

Air improved by strict burn rule

The Madera Tribune Thursday, March 05, 2009

A sixth valley burn season ended Saturday, and preliminary air-quality measurements suggest that a more restrictive wood-burning rule resulted in cleaner local skies this winter.

Compared to the 2007-08 season, there was a 50 percent reduction in days deemed "unhealthy" throughout the air basin, with no "unhealthy" days in Fresno County; and a 10 percent drop in the average concentration of pollutants.

A full report on the health-protective effects of this season's wood-burning rule will be presented at the air district's Governing Board meeting in April.

"By calling for wood-burning curtailments at lower levels, we were able to prevent some of the worst air pollution this winter," said Seyed Sadredin, the district's air pollution control officer. "Of our major air pollution concerns in the valley, particulate matter is the most harmful and has devastating health effects."

Note: The above online article has been shortened by the publisher from its published form.

Air-quality deadlines threaten Valley development

By E.J. Schultz / Bee Capitol Bureau

Fresno Bee, Wed., March 4, 2009

SACRAMENTO -- Development could be stalled in the Valley if city officials don't act quickly to comply with a new air-quality law that takes effect this summer.

The law, passed by state lawmakers in 2003, requires that cities and counties in the San Joaquin Valley update general plans to include goals and strategies for reducing air pollution. Without the revisions, the general plans would not comply with state law -- leaving cities vulnerable to lawsuits seeking to halt developments.

The deadline for cities in Fresno and Kern counties is June 30. Other municipalities have until Aug. 31, 2010.

Yet cities have been slow to make the changes, said Seyed Sadredin, executive director of the San Joaquin Valley Air Pollution Control District, which is charged with reviewing the amended plans.

"It takes months, if not years, and it's quite costly" to update plans, he said. The district is not sure how many cities are in compliance with the new law, but Sadredin said a lot "haven't really satisfied all the requirements yet."

If officials fail to meet the deadline, but still proceed with major land-use decisions, "a court could invalidate those decisions and other development projects as well," according to a memo by the state Senate's local government committee. For instance, an environmental group that doesn't like a new subdivision could seek to stop it by arguing that a city's general plan doesn't comply with state law.

The upshot: Building permits, rezoning and other land-use decisions could all be put on ice, according to the committee.

The committee, which oversees land use legislation, recently reminded the Valley air district about the pending deadline.

Officials in some small towns had never heard of the new law.

"We haven't started the update on the general plan," said Lupe Estrada, a planning officer for tiny San Joaquin, on the Valley's west side.

"At this point, I'm a little bit in the dark about it," said Ray Hoak, the building inspector for Orange Cove. "There are so many state regulations that it's almost impossible to keep track of them."

The legislation, AB 170, was written by then-Assembly Member Sarah Reyes, a Fresno Democrat. It requires that cities and counties in the region amend general plans to include:

- Reports on local air-quality conditions.
- A summary of air-quality regulations.
- A "comprehensive" set of goals, policies and objectives to improve air quality and measures to carry out those goals.

Plans must be submitted to the Valley air district 45 days prior to the law's deadline. That's May 17 for Fresno County and its cities. The district will soon send out a letter asking cities to report back the status of their general plans.

Not long after the law was passed, the air district updated its air-quality guidelines for general plans. The 225-page document, for instance, calls for land-use policies that encourage walking, rather than driving -- such as developing vibrant downtowns accessible by mass transit.

It's possible that cities are already in compliance with AB 170, even if they don't know about it.

"It's news to me, but we already have an air-quality element in our general plan," said David Fey, deputy city planner for Clovis.

For instance, the city already gets clearance from the air district for new projects, he said.

Fresno County knew about the law and "I think we're on solid ground already," said Lynn Gorman, the county's deputy planning director.

The county devotes a section in its general plan for air quality.

One policy requires that commercial roads, driveways, and parking areas "be constructed with materials that minimize particulate emissions." Another section encourages telecommuting and teleconferencing for county employees, in order to cut back on driving.

The city of Fresno is working to update its plan by the deadline.

Cities that are behind the curve can still seek relief from the state, according to the Senate committee. The Governor's Office of Planning and Research, which oversees environmental documents, can grant extensions for compliance with AB 170 -- but only if cities are able to explain why they are late.

Smog: How about looking at AQI?

By Mark Grossi, FresnoBee.com, Wed., March 4, 2009

After I compared PM-2.5 exceedences in January 2008 versus January 2009, I found there were more bad days this year even though there was a stricter fireplace burning rule in place.

But that's not the only way to look at this. Seyed Sadredin, executive director of the San Joaquin Valley Air Pollution Control District, says he looked at the air quality index, or AQI, and the air improved this year.

The index is a scale, reflecting the health of the air when considering pollution and weather.

He wrote:

We've only had 12 "Unhealthy" days basinwide for the 2008/09 season compared to 25 the year before.

Here are the numbers for the season (November through February):

- 2008/09: Unhealthy for All 12 days, Unhealthy for Sensitive Individuals 46
- 2008/09: Unhealthy for All 25 days, Unhealthy for Sensitive Individuals 37

Also, please note that this year, Fresno County had zero days of "Unhealthy" designation compared to 9 last year.

Warnings but no fines for wood-burn violators

By Denis Cuff

In the Contra Costa Times, Tri-Valley Herald & other papers, Thursday, March 5, 2009

In their first evaluation of a Bay Area ban on wood fires on bad air nights, pollution regulators said Wednesday that they warned 254 local residents this winter for using fireplaces and stoves on the wrong nights, but they fined none because none broke the rule twice.

Encouraged by the lack of fines and heavy public sign-ups for automatic notifications of no-burn nights, regulators said the rule is effective in cleaning the air of soot despite early fears about a public backlash.

Sunday was the end of the first cold season with the new rule in effect. The measure is aimed at reducing soot, which state and federal health agencies say can contribute to asthma, strokes, heart attacks, and a variety of lung and heart problems.

"We think the rule has been helpful in improving air quality," said Kristine Roselius, a spokeswoman for the nine-county [Bay Area](#) Air Quality Management District. "We see less people are burning wood, and there is strong public awareness of the rule."

Air quality regulators issued 11 Spare the Air winter advisories in the cold season, fewer than expected.

First-time offenders get a written warning, while second-time offenders can be fined hundreds or even thousands of dollars, depending on the severity of the smoke.

Many critics slammed the rule an unwarranted intrusion in people's homes, but compliance appeared to be widespread, officials said.

"I think people have accepted the rule more readily than I thought they might," said Mark Ross, a Martinez city councilman on the regional air board. "We knew some people considered this an invasion into hearth and home, but we feel a responsibility to protect people from soot."

With 70 pollution inspectors and supervisors to check on 1.4 million fireplaces and stoves in nine Bay Area counties, the air district relies heavily on complaints from the public. Violators can be warned or fined only if an inspector witnesses the violation.

The district received 1,442 complaint calls this winter, verified 254 complaints and issued written warning letters to those homes.

Fifty-five warning letters were issued in both Contra Costa and Marin counties, which tied for the highest total for the nine counties. The high totals may reflect those counties' high number of inland valleys, where cold winter air traps smoke near the ground.

The district issued 41 warnings in Sonoma County, 33 in Santa Clara County, 32 in Alameda County, 15 in San Mateo County and 11 in Solano County. No warnings were issued in San Francisco County, which has milder winter temperatures.

To be sure, there is still opposition to the smoke rule.

The Duraflame company sued the air district in a lawsuit that contends its manufactured fire logs should be exempt from the no-burn nights because they emit less pollution than regular wood logs. The suit has not been settled.

One Clayton resident said he resents the no-burn rule. "Government is going too far in telling people what they can do in their own home," said Bob Armstrong. "I buy dry wood that doesn't pollute. They shouldn't tell me when I can burn."

Air district officials said they are considering whether to make improvements in the no-burn notification system, and possibly change the potential fines.

Some people have complained the air district should set specific fines for second and third offenses of the rule rather than leaving it up to air district enforcement workers to propose a fine based on the circumstances of each case.

Top of the News

Look Ma, No Ethanol Plants

Valley Voice Newspaper Thurs., March 5, 2009

With the announcement that operations have been suspended at Pacific Ethanol's Stockton ethanol production plant – all significant California ethanol refineries have been shuttered. Those include two in Tulare County – Altra's Goshen plant, (the state's first), Calgren's plant near Pixley, Keyes ethanol production plant owned by Cilion and a second Pacific Ethanol plant in Madera that make up the five plants that have been built in recent years.

Instead, California ethanol supply is coming from the Midwest where refineries grow near cornfields. By the end of 2009, the state's petroleum companies will blend the renewable fuel at a 10 percent level with gasoline, instead of 5.7 percent.

Ethanol promoters hope the market for the fuel will improve in 2009 with a lower price for corn and likely rising gasoline prices. Corn prices for much of last year were double what they are today, sending margins to the skids. Gasoline prices have fallen with the recession. As a result, some companies have declared bankruptcy and some, like Pacific Ethanol, have had to negotiate with lenders to keep the doors open. The company stock Tuesday stood at 20 cents.

The reduced capacity of the ethanol industry could help boost prices as well because of national blending mandates. When it comes time for turning the state's ethanol plants back on – what companies will be left standing to turn on the switch? Some believe oil firms like Valero that are in the process of buying some shuttered VeraSun Midwest units – is the likely player.

Wal-Mart critics want more time, translations to review environmental summary

Some say 1,000-plus-page report warrants more consideration and Spanish, Hmong versions.

By Scott Jason

Merced Sun-Star, Thursday, March 5, 2009

A handful of residents are pushing Merced government leaders to expand the comment period about the Wal-Mart distribution center.

They'd like to have more than 60 days to comb through the 441-page environmental review and 675 pages of supporting reports. They'd like to have the summaries translated into Hmong and Spanish for non-English-speaking residents.

The small group also asked that the city host workshops to discuss what's illuminated in the report, which analyzes the effects of the distribution center in fine detail.

The requests may be seen as stall tactics by some, though the residents say it's important that everyone understand what the project means for Merced.

Wal-Mart officials have said it would employ 600 full-time workers during its first day of operation and that the figure would rise to 900 within a year.

Project critics point to the fleet of semitrucks, some 900 trips each day, as creating congestion on roads and hurting [the air quality](#).

The report's release last week begins the journey of whether the project is approved or denied by the City Council.

Planning Manager Kim Espinosa couldn't say whether the city would heed any of the requests. She's meeting with city government leaders Friday to discuss them.

Wal-Mart spokesman Aaron Rios deferred to the city on the issues raised. "It's their document, and they control (the public comment process)," he said.

Rod Webster, a Merced resident, was among four people who spoke Monday to the City Council about the report. He followed up the next day with a letter repeating what he'd like to see done to make sure everyone has a chance to learn about the project.

It took years to write the report, but residents only have 60 days to digest it, he said. They would have to read about 20 pages each day to finish it by April 27, the end of the comment period, he added.

Webster, a once-active member of the Stop Wal-Mart Action Team who's still unsure whether the project should be approved, surveyed the neighborhoods near where the distribution center would be built a couple of years ago. He said a large percent of the residents speak Hmong and Spanish. "They'd bear the brunt of the effects," he noted.

Mayor Ellie Wooten noted that the city has already elected to go with a 60-day comment period, longer than what's legally necessary.

The city may have translators available for the public hearings, though she doesn't foresee it transcribing sections of the report into different languages.

"I don't know about that," she said.

Merced County Jobs Coalition Chairman Doug Fluetsch said that any groups supporting or opposing the project should create teams of people to analyze each of the sections.

"No one person, not even the smartest lawyer, could read it and single-handedly understand it," he said.

Fluetsch said he'd like to have public hearings, but added it'd be difficult to find a moderator or someone who could field questions because the city's not an expert on the report.

The only group familiar with it is EDAW, the firm that wrote it, he said. The comment period is the public's opportunity to ask questions about the proposed center, he said. Those questions will be answered in writing by EDAW when the final version is released.

Noah Lor, Merced's first Hmong councilman, said he wasn't sure whether it would be possible to publish sections of the report in different languages, but planned to speak with Merced Lao Family Community leaders to see if they have input or concerns that need to be addressed.

Obama's push for cleaner cars gets public airing

The Associated Press

Washington Post Thursday, March 5, 2009

WASHINGTON -- Environmentalists, state officials and automakers are weighing on whether states should be allowed to set their own standards to control greenhouse gases from automobiles.

At a public hearing in Arlington, Va., the Environmental Protection Agency will hear arguments Thursday on whether states should be allowed to regulate heat-trapping gases from truck and car exhaust.

The agency could reverse a Bush administration decision denying a request from 14 states and the District of Columbia to set their own vehicle emission standards.

In January, President Barack Obama ordered the agency to reconsider the Bush ruling in a move to combat global warming and reduce oil imports.

EPA urged to reverse Bush-era auto emissions rule

Associated Press

Washington Post, Modesto Bee, Contra Costa Times & other papers Thursday, March 5, 2009

The head of California's air pollution agency says the federal government made a mistake when it blocked her state from setting its own standards for controlling auto emissions.

Mary Nichols told a packed Environmental Protection Agency hearing just outside Washington that if the state is unable to control the gases blamed for global warming from cars and trucks, its other air pollution problems will get worse.

California officials urged the EPA to reverse its March 2008 ruling. President Barack Obama has ordered the agency to reconsider the Bush-era decision.

Thirteen other states and the District of Columbia want to adopt California's standards, which would cut greenhouse gas emissions by 30 percent in new cars and trucks by 2016.

Automakers to skip EPA hearing on tailpipe emissions

Two trade groups will represent the industry in the debate over a waiver sought by California and 13 other states to regulate pollution standards.

By Ken Bensinger and Jim Tankersley

LA Times and other papers Thurs., March 5, 2009

Reporting from Washington and Los Angeles -- The Environmental Protection Agency will hold a hearing today at the behest of President Obama on whether California and 13 other states should be allowed to regulate vehicle tailpipe emissions.

It's a matter of utmost importance to carmakers, which have argued that compliance could cost them billions of dollars amid the industry's worst downturn in decades. Yet no automakers will be testifying at the Washington hearing to rebut environmental groups and others favoring strict rules.

Instead, two trade groups representing the largest car companies will make what are expected to be measured presentations focused on being "a part of solutions that work," General Motors spokesman Greg Martin said. The only fireworks are expected to come from a car dealers group.

Is this a kinder, gentler auto industry? Not likely. Instead, say experts familiar with the industry and Capitol Hill, the automakers are just being political realists. With all automakers hurting, and GM and Chrysler requesting \$21.6 billion on top of the \$17.4 billion in taxpayer funding they've already received, now is hardly the time to protest.

"I think they're under a lot of pressure to be quiet because they're asking for billions and billions of dollars," said Adam Lee, president of 12 Maine dealerships and a supporter of more stringent emissions rules.

The silent treatment marks an about-face for the industry, which has long opposed stricter regulation, including the seat belt and catalytic converter. When California adopted its rule requiring carmakers to cut greenhouse gas emissions by 30% by 2016, automakers took the lead in fighting it, suing multiple times to block it.

They lost but delayed implementation by almost five years. In December 2007, the Bush administration denied a normally pro forma waiver California needed from the EPA to begin implementing the regulation.

But Obama called on the EPA to revisit the waiver, saying that "now is the time to make tough choices."

Since then, the administration has discussed the implications of a waiver -- and the potential for a blanket national policy on emissions and fuel economy standards -- with the automakers as part of the ongoing restructuring talks.

Congressional leaders have pressured automakers to comply with California's standards as a condition of government loans. House Speaker Nancy Pelosi (D-Calif.) and Financial Services Committee Chairman Barney Frank (D-Mass.) sent a letter to the heads of Chrysler and General Motors last month, saying they expected the companies' restructuring proposals to include plans to meet or exceed "the emissions standards adopted by California and other states, if they receive federal approval, and become a long-term global leader in the production of fuel-efficient and advanced technology vehicles."

Facing that kind of pressure can force changes in strategy, said David Doniger, a lawyer for the Natural Resources Defense Council who has squared off with the auto industry on the issue of California's vehicle emissions regulations for years. The automakers have "signaled a change in their posture," Doniger said.

According to the Alliance of Automobile Manufacturers, which represents most of the largest automakers, the industry's posture hasn't changed.

"We share [Obama's] goals," said Dave McCurdy, the trade group's president. "The Alliance supports a single, nationwide program that is administered by the federal government."

Whether that is the administration's goal remains to be seen. Although the White House has given signals that it is interested in a national vehicle emissions rule down the road, it also has indicated to California regulators that it is interested in first testing such a standard on the state level.

In testimony to be presented today, Eric Fedewa, vice president of the consulting firm CSM Worldwide, said the tough rules would "further damage companies that are struggling, like GM, Ford, Chrysler and much of their supply base, and potentially destabilize relatively healthy

companies like Toyota and Nissan."

Along with CSM, the most vocal critics of the California rule likely will be the National Auto Dealers Assn., which seems to be taking on the role of a stalking horse for the politically cautious automakers.

"When you look at the practical implications, there are enormous problems presented," said Andrew Koblenz, vice president of legal and regulatory affairs for the dealers group.

Ports America to take over Outer Harbor Terminals lease

By Cecily Burt, Oakland Tribune

In the Contra Costa Times, Tri-Valley Herald and other papers, Thursday, March 5, 2009

The Port of Oakland awarded a lucrative, 50-year contract to Ports America to manage and modernize five outer harbor berths in a groundbreaking concession deal worth about \$700 million.

The port will get \$60 million upfront, which will be used to pay off \$55 million in outstanding debt. Ports America Outer Harbor Terminal, LLC (PAOH) will pay \$19.5 million a year in rent, plus the port will save about \$3 million a year in debt service and another \$645,000 in annual maintenance and operating expenses for the berths.

The concession agreement is the first of its kind, said Omar Benjamin, the port's executive director. The port has other lease agreements for its eight seaport terminals, but those agreements typically run 10 to 15 years, and the port retains responsibility for maintenance and infrastructure improvements.

In this case, Ports America Oakland will assume all responsibility for operations, development and investment risk. The company plans to invest \$2.5 billion in capital improvements to berths 20 to 24 over the life of the agreement, including the installation of new Quay cranes, said Peter Stone, chief commercial officer.

The company has been doing business with the Port of Oakland since the 1960s. It has operations in 50 ports and 97 terminals, with headquarters in New Jersey and a regional office in Emeryville.

A few other longtime terminal operators complained that Ports America Oakland appears to be getting a better deal than they are. The board, which voted unanimously to approve the contract, asked port maritime director James Kwon to make sure the operators' concerns were addressed.

Kwon also assured the board that Ports America will work to bring new business to Oakland through its strategic connections with shipping companies.

The deal will generate about 6,000 jobs that support terminal operations, from longshoremen, to truckers, to warehouse and construction.

But it will also have immense indirect benefits to the port, the city of Oakland, and the regional economy.

Ports America estimates it will spend about \$50 million in annual direct operating expenses. Its operations and jobs will generate nearly \$45 million in state and local taxes.

"You could call it a stimulus package at the Port of Oakland," Benjamin said. "This is the right thing to do to keep the port as a major economic force for our region and competitive for the future."

Ports America competed with 50 original bidders for the long-term lease, which begins in January 2010. The company won points with its plans for a high-density, low-emission container terminal that has ship-to-shore power and electric stacking cranes instead of relying on diesel-powered equipment.

"Ports America presented a social equity plan to the community that I had not ever seen before," said Commissioner Margaret Gordon, whose West Oakland neighbors bear the brunt of [air pollution](#) generated by ships and trucks at the Port of Oakland.

'Green jobs' initiative questioned

By Rachelle Gines, Associated Press Writer

In the Modesto Bee and Merced Sun-Star Thursday, March 5, 2009

CARSON CITY, Nev. — Lawmakers questioned Wednesday how Senate Majority Leader Steven Horsford's "green jobs" initiative would keep running once federal stimulus dollars are gone, and also asked about rules in the plan for contractors who would train and employ Nevadans.

SB152 would use federal stimulus funds to train an estimated 3,200 workers at a cost of about \$3,500 each, and cover costs of weatherizing about 6,500 homes and upgrading government buildings and schools to make them more efficient. The bill aims to reduce greenhouse emissions, lower energy costs and create workers ready for the renewable energy industry.

Sen. Barbara Cegavske, R-Las Vegas, asked Horsford, D-North Las Vegas, how projects started under the initiative would be funded once stimulus dollars run out, and what would then happen to workers hired for projects created by the initiative.

[Letter to the Oakland Tribune, Thursday, March 5, 2009:](#)

Outrageous

THIS IS in response to a recent article about Berkeley health project working with African-American families:

It's no mystery why minority communities are more frequently afflicted by adverse health conditions: inadequate access to environmental goods.

Communities throughout the Bay Area offer myriad examples of this form of injustice, and not enough is being done to fix it.

A recent story written by Doug Oakley story highlights environmental factors like access to healthy food and stress as contributors to the disproportionately high heart disease rates among local African Americans.

However, he leaves out a key element affecting the health of minority communities: the physical environment itself.

According to a study by the Pacific Institute, air quality in West Oakland is so poor that children are seven times more likely to be hospitalized for asthma than the average child in California.

This is an absolute outrage. Minority communities are consistently receiving the short end of the public health stick.

While programs like Heart 2 Heart do a great job of responding to adverse health conditions in these communities, more proactive measures — like placing stricter limits on diesel emissions — need to be taken to prevent these health conditions in the first place.

Let's stop putting a Band-Aid over the sore once it's already formed, and enact policies of prevention instead.

Salomeya Sobko, Berkeley