

Senate passes smog bill

By VIC POLLARD, Californian Sacramento Bureau

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SACRAMENTO -- In a major victory for the San Joaquin Valley, a bill requiring tougher smog controls for autos in the San Francisco Bay area passed its key hurdle Tuesday.

The measure, which passed the state Senate easily and appears on the verge of enactment, would require the Smog Check II program to be implemented in the Bay area. It is a move long sought by valley clean-air officials and environmentalists, who say the heavily urbanized Bay area is a significant contributor to valley smog.

"It's great news," said Kern County Supervisor Barbara Patrick, who is a member of both valley and state air boards.

"It's long overdue," said Assemblyman Dean Florez, D-Shafter.

"Obviously," added Assemblyman Roy Ashburn, R-Bakersfield, "the cars and SUVs and pickup trucks in the San Francisco Bay area are putting pollution into the air, and it's only fair that every part of California participate in the efforts to improve the air."

The bill by Assemblyman Dennis Cardoza, D-Atwater, passed the Senate by a vote of 26-3. It was expected to get final approval soon by the Assembly, and be signed by Gov. Gray Davis.

Cardoza and other valley lawmakers have pushed the proposal ever since a 1994 study showed that smog blowing into the valley from the Bay area contributes significantly to the valley's dirty air.

The study concluded that as much as 27 percent of the air pollution in the northern valley blows in from San Francisco, San Jose, Oakland and other Bay-area cities. Their contribution to smog in Kern County is about 9 percent.

A spokeswoman for the San Joaquin Valley Unified Air Pollution Control district also welcomed Senate approval of the measure.

"We're not blaming all of our pollution problems on the Bay area, but they do influence our pollution problem on certain days, so anything that can be done to help reduce the pollution coming into our area is a help to our situation," said the spokeswoman, Josette Merced Bello.

The valley air district has sued the state Air Resources Board to force it to crack down on Bay-area smog, and other valley agencies have filed suit against the U. S. Environmental Protection Agency over the issue.

However, a last-minute amendment to the Cardoza bill may require those suits to be dropped before the bill can take effect.

Bello said local valley officials had not heard of that provision and have not yet reached a decision.

"But I'm sure we would be willing to do anything that will move things along," she said.

The valley is under heavy pressure from the federal government to clean up its air, described as among the nation's most polluted.

In addition to its Bay-area provisions, the measure would also permit cars up to 6 years old to be exempt from Smog Check testing if the state air board finds that would not significantly increase pollution. Currently cars up to 4 years old are exempt.

It would also allow motorists who fail their smog tests at test-only stations to get their cars repaired, retested and certified at a single "Gold Shield" station. There currently are a few experimental Gold Shield stations and the bill calls for an expansion of the program.

The Senate was expected to be the biggest hurdle for the bill because it is headed by a powerful Bay-area lawmaker, Sen. John Burton.

Imposition of the Smog Check II program, which requires more rigorous emission tests be conducted primarily by test-only stations that cannot perform repairs, is not expected to be any more popular in the Bay Area than it is in the valley and Los Angeles.

However, passage of the Cardoza bill was part of a political deal endorsed by Burton and other Bay-area environmentalists in return for Cardoza's deciding vote in favor an earlier bill to reduce greenhouse gasses from vehicles.

Cardoza was reluctant to vote for the controversial greenhouse gas bill, which opponents charged would do away with sport utility vehicles, because he is engaged a tight battle for the Modesto-area congressional seat now held by scandal-plagued Rep. Gary Condit.

Cardoza said he was "ecstatic" about passage of the measure in the Senate.

"I've been working for six years for this," he said.

Lawmakers OK Smog Check II, others in rush of session's last week

By JENNIFER COLEMAN Associated Press Writer

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SACRAMENTO (AP) - The state Senate approved a bill Tuesday to require Bay Area drivers to participate in the more costly Smog Check II program, which supporters said would cut pollution that migrates to the Central Valley.

The bill was among dozens the Legislature tackled Tuesday, including a measure expanding state wiretap laws to include suspected terrorists and a bill to require that 20 percent of the state's energy needs be met with renewable energy such as solar and wind.

The Assembly approved a bill that would allow workers to take up to six weeks of paid leave to care for an ill family member or a new child.

The Assembly and the Senate each have hundreds of bills on which to vote before the legislative session ends Saturday.

Written by Assemblyman Dennis Cardoza, D-Atwater, the Smog Check II bill aims to crack down on millions of Bay Area motorists blamed for the wind-blown smog that travels to the Central Valley.

The more costly tests could curb Central Valley air pollution by up to 10 percent, cutting down on Bay Area smog that blows through the Carquinez Straits and Altamont Pass, supporters said.

During the brief time it complied with federal air quality standards, the Bay Area received an exemption from the tougher smog test.

The bill will give both regions "an opportunity to address our mutual air challenges," said Sen. Dick Monteith, R-Modesto. Monteith and Cardoza are facing each other in the race to succeed U.S. Rep. Gary Condit, D-Ceres.

Critics argued it will cost Bay Area business owners more for new equipment and cost drivers there millions of dollars for the more expensive test. The newer test costs about \$10 extra and puts some cars on a treadmill to check for nitrogen dioxide, a key element of ozone formation.

The bill also exempts more cars statewide from the tougher smog test. Presently, cars less than four years old are exempt. The new law extends that exemption to cars less than six years old.

The Senate voted 26-3 to approve the bill, sending it back to the Assembly for approval of Senate amendments.

A bill to expand the use of wiretaps to include possible terrorism acts also passed the Senate Tuesday. By a 26-1 vote, the Senate sent the bill by Assemblyman Carl Washington, D-Paramount, back to the Assembly. If approved there, it will go to Gov. Gray Davis.

Under current law, wiretaps can be applied to kidnapping, murder and bombing suspects. Washington's bill would extend the use to include those suspected of building weapons of mass destruction and restrictive biological agents.

The Assembly approved a bill requiring that 20 percent of the state's energy be from renewable energy sources such as solar, wind and geothermal. The bill, by Sen. Byron Sher, D-Stanford, gives utilities until 2017 to meet the requirement.

Most of the state's energy supply comes from natural gas, and supporters of Sher's bill say spreading the state's energy supply among other sources will increase reliability and price stability.

The Assembly voted 49-13 to send the bill back to the Senate for concurrence in Assembly amendments.

Also, the Assembly passed a bill requiring business executives to reveal corporate fraud or face possible fines of up to \$100,000.

The measure would fill some holes left in federal anti-fraud legislation passed in response to the collapse of Enron Corp. and related business scandals, supporters said.

But opponents said the bill by Sen. Martha Escutia, D-Commerce, could create unfair pitfalls for corporate executives and discourage businesses from locating in California.

The bill would authorize fines of up to \$100,000 for corporate officers and directors and members of limited liability companies who fail to notify the attorney general within 15 days when they know about improper business activities that would harm investors.

The company itself could be fined up to \$1 million, and company managers responsible for financial transactions could be fined up to \$50,000 for failing to make the required disclosures.

Also, the bill requires the attorney general to set up a telephone hot line that employees could use to report possible violations of state or federal business laws or regulations or violations of fiduciary responsibility by corporations or limited liability companies.

The 43-20 vote returned the bill to the Senate for a vote on Assembly amendments. Approval there would send the bill to the governor.

Victory for Valley air

Bay Area faces Smog Check II

By Audrey Cooper

Record Staff Writer

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SACRAMENTO -- It's all but certain that Bay Area drivers soon will have to undergo the same smog checks as nearly every other motorist in California.

The state Senate on a 26-3 vote Tuesday approved a bill by Assemblyman Dennis Cardoza, D-Merced, that requires tougher smog checks in the Bay Area. Motorists there used to only have to go through the primary smog inspection, because a special exemption in state law prohibited Smog Check II there.

San Joaquin Valley politicians say the bill to force Smog Check II on Bay Area counties will help reduce the amount of smog that blows through the Carquinez Strait and over the Altamont Pass, fouling local skies and endangering residents' health.

Smog Check II costs about \$15 extra and involves additional tests that better simulate driving conditions and vehicle emissions.

It also sends a small percentage of cars to test-only smog stations, which cannot make smog repairs. That provision is intended to cut down on unscrupulous mechanics who fake successful smog tests to avoid redoing repairs.

Previous attempts by Valley politicians to get such a bill through the Legislature died because of opposition from powerful Bay Area legislators.

"With this vote, the Senate today acknowledged that air pollution knows no boundaries and that regions must work cooperatively to address our serious air-quality problems," Cardoza said.

The Assembly is expected to approve all Senate amendments to the bill today. Gov. Gray Davis has said that he intends to sign the bill if it gets to his desk.

Officials from the San Joaquin Valley Air Pollution Control District cheered the Senate vote. The Valley has some of the dirtiest air in the nation and is facing federal sanctions for failing to meet air standards.

"We'll take any help we can get from any region to reduce pollution," district spokeswoman Josette Merced Bello said.

Smog Check II won't erase the Valley's air problems, however. Scientists disagree about how much Valley pollution comes from the Bay Area, although it has been measured as high as 27 percent near Stockton.

To meet smog-reduction goals, the Valley must reduce certain emissions by 300 tons a day. The new Smog Check II program will only cut about 10 to 15 tons a day in the Bay Area. Not all of those savings will reach the Valley.

New amendments to the bill also will help Valley consumers who have to deal with the smog-check program, said Will Gonzales, a lobbyist for the Sacramento air-pollution district.

Cars 6 years old or newer likely will not have to undergo smog checks as long as the state Air Resources Board finds that the change won't significantly harm the state's air quality. Currently, only cars that are 4 years old or newer are exempt.

Another amendment implements statewide a pilot program designed to cut the frustration of dealing with test-only centers, Gonzales said.

The Gold Shield Program sets up smog-test facilities that must meet higher state standards for operations. Those facilities can perform tests on cars that were supposed to go to test-only centers, but they also can make repairs. Those sites guarantee their repairs, unlike other smog repair stations.

Not fair to farmers

By John M. Travinsky
Fresno

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Ron and Virginia De Pry [letter Aug. 24] suggest cogeneration instead of ag burns. Perhaps they are confused about cogeneration. In that process scrap materials are burned to make steam which generates power. Burning produces smoke. Such plants are common at wood mills and other industrial plants using vast quantities of raw materials whose waste is combustible.

Asking farmers to collect all their ag waste materials to burn in such a manner would be cost prohibitive as well as unfair.

In some instances, burning is the only manner in which certain molds, fungi and other plant diseases can be eliminated from the vegetation. Sometimes entire fields of trees or vines must be torn out and burned, and then the ground sterilized before replanting can begin.

To blame agriculture for bad air quality is wrong. Farmers don't burn when the air is bad because it's already against the law. I agree with the De Prys that long-term planning for alternative fuels and sources of power will help the air quality. The majority of air pollution is caused by the internal combustion engine, not ag burns.

Senate OKs stricter Bay Area smog test

By JIM MILLER
BEE CAPITOL BUREAU

SACRAMENTO -- The Legislature was poised Tuesday to deliver to Gov. Davis a bill to expand the state's Smog Check II program to include the Bay Area, a region blamed for sending pollution into the Central Valley.

The Senate passed the measure on a 27-3 vote Tuesday. Its sponsor, Assemblyman Dennis Cardoza, D-Merced, said he expects the Assembly to quickly concur in several Senate amendments and to send the bill to Davis. The Assembly overwhelmingly approved the measure in May.

Smog Check II, in place across much of the state, features a more extensive vehicle emissions test than the basic smog check program. Smog Check II inspections are slightly more expensive.

Sen. Jim Costa, D-Fresno, who presented the bill on the Senate floor, called it "somewhat of a truce between those living in the valley and those in the Bay Area."

A Davis spokesman said the governor had not taken a position on the bill but generally supports measures that improve the environment.

Cardoza aides said they hope to arrange a signing ceremony in Modesto.

Tuesday's vote capped years of failed attempts by valley lawmakers to change the Smog Check II law, which exempted motorists in the nine-county Bay Area air district.

Valley officials contend that up to a quarter of the pollution in the Northern San Joaquin Valley arrives from the Bay Area, with lesser amounts reaching the Sacramento Valley, Southern San Joaquin Valley and the foothills.

Several past bills to place the Bay Area under Smog Check II died after opposition from influential Bay Area legislators. An effort to get the state Air Resources Board to order the change also failed.

Meanwhile, valley agencies went to court to press their case. In the past year, valley and foothill air districts have filed three lawsuits over the Bay Area's exemption.

The litigation played a role in negotiations over Cardoza's bill. The measure that emerged from the Senate requires that the lawsuits be dropped before the measure's provisions can take effect.

In addition, officials expect that it would take about a year to install new equipment in Bay Area smog test stations and repair facilities.

The bill also would change how the Smog Check II program is run statewide.

Owners of cars less than 6 model-years old -- up from 4 -- would be exempt from biennial smog tests.

It also would continue a study by researchers at the University of California at Riverside on whether expanding Smog Check II to the Bay Area would in fact bring an increase in the levels of certain pollutants -- a concern of some Bay Area legislators.

Supporters of Cardoza's bill dismiss the theory. Nevertheless, the amended legislation leaves the door open for state funding to help solve any Bay Area problems caused by Smog Check II.

State Senate OK's Smog II for Bay Area

Wednesday, August 28, 2002

Merced Sun-Star

The state Senate passed a bill Tuesday to require Bay Area drivers to participate in the Smog Check II vehicle emissions program that is in place in all other areas of the state.

Supporters said the measure, if enacted, will cut air pollution that migrates into the Central Valley from the Bay Area.

The measure, Assembly Bill 2637, was approved on a 26-3 vote, and it now goes back to the Assembly for approval of Senate amendments. If approved in the Assembly, it will go to Gov. Gray Davis for his signature.

Assemblyman Dennis Cardoza, D-Merced, introduced the bill in March.

Robin Adam, Cardoza's chief of staff, said Tuesday that the only amendments in the Senate were minor "technical" ones that have no effect on the basic intent of the legislation.

He said he is confident the amended bill will clear the Assembly. "We don't expect any problems."

The Bay Area, currently exempt from the statewide Smog Check II program, is blamed for 27 percent of the Valley's smog.

The bill was co-authored by Cardoza's political opponent, state Sen. Dick Monteith, R-Modesto.

The two will face off in November for the 18th Congressional District seat now held by Rep. Gary Condit.

Monteith said the bill will give both the Bay Area and the Central Valley "an opportunity to address our mutual air challenges."

Critics argued that AB 2637 will cost Bay Area business owners more for new equipment and cost drivers there millions of dollars for the more expensive test.

The newer test costs about \$10 extra and puts some cars on a treadmill to check for nitrogen dioxide, a key element of ozone pollution formation.

The bill also exempts more cars statewide from the tougher smog test. Presently, cars less than four years old are exempt. The new law extends that exemption to cars less than six years old.

The San Joaquin Valley Air Pollution Control District, which ranges from Bakersfield to Stockton, has said that "mobile sources" of air pollution account for about 60 percent of Valley smog.

Those same sources remain outside the air district's jurisdiction.

Josette Merced Bello, an air district spokeswoman, said Tuesday that she is pleased the Senate passed the bill.

She said the district needs to reduce air pollution from all sources possible.

"It's also an equality issue," she said.

Editorial: Owens Valley feud rekindled

Bakersfield Californian

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Just when it looked like the final chapter was being written in the decades-old Owens Valley water feud, a new wrinkle threatens to bring the saga back into court.

Owens Valley air pollution officials and the city of Los Angeles agreed four years ago to end their legal battle over how to halt the winter dust storms that blow off the dry Owens Lake bed.

Now a dispute looms over the size of a water pump Los Angeles officials want to use to correct the situation. After years of bad-faith negotiating by LA interests, Owens Valley officials understandably are skeptical about the pump proposal and new litigation could be on the horizon.

The lake dried up after the Los Angeles Department of Water and Power siphoned water from Owens River that had flowed into the lake bed. The water was transferred into an aqueduct that transported the water to the LA basin. The DWP won rights to the water in 1913 in a contentious battle that led to allegations of the agency being water pirates. The agreement allowed Los Angeles to grow into a major metropolitan area.

In recent decades, winds kicked up huge dust plumes from the dry Owens Lake bed that darkened the sky. The dust sometimes reached the China Lake Naval Air Weapons Station center 50 miles to the south, interfering with operations.

After a long fight against the Bishop-based Great Basin Unified Air Pollution Control District's plan to control the dust, the Los Angeles DWP agreed to a

compromise that was ratified by the California Air Resources Board.

It called for Los Angeles to take a series of steps to quell the dust storms completely by 2006 by covering much of the lake bed with a combination of gravel, water and vegetation.

The plan calls for water from the LA aqueduct being diverted along a 60-mile stretch into the Owens River that would flow into the lakebed. Some of the water in the reborn river would be pumped back into the aqueduct.

The newest argument revolves around how much water should go back into the aqueduct and how big a pump is needed for the job. Inyo County water officials point out that the DWP agreed to a pump station that could pump 50 cubic feet of water per second back into the aqueduct. The DWP counters that while that is true it is entitled to pump 150 cubic feet per second under a later agreement.

Mike Prather of the Owens Valley Committee, a conservation group, told the Los Angeles Times that he fears the larger pump would be a "Trojan horse," allowing the DWP to take more water than it is entitled.

Inyo County and the DWP must update an environmental study of the river project in September -- with each side expected to propose its preferred pump size.

If that occurs, the Owens Valley water deal undoubtedly will end up back in court. The DWP has stalled for too long to correct the dust situation. It should quit litigating, seek a sensible compromise and get on with the project.

Backup generator risks seen

Study cites pollution

By Audrey Cooper

Record Staff Writer

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SACRAMENTO -- The backup diesel generators that grew in popularity during the days of rolling blackouts and electrical alerts pose incredible pollution-related health risks and often are clustered in densely populated areas, according to a report released Tuesday.

The Environmental Defense report, released a week before state air regulators are due to discuss setting new emission standards for the generators, also says that the generators often are found in poor and minority communities.

The number of backup generators, nicknamed BUGs, blossomed in 2001, when many companies sought ways to ensure the lights stayed on at their businesses. The San Joaquin Valley Air Pollution Control District, which regulates generators

of 50 horsepower or more, allowed companies to run these emergency generators during Stage 3 energy alerts, when blackouts were imminent.

The Valley is thought to have at least 964 backup generators powering private companies, hospitals and government buildings. Only the largest generators are regulated by the state and local air districts. San Joaquin County has at least 40 of the larger generators.

Older-model generators produce about 200 to 300 times more pollution per megawatt than a power plant, because they lack strict emissions controls, said Sayed Sadredin, director of permitting services for the Valley air district.

Newer generators with more elaborate pollution-control methods still spew out tons of cancer-causing particles and smog-forming gases, even though they are expected to be 80 percent to 90 percent cleaner than older models. The cleaner models are required in the San Joaquin Valley, Sadredin said.

Because the state isn't suffering under electricity alerts this summer, companies are only allowed to run their backup generators once a week for testing purposes, he said.

"Under normal circumstances, they present a very small pollution problem, but if things go wrong with the state's electricity again, these could have a severe impact on our air quality," Sadredin said.

The Valley already exceeds federal health-based limits for smog and particulate pollution, which are thought to cause breathing problems such as childhood asthma and cancer.

The report released Tuesday by Environmental Defense argues that incentive programs that aim to get companies to reduce their reliance on the state's power grid encourage use of the polluting generators.

But Sadredin says that in most cases, the generators are so expensive to operate that businesses would rather rely on their usual sources of electrical juice and not the generators.

The Environmental Defense report also supports emissions guidelines proposed by the Air Resources Board.

Those emissions guidelines, which would force generator owners to reduce particulate emissions from BUGs by 85 percent, will be discussed next week by the state air board.

Those guidelines are expected to be controversial, because they would cover older-model generators already in use as well as new generators.