

March 7, 2018

San Luis Obispo County  
Air Pollution Control District  
Hearing Board Members

Dear Hearing Board Members,

At the January 30 hearing, you, the Hearing Board members, asked the public to provide input into a mitigation solution it "would be comfortable with." We are responding as co-founders and supporters of Concerned Citizens for Clean Air, a group of Nipomo Mesa residents that has been advocating for a solution to the particulate matter pollution/nuisance for the past eight years. We appreciate the opportunity to engage in this stage of the process as we are most impacted by the hazardous dust from the Oceano Dunes SVRA.

Attached is our proposal for your consideration. It differs considerably from the draft Order of Abatement prepared by the APCD. Before there was a Rule 1001, there was a Memorandum of Understanding and a technical committee created to address this problem; they failed and were disbanded. In November 2011, Rule 1001 was passed, but it has proven to be an ineffective tool for mitigation and it ultimately has resulted in ongoing delays. The Particulate Matter Reduction Plan mentioned in the draft abatement order has been overdue for four years as it was due for APCO approval by July 31, 2013. Given this track record, our proposal does not rely on Rule 1001 because we believe that the implementation and viability of that Rule is doubtful.

The major components of our proposal are: 1) Abatement by discontinuing disturbance of the fragile dune surface, thereby letting it self-restore; 2) Closing 200 acres of the most emissive areas this year to provide much-needed and deserved immediate relief to residents; 3) Defining "abatement" as the reduction of emissivity to within a yet-to-be-determined percentage of the natural background levels; 4) Closing an additional 100 acres annually until natural background levels are met or until 2021 when the entire county-owned portion of La Grande tract is closed; 5) Provisions to re-open some of the closed area to non-motorized public use once the nuisance has been abated.

These provisions were developed after considerable investigation and debate and reflect the collective opinion of the organization's leadership. They were conceived to:

1. Avoid entanglement with Rule 1001 and the monitoring formula it contains. The heavy reliance on monitoring, and the CDF monitor specifically, has resulted in four years of State Parks' mitigation being located in direct alignment with this monitor.
2. Avoid reliance on State Parks' self-stated limited ability to plant vegetation and instead relies on Mother Nature's ability to self-restore.
3. Reduce surface disturbance year around, as our poor air quality now occurs year around.
4. Avoid the problem of getting permission from all land owners to abate the nuisance, by targeting only county-owned property.
5. Avoid the argument about the suitability of the Oso Flaco monitor to be a "control monitor" by allowing for the addition of other monitors at a later date.
6. Avoid impact to the abatement order of any rescission of Rule 1001 and/or the Oso Flaco monitor being removed from the Rule by designating the Oso Flaco monitor as the abatement order basis for determining the natural background level of PM.

7. Assure the OHV community that the abatement order will not close the OHV park, as it does not pertain to the southern riding area of approximately 810 acres. Provide for the re-opening of some of the areas to public use after a minimum of two years.

We sincerely hope your members will carefully consider our proposal and take action accordingly, and we do appreciate the opportunity to present this to you.

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Thank you for your consideration,

Rachelle Toti, Co-founder, Concerned Citizens for Clean Air  
Arlene Versaw, Co-founder, Concerned Citizens for Clean Air  
Heidi DiSalvo  
Dorothy Hines  
Dorothy Modafferri  
Rosemary Nelson  
Linda Reynolds  
Chris Sorensen  
Sandi Tiffany  
Yvonne Williams

## PROPOSAL FOR ABATEMENT OF NUISANCE – OCEANO DUNES SVRA

### ***Board Finding:***

This Hearing Board finds that State Parks is operating the ODSVRA in violation of Section 41700 of the California Health and Safety Code, and District Rules 402 and 1001, in that they are allowing the discharge of air pollutants to cause injury, detriment, nuisance or annoyance to a considerable number of persons and to the public. Therefore, the Board orders State Parks to abate these violations by taking the actions outlined below. The goal is to reduce the emissions discharged from the Oceano Dunes State Vehicular Recreation Area (ODSVRA) to the natural background level. Natural background level is defined as the amount of dust emitted from a coastal dune area containing fore dunes that has not had recreational vehicular traffic in the past 25 years.

### ***Actions:***

On or before May 1, 2018 – State Parks shall set aside and close 200 acres of riding area in the most emissive parts of the La Grande Tract. Said abatement acreage will be county-owned property only and will be fenced to protect it from disturbance. Most emissive areas will be determined by past modeling provided by the California Air Resources Board. Ultimately, the abatement acreage will be restored to the natural state with native plants, similar to the Pismo Dune Preserve.

For the remainder of 2018, the APCD will monitor and analyze the PM 10 levels at the CDF and Mesa 2 monitors and compare them to the Oso Flaco monitor, which represents the natural background level of emissions. If the readings are within yet-to-be-determined percentage points of one another, the nuisance will be considered abated. If the readings are not within this range, an additional 100 acres shall be closed, fenced and restored in 2019.

By December 31, 2018, the APCD shall prepare a report describing the results of the initial 200-acre closure and provide it to the Hearing Board. Also, CARB will prepare mapping and modeling showing where “hot spots” remain. This may include new “hot spot” areas that develop as a result in changes in the riding patterns.

The Hearing Board shall schedule a hearing in January of 2019 to review the reports and order closure of an additional 100 acres if attainment is not reached. Closure will be based on the CARB modeling and be accomplished on or before May 1, 2019.

The Hearing Board shall schedule a hearing in January of 2020 to review reports and order closure of an additional 100 acres if attainment is not reached. Closure will be based on the CARB modeling “hot spots” and be accomplished on or before May 1, 2020.

If by January 2021, the PM 10 emissions have not been reduced to natural background levels, all the county-owned land in the La Grande Tract will be closed.

Failure to adhere to the abatement schedule and measures will result in immediate closure of the county-owned property to motorized recreational use.

***Additional Provisions:***

1. State Parks agrees to implement in 2018 a track-out prevention system and daily PM 10 vacuuming of Pier Avenue to reduce the PM 10 pollution in the Oceano neighborhoods.
2. State Parks agrees to implement and maintain fencing as delineated above by the dates specified. All fencing will be located on county-owned property and be the same fencing as that used around the current vegetation islands.
3. Additional control monitors may be sited and used to determine the natural background level of dust. If additional monitor(s) are used, their readings will be added to the Oso Flaco monitor readings and an average taken. The average will then be compared to the CDF and Mesa 2 readings to determine when the abatement is achieved. Additional monitors will be sited based on APCD analysis and approval and will not in any way delay the closure of the most emissive areas as specified above.
4. State Parks has been advised on numerous occasions that restoration of the fore dunes would decrease wind speed, lessen particle entrainment and help protect seedlings planted further in land. Therefore, the restoration of the fore dunes will be included as part of the abatement acreage.
5. Use of sand or wind fencing is not natural and not advisable because it creates greater surface disturbance as it is installed and removed. However, State Parks may continue this practice in other areas if it wishes to do so. Wind fencing or other operational modifications will not substitute for the abatement acreage.
6. State Parks agrees to act in good faith and not continue to target the CDF monitor and/or undermine the viability of past APCD studies and reports. Continuing to do so would result in closure of the La Grande tract to all vehicular traffic.
7. There will be an annual review of the abatement's effectiveness as part of the January Hearing Board meeting. At a minimum, the review will cover these areas: 1) fencing installation and maintenance; 2) planting of native vegetation; 3) survival rates of vegetation; 4) measurable reduction of PM levels; and 5) problems encountered. If deemed necessary by the APCO, a six-month review or sooner may also be requested.
8. If increased particulate pollution emitting from the southern area creates a nuisance, closure and mitigation will be needed there as well.
9. State Parks and the Coastal Commission will develop a plan for reducing the overall intensity of use in the park, which is a contributing factor to the air pollution.
10. After a "rest time" of two years, a restored area may be evaluated for re-opening to non-motorized public access. If it can be shown that the restored area is no more emissive than comparable areas in the Dune Preserve or Oso Flaco area, State Parks

may request at the annual review that an area be re-opened. Hearing Board approval is required. This would apply to up to 25% of the closed areas. Only limited camping with tents (no recreational vehicles or vehicles of any kind.)

11. State Parks will create maps for visitors that show the restoration areas and advise them of the fines for entering the closed areas.