

Smog status remains clouded

Valley residents often are unaware it's a bad-air day, poll finds.

Mark Grossi

Fresno Bee, Friday, Jan. 20, 2006, and the Modesto Bee, Saturday, Jan. 21, 2006

Many San Joaquin Valley residents know "Spare the air" means to cut down driving and other smog-making activities in summer on bad-air days.

But many more residents apparently don't pay attention to when the bad days happen.

A public opinion survey revealed Thursday that 43% of residents polled are aware of the Valley's smog-fighting program. But only 17% realized it was actually in effect the day they were polled last summer.

The local air district announces such days through the media and on the Internet. Now officials may consider expanded approaches, such as discussing such days on radio and television morning talk shows.

The poll numbers came from a \$25,000 air quality survey commissioned last year by the San Joaquin Valley Air Pollution Control District.

Officials wanted the poll because they believe the public's awareness and cooperation are crucial to cleaning the Valley's air. The Valley's air ranks among the dirtiest in the country.

The poll showed residents are savvy about some major air quality issues. But it appeared they are still learning.

About 70% of the 600 residents polled from the Valley's eight counties named vehicles as the main cause of air pollution, said Tim McLarney, president of Encinitas-based True North Research, which conducted the survey.

"It drops off pretty quickly from there," McLarney said. "About 41% mentioned agricultural sources. Only 5% mentioned gas-powered equipment. Less than 1% even mentioned fireplaces."

The consensus also was not very strong when people were asked whether pollution comes from their area or from an outside place. While 37% said the pollution was home-grown, almost 40% think it comes from other places.

One air board member, Fresno County Supervisor Susan Anderson, interpreted the results as an indication that some people still believe the Bay Area is a major contributor to the air problem in the Valley.

The Bay Area's contribution can be significant on a few summer days in the northern Valley, local air officials have said. But it is not nearly as big a concern as home-grown Valley pollution.

As for sending messages to the public, Anderson suggested declaring "See the mountains" days as a positive way to encourage awareness of air quality.

Air advocate Carolina Simunovic of Fresno Metro Ministries liked the idea: "I think we should make it positive. Everybody talks about the mountains on days when you can see them."

People did not think the air district's approach to pollution regulation was heavy-handed. Seven in 10 did not think pollution standards were too strict, and two-thirds did not think the air district had been too aggressive in enforcing rules.

Yet the air district itself is a low-profile agency in the public's eyes, McLarney said. He said 27% of the residents polled said they were aware of the district.

"So we then decided to call their bluff right after that, and asked them to name the agency," he said.

"There were 12% who could correctly name the district. In my experience, that's not unusual for a special district."

The survey had a margin of error of plus or minus 4 percent to 5.2 percent.

Air pollution district targets wineries

Bob Brownne

Tracy Press, Monday, Jan. 23, 2006

MANTECA - Wineries are the next target for the regional agency responsible for fighting air pollution.

In December, the San Joaquin Valley Unified Air Pollution Control District passed a new rule that will require wineries to reduce the amount of alcohol that evaporates from wine during fermentation and storage.

To air quality regulators, the alcohol in wine is considered a volatile organic compound that mixes with other chemicals in the air to form smog. The district is under pressure from the Environmental Protection Agency to reduce pollution in the valley, which is falling short of federal ozone pollution limits.

The amount of vapors wineries contribute to valley air pollution is small compared to car exhaust, farming, solvents and oil and gas production, but wineries were named in the district's 2003 ozone reduction plan as contributors to valley smog.

"Most of the other large sources are already under permit or regulation," said Jaime Holt, public information administrator for the district. "The low-hanging fruit has already been picked, and it's getting more challenging to get huge emission reductions out of one source."

People in the wine business worried that district officials will require controls to capture vapors from fermentation tanks at the expense of wine quality.

Mike Falasco, legislative representative for the Wine Institute of San Francisco, said the technology used to control these emissions in other industries, like petroleum and solvent production, is not always sensitive to bacterial contamination and would be inappropriate for wineries.

"You would literally put a duct system in to trap the emissions," he said, but added that even this could introduce bacteria to the fermentation process, which could ruin a batch of wine. "Wine is so sensitive to taste change; you've got to be really careful."

But a rule passed Dec. 15 relieved much of the wine industry's worst fears.

The district still wants big wineries to find ways to reduce alcohol evaporation from fermentation and storage tanks, but wineries are also allowed to sponsor methods for reducing emissions from sources away from their wineries.

Falasco said these could include replacing old diesel pumps or retrofitting school buses that produce excessive exhaust, for example.

"There's a menu of ways to comply, none of which will be cheap," he said. "We're talking \$10,000 to \$20,000 per ton."

That compares to the \$100,000 per ton of pollutants if wineries were to install collection ducts in their wineries, he said.

The air district, citing research from the federal Alcohol and Tobacco Tax Bureau, figures anywhere from 0.5 percent to 3 percent of wine's volume evaporates as it ferments and ages.

The district expects about 35 percent of the vapors from wineries, 224 to 252 tons per year, or the equivalent from other sources, will be eliminated by the end of 2007.

Considering that the Central Valley produced nearly 338 million gallons of wine in 2002, the district figures as much as 1.2 million gallons, or about 4,500 tons, of ethanol evaporate into the air in a year.

The California Air Resources Board puts the figure at about 7.5 tons per day for 2004, or about 2,750 tons per year.

That's about 2 percent of the total volatile organic compounds in Central Valley Air, with most coming from cars, trucks and other engines, plus a large portion from solvents, farms and waste burning.

Holt said only the larger wineries, less than 20 out of 100 wineries in the valley, would be affected by the new rule. She said that pending review of the rule by the California Air Resources Board and EPA, these wineries must have their compliance plans finished by July.

Planners win \$2 million to renovate Valley roads

By Adam Ashton / The Modesto Bee

In The Fresno Bee, Saturday, Jan. 21, 2006

MODESTO - San Joaquin Valley transportation planners won a \$2 million share Friday from a new fund aimed at bringing roads up to speed with the state's growing population.

In return, Sacramento expects leaders from eight Valley counties to draft a comprehensive regional transportation plan over the next two years.

"Suddenly, this region is getting its fair share," said Carol Whiteside, president of the Great Valley Center.

She announced the grant at a Modesto meeting with Valley transportation planners, state Transportation Secretary Sunne Wright McPeak and Labor and Workforce Development Agency Secretary Victoria Bradshaw.

The San Joaquin Valley Air Pollution Control District agreed to chip in an extra \$500,000.

"We think it's a step in the right direction of solving problems the whole Valley faces," said Jaime Holt, air district spokeswoman.

Jesse Brown, director of the Merced County Association of Governments, said the project will require another \$2million to finish next year.

He said the county groups will conduct projects in their areas and then come together to draft some findings that could guide local government planning across the Valley. His group is the project's lead agency.

The eight counties are Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus and Tulare.

The Valley's funding represents 40% of the state's Regional Blueprint Planning grants, a \$5 million program unveiled in last year's budget.

The remaining \$3 million will go to six other transportation groups in the Bay Area, Southern California, Central Coast and Sacramento Valley.

McPeak said the state chose to give the greatest portion to the San Joaquin proposal because of the unity the eight counties showed in drafting their request and the region's rapid growth.

"We must be stewards of [the Valley's] assets or we will lose the opportunities the San Joaquin Valley represents," said McPeak, who grew up on a Livingston farm.

She said the plan could provide background for local governments when they discuss how to balance agriculture, the environment, new subdivisions and transportation.

"Without looking at it from a regional perspective, it really is tunnel vision," said Merced County Supervisor Deidre Kelsey, chairwoman of Brown's group.

McPeak said the project could save the smaller agencies time and money by taking the place of individual studies on growth impacts. "It's built on the notion that we want to cooperate in how we are using our land," she said.

Some of the eight Valley counties are pursuing their own projects to get a better handle on traffic congestion.

Builders in San Joaquin Valley face air pollution fees

By Jonathan Menard

Equipment World Magazine

www.equipmentworld.com

Date unavailable

Builders in California's Central Valley may have to pay air pollution fees on new commercial and residential developments beginning March 1, under a rule adopted by the San Joaquin Valley Air Pollution Control District.

Rule 9510 requires developers of large residential, commercial and industrial projects to reduce smog-forming and particulate emissions. The region's air quality is among the worst in the nation. The air pollution control board said the rule would reduce nitrogen oxides and particulates throughout the area by 10.5 tons per day by 2010. It requires builders to reduce nitrogen oxides by 33 percent and particulates by 50 percent of a project's baseline. If projected emissions exceed the minimum baseline reductions, the project's developer will have to pay a fee to the air district, which would use it to fund clean-air projects.

The air district is able to level the fees because of California law SB709, which requires the Valley air district to control emissions from indirect sources.

"With the amount of expected growth in the Valley, every emission reduction from this rule is important," said Seyed Sadredin, deputy director of the air district. "Although air quality has improved greatly over the years, we still have a severe problem, and innovative programs like this will help us clean the air."

But Tim Coyle, senior vice president of the California Building Industry Association, says the rules are unfair.

"They are based on very flimsy science," Coyle said. "They single out new developments when the contributors to poor air quality in the Central Valley come from a very broad-based population."

The air district contends new developments increase pollution by prompting more vehicle trips and creating more pollution-causing activities such as landscape maintenance, fuel combustion and use of consumer products.

"San Joaquin Valley has severe air quality problems with ozone and particulate matter and we don't meet either the state or federal health standards for those two pollutants," said Kelly Hogan Morphy, a spokeswoman for the air district. "Because of that, we are required to adopt very stringent rules to reduce emissions in the Valley."

Coyle said California environmental laws already require builders to satisfy air quality standards when they propose new development projects. Under the new indirect source rule, he said, builders pay a fee, which doesn't satisfy any regulatory or statutory requirements. "It's basically just a tax," Coyle said.

He credits voluntary programs by CBIA and state-sponsored programs with improving air quality in the Valley during the past three years. Builders in the Central Valley have stopped providing wood burning fireplaces, which reduces particulate matter, and have built green subdivisions that promote electric mowers and solar power. State-sponsored programs such as Carl Moyer go after the gross polluters, Coyle said.

The building industry association is considering a lawsuit against the San Joaquin Valley Air Pollution Control District.

Rule 9510 would apply to new developments that are at least:

- 50 residential units
- 2,000 square feet of commercial space
- 10,000 square feet of governmental space
- 20,000 square feet of medical space
- 25,000 square feet of industrial or educational space
- 50,000 square feet of general office space

For a typical residential development of 120 single family homes on 24 acres, builders' fees would be as follows:

- \$780 per home if no on-site air pollution mitigation measures are employed
- \$557 per home with typical on-site mitigation, such as having a density of five dwellings per acre; not installing woodstoves; increasing energy efficiency by 5 percent; having retail outlets nearby; installing

sidewalks on both sides of half the streets and one side of the other half

- \$454 per home with "more than typical" on-site mitigation, such as increasing energy efficiency by 10 percent; installing sidewalks on both sides of all the streets; and deed-restricting 10 percent as affordable housing

Fees collected would help fund projects such as:

- Paving previously unpaved roads
- Infrastructure for bicycles
- Public transportation subsidies
- A planned vehicle-scrapping program
- Upgrading dirty engines to cleaner models

Railroad proposes new track in Fresno

Some Figarden Loop residents balk at plan to let trains pass each other without stopping.

By Matt Leedy

Fresno Bee, Monday, Jan. 23, 2006

Trains have always chugged through northwest Fresno, and some residents fear the vibrating growls from freight and passenger cars will soon become noisier and more frequent.

About 3.5 miles of new track will be laid alongside the existing line in the Figarden Loop area, allowing trains to pass each other without stopping, if officials with Caltrans and the Burlington Northern Santa Fe Railway Co. have their way.

The California Department of Transportation will spend \$12.7 million to lengthen what is now a two-mile turnout to create the passing track. Currently, one train must wait on the turnout track for another to pass.

BNSF officials won't say when construction could begin but believe the project will take a year to finish.

The passing track is needed to accommodate an increasing number of trains and to help them reach their destinations faster, BNSF officials say.

But plans for the passing track anger City Council Member Brian Calhoun, who represents northwest Fresno, and some of the residents who live close to the BNSF track. They fear the noise created by two passing trains rolling within 20 feet of neighborhoods will be too loud.

Northwest neighbors will have a chance to voice their opinions and ask questions about the project Thursday night at a community meeting with Caltrans and BNSF representatives in the Figarden Elementary School cafeteria.

Calhoun wants to know why the passing track can't be added to a rural area, and he points to fields in Madera County, just a few miles north of the Figarden Loop, as a better alternative.

"Why do this here, when just a few miles away you have fields?" asks Calhoun, who says he first heard about plans for a passing track almost four years ago and has been voicing his objections ever since.

He has complained about the plan, and asked for details about why the passing track is planned for the Figarden Loop area. But Calhoun says he has been given no details, only the explanation: It's better for train traffic.

"That may be the case," Calhoun says. "But show me the facts."

Calhoun has convinced the city of Fresno to pay \$10,000 for a firm to study the details of the passing track plan. "We've got to have some way to know what [BNSF and Caltrans] are talking about." But he concedes there's little the city can do to stop the project because the railway company owns the land.

"I'm just the local guy in this," he says.

The BNSF railroad tracks cut diagonally through the Figarden area, parallel to Freeway 99. The turnout runs next to the main track and extends from about Shaw Avenue to Figarden Drive. Plans call for that turnout track to be lengthened on one end by 2.5 miles from Figarden Drive to the San Joaquin River and by about a mile on the other end from Shaw Avenue to West Avenue.

BNSF officials say the passing track will keep trains moving through Fresno at a quicker pace and reduce the time motorists wait at crossings.

Amtrak trains share the BNSF track with freight trains and the passing track will help those trains run on time, says Lena Kent, a BNSF spokeswoman. Train congestion at the Fresno depot also will be cleared up.

The passing track also is needed to keep up with the growing number of trains that pass through Fresno on the BNSF line -- from 30 trains a day three years ago to 50 trains a day now. With or without the passing track, the number of trains will likely continue to increase, Kent says.

"Train traffic will continue to increase as more and more containers come in through the ports of Oakland," she says.

Most freight trains that travel the line start in Oakland or the Pacific Northwest and deliver their cargo to destinations throughout the country.

The Figarden Loop is considered a bottleneck that Kent says will be opened up with the passing track.

Calhoun says residents have complained about that bottleneck for years because trains would stay parked on the Figarden Loop turnout for days - often with their engines running.

Calhoun and others say an extended passing track would allow more trains to park just beyond the backyard fences of many residents.

Not so, says Kent.

"You won't have trains sitting there waiting. That's the whole reason for a passing track," she says.

The new track also will allow trains to travel the Figarden Loop area at a faster clip. They now travel through the area at 40 mph. With the passing track, passenger trains could double their speeds and freight trains could hit 70 mph.

If the passing track is installed in the Figarden Loop area and not somewhere else, such as Madera County, northwest Fresno residents won't have to look and listen to idling parked trains, Kent says.

If the turnout is not extended and the passing track is put somewhere else, the problem of parked trains in Figarden Loop will only become worse, she says, adding: "I think that's exactly what residents don't want."

Randy Moens has lived in the Figarden Loop for 15 years. Their property is about 10 to 15 feet from the BNSF main track and the parallel turnout track.

The turnout track has long doubled as a "parking lot," Moens says, but he's just as concerned about the noise created by two trains running by his house if a passing track is created.

He also fears a mishap could cause passing trains to crash.

"What goes through my mind is, 'What happens if those trains don't catch the track just right when they're passing each other?'" says Moens, 48. "I see cars labeled liquid petroleum and I think, 'God, this is practically in my backyard.'"

Moens' wife, Monica, says the noise created by a passing track, "would be a little too much" and she worries about her children: Destiny, 13, and Moriah, 8.

"What if something ever went wrong? It would be a mess back there," she says.

"And I would for sure worry about my children going back there."

Tom Bailey, president of Fresno Area for Rail Consolidation, is against the project, saying it would create noise and air pollution and complicate the effort to move railroad tracks outside the city.

He says construction of the passing track will stir up dust and dirt and, once it's finished, he thinks trains will stop there with their engines running.

The 3.5 miles of new track also would add millions of dollars to the cost of moving the line during proposed rail consolidation.

Kent says BNSF will "continue to cooperate with studies on rail consolidation," but she adds that "rail consolidation is still years away, and we need to improve our efficiency now."

Report: California has worst soot pollution in nation

The Associated Press

In the Fresno Bee, S.F. Chronicle, San Diego Union-Tribune and other papers, Friday, Jan. 20, 2006

LOS ANGELES (AP) - California has the worst rate of soot pollution in the United States, according to a report released Thursday by an environmental group.

Environment California released the report, "Plagued by Pollution," which lists data of fine particle, or soot pollution, from environmental agencies across the country.

The Riverside-San Bernardino-Ontario area ranked as the nation's top offender for soot pollution among large metropolitan areas. Pittsburgh ranked second, followed by the Los Angeles-Orange County area.

Soot pollution can lead to serious respiratory and cardiovascular problems, including heart attacks, strokes and asthma attacks, according to the American Lung Association.

The report blames California's power plants and large numbers of diesel trucks, cars and ships for air pollution. Although the state has tightened environmental regulations, a growing population may be contributing to more pollution.

The metropolitan areas were ranked by micrograms of pollution per cubic meter, or soot in the air. Soot particles are often released from fossil fuel combustion and emissions from coal-fired power plants or factories.

Particulates are sometimes carried by the wind, according to the Environmental Protection Agency.

Pittsburgh Tops in Soot Levels, Group Says

In the S.F. Chronicle, Friday, Jan. 20, 2006

Harrisburg, Pa. (AP) -- Soot levels in Pittsburgh exceeded federal health standards on seven days in 2004, more than any other major metropolitan area, an environmental advocacy group reported Thursday.

An air quality monitor in the city also registered the second-highest average annual soot level among major metropolitan areas, PennEnvironment said. The report cited data from 1,175 monitors in all 50 states and Washington, D.C.

An air monitor in the metropolitan area covering Philadelphia, Camden, N.J., and Wilmington, Del., registered the 16th highest average annual soot level, the group said.

Among mid-sized metropolitan areas nationally, Lancaster, York-Hanover, Harrisburg-Carlisle and Reading all ranked in the top 10 for dirtiest air.

Soot, or particles emitted into the air by such things as automobiles, power plants and forest fires, can contribute to heart and lung ailments, according to the federal Environmental Protection Agency. The particles are made up of acids, organic chemicals, metals, soil and dust.

Overall, soot pollution exceeded the annual or daily health standard at air monitors in 55 metropolitan areas in 21 states, said Philadelphia-based PennEnvironment.

Last month, the EPA proposed stricter daily limits for soot in response to a lawsuit filed by nine environmental and health groups, including the American Lung Association. The proposed limits, which could force states to make industries spend billions of dollars to clean up things like coal-burning power plants, diesel-powered trucks and industrial boilers, were not as tough as those recommended in June by a clean-air advisory committee.

On the Net:

<http://www.pennenvironment.org>

Ask The Californian for Jan. 23

Bakersfield Californian, Monday, Jan. 23, 2006

Why do restaurants get to light up in spite of ban? Q: I am interested to know why restaurants such as Tahoe Joe's, Logan's, Frugatti's, Romano's Macaroni Grill, etc. are allowed to burn wood (mostly almond wood) every day of the year with no restrictions. Does anyone monitor these facilities for abuses in this area or do they just have a free ride?

-- Steve Kysor

TBC: Restaurants and other businesses don't get a free ride, according to Brenda Turner, spokeswoman for the San Joaquin Valley Air Pollution Control District.

"Cooking fires are exempt (from no-burn days)," she said. "It doesn't matter if it's a restaurant or an individual who is barbecuing at their home."

Restaurants burning wood to roast meat or bake pizzas are within the law, she said. All non-cooking, wood fireplaces must stay dark on no-burn days.

Local Digest

Transportation agency gets large grant to plan area's future growth

Bakersfield Californian, Saturday, Jan. 21, 2006

Kern Council of Governments, our regional transportation planning agency, was awarded a \$357,000 grant to help plan what the valley will look like in 20 years. Will it be a trafficky mess with all of the trappings of urban living and none of the benefits? Or will it be sensibly planned, with local governments considering transportation when they approve their next subdivision?

The money is part of a \$3 million pot put together by the state Department of Business, Transportation and Housing and the San Joaquin Valley Air Pollution Control District. Seven other valley counties received grants to develop their own visions of the future. Most of the money will pay consultants to run community workshops that let residents outline their land-use ideas. In the end, the goal is to coordinate land use and transportation planning throughout the valley.

Energy expo enlightens organizations

SARAH RUBY, Californian staff writer

Bakersfield Californian, Friday, Jan. 20, 2006

The Bakersfield Association for Retarded Citizens handed out pencils made from discarded denim. Indoor Shade, a window-tinting company in Shafter, pledged to keep 80 percent of the summer heat at bay. They were among some 50 companies, utilities and other organizations at the Energy & Clean Air Business Exposition Thursday.

"Everything is recyclable," said Anne Schoolcraft of the Bakersfield Association for Retarded Citizens.

The denim pencils were a nod to the organization's various recycling programs. Its employees handle old televisions, computers and other electronic waste with salvageable yet toxic components. They even help soft drink companies to turn old sodas into fertilizer.

Energy utilities taught business owners about rebates for upgrading outdated, inefficient equipment. Entrepreneurs heard from other companies, such as Harris Ranch and Tejon Ranch, about the benefits of clean-air values in business.

They learned tinted windows can save money. So can energy-efficient light fixtures, home insulation, hybrid cars, regular automobile tuneups, solar panels and pale shades of roof tile.

In other words, what's good for the air is good for business.

"If we don't do it now, it's just going to make it worse for (the next generation)," said Willis Brown, who was showing off energy-efficient copiers for American Business Machines of Bakersfield.

Civilians were on hand as well.

"I'm here out of guilt," said Deborah Iger, who toured the tables to get some ideas. "We always talk about the fact we want cleaner air, we want cleaner water, (but) I don't always know how to go about doing it."

The event was at the Holiday Inn Select's conference center and organized by the Greater Bakersfield Chamber of Commerce, Valley CAN (Clean Air Now), Southern California Edison, Southern California Gas Co. and Pacific Gas and Electric Co.

Environmental act can thwart urban projects

By Mary Lynne Vellinga

Sacramento Bee, Monday, Jan. 23, 2006

Mike McKeever came to California from Oregon, the nation's "smart-growth" mecca, to help tame Sacramento's exploding suburbs.

As the executive director of the Sacramento Area Council of Governments, his job is to carry out a regional growth plan that promotes more building in urban areas as a way to preserve open space on the rural edges.

But McKeever said the task of changing Sacramento's entrenched growth pattern faces an unexpected foe: the California Environmental Quality Act.

"The way (CEQA) is constructed, it's a very large impediment to good growth," McKeever said.

Because it makes it so easy to sue over traffic, air quality and other impacts of development, CEQA stymies construction of high-density, urban projects that promote walking and public transit use, McKeever said.

The response to the threat of such a lawsuit "is almost always to pull housing units out of your plan," he said. "The process consistently tends to reduce the density of development everywhere. ... I see this influence on virtually every development project I have reviewed since arriving in this state."

CEQA, now three decades old, has long been a polarizing guest at California's growth party. Environmentalists cherish the law, saying it alone guarantees local governments will evaluate the environmental effects of development and require builders to address them.

Builders counter that CEQA needlessly delays projects, costs millions and doesn't necessarily leave the environment better off.

Even some Democrats who traditionally support environmental causes say CEQA should be revamped.

"One hundred condominiums downtown is better than 100 units on the suburban fringe," said Chris Shultz, chief of staff for Assemblyman Dave Jones, D-Sacramento. Jones is carrying a bill, AB 1387, that would exempt local governments from having to mitigate the traffic impacts from some small urban housing projects.

Recent lawsuits challenging urban projects in Sacramento have given CEQA critics new ammunition.

Earlier this month, the Service Employees International Union sued the city of Sacramento over its approval of a Sutter Medical Center redevelopment project in midtown.

The Sutter project includes a new hospital, medical offices, a new home for the B Street Theatre, a \$12 million first phase for a new Trinity Cathedral, 28 town homes and six granny flats.

Union officials insist they sued strictly to protect the community. But the labor union also is trying to organize workers at Sutter hospitals and in September went on strike against a Sutter facility in San Francisco.

Another CEQA lawsuit that grabbed headlines was filed by residents in Sacramento's Pocket-area neighborhood.

In 2004, the group persuaded a judge to halt construction of 139 single-family homes on a narrow stretch of land along Pocket Road. The city was required to do an environmental review. That review has been completed, and the project is once again awaiting city consideration.

Bill Heartman, senior vice president of Regis Homes, told The Bee last year that the delay added at least two years of construction and more than \$1 million in costs for environmental studies, a new application and legal fees.

Tim Coyle, a lobbyist for the California Building Industry Association, cited the Pocket-area situation as an example of neighbors using CEQA as a "legal weapon" to stop a development they don't want.

"For the \$175 (filing fee), anybody can go in and challenge the environmental evaluation done by a certifiable expert and bring a multimillion-dollar project to a halt," Coyle complained.

Legislation adopted in the early 1990s was supposed to exempt some "infill" projects and affordable housing from aspects of CEQA review. But John Dangberg, vice president of apartment developer USA Properties Fund, says neither reform has worked.

"Every time there's an attempt to streamline CEQA, it does just the opposite once everyone puts their fingerprints on it," Dangberg said. "The best example is the affordable housing exemption. I challenge anybody to explain that body of law to me."

When Dangberg was head of the Capitol Area Development Authority, members of the Mandella Community Garden went to court to stop the agency from building 119 apartments on state land at 14th and Q streets. The land in question had been occupied by the garden on a temporary lease.

The agency was required to do a full environmental review.

"Here was a case where we had a high-density infill project within walking distance of 110,000 jobs, 150 feet from a light-rail station, and we got dinged for potential impacts to traffic and air quality," Dangberg said.

There has been a flurry of activity on CEQA in the past year, but so far it hasn't produced significant change. Both Gov. Arnold Schwarzenegger and Senate President Pro Tem Don Perata, D-Oakland, created task forces to look at potential reforms.

Any attempt to substantially rewrite CEQA has encountered fierce resistance from the environmental community. The Sierra Club of California recently removed its opposition to Jones' legislation, but only after he reduced the number of housing units that could be constructed without a traffic study from 200 to 100, and added the requirement that they be within a half-mile of a transit stop.

"The general belief seems to be that CEQA has some problems, but it's also a bulwark of environmental conservation, and so people are not going to just keel over and say, 'Reform, reform, let it be gutted,' " said Michael Teitz, a senior fellow at the Public Policy Institute of California.

Bill Allayaud, legislative director for Sierra Club of California, contends the number of CEQA lawsuits filed is quite small compared with the total number of development projects in California.

An early 1990s study conducted by university researchers backs up his view. The study, considered the most comprehensive review of CEQA, found that only one in 354 CEQA reviews was litigated in 1990.

Still, Sacramento has seen a stream of high-profile CEQA lawsuits in recent years, including challenges to nearly every major development planned on the suburban edge.

"If it's a significant project, there's a lawsuit," said lawyer Jim Moose, who specializes in defending governments and developers in CEQA cases.

CEQA reviews often take months. An environmental consultant studies a project's effects on traffic, air quality, habitat and noise. Developers are required to mitigate for these effects -- by building roads or noise barriers, for example, or planting trees - unless local governments vote to override this requirement.

Some say it would make sense to loosen CEQA requirements, as long as local governments have designated an area for a particular type of growth and mitigated for environmental harm.

Environmental groups don't want to entertain such changes without a guarantee that large tracts of farmland will be preserved as open space. It's a compromise the building industry isn't willing to make, said Gary Patton, executive director of the California Planning and Conservation League.

Patton participated in Schwarzenegger's task force, and he said it went much the same way as two prior reform efforts in which he was involved.

"When it got right down to the crunch, there wasn't a willingness on the development side of the table to say we'll put significant parts of the state off-limits for development," Patton said.

Keating joins race to replace Simon

City's piecemeal fixes irritate councilwoman

By RICHARD T. ESTRADA - BEE STAFF WRITER

Modesto Bee, Friday, Jan. 20, 2006

Janice Keating said she is tired of Stanislaus County resolving issues piecemeal, with cities focusing on what's best for them rather than what's best for the region.

"We're driving the same roads, breathing the same air and drinking the same water, and what one of us does affects everyone around us," the Modesto city councilwoman said Thursday. "We're not going to resolve any of the issues facing us until we learn to cooperate as a region."

In hopes of nurturing that process, Keating, 39, announced her candidacy for the District 4 seat on the Stanislaus County Board of Supervisors. The district takes in much of central Modesto, from the Tuolumne to Stanislaus rivers.

Three other familiar names have committed to the race: Former Modesto Councilman Balvino Irizarry, former Modesto Mayor Carmen Sabatino and former state Sen. Dick Monteith.

The four are seeking to replace Ray Simon, a 32-year veteran of the board who said in December that he would not seek re-election. Filing for the election is Feb. 13 through March 10.

Keating, who estimates she'll need \$100,000 to mount a strong campaign, has been on the City Council since March 2002. She was re-elected to a second term in November.

She thinks development, a primary issue during her time on the council, would remain a crucial topic if she's a supervisor. Her position is that all the pieces need to be in place before development is allowed.

"Local government needs to get its house in order before approving new ones," Keating said. "That means cities and the county planning development and growth on a regional level."

Keating believes her diverse support group can help her election. "I've attempted to be fair, whether dealing with business owners, homeless people or people with streetlight issues."

The election is in June, and a runoff would be in November if no one gets more than 50 percent of the vote. The term starts in January.

Keating, chairwoman of the council's Economic Development Committee and vice chairwoman of the Audit Committee, represents Modesto on the Stanislaus Council of Governments and the City-County Liaison Committee.

"Serving on county boards, I've had the opportunity to look at transportation and development from a regional perspective," she said. "One point I'm firm on, whether city or county, is that developers don't get away without paying their share."

Keating says her knowledge of Modesto, home to 42 percent of the county's population, would be an asset to the county board.

"There's a lot of interaction between the county and Modesto, and I come in knowing most of the people involved," she said.

Keating's husband, Tim, is general manager at Motorguard in Manteca. They have two children: Colin, 17, a student at Modesto High School, and Meghan, 11, a student at Modesto Christian Middle School.

Kern COG members discuss whether call boxes are needed

DAVID BURGER, Californian staff writer
Bakersfield Californian, Friday, Jan. 20, 2006

If a call box falls on the side of the road, and no one is around to use it, does anyone care? Discussions on whether call boxes are necessary in the 21st century dominated Thursday's Kern County Council of Governments meeting in Bakersfield.

Officials at COG, an association of city and county governments that addresses regional transportation issues, talked about whether they want to spend \$1.6 million on upgrading the county's 574 call boxes to make them more handicapped-friendly -- or whether anyone would miss call boxes if they were done away with entirely.

"I think they're a necessary evil," said Cheryl Wegman, mayor of Wasco.

But others weren't so sure. County Supervisor Michael Rubio expressed doubts on spending \$140,300 to have an outside firm research residents' opinions on call boxes. Ridgecrest Mayor Marshall Holloway said that though not every person on the highway has a cell phone, it's more than likely that plenty of good Samaritans have them to help.

In 1996, there were 26,000 calls made from call boxes along the 859 miles of highways and state roads in the county. Last year, the number had dropped to 7,000, said Robert Phipps, administrative analyst for the COG.

The COG referred the matter back to a committee for research.

In other business, Rubio proposed a plan that would encourage school districts to replace diesel school buses with buses powered by natural gas. In a proposal that was unanimously approved by the COG, Rubio and others will develop an incentive program for the county's school districts. A best-case scenario, Rubio said, would be up to 33 natural gas-powered buses roaming the county in the near future.

"It would provide [cleaner air](#) and be a safer (ride) for the county's schoolchildren," Rubio said.

[Fresno Bee, Editorial, Sunday, Jan. 22, 2006:](#)

Getting the word out

Awareness of Valley's air quality problems is a mixed bag.

There is fairly widespread awareness that we have air quality problems here in the Valley, but many of us are still not too clear on the nuts-and-bolts of the issue. That's the conclusion of a new survey, and it suggests we all need to do a better job of spreading the word.

The San Joaquin Valley Air Pollution Control District commissioned the survey, which found that some 43% of residents are aware of the clean air effort called "Spare the Air," under which people are asked to curtail polluting activities, such as driving, on days when the air is particularly bad.

Trouble is, the question was asked on a day last summer when "Spare the Air" was in effect -- and only 17% of those surveyed were aware of that.

There was good news in the survey, and some concerns were exposed as well. Some 600 people living in the eight counties that make up the air district were questioned, and about 70% of them correctly identified vehicles as the biggest contributor to our bad air.

They didn't do so well on other questions.

"It drops off pretty quickly from there," said Tim McLarney, president of Encinitas-based True North Research, which conducted the survey. "About 41% mentioned agricultural sources. Only 5% mentioned gas-powered equipment. Less than 1% even mentioned fireplaces."

All of those contribute to the Valley's poor air, though none so much as cars and trucks.

Another misconception: Almost 40% of those surveyed think our bad air isn't our fault, that it comes from other places, such as the Bay Area. In fact, except for a few days each summer -- and then only in the northern part of the Valley -- the Bay Area has no appreciable effect on our air quality. We create the pollution that chokes us, right here at home.

After a long time talking about the problem and some useful efforts in recent years, the air quality problem is firmly fixed in the public consciousness. But as this survey suggests, we can -- and must -- do even better.

We'd like to see businesses, churches, schools and other institutions getting even more active about spreading the word. Let people know how bad the air is, especially on those "Spare the Air" days. No one should have any illusions about the depth of our problem.

[Modesto Bee, Editorial, Sunday, Jan. 22, 2006:](#)

An angel showers gifts on church of regionalism

They came to worship at the "church of regionalism" Friday afternoon, and Sunne Wright McPeak brought quite an offering.

McPeak, the California secretary of business, transportation and housing, was at the Great Valley Center to drop off a check for \$2 million that will fund studies, maps and plans for two groups searching for ways to help the Central Valley. The groups are two of eight organized last year by the Great Valley Center in an effort to find valley-wide solutions to some of our most vexing problems.

Those studying transportation and land-use issues will get the first grants to help identify and prioritize solutions. More could come as other such groups take their action plans before the state.

It was McPeak, a Livingston native, who called the center "the church of regionalism; the church of problem solving, of the future."

Carol Whiteside, the center's executive director, returned the compliment, calling McPeak "an angel" - an appropriate term for someone who comes bearing gifts.

In this case, the grant ([which includes \\$500,000 from the air district](#)) will be shared by representatives of all eight valley counties to develop a regional vision to address the inextricably connected issues of land use and roads from Bakersfield to Stockton. The vision will be shared with each county's Council of Governments and, hopefully, adapted for implementation by local boards and councils.

We are in sore need of such visionary thinking.

Most people are aware that our eight counties have been compared to Appalachia - and found wanting. We have the highest unemployment rate in California, the least education, deteriorating roads, sickening air and local governments that insist on making it worse by failing to reach across imaginary lines for workable solutions.

Without those solutions, these problems will only get worse. In 20 years, the valley's population will nearly double. Our proximity to the Bay Area guarantees that many of the newcomers will live here. As each little board or council makes each little, insulated decision, they remain oblivious of the problems they cause for neighboring communities. Unless they talk to each other.

What do we mean by regional planning?

Take the recent dust-up involving Stanislaus County, the city of Modesto and, by extension, Modesto Irrigation District. The county wants to see houses and businesses built in the unincorporated areas east of Salida. There are as many reasons to embrace such a plan as there are to reject it. But the county needs water, or nothing can be built; so it tried to cut a deal with the MID to supply water from the Tuolumne River. The city of Modesto, which already supplies water to Salida and has its own deal with the MID, was furious it had not been consulted.

Suspicion abounds; tempers have flared. That's why this is a perfect opportunity to think regionally. But such an approach requires consultation and consensus, not unilateral end-runs.

Here's another example. The city of Escalon is grinding through the process of approving 497 homes on the south side of town. Many of the people who would live in those homes presumably would drive south each day to work or shop. Yet, in approving another step in the process last week, the Escalon City Council realized it hadn't looked into Stanislaus County's plans for widening the McHenry Avenue bridge across the Stanislaus.

How about a happy example?

Stanislaus County's senior planner, Ron Freitas, will convene a water summit Wednesday, inviting members from all 16 of the county's local water districts; federal and state agencies; the cities; and others. Up for discussion will be our region's considerable needs and considerable resources. It's only a two-hour meeting, but it's a great start.

If the Great Valley Center is the church of regionalism, Wednesday's water summit is a mission of that church. We hope many people will join the choir.

[Fresno Bee, Editorial, Friday, Jan. 20, 2006:](#)

Dust? What dust?

EPA's new rules would diminish protection for those in rural areas.

New rules proposed by the Bush administration would, for the first time, establish two classes of Americans when it comes to protection from bad air. The distinction would, in effect, place a lower value on the health of rural residents than on the health of those in cities. It's a bad idea.

The federal Environmental Protection Agency wants to tighten the daily limit on the amount of particle pollution allowed in urban areas, but restrictions on such pollution in rural areas would be removed altogether. In addition, the EPA proposes a nationwide exemption from such rules for farming and mining operations in what it defines as sparsely populated "rural" areas.

EPA officials have concluded, after years of considering what they said were thousands of studies, that rural dust pollution doesn't add to the dust problem in cities, and therefore needn't be regulated.

Perhaps. But even if rural sources aren't a major contributor to urban pollution - and that's by no means an established fact -- rural pollution does pollute rural areas. Are the people who live in those areas less important somehow?

It isn't entirely clear how this would affect the Valley. Local officials at the San Joaquin Valley Air Pollution Control District expressed concern over the news of EPA's effort, as well they might. Officials with the state's Air Resources Board, however, think that the Valley has too many people in it to meet the EPA's statistical standard for a "rural" designation.

And it appears -- at least for now -- that the state's own regulations for dust pollution would not be trumped by any new federal standards. That's good. It took a long time and much hard work to bring agriculture under the regulatory umbrella for the pollution it creates. California's ag interests fought the notion that they should be regulated just like any other business, but have largely complied since losing that legislative battle a couple of years ago.

The new EPA rule would eliminate federal sanctions that have been used as a lever to force compliance with pollution control efforts, and that's bad. Those sanctions -- largely the threat to withhold road-building funds -- have been a useful stick to accompany the carrot of various pollution control incentives in recent years.

There will be many hearings and meetings on the EPA's proposed new rules, which wouldn't be final until September and wouldn't take effect until 2009 -- and then only if there are no lawsuits erupting over this issue, which is most unlikely. This may turn out to be a horse that never gets out of the starting gate.

But even if that's the case, it's another sad example of the EPA creating obstacles to cleaner air when it should be energetically tearing them down. For that we have the agency's political bosses in the White House to thank. Again.

[Bakersfield Californian, Editorial, Sunday, Jan. 22, 2006:](#)

Valley may gag on rules change

It will take a long time for the dust to settle on a wrong-headed Bush administration proposal to weaken air pollution regulations in rural areas of California, which may include the Central Valley.

Last week, the federal Environmental Protection Agency published proposed regulations exempting rural areas from meeting federal rules for windblown clouds of dust. While the proposed rules will be implemented nationwide, they will have their greatest impact in the West, particularly in polluted California.

The proposed rules will exempt agriculture and mining operations in rural areas from dust control rules, while creating new standards for "course particulates" in urban areas.

Dust from roads, construction, mining and agriculture is a contributor to smog. It clogs lungs, causing coughing and inflamed air passages, triggering bronchitis and asthma attacks.

Environmentalists and air pollution experts are appropriately outraged over the proposal to create two levels of protection one for city dwellers and an lesser one for those living in rural areas.

"We've got a lot of folks living in those rural areas," Scott Nester, director of planning for the San Joaquin Valley Air Pollution Control District, told The Californian. "We don't want them to feel any ill effects because of this change."

Technically the proposed easing of federal dust regulations will not affect California, where legislation sponsored by Sen. Dean Florez, D-Shafter, removed agriculture's exemptions.

But state laws lack the enforcement hammer of the EPA, which can threaten the withholding of federal funds from areas that are too polluted. Easing federal rules removes this hammer.

Although agriculture fought Florez's initiatives, the industry commendably has embraced dust-cutting measures, helping clean up the valley's air.

The San Joaquin Valley is one of the most polluted air basins in the nation. Agriculture's contribution to the pollution and to the cleanup is significant.

The Bush administration's proposed rules change is a disappointing step backward. Hopefully it will be a step that will not have to be taken.

The proposed rules face the tests of public hearings and likely lawsuits before being implemented in 2009. Hopefully by then federal officials will have choked on their own words and the dustup they caused.

[S.F. Chronicle, Editorial, Friday, Jan. 20, 2006:](#)

A dusty road

CALIFORNIA has a long way to go to clean up its smoggy, unhealthy air, the worst in the nation. One bright spot, after years of delays, is an effort to rein in dust clouds kicked up by farming, construction and truck traffic on dry dirt roads.

Dust columns may evoke images of lonely open spaces, but the sandy grit can coat lungs, irritate breathing and worsen diseases such as asthma. Minimizing this harm in populated areas by changing farm practices or watering down roads makes sense.

The Bush administration doesn't see it this way. It wants to loosen rules on dust levels in rural areas where it thinks farming, mining and building activities pose little harm to humans.

In the vast reaches of the unpopulated West, this notion may make sense. But it doesn't in more settled parts of California such as the Central Valley, home to some of the state's dirtiest air.

The federal decision to dump dust controls isn't final. Stricter state rules passed in recent years may still prevail. But Washington's retreat will limit the legal sanctions to combat pollution. It sends a White House message that a dirty environment is just another business trade-off.

State Sen. Dean Florez, a Kern County Democrat who pushed through a package of Central Valley smog controls in 2003, has promised to send a bipartisan objection to Washington. Gov. Arnold Schwarzenegger, who has pledged to clean up smog, should do the same.

There are other ingredients in lousy air: soot from vehicle exhaust, loose controls on smokestack emissions and unplanned sprawl that puts too many cars on the road. There are even huge dairy herds that produce their own unique emissions: air-clogging methane from manure. All of these problem sources need attention, and a steady push from state and federal oversight is essential.

Weakening a clean-air guideline on dust makes no sense in this fight. California needs to wipe the dust away to clear its skies.

[S.F. Chronicle editorial, Monday, Jan. 23, 2006:](#)

Tracking toxics near you

IN THE WAKE of the deadly release of toxic chemicals in Bhopal, India, more than 20 years ago, Congress began requiring industry to report each year which toxic chemicals were released into U.S. air, water and soil.

The U.S. Environmental Protection Agency has touted that law as instrumental in reducing the amount of toxic chemicals released and praised it for informing communities about the level of pollution where they live. In 2003, the EPA administrator said compiling the inventory, the Toxics Release Inventory, was one of the most important things the EPA does.

Yet now, the EPA has taken the first steps to weaken the law by proposing a higher threshold and less frequent reporting and eliminating the need to report releases of some of the most toxic chemicals, including lead, mercury and PCBs. U.S. manufacturers applaud the move, saying it will reduce paperwork for small business.

California Attorney General Bill Lockyer, joining 11 other state attorneys general, has challenged the legality of scaling back the reporting requirements.

"People have a right to know about how much pollution is released into our water, air and communities. Requiring industries to report emissions puts the costs of data-gathering on the sources rather than the taxpayers," he said in a prepared statement.

The attorney general is right. Our communities' right to know trumps paperwork.

[Letter to the S.F. Chronicle, Sunday, Jan. 22, 2006:](#)

Latest monster homes guzzle scarce energy

Editor -- The increasing obesity and obscenity of the American McMansion ("Slowdown, what slowdown?" Jan. 15) has a direct correlation with environmental degradation ("Warming World," Jan. 15-17).

More energy is needed to heat and warm these homes and to provide building materials. More roads are needed to service these McEstates while clogged freeways generate heat and air pollution from idling cars. They create more urban runoff that clogs and pollutes waterways, leading to floods, soil erosion and declining water quality.

These houses are built too big, on too much land, with thoughtlessness and greed. There is no way to "greenwash" a 9,500-square-foot single-family house.

This is just the tip of the global-warming iceberg -- one that threatens environments near and far.

Ignacio Dayrit, Berkeley

[Visalia Times-Delta, Letter to the Editor, Monday, Jan. 23, 2006:](#)

Citizen looks at the growth rings for answers

On Dec. 29, page 1C of the Times-Delta ran a headline "City can handle growth." Supporters of this news call themselves "Citizens for a Better Tomorrow."

Another high-minded group called "Visalians for Better Government" has joined them in strong support of the 2020 plan, developed a few years back to plan how Visalia should grow up to 129,000 population by the year 2020. This plan was created to see that Tulare County's rich farmland is only covered with homes, stores and factories in an orderly manner when it is needed.

To see how this works, throw a rock into a pond. The rings spread out until they hit the bank. To see how this works in urban development, take a look at Santa Clara County around San Jose. Everything is really rosy there, with unlimited job development and tax base.

Another bright spot is Orange County around Los Angeles. It used to be low intensity uses like orange groves and dairies. These were all sent up here to Tulare County so they could develop their urban utopia right out to the foothills.

There are a few questions that need to be asked: Will there be water to support this new utopia? [Will the air be fit to breathe?](#) Who could afford to buy all those houses? Can we teach people to be happy sitting in their cars trying to get across town in less than two hours? Where will we send those farmers?

Don't look to China, where Wal-Mart gets most of its stuff, to find answers to any of these questions. I just visited there in November. They are having a lot of trouble finding their utopia and will be looking to us for answers. We Americans have always dreamed that bigger is better and that you can't stop progress.

Do we have any choice in all of this? Mike Cully, head of the Visalia Chamber of Commerce, quotes Citizens for a Better Tomorrow, asking Visalians "to take a look at who supports and who doesn't support the 2020 plan." That's good advice.

We need to know where we want to go before we decide who will take us there. Looking for answers.

BILL LOVETT, Visalia

[Stockton Record, Letter to the Editor, Monday, Jan. 23, 2006](#)

A rapid transit system is needed quickly

We need a rapid transit system badly. As more people move into California, our roads and inner-city driving are becoming a hazard to one's health.

Traffic has increased considerably and only will get worse unless something is done to relieve the burden of commuter traveling.

Building more highways and expanding existing freeways is just a Band-Aid remedy.

A true rapid transit system that won't clog our highways or pollute the environment would be a monorail powered by electricity or solar energy.

It could be established alongside freeways and cut through fields without disturbing farmland ecology. A rail system over mountain terrain is a slow and cumbersome waste of energy, and air is polluted by diesel exhaust.

After arriving, a system for transporting people in the city must be implemented. A grid to place riders within short distances of their destinations must be considered. It will encourage more riders and make it profitable for operators.

John Prunchak, Stockton

[Modesto Bee, Letter to the Editor, Saturday, Jan. 21, 2006](#)

Wood fires inefficient, harmful

The writer of "It's too expensive not to burn wood" (Jan.15, Letters) refuses to abandon wood burning. He complains that gas heating is too expensive, so he'll do whatever he wants.

Ninety-five percent of a wood fire's heat and 100 percent of its emissions go straight up the chimney. I suggest he read the sobering plight of the polar bear (San Francisco Chronicle, Jan. 15), which is headed to extinction by the end of this century because of global warming and retreat of the polar ice cap. Every individual should ask if he or she is contributing to this sad disaster.

FRANK HALL, Tuolumne

[Modesto Bee, Letter to the Editor, Friday, Jan. 20, 2006](#)

Ag exempted from proposed air regs

The Bee's editorial, "Proposed new air rules won't clear pollution" (Jan.5) was right on target regarding the Environmental Protection Agency's failure to propose meaningful standards for fine particulate matter. But the EPA's decision to turn a deaf ear to its own scientists is only half of the story.

The EPA's proposal also includes standards for "larger" particles between 10 and 2.5 micrometers, which choke the valley blind each winter.

As if the EPA were unaware of the valley's pollution problems, it proposes to exempt from control any rural source of coarse particulates, including agriculture and rural windblown dust -- some of the largest sources of particulate matter pollution in the valley.

This approach threatens the health of valley residents and forces the valley to meet federal standards with one hand tied behind its back.

Without these sources doing their part to reduce particulate emissions, other valley businesses, like the building industry, will have to make up the difference. If builders thought the recent indirect source review rule was unfair, just wait until they get a load of this.

More than just a failure to improve public health protection, the EPA's proposal will be a step backwards for valley air quality.

PAUL CORT & SARAH JACKSON, Oakland