

[Fresno Bee Editorial](#)

**Hold your breath - High court puts an obstacle in the path toward cleaner air in state**

Monday, May 3, 2004, 5:05 AM

Clean air standards don't mean anything if regulators aren't given the tools to meet those standards. Last week the U.S. Supreme Court snatched away another useful tool regulators had used to clean Southern California's dangerously dirty air.

The high court ruled, 8-1, that the South Coast Air district cannot enforce a regulation forcing private fleet operators to purchase cleaner-running vehicles when they buy new ones. Because of that regulation, some 5,500 clean-fueled buses, trucks, shuttles and taxis had displaced smog-spewing diesel vehicles on Southern California roads.

But under the law, progress in cleaning the air doesn't count for much. The court majority found that the purchase rule amounts to the setting of emission standards in violation of the Clean Air Act, which specifically reserves that power -- with one exception -- to the federal government. Despite the ruling, there is still a glimmer of hope for the people who breathe Southern California's polluted air. While the South Coast Air Quality District is precluded from imposing its own emission standards, the state of California is not.

Because it regulated vehicle emissions even before the federal government attempted to legislate in that area, California has special authority to set higher standards than the feds. That authority is what allows California alone among the 50 states to require zero emission vehicles, hybrids and other clean car technologies. Using the state's authority, the California Air Resources Board could apply for a waiver with the federal EPA to reimpose the Southern California rule that the Supreme Court invalidated. The board could even seek to expand it beyond the South Coast.

Because the Bush administration joined the engine manufacturers and oil companies that sued Southern California regulators, it's doubtful that a Bush EPA would grant such a waiver. Still, state and regional regulators are weighing their options. They are right to do so. They must keep pushing wherever and whenever they can. If California fights hard to enforce tough standards, we can all breathe cleaner air. If it doesn't, we choke.

[The Fresno Bee](#)

**EPA approves Valley plan to clean up air - But environmentalists say 'delay' will prompt another legal battle**

By Mark Grossi

Friday, April 30, 2004, 6:07 AM

The federal government Thursday approved a San Joaquin Valley plan to clear the air of dangerous dust, soot and chemical particles -- seven years after local authorities first submitted such a plan.

The U.S. Environmental Protection Agency's approval of the Valley's first official particle cleanup plan will prompt a lawsuit over the extension of the cleanup deadline from 2006 to 2010 as well as a lack of rules, environmentalists said.

"This is a pattern ... of delay," said Earthjustice lawyer Anne Harper, representing the Sierra Club, Medical Advocates for Healthy Air and Latino Issues Forum. "This is the most deadly form of air pollution. The studies show 1,200 people per year die in the Valley as a result of particulate matter pollution."

An EPA official disputed Harper's claim about delay. He said the job will be finished as fast as possible. "We're not allowing anything to be put off," said Kerry Drake, associate director of the

EPA's regional air division. "We're bringing in an entire industry -- agriculture -- that has not had this kind of control before. They're getting the program going this year. We're satisfied that they're moving." By December, farmers will choose ways of reducing pollution, such as fewer passes over fields for tilling or harvesting. Officials expect the biggest pollution cutbacks to come from agriculture, which accounts for one-third of the Valley's problem.

The Valley, stretching from Stockton to Bakersfield, ranks behind only Phoenix and Los Angeles for particle pollution. The 25,000-square-mile area's bowl shape and often windless weather patterns help hold such pollution for days.

The EPA did not act for five years on the 1997 cleanup plan submitted by the San Joaquin Valley Air Pollution Control District. When faced with disapproval of the plan, the air district updated and expanded its measures in a 2003 plan.

EPA officials have said they didn't act on the 1997 plan because it was not adequate. But environmentalists say the agency was ignoring the Valley and only moved because of their lawsuit that was settled last year.

In the settlement, the EPA agreed to come up with its own stringent controls by August of this year if the air district had not come up with an approvable plan. During the past 14 years, the air district has made rules to hold down particle pollution, but the Valley has never had an approved cleanup plan, nor has it ever achieved the health standard.

"Now, there's a plan. That's the main message," Drake said. "There's a road map to reach attainment, and I think we will get there." Air district officials said they worked with the EPA in making the PM-10 Plan -- aimed at cleaning the air of particulate matter 10 microns wide or smaller. A human hair is about 70 microns wide. Dust, soot and other pollution can trigger asthma and other breathing disorders. The pollution has been associated with heart attacks and heightened mortality rates. The most recent medical studies show the tiny specks attack the body's cells.

The plan calls for reducing particle pollution from 329 tons a day to 284 tons. The particles come from farms, construction, unpaved roads, diesel engine emissions and many other sources. Officials also want to reduce nitrogen oxides, which come from vehicles, industrial boilers and other combustion sources. The pollutant combines with ammonia to make a tiny chemical speck during the winter.

Lawyer Brent Newell, representing the Valley activist group Association of Irrigated Residents, said the plan also should attack the ammonia emissions, most of which come from dairies. He said his clients will consider filing a lawsuit as well. "It boggles the mind that they wouldn't go after ammonia," he said. But air district Planning Manager Dave Mitchell said only one of the two chemicals needs to be eliminated to prevent the tiny speck from forming. "Controlling for the nitrogen oxides is most efficient because it also helps in ozone reduction," he said.

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#### [Fresno Bee Editorial](#)

#### **A firm grip - Valley residents have a pretty clear view of region's virtues, problems**

(Updated Friday, April 30, 2004, 5:50 AM)

Most of us here in the Valley like the place we live, and that's no surprise. We also think the region will be even better in the future. That's encouraging. We also see the downsides of Valley life, and that's also encouraging, in its way. The combination of faith in the future and a clear-

eyed perspective on our problems is essential if we are to solve those problems and make that future real.

Those are the conclusions we draw from the latest version of a survey conducted by the Public Policy Institute of California on the Central Valley, the area that stretches from Redding in the north to Bakersfield and the Tehachapis in the south. The survey was prepared with the help of the Modesto-based Great Valley Center.

Some highlights:

About 70% of people living in what the survey calls the "south San Joaquin Valley" -- Madera, Fresno, Kings, Tulare and Kern counties -- called this an excellent or good place to live. But that was the lowest positive response among the four regions, including the "north San Joaquin Valley," the Sacramento metropolitan area and the northern Sacramento Valley.

Air pollution is the No. 1 concern of people in the Central Valley, named by some 45% of those responding in the survey. Moreover, that figure has grown dramatically in just a few years, from 28% in 1999. Awareness of air quality problems is even greater in the south San Joaquin Valley - this region -- with 62% of residents rating it as a big problem.

Some 15% of south San Joaquin Valley residents said they are very satisfied with their area's job opportunities. The other side of that coin is that 85% of the people here are not. Residents are more concerned with affordable housing than they used to be. Only 19% say they are satisfied with housing opportunities, compared with 37% in the 1999 survey.

Local government continues to get high marks from about 40% of the respondents, along with public safety agencies and recreation opportunities.

All in all, it appears that we know what we've got here, and we know what's putting it at risk. Those are positive qualities to take into the coming years, with all the changes we can't foresee, but can certainly expect.

[Los Angeles Times](#)

**Air Quality Experts Decry New Bush Policy - The EPA modelers say science is being altered to suit objectives. U.S. officials reject notion.**

April 29, 2004

By Elizabeth Shogren, Times Staff Writer

WASHINGTON - Career government experts in the arcane field of air quality modeling have joined to oppose a new Bush administration policy that they say threatens air quality over national parks and wilderness areas. In a rare internal protest, they contend that science is being manipulated to suit policy objectives. The air quality modelers in all but one of the Environmental Protection Agency's 10 regions have told their bosses that they believe the policy, which alters the air quality modeling for North Dakota's national parks and wilderness areas, represents "substantial changes from past air quality modeling guidance . and accepted methods." They also warned that the policy change "could set a precedent" for other regions, according to an internal EPA memo dated April 21.

Veteran EPA officials said the agency's modelers decided to take a stand against the policy because they were offended by what they termed the administration's efforts to use science to mask a policy change that would hurt air quality. They also were worried that the new policy would make it more difficult to protect the air over federal lands. "I was aghast," said one of the modelers, who spoke on the condition that he not be identified. The modelers said they decided to write the memo despite fears of repercussions.

"This is what our job is - to protect air quality," the modeler said. "If we don't speak up at a potential threat like this, what are we for?" Bush administration officials involved in the new policy rejected the notion that they had altered the science to meet their policy aim. "That's ridiculous," said Bill Wehrum, counsel to the EPA's air office. "Absolutely untrue. "We've been accused of trying to give the state a break, but that's not the case."

The EPA's regional modelers and the analyses they produce are so deep in the agency's bureaucracy that they escape public notice. But their work can make a crucial difference in determining whether industries can increase pollution and whether the air will become clearer or more healthful.

"This is an unprecedented stand by career EPA scientists who are fighting for integrity in the basic foundation of EPA's air pollution control policies," said Vickie Patton, a former EPA career employee who is now an attorney for Environmental Defense, a national environmental group.

Analysts who follow the way the Bush administration has been running agencies that deal in science said the modelers' complaint echoed critics' concerns that the administration had adjusted scientific analysis - on issues from global warming to AIDS - to meet political objectives. The risk, they said, is that the public would begin to question the credibility of the government's science and the regulations that stemmed from it.

"Americans have great doubts about government in many areas, but where government has always been strong has been on the science," said Paul Light, a professor of public service at New York University. "There hasn't been a consistent perception of government manipulation of the facts. But this administration is doing considerable damage to public confidence in the facts."

Some veteran EPA officials said the case of the new modeling techniques for the air over North Dakota's national parks and wilderness areas was a perfect example.

"The modelers believe it was manipulated in a manner to give a predetermined answer," said another longtime EPA official, who also spoke on the condition of anonymity. "Much of the concern of the modelers is that the agreement that was reached with the state of North Dakota allows them to manipulate the data in a way that will demonstrate less of an impact [from polluting power plants] than was actually occurring."

The Clean Air Act provides special protection for the air over national parks and wilderness areas, allowing only minor increases in pollution. Modeling done by EPA's Region 8, which includes North Dakota, found that pollution in the state had increased since 1977, the baseline year, and that the state would have to force reductions in pollution before it could allow more power plants to be built. The state, which has ample supplies of coal, wants to open more plants so it can produce and export energy to other areas.

The modelers specifically criticized the new policy for allowing the state to choose the year it wants as the baseline, which shows whether pollution has increased more than the minimal amount allowed; the higher the pollution in the baseline year, the more pollution that will be allowed in the future. A 2002 analysis by the EPA's Region 8 suggested that allowing facilities to pick their baseline years could more than double the pollution levels.

But administration officials said they let the state pick the baseline years because regulations allowed them to do so. The EPA modelers also criticized the policy for letting state modelers use average emissions over the whole year, rather than periods of peak emissions.

But Bush administration officials countered that they opted to use annual emissions because there were no good data on peak emissions days from the late '70s.

What troubles the modelers most is that the changes the administration made to modelers' general practice all appear to allow higher levels of pollution. That, in turn, opens the way for the state to allow more power plants without requiring costly pollution controls on existing facilities.

"If you rearrange your science to fit your goal, that's not really science," said the first unnamed EPA official. But a director in the EPA's office of air quality, planning and standards, Bill Harnett, disagreed.

"It isn't about allowing more pollution," said Harnett, a longtime career official. "What it's about is doing the analysis in a manner consistent with our rules and with what Congress intended."

[Los Angeles Times](#)

### **Supreme Court Curbs AQMD in Smog Battle**

By Miguel Bustillo, Times Staff Writer

April 29, 2004

In an 8-1 ruling, U.S. justices say the Southern California air quality agency went too far in making private firms buy low-pollution vehicles for fleets.

Southern California air quality officials overstepped their authority when they required private trash haulers, bus lines and other companies to purchase low-pollution vehicles for their fleets, the U.S. Supreme Court ruled Wednesday.

The 8-1 decision significantly sets back a broad effort by the South Coast Air Quality Management District, the regional smog agency, to expand its reach and tackle the biggest sources of smog-forming exhaust: cars, trucks and other motor vehicles.

The federal government has primary authority over those pollution sources, and local regulators assert that federal officials are not doing enough to help clean the air in Southern California.

The ruling could also forecast trouble for other efforts by California officials to press the state's authority to push new air pollution regulations, some legal experts said.

Because Southern California has the nation's worst pollution problem, regional smog officials - responsible for air quality in Los Angeles, Orange, Riverside and San Bernardino counties - have long had the right to set tougher standards than the federal government for factories, power plants and other stationary sources of pollution.

But that authority does not help in handling emissions from cars, trucks and other vehicles, which account for about 70% of the region's smog. To address that pollution, air quality regulators had argued that the federal Clean Air Act gave them the power to impose the anti-pollution requirements on fleets of vehicles. Because they were not regulating the manufacture of vehicles, just limiting the types that local fleet-owners could buy, the regulations did not overstep their power, the local regulators argued.

The Bush administration disagreed and sided with engine manufacturers and oil companies that sued the California regulators. In the decision, eight of nine justices took the industry's side, saying Congress specifically sought to keep local officials from taking such measures when it debated the Clean Air Act.

"The manufacturer's right to sell federally approved vehicles is meaningless in the absence of a purchaser's right to buy them," Justice Antonin Scalia wrote in the court's opinion.

"If one state or political subdivision may enact such rules, then so may any other; and the end result would undo Congress' carefully calibrated regulatory scheme," he added.

Justice David H. Souter was the sole dissenter. He argued that although Congress sought to prevent local agencies from adopting regulations that resulted in a hodgepodge of engine standards around the country, AQMD officials were simply requiring fleets to choose among some current clean-engine technologies.

The Clean Air Act, he argued, does not prevent "one of the most polluted regions in the United States from requiring private fleet operators to buy clean engines that are readily available on the commercial market."

Since their adoption in 2000 and 2001, the rules have put more than 8,900 low-polluting trash trucks, transit buses, airport shuttles and passenger cars on Southern California roads, AQMD officials said.

More than 60% of the region's transit buses are running on cleaner alternative fuels, such as natural gas. By 2010, the rules were projected to erase 4,780 tons per year of polluting emissions, including 2,699 tons of carbon monoxide and 1,931 tons of nitrogen oxides, key component of smog.

The ruling comes at a time when Southern California smog fighters are losing ground in their battle to clean the air after decades of gains. Last year, the area experienced 68 bad air days, a 28% increase from the previous year and nearly 50% more than in 2001. Last summer, air quality officials declared the first Stage 1 health alert since 1998. The public warning that the air was dangerous for everyone to breathe was one officials had thought they might never need to issue again.

The court's decision was welcomed by engine makers, who argued that the local rules prevented private companies from buying the vehicles they wanted. It was denounced by environmentalists and local air regulators, who were particularly angry that the Bush administration had entered the case on the side of industry.

California and 16 other states, along with the National League of Cities, National Assn. of Counties and National Conference of State Legislatures, had filed friend-of-the-court briefs supporting the AQMD.

"We're scrapping for every possible cost-effective pollution control strategy. Here is an example of a metropolitan area that is demonstrating leadership, and the rug is being pulled out from under them," said Bill Becker, executive director of the State and Territorial Air Pollution Program Administrators Assn. in Washington.

Regional regulators elsewhere in the country may now steer clear of innovative rules for dealing with air pollution problems in their backyards, he said.

"There seems to be a pattern at the federal level of taking away regulatory tools that state and local regulatory agencies have to clean up the air," Becker said. "We expected the administration to at least remain neutral."

Bush administration officials have maintained that they were not attempting to undercut the state's power. "The driving force here was a genuine fear that every county and local agency would come in with their own fleet rules and distort what should have been a uniform national marketplace," said attorney Carter G. Phillips, who argued the case on behalf of the Engine Manufacturers Assn. and the Western States Petroleum Assn.

"In the long run," he argued, the ruling "should actually be beneficial to the environment, because there have been substantial gains in clean diesel technology, and now those manufacturers have more incentive to pursue those efforts."

A spokesman for the U.S. Department of Justice declined to comment on the ruling Wednesday. Barry Wallerstein, the AQMD's executive officer, said the local agency would continue trying to apply its fleet requirements as broadly as legally possible to reduce air pollution. "We are disappointed in the decision by the court," he said in a statement.

But Wallerstein and other officials noted that although the court ruling said the AQMD could not require private companies to buy lower-polluting vehicles, the agency would try to continue placing that requirement on fleets owned by public agencies. The AQMD will also try to require the cleaner engines for trash haulers and other private firms that have contracts to provide city services, officials said

"We think a strong argument can be made that a public agency that is contracting with a waste hauler - as opposed to buying those trucks - is still essentially [making] a state purchase decision," said AQMD spokesman Sam Atwood.

Engine makers vehemently disagreed with that interpretation. "If that is their position, we may have another fight on our hands," said Jed Mandel, president of the Engine Manufacturers Assn.

[Los Angeles Times](#)

### **Top Court Ruling as Foul as L.A.'s Air**

April 30, 2004

Steve Lopez: Points West

After much hand-wringing, and a nudge from the United States Supreme Court, I've decided my Nissan Sentra was a big mistake.

First of all, I live in a city where style matters, and the Sentra was designed without a single distinctive characteristic. It doesn't even feel like a car, my boss said recently as we toiled through Echo Park completely unnoticed. It's like a pod that might be used for space travel.

And then there's the nation's highest court, which ruled this week that Southern California is trying entirely too hard to clean up air that ranks as the foulest in the nation.

I suppose I could keep folding myself into a cramped, light, fuel-efficient Nissan. But what's the point? Eight out of nine Supreme Court justices wagged a finger at the South Coast Air Quality Management District for requiring private companies to use alternative-fuel vehicles that spew less pollution.

Justice Antonin Scalia explained the ruling, which was cheered by the White House, engine manufacturers and oil companies. "If one state or political subdivision may enact such rules," Scalia said, "then so may any other; and the end result would undo Congress' carefully calibrated regulatory scheme."

Hallelujah! There's no telling what irreparable harm would befall the planet if we messed with Congress' carefully calibrated regulatory system.

If Southern California selfishly insisted on going the extra mile to improve air quality, what would prevent the Bay Area from trying to clean up its smog problem? Or the Central Valley, for that matter? Or Phoenix and Denver?

I have to admit the idea of clean air used to hold some appeal for me. But Ken Lay essentially helped write the nation's energy policy in a secret meeting with Vice President Dick Cheney, right?

And Environmental Protection Agency scientists are complaining that a Bush administration policy threatens air quality at national parks, for crying out loud. What hope is there?

Besides, I've been riding the bus for two months because of an accident that temporarily took my wheels away, so I've done my part for conservation. Now that I'm ready to drive again, I don't want half measures. I want to gas up a two-ton hog and plow through every national park from sea to shining sea.

"I'm going to get the biggest vehicle available," I told Todd Campbell of the Coalition for Clean Air, explaining that my lowly Sentra was history.

"Well," Campbell said, "you can be part of the problem, or you can be part of the solution." He said responsible citizens should support the fight to require public agencies, if not private companies, to use low-pollution buses, trucks and cars. If we don't cut emissions by the year 2010, he said, Southern California will lose \$12.1 billion in federal transportation funds.

The Los Angeles area has been backsliding on air quality after years of progress, Campbell said, which helps explain why the poisonous muck trapped by the San Gabriel Mountains earlier this week was dark enough to serve as a duck blind for Justice Scalia.

We're talking about threatening the health of our children, Campbell pleaded. "Why do we have to go to the point where people start dropping off and dying before we do something?" he asked. "Especially when we have the technology available to reduce emissions?"

I don't know, but it might have something to do with Congress' carefully calibrated regulatory scheme, if not its unflagging courage when it comes to handling Detroit. A new EPA report tells us fuel economy has been stagnant for five years and is nowhere near as good as it was 15 years ago.

"We're guzzling dramatically more gas than we were in the 1980s," a global warming expert told the New York Times, "so no one should be surprised that we're paying more at the pump, in hock to OPEC, and poisoning the atmosphere."

For this, we can thank congressional representatives who would rather drink boiling radiator fluid with Crazy Straws than stand up to the auto and petroleum lobbies and demand better mileage.

And we can thank American consumers who keep buying vehicles big and powerful enough to transport entire soccer teams, scale Half Dome and invade hostile nations.

A couple of days ago, I had a terrifying moment on the highway when a Hummer passed the Sentra off my left flank. My entire vehicle was almost sucked into the Hummer's wheel well.

If anyone's interested, the Sentra is yours for a song. I'm going with the Dodge Fallouja or Chevy Basra, if not the Ford Extinction.

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Steve Lopez writes Sunday, Wednesday and Friday. Reach him at [steve.lopez@latimes.com](mailto:steve.lopez@latimes.com) and read previous columns at <http://www.latimes.com/lopez>

[Los Angeles Times](#)

**Smog District Will Not Back Down in Pushing Fleet Rules**

By Miguel Bustillo, Times Staff Writer



April 30, 2004

Air pollution officials say court ruling does not prevent them from imposing standards on publicly owned and contractor vehicles.

Despite this week's U.S. Supreme Court ruling, Southern California air pollution officials say they will still attempt to require most large-vehicle fleets to buy low-polluting trucks and cars - a move that is certain to spark more court battles with industry groups.

On Wednesday, the high court invalidated rules that had allowed the South Coast Air Quality Management District to require private trash haulers, bus lines and other companies to buy low-pollution vehicles for their fleets.

But AQMD officials maintain the ruling does not bar them from imposing the same requirement on publicly owned fleets or on private firms that provide city services - a contention hotly disputed by the engine manufacturers that prevailed in the lawsuit decided Wednesday.

The entire controversy boils down to a disagreement over diesel engines.

Manufacturers of diesel engines, along with an oil industry group, sued the AQMD because it had barred the owners of the private fleets from buying their products in the greater Los Angeles area, despite advances in clean diesel technology. The Supreme Court concluded Wednesday that the air district had overstepped its authority under the Clean Air Act.

Industry groups now say the decision should clear the way for street sweepers, bus lines and others bound by the rule to buy new diesel engines that emit far less pollution than older models.

"The Supreme Court decision is great for anyone who breathes, because it will allow some of the most promising technologies available to be used," said Anita Mangels, a spokeswoman for the Western States Petroleum Assn. "By insisting inappropriately on setting standards, South Coast was denying Southern Californians the ability to purchase one of the cleanest technologies."

But South Coast officials firmly maintain that the new diesel engines, although improved, are still far from clean compared with alternatives such as engines that burn natural gas.

"The fact is that diesel remains a much higher source of NOx emissions than natural gas, even with the new technology," said AQMD spokesman Sam Atwood, referring to nitrogen oxide gases, one of the main ingredients of smog. Atwood contends that the fleet rules allow companies to make a case for diesel trucks or any other technology if they can show it is as clean as natural gas.

Under the Supreme Court's ruling, key details of the decision are still to be worked out by a lower court in California.

Since the rules were adopted in 2000 and 2001, they have put more than 8,900 low-polluting trash trucks, transit buses, airport shuttles and passenger cars on Southern California roads, according to air district officials. By 2010, the rules were expected to have eliminated 4,780 tons per year of harmful emissions, including 1,931 tons of nitrogen oxides.

The 8-1 decision by the court also noted that local officials could still impose fleet rules by receiving the approval of the California Air Resources Board as well as the U.S. Environmental Protection Agency. Air district officials said they would seek such approvals if necessary to save the rules.

"We think the plaintiffs in this case were strictly trying to protect their market share, not thinking about how to clean the air," Barry Wallerstein, executive officer of the South Coast air district,

said of the Engine Manufacturers Assn. and the Western States Petroleum Assn. "What has helped clean diesel, quite frankly, has been these fleet rules, because they have created competition that has forced the diesel engine manufacturers to improve their performance .. But we need further progress."

Traditional diesel engines are among the worst pollution sources in Southern California, contributing heavily to smog-forming gases and particulate matter, tiny particles that can become lodged in the lungs, causing respiratory problems. Heavy-duty diesel vehicles and stationary diesel engines are responsible for 70% of the air pollution cancer risks in Southern California, according to a study by the air officials.

However, some private firms with large-vehicle fleets contend that there are few cost-effective alternatives available - outside of the newer diesel technologies.

"A government agency is trying to regulate how we do business to reduce pollution, and to a degree I understand that," Timothy Dillon, safety and environmental officer for Foothill Waste Reclamation, said of the air district's fleet rules. "But they seem to be turning a blind eye to some technologies. It's as though we're only allowed to look at one technology."

#### [Los Angeles Times - LETTERS TO THE EDITOR](#)

May 2, 2004

#### **The Justices Should Have to Breathe Our Air: Re "Supreme Court Curbs AQMD in Smog Battle," April 29:**

Thank you, Bush administration, for siding with engine manufacturers and oil companies (how wildly predictable) in the Supreme Court battle against the South Coast Air Quality Management District.

Anyone who hasn't been in a coma since the Bush regime was installed by that court knows what little regard the administration has for the environment; but as the mother of two small children living in the San Fernando Valley, I take this one personally.

Bonnie Burroughs Pierone

North Hollywood

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I've got an idea: Let's invite the justices of the Supreme Court to live in Southern California for a while.

After a few months of breathing our air, I'll bet they'd be more inclined to think of the AQMD's power to set pollution standards as a states' rights issue.

John Wolfenden  
Sherman Oaks

#### [Fresno Bee - South Valley - Letter to the Editor](#)

**When will we wake up to Valley's air quality problems?**

Friday, April 30, 2004, 6:18 AM

As a resident of Kingsburg breathing San Joaquin Valley air for 18 years and a student studying the effects of the Valley's ever-worsening air quality, I don't see nearly enough action being taken to remedy the problems, or even significant awareness about it.

I have spent much of the past year analyzing the sources and effects of local air quality as a class project, asking the advisers of our state representatives about the issue in the nation's capital. I have presented our class experiments and conclusions at local Sierra Club meetings and a global environment workshop in Croatia, and have learned so many frightening facts about our air quality in the process.

Few people know that a lifetime of breathing Valley air can shorten the average life-span by five years; that the Valley's eight-hour ozone levels have surpassed Los Angeles' as the worst in the nation. The Valley has one of the most significant levels in the nation of PM2.5, microscopic particles of dust that lodge in the lungs and cause long-term health problems.

Legislation to outlaw fireplace burning on certain days has met strong opposition, but we're all suffering the consequences. Is the legalization of cigarette smoking in public much different? Our Valley is rapidly becoming the most polluted area in the entire nation. Serious reduction of industrial, vehicle and agricultural air pollution needs to rise to the top of our political agenda. How much longer can we stand to pollute our Valley, our neighborhoods and ourselves?

Scott Foletta  
Kingsburg.

By Bee Metro Staff

### **Sacramento region among top 10 in U.S. for pollution**

Published 2:15 am PDT Friday, April 30, 2004

SACRAMENTO - The Sacramento region ranked in the top 10 nationwide in two air pollution categories, according to the 2004 American Lung Association of Sacramento-Emigrant Trail's State of the Air Report.

In the report, released Thursday, the region ranked seventh in the nation for ozone pollution and eighth worst for short-term particulate pollution.

The region received an "F" grade for ozone pollution, the report said, but received a passing grade for levels of particulate pollution measured throughout the year, and is not among the 24 metropolitan areas most affected by year-round particle pollution.

[Modesto Bee](#)

### **Study: Region's bad air can kill**

By KEN CARLSON - BEE STAFF WRITER

April 30, 2004, 06:46:00 AM PDT

Tens of thousands of people in Stanislaus, Merced, Tuolumne and San Joaquin counties are at heightened risk of premature death because of dirty air, according to a report released Thursday. The American Lung Association's "State of the Air: 2004" says the four counties and 30 others in California failed clean-air tests for ozone pollution, commonly known as smog, and for microscopic, sootlike particles that increase health risks for people, particularly those with cardiovascular and lung diseases.

It's the first time the association's annual study has included particle pollution data, which became available through a newly created national air quality surveillance network.

The Modesto and Merced metropolitan areas ranked among the 25 communities in the nation with the worst exposure to the tiny particles.

Modesto was 11th, and its metropolitan area -- essentially the entire county -- had more than 169,000 people in the two age groups most vulnerable to the pollution. That includes people 14 and younger and 65 and older. There are 482,440 people in the region.

The greater Merced area ranked 23rd for particle pollution and was the sixth-worst ozone-polluted community in the nation. Of the 225,398 in the greater Merced area, an estimated 82,600 people are in the vulnerable age groups and there are 24,339 people who suffer from respiratory illnesses such as asthma, chronic bronchitis and emphysema.

Such studies on the valley's dirty air are no surprise to health officials, but they are a concern.

"From a public health perspective, our greatest concern is that air pollution exacerbates respiratory illness and heart disease," said Dr. John Walker, Stanislaus County's public health officer.

In the study, Stanislaus and Merced counties got failing grades for particle pollution during 24-hour periods and over an entire year. Also, those counties failed the test for ozone pollution.

San Joaquin County flunked the test for particle pollution, but improved from an F to a D grade for smog. In addition, the air was not all that fresh over the foothills of Tuolumne County, which failed the test for ozone.

According to the report, 24.3 million people in California are at risk from ozone air pollution and 22.7 million are in danger from exposure to particle pollution.

Produced by oil refineries, agriculture, wood burning and other sources, particle pollution can be dangerous when unhealthy levels persist over a long period of time, or even if the levels occur for only a few hours or days.

Studies link particle pollution to increased risk of asthma attacks, heart attacks and strokes, lung cancer and premature death, the study says.

People with cardiovascular diseases, children and the elderly are most vulnerable to the health risks associated with particle pollution. So are people who suffer from chronic lung disease.

When inhaled, the fine particles embed themselves deep in the lungs and may even pass through the lungs to the blood. Researchers are still trying to sort out the different ways the contaminants damage the body.

"This report is a wake-up call for Californians to realize that we are breathing unhealthy air in our own communities," said Dr. John Balmes, a spokesman for the American Lung Association. He is involved in a Fresno study into links between air pollution and children with asthma.

"The threat may be invisible to the human eye, but it is real and it can kill," he said.

The health risks are why the association is fighting what it sees as Bush administration efforts to weaken the Clean Air Act.

Balmes said that pollution in the San Joaquin Valley is a two-pronged problem. Development, which brings more cars and trucks to the valley, increases the amount of tailpipe emissions. In addition, the valley gets regular doses of smog drifting over the Diablo Range from the Bay Area.

Balmes said valley communities need to pay closer attention to what urban development does to their air basin.

"Development is good for the economy, but you can't just develop and develop without thinking about what it does to the air quality," he said.

Since children are more vulnerable to the adverse health effects of air pollution, the study says that choosing a cleaner-fueled vehicle goes a long way toward protecting their health.

The study was based on air quality measurements made by state and local agencies and reported to the Environmental Protection Agency for the years 2000 through 2002. Communities received from top to failing grades based on how often air pollutants reached unhealthy levels under the EPA's air quality indexes.

Darlene DeMarco, director of the association's Valley-Lode branch, said the association has a San Joaquin County program for children five and younger who suffer from asthma. Nurses provide home evaluations, and instruct family members in the use of inhalers and the proper way to take medications.

The study, "State of the Air: 2004" can be viewed at [www.californialung.org](http://www.californialung.org).

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[In the S.F. Chronicle](#)

### **Supreme Court declines to review Bush administration appeal over pollution**

GINA HOLLAND, Associated Press Writer

Monday, May 3, 2004

(05-03) 07:31 PDT WASHINGTON (AP) --

The Supreme Court refused Monday to consider whether the government-owned Tennessee Valley Authority had the authority to disregard a demand from Washington to clean up its coal-fired power plants.

The justices had been asked by the Bush administration to step into a dispute over the authority of the Environmental Protection Agency. Justices declined, without comment, to use the EPA's appeal to clarify how conflicts between two executive branch agencies should be handled.

The TVA, which serves more than 8 million people in seven Southern states, had challenged the EPA's authority when it became a target of aggressive Clinton administration initiatives to reduce smokestack emissions from aging coal-fired power plants.

The Bush administration contends that the authority did not have the right to litigate the dispute, over the objection of the attorney general.

TVA convinced the 11th U.S. Circuit Court of Appeals in Atlanta that it could temporarily disregard orders of the federal environmental agency while the two sides fought over pollution issues in court.

That ruling undermined EPA's enforcement authority and is a "textbook example of the need for the attorney general, who represents the overall interests of the federal government, to control government litigation," Bush administration attorney Theodore Olson said in a filing with the Supreme Court.

Olson said the appeals court's decision puts intra-branch controversies into court and "threatens fundamental separation-of-powers principles embodied in the Constitution." The TVA is the nation's largest public utility, serving more than 8 million people in Tennessee and parts of Virginia, Kentucky, Alabama, Mississippi, Georgia and North Carolina. At issue are claims that TVA violated the Clean Air Act when it revamped nine coal-fired electric power plants without permits. TVA attorney Harriet Cooper said that courts are a necessary part of disputes, and that EPA, for example, may sue federal agencies under the Clean Air Act. The case is U.S. Environmental Protection Agency v. Tennessee Valley Authority, 03-1162

[Special to the Madera Tribune](#)

**Better information for ag burn permits**

Saturday, May 01, 2004

A new smoke management program spearheaded by the San Joaquin Valley Air Pollution Control District is expected to begin operations on Tuesday, May 18.

The new system will give farmers more flexibility in scheduling burns and reduce the level of smoke throughout the valley at any one time.

Under the old system, the district determined "burn" and "no-burn" days for each of two large regions comprising the valley air basin.

Under the new program, the air basin is divided into more than 100 smaller zones.

District staff will monitor localized meteorological conditions to determine how many emissions will be allocated to each zone. A computer system will keep track of those emissions and permit burning until the limit is reached in each zone for that day.

In this way, a no-burn day or limited-burn day for one area would not necessarily translate into the same status for another area.

With the new system, farmers will be able to request burn authorization from the district as early as 8 p.m. the day before their planned burn by contacting the district's automated voice-response system; or by logging onto the district's website at [www.valleyair.org](http://www.valleyair.org). They will also be able to talk to an operator from 6 a.m. to 11 a.m., seven days a week including holidays.

Farmers who are unable to burn because the limit on emissions has been reached for that day will be placed on a priority list for the next burn-allocation day in that zone. The district will then inform the requesting farmer the day before a burn is permissible.

An information packet with instructions on how to use the new system will be mailed to all current burn permit holders a week before the new system goes on line. For more information on the new smoke management program visit [www.valleyair.org](http://www.valleyair.org) or call (559) 230-6000 in Fresno, Kings and Madera counties; (661) 326-6900 in Tulare and the valley portion of Kern counties; and (209) 5576400 in Merced, San Joaquin and Stanislaus counties.

[S.F. Chronicle editorial](#), Sunday, May 2, 2004:

**A village blooms at Fruitvale**

IT TAKES a vision to build a transit village. It also takes a lot of public and private money and an unrelenting push from community leaders who were determined to turn commuter parking lots into a hub of revitalization for their neighborhood. Such is the case with the Fruitvale Transit Village, a colorful explosion of affordable housing, retail shops and more sitting on land that

surrounds BART's Fruitvale station in Oakland, once a dingy and dangerous spot in a neighborhood short of jobs and housing.

Today, after more than a decade of negotiations, creative financing and nightmare traffic snarls during construction, the village will be christened as the first transit-oriented development of its kind in the nation. That the \$100 million mixed-used project was constructed at all is testament to a community's resolve to demand what had seemed impossible.

The project began on a whim in 1991 when BART proposed to erect a multi-level parking garage next to the Fruitvale station. Residents, nearby business owners and environmentalists were opposed, convinced that the garage would add crime and blight, and further isolate residents from a BART station that mostly contributed noise, traffic and air pollution to the neighborhood. BART eventually gave in to the community resistance and agreed to explore the then-fanciful "village" idea, brainchild of Arabella Martinez, the irrepressible head of the Unity Council, a nonprofit community advocacy group. Martinez began a broad-based planning process after first persuading the city and then the U.S. Department of Transportation to fund community workshops as well as economic and engineering studies.

The Unity Council brokered a complicated "land swap" between BART and the city. By the time construction began in 1999, the council had pieced together more than 30 funding sources -- each with different requirements and restrictions -- and formed dozens of partnerships with, among others, the University of California at Berkeley, the Metropolitan Transportation Commission, the U.S. Department of Housing and Urban Development, Citibank and the U.S. Environmental Protection Agency.

The result: a village, dotted with palm trees, offering 47 units of housing, the city's largest public library branch, a child-care facility, a health clinic, senior center and 18 retailers -- from an ice cream parlor to a bank. The development offers a model for low-income urban neighborhoods seeking to brighten their surroundings and future. It will connect the community and thousands of daily commuters to an array of businesses, services and transportation. The project has already infused new life into business on nearby International Boulevard where shops with spruced-up facades now bustle with activity. It has increased property values, changing a dilapidated area into a cleaner, healthier place to live -- a ringing tribute to Martinez's vision and tenacity

But, above all, this village provides an important lesson to public officials and the private sector about the potential to resurrect a neighborhood, and reduce traffic congestion regionally, through transit-oriented planning. "Transit village" and "neighborhood empowerment" are buzzwords often heard in planning circles but rarely realized in cities. Starting today, they are only a BART ride away.

### [Modesto Bee Commentary](#)

#### **Pessimist or realist? It's hard to tell**

By Bob Sanders

Last Updated: May 1, 2004, 07:50:27 AM PDT

The Noted Back Porch Philosopher was at it again, ready with the solution. "What we need," he said, "is a larger hand basket."

His suggestion that we could use a bigger container seemed based on his evaluation of the woes and challenges facing the nation and its populace. Sort of, "We're going to hell in a hand basket, but the basket is too small."

I thought he seemed a little pessimistic. The NBPP reminded me of Robert Oppenheimer's words about optimists and pessimists: An optimist thinks this the best of all possible worlds, and the pessimist knows it. Oppenheimer was the father of the atomic bomb.

Admitting I was taken aback by Oppenheimer's words, I told him that I always believed that a pessimist was a guy who had provided financial backing to an optimist. Wrong again, said the NBPP.

But he was just getting warmed up. He pointed out that with gas at more than two dollars a gallon, we are faced with only a couple of choices: Pay and shut up or walk. The few gasoline companies controlling distribution are nothing more than a cartel. Cable television around the country, he noted, is controlled by a handful of companies that also constitute a veritable cartel. City and county governments who grant the franchises are powerless when it comes to rates and services. If the television-viewing public doesn't like it, again, only a couple of choices: Put an antenna on the roof or buy a satellite dish.

We're not customers anymore, said the NBPP. We are users, individual profit centers for multinational corporations, all of which share one trait in common: They have little sympathy for community or country. The only people big companies seem to treat as customers are their stockholders and Wall Street analysts. Big box stores in the suburbs had wiped out the central business districts of towns all across the country. Family businesses, passed down through generations, were going the way of the dinosaur.

Look at the Valley, he said. Bad air, few quality jobs, traffic problems, towns beset with the residual effects of gangs, guns and drugs, lousy health care. So what do we do, he asked rhetorically. We build more houses, each of which comes with 2.5 cars contributing to the bad air and traffic problems.

It occurred to me that perhaps he had lost it, that he wasn't watching the Fox News Channel often enough to have a fair and balanced opinion about how well we were doing under the leadership of President Bush. I urged him to listen to Rush Limbaugh and get enough background and perspective so he could blame liberals for everything that is wrong. I said surely, even under the gray skies of the doom cloud, there is something good happening.

Name one, challenged the NBPP. Well, I mentioned, we got Saddam Hussein, so things can't be all bad.

That was the wrong thing to say. The NBPP said if getting Saddam Hussein was our stated purpose for invading Iraq, then we should declare victory and bring our troops home. Why should the lives of U.S. military personnel be risked trying to put down what is little more than gang warfare?

He told me about a Merced woman who sent her spouse a case of water. The husband is serving in Iraq. While she was at the post office, her husband called her cell phone and told her the U.S. military is so short of ammunition in Iraq that bullets are being rationed to soldiers. The NBPP ragged on about an article in the current issue of Newsweek detailing the shortages our troops face in terms of armored vehicles, body armor and heavy armor. According to the article, he stated, the U.S. has only 70 operational tanks in Iraq. Stockpiles of equipment prepositioned overseas by the U.S. government have been virtually emptied in order to meet the demands of the Iraq war, he pointed out.

Maybe so, I said, but we still have the best military force in the world. That wasn't even very convincing. The NBPP said if we are No. 1, he would sure hate to serve in the second-best army on the planet. I was tired, so it was at this point that I recommended he call the Red Phone (woe is us) and share his thoughts. Nothing doing, said the Noted Back Porch Philosopher. He was going to break a mirror so he could live for seven more years. It occurred to me that maybe a bigger hand basket wasn't it. Maybe we need a cargo container.

As Bob Dylan said, there's a lot of water under the bridge and a lot of other stuff, too. Sanders is a freelance columnist. E-mail him at [rsandersla@aol.com](mailto:rsandersla@aol.com). <<mailto:rsandersla@aol.com>>



[The Bakersfield Californian](#)

## **Valley air plan may face lawsuit**

From staff and wire reports

May 1, 2004

VISALIA -- Federal officials have approved a plan to control particulate pollution in the San Joaquin Valley's air, but critics say the measure does too little to rid the area of a long-term problem, and they vowed to challenge the plan in court at the earliest opportunity. The U.S. Environmental Protection Agency's approval Thursday of the San Joaquin Valley Air Pollution Control District's plan is meant to reduce particulate matter pollution -- tiny particles of dust, soot, or chemicals invisible to the naked eye that can build up within the lungs over time.

Research has linked particulate pollution to premature deaths, heart attacks, strokes and asthma. Inhaling the particles over an extended time can shorten lives by one to three years, according to the American Lung Association. Particulates are the leading pollution problem in the valley in winter.

The plan set the goal of cleaning the valley's air within six years, at a rate of 5 percent a year, an objective EPA officials said was attainable. "Their plan meets Clean Air Act requirements," said Kerry Drake, the associate director of the EPA's air division. "We believe they can meet their commitments."

The plan was amended last year by the San Joaquin air district, and some of its provisions are already being implemented.

Last winter, air quality was monitored, and on days when there was a high level of particulate matter in the air, residents were asked to keep from burning wood to heat their homes. That measure is an example of efforts directed by the new plan, said Drake.

EPA officials said the new plan, coupled with new federal regulations on tailpipe emissions, will help the valley attain clean air standards by 2010.

But clean-air advocates maintained that the measures will not curb pollution, and six years from now, the valley will find itself missing another clean-up deadline. Anne Harper, an attorney with the environmental group Earthjustice, said her organization would file suit against the plan as soon as possible because it fails to protect public health.

"Up to 92 percent of the emission reductions the plan relies on are not even implemented yet. They are plans to make a plan, instead of adopted measures, which actually violates the Clean Air Act," said Harper. "Once again, we feel like the regulatory agencies charged with cleaning up the air are basically failing in their duty."

Part of the problem is that the plan did little to regulate agriculture, one of the important sources of pollution in the valley, said Brent Newell, an attorney with Center on Race Poverty and the Environment. He said the plan does not target ammonia emissions -- 87 percent of which emanates from agriculture. Ammonia is one of the building blocks of a chemical that is a prevalent form of particulate matter in the valley.

"The plan does not reduce pollution by the minimum rate required by the act, and it fails to regulate agriculture," he said.

He also pointed out that if the EPA did not approve this plan, the agency would have to step in and take over the cleanup process.

"The EPA is just rubber-stamping this because they don't want to deal with this problem," said Newell. The EPA's approval came on the same day that the American Lung Association released its "State of the Air: 2004" report, which for the first time analyzed particulate pollution as well as smog data.

The report reminded valley residents of the size of the problem they face: Five valley counties made the list of 25 worst areas for short-term exposure to tiny particles that are under 2.5 microns in diameter. Riverside County was first on the list, followed by Fresno County, and Kern in third place. In the long-term exposure category, which looks at exposure over a yearlong period, Tulare was fourth, Kern fifth and Fresno sixth.

-- Associated Press writer Juliana Barbassa and Californian staff writer Matt Weiser contributed to this report.

#### [The Bakersfield Californian](#)

#### **Greenwaste facility plans raise concerns**

By MISTY WILLIAMS, Californian staff writer  
May 2, 2004

A proposed greenwaste composting facility southwest of Bakersfield has raised air quality, groundwater contamination and other environmental concerns among local agencies and private groups. The facility, initially proposed by Santa Barbara-based Responsible Compost Management in August 2001, could accept up to 1,000 tons of greenwaste per day.

An environmental impact study of the project will need to be done to address several issues, said Jim Ellis, Kern County planning chief.

One major concern is that the facility, about one mile south of Taft Highway and half a mile west of Interstate 5, would negatively impact the valley's already poor air quality.

"In an area like the Central Valley or Kern County where we're already dealing with bad air most of the time, we need to be extra careful," said Caroline Farrell, an attorney for the Center on Race, Poverty and the Environment. But Jon Coffin, president of Responsible Compost Management, said the company has worked closely with the San Joaquin Valley Air Pollution Control District to minimize negative air impacts the operation could have.

"We've done everything the air quality district has asked us to," Coffin said. Coffin has been a presence in Kern County for 10 years, applying treated sewage on around 5,000 acres owned by the city of Los Angeles. The proposed facility would be located on about 200 acres of that property, a fact that concerns Farrell. Farrell said she's worried the company will eventually start mixing biosolids with the greenwaste. "We have absolutely no intention of doing that," Coffin said. The project has also raised issues of excessive odor and flies.

Flies have already been a problem at the nearby Buena Vista Aquatic Recreation Area, said Bob Lerude, assistant director of the Kern County Parks and Recreation Department.

More than 300,000 visitors flock to the area each year to fish, camp and water ski. The county has received a number of complaints about flies in the past, Lerude said. Officials want to make sure that problem won't be exacerbated, he said.

The Kern County Water Agency has long expressed concerns about sludge being applied at the site, which is just south of the Kern Water Bank and other groundwater-collecting projects, said water agency assistant general manager Jim Beck. Although there have been no signs of groundwater contamination, a lack of scientific evidence showing the long-term impacts of biosolids land application is driving officials to be cautious, Beck said. "We're very concerned with protecting the local groundwater basin," he said.

The water agency is working with the city of Los Angeles to possibly relocate the operation outside of the groundwater basin, Beck said.

The addition of a composting site may make the move to an alternate location less likely, he said. The project must be approved by a number of local and state agencies as well as undergo public review before a conditional-use permit could be issued, said Steve McCalley, director of Kern County Environmental Health Services. Kern County's rural nature and agricultural needs make it

a good fit for composting facilities that are run according to current environmental guidelines, McCalley said.

"It is a fairly significant industry," he said.

Coffin said his company will continue to spend significant time and money trying to alleviate concerns. If approved, construction would take about six months, said Vice President Steve Stockton. But any decision seems to be off in the distant future. An environmental impact study will likely take at least a year to complete, Stockton said. "We'll just keep plugging away," Coffin said.

[Community Voices, The Bakersfield Californian](#)

### **Ban fireworks in Bakersfield**

May 1, 2004

By BOB NORWOOD, Bakersfield

Bakersfield City Councilman Mike Maggard got it right when he indicated that the city's fireworks permit system is obsolete. But he and other city council members are still wrong. Shame on them. The solution is simple and it doesn't even require a committee. Citizens spend thousands of dollars to meet auto-pollution control laws. School homecoming bonfires are banned and winter fireplace burning is restricted severely. Farmers and gardeners get blamed for air pollution, too.

Yet the City Council has the audacity to condone air pollution by permitting the sale and use of fireworks in the city during July -- one of the most stagnant air months of the year. This only encourages 100,000-plus celebrants/pyromaniacs to take to the streets and alleys and fill this city with breathless, acrid, pungent, poisonous smoke for at least two days around July 4. Unfortunately, it decreases the air quality for everyone. It makes breathing difficult. For those with chronic breathing difficulties, the situation is magnified. But it doesn't end there. Noise, injuries, accidental fires and a whole lot of debris and trash left in the streets by many inconsiderate dolts only compound the problem.

Would a ban on fireworks create an enforcement problem? I don't think so. This winter we had the "fireplace police" and the "snitch on your neighbor" program seemed to work. Just activate those two programs around July 4. Yes, Bakersfield College and Cal State Bakersfield could still have their fireworks shows since most of their devices are aerials and the smoke occurs high enough to drift away. Not so with the thousands of ground-level smoke makers sparked by the match-happy. That smoke lingers around to combine with the airborne residue generated by several thousand outdoor barbecues.

We keep reading and hearing the big blab about our poor air quality. Air is like water. It is a natural resource that belongs to everyone and is necessary to sustain life. All of us should do our very best to keep it clean. However, until all the agencies, boards, commissions, districts, councils, etc., get in the same book, on the same page, at the same time and with the same goals, all this clean air talk is nothing other than just so much smokey rhetoric.

Let us see if the City Council has the fortitude to legislate a ban on fireworks like so many other growing cities have done. If they do, all of us will breathe a little easier. The obsolete fireworks permit system problem will be solved. Bob Norwood of Bakersfield is a retired Foothill High School counselor. Community Voices is an expanded commentary that may contain up to 500 words. The Californian reserves the right to reprint commentaries in all formats, including on its Web page.

[Letter to the Editor, The Bakersfield Californian](#)

### **Stop building madness**

May 2, 2004

Seems we are building another Los Angeles here in Bakersfield. Out-of-town developers are buying out some of the contractors who have been here for a long time. They are only thinking about making a lot of money here and live somewhere else. So they will not have to contend with the congestion, bad traffic and terrible air quality. All they see is cheap, flat, endless land to build on.

One by one, the farmers want to retire or drive BMWs, so they sell out. The dumb environment laws have prompted them to sell also.

We have the nation's worst air quality. How does the state think it will ever get better when they have this "build as much as you want" policy? Anyone who has lived here for years knows this town has either bad planning or no planning at all.

Would anyone support a building moratorium to slow this madness down a little? You know I kind of doubt it.

-- DAN DAWSON, Bakersfield

[Editorial, Visalia Times-Delta, May 3, 2004](#)

### **Smog: We're ready to see some changes**

The severity of the air quality problem can no longer be ignored

Air quality is building as the dominating issue of the Valley, and soon there will be no restraining the public demand for change.

Scientists, politicians and business interests can argue until they are blue about the severity of the problem and the responsibility to fix it. People know. Their noses tell them.

Policy-makers can ignore the message at their peril: the public is sending a clear message to address the problem of air pollution.

The Public Policy Institute of California added another log to the fire of this issue with its report last week on public perception of the Central Valley. There was plenty of good news in this report. People like the Central Valley. They like the climate, the housing prices, the open spaces and the relative ease of commuting. And did we mention the housing prices?

But people in the Valley are worried about air quality, and not as a theory or a scientific construct. People can see the air, and they know that air should be breathed, not seen. There is more than a little irony in that, because air pollution is something we all contribute to and all have a responsibility for solving. Valley residents, though, are ready to start pushing for solutions. They appear to be ahead of the politicians on that score.

Unfortunately, when we have addressed public officials with questions about the solutions to Valley air pollution, too often the answer has been delivered with an index finger -- pointing to some other level of government. The federal government considers air pollution a regional issue. Its remedies typically take the form of a punitive response, such as withholding highway funding if clean air goals are not attained. State government is also conflicted, and different areas of the state blame each other.

When state Sen. Dean Florez, D-Shafter, pushed some tangible clean air controls last year, he was fought bitterly, and in the Valley. Local politicians worried about business and transportation interests. California needs to make this a priority, and it needs to make clean air its own version of the Manhattan Project. Gov. Arnold Schwarzenegger is actually on the right track in pushing the so-called hydrogen highway: It might seem utopian at this point in time, but so did air travel once. People are sending a message about air pollution. They're tired of being ignored. They are also tired of coughing. The leader who steps up to the plate on this issue will have the support of an entire region.

Friday, April 30, Lodi News Sentinel

## **EPA approves plan to clean up San Joaquin Valley's air**

VISALIA (AP) -- A federal environmental agency approved a plan to clean the San Joaquin Valley's air, but critics say the measure does too little to rid the area of a long-term problem that endangers residents' health.

The U.S. Environmental Protection Agency's approval of the San Joaquin Valley Air Pollution Control District's plan is meant to reduce particulate matter pollution -- tiny particles of dust, soot, or chemicals invisible to the naked eye which can be build up within the lungs over time. Research has linked particulate pollution to premature deaths, heart attacks, strokes and asthma. Inhaling these particles over an extended period of time can shorten lives by one to three years, according to the American Lung Association.

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The plan was elaborated last year by the San Joaquin air district, and some of its provisions are already being implemented.

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That measure is an example of efforts directed by the new plan, said Drake. EPA officials said the new plan, coupled with new federal regulations on tailpipe emissions will help the valley attain clean air standards by 2010.

But clean air advocates maintained that these measures will not curb pollution, and six years from now, the valley will find itself missing another clean-up deadline.

Part of the problem is that the plan did little to regulate agriculture, one of the important sources of pollution in the valley, said Brent Newell, and attorney with Center on Race Poverty and the Environment.

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