

Air-quality fee causes furor

Builders argue 'bad science' behind plan to cut pollution

by Garth Stapley

Modesto Bee, Monday, Oct. 24, 2005

A coalition of builders, businesses and anti-tax groups is mounting a last-ditch campaign to block a proposed air-quality fee on most new buildings, including homes, from Stockton to Bakersfield. National interests are watching closely because the controversial fee would be the first of its kind adopted by a large air district and might serve as a model elsewhere.

"We're getting calls from the BBC (British Broadcasting Corp.), USA Today — things that didn't happen here before," said Tom Jordan, project coordinator for the San Joaquin Valley Air Pollution Control District.

His agency long has wrestled to develop what is called indirect-source rules allowing the district to collect money from growth. Though construction doesn't dirty the air much, it indirectly adds to pollution by creating growth, the reasoning goes.

More people, more cars, more air pollution.

And soon, more fees — to help reduce pollution, air officials hope.

They spent two years refining a complex formula for figuring the groundbreaking fee. If air district board members adopt it Dec. 15, builders would start paying in February.

Activists say the fee doesn't go far enough, but they generally are content that a public agency might finally require air-quality accountability from growth.

Critics contend the formula relies on arbitrary numbers. They argue that one segment of society — construction — should not be expected to fix problems contributed to by most others. And they say families could be priced out of the housing market.

One estimate suggests the fee could come to \$4,000 on a new home by 2010 and that the air district could get \$400 million over the same time frame.

"The building industry is not against cleaner air and a plan that reasonably applies good science," said Modesto's Bill Zoslocki, president of the Building Industry Association of Central California.

"But this bad science has pushed us into a corner."

Backing the group are the Modesto Chamber of Commerce, the Hispanic Chamber of Commerce of Stanislaus County, Escalon Mayor Ed Alves, the Howard Jarvis Taxpayers Association and the California Taxpayers Association, among many others.

"We recognize there is a cost to doing business," said Joy Madison, the Modesto chamber's president and chief executive officer. "But we're looking at a disproportionate tally against business."

The fee formula relies on guessing how much pollution could be created by a new building and those who visit it. All projects would get points for progressive measures, reducing or even erasing the fee.

For example, developers would get credits for energysaving double-pane windows and solar-powered panels and for building close to public transportation.

But Carla Walecka, a Southern California building industry consultant, said the methodology is unfair.

Wealthy developers would have little trouble hiring experts to justify lowering their fees, she said. Small builders, though — those most likely to tackle infill projects instead of contributing to sprawl — could find themselves at the mercy of the district's unreasonably high default numbers, she said.

The air district's Jordan agreed that charging builders might not seem fair. But that's the law, he noted.

Federal officials started clean-air efforts in the 1970s, followed by numerous attempts to address indirect-source pollution on several levels. They include California's Clean Air Act of 1988 and Senate Bill 709 adopted by the state Legislature two years ago, both requiring air districts to come up with such fees.

Zoslocki said, "Let's get the law fixed, and everyone get in the boat instead of just one industry with an oar in the water trying to fix things for everyone."

That's nonsense, said Manuel Cunha Jr., president of the Nisei Farmers League in Fresno.

Builders were nowhere to be found, he said, when officials adopted air quality rules addressing wine fermentation and farming dust.

"Everybody has to be a part of it," Cunha said. "If the building industry believes they don't have any part in new houses and warehouses creating cars, they're absolutely mistaken."

Agrarian groups such as the California Cotton Ginners and Growers, the California Grape and Tree Fruit League, and California Citrus Mutual agree that it's time builders step up to the plate.

On the opposite side, the Stop the Air Board Tax Coalition's long roster of supporters lists the Stanislaus County Farm Bureau. Its executive manager, Wayne Zipser, appeared with coalition representatives at a meeting with The Bee, but he changed his position afterward. Zipser said his group's land use committee opposes the air district fee, but his board of directors has not taken a position. He said he would demand that the coalition remove the Stanislaus County Farm Bureau from its literature.

Kathryn Phillips of Environmental Defense, a national nonprofit dedicated to environmental advocacy, said the coalition "wants to get everyone stirred up. They're running a full-blown media and public information campaign. They want to get as many people as possible representing their interests, and they're doing it not by negotiating but by scare tactics."

For instance, the coalition's criticism of the air district's fee formula is misplaced, Phillips said. "It is a science-based, quantitative way of figuring out what emissions are caused," she said.

If anything, the proposed rule isn't strong enough to keep the valley's air from deteriorating, Phillips said. For example, the rule seeks to reduce an autocaused pollutant 4.1 tons per day; vehicle emissions are expected to increase 25 tons per day by 2010.

"(Activists) think they could make some of it more stringent," said Phillips, who wrote a 30-page report this year on the district's proposal. "But in general, we think the district has done a good job of establishing a framework."

The pioneering framework is why all eyes will be on the San Joaquin Valley Air Pollution Control District's Dec. 15 board meeting.

"When you talk to local builders on the side, they don't seem to be as wound up as you would think," Jordan said. "This issue has been taken up by the state BIA and their national folks because they're concerned about the precedent. We've gotten more input from people outside the valley than from within."

The rush is on for wood heat

Fears of high natural gas prices fuel trend

By Robert D. Dávila -- Bee Staff Writer
Sacramento Bee, Sunday, Oct. 23, 2005

Despite lingering sunny days and temperatures topping 80 degrees in Northern California, fears about higher natural gas prices are fueling a rush for alternative ways to stay warm this winter. Many homeowners are getting back to the basics with wood, investing \$1,500 to \$5,000 or more on efficient fireplace inserts and heating stoves. Preseason sales in the Sacramento area are booming, dealers said, resulting in a backlog of some orders that won't be available until December or January. "Usually, people wait until the first big rain and cold front comes through," said owner Mitchell Heller of Custom Fireside in Foothill Farms. "But we're going to be probably up 30 percent in sales this month, and it's almost entirely being driven by what's happening with gas prices."

The trend is rippling through firewood lots, where homeowners are stocking up early in a scramble not seen since the run-up to Y2K, the millennium scare, vendors said. Customers are shelling out at least \$50 more than last winter for a cord of seasoned oak or almond, a stack of wood that measures 4 by 4 by 8 feet. Prices are expected to go even higher as temperatures fall. "The early birds are always the ones that get the best prices," said Jeff Hadden of NPC Firewood. "Some people who would normally buy a third of a cord are buying a full cord."

Pacific Gas and Electric Co., the primary provider of natural gas in Northern California, has forecast bills will rise 40 percent to 50 percent over last winter, mainly because of recent hurricane damage to Gulf Coast suppliers. Many residents already are feeling the pinch, with average bills 41 percent higher this month than in September, PG&E said.

The increase has some residents looking for ways to stay comfortable without firing up the furnace. Many are updating the traditional hearth, heating a single area or zone in the house while closing off unused rooms.

Neal Sequira, 77, spent about \$3,000 this month on a wood-burning fireplace insert for his West Sacramento home. The closed metal box produces fewer emissions and heats more efficiently than traditional open fireplaces, which send most of the hot air up the chimney.

The retired electrician and his wife, Eldean, 75, hope to have the firebox fully installed in time for a family gathering at Thanksgiving. The couple looks forward to saving on fuel costs and shedding the jackets and blankets they wear to stay warm when the weather turns cold.

"I went over to my neighbor's house last year, and he has one," Neal Sequira said. "It will darn near drive you out of the room, it's so warm."

Fears of higher energy costs have sparked unusually early sales of inserts and stoves throughout the Sacramento region, dealers said. In Orangevale, Sierra Fireplace & BBQ sold more equipment in August than it normally does in November, owner Bob Capron said. "We're seeing an extremely large volume of business, three times as much as normal," Capron said. "We're selling more than we ever have before."

The biggest sellers are stoves that burn pellets made of compressed lumber scraps sold by the bag. Like inserts, pellet stoves burn more efficiently and cleanly than open fireplaces, vendors said. Pellets also are easier to ignite and produce less ash than firewood, although the stoves require electricity to operate and can be noisy.

But booming demand nationwide has hurt the availability of pellet stoves in California showrooms, local dealers said. Major suppliers shifted the bulk of their inventory East, where residents face even higher heating costs this winter. Most manufacturers "are sold out for the rest of this year and through February for production," said senior salesman Keith Bond at Young's Fireside Shop downtown.

In Sacramento, some popular stove models won't be available for delivery until December or January, retailers said. Many fireboxes remain in stock, although inserts fueled by natural gas can be a hard sell, Bond said. "I try to tell people that if you're zone heating, a gas insert can do it for only 25 percent of the cost of running the furnace for the whole house," he said. "But a lot of people just don't want gas because they don't want to give any of their money to PG&E." Natural gas isn't the only fuel costing more this winter. Homeowners are paying more and stocking up earlier on firewood, which must be cut and dried, or "seasoned," for a year to burn most efficiently. Local yards reported selling various types of firewood last week for \$250 to \$359 per cord, adding that prices were certain to climb.

After several years of stability, dealers said, rates are going up for several reasons. Some blamed rising diesel costs for transporting wood from as far away as Oregon. In addition, some vendors have gone out of business this year, reducing supplies.

"Usually this time of year, 50 percent of people who come in the yard walk out and say, 'We're going to shop around,' " said Hadden, owner of NPC Firewood in North Sacramento and Fair Oaks. "I haven't seen that this year. If they come in, they buy." Supplies in the Sacramento region are down also because wholesalers can command higher prices in the Bay Area, where a cord sells for \$100 more, said David Spiller, owner of Pak & Save Firewood in Rosemont.

"My supplier is bringing me some oak ... but if it were his choice, he'd take 100 percent of it to the Bay Area," said Spiller, adding he expects to raise prices 9 percent at his Jackson Road yard within a couple of weeks. Higher prices haven't hurt sales, firewood dealers said. Most report record business this month, especially on weekends, and crews are making deliveries seven days a week.

With demand mounting, Lee Wetherbee, owner of A-1 Firewood, warned consumers to stock up early. "What's going to happen next year? People are going to get sticker shock," predicted Wetherbee, who operates firewood yards in Northern California and Nevada. "Smart people read the signs and listened to the news and realized natural gas is going to go through the roof."

Padre Hotel, asbestos: 'Always a lot of dust'

Unskilled laborers who spent months renovating Padre Hotel speak out after breathing dramatically high levels of the fibers

By JAMES BURGER, Californian staff writer, and ROSARIO ORTIZ, Special to The Californian Bakersfield Californian, Sunday, Oct. 23, 2005

Julio Renteria and Federico Alvarez worked for months in a choking cloud of asbestos-laced dust inside the landmark 77-year-old Padre Hotel.

They did not know they were in danger from the asbestos in the walls and pipes they were demolishing.

Neither did the 30 people working with them.

But their supervisor, working for Padre owner Pacifica Enterprises, LLC, knew there was danger. Insulation filled with up to 20 times the legal limit of asbestos crumbled to dust as workers touched it. Dust from demolished walls, which had been painted with a thin layer of asbestos, filled the air.

Workers didn't have filter masks or toxic suits to protect them from breathing the cancer-causing fibers.

"There was always a lot of dust," another worker, Alfred Sterling, would later tell Occupational Safety and Health Administration investigators in recorded interviews. "I breathed a lot, a lot, a lot of dust."

Pacifica was cited for asbestos violations in May and June 2003 and in March and April 2004. During the investigation, Sherman Yount, a San Joaquin Valley Air Pollution Control District inspector, asked project supervisor Jim Mensinger why Pacifica had directed unprotected workers to remove 500 feet of pipe that the company knew was covered in crumbling asbestos.

"They thought they could get away with it," Mensinger replied, according to Yount's official report.

Known danger

After the violations in 2004, the Kern County District Attorney's office sued Pacifica for trying to avoid the expensive cost of asbestos removal by using unskilled laborers. The company halted all work on the Padre.

The case was settled in June 2005.

Attorneys for the air district said the primary reason they settled the case was a \$224,000 series of reports, commissioned by Pacifica, that investigated the history of The Padre and the use of asbestos in the building.

The Californian was not able to obtain a copy of the report, which is protected under the settlement, but Kern County Deputy District Attorney John Mitchell said it showed that workers were in less danger from asbestos than it had appeared at first.

But workers were exposed. They were in danger.

Eric Jencks, director of project management for Pacifica, said workers were exposed to asbestos with the full knowledge of Mensinger.

Jencks said Mensinger directed workers to strip insulation filled with asbestos from water pipes in 2003. He did it, Jencks said, because he thought a quick removal by a handful of employees would keep the rest of the workers from being exposed.

But now workers like Renteria and Alvarez are still haunted by the thought of what they breathed into their lungs inside The Padre and carried home to their families on their clothes.

Disease slow to develop

Federal disease officials say asbestos-related illnesses don't develop that quickly.

It takes between 15 and 30 years before diseases tied to asbestos, like lung cancer and respiratory illnesses, begin to appear, according to the U.S. Department of Health and Human Services.

Dr. Ketna Mistry of the Agency for Toxic Substances and Disease Registry said asbestos exposure is a progressive danger -- the more you are exposed, the more chance you have to develop a disease. Smoking dramatically increases the risk.

Disease can develop even from only months of exposure.

But the primary evidence that asbestos causes illness has been found in people who have been exposed day-after-day for decades, Mistry said.

Dangerous work

Workers in the Padre kept working, even when they suspected something was wrong.

They even kept working when they found out that they had been exposed to asbestos.

Many workers were undocumented, Alvarez said. Most had families to support and needed the work that Pacifica was offering.

Renteria, who had just moved to California from Mexico with his wife and child, was undocumented and needed the work. He used his mother's name to get the job with Pacifica.

Some workers asked about the dust.

Painting masks and goggles were handed out and workers were given squirt bottles to try and control the airborne fibers.

None of that worked.

"They'd try to have one of us standing there with a squirt bottle and try to (wet the asbestos) -- because we were using (power saws) -- but we couldn't spray the water fast enough and keep a lot of it from flying in your face," Sterling told OSHA. Workers picked up the debris with their hands, swept it up with push brooms or vacuumed it up. Wall debris was tossed into Dumpsters in the open-air parking lot just north of the Padre. "I just did it like it was a regular trash," Sterling told OSHA interviewers.

Disposal issues

Starting in 2002, records show, 1.1 million pounds of demolition material went from the Padre dumpsters to a city construction waste recycling facility. There, operators said, recycling center workers spread it on the ground and sorted through it by hand, looking for recyclables. How much of that material contained asbestos is not certain.

Employees at the recycling center are not ill, said center spokesman Larry Moxley.

An additional 252,520 pounds of refuse was disposed of at Kern County's Bena landfill, also starting in 2002.

None of the Pacifica workers complained too loudly about working conditions or how bad they were feeling while demolition was taking place. They wanted to keep their jobs, Renteria said. Even when they found out that they had been exposed to asbestos, they kept quiet.

Later they started to think about what might happen to their families.

And now, more than a year after work on the Padre stopped, they're speaking up.

"I'm very tired. I worry that someday I might not be able to work and support my family," Alvarez said.

Both Renteria and Alvarez realize they probably came home from work with toxic dust all over their clothing and exposed their families to it.

"We're speaking up because it is our health that is at stake," Renteria said.

Alvarez said he wants monetary compensation -- just enough to pay medical bills he racked up to see if he was sick -- and health insurance from Pacifica.

But above all, he said, "I don't want the company to do the same to other workers."

Breaking the rules

Lora Gordon Miller, who sold the Padre to Pacifica in 2002, commissioned a partial asbestos study of the hotel before she made the sale.

The report showed extensive asbestos in pipe insulation and one isolated sample of asbestos in the texture on a wall.

Copies of that report, by local asbestos contractor Dresser Services, states clearly that the walls "will require further testing."

Jencks said Pacifica saw the Dresser report and understood they had to deal with the asbestos.

They hired general contractor eRealty Construction, which in turn hired licensed asbestos abatement companies to remove asbestos-lined pipe and test the wall for asbestos, Jencks said.

The San Joaquin Valley Air Pollution Control District monitored the work, he said, and tests of the wall texturing found no evidence of asbestos. In January 2003 Pacifica took over general contractor status after eRealty finished installing fire sprinkler systems in the Padre.

Pacifica workers then started demolishing walls that eRealty had told Pacifica were clear of asbestos, Jencks said.

In May 2003 The Californian printed a story describing how Pacifica was tearing down walls to turn the Padre's tiny hotel rooms into more spacious living areas. Their plans have cycled from using the space for apartments, to hotel rooms and now to condos.

The news raised big, red flags for Sherman Yount, an inspector for the air district.

Caught

At 8:30 a.m. on May 22, the day after the story was published, Yount and two other investigators stood at the back door of the Padre ready to do an inspection.

Yount later wrote in his report that Mensinger met him and asked what would happen if he didn't let in the three officials.

Yount promised to get a warrant. Mensinger let them in.

The inspectors found walls with gaping holes, walls missing, sawn-off pipes and other major demolition.

They did not find protective clothing, air-monitoring equipment, a decontamination room or the trained asbestos removal supervisor state law requires.

On the eighth floor of the eight-story hotel they discovered piles of cut pipe and 47 black plastic garbage bags filled with 105 cubic feet of crumbling insulation.

Tests would later show the insulation was made of between 12 and 20 percent asbestos -- dramatically higher than the 1 percent legal limit.

Eric Jencks said Mensinger knew the insulation was contaminated when he pulled together a small crew to cut out the 500 feet of liner pipe.

What Mensinger should have done was stop work, close the building and call in a certified asbestos removal company, Jencks said.

"I never had knowledge, nor did anyone down here, about the insulation," Jencks said in a phone interview from Pacifica's Rancho Santa Fe offices.

Workers told OSHA investigators that dust and sections of the insulation, shaken loose by pipe cutting on floors above them, would fall on workers through ventilation holes in the ceilings. It would collect on floors and ledges.

And then Sterling would be sent running all over the building to collect the asbestos.

Shut it down

When the air pollution control district tests confirmed the high levels of asbestos in pipe insulation, inspectors told Pacifica to shut down work on the Padre and bring in a licensed company to handle the toxic substance. Pacifica stopped work.

Then, on June 6, 2003, Yount took samples of wall texturing on floors four through eight at the Padre.

The walls on the five floors he was able to test came back positive for asbestos. Of the 22 samples Yount took, only four did not have illegal levels of asbestos in them. It was a direct contradiction, Jencks said, of what Pacifica had been told by eRealty.

Pacifica quickly hired the Janus Corporation to remove asbestos debris and the Szaras Company to monitor the air as the work was being done.

Alvarez said Pacifica workers labored right next to employees from those companies who were dressed in full-body environmental suits.

The moon-suited workers joked, to Alvarez, that Pacifica employees had saved them a lot of work. Alvarez didn't think the joke was funny.

Air district inspectors watched the clean up work closely and ruled it acceptable in mid-July.

Second violation

But the problems weren't over.

During an inspection in March 2004, Yount again noticed walls had been cut and sections demolished as part of the continuing work inside the Padre.

Tests again showed asbestos on the walls -- asbestos that had been launched into the air by worker's saws and hammers.

Mensinger said Pacifica employees had done the work.

Jencks said the work was minor -- holes were cut for elevator junction boxes and texturing was jarred loose by work on the other side of walls.

"These were obviously mistakes," he said.

On April 12, 2004, Yount again issued a violation notice to Pacifica.

Pacifica had been warned to clean up its act. It had broken the rules again.

In May the Kern County District Attorney's office and the air district teamed up to file a lawsuit aimed at stopping Pacifica for good.

Legal consequences

The lawsuit convinced Pacifica to stop work on the Padre altogether.

In June 2005, the company settled with Kern, admitting no wrongdoing but paying \$460,000 for violations.

Jencks said that report showed that a sealant, containing between 2 percent and 5 percent asbestos, had been used on the walls of the Padre during an earlier renovation in the 1960's. The asbestos was on some walls and not on others.

That news, said air district attorney Phil Jay, convinced investigators and lawyers that Pacifica employees hadn't been in as much danger as it had seemed when Yount discovered violations at The Padre.

But employees still feel betrayed by Pacifica.

"(Mensinger) knew there was asbestos up there and I felt that they knew what -- what they were -- what the position they were putting us in by hauling that stuff," Sterling said.

April 12, 1928 -- Padre Hotel opens. 1954 -- Milton "Spartacus" Miller and several business associates purchase the Padre.

1960 -- City of Bakersfield officials tell Miller that the Padre is in violation of state fire codes. Miller refuses to upgrade the fire systems.

July 15, 1966 -- Miller loses a long legal battle with the city over the fire-safety issue. The city closes the third through eighth floors to overnight visitors.

1966 to 1999 -- Miller continues an on-and-off battle with City Hall.

April 26, 1999 -- Milton Miller, 85, marries Lora Gordon Miller from a Mercy Hospital bed.

June 9, 1999 -- Milton Miller dies.

January to September 2000 -- A battle over ownership of The Padre develops between Lora Miller and Milton Miller's two nephews.

April 27, 2001 -- The parties settle.

April 16, 2002 -- The sale of the Padre to Pacifica Enterprises, LLC for \$1 million is finalized.

April 2002 -- San Joaquin Valley Air Pollution Control District inspectors tell eRealty Construction, a Pacifica contractor, that walls in the Padre must not be demolished without notifying the air district.

January 2003 -- Pacifica Enterprises employees begin working on the Padre Hotel. Walls painted with asbestos sealant are demolished. More asbestos-covered pipe is removed illegally.

May 21, 2003 -- Air district inspectors notice a Californian story that mentions that walls are being removed.

May 22, 2003 -- Inspectors discover asbestos-laden pipe insulation stockpiled on the 8th floor. Disturbed walls are later confirmed to contain asbestos.

May 29, 2003 -- Pacifica Enterprises is given a notice of violation for illegal removal of pipe insulation.

June 3, 2003 -- Pacifica ordered to stop all work at the Padre and survey the entire building for asbestos.

June to July, 2003 -- Pacifica hires contractors to clean up asbestos debris and test the air to make sure the building is safe. Air district inspectors sign off on the cleanup. Work resumes.

March 2004 -- Inspectors note, during a routine inspection, that sections of walls near elevators had been demolished. The walls were confirmed to contain asbestos.

March 31, 2004 -- Pacifica again reprimanded for breaking asbestos law.

April 6, 2004 -- Inspectors note walls -- confirmed for asbestos -- had been disturbed during work on bathrooms.

April 14, 2004 -- Pacifica receives another violation notice.

May 2004 -- The Kern County District Attorney's office and the air district file a civil suit against Pacifica for trying to avoid renovation costs by illegally removing asbestos. Work stops.

June 2005 -- The lawsuit is settled for \$460,000.

Focus on Ag: Wood chipper demos and manure-use details scheduled

by John Holland

Modesto Bee, Saturday, Oct. 22, 2005

Stanislaus County growers have until Nov. 18 to apply for the next round of grants from a federal program aimed at protecting air, water and soil. The Natural Resources Conservation Service will cover up to half the project costs through its Environmental Quality Incentives Program. Last year, the agency provided more than \$2.9 million for 158 projects in the county, including irrigation improvements, animal waste management systems, chipping of orchard debris, dust suppression and replacement of old diesel engines. More information is available from Joe Mota at 491-9320, ext.111, and at www.ca.nrcs.usda.gov/programs/eqip.

Fruit and nut growers can see wood chippers in action at a Nov. 3 event in a walnut orchard north of Modesto. The machines are an alternative to open burning of tree prunings, which will be phased out by 2010. Chipped or shredded wood can enhance the soil, organizers said. The demonstration will run from 9 a.m. to noon at 6907 Carver Road, about half a mile north of Ladd Road. It is being put on by the Community Alliance With Family Farmers and the University of California Cooperative Extension. More information is available from Marcia Gibbs at 530-756-8518, ext.34, or Marcia@caff.org.

Dairy farmers will talk about the latest in manure management at a Dec. 8 conference at California State University, Fresno. It will run from 10 a.m. to 4 p.m. in the Satellite Student Union.

The event, sponsored by the university and other organizations, will feature ways that farmers can meet new standards for waste management while producing fertilizer and reducing diesel use. Ed Burton, state conservationist for the Natural Resources Conservation Service, will be the keynote speaker. Lunch will be provided. People planning to attend should call Corinne Eding at 415-977-0380, ext. 301, or send an e-mail to ceding@suscon.org.

Ethanol vote of confidence

Fresno producer plans three more West Coast plants

By Dale Kasler -- Bee Staff Writer

Sacramento Bee, Saturday, Oct. 22, 2005

In a sign of the continued demand for ethanol, a Fresno-based ethanol producer said Friday it has obtained sites for three more ethanol plants on the West Coast. Pacific Ethanol Inc., the young company whose chairman is former Secretary of State Bill Jones, wouldn't reveal the locations.

The company said it is obtaining permits on the three sites; construction could be months away. The three new plants would be in addition to a facility under construction in Madera and a location in Visalia, where the company is obtaining permits. Some state officials say the new federal energy law might dampen the state's ethanol consumption, but ethanol advocates say they believe demand will grow in California and elsewhere.

"We continue to be very optimistic," said Neil Koehler, Pacific Ethanol's chief executive. The new law doubles the amount of ethanol to be blended into the nation's fuel tanks by 2012. But it eliminates a mandate that required ethanol's usage in regions with poor air quality, including most of California. Because of that, the new law could lower the amount used in California even as it increases the amount used in other states. California uses about a fourth of all U.S. ethanol although it uses just 11 percent of the nation's gasoline.

Meanwhile, Pacific Ethanol said it terminated its proposed takeover of a just-completed ethanol plant in Goshen, near Visalia, because the \$47 million deal wasn't completed by the agreed-upon Oct. 15 deadline. But the company said the deal could be revived. A byproduct of corn, ethanol makes gas burn more cleanly, although state officials say it can worsen air quality in summer.

[Stockton Record, Editorial, Monday, Oct. 24, 2005](#)

Getting together to clear the air

The San Joaquin Valley is an air-pollution nightmare.

Smog hangs in the atmosphere during part of the year.

Trucks, cars, SUVs and RVs pound up and down two freeways the entire length of the Valley -- from Sacramento to Bakersfield.

The incidence of asthma ranks in the top 10 nationally, especially afflicting young people.

These aren't problems that will be decided by individuals or groups -- unless they are willing to work together.

There's an opportunity coming up at Thursday's Clean Air Summit, sponsored by Operation Clean Air, a Fresno-based consortium that includes many groups with a stake in air quality.

The group is comprised of business people, farmers, members of health organizations and residents concerned about the overall impact on quality of life caused by poor air quality.

"We want to gather people from divergent backgrounds that have a stake and an interest in solving the problems," said Hal H. Bolen, a Fresno attorney and president of Operation Clean Air.

"It's going to take all of us working together instead of pulling in separate directions."

Groups supporting the organization include the California Trucking Association, Western State Petroleum Association, American Lung Association, Pacific Gas & Electric and the San Joaquin Valley Air Pollution Control District.

Poor air quality impacts health and business in the Valley, said Josette M. Merced Bello, president of the American Lung Association of Central California.

"For health organizations, it's great to know that business interests want to be a part of the solutions," Bello said.

Summit organizers expect widespread support from Merced to Bakersfield, but they'd like to have representation from the northern part of the Valley as well.

"We'd love to see people attend the summit from San Joaquin and Stanislaus counties," Bolen said.

[Tracy Press, Guest columnist, Monday, Oct. 24, 2005](#)

Inadequate general plan fails Tracy again

Mark Connolly

The photograph that I took at sunrise this summer shows the air quality on a typical day above the proposed city of Tracy youth sports facility at the old federal antenna farm. It's the same site rejected by San Joaquin Delta College for a local campus five years ago because it was unsafe. As we know with the fuss that ensued, Delta looked elsewhere for its satellite campus, with the city trying to steal, at the last minute, the campus from neighboring Mountain House by offering parkland at 11th Street and Chrisman Road.

With the frenzy over, the discussion should turn to how a defective general plan caused the city not to develop a youth sports facility at the much better 11th Street and Chrisman Road site, rather than at the antenna farm. The defective plan also cost us the Delta campus.

The attempt by the city to bait the Delta campus from Mountain House, less than three miles away, was economic cannibalism. It's not admirable; it's a reflection of the failure of planning. Before the slow-growth Measure A passed in 2000, Mayor Dan Bilbrey, the City Council and developers said if Tracy grew to 80,000 residents, jobs would flow over the hill. Local commuters would have jobs here.

That was false. We built it; the jobs did not come. Nor will they come with the proposed general plan. It's because the old general plan and its twin, the proposed general plan, are identical in containing massive surplus acreage designated for residential development. Although both contain disjointed, un-integrated and separated individual developer attempts at economic development (Cordes Ranch, Gateway, Tracy Hills, etc.), they are still residential plans with no integrated transportation features or design to attract or provide Class A jobs, college campuses or needed public facilities. The proposed plan, with its vast surplus of residential land, begs residential developers to take another shot at Measure A and get back to business as usual. Realizing that Bay Area jobs will never come with this plan but unwilling to change residential land to other uses, a majority of the council turned to economic cannibalism. Tracy tried to steal projects planned, courted and attracted by neighboring governments. If San Joaquin County were an island, this is the equivalent of eating children of other inhabitants on the island because we can catch them. The 11th-hour attempt to bait a college campus from neighboring Mountain House was to induce Delta to damage Mountain House and San Joaquin County so Tracy could claim it got jobs that will be less than three miles away anyway. The attempt to take the proposed Veterans Affairs medical clinic in French Camp from San Joaquin County is another example of Tracy taking advantage of the county's planning efforts. Not a good trend.

Economic cannibalism poisons our relationship with neighboring cities and the county. They view Tracy as a dangerous residentially addicted parasite that's leeching onto their efforts at economic development. They would be wary to ever trust and work with Tracy on economic development. Because the proposed general plan does not redesignate surplus residential land for public facilities, the City Council majority cannibalized its only large available park property as bait for Delta. In baiting Delta, City Manager Dan Hobbs and Bilbrey offered the city-owned 100-acre-plus 11th Street and Chrisman Road site with all infrastructure available and \$10 million for development of facilities. They also offered direct subsidies of at least \$15 million. The 11th

Street and Chrisman Road property could have been developed years ago as a sports facility with these same funds.

Because the old and proposed general plans are defective in not designating or planning for college campuses or other public facilities, our children got bumped from 11th Street and Chrisman Road to the old federal antenna farm property to play in conditions once rejected by Delta so Delta can have the 11th Street and Chrisman Road site.

Remember, Delta rejected the antenna farm site shown in the above photograph because it was unsafe for students.

We are willing to not only eat our neighbors' young, but we also will sacrifice our own! Why? So that no residential developer has his property changed from residential to public facilities.

Tuesday evening at the college board meeting in Stockton, Bilbrey desperately used the city's only available parkland as bait for Delta. Back in the Tracy City Council chambers, parents asked why they have to wait another two years for the antenna farm site that Delta rejected! I wonder if the Youth Sports Alliance of Tracy and the aquatics center supporters will ever realize that they could have been using 100 acres at 11th Street and Chrisman Road four years ago.

What should be done? First, revise the general plan by redesignating most of the vast surplus residential acreage to public facilities, schools, parks, open space, greenbelts, separators, office space, college campuses and Class A commercial businesses while integrating transportation and higher density housing to make it attractive to someone other than residential developers.

The proposed plan's uncoordinated economic projects have and will fail. Second, stop cannibalizing. Target outside economic development instead of stealing from our fellow inhabitants of the island of San Joaquin County. Third, build a youth sports facility and aquatic center at 11th Street and Chrisman Road, now.

If residents make these demands, they will get them. Otherwise, take another look at the photograph.

Assuming the antenna farm sports facility is built before our children are grown, that's where you'll be sending your children for some "healthy" sports activity, while the city uses our only parkland as bait.

• *Mark Connolly is a founder of Tracy Region Alliance for a Quality Community and author of Measure A, Tracy's slow-growth law.*

[Bakersfield Californian, Letter to the Editor, Monday, Oct. 24, 2005](#)

Mega dairies don't work

I like cows. As a teenager, I worked on a cattle ranch, learned how take care of them and milk the two Jersey cows we had. I eat dairy products, hamburgers and wear leather shoes. So why am I opposed to more mega dairies in Kern County?

First let's dispel the myth of what mega dairies are not. They are not "Old Mac Donald's Farm" with a moo-moo here and a moo-moo there, grazing on verdant fields of lush green grass and other scenes depicted in the happy cow cheese commercials on TV. Mega dairies are large lactation factories with upwards of 20,000 cows concentrated in a few acres.

The main problem with mega dairies is proper disposition of the solid and liquid waste generated by the high concentration of so many head of cattle in a small confined space. You would think that the solid waste could be used to grow more alfalfa to feed these cattle, and some of it is. Most of the existing mega dairies however import millions of gallons ammonium nitrate from Russia and other Baltic countries for this purpose.

When solutions are found for the mega waste generated, and these solutions are implemented by the mega dairies already here, then possibly we can consider more mega dairies.

LLOYD KINGHAM, Bakersfield

[Letter to the Fresno Bee, Monday, Oct. 24, 2005:](#)

Time for Fresno to say goodbye to leafblowers

Here I sit on the backyard deck. It is 7:15 in the morning and I am enjoying a cup of coffee and reading The Bee.

Suddenly the leafblowers wind up across the neighborhood. Bedlam ensues.

My wife and I moved here in 1996 from Long Beach and enjoy it very much. Around 1992, Long Beach outlawed the use of gas-powered leafblowers. It made the city a cleaner and much quieter place to live, and massive dust clouds were no longer created.

Yes, the leafblower users complained, but they adjusted and used brooms and rakes. In a city with almost the dirtiest air in America, Fresno needs to end the use of these loud, pollution-spewing, dust-raising machines.

It is 7:45 and the evil leafblower has been turned off. Quiet is again upon me.

Outlaw these infernal machines now, Fresno. You'll be glad you did.

Dave Buchan, Fresno

[Letter to the Editor, Merced Sun-Star, October 22, 2005](#)

Leaf blowers are harmful

Editor: Jackie Kaczmarek makes a lot of sense when she takes on the use of gas leaf blowers in her weekly column. She mentions that they simply blow dust and leaves from one area to another and don't really do a thing to remove the debris.

They fill the air with dust and pollution from their gas motors and they are extremely noisy. Their use has been banned by Blower Ordinances in Albany, Berkeley, Bakersfield, Sacramento, Palo Alto, San Diego and parts of Los Angeles, as well as other California cities. Some bans are due to noise issues and others are due to pollutants from the engines. The replacement of gas with electric blowers would reduce the noise and pollutants from the engines, but there would still be the particulate matter from the dust blowing around. With our air quality the way it is now, our City Council should consider a ban on them here in Merced. With the increased population growth of our city, we have to constantly review our way of life and decide what we are willing to do without in order to have an environment worth raising our families in. The Environmental Protection Agency and Air Resources Board, in their brochure "Particulate Matter Air Pollution: A threat to our health," advises us to avoid using leaf blowers.

People with respiratory or heart disease, diabetics, older adults, and children are at a greater risk when breathing air-borne particulates. When exposed to high levels, these individuals have increased admissions to hospitals and visits to emergency rooms, death from heart or lung diseases, aggravation of lung diseases (asthma attacks, acute bronchitis), and susceptibility to respiratory infections. I don't think giving up leaf blowers would create much of a hardship on people. Leaf blowers are expendable, our children aren't. Besides, raking leaves is a good cardiovascular exercise -- something most of us need more of.

JANET WILSON , Merced

[Modesto Bee, Letter to the Editor, Saturday, Oct.22, 2005](#)

A disincentive to conserve

I'd like to respond to the idea of taxing the driver by the mile instead of by the gallon. What is going on? The state wants you to be more fuel-efficient, so most people buy smaller cars; they want you to think about the environment, so some people buy hybrids. Then suddenly the state is losing tax dollars on gasoline sales. So now all every person in the state has to do is buy a GPS and pay to have it installed in their car, so that the state can monitor our mileage (along with anything else they choose to monitor). Where is the incentive for conscientious people to conserve fuel and be environmentally safe?

With gasoline prices at \$3 per gallon, how can they be losing money? I don't drive a new car. I can't afford one. I certainly can't afford to install a GPS in my old car. I find it difficult to keep it running sometimes.

I say let's nip this before Big Brother controls every aspect of our lives.

PAMELA FRYMIRE, Modesto