

Group contests deal on dairies

Clean-air activists will try to get judge to void settlement.

By Matt Leedy
The Fresno Bee

Tuesday, Sept. 28, 2004

A Valley activist group has until Thursday to convince a Fresno County judge that he should block a settlement in which dairy leaders and the local air district agreed on how to implement a new clean-air law.

The Association of Irrigated Residents must show Judge Wayne Ellison that it should have been involved in negotiations that led to a settlement last week.

Under the agreement, the San Joaquin Valley Air Pollution Control District can require dairies to have permits, but it must wait until scientific emission studies are complete before forcing some dairy owners to make substantial -- and costly -- changes to curb pollution.

Dairy leaders had sued the air district, arguing that they shouldn't be forced to obtain permits until after the studies are complete. But as part of the settlement, dairy owners agreed to drop their lawsuit.

The air district said it will form an advisory board to keep track of emissions studies and work with dairies to determine the best way to control pollution. Lawyers for the dairy industry and the air district were in a Fresno County courtroom Monday and planned to fulfill the first part of their agreement.

But the Association of Irrigated Residents objected when dairy leaders tried to drop their lawsuit. A lawyer for the group argued that the settlement was illegal because AIR was not involved in the negotiations.

Ellison gave AIR until Thursday to show it should have been part of the negotiations. He then will decide whether the settlement was legal and whether to allow the lawsuit to be dismissed.

The group had sided with the air district when the district was sued by dairy groups, including Western United Dairyman and Alliance of Western Milk Producers.

AIR was not originally named as a defendant in the lawsuit.

Brent Newell, the group's lawyer, said AIR became involved with the lawsuit to protect residents and the air they breathe.

Phil Jay, a lawyer for the air district, said AIR's participation in the lawsuit "does not mean that we are partners."

AIR knew negotiations had begun about six weeks ago but was denied a chance to participate, Newell said.

Dairy and air district officials argue that, because AIR was not a plaintiff or a defendant in the lawsuit, the activist group didn't have to be included in the negotiations and shouldn't be allowed to hold up the settlement.

Ellison gave AIR until Thursday to show otherwise.

If it doesn't, dairy leaders could drop the lawsuit and air district officials would then begin to form the advisory group.

AIR disagrees with the settlement because it doesn't force new and expanding dairies to use the best possible control measures to reduce pollution.

But both the air district and dairies believe their agreement will lead to better air quality in one of the dirtiest air basins in the country.

The lawsuit and recent settlement is receiving statewide attention.

The Valley anchors the state's \$4 billion dairy industry, with Tulare County producing more than \$1 billion in dairy products. It's the nation's No. 1 dairy county.

The dairy industry filed its lawsuit in May after district officials made plans to require permit applications from about 350 large dairies and farms by July 1.

Owners of dairies with more than 1,945 cows that produce more than 12.5 tons of smog-forming gasses each year were required to file applications.

Air district leaders were following Senate Bill 700, a new law that repealed the agriculture industry's decades-old exemption from air-operating permits.

Dairy advocates, however, said district officials would base permitting decisions on emission information derived from research published in 1938.

Other research has been done since then, but nothing definitive enough to replace the old work. New studies, under way in Fresno and Davis, are expected to be finished next year.

The air district and the dairy industry appeared eager Monday to end their legal dispute and focus instead on emission studies and the new advisory group.

Jay asked Ellison to allow the dairies to drop their lawsuit. He told the judge: "Let's end this thing."

Feeling Sick? New Study Suggests Urban Sprawl Is Partly to Blame

A Rand researcher says that car-dominated, sedentary lifestyles may play a role in ailments.

By Janet Wilson, Los Angeles Times

Tuesday, Sept. 28, 2004

Fleeing the city for the suburbs may be hazardous to your health.

A study released Monday by the Rand Corp. found that people who live in sprawling areas, such as the Inland Empire or Atlanta, are more likely to report chronic health conditions than those in compact urban cores like Long Beach or New York.

"More sprawl is associated with more chronic health problems," said co-author Roland Sturm, an economist with the Rand Corp., a nonprofit research group. "It's not just that you spend more time in the car, but that [sprawl is] real bad for your health."

Researchers found increased reports of hypertension, arthritis, headaches and breathing difficulties, among other chronic health conditions. Sedentary, car-dominated lifestyles and air pollution appeared to be contributing factors, Sturm said.

The findings suggest that an adult who lives in a more sprawling urban area will have a health profile similar to someone four years older who lives in a more compact city.

But to their surprise, they found no increase in reported mental health issues for people living in sprawl areas.

"Based on the anecdotes, we thought we would see strong mental health effects," Sturm said. "More isolation from driving, the stress of driving."

He said people's contentment with where they lived appeared to be one factor that might balance out the mental stress of commuting long distances.

The study did not include rankings of worst to best, but used a prior study that found that western Riverside and San Bernardino counties, Atlanta, Winston-Salem, N.C., West Palm Beach, Fla.,

and Bridgeport-Danbury-Stamford, Conn., were among the worst for urban sprawl. Regions with the least amount of sprawl included New York, San Francisco, Boston and Portland, Ore.

"All of these are big cities," Sturm said. "We're not comparing nice, peaceful suburbs to inner cities."

A sprawl area was defined as having cul-de-sacs and other streets that are not well-connected, lower population density and widely separated schools, shopping malls, employment centers and other land uses.

Sturm said that although there were no immediate solutions, activities such as walking a child to school or bicycling to a corner market appeared to have cumulative positive health effects.

The study was based on lengthy telephone surveys that questioned adults about their physical and mental health in 1997 and 2000. The study analyzed data from more than 8,600 people in 38 metropolitan areas.

The differences remained even when researchers took into account factors such as age, race, income and weather. The poor and elderly in sprawling areas suffered more health problems than the same groups in centralized urban areas.

The full findings appear in the October edition of the journal Public Health.

Yosemite officials restart burns

By Scott Pesznecker, Merced Sun-Star

Tuesday, Sept. 28, 2004

Mariposa residents will again smell smoke from man-made fires.

But this time, not because of arsonists.

These fires will be controlled burns in Yosemite National Park, aimed at clearing debris from the forest floor to prevent catastrophic wildfires.

Although Yosemite is several miles from Mariposa, smoke from a few prescribed fires will likely get pulled along the Merced River toward Mariposa, Yosemite Park Ranger Deb Schweizer said.

"Folks in Mariposa might expect to see smoke from a couple of Yosemite Valley burns that are smaller," she said.

Controlled burns have already started in the Mariposa Grove of Giant Sequoias.

Mariposa residents might also notice the rekindling of the Meadow Fire, which ignited from a June lightning strike and burned more than 5,000 acres in the Illiouette Creek drainage.

The fire was contained July 18, but park officials have kept it burning on the forest floor. Next month, the plan is to rekindle the perimeter of the fire and allow it to spread, but in a controlled fashion.

"What we're really trying to do is bring back the fire as a natural progress in the park," Schweizer said.

"We only burn for the forest's health. Right now, the Mariposa Grove burn is a great example of that because the giant sequoias don't germinate without fires."

Predicting burn dates is difficult, Schweizer said. Conditions such as temperature, wind and moisture must be just right to keep the fires from spreading too fast.

Anyone planning to hike in Yosemite this fall should first check the park's Web site at www.nps.gov/yose/fire <<http://www.nps.gov/yose/fire>> for a progress report on controlled burns.

"Smoke in Yosemite might be something that you have to contend with, and people might have to change their itineraries," Schweizer said.

But she said the inconvenience is worth it.

"Every time we burn a little bit more, we're getting a little bit more protection," she said.

Air District event kicks off Sept. 29

By Midway Driller

Monday, Sept. 27, 2004

Public-policy innovator and think-tank CEO Curtis Johnson will give the keynote address at the upcoming air-quality symposium, "Unique Valley, Unique Solutions: Working Together for Clean Air in the San Joaquin Valley," Sept. 29-30 in Bakersfield.

Registrations are still being accepted for the symposium, presented by the San Joaquin Valley Air Pollution Control District and a handful of leaders in environmental issues. The two-day event, at the Holiday Inn Select, features a variety of discussions and presentations by leading air-quality experts, planners, industry groups, nonprofits and other stakeholders in improving the Valley's air quality. The public is invited to attend.

Johnson, president of the Citistates Group, a Minneapolis-based think-tank that promotes effective regionalism, has a long and illustrious career addressing urban-planning and environmental issues.

His keynote address, "Valley Air: Perfect Storm or Opportunity to Innovate?" during Wednesday's luncheon is the centerpiece of an in-depth event that aims to tackle tough air-quality and quality of life issues in the context of the sprawling, geographically unique San Joaquin Valley. The program includes timely panel discussions on a variety of topics, and opportunities for one-on-one discussions with the presenters and Air District management staff.

Some of the panel topics are "Land-use, Transportation and Air Quality: Rebuilding the Valley"; "Valley Coalitions: Building Strategies on Common Sense"; "Engaging Communities in the Pollution Solution"; and "From Here to Clean: Valley Air Quality and New Scientific Approaches."

Late registrations will be accepted through Monday, Sept. 27. The symposium fee, including breakfast and lunch both days and a networking reception, is \$205 per person, with a 50 percent discount for students and members of nonprofit organizations. Scholarships are also available.

For more information and registration materials, log onto www.Valleyair.org or contact Kelly Malay at 559-230-5851

[Modesto Bee editorial, Tuesday, Sept. 28, 2004:](#)

New air rules could help cool global warming

Bravo to the members of the state's air board for unanimously approving new rules that could help cut vehicle emissions that contribute to global warming - the so-called greenhouse gases. The California Air Resources Board's tougher standards still face several hurdles, including a Bush administration that has been anything but friendly to the environment.

But clearing this step at the state level is a hopeful sign that growing recognition of the problem will someday lead to useful action.

Global warming is serious and real. Many scientists project increases in the number of very hot days, more smog and significant reductions in the water supply for California's farms and cities in coming decades if the problem is not arrested and then reversed.

The air board seeks to mandate the introduction of certain technologies beginning in 2009 to reduce carbon dioxide and other emissions blamed for global warming.

Opposition came mostly from the auto industry, whose estimates for increased costs to consumers were vastly greater than those presented by air board staff.

The auto industry can't be expected to give up this fight yet. And they may find a powerful ally in the federal Environmental Protection Agency. The EPA has approved tighter air standards in California before, but it isn't guaranteed to do so this time.

We hope it will. The EPA should consider that these new rules have enjoyed wide support across partisan lines, including from Gov. Schwarzenegger.

Critics warn that tighter air quality rules set in California often spread across the nation. They do not tell us why this is bad, and we hope it continues in this case.

[Fresno Bee editorial, Tuesday, Sept. 28, 2004:](#)

CARB comes through

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[S.F. Chronicle editorial, Tuesday, Sept. 28, 2004:](#)

New standard for cleaner air

CALIFORNIA CAN'T solve the problem of global warming by itself, but it can make a significant step in that direction. That's why the state's air resources board should be applauded for standing up to the auto industry last week and approving a landmark plan that will drastically reduce greenhouse gas emissions.

Regulators approved new rules that would require carmakers to produce vehicles with greatly reduced tailpipe emissions starting in 2009. It is the first regulation of its type in the nation and the toughest -- which should induce other states considering new guidelines to breathe a little easier.

Auto industry officials resisted the plan, saying that it would drive up the cost of new vehicles and that it would force them to restrict sales of large sport-utility vehicles and high-performance sport cars. It's likely that automakers will file a lawsuit over the new standards, including a challenge to the state's authority regulating emissions guidelines.

But self-serving denials won't deal with the very real threat of rapid climate change and the health effects from global warming. Board scientists said that rising temperatures impede the state's programs to reduce smog and can lead to winter flooding that could contaminate the fresh water supply and adversely impact California's agriculture production.

Instead of fighting the guidelines, automakers should use the new rules to produce a new generation of fuel-efficient vehicles. Stricter emissions technologies are already in use by carmakers in Europe and Japan and the increasing popularity of hybrid cars in the United States should encourage industry leaders that there is a real demand for cleaner cars.

Refuting the scientific claims -- while suggesting that the cost of new vehicles will soar -- is still a dodge for U.S. automakers. The air board gave manufacturers two more years than originally planned to meet the new emissions standards. And though car buyers will see a modest bump in future prices, it will certainly be worth it if the new vehicles release one-third less of the gases that contribute to global warming. That's a real cost savings, especially since several other states are expected to fashion new emission rules on California's model.