

For Immediate Release: February 3, 2004

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COURT VOIDS SMOG CLEANUP DELAY

Anti-pollution plans for the Washington area fall short

Washington DC-A federal appeals court today held that the U.S. Environmental Protection Agency (EPA) violated the Clean Air Act by letting the Washington area delay adoption of stronger anti-smog measures. The court threw out EPA's 2003 approval of regional smog control plans that merely promised to adopt overdue pollution controls in the future. The decision could lead to the starting of clocks for imposition of federal pollution controls and sanctions on the area unless all required measures are promptly adopted.

The suit was brought by Earthjustice on behalf of the Sierra Club. It is the third time in two years that a federal court has ruled that EPA has illegally delayed clean air requirements for the Washington area.

"This is a big victory for everyone who breathes the air in this community," said Earthjustice attorney David Baron. "Just by being outside, Washington area residents are exposed to ozone at levels that can cause serious health problems, especially for children, senior citizens, and asthmatics. We hope EPA will now get the message and start protecting our lungs rather than making excuses for delay."

At issue is the Washington area's continued violation of federal health standards for ozone (smog), a severe lung irritant that is particularly dangerous to children, persons with asthma, and senior citizens. Elevated ozone levels have been linked to increased hospital and emergency room visits, and symptoms such as chest pain, nausea, and pulmonary congestion.

In the Spring of 2003, EPA "conditionally" approved regional air pollution plans that a federal Court ruled inadequate in 2002. The plans were completely missing a variety of anti-smog measures required by the Clean Air Act, including stronger pollution limits for factories, annual emissions cuts, and steps to offset growth in car and truck exhaust. EPA's conditional approval let the District, Maryland, and Virginia put off the adoption of these measures. Earthjustice filed

suit, contending that EPA's action violated the Clean Air Act. In today's decision, the U.S. Court of Appeals for the D.C. circuit agreed.

"We're pleased the Court rejected EPA's delaying tactic," said Sierra Club spokesperson Melanie Mayock. "We need an effective, enforceable plan to get the necessary pollution reductions for healthy air, and we need it now. The residents of Metropolitan Washington have waited too long to breathe healthy air because of delays from EPA."

In the summer of 2002 the Washington region suffered from the worst ozone pollution in more than a decade. There were nine "code red" days, and another 19 "code orange" days when children were warned to limit outdoor play. The situation was even worse when measured against EPA's new, more protective 8-hour ozone standard, which was exceeded on 36 days in 2002 - including two "code purple" days when the air was deemed "very unhealthy."

Sierra Club, Earthjustice, and other environmental groups have criticized a draft clean air plan released in December by the Metropolitan Washington Council of Governments for offering too little in the way in additional controls on motor vehicle exhaust, and further delaying required anti-smog rules.

As a result of the earlier Earthjustice suits on behalf of Sierra Club, the Washington region was reclassified from "serious" to "severe" for ozone in early 2003, triggering requirements for stronger pollution controls. Unfortunately, the more protective measures required by the law have still not been adopted," said Baron. "We hope today's court decision will put an end to further delays."

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City of Alexandria, Virginia

MEMORANDUM

FROM: LUDWIG P. GAINES, MEMBER OF COUNCIL *llp*
TO: PHILLIP SUNDERLAND, CITY MANAGER
THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL
DATE: FEBRUARY 2, 2004
RE: ADDING REGIONAL ANALYSIS TO STAFF REPORTS

Recommendation: That regional analysis be incorporated into existing staff reports associated with development applications and special use permits (SUP) where appropriate given the size and scope of a development or SUP, and said analysis specifically incorporate external impacts on existing City of Alexandria transportation infrastructure and residential neighborhoods.

Local decision-making stands to benefit from augmented regional land-use and transportation analysis. At a time when traffic concerns are generated as much, if not more, by factors beyond our borders, understanding the size, scope and impact(s) of external factors originating in surrounding jurisdictions will likely prove integral in our attempts at effective land-use and transportation planning.

The objective behind this recommendation is that local decision makers and citizens and local businesses have available the best and most comprehensive regional information available when assessing the merits of a given development application or SUP request.

Such regional information and analysis would include, but may not be limited to, external impacts on Alexandria's existing internal transportation infrastructure, including impacts on residential cut-through traffic, roadway safety, open space, increased air pollution and others factors affecting the quality of life of our residents and the interests of local businesses and their employees.

Such added analysis would provide useful information not currently a consistent part of the analysis available for review in staff reports. While regional forecasting by the Council of Governments is at times utilized in current analysis, a clearer and more comprehensive (holistic) understanding of external development impacts occurring immediately beyond our borders (Arlington, Fairfax County, District of Columbia and

Southern Prince George's County), and of the associated impacts within our borders, is necessary and invaluable.

When is such added regional analysis warranted? Clearly the size and scope of a proposed development or amended use of an existing development are factors to consider. My discussions with Planning and Transportation staff, as well as citizens-at-large suggests that potential triggers may include the amount of a proposed development's total square footage and/or vehicular trip generation resulting from a proposed development. It is my expectation that staff will report back to Council the specific triggering events meriting regional analysis.

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