



A HISTORY OF DELAY PM-10 PLANNING HISTORY IN THE SAN JOAQUIN VALLEY

A brief summary

More than three decades after Congress enacted the Clean Air Act to afford all residents of this country clean and healthful air, the San Joaquin Valley remains one of the most dangerous places in the nation to breathe. The Valley has never once attained the national standards for particulate matter, a deadly air pollutant that kills more than 1,200 Valley residents a year. The Valley is a “serious” non-attainment area for particulate matter, the worst possible classification under the Clean Air Act. Indeed, particulate matter in the Valley has increased every year – a trend that is projected to continue.

EPA found in 1991 that the San Joaquin Valley Air District had failed to submit an adequate plan to control particulate matter. As a result, EPA was required to step in and develop a federal implementation plan by December 1993. EPA literally ignored this duty for decade, agreeing only to undertake its statutory duty in response to a lawsuit brought by Medical Advocates for Healthy Air, Sierra Club, and Latino Issues Forum. This February, EPA has proposed to approve the Valley’s recently submitted particulate matter control plan, in spite of numerous, substantial deficiencies.

- 11/15/91 Deadline for the San Joaquin Valley Air District (“Valley”) to submit a state implementation plan (“SIP”) containing all reasonably available control measures (“RACM”) to control particulate matter (“PM-10”) emissions. ***The Valley misses this deadline.***
- 12/24/91 Valley submits a PM-10 SIP, which EPA finds “does not meet EPA requirements for an approvable plan.”
- 1/8/93 EPA downgrades the Valley’s status from a “moderate” to a “serious” PM-10 non-attainment area.
- 6/17/93 Deadline for EPA to impose offset sanctions on the Valley, triggered by the Valley’s failure to submit a PM-10 SIP by the 11/15/91 deadline. ***EPA fails to act.***
- 6/24/93 Deadline for EPA to take action on (*i.e.*, approve or disapprove) the Valley’s December 24, 1991 SIP submittal. Despite its concession that the submittal is inadequate, ***EPA does not act.***
- 12/10/93 Deadline for the Valley to *implement* RACM to attain the national PM-10 standards. ***The Valley misses this deadline.***
- 12/17/93 Deadline for EPA (1) to impose highway sanctions on the Valley for the Valley’s failure to submit a PM-10 SIP **and** (2) to promulgate a federal implementation plan (“FIP”) to control PM-10 emissions in the Valley. ***EPA does not act.***

- 8/8/94 Deadline for the Valley to submit a SIP containing all best available control measures (“BACM”) for PM-10. ***The Valley misses this deadline.***
- 10/12/94 The Valley submits a SIP it claims contains “measures under development” to implement BACM to control PM-10.
- 12/31/94 Deadline for the Valley to attain the national PM-10 standards established for “moderate” areas. ***The Valley misses this deadline.***
- 2/16/96 Deadline for EPA to take action on (*i.e.*, approve or disapprove) the Valley’s October 12, 1994 SIP submission. ***EPA does not act.***
- 2/8/97 Deadline for the Valley to *implement* BACM to control PM-10. ***The Valley misses this deadline.***
- 7/23/97 The Valley submits another PM-10 plan that supersedes its October 12, 1994 submission. In this plan, the Valley asks for a five-year attainment deadline extension to December 31, 2006. In its transmittal letter to EPA, the Valley Air District **admits** “the Plan departs from Clean Air Act requirements in that it does not identify the specific controls [*i.e.*, BACM] which will result in the attainment of the PM-10 standard by 2006.”
- 1/23/99 Deadline for EPA to take action on (*i.e.*, approve or disapprove) the Valley’s July 23, 1997 submittal. ***EPA does not act.***
- 11/1/01 Earthjustice, representing the Medical Advocates for Healthy Air, Sierra Club, Latino Issues Forum, and the Center on Race, Poverty and the Environment, sues EPA to compel it to take action on the 1997 PM-10 Plan. Under a court-enforceable consent decree, EPA agrees to act on the plan.
- 12/31/01 Deadline for the Valley to attain the national PM-10 standards established for “serious” areas. ***The Valley misses this deadline.***
- 2/26/02 Two days before EPA must take action on the 1997 Plan as required by the consent decree, the Valley **withdraws** its 1997 PM-10 Plan in order to avoid EPA disapproval.
- 2/28/02 Prompted by the Valley’s withdrawal of its 1997 PM-10 Plan, EPA finds that the Valley failed to submit a BACM SIP thus triggering requirements to (1) impose offset sanctions on the Valley and (2) promulgate a BACM FIP by 2/28/04.

- 10/22/02 Earthjustice, representing Medical Advocates for Healthy Air, Sierra Club and Latino Issues Forum, sues EPA to compel it to promulgate a RACM FIP for the Valley.
- 7/24/03 Consent Decree entered requiring EPA to promulgate a BACM FIP by July 31, 2004, unless it approves a BACM SIP before that date.
- 6/19/03 Valley adopts a PM-10 Plan that lacks actual control measures and submits it to the California Air Resources Board (“ARB”). Two months later, the ARB rubber stamps the document and submits it to EPA.
- 8/22/03 EPA finds BACM SIP complete, thereby cutting off offset sanctions due to have been imposed by August 28, 2003.
- 12/18/03 Acknowledging that the PM-10 Plan fails to meet Clean Air Act requirements, the Valley adopts amendments to 2003 BACM SIP and submits revisions to ARB. ARB passes the revisions to EPA on January 9, 2004.
- 4/28/04 EPA signs its full approval of the BACM SIP despite fundamental deficiencies. The plan, like its predecessors, fails to provide adequate measures for the Valley to attain the national standard.
- 4/31/04 Deadline, pursuant to Consent Decree, for EPA to propose a BACM FIP for the Valley, unless it approves the BACM SIP before that date.
- 5/26/04 The EPA publishes its signed notice fully approving the BACM SIP despite fundamental deficiencies in the plan.
- 8/31/04 Deadline, pursuant to Consent Decree, for EPA to promulgate a BACM FIP, unless it approves BACM SIP before that date.
- 2/28/05 Deadline for EPA to promulgate a BACM SIP for PM-10, triggered by the finding of failure to submit on 2/28/02. This deadline is superceded by the 4/31/04 FIP deadline agreed upon in the Consent Decree with Earthjustice.