

## **U.S. Environmental Protection Agency - Region 9**

### **FACT SHEET**

#### **Proposal to Affirm EPA's October 2006 PM-10 Attainment Determination San Joaquin Valley, California**

**August 15, 2007**

#### **Today's Action**

- EPA is today proposing to affirm its October 2006 determination that the San Joaquin Valley (SJV) has attained the federal ambient air quality standard for particulate matter less than 10 microns in size (PM-10).
- This proposal provides the public with an opportunity to comment on EPA's evaluation of and proposed concurrence with "flagged" exceedances that occurred through the end of calendar year 2006 at various PM-10 monitors in the SJV.
- Specifically, this proposal addresses PM-10 exceedances that occurred in September, October and December 2006 at various monitors in the SJV that we believe, based on documentation submitted by the State, were due to high wind exceptional events.
- Our proposal also addresses PM-10 exceedances that occurred in September and October 2006 at the Santa Rosa Rancheria, tribal lands located in the SJV. We believe that, for purposes of comparing data to the PM-10 standard, the monitor at the Santa Rosa Rancheria was not properly sited during this time due to nearby construction activity. We also believe that the construction activity that caused the exceedances was an exceptional event.
- The State and the Tribe have "flagged" these exceedances in EPA's Air Quality Database as being due to natural/exceptional events and would like to exclude these data from regulatory consideration, including consideration of whether the SJV has attained the PM-10 standard.
- EPA does not generally issue notice and comment rulemaking when affirming an attainment determination; however, we are doing so here because EPA indicated in its October 2006 attainment determination that we would reassess that determination once we received quality-assured data from the State regarding the September 2006 exceedances, and because of subsequent petitions regarding the PM-10 attainment status of the SJV.
- EPA in this proposed rule is also addressing issues raised in those petitions for reconsideration and withdrawal of EPA's 2006 determination of attainment, filed by Earthjustice on behalf of the Sierra Club, Latino Issues Forum and others.
- EPA's proposed rule provides detailed discussions on each of the exceedances described above, as well as on issues raised in the petitions. EPA requests comments within 30 days of the date of publication of this notice in the *Federal Register*, which should occur by the end of this month.
- In this proposed rule, EPA is not proposing to redesignate the SJV to attainment because we do not yet have an approved maintenance plan or a determination that the area has met other Clean Air Act requirements for redesignation. Therefore if we take final action to affirm our 2006 attainment determination, the SJV would remain a serious nonattainment area until such time as EPA determines that California meets the Clean Air Act requirements for redesignation of the SJV to attainment.

## Background

- On May 8, 2006, the State submitted to EPA a request to make a finding that the SJV attained the PM-10 standard based on data from 2003-2005. On October 17, 2006, EPA made a final determination that the SJV had attained the PM-10 standard.
- In February 2007 the SJV Air Pollution Control District (SJVAPCD) developed the first drafts of the necessary documents for demonstrating that each of the exceedances was due to high wind events. Following a public comment period, the SJVAPCD revised the documents and submitted them to the State. The State then submitted the documents to EPA. The documents provide technical analyses of the exceedances that occurred on September 22, 2006 as well as of the exceedances on October 25 and December 8, 2006 that occurred after EPA's attainment determination.
- Earthjustice provided EPA with extensive comments on these and other exceedances in the SJV via petitions for reconsideration and withdrawal.
- EPA has worked with the Santa Rosa Rancheria Indian Tribe to evaluate the cause of the PM-10 exceedances on tribal lands. Based on information from tribal representatives, we concluded that the exceedances were caused by construction activity in very close proximity to the tribal monitor. Since the completion of the construction activity, the tribal monitor has not recorded any more exceedances and the PM-10 levels have dropped significantly.

## Air Quality in the San Joaquin Valley

- While we continue to believe the SJV has attained the PM-10 standard, the Valley must still implement the PM-10 control measures that have helped clean the air.
- Efforts to improve air quality are far from over as the SJV is continuing to address other air quality standards (ozone and PM-2.5). These efforts should further reduce PM-10.

## Further Information

- A copy of the proposed rulemaking will soon be available in the Air Programs section of EPA Region 9's website, <http://www.epa.gov/region09/air/>, and on [www.regulations.gov](http://www.regulations.gov).
- For more information, please contact Doris Lo, U.S. EPA Region 9, Air Planning Office, at 415-972-3959; [lo.doris@epa.gov](mailto:lo.doris@epa.gov) or Bob Pallarino, U.S. EPA Region 9, Technical Support Office, at 415-947-4128; [pallarino.bob@epa.gov](mailto:pallarino.bob@epa.gov).