

Air-monitor spat could cost Valley millions

By Mark Grossi, staff writer

The Fresno Bee, Sunday, Oct. 21, 2012

People in the San Joaquin Valley are paying a \$30 million annual penalty for air pollution until the air clears up. At least, that was the deal until the state's spat with a landowner got in the way.

No matter how clean the air gets, the penalty might remain until the state can smooth things over with the miffed landowner -- Arvin-Edison Water Storage District, which booted a key air-monitoring site off its land.

The state and the Valley need an air monitor back on that land.

The site, downwind of smoggy Bakersfield, had become notorious for recording more ozone violations than any other place in the country, recording the Valley's highest ozone concentrations. That means it would likely be the last place where pollution will clear up here, experts say.

To prove the Valley's air meets the federal standard in the future, the monitor must be returned to that site and show the air is clean there.

Or, the \$30 million penalty could continue. So the stakes are high for this confrontation between the massive California Air Resources Board and the water district.

Earlier this month, the air board wrote a letter politely asking the water district to reconsider and take back the monitor, which has been on the district's property since 1989.

The letter also suggests that if the district doesn't change its mind, there may be a legal way to force it.

District general manager Steve Collup says the letter surprises him, adding there won't be a reply until his governing board has had time to consider what state leaders are saying.

"I can't believe they're bringing this up years later," he said.

But state leaders said they have spoken on several occasions with the board about the problem. The board has refused to cooperate.

The fight started three years ago over a different air-quality issue. The Arvin-Edison board wanted more details about California's controversial and ground-breaking diesel air rules, which have added to equipment costs for the district.

At the time, the air resources board was under attack from diesel-related industries. A key state scientist directly involved in the rule-making process was discredited because he falsely claimed to have a doctorate from the University of California at Davis.

The air resources board demoted the scientist, but stood by his research, saying it had been verified by other experts.

Arvin-Edison leaders said they were not buying the argument. They said they didn't think the air resources board was using good science.

"We gave them the time they needed to find another site and move," Collup said. "We didn't want anything to do with this agency."

The state moved the monitoring site to an elementary school a few miles away. Both the old Arvin-Edison site and the new site were used simultaneously in 2010 before the old site was retired.

Those 2010 readings incensed air-quality activists because the new site had less than half the violations of the old one. Activists accused the state of trying to clean up the air by simply relocating the worst monitor.

Now, the air resources board and the U.S. Environmental Protection Agency are pitching harder to reopen the Arvin-Edison site as the Valley pushes to attain the one-hour federal ozone standard.

The one-hour standard was abolished seven years ago and replaced with the more restrictive eight-hour or daylong benchmark. But federal law still requires air basins to achieve the abolished standard.

Though the Valley has greatly reduced one-hour violations in the last 10 years, the region still missed the 2010 cleanup deadline, triggering the \$30 million penalty.

The money stays in the Valley and is used to help clear the air by funding such projects as replacement of dirty diesel engines.

Meanwhile, the Valley might be able to wipe out violations and achieve the federal standard in the next few years. That is why restoration of the monitoring site is important, said Jared Blumenfeld, administrator of the U.S. Environmental Protection Agency, which enforces the standard.

In another letter to Arvin-Edison this month, he wrote: "It is imperative that we quickly reach an agreement on how to relocate the monitor back to its original site."

Calif. groups sue EPA over vehicle fees for smog

The Associated Press

In the Modesto Bee and Merced Sun-Star and other papers, Friday, October 19, 2012

FRESNO, Calif. -- California environmental groups have filed a lawsuit protesting a decision to combat San Joaquin Valley smog by increasing automobile registration fees instead of fining industrial polluters.

The lawsuit filed Friday in the 9th U.S. Circuit Court of Appeals accuses the U.S. Environmental Protection Agency of violating federal environmental laws by waiving the fines. The EPA adopted the region's air district plan to charge an additional \$12 on each auto registration to replace the money lost by waiving the fines in August, though motorists have been paying the new fee since last year.

The valley has some of the worst smog in the country. Last year, the EPA fined the San Joaquin Valley Air Pollution Control District \$29 million annually for failing to curb the ozone pollution.

EPA sued over San Joaquin Valley vehicle fees

Central Valley Business Times, Friday, October 19, 2012

Environmental and health groups on Friday began legal action against the U.S. Environmental Protection Agency, protesting a decision that shifts the fines for ozone pollution in the Central Valley away from major industrial sources and onto residents through an additional tax on vehicle registration.

The lawsuit, filed in the U.S. Ninth Circuit Court of Appeals in San Francisco, claims that EPA violated the federal Clean Air Act when it waived the fines on most stationary sources of ozone in the Valley.

"The Clean Air Act imposes fees on polluters to create a financial incentive to stop polluting," says attorney Paul Cort with the public interest law firm Earthjustice. "When the EPA decided that vehicle drivers should pick up the tab, the agency ignored not just the letter of the law but the whole purpose of the law itself."

The health impacts of ozone air pollution -- often called smog -- are well documented, ranging from asthma attacks to respiratory disease to death. The San Joaquin Valley has some of the worst ozone pollution in the country.

Even though the Clean Air Act provided a 20-year period to reduce ozone levels, the Valley failed to attain the national "1-hour standard" for ozone by the 2010 statutory deadline. That failure triggered a per-ton fee on ozone-related emissions from major industrial sources.

The lawsuit contends that the San Joaquin Valley Air Pollution Control District gutted this mandated incentive by adopting an ozone fee rule that exempts most industrial sources. Instead, the district began collecting "equivalent" funds from a vehicle registration surcharge of \$12 per year for each automobile. In August 2012, EPA approved the rule, claiming the discretion to permit equivalent alternatives even if they do not comply with statutory requirements.

"The Environmental Protection Agency's decision is a direct contradiction to its mission of protecting human health and the environment, and fails to take comprehensive steps forward in reducing air pollution in the San Joaquin Valley," says Emily Schrepf, Central Valley program manager for the National Parks Conservation Association. "Yosemite and Sequoia National Parks reported more than 70 days of ozone standard violations last year, and the agency's decision continues to put millions of annual national park visitors, and the economies that they help support, at risk."

The petition for review asks the court to overturn the EPA's decision that permits the local air board to waive fees for industrial polluters. The suit was filed by Earthjustice on behalf of Medical Advocates for Healthy Air, the

Natural Resources Defense Council, Latinos United for Clean Air, the National Parks Conservation Association, and the Sierra Club.

California to start new smog check program

Central Valley Business Times, Friday, October 19, 2012

Few drivers may realize it, but their car's onboard computer is busily collecting all sorts of data as they drive. And soon, the state of California will be picking those little under-the-hood brains.

The California Air Resources Board is readying plans for a new smog check program that eliminates sticking a probe up the tailpipe to measure emissions while simulating driving conditions in a shop.

Instead, for 2000 model-year and newer vehicles, the new test siphons off the data stored in the on-board diagnostic systems that are standard equipment on all newer vehicles.

"By utilizing the on-board diagnostic system already built into all newer cars, owners can be assured that they are getting the most accurate measure of their vehicles condition at the lowest possible cost," says CARB Chairman Mary Nichols. "The move away from tailpipe testing and the expensive equipment required by shops will benefit consumers, service providers and the environment."

Older vehicles will continue to be inspected using tailpipe emissions but stations will be subject to new performance and evaluation standards. Only stations meeting what CARB terms "the tough new standards" will be rated as "STAR Certified" and permitted to inspect 1999 and older vehicles. The changeover to the new testing requirements will take place over the next year.

- Starting Jan. 1, 2013, all 1999 model-year and older vehicles (the model years most likely to have high emissions) will be directed to new STAR inspection stations.
- Sept. 1, 2013, all 2000 model-year and newer vehicles will be inspected using the OBD-based test.

HITS & MISSES: Ten times the existing bike lanes for Kern

The Bakersfield Californian

Sunday, Oct. 21, 2012

HIT: Good news for Kern County cyclists and perhaps the region's [air quality](#). The Kern Council of Governments has adopted a countywide bicycle master plan that will ultimately expand access and facilities for bike riders throughout the county. The plan calls for 740 miles of lanes and paths, more than 10 times the existing grid of 70 miles of paths.

Current trends show that younger generations are less taken by the automobile than their parents and grandparents and many prefer pedaling their way to work or around town. A bike master plan will not only make this possible in the future, but make bike transportation safer and more accessible.

HIT: And it wasn't even a slow news day

Some may have considered it a fashion faux pas, but we found it endearing when first lady Michelle Obama and would-be first lady Ann Romney showed up to last week's presidential debate wearing outfits in exactly the same shade of shocking "pepto" pink. The fashion world dubbed it "pinkgate" but reports suggested the ladies had the best of intentions behind their attire: October is Breast Cancer Awareness Month and pink has long been associated with the cause.

MISS: Newsweek goes fully digital

The seas of print journalism churned again last week when Newsweek announced that it will become an all-digital publication at the end of the year. The news magazine is just shy of its 80th anniversary, too. The digital publication will be available by paid subscription online and through tablets and e-readers.

Another example of an old-school print publication going down in digital flames? Maybe not. The switch is likely to accelerate an inevitable transition among major print outlets. Those that can survive short-term may reap benefits long-term.

HIT: A young heroine progresses

The Pakistani teenager tracked down on a school bus and shot in the head by Taliban thugs for advocating for girls' education showed signs of recovery last week. Malala Yousufzai, 14, was able to stand and communicate through writing, according to doctors at the British hospital where she's being treated.

However, her condition remains fragile. She was fighting an infection and doctors said she will need reconstructive surgery on her skull. But the teen's ordeal seems to have emboldened Pakistani civilians, who rallied throughout their country in response to her shooting.

MISS: Recycling scam artists

California's beverage container recycling program is reporting returns in excess of 100 percent. No, this isn't anything to cheer about. The state has not convinced everyone to dutifully recycle. Instead, it appears semi trucks filled with bottles from other states have been coming into California where their drivers redeem deposits for which no redemption surcharge was originally paid. As a result, the state's fund for recycling redemptions paid out millions more than it took in last year.

While the recycling laws were constructed to make recycling easy, they are also easy to exploit. State officials have called the reports overblown, but they must realize that California residents are fed up with inefficient government programs, especially ones that lose millions on a yearly basis.

Charging station at Tejon Ranch sets stage for electric car surge

By Rebecca Kheel, staff writer

Bakersfield Californian, Friday, Oct. 19, 2012

Electric cars are revving up in the Central Valley.

Palo Alto-based electric car manufacturer Tesla Motors opened up one of California's six new supercharging stations at Tejon Ranch Commerce Center on Friday, and officials say the Central Valley is primed for a surge in electric car popularity.

"I see this as a transformational moment that will push people beyond their fuel prejudice," said Hugh McMahon, Tejon Ranch's vice president of commercial and industrial real estate.

The idea behind Tesla's six charging stations in California was to allow electric car drivers to travel long distances, said Franz Von Holzhausen, Tesla's chief designer. Tejon fits the bill because it's right off of Interstate 5; the charging station is on the west side of the highway near Yogurtland. Eventually, Tesla is looking to open up to 100 stations throughout the United States.

"You could go from LA to Boston completely free," he said. "It's the great American road trip again."

Filling up at one of Tesla's charging stations is free because the chargers receive energy from solar panels on the roof of the stations, Von Holzhausen explained.

But Tesla's charging stations only work for its Model S car. Although many electric car manufacturers have agreed to universal charging technology, Tesla's technology is proprietary.

The base price of a Model S is \$49,900 after a federal rebate. The most expensive trim runs \$97,900. Tesla started delivering the Model S in June. Between then and now, Tesla has delivered 400 of them. The company is planning to ramp up deliveries to 400 a week, Von Holzhausen said, making about 20,000 yearly deliveries.

A Model S can go up to 300 miles on one full charge, depending on which battery is installed. It would take 30 minutes at a charging station to fill up half way. Once someone is done grabbing a bite to eat and going to the restroom, the car should be charged enough to continue the trip, Von Holzhausen said.

"We say 30 minutes because that's kind of the threshold of people's attention spans at a rest stop," he said.

Linda Urata, energy watch coordinator at Kern Council of Governments, said Tesla may be the "high end, sexy sports car" of electric cars, but it is leading the way for electric cars to become more widespread.

She and others are working on a number of ways to ready the Central Valley for more electric cars, including testing two free chargers in parking garages in Bakersfield, making sure emergency responders know what to do if an electric car is in an accident and teaching mechanics how to service electric cars.

She said she sees electric cars soon becoming a mainstay in the Central Valley.

"Air quality is always a driver in our area," she said. "We're very friendly to things that clean our air and allow us freedom with our vehicles."

What's keeping people from buying electric cars is that there are not many places to charge them, said Ahron Hakimi, Kern Council of Government's executive director. He drives Chevrolet's electric car, the Volt, which he can only charge at home, he said.

But few people buying electric cars is also why there are few charging locations. "It's sort of a chicken and an egg situation," he said.

But he's hopeful, he said, that will soon change.

"As a driver," he said, "I am looking forward to many more charging stations throughout California."

[Bakersfield Californian editorial, Friday, Oct. 19, 2012:](#)

Come on, put that air monitor back

The Arvin-Edison Water Storage District should allow the California Air Resources Board to reinstall an air quality monitor on its land. Air quality is one of the biggest health issues facing the San Joaquin Valley and Arvin is ground zero for that battle, recording some of the highest levels of pollution in the nation over the years. Having reliable and long-running data from one location is critical to the health of the community and the region's challenge to meet clean air standards.

An air quality monitor was stationed on Arvin-Edison land for more than two decades until, in 2010, Arvin-Edison's board ended the lease. Its reason for doing so: Arvin-Edison's board, made up of farmers, was fed up with air regulations imposed on their farm operations over the years, regulations that stem from the federal Clean Air Act.

At the time the monitor was moved, the Central Valley hadn't attained a federal pollution standard and was fined tens of millions of dollars under the Clean Air Act. Valley residents are now paying that fine through increased vehicle registration fees. The fines remain in place until the valley can prove it has met the smog standard. Rightfully so, federal air quality regulators are requiring current readings from the old monitoring site on Arvin-Edison's land in order to demonstrate that the standard is met. That's why it's so critical now to get the monitor back where it was.

The water district must realize there's more at stake here than thumbing its nose at a state agency. Having an accurate reading of pollution levels is vital to monitoring impacts on the public's health. The monitor's new location is an elementary school, arguably a better spot to measure air quality that's actually inhaled by people, especially vulnerable children. However, the most accurate record of improvement in air quality over time requires consistent readings from a single location.

The monitoring station doesn't interfere with Arvin-Edison's operations -- it takes up less than 500 square feet of space. Farmers on the district's board are showing poor judgment by barring an innocuous air monitor because of their displeasure with air quality regulations. For the greater good of the local community and the region, Arvin-Edison Water Storage District should allow the air quality monitor to be reinstalled on its land.

[Letter to the Fresno Bee, Sunday, Oct. 21, 2012:](#)

They don't listen

Congratulations and thanks to Fresno County Supervisor Susan Anderson, whose courageous stance kept the Board of Supervisors' eligible voting members Phil Larson, Henry Perea and Debbie Poochigian from unanimously approving "giant" Gerawan Farms' rock mining application.

Fresno County will now have increased air pollution, increased drain on our precious water, a serious and non-reversible impact on aquifers, a worsening of our two-lane county roads due to increased traffic, a potential of an annual \$29 million in federal fines (air pollution violations), not to mention subsequent ugliness of the terrain.

The confidence in our elected board is surely affected by their seemingly total disregard of the voices of their constituency.

Ethel K. Harder, Reedley