



Air Pollution Control District  
San Luis Obispo County

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**AIR DISTRICT BOARD REACHES AGREEMENT WITH STATE PARKS  
Consent Decree Proposed to Replace Permit Requirement**

**SAN LUIS OBISPO, CALIFORNIA,** – On Wednesday, March 26, the San Luis Obispo County Air Pollution Control District (APCD) Board took action to sign a Consent Decree with California State Parks to jointly petition the Court of Appeal to approve the Consent Decree and dismiss all appeals in the pending litigation related to implementation of Rule 1001 (APCD's Oceano Dust Rule).

Through a four month negotiation process, the California Air Resources Board facilitated discussions with the APCD and State Parks to develop a viable alternative to the standard APCD permit typically used to ensure compliance with air regulations; issuance of such a permit to the Oceano Dunes facility was the primary objection raised in the appeals. The Consent Decree will be filed as a joint motion to the Court of Appeal for final approval. Neither party can predict what action the Court will ultimately take on the Consent Decree, but both parties are optimistic the Court of Appeal will determine the Consent Decree process is reasonable, both procedurally and substantively consistent with the law, and was mutually agreed to in good faith and in the public interest.

If approved, the Consent Decree will replace the permit requirement of Rule 1001 while retaining all other aspects of the rule, including the Air Pollution Control Officer's enforcement discretion as defined by State law. The Consent Decree creates an effective process for implementing Rule 1001 while preserving the Rule in its entirety.

The Consent Decree establishes a dispute resolution process with more structure at the local level when difficulties arise related to implementation of the rule. A subject expert, known as a Special Master, will be jointly selected by APCD and State Parks to serve as an independent professional to mediate any substantive dispute over rule implementation. If resolution cannot be reached through this process, the Consent Decree establishes a less costly, expedited mechanism to go directly to an assigned Superior Court judge for a decision on the issue through the Superior Court's continuing jurisdiction, avoiding repetitious litigation.

"The Consent Decree represents a lot of hard work and a shared willingness to develop a process that will work well for all parties," states Larry Allen, Air Pollution Control Officer. "The Air District is ready to move forward with implementing Rule 1001 and work with State Parks to employ the measures needed to reduce particulate matter from the dunes and protect public health."

The signed Consent Decree is available on APCD's website at [www.slocleanair.org](http://www.slocleanair.org)