

(Version February 18, 2022)

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 materials of loose or stockpiled 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, (cold) 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, landfill operations, weed abatement through disking, and soil mulching.
- (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 portion of a roadway with an annual daily average number of vehicle trips in excess of 100,000 based on the most recent Federal Highway Administration (FHA) Average Annual Daily Traffic (AADT) data available.
- (14) LARGE ROADWAY PROJECT means the construction/demolition, improvement, ~~or rehabilitation repair, or maintenance~~ of a large roadway, including any adjacent property associated with the large roadway such as a bridge, overpass, or onramp.
- (15) MATERIAL PILE means any accumulation of bulk materials, construction/demolition debris, excavated material, or typical roadway material which is not fully enclosed and attains a height of three feet or more and a total surface area of 150 or more square feet. Material piles located within 25 feet of each other as measured from the closest edge of each pile shall be considered a single material pile.
- (16) PARTICULATE MATTER means any material, except uncombined water, which exists in a finely divided form as a liquid or solid at standard conditions.
- (17) PAVED ROAD means a public or private improved street, highway, alley, public way, or easement that is covered by typical roadway materials, but excluding access roadways that connect a facility with a public paved roadway and are not open to through traffic. Public paved roads are those open to public access and that are owned by any federal, state, county,

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municipal or any other governmental or quasi-governmental agencies.
Private paved roads are any paved roads not defined as public.

- (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) STABILIZE means sufficient use (of both amount and frequency) of a dust suppressant to ensure compliance with the fugitive dust control measures of this Rule.
- (22) TRACK OUT means any bulk material that adheres to and agglomerates on the exterior surface of motor vehicles, haul trucks, and equipment (including tires) that have been released onto a paved road and can be removed by a vacuum sweeper or a boom sweeper under normal operating conditions.
- (23) TYPICAL ROADWAY MATERIALS means concrete, asphaltic concrete, recycled asphalt, asphalt, or any other material of equivalent performance as determined by the Executive Officer.
- (24) 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 Large Roadway Project, no person shall conduct aggregate crushing and grinding operations or maintain a material pile at a large roadway project within a distance of 100 feet of an area of public exposure or 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 point of the property line of the nearest sensitive receptor, or location within an area of public exposure that is officially designated for use by the public.
- (2) Beginning [six (6) months after Date of Adoption] for any 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 paved and 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 point of the property line of the nearest sensitive receptor, or location within an area of public exposure.

(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)(4):

(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 on-site 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 to prevent fugitive dust/visible emissions:

Table 1 – Large Roadway Project Control Measures

Aggregate Crushing and Grinding Operations	<p>Stabilize surfaces prior to operation of equipment (including construction vehicles such as bulldozers, cranes or backhoes) and prior to any crushing and grinding; and</p> <p>Stabilize aggregate material piles after crushing and grinding by applying a dust suppressant to prevent dust plumes from extending farther than 100 feet as measured from the nearest edge or perimeter of the operation/material pile or equipment location within the large roadway project.</p>
Earth Moving Activities; Construction/Demolition; or Disturbed Surface Areas	<p>Apply dust suppressant as necessary to maintain a stabilized surface and to prevent visible emissions from extending farther than 100 feet as measured from the nearest edge or perimeter of the operation/material pile or equipment location within the large roadway project.</p>

<p>Dust from Construction Vehicles (Implement all controls)</p>	<p>Apply dust suppressant as necessary to prevent visible emissions during vehicle operation; and</p> <p>Limit vehicle speed to 15 miles per hour on roadways; and</p> <p>Cover frequently traveled unpaved roads and unpaved parking areas with low silt content material (i.e., asphalt, concrete, recycled road base, or gravel to a minimum depth of four inches); and</p> <p>Treat unpaved roads with a dust suppressant, mulch, or other cover to maintain a stabilized surface; and</p> <p>Remove dust from paved roadways and construction vehicles as required to prevent track out or entrained dust by washing, vacuum sweeping, broom sweeping or any other mechanical means that does not generate fugitive dust.</p>
<p>Material Piles (One or more controls measures, as needed, to ensure fugitive dust control)</p>	<p>Maintain below a maximum height of 20 feet; and</p> <p>Apply dust suppressant as necessary, but no less than twice per hour 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 operation/material pile or equipment location; or</p> <p>Install coverings; 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</p>

	with a maximum porosity of 50 percent and a minimum height equal to the highest point of the material pile.
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(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.
- (B) A maximum of four signs are required per large roadway project.
- (C) One sign is sufficient for multiple site entrances located within 300 yards of each other.
- (D) Signage shall be 1 inch A/C laminated plywood board or similar strength and durability material with dimensions of 48 inches by 96 inches.
- (E) Sign background must contrast with lettering, typically black text with white background.
- (F) The lower edge of the sign board must be a minimum of 6 feet and a maximum of 7 feet above grade.
- (G) The telephone listed for the contact must be a local or a toll-free number and shall be accessible 24 hours per day.
- (H) At a minimum, each sign shall include the following information, with text height as shown on the right side of the sign template below, and an accessible 24 hours per day local or toll-free phone number for contacting the large roadway project responsible person(s) or dust control supervisor regarding fugitive dust issues:

Table 2 – Text Height for Signage

Sign Content	Height (inches)
Permit # (if applicable)	4
Site Name	4
Project Name / Tract #####	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

(4) Notification

The dust control supervisor or other responsible person for the large roadway project shall comply with the following notification requirement:

(A) Areas of Public Exposure and Sensitive Receptors

At least 120 hours prior to commencement of activities for a large roadway project pursuant to paragraph (d)(2), the dust control supervisor or other responsible person shall notify the owner(s) or occupant(s) of occupied buildings or open space/recreational facility management as applicable, in writing, which shall at a minimum include the following information:

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

(B) South Coast AQMD

At least 120 hours prior to commencement of activities for a large roadway project pursuant to paragraph (d)(2), the dust control supervisor or other responsible person shall notify the Executive Officer in writing, and shall at a minimum include the following information:

- (i) Large roadway project contact information including name, company/agency name, address, telephone number, and e-mail address of all responsible persons including the dust control supervisor;
- (ii) Location of the large roadway project, including address and/or coordinates, and a map depicting the location of the site;
- (iii) Estimated duration of the large roadway project including commencement and completion dates; and
- (iv) A list of permitted aggregate crushing and grinding equipment, and equipment subject to the California Air Resources Board (CARB) Portable Equipment Registration Program (PERP).

(f) Recordkeeping

- (1) The responsible person 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 taken for each activity or equipment; and
 - (C) The frequency of fugitive dust control measures implemented.
- (2) 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.

(g) Exemptions

- (1) Any activities conducted 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 disruptions 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) Material resulting from linear trenching for natural gas, power, sewer, and water projects on large roadways that are directly loaded into a truck bed, trailer, or bin for transport shall be exempt from the prohibition of material piles specified in paragraph (d)(1) and signage requirements specified in paragraph (d)(4) of this Rule.

- ~~(3)~~(4) Minor maintenance activities conducted for a large roadway. Work associated with such activities include but are not limited to pothole repair, pavement repair, pavement crack sealing, pavement digouts, concrete slab repair/replacement, shoulder backing repair, sidewalk repair/replacement, curb/dike repair/replacement, sign repair/replacement, guardrail repair/replacement, culvert/pipe repair/replacement, drainage inlet repair/replacement, bridge repair, concrete barrier repair/replacement, slope repair, mowing, trash removal, street sweeping, water pollution control repair/replacement, landscaping repair/replacement, fence repair/replacement, pavement delineation repair/replacement and electrical system repairs.