

## **Community Voices / Stanley Grady: Air clean-up fee must be valleywide**

The Bakersfield Californian

Tuesday July 08, 2003, 06:10:07 PM

The settlement between the Sierra Club and a developer in northeast Bakersfield was characterized by *The Californian* as "a private deal" not one for setting public policy. I agree.

The public policy regarding air pollution emissions related to development projects was established with the 1988 California Clean Air Act. It recognized development as an indirect source of emissions and correctly made it a regional issue requiring a regional control strategy. The San Joaquin Valley Air Pollution Control District has been given the authority to develop area-wide source and indirect source control programs.

Bakersfield is one of 64 cities in a 23,000-square-mile air basin which is 250 miles long and encompasses eight counties. A regional air pollution problem needs a regional control strategy.

Fees to lessen or reduce the impact that a development may have on the environment are a standard method for reducing an impact to a less-than-significant level. It isn't the fee that reduces the impact. It is what is done with the fee that matters.

In 1990, the air district conducted public hearings on a draft "indirect source review" fee based on the authority granted to the district by the Clean Air Act. The concept behind the ISR fee is that development creates vehicle trips and vehicles generate emissions. As a result, development "indirectly" contributes to air pollution. The reasoning is that development should pay a fee to reduce this indirect contribution.

The fee would not be used to clean up emissions from the direct source vehicle tailpipe emissions. Instead, it would fund projects like regional transit system improvements, regional rail lines and facilities, regional off-street bicycle trails, replacement of diesel buses and ridesharing. The assumption is that mass transit will replace personal vehicle use for some trips.

In 2002, the air district noted that in the 13 years since the public hearings on the draft ISR fee, air quality has improved. The problem is that it is not improving fast enough. Likely that is because people are driving more miles daily, thereby generating more emissions. Since development generates trips from passenger vehicles, the focus has shifted from tailpipe emissions to residential, commercial and industrial projects created by development.

Emission-reduction strategies and their success or failure is based on districtwide strategies. All rules adopted by the district are uniformly applied throughout the air district. Success is based on improvements within the district.

An indirect source fee implemented in the city of Bakersfield may generate funds to construct projects that would further the urban design objectives of some

groups and individuals. But without a valleywide program implemented by the air district, a fee supported by a recent *Californian* editorial, it will fail to reduce tailpipe emissions or achieve the goals of the California Clean Air Act.

*Stanley Grady is Bakersfield's planning director. Community Voices is an expanded commentary that may contain up to 500 words. The Californian reserves the right to republish contributed commentaries in all formats, including on its Web page.*

## **News in brief from the San Joaquin Valley**

*In The Bakersfield Californian*

The Associated Press

Tuesday July 08, 2003, 10:25:10 AM

SACRAMENTO (AP) - A bill to end an exemption for air quality permits for the \$27 billion farming industry has passed an Assembly committee.

The state attorney general and several air pollution control officials supported Senate Bill 700 sponsored by Sen. Dean Florez, D-Shafter, during a hearing in the Assembly Natural Resources Committee on Monday.

SB 700 is one of many bills aimed at cutting air pollution in the San Joaquin Valley that cleared several legislative committees Monday. Four other bills proposed by Florez, which include providing funding to support biomass and raising fines for polluting vehicles, will go to the Assembly Appropriations Committee in the next week.

Another air measure, SB 999 by Sen. Michael Machado, D-Linden, also will go to the Appropriations Committee. Machado's bill, which had stalled in earlier committee hearings, would expand the valley air board from 11 members to 15 members.

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

The Bakersfield Californian

Tuesday July 08, 2003, 01:04:47 PM

Air quality officials are warning residents to avoid outdoor activities and limit polluting activities Wednesday and Thursday due to expected high smog levels.

The San Joaquin Valley Air Pollution Control District announced a Spare the Air advisory in Kern County for both days in response to forecasted hot weather and high pollution readings. A Spare the Air condition is declared whenever the air quality index is expected to exceed 150, considered unhealthy for everyone.

Residents are advised to avoid prolonged outdoor exertion, especially children, the elderly, and anyone with breathing problems. In addition, all residents are urged to limit activities that cause pollution: reduce unnecessary

vehicle trips, avoid refueling in the heat of the day, and limit the use of landscaping equipment and off-road vehicles.

For more information, call 1-800-SMOG-INFO or visit [www.valleyair.org](http://www.valleyair.org).

## **U.S. judge refuses to halt Mexican electricity imports**

*In The Bakersfield Californian*

By Seth Hettena

Associated Press Writer

Tuesday July 08, 2003, 05:40:15 PM

SAN DIEGO (AP) - A federal judge ruled Tuesday that two power plants built three miles south of the U.S.-Mexico border may continue operating for at least another year, rejecting requests from environmentalists who sought to close them.

In a 33-page ruling, U.S. District Judge Irma Gonzalez refused to revoke permits that allow power to be sent into the United States from the plants operated by Sempra Energy and InterGen near Mexicali, Mexico. She said she would make a permanent ruling on July 1, 2004, after further environmental reviews are completed.

The Border Power Plant Working Group, a coalition of U.S. residents and environmentalists, sued the Energy Department and the U.S. Bureau of Land Management last year, alleging violations of the National Environmental Protection Act and other federal rules. The civil case accuses Sempra and InterGen, neither of whom are named as defendants, of building plants in Mexico to evade more stringent U.S. environmental regulations. The group asked Gonzalez to shut down the transmission lines until the federal government completes an exhaustive environmental review.

Gonzalez ruled May 2 that the U.S. Department of Energy failed to fully consider potential harm to air and water quality when it approved the transmission lines in December 2001. On Tuesday, she instructed the Bush administration to undertake additional analysis.

Mike Niggli, president of Sempra Energy Resources, said he was confident his company's plant could withstand the review.

"Even though it's built in Mexico we built it to California's air-quality standards," Niggli said. "You could pick this plant up and put it anywhere in California and it would be capable of operating."

To the disappointment of environmentalists, Gonzalez stopped short of ordering the Bush administration to undertake a more thorough environmental impact study, which would require more disclosure and greater public input.

Marcello Mollo, an attorney with EarthJustice, the environmental law firm in Oakland that represented the Border Power Plant Working Group, said the

decision left the environment and residents near the power plant at risk for another year.

"It's a big victory for big power and their hired guns at the expense of low-income minority communities on the U.S.-Mexico border in Southern California," Mollo said.

The Sempra and InterGen plants, built at a combined cost of \$1.1 billion, are designed to power up to 1.6 million homes on both sides of the border.

## **Heat wave to wash over Valley this week Temperatures could get as high as 109 by Saturday.**

By Jennifer M. Fitzenberger

The Fresno Bee

*(Published Wednesday, July 9, 2003, 8:07 AM)*

Sweltering summer heat is back, prompting a series of warnings from health officials.

Beginning today, forecasters predict a string of triple-digit temperatures that could reach 109 degrees by Saturday. With little wind, the central San Joaquin Valley will bake in the blistering sun.

This stretch of 100-plus degree days -- expected to last through the weekend -- could be the longest so far this summer in Fresno. Risk for heat-related illness will grow, and air quality will plummet.

"As the heat increases, so will air pollution," said Josette Merced Bello, a spokeswoman for the San Joaquin Valley Air Pollution Control District.

"Smog needs -- in addition to chemicals -- heat and sunlight."

A strong ridge of high pressure will keep the Valley hot, said Daniel Harty, a meteorologist with the National Weather Service in Hanford. The system will keep cool wind over the Pacific Ocean from blowing ashore.

The still, stagnant air "allows us to heat up pretty good," Harty said.

A reprieve could come Monday, when temperatures could drop to the high 90s.

Fresno already has suffered through 12 days of temperatures higher than 100 degrees, including a three-day string of highs ranging from 105 degrees to 107 degrees in late June.

Each summer, temperatures soar above 100 degrees an average of 33 days, and the Valley this year is on target, Harty said.

The hottest weather typically is between July 13 and Aug. 6, when the average high is 98 degrees.

Air pollution officials likely will declare Thursday and Friday Spare the Air days, when they ask residents to be mindful of pollution and their health.

Merced Bello said she isn't sure whether conditions will warrant a health advisory, issued when daily pollution peaks are at their worst. Once a health advisory is issued, school districts must cancel outdoor recesses and sporting events, and adults are advised to halt vigorous outdoor activities.

So far, two health advisories have been issued this summer.

To cut down on pollution, Merced Bello suggests driving less, carpooling to work and social events and postponing lawn care when the air is the worst.

She also suggests reducing outdoor activity in late afternoon and early evening: "Use common sense. You don't want to go out running a marathon between 3 p.m. and 7 p.m."

Children, seniors and people on medication are most prone to heat-related illnesses, said Dr. Keith Grazier, who works in Fresno and Clovis emergency rooms.

Heat exhaustion, which is caused by dehydration, is most common. People who feel weak, dizzy and vomit should go somewhere cool. Athletes' muscles can cramp in the heat if they don't drink enough fluids.

Heat stroke -- marked by confusion and a fever -- is more serious, Grazier said.

"That's a medical emergency," he said. "Call 911."

Dawna Massey, who runs day care in northwest Fresno, said she tries to keep the children in her care out of the heat. She said she limits outside play to 15 minutes in the afternoon when temperatures soar.

"We saturate them with sunscreen and give them lots of water," said Massey, whose day-care kids range in age from infants to 12-year-olds. "They can burn so easily

## **100-degree valley heat will take extra precautions**

By Chris Togneri

Modesto Bee Staff Writer

Wednesday, July 9, 2003

Take your pick: 101 or 102 degrees.

That's what forecasters are predicting for the Modesto area through Saturday.

It would mark the second big heat wave of the summer. Previously triple-digit temperatures came on three days in late June, according to records kept by the Modesto Irrigation District.

As the temperature climbs from a predicted 101 today to 102 on Thursday, air quality is expected to go down -- so much so that the San Joaquin County Air Pollution Control District already has declared Thursday a Spare the Air day in Merced and Stanislaus counties.

People are asked to curtail driving, skip yard work with gasoline-powered equipment and forgo lighter fluid for barbecues -- all to lessen the amount of pollutants going into the air, thereby making it easier for people to breathe.

Breathing difficulties are just one problem caused by hot days.

Medical experts warn that children and the elderly should be closely monitored for heat exhaustion and dehydration.

Symptoms can include "confusion, fatigue, heavy sweating followed by dry hot skin, weakness, fainting, loss of consciousness, and -- rarely -- death," said Dr. Grant Dawson, medical director at the Stanislaus County urgent care center in Modesto.

Dawson advised people to wear loose-fitting clothes and wide-brimmed hats, to stay out of the sun, eat small meals, abstain from alcohol and other fluids like iced tea and Gatorade, and -- most important -- to drink plenty of water.

"The big thing is water," he said. "Nothing beats water."

Dawson also cautioned against leaving children in cars.

"Even with windows rolled down, the temperature can quickly exceed 150 degrees," he said. "Every year we have parents say, 'Well, we rolled the windows down -- we thought it would be OK.' It's not. Particularly for babies and seniors."

Children who have been left in hot cars often suffer body temperatures exceeding 104 degrees, he said.

"Their bodies are limp, they are unresponsive," Dawson said.

In less severe cases, children experience muscle cramps, shallow breathing, low oxygen levels and confusion.

"It's not a pretty picture," he said.

The Stanislaus County Chapter of the Society for the Prevention of Cruelty to Animals asked people to be mindful of their pets.

Pet owners should never leave animals in parked cars, said Kelly Kellett, an SPCA volunteer.

"Children die in cars," she said, "and so can animals."

Kellett said that on days when temperatures exceed 100 degrees, animals should be brought inside so they can benefit from air conditioning.

Leave pets outside only if there is plenty of shade and water, Kellett said.

She added that pets suffering from heat stroke will be listless and dehydrated.

This week's spate of 101- and 102-degree days would not be record-breaking, said Maree Hawkins, a spokeswoman for the Modesto Irrigation District, which has kept records since 1939.

She said the hottest July day on record was in 1972, when it reached 111 degrees on the 14th.

On average, temperatures in Modesto reach triple digits three times a year in June, 5 1/2 times in July and four times in August, she said.

The hottest temperature ever recorded in Modesto was 112 degrees, on June 15, 1961.

## **Tire fire settlement passed**

By Todd Milbourn

Modesto Bee Staff Writer

Wednesday, July 9, 2003

A \$9 million settlement for West Side residents is now official, to compensate them for health problems and property damage reported as a result of the massive tire pile fire near Westley in 1999.

The settlement gained approval in Santa Clara County Superior Court in May; the agreement became final Monday when a 60-day period for appeals expired.

Attorneys representing more than 10,000 residents negotiated the settlement with CMS Generation Co., one of several defendants in a class-action lawsuit filed after the blaze.

"The small people were heard," said Mary Nicola of Patterson, one of the plaintiffs in the case.

Nicola said her family has suffered from sinus infections and headaches since the fire cast a plume of black smoke across western Stanislaus County.

The amount that plaintiffs can receive, which could range into the thousands, will depend on their proximity to the fire and their injuries.

Scott Cole, lead attorney, said the settlement could energize the case against the remaining defendants.

"While it's only a settlement with one defendant it gives us a shot in the arm to push even harder," he said.

CMS Generation Co. is a subsidiary of Michigan-based CMS Energy Corp. and the former owner of Oxford Tire Recycling of Northern California, which dumped tires at the site. A spokesman for the corporation would not comment Tuesday.

Remaining defendants include Modesto Energy Limited Partnership, rancher Ed Filbin and a trust in his family's name.

Cole declined to discuss any further settlement negotiations. "We're preparing for trial," he said.

Lightning sparked the September 1999 fire, setting off flames in a pile of 6 million tires in a canyon west of Interstate 5. The blaze emitted tons of heavy smoke. The fire burned for 34 days, casting an ashy shadow over much of the valley.

Alfred Barbosa lives about 11 miles from where the fire started. He said ash and soot fell on his 1996 Ford Thunderbird and ruined it.

"It became spotty and the motor wasn't running right," he said of the vehicle, which he later sold.

After the fire, Barbosa said, he suffered from bloody noses, itchy eyes and ear infections, ailments that he never had before.

Barbosa said he would use the money he gets to pay medical bills.

Like Barbosa, Nicola said she is pleased with the settlement -- and particularly the message that it sends.

"I'm happy, not because of the dollar amount, but because it says 'we're important,'" she said.

## **Ag pollution rules advance over rural lawmakers' pleas**

By Will Shuck  
Capitol Bureau Chief  
The Stockton Record

Published Wednesday, July 9, 2003

SACRAMENTO -- Assembly leaders this week ignored the pleas of rural lawmakers to slow down a bill that would impose a laundry list of air-pollution regulations on farms.



But farming-area legislators didn't come away empty-handed after petitioning the powerful Assembly Rules Committee, legislators said Tuesday.

Farmers wanted another chance to amend a pair of clean-air bills by Fresno Democrat Dean Florez. They received an additional hearing on one of the bills.

"At least they will consider it," said John Gamper, a lobbyist for the California Farm Bureau Federation, which is staunchly opposed to both bills.

The measures, designed to clean up some of the most polluted air in the nation, seem to pit the Central Valley of farms against the Central Valley of growing cities and sprawling suburbs.

Farm groups say growers are unfairly singled out in efforts to clean the Valley's air and that politicians are going too far too fast with regulations. But clean-air advocates point to the growing asthma rate among Valley children and pressure from federal regulators to improve air quality in one of the state's fastest-growing regions.

Farms have long been exempt from many of the pollution rules that apply to other industries.

Lawmakers from the San Joaquin Valley have been split by the air-cleanup efforts. Many members of the Assembly rural caucus represent districts that include growing cities and burgeoning populations. But they also want to protect farms, which have long proved the backbone of local economies.

Led by Assemblyman Dave Cogdill, R-Modesto, members of the rural caucus wrote to the Assembly Rules Committee and asked that the bills be sent to the Agriculture Committee so that clean-air gains could be balanced against the cost to growers.

Assemblyman Joe Nation, D-San Rafael, chairman of the committee, rejected that request. "It would set a horrible precedent," he said.

He refused to give Senate Bill 700 any more time in the policy committee. It will go to a fiscal committee, and, if successful there, to the floor of the Assembly. The measure would force growers to get permits for their diesel generators, pumps and a range of other farm equipment -- changes required by federal law.

"We're not fighting that," said Cynthia Cory, another Farm Bureau lobbyist. "We're fighting because they've gone so far beyond that. They are writing a whole new section of law that deals only with agriculture."

But Nation said if he sent these measures to the Agriculture Committee, "You could make an argument that every air-quality law that affects any industry needs to go to another committee. We'd be quadruple referring bills. You would lose your credibility."

Bills typically are heard before only one policy committee, sometimes two, and very rarely three.

One was enough for SB700, Nation said. But he agreed to give Senate Bill 707 a second committee referral.

SB707, which would mandate that dairies, feedlots or other confined animal operations be at least three miles from homes or schools, will be heard today in the Assembly Local Government Committee.

Florez, the bill's author, called it "an appropriate committee." He has argued against a referral to the Agriculture Committee, where some strategists believe it might be altered or killed.

## **Assembly passes bill on air-quality permits**

Lodi News Sentinel, July 9, 2003

A bill to end an exemption for air quality permits for the \$27 billion farming industry has passed an Assembly committee.

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### **Letters to the Editor**

## **Newest lawn mowers take users back to the future**

The Fresno Bee

By Jan Balcom

Clovis

*(Published Wednesday, July 9, 2003, 5:52 AM)*

Remember the old manual lawn mowers we used to use? When my husband brought home an old-style, push mower from Fresno Ag last month, I had flashback visions of my teenage brother, grunting and sweating behind such a device back in the '60s. But when my present-day teenage son mowed our lawn with the new gadget, he said it was even easier to push than than our old power mower. The lighter weight of the new mower more than makes up for any resistance from cutting the grass manually.

Our new manual mower was much cheaper than a power mower. It is easier to use, blessedly quiet, doesn't stink, doesn't need gas or tuneups, never hurts my shoulder or elbow yanking on the starter cable and always "starts" immediately.

Giving our gas mower the summer off has turned out to be a completely painless way to spare the air. Those who mow their own lawns, and haven't used a manual mower for decades, may find today's lightweight push mowers to be a pleasant surprise -- a surprise that might help us all breathe a little easier.

## **Price of fireworks**

The Fresno Bee

By William Lundine

Fresno

*(Published Wednesday, July 9, 2003, 5:52 AM)*

Having just returned from the neighborhood Fourth of July celebration, I'm wondering if the air pollution from fireworks is as noxious as it seems. I'm suggesting safe, sane and environmentally friendly pyrotechnics for the future. Chloe, my daughter, said her mouth will taste like sulfur for a month.