

Air fee for development disputed Environmentalists blast industry group's statement on improvements.

By Mark Grossi

The Fresno Bee

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Sprawling development -- along with the smog-making traffic it brings -- has moved to center stage in the San Joaquin Valley debate over dirty air.

The debate revolves around an air-quality fee being structured for new homes, businesses and other developments built at the city's edge. The fee will be compensation for vehicle pollution that the developments attract.

Environmentalists say Fresno-area builders are campaigning to hold down the cost of the fee. Sierra Club member Kevin Hall says the industry has watered down the Valley pollution problem with a three-page public statement about how much the air has improved.

"This is how you campaign against a fee," Hall says. "This will be used politically to pressure local elected officials."

But the Building Industry Association, which late last month issued the statement about air improvement, says no such campaign exists. Jeff Harris, association president and chief executive officer, says the three-page statement is not connected to the new fee.

Harris says the positive air-quality statement was written to counter opinions he had heard in the community about pollution getting worse. He says he knew people who were moving away from the Valley because of that impression. After checking with the local air district, he says he wanted people to know the Valley's air is cleaner than it was in the 1980s.

He adds that the association does not oppose an air-quality fee. But the builders have some suggestions on how to structure the new fee.

"We think the fee should apply to all land uses, not just new homes," Harris says. "We also think the fee could be reduced or eliminated by developing a set of clean-air alternatives that the builder can use. We prefer to prevent the pollution, instead of paying for it."

The San Joaquin Valley Air Pollution Control District is structuring a new rule to establish the fee, which was required in Senate Bill 709 by state Sen. Dean Florez, D-Shafter.

Aside from home builders, new trucking distribution centers, industrial complexes, shopping malls and others will be subject to the fee because they attract vehicle traffic. Such pollution is the No. 1 contributor to smog in the Valley.

Public workshops will be held in the coming months, and the governing board will probably hear the staff's proposed rule in spring or summer.

There is no estimate yet on the fee amount, but it is expected to raise millions of dollars that can be used in air pollution reduction programs, such as purchasing clean-fuel city buses.

In mid-October, Harris sent the air district his association's suggestions for the new fee. The suggestions included the idea that the rule should apply to all land uses that generate vehicle traffic, such as existing subdivisions and agriculture.

The comments also contained a recommendation to make the fee an annual payment, instead of a one-time permit fee, to maintain a steady stream of money.

Several days after the comments were sent to the district, the association circulated a statement to area newspapers, heralding the Valley's air improvements.

Air district officials confirmed they have been able to significantly reduce short-term or one-hour violations of the federal health standard. But the Valley's violations still make this area the second-smoggiest place in the country behind Los Angeles. The air is years from achieving the standard.

The Valley also led the nation with 128 days over the health standard for the long-term or eight-hour average smog reading. Such long-term violations have increased in the past four years, prompting Hall to say the building association's statement is misleading.

"They're wrong," Hall says. "We are not getting better in all categories. We're getting worse in some. We will be living with this falsehood as this fee is established."

But both environmentalists and government officials overstate the numbers, says Joel Schwartz, senior fellow with Reason Public Policy Institute, a libertarian think tank.

Schwartz, whose air quality work was quoted in the building industry statement, asks how many people are exposed to 128 days of bad air.

"You can't find one person in Fresno County who was," he says. "That's because when one monitor in Parlier or Arvin exceeds the standard, it gets counted for the whole Valley. At most, people are exposed to those readings 40 or 50 times. The exposure numbers are inflated."

Schwartz adds, however, that the Valley is probably the most difficult place in the country to clean up because the mountains hold in pollution and the hot weather creates ozone. He says the Valley has made the least progress in the country for reducing the eight-hour violations.

Harris of the building association agrees more work needs to be done. He says the Valley has an air-quality crisis.

"I don't want to declare victory," he says. "We advocated tearing fireplaces out of existing homes as the homes were sold because of the pollution they cause in winter. We're pushing for more. Strong measures need to be taken by all."

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[Fresno Bee editorial, Nov. 10, 2003:](#)

Mostly on our own

Problems at the state, federal levels may limit support for cleaner air.

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Cleaning up the Valley's polluted air is largely the responsibility of those who live here. We have done most of the damage and we must bear most of burden of making things better.

But we will need some help from the state and the federal governments, and the outlook in both cases is looking troubled. The state is neck-deep in a horrible budget mess, one that may take years to work out -- and even longer if, as news reports indicate, the new governor is thinking about emulating bad old habits and borrowing heavily.

That's a temporary fix that just pushes the bill onto the backs of subsequent generations. Running from tough decisions now just makes them harder down the road -- which is one of the problems we already have here in the struggle to clean the air.

The upshot: We can't count on the state for much -- not that the Valley has ever had its fair share from Sacramento.

The federal government has even worse budget problems, and those are compounded by the attitude toward the environment that's emerging from the Bush administration. Some examples:

That rate at which sites on the Superfund cleanup list are actually being cleaned up is falling dramatically. Under Bush, the Environmental Protection Agency is averaging 43 sites cleaned up per year. That's down from an average of 76 sites per year under the Clinton administration.

The Bush administration is also shifting the cost of the cleanups from the polluting industries to the federal government -- in other words, the taxpayers. In 1996, 78% of the money in the trust fund came from a special tax paid by the chemical, petroleum and other industries. That has completely turned around. In the 2004 budget for the Superfund cleanups, the federal general fund's share of the cost (taxpayers') is 80%.

The EPA is scuttling away from its once-aggressive pursuit of coal-fired energy plants that violate the federal Clean Air Act -- while denying that it is doing so. The New York Times reported last week that lawyers for the EPA said, "the change grew out of a recommendation by Vice President Dick Cheney's energy task force, which urged the government two years ago to study industry complaints about its enforcement actions." It will come as no surprise to some to learn that utilities gave the Bush campaign nearly \$5 million for the 2000 campaign.

There's more, unfortunately. It doesn't mean we shouldn't ask for help, but when we do, we probably shouldn't hold our collective breath.

[Letters to the Fresno Bee, Nov. 8, 2003:](#)

For a start, how about dumping leaf blowers in Fresno?

By Ellie Bluestein

Fresno

(Published Saturday, November 8, 2003, 5:55 AM)

As I sit here coughing, I'm reading an article that appeared in The Bee not long ago about the San Francisco Bay Area meeting the nation's health standards for smog.

It seems that accomplishment was not solely the result of new laws, but also of human behavior. Residents responded to Spare the Air requests by driving less, avoiding consumer products that pollute and avoiding the use of gasoline-powered mowers.

Bus ridership increased by 16% in the Tri-Valley area (around Livermore and Pleasanton) and a pilot program offered free transit on Spare the Air Days. Not a bad idea.

Aside from banning the use of fireplaces on a few days, what are we doing in Fresno to improve a much more serious situation?

One thing we should do at once is ban the use of leaf blowers. There is absolutely no necessity for stirring up all that dust in a city that has such critical air problems. If we cannot make that small sacrifice, there is probably not much hope that we can get serious about improving our breathing.

'Special buses'

By Flo Jamgochian

Fresno

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Although I have already purchased my Save Mart Center parking passes, I would like to suggest that special buses be at the various malls -- such as Manchester, Fashion Fair and Fig Garden, to only take people to the arena. I'd be willing to pay for the pickup and delivery.

This would eliminate 20 or 25 cars per bus going to the center. Imagine the pollution saved from idling cars waiting to leave the lots. Special entrance and exit gates for the buses could be made easily.

It works beautifully for Crystal Cathedral down south.

[Bakersfield Californian editorial, Nov. 9, 2003:](#)

Assemblyman seeks local public hearing

The Bakersfield Californian

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Good for Assemblyman Kevin McCarthy. The Bakersfield Republican has jumped into the fray over the proposed startup of the long-idle Pacific Gas & Electric Co. power plant on Rosedale Highway.

The utility company is asking the California Public Utilities Commission to approve the plant's sale to North American Power Group of Colorado.

The plant has been shut down since the mid-1980s and is now surrounded by homes and businesses. Nearby property owners and city officials fear the startup will cause noise, traffic congestion and air pollution.

City officials and project critics have complained that North American is evasive as to its operating plans which seem to change whimsically.

In a letter to CPUC President Michael R. Peevey, McCarthy requested the commission conduct a hearing in Bakersfield, where residents "deserve the right to have their opinions and concerns regarding this project heard and recorded."

"This will also give PG&E, NAPG and the CPUC an opportunity to address those concerns and to examine alternative proposals to the project to ensure that the plant site be utilized in a way that will be of positive benefit for our community."

Battle pits jobs against air laws

By Michael Doyle and Melanie Turner
The Modesto Bee, Nov. 10, 2003

WASHINGTON -- Small engines are creating a big problem for California lawmakers and those protecting San Joaquin Valley air.

In an intrastate fight, the U.S. Senate is considering crimping California's control over small, off-road engines. Lawn mowers and garden equipment could end up escaping the state's tougher pollution standards, some fear.

That is no trivial matter, according to the people in charge of cleaning the air.

"You could easily drive 20 to 30 new cars and put out as much pollution in an hour as you would operating a new or old lawn mower in that amount of time," California Air Resources Board spokesman Jerry Martin said.

The fight could come to a head within days. It also could be resolved peacefully, as lawmakers, including California Democratic Sen. Dianne Feinstein, work for compromise.

Whatever happens, the dispute renews a perennial question in environmental policy: Should rules be set separately by states or uniformly by the federal government?

It is a particularly important question for California, which often sets higher standards than Congress.

And that has become significant for Missouri, where Briggs & Stratton Corp. makes the kind of small engines California wants to regulate.

Acting at Briggs & Stratton's behest, an influential Missouri senator has authored a provision to essentially block California's tougher rules.

Republican Christopher "Kit" Bond maintains that pre-empting California's rules will preserve some 2,000 Briggs & Stratton jobs. Bond believes those jobs might be lost if the company's products didn't conform to California standards and couldn't be sold here.

His amendment is a tiny cog in a \$122 billion spending bill, designed to fund the Environmental Protection Agency, Department of Veterans Affairs and other agencies. The EPA's share is \$8.1 billion.

The dispute revolves around California's effort to stiffen standards for some off-road engines. These are generally smaller than 175 horsepower and exclude farm and construction equipment.

In September, the state air board adopted rules that in 2007 will go further than federal regulations. Those rules require catalytic converters on most engines smaller than 25 horsepower, such as those on chain saws, lawn mowers, weed cutters, fork lifts, jet skis, snowmobiles and outboard motors.

Bond thinks those rules go too far. His amendment would prevent California from imposing higher standards on smaller engines.

"I have maintained all along that we have the technology and skill to protect the environment and jobs at the same time," Bond said earlier this year. "California has rejected this balanced approach."

Today, such small engines pump out as much pollution as 18 million cars in California alone, air regulators say.

The eight-county San Joaquin Valley Air Pollution Control District must cut 300 to 400 tons per day of smog-forming pollutants by 2005 or face federal sanctions, such as the loss of \$2 billion in highway money as early as next year.

Air regulators say the deadline already is unattainable. They say Bond's action could prevent the state from eliminating 6.1 tons of smog-forming pollutants a day by 2010, or 17 percent of its commitment to the San Joaquin Valley's clean-air plan.

Dave Jones, senior planning director for the valley air district, derided the pending legislation.

"It would thwart not only the state's ability to set emission standards for some very polluting, small, off-road engines, but also the valley air district's ability to regulate them. This is unacceptable," he said.

Greg Rivera, owner of R&T Power Equipment in Oakdale, has been dealing with new types of lawn and garden equipment as they have been phased in.

He said he is skeptical of the state's proposed regulations. "They throw this in your face," he said.

On the other hand, he said he is amazed by some of the new technology, such as a hybrid four-stroke/two-stroke engine now powering some small hand-held equipment such as weed trimmers.

"When you start seeing the results, it's kind of neat," he said.