

Air district split contemplated

By MELANIE TURNER, MODESTO BEE STAFF WRITER, September 30, 2002

San Joaquin County officials are studying the possibility of three counties breaking away from the valley air district to form their own.

Concerns that businesses in Stanislaus, Merced and San Joaquin counties are being punished unfairly based on air quality some 200 miles away led the San Joaquin Council of Governments to commission the report.

There are eight counties, from Kern to San Joaquin, in the San Joaquin Valley Air Pollution Control District. Some people say they should stick together to solve the air quality problem.

Stanislaus County Supervisor Paul Caruso, who also is chairman of the Stanislaus Council of Governments, said the report has "raised a lot of eyebrows," but he's not inclined to support Stanislaus joining in such an effort.

"If we're all going to be a team, we need to stick together," he said.

But others say that businesses in cleaner counties could be spared the higher cost that comes with a worse air quality designation.

Jack Sieglock, chairman of the San Joaquin Council of Governments, said he doesn't think a separate planning area "would be a bad thing." It might, he said, give northern counties a chance to comply with federal law.

While San Joaquin, Stanislaus and Merced violate air quality standards, they do not violate them nearly as often as do the other five counties.

From 1999 through 2001, for example, Stanislaus, Merced and San Joaquin together exceeded the national one-hour standard for smog eight times. In the same period, Fresno County exceeded the standard 108 times.

The report explores alternatives for the three counties, including:

One or more of the counties joining the Bay Area Air Quality Management District.

One or more of the counties forming an air district with Sacramento County.

Forming a separate three-county air quality planning area.

An air quality planning area could be formed without creating a separate district, officials said.

Each area within a district can have its own goals and rules for reducing pollution, said Kerry Drake, air division associate director for EPA Region 9.

The California Air Resources Board would have to approve any change, and the U.S. Environmental Protection Agency would have to concur.

Officials say forming a separate planning area would not be easy. A compelling argument would have to be made to show that the area is unique based on factors such as geography and population density.

"My sense is, in this case, it's going to be difficult; however, I am not predetermining it," Drake said.

According to the San Joaquin County report, factors that tend to favor a three-county planning area are less pollution in those areas, a population density of 2.5 times the five southern counties, and traffic congestion that has increased faster than the rest of the valley.

Caruso is not wild about the idea.

"That's like saying I don't want a divorce, but I want a legal separation. But we'll still date," he said.

Issue biggest in SJ County

Behind the scenes, talk among transportation leaders has surfaced in recent months about a possible separation. The study, presented by consultants with Sierra Nevada Air Quality Group LLC at a half-day forum on air quality issues last month, has brought more attention to the topic.

The San Joaquin Council of Governments is working to set up an informal meeting between valley air officials and San Joaquin business leaders some time in the next week or two.

Meanwhile, the San Joaquin Valley Air Pollution Control District board intends to ask the EPA in the next year to downgrade the valley's air quality status from severe to extreme for ozone, giving the valley an extra five years -- until 2010 -- to meet air standards. Without the extension, federal sanctions such as the loss of \$2 billion in highway money could result.

Even so, business people in San Joaquin are concerned that extreme status will mean onerous permitting requirements and a stigma for the valley.

"It's something that should be considered," said Stockton businessman Tom Heller of forming a separate planning area.

"Let's apply sanctions narrowly," he said, adding that the northern counties still would need to help solve the air pollution problem.

Many people are frustrated that as the air district grapples with deadlines and possible sanctions, more than 60 percent of air pollution comes from vehicles, which the district can't regulate.

"How can the government mandate all this and not take care of this big chunk?" Caruso said.

In the south, many people are unaware of the talk of forming a separate district, said Stebbins Dean, chief executive officer of the Greater Fresno Area Chamber of Commerce.

Those who have heard the talk aren't taking it seriously, he said.

"One way or the other, this basin is all one basin, and I think we need to continue to work together to solve our collective problem," Dean said.

Pollution district division proposed

By [Mike Jensen, Merced Sun-Star](#), October 2, 2002

San Joaquin County officials, faced with the possibility of federal sanctions and costly air pollution permits, are considering a proposal to have their county and Stanislaus and Merced counties break away from the San Joaquin Valley Air Pollution Control District.

The California Air Resources Board and some other officials are not entirely pleased with the proposal.

The air pollution control district consists of eight counties stretching from Kern in the south to San Joaquin in the north.

San Joaquin County had the Sierra Nevada Air Quality Group study the breakaway proposal, and in an 82-page report, the group envisions three scenarios.

The three northern counties could:

- * Form a "Northern San Joaquin Valley Air District."
- * Form a common air district with Sacramento County.
- * Become part of the Bay Area Air Quality Management District.

The report concludes that if the three northern counties formed their own air district — or their own individual planning area within the existing Valley district — that area "would likely have an easier time attaining the state standards" for air pollution.

However, the new district also would "likely acquire" responsibility for offsetting any pollution blowing from it into the central or southern parts of the Central Valley, the report says.

If the districts joined the Bay Area air district, the move would have little effect unless it resulted in more stringent air pollution control requirements, according to the report.

The report notes that ozone concentrations in Sacramento are higher than in the northern three counties.

Before the counties could break away from the Valley air district, the action would have to be approved by the state air board.

Jerry Martin, a spokesman for the state board, said that it has no official position on such an action but that it may be reluctant to approve such a move.

Before the valleywide air district was formed in the early 1990s, each county had its own air district, and that led to "squabbles" between the counties about how air pollution should be managed, Martin said.

"Quite frankly, it was a mess."

Most issues were resolved when the Valley air district was formed, he said.

Martin also said the breakaway proposal may actually create more air pollution.

He said air districts that are able to show they have better air quality — and therefore are able to avoid costly permitting — might attract more businesses and create more pollution.

"Suddenly, the air quality is just as bad as the southern counties they're trying to remove themselves from," he said.

Martin also acknowledged that air pollution in the northern counties drifts into the southern counties, which typically have the worst pollution.

Any split in the air district would require approval from the federal Environmental Protection Agency, and the state air board would have to make such a request.

Kerry Drake, an EPA associate air director, said there may be legal hurdles.

"My speculation is that it would be difficult," he said. "It's not impossible, but a very solid point needs to be made."

Merced County Supervisor Jerry O'Banion, who sits on the 11-member Valley air district board, said he would have concerns about air pollution drifting south if the three northern counties broke away from the Valley air district.

"We're all in this together," he said.

O'Banion noted that the north end of the Valley will see most of the benefit from the Smog Check II bill signed by Gov. Gray Davis Friday.

Assembly Bill 2637 is expected to reduce how much air pollution drifts into the Valley by forcing Bay Area drivers to comply with tougher vehicle emissions testing.

It remains to be seen how much air pollution will be kept out of the Valley.

Josette Merced Bello, a spokeswoman with the Valley air district, last week had said there would be an 18 ton to 26 ton per day reduction in Valley air pollution.

On Tuesday, she said that information was incorrect and Smog Check II will actually result in an 18 ton to 26 ton per day reduction in Bay Area air pollution. She said she doesn't know how the Valley will be affected.

Kings County Supervisor Tony Barber, also a board member of the Valley air district, said he would be opposed to having the three counties split off from the Valley air district.

Kings County, south of Fresno, would continue to get air pollution from the north end of the Valley, said Barber.

"We're at the bottom of the hole," he said. "I think that we should stick together."

Kim Kloeb, a senior planner with the San Joaquin Council of Governments, when explaining why the breakaway study was conducted, said, "We wanted to bring the facts together."

He said that he couldn't comment on the concerns about air pollution drifting into the south end of the Valley and that he doesn't know what might happen next with the study.

"There'll be more discussions," Kloeb said. "Honestly, I don't know where we'll go from here."

The Valley air district has missed an EPA deadline for developing a plan to meet federal Clean Air Act requirements, and possible sanctions include the loss of \$2 billion in federal highway funds.

The district hopes to avoid sanctions by asking the EPA to find the Central Valley in "extreme" non-compliance with the Clean Air Act. That would allow the setting of a new deadline.

The only other area in the nation that is in extreme non-compliance is the Los Angeles Air Basin.

The Valley air district is also expected to face new air pollution permit requirements for businesses and farmers in the coming years.

Under an "extreme" rating, businesses emitting as little as 10 tons per day of nitrogen oxide pollutants will have to obtain a permit. Currently, only businesses emitting 25 tons or more need a permit.

Permits cost an average of about \$5,000, according to Valley air district officials.

Judge clears way for UC Merced groundbreaking

By KIM BACA Associated Press Writer

Published in the Bakersfield Californian

FRESNO, Calif. (AP) - A county judge gave the University of California approval Tuesday to begin construction on its new Merced campus, rejecting a suit by environmental groups.

Judge William Ivey ruled in Merced County Superior Court that plans for the campus **met state environmental requirements**, clearing the way for construction to start on 100 acres later this month, said Patti Istas, a university spokeswoman.

Environmental groups claimed university officials did not adequately evaluate the campus' impact on air pollution, water quality and surrounding areas.

"We don't have the map or any type of understanding of what they want to put where," said Lydia Miller of the San Joaquin Raptor Rescue Center. "They are basically saying, 'Just trust us and we'll take care of it later.'"

Attorney Patience Milrod, who represented the center and two other environmental groups, said she would ask the 5th District Court of Appeal in Fresno on Wednesday to halt construction pending an appeal.

Last month, Ivey allowed the university to demolish three Merced Hills Golf Club buildings to clear the way for building.

Construction beyond the golf course depends on a permit from the U.S. Army Corps of Engineers. The agency is considering whether to allow the campus on wetlands where vernal pools are home to endangered fairy shrimp and serve as feeding grounds for migratory birds. While the controversy over the tiny shrimp has gained wide attention, Milrod said the university is ignoring the larger problem of showing there's an ample water supply for a campus that will ultimately have 25,000 students.

She said the university has not studied how it will deliver water to the campus and what impact it will have on a depleted aquifer or other environmental concerns, such as endangered species.

"This is the most powerful research institution in the country, maybe in the world, and they can't figure this out," Milrod said. "I think it's an insult to the people of this valley."

The first phase of the campus includes classrooms, libraries an office building and housing to be opened by Sept. 2004. About 1,000 students are projected to attend.

[Two Letters to the Editor, Fresno Bee, October 2, 2002](#)

Train means growth

By Nancy H. Donnelly
Fresno

Your recent editorial advocating a high-speed rail system in California is contrary to your position on improving air quality. An intrastate high-speed rail system will bring explosive growth to the Valley and worsen the air pollution problems we already have. The goal of public transit should be to provide a safe, efficient and affordable alternative to driving. It should not be an incentive for more people to move here.

A bullet train connecting the Valley to the Bay Area would put the Valley's affordable housing within reach of Bay Area workers. The Bay Area has some of the worst traffic and most expensive housing in the state. People who now travel two hours to work each way would be glad to commute on a high-speed train from Fresno. The growth encouraged by a bullet train would eventually make a serious air quality problem much worse.

We must come to terms with the reality that "sprawl" involves the building of homes, which also brings money into the area. Eventually we will be forced to start making some tough choices between the benefits of continued growth and the consequences. When voters begin to support candidates who are willing to limit growth to sustain the quality of life for all residents, we will be much better off.

The building industry stands to gain much more from a bullet train than anyone else. Environmental groups, and your editorial staff, have totally missed the devastating consequences this will bring.

Too busy for transit

By Lou Steck
Clovis

Tom Moradian, Chris Mathys, Werner J. Lipton, Kevin Hall, et al., not only have not "hit the nail on the head" but have missed the nail entirely. The root cause of congestion on our highways is the greater and greater influence of more and more families our form of government has made possible. That every one of these families wishes to get its "piece of the pie" by owning a home

and automobile is neither a surprise nor bad news. Even state and federal income taxes are structured to nurture these goals.

Few if any of these folks will ever have any inclination to add two hours to each of their work days to utilize public transportation. They are far too busy to even consider it. It is equally ludicrous to expect them to expose themselves to traffic and the elements by riding a bicycle.

Adoption of rebates to get older, inefficient vehicles off the road and promotion of new hybrid gas-electric propulsion systems would help a great deal, as would increased production and use of ethanol. Ethanol can be made from almost anything, including many of the crops now in surplus. Current regulations that forgive "light trucks and SUVs" from the most strict emission controls must be changed.

The obnoxious tin horns around the globe who happen to control most of the world's oil have absolutely nothing to gain by threatening our continuing supply. Other than sell it to get the dollars they urgently need, what else are they going to do with it? Drink it?