

## **Lafayette merchant fuming about nearby gas station Inspectors say a complaint about odor doesn't check out.**

By Jonathan Morales

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LAFAYETTE — Something didn't smell right to Jason Wood.

Underground fuel tanks were removed from the closed gas station next to his video rental store early last week, but Wood said fumes from the excavated soil were so strong Friday, he and other business owners had to close their stores.

"I couldn't stay in here. It was awful," said Wood, co-owner of Take One Video on Mount Diablo Boulevard.

He said the soil was not covered when it was removed, and some of the dirt blew into neighboring stores.

But air quality inspectors who checked the site Monday detected no odor, said Bay Area Air Quality Management District spokeswoman Kristine Roselius.

The district is looking into whether the contractor working at the site gave proper notice of the work, she said.

Calls to that contractor, Walnut Creek-based AEI Consultants, were referred to the project manager, who did not return messages.

AEI has told the district the notice was faxed, Roselius said, but the district has been unable to find the fax and is still looking.

Air quality inspectors might have smelled something in the air if they visited Friday, Wood said. That's when he hired Pleasant Hill-based Block Environmental Services to conduct some tests.

Because those tests needed to be done quickly, said Ronald Block, a toxicologist with Block Environmental, the inspector was unable to determine exactly what chemicals were in the air.

The tests did show, however, that the concentration of chemicals was nearly twice as high inside Wood's store than outside, he said.

"Even my person who went out there, when she saw the pile of soil, got a headache and put a respirator mask on," he said.

Block said one of the chemicals likely to be released when an underground fuel tank is removed is benzene, which is known to cause cancer.

Wood said he's waiting to get his store cleaned and ventilated before reopening. He plans to work with his insurance company to recoup some of the money he lost this week, but said his main concern right now is being able to reopen by the end of the week.

"We're losing business. We can't have customers coming in knowing it's contaminated, and that's what sucks for us, knowing we're losing money," he said.

[Modesto Bee editorial, Thursday, Aug. 6, 2009](#)

### **Regulators need arm's length relationship with businesses**

The officials directing California's historic effort to cut greenhouse gas emissions already face a very difficult task.

They shouldn't complicate the challenge by taking luxury trips abroad that are partially financed by the businesses they regulate.

More than two dozen top officials have done just that, raising questions about their independence and judgment. A Sacramento Bee investigation found that California regulators have taken trips outside the country to examine other nations' response to climate change that have been partly paid for by greenhouse gas polluters, including Chevron, PG&E, Shell Oil and BP.

The regulators have been accompanied on these journeys by lobbyists and executives of the industries they are supposed to oversee, and even some legislators. The state has added to the ethical uncertainty by making it difficult to find out exactly what goes on during these nonpublic interactions.

These trips are far from budget tours. Many cost \$1,000 per person per day -- significantly above the \$420 limit on gifts that state officials can receive from companies in the course of a year. The trip hosts get around this spending restriction by funding them through nonprofit groups, which can legally foot the bills without revealing the sources of the money.

You don't have to be a good government zealot to see why that's problematic. Organizers defend the trips as providing important educational experiences that cost taxpayers nothing.

But it's impossible to avoid questions about participants' ability to maintain arm's-length relationships with the industries they regulate when they're cavorting abroad on those businesses' dime.

As Dian Grueneich, a member of California's Public Utilities Commission, which regulates CO2 emissions from power plants, put it: "I am uncomfortable with the repeated closeness between regulators and utility executives that happen on these types of trips."

The trips should be halted. At the very least, the Legislature should require much more transparency on what happens on the trips, perhaps by requiring that the details be posted on a Web site. If the past year's financial crisis demonstrated one thing, it was the danger that comes from government regulators getting too close to those they regulate. California shouldn't make the same mistake on the critical issue of climate change.