

## **Air district seeks input on new dairy rules**

By Seth Nidever, Sentinel Reporter  
Hanford Sentinel Tues., March 14, 2006

HANFORD - The San Joaquin Valley Air Pollution Control District will wrap up a two-day public meeting today to consider draft rules requiring many dairies to limit emissions.

In teleconferenced meetings in Fresno, Bakersfield and Modesto, the district is eliciting public input on what existing dairies can do to reduce their contribution to the Valley's dirty air.

The deadline for publishing the final rule is July 1. Affected dairies will have two years to fully implement pollution reduction measures after that.

About 233 dairies in the Valley will be affected, according to district estimates. Those include facilities with 1,290 cows or more.

That's 20 percent of Kings County dairies, according to Kings County Planning Agency numbers from 2003.

Updated figures for Kings weren't available Monday.

Mitigation measures listed in the district's staff report - things like frequent flushing or scraping of manure areas and putting tarps over silage mounds - are fairly easy to implement.

In fact, many dairymen are doing them already. But that hasn't prevented ongoing controversy over how much pollution cows generate. The debate focuses on VOCs, so-called volatile organic compounds that are one ingredient in smog formation.

The San Joaquin Valley, in some pollution categories, consistently vies with Los Angeles for the filthiest air in the nation.

At the current district estimate of 19.3 pounds of VOCs per cow per year, dairies are the number one source of VOCs in the Valley.

Dairy industry figures, farmers and some scientists challenge the accuracy of 75 percent of that amount. New research figures will come out in May, district officials say. The number is significant because it determines how expensive the control technologies will be.

The meetings today deal with BARCT - best available retrofit control technology. That includes the techniques mentioned above.

Dairies constructed or expanded after Jan. 1, 2004 - the date agriculture lost its exemption from air pollution regulations - will have to include more expensive technologies to produce less pollution than the older facilities.

The district estimates that there are 2.5 million dairy cows in the Valley. Officials predict that number will rise 25 percent in the next three years.

## **Come Friday, cigarettes in Calabasas go up in smoke**

### **Nation's toughest ban raises debate**

By Dana Bartholomew, Staff Writer  
The LA Daily News, Tues., 03/14/06

CALABASAS - For smokers in Calabasas, the drag begins Friday.

Smokers may raise a pint on Saint Patrick's Day but not light up in public after the launch of the toughest secondhand smoke ban in the nation.

"We just don't want anyone blowing smoke in someone's face," said Calabasas Mayor Pro Tem Dennis Washburn, a city founder who assumes his fourth term as mayor on Wednesday.

"Unfortunately, what smokers do is harmful to everybody else.

"People should have the right to breathe clean air."

The city's secondhand smoke law is the first in the nation to ban smoking in any public area where others can whiff cigarette or cigar smoke - including sidewalks, parks, outdoor businesses, restaurant patios and condo commons.

Those waiting to exhale must do so in designated smoking areas at shopping malls, or at work, or smoke 20 feet from a beaten path.

If a nonsmoker asks a smoker to butt it, he or she must snuff it or face a fine.

"We salute Calabasas for raising the bar," said Jim Knox, a legislative advocate for the American Cancer Society in Sacramento. "Smoke regulations can play a very important role in reducing public exposure to harmful secondhand smoke."

Last month, California air-quality regulators declared secondhand smoke a toxic air pollutant. The Calabasas ordinance cited 52,000 non-smokers killed each year by secondhand smoke, including 3,000 from lung cancer.

On Monday, however, a cloud hung over businesses across this upscale northwest San Fernando Valley city.

Four days before the secondhand smoke control ordinance goes into effect, not one business had applied for its designated smoking area, according to Calabasas Planner Tom Bartlett.

Restaurant managers shook their heads at the loss of potential business to neighboring cities.

While nonsmokers eagerly awaited the citywide smoke-free zone, smokers cringed at the thought of citizen smoke police.

"It sucks," said Arman Hovanesyan, fleet sales manager for Calabasas Volvo, unaware of the pending ordinance as he cupped a Marlboro Light outside.

"By the time a deputy comes, I'll be gone."

Ashtrays ringed the Commons at Calabasas, where no special smoking area had been designated. A security guard said he will not enforce the ban.

Outside Barnes & Noble, booksellers took their final drags, skeptical of an ordinance that protects not only common breezeways, but bans smoking near oaks and other protected trees.

"What surprises me is the people that bitch about your smoking - after coming over to sit next to you," said Jeff, a clerk, as he sucked on a Parliament. "It's like, c'mon dude, smoke disappears in the outdoors.

"You're not going to get cancer outdoors. I just think (the ban) is ridiculous."

Berge Aparadian, a 25-year-old hospital worker outside a Starbucks, praised the smokers area as a worthwhile idea. "I wouldn't want to be sitting next to somebody smoking," he said.

Silvia Favela, strolling with her 5-month-old daughter Natalia, said the public ban on smoking will be a boon for public health.

"At Starbucks, all these people are smoking and they don't even care there's a child there," said Favela, 33, of Calabasas.

"You don't want to feel you're in a nightclub - you want to enjoy your surroundings, the birds, the fish, the fresh air."

## **EPA gets earful over air quality**

By Ian Thomas

Oakland Tribune, Tuesday, March 14, 2006

SAN FRANCISCO — He wasn't born with asthma. Ten-year-old Jonah Ramirez got it in the most insidious and unexpected way: being a kid, playing outside.

This designated "Asthma Ambassador" for the American Lung Association wants the federal government to improve outdoor air by strengthening pollution standards.

Ramirez was diagnosed with asthma three years ago.

"I want you to remember me when you have to roll up your car window because your suit is getting dirty from the air pollution. Dirty air made me sick," Ramirez, a student at Palm Avenue

Elementary in San Bernardino told a panel of Environmental Protection Agency representatives meeting in San Francisco March 8.

The boy was among 100 representatives of health, citizen, and environmental organizations who criticized the EPA's proposed national air quality standards for fine particle and "soot" pollution. The revised regulations would exempt agriculture, mining and several other industries from having to meet the standards.

One speaker after another called upon the federal regulatory agency to strengthen national standards they said leave millions of Americans at a severe public health risk.

"Particulate matter adversely affects millions of asthmatics, elderly, people with heart and lung disease, children, and now we think people with diabetes," said Dr. John Balmes, Professor of Medicine at the University of California at San Francisco and a spokesperson for the American Thoracic Society.

Speakers included medical professionals, representatives from the Sierra Club, farmers, cattle ranchers, a representative from the Western States Petroleum Association, and private citizens. Criticism of the proposed standards far out-weighted words of approval.

The Clean Air Act, last amended in 1990, establishes air quality levels that protect public health, including sensitive populations, with an "adequate margin of safety."

A particulate standards review is required every five years, but the most recent was in 1997, according to Bonnie Holmes-Gen, assistant vice president of government relations at the American Lung Association.

The proposed revision to the National Ambient Air Quality Standards for Particulate Matter would set limits for "fine particles" and "inhalable coarse particles" for daily and yearly acceptable levels in urban areas with a population above 100,000.

The revision would exempt agriculture, mining, and other "similar sources of crustal material."

"It is totally disingenuous to suggest rural areas have no toxicity and that more coarse materials are not a concern," Balmes said. "The (Bush) Administration seems interested in undermining science for political and economic reasons. It reminds me of the Pope excommunicating Galileo for proving the planets revolve around the sun."

Young Ramirez used no confusing technical language as he spoke of his difficulty breathing, calling himself a "victim of a crime because I breathe."

"Kids like me who play outside are three times as likely to get asthma as kids that stay in and play video games. I wasn't born with it, I developed it," he told the EPA officials.

Similar hearings were held in Philadelphia and Chicago, where approximately 200 more people testified, according to EPA spokesperson Alison Davis.

"It is unprecedented for the EPA to ignore recommendations from its own science advisors; a new particulate standard is one of the most important decisions the EPA will make this decade," Balmes said.

Jesse Marquez, who came to the hearing from Wilmington, CA, near Long Beach, lives four blocks from a Conoco-Phillips refinery. He passionately invited the panel to visit his city to breathe the air.

"The Clean Air Act is supposed to protect the public, but it's not protecting my community," said Marquez, of the Coalition for a Safe Environment.

The EPA will take public comment on particulate air quality standards until April 17 via e-mails and letters. The agency will then consider all comments, which are public record, before making a

recommendation, ordered by the U. S. Court of Appeals for the District of Columbia, by Sept. 27, 2006, according to EPA spokesperson Alison Davis.

## **County best in nation in cutting ozone pollution**

North County Times, Tuesday, March 14, 2006

San Diego County did a better job in cutting ozone pollution than any other metropolitan area in the nation between 1990 and 2004, county officials announced Wednesday.

Supervisor Ron Roberts and officials from the county's Air Pollution Control District said they were notified of the honor by the Environmental Protection Agency two years ago, but never made the information public.

Robert Reider of the Air Pollution Control District said that between 1990 and 2004, the region slashed its violations of the eight-hour ozone limit from 96 days per year to just eight days per year ---- better than the United States' 90 largest metropolitan areas.

Reider said ozone pollution is mainly created by motor vehicles, which the county has no control over. However, he said, the county had done a great job in lowering ozone emissions from factories, power plants, chemical plants, gas stations and other polluters.

## **Rainbow to discuss '05 air pollution violations**

North County Times, Tuesday, March 14, 2006

FALLBROOK ---- Two citations and a fine for air pollution that the Rainbow Municipal Water District received last year are among the topics to be discussed Friday at its board meeting.

The San Diego County Air Pollution Control District imposed a \$6,250 lump-sum fine on Rainbow Municipal for the two citations issued in May and June, alleging that the district failed to follow procedures for installing certain equipment, and ran an emergency generator an hour longer than the maximum time allowed in a year.

Many district directors said they did not learn about the citations and fine until February.

Division 2 Director Jack Griffiths asked that district staff give a presentation at the meeting, which starts at 9 a.m. Friday at district headquarters, 3707 Old Highway 395 in Fallbrook.

"We have to talk about it. If something is going on, then as a public entity, we have to talk about these things," Griffiths said.

## **Builders resigned to new air rules**

By Seth Nidever, Sentinel Reporter  
Hanford Sentinel Mon., March 13, 2006

VISALIA - Paying for pollution you cause indirectly is here to stay, and Kings and Tulare county developers who gathered at Visalia's Lamp Litter Inn Thursday knew it.

Effective March 1, many new or expanding developers in the San Joaquin Valley are paying fees to the San Joaquin Valley Air Pollution Control District for at least some of the pollution their projects generate.

The rules are the first in the nation to slap fees on new development for the vehicle trips associated with it.

It's the district's roundabout way of getting at motor vehicles in a valley that vies with Los Angeles for the smoggiest air in the nation.

The district has no direct authority over either tailpipe emissions or fuel composition.

District officials say they will use the fees to “buy reductions” by funding pollution reduction programs in areas they have more direct control over.

Facing sanctions for failure to meet stringent federal targets in smog and particulate matter categories, officials say they had no choice but to adopt the regulations in December.

The new rules apply to projects that generate more than two tons of pollution per year. By district standards, that includes - among other categories - housing tracts with more than 50 homes and commercial developments bigger than 2,000 square feet.

The atmosphere at the Visalia meeting reflected the fact that developers who meet the criteria don't have much choice either.

Questions centered on technical details of the permitting process. Seyed Sadredin, district deputy executive director, said the district was working to clear up confusion about who was included. He said developers who were having trouble finishing up the required environmental review for their projects could defer fee payments.

Sadredin said that officials were working to get developers an exemption from environmental lawsuits related to air pollution if they comply with the district's rule.

“We are open to any issues that have come up and will come up,” he said.

There was none of the rancor characteristic of discussions leading up to the December rule, approved unanimously by the air district's board of directors on Dec. 15.

“It's been adopted. So the trick now is to comply with it,” said Bob Keenan, executive vice president of the Building Industry Association of Tulare/Kings County.

Sadredin told builders and developers in the audience that they could incorporate air-saving design features into their projects to reduce the fees. Those include everything from building sidewalks to developing mixed uses in the same area to installing energy efficient appliances.

But Sadredin said it would probably be impossible to reduce the fees to zero.

The district's best estimate is that a 75-home tract with reasonable mitigation measures in place would cost the developer \$480 per house.

Before the rules were adopted, a building industry association-backed group called “Stop the Air Board Tax” circulated a flyer claiming it would cost nearly \$800 per house. Sadredin confirmed that would be the case if no mitigation measures are included.

The fees go up dramatically each year up to 2010. In 2008, the maximum fee for the same development will be \$1,770 per house.

District officials estimate the fees will net \$300 million over five years. The money will go into pollution reduction measures elsewhere, Sadredin said.

Sadredin said the goal was to get a 10-ton per day Valleywide reduction in particulate matter pollution.

The increasing fees are necessary, he said, because the controls needed to close in on 2010 reduction targets will get more and more expensive as cheaper remedies are exhausted.

The question raised by Keenan is how much developers will pay, given the potentially greater cost of mitigation measures. Some, he said, might just choose to pay the maximum fee rather than bother with mitigation. That raised the question of whether or not the district can achieve its goals elsewhere. Many of Sadredin's comments centered on ways the district intends to spend the money.

The district will hold a public meeting March 22 in Fresno to review its plans.

Among the plans Sadredin spelled out Thursday were:

- fleet modernization at government agencies
- diesel engine conversion

- alternative fuel projects
- getting "gross pollution" vehicles off the street
- upgrading school buses
- funding reductions in the ag industry