

Air plan blasted, passes

Valley regulators say emissions will drop 21%

By Audrey Cooper

Record Staff Writer

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MODESTO -- A road map to cleanse the San Joaquin Valley's dust-laden skies was approved unanimously Thursday by Valley air regulators despite veiled threats by environmental groups to challenge the plan in court.

The plan describes how existing anti-pollution rules and loosely described future rules will bring the Valley into compliance with federal limits on particulate pollution by 2010. The Valley has never met those health-based limits.

Officials at the Valley Air Pollution Control District said their plan will cut emissions by 275 tons a day, a 21 percent drop from current levels.

Particulate pollution is microscopic flecks of dust, soot and vapor that can easily lodge deep in human lungs. The pollution mainly hits the Valley in winter and causes an estimated 1,300 premature deaths each year. The pollution also is responsible for asthma attacks, breathing difficulty and lung disease.

Air pollution can come from natural sources, such as wind and forest fires, and man-made sources, such as fireplaces, factories and engines.

Approval of the plan came after five hours of debate conducted via videoconference from air district offices in Modesto, Fresno and Bakersfield.

The plan includes promises to cut down on pollution from construction sites and residential wood-burning fireplaces and stoves. It also describes a program in which farmers would be required to implement several dust-control methods. Such a program would be the first time that on-field farm operations would be regulated.

Representatives of several environmental groups that have repeatedly sued the air district over pollution issues said they were poised to return to the courtroom. The 3-inch-thick pollution plan doesn't go far enough and relies on fuzzy math, they said.

"I've heard that since this is the biggest, baddest plan ever developed in the world, then it must be good," said attorney Brent Newell, representing the Association of Irrigated Residents.

"But just because it's this thick doesn't mean it's legal," he said.

The environmental coalition said the air district was using creative math to prove that the plan would meet a Clean Air Act requirement to reduce pollution by at least 5 percent each year. The groups also argued that the farm-pollution-reduction program allowed too much flexibility for farmers.

Many clean-air advocates carried placards and wore asthma inhalers around their neck to remind the air district's governing board of the importance of controlling pollution.

Others brought their children.

"I see kids at school drop down on their hands and knees not breathing because of asthma," said 11-year-old Travis Jackson of Bakersfield.

"People are saying we, the young kids, are the future. What future do we have if we're all on life support?" he said.

The Farm Bureau and several commodity groups said they supported the plan to reduce farm dust, especially if it remained flexible and allowed farmers to choose the best solutions for their operations. Details of the farm-pollution program will be worked out in the next few months.

"Since we realize we're part of the problem, we are part of the solution. And that's exactly what we propose to do," said Loron Hodge of the Kern County Farm Bureau.

Other farmers said they worried the program would only mean more paperwork and little help for the air.

"I think it will mean burdensome record keeping and won't do much to help you. We already try to control dust, because it's a problem for our crops," Westley farmer Bill Cox said.

The particulate-pollution plan also must be approved by both state and federal regulators. If the plan isn't approved by the U.S. Environmental Protection Agency by August, the region will be subject to sanctions.

The penalties could run from a loss of road-building dollars to restrictions on driving.

What the plan does

- * Restricts use of wood-burning fireplaces and stoves on bad-air days.
- * Requires farmers to choose dust-control methods to reduce pollution caused during harvest, driving on unpaved roads, land preparation and while parking equipment.
- * Applies more stringent rules related to construction and demolition.
- * Has tougher rules for dust carry-out and track-out on paved roads.
- * Implements a 5 percent annual pollution reduction.

Progress continues concerning dirty Valley air

By Henry Winckel
The Porterville Recorder
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Few people disagree that air quality in the San Joaquin Valley is poor.

The disagreements arise over solutions to the problem. The most recent proposed solution, legislation that would add four state-appointed members to the San Joaquin Valley Air Pollution Control District board of directors, was stalled Wednesday by Valley officials who spoke in opposition to the bill.

Senate Bill 999 was authored by Sen. Michael Machado (D-Stockton), who says it will add expertise and help the board make critical air pollution decisions. The bill was heard Wednesday by the Assembly Local Government Committee.

Tulare County Supervisor Steve Worthley and Kings County Supervisor Alene Taylor were among the Valley officials who drove to Sacramento to oppose the bill and speak on behalf of the air board.

"What I said was that the air board has a strong record of action, although it's been accused of the contrary," said Worthley, who represents Tulare County on the air board. "I also said we see this bill as a direct assault on local government."

According to Worthley, Machado told committee members that babies in the San Joaquin Valley are gasping for air, and senior citizens are dying because of the air quality.

"We were also accused by the environmentalists of making pitiful advances in air quality improvement," Worthley said.

Worthley countered Machado's assertion that SB 999 would expand the expertise on the board by pointing out that the bill only calls for one person with expertise. He also told committee members that the air board has made significant progress through permitting and passing regulations in the only area under its jurisdiction, stationary sources.

"These actions have reduced emissions from stationary sources by 47 percent," Worthley said. "In addition, the board has aggressively pursued incentive programs to reduce emissions from sources that are not under its control, specifically mobile sources of pollution. To date, the district has provided \$78 million in direct financial incentives for emission reductions."

Worthley also said that air quality in the Valley has shown steady improvement.

In 1980, the San Joaquin Valley exceeded the federal one-hour ozone standard on 64 days. By 2001, this figure dropped to 32 days.

For PM10, the San Joaquin Valley exceeded the 24-hour federal standard on more than 55 days in 1990. By 2001, this figure dropped to 12 days.

Additionally, the number of carbon monoxide non-attainment areas in the San Joaquin Valley has dropped from four in the early 1990s to zero in 2001.

"These points came as a great shock to committee members who had been led to believe that Valley air is bad and getting worse," Worthley said.

Worthley also argued that decisions on improving the Valley's air quality should be made by representatives elected by local citizens, not by state-elected officials whose loyalties lie elsewhere.

Worthley said the Assembly Local Government Committee asked Machado to rework his bill to make it less onerous to the air board, and to address the issue that only calls for one person with expertise.

Committee members will hear the bill again in one week.

"I believe that without our efforts the bill would have gone sailing through as is, because there was not much effort on Machado's part to modify it," Worthley said. "Hopefully now there will be."

District approves clean-air plan

By MATT WEISER

Bakersfield Californian

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Air pollution control officials on Thursday approved a comprehensive plan to control particulate pollution in the San Joaquin Valley. Industry groups called it the best effort ever in America to control dust and toxic soot. Clean-air advocates said the plan is a sham that violates federal law.

The governing board of the San Joaquin Valley Air Pollution Control District unanimously approved the phone-book-sized plan in a five-hour meeting in Fresno. The region is out of compliance with federal standards for particulate pollution and has never had a federally approved control plan, despite 12 years of trying.

The plan approved Thursday aims for compliance by 2010. Particulates, often referred to as pm10, include dust, soot and chemical compounds smaller than 10 microns in size, or one-sixth the diameter of a human hair. These particles cause breathing trouble for thousands of valley residents by clogging breathing passageways and aggravating asthma, bronchitis, emphysema and heart problems.

"This plan represents a very ambitious effort at controlling pm10 in the valley," said David Crow, air pollution control officer for the air district.

A host of environmental groups and average citizens told the governing board the plan doesn't do enough to control particulates. Many wore asthma inhalers around their necks in protest. For some, it was a symbolic gesture; for others it was not.

"Some of the kids at my school are dropping down on their hands and knees, not being able to breathe because of asthma," Bakersfield resident Travis Jackson, 11, told the board. "There are people saying to kids, 'You're our future.' What future do we have if we're on life support?"

Critics questioned the math used by the district to achieve the 5 percent annual pollution reductions required by the federal Clean Air Act. The district attains the 5 percent by adding reductions in both primary and secondary particulates. Critics called this "bad math" and said the law requires a clear showing of 5 percent reductions in one or the other category, not both added together.

Particulates include both actual dust, soil and soot particles released by vehicle exhaust, farming activities and construction. They also include "secondary" particulates created when chemicals combine in the atmosphere. In the valley, this includes nitrogen oxide from vehicle exhaust and other fuel combustion, and ammonia released by farm-animal waste, mainly in dairies.

"No matter which way you interpret it, the legally mandated reduction of 5 percent is not being met," said Tracy Mason, a representative of the Association of Irrigated Residents.

But industry groups said the plan contains a good balance of reasonable controls based on sound science.

New controls proposed in the plan include stricter rules on emissions from cotton gins, glass-melting furnaces, industrial water heaters and gas-fired steam generators used in oil fields. The plan includes a proposal to ban the use of residential fireplaces and wood stoves during certain winter weather conditions. This will come up for review in a separate hearing on July 17.

The plan will strengthen a number of existing rules, notably those that limit dust from plowing, harvesting, construction, demolition and unpaved roads and parking lots.

"While we have some concerns, we believe the plan is crafted in a manner that will allow for air quality improvements without an undue burden on farmers," said Loron Hodge, executive director of the Kern County Farm Bureau. "Since we recognize we are part of the problem, we also recognize we are part of the solution."

But air quality advocates criticized a proposed "conservation management plan" that will allow farmers to choose from a list of measures to reduce pollution. This plan will be managed by the Natural Resource Conservation Service, an arm of the U.S. Department of Agriculture, not the air district. The district would only get involved if fewer than 80 percent of farmers sign up.

"This methodology subverts any monitoring and reporting requirements," said Brent Newell, an attorney for the Center on Race, Poverty and the Environment in Delano. "This air district does not have the political will to regulate agriculture. Period."

The air district also declined to regulate ammonia emissions caused by decomposing livestock waste in feedlots, saying there's no evidence such controls will improve air quality. Critics also said the air district should do more to regulate heavy-duty diesel trucks. For example, they called for an idling limit on trucks doing business in the valley.

Air district staffers said their regulations don't include stricter farm controls because studies show particulate pollution has become an urban problem. Key components are nitrogen oxide exhaust emissions and dust stirred up along roadways, which are primarily urban issues.

But critics said the air district should control everything it can, rather than just striving for a 5 percent reduction.

"This air district board has an opportunity to do its part in solving the devastating impact pm10 has on our lungs and lives," said Chuck Sant'Agata, president of the American Lung Association of Central California. "We don't think this current plan will do it as written. Send it back."

The California Air Resources Board is scheduled to vote on the plan at a special meeting in Fresno on June 26. It then goes to the U.S. Environmental Protection Agency for review.

If the EPA does not approve the plan by Aug. 28, the valley could lose \$2 billion in federal highway funding, and fees paid by businesses to operate in the valley could double.

"It always strikes me as ironic that, as we are criticized for being slow, here we are on the threshold of moving forward, and they want us not to pull the trigger," said Bakersfield City Councilman Mike Maggard, a member of the air district governing board. "I don't see how we can not move forward. To not move forward keeps the air dirty for longer than it should be."

Valley air pollution plan approved despite extensive criticism

The Associated Press

Thursday June 19, 2003

FRESNO - San Joaquin Valley air quality officials approved a long-awaited pollution control plan Thursday following six hours of objections from critics who said it didn't go far enough.

The San Joaquin Valley Air Pollution Control District said the plan's passage marked a victory in a decade-old effort to draft a proposal to clean the region's air, among the most polluted in the nation.

But after the vote, environmentalists and health advocates said they would work to ensure the plan never becomes policy. "When the EPA posts its intention to approve it, we sue," said Sierra Club member Kevin Hall.

The air quality district faces an Aug. 28 deadline for submitting to the U.S. Environmental Protection Agency a blueprint for reducing particle pollution - made up of microscopic bits of dust, soot, and smoke kicked up on dirt roads, farm fields and spewed by fires.

The valley has failed to come up with a federally approvable plan several times over the last decade. Supporters of the current plan include the EPA, state regulators and an association of valley builders. "We recognized that we didn't have enough to meet the standards before ... but this new plan is enough to get us to attainment," said district planning director Dave Mitchell.

But in a daylong meeting Thursday that was expected to end with the district supervisors voting to approve the plan, many of the people lining up to give public comment said it falls short.

Teresa DeAnda, who directs Californians for Pesticide Reform in the valley, said regulators need to do more to restrict agriculture - the dairies and farms that do little to control the dust.

"The air is so bad, I can't go out to play and I sometimes get sick," testified Joe Miranda, a 9-year-old from Earlimart, one of several children with asthma she brought before regulators.

Earthjustice, an environmental law firm, sued the EPA last year on behalf of the California Clean Air Campaign, the Sierra Club and Medical Advocates for Healthy Air, accusing the agency of failing to reduce the pollution that darkens skies and causes respiratory problems.

Under a settlement reached May 14, the EPA is set to take over air pollution control in the San Joaquin Valley if regional officials fail to come up with a plan by next year. If that happens, the valley stands to lose \$2 billion in federal highway funds.

The Sierra Club's Hall said the proposed plan is "just another failure" because it won't succeed in meeting a federal requirement to reduce particle pollution by five percent annually.

Experts say farming accounts for more than 50 percent of the particle pollution in valley air. The plan calls for a 25-percent reduction of farm-based particle pollution, but Hall claims it also contains loopholes that would excuse the multibillion dollar agriculture industry from making major changes.

"Clean air in the valley is DOA - developers, oil and agriculture. They are the campaign contributors and the power brokers," Hall said. "The district has failed every time before and they're failing us again."

Planning director Mitchell counters that the proposal would meet the goal of achieving new federal health standards by 2010 and will reduce pollution by massive amounts over the next 10 years.

The proposed plan contains, among other provisions, dust regulations, suggested and mandatory changes in farming practices and residential wood-burning bans during certain times of the year.

Mitchell said the plan predicts a reduction in particle pollution by 45 tons a day - from the current 329 daily tons - and a reduction of 156 tons a day of NOx - from the current 520 tons a day.

The California Air Resources Board will meet June 26 at Fresno to take up the issue. The board must approve the plan before it goes to the EPA. "We're moving quickly, but we've been at this for a long time," Mitchell said. "The control measures are in the plan."

Air cleanup plan clears first hurdle

Pollution district approves proposal in face of looming possible sanctions.

By Mark Grossi

The Fresno Bee

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The San Joaquin Valley's fourth dust and particle cleanup in a dozen years cleared its first big hurdle Thursday, but not without hours of public comment heavily laced with activist opposition.

By unanimous vote, the San Joaquin Valley Air Pollution Control District board approved the 2003 PM10 Plan, a 1,000-page document touted as a major road map to cleaner air.

Environmentalists urged the district to hold off on the "flawed" plan, but board members felt the pressure of possible federal sanctions for not moving ahead.

Eleven-year-old Travis Jackson of Bakersfield offered them other reasons to act. He said classmates were quitting sports because of asthma, and others sometimes dropped to their hands and knees with asthma attacks at school.

"We're supposed to be the future," Travis said. "What future do we have if we're on life support?"

Particle pollution triggers asthma attacks, and childhood asthma rates in the Valley are among the highest in the state. Board members said another delay would not happen.

"We got the message -- time's up," said board member Judy Case, a Fresno County supervisor.

Now the massive plan will come before the California Air Resources Board, which will convene a meeting Thursday in Fresno at the air district's office to consider approving it.

The plan projects a daily pollution reduction of 275 tons by 2010, bringing the district into attainment with the federal health standard. The particles targeted are one-seventh the width of the human hair. Even smaller particles also will be reduced.

The district proposes to cut pollution with a more stringent dust rule, tighter regulation on industries and a mandatory ban on burning wood in fireplaces on the Valley's worst winter pollution days.

Particle pollution is largely a fall and winter problem.

The Valley air district also is putting together a plan to reduce ozone, the main ingredient in smog, which occurs in warm weather.

If the state approves the new particle plan, the next stop for the Valley is the U.S. Environmental Protection Agency. The Valley needs to submit the plan to the EPA before Aug. 28 or face a sanction that would raise fees for new and expanding businesses.

About \$2 billion in federal road-building money would be held up if the local officials delayed beyond next February. And the EPA would take over the cleanup plan.

The Valley, considered one of the worst places in the country for dust, soot and other particle pollution, has never had an acceptable plan, falling short three times.

Environmentalists believe the district will fail with this plan as well, unless changes are made. They criticized the district's interpretation of the Clean Air Act, saying the district provides few backup measures, miscalculates the reductions and lets agriculture off too easily.

Lawyer Brent Newell of the Center on Race, Poverty and the Environment said agriculture emits half of the dust-based particle pollution, yet the plan allows farmers to pick their own control strategies in five categories.

He said the plan provides no enforcement, making it voluntary with little or no supervision.

"They can opt out of control measures," he said "That's illegal."

The plan allows the kind of flexibility farmers need, allowing farmers to pick effective controls from each category, agriculture representatives said.

They said they will continue to work with district officials on rules that allow the multibillion-dollar agriculture industry to comply with the law and reduce pollution.

Agriculture representatives also said they have made voluntary efforts work before. The cotton ginning industry has reduced more than 30 tons of particle pollution per day, said Roger Isom, vice president of the Fresno-based California Cotton Ginners and Growers Association.

"Our industry has made great strides voluntarily," he said.