

News in brief from the San Joaquin Valley

The Associated Press

Published in The Fresno Bee

Thursday, November 20, 2003, 7:55 AM

FRESNO, Calif. (AP) - Air inspectors saw smoke coming from 22 chimneys on the first day of Fresno and Kern county's mandatory ban on burning wood.

Neighbors helped the inspectors spot the violators - 17 of them were called in by someone living in the area.

Tuesday's ban applied to all of Fresno County and part of Kern County.

So far, air quality has not been bad enough in the Northern valley to justify a ban, but one might be coming soon, said Josette Merced Bello, a spokeswoman for the San Joaquin Valley Air Pollution Control District.

"You have been flirting with it," she said Wednesday.

Residents of Stanislaus County had been asked to voluntarily refrain from burning wood from Monday to Wednesday, but that request has been lifted as air quality improved, and there is less soot and smoke lingering over the county.

During a mandatory ban, which district officials said could be in place on up to 25 days during the fall and winter, inspectors go out looking for smoke. They take down addresses, and the potential violators get letters asking if they qualify for an exemption.

Homes above 3,000 feet, homes which have wood as their only source of heat or that have no access to natural gas are all exempt from the ban.

Violators can get fines of \$50 to \$1,000. The cost goes up with repeat violations.

Thursday, November 20, Merced Sun-Star

Plans for big dairy near Stevinson approved

By Jacob Fenton (jfenton@mercedsun-star.com <<mailto:jfenton@mercedsun-star.com>>)

Merced County approved the first new dairy Tuesday since adopting tough new environmental rules more than a year ago.

County planning commissioners gave the thumbs up to a 600-milk cow dairy to be put at the northwest corner of First and Griffith avenues in Stevinson.

Accepting the first new dairy under the new guidelines is "big," said Michael Marsh, chief executive officer of Western United Dairymen, the largest dairy producers trade association in the West.

Marsh, who is based in Modesto, said that the new rules are some of the most stringent in the state, and a number of projects had been put on hold as planners sorted through the meaning of the regulations.

Marsh called the approval "very positive - that means that perhaps the backlog will start breaking down."

Though the new rules are stringent, said Merced County Planning Director William Nicholson, they were designed to approve dairies more efficiently than older rules.

In the past, said Nicholson, dairy projects have been held up by environmental lawsuits.

When the new rules were adopted, a "program" environmental impact review (EIR) was conducted to assure the impacts of new dairy projects met the rules.

From the framework of the program EIR, dairy planners must conduct a site-specific supplemental EIR that examines how the particular project will meet the guidelines.

By providing a specific structure that fits the environmental guidelines, Nicholson said dairy planners should be afforded a measure of protection from lawsuits.

The new process is "legally supportable," he said, though it may take a legal challenge to establish that.

Even so, other counties are imitating Merced County's approach.

"Merced County is a leader in the field for setting regulations," said Eugene Smith, the project's environmental consultant from Quad Knopf.

Though some might consider that dubious praise, Smith, who works in counties across California, said that both Glenn and Tulare counties are following Merced County's lead.

After several years, Smith said that Merced County's approach is finally allowing dairies to move forward, in contrast to other parts of the state, where dairies are still tied up.

"Merced County gets high marks for its efforts," he said.

Still, Smith noted that the regulations do not come cheap.

To comply with the rules, Smith said dairy owner Michael Brasil would need to do everything from importing clay to line his wastewater lagoon to taking measures to protect burrowing owls.

For Brasil, 27, a father of three who said he's on a tight budget, paying \$60,000 for an EIR seems a lot.

"We're not talking about peanuts," said Brasil, who chose to move his dairy from Stanislaus County both to run a more efficient operation and so his wife could be nearer her hometown.

Brasil said that acting as the guinea pig for the new process wasn't particularly gratifying.

He first started paperwork for the move 30 months ago. The planning department first told him he would only need an initial study, only to tell him later a site-specific EIR would be needed.

"I was halfway through my project," he said.

For planning agencies, however, things have gone smoothly.

The fact that Brasil's dairy is of moderate size is a plus from their perspective.

Planning Director Nicholson said he hadn't had any objections from state agencies.

While Brasil's project could yet be appealed to the supervisors, the chief objections to it have come from neighbors, more or less the norm for a project of this size.

[Thursday, November 20, The Fresno Bee](#)

Measure C issues drive transit forum

By Kerri Ginis

Air-quality and land-use issues dominated the early discussions at a transportation forum Wednesday.

But that changed once Measure C supporters made an enthusiastic pitch for the half-cent sales tax for Fresno County roads and highways.

Six panelists representing cities, business interests and community groups debated the pros and cons of extending the sales-tax initiative for 30 years during the 2003 Fresno County Transportation Forum.

The majority of the panelists pointed out the benefits Measure C has conferred upon the county during the past 20 years, such as the construction of Highways 41, 180 and 168 and improvements to city streets and sidewalks.

But not everyone agreed that the construction funded through Measure C was good for Fresno County. Panelist Mary Savala said it created more air pollution, more traffic congestion and an increased reliance on cars.

"An urban freeway system may have reduced traffic congestion on our streets, but it paradoxically created traffic congestion on our freeways," said Savala, who represents the League of Women Voters and the Coalition for Livable Communities.

The Measure C discussion ended the one-day forum that brought together business people, community members and city and county leaders. Several panels of experts discussed ways to improve air quality. They also talked about other types of transportation residents may see in the future, such as a statewide high-speed rail system.

About 180 people attended the transportation forum, which included an awards presentation recognizing individuals and businesses that contributed to transportation planning.

During the afternoon session, the discussion turned to Measure C, the initiative passed by Fresno County voters in 1986. The 20-year life of the tax expires in 2007 unless residents vote to renew it.

By the time Measure C expires, it will have raised more than \$700 million for roads, freeways and other transportation needs. Cities receive 25% of the money, and the rest goes to building the county's freeway system.

A Nov. 2002 ballot initiative asking voters to approve extending Measure C by 30 years failed. Many are wondering whether it should go before voters a second time.

Much of the debate is over how to divide the \$2.8 billion the measure is expected to generate in 30 years and what projects it will fund.

Kingsburg City Manager Don Pauley said the smaller cities in Fresno County need some of the money to help pay for maintenance of streets and sidewalks.

Harry Armstrong, Clovis City Council member, said the money also could help pay for transportation projects already planned, such as freeway expansions.

Savala said the best way to figure out how the sales-tax dollars should be used is to solicit community input. She said that wasn't done the last time the measure went before voters, and she believes that was one reason it failed.

"There were some things about this last proposal that were very vulnerable," she said. "We need to go back to the table and come up with a proposal we can all agree upon."

Fresno resident Yvonne Brown said she thought Wednesday's discussion helped to clear up some misinformation about Measure C. If the sales-tax initiative is put before voters again, Brown said, she hopes it passes.

"It was heartbreaking to me to see that defeated, because it was so needed," Brown said.

The reporter can be reached at kginis@fresnobee.com <<mailto:kginis@fresnobee.com>> or 441-6317.

Thursday, November 20, The Fresno Bee

Fresno's Copper River settles lawsuit

By Mark Grossi

Copper River Ranch developers and community activists Wednesday announced an innovative lawsuit settlement that includes payment for air pollution, 100 "affordable residences" and a plan to save farmland.

The agreement ends a lawsuit filed in July by Medical Advocates for Healthy Air and the League of Women Voters of Fresno. The lawsuit alleged that the developers and the city had not adequately addressed air quality, the need for low-cost housing or the loss of farmland at the site.

Negotiations settled those concerns over the northeast Fresno development, where the city had approved plans for more than 2,800 homes and 250,000 square feet of commercial and office space.

The air pollution issue was one of the larger issues because traffic around Copper River is expected to generate 175 tons of smog-making gases annually.

Developers agreed not to get building permits until after the San Joaquin Valley Air Pollution Control District sets fees for such emissions.

Air district officials are in the midst of deciding how much to charge for the per-ton fees, which are required next year by a state law signed in September.

Lawyer Patience Milrod, representing the Medical Advocates and the League of Women Voters, congratulated Copper River developers for agreeing to wait on their permits.

"Everyone involved came from a perspective of doing what's good for the community," she said. "It was a really exciting process."

Developers said they, too, were pleased. Aside from the city, the Copper River lawsuit also named Farid Assemi, Gary McDonald, William Tatham Sr. and Consolidated Land Co. as defendants.

Assemi, of Granville Homes, said he was interested in the same issues. For instance, developers' plans include such air-friendly features as a ban on fireplace construction, trails for pedestrians, lanes for bicycles and places for electric cars to recharge.

Assemi said he was surprised when the activist lawsuit was filed in July. But he said he and others approached the settlement with open minds.

"We're proud of what we've accomplished," Assemi said. "My family farms on the west side, so it was quite easy to come to agreement on protecting farmland."

Though no dollar figure was announced, the developers will fund the startup of an agricultural land-preservation plan. In the future, when farmland is swallowed up by development, builders can invest money in the preservation effort so farmland easements can be purchased and protected in Fresno County.

Assemi added that he wants to rehabilitate or build 100 residences for people who can't afford upscale newer homes. This part of the settlement would help fill in downtown neighborhoods.

"We have been trying to do something downtown for some time," Assemi said.

A city representative, Planning Director Nick Yovino, said he had not seen the settlement, but he liked the ideas he heard.

This is the second settlement of an air- and planning-related lawsuit since last November. The first one, also filed by the Medical Advocates group, was settled in June, with the city agreeing to use more advance analysis in its 2025 General Plan.

The city will spend \$1 million to connect transportation, a major source of air pollution, with land uses in an attempt to reduce vehicle traffic.

The reporter can be reached at mgrossi@fresnobee.com <<mailto:mgrossi@fresnobee.com>> or 441-6316.

Thursday, November 20, The Modesto Bee, front page
Burn violations seen

By MELANIE TURNER
BEE STAFF WRITER

Air quality inspectors around Fresno and Bakersfield saw smoke coming from 22 chimneys on the San Joaquin Valley's first day of a mandatory ban on fireplace burning. Neighbors called in 17 of the smoke reports, officials said, and inspectors verified all of them.

The ban applied Tuesday to Fresno County and the valley portion of Kern County, in the central and southern parts of the valley.

No such ban has made it to the Northern San Joaquin Valley: San Joaquin, Stanislaus and Merced counties. But air quality here has been almost bad enough to trigger a ban, and one is coming, said Josette Merced Bello, a spokeswoman for the San Joaquin Valley Air Pollution Control District.

"You have been flirting with it," she said Wednesday.

From Monday through Wednesday, the air district asked residents of Stanislaus County -- and only Stanislaus -- to voluntarily refrain from burning wood in fireplaces.

For today, the air district lifted its burning "discouraged" declaration for Stanislaus, based on an air quality forecast of less soot and smoke lingering over the county.

To the south, the air district imposed a voluntary ban today for a second straight day in the Fresno-Kern area, after Tuesday's mandatory ban.

The air district orders

fireplace-burning restrictions, voluntary or mandatory, on a county-by-county basis. The restrictions are based on monitoring of particulate matter in the air -- and how much might be expected the next day.

While smog typically blows south in the eight-county valley, the same is not true for fall and wintertime smoke.

Weather patterns also can affect particle levels, she said, explaining why Merced County escaped fireplace restrictions the first half of this week while Stanislaus did not.

The district expects to ban burning four to 25 days each fall and winter.

During a mandatory ban, inspectors go on patrol to watch for smoke, and respond when people call in to report seeing fireplace smoke.

Inspectors verify the reports and addresses, and the air district then sends letters to ask the residents if they qualify for an exemption from the rules.

Exemptions are allowed for homes in which wood is the sole source of heat, for homes above 3,000 feet elevation, and for homes with no access to natural gas.

The air district can impose fines of \$50 to \$1,000, with people penalized more if the number of citations goes up.

Daily reports on fireplace-burning restrictions, if any, are available by telephone, 800-766-4463, and online, www.valleyair.org. For the Northern San Joaquin Valley, burn restrictions, if any, are depicted by symbols with the weather forecast on Page A-1 of The Bee. The number to call to report burning on a mandatory no-burn day is 559-230-6000. To page an inspector after hours, call 800-870-1037.

[Thursday, November 20, The Record - National News](#)
Conservationists Seek Snowmobile Ban

By JACK SULLIVAN

Associated Press Writer

WASHINGTON (AP) -- Conservationists are asking a federal judge to strike down a Bush administration decision to let snowmobilers keep riding in Yellowstone and Grand Teton national parks.

In papers filed in U.S. District Court in Washington, the Greater Yellowstone Coalition contends that the Interior Department violated environmental laws when it set aside a Clinton administration plan to phase out snowmobiles.

The Interior Department, which oversees the popular Western parks through the National Park Service, wants the challenge thrown out, saying its decisions were made properly.

U.S. District Judge Emmet Sullivan was to hear arguments Thursday. Yellowstone's snowmobile season begins Dec. 17.

At issue is the park service's decision, outlined earlier this year, to drop the planned ban. It would have replaced snowmobiles with snowcoaches carrying groups of visitors.

Also, there was a plan to continue to allow snowmobilers in the parks, but only if they rode machines with cleaner and quieter engines, made reservations and traveled in guided groups.

The park service issued those rules after it agreed to review the Clinton-era plan as part of a legal settlement with snowmobile makers.

Officials called the new plan a balance between recreational use of the park and the need to minimize environmental damage.

They said it took into account new data on how clean-burning snowmobile engines could be built. [The plan also called for rangers to monitor the machines' effect on air quality](#), noise and wildlife and to make adjustments to the limits as needed.

The Bozeman, Mont.-based Greater Yellowstone Coalition and other groups argue that a ban is the only way to protect the park's natural resources and wildlife and say there is no justification to reverse it.

"While the Park Service ostensibly based its decision to undertake further study on the availability of 'new' information, there was nothing significantly new for the Park Service to consider," the group's lawyers said in court papers.

Another group of conservationists, led by the Maryland-based Fund for Animals, also is attacking the snowmobile rules.

They allege that the park service did not adequately evaluate whether its practice of grooming snow-covered roads for snowmobiles and snowcoaches harms wildlife by creating unnatural corridors for them to move out of the park.

[Wednesday, November 19, Bakersfield Californian and the Fresno Bee](#)

Opponents sideline measure precluding state air pollution regulation of small engines

By ERICA WERNER, Associated Press Writer

WASHINGTON (AP) - A measure that would have precluded California and other states from imposing clean air regulations on lawn mowers and other small engines was removed from a spending bill Wednesday.

"The battle is not over," Sen. Dianne Feinstein, D-Calif., said after negotiators promised to give the measure's sponsor, Sen. Kit Bond, R-Mo., another chance to address the issue in the bill.

Bond had inserted the measure into a funding bill for the Environmental Protection Agency and the departments of Veterans Affairs and Housing and Urban Development, and Feinstein was unable to knock it out in the Senate.

It would have precluded California and other states from regulating engines under 50 horsepower by placing that authority exclusively with the federal Environmental Protection Agency.

Howard Gantman, a spokesman for Feinstein, said the senator had reached out to new California Gov. Arnold Schwarzenegger, New York Gov. George Pataki and Florida Gov. Jeb Bush, all Republicans, for help on the issue.

Schwarzenegger sided with Feinstein, and his office called upon House Rules Committee Chairman David Dreier, R-Calif., said a senior congressional aide. The aide, speaking on condition of anonymity, said Dreier spoke with Bond about the issue Wednesday afternoon.

Bond's measure would have marked only the second congressional action since 1975 to pre-empt California's unique authority under the Clean Air Act to set tougher pollution standards than the federal government.

The small engines that are in lawn mowers, forklifts, chain saws and other machines create a large amount of smog, according to California air regulators. The state's Air Resources Board recently adopted regulations to force a 35 percent reduction in emissions from small engines.

Bond argued during a Senate debate that such regulations could drive as many as 22,000 U.S. manufacturing jobs overseas, including employees at production facilities of Briggs & Stratton Corp. in his state.

He also raised safety issues, saying catalytic converters that California's regulations would require could cause spark fires. He said he planned to offer a new amendment calling for EPA to review the safety implications of the California rules.

December/January Issue of Mother Earth News (published November 2003) - Letters to Mother Earth: Fireplace Cautions

I am writing to comment on your October/November 2003 article "Choosing a Fireplace for Beauty and Warmth." In some areas, smoke from fireplaces is a significant source of airborne particulates. On the worst winter nights, fireplace smoke can be responsible for up to 30 percent of all particulate matter pollution here in the urban area of California's San Joaquin Valley. The particles can lodge deep in the lungs, aggravating emphysema and other respiratory illnesses, and triggering heart and asthma attacks.

Problems created by wintertime wood smoke can be so serious that several areas in the country, including the San Joaquin Valley, have adopted strict rules limiting when residents can burn wood.

For these regions, cleaner alternatives for heating a home are available. Solar heat works well in many areas of the country and does not pollute. Natural gas heaters are very efficient and produce less than one gram of particulate matter per hour. If wood burning is the only option, the EPA-certified fireplace inserts and stoves featured in your story produce about 6 grams per hour.

Uncertified wood stoves can produce as much as 42 grams of particulate per hour. Open-hearth fireplaces can produce 47 grams or more per hour, and as your story explained, they only warm a small area in front of the fire and make the rest of the home colder.

Readers in urban areas should look for cleaner ways to heat than burning wood. But, if you must, please make sure it's dry, seasoned wood, and only burn in an EPA-certified wood burning device.

You can learn more about airborne particulate matter pollution by visiting the EPA Website at www.epa.gov or the San Joaquin Valley Air Pollution Control District's Website at www.valleyair.org.

DAVE CROW
San Joaquin Valley Air Pollution Control District
Fresno, California

Thursday, November, 20, Editorial in The Fresno Bee
Getting serious

Tuesday was the first day that residential wood burning was banned in certain areas under a new rule aimed at cleaning the Valley's polluted air. Fireplaces, wood stoves or heaters that burn wood could not be used, except in some limited circumstances, in Fresno and Kern counties.

Not everyone got the message. They will. Inspectors with the San Joaquin Valley Air Pollution Control District were out checking for compliance and pursuing complaints from residents. They found 14 violations in Fresno County and another five in Kern County. Most resulted from resident complaints.

This is not a trivial matter. The Valley, especially in winter, is one of the nation's worst places for particulate matter, including the ash, soot and other microscopic specks of pollution produced by wood fires. Such pollution has been linked to heart attacks and premature death, and can trigger the onset of asthma.

Wintertime wood burning in the Valley can put as much as 24 tons of particulate matter each day. That's almost one-third of the total particulate matter created in urban neighborhoods on winter days.

Violators will be sent notices in the mail after investigators have confirmed that they are burning wood on days when they shouldn't. The fines can be as much as \$1,000.

There are important exceptions to the rules: Those for whom wood burning is the sole source of heat may use their appliances any day. Residents of foothill and mountain areas above 3,000 feet are exempt, as are homes in areas where natural gas service is not available. Gas and propane devices are exempt altogether.

The problem is real. The solution is simple. And the goal -- cleaner air -- is vital.

LASTGASP

"We can't go on living this way.

And we won't."

Another in a series of Thursday editorials on the Valley's polluted air. Today: New fireplace, wood stove rules are for real.

Thursday, November 20, 2003, Porterville Recorder - Letter to the Editor,
Farmers, dairymen are not major polluters

I am also responding to the Oct. 28 letter (placing the blame for the bad air in this valley on dairies and farmers.) Our family has been farmers and dairymen for at least 75 years. I grew up on a dairy farm. We as dairymen today are required to test the soil on each field twice each year. This is all done to record the amounts of nitrates, phosphates, etc. that could contaminate

groundwater. This is all documented and kept on file.

We are also required to have a storm water discharge permit with the State Water Resources Control Board, filing a report each year. Inspections are also periodically performed by a representative of the State Water Resources Control Board.

We only put manure and waste water on fields that are deficient in those nutrients. When we have trucks hauling feed or manure to and from the fields all roadways are watered to control the dust.

[Thursday, November 20, Visalia Times Delta - Editorial](#) **Fireplace ban signals change in the Valley**

Information about the status of fireplace burning can be found each day on page 2A of the Visalia Times-Delta and on the front of the Local section.

EDITORIALS

When the San Joaquin Valley Air Pollution Control District this week called the first ban on use of fireplaces, it was a small step with historic significance.

The most important thing about the ban was that it signaled a change in public attitudes about reducing air pollution.

The ban on Tuesday applied to Kern and Fresno counties, where it was mandatory and subject to a fine between \$50 and \$1,000. In Tulare County, residents were discouraged from using their fireplaces to burn wood, which is voluntary. There are also exemptions: Houses where wood is the sole source of heat are exempt. So are homes above 3,000 feet.

The district makes the distinction according to the health level of the air. When the air quality index reaches 100, fireplace burning is discouraged. When it reaches 150, it is banned completely. The air quality index measures the amount of pollutants in the atmosphere. The object of discouraging fireplace burning is that it will reduce the number of particles of soot, ash and smoke associated with wood burning in an open hearth.

Lots of folks in the San Joaquin Valley are a trifle discouraged about these new regulations. They see them as an intrusion into our traditional way of life in the Valley. But it's one way to improve our air quality, and it will occur only a handful of times each winter.

The significance of this step, however, is that the air pollution control district is directing the public toward a course of action that can help reduce air pollution and make a positive difference in our environment. No, it won't cure everything. It will make a very small incremental difference. But it's a start.

The San Joaquin Valley has the second-worst air quality in the country, thanks to a number of different reasons, some natural as well as human-made. It will take a wide range of strategies to change that, as well as a collection of incremental steps.

Doing without a fire every once in a while is a small thing, but it's a huge step in changing our thinking and our habits: We can take control of our environment, and we can do something about air pollution -- one by one, a little step at a time.