



June 12, 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 Imperial County Air Pollution Control District (ICAPCD) appreciates the opportunity to review and comment on the Administrative Draft of the *Salton Sea Management Program: Dust Suppression Action Plan* dated June 4, 2020 (DSAP). However, the length of the comment period for the DSAP was insufficient given the extent of changes made from the prior draft. The ICAPCD reserves the right to amend comments and issue additional comments beyond those expressed in this letter.

The main goal of the DSAP should not be solely focused on achieving acreage milestones that do not ensure real emissions reductions. Instead, the DSAP should employ scientifically based strategies for the proper placement of these projects on already identified highly emissive soil types. Making those determinations depends on the mitigation project designs, existing dust control plans, and mitigation and monitoring criteria approved by ICAPCD. Acreage is not the important metric and, when done poorly, can exacerbate the problem and delay appropriate mitigation.

EXECUTIVE SUMMARY

Outlines a summary of the DSAP as a component of the SSMP and the Phase I Plan. Its purpose is to expedite the implementation of dust suppression projects to meet goals set by the SSMP and specific annual acreage targets of the State Water Resources Control Board Order WR 2017-0134 (Water Order). Under consideration for mitigation are 9,800 acres, with 8 defined project areas, of dust suppression over the course of three years (2020 to 2022). Implementing parties, identified as the *State Team* include the California Natural Resources Agency (CNRA), the California Department of Water Resources (DWR), the California Department of Fish and Wildlife (CDFW) and with noted support from the California Air Resources Board (CARB).

Here, the executive summary presents a general overview of the highlights intended to introduce the reader to the important aspects of the DSAP. The summary creates the sense that the *State*

Team will implement these time-critical projects to protect local communities while meeting the acreage requirements of the Water Order because of the *State Team's* experience has already accounted for the planning, permitting, design, and contracting of these projects. Therefore, the ICAPCD requests that the last sentence of page 2 of the introduction be removed or clarified.¹ Stating that the DSAP is not binding seems to contradict the commitment expressed by the *State Team*. For example, while the DSAP is not a regulatory document it should be binding as far as the commitments expressed within the document regardless of the fact that the document is “a living document” subject to change or amendment.

CHAPTER 1 INTRODUCTION

Much like the Executive Summary this chapter outlines the background information, in summary format, regarding the essential components, purpose and goals of the DSAP. There is an extensive explanation regarding the Water Order as outlining the “...State Water Board’s oversight role in monitoring and ensuring progress toward the goals of the SSMP...” Presumably, the annual milestones towards achieving habitat restoration and dust-suppression projects have been identified as acreage.²

Here, it is important to clarify two issues. First, the Phase I Plan-10-year phase (Phase I Plan) identified under its “Air Quality Planning and Implementation” section, steps 2 and 4 outlined in the environmental impact report/environmental impact statement which acknowledges the implementation of a research and monitoring program and the implementation of Best Available Control Measure (BACM) pilot projects.³

Second, the monitoring is specific to the habitat restoration and dust-suppression projects surrounding the Salton Sea. Any other type of monitoring would not fall within the goals or stipulations of the SSMP. In addition, an effective dust suppression plan that meets the step that requires the implementation of BACM pilot project necessarily requires that the identified methods either qualitatively or quantitatively demonstrate the potential for emission reductions.

The completion of the identified 9,800 acres within three years considering that the identified years includes 2020 seems unobtainable.

CHAPTER 2 DUST SUPPRESSION METHODS

This section identifies the intended methods that will be used for dust suppression in the overall 9,800 acres identified as Phase A and Phase B in other sections of this document. There will be initial site preparation such as clearing and grubbing while avoiding established living native vegetation as necessary. Ten identified methods include temporary surface roughening, vegetation establishment (post surface roughening), storm water spreading, surfactants, shallow-

¹ Salton Sea Management Program: *Dust Suppression Action Plan, Administrative Review Draft*: June 4, 2020, Chapter 1: Introduction, page 2 – “The DSAP is not intended to be a regulatory or binding document.”

² *Id* at page 1

³ Salton Sea Management Program, Phase I: 10-Year Plan, *Air Quality Planning and Implementation*, page 16, August 2018, <https://resources.ca.gov/CNRALegacyFiles/wp-content/uploads/2018/10/SSMP-Phase-1-10-Year-Plan.pdf>

water habitat, sand fencing, engineered roughness, gravel coverage, shallow flooding, and enhancing soil crusting bio cementation or soil amendments.

Again, there is no priority given to the methods that would explain how these methods would meet the BACM pilot projects nor are they identified as potential contingency measures. Simply put, effective dust control programs or plans should identify priority of methods by the emission reduction potential and anticipated use. Clearly identifying each method not only as a successful method in other regions should be supplemented with historical potential emission reduction rates when applied correctly. This would allow for the appropriate emission accountability ensuring successful reduction of air emissions despite naturally occurring events. In addition, these methods should then be interrelated as far as they can be as contingency options should a first option fail. Thus, these methods should be accompanied or at minimum prioritized as to the availability as a temporary contingency either measure or replacement contingency measure. For example, the description of the Storm water Spreading event indicates that this measure if applied would more than likely cause a delay in meeting time-critical goals. Not only is there a required quantitative assessment and the development of structures that hinder implementation of this method, but the method is described as faltering because there is no appreciable discharge of water. While it is unclear why or how this option could prove to be a BACM pilot project, this method would more than likely not be chosen as either a first choice or a contingency measure. Therefore, the ICAPCD is requesting a prioritization of potential implementation by order of potential emission reductions and viability as a contingency measure.

Finally, it will be necessary to provide contingency measures for the site-preparation initial phase as well.

CHAPTER 3 PROJECT IMPLEMENTATION APPROACH

This section provides the information that the State Team requires to move forward with implementation of the projects. Three key steps are identified that will need to be completed prior to design and construction.

The first step are the access agreements. While the State Team currently has an easement agreement with IID and BLM, for a specific area that would help meet Phase A goals, the State Team does not have any other agreements to finish all the 9,800 required acres. Again, without clearer information regarding the completion of the projects it is unclear how the State Team intends to meet the 2022 completion date.

The second step includes permitting and environmental compliance. ICAPCD would like to reiterate, that without properly identifying the selected methods by their emission reduction potential and relating it back to the analyzed BACM pilot projects, then triggering the environmental compliance portion is highly likely. To avoid this, the DSAP should prioritize the selected methods by the emission reduction potential, the contingency measure potential and demonstrate how these in either the short term or long term reach the level of BACM pilot projects.

The third step includes contracting for construction. This section identifies the timelines for three phases related to contracting for construction. Based on the information provided the

ICAPCD *again*, reiterates its concern that the mile marker of 2022 is ambitious at minimum and nearly impossible at best at meeting the 9,800 acres of applied mitigation.

In subsection 3.2.8, the text implies that the District's opacity requirements under Rule 801 only apply to mechanical soil disturbance activities. That is incorrect, as inactive disturbed surfaces are also subject to the 20 percent opacity limit for visible dust emissions under both ICAPCD Rules 801 and 804. The State should amend this section accordingly. Health & Safety Code §§ 40000 *et al.* provides that "...local and regional authorities have the primary responsibility for control of air pollution from all sources, other than emissions from motor vehicles. The control of emissions from motor vehicles... shall be the responsibility of the state board."⁴

In addition, there are anti-back sliding regulations imposed on nonattainment areas that are reclassified to attainment and while new and modified major stationary sources must meet Rule 904, Prevention of Significant Deterioration (PSD) Permit Program, the calculation that is used in the determination of a major source does not include fugitive emissions. Rule 925 applies simply because the reclassification contains a maintenance plan that addresses reasonable further progress, milestones and quarterly contingency reporting. Thus, these projects cannot cause or increase any violation that would jeopardize any of the aforementioned elements.

Also, the DSAP states that "...the State Team recognizes that IID projects have already been accepted by ICAPCD." This is incorrect. IID does not have a blanket approval for its projects. IID's process for developing projects has been accepted by ICAPCD, which includes collaboration, coordination, and monthly meetings. Key details related to monitoring and mitigation are still being developed. The State should amend this section accordingly.

CHAPTER 4 SITE-SPECIFIC PROJECT IMPLEMENTATION PLANS

This section describes the nine (9) projects that have been prioritized for implementation. The lack of detail provided does not give ICAPCD the confidence that these projects can demonstrate compliance within ICAPCD's Rules and Regulations.

CHAPTER 5 SITE CHARACTERIZATION AND PERFORMANCE MONITORING

This section describes site characterization, as data collection and performance monitoring as reduction of emissions. As mentioned previously, the regulatory responsibility is legislatively granted to the ICAPCD for *all* sources with the only exception being mobile emissions sources. One of the mitigation measures identified in the DSAP is implementing regulatory monitoring activities both near the source and near the receptors. However, the DSAP explains "...goal of the monitoring program would be to observe PM10 problem or incremental increases in toxic air contaminant concentrations associated with the Proposed Project and to provide a basis for mitigation efforts."⁵ Thus, these monitors should be "special purpose" monitors only and not regulatory in nature.

⁴ California Legislative Information, Health and Safety Code, Division 26, §40000, http://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=HSC&division=26.&title=&part=3.&chapter=1.&article=

⁵ Salton Sea Management Program: *Dust Suppression Action Plan, Administrative Review Draft*: June 4, 2020, Chapter 5: Site Characterization and Performance Monitoring, page 52

However, the text in the last paragraph of Section 5.1.2 is vague with regard to the type of monitors to be installed as an expansion of the shoreline network in response to feedback from the community. On the June 4 call with ICAPCD, IID, the State agencies, and other stakeholders, these planned monitors were described as “regulatory” monitors. Regulatory monitors sited in Imperial County are solely under the purview of ICAPCD in conjunction with the California Air Resources Board (CARB) and the United States Environmental Protection Agency (USEPA) and should not be part of this plan. They do not address the issues related to the development and/or monitoring of the dust control projects; that is the role of targeted monitoring or modeling for each dust control project.

Section 5.2 discusses air quality modeling in general, but does not describe how or if it will be used to support the State’s dust control method design efforts. IID’s modeling of project emissions before and during mitigation are key elements in the overall assessment and monitoring of mitigation projects. Similar modeling must be done for DSAP projects (at a minimum), unless ICAPCD indicates otherwise. The State should amend this section to describe how they will address this.

Also, the DSAP states that the Coachella Exposed Lakebed does not have IID data to confirm emissivity. As IID/Formation indicated during the June 4 call with ICAPCD, IID, the State agencies, and other stakeholders, this data does exist. It is available in IID’s 2018/2019 Annual Report and PM₁₀ Emissions Estimates. The State should amend this section accordingly.

The DSAP says that “IID is currently designing dust suppression projects to meet an estimated 95 percent reduction in sand motion criteria set by ICAPCD.” This statement is incorrect. ICAPCD did not establish this criterion, and IID used it as a mitigation design criterion for surface roughness projects only. The appropriate design criterion for dust control projects will depend on the dust control measure being implemented, and assessment of its sufficiency (i.e., compliance with ICAPCD rules and guidance) is the role of ICAPCD. The State should amend this section accordingly.

Additionally, the State lists the following reference, “Withycomb, 2019b”, after the statement, “In addition, ICAPCD, SCAQMD, and CARB also perform air quality monitoring within the region.” ICAPCD would like to request a copy of this reference.

CHAPTER 6 OPERATIONS AND MAINTENANCE

The reporting cycle needs to include a time period in which the DSAP and its subsequent implementation is reviewed and discussed with oversight agencies (e.g., ICAPCD/SCAQMD). As noted, this DSAP reporting cycle and interim reports must support ICAPCD’s reporting requirements under the contingency provisions of the PM₁₀ SIP for the next 10 years, as IID’s program does.

In closing, ICAPCD feels that the current draft DSAP *again* falls short in demonstrating effective control measures that abide by the rules and regulations adopted by ICAPCD. ICAPCD believes that a majority of our comments for the original draft DSAP have yet to have been

adequately addressed in this draft. ICAPCD appreciates the opportunity to comment on this draft Dust Suppression Action Plan. Should you have any questions regarding this letter, please contact Monica Saucier 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