From:	lallen@co.slo.ca.us
To:	Zimpfer, Amy
Cc:	Drake, Kerry; Adams, Elizabeth; Jordan, Deborah; McKaughan, Colleen
Subject:	RE: Request for EPA opinion on MOA vs Rule to acheive attainment
Date:	Thursday, May 28, 2015 12:48:39 PM

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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