

Draft Staff Report

Mr. Mel Zeldin
November 14, 1996
Page 2

Comment Letter #1
City of Brea
November 14, 1996

• *Efficiency and Performance*

- 1-2 It is questionable whether the new sweeper has an equivalent or better speed than an existing street sweeper. Also, it is questionable whether it is able to pick up large items and debris. Please clarify.

• *Post-event Clean Up*

- 1-3 The PR 1186 requires that cities remove any materials deposited on roadways within 72 hours after an event. We feel that this requirement is a duplication of what cities are already doing. The City of Brea currently responds to post-event clean up expeditiously not only because of concerns about accumulation of particulate matter on the road but because of safety concerns for its residents.

• *Use of Chemical Stabilizer on Unpaved Road*

- 1-4 This requirement may have the potential to affect storm water quality. Please consider this impact prior to adopting PAR 403 and PR 1186.

• *Additional Reporting Requirements*

- 1-5 The additional reporting requirements, such as for the weed abatement program, would require additional staff time and record keeping. This has cost implications on local government. Further, it is unclear how long the record must be kept on file.

• *Enforcement*

- 1-6 It is unclear how the AQMD will enforce the provisions of PAR 403 and PR 1186. Please clarify.

We appreciate the opportunity to review the PAR 403 and PR 1186. If you have any questions, please call me at (714) 671-4439.

Singely

Zai Abd Batur
Associate Planner

cc: Jay Trevino, Senior Planner
Bill Higgins, Maintenance Services Supervisor
Rick Beckman, Maintenance Equipment Supervisor
Bill Lynxwiler, Fire Prevention Specialist II

- 1-4 (cont.)

other control methods are available, and 3) chemical dust suppressants are already used for fugitive dust control." Moreover, PR 403 and PR 1186 define chemical stabilizers as, "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 Environmental Protection Agency, or any applicable law, rule or regulation; and should meet any specifications, criteria, or tests required by any federal, state, or local water agency."

Additionally, PR 1186 paragraph (d)(3) does not require the use of chemical stabilizers. PR 1186 establishes three compliance options for the treatment of unpaved roads (e.g. speed control, chemical stabilization, or paving). If the use of chemical stabilizers is determined to not be feasible, other compliance options exist.

- 1-5 PR 1186 paragraph (e)(2), contingency and related reporting requirements for weed abatement, have been removed from the current rule language. Subdivision (f) of PR 1186 would require recordkeeping for jurisdictions subject to the unpaved road treatment requirements. As stated in the proposed rule, records are required to document compliance with the annual treatment, but staff believes that only a simple report based on existing documentation will be necessary.

- 1-6 As stated in the draft Staff Report, the California Legislature created the District in 1977¹ as the agency responsible for developing and enforcing air pollution control rules and regulations in the Basin and portions of the Los Angeles and Riverside county desert. Compliance with the specific rule requirements will be accomplished by working with affected sources and jurisdictions.

¹ The Lewis-Presley Air Quality Management Act, Health and Safety Code Section 40400 et. seq.



City of Hemet

377 INDUSTRIAL AVENUE • HEMET, CALIFORNIA 92343 • (909) 765-5700

Public Works

November 15, 1996

Ruthanne Taylor Berger
Steve Rudick
W.R.C.O.G.

Re: Rule 403 and PR 1186

Thank you for the opportunity to comment on proposed Amended Rule 403 and proposed Rule 1186. The concern we have with the proposed changes has primarily to do with the practicality and effectiveness of the proposed control measures. Additional concern is the possibility of increased capital costs for new equipment and increases in our operating costs, particularly in times of shrinking budgets. The effectiveness of these programs compared to the increased costs must also be questioned. The implementation and enforcement of several of these control measures seems very suspect.

Of particular concern are the following points. First, the PM-10 street sweepers that are referred in the report are not only more expensive to purchase, but our experience is that this type of sweeper is not effective in the removal of heavy sand and debris that we experience. This means that we will either be pre-sweeping with a different sweeper or sending other equipment out to do the sand and debris removal. The additional cost for this effort seems unreasonable.

Second, it is unclear as to how the 72 hour clean up after an event that deposits sediment or debris will be implemented or enforced. Are we to drive all the streets after each rain or windstorm to see if there is build up of debris, or is it on a complaint basis? Also, how is this information documented and enforced? We would either need to go to once a week sweeping or perform additional sweeping, which on an hourly contractual basis, will be expensive.

Comment Letter #2
City of Hemet
November 15, 1996

An analysis of the PAR 403 and PR 1186 emissions reductions and cost-effectiveness are included in the draft staff report.

Please refer to response to comment 1-2. Note also that the a clean streets management program for sand removal is currently being implemented in the Coachella Valley.

Several jurisdictions have commented that the 72-hour clean-up requirement of PR 1186 paragraph (d)(1) may not be feasible following a major storm event. In response to these comments, the District has revised the text of PR 1186 paragraph (d)(1) to allow additional time for post-event clean-up provided that clean-up activities are progressing. The text has also been amended to indicate that the time requirements begin after notification of the accumulation.



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Comment Letter #2
City of Hemet
November 15, 1996

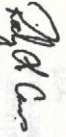
2-4

Third, fortunately for our City, we do not have many dirt roads. The ones we do have are more rural and lightly traveled. Therefore, under the provisions of these rules, the cheapest and easiest solution for the City will be to post 15 mile per hour speed limits on these roads. The effectiveness of this program has to be suspect. It is very unlikely that with the high number of calls for service that our police department receives, that enforcement of a 15 mile per hour speed limit on a lightly traveled road will be a very high priority. Can this type of speed enforcement be upheld under current vehicle code?

2-5

Finally, the City of Hemet supports efforts to help clean the air of Southern California and the Inland Empire and feel that additional money should be put toward clean fuel conversion, rather than placing the financial burden on local government to implement more expensive programs with questionable benefits.

Respectfully,


Rocky L. Carrs
Director Of Public Works

cc: Rod Watkins
City Council

2-4

As described in the staff report, California Vehicle Code (CVC) section 22365 allows jurisdictions to establish a 15 mile per hour (mph) speed limit on unpaved roads within the District for dust control purposes. This limit is enforceable under the CVC. (This provision is expected to be extended by the Legislature beyond its 1997 sunset.)

2-5

Particles have been shown to be one of the most serious health threats to our citizens, and fugitive dust is a major component (25-40%) of ambient PM_{10} . Entrained paved and unpaved road dust contribute 65% of the fugitive dust in the Basin. These sources, which are projected to increase due to increases in population and traffic, must be controlled to meet PM_{10} air quality standards. Note that the 1997 AQMP does include several components related to clean fuels.

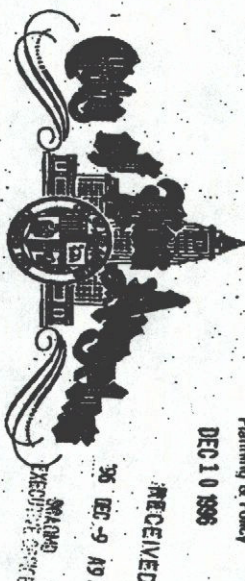
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DEC. 6, 1996 7:13 PM ENVIRONMENTAL AFFAIRS DEPT. CITY OF L.A. - 8697 P.1

Planning & Policy
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CITY HALL
LOS ANGELES, CALIFORNIA 90012

December 5, 1996

James Lewis, Ph.D.
Executive Officer
21865 E. Copley Drive
Diamond Bar, CA 91765

Dear Dr. Lewis:

Subject: Comments on Proposed Rule 1186

From: JAMES LEWIS, Ph.D., Executive Officer	Date: 12-9-96
To: [Signature]	
City: [Signature]	
Re: your meeting on	For your information
that requires the	Agency, we
is filed for AGARD	Official issued to

The City of Los Angeles appreciates the opportunity to review and comment on the November 19, 1996, version of Proposed Rule 1186, and the associated November 12, 1996, Draft Staff Report. Several rule clarifications and modifications are necessary to ensure that local government maintains the authority and ability to perform essential municipal operations, maintain existing service levels, and to allocate resources in a manner necessary to address all public concerns. Please find attached our specific recommendations, suggested language modifications, and comments on Proposed Rule 1186.

One of the City's key concerns relates to the proposed rule requirements of Proposed Rule 1186. The City believes that the cost-effectiveness of the proposed rule requirements is greatly overstated and needs to be reviewed. If the measure is determined to be cost-effective, we suggest that the control approach be referred to the Local Government and Small Business Committee. As you are aware, local government resources, particularly fiscal resources, are increasingly constrained and the ability to generate additional revenues for street construction activities is further constrained by the requirements of the State and Highway Act and Proposition 218. The City recommends that any street paving requirements mandated in Proposed Rule 1186 be changed from mandated requirements to a goal oriented program.

Both the Staff Report and rule provides regarding street sweeping requirements need to be rewritten to recognize and address the current technology and performance constraints of PM-10 efficient street sweepers. It will be necessary for the District and local government to track the development of PM-10 efficient broom sweepers (which are currently unavailable) and the improvements in performance and maintenance levels of vacuum sweepers and revise the 1999 implementation date of the PM-10 efficient street sweeper rule provision as appropriate.

Comment Letter #3
City of Los Angeles
December 3, 1996

3-1 The District acknowledges the commentator's concerns. Responses to specific comments follow.

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Draft Staff Report

DEC. 6, 1996 7:03PM ENVIRONMENTAL AFFAIRS DEPT. CITY OF L.A. - 8087 P.2

Comment Letter #3
City of Los Angeles
December 3, 1996

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3-1

(Cont.)

Thank you for your consideration of the City's comments. If you have any questions or would like to arrange a meeting to further discuss the City's concerns, please contact Barb Garrett at (213) 445-6638 or Dee Allen at (213) 580-1030.

Sincerely,

R3045167
Ronald P. Hansen
Chief Legislative Affairs

William Keweenaw
William Keweenaw, General Manager
Environmental Affairs Department

Attachment

0600

Attachment

City of Los Angeles Comments on
SCAQMD Proposed Rule 1186

Permit Bond Requirements

Events

As commented previously, the City wants the ability to prioritize clean-up activities subsequent to storm events, with activities necessary to address immediate public health and safety concerns and infrastructure repairs given the highest priority. We suggest that the Sections (b)(1) and (b) (2) of Proposed Rule 1186 be modified so that the City has the authority to set priorities in response to natural events, while highlighting the need to address PM₁₀ issues in a timely manner.

(b)(1) Any owner or operator of a paved road on which there is visible roadway accumulation shall initiate removal of such material through street cleaning within 72 hours following the event that caused the material to be deposited onto the road segments collection of the accumulation.

(b)(2) In areas of such magnitude, such as large storms and flood events, the resources must be allocated to address immediate public health and safety concerns and infrastructure repairs, provided visible roadway accumulations associated with such events are noticed as soon as feasible.

PM₁₀ Efficient Street Sweepers

The City appreciates the SCAQMD's response to the issues raised regarding proposed street sweeping requirements. We support the general approach of the language proposed in the November 19, 1996, version of Proposed Rule 1186, but request clarifying language to be incorporated into both the rule and the associated Staff Report.

The Staff Report indicates that PM₁₀ efficient street sweepers are available. The only PM₁₀ efficient street sweeper currently available are vacuum sweepers. As commented previously, the performance of vacuum sweepers are inadequate for municipal street sweeping operations. Vacuum sweepers travel at a reduced speed and cannot collect dirt or heavy loads. PM₁₀ efficient street sweepers, as required by Proposed Rule 1186, need to have performance comparable to the broom sweepers currently utilized by the City to ensure that existing environmental sweeping frequencies and requirements can be met, and the same level of public service achieved. The Staff Report needs to be modified to include a discussion of these issues and to clarify that PM₁₀ efficient street sweepers with comparable performance to existing broom sweepers are not currently available.

Comment Letter #3
City of Los Angeles
December 3, 1996

3-2 Please refer to response to comment 2-3.

3-3 Similar rule language is included in the latest proposed language.

Regarding the availability of PM₁₀-efficient street sweepers, the District acknowledges that the only PM₁₀-efficient street sweepers currently available are vacuum-based. Based on consultations with street sweeping manufacturers, efforts are underway to develop a vacuum-assisted mechanical broom sweeper that would be outfitted with a filtration system. The street sweeper industry has also indicated that the Society of Automotive Engineers (SAE) is developing test procedures to better define performance standards for PM₁₀-efficient street sweepers. The Governing Board resolution text commits the District to establish a working group comprised of street sweeper manufacturers and local jurisdictions to respond to the concerns over technical aspects of the PR 1186 PM₁₀-efficient street sweeping requirements. The resolution further commits staff to report to the Governing Board by June 30, 1998 on outstanding issues regarding the use of PM₁₀-efficient street sweepers. If necessary, District staff could propose rule text changes based on the suggestions of the street sweeping working group. The text of the final draft staff report includes a discussion of the "technology forcing" aspects of the PR 1186 routine street sweeping provisions.

Draft Staff Report

DEC. 5, 1995 7:16PM ENVIRONMENT AFFAIRS DEPT. CITY OF L.A. - 8997 P.4

Comment Letter #3
City of Los Angeles
December 3, 1996

3-3
(Cont.)

In addition, a commitment to perform an assessment as to the viability of PM-10 efficient street sweepers with operation, service, and maintenance levels comparable to existing broom sweepers prior to the 1999 implementation date needs to be included in the Staff Report and the Board Resolution for Proposed Rule 1186. It is our understanding that street sweeper manufacturers are working to develop PM-10 efficient broom sweepers as well as improve the performance and maintenance record of vacuum sweepers. These improvements must be completed and available at a cost similar to that cited in the Staff Report, or a rule implementation date extension may be necessary. The technology forcing aspect of the PM-10 efficient street sweeper provision and associated potential rule implementation implications need to be documented in the Staff Report.

In addition to the Staff Report clarification, the City recommends that the Proposed Rule 1186 be modified to incorporate the following language modifications regarding PM-10 efficient street sweepers:

The City supports the exemption for paved road connections and curb and gutter streets, as urban streets do not contain significant PM-10 loadings and studies indicate that street sweeping of urban streets does not reduce PM-10 emissions. The City does recommend, however, that paragraph (d)(1) be modified to be consistent with the requirements of Proposed Amended Rule 403 Section (d)(5)(b) requirements:

(1) EXEMPT ROAD SEGMENTS are the portion of paved public roads that are not within one-half mile (1/2) long of an improved access road connection and have curb and gutter, or paved road shoulders in areas of four feet.

Section (d)(2) should include the following clarifying language:

- (2) Any agency intending to purchase, lease, or otherwise contract for street sweeper equipment shall be required to procure PM-10-efficient street sweeping equipment after January 1, 1999, for non-access road segments. Exempted road segments are identified in paragraph (d)(1).

Section (d)(4) should be added, with the reporting requirements related to Recordkeeping, Section (f), and expanded to all jurisdictions, whether or not they have exempt road segments as defined in paragraph (d)(1). The City recommends the following language to be added to Section (f):

2

3-4

In an effort to reduce recordkeeping burdens, the District has proposed to only require the inventory of street sweeping activity for jurisdictions that are seeking an exemption from the PM₁₀-efficient street sweeper procurement requirements of PR 1186.

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Comment Letter #3
City of Los Angeles
December 3, 1996

3-4
(Cont.)

(C) series of demonstration regarding street cleaning activity submitted to the Regional Water Quality Control Board in response to National Pollution Discharge Elimination System (NPDES) Storm Water Permit requirements. NPDES Stormwater Permit information is requested for information purposes only.

3-5

Section 6(XS) should be expanded to include alleys. The speed limit for alleys is set at 15 miles per hour and therefore the requirements of Section 6(X) are met.

6(XS)(B) Alley.

Unpaved Road Requirements

The City of Los Angeles opposes the Proposed Rule 1186 Section 6(X) requirement to pave, resurface, or apply chemical stabilization to unpaved public roads at a rate of 10% per year. The City does not believe that unpaved street requirements meet the BACMA cost-effectiveness criteria. In addition, such a requirement restricts local decision making authority and limits local government's ability to balance the various public health concerns and address funding constraints within its jurisdiction.

3-6

The cost-effectiveness of paving of unpaved roads cited by the District is based upon \$350,000 per mile cost for street paving (Staff Report page G-7). However, the costs included in this estimate are not limited and it is expected that this cost is limited to paving costs only. The City would require that curb and gutter, and associated infrastructure such as storm drains, be constructed for "new" paved roadways. In addition, street construction would require surveys and engineering planning, and may require right-of-way acquisition, removal and/or addition of dirt to streets to be paved, and disposal of hazardous materials. The City of Los Angeles roughly estimates the cost of paving local streets at approximately \$750,000 per mile. In addition, annual maintenance cost associated with paved roadways and associated infrastructure, such as striping, resurfacing, signage, street sweeping, and catch basin cleaning are not included in the cost-effectiveness calculations. The City does not believe that the estimate reductions associated with paving and maintenance of 1 mile distance of unpaved roads, such as those local streets which may be unpaved in the City's urban environment, would be of a magnitude adequate to make the measure cost-effective, as defined for BACMA at \$5,300 per ton of TMA-10 reduced.

Furthermore, the determination of feasibility of measures such as those contained in Proposed Rule 1186 cannot be based solely upon technology availability and costs (Staff Report, pages 16-18), but need to also address funding availability, competing environmental mandates, and other societal concerns. Such considerations are contemplated by local government when weighing competing public health, economic, environmental, societal, infrastructure, and equity issues in establishing priorities for its jurisdiction. In addition, local government must be able to respond to and address

3-5

The current version of PR 1186 specifically exempts unpaved alleys from the unpaved road treatment requirements.

3-6

Several jurisdictions have expressed concerns over the costs associated with the PR 1186 unpaved road treatment requirements. Staff has significantly modified the draft rule language and believes that the commentor's concerns have been addressed.

00093

Comment Letter #3
City of Los Angeles
December 3, 1996

public input in policies, priorities, and expenditures to be employed in implementing various public health and environmental programs, including air quality programs, are defined. Proposed Rule 1186 inappropriately restricts the ability of local government to balance needs and resources in the manner most appropriate for its citizens.

The City of Los Angeles has an extensive capital improvement program, which includes many infrastructure improvements and maintenance programs, of which road maintenance/construction activity is one. Priorities of the capital improvement program are continually reviewed and modified based upon the most pressing needs of the City and its citizens, and funding constraints. The regulations that the City control fugitive emissions from unpaved roadways at an annual rate of 10% would restrict the City's ability to effectively prioritize projects, since all road paving projects would need priority to comply with the requirements of proposed Rule 1186, regardless of the need for other projects to address other public safety issues and concerns. Such a restriction on local decision making authority is inappropriate and unacceptable.

The City currently has 6,624 miles of paved roads. The normal maintenance/paving cycle for paved roads is 20 years, which requires maintenance/paving of 500 miles of street annually within the City. Due to existing funding constraints, the City currently repaves 100-200 miles of streets annually. Therefore, funding priority needs to be given to the maintenance of the existing 6,624 miles of paved roadways, making funds for treating unpaved roads very problematic.

The Street and Highways Act of 1911 requires that funding for road construction be generated through assessments. If the citizens of an area choose not to accept an assessment for local street construction or treatment, local government would be unable to fund such activities and would be in non-compliance with Proposed Rule 1186, despite its best efforts. Although limited funding for local government outdoor reduction activities is available through programs such as AB 2766, such funding is currently utilized to meet existing air quality standards, and new monies, such as street paving, would necessarily require the need for new funding. In light of the recent legislative attempts to divert AB 2766 funds to other air quality programs, it is unlikely that new funding would be approved by the legislature.

If the treatment of unpaved roads is demonstrated to be cost effective, the City strongly recommends that the control strategy be referred to the Local Government and Small Business Committee. Review and discussion by the Committee would allow local government to consider various control measure approaches. One such potential option might be that the measure be crafted to require that existing non-emptied unpaved roads be paved over a multi-year period (based upon the base year of 1993) beginning July, 1997 (the beginning of the fiscal year). A multi-year phased goal would provide the local government with the necessary time to undertake surveys and engineering planning efforts, and would enable local government to accumulate and identify funding sources over a multi-year period. The multi-year reduction goal would need to be established based upon a realistic annual financial target for the State's local government.

Comment Letter #3
City of Los Angeles
December 3, 1996

Contingency Requirements

Word Abatement

The requirements of Rule 400(9)(C) constitute BACM for word abatement operations and therefore the word abatement contingency measure is unnecessary and should be deleted.

As written, the requirements of Section 6(2) are problematic in that it is unrealistic for local government to "be-100%" for dust moving within a 60 day time period. The City utilizes dusting operations for word abatement for the majority of nuisance abatement activities since it is only necessary on an annual basis (dust moving generally requires three treatments per year to achieve the same goal). Modifying the City's word abatement equipment profile, while incurring significant added cost of investment in equipment that could no longer be used, within a 60 day period would require substantial financial resources which could not be readily accommodated within an existing budget. In addition, the contracting and purchase of equipment by local government requires substantial lead time due to the requirements of the extensive review for proposal, contractor selection, and contracting process.

The cost effectiveness of the contingency control measure has not been identified. The City requests that the cost effectiveness for this measure be estimated, to ensure that decision makers and the regulated community are aware of the costs associated with this measure, which is anticipated to result in reduced emission reductions. Furthermore, as stated previously, the City believes that the existing Rule 403 requirements effectively achieve the same goals of the proposed contingency measure.

Examples

The City requests that clarifying language be added to the following exceptions listed in Section (1) of the Proposed Rule:

Exception number 2 should be amended to provide for "public facilities," rather than only "sewered public services," in compliance with a Rule 403 that is to be exempt from the requirements of Rule 1186. Sewered public services do not include all public facilities, such as storage and maintenance facilities. It is appropriate for public facilities to be regulated at a level commensurate with privately owned and operated facilities and therefore this exception is warranted for all public facilities, provided emissions are controlled through compliance with Rule 403. The City recommends the following language clarification:

(2) The provisions of this rule shall not apply to public facilities and sewer public services that are

As commented above, the City needs the flexibility to allocate its resources in the most appropriate manner feasible to address public health and safety concerns associated with major events. The City

3-7 The commentor is referred to response to comment 1-5.

3-8 Staff does not agree with the commentor's suggested rule language as public paved and unpaved roads could be interpreted as public facilities thereby negating the intent of PR 1186.

3-9 Staff concurs and has proposed similar language in the current rule text.

0095

Draft Staff Report

DEC. 6, 1996 7:18PM ENVIRONMENTAL AFFAIRS DEPT. CITY OF L.A. - B097 P. 6

Comment Letter #3
City of Los Angeles
December 3, 1996

therefore, requested that the following exemption be added to Section (b):

3-9
(Cont.)

(3)(C). In cases of such magnitude, such as large storms and flood events, that resources must be allocated to address immediate public health and safety concerns and infrastructure system, provided viable roadway reconstruction associated with such events are initiated as soon as feasible.

3-10

The City supports the exemption provided in item (3), however we request that exemption (3)(C) be modified as below, since transit utility roads are utilized not only for emergency maintenance, but for regular maintenance and inspection to prevent emergency situations.

(C) any unpaved road used for emergency fire or flood protection or emergency maintenance of essential service utilities to provide

3-11

Section (b)(5) should be expanded to include alleys. The speed limit for alleys is set at 15 miles per hour and therefore the requirements of Section (b)(5) are met.

(b)(5)(B) Alleys.

3-10

Staff does not believe that the suggested rule revision is necessary as the remote utility roads identified in the comment would likely be exempted under subparagraph (b)(5)(C).

3-11

Staff concurs. Please refer to response to comment 3-5.

9600