



Air Pollution Control District
San Luis Obispo County

Via Email & Mail

January 21, 2020

Liz McGuirk
California Department of Parks and Recreation
P.O. Box 942896
Sacramento, California 94296-0001
Liz.mcguirk@parks.ca.gov

SUBJECT: November 18, 2019 Modified Stipulated Order of Abatement Number 17-01 (SOA#17-01) –
Comments on 2020 Dust Control Projects

Dear Liz McGuirk:

Thank you for complying with the December 31, 2019 requirements of modified SOA#17-01 including:

- Timely enclosing of the 48-acre foredune area;
- Naming of Project Manager Jeff Tupen; and
- Submission of an initial proposal for the other 2020 Dust Control Projects.

We have received your proposed December 31, 2019 Annual Work Plan and appreciate your efforts over the Holidays to get these items together and maintaining the timeline required in the modified order.

Scientific Advisory Group (SAG) comments on the 2020 Dust Control Projects have also been received and based upon our review of the projects and the SAG comments, we have attached our comments that must be addressed prior to approval. As per condition 3.v of the Amended Order, State Parks has until February 1, 2020 to respond to these deficiencies. At that point the SAG will then have 10 business days to review and comment on any modifications made to the original proposal. The District will then have 5 business days to approve or impose modified projects.

The District would like to remind State Park's that CEQA requirements must be addressed and Coastal Commission approvals must be obtained as expeditiously as possible for any projects not previously addressed.

Again, thank you for your efforts and feel free to contact me with any questions or concerns.

Respectfully,

A handwritten signature in blue ink that reads "Gary E. Willey".

GARY E. WILLEY
Air Pollution Control Officer

Enclosure

cc: Hearing Board, District Board, District Counsel, Coastal Commission Staff, SAG, State Parks Staff

Introduction

On November 18, 2019, the District and the California Department of Parks and Recreation (“State Parks”) agreed to amend the Stipulated Order of Abatement in Case 17-01.¹ That agreement was filed with the San Luis Obispo County Air Pollution Control District Hearing Board on December 9, 2019.²

Condition 3 of the Amended Order requires State Parks to submit to the District and the Scientific Advisory Group (“SAG”) by January 1, 2020, a proposal for 40-acres of seasonal dust controls to be implemented in 2020. The proposal must include “the specific season dust control measures that will be utilized, and proposed locations of the specific measures ... This proposal shall include an implementation plan schedule, including, but not limited to, an increment of progress schedule and a final completion date.” The Condition further specifies the review and approval process for the proposal.

Condition 4 requires State Parks to undertake a 4.2-acre permanent dust control project in a specific location near Pavilion Hill or propose an alternative location by January 1, 2020. The Condition specifies that if an alternative location is proposed, the review and approval process will be the same as for 40-acre temporary project described in Condition 3.

State Parks’ proposal, “Initial Proposal for 2020 Dust Control Projects” was timely submitted on Dec 31, 2019.³ The Amended Order specifies that the SAG shall review the proposal and provide a response to State Parks and the District within 10 business day. The SAG’s review letter, “Memo: SAG Comments on the Initial Proposal for 2020 Dust Control Projects,” was timely received on January 15, 2020.⁴ These comments concern State Parks proposal and the SAG’s review letter.

Temporary Dust Controls: 40 acres

State Parks proposes to implement two separate 20-acre wind fence projects in the locations depicted in Attachment 1 of their proposal, and the SAG letter states that it “approves of” the

¹ San Luis Obispo County Air Pollution Control District Hearing Board, “Stipulated Order of Abatement, Case No. 17-01,” May 4, 2018. Available online: <https://storage.googleapis.com/slocleanair-org/images/cms/upload/files/Filed%20%26%20Approved%20SOA%20Case%2017-01%20Apr-30-18.pdf>

² San Luis Obispo County Air Pollution Control District Hearing Board, “Order to Modify Existing Stipulated Order of Abatement, Case No. 17-01,” December 9, 2019. Available online: https://storage.googleapis.com/slocleanair-org/images/cms/upload/files/AMENDED%20Order%20of%20Abatement%2011-18-19_FILED_1.pdf

³ California Department of Parks and Recreation, “Initial Proposal for 2020 Dust Control Projects,” December 31, 2019. Available online at <https://www.slocleanair.org/air-quality/oceano-dunes-efforts.php>.

⁴ Scientific Advisory Group letter to Jon O’Brien, Liz McQuirk, and Gary Willey, January 15, 2020, “Memo: SAG Comments on the Initial Proposal for 2020 Dust Control Projects.” Available online at <https://www.slocleanair.org/air-quality/oceano-dunes-efforts.php>.

project. **The District concurs with and hereby approves the proposed project description and location; however, we have concerns with the proposed implementation schedule and thus withhold full approval of the project at this time.** Specifically, Condition 3.ix of the Amended Order states that State Parks “must fully fence the 40 acres of season dust controls project perimeter to exclude off-highway vehicular activity by March 15, 2020, and ... shall complete the project by April 1, 2020.” While State Parks has proposed fencing off the project areas by March 15, 2020, it proposes completing the project surface treatments by May 15, 2020—45 days past the deadline specified in the Amended Order.

The District cannot approve the extension of this deadline without good cause. State Parks shall therefore submit a revised proposal that either complies with the April 1, 2020, deadline or provides a justification for a later deadline and obtain APCO approval. This proposal shall be submitted by the February 1, 2020, deadline specified in Condition 3.v of the Amended Order. While the District has approved the location(s) of the project, the revised proposal may propose alternative location(s).

Permanent Dust Controls: 4.2 acres

Citing traffic concerns, State Parks proposes to install the required 4.2 acres of the permanent dust controls in an alternative area, designated “Area 3” in Attachment 1 of the proposal. The SAG “conditionally approves of” this location but notes that it is likely to yield less emissions reductions than the default Pavilion Hill project. The SAG further notes that State Parks has not provided any specific rationale for locating the project in Area 3. The District shares these concerns.

The District notes that the area immediately west of “Area 3” appears to be more emissive (see for example, the second figure of Attachment 1 of the proposal or Figure 4-1 of the Draft Particulate Matter Reduction Plan (“PMRP”).⁵ In 2018 State Parks installed 9 acres of temporary dust control in this very area (see PMRP Figure 5-1), so there is precedent for a project here, and thus revegetation would appear to be feasible from an operational/traffic control perspective. If the 4.2-acre project were shifted into this area, it could be made contiguous with the existing 9.1-acre revegetation area that was installed in 2017 and is situated along the eastern edge of the riding area (see PMRP Figure 5-1). Compared to separate 4.2- and 9.1-acre vegetation islands, a contiguous 13.2-acre island would likely provide more effective dust control (due to reduced edge-effects) and be more ecologically sustainable and thus easier to establish and maintain.

Therefore, at this time, District withholds its approval of the 4.2-acre permanent dust control project. **State Parks shall submit a revised proposal by the February 1 deadline specified in**

⁵ California Department of Parks and Recreation, Off-Highway Motor Vehicle Recreation Division, “Oceano Dunes SVRA Draft Particulate Matter Reduction Plan,” June 2019. Available online: https://storage.googleapis.com/slocleanair-org/images/cms/upload/files/Draft_PMRP_20190606.pdf.

Condition 3.v of the Amended Order. The revised proposal shall discuss the rationale for selecting the project area, and it shall specifically evaluate moving the project west, into the area temporarily occupied by 9 acres of wind fencing in 2018 and contiguous with the existing 9.1-acre vegetation island.

Additional Items

The SAG's review letter also requests that States Parks use an updated DRI dust emissions model to evaluate the dust emissions reductions from temporary 40-acre and the permanent 4.2-acre dust control projects. The review letter further states that "If the DRI model shows that the magnitude of dust emissions reduction [from the permanent 4.2-acre project] is substantially lower than would have been achieved in the location designated in the amended SOA, then Parks should also propose a remedy to bridge the gap toward achieving the desired total dust control effectiveness."

The District agrees with these requests. State Parks revised proposal shall include a plan to complete these evaluations and report the results to the District and the SAG. The report shall be made in March 2020 or sooner.