



March 27, 2020

Mr. Arturo Delgado
Assistant Secretary for Salton Sea Policy
California Natural Resources Agency

Subject: Imperial County Air Pollution Control District's Comments on the Draft Dust
Suppression Action Plan

Dear Mr. Delgado:

The California Natural Resources Agency has made available for public review and comment the draft Dust Suppression Action Plan (DSAP). The Imperial County Air Pollution Control District (ICAPCD), the air quality authority for Imperial County and the Salton Sea Air Basin, acknowledges the importance of these efforts and envision this DSAP to be utilized as a feasible tool to expedite the implementation of air quality mitigation projects on the exposed playa of the Salton Sea.

The California State Legislation declared that local and regional authorities, such as ICAPCD, "have the primary responsibility for control of air pollution from all sources, other than emissions from motor vehicles." (Health & Saf. Code, § 40000.) The local districts are mandated by the State Legislature to "adopt and enforce rules and regulations to achieve and maintain the state and federal ambient air quality standards in all areas affected by emission sources under their jurisdiction, and shall enforce all applicable provisions of state and federal law." (Health & Saf. Code, § 40001, subd. (a).) Despite these clear Legislative mandates and in contravene of ICAPCD's clear authority over air quality impacts at the Salton Sea, the State's staff failed to include ICAPCD in the decision-making process of their DSAP. The ICAPCD recommends those involved in projects mentioned in the DSAP assess all Rules and Regulations of the ICAPCD and demonstrate compliance with these rules. In addition, the footprint of some projects are within jurisdiction of South Coast Air Quality Management District (SCAQMD), which is not listed as a stakeholder in the DSAP. SCAQMD has their own unique adopted set of rules and regulations, just as ICAPCD.

The DSAP identifies the primary mitigation measure as surface roughening, which is not considered by ICAPCD and U.S. Environmental Protection Agency (EPA) to be a long-term viable and effective Best Available Control Measure (BACM) without supporting technical analyses and related monitoring/maintenance provisions accepted by the ICAPCD. The Great Basin Unified Air Pollution Control District experiments with surface roughening at Owen's

Lake, but because degradation is a problem with all types of surface roughing, it is requiring surface flooding as a backup and is closely monitoring their related projects. In addition, state funding to pay for the necessary maintenance and monitoring to these alternative BACM are not addressed. It will be imperative, among other things, for the State to demonstrate an enforceable commitment to continuous maintenance and monitoring.

Any man-made condition, such as the exposed playa of the Salton Sea, within Imperial County is required to abide by ICAPCD's Rule 804 which requires the responsible entities to comply with the conditions of a Stabilized Surface at all times and limit Visible Dust Emissions (VDE) to 20% opacity in accordance with U.S. EPA Test Method 9 at all times. Surface roughing is not recognized as an approved BACM under Rule 804. Any implementation of alternative BACM is required by Rule 804 to obtain ICAPCD and EPA approval prior to implementation. Approval cannot be granted unless the alternative BACM is proven to the satisfaction of ICAPCD and EPA that the measure will achieve a stabilized surface (as defined in Rule 800) and meet the 20% opacity requirement in accordance with EPA Test Method 9. It is unfortunate that the State did not engage with ICAPCD before issuing its draft DSAP so that these requirements could have been addressed.

ICAPCD is also concerned that the proposed surface roughing mitigation in the draft DSAP will interfere with the PM10 attainment plan that the State of California submitted to EPA for approval as part of the State's State Implementation Plan (SIP). To that end, an updated emissions inventory that addresses the impacts from surface roughing will need to be submitted to ICAPCD for review and approval, and federal landowners will be required to comply with Rule 925, conformity.

ICAPCD Rule 925, General Conformity, which adheres the requirements of U.S. EPA General Conformity Rule, applies to federal actions that result in emissions of "nonattainment pollutants," or their precursors, in federally designated nonattainment areas. Imperial County is currently classified as a nonattainment area for the PM10 NAAQS. This rule establishes a process to demonstrate that federal actions clearly demonstrate that the total direct and indirect emissions from the type of activities which would be presumed to conform would not: a) interfere with provisions in the applicable SIP; b) cause or contribute to new violations of NAAQS in the area; c) increase the frequency or severity of any existing violations of NAAQS; and d) delay timely attainment of the NAAQS or any required interim emission reductions equal to or greater than the total of direct and indirect emissions from the project so that there is no net increase in emissions.

The main goal of the DSAP should not be solely focused on achieving acreage milestones that do not ensure real emissions savings. Rather, scientifically based strategies for the proper placement of these projects on already identified highly emissive soil types should be the standard. Both ICAPCD and Imperial Irrigation District (IID) concur on this strategy as outlined in IID's Salton Sea Air Quality Mitigation Program.

In closing, ICAPCD feels that the current draft Plan falls short in demonstrating effective control measures that abide by the rules and regulations adopted by ICAPCD. ICAPCD appreciates the opportunity to comment on this draft Dust Suppression Action Plan. Should you have any questions regarding this letter, please contact Reyes Romero or Katie Burnworth of my staff at (442) 265-1800.

Sincerely,



Matt Dessert
Air Pollution Control Officer

cc:

Imperial County Air Pollution Control Board
Tony Rouhotas, CEO, Imperial County
Henry Martinez, General Manager, IID
Tina Shields, Water Dept, Manager, IID
Assemblyman Eduardo Garcia
Thomas Gibson, Deputy Secretary and Special Counsel for Water, CNRA
Wade Crowfoot, Secretary, CNRA
Richard Corey, Executive Director, CARB