

News in brief from the San Francisco Bay Area

The Bakersfield Californian

The Associated Press

Tuesday July 01, 2003, 04:15:10 PM

SAN JOSE, Calif. (AP) - A tougher, state-mandated smog test kicked in Tuesday in the Bay Area, with the new test expected cost twice as much as the old one.

Smog Check II requires that a vehicle be placed on a treadmill to simulate its performance while traveling at speeds of up to 25 mph. In the old test, cars were measured while idling, which produces lower levels of emissions.

The new test is expected to cost around \$70 - about double what many motorists now pay.

The cost increase is largely due to the new equipment needed for the tougher test. Many stations say they will have to spend up to \$50,000 for the new equipment. The old smog-check machine cost about \$18,000.

The new test measures a wider range of pollutants, such as nitrogen oxide - a key ingredient in smog. It is expected to reduce the daily emissions that drift into the Central Valley at a rate of 13 tons a day.

News in brief from the San Joaquin Valley

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FRESNO, Calif. (AP) - The city of Fresno and a medical advocacy group have settled an air quality lawsuit over Fresno's growth plan.

The agreement calls for the city to commit more than \$1 million to promote less driving and more clustering of homes, businesses and recreation.

The Medical Advocates for Healthy Air, which filed the lawsuit against the city's 2025 General Plan in November, said the settlement would encourage mass transit. "The city jumped on this idea, once we started talking about it," said respiratory therapist Kevin Hamilton, a member of the advocacy group. "They saw we didn't have an agenda. They want a nice, clean city, too."

Fresno is among five areas in the nation with the most polluted air, including Los Angeles, Bakersfield, Visalia-Tulare and Houston. Smog, or ozone, triggers asthma attacks and other respiratory problems.

The city will not change the existing growth plan, but bring mass transit close enough for people to walk to instead of driving.

Council Member Brad Castillo said he hopes the agreement will give advocates peace of mind. "I hope that we can begin to build some bridge with this group," he said, "and that with this action they will realize that we are on the same page."

Fresno Bee editorial, July 2, 2003:

Forward momentum

Florez air quality bills continue their advance in state Assembly.

Legislation meant to aid the Valley in the struggle to improve our poor air quality continues to advance in Sacramento, though not without a distressing amount of opposition from vested interests. Three of the package of 10 bills authored by state Sen. Dean Florez, D-Shafter, moved through the Assembly's Natural Resources Committee on Monday, the first step toward passage in that house.

The bills have already cleared the Senate. A quick reprise of the three:

SB 704 provides incentives to Valley biomass facilities to take in agricultural waste. Right now, it's cheaper for farmers to burn their wastes in open fields, but the incentives would make the cleaner biomass process an affordable alternative. Valley biomass facilities currently take in a large part of their "fuel" from urban sources, including many outside the Valley, which only makes our air problems worse.

SB 705 would phase out in-field burning of agricultural waste by 2010, which only increases the need for viable biomass facilities. Orchard and vineyard wastes would be the last to go; other waste-burning would be eliminated as early as 2005.

SB 709 would expand the authority of the San Joaquin Valley Air Pollution Control District to create and fund Valley air quality improvement initiatives. Agriculture representatives oppose the bill because they don't think the system of fees and incentives it contains for monitoring farm emissions and replacing older diesel engines with newer, cleaner designs will work. The diesels are typically used to power irrigation pumps, and are often used because electricity for the pumps is often too expensive. (Another Florez bill addresses the cost of such electricity for farmers.)

Farmers say they are already upgrading the older diesels, and that's true. What's a mystery is why they would oppose a measure that makes it easier for them to do so.

The South Coast air district was granted powers similar to those in SB 709 years ago, and they have been part of the gains in air quality that region has seen.

Florez's legislative package is no panacea for our foul air, but it is a thoughtful and practical set of first steps. He has amended the legislation frequently to incorporate suggestions and meet objections. He deserves everyone's support.

Opinion piece, Fresno Bee, July 2, 2003:

Regional view of Valley's air best for board

By Michael J. Machado

(Published Wednesday, July 2, 2003, 8:08 AM)

There are many ways of going forward, President Franklin D. Roosevelt once said, but only one way of standing still. Nowhere is this more true than the Legislature's efforts to find new ways to clean the air in the San Joaquin Valley, which has deteriorated into one of the dirtiest air basins in the nation. If you have a child with asthma or a parent with respiratory disease, you need no reminder of the health effects of air pollution, not to mention the impacts on our quality of life and the regional economy.

The Legislature responded with many proposals, most of which are opposed by groups wanting things to stay the same. This is true of my efforts to reform the San Joaquin Valley Air Pollution Control District board to expand the perspective and add new voices to the air quality debate. Senate Bill 999 adds four members to the board: one appointed by the Assembly, one by the Senate and two by the governor, one of which must be a physician. All appointees must be residents of the district, have a demonstrated interest in the issue and understand the public's needs on the issue.

Broader perspective

Many local agencies and industries in the Valley oppose the bill, arguing that a proposal allowing anyone other than local officials on the district board dilutes local control. They assert that local control is the only way, and the state should leave them alone, despite the fact that the Valley exceeds eight-hour ozone standards more often than the Los Angeles air basin.

Local control is important. In many cases, elected representatives closest to the people are the best judges of decisions that affect the daily lives of families and businesses. Local officials make decisions on land use, police and fire services, and many other issues because of the local nature and importance placed on those services.

The board's structure does not currently account for regional concerns and statewide resources. Eleven local officials sit on the district board, accountable to only one district in one city or county. Because air pollution doesn't care what city or county it's in, the district must focus on statewide and regional impacts to be effective.

Outer reaches

In the Valley, air typically moves from west to east, rising into the Sierra. The air pollution damages the forests, lakes and other natural resources in the Sierra. District board members from the cities of Visalia and

Lodi do not represent these areas because they are elected by and accountable only to their constituents. Who on the board is looking out for the entire region? How is the public interest as a whole represented?

Expertise is also important. The district board oversees complex air quality issues and should have a physician to analyze a proposal's effects on respiratory health, as well as other individuals with expertise or interest in air quality issues to represent the public as a whole. The board's debate and decisions would certainly benefit from more diverse voices and viewpoints.

This year, the Legislature will give the district board additional powers to help improve air quality and comply with federal standards. SB 999 gives the district board fresh voices and new skills to implement new programs more effectively. The stakes are high because the district board will not have a second chance to get this right. With the attention of the Valley focused on this important issue, the citizens of this region deserve nothing short of the district board's best effort.

Better approach

SB 999 leverages the strengths of each level of government: the accountability and knowledge of local communities brought by local officials, and the regional view and expertise brought by appointees. With additional know-how and a broader perspective, the board may be more aggressive in adopting innovative measures to combat particulate matter and non-stationary source pollution. Unfortunately, opponents will continue to fight needed reforms because they believe local control is more important. Who wants cleaner air, anyway?

Michael J. Machado is a Democratic state senator from Linden in San Joaquin County.

State Air Quality Officials Approve Valley Pollution Plan

From Associated Press, published in the Los Angeles Times, June 26, 2003

State air quality officials approved a massive air pollution control plan today despite objections from environmentalists who claim the plan does not go far enough to clean the San Joaquin Valley's air, some of the most polluted in the nation.

The San Joaquin Valley Air Pollution Control District approved the plan last week. The plan now goes to the U.S. Environmental Protection Agency for final approval.

The valley has missed several federal deadlines for clean air attainment over the last decade, and if officials fail to come up with a federally approvable plan by next year, the EPA has said it will take over the process.

If that happens, the valley stands to lose millions of dollars in federal highway funds.

Opponents to the plan claim the district's approval of the 1,000-page document last week was in haste and that board members only pushed the plan forward to meet an Aug. 28 EPA deadline to avoid sanctions. They made the same arguments today before the state board.

"There's definitely a political decision happening here and that decision is to stop the sanctions clock," said Brent Newell, an attorney for the Center on Race, Poverty and the Environment.

"The ultimate objective here should not be to avoid sanctions but to have a plan that cleans the valley's air," Newell said today.

State board member Dorene D'Adamo said the plan could still be altered and that approval is simply the first step toward clean air attainment.

"Our work is not finished," D'Adamo said. "We have a long way to go. I think it would be a mistake not to approve it. We'd be going backward, not forward."

Earlier in the day, Sylvia Morrow, a CARB air resource manager, told board members that action must be taken now to avoid a larger problem in years to come.

"The valley currently violates all federal and state ozone and particulate standards by considerable amounts," Morrow said.

Opposition to the plan abounds from environmentalists and health advocates who claim it doesn't go far enough to curb pollution, and from farmers and builders who say the plan needs to be more flexible because of the valley's diverse industries.

Sierra Club member Kevin Hall said environmentalists will do everything possible to keep the plan from becoming policy.

"If the EPA moves to approve it, we'll be forced to take it to the courts," Hall said.

Under the Conservation Management Practices program included in the plan, farmers must comply with strict rules such as curtailing dust and dirt pollution on unpaved roads, and during harvesting and soil preparation, but they may opt out for specific economic reasons.

Dave Mitchell, the valley air district's planning manager, acknowledged that no part of the plan includes specific enforcement practices to make sure farmers are meeting the requirements.

Officials will, however, act on complaints from the public and perform random checks, Mitchell said.

Farmers historically have had little state regulation.

The plan also calls for stricter pollution control on construction, demolition and excavation sites that kick up dust and dirt into the air, and offers developers and builders the option of reducing pollution on work sites or paying fees that will be used by officials to help lower pollution in other areas.

Also included in the plan are mandatory restrictions on residential wood burning on certain nights the district deems air quality is bad.

Opponents to the overall plan have said it does not meet a federal requirement to reduce particle pollution by 5 percent annually. The district says it will substantially reduce pollution by 2010.

Environmentalists have also complained that the plan does not include measures to curtail ammonia, 80 percent of which comes from valley livestock operations.

Nitrogen oxides combine with ammonia mainly from livestock operations to form ammonium nitrate, a tiny particle that can lodge deep in the lungs, causing serious health problems.

Mitchell said the plan calls for a massive reduction in nitrogen and oxides created by combustion, and that ammonia by itself is not harmful without a nitrogen oxide interaction.

State air board members indicated today that if future studies show ammonia reductions could indeed help clean the valley's air, the plan would be amended in 2006 to add such measures.

Also today, the EPA gave the state until Nov. 18 to remove from law an agricultural exemption that allows farm pollution to go unchecked. Though valley air officials have said they do not allow the exemption any longer, EPA worries that with the item still on the state's books, valley regulators won't be able to enforce a new pollution permit plan for farms.

The EPA said in a statement that if state officials fail to meet the deadline, federal highway funds could be frozen.