

[Bakersfield Californian commentary, Wed., March 7, 2012:](#)

### **State air board's solution: more air pollution**

By Lois Henry

Looks like I wasn't the only one left shaking my head at the way the California Air Resources Board (CARB) handled the matter of several Harris Ranch trucks torched by terrorists two months ago.

The other heads are much bigger than mine, however. And if/when they get together, they could really put a leash on CARB. (Here's hoping.)

Harris is the giant cattle operation in western Fresno County. My column Sunday detailed how CARB yanked grant money promised to Harris that the company was going to use to replace older, polluting trucks.

It's all part of a carrot-stick operation in which the state hopes to incentivize truckers to buy cleaner burning trucks as it implements a new rule that will ban all models older than 2010 by 2015.

The money comes from a voter approved proposition and is funneled through CARB to the San Joaquin Valley Air Pollution Control District.

The air district is then tasked with sifting through thousands of applications, doing inspections, doling out the money and destroying the trucks to be replaced.

But CARB has oversight.

The air district had approved 14 Harris trucks for the replacement grants. Each grant is between \$50,000 and \$65,000, only about half the cost of replacing a truck, by the way.

Then, in the early morning hours of Jan. 8, seven of those trucks were torched by assailants thought to be animal rights activists. No one really knows who did it but the suspicion is based on an anonymous email sent to other activist websites in the days following the fire.

No arrests have been made and the FBI is asking the public for help in identifying what it's calling "eco-terror criminals."

Anyway, a day or so after the fire, San Joaquin Valley Air District inspectors combed through the wreckage and gathered records that proved these were operable trucks just hours prior to being burned.

But CARB told the Air District to deny the grants. The trucks no longer existed and were no longer a source of pollution, so Harris, CARB reasoned, couldn't have any money to replace them.

You can take a deep breath here just to think about that.

After some back and forth, CARB agreed to give Harris the money if Harris bought substitute trucks (no matter how old, or how much exhaust they belched) and ran those for the two to six months it would take to finish the paperwork. At the end of that time, the substitute trucks would be crushed.

CARB would get a two'fer -- 14 trucks for the price of seven, courtesy of a reprehensible act of terrorism.

Riding the coattails of criminals.

Even I didn't think CARB could sink so low.

Seyed Sadredin, director of the San Joaquin Air District, had argued for CARB to honor the original grant contract with Harris and not subject the valley's air to a new fleet of old, pollution belching trucks -- especially at the start of ozone season -- for the sake of adhering to their interpretation of the letter of the law.

No such luck.

It appeared Tuesday afternoon that Harris was being forced into a deal with CARB to buy used trucks to replace the torched vehicles, but a Harris spokesman wanted to wait until the deal was inked before confirming.

"This isn't about Harris ranch," Sadredin said. "I don't care about making Harris Ranch happy. It's about government doing the right thing and it's about air quality. Bringing in dirty trucks to have them run for three to six months makes no sense, legal or otherwise.

"Why not just do the right thing and have no emissions for the several months while Harris waits to get its new trucks?"

That would seem logical if air quality was the goal. But, it seems with CARB, that's often less of a goal than adhering to its on byzantine rules.

And other than suing, the public has no way to punch holes in that maze to let in a breath of fresh common sense.

That's right, CARB has no appeal mechanism, unlike other agencies, including the air district.

In fact, CARB officials have been fighting a bill to create such a mechanism tooth and nail.

The bill, AB 1095 passed the Assembly 77-0 last June only to get stuck in the Senate Natural Resources committee.

It's not killed, just stalled, I was told by Matt Roman, a staffer for the bill's author Assemblyman Bill Berryhill, R-Stockton. Berryhill is still in talks with opponents and there's been some progress, Roman said.

Even if it had already become law, the bill wouldn't likely have helped Harris Ranch. It's narrowly tailored to provide a step to resolve disputes over the enforcement of rules regarding stationary pollution sources only, not mobile.

After my Sunday article, I was told several other legislators (remember those bigger heads?) had sought Berryhill out to see if the bill could be amended to include mobile pollution sources as well, but given the rough road it's had so far, that's not likely, Roman said.

The bill has wide support among both parties and Roman was surprised by its sudden halt.

"It seemed like a very simple thing to us," he said, noting that each local air district already has an independent appeals board. "The air districts like it because it cuts down on having to go to court and environmentalists told us they like it as well because gross polluters can be shut down more quickly rather than dragging things through court."

No court means lower costs all around. A hearing board is an independent set of eyes on bureaucrats and anyone from Joe Public to Mega Corp can have their grievances heard.

So, what's the hold up?

CARB, of course. The agency is a vehement opponent.

"This proposal is a solution in search of a problem," CARB spokesman Stanley Young told my voice mail in no uncertain terms. "The proponents of this legislation have not identified a specific provision of the regulation or a specific problem that can be addressed by a hearing board."

Oh! Oh! Oh! I've got one!!! I've got one!!

## **Chilly winds hammer Valley, but relief is in sight**

By Samuel Cosby, staff writer

The Fresno Bee, Wed., March 7, 2012

Valley residents can expect a respite today from the windy weather that raked the central San Joaquin Valley on Tuesday -- but not the freezing temperatures, which are expected to hang on for another day.

The National Weather Service issued a freeze warning through 8 a.m. Thursday, with overnight temperatures in Fresno expected to dip to 33 degrees.

By Thursday afternoon, the spring feel should return, with sunny skies and a high in Fresno of 69, weather service meteorologist Jeff Barlow said.

"There was a pocket of cold air that dropped in from the Gulf of Alaska over this region," Barlow said. "The cold air should move east of the area [today] and temperatures will rebound to normal."

Tuesday's winds knocked out power to several thousand PG&E customers and prompted air officials to issue a health cautionary statement because of blowing dust.

Fire agencies in Fresno County reported the winds knocked down trees and power poles, but caused no significant damage.

In Madera County, gusts stoked a fire at Avenue 71/2 and Road 25 that destroyed a house and travel trailer. The fire started about 4:15 p.m., and Cal Fire firefighters struggled for an hour and a half to gain control.

"The wind spread the fire and it pushed it from one side of the home to the other," said Battalion Chief Rhonda Meyers.

Damage was estimated at \$250,000.