

## **Car smog-testing event returning to Tulare**

By Luis Hernandez

Visalia Times-Delta, Friday, June 9, 2016

### **A free smog-test program held Saturday at the International Agri-Center's will target older vehicles and suspected gross polluters.**

A free smog-test program held Saturday at the International Agri-Center will target older vehicles and suspected gross polluters.

Participants at Saturday's annual Tune in Tune Up Car Clean-up Event will see a reduction in waiting time, said Jose Marin, an outreach specialist with Valley Clean Air Now.

"We made some changes at the event to benefit the participants and make better use of their time," he said. "Some participants were waiting as long as three, four hours, depending at the time they arrived."

There'll be additional testing stations, which will help keep up with the lofty goal of testing 525 vehicles during the four-hour event, Marin said.

To accomplish that goal, 132 vehicles must be checked an hour.

The event aims to test vehicles suspected of failing smog inspection. Those vehicles are high polluters, and their mechanical improvement or removal from roads helps improve local air quality.

Participants whose vehicles fail the inspection will receive a \$500 voucher for repairs at designated shops.

Participants whose vehicles are 1995 and older and have also failed the smog testing can receive as much as \$9,500 for the purchase of another vehicle and retire the non-passing vehicle.

"This event is a great resource for the community and helps eliminate mobile source pollutants generated by older, 'out of tune' cars in the San Joaquin Valley," said Samir Sheikh, director of the Valley Air District's strategies and Incentives department. "The Valley Air District is pleased to be partnering with Valley CAN to help improve air quality for Valley residents."

The San Joaquin Valley Air Pollution Control District is sponsoring the event.

County Supervisor Steve Worthley, who's in the control district governing board, said events like Saturday's play a role in cleaning up the local air.

"This is a wonderful program," he said. "There's no cost for the people who apply. It's one of the most popular programs."

There have instances when vehicle owners are having financial difficulties to pay for repairs, Worthley said.

The Tune in Tune-up program has either provided financial or helped retire a polluting vehicle.

"It's very effective," he said.

Since 2003, more than 15,000 vehicles have been repaired to state smog standards.

The financial help for the older vehicles comes from state sources, Marin said. The offer to the 1995 vehicles and older is because those are high polluters. Improved technology was used for newer vehicles.

"The 1996 and newer vehicles have an advance technology. There's a lesser chance of polluting," he said.

Tulare last held a Tune in Tune Up event in September. Last month, there were similar events in Bakersfield and Fresno.

Earlier this year, there were events in Lemoore, Porterville and San Joaquin. The next event will be in Merced.

Worthley is pleased the Tune in Tune Up events are being held in locations throughout the Valley, he said.

Marin said participants simply need to bring the vehicle's registration.

"Tulare County residents need to take advantage of this event," he said. "We don't have any more events scheduled this year."

## **Fresno judge closes loophole that polluting diesels were driving through**

By Pablo Lopez

Fresno Bee, Friday, June 10, 2016

A Fresno County judge has ruled the California Air Resources Board violated the California Environmental Quality Act when it eased up on major air-quality regulations for some heavy-duty diesel trucks and buses that have been polluting the state.

One of the plaintiffs in a lawsuit against the board, John Lawson, the owner of a Fresno trucking company, called Judge Mark's Snauffer's ruling a victory for clean air and fair competition.

In his ruling this week, Snauffer granted the request by Lawson and the California Trucking Association for a writ of mandate that will require the state agency to comply with rules it had enacted to reduce diesel emissions.

The state agency was sued in 2014 when it amended its rules to give small trucking operations more time to comply with new regulations designed to clean up diesel emissions.

The California Air Resources Board was sued in Fresno County Superior Court in 2014 when it amended its rules to give small trucking operations more time to comply with new rules to clean up diesel emissions.

Lawson said the amendment created unfair competition between trucking companies like his, which spent millions of dollars to comply with the new regulations, and trucking companies that shunned the rules. The amendment contradicted the state agency's mission to clean the air, he said.

"If you make a rule, you should stand by it and not give some people a pass," said Lawson, 76, who has been in the trucking business for 50 years.

In the lawsuit, Lawson Rock and Oil Inc. and the California Trucking Association contended the California Air Resources Board did not follow the proper procedures of the Administrative Procedures Act and the California Environmental Quality Act in adopting the amendments. The association also alleged their members' economic interests were harmed by being undercut competitively by diesel fleets that took advantage of the flexibility provisions.

In a news release, Air Resources Board officials said Snauffer's statement of decision only affects the amendments adopted in 2014, which the state agency contends provided badly needed flexibility to smaller fleets (three trucks or fewer); lower-use vehicles, including those operated by small farmers; and small fleets in rural areas.

"We strongly disagree with the court and will file an appeal in all possible haste," said Jack Kitowski, the head of the agency's Mobile Source Division, which is in charge of putting the regulations into effect.

"We don't want to see small fleets and farmers hurt by this decision," Kitowski said.

As the case makes its way through the appeals process, Air Resources Board staff statewide will continue to enforce the regulation and cite vehicles found to be out of compliance.

We don't want to see small fleets and farmers hurt by this decision.

Jack Kitowski, an Air Resources Board official

Board Executive Officer Richard Corey, named as a defendant in the lawsuit, defended the agency's decision to appeal.

"California led the way by adopting our landmark regulation to clean up dirty trucks, and our air quality has benefited immensely," Corey said. "In 2014, we recognized the extreme economic pressures experienced by smaller trucking fleets and independent owners as they sought to comply by upgrading or

purchasing new equipment. We responded by amending the regulation to make it more flexible for 'the little guys' to comply."

"This court decision negates those amendments and deals a profound blow to the smaller fleets, small farmers and independent owners," Corey said.

Diesel exhaust contains a variety of harmful gases and more than 40 other known cancer-causing compounds. In 1998, California identified diesel particulate matter as a toxic air contaminant based on its potential to cause cancer, premature death and other health problems.

Shawn Yadon, chief executive officer of the California Trucking Association, said, "This is an important ruling for all businesses operating in California because it supports the requirement that regulatory agencies must evaluate the economic impact of their actions."

And despite agency delays in enforcing its rules, the trucking industry continues to spend approximately \$1 billion each year to implement a sweeping set of air quality rules aimed at reducing emissions by more than 90 percent, Yadon said.

Though he doesn't view himself as an environmentalist, Lawson said, "Everyone knows Fresno and the entire Valley has dirty, filthy, nasty air."

Lawson and the truckers group were represented by attorney Timothy Jones of the Fresno law firm of Wanger, Jones and Helsley. Lawson said he chose Jones because Jones won a high-profile federal lawsuit involving 1,000 acres of damaged pistachio trees and a leaky Madera Canal.

Jones represented Central Green, which sued the owners and operators of the canal: the federal government, the Madera Irrigation District, the Chowchilla Water District and the Madera-Chowchilla Water & Power Authority. The canal delivers irrigation water to farmers.

In 2005, the federal government and insurance carriers for several water agencies agreed to pay a \$700,000 settlement to Central Green Co., which argued seepage from the canal damaged its trees and property in southern Madera County. The pistachio orchard is part of Rio Mesa, a high-profile swath of 15,000 acres near the San Joaquin River earmarked for urban-style growth since 1995.

I didn't do this for me. I did it for everyone in the state who has to breath filthy air.

John Lawson, who sued the Air Resources Board

The lawsuit against the Air Resources Board involved the on-road truck rule, approved in 2008, that required owners of older heavy-duty trucks to install particulate pollution filters starting in 2011. Beginning in 2013, owners must replace older engines with 2010 or newer models.

Lawson said the 2008 rule forced him to spend about \$8.5 million to purchase a new fleet of 125 clean-burning diesel trucks. Because his old trucks were out of compliance, he said, he was forced to sell them at a cut-rate price.

Lawson said he was angered when the agency "pulled the rug out" from under thousands of trucking companies that complied with the rules by not enforcing them for all trucks on California roadways.

Because the rules were amended and because of the agency's lax enforcement, Lawson said some trucking companies began to cheat. Some big trucking companies merely divided the company by putting the big rigs in the names of family members so they could appear as small operations. Others kept doing business as usual until they got caught, he said.

"I didn't do this for me," he said of his lawsuit. "I did it for everyone in the state who has to breathe filthy air."