

Developers file suit against new air fees

By Seth Nidever, Sentinel Reporter

Hanford Sentinel, Friday, June 30, 2006

HANFORD - Developers opposed to new air pollution controls filed suit in Fresno County Superior Court on Tuesday.

The suit seeks to stop a San Joaquin Valley Air Pollution Control District rule that slaps fees on new development projects for the pollution that they generate through increased vehicle trips and construction emissions.

The California Building Industry Association is a plaintiff in the suit, according to Megan Caygill, a spokeswoman for Stop the Air Board Tax.

The developer-led group has spoken out against the rule -- dubbed 9510 by the district -- ever since district officials floated the idea.

"While unfortunate, this lawsuit is a necessary last resort to stop the rules and their harmful effect on our regional economy, on housing affordability and job creation," a press release from the organization said.

According to a Stop the Air Board Tax press release, the air district didn't demonstrate a "reasonable relationship" between the fee and air quality impacts stemming from development.

Tim Coyle, a senior vice president at the California Building Industry Association, said the rule is a "real dangerous precedent" that "borders on extortion."

Air district legal counsel Phil Jay said the arguments in the lawsuit are "nothing we haven't already heard."

"They don't seem to have any merit," he said.

Jay said the district "won't be doing anything different" while the lawsuit makes its way through the courts.

Rule 9510 took effect March 1, 2006. It applies to housing tracts with 50 homes or more and commercial developments greater than 2,000 square feet.

Home builders can reduce -- but likely not eliminate -- the fees by including sidewalks, better street connections, nearby shopping, access to transit stations and energy efficient appliances.

Adopting a reasonable number of such mitigation measures would leave the developer of a 75-house tract with fees of \$480 per house, the district estimates.

Officials say the money will go toward pollution reduction programs throughout the district.

Virtually every Valley business -- most recently farms and dairies -- is being regulated as the district struggles to meet federal Clean Air Act targets. The San Joaquin Valley vies with Los Angeles for the worst air in the nation in some pollution categories.

The district has no direct authority to regulate the cars and trucks responsible for much of the problem.

Local builders and industry advocates seemed ready to comply with Rule 9510 at a March 9 Visalia meeting with district officials.

Bob Keenan, executive vice president of the Tulare-Kings Building Industry Association and a participant in the March 9 meeting, couldn't be reached for comment Wednesday.

EPA targets small engines

Strict California rules may be applied nationally

by Erica Werner, the Associated Press

in The L.A. Daily News, Bakersfield Californian, San Francisco Chronicle and The Tri-Valley Herald, Friday, June 30, 2006

WASHINGTON — The federal government may use California's strict pollution rules for lawn mowers and other small-engine machines as a national standard, a top Environmental Protection Agency official said Thursday.

While environmentalists and air quality regulators would welcome the development, it would be bad news for much of the small engine industry. California aims to cut smog emissions from the highly polluting engines by about 35 percent.

Margo Oge, director of EPA's office of transportation and air quality, said implementing California's standard nationally could work well, although no final decision has been made.

"We believe harmonizing with California will be cost-effective, good for the environment, good for the industry, good for all the stakeholders," Oge said after a hearing Thursday on California's request for an EPA waiver so it can implement the rules.

"We are concerned that as other sources are being controlled, this source is going to continue to be a bigger source for air pollution, so we are pretty interested in finishing our work and putting forth

cost-effective standards for the country," she said. "A strong option that we're considering is harmonizing with California."

EPA is considering California's waiver request even as it works to write the national small-engine rules. Both decisions are expected by year's end, after lengthy delays because of opposition from Sen. Christopher "Kit" Bond, R-Mo.

Missouri is home to two factories owned by Briggs & Stratton Corp., the nation's largest small engine maker. Briggs & Stratton has resisted California's approach, which would require adding catalytic converters to the small engines that power lawn mowers, leaf blowers, chain saws and other devices.

The company says adding catalytic converters would be so costly that jobs would have to be sent overseas, and it also has contended there could be fire safety risks.

An EPA study mandated by Bond rejected any safety risk when it was released in March, but Bond and the small-engine industry have criticized that finding, and the industry is funding its own, separate safety study.

No one from Briggs & Stratton testified Thursday, and officials from Honda and Kohler said they supported California's rules.

But Bill Guerry of the Outdoor Power Equipment Institute said the results of California's rules would be less availability of power equipment in the state. He said the industry has decided not to try to block California from implementing its rules, but that many in the industry don't want to see those regulations apply nationally.

"A lot of my members are very concerned," Guerry said after the hearing. "What they're going to do to comply in California is eliminate half of their product line."

California officials testified that the rules were necessary so the state could meet federally mandated clean air attainment goals. Environmentalists and regulators from other states also testified in favor of giving the state a waiver to implement its rules and pave the way for national standards.

"I consider this regulation of major importance in our efforts to achieve clean air," said Robert Sawyer, chairman of the California Air Resources Board.

Without new rules, pollution from small engines is expected to account for 15 percent of mobile source pollution nationally by 2020. California contains more areas with high air pollution than any other state.

Approval near for control of small engines' emissions

EPA ready to OK California's limits, even to point of making rules national standard

Zachary Coile, Chronicle Washington Bureau
S.F. Chronicle, Friday, June 30, 2006

Washington -- Federal regulators signaled Thursday that they are ready to approve California's effort to limit air pollution from small engines such as those that power lawn mowers -- and, to the chagrin of industry, may adopt the state's tough new standards across the entire country.

California has battled for years to rein in the smog-forming emissions from lawn mowers, leaf blowers, weed whackers and chain saws, pollutants known to exacerbate asthma, heart disease and other ailments. But the state's efforts had been delayed by one U.S. senator -- Republican Christopher "Kit" Bond of Missouri -- and a powerful small-engine manufacturer with two plants in his state.

California officials made their case directly at a hearing Thursday before the Environmental Protection Agency, which must approve a waiver allowing the state's new rules to go into effect.

While top EPA officials won't make a final decision until later this year, after receiving public comment, they indicated they were leaning toward embracing California's stringent standards.

"We are concerned that as other sources are controlled, this source is going to continue to be a bigger source for air pollution," said Margo Oge, director of the agency's office of transportation and air quality.

EPA Administrator Stephen Johnson will make the final decision, but Oge said California's rules are seen as the model for new federal standards for small-engine emissions that are scheduled to be proposed later this year.

"We believe harmonizing with California will be cost-effective, good for the environment, good for the industry," she said.

Thursday's hearing also was a breakthrough for the state because the industry's main trade group, for the first time, said it will no longer seek to block California's rules.

William Guerry, the counsel for the Outdoor Power Equipment Industry, said the industry still wants more flexibility to meet the state's requirements, but is ready to install new catalytic converters and other equipment in products sold in California to reduce emissions.

"I want you to appreciate the pain and challenge (our) members are accepting to make that statement," he told the EPA panel.

But after the hearing, Guerry said his group does not want to see California's rules adopted as the national standard, because it would add costs to every lawn mower, tree trimmer or small gasoline-powered generator sold in America.

"That's not acceptable for the national market," he said.

In fact, small-engine manufacturers are divided over California's rules. Two major manufacturers, Honda and Kohler, testified at the hearing Thursday that they strongly support the state's efforts.

Honda's representative, David Raney, said his company plans to sell small engines that meet California's more stringent requirements wherever possible around the country.

"Nothing should stop EPA from moving forward with a regulation (similar to California's) for all of the country," Raney said.

The California Air Resources Board first proposed its new rules in 2003, realizing that after limiting motor vehicle and manufacturing emissions, lawn and garden equipment was one of the last big sources of smog-forming chemicals. The rule would eliminate 22 tons of pollutants from California's air daily -- the equivalent of more than 800,000 cars a day.

But the largest lawn and garden equipment maker in the country, Briggs & Stratton, challenged California's authority to regulate the industry.

The company, which has two factories in Missouri, persuaded Bond, a powerful appropriations subcommittee chairman with control over the EPA's budget, to attach a rider to a spending bill forcing the agency to delay approving California's rules until it studied the fire risks of new, cleaner engines. Bond also included language barring other states from adopting California's tough standards.

But the EPA's study, released in March, found that new small engines with air pollution controls did not pose a fire risk and, if properly equipped, could actually be safer than existing engines. And Bond said this week that he has no further plans to block California's new rules.

Robert Sawyer, chairman of the California Air Resources Board, told EPA officials Thursday that new standards are critical to the state's battle against smog. The state has six of the 10 most ozone-polluted cities in the country. Last year, the San Joaquin Valley exceeded the federal standard for ozone on 72 days, while Southern California exceeded the standard on 84 days.

"Timely action on your part is needed," Sawyer pleaded to regulators.

State officials acknowledge that the new standards come with a price tag: an additional \$37 to \$52 for a walk-behind lawn mower and \$71 to \$179 for a commercial-grade riding mower. But Sawyer said the improved fuel efficiency of the engines would compensate for the extra cost over the life of the mower.

Other states are closely watching the agency's decision in the California case. While Bond's amendment blocked other states from adopting the tougher rules, many air quality officials believe California's standard will eventually become the new federal standard.

"California is once again leading the way in setting stringent limits" on air pollutants, said Eric Skelton of the Northeast States for Coordinated Air Use Management, which represents eight states, including New York and Massachusetts.

Gov. Arnold Schwarzenegger sent a letter to Johnson, the EPA chief, warning that a failure to approve a waiver would jeopardize California's ability to meet federal clean air standards.

Sen. Dianne Feinstein, D-Calif., who battled Bond in the Senate over the new air rules, urged the agency to consider the health risks of not acting.

"Lives are at stake: The American Lung Association estimates that 7,100 Californians die each year from illnesses related to unhealthy air," she said. "We cannot accept these deaths from poor air quality; California's small-engines rule is an effective way to help prevent them."

Summit highlights concerns about air, growth and poverty

By Seth Nidever, Sentinel Reporter

Hanford Sentinel, Friday, June 30, 2006

FRESNO - The San Joaquin Valley Blueprint Summit publicly launched a planning process Wednesday designed to get regional consensus on issues surrounding land use, agriculture, housing, transportation, environmental concerns and economic health.

Hundreds of Valley officials -- several from Kings County -- gathered at the Fresno Convention Center to discuss the region's future.

The effort is spearheaded by the Great Valley Center, a nonprofit think tank focusing on problems confronting California's vast Central Valley.

Carol Whiteside, president of the center, called it the first time for officials to come together to coordinate Valley-wide issues.

Some officials, Kings County Supervisor Joe Neves among them, see the process as a way to enhance the clout of a region that many think gets short shrift in favor of the Bay Area and Los Angeles.

Neves called it "an opportunity for the eight counties to speak as one voice."

A series of statistics presented by the Great Valley Center's Richard Cummings suggest a lot to talk about:

- Cummings said the population equivalent of "10 Fresno's" will be added to the San Joaquin Valley by 2040. Poor immigrants from foreign countries, principally Mexico, are a key factor. So is migration from other parts of California.
- If the eight counties in the San Joaquin Valley were a separate U.S. state, they would be No. 1 in agricultural production. Cummings made it clear, considering all of its spin-off industries, agriculture remains the backbone of the Valley's economy.
- The unemployment rate for the region, although inching downward, remains nearly double the state average.
- The same is true of per capita income in the region. It's been going up, Cummings said, but it lags behind the statewide figure, which is growing at a faster rate.
- The average home price in the region is \$363,000 -- lower than other areas of the state, but still out of reach for many residents.
- The Valley average of college graduates -- 14 percent -- is half the statewide average.

Mark Baldassare, research director at the Public Policy Institute of California, spoke after Cummings.

Baldassare based his comments on a survey released by the institute Tuesday.

Among the findings:

- Most residents find the Valley an attractive place to live but are increasingly concerned about several problems, foremost among them the health threats of air pollution.
- They also worry about traffic increases and road capacity.

- Other issues of concern include housing availability and loss of agricultural land.
- Fifty-four percent said too much growth and lack of regional planning are a "major cause" of problems in the area.
- Three out of four rate their communities as excellent places to live and one out of two say the Valley is headed in the right direction.
- "So there's still hope and optimism (despite the concerns)," Baldassare said.

Talent

Modesto Bee, Friday, June 30, 2006

TOWNSEND OPERA PLAYERS SEEKING SINGERS Through July 30
7:30 p.m. Thursdays. Little Opera Hall, 611 H St., Modesto. 523-6426.

SEEKING ART SHOE SUBMISSIONS Through Aug. 22
Modesto Art Museum seeks art shoes for Great American Shoe In. See Web site for complete guidelines. 236-1333. www.modestoartmuseum.org/artshoes.htm.

SEEKING SUBMISSIONS FOR STAGED READING SERIES Through Aug. 7
8 p.m. Mansion House , 455 W. Canal St., Merced. Free. 769-8868. www.starlightcafetheatre.org.

SEEKING STUDENT ARTISTS Through Sept. 30
The San Joaquin Valley Air Pollution Control District is looking for student artwork for its 2007 Clean Air Kids Calendar. 557-6400.

Sweeping air pollution plan proposed for LA/Long Beach ports

The Associated Press

In the Bakersfield Californian, Friday, June 30, 2006

Truck, ship and cargo-handling equipment pollutants would be reduced 50 percent in five years under a clear air proposal for the Long Beach and Los Angeles harbors.

Cleaner vehicles and shore-side electrical outlets so vessels can shut down diesel engines while dockside are key elements of the plan unveiled Wednesday.

"This is an action plan, this is not a study. The days of yakkin' are coming to a screeching halt," harbor commission president S. David Freeman said.

Proposals also include retrofitting and replacing cargo-handling equipment and locomotives. The plan, which now enters a 30-day public review period before approval by the Long Beach and Los Angeles harbor commissions, calls for a mixture of incentives and requirements.

The Port of Los Angeles committed \$177 million and Long Beach \$181 million to put the anti-pollution measures into place. The regional South Coast Air Quality Management District pledged \$36 million for the conversion of older diesel trucks.

But \$1.6 billion is still needed. Officials hope to collect money from federal and state sources, including funds in the state infrastructure bond measure on the November ballot.

The U.S. Environmental Protection Agency and the California Air Resources Board participated in drafting the twin ports clean air plan, so port officials are optimistic state and federal money will come.

John McLaurin, president of the Pacific Merchant Shipping Association, said the organization needs to study the plan but "generally supports the broad goals" of the proposal.

Freeman cited the recent decision by shipping company Maersk to cut pollution by switching to lower sulfur diesel fuel as a precedent that other companies should follow.

L.A., Long Beach Ports Produce Plan to Reduce Diesel Emissions

By Janet Wilson, staff writer

L.A. Times, Friday, June 30, 2006

The ports of Los Angeles and Long Beach, the busiest in the nation, on Wednesday unveiled an aggressive air pollution control plan that officials said would make them the cleanest ports in the world.

Port officials said the \$2-billion, five-year plan seeks to reduce sooty diesel pollution from cargo ships, trains and trucks by more than 50%.

One spokesman said the ports were prepared to risk losing some business, if necessary, to reduce health risks to dockworkers and communities around the docks and loading facilities, and along the region's truck-clogged freeways and jammed railroad tracks.

"We may lose some business to Mexico, but we think there's plenty of business out there. If these companies aren't interested in cleaning up their pollution, we're not interested in their business anymore," said Art Wong, spokesman for the Port of Long Beach. "Our bosses have made it clear they're not going to sacrifice people's health for this business."

Port of Los Angeles Executive Director Geraldine Knatz said the two ports can "no longer wait for the rest of the maritime community."

"Hopefully we'll lead the way for the Pacific Rim, and the rest of the world," said Knatz, who headed the Port of Long Beach until January and helped forge the joint plan by the two competing neighbors.

More than 40% of all retail goods imported to the U.S. are shipped through the two fast-growing ports along the San Pedro waterfront, but together they are also the single largest contributor to smog from diesel engines in the Los Angeles Basin, according to regulators.

Studies have shown that diesel exhaust causes cancer and is responsible for 70% of pollution-related health problems and hundreds of deaths annually in the Los Angeles region.

Goods moved through the two ports have more than doubled in recent years. But they have been dogged by legal challenges from environmentalists and air quality regulators as port officials sought to expand or build piers. Officials of the U.S. Environmental Protection Agency, the California Air Resources Board and South Coast Air Quality Management District were involved in the plan's development, and were on hand to express general support Wednesday.

"There is peace in San Pedro Harbor today.... We are no longer a house divided but a house united for green ports under blue skies," said Los Angeles Harbor Commission President David Freeman.

Responding to complaints by environmental groups that previous clean-air plans were never implemented, Freeman said, "The days of yakking are coming to a screeching halt.... This is an action plan, not a study."

Under the plan, which is expected to be approved by both port commissions in September, each port would contribute more than \$100 million to replace the fleet of 15,000 aging, short-haul diesel trucks that move goods between freighters and railcars.

The plan requires international cargo ships to run on low-sulfur fuel within 20 nautical miles of the harbor. The ports would also retrofit their docks within 10 years at customer expense, forcing nearly all freighters to use electric power while unloading rather than burning diesel fuel.

"No other port in the world is completely electric," said Wong. "We will be the first anywhere to do this."

John McLaurin, president of Pacific Merchant Shipping Assn., whose members transport 90% of the cargo shipped into West Coast ports, said he hoped that the requirements of the plan would not force them to relocate business to less regulated ports.

"We must all work together to determine the best way to achieve emissions reduction which does not result in significant redirection of cargo to other ports," McLaurin said.

Environmental and port-area community groups offered qualified approval of the plan.

"There are lot of holes that need to be filled," said Adrian Martinez of the Natural Resources Defense Council. "It has the potential to be a groundbreaking plan, or a mediocre one."

Peter Warren, a longtime San Pedro resident and neighborhood activist who sits on the Los Angeles port advisory committee, said it was not clear whether all cruise ships or vessels transporting crude oil would be required to use cleaner fuel.

"The way it's written, it's unclear," said Warren. "I'm concerned. We live in a diesel death zone here."

Port officials are hoping voters will approve a \$19.9-billion freeway and port infrastructure state bond measure on the November ballot to help replace the aging diesel trucks, but acknowledged they will be forced to look for other sources of money if it does not pass, or if the state air board does not give them all of the bond money they need.

"We will be looking to the Legislature. We will be looking to the federal and state government," said Freeman, who added that renegotiated leases with shipping companies as well as tariffs will also generate funds.

The ports handle \$360 billion in trade annually and support tens of thousands of jobs.

"Make no mistake, these ports are the economy of Southern California," said Long Beach Harbor Commission President James Hankla. But referring to numerous recent studies that show hundreds of deaths annually from disease related to port pollution, he said, "We look at the health reports ... and we shudder, because we're burdened with the responsibility of cleaning it up."

Sweeping air pollution plan proposed for LA/Long Beach ports

In the S.F. Chronicle, Friday, June 30, 2006

Los Angeles (AP) -- Truck, ship and cargo-handling equipment pollutants would be reduced 50 percent in five years under a clear air proposal for the Long Beach and Los Angeles harbors.

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Freeman cited the recent decision by shipping company Maersk to cut pollution by switching to lower sulfur diesel fuel as a precedent that other companies should follow.

Los Angeles, Long Beach ports unite on proposal to fight pollution

By Martin Kasindorf, USA TODAY

Friday, June 30, 2006

LOS ANGELES — The neighboring seaports of Los Angeles and Long Beach announced Wednesday a proposal to crack down on the diesel-powered ships, trucks and trains that are polluting the air over the USA's trade gateway to Asia.

Under the proposed five-year cleanup plan, the twin ports would offer \$200 million to owners of 16,000 trucks to replace old rigs with cleaner new ones. Ships would have to burn cleaner fuel, cut speed within 40 miles of the harbor and plug into dockside electrical outlets that are being built. Railroads would be required to use cleaner locomotives.

The city-owned ports, 20 miles south of downtown Los Angeles, are the nation's largest. Together they handle 40% of U.S. cargo-container imports and account for 600,000 local jobs. They're also a health hazard as Southern California's "largest fixed source of air pollution," the South Coast Air Quality Management District says.

Vessels and vehicles idling at docks spew more smog-forming nitrogen oxides and cancer-causing diesel particulates than the metropolitan area's 6 million cars, the district says. Residents of nearby neighborhoods have high rates of respiratory illness and the region's highest cancer risk, according to the California Air Resources Board.

The cleanup plan aims to reduce diesel particulates nearly 50% and nitrogen oxides 30% by 2011. Arley Baker, spokesman for the Port of Los Angeles, says the regulations could be a pattern for other ports. Houston and Shanghai also are grappling with air pollution problems, says Geraldine Knatz, the Los Angeles port's executive director.

The Los Angeles and Long Beach ports are landlords for shipping companies that operate cargo terminals. The cities compete for shippers' business. Their top port officials were so mistrustful of each other that until last January they hadn't held a joint meeting since 1929, says S. David Freeman, president of the Port of Los Angeles Harbor Commission.

The ports have had separate, uncoordinated pollution-reduction programs, posing a risk that dirtier ships would choose the port with lower standards, Freeman says. "United, there ain't no place for these shippers to go," he says.

Barraged with lawsuits by environmental groups and neighbors, the ports united on the cleanup so the courts will let them expand to handle a projected tripling of trade by 2020, Freeman says. "The port is one of the largest sources of decent-paying jobs around here, and it can't grow unless we smash the pollution," he says.

Some shipping companies here complain that the new regulations will raise operating costs and make them less competitive with other U.S. and Mexican ports, Knatz says. "We tell them we have no alternative. Development will let customers grow their business and use the revenue to pay for meeting the emissions standards."

Freeman says consumers of imported goods won't be socked with higher prices. The "impact on the delivery price of television sets and tennis shoes is essentially de minimis," he says.

The plan disclosed Wednesday is a draft that could be revised after 30 days of public hearings. A final plan goes to port commissioners in September.

MTA Board Approves \$10 Million to Study Transit Projects

Transit agency's board approves \$10million to evaluate 21 possible projects despite the objections of new leader Gloria Molina.

By Jean Guccione, staff writer

L.A. Times, Friday, June 30, 2006

Over the objection of their newly elected leader, members of the Los Angeles County Metropolitan Transportation Authority went on a spending spree Thursday, approving \$10 million for 21 studies to examine a wish list of possible transit projects.

The vote came one week after Supervisor Gloria Molina, who assumes the MTA chairmanship Saturday, rejected a much smaller and less costly package of proposed studies. At that time, Molina accused Mayor Antonio Villaraigosa, the board's outgoing chairman, of pushing his pet projects — such as the 14-mile extension of the Red Line to the Westside — without input from other board members.

The mayor countered that the studies were essential to prepare projects for possible new state bond money. He praised the board's action as "an important milestone in our effort to expand rail transit in Los Angeles."

Molina cast the sole vote against the studies. County Supervisors Zev Yaroslavsky and Don Knabe did not vote.

"I wasn't in the backroom when this list was divided up, so I'm going to add to the list," Molina warned last week.

On Thursday, she said that she had added \$200,000 to study the extension of the Gold Line to the south San Gabriel Valley in an effort "to mock this process." Last week's package was less than a quarter of the cost and contained half as many projects as the package approved Thursday.

"I'm disappointed on how this proceeded," Molina told her colleagues. She compared their action to "pork-barrel" legislation that rewards lawmakers with spending in their districts in return for support for the overall package.

Molina noted that the board ignored staff recommendations to limit spending to top-priority projects.

Even if voters approve the proposed state transportation bond, "we couldn't fund all of the projects that are being studied here," she said.

California voters will decide in November whether to approve a \$20-billion bond issue for public transportation. If they do, the MTA can expect at least \$1 billion from it.

MTA Chief Executive Roger Snoble said the studies package took an "unusual" route to the board. It was never vetted by any board committee or during public budget hearings.

In response to Molina's criticism, Villaraigosa last week defended the proposed studies as having "been discussed, debated many, many times." He said they were needed if the agency hoped to compete aggressively for federal grants and state bond money.

When you go to them to lobby for money, the mayor said, federal and state officials "want to know what you intend to do" to mitigate traffic congestion and air pollution.

Last week's heated exchange between Molina and Villaraigosa, who began his political career as Molina's appointee to the regional transit board, ended with the mayor advocating a one-week delay "in the interest of the unity and harmony" of the transportation board.

On Thursday, when the board reconvened, members voted to dedicate \$9.8 million to hire 10 planners and conduct the long list of transit studies. They include looking at the feasibility of popular ideas, such as adding bus lanes on Wilshire Boulevard between Doheny Drive and Fairfax Avenue and building a light rail through downtown connecting the Gold Line to the Blue and Exposition lines.

The money is dedicated solely to planning; it cannot be used to operate the agency's bus and rail system.

Nearly \$4.7 million of the planning money will come from dedicated sales-tax revenue. Another \$4.7 million will come from state and federal money dedicated to studying countywide rideshare programs. The remaining \$432,000 will come from state transportation funds.

[Fresno Bee editorial, Friday, June 30, 2006:](#)

Disappointing lawsuit

Building industry must do its part in cleaning up Valley air.

The building industry has filed a lawsuit against the Valley's air district in an effort to kill fees on new construction that adds to air pollution. It's not surprising, but it's unfortunate.

The suit contends, among other things, that the San Joaquin Valley Air Pollution Control District hasn't established a link between new homes and increased pollution. The district believes it has, and we agree. We hope the judge will as well.

State law requires that a "nexus" or "reasonable relationship" be established between development and its impacts before mitigation fees can be assessed. The lawsuit argues that such a relationship hasn't been made clear.

That's hard to swallow. New residential construction means more people driving cars, adding to emissions and traffic congestion. It means more lawnmowers belching fumes and more backyard

barbecues sending soot into the air. When the new construction is at the edges of urban development — sprawl — it makes matters even worse.

Builders have also raised equity issues: The fees don't apply to existing homes. Nor do they apply to developments smaller than 50 units. They may have a point there. But the answer is to extend the fees, not eliminate them. And the fees should reflect the fact that people who live closer to employment, commercial and recreation centers aren't polluting as much as those who live in the sprawling fringes, because they aren't driving as much.

The money the district takes in, as much as \$103 million over the next three years, would be used to replace or retrofit old school buses and pay for other measures to reduce Valley air pollution.

The fees involved are not onerous: \$780 per home to start, rising to about \$1,700 in 2008. That's an inconsequential sum compared to the profits the building industry is making, particularly with the spectacular rise in home prices in recent years. And there are several steps developers can take to reduce the fees by building more environmentally friendly homes. What's more, the district has yet to actually collect any money.

And in any case, the builders will pass every penny of the new fees on to their customers.

That's in contrast to an industry like agriculture, which has had many new costs added to its operations in the clean air effort. Some of that burden has been softened by state and federal grants, but much of it has come from the pockets of farmers. They weren't happy about it, but they have shouldered their responsibilities.

We wish the building industry would do the same. The real issue here is cleaning up the Valley's air. That's good for everyone, including builders and their customers.

[Tri-Valley Herald, Letter to the Editor, Friday, June 30, 2006](#)

Spare the Air Day criticism misguided

Your June 29 editorial criticizing the Spare the Air Day free transit rides misses the point that increased ridership on these days identifies a huge opportunity.

You complain about the "taxpayer subsidies" that make this possible, but you don't acknowledge the monumental subsidies provided every year to the oil and automobile industries that exacerbate the transportation problems we have — or the biggest subsidy of all: the taxpayer-funded freeway and road system that all these subsidized cars and trucks drive on.

There are many people working very hard locally, regionally and statewide to address our transportation problems, and there are many good ideas being implemented.

But in an era of global warming, sprawl development and declining quality of life, these are short-term solutions at best. As someone who rides public transit to work every day, the Spare the Air Days demonstrate to me that people will use transit if it is affordable and convenient.

If the subsidies to the oil and automobile industries were shifted to public transportation, we would have a system that could make a real difference in creating a sustainable future by addressing the environmental, economic and social impacts that our current transportation system imposes on us all.

In our current political climate it's laughable to think this type of change will come soon. But talking about alternatives is a start. The kind of thinking that your paper espouses is sure to keep us stuck in traffic for years to come.

Matt Sullivan, Vice Mayor — City of Pleasanton

The following clip discusses the lawsuit filed by members of the Stop the Air Board Tax which names the San Joaquin Valley Air Pollution Control District as a defendant. If you need more information contact Maricela at ext. 5849.

Demandan empresarios en contra una iniciativa de ley para mejorar el aire en California

La defensa de una iniciativa contra el freno a la contaminación ambiental será por parte de la agencia para el Control de la Contaminación del Aire en el Distrito del Valle de San Joaquín, que impulsó la medida porque la zona es ahora una de las más contaminadas en el país

Noticiero Latino, Radio Bilingüe, Aire Libre, Fresno, CA, 29 de junio de 2006

Una coalición de empresarios bajo el nombre de "Alto a la Oficina de Impuestos por Aire" interpuso una demanda en una corte de Fresno, California contra una iniciativa que busca limitar la contaminación en el centro y norte del estado.

Según el director de la Asociación de Contribuyentes del Condado Kern, Michael Turnipseed, quien presentó la demanda, la iniciativa de multar a contaminadores en la región hace mal uso de los impuestos y frena el crecimiento económico en la entidad.

La defensa de la iniciativa será por parte de su oficina autora, la agencia para el Control de la Contaminación del Aire en el Distrito del Valle de San Joaquín, que impulsó la medida porque la zona es ahora una de las más contaminadas en el país.