

BASS LAKE BULLETIN

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COUNTY EDUCATION OFFICIALS REVIVE ASBESTOS CONTROVERSY “Independent” Expert Challenges EPA Testing Results

Led by County schools superintendent Vicki Barber, a delegation of local Buckeye and Rescue school district officials, lawyers, and a local geologist, recently went to Washington DC to meet with federal officials to promote what appears to be a “go-slow” attitude on the part of federal health officials in addressing naturally occurring asbestos (NOA) mitigation in El Dorado County.

According to the *Placerville Mountain Democrat*, the delegation met with federal Environmental Protection Agency (EPA) representatives as well as congressional leaders, and discussed topics that ranged from the importance of “good science” to the financial impact of NOA mitigation measures in El Dorado County.

According to the *Sacramento Bee*, three El Dorado County school districts and the county Office of Education spent more than \$6,500 in airfare and lodging on the four-day Washington trip. The delegation reportedly included Barber; Peter Dwelley, a local geologist; Carol Bly, superintendent of Rescue Union School District; Teresa Wenig, superintendent of Buckeye Union School District; and Bill Wright, an attorney representing the school districts. The El Dorado Union High School District also contributed funding.

The centerpiece of the delegation’s message was a recent report prepared for the industry-supported National Stone, Sand and Gravel Association by the consulting firm RJ Lee Group. The Lee Group was retained by the industry group to review the analytical data in the study conducted by the U.S. EPA during its recent evaluation of NOA in El Dorado Hills, California.

Readers will recall that last year the EPA, after extensive testing, determined that the level of NOA in certain parts of El Dorado Hills, especially at some of the schools, was potentially detrimental to human health and

the schools were required to remediate the school grounds at a substantial cost to the school districts.

The Lee Group report that Barber and the delegation furnished to EPA officials and legislators asserts that a “vast majority” of amphibole particles examined in El Dorado Hills by the EPA were not asbestos. The Lee Group report maintains the EPA applied incorrect mineral definitions during its evaluation of NOA in El Dorado Hills. In a press release, the firm stated that the amphibole particles studied “were not asbestos, but in fact were a massive form of the mineral,” further adding, “Current evidence indicates that the massive form of these minerals has not been linked to any health risks.”

Contacted in late December by the *Bulletin*, local San Francisco EPA official Daniel Meer stated that the San Francisco EPA office had not been given a copy of the Lee Group’s report prior to the release of the document in Washington DC. Meer, who is the Chief of the Response, Planning and Assessment Branch of the EPA for Region 9, and who headed up the EPA’s investigation of NOA in El Dorado County last year, furnished the *Bulletin* with a copy of the EPA’s “Desk Statement,” a preliminary response to the allegations in the Lee report.

The EPA’s preliminary conclusions, after a brief review of the Lee Group’s report, are that the report makes several sweeping and unsupported statements regarding the El Dorado Hills exposure assessment. The EPA goes on to say that many of the central claims in the report are similar to previous assertions made by Dr. R.J. Lee, as an expert hired by W.R. Grace & Co., the defendant in litigation surrounding asbestos contamination in Libby, Montana. With regard to the Libby Site, the EPA says that Lee argued in his expert report that the EPA substantially overstated asbestos concentrations

by including fibers that were not asbestiform or were cleavage fragments and non-toxic. Upon examination, EPA analytic experts found Lee’s testing methodology to be technically flawed because they failed to demonstrate any reliable criteria with which to distinguish asbestiform amphibole fibers and non-asbestiform fibers at the microscopic level. Nor did Lee ever produce complete underlying data supporting his expert report and opinion during civil discovery. Given this recent history with the Lee Group, the EPA says that the agency plans to ask for all the necessary supporting documentation in order to better understand and evaluate their claims.

An investigation by the *Bulletin* into the activities of the Lee Group has revealed that the asbestos industry has an ongoing relationship with the consulting firm. According to an article in the *Seattle Post-Intelligencer* newspaper of May 30, 2000, the Lee Group, acting as an “independent” expert has been paid millions of dollars by the asbestos industry for testimony on its behalf in personal-injury suits.

In the article it was reported that Richard Lee, president of the Lee Group in Pittsburgh, testified under oath in March 2000 in a personal-injury asbestos trial in Abbeville, Louisiana, that he had been a witness more than 250 times for asbestos companies like W.R. Grace & Co., United States Mineral, Owens Corning and others. For his services, he testified, he has billed asbestos companies about \$7 million, often at \$350 an hour.

Copies of both the Lee Group Report, “Evaluation of EPA’s Analytical Data from the El Dorado Hills Asbestos Evaluation Project” and the text of EPA’s preliminary response, “Desk Statement - R.J. Lee Group Critique of the El Dorado Hills NOA Study” are available for viewing and download from BLAC’s website. ~



COUNTY PARKS & REC COMMISSION PUSHES BOS FOR PARKS MASTER PLAN

The El Dorado County Parks and Recreation Commission has asked the Board of Supervisors for funding to generate a Master Plan for Parks, Recreation Facilities and Trails in conformance with the General Plan Policy 9.1.1.9. The old parks master plan is over ten years old and is considered to be out of date.

An updated master plan will enable the County to inventory existing parks and recreation assets within the County, identify gaps and overlaps in current and proposed facilities, prioritize citizen needs, and develop a comprehensive strategy for County effort in this area for the future. The new master plan would be completed by a combination of County parks and recreation staff and an outside consulting service.

Last year the Parks Commission was unable to furnish the Bass Lake Action Committee with an inventory of park and recreation facilities in the County. At that time BLAC asked for an inventory of recreational facilities so it could be determined if there were any excess or underutilized ball fields that could be renovated or upgraded to ease the perceived shortfall in playing fields. In the course of those discussions it was discovered that there were lighted ball fields at the country fairgrounds that had been rendered unusable because they were being used to park cars for the auto races held at the fairgrounds. Since then the County has obtained a grant to refurbish those fields and return them to recreational use.

A comprehensive parks master plan would produce a review of existing facilities and collection of background information; develop a demographic analysis and scope of the benefits of recreation; gather and assess community needs; research and report on present park standards; compile a comprehensive profile; develop short and long term project lists; and present the findings of the study.

The overarching goal of a parks and recreation master plan is to give the County policy makers a factual guideline that would enable them to evaluate whether or not a projected project or course of action is prudent and consistent with the needs of the County. Parks and recreation decisions could be made based on facts, not on supposition or anecdotal evidence.

On a more local level, the El Dorado Hills Community Services District is currently developing a parks and recreation master plan. Preliminary data indicates that, based on national standards, the EDH CSD presently has more playing fields than it needs, contrary to the perception of many residents. Sports advocates say that many of the fields are poorly maintained and are not fit to play on. Based on the data, it would seem more prudent to refurbish and maintain existing playing fields as opposed to simply building costly new ones.

Having a study with hard data allows policy makers to make prudent decisions. It seems that having a County parks and recreation master plan would be of benefit to the whole county. ~



More money for property taxes?

PROPOSED PARCEL TAX WOULD ERODE PROP. 13

SILICON VALLEY TAX RAISERS WOULD DISMANTLE TAXPAYER PROTECTIONS

A Silicon Valley group is gearing up to qualify an initiative for the 2006 ballot that would make it much easier to increase your property taxes. Calling themselves "Taxpayers for School Improvement," they are many of the same players who spent millions to pass Proposition 39 in 2000. Readers will recall that Proposition 39 lowered the two-thirds vote required by Proposition 13 to just 55 percent in order to pass school bonds that only property owners must repay. In just four years, Proposition 39 has cost homeowners billions of dollars, as the number of school bonds on local ballots has skyrocketed.

The goal of this new group is to do away with the two-thirds vote required to increase property taxes for schools. Using their successful Proposition 39 as a template, they plan to field an initiative that would require only a 55 percent vote to increase a certain type of property tax known as a "parcel" tax. Unlike bonds, the proceeds of which must be directed to capital improvements, the revenue raised from parcel taxes can be used for so-called "soft" expenses, including salary increases for administrators.

Typically, a parcel tax is a flat per-parcel fee on real property. This means an equal tax is placed on all parcels of property. Parcel taxes are particularly odious because the result is that retirees living in a bungalow, the new buyer of a tract home, the multi-millionaire president of a high-tech company residing in a mansion, and a major corporation all pay exactly the same amount regardless of ability to pay. Since in virtually all communities the majority of parcels of property are residential, the burden falls most heavily on homeowners. And of course, this is another instance where everyone votes, regardless of their obligation to pay the tax. If parcel taxes were to require only a 55 percent vote, we know from the experience of Prop. 39 virtually all would pass regardless of merit, and the result would be tens of billions in new taxes added to the tax bills of homeowners.

An examination of the initiative as filed with the California secretary of state indicates that the annual parcel tax would be \$52 per year for real property parcels under 25,000 square feet, and \$104 for larger parcels. Seeking to dissuade senior citizen taxpayers from opposing the tax, the measure exempts property owned by persons over 65. There are 43,560 square feet in an acre. Homeowners with under half an acre would pay \$52, and the Intel plant in Folsom would pay \$104.~

"Never believe that a few caring people can't change the world. For, indeed, that's all who ever have."

— Margaret Mead

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Proposition 59 
Government open to the people

GRAND JURY CHIDES COUNTY OVER LACK OF A STRATEGIC PLAN

COUNTY AGREED TO DEVELOP PLAN THREE YEARS AGO BUT DID NOTHING

Three years ago the Grand Jury found the county did not have a long range strategic plan. At that time the Board of Supervisors agreed with the findings and responded that the recommendations would be "implemented in the future." The latest (2004-2005) Grand Jury in its Final Report found that no county strategic plan has been started or implemented to date.

The Grand Jury report quotes Satchel Paige as saying years ago, "If you don't know where you want to go, you may wind up some place else," meaning if the county does not have a strategic plan, what the county will become may not be what the citizens want it to be.

First, the Grand Jury found that the Board of Supervisors agreed in 2003 that a long-term strategic plan would be beneficial to the county, but has taken no action to implement one.

The county has responded to the finding, saying that while the county has not taken action to implement a strategic plan, development of the plan is underway. They also say that an environmental scan has been initiated, which will provide an assessment of the current state of county operations as well as the strengths and weaknesses of the organization. Further, as an offshoot of the environmental scan, two employee task forces have been formed to review customer service policies and communication with county employees. In addition, the Board of Supervisors and the Chief Administrative Officer say they are committed to the completion of a strategic plan.

Second, the Grand Jury recommended that the Board of Supervisors should take the necessary action to develop and implement a long-term strategic plan as described in the 2002-2003 grand jury report.

The county has responded to the recommendation, saying that the recommendation has been implemented. The county says that the development of the strategic plan has begun, and when the plan has been completed and reviewed by stakeholders, it will be implemented.

Copies of the latest (2004-2005) Grand Jury Report may be found on the county website. ~



THE PRESIDENT'S LETTER

Hello Everyone,

Well, here we are in a new year. Last year was an exiting one, and the coming year looks like it will be even more challenging, and hopefully more satisfying.

Last year saw our organization reaching out to participate in events that seemed to some of our members to be far removed from our goals. For example, we endorsed a vote for cityhood for El Dorado Hills. Though that step may not have seemed in keeping with our focus on local Bass lake issues, especially the Bass Lake parkland, that exercise allowed us to forge connections with a number of important people and organizations in the greater community.

While we remain committed to our primary goal of seeing that a less-intrusive park be built at Bass Lake, we have come to the realization that good work cannot be done in a vacuum. Thus we always send representatives to meetings of the El Dorado Hills Community Service District (CSD), the Area Planning Advisory Committee (APAC), the county Parks Commission, and many others.

As Woody Allen said, "Success is showing up." That means not just once, but all the time, every time. Showing up just once has absolutely no effect on events. I have often seen how this works. For instance, a group of residents may be opposed to some particular action contemplated by the CSD. A number of disgruntled residents will troop into the next CSD meeting, take to the podium to denounce the CSD's action, and then leave the meeting early, usually never to be seen again. How much do you think their views affect the ultimate decision? That's right, next to nothing.

Now, everyone has the right to let their representatives know how they feel. After

all, it's a free country. I am just saying that in order for our group to be effective, we must go, and go, and keep going, to every board meeting, every committee meeting, every council meeting, until we become accepted as being serious about participating in the decision-making for the community. We have to become a part of the process.

That's what our volunteers who go to the meetings for BLAC are doing. They are demonstrating that we are serious, that we are willing to become involved, that we care about our community, and that we will support decisions that are made if we are involved with, and made a part of, the process. Only in that way can we influence the dynamic changes that are occurring all around us.

Speaking of dynamic changes, hundreds of houses will be built nearby us in the next few years. Whole new neighborhoods will sprout up, and thousands of new residents will move in. Our goal at BLAC will be to work to accommodate that growth while seeking to preserve as much of our present quiet lifestyle as possible. The extent to which we will succeed in our goal will depend on how well we have become a part of the decision-making process.

As all this unfolds, we must not lose sight of the fact that we want responsible development of the park land on Bass Lake Road. If plans for developing a portion of the park land as a school site move forward, then the remaining smaller park acreage should lend itself to be developed as a less-active community park, and that would be more accommodating to the needs of our local community. The recreation master plan studies currently underway by the CSD and the county, though at different stages, will no doubt determine the actual needs of our area, based on factual data, instead of anecdotal evidence.

All in all, 2006 looks like it will be an interesting year. Stay tuned for the latest developments!

Here's wishing you a healthy and prosperous New Year.

John E. Thomson

President
Bass Lake Action Committee



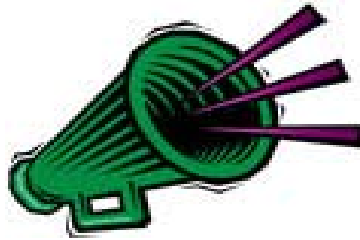
Some of our own Canadian Geese across Bass Lake Road from the lake

CANADIAN GEESE SPENDING THE WINTER AT BASS LAKE

The Canadian Geese that have wintered at Bass Lake have found that the newly-seeded verge along Bass Lake Road is a tasty place to eat and spend part of the day. Canadian Geese normally eat grasses and other marsh vegetation, so the tender grass shoots attract them. This love of tender grass usually gets the geese in trouble, as they love to settle on golf courses, where of course they are not welcome. They have become more visible at Bass Lake as they come out to eat the tender shoots along the roadside.

They prefer cool weather, so their decisions about where to stay and when to migrate are usually based on the local temperature. When Spring comes and the weather gets warmer around Bass Lake, they will undoubtedly head north. Whenever they finally find somewhere they enjoy that has a cooler temperature, they will stop to build nests and start laying their eggs.

The geese are definitely built for long distance migration. They can reach up to sixty miles per hour during their flights, and they can reach an altitude of 8,000 feet. They can also fly at night, and can fly for up to 16 hours in a stretch. Their migration paths are generally in a straight north-south direction, so at some point during the year pretty much every single state has geese either living in it, or flying directly over it. ~



BLAC MEMBERSHIP RENEWALS DUE SOON

Members are reminded that your annual membership renewals for the Bass Lake Action Committee for 2006 will be mailed out in January and are due in by February 15th. The annual dues will remain at \$10 per member.

If you do not receive your membership renewal statement by the end of January, please contact President John Thomson or Treasurer Tasha Boutselis. ~

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DOT ON THE JOB

The recent heavy rainstorms wreaked some havoc on the new portion of Bass Lake Road, resulting in what appeared to be an artesian spring that popped up in the roadway near Hawk View, and caused some serious bank erosion near the firehouse.

A call to Jim Ware at the El Dorado County Department of Transportation solved the problems in a hurry. Our call to Jim generated an immediate response by the road contractor, who promptly diverted the spring and addressed the erosion problems. Thanks go to to Jim for his quick action. ~

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