



DEPARTMENT OF PARKS AND RECREATION

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**OHMVR COMMISSION MEETING
Sacramento, CA**

February 17, 2022

STAFF REPORT: History of Stipulated Order of Abatement
STAFF: Jon O'Brien, Environmental Program Manager
SUBJECT: Oceano Dunes SVRA Dust Stipulated Order of Abatement, Case No. 17-01

Summary:

Oceano Dunes State Vehicular Recreation Area (ODSVRA) is located in the southwestern corner of San Luis Obispo County in the 'five cities' area. The SVRA encompasses 3,600 acres with approximately 1000 acres open to off-highway vehicle (OHV) recreation. ODSVRA is part of the greater Guadalupe-Nipomo dune complex that is approximately 18,000 acres in size. ODSVRA is characterized by dusty conditions resulting from strong onshore winds coming from the northwest causing sand grains to creep and bounce along the dune surface. Through this process, very fine particles in the dune sand become airborne and are dispersed downwind.

There has been off highway vehicle use on the Guadalupe-Nipomo dunes for over 100 years. Prior to 1982 when the current management practices began as a result of the 1982 Coastal Development Permit (CDP), there was OHV access to the entire dune complex. That access was concentrated within the SVRA after 1982.

From 2003 to 2011, the APCD conducted two air quality studies at and downwind of ODVRA, Phase 1 and Phase 2. The Phase 1 study released in March 2007 focused on the nature and extent of high particulate matter, or dust, on the Nipomo Mesa downwind of ODSVRA. Phase 2 was released in February 2010. As per the San Luis Obispo County Air Pollution Control District (APCD) website, the primary goal was to determine if OHV activity played a role in high levels of dust downwind of ODSVRA. Both studies can be found on the APCD website, noted below.

These APCD studies led to the development of Rule 1001 Coastal Dunes Dust Control Requirements in 2011. Two monitoring stations were designated to track compliance with the standards established in Rule 1001 (one downwind of the riding area [CDF] and one downwind of an area with no riding to serve as a control [Oso Flaco]). In addition, Parks was required to develop a particulate matter reduction plan and to implement dust mitigations projects aimed at reducing downwind dust to comply with the rule.

In 2014, Parks and the APCD entered into a Consent Decree that outlined a '...method of implementation of Rule 1001...' and a dispute resolution process. The Consent Decree also created

a Special Master to mediate disputes. The Special Master later became the chair of the Scientific Advisory Group. Also in 2014, the first dust mitigation projects, approximately 45 acres, were installed at ODSVRA.

In April of 2018, State Parks entered into a Stipulated Order of Abatement, or SOA, with the APCD to outline specific steps to be taken to reduce particulate matter levels at ODSVRA. As part of the SOA, Parks developed a Particulate Matter Reduction Plan, or PMRP, in 2019. The SOA also required an Annual Report and Work Plan, or ARWP, to be submitted to the APCD for each year of the SOA. The SOA included three specific air quality objectives:

- Meet the Federal ambient PM¹⁰ (particulate matter with diameters of 10 microns or less) air quality standard (150 µg/m³)
- Meet the State ambient PM¹⁰ air quality standard (50µg/m³)
- Reduce baseline mass emissions by 50% as an initial target

Particulate matter is measured at air quality monitoring stations downwind of ODSVRA (CDF and Mesa2), and is also estimated using a complex computer model, as required by the SOA.

The SOA also established a Scientific Advisory Group (SAG) to ‘evaluate, assess, and provide recommendations on the mitigation of windblown PM10 from ODSVRA...’

In November of 2019, the SOA was amended to require specific dust mitigation projects, including the 48-acre foredune. The amended SOA also set an annual schedule for completing the Annual Report and Work plans.

Since 2019, Parks has implemented approximately 90 acres of dust mitigation projects annually. There will be 412 acres of dust mitigation projects at ODSVRA once the 2021 ARWP projects are implemented by April 15th, 2022; 322 of these acres will be in the riding area.

There is an APCD Hearing Board meeting scheduled for March 23rd, 2022. The SOA air quality requirements will be revisited at this meeting and may be revised, along with other parts of the SOA.

Resources:

Stipulated Order of Abatement: <https://storage.googleapis.com/slocleanair-org/images/cms/upload/files/Filed%20%26%20Approved%20SOA%20Case%2017-01%20Apr-30-18.pdf>

Amended Stipulated Order of Abatement: [https://storage.googleapis.com/slocleanair-org/images/cms/upload/files/AMENDED%20Order%20of%20Abatement%2011-18-19 FILED 12.pdf](https://storage.googleapis.com/slocleanair-org/images/cms/upload/files/AMENDED%20Order%20of%20Abatement%2011-18-19%20FILED%2012.pdf)

2019 Particulate Matter Reduction Plan: [https://storage.googleapis.com/slocleanair-org/images/cms/upload/files/Draft PMRP 20190606.pdf](https://storage.googleapis.com/slocleanair-org/images/cms/upload/files/Draft_PMRP_20190606.pdf)

2021 Annual Report and Work Plan: https://storage.googleapis.com/slocleanair-org/images/cms/upload/files/2021ARWP_CondAppDraft_withAttach_20211001.pdf

Rule 1001: <https://storage.googleapis.com/slocleanair-org/images/cms/upload/files/air/pdf/2011/RULE1001.pdf>

Consent Decree: <https://storage.googleapis.com/slocleanair-org/images/cms/upload/files/2014-03-18%20Consent%20Decree%20Oceano%20Dunes-Final.pdf>

Detailed chronology of the dust program at ODSVRA: https://storage.googleapis.com/slocleanair-org/images/cms/upload/files/2021August_DUNES_AIIPAgas.pdf

Phase 1 and Phase 2 studies: <https://www.slocleanair.org/air-quality/oceano-dunes-efforts/south-county-pm-study.php>

Other Oceano dust information: <https://www.slocleanair.org/air-quality/oceano-dunes-efforts.php>

Oceano dust archive: <https://www.slocleanair.org/air-quality/oceano-dunes-efforts/oceano-dunes-archive.php>

Commission Action

For information only.