

Smog board called too political to work

By VIC POLLARD, Bakersfield Californian Sacramento Bureau, February 05, 2003

SACRAMENTO -- The San Joaquin Valley's air board came under attack Wednesday from critics who charged it is too politically beholden to polluters to be effective in cleaning up the air.

A Kern County lawmaker who heads a special committee studying valley air pollution agreed, and said he plans introduce a bill to shake up the membership of the board.

State Sen. Dean Florez, D-Shafter, made the vow at the first hearing of a new Senate committee formed to study Central Valley smog problems.

Air district officials weren't invited to testify at the hearing, but later stoutly defended their record in cleaning up the air.

The calls to reform the composition of the San Joaquin Valley Air Pollution Control District board came after a series of witnesses decried the health effects of air pollution on children and other vulnerable adults.

"The air in Fresno is killing my son," said Kimberly Williams, whose 12-year-old son, Kerry, has frequent bouts of severe asthma, usually on days when air quality is bad.

State health and environmental experts cited studies showing children and senior citizens in the valley have significantly higher rates of lung ailments than those in the rest of the state.

Environmental activists said the valley has some of the dirtiest air in the nation, partly because of its unique geography and weather patterns, but also partly because the air board is too timid about imposing pollution restrictions on farming and other politically powerful local industries.

The 11-member board is made up of elected county supervisors and city council members from the eight counties that comprise the valley.

"Watching the board operate is like watching what appears to be a dysfunctional attempt to deal with the problem," said Kevin Hamilton, a Fresno respiratory therapist and a founder of Medical Advocates for Healthy Air.

"It's a good-faith effort," he added. "I want to say that."

Kevin Hall, a Sierra Club air specialist, was less charitable.

"Clean air in the valley is DOA," Hall told reporters later. "Developers, oil and agriculture -- that's who controls our board."

Air district officials bristled at the criticism.

"Who in the world is more beholden to the public than people who are elected by the public?" said Barbara Patrick, the representative on the air board from the Kern County Board of Supervisors.

Mark Boese, the district's deputy air pollution control officer, said it is unfair to blame the district and its board for all of the valley's air pollution problems. He noted that the district cannot legally regulate emissions from cars and trucks, which are responsible for the majority of the pollution. That is the responsibility of the federal government. The air district can only regulate stationary sources of smog like manufacturing plants, which he said create less than 40 percent of the valley's pollution.

But the critics contended that the elected local officials on the board could do more to control air pollution in the valley in their elected positions.

Hall noted that Kern County recently approved a massive expansion of the Tejon Ranch warehouse complex south of Bakersfield that is "going to generate enormous amounts of truck traffic."

Florez said air district officials were not invited to testify at the hearing because the Senate Select Committee on Air Quality in the Central Valley will hold 11 more hearings, most of them in Fresno and other valley cities, where the air board will be featured.

The three-member committee was authorized at the request of Florez, who was also named its chairman.

He said he will use the hearings to gather information for the board shakeup and other legislation to help improve air quality in the valley.

At the moment, he said he does not plan to remove existing members from the board but wants to expand its membership by adding members who are experts in medicine, business, economics and air quality.

That was recommended by Hamilton and others, who said the board needs more of a regional perspective and less allegiance to specific local communities.

"I think the board needs to realize," Florez said, "that there are perspectives out there other than their own."

News in brief from the San Joaquin Valley

The Associated Press, printed in Bakersfield Californian, Wednesday February 05, 2003, 10:25:04 AM

FRESNO, Calif. (AP) - The Fresno City Council unanimously has approved an ordinance to ban wood-burning fireplaces in new homes.

City Council member Henry T. Perea, who proposed the idea, said he hopes other cities in the Central Valley will consider the same ordinance.

Area regulators have proposed a similar law throughout the eight-county region. The San Joaquin Valley Air Pollution Control District is considering limiting the number of fireplaces or wood-burning stoves to one per acre of housing, requiring home sellers to replace or dismantle wood stoves or inserts and restrict residential wood burning on polluted winter nights.

Florez pushes for cleaner air

State senator eyes ban on ag waste burning

By Jake Henshaw, Visalia Times Delta Sacramento Bureau, February 6, 2003

SACRAMENTO -- Cleaning up the dirty air in the San Joaquin Valley is going to take a range of actions, from helping dairies reduce gas emissions to overhauling the regional air board, one lawmaker said Wednesday.

Sen. Dean Florez, D-Shafter, also said the Valley must take a look at imposing a ban on agricultural-waste burning and expanding smog checks to include older cars.

Florez outlined a package of legislation after the first hearing of the Senate Select Committee on Air Quality in the Central Valley. He is the committee chairman.

"We want to make sure everyone in the Capitol knows we have a very serious air problem in the Central Valley," Florez said.

The Valley is one of the nation's most polluted air basins. It's facing severe penalties, including loss of federal highway money, if it fails to meet U.S. clean air standards in the next few years. The hearing Wednesday focused primarily on the health effects of pollution, with 107 unhealthy air days in the San Joaquin Valley last year, Florez said.

Researchers said that 11 percent of the Valley population has asthma compared to between 5 percent and 6 percent nationwide.

"Clean air in the Valley is DOA -- developers, oil and agriculture," said Kevin Hall, who represented the Sierra Club at the hearing Wednesday. "Those are the people who run our [regional air] board."

Florez said he's considering legislation to expand the 11-member board of the San Joaquin Valley Air Pollution Control District, which now is made of local elected officials, to include health professionals, economists and representatives of business and advocacy groups.

That drew a critical response from Manuel Cunha, president of the Nisei Farmers League, who defended the board for doing what he said is "one helluva a job."

He argued that the additions being considered by Florez, which were recommended at the hearing by Hall and others, could open the board's membership to Air selections based on campaign contributions.

"Once you do that it becomes a political board appointed by the Legislature," Cunha said.

He argued that farmers voluntarily have taken a number of steps in recent years to reduce pollution, from cleaning up pumps to oiling roads.

"The agriculture industry is doing a lot but the news media doesn't print the positive things and the Legislature doesn't want to look at that data," Cunha said.

Hall said his supporters' priorities are ending special pollution exemptions for agriculture and pressing the Valley air district to finish and implement plans to combat ozone and particulate pollution.

Florez stressed that his proposed bills, still in the process of being drafted, are intended to provoke discussions, which will continue through a series of hearings throughout the Valley. One is scheduled April 4 in Visalia on the role of Valley residents in reducing pollution.

He also noted that some of his proposals may not be realistic without related state action. For example, his goal to end agricultural burning should be accompanied by money for to reopen a biomass plant in Dinuba and elsewhere in the Valley to give farmers a place to send waste for disposal.

Florez also wants to find a way to restrict fireplace burning so that nonpolluting fuel can continue to be burned while polluting fuels are banned.

The San Joaquin Valley air board will consider a rule on Valley-wide burning at its April meeting, a spokesman for the board said.

"We need to end ag burning in the Central Valley as much as we need to end fireplace burning," Florez said.

Cunha said he would be a "a little surprised" if Florez really is proposing to end farm waste burning "when he hasn't talked to us."

Cunha said farmers are working with air officials on a long-range plan intended to sort out where burning can be reduced, relying on technology and incentives to achieve this goal.

"If we are going to try to reduce burning we have got to have a place to send [the waste]," Cunha said.

On dairies, Florez said he's looking for a way to provide operators with long-term loans to fund projects to reduce emissions. He also wants to find a way to deal with the friction that sometimes occurs between dairies and urban development.

"It will be a zoning bill that most likely we will look at in terms of dairy," Florez said.

Finally, Florez wants to end the exemption that he said 30-year old cars enjoy from smog checks. But he added that he plans to continue the exemption for classic cars.

Weather helps crews at junk pile

Excavation fire could be controlled next week if fog doesn't return.

The Fresno Bee, February 6, 2003

Clear skies and slight breezes this week have helped crews fight deeply buried pockets of fire at the Archie Crippen Excavation junk pile in southwest Fresno, state officials said.

If weather remains clear, the fire could be under control by early next week, said Lisa Fasano, spokeswoman for the federal Environmental Protection Agency.

Additional caverns of fire and smoke were found Wednesday.

"They're fighting the most difficult part of the fire now," Fasano said.

However, fighting the flames has been a little easier this week as the Valley fog has rolled out and been replaced by light breezes that blow smoke off the pile, said Sheryl Tankersley, spokeswoman for the state office of emergency services.

The 25-foot-tall, 4.8-acre pile has been burning for three weeks. The heap contains wood, asphalt, concrete, metal, plastic, carpet, automobile parts, mattresses and other debris.

Workers are using excavators to lift burning material out of the fire. The debris is then held in the air and sprayed with water.

Next, the material is dipped into a pond until it is cooled and can be separated, away from the burning pile.

There are 90 workers at the site, including firefighters and personnel from local, state and federal agencies.

Bulldozers, excavators and other heavy equipment are used from about 6:30 a.m. to dusk, and crews monitor the fire throughout the evening, Fasano said.

Asbestos concerns halt Tracy razing

Air district orders testing of property on Mount Oso

By Andy Samuelson, The Record Tracy Bureau Chief, February 5, 2003

TRACY -- Air quality officials Tuesday halted demolition in a residential neighborhood to investigate whether the property is contaminated with asbestos.

San Joaquin Valley Air Pollution Control District inspectors ordered a demolition company, W.C. Maloney Inc., to test for asbestos before it finishes clearing the rubble on a 2-acre lot at 90 Mount Oso Ave.

W.C. Maloney crews started work early Monday morning, razing the run-down house and barn that have been community eye-sores for years. The 2-acre property is surrounded by about a dozen upscale homes.

Residents have been asking landowner Danny Benjamin to demolish the abandoned home and barn and last month pressured City Hall to do something about the property. They cheered when they saw a backhoe tearing down the graffiti-covered buildings.

"My wife called me at work (Monday) morning and said, 'Guess what? They are tearing down the house,' "said Lawrence James, who has lived next to the property for 11 years. "I couldn't believe it."

But another neighbor, Frank Pennell, became concerned Monday night when he saw what looked to be asbestos chunks as he walked through his neighbor's property.

Pennell's wife, Dawn, said she was worried about possible exposure, because she was home Monday morning with her son when the demolition began.

"I am a little bit (concerned), but people have had asbestos exposure before and nothing has happened to them," Dawn Pennell said.

Pennell's complaint to the air pollution district prompted a visit by inspectors around 11 a.m. Tuesday after most of the demolition had been completed.

Inspectors found suspicious material that could be asbestos, air quality inspector Brian Dodds said.

The company should have tested for asbestos before it started work because there were multiple structures that had been used as homes, said Jami Aggers, a compliance manager with the air pollution district.

According to state law, demolition crews must test for asbestos when they tear down commercial buildings or multiple homes, Dodds said.

Aggers said neighbors are not in danger if the material is found to be asbestos but added that demolition workers may have been exposed. According to the Environmental Protection Agency, asbestos can be harmful when people breathe its fibers over an extended period.

"The people handling the materials and doing the work, they are the ones at risk if they are not properly outfitted to protect themselves," Aggers said.

W.C. Maloney Inc. owner Carl Maloney said the project isn't under the air quality control district's jurisdiction, because only one house and a barn were on the property.

Maloney said he doesn't need to test for asbestos when he demolishes just one home.

He said his partner pulled the necessary permits before starting the job Monday. "Right now, the neighbors have some information there was some asbestos in the house," Maloney said.

"Whether there was or not, the air quality board and the city do not have any jurisdiction over it."

[Fresno Bee Editorial, February 6, 2003:](#)

Getting 'gross polluters'

A high-tech device could help us make a dramatic improvement.

California's Smog Check program was designed to reduce air pollution by forcing cars to be

repaired when they can't pass an easy emissions test. But the program hasn't worked as well as was hoped. One of the consequences, unforeseen or otherwise, was the decision by the owners of many of the worst vehicles -- the "gross polluters" -- to simply opt out of the system altogether.

In the absence of serious enforcement, that became an easy decision. Why pay for a smog test, and maybe expensive repairs, when just ignoring the test often doesn't bring any sanction?

Thus many of the gross polluters don't get their cars registered, so the cars don't get tested. Usually the drivers are caught only when they've committed another offense and law enforcement officers check for current registration. Then the consequences can be serious.

But there may be a way to get at the gross polluters without relying on the Smog Check program they can avoid so easily. Remote sensing devices set up along the roadside are accurate enough to catch the dirtiest 2% of the cars that drive by. That may sound unimpressive, but remember that while gross polluters are fewer than 10% of the total on California's roads, they produce more than half of smog-causing emissions from light gasoline engines.

The technology already exists. So why aren't we using it, as four other states do?

It's hard to say. There is resistance from bureaucrats and regulators, who mostly say the system isn't proven, or isn't effective enough. Others object on a "Big Brother" basis. The latter is specious: Driving is a privilege, not a right, and safeguards against abuse can be built into a system.

The effectiveness argument, especially from the state Air Resources Board, is curious. One of the board's own studies concluded the devices could accurately pinpoint the 2% "worst of the worst."

It's clear that these devices could help, and it's also clear that the state's bureaucrats need prodding from the governor's office and the Legislature. If more study is needed, fine. Let's do the studies here in the Valley, where we have no shortage of test subjects.

[Fresno Bee editorial, February 6, 2003:](#)

Curious choice

Political insider Perea will lead city's probe into Crippen fire.

Mayor Alan Autry's task force that will investigate the devastating fire at the Archie Crippen Excavation site must be free of City Hall politics if its findings are going to have credibility with the public. That's why the nomination of former City Council President Henry Perea as the mayor's point man on the task force is a curious choice.

Perea, who left the City Council five weeks ago, is hardly an independent observer. He was part of the council that three years ago ignored complaints by southwest Fresno residents about poorly run recycling centers and other blight in their neighborhoods. Perea also has a well-deserved reputation of exploiting the politics of an issue and relishing behind-the-scenes wheeling and dealing. That's exactly what this investigation doesn't need.

For the mayor's task force to be successful, its work must be done publicly. The first time task force members try to drag hearings behind closed doors, you'll know they aren't acting in the public interest.

The task force also must have the independence to investigate whether city agencies and policies created the circumstances that allowed the Crippen fire to flourish for almost a month.

The fire has damaged the region's air and harmed the health of many residents of southwest Fresno. It also has exposed the city's lack of oversight in regulating recycling businesses and other operations in the poorest parts of Fresno.

Plenty of politicians and special interests connected to City Hall won't want the entire story to come out. The quality of work this task force produces will tell the public a lot about who runs City Hall.

Autry defended his appointment of Perea, pointing out that the former council member received the American Lung Association's California Clean Air award last year. The mayor said Perea has been a critic of his administration at times, and he will have no problem assessing blame at City Hall.

Deputy Mayor Roger Montero, co-chairman of the task force, said Perea will be its spokesman, and will be in charge of writing a detailed report on the Crippen fire.

Autry will announce the names of other task force members this week. He said the mission of the task force is to get to the bottom of the issue, and no part of City Hall will be exempt from scrutiny.

But for that to happen, this task force can't be seen as another opportunity for politicians to leverage their connections with the special interests. Perea may know his way around City Hall, and that just might be the problem with the task force.

[Letter to the Editor, The Bakersfield Californian, February 6, 2003:](#)

Fireplace ban not fair

Am I the only one who noticed the paper this week?

First, there is a no-burn day -- the environment, you know. Well, guess what? Right next to the environmental warning, there is a picture of a 4,000- to 5,000-acre control burn in the Sierra. Let's do the math. I burn two to three logs in the evening and I am polluting the environment. The Forest Service can burn 4,000 to 5,000 acres and this is acceptable.

I find a major credibility gap between the agencies. I almost believed that the environmental agency was truly concerned about the quality of air, concerning the burning of fireplaces. Not anymore. Another "do as I say, not as I do."

MICHAEL PENNEY, Bakersfield

[Sound Off, Bakersfield Californian, January 28, 2003:](#)

Reader: Would it be possible to post the voluntary "No Burn" notices for fireplaces on the front page, possibly with the small box that has the weather information? I thought I saw it there once, but have yet to see it again.

If not, where is it being posted? -- *Kurt Johnson*

Jenner: We've been running such notices on the cover of the Local section, and plan to continue putting them there. We've developed a logo that should make them easy to spot.

[Letter to the Editor, Modesto Bee, February 6, 2003:](#)

Environmentalism? I Think Not

This is in response to Brad Barker's tirade against Congressman Richard Pombo's environmental record ("Pombo no guardian of the environment," Jan. 24). In 300 words, I can only cover part of his criticism.

1. "Do family values include the unregulated use of pesticides and chemicals?" What planet is Barker on? Farmers not only have to get a permit to use even innocuous material such as Roundup, but also have to report where, when and how much is used every month.

2. "Is it really conservative to deny the scientific evidence of global warming?" Certainly not if there were any significant scientific evidence that man is causing global warming. Earth has been slowly warming for centuries and the most accurate methods (satellite and balloon readings) show no appreciable change in the past 30 years. Has anyone noticed that these coming "environmental disasters" never happen?

During Jimmy Carter's time it was global cooling that would get us. And these are the same loonies who also assured us that we would not only be out of fossil fuels, but most would starve to death before the end of the last century.

3. "Clear cutting as a solution to forest fires." If we clear cut about a quarter-mile swath every five to 10 miles in both directions, the chances of a major forest fire would be vastly reduced, but pressure from environmentalists limit this option. If 200,000 acres had been clear cut in Oregon last year, people would be up in arms, and rightly so. But because of so-called environmentalist muscle, 200,000 acres burned in Oregon last year, and the same environmentalists didn't say a word.

For the accurate history of what this ecological approach is doing to our forests, I suggest "In a Dark Wood" by Alston Chase, and I would be more than willing to loan Barker my copy.

EARL HIATT

Patterson