

Annual fireplace rules kick in Monday

By Steven Mayer, Californian staff writer
Bakersfield Californian, Sunday, Oct. 31, 2010

Cooler weather is in the air and some Kern County residents will want to keep the home fires burning this winter.

But before you light that fire in your fireplace or wood-burning stove, make sure to "check before you burn," valley air officials caution.

The annual fireplace-use rules that regulate wood burning in the San Joaquin Valley begins its eighth season Monday -- and officials with the San Joaquin Valley Air Pollution Control District are crediting the still-controversial program for dramatically reducing harmful airborne particulate pollution from Bakersfield to Stockton.

The regulations, which are effective from Nov. 1 through the end of February, determine when residential wood burning will add dangerous levels of particulate matter -- tiny pieces of soot, ash, dust and other materials -- to the valley's air, and prohibits the use of residential wood-burning devices on those days. Wood-burning forecasts are issued by county each day.

Residents with no natural gas service or any other form of heat are exempt from the rule.

"This rule has been critical in helping the valley reduce the presence of particulate pollution during the winters," Seyed Sadredin, the air district's executive director, said in a release.

The numbers appear to back him up.

As much as 24 tons per day of particulate matter are emitted from residential wood burning, making it the largest source of this type of pollution during winter months, according to the air district.

But the 2009-2010 season was the cleanest on record for the air basin, and it came on the heels of the second cleanest season the winter before, records show.

Particulate pollution is distinct from smog-producing ozone, and is not related to a \$29 million federal ozone penalty that has recently been in the news.

Generally speaking, ozone is a summer problem because it needs lots of sunlight to form.

While winter weather conditions can have a direct impact on the dispersion of particulate pollution, an end-of-season report released by the air district in April found that controls limiting wood burning -- rather than higher rainfall levels -- were largely responsible for last winter's lower concentrations of particles smaller than 2.5 micrometers in diameter.

High levels of particulates can have serious health effects, including bronchitis, lung disease and increased risk of heart attacks and stroke. Young children, the elderly and people with existing respiratory and coronary disease are especially vulnerable.

To find the daily forecast and wood burning declaration, call 800-766-4463, or go to Valleyair.org, where residents can also sign up to receive the daily forecast automatically.

Valley wood-burn rules start Monday

The Fresno Bee, Friday, Oct. 29, 2010

On Monday, air officials will begin announcing fireplace wood-burning bans on the worst-polluted days -- a practice that has improved fall and winter air quality.

Residents should check with the air district to find out whether it is legal to burn in their counties. Forecasts are available at 4:30 p.m., beginning Sunday, at valleyair.org/aqinfo/WoodBurnPage.htm. Or call (800) 766-4463.

Residents also can subscribe to an e-mail notification list at valleyair.org/lists/list.htm. The notifications will continue until the end of February.

If burning is allowed, officials advise residents to use clean-burning manufactured fire logs, such as Duraflame or seasoned firewood to cut down on smoke.

Wood-burning limits go into effect Monday in Modesto area

Air district: Effort produced cleanest winter last year

From Bee Staff Reports

Modesto Bee and Sacramento Bee, Sunday, October 31, 2010

With the chill in the air, a wood fire may sound inviting, but air quality officials remind Modesto-area residents to check for woodburning restrictions or prohibitions before lighting those fireplace logs.

The eighth season of the San Joaquin Valley Air Pollution Control District's Check Before You Burn program will begin Monday and run through Feb. 28.

Residential wood burning will be restricted or prohibited on days when fine-particle pollution is forecast to be high, according to an air district news release.

"This rule has been critical in helping the valley reduce the presence of particulate pollution during the winters," said Seyed Sadredin, the air district's executive director and air pollution control officer.

In fact, the 2009-10 winter was the cleanest on record for the air basin, and officials credit Check Before You Burn.

High levels of particulate pollution can have serious health effects, including bronchitis, lung disease and increased risk of stroke and heart attacks. Children, the elderly and people with respiratory and coronary disease are especially vulnerable, the news release continued.

It is the responsibility of residents or businesses to check for any restrictions before using indoor or outdoor fireplaces, wood stoves and fire pits that burn wood, pellets, manufactured logs or other solid fuel.

Those who receive daily air quality forecasts will get the daily burn status in the same e-mail.

To receive the daily forecast and burn status in an e-mail alert, go to www.valleyair.org/lists/list.htm. The daily burn status is also available by calling 557-6472 or 800-766-4463.

Program limiting fireplace use re-ignites

By Sabra Stafford

Turlock Journal, Friday, October 29, 2010

The San Joaquin Valley Air Pollution Control District's Check Before You Burn program is slated to begin Monday.

Check Before You Burn, which runs from November through February each winter, determines when residential wood burning will add dangerous levels of particulate matter – tiny pieces of soot, ash, dust and other materials – to the Valley's air, and prohibits the use of residential wood-burning devices. Wood-burning forecasts are issued by county each day.

The program is in its eighth year.

"This rule has been critical in helping the Valley reduce the presence of particulate pollution during the winters," said Seyed Sadredin, the Air District's executive director and air pollution control officer.

According to the Air District, the 2009/10 year was the cleanest on record for the air basin, and officials credit Check Before You Burn. There are two forecast levels, depending on air quality: "Wood burning Prohibited" and "Please Burn Cleanly." When a prohibition is declared, burning any solid fuel in a residential fireplace or wood-burning device is not permitted and violations may result in fines. Backyard chimineas and fire pits are also subject to the prohibitions. There are two exemptions: If the residence does not have access to natural-gas service, even if propane is available; or If burning solid fuel is the sole source of heat for the residence. When burning is allowed, the Air District recommends using manufactured fire logs such as Duraflame or dry, seasoned wood to minimize emissions. High levels of particulate pollution can have serious health effects, including bronchitis, lung disease and increased risk

of heart attacks and stroke. Young children, the elderly, and people with existing respiratory and coronary disease are especially vulnerable to the effects of air pollutants.

Daily wood-burning forecasts will be available by county each day at 4:30 p.m., beginning Sunday at <http://www.valleyair.org/aqinfo/WoodBurnpage.htm>, by calling 1-800 SMOG INFO (766-4463) or by subscribing to the Air District's daily air quality forecast at <http://www.valleyair.org/lists/list.htm>.

Air quality forecast and wood-burning status

Merced Sun-Star, Monday, Nov. 1, 2010

MERCED

AQI Forecast for 11/1/2010: 52 Moderate (PM2.5)

School Flag color for 11/1/2010: Yellow

Wood Stove Burning Status for 11/1/2010: Please burn cleanly

Judge says Merced cement firm had illegal paint shop

By Victor A. Patton

Merced Sun-Star and Sacramento Bee, Saturday, Oct. 30, 2010

A Merced-based concrete company operated an illegal paint shop, violated numerous state hazardous waste laws and hid their conduct from local regulators, a Merced County judge has determined.

Merced County Superior Court Judge Ronald Hansen issued an Oct. 19 statement of decision in a civil action brought by the state against Central Valley Concrete. The suit alleged CVC operated an unpermitted paint shop at its main Merced plant, producing air emissions and hazardous waste, among other violations.

In his decision, Hansen issued an injunction prohibiting CVC from failing to comply with any applicable provisions of the state's hazardous waste control laws. He also ordered CVC to pay nearly \$300,000 in civil penalties for the violations.

Matthew Maclear, the attorney who handled the case with Deputy Attorney General Brett Morris, said it's unknown whether CVC employees or anyone else suffered medical issues from hazardous chemicals or contaminants at the paint shop.

Morris said the operation wasn't a "little unpermitted shop," saying CVC was painting at least 50 cement trucks a year. "They were having emissions -- from the spray itself, the paint, the thinners, lacquers and everything they were mixing into the paint, as well as the sand blasting."

James Betts, the Fresno attorney who represented CVC, said he couldn't comment on the case, but released the following statement: "We respect Judge Hansen's opinion. Because this matter remains pending, we believe that it would be inappropriate for CVC, or this office, to comment at this time. CVC's objections are due to be filed November 3, 2010, and I will provide (the Sun-Star) with a copy of filing."

Prosecutors say CVC was trying to cut corners by painting the trucks at their own facility, rather than pay a market price. "We believe there was a profit motive behind this," Maclear said. He's the statewide circuit prosecutor for the California District Attorney's Association, who handled the case as a deputy district attorney on behalf of district attorneys' offices in Merced, Stanislaus and Madera counties.

Hansen's decision came after a civil trial, which began in late April. The statement of decision, while preliminary, isn't the court's final judgment. Hansen will rule on any objections from CVC's attorneys before issuing that final judgment. It's unknown when Hansen will make his final decision.

In making his decision, Hansen considered evidence from the paint shop's operation from 1999 to 2007.

Founded in 1981, CVC primarily produces, sells, and delivers sand, gravel, asphalt and concrete. The company operates three facilities in Merced County, two sites in Stanislaus County and one in Madera County.

Whistle blower

The state filed a suit against CVC after a whistle blower, a former employee, contacted the San Joaquin Valley Unified Air Pollution Control District in early 2007 about an unpermitted paint shop at CVC's 3823 N. Highway 59 location. At the shop, the company was painting large equipment, cement mixers and dump trucks, Maclear said.

There were also cases where the company was using the paint shop to work on vehicles belonging to private individuals and other companies without a permit. When the control district's inspector would arrive at the site for an annual inspection, Maclear said CVC management would conceal the paint shop from her. "Management would then go out, shut down the paint booth, take down the signs, shut the doors and not lead her into the building," Maclear said. "This paint shop had been in operation in Merced for decades, without being permitted." CVC management was asked about the building, but Maclear said they referred to it as storage. "The way they perpetuated that intentional concealment is by misrepresenting what was inside of that building," Maclear said.

After the whistle blower stepped forward, the Merced County Division of Environmental Health was also notified. Environmental health inspectors found dozens of violations at CVC's sites in Merced County. "The whistle blower's allegations were corroborated through the inspections and also through the testimony of the former employees," Maclear said.

As part of his decision, Hansen determined operation of the paint shop resulted in the "violation of a multitude of laws and regulations aimed at the protection of the environment and people from hazardous materials and hazardous waste and harmful emissions."

The shop operations generated hazardous waste in the form of paint chips combined with dust, solvents, soil and/or sandblasting material -- and a portion of the materials was sprayed into the air. Some of the solvent was poured onto the ground, Hansen determined.

Paint shop employees also weren't trained about the recognition of handling of hazardous materials. "CVC ownership and management was, and is, sophisticated, successful and tough in its business operations, but appeared to view compliance with environmental laws applicable to paint shop operations as a cumbersome nuisance," Hansen wrote.

CVC also operated a 50-plus horsepower diesel engine in the paint shop to sandblast cement mixers, trailers, equipment and parts of truck tractors. Even though the engine was observed to emit smoke in excess of Air District standards, CVC never attempted to get a permit for the engine, Hansen determined.

Among other violations, Judge Hansen also determined CVC failed to properly identify all hazardous materials and waste at each Merced County site, properly label and cover hazardous waste containers, maintain required waste accumulation records and keep its hazardous waste streams properly segregated and identified.

Maclear said the Merced County Planning Department and the Merced County Fire Department never received applications for permits for the paint shop, which are necessary because of the flammable materials.

Calls were also placed Friday to Scott Neal, CVC's co-owner and president, and Chuck Salkenstein, CVC general manager. Those calls were not returned by Friday evening.

In court, CVC's attorneys maintained they didn't need permits because the paint operation began before the applicable regulations existed, Maclear said. CVC's attorney's also claimed if there were violations, they were merely paperwork and labeling-related.

Maclear said the violations were a much bigger deal than paperwork. "Those violations related to paperwork actually culminated in jeopardizing the safety of CVC employees, it jeopardized the safety of first-responders should there been an emergency and it culminated in the disposal of hazardous waste into the trash, into the air and the paint chips and dust that were falling to the ground, that was then illegally disposed of around the counties in asphalt projects," Maclear said.

After the violations came to light in 2007, CVC did obtain a permit for the paint shop and sandblasting operations. Use of the diesel engine stopped, and there has been no further sandblasting since April 2007. The paint shop has been little used since April 2007, according to Hansen's statement of decision.

If CVC, which remains in operation, fails to comply with the states' hazardous waste laws in the future, Maclear said the company could be subject to more civil -- or even criminal -- penalties. In the meantime, Maclear said he hopes CVC will change its practices on hazardous waste. "I can only hope they take an earnest interest in complying with the environmental workplace regulations applicable to them," he said.

[Visalia Times-Delta and Tulare Advance-Register, Editorial, Monday, Nov. 1, 2010:](#)

Editorial: Rail-line announcement is encouraging

Thumbs up to the grant from the U.S. Department of Education for \$715 million toward the construction of a high-speed rail line in the Central Valley.

Nearly all that money ought to be spent in the Valley for the construction of the first phase of the \$45 billion project, which could be completed as early as 2010.

However, thumbs down to the California High Speed Rail Authority if it intends to shift construction of the first phase from the Valley to Southern California or the Bay area.

The report that the money had been released last week was good news indeed. While we have some misgivings on how the high-speed rail line might affect the Valley, the momentum for building it has advanced beyond the concept stage. The long-term benefits of a bullet train in California — on [reduction of air pollution](#), for economic development, for efficiency of transportation and as an alternative to private transportation — has a huge amount of positive potential.

Valley leaders must make sure the rail line doesn't negatively affect farmland, access to water or its environment.

Regardless, it appears the bullet train will be built. The boost from the federal government is a significant step that local officials will welcome.

At the same time, they must press the state High Speed Rail Authority to make sure the money is used as intended — to begin the project in the Valley. That makes the most sense for the project and for taxpayers.

The easiest and cheapest leg of the massive, 415-mile line will be in the Valley, both in terms of land acquisition and construction. It would allow the rail line to become operable and serve as the anchor as it expands to both the north and the south.

The four legs the rail authority is examining are Fresno to Bakersfield, Merced to Fresno, Los Angeles to Anaheim or San Jose to San Francisco. We urge the rail authority to stay focused on the Valley sites. Frankly, if the initial construction is in the Bay area or Southern California, we suspect there will be less incentive to continue right away.

High-speed rail has been a dream in California for 20 years. It is becoming closer to reality. We look forward to the Valley's having a major role.

[Tracy Press, Guest Commentary, Friday, October 29, 2010](#)

Living Green: Protect green economy, vote no on Prop. 23

by Christina Frankel / For the Tracy Press Tracy Press

It's obvious it's campaign time. We get bombarded with messages about the upcoming election on the radio, television and on pamphlets crammed in our mail.

Alas, the information can be hard to determine the wheat from the chaff. Being a voter is weighty. It takes effort to be a good citizen, to find out the issues, to be informed to vote on our beliefs — but never once have I assumed the message would come to me.

One of the issues this election cycle, filled with rhetoric, is Proposition 23. Bankrolled by oil companies, it is essentially a proposition to eliminate a law in place, Assembly Bill 32, The Global Warming Solutions Act, until such time that unemployment falls to 5.5 percent for four consecutive quarters. I wrote about AB 32, as Tracy had begun the long process toward sustainability (Tracy Press "Green living goes back to the future," December 2009).

The ludicrous message from proponents is that somehow AB 32 caused our current high unemployment rate. What's ironic is that green jobs are the little engine that could in this dismal economy and is the only sector that is growing. AB 32 has spurred investment in California, threatened now by its virtual repeal.

For those living and working in the valley, we should be even more indignant that someone wants to take away our chances at clean, breathable air. We live in a natural valley that traps all the pollution blown in from the Bay Area, and we and our children suffer. In the San Joaquin Valley, we get penalized by the state for poor air quality — the valley is on hook for a \$29 million penalty for poor air quality, because we have missed an ozone clean-up deadline — not because of our density, but because of geography. The local air resource board is looking for schools that will volunteer to keep school children indoors during recess when the air quality is poor.

If you vote yes on Proposition 23, the valley will continue to exceed EPA air quality standards. We will pay for the poor air quality, literally with huge penalties and physically with our health. With half the nation's investment of green technology in California alone, it will further stall our economy, not improve it. Vote no on Proposition 23. It's a healthier future.

Christina D.B. Frankel has lived in Tracy for more than 20 years and is an architect and mother of three. Her column, Living Green, runs every so often in the Tracy Press.