

**Board Order 080128-01
Attachment D**

**2008 Procedure for
Modifying Best Available Control Measures (BACM)
for the Owens Valley Planning Area**

The City may transition from one approved BACM to another provided that the performance standard of one or the other BACM is met at all times during the transition, and that the City makes a complete and technically well-supported written demonstration of that performance, with a built-in margin of safety, to the satisfaction of the APCO in advance of any actions by the City to transition. There are three circumstances under which temporary modifications may be allowed to the BACM identified in this SIP, if certain conditions are met. The circumstances are:

1. Adjustments to existing BACM. Research to demonstrate that sufficient PM₁₀ control efficiency during the dust season can be achieved and the NAAQS can be attained everywhere on or above the historic shoreline with a different performance standard for an existing BACM.
2. Research on new BACM
3. Transition from one BACM to another that requires a time period where neither BACM's performance standards can be met.

The City may make an application for any of these modifications in writing to the APCO. The complete application must include all necessary data and other technical information to support the application. Except for the specific limitations set forth below for BACM adjustments to Shallow Flooding, the APCO shall have full and sole discretion to accept, reject or condition the City's application for modifications to BACM on Owens Lake, to require additional technical information, and/or to independently monitor the results of the project, and shall provide her/his decision in writing. This same discretion shall apply to the APCO's consideration of each of the other applications that the City may make as further described below. The APCO will consider and respond to comments made by the City regarding any decision by the APCO to reject, condition or modify an application. Failure by the City to comply with any condition of the project approval may result in the APCO revoking the project approval and directing closure procedures be implemented for the project.

The flexible BACM description under the terms of the Order preclude the application of the U.S. Environmental Protection Agency's Natural Events Policy for monitoring data used to make the determinations in this Attachment. All monitored PM₁₀ concentrations that meet the EPA quality-assurance requirements contained in 40 CFR Part 58 and are measured at stations located at or no more than 3 kilometers above the historic shoreline (shoreline monitors) will be used in the analysis. The monitored values will be used as measured, and will not be adjusted for from-the-lake and non-lake wind directions as they are for the Supplemental Control Requirements.

