

April 26, 2018

By Email

To San Luis Obispo Air Pollution Control District Hearing Board,

Re: Public Comments Related to Petition 17-01 and Proposed Draft Stipulated Abatement Order

Attachments: A) Photographic evidence of APCD mitigation measure 4.3-le not adhered to at Woodlands development site
B) Photographic evidence of recreation, open space and landscaping requirements not met at Woodlands Development site

Good Afternoon Members of the Air Pollution Control District Hearing Board,

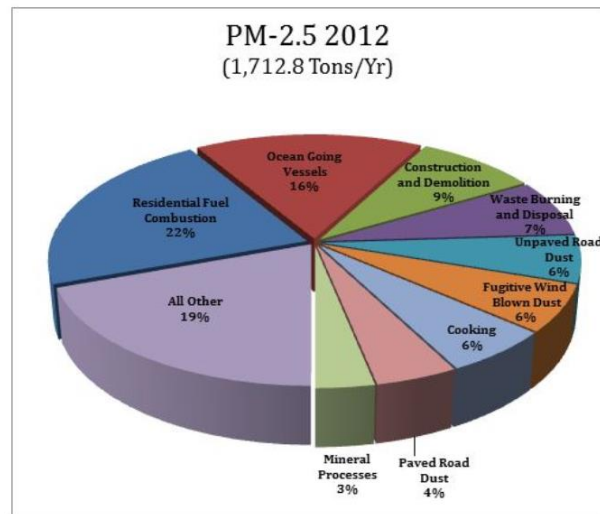
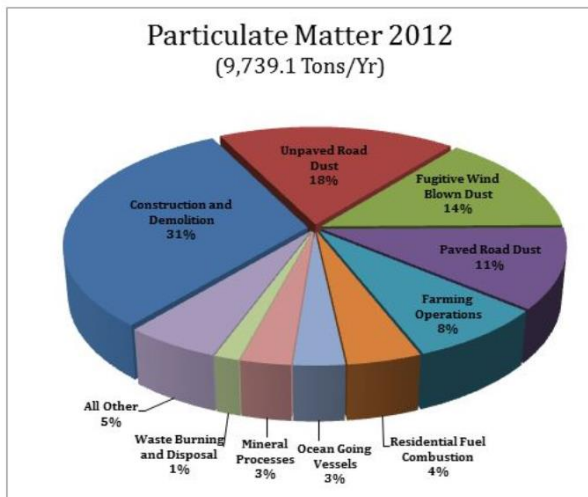
I would like to draw your attention to important issues related to the Stipulated Abatement Order between the APCD and State Parks that your board will consider for approval this coming Monday, April 30, 2018.

- The one hundred-thirty-three (133) air quality complaints received from May 29, 2012 through October 19, 2017 were mostly from Trilogy residents, a part of the Woodlands Development on the Nipomo Mesa, surrounded by heavy construction emissions, refinery emissions and farming emissions, all identified in the Woodlands Specific Plan.
- The APCD produced a detailed inventory of total particulate matter in San Luis Obispo County, but could not inventory emissions from ODSVRA stating, "The PM data does not include a specific estimate of emissions from the Oceano Dunes State Vehicle Recreation Area; emission factors from that source are planned for development but are not currently available." The APCD is still unable to produce that data, yet we are considering an abatement order.
- The Stipulated Abatement order calls for a 50% reduction based on the most emissive day in 2013, without informing the model with any of the data gathered over the last 5 years or understanding OHV emissions versus naturally occurring emissions.
- We cannot hold State Parks accountable for naturally occurring emissions, especially if we do not know the contribution percentage of OHV activity.
- As a condition of approval of the Woodlands Specific Plan in December of 1998, former APCO Mr. Robert Carr and the APCD imposed mitigation measures such as site watering and dust covers over stockpiles of unearthed dirt, intended to

reduce the amount of fugitive dust emissions from construction. Also, the open space requirements for the project call for a perimeter buffer of eucalyptus trees to remain around the entire project. Please see Attachments A and B for photographic evidence of these mitigation measures and open space requirements not followed.

- Many of the 133 air quality complaints are opinion-based, repeating false information provided by former APCO and Gary Willey’s predecessor, Larry Allen, about the presence of silica and the Phase 2 study concluding that, “The airborne particulate matter predominantly impacting the region on high episode days does not originate from an offshore source.” Complaint example: “I can only conclude that it that was exacerbated by the particulate matter that contains carcinogenic silica that has been documented in your Phase 2 Study.”

I feel the most egregious injustice with this entire nuisance abatement process is that the ODSVRA is being blamed for fugitive dust emissions and the 133 air quality “complaints” without scientific evidence of the percentage caused by OHV activity versus naturally occurring in a dune environment. In 2012, the SLO APCD produced a detailed inventory of total Particulate Matter in the San Luis Obispo County, including a further breakdown of PM2.5¹. The APCD website adds the following disclaimer, “The PM data does not include a specific estimate of emissions from the Oceano Dunes State Vehicle Recreation Area; emission factors from that source are planned for development but are not currently available.” The APCD can narrow PM 2.5 sources down to cooking contributing 6%, but cannot verify the percentage of emissions produced by OHV activity within ODSVRA, let alone the contribution of ODSVRA in total.



¹ Link to SLO APCD Emissions Inventory: <http://www.slocleanair.org/library/emissions-inventory.php>

Item 2c. of the Stipulated Order for the Abatement states, “To meet the objective of 2b, development of the Plan shall begin by establishing an initial target of reducing the maximum 24-hour PM10 baseline emissions by fifty percent (50%)...”. Why would we base the 50% reduction on the most emissive day in 2013, without informing the model with any of the data gathered over the last 5 years or understanding OHV emissions versus naturally occurring? The park is in the path of travel of offshore sources of emissions and there are other contributing sources between the park and the air monitoring stations.

The recent release of the SCRIPPs report identified marine biological material as being a significant contributing source of PM 2.5 and PM 10 particulates. There is no mention of this major off-shore source in APCD’s inventory. Why are we not inventorying the sources of contribution between ODSVRA and the Mesa? There are clearly other sources of emissions that APCD is yet to fully explore and other sources that are being minimized. We must understand all sources and their contribution to make the most informed decisions.

Most of the 133 complaints received by the APCD are from residents living in Trilogy, a part of the Woodlands Development. The Woodlands project EIR clearly states that tree removal and construction will make air quality significantly worse during project build-out, which has been underway since complaints started to roll in to the APCD. On December 15, 1998, the Woodlands Specific Plan was adopted by the San Luis Obispo County Board of Supervisors. Based on the EIR, the Specific Plan includes air quality mitigation measures developed by the APCD under the direction of the APCO at that time, Mr. Robert Carr, who is supposed to be acting as an unbiased member of the public to consider this stipulated abatement order between his former employer and State Parks. Please see Page E-3 of Appendix E – Woodlands EIR Mitigation Measure.²

As a condition of approval of the Woodlands Specific Plan, former APCO Mr. Carr and the APCD staff imposed several mitigation measures to reduce the amount of fugitive dust emissions a construction project of this size would produce. As a Nipomo Mesa resident that drives through the project site up to twice a day, I have witnessed several of the mitigation measures outlined in the Woodlands Specific Plan not being adhered to.

- *Mitigation Measure 4.3-1e: During tree removal, grading and construction, general contractors shall use reasonable and typical watering techniques to reduce fugitive dust emissions. All unpaved demolition and construction areas shall be wetted at least twice a day during excavation and construction, and temporary dust covers shall be used over stockpiled areas to reduce dust emissions. To keep moist, additional watering should be done as needed. In the afternoons, when it is typically much more windy, or when winds of 15 mph or greater are predicted or are occurring at any given lime. – Watering down of the construction site as often as required has not occurred since at least 2013*

² Link to Woodlands Specific Plan: <https://www.slocounty.ca.gov/getattachment/fb72ea25-cebc-44b7-813f-8f2f95433b5c/Woodlands-Specific-Plan.aspx>

Please see Attachment A for photos of the water tanker kept on the site with flat tires that has not been in service for months to even years. Also, NOT ONE of the stockpiled areas throughout the entire site have temporary dust covers. Attachment A also includes photos of the massive amounts of unearthed dirt without any type of dust cover.

- *Mitigation Measure 4.3-1d: In the event of complaints over dust and/or if APCD determines that watering efforts are not adequate, to keep dust levels to a minimum, soil binders shall be spread where--there will be regular construction vehicle usage such as unpaved roads and parking areas. These binders shall be applied immediately after area is ready for vehicle use. - Per APCD's own documentation, there have been one-hundred-thirty-three (133) complaints from mostly Trilogy, part of the Woodlands Development, residents from May 29, 2012 through October 19, 2017. I explored a large portion of the site and saw no recent evidence of soil binders being used.*
- **Mitigation Measure 4.3-1 It Trucks, prior to leaving the site, shall be washed off – I have personally watched several trucks leave the site without being washed off.**

The Air Quality Mitigation Measures also include, "Mitigation Measure 4.3-4a: As required by the 1989 Order for Abatement, the applicant shall record an advisory to title documents on each parcel within the project stating that '...odors may occur due to refinery emissions.'" Another condition of approval was, "requirement that the applicant disclose the county's Right to Farm Ordinance." Right to farm laws in the United States deny nuisance lawsuits against farmers who use accepted and standard farming practices and have been in prior operation even if these practices harm or bother adjacent property owners or the public. The 133 complaints come from residents surrounded by dirt roads, heavy construction emissions, refinery emissions and farming emissions, all spelled out in the Specific Plan that the APCD and Mr. Carr had an opportunity to comment on before approval. However, we are pointing the finger at OHV activity now. OHV activity, nor the ODSVRA were even mentioned in the Woodland's Specific Plan or the Environmental Impact Report for the project as a potential issue.



Unmitigated dust emanating from ongoing heavy equipment operation at Woodlands (Sep. 2013).



Unmitigated fugitive dust entrained by wind from denuded empty lots at Woodlands project (Sep. 2013).



Thick dust emits from agricultural field directly across street from residences on the Nipomo Mesa (Sep. 2013).



Dust drifts from adjacent dirt road into Woodlands residences. (Sep. 2013).

RECEIVED L-1
JUL 19 2001
Planning & Bldg

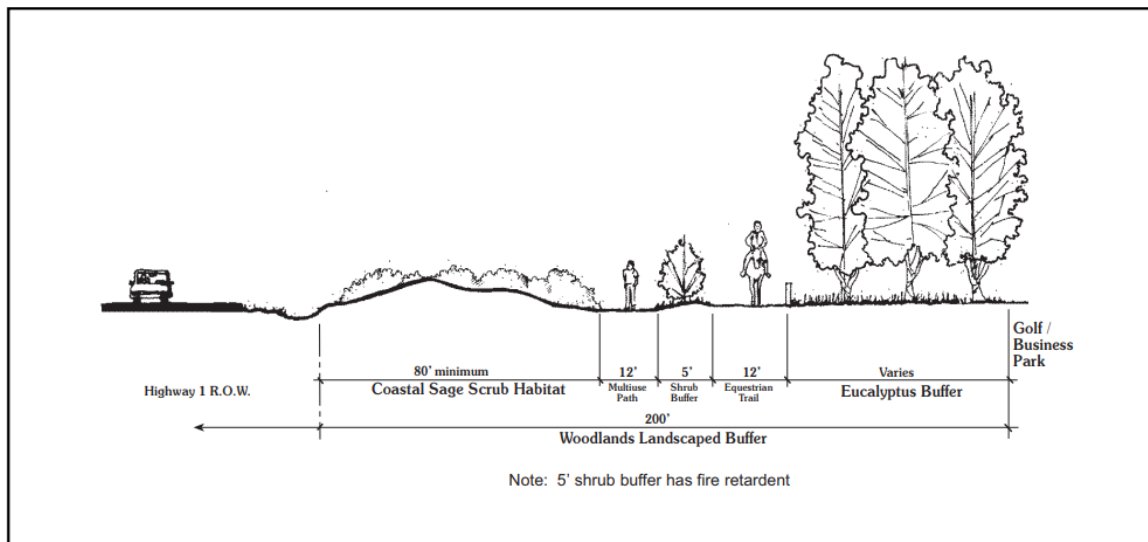
DATE: July 17, 2001
TO: Jay Johnson, San Luis Obispo County Department of Planning and Building
FROM: Barry Lajoie, Air Quality Specialist
SUBJECT: Draft Supplemental Environmental Impact Report for the Woodlands Specific Plan (SCH#2001031063)

Thank you for providing District staff with the opportunity to review the Draft Supplemental Environmental Impact Report (SEIR) for the Woodlands Specific Plan. The Draft SEIR addresses the water related environmental impacts that may be associated with amending the County's Growth Management Ordinance to allow the previously-approved Woodlands development to achieve buildout faster (within 15 years) than is currently allowed (200+ years).

The Draft SEIR does not present any new air quality issues. We have completed our review of the Draft SEIR and have no new comments on the project.

Again, we appreciate the opportunity to review the project. If you have any questions or concerns regarding these comments please contact me at 781-5912.

The open space requirements for the project call for a perimeter buffer with eucalyptus trees to remain around the entire project. The buffer along Highway 1 is to be at least 200'. As outlined in the specific plan, "Highway 1 is a two-lane, rural highway connecting Arroyo Grande to Guadalupe and the City of Santa Maria. This corridor has been nominated for a State Scenic Highway designation. The Woodlands has a large area of its western boundary that fronts this highway. **Much of the Eucalyptus groves will be maintained to preserve the rural woodland character along the highway** with thinning of the dead wood and saplings". Eucalyptus trees are mentioned upwards of 45 times throughout the specific plan. The plan was clearly approved with the understanding that eucalyptus tree preservation was of utmost importance for aesthetics, wildlife preservation (primarily the Monarch butterfly) and air quality.



Section J - Buffer at Highway 1

I am left wondering if anyone has read the 133 complaints this ENTIRE nuisance abatement order is founded upon. Here is an example of a complaint taken directly from the complaints listed in APCD's Exhibit 7³, "I can only conclude that it that was exacerbated by the particulate matter that contains carcinogenic silica that has been documented in your Phase 2 Study." The complaints are opinion-based at best, repeating false information provided by Larry Allen and the APCD. Most are from Trilogy residents reading SLO APCD's Phase 2 Study, religiously watching SLO APCD's website for air quality information and then parroting back the information in the form of a complaint (often mentioning crystalline silica and the dunes because Larry said so).

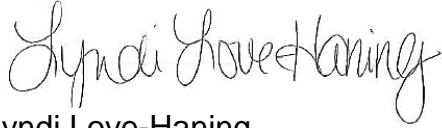
This is an immense issue considering Larry Allen's continued comments about OHV activity at ODSVRA being the cause of the fugitive emissions on the Mesa and the presence of harmful crystalline silica were unfounded along with his Phase 2 study that incorrectly concluded, "The airborne particulate matter predominantly impacting the region on high episode days does not originate from an offshore source." This statement alone is a clear indication that Larry Allen did not have the necessary understanding of the natural geologic process of which coastal dunes are formed. Coastal dunes are formed offshore whereby rock and debris flows down from mountains in creeks and rivers to the ocean and is pulverized by the ocean's current and then deposited upon the shoreline with the tide. As the tide recedes the wind blows, dries the sand and the sand begins to move and smaller particles become airborne.

As we now know, Larry Allen did not choose to test for crystalline silica until 2017 just before his retirement. I am sure the results of no detectable crystalline silica were much to Larry's dismay after pushing a false narrative for many years and hoping to retire with a legacy of minimizing OHV activity. State Parks conducted similar studies and received similar results, "Analytical results indicated that none of the samples obtained by this investigation exceeded the current occupational health standard for total dust, respirable dust or quartz. Crystalline silica (quartz) results were below the detection limit for the analytical technique applied and volume of the air filtered for each sample." It seems to me that we are relying quite heavily on complaints, which are just opinions based on false information provided by the former APCO.

³ List of Air Quality Complaints from May 29, 2012 through October 19, 2017 - APCD's Exhibit 7:
<http://www.slocleanair.org/images/cms/upload/files/APCD%20Exhibit%207%20-%20SVRA%20Complaints%281%29.pdf>

Please consider these facts carefully as you make this decision that will impact not only the millions of State Park visitors each year, but our community at large. We will continue to lose tourism dollars each time the ODSVRA shrinks without scientific data as to why.

Thank you,

A handwritten signature in black ink that reads "Lyndi Love-Haning". The signature is written in a cursive, flowing style.

Lyndi Love-Haning
Nipomo Mesa Resident

CC: California State Parks
California Secretary for Natural Resources
SLO APCD Board
SLO APCD APCO
Assemblyman Jordan Cunningham
Senator Bill Monning
Friends of Oceano Dunes
California Off-Road Vehicle Association (CORVA)
California Four Wheel Drive Association, Inc (Cal4wheel)
Off Road Business Association (ORBA)

ATTACHMENT A

PHOTOGRAPHIC EVIDENCE OF APCD MITIGATION MEASURE 4.3-LE NOT ADHERED TO AT WOODLANDS DEVELOPMENT SITE – PHOTOS TAKEN 4/25/18

“During tree removal, grading and construction, general contractors shall use reasonable and typical watering techniques to reduce fugitive dust emissions. All unpaved demolition and construction areas shall be wetted at least twice a day during excavation and construction, and temporary dust covers shall be used over stockpiled areas to reduce dust emissions. To keep moist, additional watering should be done as needed. In the afternoons, when it is typically much more windy, or when winds of 15 mph or greater are predicted or are occurring at any given time.”







ATTACHMENT B

PHOTOGRAPHIC EVIDENCE OF RECREATION, OPEN SPACE AND LANDSCAPING REQUIREMENTS NOT MET - PHOTOS TAKEN 4/25/18

2.5.1 Recreation and Open Space Goals and Policies

A. Goals and Policies

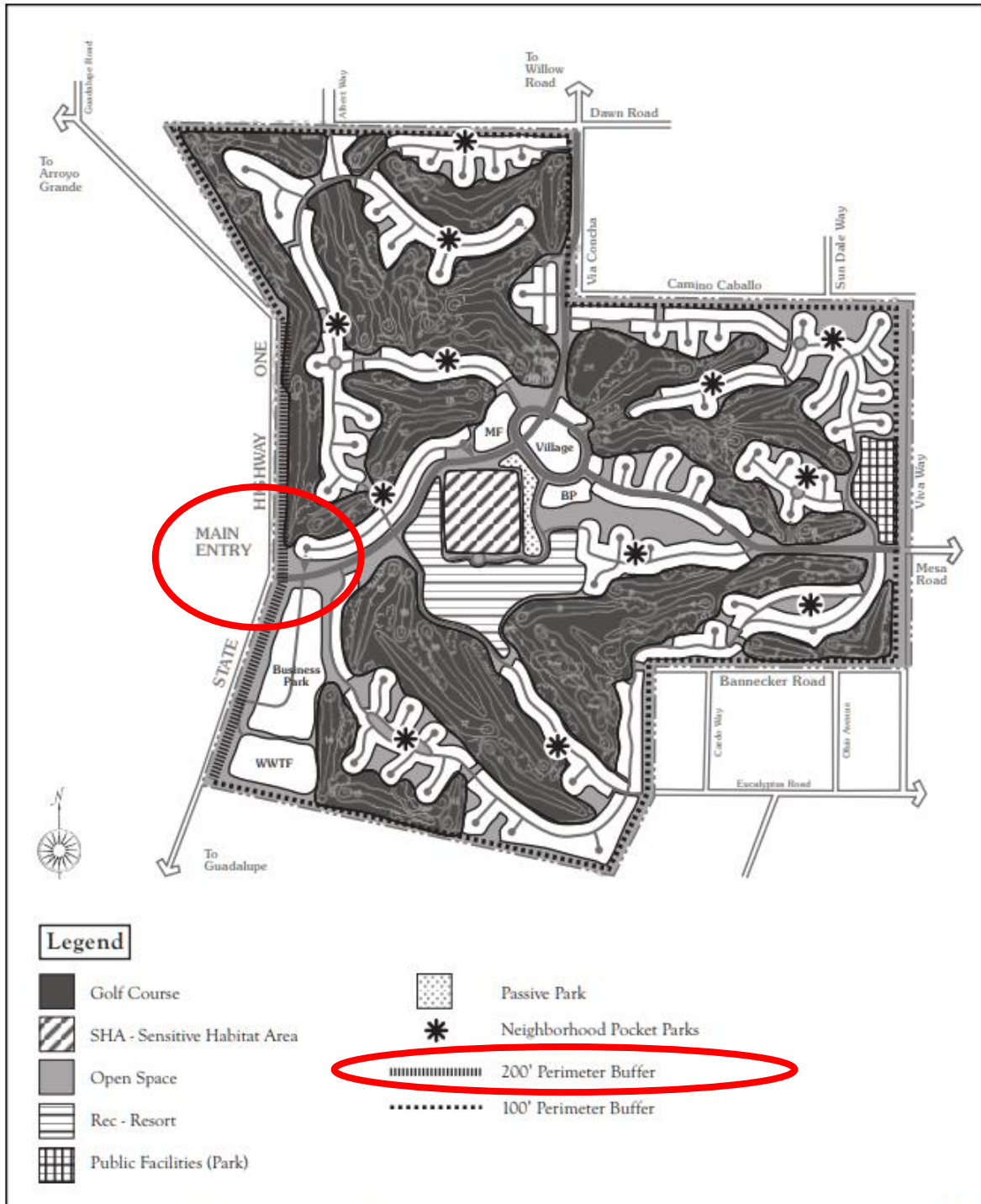
- ROSG-1 Designate, protect, and conserve natural resources and open space areas within The Woodlands.
- ROSG-2 Provide significant active and passive recreational opportunities for the planning area and the surrounding community.
- ROSG-3 Preserve and enhance views to and from the Specific Plan area, from Highway One and surrounding neighborhoods.
- ROSP-1a Development shall be sensitive to existing landforms and natural features and shall strive to preserve sensitive habitat areas and woodlands as practical.
- ROSP-1b Establish a sensitive habitat reserve area to protect the overwintering area favored by the Monarch butterfly. Land use designations will be compatible with this Sensitive Resource Area.
- ROSP-2a Provide for public recreational uses such as golfing, walking, bicycling, horseback riding, and neighborhood pocket parks.
- ROSP-2b Dedicate 10-acre public park on Mesa Road at easterly entrance.
- ROSP-2c Provide a trail system separate from the roadways to access open space areas.
- ROSP-3a Provide an open space buffer along the planning area perimeter to preserve the rural character.

2.5.4 Open Space

A. Buffer Areas

Highway 1 Buffer






Highway 1 is a two-lane, rural highway connecting Arroyo Grande to Guadalupe and the City of Santa Maria. This corridor has been nominated for a State Scenic Highway designation. The Woodlands has a large area of its western boundary that fronts this highway. Much of the Eucalyptus groves will be maintained to preserve the rural woodland character along the highway with thinning of the dead wood and saplings. Portions of the golf course fairways, a pedestrian path, an equestrian trail and the replanted Coastal Sage Scrub Habitat will be provided in this 200' buffer (exhibit 12). The County Trails Plan calls for a multiuse trail along the Highway 1 corridor. Please see Section 3.6 Trails, Section J for more description of the paths.



Recreation and Open Space Plan

Exhibit 11

Residential Lots:

-  0.3 - 1 AC
-  10 - 14,000 sq. ft
-  7 - 9,999 sq. ft
-  5 - 6,999 sq. ft
-  4 - 4,999 sq. ft



