

Cattle battle

By KERRY CAVANAUGH, Bakersfield Californian, Sept. 7, 2002

In a few years dairies could be regulated as strictly as power plants and oil refineries. Dairy farmers may need high-tech caps and digesters to harness gases from cow manure. They could be required to write lengthy reports on how they spread manure for crops and install probes to monitor groundwater.

It's a long way from the time when small dairies dotted the countryside or even today when dairies have limited oversight from water inspectors and no air quality controls.

Water and air quality regulators are now hashing out new rules for dairies, which could dramatically change the industry by the end of 2003.

"Dairies are getting bigger and are gaining greater public scrutiny," said Michael Marsh, director of Western United Dairymen. "Our members have recognized it's here."

A new set of rules

Among the regulations being debated are:

- * Ending a waiver of waste water discharge requirements. Currently dairies pay a one-time \$2,000 fee and file a report on how they use their waste water. The Central Valley Regional Water Quality Control Board waiver expires Dec. 31 and the board will decide whether to increase the fee and require more water quality reporting and inspections.

- * The U.S. Environmental Protection Agency will announce on Dec. 15 new water regulations for concentrated animal feedlot operations that could affect most Kern County dairies, forcing them to apply for permits through EPA.

- * The California Legislature must strike down a law that has, so far, exempted farming operations from air pollution regulations. As a result large dairies may have to measure air pollution from cows and manure for the first time.

Debate continues

Environmentalists say study after study has shown dairies are becoming concentrated, more industrial-sized operations and need to be regulated as such.

"I think the writing is on the wall that there won't be the same regulatory environment that exempts dairies," said Brent Newell, an attorney with the Center on Race, Poverty and the Environment who has filed numerous lawsuits to increase air and water quality controls on dairies.

But farmers say today's dairies are modern, state-of-the-art operations built to prevent water pollution. They point out their dairies have fewer cows per acre than older, smaller dairies and are buffered by crops that lessen air pollution.

And some dairy farmers question how much more environmental regulation they can take. Dairy farmer Ralph teVelde said he's watched as relatives in other states tried to jump through regulatory hoop after hoop, eventually having to sell out.

Increased scrutiny here in the southern end of the San Joaquin Valley has come about as the size of new dairies has increased, meaning more and more cows.

In the valley, the cow population has been growing by about 3 percent a year vs. 1.7 percent growth in human population in Kern County.

In Kern, the average dairy has 1,500 milking cows, twice the state average. And that doesn't include the "dry" cows and calves on the farm.

Now 3,000-, 6,000- and even 14,000-cow dairies are becoming the norm. These farms can produce as much waste as a small city, and that has people worried about the impact of all that manure on the valley's already-polluted air and sensitive groundwater.

Clearing the air

Environmental groups say dairies are among the worst air polluters in the valley and they point to San Joaquin Valley Air Pollution Control District data that shows manure is the single largest source of smog-forming gases -- more than passenger cars.

But dairy farmers and regulators say those numbers are unreliable.

"We can tell there's a lot of emissions coming off, but we can't tell how much," district planning director Dave Jones said.

Dairy industry leaders say it's not fair to impose pollution controls when scientists don't even know for sure how much pollution cows and their manure create.

Environmental groups say regulators know enough about air pollution from dairies to know it's a serious contributor to the valley's smog and particulate matter problems.

And they've successfully sued the EPA to crack down. The federal agency settled a lawsuit this year and agreed that large farms should file air quality permits, just like other industrial operations. The settlement calls for permits by August 2003 for any animal feedlot that produces more than 25 tons of pollutants per year.

As a result, owners of large dairies will have to calculate for the first time how much pollution comes off lagoons where manure decomposes and releases gases.

Farmers are exasperated by the mandate. A dairy does not have a smoke stack, they have argued. It's difficult to measure pollution and capture emissions from a cow or a manure lagoon. Not necessarily, Newell said. Some experimental dairies and animal feedlots cap lagoons and harness the gases for energy.

"That technology is being used around the country," he said.

Likewise, the air district has suggested that new valley dairies install equipment to capture or lessen lagoon gases. But that's just a suggestion.

"We know things work," Jones said. "Which things work in a way we can afford to use is another thing."

In the meantime, regulators are waiting on several studies.

The National Academy of Sciences is expected to release this fall the definitive report on calculating air pollution from dairies.

The valley air district will launch a two-year study this fall on air pollution from animal feedlots, which would help shed some light on exactly how much of the valley's smog and particulate matter can be tracked to dairies.

Water issues

The southern San Joaquin Valley's rare rainfall, dry creeks and vast expanses of flat land make it perfect in the eyes of dairy farmers.

Especially those fleeing the rapidly urbanizing Chino area. There thousands of cows are crammed onto less acreage with high groundwater and a nearby river.

The valley's dry terrain is one reason why most local dairies don't have to apply for an EPA waste water permit. Most Kern operations technically meet the 700-cow threshold to be considered a concentrated animal feeding operation, however there is little chance of dairies flushing waste to surface water, so most dairies haven't had to seek the permits.

Surface water isn't a major concern in the southern end of the valley, but groundwater is.

The EPA is revising its waste water permit regulations to include more protections of groundwater. As a result dairies here may face new federal requirements, such as writing up reports certifying that manure isn't being over applied to crops.

Nitrates are a serious problem throughout the valley because fertilizers, septic tanks and livestock waste have seeped nitrogen into groundwater supplies. The pollutant can be fatal to children in high doses.

Most dairy farmers use manure solids as fertilizer for crops and the manure liquid for irrigation. They have to be careful not to saturate the ground because nitrogen can seep down and taint groundwater.

In recent years the dairy industry has implemented a voluntary certification program to help individual farmers meet water quality regulations.

Many of Kern's dairies are newer facilities built to higher standards, said Lonnie Wass who oversees dairy operations for the Central Valley Regional Water Quality Control Board.

"Even with a new modern dairy, protection of groundwater relies a lot on management," Wass said.

Ensuring good management is the hard part, he said. There just aren't enough inspectors to keep a close watch.

Before 1997 there was one water quality inspector checking dairies in the southern end of the valley. Legislators allotted more money for water quality monitoring and now the region has about three inspectors.

Last year inspectors visited 165 of the 605 dairies in the southern end of the valley, Wass said. In many cases that was the first time water quality inspectors visited the farms.

His office issues a half-dozen violations each month for pooling water in corrals, inadequate waste water storage and excess application of manure on crops. Most of the violations are resolved immediately and do not result in penalties, Wass said.

Recently a University of California committee of dairy waste experts found that cow manure now contains 2.5 times more nitrogen than previously thought. The increase is probably due to changes in feed.

The study underscores the need to revisit how dairy farmers manage their manure, Wass said.

Politics and people

The debate over dairy environmental issues has played out in Kern County courtrooms and board rooms and usually pits environmentalists against dairy farmers.

Most of the upcoming regulations for dairies were prompted by lawsuits filed by environmental groups.

Newell, with the Center on Race, Poverty and the Environment, said citizens have had to take the dairy industry and public agencies into court because they weren't listening to concerns about contamination.

"Basically the law wouldn't be followed by politicians and regulators if citizens didn't have the right to sue," he said.

Dairy industry groups say lawsuits have only polarized farmers and environmentalists and stalled progress.

"I don't see regulations really going away, but I think it would be best if those regulations were based on science," said Marsh, with the Western United Dairymen.

Beyond the lawsuits and policy arguments, dairy farmers living and working on their land find some of the accusations hard to swallow.

TeVelde moved from Chino to build his Bear Mountain Boulevard dairy 12 years ago. He said dairies today have lots of restrictions and are built to protect the environment.

On his farm, half his corrals are empty because water quality regulations limit him to 1,600 milk cows based on the number of acres on which he applies manure.

Besides, he said, he and five of his grandchildren live on the dairy.

"It's not in my best interest to pollute the air and water," teVelde said. "Why would I jeopardize my grandchildren?"

The dairy industry is helping to study the emerging pollution issues, said Western United Dairymen environmental coordinator Paul Martin, who sits on a committee that advises the valley air district on agricultural issues.

At the same time, milk prices are low and equipment that may or may not control pollution is expensive, he said.

"I don't want to ask dairymen to pay for something I don't have confidence in," he said.

Dairy farmers in California have gotten grants to install methane digesters to control air pollution, which is a start.

Bakersfield resident Renee Nelson, who is part of a new group calling itself Clean Water and Air Matters, said dairy farmers may need help covering the cost of technology, but that can't be a stumbling block to change.

"I don't want to penalize farmers but I want them to understand they are polluting," Nelson said.

Newell has filed several lawsuits to make regulators put more air and water controls on dairies.

"Even if it's an unknown exact amount of pollution, it's still a lot," Newell said.

"A lot" just isn't good enough information for most dairy farmers. And some valley legislators prefer to hold off imposing regulations until proven controls are affordable.

"They ought to prove it and document it. Then we can talk about the science and technology there is to deal with it," Assemblyman Roy Ashburn, R-Bakersfield, said.

Rep. Cal Dooley, D-Hanford, said farmers do need to look at how to minimize air pollution.

"But we want to do it the right way," he added.

Valley group aims BIG

Coalition that wants to garner more clout faces Fresno hurdle.

By John Ellis, The Fresno Bee, Sept. 8, 2002

To Robert Keenan, the BIG Coalition of the South San Joaquin Valley is an advocate of local control and a group of business, industry and government organizations that can cause change at the state and federal levels better as a group than as individuals.

"We don't have that many legislators," he says of the Valley, "so we need to increase their voice."

But critics of the group say it is nothing more than a front for big business and the Valley's building industry.

Their main evidence: Keenan, the group's coordinator, also is executive vice president of the Building Industry Association of Tulare/Kings Counties. And the acronym BIG, which now stands for the "Business, Industry & Government Coalition," originally stood for "Building Industry and Government Coalition."

Sierra Club activist Kevin Hall always refers to his foes in the air quality battle as "DOA -- developers, oil and agriculture. To me, [BIG Coalition] is the DOA boys."

But this opposition to BIG is new and, at least for now, in the minority. During the past several months, Keenan has been rebuilding BIG, a coalition with roots a decade old. City after city, county after county, chamber of commerce after chamber of commerce have signed on to the organization.

From Bakersfield to Sanger, Madera County to Kern County and points in between such as Wasco, Parlier, Kingsburg, Kerman and Hanford, governments have passed resolutions joining the group. All without opposition.

Then came Fresno.

When the matter came before the Fresno City Council on Aug. 20, Hall spoke in opposition to the group.

Not long after, Council Member Tom Boyajian let loose from the dais, calling BIG "the worst thing I've ever seen."

Boyajian went on to say the building industry controls Fresno through its elected representatives and added, "We're a poster child for the [Building Industry Association] and stupid growth."

BIG guided by eight principles

It was the first time anybody had expressed opposition to BIG, and it caught Keenan by surprise. From his point of view, the organization just wants to make sure the Valley's economic engine doesn't grind to a halt.

For instance, BIG has a core list of eight principles, including:

Fair allocation of public investment for transportation, water, waste-water and education infrastructure.

Local control of state standards affecting housing affordability.

Resistance to additional layers of government that undermine local control.

Application of prevailing wage requirements to reflect local conditions.

The group caught Fresno Mayor Alan Autry's eye. BIG asked Fresno to join, and Autry took the matter before the City Council.

Georgeanne White, Autry's chief of staff, called it "just another way to collaborate."

Some council members seemed to approve. "We're like the stepchild of California when it comes to politics in Sacramento," Dan Ronquillo said.

Council Member Jerry Duncan was poised to make a motion that the city join the group, but Council Member Brian Calhoun asked for a postponement, saying he wanted to know more about

it. Joining, he noted, means Fresno is "buying into a number of positions I'm not prepared to join in to."

The motion to table the decision until the Sept. 17 meeting passed 4-3. BIG's fate, then, is unknown. But it has supporters.

"What I like is, [BIG] is strongly for local control, which is something we're losing," Duncan says. "The threat to our local sovereignty has never been greater."

The first incarnation of the group came in 1992, when the Tulare/Kings Building Industry Association approached city managers in those counties with a proposal to unite "against state and federal intrusions into the effectiveness and operations of local government and the building industry," according to a history written by Keenan.

The BIA was alarmed at that time by such programs as the Clean Air Act, the Clean Water Act, the Americans With Disabilities Act, the Endangered Species Act and the California Environmental Quality Act.

During the ensuing three years, the group grew throughout Kings and Tulare counties and considered itself effective.

In fact, it was effective enough that it shut down in 1995. Keenan says he and now-retired Porterville City Manager Guy Huffaker were its driving forces, but they "got lazy" as positive political change filled the air.

By last year, Keenan says, "the intrusion into the operation of local government, business and industry by the state and its regulatory agencies [was] back worse than ever."

Group expands beyond two counties

BIG was reborn -- with a thought toward expansion past Tulare and Kings counties. The new BIG is focusing on five key policy areas that will change as they are resolved.

Among them are retention of the "Buy California" program promoting the state's produce and support of a constitutional amendment that would prevent state "revenue raids" of local monies such as the "vehicle license fee backfill," which is state money funneled to local governments to make up for money lost when the annual fee drivers pay to register cars was reduced.

The Sierra Club's Hall, however, has focused on another area: air quality.

BIG believes regulatory efforts being considered for the region will "create serious negative impacts on the area's distressed economy and the environment without significantly improving air quality."

Keenan notes that in the San Joaquin Valley Air Pollution Control District, which ranges from Stockton to Bakersfield, truck traffic is responsible for much of the air pollution. He says trucks from western states that pass through California should have to meet the same fuel standards for diesel as in-state trucks.

BIG also supports incentive-based programs that encourage voluntary retrofit or replacement of older diesel engines in agriculture equipment.

Hall scoffs at the idea of truck requirements, saying it's against federal law to regulate interstate commerce. Of the second suggestion, he says nothing ever comes of voluntary programs. In fact, he says BIG's ideas are "so far off the radar screen it [isn't] even funny."

BIG, Keenan notes, also supports expanding the Smog Check II program to the Bay Area.

Already, Keenan -- who fires off letters to legislators and others from his Visalia office -- believes, the group has been effective.

As proof, he points to a speaking visit last Thursday by legislative analyst Elizabeth Hill. He notes with pride that the group did not get a surrogate, but Hill herself. She is widely considered the state's top fiscal adviser.

The reporter can be reached at
jellis@fresnobee.com or 441-6320.

[Letters to the Editor, Fresno Bee:](#)

Communist paradise

By Jim Rudis, Fresno
(Published Saturday, Sept. 7, 2002)

Our forefathers would turn over in their graves to hear an American talk about communism in the United States. However, in this country we have a tax on everything, with an even higher tax on alcohol, tobacco, gas, snacks and our electric bills. Just try registering your vehicle next year.

This is in addition to the 40% taken out of my paycheck. We can argue Democrat or Republican, but the truth is, they both want to spend my money.

Shanghai is the fastest-growing no-tax city in the world. I vacationed there and found that to start a business you don't need any permits. No OSHA, **no environmentalists**, no state Board of Equalization, no conditional use permit, no city tax, no state tax, no federal tax, no zoning laws, no building inspectors, no liability insurance, no alcohol permit and no Internal Revenue Service. Just pay your rent and do whatever you want.

I rented a motorcycle in Shanghai for half-price (no liability insurance or Department of Motor Vehicle fees). I was able to drive down the beach (**no Sierra Club**) with the wind blowing in my hair (no helmet laws), smoking my Cuban cigar (not illegal there) and thought how nice it was getting away from all those freedoms in the United States and visiting a Communist country where I was free to do anything.

Would my forefathers rather I live with all these restrictions on my life or live in communism and enjoy my freedoms?

What does it take?

By Marilyn Borelli
Fresno
(Published Monday, Sept. 9, 2002)

On Sept. 3, the Environmental Protection Agency reported that automobile emissions do indeed cause lung cancer. I think this is something we knew all along. Looking up at the gray sky -- once it was blue, will it ever be that color again? -- I wonder just what it is that we are going to do about it?

Maybe it is about time we question those who have taken the authority to build freeways in what were once neighborhoods. Or who allow the building of 100,000-square-foot buildings that once housed a super retailer now gone the way of Chapter 11. (What kind of air conditioning unit sustains a building that large?) How many strip malls will feed the hungry? How many cars will it take until the sky turns brown -- forever?

The signs are everywhere and it is evident that we all need to consider changes in our lifestyles in order to save ourselves and our planet. We need to redirect who has the authority to affect our lives, as well. One by one, we might just make a difference -- one that is visible in the sky.

What do you think of a state Senate bill to crack down on Bay area motorists by requiring them to pay for more costly Smog Check II tests?

Thursday September 05, 2002, 05:37:19 PM

Bakersfield Californian

It's great. Someone needs to force millions of Bay area drivers to help foot the bill for their smog, which ends up drifting into our backyard. (53.04%)

It's a noble effort but it's not a long-term solution . The only way to effectively reduce smog is to require more emission-free cars and trucks. (28.70%)

I wish the government would stop taxing us every which way they can. If I want to drive a smog-belching car, that's my business. (18.26%)

AIR POLLUTION VIOLATIONS SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT

Friday September 06, 2002, 09:20:11 PM

Bakersfield Californian

Carlos Rodriguez - Sill Properties was cited June 11 in the area of Cherry and Lerdo Highway in Shafter for containing non-ag-related materials and other prohibited wastes.

Delano Energy in the 3100 block of Pond was cited June 7 for a stack exceeding 20 percent opacity limit for more than three minutes in one hour.

Randolph Farms was cited June 12 in the area of East Timmons and North Garces in Delano for burning almond prunings contaminated with tires, appliances and furniture.

Berkley Petroleum/RME was cited June 12 in Lost Hills for violation of authority to construct and having a flare fail to operate in a smokeless manner.

Miller's Cleaners in Visalia was cited June 12 for a multimatic dry cleaning unit failing to reach 45Â°F during the cool-down cycle and failure to have a graduated thermometer which measures the temperature of the outlet vapor stream of the condenser.

City of Bakersfield, 619 East 19th St. was cited April 8, 2001 for failure to thoroughly inspect facility for asbestos and failure to submit notification before demo. On June 25, 2002 they settled to participate in training sessions about asbestos as it pertains to fire training and building demolitions.

Kern County Fire Department was cited May 11, 2001 for non-notification of a training burn on Granite Road. On June 25, 2002 they settled to participate in training sessions about asbestos as it pertains to fire training and building demolitions.

Clearing the air about burning

[On-line Briefings, Modesto Bee, Sept. 6, 2002](#)

Blue Sky, Brown Sky

The San Joaquin Valley's first school site program; for teaching students about air pollution and the effects it has on Central California's residents. Blue Sky, Brown Sky addresses specific air quality issues common to the valley in a format that is exciting and easy for students to understand and learn.

The Modesto Bee and San Joaquin Valley Air Pollution Control District bring this important unit to local educators at NO COST. Blue Sky, Brown Sky incorporates science, language arts, and environmental awareness lessons into fun activities.

Included in with your order: Comprehensive 122 page teachers manual Class set of student activity books Classroom supplies (i.e. pencils, rulers, erasers, etc.) The Modesto Bee delivered daily beginning September 23rd - September 27th.

Delivery Dates - Monday September 23rd - Friday September 27th (daily delivery)

Sponsor - San Joaquin Valley Air Pollution Control District

[Letters to the Editor, Modesto Bee:](#)

Clearing the Air

Sept. 7, 2002

As the California Legislature authorizes agricultural burning, the Valley Air District can manage but not ban it outright.

The district determines the burn status for three regions based on the highest pollution levels and the atmosphere's ability to disperse smoke. Consequently, there are many days when the Valley Air District does not allow burning. Following an extended period of prohibited burning, materials accumulate, and impacts of burning on the next permissible day can be substantial.

The District's new smoke management program will not result in an increase of ag burning nor automatically grant permission to burn without limits. It will minimize the cumulative smoke impacts by creating nearly 100 small zones. Based on analysis of air quality conditions in each zone, the agency will determine which will withstand burning and how much acreage can be burned.

Zone acreage allocations will be available on a first-come, first-served basis. Once the available acreage is used in an area, the agency will put permit holders on a waiting list for the next available allotment.

On days when air quality conditions cannot withstand burning, the acreage allocation will be zero.

The Valley Air District will continue prohibiting ag burning during health advisories and Spare the Air appeals. This is part of our commitment to protect public health.

NICK W. BLOM,

Stanislaus County Supervisor, District 3
San Joaquin Valley Air Pollution Control District

Let's fix the problems

Sept. 9, 2002

Wake up, catch up, excel. In Modesto we are way behind in our law enforcement efforts, our street repairs, our school construction, our hospital care and several other areas.

We need to catch up on all of these problems. It is way past time that the people of Modesto have what they should have. We have a long way to go, and it can be done with some foresight. Yes, we can pay a salary to a mayor. By doing so, it will bring to us people who will have a good education, and past experience in doing what needs to be done to get our city back on track.

To excel, we need to stop building homes. That is all our city leaders worry about. We need to take care of our existing problems first. Modesto needs industry to help keep our people here and working in our area, instead of being forced to make long commutes as many do, because we do not offer employment in our area. That would do a lot to ease air pollution as well as traffic congestion.

We need high-tech employment as well as main-line employment. Let's face the fact that electronics are where the future lies. Our City Council members should take care of the problems they have created before letting more problems come into being.

CHARLES E. EVERS III

Modesto

