

## **Valley air best in three decades**

**However, the basin ranks second in the nation for ozone violations this year.**

By Mark Grossi / The Fresno Bee

Wed., Oct. 3, 2007

The Valley just finished its cleanest smog season since federal officials started counting bad-air days 30 years ago -- powerful evidence that the war on pollution is going well, regional air officials say.

Ozone violations have been trimmed nearly in half since 2002, following many years of nation-leading totals in the San Joaquin Valley.

The region is still one of the worst air basins in the country, and weather may have been a factor this year, but the latest news bolsters the San Joaquin Valley Air Pollution Control District's contention that significant progress has been made.

Air district officials credit much of the improvement to dozens of new rules, such as tighter controls on urban sprawl, petroleum processes, industrial boilers and farming operations. The district also has funneled many government grants to replace farm diesel engines.

District officials say they will emphasize the progress today in their annual clean-air symposium in Visalia. Government officials and industry leaders are expected to be in attendance.

The progress is impressive, says district executive director Seyed Sadredin, because there are far fewer bad days in major cities, such as Modesto, Stockton, Fresno and Bakersfield.

"The majority of the population is not being exposed to as many bad days," he said.

Still, the Valley's 64 bad days this summer rank second-worst in the country behind the 78 in the South Coast Air Basin. Last year, the Valley had 86, the most in the country. The Valley's bad-air day tally has been either the worst or second-worst for at least seven years.

The Valley's 2002 total was a whopping 125, meaning there were violations on most days between June and September.

An official with the U.S. Environmental Protection Agency said the Valley's numbers are encouraging, but he said it would be wise to wait a few more years before concluding that the improvements are real.

"You can't really tell from looking at one year," said Kerry Drake, associate director of the EPA's regional air division, based in San Francisco. "There may be significant improvement. I just don't think we'll know until we see what happens over the coming years."

Though weather plays a major role in air quality, it is unclear yet how much it affected the violation total this year, said district scientists, who will analyze the smog season in the coming months. The season generally winds down at the end of September, but it can continue into October in the Valley.

The Valley's sunlight, heat and calm weather patterns typically create almost perfect conditions to form ozone, the corrosive gas in smog. This summer was about average in terms of heat, meteorologists said, but there were cooler spells that may have broken up ideal smog conditions.

A district scientist also said that high-elevation smoke from a Southern California fire appeared to block the sun enough to slow down the production of ozone for several days.

"The smoke aloft may have prevented some problems," said district atmospheric scientist Shawn Ferreria.

But smoke carries a lot of smog-making gases, and it also causes ozone problems.

In September, a Northern California fire dumped smoke into the Valley, and the plumes dropped much lower in the Valley's atmosphere than the smoke from Southern California. The sun and chemicals easily created ozone near the ground, and the result was a week of violations.

Curiously, the worst place in the district this summer was Sequoia National Park. The second-worst was Arvin, a city of 16,000 people with little traffic and few smog-making industries.

Both locations get dirty air that floats downwind from metropolitan areas. Officials said such downwind violations will be the toughest to eliminate before 2024, the official federal cleanup deadline for ozone.

The two-day symposium in Visalia will focus on voluntary ways for the region to speed up the cleanup and help people in the downwind areas.

The district proposes to attack the biggest pollution problem -- diesel trucks. Using more than \$1 billion in government grants, the district would help truckers replace their older, polluting rigs with cleaner equipment.

Other ideas include developing freight shipping along the coast between Southern California and the San Francisco Bay Area to reduce diesel traffic passing through the Valley. The shipping concept could cost several billion dollars for port re-designs and clean-running ships.

To get the money for such ideas, the district needs federal and state officials to understand that the air cleanup here is working, said executive director Sadredin. That's why the district is calling attention to the clean summer and other achievements.

Sadredin said, "This demonstrated payoff from our work to date gives us the credibility to ask for the Valley's fair share from the state and federal government."

## **Officials to unveil fast-track air-quality plan**

By Hillary S. Meeks, Staff writer

Visalia Times Delta and Tulare Advance Register Wed., Oct. 3, 2007

More than 200 people will meet in Visalia today to discuss a hot Central Valley topic: air.

The Air District Symposium begins at noon today at the Visalia Convention Center and will focus on what officials call a fast-track strategy for meeting federal air-quality requirements. Problems to be addressed include those associated with the movement of goods.

One possible target: big-rig trucks.

"[There are] really creative ways to reduce the emissions coming off of these big semi-trucks going through the Valley," said Jamie Holt, a representative of the San Joaquin Valley Air Pollution Control District.

One idea involves the replacement or retrofitting of problem trucks. Another involves the use of short-sea shipping - using barges to transport goods up to 700 times more than a truck can carry - along the West Coast.

Ron Silva, owner of Westar Transport out of Selma, is a major proponent of the barge option.

"I'm the only trucker you'll probably find trying to take trucks off of the highway," Silva said.

Short-sea shipping could take up to 5,600 trucks off the roads between Northern and Southern California, he said. Silva said he has been conducting a feasibility study on short-sea shipping for three years and realizes the importance of protecting trucking companies by including them in any government-subsidized transit system.

"It's just not fair to take public dollars and put somebody out of business," Silva said.

Other speakers at the symposium will talk about how municipalities can encourage "green" contracting and whether or not the Central Valley is getting its due in federal and state funding to fight air pollution.

## **Stanislaus County's air spared**

BY ALEX CANTATORE

Turlock Journal, Tuesday, October 2, 2007

Good news comes from the San Joaquin Valley Air Pollution Control District, as the 2007 Spare the Air season ended with a record low number of Spare the Air days in Stanislaus County.

Only two Spare the Air days were declared for Stanislaus County in 2007, compared to 13 in the year previous. This number also bested the previous all-time low of three Spare the Air days in 2004.

Stanislaus County and Madera County tied for second in terms of the least Spare the Air days in the Valley this year. San Joaquin County came in first with only one Spare the Air day.

Spare the Air days are declared when the air quality is expected to reach levels that are unhealthy (151 or higher on the air quality index) or unhealthy to sensitive groups (101-150).

"I want to give credit where it's due, which is to Valley residents and businesses, who have really stepped up to the challenge of reducing their emissions," said Seyer Sadredin, Executive Director of the Valley Air District.

Spare the Air season lasts from June until September. These months are typically highest in ozone levels, which is the main ingredient in smog.

Despite the common perception that most of the pollution in the San Joaquin Valley comes from the Bay Area, only 27 percent of the pollution in the Turlock area comes from the Bay. Sixty percent of air pollution that Valley residents deal with comes from motor vehicles.

The Valley is particularly vulnerable to air pollution formation because of its topography, climate, and growing population. Surrounding mountains trap airborne pollutants near the Valley floor where people live and breathe. In addition, the Valley's hot, summer temperatures promote the formation of harmful ground-level ozone.

According to the San Joaquin Air Pollution Control District, ozone can exacerbate respiratory conditions and trigger asthma attacks. Children, the elderly, and those with pre-existing

respiratory conditions are most at risk, but when ozone reaches the most unhealthy levels it can be damaging to all.

On Spare the Air days, those in affected areas are asked to stay indoors as much as possible and to voluntarily delay emission-causing activities. Suggestions include postponing the use of gas-powered lawn equipment and using water-based paints and solvents instead of oil-based products.

"It appears that Valley residents have gotten the message that each of us in our daily lives can affect air-pollution levels," said Jaime Holt, the District's Chief Communications Officer. "This year's performance is really a testament to the commitment by all of us to cleaner air."

Wednesday's air quality was forecast to be 60, a level which is considered moderate.

### **County opens door for Yokohl Ranch**

Foothills Sun-Gazette Wed., Oct. 3, 2007

Tulare County Board of Supervisors unanimously approved to adopt a Proposed Planned Community Zone (PC Zone) Ordinance despite vocal opposition at the Sept. 25 meeting.

The Ordinance has been shrouded in controversy since it's first mention due to local adversity to large-scale planned communities such as Yokohl Ranch.

In February, the Yokohl Ranch Company sent a request to the Tulare County Resource Management Agency (RMA) asking them to initiate the process to amend the county's General Plan to allow for the 36,000-acre ranch that would include 10,000 homes, schools, a commercial and civic town center, golf courses and resort center. The self-labeled "turn key community" would be located 15 miles east and southeast of Visalia, north of Exeter.

The PC Zone Ordinance details the mechanics for orderly preplanning of long term development. It provides regulatory procedures by which large land areas can be planned, zoned, developed, serviced and administered as individually integrated communities. It will be used for large-scale projects that include residential, development, commercial, industrial, institutional and recreational uses.

The PC Zone process ensures that the county would have the opportunity to review and analyze subsequent phases of development through the 20 to 30 years of implementation. This allows for adjustments and changes, as necessary, to accommodate unforeseen circumstances and opportunities.

The amendment to the Zoning Ordinance will not only apply to Yokohl Ranch, but also have a broad applicability countywide. It would assist with the master planning efforts of the Goshen and Earlimart projects for which General Plan Initiatives have already been approved.

At the Board of Supervisors meeting, county planner Dan Garcia presented a general overview of the ordinance that would apply to projects consisting of 200 acres or greater. A public hearing was opened following the presentation. Multiple concerned residents made their comments known including those from Tulare County Citizens for Responsible Growth, which has watched the issue closely for some time.

"Consideration of the ordinance in the middle of our general plan update doesn't make sense," said Sarah Graber of TCCRG. "It should be delayed until the plan is finished."

[Air](#) and water issues were mentioned by residents at the public hearing along with concerns pertaining to agriculture.

"The Planned Community Zone, the way it's written here today with the county-wide application, conflicts with both these goals and the expressed wish of Tulare County residents," Graber said. "A planned community zoning ordinance that could be applied anywhere within the county's unincorporated areas would expose the county's agricultural and grazing lands to overwhelming pressure to develop and redirect resources away from the communities and hamlets that desperately need them," Graber continued. "Tulare County simply does not need new towns."

After a brief closed session the issues were brought back before the board where the adoption was unanimously approved.

"It's proactive, rather than reactive," said District 4 Supervisor Steve Worthley. "And issues such as air and water will have to be addressed."

### **Petitions seek EPA control of emissions by diesel-powered ships**

Jane Kay, Chronicle Environment Writer  
S.F. Chronicle, Wednesday, October 3, 2007

The roughly 100 million tons of greenhouse gases put out every year by oceangoing ships in the United States should be brought under control by the EPA to combat global warming, according to petitions set to be filed today by environmental groups and the California attorney general.

The two petitions are the first formal requests to the Bush administration asking for controls on greenhouse gases released by cargo and cruise ships, which are propelled by the largest type of diesel engines.

Considering the threat to public health and welfare associated with global climate change, the U.S. Environmental Protection Agency must no longer delay regulating greenhouse gas emissions from ships, according to the petition filed by Friends of the Earth, the Center for Biological Diversity and Oceana.

"This largest category of marine vessels is responsible for a large part of the pollution that plagues many of the communities in the Bay Area. Yet these ships are essentially unregulated. In addition, they are a significant contributor to global warming," said attorney Sarah Burt, a petition author.

The pollutants at issue are carbon dioxide, soot, nitrous oxide and, indirectly, nitrogen oxides, which form ozone, a potent greenhouse gas. Ships contribute nearly 3 percent of the world's carbon dioxide emissions and as much as 30 percent of the world's nitrogen oxide emissions, according to the petition.

The shipping industry also employs operating practices that result in inefficient fuel use, the petition said, and emissions from such ships are equivalent to what is emitted by up to 195 million cars over a year.

EPA officials declined to comment directly on the issue Tuesday. In a statement, EPA deputy press secretary Jessica Emond said the agency is working to respond to the Supreme Court ruling regarding the regulation of carbon dioxide as a greenhouse gas.

EPA Administrator Stephen Johnson has come under criticism by California's senators, governor and attorney general, as well as congressional Democrats, for failing to act quickly to regulate carbon dioxide after the Supreme Court's April decision. The court ruled that carbon dioxide, because of its role in global warming, falls within the Clean Air Act's definition of an air pollutant.

Officials from the Pacific Merchant Shipping Association, which represents 70 companies that own and operate cargo carriers and marine terminals, declined to comment on the petitions.

T.L. Garrett, the association's vice president, said Tuesday that he had just received the petitions and hadn't had time to review them.

Oceangoing ships are responsible for moving 80 percent of all goods shipped into and out of the United States, according to industry figures cited in the petition.

By far, most ships on the ocean are cargo carriers and not cruise liners.

The shipping industry is growing at 3 percent a year, according to industry figures. Using conservative estimates, emissions from international marine trade are expected to rise from between 600 million to 900 million tons a year to 1,700 million tons a year by 2050.

Last month, Earthjustice - a nonprofit law firm that works on environmental issues and is representing the groups behind Tuesday's petition - sued the EPA asking for regulation of other air pollutants from ships, which include nitrogen oxides, carbon monoxide and volatile organics.

Attorney General Jerry Brown is expected to make a statement on the state's petition today.

### **Brown to broaden fight over dirty air**

#### **The attorney general and environmental groups will ask the U.S. to regulate the emissions of ocean-going ships.**

By Margot Roosevelt, Los Angeles Times Staff Writer  
L.A. Times, Wed., October 3, 2007

State Atty. Gen. Jerry Brown, joining with national environmental groups, will petition the Bush Administration today to crack down on global warming emissions from ocean-going vessels, which make more than 11,000 calls at California ports each year.

The petition opens a new front in the battle by California and other states to force the federal government to regulate greenhouse gases. Until now, the focus had been on emissions from cars, trucks, power plants and other U.S.-based industries. Regulating planet-warming pollutants from ships presents a tougher challenge because more than 90% of vessels that bring goods to the U.S. fly foreign flags and traditionally fall under international jurisdiction.

"Climate change represents a potent catastrophe and an irreversible risk to California as well as to the rest of the world," Brown said in an interview. "Who comes into American ports is a matter for Americans to decide."

Ocean-going vessels account for an estimated 2.7% to 5% of the world's greenhouse gases, roughly equivalent to the carbon dioxide emissions of all U.S. cars and trucks. And emissions from ships are likely to grow by 75% in the next two decades, according to studies by the German-based Institute of Atmospheric Physics and the oil giant BP, which owns tankers.

The United Nations' International Maritime Organization, which is charged with regulating ocean-going vessels, has discussed global warming emissions for several years but has yet to adopt rules. It has also postponed proposals to effectively control conventional pollutants, including particulates and ozone-forming gases that cause respiratory diseases and cancer.

The U.N. agency is hampered by opposition from Panama, Liberia and other nations that profit from registering ships, which environmentalists say makes U.S. intervention all the more urgent.

Overall, the Bush administration opposes mandatory curbs on global warming emissions and has declined to sign on to the Kyoto Protocol, the international agreement on climate change. That resistance suffered a setback earlier this year when the U.S. Supreme Court ruled that the Environmental Protection Agency has the authority to regulate carbon dioxide and other greenhouse gases under the Clean Air Act.

Brown's petition to the EPA acknowledges that the landmark 1970 law does not give the agency "an unqualified mandate" to regulate non-road engines, such as those in ships. But given the act's general directive to "protect public health and welfare," he contends that the EPA "must regulate, or produce well-supported reasons . . . as to why it refuses to regulate, this large, almost completely uncontrolled source of greenhouse gas emissions."

An EPA spokeswoman said the agency planned to draft regulations this year to cut gasoline emissions from cars and trucks. But she declined to comment on the issue of planet-warming pollutants from ships.

Also filing a petition today are the nonprofit groups Friends of the Earth, Earthjustice, Center for Biological Diversity and Oceana. "The global shipping industry is incredibly powerful," said Michael F. Hirshfield, Oceana's chief scientist. "They've been able to avoid doing anything about air pollution for years."

In California, the Pacific Merchant Shipping Assn. is battling the Air Resources Board in federal court over the board's 2005 rule requiring ships to switch to cleaner fuel as they approach the California coast. That rule would probably have little effect on global warming emissions, however, because it takes more energy to refine cleaner diesel than it does to use "bunker" fuel, a dirtier fuel, potentially offsetting the climate benefits of switching.

Industry spokesmen in Washington and Long Beach declined to comment on Brown's petition or on the regulation of greenhouse gases generally.

However, the Air Resources Board is considering rules to require that ships plug into electrical outlets while they unload. Because electrical power in California is more cleanly generated, that change would lower carbon dioxide emissions. And the Port of Los Angeles is requiring ships to reduce speed as they near the shore, which would also cut global warming emissions.

Board chairman Mary Nichols noted that the U.S. government has avoided imposing unilateral shipping standards, preferring to work through the U.N. agency. "Shipping is one of those areas where countries either find a way to cooperate, or historically, they go to war," she said.

As for Brown's petition, "This is exactly the kind of activism on global warming he promised when he ran for the office of attorney general," she said.

Brown has vowed to file suit against the Bush administration if it fails to grant a waiver allowing California to regulate carbon dioxide from cars and trucks.

And in the case of ships, he said, "I don't believe the Bush administration can continue to thumb their noses at the laws of the U.S. There is a pattern here. The law is absolutely clear that the EPA has a responsibility to act."

In recent months, Brown has required San Bernardino County and other counties to account for greenhouse gases in their growth plans and has challenged oil refineries and other industrial projects to mitigate or offset carbon dioxide emissions.

Brown said he did not check with the governor before filing today's petition. "I'm the cop on the beat, and the beat is the environment of California," he said. "This is a national imperative, and we cannot allow petty politics to stand in the way."

## **Governor urged to add health experts to air board**

By KEN CARLSON

Modesto Bee, Wednesday, October 3, 2007

Area health professionals and clean-air advocates are urging Gov. Schwarzenegger to sign a bill that would give health experts two seats on the San Joaquin Valley Air Pollution Control District board.

The bill, SB 719 by state Sen. Michael Machado, D-Linden, would expand the board from 11 to 15 members, with the new members to be two medical experts appointed by the governor and two representatives of the largest cities in the valley.

Backers of the bill contend that the current board is dominated by county supervisors who listen more to the industries they regulate than to valley residents who breathe the dirty air.

"As I see it, the board is made up of politicians," said Dr. Steve Benak, a retired radiation oncologist from Modesto, speaking at a news conference at the Stanislaus Medical Society office. Benak, who serves on the air district's hearing board, stressed that people with expertise on the health effects of air pollution should be involved in board decisions.

Others speaking in favor of the bill were representatives of the Catholic Diocese of Stockton, the National Parks Conservation Association and the Merced- Mariposa County Asthma Coalition.

"The Stockton Diocese sees air pollution in the Central Valley, not as a scientific or political issue, but as a moral issue," said Betsy Reifsnider, environmental justice coordinator for the diocese.

She called the legislation "an essential step in reversing the deadly effects of air pollution. This literally is a life-and-death issue for our children, our elderly and the poor."

Those wanting to change the makeup of the air district's leadership also suggested that the governor let the bill become law without his signature because of what they see as powerful interests lined up against the legislation.

The changes are opposed by the air district board and the valley's agricultural industry. They would like the governor to veto the bill.

Bill O'Brien, chairman of the Stanislaus County Board of Supervisors and an air district board member, said Tuesday that the reforms are not necessary given the district's progress in cleaning up the air.

"Why fix something that is not broken?" he said. "I could see it if the air pollution was getting worse and we weren't doing our jobs, but the evidence is to the contrary."

Wayne Zipser, executive director of the Stanislaus County Farm Bureau, said the current board members understand the ag industry and ensure that regulations are not onerous for business.

"They are elected officials, and I think they have to be accountable since they are elected officials," Zipser said.

As a sign of improvement, the air district declared six "Spare the Air" days this summer, down from 19 in 2006 and 11 in 2005. But critics say the district has dragged its feet on addressing ozone and particle pollution, and point to the high asthma rate among valley children.

The board includes a county supervisor from each of the eight counties in the district and three city representatives. If SB 719 becomes law, the governor would appoint two health experts who live in the valley. The largest cities in the district would have more representation. Two of the new board members would be from cities with more than 100,000 population, such as Modesto, Stockton, Fresno or Bakersfield.

Melissa Kelly-Ortega, program associate for the Merced- Mariposa County Asthma Coalition, has a 3-year-old daughter, Satya, who has a chronic cough caused by a respiratory illness. "This is what you are going to see happening if we continue down the path we are going," she said.

### **Governor's OK would add seats to air board Schwarzenegger hasn't said whether he'll veto the bill or approve it.**

By Barbara Anderson / The Fresno Bee  
Wed., Oct. 3, 2007

Air quality activists on Tuesday urged the governor to sign legislation that would expand membership on the region's air governing board to include a doctor and a scientist.

"We want the governor to hear loud and clear this is a very important bill for breathers in the San Joaquin Valley," said Sarah Sharpe, campaign and outreach associate for the Central Valley Air Quality Coalition.

Lawmakers approved Senate Bill 719 by Sen. Mike Machado, D-Linden, earlier this year. The bill, now on the governor's desk, would increase the size of the San Joaquin Valley Air Pollution Control District board from 11 members to 15.

The bill would increase representation from elected officials. The current board includes eight county supervisors and three city council members. The new board would increase the city council representation by two for a total of five council members. A medical and scientific expert from the Valley would be appointed.

Gov. Schwarzenegger has yet to take a position on the legislation, said spokesman Bill Maile. The governor has until Oct. 14 to sign the legislation or veto it. If he takes no action, it will become law.

Critics of the measure have argued local control would be weakened by the appointment of members to the board.

Activists fought for five years to get the bill through the California Legislature, said Carolina Simunovic, environmental health director for Fresno Metro Ministry and co-chair of the air quality coalition.

"Support is out there for this measure," Simunovic said at a rally outside the state building on the Mariposa Mall in Fresno. A recent poll by the Public Policy Institute of California showed that more than 76% of San Joaquin Valley residents support adding a doctor and a scientist to the air board. The support was even higher among likely Republican voters, at 82%, Simunovic said.