From: Zimpfer, Amy
To: lallen@co.slo.ca.us
Cc: Drake, Kerry; Adams, Elizabeth; Jordan, Deborah; McKaughan, Colleen; Lakin, Matt; Steckel, Andrew; Spiegelman, Nina
Subject: RE: Request for EPA opinion on MOA vs Rule to acheive attainment
Date: Monday, June 01, 2015 8:52:50 AM

HI Larry,

I have folks holding 11am this morning for a call. Does that work for you?
Thanks,
Amy

Amy Zimpfer, Associate Director
USEPA, Region 9, Air Division
75 Hawthorne Street, San Francisco, CA 94105
zimpfer.amy@epa.gov + 1.415.947.4146

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-----Original Message-----
From: lallen@co.slo.ca.us [mailto:lallen@co.slo.ca.us]
Sent: Thursday, May 28, 2015 3:41 PM
To: Zimpfer, Amy
Cc: Drake, Kerry; Adams, Elizabeth; Jordan, Deborah; McKaughan, Colleen; Lakin, Matt; Steckel, Andrew; Spiegelman, Nina
Subject: RE: Request for EPA opinion on MOA vs Rule to acheive attainment

No, I can make any time work on Monday, so please pick a time that works best for you all and let me know and I'll put it in my calendar.

Thanks so much, and I look forward to speaking with you on Monday.

Larry

Sent with Good (www.good.com)

-------- Original Message --------

From : "Zimpfer, Amy" <Zimpfer.Amy@epa.gov>
To : "lallen@co.slo.ca.us" <lallen@co.slo.ca.us>
Cc : "Drake, Kerry" <Drake.Kerry@epa.gov>, "Adams, Elizabeth"
<Adams.Elizabeth@epa.gov>, "Jordan, Deborah" <Jordan.Deborah@epa.gov>, "McKaughan, Colleen" <McKaughan.Colleen@epa.gov>, "Lakin, Matt"
<Lakin.Matthew@epa.gov>, "Steckel, Andrew" <Steckel.Andrew@epa.gov>, "Spiegelman, Nina" <Spiegelman.Nina@epa.gov> Sent on : 05/28 01:18:51 PM PDT Subject : Re: Request for EPA opinion on MOA vs Rule to acheive attainment

Monday would be good. Any time you are NOT available?

Amy Zimpfer, Associate Director, USEPA, Region 9
+1 415.947.4146
zimpfer.amy@epa.gov

> On May 28, 2015, at 12:48 PM, "lallen@co.slo.ca.us"
> <lallen@co.slo.ca.us>
wrote:
>
>
> Thanks Amy. I'm out of the office until Monday - would it be possible
> to set up a call with you and whoever else we need for Monday or Tues
> next week to discuss this? I'll make myself available at whatever time
> works
for
> you all.
>
> Thanks,
> Larry
>
>
>
> Sent with Good (www.good.com)
>
>
>
> -------- Original Message --------
>
> From : "Zimpfer, Amy" <Zimpfer.Amy@epa.gov>
> To : "lallen@co.slo.ca.us" <lallen@co.slo.ca.us>
> Cc : "Drake, Kerry" <Drake.Kerry@epa.gov>, "Adams, Elizabeth"
> <Adams.Elizabeth@epa.gov>, "Jordan, Deborah" <Jordan.Deborah@epa.gov>,
> "McKaughan, Colleen" <McKaughan.Colleen@epa.gov> Sent on : 05/27
> 07:35:45 PM PDT Subject : Re: Request for EPA opinion on MOA vs Rule
> to acheive
attainment
>
> Hi Larry,
> I was in Tijuana for a U.S./MX border meeting today and just now saw
> you tried to call. I will discuss this with Debbie and others
> tomorrow. Stay tuned.
>
> Amy Zimpfer, Associate Director, USEPA, Region 9
> +1 415.947.4146
> zimpfer.amy@epa.gov
>
>
>>> On May 27, 2015, at 6:31 PM, "lallen@co.slo.ca.us"
<lallen@co.slo.ca.us>
>> wrote:

>>
>>
>> Hi Debbie,
>>
>> I hope all is well with you. I realize you're about to leave for your
> D.C.
>> assignment, so I've cc'd your executive team on this in the hopes
>> that
> one
>> of you can provide a response to my request.
>>
>> At our Board hearing today, we asked the Board to amend Rule 1001
>> (the Oceano Dunes Dust Rule) to remove the permit requirement to
>> comply with
> the
>> recent Court of Appeals opinion that the facility is not a
>> contrivance
> and
>> therefore cannot be required to obtain an air permit. Yesterday at
>> 3:00
> pm,
>> Friends of the Oceano Dunes, who initiated and won the contrivance
>> case, delivered a 900 page comment package to APCD opposing our
>> proposed amendment and suggesting we implement other options instead,
>> most of
> which
>> involved vacating Rule 1001 and trying something different, including
>> an MOA instead of the rule. Quite a lengthy discussion ensued among
>> our
> Board
>> members, particularly regarding crafting an MOA to replace the rule.
>>
>> I responded that an MOA would not be acceptable to EPA as a
>> regulatory enforcement mechanism to ensure the emission reductions
>> required to come into attainment of federal PM standards would be
>> achieved in a timely manner. The Board asked me to request EPA to
>> provide an official letter stating your position on this matter;
>> specifically, whether or not substituting a negotiated MOA with State
>> Parks would be acceptable to
EPA
>> as a demonstration that we were on a path to attainment and thus
>> avoid federal intervention. In light of your April 15, 2015 letter to
>> the District, the Board's primary concern is the potential for a
> nonattainment
>> designation by EPA for the federal PM10 and/or PM 2.5 standards if
>> the
> rule
>> were to be rescinded and replaced with an MOA.
>>
>> The Board is hoping you can provide a response by or before our next
> Board
>> meeting on June 17. Please let me know if you can provide such a
>> letter
> and
>> the timeframe in which we might expect it, and please call me if if
>> you have any questions or need clarification on this request.
>>
>> Thank you, and I look forward to hearing from you.
>>
>> Larry
>>
>> Larry Allen
>> Air Pollution Control Officer
>> San Luis Obispo County Air Pollution Control District
>> Phone: 805 781-5912
>> Fax: 805 781-1002
>> Web: http://www.slocleanair.org
>>
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