

**SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT  
MEDIA RELEASE**

**For immediate release:**

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***Valley Air District to sue state over smog drift from Bay Area***

On Tues., Feb 19, the San Joaquin Valley Air Pollution Control District filed a lawsuit in Sacramento County Superior Court against the California Air Resources Board (CARB). Through the lawsuit, the Air District wants to force the CARB to adopt regulations that reduce air pollution being transported from the Bay Area into the Valley.

**BACKGROUND**

The San Joaquin Valley has a significant air quality problem and does not currently meet health-based standards for ground-level ozone. In fact, air quality was reclassified from serious to severe because the air basin failed to meet the federal ozone standard in 1999. Attaining the health-based standard by the new, 2005 deadline will be significantly challenging.

Although much of the Valley's ozone problems are caused locally, a significant amount of smog comes from the Bay Area. The 1994 San Joaquin Valley Air Quality Study indicated that 27 percent of the total ozone emissions in San Joaquin, Stanislaus and Merced counties are transported through the Altamont Pass from the Bay Area. Bay Area drift accounts for 11 and 7 percent of the smog problem in Fresno and Bakersfield respectively. The California Air Resources Board has previously categorized this air pollution as "overwhelming," meaning that there are days when these emissions alone could cause areas of the San Joaquin Valley to violate smog standards.

Despite years of urging from the San Joaquin Valley Air Pollution Control District to address downwind emissions, CARB has failed to act on the matter. The California Clean Air Act requires that CARB evaluate transport mitigation at least every three years. The last update should have been conducted in 1999. The state agency is nearly three years late in this action.

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Governing Board Chair Sam Armentrout, Councilmember from the City of Madera, explained that it is this history of inaction that has prompted the District to file a lawsuit against CARB. "Because the state has consistently failed to meet its responsibilities, the Valley Air District Governing Board feels that it has no other recourse than to file the lawsuit," Armentrout said.

This action is intended to force CARB to do its mandated duty to enact measures mitigating the impact of Bay Area air pollution on downwind areas.

### **THE LAWSUIT**

The lawsuit seeks for CARB to schedule a hearing and adopt mitigation requirements for air pollution transported from the Bay to the San Joaquin Valley as required by the California Clean Air Act. This includes but is not limited to imposing uniform offset thresholds and updating all feasible control measures for industrial and mobile sources, such as the Smog Check II program.

#### **Offset thresholds**

Businesses in areas that do not meet state air pollution standards are required to offset emissions when they build or expand operations. CARB has established that industrial sources emitting 10 tons per year or more in the San Joaquin Air Pollution Control District must meet this offset requirement. CARB conducted the last offset threshold review in 1993, when the agency relaxed existing requirements on the Bay Area. Under the requirement established then, businesses in the Bay Area that emit 15 tons per year or more are required to offset emissions when expanding or building. Though the Bay Area contributes to the Valley's smog problems, industrial sources there are allowed more flexibility in expanding their operations while Valley businesses are subject to stricter controls.

#### **Smog Check II**

The California Clean Air Act requires that all areas that do not meet air pollution standards apply feasible control measures on industrial and mobile emission sources.

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Requirements for businesses and mobile sources in the upwind areas should be the same as their downwind recipients.

As a method of reducing emissions from cars and trucks, California requires every major urban area with a smog problem to participate in the Smog Check II program. The only exception is the Bay Area. The better diagnostic equipment utilized in the Smog Check II program more accurately identifies vehicles that surpass acceptable levels for smog-forming gases and carbon monoxide.

Residents in San Joaquin Valley have participated in this important smog-fighting program since it began in 1994. Though the Bay Area contributes to the San Joaquin Valley's air quality problems, it is the only major urban area in California that is not required to participate in the enhanced inspection and maintenance requirements of the Smog Check II program. Equity demands that CARB uniformly impose the same smog requirements for all California, including the Bay Area.

"Cleaning the air in the San Joaquin Valley will take comprehensive effort," said Air Pollution Control Officer David L. Crow. "The Valley Air District is employing every means at its disposal to control emissions originating locally. Ignoring the impact from the Bay Area is no longer an option. This lawsuit may help the Valley finally force the California Air Resources Board to perform its responsibility in protecting Valley residents from the harmful effects of smog generated hundreds of miles away."