

Activists sue in ag pollution dispute

By Mark Grossi

The Fresno Bee

(Published Tuesday, May 13, 2003, 6:42 AM)

Environmentalists late Monday sued the federal government over a controversial air pollution permit for farmers, alleging that officials are not accounting for all the possible pollution from agriculture.

The Center for Race, Poverty and the Environment filed the lawsuit in the 9th U.S. Circuit Court of Appeals in San Francisco.

Earthjustice Legal Defense Fund also is expected to file a similar lawsuit today over the permits, which already have been the target of legal action in the past year.

The EPA requires the permit for large farms that produce more than 25 tons of smog-forming pollutants each year. The permit tracks pollution and requires annual fees.

The farmers' deadline for the application is Wednesday. Federal officials, who have not seen the challenge filed Monday, said the lawsuit won't change the deadline.

"We're moving forward," said Lisa Fasano, spokeswoman for the U.S. Environmental Protection Agency. "The deadline is still Wednesday." But the EPA is not following federal law on the application, said lawyer Brent Newell of the Center for Race, Poverty and the Environment, representing the activist group Association of Irrigated Residents.

Newell said the law requires the EPA to consider all the potential pollution from farms.

The agency is looking only at actual pollution emissions in assessing whether the farms create more than 25 tons per year.

"We're challenging it because they're not following the law," Newell said.

Anne Harper, staff attorney for Earthjustice, said farmers may have to file amended applications if the appeal is successful. Earthjustice represents Fresno-based Medical Advocates for Healthy Air and Our Children's Earth Foundation in San Francisco.

Until now, farmers have not been required to obtain permits as large sources of pollution.

State law exempts farms from such permits, and federal officials did not apply their permit program to farms until they were required to do it under a lawsuit settlement last year.

City studies clean-air ideas

Proposals to cut Fresno pollution would cost \$28m.

By Pablo Lopez

The Fresno Bee

(Published Tuesday, May 13, 2003, 6:42 AM)

Synchronize traffic lights. Upgrade Fresno's fleet of diesel buses. Encourage bicycle travel.

The Fresno City Council today will debate the merits of these plans and other staff recommendations, as well as the \$28 million-plus price tag to put a 2% dent in pollution every year for the next three years.

Council Member Brian Calhoun asked for the study, saying the city must be a key player in finding solutions. "If we want to clean the air, the public needs to know there's a price for everything," he said.

But Council Member Brad Castillo said the city should explore ideas that don't pull at taxpayers' pockets, such as the council's decision in January to ban wood-burning fireplaces in new homes.

"The problem with this study is that every suggestion costs millions of dollars that we don't have," Castillo said.

On Jan. 14, a council majority of Calhoun, Jerry Duncan, Tom Boyajian, Mike Dages and Cynthia Sterling directed city staffers to return with a plan to reduce air pollution by 2% every year for at least three years. Castillo and Henry T. Perea voted no.

The result is a wide-ranging report that includes 31 staff recommendations, from improving bus service to eliminating stop signs that impede traffic flow.

Missing from the equation, however, are politically charged ideas such as banning the construction of drive-up windows at fast-food restaurants and banks and prohibiting the use of leaf blowers.

In the late 1980s, the City Council debated those issues but didn't act on them. Maybe it's time for the council to revisit those issues, Calhoun said.

"Everything should be on the table," he said. "But this report is an excellent start."

Today's debate comes in the wake of a recent American Lung Association report that says Fresno County is the second-smoggiest place in the nation. Fresno County was No. 3 last year, behind San Bernardino and Kern counties. San Bernardino County remained No. 1, and Kern County slipped to third. Tulare County moved up from fifth to fourth.

Fresno city Transportation Director Noah Lagos said to make a 2% dent in pollution every year for three years would take nearly \$28 million. So far, the city has \$10 million in federal grants to spend on the clean-air recommendations, he said. The plan is for the city to get an additional \$17.8 million in federal grants.

In addition, Lagos said, city officials are exploring the merits of instituting four-day workweeks, allowing employees to work from home, and having express bus service from major shopping centers to downtown.

Of the \$10 million in federal grants, Lagos said, about \$1.5 million will be spent on the city's fleet of diesel buses to make them less polluting.

The remaining \$8.5 million will be funneled to the Intelligent Transportation System, or ITS, which will synchronize traffic lights to relieve stop-and-go travel and traffic congestion, which are contributors to the Valley's air pollution.

Since 1992, Fresno has received about \$13.5 million in federal funds for the synchronization project, which has seven phases of development. The city has received federal grants for the first four.

The first phase comprises synchronized traffic lights, video cameras and message boards on Blackstone Avenue from Herndon Avenue south to downtown and on Shaw Avenue from Blackstone west to Golden State Boulevard. The system should be operating this fall. City Hall, however, has to find \$500,000 to \$700,000 that is needed each year to operate and maintain the system.

Cleaning the skies is a top priority for Mayor Alan Autry, who helped organize the Operation Clean Air summit last month.

The summit brought together government, nonprofit and industry representatives to start a battle plan that will operate separately from the legal process at the San Joaquin Valley Air Pollution Control District.

The Operation Clean Air coalition wants special status for federal money and tax credits to help businesses retool with cleaner technology, help industries replace old vehicle fleets and get more people to ride the bus.

The special status would be called an Air Quality Empowerment Zone. Coalition officials said the zone would help clean air and promote economic growth.

The City Council also is doing its part.

In January 2001, the council approved the purchase of 25 natural-gas buses, at a cost of \$325,000 each, compared to \$275,000 for the current diesel-burning ones.

So far, the city has received three natural-gas buses; the remaining 22 are on order, Lagos said. In addition, the city has two electric-diesel buses.

Last month, the council agreed to spend \$2.18 million on 12 new garbage trucks that run on natural gas. To help Fresno with the purchase, the San Joaquin Valley Air Pollution Control District gave the city \$276,000.

The natural-gas garbage trucks should arrive this summer.

In addition, the city is researching whether to give drivers of zero-emission or very-low-emission vehicles free parking at city meters, lots and garages.

Clean-air measure passes Senate panel

Bee Capitol Bureau
(Published Tuesday, May 13, 2003, 6:42 AM)

SACRAMENTO -- A Senate committee approved a bill Monday that would bestow broad authority on Valley air quality officials to regulate cars, trucks and other mobile sources of pollution.

It's the second time lawmakers in the Senate have backed SB 709 by Sen. Dean Florez, D-Shafter. The measure would allow the San Joaquin Valley Air Pollution Control District to regulate cars and trucks -- the largest source of smog-forming gases in the San Joaquin Valley, which ranks as the second dirtiest air basin in the nation.

The Senate Environmental Quality committee voted 5-1 to approve the bill, with Sen. Jeff Denham, R-Salinas, casting the only dissenting vote. Denham represents parts of the central San Joaquin Valley, including Madera and Merced.

Florez's bill would empower the air district to invoke ride-sharing programs on bad air days for Valley businesses that employ more than 100 people. Farms,

canneries and other rural businesses with a seasonal work force would be exempt. The measure would allow district officials to charge \$1 more for vehicle registration in the Valley to raise \$2 million each year for clean air programs and also to assess fees on large-scale developers.

The bill also gives the district authority to monitor emissions from all diesel-run irrigation pumps on farms -- even clean-burning pumps that the federal Environmental Protection Agency will consider exempt from Clean Air Act permits.

SB 709 and several other clean-air bills written by Florez will be heard in the Senate Appropriations Committee on Monday.

Multiple violations suspected

City officials fear the site is too much like Crippen's.

By Donald E. Coleman

The Fresno Bee

(Published Tuesday, May 13, 2003, 6:35 AM)

FOWLER -- Authorities from several agencies descended on a junkyard here Monday in a pre-emptive strike to prevent an occurrence like the fire at Archie Crippen Excavation in Fresno that polluted the area's air for weeks.

"Getting this cleaned up really started to click after the Crippen thing," said Randy Deaver, Fowler's community development director.

Tires, cars, trucks, trailers, wooden pallets, piles of metal and wood, tractors, appliances, containers, dogs and debris litter the 14-acre property visible from the northbound lanes of Highway 99.

Deaver pointed out sewer waste dripping out of a trailer as one of what is expected to be many code violations. "Our intent is to get this cleaned up," Deaver said. "People are dumping here almost daily. I'm told he tells them to bring stuff."

Owner Delton Hudson, who lives in a mobile home on the property, was not home when investigators arrived with search warrants.

Contacted later by phone, he called the action a "witch hunt."

"They've been picking on me for years," Hudson said. "I'm next to the freeway, and it's visible."

Deaver said the Fresno County Health Department and Sanger Fire Department, which assisted in the city's midmorning "inspection," will file reports within the next few days. At that time, the Fowler city attorney will decide whether steps should be taken against Hudson.

"I know I have code violations," Hudson said. "In 1967, when I first moved in, I probably had 10 code violations. I've probably added five each year since then."

Hudson has been fined on at least two occasions.

In 1993, stolen power tools, floor jacks, arc welders, air compressors, elevator motors, lawn equipment and toolboxes were found during a search of Hudson's property. He was charged with nine felony counts but later pleaded guilty to one misdemeanor and was fined \$100.

In 1996, the city towed 57 vehicles off the property. Hudson pleaded no contest to buying and/or selling stolen property and was fined \$500.

"It's just a mess," said City Manager David Elias. "Cleanup efforts have to be made. Neighbors have complained. There are concerns of odors and dumping issues. We don't want a Crippen situation here."

On Jan. 11, a pile at Crippen Excavation that contained mainly wood and other materials from demolition jobs caught fire, apparently from the heat generated during decomposition.

The southwest Fresno fire smoldered and burned for a month, filling the Valley's air with smoke and sparking concerns from city, county and state agencies while sending people to hospitals with respiratory problems and causing the cancellation of some outdoor school activities.

Crippen had a permit to operate a business at the Fresno site, but Hudson has none, Deaver said.

Hudson said he had a license to store equipment at one time, but admitted it is now expired.

"We don't need a license," he said. "We're not manufacturing anything. When I bought the place it was a vineyard. It was zoned for agriculture. I still consider myself a farmer."

In addition to the piles of debris, at least two of the trailers on the property are occupied. Deaver said the law allows only a caretaker to reside on industrial property.

While the inspectors spent most of the day photographing and documenting their findings, a Fowler police officer was going from car to car, writing down vehicle identification numbers and license plate numbers.

Fowler police Lt. Jim Soles borrowed a camera to take pictures of the eight dogs he counted. He said the city allows as many as three on a property.

Besides city and county violations, Soles said, the owner of two billboards east of the highway might have a beef with Hudson.

"There are electric lines tied into the base of the billboards over to an occupied trailer," Soles said.

A neighbor, who had come out to witness and photograph the action and who did not want to be identified, said, "There are rats, rabbits and dog droppings all over the place. It's a bit of a nuisance."

Deaver said Hudson indicated he was willing to cooperate with the city but stopped short when he requested to inspect the property. That's when the city obtained the search warrant. Deaver said a wooden fence was erected along Fresno Street to eliminate the view for neighbors.

"It's not just him," Deaver said. "We're sending notices to other people that have junk in their front yards."

Hudson said he has made tremendous strides in the last two years in cleaning the place up and will continue to do so.

"It's an eyesore, but that's the way I like to live," Hudson said. "There are no fire hazards and no environmental problems that I know of. I'm just a rascal."

Gas guzzlers go fast

Fresno Bee Editorial (Published Tuesday, May 13, 2003, 6:44 AM)

Compared with 1981, the U.S. Environmental Protection Agency reported last week, the average vehicle has 93% more horsepower and is 29% faster going from 0 to 60 mph. Meanwhile, the California Highway Patrol reports that the number of 100-mph-plus speeding tickets its officers issues has tripled in the last decade, from 5,290 in 1992 to 15,372 in 2002.

Hmmm. Anybody see a connection? There's another connection, too. As speed and power soar, fuel efficiency continues to lag behind. The EPA reported that average fuel efficiency for 2002 model year cars sank to its lowest level in 22 years. In that same period, cars have gotten 24% heavier on average. That reflects, almost exclusively, the huge popularity of sport utility vehicles and pickup trucks. And auto buyers' preference for big vehicles shows no signs of abating.

It is possible to build SUVs that use less gasoline, but auto manufacturers appear to have abandoned their quest for fuel-efficient cars.

Environmentalists fume but the auto industry offers no apologies. Car company officials say they build fuel-efficient vehicles, 30 different models that get more than 30 miles per gallon, but consumers don't buy them. They buy fast, heavy gas guzzlers instead.

Absent consumer demand, automakers will improve fuel efficiency only if Congress requires them to, and Congress shows no inclination to move in that direction. In the years of political warfare over this issue, environmentalists have steadily lost ground.

Sadly, in today's auto market, the trend lines are up only for those who sell gasoline and big cars -- or hand out speeding tickets.

EPA fines pesticide company

The Record

Published Tuesday, May 13, 2003

A Stockton pesticide-packaging company was fined \$4,400 for not registering with the U.S. Environmental Protection Agency, the EPA announced Monday.

The EPA said Peerson Packaging has since registered with the EPA and is legally allowed to repackage pesticides.

The company's owner, Stanley Peerson, could not be reached Monday for comment. An employee at Peerson Packaging said the company had moved recently from a site on north Yosemite Street. He declined to disclose the company's new location.

The EPA requires all companies that make or package pesticides to register. That enables the agency to track pesticides, which is necessary in case the chemicals fail safety standards.

If someone falls ill or product performance problems occur, the EPA uses registrations to track the chemicals to the production site, according to a statement released by the agency.

The law allows penalties of up to \$5,500 for each violation of registration laws.