

## **Group may sue over air fee**

By Warren Lutz

Stockton Record, Tuesday, Dec. 27, 2005

STOCKTON -- A new rule requiring Valley developers to pay fees for vehicle pollution could end up in court.

The rule, approved by regional air officials last week, aims to reduce air pollution by more than 10 tons daily. It is the first of its kind nationwide.

But members of a group backed by the building industry said it is unfair, and the group is considering a lawsuit.

"(We're) exploring all options," said Clovis Mayor Nathan Magsig, a member of Stop the Air Board Smog Tax, which campaigned vigorously against the fees.

It's unclear what sort of legal argument the group, which includes a mix of developers, business groups, and some cities and elected officials, will make. A spokesman said a decision would be made within the next two months.

Air-quality officials regulate stationary sources of pollution such as plants and factories but can't directly control tailpipe emissions, the largest source of dirty air. The new rule places fees on all projects that increase vehicular traffic, such as homes, shopping malls and schools.

The fees will increase each year for three years, beginning in 2006. They will add \$1,772 to the cost of a typical home by 2008 and between \$872,000 and \$1.3 million to the cost of a typical shopping mall.

The San Joaquin Valley Air Pollution Control District spent two years drafting the rule and is confident it will hold up in court, said Phillip Jay, an attorney for the district.

"We wouldn't be doing it if we didn't think there's ample legal authority, and we've covered all our bases," he said.

A 1988 state law gave California air districts the authority to regulate so-called indirect sources of pollution, such as housing developments that increase the distance people travel by car to work or shop.

Few districts have used it, however. The San Joaquin district is the first to charge pollution fees to developers.

The money it brings will pay for low-emission vehicles, public transportation and other clean-air projects, officials said. But builders could pay fewer fees if they design energy-efficient buildings, build them near public transit centers, and add bicycle and pedestrian paths -- all of which help decrease smog.

Yet Magsig, who also is the director of a nonprofit group that builds homes for low- and moderate-income families, said building such features makes homes more expensive. He and others believe the extra costs would be passed on to consumers.

"The rule is going to impact my organization, and it's going to impact the number of affordable units we're going to be able to build," he said.

Others say the rule is unfair, because it doesn't target automobiles and will affect only new housing projects.

"Why are you putting a tax only on new homeowners?" asked Michael Turnipseed of the Kern

County Taxpayers Association. "What if you buy a used home? You're making a very shallow attempt just to raise money."

Jay said he doubts the fees will hurt developers' profits at the rate housing prices are growing. The price of a new home in the Valley has increased 20 percent to 30 percent per year.

"I doubt wages went up that much, and I doubt materials went up that much," Jay said.

## **EPA considers change in toxic chemical reports Officials eye exempting some from reporting existence of substances**

By SARAH RUBY, Californian staff writer  
Bakersfield Californian, Tuesday, Dec. 27, 2005

The Bush administration is pushing environmental reforms that would limit the public's knowledge of toxic chemicals used in their communities.

More than 20 years ago, a gruesome chemical leak in Bhopal, India, led U.S. leaders to require companies to tell the public about the presence of toxic chemicals -- in the water, air, landfill or in products themselves.

Now the U.S. Environmental Protection Agency is proposing to relax those requirements, exempting some 300 companies in California alone from reporting the presence of their toxics, according to the National Environmental Trust, a Washington, D.C.-based environmental group.

Today, companies that use 500 pounds or more of any toxic substance must disclose the chemical's presence. Aside from a few zero-tolerance materials such as mercury and lead, which companies must report no matter how much they use, the EPA wants to raise the reporting threshold for toxics to 5,000 pounds per chemical, per year.

"If you know what's going on at a facility, you can be sure they are doing the most they can to minimize emissions," said Tom Natan of National Environmental Trust. "If you don't have that information you don't even know where to start asking questions."

In Kern County, 79 companies report their use of toxics to the EPA database, which is known as the Toxics Release Inventory. Of those, two would be exempt if the 5,000-pound limit were adopted, according to the National Environmental Trust.

One is Bakersfield's Ennis Paint plant, and the other is a General Electric operation known as GE Betz, which regenerates high-tech water filters, also located in Bakersfield.

Representatives of Ennis Paint and GE Betz did not return calls for comment Thursday.

Industry leaders laud the proposal, which is aimed at lightening the paperwork for smaller outfits.

"We will lose less than 1 percent of the data we now collect," said Suzanne Ackerman, spokeswoman for the EPA.

The EPA is taking comments on this proposal until Jan. 13. It will take about six months to review all the comments and respond, Ackerman said. The earliest it would go into effect would be December 2006, she said.

The EPA might also change its annual toxics reporting requirement to once every two years, Ackerman said. This is not yet a formal proposal, she said.

## **Centex plans housing variety Fancher project will feature various home types.**

By Sanford Nax / The Fresno Bee  
Tuesday, December 27, 2005

Centex Homes plans several types of housing in the master-planned community it will develop at Fancher Creek, a proposed 424-acre project that will bring homes, businesses and stores to the growing southeast portion of Fresno.

"We are working on the initial land development stages. I do know we are building several different product types ... with entry level, move up and high density," said Lissa Walker, marketing manager at Centex Homes' local division in Visalia.

Centex bought all of the single-family residential lots in the development roughly bounded by Clovis, Belmont and Armstrong avenues and Kings Canyon Road. The Fresno Planning Commission earlier this month approved 103 lots at the southeast corner of Fowler and Belmont avenues.

Centex volunteered to pay for a right-turn green arrow traffic signal at Belmont and Fowler avenues. That will help reduce congestion at an intersection where vehicles are increasingly backed up, said Mike Dages, the region's City Council member.

Centex, one of the nation's largest home builders, was drawn to the vision of developers Tom Richards and Ed Kashian. "We sat down and they showed us what they were envisioning with a town center and light industrial, and all of it positioned around the extension of Highway 180," said Cliff Ronk, director of forward planning at Centex.

As proposed, Fancher Creek will feature schools, parks, trails, a 90-acre town center and a scenic drive that will meander through the development, connecting residents with home, work and shopping, said Kashian, who called the drive "the heart and soul" of Fancher Creek.

Kashian likened Fancher Creek to Santana Row in San Jose, an urban mix of shopping, businesses, dining and residences of all types. When finished, the Fresno project could have 1,800 housing types of all kinds, 1 million square feet of businesses and 1 million square feet of shops, he said.

The town center would be among the most unique features. Designed around a grid of streets and pedestrian walkways, the concept is gaining popularity in urban land planning.

The proposed town center at Kings Canyon Road and Fowler Avenue led Fresno officials to approve mixed-use zoning at Fancher Creek. That enables the developers to put homes atop storefronts, Dages said.

"This will be a city within a city," he said. "It will be a place where people can work, play, shop and eat."

A trolley could transport people to a movie theater, shops and other points within Fancher Creek, he said.

Unveiled in 2000, the Fancher Creek project has inched forward. The approval process took five years, and then lawsuits over potential effects on traffic, air pollution, noise and the city's supply of affordable housing were filed.

"They are in the stages of settling or going to court," Kashian said of the legal actions.

Meanwhile, planning continues, and the developers are trying to entice retailers to the site. Growth is working in their favor. Southeast Fresno exploded after a new general plan was approved that directs growth to the southern parts of the city.

Almost 1,800 homes have been approved and 1,600 others are in the site-plan process, Dages said. Fancher Creek also is expected to serve citizens of Sanger, which is experiencing a growth spurt, too.

"The trade area is 350,000 people that are not served at all," Kashian said.

## **Clovis collects grant money to expand bicycle-lane system**

By Marc Benjamin / The Fresno Bee

Tuesday, December 27, 2005

Clovis is receiving more than \$380,000 in state grants to add bicycle lanes and paths next year.

The funding was the same as an amount requested by the city this year through the state's Bicycle Transportation Account.

Merced County, meanwhile, received funding for a bicycle lane project along Bellevue Road, from G Street to Lake Road, worth \$298,800. Porterville earned \$40,854 for a variety of bike lane projects covering 6.1 miles, said Marv Johnson, an engineer with the California Department of Transportation's Office of Local Assistance in Fresno.

The Clovis grants were among the largest issued to a city or county in the state, Johnson said.

There was \$7.2 million available statewide, said Renee Mathis, Clovis' engineering program supervisor.

The money will be used in Clovis to build a link between the Enterprise Canal and Dry Creek Trail along Shepherd Avenue, from Sunnyside Avenue to just west of Fowler Avenue, Mathis said.

That portion of trail is considered the missing link in the city's Enterprise and Dry Creek trails. It is expected to be completed by early 2007.

Other projects will consist of striping, signs and other markings for bicycle lanes along Alluvial, Barstow, Willow, Temperance and Clovis avenues, as well as Third Street. The lanes are expected to be finished by next fall.

Clovis received a \$203,000 grant through the same program last year. Funding from that grant is being used for striping, signs and markings for about 4.75 miles of bike lanes in Clovis along Locan, Minnewawa, Teague, Peach and Sierra avenues, along with a segment of Alluvial Avenue, Mathis said.

In 2003, Clovis finished a Bicycle Transportation Master Plan that outlined a trail system that will allow residents to ride a bicycle throughout Clovis with few impediments. The study said more than half of Clovis residents work within 10 miles of home and that a commute by bicycle would require nearly the same time as a commute by car.

Other findings cited reduced air pollution in the community and better physical fitness for the commuter who rides a bicycle.

## **Merced County hoping to balance farms, homes**

By CHRIS COLLINS - Merced Sun-Star  
in the Modesto Bee, Monday, Dec. 26, 2005

Merced County's great development debate - preserve farmland or pursue growth - is about to be taken to a new level.

The county has started an administrative journey to update its map for growth. Known as the "general plan," the document will outline how, when and where the county will allow future growth.

The general plan last was updated in 1995 and was meant to guide the county until 2010. Now the county is working on its next 15-year plan.

At stake is the future of farmland and the boundaries for new development. The plan also will detail how land will be zoned.

"It's a hell of an undertaking," said Dee Tatum, the county's chief executive officer. "It's no different than any other large project."

Most supervisors on the county board said they don't have a set agenda for what they want the general plan to look like. The main concern, they said, is to be sure that the plan reflects the concerns of residents. Comments from community meetings, forums and hearings will help shape the plan, they said.

### ***Avoiding specific suggestions***

Tatum said he, too, doesn't have specific suggestions for the update.

"It would be unethical for me to have something up my sleeve," he said.

Some supervisors indicated, however, that they want to see a compromise between development and maintaining farmland.

"I want a balance between growth and preserving prime ag land - and to still allow growth," John Pedrozo said.

Supervisor Kathleen Crookham, whose district includes the city of Merced, said she wants to remain unbiased toward development, environmental and farming groups.

A priority for Crookham, though, is that the general plan respect property rights.

"I have pretty strong feelings about people who own land, that they should have a say in how their land is used," she said.

Supervisor Deidre Kelsey said the question of whether businesses can be put on land zoned for agriculture needs to be resolved. She said better communication tools have made it easier for people to use their homes as business hubs.

"Technology has changed how we do business, and our plan does reflect that," Kelsey said.

### ***Quality of life a priority***

Supervisor Mike Nelson said people all want the same things: "Good schools, safe neighborhoods, roads that are in good repair, clean air - in short, a good quality of life."

Supervisors Jerry O'Banion and Nelson stressed that they don't have preconceived ideas for what the plan should look like. O'Banion said he doesn't think the update will be altered too much.

"I do not expect major changes in the current general plan, but possibly refinement of the current elements."

Earlier this month, the county began searching for a consultant to help with the update. After a consultant is hired, the county will solicit input from communities on what they want to see change or remain the same.

There's sure to be plenty of debate, Crookham said. The question is whether people will be willing to work out their differences.

"They won't always get what they want," she said. "It bothers me when people go off mad.

"Life is a series of compromises, and I think this plan will be a compromise."

### **Building boom showing signs of slowdown**

MISTY WILLIAMS, Californian staff writer  
Bakersfield Californian, Saturday, Dec. 24, 2005

Bakersfield's building industry continued its record-breaking pace this year. Kern County developers took out 6,114 building permits for single-family houses in 2005 as of November, according to new data from the U.S. Census Bureau. That's a more than 90 percent jump from the 3,173 issued in 2001.

The city of Bakersfield alone will have signed off on roughly 5,200 house permits this year, up nearly 25 percent from 2004, said assistant building director Phil Burns.

While the building boom here is still chugging along, its feverish pace may be slowing up a bit.

County builders took out 416 house permits in November, Census Bureau figures show, down slightly from both October and from a year ago.

As of Thursday, the city had issued around 180 single-family permits this month, compared to 352 in December 2004.

It's too soon to tell if those dips are part of a larger trend, Burns said. For now, city staffers remain busy as ever.

But the pace of growth is bound to eventually slow, maybe even plateau, said Howdy Miller with Tigor Title Co.

"There's no way the frenzy could continue," Miller said, but Bakersfield will remain a growing town.

Ten of the nation's largest developers have come here in recent years, and aren't going anywhere, he said.

Bakersfield's affordability will keep attracting people from the coast and Southern California, said Irvine-based real estate consultant John Burns.

Several major 3- and 4-square-mile housing developments are in planning stages right now, and "you can pretty much count on those projects happening," Burns said.

"Instead of hodgepodge development, it's going to be well-planned areas that are going to take 20 or 30 years to completely develop," he said.

The city OK'd 17 annexations of land into Bakersfield's boundaries this year and has more than 40 in the works, said principal planner Marc Gauthier.

The growth is bringing more questions and more conflict.

[Air quality](#), land use and traffic will be the largest areas of concern in future years, said Ted James, county planning director.

Around six or seven years ago, county planning did around three environmental impact reports a year. Now it's more like 30, James said.

People are watching their once small, rural community change, and they're speaking up, he said.

"People are getting more involved with what is going on around them," he said.

Many people migrating here are also coming from areas like the coast where you're expected to participate in local government, Gauthier said.

"It's beginning to feel a little bit more like we're the northern edge of Southern California," he said.

## **Professor named chief of air board**

By Gary Delsohn - Bee Capitol Bureau  
Sacramento Bee, Friday, Dec. 23, 2005

Three months after his last appointee was rejected by the state Senate as too pro-business, Gov. Arnold Schwarzenegger on Thursday named a highly respected Berkeley air pollution expert as chairman of the California Air Resources Board.

Robert Sawyer, a University of California professor emeritus on energy, was on the board once before in the mid-1970s and has spent nearly 30 years teaching and doing research on pollution and related topics.

"We're really pleased with him," said Bonnie Holmes-Gen, vice president for government relations of the California chapter of the American Lung Association.

"He has an extensive background. He's the kind of chair we hoped the governor would pick," Holmes-Gen said. "Bob Sawyer is somebody with the kind of international reputation that befits the chair of this very important agency."

The 70-year-old Sawyer, a Democrat who served on the air board under Gov. Jerry Brown from 1975-76, takes a position Schwarzenegger had tried to give earlier in the year to Cindy Tuck, a Sacramento lawyer.

Democrats in the Senate, led by President Pro Tem Don Perata of Oakland, rejected her appointment, saying she was too close to business interests that wanted to relax the state's air quality rules. Schwarzenegger later named her assistant secretary for policy at the California Environmental Protection Agency, a position that doesn't require Senate confirmation.

"The Air Resources Board is the world's leading clean-air agency," Perata said Thursday in a statement released by his office. "I'm pleased that the governor has appointed someone of Dr. Sawyer's background and stature to chair this important body. I look forward to hearing his confirmation with all due speed when the Legislature reconvenes."

The board sets statewide policy on air quality matters, and other states often follow its lead on important pollution-control issues.

In a press release announcing the appointment, Schwarzenegger called Sawyer "an exceptionally accomplished scientist, teacher and environmental policy expert who has devoted his career to using science and technology to improve air quality not only in California but across our country and the world."

Sawyer has taught a variety of classes at UC Berkeley since the mid-1960s on subjects such as air pollutant emissions, energy conservation, combustion, fire safety and rocket and jet propulsion.

He's currently a partner in his own pollution-control consulting firm and a visiting professor at University College London. The school's Web site says he wrote more than 320 technical publications, including two books, and has been listed in American Men and Women of Science, Who's Who in Technology, Who's Who in Engineering and Who's Who in Science and Engineering.

"We interviewed him when we heard he was a strong candidate and we were very impressed," said Tim Carmichael, president of the Coalition for Clean Air, a statewide advocacy group. "He is thoughtful. He has a strong scientific background. He certainly convinced us he's absolutely committed to clean air and doing everything possible to make sure we get there as quickly as possible."

Sawyer, who lives in Oakland, earned a doctoral degree in aerospace science from Princeton University and a master's of science and bachelor's of science in mechanical engineering from Stanford University.

The job pays \$117,818 a year.

## **Chimney Christmas! It's about time ...**

### **Kern's fireplace fans get best present of all: windy spillover from north**

By SARAH RUBY, Californian staff writer

Bakersfield Californian, Friday, Dec. 23, 2005

Santa would do well to check for wood fires before leaping down Kern's chimneys this weekend.

Thanks to unforeseen weather, Christmas' air-quality forecast is brightening. On Sunday, spillover from a Northern California storm broke the seal on pollution in our bowl-like valley, and a similar ripple is expected to clear what pollution builds until Christmas Day.

That's good news for fireplace fans.

"Right now, I'm saying they will be able to (burn)," said Gary Arcemont, a meteorologist with the San Joaquin Valley Air Pollution Control District. "It might be discouraged, (but) it's looking like it won't be prohibited."

Sunday's windy spillover ended Kern's 10-day streak of no-burn days. It also brought springlike weather, with winds coming from the ocean at balmy temperatures and staving off colder air from Canada and Alaska, Arcemont said.

Kern has endured 13 no-burn days so far, including one on Thanksgiving day. Last year, we had two no-burn days all season, from November through February.

"This is probably a more typical winter," said Brenda Turner, spokeswoman for the air district.

The district hears from no shortage of disgruntled callers wondering when they will be able to pile logs on the hearth, she said.

"It's just really (depends on) the weather patterns," she said.

Pollution will likely start building again as the winds subside, Arcemont said, but a small wind storm is expected to clear it out on Sunday.

Fireplace restrictions are meant to keep particulate pollution, or combustion dust, from getting out of hand. Particulates are generated by engines, industry and fires, among other sources.

Particulates lodge deep in the lungs, studies show, aggravating asthma and heart disease and, in some cases, killing people.

### **Infobox**

Find out if the weathermen have it right! Check [www.valleyair.org](http://www.valleyair.org), call (800) SMOG-INFO or check the cover of your Local section to find out if fireplaces are kosher this Christmas. The no-burn rule has exceptions. If you don't have natural gas service in your home, you're free to light up. If you live above 3,000 feet in elevation, have at it. Wood fires are allowed if they're your only source of heat, and wood-fired cooking appliances are always OK.

## **Ore. OKs Temporary Vehicle Emission Rules**

By William McCall, AP Business Writer

in the S.F. Chronicle, Thursday, December 22, 2005

Portland, Ore. (AP) -- A state commission voted Thursday to adopt car and truck emissions rules modeled on California's, extending the stringent standards to the entire Pacific Coast from Mexico to Canada.

The rules were adopted temporarily. The Oregon Environmental Quality Commission now has 180 days to make them permanent, which is expected.

When that happens, the tougher rules will also take effect in Washington state. The Washington Legislature has already approved the stricter standards but, to ensure a regional approach, conditioned their implementation on similar action in Oregon.

Gov. Ted Kulongoski had recommended the stricter California standards for cars and light trucks beginning with the 2009 model year to help reduce pollution blamed for global warming.

"The threat of global warming is real. It's fact, not just idle speculation," Kulongoski told the commission before the vote.

Still pending is a court challenge to Kulongoski's request by opponents, including the Alliance of Automobile Manufacturers.

Marion County Circuit Judge Mary James is not expected to rule until mid-January on the lawsuit.

The federal Clean Air Act allows only California to set tougher emission standards than federal law, but other states are free to adopt its standards.

Commission Chairman Mark Reeve said states are taking the initiative because the federal government has been slow to respond to global warming.

"It's the first step in taking societal responsibility for what we are doing" to the environment, Reeve said. "I hope that by sending a signal of that willingness to take responsibility, others will come to the table."

Oregon is the 11th state to adopt the stricter standards.

Automobile industry officials say the standards could add as much as \$3,000 to the cost of a new vehicle without making them much cleaner.

Paul Cosgrove, spokesman for the Alliance of Automobile Manufacturers, added that the new standards will damage the regional economy and limit consumer choices.

Dave Nordberg, air quality planner for the Oregon Department of Environmental Quality, said California officials estimate the additional cost at about \$1,000 a vehicle.

He added that under the new standards motorists would save an estimated \$20 to \$25 a month through greater fuel efficiency.

## **Around the Valley**

The Fresno Bee Friday, December 23, 2005

### **Board members wanted**

The San Joaquin Valley Air Pollution Control District is seeking volunteers to receive public comments relating to the actions and decisions of the district.

The Fresno County Board of Supervisors is seeking an industry/agriculture representative and an alternate member, and an environmental interest group alternate representative, for three-year terms.

The new term for appointees begins Jan. 31 and ends Jan. 31, 2009.

Applications are online at [www.co.fresno.ca.us](http://www.co.fresno.ca.us) <<http://www.co.fresno.ca.us>>. Go to the Board of Supervisors home page, then to Boards and Commissions.

For details about the application process, meeting times and other duties, call the Board of Supervisors at (559) 488-3529.

### **Modesto Tallow plant closing**

Chip Power, Capital Press Staff Writer  
Capital Press Weekly Fri., Dec. 23, 2005

MODESTO — After years of residents' complaints of air-quality violations, Modesto Tallow has agreed to permanently close its facility and cease all operations by Dec. 31.

Modesto Tallow located at its site in 1917, when the site was an agricultural area. Over time and over Modesto Tallow's objection, homes and schools were built around the plant.

About 65 people will lose their jobs when the business closes.

"We regret that closure of the facility became our only option," said Bill Shirley of Modesto Tallow.

Nearby residents had long complained of foul odors drifting from the facility.

The Fresno-based San Joaquin Air Pollution Control District complained in Stanislaus County Superior Court last fall that the rendering plant was a public nuisance, failed to maintain and monitor equipment and allowed carcasses to sit longer than a day.

The district asked that the plant be shut down due to repeated violations of air-pollution control requirements.

Officials for more than a decade had required the rendering company to adopt improvement plans that focused on installing costly equipment, such as thermal oxidizers. Although the facility purchased and installed the equipment, the situation didn't improve, according to air managers.

"Modesto Tallow had years to clean up its act, yet it continued to be a poor neighbor for the community," said Dave Crow, the district's air pollution control officer who recently announced his retirement to pursue other interests.

According to the settlement, Modesto Tallow agreed to immediately cease processing raw animal matter and surrender its air district permits.

It may continue to process chicken feathers until May 3, 2006, and agreed to install additional control equipment.

The company may operate a transfer station at the facility until Dec. 31, 2006, but agreed to limit the amounts and types of materials it can transfer, according to the settlement.

[Commentary in the Bakersfield Californian Friday, Dec. 23, 2005:](#)

## **Fireplace is all dressed up with nowhere to go**

**Warm weather, no-burn days make for a cold hearth**

By Herb Benham, Californian Columnist

Last week, I bought a half cord of firewood from Felix's Firewood. It was \$126 delivered.

No one likes to pay for firewood. Paying for wood is like paying for dirt. It's like paying for air. When we pay for dirt, wood and air, we feel we've lost our ability to live off the land.

Friends have gone to gas. Gas and concrete logs. It's fire without the expense, the mess and perhaps without the romance.

This year, I thought I might get away with free firewood. Neighbors cut down a row of trees. There must have been six cords in big rounds.

Six cords, that is, of ash. Ash is fine except it makes your eyes burn and gums up your chimney. It's OK if you're upwind from a campfire.

So I ordered almond. I had to. It's that time of year.

That time of year is cold. It's bracing, sharpens appetites, makes coffee taste better and stirs the desire for a fire.

I like everything about a fire including the ritual attached to it, which is as intrinsically satisfying as the tea ceremony.

Start with stacking the firewood. The wood locks into the wood pile like pieces into a puzzle. Stacked, the wall of wood is as sturdy as if it were made from brick, stone or block shot with rebar.

Next is stocking the wood box and laying the fire, five pieces strong. I had everything. Wine in the wine rack, gas in the SUV and wood on the pile.

I lacked one thing: permission. I had permission to buy the wood, permission to stack the wood and permission to lay the fire. I just didn't have permission to light the fire.

In 2004, there were only two no-burn days: Nov. 20 and Dec. 4. In other words, if you had wood, you could burn it. It didn't matter because last year, I was woodless.

This year, there have been 10 mandatory no-burn days in December alone -- Dec. 9-18 -- as well as four "wood burning discouraged" days -- Dec. 6, 7, 8 and 19.

Tuesday was a burn day. Tuesday was also clear and close to 70 degrees. Clear and warm. That's a tough one.

Do you burn because you can and because you have a pent up desire to? Or do you forgo the fire because the weather is balmy enough to make the sweet peas crawl up the fence?

If we continue at our no-burn day rate, this half cord of firewood will last me 10 years at which time, the almond wood will have gone from seasoned to fossilized.

At that point, I will have achieved my goal and will be able to burn the almond every evening because it will be harder than river rocks.

I might as well be burning concrete logs. Gas, anyone?

[Bakersfield Californian, Letters to the Editor, Tuesday, Dec. 27, 2005:](#)

## **Fireplace ban comes under fire**

Don't blame fireplaces As I sit here in my home wrapped in a blanket to keep warm and looking out my window on this cold and foggy morning, I am reminded why I cannot use my fireplace and, believe me, it doesn't set too well with me.

I try to follow the rules. However, it is becoming more difficult to abide by the "no burn" rule.

I resent the policymakers dictating when I can or cannot use my fireplace, which lately has been every day. I realize that this decision is made by the San Joaquin Air Pollution Control District. However, I believe decisions made by the Board of Supervisors have been detrimental to our quality of living in the comfort of our own homes.

For instance, they approve every new development request and until recently almost every dairy request that came down the pike.

Until supervisors get the dollar signs out of their eyes and begin to see more clearly, the adverse results of their decisions, the unhealthy air problem will continue. I don't believe fireplaces are the enemy.

I believe that if everyone stopped using their fireplaces for one year there would not be a noticeable difference in the air quality. Instead, the powers that be focus on the one thing that brings us pleasure and comfort during the cold winter months.

-- DOLLY LOVE, Bakersfield

## **We're all in this together**

First let me say that I am all for clean air. I grew up in Bakersfield when being able to see the mountains to the east was not a shock.

I do not light a fire on no-burn days, although on many of the designated days I would really like to.

I would like to know why, on these days, I see several junker cars spewing noxious black clouds of exhaust into the air. Why are they allowed to be on the road on a no-burn day or any day for that matter?

Why, on a no-burn day, are the mow-blow-and-go lawn guys out in force blowing dust and debris into the atmosphere? Should they not be disallowed to use dirt blowers on those days? (Or any day for that matter.)

As far as the Fire Department burning an entire house on a no-burn day, I don't think that was such a brainy idea, either. We're all in this miasma we call home together. We really should level the playing field a bit.

-- JUDITH WORLEY, Bakersfield

## **Watch his chimney**

Now let me get this straight. Dec. 14 we were told, as was the case days before, that we should refrain from using our fireplaces. Banned. Channel 29 showed us on the Dec. 14 news the Kern County Fire Department with a practice burn of a donated structure. Not once but twice.

Being a retired City of Bakersfield Building Department employee and familiar with fire damage evaluations, I can say with limited certainty that I could burn my fireplace for about 273 years to equal their emissions. It's like Los Angeles wanting to ban gas lawnmowers when one jet departs LAX every 58 seconds with emissions that equal probably in the millions of deadly mowers.

To all you environ-MENTAL zealot, tree hugging, bug saving do-gooders, watch my chimney.

-- JEFF BRYSON, Bakersfield

## **Second-class citizens?**

The reason for my letter is to voice my disgust with this county, in which private taxpayers are second class citizens to the public employees.

Kern County Fire Department can pollute our air on a no-burn day, but as private citizens we cannot do that without incurring a fine.

Why does this government group not have to live and behave in the same way that non-government citizens must or else?

Why is the government above the law? They are the "first-class citizens," the rest of us have more limited rights. Why is that? What happened to equality under the law?

Pollution is pollution no matter if it comes from the Kern County Fire Department.

If they can do this and get away with it, what kind of example does that set for the rest of us?

-- MARIA STEWART, Bakersfield

[Letter to the Fresno Bee, Saturday, December 24, 2005:](#)

## **Major contributor**

Andrew Bohmer's Dec. 17 letter concerning the San Joaquin Valley Air Pollution Control District's "absurd" restrictions on fireplace burning reflects a lack of understanding of wood burning in a closed air basin such as ours.

In attempting to preserve the tradition of fireplaces, Mr. Bohmer cites wood burning as "irrelevant" compared to the pollution produced by cars, and then goes on to talk about global warming.

The air district's mandate is not to regulate greenhouse gas emissions for the sake of curbing global warming. Part of its mandate is regulating the emission of particulate matter including soot, smoke, ash and other toxins that bypass the human body's defense systems and cause serious health problems in children and adults alike. Wood burning can contribute up to one-third of the particulate matter in urban areas. I find this far from "irrelevant."

As someone who cycles to work, I am made aware of the contribution of fireplace burning to our pollution every day, and am grateful that there is someone to respond to my wheezy reporting of wood-burning violators that I encounter on my way. If you want your tradition, purchase a gas insert.

Rodney Olsen Jr., Fresno

[Letter to the Fresno Bee, Friday, December 23, 2005:](#)

## **Supports new home fees**

As a longtime resident of Fresno, I am naturally concerned about our notoriously poor air quality. I believe we all must work together to clean our air. Therefore, I am in favor of the proposed pollution mitigation fees for new home construction.

The fees would add less than 1% to the cost of a \$200,000 home, a very minimal increase indeed when compared with the double-digit increases caused by the overheated market and enjoyed by the building industry over the last few years.

It is clear to me that the mitigation measures proposed (energy efficient houses, pedestrian-friendly neighborhoods) are things developers should already provide, since they will help clean up our air and make their homes easier to sell to boot.

June Gill, Fresno

## **Sound Off for Dec. 25**

Bakersfield Californian, Sunday, December 25, 2005

Reader: Today (Dec. 18) it was another cold morning and evening and I couldn't have a fire because of the poor [air quality](#) in Bakersfield. I went to work and saw a photograph of my co-

worker's son in his Army uniform that he is currently wearing in Iraq. On my way home from work I hear a story on the radio about a controversial spying plan authorized by my president. Yesterday (Dec. 17), I open my newspaper and the front page features a photograph of some fans of Howard Stern's radio program.

Are you kidding me? I could drive five minutes in any direction from my house and find a subject that is more worthy or relevant to photograph for the front page of the newspaper. I was afraid that I had fallen asleep in Bakersfield and awakened in San Francisco.

-- John George

Molen: John, I'm sorry you didn't like our decision to highlight the last day of Howard Stern's traditional radio show. We thought it was newsworthy for several reasons:

- The photo is out of the ordinary, with thousands of Stern's fans clogging midtown Manhattan traffic for hours.
- Stern is front and center in satellite radio, one of the fastest-growing technologies in history (with more than 7 million subscribers nationwide). Stern is taking the bold step of walking away from a highly profitable gig in traditional radio for a five-year, \$500 million contract with Sirius. That kind of pay dwarfs any other entertainer of which I'm aware.

Whether you like Stern's show or not, his reach and impact stretches far and wide, and thus is noteworthy.

And, just so we're clear, a follow-up story on the domestic-spying controversy was the top story on that same front page.