

ATTACHMENT B

RULE DEVELOPMENT PROCESS

RULE 403 - Fugitive Dust
RULE 1186 - PM₁₀ Emissions from Paved
and Unpaved Roads and Livestock Operations

Development of
Draft Rule Language

March 1996-August 1996



Public Consultation Meeting: October 8, 1996
Public Workshop: October 29, 1996
Public Workshop: December 4, 1996
Public Consultation Meeting: January 8, 1997
(5,000 notices mailed)



Set Public Hearing: December 13, 1996
Public Hearing: January 10, 1997

Total Time Spent in Rule Development Pre-Board Hearing: 14 Months
(Note: Includes time to get background information for rule language)

ATTACHMENT C

KEY CONTACT LIST

Industry/Environmental Consultants

Athey Products Corporation
 Building Industry Association
 Cal Portland Cement
 California Milk Producers Council
 Carde Pacific Corporation
 Construction Industry Air Quality Coalition
 Dames and Moore
 Elgin Sweeper Company
 Haaker Equipment
 Metropolitan Water District
 Riverside County Farm Bureau
 Southern California Material Handling Company
 Tymco Sweeper Company
 UC Riverside College of Engineering - Center for
 Environmental Research and Technology

Governmental Agencies

California Air Resources Board
 City of Los Angeles
 County of Los Angeles Sanitation District
 County of Riverside
 Los Angeles Department of Water and Power
 Regional Water Quality Control Board
 U.S. Department of Agriculture - Forest Service
 U.S. Department of Agriculture - Natural Resources Conservation Service
 U.S. Environmental Protection Agency
 Western Riverside Council of Governments

ATTACHMENT A

SUMMARY OF PROPOSED REQUIREMENTS

PAR 403

- Upgrades the existing requirement to implement reasonably available control measures (RACM) to the requirement to implement best available control measures (BACM) within the Basin.
- Establishes new standards to reduce the track-out of material onto paved public roadways.
- Creates a soil erosion control plan review process in conjunction with the U.S. Department of Agriculture Natural Resource Conservation Service that would allow agricultural operations to maintain their existing exemption from the Rule.
- Establishes a contingency requirement that would increase the number of facilities required to file a fugitive dust control plan or notify the District that the appropriate Table 1 and 2 control actions would be implemented.

ATTACHMENT A (CONTINUED)

SUMMARY OF PROPOSED REQUIREMENTS

PR 1186

- Establishes requirements for the rapid removal of soil or other particulate matter deposited onto paved public roadways.
- Requires the future procurement of "PM₁₀-efficient" street sweepers.
- Establishes treatment options for unpaved roads (e.g., paving, chemical stabilization, speed control) and establishes annual treatment requirements for public unpaved roads.
- Requires the cessation of hay grinding activities when visible emissions extend more than 50 feet from a source.
- Establishes treatment options for unpaved access roads and feed lane access areas used by livestock operations.
- Establishes a contingency requirement that would require curb and gutter or minimum paved shoulder widths or landscaping for new road construction and road widening projects.
- Allows for alternative control options that achieve equivalent emission reductions.

ATTACHMENT D

A Resolution of the South Coast Air Quality Management District (AQMD) Governing Board certifying the previously prepared Final Environmental Impact Report for the 1997 Air Quality Management Plan (AQMP) as the Final Environmental Impact Report for Proposed Amended Rule 403 - Fugitive Dust, and Proposed Rule 1186 - Emissions from Paved and Unpaved Roads and Livestock Operations

A Resolution of the Governing Board of the AQMD Amending Rule 403 - Fugitive Dust, and Adopting Rule 1186 - Emissions from Paved and Unpaved Roads and Livestock Operations

WHEREAS, the Governing Board of the AQMD finds and determines that the Proposed Amended Rule 403 - Fugitive Dust, and Proposed Rule 1186 - PM₁₀ Emissions from Paved and Unpaved Roads and Livestock Operations, are considered a "project" pursuant to the terms of the California Environmental Quality Act (CEQA); and

WHEREAS, AQMD staff has relied upon a previously prepared Environmental Impact Report (EIR) pursuant to state CEQA Guidelines § 15153; and

WHEREAS, the previously prepared EIR was released for public review relative to Proposed Amended Rule 403 - Fugitive Dust, and Proposed Rule 1186 - PM₁₀ Emissions from Paved and Unpaved Roads and Livestock Operations, and no comments were received; and

WHEREAS, mitigation measures WTR-3, WTR-5, and WTR-6, included in the Final EIR are applicable to the proposed project and are included in a Mitigation Monitoring Plan pursuant to Public Resources Code § 21081.6; and

WHEREAS, the Governing Board of the AQMD voting on this Resolution has reviewed, and considered and hereby approves the reliance on the previously prepared environmental document; and

WHEREAS, the Governing Board of the AQMD obtains its authority to adopt, amend, or repeal rules and regulations from California Health and Safety Code §§ 39002, 40000, 40001, 40412, 40440, 40441, 40702, and 40725 through 40728; and

WHEREAS, the Governing Board of the AQMD has determined that a need exists to amend Rule 403 - Fugitive Dust, and adopt Rule 1186 - PM₁₀ Emissions from Paved and Unpaved Roads and Livestock Operations, to implement Best Available

Control Measures (BACM) for fugitive dust emissions pursuant to the federal Clean Air Act requirements for serious PM₁₀ nonattainment areas; and

WHEREAS, the federal Clean Air Act requires BACM to be implemented by February 8, 1997; and

WHEREAS, in adopting the 1997 Air Quality Management Plan (AQMP) the Governing Board of the AQMD committed to adopt BACM measures BCM-1a, 1b, 1c, 1d/e, 2, 3, 4, 5, and 6 and WST-01 (fugitive dust provisions) prior to the February 8, 1997 implementation date; and

WHEREAS, the Governing Board of the AQMD has determined that the Proposed Amended Rule 403 - Fugitive Dust, and Proposed Rule 1186 - PM₁₀ Emissions, from Paved and Unpaved Roads and Livestock Operations, as proposed, are written and displayed so that the meaning can be easily understood by persons directly affected by them; and

WHEREAS, the Governing Board of the AQMD has determined that Rule 403 - Fugitive Dust, and Proposed Rule 1186 - PM₁₀ Emissions from Paved and Unpaved Roads and Livestock Operations, as proposed, are in harmony with, and not in conflict with, or contradictory to, existing statutes, court decisions, or state or federal regulations; and

WHEREAS, the Governing Board of the AQMD has determined that Proposed Amended Rule 403 - Fugitive Dust, and Proposed Rule 1186 - PM₁₀ Emissions from Paved and Unpaved Roads and Livestock Operations, as proposed, do not impose the same requirement as any existing state or federal regulation, and the proposed amended rule is necessary and proper to execute the powers and duties granted to, and imposed upon, the AQMD; and

WHEREAS, the Governing Board of the AQMD in amending the regulations, references the following statutes which the AQMD hereby implements, interprets or makes specific: California Health and Safety Code §§ 40001, 40440, and 41700; and 40702; and federal Clean Air Act §§ 110, 171, 188, 189, and 190 (42 United States Code §§ 7410, 7501, 7513, 7513a, and 7513b); and

WHEREAS, the Governing Board of the South Coast Air Quality Management District determines that there is a problem that Proposed Amended Rule 403 (Fugitive Dust) and Proposed Rule 1186 (PM₁₀ Emissions from Paved and Unpaved Roads and Livestock Operations) will alleviate, i.e., exceedances of federal PM₁₀ standards in the South Coast Air Basin and that Proposed Amended Rule 403 and Proposed Rule 1186 will promote the attainment of state and federal air quality standards; and

WHEREAS, the Governing Board of the South Coast Air Quality Management District has determined that the socioeconomic impact assessment of Proposed Amended Rule 403 (Fugitive Dust) and Proposed Rule 1186 PM₁₀ Emissions from Paved and Unpaved Roads and Livestock Operations) is consistent with the March 17, 1989 Board Socioeconomic Resolution for rule adoption; and

WHEREAS, the Governing Board of the South Coast Air Quality Management District has reviewed and considered the staff's findings related to cost-effectiveness of Proposed Amended Rule 403 (Fugitive Dust) and Proposed Rule 1186 PM₁₀ Emissions from Paved and Unpaved Roads and Livestock Operations), as set forth in the Socioeconomic Impact Assessment made public with the agenda package for this meeting, and hereby finds and determines that the cost-effectiveness is set forth in the assessment.

WHEREAS, a public hearing has been properly noticed in accordance with all provisions of California Health and Safety Code, § 40725; and

WHEREAS, the Governing Board of the AQMD has held a public hearing in accordance with all provisions of law.

NOW, THEREFORE BE IT RESOLVED that the Governing Board of the AQMD hereby certifies that the Final EIR has been presented to the Governing Board, whose members reviewed, considered, and approved the information therein prior to acting on Proposed Amended Rule - 403, and Proposed Rule 1186 - PM₁₀ Emissions from Paved and Unpaved Roads and Livestock Operations.

BE IT FURTHER RESOLVED, that the Governing Board of the AQMD hereby adopts the applicable portions of the Mitigation Monitoring Plan, included as Attachment 1 to this resolution, attached and incorporated herein by reference.

BE IT FURTHER RESOLVED, that the Governing Board of the AQMD hereby amends, pursuant to the authority granted by law, Rule 403 - Fugitive Dust, and adopts, pursuant to the authority granted by law, Proposed Rule 1186 - PM₁₀ Emissions from Paved and Unpaved Roads and Livestock Operations, as set forth in the attached, and incorporated herein by reference.

BE IT FURTHER RESOLVED, that the District Staff is to establish a working group comprised of local jurisdiction staff and street sweeper manufacturers to resolve issues regarding the PR 1186 routine street sweeping requirements prior to January 1, 1999, and that the District Staff is to make a status report to the Governing Board by June 30, 1998.

Attachments

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

Attachment 1 to the Governing Board Resolution for Proposed Amended Rule 403 - Fugitive Dust, and Proposed Rule 1186 - PM₁₀ Emissions from Paved and Unpaved Roads and Livestock Operations

January 10, 1997

DATE: _____

CLERK OF THE DISTRICT BOARD

Deputy Executive Officer
Office of Planning, Transportation
and Information Management
Barry R. Wallerstein, D. Env.

Planning Director
Melvin D. Zeidin

Planning Manager
Cindy S. Greenwald, J.D.

PREPARED BY: JONATHAN D. NADLER - AIR QUALITY SPECIALIST
REVIEWED BY: BARBARA B. BAIRD - PRINCIPAL DISTRICT COUNSEL
STEVE SMITH, Ph.D. - PROGRAM SUPERVISOR

0008

0009

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

GOVERNING BOARD

Chairman:

JON D. MIKELS
San Bernardino County Representative

Vice Chairman:

WILLIAM A. BURKE, Ed.D.
Speaker of the Assembly Appointee

MEMBERS:

MICHAEL D. ANTONOVICH
Los Angeles County Representative

MARVIN BRAUDE
Cities Representative, Los Angeles County, Western Region

CANDACE HAGGARD
Cities Representative, Orange County

MEE HAE LEE
Senate Rules Committee Appointee

RONALD O. LOVERIDGE
Cities Representative, Riverside County

LEONARD PAULITZ
Cities Representative, San Bernardino County

JAMES SILVA
Orange County Representative

NELL SOTO
Cities Representative, Los Angeles County, Eastern Region

S. ROY WILSON
Riverside County Representative

VACANT
Governor's Appointee

EXECUTIVE OFFICER

JAMES M. LENTS, Ph.D.

PREFACE

Pursuant to CEQA Guidelines § 15153, a CEQA Lead Agency may use an Environmental Impact Report (EIR) prepared in connection with an earlier project to apply to a later project if the circumstances of the project are essentially the same. AQMD staff has determined that the Draft Environmental Impact Report (EIR) (now a Final EIR) prepared for the 1997 Air Quality Management Plan (AQMP) (SCH#96011062) adequately analyzes the potential adverse environmental impacts from the proposed project.

In connection with the preparation of the Final EIR for the 1997 AQMP, Statement of Findings, Statement of Overriding Considerations and a Mitigation Monitoring Plan were prepared (included as Attachment 2 to the Governing Board Resolution for the 1997 AQMP). Because the District relied upon the Final EIR for the 1997 AQMP, certain provisions of the Mitigation Monitoring Plan for the 1997 AQMP EIR are relevant to the proposed project. This attachment includes only the applicable section of that Mitigation Monitoring Plan. The mitigation measures from the 1997 AQMP EIR which are applicable to the proposed project are: WTR-3, WTR-5, and WTR-6.

No other mitigation measures discussed in the Mitigation Monitoring Plan for the 1997 AQMP EIR are applicable to Proposed Amended Rule 403 and Proposed Rule 1186. Likewise, the Statement of Findings and Statement of Overriding Considerations prepared for the 1997 AQMP EIR are not applicable to the proposed project as there were no significant adverse impacts remaining after mitigation. Copies of the unedited Statement of Findings, Statement of Overriding Considerations and Mitigation Monitoring Plan for the 1997 AQMP are available from the District's Public Information Center at (909) 396-3600.

MITIGATION MONITORING PLAN

When making findings as required by Public Resources Code § 21081, the lead agency must adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment (Public Resources Code § 21081.6). Though the legislation requires mitigation monitoring, specific guidelines as to how the monitoring is to be performed have not yet been developed. To fulfill the requirements of Public Resources Code § 21081.6, the District has developed this monitoring plan for anticipated impacts resulting from implementation of the 1997 AQMP.

Mitigation Measures and Agencies Responsible for Implementation

This mitigation monitoring plan briefly describes potential adverse impacts and identifies mitigation measures and the agencies responsible for mitigation monitoring.

Water Quality

MITIGATION MEASURE WTR-3: Restrict the use of chemical dust suppressants to those products not prohibited from use by the State Water Resources Control Board (SWRCB) or the RWQCBs.

Local RWQCBs must be consulted before use of any chemical dust suppressant to ensure that the product has not been prohibited. Users must apply chemical dust suppressants in accordance with manufacturers' and RWQCB requirement or recommendations. Construction operations, when applying to the SWRCB for a general permit must indicate that they will be using dust suppressants so that the RWQCB can ensure that water quality is protected.

IMPLEMENTING AGENCY: The District's Governing Board finds that mitigation measure WTR-3 is the responsibility of the permit applicant, the RWQCBs, the SWRCB, and the District. The District's Governing Board finds that the portions of this mitigation measure which are outside the authority of the District can and should be adopted by the RWQCBs and SWRCB. This monitoring plan will be forwarded to the RWQCBs and the SWRCB upon adoption by the District's Governing Board. The District will follow up with these agencies by use of a verified survey, at a minimum every six months after adoption of the first rule to implement a 1997 AQMP control measure which could entail the use of chemical dust suppressants to assure that users are contacting the agencies and using only approved, safe products.

Water Demand

MITIGATION MEASURE WTR-5: Require use of reclaimed or other non-potable water where appropriate and feasible. Reclaimed water should be used as availability

permits while existing conservation measures should be continued. Reclaimed water is currently available in some areas at relatively low cost, and planned projects are expected to supply additional reclaimed water resources. Current District policy is to require use of reclaimed or other non-potable water for all air quality control requiring water where such water is available and cost effective.

IMPLEMENTING AGENCY: The District's Governing Board finds mitigation measure WTR-5 is the responsibility of the District through both through District rule making and the District's discretionary permit approval authority.

MITIGATION MEASURE WTR-6: Though water suppression may not be disregarded as a control method, additional methods have been identified to reduce dependence on watering. These methods include:

- where appropriate, pave all roads, parking lots, and vehicular maneuvering areas as soon as possible
- stop all grading activities during periods of high winds (i.e., greater than 25 miles per hour)
- use chemical soil stabilizers on inactive construction areas
- prohibit parking on unpaved areas
- prevent transport of the soil from areas adjacent to paved roadways by installing curbing and automobile and truck wheel washers
- limit the amount of traffic on unpaved areas or roads
- limit the amount of weight of vehicles permitted on an unpaved area or road
- lower vehicle speed limits on unpaved roads
- cover unpaved road surface with material of lower silt content
- use turf block, instead of paving, for driveway areas with low vehicle miles traveled and emergency access
- landscape with drought-tolerant species, and use drip irrigation systems whenever possible
- encourage developers to maintain the natural topography to the greatest extent possible

IMPLEMENTING AGENCY: The District's Governing Board finds mitigation measure WTR-6 is the responsibility of the District who will implement it during review of dust control plans. The District's Governing Board also finds that mitigation measure WTR-6 is the responsibility of the state and/or local governments as it relates to the establishment of speed limits, parking regulation and paving requirements and those local governments should adopt such mitigation measures into its local ordinances or policies. These agencies can and should implement the aforementioned mitigation measure. This mitigation plan will be forwarded to the appropriate agencies upon its adoption by the District's Governing Board. The District will follow up with the appropriate agencies at least once through the use of a verified survey to determine the extent to which dust suppression techniques other than water suppression are being used and their success in reducing PM₁₀ emission.