

# News Release

For immediate release

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>>City, business and assignment  
editors<<



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AIR POLLUTION CONTROL DISTRICT

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## **Court backs District's PM10 attainment** *Decision supports EPA finding*

After more than two years in litigation, a federal court upheld the Environmental Protection Agency's decision that the Valley air basin is in attainment for breathable particulate matter.

The Ninth Circuit Court of Appeals issued its decision March 2 that backs the EPA's finding that the San Joaquin Valley Air District has cleaned up the Valley's air for particulate matter 10 microns and smaller (PM10).

"Each time the District is taken to court by a group challenging our progress, we are vindicated at the highest legal levels," said Seyed Sadredin, the District's executive director and air pollution control officer. "The real credit, however, goes to Valley businesses and residents that have made significant investments in cleaning our air."

The lawsuit, first filed in December 2006 by Earthjustice, challenged the EPA's determination that the District meets attainment standards for PM10. Previously, the air basin was categorized in serious non-attainment of health standards for PM10.

The litigants alleged that two natural wind events that temporarily spiked PM10 readings in isolated portions of the Valley should not have been excluded when considering attainment by EPA under its Exceptional Events policy. However, the court determined that these events were, indeed, exceptional and caused by circumstances beyond the District's control.

"Because of concerted, long-term policies and regulations aimed squarely at reducing the harmful health effects of particulate pollution, and staunch support by the Valley's residents and industries -- notably agriculture -- the entire air basin now breathes cleaner with respect to particulate pollution," Sadredin said.

Among the regulatory steps that moved the Valley into attainment are significant agricultural rules, such as the Conservation Management Practices program, and the District's residential wood-burning rule, which was recently strengthened in order to further reduce fine particulate pollution.

"We are heartened and encouraged by this decision in our future efforts to make even greater progress in improving the health of all Valley residents," 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.