

From: Jenny Wilson
Sent: Thursday, August 19, 2021 7:34 AM
To: Consolacion, Randy; Fisch, Angela
Cc: Jerry Wilson
Subject: [External] Regarding Rule 1210

Hi Randy & Angela

We are writing regarding Rule 1210. We live on -----, SD ----- and would like to comment about the proposed amendments to Rule 1210.

We consider the change in the Significant Risk Threshold for maximum individual cancer risks equal to or greater than 10 in one million to be a step in the right direction. However, one in one million would be better and more in keeping with the public's desire to keep the air clean, and urge the APCD to consider this. We have lots of young children in the community, and urge the APCD to consider all the families that reside in the area.

The proposed definition for "Economically Practicable" (the annualized cost of the airborne toxic risk reduction measures necessary to reduce the Rule 1210 Regulation XII health risk to below the significant risk threshold(s) is not more than 10% of the annual profits of a facility or 1% of the annual operational budget of a non-profit facility) and its application in enforcing air quality regulations is NOT ACCEPTABLE. We propose: "The annualized cost of the airborne toxic risk reduction measures necessary to reduce the Rule 1210 Regulation XII health risk to below the significant risk threshold(s) will not put the facility out of business, as determined by a government approved independent assessor."

Economic practicality must be considered on a case-by-case basis. There is no "one size fits all" formula. There is a huge difference between different companies and the different circumstances under which they operate. Consider the vast differences between a small agricultural business that operates in a sparsely populated area and a huge mega-facility that operates in a densely populated residential area with lots of families and young children. These two companies cannot reasonably be compared in their budget constraints, their obligations to the surrounding communities, and the harm their pollution can inflict on surrounding communities.

As another example, some companies are allowed to do business only because of special considerations granted by a Conditional Use Permit. In return for such favorable considerations, these companies should be held to the absolute highest standards of protecting the surrounding communities. Almost certainly it will take more work to figure out economic practicality on a case-by-case basis. However, Rule 1210 should not be about making the decision-making process easier (one size fits all) for the APCD. It should be about making the best possible decisions compatible with protecting the health of the public. If a business knows that it will not be required to make changes if the annualized costs of the changes exceed 10% of its profits, that's equivalent to a "safety zone" for a business to operate knowing that they will not be required to improve health risks. It could easily be a mentality of "They can't make us change; it would cost too much. We have the figures to prove it." The purpose of air quality regulations and the purpose of the APCD is to protect the public, not to protect the profits of businesses. Businesses have an obligation to operate in a responsible manner, within the law. A business cannot ignore taxes, employment laws, antidiscrimination laws or any other laws it operates under, even if it is an economic hardship for the company. Air quality regulations should not be an exception!

Air quality regulations have been in existence for many years and are an expected cost of doing business. If a totally new and unexpected law goes into effect, it may be appropriate to balance the expenses of the new regulations with the viability of existing businesses. However, air quality regulations are not new. For the past 65 years, business owners have known about and had to comply with regulations of the APCD. The regulations may be tweaked from time to time, but the results are not

unexpected. If a company has the potential to pollute, it has to obtain permits from the APCD to operate. All permits require compliance with air quality regulations. In fact, none of the permits say that compliance is required as long as it is not an inconvenience for the business. Compliance with regulations is a cost of doing business. It is the responsibility of the business to take that into account.

It is NOT appropriate to ignore the health of the community by dismissing the company's obligation to uphold air quality regulations for any reason. If a business is an essential business (one that is vital to the community) and air quality regulations threaten the existence of the business, then it may be appropriate to look at tax-payer or government support. But it is not appropriate to keep a business in operation by letting the business ignore important health regulations.

We as a community feel strongly about the air quality that we reside in. We have dealt with the strong odors coming from Superior Ready Mix for years, and are tired of breathing in the strong odors from the asphalt production. We appreciate the on-going support of the APCD to ensure that our families and especially all the children in the neighborhood have clean air to breathe in our community.

Thank you for your time and consideration!

Sincerely,
Jenny & Jerry Wilson