with small lawns, electric blowers are an increasingly popular choice, said Chabil Uma, assistant manager of the Orchard Supply Hardware store on Oakdale Road. The models

are quieter than gas models, generally less expensive and emit less pollution. The downside is mobility. Electric models are tethered by a cord, typically 100 feet long.

Gas models work well on larger properties. Joe Henderex, president of Continental Landscaping Inc., in Modesto, praised gas models as relatively maintenance-free and easy to use, since they don't require untangling a cord.

But gas models tend to be slightly heavier, weighing as much as 17 pounds, so people with an aversion to heavy lifting might want to keep that in mind.

In terms of power, gas and electric are both able to get the job done. Henderex recommended models with a 100-mph blowing capability or greater. A powerful blower makes a big difference when handling wet leaves, Henderex said.

As with most products, blowers come with an array of add-ons. Vacuums and mulchers are among the most popular, and are available on gas and electric models but add another \$40 to \$80 to the cost. Vacuums work well, especially on surfaces where people would rather not rake, such as bark or cobblestone, Henderex said.

Henderex said it's important to remember most retail mulchers only pick up light material, such as leaves.

"If you're going to suck up sticks, it will ruin your machine," he said.

A final consideration before buying is noise. At 60 decibels or more, leaf blowers can be a neighborhood nuisance.

The devices have drawn the ire of city councils and homeowners associations in California and across the country. At least 44 communities in California have laws limiting leaf blower use, including Beverly Hills, which banned the devices, and Palo Alto, which requires landscapers to take a "blower etiquette" class.

Modesto is, by comparison, leaf blower-friendly. Besides the general city noise ordinance, there are no restrictions on leaf blower use, said Carol Sue of the Neighborhood Preservation Unit. And a 1999 study found that more than 70 percent of residents opposed restrictions on their use.

Yet for those hoping to keep their cul-de-sac quiet, and get some exercise, too, don't forget about that rake hanging on the garage wall.

No breathing room

Gist of latest report on Valley's filthy air is that it's still bad

[Wednesday, Sept. 22, Fresno Bee, Editorial](#)

There's an odd debate going on locally over whether the latest ranking of cities with the dirtiest air accurately portrays Fresno. The San Joaquin Valley's largest city was ranked 11th in a report called "Dangerous Days of Summer." The report was issued by Environmental Defense, a national nonprofit group. Fresno's filthy air usually ranks it in the top five nationally.

But whether Fresno is fifth worse or 11th isn't the issue. Our air is bad and we need to put all our resources into making it safe for our children. We have a long way to go to solve this problem in the Valley, and arguing over a new report must not divert us from our mission of cleaning up our air.

Among communities where asthmatic children are exposed to unhealthy air, New York City, Philadelphia and others ranked worse than Valley cities in the Environmental Defense report. Smog or ozone can trigger asthma attacks. The corrosive gas is known to cause tiny scarring in the lungs.

Los Angeles and Riverside-San Bernardino in Southern California are the two worst places, according to the report said. The rankings give a high priority to populous cities as well as

childhood asthma cases. But it does appear that Fresno's childhood asthma rate was substantially understated, which pushed it to 11th on the dirty-air list.

"We know Fresno County has a 16% rate of childhood asthma," said Dr. John Balbus, one of the report's authors. "We used a national average of 8.3% to estimate the number of asthmatic children in each city. We probably underestimated Fresno by half, but we used the national average for all cities." Cities were ranked by multiplying the number of asthmatic children and number of bad-air days, said Balbus. The estimates show large cities have many more asthmatic children, so they ranked worse than Fresno. That would seem to be a problem in the assessments of cities.

Josette Merced Bello, president of the American Lung Association of Central California, is concerned that Fresno being ranked better than other metropolitan areas in air quality "could mislead elected officials and the public here into believing that our situation is not critical."

We hope not. There's ample evidence that we've got air-quality problems so severe that the health of Valley residents is threatened. Fixing that must be our goal.

Cleaning the air - or spewing hot air?

State regulators are poised to impose costly emission limits on new vehicles

By KENNETH GREEN

Adjunct scholar at the Los Angeles-based Reason Foundation

[Wednesday, Sept. 22, Orange County Register, Commentary](#)

Once again, state regulators are out to get cars and trucks. In the old days, the attacks were tied to claims of reducing smog or soot levels. But as air pollution continues to decline - despite people driving larger cars over longer distances - regulators have had to find a new excuse to stay in business: climate change.

Specifically, the California Air Resources Board is targeting carbon dioxide and nitrous oxide; the latter is also known as laughing gas. But the proposed regulation is no laughing matter. On Thursday, the air board is set to mandate that new vehicles sold in California cut their greenhouse gas emissions 30 percent by 2016.

First, let's get the climate change excuse out of the way. California cars aren't causing climate change - taking all of the state's cars off the road completely wouldn't make a dent in emissions. According to government data, California motorists produce less than one-quarter of 1 percent of the world's emissions of the gases theoretically linked to global warming - a share that's declining every day as countries like China and India continue to grow. On top of that, the proposed regulation only addresses four of the six major greenhouse gases, and only passenger vehicles, not commercial vehicles. So whether you believe that we face a risk of catastrophic climate change due to man-made gas emissions or not, it is obvious that this new plan will provide little or no climate protection to current or future generations.

What about the effect on consumer choice and health? While the air board propounds a hodgepodge of technologies it claims will reduce emissions (like low-leak air-conditioning systems), the only truly effective way to reduce emissions of carbon dioxide and nitrous oxide from cars is to reduce the amount of fuel they collectively burn or to change to a fuel that puts out less greenhouse gas per unit of energy. And the only way to do that is through mandating technology that would lighten and shrink cars, or by forcing "alternative fuel" vehicles onto a market that has shown little desire for them. Despite the hype, sales of hybrids across the country are expected to total around 88,000 cars this year. In comparison, there were 16.6 million new light vehicles sold in 2003.

By proposing a new emissions standard for the California new vehicle fleet, regulators have shown they just don't get it: Through millions of independent spending decisions, Californians have demonstrated they aren't interested in the gizmos that government technocrats want to

peddle. They don't want tiny compact cars or electric vehicles or to pay high premiums for hybrid cars.

The danger of these mandates doesn't lie simply in their predictable failure. These laws expose people to higher risks in traffic accidents by forcing them into smaller, less protective vehicles, reduce consumer choice, suck resources out of the productive economy, and sink resources into bureaucratic paper- shuffling.

The new standards would also jeopardize the progress being made against smog and soot. When people trade older cars for newer cars (yes, even SUVs), they generally put out less smog and less soot than before. Raising the cost of newer cars slows down such purchases and the associated air pollution benefits.

And this proposal will certainly raise vehicle costs. While the creative accountants at the air board claim that people will save money over the lifetime of such vehicles because of fuel savings, the up-front costs the air board admits to are not trivial: The proposed measures would add \$960 to the cost of a new vehicle in 2016, and given their performance in predicting the cost and benefits of other measures, there's every reason to assume that this lowballs the costs and blue-skies the benefits.

Taking money out of people's pockets for higher fuel and automobile costs means less for the investments that can protect them from climate variability such as securing water resources, building resilient infrastructure and energy supplies, building a more diverse, robust and resilient economy, or investing in education or health care. And that's no laughing matter.