

## **Valley seeks 'extreme' air polluter designation Area would join only L.A. as worst offender of smog rules.**

By Mark Grossi

The Fresno Bee and Modesto Bee

*(Published Friday, December 19, 2003, 5:20 AM)*

San Joaquin Valley air authorities Thursday made the historic request to join Los Angeles as the country's worst offenders of federal smog rules.

No region ever has asked to be downgraded into the so-called "extreme" polluter category, which has been occupied only by Los Angeles for 13 years.

State and federal governments are expected to quickly approve the request, which averts \$36 million in annual fines for the business community.

The status also will push the cleanup deadline from 2005 to 2010 and prevent a federal takeover of smog reduction plans in the Valley next year. Oil, agriculture, manufacturing and other industries supported the decision.

Health advocates said the decision leaned too far toward business, calling it "another delay" in getting healthy air. Since the federal Clean Air Act passed in the 1970s, the Valley never has come close to achieving the smog standard.

"We haven't gotten the job done," said Carolina Simunovic, environmental health and community outreach worker for Fresno Metro Ministries. "What's going to keep us from being back here in 2007, 2008 or 2009 asking for more time?"

Some health advocates suggested the Valley should not dodge the 2005 deadline. They said the San Joaquin Valley Air Pollution Control District board should accept the penalties and allow federal officials to help clean the air sooner than 2010 for the health of 3.3 million residents.

"We need a hammer over our head to complete the job," said Charles Sant'Agata, executive director of the American Lung Association of Central California.

After studying the move and discussing it with the public for two years, the district staff sees the issue differently. Staffers concluded that the extreme status would be the most direct route to clean air. The 11 members of the governing board unanimously agreed, saying they believed they were making the best decision for public health.

"We are pained by the health consequences," said board member Mike Maggard, a Bakersfield City Council member.

More than 300,000 people suffer lung problems in the 25,000-square-mile Valley, the largest air district in the country.

Ozone, the main ingredient in smog, is a corrosive gas that triggers lung problems.

This year, the Valley recorded more days over the health standard for one-hour ozone readings than any place in the country except the Los Angeles area.

District officials said the Valley has no chance to achieve clean air until more stringent federal and state requirements on engines and fuels take effect in 2007. Vehicle pollution accounts for almost 60% of the ozone, and the district has no authority over engine and fuel standards.

"We could shut down all of the industries, and we're still not going to make it by 2005," said Manuel Cunha, president of the Nisei Farmers League, which supported the move to extreme.

Businesses and industries also struggled with the idea of the district's entering the extreme status, saying they did not want the Valley saddled with such a negative image.

However, the consequences for missing the 2005 deadline would have been unacceptable, they said. Aside from the massive costs and the federal takeover, \$2.2 billion in road-building funds would be held up.

Former Fresno City Council Member Henry Perea reminded the board that the road money still could be used for environmental and safety projects, even if the Valley blew the 2005 deadline. He said the city of Fresno's position has not changed since the council voted 18 months ago to stick with the 2005 deadline.

"What's the worst that could happen?" Perea asked. "I doubt that the federal government wouldn't shift those dollars to a light rail corridor and mass transit."

No matter how creative the solutions, the Valley already has missed the 2005 deadline, district staffers said. To achieve the standard, no district air monitor can have more than three violations over a three-year period, which would mean the Valley needed a clean summer in 2003.

"The monitor in Arvin went over the standard 25 times this year," said Don Hunsaker, supervising air quality planner. "Basically, we're already in nonattainment."

#### **No chance to meet 2005 deadline**

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"We only control a very small part of air pollution, and that is of businesses. We don't control any part of mobile pollution, so unless state and federal agencies are able to curb those (emissions), we are going to have a tough time," said board member Thomas W. Mayfield, a Stanislaus County supervisor.

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"Some people are saying we just want to cut ourselves some breathing room, no pun intended, but that is not what we are trying to do. We are trying to hold on to the economic viability of the Central Valley by not facing more than \$2 billion in federal sanctions," said board member Dan Price, a Ripon City Council member.

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**Air district goes to 'extreme' rating** The monitor in Arvin went over the standard 25 times this year," said Don Hunsaker, supervising air quality planner. "Basically, we're already in nonattainment."

### **Government would impose strategies**

And that means the federal government would have imposed its own cleanup strategies by next September. That was the biggest worry for board member J. Steven Worthley, a Tulare County supervisor.

"We can do more by acting locally," he said. "We have a very qualified staff that knows the valley well. We do have a vested interest. We live here. I have four children. I have no confidence in referring this to federal control."

The reporter can be reached at [mgrossi@fresnobee.com](mailto:mgrossi@fresnobee.com) or 441-6316.

### **Officials may downgrade**

By Dave Myhra - SAN JOAQUIN BUREAU (published in the Tri-Valley Herald - 12/19/03)

SAN JOAQUIN VALLEY -- It took only two hours Thursday for the San Joaquin Air Pollution Control District's Board of Directors to vote to request a downgrade in the Valley's air quality.

The district is asking for a change in the Valley's air quality designation from "severe" non-attainment to "extreme" non-attainment.

The board will now send the request to the California Air Resource Board, which will review it and then forward it to the United States Environmental Protection Agency.

The vote, which was unanimous among the 11 members, makes the district the first in the United States to ever request a downgrade.

"What this means, is that upon approval from the CARB and the EPA, we'll have a realistic deadline for achieving the goal of attainment," said Anthony Presto, public education representative for the Air District's Northern District in San Joaquin County.

The deadline under the current air quality designation would require that the district come into compliance with air standards by November 2005.

If those standards aren't met in that timeframe, Valley businesses could face \$36 million in penalties. The penalties would be spread out depending on how much pollution they put out.

It would also mean that Valley governments would lose \$2.2 billion in federal highway funds.

If the requested downgrade is approved by the state and federal agencies, the Valley will have until 2010 to fix its air problems.

This is a huge help since 60 percent of air problems in the district come from mobile emissions, which the district has no power over.

State and federal agencies are rolling out new emissions standards in 2005 that will help the cause.

The district "believes that the (state) and the EPA will approve it," Presto said.

But, it could be up to 18 months before it knows for sure.

Meanwhile, the district will continue to work on improving the quality of the air in the Valley.

"We will continue to implement controls to protect public health," said Dave Crow, air pollution control officer.

If the downgrade to "extreme" is approved, it won't effect regular suburban residents. It will, however, effect businesses that put out air pollution and agriculture.

Businesses were allowed to put out 25 tons of air pollution a year under "severe" non-attainment without a permit. Under "extreme" businesses that put out 10 tons of air pollution or more a year will have to get a permit and be regulated.

"A lot more industry and businesses in the Valley will have to be permitted and regulated," Presto said.

Agriculture restrictions will be even more strict, ranches and farms will only be allowed to put out five tons of air pollution before regulations kick in under the "extreme" designation.

"A lot more of them will need permits (as well)," Presto said.

If the new designation is approved, the Valley will be, along with the South Coast Air Basin, which includes Los Angeles, the second district in the nation be in "extreme" non-attainment.

## **Valley seeks 'extreme' air status**

*MATT WEISER, Californian staff writere-mail: mweiser@bakersfield.com*

(Published in the Bakersfield Californian - December 19, 2003)

Valley smog-control officials on Thursday did what no other region of the country has ever done: They volunteered for the federal government's worst category of polluted places. The action means the valley will have an extra five years, until 2010, to meet clean air goals. It also means businesses will avoid steep penalties, but some will still have to pay more to operate in the valley.

The decision was made by the governing board of the San Joaquin Valley **Air Pollution** Control District, which voted unanimously to opt for "extreme nonattainment" status under federal Clean Air Act rules governing ozone pollution. It is the only possible downgrade from the present "severe" category.

The federal government must approve the valley's request, and is expected to do so by April 2004. The air district would then submit a new ozone attainment plan for approval sometime in 2006.

Supporters said the valley was cornered into the decision by a labyrinth of clean-air laws, which imposed the 2005 ozone deadline without providing the tools to meet it. The consequences of inaction, they said, would be worse than the stigma of the "extreme" title.

Opponents said opting for extreme puts more people at risk by extending the federal clean-air deadline. They accused the air district of ignoring the public-health consequences.

The final decision was a bitter pill for both sides to swallow.

"I am not happy in going to extreme, but I see no other option," said Manuel Cunha, president of the Nisei Farmers League, which represents valley farmers who will soon face a host of new smog regulations.

Ozone is an invisible gas formed when vehicle and industrial emissions cook together in sunlight. Exposure causes breathing problems and damages lung tissue, and also harms crop productivity and forest health.

Air district officials said the valley cannot meet the existing 2005 deadline without sharp reductions in vehicle emissions, which is outside the district's authority. New federal regulations on diesel fuel and the vehicles that burn it, for instance, don't take effect until 2007. Vehicle emissions account for about 60 percent of the valley's smog problem.

Missing the 2005 deadline would bring a federal takeover of the valley's smog-control program, a loss of up to \$2.2 billion in federal highway funding, and higher fees and fines for new and existing businesses.

Opting for the extreme category extends the compliance deadline to 2010 and brings a much smaller increase in costs for valley businesses.

"The consequences of not making that move (to extreme) are devastating," said board member Mike Maggard, a Bakersfield city councilman. "Each of us is under extreme pressure at home to do something to clean our air, and this is the best course I can see."

The oil industry turned out in force to support the change. As one of the largest sources of pollution regulated by the air district, it could face big fee increases if the 2005 deadline remains.

"The economic impacts associated with no action do not appear reasonable," said Susie Geiger, spokeswoman for Occidental Petroleum of Elk Hills.

But critics said there is still a steep price to pay under extreme status.

Chuck Sant'Agata, president of the American Lung Association of the Central Valley, said costs related to asthma suffering in the valley are \$2 billion per year and could total \$15 billion by 2010. Other smog-related health costs add an additional \$3.5 billion annually, including an estimated 2.8 million lost work days due to pollution-triggered illness.

"We need a hammer over our heads to begin the task we have now delayed over 20 years," said Sant'Agata. He urged the board to retain its severe status and face the consequences.

The Association of Irrigated Residents -- a group of Kern, Tulare and Stanislaus county residents - urged the board to perform an environmental impact report before voting on the "extreme" question. Speaking for the group, attorney Brent Newell said its analysis found that remaining in the severe category and facing the federal sanctions will clean up the valley's air sooner than 2010.

Among other things, he said, steep penalties against polluting businesses will serve as incentive to adopt new pollution controls.

"You lack the information to make an informed decision today," Newell said. "Remaining at 'severe' and reaping the air-quality benefits of sanctions will be faster than 'extreme'. History has shown the feds have been more aggressive."

But in the end, the governing board did not see a downside to the "extreme" switch.

"In my opinion, it is absolutely necessary to give our area five more years to meet this deadline," said Barbara Patrick, Kern County supervisor and air district board member.

The decision means the San Joaquin Valley will join a dubious club of one: Only the Los Angeles region currently carries the "extreme" stigma, and it was forced into that position in 1990.

## **Pollution district moves to downgrade quality distinction**

**(Published in the Tracy Press and Lodi News Sentinel - December 18, 2003)**

**Kerana Todorov San Joaquin News Service**

The air in the San Joaquin Valley could soon be known as the worst in the nation, matching only the infamous smog of the Los Angeles basin.

The San Joaquin Valley Air Pollution Control District voted Thursday to downgrade the valley's air from "severe" to "extreme" nonattainment, after they concluded the area's smog could not be cleaned well enough to meet new federal clean-air standards by 2005.

The unanimous vote, which the federal Environmental Protection Agency could make official early next year, could delay federal sanctions, including the loss of \$2.2 billion in federal highway dollars and \$36 million annually in new business fees.

The new federal designation from severe to extreme nonattainment would give the district until 2010 to improve the region's air under the standards.

"I believe that by 2010, we will be where we will need to be," said Dave Crow, the district's air pollution control officer.

The shift will not stall efforts to improve the pollution problem, said district officials, who noted state and federal stricter pollution controls will be imposed on heavy-duty and off-road vehicles after November 2005. The district does not regulate vehicular emissions.

"It is a big, big problem, the air in our valley," said board Chairman Ronn Dominici, a supervisor from Madera County. "But we are working to clean it up."

San Joaquin Supervisor Jack Sieglock of Lodi, who unsuccessfully tried to have a separate air designation for the valley's northern region, went along with the majority.

"I do believe this is the right thing to do," he said, adding that he disdained the process. "I do believe this buys our district time."

Under the new extreme designation rules, 150 businesses - including large hospitals, canneries, and food processing factories - would have to apply for permits, which would include a \$5,000 initial fee and a \$200 annual fee.

Representatives from agriculture, industry and EarthFirst, an environmental group, spoke in favor of the new designation, in part, they said, because the district has no other choice.

But Charles Sant'Agata, executive director of the American Lung Association in Fresno, was among those who said the new designation - and the new deadline - would only mean more pollution and health problems to San Joaquin Valley residents.

That could also mean \$15 billion more in health-related costs over the next eight years, he said. The Center on Race, Poverty and the Environment of San Francisco said the district should have done an environmental impact report to study the effects of the new air-quality designation. But district officials said the resolution was not subject to review under the California environmental laws.

New businesses that would have to apply for permits under the extreme designation rules are classified as ones that emit more than 10 tons of pollution per year.

The district is also about to implement new air pollution rules on agricultural businesses, under a

new state law that takes effect next year. An estimated 4,000 farms may have to apply for permits from the air pollution control district, according to district officials.

## **S.J. seeks extreme pollution status**

**By Audrey Cooper** - Record Staff Writer (published in the Stockton Record - 12/19/03)

MODESTO -- San Joaquin Valley air regulators on Thursday unanimously requested that the Valley's smog problem be considered "extreme," a move that will put the Valley in the same bad-air category as Los Angeles and cost farms and businesses millions of dollars.

If the U.S. Environmental Protection Agency agrees to ratchet up the Valley's smog status, it will buy Valley regulators an additional five years -- until 2010 -- to clear the filthy air, which has never met federal health-based smog standards. The EPA is expected to approve the smog-status change this spring.

Yet moving from the "severe" to "extreme" designation also means that an additional 150 businesses and up to 8,000 farms will have to secure permits to continue normal operations. Each of those permits is expected to cost about \$5,000. Other businesses will have to pay more to expand operations.

"Nobody, frankly, wants to be called an extreme-pollution area. That said, we have to call it like it is," said Judith Case, a Fresno County supervisor who sits on the San Joaquin Valley Air Pollution Control District's board.

Thursday's decision was a sign the San Joaquin Valley Air Pollution Control District has given up any hope of meeting federal pollution limits by 2005.

To meet the 2010 clean-air deadline, the air district will depend in part on the federal government to cut vehicle emissions. Local regulators will also employ measures designed to encourage mass transit and discourage sprawling developments that increase car trips. Pollution spewed from cars and trucks comprise about 60 percent of the Valley's smog problem, but the air district has no direct control over tailpipe emissions.

The air board's decision was backed by a coalition of farm groups, oil companies, pro-business groups, and the manufacturing industry. Without a bump-up to the extreme designation, the Valley would face a frightening package of federal sanctions for not meeting the 2005 deadline, said David Farabee, a spokesman for the San Joaquin Valley Air Quality Coalition.

"This doesn't make air quality worse. It just means the air district can't meet the 2005 deadline. Staying in our current designation is a much worse alternative," Farabee said.

Those sanctions would have included a loss of \$2.2 billion in federal road-building dollars, an estimated \$36 million in fines for businesses, and an EPA-written plan to clean the air. Of all things, the EPA plan is among the most feared because it would still force the Valley to regulate more businesses and farms, but also could include drastic pollution-cutting measures such as days when driving is banned.

But some clean-air groups -- such as the American Lung Association, the Sierra Club and the Association of Irrigated Residents -- said the decision was a lump of coal in the Valley's Christmas stocking.

The sanctions and EPA-written clean air plan would have cleared the air much more quickly than the slow-moving air district, those groups argued.

"This is tragic for the health of the people of the San Joaquin Valley. Today, the sanctions and costs for business have overshadowed the health and health-care costs from lung disease," said Charles Sant'Agata, head of the Central California chapter of the American Lung Association.

Brent Newell, an attorney working on behalf of the Association of Irrigated Residents, said the air district refused to do adequate environmental reviews to see whether the move to the extreme

designation would mean residents would have to breathe smoggy air longer. Newell suggested he might sue the air district for failing to fully analyze the impacts of the extreme designation.

Don Hunsaker, a planner for the air district, disagreed that the change in smog designation would affect pollution levels. He said that some of the sanctions could in fact hurt air quality. Cutting money for highway improvements, for example, wouldn't decrease the number of cars on the road but could increase traffic, Hunsaker said.

The air board meeting was held via video teleconference from the district's Modesto, Fresno and Bakersfield offices. The air district represents an eight-county area from San Joaquin County to Kern County.

Smog is primarily a summertime problem in the Valley. The pollution has been shown to trigger asthma attacks, cause lung disease and increase cancer risks.

For more information on the Valley's air pollution, go to [www.valleyair.org](http://www.valleyair.org).

## **Valley's air falls to 'extreme' status**

(Published in the Merced Sun-Star - Friday, December 19, 2003)

Merced Sun-Star staff, wire reports

FRESNO - Air quality regulators in the smog-plagued San Joaquin Valley took the unprecedented step Thursday of asking the Environmental Protection Agency to put it in the worst category for air pollution as a last resort to meet federal air standards and avoid expensive sanctions.

The move puts the Valley in a category with only notoriously polluted Los Angeles as an "extreme" violator of federal ozone pollution standards.

The designation gives the San Joaquin Valley Air Pollution Control District the stigma of being the only region to seek the designation, but gives it until 2010 to clear its air.

"This resets the clock," said Merced County Supervisor Mike Nelson, the county's representative on the air district's governing board.

Nelson, who was part of Thursday's unanimous vote to seek the extreme designation, said the move will allow the district to keep local control over air pollution cleanup efforts.

It will also save the region from sanctions and protect it from losing billions of federal transportation dollars, he added.

Under the current "severe" category, failure to clean the air by 2005 would penalize businesses \$36 million in fees and cost the eight-county region \$2 billion in federal highway funds.

Automobiles are blamed for the bulk of the Valley's pollution woes, but the district has little power over regulating them, which comes under federal authority.

Farms are also considered a significant source, but they have been unregulated until legislation was passed this year to hold them accountable like other businesses.



Urban sprawl, limited public transportation and a lack of willpower by local air regulators have also been blamed for making this one of the nation's most polluted regions.

The district has never had a workable plan to clean up smog, a corrosive gas that forms when auto emissions and other chemicals react with heat and sunlight.

The district has also failed to submit an adequate plan to the EPA to reduce the more dangerous microscopic dust, smoke and soot particles that darken skies in winter.

It has routinely missed deadlines to comply with the Clean Air Act and the EPA failed to enforce the law until environmental groups began taking the agency to court in recent years.

Agriculture and oil industry representatives supported the move to extreme status, saying it was not possible to clean up the air by 2005, and the penalties would drive jobs out of the Valley.

But Brent Newell, a lawyer for the Center on Race, Poverty and the Environment, one of four people to speak against the change, disagreed.

"History has shown that the feds have been more aggressive in pursuing these plans," he said, arguing that the business impact was studied, but the costs to the environment and the community's health had not been part of the equation.

He said the expensive sanctions imposed for missing the 2005 deadline would help reduce pollution by funding mass transit.

Mary-Michal Erwin-Loschke, an environmental specialist for the Merced/Mariposa County Asthma Coalition, was also at the board's meeting Thursday.

She said she wasn't surprised by the decision to seek the "extreme" designation. And, she continued, she does not think that postponing the cleanup deadline will slow down efforts to curb Valley air pollution.

"We couldn't have come into attainment by 2005 either way," she said after the meeting Thursday. "(The feds) couldn't have cleaned up the air any faster."

Thursday's decision was widely anticipated and was discussed by the district for nearly two years.

Under the designation, more businesses will be regulated and emission controls will become more stringent.

Currently, about 270 companies in the Valley are regulated and the change in designation will regulate about 150 more, said David Crow, executive director of the air district.

Nelson said Thursday that the new designation is not a done deal yet, since the board voted only to ask the EPA to reclassify the region.

EPA spokeswoman Lisa Fasano said the board will send its request to the state, which will forward it to her agency.

“We’re prepared to act on the request when it comes through,” she said, adding that the EPA will initiate a 30-day public comment period regarding the reclassification.

The EPA doesn’t really make the decision to redesignate a region to extreme, she said. If a region requests a bump up to extreme, the Clean Air Act calls for the EPA to grant the request.

What it means

The move to “extreme” violator status will:

- Delay the air cleanup deadline from 2005 to 2010;
- Keep local control of air pollution cleanup efforts;
- Ward off penalties to businesses totaling \$36 million and prevent the loss of \$2 billion in federal highway funds;
- Regulate about 150 more Valley businesses and make emission controls more stringent;
- Make the San Joaquin Valley Air Pollution Control District the only region to seek the worst-possible air quality designation;
- Put the Valley alone in a category with Los Angeles.

## **Fresno Bee Editorial**

### **Dodging an air bullet**

**Decision will save money, but it means clean air remains elusive.**

*(Published Friday, December 19, 2003, 5:20 AM)*

The Valley's air district pulled the trigger -- or was it the plug? -- on its widely expected effort to shift the region to the lowest federal category for bad air. If the U.S. Environmental Protection Agency approves the move, we will be able to proudly proclaim, along with Los Angeles, that we have the worst air in the nation. Strike up the band.

To be sure, the move postpones -- it does not eliminate -- some onerous economic burdens. The Valley was headed full-speed into a 2005 deadline for cleaning the air, a deadline we had no hope of meeting because we have so relentlessly squandered the time we were given to make the necessary changes.

Now that the piper was about to demand his pay, we have instead asked him to play another song or two.

That means Valley businesses won't face the immediate prospect of some \$36 million in fees and fines, and we won't have to struggle along without \$2 billion in federal highway funds. (Though it's never really been made clear how building \$2 billion worth of new roads and highways will improve air quality.) Some larger businesses will have to purchase expensive new permits, but the hit on the entire economy will be lessened.

Instead, we will have until 2010 to meet a new set of rules for air quality. It's hoped that tighter emissions standards coming into effect in the next few years will help us meet the goal.

Hope springs eternal, it's said. But we had better bring more to the effort than hope if we wish to actually realize the goal of cleaner air.

And don't let anyone tell you that this decision is any sort of victory. Don't look to the faces of business interests and the governing board of the San Joaquin Valley Air Pollution Control District, satisfied with their stout defense of the status quo.

Look instead to the faces of the children in asthma clinics, and then tell us what a good thing this is.

LASTGASP

"We can't go on living this way.

And we won't."

The Valley's air district buys some time for cleanup, but the price is steep -- and there's no guarantee we'll do any better.