

# News Release

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For Immediate Release



**San Joaquin Valley**  
AIR POLLUTION CONTROL DISTRICT

**TO:**

**Local News, Business and  
assignment editors**

North District Media Contact - Modesto

**Anthony Presto**

(209) 557-6400

Central District Media Contact - Fresno

**Jaime Holt**

(559) 230-5850

South District Media Contact - Bakersfield

**Brenda Turner**

(661) 326-6900

Spanish-language contact

**Claudia Encinas**

(559) 230-5851

## **Environmental lawsuit will stop enforcement of tough regulations on Valley dairies**

*Legal complaint will result in release of smog-causing emissions*

At its April 16 meeting, the Air District will set a May hearing date to set aside its ground-breaking rule regulating emissions from dairies and other confined animal facilities.

Rule 4570 (Confined Animal Facilities), which covers about two-thirds of the confined animals in the air basin (including dairies and poultry houses), was adopted in June 2006 and has required affected facilities to use waste- and feed-management practices to reduce the release of contaminants into the air.

The District estimates reductions in Volatile Organic Compounds (VOCs) of 9 tons per day are equivalent to removing 1.3 million passenger cars from Valley roads. Additionally, the rule has resulted in reducing about 100 tons per day of ammonia and 200 tons per day of methane, a potent greenhouse gas.

The cost of complying with rule was estimated at \$26 million.

In July 2006, the Association of Irrigated Residents (AIR) filed a lawsuit challenging the rule on a number of substantive issues and one procedural matter relating to the adequacy of the staff report on the public-health impact of the rule. The group's legal challenges are summarized as follows:

- \* Failure to perform a health effects analysis.
- \* The rule did not address all the necessary pollutants.
- \* The rule did not require Best Available Retrofit Control Technologies.
- \* The District double counted and overstated the expected emissions reductions.

Trial and appellate courts rejected AIR's main arguments relating to the rule adequacy and the projected reductions in emissions. However, The Fifth Appellate District Court reversed a lower court decision and ruled that the District's staff report did not sufficiently address the public health impact of the rule. At the request of AIR, the court has ordered the District to set the rule pending its completion of the health assessment analysis.

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## **District to set aside dairy rule**

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"We are disappointed that Bay Area attorneys representing AIR rejected our proposal to leave the rule in place and continue the progress that we have made in significantly reducing dairy emissions," said Seyed Sadredin, the District's executive director and air pollution control officer. "Setting the rule aside at the peak of the Valley's ozone season is not in the best interest of the Valley residents."

To minimize the impact of this rollback, the District is asking the dairy industry to voluntarily comply with the rule.

"The Valley's agricultural industry has been integral in the air basin's progress toward cleaner air. However, given the current state of economy and the historically low milk prices, I'm afraid that some dairies may take advantage of the relief that this rule revocation would provide," Sadredin said. "This rule is the most stringent dairy rule in the nation and has served a model for other regions throughout the state."

District staff will recommend to the District's Governing Board at its May meeting to set aside the rule's enforcement until a health study has been completed. The Board will then consider the health study at its June meeting to decide whether to readopt the rule in its original form or to direct staff to begin the public process for amending the rule. The District has already prepared a draft health assessment that is available for public review and comment.

The Valley Air District covers eight counties including San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, Tulare and the Valley air basin portion of Kern. Visit [www.valleyair.org](http://www.valleyair.org) to learn more.