

Air rules would require compliance - or fees

By Seth Nidever, Sentinel Reporter
Hanford Sentinel, October 18, 2005

HANFORD - Proposed air pollution controls targeting new development in the San Joaquin Valley are raising a lot of questions.

Monday night's city-county coordinating committee meeting was no exception. Representatives from Hanford, Corcoran, Lemoore, Avenal and Kings County came to hear San Joaquin Valley Air Pollution Control District officials explain the rules, which are likely to kick in sometime next year.

Under the proposed rules, known as 9510 and 3180, developers will have to incorporate air-saving design features into new housing tracts and new businesses or pay mitigation fees to the district.

Theoretically, builders could avoid the fees altogether by meeting the district standard of a 30 percent reduction in NOx emissions and a 50 percent reduction in PM10 emissions.

Any fees that are collected will go toward programs to reduce pollution throughout the district, officials said.

NOx, a major ingredient of ozone, and PM10 - fine particles like dust and soot - help the Valley air basin consistently tie for first place in the category of most polluted air in the nation.

Many of those in attendance Monday were familiar with the issue through a flier circulated by a group called "Stop the Air Board Tax."

The flier was introduced in a county board of supervisors meeting a few weeks ago and appeared as a City Council agenda item in Corcoran on Sept. 28.

The flier alleges that the "tax" would cost developers hundreds of millions of dollars over the next five years.

The numbers were based on the assumption that developers and businesses do nothing to lessen the increase in pollution associated with their projects.

Air district officials were quick to say Monday that developers could avoid the fees by incorporating features that would reduce motor vehicle trips associated with the development.

"If you do all that, you pay no fees," said Seyed Sadredin, deputy air pollution control officer.

Such features could include easing access to mass transit, putting housing closer to stores and enhancing pedestrian access, Sadredin said.

Critical questions came from Jon Rachford, the county supervisor whose district includes Corcoran and Avenal.

Rachford said rural communities far from commercial areas in Hanford and Lemoore wouldn't be able to do much to reduce motor vehicle trips.

"You can't make it easier by the numbers," said Rachford, referring to the NOx and PM10 targets.

Others questioned the ability of industrial and commercial projects to meet the targets.

Rachford said diesel trucks running dirtier fuel from Mexico and other states should be fined for crossing district space.

Dave Crow, the air district executive director, told Rachford that authority for that issue rests with the federal government.

And the feds haven't been "exactly friendly" to the Valley and other areas classified as "non-attainment" regions under the Clean Air Act, Crow said.

Air district officials at Monday's meeting reiterated their mandate to meet federal standards for NOx and PM10. The district is classified as a "non-attainment" area in both categories and faces penalties if it does not comply.

And the only feasible way to do that, Crow and Sadredin emphasized, is to regulate cars and trucks.

Crow said the only way for the district to control motor vehicles - by all calculations the biggest single source of smog-forming pollution - is to do so indirectly through rules like 9510 and 3180.

"We're as disappointed and frustrated as you are on some of those big ticket areas," Crow told Rachford.

Crow said the district would work with developers to help them find ways to minimize or eliminate fines.

Madera Co. accepts interim dairy rules

By Cyndee Fontana

The Fresno Bee, October 19, 2005

Dairy operators seeking to build or expand in Madera County will follow a set of interim guidelines endorsed Tuesday by the Board of Supervisors.

Board members approved a package of dairy development standards designed to make clear the requirements for expanding and new, large dairy projects. The interim rules are expected to remain in place until the county adopts permanent standards, perhaps by early next year.

Supervisor Vern Moss praised the work so far and called the interim standards "a step in the right direction." Most of the county's 57 dairies are located in Moss' northwest district.

Planning Director Ray Beach said the guidelines should address several issues, including some confusion over the process and a perception that the county had instituted a dairy moratorium.

The interim standards mainly collect and formalize the county's existing approach. Dairy expansions, and any proposal for 700 or more cows, need county permits and full-scale environmental studies. Projects also must meet the requirements of regional air- and water-quality boards.

The guidelines spell out minimum buffer zones between dairies and homes and require that experts submit materials and plans that deal with waste management.

The planning department is reviewing several new applications, Beach said.

Pressed by growth, Madera County hired a consultant in March 2004 to prepare dairy standards and an accompanying environmental study. Officials are working to identify the best areas for dairy development based mainly on environmental factors and urban-growth projections.

County staff proposed the interim standards because of the lengthy process.

The San Joaquin Valley is the heart of California's dairy industry, and several counties have created specific guidelines for new projects.

With a trend toward more and bigger operations, the industry has attracted scrutiny partly over pollution - such as smog-making gases - produced at dairies.

Student volunteers plant trees at park

By Kate Frederick, Special to The Californian

Bakersfield Californian, October 19, 2005

Hart Park was reinvigorated with fresh trees Saturday morning. The Tree Foundation of Bakersfield hosted a tree planting. High school students from all over Bakersfield went out to help.

"We have kids from North, BHS, Stockdale, Centennial," said Katy Baker, event coordinator and Bakersfield High senior. "The majority of our volunteers are from Centennial. That school is always so good about volunteering. All in all we should have about 75 volunteers, mostly high schoolers."

The foundation has been trying to get a Hart Park tree planting event together for a few years now. The foundation, established in 1993, has planted more than 13,000 trees.

"The idea was to take a section of the park, clean it up and re-forest it," said Tree Foundation President Dana Karcher.

Baker decided that she wanted to get involved.

"Nobody would take the project on," she explained. "I think it is the perfect project. Trees are important. [Kern County has some of the worst air in the country and trees can really help remedy the situation.](#) Also, they really are the most gorgeous things."

Baker is not only involved with the foundation. Earlier this year, she -- along with Bakersfield City Councilwoman Sue Benham -- adopted a portion of the Kern River Parkway bike trail, which they keep clear of litter.

"The environment is really important to me," Baker explained. "I'm such an outdoor person. I feel like so many things can be improved in this world and it all starts with the outdoors."

Developers will pay \$2K per acre for ag protection

Manteca Bulletin, October 15, 2005

Buyers of a typical new home in Manteca that starts construction after March 1 will pay about \$400 to help protect San Joaquin County farmland.

The fee - just like those paid for a wide array of things such as parks, schools, sewer, water and one proposed for air quality - won't be itemized when someone signs on the dotted line. Instead they are costs the builder are collapse into t price of the home. Those costs are then financed as part of the mortgage

The cities of Tracy, Lathrop, and Manteca agreed to implement a \$2,000 per acre agricultural fee to mitigate the loss of farmland as development occurs using water form the South San Joaquin Irrigation District.

It was part of a settlement to a lawsuit filed by a number of parties including the Sierra Club. The fee receipts will be used to acquire permanent agricultural easements for prime farmland. In other words, after a farmer is paid a negotiated price they will retain the land but can never use it for any purpose other than farming. The restriction would be placed permanently on the deed.

There were 8,729 acres of prime farmland protected in Northern California between 1997 and 2005 through the payment of funds to secure permanent agricultural easements.

The price paid roughly follows the value of the land. The only land included in San Joaquin County was 62 acres of tree crops in Escalon where the easement payment was \$204,000 for land valued at the same price. In most cases the price paid is within a \$100 of the market value of the land.

As an example, the value of Manteca wine grapes in 2005 ranges from a low of \$9,00 to a high \$15,000 per acre

The agricultural fee paid of the proposed 92-acre lifestyle mall on the southeast corner of Union Road and the Highway 120 Bypass would generate \$184,000. That would be enough to commit a minimum 15-acres of grapes to permanent use for farming.

Merced County Board of Supervisors Watch

Excerpt of article from Merced Sun-Star
October 19, 2005

The Merced County Board of Supervisors meets on scheduled Tuesdays at the Merced County Administrative Building, 2222 M St. An online agenda is available at www.co.merced.ca.us <<http://www.co.merced.ca.us>> or at the clerk's desk during business hours. The following is a summary of Tuesday's board meeting:

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REGULAR ACTION

Review a letter from the Building Industry Association of Merced County asking the board to review and pass a resolution in opposition to the San Joaquin Valley Air Pollution Control District Draft Rules 9510 and 3180 and to join the Stop the Air Board Tax Coalition.

The board voted to table the issue and make a decision during its Nov. 8 meeting.

Voting in favor of tabling the issue:

John Pedrozo: Yes

Kathleen M. Crookham: Yes

Mike Nelson: Yes

Deidre F. Kelsey: Yes

Jerry O'Banion: Yes

[Commentary in the Bakersfield Californian, October 19, 2005](#)

Fireplace ban bogus strategy for clean air

By Ken Gonder, Bakersfield

As we approach our third season of mandatory fireplace restrictions, most people remain unaware of the reality behind the San Joaquin Valley Air Pollution Control District's program:

- Beyond seizing control over their use, the district has banned new fireplaces, depriving nearly all south valley residents of ever having one in new a home. However, it has no rational basis for doing so as its authority already allows them to forbid their use.
- Some suggest that the prohibition is illegal. At the very least, it is scandalous in that only those wealthy enough to afford half-acre or larger lots are allowed to have fireplaces while the rest of us are not.
- Our only alternative is phony, gas-only replicas that cost much more to operate, use non-renewable resources, and have none of the charm, character, or feel of a real fireplace that unquestionably enhances a home's ambiance year-round, whether it is lit or not.
- The district has no plans to lift its prohibition even after our air has been restored to federal standards.
- It knows that the prohibition cannot be enforced -- removing an "illegal" fireplace from someone's home would be nearly impossible.
- The district knuckles under to all challenges, even to simple use citations, as they are easily contestable and the cost would far exceed any fine. That effectively makes all penalties voluntary.

- It tries coercing compliance through intimidation, threats, misrepresenting facts, manufacturing evidence and withholding public information.
- It fabricates no-burn days, knowing that the air quality index will not reach the necessary 150 threshold, then unlawfully cites fireplace users for infractions they are not committing.
- As if banning and restricting fireplace use while allowing ag burning to continue isn't reprehensible enough, the claim to be phasing it out by 2007 is deceptive in that loopholes in the regulations allow it to continue indefinitely.
- The district originally warned that no-burn days would most likely occur during foggy conditions, when fires are most desirable. Now, however, it concedes that fog actually purifies the air.
- It now admits that fireplace emissions are minuscule, that fireplaces are used infrequently -- mostly when entertaining or on special occasions -- that our air quality was increasing significantly each year before imposing mandatory restrictions and that the public has responded well to their program, resulting in only four no-burn days, all of which clearly reveal their compulsory requirement as unnecessary.
- The district finally concedes that limiting fireplace use or their construction does nothing to improve our overall air quality or reduce the AQI that quantifies and documents that quality. Consequently, our sacrifice is all for naught.
- Roughly 90 percent of the public opposes the mandatory regulations. Yet a handful of power-hungry, elitist bureaucrats insist on defying the will of the people, needlessly decreasing the quality of life of millions for no practical return.

Our elected representatives -- particularly Sen. Dean Florez, D-Shafter, chairman of the Senate Select Air Quality Committee -- are fully aware of this incredibly unjust fiasco, yet none have moved to pressure the district to repeal its indefensible restrictions, or, more importantly, their unwarranted prohibition.

Ken Gonder is a Bakersfield architect. Community Voices is an expanded commentary that may contain up to 500 words.

[Editorial in the Fresno Bee, October 19, 2005](#)

Stay the course

State air board should leave strong bus-emission rules in place.

The California Air Resources Board will meet Thursday to consider a rollback in stricter regulations on emissions by transit buses in the state. That would be a terrible mistake.

The existing rule was put in place in 1999, and requires buses to meet a standard of 0.2 grams of nitrogen oxides in their emissions by 2007. This is a crucial issue for the Valley, because nitrogen oxides are the principal building block of the smog that dirties our air and causes all manner of cardio-respiratory illnesses.

The rule doesn't specify which sort of buses or which type of fuel local transit agencies must use. There are several choices: propane, natural gas, even the new, cleaner diesel engines that are slowly becoming available.

But some observers now fear that CARB may elect to soften those standards, choosing to "harmonize" them with current - and much less stringent - federal regulations. The federal Environmental Protection Agency has adopted the same 0.2-gram standard for nitrogen oxides, but it doesn't kick in until 2010. The current EPA standard is 1.2 grams of nitrogen oxide emissions.

So rolling back - "harmonizing" - the stricter California rule would have the effect of allowing buses to emit as much as six times more nitrogen oxide pollutants for the next three years. That's

an unnecessary step backward in the struggle to clean up the air in the Valley and the rest of the state.

It would also be more than a little unfair to companies that, since 1999, have worked hard and invested money to meet California's 2007 standard. The fact is, the existing rules have worked. At least two companies, Cummins Westport and John Deere Power Systems, have already built engines that meet the stricter standards. Should they be penalized for doing the right thing? Should their competitors be rewarded for lagging behind?

The real fear is that the EPA standard itself could be rolled back or delayed, thus giving the heavy vehicle industry and bus operators a pass on helping to further reduce air pollution. Such delays are common in the ongoing effort to clean the environment; powerful forces often are arrayed in defense of special interests.

It would be far better for California if CARB just left things alone this time. The existing rule and standards for 2007 are working. Leave them in place.

[Editorial in the Sacramento Bee, October 19, 2005](#)

CARB's urban bus rules Diesel fleets need a break on rules

Environmentalists are urging the California Air Resources Board to reject CARB staff advice on a controversial new emission rule for urban buses. The staff wants the board to relax current rules so that transit agencies can buy new diesel buses for the 2007 through 2009 model years that emit more pollution than the existing standards allow. Opponents complain that the rule change represents a rollback in the agency's commitment to clean air.

In this instance, the critics are wrong and the staff is right. The board should follow its staff's lead. The proposed rule modification makes economic, environmental and public health sense. Here's why.

The 48 urban transit agencies affected by the recommended change elected years ago to stick with diesel rather than convert to natural gas. Those agencies did so because conversion would have required them to build whole new fuel supply systems and maintenance programs. For many transit agencies that was both impractical and cost prohibitive.

Meanwhile, pushed by regulators, manufacturers were making diesel engines and diesel fuel progressively cleaner. In the case of particulates, the sooty black smoke that used to pour out of bus and truck tailpipes, diesel has the potential to surpass the air quality benefits of natural gas.

Still, despite improvements, today's cleaner diesel buses don't meet all the emission standards state regulators require for new buses purchased after 2007. Diesel engine manufacturers say they won't be able to meet the new standard until 2010, when similar federal rules kick in as well. This week, CARB must decide whether to delay its tougher standard for three years.

If the board maintains the emission rules as they are, transit companies that still use diesel are unlikely to switch to natural gas. But they won't be able to buy today's cleaner diesel buses, either. That means they will delay all bus purchases until 2010 and continue to use their older, dirtier diesel.

That's bad for public health and the environment. While new diesel buses available now may not meet California's current 2007 standard, they are still three to four times cleaner than the old smoke-spewing diesels that many transit districts want and need to replace.

Given that, the air board needs to modify its rules. It should allow transit districts to purchase the cleanest diesel buses available and to retrofit dirty diesel where feasible. To insist that transit districts that have chosen the diesel path buy buses that don't yet exist does no one any good.