



Our Children's Earth Foundation | 100 First Street, Suite 100-367, San Francisco, CA 94105

NEWS RELEASE

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NEW AG POLLUTION RULE CONFUSES

Farmers and agricultural organizations in the San Joaquin Valley say confusion is abundant when it comes to a new program to regulate major sources of air pollution on farms.

Starting May 14, farms that have heavily polluting diesel pumps, like those used for irrigation, will have to seek permits to keep those pumps running in the coming summer months. It's the first time farms have ever been regulated under the rules that govern those so-called major sources of pollution.

The difficulty for farmers is figuring out what counts as a "major" pollution source.

Despite federal efforts to make the program easy to understand, the tables and algebraic formulas to determine emission totals can inspire some major head spinning, farmers say.

The U.S. Environmental Protection Agency has scheduled workshops around the Valley to help farmers decide whether they will need to get permits for their stationary diesel pumps.

The closest meeting to San Joaquin County will be in Modesto on April 14. Local Farm Bureau officials say they are trying to work out a way to host a workshop in this county.

Officially, groupings of diesel pumps are considered "major" pollution sources if together all the pumps on a farm produce more than 25 tons of emissions a year. Newer pumps put out fewer emissions, as do less-powerful pumps. That makes it difficult for officials to easily figure out what farms may need permits.

It gets more complicated.

Later this year, the San Joaquin Valley Air Pollution Control District is expected to ask for a designation as an "extreme" zone for smog pollution to avoid certain sanctions. That designation will lower the threshold for major pollution sources from 25 tons of emissions a year to just 10 tons a year.

While only a few hundred farms in the Valley might need permits now, thousands may be affected if the air basin is designated extreme, air officials speculate.

"I've seen growers worked into a frenzy, because they read in the paper that they're going to have to get a permit. And it's difficult to help them, because there aren't any really good rules of thumbs with this," said Russ Matthews, executive director of the San Joaquin Farm Bureau.

A 15-page worksheet offered online by the EPA provides tables and equations for farmers to use to figure out how much pollution their stationary diesel engines produce. Generally, a farmer who uses six small pumps might qualify as a major polluter.

This new program is being run temporarily by the EPA, which was forced to take over the program because of a lawsuit filed by environmental groups. The groups claimed the EPA acted illegally when it approved a state regulatory program that exempted farms.

In a lawsuit settlement agreement, the EPA decided to take over the California program and give the Legislature a short amount of time to remove the farm exemption.

If the exemption isn't changed by November, some California businesses could be forced to pay more for their pollution permits. If the Legislature doesn't act by May 2004, the state could lose more than \$2.3 billion in federal road building dollars, according to the California Air Resources Board.

Legislation to remove the exemption has been written by Sen. Dean Florez, D-Shafter.

Once the state removes the farm exemption, local air districts would take over the farm-permitting program.

And farmers are worried that although they don't have to pay for the program now, they might be stuck with extra fees once the program is handed back to cash-strapped air regulators in California.

Environmentalists say the program will make air regulations more fair. Businesses with diesel pumps already have to get permits, for example.

Also, clean-air advocates say the Valley needs to cut pollution everywhere. The region is among the most polluted air basins in the country and has never met federal air standards.

"It's unfortunate it took a lawsuit for the EPA to pay attention to the terrible air problem in the Valley," said Susan Britton, an attorney for Earthjustice.

Earthjustice and the Center for Race, Poverty and the Environment handled the lawsuit on behalf of the Sierra Club, Kern County-based Association of Irrigated Residents, Merced-based Communities for Land, Air & Water, Fresno based Medical Alliance for Healthy Air, the Natural Resources Defense Council and Our Children's Earth Foundation.

Britton said that while only a few hundred farmers might have to get air permits, that could significantly reduce the Valley's pollution.

"Literally, these major sources of pollution are major sources of pollution," she said.

EPA spokeswoman Lisa Fasano said the agency is now targeting only diesel pumps, among the most simple sources of pollution to calculate. Large dairies, animal feedlots and farms with natural-gas pumps may have to get permits by August.

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