



Air Pollution Control District
San Luis Obispo County

August 26, 2019

Dan Canfield
Acting Deputy Director, OHMVR Division
California Department of Parks and Recreation
P.O. Box 942896
Sacramento, California 94296-0001

SUBJECT: California Department of Parks and Recreation's August 1, 2019 Oceano Dunes SVRA
Draft 2019 Annual Report and Work Plan in Response to Stipulated Order of Abatement
Number 17-01

Dear Mr. Canfield,

We are in receipt of your August 1, 2019 Draft 2019 Annual Report and Work Plan (ARWP) for the Oceano Dunes SVRA. As with the Particulate Matter Reduction Plan (PMRP) development, the District is disappointed that input from the Scientific Advisory Group (SAG) did not occur in this first draft of the ARWP. We understand that the Coastal Commission's July 11th Coastal Development Permit review for the Oceano Dunes SVRA strained your staffing resources and could have contributed to the omission this time around. However, this reaffirms the need for State Parks to have a dedicated full-time mitigation project manager.

Based on the SAG and District review of this first draft, the ARWP is not acceptable in its current form; our specific comments are enclosed. The District believes that the ARWP can be revised in time to approve it and implement the winter 2019/2020 mitigations, however, we must move quickly to revise the AWRP to meet the required timelines.

As required by Stipulated Order of Abatement Number 17-01, we must hold a public workshop on the ARWP prior to my approval. Since significant changes to the workshop version of the ARWP would necessitate an additional public workshop, developing an approvable draft plan prior to the workshop is critical. For the public workshop, we have reserved the South County Regional Center, 800 West Branch Street in Arroyo Grande for October 1, 2019 starting at 6 p.m. In light of the timing, we need to have a public workshop version available by mid-September, so the public has adequate time to review and comment. The comments by the SAG and the District should be addressed and a second version of the ARWP submitted by September 13, 2019. I need to post and circulate a revised draft ARWP at least 15 days prior to the October 1st workshop.

Feel free to contact me with any questions.

Respectfully,

A handwritten signature in blue ink, appearing to read "Gary E. Willey", is written over a printed name and title.

Gary E. Willey
Air Pollution Control Officer

Enclosures

cc: Hearing Board, District Board, District Counsel, Coastal Commission Staff & SAG

SLO County APCD's Specific Comments on OHMVR's 2019 Annual Report and Work Plan, First Draft

Introduction

These comments are on the document, "Oceano Dunes State Vehicular Recreation Area Particulate Matter Reduction Plan, 2019 Annual Report and Work Plan, First Draft," (ARWP) prepared by the Off-Highway Motor Vehicle Recreation Division (OHMVR) of the California Department of Parks and Recreation and submitted to the District on August 1, 2019. They will also reference the Scientific Advisory Committee's comment letter, "Memo: SAG Comments on the 2019 Annual Report and Work Plan," (SAG comments) dated August 16, 2019. The ARWP, SAG comments, and this review are all requirements of Stipulated Order of Abatement 17-01 (SOA), approved by District Hearing Board in 2018. All of these documents are available on the District website at <https://www.slocleanair.org/air-quality/oceano-dunes-efforts.php>.

General Impression

Overall the ARWP is clear and includes most of the required elements. It documents the substantial effort undertaken, so far, by OHMVR to implement the SOA. The District appreciates the effort needed to produce the document by the August 1st deadline, especially considering the proximity of this deadline to the California Coastal Commission's review of the ODSVRA's Coastal Development Permit, which occurred on July 11th. The District also recognizes that this ARWP was produced before certifying an environmental impact report under the California Environmental Quality Act, which introduces some uncertainty. Finally, we recognize that as the first ARWP, there may be some ambiguity about requirements and expectations. The District is confident that any issues can be rectified in subsequent drafts.

Scope of Work for the 2019/2020 ARWP Cycle

As documented in the ARWP, OHMVR has already undertaken a substantial effort to implement the SOA, however, the scope of work proposed for the next 12 months is not sufficient. OHMVR's own compliance analysis, which is presented in the Draft Particulate Matter Reduction Plan (PMRP) that the District approved on June 10, estimated that 500 acres of dust control mitigations would be needed to comply with SOA Objective 2c, which is a 50% reduction in PM₁₀ emissions. As documented in the PMRP, 132 acres of the mitigations have already been installed and thus, an

estimated 368 acres are still needed to comply with SOA condition 2c. The ARWP only proposes 23 acres of new mitigations in a manner that SAG is concerned will not be sustainable.

The District recognizes that full compliance with SOA Objective 2c is not required until 2022, so in theory, Parks could install the proposed 23 acres in this cycle and then 173 acres in each of the two subsequent cycles. This does not appear to be a viable path to compliance, as the District is concerned that OHMVR may not have the capacity to complete 173 acres of projects in a year. Spreading the 368 acres of additional mitigation projects evenly between all 3 years would require 123 acres per year, which is more feasible, given that in 2018 at least 93.7 acres of mitigations were installed.¹

The District also recognizes that the PMRP compliance analysis estimate of 500 acres will likely change; however, until this estimate is revised, the design goal must remain 500 acres, and the ARWP must outline a viable path to achieving that goal.

Reasons that the PMRP compliance analysis estimate of 500 acres will likely change include:

- The 500 acres is an estimate that it is based on an emissions model, and that model is being refined. It is quite possible that fewer than 500 acres will ultimately be needed; however, it is also possible that it will take more than 500 acres. Until the emissions model is updated and a more refined mitigation acreage estimate is available, the PMRP estimate of 500 acres must remain the design goal.
- The 500 acres estimate is based on achieving SOA Objective 2c. This objective is an “initial target” intended to achieve state and federal standards, and it may be modified in accordance with SOA 2d.² The Objective 2c target could be modified by demonstrating, for example, that less than a 50% reduction in emissions could achieve compliance with applicable air quality standards, or that there is a more appropriate baseline emissions scenario. The PMRP did contemplate some changes to the baseline emissions scenario, and these changes were supported by the District and the SAG in their PMRP comment letters; however, OHMVR has yet to propose any modifications to the SOA Objective 2c target. Unless and until changes to the target are proposed by OHMVR and then approved by the SAG, the design goal must remain a 50% reduction in emissions, and the ARWP must outline a viable path to achieving that goal.

¹ These 93.7 acres are from Figure 5-1 of the PMRP which depicts 36.1 acres of initial SOA straw bales, 48.6 acres of initial SOA wind fencing, and 9 acres of pre-SOA wind fencing which has since been removed. If the 18.4 acres of pre-SOA vegetation are included, the total is 112.1; however, the figure indicates that these were installed in 2017.

² To quote the SOA, “2. Particulate Matter Reduction Plan: Respondent shall prepare a Particulate Matter Reduction Plan (Plan) that satisfies the following requirements: ... b. The Plan shall be designed to achieve state and federal ambient PM10 air quality standards; c. 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%), based on air quality modeling based on a modeling scenario for the period May 1 through August 31, 2013 ... d. The estimate of emission reductions identified in 2c may be modified based on air quality modeling conducted by CARB or other modeling subject to the review of the SAG required by 3a and 3b”

To be clear, the District supports the on-the-ground mitigation activities that are included in the Work Plan (Section 3 of the ARWP) and still expects these to be completed in the 2019/2020 cycle, namely converting existing wind fencing to vegetation, maintenance of existing wind fencing, and foredune development. Our position is that by themselves, these activities do not make adequate progress toward fulfilling SOA goals by the 2020 deadline. OHMVR must augment the Work Plan for 2019/2020 with 100 more acres of mitigations or provide a detailed rationale and plan for how SOA objectives will be met by the 2022 deadline. To be clear, the District believes that foredune mitigation will change the dynamics of the dune system and change its downwind emissions, but we also believe that the amount of mitigation proposed for winter 2019/2020 is not acceptable.

Foredune Project

The District echoes the concerns noted in the SAG comments about the adequacy of the proposed foredune project. The SAG notes that the proposed dimensions are not likely to yield an ecologically sustainable foredune complex. The SAG's opinion is that their preferred 48-acre project (see Figure 7.2 of their PMRP comment letter, dated February 25, 2019) would be ecologically sustainable. The District notes that the larger project would also provide more of an air quality benefit and contribute to meeting SOA Objective 2c

SOA 4e states that "The SAG shall prepare and/or recommend and **approve** pertinent technical specifications of the mitigation techniques proposed in the Annual Report, including the type, effectiveness, and **geographical extent of applied mitigation**. Mitigation will be considered both in riding and non-riding areas of the ODSVRA and in areas outside of the ODSVRA. The Respondent will obtain an evaluation by the SAG for all mitigation prior to seeking approval of each Report by the APCO;" (emphasis added). Without SAG approval the APCO cannot accept the 23-acre foredune project. OHMVR should replace its 23-acre proposal with the full 48-acre foredune project proposed by the SAG, or else seek SAG approval of the smaller project by providing a detailed rationale for how the smaller project will be successful.

SAG Comments

The District supports all of the SAG's comments and recommendations.

Other Comments

- Reconciling the work described in ARWP Section 2, "Annual Report", with the PMRP can be difficult. According to the ARWP 2.1 "From Summer 2018 to July 31, 2019, the OHMVR Division installed 36.1 acres of straw bale projects, 41.9 acres of vegetation projects, and 48.6 acres of wind fencing projects." This could imply to some readers that a total of 126.6 acres of mitigations were installed, but some or perhaps all of the 41.9 acres of vegetation were converted from existing straw bale and wind fencing areas. It would be useful if the ARWP noted the total acreage of open sand converted to dust mitigation. Table 5-7 of the June 2019 PMRP notes that the "Pre-SOA" and "Initial-SOA" projects total 132.4 acres of new

mitigation since 2013. Additionally, in 2018 there was a 9-acre "Pre-SOA" wind fencing project which has since been removed. All of this can be very difficult to track. The District requests that the next draft of the ARWP include a chronology of all the mitigation measures that have implemented on the Dunes since 2013. This would be useful not only for tracking OHMVR's efforts in general, but also when looking at trends in particulate matter concentrations downwind of the ODSVRA. The chronology could be table with columns for date, action, and cumulative mitigation acres installed.

- The ARWP notes many data collection activities that are underway in the ODSVRA, and it cites results from some of them. For example, section 2.2.1 notes that "the average reduction in sand flux in the main portion of the array after the initial adjustment region near the upwind edge of the array was 94%." Please include all reports and data analyses that stem from PMRP-related data collection. For reports that are forthcoming, please provide dates for when they are expected to be available. This includes the analyses referenced in the following sections of the ARWP:
 - 2.2.1 Saltation / Sand Flux Measurements
 - 2.2.2 Air Quality / PM₁₀ Monitoring ("...the percent reduction between upwind and downwind samplers is 54%...")
 - 2.2.3 Meteorological Monitoring ("Meteorological data will be collected throughout 2019 and 2020 and will be analyzed and incorporated into the DRI model in early 2020.")
 - 2.2.4 PI-SWERL Monitoring ("The samples will be analyzed in October 2019 and will be incorporated into the DRI model along with updated meteorology in January 2020.")
 - 2.2.5 LIDAR Monitoring ("For the 37.7 acre array the mean accumulated mass was 248 kilograms per square meter...")
- SOA 4.f state that "Each Report will estimate, using air quality modeling, the benefits downwind of the ODSVRA and, specifically, the anticipated reduction in PM10 concentrations in populated areas due east of the ODSVRA on the Nipomo Mesa. **These estimates will include a sensitivity analysis on emissions rates of increasing the level of effort for each mitigation technique in subsequent years;**" (emphasis added.) This element is missing from the ARWP. It is the District's opinion that part of the required sensitivity analysis is to demonstrate how increasing the extent (and efficiency where applicable) of mitigation projects from year to year will ultimately fulfill SOA Objective 2c by the 2022 deadline.
- Please include in the Annual Report updates on any silica sampling and/or analysis of potential marine biological contributions to particulate matter. These efforts were mentioned in section 7 of the PMRP, and District staff have observed individuals tending to OHMVR-related samplers at the CDF monitoring station.