

## In The News – Online Clips Tuesday, March 13, 2007

### **Turlock aims to get greener**

#### **But city also could benefit by selling its right to pollute**

By MICHAEL R. SHEA - BEE STAFF WRITER

Modesto Bee, Tuesday, March 13, 2007

TURLOCK - The city and the Turlock Irrigation District, like everyone else in California, must reduce their greenhouse gas emissions to conform to the landmark Global Warming Solutions Act.

But they hope to do more than just "go green" - they want to bring in some green, too.

Assembly Bill 32, signed into law in September, requires the state's polluters to reduce greenhouse gas emissions to 1990 levels by 2020.

Auto manufacturers will be required to make their cars more efficient. Utilities will be forced to produce more of their power from renewable resources. Oil companies will have to make fuels that burn with fewer carbon dioxide emissions.

Though exact regulations have yet to be penned, cities such as Turlock, which don't emit high levels of carbon dioxide, might have the opportunity to "sell" their right to pollute to larger producers.

The Air Resources Board has been meeting regularly since the law's inception and must have a list of early regulations by July. They will include lowering the carbon fuels emissions by 10 percent, per Gov. Schwarzenegger's executive order, and eliminating singular container coolants, such as those used to recharge automobile air-conditioner units, said Jerry Martin, spokesman for the board.

"That list is going to grow," he said. "Just last week, we heard a number of proposals that are quite usable."

The most immediate measure likely will affect large producers such as coal burners and oil companies, but smaller greenhouse gas emitters such as the city of Turlock, which runs a wastewater treatment plant and bus fleet, are starting to look at ways to reduce their carbon footprint, said Michael Cooke, regulatory affairs manager with the city.

In one scenario, the city could reduce the cost of going green and possibly break even or earn money.

State regulators are discussing creating a market in which companies can buy credits allowing them to pollute. The idea behind this market-based approach is to allow companies to pay someone else to do more than their share if reduction measures prove too expensive. The idea is that the state still meets its goal but with less disruption of the economy.

The state could allocate credits to individual companies based on their historic levels of pollution. The number of credits distributed would be less than needed to continue business as usual, forcing the firms to reduce their pollution. Companies that reduced their emissions faster than required could sell their unused credits.

#### **State could auction off credits**

An alternative would be for the state to sell credits at an auction. Regulators would determine an acceptable level of greenhouse gas emissions for the entire state and put the credits representing that amount up for sale. Companies would bid for the right to pollute, with the market setting the price from the beginning.

Turlock also is discussing how to convert emissions to energy. The wastewater plant, for example, burns off methane. With the help of the TID, the city could fashion fuel cells and essentially transfer the heat to energy.

"The idea is instead of building a power plant with additional (carbon dioxide) emissions we can use those methane flares," said TID Strategic Issues and Planning Manager Wes Monier. "We want to put that energy to work."

The TID, which has a 10 percent output share of a coal-fired power plant in Boardman, Ore., has signed on to a California Climate Action Registry, which sizes and inventories a company's carbon footprint. Turlock hasn't signed on yet, Cooke said, because it's too soon to tell what a small emitter's role in the process will be.

"We're in a holding pattern right now," Cooke said. "But we're certainly watching it."

## **Mayor makes no apologies for growth fees**

By Dennis Wyatt, Managing Editor  
Manteca Bulletin Tues., March 13, 2007

Mayor Willie Weatherford is making no apologies for the growth fees charged on new homes built in Manteca.

Weatherford, who said he isn't wild about the fees, emphasized they are a fact of life. "We have to pay for amenities and city facilities some how to (accommodate) growth," the mayor said.

The Builders Industry Association of the Delta filed a lawsuit earlier this month against the City of Manteca for imposing a \$4,000 a year government facilities fee. That figure was discounted \$700 for the initial year at the builders' request even though a higher fee is justified under state law.

A home that workers were pouring a foundation for Monday at 1158 Barbados Court was charged City of Manteca fees of \$40,808.59 before a building permit could be issued. The home is in AKF Development's Antigua neighborhood on the northeast corner of Woodward Avenue and Union Road

That fee breakdown is as follows:

- ? \$607.06 for farmland protection imposed by the city.
- ? \$1,188.14 for a forced sewer main to serve the neighborhood.
- ? \$956.40 to pay for fire stations.
- ? \$4,000 to pay for government facilities such as a police station, library, animal shelter, performing arts center, and more.
- ? \$525.69 to pay for a regionally imposed habitat preservation fee.
- ? \$350 for major equipment purchases such as fire engines that run as much as \$350,000 an a hook and ladder truck costing \$1 million.
- ? \$900 for water meter costs to pay for home's share of the city's water distribution and well system.
- ? \$2,447 to pay for neighborhood parks.
- ? \$3,961 to pay for home's share of the wastewater treatment plant.
- ? \$1,463 to pay for county facilities such as a jail, courthouse and other structures.
- ? \$2,610 to pay for transportation improvements countywide that have a regional impact. The fee was imposed by the county.
- ? \$1,428 for the cost of connecting to the sewer system.
- ? \$2,460 to pay for the home's share of the surface water treatment plant.
- ? \$8,312 to pay for a home's impact on other services in the city such a major streets where a signal may be needed because of growth such as at Cottage Avenue and North Street as well as things such as the Highway 99/East Yosemite Avenue interchange and new roads like Atherton Drive.
- ? \$8,000 in bonus bucks developers volunteered to pay for sewer allocation certainty that is unrestricted in how the council uses it.
- ? \$19.60 state fee on new homes.
- ? \$1,580.70 in permit and plan check fees.

The fees listed do not include the school facilities fee that is paid directly to the school district.

If the subdivision map had been approved more recently, the Antigua home also would have been subject to a:

- ? \$375 fee to pay for planning staff to process the project.
- ? \$3,000 for major community wide recreation facilities such as a new community park and playing fields.
- ? \$5,000 for the public safety endowment fund where interest will be used to hire police officers and firefighters.

? [regional air pollution control fee that is collected by the San Joaquin Valley Air Pollution Control District.](#)

Fees charged on homes vary by square footage as well as where they are located in the city. Some fees reflect the cost of specific problems of developing in certain areas such as the need for a forced sewer main.

Weatherford noted that the city for years charged growth fees that were artificially low.

"If (previous councils) had charged what was legally justified, we'd have the money now for a new library, a new police station, and other needs," Weatherford said.

The mayor added the bonus buck charge - that can go as high as \$12,000 a home - is something the developers volunteered to pay the city to assure sewer allocation certainty for homes.

Assistant City Manager Karen McLaughlin said growth fees in the aftermath of Proposition 13 are the only way cities have to pay for infrastructure needed to support growth.

McLaughlin noted that when new facilities were needed to accommodate growth prior to June 1978 when Proposition 13 passed, city governments simply increased the property tax.

McLaughlin added that state law makes it clear growth can only be charged for the share of costs they incur for facilities such as police stations and parks.

## **March Fever at the Pumps**

**Why are gas prices surging this early in the year?**

By David Washburn, Union-Tribune Staff Writer  
San Diego Union-Tribune Tues., March 13, 2007

Talk about March madness.

San Diego drivers have become somewhat resigned to paying more than \$3 for a gallon of gas during peak spring and summer driving months. Not in early March though, not with more than a week of winter left.

But the numbers at the pump don't lie. And yesterday they read \$3.10 for a gallon of regular, on average, in San Diego County - a record for March, according to the locally based Utility Consumers Action Network, or UCAN.

"Typically we see a jump in April," said Charles Langley, who oversees gasoline monitoring for UCAN. "This year we are getting jumped at the pump in March, and that is scary."

Gas prices in San Diego this week are 48 cents higher than they were this time last year, an 18 percent increase. And while pump prices here are always about 20 cents above the national average, they are 50 cents higher this week.

One can even find cheaper gas in Hawaii, where it's an average \$2.90 a gallon.

"I'm from Bellingham, Wash. - we can afford our gas," quipped 60-year-old visitor Sue Gonzales, who was filling up at a Chevron station on H Street in Chula Vista.

So why is this happening? And does this mean pump prices this year will eclipse the record of \$3.43 per gallon set last May?

Good questions, say market watchers. Their answers: "A lot of reasons" and "We don't know."

Analysts are loath to predict what will happen with one of the world's most volatile commodities. The general sense is that prices won't go higher until the summer driving season begins around Memorial Day - but don't hold them to it.

"I don't think we will see \$2.50 a gallon anytime before October," said Bob van der Valk, a Portland, Ore.-based fuel broker. "It might go down in April, then a lull, and then all hell will break loose."

Part of the price jump was expected.

There is always a slight bump this time of year as the refineries switch from the winter gasoline blend to the summer blend, which produces [fewer pollution-causing emissions](#). Producers have to slow production a bit while they make the switch, and it takes slightly more oil to produce the summer blend than it does the winter mix.

And refineries usually schedule routine maintenance on their plants this time of year so they are ready to go when the peak driving season hits.

But they didn't expect the confluence of a surge in demand nationwide due to unseasonably warm January temperatures in many areas, unscheduled problems at key refineries and a February jump in crude oil prices.

Langley and others said unscheduled repairs at the Shell plant in Martinez, a small fire at a Chevron refinery in El Segundo and a recent power outage in Los Angeles affecting several refineries have affected already tight supplies.

"There is so little slack in the system," said Doug MacIntyre, an oil industry analyst for the federal Energy Information Administration. "Everything has to be running smoothly for it to work."

Said van der Valk: "It's just been Murphy's law; one more thing we didn't need."

In the past, imports from other parts of the world have helped keep the price from spiking. Not this time, say analysts. A tight European market and a refinery fire in Nigeria mean imports will be slow in coming, especially to California, which requires a special, lower-emission blend.

"There are a lot of things consumer groups say, but this market behaves like any market would behave given the same set of circumstances," said Tupper Hull, spokesman for the Western States Petroleum Association, a trade group for refiners.

The shock that area drivers experienced when prices first hit \$3 in September 2005 seems to have been replaced by a sort of complacent cynicism.

Several folks filling up in south San Diego County yesterday said they weren't buying the tight supplies rationale.

"It's a game," said Rene Mariota, who spends about \$1,000 each month gassing up the five vehicles that he, his wife and two kids drive.

"They jack it up to \$3.25, and we think \$3 is a good deal. . . . I don't like it, but what am I going to do?"

UCAN's Langley isn't ready to allege a conspiracy, but he is quick to point out that seven refining operations control more than 90 percent of gasoline production in California. And he hopes price hikes like this week's will cause people to demand reform.

"What we have in California is a malarial gasoline economy," Langley said. "It's fever, followed by chill, followed by even worse fever. The cure is true competition, and until we get that we will suffer."

## **Tentative Deal on Allensworth Dairy Site**

By Miles Shuper

Valley Voice, Tuesday, March 13, 2007

*Allensworth* - A tentative agreement regarding the framework for potential sale of the land or the development rights on property where two huge dairies are proposed near Col. Allensworth State Park near Earlimart has been reached. The deal would mean the dairies would not be built.

David Albers, attorney for property owner Sam Etchegaray of Visalia, and Erik Vink, spokesman for the Trust For Public Land, California, a land conservation organization, Tuesday confirmed a verbal agreement has been reached. A written agreement could come within a week, they said. The agreement provides for one of two options: Etchegaray could sell all or a portion of the 2,691 acres or sell the rights to put dairies on the land next door to Allensworth State Park, the site of the first African American community established in California.

Either option would involve an agreed upon price for purchase or land-use rights pending approval of the appraisal by both parties. The California Department of Parks and Recreation wants to purchase the land for possible expansion of the Allensworth State Park but is not directly involved in the talks between Etchegaray and the Trust.

No monetary figures have been mentioned publicly but an agreed upon appraised value is certain to be impacted by final Tulare County approval of the plans for the dairies expected March 20.

The land currently is used for row crops and alfalfa. In a process which began years ago, Etchegaray plans for two dairies, 160 acres each with a combined 12,000 plus dairy stock to be located east of Highway 43, about 1.2 miles from the state park.

This week's tentative sale-land use rights agreement is not expected to delay the March 20 decision by Tulare County Supervisors to finalize a previous vote to approve plans for the two large dairies, named the Earlimart Ranch Dairy and the Phillips Ranch Dairy. Board Chairman Allen Ishida said Tuesday no

delay on the March 20 decision would be granted unless the land owner, Etchegaray, makes such a request.

A spokesman for the State Department of Parks and Recreation says a letter has been sent requesting Tulare County Supervisors to delay the March 20 decision but county officials Roy Sterns, spokesman for the Parks and Recreation department said if the sales of the land or land use rights turns out to be a reality "we will examine" the issue and what direction to proceed.

The proposed dairies' proximity to the historic African American site has generated a firestorm of controversy mostly from area residents and African Americans from across the state who attended Tulare County Planning Commission and Board of Supervisors sessions in masse. On at least three occasions dozens Allensworth Park supporters from the Bay Area and Los Angeles arrived by chartered buses to testify at public hearings in protest of the project. They made impassioned pleas for supervisors to reject the permits for the two dairies saying flies, odors, water quality and other health hazards would result and that the park's integrity and ability to attract visitors would be ruined.

The protestors included school children, teachers and others who claimed county officials were more concerned with economics than the welfare, safety and health of area residents and the African American heritage. Individual supervisors and other officials noted the strict conditions and state-of-the-art dairy technologies which would be tied to approval. The multi-million dollar dairies would provide up to 60 dairy jobs as well as provide numerous construction jobs, supporters said.

Tulare County is the largest milk producing county in the nation and milk and milk products tophthe county's annual agricultural output.

The issue has made headlines in the New York Times, the Los Angeles Times and national radio and television.

### **AB 576 Would Ban Dairies**

Meanwhile, emergency legislation, Assembly Bill 576, calling for a ban of dairies within five miles of the historic park has been introduced in Sacramento but is not scheduled to be heard until after the pending March 20 Tulare County decision. The measure, introduced Feb. 21, was authored by Assemblywoman Wilmer Carter of D-Riato and supported by Assemblywoman Nicole Parra and Sen. Dean Florez-D. Shafter whose districts include Allensworth. The status Black Caucus has taken the issue and rallied opposition, including AB576, citing potential detrimental effects on the historic site as well as to the welfare, safety and health of area residents.

But Tulare County officials and others, including Etchegaray's attorney Albers, expressed optimism that such legislation will fail, citing the state's potential for infringing on local land use issues. Albers said he seeks AB 576 as unconstitutional noting that law makers would not want to set a precedent for land use matters which are the domain of county officials.

Tulare County Supervisors who openly admit they are against the bill say they will take no action on AB576 until after the March 20 meeting but Kings County Supervisors passed a resolution opposing the bill Tuesday.

### **If thermometer tops 82 today, it will be a new high for March 13.**

By Jim Guy / The Fresno Bee  
Tuesday, March 13, 2007

Record-breaking high temperatures are forecast for the central San Joaquin Valley today, according to the National Weather Service.

The weather service predicted the high in Fresno today would be 84, nearly 20 degrees above the normal temperature of 65 and breaking the 1993 record of 82.

The warm weather is due to a strong ridge of high pressure fixed over the West Coast, keeping the storm track well to the north, according to meteorologist Steve Mendenhall.

During the next few days, however, a weak storm system in the Pacific Northwest will help move cooler air southward, bringing temperatures closer to normal ranges.

The high for Wednesday is forecast to be 82, which would tie the record set in 1994. Mendenhall said low temperatures would be in the low- to mid-50s, a few degrees above normal. He attributed the large variation between highs and lows this week to the dry weather the Central Valley has been experiencing.

Air quality for Fresno, Madera, Merced, and Tulare counties will be moderate today, according to the San Joaquin Valley Air Pollution Control District.

The air will be unhealthy for sensitive groups in Kings County.

## **New stink over steel foundry**

Carolyn Jones, Chronicle Staff Writer  
S.F. Chronicle, Monday, March 12, 2007

Unhappy with Pacific Steel's progress in curbing the burning-pot stench wafting from its smokestacks, the Berkeley City Council will examine new ways Tuesday to crack down on the nation's third-largest steel foundry -- including revoking the company's permits.

"It's not just a threat," said Jason Kibbey, chairman of the city's environment commission. "No one wants to put Pacific Steel out of business, but if they continue to flout community input, then revoking their permits is one of our options."

City Manager Phil Kamlarz recommends the council use zoning codes to "motivate and compel an immediate and significant reduction in polluting practices."

The city is the latest entity to try to get Pacific Steel to reduce its emissions. Last month, Pacific Steel reached a settlement with Citizens for a Better Environment to weed toxic material from its scrap metal supply and establish a committee to reduce toxic emissions by 2 tons over three years.

The Bay Area Air Quality Management District also has been negotiating a settlement with Pacific Steel since August about reducing emissions.

Last fall, under pressure from the air district, Pacific Steel installed a carbon filter on Plant No. 3, which was supposed to dramatically reduce the smell that often permeates West Berkeley.

So far, the pollution-reduction steps appear to be making progress. The air district received about 20 percent fewer complaints about Pacific Steel in 2006, said air district spokeswoman Karen Schkolnick.

"It's not an easy process to compel a business to do what it's supposed to do," she said. "But I cannot emphasize enough how seriously the air district is taking this."

Pacific Steel wants the city to be patient. The Citizens for a Better Environment plan and the air district agreement, when it's reached, will have a significant effect on emissions, said company spokeswoman Elisabeth Jewel.

"We would encourage everyone to hold off for a month or so," said Jewel. "We really don't believe most people want to see Pacific Steel and its 650 union jobs leave town." A state-funded assessment of the health risks associated with Pacific Steel is due in April.

Pacific Steel is a family-owned business that has been making parts for trucks and buses in West Berkeley for about 75 years, having started when the neighborhood was predominantly heavy industry. Now it's mixed with half-million-dollar bungalows, chic shopping districts, schools and parks.

Janice Schroeder, a neighbor, said the complaints about Pacific Steel's emissions have been dragging on for 30 years, and it's time for the city to act.

"(Pacific Steel) has done some things, but I really don't feel it's enough," she said. "I don't think there's an acceptable level of toxics that people should be breathing."

By revoking the permits and forcing the company to reapply for them, the city can implement tougher standards on the odors and other toxic emissions, she said, adding that no one wants the company to leave.

"We want them to use the best cutting-edge technology available," she said. "We don't want them to move to another area where they can continue to pollute. We want them to clean up and stay here."

The city's toxics manager, Nabil Al-Hadithy, said the public should wait to see what happens with the air district plan when it's reached.

"To me, it seems logical to allow the air district to implement their plan. I have faith the air district will get this facility running in a manner acceptable to the vast majority of the community," he said. "But the community has deep-seated distrust. They want an end to the odors, and they're wondering why this didn't happen five years ago."

## **Would Berkeley-S.F. ferry float your boat?**

### **Transit agency considers new transbay routes**

By Erik N. Nelson, STAFF WRITER

Tri-Valley Herald, Tuesday, March 13, 2007

By 2010, the Bay Area Water Transit Authority expects that a knot of commuters will be walking up the gangplank of a ferry terminal in Berkeley. The question is, will people embrace the alternative while BART, bus and the Bay Bridge all compete for their attention?

And even then, is it a good idea?

So far, the authority is trying to figure out where to dock the service and what environmental impacts each of its four locations would cause.

On Thursday evening, a small collection of Berkeley residents gathered at the North Berkeley Senior Center, many of them to voice their displeasure with two sites near Golden Gate Fields in Albany because of their impact on wildlife and lack of existing public transit connections that already exist at the proposed Berkeley Marina site.

The Berkeley service is part of the authority's plan to expand ferry ridership from the current 3.5 million per year on an existing 10 routes to 12 million with the addition of five new routes serving San Francisco from Antioch and Martinez, Hercules, Redwood City, Richmond and Treasure Island, as well as an Oakland to South San Francisco route.

Whichever site comes out on top after the \$1 million environmental impact study is complete, it appears ferry service enjoys plenty of support among Bay Area residents, in spite of some glaring contrasts with other forms of public transit.

A survey of 600 Berkeley voters in 2005 showed three-fourths thought the service was a good idea. The Sierra Club supports service from the Berkeley Marina at the end of University Avenue. The Bay Area Air Quality Management District supports free ferry service on "Spare the Air" days, intended to keep cars off the road and to reduce smog.

But the idea that ferries stave off smog is not true, according to a Water Transit Authority study. With lax regulation of ferry emissions and major improvements in automobile engines, most ferries pollute more.

"Ferries as they exist today really aren't that great as far as emissions go," said Steve Castleberry, the authority's chief executive officer. The authority has worked to change that, however, and requires that its new ferries use a catalytic converter that makes them 10 times cleaner than their older fleetmates.

Even then, he explained, the comparison is a mixed bag, with some pollutants better than the cars that a full load of ferry commuters would otherwise be driving, and some worse. And it could be 20 years before the rest of the fleet needs replacement with the cleaner vessels, he said.

Even if it isn't the answer to the area's smoggy summer days, ferry service is attractive to commuters for a number of other reasons.

It provides a bright, open-air alternative to the confines of BART's dark Transbay Tube. It's a relaxing communal alternative, complete with snacks, Wi-Fi, alcoholic beverages and bathrooms, to the solitary frustrations of the Bay Bridge.

And then there's the bike issue.

"I have some members who are not real crazy about more power boats on the Bay, spewing exhaust and possibly churning up wildlife, but there is a limited capacity on many of the systems, or just outright barriers to us," said Robert Raburn, executive director of the East Bay Bicycle Coalition.

During rush hour, BART doesn't allow normal bicycles on its crowded transbay trains. Buses do allow bicycles, but most of them only accommodate two at a time on the racks.

AC Transit recently started permitting drivers to put two additional bikes in luggage compartments, but it's a far cry from the wide-open spaces that ferries can provide bicyclists.

"We're going to put racks for 25 bikes on these things," Castleberry said of the new Berkeley boats, which are already being built to serve as backups for the Bay's existing 10 routes until the Berkeley service begins.

**. . . and it'll likely shine at least another week**

By Julie Sevens Lyons, MEDIANEWS STAFF  
Tri-Valley Herald, Tuesday, March 13, 2007

We sweltered in July. Froze in January. But now the weather gods are finally smiling upon us.

Still one week shy of spring, the Bay Area is now experiencing perfectly perfect weather.

Record high temperatures? Yep, from 81 degrees at San Jose International to 84 degrees in balmy Santa Cruz.

Smog? Not much.

Pollen? A pittance.

San Jose allergist Dr. James Wolfe had one bit of advice: "Go outside and enjoy yourself."

Indeed, it's one of those rare times in the Bay Area when allergy and asthma sufferers - heck, just about everybody - are being given the go-ahead to go out. And you don't need a jacket or umbrella for at least another week.

Despite a dearth of rain to wash allergens away, Wolfe said, the trees primarily pollinating right now aren't causing problems for many allergy patients. And if the warm, dry spell keeps up, it could mean a light spring allergy season altogether, he said, as grasses - many an allergy sufferer's worst nightmare - won't be as lush as they have in years past.

Air quality levels, which can be poor in both the winter and summer, are currently good. And the temperatures - above average, but not sweltering - are surely the kind to gloat about to your cousin in Omaha.

Air quality officials also are calling this the perfect time for a hike or trip to the beach.

With the longer, warmer days, Bay Area residents have been using their fireplaces much less, which is helping to keep the air clean, said Karen Schkolnick, a spokeswoman for the Bay Area Air Quality Management District. But the temperatures also aren't as high as they get in the summer, when smog becomes a pollution problem.

The temperatures surely have East Coast residents California Dreamin', with highs hitting 80 degrees at Moffett Field Monday, and 79 degrees in downtown Oakland.

Records fell all over the place, with King City at 93 degrees resembling Cabo San Lucas in the summer.

But meteorologists are nonplused by the weather, saying it's not unusual to have several nice days of sunshine in February and March. And as far as Oakland's record-breaking temperatures, "that's one of the wussier records to break," laughed Bob Benjamin, a forecaster with the National Weather Service in Monterey.

Although temperatures are expected to cool down by several degrees over the next several days, they should hold in the low 70s in the Santa Clara Valley, above normal for this time of year.

The sunshine is expected to stick around through the weekend, with rain most likely not in the picture until early next week. And even that potential storm system isn't exactly formidable, Benjamin said.

A high pressure area has been parked over the Western United States, keeping Seattle wet and California and parts of Oregon dry.

But the nice warm days that have had some water officials sweating a bit have some local businesses doing a jig.

Lumbermen's Garden Center in Santa Cruz hasn't been able to keep up with the demand, as Bay Area gardeners anxious to work the soil have been rushing in and snapping up everything from tropical plants to trellises.

"I expect we and other nurseries in your area will be doing record-breaking sales this month," said General Manager Chuck Arnott.

What's completely out of stock?

"Just about anything in bloom," he said.

## **Explosion kills man**



## **Vacuum service truck driver found dead after early morning fire burns out**

BY JASON KOTOWSKI AND STEVE E. SWENSON, Californian staff writers  
Bakersfield Californian, Tuesday, March 13, 2007

A man was killed Monday morning when the vacuum truck he was driving hit at least one oil well near McKittrick, triggering a massive explosion.

The man, whose identity was withheld pending notification of family, was found dead about two hours after the fire was first reported, according to the Kern County Fire Department. It was initially believed to be a natural gas fire with no one injured.

"The first engine had to stay pretty far back because of the flames," Fire Capt. Doug Johnston said. The accident happened about 6:30 a.m.

But after the fire burned itself out shortly after 8 a.m., firefighters discovered the man in a truck owned by Johnston Vacuum Tank Service of Taft, Johnston said.

A secretary at Johnston said no one was available for comment.

Fire and smoke could be seen for at least 20 miles Monday morning, reported oil-field worker Jason Dennen from his Belridge working site.

The fire was near Reward and Franco Western Road on a site leased by Plains Exploration & Production (PXP), which has a Bakersfield office, Johnston said. PXP's offices at the site were evacuated during the incident.

An investigation will be conducted by PXP and other agencies, said Vice President of Environmental, Health, & Safety and Government Affairs Steve Rusch.

"Obviously our thoughts and prayers are with the family of the individual who was involved," Rusch said. PXP contracts with Johnston Vacuum Truck Service.

Vacuum trucks use hoses to suck oil from wells and they transport oil, water and chemicals around job sites, Rusch said.

After the flames were out, a combination of steam, oil, water and gas were shooting skyward from one of the wells and horizontally from the other. The danger of reignition was a concern for firefighters who were working with oil-field employees to shut down the steam lines to the wells, Johnston said. He added that hydrogen sulfide, a toxic, flammable gas, was in the mix as well.

He had no estimate as to when the wells would be turned off.

The burnt husk of the truck remained next to the wells late Monday afternoon.

Franco Western Road was closed between Kelso and Cymric roads, California Highway Patrol officers said.

It is too early to estimate the economic damage, Johnston said.

According to its Web site, PXP owns oil and gas properties in six states. Its principal operations include sites in the Los Angeles and San Joaquin basins.

This is the second explosion near an oil field in as many months.

In early February, a gas pipeline rupture caused an explosion and injured four workers at an Occidental Petroleum site near Tupman in western Kern County. Several vehicles and buildings were destroyed in that blast.

[Modesto Bee Editorial, Tuesday, March 13, 2007](#)

## **Air quality predictions need to be accurate**

Numbers recently released by the San Joaquin Valley Air Pollution Control District were puzzling. Why would fires in fireplaces be banned nine times in Stanislaus County but only once in San Joaquin and twice in Merced?

The district's response wasn't very clear.

We all want cleaner air, and we appreciate and support the district's difficult, unpopular and necessary job - which includes banning fires in fireplaces and citing those who flout the bans. Citations are critical tools in gaining compliance.

A far more important tool is the continued trust and goodwill of the district's 3.7 million residents. While a few dozen scofflaws blithely pollute, hundreds of thousands heed the warnings, observe the bans and trust the district to do its best.

Wind speed, moisture, particle counts measured in each county and other data are fed into the district's computer. It predicts the next day's Air Quality Index; if the index exceeds 151, fireplace fires are banned. Makes sense, because 30 percent of those particles are fireplace soot.

Fresno led all eight valley counties with 12 bans; Stanislaus had nine; Tulare eight. None of the other five counties exceeded three.

But on days when burning was banned in Stanislaus, monitors showed that the 151 threshold was reached only twice (Feb. 4-5). Another day it got close, but air quality didn't merit a ban on six days.

There are two explanations: The ban worked, reducing soot; the air wasn't as bad as predicted.

Is Stanislaus an island of pollution, differing dramatically from neighbors north and south? We don't think so. First, the district's numbers were way off. Second, most other counties did not reach predicted levels, though no bans were in place on those days.

District executive director Seyed Sadredhin strenuously disagrees: "If the numbers are lower after we tell people not to burn, that's exactly what we're looking for. That means the program worked perfectly."

We'd be more convinced if predictions weren't so consistently flawed. The average gap between predicted and actual AQI on days with bans was 23.7 for Stanislaus County - highest in the district. On those same days, Fresno County's gap averaged 17.6; Tulare's, 13.6; and Kings', 14.1. The smaller the gap, the more accurate the prediction.

For all 118 days measured in Stanislaus County, the average gap between predicted and actual AQI was 21 points. The district predicted the AQI would be worse than it was on 65 days; on 49 days it predicted it would be better. On four days it was perfect. But on Thanksgiving Day, the district missed by 93 points; the next day it missed by 84. The district was off by 40-plus points on 12 days.

"We try to be conservative in the interest of public health" when invoking a ban, Sadredhin said. There's a cost to such conservatism. The district issued 61 citations and fined residents who didn't comply \$900 for ignoring the bans.

We don't want to breathe soot, so it's not the number of bans or enforcement we find troubling- it's the level of inaccuracy.

Predicting anything is difficult. But if such disparities persist, residents might begin to think the district's predictions are like the fabled cries of "wolf."

Sadredhin summarily rejects that analogy: "It's a fair process we've put in place. Is it perfect? No. Are we continually working on it? Yes. Is it working? Yes. ... If you characterize this as a 'cry wolf' situation, or the district is inaccurate, that doesn't help the cause."

The cause is cleaner air; we all understand that. What we don't understand is how the district arrives at its numbers. The district needs to clear up that to keep us all working for better air.

[Opinion in the San Diego Union-Tribune Tues., March 13, 2007](#)

### **Buying and selling pollution credits**

Daniel Weintraub, Sacramento Bee

As California regulators move forward with the state's sweeping plan to cut greenhouse gas emissions, one of the big questions they will face is whether the government should sell or give away the right to dump carbon dioxide into the atmosphere.

Assembly Bill 32, the landmark measure passed last year to put California out front in the fight against global warming, requires the state's industries to reduce greenhouse gas emissions to 1990 levels by 2020.

To get there, state regulators at the Air Resources Board are planning to order some industries to change their practices. Auto manufacturers will be required to make their cars more efficient. Utilities will be forced to produce more of their power from renewable resources. Oil companies will have to make fuels that burn with fewer carbon dioxide emissions.

At the same time, regulators hope to create a market in which companies can buy credits allowing them to pollute. The idea behind this market-based approach is to allow companies to reduce their emission of greenhouse gasses in the most efficient way possible. Some would do it by retooling. But if those measures prove too expensive, a market in pollution permits would allow firms to pay someone else to do more than their share. The state still meets its goal but with less disruption of the economy.

The question is how those credits will be distributed. And that might be a \$2 billion question.

The state could simply allocate credits to individual companies based on their historic levels of pollution. Each credit would represent the right to produce, say, a ton of carbon dioxide emissions. The number of credits distributed would be less than needed to continue business as usual, forcing the firms to reduce their pollution. Companies that reduced their emissions faster than required could sell their unused credits.

An alternative would be for the state to sell all or a portion of the credits at an auction. Regulators would determine an acceptable level of greenhouse gas emissions for the entire state and put the credits representing that amount up for sale. Companies would bid for the right to pollute, with the market setting the price from the beginning.

Lenny Goldberg, executive director of the California Tax Reform Association, which lobbies for higher taxes on business, is pushing the Air Resources Board to sell the credits rather than give them away.

"If you really want to get it right, you have to have an auction," Goldberg says.

Goldberg argues that distributing the credits for free based on past patterns would reward companies that have been producing a lot of greenhouse gasses, while penalizing those firms that already have reduced their carbon footprint. The bigger polluters could even make a windfall on the deal by taking easy actions to reduce their emissions and then selling their credits to others.

An auction, on the other hand, would reward companies that have already reduced their emissions, because they would have to buy fewer credits to remain in compliance. And if the state announces ahead of time that the credits will be auctioned, companies that haven't yet acted would have an incentive to do so quickly.

Linda Adams, secretary of the California Environmental Protection Agency, and Catherine Witherspoon, executive officer of the Air Resources Board, told The Sacramento Bee earlier this year that they believe they have the authority to sell the credits at an auction without further legislation, and they are considering doing so. AB 32 gives the Air Resources Board the power to levy any fees needed to enforce the law.

"We don't see any need for anything else," Adams said. "We don't need any more authority."

An auction would be controversial, however, because it would be the equivalent of a tax increase raising \$2 billion or more, depending on the value companies place on the credits. That money would probably be spent to help ease California's transition to a low-carbon economy. Some of it might go back to industry as rebates for improving their operations, or as subsidies for clean-burning fuels. Low-income consumers might see some of it to offset higher utility bills.

As California moves forward, regulators will keep an eye on how other jurisdictions have handled this issue. When Europe created a market for greenhouse gas credits, most of the permits were given away, and the value of the credits crashed because the governments handed out too many. That meant polluters could buy their way out of taking action for next to nothing.

In the Northeast, meanwhile, several states are rolling out a joint effort to cut emissions from power plants. There, the group plans to auction most if not all of the credits. Selling the credits, ironically, might turn out to be the least intrusive method of distribution, because it means regulators don't have to evaluate every company's operations to determine each firm's entitlement to permits, with all the lobbying and back-room deals that might entail.

"We'll watch them and see how it goes," Witherspoon said.

And then a lot of people will be watching California.

[Tri-Valley Herald, Letter to the Editor, Tuesday, March 13, 2007](#)

## **Plant's effect on air should be public knowledge**

THANKS FOR Matt O'Brien's article ("Power plant may pollute Hayward," March 10).

Thanks too should go to the unnamed Hayward city councilman who uncovered the fact that the proposed plant will pollute our air.

How ridiculous for the California Energy Commission to say that the ability of companies like Tierra Energy to cover up this information is OK because it is a trade secret.

Since when does the financial health of a company supersede the health of a community?

As for credits, they should be outlawed.

No new polluting construction should be allowed in an area that is already at an unacceptable level of pollution like ours.

There are people in Hayward who already suffer the consequences of air pollution.

Take it from the American Lung Association, "When you can't breathe, nothing else matters."

*Sherry Blair, Hayward*