

New fireplace rules for home sales start Jan. 1

Friday, December 05, 2003

By [Cheri Carlson <mailto:ccarlson@mercedsun-star.com>](mailto:ccarlson@mercedsun-star.com) - Merced Sun-Star

Starting next year, Central Valley homeowners will have one more step to take before selling their homes.

They'll have to certify that any of the home's fireplace inserts or free-standing stoves meet new air pollution requirements or else make the heating devices inoperable.

Intended to reduce particulate pollution - which air officials say can cause increased asthma attacks, bronchitis aggravation and respiratory disease - the requirement is part of a new rule adopted by the San Joaquin Valley Air Pollution Control District in July, and it takes effect Jan. 1.

Only pellet-fueled heaters, open-hearth fireplaces and EPA Phase II-certified inserts and stoves will be allowed to be left in the home when it is sold, according to the rule.

"We've known this has been coming for a long time," said Carole McCoy of Merced's McCoy Realty. "I don't think it's going to be a hardship in selling houses."

And, she continued, with the ever-increasing home prices in Merced, it should not affect the prices.

McCoy said she "absolutely" is in favor of the new requirements. As someone with asthma, she added, she has not used her own fireplace for 20 years.

Currently, Loren Gonella of Merced's Coldwell Banker/Gonella Realty said he is doing his best to make his clients aware of the new rule.

He said his biggest challenge will be finding someone to remove the noncompliant stoves.

According to Valley air district spokeswoman Josette Merced Bello, the stove doesn't necessarily have to be removed. The door can be welded shut, the flue removed or otherwise rendered inoperable, she said.

Wood stoves and fireplace inserts purchased before July 1992 most likely will not meet the new requirement, according to air officials. Stove and insert owners can check for a metal plate or sticker that verifies the manufacture date and certification level.

More information about the air district and the new rules is available at www.valleyair.org <<http://www.valleyair.org>>.

Fog season rolls back into Valley

By Craig Johnson
(Hanford) Sentinel Relief Desk Editor

HANFORD - It can mess with school schedules, trap air pollution closer to the ground and anyone with a driver's license knows what it does to traffic.

Unfortunately, the fog season for the Valley is just beginning.

Widespread fog events usually take place in December, January and February, Gary Sanger, meteorologist with the National Weather Service office in Hanford, said.

Motorists are among the most affected.

Some of the worst roads for fog include Highway 43, Kansas Avenue and Highway 198 from Ninth Avenue to the Tulare County line, Officer Jerry Pierce of the California Highway Patrol said.

"We always seem to have the worst wrecks in those areas," Pierce said.

The CHP has a program where patrol cars will pace traffic to slow motorists down when fog is bad, he said. That program particularly focuses on busy Highway 198.

Fog, as parents and students know, also brings the possibility of foggy day schedules at local schools.

Jim Black, transportation director for the Hanford Joint Union High School District, is up at 4 a.m. to watch news and work with the superintendent of schools office to determine whether a foggy day schedule should go into effect.

The district on average has eight or nine days a year when foggy day schedules are called, Black said.

Last year proved foggy, though, and the district had 14 such days, he said.

This year "I'm hoping to be way below average," Black said.

The district had no foggy days this school year as of Wednesday, he said.

Breathers also feel fog's effects.

"It definitely does have the opportunity to trap pollutants closer to the ground," Josette Merced Bello, spokeswoman for the San Joaquin Valley Air Pollution Control District, said.

Fog traps small particles known as "particulate matter" that can come from fireplaces and wood burning, Bello said.

"In fact, you can have localized pockets in neighborhoods," she said.

Those pockets can develop when one or more residents use fireplaces. An observer can sometimes note the difference between foggy areas where residents have wood burning and those that do not by using his or her nose.

"A lot of times you can really smell differences in neighborhoods," Bello said.

Wednesday, the district discouraged wood burning in Fresno and Kern counties because of fog, she said.

The district forecast moderate air quality today with no restrictions.

Still, in addition to those breathing the air, fog can pose problems for those flying through it.

Airports have minimum visibility requirements for landings.

The Federal Aviation Administration also has rules governing flying in weather such as fog that take into account a pilot's qualifications, his or her aircraft's capabilities and other things, according to Will Cope, airport manager at the Hanford Airport.

"Basically, when the fog is real bad we have less activity," Cope said.

An airport's minimum requirements are published so pilots will know the information beforehand, he said.

Pilots also have a phone number to call to check weather conditions in advance. A radio frequency broadcasts weather information as well.

Fog can also affect Lemoore Naval Air Station.

"The only thing fog really affects is flying," said Dennis McGrath, the base's public information officer.

Lemoore Naval Air Station follows FAA minimums and fog can cause some flight training to be rescheduled. Training can also move to Fallon, Nev. or El Centro in Southern California in some cases, McGrath said.

However, in combat Lemoore jets can take off in thick fog, he said.

In Iraq, Lemoore jets had to deal with blinding desert sandstorms, McGrath said.

"That was worse than the fog here," he said.

The sandstorms blew out to sea, complicating the tasks for pilots landing on aircraft carriers in the Persian Gulf, McGrath said. Although, the base didn't lose any planes.

Flying in conditions such as that can be done "when there's ground troops depending on you and your bombs," he said.

Closer to home, the base recently had safety meetings where driving in fog along with other concerns were discussed, McGrath said.

Fog forms here because the Valley is a closed air basin surrounded by mountains that prevent air from escaping quickly. Moisture becomes trapped near the ground and stays there, creating fog.

"The fog will be thickest when the air is the coolest," Sanger, the National Weather Service meteorologist, said. That time is pre-dawn to right around sunrise, he said.

Fog is typically 2,000 to 2,500 feet deep, Sanger said. But it can be as deep as 4,200 feet, up to the top of the Grapevine, or as shallow as 1,500 feet.

And, while the thickest fog events occur in December, January and February, the first fog typically happens in mid-November and the last fog event usually happens around the second week of March, he said. Exactly when the last fog occurs is different each year.

Valley faces critical decisions on air standards

By Mark Grossi, The Fresno Bee and also published in the Modesto Bee

Last Updated: December 5, 2003, 07:09:11 AM PST

If the San Joaquin Valley smog isn't cleaned up by 2005, it will cost the business community \$36 million in annual federal penalties.

Or maybe not. Federal officials are changing from one smog standard to another and haven't decided if the penalties will go away.

Welcome to the bureaucratic haze that hangs over an urgent, high-stakes decision for the San Joaquin Valley Air Pollution Control District. The District staff will discuss the situations at 10 a.m. today in a public workshop.

The staff will talk about its recommendation that the district governing board avoid the penalties and not wait for the federal government to sort them out.

If the air governing board takes the advice at its Dec. 18 meeting, the valley would volunteer for worst-ozone polluter status so the cleanup deadline will be delayed from 2005 to 2010. Only Los Angeles is in this category, called "extreme noncompliance."

But it would still beg the major question: If the U.S. Environmental Protection Agency changes standards, would the agency still penalize the valley in 2005 or 2010 for missing the old standard?

"We have not answered that question yet," said Wayne Nastri, EPA regional administrator in San Francisco. "There are anti-backsliding provisions in our guidance documents, because we don't want to lose the gains from the one-hour standard. But we need to work out the answer to the question about sanctions."

A more immediate concern is about different federal sanctions over shortcomings in the district's current ozone cleanup plan.

In March, a sanction will be triggered to increase costs for new and expanding businesses -- unless the valley steps into the worst-polluter status in the next few weeks to gain more time.

If the change still hasn't occurred by September, \$2 billion in road-building funds will be held up and the EPA will enforce its own cleanup plan. District staffers don't think the valley should risk delay.

"We've heard different reactions from the public," said Don Hunsaker, supervising air quality planner. "Some people would like to see us stare down EPA. We're in a difficult position."

Indeed, the valley has gotten the EPA's attention. The area is second only to Los Angeles in violations of the one-hour or short-term standard for ozone, a corrosive warm-weather pollutant in smog.

But no other place in the country has had more eight-hour or long-term violations than the valley over the past five years.

The EPA enforces only the one-hour standard, but next year the agency will begin shifting to the longer-term reading, which is more stringent and protective. At that point, the valley will be the new smog capital of the country.

By April, the EPA will designate areas that are not complying with the eight-hour standard. In 2007, cleanup plans for the eight-hour standard will be due.

While no one is sure what will happen if the valley fails to meet the old standard, there is a well-known consequence if the air district this month moves to the worst-offender category.

About 150 more valley businesses would be required to get a federal air operating permit, which allows regulators to track their pollution.

The businesses -- large food processors, small oil producers, large hospitals and small power plants -- would join many other so-called "major sources" under these permits. The 150 businesses would be pulled into the permit program because their annual emissions would qualify them under the worst-offender category.

They would pay an average \$5,000 to cover administrative costs of joining the program.

IF YOU GO:

WHAT: Public workshop on ozone

WHEN: 10 a.m.-noon today

WHERE: 1990 E. Gettysburg Ave., Fresno

Four counties will be held to tighter pollution criteria

They'll join Valley pollution control district.

By Mark Grossi

The Fresno Bee

(Published Friday, December 5, 2003, 5:37 AM)

The blue-sky mountain counties of Amador, Calaveras, Tuolumne and Mariposa next year will not meet federal requirements for clean air.

The U.S. Environmental Protection Agency announced Thursday that the counties would be included in a new designation for ozone offenders. The reason: EPA is changing to a more stringent, protective standard, meaning smaller amounts of pollution will trigger violations.

The counties will join the eight-county San Joaquin Valley Air Pollution Control District, which never has attained the clean-air standards and routinely sends pollution into mountain counties.

"We weren't surprised to see Tuolumne and Mariposa," said district planning director Dave Jones. "But we don't have as great of an effect on Calaveras and Amador, so they are a surprise. In fact, I don't believe Amador is even geographically in the Valley."

Other than the social stigma of dirty air, officials said they are not sure how the designation would financially affect the counties, where tourism drives the economy, not large industry.

Large, polluting industries must spend thousands of dollars to get a federal air operating permit.

As part of the San Joaquin district, the mountain counties would be subject to the same Valley cleanup deadlines and possible sanctions for this standard many years from now. The district's other counties are San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, Tulare and the Valley portion of Kern.

The mention of the mountain counties came in an EPA letter to the state about enforcement of a long-term or eight-hour ozone standard, which will be established in April. The long-term monitoring will replace the one-hour or peak standard that has been in place for decades.

Many medical experts consider the longer-term standard a better way to monitor the effects of ozone, a colorless, corrosive gas that forms in warm weather and triggers many lung problems.

California officials had recommended leaving the mountain counties out of the Valley designation. But one EPA official said it made sense to include places that are being affected by the Valley.

"Given the proximity of the counties to the Valley and the fact that monitors in those counties this year have shown exceedences of the eight-hour standard, we think it's appropriate," said EPA Regional Administrator Wayne Nastri.

State officials also had recommended against including the San Francisco Bay Area as a violator of the eight-hour standard. EPA disagreed, citing Bay Area violations of the eight-hour standard last summer.

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Tri-Valley Herald Article - Friday, December 05, 2003 - 2:58:00 AM PST

Bay Area may lose clean-air status

EPA's findings come just two months after officials said old standards were met

By Douglas Fischer, TRI VALLEY HERALD STAFF WRITER, December 5, 2003

The U.S. Environmental Protection Agency on Thursday proposed nixing the Bay Area's bid to classify its air as clean and declined to declare the region in attainment with strict new federal ground-level ozone standards.

The setback puts the region back on the hunt for ways to cut air pollution. It comes less than two months after local air regulators announced the region had finally met the older, laxer standard for the first time in nine years.

Industry will likely bear the brunt of any cuts, with tighter rules on refinery flares and solvent emissions possible. But consumers could also see restrictions on their charcoal grills, lawnmowers and even hair spray.

For critics, Thursday's letter from the EPA to Gov. Arnold Schwarzenegger was proof the federal agency was more serious about air quality than the local air and transportation districts.

"They're working hard -- much harder than the Bay Area is working," said David Schonbrunn, president of Transportation Solutions Defense and Education Fund. Federal regulators "don't want the Bay Area to be let off the hook. This letter says they're not off the hook."

Also on Thursday, the EPA denied a state plan to break up some air districts, opting for instance, to keep several Sierra foothill counties with the considerably smoggier Sacramento and San Joaquin valley counties.

The move reflects a belief that a broader, region-wide approach is a better solution to air pollution, said EPA regional administrator Wayne Nastri.

"The goal here is to have cleaner air. The way to do that is by looking at it from a regional perspective."

Thursday's letter is technically a draft notice from the agency. Both the state and the regional agencies can respond before a final ruling is issued on April 15, 2004.

Even if the EPA's decision stands, the Bay Area Air Quality Management District will have until 2007 before a new plan outlining cuts required from the new standard goes into effect.

But it will take work.

"We met the one-hour standard. That was a milestone for us. Now we have to go and meet the eight-hour standard," said Teresa Lee, spokeswoman for the Bay Area Air Quality Management District.

"The economy is picking up, there are going to be more people on the roads. It is going to be a struggle to stay in attainment."

[Modesto Bee editorial, Dec. 5, 2003:](#)

'Extreme' air games

Last Updated: December 5, 2003, 07:14:21 AM PST

There seems to be a growing inevitability about the valley's slide into the position of worst air basin in the nation.

The federal government gives areas designations based on their failure to meet air quality standards. The valley is classed in the "severe" nonattainment category, one step from the "extreme" rating at the bottom of the list. Only Los Angeles holds that dubious distinction.

The San Joaquin Valley Air Pollution Control District will hold a workshop today on the question of voluntarily moving from severe to extreme, with a decision coming as soon as Dec. 18.

Why would the valley district wish to move voluntarily into a worse designation? Neither option is appealing.

One thing is clear: This air quality problem of ours is going to be very difficult to untangle. It will take many years and much dislocation and cost before we have finished the task.

Today's workshop can be monitored by video from 10 a.m. to noon at the district's Northern Region Office, 4230 Kiernan Ave., Suite 130, Modesto. The draft report is available online at www.valleyair.org <<http://www.valleyair.org>>.

Odds & ends topple from mail

By DIANNE HARDISTY, Californian Editorial Page Editor
e-mail: dhardisty@bakersfield.com

Posted: Wednesday December 3rd, 2003, 7:15 PM

Last Updated: Wednesday December 3rd, 2003, 7:15 PM

Inspiration for this column came from last week's mail, from which a lot of odd topics and some really weird endings toppled.

Slow burn over "no burn"

Reader Louis Boll of Bakersfield was one of several who noticed, "We've had our first (air pollution control district) mandated no-burn day this past Tuesday. The air quality index was predicted to be 154. I assume the threshold for a no-burn is 150. And we read that there were five complaints (violations for wood burning in fireplaces.) Will the five perpetrators be forgiven since the actual air quality index was recorded at a meager 74?"

Good question, Louis. So I asked San Joaquin Valley Air Pollution Control District officials what they plan on doing. After all, the fine for violating "no burn" declarations can go up to \$1,000. What happens when bad air predictions are wrong and the declaration should never have been declared?

Another reader is so incensed by the air district's predictions that he tracks reports in *The Californian*: "In 2003, smog season started in June. I watched APCD predictions through July 15. There were 10 days predicted in the 150 AQI or more (unhealthy spare the air day). Nine of those predictions were incorrect. One (July 4) was accurate. Why July 4? Folks burned everything flammable!"

"Why are they so inaccurate? Because they use the worse forecast location within the 'region' to make the prediction. That's the equivalent of using the low temperature in Frazier Park for Bakersfield. If they were meteorologists, they couldn't hold a job. But no one ever calls them on it."

I called them on it and the district's supervising meteorologist responded:

"On Tuesday, Nov. 18, we declared that residential wood combustion would be prohibited," wrote Evan Shipp in an e-mail. "Basically, the weather pattern we forecast on that date did materialize and atmospheric conditions warranted the declaration.

"We believe that at least some of the difference between the air quality index we forecast and what was measured may have been the result of the mandatory curtailment. In other words, prohibiting wood combustion decreased the PM concentrations.

"Here are the AQI readings for the urban Bakersfield station for the week prior. It gives you a better picture of why the call was made. Air quality was generally degrading as a high pressure remained over the area: Nov. 14, reading of 42 AQI from PM25; Nov. 15, 29 AQI; Nov. 16, 56 AQI; Nov. 17, 74 AQI; Nov. 18, 93 AQI; Nov. 19, 128 AQI; Nov. 20, data not available.

"By Wednesday, Nov. 19, we forecast that a weather system would improve air quality and therefore did not declare another mandatory curtailment of residential wood combustion. This weather system did arrive, but was not as rigorous as expected. Consequently, Wednesday's particulate levels went to 128 AQI. Wood burning was only discouraged on Wednesday."

Well, if you followed all that, you studied a wee bit more science than I did. But I think Evan's bottom line is that the air was lousy. It was heading for lousier. The "no burn" declaration saved the day. But that doesn't explain the bum predictions in July.

Evan didn't answer the question of what to do about those who violate the "no burn" ban when such bans are unnecessary. So I will. On "bum prediction" days, forgive violations no fines, no nothing. That just might inspire more accuracy. And if more accuracy can't be achieved, rethink the ban.