

[Bakersfield Californian editorial, Nov. 7, 2003:](#)

Sacrifice for clean air

That didn't take long. It seems the minute a controversial air pollution control rule went into effect, the letters to the editor began comparing the measure to the reign of Nazi Germany.

Beginning this month, mandatory restrictions on residential wood-burning fireplace use can be imposed. When air quality becomes so unhealthy people won't just be asked not to use their fireplaces. They will be prohibited.

The prohibition will be enforced by fines. Violators may be detected by patrolling enforcers, or reported by people in the community likely neighbors complaining to the San Joaquin Valley Air Pollution Control District.

For some, this smacks of Big Brother, neighbor ratting out neighbor. It's an affront to their individual rights and their "God-given" privilege to burn wood on cold, foggy, dreary nights.

No doubt a warm fire on a cold night is much welcomed relief from the valley's winter drudgery. No doubt no one wants to give up the enjoyment of these Hallmark moments.

But likely no one wanted to give up their hard-earned cash a few years ago when state and federal air cleanup officials imposed the Smog Check program that requires our polluting cars to be inspected and repaired.

Likely no business wanted to cut into its profits to install the pollution-cutting devices mandated over the years.

Think about all the investments and lifestyle changes individuals and businesses have had to make over the past few decades. Why? Because the valley's air is among the nation's most polluted. It is making people sick some are dying. Left unchecked, it will choke off the area's economic vitality.

We all individuals and businesses must do our part to clean up the air. This will require s-a-c-r-i-f-i-c-e-s. No one wants to sacrifice especially sacrifice something steeped in tradition and fond memories. But sometimes we must.

The myths swirling around the new fireplace restrictions are much worse than the reality. We are not being told to yank out our fireplaces. There are even exceptions people who rely solely on wood-burning heat or who live above 3,000 feet can still burn.

But generally, this is how the new rule will work:

* It will be applied on a county-by-county basis in the eight-county air district. Each county's air quality index the AQI rating that ranges from zero to 300 will be used to trigger the burning restriction. Kern and Fresno counties, which are bothered most by particulate air pollution, likely will be most affected.

* When the AQI is forecast to be between 100 and 150 which is harmful to people with sensitive lungs a voluntary no-burn day will be announced. People will be asked not to burn wood in their open fireplaces and wood stoves. Those

who choose to burn will be advised to use cleaner-burning alternatives, such as pressed logs.

* When the AQI is forecast to be 151 or above, a mandatory no-burn rule will be imposed. Even cleaner burning alternatives will not be allowed.

The air quality and burn restrictions will be announced through newspaper, television and radio reports, as well as on the air district's Web site (www.valleyair.org) or by calling (800) SMOG INFO. Those who burn on no-burn days can be reported through the Web site or by calling (800) 926-5550.

Fireplace soot, ash and wood-burning pollution particulate matter are linked to a variety of ailments, including heart problems. The valley's asthma rate far exceeds the national rate.

Air pollution officials estimate the valley gets up to 24 tons a day of soot and ash from residential wood-burning in winter. Fog adds to the problem by suspending particulates in the air for days.

The district estimates mandatory no-burn days will total around 20 this winter. That leaves plenty of other days to enjoy a toasty fire.

Dirty air amendment

The Bakersfield Californian

Posted: Wednesday November 5th, 2003, 4:45 PM

Just as California is set to begin controlling emissions from various kinds of equipment that contribute significantly to air pollution, Congress is poised to strip the state of crucial authority to do so.

Missouri Sen. Christopher Bond has attached a dangerous rider to a U.S. EPA funding bill that would bar states from regulating off-road engines under 175 horsepower. That would allow everything from diesel pumps to airport service equipment, tractors to generators, leaf blowers to chain saws to escape regulation.

The Bond amendment was written specifically to pre-empt new rules in California that would require catalytic converters and better leak-proof systems on lawn mowers and other kinds of garden equipment. It also was written to aid Briggs & Stratton, which has two plants in Bond's home state of Missouri. The company claims California's regulations would force it to move 22,000 manufacturing jobs overseas. That's odd. American Honda Motor Co., a California-based Briggs & Stratton competitor, supports the new regulations. If Honda can meet the standard, why not Briggs & Stratton?

According to California EPA, the state's new small-engine rules would have the same impact as removing 2 million cars from state roads. Without such rules, dirty air basins such as Sacramento's and Los Angeles' cannot achieve clean air standards mandated under the nation's Clean Air Act.

To protect public health, the environment and the authority of all states to safeguard its citizens, Congress should reject Bond's dangerous rider.

Sacramento Bee

Council to consider bluff developments

The Bakersfield Californian

By JAMES BURGER, Californian staff writer

Posted: Tuesday November 4th, 2003, 10:45 PM

Last Updated: Tuesday November 4th, 2003, 11:10 PM

River's Edge, a ridge-top neighborhood of 361 homes planned by a Newport Beach developer, goes before the Bakersfield City Council tonight.

So does a plot of 173 homes at the corner of Paladino and Morning drives.

What the two projects have in common -- other than their location near the Kern River bluffs in northeast Bakersfield -- is the chance that the Sierra Club will file lawsuits against both projects if they are approved.

Sierra Club lawyers appealed both housing tracts to the City Council after the Bakersfield Planning Commission approved maps on both pieces of land this summer.

The appeals followed similar Sierra Club opposition to three other bluffs projects.

Those three projects were approved by the council over opposition from the Sierra Club. Lawyers for the environmental group, in response, quickly sued the city on each of them.

Developers handled the lawsuits due to indemnification agreements that protected the city.

Club officials say the new projects being approved on or near the bluffs in northeast Bakersfield will severely pollute the air and clog the surrounding roads with cars.

Of the three lawsuits filed, two have been settled.

Developers from both the settled projects agreed to pay a \$1,200 "air quality mitigation fee" on each home they build.

The settlements state that a panel of environmental, government and development representatives will use the money to fund projects aimed at improving air quality.

The third lawsuit is against Sage Community Group -- the Newport Beach company that will bring the River's Edge project before the council tonight.

Dave Dmohowski, a consultant for Sage, said the company is trying to resolve Sierra Club concerns about both projects at once.

"We're trying to settle both of those before the Sierra Club feels it's necessary to file another lawsuit," he said.

At the same time, Sage officials will be asking the city to move its planned realignment of Highway 178 south off the end of their property.

The city has said it won't move the freeway alignment, Dmohowski said.

"Sage wanted some relief from the freeway alignment," he said. "We understand that isn't going to be forthcoming."

But Sage still plans to share its concerns with the council, he said.

Both development projects will go before the council at its regular meeting at 7 tonight at City Hall, 1501 Truxtun Ave.

[Letter to the Bakersfield Californian, Nov. 4, 2003:](#)

Turning into Nazis

By DAWN E. WOLTZ, Bakersfield

Posted: Tuesday November 4th, 2003, 5:05 PM

Last Updated: Tuesday November 4th, 2003, 5:05 PM

The Californian recently announced the establishment of a toll-free number which will take anonymous, detailed reports regarding fireplace use on no-burn nights. Staff will then verify addresses and send out notices. Fines range from \$50 to \$1,000 and depend on the frequency of violations.

This sounds like that neighbor who hates you, or just doesn't have a life, could easily make yours miserable. Whether you were burning a fire might be interesting to prove. This smacks of the days when the Nazis encouraged Europeans to turn against their Jewish neighbors.

Did anyone read recently about the Bush administration's major blow to environmentalists when the Environmental Protection Agency, as expected, essentially gutted the 1970 Clean Air Act? Bush's clean-air rollback, like the emissions it will continue to permit, is what stinks! This blatant industry "giveaway" will undermine efforts to crack down on corporate polluters, who will now be able to spew even more harmful particulates into our air. The rolling back in air quality protections, however meager, will further devastate public health and the environment.

The Californian is "sounding the horn" for the hunt on us evil fireplace burners. The spin doctoring and hysterical notions foisted upon those of us who might just as easily turn against our neighbors, just as was done in Europe nearly 50 years ago, is very disturbing. Turn around, people, and take a good look at who's empowering you to do something to your neighbor but it's unwilling to do the same to corporate America.

Council OKs 361 homes in northeast

The Bakersfield Californian

By JAMES BURGER, Californian staff writer

Posted: Thursday November 6th, 2003, 3:30 AM

Last Updated: Thursday November 6th, 2003, 8:57 AM

City Council members approved the River's Edge development -- 361 homes in northeast Bakersfield -- over the opposition of the Sierra Club Wednesday night.

But the potential for a lawsuit -- like those that have been filed by the organization against three other nearby projects -- may evaporate.

Dave Dmohowski said the Sierra Club and River's Edge developer Sage Community Group, of Newport Beach, are close to making a deal that would avert the lawsuit.

Councilman Mike Maggard recommended approving the project, under consideration since June, with the hope that a swift vote could pressure both sides to make a deal.

"The only way to move this forward to either an amicable agreement or whatever legal recourse you have is for me to approve this tonight," Maggard told Sierra Club spokesman Harry Love.

Love said the Sierra Club's opposition to developments in the northeast is focused more on the City Council.

"Our argument tonight is not with the land developers," he said.

Developers like Sage are simply building projects based on the design standards of the city, Love said.

"The city must provide a guide to developers," he said.

He called for the city to create rules that reduce air pollution, make neighborhoods easy to walk through, require homes to use solar power and adapt neighborhoods to the land.

Another project, at the corner of Morning and Paladino drives with plans for 173 homes, also faced Sierra Club opposition on similar issues Wednesday night.

But a decision on the issue was delayed until a future meeting.

Maggard said the developer of that project is close to a deal with the Sierra Club and wanted to seal that agreement before the council votes on the project.

In other news, the city of Bakersfield will use up to \$2 million in sewer funds to fix the collapsed section of the Carrier Canal that swallowed four cars last week.

Council members had to approve the contract with Granite Construction Company as an emergency action -- it wasn't on the agenda for Wednesday's meeting.

And City Manager Alan Tandy warned that more emergency contracts may be on the way if the city finds further troubles that need to be handled without waiting for a formal council meeting.

"We might have to return to you in another one of these in two weeks," he said.

Top city engineers have spent the week touring in boats other critical spots on the Carrier Canal, looking for signs of trouble.

Corrugated metal canal pipes -- like the one that collapsed under 19th Street on Thursday -- also carry canal water under Truxtun Avenue in two spots and Mohawk Drive in one.

Tandy said if those pipes show signs of weakness or failure, the city may have to commit to fixing those problems immediately.

Repairs to the canals must be done in winter when irrigation flows are low. And, Tandy added, the Carrier Canal is critical to local agriculture.

"This is the water that serves the farms throughout the south and southwest of Bakersfield," he said.

Public Works Director Raul Rojas said the sewer enterprise fund, which is paying for the 19th Street repairs, has enough money in it to replace the three Carrier Canal crossings on Truxtun and Mohawk.

Councilman Mike Maggard said the city may have to commit to spend a major amount of money to make sure another failure doesn't happen.

"In the event it might become necessary to repair other culverts, I would urge us to take the bitter pill and fix all of them at once," he said.

Councilman Harold Hanson, however, focused on the fact that the failure of the canal came after a cursory previous inspection of the canal.

"If we've done something that's incorrect," Hanson said, "what do we do about the people who are responsible."

Tandy wouldn't comment about the job status of the city employees who did the inspection.

But he said the incident will change the way city inspections work.

"It is clear that a more thorough inspection would have caused repairs to be done on a non-emergency basis," he said. "The last inspection that was done was cursory."

Gene Bogart, water services manager for the city, said the failure of the pipe was a wake-up call. It highlighted the possible dangers at the 400 spots where 90 miles of canals cross roads.

Tandy said the city is already working to revise the standards canal inspectors have to meet when they check to see if canals and road crossings need repair.