

SCAQMD Permit Moratorium May Not Be Over

We learned this morning, December 16, 2009, at a regular meeting of the SCAQMD (District) Home Rule Advisory Group that NRDC and associated petitioners in the federal court actions against the District have filed a petition with EPA to block the issuance of permits starting January 4, 2010, citing violations of the Clean Air Act and the Administrative Procedures Act, among other legal vehicles. The petitioners argue that the use of credits from small source "orphan" shutdowns per SB 827 and the transfer of credits to the proposed Sentinel Power Plant in the Coachella Valley per AB 1318 requires a SIP revision, a very long administrative process. The plaintiffs further claim that if EPA does not respond by January 1, 2010 and stop the issuance of permits, EPA will be guilty of an unreasonable delay. The District fired back a response just yesterday urging EPA not to take precipitous action. Copies of the petition (84 pages) and letter urging caution (3 pages) are available through the SCAP office. Based on our last communications with District legal staff this morning, at this juncture, the District still intends to issue permits come January 4, 2010. The Air Committee will keep you posted.