

New ag burning rules should help clear the air

By David L. Crow

Air Pollution Control Officer San Joaquin Valley Air Pollution Control District

Fresno Bee

I would like to clarify some issues about agricultural burning. As the California Legislature authorizes agricultural burning, the Valley Air District can manage but not ban it outright.

Currently, the district determines the burn status for three regions based on the highest pollution levels and the atmosphere's ability to disperse smoke. Consequently, there are many days when the district does not allow burning. During an extended period of prohibited burning, materials accumulate. The impact of burning on the next permissible day can be substantial.

The district's new smoke management program will not result in an increase of ag burning nor automatically grant permission to burn without limits. It will reduce the cumulative smoke impacts by creating nearly 100 small zones. Based on sophisticated analysis of air quality conditions in each zone, the agency will determine which will withstand burning and how much acreage can be burned. This will reduce smoke impact locally and over the entire region.

Zone acreage allocations will be available on a first-come, first-served basis. Once the available acreage is used in an area, the agency will put permit holders on a waiting list for the next available allotment.

On days when air quality will not withstand burning, the acreage allocation will be zero. To avoid adding particles from smoke to high smog levels, the Valley Air District will continue to prohibit ag burning during health advisories and Spare the Air days. This is part of our commitment to protect public health.

Costa rallies votes for the bullet train

Assembly barely passes \$10 billion high-speed rail plan.

By Lesli A. Maxwell

Bee Capitol Bureau

SACRAMENTO -- Multibillion-dollar legislation to build a bullet train system in California clashed with personal politics in the Assembly on Thursday night and nearly caused the most important bill for outgoing Sen. Jim Costa to be defeated.

The Fresno Democrat, who guided the \$10 billion high-speed rail bond through the Senate and two Assembly committees, prevailed in the end after securing the required 54 votes that sends the measure back to the upper house for final approval. On Wednesday, Costa raised the price tag of the bond to include money for Amtrak and commuter rail -- an enticement for wobbling lawmakers.

But a handful of Democrats, most of them Latinos from Southern California, initially withheld their votes on the measure Thursday night in an apparent statement against Costa, who twice voted "no" on a United Farm Workers binding arbitration bill. Assembly Majority Leader Marco Firebaugh, D-Cudahy, led the splinter group.

During the floor debate, Firebaugh called the rail bond "sausage that was truly cobbled together to appease interests." He also said the bond would threaten the success of two multibillion-dollar school bonds, the first set for the November ballot and the second for the March 2004 primary. The rail bond, if successful, wouldn't be before voters until November 2004.

Several lawmakers said Firebaugh's public argument against the bill was a front for his vendetta against Costa, who was the only Democrat in the Legislature to vote against the UFW.

"This was petty politics," said Assembly Member Sarah Reyes, D-Fresno. "This is why people don't like the Legislature."

Assembly Member Dean Florez, D-Shafter, told his colleagues that they were gambling with a historic public works project.

The initial vote for the rail bond stood at 46-16, with 18 lawmakers not casting votes. But last-minute arm-twisting from Assembly Speaker Herb Wesson, D-Culver City, and other Democrats delivered the eight extra votes the bond needed for passage, including Firebaugh's.

First proposed last March by Costa and state Treasurer Phil Angelides, the bond originally stood at \$6 billion to cover most of the costs of building the first 400 miles of tracks through the Central Valley to connect San Jose and Los Angeles. That amount increased to \$9 billion to include a San Francisco connection in the first phase.

Areas such as the Inland Empire, Sacramento and Modesto would have high-speed rail connections extended to them in a second phase of construction. The size of the bond grew again to just under \$10 billion after Costa agreed to include money for commuter and Amtrak trains.

Finishing the 700-mile system for trains that travel up to 220 mph will cost \$25 billion, according to state officials overseeing the project.

Costa spent nearly two hours on the Assembly floor while the outcome remained uncertain. He worked the room, asking members for their votes. After victory, Costa, who will leave the Senate at the end of the year because of term limits, circulated through the Assembly floor again, this time thanking lawmakers.

"Everybody worked together to make sure this process was fair," he said. "That's what this is supposed to be about."

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Conditions added to smog bill

By Mike Jensen, Merced Sun-Star

A bill requiring Bay Area motor vehicles to undergo Smog Check II, if signed into law by Gov. Gray Davis, will not take effect unless two air districts agree to withdraw their lawsuit against the federal Environmental Protection Agency.

The lawsuit is mentioned in an amendment to Assembly Bill 2637. The amendment, requested by Senate President Pro Tem John Burton, D-San Francisco, was added in the Senate prior to final passage in the Assembly Wednesday.

The bill was initially introduced by Assemblyman Dennis Cardoza, D-Merced, and state Sen. Dick Monteith, R-Modesto, in an effort to cut Bay Area emissions that drift into the Central Valley and contribute to its smog problem.

A Cardoza spokesman said Thursday, "We supported the amendment in that it helped us get Smog Check II" in the Bay Area. He also said, "I have no reason to believe that there would be any problem."

Monteith's office did not return a telephone call seeking comment.

The bill, as amended, has cleared both the Senate and the Assembly, and whether it becomes law will be up to Davis.

The amendment would require that the Sacramento and Yolo-Solano air quality management districts withdraw their lawsuit by Oct. 4.

The suit, filed in April, is a broad attack on pollution that originates in the Bay Area and affects the two air districts, and only one part of the suit addresses Bay Area vehicle emissions. The Sacramento district is being pressured to meet federal air quality standards by 2005 or lose federal highway funds.

The suit challenges the EPA's approval of the Bay Area "Motor Vehicle Emissions Budget." The budget, the lawsuit says, does not take into account the impact of Bay Area pollution blowing into other areas, and it fails to include the Smog Check II inspections.

Officials with both air districts said Thursday that the fate of their lawsuit has not been decided and that the district boards will decide whether to drop the suit.

Kathy Pittard, the attorney for the Sacramento air district, said Thursday that she is concerned that the Smog Check II bill's impact will not be enough to allow the Sacramento district to meet its air quality goals.

She added, however, that the district is "in a hard position to say no" to the bill and continue with the suit.

Larry Greene, executive director for the Yolo-Solano air district, said, "We'll just wait and see if the governor signs it. ... I think for both of us (districts), it's wait-and-see."

If Davis signs the bill and if the air districts decided not to drop their suit, the law would languish and Smog Check II would not become mandatory for motorists in the Bay Area.

Meanwhile, a separate amendment to AB 2637 states that the bill is "intended to resolve the issues" in a second lawsuit, that one filed by the San Joaquin Valley Air Pollution Control District and the Sacramento Air District against the California Air Resources Board.

That amendment does not require the districts to drop their lawsuit, however.

The suit, filed in February, asks CARB to push for Smog Check II in the Bay Area and to impose more stringent regulations on Bay Area businesses, which have a lower pollution standard than the Valley does.

Philip Jay, attorney for the San Joaquin Valley air district, said Thursday that he believes the district is "90 percent" ready to drop the lawsuit. "Smog Check II was the big chunk of what we wanted out of this thing," he said.

He said the fate of the lawsuit will be decided by the air district's board.

Smog Check II's passage puts ball back in our court

Modesto Bee Editorial

Valley residents should be able to breathe a little easier next year when Assemblyman Dennis Cardoza's Smog Check II bill for the Bay Area takes effect. All that's needed now is Gov. Davis' signature and that shouldn't be a problem.

By some estimates, smog blowing in from the Bay Area makes up about a quarter of the air pollution in the Northern San Joaquin Valley. Tighter restrictions on emissions for Bay Area vehicles -- restrictions that valley residents already must comply with -- can make a significant dent in the health threat.

Neither Cardoza, D-Merced, nor anyone else, however, has pretended that this bill will eliminate the valley's air pollution worries. The reason: Valley agribusiness, industry, vehicle emissions and residents are responsible for most of our pollution. Bear in mind that the health threat can't be dispelled without more stringent air quality rules here.

Still, it's satisfying to see the goal of Smog Check II for the Bay Area, long sought by valley officials, about to be achieved. Senate passage Tuesday involved some relatively minor concessions to the Bay Area, but nothing that will gut the measure. The Assembly, which initially passed the measure in May with Assemblyman Dave Cogdill, R-Modesto, as a co-sponsor, concurred with the Senate version Wednesday and sent it on to Gov. Davis. The governor, who often preaches and frequently practices environmental protection, has good reason to sign the measure into law. Not only will it help improve air quality, but it will help both Davis and Cardoza in the November election.

Congratulations to Cardoza on the passage of significant legislation that truly benefits the valley. And congratulations, too, to state Sen. Dick Monteith, R-Modesto, Cardoza's opponent in the 18th District congressional election on Nov. 5, for speaking in support of the bill Tuesday and then voting for it.

Now it's up to Gov. Davis to sign into law this healthy, fair and long-needed measure.

Tracy's quixotic fighter

Stockton Record Editorial

In some ways, Bob Sarvey is like any other small-business man, homeowner, husband and father. He watches his expenses at Sarvey's Shoes on Grant Line Road. He's hoping to install a \$90,000 solar-energy system on his Tracy home. He cares deeply about his family; his wife and children have asthma.

Sarvey, 48, also is different -- he's so passionate about air pollution that he's still trying to stop the 169-megawatt Tracy Peaker Power Project so close to homes on the western edge of the city limits. It has received regulatory approval, but now Sarvey is exercising his right in court to try to overturn the California Energy Commission decision.

Sarvey's quixotic quest has included an education in public policy and decision-making. He has educated himself on the combined impact of the peaker plant and the not-too-distant East Altamont Energy Center and Teslaw Power Plant. Both are almost 10 times bigger than the peaker, and both are progressing toward regulatory approval.

Sarvey worries about the cumulative effect of the three power plants, given the west-to-east nature of winds blowing over the Altamont Pass.

When Sarvey realized that every avenue of state and local government control had been exhausted, he contacted Oakland environmental attorney Stephen Volker. Petitions were filed earlier this month with the California Supreme Court and Sacramento County Superior Court asking for a review of the project.

Sarvey does not see his cause as foolish or impractical. His time might be better spent focusing on the two huge plants just across the county line. Agree or disagree, you have to admire Sarvey's courage and determination.