

[S.F. Chronicle commentary, Tuesday, Aug. 23, 2005:](#)

OPEN FORUM

Valley air board a force for change

By David L. Crow

The efficacy of the San Joaquin Valley Air Pollution Control District has been scrutinized lately, with some special-interest groups calling for the board to be restructured, using Senate Bill 999 to achieve that.

But this bill is actually a solution looking for a problem. Since the district was formed in 1992, it has adopted about 500 rules or rule amendments that have, according to the California Air Resources Board, reduced stationary- source emissions by nearly 50 percent. Areas in the valley with a high concentration of more industrial sources, such as Kern County, have seen a greater reduction in pollution concentrations than areas prolific with auto and trucking sources, such as Fresno County.

The air district writes rules that are in accordance with legislated authority. Not only has the district's governing board adopted and submitted every plan required under the state and federal Clean Air acts, but the district has aggressively taken the lead in pioneering many initially controversial regulations that other air districts and entities are now trying to emulate.

Some examples:

-- The San Joaquin Valley Air Pollution Control District was the first in the state to voluntarily expand the testing component of the Smog Check II program beyond the mandated urbanized areas to include more than 90 percent of the registered vehicles within in the district's air basin. This became the model for the Smog Check II testing program in the Bay Area.

-- The district is the first in the state to regulate the use of residential fireplaces to reduce wintertime particulate pollution, a serious health concern. Such regulation is now being emulated by many other major air districts in the state.

-- We are now developing a first-ever program to reduce the pollution impact of new residential, commercial and industrial development.

-- Before state law changed in 2004, agricultural operations were exempt from permitting requirements. Since then, the district is the first in the state to regulate the fine-particle emissions from on-field agricultural operations and has received, to date, 6,400 conservation-management plans that reduce particulate-matter emissions by 34 tons per day from 3.2 million acres of agricultural land.

Some of the special interests criticizing the district have asked, "Where are the smog police?" If anyone had asked, they would have learned that the board has been issuing notices of violation (2,386 in 2004); establishing business-assistance programs; and running an effective mutual-settlements program that in 2004 received about \$3.5 million in penalties -- nearly twice the amount received by the Bay Area district, which has a similar number of regulated sources.

As a public agency, we are acutely conscientious in following stringent guidelines for notifying the public of any pending air district matters, including hearings, workshops for regulations in development, or any other public meetings. Our public outreach is aggressive and effective in ensuring that all stakeholders in our district have an opportunity to offer input on our activities, and there are numerous opportunities for them to do so. Our district has led the way in cleaning the air in the state, and we have been actively encouraging an open dialogue with all stakeholders.

SB999 does nothing to clean the air. It merely diverts public attention away from the positive work that has been done and the hard work that is still ahead of us.

David L. Crow is the air pollution control officer for the San Joaquin Valley Air Pollution Control District, which covers eight counties in Central California.

New school flags alert asthma sufferers to air quality

By Abby Souza

Friday, August 19, 2005 10:38 PM PDT

Soon, all 245 schools in Stanislaus County will be flying an air quality flag, thanks to a program out on by the Asthma Coalition and funded by Medic Alert.

Because air quality in Stanislaus County is some of the worst in the nation, the Asthma Coalition has begun a flag program for the schools to alert students with asthma and allergies of the daily air quality.

Medic Alert donated \$25,000 to the project, buying flags for all 245 schools in the county.

"By raising these flags, we hope to raise awareness Š to help prevent or reduce the severity of asthma attacks," said Wallace Carroll, MD, an allergist and Chairman of the Asthma Coalition. "If a student has asthma, the flag can help determine outdoor physical education activities."

There will be four flags - a green flag for healthy air, a yellow flag for moderate air quality days, an orange flag to show the air is unhealthy for sensitive groups and a red flag indicating the air is unhealthy for everyone.

Until school's being to fly the flags, Medic Alert will hoist an air quality flag daily at its headquarters on Colorado Avenue.

"Medic Alert is pleased to sponsor this important community program," said Paul Kortschak, Medic Alert President and CEO. "By working together with the Asthma Coalition, we hope to help the over 52,000 residents of Stanislaus County who have breathing-related medical conditions."

Fresno May End Low-Fee Policy for Developers

By Mark Arax, Times Staff Writer

LA Times, Tuesday, August 23, 2005

FRESNO - In an effort to give developers one of the best deals in California, this city has dug itself into a deep financial hole that could undermine its future even as a construction boom is turning orchards into suburbs on every side of town.

As the city looks to overtake Long Beach as the fifth largest in the state, officials project a shortfall of billions of dollars to build streets, parks, police and fire stations and other facilities to serve its 470,000 residents - and the hundreds of thousands more expected in the next 20 years.

"We're facing a world of challenge," said Mike Kirn, assistant director of public works.

The reason for the shortfall is plain, city officials say: Developer fees are far lower than those charged in most other California cities.

In an era when state and federal dollars are tight and politicians are loath to raise local taxes, most cities look to developers to pay for a big share of the infrastructure required by new homes. For years, Fresno officials have been reluctant to do so.

Today, Fresno's City Council will get a first look at a plan to raise fees to build police and fire stations. If they agree to fee hikes, the move will reverse a two-decade pattern.

Through the 1990s, while comparable cities were charging builders from \$7,000 to \$20,000 a house for new infrastructure, the fees in Fresno stayed at \$3,500. Only last year, with its infrastructure kitty in the red, did the city raise the amount to \$5,000.

Commercial developers also have paid cut-rate fees. While Modesto, just up the road, collected \$520,000 for a four-story office complex, Fresno charged only \$90,000.

For years, successive mayors, city managers, development directors and city councils failed to raise the fees even to keep up with inflation. Such an increase is required every year under municipal code.

Critics of Fresno's approach call those low fees a billion-dollar subsidy for the building industry and blame the low payments for a host of shortfalls in city services. For instance, some city fire crews work out of mobile homes and a 1,200-square-foot duplex and park their engines in makeshift garages.

"Fresno is still a good old boy system, and whatever the good old boys want, that's what gets greased," said Tom Boyajian, a city councilman who favors higher fees. "One of the biggest shames in this city is that growth isn't even covering its own costs."

Those views, however, aren't shared by the majority of elected officials in this conservative farm belt.

If the state government took less revenue from local coffers, the city would have more money to pay for new projects, argues City Councilman Jerry Duncan. High fees drive up the costs of houses and drive off builders to even cheaper places, he and other conservatives argue. Low fees, they believe, eventually will generate enough growth to cover the new costs.

"I'm philosophically opposed to impact fees," Duncan says. "Impact fees are hidden taxes."

That school of thought has dominated this city for decades. In the mid-1990s, an FBI investigation of extensive corruption here sent 16 developers and politicians to prison and demonstrated how influential builders dominated the city's zoning and development policies. Many of those involved in the scandal were key players in keeping development fees low.

The fact that the pattern may now be giving way is the result of prodding by a new set of city administrators who are charting a different course for the city. Fresno, they say, needs to raise developer fees significantly or face an additional shortfall of several billion dollars to serve growth from now to 2025.

"Of all the cities I've worked with, Fresno faces the biggest challenge because its developers have been under-funding the infrastructure for so long," said Bob Spencer, an Oakland-based municipal finance expert recently hired by the city to update its fee program.

"Once you get as far behind as Fresno, it's almost impossible to catch up and fix the holes in your infrastructure. Not unless you're willing to raise local taxes."

Builders here acknowledge that they have lobbied to keep fees down at a time of record profits - \$60,000 and more on each house. But they say their opposition to higher fees isn't driven only by bottom-line concerns. For many years, they say, the fee program was poorly run.

"They start charging a fee in Fresno, and they couldn't tell us how or why they set it up," said Mike Prandini, head of the local building industry association.

The cost to a city of each new residence depends on such factors as the location of the subdivision, its density and whether residents are commuters or retirees. But municipal finance experts say that, on average, developer fees need to be about \$35,000 for each house to fully cover the costs of services.

With its patchwork services, the city's new consultants warn, Fresno may be consigned to the status of third-rate city, attractive to big-box bargain stores but not to Nordstrom.

"Good infrastructure is what the best industries and retailers are looking for when they locate to a city," said Walter Kieser, a Sacramento-based consultant who works with both developers and cities on fiscal issues.

"In Fresno, they've done such a miserable job with the roads, parks, libraries and schools that they haven't created a nice place to live. Instead, they've allowed developers to just maximize their profits."

Over the last 25 years, as the population doubled, Fresno built one new library. The park acreage for a city its size is among the lowest in the state. For example, Sacramento, which has a slightly smaller population, has 4,400 acres of parkland compared to Fresno's 1,400.

The police headquarters, built in 1960, is so cramped that several units overflow into an annex of the old City Hall. The Fire Department's main repair and maintenance division sits in a crumbling building that dates to 1928.

When it came time for developer Farid Assemi to build a fire station to serve his new subdivisions in northwest Fresno, the city allowed him to put in a tract house instead of a firehouse. Three firefighters and their single engine will soon reside there.

The transportation system struggles with its own problems. [Only 10% of the traffic lights, for instance, are synchronized, adding long minutes to cross-town trips and more pollution to an air basin already ranking as the nation's smoggiest.](#)

California Department of Transportation officials have taken the extraordinary step of suing the city. The suit cites the failure of Fresno's fee program to deal with the problems that growth causes on state highways. Fresno has risked the safety of motorists by failing to widen and improve dozens of one-lane country roads that now serve areas with dense populations, Caltrans says.

"It takes a lot for the state to sue another government entity," said Mike Leonardo, district director for Caltrans. But, he added, "Fresno doesn't seem to think it has to do environmental studies or mitigate for the impacts of growth."

Even one of the building industry's chief lobbyists, Jeff Roberts, now agrees that "the fees need to go up." In the absence of any local lobbying restrictions, Roberts, who served 14 months in federal prison for his role in the corruption scandal of the 1990s, has become a full partner with the city as it drafts a new fee program.

Because of decades of low fees, the fund managing the fees is in the red. Builders who put in the basic streets and curbs to serve their own subdivisions are spending more on infrastructure than the small amount the city requires them to pay in fees.

Not surprisingly, builders are pressing to keep the new fee on the low end - \$12,000 a house. But consultants say Fresno needs to raise the fees higher to reflect the true costs of growth.

"High fees don't raise the price of homes. The market does that," said Spencer, the consultant preparing the new fee proposal. "In fact, it's the fastest-growing cities that charge the highest fees for a simple reason: They need the infrastructure to keep growing."

Brief

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The U.S. Environmental Protection Agency is issuing \$1.4 million in grant money to curb diesel pollution, EPA administrator Stephen Johnson said Monday.

The grants will help leverage more than \$5.8 million in matching funds as part of the West Coast Collaborative, a partnership between government leaders, environmental groups and the private sector.

The money will fund 16 new projects in California, Oregon and Washington, according to EPA officials.

"The public-private partnership of the West Coast Collaborative will yield immediate reductions in existing diesel fleet emissions and advance our progress toward cleaner air in our cities, ports and farmland," Johnson said.

One grant totaling \$211,000 will go to the Sacramento Metropolitan Air Quality Management District for improving air quality in Sacramento, which has serious ozone and smog pollution, according to EPA officials.

"Reducing diesel pollution will reduce the amount of asthma cases and other upper respiratory illnesses in the greater Sacramento area," EPA spokeswoman Lisa Fasano wrote in a news release. "It has been demonstrated that health benefits from diesel emissions reductions outweigh the costs by a ratio of 13-to-1."

BRIEFS

Diseased bighorn sheep in cross hairs

Scott Doggett

LA Times, August 23, 2005

WILDLIFE officials charged with saving endangered peninsular bighorn sheep near Palm Springs are considering shooting some of the animals to prevent a disease outbreak ravaging the herd.

One or two sheep may have to be killed for necropsy to identify the cause of pneumonia that recently killed seven animals in the Santa Rosa Mountains, says Jane Hendron of the U.S. Fish and Wildlife Service.

Also, the service and the state Department of Fish and Game may use sharpshooters to prevent sheep from crossing Highway 74 south of Palm Desert and infecting a larger herd, officials say. No final decision has been made.

Walter Boyce, director of the UC Davis Wildlife Health Center, says the die-off has claimed old and young sheep as well as animals reared in the wild and in captivity.

"It's what we call an all-age die-off, which fits the picture of one of those epidemics that has the potential to go through the entire herd," Boyce says.

The number of peninsular bighorn sheep plunged from 1,200 in the late 1970s to 280 in 1996, but the sheep have rebounded to about 705 animals today. The herd is threatened by human encroachment, cougars, [air pollution](#) and disease spread from livestock.

- Scott Doggett