

Parks ignored no-burn order

Valley air district preps fine for Sequoia and Kings Canyon parks.

By Mark Grossi

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Sequoia and Kings Canyon National Parks defied a burning ban from local air quality authorities and lit a brush-thinning fire on June 30, opening the door for a walloping fine of up to \$75,000.

Local air authorities said they are preparing a substantial fine because they ordered park officials not to burn on that day. Authorities will levy fines after the case is reviewed.

Sequoia-Kings Canyon officials disagreed with the no-burn order, saying the federal fire forecast and their own assessment of the meteorology conflicted with the air district's decision. They decided the smoke would not cause a problem to downwind communities.

A San Joaquin Valley Air Pollution Control District leader said park officials could not refuse the order. The district has the authority to protect the Valley's air from smoke and smog-forming gases from brush-clearing fires.

"That's a willful and intentional violation of state law and district rules," said Bob Kard, director of the district's compliance division. "It was not an accident." Jody Lyle, Sequoia-Kings Canyon fire information officer, replied that parks officials take district orders seriously, but there's more to the story.

"We spend a lot of money each year to forecast conditions and monitor burns," she said. "We gather predictions from several places, including federal fire forecasters in Southern California. The only unfavorable forecast was the one coming from the San Joaquin district."

The violation is a rare slip in the annual summer cooperation that has developed between many land managers in the Sierra Nevada and air authorities in the Valley. Sequoia-Kings Canyon has never had such a violation notice.

Like other forest management agencies, Sequoia-Kings Canyon and air authorities talk regularly about brush-clearing fires, as they did about the fire on June 30. The basic question: Will a community or populated area get smoked out?

That day, Lyle said, parks Superintendent Richard Martin made the decision to ignite the burn, which promotes forest health and prevents larger fires. Lyle said air district inspectors had signed off on burns in the area on the previous two days.

On June 30, which was the third of five burning days to clear 257 acres in Giant Forest, parks officials set a 17-acre fire that did not cause downwind air problems in the foothills or the Valley, air officials said.

The parks received the citation not for creating pollution, but for defying the no-burn order.

An air district representative visited the site the next day and confirmed that the burn had taken place, said Ted Strauss, supervising air quality inspector.

"It was above and beyond the burning that had already taken place the previous day," Strauss said.

He added that the air district's restriction on burning takes into consideration previous burning, which often smolders the next day. He said the district then authorized burning on the two days after the June 30 fire.

Finishing the burn by Friday, July 2, was important, parks officials said. They wanted to release assisting firefighting crews for the Fourth of July weekend in case they were needed to protect communities.

After considering the episode, the district last week sent the notice of violation.

Fines for air violations are negotiated in private, then announced after both sides reach agreement. If disagreement over a fine goes unresolved, the case can wind up in Superior Court.

Parks officials said they are disappointed about the citation, but they want a quick resolution.

Almost four decades ago, managers of the 865,000-acre adjoining parks east of Fresno recognized the importance of using fires to clear the forest. Giant sequoias, for instance, benefit from fires, which open their cones and spread thousands of seeds for reproduction.

But if the conditions aren't right, air officials said, fire could send smoke and smog-making gases into the Valley, further fouling one of the country's dirtiest air basins.

"We've been working closely with the National Park Service for a long time," Kard said. "We've never had anything like this. It's hard to understand why they didn't follow the order."

Farmers dig at Lodi land plan City to study buffer around sewer plant

By Jeff Hood

Lodi Bureau Chief

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LODI -- Lodi's City Council on Wednesday unanimously approved an environmental study and backed creation of a 5,280-acre zone around its sewer plant that collides with Stockton's design for urban growth north of Eight Mile Road.

Farm owners accused Lodi of attempting a land grab with its plans for a buffer around its sewer plant at Interstate 5 that would drive down their property values and then make it cheaper for the city to buy.

Vineyard and dairy owners who live outside the city squared off against council members over the fate of land between Stockton and Lodi. No one from the public spoke in favor of the city's plan.

Vice Mayor John Beckman, cousin of two brothers who spoke against the city's plan Wednesday, proposed a resolution that the city would not go to court to condemn farmland for sewer plant expansion. His motion wasn't seconded, but he voted for the plan anyway.

"The city of Lodi needs to protect its sphere of influence from the city of Stockton," he said.

Lodi officials say they need the buffer to protect the city's ability to meet increasingly stringent state regulations for discharging treated sewage. That means creating the zone before landowners sell to developers and take away Lodi's discharge options.

But farmers in the area said that's Lodi's problem, not theirs. Grape grower Robert Lauchland -- Beckman's cousin -- said his vineyard would fall in value from as much as \$30,000 an acre to as little as \$7,000 an acre if it were designated part of the sewer plant sphere.

"This would take out more vineyards than any pest or disease," said Lauchland, whose brother, Richard, also criticized Lodi's plan.

"This action will panic more landowners to quickly sell their land."

But Councilwoman Susan Hitchcock said Lauchland is more interested in selling his property to developers, based on his application to have his 145 acres north of Eight Mile Road included in Stockton's future growth area.

"Let's face it -- this is not about preserving farmland for growing grapes. It's about being in Stockton's general plan and sphere of influence for development, where they plan to build homes to house 120,000 people," she said.

"I can see why you're here, because it's going to affect your purse strings in terms of development. It's not about long-term farming."

William Hammonds, who owns 600 acres south of the White Slough plant, said he was willing to sell property to Lodi several years ago, but didn't hear back from city officials after the farmland was appraised.

"We're asking to be treated fairly," said Hammonds, whose land also has been targeted by Stockton for future development. "We don't want to be in a buffer zone. We don't want it to be a sewage disposal site. It restricts what we could do with the property today. If it can't be sold for any other purpose, it would economically slit our throats."

Lodi hasn't decided where its sewer plant will grow. It is currently considering three options, but a final choice may not be known for several years when the city is required to obtain a new effluent discharge permit from the state.

The largest of the three options would require nearly 4,470 acres, but when all three are included, the area increases to 5,280 acres.

The proposed sphere would extend west to the Peripheral Canal ditch, as far south as Telephone Cut, as far east as Davis Road and nearly to Highway 12 to the north.

David Ivester, a private attorney hired by Stockton to study Lodi's plan, said Lodi's environmental study was flawed by shortcomings, such as sufficiently assessing the program's impacts on air quality and cumulative effects.

Lodi air-test results released **Industrial solvent PCE, vapors throughout downtown**

By Jeff Hood
Lodi Bureau Chief
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LODI -- Anyone working or living near a highly contaminated site in downtown Lodi is exposed to a slight increased cancer risk -- but only if he or she stays there for decades, according to air analyses performed by a city consultant and released by the city Wednesday.

The industrial solvent PCE is found at high levels in the soil and groundwater, the result of improper disposal either through a leaking sewer system or on the ground.

The chemical is considered hazardous to humans and is a suspected carcinogen. Lodi has been embroiled in a federal lawsuit for the past four years over who'll pay to clean up the contamination.

The report showed PCE vapors were also found in much lower amounts in air samples taken in July from several downtown schools, offices and residences, with the highest levels from a business and house along an east-west alley just south of Pine Street, between Church Street and Pleasant Avenue.

"There's no immediate concern anywhere," City Attorney Steve Schwabauer said. "In order for there to be a risk, you'd have to be exposed seven days a week, 24 hours a day for 30 years."

The state Regional Water Quality Control Board in April ordered Lodi to perform the air tests. The highest PCE level of those buildings tested was at Fitness Pro Gym, just north of the alley from dry-cleaner Guild Cleaners, which also has been ordered to remove underground toxics.

As much as 24 parts per billion of PCE was detected in the gym's air. Decades of exposure at 0.69 parts per billion in a business setting would cause one case of cancer in 1 million people, according to state regulators. Air outside the business had 9.6 ppb of PCE.

A block west, air in Ken Phillips' Pleasant Avenue home contained as much as 7.8 ppb of PCE. In a residence, 0.41 ppb is the threshold for one cancer case in 1 million people exposed.

"I'm not worried," said the 60-year-old Phillips. "My mother lived here 20 years and she didn't die of cancer. All the numbers are scary. What is comes down is, who's going to pay to clean this?"

Schwabauer said the city and the Regional Water Quality Control Board hope to convince Guild Cleaners to turn on a soil vacuum system that pulled some 6,000 pounds of PCE out of the ground in a five-month period last year.

Guild attorney Lori Gualco said that would happen only if other business and property owners suspected of contributing to the underground PCE share in the cost.

"Once they give Guild the funding to turn the system back on, it will be promptly turned on," she said.

A handful of properties in the 200 block of West Oak Street also showed levels of PCE above the 1-in-a-million cancer risk, including First United Methodist Church (3.8 ppb) and St. Anne's School at 200 S. Pleasant Ave. (3.8 ppb). It was an April plea for action to the Regional Water Quality Control Board by St. Anne's principal Dennis Taricco that prompted the agency to order the air tests.

Air district seeking art for calendar

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The San Joaquin Valley Air Pollution Control district is looking for young artists to submit drawings for a 2005 calendar.

Students in kindergarten through 12th grade are eligible for the contest. Artwork should be done in color and contain a message about air pollution.

Previous drawings depicted electric lawn mowers, riding bikes instead of driving cars and limiting use of wood-burning fireplaces.

The drawings or paintings should be done on normal typing paper arranged sideways so that the paper is 8½ inches high and 11 inches wide.

Fourteen winners will be selected. The winning artwork will be featured in the air district's calendar, which is distributed free to schools, community groups, churches and other organizations.

Entry forms can be found at the air district's Web site, www.valleyair.org.

Artwork should be submitted by Sept. 30 for consideration.