

Arvin air monitor move could jeopardize fine's removal

By Kellie Schmitt, Californian staff writer
Bakersfield Californian, Fri., Oct. 7, 2011

This summer, the San Joaquin Valley Air Pollution Control District urged residents to do their part in keeping the air below the one-hour ozone standard, violations of which have resulted in a \$29 million federal fee.

But, even if the valley's air were to reach those standards -- and it still hasn't -- the fine won't be lifted until there's resolution of an ongoing controversy over the relocation of a monitor in Arvin, according to an official with the U.S. Environmental Protection Agency.

In 2009, the state's Air Resources Board moved the Arvin monitor after the Arvin-Edison Water Storage District refused to continue housing it. The new Arvin location, which is near Di Giorgio Elementary School, has registered ozone readings that are about 10 percent cleaner, a difference that could pose a legal problem.

"That's why we're working so hard with the air district and the state to come up with a solution," said Kerry Drake, an associate director for the EPA's air division. "It is a much more complicated legal issue when the highest-reading monitor gets moved."

For years, Arvin's monitor had the highest readings in the valley for the one-hour ozone standard, though, more recently, the Clovis monitor in Fresno County has also registered top readings.

The EPA wouldn't be so concerned had the Arvin monitor not registered the highest readings over a three-year period, Drake said.

The Arvin monitor had long been located on land on Bear Mountain Boulevard owned by the water storage district. When the lease came up for renewal, the organization's board members balked because they were frustrated with tighter air restrictions and various air agencies' responses to their questions, said Steven Collup, the engineer-manager.

The water district has had to replace or retrofit much of its heavy equipment such as dump trucks, an expensive process, Collup said. The board members themselves are farmers who were also feeling the effects of more stringent air regulations.

During discussions, he said the board frequently felt misled by air officials.

"They didn't answer our tough questions," he said. Board members "felt they didn't get clear responses and maybe some half-truths."

Still, Collup said they didn't "push them out the door." Instead, they allowed air officials to keep a monitor on their land until 2010 -- even after the new monitor was established -- to ensure similar readings.

At the time, the state air board, which handles the Arvin monitor, didn't think the 10 percent difference in readings was statistically significant, according to Seyed Sadredin, the air district's executive director. Sadredin said that kind of variation is within the range of accuracy for the instruments used.

(State air board officials couldn't be reached for comment).

Sadredin thinks the federal government would be on "shaky legal and moral ground" if they did not remove the \$29 million fee upon compliance. And, if the valley were to face the penalty only because of the Arvin station, the district would take legal action against the government, he said.

Last month, the air district's workers monitored air in downtown Arvin and found the mobile readings matched those of the new permanent station. Sadredin said the air district cares about the air people in Arvin are actually breathing compared to the previous monitor that was located on the water district's land, away from the population center.

But local air advocates and Arvin residents feel differently. People in Arvin were so angered about the station's relocation that they applied for grant funding that will help them monitor their own air.

This week, valley air advocate Tom Frantz requested a meeting with the EPA to discuss the legality of moving the Arvin monitor, something he finds problematic.

"We can't reach compliance in the end if that monitor's not in place," he said. "There are going to be severe consequences if this monitor doesn't go back."

Drake, the EPA representative, emphasized that the agency is working on resolving the Arvin issue before it would stand in the way of valley compliance. The easiest fix would be putting the monitor back where it was, he said.

Collup, the water district manager, said he was surprised by the news that the monitor change was an issue, especially since so much time had passed.

"If and when we're contacted, I would report it to the board," he said. "They've always listened to any reasonable request."

SJ supervisors support air bill

Modesto Bee, Fri., Oct. 7, 2011

San Joaquin County officials voted Tuesday to support federal legislation that would ease regulations on ozone levels in the San Joaquin Valley and eliminate a \$29 million fine valley drivers have started paying through higher licensing fees.

The county Board of Supervisors unanimously approved a letter supporting the legislation that describes penalties for not meeting requirements for ozone levels as "unfair and unjustified." Air quality has been improving, and seven other counties in the region already have gotten behind the legislation.

The valley counties incurred the \$29 million fine when the region failed to meet the standards last year, which was the first year penalties would be levied.

The valley air district tapped drivers for the cost of the penalty by adding \$12 per year for each vehicle registered in the valley.

Separating ozone fact from fiction

Conflicting messages make it tough to get clear picture of air quality in S.J. Valley

By Alex Breitler

Stockton Record, Sat., Oct. 8, 2011

General decline

For the most part, the number of ozone pollution violations at monitoring stations throughout the Valley has declined over the past 15 years. Whether its a 60 percent decline, as the Valley Air District claims, depends on which year you use as a benchmark.



Air pollution in the San Joaquin Valley has suddenly become a \$29 million a year problem.

Of course, the real cost is much greater as businesses struggle to comply with clean-air regulations, and those who suffer from foul air seek medical treatment.

But just about all of us are paying for the Valley's notorious pollution, through a new \$12 DMV fee to cover a \$29 million federal penalty for failing to meet even an outdated ozone standard.

Why Stockton should care

It's true that most of the Valley's foul air is south of Stockton. Nevertheless, north Valley residents belong to the same air district and are subject to the same rules and regulations. And besides, what belches out of north Valley vehicle tailpipes today might become the south Valley's asthma-inducing ozone tomorrow.

As the stakes increase, much scrutiny and rhetoric has marked debate over the Valley's progress toward clean air. Some air-quality officials' claims have been met with sharp criticism from public-health advocacy groups.

To laypersons, their messages seem polar opposites. First we hear the air is cleaner than it's ever been before. Then we hear it's taken a turn for the worse.

Here's what some of the players have said - and what they didn't say:

Statement: On Sept. 1, the San Joaquin Valley Air Pollution Control District reported that, for the first time in history, the Valley stayed "within a critical health-based standard for ozone" for the entire month of August.

This was a "remarkable accomplishment."

Analysis: The Valley did survive August without violating that old one-hour standard. In fact, we made it nearly all the way through summer without a violation, which was good news for those who would like the \$29 million penalty and the DMV fee to go away.

But in its laudatory statement, the district did not mention the region's inability to comply with a more recent ozone standard that is more protective of public health.

Somewhere in the Valley, that newer standard was shattered 29 out of 31 days in August - the most for that month since 2006, according to data kept by the California Air Resources Board.

Looked at another way, the average daily high for ozone was greater in August 2011 than in August 2009 or August 2010.

September wasn't pretty, either. The newer ozone standard was violated on all but five days.

"What's troubling is the recent trend of the last three to five years," said Kevin Hall, director of the Central Valley Air Quality Coalition. "It's not promising. Let's assume that we're not going to get clean air anytime soon. Then we'd better warn the public. The air board had better warn the public."

Statement: On Sept. 22, the district announced the first violation of the older, less-stringent ozone standard. But, the district said, significant progress had been made toward meeting both ozone standards.

"Since 1997, when the (tougher) standard was established, the number of violations of the latest eight-hour standard has been reduced by nearly 60 percent."

Analysis: No one disputes that pollution has generally declined. But how much depends on which years you compare.

In 1996, the Valley experienced 633 ozone violations at various air-pollution stations across the region, according to district data. In 2011, it has experienced 284 violations. That is a 55 percent decline.

In 1997, there were 355 violations. So, from 1997 to 2011 ozone declined only 20 percent.

Last year, in fact, was cleaner than 2011, although air district chief Seyed Sadredin says this can be blamed in part on a wildfire that skewed the numbers.

The district has acknowledged - although it did not do so in its Sept. 22 statement - that much work remains to be done.

"When we say the air quality is the best it's ever been, we are still second worst in the nation," behind Los Angeles, Sadredin said. "There's a long way to go."

The Valley must meet the stricter 1997 ozone standard by 2024, although its plan for doing so relies on technology that the district says does not yet exist.

Statement: The Central Valley Air Quality Coalition, an organization of advocacy groups, accused the air district Tuesday of "trying to ignore both the public-health crisis in the Valley and the federal law created to protect our health."

Analysis: It's true that the district's new Air Alert campaign focuses more on the financial benefits of improving the air - namely, getting rid of the \$29 million penalty.

But that was by design, Sadredin said.

"These extremist groups don't really understand the people of the Valley," he said. "We're getting a lot of attention from the media and from the public because we focused on people's pocketbooks."

Those who do want real-time air quality information because they're worried about their health can sign up for hourly text messages or emails at valleyair.org.

The big picture is that over two decades, the district has adopted 500 new regulations on businesses and farms to help clean the air. Businesses have invested \$40 billion into cleaner air since 1980, Sadredin said.

Last month, the Environmental Protection Agency did announce shortcomings with several of the district's regulations. But those deficiencies are mostly administrative and are not the cause of any extra pollution, Sadredin said.

"There isn't much more we can do to (businesses)," he said. "Unfortunately, we're going to try. We might be able to squeeze a few more ounces (of pollution) out of them."

Stockton co-generation plant fined \$140,600

Central Valley Business News.com, Fri., Oct. 7, 2011

The U.S. Environmental Protection Agency has fined Air Products Manufacturing Corporation of Houston, Texas, \$140,600 for Clean Air Act violations at its Stockton co-generation plant.

The plant, largely a 49.9 megawatt solid fuel-fired boiler, makes steam for a nearby wet corn-milling plant to produce industrial gas products as well as electricity sold to Pacific Gas and Electric Company.

The EPA found that opacity monitoring equipment used for gauging the release of particulate matter was not used for a six week period. Opacity data is used to assess how well a particulate matter emission control device is working.

In addition to the 2009 violations, EPA found that for a period of time in 2006 the facility failed to properly operate and maintain emissions monitoring equipment for sulfur dioxide. The plant operators have since replaced both the opacity and sulfur dioxide monitors to ensure continuous and reliable data.

The fine was agreed to in a consent decree in which the company neither admits nor denies the allegation by the EPA.