



DEVELOPING NEWS



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Enviro Justice Org Wants to Sue Warehouses to Enforce South Coast AQMD's Warehouse Indirect Source Rule

Two years ago the South Coast Air Quality Management District ("SCAQMD") adopted its Warehouse Indirect Source Rule – Rule 2305. The rule requires warehouse operators to account for truck trips to and from their facilities and mitigate the resulting diesel exhaust emissions, including by paying a mitigation fee to the SCQAMD. For a more detailed discussion of its requirements see my article about the proposed rule [here](#).

On July 19, 2023, the Center for Community Action and Environmental Justice ("CCA EJ"), an environmental justice organization based in Riverside County, filed a lawsuit in federal court against the United States Environmental Protection Agency ("US EPA") to compel the US EPA to approve Rule 2305.

The lawsuit signals CCA EJ's intent to make Rule 2305 enforceable under the federal Clean Air Act, including by citizen suits. Section 304 of the Clean Air Act allows any person to file a citizen's lawsuit in federal court against any person alleged to be in violation of the Clean Air Act or of any rule or permit issued under the authority of the Clean Air Act. Presently, Rule 2305 is enforceable only by the SCAQMD. If the US EPA approves the rule as part of California's state implementation plan, however, anyone affected by a warehouse facility's indirect diesel exhaust emissions will be able to file a federal lawsuit to enforce the rule.

Meanwhile, the SCAQMD will be holding a public meeting on July 27 to discuss how it will make each warehouse's compliance data publicly accessible on its website.

These developments foretell future enforcement lawsuits by local warehouse opponents. Warehouse owners and operators should take note and confirm their compliance with Rule 2305.

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