

APCD_slcleanair

From: Michael C. Normoyle <m.normoyle@mcnlegal.com>
Sent: Tuesday, September 22, 2020 11:04 AM
To: boardclerk@slcleanair.org
Cc: Gary Willey
Subject: [EXT]Written Comments - APCO Report (SLO APCD Board Meeting - Sept. 23, 2020
Attachments: August 18, 2020 email to Gary Willey and Karl Tupper.pdf

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Categories: Board

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Dear Board Members, Mr. Willey, and counsel:

I expect Mr. Willey will be reporting to you on the status of the draft Annual Report and Work Plan (ARWP) for 2020-2021 submitted by the OHMVR Division of State Parks. I also expect he will be bringing to your attention an August 6, 2020 letter from the OHVMR Commission.

We are now transitioning from year 3 (2020) to year 4 (2021) since the *STIPULATED* Order of Abatement (SOA) was approved in late April 2018. Perhaps it's a good time to bring back into focus the actual, clearly stated, and unequivocal goal of the SOA, which was not modified in any way by the modified order approved toward the end of 2019. That goal is found in Section 2.b and 2.g of the SOA: **Demonstrated attainment of state and federal ambient PM10 air quality standards.**

I'm attaching an email I directed to Gary Willey and Karl Tupper on August 18th of this year. I appreciate that they acknowledged receipt of the email immediately and I appreciate that the substance of the email receives prominent attention in the APCO's well-written critique of a very inadequate draft ARWP.

All involved, meaning Board members, the APCO, members of the SAG, representatives of the OHMVR Division, interest groups and the general public need to keep their eyes on the prize.

Thank you.

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Michael C. Normoyle

From: Michael C. Normoyle
Sent: Tuesday, August 18, 2020 11:52 AM
To: Gary Willey (gwilley@co.slo.ca.us); Karl Tupper (ktupper@co.slo.ca.us)
Subject: SOA Performance (Achievement/Attainment) Standard

Gary and Karl,

Greetings. Hope you are well.

I'm not sure where you are in the process but I'm assuming that you have been or will be reviewing the draft Annual Report and Work Plan (ARWP).

I'm writing because of concerns raised for me and I believe others by the conversation that occurred at the last APCD Board meeting, which ties into the lens through which I believe the current and all draft ARWPs need to be evaluated.

While there was a great deal of focus at the last APCD meeting on the origins of, bases for, and potential achievability of the "50% baseline emissions reduction" target referenced in the 2018 Stipulated Order of Abatement, I sincerely hope that APCD staff and the SAG are not losing sight of the fact that, as the SOA makes very clear in Sections 2(b) and 2(g) particularly, the underlying objective of the SOA -- and the *requirement* for the Particulate Matter Reduction Plan (PMRP) -- is "attainment of state and federal ambient PM10 air quality standards, as expeditiously as practicable."

There's no question that the SOA contemplates that "to meet the objective of 2b," development of the PRMP "shall begin" by establishing an "initial target" of a 50% reduction of maximum 24-hour PM10 baseline emissions based on air quality modeling that will be part of an iterative process. But that language and that iterative process by no means change -- either in scope or timing -- the imperative for meeting "the objective of 2b." Again, the requirement for the PMRP is that be designed to achieve (aka attain) applicable air quality standards.

In my opinion, based on my review of SOA provisions, I would think that each year's ARWP should acknowledge (even restate) the 2b/2g attainment requirement and discuss and demonstrate how the mitigation measures being proposed ultimately will lead to achievement of that attainment requirement.. Also, my opinion, it is not a matter of whether that requirement can be met, because it can be. What matters is whether the mitigation being implemented each year is incrementally and ultimately sufficient to assure timely achievement of the attainment objective.

If this is just preaching to the choir, it shouldn't hurt to hear the tune again. However, for some it seems pretty clear, and concerning, that another, diversionary, song is being sung.

Eye on the prize.

Best,

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