

Farmers prepare to get air pollution permits

By KIM BACA, Associated Press Writer

Bakersfield Californian, April 2, 2003

FRESNO, Calif. (AP) - After being exempt for more than 25 years, hundreds of California farmers are preparing to file air quality permits next month.

Large farm operators have until May 14 to comply with the U.S. Environmental Protection Agency's Title V program, a permitting process to monitor air pollution from stationary sources.

Farmers who have stationary diesel fuel engines, such as those that run irrigation pumps, and are considered to be heavy polluters will be subject to the permitting process. Cranes, bulldozers, harvesters, tractors or mobile generators are not included in the new rules. Large farm operators who have natural gas engines will have until Aug. 1 to file. Dairies and poultry farmers will also have to submit animal waste permits in August.

"It is going to be a headache," said Roger Isom, vice president of the California Cotton Ginners and Growers Association. "Most are thinking, 'My God, it's more paperwork and what is it really doing to clean the air.'"

The new process is part of EPA's settlement with environmental groups in May 2002 to begin holding farms accountable for pollution from diesel irrigation pumps and animal waste. Farms have had a break from Clean Air Act regulations for more than 25 years.

However, not all farmers would be subjected to permits, EPA engineer David Wampler said. Out of the state's more than 30,000 farmers, the EPA expects only a few hundred would be required to apply because they might be considered a heavy polluter, he said.

Permits will be issued after a farmer calculates how much nitrogen oxide pollutant is emitted from stationary diesel engines. The calculations are based on the year of the engine, horsepower and hours of operation in a year.

The threshold for nitrogen oxide emissions varies throughout California. Farmers in El Dorado, eastern Solano, Los Angeles, Orange, west San Bernardino, west Riverside, Ventura and Yolo counties and the San Joaquin Valley will be subjected to tougher rules because those areas are more polluted than the rest of the state.

The permits may heavily affect those farmers who have switched to diesel fuel from electric to operate irrigation pumps after energy prices have shot up in recent years.

"In other words, since I changed to diesel, I'm being penalized. If I had stayed with electric engines, I would be OK," said one farmer before leaving a recent EPA workshop in Fresno.

In the San Joaquin Valley, state officials estimate farms produce as much as 20 percent of smog-making gases. The farm-rich valley is one of the most polluted air basins in America.

Animal waste alone is on track to become one of the largest sources of smog in the valley in the next three years, according to state projections.

Kings County grower Craig Pedersen said he's trying to figure out how much the new permits will cost him on his 2,000-acre farm where he grows alfalfa, corn, wheat and water-intensive cotton.

He is disturbed that the new permitting process comes at a time when he's dealing with decreasing crops prices, increasing fuel costs with the war in Iraq and rising workers compensation rates, which went from \$23,000 for his seven full-time employees to \$53,000 this year.

Pedersen said too much emphasis has been placed on pollution from agriculture, excluding other sources.

This issue has gotten "very political to the extent many state legislators who are following this issue seem to be grandstanding," he said. "It's unfortunate because it really plays upon those folks who really don't understand the issue, but they may have a sick child and point the finger at ag and that is unfortunate."

But Sierra Club member Kevin Hall said the EPA's new permit process is a tiny step in the right direction to control air pollution in the San Joaquin Valley. He said more needs to be done to control other types of pollution, such as dust from farms.

And one valley legislator has introduced a series of bills designed to hold farms more accountable. State Sen. Dean Florez, D-Shafter, also introduced Senate Bill 700 to repeal a state law exempting farms from air pollution regulations after a prior request from the EPA.

Federal officials are now asking state legislators to write an amendment to state law so "major" farm polluters could be required to get permits, altering the prior request in February.

Critics charge the Bush administration faltered under pressure from farming interests, but federal officials deny the accusation.

Meanwhile, the 9th U.S. Circuit Court of Appeals in San Francisco has set May 13 as a hearing date for the California Farm Bureau's appeal of the EPA's settlement with environmental groups.

On Net: U.S. EPA farm permits: <http://www.epa.gov/region09/air/ca/title5.html>

Read SB700 at www.sen.ca.gov

Letters to the Editor, Bakersfield Californian

April 2, 2003

Dairy border 'no brainer'

I must take issue with the attitude of the Board of Supervisors. A three-mile buffer zone for dairies from schools, cities and towns is a no-brainer.

This policy would still leave more than 1 million acres in the county for any new dairies. The state of California is going to take away the privilege of our supervisor to set policy if they continue to make arbitrary decisions where laws are necessary. Buffer zones must have minimum distance laws.

Supervisor Barbara Patrick commented that as an elected official she was worried about losing her control. Aren't the city councils of Bakersfield and Shafter elected, too? Did Patrick even listen to them about buffers for the Borba dairy or the Vanderham dairy? No!

The supervisors' attitude about their control has an obvious pattern. Sen. Dean Florez sees this and sees that we need actual buffer zone laws and even a joint commission for new dairies.

Without laws or a joint commission, Supervisor Ray Watson will continue to make buffer zone decisions by checking the prevailing wind. Kern County would do better with laws and a joint commission. As it now stands, supervisors are basing our dairy buffer zones on which way Watson's wind is blowing.

True leadership has these qualifications -- guts and the ability to plan. Come on, supervisors, let's see some leadership. Otherwise the state and the EPA will be making all of our land use and air pollution decisions.

DON PALLA, Bakersfield

La Paloma shuts down after fire breaks out in turbine

By Doug Keeler, Midway Driller City Editor

Taft Midway Driller

April 2, 2003

MCKITTRICK - Fire caused major damage to a generating turbine at the La Paloma power plant just east of here Tuesday, forcing the huge power plant to shut down..

The fire was out when firefighters arrived, but the damage had already been done.

Kern County Fire Capt. Ruben Padilla said leaking lubricant was ignited inside a turbine.

The fire was quickly extinguished by the plant's own fire suppression system, which smothered the fire with carbon dioxide.

Padilla said firefighters first evacuated the smoke and carbon dioxide residue from the container building, then entered the turbine area after it had already cooled down.

No damage figure has been set, but the loss is extensive.

"I'd hate to even hazard a guess," he said. "It's going to take them several weeks just to come up with a loss figure."

There is no estimate on how long the damaged turbine will be down. The plant has four gas-fired turbines and is capable of generating up to 1.2 megawatts of electricity.

Two of the turbines went on line in January and the others came on line last month.

Firefighters from McKittrick, Fellows, Buttonwillow and Taft were all sent to the fire. They were on the scene for nearly four hours.

Times-Delta staff wins recognition

Visalia Times-Delta

April 2, 2003

Staff reports

The Visalia Times-Delta staff earned four awards in the Associated Press News Executives Council's annual contest honoring journalism and photography.

Results were announced Tuesday.

The Times-Delta staff won first place for a graphic detailing how farmers pick cotton.

Reporters Mike Hazelwood and Melinda Morales and former reporter Justin Stoner won second place for investigative reporting on a series of stories entitled "Clearing the Air." The report detailed air quality problems in the Central Valley.

Photographers Steve R. Fujimoto and Johanna Vossler won a second place award for a business photo illustration entitled "Iridologist Exam."

Graphic artist Nick Gayton and Fujimoto won second place for a graphic entitled "Mystery in Mooney Grove Park." The illustration, which appeared in the newspaper's special section "Discover Visalia," detailed the mystery behind the Japanese cannon at Mooney Grove Park.

Awards in 56 categories will be presented at the annual APNEC conference May 1, at the Vineyard Creek Resort in Santa Rosa. The winners were chosen by editors from AP member newspapers in Illinois from more than 1,000 entries published in 2002.

Pollution ruling setback for Lodi Federal judge scolds city for 'detours'

By Jeff Hood

Lodi Bureau Chief Published Wednesday, April 2, 2003 The Stockton Record

LODI -- For the second time in a year, a federal judge reversed himself and withdrew a court order forcing a Lodi dry-cleaning firm to investigate downtown soil and groundwater contamination.

The ruling was a blow to the city's efforts to force suspected polluters to clean up underground toxics. It largely stemmed from a Lodi attorney's admission at a Feb. 28 that the city is potentially responsible for the spread of the solvent perchloroethylene, or PCE, through its leaky sewer system.

U.S. District Judge Frank C. Damrell Jr. cited the admission by Michael Donovan, Lodi's environmental-law specialist, in rescinding his Dec. 31 order against Guild Cleaners. From the time it filed its lawsuit in November 2000 until then, the city had denied it might be liable for PCE in the environment.

Damrell ruled it wasn't likely Guild could prove Lodi was potentially responsible. But Guild didn't have to after Donovan's admission reversed the city's position.

The ruling was one of three recent turns in the case.

On Friday, the U.S. Supreme Court decided not to review Lodi's appeal of a 9th U.S. Circuit Court of Appeals ruling. The appeals court agreed with Damrell that Lodi did not represent the People of the State of California, as it claimed in its lawsuit.

The Supreme Court is scheduled to consider a second request by the city on a related matter Friday.

On Tuesday, Lodi Mayor Susan Hitchcock, Councilman Larry Hansen and City Manager H. Dixon Flynn were in San Francisco at a mediation conference in an attempt to settle the case. Mediator Edward A. Infante, a retired federal magistrate, had requested that city officials attend the conference, because previous meetings with only lawyers proved fruitless. Tuesday was the first time Lodi elected officials had attended any case-related legal session.

City Attorney Randall A. Hays also attended the mediation and could not be reached for comment Tuesday.

Lori Gualco and Stephen Meyer, attorneys for Guild Cleaners, said it's time for Lodi to shift strategy in light of mounting costs with no cleanup begun 14 years after solvents were first found in city groundwater.

"It is time for the city to start reading the tea leaves of the complete demise of its risky and costly strategy, which has now cost the city \$20 million, not including interest or accruing attorney fees," Gualco said. "The city's litigation costs now dwarf the likely cost of remediation citywide."

Meyer said he is skeptical the city will be successful in getting any money from insurers for cleanup costs now that it has been judged potentially responsible. He accused the city's attorneys of keeping City Council members "in the dark."

Even Damrell criticized Lodi's legal strategy in his ruling, stating a 1997 agreement between the city and the state Department of Toxic Substances Control has hindered the cleanup of industrial solvents first discovered in Lodi's groundwater in 1989. PCE and a related compound found beneath Lodi, trichloroethene, are hazardous to humans.

Under the deal, Toxic Substances Control allowed Lodi to act as the agency enforcing the cleanup. City leaders hoped to force suspected polluters' insurance companies to cover the costs, but the insurers have fought back.

"Lodi's difficulties stem from the bargain itself. ... As a result, these strategies have led to unproductive detours from the ultimate goal of dealing with the city's contaminated groundwater crisis," the judge wrote.