From:	Zimpfer, Amy
To:	lallen@co.slo.ca.us
Cc:	Drake, Kerry; Adams, Elizabeth; Jordan, Deborah; McKaughan, Colleen
Subject:	Re: Request for EPA opinion on MOA vs Rule to acheive attainment
Date:	Wednesday, May 27, 2015 7:35:47 PM

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.

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> 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 were to be rescinded and replaced with an MOA.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
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