

To: boardclerk@slocleanair.org

General Public Comment - San Luis Obispo Air Pollution Control District Hearing Board Meeting on October 23, 2020

Dear Hearing Board Members,

As members of a critically important quasi-judicial, independent body, you share collective responsibility for preserving the integrity of your proceedings, your deliberations, and your decisions.

From recent letters to the editor, news articles, and existing public record evidence, it appears that your newest appointed member, Jim Anderson, may have conflicts of interest that should prevent him from participating in any Hearing Board matters – or certainly any decisions – directly or indirectly affecting (1) his employer, Phillips 66, or (2) the Oceano Dunes State Vehicular Recreation Area (ODSVRA) located immediately adjacent to the Phillips 66 refinery property.

Information not previously shared with the public as of September 23, 2020, the date of Mr. Anderson's 6-5 appointment by the APCD Hearing Board – but shared the day after -- revealed in a "game changer" announcement that State Parks and the OHMVR Division (parties to the Stipulated Order of Abatement, along with the APCD) intend to approach Phillips 66 about the possibility of acquiring property interests by way of purchase, lease, or easement for development of a major new, southern access point to the ODSVRA for staging, OHV access, and camping. This would likely involve portions of 600 acres of Phillips 66 property that is the subject of an existing "Agreement and Grant of Development Rights" with State Parks.

All of this at the very time that various land uses near the ODSVRA, including the Phillips 66 facility and property, are being identified for investigation as potential additional contributing sources to a serious, persistent particulate pollution problem being addressed through the very Stipulated Order of Abatement (SOA) Mr. Anderson would be overseeing as a Hearing Board member.

There's too much at stake to get this wrong. Why put the SOA process at risk, with several years of significant particulate pollution mitigation under the SOA still to go?

Why not insist, as Mr. Anderson should have insisted already, that time be taken to obtain an independent, objective analysis of whether he should be recused?

Mr. Robert Vessely, the very well-qualified engineer member alternate, was approved 11-0 by the APCD Board. Mr. Vessely should be invited to prepare for and attend all Hearing Board hearings, workshops or meetings involving the ODSVRA until the issue of Mr. Anderson's potential recusal is resolved.

Be well, do well. Thank you for considering my comments.

Mike Normoyle
Nipomo, CA
m.normoyle@mcnlegal.com