

## **Fresno street fee increase faces veto**

**Autry says plan must include three increases, not just one.**

By Matt Leedy / The Fresno Bee

Thursday, March 29, 2007

Fresno Mayor Alan Autry said Wednesday he will veto the City Council's plan to raise developer street fees because it doesn't go far enough.

The council voted 4-3 Tuesday to approve the first year of Autry's three-year plan to sharply raise fees. The council, worried that proposed increases for 2008 and 2009 were too steep, ordered city staff to continue talking to developers about street fees.

But Autry said the first-year increases alone aren't enough to raise the \$415 million needed to build streets, improve others and prevent bottlenecks over the next 18 years.

"I'm going to veto this to give the council the chance to do the right thing," Autry said Wednesday in a meeting with The Bee's editorial board. He has until April 9 to veto the council's action.

Autry said he will ask the council to reconsider his three-year plan.

The seven-member council needs five votes to override Autry's veto. The mayor needs just four votes to win approval for his three-year plan. If the council does neither, the city's badly outdated developer fees remain in place.

The fees have not been raised in 15 years. Even developers agree some increases are needed, but they are lobbying to keep them low.

An override doesn't appear likely because Council Members Jerry Duncan, Brian Calhoun and Blong Xiong support Autry and voted against the one-year increases.

"That's great news!" Duncan said after learning of Autry's veto announcement.

It's not clear, however, whether the mayor will have the votes he needs when the council reconsiders his three-year proposal.

Council Member Larry Westerlund appears to be the swing vote. He voted Tuesday for one-year increases that would begin in May. But he said he could support the three-year plan if the one-year proposal failed.

On Wednesday, Westerlund wouldn't say whether he would back Autry's plan.

"It's a possibility," Westerlund said. "But I want to make sure that our basis for raising fees is correct."

Westerlund said he wants to know more about how the proposed fee hikes were determined and why fees for retail development would be so much higher than other projects under Autry's plan.

Westerlund also wants city staff to consider additional charges for drive-through restaurants and stores. Those businesses, he said, encourage drivers to stay in idling cars that produce more pollution.

Additional money from increased charges to drive-through projects could help Fresno pay for air improvement efforts, Westerlund said.

The council majority and Autry agree fees should be lower for projects built in the city's core. They also agree that fees for developments of single-family homes on Fresno's fringe should be \$27,000 per acre, or seven times higher than current rates.

The city had charged street fees between \$1,100 to \$3,700 per acre for development on the city fringe. Homes typically have lower fees than stores.

The council and Autry disagree about fees for apartment, retail and office developments built near the city borders.

The council Tuesday set fees for those types of projects at \$36,900 -- 10 times higher than current rates.

Additional increases proposed by Autry for 2008 and 2009 would raise fees for retail development to \$70,000 per acre -- about 20 times higher than current rates.

Apartments built on the fringe would be charged \$52,000 per acre by 2009, and office projects would pay \$50,000 per acre under Autry's plan.

## **Refinery set to add on**

### **Facility must still receive approval from county and address pollution concerns**

BY STACEY SHEPARD, Californian staff writer  
Bakersfield Californian, Thursday, March 29, 2007

Since the 1930s, the refinery that occupies a dusty expanse along Rosedale Highway has been churning oil dredged from nearby fields into products that have fueled progress in the San Joaquin Valley.

Despite changing hands half a dozen times, numerous mergers and the fear of closure, the flow of crude that's passed through its tangled matrix of pipes has remained constant. It's enabled fields to be reaped, buildings to be built and has powered the increasing number of vehicles destined for nearby neighborhoods that have proliferated in the past decade.

Now, like the rest of Bakersfield, the refinery has its eyes on expansion.

The proposed project would add "half a refinery" to the existing facility, according to officials with Big West of California, a subsidiary of Flying J. The Clean Fuels Project, as it's being called, would allow the facility to double its gasoline and diesel production.

The new fuel, meeting California's strict standards, would go directly into local markets.

Construction could begin as soon as this summer and wrap up in 2009 if the permitting process goes smoothly.

"This refinery is profitable but (expanding) is something that's necessary to ensure its long-term viability," said Gene Cotten, its general manager.

But in an area plagued by air pollution that's transitioning from farm fields to residential subdivisions, the project's impacts might make it a hard sell.

The facility is already one of the biggest stationary sources of unhealthy air emissions in the valley. Despite installing some of the most up-to-date pollution technology, the refinery will produce more pollution if it expands.

Already environmental groups are poised to challenge it.

"Adding a huge, new pollution source into the valley is problematic," said Brent Newell, an attorney for the Center on Race, Poverty and the Environment, an advocacy group active in San Joaquin Valley air quality issues. "We already have (an air) problem, so why make it worse?"

Another concern is the expansion would require the storage and handling of hydrofluoric acid, a caustic acid that can result in death from exposure. The potential hazards of expansion are outlined in an environmental impact report required under state law.

Cotten said the company is going to great lengths to minimize impacts, comply with air quality regulations and ensure the community's safety. But the concern from the community is expected.

"Some people ask us, 'Why build it here?'" he said. "Why not in the desert?"

"It's more cost-effective to leverage our existing facility," he said. "We couldn't afford to build in other areas."

### **A little history**

Slated to shut down just two years ago, Flying J's purchase of the facility in March 2005 was seen as critical in terms of the state and local fuel supply. Previous owner Shell had doomed the refinery for closure, citing dwindling supplies of local crude. But the state attorney general's office demanded the company sell because of the impact losing even a small percentage of the fuel supply could have on the economy.

The refinery's output makes up about 6 percent of the state's diesel and 2 percent of its gasoline supply. An expansion would boost those numbers to about 9 percent of the diesel and 4 percent of the gas supply.

That may sound marginal, but the state's demand for transportation fuels is insatiable, growing at a rate of 1.5 percent each year.

Every little bit produced in-state helps offset the amount of crude imported from foreign markets, a supply that comes at a higher price to consumers.

Big West's \$600 million expansion would provide a needed boost in fuel supply for the community, company officials said.

"You put more of that in a market where more of it wasn't there before and you give local consumers supply security," said Joe Sparano of Western States Petroleum Association, a nonprofit trade association that represents oil producers, refineries and others in the oil industry.

That doesn't necessarily mean gas prices will go down, Sparano said. Prices are set by supply and demand and market factors.

### **An interim product**

The biggest problem for Big West is the refinery lacks the equipment to convert more of its crude oil into the most lucrative end products -- gasoline, diesel and other light products.

Less than 50 percent of the crude coming into the refinery is made into gasoline, diesel and lighter products. The expansion will boost that to 90 percent.

Because Shell, a worldwide oil company, ran refineries in other locations, it had flexibility in how it handled further refining.

But after crude meanders through the labyrinth of pipes, Big West is left with a glut of gas oil, an intermediary stream between crude and lighter transportation fuels. The gas oil, in turn, must be sold to other refineries for further processing.

"The driver for this project, the reason we want to do this, is because we sell gas oil into a market where we don't have a lot of buyers," Cotten said.

After a trend in the 1980s and 1990s of closing down U.S. refineries, space in the remaining facilities is limited, according to Jeff Hazle of the National Petrochemical and Refiners Association in Washington, D.C.

"Whether or not a market exists for gas oil depends on capacities to process it at other refineries," Hazle said.

### **'Never been a problem'**

Already some hulking pieces of the metal needed to expand the refinery sit on the westernmost portion of its 650 acres.

Big West officials said they had to purchase most of the equipment in advance, since some pieces can take up to two years to deliver. Just north of that area, nestled between the site of the refinery and Rosedale Highway, is Vista West High School, an alternative education school.

Barbara Kenney, the school's site administrator, said it has never had an issue with the refinery.

"I would think with all the government regulations on these refineries, they're going to have plenty of restrictions to follow," she said.

Next door to the school is a 33-unit trailer park, managed by Chester Tillman, who has lived there since 1990. At night, he said, you can see the flare coming from the refinery's stacks. The only nuisance the facility creates, he said, is a fine, black dust. It turns cobwebs black and requires occasional hosing down of the trailers.

"But I don't let it bother me," he said. "You get used to it."

### **Environmental worries**

Increased air pollution is on the minds of many, however. According to a survey of Central Valley residents in 2006, air quality is a growing concern, especially among those living in the southern valley. In the study, Central Valley residents ranked air pollution as the most important issue facing the valley and 58 percent of respondents living in the Southern San Joaquin reported having asthma or respiratory problems.

Based on 2005 numbers, the refinery ranked among the top five stationary sources of emissions that cause particulate matter pollution and smog. Despite installing state-of-the-art pollution controls, the expansion would boost the unhealthy emissions the refinery produces. Under air district rules, large stationary sources must offset emissions increases. The company plans to do that with emissions reduction credits it earned by dismantling older equipment in the past. It also plans to buy more credits.

Another concern is the use of hydrofluoric acid at the facility, which is used as a catalyst to break large molecules in heavier streams of oil into lighter products. The chemical is extremely toxic and exposure to it can be lethal. If spilled, it creates a mist that hangs low to the ground and can spread for several miles.

That has roused concern among residents who live nearby and have children who attend the more than 18 schools within two miles, said Gloria D. Smith, an attorney representing a local union whose workers live nearby and sometimes work there.

"This chemical is horrible on the environment and deadly to people," she said.

"I'm right downwind from the refinery," said Mortie Parker, a retired pipefitter whose home is just north of the refinery.

Big West officials said safety is a top priority. As part of the expansion, it would purchase a 100-foot ladder truck for the local fire station. An emergency response plan is in place. A series of safeguards would be installed to monitor the acid, Cotten said.

Hydrofluoric acid has been used at Flying J's other refinery in Utah for more than 40 years, he said.

Kern County planning officials said they're taking a close look at the potential impacts. The department has not yet recommended approval or denial of the project.

"This is a unique project in California. It's very uncommon for refineries to expand ... because of challenges with air quality and permitting," said Lorelei Oviatt, a county planner. "The fact that it's in an urban area makes it more of a challenge."

**Get Involved** • Written comments on the project will be accepted until 5 p.m. April 5. Send comments to the Kern County Planning Department, 2700 M St., suite 100, Bakersfield, 93301, or e-mail [planning@co.kern.ca.us](mailto:planning@co.kern.ca.us).

- The Kern County Planning Commission will hold a public hearing at 7 p.m. May 10.

### **Approval process**

1. The Kern County Planning Commission must approve the project. If its decision is appealed, the Board of Supervisors would have the final say.
2. The San Joaquin Valley Air Pollution Control District must issue an air permit authorizing the project. This requires the refinery to submit a plan to comply with air regulations. The air district also reviews the project to ensure it won't drastically increase the concentration levels of pollution in the air.
3. The U.S. Environmental Protection Agency must issue an air permit to proceed.

### **Refinery history**

1932: Opens as Mohawk Oil Refinery.

1975: Reserve Oil & Gas purchases the refinery.

1980: Getty Oil takes over.

1984: Texaco purchases the refinery.

1986: Texaco acquires a nearby refinery from Tosco.

1987: Texaco buys another nearby refinery owned by IVEC.

1998: Texaco and Shell enter into a joint venture to operate the refinery as Equilon Enterprises LLC.

2001: The Federal Trade Commission requires Texaco to divest its interest in the refinery following its merger with Chevron. Shell continues to operate it.

2003: Shell announces plans to shut down the facility.

2004: California Attorney General Bill Lockyer enters the fray, urging Shell to seek a buyer for the facility instead of closing it.

2005: Flying J Inc. purchases the refinery.

Sources: Big West of California, archived news reports

### **Pros of expansion**

- The refinery would almost double its output of gas and diesel.
- Big West of California's property taxes - which pay for everything from more deputies to better roads - are expected to double from \$1.5 million to \$3 million annually.
- The \$600 million investment would ensure the facility's long-term viability.
- As many as 1,200 construction jobs would be created over two years. Estimated economic impact: \$25 million.
- The project would create 100 new jobs. About two-thirds would pay an average of \$70,000 a year.

### **Cons of expansion**

- Traffic would increase significantly during construction. Big West said it plans to minimize this impact by staggering work shifts and having various entrances to the refinery.
- When construction is complete, truck traffic on Rosedale Highway would increase from about 150 trucks a day to 250 or 300.
- The new facility would require on-site storage of hydrofluoric acid, a deadly chemical that, when spilled, can create low-to-the ground, gaseous clouds.
- Emissions that contribute to air pollution would increase. The facility is already among the top five stationary sources of unhealthy emissions in the San Joaquin Valley.

### **Residents protest Kettleman landfill**

By Seth Nidever

Hanford Sentinel, Wednesday, March 28, 2007 (12:59 PM)

Officials from the U.S. Environmental Protection Agency took flak in Kettleman City Tuesday night for a draft report that says a landfill site southwest of the town isn't a health threat.

"I'm wondering, how did you do this without asking the residents of Kettleman City?" said Maricela Mares-Alatorre, one of several Kettleman City residents and environmental activists who complained about the report in a two-and-a-half hour long public hearing that featured angry chants against the EPA and comments from residents criticizing the draft study.

The study was done in conjunction with a proposed renewal of the landfill site's permit to receive PCBs, highly toxic substances used in electrical conductors that Congress banned in 1976.

Chemical Waste Management, an international company, trucks PCBs, other hazardous chemicals and regular trash to the site in the Kettleman Hills approximately three miles southwest of town.

Chem Waste took some heat at the meeting, but the lion's share of criticism was reserved for EPA officials.

Before the public meeting began at 7 p.m., a crowd of residents and activists poured into the Kettleman City Elementary School cafeteria chanting "Si se puede!" and "EPA: Shame on you!" Several wore white T-shirts stenciled with "KC is not your trash can."

Critical comments centered on perceived shortcomings of the EPA report. The report is intended to assess the environmental impact of the landfill site on the town's largely Spanish-speaking residents.

For years, Kettleman City residents have complained about asthma problems, high cancer rates and other health problems. Some blame the Chem Waste site, particularly its ongoing hazardous waste operations.

The draft EPA study concluded that there are no adverse impacts traceable to the Chem Waste facility. It also stated that officials couldn't find a greater concentration of cancer, asthma or other problems in Kettleman City than in the rest of Kings County.

Several speakers said officials should have done a health assessment of the residents in Kettleman City.

"Come and ask us direct. We're here. If you only knew how many people are dying of cancer," said Guadalupe Alatorre, a longtime Kettleman City inhabitant.

An EPA official said after the meeting that no community health assessment was done.

"We're an environmental agency, not a health agency. . .," said Debbie Rowe, EPA environmental scientist.

Rowe said EPA had discussed with California Department of Health Services the possibility of doing a community health survey.

"But a lot of communities want this, and (DHS) has limited resources," she said.

Rowe said EPA is still talking with DHS about the possibility.

Other residents worried about what would happen to hazardous waste once the landfill shuts down.

As a condition of the proposed PCB permit extension, Chem Waste will have to perform groundwater monitoring, test for waste leakage and ensure an adequate cap for at least 30 years, said EPA official Max Weintraub.

A few speakers defended EPA and Chem Waste.

Aletha Ware, a resident of the town since 1968, said that the cancer problems many speakers were complaining about are the result of pesticides sprayed on the town and buried in farm fields.

She said she tried to organize a tour of the Kettleman Hills facility but was turned down by many residents.

"It's cleaner out there than some of our yards," she said.

The public has until April 23 to comment on the draft permit and the draft environmental justice assessment.

## **Diamond Walnut a top polluter But plant may not be on list for long**

By Alex Breitler

Stockton Record, Thursday, March 29, 2007

Diamond Walnut's east Stockton plant is one of two significant toxic pollution "hot spots" remaining in the San Joaquin Valley, according to a recent report by air quality officials.

But the company may not stay on that short list for long.

Preliminary studies under review by the Valley's Air Pollution Control District say the nut processing plant has reduced emissions that once elevated the risk of cancer for hundreds of neighbors.

Information like this comes to light under the 1987 State Air Toxics "Hot Spots" Act, which notifies the public of health hazards from stationary pollution sources around California.

Over the years, 16 Valley facilities have been deemed to pose "significant" health risks. Fourteen have been downgraded; alone on the hot seat are Diamond and an oil company in Bakersfield.

"Our goal is to be much better," said Diamond Walnut Vice President Gary Ford. "We live in Stockton, too."

Stationary sources like factories or power plants account for less than one-fifth of hazardous emissions overall, the Valley air district says. But residents who live near the fixed facilities and are exposed over many years could be at greater risk for a range of ailments.

In 2004, the predicted cancer risk for Diamond's nearest neighbors was more than six times the level that air pollution experts considered to be significant, according to a consultant's report. A series of changes at the plant has dropped the cancer risk beneath that threshold, the report says.

Diamond closed a small but environmentally unfriendly cogeneration plant in 2005 and spent \$3 million to \$4 million on new technology, Ford said.

Even before then, "We've always operated within the guidelines of the air district, and we've always made continuous, small improvements," Ford said.

The air district says the hot-spots program has resulted in substantial pollution reductions. The requirement to notify homes near the most egregious polluters - including about 220 near the Diamond facility - motivates those polluters to clean up, the district says.

But the law isn't what it once was, said Bonnie Holmes-Gen, a spokeswoman for the American Lung Association of California. Facilities once were required to report emissions every year; now the rule is every four years, she said.

The law also does not cover facilities responsible for the emission of diesel, such as truck distribution centers and rail yards, she said.

"The program has been substantially curtailed over the years so that only the highest emitting facilities" report, Holmes-Gen said.

What's more, the assessments that can lead to a facility's listing as a hot spot are essentially done by the companies themselves, although the studies are reviewed by the air districts, she said.

Eleven cancer-causing chemicals are emitted from Diamond's facilities, according to the company's health risk report prepared by Bakersfield-based Insight Environmental Consultants.

The consultant says it took a conservative approach on estimating cancer risks, including assuming around-the-clock exposure to emissions over a period of 70 years.

Polluters:

Of the 16 San Joaquin Valley facilities once deemed to pose significant health risks for toxic pollution, only two remain on the list:

- Diamond Walnut in Stockton
- Kern Oil & Refining Co. in Bakersfield

Two hundred facilities are still required to update their emissions reporting every four years. Some had previously been deemed "significant" but are now lower priorities, including:

- Carpenter Co. in Lathrop. Found to pose a significant cancer risk in 1999, the facility has since modified its equipment.
- Owens-Brockway in Tracy. Found to pose a significant cancer risk in 1989; was downgraded by the mid-1990s.

"" Source: San Joaquin Valley Air Pollution Control District

## **Massive poultry farm back on track despite opponents**

### **Critics of proposed Lathrop egg ranch claim cruelty, stench**

By Daniel Thigpen - Record Staff Writer

Stockton Record, Thursday, March 29, 2007

LATHROP - There may be fewer chickens, but there's even more grousing.

A San Jose-based egg producer has renewed its efforts to build a poultry farm housing up to 900,000 chickens on unincorporated farmland near Lathrop after air quality regulators threw the project into limbo last year.

The project now has fewer than the 1 million chickens originally proposed, but the number of its opponents has increased.

Home builders and landowners worried about foul odors blowing onto their properties have found allies in their fight against the egg ranch: animal rights activists concerned about the treatment of chickens.

"I'm a landowner, and I don't want this near me," said Karen Courtemanche, who runs a small animal sanctuary nearby and is mobilizing a coalition of animal rights groups against the project. "But I also don't want to see any more of these (chicken) facilities built."

The Olivera Family Limited Partnership is asking the county to approve a 242,000-square-foot egg ranch west of Lathrop, just north of the 11,000-home River Islands subdivision under construction in the city limits.

Ed Olivera, who is proposing the new ranch and runs another, smaller chicken plant in French Camp, did not return phone calls seeking comment.

Planners have not yet forwarded the newest proposal to the county Planning Commission for consideration.

County planner Ray Hoo said he is gathering information from several agencies about possible impacts from the egg ranch before taking it to decision-makers.

"(With) any operation of this size, it's natural to have concerns of this magnitude," he said.

Last year, the Olivera project ruffled feathers when plans called for a facility with more chickens even closer to the River Islands community. The county Planning Commission, however, held off

on voting on the project after the San Joaquin Valley Air Quality Control District asked for a review of the project's air quality impacts.

Earlier this month, the district concluded the proposed egg ranch likely wouldn't result in any significant health risks.

In the meantime, animal rights advocates who oppose factory farms have created an Internet site - [www.nomoreolivera.com](http://www.nomoreolivera.com) - to fight the project.

Olivera used to run a facility in Gilroy, but Santa Clara County officials in 2003 demanded routine inspections and reports because of poor conditions at the ranch, according to county documents. In 2005, Olivera shut down the site.

In San Joaquin County, Olivera's 700,000-chicken ranch off of Bowman Road in French Camp generates routine complaints to the county Environmental Health Department about odor and chicken waste problems, according to agency documents. The complaints have led to inspections and a county-mandated waste monitoring program, but no fines.

The regional air quality district, however, has fined the French Camp operation twice: \$150 in 2003 for an illegal agricultural burn and \$700 last year for an equipment violation.

Some opponents would like the county to conduct a more thorough environmental assessment of the project, one that takes into consideration odor, flooding concerns, and waste disposal and runoff issues.

"We want the county to show us how this is not going to affect our quality of life," said Rogene Reynolds, a real estate agent who lives a half-mile east of the proposed ranch.

In Lathrop, where the town's economic future depends in part on the large-scale residential growth officials have planned, city leaders fought the proposal last year, and "we will vehemently be opposing it" this time, Mayor Kristy Sayles said.

Susan Dell'Osso, project director for the River Islands community, also said she wants a full environmental review. But the bottom line, she acknowledged, is that people aren't going to want to move next door to a smelly chicken farm.

"It just seems like it's not well-thought-out," she said.

Record staff writer Jennie Rodriguez contributed to this report.

### **Input sought on Valley growth**

Stockton Record, Thursday, March 29, 2007

STOCKTON - San Joaquin Valley leaders are planning how San Joaquin and other counties and cities should grow in the next 50 years.

Residents can give input at community workshops today and next week.

The San Joaquin Valley Blueprint project will address air quality, transportation, housing and other issues. San Joaquin County is one of eight counties involved. Information from workshops will be reviewed by community and government leaders, then adopted in some form by the county and its seven cities.

San Joaquin County's plan will then be merged with those of the other seven counties, creating an overall blueprint expected to be finished by 2008.

Two workshops were held Wednesday. Five more will be held this week and next, all from 6:30 to 8:30 p.m., with registration beginning for each at 6 p.m.

Two workshops are set for today. One is at the San Joaquin Council of Governments building, 555 E. Weber Ave., Stockton. A second is at the Tracy Community Center, 300 E. 10th St., Tracy.

A workshop on Tuesday will be at Linden Elementary School, 18100 W. Front St., Linden. A workshop on Wednesday will be at Our Lady of Fatima Society Hall, 26590 N. Sacramento Blvd., Thornton. A workshop next Thursday will be held in Lockeford or Clements, but the location has yet to be decided.

## **Planning for the future**

Press staff report

Tracy Press, Thursday, 29, March 2007

A town hall meeting held tonight will give planning officials your views on what the region's future should look like. Press staff report

A town hall meeting hosted by the San Joaquin Council of Governments tonight will help map out the future of Tracy, Mountain House, San Joaquin County and other parts of the San Joaquin Valley.

Council officials say the meeting will be "a fun and informative event that will give planning officials your views on the region's future on such pressing issues as education, transportation, housing and air quality."

Registration starts at 6 p.m. at the Tracy Community Center, 950 East St., and the meeting is expected to finish by 8:30 p.m. Refreshments will be served.

## **State 'glitch' causes delay for corn syrup center on Eastside**

By [Chris Nichols](#) - News-Sentinel Staff Writer

Lodi News Sentinel, Thursday, March 29, 2007

Because of a "procedural glitch" blamed on state officials, plans to build a massive corn syrup distribution center on the Eastside will have to wait a bit longer.

The Lodi Planning Commission decided last night to delay their vote on the 15-acre project, which, if eventually approved, would sit at the northeast corner of Victor Road and North Guild Avenue.

Environmental documents for the project were never sent to the required state agencies by state planners, said Randy Hatch, Lodi's community development director.

As a result, officials from the state's air quality or fish and game agencies, for example, have yet to weigh in on the distribution center.

Hatch noted that his department has recommended the project for approval.

Archer Daniels Midland Company of Decatur, Ill., pitched the plans for the center.

It would include outdoor storage silos and a railroad terminal at North Guild Avenue.

Construction plans call for building the project in three phases. Ultimately, the company would build a 95,000 square-foot dry goods warehouse, plus a 20,000 square-foot liquid sweetener warehouse.

Thirty jobs would be created once the project is complete, according to documents prepared by a project consultant.

Also at last night's meeting, planning commissioners unanimously approved Lodi resident Frank Hall's request to split his lot on North Loma Drive into two parcels.

Hall's request to create a cul-de-sac at the end of Howard Lane, near the same parcel, was also approved.

Hatch and commissioners lauded the project as an example of "infill development" or growth that takes place within a city rather than on its edges.

Hall's property is roughly in the city's northwest section.

Several neighbors questioned whether they would lose access to their property during the cul-de-sac work, or be responsible for paying for the new sewer and water systems along theirs and Hall's parcels.

The city would make sewer and water services available to Hall and his immediate neighbors. The properties now are on wells and septic systems.

City officials said access to the properties would actually improve and that the city would consider creating special financing plans for those who couldn't afford the cost of the sewer and water system installations.

## **Music to their ears**

By John Upton

Tracy Press, Wednesday, March 28, 2008

Interstate 205 through Tracy will be widened further than originally planned, with extra lanes added between Mountain House and MacArthur Drive.

Construction of five auxiliary lanes, which link on- and off-ramps, will begin around 2010 and costs \$50 million, Caltrans spokeswoman Zelig Noguera said Tuesday.

The lanes will relieve congestion created when motorists use the freeway to travel short distances, according to Noguera. Such motorists will not have to merge in and out of traffic once the lanes are finished.

The lanes will run in both directions between Tracy Boulevard and Grant Line Road, and between MacArthur Drive and Tracy Boulevard. One westbound lane will be added between 11th Street and the Mountain House off-ramp.

The California Transportation Commission agreed to pay for the projects earlier this month. A \$20 billion transportation bond that passed in November will be used to pay for it.

I-205 roadwork that began in April to expand the freeway from four lanes to six through Tracy is expected to finish in 2009.

News that a sound wall would line the south of the project between Grant Line Road and Clover Road was partly welcomed by nearby homeowners.

The state transportation agency had previously rejected pleas by Woodcrest Lane homeowners, including Sarah Sharr, to block traffic noise with a sound wall.

"The noise from the freeway, especially the trucks, is unbearable, especially at night when we try to sleep," Sharr wrote in an August letter to Caltrans. "The trucks hit the overpass and the whole house shakes."

Sharr spent \$3,000 on sound-blocking windows, and she said [exhaust pollution triggers asthma and allergies in neighborhood children](#). She blames passing trucks for cracks that appeared in her walls after she bought the family home in 2003.

Sound measurements taken by Caltrans employees at Sharr's home in October found that noise levels were 9 percent below the 67-decibel threshold outlined in federal highway noise guidelines, Noguera told Sharr in a November letter.

The measurements were taken in front of Sharr's home around noon, Noguera said this week. Sharr said the noise is worst behind her home during the night when trucks travel at full speed.

Sharr welcomed news that a sound wall would be built between the freeway and her home, but said her family would suffer "three more years of hardship" while they wait for the wall to be built.

Sharr's next-door neighbor, Tina Hicks, said Monday that increasing commuter and freight traffic on I-205 had caused noise and air pollution to become "really bad" during the 17 years that she has owned her home in the Chaparral subdivision, which is near the Corral Hollow Road overpass.

Hicks asked Caltrans in September to build a sound wall in part to protect her family from the risk that a truck could smash into her home.

"The thought of a big rig (driving) down the embankment is chilling and would be a tragedy, for sure," wrote Hicks in a September letter. "We have been witness to multiple accidents, which include, but are not limited to, rollovers, blown tires, car and brush fires, cars down the embankment — even deaths."

Caltrans' Noguera said Tuesday all elements of the interstate project will meet state and federal safety guidelines, and she said sound walls are designed to block noise — not trucks.

Real estate agent Frew Tibebu said Monday that increasing noise from the interstate had pushed down Woodcrest Lane house prices by tens of thousands of dollars.

"You can't enjoy your backyard," Tibebu said of homes belonging to Hicks and others. "People paid money — they thought they would enjoy their backyard and everything else, but the noise is disruptive. You can't carry on a conversation in your backyard."

## **California bill would prohibit smoking in cars carrying children**

The Associated Press

In the Bakersfield Californian, Thursday, March 29, 2007

Adults who smoke in a vehicle carrying children could be fined \$100 under a bill that cleared its first committee Wednesday.

"Second-hand smoke hurts everyone, but children are particularly vulnerable," said the bill's author, Sen. Jenny Oropeza, D-Long Beach, a cancer survivor.

She cited a 2006 report by the Harvard School of Public Health that said particulate matter in a smoker's car can be as much as 10 times higher than in a smoker's home. That can sharply increase the risk of heart disease, lung cancer and other ailments, Oropeza told the Senate Health Committee.

Her bill would make it illegal to smoke a cigar, pipe or cigarette in vehicles carrying a minor, regardless of whether the car is parked or moving. It also creates a public health education program focused on the dangers of second-hand smoke.

The committee sent her bill to the Senate Appropriations Committee on a 6-3 vote.

Smoking in a car with the windows down isn't enough because the U.S. surgeon general has said there is no safe level for second-hand smoke, American Cancer Society lobbyist Alecia Sanchez testified.

"Children are completely captive. There's no refuge for them" in a vehicle, she said.

## **Bills offer homeowners help with solar energy**

By Michael Doyle / Bee Washington Bureau  
In the Sacramento Bee, Thursday, March 29, 2007

It could become cheaper and easier for homeowners to use solar energy under legislation introduced Wednesday by Rep. Dennis Cardoza, D-Merced.

Cardoza has some personal experience with the issue. Last year, at his wife's urging, Cardoza spent months getting solar panels installed on his family's home in Atwater. He believes his \$80,000 system will pay for itself in a few years -- but he still seethes over bureaucratic barriers he encountered.

"We have to remove these obstacles, so people won't just get frustrated," Cardoza said.

Backed by the Solar Energy Industries Association, a manufacturing and marketing group, Cardoza and allies in the House and Senate introduced companion bills.

They come amid a broader push to boost solar power.

In California, Gov. Schwarzenegger is championing the Million Solar Roofs Initiative that aims to boost solar power dramatically over the next decade. The state program provides financial incentives and requires that solar panels eventually become a standard option for all new homebuyers.

Still, less than 0.5% of California's electricity is generated by solar energy, according to the California Energy Commission. By contrast, nuclear power accounts for 13% and coal for 21% of the state's electricity supply.

"Tackling our nation's energy challenges in a clean and efficient way should be our top priority," Sen. Robert Menendez, D-N.J., said at a Wednesday news conference he shared with Cardoza.

In part, the bills introduced by Cardoza in the House and Menendez in the Senate would tear down paper barriers. For instance, they would prohibit homeowners associations from restricting installation of solar panels.

Some homeowners associations impose covenants that limit unsightly installations to protect aesthetics and property values. There's a precedent, though, for overcoming these local rules. In 1996, Congress passed a telecommunications bill that ensures homeowners can install satellite dishes.

The new solar bill also would put a \$500 cap on permit and license fees for residential installations.

Cardoza said his permit fees totaled \$2,500, which exceeded the \$2,000 federal solar tax credit.

"The fee completely wiped out the [tax] incentive," Cardoza said.

The bills would require utility companies to buy surplus electricity from small home generators. Called net metering, this policy is supposed to provide consumers a further incentive to install solar systems. California and 40 other states already have their own net metering policies, and California last year raised the amount of solar-generated electricity that PG&E could buy from residents.

Even so, net metering policies differ from state to state. The federal legislation would establish uniform rules and make some changes. California's net-metering law, for instance, covers customers who produced up to 1 megawatt of electricity. Cardoza's bill would double this to 2 megawatts.

With money at stake, the politics can start to heat up. State and local governments are active players on Capitol Hill and could have something to say about proposals to limit the collection of fees.

Utility companies, too, are potent politically. Electric utilities contributed \$12.5 million to federal candidates in the last two years, according to data compiled by the Center for Responsive Politics.

Utility officials could not be reached to comment Wednesday about the new solar bills.

### **Scientists, philanthropists, Christians meet to discuss environment**

By Louis Sahagun, staff writer

L.A. Times, Wednesday, March 28, 2007

A local group of environmental scientists and philanthropists broke its own rule and met with a Christian group to discuss the possibility of joining forces to solve environmental problems.

The Bioneers and representatives of the faith-based Eighth-Day Project met in the spacious living room of actress Barbara Bosson.

Over the past 2½ years, Bosson's Pacific Palisades home has been a monthly gathering place for a local branch of the Bioneers, a national nonprofit group promoting visionary solutions to environmental and social problems. The meetings feature talks by leaders of like-minded organizations seeking the Bioneers' support, as well as donations from their sometimes wealthy members.

Until Tuesday night, however, the Bioneers had avoided inviting religious groups. Sara Nichols, a Bioneer in charge of organizing the talks, said members had cited concerns that some groups held narrow political views and sided with conservative organizations that, for example, question global warming.

The two representatives of the Eighth-Day Project who had requested to join Tuesday's meeting figured as much.

So Peter Laarman, executive director of Progressive Christians Uniting and an ordained minister in the United Church of Christ, and Jennifer Snow, a churchgoing historian of American religion, resolved to be provocative, but not overbearing. Nor would they overtly make a plea for donations during a well-rehearsed 20-minute presentation.

At 7 p.m., they went to work. Standing before an audience of 30 Bioneers seated on folding chairs, Laarman, 59, and Snow, 34, talked about how their nascent project aimed to rally churches around issues of mutual concern: air pollution; wilderness conservation; new parks and community vegetable gardens, and more fresh wholesome foods in low-income neighborhoods.

While turnout was about half the usual number, they were warmly received.

"I was pleased that so many of our people thought they were fabulous," Nichols said afterward. "Westside environmentalists don't usually associate the environmental movement with churches and poverty."

"That thrills me," said Snow, "because that was the point."

The Eighth-Day Project is a loose organization of faith-based individuals and groups dedicated to improving the environment in inner-city areas. They plan to hold their first annual conference on April 1 at Pasadena Presbyterian Church. The Sierra Club and the Urban and Environmental Policy Institute are co-sponsoring the conference.

[Bakersfield Californian, Commentary, Thursday, March 29, 2007:](#)

### **Kern's oil legacy must remain**

*"James M. Elwood and I, Jonathan Elwood, alone and without the assistance of anyone, discovered oil on the north bank of the Kern River, seven miles northeast of Bakersfield on Thomas A. Means' farm. This was in May, 1899. We made the discovery with a hand auger, under the edge of a cliff, close to the river. Our auger consisted of thin steel about four inches wide and twisted so as to bore a hole about three inches in diameter."*

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So went a first-person partial account of oil discovery in Kern County. As time passed the sticky black crude with its unmistakable odor, or aroma to some, personified Bakersfield. Euphemized as "black gold" it meant prosperity to Kern County as some of the most spectacular gushers the world has ever seen erupted during the Midway-Sunset Westside fields exploration (circa 1910) tearing away wooden derricks as if they were made of toothpicks.

Today, nearly 108 years after the Elwoods' discovery at only 75 feet, Bakersfield is still an oil town with roots that go much deeper. Just visit Pioneer Village at the Kern County Museum and explore these roots in magnificent displays. But in sudden twist of fate, oil has become a "dirty word."

The Kern County Planning Department via *The Californian* seems to be dramatizing the supposed downside of expansion and moderation of the Flying J Refinery, formerly Shell Refinery, originally the landmark Mohawk Refinery, reporting:

"Air quality because of reactive organic gases and nitrogen oxides, as well as particulate matter."

"Hazardous materials located at the site near a residential area. A school 1/4-mile away."

"Increased traffic on Rosedale Highway during construction, with as many as 2000 temporary workers."

Perhaps Flying J's Clean Fuels project is already raising eyebrows in a new urban culture sensitized to such issues and anything that smells of oil. It is ironic that an industry with good intentions of modernizing and efficiently processing Kern County's richest resource into clean burning cheaper fuels is demonized.

Hey, let's look around! As far as the eye can see, an endless vista of rooftops. Cookie-cutter tract homes line newly asphalted streets covering up once prime farmland. Behold the Northwest Promenade where a phalanx of corporate eateries and retail stores sit on what was a 120-acre farm. Schools, schools, new schools are springing up faster than turn-of-the-century oil derricks. Strange how these projects seem to pass with mercurial ease!

Why can't the talked about Mohawk Street extension over the Kern River, connecting Rosedale Highway be approved and built as easily as new housing developments -- tying in with the original north-south stretch of Mohawk Street east of the refinery parcel?

To the Planning Department's credit, they are holding public input forums through April 2, in reaction to Flying J's Clean Fuel project. Let's not forget. In spite of urban sprawl, Bakersfield's legacy is about oil and pioneer "wildcatters."

Once dotted with wooden oil derricks, it still has that special romance worth its weight in "black gold." This is Bakersfield. Love it or leave it!

*J.B. Selvidge is a member of a pioneer Kern County farming/ranching family, and a local historian.*

[Letter to the Fresno Bee, Thursday, March 29, 2007:](#)

### **'Time for California to bite the bullet' on clean air**

I was extremely happy to hear that the California Air Resources Board backed down from its proposal to delay the deadline for the cleanup of diesel pollution in the air. The San Joaquin Valley Air Pollution Control District officials are exactly on the right track when they say that pressure is what is needed in this situation.

In addition to the prospect of another five years of health problems for citizens of Southern California and the Valley discouraging a delay, who is to say that in five years another delay won't be proposed?  
Eventually, someone needs to put their foot down and get this cleanup accomplished.

It's a shame that we don't have responsible enough representatives on the California Air Resources Board to recognize that this is a serious problem that requires immediate attention, without the protests of environmentalists and legislators.

Yes, it will be difficult. Nothing worthwhile in life is easy, but it is time for California to bite the bullet -- if not for the earth, then for our own health and safety.

*Steven Vote, Age 16  
Bullard High School, Fresno*

[Letter to the Sacramento Bee, Thursday, March 29, 2007](#)

### **Sales tax for real answer**

Re: The Big Question, "Under what circumstances would you vote for a sales tax increase to improve roads and traffic in Placer County?": I could never vote for a tax increase that will only treat a symptom of a much bigger problem.

However, I would enthusiastically vote for an initiative that would treat the problem. That would be an action that would limit the insane growth that is taking place in the whole Sacramento metropolitan area, specifically Placer, Sacramento, El Dorado, Sutter and Nevada counties.

Much is said about traffic congestion, air quality or the lack thereof, the rise in crime, the availability of adequate water supplies and water quality, and adequate school facilities. None of these are problems in themselves. They are manifestations of the real problem -- excessive growth. We cannot tax ourselves out of this mess. Growth must be made to pay its own way or it should not occur.

Developers should be required to provide all necessary infrastructure on-site and off-site before their projects are considered for approval. For far too long, the taxpayers have been expected to subsidize growth-induced problems.

I have yet to see a developer who hasn't had enough money that he is unable to at least try to buy off those making planning decisions affecting his proposed developments. If the huge profits developers reap from their developments were, instead, used to build the schools, improve the roads and provide adequate sanitation facilities necessitated by their developments, I strongly suspect that there would be a lot less development in the area.

A much slower growth pattern would allow for infrastructure to keep pace with the population increase. I personally see nothing wrong with having a little open space left in the future.

I think that it is high time to quit putting Band-Aids on the hurts and really treat the injury.

*Paul Brewer, Auburn*