

PROPOSED RULE 403.2 - FUGITIVE DUST FROM LARGE ROADWAY PROJECTS

(a) Purpose

The purpose of this rule is to reduce potential air quality impacts to people who may be exposed to fugitive dust generated by large roadway projects.

(b) Applicability

This rule applies to any person who conducts activities, and/or authorizes the conducting of activities for a large roadway project. The provisions of this Rule are supplemental to requirements of Rules 403 and 403.1 and shall only apply when rule-specified activities for a large roadway project are conducted, or will be conducted, in close proximity to an area of public exposure or sensitive receptors near a large roadway, as defined in this Rule.

(c) Definitions

For the purposes of this rule:

- (1) **AGGREGATE CRUSHING AND GRINDING** means any activity that mechanically reduces the size of loose or stockpiled materials to produce sand, gravel, crushed stone, quarried rock, or other aggregate material (such as recycled concrete/asphalt).
- (2) **AREA OF PUBLIC EXPOSURE** means any area within the property line of any office, commercial or industrial property as well as any park, or open space/recreational facility, including associated structures and amenities specifically designated by a governmental agency or private entity for recreational purposes. Examples include amusement parks, hiking trails, athletic fields, and campgrounds. Undeveloped open space areas that are not designated for recreation are not considered areas of public exposure for purposes of this Rule.
- (3) **BULK MATERIAL** is sand, gravel, soil, and aggregate material (such as recycled concrete/asphalt) less than two inches in length or diameter, and other organic or inorganic particulate matter.
- (4) **CHEMICAL STABILIZERS** are any non-toxic chemical dust suppressant which must not be used if prohibited for use by the Regional Water Quality

Control Boards, the California Air Resources Board, the U.S. Environmental Protection Agency (U.S. EPA), or any applicable law, rule or regulation. The chemical stabilizers shall meet any specifications, criteria, or tests required by any federal, state, or local water agency. Unless otherwise indicated, the use of a non-toxic chemical stabilizer shall be of sufficient concentration and application frequency to maintain a stabilized surface.

- (5) CONSTRUCTION/DEMOLITION ACTIVITIES means any mechanical activities conducted in preparation of, or related to, the building, alteration, rehabilitation, demolition or improvement of property, including, but not limited to the following activities: grading, excavation, loading and unloading, cutting, grinding, milling, planing, shaping, or ground breaking.
- (6) CONSTRUCTION VEHICLE means graders, bulldozers, excavators, cranes, loaders, backhoes, tractors, haul trucks and other similar vehicles used at a large roadway project.
- (7) CONTRACTOR means any person who has a contractual arrangement to establish or conduct activities at a large roadway project for another person.
- (8) DISTURBED SURFACE AREA means a portion of the earth's surface which has been physically moved, uncovered, destabilized, or otherwise modified from its undisturbed natural soil condition, thereby increasing the potential for emission of fugitive dust. This definition excludes those areas which have:
 - (A) been restored to a natural state, such that the vegetative ground cover and soil characteristics are similar to adjacent or nearby natural conditions;
 - (B) been paved or otherwise covered by a permanent structure; or
 - (C) sustained a vegetative ground cover of at least 70 percent of the native cover for a particular area for at least 30 days.
- (9) DUST CONTROL SUPERVISOR means a person with the authority to expeditiously employ sufficient dust mitigation measures to ensure compliance with all requirements of this Rule.
- (10) DUST SUPPRESSANT means water, hygroscopic materials, or non-toxic chemical stabilizers used as a treatment material to reduce fugitive dust emissions.
- (11) EARTH-MOVING ACTIVITIES means the use of equipment for any activity where soil is being moved or uncovered including, but not limited

to the following: grading, earth cutting and filling operations, loading or unloading of dirt or bulk materials, adding to or removing from material piles of bulk materials.

- (12) FUGITIVE DUST means any solid particulate matter that becomes airborne, other than that emitted from an exhaust stack, directly or indirectly as a result of the activities of any person.
- (13) LARGE ROADWAY means any roadway that is designated as functional classification “Interstate” (FC1) or “Other Freeway or Expressway” (FC2) pursuant to the Federal Highway Administration.
- (14) LARGE ROADWAY PROJECT means onsite activities associated with the construction/demolition a large roadway, including any adjacent bridge, overpass, or onramp/offramp.
- (15) MATERIAL PILE means any accumulation of bulk materials, construction/demolition debris, excavated material, or typical roadway material which is greater than eight feet in height.
- (16) MATERIAL PILE COVER means plastic sheeting at least 10 mil thick that overlaps a minimum of 24 inches and is anchored and secured so that no portion of the material pile is exposed to the atmosphere.
- (17) PARTICULATE MATTER means any material, except uncombined water, which exists in a finely divided form as a liquid or solid at standard conditions.
- (18) PERSON means any individual, firm, association, organization, partnership, business trust, corporation, company, contractor, supplier, installer, user or owner, or any state or local governmental agency or public district or any other officer or employee thereof.
- (19) SCHOOL means any public or private education center, including juvenile detention facilities with classrooms, used for the education of more than 12 children at the education center in kindergarten through grade 12. A school also includes an Early Learning and Developmental Program by the U.S. Department of Education or any state or local early learning and development programs such as preschools, Early Head Starts, Head Start, First Five, and Child Development Centers. A school does not include any private education center in which education is primarily conducted in private homes. A school includes any building or structure, playground, athletic field, or other area of school property.

- (20) SENSITIVE RECEPTOR means a residence including private homes, condominiums, apartments, and living quarters, schools, preschools, daycare centers and health facilities such as hospitals or retirement and nursing homes. A sensitive receptor includes long term care hospitals, hospices, prisons, and dormitories or similar live-in housing.
 - (21) STABILIZED SURFACE means any previously disturbed surface area or material pile which, through the application of dust suppressants, shows visual or other evidence of surface crusting and is resistant to wind-driven fugitive dust and is demonstrated to be stabilized. Stabilization can be demonstrated by one or more of the applicable test methods contained in the Rule 403 Implementation Handbook.
 - (22) TYPICAL ROADWAY MATERIALS means concrete, asphaltic concrete, recycled asphalt, asphalt, or any other material of equivalent performance as determined by the Executive Officer, and the U.S. EPA.
 - (23) UNPAVED ROADS means any unsealed or unpaved roads, equipment paths, or travel ways that are not covered by typical roadway materials. Public unpaved roads are any unpaved roadway owned by federal, state, county, municipal or other governmental or quasi-governmental agencies. Private unpaved roads are all other unpaved roadways not defined as public.
- (d) Requirements
- (1) Beginning [six (6) months after Date of Adoption] for any new Large Roadway Project, no person shall conduct aggregate crushing and grinding operations (excluding operations utilizing handheld equipment), or maintain a material pile, unless a material pile cover or equivalent method to control fugitive dust approved by the Executive Officer is used, at a large roadway project within a distance of 100 feet of an area of public exposure or 250 feet of a sensitive receptor. Distances shall be measured from the nearest edge or perimeter of the specified activity or material pile for the large roadway project to the closest location within an area of public exposure that is designated for use by the public, or point of the property line of the nearest sensitive receptor.
 - (2) Beginning [six (6) months after Date of Adoption] for any new large roadway project, a person conducting any of the following activities at a large roadway project that is located within 500 feet of an area of public

exposure, or 1,000 feet of a sensitive receptor, shall comply with the provisions of subdivision (e) Additional Requirements, and subdivision (f) Recordkeeping:

- (A) Aggregate crushing and grinding operations;
- (B) Construction/demolition activities;
- (C) Earth-moving or any other mechanical activity that results in disturbed surface areas;
- (D) Movement of construction vehicles over unpaved roads; or
- (E) Maintenance of material piles.

Distances shall be measured from the nearest edge or perimeter of the specified activity or material pile for the large roadway project to the closest location within an area of public exposure that is designated for use by the public, or point of the property line of the nearest sensitive receptor.

(e) Additional Requirements

Any person who conducts or authorizes the conducting of activities for a large roadway project subject to paragraph (d)(2) shall comply with the requirements specified in paragraphs (e)(1) through (e)(3):

(1) Dust Control Supervisor

Identify and designate a dust control supervisor that:

- (A) is employed by or contracted with the property owner, developer, or other persons responsible for the large roadway project;
- (B) is on the site or available onsite within 30 minutes during working hours;
- (C) has completed South Coast AQMD Fugitive Dust Control Class and holds a valid Certificate of Completion for the class; and
- (D) is responsible for responding to air quality issue inquiries regarding the large roadway project.

(2) Control Measures

Use the following applicable control measures, in addition to all other applicable control measures as required in other applicable dust rules (such as Rules 403, 403.1, 1157), to prevent fugitive dust/visible emissions:

Table 1 – Large Roadway Project Control Measures

<p>Dust from Construction Roads</p>	<p>Restrict vehicle speeds to 15 miles per hour for all unpaved roads used for any construction vehicular traffic and implement one or more of the following control measures, as needed, to ensure fugitive dust control:</p> <p>Water all unpaved roads within the project perimeter used for construction vehicular traffic at least once per every two hours of active operations [3 times per normal 8-hour workday]; or</p> <p>Apply a chemical stabilizer to all unpaved road surfaces in sufficient quantity and frequency to maintain a stabilized surface.</p>
<p>Material Piles</p>	<p>Shall not exceed a height of 30 feet and additionally implement one or more of the following control measures, as needed, to ensure fugitive dust control:</p> <p>Apply dust suppressant as necessary to maintain a stabilized surface and prevent visible emissions from extending farther than 100 feet as measured from the nearest edge or perimeter of the material pile; or</p> <p>Install temporary coverings; or</p> <p>Install a material pile cover; or</p> <p>Install an enclosure with a minimum of three sides (the open side of which will face farthest from potentially impacted areas) and walls with a maximum porosity of 50 percent and a minimum height equal to the highest point of the material pile.</p>

(3) Signage

Prior to commencement of activities for a large roadway project pursuant to paragraph (d)(2), install and maintain project signage that, at a minimum, meets the following:

- (A) Signage must be located within 50 feet of each project site entrance; a minimum of two signs are required per large roadway project, with at least one of those signs installed such that the content of the sign face is visible in the direction of the closest area of public exposure or sensitive receptor unless it is directly facing traffic;
- (B) One sign is sufficient for multiple site entrances located within 300 yards of each other;
- (C) Signage shall be 1 inch A/C laminated plywood board or similar strength and durability material with dimensions of 48 inches by 96 inches;
- (D) Sign background must contrast with lettering, typically black text with white background;
- (E) The lower edge of the sign board must be a minimum of 6 feet and a maximum of 7 feet above grade;
- (F) The telephone number listed for the dust control supervisor or project contact must be a local or a toll-free number and shall be accessible 24 hours per day; and
- (G) At a minimum, each sign shall include the following information, with text height as shown on the right side of the sign template below:

Table 2 – Text Height for Signage

Sign Content	Height (inches)
Site or Project Name	4
IF YOU SEE DUST COMING FROM THIS PROJECT CALL	4
Name, Phone Number (###) ###-####	6
If you do not receive a response, please call South Coast AQMD at 1-800-CUT-SMOG	3

(f) Notification

At least 5 business days prior to commencement of activities for a large roadway project, the dust control supervisor or other responsible person(s) shall provide written notification to South Coast AQMD and all addresses of sensitive receptors and areas of public exposure within 1,000 feet of the large roadway activity. For non-residential properties with a property manager/administrator (such as hospitals, schools, or hotels), notification to the property manager/administrator is sufficient. Notification shall include, at a minimum, the following information:

- (1) Large roadway project dust control supervisor contact information including contact name, company/agency name, address, telephone number, and e-mail address; and
- (2) Location of the large roadway project, including address and/or coordinates, and a map depicting the location of the site; and
- (3) Estimated duration of the project including commencement and completion dates.

(g) Recordkeeping

- (1) The responsible person(s) for the large roadway project shall maintain daily records of the required fugitive dust control measures pursuant to paragraph (e)(2) for a large roadway project documenting:
 - (A) Each type of activity conducted and the associated permitted powered equipment with the potential to generate fugitive dust.
 - (B) The specific fugitive dust control measures implemented for each activity or equipment.
 - (C) The frequency of fugitive dust control measures implemented. If dust suppressant is used as the control measure for material piles, record the time and duration that the dust suppressant was applied, including the location of the material pile.
 - (D) Purchase records or invoices for dust suppressants used for the large roadway project.
- (2) The responsible person(s) for the large roadway project shall maintain records demonstrating compliance with the notification requirements of subdivision (f), including:
 - (A) A copy of the notification letter and a list of addresses notified;

- (B) Notification method used such as hand delivery, mail, electronic mail, or other electronic means; and
 - (C) Proof of any mailed notification such as certificate of mailing, return receipts, invoices for mail services, and emails.
 - (3) Records shall be retained for a minimum of three years by the responsible person for the large roadway project and shall be made available to the Executive Officer upon request.
- (h) Exemptions
- (1) Any activities for a large roadway project conducted during emergency life-threatening situations, where a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss of impairment of life, health, property, or essential public service, or in conjunction with any officially declared disaster or state of emergency as declared by an authorized health officer, agricultural commissioner, fire protection officer, or other authorized health officer shall be exempt from all requirements of this Rule. The Executive Officer shall be notified electronically no later than 48 hours following such emergency activities for a large roadway project.
 - (2) Any activity for a large roadway project conducted by essential service utilities to provide electricity, natural gas, telephone, water, or sewer during periods of service outages and emergency shall be exempt from all requirements of this Rule. The Executive Officer shall be notified electronically no later than 48 hours following such activities for a large roadway project.
 - (3) Linear trenching activity for natural gas, power, sewer, water, and other utility projects that are not associated with a large roadway project shall be exempt from all requirements of this Rule.
 - (4) Maintenance of berms and other best management practices essential for stormwater management pursuant to the requirements of the California Water Boards (State Resources Water Control Board) shall be exempt from all requirements of this Rule.

- (5) Diamond grinding or other texture planing of roadway surfaces where the grinder has self-contained fugitive dust controls shall be exempt from all requirements of this Rule.
- (6) The following minor maintenance activities shall be exempt from the provisions of paragraph (e)(3) Signage and subdivision (f) Notification: pothole repair, pavement crack sealing, pavement digouts, concrete slab repair/replacement, shoulder backing repair, sidewalk repair/replacement, curb/dike replacement, sign repair/replacement, guardrail repair/replacement, concrete barrier repair/replacement, bridge repair, slope repair, water pollution control repair/replacement, pavement delineation repair/replacement, and electrical systems repair.
- (7) Roadside Fire Fuels Reduction activities implemented by Caltrans Fire Safety Crews shall be exempt from all requirements of this Rule.