

Valley builders have part to play in clearing air

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Home builders in the southern Central Valley have done a laudable thing: promise to limit the number of air-fouling, wood-burning fireplaces in new subdivisions.

The Building Industry Association of the San Joaquin Valley, which represents the Fresno area, has endorsed air regulators' plans to exclude wood-burning fireplaces from most new houses and require home sellers to junk or replace old wood-burning inserts and stoves.

These worthy ideas will be pieces of a large and difficult puzzle as the region works to cleanse air that is among the filthiest -- and most deadly -- in the United States.

Lamentably, the Modesto-area building industry so far has declined to be part of the solution.

"I don't think it's the burden of the building industry to solve the problem," said Ed Taczanowsky, executive vice president of the Building Industry Association of Central California.

Taczanowsky is wrong, and people who believe it's the job of "someone else" to clean the air just don't get it. Improving the hazardous air in the valley is everyone's responsibility. Everyone generates air pollution, and everyone has a duty to help decontaminate the air that all of us breathe.

You could even say the building industry has a special duty to facilitate solutions. With new developments come new cars, trucks, lawn mowers and leaf blowers -- all of which cough toxins into the air.

Although wood-burning fireplaces are just a portion of the problem -- the leading culprits include vehicle emissions and agriculture burning and byproducts -- restricting their use will help solve the clean-air puzzle.

Toward that goal, the Fresno-area building industry has offered a nice slice of teamwork. We hope builders in the Northern San Joaquin Valley also will do their part to help.

To learn more about the severity of air pollution in the valley, consult a recent special report by our sibling paper, The Fresno Bee. Visit www.fresnobee.com and search by keyword "valley air."

Particles added to daily air forecasts

Fine pollutants now part of calculations to determine air quality.

By Barbara Anderson

The Fresno Bee

(Published Friday, January 3, 2003, 7:35 AM)

This winter San Joaquin Valley residents will wake up to more days of unhealthy air and warnings to not burn wood in fireplaces or to set piles of farm prunings afire.

The reason: Fine particles, known as PM2.5, became part of the daily air-quality forecast beginning Wednesday.

If the first three days of including PM2.5 in air-quality forecasts are an indication, the Valley could be in for a string of unhealthy air days.

Fine particles catapulted air quality into the unhealthy range Wednesday and Thursday. Today's air quality forecast -- 153 on the air-quality index -- means unhealthy air between Madera and Bakersfield. Farmers cannot burn agricultural waste today. An AQI above 150 constitutes unhealthy air.

"We knew this was going to happen," says Josette Merced Bello, spokeswoman at the San Joaquin Valley Air Pollution Control District. "PM2.5 constitutes a greater health risk at lower measured levels."

In other words: Fine particles trip the AQI sooner than larger particles known as PM10. Before Wednesday, only PM10 levels were used to calculate air quality. Measuring fine particles was added to comply with federal Environmental Protection Agency health standards.

The Valley air district collects fine particles at monitoring stations in Fresno, Visalia, Bakersfield, Corcoran and Modesto. These fine particles are smaller than 2.5 microns in width, or about 1/28th the diameter of a human hair, and can easily burrow deep inside the lungs. The particles are known to aggravate asthma attacks and bronchitis. Air-pollution researchers link the particles to heart attacks and in some cases, cancer.

Unlike PM10, which can come from dust, fine particles are the by-product of combustion of wood, vegetation or gasoline.

Fresno environmental activist Kevin Hall says it's a relief that fine particles are part of the mix of pollutants now being measured. "It's critically important to human health that people at risk of asthma attacks and heart attacks are made fully aware of the true levels of air pollution on a daily basis," he says.

For cotton farmer Paul Betancourt, extra no-burn days are not a surprise. "This is the time of year when we go out of compliance," he says.

Having more no-burn days will not adversely affect farmers, he says. "Fortunately, burning our prunings is not a time-sensitive issue."

Waiting a few days until the air clears to burn is acceptable. "We're willing to do our part, and if our part means we have to wait a little bit [to burn], that's fine."

As fog rolls into the Valley after recent rainstorms, residents can expect the air quality to deteriorate even further. Fog traps the particles close to the ground. "It makes an unhealthy fog, a dirty, sooty fog," Bello says.

Fresno respiratory therapist and clean-air advocate Kevin Hamilton cautions people about being outdoors in the early mornings on unhealthful air days in the winter. "When the AQI is over 100, people who are in the at-risk category should not be spending a lot of time outdoors," he says. The at-risk groups include children, the elderly and people with chronic heart or respiratory health problems.

"The particles are just as bad, if not worse than ozone, and we cannot let our guard down in the wintertime in the Valley. That's unfortunate, but that's the way it is."

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State air board chief will take judicial slot

By Lesli A. Maxwell
Bee Capitol Bureau
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SACRAMENTO -- The state agency that enforces California's air pollution rules is losing its chief administrator.

Michael Kenny, who has been executive officer for the California Air Resources Board since 1996, will take a judicial post on the Sacramento County Superior Court.

Gov. Davis announced Kenny's appointment this week.

Kenny's departure from the air board comes at a time when the agency and local officials face federal deadlines to clean up San Joaquin Valley air -- some of the dirtiest and unhealthiest in the country.

The air board's 11 members -- all gubernatorial appointees -- will choose a replacement for Kenny in the coming months.

"We will move as expeditiously as possible because it's an extremely important position," said Richard Varenchik, a spokesman for the air board. "That job is crucial to the day-to-day functioning of this agency."

A lawyer, the 48-year-old Kenny rankled the agriculture industry and the Davis administration last spring when he suggested that farmers abide by "no spray" pesticide days on summer days when the air is bad. Kenny raised the idea during a question-and-answer session with reporters about the Valley's escalating air pollution problem.

High-level Davis administration officials acted quickly to quell complaints once Kenny's suggestion went public, saying his idea did not represent the state's policy. The "no spray" days have not been mentioned since.

As executive officer, Kenny oversaw more than 1,000 employees and a \$100 million budget, Varenchik said.

Kenny could not be reached to comment.

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Ideas for air

By Greg Kena, Letter to the Editor, Fresno Bee
Clovis

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Two thoughts: Subsidize wood chippers for ag purposes to use for compost for cities and counties. Join the Coalition for Community Trails.

Trail breaker

Dispute over land ownership leaves a dangerous gap in the Fresno-Clovis trail system.

By Russell Clemings, The Fresno Bee (Published Friday, January 3, 2003, 7:35 AM)

A man jogs Thursday through a tunnel section of the nearly completed 1.72-mile extension of the Clovis Old Town Trail, part of a 13-mile system of trails running through north Fresno and Clovis. (Tomas Ovalle / The Fresno Bee)

When work is completed on a 1.72-mile extension of the Clovis Old Town Trail, a 13-mile system of trails linking north Fresno and Clovis along an abandoned rail line will be finished.

Almost.

The newest part of the Fresno Sugar Pine and Clovis Old Town trail system extends northwest from Alluvial Avenue, east of Peach Avenue, in Clovis to just beyond Willow Avenue, north of Nees Avenue, in Fresno. It includes tunnels under Nees and Willow avenues.

But where it stops, along Willow Avenue about one-quarter mile south of Shepherd Avenue, a half-mile gap sits in the middle of the 13-mile system.

That final half-mile is the subject of a long-running lawsuit over its ownership. And Fresno officials, who are responsible for that section of the trail, aren't making predictions about when it might be built.

In the meantime, trail users who want to go from one end of the half-mile gap to the other must make a risky detour around an orchard and packinghouse, walking or riding along the shoulders of narrow two-lane stretches of the busy streets.

And that worries the man whose organization was the prime mover behind the trail's creation.

"I've been very concerned for some time about the possibility that somebody will get hit there," said Mark Keppler, chairman of the Coalition for Community Trails.

With the extension, the 12-foot-wide trail now extends -- except for the half-mile gap -- from the River Park shopping center in Fresno to near Clovis and Dakota avenues in Clovis.

The route includes tunnels under Willow, Nees, Villa and Herndon avenues. It was financed by a combination of state, federal and air pollution district funding.

Construction manager John Lovejoy of the Clovis planning and development services department said crews still need to install security cameras in the two newest tunnels.

The cameras will transmit video directly to the Police Department, he said.

Lovejoy also said the city may ask for more work on some steep embankments at the two tunnels: "There's a change order that we're still negotiating with the contractor to do some brickwork," he said.

Eventual plans call for the trails to extend over large portions of the metropolitan area -- north along Willow Avenue to the Copper River development, and southeast to future Clovis developments, possibly even west across Fresno toward Freeway 99.

The trails also tie into the Dry Creek trail in Clovis near Minnewawa and Herndon avenues. Plans call for that trail to be extended to the northeast as development occurs in the area.

"We wanted the Clovis Old Town and Fresno Sugar Pine trails to be a stimulus, and that's what's been happening," Keppler said. "Our goal ultimately is a 200-mile urban trail system, and we're working in that direction."

Yet prospects remain dim that the trail's missing link -- the half-mile section along Willow and Shepherd avenues at their intersection -- will be completed soon.

Attorneys for both sides say a court battle between Fresno city officials and farmer Pat Ricchiuti over the ownership of that part of the old Southern Pacific rail line has not been resolved. And neither side is willing to predict when it will be.

City officials claim ownership based on the railroad's \$3.5 million sale of its old line to the two cities in December 1997. But Ricchiuti and other landowners in the line's central section have maintained that the line reverted to their ownership when the railroad abandoned it.

The city has settled with some of the landowners and is close to settling with others, most of them along Willow north of Shepherd, a section of the trail the city plans to build only as adjacent farmland is developed.

But Ricchiuti holds the key central portion that would link the two completed trail sections.

Ricchiuti's attorney, Timothy Jones, said the two sides are close to agreement on one issue -- access across the trail to land on the opposite side along Shepherd Avenue -- but said Ricchiuti remains concerned that building the trail will interfere with farming on the land, which holds an orchard.

"If they put the trail in there, as soon as they do that, you know that somebody is going to complain about the spraying," Jones said.

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Improving the environment is good resolution

Visalia Times-Delta, EDITORIALS, 1/3/03

Three days into the new year is still early enough for a resolution. Here's one nearly everyone can embrace that will not only make a difference but make you feel better:

Go green.

Or at least greener.

Resolve that this year, whatever you are already doing, you will adopt new strategies to recycle, reuse and renew. It's good for the environment and the community. Nearly every strategy requires only a small investment of time and attention, and most of them actually save money.

The California Department of Conservation has put out a guide with tips for being "green" in the coming year. As the department notes, by committing to even a few of these resolutions, Californians can help the environment have a happy new year.

Green tips are plentiful

Here are some of the strategies the DOC recommends people try:

- i Recycle: Visalians have opportunities to recycle at home, but what about away from home? Resolve to recycle wherever you are. On the road? Look for bins on your route, or save your recyclables for when you get home. At the office? Start an officewide recycling campaign, or put a bin next to your trash can for beverage containers and paper.
- i Remember the other important "R's" -- Reduce and Reuse: Buy items that require little or no packaging. Find ways to use items over and over again.
- i Resolve to "buy green" by purchasing at least one recycled-content product on a regular basis, such as paper towels or computer paper. Look for the recycling symbol (or "made from post-consumer material") on a wide range of products.
- i Make your home a toxic-free environment: Dispose of paints, solvents and chemicals safely, not by flushing them down the toilet. Try baking soda and vinegar as cleaners. Cut down on pesticides and fertilizers in your garden and you'll limit what gets washed into rivers, bays and the ocean.
- i Get out of the car one day a week: Resolve to spare the air. Carpool, use public transportation or bicycle. Using alternative transportation a day or two a week is manageable, and getting out from behind the wheel can be relaxing. Plus, riding a bike fulfills the annual resolution to exercise more.

i Start a compost pile. Convert those yard clippings and vegetable peelings and even coffee grounds into nature's fertilizer for your garden. Home composters can be found at most home and garden centers.

Strategies help local community

i Enjoy the great outdoors: Take some time to appreciate California's world-class natural areas. Get to know some of the parks in your area and beyond. Ask about volunteer opportunities or special nature programs geared toward children.

i Volunteer in your community: Resolve to improve your hometown environment. Sign up for the local clean-up day, tree-planting effort or community garden. Volunteer at a local park. Adopt your own space and turn it green.

i Conserve energy: Cut your monthly energy bills 30 percent by replacing old equipment in your home with state-of-the-art Energy Star products. Get going on those energy-efficient home improvements you've been putting off all year. Turn off lights when you leave a room and keep the thermostat at 70 degrees. For more tips on conserving energy, visit www.flexyourpower.ca.gov.

These are simple activities that everyone can do. The more people commit themselves to them, the more they will adopt a lifestyle that is environmentally friendly. It becomes second nature.

These are resolutions that go way beyond self-improvement. They improve the entire planet. Even if you've already started on your resolutions, add this one to the list: Go green. It's good for the Earth.

Nine States Challenge Clean Air Changes in Court

Environmental New Service

WASHINGTON, DC, January 2, 2003 (ENS) - A set of new federal rules for the modification of industrial plants that ease requirements for the addition of modern air pollution controls is being challenged in court by nine northeastern states.

The U.S. Environmental Protection Agency (EPA) is revising regulations governing the New Source Review (NSR) programs mandated by the Clean Air Act. Posted in the Federal Register on December 31, 2002, the new rules include changes in requirements for modifications to facilities that emit pollutants into the air.

Nine states immediately filed a legal challenge against the final rule in the U.S. Court of Appeals for the District of Columbia Circuit. The attorneys general of Connecticut, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island and Vermont said that this "major weakening" of the Clean Air Act will further degrade air quality in the Northeast and Mid-Atlantic states, "regions already struggling with dirty air caused in significant part by industrial pollution carried into the region on prevailing winds."

The states say the new rules would exempt thousands of industrial air pollution sources, including some coal fired power plants, from the New Source Review provision of the Clean Air Act. The states are particularly concerned about sulfur dioxide and nitrogen oxide emissions, which cause acid rain, smog and an increase in respiratory disease. The EPA says the New Source Review changes have been made "to allow sources more flexibility to respond to rapidly changing markets and to plan for future investments in pollution control and prevention technologies."

The affected industries include: electrical services, petroleum refining, chemical processing, natural gas transport, pulp and paper mills, automobile manufacturing, and pharmaceuticals. Entities potentially affected by this final action also include state, local, and tribal governments that are delegated the authority to implement these regulations. The New Source Review lawsuit alleges that the EPA is exceeding its authority by enacting rules that weaken the Clean Air Act. "When Congress adopted the Clean Air Act in 1970, its intention was to improve the environment and protect public health by lowering levels of air pollution. The Bush administration's new rules and regulations would have the opposite effect of allowing air pollution levels to rise," the attorneys general said in a November statement announcing their intention to sue.

New York Attorney General Eliot Spitzer said, "The Bush administration is attacking the Clean Air Act, which has been a cornerstone of our national commitment to environmental cleanup for two generations. The Bush administration is again putting the financial interests of the oil, gas and coal companies above the public's right to breathe clean air. It is incumbent on the states to take action to ensure that people are protected."

The New Source Review program requires that an air pollution source, such as a power plant or industrial complex, install the best pollution control equipment available when it builds a new facility or when it makes a major modification that increases emissions from an existing facility.

The Federal Register notice finalizes five actions that the EPA previously proposed in 1996, three of which were re-noticed in 1998. Two changes are being made to the NSR regulations that will affect how sources calculate emissions increases to determine whether physical changes or changes in the method of operation trigger the major NSR requirements.

First, there is a new procedure for determining "baseline actual emissions." Sources may use any consecutive 24 month period in the past 10 years to determine the baseline actual emissions. Second, the EPA is supplementing the existing actual-to-potential applicability test with an actual-to-projected-actual applicability test for determining if a physical or operational change at an existing emissions unit will result in an emissions increase.

The states are challenging this revised approach for calculating baseline emissions. They argue that the EPA would allow facilities to set their "baseline" emission levels at the

highest polluting level of any two consecutive years out of the last 10 years. "Thus, polluters could significantly increase their emissions over current levels without installing pollution controls," the states said.

Also, if sources keep the emissions from their facilities below a plantwide actual emissions cap, the revised rules will allow them to avoid the major NSR permitting process when they make alterations to their facilities or individual emissions units. In return for this flexibility, sources must monitor emissions from all emissions units. In their lawsuit, the states are challenging these plantwide applicability limits. The EPA will exempt polluters from New Source Review requirements if they agree to a cap on their air pollution. The states' lawsuit argues that the cap could be set far higher than the facility's current emissions, allowing pollution to increase far above current levels and remain uncontrolled even though the Clean Air Act intended air pollution to decrease.

The plantwide applicability limits (PALs) will result in tens of thousands of tons per year of volatile organic compounds reductions, the EPA said in November 2002. "Overall reductions will be greater because it is likely that PALs will be adopted for more source categories and pollutants than those analyzed," the agency said.

The states are challenging the EPA's adoption of a "clean unit" exclusion. This rule creates an exemption from New Source Review requirements for facilities that install the equivalent of what was considered to be best available control technology at the time.

These "clean units" would then be exempt for up to 10 years from NSR review. As a result, these facilities could undertake projects that increase emissions without having to install newer, more effective, pollution control devices.

The states are also challenging an EPA proposal that would enlarge the "routine maintenance" exception, which currently only allows activities such as daily maintenance to be exempted from the Clean Air Act's definition of a "modification" subject to NSR.

The EPA proposes to enlarge this exemption by creating an annual allowance that would exempt projects based only on cost, regardless of increased air pollution. "Facilities could replace major plant components and extend the life of the facility by decades, and not have to install air pollution controls, as long as the changes did not enable the facility to enlarge its current capacity," the states contend.

The EPA says its rule changes reflect consideration of discussions and recommendations of the Clean Air Act Advisory Committee's Subcommittee on NSR, Permits and Toxics, comments filed by the public, and meetings and discussions. During the review of the NSR program, EPA representatives met with more than 100 groups, held four public meetings around the country, and received more than 130,000 written comments.

"The changes are intended to provide greater regulatory certainty, administrative flexibility, and permit streamlining, while ensuring the current level of environmental

protection and benefit derived from the program and, in certain respects, resulting in greater environmental protection," the agency said.

But Maine Attorney General G. Steven Rowe said, "If the Bush administration is successful in its efforts to significantly weaken the Clean Air Act, the people of Maine will be the biggest losers."

"It is unconscionable that the Bush administration would put the financial interests of corporate polluters above the health interests of the American people," Rowe said.

"Through Senators [Edmund] Muskie and [George] Mitchell, the state of Maine led the enactment and re-enactment of the federal Clean Air Act. The Act benefits Maine people most because we are located at the end of our nation's air pollution tailpipe."

The nation's manufacturers support the EPA's rule changes, and the National Association of Manufacturers (NAM) is now collecting funds from its members to defend the EPA's changes in court. Jeffrey Marks, NAM's director of air quality, wrote in a memo today, "I would ask that individual companies/associations consider contributing anywhere from \$500 – \$5,000 initially for this effort. NAM participation in the litigation and public comment process is imperative to achieving regulatory improvements in the NSR program for existing facilities."

Marks said in August when the changes were first spelled out in detail, "These overdue reforms should help promote safer, cleaner and more efficient power plants, refineries and factories. America's manufacturers will work constructively with the EPA to develop and administer these reforms, and we're hopeful they'll result in cleaner air and affordable, reliable energy for American households and businesses."

But Connecticut Attorney General Richard Blumenthal sees the new rule differently. "It seems that the Bush administration's New Year's resolution is to appease the energy industry by sacrificing the lives of people in the Northeast. In effect, the Administration is saying, 'Northeast Drop Dead.' The NSR standards are a matter of life and death to countless citizens of the Northeast who receive all of the pollution but none of the power from these contaminating coal burning plants in the Midwest."

"Our fight in court and elsewhere," said Blumenthal, "will be to uphold the letter and spirit of the Clean Air Act, endorsed by the first Bush administration and now eviscerated by the second."

The American Lung Association has expressed "disappointment and deep concern" about the new source review rule changes, calling them a "major setback" for public health. "According to the EPA, 175 million Americans live in areas violating health standards for smog or soot. Relaxing air pollution control rules applicable to 18,000 industrial pollution sources defies basic principles of common sense and good government," said John Kirkwood, president and CEO of the American Lung Association.

"The EPA is implementing new regulatory loopholes on the heels of one of the worst smog seasons in recent years," said Kirkwood. "EPA's plan further tightens the air pollution noose around dozens of communities."

Senator Patrick Leahy of Vermont, a Democrat, said in November, "I had hoped that EPA Administrator Christine Whitman would have gone back to her roots as an advocate for states' rights and tougher clean air rules, but instead she is letting corporate polluters off the legal hook that, in the past, has lowered air pollution and led to million dollar settlements with some of the biggest offenders. This judicial bailout for corporate polluters not only takes cleaner air as a hostage; it also could mean that billions of dollars that would go to the federal treasury from pending court cases will now be lost." New Source Review is the foundation of a series of lawsuits brought by the states, the federal Environmental Protection Agency and environmental groups in 1999, 2000 and 2001 against dozens of old coal fired power plants and other industrial sources.