

Open burn ban for farms proposed

By VIC POLLARD, Bakersfield Californian Sacramento Bureau, February 04, 2003, 10:52:00 PM

SACRAMENTO -- The plumes of smoke from burning piles of discarded trees and orchard prunings across the valley are about to become a thing of the past.

Or at least they will if a series of efforts now getting under way by farmers, air quality officials and state and local agencies are successful.

An Agricultural Burning Task Force assembled under the state Air Resources Board has begun meeting with an eye to phasing out open-field agricultural burning over the next 15 to 20 years.

Sen. Dean Florez, D-Shafter, is poised to introduce a bill setting an as-yet-undetermined deadline to end the burning.

Officials say the efforts stem from a consensus that burning may be the next regulatory target in agriculture, which is already coming under pressure to reduce its contributions to both air and water pollution.

Farm burning is considered a significant contribution to the valley's air pollution, among the worst in the nation.

Ag burning is not a new issue, however. Rice growers in the Sacramento Valley have already had to halt the annual straw burning that left the autumn skies thick with smoke for days at a time.

But it won't be easy to extinguish the remaining fires, all sides agree.

"You can't just end burning," said Manuel Cunha, a farm association manager who heads the task force.

At least not without allowing plenty of time and providing financial assistance to farmers for the increased cost of alternative disposal methods, such as converting the waste to electricity by biomass plants, he said.

And that effort has already been dealt one setback by the state budget crisis.

Florez said Tuesday he was counting on a state biomass subsidy program to help speed up an end to the burning.

But Gov. Gray Davis has proposed eliminating the last \$4 million in the subsidy program. And the Legislature failed to agree on a plan to continue the funding in the budget-balancing bills it sent to the governor this week.

The end of the program will be a major blow to biomass plants like the one in Delano that takes a major portion of the agricultural waste in Kern County.

That's because agricultural waste is more expensive to haul and chip into fuel for energy-generating steam than discarded lumber and other wood products from urban construction sites, said Doyle Hibler, manager of AES Delano Inc., formerly Delano Energy.

The state grant program provides up to \$10 for each ton of orchard waste taken by the biomass plants, helping offset losses they sustain when they sell the resulting electricity.

"If we lose the funding, it cuts into the amount of ag wood that we're able to burn here," Hibler said.

Cunha said he hopes the state program can be revived, but he said there are other potential sources of financial help.

He said the federal farm aid bill includes \$5 million for "sustainable incentives" to help farmers in the valley pay for conservation and pollution control efforts.

For example, instead of burning straw from wheat and other cereal grains, the federal program might help pay for specialized equipment that would allow growers to plow the straw under and plant a new crop at the same time, he said. The straw clogs normal cultivating and planting equipment.

The end of agricultural burning may be inevitable, but it needs to be handled carefully, said Jim Crettol, a Shafter grower involved in agricultural energy issues.

"I'm not against eliminating open field burning," Crettol said. "I totally believe in clean air. But we have to find practical solutions."

Borba dairies clear final legal hurdle

By CHRISTINA VANCE, Bakersfield Californian staff writer, February 04, 2003, 10:52:00 PM

The courtroom battle between the proposed Borba dairies and environmental groups ended Tuesday.

Dairy opponents decided to let the deadline pass without filing another appeal, said Brent Newell, an attorney for the Center on Race, Poverty and the Environment.

Since 1998, George and James Borba have tried to get two 14,000-cow dairies approved for an area southwest of Bakersfield.

The ensuing legal dispute with the center and the Sierra Club repeatedly landed the opponents in court. Superior Court Judge Roger Randall finally signed off on the dairies in October.

Newell wouldn't discuss the factors that went into the environmentalists' decision not to appeal.

The only major point left to appeal was whether the Borba project could still make money if its size were reduced, Newell said.

The judge had approved the other parts of the project.

"Sort of like a pyramid, it narrowed as the issues were being considered," Newell said.

George Borba said there wasn't much opponents of the project could have done.

"The judge made a sound ruling. There was really no basis for an appeal," he said.

Dairy industry advocate J.P. Cativiela said he was glad the "campaign of legal harassment" was ended.

"It was almost an overwhelming effort. The industry owes a lot to the Borba families for sticking it out," he said.

Cativiela called the opposition to the dairies unfounded, saying they threw up a "laundry list" of objections to the project hoping one would stick.

"This dairy was well-designed and modern and cutting-edge from the start. The county Board of Supervisors approved it not once, not twice, but three times," he said.

Newell said the lawsuits changed government policy by forcing the county to study and disclose the dairies' "significant impact" on groundwater and air quality.

Since the Borba project, the county abandoned its "by-right" dairy system that allowed some projects to be built without public hearings and environmental review if they were far enough from urban areas.

Now all new dairies have to undergo the hearings and environmental-impact reports.

"The fact is that the lawsuit brought the county to its knees and forced the county to give those reports," Newell said.

The center will continue to oppose projects it considers environmentally unsound, Newell said. The group filed a lawsuit against a proposed Shafter dairy in January.

"Our decision to not appeal the Borba case in no means signals a retreat," he said.

Meanwhile, Borba said it will take roughly two years to build the dairies.

"We completed our project with ethics. We're looking forward to becoming part of the Kern County business community," he said.

Lawsuit filed in debris-pile fire

Dentist sues Fresno's Archie Crippen Excavation, alleging negligence.

By Jennifer Fitzenberger, The Fresno Bee, February 5, 2003

A dentist Tuesday filed the first lawsuit against Archie Crippen Excavation, the site of a 3-week-old junk fire spewing acrid smoke into the skies of southwest Fresno.

Raymond E. Baker, who lives less than a half-mile from the pile on Nielsen Avenue west of Marks Avenue, is seeking unspecified damages for health problems he attributes to inhaling the smoke. He also wants to prevent such a fire from happening again.

Baker filed the lawsuit in Fresno County Superior Court on behalf of the community and its members, many of whom have flocked to doctors in recent weeks with burning lungs and watering eyes.

"He felt it was of significant public concern, and he decided to take this step," said Stephen Garcia, Baker's attorney from San Pedro. "We're here to raise public awareness and consciousness."

Crippen declined interviews, but his son, Lee Crippen, defended his father after the lawsuit was announced: "Dad has been a real respectable businessman here in Fresno for 35 years and never had a problem."

The lawsuit alleges that Crippen was negligent for storing contaminants in a way that injured the public and damaged the environment. The fire started by spontaneous combustion.

The 25-foot-tall, 4.8-acre pile contains wood, asphalt, concrete, metal, plastic, carpet, automobile parts, mattresses and other debris. Crippen didn't have a permit to store all of those materials, Garcia said.

"Mr. Crippen allowed this pile to pile up," Garcia said.

Smoke billowing from the pile contains at least 17 pollutants, including benzene and chloromethane, that pose a "continuing health risk for nearby residents," the lawsuit states.

The lawsuit alleges that Crippen ignored previous complaints from neighboring businesses and residents. Crippen "acted with full knowledge of the consequences and damages that would foreseeably result from [his] actions," and his conduct is "willful, oppressive and malicious," the lawsuit states.

From Baker's home, the fire at night "has appeared as an active volcano with smoke and fire spewing into the atmosphere," the lawsuit states.

Baker has suffered lung problems, coughing, a dry throat and loss of his voice. Symptoms were so bad that, on occasion, he could not work, said Stuart Chandler, a Fresno attorney working for Baker.

"There have been days when it's been absolutely intolerable," Chandler said.

The fire, which started Jan. 11, sent a brief shower of particulates Tuesday toward McKinley School, where air officials have a monitor that showed particle levels doubled between 8 and 9 a.m.

The level dropped by more than half after 9 a.m.

The San Joaquin Valley Air Pollution Control District reported particle levels were generally higher Tuesday than they were Monday.

Federal officials at the Crippen site said the spike probably was caused by a shift in the wind.

"But you see the spike dissipate over time," Lisa Fasano, U.S. Environmental Protection Agency spokeswoman. "It's not a serious concern."

Firefighters made good progress Tuesday because of clear skies and dry weather, Fasano said. Predicting when the fire will be out is still difficult.

"We're shooting at having it out in a week," she said. "But we're chasing a fire that we can't see because it is buried in these large piles."

[Two Modesto Bee Editorials, February 5, 2003:](#)

Gross polluters must be removed from our roads

We've all seen them, we've all smelled them: those smoke-belching cars and trucks that always seem to stop right in front of us at the light, sending their noxious fumes into the atmosphere -- or straight into our nostrils. They're called "gross polluters" in the jargon of air quality, and they are the single biggest source of the smog that afflicts us.

Vehicles are by far the worst offenders in the valley's poor air quality, and gross polluters account for a share of that damage all out of proportion to their numbers. They are fewer than 10 percent of all vehicles operating in the state, yet they spew forth more than half of the smog-forming pollution. We need to get them off the road, but there are some serious obstacles to achieving that goal.

One is the enforcement structure: It doesn't work. The Smog Check program in place for years is only marginally effective, at best. The vast majority of cars and trucks that are tested pass easily. The problem is some of the few that don't pass, and the many others that never even get tested.

Many drivers can't afford the maintenance required to keep their vehicles in compliance, or the costs of registration and testing. Others don't care. And about a half-million cars built before 1974 are exempt from the testing altogether.

Thus we have a smog-check system designed to catch people who are only a small part of the problem -- the tests aren't cheap, either -- and miss many of the people who are really fouling our air.

There are other problems with the test. An undetermined number of owners tamper with smog control devices in an attempt to boost the car's performance, and their vehicles may be in compliance for only as long as it takes to get the certificate. There is a measure of fraud -- also undetermined -- with some tests.

Nor do we know precisely how many people are stuck behind the wheels of gross polluters because they are poor, and how many are scofflaws who simply don't care about what they're doing to our air.

In the case of the former, there is often little choice: They can't afford a better car, they can't afford maintenance, they must have a car to get to work or get children to school, and mass transit is so limited as to be no option at all. Some way must be found to get them out of their polluting cars and into something that isn't so harmful. That may take money that is in very short supply.

But we really have no choice. These cars must be taken off the road. The Smog Check program needs an overhaul.

And we need some attitude adjustment on the part of some elected leaders and regulators in Sacramento. One official with the state Air Resources Bureau told The Fresno Bee, "The ARB is not in the business of removing older, possibly higher-polluting vehicles" from our roads.

Well, why in the world not? And if not the state's air board, then who is responsible? Just now, the answer appears to be "no one." That must change.

Hydrogen-powered cars

Among the unexpected but welcome nuggets in the State of the Union address, President Bush announced support for \$1.2 billion in federal funds for research to develop "clean, hydrogen-powered automobiles." The president's enthusiasm for research into pollution-free cars comes as a surprise, particularly in light of his strong support for more expansive oil exploration and auto industry lawsuits against California's zero emissions vehicle mandate.

"A simple chemical reaction between hydrogen and oxygen," the president told the nation last week, "can be used to power a car producing only water, not exhaust fumes." Environmentalists are still wary, and understandably so. Most experts believe any commercially viable hydrogen-powered car is at least a decade away. If the president's goal is to clean the air and make the country more energy independent, he need not wait that long. He has the power to make significant progress immediately.

The president's commitment to developing a new generation of nonpolluting cars is good news. It would be even better news to learn that the administration plans to do more to reduce pollution from the gasoline-powered vehicles that Americans drive now and will drive for the foreseeable future.

[Letters to the Editor, Fresno Bee, February 5, 2003:](#)

For the air, and more

By Justin W. Morgan
Fresno

Upon reading "Nitrates in water a concern in Fresno" [story Jan. 29], I decided to look into where clean water comes from. It turns out that 60% comes from wild rivers and streams.

The preservation of wilderness areas in California is an important issue for all Californians and not only for the clean water that they provide. Areas such as Dinkey Creek and the Kings River Canyon also provide economic benefits, recreational opportunities and clean air to our communities.

Protected wilderness is chiefly beneficial economically to the local community. Wilderness in California is estimated to provide 4,500 jobs to communities across the state. However, when areas are developed with commercial motives, the economic benefits leave the community.

Activities such as camping and fishing can be enjoyed in protected areas, thus providing people a chance to escape the hectic pace of city life. When someone asks me why I enjoy living in Fresno, my usual response is Fresno's location. It is a short drive to both mountains and beaches, areas that can best be appreciated when protected and allowed to remain in their natural condition.

Natural wilderness, with trees and plants that produce oxygen, provides clean air in an era when clean air is very hard to come by. An area of wilderness equal to 700 football fields has disappeared from California each day for the last 20 years. Wilderness must be protected for the sake of ourselves and future generations.

Who needs the DMV?

By Mark Wright
Fresno

I have a better idea than raising the vehicle registration fee, as proposed by the Assembly. Why don't we just cut back on where the money is spent?

I suggest we start by reducing the Department of Motor Vehicles by about 90%. Instead of drivers registering their vehicle every year, have them do it once, when they purchase it. How much money could we save if we no longer had to pay for DMV office space and supplies, utility bills, payrolls, state vehicles, postage and a glut of expenses I haven't thought of?

I'm sure most Californians would agree with cuts in a department that provides no service or product we want.

There is the issue of smog control. But does it really work? It seems my vehicles only pass smog checks after some expensive repairs. How long before they would fail the test again? One year? One month? One block?

We have had these devices in our cars for a long time, but I still only see the Sierra Nevada after a prolonged rain shower or a particularly windy day. What is the ratio of newer, cleaner vehicles to older, dirtier ones? Is it two to one, five to one, or maybe 10 to one? Yet the brown skies persist.

I know this seems drastic, but that's just because we have had the DMV around so long it difficult to imagine the world without it. Imagine

'The easiest prey'

By Nick Jerkovich
Kerman

It's amazing how our air quality is so foul during the winter months, without any tractors in the fields, without any dust from our supposedly polluted soils, without any diesel-powered pumps supposedly spewing poisonous fumes, without any supposedly hazardous chemicals being sprayed.

Yet every article I read still blames the easiest prey, the farmer. It's amazing!

[Letter to the Editor, Merced Sun-Star, February 5, 2003:](#)

Don't blame those SUV owners

Editor: This is in response to the letter written by Byron Appel titled "SUV owners simply don't care" in the Jan. 31 issue of the Sun-Star. By the tone of his letter, I only can assume that Mr. Appel must drive a small car and that he has been inconvenienced by someone driving a large SUV.

I think it is unfair that he has branded "all SUV owners" as being inconsiderate persons who do not care about their fellow citizens, their country's oil dependence and the environment in which they live. Years ago did we hear anyone complain about the huge nine-passenger family station wagons that people drove? Were they gas guzzlers? You bet, and I'm sure they contributed much more pollution to the air than our present SUVs. But nobody criticized them for being inconsiderate; to the contrary, that's what most families all drove.

Today you will see more SUV's being purchased as family cars because they can carry many more passengers, groceries, and are much safer than a small car. I myself have recently moved from driving a small Honda Civic to a mid-size SUV for just those reasons. I feel much safer driving my SUV, especially in the fog and rain.

Sure, I have had to sacrifice a few miles per gallon in my SUV, but I feel that is a tradeoff for my life if I were ever in an accident. It is not the SUV owner who has contributed to our country's oil dependence, it is our nation's leaders who have gotten us into this mess. They are the ones you should be writing to.

Contrary to your opinion, Mr. Appel, I DO care about the feelings and well-being of other people, including misinformed people like yourself.

K. Tucker
Merced

[Letters to the Editor, Bakersfield Californian, February 5, 2003:](#)

New energy sources

The recent article about state officials underestimating smog-forming emissions highlights key problems with America's current energy strategy. We can reduce reliance on foreign oil, create jobs and secure our energy future by developing energy from renewable resources and by making our cars and homes more energy efficient.

A national renewable standard requiring 20 percent of electricity generation from renewable sources by 2020 would save consumers at least \$4.5 billion per year by 2020, reduce global

warming emissions from power plants by one-third and decrease smog and soot-forming pollution.

While only two percent of America's energy currently comes from renewable resources, the potential power output of wind, solar, and geothermal resources in the U.S. is many times greater than our total electricity consumption.

Increasing the fuel economy of cars and trucks to 40 mpg by 2013 would reduce the oil used by cars and trucks by one-third in 2020. This would save us 4 million barrels of oil a day by 2020, which is 10 times the projected daily yield from the Arctic in the same year.

Now is the time to implement an energy policy that promotes renewable energy and increased energy efficiency.

PREETI AROON, Field Organizer, California Public Interest, Los Angeles

SUV criticism ridiculous

I've discovered why there has arisen such a tempest in the teapot over the subject of SUVs.

Those who do not own one are jealous of those who do.

What moron would actually believe that owning a vehicle of any sort has anything remotely to do with funding terrorists? Nonsense! That argument is about as intelligent as the one dealing with fireplaces being a major pollutant. Never mind the fact the air is much, much worse during the summer (when no fireplaces are being used) than it is during the two or three months people use a fireplace during the winter.

But, back to SUVs. The clown who suggested that "America has far too many SUV tailpipes gushing smoke into the air" obviously hasn't been doing his homework. In fact, the majority of SUVs on the road today are getting pretty much the same gas mileage as a "normal" car. Isn't it interesting to note that, in many cases, with modern automotive technology, the exhaust coming out of the tailpipes is cleaner than that going into the engine?

And the fool who wrote that SUVs are dangerous to their occupants is probably the same fool who would try a hairpin turn in an SUV doing 90 mph and wonder why he rolled it. He's also the same fool who would take his GEO Metro off road and wonder why it gets stuck.

Get a grip! I own three SUVs because I can afford them and they offer max protection for my family against a plastic crunch-mobile. You don't like it? Stay out of my way!

GLEN A. PRUETT, Bakersfield