

Calif. high court refuses appeal of no-burn rule

The Associated Press

In the Sacramento Bee, Merced Sun-Star and other papers, Tuesday, January 4, 2011

SAN FRANCISCO -- The state's highest court has refused to hear an appeal of a San Francisco Bay area air pollution regulation that bans burning Duraflame logs and other fuels on bad air nights.

The California Supreme Court's refusal affirms a Bay Area Air Quality Management District limit on burning wood, fire logs or wood pellets on nights when air quality is expected to exceed public health standards.

The appeal was brought by Duraflame Inc., which argued that its logs burn cleaner than other fuel types and should be exempt from the ban.

Duraflame appealed to California's high court after losses in both Alameda County Superior Court and a state appeals court.

California Supreme Court refuses to review no-burn rule for Bay Area

By Denis Cuff

Contra Costa Times & Tri-Valley Herald, Tuesday, Jan. 4, 2010

SAN FRANCISCO -- The California Supreme Court has refused to hear an appeal seeking to exempt Duraflame fire logs from a Bay Area ban on burning wood fires during Spare the Air alerts.

In refusing to take up the case, the court reaffirmed the rule adopted by the Bay Area Air Quality Management District to limit smoke during cold, stagnant air days when fine particles are expected to exceed public health standards, air district spokesman Ralph Borrmann said Monday.

Duraflame Inc. argued that its manufactured fire logs should be exempt from the ban -- and a related labeling requirement on the products sold at stores -- because they burn more cleanly than other types of wood fuel. But the company failed to persuade an Alameda County Superior Court judge and the First District Court of Appeal before striking out last month as well with the state Supreme Court.

The rule bars burning of solid fuels, including wood, wood pellets and fire logs, on bad air nights.

Suit challenges Calif. approval of farm pesticide

By Jacob Adelman - Associated Press Adelman

In the Modesto Bee and Stockton Record, Tuesday, January 4, 2011

LOS ANGELES -- A coalition of environmental and farmworker groups said in a lawsuit announced Monday that state pesticide regulators improperly cut off public comment on a controversial agricultural fumigant in order to secure its passage before Gov. Arnold Schwarzenegger's term ended.

The suit, filed by the lawyers with Earthjustice and California Rural Legal Assistance Inc., accuses the Department of Pesticide Regulation of violating state law by mischaracterizing methyl iodide's approval last month as an emergency action.

"DPR created a political 'emergency' by insisting on locking in its decision before a new administration takes office," CRLA attorney Mike Meuter said in a statement.

The lawsuit, filed Thursday in Alameda County Superior Court, also says that regulators did not sufficiently evaluate the pesticide's risk and that their approval was based on insufficient data, among other claims. It seeks to have the pesticide's approval vacated.

DPR spokeswoman Lea Brooks said her agency has not reviewed the lawsuit, but she defended the approval.

"The department believes it followed the registration process," Brooks said. "Registration of methyl iodide was not fast-tracked."

A spokeswoman for methyl iodide's Tokyo-based manufacturer, Arysta LifeScience Corp., which is also named as a defendant in the lawsuit, said company officials have not had a chance to review the complaint.

The DPR approved methyl iodide for use by fruit and vegetable growers despite heavy opposition from advocacy groups, who cited its placement on California's official list of cancer-causing chemicals.

The groups also stressed that the DPR's own scientific advisory panel raised concerns that the substance could [poison the air](#) and water.

Methyl iodide opponents said Monday that they submitted some 52,000 comments to the office of Gov. Jerry Brown, who took office Monday, urging him to prevent methyl iodide's use.

"We expect Gov. Brown to do much better than his predecessor, whose environmental legacy is defined by hypocrisy," said Paul Towers, state director of Pesticide Watch Education Fund, a plaintiff in the lawsuit.

The pesticide's approval occurred under the watch of DPR Director Mary-Ann Warmerdam, an appointee of Schwarzenegger, whose tenure received mixed reviews from environmental groups.

A spokesman for Brown did not immediately respond to an e-mail seeking comment.

Methyl iodide was approved for use by the U.S. Environmental Protection Agency in 2007 as a replacement for the fumigant methyl bromide, which is being phased out by international treaty because it depletes the Earth's protective ozone layer.

Methyl iodide is now registered in 47 other states. Current users include growers of tomatoes, peppers, eggplant and other crops in southeastern states.

California's \$1.6 billion strawberry industry will undoubtedly provide one of the biggest markets for the chemical, as will the [Central Valley's nut orchards](#) and the fresh flower nurseries dotting the coast in Ventura and San Diego counties.

Dial-A-Ride to replace 6 buses

By Gerald Carroll

Visalia Times Delta, Tuesday, January 4, 2011

Visalia's transit system will be replacing half the buses in its 12-vehicle Dial-A-Ride shuttle-bus system, with \$720,000 of the projected \$950,000 total cost covered by federal funding, officials reported.

The six-bus purchase — with all vehicles powered by compressed natural gas, as is the current 12-bus Dial-A-Ride fleet — was approved by the Visalia City Council on Dec. 20.

"The existing [Dial-A-Ride] buses have been operating since 2002," said Monty Cox, transit director. "It is time to replace them."

Most of the funding comes from federal Congestion Mitigation Air Quality grants, designed to assist cities in replacing air-polluting diesel buses with ones that run on compressed natural gas.

"All of our Dial-A-Ride buses already run on compressed natural gas," Cox said. "We're just modernizing the fleet."

On any given day, up to seven Dial-A-Ride buses — which also service Exeter — are in operation, Cox said. They provide specialized transportation, designed for people 55 years of age and older, and residents who are certified disabled or who hold Medicare cards.

The state assisted in the purchase, assuring the lowest possible price from vehicle provider Bus West through a joint bidding process known as piggybacking. It was decided that Bus West would

be the best option, especially with the purchase of alternative-fuel vehicles, Cox wrote in a Dec. 20 report to the council.

Calif. clean air chief expected to keep job overseeing landmark climate policies

Rick Daysog - Sacramento Bee

In the Merced Sun-Star, Monday, January 3, 2011

In 1979, Gov. Jerry Brown tapped Mary Nichols, then an up-and-coming environmental lawyer, to lead the state's top clean air agency. Decades later, Brown is widely expected to reappoint Nichols as chairwoman of the California Air Resources Board as he pushes ahead with the state's landmark greenhouse gas reduction policy.

As head of the ARB under Republican Gov. Arnold Schwarzenegger, Nichols is credited with keeping the state's ambitious climate change policies on track, just as those policies came under attack from a rollback initiative funded largely by out-of-state oil interests. That voters rejected the rollback measure, Proposition 23, in November by 22 points showed that the "public recognizes that we are on the right course," she said.

Under the Brown administration, Nichols said California's green energy and climate change policies will remain on the same course. But she noted that the agency will have to make do with less.

Union files suit against Visalia distribution center

By Business Journal Staff

Business Journal Wed., Dec. 29, 2011

A newly approved medical supply distribution center in Visalia has drawn the ire of a local union in the form of a lawsuit to block the 500,000 square-foot facility until it obtains proper environmental approval.

The suit put forward by Teamsters Joint Council 7, which has 700 members in Visalia, challenges Madison Dearborn's laboratory supply company VWR International, the City of Visalia and others over the facility they claim will generate up to 10,000 truck trips a day and lead to potential spills of hazardous chemicals, posing a danger to both workers and residents.

The suit, filed in California Superior Court, further claims that the building has not met standards of the San Joaquin Valley Unified Air Pollution Control District requiring projects larger than 100,000 square feet to secure approvals for air emissions associated with indirect sources of PM10 and Nitrous Oxide in the Central Valley much less applied for such approvals.

The City of Visalia last week reached an agreement to pay back VWR International up to \$1.5 million in street improvements around the proposed facility.

A specific environmental assessment was not called for because the facility satisfied the requirements of the city's general plan for the area, said Visalia's Assistant City Manager Mike Olmos, adding that the company has fulfilled all the necessary obligations put before them.

The new distribution center, expected to bring more than 150 jobs to the city, is slated to open in 2012 while construction may begin as early as next month.