

# **EPA Proposes to Withdraw its Approval and Disapprove Contingency Measures For the San Joaquin Valley PM<sub>2.5</sub> Nonattainment Area**

August 6, 2015

## **Summary**

- EPA is proposing to withdraw its 2014 approval of the San Joaquin Valley's (SJV) contingency measures for the 1997 PM<sub>2.5</sub> NAAQS. Simultaneously, EPA is proposing to disapprove the contingency measures.
- These proposed actions are in response to a Ninth Circuit Court of Appeals decision rejecting EPA's rationale for approving plan submissions that rely on California mobile source control measures (a.k.a., "waiver measures") which was a necessary basis for EPA's 2014 contingency measure approval.
- Finally, we are proposing that our disapproval of these contingency measures, if finalized, will not trigger sanctions or FIP clocks because the disapproved contingency measures are for an attainment date that no longer applies to the SJV area (April 5, 2015) and has been superseded by different planning obligations.

## **Background**

- The SJV PM<sub>2.5</sub> nonattainment area is located in the southern half of California's central valley and includes all or part of eight counties: San Joaquin, Stanislaus, Merced, Madera, Fresno, Tulare, Kings, and the valley portion of Kern.
- On April 5, 2005, EPA designated the SJV area in California as nonattainment for the 1997 annual and 24-hour PM<sub>2.5</sub> NAAQS.
- On May 22, 2014, EPA approved the contingency measures for the SJV PM<sub>2.5</sub> nonattainment area. Among other things, the contingency measures relied on ongoing emissions reductions from California's mobile source measures subject to CAA section 209 waiver or authorization requirements (a.k.a., "waiver measures").
- On May 20, 2015, the Ninth Circuit Court of Appeals issued a decision that found EPA in violation of the Clean Air Act for approving plans that rely on emissions reduction from measures such as the "waiver measures" that are not approved into the State Implementation Plan.

## **Next Steps**

- EPA's proposed action provides a 30-day public comment period from the date of publication in the Federal Register.

## **For More Information:**

<http://epa.gov/region09/air/sjv-pm25/index.html>