

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

Draft Staff Report

Proposed Amended Rule 1186 – PM10 Emissions from Paved and unpaved Roads, and Livestock Operations

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TABLE OF CONTENTS

Executive Summary	1
Background	1
Legal Authority	1
Public Process	1
Affected Industry	2
Summary of Proposed Rule	2
Emissions Inventory	3
California Environmental Quality Act	3
Socioeconomic Assessment	4
Draft Findings	4
Alternative Control Measures	5
Comparative Analysis	5
AQMP and Legal Mandates	5

EXECUTIVE SUMMARY

Under existing Rule 1186, street sweeper manufacturers are required to certify their equipment “pick-up efficiency” is at least 80 percent. It has been more than five years since any certification testing has been conducted and there is now a need to ensure that the overall performance of the sweepers can still be demonstrated in the event the manufacturer changes parts suppliers and/or modifies any sweeper specification from that on the originally configured model. The proposed amendment would require submission of data to demonstrate that the sweeper performance has not been affected by these changes and to establish a process that aftermarket parts suppliers may qualify to sell replacement parts while maintaining the original equipment certification.

BACKGROUND

Based on existing methodologies to estimate emissions, paved road dust is the largest source of directly-emitted fine particulate matter (PM10 and PM2.5) in the District. Rule 1186 was adopted in 1997 to implement the 1994 AQMP control measure BCM-01 (Control Emissions from Paved Roads). One of the existing Rule 1186 requirements is for governmental agencies to procure and use certified street sweepers for routine street sweeping activities. The District subsequently worked with industry to develop a testing protocol to certify street sweepers both in terms of pick-up efficiency and PM10 entrainment. After the certification testing protocol was approved by the AQMD Governing Board, street sweeper manufacturers contracted with independent testing laboratories to certify street sweeping equipment. Additional street sweeper models that were not subject to certification tests have also been certified as the dust collection and suppression systems were determined to be substantially similar to equipment that did achieve the certification limits. Results of these efforts have been the certification of approximately 60 sweeper models by seven manufacturers.

LEGAL AUTHORITY

The AQMD obtains authority to adopt, amend, or repeal rules and regulations from Health and Safety Code Sections 39002, 40000, and 40001.

PUBLIC PROCESS

This topic was discussed at the 2008 March and May Mobile Source Committee meetings. A Public Consultation meeting was held on May 20, 2008. Staff also had several meetings and phone calls with aftermarket parts suppliers.

AFFECTED INDUSTRY

Proposed Amended Rule (PAR) 1186 would primarily affect street sweeper manufacturers, agencies required to procure certified street sweepers, and companies that sell replacement parts for certified street sweepers.

SUMMARY OF PROPOSED RULE

The following is a summary of the proposed amendments to Rule 1186.

Subdivision (d) – Requirements

Paragraph (d)(3) of existing Rule 1186 requires governmental agencies that are required to use certified street sweeping equipment to operate the equipment in accordance with the manufacturer's specifications. PAR 1186 clarifies that the use of replacement parts that have been determined by the Executive Officer to be substantially similar to the original equipment manufacturer (OEM) part is not a violation of this requirement.

Subdivision (e) – Street Sweeper Testing and Certification Procedures

Under existing Rule 1186, manufacturers seeking street sweeper certifications are required to provide a complete description of the equipment's dust suppression system (i.e., water nozzles or filters). Amendments to clause (e)(1)(A)(i) of Rule 1186 would require manufacturers to also provide a complete description of the equipment's dust collection system (i.e., brooms, brushes, blower/vacuum systems) when requesting certification of new equipment.

Subdivision (f) – Street Sweeper Performance Characteristics

Paragraph (f)(1) of PAR 1186 would require manufacturers of currently certified street sweepers to provide to the AQMD, within 120 days of adoption of the proposed amendments, specifications on individual dust collection components and dust suppression systems. Elements that must be provided to the AQMD are listed in paragraph (f)(2) and include information such as broom specifications (i.e., material composition, bristle count and weight, tensile strength and dimensions).

Under paragraph (f)(3) of PAR 1186, manufacturers would be required to notify the AQMD and receive approval by the Executive Officer prior to the change of a part specification or part supplier in order to maintain certification of a presently certified sweeper. Notification of a part specification/supplier change would be required to be in the form of a plan. Plan submittals must demonstrate that the street sweeper performance will not be adversely affected through the change of a part specification/supplier in order for the manufacturer to maintain equipment certification. If a manufacturer fails to demonstrate to the satisfaction of the Executive Officer that the equipment's performance will not be significantly impacted by the change of a part specification or supplier the equipment would no longer be considered certified under Rule 1186.

Proposed amendments to Rule 1186 would also provide guidance on the sale of replacement parts to entities that are required to procure certified street sweepers. Specifically, under the

provisions of subparagraph (f)(4)(A), any parts supplier would be allowed to sell replacement parts for certified street sweepers if such parts were on the street sweeper during testing that resulted in sweeper certification. Subparagraph (f)(4)(B) would also allow aftermarket parts suppliers to sell replacement parts if such parts are determined to be substantially similar to the OEM part. Specifically, if a aftermarket parts supplier can demonstrate to the satisfaction of the Executive Officer that a replacement part is substantially similar to an OEM part, entities required to procure certified sweepers could purchase the replacement part without violating the provisions of the paragraph (d)(3) requirements to operate sweepers per the manufacturers specifications. Information necessary for the Executive Officer to determine that replacement parts are substantially similar to OEM parts could consist of, but is not limited to, data from an independent testing laboratory (as defined in AQMD Rule 304) on replacement part elements (i.e., material composition, tensile strength, dimensions, etc.). Aftermarket parts suppliers seeking approval to sell replacement parts under the provisions of either subparagraph (f)(4)(A) or (f)(4)(B) would be required to submit a plan for approval by the Executive Officer.

Paragraph (f)(5) specifies that entities submitting a plan under either paragraphs (f)(3) or (f)(4) would be subject to the plan submittal requirements and the applicable fees under Rule 306. Currently, Rule 306 fees consist of a \$112.30 submittal fee and \$112.30 per hour plan evaluation fee. These fees typically are adjusted annually by the Consumer Price Index.

Paragraph (f)(6) states that the Executive Officer will approve, conditionally approve or disapprove any plan submitted under paragraphs (f)(3) and (f)(4) in writing within 120 days of receipt of a complete plan.

EMISSIONS INVENTORY

The proposed amendments are administrative in nature and will not significantly affect air quality or emission reductions. However, the amendments will help safeguard emission reductions previously presumed by ensuring that changes to sweepers do not affect the equipment's potential for PM10 reductions.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

Pursuant to the California Environmental Quality Act (CEQA), the SCAQMD is the Lead Agency and has reviewed the proposed project pursuant to CEQA Guidelines §15002 (k)(1). Because the proposed project does not impose new requirements that will have any adverse environmental impacts, including air quality, it can be seen with certainty that there is no possibility that the proposed project in question has the potential to have a significant adverse effect on the environment. Thus, the proposed project is exempt from CEQA pursuant to CEQA Guidelines §15061(b)(3) - Review for Exemption. A Notice of Exemption will be prepared pursuant to CEQA Guidelines §15062 - Notice of Exemption. The Notice of Exemption will be filed with the county clerks of Los Angeles, Orange, Riverside and San Bernardino counties immediately following the adoption of the proposed project.

SOCIOECONOMIC ASSESSMENT

The proposed amendments to Rule 1186 are administrative in nature and do not significantly affect air quality or emissions limitations. As such, the proposed amendments are expected to have no adverse socioeconomic impacts. The number of companies that would elect to submit a plan and be subject to the plan submittal fees specified under paragraph (f)(5) is relatively unknown at this time and any presumed submittal information would be speculative. However, at this time, staff anticipates at least two plan submittals with time and material costs of approximately \$500.

DRAFT FINDINGS

Health and Safety Code Section 40727 requires the AQMD to adopt written findings of necessity, authority, clarity, consistency, non-duplication and reference.

Necessity

A need exists to adopt PAR 1186 to ensure the continued effectiveness of certified street sweepers and to preserve the original intent of the Rule pursuant to Health and Safety Code §§40923(b)(1).

Authority

The AQMD Governing Board obtains its authority to adopt, amend, or repeal rules and regulations from California Health & Safety Code Sections 40000, 40001, 40702, and 40725 through 40728, inclusive.

Clarity

The proposed amended rule has been written or displayed so that its meaning can be easily understood by persons directly affected by it.

Consistency

The proposed amended rule is in harmony with and not in conflict with or contrary to, existing statutes, court decisions or state or federal regulations.

Non-Duplication

The proposed amended rule does not impose the same requirements as any state or federal regulations. The amendment is necessary and proper to execute the powers and duties granted to, and imposed upon, AQMD.

Reference

By adopting the Proposed Rule, the AQMD Governing Board will be implementing, interpreting, and making specific the provisions of the California Health & Safety Code Section 40001 (rules to achieve ambient air quality standards).

ALTERNATIVE CONTROL MEASURES

Health and Safety Code Section 40440.5, subsection (c)(3) requires an analysis of alternative control measures. However, the proposed amendments are administrative in nature and are not anticipated to affect emissions. Therefore, an analysis of alternatives is not needed.

COMPARATIVE ANALYSIS

Health and Safety Code §§40727.2 may require a written analysis comparing a proposed rule or amendment with existing federal, State and District regulations. Health and Safety Code §§40727.2, subsection (c) and (d) further require the analysis to review averaging provisions, operating parameters, work practice requirements, and monitoring, reporting and recordkeeping requirements associated with existing applicable rules and proposed regulations. The proposed amendments to Rule 1186 do not impose new emission limits or make an existing limit more stringent, or impose new or more stringent monitoring, reporting or recordkeeping, so the comparative analysis is not required [H&SC §§40727.2(g)].

AQMP/LEGAL MANDATES

Rule 1186 was originally adopted in 1997 to implement 1994 AQMP control measure BCM-01. Rule 1186 and subsequent amendments have been SIP-approved. There are no legal mandates to implement amendments to Rule 1186; however, the amendments are intended to address an implementation issue and preserve the original intent of the rule.

REFERENCES

South Coast Air Quality Management District, 1994 Air Quality Management Plan (AQMP), September 1994.