

## **The Stench Lingers**

### **Modesto Tallow holds its own nose at \$765,000 in fines**

By TODD MILBOURN - BEE STAFF WRITER

Modesto Bee, Sunday, June 12, 2005

It was a carefree spring day on the playground of Shackelford Elementary School in south Modesto.

A girl hung upside down from monkey bars. Boys herded around a soccer ball. A third-grader teased a classmate with a marker.

Then the wind picked up.

Christian Esperiqueta wrinkled his face in disgust and pulled his T-shirt over his nose.

"It makes me want to puke," said the third-grader, referring to the stench from Modesto Tallow Co., the 88-year-old rendering plant less than 1,000 feet from the playground.

"I'd rather smell a trash can," added fifth-grader Selena Ortiz.

Every month, Modesto Tallow collects, grinds and cooks more than 10,000 tons of dead cattle, chickens and turkeys, turning them into pet food and livestock feed.

The company provides a vital service for agriculture, Stanislaus County's largest industry. But in doing so, the company has often violated environmental regulations, according to public records reviewed by The Bee.

Over the past 10 years, Modesto Tallow violated air quality rules more often than any other company in the Northern San Joaquin Valley. The company's 124 violations include creating a public nuisance, malfunctioning equipment and failing to process carcasses within 24 hours, according to the San Joaquin Valley Air Pollution Control District.

Modesto Tallow has been fined at least \$1.4 million by various regulatory agencies over the years, about half of which has not been paid. Modesto Tallow refuses to pay at least \$765,000 in air district fines dating back to 2002.

Modesto Tallow owes \$246,607 in taxes dating back to 2000 for its property at 925 Crows Landing Road, according to county records. The company has until the end of the month to pay those taxes, or begin a payment plan to avoid having its property subject to public auction.

Concerns about Modesto Tallow's environmental practices extend well beyond south Modesto.

The Solano County district attorney sued Modesto Tallow in 2003 alleging company trucks routinely leaked blood and animal parts onto roads, creating public health and safety hazards. Modesto Tallow paid \$114,508 to settle the case, according to the district attorney's office.

Modesto Tallow is suspected of violating the U.S. Clean Water Act at a facility that the company operated in Oregon in 2003 and 2004. Environmental Protection Agency agents allege that the company rendered chickens and illegally discharged waste into the Columbia River without a permit, according to an affidavit filed in Portland in support of a search warrant.

Back in Modesto, government officials have threatened to close the Modesto plant several times over the years. The company has managed to stay in business by installing equipment that company officials said would reduce odors.

People downwind say the stench remains unbearable.

The air district received more complaints in May, 61, than in any month since August 2003. In fact, residents filed more complaints during the first five months of this year, 150, than during the first five months of any year on record. Complaints usually rise during the heat of summer.

Jeff Podesto, Modesto Tallow's president, said the company, which is owned by a group of Texas investors, does its best to be a good neighbor.

He said Modesto Tallow receives more violations than others due to its urban location. The company hasn't paid its fines because it contends that public nuisance laws don't apply to certain

rendering companies, an argument the air district may challenge in court. Modesto Tallow plans to pay its taxes, he said.

Podesto is quick to point out that Modesto Tallow predates development in the area. He said his predecessors warned county officials that putting a school near the plant would cause problems, but they didn't listen.

Over the years, the company has spent millions for scrubbers, condensers, a thermal oxidizer and other equipment to reduce odors, Podesto said.

But there's only so much a rendering plant can do.

"We're as odor-free as we can be, and we've spent the money to prove that," said Podesto, as he walked by the plant's thermal oxidizer. "But when you're handling what we're handling, you can only mitigate."

David Johnson, 44, who's lived near the plant for 35 years, said his patience is wearing thin.

"How long can they keep crapping on us and nobody do anything about it?" he asked. "Have mercy on this neighborhood."

### **Inside the rendering plant**

Built in 1917, the towering factory still evokes the era of its construction.

The sprawling plant, on the bank of the Tuolumne River, is a maze of steel buildings full of boilers, pipes and grinders.

The company's trademark white and red trucks provide steady traffic, hauling the day's load. Feral cats sneak about the plant.

Rendering is not a pretty business.

On a recent morning, 15 cattle carcasses hung by chains from the ceiling of a cold warehouse. The animals had died the previous day on farms and ranches in Stanislaus County.

The carcasses awaited workers who would strip the animals' hides, which would eventually go to Asia for tanning. Their heads had been chopped and blood dripped from exposed necks onto the damp floor.

By day's end, the carcasses would be dumped in a concrete pit about the size of a semitrailer. A massive screw "conveyor" at the bottom of the pit would grind and pull the carcasses into a boiler that cooks at about 250 degrees.

The chief final product is a powdery substance called meat and bone meal, which is sold as a protein supplement for pet food and livestock feed. Rendering also provides tallows that are used in soap, shampoo, inks and glue.

Renderers, as some in the industry are fond of saying, "use everything but the moo." And they provide an alternative to burying animals, which is illegal, or sending them to landfills, which would use precious space.

"If you didn't have this service," said Wayne Zipser, president of the Stanislaus County Farm Bureau, "you'd probably have dead animals on the side of the road."

Anybody who eats meat or dines out in Stanislaus County contributes to the need for rendering companies like Modesto Tallow. The byproducts of food production — grease, meat scraps and the animals that die before slaughter — have to go somewhere.

Every year, the company's trucks collect more than 75,000 dead cattle, including calves, from 400 dairy farms within 200 miles of Modesto.

The company also receives dead turkeys and chickens from 150 poultry ranches and four processors, as well as grease from 2,500 restaurants and cafeterias.

There are six other rendering plants in the San Joaquin Valley, including Darling International on Carpenter Road southwest of Modesto. Most of those plants are in rural areas and don't have

nearly the number of complaints or violations that Modesto Tallow has, according to air district records.

Johnson bristles when he talks about the odor from Modesto Tallow.

He said the smell is like "rotting chickens set on fire," and he blames it for triggering asthma attacks in his wife and daughter.

"It burns your eyes and throat," he said. "You can't breathe."

### **Can't afford to live elsewhere**

The smell comes in jolts several times a day, Johnson said. The odor is especially bad at night and on weekends, when air district officials aren't readily available to investigate, he said. Podesto said atmospheric conditions could be a factor in late-night smells from the plant, which operates 24 hours a day, seven days a week.

The situation has gotten so bad at times that Johnson said he's considered moving from Pueblo Avenue.

But his house is paid for and he can't afford to live elsewhere in a city where home prices have skyrocketed.

Drew Gullion, pastor at Southside Church of Hope, said he has considered moving his church because the smell proves embarrassing when visitors come, or when the church has barbecues.

"But who's going to buy property next to that?" he asked.

Mindy Gregory, a Coldwell Banker real estate agent, said she's had about a dozen lookers at a two-bedroom, one-bath home on Crockett Avenue near Shackelford Elementary School. But they all say the same thing, she said.

"It's a cute house, the neighborhood looks OK, but that smell ...," she said. "That plant makes it really difficult."

So difficult that she had to shave \$10,000 off the initial asking price of \$235,000.

Students 'at a disadvantage'

The stench affects daily learning for the 520 students who attend Shackelford each year.

Principal John Campopiano said the odor makes some students queasy, which isn't good for concentration.

"With all the new testing standards coming down, we're working so hard every day," said Campopiano, pacing the playground — with Modesto Tallow looming in the distance. "This really puts our kids at a disadvantage."

A 2000 study by the county Health Services Agency found that Shackelford students don't visit the nurse more often than children at other schools.

But tales of headaches and vomiting aren't hard to find.

Nova Watkins, a yard worker at Shackelford who's lived in the area 36 years, said the smell is strong enough to overcome the toughest stomach.

"The students come out from lunch, start smelling that stink, and it's just overwhelming. They start heaving up," she said.

Campopiano said county and school officials should have dealt with Modesto Tallow before building the school, which opened in 1948. He said he's dismayed that the problem continues nearly 60 years later.

He said that if the Shackelford area wasn't one of the poorest parts of Modesto, officials would have done something.

Of the 2,000 mostly Latino residents of the neighborhood, roughly 35 percent live below the poverty level, according to the 2000 census. The neighborhood, a pocket of county land in urban Modesto, didn't have sewers and sidewalks and until two years ago.

"You think this would happen near Lakewood or Sonoma (schools)?" Campopiano asked. "There's nowhere else in Modesto that has to put up with something like this."

Neighborhood battles with Modesto Tallow have spanned decades.

State public health authorities first investigated the plant's effect on the neighborhood in 1964.

### **Principal complained in 1973**

In 1973, Shackelford Principal Chuck Dunning petitioned the county because the smells were so intense that the school canceled outdoor activities.

"This odor occurs very frequently and the teachers are just nauseous," he wrote in a letter. "The children also get sick, and this in no way helps our educational program."

Coupled with an engineering study that found the plant had "marginal odor and particulate control capabilities," the letter helped spark one of the first confrontations between Modesto Tallow and regulators.

The regulators refused to grant the company a permit to operate, saying there were "uncontrolled odors" in the plant, according to a news account.

At a hearing later that year, Modesto Tallow promised to install new equipment that it said would reduce odors.

The company was allowed to keep operating.

Things heated up again nearly 25 years later.

In 1997, the county Board of Supervisors asked District Attorney Jim Brazelton to declare Modesto Tallow a public nuisance, which would have paved the way for shutting down the facility.

Modesto Tallow responded by proposing to install equipment that it said would cost \$750,000 and reduce odors as much as 80percent.

The improvements would include scrubbers, condensers and enclosure of the room that held dead animals before processing, according to air district records.

The plan satisfied the Board of Supervisors, which asked the district attorney to suspend the case so long as Modesto Tallow met its deadlines.

Most of the upgrades were finished on time.

But the deadline for enclosure of the room passed without much progress, according to air district records.

Company officials complained of engineering problems and financial difficulties. Air district officials criticized the company for failing to finish what it had promised. The district cited the company, but extended deadlines.

It wasn't until June 2001, 2½ years after the original deadline, that the job was completed, according to a chronology prepared by the air district.

Yet no public nuisance case was filed.

That's largely because as Modesto Tallow missed deadlines, the state's dairy and feed industries persuaded state lawmakers to pass legislation that effectively shielded rendering facilities from public nuisance cases.

In September 1999, then-Gov. Davis signed Senate Bill 1274. It says that renderers are protected as agricultural operations and are generally not subject to public nuisance laws. Company officials cite that law as the basis for not paying administrative fines.

Former county Supervisor Paul Caruso, who attended Shackelford and fought Modesto Tallow for years, said SB 1274's passage left the neighborhood with few options.

"That really put both arms behind our back," Caruso said.

Meanwhile, environmental problems at Modesto Tallow continued.

Federal and local officials investigating Modesto Tallow in 1998 found bones and feathers on the riverbank and an underground pipe leading from the plant to the river about 60 feet away.

As part of a plea agreement, Modesto Tallow's general manager, Larry Bietz, accepted a year in prison for falsifying water discharge samples.

Modesto Tallow also paid a \$600,000 fine for discharging blood and animal parts into a lagoon that is part of the Tuolumne River.

### **Relocating the plant**

Podesto said the company would like to move to a less-populated area; the cost of such a move was estimated at \$10 million to \$18 million in 1999.

With the industry facing rising energy costs and limits on exports due to international concern over mad cow disease, Podesto said the company would need city or county help.

Podesto wouldn't disclose the company's earnings. The Texas-based ownership group, Modesto Holding Co., is headed by William A. Shirley Jr., a longtime rendering executive so prominent in Texas that the state House of Representatives passed a resolution in 2003 wishing him a happy 60th birthday.

The group, which does business as Pascal Enterprises, also owns California Spray Dry, a rendering plant in Stockton, and at least six other rendering companies throughout the West and Southwest.

County officials floated an idea in 1999 to move Modesto Tallow to county land between Patterson and Newman, near the waste-to-energy plant. The idea was nixed amid protest from West Side residents.

Jim DeMartini, who defeated Caruso at the polls in 2004 to become county supervisor for south Modesto and the West Side, said there's no easy fix, but something needs to be done.

"Probably the best long-term solution is to build a plant somewhere else," he said.

Meanwhile, the air district is mulling its options.

It could revoke the company's permit by citing specific violations of the Health and Safety Code. The district could bring the matter before a hearing board, which could grant an order of abatement — demanding the company to clean up its act. Or the district could go to court for an injunction.

Cases involving unpaid fines were sent to the air district's lawyers in November 2004. But no case has been filed.

Phil Jay, an attorney for the air district in Fresno, said he has no timetable but is waiting to see whether new equipment brings the facility up to code.

He said he's not optimistic.

"They've thrown money at this situation over the years, but it's usually at our prodding," Jay said. "Usually we squeeze 'em and they halfway fix the problem. Then we have the same problem again the next week."

If officials did shut down Modesto Tallow, what would happen to all those dead animals?

The community caught a glimpse of what might happen in March when Modesto Tallow's boiler malfunctioned. As many as 10 truckloads of cattle were routed to the Fink Road Landfill. The landfill had to obtain a waiver from the state before taking the carcasses.

"We survive," Podesto said, "because the community needs us."

### **Residents fight on**

Years of fighting has discouraged some who might otherwise push the issue.

Many immigrants who live near the plant simply don't know where to complain. Others are too worried about making next month's rent to get involved.

Former Supervisor Caruso said he understands why many feel helpless.

"They've lost faith in local government and the system. And they're right — they were promised a remedy and they didn't get one," he said.

But there are those who press on.

Jodie Hofkamp-Echols, a school psychologist at Shackelford, said she is raising money to rent a billboard along Highway 99 with a sign reading: "Smell that stench, call 1-800-281-7003," the air district's complaint hot line.

"You know darn well they can do better," Hofkamp-Echols said. "But we have to scream at them to get anything done."

Johnson, the Pueblo Avenue homeowner, said he'll continue writing letters, signing petitions and calling lawmakers until something happens.

It's exhausting and frustrating, he said. But too much is at stake to give up.

Children have a right to breathe clean air, he said, no matter what neighborhood they live in.

"If that wind blew downtown for just one week, I guarantee you they'd do something," Johnson said, as the smell wafted into his living room on a recent Saturday. "Well, it's been blowing our way for years. What's it going to take?"

#### **A chronology**

**1917:** Modesto Tallow Co. opens along the Tuolumne River in a then-rural area south of Modesto. Among the original owners were John Varni, Jim Varni, Felix Radavero, Andrew Izola and Charles Tocalino, according to "History of Stanislaus County" by George Tinkham. He wrote: "The young men have become expert in their line, and two trucks are kept going to every portion of the county."

**1940s:** People begin moving to the area near Crows Landing Road, drawn in part by lower taxes outside the city limit.

**1948:** Shackelford Elementary School opens less than 1,000 feet from Modesto Tallow.

**AUGUST 1964:** California Department of Public Health investigates complaints of foul odors in the Shackelford neighborhood and concludes that the most offensive come from Modesto Tallow.

**JUNE 1973:** Shackelford Principal Chuck Dunning petitions Stanislaus County officials to do something about the odor.

**AUGUST 1973:** An engineering study finds the plant's equipment has "marginal odor and particulate control capabilities."

**OCTOBER 1973:** County officials threaten to shut down Modesto Tallow due to uncontrolled odors. Company promises to install new equipment that will reduce odors, and is allowed to stay in business.

**1980:** Modesto Tallow purchases California Spray Dry, a rendering plant in Stockton.

**AUGUST 1997:** Modesto Tallow embarks on a four-phase odor reduction plan that officials say will cost \$750,000 and reduce odors as much as 80 percent.

**DECEMBER 1997:** City of Modesto issues Modesto Tallow a cease-and-desist order after inspectors discover numerous animal bones and animal feathers along the banks of the Tuolumne River.

**JUNE 1998:** Rep. Gary Condit, D-Ceres, prodded by angry constituents, asks the air district what's being done to reduce odors. Air district officials respond that the company is on the verge of adding new technologies and that air quality improvements are expected to follow.

**MAY 1999:** Stanislaus County grand jury criticizes government officials for not communicating enough with residents about issues at Modesto Tallow.

**JUNE 1999:** Modesto Tallow officials plead guilty to violating the federal Clean Water Act by discharging dead animal parts into a lagoon that is part of the Tuolumne River. Plant manager Larry Bietz later is sentenced to a year in prison for forging water samples. The company pays \$600,000 fine.

**JULY 1999:** County officials float an idea to move Modesto Tallow to county-owned land between Patterson and Newman, near the city-county waste-to-energy plant. Hundreds of West Side residents sign a petition in protest.

**JULY 1999:** Modesto Holding Co., a group of Texas-based investors, buys a majority interest in Modesto Tallow.

**SEPTEMBER 1999:** Gov. Davis signs a law, lobbied for by the dairy and animal feed industries, that extends to rendering plants an agricultural exemption to public nuisance laws.

**JULY 2002:** Modesto Tallow installs a thermal oxidizer to reduce odors.

**JULY 2003:** Modesto Tallow pays \$114,508 to settle a case brought by the Solano County district attorney, alleging that company trucks spilled blood and dead animal parts onto roads.

**JUNE 2004:** U.S. Environmental Protection Agency agents obtain a search warrant to investigate Modesto Tallow's dealings in Oregon. A special agent alleges that Modesto Tallow rendered chicken carcasses and discharged waste into the Columbia River without a permit, in violation of the Clean Water Act. Three months later, Modesto Tallow pays \$100,000 to a Portland-based environmental group, which had threatened to sue the company.

**JULY 2004:** Modesto Tallow fails an air district inspection. Among other problems, air district officials found "a large amount of waste, including Styrofoam meat trays and plastic wrap to be in the meat and bone and processing raw material receiving pit." Inspectors ask company officials how the trash was removed prior to processing and were told that it wasn't, according to air district records.

**JANUARY-MAY 2005:** Residents lodge 150 odor complaints, more than during the first five months of any year since the air district began keeping records in 1994.

## **Company made 'mistake' at Oregon plant**

By TODD MILBOURNBEE STAFF WRITER

Modesto Bee, Sunday, June 12, 2005

Modesto Tallow Co. wasn't operating six months in Oregon before allegations of environmental wrongdoing surfaced.

The company had leased part of a seafood processing plant in the city of Hammond, in the northwest corner of the state. The company found a nearby supplier of chickens, started rendering them and discharged a milky waste into the Columbia River.

The problem: Modesto Tallow didn't have a permit, which is a violation of the U.S. Clean Water Act, according to federal investigators.

Any company or agency that discharges into lakes and rivers in the United States is required to have a national pollution discharge elimination system permit. Such permits allow the government to gauge the potential impact of discharges into waterways.

Company President Jeff Podesto referred questions to Patrick Riddle, an attorney for Modesto Tallow. Riddle said Modesto Tallow was assured by the company that it was leasing from, Point Adams Packing Co. of Hammond, that the proper permit had been obtained.

"We made a mistake," Riddle said. "We shouldn't have taken their word for it."

The investigation started when an environmental group received a tip about potential violations at the plant.

The Northwest Environmental Defense Center confirmed the discharges and learned that Modesto Tallow had no permit. Modesto Tallow paid \$100,000 to the group to avoid a lawsuit, said Mark Riskedahl, the attorney who investigated Modesto Tallow.

"In my 10 years, I've never seen a company so audacious," Riskedahl said. "It's unbelievable."

The center alerted the Environmental Protection Agency, which launched a criminal investigation.

Anne Sturgill, a special agent in the Portland office, led a raid on the plant in June 2004 and seized documents and computer files.

In an affidavit, Sturgill said Modesto Tallow's discharges could cause a buildup of biological material that could deplete the river's oxygen. She also wrote that the discharges likely contained fecal matter, which could come into contact with people downstream.

Reached at her Portland office, Sturgill would neither confirm nor deny an investigation, or say whether anyone would be charged. Riddle said he does not expect charges to be filed.

Mark Lacy, general manager at Point Adams Packing, would not comment on specifics. He said only that Modesto Tallow had been evicted and was no longer doing business there.

Point Adams Packing is owned by California Shellfish Co., which is based in San Francisco.

The EPA has dealt with Modesto Tallow before. The company's general manager was sentenced to a year in prison in 1999 for submitting false water samples. The EPA also fined the company \$600,000 for pumping animal waste into a lagoon that is part of the Tuolumne River.

John Millett, an EPA spokesman in Washington, D.C., said violations of the Clean Water Act can result in fines from \$5,000 to \$50,000 for each day that the law is violated and imprisonment of up to three years.

### **Around the county**

#### **Citizens group files suit to stop 10,000-cow dairy near Alpaugh**

Bakersfield Californian, Monday, June 13, 2005

A clean air citizens group filed suit in Fresno earlier this month to stop construction of a 10,000-cow dairy near Alpaugh in Tulare County.

Chino dairyman Fred Schakel started building his dairy without permits required by the federal Clean Air Act and local laws, the Association of Irrigated Residents alleges in the suit.

Other dairies are waiting on these permits to build their proposed facilities, the citizens group says, and it wants Schakel to apply for proper permits and install new pollution-cutting technology.

### **Students illustrate Valley air pollution solutions**

Visalia Times-Delta

Monday, June 13, 2005

More than 250 Tulare County students entered the third annual Tulare County Association of Government's "Make a Difference in Air Quality" essay and poster contest.

Students in kindergarten through 12th-grade competed for prizes that included gift certificates for brand new bicycles and accessories.

Entries came from Visalia, Tipton, Earlimart, Richgrove, Dinuba, Tulare, Pixley and Farmersville.

Each poster or essay had to tell a story about how the artist or writer's family has made a positive difference in air quality in the Central Valley.

Grand prize essay winner, Brandon Chandler, a 10th-grader from El Diamante High School, wrote, "Living in the Central Valley with such bad smog is a problem for all of us ... We live in such a beautiful spot, but during the summer we can't even see the beautiful mountains that are so close. We must all work together to help get rid of this bad air."

Brandon will win a \$500 gift certificate for the purchase of a bike, helmet and bike accessories.

Grand prize poster winner, Brianna Delos Reyes, a sixth-grader at St. Aloysius in Tulare, will also receive a \$500 gift certificate for the purchase of a bike, helmet and accessories.

First-place winners in the elementary grades will receive a \$200 gift card for the purchase of a bike, helmet and accessories. Middle and high school winners will receive \$200 in cash.

The first-place winners for the poster contest are:

- Richard Saesee, kindergarten to third-grade division, third-grade, Visalia
- Cheyenne Warren, fourth- to sixth-grade division, sixth-grade, Visalia
- Eeknong See, seventh- to twelfth-grade division, eighth-grade, Tulare

The first-place winners for the essay contest are:

- Carmen Hernandez, kindergarten to third-grade division, third-grade, Richgrove
- Alexis Avila, fourth- to sixth-grade division, sixth-grade, Tulare
- Samantha Kleinhammer, seventh- to twelfth-grade division, Tulare

Winners will be awarded their prizes on June 20 at the Tulare County Association of Government's regular board meeting, 5961 S. Mooney Blvd. The public is welcome to attend the meeting.

Information: 733-3737 or visit [www.tularecog.org](http://www.tularecog.org).



## **County's Patrick has had enough**

CHRISTINE BEDELL, Californian staff writer  
Bakersfield Californian, June 11, 2005

Barbara Patrick, the longest-serving and only female member of the current Kern County Board of Supervisors, announced Friday she will not run for re-election next year. Twelve years in the job is enough, said Patrick, whose 3rd District includes much of northeast and northwest Bakersfield plus Oildale.

She said she doesn't know whether she will endorse anyone in the 2006 race to replace her. All she knows about her future, Patrick said, is that she'll work in her garden, read books, travel and "do something totally different" professionally.

Patrick said she made her "very hard" decision last summer and since then has grown increasingly comfortable with it. Questions from reporters prompted her to announce now, she said.

"When I was (first) elected, I said I'd be sensible, sensitive, strong and well-reasoned and I think I've done all of that," Patrick said after a press conference in the supervisors' chambers in downtown Bakersfield.

Patrick's announcement sets up a very interesting 3rd District race next year, to be decided in the June primary or, if no candidate gets a majority of votes, the November general election.

### **Interesting race**

The only name political pundits are throwing around as a possible candidate is Bakersfield City Councilman Mike Maggard, who represents the northeast. But they expect more people to throw their hats in the ring.

"I'm very interested in it. I'd be honored to do it," Maggard, an accountant, said Friday. "I'm talking to my family and many of my supporters and will have an announcement forthcoming."

Maggard's run for supervisor could then set up an interesting Ward 3 Bakersfield City Council contest at a time when critical northeast Bakersfield growth policies are being mulled.

Political consultant Mark Abernathy said a half-dozen or more supervisorial candidates will probably emerge over the next couple of months, but he didn't name names.

The district has been represented by a woman for more than 20 years, Abernathy said, so another female might fare well. Northwest and northeast Bakersfield growth will be a huge issue, he said.

Abernathy scoffed at the notion Maggard is a "leading" candidate, saying he's greatly weakened by the City Council's 2001 vote to increase pensions. Those increases, he said, are wreaking budget havoc now.

"A dozen or more people are going to read this article and say, 'It's wide open, I could do a good job,'" Abernathy said.

### **A very full record**

Patrick has been known as a moderate who speaks her mind, including when she's frustrated with her colleagues. She's both an impeccable dresser and willing to get her hands dirty for the district, whether picking up trash or planting roses.

Good constituent service has been very important to her, said Patrick's assistant, Betty Erickson.

"We are responsive to the public at Barbara's request," Erickson said.

Patrick's votes helped reinstate the county Planning Commission, beef up code enforcement and mandate trash collection. She's now trying to limit the number of junk vehicles people can keep in public view.

Patrick was on the losing end of battles to impose a moratorium on new dairies and put a minimum three-mile distance between dairies and homes and schools.

She became a local air quality expert, serving on the San Joaquin Valley Air Pollution Control District board and in 1997, getting Kern County's first gubernatorial appointment to the California Air Resources Board.

She'll have to leave both posts when her term ends in 18 months.

Patrick said she's also proud of helping develop Panorama Park. She said she wishes she'd pushed harder for more restrictions on some dairies southwest of Bakersfield.

Supervisor Ray Watson said he'll miss Patrick's straight but courteous talk, humor and understanding of complicated issues.

"She will speak out against the majority when she feels strongly about something, something some people won't do," Watson said. "And she's been able to do that while still being respectful of people."

Supervisor Michael Rubio said Patrick's 12 years "speaks for itself" in terms of devotion to public service as does her two decades in the classroom. There's an upside to Patrick leaving, Rubio said.

"I believe change is good," he said. "Not because she's not done the job. She has. But turnover is good."

Dairy builder Richard Reyneveld said he hasn't agreed with a lot of Patrick's dairy votes and thought they were influenced by "half-truths and poor information" put out by others.

But she always listened to him and his colleagues, gave people the benefit of the doubt and acted in what she believed was Kern County's best interest, Reyneveld said.

"There isn't anyone in the dairy industry that has hard feelings toward her," he said. "She might not have gone the way I wanted her to go but she's a reasonable person and wants what's good for the county."

### **Critics**

Not everyone has been so enamored with Patrick. East Bakersfield resident Fabian Barboza said she sided with "her friends" instead of the whole populace when she argued for a three-dog limit and for changing the inoperable-vehicle ordinance.

"I think she caters to a certain group of people; she doesn't look at what's good for the general population," Barboza said.

Mike Parker of Rosedale, who collects and restores cars, said he didn't appreciate her attitude May 31 when the Board of Supervisors discussed the junk vehicle law.

"The only time I've heard her speak was at that meeting," Parker said. "Her attitude seemed to be she was going to do what she wanted and she didn't care what we had to say."

Before joining the Board of Supervisors in 1994, Patrick was an elementary and junior high school teacher in the Bakersfield City School District for 20 years. She'd also been a member of the Bakersfield Planning Commission and county Planning Advisory Committee. She ran unopposed in 1998 and 2002.

Don't expect her to rest on her laurels yet, Patrick said. There's a new airport terminal to open, two annual budgets to pass, junky vehicles to deal with and more Panorama Park work to finish, she said.

"There are ample things to keep me busy over the next 18 months," Patrick said.

### **L.A. wants to use Kern's wind**

SARAH RUBY, Californian staff writer

Bakersfield Californian, June 11, 2005

Another Los Angeles export could be headed to Kern. This time it's urban dwellers' demand for clean energy. To meet that demand, a Los Angeles utility wants to build 80 wind turbines on blustery hilltops that ring the Mojave Desert.

The 120-megawatt Pine Tree Wind project would help the Los Angeles Department of Water and Power reach its goal of increasing renewable energy to 20 percent of overall supply by 2017.

Utility representatives could not be reached Friday for comment.

While the project has its critics, Kern's five planning commissioners unanimously approved it Thursday night. Supervisors will have the final say later this summer.

The project would power as many as 56,000 homes per year, planning documents say. It would keep thousands of tons of pollution out of the air, according to clean energy advocates.

"It could be that it's a coal power plant in your area," said Erica Lepping, spokeswoman for the Coalition for Clean Air in Los Angeles. "This is a very clean option."

But some local residents are wary.

Songbirds flying up from Central America could get caught in a turbine's massive blades, they warn. More than 30 miles of new roads will be plowed through pristine rangeland and tons of dirt moved to accommodate windmills that reach up 340 feet.

That's almost as tall as a football field is long. The rotor's diameter tops the wingspan of Boeing's new 787 Dreamliner.

And the Los Angeles utility has never done this before, said Paul Gipe, a local wind expert and author on the subject.

"This is their first major attempt," he said. "I think for their first major attempt, they ought to do it in their own back yard."

Building a good project is critical, he said, because "our opponents use what we've done in the past to stop (wind energy) from going further."

The turbines themselves would take up 425 acres of ridge line and be mounted on tubular steel towers to discourage birds from perching on them.

The turbines would be dispersed over rangeland owned by the Hansen Family Limited Partnership, most of which would stay in ranching, planners say.

"It's clearly a competent project," said Hal Romanowitz, president of the Kern Wind Energy Association. "(Tehachapi is) considered to be the most critical area to get more renewable (energy) into the grid."

County laws require wind energy producers to prove they have enough insurance or bonding to dismantle the turbines if they stop using them, said Ted James, county planning director.

The Los Angeles utility would also keep checking on bird populations to see if they're getting caught in the massive rotors, he said.

With roughly 3,500 turbines, the Tehachapi area produces 42 percent of the state's renewable energy resources, Romanowitz said.

## **Indoor air could get more oversight**

### **Planned bill would give state Air Resources Board new authority.**

By Edie Lau -- Bee Science Writer  
Sacramento Bee, Friday, June 10, 2005

Roused by a recent report that Californians' health is endangered as much from polluted air indoors as outdoors, a state lawmaker said Thursday she will push to give the state Air Resources Board the power to clean up indoor air.

Assemblywoman Sally Lieber, D-Mountain View, said the report, which was produced by air board staff members at the request of the Legislature, was "even more damning than most people thought it would be."

Lieber's comments came in an interview Thursday after a hearing on the subject by the Assembly Select Committee on Air and Water Quality, of which she is a member.

The second-term legislator pledged to pick up where former state Assemblyman Fred Keeley, D-Santa Cruz, left off. Three years ago, Keeley introduced a bill to give the air board authority to regulate indoor air. The board is known internationally for its aggressive actions to clean up outdoor air, mostly through stringent limits on motor-vehicle emissions.

Industry opposition led Keeley to revise his indoor-air bill only to require the air board to produce a study on the issue. That bill passed.

Completed in March, the study concludes that indoor air pollution - caused by numerous sources including cigarette smoke, radon, improperly vented gas-burning appliances, mold and even some devices sold as air purifiers - costs the state at least \$45 billion a year in lost worker productivity, medical care and premature deaths.

The 333-page report was based upon hundreds of scientific studies and found, among other things, that the risk of cancer from breathing toxic air contaminants, such as formaldehyde, is comparable to the risk of cancer from breathing particles of diesel exhaust outside.

Despite the hazard, no one agency in the state or federal government has the authority to regulate indoor air.

"This is a huge gap in our state programs," said Bonnie Holmes-Gen, assistant vice president of governmental relations at the American Lung Association of California.

Barbara Spark, indoor-air program coordinator for the U.S. Environmental Protection Agency's regional office in San Francisco, said many solutions to indoor air pollution are inexpensive and easy, but the public generally is unaware of the importance of the problem.

"Every time my colleagues and I walk into a school, we find many simple things that can be remedied immediately, at little or no expense," Spark said.

"A master ventilation switch may be permanently in the 'off' position. A classroom's outdoor air supply may be blocked by books or cabinets. Compost or a Dumpster may be under an air intake ... . Many school districts don't understand that good indoor air is a necessity, not a luxury, and it needs to be managed," she said.

Industry lobbyists cautioned legislators not to overestimate the risks of particular products or chemicals, whether household cleaning agents or formaldehyde in wood preservative.

Lieber pledged to introduce legislation, probably in January, that would expand the powers of the Air Resources Board to regulate indoor air, as Keeley's bill originally sought. Keeley since has been termed out of office.

"Now that the report has come back, there should be more political will," Lieber said.

## **Mower dispute blows over**

### **Deal might let state move ahead with '07 pollution restrictions.**

By David Whitney -- Bee Washington Bureau  
Sacramento Bee, Friday, June 10, 2005

WASHINGTON - The lawn mower war is over - again.

Peace broke out at a Senate Appropriations Committee meeting Thursday when Sen. Dianne Feinstein, D-Calif., struck a deal with Sen. Christopher Bond, R-Mo., that still might allow California to proceed with its new small-engine pollution rules in 2007.

Two years ago, Bond tried to stop California from adopting the new rules out of fear that small-engine manufacturers such as Missouri-based Briggs & Stratton would move their plants offshore.

That brouhaha ended with a deal in which California could proceed with its rules, but no other state could follow its lead. Instead, the Environmental Protection Agency would set new standards on small-engine emissions.

With the EPA standards about to come out, Bond proposed this week that there should be an independent study of the safety of equipping lawn mowers and other such equipment with catalytic converters.

California immediately complained that if such a study were ordered by Congress, it could take a few years, and the EPA waiver the state needs before 2007 could be delayed, if not scuttled.

Gov. Arnold Schwarzenegger also weighed in against Bond's proposal Thursday, sending a letter to Senate Appropriations Chairman Thad Cochran, R-Miss., to say he emphatically opposed it.

As the Senate Appropriations Committee met Thursday to deal with the spending bill that contained Bond's provision, Feinstein suggested as an alternative a six-month study by the EPA.

"It's a split decision," said Frank O'Donnell of Clean Air Watch. But Feinstein's office said "the safety study will be completed well before California needs its EPA waiver to implement its rule."

## **Small- engine pollution rules hit snag**

### **Environmentally friendly designs will be tested for safety before being used**

Associated Press

Published in the Tri-Valley Herald, Monday, June 13, 2005

WASHINGTON - Hope that lawn mowers, leaf blowers and other small engines will soon spew less smog has run into an unexpected roadblock - safety.

A Senate committee approved a compromise Thursday that requires federal regulators to first study the safety of more environmentally friendly small engines before requiring manufacturers to build them.

The provision, added to a big environmental spending bill, is a compromise between a Missouri Republican who wanted to put the new federal rules on hold for even longer and California lawmakers who are trying to reduce their state's smog. Environmental groups called it a setback for cleaner air standards.

After some last-minute negotiating, the Senate Appropriations Committee watered down a provision by Sen. Kit Bond, R-Mo., that requires the U.S. Environmental Protection Agency to conduct a safety study before issuing new pollution controls for small engines.

Bond says the clean-air regulations would make small engines less safe, but critics say the senator is trying to protect Briggs & Stratton Corp., the Milwaukee-based engine maker that employs more than 1,000 workers at two Missouri factories. The company has said it may close those plants if the new regulations are approved.

The committee action, on a voice vote, sends the bill to the full Senate.

Bond said catalytic converters that would be added to outdoor power tools to make them cleaner may be a fire hazard.

"I always believed the critics would come to see that this study was vital to protect the safety of consumers and prevent accidental fires," Bond said in a statement. "It just doesn't make sense to have a 1,100 degree catalytic converter three inches from your hand, as you use it in dry grass."

Under the new language, the EPA now has only six months after the spending bill is passed to complete its safety study. Bond's original amendment set no time limit.

Bond's critics say the EPA is already six months behind schedule in proposing new rules and claim the study is just a guise to further delay the process.

"No government study has ever been completed on time and there's going to be no consequences if it's not completed on time," said Frank O'Donnell, director of the environmental advocacy group Clean Air Watch. "We are just concerned this will be another excuse for delaying the cleanup of dirty small engines."

The controversy goes back to 2003, when Bond succeeded in passing a measure to prevent all states - except California - from imposing small-engine emissions rules that are more stringent than those under the federal Clean Air Act. At the time, Bond said a national standard was needed.

## **Deal protects California rules on small-engine pollution**

By ERICA WERNER, Associated Press Writer

Thursday, June 9, 2005

Published in the SF Gate (Chronicle)

California rules to reduce small-engine pollution could take effect as planned under a deal Thursday between Sens. Dianne Feinstein, D-Calif., and Kit Bond, R-Mo.

Bond had proposed bill language that California officials feared would indefinitely delay their plans to cut the massive pollution produced by small-engine machines like leaf blowers and lawn mowers.

Bond, who believes jobs in Missouri are threatened by manufacturing changes under the new rules, wanted a costly and open-ended study to prove the new, less-polluting devices would be safe and wouldn't cost jobs.

Feinstein got Bond to agree to limit the scope of the proposed study and confine it to six months, which California officials believe would give them enough time to put their rules into effect in 2007, as planned.

"I believe we can live with this," Feinstein told the Senate Appropriations Committee before the spending bill amendment she and Bond worked out passed on a voice vote.

"This is of considerable importance," she said. "California has reduced factory emissions, moving emissions, every kind of emission — we still can't meet clean-air standards."

Gov. Arnold Schwarzenegger also weighed in against Bond's proposal Thursday, sending a letter to Senate Appropriations Chairman Thad Cochran, R-Miss., to say he emphatically opposed it.

But Bond hailed the vote as a victory because the amendment would still require a federal safety study of the catalytic converters required to help reduce emissions under California's plan. And environmentalists said they feared the study could drag out and delay the state's rules.

"No government study has ever been completed on time and there's going to be no consequences if it's not," said Frank O'Donnell of Clean Air Watch.

California is aiming to slash small-engine pollution by 35 percent as it works to meet federal smog standards. The regulations would have the effect of removing 1.8 million cars from California roadways by 2020, Feinstein said.

It was the second clash between Feinstein and Bond over the small-engine issue. Two years ago, Bond tried to block California and other states from regulating engines under 50 horsepower by placing that authority exclusively with the Environmental Protection Agency.

At the time, Feinstein got Bond to agree to let California retain the right to set its own rules for the small engines. She said she was "very upset" when he raised the issue again this week.

The compromise language would still need to pass the full Senate and the House.

## **A Shift to Green**

**Driven by profit and the opportunity to shape regulations, major corporations are backing stronger measures to reduce global warming**

By Miguel Bustillo, Times Staff Writer  
LA Times, Sunday, June 12, 2005

American corporations are increasingly calling for action on global warming, sensing a business opportunity in cutting greenhouse gases while hoping to shape regulations they believe are inevitable.

Bucking the Bush administration's position that tougher rules would harm the U.S. economy, Fortune 500 companies including General Electric Co., Duke Energy Corp. and JPMorgan Chase & Co. in recent months have championed stronger government measures to reduce industrial releases of carbon dioxide, the main heat-trapping gas that scientists have linked to rising temperatures and sea levels.

This shift in corporate thinking was on display at a congressional hearing last week, where executives from large companies including DuPont Co., United Technologies Corp. and Baxter International Inc. described how they were getting an early start on reducing greenhouse gas emissions - something they believe they would be required to do sooner or later.

"People increasingly will believe that greenhouse gas emissions should be reduced and that actions should begin today to prepare for that eventuality," James Rogers, the chairman of power generator Cinergy Corp., told the House Science Committee on Wednesday. Rogers now advocates a national program to reduce greenhouse gas emissions.

The number of companies involved remains small, but it is growing, particularly in the energy sector, and is emerging as a new dynamic in the debate over the future of America's global warming policies. The U.S., the world's largest emitter of greenhouse gases, was the only major developed nation other than Australia to reject the Kyoto Protocol, an international pact to cut emissions to about 5% below 1990 levels by 2012.

Although their rhetoric is rife with references to protecting planet Earth, some of the corporations acknowledge that their newfound focus on global warming is driven by opportunity for profit. Duke Energy would like to build a new nuclear power plant, a type of electricity generation that does not emit greenhouse gases, for instance, while GE wants to expand sales of wind power turbines and pollution-control equipment.

"We believe we can help improve the environment and make money doing it," GE Chairman Jeffrey Immelt said last month in a speech at George Washington University that attracted widespread notice. "We see that green is green."

Many multinational companies, which already deal with carbon reduction regulations in other parts of the world, believe it's only a matter of time before they will be required in the U.S. Rather than resist the inevitable, they want to help shape new regulations in a way that will give them a competitive advantage.

In addition, some companies fear that in the absence of federal action, many cities and states, which already are proposing their own regulations, will create a hodgepodge of compliance standards across the country.

Those concerns were amplified this month, when California Gov. Arnold Schwarzenegger signed an executive order that pledges to reduce the state's emissions by more than 80% in the next half-century.

"We don't need a patchwork of inconsistent state or local regulations to complicate and increase the cost of compliance," Duke Energy Chairman Paul Anderson said in an April speech to Charlotte, N.C., business leaders in which he surprised the electric power industry by advocating a federal tax on the carbon content of fossil fuels. "Yet a patchwork is exactly what we are getting, due to federal inaction."

Duke, which has announced plans to acquire Cinergy, formally proposed the levy to President Bush's tax reform panel in April - an approach that critics noted would penalize Duke far less than some competitors in the electricity business that depend more on coal power.

Anderson later said that he did not think such a tax would be approved while Bush was in office.

As more businesses express an openness to greenhouse gas regulations, some politicians are attempting to seize the momentum. That is reflected in a number of amendments to the sweeping energy bill being considered by Congress that offers incentives to business.

Revised legislation by Sens. John McCain (R-Ariz.) and Joe Lieberman (D-Conn.) to establish firm limits on carbon dioxide exhaust has added hundreds of millions of dollars in subsidies for nuclear power and other types of cleaner electricity sources. More companies have expressed interest in the legislation since the subsidies were added, but have stopped short of supporting it.

An amendment by Sen. Jeff Bingaman (D-N.M.) seeks to enact the recommendations of the National Commission on Energy Policy, a bipartisan panel of experts from business, government, environmental groups and academia that recommended a less restrictive cap on greenhouse gas emissions than the one proposed in the McCain-Lieberman bill.

"Businesses don't like taxes, and they don't like uncertainty. Right now, they face a future where they will be hit with some kind of regulation on carbon, and a growing number of them are saying, if we take some actions now perhaps we can avoid stronger actions later," said Sen. Thomas R. Carper (D-Del.) who has proposed legislation to reduce carbon dioxide along with traditional smog-forming pollutants.

"There is more support for doing something than there was a year ago," Carper said. "Will there be enough to pass one of them? Anybody's guess right now."

The Bush administration, which has pursued an energy policy that heavily promotes fossil fuels, has shown few signs of altering its position on climate change, however.

"Our position is very straightforward: We need to take all aggressive actions within our capabilities, as long as they further our economic growth," said Jim Connaughton, Bush's chief environmental advisor.

Most oil and gas companies, among the president's biggest political benefactors, remain firmly opposed to toughening the administration's existing policies, which promote only voluntary reductions of greenhouse gases.

The American Petroleum Institute has been lobbying against the recommendations of the National Commission on Energy Policy, which also suggested a moderated "cap and trade" system in which companies that reduced more than their share of greenhouse gases would obtain credits they could sell to others.



A similar, less restricted market is already underway in Europe, where a ton of carbon credits was recently valued at \$25.

There is also far less momentum for global warming regulations in the House than in the Senate, backers acknowledge, making passage of any legislation unlikely.

"We're not there yet in the House, quite frankly. These businesses are way ahead of us," said Rep. Sherwood L. Boehlert (R-N.Y.), who supports a federal program to reduce greenhouse gases. The Bush administration stance "happens to be wrong," he added, but he expressed optimism that it could change as dissenting businesses become more vocal.

Advisor Connaughton said that the Bush administration opposed hard limits on greenhouse gas emissions because it believed that they would drive up energy prices, forcing manufacturers out of the country and costing hundreds of thousands of Americans their jobs.

He noted that more than 100 companies had pledged to reduce their greenhouse gases under the administration's voluntary Climate Leaders program, including IBM Corp., General Motors Corp. and Johnson & Johnson.

To more and more companies, however, the status quo is not enough.

"American industry leaders are not calling for us to adopt Kyoto, but they are growing increasingly impatient with the voluntary approach," said William K. Reilly, who served as head of the Environmental Protection Agency under President George H.W. Bush and is co-chairman of the National Commission on Energy Policy.

At the heart of the increase in corporate advocacy on global warming is a belief that the U.S. is missing a golden opportunity to cash in on the burgeoning worldwide response to the threat.

Some companies are concerned that the Bush administration's voluntary programs are too weak to encourage expanded use of cleaner technologies such as solar, wind and even nuclear power, compared with the market-based regulations now required nearly everywhere else in the developed world. Japan now leads the world in the development of solar power cells, and Europe is the top producer of wind-power machinery.

Some companies are also concerned that by failing to assert leadership on global warming, the U.S. is allowing the European Union - and a number of states around the country - to dictate how industries are expected to conduct themselves around the world.

California has already passed a law to reduce car and truck emissions of greenhouse gases, and a group of Northeastern states has begun creating its own carbon trading market to cut smokestack exhaust.

The European Union has passed rules to produce 22% of its electricity from renewable energy sources by 2010. Similar laws have been approved by 18 American states, including California.

Other companies are concerned that global warming could affect long-term supplies of natural resources they depend on.

"We think the science is pretty compelling, and it is appropriate to take action now" to reduce global warming, said Helen Howes, vice president for environment, health and safety at Exelon Corp., one of the nation's largest utilities, which participated in the National Commission on Energy Policy. "You have seen thawing in the Arctic, issues of potential rising water levels. For us, because we have a lot of nuclear plants that use a lot of cooling water, we are worried that water supplies may not be as reliable in the future."

Though some corporations are willingly stepping forward with proposals to tackle global warming, others are being dragged into the debate by socially conscious shareholders.

Evangelical and environmental investor groups, as well as state pension fund officials who together control more than \$3 trillion in assets, are pushing resolutions at shareholder meetings that seek to compel companies to disclose their financial exposure to global warming regulations.

The resolutions almost never win majority support. But in response to the pressure, many companies are choosing to develop global warming policies to head off continuing confrontations.

Some are even putting pressure on their corporate peers. JPMorgan Chase recently announced that it would ask clients that are large emitters of greenhouse gases to develop reduction plans, following similar commitments by Citigroup Inc. and Bank of America Corp.

"Two years ago, the concept of climate risk was something alien to investors. That's certainly not the case today," said Mindy S. Lubber, the president of Ceres, an organization that compels companies to embrace environmental responsibility. "Investors are raising these issues because they feel that they are affecting the value of companies, and they are raising the issues en masse. It is a good thing because it is promoting a dialogue and discussion."

## **Pollution Proliferation**

### **Landfill has its neighbors worried**

By MICHAEL G. MOONEYBEE STAFF WRITER

Modesto Bee, Saturday, June 11, 2005

It's déjà vu all over again for the Riverdale Park Tract, whose residents learned this week that pollution from the nearby Bonzi Landfill still threatens the neighborhood's air and water more than 20 years after the problem was uncovered.

The landfill's pollution woes first were identified in the early 1980s. Since then, state agencies have issued multiple cleanup orders, one as recently as April, against the landfill three miles southwest of Modesto, but the problems have persisted.

Earlier this week, Riverdale residents expressed their unhappiness with the slow progress in resolving air and water quality issues relating to the landfill.

"I have kids. I have a family here," said Mario Jimenez, who has lived in the area for 10 years. "I don't like this at all. We have to do something."

Landfill operator Steve Bonzi, in a Friday afternoon telephone interview, said he's working hard to comply with the latest cleanup orders.

"For a small landfill our size, it's not easy," said Bonzi, chief executive officer of the Ma-Ru Holding Co. Inc. and Bonzi Sanitation Landfill Inc. Partnership. "(For) myself (and) the family, we're intent on complying. We're working diligently to meet all the deadlines."

Bonzi said that when the 128-acre landfill at 2560 W. Hatch Road was opened in 1967 by his father, the late Rudy Bonzi, it was considered a state-of-the-art operation. He also noted that there were few regulations associated with its operation.

"When we first opened," he said, "there were no regulations to go by."

Since the early 1980s, Bonzi said, the landfill has invested more than \$1.5 million trying to satisfy a growing list of state rules and regulations.

"We've gotten into some situations," Bonzi said, "that are basically uncontrollable."

Kelly Murphy, president of the Riverdale Park Tract Community Water Services District Board of Directors, complained that state and county officials had left the water district out of the "communication loop" regarding continuing problems at the landfill.

Murphy, who met with concerned residents about the issue Thursday night, said he was especially concerned about a revelation that Bonzi had purposely turned off — for more than a year — a state-required water system designed to contain the underground toxic water plume.

"I'm alarmed, without a doubt," he said. "That's criminal, in my opinion."

### **'Volatile organic compounds'**

Bonzi said the specialized water system was beset with a number of "high maintenance" issues during the past five years, which eventually caused him to shut it down.

"It cost me about \$130,000 to get it running again," he said, adding that the system has been running on a 24-hour, seven-day-a-week schedule since early May.

Murphy said he was unaware of the latest cleanup orders — issued against the landfill by the state's Integrated Waste Management and Regional Water Quality Control boards — until he saw a story in Wednesday's edition of The Bee.

"I was shocked. I almost fell out of my chair reading that," Murphy said. "Our water district supplies the community with water. Our well sits right in the path of that (toxic) plume."

Testing conducted over the past 20 years shows tainted groundwater and surface drainage moving generally north and northwest from the landfill, cutting below and across a corner of the Riverdale Park Tract before entering the Tuolumne River.

Potentially harmful chemicals such as vinyl chloride, and trichloroethylene, trichloroethane and benzene (all components of gasoline), have percolated into groundwater beneath the landfill at least since 1983.

Those substances are commonly referred to as "volatile organic compounds" and can cause health problems when mixed into water supplies or released into the air.

### **Concern about radium, nitrates**

State-required monitoring wells at the landfill also have turned up varying concentrations of other potentially toxic substances such as barium, chromium, vanadium, manganese, nickel and zinc.

One woman interviewed by The Bee said her drinking water has an oily taste. When she boils water for tea, said the woman, who refused to give her name, she skims an oily film off the top of the cup before adding her tea.

Murphy said water testing done at the woman's home failed to identify the substance, which he theorized could be manganese.

Sahara Gontiz, 17, another Riverdale Park Tract resident, also complained about the way the water tastes. Her home is directly across the street from the landfill.

Water from the well at the Veterans of Foreign Wars Memorial Hall Post 3199 — on Hatch Road, just west of the Riverdale Park Tract — also is tainted and requires special charcoal filtration, paid for by Bonzi in 1997, before it can be consumed.

VFW member Maurice Dickson, the hall's caretaker, said the facility's well water is scheduled for testing next week.

Murphy said he had been in contact this week with both state and county officials.

He said the water district would be sending 12 months worth of water samples and testing data to the state for further analysis.

Murphy took umbrage with a statement made by Sonya Harrigfeld, director of the county's Department of Environmental Resources, that people living in the Riverdale Park Tract shouldn't worry about their water.

Harrigfeld said recent testing found no evidence that volatile organic compounds had contaminated Riverdale's well-driven water system.

Murphy, however, said there is growing concern about radium and nitrates in the water system, whose concentrations were showing signs of trending upward.

"We're not in the danger zone yet," he said, "but we're definitely flying a (warning) flag."

## **Key Chevron-Unocal pact**

### **FTC ends merger opposition following accord on patents.**

By Dale Kasler -- Bee Staff Writer

Sacramento Bee, Saturday, June 11, 2005

Surrendering a potentially lucrative asset to win government approval for their merger, Chevron Corp. and Unocal Corp. on Friday gave up a group of controversial Unocal gasoline-formula patents that could have driven up California gasoline costs by \$500 million a year.

The Federal Trade Commission approved the patents settlement and dropped its objections to the \$18 billion Chevron-Unocal merger.

The patents, obtained by Unocal in 1994, were already costing California motorists about a penny a gallon, said industry consultant David Hackett. If Unocal had fully enforced the patents, they could have inflated California gas prices a total of 5.75 cents a gallon, or \$500 million a year, according to the FTC.

"It's good news for consumers," said Hackett, of Stillwater Associates in Irvine.

The settlement concludes a decade of litigation over the Unocal patents on gas formulas adopted in the early 1990s by the California Air Resources Board.

State officials, the FTC and Unocal's rivals had accused El Segundo-based Unocal of hoodwinking the Air Resources Board into adopting clean-air fuel specifications that dovetailed with formulas Unocal was secretly patenting. The FTC, in a complaint filed in 2003, accused Unocal of "fraud" and "patent ambush."

Unocal always argued that it didn't do anything wrong and that the financial impact of its patents wasn't nearly so great.

The proposed merger, announced in April and still pending, brought things to a head. Unocal no longer refines and sells gasoline. But San Ramon-based Chevron does, and its size and heft made it even more unacceptable to regulators to let Chevron take possession of the Unocal patents.

Chevron's ownership "likely would result in even greater competitive harm ... than would occur if the patents remained in Unocal's hands," the FTC said.

Chevron could have used the patents to collude with other refiners and marketers, "to the detriment of consumers," the FTC said.

Because several other states use similar gas formulas, the effect would spread across the country, the FTC said.

David O'Reilly, Chevron's chairman and chief executive, called the settlement "a positive step for America's gasoline consumers."

Air Resources Board spokesman Jerry Martin called the settlement "a pleasant turn of events in what has really been an unfortunate situation." But he added that state officials won't celebrate until the Chevron merger is done and the patents officially go away.

The dispute began when the Air Resources Board consulted with oil companies and automakers on a new generation of cleaner-burning fuels in 1990.

As part of that effort, Unocal submitted key findings discovered by a pair of company scientists working at a lab in Brea. The Air Resources Board incorporated much of Unocal's work into a new fuel recipe that was announced in 1991.

Then, in 1994, Unocal obtained the first in a string of patents on its formula. By that time, refiners were already retooling their facilities to comply with the Air Resources Board specifications.

The FTC accused Unocal of double-crossing California. It said Unocal had supplied the test data as part of a collaborative effort that included other oil companies - and wasn't allowed to patent the information.

Unocal has said the collaborative process didn't prevent it from patenting the fruits of its own research. The company also argued that it wasn't obliged to tell the Air Resources Board or anyone else that it was seeking patents.

The economic impact soon became clear. In 1997 a U.S. District Court jury in Los Angeles said six major refiners, including Chevron, had to pay Unocal around \$91 million for patent infringement for a four-month period in 1996, when the new specifications took effect. The verdict put the patents' worth at 5.75 cents a gallon, and the FTC estimated they would cost California motorists around \$500 million a year.

Consultant Hackett, though, said the other refiners had learned how to "blend around" the patent and still comply with the Air Resources Board's standards.

The patents still have had an impact. "Blending around" adds complexities to the refining process and has probably cost Californians about a penny a gallon, or \$150 million a year, Hackett said.

The settlement gives refiners the ability to blend gas to California standards as they wish, without fear of violating Unocal's patents, Hackett said.

The settlement means Unocal will drop additional lawsuits it has filed to collect damages for later time periods.

It also means Unocal, once the merger with Chevron is complete, will stop collecting royalties from other refiners around the country that had signed license agreements with Unocal to avoid being sued. Unocal spokesman Barry Lane wouldn't say how much the company has collected in such royalties.

The FTC said the deal cleans up a festering controversy. "Unocal is making good on a promise" made when it supplied the test data to the Air Resources Board, said FTC senior staff attorney Chong Park. "People took them at their word and now they're finally forced to make good on their promise."

While Chevron and Unocal's eagerness to get their merger approved was the key factor in the settlement, Park and Hackett said it was becoming clear that the Unocal patents might not survive much longer anyway.

The FTC, in its complaint, was seeking an order barring Unocal from collecting any more money on the patents. The U.S. Patent and Trademark Office, prodded by Unocal's rivals and California officials, is re-examining the patents.

"It wasn't at all clear that Unocal was going to get one more dime out of it," Hackett said.

The merger still needs approval of Unocal shareholders.

Chevron stock closed at \$56.30, up 29 cents, while Unocal gained 5 cents to \$60.24, both on the New York Stock Exchange.

## **Visalia zoning changes studied**

### **High land costs have led to smaller lots, homes, apartment complexes.**

By Tim Sheehan / The Fresno Bee

Monday, June 13, 2005

VISALIA — With rising real-estate prices leaving many local would-be home buyers in their dust, city officials want to revamp zoning rules to cope with creative new developments being planned by builders.

For decades, the typical home in Visalia has been built on property zoned R-1-6, a code that denotes single-family residential with a minimum lot size of 6,000 square feet, said Fred Brusuelas, Visalia's city planner. At the same time, the city's RM zones — for multifamily residential — have generally been built as apartment complexes.

Such traditional homes and apartments are the types of development for which current city standards and policies are designed.

But the times are a-changin', demanding that the city change with them, said Brusuelas, who joined the city's planning staff in April. Smaller lots and smaller homes that were once eschewed by builders and would-be buyers are becoming more popular in response to soaring land costs.

And some developers are moving away from typical multifamily apartments in favor of duplex, fourplex and other units that can be sold to buyers rather than rented to tenants.

"I don't know if we're prepared to address the innovative and creative ways of putting new housing on the market," Brusuelas told the Visalia City Council last week. Without comprehensive standards by which planners can judge a project, he said, "these require a deviation from the current standards."

"We're seeing more projects that are a little more challenging," City Engineer Andrew Benelli added.

City Manager Steve Salomon said the lack of standards that address new styles of development leaves the city at risk for problems. "The staff doesn't have the ability to say no to some of the things you want them to say no to," Salomon told the council.

Brusuelas and Benelli successfully encouraged the Visalia City Council last week to move forward with an update to the city's development standards to address the issues that small lots and multifamily housing bring:

More cars to park and more traffic on neighborhood streets.

More homes putting a greater demand on city services such as sewer, police, fire and public works.

More trash containers on the streets limiting the parking on trash-collection days.

The loss of individual front and back yards for homeowners and, in multiple-family areas, the loss of common areas maintained by a property manager.

Benelli, Brusuelas and Community Development Director Michael Olmos are expected to return to the City Council on June 20 with a recommended framework of new standards for the new styles of housing.

Once that framework is approved by the City Council, a community task force will work over the next three months of fleshing out detailed policies for what is acceptable development.

What the city hopes to head off with updated standards are small-lot subdivisions created as investment commodities rather than as well-planned neighborhoods. City officials don't want to close the door to small lots, Brusuelas said, "but we're not as prepared as we should be to guide that type of development to ensure 'liveability.'"

"I liken the situation to trying to tune the car as you're driving down the freeway," he added. "We need these standards yesterday."

The numbers are hard to ignore. Last year, Visalia issued building permits for more than 1,100 single-family homes — a record for the city — with an average construction value of nearly \$175,000. That record building pace is continuing in 2005, with more than 560 permits issued in the first five months.

But as in other Valley cities, the price is going up. The 99 homes for which building permits were issued in May 2005 carry an average value just shy of \$200,000.

"Developers are challenged by the cost of land and that they have to pass on that cost to the buyer," Brusuelas said. "They're looking for ways to keep a product out on the marketplace that people can afford."

That means developers have to reduce their costs in some way — either by reducing the size of the lots or reducing the size of the dwelling.

"I would say at one time there wasn't a strong market demand for small lots," Brusuelas said. "It's the nature of the housing costs that are changing the marketplace. People are looking to find suitable housing, [and] the housing costs are determining what kind of product they are buying."

Brusuelas expects Visalia to see what other metropolitan and suburban areas of the state are seeing: subdivisions with lot sizes of about 3,000 square feet and homes between 1,500 and 2,000 square feet.

"They're typically two-story so that you can fit something that size on the lot and still give some small yard space," he said.

In such neighborhoods, he added, small parks can help make up for the loss of usable backyard space for residents.

In the multiple-family zones, where larger lots have been intended for apartments, some builders are instead subdividing into ultra-small lots, or building and selling individual units in four-, six- or even eight-plex buildings. There, the loss of common areas, parking and even effects on trash pickup are more acutely felt.

"If you have a street of duplexes and fourplexes," Benelli said, "you may find too many trash containers lining the street for cars to park, or you've got containers and cars and no room on cul-de-sacs for our city trucks to maneuver."

The pressure on developers and builders to be creative is likely to continue.

"It's a trend that's occurring throughout the Valley, between Stockton and Bakersfield," Brusuelas said. "The issues being faced in Visalia are being faced by other cities in the Valley. ... This is just about the last bastion of affordable housing in California."

## **Port fees may ease area highway traffic**

### **Plan by Long Beach, L.A. terminals to encourage weekend, night loading likely to cut rush-hour hauling.**

By GREG BAUMANN

Bloomberg News - Published in the Orange County Register

Saturday, June 11, 2005

The ports of Los Angeles and Long Beach, adjacent terminals that ship more cargo than any other harbor in the United States, are encouraging truckers to load at night and on weekends to reduce traffic and air pollution.

PierPass, a group formed by marine terminal operators, agreed Tuesday to implement an off-peak program that will double trucking hours and assess a daytime fee.

That will take some of the 6 million truck trips generated each year by the harbors off the road during rush hour, said Port of Long Beach spokesman Art Wong.

"Many of these trucks toward the end of their route would hop off the 710 freeway and cut through my communities," said Los Angeles Councilwoman Janice Hahn, who represents the area around the port. "Sometimes, they crack sidewalks or zoom through school zones."

The plan, the first of its kind in the nation, takes effect July 23. It is expected to reduce rush-hour truck traffic by as much as 55 percent, Hahn said. Commuters in the region waste more time, fuel and money in traffic than those in any other part of the country, the Texas Transportation Institute, which studies U.S. traffic, said in a May report.

"The commuters out there, on Interstate 10, the 15 and the 60, are screaming for some relief," Hahn said. Trucks idling in traffic and long lines at the port also spew pollution into local neighborhoods, she said.

Los Angeles traffic was an issue in last month's mayoral election, in which Antonio Villaraigosa defeated incumbent James Hahn, the city councilwoman's brother. Villaraigosa supported the plan for the ports, which helps make international trade the second-biggest contributor to Southern California's economy after tourism.

Villaraigosa is pushing for synchronized signals, reversible lanes and a construction ban during rush hours to ease traffic, he said in a June 3 interview.

The cost in time wasted and fuel burned because of Los Angeles' heavy traffic rose 32 percent to \$10.7 billion in 2003 from 1993, said the Texas Transportation Institute.

About 13 million containers went through the ports last year, and volume may increase 10 percent a year, Wong said. About 80 percent of the cargo was shipped by truck, while 20 percent went by rail.

Last October, ships waited as long as 10 days to be unloaded at the ports. Companies including Nike, Hewlett-Packard and Liz Claiborne this year are diverting shipments to other harbors, using the Panama Canal or sending goods by air to avoid delays.

Councilwoman Hahn, 53, pushed the ports, which lie in separate jurisdictions and are administered by the cities of Los Angeles and Long Beach, to find ways to expand trucking hours after a trip to Asia two years ago, she said.

"I looked at Asian ports that operate 24 hours a day, seven days a week," she said.

The trucking hours at the ports of Los Angeles and Long Beach will be expanded to 91 hours a week from 45 currently, according to PierPass.

Fees will be levied when trucks load between 3 a.m. and 6 p.m., said Paul Sherer, a spokesman for the group.

[Letter to the Editor, Fresno Bee, June 13, 2005](#)

### **Progress on air**

In his letter (June 6), Cal Crane takes comments by Valley air district officials out of context to justify his opinion of the agency. During a May meeting of the district board, two representatives commented about specific, measurable improvements in air quality. Mr. Crane erroneously asserted that air district officials dismissed the health impacts of air pollution.

Over the past 15 years, the Valley has made great progress toward meeting the federal standard for particulate matter 10 microns and smaller (PM10). Because of local control measures, residents' efforts and other emission reductions, no violations of the PM10 standard have been recorded in two years. The Valley, therefore, is only months from meeting the standard.

This should be lauded. Mr. Crane would have readers believe that the comments regarding PM10 improvements were intended to dismiss the seriousness of other pollutants, which they were not. In fact, the district has adopted or amended more than 500 rules to reduce particulate and smog-forming emissions.



The district is committed to improving air quality in the Valley and will continue pursuing opportunities to do so, while recognizing the air basin's progress.

Dave Crow  
Air Pollution Control Officer  
San Joaquin Valley Air Pollution Control District

[Modesto Bee, Editorial, Sunday, June 12, 2005](#)

### **A call to the public to raise the alarm**

By JEFF JARDINEBEE, LOCAL COLUMNIST

We live here, we work here, we play here.

It's home.

So it's hard to see the valley for what it really is: One big Superfund site in the making.

Despite repeated warnings by forward-thinking and concerned individuals over the past several decades, polluters have been allowed to pollute. Money talked. Some companies did — and still do — as they please, the earth and skies be damned.

As a result, our air is among the worst in the nation, with roughly 53,000 Stanislaus County residents suffering from some type of respiratory disease. It's gotten so bad that some schools now use colored flags to rate the risks caused by bad air quality.

The state wants Stanislaus County to grow housing instead of vegetables, bringing more people and more cars to an increasingly clogged and polluted region.

It hardly paints a pretty picture. So I didn't find it surprising that in the past week alone, the environment and polluters have made headlines:

Bee reporter Todd Milbourn's story on the tallow plant today offers a prime example of a business that has been told time and time again to stop the stink. It's dumped waste that ultimately went into the Tuolumne River. It's ignored at least \$765,000 in fines. It's behind on its taxes. Yet the odor is as rank as ever in south Modesto.

So what if tallow plant officials warned the county decades ago not to allow development around the plant?

There are days when the smell permeates the air downtown and in neighborhoods that aren't in south Modesto. It goes with the wind.

Hilmar Cheese plans to send its wastewater deep into the earth after being fined \$4 million by the state for polluting violations. The plant skated by for years, until the Sacramento Bee's investigation forced the state to do something. Gov. Schwarzenegger had rewarded the company for its \$21,000 campaign contribution by naming Chuck Ahlem, a co-owner, undersecretary of agriculture. He resigned that position when the fine finally was levied.

The Bonzi Landfill was told in the mid-1980s to stop polluting the air, along with the groundwater beneath its facility southwest of Modesto. It's still polluting, according to the state's Regional Water Quality and Integrated Waste Management boards. The agencies, which made similar accusations in 2003 and 2004, threaten to impose fines or even suspend the landfill's permit if actions aren't taken by the end of November.

Piles of dirt along Highway 99 contain barium from the old FMC plant in Modesto. Worse yet, the state actually paid FMC for the dirt, which was supposed to be used as bedding when they built the freeway in the early 1960s. Now, when Caltrans wants to reroute Highway 132, the contaminated dirt piles are an issue.

Air pollution officials have embarked on another campaign to limit pollution in the valley, where the air is considered among the nation's worst.

Pollution in the valley is by no means a recent phenomenon.

In Modesto, contaminated wells had to be taken out of use and a recent spill sent 100,000 gallons of raw sewage into Dry Creek.

The city is suing companies who made a chemical used by dry cleaners, who then dumped the waste into the city's sewers. The city claims the chemical, known as PCE, damaged the pipe system.

In Riverbank, the Army Ammunition Plant is on the Environmental Protection Agency's Superfund list for groundwater contamination.

And who could forget the Westley Tire Fire — or the Spare the Air days — of 1999? That environmental disaster cost more than \$16 million to clean up, and 11,000 people who claim that they were exposed to chemical smoke are part of a class-action lawsuit that hasn't gone to court yet.

This sorry act isn't limited to companies, however. Stanislaus County crews pick up roughly 5,000 tires, 165 refrigerators and thousands of lead-bearing cathode ray video monitors among the 10,000 or so items dumped by lowlifes along the county's roads and streets each year. Have you noticed the growing dumpsite in an orchard at the north end of Coffee Road?

Whether it comes from gross polluting companies, the growing number of vehicles on our roads or simply garbage dumped along the roadsides, our valley has some serious environmental problems. They can only be addressed if people demand action, for their health and for the future generations.

Yes, the politicians and bureaucrats with the power to enforce the laws will listen if, despite your wheezing and hacking, you speak loudly enough. And if you don't believe you can make a difference, consider this:

Public outrage stopped Stanislaus County officials from expanding the Fink Road Landfill into a megadump that would have taken in most of the garbage in Northern California and beyond.

It took a newspaper's investigation to force the state to penalize Hilmar Cheese.

If it takes public pressure to get government to do its job, it's well worth raising a stink.

[Editorial, Merced Sun-Star, June 11, 2005](#)

### **Our View: Fighting against a fuel additive**

In the face-off between California and corn belt states over ethanol, California lost again this month. Federal officials concede that the corn-based fuel additive can increase smog and soot pollution from vehicles. But in a ruling shocking in its disregard for public health, the U.S. Environmental Protection Agency refused for a second time to scrap the rule requiring California to blend ethanol in its gasoline.

Wintertime use of ethanol helps to reduce carbon monoxide pollution. In summer, however, ethanol in gasoline increases NOx and hydrocarbon emissions, major components of toxic smog that aggravates asthma and other respiratory diseases and can lead to premature death. It also increases the formation of tiny soot particles that can lodge deep in lungs.

California wanted a waiver from the EPA so that gasoline sold in the state would not have to contain ethanol during the summer.

The EPA conceded that California air quality officials are right about ethanol's polluting effect in summer. Nonetheless, in its tortured ruling, the federal agency said California had not "clearly demonstrated" that the ethanol requirement would delay or interfere with the state's ability to meet federal clean air standards. Incredibly, the ruling said that if California had demonstrated that the ethanol rule prevented the state from meeting clean air standards, the EPA "would deny the waiver." Why? "The reduction in the use of ethanol would undermine the potential benefits vis

a vis energy security and support for rural and agricultural economy that Congress expected..." from its ethanol rule.

In other words, to the EPA regulators, the economy of the farm belt states matters more than the lungs of California residents. The ruling is not just an assault on public health but on California's economy as well. According to scientists at the California Air Resources Board, because other gasoline components are removed when ethanol is added, in the end ethanol does not increase the volume of gasoline that can be produced in summer, the state's peak driving season. Even worse, because ethanol has lower energy content than the gasoline it displaces, it reduces fuel economy by about 2 percent.

The EPA ruling's effect is to increase payouts to one special interest, Midwest corn producers. For that California endures higher gasoline prices and dirtier air.

California cannot afford to let this assault on public health, fairness and common sense stand. U.S. Sen. Dianne Feinstein, D-Calif., has persuaded the Senate Energy Committee to add a clause in a pending energy bill that would exempt California from the ethanol rule during summer months. All the state's elected officials should join her in that fight.

[Tri-Valley Herald, Editorial, Monday, June 13, 2005:](#)

### **California steps forward to combat global warming**

GOV. Arnold Schwarzenegger recently issued an executive order setting targets to reduce California's greenhouse-gas emissions linked to global warming.

The standards for reducing such emissions, which are mostly carbon dioxide, call for vehicles, power and industrial plants to reduce pollutants to 2000 levels by 2010, 1990 levels by 2020 and 80 percent below 1990 levels by 2050.

The goals are not nearly as rigid as those adopted by the Kyoto Protocol signed by 140 nations - but not America - or an Assembly bill sent to the Senate. That legislation is more aggressive, calling for reductions of pollutants to a level 7 percent below the 1990 levels by 2010 and 10 percent below by 2020.

The most important things Schwarzenegger's act does is officially give notice that California acknowledges that global warming exists and is a threat to the world, and acts on it. The standards are, however, low when you consider that the U.S. is the leading emitter of greenhouse gases and that California, its largest state, ranks 10th - exceeding most other nations in the world.

Global warming is controversial. Some people don't even believe it exists. But the growing scientific conclusion is that man is the main contributor to air pollution, which threatens our health and way of life. A multitude of ailments are spawned by air carrying soot, dust, smoke and other damaging particles produced by man's activities on Earth.

You don't have to be a full-blown believer in the causes of pollution and effects of global warming to appreciate the fact that lowering the former and curbing the latter will have health benefits for all of us, including our children and grandchildren.

It is imperative that California, as America's largest, most progressive state, acknowledge its role in global warming and do something about it. The standards Schwarzenegger set are certainly not rigid enough given the fact that another 8 million to 10 million people, and a half million vehicles per year, will be added to our population by 2025, pushing us toward 50 million people.

It is, however, a start, formal recognition of global warming and the contribution of greenhouse gases to that problem. What we'll have to do is upgrade those standards as we go along - and certainly prior to 2025. But at least we're headed in the right direction.

It's a first step, not the end.

[Tri-Valley Herald, Commentary, Saturday, June 11, 2005:](#)

## **Port pollution must be reduced**

Tim CARMICHAEL and Margaret GORDON

THE Bay Area was under a microscope last weekend as world leaders visited for World Environment Day. However, one of the most serious challenges to our health, usually invisible, may have escaped their eyes: toxic air pollution from seaports and cargo movement. Cargo movement, locally and globally, relies heavily on dirty diesel engines, a major source of toxic air pollution. The problem grows every day.

Diesel exhaust causes cancer, respiratory illnesses and even premature death. Every day, each diesel ship entering the Port of Oakland generates as much air pollution as 62,500 cars. Every day, some 11,000 diesel trucks serve the port and drive through Bay Area communities.

This number is expected to double - to 22,000 - in just five years, although our area is already the second most congested in the nation.

Too often, low-income families and/or communities of color live, work, play and breathe near the port and freeways. Wind also puts those living far from the port at risk.

Bay Area air is unsafe to breathe, says the state, because of cancer-inducing particulate matter and smog-forming emissions. Last year, according to the Union of Concerned Scientists, we spent nearly \$3.7 billion on health impacts from diesel pollution exposure, such as heart disease, asthma, bronchitis and premature death.

When Gov. Arnold Schwarzenegger took office, he promised to cut air pollution in half by 2010. Today, it is still anyone's guess how he will do so. A promise alone won't improve the health of anyone living or working near freeways or ports.

The West Oakland community, for example, sits just a couple miles from the Port of Oakland, and is surrounded by not one, not two, but three freeways (580, 880 and 980). One out of every five children or adults in West Oakland has asthma, nearly 40 percent of residents has no health insurance, and the only neighborhood health clinic has limited hours of operation.

Port workers such as independent truck drivers, who make less money than all other truck drivers, drive old trucks that expose them to toxic, black, diesel fumes for over 12 hours each day.

The governor must support legislation to clean up the ports and have the Air Resources Board immediately develop measures to meet his 50 percent reduction promise.

Oakland can be a global leader for other port communities with the same problems. Cost-effective technology, such as cleaner fuels and engines, can be used to cut diesel pollution. And, instead of generating toxic diesel exhaust all day while at dock, ships can "plug-in" to docks to get power, without all the harmful pollution.

There is opportunity for action at the local level, too. The fate of 170 acres of land, under the city's control, remains up in the air. Oakland can and should use the Army Base redevelopment, through equitable land swaps and relocation incentives, to forever improve the quality of life for tens of thousands of hard-working citizens. Port-related industrial activities can and should be relocated to the port. Not again in our lifetime will we have such a chance to ensure that houses no longer share property lines with incinerators or chemical manufacturers.

Perhaps one day, the Bay Area can host world leaders and at the same time declare that our air is safe to breathe.

*Tim Carmichael is president of the Coalition for Clean Air, and Margaret Gordon is the outreach organizer for the West Oakland Environmental Indicators Project.*

[Modesto Bee, Editorial, Monday, June 13, 2005](#)

## **Oakdale is wise to wait on more building plans**

The Oakdale City Council decided last week, on a 3-2 vote, not to entertain major new development proposals for a year, while planners complete work on some of the planning projects already under way. We think that's a good move.

Other valley cities have had similar pauses. These aren't moratoriums, because building permits are being issued and houses are going up. Rather, these are slowdowns to assure good planning, to avoid some of the mistakes of the past. Consider:

In March, the Riverbank council decided to start requiring developers to show, via master plans, how their projects could be developed without burdening sewers and other public facilities.

In January, the Modesto council decided not to put any sewer-extension proposals — referred to as Measure M advisory votes — on the ballot this November until master plans are completed for water, sewer and storm drainage systems.

Last year, the Turlock council took a breather from designating new land for construction because of concerns about how to pay for ongoing services, such as police and fire.

Out-of-town developers are knocking at offices all over Stanislaus, carrying big ideas for the West Side. But county officials first want to resolve issues in Salida, where growth has come to a standstill over issues such as water, roads and how to pay for ongoing expenses.

These kinds of wait-and-study approaches are not only appropriate, they are in some cases long overdue. They don't reflect an anti-growth sentiment, but rather a recognition that good planning takes time and the valley already is deficient in roads and plagued by [smog](#).

Even with these deliberate slowdowns, building continues at a snappy pace. While Oakdale won't be considering new annexations for a year, there are more than 1,100 homes in the pipeline in two specific planning areas previously approved.

The valley's frenzy of home building is driven not only by developers and home-buying demand, but by land owners who can fetch \$250,000 to \$300,000 or more per acre for their property. We don't blame them for wanting to cash in when the market is hot, but it is the responsibility of the elected and appointed officials to see that the growth can be accommodated without placing additional burden on other residents.

Pushing the pause button on major new developments is not only an acceptable option, it is the best choice in the long run.