



#### Air Pollution Control Board

Greg Cox	District 1
Dianne Jacob	District 2
Pam Slater-Price	District 3
Ron Roberts	District 4
Bill Horn	District 5

January 28, 2009

## NOTICE OF WORKSHOP

### FOR DISCUSSION OF PROPOSED NEW RULE 55 - FUGITIVE DUST CONTROL

The San Diego County Air Pollution Control District (District) will hold a public meeting to consider comments concerning proposed new Rule 55 – Fugitive Dust Control. Comments may be submitted in writing before, or made at, the workshop, which is scheduled as follows:

**DATE:** Tuesday, March 3, 2009  
**TIME:** 1:30 p.m. to 3:30 p.m.  
**PLACE:** San Diego Air Pollution Control District  
Main Conference Room  
10124 Old Grove Road  
San Diego, CA 92131

San Diego County does not meet the State Ambient Air Quality Standards for particulate matter. A 2003 State law (Senate Bill 656) requires the District to adopt additional requirements to control particulate matter pollution after reviewing a statewide list of the most readily available, feasible, and cost-effective control measures being implemented by any California air district. In 2005, the District evaluated the statewide list of such measures and determined that most of them are already being implemented in San Diego County. However, the District does not yet have a rule to control fugitive dust emissions from construction sites, which are a substantial source of directly emitted particulate matter in San Diego County.

Proposed new Rule 55 fulfills the District's commitment to adopt fugitive dust control measures addressing construction and demolition projects. The rule was designed to complement and be consistent with existing fugitive dust regulations in the California Vehicle Code and storm water pollution prevention standards established by water agencies.

The rule does not require specific mitigation measures, with the exception of preventing track-out/carry-out onto public roads. The selection of measures to prevent or minimize fugitive dust emissions within the subject property is left to the discretion of the project owner or operator. Specifically, the proposed new rule will:

- Prohibit visible dust emissions from crossing the project boundary onto neighboring properties for more than an aggregate of three minutes during any 60 minute period.

**OVER**

- Require that visible roadway dust as a result of active operations, spillage from transport trucks, and erosion of soil or track-out/carry-out of mud, dust, and other materials onto a public roadway must be:
  1. Minimized by the use of any of the following track-out/carry-out and erosion control measures that apply to the project or operation: track-out grates or gravel beds at each egress point, wheel-washing at each egress point during muddy conditions, soil binders, chemical soil stabilizers, geotextiles, mulching, or seeding.
  2. Removed at the end of each workday, or each 24 hours if a continuous operation. If a street sweeper is used, it must be a make and model certified to meet South Coast Air Quality Management District (SCAQMD) Rule 1186 requirements for efficient dust suppression and collection. Certified sweepers are listed on SCAQMD's web site at <http://www.aqmd.gov/rules/doc/r1186/r1186 equip.pdf>.
- Specify applicability of and exemptions from the rule.
- Provide definitions of the major terms included in the rule.

If you would like a copy of proposed new Rule 55, please access the District's website at [www.sdacpd.org](http://www.sdacpd.org) under Rules and Regulations, Public Workshop, or call Janet McCue at (858) 586-2712. If you have any questions concerning the proposal, please contact Andy Hamilton at (858) 586-2641 or Robert Reider at (858) 586-2640.



ROSA MARIA S. ABREU, Assistant Director  
Air Pollution Control District

RMA:AH:jlh

## **RULE 55      FUGITIVE DUST CONTROL**

(Adopted *(date of adoption)*; Effective *(6 months after date of adoption)*)

### **(a)    APPLICABILITY**

Except as provided in Section (b), the provisions of this rule shall apply to any commercial construction or demolition activity capable of generating fugitive dust emissions. Activities subject to this regulation are also subject to the applicable requirements of Rule 50 (Visible Emissions) and Rule 51 (Nuisance).

### **(b)    EXEMPTIONS**

The provisions of this rule shall not apply to the following:

- (1) Noncommercial construction or demolition activities in support of any structure designed for and used exclusively as a dwelling for not more than four families;
- (2) Emergency operations conducted during and in response to life-threatening situations, or in conjunction with any officially declared disaster or state of emergency;
- (3) Active operations conducted by essential service utilities to provide electricity, natural gas, telephone, water and/or sewer during periods of unplanned service outages and emergency disruptions;
- (4) Any active operation, open storage pile, or disturbed surface area for which the owner/operator can demonstrate that necessary fugitive dust preventive or mitigating actions are in conflict with the California or federal Endangered Species Acts, or a local, state, or federal water quality requirement;
- (5) Explosive blasting operations. However, any other activities capable of generating fugitive dust emissions and performed in conjunction with explosive blasting, such as vehicle transport of materials produced by blasting operations, are not exempt from complying with the provisions of this rule or other applicable rules;
- (6) Abrasive blasting operations regulated by Rule 71 (Abrasive Blasting).

### **(c)    DEFINITIONS**

For the purpose of this rule, the following definitions shall apply:

- (1) **“Active Operation”** means any construction or demolition activity capable of generating fugitive dust. This includes but is not limited to, earth-moving activities, and heavy- and light-duty vehicular movement on disturbed surface areas or on unpaved roads.

(2) **“Bulk Material”** means any material which can emit fugitive dust when stored, disturbed, or handled, and is un-packaged. Bulk material includes, but is not limited to, sand, gravel, soil, aggregate material, and other organic or inorganic particulate matter.

(3) **“Commercial”** means work conducted for financial compensation by other than a tenant or property owner.

(4) **“Construction or Demolition Activity”** means any on-site activity preparatory to or related to the building, alteration, rehabilitation, demolition or improvement of property, including, but not limited to, the following activities: grading, excavation, loading, transporting, crushing, cutting, planing, shaping or ground breaking.

(5) **“Disturbed Surface Area”** means a portion of the earth's surface that has been physically moved, uncovered, destabilized, or otherwise modified from its undisturbed natural soil condition, thereby increasing the potential for emissions of fugitive dust. This definition excludes those areas that have:

(i) Been restored to a natural state, such that the vegetative ground cover and soil characteristics are similar to adjacent or nearby natural conditions;

(ii) Been paved or otherwise covered by a permanent structure; or

(iii) Established a vegetative ground cover equivalent to at least 70 percent of the background coverage for nearby undisturbed areas.

(6) **“Dust”** means as defined in Rule 2.

(7) **“Earth-Moving Activities”** means activities that include, but are not limited to, grading, earth cutting and filling operations, loading or unloading of dirt or bulk materials, adding to or removing bulk materials from open storage piles, or soil mulching.

(8) **“Emergency”** means an immediate threat to human health or property.

(9) **“Erosion”** means the movement and deposition of land surface materials by water or wind primarily as a result of human activities.

(10) **“Open Storage Pile”** means any accumulation of bulk material with five percent or greater silt content which is not fully enclosed, covered or chemically stabilized, and which attains a height of three feet or more and a total surface area of 150 or more square feet. Silt content level is assumed to be five percent or greater unless a person can show, by sampling and analysis in accordance with ASTM Method C-136 or other equivalent method approved in writing by the California Air Resources Board, that the silt content is less than five percent.

(11) **Owner/Operator**” means any person who owns, leases, operates, controls, or supervises any activity subject to this rule or any person who owns, leases, operates, controls, or supervises the site at which any activity subject to this rule occurs, or both.

(12) **“Particulate Matter”** means as defined in Rule 2.

(13) **“Paved Road”** means an improved street, highway, alley, public way, or easement that is covered by concrete, asphaltic concrete, fresh or recycled asphalt, or rubberized asphalt, excluding access roadways that connect a facility with a public paved roadway and are not open to through traffic.

(14) **“Permanent Unpaved Road”** means any unsealed or dirt roadways that are not covered by concrete, asphaltic concrete, fresh or recycled asphalt, or rubberized asphalt, and which is designed and intended to remain unsealed and uncovered indefinitely. This definition excludes public or private roads undergoing construction or resurfacing.

(15) **“Person”** means as defined in Rule 2.

(16) **“Property Line”** means the boundaries of an area in which either a person causing the fugitive dust emissions or a person allowing such emissions has the legal control or possession. This may include all or portions of a legal parcel or parcels as defined by the San Diego County Assessor.

(17) **“Public Roadway”** means a roadway under the jurisdiction of any federal, State, County, municipal or other governmental or quasi-governmental agencies.

(18) **“Track-Out/Carry-Out”** means any bulk materials that adhere to and agglomerate on the exterior surfaces of motor vehicles and/or equipment (including tires), or are inadvertently carried out, and that fall onto a paved road, creating visible roadway dust.

(19) **“Visible Dust Emissions”** means any solid particulate matter that is visually detectable in the air without the aid of instruments other than corrective lenses.

(20) **“Visible Roadway Dust”** means any sand, soil, dirt, or other solid particulate matter which is visible upon paved public road surfaces and which can be removed by a vacuum sweeper, or a wet sweeper under normal operating conditions.

(d) **STANDARDS**

(1) **Airborne Dust Beyond the Property Line:** No person shall engage in construction or demolition activity subject to this rule in a manner that discharges into the atmosphere beyond the property line dust emissions of 10% opacity or greater for a period or periods aggregating more than 3 minutes in any 60 minute period.

(2) **Track-Out/Carry-Out:** Visible roadway dust as a result of active operations, spillage from transport trucks, erosion, or track-out/carry-out shall:

(i) Be minimized by the use of any of the following track-out/carry-out and erosion control measures that apply to the project or operation: track-out grates or gravel beds at each egress point, wheel-washing at each egress point during muddy conditions, soil binders, chemical soil stabilizers, geotextiles, mulching, or seeding; and

(ii) Be removed at the conclusion of each work day when active operations cease, or every 24 hours for continuous operations. If a street sweeper is used to remove any track-out/carry-out, only PM<sub>10</sub>-efficient street sweepers certified to meet the most current South Coast Air Quality Management District Rule 1186 requirements shall be used. The use of blowers for removal of track-out/carry-out is prohibited under any circumstances.