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Control Officer



GREAT BASIN UNIFIED AIR POLLUTION CONTROL DISTRICT

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August 16, 2013

Mr. Martin L. Adams
City of Los Angeles
Department of Water and Power
P. O. Box 51111
Los Angeles, California 90051-5700

Re: Comments on the Great Basin Unified Air Pollution Control District's Draft 2013 Annual Air Quality Monitoring Network Plan

Dear Mr. Adams:

Thank you for submitting comments on behalf of the Los Angeles Department of Water and Power (LADWP) dated July 9, 2013 regarding the Great Basin Unified Air Pollution Control District's (District's) Draft 2013 Annual Air Quality Monitoring Network Plan (AMNP). District staff has carefully considered the LADWP's comments and the District's responses are presented below. The LADWP's comments and the District's responses to them will be submitted, along with the 2013 AMNP, to the EPA for their consideration.

1. LADWP Comment: (Page 2, paragraph 1, last sentence): "Without a compliant network monitoring plan that is approved by EPA, the data cannot be used for determining attainment status of any areas covered by the plans or impose air quality mitigation requirements upon LADWP nor any other party."

District Response: The statement is incorrect. The collection of air quality data from monitoring stations that meet the specific regulatory criteria found in Title 40 Code of Federal Regulations, Part 58, can be used for the determination of attainment status or imposition of mitigation requirements, neither of which is contingent upon the District having an approved network monitoring plan.

2. LADWP Comment: (Page 2, Item 1. Unapproved 2012 Annual Network Monitoring Plan, paragraph 1):
"EPA has not taken action on the 2012 Network Plan that the District Governing Board adopted on May 24, 2012, and submitted to EPA in June 2012."

District Response: EPA approved the District's 2012 Annual Network Plan in a letter to the District dated April 18, 2013.

3. LADWP Comment: (Page 2, Item 1. Unapproved 2012 Annual Network Monitoring Plan, paragraph 1): "Despite LADWP's requests, the District did not withdraw the 2012 Network Plan and/or amend the plan to remove these monitoring stations (Dirty Socks, North Beach, Mill Site), and address other deficiencies that LADWP identified."

District Response: "The annual monitoring network plan must be made available for public inspection for at least 30 days prior to submission to EPA." (40CFR58.10(a)(1)) During the public inspection period for the monitoring plan, comments on the plan are accepted by the District. After the close of the inspection period, District staff carefully reviews the comments and considers them in light of the regulations applicable to the plan and the monitoring network. The comments are then submitted, along with District responses, to the EPA along with the network monitoring plan. The District, however, is under no obligation to withdraw or amend an annual network plan when requested to do so by a regulated entity. The network monitoring plan is a regulatory document and, as such, is subject to approval or disapproval by the EPA.

4. LADWP Comment: (Page 3, Item 2, Removal of Dirty Socks, North Beach, and Mill Site Monitors from Network, paragraph 1)
"The 2012 Network Plan and the 2013 Network Plan both cannot be approved because they include three monitors that are no longer part of the monitoring network, and there is no certainty that these monitors will be relocated. LADWP terminated the District's licenses to operate the Dirty Socks, North Beach, and Mill Site monitors on November 29, 2012."

District Response: A network monitoring plan is to contain information on monitors that have been operating, are currently operating, and on those that are proposed to be operating in the calendar year of the plan. 40 CFR Part 58.10(a)(2) states, "Any annual monitoring network plan that proposes SLAMS network modifications (including new monitoring sites...) is subject to the approval of the EPA Regional Administrator..." Past monitoring stations as well as proposed monitoring stations are to be included in the plan for consideration by the EPA Regional Administrator.

5. LADWP Comment: (Pages 3-4, Item 2, paragraphs 2-3), "LADWP disagrees with EPA that replacement monitors for the former Dirty Socks, Mill Site, and North Beach Monitors are necessary to achieve the NAAQS or ensure compliance with any other existing legal or regulatory requirements."

District Response: It is the responsibility of the regulatory body charged with conducting the monitoring program, in this case, the District, to determine the number of monitors needed under the regulatory guidelines in order to determine compliance with the NAAQS and any other requirements. Once stations are established and monitor exceedances, they cannot be removed from a network, per regulatory requirement (40 CFR Part 58.14(c)(1-6)), especially when exceedances of the Federal PM10 standard continue to be monitored at those sites. Additionally, the Owens Lake monitoring

network, as it stood on September 3, 2010, (which included the Dirty Socks, North Beach, and Mill Site monitors), was incorporated into the Coso Junction Planning Area Maintenance Plan, and can only be changed if the aforementioned criteria are met. “EPA proposed to approve the State’s maintenance plan, which includes control measures for Owens Lake implemented through the Great Basin Unified Air Pollution Control District (GBUAPCD) Board Order #080128-01 (Appendix C of the 2010 Plan).” (Federal Register Vol 75, No. 171, September 3, 2010, 54031) These monitors are required by both regulation and federal law.

6. LADWP Comment: (Pages 4, 7, Item 2, paragraph 1), “Nevertheless, if the District intends to replace the monitors it cannot simply assume that the Dirty Socks, North Beach, and Mill Site monitoring facilities are still in existence and that these sites can be ‘swapped out’ with new locations and with no new monitoring plan or public review.”

District Response: The District has been diligently working to find new monitoring locations as close to the former locations as possible. For the North Beach site, the California State Lands Commission has issued a letter of non-objection to the District's proposed site. The District will continue its efforts to re-establish the three monitors near their former sites as required by 40 CFR Part 58.14(c)(6). When these monitors are relocated, the site reports and related information will be updated in the applicable annual network monitoring plan and made available for public inspection at that time. The law makes no requirement or provision for publication of a modified, amended, or revised plan in a given year. Modifications are to be proposed and, if approved, will be documented in the network plan the following year.

7. LADWP Comment: (Pages 7-8, Item 3, District Quality Assurance Project Plans) “...LADWP remains seriously concerned that the District continues to operate its PM10 and PM2.5 network in the Owens Valley without EPA-approved Quality Assurance Project Plans (QAPP).”

District Response: The District has never operated its PM10 and PM2.5 monitoring network without an EPA-approved QAPP. The LADWP brought this same allegation to the 2011 SCRDR hearing before the CARB Executive Officer. CARB determined that the CARB QAP adequately addressed the requirements for a QAPP for the District. The CARB Hearing Officer stated in his decision, “I find no substantial evidence in the record to support the City’s arguments regarding the monitoring data used by the District but do find substantial evidence to support the District’s use of the monitoring data.” (State of California Air Resources Board, Decision and Findings of the California Air Resources Board, in the Matter of: The Owens Lake Dust Control Revised Final 2011 Supplemental Control Requirements Determination Issued by Great Basin Unified Air Pollution Control District, Hearing Date: June 15, 2012. Final Decision November 19, 2012.)

8. LADWP Comment: (Page 8, Item 3, paragraph 1), “LADWP requests that the District update its PM10 and PM2.5 QAPPs, encompassing all of the instrument systems that are required to implement the procedures described in the 2008 Owens Valley SIP,... and have

them approved in a public proceeding in order to ensure that the data are being collected and analyzed in accordance with EPA-recognized quality assurance procedures.”

District Response: The District has drafted a comprehensive QAPP and submitted it to EPA and CARB for review and approval. These regulatory bodies to whom the District is responsible will determine whether the document complies with all applicable regulatory requirements for monitor siting, operation, maintenance, sample and data collection, analysis, etc. A QAPP is a regulatory document and the law makes no provision for public comment.

9. LADWP Comment: (Page 8, Item 4, Overall Network Design)

“The District’s network of source impact monitors is focused almost entirely on Owens Lake. This is extremely problematic because the current network does not adequately assess the contributions from other source areas that also affect air quality within the OVPA...”

District Response: LADWP seems to indicate that the District needs more monitors in the OVPA in order to characterize the off-lake as well as on-lake sources of dust emissions. However, at the same time they raised this concern, they have shut down three of the District’s monitoring stations by canceling the leases of those sites that were on LADWP lands. If LADWP wanted more monitoring in the OVPA, why did it shut down three of the sites? Nevertheless, District staff has determined the network established under the Coso Junction Maintenance Plan, which includes the Dirty Socks, Mill Site, and North Beach monitors, is sufficient at this time to characterize both on- and off-lake dust sources.

10. LADWP Comment: (Page 9-14, Item 5), “The Data from the 2013 Network Plan will be Improperly Used in an Invalid Dust ID Model.”

District Response: According to the CARB determination at the 2011 SCRDP appeal hearing (Final Decision, November 19, 2012), the Dust ID Model is, in fact valid and required for use in determining source areas as a part of the District’s overall emissions source area determinations. The modeling effort is only one part of the emissions source area determination process. The District’s use of the data for modeling purposes has no bearing on the adequacy of the District’s monitoring network or of the annual network monitoring plan.

LADWP Comments: (Page 14-16, Item 6. Comments on Individual Monitors)

11. LADWP Comment: “The Keeler PM_{2.5} and PM₁₀ monitors appear to violate the EPA siting criteria contained in 40 CFR 58 App. E. The Keeler monitors are...surrounded by a network of unpaved streets and roadways that can be dusty under high winds with no traffic.”

District Response: The Keeler monitoring station is a population-oriented monitoring station used to determine the PM₁₀ and PM_{2.5} impacts on the population. The purpose of the station is to monitor the emissions from all sources to which the Keeler residents are subject, and, as such, this site measures concentrations that are representative of air

quality in Keeler. Thus, as evidenced by EPA's repeated approval of District network plans, the Keeler PM10 and PM2.5 monitors do, in fact, meet the EPA siting criteria in 40 CFR 58 Appendix E.

12. LADWP Comment: (Page 15, North Beach PM10 Monitor, Mill Site PM10 Monitor, Dirty Socks PM10 Monitor) "...the North Beach monitor was removed ...in December 2012 and has been out of operation for more than six months. The District should revise the 2013 Network Plan to remove all references to this monitor."

District Response: The purpose of a network monitoring plan is to document the stations currently in the network, the stations that have been removed from the network, and the stations proposed to be added to the network. 40CFR Part 58.10(e) "All proposed additions and discontinuations of SLAMS monitors in annual monitoring network plans and periodic network assessments are subject to approval according to § 58.14." Therefore, no references to the North Beach monitor should be removed from the 2013 network plan.

13. LADWP Comment: (Page 15, Flat Rock PM10 Monitor) "The District should revise the 2013 Network Plan to clarify its reasons for removing the Flat Rock monitor."

District Response: Reasons for the removal of the Flat Rock PM10 monitor are clearly and adequately stated in the 2013 network plan.

14. LADWP Comment: (Pages 15 – 16, Coso Junction PM10 Monitor) "The monitoring objective for Coso Junction is 'Population Oriented, Pollutant Transport.' This monitor location is neither population oriented nor appropriate for assessing pollutant transport. The Coso Junction monitor is in violation of EPA's siting criteria (see 75 Federal Register 54031 (September 3, 2010)). Further, there are numerous sources improperly influencing the monitoring data, including open grazing north of Coso Junction."

District Response: As evidenced by EPA's repeated approval of District network plans, the Coso Junction PM10 monitor does not violate EPA's siting criteria. The LADWP has taken this issue out of context. The Federal Register citation indicates the Coso Operating Company staff and District staff worked together to develop a plan to address the siting issues surrounding the Coso Junction monitoring site. The issues were addressed, the site met the siting criteria and began collecting valid data on August 1, 2010, as noted in the cited Federal Register.

The "numerous sources" noted in the LADWP's letter to EPA (March 23, 2010), to which the LADWP's comment refers are based on conjecture with no evidence that these sources, if they were emissive, impacted the monitor site. There are no dated photos showing these areas actively emitting dust. There is no data from any monitor indicating emissions or impacts from these areas. Pictures of locations that might be emissive are not data and they are not evidence.

The District conducted a study from 1993-1995 (Off-Lake Aeolian Study) wherein PM10 monitors were located at several points downwind from Owens Lake southward. This study indicated not only that Coso Junction was heavily impacted by emissions from Owens Lake, but that the communities of Pearsonville, Inyokern, and Ridgecrest (more than 50 miles away) were impacted by Owens Lake dust emissions as well, to the point where exceedances of the Federal PM10 standard caused by these lakebed dust emissions were measured at all three of those downwind communities. Thus, Coso Junction is, in fact, an excellent location for monitoring downwind impacts from transported Owens Lake dust emissions.

15. LADWP Comment: (Page 16, Item 7, Specific Comments on 2013 Network Plan)

District Response: All typographical errors have been addressed. As mentioned above, a network monitoring plan documents past, present, and future monitoring stations. No changes will be made to the document or the maps to remove stations the LADWP has requested be removed. There are currently 10 active monitors in the Owens Lake area. The tables in the plan will be corrected.

16. LADWP Comment: (Page 18, paragraph 2) LADWP requests copies of the audits for its review and comment prior to the District Governing Board's consideration of the 2013 Network Plan.

District Response: This point is moot, as the plan was approved by the Board for submittal to EPA at the July 15, 2013, meeting. QA audits are for regulatory purposes to determine compliance of the monitors with required specifications. They are not subject to public review and comment.

17. LADWP Comment: (Appendix A Site Information), "The District references purported quality assurance audits but there is no information about the outcome of the audits in the Appendix or elsewhere in the 2013 Network Plan. The District should include this information."

District Response: The audit information is not seminal to the monitoring plan. Audits are conducted at District stations quarterly. Results of those audits are for regulatory use to assure the quality of the data. They are not subject to public review and comment. Any and all data submitted to the EPA AQS database or to any entity outside the District are fully validated through the District's QA/QC program.

18. LADWP Comment: (Page 19, Conclusion) "The 2013 Network Plan directly violates EPA rules and protocols, and perpetuates a reckless and biased approach to air quality management in the OVPA. The District and EPA must be held to the reasonable expectation that they will follow air quality regulations and therefore they cannot approve the 2013 Network Plan given the Plan's significant deficiencies, as outlined above. LADWP requests that the District revise the 2013 Plan and then reissue the Plan for further public review and comment before it is considered by the District Governing Board and submitted to EPA."

District Response: The District disagrees with the LADWP's characterization of the District's network plan and air monitoring efforts. The EPA's repeated approvals of District network plans would seem to indicate that the LADWP's allegations are unfounded.

In conclusion, the LADWP has raised no substantive or fact-based issues in the comments provided in their letter of July 9, 2013. All the issues raised in the LADWP's comments on the 2013 monitoring plan have been addressed by CARB, EPA, and the District in previous documents, studies, approvals and decisions. District staff has determined there is no reason to make any substantive changes to the 2013 AMNP based the LADWP's comments.

Sincerely,



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Air Pollution Control Officer

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Enclosures

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