

Refinery explosion injures 3

On-site crew douses Panama Lane blaze after pipeline breaks

By CHRISTINA VANCE and ERIN WALDNER, Californian staff writers
Bakersfield Californian, Thursday, Jan. 20, 2005

An explosion at Kern Oil and Refining Co. on Panama Lane injured three employees Wednesday morning.

One of them, Duane Herdt, is in critical condition at the Grossman Burn Center at Sherman Oaks Hospital, hospital spokeswoman Debbie Groveman said Wednesday night.

Another victim, Shawn Wedertz, could not be flown to the hospital by helicopter because of strong winds and was being taken there by ambulance, where he also is in critical condition.

Herdt has worked at the refinery for 12 years and Wedertz for nearly five years, said Neil Walker, a refinery spokesman.

The third victim, Billy Harleston, who has worked at the refinery for 46 years, was treated at Kern Medical Center and released.

He's "home now. He's doing well," Walker said.

The ages of the victims were not available.

Around 9 a.m., Kern County fire crews got a call reporting an explosion at the refinery at 7724 E. Panama Lane, Kern County Fire Department engineer Chris Cagle said.

When firefighters arrived, the fire had already been extinguished by the refinery's on-site emergency response crew, Cagle said.

Emergency workers took the burn victims to Kern Medical Center for initial treatment.

Firefighters pulled out their hoses and remained on-scene to guard against another flare-up while the leaking pipeline was being shut down, according to the county fire department.

Walker said the refinery didn't have all the details yet, but there was a plant maintenance operation going on when part of a pipeline broke. A quick-flash fire resulted.

He said refinery officials didn't know yet what caused the pipeline to break, but they will be investigating the accident to determine what happened.

Walker said production at the plant wasn't affected by the accident, which occurred in a non-operating part of the facility. The small refinery can process about 25,000 barrels of crude oil per day, producing primarily gasoline.

It does not appear the refinery violated any air pollution regulations, according to Brenda Turner, a spokesman for the San Joaquin Valley Air Pollution Control District. She said there were no emissions that affected the community and very little oil leaked from the pipeline.

It was "not even enough to pool on the ground," she said.

The refining company was cited for a total of 27 alleged air quality violations in 2004, according to Turner, who described them as minor in nature.

She said that's a fairly standard number for a major facility such as Kern Oil.

The California Division of Occupational Safety and Health is investigating the incident, said Dean Fryer, a spokesman for the agency.

He said if the agency determines the company violated any regulations, it could be fined anywhere from a few hundred dollars to \$20,000 per violation.

In the past 10 years, two accidents reported to Cal-OSHA have occurred at the refinery, according to Renee Bacchini, another spokesperson for the agency.

On June 3, 2004, a flash fire at the refinery's laboratory badly burned Donald Buckner as he was performing tests. The heat reportedly burned off Buckner's ear and scarred his torso, arms, face and head.

Bacchini said Cal-OSHA initially cited the refining company with five violations, two of which were thrown out in the appeals process. The company was fined a total of \$1,275 for the other three violations, which included not having emergency eye wash easily accessible.

Buckner has sued the companies that made and cleaned his lab coat, saying the flame-retardant garment didn't protect him as it should have.

On Dec. 8, 1995, a pressure relief valve on a naphtha compressor blew out, causing vapors to escape, Fryer said. An employee suffered third-degree burns on his hands and face. Fryer said Cal-OSHA fined the company \$600, partly because the valve was in an area that put employees in danger.

Refinery accidents are not unheard of in Bakersfield.

In 1995, an explosion at the former Sunland Refinery on Coffee Road killed a passing motorist.

State accused of failing to study pesticides Activists' lawsuit alleges the regulation department is coming up short.

By Mark Grossi / The Fresno Bee
Thursday, January 20, 2005

For two decades, the state failed to fully investigate toxic pesticides that are capable of causing birth defects and cancer, a new activist lawsuit alleges.

Of the hundreds of potentially toxic ingredients sprayed in California, the Department of Pesticide Regulation, or DPR, has completed reviews on only three currently in use, said the Sacramento Superior Court lawsuit filed Wednesday.

"We're asking DPR to assess these pesticides in a timely manner, in a public process, and take action to regulate them," said Katherine Mills, assistant scientist with the Pesticide Action Network North America. "DPR has failed miserably."

Department spokesman Glenn Brank said he could not comment in specifics about pending litigation, but he said DPR is committed to protecting the public and the environment. California has some of the most protective pesticide laws in the country.

"It's always unfortunate when people litigate rather than negotiate," he said. "Since they have taken it to court, that is where we will respond in detail." The lawsuit cites the 1984 Toxic Air Contaminant Act, which requires pesticide air pollution assessments. Environmentalists said the Pesticide Regulation Department, at that time, estimated it could assess five or six pesticides per year. But it has fallen far short, they said.

Pesticide regulation spokesman Brank said the department has listed more than 30 toxic air contaminants through a streamlined process.

"The administrative process we have used is a lot faster than the one they are talking about," he said.

But environmental, health and community activist groups urged an open process and collaboration with other state agencies.

The plaintiffs include many groups, such as the Pesticide Action Network North America, Californians for Pesticide Reform and the Association of Irrigated Residents of the San Joaquin Valley.

Activists said the state's shortcomings in policing toxic pesticides are probably felt the most in the Valley, where many millions of pounds of farm pesticides are applied annually.

From 1997 through 2002, almost 2,500 poisonings from pesticide drift were reported through DPR's Pesticide Illness Surveillance Program, the lawsuit said. More than 700 of the poisonings took place in four major incidents, three of which occurred in the Valley.

The Valley drift problems happened in Earlimart, Arvin and Lamont. The fourth incident was in Ventura.

Many people in the farm-labor industry remember the 1999 Earlimart poisonings. More than 40 people needed medical attention after a fumigant drifted during a field spraying near the Tulare County community.

Last May, 19 field workers near Arvin in Kern County fell ill after being inadvertently sprayed with pesticide. Thirteen were hospitalized.

"Pesticide is a poison meant to harm life forms," said Rey Leon, policy analyst with the Latino Issues Forum.

Health advocates said Valley residents already live in one of the dirtiest air basins in the country for smog and particle pollution.

"The pesticide issue is much larger than acute exposures," said respiratory therapist Kevin Hamilton. "There are inert chemicals that the body cannot process, and they remain in the body for years."

Agency Is Sued Over Pesticides Mandate Environmentalists say a state law to reduce pollution isn't being enforced. 'They are not doing their job,' says head of Oxnard group.

By Fred Alvarez, Los Angeles Times, January 20, 2004

Accusing state regulators of two decades of neglect, environmental watchdogs sued the California Department of Pesticide Regulation on Wednesday for allegedly failing to enforce a law aimed at monitoring and reducing the amount of pesticide that pollutes the air.

The suit, filed in Sacramento County Superior Court, accuses the agency of failing to fulfill a 1984 mandate to review all pesticides as potential air contaminants and regulate those found to jeopardize public health.

In the 20 years that the law has been on the books, the lawsuit said the department has completed that review for only four agricultural chemicals. More than 900 pesticides are registered for use in California, the lawsuit said.

"They are not doing their job," said Mati Waiya, executive director of the Oxnard-based Wishtoyo Foundation. The group is one of seven plaintiffs in the lawsuit.

"This law was put in place to protect the health of the community," Waiya said. "Unfortunately, it takes action like this to get them to do their work."

Department spokesman Glenn Brank said he couldn't comment on the suit because litigation is pending.

But he noted that the department had listed more than 30 pesticides as toxic air contaminants through an administrative process that is less cumbersome than the one outlined by state law but that has the same effect.

"The Department of Pesticide Regulation wants to protect the environment through legal processes that allow us to work most efficiently and effectively," he said. "This litigation is about process and they don't like our process."

At news conferences Wednesday in Sacramento, Fresno, Bakersfield and Oxnard, environmental groups said enforcement of the law has become more pressing as housing developments and schools push closer to farmland.

Of the 172 million pounds of pesticides used in California in 2002, more than 90% were prone to drifting from where they were applied and becoming airborne toxins, according to the suit.

"Analysis of pesticide air monitoring results and pesticide use data indicates that millions of Californians are likely to be at risk of ill health from pesticide drift," the suit said. "Due to their occupation, farmers and farmworkers are the most highly exposed groups, but urban and suburban residents are also vulnerable."

In Ventura County, environmental advocates pointed to a 2000 incident in which a highly toxic pesticide drifted onto a Ventura elementary school, sickening students and teachers.

That incident led to passage of a state law that allows county officials to restrict pesticide applications within a quarter-mile of schools.

Mary Haffner, a Ventura attorney and member of Community and Children's Advocates Against Pesticide Poisoning, said millions of pounds of agricultural chemicals applied each year in Ventura County should be listed as toxic air contaminants.

The lawsuit seeks to push the state agency to assess all pesticides in a timely manner and take action to reduce the health risks of those found to pollute the air.

"For 20 years, the Department of Pesticide Regulation has inexcusably failed to enforce this law," Haffner said. "It's one of the good laws. We're just asking that it be enforced."

Environmental groups sue state agency over pesticide pollution

TERENCE CHEA, Associated Press Writer

Published in the S.F. Chronicle, Wednesday, January 19, 2005

SAN FRANCISCO (AP) -- A coalition of environmental and community groups filed suit Wednesday against the California Department of Pesticide Regulation, claiming the agency has failed to protect the public from pesticide air pollution over the past two decades.

The seven groups, led by the Pesticide Action Network and Californians for Pesticide Reform, allege that the DPR has failed to enforce the 1984 Toxic Air Contaminant Law, which requires the agency to evaluate pesticides as possible air pollutants, and regulate them to protect public health.

The lawsuit claims that the DPR has only completed the review process for four of the more than 900 pesticides registered in California. The complaint lists more than 70 registered pesticides they claim are potential air contaminants.

"They're not taking action on pesticides that are known to be problematic," said Susan Kegley, a senior scientist at the San Francisco-based Pesticide Action Network. "The consequences of not enforcing the law is that more people are being exposed to these chemicals."

Almost one-third of pesticides used in California are linked to serious health ailments such as asthma, cancer, Parkinson's Disease, sterility and birth defects, according to the plaintiffs. They say more than 90 percent are prone to drift away and become airborne toxins.

The plaintiffs complain the DPR has not taken action to limit use of pesticides listed as toxic air contaminants, and that the evaluation process has lacked transparency.

DPR officials would not respond directly to the lawsuit. But they said although the agency has only completed the formal review process for four pesticides, it has listed more than 30 pesticides as toxic air contaminants through an expedited process.

"DPR wants to protect the environment through legal procedures that allow us to work most efficiently and effectively rather than being bureaucratic for the sake of being bureaucratic," DPR spokesman Glenn Brank said.

The lawsuit, filed in Sacramento County Superior Court, seeks to compel the agency to assess all pesticide air contaminants, reduce their health impacts and make the review process more transparent.

The San Joaquin Valley, California's agricultural heartland, is home to some of the state's worst air pollution, and one of the nation's highest asthma rates.

Visalia Gains Backing In High Speed Rail Vote

Valley Voice Newspaper, January 20, 2005

Visalia - The city of Visalia has been busy gaining key allies as it approaches a January 26 vote by the statewide High Speed Rail Authority. At issue - will the future bullet train that connects the state bypass Tulare County and not even stop between Bakersfield and Fresno?

That was the agency's staff and consultant position presented to the 8 member board in November. But the board, while approving all the alignments up and down the state - decided to allow the Visalia representation a month to present its case why it should be considered for a station stop after all.

A Visalia contingent including mayor Bob Link traveled to L.A. in December to make its case to the board only to find the board was one member short of a quorum. Visalia presented their case anyway and the matter was put off now until January 26.

Now an even bigger "congregation" will be making its way to Sacramento, says city economic development specialist Traci Myers, ready to preach to the Authority on why this area deserves a rail station. The Visalia position has morphed into a request to have the board not designate a specific alignment - either the BNSF route through Corcoran/Hanford or the Union Pacific route down Highway 99 but a general corridor to be narrowed down later somewhere between the two but with the provision that there must be a rail stop in either Kings or Tulare County.

Myers says Kings County officials, including for the first time the city of Hanford are on board with this position as well also with several other smaller Fresno County cities who were opposed originally to a Highway 99 rail route. Hanford city manager, Jan Reynolds, tells Visalia he will make the trip to Sacramento to support the Visalia position.

This week it appears Authority staff may be on board as well with Deputy Director Carrie Pourvahidi telling the Voice that the Authority's attorney and the city of Visalia attorney "are working together to draft language to present to the board supporting the Visalia position."

That's important since staff support may help convince some on the board who may have been on the fence.

Members Stay On

More good news comes from the fact that the chair of the Authority, Joseph Petrillo who has been a Visalia supporter, will continue to preside this meeting despite the fact his term has expired, says Pourvahidi along with Shafter's Fran Florez - another supporter - whose term is also up. The governor has made no indication he wants to appoint new members right now.

But to sustain Visalia's position it will take 5 votes.

Why is the city of Visalia "so passionate" about this high speed rail decision that it made a decade before anything happens if then? The key is the rail stop.

Mayor Bob Link in testimony to the board said, "Frankly, we believe that the Authority's decision on the alignment and stop locations in our area will have immense long term socio-economic implications. We believe that the High Speed Rail system will be a significant link to the California

economy of the future. It is critical for our region and its communities to be directly connected to the greater California economy as we work to address our socio-economic challenges.

The South Valley has not experienced the economic and social benefits that have occurred in the Bay Area, Southern California, the Coastal Areas, and other areas of the state. The South Valley is plagued by high unemployment (Visalia is currently at 10% unemployment; nearby cities and communities commonly experience unemployment rates exceeding 20%). We have a high percentage of low income families. Our citizens generally have low educational attainment levels and many, many families struggle to make ends meet. These conditions have fueled social problems, including high crime rates, growing gang activity, high teen pregnancy rates, and high levels of drug activity. The current housing boom in the San Joaquin Valley, fueled by families moving to our area from other parts of the state in search of affordable housing, has increased population growth levels, adversely affected our jobs/housing balance, strained resources and infrastructure, and caused significant increases in housing costs (single family home prices in the Visalia/Tulare/Porterville Metropolitan Area increased approximately 28% over the past year).

The air quality benefits of the High Speed Rail are critical to the Central Valley. The San Joaquin Valley Air Pollution Control District, which covers the 8 Counties in the South Valley, is in a federally designated Extreme Air Quality Non-Attainment Area. High Speed Rail connections to population centers, including the Tulare/Kings Counties area, are necessary to help improve air quality in the South Valley.

Having an HSR station in the Tulare/Kings Counties region will not by itself overcome the challenges our communities are facing. However, it will link our region to the rest of California via the most important transportation system that will exist in the coming decades. This link will have immeasurable benefits in the attraction of (and connection to) business, educational, and cultural opportunities and in environmental quality. Our ability to improve economic conditions, quality of life, social and environmental conditions will increase correspondingly," concludes Link.

If the board approves the plan a firm decision on just where the alignment will be put off likely for at later time when final the EIR is done on the project.

The wording suggests the corridor be somewhere between the two alignments - a proposal that would have to meet the interests of the farm community to insure it would not pave over prime ag land. It would also have to meet the needs of many towns that don't want the 200 mph train barreling through their city centers.

But at least some of the trains would stop for local passengers helping us "remain connected" to the state economy, says city planning director Mike Olmos.

Ag News

Valley Voice Newspaper
January 20, 2005

New rules on ag burning have prompted a group of nut orchard growers to organize Visalia based Brush Control Inc. that specializes in meeting the needs of smaller nut farmers - under 600 acres - to economically grind their orchard prunings with smaller wood grinding equipment helping the grower to keep their orchard floors clean. Brush Control Inc. was formed by Dennie Hansard, Darren Long and Brian Blain. Call 732-2060.

[Editorial in the Merced Sun-Star, Jan. 20, 2005](#)

Ford can't seem to handle curves

You don't want to mess with a rancher's truck. These herders of livestock can be crucial customers -- and bearish adversaries -- for U.S. car manufacturers. Which is why we are mystified that Ford Motor Co. would choose to tangle with the likes of David Raboy.

Raboy, a rancher and software designer from Mariposa County, leases an electricpowered Ford Ranger truck, a distinction he shares with about 100 others nationwide.

Many of these truck users love their electric Rangers. The trucks are quiet. They have few mechanical problems. They release no emissions from their tailpipes.

Sounds like a great way for U.S companies to compete with their Japanese competition. Yet in 2003, Ford decided to end its electric truck lease program and concentrate on hybrid vehicles.

Initially, the company offered to let lessees buy their electric trucks. Then, inexplicably, company officials changed their minds. They sent letters to Raboy and others ordering them to return the vehicles. Some were threatened with repossession.

Raboy balked and kept sending his lease payments. So did William Korthof of Pomona. When Ford wouldn't budge, the two became unlikely activists. Since Friday, Raboy and his wife have been camped out at a Ford dealership in Sacramento. Their truck sports a sign that says: "Save Dave's Ranger EV!"

Ford officials need to get their story straight. Initially, they said federal law obligated them to retrieve and destroy the trucks. Then they backed off that excuse. Now they are talking about letting Dave and others buy their trucks. Apparently, the engineers at Ford need to work on their handling. The company has trouble doing a nimble 180-degree turn.

[Editorial, Modesto Bee, Thursday, Jan. 20](#)

Rancher fights for his truck

David Raboy, a Mariposa County rancher and software designer, leases an electric-powered Ford Ranger pickup. Like many others, he loves his quiet, nonpolluting little truck. In 2003, Ford ended its electric-truck lease program. Ford initially offered to let lessees buy the trucks, then changed its mind. Raboy and others were ordered to return the vehicles or face repossession. Since Friday, Raboy and his wife have camped in front of a Sacramento dealer. A sign on the truck reads: "Save Dave's Ranger EV!" Now, the company is talking about letting Raboy (and others) buy their trucks. Now that's a quick turn.