

Lemoore may eliminate planning department

Mayor cites city finances; director doubts move would produce savings

By Mike Eiman

Hanford Sentinel, Friday, May 3, 2013

LEMOORE — The Lemoore City Council will consider a move next week to eliminate the city's planning department and code enforcement officer.

The affected employees have been placed on administrative leave until Tuesday night due to concerns that they may have difficulty performing while their employment is up in the air.

Mayor Billy Siegel was recently appointed by the council to serve on the city's budget review committee along with Acting City Manager Jeff Laws and Finance Director Cheryl Silva.

"It's a decision based solely on money and financial issues," Siegel said.

The recommendation comes about a month after the forced resignation of long-time City Manager Jeff Briltz. Laws, the city's police chief, is serving as acting city manager until the council is able to fill the position.

Planning Director Holly Smyth said that for the past couple weeks, the city's departments have been presenting reports on their activities and goals for the upcoming fiscal year.

"Mine was the only one the mayor did not show up for," Smyth said.

Smyth said she had asked Laws to consider holding a question-and-answer session to make sure the mayor could ask questions about her report. That was just days before she and her staff were asked to take leave.

The planning department's annual report recommends increasing the department's budget next year from \$305,153 to \$348,372. The increase is due to a recommendation to increase staffing due to increasing workloads, as well as anticipated grant administration.

"The [proposed] budget was to increase funding, which is odd because the services have not increased," Siegel said.

Smyth disagreed with the mayor's assessment. While her proposed budget asks for more funding, it's still far below the \$723,000 budget from just five years ago.

The Planning Department has decreased from five employees during the 2009 fiscal year to just 2.6 employees presently.

"For a long time we hadn't been doing grants because we didn't have the staff to push that workload," Smyth said.

Last month, the department applied for nearly \$1.4 million in state grants to fund projects, including almost \$1 million to lower the Lemoore Senior Center's energy costs by about \$46,000 annually using solar power and other improvements.

Siegel said the cuts are necessary, in part, to offset expenses that include Briltz's severance payment of about \$179,000 and an ongoing cost of \$125,000 to complete staffing levels at the Lemoore Police Department. Agreements reached with the Lemoore Police Officers Association and the Lemoore Police Sergeants Unit have granted pay increases for police officers, corporals and sergeants.

In a written report to the council, Siegel details the committee's recommendations to eliminate the planning department, which includes Smyth, an assistant planner and a part-time planning technician.

According to the report, eliminating the department would cost about \$9,700 in vacation-time accrual payouts and result in ongoing savings of \$305,044 to the general fund.

The report also states the cuts "should alleviate the necessity for cuts to other departments in the coming fiscal year."

Smyth said she believes the city would pay considerably more to outsource planning services. Her proposed budget already includes about \$50,000 in professional contract work to compensate for staffing shortages.

"You need to look side by side at the cost of staff plus benefits versus the costs to contract it out," Smyth said.

If the council adopts the changes, Siegel said city engineering firm Quad Knopf would take on planning duties at an estimated cost of \$130,000 per year. That arrangement would continue until the council issues a request for proposals and hires an agency to handle those duties long term.

"[The City Council] will be working with the Planning Commission to come up with a plan to hire an outsourced planner," Siegel said.

In the aftermath of the November 2012 election, the council has taken an increased interest in making the city more appealing to business and development.

Siegel said he is unsure how the elimination of the planning department would affect that goal, but he is hopeful that outsourcing planning services will increase efficiency and decrease the time it takes for developers to obtain permits.

"This should be seen as a green light to the development community," Siegel said.

As for the city's only code enforcement officer, Siegel said the position was previously funded by redevelopment agency money. With the statewide dissolution of redevelopment, the position is now paid for by the general fund.

Code enforcement would be transferred to another city department, Siegel said.

Wildfire threatens local air quality, officials say

By Ramona Giwargis

Merced Sun-Star, Saturday, May 4, 2013

MERCED -- California's wildfire season is back, and it could result in air quality issues for Merced County.

A 6,400-acre fire smoldering in Tehama County on Friday could be the cause of a brown haze blanketing the Central Valley, according to valley air officials.

"We're seeing some isolated impact from some of the grass fires that are burning," said Jaime Holt, spokeswoman for the San Joaquin Valley Air Pollution Control District.

Holt said the air in Merced County on Friday was at the "yellow" level, which is moderate. Today's air quality is expected to be moderate, according to Holt.

"We're not seeing that brown haze come down to ground level right now, so it's not an air quality issue yet," she said. "But we are watching ... to make sure that doesn't change."

The combination of warmer temperatures and little wind can play a part in air quality, said Modesto Vasquez, meteorologist at The National Weather Service in Hanford.

"Every time we get a ridge of high pressure nearby or over the area, it causes stagnant weather conditions," Vasquez said. "That puts a lid on the atmosphere and keeps winds from mixing."

Vasquez said there was little wind in the forecast today but predicted an increase by Sunday. "Hopefully, we'll see the air quality improve ... as those winds materialize," he said.

Air district officials said residents can do a few things to spare the air, especially as pollution levels rise amid warmer temperatures.

"We ask people to drive less and not idle their vehicles," Holt said. "If they're using lawn-care equipment, try to use electric or clean-burning equipment."

Today's high is expected to be 92 degrees, Vasquez said, but Sunday will cool down to 83. Monday's high should be 77 degrees with potential thunderstorms Monday afternoon, he added.

Officials warn of unhealthy air

Stockton Record, Thursday, May 2, 2013

Air quality officials warned today that smoke from wildfires in Tehama and Sacramento counties is blowing into our area and may be a health hazard in the north San Joaquin Valley through Saturday.

Smoke contains tiny particles of pollution that can cause serious health problems such as lung disease, asthma attacks and an increased risk of heart attacks and stroke.

Older adults and children should avoid prolonged exposure and should avoid exerting themselves, the San Joaquin Valley Air Pollution Control District said.

Hanford school district receives air quality award

HESD efforts earn recognition from state health department

By Joseph Luiz

Hanford Sentinel, Friday, May 4, 2013

HANFORD — The Hanford Elementary School District is being rewarded for its focus on air quality by the California Department of Public Health.

The district was awarded the Achievement in Respiratory (AIR) Health Award from California Breathing, a program of the CDPH focused on reducing asthma.

The award is given to schools and districts that have adopted policies and practices that have led to cleaner air for students. The district will be presented with a plaque and \$5,000 during a board meeting on May 22.

"Our district has always put a strong emphasis on clean air," said Director of Special Services Karen McConnell. "We've strived to create an asthma-friendly environment for our students."

Although this is the first year the district received a health award, individual schools in the district have gotten the award in previous years. However, in writing the application for the award this year, McConnell said she wanted to see the whole district recognized.

"We wanted to highlight the entire district," she said. "We've done a lot of work as a whole to improve air quality for students."

Some of this work includes creating policies that require a tobacco-free school and reduced car idling as well as making sure low-allergen plants and trees are provided. McConnell said the district has also worked with teachers to create a program called Open Airways, in which students are educated about asthma, what triggers it and how it can be managed.

"We live in an area where air quality is always under the microscope," she said. "It's our responsibility to make sure the kids are healthy and have a good environment to learn in."

McConnell said the district will use the award money to help fund their current air quality practices and develop new programs down the line.

"We want to use it to continue to support health staff and how they're teaching students about healthy living," she said. "The money is going back into helping the kids develop a healthy lifestyle."

Cleaner air still hit with failing grades

By Jonathan Partridge

Patterson Irrigator, Thursday, May 2, 2013

Stanislaus County received a failing grade for both ozone levels and airborne particulate matter despite overall air quality improvement in recent decades, according to a State of the Air report released Wednesday, April 24, by the American Lung Association.

The Modesto metropolitan area, which includes all of Stanislaus County, was ranked sixth in the nation for worst annual particle pollution and 13th for worst ozone pollution. It was also ranked No. 5 for most number of unhealthy days stemming from particulate matter.

Officials from the San Joaquin Valley Air Pollution Control District, which regulates air pollution in the valley, say the report fails to tell the whole story, citing an 80 percent drop in pollution from valley businesses during the past two decades.

Valley air district spokesman Anthony Presto said he was not surprised with the report's findings, but pointed to the valley's overall improvements despite being surrounded by mountains that create prime conditions for air pollution.

"We have a lot of challenges here, and we're very unique," he said. "It's as though we were designed to retain air pollution."

No shortage of challenges

The Modesto area failed to meet the federal Environmental Protection Agency's particulate matter standards for an average of 33 days each year from 2009 to 2011 — the period examined by the State of the Air report. That compares with an annual average of 26 days between 2008 and 2010.

Particulate matter consists of tiny liquid droplets and solid particles, such as soot, metals, dust and pollens, that float through the air and can cause ailments including lung problems and heart disease.

Modesto was unranked for annual particulate matter in 2012 because of insufficient monitoring data, but was ranked the 11th worst metropolitan area for ozone that year.

The 2013 report noted that the decline in Modesto's particulate matter ranking stemmed from unusual climate conditions in 2011, along with changes in monitoring.

The region was particularly hit hard in late 2011 and early 2012, when the air was stagnant with little wind and little rain, Presto said. He also said the valley air district is constantly updating equipment to its monitoring stations.

Other San Joaquin Valley cities fared even more poorly, with the Bakersfield-Delano area and Merced ranked as the worst cities in the U.S. in terms of particulate matter, followed by Fresno-Madera at No. 3 and Hanford-Corcoran at No. 4.

While the Los Angeles-Riverside area was ranked as having the nation's worst ozone problems, the region was closely followed by Visalia-Porterville, Bakersfield-Delano, Fresno-Madera and Hanford-Corcoran.

Regional air improves

Despite the study's low rankings for San Joaquin Valley communities, the study noted that the region has made major strides in recent years, and Presto said those improvements are often overlooked.

The number of good Air Quality Index days when fine particulate matter — such as soot and metals — are within acceptable ranges has risen from less than 200 in 2002 and 2003 to nearly 300 between 2011 and 2012, according to the air district's 2012-13 annual report.

Mandatory permitting programs for polluting businesses, no-burn days for fireplaces and agricultural burning, and myriad other regulatory programs have paid off, according to the valley air district's website.

Businesses have invested about \$40 billion in air quality improvement measures since the valley air district formed in 1992, Presto said.

Unlike particulate matter, valley air district officials have no means of regulating ozone, which is caused by motor vehicles.

However, the district has helped reduce ozone through incentive programs, including financial rewards for companies that replace polluting trucks, buses and tractors with cleaner engines and a program that replaces gas lawnmowers with electric ones, Presto said.

Children at risk

Even as the air quality improves, San Joaquin Valley children remain particularly vulnerable to the effects of air pollution.

For instance, children with asthma can suffer from lung function decrements, breathing problems and increased asthma attacks when ozone levels are high, according to the federal Environmental Protection Agency.

Kimberly Job, a school nurse for the Patterson Joint Unified School District, noted that asthma is a huge problem in the Central Valley.

Job, a member of the Stanislaus County Asthma Coalition, cited a 2007 study that indicated that 22 percent of children in the Central Valley and 21 percent in Stanislaus County were diagnosed with asthma compared with 16 percent statewide. She noted that 6 percent of the nearly 6,000 students within the Patterson Joint Unified School District are now diagnosed with the disease, but said many cases may be unreported.

It's hard to know whether the problem is growing, as more people are aware of the ailment than they were in the past, she added.

In addition to creating problems for asthma patients, air pollution can increase the risk of heart attack, stroke, arrhythmias and heart failure in susceptible people, such as the elderly or those with pre-existing medical condition, according to the American Heart Association.

Job also said poor air quality can cause respiratory infections such as bronchitis along with "watery, itchy sneezey type symptoms."

As a result, school districts in the San Joaquin Valley have implemented an air quality program in which color-coded flags indicate the quality of the air on any given day. While students are advised to be kept indoors during extremely unhealthy air days, Job says she has yet to see that happen in the two years she has worked for the district.

Optimism remains

While the EPA increased some of its air pollution standards in 2006, causing the San Joaquin Valley to fall farther behind, its air quality still is much better than 20 years ago, valley air district CEO Seyed Sadredin stated in the district's annual report.

"We have seen significant improvements in the valley's air quality," he wrote, "and clean-air strategies designed and implemented in the valley now serve as the model for the rest of the state and the nation."

Despite the state's challenges, Jane Warner, president and CEO of the American Lung Association of California, expressed cautious optimism for the future of California's air quality.

She advocated for Assembly Bill 8, which would extend the sunset date for clean air and clean vehicle incentive programs, and Senate Bill 11, which provide funding for alternative fuel and vehicle technologies.

"The State of the Air 2013 report shows that California is continuing the long-term trend to cleaner and much healthier air," Warner said. "This progress in cleaning up air pollution demonstrates that our clean air laws are working."

"However, our report also shows that air pollution continues to put lives at risk throughout the state. We must step up our efforts to cut pollution so all Californians can breathe clean, healthy air."

ZIP code could put you at risk

By Alex Breitler, staff writer

Stockton Record, Sunday, May 5, 2013

In east Stockton, it's not unusual to find homes just across the street from smokestacks.

Jessica Correia lives a good three blocks from an oil refinery, and that's still too close.

"All we smell is burned oil, almost every day," the 26-year-old Correia said. "Depends on which way the wind blows."

A new state database ranks California neighborhoods for their vulnerability to pollution. Out of the more than 1,700 ZIP codes in the state, Correia's (95205) ranks third.

Stockton is home to three of the 10 most vulnerable ZIP codes, making portions of the community comparable with parts of Fresno and Los Angeles.

But the California Environmental Protection Agency study doesn't merely consider how close the smokestacks are, or how much pollution they emit.

It also considers the demographics of the neighborhoods themselves - concluding that some people are inherently more vulnerable than others, based on income, language skills, education and other factors.

In other words, environmental health risk isn't just about where we live. It's about who we are.

Consider these facts about Correia:

- » She is a parent. Her 3-year-old daughter, Raychel Hof, splashed around in a kiddie pool on a warm morning last week. Children are especially sensitive to pollution because their immune systems are not yet mature, their quick metabolisms increase exposure to contaminants, and their soft skin is more easily penetrated by chemicals.
- » Correia has asthma. People who have asthma and are exposed to pollution from traffic or other sources may be more likely to have asthma attacks. (Correia lives within a few hundred yards of Highway 99.)
- » She is low-income. Poorer residents tend to have less access to health care, and studies show air pollution has greater impacts on disadvantaged groups.

These characteristics, and others, are more common among the 38,069 people in Correia's ZIP code than in most other parts of the state. Indeed, in the new state database her neighborhood scored higher for demographic risk than for actual pollution risk.

The study doesn't claim that the oil refinery near Correia is harming her health or her child's, or that any one pollution source is threatening any particular group of people.

It does, however, pinpoint where our most vulnerable neighborhoods are. And that should help the state prioritize funding, under a new law requiring some of the proceeds from California's carbon cap and trade program to flow to disadvantaged communities.

By virtue of its high ranking, Stockton might get some help.

"When state dollars are allocated just on the basis of population numbers, the Central Valley and our area would always be losers to larger metropolitan areas," said Betsy Reifsnider, environmental justice coordinator for the Diocese of Stockton. "But because this (tool) is able to really target where the needs are, I think we do have a much greater opportunity to receive dollars."

The database should also spur some discussions within communities, said Jonathan London, an assistant professor at the University of California, Davis, and an expert on environmental justice - that is, the concept that pollution should not disproportionately harm specific groups of people.

"Hopefully, it can broaden the conversation about what are the problems and also the opportunities in the city," London said.

Concerns about crime, jobs and finances are "absolutely important," he said.

"But there's a lot of other issues going on," London said. "This kind of comprehensive tool hopefully can help people put those issues in a broader context. To have a healthy, sustainable, prosperous city, you can't just focus on one thing."

While 95205 was listed as the most vulnerable ZIP code in Stockton, and the third most vulnerable in the state, other parts of the city were not far behind, including downtown, south Stockton and the Boggs Tract neighborhood.

Most of Stockton ranked in the top 50 percent statewide, meaning the city as a whole tends to be more vulnerable. The tiny 95211 ZIP code, encompassing University of the Pacific, was the lone exception.

Lodi, Tracy and Manteca were also in the top 50 percent, while some rural ZIP codes containing the communities of Linden, Woodbridge and Clements fared somewhat better.

In Stockton's 95205, Mike Prater served meals to seniors at the Northeast Community Center during lunchtime last week, and then stuck around to play pool with a couple of friends. Prater, 55, has been unable to work as a cabinet-maker for years because of health problems such as diabetes. He rents a room at a nearby house.

Told of the risks mentioned in the new study, Prater said, "Ain't much you can do about something like that."

"People here are worried about paycheck to paycheck, keeping kids healthy, eating, that sort of thing," he said. "I think (the risk) is just something you live with."

In CEQA fight, 'modernize' is the mantra of spin

By Greg Lucas

Capitol Weekly, Sunday, May 5, 2013

California's landmark Environmental Quality Act -- the brainchild of Republican lawmakers trying to woo a then-new voting bloc of "environmentalists" -- turns 43 this year.

Critics, led by developers and business interests, say CEQA's requirements are too cumbersome. It subjects all commercial and residential projects -- regardless of environmental merit -- to costly delays, killing potential jobs and further tarnishing California's warranted-or-not reputation for discouraging business.

And, critics say, the law allows routine manipulation by unions, business rivals and environmental activists for political and economic gain.

Their solution is to "modernize" CEQA.

"Think of what the world looked like in 1970," says Carl Guardino, president of the Silicon Valley Leadership Group. "Since then, 120 really strong state and federal environmental protection laws have been passed and CEQA hasn't really had an update of any substantive kind."

The "modernize" chant began late in the last legislative session, although back then "reform of CEQA" was the phrase of choice.

"Reform" efforts fizzled when Senate President Pro Tempore Darrell Steinberg, a Sacramento Democrat, and a cadre of environmental groups swatted down a business-backed overhaul of the law by then-Sen. Michael Rubio, a Shafter Democrat.

Rubio resigned in February to become a government affairs executive for Chevron Corporation.

This year, "reform" is out and "modernize" is in.

Five months into the legislative session, Democratic lawmakers still say CEQA needs modernization. Republican legislators couldn't agree more. Modernizing CEQA is wholeheartedly endorsed by the California Chamber of Commerce, their business allies, any number of developers and some environmental groups. The governor says he backs modernization too -- at some point.

The problem is "modernize" -- like "reform" -- is defined differently by whoever is using the word.

GOP Sen. Tom Berryhill says the aim of his bill, SB 787, is to modernize CEQA.

Berryhill would change state law so that, generally, if a proposed project meets the requirements of other environmental laws like the Endangered Species Act, the Clean Air Act or local emission restrictions then that would constitute CEQA compliance in those areas.

"(My bill is) an approach which simply acknowledges that newer -- sometimes stricter -- environmental and planning laws exist," Berryhill writes in a March opinion piece in the Fresno Bee.

"SB 787 would integrate those laws with California's CEQA review process. This would eliminate the ability to challenge already adopted environmental standards or endlessly re-challenging approved plans through frivolous lawsuits. No more gaming CEQA for non-environmental purposes."

Steinberg is also carrying a CEQA bill. More accurately, as of May 1, Steinberg is carrying the CEQA bill. The Sacramento Democrat says his measure, SB 731, modernizes CEQA – even though its provisions share nothing in common with Berryhill's measure.

"The essential benefit of CEQA is to not only analyze a project's impact on the environment but the cumulative impact of a project," Steinberg told Capitol Weekly.

Translated, that's a rejection of Berryhill's approach. Central to Steinberg's bill is additional encouragement of in-fill or transit friendly projects, which are already favored under CEQA because of their smaller environmental footprint.

Steinberg's measure also attempts to speed legal challenges to projects, hasten approval of renewable energy projects and allow less scrutiny if a project meets recently approved local planning and growth rules.

"(My bill) sets the framework to encourage smart, environmentally sound growth by streamlining the environmental review process without compromising the quality of life Californians deserve and expect in our communities," says the Sacramento Democrat.

That seems to be supportable by environmentalists.

"There are procedural things that can be fixed and make the process move more quickly and smoothly," David Pettit, Natural Resources Defense Council Southern California Air Program director, told Capitol Weekly.

"Substantively, we're interested in making sure renewable energy projects and urban landfill projects are treated fairly and in a reasonable way."

For several months, Steinberg has said that whoever wants to see changes made to CEQA this year must do it with his blessing.

"What are the other games in town when it comes to CEQA?" he asks rhetorically.

As of May 1, there aren't any. Of significance anyway.

The same Senate committee that on May 1 approved Steinberg's CEQA bill and two more modest CEQA measures by Sen. Noreen Evans, a Santa Rosa Democrat, torpedoed Berryhill's effort the same day.

"It's clear the Legislature is interested in tinkering around the edges but not in enacting real reform," Berryhill grumped in a press release after his measure's demise.

"The approach I brought forth has been the center of CEQA reform discussions for the past few years. To ignore it when crafting a so-called solution is an insult to the hard-working people trying to get through a process that is totally broken."

In a press release after the committee vote, Steinberg touted the bipartisan backing his bill received from environmentalists, unions and business groups, like the California Chamber of Commerce.

That support – even if tepid -- recognizes Steinberg does in fact own this year's CEQA monopoly and that his bill has a ways to go before being enthusiastically embraced by business interests.

"While this is just the beginning of the conversation, we are pleased to see so many important issues on the table and appreciate your leadership in this area," writes the Chemistry Industry Council, National Federation of Independent Business and the California League of Food Processors in an April support letter for Steinberg's bill.

Berryhill's proposal would have been voted down somewhere else if it wasn't defeated in the Senate Environmental Quality Committee.

A Legislature with two-thirds Democratic majorities in both houses means Democrats in competitive districts can decide not to vote on a potentially controversial issue like CEQA and a solid, liberal-dominated majority-plus-one still remains.

That majority-plus-one bloc of Democrats, the threshold needed to approve CEQA legislation, won't approve any bill lacking both some environmental buy-in and a Democrat's name as the author.

Another reason Steinberg is the last CEQA "modernizer" standing is the cachet of being the Senate leader – particularly the handpicking-members-of-each-committee part of the job.

Over the years, Gov. Jerry Brown has been all over the map on CEQA.

During his first eight years as governor, Brown used the relatively new law to advance his slow-growth agenda. He complained about CEQA's restrictions when mayor of Oakland. As Attorney General, he filed lawsuits to require any analysis of environmental impact to include the effect on greenhouse gas emissions.

Overhauling CEQA is "the Lord's work," he said last year, adding that he'd never met a CEQA exemption he didn't like.

In his January State of the State speech, the Democratic governor said California must "rethink and streamline our regulatory procedures, particularly the California Environmental Quality Act."

But on his April trip to China the Democratic governor – to Steinberg's consternation -- told reporters an overhaul of the law this year was "unlikely," to quote from the Sacramento Bee's headline.

Brown said CEQA "is supported by some key groups within the Democratic Party, and I think it would be difficult for the Legislature to move that process forward. The appetite for CEQA reform is much stronger outside the state Capitol than it is inside."

Then Brown added: "This is not something you get done in a year."

Asked about the governor's comments, Steinberg replied: "I'm not sure why the governor would say that." And then proceeded to move his bill through committee. Brown is still eager to recast the 43-year-old law, administration officials insist.

"I think the governor concurs it's time to take a serious look at things we can do better while preserving CEQA's basic function to make the environment relevant to government decision-making," Ken Alex, director of Brown's Office of Planning and Research told Capitol Weekly.

Irrespective of Brown's remarks, whatever happens on CEQA most likely won't happen soon – despite the eagerness of some groups to make large-scale changes to the environmental quality act.

At its core, CEQA demands that state and local agencies identify the major environmental impact of actions they are proposing to take and either avoid or mitigate those impacts.

"That's the part that's working," Alex says. "Californians take for granted that whenever a government entity makes a decision it has to think about the environmental consequences and the public has a right to participate in the process."

When it passed the Republican majority Assembly in 1970, the prevailing view was that CEQA applied only to government projects.

That changed two years later when Justice Stanley Mosk penned the California Supreme Court's decision in Friends of Mammoth v. Board of Supervisors of Mono County.

"In an era of commercial and industrial expansion in which the environment has been repeatedly violated by those who are oblivious to the ecological well-being of society, the significance of this legislative act cannot be understated," Mosk wrote in declaring that CEQA mandated an environmental review of all private projects or activities requiring government approval.

Mosk and the rest of the court's majority predicted little change would come from their ruling.

"Common sense tells us that the majority of private projects for which a government permit or similar entitlement is necessary are minor in scope -- relating only to the construction, improvement or operation

of an individual dwelling or small business -- and hence, in the absence of unusual circumstances, have little or no effect on the public environment," Mosk said.

"Such projects, accordingly, may be approved exactly as before the enactment of the (act)."

That's been anything but the case for the past 40 years. Environmental reviews of all sorts of projects have grown in scope.

Depending on the size of a project, analyses -- even determinations that a full-blown CEQA assessment isn't needed -- can run into the many thousands of pages, require the hiring of costly "experts" and take several years to complete.

Unlike 43 years ago, projects now can be challenged on aesthetic grounds. In what critics call "greenmail," some unions have filed CEQA challenges to secure a work agreement from a project's backers. In return, the lawsuit is dropped.

Steinberg's bill makes it harder to challenge projects based on aesthetics.

During the more than four decades since Mosk's decision, calls for recasting, simplifying, strengthening, expanding, streamlining, gutting or abandoning CEQA have been repeatedly made.

However, measures to expand or strengthen the law rather than curtail or reconfigure it have been the most common legislation approved.

"No one is talking about gutting CEQA," said Jennifer Hernandez, a longtime land use lawyer with Holland & Knight, who is assisting the CEQA Working Group, a large coalition of business and housing groups.

"The rhetoric notwithstanding, this isn't a debate about weakening standards or public disclosure. It isn't about streamlining. It isn't even really about compromising. It's really about integrating." But is that going to "modernize" CEQA too much or too little?

[Fresno Bee Earth Blog, Friday, May 3, 2013:](#)

Fire season starts early, air-quality warnings will follow

by Mark Grossi

There already have been brush fires around O'Neals, Millerton Lake, Porterville and Fresno. Residents are fleeing flames in Southern California. With dry grasslands and forests after another subpar wet season, this could be a very ugly fire season

The immediate concern is danger to residents, firefighters and homes. Air quality is a secondary concern, but it's worth noting because it can become a wider public health concern. Pay attention to the warnings from air authorities.

Remember June 2008? There were thousands of fires sparked by lightning. Columns of smoke drifted into the San Joaquin Valley from many directions.

For about a week, dirty air simultaneously breached both the ozone and particle pollution standards. The double whammy happened again in July, though it wasn't as bad as the June episode.

Fires are known for soot or particle pollution, which can make the air hazardous to breathe. Ozone-creating gases also come from fires. It's no coincidence that [2008 was the last time the Valley had more than 125 breaches](#) of the ozone standard.

Ozone is a corrosive gas that damages the lungs. Over time, it can create a kind of scarring in lung tissue, health researchers say.

Soot is considered to be PM-2.5, microscopic pollution that evades the body's defenses and sometimes passes from the lungs into the blood stream.

Older people, small children and folks with lung or heart problems should stay indoors when they hear the warnings from the San Joaquin Valley Air Pollution Control District.

[Bakersfield California Editorial, Friday, May 3, 2013:](#)

Progress on correcting CEQA's flaws

Are the days of using the landmark California Environmental Quality Act as a political club to fatally bludgeon development about to end? Maybe.

The state Senate Environmental Quality Committee on Wednesday passed a measure by President Pro Tem Darrell Steinberg, D-Sacramento, that, if passed by the Legislature, will go a long way toward ending CEQA abuse while preserving its most basic, important features.

The Steinberg bill has received a lukewarm reception, with some Democrats calling it too broad and comprehensive a change, and groups that support a CEQA rewrite indicating it needs more work. Steinberg's proposal takes aim at what has been the 43-year-old law's area of greatest contention: its use as a legal hammer to stall and ultimately kill projects for reasons other than dire environmental impact. Opponents use CEQA to litigate projects into submission. The ripple effect can be extensive, with a chief casualty being job creation.

One of the more famous cases of so-called "project killing" under the guise of CEQA review was a proposal by filmmaker George Lucas. According to the CEQA Working Group, a coalition of business groups, chambers of commerce and economic development groups, the project underwent the necessary reviews and then secured approval by the Marin County Planning Commission, but local homeowners stalled the project by filing an appeal alleging CEQA violations.

After 27 years of courtroom maneuvering -- 27 years! -- Lucas and his Skywalker Properties eventually gave up. Marin lost 800 potential jobs and millions of dollars in property tax revenue. Lucas was prepared to spend as much as \$70 million in environmental restoration costs to the immediate area, which were also lost.

One key provision of the Steinberg proposal includes changes to filing processes that would speed up CEQA-related lawsuits. It is the long legal delays that play a huge role in abandonment by developers. Other provisions would cut the red tape for large-scale clean-energy projects, establish traffic and noise standards, and exempt groups from suing under CEQA simply because they don't like the visual aesthetics of a proposal.

CEQA is a critical and necessary piece of legislation that protects California's varied and fragile environment and ecosystem from abuse, overdevelopment and environmental harm. But when NIMBYs (not in my backyard) use it to stall projects that do not negatively impact the land, CEQA has been misused.

Steinberg's proposal isn't quite ready to go -- he says he hopes to reach an acceptable middle ground. But, based on his initial draft, it will be a significant improvement on the borderline dysfunction of the original.