

Fireplace burns restricted

Check Before You Burn program an effort to curb wintertime pollution

BY STACEY SHEPARD, Californian staff writer
Bakersfield Californian, Wednesday, Oct. 31, 2007

A cozy fire may be the perfect antidote for a cold fall night but starting Thursday, residents must think twice before they burn in their fireplace or woodstove.

The Check Before You Burn program is an effort by the San Joaquin Valley Air Pollution Control District to curb wintertime pollution by restricting use of fireplaces and woodstoves on bad air days.

The restriction applies to residents living in the valley portions of Kern County who burn wood, pellets or manufactured logs in a fireplace or woodstove.

From the start of November through the end of February, residents are asked to call a hot line or go online to check the district's daily wood-burning status. Wood burning prohibitions are also available on *The Californian's* weather page and on most television news weather reports.

Last year, wood burning was not allowed on eight days during the no-burn season. In Kern County, 19 violations were issued for not complying with the prohibition.

A fine of \$50 is issued to violators; however, first-time offenders have the option to attend an education class instead of paying the fine.

In addition to restricting burning, the air district may "discourage" wood burning on some days in the next few months. On these days residents are asked to voluntarily avoid using woodstoves and fireplaces.

Homes where wood burning is the sole source of heat because no other heating device is available are exempt from the rule, along with homes in areas with no natural gas service.

The air district has credited the no-burn season with cutting the amount of a certain type of particle pollution in valley air.

Particulates are tiny specs of dust and soot that can aggravate lung ailments.

The valley has not violated the federal standard for these particulates, known as PM 10, since the burn restrictions took effect in 2003. By contrast, the valley surpassed the particulate standard in 13 of the past 15 years prior to 2003.

How do I know if it's a no-burn day?

The daily wood-burning status is issued the afternoon before the day it's in effect. The status is available by calling 800-SMOG-INFO, or by visiting www.valleyair.org. It can also be found on *The Californian's* weather page and on most television news weather reports.

Report a violation

If you see someone burning on a no-burn day, you can file a complaint with the air district by calling 800-SMOG-INFO, or 800-926-5550. Names of individuals filing a complaint are kept confidential.

Report: Smoggy days may be rising

Heat from global warming would hurt local air quality

BY STACEY SHEPARD, Californian staff writer
Bakersfield Californian, Wednesday, Oct. 31, 2007

A new study has found that the impact of global warming in Bakersfield could hit us where we already hurt -- our lungs.

"Hot and Smoggy," a study released Tuesday by the nonprofit advocacy group Environment California, suggests smoggy days could increase as temperatures rise locally in the coming decades due to climate change.

"When it comes to global warming, a lot of people think of polar bears drowning in the Arctic and rising sea levels," said Jason Barbose, the study's author. "But in Bakersfield and the Central Valley, it's about the air people breathe. It could get dirtier as the climate warms."

The study analyzed data that showed smog levels in Bakersfield shoot up when temperatures are high. In the past 10 years, the study found, smog violations occurred in Bakersfield on 91 percent of days when the mercury hit 100 degrees or higher.

With predictions that global warming could cause temperatures throughout the state to rise 3 to 10 degrees by the end of the century, the report warns that the hotter weather could increase smog levels if air pollution sources aren't drastically reduced.

Regional air regulators agreed with the report's findings but said the impacts of climate change aren't expected to play out for several decades.

"Theoretically, that's possible, but it's more of a longer-term prospect than an immediate scenario that could happen," said Seyed Sadredin, executive director of the San Joaquin Valley Air Pollution Control District.

Still, Sadredin said, the air district believes climate change is happening and that's part of the reason it has joined California's lawsuit against the federal government to allow the state to enforce stricter rules for greenhouse gas emissions from vehicle tailpipes.

The same emissions, he said, also create smog.

Dairy plans on hold

Environmental concerns drag out project process

BY STACEY SHEPARD, Californian staff
Bakersfield Californian, Saturday, Oct. 27, 2007

Standing at the edge of a vast cotton field near Wasco, Betsy Hunter sees a dairy waiting to be built.

The Chino dairyman who bought the land five years ago knew it would take time get Kern County's approval to build the dairy, said Hunter, who represents the man on behalf of the Chino-based Milk Producers Council.

"But he didn't know it was going to take this long," she said, adding that in the meantime the land is leased to grow row crops.

Gone are the days when dairies got a quick green light to build in Kern County. Eighteen would-be dairy operators have been waiting three years for approval from Kern County to build dairies on land they own. The county has been studying the impact of the new dairies and the 200,000 milk cows they'd bring. The process will consider what extra pollution controls dairies must take to minimize impacts to the environment. The county will also use the information from the study to draft new ordinances on where dairies can be built to determine a cap on the number of cows the region can handle.

So far, there's no guarantee that all of the dairies will get the OK to build. And even if new dairies are approved, there's a good chance at least some will do battle with a clean air group in court.

A long wait for dairies

That situation today is drastically different than it was less than a decade ago. Then, most new dairies didn't need county approval if they located in a rural area. And for years, agriculture was exempt from state pollution controls that apply to all other industries.

Now, 18 dairymen are in a holding pattern, and their frustration is mounting. Their main question: What's taking so long?

The dairymen have spent more than \$600,000 for the county study, Hunter said, but they've barely seen a thing yet.

"Where is it?" Hunter asked. "It's taking so long, and there's no accountability of what's been done or what needs to be done."

"They've been extremely patient and they want to see this process, number one, be a good one, but also, let's get it done," she said.

Other counties in the valley, she said, have done similar studies in much less time.

In the meantime, the Chino dairyman waiting to build on the Wasco cotton field is renting a dairy southwest of Bakersfield, and the land next door just went into escrow for a new housing project.

Another dairyman, fed up with how long it was taking Kern to assess his proposal, moved to South Dakota, Hunter said. He's been running a dairy there for two years.

"It definitely sends a message that Kern County is tough to do business in," she said.

If other dairymen do the same, Kern stands to lose out on the major economic benefits dairies bring to the local economy, Hunter said. Most are family-owned businesses that create local jobs and preserve agricultural land. In addition, she said, studies done by the California Milk Advisory Board show that every dollar in milk sales creates \$8 in economic activity in related businesses such as trucking, processing plants and cheese factories.

'A complicated project'

Kern County already has 55 dairies and more than 300,000 cows, according to state figures from 2006. About half those cows are milking cows, while the other half are calves and support stock.

In all, more than two dozen dairies -- that would bring an additional 360,000 cows -- are waiting for county permits to build new dairies.

The county is currently assessing the environmental impact of the first 18 dairies, a process required under the state law so that the public and decision-makers understand the full range of environmental consequences related to a project, whether it's a dairy, a factory or a housing development.

The task of assessing environmental impacts of the new dairies is daunting, county planners said.

The main concerns are air and water pollution. But numerous other factors, like potential pollution from related industries that may move into Kern and wildlife issues, must also be addressed. The county has also been waiting on new data about air pollution related to dairies, and the process has also been set back by short-staffing.

"What we've found is this is a complicated project," said Lorelei Oviatt, the Kern County planner developing the environmental impact report on the new dairies. "When you look at all the dairies and the water and the air and the land use ... it's a complicated project."

The report has been delayed numerous times already. At a recent Kern County Board of Supervisors meeting, Oviatt said the final report is expected to be made public in the first quarter of 2008. Oviatt followed up the statement with a pledge to work nights and weekends to make sure it's on time.

The following are key concerns the county is looking at in drafting a report on the environmental impacts of 18 new dairies.

Air quality: Dairies are already the San Joaquin Valley's largest source of volatile organic compounds, a key smog-forming ingredient that comes from cows' feed, manure and digestive gases.

Air pollution from dairies remains a point of contention, largely because science has produced mixed data. Several studies are ongoing to determine an accurate amount. The San Joaquin Valley Air Pollution Control District recently increased the amount of emissions they say come

from dairies. And newer studies by the district due out in six months could push the number higher, prompting tighter air quality regulations.

Groundwater: Dairies also pose a threat to groundwater quality, a major concern in Kern County, where a large portion of water supplies comes from underground. Manure, used by many dairies to fertilize and irrigate crops fed to the cows, can lead to salt in groundwater below it.

While a state agency is responsible for enforcing groundwater quality standards in the valley, it is so short-staffed, it has said it can't regulate all of them. As a result, Kern County's plan must include water quality standards for dairies and hire the staff to enforce them.

Pollution from related industries: The county is required by state law to look at potential pollution from industries that may crop up as a result of dairies, like biofuels refineries that use manure to make fuel, or a cheese factory.

Greenhouse gases: Under the state's Global Warming Solutions Act, the county must consider the amount of greenhouse gases given off by a project in its environmental assessment. Cows are large producers of methane, a powerful greenhouse gas linked to global warming.

Wildlife: Some of the land slated for new dairies has become habitat for sensitive species whose habitat is being eaten up by development in the valley. Wildlife groups and organizations have advocated some of these lands remain wild for the dwindling numbers of native plants and animals threatened by further development in the valley.

Lawsuits plague dairyman

Suits about cash, not air quality, man claims

BY STACEY SHEPARD, Californian staff writer
Bakersfield Californian, Saturday, Oct. 27, 2007

Even if a dairy does get built in Kern County, it still faces the risk of getting sued by clean air groups.

That's what happened to Rick Vanderham, who owns and operates the 1,300-cow C&R Vanderham Dairy near Shafter. Vanderham was sued twice by the Association for Irrigated Residents, a clean air group with members in Shafter and other parts of the valley. The group has been represented in court by the Center on Race, Poverty and the Environment, a nonprofit environmental justice group that represents low-income communities in the valley.

Since 1998, the two groups have filed a dozen lawsuits against dairies, valley counties, regional air pollution regulators and the U.S. Environmental Protection Agency for what the groups call lax enforcement of environmental rules. The groups have won most of the cases.

Vanderham was first sued when he applied for a dairy permit in 1999. A judge ruled that the county environmental impact report, paid for by Vanderham, was inadequate. The document was revised and the dairy finally won approval and was built in 2005. At about the same time, the two groups sued again, claiming that Vanderham failed to obtain a permit from the valley air district.

The air district contended that the Vanderham dairy fell under a small farm exemption in state law and it didn't require a permit.

However, the small farm exemption has not yet been approved by the U.S. Environmental Protection Agency. Because of that, a federal judge recently ruled that a stricter federal rule -- which provided almost no exemptions for farms -- applied. Civil penalties against the Vanderham dairy will be considered in further court proceedings. The judge also will determine at that time if the dairy must shut down until it obtains the necessary air permits.

In both cases, Vanderham has been ordered to reimburse the groups that sued him for court and attorney fees. He paid about \$65,000 in reimbursements in the first case. Reimbursements for the second case, which is still ongoing, could be as much as \$200,000 to \$300,000, he said. In addition, he's spent \$100,000 for his own attorneys.

Vanderham says the irony is that he built a small farm so he could spend extra money on more expensive technologies to control pollution, create a better workplace for employees and provide more comfort for the cows. That included covered barns with individual stalls for the cows, a \$50,000 concrete driveway to control dust, a specialized system for handling manure that cost more than \$200,000 and irrigation wells that run on natural gas. He also plans to create a small pasture for the cows, which is considered a way to reduce pollution by the air district.

"They seem to think I didn't spend enough money building my dairy," Vanderham said. "As a matter of fact, my dairy is probably the most expensive per cow that's been built."

Vanderham feels the lawsuits against him and other dairies are not rooted in genuine pollution concerns. He thinks the groups are caught up in a "not in my backyard" mentality and their attorneys are motivated by the reimbursement fees awarded if they win the case.

"That's ridiculous," said Brent Newell, an attorney with the Center on Race Poverty and the Environment, in response to Vanderham's assertion that the lawsuits are a way for lawyers to make money.

Under the federal Clean Air Act, Newell said, Congress decided that if a group of citizens wants to challenge an action, they have the right to have their attorneys fees compensated.

"If you don't have that mechanism, then citizens have a strong disincentive not to enforce the law," he said. "It's not the Association of Irrigated Residents or others that are making out like bandits. It's the millionaire dairymen who are being subsidized by valley lungs."

Boy started blaze, L.A. County says

The Buckweed fire in the Agua Dulce and Santa Clarita areas was ignited by a youth playing with matches, sheriff's officials say.

By Andrew Blankstein and Jean-Paul Renaud, Los Angeles Times Staff Writers
L.A. Times, Wed., October 31, 2007

A fire that charred more than 38,000 acres and destroyed 21 homes in northern Los Angeles County last week was sparked by a boy playing with matches, sheriff's officials said Tuesday.

The disclosure about the Buckweed fire, initially blamed on downed power lines, came as firefighters continued to push forward in containing the region's blazes and as health officials announced that strenuous outdoor exercise was no longer hazardous in most of Southern California. Authorities in all seven counties struck by the fires said air quality had improved significantly.

L.A. County Sheriff's Department arson investigators did not name the boy believed responsible for the Buckweed fire. Nor did they give his age or the community where he and his family live.

"We have identified a juvenile boy as the person who started the fire," said Steve Whitmore, a department spokesman. "Arson investigators interviewed the young man, and he acknowledged he had been playing with matches and accidentally started a fire."

The boy was released to the custody of his parents. The case has been turned over to the Los Angeles County district attorney's office. The only other information Whitmore provided was that investigators concluded the fire was sparked by an individual the day after it began but that it took more time to link the blaze to the boy.

The fire broke out the afternoon of Oct. 21 in the 11700 block of West Mint Canyon Road in Agua Dulce, an unincorporated area northeast of Santa Clarita in northern Los Angeles County. Fanned by powerful Santa Ana winds, the fire roared south, eventually threatening homes in numerous subdivisions in the Santa Clarita area.

At its height, the blaze forced more than 15,000 people from their homes and was battled by

1,200 firefighters. It was contained Oct. 24.

The improving air quality from progress against the region's fires prompted health officials to declare that the only Southern Californians who should still avoid outdoor activity were those in eastern areas of Orange and San Diego counties, as well as those with preexisting health problems.

"There are still some areas out near the fires that we continue to advise people that if they're in the smoke to avoid physical activity," said Bill Brick, senior meteorologist with the San Diego Air Pollution Control District.

Meanwhile, firefighters battling the region's remaining blazes said the flames that have plagued Southern California since Oct. 20 would be contained by the end of the week.

In San Diego County, crews were on the verge Tuesday of fully containing the area's two largest blazes. The Witch fire, which has burned 197,990 acres, was 97% contained. The Harris fire was 90% contained after burning 90,440 acres along the U.S.-Mexico border.

Firefighters in northern San Diego County were hurrying to extinguish the Poomacha fire ahead of the forecast arrival this weekend of more Santa Ana winds. Foggy nights and moister air have helped crews achieve 70% containment. But the firefighters have had to change tactics because the blaze has reached the Agua Tibia Wilderness, an environmentally sensitive area where restrictions prohibit the use of fire engines and bulldozers, Sawyer said.

In San Diego County, 26,000 more residents signed up for a reverse 911 system that automatically calls them if an evacuation is ordered. Preliminary numbers from the San Diego Institute for Policy Research have put the cost of the county's fires at \$2 billion.

Lower temperatures and mild onshore winds have also helped firefighters restrain the Santiago fire burning through Orange County's back country. The fire, which has scorched 28,445 acres and destroyed at least 15 homes, is 80% contained, and fire authorities are predicting full containment by Sunday.

"The weather is cooperating very well at the moment," said Capt. Ian MacDonald, a spokesman for the multi-agency team battling the blaze. "Our concentration right now is to complete the [fire] line and to make sure that the fire is not burning in an area where mild Santa Ana winds would intensify it and allow the fire to enter" a populated area.

The fire is moving north and east, burning thick brush in the Cleveland National Forest and threatening about 200 homes in Silverado Canyon.

Roughly 2,000 firefighters are battling the blaze; six air tankers and 12 helicopters are dropping retardant. Hand crews and bulldozers, which built five miles of fire line Monday, were working on the final mile Tuesday.

"It's extremely rugged terrain," MacDonald said.

In San Bernardino County, Running Springs residents whose dwellings were destroyed in the Slide fire will be allowed to return to their home sites today to recover belongings, but only between 9 a.m. and 5 p.m. They must also obtain a resident pass beforehand at Rim of the World High School. All other residents may return home at 6 a.m. Thursday, authorities said. There has been no word yet on when residents of Green Valley Lake can return home.

According to officials, the Slide fire, which has scorched 12,759 acres and destroyed 272 structures, is 97% contained. The Grass Valley fire, which destroyed 178 structures, is fully contained, officials reported.

[Sacramento Bee, Letter to the Editor, Tuesday, October 30, 2007](#)

There's still some rice burning

Re "Wood-burning limits set," Oct. 26: Wow! What a great opportunity! We average citizens now have the privilege of cleaning up the air by using more fuel-efficient devices and limiting the allowed times to burn.

Wasn't it almost 20 years ago in this Valley that rice straw burners were leniently given a gradual reduction of burning by curtailing 5 percent a year? Now it should be zero, right? But, wait, there is still some burning. Thank goodness we average homemakers can help defray the damage by waiving our comfort. Thank you, air quality managers.

- Dorothy Mock, Shasta Lake City

[Sacramento Bee, Letters to the Editor, Monday, October 29, 2007](#)

Contradictions in the air?

Re "Hot air over fireplaces," Oct. 25: We seem to be all hung up on the air quality of Sacramento when it's convenient, and the target is the individual homeowner.

What about the fact that one jumbo jet on takeoff would be equal to thousands of roaring fireplaces? The fact that the Sacramento County Board of Supervisors' plan to triple the traffic at Mather by inviting every air cargo operation in the country to use us as a refueling station on the way to Asia is never challenged by the Air Management Board. Why is that? Is it because most of the supervisors were former Air Board members?

- John Kerhlikar, Shingle Springs

Hot under the collar

Gee, what a surprise it is that we can't use our wood-burning fireplaces in the winter. Maybe I'm wrong, but doesn't it get cold and rain a lot in Sacramento during the winter months? There was a suggestion by the Sacramento Municipal Utility District to use alternative ways to keep you house warm. I don't know - maybe we can redo our homes with all the money we save from not paying our SMUD bills.

[Letters to the S.F. Chronicle, Wed., Oct. 31, 2007:](#)

Cleaner power for S.F.

Editor - One of the greatest threats to the city's public health is the continued operation of the old, polluting Potrero Power Plant, daily discharging tons of nitrous oxide and particulate matter into our air and 240 million gallons of superheated cooling water into San Francisco Bay.

After years of work to force closure of the plant, in 2005, the city entered into an agreement with the California Independent System Operator (CAISO) - the state agency that monitors and oversees California's energy grid and electric reliability - which will finally remove the need for the continued operation of the four polluting units at the Potrero Plant.

In return for building cleaner-burning, smaller "peaker" units, CAISO will remove the "must run" designation that keeps the current polluting Potrero plant in business. The peaker units are at least four times less polluting than the current Potrero units and will be mitigated 100 percent by neighborhood tree-planting programs, high-tech street sweeping and other programs.

And in contrast to the current Potrero units, which operate every day, the peaker units, running on much newer, more efficient technology, will run less than half the time, and only when CAISO needs them to meet extreme demands for electric power or in an emergency.

Critics who say we should wait to find a "greener" alternative to the peaker project ignore the fact that CAISO has repeatedly insisted that electric reliability for San Francisco must include some in-city generation.

Approving the peaker project is the one step the city must take to finally force closure of the Potrero Power Plant. Avoiding this decision may be politically convenient to some, but it will only guarantee the continued operation of the polluting Potrero plant every day for years and years to come.

Ryan L. Brooks, President
S. F. Public Utilities Commission
San Francisco

Unfortunate proposition

Editor - For Proposition H supporters, whose seemingly simple demand for more parking spaces for cars would, in fact, reverse San Francisco's transit-first policy and result in more traffic, more pollution, less housing, less mass transit, wider roads, less open space, less funding for social services and, eventually, more oil wars, let me offer a suggestion: move to Fresno. It's got all the free parking you could possibly want.

Good luck, however, finding something to do that's worth driving for.

Mykel Cardoza
San Francisco
(Former Fresno resident)

Editor - One would need several law degrees to wade through the 17 pages of legal text on Proposition H in the voter handbook. However, for simplicity: this measure is a disaster. According to the city controller, Proposition H would "decrease the land and square footage devoted to housing and business uses." It would allow construction of parking to block Muni stops and bike lanes and remove trees.

The San Francisco Planning Department says Proposition H will put thousands of new cars on our streets, downtown and in neighborhoods, increasing traffic congestion, air pollution and global warming.

Proposition H would make parking the preferred land use throughout the city, and relegate every other city priority to secondary status.

This is planning at its worst.

JENNIFER CLARY, President
San Francisco Tomorrow
San Francisco