

## **Judge upholds valley dairy air quality regulations**

The Associated Press

In the S.F. Chronicle, Contra Costa Times and other papers, Wed., Aug. 22, 2007

FRESNO, Calif.—Local air regulators were right to allow dairy operators in the San Joaquin Valley new flexibility in deciding how to meet air pollution rules, a judge ruled.

Environmentalists sued the San Joaquin Valley Air Pollution Control District in July 2006, claiming air regulators' adoption of new ozone regulations for large livestock facilities didn't go far enough to cut pollution from dairies.

The rule, which officials said was intended to reduce gases that lead to smog, provides a menu of options for dairy owners to lower their pollution emissions, such as changing animals' diets, covering manure piles and cleaning up waste more frequently.

The Association of Irrigated Residents claimed the pollution-reducing measures ignored plumes of methane and ammonia from waste, and requested that the court force the district to rescind the rule and write a new one within six months.

On Aug. 10, Fresno County Superior Court Judge Tyler Tharpe ruled the district's ozone rule for the region's large dairy industry stood.

Ammonia, which can lead to soot pollution, and methane, a greenhouse gas, do not form smog, said Phil Jay, a lawyer for the air district.

"With public health being our primary focus, we exercise the utmost diligence and research in crafting our regulations, and this one is no exception," said Seyed Sadredin, the district's executive director.

## **Central Valley dairy air pollution rule upheld**

Central Valley Business Times, Wed., Aug. 22, 2007

Efforts by a Delano-based environmental group to put Central Valley dairies under stricter air pollution controls have been rejected by a Fresno County Superior Court.

Judge Tyler Tharpe says the San Joaquin Valley Air Pollution Control District acted properly when it adopted a rule giving dairies more flexibility in controlling some of the air pollution caused by large herds of cows.

The rule deals with production of ozone by what are called large confined animal facilities.

But the Association of Irrigated Residents filed suit in July 2006, saying the district's rule didn't go far enough.

AIR contended that the District failed to perform a health effects analysis, failed to adopt a rule that reduces all air contaminants, failed to regulate ammonia, failed to reduce volatile organic compounds emissions, failed to meet best available retrofit control technology for those emissions, and claimed emissions reductions that are "arbitrary and capricious and entirely lacking in evidentiary support," the court noted.

"The court determines that Rule 4570 is not inconsistent" with state law "and since its enactment lay within the lawmaking authority specifically delegated to the district, and appears to be reasonably necessary to implement the purpose of the statute, judicial review is at an end," the ruling by Mr. Tharpe says.

"The District rule in question is the most expansive and strongest regulation ever imposed on the dairy industry anywhere in the nation," says Seyed Sadredin, the District's executive director in written comments.

The air district says the rule reduces volatile organic compounds, a main component of ground-level ozone, "by 21 tons per day District-wide."

The rule also reduces ammonia emissions by 100 tons per day from dairies and other confined animal facilities, the air district says.

"The rule achieves these reductions by requiring dairies to exercise best waste management and feeding practices and controls that minimize all gaseous emissions into the atmosphere," it says.

While the judge said judicial review was at an end, it was not immediately clear whether an appeal would be filed.

### **Court rejects activist group's air rule lawsuit**

Fresno Bee, Wed., Aug. 22, 2007

A Fresno County Superior Court judge this month rejected an activist challenge to an air quality rule that cuts pollution from dairies.

The lawsuit, filed last year by a Kern County-based group called Association of Irrigated Residents, said the rule did not cover all air contaminants, including ammonia.

The San Joaquin Valley Air Pollution Control District passed the rule last year, as required by state law.

### **Judge upholds dairy air quality regulations**

By Special to The Madera Tribune  
Madera Tribune, Wed., Aug. 22, 2007

SELMA - San Joaquin Valley air regulators acted appropriately when they adopted new air quality regulations for large livestock facilities last year, a judge has ruled.

Fresno County Superior Court Judge Tyler Tharpe's recent ruling upholds the San Joaquin Valley Air Pollution Control District's Rule 4570, the nation's first comprehensive regulation to reduce smog-forming emissions from large livestock operations, including dairies. The air district adopted the dairy regulations in June 2006, but was immediately sued by the Association of Irrigated Residents (AIR), represented by the Center on Race, Poverty and the Environment.

AIR alleged that the regulations called for "phantom" pollution reductions that ignored methane and ammonia plumes, and asked that the rule be revoked and a new regulation written within six months.

"They sued without even giving the rule a chance to work. We are pleased that the judge has rejected AIR's misguided attempt to halt this program," said Bill Van Dam, chairman for the Community Alliance for Responsible Environmental Stewardship (CARES), a dairy coalition.

The air district estimates that after regulations are fully implemented in early 2008, smog-forming emissions from San Joaquin Valley livestock operations will have dropped by nearly 21 tons per day.

### **Air regulation affecting dairies to stand, judge says**

Bakersfield Californian, Tuesday, Aug. 21, 2007

A Fresno County Superior Court judge last week ruled that an air regulation affecting dairies should stand.

Environmentalists challenged the rule after it was passed in June 2006, saying the regulation wasn't tough enough on the valley's large dairies.

Large dairies are those with at least 1,000 milking cows. They are one of the largest sources of air pollution in California, according to the San Joaquin Valley Air Pollution Control District.

The regulation, known as Rule 4570, forced dairies to implement 19 or 69 pollution-cutting measures, such as the regular cleaning of waste from animal corrals and covering piles of animal waste from October through May.

Environmentalists claimed that most dairies wouldn't have to do anything since half of the valley's more than 400 dairies were already considered to be in compliance when the rule was passed.

The rule's supporters maintained it would bring about the largest reductions in smog-forming emissions of any single rule the district had passed until that point.

## **VUSD buses go green**

### **New VUSD buses run on natural gas**

By Natalie Garcia, Staff writer

Visalia Times-Delta and Tulare Advance-Register, Wed., Aug. 22, 2007

As many as 15 diesel-powered Visalia Unified School District buses, some running since 1979, could be on their way off the streets.

Their engines produce almost six times more smog-causing pollution than their natural-gas counterparts, an excess of harmful emissions school districts across the state are trying to eliminate by retiring the oldest, dirtiest-running buses.

With the passing of the overdue state budget Tuesday, legislators can establish criteria for spending \$200 million in Proposition 1B transportation money to clean up school bus fleets.

Visalia Unified officials said they will scoop up as much state money as they can.

"We are going to zero emissions," said Terry White, director of administrative services for Visalia Unified. "It's better for the community, and it's cheaper fuel right now."

New natural-gas buses cost between \$150,000 to \$180,000 each.

On average, Visalia Unified buses travel 12,000 to 20,000 miles a year, White said, which puts the fleet total at more than 1,250,000 miles a year.

School districts can apply for the Proposition 1B money to replace diesel-powered buses with natural gas and to retrofit gas-fueled engines with pollution-catching equipment to reduce nitrogen-oxide and particulate-matter emissions that pollute Valley air.

"The plan is to get the oldest buses off the streets first, then retrofit the rest of the fleets," White said.

No application deadlines are set for the money, and state officials still need to set the criteria.

White said the Visalia school district will likely apply to replace all 15 of its diesel buses. Of the 80 buses the school district uses, 38 run on natural gas and 27 use gasoline.

Patricia Rey, spokeswoman for the California Air Resources Board, said the emphasis of the Lower-Emissions School Bus Program is going to be on retiring the oldest diesel buses.

Buses built before 1987 were virtually uncontrolled for nitrogen oxide emissions, a precursor to smog, and particulate matter emissions, Rey said. Both pollutants have been linked to respiratory problems.

In the meantime, Visalia Unified has been given the green light to welcome four natural-gas buses via a federal grant handed out through Caltrans. White said he hopes to get the buses by the end of the year.

## **Outfit ordered to clean up pile**

### **Recycling company broke law, officials say**

BY JAMES BURGER, Californian staff writer  
Bakersfield Californian, Wed., Aug. 22, 2007

Community Recycling Inc. violated the law when it dumped a massive pile of ground-up concrete on a field near Lamont, Kern County officials said Tuesday.

Now county supervisors are demanding the company clean it up -- or pay.

Supervisors grilled David Baldwin, who runs Community Recycling's composting facility on East Bear Mountain Boulevard, about why a 16- to 20-foot-tall mound of the concrete was allowed to build up on company land.

Baldwin said the company hopes to get a conditional use permit from the county and process the 30,000 tons of concrete in the pile into road base.

"What they need to do is find an appropriate place off-site to dispose of this material. It is there illegally," County Planning Director Ted James said.

Supervisors took action to force Community Recycling to dispose of the concrete.

They ordered county staff to start an administrative process that could hit the company with daily fines if it doesn't remove the concrete.

Supervisor Michael Rubio said Community Recycling shouldn't be handed a conditional use permit to legalize its habit of breaking the law.

"It seems to be they are asking us to adapt our rules to their practices," he said.

Rubio called for the county to change the way it deals with cases like this one -- and require businesses to act like responsible corporate citizens.

This isn't the first time Community Recycling has been in trouble with Kern County.

James reported there have been repeated complaints of smells, trash and muddy roads caused by the company. The company had also failed to submit reports on water use and truck tonnage to the Planning Department, he said.

In the past, James said, the company took months to comply with violations of land use approvals.

But the company has been under rising pressure from the public, the county and Rubio.

"Recently they've demonstrated to us that they have been much more aggressive in addressing these issues," James said.

Environmental Health Services also issued cease-and-desist orders against Community Recycling that forced the company to stop spreading compost filled with plastic and metals on farmland it owns near the East Bear Mountain Boulevard plant.

A mandated cleanup effort has already pulled more than "3,000 pounds of municipal waste" out of those fields, according to Environmental Health Chief Matt Constantine.

Supervisors asked Baldwin how that happened.

"We didn't pay close enough attention and we let things get through that we shouldn't have," he said.

### **Supervisors agree to appeal L.A. ruling**

BY JAMES BURGER, Californian staff writer  
Bakersfield Californian, Wed., Aug. 22, 2007

Kern County's battle against sewage sludge is not over. County supervisors voted unanimously Tuesday in closed session to appeal a recent U.S. District Court decision that overturned Kern County's anti-sludge ordinance.

After a stinging rebuke from a Los Angeles judge, Kern lawyers and leaders hope to seize a victory from the legendarily liberal 9th Circuit Court of Appeals in San Francisco.

Measure E, which banned the land application of treated human and industrial waste on unincorporated farmland, was approved in June 2006 by 83 percent of county voters.

The city of Los Angeles, which spreads the majority of its sewage sludge on land at the Green Acres farm in Kern County, sued to overturn the ordinance. Los Angeles was backed in its legal attack by Orange County and companies that haul and spread the Southland sludge in Kern County.

U.S. District Court Judge Gary Feess sided with Los Angeles last week and ruled Measure E violated federal commerce laws and state recycling rules.

County Counsel Bernard Barmann said Feess got it wrong.

"As John Paul Jones said -- 'We've just begun to fight,'" Barmann said.

Kern County Supervisor Don Maben said appealing Feess' ruling was never in doubt for the board.

"This measure provides important safeguards for the county and its citizens from the potential health threats posed by sewage sludge," he stated in announcing the decision.

Maben, after the supervisors meeting, called the move a "slam-dunk" decision for supervisors.

"We knew this day would come. It's our intent to fight this until we win," he said.

A spokeswoman for Los Angeles Mayor Antonio Villaraigosa would not comment Tuesday on the county's decision to appeal the court ruling. She deferred comment to the city's Department of Public Works. A spokesman there did not return calls.

A Kern County sludge victory, if it comes, may take awhile to materialize.

Barmann said the case could take at least two years to make it to a hearing before the 9th Circuit.

Funding for the continuing legal battle, Maben said, has already been approved by supervisors and budgeted by the county.

Sen. Dean Florez, D-Shafter, a vocal critic of the sludge spreading, said the county made the right decision, considering that voters overwhelmingly passed Measure E.

"People in Kern don't want sludge spread over farmland. It's common sense," Florez said. "And the Board of Supervisors has showed common sense by continuing on with this fight."

-- *Californian staff writer Stacey Shepard contributed to this report.*

## **Developer's West Side tour winds down**

**As developers promised 37,000 new jobs last week, several local Spanish speakers wanted to know how they could get in on the action ....**

Patterson Irrigator, Wed., Aug. 22, 2007

GRAYSON - As developers promised 37,000 new jobs last week, several local Spanish speakers wanted to know how they could get in on the action.

PCCP West Park - the company that hopes to develop a massive industrial facility 5.5 miles southeast of Patterson - wrapped up its first series of West Side presentations Saturday with a Spanish-language meeting at the United Community Center.

Nearly a dozen attendees listened for an hour as company representatives described plans for a 7.5-square-mile industrial center at a former U.S. Navy airbase in Crows Landing. Then, many asked questions of the developers.

"What percentage of people will be hired locally?" one woman asked.

Developers didn't have specific numbers, but they said plenty of resources would be available for local people trying to get jobs at the proposed facility.

West Park officials are going throughout the county telling people about their project and fielding questions. They had initially planned 11 meetings in seven cities but have decided to visit the West Side two more times, because so many people were interested in attending.

At previous West Side meetings, including three in Patterson, many people were skeptical about the project. Some said the traffic and [air pollution](#) caused by the facility would be a huge detriment to the West Side. They peppered the project's traffic consultant with questions about plans to widen Highway 33, upgrade Interstate 5 interchanges and monitor traffic on rural roads.

By contrast, most questions at the Grayson meeting centered on how people could get jobs building the facility or working there when it's complete.

"When projects like this come along ... very often few people in the area get the jobs," Grayson resident John Mataka said.

At one point, West Park representative Cathy Hallinan asked if there were any questions for the traffic and infrastructure consultants. A brief moment of silence passed before someone in the audience asked more questions about jobs.

"Unlike other industrial projects in the Central Valley that are about distribution, we will bring multiple industries to one spot to create a diverse job base," West Park developer Gerry Kamilos said.

The Stanislaus County Board of Supervisors has given Kamilos until April to create plans for the development of the county-owned air base. As part of that process, the board required West Park to conduct community meetings before its Aug. 28 meeting.

While the planning process is still in early stages, Kamilos shared some details during the presentations.

At the heart of the project is a rail connection to the Port of Oakland. By project build-out, Kamilos said, trains would pass through Patterson 12 times a day. Each passing train would block traffic for two minutes, for a total of 24 minutes a day.

The railroad would carry goods from the Port of Oakland into the Central Valley, while Central Valley growers could use it as a cheaper way to export agricultural products, Kamilos said.

The 4,800-acre project would dwarf other business parks in the area - including the West Patterson Business Park.

The epic size is what will keep the Central Valley competitive in a global market and create jobs for a surging population, Kamilos said.

Along with the trains, there'd be a slew of other facilities. West Park has proposed setting aside land for health care offices, aviation industries, the California Department of Forestry and Fire Protection, agricultural industries, manufacturing and a job-training center.

West Park representatives often referred to the job-training center when attendees asked about employment opportunities, and Kamilos said he has a track record of hiring Central Valley firms to do construction on his projects.

"It's not, 'Here's a degree, good luck,'" project representative Mike Lynch said. "It's 'Here's a degree, and there are guys right there looking for those skills.'"

Though questions about jobs were the most common, folks at the Grayson meeting also raised environmental concerns.

When Mataka asked how much pollution the project would create, Kamilos responded that trains would help cut back on pollution by keeping trucks off the Altamont Pass, west of Tracy. He said the steep incline through the pass is often where trucks cause the most pollution.

"We need to change how we do our transportation if we want to see an increase in air quality," Kamilos said.

Mataka also asked Kamilos whether trains could be used to ship Bay Area garbage and perhaps hazardous waste to the Central Valley, earning audience applause.

The developer assured the crowd garbage trains did not fit in with his project.

"I'm not going to allow that," Kamilos said. "If there was a proposal to ship trash, hazardous waste, sewage, etc., there is no way I'd be doing this project. Employers want a safe environment. Running trash and sewage is not conducive to a safe environment."

After the Grayson meeting, West Park representatives took their message to other parts of the county, with meetings Monday in Ceres, Tuesday in Modesto and this evening in Turlock. The final meeting this week will be Thursday in Oakdale, but because so many West Siders were interested, two more meetings will be scheduled for early September.

"We're looking forward to establishing dialogue, not only here today ... but over many years," Kamilos said.

## **Progress made on Zaca fire**

Staff and wire reports

Bakersfield Californian, Wed., Aug. 22, 2007

The second-largest California wildfire in modern history was partly blocked by a firebreak Tuesday and the containment was keeping smoke out of Bakersfield skies.

On the 222,557-acre Zaca fire burning northeast of Santa Barbara, backfires paid off in the southeastern corner, where crews were finally able to move up and attack the flames directly.

"That fire is up to the line and holding and has been for two days," fire spokesman Larry Comerford said.

"We're gaining the upper hand on that area," he said.

There is less smoke in the sky over Kern County because the fire is better contained and not burning as fast, said Ed Linquist, public information officer for the U.S. Forest Service..

"You won't get those (cloud formations) in a controlled environment," Linquist said.

In addition to that, steering winds at high altitude are blowing the smoke west-northwest, which means that Los Angeles County toward Barstow is getting most of the smoke, according to Kevin Durfee, meteorologist for the National Weather Service in Hanford. The pattern is due to continue for the next two or three days, he said.

Weather was hot across Southern California, and "red flag" warnings for fire danger were posted in many areas because of prolonged, extremely low humidity levels, which dry out vegetation.

The Santa Barbara County wildfire was 79 percent contained Tuesday.

The northeastern corner of the fire continued to advance, however. The blaze increased by more than 5,000 acres between Monday night and Tuesday morning.

Ahead of the miles-long flame front lay rugged backcountry covered with century-old chaparral. Some areas were so steep and clogged that firefighters had to rappel down ropes from helicopters to reach it, Comerford said.

Nearly 3,100 firefighters and nearly 30 aircraft were attacking the blaze. Crews continued to bulldoze and backfire areas to create or reinforce fire lines.

Gov. Arnold Schwarzenegger declared a state of emergency Sunday for Ventura County, clearing the way for state government cost assistance.

Sparks from equipment being used to repair a water pipe ignited the blaze north of Los Olivos on July 4. Fighting the fire has resulted in 39 minor injuries and cost about \$90.2 million.

The state's biggest wildfire was the 2003 Cedar fire near San Diego.

### **Zaca fire facts**

As of 8 p.m. Tuesday:

The fire is burning in Santa Barbara County, and smoke is wafting into Kern County.

Acres burned: 222,557

Percent contained: 79

Expected containment: Sept. 7

People injured: 39

Structures threatened: 581

Destroyed: 1 outbuilding

People fighting blaze: 3,090

Equipment: 118 engines, 20 helicopters, eight air tankers

Suppression costs: \$90.2 million

Information: [www.sbcfire.com](http://www.sbcfire.com) or [www.fs.fed.us/r5/lospadres/](http://www.fs.fed.us/r5/lospadres/)

Sources: Los Padres National Forest and Santa Barbara County Fire Department

### **Smoke closes Sagebrush Annie's and Highway 33**

By Dennis McCall, Midway Driller Staff Writer

Taft Midway Driller, Tuesday, Aug. 21, 2007

Business hasn't been so good lately at Sagebrush Annie's wine tasting and restaurant in Ventucopa.

"It's been really tough on business," said Larry Hogan who, with his wife Karina, own and operate the roadside business on Highway 33 eight miles south of its intersection with Highway 166.

Hogan is referring to the 48-day-old Zaca fire in the Los Padres National Forest south of the Cuyama Valley that continues to chew through dense brush and rain smoke and ash on Ventucopa.

"We're not going to open tonight," he said Sunday. "The road is closed, but the main reason is we don't want people getting out in all the smoke and ash. It's just not healthy."

Highway 33 was closed Sunday to all traffic from Ventucopa south to Wheeler Gorge because of a backfire operation along the highway between Pine Mt. Road and Ozena.

Another Ventucopa resident, George Morgan, is taking the situation in stride.

"The smoke is bad at times, but the fire is on the other side of the mountain so I don't think we are in danger. We just get the smoke, which is bad at times."

Morgan, a retired Taft College professor, said the only thing people who live in the area can do is lay low.

"There's not much you can do about the smoke and ash, so I'm just staying indoors," he said.

Hogan was a little worried the blaze might jump Highway 33 south of Ventucopa where it had burned to within three miles.

"I'm concerned about it jumping 33, but I think they're getting a handle on it," he said. "They set some backfires at Cuyama Peak that should help."

He worried that areas like Pine Mountain Club and Camp Condor might be threatened if the mammoth blaze jumps the highway.

The fire, which was ignited on July 4 by sparks from a grinder 15 miles northeast of Buellton, has chewed through more than 200,000 acres and was 75 percent contained on Monday.

More than 3,000 personnel are working the fire at a cost of \$83.2 million.

On Sunday the fire burned to within a mile of Highway 33 near the Ventura County line, but has not got that close to the Ventucopa area.

Fire crews continued backfiring operations on Monday to secure the remaining southeastern portion of the fire.

Natural resource specialists will begin to focus on the rehabilitation process in those areas affected by firefighting activities.

### **Judge orders White House to produce global warming reports**

By Terence Chea, ASSOCIATED PRESS  
San Diego Union-Tribune, Wed., Aug. 22, 2007

SAN FRANCISCO - A federal judge Tuesday ordered the Bush administration to issue two scientific reports on global warming, siding with environmentalists who sued the White House for failing to produce the documents.

U.S. District Court Judge Sandra Armstrong ruled that the Bush administration had violated a 1990 law when it failed to meet deadlines for an updated U.S. climate change research plan and impact assessment.

Armstrong set a March 1 deadline for the administration to issue the research plan, which is meant to guide federal research on climate change. Federal law calls for an updated plan every three years, she said. The last one was issued in 2003.

The judge set a May 31 deadline to produce a national assessment containing the most recent scientific data on global warming and its projected effects on the country's environment, economy and public health. The government is required to complete a national assessment every four years, the judge ruled. The last one was issued by the Clinton administration in 2000.

The administration had claimed that it had discretion over how and when it produced the reports - an argument the judge rejected Tuesday.

"The defendants are wrong," Armstrong wrote in the 38-page ruling. "Congress has conferred no discretion upon the defendants as to when they will issue revised Research Plans and National Assessments."

The plaintiffs - the Center for Biological Diversity, Friends of the Earth and Greenpeace - said the ruling was a rebuke to an administration that has systematically denied and suppressed information on global warming.

"It's a huge victory holding the administration accountable for its attempts to suppress science," said Kassie Siegel, an attorney for the Center for Biological Diversity, one of the plaintiffs that filed suit in Oakland federal court in November.

Bush administration officials were still reviewing the ruling Tuesday and could not comment on it directly, said Kristin Scuderi, a spokeswoman for the U.S. Office of Science and Technology Policy, which was named in the lawsuit.

But the administration is complying with the law, Scuderi said. The U.S. Climate Change Science Program is working on 21 separate reports on global warming's projected effects on the U.S and has started to prepare a new research plan, she said.

### **Seminar series presses air issue**

By DJ Becker, Madera Tribune  
Madera Tribune, August 22, 2007

A clean and healthy environment is a basic human right, according to Rey Leon, a community advocate and organizer with the Latino Issues Forum. Leon spoke Saturday at seminar hosted by the Central Valley Air Quality Coalition and the Madera Coalition for Community Justice.

The focus of the three-part seminar was to educate residents of Madera and surrounding areas to the health risks and issues brought on by reduced air quality and air pollution, and how they can

become involved. About 15 people attended the free seminar.

"People need to know how this air issue affects them. This affects everyone. Most people don't realize our air here in the valley can harm them," Leon said.

According to the San Joaquin Valley Air Reform Board and the American Lung Association of Central California, the San Joaquin Valley is one of the most polluted regions in America, often exceeding Los Angeles with the worst air quality. The San Joaquin Valley Air Reform Board asserts that:

1 in 3 families in the San Joaquin Valley has a member with a respiratory ailment

1 in 5 of the region's children, and 1 in 8 of the adults suffer from asthma.

There are more than 1,200 premature deaths each year in the San Joaquin Valley due to particulate matter [dust and smog] pollution.

High levels of exposure to harmful ozone and particulate pollution is estimated to cost valley residents \$3.2 billion annually in health care costs from heart and lung diseases.

Despite the valley's large size and low population density, air pollution from coastal populations is blown into and concentrated in the San Joaquin Valley by its unique geographic features, the mountains that ring and create the fertile basin.

More pollutants spew from valley autos, trucks and tractors. Lawn mowers are a newly identified and significant pollution source, due to their lack of mufflers or emission standards. Dust, smoke from agricultural burning or fireplaces, and crop pesticides are also folded into the toxic mix of the Central Valley's air.

"The huge concentration of the coastal populations and their vehicles, and transportation corridors produce the air pollution and the prevailing west winds deliver it right to us here in the Central Valley," Leon said.

Leon went on to say that poor rural areas and the poorest of California residents were exposed to a disproportionate and higher level of dangerous, if not deadly pollution. "It's no surprise that companies locate polluting plants and industries in rural and poor areas. The poor are less informed about health issues and less able or likely to challenge a corporation that pollutes. Local politicians only see money and jobs. But these are our communities, and we all pay the price in illness, or in (MediCal) health care costs," Leon said.

Barbara Reese thought the seminar was very informative. A public health nurse for 20 years in the communities of Mendota, Firebaugh, and Coalinga, she had seen the effects of air pollution firsthand at a local community level. Reese also developed adult onset asthma and attributes the condition to San Joaquin Valley air pollution.

immunizations current to prevent respiratory issues from progressing to flu (influenza) or pneumonia .

Leon encouraged people to become informed and involved. "I did not have or develop asthma until I moved here to the valley, from the coast. It started as slight sinus problems, sore throat and wheezing. Your eyes burn, your nose gets stuffed up. At first it was slight and infrequent. Then I ended up on medication, and then I had sinus surgery. It was shocking. To me it's kind of obvious we have a problem (with air quality)," Reese said.

Reese said she and her husband had discussed moving out of the valley because of the poor air quality issues. "I have friends that had lung problems and they have moved (away) and are doing much better. I'll be on medication the rest of my life if I stay here. It's just the reality of it," Reese said.

Reese also said that parents should consult with their doctors right away if they see a breathing issue develop, and keep their children's recommended immunizations up to date at a local level. "Unless

people get educated, and participate at the grass roots level the air pollution will continue, or get worse. Get involved. Form or join a committee. You can do something. Speak to your local elected officials about these health and air quality issues," Leon said.

### **Court rules governments can require greener vehicles in fleets**

**Manufacturers fear ruling on Southern California regulations could lead other cities and states to demand costly alternative technologies.**

By Janet Wilson, staff writer

L.A. Times, Wed., Aug. 22, 2007

In a decision that could set a precedent for local governments across the United States, trash haulers, school and city bus lines and other publicly funded fleets in Southern California can be required to buy low-polluting vehicles fueled by natural gas or other alternative fuels, the U.S. 9th Circuit Court of Appeals ruled.

But private and federal fleets such as Federal Express and the U.S. Postal Service might not be covered under such rules, because the federal Clean Air Act might trump local regulation. The appeals court sent that portion of the case back to district court to decide separately.

Southern California air regulators and environmental groups expressed satisfaction with Monday's ruling.

"We're thrilled," Barbara Baird, principal deputy counsel for the South Coast Air Quality Management District, said Tuesday. "We really need the emissions reductions from these rules, and this case may set an important precedent for other state and local governments that want to adopt clean fleet provisions."

"The natural gas buses and garbage trucks on the streets every day aren't there by chance. They exist because of our victories in this litigation," said David Pettit, a senior attorney with the Natural Resources Defense Council and director of its Southern California Air Program.

An estimated 6,000 new vehicles, mostly powered by compressed natural gas, have been purchased by agencies in the region since the rules were put in place. Old school buses and other diesel vehicles are among the dirtiest on area roads, contributing to both diesel soot and smog. Purchasing new, alternative-technology vehicles might initially be more costly than buying diesel equipment, but it saves lives and costs over the long run, regulators said.

Angelo Bellomo, director of environmental health and safety for the Los Angeles Unified School District, said the district has replaced about 10 percent of its school bus fleet with compressed natural gas units, largely by aggressively applying for and winning grant money.

"It's a stretch to do this, yes, but it's worth it," he said.

Petroleum and engine manufacturing groups noted the battle isn't over, and added that diesel technologies are becoming equally clean.

"Clearly we're disappointed that the 9th Circuit ruled this fleet rule does apply to purchases by state and local government, but the appeals court . . . remanded it back to district court to decide whether or not this can apply to private fleets," said Tupper Hull, spokesman for the Western States Petroleum Assn.

"They do get to continue to enforce rules on local governments," said Joe Suchecki, spokesman

for the Engine Manufacturers Assn., who said the organization has vigorously fought Southern California's regulations because they could spread to other states and cities, creating a "patchwork of different regulations" that would make it difficult and costly to manufacture different equipment for different localities.

Suhecki and Jed Mandel, president of the engine manufacturers group, said AQMD's rules are out of date because they ban diesel engines and fuels, both of which have made huge strides toward cleaner technology in recent years due to federal and state laws.

But AQMD spokesman Sam Atwood said natural gas engines are years ahead of diesel technologies on meeting federal and local standards. He said the district's regulations had put pressure on diesel manufacturers to clean up their act or lose a lot of business.

"If and when diesel engines are as clean as natural gas," then agencies will no longer be banned from purchasing them, he said.

## **California attorney general strikes deal on global warming case**

By Samantha Young, Associated Press

In the L.A. Times, S.F. Chronicle and other papers, Wed., Aug. 22, 2007

SACRAMENTO - The attorney general's office and a sprawling Southern California county settled a lawsuit Tuesday over the negative effects of runaway growth on greenhouse gas emissions, an accord that could have implications for cities and counties throughout the state.

The announcement ends a four-month legal struggle that also became a key factor in California's nearly two-month-long budget impasse, which also ended Tuesday.

The settlement calls for San Bernardino County to account for the effects its land-use decisions will have on the emissions blamed for global warming. The county, which stretches from the Los Angeles County line to California's eastern border, is the largest by geographic size in the lower 48 states and has seen rampant growth in recent years.

It is expected to add 1 million residents by 2030, for a total population of 3 million.

"This is a real breakthrough," Attorney General Jerry Brown said in an interview with The Associated Press. "San Bernardino is showing the way for local government action to combat global warming."

San Bernardino County's board of supervisors voted Tuesday to approve the deal during a closed-door session. Local officials said the settlement would allow the county to avoid a multimillion dollar lawsuit to defend its growth plans.

The settlement requires the county to consider greenhouse gas emissions and devise strategies to reduce carbon dioxide and other heat-trapping gases, although it does not specify when that has to be done.

While it forms its plan, the county will be allowed to implement its 25-year land-use plan, which had been on hold since Brown sued the county in April after he determined the plan failed to address climate change and air pollution.

Board of Supervisors Vice Chairman Gary C. Ovitt praised the deal as one that would serve as a model for other counties.

"We are confident that we can address climate issues in this manner while still supporting the county's efforts to create jobs, reduce traffic and gridlock, and improve our quality of life," Ovitt said in a statement.

At the center of the dispute was whether San Bernardino County had violated the 1970 California Environmental Quality Act. Brown said local officials had failed to show how they would reduce greenhouse gas emissions as their county population soared and more cars clogged the roads.

The county has been on a growth tear as Southern Californians seeking more affordable housing have increasingly moved eastward, away from Los Angeles and Orange counties.

How the legal settlement will affect the county's growth is unclear, said John Husing, an Inland Empire economist who helped the county draft its general plan. He said the land-use plan already included strategies to reduce global warming.

"It seems to me, when it's all said and done, it's not too different than what was in the plan when it was created," Husing said. "It wasn't like they didn't discuss this."

Nevertheless, Brown said the San Bernardino case marked the first time a county had committed to a formal plan to reduce its output of greenhouse gases.

He said he intended to encourage other counties to adopt similar policies to help the state meet the goals of its 2006 global warming law. That law seeks to roll back greenhouse gas emissions about 20 percent by 2020.

"The work in San Bernardino is only the precursor to what has to be done in the entire state," Brown said during a Los Angeles news conference. "Hopefully because San Bernardino has shown the way, we won't need any more lawsuits, but they are always there in the background as a possibility."

Brown also has questioned housing developments in San Jose and in Yuba County, as well as regional transportation plans in Fresno, Sacramento, San Diego and Kern counties. He also warned the city of Richmond and Contra Costa County that planned refinery expansions by Chevron Corp. and Conoco Phillips would emit too great an amount of greenhouse gases.

Brown's involvement in local land-use planning had angered Republicans in the state Senate, who delayed the \$145 billion state budget over the issue. They argued that Brown's aggressive tactics could hinder local economic development.

Brown announced the San Bernardino settlement hours before the Legislature struck a compromise on the state budget. Part of that deal included a provision exempting state highway and flood control projects funded by state bond from global warming reviews like the one Brown imposed on San Bernardino County.

State Sen. Dick Ackerman, R-Tustin, said Republicans deserved at least partial credit for pushing Brown, a former Democratic governor, to settle the lawsuit.

"I think a large part of that is because of what the Legislature did," Ackerman said. "We have done a lot to help protect building in both the private and public (sectors) in the future."

Brown downplayed the Legislature's action, saying the bonds had nothing to do with local land-use planning.

"As far as I know, they are not going to prevent the work I am doing," he said.

[Merced Sun-Star editorial, Tuesday, Aug. 21, 2007:](#)

### **Searching through a crop of candidates, UC must find a perfect fit to lead the Agricultural and Natural Resources Division**

Help Wanted: Administrative giant to lead agricultural and natural resources research for world's top public university; located in nation's top farm state with sixth-biggest agricultural economy in the world. Staff: More than 1,100 people. Annual budget: More than \$300 million.

The actual job title for this position is Vice President — Agriculture and Natural Resources, Division of Academic and Health Affairs for the University of California. The responsibilities spread over two pages. It is a pivotal job for the Valley because everyone is affected by food production, and how crops are produced has a lasting effect on our landscape.

This is a vital appointment and the UC search committee cannot settle for second best.

UC and its competitive researchers have been a driving force behind the Valley's unrelenting, world-class crop production and now, more than ever, we need to continue that tradition.

Who should lead UC into the future? Let's dream about the perfect person.

Rich Rominger, head of the search committee, says the ideal candidate would not only play an important role in setting the UC vision for farm research, but also fight for funding in Sacramento and Washington, D.C., to assure Californians get their fair share of money designated for education and research.

He says a solid foundation of collaboration with the state university system has been established, and it is important that cooperation continues to make sure we are not duplicating efforts and are getting the most for our tax dollars.

Provost and Executive Vice President Wyatt R. Hume points out that UC serves every Californian with its agricultural research, and by delivering the results directly to the people who apply that information to improve the quality and production of California's more than 350 commodities.

"UC has supplied new technologies and cutting-edge research that have helped California agriculture stay ahead of the competition across the United States and increasingly, around the world," he said. "The vice president must provide leadership in building on this record, aggressively advocating for (the agriculture and natural resources division) and the university as a whole, in raising the visibility of our research and extension capabilities in federal, state and local governmental circles."

The next ag vice president needs to be agile, ensuring that university programs are organized in the most efficient way to get knowledge developed and quickly transferred to the industry and to create a steady supply of cutting-edge farmers.

Agriculture grows more complex and competitive by the day. Today's universities must make sure their students and professors are prepared to tackle the latest challenges of [air quality](#) and water quality and supply issues, as well as the impact that agriculture has on global warming.

We hope UC will think creatively in its search for this candidate and look for someone whose authoritative voice will make sure ag is properly represented in the university's priorities.

According to Fred Ruiz, a UC regent and chairman and chief executive of Dinuba-based Ruiz Food Products Inc., the university needs someone who is recognized and respected in industry and agriculture as a person who gets the job done right.

Agricultural leaders should take note of this important opportunity, ask questions and volunteer their recommendations of good candidates to the search committee. Send those recommendations to the executive search firm in care of Daniel F. Parker Sr. or Laurie C. Wilder; (770) 804-1996, ext. 109 or e-mail [lwilder@parkerserch.com](mailto:lwilder@parkerserch.com).

If the UC settles for second best, ag — and therefore the Valley so dependent on the industry — will pay a heavy price.