



July 23, 2020

Mr. Arturo Delgado
Assistant Secretary for Salton Sea Policy
California Natural Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

Via email: Arturo.Delgado@resources.ca.gov

Subject: Imperial County Air Pollution Control District's Comments on the 2nd Administrative Draft of the SSMP Dust Suppression Action Plan

Dear Mr. Delgado:

The Imperial County Air Pollution Control District (ICAPCD) appreciates the opportunity to review and comment on the second administrative draft of the *Salton Sea Management Program: Dust Suppression Action Plan* dated July 2, 2020 (DSAP). The ICAPCD previously commented on the first draft of the DSAP in a letter dated March 27, 2020, as well as the first administrative draft of the DSAP in a letter dated June 12, 2020. Both previous comment letters are attached by reference. While the ICAPCD appreciates that some of the comments in the June 12th letter have been addressed by revisions shown in the second administrative draft DSAP, many others have been ignored, put off only to be dealt with later, or otherwise inadequately addressed. Some of these ongoing issues are discussed in more detail in this letter.

In line with our collaborative discussions regarding the DSAP in recent months, the ICAPCD looks forward to having frequent, ongoing meetings about the *State Team's* plans, project proposals, and development of mitigation, monitoring, and maintenance plan and implementation activities that meet the ICAPCD rule requirements. Specifically, the major issues raised in the previous two letters are still pertinent, to the extent that the DSAP either does not address them or makes no substantive commitments related to them. In light of the authority citation by the DSAP, the *Salton Sea Restoration Act*, it is incumbent on the ICAPCD to affirm two important legislative requirements.¹ First, the Fish and Game Code section 2940(f)(3) provides the express intent of the Legislature that restoration projects "[m]itigate air quality impacts ... using the best available technology or best available control measures [BACM], as determined by the South Coast Air Quality Management District and the Imperial County Air Pollution Control District."² This distinction is important because the *Salton Sea Restoration Act* affirms the authority of the local air district as granted by the HEALTH & SAFETY Code. Second, as described in previous comment letters, "[t]he California State Legislation has 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 ICAPCD looks forward to working further with the *State Team* and expects that they will fulfill the commitments made in the DSAP to further the scientific basis of the projects they are proposing and ensure they comply to the fullest with the ICAPCD's rules and regulations.

¹ Cal. Fish and Game Code §2930 (Cal. Leg. Information, 2017)

² Cal. Fish and Game Code §2940 (Cal. Leg. Information, 2017)

Chapter 1. Introduction:

While we appreciate that the *State Team* removed the last sentence on page 2 of the previous draft DSAP, which stated that the DSAP is “not binding”, similar language was added to page 4 of the latest draft, which again refers to the DSAP as “not binding”. The ICAPCD again requests that this language be removed. While the DSAP is not a regulatory document, provisions related to addressing the ICAPCD rules and other regulatory requirements should be binding, even if the document is “living” and subject to change.

Although the process of saltation may be the most common form of sand transport, saltation in and of itself is not the single element causing the suspension and ultimately the transport of dust emissions. For reasons that are apparent when analyzing wind driven emissions, other factors play significant roles in the suspension and transport of dust emissions, such as particle size and wind velocity at the surface. It is concerning to the ICAPCD that the DSAP continues to characterize dust suppression methods as relying on increasing surface roughness without properly defining the term “surface roughness” as it applies to the mitigation proposal for the conceptual projects. For example, surface roughness studies, where surface roughness are defined as vegetative forms, the determination of the effects on dust emissions created sufficient model uncertainty as to compel the authors to caution modelers, when not applying the proper stress factors associated with surface shear.³ Thus, an appropriate description of the reliance of dust suppression methods is that they rely on the reduction of emissions by applying methods that create a stabilized surface (eliminating the uncertainty) and reduce emissions below a known and accepted opacity. This is important when consideration is given to the prioritization of methods as they apply to Phase A and Phase B projects.

Chapter 2. Dust Suppression Methods:

A fair amount of detail has been added regarding the potential dust control measures (DCMs), their effectiveness, and examples of their use in other regions. However, our previous comment asking to see a prioritization of the methods and discussion of contingency measures has not been addressed. An effective dust control program should identify the priority of potential methods by the emission reduction potential and anticipated use. On page 15, the *State Team* added that,

“No one method is considered to be universally superior or applicable at all locations; the design approach will be to select the most cost effective and environmentally sustainable long-term mix of approaches that can meet the air quality compliance requirements at each location. This will be accomplished in future implementation phases of the DSAP.”

At this time however, the ICAPCD is not confident in how the *State Team* can or will do this, given the lack of detail provided in the DSAP. The ICAPCD is again requesting a prioritization of potential implementation by order of potential emission reductions and viability as a contingency measure.

³ Webb, N. P., G. S. Okin, and S. Brown, (2014), *The effect of roughness elements on wind erosion: The importance of surface shear stress distribution*, J. Geophys. Res. Atmos., 119, 6066–6084, doi:10.1002/2014JD021491, <file:///C:/Users/monicasoucier/Downloads/2014JD021491.pdf>
<https://agupubs.onlinelibrary.wiley.com/doi/epdf/10.1002/2014JD021491>

In general, there is not sufficient detail as to what the *State Team's* process will be for determining which DCMs will be used at specific sites, and how the various agencies, like the ICAPCD, will be involved in that process. Contrary to the statement made within the DSAP, implying that "...adequate information..." is not available is an insufficient reason not to prioritize proposed mitigations. Many air districts and the US EPA have accepted default reductions with the application of accepted BACM. Thus, this level of detail is crucial to have any hope of complying with the ICAPCD's regulations.

Chapter 3. Project Implementation: Compliance Needs, Approach, and Current Status

The ICAPCD previously requested more detail on how the *State Team* plans to obtain access from the various landowners around the Salton Sea in order to implement dust control projects. While this comment was acknowledged in the edits on pages 33-34, very little detail is provided. It is not enough detail to increase the ICAPCD's confidence in the *State Team's* ability to meet the 2022 goal date.

The ICAPCD previously requested that Section 3.2.8 be amended to mention that inactive, disturbed surfaces are subject to opacity limits under the ICAPCD's Rules 801 and 804, and not just mechanical soil disturbance activities, as the DSAP describes. This comment was not addressed. Inactive, disturbed surfaces are subject not only to the opacity limits of the ICAPCD's Rules 801 and 804, but also Rule 401. This should be reflected in the DSAP.

Regarding the section added on page 40 stating that,

"The DSAP proposes some dust control measures that are not BACM under ICAPCD rules. The State Team will consult with ICAPCD to determine the appropriate path forward for ICAPCD's consideration of projects that propose to use such measures."

This must be rephrased to say that the *State Team* will consult with the ICAPCD on what needs to be done to bring those measures up to BACM standards. This edit would address the related comment from the previous June 12th letter and would meet the compliance requirement under the Salton Sea Restoration Act cited above.

The ICAPCD disagrees with the *State Team's* interpretation of Rule 925, as described on page 40. This section has not been amended to address the ICAPCD's previous comment. The ICAPCD continues to disagree with this interpretation of the Rule and its applicability to the actions in the DSAP. The ICAPCD requests that this paragraph be revised or removed from the document.

Chapter 4. Site-Specific Action Plans

Some of the project dust suppression timelines presented in this section indicate that certain project phases will be completed by July 2020. For example, Figure 8 indicates that Planning and Design, Environmental Compliance, and Contracting and Site Access are scheduled to be completed this month at the SCH area. Please identify at which points agency coordination will occur. Is this during the Environmental Compliance phase? It is the ICAPCD's understanding of the DSAP that the *State Team* intends to, and is committing to, coordinate with the ICAPCD on those elements. Therefore, it would be inappropriate to show those phases are complete or near complete. The ICAPCD suggests including a generic schedule "for example purposes" without specific dates, and building in the necessary time for the coordination process with the appropriate agencies. This could be accomplished by adding a phase for "Interagency Coordination" occurring throughout the timeline.

The data referenced in Figure 7 from the Imperial Irrigation District's (IID's) Salton Sea Air Quality Mitigation Program is updated annually and since the DSAP is a living document, this data and figure should be updated in subsequent versions with the most recent emissions estimates.

Chapter 5. Site Characterization and Performance Monitoring

In Section 5.1.2, additional regional air quality monitoring is discussed in a newly added paragraph. As stated in the June 12th comment letter, this section does not describe how or if this monitoring will be used to support the State's DCM design efforts. The ICAPCD strongly believes this paragraph should be removed.

Previously, the ICAPCD requested additional details on the *State Team's* plans for air quality modeling for project evaluation and monitoring, as was described in Section 5.2 of the first administrative draft of the DSAP. In the second administrative draft, this section has been removed. The ICAPCD would like to reiterate the importance of modeling of project emissions before and during mitigation and again requests that the *State Team* provide details for how they will address this.

As expressed above, there is concern by the ICAPCD concerning the lack of appropriate modeling for the effects of dust emissions resulting from any type of surface roughening. Because surface roughening is not a BACM the performance monitoring upwind and downwind is a good beginning but is simply that a beginning. Determining the appropriate BACM or pilot BACM that results in full BACM requires modeling. The appropriate modeling will provide the confidence that the site characterization has been properly determined and that the performance monitoring has been properly deployed.

In closing, the ICAPCD *continues* to be disappointed by the plan put forward by the *State Team* for control of dust emissions at the Salton Sea, as it does not demonstrate the necessary steps to comply with the applicable air quality regulations. Despite numerous comment cycles and the availability of the Imperial Irrigation District's Salton Sea Air Quality Mitigation Program, which shows the level of scientific rigor and collaborative efforts that the ICAPCD is seeking, the *State Team* continues to fall short of fully addressing the ICAPCD's comments. This lack of responsiveness and collaboration has the potential to delay the much needed and important work that is necessary to avoid serious detriment to human health and the environment in our local Environmental Justice communities. Beyond regulatory compliance, Environmental Justice for these communities is important to the ICAPCD and this current DSAP does not include the detailed steps and processes needed to address either regulatory or Environmental Justice concerns. The ICAPCD hopes that the *State Team* will take these comments to heart and finally issue a DSAP that *clearly* demonstrates that the State will be implementing effective control measures that abide by the rules and regulations adopted by the ICAPCD. Should you have any questions regarding this letter, please contact Monica Soucier or Katie Burnworth of my staff at (442) 265-1800.

Sincerely,



Matt Dessert
Air Pollution Control Officer

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Enclosures (2)