

State panel softens builders' bill

Industry aimed to ease constraints on projects within inner-city areas.

By Jim Wasserman

Associated Press

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SACRAMENTO -- A key Senate committee crippled a developer-led bill Monday that aimed to relax some of the nation's strictest environmental standards to redevelop blighted inner-city industrial sites.

Powerful home builders, who argued for "more reasonable" standards to bring new dwellings to older neighborhoods, found themselves in a familiar pattern: stopped short by the Senate's Environmental Quality Committee, which weakened the bill.

With the bill still alive, developers and environmentalists hope that they can still craft a legislative compromise this year to bring new growth to more than 90,000 former industrial sites across the state, mostly in older parts of cities.

Builders, with an agenda to open more land to residential growth in a state lacking enough homes, found greater success with a second bill to make cities plan a 20-year supply of land for housing.

Both bills, now likely to win Senate passage, have until Aug. 31 for hearings and negotiations in the Assembly. But each faces challenges from cities and powerful environmental lobbyists in a state where robust legislative solutions to a housing crisis have proved nearly impossible.

Gov. Schwarzenegger's director of business, transportation and housing, Sunne McPeak, encouraged lawmakers to break the pattern and expand land for housing to keep the state economically competitive.

"The most powerful force causing dumb growth -- that is affordable housing farther and farther from job centers, longer vehicle commutes, more air pollution, inappropriately urbanizing agricultural land, encroachment on valuable habitats -- is lack of housing supply," she said.

Candidate Schwarzenegger promised his administration would rapidly launch cleanup efforts for bypassed industrial sites to spur new growth on old land.

Builders, lawmakers and environmentalists all maintain that gridlock over how to develop such plots is a major factor contributing to suburban sprawl and long commutes to work.

But Monday found them all short of agreement to break the status quo.

After the Senate committee passed a watered-down version of the legislation, lobbyist Ed Manning asked, "If you perpetuate the same exact cleanup standards you have now, why would builders want to come in?"

Likewise, Sen. Gil Cedillo, a Los Angeles Democrat who carried the bill, contending it would spur a necessary wave of growth on blighted property, said the new version may not be sufficient.

Monday's hearing revealed the state's growing divide between environmentalists, who want tough standards for cleaning up industrial sites in old urban neighborhoods, and inner-city leaders, who say the restrictions condemn their neighborhoods to remain blighted.

Sen. Kevin Murray, D-Los Angeles, said those who want the strictest standards "don't live in our neighborhoods."

The bill proposed to create looser cleanup standards that would take into account whether the new use was a school, a store or a house. Home builders also wanted to limit a land buyer's legal liability for contamination that previously occurred on the site.

But Marty Arguello of Los Angeles, representing Physicians for Social Responsibility, told the committee: "I don't think we should be trading off our health for economic development."

AP Exclusive: Leavitt says EPA will pursue clean air lawsuits

JOHN HEILPRIN, Associated Press Writer
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(01-09) 09:29 PST WASHINGTON (AP) --

The Bush administration aggressively will pursue eight Clinton-era clean air lawsuits against utilities, even as it fights in court to overhaul the rules by which those lawsuits were brought, the head of the Environmental Protection Agency said Friday.

"We will go forward with all of the filed cases," EPA Administrator Mike Leavitt told The Associated Press in a telephone interview. But in prepared remarks to a utility industry group he characterized the litigation as being in a "hopeless stalemate."

A federal appeals court last month temporarily blocked some of the administration's changes to the air pollution program, saying that a lawsuit by states challenging the changes had a "likelihood of success."

Despite the legal setback, Leavitt said he would pursue both the enforcement actions against utilities and the legal fight over the rules changes.

"We'll be enforcing the law, and there'll be new enforcement actions ... guided by a myriad of different factors, available resources, and our desired environmental outcome, which has always been to clean up dirty power plants," Leavitt told the AP.

In prepared remarks to the Edison Electric Institute, the utility trade group, Leavitt said the litigation should not keep utilities from cleaning up their coal-burning power plants.

"Dirty power plants need to be cleaned up now, not a decade from now. And here's the reality: the power plants that are caught up in this hopeless stalemate of

new source review enforcement actions will have to be cleaned up under the interstate air pollution quality rule anyway," he said.

The interstate air pollution requirements were proposed by the Bush administration last month. They would cut smog and soot-forming chemicals from power plants with the aim of reducing pollution that often travels long distances across many states.

In part, they are designed to replace regulations under a provision of the Clean Air Act, known as "new source review," that makes it easier for utilities, refineries and other industrial facilities to make improvements and expand operations without installing additional pollution controls.

The Clinton-era lawsuits were filed to address abuses in that program.

"If we clean up the offending power plants, the new source review issues go away," Leavitt said.

The Bush EPA proposal would cap emissions of acid rain-causing sulfur dioxide and smog-causing nitrogen oxide from hundreds of power plants in 30 states, most of them east of the Mississippi River. It includes a pollution trading system to allow states, utilities and companies to trade pollution allowances if overall caps are maintained.

Leavitt called the proposal "the biggest investment in the air quality improvement in the nation's history" and estimated it would cost industry \$50 billion over a decade to comply. The result, he said, would be a reduction of nearly 70 percent in sulfur pollution and 40 percent in the smog-causing chemical.

Bill Becker, who heads a group for state and local air pollution control officials, said the administration is trying to have it both ways.

"It is very difficult to pursue the enforcement of existing lawsuits with rules that EPA no longer supports. While the agency says they're going to pursue these lawsuits, their heart has led them into a totally different direction, and one that provides huge loopholes in the enforcement of that program," he said.

On the Net:

EPA: www.epa.gov/air/nsr-review <<http://www.epa.gov/air/nsr-review>>

State and local air pollution controllers: www.cleanairworld.org
<<http://www.cleanairworld.org>>

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Mother Nature credited with helping clean Valley's winter air

By Jackie Kaczmarek - Turlock Journal

Mother Nature seems to have done her part in helping keep Stanislaus County's air clean so far this winter, according to the agency charged with improving air quality from Stockton to Bakersfield.

Beginning Nov. 1, mandatory wood-burning regulations went into effect -- and last until the end of February -- to help reduce the amount of particulate matter, which is present in wood smoke.

No restrictions have been in effect so far in the northern part of the Valley, which includes Stanislaus County, according to Anthony Presto, public education representative for the San Joaquin Valley Air Pollution Control District.

Presto, who is based in Modesto, said it's still too early to tell if the regulations have done their part in helping keep the winter's air clean.

"As we had stated when they first came out, if enough people participate when we have days that wood-burning is discouraged, we should have less days that it's prohibited," he said.

He added that, despite the amount of rain over the past couple of months, the restrictions have "had some success, because wood-burning wasn't prohibited in the Northern Valley."

Mandatory no-burn days were instituted in Fresno and Kern counties, however, but Stanislaus County has so far only had nine "discouraged" days this winter.

"The rain and storms were a great help," said Presto.

The regulations are designed to reduce fall and wintertime air pollution caused by wood-burning fireplaces, stoves and inserts.

Residents in affected counties are prohibited from burning solid fuels such as wood, manufactured firelogs and pellets when air quality is forecast to be unhealthy -- an Air Quality Index of 151 or higher.

During cooler weather, when chimney smoke meets the Valley's chilly fog, ground level air cools and slides down onto the valley floors, trapping smoke and other air pollution close to the ground.

Presto said the winter pollution caused by burning wood is completely different from the smog that is prevalent in the Valley during the summer. This pollution comes in part from vehicle emissions, and is compounded by sunlight and heat.

Wood smoke accounts for about one-third of particulate matter - or PM10 - in the air; the remaining two-thirds comes from agriculture and industry, which are already being regulated by the air district.

Residents can find the daily wood-burning status by calling 1-800-SMOG-INFO, logging onto www.valleyair.org, or checking the front page of the Turlock Journal.

Air district inspectors perform surveillance and investigate complaints they receive of wood-burning during "no burn" days. Violations of the prohibitions result in fines. To report violations, call 1-800-281-7003.