

Air regulators want to put cork in wine pollution

By Juliana Barbassa, Associated Press Writer

in the S.F. Chronicle, O.C. Register, TriValley Herald and other papers

Wednesday, August 31, 2005

Fresno -- Napa and Sonoma may attract wine connoisseurs and tourists to their bucolic settings to taste well-known wines, but the San Joaquin Valley has long been the industry workhorse, producing most of the nation's wine.

Now environmental regulators say the same process that gives the region's affordable reds, whites and blushes their pleasant punch is also producing a share of the smog that makes the valley one of the nation's dirtiest air basins — and they aim to do something about it.

The San Joaquin Valley Air Pollution Control District is considering imposing the nation's first air quality control on wineries, focusing on the largest vintners — companies such as E&J Gallo, Delicato, and Constellation Wines.

Wineries are the latest target of the district, which has struggled for years to clean up the Valley's persistent pollution, by first going after manufacturers, the construction industry, and even home fire places.

Recently it has turned to agriculture, which had long been exempt from the controls imposed on municipalities and other businesses. The district has already asked farmers to keep the dust down during harvest, and is even looking at controlling emissions from dairy cows.

Wineries have come under scrutiny because the fermentation process that turns grape sugars to alcohol releases ethanol, methanol and other organic compounds into the atmosphere, where they react with sunlight and heat to form ozone, one of the components of smog, air regulators said.

With the region producing roughly 70 percent of California's table wine, that results in 788 tons of pollutants a year.

Of the 109 wineries in the valley that put out about 338 million gallons of wine each year, 18 are responsible for about 95 percent of the emissions that lead to smog, regulators said.

Pollutants emanating from the three-to-four month fermentation process hit the atmosphere mostly in September and October, when federal smog limits are most often violated, according to the air district.

Since no other country asks vintners to control emissions, the regulations will cut into profits, producers said, and could hurt the position of valley vintners in the international market.

California is the world's largest producer of wine after France, Italy and Spain. Much of the San Joaquin Valley's production ends up in \$5 to \$10 bottles, attracting customers looking for an affordable product. An increase in the cost of production would translate into a price hike that could hurt their market share, producers said.

"This is going to be another increase in cost that is going to put me at a disadvantage," said Steve Kautz, president of Ironstone Vineyards, which has about 5,000 acres of wine grapes.

His Bear Creek Winery in Lodi produces 600,000 cases a year of Leaping Horse, a popular line that retails at \$5 to \$6 a bottle.

Equipment proposed to suck up vapors released in the winemaking process would be required on the largest stainless steel fermenting tanks — those holding 50,000 gallons or more. That would mean outfitting 20 tanks at Ironstone's Bear Creek facility, potentially a large investment, said director of operations Craig Rous.

Industry representatives said they want to work with the air district, but complained untested equipment could hurt their product and cost tens of millions of dollars — too much for the amount of pollution it would eliminate.

"When you look at the amount of ethanol that wineries are accountable for, and for the amount of emissions — it's a very small fraction," said Wendell Lee, an attorney for the Wine Institute, which represents about 800 California producers.

Regulators are trying to be flexible, and are looking for other ways vintners could cut back emissions, like cleaning their diesel fleet, said Scott Nester, the air district's planning director.

The air district plans hearings on the subject in October and a vote on the rule in December.

Pollution controllers realize what they're asking wineries to do is expensive — but not out of line with what they've asked other industries to do.

"Cost is a consideration," Nester said. "But that's not to say wine companies can't afford it."

Wine consumption in the U.S. has been increasing steadily for years, bolstering the industry's growth. Domestic consumption grew 63 percent between 1991 and 2004, when California shipped 428 million gallons of wine to the rest of the country — a \$15 billion retail value.

Community activists dedicated to cleaning the air said the area can't afford to make exceptions. Pollution forces some residents to stay indoors for months, when emergency rooms see a spike in visits from people with respiratory problems.

"If we let one industry off the hook, others will want the same," said Mark Stout, air quality consultant with the nonprofit Fresno Metro Ministry. "If we don't all pitch in, we're not going to make it."

Air quality monitoring OK'd

Governor gets bill to require data from west Valley.

By Jennifer M. Fitzenberger / Capitol Bureau
The Fresno Bee, Tuesday, August 30, 2005

Sacramento- Local air officials would have to start monitoring pollution in western Fresno County under legislation sent Monday to Gov. Schwarzenegger.

Nearly 30 monitoring sites operate in the San Joaquin Valley near big cities and in the east, but no sites are located in the 230 miles between Tracy and Taft on the west side.

The San Joaquin Valley Air Pollution Control District doesn't regularly monitor the western Valley because of cost and historical data that show air pollution is worse near the larger cities to the east.

Assembly Member Juan Arambula, D-Fresno, and the Latino Issues Forum, a public policy group with a branch in Fresno, say the district isn't paying enough attention to the farm-dotted west side, home to many field workers and other lower-income residents who deserve accurate air-quality information.

"There are people who live on the west side of the Valley who are in need of the same information dealing with air quality as people on the east side of the Valley," Arambula said.

Data from the monitoring sites help officials determine the Air Quality Index, which measures smog levels and serves as a public indicator of air quality. The local air district reports AQI information on a county-by-county basis, so people who live in the west get predictions based on data collected in the east.

"That's another reason to have more monitoring sites so we can more refine what we're telling people," said Evan Shipp, supervising meteorologist with the air district.

Assembly Bill 841 by Arambula requires the district to install at least one pollution monitor in western Fresno County. A single monitoring site costs about \$100,000 plus continued maintenance.

The device would detect levels of particulate matter and possibly ozone. Particulate matter includes small specks of dirt and soot that have been linked to a wide range of health problems including asthma attacks and premature death. Ozone can reduce lung function and aggravate asthma.

The Valley has one of the dirtiest air basins in the country.

The Assembly on Monday gave final approval to AB 841 with a 51-22 vote. The bill goes to Schwarzenegger for his signature.

"It's helpful to have the state Legislature put themselves on the record that this area needs better monitoring," said Bonnie Holmes-Gen, a spokeswoman for the American Lung Association, which is supporting the bill. The legislation has no opposition.

Air officials would like to better monitor the Valley's west side. Apart from Arambula's bill, a local air-quality study group has hired a consultant to scout out possible locations for a monitoring station in the western Valley.

In recent years, cost and a long list of other priorities have placed west Valley monitoring low on the air district's to-do list.

Studies in the mid-1980s and early 1990s showed that air pollution wasn't as problematic in the west as it was in the east. Accordingly, more attention was given to areas of the Valley with higher ozone concentrations and more people.

Rey Leon, senior policy analyst with Latino Issues Forum in Fresno, says the west still should be monitored. His group asked Arambula for the legislation after noticing on maps that the dirtiest air is located around the monitoring sites.

"In terms of really knowing what is happening out there, there is no way to find out," Leon said.

Pesticides sprayed in the western Valley contain pollution-forming chemicals and farm tilling creates airborne dust, he notes.

"It should be monitored across the board," Leon said. "The gaps as big as they are right now should not exist."

Florez says governor's pick for anti-smog board will be bad fit

Bakersfield Californian, Wednesday, Aug. 31, 2005

SACRAMENTO -- State Sen. Dean Florez, D-Shafter, joined clean-air advocates Tuesday in opposing Gov. Arnold Schwarzenegger's nomination of a former energy industry lobbyist to head the state's anti-smog board.

Schwarzenegger's nomination last month of Cindy Tuck to head the California Air Resources Board has set off a storm of controversy. She formerly served as a lobbyist for the California Council on Economic and Environmental Balance, which often opposes tougher air rules.

At a news conference Tuesday, Florez and leaders of environmental groups called on the state Senate to reject Tuck's nomination.

The Senate Rules Committee is scheduled to hold a hearing on Tuck's nomination today and the full Senate will vote soon.

"We feel uncomfortable with a lobbyist taking over the reins of this very important board just at the time when we need to meet some very important (federal and state) deadlines," Florez said.

The governor stands by his nomination, said spokeswoman Julie Soderlund.

"It's a shame that politics could stand in the way of such a well-qualified chair of the Air Resources Board and prevent her from serving," Soderlund said.

Sweat may drip, but records remain

Greg Kane , Record Staff Writer
Stockton Record, Wednesday, Aug. 31, 2005

STOCKTON -- Don't tell Mike Linker this isn't the hottest summer on record.

A lifelong Stockton resident, Linker, 40, can't remember a year when the weather stayed so hot for so long.

Temperatures have reached triple digits 31 times since June 30, including two stretches of nine consecutive 100-degree scorchers.

"It's the hottest summer I remember," said Linker, the owner of Fat's Grill & Bar on North Pershing Avenue. "I know my Pacific Gas and Electric bill shows that."

Some Stockton residents who sweated through the past two months might be inclined to crown 2005 the most scorching summer ever. It's certainly the hottest in the past few years, having already registered nearly as many 100-degree days than the past two years combined.

But weather experts say the recent heat has melted no records -- so far. There were 38 100-degree days in 1961.

"Summer's not over yet," said George Cline, a Sacramento-based forecaster with the National Weather Service. "It's too early to call."

Nobody disputes the relentless temperatures in July and August. What's throwing the curve, Cline said, is a relatively mild June that featured one triple-digit day -- the last of the month.

The average monthly temperature was 2 degrees below normal in June. It spiked to 3 degrees above the norm in July and August.

"It was kind of drastic," recalled Stockton resident Bryan Landes, 34. "It went from kind of cool to hot."

Since June was cooler than normal, the overall average temperature this summer has been 77 degrees, factoring in highs and lows. The record, set in 1961, is 79, Cline said.

Two other summertime staples -- wildfires and pollution -- haven't topped charts this summer, either. With a little more than a month to go before temperatures are expected to drop, the Valley Air District has called only six Spare the Air days, five of which came during one stretch in mid-July, spokesman Anthony Presto said.

Spare the Air days are called when hot weather causes air quality to reach unhealthy levels for the general public. There were three Spare the Air days in 2004, Presto said.

But air quality this summer hasn't reached a dangerous level, Presto said. The warnings were issued because of Stockton's proximity to Fresno, which reached poor air-quality levels on those days.

Shawn Ferreria, a meteorologist with the air district, said this summer has been better than normal from an air-quality perspective. That could change in the next month, however.

"Unfortunately, September doesn't mark the end of ozone season," Ferreria said.

That same sentiment goes for wildfires, which tend to pick up later in the summer, said California Department of Forestry and Fire Protection spokesman Michael Jarvis. This summer's late start

kept wildfire numbers down from previous years, but firefighters are now beginning to see more activity in the northern and central parts of the state.

"It's been real slow coming into the full-blown fire season," Jarvis said.

Fire officials earlier this year cautioned that the Mother Lode and other areas could see a surge in wildfires this season. It hasn't happened, but Jarvis said the longer summer drags on, the more the conditions cater to a fire.

"It's still hot, and you still have the humidity," Jarvis said. "And you've also got all the vegetation that's really had time to dry out."

[Bakersfield Californian commentary, Wednesday, Aug. 31, 2005:](#)

Restructuring valley air pollution control board is a distraction

By DAVID L. CROW, Fresno

Much has been written about the efficacy of the San Joaquin Valley Air Pollution Control District. Some groups feel the board needs to be restructured. Senate Bill 999 by Sen. Michael Machado, D-Linden, would expand board membership from 11 to 15, including representatives from the cities of Fresno, Bakersfield and Stockton.

But this bill is a solution looking for a problem that does not exist.

Since the district was formed in 1992, it has adopted about 500 rules or amendments that have reduced stationary-source emissions by nearly 50 percent.

Such areas in the valley with a high concentration of stationary sources as Kern County have seen a greater reduction in pollution concentrations than areas prolific with mobile sources, such as Fresno County.

The district writes rules that are in accordance with legislated authority. Not only has the district's governing board adopted and submitted every plan required under the state and federal Clean Air Acts, but has aggressively taken the lead in pioneering many initially controversial regulations that other air districts and entities are now trying to emulate:

- The district was the first in the state to voluntarily expand the testing component of the Smog Check II program beyond mandated urbanized areas to include more than 90 percent of registered vehicles in the air basin. This became the model for the Smog Check II program in the Bay Area.
- The district is the first in the state to regulate use of residential fireplaces to reduce wintertime particulate pollution, a serious health concern. It is now being emulated by many of the other major air districts in the state.
- We are now developing a first indirect source mitigation program to reduce the impact of new development.
- Before state law changed in 2004, agricultural operations were exempt from permit requirements. Now the air district is the first in the state to regulate emissions from on-field agricultural operations and has received 6,400 conservation management plans that reduce particulate matter emissions by 34 tons per day from 3.2 million acres of production agricultural land.

Some interests have asked, "Where are the smog police?"

If anyone had asked, they would have realized that we have been issuing notices of violation -- 2,386 in 2004; establishing business-assistance programs; and running an effective mutual-settlements program that in 2004 received about \$3.5 million in penalties -- nearly twice the amount received by the Bay Area district, which has a similar number of regulated sources.

As a public agency, we are acutely conscientious in following very stringent guidelines for notifying the public of any pending air district matters, including hearing workshops for regulations in development or any other public meetings.

Our public outreach is aggressive and effective in ensuring that all stakeholders in our district have numerous opportunities to offer comment on our activities.

Our district has led the way in cleaning the air in the state, and we have been actively encouraging an open dialogue with all stakeholders.

SB 999 does nothing to clean the air. It merely diverts public attention away from the positive work that has been done and the hard work that is still ahead of us.

David L. Crow is the Air Pollution Control Officer for the San Joaquin Valley Air Pollution Control District.

[Modesto Bee commentary, Wednesday, Aug. 31, 2005](#)

The Tragedy of the Commons,' only with houses, not livestock

by Eric Caine

In his classic 1968 essay, "The Tragedy of the Commons," Garrett Hardin described what happens when the individual is permitted to profit at public expense.

Hardin used the example of a common grazing area where individuals were allowed to graze as many animals as they wished. The temptation to graze more and more animals led to destruction of the common area.

Central Valley residents don't need to read Hardin's essay - they're living it. The degradation of our air and water is so complete we've become numb to it.

"Spare the Air" days and polluted well closures stir less interest than the weather report. Public safety has joined air and water as another lost resource as cities and counties buckle under ever-rising demands for more deputies, police officers and firefighters. All this while rates for auto theft and burglary climb exponentially.

Stunned by sticker shock, longtime residents can't fathom that the housing boom is the result of comparatively low prices calculated to tempt Bay Area buyers.

Essentially developer and speculator-driven, the housing boom is in large part the result of low developer fees and a casual permit process that free growth from paying its own way. The result is more smog-producing cars on less highway space, more demand for social services and an ever-declining quality of life for all.

Whether it's a proposal for a 10-lane expressway through Salida or 5,000 homes around the Stevinson Ranch golf course, each project is touted as "smart" without regard for its place in our regional context. As a result, we're dying from thousands of smart growth plans, none of which consider overall impacts on air, water, farmland, public safety or infrastructure except as impediments to "progress."

Each plan has its sweet temptation, but the overriding appeal to valley home and land owners is an ever-increasing equity more welcome than special bequests from a rich uncle. How can any individual resist ballooning increases in net worth to the tune of tens of thousands of dollars every few months, even at the expense of a commons rapidly degenerating beyond its carrying capacity?

The traditional solution to a tragedy of the commons is community or state-mandated regulation, but valley leadership has refused to put the public good ahead of continued opportunities to advance individual interest. While local politicians claim they will make growth pay its own way, each opportunity to do so results in shortfalls.

If a brave voice like that of Modesto City Councilman Garrad Marsh dares suggest developments pay for themselves, it's drowned out in shouts of "unfair," as though it's fair to put ever more demands on air, water and infrastructure by touting more growth as "smart."

The only way out of our own tragedy of the commons is a regional plan, and it must come soon. Valley leaders who resist urban limits and regional planning will have to bear the responsibility for their starring roles in a consequential tragedy of the commons.

[Sacramento Bee editorial, Wednesday, Aug. 31, 2005](#)

Wait and see

CARB chair deserves time on the job

In a move that disappointed many of the state's leading environmentalists, two months ago Gov. Schwarzenegger appointed Cindy Tuck, a former oil and energy industry lobbyist, to chair the prestigious California Air Resources Board. Today, the Senate Rules Committee is expected to decide whether to recommend her confirmation to the full Senate.

An influential environmental agency, CARB pioneered efforts to force the auto industry to build cleaner cars and recently began to tackle greenhouse gas emissions.

Critics who strongly oppose Tuck's appointment point out that she has spent much of her career lobbying against some of the very regulations that she will be called upon as chair of CARB to defend and implement.

While that may be true, the opponents present an unfair and incomplete picture. They ignore Tuck's broader record and her solid reputation among both regulators and environmentalists as a moderate who is intelligent, fair and willing to listen. Those who have worked with Tuck say that, above all, she's been a pragmatist who sought to forge compromises that work well for business, the environment and public health.

Her opponents are trying hard to deny her confirmation. If the Senate fails to act on the confirmation - in this case, the right thing to do - Tuck can serve up to a year as chair, and the public can monitor where her loyalties lie. If the Senate votes down the confirmation, Tuck would have to leave the post within two months. That "no" vote would be a mistake. At minimum, she deserves an opportunity to prove her commitment to clean air and public health.

In just two months on the job, she has taken on the Bush administration in its effort to deny California authority to regulate greenhouse gases. She has rightly criticized the lack of public input in the agreement CARB worked out in secret between the railroads and the state on voluntary emissions control at railyards. She visited neighborhoods in the shadows of those polluted railyards. She's indicated a willingness to reconsider that complicated agreement, which was reached before her arrival.

People supporting her include Dr. Alan Lloyd, who heads California's Environmental Protection Agency and who preceded her as chair of CARB, and Jack Broadbent, the executive officer of the Bay Area Air Quality Management District. Larry Greene, executive officer of the Sacramento Metropolitan Air Quality Management District, has worked with Tuck for years. He calls her "equitable, fair ... a very bright person who's interested in finding solutions."

Trained as both a lawyer and an engineer, Tuck has the technical know-how, legal background and practical political skills this job requires.

In the coming months, if Tuck shows an industry tilt that compromises her effectiveness, it will be apparent, and the Senate can act then. For now, in terms of ability, experience and reputation Tuck deserves an opportunity to serve.

[Fresno Bee editorial, Wednesday, August 31, 2005:](#)

Power down

Democrats may have sunk best chance for state's solar future.

If the Democratic Party is looking for ways to distinguish itself from the GOP and its leadership in the White House, there is no better issue than this country's sorrowful dependence on fossil fuels.

U.S. energy policies endanger our national security, pollute the planet's atmosphere and hurt our ability to compete against Europe and Japan in the development of alternative energies.

At the state Capitol, Democrats had an opportunity last week to make California a national leader in solar power. Instead of seizing that opportunity, Democrats did as they usually do — they pandered to certain vested interests.

Following closed-door meetings, they larded up SB1 — the governor's "million solar homes" initiative — with provisions that cater to unions and utilities at the expense of solar's ability to compete against other sources of electricity.

The worst of these amendments is a mandate that contractors pay "prevailing wages" when installing solar panels on commercial buildings. This provision could drive up costs 30%, virtually assuring that businesses will stick with polluting sources of energy.

Because of this gift to the unions, leading Republicans have withdrawn support for SB1 and are urging Schwarzenegger to veto it. This may have been the intended effect. Many Democrats didn't want to hand the governor a legislative victory, so they tainted SB1 with a poison pill.

SB1 now goes to the Assembly floor, so there is still time to amend the bill. Yet if it passes in its current form, remember these names: Assembly Speaker Fabián Núñez and his deputy on this bill, Lloyd Levine, D-Van Nuys.

Instead of thinking globally and acting locally, they revealed why Democrats are a losing party, more interested in licking boots than in leadership

[S.F. Chronicle editorial, Wednesday, August 31, 2005:](#)

Wrong pick for air board

You can fault Gov. Arnold Schwarzenegger for his stands on schools, taxes or a needless special election coming in November. But on the environment, he has generally proved responsible and attuned to state voters.

Why, then, is he pushing a longtime advocate for the energy industry to, of all spots, head of the state smog board? Cindy Tuck is credited with intelligence and a temperate style, but she also comes equipped with the wrong resume to be head of the state Air Resources Board.

The \$121,708-per-year post oversees the panel's decisions on clean-air policies. Take your pick of important issues: vehicle tailpipe controls, refinery emissions and mileage standards for cars. California has the ill-starred honor of having some of the worst air in the nation as found in parts of Southern California and the 240-mile-long Central Valley.

The state has begun improvements, but the job will take more tough decisions. Tuck is a curious choice. She has worked for more than a decade for an energy trade group that fought bills to curb greenhouse gas emissions and industry pollution.

Senate leader Don Perata, D-Oakland, voiced his objections to her appointment in June when she was named. She has since taken office, but needs Senate confirmation to continue. Today, the chamber's Rules Committee will consider her confirmation before the full Senate votes later. These votes have provoked heavy lobbying from both business and outdoors groups, who regard the top smog board job as a key policy position.

Her confirmation would mark a backward step in cleaning California's air..

Let Perata know your views on the Tuck nomination. E-mail him at senator. perata@sen.ca.gov <<mailto:perata@sen.ca.gov>>.

