

Fire ban causing worry

Some baffled on whether their way to keep warm will get them in hot water

By Michael G. Mooney, staff writer

Modesto Bee, Tuesday, December 20, 2005

When the San Joaquin Valley Air Pollution Control District bans the use of wood-burning devices, it means everything - EPA-certified fireplace inserts, wood stoves and pellet stoves.

"On days that wood burning is prohibited - and there are very few - manufactured logs and pellet stoves may not be used, though, generally, they are cleaner-burning than wood," said air district spokesman Anthony Presto.

During the first two seasons the program was in place, Stanislaus, Merced and San Joaquin counties faced no mandatory burn bans. But this season, three have been ordered, leaving some residents confused about what they can burn.

The ban is triggered when air pollution levels become unhealthy for everyone, not just people with health risks such as asthma.

There are exceptions to the no-burn edict:

People with no other way to heat their homes other than wood-burning devices. This is not discretionary. Homeowners who have gas-fired heaters and wood-burning stoves, for example, would be subject to the no-burn restrictions.

Homes and businesses at elevations of 3,000 feet or above.

Homes without natural gas hookups. That means no natural gas at all, not even to run water heaters. Homes with gas lines but no gas-fired furnaces are subject to the ban. However, those homeowners might be eligible for a temporary exemption - to give them time to convert to gas-fired heat, for example.

Homes equipped with electric or propane-fired furnaces, as well as a wood-burning device, are not subject to restrictions. That means those homeowners could choose to rely on a wood-burning device instead of a propane or electric furnace on no-burn days without fear of incurring a fine.

Urban areas are a top concern

Presto said many propane users live in rural areas, where it is easier for fine particulates such as soot to be dispersed.

"With particulate matter, what we're really concerned about, mostly, are the areas with higher population densities," he said. "The rural areas aren't as bad."

Electric heaters are less reliable than natural gas, Presto continued, and can be more costly to operate, though that gap has been shrinking in the face of escalating natural gas prices.

"The issue here is not to force anyone to freeze," he said.

That's good news for Cliff Sanders, who had been wondering about his situation.

Sanders, who lives in a mobile home west of Keyes, said he hasn't used his propane-fired furnace since it broke down 20 years ago.

Instead, Sanders installed a wood-burning stove, which he said was a cheaper alternative at the time.

Since his mobile home doesn't have natural gas service, Sanders is exempt from the no-burn restrictions.

"I'm willing to put in something else," he said Friday, "if it's something that will do a good job."

Recently, particulate matter in the air rose to unhealthy levels, prompting the air district to ban wood burning on Dec. 9, 12 and 13. It was the first time the ban was imposed in the northern

region - Stanislaus, Merced and San Joaquin counties - since winter wood-burning restrictions began in November 2003.

The eight-county air district, which stretches from Kern to San Joaquin counties, has ordered many more bans in the southern counties.

People caught burning wood on "no-burn" days are subject to fines ranging from \$50 for first violations to as much as \$1,000 for repeat offenses.

Enforcement is based on observation, not specialized equipment.

If an air district employee notices smoke coming out of a chimney on a no-burn day, Presto said, he or she will record the address and report it to the district office. The offender will receive a notice via the mail.

Patrick Kost of Turlock understands the dangers of air pollution, but worries that, one day, all wood burning will be banned in the valley, no matter how efficient the technology becomes.

"We have a responsibility, as individual citizens, to do what we can to have cleaner air," he said. "I'm afraid we will become more and more regulated every year until no one can burn wood anymore."

Presto said that while the air district appreciates people such as Kost investing in cleanburning fireplace inserts, pellet stoves and the like, those devices still release particulate matter into the atmosphere.

As a result, Presto said, they, too, can't be used when pollution levels move into the unhealthy category.

"Pellets probably are the cleanest form of solid fuel burning," he said, "(but) they produce particulate matter. It's really important people understand that."

Levels of PM 2.5 - the smallest form of particulate matter produced by burning wood and other combustibles - can have serious health effects.

Health experts say PM 2.5 can exacerbate lung ailments and trigger heart attacks. Its microscopic components include nitrates, salts, soot and smoke.

Presto said three notices of violations were sent out during the recent spate of no-burn days in the air district's northern region.

Presto said one notice was issued in San Joaquin County and two in Stanislaus County. None was issued in Merced County.

Charting a better SoCal trade route

By Jerry Brown, George Deukmejian, Pete Wilson and Gray Davis

Jerry Brown, George Deukmejian, Pete Wilson and Gray Davis are all former governors of California.

L.A. Times, Tuesday, December 20, 2005

INTERNATIONAL TRADE has been an indisputable boon for Southern California. The cargo moving through the ports of Los Angeles and Long Beach in trucks, trains and enormous container ships has directly created more than a quarter of a million jobs - many of them middle-class, blue-collar jobs - and indirectly sustains employment for an additional 300,000 people. Still more permanent jobs will be added as annual container traffic continues to climb, with the prospect for growth limited only by the region's heavily strained port, rail and highway capacity.

And by the patience of local communities, which see international trade contributing mightily to noise, traffic congestion and diesel pollution throughout the region, fouling the air and creating health risks.

More than 14 million containers move through the Los Angeles Basin each year. Bouncing along local streets battered by truck traffic; surrounded by tractor-trailers on the Long Beach

and Pomona freeways; and delayed at rail crossings in the San Gabriel Valley, northern Orange County and the Inland Empire, people living along our major trade corridors can be forgiven for believing that a reduction in trade would be better than an increase.

But we believe the answer is not less trade, but more. In fact, handling more trade at the ports and corridors than we do today is the only way to fix the problem. This surprising conclusion is rooted in the mutual dependence of the private and public sectors. Two types of projects are needed - those that allow us to move more containers to and from the ports and those that protect the surrounding environment and community - and neither can proceed alone.

The private sector wants the ability to increase capacity, but local communities will block projects that increase container movement unless they also see a clear strategy for relieving traffic congestion and improving the air. The state, meanwhile, needs the new permanent jobs and taxes generated by moving more international goods to pay back the bonds needed for critical environmental and community projects. In other words, trade growth, congestion relief and air quality will all sink or swim together.

As former governors representing both major political parties, we are united in our opposition to sinking. We have come together to rally business and local community leaders behind what could be called a "green freight" initiative - a self-reinforcing cycle of investment in trade growth and environmental improvement projects.

The way forward is to build support for a coordinated effort in which the public and private sectors will each pay only for those projects from which they derive tangible benefits. The state must only pay for projects that make communities more livable, such as eliminating delays at rail crossings or reducing or eliminating diesel pollution along freeways. Meanwhile, the private-sector partners should focus their investments on adding capacity and efficiency, and paying for any state-mandated environmental mitigation.

We support a statewide bond issue (no exact size yet, but we expect it to be in the billions of dollars). This would clearly increase state debt, and may appear counterintuitive when elected officials are already struggling to balance the state budget. But we believe it is a prudent fiscal move.

First, state money invested in local infrastructure now is money that will pay dividends in future public safety, air quality and productivity gains.

Second, the state has the bond capacity. A recent article in The Times said Wall Street does not regard California's debt load - about \$55 billion - as overly burdensome.

And third, if the publicly financed projects are carefully matched with private-sector projects, new tax revenues generated by the resulting permanent job growth would more than repay the cost of the state bonds. An L.A. County Economic Development Corp. study says this project approach would boost state taxes by \$17 billion over 25 years.

Southern California's goods-movement system is nearing a breaking point. We are now working with the Southern California Leadership Council to create a virtuous cycle of investment that will unite the green of money associated with economic growth and the green of environmental protection.

Builders Must Pay New Air Fee

Valley Voice Newspaper (Visalia), Tuesday, December 20, 2005

San Joaquin Valley - Developers in the San Joaquin Valley will begin reducing air-pollution emissions created by new projects under a rule adopted today by the governing board of the San Joaquin Valley Air Pollution Control District.

Rule 9510, Indirect Source Review, requires developers of larger residential, commercial and industrial projects to reduce smog-forming and particulate emissions from their projects'

baselines. The rule will reduce nitrogen oxides and particulates throughout the Valley by 10.5 tons per day by 2010.

Of the 57 people who commented on the rule during today's meeting, 43 spoke in support of the rule and 14 opposed it. The Air District's 11-member governing board approved the rule by unanimous vote, with the stipulation that the rule be re-evaluated in 2010.

The rule takes effect March 1, 2006. "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."

New developments increase air pollution by prompting more vehicle trips and creating more pollution causing activities such as landscape maintenance, fuel combustion and use of consumer products, as well as creating emissions during construction. Each day, about 94 million vehicle miles are traveled on Valley roads and that number is expected to increase as the Valley grows.

The Indirect Source Review rule requires developers to reduce nitrogen oxides by 33 percent and particulates by 50 percent of a project's baseline. If projected emissions still exceed the minimum baseline reductions, a project's developer will mitigate the difference by paying an off-site fee to the Air District, which would then reduce emissions by funding clean-air projects.

For a typical Valley residential development of 120 single-family dwellings on 24 acres, the off-site fees would be significantly reduced with even modest on-site mitigation measures. For example:

" The developers' off-site fee would be about \$780 per home if no on-site mitigation measures at all were employed.

" The developers' off-site would be about \$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 five percent; having retail outlets nearby; installing sidewalks on both sides of half the streets and one side of the other half of street; etc.)

" The developers' off-site would be about \$454 per home with "more than typical" on-site mitigation, such as the improvements included in typical mitigation, plus: increasing energy efficiency by 10 percent; installing sidewalks on both sides of all the streets; and deed-restricting 10 percent as affordable housing. Off-site fees would be further reduced with even greater density (six or seven dwellings per acre), increasing the presence of local retail or building a mixed-use development.

The off-site mitigation fees would help fund projects such as:

- upgrading dirty engines to cleaner models;
- paving unpaved roads;
- helping purchase low-emission vehicles for public and non-profit fleets;
- bicycle infrastructure;
- public transportation subsidies;
- a planned vehicle-scraping program;
- e-mobility.

The proposed rule would apply to new developments expected to create a significant amount of air pollution, such as those that are at least:

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

Despite years of improved air quality in the San Joaquin Valley, the air basin still fails to meet state and federal health-based standards.

Therefore, the Air District is required by federal law to adopt the most stringent control measures available to reduce emissions.

Additionally, California law (SB709) requires the Valley Air District to control emissions from indirect sources. The indirect-source measures also are commitments in the Air District's federally approved plan to meet standards for particulate matter ten microns and smaller, as well as the District-approved ozone attainment plan.

The Valley Air District serves San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, Tulare and the valley portion of Kern counties.

For more information or a copy of the rules, visit www.valleyair.org or call the nearest District office: Modesto (209) 557-6400, Fresno (559) 230-6000 and Bakersfield (661) 326-6900.

[Bakersfield Californian columnist, Tuesday, December 20, 2005:](#)

Ban a small price to pay for clean air

Marylee Shrider

It's beginning to sound a lot like Christmas at the San Joaquin Valley **Air Pollution** Control District, where the phones are jingling off the hook with callers wanting to know when, oh when, can we light a fire? Air district officials are fielding dozens of calls from folks disappointed, angry or downright rebellious over the county's no-burn regulation, now in its third year.

Recent rains cleared the air a bit, but we may not get the go ahead to cut loose and light up any time soon. Air officials are making no predictions.

That's okay. I love a blazing yule log as much as the next person, but how bad does our air have to get before we finally understand pollution is everybody's problem?

The no-burn rule is a divisive issue, even in my house, where my husband rightly grinds his teeth at the thought of anyone dictating what he may or may not do in his own home. So far, he's abiding by the no-burn rule, but grudgingly.

If the blogs and letters to the editor are any indication, a number of folks aren't.

Air district officials knew they were heading for deep weeds when they established the no-burn rule in 2003, but by then were taking drastic steps to cut pollution across the board. They still are.

Kern's gas, oil and agriculture industries have grappled with the air district's anti-pollution regulations for years. And just last week, the air district became the first in the nation to regulate builders for **air pollution**.

Residential and commercial builders will reduce pollution associated with their building projects by 2008 or pay the price -- a fee of \$1,772 per home to fund the use of low-emission cars, public transportation and other pollution reducing measures.

Ouch. And we gripe because we can't use our fireplaces?

Granted, there are those folks who count on their fireplaces or wood-burning stoves to heat their homes or save on heating costs. Air district spokeswoman Brenda Turnersays they've heard from many of them, especially those who point to the hundreds of diesel-fueled trucks that rumble through Kern each day as the real culprits. And they're right, she says.

"Unfortunately, that's one of the difficulties of the air district," she says. "More than 60 percent of our pollution is caused by motor vehicles, but we don't have control over that -- that is a state and national function."

The local district is doing what it can and so should we. If heating costs are an issue there are programs available for homeowners that will offset those costs.

Pacific Gas and Electric, for example, offers a number of cost-saving programs, such as its California Alternative Rates for Energy, which offers a 20 percent discount for income-eligible customers. There's also a medical baseline program for people who require their homes be kept at a certain temperature. Kern homeowners can call their gas companies to find out what other cost-cutting programs are available.

The good news is our air is getting cleaner.

It may not be obvious to the naked eye, but air district officials say they have documented a dramatic reduction in days of ozone violation and "Spare the Air" days this year over last.

Yes, the no-burn rule is a pain -- it steals a bit of winter glow and sometimes turns neighbors into no-burn Nazis. But it's working. We're on a roll.

So slip on a sweatshirt, snuggle with loved one and wait for the green light before lighting up.

[L.A. Times editorial, Sunday, December 18, 2005](#)

Toward cleaner ports

LIKE THE HARBORS THEMSELVES, which are side by side, pollution and jobs have long been inextricably linked at the twin ports of Los Angeles and Long Beach. More jobs would lead to more pollution, the thinking went, while reducing pollution would mean a loss of jobs. Thankfully, recent developments are clarifying the inaccuracy of this assumption - as well as the air around the ports.

The ports are the region's biggest source of air pollution. The diesel fumes emitted by the container ships, trucks and trains serving the ports have been linked to lung cancer, asthma and other ailments; a recent study by the state Air Resources Board said air pollutants generated by the state's cargo industry will kill 750 people prematurely and lead to \$6.3 billion in healthcare costs this year. Harbor-area residents have long complained about all this, since they bear the brunt of the negative health effects.

Last week, two events occurred that should put a dent in the problem. First, Mayor Antonio Villaraigosa appointed Geraldine Knatz as head of the Port of L.A. Knatz, managing director of development at the Long Beach port, has been faulted by activists for not going far enough on environmental issues, and by industry executives for going too far. That's a good indicator that the architect of Long Beach's "Green Port" policy has a good grasp of the need to balance growth with environmentalism. Villaraigosa's appointees to the Harbor Commission have also signaled that they'll make reducing emissions a priority.

Second, the state Air Resources Board passed new rules curbing emissions from cargo-handling equipment and requiring ships within 24 miles of the coast to switch to cleaner fuel when using auxiliary engines. The rule on ships is especially welcome because they are the biggest single source of pollution at the ports. Although there are questions about the board's authority on such matters, its vote shows that the state is taking strong measures to make up for the Bush administration's inaction.

It was especially encouraging that the air board made its ruling on ship emissions after finding that it wouldn't cost shippers a significant amount. About 250,000 jobs are directly connected to the transport industry in Southern California, and another 300,000 are indirectly reliant on it. When it comes to new developments, many decisions at the ports in the near future will come down to a simple balancing act: cleaner air versus growing businesses. But these two goals aren't mutually exclusive. In fact, there is a technical solution for nearly every pollution problem at the harbor, and a growing port can also be clean.

Broadly speaking, there's a simple formula that harbor officials should use when considering future improvements. Those that result in cleaner air and the more efficient movement of goods should be supported. Those that achieve one of these goals to the detriment of the other should not - or at least they should be regarded with skepticism.

On this score, a new 153-acre rail yard proposed by BNSF Railway looks promising. The yard would take containers trucked from the ports and send them along the underused Alameda Corridor, a \$2.5-billion railway completed in 2002 to speed cargo movement. Because the new yard would be much closer to the ports than BNSF's existing facility near downtown, it would reduce truck traffic on the 710 Freeway.

A million trucks a year, however, would pass through the yard, many of them idling while waiting to unload, and the added emissions might more than make up for any pollution reduction. An environmental study will provide an answer in 18 months. But the Harbor Commission and BNSF deserve credit for moving in the right direction.

Businesses in the transport industry aren't eager to clean up their own messes. New regulations in California are typically met with vows to move cargo through other ports, such as Seattle or New Orleans. It's largely an empty threat; California's market is so huge that its ports will always be vital to importers. Shippers and their customers need to realize that they're going to have to pay a share of the costs of both cutting emissions and boosting the local infrastructure. Fortunately, the right people are in place to send them that message, and the actions of companies such as BNSF show they're starting to get it.

[Letter to the Fresno Bee, Tuesday, December 20, 2005:](#)

'Pay the price'

It's ironic that two recent letters about fireplaces could be so different.

On the one hand, a student calls upon us to resist burning wood when air quality is unhealthy, because she understands that this creates particulate pollution. She has seen school activities canceled due to a string of unhealthy air days. On the other, a gentleman ascribes age-old practices with his perceived right to burn wood.

I value traditions and everyone's right to make choices as long as they don't affect the health of others and impinge on their activities. Just because we have always done something doesn't mean that it's still appropriate. Lead-based paint and smoking on airplanes are just two examples of things that were once common but we now consider unacceptable.

Vehicles of all types -- not just SUVs and trucks -- create ozone. This is a different type of pollution than particulates and we must reduce both. Our air quality situation will require that each of us, not just businesses, manufacturers, farmers and developers, pay the price for cleaning the air through increased costs and restrictions. As residents of this Valley, and as good neighbors, we must all do our part.

Josette Merced Bello, President/CEO

Lung Association of Central California

Fresno

[Letter to the Modesto Bee, Tuesday, December 20, 2005:](#)

Local governments greedily feed on fees

Local agencies imposing fees seems to be the latest fad with bureaucrats. First, the Tuolumne County Board of Supervisors adds \$3 to license fees for nonvehicle pollution controls. Then, building contractors are about to be stuck with "affordable housing fees." Now the San Joaquin Valley Air Pollution Control District is to start levying fees on builders. The district wants to use the Indirect Source Rule to add fees to limit dust and pollution while new homes are being built, or other nonsense they may come up with.

A California Air Resources Board Web site shows a study of the impact of pollution levels on school attendance in Southern California communities, comparing school-day absences in various districts for particulate-pollution levels. The absences in the two worst-polluted districts were no worse than absences in the two least-polluted districts.

I hope any fees imposed by the Indirect Source Rule are well-spent, cost-effective and can pass the sniff test. However, when the Union of Concerned Scientists and Environmental Defense are involved, I won't hold my breath ... or nose.

Jim Hood, Twain Harte

[Letter to the Stockton Record, Tuesday, December 20, 2005:](#)

It all adds up to a Valley pollution problem

How ironic that on Page 1 of The Record on Dec. 16, the top story was about dirty air in the San Joaquin Valley.

On the Opinion page, The Record stood up for the Williamson Act.

Congratulations. But real work needs to be done.

When are elected politicians and other powers going to realize we can't continue to pave over our farmland?

It's simple math.

More people equal more cars equal more dirty air equals less quality of life.

Todd Mallory, Lodi