

## **Oppressive ozone**

### **Valley air pollution disturbs many, but Arvin affected most**

BY Stacey Shepard, staff writer

Bakersfield Californian, Monday, Jan. 8, 2007

Arvin's misfortune is to sit downwind of every city in the San Joaquin Valley.

That makes it the final stop for some of the most polluted air in the country.

"They're like the bottom of the glass," Scott Nester, director of planning for the San Joaquin Valley Air Pollution Control District, said of the rural city 25 miles southeast of Bakersfield.

In four of the past five years, Arvin tallied the most violations in California -- and perhaps the nation -- for certain dangerous ozone levels, numbers show.

Now, with a federal cleanup deadline looming, the community of 16,000 is ground zero for a struggle over pollution, money and time.

Here's the dilemma in a nutshell:

? The valley must reduce emissions that cause smog by nearly 70 percent by 2013, the deadline to meet a federal air standard.

? Arvin is so polluted it counts for almost 20 percent of that total.

? Cleanup to meet that deadline will require an aggressive set of regulations and an estimated \$7.5 billion in taxpayer dollars to fund incentive programs. The total cost to valley residents, industry and governments isn't even known.

? Air district officials doubt the valley can meet the deadline and are poised to request an extension.

? But clean air advocates and civic leaders say Arvin residents will suffer with the wait; they claim forcing the predominantly Hispanic city to wait longer for cleaner air is a form of environmental racism.

"You want me to wait another 20 years? By then, the lungs of the kids at the local day care center are going to be worse than anyone else's," said Arvin City Manager Enrique Medina. "Why? Because they're Mexican?"

### **Victims of pollution**

District officials maintain the problem is purely scientific.

"Why Arvin experiences high ozone is not a lack of attention or disregard to Arvin," said Seyed Sadredin, executive director of the San Joaquin Air District. "They are victims of pollution that comes their way."

Air in the central valley flows southeast. Surrounded by hills, Arvin is like a trap. Air littered with volatile organic compounds and nitrogen oxides from tailpipes, factories and power plants throughout the valley drifts into Arvin and stagnates. Sunlight causes these chemicals to react. The result is ground-level ozone, the main ingredient in smog.

"If someone wanted to create laboratory conditions where they could create ozone and manufacture it, these are the conditions that are right for it," Nester said

As a result, Arvin residents are exposed to unhealthy levels of ozone on more days than any other location in the San Joaquin Valley, the South Coast or the Houston area -- three areas widely recognized as having the nation's worst air.

The amount of ozone in Arvin's air over an eight-hour period has exceeded the limit set by the federal government on 505 days since 2001, or once every 3.5 days. That's 120 more days of unhealthy air than the state's second worst offender.

But the fact that Arvin isn't creating the problem is little consolation to Medina.

"It's like someone telling you, 'I know you guys are getting bad water over there, you have high arsenic, but it's only because of the guys up there.'" he said. "Well, thanks. I don't give a (expletive). Why don't you send me clean water?"

### **Cleanup at what cost?**

Cleaner air is the ultimate goal, according to the air district. The big question is when, Nester said.

The plan to clean the valley's air to meet the federal eight-hour ozone standard is based almost entirely on pollution levels in Arvin, Nester said. But meeting that standard by 2013 seems less and less realistic.

It would mean cutting the amount of emissions the valley produces by 70 percent in six years. That's a tall order when you consider it's taken the past 16 years to cut emissions 40 percent.

Put another way, the valley pumped 586 tons per day of nitrogen oxides into the air in 2005. That number must drop to 175 per day by 2013 to meet the federal standard.

The pollutants causing ozone come from many sources and involve nearly everyone in the valley. The biggest contributors are cars, trucks and trains, Nester said. But construction equipment, factories, oil production operations, even water heaters in homes and schools, also play a role.

Meeting the deadline would mean tightening air regulations, which are already some of the most stringent in the state and the country. Among other things, the regulations require industries that use stationary gas turbines, certain furnaces and combustion engines to implement better pollution controls.

In addition, taking the valley's expected growth into account, it would take about \$7.5 billion in financial incentive programs to entice consumers and businesses to buy newer cars with better emission controls and to get industry to upgrade pollution controls and switch out combustion engines. The money would likely come from federal and state tax dollars, Nester said.

But getting people to buy new cars and industry to retrofit equipment that soon seems a longshot, he added.

"That involves all 3 million residents (in the San Joaquin Valley) and the way they live their lives and get around," Nester said. "Plus it involves the economic base of the valley, the production, the manufacturing, the agriculture that goes on here. Just having folks change their ways is not something you can do quickly."

On the other hand, if nothing more is done to reduce emissions and only current rules were kept in place, the valley wouldn't come into compliance with federal standards until some time after 2030, according to the air district.

At a planning meeting early next year, Nester expects the district will request to extend the 2013 deadline to bring down ozone levels. The plan must be submitted to the federal government in June.

"Our look right now is that it's going to take more time," he said.

The district could request to have the 2013 deadline pushed back as far as 2021 or 2023. Those extra eight to 10 years would have the added benefit of decreasing the cost for incentive programs, from \$7.5 billion to \$2 billion or less, Nester said.

The state Air Resources Board decides whether to grant an extension.

In response to an e-mail asking if granting an extension would be likely, Air Resource Board spokeswoman Gennet Paauwe said: "Taking more time is reasonable given the magnitude of the (San Joaquin Valley's) challenge."

### **A just approach**

But that idea doesn't sit well with some. Since Arvin will be the last area in the valley to reach the federal standard, delaying the deadline means longer exposure to unhealthy air for Arvin residents.

"The air district is considering a policy that would subject Arvin ... (which is) predominantly low-income farm workers ... to a longer period of breathing harmful air. That's not just," said Brent Newell, an attorney for the Center on Race, Poverty and the Environment, a national organization that helps poor and minority communities affected by pollution. "There's a very serious equity issue here ... They want to do the least amount possible and buy as much time as possible to do it."

The air district is expecting opposition to the deadline.

"We think people will be concerned and should be concerned," Nester said. "It's not something we enter into lightly."

Newell, Medina and other clean-air advocates want to see an aggressive plan that would reduce emissions by 2013.

"The sad part is that this community is 99 percent Hispanic, with 24.6 percent unemployment, low income and low education," Medina said. "If this situation doesn't call for environmental justice, then what does?"

To complicate matters, efforts by clean-air advocates to get a representative from heavily minority communities like Arvin on the San Joaquin Valley Air Pollution Control District Board recently failed.

Tim Tarver, Arvin's black mayor, and Shafter Mayor Fran Florez both had their names in the running. But the committee that nominates candidates chose a farmer from Woodlake, near Visalia, instead.

Clean-air advocates point out that there are currently no minorities on the board.

"At the local level, at the very least, we need this city represented on the air board," Medina said. "And we don't want to wait until year 2020 to get clean air. The people here in Arvin don't deserve that."

**Valley air board to get 5 new members**  
**Kern's influence to change as some seats will rotate**  
BY Stacey Shepard, staff writer  
Bakersfield Californian, Monday, Jan. 8, 2007

The new year will introduce fresh faces to the San Joaquin Valley Air Pollution Control District Governing Board, with five of the 11 positions set to change.

For Kern County, that likely will mean less representation on the board.

Until now, the area has occupied two seats on the board. Supervisor Barbara Patrick represented Kern County, which holds a permanent position on the board. Former city council member and supervisor-elect Mike Maggard represented Bakersfield in one of the board's three seats that rotate among valley cities every six years. Bakersfield's term expired at the end of last year.

The air district's governing board is made up of representatives from the eight counties in the valley and three cities throughout the valley.

With Patrick retiring, the Board of Supervisors is poised to appoint Supervisor Jon McQuiston to the county's vacant seat Tuesday.

McQuiston has served on the Kern County Air Pollution Control District for the past 10 years, a position he'll continue to hold even if appointed to San Joaquin's board.

Concurrently serving on the San Joaquin air board will help McQuiston get a better sense of the big picture when it comes to air quality, he said.

"As growth is occurring in the southern San Joaquin Valley, I'm very interested in the air quality of the region and a substantial portion of my district is located in the basin," he said, referring to Shafter, McFarland and Delano.

The seat previously held by Maggard will be transferred to a representative from a small city within the southern portion of the valley.

The air district divides the valley into three regions: southern, middle and northern. Each region selects a city to be represented on the board every six years. The size of the city selected -- small, medium or large -- cycles among the three regions every six years.

Bakersfield was a large city so the next term will be given to a small city.

The South San Joaquin Valley of the League of California Cities has recommended Jack Ritchie, a City Council member from Woodlake, near Visalia, to fill the post.

A final decision will be made at the league's February meeting.

[Fresno Bee columnist, Sunday, Jan. 7, 2007:](#)

**Solar goes mainstream as builders include it**

By Bill McEwen / The Fresno Bee

The journalism professor gave an assignment. Check out some new homes with solar electric systems and write about them.

That was more than 30 years ago, and guess what? I'm again writing about solar.

But there's a difference, this time. Solar finally is arriving as a mainstream choice for homeowners -- think granite countertops -- instead of an out-there option for a few people dedicated to saving the planet or thumbing their noses at the utility companies.

A local builder, Generation Homes, is putting solar in all of its single-family houses after previously offering systems as an extra.

And, earlier this year, Valley Pacific Builders made solar standard in its 44-home Villa Carmel tract -- believed to be a first for Fresno County.

"We think it's a good thing to do," says Robert Wood, chief executive officer and president of Generation Homes.

"Every new home we build will have solar energy. And we will go back to homes that are under contract but aren't too far along and ask if they want to retrofit."

What is pushing solar into the big picture after decades of great expectations?

You can thank Gov. Schwarzenegger's efforts to protect the environment, reduce energy costs and kindle technological advancement. For example: his Million Solar Roofs initiative provides \$3.2 billion in incentives.

You can thank rapidly rising energy costs, too, even while cursing them.

"Attitudes are changing," says Gregg Fisher, a consultant for REC Solar, which is providing systems for both Generation Homes and Valley Pacific Builders.

"Financially savvy people are choosing solar because they can see the difference on their electricity bills."

Fisher estimates a new system will produce monthly savings of \$80 to \$130.

Wood says his company has focused on building environmentally sound homes with gas-burning fireplaces, gas barbecue hook-ups, outlets for electric landscaping tools and walker-friendly neighborhoods.

His decision to make solar standard was influenced by three factors: competitive advantage, the state incentives and an ability to put solar energy in new homes for about half the cost of retrofit systems.

"We're all trying to be a little different," Wood says of the competition in Fresno's softened housing market.

"Solar is one of the few amenities that we can put into a home that has a [financial] return. And it becomes more of a benefit as time marches on."

Not all builders agree, and I've flogged the industry for resisting environmental mandates such as those imposed by the local air district. Some developers claim these measures will make houses too expensive.

But Generation's newest project suggests otherwise. It is building 150 homes, priced from \$265,000 to \$340,000, at Clinton and Polk avenues. Wood says the company raised prices \$6,000 this year, about half of solar's wholesale cost.

Beginning in 2011, the state will require new subdivisions of 50 or more homes to offer solar as an option or feature. Fisher predicts many local builders will beat the deadline.

"People have their pick of the litter with homes today," he says. "They're going to be more enticed to buy one that has a fixed electricity bill."

### **Florez pushes biofuels for state**

#### **Shafter Democrat wants more clean-burning diesel in marketplace, trucks.**

By Mark Grossi / The Fresno Bee  
Saturday, Jan. 6, 2007

State Sen. Dean Florez plans to announce seven air quality bills Wednesday in hopes of pushing more clean-burning biodiesel into California's marketplace and truckers' fuel tanks.

The Shafter Democrat is launching another air quality campaign as he did in 2003 when he authored landmark laws controlling farm and city pollution. Now he's targeting diesel trucks.

Biodiesel -- which smells like french fries when it burns because it contains vegetable oils and meat fats -- is considered a cleaner, far-less toxic option than petroleum diesel. But biodiesel is not widely produced or available in California, he said.

"This is a chance to address a major problem we have in the San Joaquin Valley," Florez said Friday.

Biodiesel fuel produced 10% fewer pollution particles and 21% fewer smog-making hydrocarbons than regular diesel, according to a U.S. Environmental Protection Agency study in 2002.

Florez said the reductions would be welcome in the Valley, which has some of the most unhealthy air in the nation.

But biodiesel does not address one of the Valley's problems -- smog-forming nitrogen oxides, or NOx.

Diesel trucks daily produce more than half of the NOx coming from on-road vehicles in the Valley.

The 2002 EPA study said that biodiesel actually creates 2% more NOx than petroleum diesel. However, the well-respected National Research Energy Laboratory, based in Colorado, in November announced a study showing NOx emissions do not increase with biodiesel.

Regulators at the California Air Resources Board, which is responsible for state air quality, will continue to watch the research and wait for technological advances, said spokeswoman Gennet Paauwe.

She said, "NOx is the real issue with biodiesel."

Florez's seven bills, called the SB70 series, would require biodiesel for school buses and state government vehicles as well as providing tax credits to encourage production of the fuel in California. One bill would provide an exemption from state sales and excise taxes.

SB 70 would set standards for biodiesel, requiring the fuel to contain 20% or more of biological material. Biodiesel is a blend of petroleum diesel and such ingredients as vegetable oil, rendered animal fats or other oils, such as safflower, canola or cotton seed.

Florez said there are only 88 commercial plants in the entire country producing 200 million-plus gallons of biodiesel. None of them is in this state, he said.

The Valley legislator said biodiesel should become one of many clean-fuel choices, adding that natural gas, hydrogen and other fuels are part of the picture in California.

"There are other states, like Texas and Illinois, where biodiesel is common," he said. "We need to open markets for it here."

Florez's proposals will be closely monitored by fuel producers in California, according to Tupper Hull, spokesman for the Western States Petroleum Association, a nonprofit trade organization representing about 30 companies.

"We have a problem with legislation that mandates a level of production," Hull said. "The market is a powerful and equitable system, and we would oppose legislation that distorts it."

Sierra Club member Kevin Hall said biodiesel produces far less greenhouse gas than petroleum diesel fuel.

"The Sierra Club strongly supports alternative fuels," he said. "Biofuels are a renewable energy."

## **Synagro changes its mind**

By Doug Keeler, Midway Driller Editor  
Taft Midway Driller, Friday, January 5, 2007

Synagro officials agreed to back away from their plan to seek changes to their conditional use permit for storing compost in a 90-minute closed door meeting with city officials Wednesday.

Synagro had requested an extension of the time it stores composted biosolids at its South Lake Road facility from seven to 90 days. The Kern County planning Commission was scheduled to hold a hearing on the request next week, but Synagro is going to pull its request for the modification of the conditional use permit.

Synagro's Liz Ostoich announced the decision to the media.

Ostoich said the firm wants to maintain good relations with the city.

"We have had good relationship with the city and we want to be good neighbors," Ostoich said. "If the city doesn't support it, we don't want to do anything the city is not in support of."

Mayor Paul Linder, City Councilman Cliff Thompson and City Manager Bob Gorson attended the meeting with Synagro's Ostoich, Lorrie Loder, Scott Deatherage and Randall Abbot, a consultant working for Synagro.

Afterwards, all the city officials were happy with Synagro's decision.

"This will allow us some time to breath and think about it," Linder said. "Synagro has proven to be a good neighbor and we want to continue that partnership,"

Synagro's plant is several miles east of the current city limits, but is in an area the city has targeted for annexation.

Thompson, who has strongly opposed Synagro since it first announced plans for its composing facility was also happy with the agreement.

But he wasn't happy at the start of the meeting. Ostoich and Loder were surprised to see several media representatives waiting for the meeting and insisted it was not a public session.

"We called a private meeting," Loder said.

Thompson, who had called several media representatives, insisted that the reporters should attend the meeting. However, Linder and Gorson said they too thought it was a private meeting.

"My opinion is this is a fact-finding mission," Linder said. "I don't think this needs to be a public meeting,"

Ostoich said Synagro isn't abandoning plans to seek the change, but won't do anything unless the city is willing to go along with it. Ostoich said they plan to discuss the issue with city officials over the next six month to see if they will agree that the additional storage at the facility will have no ill effects.

Synagro's plant, called the South Kern Manufacturing facility, is located about 12 miles east of Taft on South Lake Road. It takes biosolids - sewage sludge - trucked in from Southern California along with greenwaste and composts the materials, turning it into a soil amendment used for landscaping.

## **Get a peek at Valley's future**

### **Event allows public to vote on 'blueprint' for 2050.**

By Russell Clemings / The Fresno Bee

Monday, Jan. 8, 2007

What should the San Joaquin Valley look like in 2050?

The public gets a vote Thursday night in an event designed to set priorities on issues ranging from air pollution and urban sprawl to education and economic development.

Seven other San Joaquin Valley counties are going through a similar process to produce a "blueprint" of what the Valley should look like in four decades, when its population is expected to more than double from the current 3.3 million.

"It's kind of a neat opportunity," said Kirk Hunter, chief executive officer of the Southwest Transportation Agency, a regional school bus operator. "It gets us all talking and striving to make us one big valley instead of eight separate counties."

Hunter is chairman of Fresno County's blueprint committee, which has held more than a dozen public meetings since October to develop a list of values that will be considered Thursday.

The list is three pages long and includes 10 distinct values, such as "public safety," "vibrant economy" and "world-class education."

Under each value is a list of specific goals. For example, under "aesthetic quality," goals include "sustainable building design," "improved housing quality" and "identification of a community theme."

"Our purpose was to find out what the community wants for its future," said Barbara Steck, senior transportation planner for the Council of Fresno County Governments, which is coordinating the county's part of the blueprint.

Those who attend Thursday's meeting at Fresno's University of California Center will record their votes with hand-held "clickers." Results will be available instantly.

"They'll be making choices between, say, air quality and agricultural preservation," Steck said.

Choices made at the meeting will be used by the council's technical staff to develop detailed documents, such as land use maps showing what the county would look like under various growth scenarios.

Each county's plans then will be melded into a valleywide "vision" in a process centered at Modesto's nonprofit Great Valley Center.

The "vision" blueprint will not have the force of law. Each county and city in the Valley will remain free to enact its own plans.

But Steck said organizers hope that the blueprint will serve as a guide to those local agencies, just as Fresno's 1998 "Landscape of Choice" document led to local plans emphasizing downtown renewal, public transit and pedestrian-friendly development.

"We're not after their local land use authority," Steck said. "We're at a more conceptual level."

The blueprint effort is funded principally by a grant from the state Business, Transportation & Housing Agency.

### **Fireplace use discouraged today**

Modesto Bee, News and Notes, Monday, January 8, 2007

People in Stanislaus and Merced counties are asked to refrain from using fireplaces and older wood stoves today because of concerns about air quality. There is no alert for San Joaquin County. Forecasters say the air will be unhealthy for sensitive people — children, older adults and those with chronic breathing problems. The "burning discouraged" advisory for Stanislaus and Merced counties comes from the San Joaquin Valley Air Pollution Control District. The next step is a mandatory prohibition on burning.

On the Net: [www.valleyair.org](http://www.valleyair.org).

### **Force of explosions may triple**

#### **Boost pending appeal over fears of radiation**

By Jake Armstrong

Stockton Record, Monday, January 8, 2007

TRACY - Lawrence Livermore National Laboratory has permission to more than triple the amount of explosives it uses at its Site 300, south of Tracy.

The approval from the San Joaquin Valley Air Pollution Control District allows the lab to detonate up to 350 pounds of explosives a day but not more than 8,000 pounds annually. The lab plans to conduct only three, 350-pound detonations in the next year and a half, laboratory spokeswoman Susan Houghton said.

But first, the lab's permit from the air district must withstand a challenge from activist and Tracy shoe-store owner Bob Sarvey, who contends a radioactive material used in the blasts could spread over Tracy from Site 300 if caught in winds.

Sarvey said tritium, a radioactive form of hydrogen used in triggers for nuclear weapons, might be included in the blasts. The air district, which does not regulate radioactive material, should have referred that issue to the U.S. Nuclear Regulatory Commission, Sarvey says.

Asked Friday, Houghton denied that the laboratory will use tritium in the blasts.

The San Joaquin Valley Air Pollution Control District board will hear Sarvey's appeal Feb. 7 in Modesto.

Detonations including tritium have occurred at the 7,000-acre Site 300 in the past - the material is one of the targets of the Superfund environmental cleanup there - but Houghton said she cannot remember the last time the isotope was used in a blast.

Nevertheless, Sarvey does not believe the agency's denial. "As usual, they're not quite expressing the truth," he said.

The permit allowing larger amounts of explosives in tests, some of which use depleted uranium in simulated nuclear bombs, does not address any increase in sound the blasts may have, largely because the air district does not regulate sound. The laboratory has a self-imposed sound limit of 126 decibels - roughly the volume of a jet engine - as measured at the Site 300 fence line, Houghton said.

"We are not going to be exceeding that," she said.

Lab workers launch weather balloons four hours before a test to gauge wind speed and barometric pressure.

If the results show weather conditions would spread sound and particulate matter beyond the site, tests are postponed, Houghton said.

Outdoor explosives tests at Site 300 have averaged about 60 per year at 100 pounds each since 1997, she said. An average of eight tests are conducted inside the contained firing facility, she said.

Some explosives contain depleted uranium, steel and other materials meant to simulate a nuclear bomb. Houghton did not have readily available figures for the amount of depleted uranium used in detonations, nor the frequency of detonations involving the element.

The amount of explosives used in tests varies with the needs of the U.S. weapons program, Houghton said. Explosions were as large as 1,000 pounds in the 1980s. Since 1997, no more than 100 pounds of explosives have been detonated in one test, she said.

"Doing different-size tests is normal for us, and it all depends on what the program wants," Houghton said.

### **Battle for piece of black history**

#### **Allensworth, a town founded for African Americans, may get new neighbors -- 2 huge dairy farms**

By Leslie Fulbright, staff writer  
S.F. Chronicle, Monday, Jan. 8, 2007

Allensworth, Tulare County -- Nettie Morrison moved to Allensworth 30 years ago to get closer to a nearly century-old chapter of black history that she and other residents say is now under attack.

The 72-year-old lives blocks from Col. Allensworth State Historic Park, a neatly preserved settlement started by black people in the San Joaquin Valley in 1908 that has been in the spotlight since residents learned of plans to build two mega-dairies on neighboring land.

Morrison and other park advocates say Allensworth, California's most important monument to black culture and self-sufficiency, will change irrevocably if thousands of cows move in across state Highway 43.

"You can relocate cattle but you can't relocate history," Morrison said during a walk through the park's historic schoolhouse last week. "We as a black culture don't have an awful lot to relate to, and now they want to kill one of the only things we do have."

The Tulare County Board of Supervisors tentatively approved the proposal for the farms -- on 320 acres with more than 9,000 cows -- last month and will take a final vote March 20.

Supporters of the park from across the state -- including busloads from the Bay Area and Los Angeles -- have crowded county meetings to protest the plan. The park is a four-hour drive southeast from San Francisco and 38 miles northwest of Bakersfield.

"Allensworth is probably one of the bright lights for black people throughout the country and particularly here in the valley," Buddy Jones of Visalia said at a recent meeting.

Col. Allen Allensworth founded the town -- the first and only California settlement governed, financed and operated by black people -- as a place where its residents could live free of discrimination.

Allensworth was born into slavery in Kentucky in 1842 but learned to read and write from his master's son and eventually went to college and joined the Army, according to park literature. After he retired in 1906, he promoted Booker T. Washington's philosophy of African American self-reliance and lectured about the need for black people to become self-sufficient.

He purchased 800 acres along the Santa Fe rail line in 1908 and extolled the virtues of the new town in black newspapers. The town grew and eventually had a glee club, sewing circles, chocolate hours and family gatherings. By 1910, it had a school and a judicial district.

Allensworth was killed in 1914 when a pair of motorcyclists ran over him. The Santa Fe Railroad stop moved shortly afterward, and a lack of funds meant the local water company couldn't expand to meet the community's needs. After flourishing for a decade, the town began to crumble.

In 1976, the abandoned town was transformed into a 240-acre state park including 23 buildings, each of which serves as a mini-museum. The state has spent millions of dollars to preserve original buildings and reproduce others from photographs. The original schoolhouse holds antique desks, chalkboards and water cups. The Allensworth family home is filled with furniture and clothing, and a general store is stocked with old-fashioned grocery supplies.

The visitor center has photos, a video and other information on the town. And there is a campground with picnic tables, showers and grills.

People who cherish Allensworth -- because it holds personal memories, because they have family reunions and historical celebrations there or just because of its symbolism -- fear the smell and flies from dairy operations will drive away the park's estimated 70,000 annual visitors.

The state has similar concerns and is negotiating to buy the rights to open dairies there and persuade property owner Sam Etchegaray to do something else with the land, like grow crops.

"We are proposing a restriction against an animal facility," said Kathryn Tobias, senior staff counsel for the state Department of Parks and Recreation. "A dairy farm near the park will affect picnics and people gathering. If there are flies or odor or manure dust, it will kill the use of the park."

David Albers, a dairy farmer and Etchegaray's lawyer, said the dairies will provide 60 new jobs and "great economic opportunity" for the people who live in the unincorporated community of Allensworth adjacent to the park. He pointed out that most of the opposition to the plan is not local.

But many residents said the jobs will not make up for the smell and the impact on water and air quality. They point out that support for the plan is also from out of town.

At the Dec. 5 public hearing, the only person who spoke in favor of the plan, apart from Albers, was Visalia resident Brian Blain of the Tulare County Farm Bureau.

"The impact to those living in Allensworth and visiting will be minimal," Blaine said. "I live on the southeast edge of Visalia. We have a dairy approximately three-quarters of a mile away and it is a very rare occasion that there is any odor or dust that would indicate there is a dairy nearby."

Victor Carter, president of the Friends of Allensworth advocacy group, which formed in 1984, said the dairy farms would ruin the memory of Allensworth and eliminate outdoor activities.

"Imagine trying to picnic next to a stockyard," said Carter. "It wouldn't be comfortable and it wouldn't be pleasant. It would run people away and they will not come back."

County supervisors, who unanimously approved plans for the dairies, said they were disappointed by the perception that dairy farming is dirty or disrespectful to people's culture and heritage.

"I lived a half-block for 13 years from a dairy," Supervisor Connie Conway said at a recent hearing. "My home was not covered with manure. My home was not inundated by flies. I'm saddened that a land-use decision has been confiscated by a group of environmental lawyers from the Bay Area whose only mission is to stop dairy production in this county."

The lawyers she referred to include some from the Center for Race, Poverty & the Environment, who have argued that Tulare County -- home to more than 300 dairies -- needs tougher standards on assessing their impact on air and water quality.

Residents and environmentalists have argued the farms would contaminate nearby groundwater and create dust that would harm children with asthma and allergies.

Francisco Castillo Medina, who has lived in Allensworth for 40 years, said he is concerned about all of the dairies' potential impacts.

"The more I research and learn about the impact of the cows, the worse I feel," said Medina, 65, a retired director of finance for the Boy Scouts of America. "I have been here since before the park was built and saw it evolve into what it is today."

"To slap tons of manure in front of it is demeaning and disrespectful."

About 150 families, most of them Latino, live in present-day Allensworth, about 15 miles from Delano, the nearest city. Most are low-income, retired or migrant workers and their families. Many live in trailers. The community has a small church but no stores and no gas station. About 100 students attend the Allensworth School.

Morrison, who was one of the first docents at the state park, said placing a dairy right next to an impoverished neighborhood is unfair because its residents are less able than most people to move away.

William and Susie Smith, who belong to the Fremont chapter of the Friends of Allensworth and visit monthly, have been involved with the park since the late 1970s and now coordinate the many volunteers who serve as docents.

"People come from all over the world to visit the park," William Smith said. "It is part of our history, the only real dedication to black history west of the Mississippi."

### **Health effects of freight to be studied**

#### **San Leandro group claims trucking business places undue burden on area residents**

By Martin Ricard, staff writer

Tri-Valley Herald, Sunday, January 7, 2007

SAN LEANDRO — A local environmental-justice group is gearing up to study pollution in the city, looking to raise awareness about the growing freight industry and its effects on residents' health.

West San Leandro is surrounded by waste-transfer stations, ports, rail yards and big-box stores, all of which provide good business for the trucking industry.

But while these businesses generate hefty tax revenues for San Leandro, residents throughout the city pay the "real cost" of freight transport with their health, according to the Healthy San Leandro Collaborative.

And the city is in denial about it, charged Wafaa Aborashed, executive director of the group and president of the Davis West Neighborhood Association.

"We're more entrenched than we thought," Aborashed said. "But as we approach the city, we feel like they're asleep when it comes to environmental issues."

The group brought the issue before the City Council last month.

"While it could be a problem, I'm not sure it's as a significant problem as it was 20 to 30 years ago," Mayor Tony Santos said recently.

Meanwhile, the group is setting the pace with its own study — scheduled to be released this spring — and says that San Leandro will get a rude awakening when it finds out the pollution from containerized cargo traveling through the city is more harmful than people might actually think.

"So San Leandro needs to have a conscience of all the pollution coming in," Aborashed said.

The group's efforts come on the heels of its participation in a larger report released in November that said the freight industry — particularly trucking — places a huge burden on communities around California as it hauls in billions of dollars in profit distributing goods arriving at the state's major ports.

Now that the report has been released, the group wants to take it a step further by looking at which pollution issues may be connected to San Leandro residents' health problems, such as

asthma and cancer. Once the data have been collected, the group hopes to determine who is responsible for the residue left on residents.

Some feel, however, that pointing fingers might be too difficult when pollution has become so complicated and the responsibility for environmental issues within San Leandro's borders is split among a plethora of agencies — most of them outside the city.

While the federal government regulates pollution around airports, the state regulates all of the pollution left by truck and train cargo traffic. And the Bay Area Air Quality Management District regulates emissions from all factories, gas stations and other stationary facilities.

But they're all supposed to be there to help, said Karen Schkolnick, a spokeswoman for the air district.

"It's complicated, but we don't expect people to understand it all," she said. "We want to help people get their concerns addressed."

Currently, the air district is embarking on a project to develop a neighborhood-by-neighborhood grid for the Bay Area that would connect pollution to a specific area. In other words, not only would someone be able to spot pollution in San Leandro, Schkolnick said, but also locate which neighborhoods it is affecting the most.

While the group feels the issue has fallen on deaf ears in the past, members are hopeful that the new study and new city leadership will help bring pollution to the forefront of the city's agenda.

"I don't think they (City Council) know the focal point of where we're going with this," Aborashed said. "And I hope, with the new council members, they'll be better at exploring all these pollution and health issues we're having in San Leandro."

## **Turning Up the Juice**

**With volt, GM wants to show an electric car with muscle, endurance and good size**

By Mark Glover - Bee Auto Editor

Sacramento Bee, Sunday, Jan. 7, 2007

General Motors, criticized in some circles for producing too many gas-guzzling SUVs and walking away from its once-touted electric-car program, is working to develop a new electric vehicle for the North American market.

The Chevrolet Volt concept vehicle, scheduled to be unveiled today on the eve of the North American International Auto Show in Detroit, is a five-passenger sedan propelled solely by an electric motor.

GM officials, who briefed a select group of journalists on the Volt during last month's Los Angeles Auto Show, declined to pinpoint when the Volt might be production-ready, but some auto industry experts speculated it could be within three to five years.

"This is not a science fair project," insisted Jon Lauckner, GM vice president of global program management.

GM said the Volt is designed to overcome the shortcomings of the automaker's EV1, introduced with great fanfare in 1996 but abandoned six years later after never advancing beyond the lease market.

"The EV1 died because it had limited range, limited room for passengers or luggage, couldn't climb a hill or run the air conditioning without depleting the battery and (had) no device to get you home when your battery charge ran low," noted GM Vice Chairman Bob Lutz.

In addition, the EV1 had to be hooked up to a specific kind of battery charger/converter, which typically required six to eight hours to recharge the batteries.

By contrast, the Volt that goes on display today in Detroit is capable of transporting up to five passengers with luggage. (The Detroit auto show, which opens to the media today, kicks off its nine-day public run on Saturday.)

GM engineers said the Volt, with its 120-kilowatt electric-drive motor (about 165 horsepower) linked with a 53-kilowatt generator, is capable of hitting 124 miles an hour and has more than adequate power for climbing steep hills.

Most significant, GM said the Volt has a theoretical range of 640 miles, with a lithium-ion battery pack that can be recharged by plugging a power cord into a standard 110-volt outlet. Additional electricity can also be generated on the fly via a low-emission, 1-liter, three-cylinder, turbocharged engine fueled by unleaded regular gasoline.

The small engine, which GM officials said could someday be fueled by other alternative fuels, spins at a constant speed to replenish the battery. The gasoline engine plays no role in driving the Volt's wheels.

GM is calling this new generation of electric-propulsion technology the "E-Flex System," with the Volt the first to be so equipped.

"While mechanical propulsion will be with us for many decades to come, GM sees a market for various forms of electric vehicles, including fuel cells and electric vehicles using gas and diesel engines to extend the range," said Larry Burns, GM vice president of research and development and strategic planning. "With our new E-Flex concept, we can produce electricity from gasoline, ethanol, biodiesel or hydrogen."

Auto industry analysts and environmental groups are cautiously optimistic about GM's plans, noting that the world's largest automaker has previously unveiled ambitious concepts and not followed through on them. They also noted that GM has historically opposed strict emissions standards and proposals to improve federal fuel efficiency standards.

Still, Bill Magavern, a lobbyist with the Sacramento-based Sierra Club California, said GM's Volt appears to be a step in the right direction: "We definitely applaud any auto company that is trying to develop electric vehicles, and this plan sounds like it has the potential to give consumers a very clean vehicle that would have virtually unlimited range.

But, he added, "My big question is: When will we actually see them in the showrooms?"

Art Spinella, president of Bandon, Ore.-based CNW Marketing Research, which tracks the auto industry nationwide, was even more optimistic: "To mimic a beer commercial: Brilliant. ... Using an on-board generator to power the batteries eliminates a lot of the complexity and expense associated with hybrids. The engine is a very simple engine to produce and simple to control emissions."

## **Report: Cozy hearths lead to dirty air**

### **Particle pollution at unhealthy levels in Bay Area this season**

By Denis Cuff, MEDIANEWS STAFF

Tri-Valley Herald, Friday, Jan. 5, 2007

Biting cold weather outdoors and a warm holiday spirit indoors stoked many Bay Area fireplaces on Christmas Day.

But what warmed the heart created smoke unhealthy to the lungs.

Concentrations of fine particle pollution from wood fires were at unhealthy levels around the Bay Area on Christmas Day, fueling concern that the region faces trouble meeting a stricter new federal standard for the microscopic substances that can cause respiratory and heart problems.

The air on Christmas Day was the dirtiest of the winter season so far, with preliminary readings showing unhealthy pollution levels from Livermore and Vallejo to San Francisco and San Jose.

But it was far from the only dirty air day recently.

Wednesday was the fourth consecutive day and 15th of the winter season that Bay Area pollution regulators have issued Spare the Air Tonight advisories asking residents to voluntarily refrain from burning wood fires on nights of predicted unhealthy air.

"There was a lot of wood burning Christmas Day," said Karen Schkolnick, spokeswoman for the Bay Area Air Quality Management District. "People like to stay home and burn wood that day. But when it's combined with cold stagnant air, the wood fires are creating a public health problem."

Thursday's storm was expected to stir up stagnant air, flushing the air clean.

But the dirty air on so many days this winter is making it clearer that the Bay Area will struggle to meet the new federal standard for particles 2.5 microns or smaller. The particles, which can lodge deep in the human lungs, are about 1/30 the size of a human hair.

Federal regulators dropped the limit in November from 65 to 35 micrograms per cubic meter as a daily average.

The Bay Area used to go years without violating the old standard.

But it appears violations of the new limits are going to be common during the winter pollution season, which lasts from Nov. 20 through Feb. 18.

"We believe some people still are not clear on how harmful wood burning is," Schkolnick said. "It's been around since the cave man days, but scientists are learning much more in recent years about the health effects."

Cars and factories also contribute to particle pollution, but those sources remain relatively constant from day to day.

Air district officials said it's too early to gauge response to this season's 15 Spare the Air Tonight advisories which asked the public to drive less and not burn wood fires.

The air pollution district commissioned pollsters to survey a cross section of Bay Area residents after each health advisory. Those results have not been tabulated or analyzed.

For the time being, district officials say they plan to focus on voluntary advisories while encouraging consumers to convert open hearth fireplaces to modern, clean-burning stoves and fireplace inserts, or ceramic logs heated by natural gas.

But continued dirty air could spur the district to consider a mandatory ban on all wood fires on bad air nights, as is the case in the San Joaquin Valley, where winter air is dirtier than in the Bay Area.

Officials at the San Joaquin Valley Air Pollution Control District credit their no-burn rule with helping clean the air.

"People are becoming very sensitive to knowing they're not supposed to burn on certain nights," said Janelle Schneider, valley air district spokeswoman.

The pollution agency ticketed 159 people for burning on no-burn nights during the 2005-2006 winter, most identified by complaints from the public. First offenders pay a \$50 fine.

One Walnut Creek stove and fire appliance store owner said the Bay Area's no burn advisories has caught the attention of some of his customers and spurred them to consider purchasing cleaner alternatives to the old fashioned open-hearth fireplace.

"People are going to want to burn, but they want to do it without hurting the environment," said Greg Harris, owner of Buck Stoves and Fans.

## **Governor outlines his dream for California**

### **Several Valley officials attend Schwarzenegger's inauguration.**

By E.J. Schultz / Bee Capitol Bureau

Saturday, Jan. 6, 2007

SACRAMENTO -- Promising to continue the centrist agenda that led him to an easy election victory, Gov. Schwarzenegger was sworn in to a second term Friday in a star-studded ceremony whose invited guests included several Valley officials.

The governor, making his first public appearance since breaking his leg while skiing over the holidays, hobbled on stage, took the oath of office and delivered his inaugural speech with crutches at his side.

"Centrist does not mean weak," he said. "It does not mean watered down or warmed over. It means well-balanced and well-grounded."

Invoking the "California Dream," the Austrian immigrant and former movie star referred to California as a "nation state" while laying out a vision of clean air and rebuilt schools, roads, ports, levees and water systems.

"I ask you, why can't California be this dream?" Schwarzenegger said. "The United States needs us to be this. The world needs us to be this."

The ceremony, held at Sacramento's Memorial Auditorium, had a decidedly bipartisan flair, with Willie Brown, a Democratic icon and former Assembly speaker, serving as master of ceremonies. Gov. Gray Davis, the Democrat Schwarzenegger ousted from office in the 2003 recall election, was among those on stage, as well as Eunice Kennedy Shriver, Schwarzenegger's mother-in-law.

Missing was Fresno Mayor Alan Autry, a Schwarzenegger friend and inauguration committee co-chairman. Autry had to cancel at the last minute to tend to his ailing mother, said Georgeanne White, his chief of staff.

But the crowd of about 3,000 included many Valley officials, including Fresno City Council Member Henry T. Perea, Fresno Fire Chief Randy Bruegman, Fresno County Sheriff-elect Margaret Mims and Madera County Supervisor Frank Bigelow, who was recently elected president of the California State Association of Counties.

Perea, a Democrat, said the governor has "shown a lot of support for the Valley and he's shown a lot of interest in moving to the middle, and I support that 100%."

Fresno businessman DeWayne Zinkin and family also were scheduled to attend as one of 22 "gold sponsors," a title earned by donors who gave at least \$50,000 to help finance inauguration week activities.

In his speech, Schwarzenegger said the state faces important issues that should unite Democrats and Republicans to move past partisanship and bipartisanship to "post-partisanship."

"Post-partisanship is Republicans and Democrats actively giving birth to new ideas together," he said.

As he has done routinely lately, Schwarzenegger admitted that 2005's special election was the "wrong approach."

The election -- in which the governor bypassed the Legislature -- marked a low point for Schwarzenegger as several reform packages he pushed failed.

"Like Paul on the road to Damascus, I had an experience that opened my eyes," he said, using a religious reference. "And what was it that I saw? I saw that people, not just in California, but across the nation, were hungry for a new kind of politics, a politics that looks beyond old labels, the old ways, the old arguments."

He touted last year's global warming legislation, which seeks to cut the state's greenhouse gas emissions. The new law symbolized the governor's efforts to reach out to Democrats. But it also drew criticism from Republicans who said the administration was moving too far left.

Assembly Republican Leader Mike Villines, R-Clovis, among the critics, praised Friday's speech.

"His focus ... was trying to stay positive," he said. "I'm like him. I'm positive. I think we can have a great year."

But there is sure to be tension as the two political parties debate the governor's ambitious agenda.

Villines, for one, routinely says the state can't afford to spend money on new programs.

Friction could begin to emerge next week.

On Monday, Schwarzenegger is scheduled to unveil his long-anticipated plan to reduce the number of medically uninsured residents. That will be followed Tuesday by the governor's State of the State speech and Wednesday by his 2007-08 budget proposal.

But Friday was all pomp. California Supreme Court Justice Ronald M. George administered the oath, Jose Feliciano sang the national anthem, Jennifer Holliday belted out musical tributes and first lady Maria Shriver read a poem as California nature scenes graced a giant video screen.

The swearing-in ceremony was followed by a private reception at the state Capitol for state lawmakers. Friday evening, invited guests could attend a black-tie evening gala at the Sacramento Convention Center.

The sold-out, \$500-a-ticket event featured entertainment by singers Donna Summer and Paul Anka. Madera County's Bigelow said he planned to go. But Bruegman, the Fresno fire chief, was headed back to the Valley.

"I just couldn't rationalize spending that much money," he said.

## **Oil facilities are getting refined ConocoPhillips, Chevron hoping to boost production**

By David R. Baker, staff writer  
S.F. Chronicle, Friday, January 5, 2007

The Bay Area's aging oil refineries are in the midst of a construction boom that will modernize their equipment and expand the amount of gasoline they produce.

Four of the five local refineries have plans to upgrade. Construction has already begun at two. Coming up with the \$200 million or more needed to improve the facilities isn't a problem, thanks to the oil industry's recent record profits.

The projects will be a boon -- but not a panacea -- to California drivers. They will add to the state's gasoline supplies, but not enough to match California's growing demand.

Viewed together, the Bay Area refinery projects could produce an extra 1.1 million gallons of gas per day, or about 2.5 percent of the 43.5 million gallons Californians burn every day. But state officials expect demand for gasoline to grow by about 1.4 percent per year.

California uses a unique blend of gasoline and the state will need to rely more heavily on the few out-of-state refineries that make the fuel.

"We're still going to need imports," said Rob Schlichting, spokesman for the California Energy Commission. "More and more, we're going to need to count on imports."

The refinery upgrades include the following:

-- Chevron Corp. is planning improvements to its Richmond facility that could expand the plant's gasoline production by about 7 percent, Chief Executive Officer David O'Reilly said in testimony before Congress. The company is still seeking government permits for the work and hasn't disclosed the price tag.

San Ramon's Chevron is also upgrading its refinery in El Segundo, in Los Angeles County. That project and the planned improvements in Richmond will increase the company's gasoline production in California by 840,000 gallons per day, a spokeswoman said.

-- ConocoPhillips' Rodeo refinery wants to expand production of gasoline by 791,000 gallons per day, a 35 percent increase, and its production of diesel by 290,000 gallons per day, up 21.5 percent. The company, which like Chevron isn't revealing the project's price, has applied for permits and hopes to have them by March.

-- Tesoro Corp.'s Golden Eagle refinery, near Martinez, will spend an estimated \$475 million to \$525 million installing equipment that will reduce air pollution and improve the plant's ability to process relatively cheap, heavy grades of crude oil. This project, which has just started construction, won't increase the amount of gasoline produced.

-- Valero Energy Corp.'s Benicia refinery also is upgrading equipment to handle heavier forms of crude. The project, under way since 2004, will cost an estimated \$200 million to \$400 million.

That emphasis on heavier crude oil alarms some longtime Bay Area critics of the refineries.

Heavy crude carries more impurities and can produce more pollution than lighter grades of oil, said Greg Karras, senior scientist for the environmental watchdog group Communities for a Better Environment.

He also questions the wisdom of making large investments in gasoline refining when the world is trying to curb global warming, which scientists blame on the use of fossil fuels.

"Humans desperately need to be switching to making investments now in an alternative energy regime," Karras said. "The absolute wrong thing to do is invest in refining the dregs of the crude until it's gone."

The projects reflect a change in attitude among oil companies.

For years, they closed refineries across the country, both to avoid installing new anti-pollution equipment at unprofitable facilities and to increase the profit margins of the ones that remained.

Oil companies still aren't rushing to build new refineries. But they are putting more money into improving the ones they have, slowly expanding the amount of gasoline they can produce. Refinery profit margins, which have soared in the last two years, are now high enough to make the investment worthwhile, said Jeff Hazle with the National Petrochemical & Refiners Association.

"Companies have changed their viewpoint of what the future looks like," said Hazle, the trade association's technical director.

"It took them awhile to get here, but they now believe the (gasoline market's) tightness, the small difference between supply and refining capacity is going to stay here awhile," Hazle said.

## **Santa Barbara wants visitors to go car-free**

Incentives include hotel discounts with train ticket, electric Jeep tours and widely available alternatives

By Robin Rauzi, L.A. Times

In the Contra Costa Times, Sunday, Jan. 7, 2007

**SANTA BARBARA** - Southern California freeways make my mother hyperventilate. So when Santa Barbara assembled a package of discounts for visitors arriving by train, it seemed the perfect outing.

The Car Free program offers rate reductions on Amtrak's route from Los Angeles -- the Surfliner - - but note that the discount is not available on Amtrak's Coast Starlight, which chugs down the coast from the Bay Area. You'd have to find your way to Los Angeles, then take the train.

### **Foot-friendly**

Santa Barbara is not only a very walkable town, but it also offers easy ways to get around -- a Downtown-Waterfront shuttle, rentable bicycles, Segways, pedaled surreys, mopeds and electric Jeeps -- some with GPS-triggered audio tours.

For those who do arrive by train from Los Angeles -- for which you must book three days in advance to get the discount -- there's an Amtrak price reduction, plus discounts of up to 20 percent at 18 hotels in the city. I chose a hotel close to the beach and three blocks from the station.

### **On the train**

The Amtrak journey from downtown Los Angeles' Union Station to Santa Barbara takes just longer than 2 1/2 hours.

I was gripped by the view of the mostly industrial backyard of Los Angeles. In North Hollywood, we glided past ironworks and stonecutters, fenced forests of fake movie-studio trees and a giant auto junkyard.

When we disembarked in Santa Barbara, I tossed my gym bag over my shoulder, Mom pulled her wheeled suiter behind her, and we were in the lobby of the Hotel Oceana quicker than we'd have found a taxi stand at LAX.

We weren't the only people with the train-getaway idea. Four groups from our train were also checking in.

The next morning, the breeze had shifted, and the sky was cloudless. Outside our picture window was a lovely pool with rolled towels waiting on every chaise. **Several striped cabanas** offered shade.

### **Car-free and happy**

The Downtown-Waterfront shuttle was crowded as we headed up State Street, the main drag, but the short trip and 25-cent fare underscored how easy Santa Barbara is to get around without a car.

Santa Barbara Car Free may be the first tourism promotion created by a government pollution-control agency.

It's a cooperative project overseen by the Santa Barbara County Air Pollution Control District, which started as "Take a Vacation From Your Car" about three years ago. Besides train and hotel discounts, it has arranged partnerships with tourist-g geared businesses, including sedan winery tours, though that seemed to violate the car-free ethos to me. But there were plenty of other ways to see Santa Barbara -- by sailboat, by kayak, by bicycle.

### **Mom takes off**

We chose Segway.

At Segway of Santa Barbara, a garage in the warehouse area near the waterfront, Mom and I strapped on helmets and stepped aboard the motorized scooter. Sensors in the Segway platform sense where your center of gravity is. If it's forward, the Segway rolls forward. Shift your weight to your heels, and you'll go backward. Squat, and the contraption comes to a sudden stop. Steering is controlled by a twist of the left handgrip.

We joined pedestrians by the score, and bikers by the dozens. Families in pedal-powered surreys worked their way down the parallel street, as did girls in undersize Fun Cars equipped with GPS-guided audio tours.

On the train back Sunday afternoon, I did the math because even with gas prices hovering around \$3 a gallon, it's often hard to make the economics of not driving work. Our two Amtrak tickets cost \$64, round trip. That's maybe \$36 more than I would have spent on gas, but I also saved \$42 on the hotel and didn't pay \$18 for two nights' parking. And Mom didn't once, not even on the Segway, hyperventilate.

### **If You Go**

- GENERAL INFORMATION: Santa Barbara is located off U.S. Highway 101, 100 miles northwest of Los Angeles and 340 miles south of San Francisco.
- Call Santa Barbara Car Free at 805-696-1100, [www.santabarbaracarfree.org](http://www.santabarbaracarfree.org).
- See [www.amtrak.com](http://www.amtrak.com) for travel discounts on Amtrak trains from Los Angeles.
- See [www.sbmtd.gov](http://www.sbmtd.gov) for Santa Barbara bus schedules.
- Segway of Santa Barbara: 805-963-7672, [www.segwayofsb.com](http://www.segwayofsb.com).
- Fun Cars, mopeds and electric Jeeps, some with GPS-triggered audio tours, can be rented at another outlet of Wheel Fun Rentals: 805-962-2585, [www.wheelfunrentals.com](http://www.wheelfunrentals.com).

### **Refinery burn-off may have run afoul of new AQMD rule**

**The South Coast air district is investigating the incident at the ConocoPhillips facility.**

By Janet Wilson and Deborah Schoch, Times Staff Writers

Sat., Jan. 6, 2007

In the first apparent test of a beefed-up "anti-flaring" law, regional air regulators said Friday they are investigating an incident at the ConocoPhillips refinery in Wilmington late Thursday that sent flames shooting high into the air.

The incident is one of half a dozen that have occurred this week, within days of an expanded ban on flaring by the South Coast Air Quality Management District that took effect Monday.

Three ConocoPhillips smokestack flares could be seen as far north as the Century Freeway and

as far south as the Palos Verdes Peninsula during the Thursday burn-off, which began about 8:30 p.m. and lasted about 45 minutes, officials said.

The tougher regulations ban open burn-off of excess gases from South Bay refineries except in emergencies or during planned shutdowns, start-ups or other "essential" operations.

Violators can face fines of \$1,000 or more. Emissions from such events are also supposed to be cut sharply in coming years.

Four of this week's events were planned. The other unplanned event, which was at a BP facility, is also being investigated, said South Coast AQMD spokesman Sam Atwood. Few other details were immediately available.

ConocoPhillips spokesman Andy Perez said Friday that the flaring at the refinery at 1400 W. Anaheim St. was not an emergency but a safety precaution after workers noticed that a key piece of equipment that boils oil was malfunctioning.

About 8:30 p.m., he said, "one of our units experienced an equipment malfunction which resulted in some flaring. Flaring is a safety mechanism that refineries use to help release gases. It was not catastrophic, it was not significant. It is a big visual. At no time were we in danger of exploding or elevating beyond control."

Atwood said Friday that three inspectors were sent to the plant Thursday after receiving calls from residents and the media. He said the refinery had reported the incident as well, as required. Atwood said the inspectors arrived after the flaring was done, but that one had spoken to a refinery operations employee who knew what had happened. He said the plant was also required to measure emissions during flaring, and to submit results to the agency in coming weeks.

It was not clear whether the flaring was a violation. "The investigation is continuing," Atwood said.

Firefighters at the scene and refinery spokesman Perez said that Thursday's heavy winds might have intensified the flames.

Nearby residents have long complained of frequent flaring at the ConocoPhillips refinery, which is west of the Harbor Freeway and north of the Port of Los Angeles. A widespread September 2005 power outage forced ConocoPhillips and two other refineries to shut down operations and ignite their flare stacks. The incident exacerbated local concerns about potential pollution from such flaring.

Perez said that ConocoPhillips had added workers and installed new equipment to help prevent unnecessary flaring, and that this week's incident was the first significant one of any kind since 2005.

Sulfur oxide emissions from flaring contribute to fine particulate pollution, or soot, which has been linked to increased hospital admissions and premature deaths from respiratory and heart problems. Low levels of sulfur oxide can also exacerbate asthma symptoms.

The tougher rules are designed to reduce sulfur oxide emissions from about 2 tons a day in 2003 to under half a ton by 2012.

## **Taking Control of Electric Bill, Hour by Hour**

By David Kay Johnstone

N.Y. Times, Monday, Jan. 8, 2007

Ten times last year, Judi Kinch, a geologist, got e-mail messages telling her that the next afternoon any electricity used at her Chicago apartment would be particularly expensive because hot, steamy weather was increasing demand for power.

Each time, she and her husband would turn down the air-conditioners — sometimes shutting one of them off — and let the dinner dishes sit in the washer until prices fell back late at night.

Most people are not aware that electricity prices fluctuate widely throughout the day, let alone exactly how much they pay at the moment they flip a switch. But Ms. Kinch and her husband are among the 1,100 Chicago residents who belong to the Community Energy Cooperative, a pilot project to encourage energy conservation, and this puts them among the rare few who are able to save money by shifting their use of power.

Just as cellphone customers delay personal calls until they become free at night and on weekends, and just as millions of people fly at less popular times because air fares are lower, people who know the price of electricity at any given moment can cut back when prices are high and use more when prices are low. Participants in the Community Energy Cooperative program, for example, can check a Web site that tells them, hour by hour, how much their electricity costs; they get e-mail alerts when the price is set to rise above 20 cents a kilowatt-hour.

If just a fraction of all Americans had this information and could adjust their power use accordingly, the savings would be huge. Consumers would save nearly \$23 billion a year if they shifted just 7 percent of their usage during peak periods to less costly times, research at [Carnegie Mellon University](#) indicates. That is the equivalent of the entire nation getting a free month of power every year.

Meters that can read prices every hour or less are widely used in factories, but are found in only a tiny number of homes, where most meters are read monthly.

The handful of people who do use hourly meters not only cut their own bills, but also help everyone else by reducing the need for expensive generating stations that run just a few days, or hours, each year. Over the long run, such savings could mean less pollution, because the dirtiest plants could be used less or not at all.

The vast majority of utility customers know only the average price of the electricity they used in any given month. But wholesale prices for electricity are set a day in advance, usually on an hour-by-hour or quarter-hour basis. Power companies and utilities are keenly aware of the pricing roller coaster, but they typically blend the numbers into a single monthly bill for their customers.

For most Chicagoans, the average summer price last year was 8.25 cents a kilowatt-hour. Although Ms. Kinch and her husband at times paid as much as 36.5 cents a kilowatt-hour — the peak price on the humid afternoon of Aug. 2 — they paid less than their neighbors over all. On 38 days, some of their power cost less than a penny a kilowatt-hour.

Other consumers who know the hourly price of their electricity have actually been able to get paid by utilities for power they did not use. In New York City last July, for instance, when there was a blackout in Queens, residents of one building on Central Park West voluntarily cut their demand as much as 42 percent and sold the capacity back into the electricity market so that it could be used where it was more needed.

Certainly, such situations are a big exception. The fact that most people have no idea how much their power costs has emerged as a sticking point in the ongoing effort to restructure the nation's electricity business, which the federal government is moving from a system in which legal

monopolies charge rates set by state regulators, toward a competitive system where the market sets the price.

But how does efficient pricing emerge in a business where access to information is so lopsided? A market, as defined by the courts, is a place where willing buyers and sellers who both have reasonable knowledge agree on a price; in the electricity markets, the advantage lies distinctly with those who make and distribute power.

Under either the traditional system of utility regulation, with prices set by government, or in the competitive business now in half the states, companies that generate and distribute power have little or no incentive to supply customers with hourly meters, which can cut into their profits.

Meters that encourage people to reduce demand at peak hours will translate to less need for power plants — particularly ones that are only called into service during streaks of hot or cold weather.

In states where rates are still regulated, utilities earn a virtually guaranteed profit on their generating stations. Even if a power plant runs only one hour a year, the utility earns a healthy return on its cost.

In a competitive market, it is the spikes in demand that cause prices to soar for brief periods. Flattening out the peaks would be disastrous for some power plant owners, which could go bankrupt if the profit they get from peak prices were to ebb significantly.

But as awareness of “smart meters” grows, so does demand for them, not only from consumers and environmental groups but also from government bodies responding to public anger over rising power prices. In Illinois, for example, the legislature passed a law in December requiring the program Ms. Kinch joined four years ago to be expanded from 1,100 customers to 110,000.

The law also required that Commonwealth Edison, the Chicago utility, hire a third party to run the program. It chose Comverge Inc., the largest provider of peak-load energy management systems in North America.

The smart metering programs are not new, but their continued rarity speaks in part to the success of power-generating companies in protecting their profit models. Some utilities did install meters in a small number of homes as early as three decades ago, pushed by the environmental movement and a spike in energy prices.

Today, the same set of circumstances seems to be prompting a revival of interest, and even the utility companies seem resigned to the eventuality of such programs. Anne R. Pramaggiore, the senior vice president for regulatory affairs at Commonwealth Edison of Chicago, said that in the past, interest in hourly meter was transitory.

“We really haven’t dealt with these issues for 30 years,” she said.

But a sustained effort to install more meters is likely now because of what Ms. Pramaggiore called a “fundamental change” in the energy markets. Rising fuel costs and environmental concerns are — once again — front and center.

When consumers know the price of their electricity in advance and can tailor their use, even minor changes in behavior can lead to lower home utility bills and less reliance on marginal power plants, said Kathleen Spees, a graduate student in engineering and public policy at Carnegie Mellon.

“Small reductions in demand can produce very large savings,” said Ms. Spees, who analyzed prices charged within the PJM Interconnection grid, which coordinates the movement of wholesale electricity for 51 million people from New Jersey to Illinois.

Consumers who cut back on power use at peak times can do more than just avoid high prices. They can make money, as people in the building on Central Park West learned last summer.

Peter Funk Jr., an energy partner at the law firm Duane Morris who lives in the 48-unit co-op, persuaded his neighbors three years ago to install a single meter to the [Consolidated Edison](#) system and then to operate their own internal metering system. That made the building big enough to qualify for hour-by-hour pricing.

When the next day's prices are scheduled to soar, the building superintendent and a few residents get e-mail messages or phone calls. “We have an orderly plan all worked out to notify people” so they can reduce their power use during the designated times, Mr. Funk said.

The residents save more than just the money on power not used during peak periods, when pricing has been as high as almost 50 cents a kilowatt-hour. During the blackout in July, when parts of Queens were without electricity for up to nine days, the building cut demand as much as 42 percent and sold the unused capacity for about \$3,000.

That money helps the building offer a valuable benefit: On most weekend mornings, electricity for residents is free.

## **Lyons shares insights of a lifetime in ag**

Modesto Bee, Business/Agriculture, Sunday, January 7, 2007

**EDITOR'S NOTE:** Bill Lyons Jr. is the co-owner of Mape's Ranch, which raises cattle and crops southwest of Modesto. He was state secretary of food and agriculture from 1999 to 2003. Lyons met recently with The Bee's Work & Money staff to talk about issues in farming as well as his business and civic pursuits. Some of the interview appears here.

### **Q: What is the history of Mape's Ranch and your family?**

**A:** The ranch was started a little over 80 years ago by Ed Mape. And my dad, Bill Lyons Sr. — his nephew actually — came from Minnesota and lived with my great uncle, Ed Mape. All six of my dad's children — myself, two brothers, my three sisters — were raised and lived on the ranch all of our life. We've now expanded that family to 21 grandchildren. Almost everyone lives within Stanislaus County. We were primarily in the cattle business until about 1973. We made a decision in 1973 to expand our farming operation, so we've done that. Then, in about 1983, we made a decision to diversify into some additional commercial-industrial projects. We have almonds, grapes, a lot of forage crops, tomatoes, corn, wheat, barley, oats.

### **Q: What do you think are the main challenges right now for farmers?**

**A:** They're evolving when it comes to regulations, use of the computer, competition. It's a very tough, tough business, and you've got to evolve to survive. And it doesn't only have to be size-wise, but you've got to know your product, you've got to know your cost, your profit margins, you have to be thinking about your job and your business every day.

### **Q: Do you have any sense about where the industry is going?**

**A:** I think one of the most critical things that the industry has to deal with is actually the age of their farmers and their ranchers. It's difficult as an established ranching and farming operation to go out and acquire land and really make it economically work, even when you can blend it into

your operation. For a young farmer and rancher to go out and actually purchase land and try to make it work, it's very difficult.

**Q: Do you think enough is being done in the ag programs in high schools and colleges?**

**A:** I think that there could be more funding, both at the high school and college levels, for agriculture. But I don't think that is what is deterring people from getting into agriculture. I think you may be surprised how many people get an agricultural degree and go off into maybe finance or marketing. But to really be on the farm and on the ranch — there are very few who would actually go back and want that type of lifestyle or that type of commitment.

**Q: What are your thoughts on the concern a few months ago about spinach and E. coli?**

**A:** I think you've got to respond very quickly. You've got to bring people to the table quickly, whether it's a health department, the FDA or the industry. And I think that occurred. I still have a belief — and I've traveled fairly extensively outside of this country — that we have one of the healthiest, safest food supplies in the world. I think that the ability to communicate a problem is one that's very unique in this world.

**Q: Do you think farmers can live with the rules on water and air quality?**

**A:** I think they should try to use this as a competitive leverage — to say that they are complying. That goes back to my philosophy that we've got one of the finest, safest, healthiest food supplies in the world, and I think we don't as an industry or as a nation promote that as much as we should.

**Q: San Joaquin County is requiring developers to protect other farmland in exchange for building. Could that work in Stanislaus County?**

**A:** What they may want to do is maybe have some kind of a sunset clause to actually review its success or lack of success. I think it's an interesting concept. From the farming point of view, I think it has to be a voluntary type of a situation. It's an interesting concept, because if you're next to a farmer who has an easement to protect his land, what does that do to your land?

**Q: Are you in favor of a guest worker program?**

**A:** I think that at one time, a guest worker program worked very well. I think it's going to take a lot of thought and organization to put one in place. But there are a lot of industries in both the state and the country that rely on this particular type of work force.

**Q: Did your service as secretary of agriculture under Gov. Davis give you any insights on how to be a better farmer?**

**A:** Probably not any insights on how to be a better farmer, but it gave me a lot of insights on working with people and relationships. It gave me a very strong understanding about the way state government works or does not work. You go into communities and when you have over 350 different crops, everybody thinks that because you're the secretary of agriculture, you have to be the expert on a particular crop, which I wasn't. And so we had a lot of interesting things happen during my tenure. We had a citrus freeze, the glassy-winged sharpshooters (in vineyards). We had an exotic Newcastle disease outbreak (in poultry) down in Southern California, which was really dramatic. We had a number of fruit fly infestations.

**Q: Is it a nonpartisan job even though you were appointed by the governor?**

**A:** Anybody who takes a job like that has to understand there is going to be some politics involved. But my job or my belief was that I was there to represent agriculture and the community, and I really tried to strive to do that. The Newcastle situation was one where we had to respond very quickly and be very organized, because if we waited a week, we could have not only just a statewide disaster, but maybe a national disaster. So I had the kind of relationship with the governor and his senior staff that I could march in there and basically lay out a program. The

glassy-winged sharpshooter situation — when that first erupted, I can remember when the Wine Spectator came out with an article that said there won't be a wine industry left in three years in California. We put together a team between the state, the feds and the local ag commissioners and the industry, and, basically, you could use that as a model for any agricultural crisis in the country.

**Q: You have a reputation as a conservationist. Could you talk a little bit about that?**

**A:** We've worked now for I think 25 to 30 years with the U.S. Fish and Wildlife Service on protecting and really enhancing habitat. Right now, we're flooding about 60 acres to provide some additional habitat. On the occasions that I met with the environmental community in my public position, I think I had the reputation for having an open ear and shooting pretty straight with them.

**Q: Have you given any thought to getting back into government service?**

**A:** I really enjoyed my appointment up at Sacramento, especially the people I worked with, but I really missed my friends and my family. So it would be a difficult decision to leave the area again. When you're up at Sacramento, you make a decision, it may be a far-reaching decision, but you wouldn't see the benefits of those decisions. Whereas on the Modesto Irrigation District board, you made a decision to build a domestic water treatment plant and you can drive by there and see it. You could try to keep the rates down as much as you could, and you could kind of get that feeling.

BILL LYONS JR.

AGE: 56

BACKGROUND: Lifelong rancher; state secretary of food and agriculture, 1999-2003; state chairman for U.S. Farm Service Agency, 1993-98; several board positions, including Modesto Irrigation District, county and state Farm Bureau, Doctor's Medical Center and Central Catholic High School

FAMILY: Wife, Suzy; sons, Billy, Matt and Tyler; daughter, Katie

[Fresno Bee editorial, Sat., Jan. 6, 2007:](#)

### **Exploring biodiesel**

**Legislation is worth looking into in state quest to clear the air.**

State Sen. Dean Florez is back on the attack in the air quality struggle, getting ready to introduce a package of legislation that could boost the use of biodiesel fuels in California. It's a promising set of bills that deserves serious consideration.

Biodiesel is an alternative to petroleum-based diesel fuel. It is refined from a variety of substances, including corn and other vegetable oils, as well as animal fats and even the grease produced in restaurant kitchens. Biodiesel's virtues include the fact that existing diesel engines need no modifications to burn it. It also produces dramatically lower levels of harmful emissions compared with its fossil-fuel cousin.

In addition, biodiesel can be produced in this country -- it already is -- and need not be imported from nations that, for various reasons, can't be relied upon to have the best interests of Americans in their hearts.

Florez, the Shafter Democrat, plans to offer seven bills. The synopsis:

SB70 would define biodiesel as a fuel, not an additive, and set standards for its production.

SB71 would mandate the use of biodiesel in state-owned diesel-powered vehicles.

SB72 would require the use of biodiesel fuel in school buses throughout the state.

SB73 would create a tax credit to stimulate the production of biodiesel in California.

SB74 would exempt biodiesel fuels from state sales and excise taxes.

SB75 would mandate that the state only purchase diesel-powered vehicles that come with a warranty on the engine, something the diesel manufacturing industry has resisted.

SB76 would establish the California Biodiesel Investment Account, which would offer incentives such as grant money to local governments, farmers and research agencies to build fueling stations, grow the crops that provide the fuel and develop new biodiesel technologies.

It's an ambitious array of legislation, something not unfamiliar to Florez when it comes to air quality. He pushed through a package of bills in recent years that addressed various aspects of pollution from so-called "stationary sources," including farming operations.

This effort could move the state ahead in the regulation and control of mobile sources -- mostly vehicles -- which is urgently needed, especially here in the Valley, where the large majority of our air problems are caused by emissions from cars, trucks, buses, boats and locomotives. And diesel emissions are particularly noxious and harmful.

There are a lot of questions, including the fact that biodiesel fuels may not help reduce nitrogen oxides, the single biggest emissions problem we have when it comes to smog. And very few biodiesel fueling stations now exist and current sources are far away in the Midwest. Can the state's farmers produce a sufficient amount of the crops to refine enough of the fuel? Where will they get the water they need for that? Will people go for it?

We hope there are answers. Biodiesel isn't the only solution to cleaning up our bad air -- there is no single solution; but it could be an important element of a broader set of answers. It's certainly worth pursuing.

[Fresno Bee and Modesto Bee editorial, Monday, Jan. 8, 2007:](#)

### **Bearish on habitat**

Polar bears are the kings of the Arctic, having adapted to an environment where few predators can survive. Yet with global warming, these kings are watching their kingdom melt away.

According to NASA, the Arctic Ocean has lost about 20% of its sea ice since the 1970s, an area of 502,000 square miles -- twice the size of Texas. With the loss of sea ice, the worldwide population of polar bears -- estimated at about 20,000 to 25,000 animals -- has steadily declined.

Faced with incontrovertible evidence that polar bears are imperiled, Interior Secretary Dirk Kempthorne agreed recently to designate polar bears as threatened under the Endangered Species Act. The designation means the federal government must come up with a recovery plan for bears in its jurisdiction off the coasts of Alaska. It is a rare acknowledgment by the administration that global warming is causing wide environmental impacts.

Yet it is a half-baked acknowledgment. Kempthorne said his department is not taking a position on why the ice is melting or what to do about it.

This is nonsense. There is no way administration officials can hope to help the polar bear population to recover if officials do not acknowledge the science of global warming -- that industrial emissions are altering the atmosphere and contributing to rapid warming in the polar regions and elsewhere.

While the U.S. officials have limited ability to do much by themselves to slow and reverse this warming, it is long past time for them to take the blinders off and lead a global effort to reduce emissions.

[Letter to the Sacramento Bee, Sunday, Jan. 7, 2007:](#)

### **'Smart growth' pays off big time**

Re "Color infrastructure bonds green," Forum, Dec. 31: Kathryn Phillips' commentary hits the mark. The voters have authorized almost \$40 billion worth of investment. It is imperative that we maximize the positive impacts of that investment, as we actually build new infrastructure. Otherwise, we will have new levees that allow the further suburbanization of flood plains (putting more lives and property in danger), we will make global warming worse, not better, and we will have more sprawl-inducing highways, aggravating our current energy and air pollution problems, and causing more destruction of irreplaceable agricultural lands and wildlife habitat.

The Planning and Conservation League and 50 other groups urged the Legislature, last year, to make sure that our bonds would be environmentally smart. Our "smart growth" prescriptions were ignored, then.

Now, as the Legislature and the governor actually spend the money, there is another chance. California will be worse off, not better off, if we don't "color our infrastructure green." We win big in terms of the economy, as well as in terms of social equity, when we pay attention to our environment.

*Gary A. Patton, Sacramento*

[Letters to the N.Y. Times, Monday, Jan. 8, 2007:](#)

### **Climate Change: No Time to Debate (6 Letters)**

Re "Middle Stance Emerges in Debate Over Climate" (news article, Jan. 1):

Do we know for certain when and how much Greenland and the West Antarctic Ice Sheet will melt with global warming, and the exact amount the sea level will rise as a result? Or how intense heat waves, droughts, floods and storms will become?

The answer is no, it is not possible to make exact predictions about such complex systems.

But there is no uncertainty among the world's leading scientists that if we do not significantly reduce our current levels of burning fossil fuels, our world will experience profound changes, many of them irreversible, in its physical, chemical and biological composition.

And there is absolutely no question that these changes will severely threaten life, including human life, on this planet. It would be shamefully ignorant and morally inexcusable if we did not do everything in our power to prevent these changes from occurring.

Political leaders, policy makers and the public should not be misled by the few scientists who persistently emphasize the uncertainties of climate science, as if these uncertainties guaranteed that global warming consequences would not be catastrophic.

*Eric Chivian, M.D., Boston*

*The writer is director of the Center for Health and the Global Environment, Harvard Medical School.*

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The middle stance views climate change as a potential risk and responds in ways akin to buying fire insurance, as described in your article. This is classic public health policy.

Climate change may or may not bring heat waves, more severe hurricanes, an increase in tropical diseases, worsening air pollution, compromised food supplies and other threats to life and

health. But as long as credible scientific evidence points to these possibilities, as it does, protecting the public requires that we anticipate and prepare for them.

Similar logic motivates us to vaccinate against influenza, remove lead paint, use seat belts and treat high blood pressure.

The Centers for Disease Control and Prevention is committed to addressing the public-health consequences of climate change, which is preparedness at its best.

*Howard Frumkin, M.D., Atlanta*

*The writer is director of the National Center for Environmental Health and the Agency for Toxic Substances and Disease Registry at the Centers for Disease Control and Prevention.*

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One issue on climate change, which is alluded to in this article, is the public's apparent lack of interest in the topic. This probably stems from the inconvenience that is required in solving the global warming problem.

Conserving natural resources or switching to alternative energy would be quite cumbersome for a society accustomed to overindulgence. It is imperative, however, that we realize that other solutions are available and will need to be explored.

These solutions include such energy forms as hydropower and geothermal, wind and nuclear power, which have all shown to be viable remedies in other areas of the world. It is also important to realize that the inconvenience of exploring these solutions will only accumulate if the problem is ignored.

*Nick Tataryn, Philadelphia*

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The article about the global warming debate claims to identify an intermediate position between President Bush's refusal to acknowledge the reality of climate change and the view, articulated by Al Gore in his documentary, "An Inconvenient Truth," that such change poses a clear and present danger to human life.

This is not, however, what the article does. Rather, on every major point, starting with the question of whether climate change is an established scientific finding, the middle stance agrees with the Gore position and rejects the Bush deception. The notion that the truth is midway between two poles of debate is a longstanding American myth, but it does not work in this case.

While neither "An Inconvenient Truth" nor the so-called middle stance is the final word on climate change, both are responsible efforts to get at the truth. By contrast, skepticism about global warming is a position unmoored from reality.

*Daniel A. Segal, Claremont*

*The writer is an anthropology professor at Pitzer College.*

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While there is diversity in the views of climate scientists about the imminence of threats, there is near unanimity that the risks posed by global warming are genuine and potentially very serious.

The real dispute over what should be done is between responsible scientists and the Bush administration, whose policy on climate change has been to acknowledge little and do almost nothing.

*Russ Weiss, Princeton, N.J.*

- Regarding the article about the climate change debate, I can only say that it is about time.

The debate simply detracts from the major issue, which is that dumping toxins into the atmosphere simply can't be good. I am sure that all the debate's participants care very much about their personal hygiene. It is time to improve our own public hygiene.

*Alan Schulman, Colorado Springs*

[Letter to the N.Y. Times, Friday, Jan. 5, 2007:](#)

### **Where Cars Win Out**

In "Environmental Harmony" (editorial, Jan. 1), you fault the Bush administration for doing nothing to create or enforce a national policy on global warming, including production of fuel-efficient cars. Yet the administration may be more in touch with the electorate than not, for little is done on a local level to recognize these realities.

In my state, billions are devoted to accommodating increased traffic without regard to global warming, fossil-fuel consumption, air pollution, land loss, road deaths, debt to foreign nations or even war to ensure access to oil.

But whenever there is planning for public transportation, expense is cited as the obstacle.

*David Ray, Tucson*