

## **\$12 bad air fee added to Valley vehicles**

By Alex Breitler, Record Staff Writer  
Stockton Record, Friday, October 22, 2010

San Joaquin Valley drivers will soon pay \$29 million per year to clean up the Valley's notoriously dirty air - a major shift in responsibility from businesses which, in the past, have shouldered the cost.

Air regulators on Thursday approved charging drivers \$12 per year for each registered vehicle.

They had to do something after the Valley failed to meet a federal standard for ozone pollution this summer. Just seven days over the standard was enough to trigger the \$29 million penalty which, under the letter of the Clean Air Act, must be levied on businesses.

But the Valley Air District believes that federal guidelines released earlier this year allow payment to be made in a different way - by seeking the money from drivers, whose cars account for 80 percent of the Valley's nitrogen oxide, a primary ingredient in smog.

The district doesn't have authority to regulate tailpipe emissions. So over the years it has passed more than 500 rules and regulations requiring businesses to make billions of dollars in improvements to clean their smokestacks.

The new vehicle license fees, made possible by a 2008 state law, can be used by the district to fund incentive programs to replace dirty trucks or polluting equipment.

"Every penny that we generate here, we want it to be spent in the community to reduce the pollution," said Seyed Sadredin, the air district's director. "This is not money for bureaucracy."

Some environmental groups were opposed, saying that the law clearly says the \$29 million penalty must be applied to "stationary sources" such as factories, power plants and other businesses.

"It wasn't meant for the public to fund compliance for big industry," said Elizabeth Jonasson of the Coalition for Clean Air.

The Business Council of San Joaquin County, on the other hand, joined similar groups in supporting a vehicle fee.

"We do not take lightly the recommendation to increase fees in these difficult economic times, but vehicle owners must be willing to accept a certain amount of self-sacrifice, given the huge contribution of mobile sources to our poor air quality," says a letter signed by council Chairman Fritz Grupe and President Ron Addington.

Heat and traffic are the keys to high-ozone days in the Valley. Sadredin said traffic seems to be a bigger factor, however.

A heat wave during summer vacation yielded no ozone violations, he said. But August heat combined with back-to-school traffic from Stockton to Bakersfield put us over the top.

It's true that some of the ozone can be blamed on cars and trucks passing through the Valley - vehicles that won't be subject to the fee.

Overall, the number of ozone violations has declined from 56 in 1996 to 7 this year, in large part because of actions taken by business, the district said. But the standard - which no longer exists but is still enforceable - requires no more than a single violation to avoid the penalty.

Sadredin said the law is fundamentally unfair to the Valley and suggested pushing Congress to change it.

As a result of Thursday's vote, Valley drivers will see their license fees increase \$12 by 2012.

[Fresno Bee column, Sat., Oct. 23, 2010:](#)

## **There's might in that little \$12 vehicle fee**

By Bill McEwen / The Fresno Bee

Here's the deal:

I fork out an extra \$12 a year to register my truck. Businesses in eight San Joaquin Valley counties won't be squeezed further in the monumental battle to clean the air.

That's a fair trade because our farmers, refineries, manufacturers and developers have shouldered the biggest burden in the air pollution fight -- even though motorists contribute most to the ozone problem.

And it's a smart deal because chasing more industry away would push the Valley closer to being a gigantic, jobless welfare state.

Granted, many businesses have been dragged kicking and screaming into compliance with air pollution laws. Some farmers can't say "Dean Florez" without throwing in a curse word or two.

But the facts are, businesses have spent \$40 billion and cut pollution by 80% since the San Joaquin Valley Air Pollution Control District formed in 1991.

The \$12 a year that the district wants added to every vehicle registration is a pittance in comparison. There's might in that little number, however. The hike would raise \$30 million annually -- all to improve our air.

But there are watchdog groups who don't want motorists to be part of the solution.

These groups would rather point fingers and portray business as the lung-searing bogeyman than sign off on a sensible solution to a complicated problem.

For example, the San Francisco-based Center on Race, Poverty & the Environment opposes the air district's preferred approach to paying the region's \$29 million penalty for missing an ozone cleanup deadline. In the past, I've agreed with many of the group's efforts to defend the poor against polluting industries.

But the activists are missing the mark on this one. The Valley's unique topography, growth and love affair with the automobile have created this stew.

Asking businesses -- "stationary sources" in the parlance of the air regulators -- to be solely responsible for the cleanup is unfair and self-defeating.

This region needs successful industry to thrive. And we'll never get clean air without requiring everyone to do their part, including "mobile source" polluters in vehicles.

Those opposed to the vehicle fee increase have past practice on their side. The air district's idea is revolutionary in the annals of the U.S. Environmental Protection Agency. There's always the chance that the courts could rule that we must attack smog in the same old unproductive ways.

I hope the air-quality activists reverse course and embrace the good deal on the table. The irony is, if businesses are ordered to cough up the \$29 million penalty, the money goes to the federal government. But, if the \$12 hike is allowed, the money remains here.

Air district officials say that the \$30 million a year would be used for new school buses, investment in mass transit and incentives to buy big-rigs with cleaner-burning engines.

There's at least one more potential benefit.

The Valley could show the nation that it's a place where cooperation and problem solving have risen to the top, replacing the us-against-them power politics that often is the enemy of progress.

## **Valley motorists set to pay \$29 million bad-air penalty Board decides against charging pollution-emitting businesses.**

By Mark Grossi / The Fresno Bee

Thursday, Oct. 21, 2010

The Valley's air board voted Thursday to make motorists -- not industry -- pay a \$29 million dirty-air penalty intended for pollution-emitting businesses.

The decision, first of its kind in the nation, would add \$12 to vehicle registration fees in the Valley beginning next year -- if air-quality activists don't successfully challenge it in court.

The penalty was triggered when the region missed an ozone cleanup deadline this year. Air officials said the penalty would not be fair for businesses, which have spent \$40 billion over the past three decades to reduce their pollution by 80%. Most of the Valley's ozone problem comes from vehicles, officials said.

"It does not make sense to squeeze businesses," said Seyed Sadredin, executive director of the San Joaquin Valley Air Pollution Control District.

The action shifts decades of emphasis on regulating industrial pollution, focusing more responsibility on motorists. It is considered especially significant in California, home of the nation's worst ozone pollution.

So far, only two districts are discussing charging motorists for missing an ozone deadline -- the Valley air district and the South Coast Air Quality Management District in Southern California. If the board's action Thursday holds up in court, the Valley would be the first in the nation to do so.

Vehicle owners would be on the hook for the extra fee each year until the Valley stops violating the federal one-hour ozone standard. The region violated the standard seven times during summer.

The \$12 surcharge would raise more than \$30 million annually, which would be used in the Valley to buy new school buses, help diesel truck owners buy new equipment and invest in mass transit.

The U.S. Environmental Protection Agency must approve the idea by next summer or the Valley will face sanctions, including increased costs for new businesses and temporary loss of road-building funds of about \$250 million a year.

But the agency earlier this year advised the air district that increased vehicle registration fees might be appropriate for the ozone penalty.

Environmental activists already have challenged that EPA advice in federal court. They say the federal Clean Air Act clearly intended the penalty for businesses, calling it an incentive for them to reduce pollution.

A lawyer for the Center on Race, Poverty and the Environment, based in San Francisco, on Thursday warned the local air district board that it would be unwise to follow EPA's guidance.

"You cannot pay this penalty through these fees," said lawyer Sofia Parino.

The businesses should pay the fine, said several activists, including Shafter resident Tom Franz, representing the Association of Irrigated Residents.

Vehicle owners pay for air-quality advances when they buy cars with newer engines and cleaner-burning gasoline, activists said.

"Pollution from cars is well-controlled," Franz said. "We all pay for Smog Check to have our cars inspected. Businesses are responsible for this penalty."

If businesses paid the penalty, it would go into the U.S. Treasury, air officials said, not into Valley air cleanup projects. State law allows the vehicle fee to remain with the district.

If businesses paid, the biggest offenders would pay the most. Glass manufacturers, some farmers and petroleum refiners would be among those who would pay.

But Bakersfield resident Jerry Frost, who has represented the petroleum industry in the area, said businesses are struggling in the economic downturn.

And the state has saddled businesses with many other environmental regulations and costs that have driven some businesses out of California, he said.

He added that he is philosophically opposed to new taxes and fees. But he does not oppose the vehicle registration hike.

"It sure beats losing my job," he said.

### **Motorists will pay for business dirty-air fine**

By Associated Press

In the S.F. Chronicle, Contra Costa Times & other papers, Friday, Oct. 22, 2010

Fresno, Calif. (AP) -- Motorists are being charged a \$12 vehicle registration fee to pay for the \$29 million dirty-air penalty assessed pollution-belching San Joaquin Valley businesses.

San Joaquin Valley Air Pollution Control District executive director Seyed Sadredin says it doesn't make sense to squeeze the firms responsible for the pollution.

Thursday's air board decision is believed to be the first of its kind in the nation. It adds \$12 to vehicle registration fees in the San Joaquin Valley next year and the surcharge will continue each year until there is an end to violations of the federal one-hour ozone standard.

The Fresno Bee says the region violated the standard seven times during summer. A pollution spike during the August heat wave led to the \$29 million federal penalty.

### **Valley Air District board fines drivers \$12**

#### **Vehicle owners to pay more in registration due to ozone violations**

By David Castellon

Visalia Times-Delta and Tulare Advance-Register, Friday, Oct. 22, 2010

Valley vehicle owners could pay an extra \$12 in DMV registration to pay off a fine for the Valley violating federal rules on maximum ozone levels in August and September.

Originally, the Environmental Protection Agency sought to levy a combined \$29 million fine to more than 400 businesses in the eight Valley counties that generate the most pollutants — including some Tulare County dairies, manufacturers and other businesses.

But the Valley air district protested, claiming most of the pollution on the eight violation days likely came from high automobile use and intense summer heat those days, causing a rise in ozone levels.

It was not the fault of businesses that have cut their pollution emissions drastically over the past decade, said Seyed Sadredin, the district's executive director.

He said the EPA gave the district the option of charging vehicle registration fees, which the air district's board passed during its monthly meeting Thursday in Fresno. The fees, which could take effect by

October 2011, are expected to raise \$33.6 million annually and would apply only to vehicles registered in the eight Valley counties.

That's more than the \$29 million fine and more than the \$28 million the air board officials estimated they would have collected with \$10 fee increases.

Steve Worthley, a member of the air district's governing board and a member of the Tulare County Board of Supervisors who is running for re-election, left the meeting early — prior to the fee vote — in order to speak at a candidates' forum in Visalia.

After the event, he said he wouldn't have voted for either the businesses or car registration fines.

"I don't think raising taxes, especially at this time, is right," said Worthley, who likened the added registration fee to a tax.

He noted that car owners already face the possibility of a separate \$18 fee added to their vehicle registration costs if California voters pass Proposition 21, intended to stream dollars into the state's parks.

Worthley said he didn't believe businesses that already have gone to costly lengths to cut pollution here should be punished for the high ozone levels that they likely didn't cause.

The penalties arise from EPA measurements showing ozone above federally mandated for an hour or more over Arvin, Clovis, Edison, Fresno, Hanford and Parlier.

On some of those days extra drivers were on roads because school was starting, and the days were particularly hot — some above 100 degrees — Sadredin said, noting that hot weather increases ozone in the air.

And the Sheep Fire near Fresno may have added to the air quality problems, he added.

Sadredin said the air district plans to lobby Congress to waive the fees while Worthley said he would like to see legislators eliminate the one-hour rule.

In the meantime, the air board needed to decide which penalty to invoke, Sadredin said.

If the district does it, then it would receive the funds and use them to pay for pollution reduction programs, he explained. If no action is taken, the EPA can step in and collect the fines, and that money would go to federal the federal government, he said.

The board has a January 2012 deadline to begin collecting the fees — whether from businesses or car registration. But before they can take effect, the EPA and the California Air Resources Board have to approve the air board's actions.

Brenda Turner, a spokeswoman for the board, said the Air Pollution Control District received authorization in 2007 by state legislators to increase vehicle registration fees up to \$24 to fund pollution reduction efforts.

Once the new fees take effect, they could stay in effect for years, if Congress doesn't choose to waive the fines, Sadredin said. The Valley would need three consecutive years with no new ozone violations for the fines to be lifted.

## **District sticks drivers with air pollution bill**

By Steven Mayer, Californian staff writer  
Bakersfield Californian, Friday, Oct. 22, 2010

Valley air district board members didn't like the smell of it, but they held their noses, complained they had little choice, and voted unanimously Thursday to hand off a \$29 million federal air pollution penalty to valley vehicle owners.

The decision was probably a forgone conclusion, but the board spent more than three hours listening to staff's recommendations, a slew of public comments -- pro and con -- and one another before deciding to tack an additional \$12 onto the annual cost of registering a motor vehicle in the valley.

The eight-county air district, which extends from Bakersfield to Stockton, already includes a \$7 surcharge on DMV auto registrations for various programs. But the additional fee marks the first time American motorists have been held responsible for fouling the air.

The South Coast Air Basin is considering a similar surcharge, according to the Fresno Bee.

"As a matter of principle I oppose fees and penalties because they're another form of tax," said Kern County Supervisor Ray Watson, who also serves on the San Joaquin Valley Air Pollution Control District board.

But Watson and his fellow members agreed that the alternative – assessing the valley's largest stationary polluters, such as oil refineries, power plants and agricultural-production facilities – would be both unfair and unwise.

"I don't think we have a choice," he said. "I think we need to adopt the surcharge."

The new fees will be added to vehicle registration starting in October 2011. The surcharge will end in 2024, but the air board may decide to end it at any time.

The federal penalty is particularly galling to board members and Air District staff because the valley's air this summer was the cleanest on record, according to the district.

But in mid-August when temperatures climbed past 110 degrees and back-to-school driving put more cars on the road, the air district recorded seven violations of the one-hour ozone standard – a federal Clean Air Act rule that measures the peak level of smog-producing ozone during any one-hour period.

That's seven too many violations of the standard, but a huge improvement over 56 recorded in 1996, said Samir Sheikh, the air district's director of strategies and incentives.

Emission reductions made by valley businesses are largely responsible for the valley's improved air, Sheikh said at the Fresno meeting. As a result, there's not much more industry can do with current technology.

"Valley businesses," he said, "deserve our recognition and reward, not a penalty."

But some members of the public disagreed.

Tom Frantz, a Shafter teacher and environmental activist who heads the Association of Irrigated Residents, labeled as "propaganda" the air district's assertion that 80 percent of the valley's smog comes from mobile sources.

He and others said the district should stick to the spirit of the law, which was designed to hold industrial sources of air pollution accountable.

Frantz also said the stockholders of oil companies and other multi-national corporations can much more easily absorb the federal penalty than the people of the southern valley, many of whom live below the poverty level.

The air district has no regulatory jurisdiction over cars and other mobile sources, but Sheikh noted that stationary sources of smog-forming gasses have cut their emissions between 75 percent and 88 percent since 1980. In addition, the number of miles driven by motorists has grown twice as fast as the population, he said, another reason drivers should share the burden.

Arthur Unger, a member of the executive committee of the Kern-Kaweah chapter of the Sierra Club, also pleaded with the board to hold industry accountable for the federal penalty.

"Private vehicle drivers have little control over their emissions," he said.

But other members of the public – who had video access to the Fresno meeting at air district offices in Bakersfield and Modesto -- lobbied hard for motorists to pick up the tab.

Suzanne Noble, vice president of regional issues and chief of staff for the Western States Petroleum Association, supported the staff recommendation – as did business owners in Fresno and other areas in the district.

"We have close to 500 vehicles," said Patrick Smith of beef producer Harris Ranch. "So business will pay under this provision as well."

Not only does Smith support the DMV surcharge, he said the U.S. Environmental Protection Agency should be held responsible for failing to get a handle on the valley's worst polluters, trucks and cars.

### **Free workshops on air permits**

By Carl Reiter

Merced Sun-Star and Sacramento Bee, Monday, Oct. 25, 2010

A free workshop about the permits from the San Joaquin Valley Air Pollution Control District required by smaller farms with emissions greater than five tons a year will be from 9:30 a.m. to 12:30 p.m. Nov. 1 at the UC Cooperative Extension Classroom, 1245 W. Wardrobe Ave. in Merced.

The district recently changed its rules, resulting in a significant drop to the major threshold from 25 tons a year of NOX and VOC emissions to 10 tons a year.

Agriculture facilities have been required to obtain air permits with emissions of half the major source threshold. The permit threshold for ag sources is now five tons a year. The change will require smaller farms to now obtain a permit with the air district.

Farmers should attend the workshop if they have irrigation or emergency engines larger than 50 horsepower that are now not permitted; total combined horsepower rating of irrigation pump engines of more than 250 horsepower; dairies with more than 175 milk cows; more than 100 acres of contiguous cropland and have not applied for a conservation management practice plan; or an interest in learning about grant funding to replace irrigation pump engines.

Please RSVP to the Merced County Farm Bureau at (209) 723-3001. Space may be limited.

### **Air Quality Results from New Farm Bill Program: USDA NRCS and Agricultural Groups to Share Results**

By USDA - Natural Resources Conservation Service

In the Sacramento Bee, Friday, Oct. 22, 2010

FRESNO, Calif., Oct. 22 -- /PRNewswire-USNewswire/ -- The following is being issued by USDA - Natural Resources Conservation Service:

**WHAT:** Results have been tabulated from the first two years of a new air quality program, made available in the 2008 Farm Bill, for farmers in 36 California counties. The results will be announced on a participating farm near Fresno, Calif. A tour will continue on a second Fresno-area farm.

The program, administered by USDA's Natural Resources Conservation Service (NRCS) splits the cost of replacing the oldest (and typically most polluting) diesel engines on the farms with the latest technology machinery that decreases nitrous oxide (ozone precursor) emissions by almost 75 percent.

**WHO:** The announcement will be made by Dave White, Chief of the USDA's Natural Resources Conservation Service (NRCS). Chief White will make the announcement on a participating local farm, joined by agricultural leaders and the San Joaquin Valley Air Pollution Control Board.

**WHERE:** The announcement will be held on a participating farm within a 20-minute drive of Fresno. An optional trip to a second farm is available to see more conservation practices. For a map, contact Anita Brown at 530-792-5644 or Rob Roy at 559-252-2191.

**WHEN:** Events will begin at 1:30 p.m., Monday, Oct. 25, 2010.

**WHY:** NRCS and farmers are partnering on ways that agriculture can contribute to air quality improvement. The new program being discussed focuses on using cleaner combustion engines and thereby reducing nitrous oxides which lead to ozone.

Farmers and NRCS are also partnering on other on-farm air quality conservation practices to make improvements in NOx, PM10 and Volatile Organic Compounds (VOCs).

## Extra effort boosts quality and quantity of corn piles

By John Holland

Modesto Bee and Sacramento Bee, Sunday, Oct. 24, 2010

Who knew that silage piles — those giant mounds of dairy feed covered with plastic sheeting — could be works of art?

A delicate touch helps when managing the piles, which can degrade if too much air gets inside them.

That's why Larry Pacheco tries to minimize the exposed surface when he removes some of the feed from a pile with a tractor.

"There are a few who do it this way, but there are a lot who do it the ugly way," he said at a farm west of Turlock last week.

Silage, which dairy farmers make by fermenting corn or other crops for a few weeks after harvesting, has become an important feed in the Northern San Joaquin Valley and elsewhere.

And it's another example of the sophisticated work behind the seemingly simple business of producing food.

North valley farmers produced about \$212 million worth of silage last year, according to county crop reports.

It's especially valuable because it gets a lot of nutrients out of each acre compared with other feeds. Entire cornstalks are chopped and put into the piles, not just the grain.

That means less spending on feed from elsewhere, including Midwestern grain corn, which has risen in price this fall.

"The higher the quality and the more quantity of corn silage we can grow, the more economical we can be," said Devin Gioletti, a Turlock-area dairy farmer.

Silage provides plenty of energy and fiber for cows, said Mich Etchebarne, a private animal nutritionist in Modesto. He talked about the feed during visits to a few of the dairy farms that rely on his advice.

At El Katrina Dairy, off Crows Landing Road, about 13,000 tons of recently harvested corn stood in a pile about 30 feet high. It will cure for a month before it starts to be fed to cows, although some farmers wait just three weeks.

The angle from the ground to the top of a pile is low enough to allow a tractor to drive up and down it, compacting the silage each time. Only a small part is not covered by the sheeting, which is weighed down by hundreds of waste tires.

The compaction and covering keep out oxygen and spur the growth of anaerobic bacteria. They in turn produce lactic acid.

"The resulting acidity effectively 'pickles' the forage," says a handbook from Penn State University.

Etchebarne likens it to fresh cabbage turning into sauerkraut.

Oxygen in the pile can produce alcohols that waft to the sky, reducing the volume and quality of the feed.

"This is a major, major investment," Etchebarne said. "You don't want to put that much into an investment and watch it erode on you."

Even well-managed silage piles can shrink about 15 percent, he said, so some dairy farmers have switched to massive bags that wrap all the way around the feed. They cost more than the piles, but they cut the shrinkage to about 3 percent, he said.

At Gioletti's farm, more than a dozen bags lay side by side last week, reaching 500 feet in length and 11 feet in diameter after the chopped cornstalks were blown into them.

The fresh crop smelled much like a just-mowed lawn — and why not, since corn is botanically a grass. In a few weeks, if all goes well, the silage will have the slightly sweet aroma that means it's ready for cows.

Alcohol emissions from silage have drawn the attention of the San Joaquin Valley Air Pollution Control District. It has lumped them among the "volatile organic compounds" that create smog when mixed with other pollutants and sunlight.

Silage, in fact, is a greater source than dairy manure storage, district officials said.

Last week, the district board adopted new rules for silage handling. They include proper moisture content, compaction and coverings for the piles, and care when spreading the feed in front of the cows.

"By reducing the exposure to the air, we're reducing VOC emissions," said Errol Villegas, strategy and incentives program manager for the district, before the board vote.

Dairy industry people said they already handle silage carefully because air contact degrades it. They said they do not mind new regulation as long as it gives farmers flexibility in carrying out the practices.

One industry critic suggested a shift from silage to pasture grazing for dairy cattle.

"We really feel that's a more sustainable model for dairies," Sarah Sharpe, director of the environmental health program at Fresno Metro Ministries, told the air board.

Industry people see silage as environmentally sound — especially if the piles are managed with a touch like Pacheco's.

Etchebarne's word for him: "A sculptor."

#### A RECIPE FOR SILAGE

- Dairy farmers harvest corn, including the stalks, when it reaches the desired moisture content. Wheat or other feed crops also can be used.
- The harvesting machine chops the corn into pieces roughly half an inch to an inch and blows them into a truck traveling alongside it.
- The chopped corn is trucked to a site where it is piled, often more than 20 feet high, and compacted by a tractor driving over it continually.
- The pile is covered with plastic sheeting weighed down by scrap tires. Some farmers have switched to bagging silage in plastic tubes a few hundred feet long.
- The silage cures for a few weeks. The compaction and sheeting keep out most oxygen, which would cause part of the crop to ferment into alcohol, reducing the feed's quality and quantity.
- The finished silage is rationed out to cattle in the following months, with the sheeting kept in place.