

## **400 dairies need air permits**

### **State air board says operations with 1,000 cows are subject to pollution rules**

By Mark Grossi

[Fresno Bee and Modesto Bee, Friday, June 24, 2005](#)

More than 400 San Joaquin Valley dairies now are considered big enough pollution sources to qualify for air permits, just like oil refineries and glass factories.

The state Air Resources Board on Thursday met in Fresno and defined a large dairy in the Valley as 1,000 milking cows.

Under a recent state law, large dairies must get an air quality permit, which requires pollution reductions that often cost thousands of dollars.

The 6-3 decision from the board members was the latest step toward treating dairies the same as other large sources of pollution-forming gases.

The Valley is the state's biggest source of livestock emissions -- mostly from dairies -- called reactive organic gases, or smog-forming ROG. "The San Joaquin Valley accounts for 63% of the state's livestock ROG," state officials reported Thursday.

The state air board's decision also covers feedlots, poultry ranches and other animal operations using sheep, goats and horses.

The definitions of large animal operations apply throughout California, but they are more stringent in places with the dirtiest air, such as the Valley.

By July 1, 2008, about 430 dairies in the Valley will have to begin reducing pollution as part of the permit program. The San Joaquin Valley Air Pollution Control District must come up with specific dairy rules by July 1 next year.

Researchers say dairies produce tons of smog-making gas each year from cows and cow waste found in corrals, storage piles and lagoons. In the Valley, dairies are at least the fifth-largest source of reactive organic gases, state officials said.

But dairies could be making bigger or smaller contributions to air pollution, depending on the results of ongoing studies.

By August, the local air district is supposed to announce a formula for figuring pollution per cow. It is expected to draw criticism or a lawsuit from either environmentalists or industry officials.

On Thursday, environmentalists and industry officials clashed as they often do over this topic.

Environmentalists wanted to lower the head count from 1,000 to 700 for defining a large dairy. But many industry officials wanted to toss out the head count altogether and focus primarily on emissions.

"We should be looking at emissions based on sound science," said Denise Mullinax of Hilmar Cheese Co. in Merced County.

Dairy supporters added that not all cows are the same. Holsteins, for instance, eat more and produce more waste than Jersey cows, they said.

There are far more Holsteins than Jerseys in the Valley, but the 1,000-head rule would not be equitable for those who milk Jerseys, dairy advocates said.

Environmentalists had criticisms as well. They suggested a lower threshold would allow regulation of dairy clusters where no single operation has 1,000 cows.

"The cumulative impacts to nearby communities warrant more consideration," said Diane Bailey, scientist with the Natural Resources Defense Council.

Board member Barbara Patrick, who also is a Valley district board member and Kern County supervisor, said she preferred the resources board staff recommendation of 1,000 cows.

She said research on cow emissions probably will continue for years, but the idea is to begin regulating now and make adjustments later.

"We have 24 dairies coming in Kern County," she said, indicating they all would be larger than 1,000 cows.

## **Bulk of Kern dairies face new air rules**

By SARAH RUBY, Californian staff writer

[Bakersfield Californian, Friday, June 24, 2005](#)

For the first time in Kern's history, dairies with 1,000 cows or more will be regulated for air pollution.

Some 140,000 Kern milk cows will come under government control based on a new state rule made Thursday. With it, 46 of 58 local dairies -- nearly 80 percent -- will be managed for air quality.

The 19 dairies waiting to move here, primarily from Chino, also will be regulated. Their 82,435 milk cows have been stopped at Kern's gates by an 18-month environmental study of the cumulative impact of such an influx.

The state's groundbreaking rule defines "large" animal facilities such as dairies, beef feedlots, chicken farms, swine facilities and other confined animal operations. Because dairies produce the lion's share of livestock emissions, they are the real target of the rule.

Environmentalists and industry representatives lobbied fiercely for their own definitions of "large." According to the rule, which is more relaxed in cleaner air basins, a "large" San Joaquin Valley dairy houses 1,000 milk cows.

The 1,000-cow limit tells polluted air districts which facilities they must regulate. They can control smaller facilities, but 1,000 is now the benchmark for mandatory regulation.

The 1,000-cow cutoff will subject 72 percent of the valley's milking cows to "large" facility regulations. Those cows live on 430 dairies, or 36 percent of all San Joaquin Valley dairies that have more than 50 cows.

The districts themselves will control the dairies, and will almost certainly govern how manure is handled. The San Joaquin Valley Air Pollution Control District has a year to figure out cost-effective strategies.

The number of milk cows at a dairy is only half the story; the rest of the herd -- young and non-lactating cows -- pollute less than flatulent milk-bearing cows, but typically make up about a half of total cows, said Ted James of the county planning department.

A point of contention for dairymen -- and one of consternation for state air board members -- was that no one knows exactly how much air pollution comes from dairies. Current estimates, based on 1930s studies, hold dairies responsible for 24 tons of ozone-producing gas per day in the San Joaquin Valley. Better science is on the way, but even if dairies produce half that much they are still among the valley's top 10 polluters, regulators say.

Some state air board members had misgivings about the 1,000-cow limit, calling it arbitrary and worrying about the competitive disadvantage of having 1,000 cows instead of 999. But in the end, the board voted 6-3 to approve the "large" definition.

"I think the head count is definitely the way we have to go," said Supervisor Barbara Patrick, who sits on the state air board. "The science will go on for many, many years (before) we have all the information."

The point of all this is to cut the valley's ozone pollution, which triggers asthma, among other ailments. Dairies also produce ammonia, which can form tiny particulate pollution, but scientists are still investigating the health risks of dairy ammonia.

## **Dairies face tighter air pollution rules**

[Stockton Record, Sunday, June 26, 2005](#)

SACRAMENTO -- San Joaquin Valley dairies with 1,000 or more animals will have to cut the air pollution released by the animals' decaying waste under a California Air Resources Board decision issued Thursday.

The San Joaquin Valley Air Pollution Control District must regulate dairies with 1,000 or more cows, because the Valley violates federal smog pollution standards. Those parts of the state that have less smog will be required to regulate dairies with 2,000 or more animals.

Local air district spokeswoman Kelly Malay said the district will look at available technology to decide what to require from dairies by July 1, 2006.

"It can be things as simple as flushing the lanes more frequently or changing the feed given to cows," she said.

The district weighs the social and monetary cost of various plans before deciding what to require. It's unclear whether dairies would be required to build "biodigestors" to capture gas from decomposing animal waste.

"Basically, they put huge tarps over the lagoons and capture the gasses and burn them as fuel," Malay said.

The Air Resources Board reports that about 63 percent of all California livestock air pollution is in the San Joaquin Valley, which has many poultry farms, dairies and other animal operations.

Dairies contribute 82 percent of the San Joaquin Valley's livestock emissions.

Animal operations are second to cars and trucks in the amount of pollution they release into Valley air, according to the state board.

## **News from the San Joaquin Valley**

[San Francisco Chronicle, Saturday, June 25, 2004](#)

FRESNO, Calif. (AP) - California's Air Resources Board decided that dairies larger than 1,000 cows now qualify as sources of pollution and have to apply for air quality permits just like factories or oil refineries.

About 430 dairies in the Central Valley fall under the category outlined during the air board's Thursday meeting in Fresno.

The San Joaquin Valley Air Pollution Control District is responsible for developing the specific rules dairies must follow by July 1, 2006. By July 1, 2008, the dairies will have to begin reducing the pollution they emit.

Although there is some dispute between air quality regulators and farm interests about just how much pollution cows produce, researchers say cows and cow waste are responsible for tons of smog-making gas every year, making dairies at least the fifth-largest source of the toxic reactive organic gases in the valley.

By August, the local air district is expected to have new data available, so they can figure out just how much pollution is produced per cow. Now matter what the results, the formula is expected to cause controversy and perhaps draw lawsuits from either environmental advocates or the industry.

## **The week in review for June 26**

### **Raising a stink**

[Bakersfield Californian, Sunday, June 26, 2005](#)

For the first time ever, 80 percent of Kern's 58 dairies will be regulated for air pollution, thanks to a new state rule labeling dairies with 1,000 milk cows "large" facilities.

Next: That's about 140,000 milk cows under the watchful eye of the valley air district, which is busy making rules dairy operators will have to follow starting July 1, 2008.

## **Project to tackle needs of the valley**

### **Governor orders creation of partnership to find solutions to problems plaguing region**

By MATT PHILLIPS, Californian staff writer

[Bakersfield Californian, Saturday, June 25, 2005](#)

Gov. Arnold Schwarzenegger signed an executive order Friday creating a public-private partnership to find fixes for valley problems such as high poverty and unemployment, poor air quality and inadequate access to health care.

"The partnership we have begun today will bring state and local representatives together to develop a strategic plan to address these issues," Schwarzenegger said in a prepared statement.

The 26-member group, called the California Partnership for the San Joaquin Valley, will be composed of eight state government members, eight local government members and eight private sector members and two deputy chairs.

The statement said the agency will:

- Identify projects and programs that best use public money and improve valley conditions fast.
- Lobby for federal funding for key programs.
- Watch laws and regulations to see if they are fair to the state's different regions.

Details about membership and when and how meetings will be conducted were not available. The partnership will be funded through the Business, Transportation and Housing Agency.

Assemblywoman Nicole Parra, D-Hanford, who introduced a bill to create a similar body in December 2004, said the group would give the valley a leg up when it comes to funding from state grants and programs.

"We've been identified in the Central Valley as the Appalachia of the west," Parra said of local needs.

The valley has special needs in the areas of transportation, air pollution and poverty. Those can get lost in the state Legislature because valley representatives are outnumbered by officials from more populous coastal regions, said Assemblyman Kevin McCarthy, R-Bakersfield.

That's why the valley needs the new partnership.

"It doesn't guarantee everything but what it does guarantee is a voice at the table," McCarthy said.

According to a January report from Modesto-based research group The Great Valley Center, per capita income for 2002 in the Central Valley was 26 percent below the state average. Between 1999 and 2003, unemployment in the Central Valley averaged 10 percent. That's 4.2 percentage points higher than the state rate.

Another report from the group said 14 percent of people in the valley from infants to age 64 have no health insurance. That's the same as the state as a whole.

The executive order requires the group to produce a San Joaquin Strategic Action Proposal to send to the governor's office, the board of supervisors in participating counties and city councils in each valley county by Oct. 31, 2006.

Congressman Jim Costa, D-Fresno, applauded the governor's decision to create the group, saying it formalized partnerships he worked to develop during his time in the state Legislature. But he said the group must actually show improvements for the region.

"You're ultimately judged by how much you are able to achieve," Costa said.

The new partnership shows the governor is giving some attention and resources to the valley's problems. But it will be up to the powers that be in the region to put solutions into place. That may mean putting individual priorities behind regional interests, said Carol Whiteside, president of the Great Valley Center.

"I think it's up to the region to make it work," Whiteside said.

## **Arnold's panel to help San Joaquin Valley**

By Tom Chorneau, Associated Press

[Published in the Los Angeles Daily News, Saturday, June 25, 2005](#)

FRESNO -- Gov. Arnold Schwarzenegger on Friday created a task force charged with improving the economy and quality of life in California's San Joaquin Valley, a quickly developing region beleaguered by high unemployment, suburban sprawl and some of the nation's dirtiest air.

The California Partnership for the San Joaquin Valley establishes a 26-member panel that includes government representatives and those from the private sector.

"I want to make this task force a model for how state governments can work together more effectively with local governments and the regional economy," the governor said. "The valley is home to the richest agricultural region in the world, a pathway for interstate commerce and one of the fastest-growing regions in our state."

Schwarzenegger was in Fresno to address the Central California Mayors Conference.

The San Joaquin Valley partnership could begin meeting by next week and is expected to focus on jobs, education, air quality and health care. It will have no state funding.

"I'm just very glad to be on someone's radar," Tulare County Supervisor Connie Conway said. "It's important that we are on the governor's map, that he's paying attention to us."

The region has an unemployment rate of 8.2 percent, compared with 5.3 percent statewide, according to the governor's office. While the median household income is about \$12,000 lower than the statewide median, the valley receives substantially less funding per capita than both the U.S. and state averages, the governor's office said.

State Assemblywoman Nicole Parra, D-Hanford, said she wants to see the group make job-growth its top priority.

"We have a huge unemployment rate," she said. "But we don't have the job training programs."

## **Grant funds lung study**

### **Research could help people who breathe the Valley's polluted air**

By Jim Steinberg

[Fresno Bee, Sunday, June 26, 2005](#)

Professor Henry Jay Forman will use \$420,000 in state cigarette tax revenue for research at UC Merced that could help smokers, others who involuntarily breathe second-hand toxins from tobacco smoke and about 3.6 million residents who merely inhale the San Joaquin Valley's heavily polluted air.

Forman, a professor of biological sciences, is studying a natural process involving enzymes that help lungs defend the body against cigarette smoke and other toxic compounds. Unfortunately, the defense these enzymes provide for smokers and nonsmokers is less than total.

"It would be nice if we could understand how this defense system occurs," Forman says. "Living in an area like Fresno, you breathe in a lot of particles and gases not tremendously dissimilar from cigarette smoke."

Nonsmokers breathe hazardous gases and particles in significantly lower concentrations than smokers, Forman says, but his research is intended to help both groups. Air pollution afflicts people around the world, so Forman's research has potentially global applications.

Biochemist Kamlesh Asotra is research administrator for cardiovascular disease and general biomedical sciences with the Tobacco-related Disease Research Program. The program operates with funds from Proposition 99, an initiative that California voters approved in 1988, appropriating 5% of cigarette tax revenue for research on diseases linked with tobacco. It is unusual for an applicant to win such a tobacco disease grant on his first try, Asotra says. Another applicant who has won three grants from the National Institutes of Health has been trying for a tobacco grant like Forman's for several years, Asotra says.

"This is the only state-funded agency that is funding research into the ill effects of tobacco on lung capacity," Asotra says.

Forman has achieved international prominence in his research in toxicology, Asotra says, and his three-year tobacco grant evolved from that.

Cigarette smoke inhaled directly or from other smokers also causes emphysema, Forman says.

"Almost every cigarette smoker is developing emphysema," he says. "It doesn't manifest itself until it becomes severe, and a lot of people outlive the disease" and die of other causes, sometimes unaware that they even had emphysema.

Maria Pallavicini, UC Merced's dean of natural sciences, calls Forman's work "stellar basic research to understand the response of cells to damage" and an example of academic science that can improve Valley residents' lives.

Forman explains how his research connects with smokers as well as all people living in polluted air, which means virtually everyone in the San Joaquin Valley and such places as Los Angeles, New York, Chicago and Denver.

"The whole issue of second-hand smoke has been a controversy," Forman says, "but you get the same things as with air pollution. It's just a question of how much. The evidence is that people in bars and confined places are subjected to as much as the smoker. ... Incidence of lung diseases is enormously higher in these people than in people who haven't been exposed."

Forman is exploring an enzyme that protects the linings of the lungs against cigarette smoke, pesticides and other toxins. The research involves determining how individual proteins are "turned on" so that different proteins respond in varied ways to other substances.

That variation is key, Forman says: "That was the breakthrough we came up with. It excited the scientists reviewing our application enough to make the recommendation" for the grant.

"The enzymes are not an absolute defense," he says. "I am not saying, 'Take these enzymes, and go smoke.' That is absolutely not what I am saying."

Just the opposite, Forman says. Cigarette smoke contains about 4,000 toxic compounds. "It is overwhelming," he says, "like a bomb."

Forman hopes that research by his team can find a way to "help ameliorate the problem."

## **Urban sprawl seen as health issue**

By KEN CARLSON, BEE STAFF WRITER

[Modesto Bee, Thursday, June 23, 2005](#)

Doctors may never list urban sprawl as a cause on a patient's death certificate, but it isn't good for people's health, the state's public health officer said Wednesday.

In one of his last speeches as California's top health official, Dr. Richard Jackson said conventional urban planning is a culprit in health problems such as obesity, diabetes, hypertension, depression and the constant stress commuters experience.

Because of the location and design of subdivisions, adults and children must travel by car to reach school or even a friend's house in the neighborhood, he said.

Jackson cited studies showing that only 13 percent of children walk to and from school each day, compared with 66 percent in 1974. Today, young people are more likely to interact with television sets and computer games than with nature.

As a result, they are bored. And three-fourths of California high schoolers are unable to pass a simple physical fitness test, he said.

"I am very concerned with our kids in terms of physical health and mental health," Jackson said during a speech to people from government, schools, health care and nonprofit groups at Modesto Centre Plaza.

Jackson announced his resignation two weeks ago, only 15 months after Gov. Schwarzenegger recruited him from the Centers for Disease Control and Prevention. He was a senior adviser for the CDC and is co-author of the book "Urban Sprawl and Public Health."

After his speech, Jackson said that the politics in Sacramento were a factor in his leaving the job.

"The resources are limited, the work is overwhelming and the antipathy between the political parties and the branches of government is paralytic," he said. "Perhaps I have become impatient in my 60th year of life."

Jackson, who leaves his job next week, said he will teach at the University of California at Berkeley. He also plans to speak more aggressively about the health effects of urban sprawl.

He expressed concern about people who spend two to four hours on the freeways getting to and from work each day.

Besides the stress of driving, commuting parents may find that they lack time and energy to serve as Scout leaders or get involved in their children's school.

Jackson takes issue with local governments that allow residential areas to be built without bicycle trails and playing fields.

He also is concerned about a trend of building enormous schools and putting them in outlying areas, where the land is cheaper.

Jackson said studies have shown that smaller schools provide a better learning environment. In making school-siting decisions, he said, districts should consider things like fuel costs for parents, air pollution and the lack of exercise for children.

"They might discover that the cheap land is not such a bargain," he said.

As for solutions, Jackson said, it's not that hard to change people's behavior -- just look at campaigns that reduced the rates of heart disease and lung cancer in the United States.

Jackson favors establishing safe walking routes to schools. Parents could take turns serving as walking leaders and bicycle cops could patrol the routes.

Jackson and his co-authors also recommend school gardens, which provide students with the chance to be physically active while growing nutritious food. City planners should encourage physical activity by incorporating walking paths into subdivisions, and he urged architects to put attractive stairways in office buildings.

He also favors building high-density housing close to downtowns. He praised Modesto for building a bicycle and jogging path along Virginia Avenue.

Some cities in Stanislaus County have adopted ideas such as putting walking paths through cul-de-sacs. But part of the battle is getting homeowners to accept the design concepts, a city official said.

Ceres Planning Director Randy Hatch said some homeowners fear walking paths are unsafe, even though there is no evidence of crime.

County Supervisor Jeff Grover said more can be done to design healthier communities. But he said he can't stop people from buying homes here, even if the houses are 75 miles from where the owners work.

"If people were to take these concepts to heart, then I think government would follow," he said.

## **Stanislaus County explores options to add to landfill's life**

### **'Bio-reactor' at Fink Road favored**

By BLAIR CRADDOCK, BEE STAFF WRITER

[Modesto Bee, Monday, June 27, 2005](#)

Stanislaus County officials, looking for ways to put off the day when the Fink Road landfill must be expanded, are exploring the idea of making part of it a wet landfill, or "bio-reactor."

The county's public works director, George Stillman, favors the idea: "A bio-reactor could add about seven or eight years...to the landfill's life," he said at last week's Patterson City Council meeting, where he made a short presentation about the idea.

He also discussed a proposal to increase recycling, which he said could add about an equal amount of time to the landfill's life.

Stillman said that the Department of Public Works will ask the Board of Supervisors to consider applying to the state for permission to use the wet-landfill technology.

Traditionally, landfills have been kept dry, Stillman said, because water that gets into a landfill comes out as leachate, a toxic liquid.

"The problem is, the waste decomposes very slowly," Stillman said, adding that newspapers buried in a dry landfill for 60 or 70 years may still be legible. "And all that time you monitor and maintain the landfill."

A wet, "bio-reactor" landfill speeds up the process. It recirculates the leachate, or uses other liquid such as irrigation water, to break down the landfill's contents. "And as the landfill shrinks, you can put more waste on it."

Stillman said Friday, "The only bad thing about it is the name. 'Bio-reactor' sounds horrible."

The Fink Road landfill, opened in 1973, only has about 18 years left unless the county finds a way to extend its use, Stillman said.

Bio-reactor landfills are "a relatively new concept that is being tested in a number of facilities around the country," according to the Environmental Protection Agency's Web site.

Yolo County has a bio-reactor landfill, said Lanny Clavecilla, a spokesman for the California Integrated Waste Management Board.

Yolo first tested a small bioreactor project in 1994, and won a \$400,000 grant in 1999 from the waste management board for a larger wet landfill.

The waste management board's Web site lists both benefits and drawbacks of bio-reactor landfills.

The negatives listed include "potential increased odors and emissions, leachate seeps," and in some cases, fires.

The benefits listed include greater landfill capacity, more production of gas that can be used for energy, and "reduced long-term risk" because the landfill does not take as long to break down the waste as a dry landfill.

Stillman said that the decision-making process about the landfill will allow for public involvement.

"There will be lots of public interaction and public hearings," he said.

## **Church will address pollution**

### **Stockton Catholic Diocese wants valley residents to start working on solutions**

By MICHAEL G. MOONEY BEE STAFF WRITER

[Modesto Bee, Saturday, June 25, 2005](#)

The Catholic Diocese of Stockton wants to raise environmental awareness among Catholics and others living in the Northern San Joaquin Valley and Sierra foothills.

So, it's no coincidence that the Diocesan Environmental Justice Committee will host an educational workshop on San Joaquin Valley air pollution issues Tuesday evening at Our Lady of Fatima Catholic Church in Modesto.

"Many Catholics," Betsy Reifsnider said Friday, "are unaware of the church's strong teachings on taking care of our environment (and) the push to create a safe environment for our children and all living creatures."

Reifsnider is environmental justice coordinator for the diocese.

The U.S. Conference of Catholic Bishops and the Vatican, Reifsnider said, have placed a high priority in recent years on protecting the environment, noting that the late Pope John Paul II wrote on the subject.

John Buckley, executive director of the Twain Harte-based Central Sierra Environmental Resource Center, lauded next week's scheduled workshop and its focus on air quality.

"Air is a common thread that weaves all our lives together," Buckley said. "What we breathe and the quality of that air is important to all of us."

Reifsnider said Catholic churches in Stockton and Manteca will be holding similar workshops at a later date.

The workshop will convene at 6:30 p.m. in the new hall at Our Lady of Fatima, 505 W. Granger Ave.



Kevin Hamilton, a respiratory therapist and air pollution expert with Medical Advocates for Healthy Air, will be the featured speaker during the two-hour session.

Reifsnider said the purpose of the workshop is twofold:

To educate those attending about the air pollution issues facing the valley.

And to build relationships so those attending eventually will be able to take the knowledge they gain and translate it into action that will benefit their parishes and communities.

Children in the Northern San Joaquin Valley pay a high price for the region's inability to clear its air of pollution.

### **Study says local air affects kids**

An American Lung Association study released in April showed that children living in the valley pay a high price for the dirty air that plagues the region for much of the year.

The study found that valley children suffer from diminished lung capacity, increased susceptibility to asthma and many other chronic respiratory diseases and the loss of months or even years from expected life spans.

The study, "State of the Air 2005," gave failing grades to Stanislaus, Merced, Tuolumne, San Joaquin and Calaveras counties -- all part of the Stockton Diocese.

Additionally, it listed Stanislaus, Merced and San Joaquin as among the most severely polluted counties in the nation in terms of smog and particle pollution.

While the diocese initially will focus on air quality, water pollution issues also will be examined.

Buckley, who said he had served as a resource contact for the diocesan environmental committee, was impressed by the commitment and religious fervor of the church and the members of the committee.

In looking at ways to combat air, water and other forms of pollution, Buckley said the church is focusing on "social justice issues, that will have the most impact on the poor, minority communities."

### **Plans for industrial park halted**

#### **Decision delayed; environmental study needed**

By Julie Fernandez, Staff writer

[Tulare Advance-Register, Thursday, June 23, 2005](#)

Objections from environmentalists and neighbors have derailed plans to create a 382-acre industrial park in southwest Tulare until the city updates its general plan, which could take two years.

Economic development leaders, who spent a year identifying possible locations for a new park, said the City Council decision to table action Tuesday means they will have to look elsewhere to supplement the city's dwindling supply of industrial land.

A study done more than a year ago showed less than 100 acres were available — up for sale — to accommodate industry.

Bob Reynolds, Tulare Chamber of Commerce economic development director, said he got a request just last week from an industry needing 50 to 100 acres.

"There's many times I can't respond because we don't have the inventory," Reynolds said.

City officials had proposed to expand the industrial area along South I Street from Bardsley Avenue to a half mile south of Paige Avenue without doing an environmental impact report.

They changed their minds after:

- Tulare resident Don Manro challenged the city's conclusion the project would have "no significant effect" on the environment. He cited letters from state agencies that appear to support his position.

- Caroline Farrell, attorney for the Center on Race, Poverty and the Environment, wrote a letter charging the city had violated the California Environmental Quality Act by not preparing an environmental impact report.

"Obviously, the tone of the letters we got from Manro and the Center for Race, Poverty and Environment indicated to us it [moving forward with the park plan] would probably lead to a lawsuit," Planning Director Mark Kielty said Wednesday.

Manro successfully sued the city in 2003 over plans to add 4,000 acres to its growth boundaries. The 5th District Court of Appeals ruled a study in connection with the expansion did not adequately address environmental issues.

As it did with the new industrial park proposal, the City Council deferred further action on the growth boundaries expansion until the general plan update is completed.

The update must include an environmental impact report assessing how changes will affect air quality, water, agricultural land and issues and what the city intends to do to reduce negative effects.

Neighbors also expressed concern about the project.

"My main concern is the health effects industry is going to cause our children," Christine Gonzales said.

She and Ray Serrano Jr. also said they are concerned that if industry comes in, their neighborhood will never get an elementary school.

"We're busing our kids three miles across town and I just don't think that's fair," Gonzales said.

"That just doesn't make any sense," Serrano said.

## **Two railroads agree to limit rail yard pollution**

The Associated Press

[In the Fresno Bee, S.F. Chronicle and others, Saturday, June 25, 2005](#)

SACRAMENTO (AP) - State air regulators said Friday that they reached an agreement with two railroads to eliminate 20 percent of pollution at rail yards.

Union Pacific Railroad and the Burlington Northern Santa Fe Railway agreed to take measures that would eliminate unnecessary engine idling at the yards and improve other pollution controls, the state Air Resources Board said.

Other key provisions require the railroads to improve smoke reduction programs, repair smoking engines within four days and begin maximum use of low-sulfur diesel fuel in locomotives six years sooner than required by federal regulations.

Those steps should cut emissions by about 20 percent, said Mike Scheible, the ARB deputy executive officer.

The agreement also calls for the railroads to take other steps that Scheible said could result in additional pollution reductions, including reviewing rail yard operating practices and evaluating new pollution-reducing technologies. Scheible said the agreement was voluntary because the state doesn't regulate railroads. He said it stemmed from tests that found a high level of air pollution at the rail yard in Roseville, a Sacramento suburb.

"They agreed they ought to do whatever they can to reduce that risk," he said.

The railroads decided an agreement with the ARB could avoid disputes with communities surrounding rail yards and efforts by lawmakers to impose tougher controls, he added.

Representatives of both railroads said the agreement would add to already good environmental records.

"Rail is by far the most environmentally friendly method of transporting freight," said Robert Grimaila, a Union Pacific's vice president. "Over the past several years, the Union Pacific has made significant progress in modifying our operations to reduce emissions."

Mark Stehly, an assistant vice president for Burlington Northern, said the agreement reflects the company's commitment to clean air in California.

## **Pact with state puts railroads on cleaner track**

By Chris Bowman -- Bee Staff Writer  
[Sacramento Bee, Saturday, June 25, 2005](#)

Locomotive exhaust from the Union Pacific Railroad yard in Roseville and other freight train hubs in California would be reduced "significantly" under a state agreement signed Friday.

Among other steps, the deal obligates Union Pacific and Burlington Northern Santa Fe to eliminate "nonessential idling," conduct health-risk assessments of all major rail yards in California within the next 30 months and repair within four days locomotives spewing heavy smoke.

The cleanup measures will be phased in over the next 10 years, beginning Wednesday, according to the California Air Resources Board.

Normally, the air board spurs industries and small businesses to cut harmful exhausts by force of regulation. But the state's authority does not extend to locomotives -- only the U.S. Environmental Protection Agency has that power.

The EPA rules, however, won't bring emission reductions of any significance in time to benefit the Sacramento region and other smoggy urban areas under federal cleanup deadlines.

Though less enforceable than state regulation, the "memorandum of understanding" signed Friday would accelerate cleanup beyond what federal laws require, said Catherine Witherspoon, executive officer of the California Air Resources Board.

"This agreement will allow us to achieve greater emission reductions in a shorter period of time than would have been possible through any other process," Witherspoon said.

The deal does carry penalties, however. For example, the air board could fine railroads up to \$440 a day for excessive locomotive idling, said Michael Scheibel, deputy executive officer of the air board.

"Between the publicity hit they would take and the fines, they will comply," Scheibel said.

The agreement affects 36 rail yards statewide, including the major hubs in Roseville; Colton, in San Bernardino County; Barstow, in the Mohave Desert; and the city of Commerce in Los Angeles County.

The larger rail yards -- 16 in all -- will be required to do the most cleanup through installation of automatic idle-reduction devices on all locomotives, prompt repair of smoking locomotives and various operational changes that would reduce the drift of diesel exhaust to neighboring residents.

Further, the railroad companies will evaluate the health risks from locomotive emissions from these years, similar to a recent air board study of the Roseville operation.

In the first analysis of its kind, the air board, in cooperation with Union Pacific, quantified the toxic particles of diesel exhaust from the locomotives that chug and idle around the clock in Roseville's 52-track J.R. Davis Yard, the railroad's busiest hub west of the Rocky Mountains.

The air board calculated that yard operations emitted 25 tons of sooty pollution in 2000. In the five years since, traffic in the yard has increased further, with up to 70 cargo trains a day now converging on the 6-mile-long strip in the heart of Roseville.

The calculation confirmed the train yard to be the single largest generator of diesel exhaust in the six county Sacramento region, air officials said.

The study also found that the locomotive-soot plume extended about 100 square miles -- encompassing most of Roseville, all of Citrus Heights and all of Antelope -- and affecting an estimated 165,000 residents.

The study helped the railroad pinpoint how it could change operations to get the most emission reductions for the money, Union Pacific officials said. And they expect the agreement signed Friday to bring the same benefits.

"This agreement with CARB will build upon this progress -- including what we've learned in the last eight months from our aggressive work in Roseville -- to maintain our role as an environmental leader in the transportation industry," said Robert Grimaila, Union Pacific's vice president of environment and safety.

The rail yard study arose from the air board's mandate to clean up an array of diesel-fueled engines statewide.

In 1998 the board declared the particles in diesel exhaust -- mainly specks of soot -- a "toxic air contaminant" because of their potential to cause cancer and premature heart-and lung-related deaths in adults.

## **Pollution Deal With Railroads Criticized**

By Miguel Bustillo, Times Staff Writer

[Los Angeles Times, Saturday, June 25, 2005](#)

California officials and the nation's two largest railroad companies have struck an agreement to reduce pollution from rail yards, but the pact surprised local air quality regulators and environmental activists who called it a backroom deal that would undermine tougher smog controls.

Idling locomotives and other equipment at rail yards are among the largest sources of smog in Southern California, particularly in parts of eastern Los Angeles County and San Bernardino County that have large concentrations of rail lines.

The California Air Resources Board said in announcing the agreement Friday that it negotiated the deal with Union Pacific and Burlington Northern Santa Fe railroads because it did not feel it had the authority to force the freight lines to make tougher changes. Because railroads cross state lines, the federal government has most of the legal authority to regulate trains.

Local air quality regulators, environmental groups and community leaders, however, said they were surprised and outraged that state officials had cut the deal, which was drawn up without public debate. The agreement provides that, if any one local regulatory agency passes stricter regulations, the railroads can walk away from requirements to clean up rail yards across the state. That effectively kills any efforts to pass stronger rules, local officials said.

The agreement, the critics noted, comes just as California lawmakers are considering far stronger legislation to reduce railroad pollution, and numerous agencies, including the Port of Los Angeles, are weighing measures to clean up rail yards.

"They cut a backroom deal with no input from the affected communities," said Barry Wallerstein, the executive officer of the South Coast Air Quality Management District, the main air pollution agency for the Los Angeles region. "That's not something we would ever do."

California lawmakers on Monday are set to consider three bills to clamp down on railroad pollution, including a measure by Sen. Gloria Romero (D-Los Angeles) that would allow the South Coast air district to impose a pollution fee on railroad companies that would generate money to reduce emissions at rail yards, Wallerstein noted.

The air district is also considering regulations to reduce idling at rail yards. That plan could be blocked by the new agreement.

The state agreement might also threaten a much-touted plan by outgoing Mayor James K. Hahn to prevent pollution from growing at the Port of Los Angeles, Wallerstein said.

"It's outrageous for any public entity to sign an agreement with this kind of poison pill without having a public debate about it," said Gail Ruderman Feuer, an attorney with the Natural Resources Defense Council. Feuer added, however, that she believed that Los Angeles might still be able to force the railroads to reduce pollution without violating the state deal by including tougher provisions in leases at the port.

Under the deal, the railroad companies agreed to stop "all nonessential" idling of locomotives at rail yards.

The companies also agreed to conduct health-risk assessments for all major rail yards and to include community groups in the process. And they agreed to require locomotives fueling up in the state to use low-sulfur diesel fuel six years before they would have been required to do so under federal regulations. The state already requires some locomotives to use the fuel but had chosen not to apply the rule to locomotives that cross state lines.

However, the railroads can opt to avoid all actions by simply paying penalties of roughly \$3 million a year.

"All we really agreed to do is accelerate the time frame in which we are going to do" some improvements, said Steven Fosberg, a spokesman for Burlington Northern.

Fosberg said that his company was looking to expand its operations in California as the state's freight industry continues to flourish, and that it believed quickly reaching a statewide deal to make changes was in its interest.

Noel Park, president of the San Pedro Peninsula Homeowners Coalition, said he suspected the railroads were more interested in quashing public input that might slow down expansion plans than in cutting pollution from rail yards.

Park, who spent weeks working on the Los Angeles port pollution plan with railroad lawyers and state officials, said he never heard a thing about a rail yard deal among the two parties.

"Nobody mentioned a word about this," Park said. "What is the matter with these people? The idea that you can't involve the public in decisions because it will slow things down went out with button shoes."

## **News Brief in the Orange County Register**

[Also published in the Merced Sun-Star, June 25, 2005](#)

SACRAMENTO -- State air regulators said Friday that they reached an agreement with two railroads to eliminate 20 percent of pollution at rail yards.

Union Pacific Railroad and the Burlington Northern Santa Fe Railway agreed to take measures that would eliminate unnecessary engine idling and improve other pollution controls, the state Air Resources Board said.

Other key provisions require the railroads to improve smoke reduction programs, repair smoking engines within four days and begin maximum use of low-sulfur diesel fuel in locomotives six years sooner than required by federal regulations.

## **Exceptions upheld to pollution controls**

By Devlin Barrett, Associated Press

[Published in the Los Angeles Daily News, Saturday, June 25, 2005](#)

WASHINGTON -- The Bush administration's plan to let aging industrial plants modernize without buying expensive new pollution controls was upheld Friday by a federal appeals court.

A three-judge panel of the U.S. Court of Appeals for the District of Columbia sided with the Environmental Protection Agency, saying New York and a dozen other states failed to show how key areas of the administration's new regulations violate the 1970 Clean Air Act.

But the unanimous decision also came down against the EPA on two parts of the rule changes, and told the agency to review a third, giving environmentalists some reason for optimism within the 73-page decision.

Connecticut Attorney General Richard Blumenthal said the decision prevents further reductions in harmful emissions that would lower the rates for a number of diseases including asthma and cancer. He said his office would review the ruling and decide whether to pursue further legal action.

"The court affirmed that Congress intended the Clean Air Act to protect public health and air quality and repudiated Bush administration attempts to roll back those protections," Blumenthal said. "Unfortunately, the decision upheld parts of the new rule that allow polluters to avoid installing pollution controls in some instances."

The Bush administration argued that its decision to let older power and other industrial plants modernize without making them install expensive new pollution controls will remove barriers to innovation and increase productivity -- and will not worsen air quality.

But environmental critics say the changes also will increase sulfur dioxide and nitrogen oxides that contribute to acid rain and public health woes such as pulmonary and cardiovascular disease, leading to thousands of premature deaths a year.

The judges' ruling said it is not clear if the administration's changes in "new source review" regulations -- rules governing industrial sources of pollution -- will lead to greater pollution, or if leaving the old rules in place would deter companies from modernizing.

The new source review rules apply to some 17,000 facilities around the country, including power plants, refineries, steel mills and pharmaceutical factories.

Industry officials cheered a concurring opinion submitted by Judge Stephen Williams, who wrote:

"This case illustrates some of the painful consequences of reliance on command-and-control regulation in a world where emission control is typically far more expensive, per unit of pollution, when accomplished by retrofitting old plants than by including state-of-the-art control technology in new ones."

Other states in the lawsuit were California, Connecticut, Delaware, Illinois, Maine, Massachusetts, New Hampshire, New Jersey, Pennsylvania, Rhode Island, Vermont and Wisconsin.

## **Appeals court upholds EPA on letting older plants pollute more**

By Devlin Barrett, Associated Press Writer

[In the S.F. Chronicle, Saturday, June 25, 2005](#)

WASHINGTON (AP) - The Bush administration's plan to let aging industrial plants modernize without buying expensive new pollution controls was upheld Friday by a federal appeals court.

A three-judge panel of the U.S. Court of Appeals for the District of Columbia sided with the Environmental Protection Agency, saying California and a dozen other states failed to show how key areas of the administration's new regulations violate the 1970 Clean Air Act.

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Other states in the lawsuit were California, Connecticut, Delaware, Illinois, Maine, Massachusetts, New Hampshire, New Jersey, Pennsylvania, Rhode Island, Vermont, and Wisconsin.

Peter Lehner, chief environmental lawyer for New York Attorney General Eliot Spitzer, said the ruling lets states continue to take tough action against polluters, and knocks down a number of changes industry lawyers had sought to further loosen the rules.

Lehner noted the court frowned on the EPA's decision to allow companies not to keep records of their pollution levels if they have reason to think they don't produce enough pollution to trigger enforcement action.

The court directed the agency to either come up with a better justification for the recordkeeping rule or change the provision.

"We think this is a major boost to clean air enforcement, because the court upheld the importance of accountability by polluters and rejected industry arguments to weaken the rules even beyond what EPA wanted," said Lehner.

The decision comes a week after a Richmond, Va., appeals court ruled power plants can pump more pollutants into the air annually when they modernize to run longer operating hours. That panel found the deciding factor was not that the plants in question produced more pollution overall, but that the hourly rate of emissions did not increase.

Friday's decision affects one prong of Northeast states' attack on Bush administration changes to the regulation of industrial pollution.

"We're pleased with (the decision) because it removes obstacles to greater efficiency that previously have hampered refineries from making needed upgrades, and those upgrades help us provide a consistent supply of gasoline," said Susan Hahn, spokeswoman for the American Petroleum Institute.

Another lawsuit, focusing on plant maintenance and upgrades, will be of greater importance to power plants. That case is pending.

EPA Assistant Administrator Jeff Holmstead said the agency "is pleased that the court upheld the key provisions of the new source review program. We believe that these provisions will offer facilities greater flexibility to improve and modernize their operations in ways that will reduce energy use and air pollution."

## **Court backs changes in clean-air rules**

### **Plants must raise emission controls only if large upgrades are made**

By MICHAEL JANOFSKY, The New York Times

[Published in the Orange County Register, Saturday, June 25, 2005](#)

WASHINGTON -- A federal appeals court sided with the Bush administration on Friday, upholding its revisions of the Clean Air Act to allow plant operators to modernize without installing expensive new pollution-control equipment.

The ruling turned back challenges to the revisions by California, New York and 11 other states.

Representatives of the electric-power industry, which had strongly supported the new regulations, hailed the ruling as a victory.

The new rules require owners of older plants to upgrade emission-control equipment to standards for new plants only if they make substantial improvements.

Plant owners and the EPA have consistently disagreed over how to differentiate between routine maintenance and large-scale upgrades.

Jeffrey Holmstead, the assistant EPA administrator for air and radiation, said the court "recognized the value of common-sense reforms" included in the new rules.

Holmstead noted that the panel "simply did not buy" the argument made by the states and other critics that allowing its provisions to remain intact would cause "environmental devastation."

The ruling was issued in a unanimous opinion by a three-judge panel of the U.S. Court of Appeals for the District of Columbia Circuit.

But the court also said that the EPA, in issuing the rules, had exceeded its authority in several areas, and representatives of the states and environmental groups also said they found enough to their liking in the 73-page opinion to claim successes.

Eliot Spitzer, the New York state attorney general, said in an interview that the ruling was "a win for us."

Echoing a view expressed by environmental groups who were also involved in the case, Spitzer added: "Anybody who cares about the quality of air can view the case a victory for enforcement and continued aggressive action to limit the violations of the Clean Air Act by power companies."

## **Court Upholds EPA Change of Air Pollution Policy**

### **An appeals panel OKs a Bush rule letting power plants avoid installing new pollution controls**

By Miguel Bustillo, Times Staff Writer

[Los Angeles Times, Saturday, June 25, 2005](#)

A federal appeals court largely upheld a Bush administration rule Friday that allowed thousands of power plants and refineries to avoid installing newer pollution control equipment when they modernized, rejecting arguments by California and 13 other states that it violated the Clean Air Act.

However, the ruling by the U.S. Court of Appeals for the District of Columbia concluded that two aspects of the controversial 2002 rule changes "rest on impermissible interpretations" of the 1970 Clean Air Act.

One was a provision that in some cases did not require regulators to consider whether air pollution would get worse under a modernization plan.

The three-judge panel also ruled that the Environmental Protection Agency had "acted arbitrarily and capriciously" by deciding that power plants and other large polluters did not have to keep records of their emissions. The panel concluded that without the documentation, there was no way for regulators to know whether the facilities were breaking the law.

EPA officials said they planned to review the court's decision to determine whether to challenge it.

The mixed ruling — parts won praise from environmentalists, and others were cheered by industry groups — was the latest in a long legal and political battle over the federal government's approach to cleaning up the nation's oldest and dirtiest factories and power plants.

A rule known as "new source review" long has required steel mills, power plants, refineries and other large sources of smog and acid rain pollution to upgrade their emissions control equipment when they modernize or expand. The rule was intended to eventually bring the aging facilities, which are responsible for a disproportionate share of the nation's air pollution, up to current standards.

But as EPA officials have sought to enforce the law in recent years, many companies have fought the requirements, calling them unpredictable and unfair, while environmental groups have filed lawsuits demanding stricter pollution controls.

Bush administration officials have argued that trying to enforce the rules on what has become a case by case basis is a poor way to cut air pollution. They have proposed the entire system be abolished and replaced with a simpler but weaker set of standards as part of the president's "Clear Skies" initiative, arguing that it would reduce air pollution faster by ending legal squabbles. But environmentalists and many state air pollution officials countered that faithful enforcement of the current law would yield more reductions. Bush's initiative stalled in his first term and this year did not make it out of a Senate committee.

In the meantime, the Bush administration has made revisions to the new source review rule that have weakened its reach, angering environmentalists and state officials — who have filed lawsuits challenging the changes — but pleasing industry groups.

"These NSR reform rules allow refineries to proceed with pollution-preventing activities, and installation of new technology that helps reduce emissions," the National Petrochemical and Refiners Assn. said in a statement supporting the court ruling. "These reforms also consider industry plant operations as a whole, an important step to more efficient environmental regulation."



Critics of the changes said they were pleased at least some of the weaker requirements were tossed out.

"The thing we are most pleased about is the rejection of an idea industry has been floating, which is that they get to increase the pollution people breathe as long as plants do not increase their capacity," said Howard Fox, a lawyer for Earthjustice who represented environmental groups in the case. "That makes no sense."

## **An Explosive Debate Over Natural Gas**

### **Governor's preference for proposed offshore terminal near Oxnard prompts critics to speak out over safety and security of the project**

By Deborah Schoch and Gregory W. Griggs, Times Staff Writers

[Los Angeles Times, Saturday, June 25, 2005](#)

Gov. Arnold Schwarzenegger has expressed a preference for a liquefied natural gas terminal offshore from Oxnard over other sites, including Long Beach, igniting a furor along the Southern California coast as some local officials and residents praise the safety of an offshore site while others decry his comments as premature and irresponsible.

The governor expressed his "personal preference" for a proposed BHP Billiton terminal 14 miles offshore from Oxnard. An onshore site in the Port of Long Beach and two other offshore sites along the California coast are also being considered for importing highly chilled natural gas from overseas.

The governor said more study was needed before a final decision was made. Still, his comments Thursday highlighted an escalating debate in the state as to whether LNG terminals pose too many safety and security concerns to be located onshore in populated areas.

Project opponents in Ventura County fear the governor's remarks could give the Oxnard project the edge.

"I've taken the opinion from the beginning that, unless proven otherwise, I am strongly opposed to this project. And nothing the governor said has changed that," Oxnard Mayor Tom Holden said Friday.

In nearby Malibu, where many residents dislike the prospect of any offshore energy facility, Mayor Andy Stern also expressed concern about the governor's comments.

"I'm very disappointed he would make up his mind before the process is completed," Stern said. "I'd like the governor to retract his statement and say he has an open mind until all the facts are in."

Of four possible locations, the two getting the most serious attention are the Oxnard proposal from Australia-based BHP and the Long Beach plan by a subsidiary of Tokyo-based Mitsubishi Corp. Some critics of the proposed Long Beach terminal two miles from the city's downtown say they are heartened by the governor's preference for an offshore site.

"Having an area offshore is significantly different than putting thousands or hundreds of thousands of people at risk," said Long Beach Councilman Frank Colonna, who opposes the Mitsubishi terminal. "Not that we're opposed to the value of LNG, but let's keep it away from the people."

In Sacramento a bill sponsored by state Sen. Joe Simitian (D-Palo Alto) would develop a system for weighing the merits and drawbacks of each terminal proposal. It has passed the Senate and goes to an Assembly committee Monday.

"These are choices with enormous economic, environmental and security consequences for California," Simitian said Friday. He said he viewed Schwarzenegger's comments as "an off-the-cuff response" but added, "We'd be better served if we waited until we had all the facts in front of us."

The gas is chilled to 260 degrees below zero so it liquefies, allowing it to be shipped by tanker from gas fields primarily in Asia, Australia and Africa.

Only five liquefied natural gas terminals are operating nationwide today - none on the West Coast - but rising fuel prices are prompting keen interest in importing the gas. More than 40 new terminals have been proposed across the country, sparking opposition in a number of cities, particularly in the Northeast and the West.

Safety concerns have escalated with the release of studies of how the terminals might be affected by fires and terrorist attacks. A December 2004 report from Sandia National Laboratories determined that a

terrorist attack on an LNG tanker could inflict second-degree burns within 30 seconds on people as far as a mile away.

The siting of liquefied natural gas facilities has generated considerable debate on Capitol Hill this month as the Senate reviews an energy bill that would give final say to the federal government, angering state and local officials.

Schwarzenegger told reporters in Alhambra on Thursday that the governor and the people of California should retain authority over siting the terminals, and he cited the importance of public safety concerns.

"I think that the one, for instance [in] Oxnard, where you build it out approximately 11, 12 miles off the shore, could be probably the most safe one for California," Schwarzenegger told reporters, according to a printed transcript.

Asked if preliminary studies suggested that the Long Beach site could be dangerous, the governor said: "No. It's just my personal preference is Oxnard. But like I said, after we have studied all this and see the pros and cons, I think we will be able to make a better decision."

A Schwarzenegger spokesman added Friday: "We need to wait for the regulatory process to finish before making any final decisions."

As governor, Schwarzenegger has certain powers to approve or veto the BHP proposal under federal laws overseeing deep-water ports but has no such authority over onshore terminals.

A draft environmental report for the BHP proposal was made public last fall and found the plan was generally safe although some further research is being done. A report for Long Beach is currently being prepared.

A Mitsubishi spokesman said his firm was unfazed by the governor's remarks. "I think what he's saying clearly is that he wants a safe site, and he wants to wait until all the facts are in. We agree with both points," said Mitsubishi spokesman Jeffrey Adler.

Environmental groups expressed alarm at the governor's preference for the Oxnard proposal.

"I think he thinks that as long as you put facilities offshore, all the problems go away. There are serious problems with this facility," said Susan Jordan, executive director of the California Coastal Protection Network.

Critics of a proposed facility in Long Beach said they are pleased that the governor considers an offshore spot like Oxnard's safer than one in a highly populated area.

Still, Long Beach community activist Bry Myown said she is worried that people will think the governor's remarks mean the Long Beach plan is off the table, when in fact much review remains ahead.

"People have been calling me all day, saying, 'Doesn't this mean that Long Beach is dead now?' " Myown said. "Whatever he says and doesn't say isn't going to stop the permitting process."

## **UC scientist says ethanol uses more energy than it makes**

### **A lot of fossil fuels go into producing the gas substitute**

Elizabeth Svoboda, Special to The Chronicle

[San Francisco Chronicle, Monday, June 27, 2005](#)

Ethanol, touted as an alternative fuel of the future, may eat up far more energy during its creation than it winds up giving back, according to research by a UC Berkeley scientist that raises questions about the nation's move toward its widespread use.

A clean-burning fuel produced from renewable crops like corn and sugarcane, ethanol has long been a cornerstone of some national lawmakers' efforts to clear the air and curb dependence on foreign oil. California residents use close to a billion gallons of the alcohol-based fuel per year.

But in a recent issue of the journal *Critical Reviews in Plant Sciences*, UC Berkeley geoenvironmental professor Tad Patzek argued that up to six times more energy is used to make ethanol than the finished fuel actually contains.

The fossil energy expended during production alone, he concluded, easily outweighs the consumable energy in the end product. As a result, Patzek believes that those who think using the "green" fuel will reduce fossil fuel consumption are deluding themselves -- and the federal government's practice of subsidizing ethanol by offering tax exemptions to oil refiners who buy it is a waste of money.

"People tend to think of ethanol and see an endless cycle: corn is used to produce ethanol, ethanol is burned and gives off carbon dioxide, and corn uses the carbon dioxide as it grows," he said. "But that isn't the case. Fossil fuel actually drives the whole cycle."

Patzek's investigation into the energy dynamics of ethanol production began two years ago, when he had the students in his Berkeley freshman seminar calculate the fuel's energy balance as a class exercise.

Once the class took into account little-considered inputs like fossil fuels and other energy sources used to extrude alcohol from corn, produce fertilizers and insecticides, transport crops and dispose of wastewater, they determined that ethanol contains 65 percent less usable energy than is consumed in the process of making it.

Surprised at the results, Patzek began an exhaustive analysis of his own -- one that painted an even bleaker picture of the ethanol industry's long-term sustainability.

"Taking grain apart, fermenting it, distilling it and extruding it uses a lot of fossil energy," he said. "We are grasping at the solution that is by far the least efficient."

Patzek's report also highlights the potential environmental hazards of ethanol production.

"When you dump nitrogen fertilizer on corn fields, it runs away as surface water, into the Mississippi River and Gulf of Mexico," he said.

The excess nitrogen introduced into the water causes out-of-control algae growth, creating an oxygen-poor "dead zone" where other marine plants and animals cannot survive. And while ethanol produces fewer carbon monoxide emissions than regular gasoline, some researchers have found that ethanol releases high levels of nitrogen oxide, one of the principal ingredients of smog, when burned.

Ethanol has long been touted not just for its promise as a renewable fuel, but for its usefulness as a gasoline additive. Fossil fuels blended with it produce fewer carbon monoxide emissions than regular gasoline and have a higher octane rating, meaning they burn more evenly and are less likely to cause engine knocking. While most gasoline sold in the United States now contains approximately 5 percent ethanol, some cars -- such as the Ford Explorer and Chevy Silverado -- can run on fuel blends containing up to 85 percent.

Though his work has been vetted by several peer-reviewed scientific journals, Patzek has had to deflect criticism from a variety of sources. David Morris, an economist and vice president of the Minneapolis-based Institute for Local Self-Reliance, has attacked the Berkeley professor's analysis because he says it is based on farming and production practices that are rapidly becoming obsolete.

"His figures (regarding energy consumed in fertilizer production) are accurate for older nitrogen fertilizer plants, but newer plants use only half the energy of those that were built 35 years ago," he said. He also cited the increasing popularity of no-till farming methods, which can reduce a corn farm's diesel usage by 75 percent. "With hydrogen fuel, people are willing to say, '25 years from now it will be good.' Why can't we also be forward-looking when it comes to ethanol?"

Hosein Shapouri, an economist at the U.S. Department of Agriculture, has also cracked down on Patzek's energy calculations.

"It's true that the original ethanol plants in the 1970s went bankrupt. But Patzek doesn't consider the impact new, more efficient production technologies have had on the ethanol industry," he said.

Shapouri's most recent analysis, which the USDA published in 2004, comes to the exact opposite conclusion of Patzek's: Ethanol, he said, has a positive energy balance, containing 67 percent more energy than is used to manufacture it. Optimistic that the process will become even more efficient in the future, he pointed out that scientists are experimenting with using alternative sources like solid waste, grass and wood to make ethanol. If successful on a large scale, these techniques could drastically reduce the amount of fossil fuel needed for ethanol production.

Other contributors to the debate argue that ethanol's net energy balance should not be the sole consideration when policymakers are evaluating its usefulness -- factors like the fuel's portability and lower carbon monoxide emissions need to be considered as well.

"So what if we have to spend 2 BTUs for each BTU of alcohol fuel produced?" reads an editorial in the Offgrid Online energy newsletter. "Since we are after a portable fuel, we might be willing to spend more energy to get it."

Cornell University ecology Professor David Pimentel, however, sides with Patzek, calling production of ethanol "subsidized food burning."

"The USDA isn't looking at factors like the energy it takes to maintain farm machinery and irrigate fields in their analysis," he said, adding that the agency's ethanol report contains overly optimistic assumptions about the efficiency of farming practices. "The bottom line is that we're using far more energy in making ethanol than we're getting out."

Patzek thinks lawmakers and environmental activists need to push ethanol aside and concentrate on more sustainable solutions like improving the efficiency of fuel cells and hybrid electric cars or harnessing solar energy for use in transport. If they don't, he predicts economics will eventually force the issue.

"If government funds become short, subsidies for fuels will be looked at very carefully," he said. "When they are, there's no way ethanol production can survive."

[Letter to the Editor, Merced Sun-Star, June 27, 2005:](#)

### **It's all about compromise**

Editor: If I may respond to why someone from Fresno should, or could have, an opinion about the proposed Riverside Motorsports Park. Suppose that someone spent 16 years of his life living, playing, attending college, serving in the military, working part-time, and eventually operating two businesses in the Merced-Atwater area. Not to mention the many friends and family that still reside in Merced area, and visit I do.

As a person who loves, and values, quiet, tree-lined, hometown feel cities, I also am a motorsports lover. Driver, fan, and supporter of all forms. I am also a vocal proponent in pursuing any and all reasonable and realistic ventures that give those who are able, and should, the job opportunities to become productive members of this Valley.

In this case it happens to have the added bonus of a family-friendly recreational atmosphere.

I, as almost anyone else that has either participated in, or having attended a motorsports event, will attest to the fact that major race facilities rarely have more than one event a month that even comes close to causing the local populace to be overwhelmed in regards to traffic, noise or air pollution.

In fact, more often than not, the towns that surround these facilities actually budget their monies to assist in bringing more major races to that facility.

Whether a lot of you personally may not be in need of a job or an extra source of income, or your idea of outdoor recreation is a far throw from the heart-pumping excitement of motorsports competition, it's all about compromise, isn't it.

SCOTT REISDORFER  
*Fresno*

[Modesto Bee, Letter to the Editor, Thursday, June 23, 2005:](#)

### **It's time for tallow plant to go away**

Great in-depth articles by Todd Milbourn (tallow plant) and Jeff Jardine (numerous types of pollution).

Yes, the tallow plant has been here since 1917. It is a dinosaur that is older than Spam (1930). The dinosaurs evolved into birds and flew away. Maybe the tallow plant should do that, too!

I am appalled that adults are forcing children to inhale that stench of death every day. That is child abuse! They should be bused to other schools. The entire area should be declared a disaster zone and given aid from the federal government.

The tallow plant was a constant concern when I worked in Environmental Health in the '70s. I opened several chilling letters pleading for help, because blood was running in the ditch in front of a house. I typed up the citations and hearing notices. The tallow plant would be fined, they would take care of some of the problems, and then the whole process would start over again. It was frustrating for the sanitarians who were working so hard to fix the problem. They had limited authority. So the tallow works folder grew heavier and heavier. In spite of various allegations of criminal activities, such as polluting rivers, the problems have gone on and on for 88 years.

KAREN OHL  
Modesto