

## **World's big-city mayors gather to draft global-warming pact S.F. conclave will seek accord on urban-living guidelines.**

By Terence Chea, Associated Press Writer

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SAN FRANCISCO (AP) - Mayors from some of the world's biggest cities are gathering here this week to forge a set of international guidelines for sustainable urban living - billed as a municipal version of the Kyoto Protocol on global warming that the United States never ratified.

The Urban Environmental Accords, to be signed at the United Nations World Environment Day Conference, is the latest example of cities seeking to tackle climate change despite reluctance from their national governments.

"We cannot afford to wait for the state or federal government to do the job. There are too many excuses going around, particularly in this country," said San Francisco Mayor Gavin Newsom. "Increasingly, the world will look at mayors to become the stewards of the environment since the vast majority of the pollution comes from cities."

At least 70 mayors from cities such as London, Rio de Janeiro, Tehran, Capetown, Sydney and Shanghai are scheduled to attend the five-day conference in San Francisco - the first U.S. city to host the annual event. World Environment Day, celebrated each June 5, was established in 1974, with annual conferences held since 1987.

At this year's gathering, themed "Green Cities" and running June 1-5, the mayors will trade ideas on sustainable urban living in areas such as renewable energy, recycling, public transportation, city parks and clean air and water. More than 230 community activities for World Environment Day are scheduled around the San Francisco Bay area.

On Wednesday, when the conference opens, Gov. Arnold Schwarzenegger will unveil California's plan to reduce emissions of carbon dioxide and other "greenhouse gases" blamed for trapping heat in the earth's atmosphere and raising temperatures worldwide.

San Francisco, where the United Nations was founded 60 years ago, is known as an environmental trendsetter, and city officials plan to showcase its green successes. The city now recycles two-thirds of its garbage, claims the largest fleet of alternative fuel vehicles and boasts the country's largest city-owned solar power installation at the Moscone Convention Center.

"There's so much we can share, but there's also an enormous amount we can learn from other cities," Newsom said.

Until recently, international treaties have been the main forum for addressing global environmental problems such as climate change, which scientists say is causing increasingly violent storms, shrinking wildlife habitats and rising sea levels that threaten coastal cities.

The Kyoto Protocol, adopted in the Japanese city in 1997, requires industrialized nations to cut greenhouse gas emissions by an average of five percent below 1990 levels. The treaty was ratified by at least 140 countries and went into effect in February.

But the United States, the world's largest emitter of greenhouse gases, did not sign because Bush administration officials believed the treaty would result in the loss of five million U.S. jobs and raise energy prices, said Michele St. Martin, a spokeswoman for the White House Council on Environmental Quality.

"President Bush favors an aggressive approach on climate change - one that fosters economic growth that will lead to new technology and innovation," St. Martin said, pointing to the administration's \$2 billion climate change initiative that promotes clean-coal technology, hydrogen-powered vehicles, nuclear power and renewable energy.

Environmentalists and government officials are questioning whether Kyoto and other global treaties between national governments are the solution.

"We have all these laws on the books, but none of them are being implemented," said Jared Blumenfeld, director of San Francisco's Department of the Environment. "They have to teeth. Nothing happens if you don't implement them. No one's going to hold them accountable."

Frustrated by the U.S. government's stance on global warming, many Americans states, cities and corporations are taking steps to reduce emissions of heat-trapping gases from factories, automobiles and power plants.

Last year, San Francisco was perhaps the first U.S. city to adopt its own "climate action plan" that seeks to reduce greenhouse gas emissions - to 20 percent lower than 1990 levels by 2012 - by increasing public transportation use, recycling rates, renewable power and energy efficiency.

In May, Seattle Mayor Greg Nickels, worried about dry winters in his famously wet city, announced that more than 130 U.S. mayors have signed an agreement to reduce carbon dioxide emissions by meeting or beating the Kyoto targets.

"The mayors, the corporations and even the governor of California are starting to show global leadership in the face of a vacuum," said Kathleen Rogers, president of Earth Day Network. "It's the new trend, and it's out of pure desperation."

Now, mayors from around the world are joining America's city leaders to fight global warming and other environmental problems. By signing the Urban Environmental Accords, the mayors will pledge their commitment to eco-friendly urban development in seven areas: energy, environmental health, transportation, urban design, urban nature, waste reduction and water.

Organizers say global environmental problems must be addressed on the municipal level because half the world's population now live in cities - a proportion that's projected to rise dramatically this century. And cities consume about three-quarters of the world's resources while producing three-quarters of the world's pollution.

"Unlike the federal governments that seem to find a lot of wiggle room in treaties, mayors are much more responsible to their constituents," Rogers said. "Mayors are much more in tune with what people want."

The accords spell out 21 specific actions mayors can take to make their cities greener, and signers promise to annually adopt at least three new policies, many of which involve economic incentives or legislation. In the energy arena, for instance, cities can adopt policies to increase use of renewable power, boost energy efficiency and reduce greenhouse gas emissions - actions that can help cities save money and clean up the environment.

"It's a real roll-up-your-sleeves approach," said Susan Ode, outreach coordinator for Local Governments for Sustainability. "They're actions that truly will help and can be implemented by local governments and communities."

While the accords are not legally binding, organizers hope that community activists will hold the mayors to their promises once they return home.

"I hope that at the end of the day we're not just signing a piece of paper," Newsom said, "but making real commitments to take real action."

On the Net:

UN World Environment Day: <http://www.wed2005.org/>

San Francisco's Environment Department: <http://www.sfenvironment.com>

## **Free transit rides on Spare the Air days return this summer**

By Sean Hostege, Staff Writer

Tri-Valley Herald Sat., May 28, 2005

Summer means smog, smog means Spare the Air Days, and those mean free morning commutes on 21 Bay Area transit systems.

Between Tuesday and Oct. 14, the bus and rail agencies will offer free rides on the first five work days in which regional air-quality officials declare a smog alert. This expands a program launched last year, in which BART carried 16,000 extra riders on each of two "Spare the Air" work days. This year, all of the region's major transit systems are joining in, including AC Transit, Caltrain, SamTrans, Muni, and Santa Clara VTA. Only a handful of North Bay agencies declined to participate.

Free rides are paid for by reimbursements from a \$3.9 million federal clean air grant. Planners at the Metropolitan Transportation Commission are hoping to see a 10 percent increase in transit ridership from the offer. MTC coordinator John Goodwin says he doesn't know of a bigger incentive plan of its kind in the country.

On such days, riders will need to board their bus, train, trolley or ferry by 9 a.m. MTC encourages people to register for Spare the Air alerts by going to [www.sparetheair.org](http://www.sparetheair.org) and to plan transit trips by visiting [www.511.org](http://www.511.org) or calling 511 toll free from any area code.

All of this is an effort to prevent smog. Each car produces 1 pound of pollutants each day, air-quality scientists say. When the combined levels exceed federal standards, Bay Area transportation funds can be suspended or cut off.

Forecasters tell MTC the heavy rains and thick vegetation have caused an early spike in one of the ingredients: volatile organic compounds. On hot days, these mix with tailpipe gases to form smog, which is trapped under a bubble of hot air and greenhouse gases like a pressure cooker.

Smog and proximity to freeways has been linked to childhood asthma, according to recent studies.

### **Transit agencies to offer free rides on smoggy days**

Michael Cabanatuan, Staff Writer  
S.F. Chronicle, Fri., May 27, 2005

Twenty-one public transit agencies around the Bay Area will give morning commuters free rides on as many as five smog-choked weekdays this summer.

Beginning Wednesday and continuing through Oct. 14, whenever air-quality forecasters predict the Bay Area could violate federal air quality standards and announce a Spare the Air Day, the transit agencies will welcome commuters aboard trains, buses, streetcars and ferries without charging them a fare.

"When we call a Spare the Air Day, if you spare the air by taking transit, we'll spare the fare -- on just about every transit agency in the Bay Area," said Mark Ross, secretary of the Bay Area Air Quality Management District board.

The Metropolitan Transportation Commission is coordinating the free-ride program and paying the bulk of the approximately \$4 million cost. The money will cover five Spare the Air days. The commission adopted the plan in February, expanding on last year's free-ride program on BART, and announced details Thursday.

Transit agencies offering free morning rides include the Bay Area's largest operators -- San Francisco's Municipal Railway, BART, AC Transit, SamTrans, Santa Clara Valley Transportation Authority, Caltrain, Golden Gate Transit and the Golden Gate, Alameda/Oakland and Alameda Harbor Bay ferries.

"This is an unprecedented initiative," Ross said. "It's the largest program of its kind in the country and possibly in the world."

Spare the Air days are usually called in the summer and early fall when forecasters expect hot weather and little wind -- the perfect recipe for brewing polluting ozone. Air quality officials urge people to avoid polluting activities such as driving, barbecuing, painting and using hairspray.

Forecasters will declare Spare the Air days about 1 p.m. the day before and send out advisories to employers, schools, the media and people who have signed up at [www.sparetheair.org](http://www.sparetheair.org) <<http://www.sparetheair.org>> to get e-mail alerts.

The next morning, all riders will get free trips until 9 a.m. They'll have to pay their own way home.

"We're hoping for a 10 percent increase in ridership across the board," said John McLemore, a Metropolitan Transportation Commission member.

The free-ride program on BART last summer drew an average of about 20,000 additional riders on two Spare the Air days -- about a 7 percent increase over the system's average.

"The real issue is to improve the air quality in the Bay Area," McLemore said. "But a side benefit is that people may get to see how easy it is to ride transit to get to work."

## **Farmers prepare for burn bans**

### **The first to prohibit burning prunings from some orchard and field crops begins Wednesday.**

By Dennis Pollock

The Fresno Bee Tues., May 31, 2005

Farmers in eight Valley counties are gearing up for the first in a series of agricultural burning bans that takes effect Wednesday, prohibiting using fires to dispose of prunings from a couple dozen orchard crops and about 18 field crops.

"They're already doing a lot of chipping and shredding right now," said Cynthia Cory, director of environmental affairs with the California Farm Bureau Federation.

Cory and others say the first phase in burning bans that was put in place by Senate Bill 705, written by Sen. Dean Florez, D-Shafter, will likely be the easiest to implement.

She leveled an unintended pun: "You do the easy stuff first: You go after the low-hanging fruit."

Indeed, the ban will likely have its greatest effect on the growers of fruits - including cherries, peaches, plums, apricots, pluots, avocados, citrus, kiwis, persimmons, pomegranates and nectarines. Cory said other looming deadlines will be tougher for growers to comply with: a June 1, 2007, ban on orchard removals, and a June 1, 2010, ban on prunings of crops that include almonds, walnuts, pecans and grapevines, as well as vineyard removals.

The San Joaquin Valley Unified Air Pollution Control District will enforce the bans. Penalties for burning could range greatly, said Ted Strauss, supervising air quality inspector.

"It depends on the type and amount of material, and fines could be from several hundred to several thousand dollars," he said. "There may also be warnings or citations."

Strauss said he believes, "for the most part, people will comply."

"I'm interested in what kind of entrepreneurship comes out of this," he said, "unique solutions for handling waste, new ideas."

"Chip-off" events in almond orchards in recent years have drawn an array of machines engineered to chew up the orchards' prunings.

Strauss said the burning of almond, walnut and pecan prunings will come later because nuts from those trees are "surface harvested." Shredded materials that end up on the orchard floors must be so small it will not impair the harvest of the nuts.

"Right now, there are more acres of almonds planted than there is equipment," he said. "That will take some time."

At a meeting May 19, the air district's governing board approved some delays for the burning ban that takes effect Wednesday. They included:

### **Apple, pear and quince prunings**

Chipping and shredding material diseased with fire blight could spread the deadly bacteria to healthy trees. The University of California is studying the issue. Meanwhile, any ban on burning for those prunings is postponed until June 1, 2010.

"This allows us an opportunity to come up with other means to address the issue," said Alex Ott, director of the California Apple Commission in Fresno.

### **Fig prunings**

Figs are allowed to dry on the tree and fall to the ground, where they are mechanically harvested. If waste wood is left on the ground, it could puncture the fruit and downgrade or destroy it.

The cost to chip rather than burn fig prunings exceeds 10% of the estimated profits of a fig grower in the Valley, the air district staff reports. Because of that economic impact and potential for fruit damage, a ban on burning was delayed until June 1, 2010.

Richard Matoian, manager of the California Fig Advisory Board in Fresno, said branches may fall from trees during harvest, and it is not feasible to call in a chipping machine.

"They won't come unless there's a minimum of 10 acres," he said. "We've got a little bit of a reprieve."

### **Rice straw**

The district staff said lack of available water in the Valley prevents using it to flood fields to dispose of straw left from the rice harvest.

It also stated that the relatively small size of the Valley rice fields "has not attracted the same commercial interest in harvesting the available straw as in Sacramento Valley."

"As a result, there is an insufficient number of operators and equipment to effectively harvest the required acreage in the available time frame between harvest and planting."

The staff has proposed that owners of rice fields do as growers did in the Sacramento Valley, scaling down burning by phases. In the San Joaquin Valley, the plan is to reduce rice straw burning in each field by 30% starting June 1, 2008.

Lawyer Anne Harper of Earthjustice said, "the rice burning ban is overdue."

The Sacramento-area curbs on burning started with a gradual phase-down in 1991 and continued until 2001. Today, any rice farmer in the Sacramento Valley can burn up to 25% of rice stubble, but only for disease control.

Harper said there are instances when delays can be justified, "but sometimes it's a matter of profit."

### **Weed abatement**

Use of herbicides along surface waterways can result in runoff of chemicals that could affect water quality. Burning of weeds along waterways is permitted until June 1, 2010. The district will continue to review potential alternatives.

Manuel Cunha Jr., president of the Nisei Farmers League, said growers and ranchers were working on cutting emissions before legislation by Florez took effect. He noted that farmers, in compliance with another Florez measure, put together 6,400 conservation management plans within six months last year to cut down on dust.

Cunha said agricultural burning has accounted for a fourth of "the total smoke in the basin." Far more, he said, comes from burning in national parks or on Forest Service land.

"If your objective is to clean up the air, why go after 25%?" he said.

"One concern that we have is that there is not enough funding of the biomass industry," Cunha said. "If biomass can't take the wood, where will you take it? As we get to 2007, it will be tougher to do the economics."

Vanessa Stewart, a research assistant with Earthjustice, said other states in the West "have banned burning some years ago. The San Joaquin Valley is catching up."

Stewart said the district faces still greater challenges in the years to come because of the need for more curbs on emission of particulate matter 2.5 microns or less in diameter, about 1/30 the width of a human hair.

## **Drywall recycling for farmers gets attention**

### **Passers-by, county express interest in mobile business operating without permits**

By Sarah Ruby, Californian staff writer

Bakersfield Californian, Tues., May 31, 2005

Not all rural piles are created equal.

With Kern's abundance of illegal dumping sites and its status as a destination for coastal waste, it's no wonder residents are suspicious of anything heaped higher than 10 feet.

But the alabaster piles visible from 7th Standard Road, northeast of Buttonwillow, are legitimate, said Scott Brunni, who runs a fledgling drywall recycling business.

His portable operation takes gypsum-rich waste from new construction and converts it to an agricultural product used by farmers to help their soil absorb water.

"I can see why they would think I was doing the same thing (as the illegal dumpers)," Brunni said. "I'm going to prove to them that you're never going to have that with me, ever. I'm trying to prove myself."

Brunni has deep roots in Bakersfield, where his wife, Conni is a former city councilwoman. He grew up on a local dairy farm, where "what (people) say is what they do is what they mean," he said.

The world of trash is a little different.

"You got to be careful what you're getting," he said of trash loads. "I'm real picky about that. You really better watch yourself."

People have tried to saddle him with demolition waste and other garbage filled with nails and undesirable material. He will only accept drywall from new construction sites, of which there is no shortage.

Drywall can be pulverized into paper and pure gypsum, Brunni said. Farmers are able to use both, keeping them from the landfills.

Being dry and dusty makes gypsum good for the soil, but it also makes it an air quality menace.

Brunni said he wets down the piles, but earlier this month, he was cited by the valley air district for visible air emissions coming from his drywall grinder.

Brunni is working with the district to perfect his process, he said, and might abandon the grinder in favor of something that would crush the material.

Air district officials couldn't comment on Brunni's operation because his case "hasn't been settled." A final report must be sent to Fresno and ruled upon before it becomes public record.

"We have some questions we want answered," said Jon Adams, manager of compliance for the San Joaquin Valley Air Pollution Control District.

Alarmed by the piles of Sheetrock that accumulated during the rainy season, some passers-by thought they were looking at another suspicious dumpsite like the one near Wasco, owned by the city of Oxnard.

One such onlooker was Bill O'Rullian, environmental health specialist for the county Environmental Health Services Department. He saw the pile several weeks ago and alerted the planning department.

"The concern is if they do not have a permit ... there's nothing to prevent them from getting humongous," he said.

The planning department is looking into whether Brunni needs a permit for every new site he inhabits. Before he started serving customers in 2003, Brunni asked about permits, his wife, Conni, said. He didn't need one because his is a portable business operating on private property, she recalled a planner saying.

All they had to do was register with the air district, she said. Now the planning department is taking a second look. Brunni sets up his operation on a customer's farm, where he meets drywall shipments and grinds them for the farmer.

While he's there, he takes care of other farmers nearby. Because the gypsum leaves the original property, the operation could require a permit.

That means Brunni would have to apply for a new permit and do environmental studies every time he moves to a new farm. He's planning to move from 7th Standard Road next week.

"It doesn't make sense," he said. "That doesn't hold water."

County officials will likely make a decision in the next few weeks.

"(Brunni's operation is) environmental because it takes stuff we don't want and makes use of it," said Jim Ellis, a planner with the county. "(But) I'm dealing with it from a policy standpoint."

Brunni processed 11,567 tons of drywall between April 2004 and March 2005. Farmers generally use two tons of gypsum per acre, about as much as you can fit in the flatbed of a truck.

It costs money to send unused drywall to a landfill. Brunni works with transfer stations, letting them bring new construction waste directly to farms that need gypsum.

He grinds the material on the farm and sells gypsum for the going rate, saving farmers the cost of truck delivery for mined gypsum.

And mined gypsum comes with a certain amount of dirt, which adds to shipping costs, Brunni said. Drywall is pure.

"There's no other chemical, no glues, none of that stuff," Brunni said.

He hatched the drywall idea a few years ago, after he sold his dairy. He dabbled in trucking, but soon saw the only way to make money was to sell what's in the trucks. He'd worked with gypsum on the dairy, and the drywall recycling idea was born.

## **Manteca planning for bus system**

### **Population growth makes city eligible for federal funds**

By Joe Shelby, Correspondent  
Tri-Valley Herald, Mon., May 30, 2005

MANTECA — The city is looking to improve its bus service. While existing mass transit services are in place, such as Dial-a-Ride and two routes serviced by the San Joaquin Regional Transit District, the proposed Manteca bus system is seen as a sign that Manteca is coming of age.

We have a real demographical need for more mass transit options in Manteca, Mayor Willie Weatherford said. We are growing and with our senior population expanding, those unable to afford cars and gas prices, the need is here. We are hoping our system will work in conjunction with the existing county services. Manteca never has had its own intra-city transit system, but the city's population growth triggered the availability of federal funds and the planning for a transit system has started.

Adam Emmer, transit analyst for the city, is in charge of the project. Emmer said the city will be looking at proposals through the summer and the transit system could be operating by this fall.

When the city of Manteca passed 50,000 in population, we became eligible for federal funds to establish a transit system of our own. Initially, we will be evaluating proposals that, when finalized, will produce a turnkey product, providing for vehicles, staff, maintenance and a facility.

Emmer went on to say that the exact routes and number of vehicles will be determined through the proposal process.

The federal funds allocation is a two-step process. Section 5307 funds or Urbanized Area Formula funds totaling \$750,000 annually will serve initially as the start-up funds for the project. The other source of federal funds comes from a [Congestion Mitigation Air Quality Grant](#) that totals \$1.7 million. That grant will be handed out over three years.

Emmer noted that the transit system would be designed with stops that would connect to existing countywide transit services, such as San Joaquin Regional Transit District, providing access to other cities.

### **Builder to seek an OK for Visalia subdivision But concerns arise about traffic and the amount of new homes.**

By Tim Sheehan  
The Fresno Bee

Sunday, May 29, 2005

VISALIA -- Developers are forging plans for an 80-acre subdivision of homes in southwest Visalia, despite a report that says it will increase traffic and take prime farmland out of production.

Centex Homes won approval from the city's Planning Commission last week for its proposed Summit and Rose Estates subdivisions, to be built between Shirk and Roeben streets south of Tulare Avenue.

Commissioners voted to recommend that the Visalia City Council begin the process of annexing the property, now farmed with alfalfa and pomegranates, into the city limits and amend planning rules to allow the land to be used for homes instead of agriculture.

The commission's action also certified a hefty environmental impact report that says the subdivision will create more traffic and [air pollution](#) from residents' vehicles and eliminate some prime agricultural property.

Brandon Smith, an associate planner with the city, said the issues likely will come before the Visalia City Council in June. Centex plans to create two subdivisions totaling 206 lots. The neighborhood will include 191 single-family homes as well as some duplexes and apartments. Two small parks also are included in the plans.

Neighbors in Savannah Place and Savannah Heights, two upscale neighborhoods just south of the farmland, are wary of the plans.

John Schouten, whose home is on Jacques Court, said he was disturbed by how many homes Centex is planning.

Schouten referred to a 1996 edition of the city's General Plan -- the document guiding types of development in Visalia -- that called for two homes per acre in the neighborhood north of his. By those guidelines, he said, a maximum of 160 homes would be allowed.

"That's how it was sold to us," he said. "I'm disappointed to see the number of lots that are proposed here."

Residents and commissioners also pointed out the inability of Shirk Road to handle the traffic the subdivisions will create, especially for motorists taking the off-ramp from eastbound Highway 198 onto Shirk.

In the environmental study for the subdivision, the road's shortcomings are well-documented. The city and Caltrans both grade the ability of roads to serve motorists using a scale from A to F.

The intersection of Shirk Road and the 198 east off-ramp has an F grade already, even before traffic from the new subdivisions are figured in.

"It is clear that the intersection of Shirk Road at the [Highway] 198 eastbound ramp will fall below city and Caltrans ... standards," the report states.

The environmental report estimates that traffic on Shirk Street will increase by more than 500 vehicles per day, and more than 100 vehicle trips during morning and evening peak travel hours.

State transportation officials say the interchange will require improvements such as traffic signals and bridge-widening in the future -- projects that could carry a price tag of millions of dollars.

City leaders say it is unlikely that the state will be of much help in paying for it. Andrew Benelli, the city's assistant community development director who supervises public works, told Planning Commission members last week that Caltrans has no project plan or even a design in place for any improvements for the Shirk-198 interchange.

But the subdivisions' city streets will be built up as the tracts are built, said Fred Brusuelas, who oversees the city's planning department. "The mitigation [for more traffic] is to build these streets to the full city standards," Brusuelas said last week.

Centex land manager Cliff Ronk said once construction begins, the subdivisions will quickly grow to completion.

"We'll probably build at a rate of 10 homes per month," Ronk told commissioners. "It won't take long to build out."

That those homes will be built on what is now considered prime farmland is considered "unavoidable" in the environmental report.

The report outlines several steps the developer and the city could take to try to offset the loss of the farmland, including:

A preservation program to purchase conservation easements on an equal acreage of farmland outside the city's urban growth boundary.

Increase the density of homes in the subdivision by allowing duplex units and working with other agencies for farmland preservation.

Adoption of a "Right to Farm" ordinance by the city.

Starting a growth-management plan to protect large blocks of productive farmland.

But, the report adds, "the measures will not reduce the impacts to a less-than-significant level. ... It remains a significant, unavoidable impact."

The property falls within the fringe of more than 1,000 acres of farmland for which the City Council last year ordered a master plan for westward development both north and south of Highway 198. At that time, council members said they wanted to hold off on "piecemeal" approval of subdivisions and other development until a plan was completed to govern land use outside of a narrow "scenic corridor" along Highway 198 west of Akers Street.

But no tangible steps have been taken toward that plan -- including the appointment of a task force authorized by the City Council in May 2004 or a public opinion survey for which a polling firm was hired in September. Planning officials say it will likely be at least a year, and perhaps longer, to develop a thorough master plan.

"The loss of ag land is not a big issue to me," Planning Commissioner Doug Thompson said last week, noting the prior annexation and current development of former Shannon Ranch property in north Visalia.

Thompson also noted even larger stretches of farmland that may eventually be converted to development in southeast Visalia. "If we're concerned about ag land, this is a creampuff when it compares to the southeast," he said.

Another commissioner, Victor Perez, said allowing Centex to build homes on the parcel makes sense in Visalia's development pattern: "This land is in step with the plan we've set in motion."

## **Guide aims to clarify air risk to kids**

**Experts: Some exercises in smog are OK; others aren't.**

By Edie Lau -- Bee Science Writer  
Sacramento Bee Mon., May 30, 2005

With the return of smog season, Chris Traina had a flashback the other day to the case of the soccer coach who was chided by parents for pulling their child from a game and keeping her out.

It didn't matter that the day was hot, the air was marginal, and the player was having a hard time breathing. The parents, Traina said, were still upset.

"Sometimes, it's a no-win situation," he said. As president of the Roseville Youth Soccer Club, Traina makes a point of reminding coaches and parents that practice and games aren't worth the health risk of breathing dirty air on polluted days. But they don't always pay attention.

"I'm not an expert on this stuff," Traina said. "I think it would be really nice if (someone) said, 'Look, here are the experts out there and here's what they think.' "

Soon, Traina will get what he wishes for.

A coalition of local agencies and organizations, led by the American Lung Association of Sacramento-Emigrant Trails, is preparing an easy-to-use guide for schools, sports groups and others who work with children on how to respond to dirty-air days.

The guide will offer answers to questions such as "When the air is considered unhealthy for sensitive groups, should we cancel recess or P.E.?"

The answer is no, according to a draft of the guide, but indoor space should be made available for children with asthma or other respiratory problems.

The guide is keyed to the daily Air Quality Index, which assigns a numerical value to the day's pollution to express the health risk.

An AQI of zero to 50 indicates clean air; 51 to 100 is moderate; above 100 is unhealthy for sensitive groups; above 150 is unhealthy for everyone; and above 300 is very unhealthy for everyone.

The daily AQI forecast for the region is available widely through news outlets such as The Bee and online through the Sacramento Metropolitan Air Quality Management District's "Spare the Air" Web site, [www.sparetheair.com](http://www.sparetheair.com) <<http://www.sparetheair.com>>.

"Here in Sacramento, we're very lucky: People have a high awareness of AQI and 'Spare the Air' days," said Kori Titus, the local lung association's director of policy and communications, referring to bad-air days on which people are urged to walk, bicycle, ride the bus or train or carpool to help reduce traffic pollution.

What's missing, Titus said, is specific advice for how to react to the AQI. "We want to give something that's easy to make this decision (whether to continue with or cancel activities)," she said.

Avoiding strenuous exercise in bad air is good advice for everyone, but the guide focuses on children because their lungs are still developing.

In a study publicized three years ago, researchers at the University of Southern California found that youths in smoggy cities who competed in three or more sports during a school year were more than three times as likely to develop asthma as those who didn't play sports.

The finding raised a lot of troubling questions, including, how do you balance the health benefits of exercise with the health risk of breathing dirty air?

Titus said one goal of the group making the guide is to recommend activities that give children exercise without exposing them to polluted air.

"We're very leery of telling people you have to keep (children) in, because we have the obesity issue, too," she said.

Traina, the Roseville soccer league president and coach of two teams, noted that practices can be modified rather than outright canceled on bad-air days.

Last fall, when the last practice before the opening game fell on a polluted day for one of his teams, Traina held a "walking practice."

"There are things you can work on without running, (such as) corner kicks, goal kicks, throw-ins, a number of things," he said.

Because coaches and parents are not equally aware or appreciative of the dangers of working out in dirty air, Traina said, being able to cite the advice of experts would be useful.

"It takes the heat off of us," he said.

The Sacramento area guide will reflect expertise from a variety of quarters, including county public health officer Dr. Glennah Trochet; county air pollution officer Larry Greene; Bill Vance, a biochemist retired from the California Environmental Protection Agency; and representatives from local school districts and the Yolo-Solano Air Quality Management District.

The group also consulted Susan Stone, an environmental health scientist at the U.S. Environmental Protection Agency and authority on the AQI.

"I think it's great," Stone said. "It's a good model for other (communities) to use."

Stone said she hears often from state and local air-quality agencies that the public welcomes more guidance. "The feedback we get ... is that people want this information, they're looking for it, and they're using it on a daily basis," she said.

Titus said she hopes the guide will be available sometime in June. When it's done, it will be distributed to area schools and youth organizations, and posted on the Web at [www.saclung.org](http://www.saclung.org) <<http://www.saclung.org>>.

## **Bill to junk old school buses may pass by again**

By Hank Shaw

Stockton Record Fri. May 27, 2005

SACRAMENTO -- At least 2,500 children in San Joaquin County ride to school every day in buses older than many of their parents.

These children breathe fumes up to three times as toxic as those emitted from modern buses, and they're far more likely to be injured if the old buses crash. Help doesn't appear to be forthcoming, however, because legislation died Thursday that would have paid schools to junk school buses built before 1977, the year federal officials upgraded safety standards.

San Joaquin, Calaveras and Amador counties still use 58 of these disco-era buses, according to state records. Replacing them all would cost between \$5.8 million and \$7.5 million. Nearly 1,000 pre-1977 buses remain in California fleets, however, pushing the total price tag to as much as \$130 million.

State Sen. Chuck Poochigian, a Fresno Republican whose district includes parts of San Joaquin County, sponsored the legislation. He vowed to fight on.

"Of course I'm disappointed, but I am determined to implement the program," Poochigian said. "On the one hand, it was a great deal of money, but this will get done one way or the other."

Poochigian's proposal meshed with several other clean-air proposals aimed at the Central Valley, which suffers from some of the worst air pollution in the United States. Bad air contributes to high asthma rates, chronic bronchitis and a host of other ailments.

Assemblyman Dave Cogdill, R-Modesto, who could become Poochigian's successor next year when the senator runs for state attorney general, is working on a proposal to boost an existing state program that pays owners of older cars to junk them.

Gov. Arnold Schwarzenegger's proposed budget also includes more money for the Carl Moyer program, which pays owners of farm and construction equipment, transit buses and other old diesel machines to upgrade to cleaner diesel.

These newer motors can burn up to 95 percent cleaner than 1970s-era engines.

Schwarzenegger's proposed budget also includes \$5 million to upgrade school buses, and Poochigian said that could serve as a vehicle for his measure.

Poochigian wanted the state to pledge up to \$250 million for his proposal, which would have taken many buses built before California's 1987 clean-air standards off the roads as well.

Stockton Unified has 18 buses built before 1977, the second-highest number of more than 1,000 school districts in California. Amador Unified has 13. Of Stockton's 86 buses, 61 were built before 1987, according to a 2003-04 inventory by the California Department of Education.

California schools use nearly half of the nation's pre-1977 bus fleet. Ohio, Washington, Louisiana and Connecticut are other states with large numbers of such buses. Many states have none, such as most of the South, upper Midwest, Idaho, Colorado, Wyoming and New Mexico.

Poochigian said his task is to navigate a Democratic-controlled Senate that's aware he's running for statewide office. Killing his school bus proposal prevents Poochigian from touting it as an accomplishment on the campaign trail next year. He said support for the idea is so broad, however, that he suspects the rawer edges of partisanship will be dulled -- at least on this bill.

## **How safe are they?**

### **Workers who dig up the earth in El Dorado Hills face more warnings on asbestos protection.**

By Dorothy Korber and Mary Lynne Vellinga

Sacramento Bee Sun., May 29, 2005

While debate rages in El Dorado Hills about the hazard posed by airborne asbestos, workers who actually stir up dust are being advised to take the threat seriously - and to protect themselves and their families from inadvertent exposure.

The people who drive the bulldozers, mow the grounds and dig the swimming pools need to take reasonable precautions, say union leaders, private employers and public officials in El Dorado County.

That message may be more urgent now, but the advice itself is not new, said Mike Dunlap, safety director of the International Union of Operating Engineers Local No. 3. The big local represents 42,000 operators of heavy construction equipment.

Dunlap said asbestos exposure has been a concern of his union for decades. The problem arises when veins of asbestos, which occur naturally in El Dorado Hills and other parts of the Sierra foothills, are disturbed and the toxic fibers released into the air. Those microscopic fibers might lodge in the lungs, potentially causing disease years later.

"We're absolutely addressing this in our safety classes," Dunlap said. "Our people are concerned about it, because they're working around it all the time.

"In our classes, I tell them that asbestos only hurts the human body if you inhale it. If you're a smoker, it can cause even more trouble - and a lot of our members do smoke."

He cautions people working around asbestos-laden dust to take care not to carry the fibers home on their clothing.

"They should take their boots off before they walk on the shag carpet and their kids crawl around on it," Dunlap said. "Even if they're wearing a protective mask on the job site, they may be sitting on a rig while wearing cotton pants that become contaminated. Then, they come home and their 3-year-old runs out to meet them and hugs their legs.

"Our advice is to get cleaned up first, then hug the kids."

The good news, he said, is that another naturally occurring material is effective in reducing asbestos dust: Water.

"Luckily, the mitigating factor is water, water, water," said Dunlap, who also enforces job-safety standards for the union. "We work with our employers. If we believe we have a problem, we raise the issue. Good employers act quickly and decisively - generally by putting another water truck out there."

He said such a situation arose last year in San Jose, but to his knowledge no operating engineers in El Dorado Hills have lodged a dust-related complaint.

Although some residents of the upscale community question the severity of the problem, El Dorado County has invoked strict measures to reduce construction dust. Some builders have gone even further.

Parker Development Co., builder of the large Serrano subdivision in El Dorado Hills, has adopted a "zero tolerance" policy for dust, said spokesman Kirk Bone.

Bone said the company has always taken precautions to prevent dust. But this year, it has adopted a formal written policy and required all subcontractors to sign on.

Parker Development builds the streets, installs other improvements and gets lots ready for home builders to erect houses. The firm has developed about 3,400 lots in Serrano over the past decade, and has about 1,000 left to finish.

"This year, it is absolutely unequivocal - no dust," Bone said. "The way you accomplish that is primarily through the aggressive use of water trucks."

El Dorado County is also considering clamping down on smaller projects.

County supervisors are weighing new regulations that would impose dust-control requirements on individual custom home sites as well as pools. Previously, an inspector didn't arrive on a pool construction site until the hole was already dug, said Greg Fuz, development services director for El Dorado County.

Inspectors from his department also are going to watch for dust from large grading sites, even though such construction falls under the purview of the county Department of Transportation rather than development services. Any dust plumes will be reported to air-quality officials.

"We're going to get much more proactive," Fuz said.

That's fine with the Building Industry Association of Superior California, said Ana de Billwiller-Kiss, communications director for the home-building trade organization.

"We're supportive of the county's efforts," she said. "The more information that's gathered, the more informed decisions we can make."

The association held its own seminar recently to educate custom home builders about dust control.

"It's an issue our industry takes very seriously," said Dennis Rogers, the association's vice president. "A lot of the large production builders have been dealing with this and have the ability to implement a lot of the regulations. What we were concerned about was the custom builders, because they might not have as large a staff."

There are dusty occupations beyond the bulldozer seat and the construction site. At El Dorado Hills Community Park, many everyday activities can kick up dust: leveling the ball field, raking leaves, digging trenches, planting trees.

Earlier this month, The Bee reported that the U.S. Environmental Protection Agency found relatively high concentrations of airborne asbestos in the park wherever EPA technicians stirred up dust.

That raises concerns for the health of residents enjoying the park - and also for the people who work in it, said Wayne Lowery, general manager of the El Dorado Hills Community Services District.

"Even a year ago, we knew the potential for being exposed to asbestos there was pretty good," Lowery said. "All our guys have gone through training with an industrial hygienist on how to do dust control. They were taught about cleaning their shoes and got some training in respiratory masks.

"The main thing, when you're trenching or digging holes for trees, is keep the grounds wet. If you prepare ball fields, driving a little tractor and a drag behind it, hose down the fields first."

Eleven district employees work outdoors in the park. Some are uneasy about the situation despite the training, Lowery said.

"I think there is concern that there has been exposure in the past," he said. "The problem is no one seems to know what the risk factor really is. The unknown factor has people nervous."

### **Big asbestos bill advances**

#### **A \$140 billion settlement plan goes to full Senate.**

By Greg Gordon -- Bee Washington Bureau  
Sacramento Bee Fri., May 27, 2005

WASHINGTON - In a bipartisan 13-5 vote, the Senate Judiciary Committee on Thursday approved a \$140 billion legislative settlement that would end asbestos injury suits stemming from the nation's worst workplace disaster.

But the decisive vote came only after a late uproar over how to treat disease victims in dozens of cities where factories processed asbestos-tainted Montana vermiculite.

The vote, culminating months of hearings and closed-door negotiations among businesses, insurers, labor unions and trial lawyers, could clear the way for Senate passage of a bill high on President Bush's priority list.

Under the measure, up to 2 million asbestos victims would seek compensation over the next 30 years from an industry-bankrolled trust fund.

The Rand Institute for Civil Justice said in a 2003 study that more than 60 companies have sought bankruptcy protection because of more than 600,000 asbestos claims now in courts. That number is expected to grow.

A legislative compromise has proved elusive. Pulling the bill in different directions are manufacturers, insurers, labor groups, trial lawyers and groups representing people with asbestos-related illnesses.

Backers of the massive bill believe they will draw support from more Democrats when it reaches the floor. But three conservative Republican committee members added a bit of uncertainty by threatening to vote no on the floor unless revisions are made.

The vote was nearly delayed by controversy over a special provision ensuring \$400,000 in compensation to anyone with an asbestos-related lung impairment within 20 miles of Libby, Mont.

The northwest Montana town has been ravaged by dust from contaminated vermiculite mined nearby, with an asbestos-related fatality toll in the hundreds. The compensation provision is one reason that Sen. Max Baucus, D-Mont., is expected to help the bill's backers form a filibuster-proof majority on the Senate floor.

Sens. Lindsey Graham, R-S.C., and Edward Kennedy, D-Mass., called for equal treatment for people who lived near 28 or more former plants that processed Libby vermiculite.

Graham's amendment was defeated 11-6 after Sen. Orrin Hatch, R-Utah, warned that it would cover 50 million people and "absolutely kills this bill."

Instead, the panel adopted a provision offered by its Republican chairman, Pennsylvania Sen. Arlen Specter, and the ranking Democrat, Vermont Sen. Patrick Leahy, that leaves the issue up to federal health officials. It calls on the Environmental Protection Agency and the Agency for Toxic Substances Disease Registry to identify any sites that are "substantially equivalent" to Libby. If similar contamination is found, people with asbestos disease who live near those sites would get the same treatment.

Graham strongly objected to that language, noting that the plants closed long ago. He argued there is no way to measure their asbestos emissions.

Sen. Dianne Feinstein, D-Calif., said she was "just handed a map" showing several vermiculite processing plants in California.

"I think this is a potentially explosive issue," she said.

Feinstein noted that the W.R. Grace & Co., which bought the Libby mine in 1963, was indicted on fraud and conspiracy charges this winter for allegedly concealing knowledge about the dangers of tremolite asbestos in the ore.

"W.R. Grace knew, and it was different, and so there is reason for an exception here," she said.

Specter pledged to take the issue up again on the Senate floor.

Another provision of the bill does allow people exposed in "exceptional circumstances" to apply for compensation. The bill's sponsors say that should cover the vermiculite victims.

Grace shipped about 10 billion pounds of ore to about 200 sites throughout the country.

Debate over the core bill was acerbic at times. Sens. Joe Biden, D-Del., and Kennedy charged it is tilted toward industry interests and leaves victims vulnerable even as they surrender their rights to sue.

Biden argued that, in the event of a cash shortfall, the trust fund administrator would have authority to recommend tighter medical criteria and cutbacks in compensation, scheduled to range from \$25,000 for modest lung impairments to \$1.1 million for people with deadly mesothelioma.

Kennedy said the bill would freeze out thousands of sick people. But Leahy and Feinstein stuck with the committee's 10 Republicans in turning back a series of amendments and approving a measure aimed at addressing inequities in the current court system.

Critics complain that the courts have been clogged with suits on behalf of workers who have no disease symptoms and that some victims are left with pennies on the dollar because of the bankruptcies of 74 defendant companies.

Former Michigan Gov. John Engler, president of the National Association of Manufacturers, hailed the committee vote and urged the Senate to "yield to our shared national interest" and pass it.

"The investor uncertainty that stems in no small part from ongoing asbestos lawsuit abuse has slowed the pace of our economic recovery," he said.

But the American Insurance Association called it "wholly unacceptable" that the bill "still leaves insurers substantially exposed" to the court system.

Margaret Seminario, health and safety director for the AFL-CIO, said the labor umbrella group will oppose the measure because "it's not fair" to victims.

Linda Reinstein, co-founder of the Asbestos Disease Awareness Organization, whose husband is fighting mesothelioma, called the bill "a travesty of justice."

## **Food processors under scrutiny**

## **The industry's wastewater disposal is a concern.**

By Mark Grossi and Jennifer M. Fitzenberger  
The Fresno Bee Sun., May 29, 2005

Wineries, cheese-makers and hundreds of other food processors each year pour billions of gallons of rank wastewater onto open fields with little oversight.

Ghastly episodes marked by stench and flies have irritated the nearest neighbors, but food processors have remained low on the radar compared with city sewage treatment plants.

In the bucolic San Joaquin Valley, food processors are as common as cotton fields -- a natural fit for the nation's leading farmbelt.

But in the past 10 years, this multibillion-dollar spinoff of agriculture has expanded so much that authorities now worry about the drinking water for 3.5 million people in the Valley.

Could this growing load of wastewater percolate far enough underground to foul wells?

Regional water officials this year have begun to address that question, requiring far more detailed information from food processors about their dirty water.

The change is wildly unpopular with the food-processing industry, which turns raw crops into products -- such as grapes into raisins and tomatoes into paste.

Industry leaders say the increased scrutiny is sudden and unfair, and it could cost millions of dollars. They say they already responsibly dispose of their wastewater on wide-open fields where nature renders it harmless.

Processors say they never got a chance to talk about the change: no workshops, no public meetings. They want their legal due process from regulators. "They need to go through a process that shows the economic and social impact of this regulation," says Ed Yates, president of the California League of Food Processors.

The stage is set for a fierce political fight, pitting water quality in one of California's fastest-growing regions against a piece of the state's economic bedrock.

The debate began in January, when the Central Valley Regional Water Quality Control Board made a head-turning announcement: With some new data, officials now suspect that most food processors are harming the water in the 450-mile-long Central Valley, which encompasses the San Joaquin and Sacramento valleys.

Food factories create wastewater by rinsing crops, mixing chemicals to help prepare the food and working through other processes. The water is often recycled. It becomes laced with chemicals, tiny crop leftovers and salt. The salt is naturally occurring in the crops, but it also comes from some processes.

If salt and chemicals percolate too far down after being discharged onto fields, they can turn well water undrinkable. In addition, an excess of crop leftovers, known as organic content, could cause minerals, such as arsenic, already in the soil to wash down into the ground water and foul it.

"As far as organic content, this wastewater can be 10 or 20 times stronger than raw municipal sewage -- sometimes 100 times stronger," says Jo Anne Kipps, senior engineer for the regional board. "We need to evaluate these discharges on a site-by-site basis. We're doing it now."

The detailed water evaluations, which food processors underwrite as part of their waste-water discharge permits, are attracting political heat.

Some state lawmakers, siding with food processors, have begun a letter-writing campaign. Sixteen legislators, both Republicans and Democrats, signed a letter to Art Baggett, chairman of the State Water Resources Control Board, asking the state board to intervene. The state board is the ultimate arbiter of California water regulation.

Assembly Member Barbara Matthews, D-Tracy, who helped circulate the letter, defends the food processors: "In our minds, this has never been a problem."

## **New interest stirs suspicion**

The processors have suspicions of their own about why the regional board seems so interested in their wastewater.

"I think there's more attention now because of a high-profile case," says Stuart Woolf, whose family is an owner of Los Gatos Tomato Products near Huron. "It's the Hilmar Cheese publicity."

Hilmar Cheese Co. in northern Merced County was in the spotlight late last year when The Sacramento Bee reported the firm's wastewater had exceeded limits on its permit for 16 years. The company had about 4,000 violations in just the past four years.

One water board order indicates Hilmar's disposal of wastewater raised the salt content of surrounding ground water fivefold. Neighbors around the Turlock-area facility complained of odors and flies for years, the newspaper reported.

A co-owner of the cheese plant, Chuck Ahlem, in January resigned as the state's agriculture undersecretary. At the same time, the regional board fined Hilmar \$4 million for flushing too much wastewater onto the land.

As a result, the state has launched hearings on broad reform aimed at improving enforcement of wastewater rules. Food processors are shaking their heads because they say Hilmar was progressive about handling wastewater.

"Hilmar was a poster child for them," says Greg Pruett, owner of Ingomar Packing and Tomato Processing near Los Banos. "Over the years, Hilmar invested millions in strategies to clean up the water. Some worked, some didn't. Now they're using Hilmar as a lightning rod."

Most observers agree that the Hilmar Cheese story was a wake-up call among state regulators who sense a new day has dawned in wastewater enforcement.

But Hilmar is not the main reason regional water board staffers are calling for a closer look at the food-processing industry, says Bert Van Voris, a Fresno-based supervising engineer with the regional board.

He says evidence gathered in the last few years about the rest of the food-processing industry is powerful and convincing, all by itself.

Until just the last decade, most food processors had not been required to install wells so ground water could be checked for contamination, he said.

The regional board began requiring the wells several years ago for a few processors at sites where problems were suspected. Those wells began yielding telltale data four years ago.

Salts were increasing in the ground water downslope of where the wastewater was discharged onto the ground for some wineries. Nitrate was rising as well.

"It takes a few years for the constituents to move down through the soil into the ground water," Van Voris says. "We saw the way ground water was being degraded in these places where the monitoring is done. We know we need to take stronger steps to change our enforcement. It isn't working."

But that doesn't mean inspectors will show up and conduct water tests at food processing plants. The state's regional water board doesn't work that way.

The chronically understaffed agency would look like a gnat attacking an elephant. The board must police 7 million acres of farmland, as well as hundreds of food processors, dairies, storm-water drainage from cities and wastewater facilities.

One state study about five years ago showed the regional board staff should have 116 technical staffers. The staff is currently about 20.

The regional board sets up permit requirements for processors to discharge wastewater -- when, where and how much water can be poured onto the land without causing flies and smells or fouling the ground water. The conditions vary somewhat for each food processor.

The staff has little time to check up, much less perform monitoring and argue interpretation of findings. The businesses hire consultants, monitor themselves and report to the regional board. That's why the industry will foot the bill for the increased scrutiny.

With such a reliance on self-monitoring, Van Voris says, a food processor sometimes will expand the business and afterward inform the regional board.

Expansions have taken place before officials even knew whether the previous conditions of the permit were being met, he says, when processors should have to prove their waste isn't polluting the ground water.

"We were allowing industry to shift the burden to us," Van Voris says. "Discharging this waste is a privilege. Part of this process is shifting the burden back to them."

Others, such as municipal and industrial sewage treatment plants, are routinely under such regulation. The rules for food processors are not new, he says, contrary to what the industry is saying.

Van Voris asks: "Why should we treat them any differently?"

### **Billions of gallons of water reused**

Food processors say the regulatory position is a mystery. They say they are helping California, not harming it.

Clean ground water is a top priority in agriculture, food processing lobbyist Michael Boccadoro says: "To that end, the food production and processing industry has worked diligently with regional and state regulators."

Yates of the food processors league says his clients reuse about 300,000 acre-feet of water each year. That's almost 100 billion gallons of water, enough to fill 60% of Millerton Lake, and far more than a city of 500,000 would use in a year.

Processors for many years have submitted plans to the regional board describing wastewater discharge management practices to protect ground water and prevent nuisances, such as odors and flies.

The practices often involve screening to remove larger chunks before the wastewater goes to the field. Bacteria and fungi in the soil decompose organic leftovers.

Some processors apply wastewater to crops, such as cotton or fodder grasses, which take up water, nitrate and salt.

But if too much wastewater is poured onto the field, ground water can be sullied. Nitrate and salt can move down into the ground water, both being dangerous to humans in high concentrations.

Salt in drinking water dehydrates people. In extreme cases, nitrate, a natural byproduct of the organic leftovers, can reduce blood oxygen in infants. It is a condition called methemoglobinemia, or blue baby syndrome, which can be fatal.

And an overload of organic leftovers could trigger a process that would release arsenic, iron and manganese from the soil into the ground water.

The regional board now is asking processors to prove with monitoring data that they aren't harming water quality. At most places, processors will need to install shallow wells to check ground-water quality.

If ground-water pollution is discovered, the processor will have to prevent further problems and clean up the pollution. If the aquifer is badly polluted, it could cost millions of dollars to pump up tainted water, treat it and then let it percolate back into the ground.

Boccadoro said the regional board staff's new approach could result in more extensive wastewater treatment for food processors. They might be forced to use reverse osmosis, an expensive treatment used to desalt ocean water, for removal of minerals from wastewater.

The concentrated waste left after the treatment must be trucked to a separate treatment facility -- another added expense. Existing treatment facilities might not be able to handle the load, and the increase in truck traffic would add air pollution.

"If that's the direction they're headed, that is going to create some significant economic and environmental issues for the food-processing industry," Boccadoro says.

It's an expensive headache for many companies that often only operate 90 days a year during a harvest season, says Yates of the food processors league. Hired consultants must sample the soil and water more often. They also must track such statistics as daily rainfall at the site.

"Once you get samples, you need a certified lab to analyze it," Yates says. "One processor has had to put in four new wells to get a permit this year."

Some processors are cleaning up the water in their own way.

Pruett in Merced County has developed a 100-acre wetlands area to further filter the water and reuse some of it. His plant produces 1.1 million tons of tomato paste, about 10% of the production in the entire state.

His operation is in a salt sink, a low-lying area where salt accumulates in the Valley. The land has not been considered a prime place to grow crops.

"We grow pasture for cattle to graze," he says, gazing at his 2,500 acres around the tomato processing plant. "We've planted wetlands. I think it's a great thing, but it's tough getting feedback from the regional board about this or anything else."

To Chris Rufer, who owns Morning Star Packing, the numbers of the new monitoring campaign don't add up. Morning Star in Merced County produces 3 million tons of tomato paste, making it the largest producer in the state.

He says his costs for monitoring the wastewater are \$2,000 to \$3,000 annually. He figures that with the consultants, labs and lawyers to guide him and to provide data for the stepped-up monitoring, he will spend closer to \$120,000 a year.

"It will probably cost my industry \$10 million," he says. "Is that the right way to allocate our resources efficiently?"

### **Fumes irritate Selma residents**

Michelle Menefee of Selma would argue it's time to allocate more resources for monitoring food processors. Living next to a food processor has intruded on her family's life long enough, she says.

An overwhelming smell regularly wafts over from the wastewater of a raisin processor, Lion Raisin Co., about a mile from her rural home.

Here just north of Selma and east of Highway 99, Menefee and husband, Rod, began raising their three sons in 1984. The smell started in the 1990s when Lion began spraying wastewater with sprinklers onto a nearby field.

The Menefeas are sports fanatics who refuse to relinquish their favorite professional football team, the Los Angeles Rams. A few years ago, they took a 10-day trip to St. Louis to see two Rams games after the team moved to the Midwest.

Rod holds Little League baseball practices at the diamond on his property, and all the children know what to expect at the Menefee house. The air fills with a an odor like that of sewage or sometimes rotting wine, Michelle says.

"Little kids are very honest," she says. "You hear them out there yelling, 'What is that smell?' We all know what that smell is."

It's coming from the field across the street where Lion sprinklers are spraying. Michelle has called the regional board many times over the last four years to complain.

Last summer, Michelle and Rod had more than 100 people at their home to celebrate the graduation of their oldest son, Rod II, from Selma High School. About 8 p.m., the breeze shifted. People gasped and quickly moved indoors for a cozy graduation party.

"We had a barbecue, drinks and a disc jockey playing music," she says. "Then this smell rolls right in as the sun is going down. What's going to happen when subdivisions are built around here?"

Lion Raisin, which has had five notices of violation in the last six years for wastewater discharging, has harmed the underground water with salts, the regional board says.

Lion General Manager Kalem Barserian says some wastewater is sprayed on Lion property, but most of it goes for treatment by the Selma-Kingsburg-Fowler County Sanitation District. He says Lion cooperates with the regional board.

"We're under a microscope," he says. "We're in the path of new homes. We have to comply with the rules."

The company is not considered a high-threat polluter, says engineer Kipps of the regional board. She says Lion has not violated pollution standards, only the permit conditions relating to the wastewater's discharge.

"An enforcement action could result in the future if there is not an adequate attempt to abate the violations of the permit conditions," she says.

The potential conflict between home owners and food processors could mushroom as city populations expand in the Valley.

Aside from the smell, nobody wants to see surrounding wells fouled by salt and nitrate.

Tulare County holds one of the bigger reminders of how bad it could be. There still is salt contamination resulting from the brine ponds at Lindsay Olive Growers, which closed in Tulare County 13 years ago. Nobody has enough money to clean it up.

The contamination dates back decades, pre-dating typical methods of modern food processors.

But salt contamination remains a credible threat today, regional water board officials say.

The consequences of tainting deep underground water can be expensive and long-lived, says regional board supervising engineer Lonnie Wass.

The Lindsay cleanup would cost in the millions of dollars, but the responsible company went bankrupt in 1992. The city has ownership of the ponds, but it would go bankrupt paying for the cleanup.

A dairy now occupies part of the contaminated area. The new owner installed a clay cap above the bad water, and regional board staffers are watching the salt content of the surrounding ground water. So far, it does not seem to be a problem.

But Wass says the contamination isn't going away. Some people still have drinking water delivered to their homes.

Says Wass, "It's a tough situation."

### **Additional costs raise concerns**

The idea of such stepped-up enforcement and expensive water monitoring sends a chill through the business community, economic development officials say. They say food processing is very attractive in the Valley because businesses can be established where the crops are grown.

"The industry definitely is in a growth mode," says Paul Saldana, chief executive of the Tulare County Economic Development Corp.

California already is hamstrung by regulations covering air quality and workers' compensation, economic development officials say. High electricity rates also are a turn-off.

Prices for many farm commodities -- raisins and tomatoes, for instance -- have varied in the past several years, making business far more difficult, farm officials say.

Growth in the tomato business has flattened in the last five years, says Ross Siragusa, president of the California Tomato Growers Association.

"The profitability is very constrained," he says.

A crackdown on wastewater makes it even tougher, says Dave Spaur, president of the Economic Development Corp. serving Fresno County.

"This type of hostile action will affect us up and down the Valley," he says. "We don't see food processors as violators. And are you going to get a better environment with this action? I'm not so sure."

Assembly Member Mike Villines, R-Clovis, who signed the protest letter to the state board, says the regional board isn't considering the economics of food processors. Villines says the regional board is taking a "heavy-handed" approach.

"This is a typical reaction from government to say we have this power and we're going to do it and make it harder for the private citizen to defend themselves," he says. "I think that's wrong."

State board chairman Baggett plans to respond quickly to legislators. Staff members from the state and regional boards are talking about the issue, but this is not something he wants to rush.

"It is worth taking some time and working through the policy issues [to find] the most effective way to protect the water as well as have a viable agriculture industry," Baggett says.

The issue should be thoroughly investigated, says a University of California at Merced engineering professor who has researched ground water contaminants.

Tom Harmon says ingredients in the wastewater have to go somewhere once they get into the soil.

"It's not a problem until it's a big problem -- until it winds up in somebody's well," Harmon says. "Once you spoil the deep ground water, you've got a real problem."

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## **Kaweah mine gets go-ahead**

**Action comes 6 years after operation first proposed.**

By Denny Boyles

The Fresno Bee Sat., May 28, 2005

VISALIA -- An appeal to stop Kaweah River Rock's plan to establish a large mine near Woodlake was denied this week, paving the way for the company to shift its operations to a new 280-acre site.

The unanimous decision by the Tulare County Board of Supervisors to deny an appeal of the county Planning Commission's vote to approve the mine came six years after company officials first proposed building a new mine on land between the Kaweah River and Avenue 332, near Woodlake.

The chief concerns for those opposing the mine were the impact on local water wells, noise and dust pollution, and the more than 300 gravel truck trips down area roads each day the mine operated.

The mine, 45 to 55 feet deep, will cut through the aquifer that supplies much of the ground water for that area of Tulare County. Kaweah River Rock officials will build a wall around the mine to redirect underground water flows, and plan to restore water that does flow into the mine back to the aquifer.

In 1999, many of the same residents fought Kaweah River Rock's proposal for a much larger version of the project approved this week. That mine would have covered more than 800 acres. Kaweah River Rock operates a 260-acre mine on the other side of the St. John's river. That mine is expected to run out of sand, gravel and rock in the next two years. The new mine is believed to contain enough of those materials to support area builders for 30 years. When the new mine

closes, it will be used as a temporary water storage facility, a factor supervisors said was key in their decision to approve the mine.

Supervisor Steve Worthley said it was very telling when Bruce George, general manager of the Kaweah Delta Water Conservation District, came out in support of the mine. Two weeks ago, George told supervisors that if his district could afford to build the mine just for future water storage, it would.

"We believe the project provides protection for water resources today and will add a future benefit," George said.

Worthley said the approval from the water district carried a lot of weight.

"These are the folks that are charged with the responsibility of improving and maintaining the ground-water supply sources. They believe there is enough benefit from this project to water supplies, and that benefit is just a sideline to the other products that will be produced," Worthley said.

David Harrald, general manager of Kaweah River Rock Co., said he is moving forward immediately, seeking other entitlements needed for the project such as Caltrans permits and air quality permits. Harrald said the new mine is vital because his company already cannot keep pace with demand.

"I would expect to start some grading work on the new mine in six months, and it will be operational in 18 months to two years," Harrald said.

For neighbors of both the existing mine and the new project, this week's decision isn't necessarily the final word. Supervisors' agendas have carried the item under possible litigation for several weeks, and Susan Crawford, a member of Valley Citizens for Water, says a lawsuit is possible, but no decisions have been made.

"We don't know yet. We're just going to take a break for a few days and take care of other aspects of our lives," Crawford said.

Harrald said he is confident that the permit for the mine will withstand any legal tests.

"We have the permit, and we got it on a unanimous vote. We're going to move forward," Harrald said.

[S.F. Chronicle commentary, Tues., May 31, 2005](#)

## **OPEN FORUM**

### **Let's get rolling with bikes**

by Leah Shahum

As mayors and media from around the globe arrive in San Francisco this week for World Environment Day, the City by the Bay will be presented as America's most environmentally conscious one.

Yes, we recycle record amounts of waste. We invest millions of dollars in ecological restoration projects such as Crissy Field. We are considering a shopping-bag tax to discourage overuse of plastics. Nearly two-thirds of us in San Francisco identify as environmentalists, according to polls, so we must be doing our part.

But pull back the shiny, green facade, and we find a city that can go much further. When it comes to one of the major sources of environmental damage -- transportation -- we are mostly (green) talk. Cars and light trucks are the leading source of air pollution in the region, according to the Bay Area Air Quality Management District. Vehicles contribute roughly half of San Francisco's nearly 10 million tons of carbon dioxide emissions each year.

How are we falling short as a green leader when it comes to transportation?:

-- Within the last few weeks, the San Francisco Board of Supervisors voted to ding transit riders with an extra quarter fare increase (the second in two years) rather than make up the Muni budget deficit through higher fines on illegal parking and a slight increase in parking meter rates.

It is unlikely that nickel-and-diming transit riders to protect the privilege of cheap driving will encourage people to leave their cars at home more often.

-- The Golden Gate Bridge District is still considering charging a toll on people who walk or ride bicycles across the bridge, something no other community in the country is doing. Imagine the tourist sign: "Welcome to San Francisco. Thanks for choosing the most environmental way to cross our bridge. That will be \$1, please."

-- Leaders at the regional and state level understand the importance of encouraging nonmotorized access across the Bay Bridge -- well, across half of it anyway. As plans stand, we will be able to travel sustainably on a bicycle and pedestrian pathway between Oakland and Treasure Island, but for that final stretch to San Francisco where no path is planned, you're on your own.

After the World Environment Day spotlight fades, San Franciscans need to get serious and show by example how to buck the trend of America's traditional cars-are-king mentality. We need to implement some of the ideas showcased in other countries to reclaim cities for people and not just for cars. We need to prioritize San Francisco's environmental -- and public -- health over the perceived convenience of car culture.

We can start by building a citywide bike network. By connecting key routes with dedicated bike lanes, we can triple the number of bicycle commute trips in the city from the current 35,000 to 100,000 a day. Examples from around the world shows that once you provide the physical infrastructure (such as inexpensive bike lanes), people respond. When cities in the Netherlands made a concerted effort in the 1970s to encourage bicycling by switching some dedicated space on the roads from driving to bicycling, bike usage jumped to as high as 50 percent of their populations. San Francisco's own bike-commuting population doubled in the past decade, thanks to modest improvements.

Our potential is far greater, with nearly half of San Francisco adults owning bikes and factoring in our mild climate and dense urban environment. (Even most of the hills can be avoided by advance planning or riding on a bus with a bike rack.) We should follow the lead of London and Paris, which have recently prioritized bicycling for local mobility and environmental sustainability.

Of course, along with incentives for bicycling, these cities also set up disincentives to driving. This carrot-and-stick approach to transportation is another way we can learn from our European counterparts. Worthy proposals tested in other cities and now being considered in San Francisco include downtown congestion pricing; decreasing parking availability in areas well- served by transit; and fixing arcane "environmental" regulations that stymie bicycle and pedestrian projects while green-lighting projects that increase automobile trips.

In the end, it all goes back to the adage to "think globally and act locally." What this means on a practical level is that San Francisco decision- makers need to start saying "no" to more parking and cheap parking fines, and instead prioritizing a citywide bike network, wider sidewalks, traffic calming and effective, affordable public transit.

As San Franciscans, we have the opportunity to prove that our green vision, ideals and actions at home can change the world. Luckily, some of the planet's greatest urban planners and policy-makers are coming to town this week to show how it's done. Let's take copious notes and be sure to get their business cards.

### **Learn more**

What: World Environment Day panel discussion, "Cities on the Move: Environmental Urban/Public Transportation Strategies from Around the Globe"

When: Wednesday at noon

Where: San Francisco Public Library, Koret Auditorium, 100 Larkin Street (at Grove) in Civic Center

Admission: Free and open to the public. More information: [www.wed2005.org](http://www.wed2005.org)  
<<http://www.wed2005.org>>

[Letters to the Fresno Bee, Monday, May 30, 2005:](#)

### **'An easy target'**

The local politicians will again pass another feel-good ordinance so they can show that they care about air pollution. Fireplace usage will be greatly reduced while other major sources of particulate matter will continue with no new restrictions. This is because fireplace usage is an easy target.

I thought that air pollution was being controlled by the San Joaquin Valley Air Pollution Control District, rather than by local politicians.

We are bombarded by particulates from diesel cars, buses, trucks and dust blowers, but no action is taken to reduce those sources. They produce particulates 12 months of the year, while fireplaces are only used about three months of the year. I'm sure their numbers greatly outnumber fireplace usage.

It is difficult for me to accept that fireplace usage is such a hazard to health that action must be taken against it, while the other sources are virtually ignored. It appears that if you live in the mountain areas, you do not produce particulates when you burn wood.

George Meyers, Fresno

### **Ban drive-throughs**

If you want to get to the heart of the pollution problem in the San Joaquin Valley, then you need to go after the real problem, which is automobiles.

Instead of a ban on fireplaces, put a ban on drive-through windows. I drove by Starbucks at West and Ashlan avenues and there had to be nine cars sitting there idling, stinking and polluting.

If you take the number of drive-throughs in the Valley, times the number of cars sitting and waiting, that adds up to a lot of pollution.

I know it will never happen, because we live in a lazy society, and God forbid you should have to get out of your car and go in to make your purchases, when you can sit there in your air-conditioned vehicle and pollute our Valley.

Our fires are seasonal but drive-throughs are 24/7. Please just leave me and my fireplace alone. And I promise to stay out of your drive-through windows!

Hal Baptista, Fresno

[Letter to the Fresno Bee, Saturday, May 28, 2005:](#)

### **'Make Fresno a model'**

As a resident of southeast Fresno, I hope the City Council, Mayor Alan Autry, the county Board of Supervisors and the San Joaquin Valley Air Pollution Control District carefully read Bill McEwen's column May 22, "Air quality not part of discussion of growth."

Given the challenge the Valley faces in reducing air pollution, and the difficulty the air district has in cleaning it up after the fact, the proposed Fancher Creek development is a prime opportunity to prevent pollution rather than have to try to reduce it later.

In addition to the City Council going to Las Vegas to learn how to redevelop the area south of Grizzlies Stadium, it should go to Arlington, Va., to learn how to grow in a way that is environmentally sensitive. Arlington has created individual communities -- "urban villages" -- that allow people to live, work, play and shop without using cars. All development is also connected to its transit system, so that 25% of Arlington's residents use public transportation to get to work and 12% of households don't even own a car.

Can we make Fresno a model of "smart growth" as well?

Richard S. Unruh Chair, Social Science Division

Fresno Pacific University

[Letters to the Editor](#)  
[Modesto Bee Sun., May 29, 2005](#)

### **Just who generates all that gas**

After careful study, I have concluded our air quality board representatives will soon prove to be:

1. As inept as we think they are,
2. Much more inept than we think they are, or,
3. A bit less inept than we think they are

It will soon be proven that the gaseous emissions of politicians and lobbyists are far more harmful to our air quality than those of dairy cows.

**ROY COOK**

Modesto

[Letter to the S.F. Chronicle](#)  
[Monday, May 31, 2005](#)

### **Up in smoke**

Editor -- I was alarmed to read about how those Burning Man people want to expand their "collectives" around the world ("Spreading the flames," May 29). Global supplies of wood and other fuels are at risk as our high- consumption lifestyles are exported to, or emulated by, developing nations. If indeed these folks are "spreading the flames" of their freakish and wasteful cult, should we not expect reports of Man-Burning festivities in Asia, Africa or South America, while villagers' meals go uncooked, air pollution worsens, and local economies stagnate?

Meanwhile, global warming looms like a fiery Grim Reaper over us all.

Ken Duffy, El Cerrito