

## **Air board OKs ban affecting fireplaces**

### **Three members reject rule, which will curb burning in winter, fall.**

The Fresno Bee

By Mark Grossi - The Fresno Bee

Friday, July 18, 2003

Three North Valley air board members Thursday rejected a rule banning fireplace burning on the worst air days of fall and winter, but the measure still passed and will be in force this November.

The San Joaquin Valley Air Pollution Control District board voted 6-3 on Thursday in favor of the two-stage rule, which officials believe will stave off expensive federal cleanup sanctions.

Critics of the rule consider the two-stage approach and other aspects confusing. And some residents don't like to be told when they can burn in their fireplaces.

"I think this should all be voluntary," said Jeff Bemby of Clovis. "This mandatory part is really irritating."

But the first stage is voluntary. Officials will ask residents not to burn or use federally certified clean-burning devices when air becomes moderately dirty; the second stage requires all wood burning to stop when healthier levels prevail.

The U.S. Environmental Protection Agency requires a ban on wood burning during the worst nights in the Valley as part of a lawsuit settlement. The 25,000-square-mile area is among the nation's worst offenders of the particle pollution standard.

Offenders would receive letters in an attempt to educate them, said a district planner. No fine has been established for repeat offenders, though state law allows the district to impose penalties up to \$10,000 a day for air violations. An official said last week that the district was not envisioning fines "near the high end of that range."

The district plans to have officials in the field on no-burn nights. The enforcement strategy has not yet been worked out.

Officials exempted dwellings above 3,000 feet in elevation, areas where natural gas is unavailable and homes where the sole source of heat is wood burning.

Air district staff explained the first stage of the rule is aimed at educating people and encouraging the use of clean-burning technologies, some of which are more than 95% cleaner than fireplace burning.

But board members Jack A. Sieglock of San Joaquin County,

Thomas W. Mayfield of Stanislaus County and Michael G. Nelson of Merced County voted against the rule, saying clean-burning technologies had not been acknowledged enough.

"I just think we should allow people who own federally certified stoves to be able to burn," Nelson said. "They invested in it. Why not let them use it?"

The three northern counties combined are not expected to have as many no-burn days as Fresno County, which has the largest urban center in the Fresno-Clovis area. Fresno County is expected to have 21 no-burn nights this cold season, while the three northern counties are projected to have a combined 13.

In urban areas, such as Fresno and Bakersfield, wood burning can account for more than 20% of such pollution on nights when the Valley's tule fog hugs the ground, trapping soot, ash and chemicals.

This fall, residents will be asked to avoid burning wood when their county's pollution forecast reaches 100 on the air quality index, which is a rating system that ranges from healthy air at zero to a lung-searing 300 or above.

When the index is predicted to reach 150 -- considered unhealthy for the general population -- all wood burning must stop in the affected county. In addition to Stanislaus, San Joaquin, Merced and Fresno counties, the district covers Madera, Kings, Tulare and Kern counties.

Officials from the hearth and manufactured log industries believed the first stage of the rule should have been mandatory to shut down fireplaces and old wood stoves while allowing cleaner-burning options to continue until the second stage. They said people would be more willing to get rid of their old, polluting wood stoves.

"We don't think a voluntary approach is effective," said Chris Caron of Duraflame, a manufactured log producer based in Stockton.

As a concession, the board amended the rule to allow "federally certified, Phase II" burning devices in new developments, providing the development had three or less dwellings per acre. Only two of the new dwellings could have a device.

But the board also banned fireplaces in all new Valley developments where more than one house per acre is planned. In addition, home sellers will be required to remove or render inoperable old, polluting wood-burning stoves, heaters or inserts.

The requirement, which begins in January, does not apply to open-hearth fireplaces.

## **Heat is on ... and on**

**Mercury hits 107 in Fresno, and 108 northeast of Clovis.**

The Fresno Bee

By Matt Leedy

Friday, July 18, 2003

Sweaty teenagers followed their music to Fresno on Thursday, and through a long afternoon on a sweltering sidewalk, endured the punishment of a Central Valley summer.

"This is ridiculous," said Kelly McCarty, a 15-year-old from Antioch.

She shuffled cards while waiting outside the Rainbow Ballroom in south-central Fresno, about five hours before the bands 311 and Something Corporate were scheduled to perform.

When the teen with black and blue hair stepped outside her air-conditioned car at about 3 p.m., "it was just a shock of hot."

Concertgoers from the Bay Area and Southern California arrived early because all tickets were for general admission. They hoped hours of waiting -- made tolerable by bottled water, hand fans and board games -- would guarantee spots close to the stage.

The teens were greeted by Fresno temperatures that climbed to 107 degrees.

"We've never been to Fresno, so I guess we don't know about heat," said Amber Golden, 16, also of Antioch.

For residents, it was another triple-digit day, matching the hottest of the year so far. The mercury also rose to 107 on June 27, according to the National Weather Service.

Fresnans forced to brave the heat waited for buses in skinny strips of shade provided by trees. Children hung out under the awnings of convenience stores, eating ice cream and slurping sodas.

Men in wide-brimmed hats walked the streets holding cups of water and bottles of sports drinks.

Tammy Jackson and her cousin Monique Smith sat outside in folding chairs, moving only when the shade shifted.

Too many family members were gathered around a swamp cooler to make a central Fresno apartment comfortable, they explained. So Jackson and Smith went to the front lawn, where it wasn't much cooler.

"I'm just trying to find the shadiest area, but it feels like every part of my body is sweating," said Jackson, 22. "I just want to take a cold shower -- that's how hot it is right now."

Temperatures reached 106 degrees in Madera, 102 in Visalia and 108 five miles northeast of Clovis.

And there is little prospect of relief.

Valley air is expected to be unhealthful today and tomorrow, prompting the San Joaquin Valley Air Pollution Control District to call for Spare the Air days, when residents are asked to reduce activities that release pollution. Meteorologist Kevin Durfee summed up his prediction for the Valley: "Hot."

Triple digits are expected today and Saturday. But clouds could sneak past a mountain of hot air that covers the Valley and drop temperatures below 100 degrees this weekend.

It's more likely, however, that the cloud cover will just bring humidity.

"If you're talking about cooling relief, you really need some imagination," said Durfee, who works for the National Weather Service in Hanford. "Most places are probably going to hit the triple digits again."

## **Editorial: Measuring the damage**

**Agriculture may be about to lose a long-standing pollution exemption.**

The Fresno Bee

Friday, July 18, 2003

Another hurdle in the path of cleaner air was cleared Tuesday, when a federal court turned away a challenge by state farming interests seeking to preserve an exemption from permit rules that agriculture has enjoyed for years.

The ruling means regulators -- who started the process a couple of months ago -- can require permits for farm emissions, so that they may make estimates of total emissions from ag sources. It's something other industries have had to do for some time.

The U.S. Environmental Protection Agency ordered the change last year, as part of a settlement of a lawsuit brought by environmentalists who claimed the EPA was laggard in enforcing the Clean Air Act. The EPA threatened the state with sanctions if the exemption for ag is not lifted.

Legislation to accomplish that goal by state Sen. Dean Florez, D-Shafter, is now moving toward what we hope is eventual passage and a signature from the governor. SB 700 is now headed to the Assembly Appropriations Committee.

The objection of agriculture to this bill -- that "better science" is needed -- is understandable, but the opposition is still a bit disappointing. Farmers think they're being singled out as the sole villain in Valley air pollution. They're not -- the single greatest offender is motor vehicles.

But ag produces a significant fraction of our pollution, and it will have to bear a share of the cleanup burden -- just like all the rest of us. None of it will be easy or painless, but all of it is necessary.

LASTGASP

"We can't go on living this way.

And we won't."

An appellate court rules that agriculture's exemption from permit rules has to go. Now it's up to the Legislature and the governor.

[Letter to the Editor, The Fresno Bee, July 18, 2003:](#)

## **Here's to cleaner air for the Valley**

You are to be congratulated for your "Last Gasp" special report Dec. 15. It is one of the best jobs of in-depth reporting I have seen in any newspaper, anywhere.

I stumbled across it on The Bee's Web site after a recent business trip to Fresno. I came home feeling wheezy and sore. "What's the deal?" I asked. A search for "Fresno" and "smog" turned up your report.

I believe that the quoted statistic -- one out of six Fresno children with asthma -- is optimistic. Too many of the people I talk to there have unhealthy kids.

Here's hoping the Valley can be cleaned up.

By Jerry Kaidor  
Belmont

## **Fireplace burn ban approved**

The Modesto Bee

By Melanie Turner, staff writer

Friday, July 18, 2003

Valley air quality officials on Thursday approved a fall-winter ban on fireplace and wood stove burning on days when the smoke would make polluted air even more unhealthy.

Fireplaces fueled by natural gas would be exempt. But burning anything else, such as wood or pellets or fire logs, would be prohibited in all fireplaces and stoves.

The rule is set to take effect in November, pending federal government approval. It would be implemented on a county-by-county basis, depending on pollution levels.

Data from the past three years show that, had the rule been in effect, Stanislaus County would have had an average of six no-burn days per season, Merced County four and San Joaquin County three.

Directors of the San Joaquin Valley Air Pollution Control District voted 6-3 on the policy during a meeting in Fresno, with the no votes coming from the board's most northern delegates, all county supervisors: Jack Sieglock from San Joaquin, Tom Mayfield from Stanislaus and Michael Nelson from Merced.

"I don't like being backed into a wall," Nelson said.

Air pollution in his county and in San Joaquin and Stanislaus is not as severe as elsewhere in the district: Historical data show that Fresno County could have 21 no-burn days a season, while Kern, at the southern end of the eight-county air basin, could have the most days, 24.

The new rule includes provisions to limit wood-burning fireplaces and wood stoves in new homes, and requires the retrofitting of fireplaces and wood stoves to meet Environmental Protection Agency standards before the transfer or sale of property.

The air board declined to exempt fireplace inserts and wood stoves that are EPA-certified as clean-burning. People involved in the wood stove and manufactured log industry argued that smoke pollution comes primarily from old wood stoves and conventional fireplaces.

The valley air district, with pollution that is considered among the worst in the nation, has until Sept. 11 to get EPA approval for the new rule. Otherwise, the

government could impose mandatory no-driving days and suspend highway funds.

Under the rule, burn bans would be ordered county by county when the air quality index hits 151 -- considered unhealthy for all people. The index takes into account weather factors and pollution.

Officials said they would announce burn bans through the media.

The goal is to limit the amount of particulate matter -- dust, soot and smoke -- that goes into the air. Such particles can lodge in people's lungs, increasing asthma attacks and resulting in respiratory disease.

How the rule would be enforced is still being worked out, officials said.

"We'll see how it goes," said David Crow, the air district's executive director. He said violation notices will go out when smoke is spotted coming from chimneys on no-burn days.

"I don't think anybody likes the idea of smoke police," said Steve Combs, who owns Energy House, a fireplace-equipment business in Fresno. "This is still America."

Fresno County Supervisor Bob Waterston, who sat on the air board as an alternate member Thursday, emphasized that fireplaces and wood stoves are not being banned.

The board also took these actions related to the no-burn policy:

Pledged, by a unanimous vote, to conduct an education campaign about the district's voluntary no-burn program. Please Don't Light Tonight kicks in when the air quality index hits 100, considered unhealthy for sensitive groups.

The hope is that if enough people comply, the number of mandatory no-burn days can be kept down.

The board's formal commitment to an education campaign, covering cleaner-burning fuels as well as the voluntary Please Don't Light Tonight program, brought a positive response from manufactured-log maker Duraflame Inc. of Stockton.

Agreed to better target urban areas where fireplaces and wood stoves would not be allowed in new construction.

Under the rule that came before the board Thursday, the fireplace and wood stove ban would have applied to developments with a housing density of two or more units per acre.

"This thing is designed for the rich people to go ahead and buy a house with a fireplace," said

Waterston, who favored a higher density that would be easier on rural development.

On a 6-3 vote, with Sieglock, Mayfield and Nelson voting no, the board increased the density to three or more homes per acre for fireplaces, and agreed to allow builders to put wood stoves in some houses.

The amended rule allows two EPA-certified stoves per acre in developments with three or more homes per acre.

Nelson argued for no limit on EPA-certified stoves in new developments.

But Tulare County Supervisor J. Steven Worthley, who crafted the amendment, said the EPA wants the district to limit the stoves, rather than write them out of the no-burn rule.

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#### EXEMPTIONS

People with homes that meet any of the following conditions would be allowed to burn wood in fireplaces and wood stoves, regardless of a no-burn order:

ELEVATION -- If your home is at the 3,000-foot elevation or higher, where temperatures are lower.

HEAT SOURCE -- If your sole source of heat is a fireplace or wood stove.

NATURAL GAS -- If your home is not serviced by a natural-gas pipeline.

## **Valley air district adopts winter fireplace restrictions**

The Stockton Record

By Audrey Cooper, staff writer

Friday, July 18, 2003

MODESTO -- San Joaquin County residents will be forced to snuff their wood-burning fireplaces and stoves an estimated three to five nights this winter under new anti-pollution rules adopted Thursday.

The controversial rules are aimed at cutting unhealthy levels of wintertime particulate pollution, made up of microscopic flecks of dust, soot and vapor. The pollution causes increased asthma attacks, respiratory disease and premature deaths.

Wood smoke from fireplaces is believed to be responsible for between 10 percent and 32 percent of particulate pollution on certain winter days. The Valley's infamous tule fog often traps the smoke in urban areas, preventing the smoke from dissipating and aggravating health problems. The San Joaquin Valley region has never met federal limits for particulate pollution.

The rules will mean that on nights when air quality is expected to be especially unhealthy, residents and businesses will not be allowed to use their traditional masonry fireplaces, fireplaces with inserts or wood stoves.

Homes that use natural-gas fireplaces are exempt from the rule, as are homes where wood-burning devices provide the only source of heat. Homes without access to natural-gas pipelines are also exempt.

"What is of concern is not just (cutting) emissions for emissions' sake, but the health impact of emissions where people live," said Tom Jordan with the San Joaquin Valley Air Pollution Control District.

Residents will be expected to check with the San Joaquin Valley Air Pollution Control District via either a telephone hot line or the district's Web page, [www.valleyair.org](http://www.valleyair.org), to make sure it is safe to use their fireplaces. Violators could face fines of hundreds of dollars.

The air district's governing board voted 6-3 Thursday in favor of the new rules, which were all but ordered by the U.S. Environmental Protection Agency. San Joaquin County's representative on the board, Supervisor Jack Sieglock, voted against the rules.

Many board members complained that they had little choice but to adopt the unpopular rules, which drew criticism from many residents who believe they have a right to burn wood for heat. The Valley stands to lose about \$2 billion in federal road-building dollars if the EPA doesn't sign off on the air district's newly approved rules before March.

"If we're going to dance to the EPA's tune, what are we even doing here?" complained Tony Barba, a board member and Kings County supervisor.

With upcoming rules aimed at cutting back on even-smaller particulates, many people at Thursday's hearing worried that fireplace rules might become stricter in the next couple of years.

East Stockton resident Jerry Nola is exempt from the fireplace rules, because he doesn't have access to natural gas at his home.

"But I'm concerned that down the road, they're just going to crack down on me, too. It's irritating. Basically, in the winter I burn wood because it's cheaper," he said.

Environmentalists have been generally supportive of the air district's plan to cut back on wood smoke. Kevin Hall, an air specialist with the Sierra Club, said he would like to see the air district use an even-lower threshold so more days would be no-burn days for fireplaces.

Under the rules adopted Thursday, wood burning would be banned on nights when the air quality index shows pollution levels are unhealthy for the general population. Hall said the bans should be called when the air-quality is unhealthy only for sensitive groups, such as children, the elderly, people with breathing problems and people who work outside.

"That alone is two-thirds of the population," Hall said. "Frankly, we're already a decade behind."

Instead of lowering the threshold, the air board agreed to begin an educational campaign to advise residents and businesses to use clean alternatives to wood burning when the air quality is unhealthy for sensitive people.

Cleaner alternatives include manufactured fire logs, EPA-certified stoves and inserts, and natural gas. All heaters made after 1992 are EPA-certified.

Despite pleas from fireplace retailers and industry officials, the air board decided not to allow a two-tiered ban that would first restrict use of regular masonry fireplaces but allow wood burning in EPA-certified stoves and fireplace inserts.

Such a two-tiered system would be too difficult to regulate, some board members said.

Air district spokesman Anthony Presto said the district likely will have at least six air inspectors out looking for violators on nights when wood-burning bans have been called. The air district also will have a complaint line



## **Court orders EPA to review Calif request for ethanol waiver**

The Bakersfield Californian

By Ron Harris, Associated Press Writer

Friday, July 18, 2003

SAN FRANCISCO (AP) - A federal appeals court sided with Gov. Gray Davis and the California Air Resources Board on Thursday, ordering the Environmental Protection Agency to review the state's request to waive rules that would lead to ethanol being added to most of the state's gasoline.

The 9th U.S. Circuit Court of Appeals concluded that the EPA abused its discretion in refusing to consider the effect of the waiver on particulate matter pollution, along with the effects on ozone levels. The court vacated the EPA's order and remanded it to a lower court for further proceedings.

The EPA initially concluded it need not consider the effect such a waiver would have on particulate matter pollution. In a statement, Davis lauded the decision as a victory for California motorists.

"I have said from the start, we are going to protect our air and water. We had to ban MTBE because of water pollution," Davis said. "We want our refiners to have maximum flexibility in what they put into gasoline as long as they produce the cleanest burning gas in the world."

California officials sued the EPA in 2001 in hopes of reversing the decision that would effectively require the state to use ethanol, something the Davis administration considered an expensive and polluting gasoline additive.

On Tuesday, Sen. Dianne Feinstein, D-Calif., heaped more doubt on the effectiveness of ethanol. In a letter to Winston Hickox, secretary of Cal-EPA, Feinstein strongly questioned the effects of ethanol on air quality.

"The switch to ethanol-blended gasoline is considered one of the main culprits in the increased ozone. Since ethanol's volatility increases smog, particularly in the summer, I believe we need to look carefully at its impact on air quality," Feinstein wrote.

Davis originally ordered that the methanol-based additive MTBE be banned, and a Dec. 31, 2002, deadline had been set to eliminate its use. But after the EPA turned down the state's waiver request, Davis extended the MTBE phase-out deadline to Dec. 31, 2003.

Officials with the EPA have said that under the Clean Air Act, they lack the authority to grant the state's waiver request.

Lisa Fasano, a spokeswoman for the EPA, said attorneys for the agency were still reviewing the ruling late Thursday and were going to consult with the Justice Department about their available options.

Rep. Henry Waxman, D-Calif., issued a stinging statement following the ruling: "In June 2001, I wrote to EPA Administrator Whitman baffled by the White House's decision to deny California's request. At the time it was counter to good government, sound economic policy, and environmental protection. Now we know it was illegal too," Waxman said.

The Oxygenated Fuels Association, a proponent of MTBE use, was quick to downplay the ruling as a victory for the Davis administration.

"I don't think that this ruling particularly ties the hands of the EPA," said Frank Maisano, a spokesman for the group. "Given (the ruling's) narrow nature, the EPA could very easily come back with the same ruling."

Maisano pointed out that the appeals court ruled the EPA had only erred in not also considering the particulate matter pollution in addition to the ozone level impact.

David Pimentel, a professor in Cornell University's Department of Agriculture and Life Sciences, agrees with California that ethanol is an environmental bust.

"It does take more energy to produce a gallon of ethanol than you actually get out of ethanol," Pimentel said. "It is a very energy intensive and environmentally costly crop to produce."

The case is Davis v. United States Environmental Protection Agency, 01-71356.

## **No links between land development and pollution, planning director says**

The Bakersfield Californian

By James Burger, Californian staff writer

Thursday, July 17, 2003

Bakersfield Planning Director Stanley Grady tried to dispel what he feels are myths about the connection between pollution and development Thursday night. He explained to Bakersfield Planning commissioners at their Thursday meeting that three state and federal agencies regulate air pollution. The city regulates land development -- using rules from the other agencies to determine if homes and commercial development pollute the air too much.

And the fact is, he said, that the low-density development that Bakersfield is known for is not bad for air quality.

"Air quality improved while Bakersfield grew in population and territory," he said. "There is no direct connection between pollution and detached single-family homes."

Even cities like New York and Chicago -- places that have very high urban densities -- are still not meeting federal air quality standards.

But the Smart Growth Coalition of Kern County and the Sierra Club argue that allowing homes to be built farther from the downtown forces people to drive their cars longer distances -- creating more air pollution.

Grady said there has been a great deal of talk about controlling land uses to reduce air pollution.

The Sierra Club has settled an environmental lawsuit against two northeast developers by placing an "air quality mitigation fee" on every home built in their development.

That has prompted discussion about requiring such a fee on all new homes and commercial projects in Bakersfield.

Grady himself is preparing a report to members of a Bakersfield City Council committee that outlines how such a fee might be created.

But he doesn't think creating the fee will address the real source of pollution connected to development -- the gases and particles that come out of the exhaust pipe of a car.

"There are at least 101 ways to get people out of their cars and none of them involve collecting another fee," he said.

Commissioner Burton Ellison said the report -- which did not include time for the public to comment on Grady's remarks -- was important for him.

"We needed to have this workshop to clear the air," Ellison said.

He said it helped him understand what he needs to know in order to make a good decision on the projects that come before him for approval.

To clean the air, Grady said, the city, Kern County, the Environmental Protection Agency, California Air Resources Board and San Joaquin Air Pollution Control District have to do some simple things.

They need to control diesel engines, farm equipment and older vehicles.

Pollution from fireplaces has to be reduced, carpooling promoted, car fuels cleaned up and roads improved to make traffic flow better.

People have to be talked into spending less time in their cars.

Planning commissioners also expressed some concern that, if an air quality mitigation fee is enacted, there be proof that it will be used to clean up the air.

## **Ashes to ashes: Burn ban OK'd**

The Bakersfield Californian

By Matt Weiser, Californian staff writer

Thursday, July 17, 2003

When the air is chilly and thick with fog next winter, it is now likely that you'll be required to drop the firewood and turn up the thermostat instead.

The San Joaquin Valley Air Pollution Control District on Thursday approved new rules designed to make those foggy winter nights a little easier on the lungs. The controversial rules ban the use of wood stoves and fireplaces when the air quality index exceeds 150, the point at which pollution is considered unhealthy for everyone.

District officials say these no-burn nights are expected to occur about 25 times each winter in Kern County, which usually has the valley's worst particulate pollution.

Wood burning releases soot particles that are 20 times smaller than the diameter of a human hair. These particles can penetrate deep into the lungs, causing shortness of breath and heart disease, and aggravating asthma and bronchitis.

The valley is notorious for its winter inversion layers, which trap pollution near the ground. During these episodes, smoke from residential wood heating can produce up to 20 percent of Bakersfield's particulate pollution, air quality studies have found.

"We've had so much concern from constituents about air quality, and they're looking for leadership. I think we've come up with something that's reasonable," said Barbara Patrick, Kern County supervisor and a member of the air district's governing board.

The governing board approved the rules in a 6-3 vote. The "no" votes came from Merced County Supervisor Michael Nelson, Stanislaus County Supervisor Thomas Mayfield, and San Joaquin County Supervisor Jack Sieglock. All three felt the rules are too strict.

The rules also require older wood stoves -- but not fireplaces -- to be removed or replaced when existing homes change ownership. And they limit the installation of wood-burning devices in new housing. But the board loosened the rules in this area slightly.

The initial proposal allowed only one fireplace or wood stove per home when density is two homes per acre or less. The approved rule allows two wood-heating devices per acre up to a density of three homes per acre. If the density is less than two homes per acre, any wood-burning unit can be installed, including open-hearth fireplaces, but only one per home. At two to three homes per acre, the devices must meet EPA Phase II certification. Beyond three homes per acre, no wood-burning units of any kind are allowed.

This amendment was passed after several board members expressed concern that the rule seemed to open the door to dirty fireplaces in low-density construction, and that only wealthy home buyers would be allowed to burn wood. "I have trouble applying that kind of standard to something as basic as wood burning," said J. Steven Worthley, a Tulare County supervisor and air district governing board member, who proposed the amendment.

Even so, the building industry supported the original draft of the rule, stating that the housing market is moving toward gas-burning devices anyway.

The rules were approved in spite of a full-court press from the hearth-products industry, which had numerous lobbyists and business owners testify before the board in Fresno. The industry pushed for a two-tiered enforcement program, arguing that open-hearth fireplaces and older wood stoves are the biggest polluters and should face tighter burning restrictions. On the other hand, modern, cleaner-burning wood and pellet stoves represent a small part of the problem, they said, and people who invested in these devices should not be penalized. "Non-EPA certified stoves are by far the worst polluters. I call them 'belchers,'" said Jay Hanson, regional representative for the Hearth, Patio & Barbecue Association.

But air district officials said their options are limited by federal enforcement actions, which require adoption of the best available control measures by Sept. 11 or the valley faces penalties. The board did pass a resolution, however, requiring a public education campaign to reduce wood burning and encourage clean-burning practices when the air quality index reaches 100, considered unhealthy for children, the elderly and people with breathing problems.

Many hope that an effective public education campaign will limit the need for mandatory burning bans. But the district's longstanding "Please Don't Light Tonight" voluntary campaign did not prove effective enough at reducing winter pollution levels, and that's partly why the U.S. Environmental Protection Agency demanded tougher controls.

Others argued that the outright burn ban should have an even lower trigger.

"If we were focusing on human health, we should focus on sensitive groups and go for a trigger at 100," said Kevin Hall, a Sierra Club air quality specialist in Fresno. "I would like to see us step forward and get way out in front on all of this, because, frankly, we're a decade behind on improving air quality."

District officials said the details involved in enforcing the burning ban remain to be worked out, but will begin with patrols by district inspectors and telephone complaints from the public.

The retrofit rule for existing homes will be enforced as a disclosure requirement during the escrow process, said David Crow, the district's air pollution control officer, and that additional coordination with the real estate industry is planned.

## **Air quality officials approve rules allowing fireplace use bans**

The Bakersfield Californian

By Matt Weiser, Californian staff writer

Thursday, July 17, 2003

Valley air quality officials on Thursday approved new rules that will ban the use of fireplaces and woodstoves during winter smog events.

The burning restrictions will be in force from November through February each year. Whenever the air quality forecast is expected to exceed a rating of 150 -- considered unhealthy for everyone -- the use of fireplaces and woodstoves will be banned.

The San Joaquin Valley Air Pollution Control District will use its inspectors and complaints from residents to enforce the restrictions.

The rule also limits the installation of fireplaces and woodstoves in new housing.

The air district governing board changed this facet of the rule slightly. The proposed rule banned all wood-burning devices once housing density in new construction exceeds two units per acre. The board changed this to three units, but only two of these units get to have wood-heating devices. Once density exceeds three units per acre, none are allowed to have wood heaters.

The new rules also require older woodstoves -- but not fireplaces -- to be removed from existing homes when ownership changes.

"I think we've come up with something that's reasonable," said Barbara Patrick, Kern County supervisor and air district governing board member. "It's absolutely essential that people understand the choices they make are affecting the valley."

The burning restrictions are likely to be imposed about 25 nights each winter in Kern County, district officials say, and are likely to produce significant improvements in winter air quality. Residential woodburning is estimated to cause about 20 percent of urban particulate pollution in the winter, when inversion layers often trap pollution near the ground.

Particulate pollution from wood burning and other sources contributes to asthma, bronchitis, shortness of breath and heart disease.

Visit [bakersfield.com](http://bakersfield.com) later tonight or read Friday's *Bakersfield Californian* for details.

## **‘Spare the Air’ warning in effect**

The Hanford Sentinel

July 17, 2003

FRESNO - Today and Friday are forecast to be "Spare the Air Days" because of air pollution levels, the San Joaquin Valley Air Pollution Control District announced.

To help reduce smog, Valley residents can wait until later in the day for car trips, make sure gas caps on vehicles are replaced when missing and linking car trips, according to the district.

## **Today and Friday are Spare the Air days**

Merced Sun-Star

Thursday, July 17, 2003

The San Joaquin Valley Air Pollution Control District has declared today and Friday Spare the Air days.

Residents are asked to avoid driving, yardwork involving gasoline machinery, and use of motorboats and off-road vehicles.

Residents should also avoid using aerosol sprays and lighter fluid to start charcoal barbecues.

The air district issues a Spare the Air advisory when ground level ozone, the main pollutant in what is commonly known as smog, is expected to be unhealthy. Residents can help the air quality problem by avoiding unnecessary vehicle use.

Suggested driving tips include:

- Using cruise control on the highway
- Obeying the speed limit
- Avoiding "topping off" at the gas pump
- Taking the train for personal and business trips out of the area.

## **Sufferers of asthma invited to health event**

The Madera Tribune

Thursday, July 17, 2003

The American Lung Association of Central California and the Darin Camarena Health Centers will hold a family asthma day on Saturday, July 26, from 9 a.m. until 2 p.m. at the Darin Camarena Health Center, 344 East Sixth Street.

Children ages six to nine with asthma and their parents are invited to come and learn how to effectively manage asthma.

Fun craft activities, lunch, and beverages will be provided. Family asthma day is free of charge.

Registration forms must be in by Tuesday, July 22.

For more information or to register, contact Beth Mensch at (559) 664-4093.

## **Editorial: Fireplace rule reasonable**

The Bakersfield Californian

Wednesday July 16, 2003

To listen to some folks talk, it's time for another "Boston Tea Party." They are ready to throw their logs and inserts into the Kern River over a proposal to restrict their right to burn wood in their fireplaces any old time they want even on polluted winter nights.

Whoa! The rule being considered today by the San Joaquin Valley Air Pollution Control District is a reasonable measure.

The valley's air is some of the nation's worst. The air over Fresno is the nation's second-most polluted. Bakersfield's is the third. Our air is making us sick. Lung and heart diseases plague us. The incidence of asthma in the valley is high. All and all, the quality of life is suffering.

All of us residents, businesses and industries must do our part to clean up the air. That requires sacrifices.

The proposal to restrict wood burning in fireplaces on cold, foggy nights, when climatic conditions trap pollutants, such as fine particles from the burning wood, has prompted outrage from some and cries of hardship from others.

The rule is neither an excessive intrusion on individual rights nor an unreasonable burden on anyone using wood as a heating fuel. It is a prudent step to reduce air pollution. Studies indicate wood smoke accounts for up to 20 percent of the winter particulate pollution in Bakersfield.

Under the proposal, residential wood burning would be banned when the air quality index in a county is forecast to reach 150 or greater the "unhealthy" level for everyone.

The ban would apply from November through February. District officials estimate burning would be banned in Kern County at most on 25 nights a year.

Until now, the air district used its voluntary "Please Don't Light Tonight" campaign to reduce pollution from wood burning on polluted winter nights. But the federal Environmental Protection Agency is pressing the district to do more.

In addition to banning burning on certain nights, the proposed rule would require the removal or replacement of older wood stoves those purchased before 1992 when an existing home is sold. No replacement or removal action is proposed for simple fireplaces not equipped with inserts.

New homes would be allowed to have wood-burning fireplaces or wood stoves only in projects with a density of two homes per acre or less and then only one per home. The rule is supported by the Building Industry Association of Kern County, which says gas-burning fireplaces and inserts meet most home buyers' needs.

District officials are discussing incentives to assist homeowners with removing or replacing more polluting wood-burning systems. An enforcement mechanism also is being considered. If the rule is adopted, wood burning on banned nights likely will be subject to fines beginning with \$100 an incident and increasing with subsequent violations.

The smoke from thousands of fireplaces pouring from chimneys on a foggy, polluted night can cause coughing, shortness of breath, asthma, bronchitis and even premature death. The American Heart Association reports a connection between heart attacks and high levels of fine particles, such as those floating from fireplaces.

In the interest of reducing air pollution, we have been asked to make many sacrifices. For example, our cars have to be regularly inspected and repaired. We can't burn garbage in our back yards. These are reasonable restrictions. So is the fireplace rule.

## **Air pollution a very hot topic**

By James Burger, Californian staff writer  
The Bakersfield Californian  
Wednesday July 16, 2003

It's summer again and the sun is baking Bakersfield's air into a thick, smog-laced blanket.

People have started complaining about air pollution like they do every summer. But the talk seems hotter this year. Those complaining have a new target for their ire -- land development.

The local chapter of the Sierra Club is fighting maps of homes along the Kern River bluffs -- complaining that the homes will produce tons of airborne pollution and traffic congestion.

*The Californian* has written about the links between development and air pollution.

And politicians at the local, regional and state level are pondering laws that would make home builders pay hefty "pollution mitigation" fees before their projects get government approval.

Tonight, Bakersfield Planning Director Stan Grady will report to the Bakersfield Planning Commission about air pollution and its connections to land development.

The culprit in the land development equation, he says, is the single-family car. "The air quality problem is not the land uses' fault," Grady said.

In other words -- homes don't pollute.

But the people who live in those homes, most of which are being built on the rapidly growing fringes of Bakersfield, drive cars that do pollute.

Grady said his report to planning commissioners at tonight's meeting will discuss how air pollution is created and who is responsible for regulating that pollution. But it will also touch on ways to control development and its connection to air pollution.

Specifically, Grady said, Bakersfield political leaders, and the people who elect them, have the power to make the city grow how they want.

The city can create laws to encourage people to take buses, carpool more and build a light-rail system.

"If we want a more transit-oriented community, we can build it," he said.

The commission reviews all development inside the Bakersfield city limits under direction of the Metropolitan Bakersfield General Plan.

Grady said he will talk to commissioner about the concept of a connection between development and pollution, and the idea of creating an air quality mitigation fee.

The commission meets at 5:30 p.m. today at Bakersfield City Hall, 1501 Truxtun Ave.



## **Spare the air day extended**

The Bakersfield Californian

Wednesday, July 16, 2003

Friday has been declared a Spare the Air day in Kern County. The San Joaquin Valley Air Pollution Control District had already declared a Spare the Air day for Thursday.

The San Joaquin Valley Air Pollution Control District issues Spare the Air notices whenever air quality is expected to reach unhealthy levels, or a score of 150 or higher on the air quality index.

All valley residents are urged to minimize outdoor activities to protect their health, their children's, the elderly and anyone with breathing problems.

Residents are also urged to curtail behavior that causes air pollution, such as unnecessary vehicle trips, lawn mowing, barbecuing, boat and off-road vehicle use, and painting.

For health information and Spare the Air tips, call 1 -800-SMOG-INFO or visit [www.valleyair.org](http://www.valleyair.org).

## **Spare the Air advisory issued for Thursday, Friday**

The Bakersfield Californian

Wednesday, July 16, 2003

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## **Red tape reduced for dealing with treacherous tumbleweeds**

The Bakersfield Californian, Local Digest

Tuesday, July 15, 2003

Air quality officials have introduced a streamlined procedure to obtain permits for burning tumbleweeds in Kern County.

Previously, farmers and others needing to burn the pesky plants had to obtain permits from both the San Joaquin Valley Air Pollution Control District and their

local fire department. Many did not know two permits were required, leading to violations and fines for those who only obtained one.

Now, the air district will issue both permits, conduct all necessary inspections to ensure compliance with fire safety and air-quality rules, and notify fire departments of scheduled burns. Residents who live above 3,000 feet still must apply to the county fire department for burn permits.

Tumbleweeds are a problem in rural areas because they can clog irrigation ditches, block roads and harm crops. Burning contributes to air pollution in the valley, but it is the only effective way to control tumbleweeds, which cannot be effectively crushed or hauled away.

Officials hope the new process will make burning easier and also prevent duplication of effort between the air district and fire agencies.

Tumbleweed burn permits cost between \$22 and \$62 and are valid for a year. Permit holders must still call the air district at 326-6949 to find out if burning is allowed on any given day. More information about burn permits can be found at the same number between 7 and 11 a.m. daily.

[Letter to the Editor, The Bakersfield Californian, July 15, 2003:](#)

### **'Fireworks add to bad air'**

Another July 4th has come and gone, and on the front page of the July 5th *Californian*, the heading "Idea of smog fee floating around city" caught my attention. The article spoke of fees on new homes to be used to reduce the valley's smog.

Isn't it about time to examine the love affair Bakersfield has with the purchase of fireworks by individuals?

I really loved the noise, the acrid smell of smoke, the trash left in the street to linger until the street sweeper shows up sometime in October and the sound of fire engine sirens. My dog also loved the noise. She lost weight trembling uncontrollably in her dog house.

Granted, one day blowing up the neighborhood in the name of celebration will not impact significantly the quality of air we breathe, but one step in front of the other will cover the distance to better air quality.

John Siercks, Bakersfield

[Letter to the Editor, Visalia Times Delta, July 18, 2003:](#)

### **Air quality: Do the science**

Regarding your editorial of July 14: "Improving air quality requires change."

All I can say is: Show me the science.

So much indoctrination without science.

Another in a long line of attacks by the Environmental Protection Agency and their sheep people.

John Keyes

Springville