



Eastern Kern

Air Pollution Control District

Glen E. Stephens, P.E.
Air Pollution Control Officer

March 4, 2021

Board of Directors
Eastern Kern APCD
2700 "M" Street, Suite 302
Bakersfield, California 93301

SUBJECT: Withdraw 2015 SIP Submittal of Eastern Kern Air Pollution Control District Rule 402 (Fugitive Dust)

Honorable Board:

On March 12, 2015, your Board adopted resolution 2015-004-03 to amend Rule 402, Fugitive Dust. Amended Rule 402 became effective upon Adoption. On April 21, 2015, the District submitted a Rule Action Package of amended Rule 402 to the California Air Resources Board (CARB). The Rule Action Package requested that CARB forward all appropriate documentation to the U.S. Environmental Protection Agency Region IX (EPA) office as a revision to the District's State Implementation Plan (SIP).

EPA has informed the District of a few minor deficiencies in amended Rule 402 but has not acted on the Rule. The item is currently included in EPA's pending SIP backlog. CARB recently notified the District that EPA has a lawsuit filed against them by Our Children's Earth (OCE) for not acting on SIP submittals in a timely manner. The lawsuit includes the inaction of Rule 402. EPA has a consent decree deadline to act by September 30, 2021.

After discussions with CARB and EPA regarding this matter, the District believes the submittal of amended Rule 402 should be withdrawn in order to decrease the burden placed on the EPA. The District will send a formal letter to CARB requesting the submittal of amended Rule 402 be withdrawn from EPA's backlog and their consideration for inclusion into the SIP. Amended Rule 402 will remain in the District Rule Book and will continue to be enforced locally. Additionally, the District plans to revise Rule 402 in the near future to address any deficiencies and resubmit for inclusion into the SIP. A copy of the proposed withdrawal letter to CARB is attached.

Sincerely,

Glen E. Stephens, P.E.
Air Pollution Control Officer

GES: JC: kl
Enclosure