

Valley air panel might begin charge on builders

Developments would require more mass transit friendly features

By Chris Collins

Merced Sun-Star, October 20, 2005

A monster fee is in the works, warns the Greater Merced Chamber of Commerce CEO.

It'll scare off new developers, raise hairs on the backs of prospective home buyers and shake the local economy out of its housing market upsurge.

"This would have a tremendous negative impact," said the chamber's Will Lee.

But the San Joaquin Valley Air Pollution Control District, which would impose the fee, said it's the only option it has left to meet state and federal standards for air quality in the Valley.

At issue is the possibility of a new fee that would dock developers who don't take extra steps to minimize air pollution.

If new residential and commercial zones are developed without certain features like a nearby bus stop, widened sidewalks or bicycle lanes, developers could pay the price.

The air district believes that as more people move into the area, developers should find ways to encourage newcomers to be more mass transit-orientated and make walking more attractive. That'll minimize the increased pollution that is sure to come with new development.

The fees, however, would mean developers would pay hundreds of millions of dollars over the next few years, Lee said.

Local businesses and the building industry call the anti-pollution guidelines ineffective and pointless. They say the fees are unfair and warn that the costs will be passed on to home buyers.

The air district says the fees are not there to make the agency rich, but rather to encourage the developers to follow the anti-pollution measures.

"The fee is the last resort," said Tom Jordan, a project coordinator with the district. "We have a whole list of exceptions."

Lee calls the exceptions a front.

"I don't believe them for one bit," he said. "Air boards have a way of coming around and saying, 'You have to do this, you have to do that.'"

Jessica Coleman, a representative for the Central Valley Building Industry Association, told the county board of supervisors on Tuesday that if the fee is enacted next year as planned, an average house would cost \$1,000 more than usual.

As the fee increases over the years, it will add \$4,000 to a new home by 2010 -- some extra green, she warns, that will be passed on to buyers.

Coleman said she's in favor of improved air quality, but doesn't believe the anti-pollution guidelines the air district wants developers to adopt will make much of a difference.

"If you look at the Central Valley, it's not a very transit area," she said. "I find it difficult to believe a consumer will take advantage of a bus stop."

Bart Doyle, an attorney with the California Building Industry Association, calls the anti-pollution guidelines "illusory options."

He said the air district isn't fully explaining how widened sidewalks and bus stops would help cut pollution in the Valley.

Without a good reason to adopt the air district guidelines, Doyle said, developers will likely "slide over to the fee area and start writing checks."

Jordan, the air district project coordinator, disagrees. He said the anti-pollution measures would help lower pollution. Also, the fees collected would pay for newer school buses, more fuel-efficient construction hardware, and fund the removal of old, dirty irrigation pumps.

Besides, Jordan said, the district has already heavily regulated the agricultural and industrial arena.

New development "is one of the last areas to regulate," he said.

The only person in Merced County who will actually vote on whether or not to impose the fee is Supervisor Mike Nelson. He's part of the 11-member air district board, which will meet Dec. 15. He said the meeting is "sure to be a lively discussion."

Nelson said he isn't leaning one way or the other on the fee proposal and wants to balance the concerns of the local building industry with concerns about air quality. He said he's not sure whether his fellow supervisors will try to tell him how to vote.

"They've never directed me to vote in a certain way before," he said. "Could that happen? Yeah."

Air Board May Ease Rule on Dirty Buses

Panel considers a three-year delay on enforcing smog-fighting standard to allow diesel technology to catch up to emission goals.

By Marla Cone, Times Staff Writer
LA Times, October 20, 2005

In a move that would keep diesel-powered buses on roads in much of California, the state's air-quality board today will consider a three-year delay in enforcing a smog-fighting standard that mandates cleaner-burning transit buses.

The Air Resources Board adopted a rule more than five years ago that requires all new transit buses beginning in 2007 to emit dramatically fewer nitrogen oxides, a key component of smog. But because no diesel buses will be able to meet that standard, the board is debating whether to allow six times more emissions until diesel technology can catch up in 2010.

Relaxing the standard would affect about 40 transit agencies, mostly in Central and Northern California, particularly the Bay Area, where cheaper diesel engines are still heavily used. In the smoggy Los Angeles Basin, the air board already requires all transit agencies to buy buses powered by alternative fuels, and most agencies have switched to compressed natural gas.

Diesel buses are among the largest sources of the emissions that create smog and soot, California's worst air pollutants. There are about 10,000 transit buses in the state, around 60% of them diesel-powered.

The proposal seeks to reconcile California's 2007 to 2009 emission standard of 0.2 grams of nitrogen oxides with a federal requirement of 1.2 grams. In 2010, all California buses must meet a federal standard of 0.2.

State air board officials said cleaner diesel technology did not progress as rapidly as they had predicted when the board adopted the standard.

Board spokesman Jerry Martin said delaying the standard by three years was not expected to increase emissions. On the contrary, he said, keeping it intact may actually be worse for air quality. Manufacturers would not be allowed to sell diesel engines in California for the three years, during which many transit agencies would buy no new buses and keep their older, higher-polluting diesel ones longer.

Of the 76 transit agencies statewide, 28 have chosen alternative fuels and six in the Los Angeles Basin will switch soon.

Transit agencies that are sticking with diesel say they are unwilling to spend millions of dollars for new natural gas fueling stations and equipment when cleaner diesels meeting smog standards will be available within five years. In the Bay Area, all but four of 21 transit districts buy diesel

buses. Some say the natural gas buses could have maintenance problems in cold, hilly urban areas.

Diesel engine manufacturers say that although they cannot meet the standard for 2007, their pollution-control technology is improving rapidly and they expect diesel engines to be as clean as natural gas engines by 2010.

"The question becomes what is the most economical investment for public transit districts," said Allen Schaeffer, executive director of the Diesel Technology Forum. "Is it a good use of public dollars to invest millions in natural gas pipelines and compressors when diesel could do it more cheaply, with the same environmental benefits — freeing up funds for putting more buses in service or lowering fares?"

But environmental groups say relaxing the standard will allow agencies to continue buying dirtier diesel buses instead of cleaner alternative fuel ones and jeopardize air quality, particularly in areas where smog exceeds health standards, such as the San Joaquin Valley.

Environmentalists will ask the board today to keep the standard intact but allow agencies to buy new diesel buses if they retire some older, higher polluting ones in exchange.

"If [the air board] votes to weaken California's bus emissions standards, they'll be setting us back in the fight against air pollution, penalizing those engine makers that have invested heavily to develop cleaner engines that meet the 2007 standards, and letting a couple of transit agencies dictate policy for the whole state," said Cary Brazeman of the California Natural Gas Vehicle Coalition, which represents makers of natural gas vehicles.

Brazeman said that if the looser standard was adopted, alternative fuel bus makers might decide to produce dirtier buses. Air board officials, however, called that unlikely because the major manufacturers, Cummins Westport and John Deere, have announced that they will introduce natural gas buses that meet the tougher standard in 2007.

Richard Hunt, a general manager who heads technology issues at the Metropolitan Transportation Authority, said if the state rule was changed, it would have no effect on bus purchases. Even if the board allows more emissions, he said, "every supplier has told us that they will be able to sell us" natural gas buses in 2007 that comply with the more stringent standard.

At the MTA and the Orange County Transportation Authority, some old diesels remain in their fleets but all the new buses run on compressed natural gas.

Some agencies are buying a newer clean-burning technology — gasoline-electric hybrid buses. Long Beach Public Transit put Southern California's first hybrid bus in service this year, with about 75 more coming soon.

What's New

Valley Voice Newspaper, October 20, 2005

Innovative **plastic-to-energy project** to be sited near Hanford is dead says Kings County Waste Management director Mike Adams - killed by unfounded fears, he says, that the process would be polluting the airshed. The project would have taken all that plastic we use everyday, including grocery bags and convert them into super clean diesel fuel which there is a severe shortage of today. Much of the plastic is dumped at the Kings Waste Management yard where the plant would have been located. The clean burning diesel would have fueled the garbage trucks. Adams says the technology to convert the material is changing rapidly right now.

Local company sends 3 workers to help with New Orleans cleanup

Bakersfield Californian, October 20, 2005

There are areas of New Orleans where the air is so contaminated with mold and rot that cleanup workers need to wear a SCUBA-like breathing system, according to Marianna Buoni, general manager of the Clean Harbors Buttonwillow facility.

"If you had a warehouse the size of Costco that had meat product in it, think about that," Buoni said.

Three local Clean Harbors workers are spending 10 days in the remains of the city that was once known as the Big Easy living pretty hard to help make the area inhabitable again.

"It's very primitive living conditions," Buoni said. "You're basically camping."

[Commentary, Madera Tribune, October 19, 2005 and Tracy Press, October 20, 2005](#)

Critical time on the way for San Joaquin Valley's air

By complying with the Check Before You Burn program, Valley residents the past two winters have helped the air basin record some of its cleanest wintertime air data in years. If concentrations of particulate matter known as PM10 remain low through Dec. 31, the Valley could meet an important federal health-based standard.

PM10 is a harmful mix of soot, chemicals, dust, salts, smoke and toxins that can lodge deep in the lungs. Exposure to PM10 can trigger heart attacks, increase risk for lung cancer, aggravate conditions such as asthma and bronchitis and reduce lung function.

On winter days, when air quality is poor, uncontrolled residential wood burning could be responsible for up to one-third of all PM10 emissions in the Valley's urban areas. But residents understand the importance of cleaning up the air and are choosing to reduce their personal contribution to air pollution.

The Check Before You Burn program prohibits the use of wood-burning fireplaces on days when air quality is unhealthy for the general public and discourages wood burning when air quality is unhealthy for sensitive groups. Public compliance with the program has been a critical factor in improving air quality. In fact, in 1990, the Valley exceeded the federal daily PM10 limit on more than 55 days. That dropped to 12 days by 2001, and no exceedances have been recorded since 2002. That's monumental progress.

Without a doubt, all of us are bracing for the anticipated jump in natural-gas prices this winter. But it's as important as ever to stop and think before lighting a fire. Despite the picture of coziness that a roaring fire brings to mind, wood fires are not nearly as heat-efficient as we might think. In fact, most of the heat from an open-hearth fire goes up the chimney.

Although meeting the federal PM10 standard would be a major milestone in our journey toward cleaner air, such success won't mean regulations can be relaxed or public cooperation is no longer needed. We still have much work ahead to meet the more stringent state PM10 standard, as well as state and federal standards for PM2.5 and ozone, the primary ingredient in smog.

The Valley continues to make major strides toward meeting those standards. The Valley Air District is the first major district in the state to regulate residential fireplaces to reduce particulate emissions. The air district's governing board also has adopted about 500 rules or amendments, resulting in a nearly 50 percent reduction in air pollution from stationary sources such as refineries and manufacturing plants. The air district also has distributed about \$100 million for voluntary emission reductions.

We all deserve recognition for working together to meet important air-quality goals. By continuing the collaboration and leading the state in air-quality innovation, we can clean up our air.

Dave Crow
Air Pollution Control Officer
San Joaquin Valley Air Pollution Control District

[Tracy Press, Guest Commentary, October 20, 2005](#)

Electricity quick fix isn't bright idea

by Bruce Hahn

California has a large and complicated energy market, one that requires sound policies and planning to ensure that the energy needs of state's 35 million residents are met. The state has faced energy problems before. To best serve all Californians, state energy policy should be developed through thoughtful, deliberative legislative and regulatory processes that lead to an energy market that maximizes investment, competition and services.

Some, opposed to such a reasoned approach, have placed an inflexible and counterproductive initiative on November's ballot, Proposition 80, the so-called "blackout prevention" measure. This shortsighted "quick fix" plan would re-monopolize the energy industry, raise prices for energy consumers, reduce customer choices and handcuff legislators and regulators in making energy policy.

Proposition 80 will prohibit new direct transactions with electric service providers for retail electric service, even if their rates are lower than the investor-owned utility that provides service. This restricts choice and could prevent consumers from using a lower-cost supplier.

It also prohibits schools and hospitals from buying cheaper and/or cleaner energy, say the California Solar Energy Association and Californians for Reliable Electricity. Any changes in Proposition 80 would have to be approved by a two-thirds vote of both houses of the Legislature. This would make it very hard to amend and very hard for legislators to respond to either opportunities or challenges that cannot be anticipated today.

The American Homeowners Grassroots Alliance opposes Proposition 80 because it will hurt the California homeowner in several ways. It would raise energy costs for the average Californian. Proposition 80 would prohibit homeowners who receive electricity from a private investor-owned utility from switching to a competitive energy provider. Rising energy costs are a tremendous concern to homeowners, and by eliminating any opportunity to seek lower prices from another provider, Proposition 80 leaves California homeowners vulnerable to pay whatever the monopoly energy provider demands.

In addition, many homeowners are seeking environmentally conscious providers who offer 100 percent green and renewable energy. Proposition 80 locks in rather modest environmental standards, which could limit the creation of higher energy standards.

Proposition 80 sets a maximum cap of 20 percent on the required amount of electricity to be generated by renewable energy. Once that cap is reached, only a two-thirds vote of the Legislature can raise it in order to take advantage of potential new cost-effective renewable energy technologies. How can the energy industry be encouraged to create new alternative energy solutions and ways to [reduce pollution](#) when the law provides weak benchmarks for environmentally friendly services?

Californians rightly worry about a return to the difficult period in 2000 and 2001 when blackouts troubled the state.

But no quick-fix ballot initiative can protect Californians from blackouts. They can be caused by many factors, including natural disasters, such as Hurricane Katrina, which destroyed energy production and distribution infrastructure. And what would happen if Proposition 80 passed and the blackouts returned anyway?

If an earthquake destroyed significant renewable energy infrastructure, for example, the real world choice might be between a temporary suspension of minimum renewable energy sourcing

levels and no electricity for millions of California homeowners. If only one-third of either house of the Legislature preferred the latter, the will of the majority would be thwarted.

Proposition 80 severely restricts the ability of the Legislature to enact new energy policies, making it harder to respond in a timely manner to challenges beyond the imagination of its supporters. State leaders would be unable to quickly respond to changing market conditions that are almost certain in the volatile energy industry.

No law or initiative can promise that the lights will stay on. The only thing Proposition 80 does guarantee is that California electricity consumers will be worse off than they are.

•Bruce Hahn is president of the American Homeowners Grassroots Alliance, a nonprofit organization empowering homeowners to be heard by state and federal officials.

[EDITORIAL in the LA Times, October 20, 2005](#)

On board for a clean ride

BUSES BRING ENORMOUS PUBLIC BENEFITS — except for those breathing the air behind them. Those black clouds of exhaust have prompted state and local air-quality officials to crack down on bus emissions for years. Today, the state Air Resources Board will revisit one of those crackdowns, which seems to have been too tough for engine makers to keep up with.

Five years ago, the board declared that by 2007 any new buses bought by public transit agencies would have to meet a very strict emissions standard that is far lower than today's buses (except those powered by overhead electrical lines) can achieve.

But the board didn't specify what technologies the agencies had to use. As a result, 28 of the state's 76 transit agencies opted to power their buses with alternative fuels such as natural gas, realizing such engines are cleaner than diesel and would be more likely to meet the standard. The rest kept their diesel-powered fleets, gambling that diesel engines with super-low emissions would eventually be developed.

So far, that's not looking like a good bet. Today there are no diesel engine makers that say they can meet the California standard for buses by 2007. Meanwhile, there are at least two makers of alternative-fuel engines that say they can.

This has created a serious quandary for the Air Resources Board. It has three options to consider: leave the standard unchanged, change the California standard to match the more lenient federal standard or force all of the state's transit agencies to switch to alternative fuels.

They all have drawbacks. But the third option clearly goes too far, while the second doesn't go far enough. If the state standard remains the same, the agencies operating diesel buses wouldn't be able to buy new vehicles until 2010, when diesel engines capable of meeting it are expected to be available. But that would be easy to remedy later — the air board could simply amend its rules to allow agencies to buy the cleanest buses available and offset the difference by either retrofitting highly polluting buses or taking them off the road.

What's more, there is little justification for rewarding shortsighted transit agencies that stuck with diesel because it was cheaper and punishing those that invested in technology designed to meet the coming emissions standard. Changing the rules so late in the game would effectively do that.

At the same time, forcing all transit agencies to switch to alternative fuels would be prohibitively expensive. The six Southern California agencies that hadn't already made the switch were forced to do so last month by the Air Resources Board because of the region's severe pollution problems, but forcing the rest of the state's agencies to follow suit would cost hundreds of millions of dollars and result in serious cutbacks in bus service. The costs stem not just from buying new buses but from buying new fueling systems and retrofitting maintenance facilities.

Diesel engines are expected to get cleaner, so there's no reason to call for a wholesale switch. Changing to the federal standard punishes those that invested in clean technologies, undermines

the credibility of state regulators and does nothing to spur progress. The air board should leave its bus emissions rule alone.