

New burn rules hurt Valley firewood sales

Many residents misunderstand air quality restrictions, vendors say.

By Dennis Pollock

The Fresno Bee

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Restrictions on burning -- coupled with a warmer-than-normal October -- have chipped away at firewood sales and have sparked a Fowler operation to look for buyers outside the San Joaquin Valley air basin.

Some firewood vendors say there is considerable misunderstanding about new rules that will stop residents from burning wood on the most-polluted nights of winter.

Firewood sales were off by about 50% at some wood yards as the new rules took effect Saturday. But a cold snap sent many residents scrambling to make purchases.

Gilbert Uriarte and Shad Berry, who clear Valley orchards and sell firewood from a yard in Fowler, say they began tooling up for the new restrictions years ago as the San Joaquin Valley Air Pollution Control District began imposing tighter rules for farmers burning wood in their orchards.

"We could see the rules creeping up on us," said Uriarte, who established one wood yard four years ago in Carson City, Nev., and another two years ago in Idaho Falls, Idaho, to help make up for the anticipated loss in Valley sales.

Uriarte and Berry, his son-in-law and business partner, say they understand why the district needs to curb burning on days when air quality levels dip too far.

"We have to start somewhere," said Uriarte, who pointed out that his daughter, Berry's wife, Maria, has asthma. A 6-year-old grandson also has some breathing difficulties.

"If it's not a clear day, we shouldn't burn," said Uriarte, an ex-Marine. "That's the way it is."

Wood burning will be prohibited in eight Valley counties when the air quality index moves above 150.

Despite the fire at the Archie Crippen Excavation site that spewed smoke for a month last winter, the district had just 14 days in Fresno County when air quality was above the 150 index, said Josette Merced Bello, district spokeswoman.

But Merced Bello added that the index was exceeded, on average, 24 days each of the past five winters.

Pat Ricchiuti, general manager of P-R Farms in Clovis, said some misinformation concerning the new rules is likely to hurt sales at his Bella Frutta operation, which sells firewood from P-R orchards.

Ricchiuti said he heard of one mistaken report that there would be "no more fireplace burning until Feb. 28."

"People can still burn on clean days," said Ricchiuti, adding that the nonburn days would likely be "at most a third of the [winter] days."

The new enforcement program will be in place through Feb. 28.

Ricchiuti said he believes there is an undue emphasis in enforcement against burning of both firewood in homes and wood in farmers' orchards, "considering the traffic here, the number of people who have moved here and the number of vehicles on freeways."

Selling firewood through Bella Frutta is a way for P-R Farms to rid itself of wood from its orchards, Ricchiuti said. Alternatives include selling to co-generation plants, "but there are fewer of those, and there's a lot of building waste coming to them from up north and from Los Angeles."

Berry and Uriarte no longer burn wood when clearing orchards. They either turn it into firewood or grind it to sell to various co-generation plants. That part of their business -- receiving payment from farmers for clearing orchards and selling to the plants -- remains profitable.

"If the state wants this Valley clean, it has to support those power plants," Berry said after listing plants who buy his wood: Rio Bravo in Fresno, ADS in Mendota, Madera Power LLC, Dinuba Energy and AES in Delano.

"With current regulations, there are enough plants," Berry said. "With stiffer burn regulations [in orchards], there won't be enough."

Co-generation plants that paid \$40 a ton for wood in the early 1990s are now paying prices in the mid-\$20s, said Tim Weaver, chief executive of ALW Enterprises, a land-clearing business in Fresno. He believes that as more orchard wood is forced into the co-generation plants, prices could continue to decline.

Uriarte and Berry have a huge investment in equipment for handling firewood and for orchard grinding, about \$200,000 for the fireplace side of the operation and about \$1.5 million for the grinding side, including \$500,000 paid for a grinder called Hogzilla.

Uriarte said his company trucks hundreds of cords of almond firewood to Carson City, near Reno and Lake Tahoe. The Valley wood is prized there because it is a hard wood not grown nearby. A cord of almond wood that would sell for \$160 in the Valley fetches up to \$310 at Lake Tahoe.

From his site in Idaho, Uriarte harvests firewood that is trucked 90 miles to Yellowstone National Park, where it is sold through park concessions.

Uriarte turned what was a 20-acre raisin vineyard in Fowler into a firewood yard in the early 1980s, when the raisin industry fell upon hard times. Today, his Fowler yard contains less than half the amount of firewood it normally has because sales have been down about a third the past two years, he said.

At Forrest Firewood Co. in Clovis, there is about half the firewood that would normally be there, said Cortney Stephanian, who owns the business along with her husband, Forrest.

Forrest Stephanian is among those who believe there is a considerable amount of misunderstanding about the new burning rules. Cortney Stephanian said people can minimize problems by burning wood properly using seasoned, hard woods.

As she talked of the upcoming season, 85-year-old Clay Douglas pulled into the Clovis wood yard as a cold rain fell. He bought a bin of almond wood for \$45 and plans to burn it in his fireplace insert.

Douglas, who lives east of Clovis, exemplifies one of the exceptions to the wood-burning prohibitions. He has an exemption because his house has no other heating device, and wood burning is his sole source of heat.

Other exemptions include wood-burning devices used above 3,000 feet in elevation and areas where natural gas service is not available.

The air quality index is used to trigger two stages, the first being a voluntary curb on burning and the second a mandatory shutdown.

The district notifies residents of the different stages through media reports. Residents also can check the forecast on the Web at www.valleyair.org <<http://www.valleyair.org>> or by calling (800) 766-4463.

The reporter can be reached at dpollock@fresnobee.com <<mailto:dpollock@fresnobee.com>> or 441-6364.

EPA Drops Its Cases Against Dozens of Alleged Polluters

In a policy reversal, the agency halts actions on Clean Air Act violations brought by the Clinton administration against coal-fired power plants.

By Elizabeth Shogren, Los Angeles Times Staff Writer

WASHINGTON — The Bush administration has dropped enforcement actions against dozens of coal-fired power plants that were under investigation for violating the Clean Air Act and allegedly spewing thousands of tons of illegal pollution into the air, EPA officials said Wednesday.

Until now, the Bush administration had said it would vigorously pursue the enforcement actions, which were launched by the Clinton administration.

However, the Bush administration recently eased a provision of the Clean Air Act that requires companies to install modern pollution controls when they build new plants or expand or modernize old ones. Under the new policy, the alleged release of pollution that sparked the original enforcement would be legal.

For months, top Bush administration officials had said that the new rules would apply only prospectively — that past violations would still be pursued. But EPA officials told regional enforcement officials in a meeting in Seattle Tuesday evening and in a conference call Wednesday morning that the agency would no longer pursue cases of past violations under the old rule.

EPA attorneys were surprised by the change in policy.

"Up until now, people were saying it's business as usual," said one EPA attorney, who participated in the conference call. He spoke on the condition that he not be identified.

The only violations of the old rule that would be prosecuted are the seven cases against electric utilities that are already in court.

"This confirms my worst fears," said Sen. James M. Jeffords (I-Vt.). "First the administration weakens our clean air law, and now it won't enforce it."

The announcement provides a tangible example of the effect of the Bush administration's efforts to ease environmental regulations, environmental activists said.

The Bush administration's plan would allow companies to spend up to 20% of the cost of a polluting unit on repairing and modernizing it before they would be required to install new pollution controls.

None of the investigations against coal-fired power plants that are being dropped are located in California.

Several of the plants, however, are just across the border in Arizona.

Eight cement plants and a number of other factories in California are being investigated for violating the old regulation, known as new source review. EPA officials said they believed they would still be able to pursue those cases.

EPA representatives said in a statement: "There has been no decision by the agency to drop all new source review enforcement cases. As the agency has consistently stated, we are vigorously pursuing all filed cases, and we will evaluate each pending investigation on a case-by-case basis to determine whether it will be pursued or set aside."

However, two attorneys for the agency and a senior advisor to EPA administrator Marianne Horinko confirmed that the investigations against coal-fired power plants had been abandoned.

Environmentalists said EPA's decisions would result in dirtier air for decades to come.

"It's like our worst nightmare," said Frank O'Donnell, executive director of Clean Air Trust, an environmental research group. "They're taking the enforcement cop off the beat."

[Editorial](#)

No reason to cheer

It's official -- Valley's air quality will soon be crowned nation's worst.

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We're No. 1, or nearly so, and like a lot of other lists on which Fresno and the Valley often find themselves, this isn't a cause for celebration.

It is instead a red flag, warning us that our efforts to clean up the Valley's polluted air are much more urgent than many among us recognize.

The San Joaquin Valley just finished its worst smog season in 14 years. No place in the nation had more unhealthy days than we did, measured by the average smog level over an eight-hour period on those days.

For several years, air quality regulators have used two standards -- the eight-hour measure and a one-hour measurement that focuses on spikes in the pollution level -- but only the one-hour measure has been used as a yardstick for enforcement of federal Clean Air Act standards.

For some time the Valley has been the second-worst air basin in the country, after Los Angeles, based on the one-hour measure. This year we came in second on the list of one-hour underachievers, with 37 days to Los Angeles' 68.

But even L.A. can't hold a candle -- a very smoky candle -- to our record using the eight-hour measure. This summer our Valley exceeded the eight-hour standard on 128 days, the most since we hit 133 in 1989.

Here's the rub: Next year the federal government will begin enforcing the eight-hour standard instead of the one-hour measure. That will vault us into the unpleasant distinction of being the smoggiest air basin in the United States.

This isn't just some academic exercise. Ozone, the main ingredient in smog, is produced when emissions, largely from vehicles, are cooked by sunlight and its attendant heat. That's why it's so much worse in the summertime here in the Valley, nature's toaster oven.

Ozone can do tremendous damage even to the lungs of healthy people. Those who are at greater risk -- the ill, the elderly and especially the young -- suffer the most.

Awareness of our air pollution problems is on the rise, and that's good. And progress has been made in cleaning pollutants from our air in recent years, but it's another measure of the immensity of our task that even with those gains we don't seem to make much headway. More people move into the Valley, with more cars and fireplaces and leaf blowers, and the air stays bad.

All of which means we just have to work harder. That means making even greater changes in the way we go about our business and our lives, and even making some sacrifices -- or what appear to us today to be sacrifices -- in this struggle for cleaner air.

The problem may be measured in spans of one hour or eight, but the effort is likely to be counted in years.

LASTGASP

"We can't go on living this way.

And we won't."

Another is a series of Thursday editorials on the Valley's dirty air. Today: The Valley is about to move higher on an unpleasant list.

[Editorial, Porterville Recorder, November 1, 2003:](#)

Fireplace rule makes sense

Starting today, residents must avoid using their wood-burning fireplaces on what air quality officials classify as "non-burn days." To do otherwise would risk incurring a fine.

A ban will be in effect when the air quality is at its worst. How will you know when such a situation exists? From your usual sources of information. Media outlets - newspapers, television and radio - will let residents know each day if they can burn. For our part, The Porterville Recorder will print the notice daily on our Valley page.

The ban will be in effect from Nov. 1 through Feb. 28. The San Joaquin Valley Air Pollution Control District will oversee its implementation.

It is difficult to predict how many days poor air quality will trigger the wood-burning prohibition. Officials tell us it could be as few as 10 and as many of 30.

Does this ban infringe on an individual's freedom to light a fire in his fireplace whenever he wants? Well, yes, it does, but with freedom also comes individual responsibility.

If you accept the fact that the Valley's air often is unhealthy - which we do - and accept the suggestion that under certain conditions the use of wood-burning fireplaces exacerbates poor air quality - which, again, we do - then you must also accept responsibility for what leaves your chimney.

Which means fireplace users will have to keep track of no-burn days and refrain from burning wood when doing so could make a bad air day worse and harm the health of others.

Granted, the pollution board could have sought compliance in ways other than the heavy-handed threat of a fine. It could try the power of persuasion and education to get people to voluntarily forego fires on certain nights.

It's important to remember that people who use fireplaces to heat their homes and those who do not have access to natural-gas hookups are exempt from the new regulation.

If the rest of us can't resist putting match to wood a few nights out of the winter for the sake of the quality of the air we breathe, then we're in for a long, hard road. Cleaning the Valley's air is a huge undertaking, and this rule on using fireplaces is probably the least intrusive lifestyle change we'll have to make.

[Editorial, Turlock Journal, November 1, 2003](#)

Here's some fuel for thought

Today's the day.

It's the day the new wood-burning regulations go into effect - and just in time, if we're to judge by recent cool temperatures.

The new program is designed to reduce air pollution created by fireplaces and wood heaters - to limit the amount of microscopic particulate matter that emanates from residential chimneys.

For the next four months, the San Joaquin Valley Air Pollution Control District is prohibiting the burning of solid fuels in fireplaces and heaters when the air quality is expected to be unhealthy.

Of course, this ban doesn't apply to people who burn wood as their only source of heat - rather it's designed to target, and limit, "recreational" wood burners.

Certain exemptions do apply, however. Devices used above 3,000 feet in elevation and in areas where natural gas service is not available are exempt from the regulations.

But those who love snuggling in front of a roaring fireplace on a winter's evening shouldn't get bent out of shape too fast - the air district estimates that this "unhealthy" designation will only affect Valley counties from between four and 25 days between today and the end of February.

But how will the air district monitor adherence to these regulations? We're told that inspectors will perform surveillance, and also rely on complaints filed by neighbors. Those who are found in violation of the "no burn" order will be subject to fines.

Starting this afternoon, residents can find the daily wood-burning status by calling 1-800-SMOG-INFO (766-4463) or by logging onto www.valleyair.org.

And beginning Monday, the daily status will appear on the bottom left-hand corner of the Journal's front page, next to the weather forecast.

The bottom line is this: Our fair is already considered to be in "serious" non-attainment of federal health standards when it comes to fine airborne particulate matter. The air district says residential fireplaces and stoves contribute about 30 percent of the Valley's winter air pollution.

We hope people pause before lighting their fireplaces this winter, and we urge the air district to follow through with penalties against those who violate the "no burn" ban.

You can do your part to help clean up the Valley's air this winter by reporting violations to 1-800-281-7003.

After all, we don't want these new regulations to go up in smoke.