

Valley air district adds farm enforcers Permits will pay \$1.6m needed for 18 new workers, officials say.

By Mark Grossi

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The cost of fighting farm air pollution in the San Joaquin Valley just went up \$1.6 million.

That's the annual price tag for 18 new San Joaquin Valley Air Pollution Control District employees who will help enforce unprecedented farm regulation in the next few years.

The district governing board Thursday approved the positions to assess farm pollution and process federal air operating permits for some of the Valley's 28,000 farms and 5,500 livestock operations.

Fees from thousands of new permits for farms are expected to pay for the additional employees.

The far-reaching agricultural pollution control is required under a new state law, Senate Bill 700 by Sen. Dean Florez, D-Shafter. The law could more than double the number of federal air permits in the Valley.

SB 700 last year ended a decades-old farm exemption for federal air operating permits that are required of other large industries. Because the \$14 billion farm industry had not been considered a significant pollution source, air authorities don't know how many farms will be regulated.

As many as 9,000 farms could come under new regulation. But investigation may show that they number fewer than 5,000.

"There's a lot we need to learn," said Seyed Sadredin, director of district permit services.

The learning curve will be steep. Large farms must file an application for a federal operating permit by Jan. 1, 2005. The additional staff also will assist in another deadline - June 1, 2005, when the district begins phasing out farm burning.

The board also approved \$250,000 in building modifications to accommodate the new employees.

Board members asked staffers for a continuing accounting of the new workers' progress. They also asked how farmers will know that they are supposed to contact the district for a possible permit.

"Do you have a [set of] criteria?" asked board member Judy Case, who is a Fresno County supervisor. "Do you have a benchmark that I can tell people?"

Sadredin said the district does not yet have firm numbers as benchmarks. At the moment, he said, farms 360 acres and larger should inquire, and so should dairies with 2,000 or more cows.

But farms can vary widely in their practices and equipment, staffers said. In general, the air district is focusing on diesel engines used on water-well pumps and other equipment.

"The ultimate criteria is pollution being generated," Sadredin said.

If a farm produces 12.5 tons of pollution or more per year, the grower must apply for the federal air operating permit, which requires an annual fee and catalogs pollution.

But the threshold may be lowered to five tons soon because the Valley appears headed to the worst category of smog polluters. The air district last month asked the federal government for the lowest classification to extend the Valley cleanup deadline to 2010.

Federal officials are expected to approve the move. If they do, the 5-ton threshold would be enforced, pulling more farms into the permit program.

Farm representatives, who opposed major parts of SB 700, supported the hiring of 18 new air district employees, saying the move is necessary to comply with the law.

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Homeowners rail against tracts

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A turf battle between Rio Bravo Country Club homeowners and a new development next door came before the Bakersfield Planning Commission Thursday night. But the fight was more about asphalt than turf.

Homeowners own Vista Grande Drive, which currently runs near the north end of a series of three housing tracts planned to the east of their high-dollar homes.

"The street is not owned by the city of Bakersfield," said homeowners association president Randy Steinert. "It is private property subject to the use of homeowners."

He said homeowners don't want outsiders on the streets they own and maintain.

Steinert and a host of other community members called for the commission to deny the tract maps and preserve their safe streets.

"I don't want any additional traffic coming down Vista Grande. I have three small children," said homeowner Greg Flanagan.

Leo Hinds said allowing traffic from other developments to drive through their streets will hurt the value of homes worth at least \$600,000.

Other speakers said they don't want the construction of new homes in the area to ruin their neighborhood.

Representatives of the developer, GFC Properties, said that the rights to build homes in the new tracts were established at the same time the same building rights were given to the homes the speakers now own.

But they said the developer is willing to cut any access between Vista Grande and their tracts.

"What the whole situation tonight boils down to is the access onto Vista Grande," said attorney Tom Fallgatter. "We fundamentally have no difference with the neighbors."

But city staff had concerns that cutting off access to Vista Grande would cause traffic problems by limiting the number of ways out of the new tracts.

One of the three tracts was continued at the request of the developer and planning commissioners decided to delay action on a second tract to give the city time to investigate

closing of access to Vista Grande. No action on the third tract had taken place at press time Thursday.

Planning Commissioners did approve a new project that would bring 425 "active" senior homes to land near Stockdale Highway and Allen Road in northwest Bakersfield.

A spokesperson for the Del Rio Area Concerned Citizens community group spoke in favor of the project on the condition it stay a seniors community.

Bruce Freeman, president of developer Castle & Cooke, said the project will be a sequel to The Greens, the company's popular seniors community in Seven Oaks.

Commissioners debated the impact of the project on air quality after a representative from the Clean Water and Air Matter group called the pollution report on the project into question.

But six of the seven commissioners said their concerns had been satisfied by the end of the discussion and several praised the landscape-heavy design of the project.

Commissioner Burton Ellison voted against the project, saying air quality questions had not been fully answered.

Commissioners also listened to comments about a bridge that is planned to carry Allen Road across the Kern River. The hearing was part of the process of approving the environmental study of the project.

Design and construction phases would follow over the next two years.

The \$6 million bridge project would provide a six-lane bridge across the river.

Eastern Kern faces fireplace restrictions

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DEBBY BADILLO, Californian correspondent

TEHACHAPI -- A rule is in development that could limit the installation of conventional wood-burning fireplaces in eastern Kern, but only in new homes. The Kern County Air Pollution Control District decided Thursday to begin drafting a rule that, if approved, would require new developments with 10 or more homes to include only fireplace inserts or pellet stoves, but not regular wood-burning fireplaces.

Existing homes with fireplaces would not be affected by the rule.

Besides producing less air pollution, the inserts and stoves are also better choices in terms of health, said air pollution control officer Tom Paxson, because they send fewer microscopic particles into the air to aggravate chronic heart and lung diseases.

The district oversees air quality issues for eastern Kern County. Although Paxson originally presented the fireplace rule idea for only the Antelope Valley part of the district, or California City, Mojave and Rosamond, the board decided to include the entire district, which also includes Tehachapi, Ridgecrest, Lake Isabella and Kernville.

"This way people can build a \$200,000 house and know what to expect," director Marshall "Chip" Holloway, Ridgecrest mayor pro tem, said.

The proposed rule will be fine-tuned in workshops before a final version is brought to the district's board for approval.

"It seems no longer relevant to have to burn wood. Most people in the city burn natural gas for heat," Tehachapi City Manager Jason Caudle said Monday. "From an environmental standpoint it's a good thing to do."

At least two housing developments that would be affected by the rule have been approved by the Tehachapi City Council in recent months.

Also last week, the board approved an air quality report that finds east Kern air to be within state guidelines for ozone levels as long as air samples that originate only from east Kern are monitored. The problem, according to Paxson, is that pollutants from the San Joaquin Valley, and even the San Fernando Valley, are carried here on the wind and cause an increase in the measured levels of ozone and other pollutants.

East Kern will fully attain the standards when the San Joaquin Valley reduces its own ozone levels enough so they don't cross the district's boundaries, Paxson said.

The Kern County Air Pollution Control District only has jurisdiction over eastern Kern County -- generally defined as starting at the Sierra Nevada foothills on the west and running east to the county line.

The San Joaquin Valley Air Pollution Control District oversees the western, or valley, portion of Kern County. It has already adopted restrictions on fireplaces in new construction.

In other business, the board reappointed Jon McQuiston, Kern County District 1 Supervisor, board chairman for 2004, and Don Maben, county supervisor for District 2, was named vice chairman.

Editorial

Mixed signals

The White House loves air cleanup efforts -- if they're toothless.

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The U.S. Supreme Court heard arguments Wednesday in a Southern California case that could have a major impact on efforts to clean the Valley's polluted air. The outcome merits close attention.

At issue is whether the South Coast Air Quality Management District has the power to order owners and operators of large fleets of vehicles to switch to low-emission or alternative fuel cars and trucks to reduce smog and toxic emissions.

AQMD, as the district is known, presides over a large part of the Los Angeles Basin, which has boasted the nation's dirtiest air for years -- until recently. By some measures, our Valley has overtaken Los Angeles as the nation's worst.

The larger issue in this case is the question of just how serious the Bush administration is when it comes to clean air. There's plenty of reason for skepticism. Down south, the air district has tried to meet federal Environmental Protection Agency standards by ordering the retrofit -- over time and with many exceptions -- of large public and private sector vehicle fleets. Yet it is the Bush administration that argued strenuously before the court on behalf of business interests that oppose the rule.

The administration has also tried to gut the Clean Air Act, and sought changes that would let heavy polluters in the energy business off the hook for making their operations cleaner.

Vehicle exhaust accounts for about 70% of the carcinogenic toxins in the air above the Los Angeles Basin. The figure is around 60% here in the Valley. The day may come -- and perhaps soon -- when the San Joaquin Valley Air Pollution Control District needs to

use this particular tool as well. It would be a shame if the court ties the hands of the Los Angeles district, and doubly so if that ruling makes things harder here.

It's not as if this task is going to be easy, even with all the tools at hand. If we lose some of those tools, it just gets harder.

LASTGASP

"We can't go on living this way.

And we won't."

Supreme Court has a chance to keep Bush administration focused on clean air.