

To: boardclerk@slocleanair.org

October 21, 2020

Subject: October 23, 2020 Public Workshop – 2020 Annual Report and Work Plan

Dear Mr. Willey:

I'd like to request that any "final" approval of a 2020 Annual Report and Work Plan either incorporate or be conditioned on the following:

1. According to the Stipulated Order of Abatement as modified, the date for submission of the ARWP to the Scientific Advisory Group is not later than July 1 of each year. Not August 1. No future ARWP should misstate that requirement or fail to comply with it.
2. The Stipulated Order of Abatement sets forth very clearly in Section 4 (pages 12-13) the minimum disclosure requirements for each draft ARWP. A condition could be added to require that all future ARWPs be organized and formatted to present information in a clear and understandable matter that adheres to the outline presented on those pages.
3. The OHMVR Division has been permitted to take undue advantage of the language in the SOA stating that ARWPs "shall propose dust control activities to be undertaken or completed in the next year..." It appears that many activities are only being partly "undertaken," making it nearly impossible for the OHMVR Division to also provide the required "analyses of expected outcomes, mitigation effectiveness, and potential emission reductions." (SOA, 4.d – page 13)
4. Every draft ARWP should be required to re-state the clear, overarching goal of the SOA: **attainment of federal and state ambient air standards for PM10.** This version does not.
5. It is a huge mistake to accept as conditionally approvable an ARWP that does not report or propose "permanent" mitigation measures that demonstrate ongoing and eventual full compliance with the stated goal of the SOA. How does "the addition" of 90 unidentified acres with unidentified "temporary" or "seasonal" mitigation measures show that the goal will be reached? Until its provisions are changed, consistency with the approved PMPR requires at least 90 additional acres of permanent mitigation to stay on track SOA and PMRP goals. This is what the SAG "sort of said" in its August 31, 2020 comments and what you "did say" in your rejection letter of September 4, 2020.
6. In keeping with its role and authority relating to ARWPs in the SOA (see Sec. 4.e – pg. 13), the SAG identified in its August 31, 2020 letter the type, effectiveness and geographical location for new dust mitigation measures. Why aren't those

recommendations, including recommendations about location, being used for an approved ARWP?

7. Does the Annual Report do an adequate job of reporting actual, objective, observable reduction data vs. “modelled” reductions? I can see the benefits of an iterative, model-based approach for refined estimates of reductions expected to occur in the future, but the public should have clear, understandable, measured information about what’s really happened in the past.
8. Make no mistake about it: the overarching goal of the SOA is achievable. The SOA requires demonstration of attainment of applicable PM10 standards and the stated purpose of the approved PMRP is to lay out how attainment will be assured. There is no room in an approved ARWP for discussions about watered down alternatives because an initial target or overarching goal has somehow become unachievable.
9. In your rejection letter dated September 4, 2020 to OHMVR Division Deputy Director Sarah Miggins, you explicitly rejected (see pages 3-4) the contextual notion that achievement of SOA goals should be viewed through a lens of minimizing adverse impacts on recreational opportunities. Why is that language still included in a “provisionally approvable” plan? No final, approved ARWP should be diluted with language that creates ambiguity about the overarching goal of the SOA.

As final comment on the draft ARWP, but not one to suggest further changes, I’d like to express thanks and appreciation for the ongoing work and commitment coming from members of the SAG, and especially for the time and attention they gave to the Letter on COVID-19 Closure, the SAG Review of Scripps Study, and the SAG Review of WeatherSolve Structures Wind Fence Proposal. May they stay the course.

This is not the time for SOA fatigue, compromise, or retrenchment.

You did the OHMVR Division a huge favor by calling the 4th draft of the 2020 ARWP “provisionally approvable.” It really wasn’t, and I’m pretty sure everyone understood that. But the process is still the same for a plan rejected or provisionally approved after October 1; the ball is now in your hands exclusively -- and the OHMVR Division placed it there.

Approving this plan as is would be undermining what the SOA is required to achieve and what it will take to do that. For the sake of the APCD, your staff, the public, public health, and what’s right, please exercise the authority you clearly have under the modified Stipulated Order of Abatement to impose additional conditions requiring

the undertaking and completion before July 1, 2021 of mitigation measures sufficient in scope, type, permanence and consistency to assure timely compliance with PRMP provisions and the SOA's overarching goal -- not of "progress toward" but actual attainment of, applicable air quality standards.

Thanks for considering my comments.

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