

[Editorial, The Fresno Bee, Sept. 18, 2003:](#)

In Davis' hands

The governor ought to come to Fresno to sign historic clean-air bills.

(Published Thursday, September 18, 2003, 5:47 AM)

A crucial package of clean-air bills has finally arrived on Gov. Gray Davis' desk, and we urge him to sign them immediately. It would be a wonderful symbolic gesture if the governor could come to Fresno to sign the legislation -- but it's the signing that's important, wherever it happens: here, Bakersfield, Modesto or in his Sacramento office.

The bills, offered by state Sen. Dean Florez, D-Shafter, didn't exactly enjoy smooth sailing through the Legislature. Most were opposed tooth-and-nail by the agricultural industry, which rolled out a lobbying juggernaut to defeat the legislation, or at least amend it out of usefulness.

That effort failed, and now all that's left for the work of cleaning up the Valley's air to take on a new dimension is Davis' signature.

This is not the usual pull-and-tug over public policy. As the letters in the adjacent columns on this page attest, the issues in the bills have to do, literally, with life and death. They are not radical notions, as their opponents would have us believe, but rather some obvious first steps in the clean-up process.

Nor is it true, as we have been ceaselessly harangued, that agriculture is being singled out. Agriculture is directly responsible for as much as 30% of some of the pollutants that do so much damage here. Agriculture will have to bear a proportionate share of the burden of the clean-up. The industry is not being singled out, it's simply being asked to go first.

The struggle to get this minimal legislation through the Legislature and onto Davis' desk has been a pretty bleak reminder of the scope of the effort that lies ahead. If ending the practice of open-field burning of farm waste was this difficult, what's it going to be like trying to get people out of their beloved automobiles and into more efficient and less harmful transit services?

But that's for another time. For now, we urge the governor to do the right thing for the people -- especially the children -- of this Valley. We ask him to sign Senate Bills 700, 704, 705, 708 and 709.

And why not come on down here to do it?

LASTGASP

"We can't go on living this way.

And we won't."

Another in a series of Thursday editorials on the Valley's poor air. Today: Clean-air legislation is piled high on Gov. Gray Davis' desk. For the long-term physical and economic health of the Valley, he should sign it all.

[Letters to the Editor, The Fresno Bee, Sept. 18, 2003:](#)

'Real progress'

By Christine Foster, Tulare

SB 700, SB 704, SB 705 and SB 709 passed the Assembly last week. As a Valley resident and asthma educator, I would like Gov. Gray Davis to understand the health

problems in our Valley due to the poor air quality, including high asthma rates and increased death rates in asthmatics and people with heart disease.

Some 1,300 Valley residents die prematurely each year due to the poor air quality. These bills make real progress toward cleaning the air, protecting health and preventing the loss of federal highway funds.

'Come to Fresno'

By Venito Flores, Age 14, Fresno

I hope the governor will please sign SB 700, SB 704, SB 705 and SB 709, because we are breathing the second worst air in the whole country. We deserve to breathe clean air all the time.

And I hope the governor will come to Fresno to do the signing.

'For our lungs'

By Joel Olquin, Age 8, Bakersfield

We need clean air for our lungs.

Let us play

By Amber Breeana Christy, Age 8, Bakersfield

We need clean air to play outside.

'Sign these bills'

By Jasmyn Ann Murphy, Age 10, Fresno

As I write this I'm just coming back from the capital, where our Fresno group listened to all the air pollution bills being passed. Now that they have been passed, I ask Gov. Gray Davis to sign these bills into law.

Community support

By Carolina Simunovic, Fresno

The San Joaquin Valley is experiencing a public health crisis of epidemic proportions. One in six children in Fresno County suffers from asthma. This is not only the highest asthma rate in California, it is also more than three times the national average.

Our region would not be in such a desperate situation were it not for our "extremely" polluted air -- also among the worst in the nation. We need Gov. Gray Davis' help to change our situation around.

I hope the governor will sign into law Senate Bills 700, 704, 705 and 709. These are bills that have had extensive review and deliberation, and they have survived countless hours of negotiation and compromise. The people of the San Joaquin Valley have helped create them, through committee meetings that actually took place in the Valley.

The community strongly supports these bills. More than 150 people have gone to Sacramento from the Valley in buses to testify in support of, or to lobby for, these bills.

These bills, most importantly, will help us get clean, healthy air so that we can all breathe a little easier. I urge Gov. Davis to sign these bills into law to make healthy air a reality for the residents of our Valley.

'She feels real bad'

By Valerie M. Flores, Age 13, Fresno

I found out my best friend has asthma a week ago. She feels real bad. She can't run in track any more unless she has her inhaler with her.

That's why I hope Gov. Davis will sign SB 700, SB 704, SB 705 and SB 709 into law.

'Need clean air'

By Aracely Ruiz, Age 17, Fresno

I'm a student at Oscar Romero Center. It is a small high school. We went to Sacramento to help persuade the state Assembly to pass SB 700, SB 704, SB 705 and SB 709. I hope Gov. Gray Davis will sign these bills now, because we need clean air in the Valley.

No more medicine

By Elias Salas, Age 6, Bakersfield

I don't want to inhale medicine to help me breathe.

'Historical day'

By Nuel and Yvonne Brown, Fresno

We are on our way back to Fresno as we write this. We traveled to Sacramento [Sept. 11] in support of SB 700, SB 704, SB 705 and SB 709. This was a very good day for the San Joaquin Valley.

We are asking Gov. Gray Davis to please sign them as soon as he can. That would make this an even more historical day.

'Clean the air'

By Mary Salas, Age 6, Bakersfield

Please help us clean the air in Bakersfield.

'Protect citizens'

By Amy Caes, Age 17, Edison High School, Fresno

I write this as I am returning from Sacramento, having seen the clean air bills pass in the Assembly. These bills, which work to regulate polluters in the San Joaquin Valley, are essential to cleaning the Valley's air, providing regulations that will make our air more breathable. I urge Gov. Gray Davis to sign these bills, which will address the causes of bad air in the Valley, benefitting our long-term health.

Despite opposition to the clean air bills and accusations that additional regulations on agriculture would harm the state's economy, the clean air bills are aimed at the long-term stability of the state of California. Due to poor air quality in Fresno, asthma rates are abysmal, raising absenteeism and causing children to suffer from unnecessary childhood illnesses. In the interest of the health of Californians and our environment, it is urgent for Gov. Davis to sign these bills.

I commend the governor's renewed leadership and thank him for the consideration he has given to bills such as these that seek to protect citizens.

'Good air quality'

By Rosalie Kelly, Fresno

Hooray! The good air quality bills have passed the Assembly.

I hope Gov. Gray Davis will sign them into law as soon as possible.

'Breathe easier'

By Marsha Lombardo, Fresno

I thank Gov. Gray Davis for visiting my hometown, Fresno, recently. As I write this, I am on a bus with fellow residents from the Valley returning to Fresno from Sacramento.

More than 80 of us came to Sacramento to watch as the Assembly voted historically for four pieces of legislation -- one after the other -- that would improve our Valley air quality. They are SB 700, SB 704, SB 705 and SB 709.

I hope Gov. Davis will sign these bills as soon as possible so we can breathe easier. Also, it would really be great if he could come to Fresno to ceremoniously sign them.

'That will help'

By Janiece Garza, Age 10, Bakersfield

I recently visited the Capitol building and watched a series of air pollution bills pass. That will help our air. So I hope Gov. Gray Davis will sign them into law.

For a friend

By Juan Gonzalez, Fresno

My best friend has asthma. I have known him 20 years. He is at the prime of his life. When he first came to the Valley/Fresno, he developed an upper respiratory infection. He carries around an inhaler.

For this reason I want Gov. Gray Davis to sign SB 700, SB 704, SB 705 and SB 709.

'Worst in the country'

By Rosaline Velasco, Parlier

Recently I was in Sacramento at the Assembly as they passed the clean air bills, SB 700, SB 704, SB 705 and SB 709.

These bills were personally important to me, since I'm an allergy sufferer and know first-hand how air quality affects people's lives.

The air quality in the Valley is the worst in the country.

State Sen. Dean Florez worked tirelessly and responsibly to make public policy that not only meets federal requirements, but is foresighted enough to prepare us for the future. I hope Gov. Gray Davis will soon sign these bills into law.

[Editorial, The Bakersfield Californian, Sept. 18, 2003:](#)

Their pollution doesn't stink

A bad idea dies hard. Just when you thought it was safe to go outside and breathe, you learn self-serving politicians upwind of Kern and Fresno counties want to make our air dirtier.

The San Joaquin Valley Air Pollution Control District Board today will consider a request by San Joaquin, Stanislaus and Merced counties to be treated more leniently than the rest of the valley in enforcing air cleanup rules.

The air district is comprised of eight Central Valley counties that form one large air basin surrounded by mountains. Air hanging over Fresno and Bakersfield is considered the nation's second and third dirtiest (respectively.)

Under the federal Environmental Protection Agency's gun to clean up the air by 2005, the district is asking that the basin be designated "extreme" nonattainment for ozone pollution. This would extend the deadline another five years.

Los Angeles is the only other region classified as "extreme." The designation will require more businesses to obtain air pollution permits. It could mean higher costs for new and expanding businesses.

Noting they benefit from coastal breezes and, as a result, enjoy cleaner air, officials in the three northern counties want their region to be excluded from the "extreme" designation. Basically, they have their clean air, tough luck for us.

They want the businesses and industries in Stanislaus, Merced and San Joaquin counties to be more leniently regulated. They want them to be able to pollute more, because the pollution is washed away by the ocean breezes.

Nice to the rest of the air basin. No doubt where the pollution from these businesses and industries flow. Yep, to hover over Fresno and Bakersfield.

This idea is enough to make you gag. Well, actually, if district board members endorse the idea, we will be gagging on north basin pollution.

The district was born out of the realization that pollution does not stop at a county's boundary; the valley is all one big bowl of polluted soup; and air cleanup requires a regional, or air basin strategy.

Making the "leniency request" from Stanislaus, Merced and San Joaquin counties even harder to gag down is this little bit of history: The politician credited with forcing the valleywide district's formation in 1992 was Democrat Sen. Dan McCorquodale, who represented the three counties now wanting to bolt.

Forming a separate planning area within the district to accommodate the northern counties' request would require the approval of the California Air Resources Board and the federal Environmental Protection Agency. Federal officials have said the exemption would be difficult to justify.

At their meeting today, district air board members must reject the request. Tell Stanislaus, Merced and San Joaquin counties to suck it up their own air pollution, that is.

Deal cracks down on pumps

By Richard T. Estrada, staff writer

The Modesto Bee

Sept. 17, 2003

San Joaquin Valley farmers will be subject to more rigid air quality rules for diesel-powered irrigation pumps as the result of Tuesday's settlement of an environmental lawsuit.

Earthjustice, the Sierra Club and other organizations charged in the lawsuit filed in May that the U.S. Environmental Protection Agency violated the Clean Air Act when establishing a permit process for stationary diesel pumps.

The EPA's permit plan asked farmers to "estimate" how often they use the pumps and the amount of pollutants emitted, while the Clean Air Act requires regulation of pumps based on their "potential to emit."

The settlement means that farmers must calculate emissions as if irrigation pumps were running 24 hours a day, every day.

"Asking farmers to guess how many hours they intend to run irrigation (pumps) ... opened an enormous opportunity for them to be rewarded for guessing wrong," said Brent Newell, an attorney for the Center on Race Poverty and the Environment.

Permit fees for individual farmers range from about \$1,000 to more than \$10,000, based on the number of pumps and potential emissions.

It will be difficult to gauge the impact on consumer prices, farmers said, until they know how much they will be paying for permits.

Health advocacy groups said the rules could play a significant role in cleaning the valley's dirty air.

"Diesel pollution is now understood to be carcinogenic. It also contains fine particulates that can cause heart attacks," said Dr. David Pepper of Medical Advocates for Healthy Air in Fresno.

The Central Valley's particulate air pollution season is in the fall. "This time is unfortunately known as heart attack season by folks in the medical field," Pepper said.

Under the settlement, the EPA will:

- Withdraw the guideline that relied on estimates of pump emissions.
- Issue a guideline within 30 days that clarifies how farmers should determine potential emissions.
- Require farmers to reapply for air pollution permits by Nov. 13, under the new guideline.

An EPA spokeswoman said the agency was not prepared to comment on the settlement.

Anne Harper, an attorney with Earthjustice, said the change was necessary because farmers do not monitor irrigation pump use.

Farmers disagreed.

"It costs money to run a pump, so farmers know how long it's going," said Wayne Zipser, a farmer who serves as executive manager of the Stanislaus County Farm Bureau.

"They tell by how much water is coming through the pump and because many of the pumps have gauges that will tell (them) how many hours it's been running."

Thousands in valley

Officials do not know the exact number of irrigation pumps in the valley, though farmers and environmental groups agree that there are thousands.

If a valley farm emitted more than 25 tons annually, it is obligated to apply for an air permit.

The EPA has a chart that helps farmers estimate pump pollution. A typical 250-horsepower pump working 4,000 hours a year, for example, spews about 7.9 tons annually.

Under the new guideline, potential emissions will be based on a pump's working 8,760 hours a year -- 24 hours a day, seven days a week, all year long. That would about double the emissions to 16 tons.

So, two such pumps on any farm would produce 32 tons of pollutants -- exceeding the 25-ton minimum and kicking in the permit requirement.

Under the original rule, only 18 farms applied for permits, said Cynthia Cory, director of environmental affairs for the California Farm Bureau Federation. Under the new rule, she said, that number will climb because the figure is based on the theory that pumps run constantly.

Farms requiring permits will pay an average of \$38 per ton. That means that a farm with the potential to spew 50 tons of pollutants each year will pay \$1,900.

Farmers said it is unrealistic to assume that an irrigation pump works all year long, or 8,760 hours.

"About 2,000 hours is more reasonable," Cory said. "The EPA chart stops at 4,000 hours, so 8,760 hours is so far out there."

The valley has long been criticized for having some of the dirtiest air in the country, with automobile emissions, agricultural practices and weather conditions playing prominent roles.

"I think it's important that we're trying to clean up the air, because we all have to breathe it," said Gabby Estrada, an 18-year-old Patterson woman.

"Think of all the problems if we don't have clean air. I think we'd have a lot more people getting sick."

[Letter to the Editor, The \(Stockton\) Record, Sept. 17, 2003:](#)

No clean air here

Clean air is dead in California! Why do we breathe this horrendous filth? Air basins like ours cause babies, children, teens and the elderly to breathe pollution contaminants. Emissions from more than 65 percent of all motorized vehicles -- trucks, buses, cars, aircraft, recreational boats, plus toys like motorcycles; the list is endless -- all cause health risks in California, such as allergies, asthma and cancer. Chronic obstructive lung disease hit me. I have never smoked or been around people who smoke. Are you next?

Clean air in California? There is none, zip, zero.

Vivienne H. Stein, Oakdale

Settlement gives PG&E \$326 million more yearly

By The Associated Press

Published in the (Stockton) Record

Sept. 17, 2003

SAN FRANCISCO -- Bankrupt Pacific Gas and Electric Co. said Tuesday that it will gain an additional \$326 million in annual revenue under a settlement that nudges natural gas rates slightly higher and gives the utility a bigger slice of the electricity bills already paid by customers.

Details of the settlement emerged as PG&E prepares to refund \$44 million to customers who helped buy wholesale electricity for the state while PG&E and other major utilities were financially crippled.

Under a complex agreement reached during a periodic rate review, PG&E will raise natural gas rates by \$52 million, a 2.3 percent increase that translates into about 86 cents per month for residential customers.

The settlement also allows PG&E to pocket an additional \$274 million for distributing and generating electricity, but that increase won't raise the rates that appear on monthly power bills.

That's because PG&E's customers already pay prices far above the actual cost of providing the power -- a legacy of the electricity crisis that drove Northern California's largest utility into bankruptcy in April 2000.

The settlement entitles PG&E to keep a bigger cut of those excess electricity prices.

PG&E will be able to raise rates in each of the next three years, based on inflation.

The settlement was reached nearly two weeks ago, but PG&E kept the specifics confidential until Tuesday. PG&E spokesman John Nelson said state regulations prevented full disclosure until all the parties signed the agreement, an event that occurred Monday.

There's still a chance that PG&E will gain an additional \$75 million if management can persuade state regulators that customers should help fund pension contributions for the utility's employees.

Consumer activists are still opposing that request.

Unless it's revised by regulators, the settlement grants PG&E less than half of the \$701 million increase management requested, only to meet fierce resistance from consumer activists.

The reduction wasn't large enough to force the utility's parent company to lower the profit projections made for investors a month ago.

PG&E is trying to dig even deeper into its customers' pockets as part of a proposed plan to extract the utility from Bankruptcy Court early next year. The bailout would require PG&E's customers to pay \$9.3 billion in above-market electricity prices through 2012, helping the utility to make more money than it did before it went bankrupt.

State regulators are reviewing the pros and cons of the proposed bailout plan in hearings expected to last through this week.

Air rules tighten for water pumps

Settlement reached for Valley farmers

By Audrey Cooper, (Stockton) Record Staff Writer
September 17, 2003

As many as 100 farmers who had escaped new rules regulating their diesel irrigation pumps will likely have to get air-pollution permits after all, under a legal settlement announced Tuesday.

The settlement between the U.S. Environmental Protection Agency and a coalition of environmental groups set Nov. 13 as the new deadline for farmers to apply for pollution permits.

The permits will be needed to legally run the irrigation pumps, a critical part of farming in the San Joaquin Valley. Farmers have to get permits if their pumps could potentially emit 25 tons of pollutants a year.

Under the settlement, farmers must calculate the amount of pollution their pumps would create if the pumps were run continuously. Previously, farmers were allowed to guess how many hours they would run their pumps and estimate emissions based on that lower figure.

Environmental groups who sued over the issue earlier this year said allowing farmers to guess their emissions sets a bad precedent. It also encourages farmers to underestimate their emissions to escape regulation, the groups said.

Other businesses have to get permits based on their potential to pollute, not what business owners think they'll actually emit.

"If I ran a power plant, I would wonder why agriculture was being allowed to estimate their emissions while I have to base my estimates on how much pollution I would produce if running at maximum capacity," said Anne Harper, an attorney for the Earthjustice law firm.

Under the old rules, just 18 farmers applied for air-pollution permits by the old May deadline.

The new rules will increase that number at least threefold, if not more, Harper said.

Because diesel irrigation pumps had not been regulated before, there is little data of how many diesel pumps operate in the Valley.

Pollution from diesel engines is believed to cause cancer, heart attacks and premature deaths. It also contributes to the Valley's inability to meet federal health-based pollution limits.