

News Release

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>>City, business and assignment
editors<<



San Joaquin Valley
AIR POLLUTION CONTROL DISTRICT

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Court rules in favor of Air District ag rule ***Second decision this week affirms PM progress***

For the second time this week, a federal court has backed the San Joaquin Valley Air District in its progress to rid the air basin of harmful particulate matter.

Thursday, the Ninth District Court of Appeals upheld the U.S. Environmental Protection Agency's approval of a rule directed toward agriculture. Rule 4550 (Conservation Management Practices) requires agricultural operations to select from a menu of mitigation measures designed to cut particulate matter emissions. The rule was adopted by the Air District in 2004 and approved by EPA in 2006.

It was challenged by Earthjustice, which filed a lawsuit in 2006 alleging the individual measures did not meet requirements of the Clean Air Act. It was the second court challenge by Earthjustice struck down this week, and the second victory for the Air District. The previous lawsuit, which was decided on Monday, challenged EPA's redesignation of the air basin as in attainment of breathable particulate matter (PM10).

"Once again, the Valley has been vindicated by objective arbitrators," said Seyed Sadredin, the District's executive officer. "We have seen major improvements in the Valley's air quality now affirmed by the state of California, the EPA and the legal system."

The court determined that the rule contained everything necessary to meet federal guidelines and also that the menu-based approach was appropriate because of the need for flexibility in addressing the Valley's thousands of farms and numerous crop types.

"Valley businesses, including agriculture, are already subject to some of the toughest air-quality regulations in the nation," Sadredin said. "Given the enormous air-quality challenges that we continue to face, the District has already adopted air-quality plans, which unfortunately, will add to the regulatory burden of Valley businesses."

While the air basin is in attainment for PM10, further pollution challenges including ozone and smaller particulate matter remain.

"I wish that Earthjustice would share in our success, and give Valley businesses and residents credit for investment and sacrifices that they have made. Marginal or frivolous lawsuits waste a lot of resources that could better be spent on working together to devise cost-effective solutions," 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) 392-5500.