

**MINUTES OF THE  
AIR POLLUTION CONTROL DISTRICT HEARING BOARD  
OF THE  
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA**

Monday, November 18, 2019

The Air Pollution Control District Hearing Board of the County of San Luis Obispo, State of California, met in regular session at 03:30 P.M., in the Board of Supervisors Chambers, County Government Center, San Luis Obispo, California, pursuant to notice heretofore given.

1           CALL TO ORDER

Chairperson Nelson calls the meeting to order at 9:03 a.m. and leads the flag salute.

2           ROLL CALL

**PRESENT:**     Members     Dr. Yarrow Nelson, Acting Chair, Mr. William Johnson, Dr. Thomas Richards, Mr. Paul Ready, and Mr. Robert Carr

**ABSENT:**     Members     None

3           PUBLIC COMMENT NON-AGENDA MATTERS

**Mr. Travis Jecker** speaks to the accessibility of the Dunes to people with disabilities.

4           This is the time set for the administration of oath to anyone providing comments or testimony.

**Chairperson Nelson** provides an overview of the purpose of today's hearing and how members of the public wishing to speak may do so.

**Chairperson Nelson** administers the oath to all parties providing public comments or testimony.

**Chairperson Nelson** asks if the Board members have participated in any ex parte communication between the last hearing and today's hearing, with **Mr. Bob Carr** responding that he has spoken with **Mr. Ray Biering** and **Mr. Larry Allen**, as well as **Mr. Jay Courtney**. **Dr. Yarrow Nelson** received and responded to a few emails regarding the hearing date and time details.

5           This is the time set for a hearing on Stipulated Petition to Modify Existing Stipulated Order of Abatement (Case No. 17-01): In the Matter of California Department of Parks and Recreation - Off-Highway Motor Vehicle Recreation Division - Oceano Dunes State Recreation Area.

**Mr. Gary Willey** provides the Board and the public with a brief overview of the presenters that will detail the recommendations included in the proposed order to modify Stipulated Order of Abatement 17-01.

**Ms. Lisa Mangat** addresses the Board and the public with opening statements.

**Dr. Ian Walker** of the Scientific Advisory Group (SAG) provides the Board and the public with a brief history of the SAG's engagement and their key recommendations included in the proposed order to modify Stipulated Order of Abatement 17-01 and responds to Board member questions.

**Mr. Karl Tupper** provides the Board and the public with an overview of the proposed order to modify Stipulated Order of Abatement 17-01 presented for the Board's approval and responds to Board member questions.

6 This is the time set for approval of the April 30, 2018 APCD Hearing Board Meeting Minutes.

**Thereafter, on motion of Mr. Paul Ready, seconded by Mr. William Johnson and on the following voice vote:**

**AYES: Mr. Paul Ready, Mr. William Johnson, Dr. Yarrow Nelson, Acting Chair, Dr. Thomas Richards, Mr. Robert Carr**

**NOES: None**

**ABSENT: None**

**Motion to approve the April 30, 2018 APCD Hearing Board Minutes, approved by voice vote.**

The Hearing Board reconvenes following a 15-minute break to provide redline strike-out copy of the proposed order to modify Stipulated Order of Abatement 17-01.

7 This is the time set for public comments and testimony on Petition (Case No. 17-01)

**Chairperson Nelson** opens the floor to public comment; **Ms. Yvonne Williams, Mr. Paul Slavik, Mr. Jeff Blewett, Ms. Nicole Moore, Mr. Michael Bishop, Mr. Richard Berg, Ms. Janine Raby, Mr. Jim Coalwell, Mr. Jimmy Paulding, Dr. John Headding, Ms. Carol Pillsbury, Mr. William Brown, Mr. Laurance Shinderman, Ms. Carla Haynie, Ms. Louise Easton, Ms. Lucia Casalnuovo, Mr. Thomas Ryan, Mr. Eric Greening, Mr. Michael Young, Ms. Rachele Toti, Mr. Dan Hensley, Mr. Chris Sorensen, Mr. John Connell, Ms. Amy Granat, Mr. Daniel Weitz, Mr. Terry Work, Mr. Victor Arreola, Mr. Jaren MacLeod, Mr. David Cundy, Ms. Arlene Versaw, Mr. James Shaw, Mr. John Phipps, Mr. Anthony Andre, Mr. Kenneth Neal, Ms. Amanda Grabill, Ms. Benita Ernst, Ms. Lyndi Love-Haning, Mr. Jill Buckley, Ms. Allene Villa, Ms. Sharon Hite, Mr. Larry Allen, Mr. Spencer Gilbert, Mr. Michael Normoyle, Mr. Ben Burr, Mr. Bob Cardona, Ms. Jackie Johnson, and Mr. Dustin Haning speak.**

The Hearing Board adjourns for lunch and will reconvene at 1:30 p.m.

8 This is the time set for Hearing Board member deliberation and decision.

Board members discuss and deliberate on the proposed order to modify Stipulated Order of Abatement 17-01. **Chairperson Nelson** provides the parties and Board members the opportunity to respond to any public comments received, with **Ms. Lisa Mangat, Mr. Gary Willey, Mr. Kevin Pierce, and Dr. Ian Walker** responding.

**Director Robert Carr** makes the following motion: Motion to continue the matter to December 18, 2019, direct staff to prepare necessary findings for the Hearing Board to declare the Oceano Dunes a nuisance and to issue an order for abatement that includes the closing of the Le Grande Tract and other measures that the District staff deem necessary to reduce the emissions so as to bring the area downwind

of the dunes into compliance with all state and federal air quality standards within two years of the date of said order of abatement. Motion fails to be seconded.

**Thereafter, on motion of Mr. Paul Ready, seconded by Dr. Thomas Richards and on the following roll call vote:**

**AYES:** Mr. Paul Ready, Dr. Thomas Richards, Dr. Yarrow Nelson, Acting Chair, Mr. William Johnson,  
**NOES:** Mr. Robert Carr  
**ABSENT:** None

**Motion to approve the proposed order to modify Stipulated Order of Abatement 17-01 as presented, with the following modifications, approved:**

- 1. On Page 7, Section 7, Roman numeral viii., should read "Within 7 days of conclusion of the public workshop, the APCO shall approve the draft Work Plan with or without additional conditions."**
- 2. On Page 4, Section 4, Roman numeral iv., correct paragraph numbers 1.c.ii to 3.ii and 1.c.x to 3.x.**
- 3. On Page 16 of the original Stipulated Order of Abatement, Section 5.g., remove "by respondent" and restate as #11 in the order to modify Stipulated Order of Abatement 17-01.**
- 4. On Page 17, of the original Stipulated Order of Abatement, Section 6.g., should be revised to state as #12 "The Hearing Board, upon request by the Chair or any two members, may convene a public hearing to review the progress of the respondent in carrying out the requirements of this order. The Hearing Board may also revoke the APCO approval of any condition or modifications."**
- 5. Creation of paragraph #13 to state, "The California Department of State Parks shall identify a project manager by December 31, 2019 and provide the APCO with that person's contact information."**

There being no other business, on motion duly made and unanimously carried, the meeting is adjourned.

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Chairperson

**ATTEST:**

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**ALYSSA R. ROSLAN,**  
Clerk of the APCD Hearing Board