

[Letter to the Fresno Bee, Saturday, June 24, 2006:](#)

Bee wrong on dairies

Despite The Bee's assertions (editorial June 17) that the Valley air district is only taking "baby steps" in its first efforts to regulate existing dairies, the fact is the district leads the nation in researching and regulating air pollution from agricultural sources.

The recently adopted rule on animal facilities will reduce smog-forming chemicals Valleywide by at least 21 tons per day. That's equivalent to removing more than 1 million cars from Valley roads -- definitely not baby steps.

In fact, that's a bigger reduction than any rule recently adopted anywhere in the state, including our own groundbreaking development mitigation rule, which was applauded by environmental advocates and community leaders, and heralded by a Bee editorial (Dec. 17, 2005) as an important step.

With innovative and effective strategies, we have cut the Valley's smog in half. By every measure, our air quality is improving. Nonetheless, we face a monumental challenge in meeting new, more stringent standards.

The Bee's mischaracterization of the dairy rule reinforces undeserved, tired stereotypes of the Valley and handicaps efforts to gain valuable allies among state and federal decision-makers. To succeed, we need everyone's active participation, and an accurate understanding of the real issues, progress and challenges.

Seyed Sadredin, Executive Director/Air Pollution Control Officer
San Joaquin Valley Air Pollution Control District

Lots of sizzle but no records

By Doane Yawger
The Merced Sun-Star
June 26, 2006

Merced's temperatures reached triple digits over the weekend but no major problems were reported from the hot weather.

Sunday's temperature peaked at 102 degrees in Merced, according to Carlos Molina, a meteorologist with the Hanford office of the National Weather Service. Saturday's temperature reading was 103 degrees.

While the third and fourth days of triple-digit temperatures seemed scorching, they weren't close to setting any records. The recorded high for June 25 was 108 degrees in 1977 and 110 degrees for June 24 in 1957, according to Molina.

For the early-riser today, temperatures were supposed to dip down to 69 degrees Sunday night and early this morning. However, today's high temperature in Merced could reach 106 degrees.

A ridge of high pressure situated over California can be blamed for sustained triple-digit temperatures. This high pressure creates an atmospheric blanket not allowing the heat to escape and these conditions will last for several more days, according to Molina.

Then a bit of relief is in store -- temporarily.

About Wednesday, a low-pressure trough is expected to shift the high pressure eastward to the Rockies. By Thursday or Friday, Merced's temperatures will range from 92 to 94 degrees, before the high pressure -- and higher temperatures -- come back a few days later.

Triple-digit temperatures began Thursday in Merced. In previous years, 100-degree days have started as early as May 20 and current conditions are the normal pattern for summer, Molina said.

A nursing director and emergency room personnel at the Community Campus of Mercy Medical Center Merced reported they had not treated or admitted any patients for heat stroke or heat exhaustion-related illnesses over the weekend.

Mark Hendrickson, a spokesman for Pacific Gas and Electric Co., said no major outages were reported over the weekend as a result of the hot weather.

Hendrickson said PG&E staff were prepared for hot weather conditions and the system fared very well. He cautioned local residents to remain vigilant in their energy usage.

One way Merced area residents sought to escape from the heat was visiting Lake Yosemite. Lines of cars waiting to enter the county-owned park were backed up along Lake Road all the way to Bellevue Road.

About 20,000 people visited Lake Yosemite for Father's Day and Peggy Vejar, deputy director of parks and recreation, estimated Sunday's numbers would be very similar.

She said the long lines at the lake didn't materialize until about 1:30 to 2 p.m. Sunday. Recreation officials won't have an exact count of Sunday's attendance at the lake until at least this afternoon, Vejar said.

Sgt. Vern Warnke of the Merced County Sheriff's Department said there were no fights Sunday at the lake and everything was peaceful.

Battalion Chief Bryan Donnelly of the Merced City Fire Department said firefighters responded to a number of medical aid calls over the weekend. None of them was specifically attributed to high temperatures although hot weather could aggravate other conditions, he said.

Sgt. Andre Matthews of the Merced Police Department said there were no reports of heat-related illnesses over the weekend.

The humidity remains low for Merced. However, on the evening of June 14, the Merced-Atwater area received a trace of rain.

A National Weather Service heat advisory remains in effect until Tuesday night. Oppressive heat will continue across the Central and Southern San Joaquin Valley.

[The San Joaquin Valley Air Pollution Control District has declared today a "Spare the Air Day." Valley residents are encouraged to carpool and postpone unnecessary trips.](#)

They also are advised to reduce outdoor activities if possible, wear loose-fitting and lightweight clothing and drink plenty of water, along with taking advantage of shade and air conditioning if available.

The weather service also cautioned not to leave children, the elderly or pets in enclosed automobiles, even for the shortest time. Temperatures quickly rise to life-threatening levels, even if the windows are partially opened.

'It's brutal out here'

Valley residents are a tough bunch, rolling with the punches of a high-pressure system that is dealing out near-record heat.

By Charles McCarthy / The Fresno Bee

Monday, June 26, 2006

Valley residents on Sunday showed they can cope with whatever summer sizzle nature cooks up.

The National Weather Service in Hanford blamed a high pressure system parked over the Valley for a 106-degree peak in Fresno on Sunday, below the 1925 record of 112 degrees. Visalia reached a high of 104.

Myser Keels, who is retired, prepared Sunday morning for the afternoon heat-up.

He didn't service the outside swamp cooler on his southwest Fresno home when he first turned it on last month. So Sunday morning he was busy cleaning out the alkali residue in an effort to make the cooler work more efficiently.

Louie Calderon, 90, sat in the mid-morning shade under a tree in his front yard on Oxford Avenue in Clovis. His lawn sprinkler spewed a cooling plume nearby. He would be fine, he said. He was outside waiting for a ride to go have a mid-day meal.

At the Fresno Airways swimming pool, city worker Gilbert Perez Jr., 46, had to deal with sun reflecting off the water and the white concrete walkway as he prepared the pool for the afternoon opening.

Perez couldn't enjoy a cooling dunk, but he wore a wide-brimmed hat and said that he drinks plenty of fluids while working in the sun.

By noon Sunday, the heat already was taking its toll at the Fresno Yosemite International Airport's fire-tanker air attack base where workers were preparing for a possible repeat of Saturday's hot time.

California Department of Forestry Air Attack Capt. David Clawson said that on Saturday afternoon, four tanker planes dumped 10,000 gallons of chemical fire retardant on blazes in Inyo and Tulare counties.

The planes were loaded in Fresno by ground crews sweating in an estimated 120-degree heat from the pavement and the hot exhausts of twin-engine S2-T tanker aircraft.

"It's brutal out here," Clawson said.

That's why the tanker base has a cold supply of bottled water just outside the door to the loading ramps.

"Just try to keep hydrated ... take a few breaks now and then," Mike Durham of Fresno said about his job.

Shortly before 6 p.m. Sunday, Clawson said there had been no fire calls: "It's been eerily quiet."

After loading three tons of fire retardant into a mixer on the sweltering tarmac in Fresno on Sunday, Craig Schlueter downs 32 ounces of water in a few minutes.

Christian Parley / The Fresno Bee

Pacific Gas & Electric Co. spokeswoman Jana Schuering said that by midafternoon Sunday, there had been two power outages in the Fresno-Clovis area. Power went out at 9:56 a.m. for 3,057 customers around the intersection of Bullard and Palm avenues. Electricity was restored at 12:39 p.m. It was caused by an underground cable failure.

At 12:34 p.m., 1,659 customers around Fig and Church avenues lost power. Service was restored by 3:05 p.m. Equipment failure was the listed cause of the outage.

Today, Valley temperatures are forecast for 103 to 111 degrees. Fresno could match the record high set in 1993: 108 degrees. By Thursday, the high pressure is expected to move east and ease the heat — possibly below 100 degrees.

The San Joaquin Valley Air Pollution Control District forecasts unhealthy air for today.

Looking ahead, Weather Service records show that high temperatures for mid-July average 97 degrees, about five degrees higher than the average temperature in late-June.

Meteorologist Kevin Durfee said: "Normally our hottest time of the year is around the third week of July."

Early heat wave strikes

Valley might tie record of 110 degrees today and stay above 100 through Wednesday.

By Anne Dudley Ellis / The Fresno Bee

Saturday, June 24, 2006

Meteorologists forecast at least five more days of 100-plus temperatures for Fresno and the rest of the central San Joaquin Valley, and today might tie the record - a sizzling 110 set in 1929.

Around the Valley, residents are cranking up the air conditioning, heading to enclosed malls and putting off strenuous chores as the summer's first heat wave strikes.

It's early this year. High temperatures for mid-June normally hover around 94 degrees, said meteorologist Daniel Harty of the National Weather Service. His office forecast a high of 109 today, just shy of the record.

Friday's high in Fresno was 107, with 111 expected for Sunday and slightly cooler days - but still above 100 degrees - forecast through Wednesday.

Power outages hit Fresno on Thursday and Friday. Friday evening, 8,579 customers were without power in three major outages in the Fresno division, which is mostly Fresno County, said Jana Schuering, a Pacific Gas & Electric Co. spokeswoman.

Al Galvez, public affairs manager for PG&E, urged residents - except for those with health concerns - to conserve energy by setting the air conditioning around 83 degrees.

Police and hospitals are on the lookout for problems brought on by the heat.

The Clovis Fire Department has designated the Clovis Senior Center, 859 Fourth St., the Sierra Vista Mall on Shaw Avenue and the Clovis Regional Library, 1155 Fifth St., as "cool-off zones" for residents in need.

Also, the city of Clovis will temporarily relax a ban on private construction starting before 7 a.m. when temperatures reach 100 degrees or when the San Joaquin Valley Air Pollution Control District calls for a "Spare the Air" day. Workers will be allowed to start work at 6 a.m.

Dirty air combined with extreme temperatures means unhealthy air for all groups of people, not just those with sensitive lungs, the air pollution control district said Friday. Officials advised curtailing polluting activities, such as driving, and urged residents to stay indoors during the hottest part of the day.

For many Valley folks, that's just not possible; the work goes on despite brutal weather for mail carriers and a variety of other occupations. Carriers prepare for the hot weather by slathering on sunscreen, wearing hats and drinking lots of water, said Gus Ruiz, spokesman for the U.S. Postal Service's Sacramento District, which includes Fresno.

"It's just the nature of the job," Ruiz said.

Ruiz said he worries more about heat-related problems with postal customers, especially the elderly, than the workers. Carriers are urged to watch for signs of problems, such as accumulated mail or newspapers, Ruiz said.

Landscapers and gardeners shoveled, planted and mowed on Friday, although landscape business owner Glenn "Ernie" Randall told his employees to call it a day by 2 p.m. Friday instead of 3:30 p.m.

John Creasey of the Fresno Fire Department sits in the shade cooling with a wet towel and bottled water as he has his vitals checked by Lorraine Horsford, an EMT-1, after he helped fight a fire.

"I don't need anyone dropping dead," Randall said.

When Randall moved from New York 24 years ago and began working in landscaping, he suffered heat exhaustion during his first Fresno summer. He makes sure his workers stay hydrated and take more breaks when temperatures soar past 100.

Still, Randall said he relishes the warm summers, still remembering New York's rain and overcast skies.

"So it gets warm," he said. "That's OK."

Beating the heat

The Fresno-Madera Counties Chapter of the American Red Cross issues these tips for staying cool and avoiding heat-related emergencies such as heat stroke:

Avoid strenuous activity.

Stay indoors as much as possible.

Wear lightweight, light-colored clothing.

Drink plenty of water (avoid drinks with alcohol and caffeine) regularly and often, even if you do not feel thirsty.

Eat small meals and more often. Avoid foods that are high in protein and avoid using salt tablets until directed to do so by a physician.

Source: Fresno-Madera Counties Chapter of the American Red Cross

Heat wave in Valley brings warning of unhealthy air

By Mark Grossi / The Fresno Bee

Friday, June 23, 2006

The first heat wave of summer is turning the San Joaquin Valley's air stagnant and dangerous for people with sensitive lungs.

The National Weather Service is predicting a high of 106 degrees today and 108 for both Saturday and Sunday. The high temperature Thursday was 105.

Meteorologists said a high-pressure system prevents cleansing breezes from moving pollution out of the Valley.

"The trapped emissions are gradually building up," said meteorologist Gary Arcemont of the San Joaquin Valley Air Pollution Control District. "It's going to continue being unhealthy."

People with lung problems should limit outdoor exposure in the afternoon today and Saturday, according to the air district.

Officials called a "Spare the Air" day for today and Saturday, asking residents to cut down on smog-producing activities such as yard work with gasoline-powered tools.

Ozone, the corrosive main ingredient in smog, spikes in heat and sunshine. It forms as emissions from cars and other sources bake in the sun. Ozone can trigger asthma attacks and other lung problems.

Early morning readings are generally much lower, and that's when people should schedule outdoor activities, officials said.

Through Wednesday, the Valley had recorded 14 violations of the health standard for ozone. Over the same time period last year, there were only eight violations.

Ozone readings were well below violation levels last week when the high temperatures were in the 80s. But by Wednesday, nine of the Valley's 22 monitors showed violations, according to state figures.

Saturday's predicted 108 would fall two degrees short of the record high temperature for that day, which was set in 1929. The overnight low is predicted to be in the mid-70s.

Tulare County suffers sixth straight bad-air day

Visalia Times-Delta, Monday, June 26, 2006

The San Joaquin Valley Air Pollution Control District has declared today a Spare the Air day. Today is the sixth straight Spare the Air day forecast by the air district for Tulare County. The pollution index forecast for today is 129, considered unhealthy for sensitive groups such as children, older residents and people with respiratory ailments.

You can find the pollution index forecast each day on page 2A of the Times-Delta and Advance-Register.

Bad air persists as temps soar

Visalia Times-Delta, Saturday, June 24, 2006

Scorching temperatures and bad air are expected to mark this weekend in Tulare County.

Along with Saturday's forecast for a high of 106 and Sunday's for 107, the San Joaquin Valley Air Pollution Control District warned of continued deteriorating air quality.

It declared "Spare the Air" days for both Saturday and Sunday. Sunday would be the fifth straight "Spare the Air" day forecast by the air district.

The pollution index forecast for Saturday is 147, considered unhealthy for sensitive groups such as children, older residents and people with respiratory ailments.

You can find the pollution index forecast each day on page 2A of the Times-Delta and Advance-Register.

What you can do:

- Share a ride, walk, ride a bike or use public transit. Do your errands in one trip.
- Limit the use of small, gasoline-driven engines, such as those that propel mowers.

Spare the Air

Visalia Times-Delta, Friday, June 23, 2006

The San Joaquin Valley Air Pollution Control District is warning Tulare County residents to expect deteriorating air quality today and Saturday.

The air district on Wednesday issued its first-of-the-season Spare the Air day alert for Thursday and today. On Thursday it added Saturday. A Spare the Air day is generally declared when the pollution index, a measure of pollution in the air, is projected to reach 151 or when one or more Valley counties is experiencing high pollution levels, said Janelle Schneider, an air district spokeswoman.

For today, the air board forecasts a pollution index of 164, considered unhealthy for all. Check page 2A of the Times-Delta for the daily index.

What you can do:

- Share a ride, walk, ride a bike or use public transit. Do your errands in one trip.
- Limit the use of small, gasoline-driven engines, such as those that propel mowers.

Saturday to be bad air day

Staff reports

Tulare Advance-Register, Saturday, June 23, 2006

The San Joaquin Valley Air Pollution Control District warned Tulare County residents to expect deteriorating air quality again Saturday.

It will be the third straight day "Spare the Air" day declared by the air district.

A Spare the Air day is generally declared when the pollution index, a measure of pollution in the air, is projected to reach 151 or when one or more Valley counties is experiencing high pollution levels, said Janelle Schneider, a spokeswoman for the air district.

For Wednesday, the pollution index reading for Tulare County was 132, considered unhealthy for sensitive groups. For today, the air board had forecast a pollution index of 164, considered unhealthy for all. No forecast for Saturday was available this morning.

Last year, 18 Spare the Air days were declared in Tulare County, Schneider said. In 2004, there were 15, and in 2003, there were 39 Spare the Air days.

When Spare the Air days are declared, people are asked to limit driving and the use of small, gasoline-driven engines, such as those that propel lawn mowers.

Schneider said children and people with respiratory conditions are especially vulnerable.

[Fresno Bee editorial, Friday, June 23, 2006:](#)

Spare the air

With planning, common sense we can all do our part to help our air.

It's time to Spare the Air. The Valley air district declared the season's first Spare the Air day yesterday, and today is one as well. We're likely to have a run of these days with temperatures climbing into the triple digits.

In Fresno County, the forecast called for "unhealthful" air yesterday and today. That's serious business, especially for those at higher risk from bad air: the very young, the elderly and those who have cardio-pulmonary problems, such as asthma.

There are a lot of things we can all do to help in such times. The recommendations fall into two broad categories: things we can do protect our own health and the health of family and friends, and things we can do to reduce the amount of pollution that affects us all.

The people at the San Joaquin Valley Air Pollution Control District offer a number of useful suggestions on their Web site.

On a Spare the Air day, everyone, from active children and adults to people with lung problems, should avoid prolonged or heavy exertion outdoors, especially during the peak of the day's heat. Plan indoor activities for the kids, or take them to a movie.

Drink lots of non-alcoholic liquids, especially water. Eat lighter meals.

Other suggestions from the air district:

Carpool, vanpool or use alternative transportation.

If you must drive alone, plan your trip in the most efficient fashion. Make a list of all your errands, and plan the the order of destinations to limit driving as much as possible.

If you barbecue with charcoal, use an electric briquette starter or chimney instead of lighter fluid. Better still, use a propane or natural gas grill.

Avoid using gas-powered lawn equipment.

Use water-based, not oil-based, paints and solvents.

Bring your lunch to work to avoid a midday trip.

The dangers of such days are real, but a little bit of planning and a dose of common sense can help all of us get through these blistering days safely.

Supreme Court to Hear Bush Environment Case

The Associated Press

Published in the Washington Post, SF Chronicle, USA Today and other papers

Monday, June 26, 2006; 11:13 AM

WASHINGTON -- The Supreme Court agreed Monday to consider whether the Bush administration must regulate carbon dioxide to combat global warming, setting up what could be one of the court's most important decisions on the environment.

The decision means the court will address whether the administration's decision to rely on voluntary measures to combat climate change are legal under federal clean air laws.

"This is the whole ball of wax. This will determine whether the Environmental Protection Agency is to regulate greenhouse gases from cars and whether EPA can regulate carbon dioxide from power plants," said David Bookbinder, an attorney for the Sierra Club.

Bookbinder said if the court upholds the administration's argument it also could jeopardize plans by California and 10 other states, including most of the Northeast, to require reductions in carbon dioxide emissions from motor vehicles.

There was no immediate comment from either the EPA or White House on the court's action.

"Fundamentally, we don't think carbon dioxide is a pollutant, and so we don't think these attempts are a good idea," said John Felmy, chief economist of the American Petroleum Institute, a trade group representing oil and gas producers.

A dozen states, a number of cities and various environmental groups asked the court to take up the case after a divided lower court ruled against them.

They argue that the Environmental Protection Agency is obligated to limit carbon dioxide emissions from motor vehicles under the federal Clean Air Act because as the primary "greenhouse" gas causing a warming of the earth, carbon dioxide is a pollutant.

The administration maintains that carbon dioxide _ unlike other chemicals that must be controlled to assure healthy air _ is not a pollutant under the federal clean air law, and that even if it were the EPA has discretion over whether to regulate it.

A federal appeals court sided with the administration in a sharply divided ruling.

One judge said the EPA's refusal to regulate carbon dioxide was contrary to the clean air law; another said that even if the Clean Air Act gave the EPA authority over the heat-trapping chemical, the agency could choose not to use that authority; a third judge ruled against the suit because, he said, the plaintiffs had no standing because they hadn't proven harm.

Carbon dioxide, which is released when burning fossil fuels such as coal or gasoline, is the leading so-called "greenhouse" gas because as it drifts into the atmosphere it traps the earth's heat _ much like a greenhouse. Many scientists cite growing evidence that this pollution is warming the earth to a point of beginning to change global climate.

At the heart of the climate debate is whether carbon dioxide releases should be controlled by emission caps on power plants and requiring motor vehicles to become more fuel efficient, therefore burning less fuel and producing less carbon dioxide.

President Bush, when first running for president, expressed support for regulating carbon dioxide, but he reversed himself shortly after getting into office _ saying he was convinced that voluntary plans to curtail carbon were a better way to go and mandatory regulation would be too expensive for business.

In 2003, the EPA's top lawyer concluded that the agency lacked the authority to regulate carbon dioxide under the Clean Air Act, reversing a legal opinion issued several years earlier by the Clinton administration and prompting the lawsuit.

"If ever there was a case that warranted Supreme Court review this is it," says Massachusetts Attorney General Tom Reilly, whose state is one of 12 involved in the lawsuit.

In their appeal, the states argued that the case "goes to the heart of the EPA's statutory responsibilities to deal with the most pressing environmental problem of our time" _ the threat of global warming.

The administration countered that the EPA should not be required to "embark on the extraordinarily complex and scientifically uncertain task of addressing the global issue of greenhouse gas emissions" when other, voluntary ways to address climate change are available.

In addition to Massachusetts, the states are California, Connecticut, Illinois, Maine, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont and Washington. They were joined by a number of cities including Baltimore, New York City and Washington D.C., the Pacific island of American Samoa, the Union of Concerned Scientists, Greenpeace, and Friends of the Earth.

The case is Massachusetts v. Environmental Protection Agency, 05-1120

Bodman concerned about high ethanol prices

By Tom Doggett, Reuters

Published in the Washington Post
Friday, June 23, 2006

WASHINGTON (Reuters) - U.S. Energy Secretary Sam Bodman said on Friday he was concerned about this week's jump in ethanol prices which might be passed on to consumers at the pump, but he said lifting the U.S. duty on Brazilian ethanol imports won't increase supplies that much to help.

"This is something that we're concerned about ... when I see that kind of price for ethanol," Bodman told reporters in a telephone briefing. Ethanol has jumped to \$5 a gallon in the spot market.

However, Bodman dismissed the suggestion that either Congress or the Bush administration, acting on its own, should lift the U.S. ethanol import duty to bring in more supplies that would lower prices.

"I don't believe it will materially affect supplies in the short term," he said. Bodman has said he does not believe there are enough votes or time left in Congress to pass legislation this year suspending the U.S. ethanol import duty.

U.S. Agriculture Secretary Mike Johanns, who was also on the call to reporters, said there was an incorrect impression that if the U.S. import duty were lifted ethanol would "come flooding into the marketplace" and reduce costs for the renewable fuel.

"Actually, ethanol supply is pretty tight on a world-wide basis," Johanns said.

The clean-burning gasoline sold in many major metropolitan areas to fight air pollution in the summer is mixed with about 10 percent ethanol. If the cost for the ethanol component of the gasoline making process stays high, U.S. drivers will likely pay more at the pump.

Bodman pointed out that more U.S. ethanol producing plants will be coming online this year and domestic supplies will increase.

Currently, 101 ethanol bio-refineries nationwide have the capacity to produce more than 4.8 billion gallons annually. There are 34 ethanol refineries and seven expansions under construction with a combined annual capacity of more than 2.2 billion gallons.

Johanns said the additional ethanol plants will create "new wealth opportunities in rural communities" where farmers grow the corn that is used to make most U.S. ethanol.

With biofuel output surging, Bodman and Johanns said their departments will sponsor a joint conference this autumn to find ways to boost renewable fuel supplies.

The renewable energy conference, which will be held from October 10-12 in St. Louis, will look at accelerating commercialization of renewable energy. While corn-based ethanol and biodiesel are the best-known examples, the field includes solar and wind energy.

"Never has reducing our dependence on foreign oil been such a pressing issue," said Bodman. "We have the will and the means to replace significant quantities of foreign oil with home-grown fuel."

EPA: Special Fuels Not to Blame for Costs

By H. JOSEF HEBERT, The Associated Press
Published in the Washington Post and SF Chronicle
Thursday, June 22, 2006; 4:38 PM

WASHINGTON -- "Boutique" gasoline blends to help states meet clean air rules are not a factor in higher prices as President Bush has suggested, says a draft of a study ordered by the White House.

Although often cited as a reason for volatile gasoline prices, so-called "boutique fuels" have not caused unusual distribution problems or contributed to price increases, the report concludes.

The review was conducted by a task force headed by the Environmental Protection Agency and involving representatives from the 50 states as well as the Energy and Agriculture departments.

Facing growing public outrage over soaring gasoline prices, Bush ordered the study on April 25 in a speech in which he attributed high gas prices in part to the growth of special fuels.

"We ... need to confront the larger problem of too many localized fuel blends, which are called boutique fuels," the president told a renewable fuels conference, adding that this has produced "an uncoordinated, overly complex set of fuel rules" that "tends to cause the price to go up."

But the task force found otherwise, according to its report to be released possibly as early as Friday.

According to a late draft, obtained Thursday by The Associated Press, the task force concludes that suggestions of a connection between boutique fuels and supply or price concerns cannot be supported.

The review "did not reveal any studies or empirical data confirming that boutique fuels presently contribute to higher fuel prices or present unusual distribution problems," said the draft report.

The report, based on input from the states and the Energy and Agriculture departments, was written by the EPA.

It said that the refining and distribution systems are "able to provide adequate quantities of boutique fuels, as long as there are no disruptions in the supply chain."

The state-required fuels "have served an important role" in helping states meet federal air quality standards, the report said, and will be equally important in meeting future clean air requirements.

Environmentalists and state air pollution control officials have argued that the clean air rules are not to be blamed for the run-up in gasoline prices that have seen \$3-plus gas across the country.

"This is reaffirmation of the importance of state clean fuels programs to help clean up the air. And the EPA acknowledges there's no association with (these) fuels and increases in cost and supply problems," said William Becker, the executive director of two associations that represent state and local air pollution control agencies.

Nevertheless, there has been a push to reduce the number of such fuels that the EPA will allow.

At a recent House hearing, Rep. Joe Barton, R-Texas, called for streamlining the boutique fuel system as one solution to dealing with high gas prices.

Energy legislation passed by Congress last year limits the future growth of boutique fuels and gives the EPA clearer authority to waive their use in response to supply disruptions. The EPA used its new waiver authority in the aftermath of Hurricane Katrina.

Earlier this month, the EPA announced it will designate seven boutique fuels that can be used. These fuels help reduce smog by requiring more stringent evaporative requirements than conventional gasoline.

Companies Resist Bid to Limit Emissions

State lawmakers will consider a bill to address global warming with industry mandates.

By Marc Lifsher, staff writer

L.A. Times, Monday, June 26, 2006

SACRAMENTO - An ambitious effort to combat global warming in California comes before a state Senate committee today as the state's most powerful business groups step up their efforts to kill it.

At issue is a bill by Assembly Speaker Fabian Nuñez (D-Los Angeles) that would require industries to report how much greenhouse gas - currently an unregulated source of pollution -

they produce and accept caps on emissions beginning in 2012.

To Nuñez and supporters, the bill is a boost for the state's environment and would make California a leader in grappling with global warming.

"This is a real threat to the sustainability of the planet," he said. "Unless you mandate the reduction of emissions, people are not going to do it."

But most business lobbies say putting caps on greenhouse gases would drive jobs to other states and countries by forcing industries to pay more for power and limiting their production.

"There's no way to get to the targets except by stopping the use of energy," said Dorothy Rothrock, vice president of the California Manufacturers and Technology Assn.

Last week, a coalition of the manufacturers association, the California Chamber of Commerce and more than 20 other trade organizations launched a statewide radio advertising campaign to persuade legislators to vote against Nuñez's proposal.

It is expected to be the most controversial legislation of the year affecting business, and its prospects for passage are far from certain.

Opponents are expecting a major fight. Killing the bill "is at the top of the list of issues that we are most concerned about," Rothrock said.

But she concedes that the manufacturers and their allies, including oil refineries, carmakers and farmers, won't have an easy time getting lawmakers to reject an environmental initiative that already has been tentatively embraced by Republican Gov. Arnold Schwarzenegger.

Last year, Schwarzenegger signed an executive order setting targets for cutting carbon dioxide emissions, which increase temperatures in the Earth's atmosphere, to 1990 levels over the next 15 years.

"I say the debate is over," Schwarzenegger said at an environmental conference last year. "We know the science. We see the threat. And we know the time for action is now."

On Thursday, a panel of the National Academy of Sciences backed the governor's assertion. The National Research Council released a report confirming that average temperatures have been rising for the last century, mainly due to human activities.

Environmentalists say the bill to be heard by the state Senate Environmental Quality Committee this afternoon would put teeth in the governor's pledge to slash greenhouse emissions.

Proponents also note that hitting the governor's pollution reduction targets would create as many as 20,000 jobs and add \$59 billion to the state's gross product by 2020, according to a January study by UC Berkeley.

Schwarzenegger, who claims a position of national leadership in the battle against global warming, has endorsed the idea of hard caps on greenhouse gases and said he "might be able to live with" putting them in place by 2012.

However, the governor has not said he would sign the bill by Nuñez and Assemblywoman Fran Pavley (D-Agoura Hills) if it lands on his desk before the Legislature adjourns in August. If it passes the entire Senate, the bill will move to the Assembly.

Schwarzenegger is apparently eager for compromise. He is committed to working closely with the

Legislature to make sure he gets a bill he can sign, spokesman Adam Mendelsohn said.

In its current form, the legislation directs the California Air Resources Board to set enforceable limits on emissions from electric power plants, refineries and other stationary polluters by 2010. The rules would become effective in January 2012 and progressively lower pollution from greenhouse gases over the next eight years.

Environmentalists argue that lowering greenhouse gas emissions is feasible. They accuse business of raising the same sort of pessimistic alarms they sounded to oppose pioneering pollution control laws passed by California since the 1960s.

Sierra Club lobbyist Bill Magavern says environmentalists are trying to make sure that the governor doesn't succumb to pressure to oppose AB 32 from business groups, which have contributed millions to his campaign accounts.

But opponents fear the caps could bring devastating results when fully in place in 2020. They also would send a signal to business not to invest in California, said economist Margo Thorning, who recently analyzed the issue for the American Council for Capital Formation, a business-backed Washington think tank.

"My guess is that energy use would have to come down somewhere close to 40%," she said. "It really would practically shut the state down."

Study Links Air Pollutants With Autism

Bay Area children with the disorder are 50% likelier to be from areas high in several toxic substances. Scientists say more research is needed.

By Marla Cone, staff writer
L.A. Times, Friday, June 23, 2006

Children with autism disorders in the San Francisco Bay Area were 50% more likely to be born in neighborhoods with high amounts of several toxic air contaminants, particularly mercury, according to a first-of-its-kind study by the California Department of Health Services.

The new findings, which surprised the researchers, suggest that a mother's exposure to industrial air pollutants while pregnant might increase her child's risk of autism, a neurological condition increasingly diagnosed in the last 10 years.

But the scientists cautioned that the link they found in the Bay Area is uncertain and that more definitive evidence would be needed before concluding that mercury or any other pollutant could trigger autism.

Gayle Windham, the study's lead researcher and senior epidemiologist in the department's environmental health investigations branch, called it "a single small study" and "a first look" at whether toxic pollutants play a role in the neurological disorder, which is often marked by poor verbal and communication skills and withdrawal from social interaction.

Scientists have long wondered if the surge in diagnoses is due, in part, to environmental causes. Some of the increase comes from growing doctor and parent awareness, but experts say that cannot explain all of it.

"Clearly this suggests that there may be correlations between autism onset and environmental exposures, especially as it relates to metal exposures," said Isaac Pessah, a toxicologist who heads UC Davis' Center for Children's Environmental Health and Disease Prevention. Pessah, who was not involved in the study, is also a researcher at the university's MIND (Medical

Investigation of Neurodevelopmental Disorders) Institute, which studies autism.

"It would be prudent to reserve judgment until we see if this study can be replicated and whether it's of general significance" by looking for the same link outside the Bay Area, he said.

About 300,000 U.S. children have been diagnosed with autism and often need special education. The study compared 284 children from six Bay Area counties who were diagnosed as having so-called autism spectrum disorders - which include a less-severe syndrome called Asperger's - with 657 children from the same counties without the disorders. All were born in 1994.

The scientists reviewed data for 19 hazardous air pollutants that are known or suspected neurotoxins: chemicals that have a toxic effect on the brain.

They found that the children with the autism disorders were 50% more likely than the non-autistic children to be born in areas with higher estimated levels of three metals and two chlorinated solvents: mercury, cadmium, nickel, trichloroethylene and vinyl chloride. No significant link was found with 14 other solvents and metals, including compounds such as lead, benzene and chromium.

The national autism rate is six children per 1,000, so a 50% increase would elevate that rate to nine per 1,000.

The biggest increase came with heavy metals including mercury, a pollutant from power plants, factories and mines that can disrupt brain development.

The Bay Area was chosen for the study because extensive data are readily available there because of a federally funded program to count and track autistic children. The region's toxic air pollution is considered typical for urban areas.

San Francisco County had the highest estimated levels of metals and solvents, including mercury, and Marin County had the lowest of those studied. But the researchers did not compare autism prevalence by county.

In their report, published online Wednesday in the journal *Environmental Health Perspectives*, the authors said their research "suggests that living in areas with higher ambient levels of hazardous air pollutants, particularly metals and chlorinated solvents, during pregnancy or early childhood, may be associated with a moderately increased risk of autism. These findings illuminate the need for further scientific investigation, as they are biologically plausible but preliminary and require confirmation."

The study is the first to look for a connection between autism among children and levels of hazardous air pollutants at birth. Last year, scientists who compared volumes of industrial mercury emissions in Texas with autism in schoolchildren reported a similar link.

Autism is believed to start in the womb, early in pregnancy, when the brain develops. Genetic factors determine who is susceptible, but experts theorize that environmental factors contribute.

The new study found that mercury was the "most significant correlation with autism," Pessah said, "but every family may not be affected the same way because of their genetic makeup."

Many parents of autistic children blame vaccines that contained a type of mercury called thimerosal. Expert reviews have found no link between vaccines and autism, but some scientists do not consider them definitive.

No assumptions about vaccines can be made on the basis of the air pollution study. "Mercury in the air is a different type than in vaccines," Windham said.

The new study examined elemental mercury, which is released into the air from coal-burning power plants, chlorine factories and gold mines. It spreads globally and builds up in food chains, particularly in oceans. Levels of mercury are increasing in many parts of the world, largely from power plants in China and India.

The researchers had not expected to be able to discern a relationship between autism and the air pollution data.

The five metals and solvents are common industrial pollutants, but air is only one source of exposure, because they also contaminate water and food.

Some experts say that if there is a link between mercury and autism, it most likely comes from fish consumption, the main route of mercury exposure. A 20-year, ongoing study in Denmark's Faroe Islands has shown that children have slightly reduced intelligence when mothers consumed excessive mercury in seafood.

The largest limitation or uncertainty in the Bay Area study is that the pollution data did not come from measurements of compounds to which the mothers were actually exposed. Instead, they were based on estimates calculated by the U.S. Environmental Protection Agency using computer modeling of industrial emissions.

Windham said that "there could be other explanations" for the link they found. For example, it could be that women who live in the worst-polluted areas also smoke more or eat more contaminated seafood. The scientists did not track down the mothers to compare lifestyles.

Researchers at Johns Hopkins University's School of Public Health are conducting a similar study in the Baltimore area to see if they replicate the findings.

Third 'Spare the Air' day planned today

Matthai Chakko Kuruvila
S.F. Chronicle, Monday, June 26, 2006

Continuing a string of bad air days, regional air-quality regulators declared a "Spare the Air" day for today, giving commuters one last chance to ride public transit for free this year.

Every transit agency in the nine-county Bay Area participates, except the Benicia-San Francisco Ferry. But with three straight weekdays of poor air quality, the budget for the free commutes is tapped out, said Jack Colbourn, outreach director for the Bay Area Air Quality Management District.

The free commutes are intended to encourage commuters to stay out of their cars -- and remind the region's residents to avoid things such as barbecuing and using aerosol sprays.

Colbourn said there is a chance that federal authorities might fund more free commutes. But, he added, he hopes that even without economic incentives, commuters will turn to public transit for the good of the air they breathe.

People can sign up for alerts or learn more about the program at www.sparetheair.org.

Public transit ridership flourishes as travelers spare air, accelerator

By Michael Cabantuan, staff writer
S.F. Chronicle, Saturday, June 24, 2006

Whether they were heeding pleas to Spare the Air or simply taking advantage of a day of free transit rides, Bay Area residents climbed aboard public transportation in huge numbers Thursday.

Preliminary figures released by the Metropolitan Transportation Commission on Friday showed significant increases in ridership for most of the 25 transit agencies that participated in the Spare the Air Day free-transit program, with the biggest coming on BART and the Golden Gate Ferry. Free rides also were offered Friday, but ridership numbers have not yet been tallied.

"We're really pleased that thousands of people stepped up to the plate," said Luna Salaver, spokeswoman for the Bay Area Air Quality Management District.

Despite the jump in transit ridership, the Bay Area exceeded federal smog standards on Wednesday and Thursday -- the first violations of the clean-air limits in three years. The federal ozone standard is set at a maximum of 80 parts per billion of smog-causing emissions over an eight-hour period. In Fairfield on Thursday, the level reached 87 parts per billion; in Concord, smog emissions hit 88 parts per billion.

"Had we not had the free-transit day, the exceedances probably would have been worse," Salaver said. But, she added: "It appears we need to rely more on the public to make clean-air choices."

Hoping to stay below the federal smog limits, transportation and air quality officials came up with the idea to offer free transit rides all day on the first three Spare the Air Days -- days when air quality scientists believe hot, windless conditions are likely to brew up smog. Vehicle emissions are by far the leading cause of the region's ground-level ozone, or smog.

Violations of the federal air standards can eventually lead to restrictions and penalties, including the withholding of federal transportation funds.

On the first Spare the Air Day, BART reported that 33,000 more passengers than usual rode its trains -- an increase of about 10 percent over a typical Thursday. Ferries also saw large jumps in the number of passengers. Golden Gate Ferry experienced a 60 percent jump in ridership, while the Sausalito ferry saw a 200 percent increase in the number of people taking rides.

Figures from San Francisco Muni, which carries the most passengers in the Bay Area, and AC Transit were not available Friday afternoon.

Small transit agencies also reported large increases. Tri Delta Transit in eastern Contra Costa County carried 6 percent more passengers, and County Connection in central Contra Costa County hauled 12 percent more. In western Contra Costa County, West CAT saw its ridership rise about 13 percent.

Vacaville City Coach buses saw a 17 percent increase, Union City Transit had a ridership rise of 10 percent, Napa County VINE carried 18 percent more passengers, and Fairfield Suisun Transit saw an 11 percent increase.

"It's relatively consistent and across the board," said Randy Rentschler, a spokesman for the Metropolitan Transportation Commission. "This is a pretty good showing."

Windless heat rouses Bay Area smog

Another Spare the Air Day called for today, but a welcome cooling trend kicking in

By Michael Cabantuan, staff writer
S.F. Chronicle, Friday, June 23, 2006

The heat-induced Spare the Air Day that meant free transit rides in the Bay Area on Thursday drew significant numbers of new passengers to some systems, according to transit officials, who will offer another day of free rides today.

But it may not have lured enough drivers out of their cars to avoid exceeding federal smog standards.

Forecasters expect cooling at the coast and even around the bay today, but the torrid temperatures and mostly windless weather is expected to continue inland. That forecast persuaded air quality officials at noon Thursday to declare today the second Spare the Air Day for the year and the second day in a row.

"Unfortunately, this weather pattern appears to be pretty persistent," said Jack Broadbent, chief executive officer of the Bay Area Air Quality Management District.

And it's already caused the Bay Area to exceed state and federal smog standards. Wednesday, as the Bay Area heated up, the region exceeded federal air quality standards in Santa Clara County -- the first such violation in three years. The federal ozone standard is set at a maximum of 80 parts per billion of smog-causing emissions over an eight-hour period. On Wednesday, the standard was exceeded in the Bay Area because of a reading of 94 parts per billion at a Gilroy station and a 91 parts per billion reading at a San Martin station.

Air quality scientists also expected that Thursday's air exceeded federal health-based smog limits, but specific measurements were not expected until today.

Hot weather and placid winds create conditions ideal for cooking up unhealthy levels of ground-level ozone, or smog, particularly in inland areas. On a crowded Alameda/Oakland ferry Thursday morning, passengers getting free rides saw a greenish-brown haze hovering over the bay. Spare the Air declarations aim to reduce vehicle emissions -- by far the largest source of Bay Area smog -- by luring drivers out of their cars and onto transit.

Hot weather Thursday set one record: In San Rafael the high of 99 topped a previous record of 98 set in 1957.

Relief should arrive for communities on or near the coast today, thanks to a southerly surge of coastal fog working its way up the coast, according to the National Weather Service. The fog should begin to cool San Francisco and other cities around the bay today with temperatures expected to be in the upper 60s to 70s. But inland residents won't get a break for a few days, at least.

"They won't feel it inland until probably Sunday, Monday or maybe even Tuesday," said forecaster Diana Henderson.

In San Francisco, where the high temperature was 84 Thursday, the Friday forecast calls for a high of 66 with light, patchy morning fog. Oakland, which saw 91-degree heat Thursday, is expected to hit a high of 89. Mountain View, which was 94 Thursday, is projected to get as warm as 86. Concord's forecast calls for a high of 97, two degrees cooler than Thursday. Some spots, however, will see their temperatures stay warm or even rise a few degrees. San Jose, which was 95 Thursday, is expected to reach 100.

Official ridership estimates for Thursday's free ride on transit aren't expected until today, but preliminary counts from the morning commute showed strong increases on some systems -- including the Golden Gate and Alameda/Oakland ferries, BART and the Altamont Commuter Express.

Aboard the 11 a.m. Alameda/Oakland ferry, regular commuters Will Roger and Crimson Rose, who ride their bikes and take the ferry daily, said the crowds appeared to be at least twice as large as usual. A ferry employee said the boat was at its capacity -- 330 passengers. Some ferries had to turn away passengers because of the heavy loads, and Alameda/Oakland ferry manager Ernest Sanchez said his service will add boats today.

"It's great seeing all these people on the ferry," Roger said. "Maybe some will come back. The more, the merrier, we say."

Bay Area commuters to get another free lift

by Michael Cabantuan, staff writer

S.F. Chronicle, Thursday, June 22, 2006

SAN FRANCISCO -- Transit rides will be free again on Friday, as air quality officials try to get drivers to park their cars and avoid polluting the air.

The Bay Area Air Quality Management District has declared Friday its second Spare the Air Day this summer -- today was the first -- as hot weather and placid winds continue to create conditions ideal for cooking up unhealthy levels of ground-level ozone, or smog.

The Spare the Air Day declaration means that rides on most buses, rail systems, ferries and streetcars will be free for the second straight day. Transit systems reported carrying slightly heavier loads during the morning commute today but counts will probably not be available for days.

Twenty-five transit agencies -- including Muni, BART, AC Transit, Caltrain, SamTrans, the Santa Clara Valley Transportation Authority, Golden Gate Transit and Ferries and most of the region's smaller transit operators - covered their fare gates or boxes during their regular service hours and will do so again Friday.

Air quality officials called the second Spare the Air alert early this afternoon when meteorologists determined that the forecast for more hot and windless weather, and readings from air monitoring stations, indicated smoggy conditions were likely again on Friday.

Air quality and transportation officials hope that offering free rides on 25 Bay Area transit systems will lure drivers out of their cars -- the largest source of smog in the region. The immediate goal of Spare the Air Day is to avoid exceeding federal air pollution standards. A violation can cause the loss of federal transportation funds. A longer term goal is to convince some car commuters to take transit regularly.

Transit agencies offering free rides include: San Francisco Muni, BART, AC Transit, Santa Clara Valley Transportation Authority, SamTrans, Caltrain, Golden Gate Transit and Ferries, Altamont Commuter Express, Alameda-Oakland Ferry, Alameda Harbor Bay Ferry, Benicia Breeze, Cloverdale Transit, County Connection, Dumbarton Express, Fairfield/Suisun Transit, Livermore Amador Valley Transit Authority (Wheels), Petaluma Transit, Rio Vista Breeze, Santa Rosa CityBus, Sonoma County Transit, Tri Delta Transit, Union City Transit, Vacaville City Coach, Napa VINE, and WestCAT.

For more information, visit 511.org or sparetheair.org.

[Bakersfield Californian, Editorial, Monday, June 26, 2006:](#)

'New car smell' may stink

One of the most pleasurable things about purchasing a new automobile is that "new car smell" -- that beguiling, mysterious aroma that is found (and smelled) nowhere else.

Unfortunately, this pleasing odor is created by chemicals and may be bad for you. A mixture of volatile organic compounds, mixed with adhesives and sealers, combine to create that new car smell. These chemicals individually are probably not harmful, but long-term exposure to the chemical car soup can pose health problems.

The good news: These chemicals dissipate after a few months. You can enjoy that new car smell -- just don't forget to roll down the windows now and then.

[Bakersfield Californian, Letter to the Editor, Monday, June 26, 2006:](#)

Film called 'must see'

Bakersfield has the most polluted air in the nation. The air pollution movie, "An Inconvenient Truth," is viewing in Bakersfield at Valley Plaza, Pacific Theaters.

The film has been highly praised by the nation's critics. Roger Ebert said: "In 39 years, I have never written these words in a movie review, but here they are: You owe it to yourself to see this film."

RealClimate, Climate Science From Climate Scientists, reported, "How well does the film handle the science? Admirably. It is remarkably up to date, with reference to some of the very latest research."

There are, of course, detractors, but the consensus is that this is a "must see" film.

It wasn't planned to be aired here because of Bakersfield's conservatism and the "star" is Al Gore. But many worked hard to get it screened in Bakersfield. Support Pacific Theaters' bold decision to screen this important film.

RICHARD REED, Bakersfield

[Visalia Times-Delta, Letter to the Editor, Monday, June 26, 2006:](#)

Asthma treatment has several variables

Thumbs up for the article on June 10, "The air is alive..."

There were so many important facts noted about asthma, allergies and air quality. Because it is not possible for most people to move out of the county, it is essential that asthmatics focus on trigger reduction and proper medication use.

There are two types of medication categories for asthma: relievers and controllers. Asthma is a serious disease that can be life-threatening if it is not treated and controlled. Data shows that the annual death rate for asthma has been decreasing since the introduction of combination therapy, which is the use of reliever and controller medications for mild persistent to severe persistent asthma.

Because asthma is unpredictable even mild asthma can flare up and become severe. Following your physician's order to take daily controller medications is extremely important to prevent changes in the cells of the airway (airway remodeling).

Airway inflammation exists even when people have no symptoms. Over time inflammation in the airways causes scarring in the breathing tubes decreasing the size of the tubes and decreasing the capacity to move air in and out of the lungs.

There are concerns over the safety of some asthma medications, but we believe there is an overwhelming body of evidence to support the National Institutes of Health (NIH) guidelines for the treatment of asthma.

Talk to your doctor about your NIH asthma classification and work together to form a written asthma action plan. For more information on asthma please contact the Tulare County Asthma Coalition at 685-3494.

CHRISTINE FOSTER

Chairperson

Tulare County Asthma Coalition

Public pays for toxic trails

BY SARAH RUBY AND JAMES BURGER, Californian staff writers
Bakersfield Californian, Sunday, June 25 2006

For decades, companies with questionable ethics made Kern County their home and piled up massive mounds of contaminated earth, toxic chemicals, oilfield sludges and heavy metals.

And in some cases, the office paid by tax dollars to stop polluters -- Kern's Environmental Health Services Department -- stood by and let it happen.

One company, Resource Renewal Technology Inc., made a business of dumping oily dirt, discarded concrete, pools of sludge and other lucrative junk for more than a decade.

By 2002, when Kern County supervisors shut the company down, the waste cocktail near Maricopa had swelled with enough material to spread, one yard thick, across more than 30 football fields.

Other waste piles around Kern have similar histories.

* In 2005, neighbors discovered a vast moonscape of caustic ash at a sludge farm operated by USA Transport Inc. near Wasco. Their complaints triggered a state investigation, which later led

the Kern Environmental Health Services Department to revoke the farm's permit. It is unknown how long the piles had been sitting there.

* Another company, Environmental Protection Corporation, poured toxic waste into open pits half a mile from the Kern River in the 1970s and 1980s. Water under the site is still saturated with toxic chemicals and heavy metals. The Kern department could have jumped in if it felt the site was an immediate threat, but the company was primarily regulated by the state, which shut it down in 1986.

* Each day thousands of Bakersfield commuters pass a huge toxic pile left by Gibson Environmental Inc. off Rosedale Highway. The pile might still be adorned with tanks full of hazardous waste if liquids hadn't leaked, prompting the state to launch an emergency cleanup in 1999 and 2000. The Kern department worked on the case, but the state took the lead.

These dump sites and the county's lackadaisical handling of them have helped seal Kern's reputation as a waste dumper's dream come true.

When the county or state does come to the rescue, dumpers often duck into bankruptcy, leaving the burden of cleanup on the public's shoulders.

As a result, most of Kern's abandoned waste sites sit untouched until regulators track down where the junk came from and force those companies to take action.

For example, Gibson Environmental's former customers paid some \$8 million to remove immediate threats to the Kern River. Non-emergency cleanup was left for another day, and a contaminated pile still sits near Rosedale Highway.

So why weren't these and other polluters stopped before piles became mountains?

The reasons can be traced, at least in part, to the enforcement philosophy of Environmental Health Chief Steve McCalley, who retired March 31 after 17 years with the department. He took a gentle line with businesses -- a reflection of a community that doesn't want public employees "working here with a clipboard and an attitude," he said, paraphrasing former county supervisor Ben Austin.

"Could we be more forceful? Yes," he said in an interview before leaving the job. "Is that something that's acceptable to the community? Perhaps not."

In his view, the economic benefits of a friendly regulatory climate outweigh the damage caused by a few polluters unwilling to play fair.

"It's a balancing act," he said. "Businesses employ the citizens of this community. We have an obligation to collaborate for the good of the community."

Laws no help

Weak state laws also contribute to Kern's dumping problem, especially when companies insist they are not waste handlers but "recyclers," exempting them from solid waste laws. Most of Kern's enduring dump sites were run by people who claimed to recycle waste into a usable product, and local officials were slow to reclassify them as polluters.

Even today, county officials take most companies at their word for what they're doing. A recent example: the vast and possibly hazardous piles of ash allowed to gather at Oxnard's sludge farm near Wasco. The county put a list of conditions on the farm's permit, but regulators seldom check if those rules are being followed, said code enforcement and environmental health officials, who were answering to a dismayed board of supervisors April 4.

"We do very little follow up with conditional use permits," Chuck Lackey, who oversees the county's code enforcement division, said at the meeting.

Still, it's not all the fault of local agencies.

The nearby coastal county of Ventura doesn't have Kern's dumping problem, but if it did, officials there might not be able to deal with it any better, said William Stratton, manager of Ventura

County's environmental health division. Unless a dump site is an active health hazard, environmental health officials' powers are limited, he said.

"They don't really have the tools that allow us to move very quickly and resolve these issues," Stratton said. "We have to go through a process and that process takes quite a bit of time."

A tough crowd

Some locals think Kern's environmental health department interprets its powers too narrowly. In some cases, the department spent years working with companies that had no intention of following the law. When their owners closed up and faded out of the public eye, the county was left with the mess -- piles full of heavy metals, refinery waste and contaminated soil. They're mostly in Kern's remote areas such as Maricopa and McKittrick, but some sit within a mile of the Kern River, a major source of drinking and agricultural water.

The environmental health department's enforcement record is "a mess," said state Sen. Dean Florez, D-Shafter. McCalley was "horrible" at protecting the environment if it meant crossing industry, he said.

"It's safe to say the only time the department acts is two reasons: bad press and crisis. That's it," he said.

Polluters have been known to get a pass here, said Deputy District Attorney John Mitchell, who handles environmental and consumer fraud cases.

"If you get caught you are going to get a notice to comply or a stern lecture from (the environmental health department)," he said. "One of my colleagues in another county calls (this style) the 'pretty-please' method of law enforcement."

In 2002, Mitchell sued the owners of Resource Renewal Technology, the company whose legacy sits in piles off Highway 166. That case settled a little more than a year ago. The company's owners paid \$68,000 in fines. The site could cost \$10 million to clean up.

Mitchell was hoping to force Resource Renewal Technology to clean up its mess, but "unfortunately, by the time that we got the case the cleanup costs were in the millions and the defendants didn't have the ability to pay that amount," he wrote in an e-mail.

Now the state Department of Toxic Substances Control is deciding if it should go after the company's former customers for cleanup costs. Early surface tests didn't show the site to be an imminent threat to health or groundwater, and while in-depth sampling would probably "get hazardous levels of something," the state is loathe to pay for a series of tests that can cost as much as \$10,000 each, said Tom Kovac, who supervises hazardous cleanups for the state Department of Toxic Substances Control. Judges typically need proof of a substantial threat before they force a company's customers -- in this case, school districts, PG&E and uniform cleaning services, among others -- to pay for cleanup, he said.

Mitchell has nothing but praise for Kern's environmental health investigators, who have brought him "egregious, well-documented" cases in recent years. But unlike criminal cases, the decision of whether to refer a civil case for prosecution lies with the agency's leaders, he said, and Resource Renewal Technology is one that simmered for a decade before being sent to his office.

The attitude in Kern is changing, Mitchell said, but there are "people who still believe in the old school and don't want to do anything (about polluters)."

A case in point

Environmental health investigators were wary of pursuing Resource Renewal Technology for its bad environmental behavior, county records show. The department opened and closed an investigation of the company in the early 1990s, and shortly thereafter it let the company keep its status as a recycler instead of calling it a waste handler, exempting it from further red tape.

Resource Renewal Technology continued to pile up waste and enforcement once again came to a head in 2002. Brian Pitts, a lead investigator in the case, sent a note to his bosses asking for

"reassurance" that they'd support him on a notice of violation against the company. He predicted a quick counterattack, which "doesn't bother me, but we have folks with weak knees around here," Pitts wrote.

Pitts refused to discuss the memo and why he wrote it.

Pitts would later take the case to the county planning commission and the board of supervisors, which rejected a venom-filled appeal by the company's owner, Calvin H. Cheek, Jr., to save his business.

"We have given this gentleman way, way, way too much latitude, and I don't know who is responsible for it," said Supervisor Barbara Patrick at a board meeting October 8, 2002. "This should have come to us months, if not years ago."

Supervisors revoked Cheek's permit, a move that closed the business but left the county with a pile of waste that will cost some \$10 million to clean up.

"In the final analysis, the taxpayers are going to have to pay for this and I think that's a travesty," said Patrick at the meeting.

Patrick, who retires from office at the end of the year, said the county has learned lessons from its dealings with companies such as Resource Renewal Technology. It now requires businesses to put up money for unforeseen environmental cleanup costs.

"Once burned, twice shy," Patrick said. "You don't have to be hit in the head by a two-by-four more than once (to learn a lesson) -- or you shouldn't have to be."

The future

The future of the Environmental Health Services Department is now in the hands of Matt Constantine, who was selected by county administrators in February to take over for McCalley.

Constantine admits the department has made mistakes in how it's handled past cases. Given the information available today, he wishes the department had been more aggressive in shutting down Resource Renewal Technology, among other so-called recyclers.

"I think you have found some areas (where) perhaps we could have done better," he said. "I'm hopeful you'll see some of our responses recently reflect a change."

In the past five years, the department has gone after 18 landfills, trucking outfits and other companies for stockpiling solid waste or otherwise overstepping their permits. It's sent more than a dozen successful hazardous waste cases to the district attorney in that time, including one that yielded a \$150,000 fine in 2005 for a trucking accident that released nitric acid from a tanker. In 2003, a department investigation led to a \$1.2 million legal settlement from a company responsible for a release of hydrochloric acid into the air, and another investigation sent a man to jail in 2001 for releasing hazardous waste in a residential area.

As for his predecessor, Constantine said McCalley has "done an amazing job," and described him as a mentor. He admires McCalley's enthusiasm and accessibility, his ability to maximize limited resources and his "rational, reasonable approach."

"He's always here, he's always interested, he's always excited," said Constantine. "He's always accessible."

Under McCalley's direction, Constantine ran the county's troubled Animal Control Services Division until late 2004. The two men were responsible for a policy by which animal shelter workers routinely violated state law -- knowingly delivering lethal injections to thousands of animals before the end of a mandated 96-hour holding period.

Some county leaders hope Constantine will bring change to the environmental health department.

"The philosophy has always been try to get the cooperation of the offending party. Sometimes I think we go a little too far ... we give them too much time," said Supervisor Don Maben. "We've

got a new guy coming on board, and maybe he can give us a little more strength in that direction."

Kern County is at a "crossroads," said Supervisor Michael Rubio.

"I think we are certainly lax compared to other counties," he said. "You have to start asking the question, how did we get to where we are today?"

Kern is a magnet for the hazardous waste industry, at least compared to its rural counterpart, Fresno County. Kern's environmental health department gave out 5,616 permits to hazardous waste handlers and generators in the past five years, and sent 15 investigations to the district attorney. Fresno gave out about half that many permits in that time, and didn't send any cases to the district attorney.

Kern's unique position as a solid and hazardous waste destination make comparison to other counties difficult, said Constantine. Kern's proximity to the Los Angeles area, the second most populated metro area in the country, creates "a rather unique problem we face here," he said.

Supervisor Ray Watson defends the department, saying it does a great job considering the number of facilities it regulates. The department has a careful approach, he said, but "when all the facts are in and there's a decision to be made, the decision will be made."

Supervisor Jon McQuiston agrees, and says the environmental health department's job is to work with businesses and help them comply with the law.

"We can either be a coach or an umpire," he said. "If all we are is scorekeeping and penalties, I think we're missing the point."

A roster of cases 1. U.S.A Transport Inc. 1998 The county let the company keep a year's supply of caustic ash on the city of Oxnard's sludge farm near Wasco. The ash, a refinery waste, was meant to kill pathogens in sewage sludge before the company spread it on cropland. 2001-2003 The county environmental health department cited the sludge operation for multiple violations. 2005 The piles of ash had swelled to more than 100,000 tons, roughly a six-year supply. Supervisor Ray Watson voiced concerns and the state Department of Toxic Substances Control began to investigate. January 2006 The state Department of Toxic Substances Control declared the ash a hazardous waste capable of causing pneumonia and chemical burns to the eyes, nose and throat. February 2005 The county environmental health department revoked the company's permit. April 2005-Today County supervisors fined Oxnard and U.S.A. Transport \$25,000 each. Oxnard cleared the site. State toxics officials are overseeing new tests of the ash because Oxnard and BP West Coast Products LLC insist it's not hazardous waste.

2. Gibson Environmental Inc. 1978 The company opened a facility to treat and recycle waste oil and contaminated soil into road products. 1988 The state gave it a hazardous waste permit. 1994 The company filed for bankruptcy. 1995 Its operators abandoned the site, including tanks holding 850,000 gallons of liquids laced with lead, PCB, benzene and other toxics, and an 80,000-ton pile of contaminated soil and sludge. Even the tank meant to contain fire-control liquid was filled with toxic, flammable materials. 1996 & 1998 The state Department of Toxic Substances Control denied the company's petition for permits. The county environmental health department was involved, but primary regulatory responsibility fell to the state. 1999 - 2001 Gibson's customers were forced to clean up the site's most hazardous junk. The solid pile still sits near the Kern River off Rosedale Highway, and no one knows if it's contaminating groundwater. Company officials later spent time in jail.

3. Pacific Southwest Farms Inc. 1996 Southern California-based Barend "Barry" Meijer bypassed waste regulations by declaring his company a worm farm - an agricultural operation - instead of a waste handler. The worms would feed on yard clippings and other household "green waste" from Orange County, and the resulting compost would nourish planted crops. 1997 or 1998 Meijer abandoned the site, leaving plastic prescription bottles, syringes and asthma inhalers in tidy piles invisible from the road. All green waste includes some trash, but Meijer let that trash sit in 40 knee-high rows. 2002 & 2004 The county environmental health department issued abatement orders against the company, threatening fines and further action. Meijer ignored them. 2005 One

of Meijer's customers, Rainbow Disposal Company Inc. of Huntington Beach, tracked him down. Concerned about the company's reputation, executives from Rainbow Disposal convinced Meijer to sign over the property so they could clean it up. The company spent some \$500,000 on cleanup, not including the cost of paying Meijer's water and property tax bills. 2006 The county environmental health department is going to make a final inspection and will likely send Rainbow Disposal a bill for staff time.

4. Resource Renewal Technology Inc. Early 1990s The company opened an asphalt plant near Maricopa without a permit, according to county documents. Its plan was to turn oil-field waste into road base. 1993 County zoning officials gave the company a temporary permit despite complaints from the waste industry that the so-called recycler was really a solid-waste dump. County environmental health officials closed an investigation of the company, saying its piles were non-hazardous. 1994 The county environmental health department officially recognized the company as a recycler, exempting it from solid waste rules. 2000-2001 In a whole year, the plant produced less than three days' worth of asphalt, leaving it idle 98 percent of the time from July 2000 to the next July. 2002 Environmental health investigators took their case against the company to county supervisors, who shut it down. State and county attorneys sued the company's owners. By the time it shut down, it had covered 16 acres with more than 200,000 cubic yards of waste. Tests revealed traces of gasoline, benzene, toluene, xylene, MTBE and various solvents. Its owners did not have money for cleanup, according to the Kern County district attorney's office. 2006 State toxics officials are deciding what to do with a site that could cost \$10 million to clean up.

5. Environmental Protection Corp. 1971 The company opened a dump site for oily waste near Hart Memorial Park northeast of Bakersfield. 1982 The state gave the company a permit to handle hazardous waste. 1986 The state revoked that permit and the facility shut down. Through the years it had absorbed 6.7 million barrels of liquids, sludge and solids without liners to prevent seepage into groundwater. The county environmental health department was kept in the loop, but the state took the lead on the case. 1994 The company agreed to liquidate its assets and let the state spend them on testing and cleanup. That money may not cover the costs of closing the site, and the state might have to make the company's former customers pay up. 2006 Groundwater under the site near Hart Park and the Kern River is saturated with toxics, according to officials with the state Department of Toxic Substance Control. Contaminated water is kept out of Bakersfield's drinking water by a quirk of natural geology and constant monitoring by state toxics officials.

6. EnviroCycle Inc. Late 1980s Oilman John Webb went into business turning oily sludge into pavement. He was originally permitted as a solid waste facility on 20 acres in McKittrick. 1995 The county environmental health department allowed EnviroCycle to surrender its solid waste permit because new rules classified it as a manufacturer, not a transfer station. 2003 With vague rules about how much pavement the plant must produce, Webb had let production slip and began stockpiling waste. The environmental health department inspected the site and found piles of soil stacked higher than 30 feet. It ran tests to see if the piles were hazardous, and the results indicated they weren't. 2005 The environmental health department issued an abatement order against the company. Its representatives agreed to remove 100,000 tons, or half the stockpiled solid waste, in five years. 2006 Webb, who has been battling with the county over financial assurances, found a buyer for the property. A wall of waste still sits on the property.

7. CleanSoils Inc. 1986 The company opened an asphalt plant, using oily soil to make road base. It set up next to baseball fields at Panama Road near Cottonwood Road. 1993 The state Regional Water Quality Control Board inspected the site and found violations. The county environmental health department followed the case, but the state took the lead. 1995 The company opened a second facility in Bakersfield on White Lane and Cottonwood Road. It has since been cleaned up and shut down. By 1996 The company piled up unused oily soil and some hazardous waste at the Panama Road site, according to state documents. Some of the waste was taken to the company's Bakersfield site. 1998 The company's out-of-state owners told the county CleanSoils was out of business. 2006 The case is closed as far as the county is concerned, but some waste is still out there.

8. Los Angeles Waste Industries Inc. Sometime before 2003 The company got a contract to haul green waste from the city of Los Angeles to Kern, where it would be composted. Instead, it let piles of green waste rot away until the 5-acre plot was littered with trash 12 to 18 inches deep. 2003 The county environmental health department issued a series of abatement orders against the company, alleging it created a health hazard. Its owners ignored them. Late 2005 - 2006 An image-conscious garbage contractor, Waste Management, Inc., cleaned up the mess. The county environmental health department is billing Waste Management for staff time related to the cleanup.

9. Morton Recycling Inc. 1994 Morton Recycling set up an oily soil recycling business near Maricopa. 1997 The county environmental health department discovered Morton was taking industrial liquids - a lucrative business - and pouring them over piles of oil-contaminated soil. It alerted the Regional Water Quality Control Board, which ordered the company to stop all operations. Morton took 134,000 gallons of liquids and sludges in less than a year, according to state records. 1999 The site's stockpile reached 76,000 cubic yards. Lead concentrations ranged from three to 20 times the hazardous limit. Lead and other toxics threatened groundwater, according to the water board report. 2006 State water officials are still working with the company's owners to come up with a closure plan. The environmental health department is considering its own enforcement action.

Is Kern County lax on environmental enforcement? Your leaders weigh in.

"We can either be a coach or an umpire. If all we are is scorekeeping and penalties, I think we're missing the point. The proper atmosphere is to encourage compliance." Jon McQuiston, 1st District supervisor

"I would like to see stronger enforcement. The philosophy has always been try to get the cooperation of the offending party ... Sometimes I think we go a little too far in that direction." Don Maben, 2nd District supervisor

["We are not lax on enforcement. I think there's been a big change in environmental thinking. It has become a quality-of-life issue. Good health, good air, good water and safety, all of those need to be protected."](#) Barbara Patrick, 3rd District supervisor

"We at this point rely on a permitting process and on the honesty of the people in complying with the conditions of the permits. We don't have enough people to police the activities on a continuous basis." Ray Watson, 4th District supervisor

"I believe we're now at a crossroads in Kern County where we make a decision to be the toxic gold of California or we choose to fight and protect our quality of life. I'm obviously of the opinion we should fight." Michael Rubio, 5th District supervisor

"The county really has to figure out if it's a friend of environment or a friend of industry. I just think there needs to be more of a watchdog mentality (at the environmental health department). We're not pleased with the way it's operating at all." State Senator Dean Florez (D-Shafter)

"I believe that a quality of life includes a healthy economy. People benefit from jobs... (But) that practice of taking that dirt and piling it up is unacceptable." State Senator Roy Ashburn (R-Bakersfield)

Assemblymember Nicole Parra (D-Hanford) did not wish to comment for the story. Assemblyman Kevin McCarthy (R-Bakersfield): Did not return several calls and e-mails requesting comment since April.

Interesting documents from the county's case against Resource Renewal Technology Inc., a company that called itself a recycler and dumped oily soil, concrete and other material for more than a decade before being shut down in 2002 Managing the media If not for the careful records of Resource Renewal Technology's consultants, we would never know the lengths county officials apparently went to evade the press.

According to memos dated January 1993, the planning department warned Resource Renewal Technology that a Channel 23 reporter had sniffed out the date and time of the company's next

site inspection. The consultant suggested the county secretly move the inspection “in order to avoid the press,” and the official, identified in the memo as Scott Denney, agreed to tell the reporter an inspection time hadn’t been set. Denney would then send the reporter to the consultant to find out the new time, and he would be conveniently out of the office.

The reason for all this maneuvering? It’s that “this project was not controversial, but that the media was attempting to make it controversial,” the consultant wrote. Denney, now a supervising planner, doesn’t remember things the way they’re portrayed in the memos. You have to consider their source - a paid contractor who wants to look good to the man writing the checks, said both he and his boss, Planning Director Ted James. Property owners have the final say about who enters their property on an inspection, and it could be the consultant was embellishing that simple fact, they said. “We do not advise applicants to avoid the media,” James said good-naturedly. “They do that on their own, as you are well aware.”

Alarm bells in the industry Waste-industry insiders complained about Resource Renewal Technology several times before the county closed its first case against the company in 1993. They objected to its recycler status, which let it avoid waste dumping rules despite its stockpile of unrecycled material. By calling itself one thing and doing another, Resource Renewal Technology enjoyed a “tremendous unfair competitive advantage,” wrote local consultant Randall Abbott. “This ongoing situation has caused a great deal of frustration ... within the properly regulated business community,” he said in another letter. Case closed? In the spring of 1993, shortly after the late county Supervisor Ken Peterson met with all parties in the case, McCalley closed the investigation of Resource Renewal Technology.

“We regret any inconvenience that this may have caused,” he wrote. “However, you would agree that enforcement agencies must be vigorous in steps to prevent the public from environmental problems.” The county did not consider the company’s waste piles hazardous, McCalley wrote. McCalley sent the letter May 10, 1993. His department shut the company down in 2002. Who’s in charge? Documents show the environmental health department trying to work out the conditions under which Resource Renewal Technology would be exempt from solid waste rules. Drafts of the deal were circulated to the company’s owner, and the later the date on the draft, the fewer requirements it contains.

For example, in an early draft, Environmental Health Director Steve McCalley specifically forbids the company’s owner, Calvin H. Cheek, Jr., from accepting non-soil waste such as sludge, drilling mud, fly ash, sand blasting residues, tank bottoms and other materials. This and other provisions are absent from a draft dated one month later.

When asked about the exchange, McCalley said it was all a negotiation. “You throw it all out there and see what sticks,” he said. “Sometimes you put a very detailed laundry list together and work back from that point.” The “weak-knees” memo The case against Resource Renewal Technology had been closed once before, but Brian Pitts, a lead environmental health investigator, pressed his department to take the company to county supervisors in 2002. Before he did, he wrote a note to his boss asking for “reassurance from management that I will get support on this.” He predicts a counterattack from the company, probably “some type of nasty letter or court order. It doesn’t bother me, but we have folks with weak knees around here,” he wrote. Visit www.bakersfield.com to take a look at these documents for yourself.

Kern’s Environmental Health Services Department What it regulates: restaurants, the land application of sewage sludge, public pools, water wells, body art salons, hotels, prisons, solid waste and hazardous waste. Number of employees: 50 Number of employees dedicated to solid and hazardous waste enforcement: 17 Annual budget for this fiscal year, ending in June: \$5.2 million Number of employees five years ago: 48 Operating budget five years ago: \$3.9 million Operating budget 10 years ago: \$4.2 million Number of inspections of restaurants, landfills, sludge farms, etc., it conducted in FY 2004-2005: 9,404 Minimum qualifications required for professional staff: Bachelor of Science degree and state certifications

Kern has “a long history” of putting business interests before public health, said Rosamond resident Jane Williams, a local activist who runs California Communities Against Toxics, a

statewide environmental network started by her mother, Norma “Stormy” Williams. For years they enlisted state help with local environmental issues because of “a lack of political will in Kern County,” the younger Williams said.

Whether it was fighting against cancer-causing dioxin pollution or shutting down an operation that set rail cars on fire to salvage the metal, Rosamond residents got nowhere with the county, Williams said. “We gave up on approaching the county back in the mid 80s,” Williams said. “They’re notorious.” If the community ever supported a hands-off approach to polluters, it doesn’t any longer, at least according to an unscientific sampling of residents, environmentalists, supermarket shoppers and Starbucks sippers:

- “I don’t think it’s fair for any business to be loose with the law. What’s good for one guy should be good for another guy,” said Terrie Stoller, a Bakersfield resident and smart-growth advocate whose family owns Sunridge Nursery.
 - Agencies throughout the valley have “got it totally backwards. Allowing these bad apples to push the envelope places law-abiding businesses at a competitive disadvantage,” said Brent Newell, staff attorney with the Center on Race, Poverty and the Environment.
 - “I’m conservative, but regardless of being business-friendly you have to protect the environment in this big smog bowl,” said Michelle Luckett, a local teacher whose family is in agriculture. • “We need to do everything we can to protect our environment. I think God created it and asked us to take care of it,” said Ed Rain, a local pastor.
 - “Business-friendly is reasonable friendly. It’s not, ‘Oh we’re going to bend over backwards so we can get new business in here.’ We have to take into consideration the future and the kids we’re dealing with - my kids,” said Philip Todd Niggle, a Bakersfield father of three shopping at Trader Joe’s.
 - If Kern stays firm it “will get the type of business clients that respect us as a people. By lowering our standards we encourage riff-raff to come in and take advantage of us - and bring their friends,” said Terrel French, a local physician.
- Waste producers always own their waste; that is, if it’s mishandled by a third party, the source of the waste has to clean it up. Rather than risk running into a faux recycler, Aera Energy LLC handles its non-hazardous oilfield waste in-house. It sends hazardous waste to Clean Harbors hazardous waste facility near Buttonwillow, but it uses all its oily soil and concrete to pave hundreds of miles of roads in oilfields throughout Kern. “It’s better to undertake those activities ourselves so we know the work actually gets done,” said Ron Chambers, a lead environmental advisor at Aera. Aera is serious about environmental compliance, he said. If it does hire a contractor, it makes sure to “look for a track record.”