

News Release

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>>City, business and assignment
editors<<



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AIR POLLUTION CONTROL DISTRICT

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Air District prevails in national suit over construction emissions

In yet another endorsement of the Valley Air District's landmark regulation of development-associated air pollution, the U.S. District Court in Fresno this week struck down a lawsuit contesting the regulations.

The suit, filed by the National Association of Homebuilders in June 2007, alleged that the Air District's pioneering regulation, which establishes development fees for air-pollution mitigation, was pre-empted by federal authority. The court disagreed.

"This decision affirms that we have the authority to regulate the effects of motor vehicles and equipment attracted to development sites," said District Counsel Philip Jay. Specifically, the court found that the Clean Air Act allowed the air district to regulate aspects of land use critical to air quality.

The federal decision in favor of the District follows a victory early this year in a lawsuit filed by a coalition of development-related interests, including the state Building Industry Association, the Valley Taxpayer's Association, the Coalition of Urban Renewal Excellence and a Valley chamber of commerce.

"Although the state and national industry associations have challenged the District's authority, our local builders have exhibited a great cooperation and willingness to implement reasonable measures to help protect public health," said Seyed Sadredin, the District's air pollution control officer and executive director. "The Valley's innovative approach to emissions from new development activities is being closely studied by other regions in the state."

Rule 9510, Indirect Source Review, requires developers of any projects in the eight-county air basin to quantify the emissions produced by their projects in both the construction and habitation phases and be subject to mitigation fees, that may be offset by building in air-friendly components to their projects, such as sidewalks, electric plug-in stations, green space and other features that encourage alternatives to driving.

The issue of development sprawl and its negative impact on air quality is especially pertinent in the Valley, Sadredin said.

"We have significant natural challenges to our air quality in the Valley by virtue of our geography and climate. Piling on our historic tendency to sprawl has only posed another obstacle to achieving cleaner air. However, the cooperation of the development community in the Valley has been, and continues to be, crucial in improving air quality for all of us," Sadredin said.

The Valley Air District covers eight counties including San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, Tulare and San Joaquin Valley air basin portions of Kern. For assistance, contact the nearest District office in Modesto at (209) 557-6440, Fresno (559) 230-6000 or Bakersfield (661) 326-6900.