

FINAL

# Fugitive Dust Emission Control Plan

West of Devers Upgrade Project  
Riverside and San Bernardino Counties, California

*Prepared by*

Southern California Edison

6040 North Irwindale Avenue  
Irwindale, California 91702

April 2017

# Fugitive Dust Emission Control Plan Checklist

**Applicable Agencies:**

- Bureau of Indian Affairs
- Bureau of Land Management
- California Department of Fish and Wildlife
- California Public Utilities Commission
- South Coast Air Quality Management District
- Coachella Valley Conservation Commission
- Morongo Band of Mission Indians
- Riverside County Regional Conservation Authority
- U.S. Fish and Wildlife Service

**Applies in the Following Areas:**

- BLM Lands
- Morongo Reservation
- San Bernardino County
- CV-MSHCP
- WR-MSHCP
- Riverside County

**Applies to the Following Project Components:**

- Transmission Line
- Substations
- Construction Yards
- Subtransmission
- Distribution
- Telecom

**Addresses the Following Measures:**

- PEA APM AIR-2      SCE will prepare a Fugitive Dust Control Plan to reduce fugitive dust emissions (fugitive PM10 and PM2.5).
- FEIR/FEIS MM-AQ-1a      SCE will develop a Fugitive Dust Control Plan and at least 60 days prior to construction submit the plan to the CPUC/BLM and SCAQMD for review and approval.
- FEIR/FEIS MM-AQ-1c      Implement methods and measures to reduce helicopter emissions.

# Contents

Section	Page
<b>Acronyms and Abbreviations .....</b>	<b>vii</b>
<b>1 Introduction .....</b>	<b>1-1</b>
1.1 Project Overview.....	1-1
1.2 Lead Agencies .....	1-1
1.3 Applicant Proposed and Mitigation Measures .....	1-2
1.4 Applicable Activities and Project Areas .....	1-3
1.5 Timing .....	1-3
<b>2 Methods.....</b>	<b>2-1</b>
2.1 Construction Transportation Plan.....	2-1
2.2 Travel on Unpaved Roads .....	2-1
2.3 Travel on Paved Roads.....	2-2
2.4 Construction Sites – During Active Construction.....	2-2
2.5 Disturbed Surface Areas – Post-Construction .....	2-3
2.6 Open Storage Piles.....	2-3
2.7 Helicopter Operations.....	2-3
<b>3 Air District-Specific Dust Control Rules.....</b>	<b>3-1</b>
3.1 South Coast Air Quality Management District.....	3-1
3.2 Supplemental Requirements for the Coachella Valley .....	3-1
<b>4 Monitoring Requirements.....</b>	<b>4-1</b>
4.1 Contractor Requirements .....	4-1
<b>5 Plan Approval .....</b>	<b>5-1</b>
<b>6 References.....</b>	<b>6-1</b>
<b>7 Revisions .....</b>	<b>7-1</b>
<b>Appendixes</b>	
A SCAQMD Dust Control Rules	
B Example Recordkeeping Forms	

# Acronyms and Abbreviations

APM	Applicant Proposed Measure
AQMD	Air Quality Management District
BLM	Bureau of Land Management
BMP	best management practice
CAISO	California Independent System Operator
CARB	California Air Resources Board
CEQA	California Environmental Quality Act
CPCN	Certificate of Public Convenience and Necessity
CPUC	California Public Utilities Commission
CSLC	California State Lands Commission
FEIR	Final Environmental Impact Report
FEIS	Final Environmental Impact Statement
FDECP	Fugitive Dust Emission Control Plan
kV	kilovolt(s)
Morongo Reservation	Morongo Band of Mission Indians
NA	not applicable
NEPA	National Environmental Policy Act
PEA	Proponent's Environmental Assessment
Plan	Fugitive Dust Emission Control Plan
Project	West of Devers Upgrade Project
ROD	Record of Decision
ROW	right-of-way
SCAQMD	South Coast Air Quality Management District
SCE	Southern California Edison
USDA	U.S. Department of Agriculture
USFS	U.S. Forest Service
USFWS	U.S. Fish and Wildlife Service

# Introduction

This Fugitive Dust Emission Control Plan (Plan) for Southern California Edison's (SCE) West of Devers Upgrade Project (Project or WOD) presents the activities to be conducted to support compliance with the Applicant Proposed Measures (APMs) and mitigation measures (MMs). Compliance with the APMs and the mitigation measures will reduce potential fugitive dust impacts resulting from construction of the Project.

This Plan provides fugitive dust control methods for construction activities and sources that emit fugitive dust. These sources and activities include unpaved and paved roads, disturbed surface areas, earthmoving activities, and the management of large material stockpiles.

## 1.1 Project Overview

The Project would be located primarily within the existing West of Devers (WOD) right-of-way (ROW) in incorporated and unincorporated parts of Riverside and San Bernardino Counties. The Project upgrades would:

- Replace the existing 220-kilovolt (kV) transmission lines and associated structures with higher-capacity 220-kV transmission lines and new 200-kV structures. Upgrades would occur on approximately 30 miles of the Devers-El Casco line, approximately 14 miles of the El Casco-San Bernardino line, approximately 43 miles of the Devers-San Bernardino line, approximately 45 miles of the Devers-Vista No. 1 and No. 2 lines, approximately 3.5 miles of the Etiwanda-San Bernardino line, and approximately 3.5 miles of the San Bernardino-Vista line;
- Upgrade substation equipment at Devers, El Casco, Etiwanda, San Bernardino, and Vista Substations to accommodate increased power transfer on the 220-kV lines;
- Remove and relocate approximately 2 miles of existing 66-kV subtransmission lines;
- Remove and relocate approximately 4 miles of existing 12-kV distribution lines; and
- Install telecommunication lines and equipment for the protection, monitoring, and control of transmission lines and substation equipment.

The existing WOD corridor traverses a combination of residential, commercial, agricultural, recreation, and open space land uses. The existing structures and existing conductor would be removed and replaced primarily within the existing ROW, except for an approximately 3-mile portion of Segment 5 on the Morongo Band of Mission Indian Reservation (Morongo Reservation) that would be in the new ROW.

## 1.2 Lead Agencies

Lead agencies have discretionary approval over the Project and are responsible for reviewing aspects of the measures documented in this Plan. The California Public Utilities Commission (CPUC) is the state lead agency responsible for compliance with the California Environmental Quality Act (CEQA). The Bureau of Land Management (BLM) is the federal lead agency responsible for compliance with the National Environmental Policy Act (NEPA). Identified materials or documentation will be provided to the CPUC and the BLM per the requirements of the mitigation measure.

## 1.3 Applicant Proposed and Mitigation Measures

**APM AIR-2:** SCE would prepare a Fugitive Dust Control Plan to reduce fugitive dust emissions (fugitive PM<sub>10</sub> and PM<sub>2.5</sub>). Acceptable control measures for reducing emissions described within the Fugitive Dust Control Plan may include, but are not limited to: limit traffic speeds on unpaved roads to 15 mph; apply water as needed to comply with SCAQMD Rule 403 requirements, or apply soil stabilizers (e.g., gravel for substation area) on active unpaved access roads, the substation area, and staging areas if construction activity causes persistent visible emissions of fugitive dust beyond the work area; apply soil stabilizers to inactive construction areas as described in the SWPPP; where applicable, install gravel, shaker plates, or other BMPs at the point of intersection with public paved surfaces.

**MM AQ-1a: Control fugitive dust.** SCE shall develop a Fugitive Dust Control Plan and at least 60 days prior to construction submit the plan to the CPUC/BLM and SCAQMD for review and approval. The approved plan shall be implemented for all construction activities that may be a source of fugitive dust. Any fugitive dust control requirements in the SCAQMD rules and regulations, specifically Rule 403 and Rule 403.1, that are in addition to or more stringent than the requirements listed below shall be implemented and included in the plan. The Plan shall include the following feasible measures:

- Traffic speeds on unpaved roads shall not exceed 15 miles per hour.
- A traffic route plan shall be developed and vehicles shall follow routes that minimize unpaved road travel.
- Unpaved roads, substation areas, and staging areas shall be watered three times daily when being used by construction vehicle traffic, or non-toxic soil stabilizers (e.g., water, tackifiers, and soil binders) shall be applied per manufacturer's recommendations and in sufficient quantities to maintain compliance with SCAQMD and jurisdictional requirements to maintain no visible vehicle travel dust emissions.
- Inactive excavated or graded soils and soil piles shall be sufficiently watered or sprayed with a soil stabilizer to create a surface crust or shall be covered.
- Drop heights from excavators and loaders shall be minimized to a distance no more than 5 feet.
- Soil truck loads shall be covered and gate seals on dump trucks shall be tight.
- Construction activities that occur on unpaved surfaces shall be discontinued during periods when activities are causing visible dust plumes that cannot be avoided by approved dust suppression methods. All grading and excavation activities shall be suspended when wind speeds exceed 30 miles per hour unless otherwise approved in the Fugitive Dust Control Plan. Wind speed measurement methods shall be consistent with the SCAQMD Implementation Handbook for Rule 403 and Rule 403.1.

**MM AQ-1c: Control helicopter emissions.** Helicopter emissions shall be reduced by the following methods and measures:

- Helicopter idling will occur only when necessary for safe operation and emergency readiness purposes.
- Helicopter operators shall use the smallest practical and available helicopter for each lift operation.
- Fugitive dust from helicopter rotor wash will be reduced through the implementation of the following measures:
  - The helicopter staging areas, that are not on existing paved airfields or other large paved sites, shall be treated with soil amendments (e.g., water, tackifiers, soil binders) that shall be applied

at a frequency necessary to create and maintain surface soil crusts where rotor wash creates fugitive dust emissions.

- Enough land area shall be obtained for each helicopter staging area not located on existing paved airfields or other large paved sites, so that rotor wash does not create visible dust emissions outside of the controlled staging area or ROW.
- Helicopter operations will take flight paths (i.e., elevation above ground) that will eliminate dust emissions from rotor wash when travelling between the helicopter staging area and the work sites.
- The helicopter work sites shall be watered prior to helicopter visits. Alternatively, other soil stabilizers shall be applied at a frequency necessary to create and maintain a surface soil crust while helicopter visits are occurring at the work site.

## 1.4 Applicable Activities and Project Areas

The activities addressed in this Plan include all construction activities that may be a source of fugitive dust.

This Plan is applicable to all work packages of the Project.

## 1.5 Timing

The measures described in this Plan are applicable as shown in Table 1-1.

**Table 1-1. Timing Applicability**  
*Fugitive Dust Emission Control Plan*

Measure	Period		
	Preconstruction	Construction	Post-construction/ Restoration
PEA APM AIR-2	☒	☒	☒
FEIR/FEIS MM AQ-1a	☒	☒	☒
FEIR/FEIS MM AQ-1c	☒	☒	☐

# Methods

This section includes a description of the actions required to implement the applicable APM and mitigation measures for the Project. The contractor shall also comply with applicable local Air District regulations.

## 2.1 Construction Transportation Plan

The following actions will be taken prior to and during construction:

1. Prior to construction, SCE will require the construction contractor to submit a Construction Transportation Plan describing how field personnel shall travel to the job site. The Construction Transportation Plan and other route determinations will be submitted to the CPUC and BLM for review prior to construction, to confirm compliance with BLM and other regulatory agency road use restrictions.
2. Prior to construction at a site, the site access roads will be reviewed by SCE and the construction contractor to identify required travel routes to minimize unpaved road travel to the extent feasible. The Construction Transportation Plan and other route determinations will be submitted to the CPUC and BLM for review prior to construction, to confirm compliance with BLM and other regulatory agency road use restrictions.
3. Construction workers shall be staged offsite and shall be shuttled in crew vehicles to construction sites, as practicable.
4. Travel of heavy equipment in and out of the unpaved areas will be limited by moving from construction site to construction site rather than back to marshalling or staging areas daily, to the extent feasible.
5. Vehicle speeds on unpaved surfaces (such as access and spur roads) will be restricted to 15 miles per hour (mph). Vehicle speeds, associated with grading activities will conform to standard industry practices, and dust generated by such will be controlled utilizing the measures described in Section 2.2.
6. BLM and other regulatory agency road use restrictions will be reviewed and followed by SCE and the construction contractor. The Construction Transportation Plan and other route determinations will be submitted to the CPUC and BLM for review prior to construction, to confirm compliance with BLM and other regulatory agency road use restrictions.

## 2.2 Travel on Unpaved Roads

The following fugitive dust control measures will be implemented for travel on unpaved roads and unpaved parking lots during construction:

1. Travel on unpaved roads will be limited to the extent possible, and traffic will be directed over established haul routes.
2. Unpaved road (access and spur) vehicle travel will be maintained to the lowest practical speeds, no greater than 15 mph. Vehicle travel and activity on substation sites will conform to standard industry practices.

3. For active unpaved roads, staging areas, and parking areas, non-toxic soil binders including but not limited to chemical binders and/or water, equivalent to or better efficiencies than California Air Resources Board (CARB) approved soil binders (as allowed by responsible agencies such as the BLM), shall be applied in amounts meeting manufacturer recommendations, to meet the CARB certification fugitive dust reduction efficiency of 84 percent.
4. Gravel will be placed on access road approaches and track-out control devices such as shaker plates will be installed at the intersection of unpaved access roads and paved roads.
5. Contractor shall conduct a visual inspection of the vehicle wheels and the wheels of the equipment loaded upon each vehicle to assess the presence of dirt. If caked dirt or mud is present, such shall be removed from wheels prior to entering paved intersections, to the extent feasible.

## 2.3 Travel on Paved Roads

Prior to construction equipment travel on paved roads, the following will be implemented:

1. Fugitive dust will be minimized while transporting soil and other materials on paved roads by maintaining at least 6 inches of freeboard in compliance with local Air District regulations.
2. Vehicle tires will be inspected prior to entering paved roadways from unpaved areas to verify they are free of dirt. To clean tires, the following will be implemented:
  - Gravel will be placed on access road approaches and track-out control devices such as shaker plates will be installed at the intersection of unpaved access roads and paved roads.
  - Contractor shall conduct a visual inspection of the vehicle wheels and the wheels of the equipment loaded upon each vehicle, to assess the presence of dirt. If caked dirt or mud is present, such shall be removed from wheels prior to entering paved intersections, to the extent feasible.
  - Track-out onto paved roads will be removed at the conclusion of the workday or evening shift with water sweepers (or as required by local District regulations) if visible soil material from the construction sites or unpaved access roads is carried onto adjacent public streets.
  - Track-out onto paved roads that exceeds 25 feet will be removed immediately.

## 2.4 Construction Sites – During Active Construction

The following will be implemented, for areas disturbed by construction activities, to limit visible dust emissions from exiting the Project boundaries, in compliance with regulatory requirements:

1. Water or non-toxic soil binders, equivalent to or better in efficiencies than CARB-approved soil binders, will be applied in accordance with manufacturer recommendations, to suppress dust from unpaved disturbed areas.
  - a. When water is used, it will be applied at least three times per day, or as needed.
  - b. Inactive excavated or graded soils and soil piles will be sufficiently watered or sprayed with a soil stabilizer to create a surface crust or shall be covered.
  - c. Drop heights from excavators and loaders will be minimized to a distance of no more than 5 feet.
  - d. Soil truck loads will be covered, and gate seals on dump trucks will be tight.

2. When instantaneous wind gusts exceed 30 mph, the frequency of watering will be increased or other additional fugitive dust mitigation measures will be implemented.
3. When instantaneous wind gusts exceed 30 mph and fugitive dust is unable to be curtailed even with additional dust mitigation, construction activities on unpaved surfaces shall be discontinued.

## 2.5 Disturbed Surface Areas – Post-Construction

After active construction operations have ceased, disturbed surface areas will be treated with a vegetative ground cover (in compliance with biological mitigation measures) or other stabilized surfaces will be created.

Surfaces disturbed by construction activities will be covered or treated with a dust suppressant after completion of activities at each site of disturbance.

## 2.6 Open Storage Piles

One of the following measures will be implemented for open storage:

1. Enclose storage pile
2. Cover
3. Water three times daily
4. Apply non-toxic soil binders according to manufacturer specifications

## 2.7 Helicopter Operations

1. Helicopter idling will occur only when necessary for safe operation and emergency readiness purposes.
2. Helicopter operators shall use the smallest practical and available helicopter for each lift operation.
3. Fugitive dust from helicopter rotor wash will be reduced through the implementation of the following measures:
  - The helicopter staging areas, that are not on existing paved airfields or other large paved sites, shall be treated with soil amendments (e.g., water, tackifiers, soil binders) that shall be applied at a frequency necessary to create and maintain surface soil crusts where rotor wash creates fugitive dust emissions.
  - Enough land area shall be obtained for each helicopter staging area not located on existing paved airfields or other large paved sites, so that rotor wash does not create visible dust emissions outside of the controlled staging area or ROW.
  - Helicopter operations will take flight paths (i.e., elevation above ground) that will eliminate dust emissions from rotor wash when travelling between the helicopter staging area and the work sites.

The helicopter work sites shall be watered prior to helicopter visits. Alternatively, other soil stabilizers shall be applied at a frequency necessary to create and maintain a surface soil crust while helicopter visits are occurring at the work site.

# Air District-Specific Dust Control Rules

This Plan is applicable to all components of WOD. The fugitive dust control rules promulgated by South Coast Air Quality Management District (SCAQMD) contain additional fugitive dust control requirements that will be implemented by the construction contractor. A brief summary of applicable requirements is provided in the following subsections. The construction contractor shall review the air district rules to ensure Project compliance.

## 3.1 South Coast Air Quality Management District

SCAQMD Rule 403 requires the submittal of a Large Operation Notification (Form 403N) and a Dust Control Plan within 7 days of qualifying as a large operation. A large operation is defined as any active operations on property which contain 50 or more acres of disturbed surface area; or any earthmoving operation with a daily earthmoving or throughput volume of 3,850 cubic meters (5,000 cubic yards) or more, three times during the most recent 365-day period.

SCE has evaluated the soil-disturbance potential associated with proposed WOD construction activities within the SCAQMD. There are currently no planned WOD work areas within the SCAQMD that meet the criteria described above and, therefore, no Large Operation Notification (Form 403N) or a Dust Control Plan are required.

## 3.2 Supplemental Requirements for the Coachella Valley

SCAQMD Rule 403.1 states that any person who conducts or authorizes an active operation with a disturbed surface area of more than 5,000 square feet shall not initiate any earthmoving activities unless a fugitive dust control plan is prepared and approved by the Executive Officer in accordance with the requirements of subdivision (f) and the *Rule 403.1 Implementation Handbook*. SCAQMD has 30 days to approve or comment on the plan submittal.

Riverside County Dust Control Ordinance 742, relating to the control of fugitive dust in the Coachella Valley, requires any operator of an activity with a disturbed surface area of more than 5,000 square feet to prepare a Fugitive Dust Control Plan pursuant to the *AQMD Coachella Valley Fugitive Dust Control Handbook*.

Section 4.2.12 of Riverside County Dust Control Ordinance 742 requires the operator of a project with 10 acres or more of earthmoving operations to forward two copies of a site-specific, standalone Fugitive Dust Control Plan to the SCAQMD within 10 days after approval by the County. This section also requires the operator to notify the County and AQMD at least 24-hours prior to initiating earthmoving operations.

Where other local jurisdictions have dust control plan requirements, SCE will comply with such by preparing and submitting the requisite plan to the local jurisdiction for review and approval, prior to initiating commencement of any earthmoving activities in the applicable jurisdiction. Upon approval by the local jurisdiction, the plan will be submitted to the CPUC and BLM, prior to commencement of earthmoving activities in the jurisdiction, and the contractor will follow such plan accordingly.

In situations where Riverside County and other local jurisdictions decline to review and approve a Dust Control Plan, SCE will comply with all AQMD submittal requirements. Upon approval by the SCAQMD, the plan will be submitted to the CPUC and BLM, prior to commencement of earthmoving activities in the Coachella Valley, and the contractor will follow such plan accordingly.

# Monitoring Requirements

## 4.1 Contractor Requirements

The contractor shall send a representative to the Coachella Valley Fugitive Dust Control Class. Class information can be found at [http://www.aqmd.gov/home/programs/business/training-403-403-1-fugitive-dust#&ImageGallery\\_C002\\_Col00=1](http://www.aqmd.gov/home/programs/business/training-403-403-1-fugitive-dust#&ImageGallery_C002_Col00=1).

The contractor shall compile written daily records to document the specific actions taken to comply with this Plan and with SCAQMD Rule 403 and 403.1.

The contractor shall monitor daily wind speeds to determine when wind speeds are anticipated to exceed 25 mph. The contractor shall record the dates and the actions taken to minimize fugitive dust emissions during high-wind events.

The contractor shall provide a list of proposed control devices to be used to reduce the amount of material tracked onto paved roads. The contractor shall monitor track-out procedures taken, noting the actions taken at the conclusion of each workday or evening shift.

The contractor shall notify SCE when construction has been completed in a defined area, within 5 business days of the last day of activity.

The contractor shall maintain a list of the inactive disturbed areas and the mitigation measures used to reduce fugitive dust and shall routinely monitor the inactive areas to verify that there are no fugitive dust events.

The contractor shall maintain compliance with all applicable rules and regulations, including SCAQMD Rules 401, 402, 403, and 403.1, as well as the measures described in this Dust Control Plan.

SECTION 5

# Plan Approval

This Plan has been prepared to address the requirements of APM AIR-2, MM AQ-1a, and MM AQ-1c. SCE requests review and approval of this Plan from the CPUC and the BLM. Upon receipt of the Record of Decision, this Plan may be amended to reflect the information in the clearance and approval documents.

# References

California Public Utilities Commission Energy Division (CPUC) 2013. *Final Environmental Impact Report for Southern California Edison's West of Devers Upgrade Project*. Final. December 2015.

<http://www.cpuc.ca.gov/environment/info/aspn/westofdevers/feir/titlepage.pdf>. Accessed on December 4, 2016.

South Coast Air Quality Management District (SCAQMD). 2005. *Rule 403. Fugitive Dust*.

<http://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-403.pdf?sfvrsn=4>. Accessed on December 1, 2016.

South Coast Air Quality Management District (SCAQMD). 2004. *Rule 403.1. Supplemental Fugitive Dust Control Requirements for Coachella Valley Sources*.

<http://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-403-1.pdf?sfvrsn=4>. Accessed on December 1, 2016.

# Revisions

Revisions made to standard text (black ink) should be noted below to document changes in requirements or SCE's approach to this Fugitive Dust Emission Control Plan.

<b>Date</b>	<b>Description of Revision</b>	<b>Contact</b>

Appendix A  
SCAQMD Dust Control Rules

(Adopted February 4, 1977)(Amended April 1, 1977)(Amended August 4, 1978)  
(Amended September 7, 1979)(Amended February 1, 1980)(Amended July 11, 1980)  
(Amended October 15, 1982)(Amended March 2, 1984)(Amended February 5, 1988)  
(Amended April 7, 1989)(Amended September 11, 1998)  
(Amended November 9, 2001)

**RULE 401.            VISIBLE EMISSIONS**

(a)    Definitions

For the purpose of this rule, the following definitions shall apply:

- (1)    KEROSENE FUEL is petroleum distillate fuel meeting diesel grade 1-D per ASTM D975-78, fuel oil grade No. 1 per ASTM D396-79, or kerosene by conventional commercial specifications.
- (2)    AN APPROVED SMOKE-REDUCING FUEL ADDITIVE is as approved by the Executive Officer.
- (3)    A SYNTHETIC ENGINE LUBRICATING OIL is as approved by the Executive Officer.

(b)    Requirements

- (1)    A person shall not discharge into the atmosphere from any single source of emission whatsoever any air contaminant for a period or periods aggregating more than three minutes in any one hour which is:
  - (A)    As dark or darker in shade as that designated No. 1 on the Ringelmann Chart, as published by the United States Bureau of Mines; or
  - (B)    Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subparagraph (b)(1)(A) of this rule.
- (2)    Notwithstanding the provisions of paragraph (b)(1) of this rule, a person shall not discharge into the atmosphere from a commercial charbroiler, excluding those operating with control equipment and those which are chain-driven, or equipment for melting, heating, or holding asphalt or coal tar pitch for on-site roof construction or repair; any air contaminant for a period or periods aggregating more than three minutes in any one hour which is:
  - (A)    As dark or darker in shade as that designated No. 2 on the Ringelmann Chart, as published by the United States Bureau of Mines; or

- (B) Of such an opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subparagraph (b)(2)(A) of this rule.
- (3) Notwithstanding the provisions of paragraph (b)(1) of this rule, a person shall not discharge into the atmosphere from any diesel pile-driving hammer, operating exclusively using kerosene fuel, containing approved smoke-reducing fuel additives, as the sole fuel, and using only synthetic engine lubrication oil, or other method deemed technologically and economically feasible by the Executive Officer, any air contaminant for a period or periods aggregating more than four minutes during the driving of a single pile which is:
  - (A) As dark or darker in shade as that designated No. 2 on the Ringelmann Chart, as published by the United States Bureau of Mines; or
  - (B) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subparagraph (b)(3)(A) of this rule.
- (c) Exemptions
  - (1) The provisions of this rule shall not apply to the following operations:
    - (A) Asphalt pavement heater operations;
    - (B) Abrasive blasting operations;
    - (C) The use of visible emission generating equipment in training sessions conducted by governmental agencies necessary for certifying persons to evaluate visible emissions for compliance with this rule and with the California Health and Safety Code, Section 41704 (l).
    - (D) Visible emissions from ships which perform emergency boiler shutdowns, tests required by governmental agencies or maneuvers for safety purposes;
    - (E) Agricultural operations.
  - (2) The provisions of paragraph (b)(2) shall not apply to a commercial charbroiler, as described in paragraph (b)(2), on or after November 9, 2005, and thereafter the provisions of paragraph (b)(1) shall apply to such equipment.

(Adopted May 7, 1976)

**RULE 402. NUISANCE**

A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.

The provisions of this rule shall not apply to odors emanating from agricultural operations necessary for the growing of crops or the raising of fowl or animals.

(Adopted May 7, 1976) (Amended November 6, 1992)  
(Amended July 9, 1993) (Amended February 14, 1997)  
(Amended December 11, 1998)(Amended April 2, 2004)  
(Amended June 3, 2005)

**RULE 403. FUGITIVE DUST**

(a) Purpose

The purpose of this Rule is to reduce the amount of particulate matter entrained in the ambient air as a result of anthropogenic (man-made) fugitive dust sources by requiring actions to prevent, reduce or mitigate fugitive dust emissions.

(b) Applicability

The provisions of this Rule shall apply to any activity or man-made condition capable of generating fugitive dust.

(c) Definitions

- (1) ACTIVE OPERATIONS means any source capable of generating fugitive dust, including, but not limited to, earth-moving activities, construction/demolition activities, disturbed surface area, or heavy- and light-duty vehicular movement.
- (2) AGGREGATE-RELATED PLANTS are defined as facilities that produce and / or mix sand and gravel and crushed stone.
- (3) AGRICULTURAL HANDBOOK means the region-specific guidance document that has been approved by the Governing Board or hereafter approved by the Executive Officer and the U.S. EPA. For the South Coast Air Basin, the Board-approved region-specific guidance document is the Rule 403 Agricultural Handbook dated December 1998. For the Coachella Valley, the Board-approved region-specific guidance document is the Rule 403 Coachella Valley Agricultural Handbook dated April 2, 2004.
- (4) ANEMOMETERS are devices used to measure wind speed and direction in accordance with the performance standards, and maintenance and calibration criteria as contained in the most recent Rule 403 Implementation Handbook.
- (5) BEST AVAILABLE CONTROL MEASURES means fugitive dust control actions that are set forth in Table 1 of this Rule.

- (6) BULK MATERIAL is sand, gravel, soil, aggregate material less than two inches in length or diameter, and other organic or inorganic particulate matter.
- (7) CEMENT MANUFACTURING FACILITY is any facility that has a cement kiln at the facility.
- (8) 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.
- (9) COMMERCIAL POULTRY RANCH means any building, structure, enclosure, or premises where more than 100 fowl are kept or maintained for the primary purpose of producing eggs or meat for sale or other distribution.
- (10) CONFINED ANIMAL FACILITY means a source or group of sources of air pollution at an agricultural source for the raising of 3,360 or more fowl or 50 or more animals, including but not limited to, any structure, building, installation, farm, corral, coop, feed storage area, milking parlor, or system for the collection, storage, or distribution of solid and liquid manure; if domesticated animals, including horses, sheep, goats, swine, beef cattle, rabbits, chickens, turkeys, or ducks are corralled, penned, or otherwise caused to remain in restricted areas for commercial agricultural purposes and feeding is by means other than grazing.
- (11) CONSTRUCTION/DEMOLITION ACTIVITIES means any on-site 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, crushing, cutting, planing, shaping or ground breaking.
- (12) CONTRACTOR means any person who has a contractual arrangement to conduct an active operation for another person.
- (13) DAIRY FARM is an operation on a property, or set of properties that are contiguous or separated only by a public right-of-way, that raises cows or

produces milk from cows for the purpose of making a profit or for a livelihood. Heifer and calf farms are dairy farms.

- (14) **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.
- (15) **DUST SUPPRESSANTS** are water, hygroscopic materials, or non-toxic chemical stabilizers used as a treatment material to reduce fugitive dust emissions.
- (16) **EARTH-MOVING ACTIVITIES** means the use of any equipment for any activity where soil is being moved or uncovered, and shall include, but not be limited to the following: grading, earth cutting and filling operations, loading or unloading of dirt or bulk materials, adding to or removing from open storage piles of bulk materials, landfill operations, weed abatement through disking, and soil mulching.
- (17) **DUST CONTROL SUPERVISOR** means a person with the authority to expeditiously employ sufficient dust mitigation measures to ensure compliance with all Rule 403 requirements at an active operation.
- (18) **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.
- (19) **HIGH WIND CONDITIONS** means that instantaneous wind speeds exceed 25 miles per hour.
- (20) **INACTIVE DISTURBED SURFACE AREA** means any disturbed surface area upon which active operations have not occurred or are not expected to occur for a period of 20 consecutive days.
- (21) **LARGE OPERATIONS** means any active operations on property which contains 50 or more acres of disturbed surface area; or any earth-moving operation with a daily earth-moving or throughput volume of 3,850 cubic

meters (5,000 cubic yards) or more three times during the most recent 365-day period.

- (22) OPEN STORAGE PILE is any accumulation of bulk material, which is not fully enclosed, covered or chemically stabilized, and which attains a height of three feet or more and a total surface area of 150 or more square feet.
- (23) PARTICULATE MATTER means any material, except uncombined water, which exists in a finely divided form as a liquid or solid at standard conditions.
- (24) 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, municipal or any other governmental or quasi-governmental agencies. Private paved roads are any paved roads not defined as public.
- (25) PM<sub>10</sub> means particulate matter with an aerodynamic diameter smaller than or equal to 10 microns as measured by the applicable State and Federal reference test methods.
- (26) PROPERTY LINE means the boundaries of an area in which either a person causing the emission or a person allowing the emission has the legal use or possession of the property. Where such property is divided into one or more sub-tenancies, the property line(s) shall refer to the boundaries dividing the areas of all sub-tenancies.
- (27) RULE 403 IMPLEMENTATION HANDBOOK means a guidance document that has been approved by the Governing Board on April 2, 2004 or hereafter approved by the Executive Officer and the U.S. EPA.
- (28) SERVICE ROADS are paved or unpaved roads that are used by one or more public agencies for inspection or maintenance of infrastructure and which are not typically used for construction-related activity.
- (29) SIMULTANEOUS SAMPLING means the operation of two PM<sub>10</sub> samplers in such a manner that one sampler is started within five minutes of the other, and each sampler is operated for a consecutive period which must be not less than 290 minutes and not more than 310 minutes.
- (30) SOUTH COAST AIR BASIN means the non-desert portions of Los Angeles, Riverside, and San Bernardino counties and all of Orange

County as defined in California Code of Regulations, Title 17, Section 60104. The area is bounded on the west by the Pacific Ocean, on the north and east by the San Gabriel, San Bernardino, and San Jacinto Mountains, and on the south by the San Diego county line.

- (31) **STABILIZED SURFACE** means any previously disturbed surface area or open storage 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.
  - (32) **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 broom sweeper under normal operating conditions.
  - (33) **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.
  - (34) **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.
  - (35) **VISIBLE ROADWAY DUST** means any sand, soil, dirt, or other solid particulate matter which is visible upon paved road surfaces and which can be removed by a vacuum sweeper or a broom sweeper under normal operating conditions.
  - (36) **WIND-DRIVEN FUGITIVE DUST** means visible emissions from any disturbed surface area which is generated by wind action alone.
  - (37) **WIND GUST** is the maximum instantaneous wind speed as measured by an anemometer.
- (d) **Requirements**
- (1) No person shall cause or allow the emissions of fugitive dust from any active operation, open storage pile, or disturbed surface area such that:

- (A) the dust remains visible in the atmosphere beyond the property line of the emission source; or
  - (B) the dust emission exceeds 20 percent opacity (as determined by the appropriate test method included in the Rule 403 Implementation Handbook), if the dust emission is the result of movement of a motorized vehicle.
- (2) No person shall conduct active operations without utilizing the applicable best available control measures included in Table 1 of this Rule to minimize fugitive dust emissions from each fugitive dust source type within the active operation.
- (3) No person shall cause or allow PM<sub>10</sub> levels to exceed 50 micrograms per cubic meter when determined, by simultaneous sampling, as the difference between upwind and downwind samples collected on high-volume particulate matter samplers or other U.S. EPA-approved equivalent method for PM<sub>10</sub> monitoring. If sampling is conducted, samplers shall be:
- (A) Operated, maintained, and calibrated in accordance with 40 Code of Federal Regulations (CFR), Part 50, Appendix J, or appropriate U.S. EPA-published documents for U.S. EPA-approved equivalent method(s) for PM<sub>10</sub>.
  - (B) Reasonably placed upwind and downwind of key activity areas and as close to the property line as feasible, such that other sources of fugitive dust between the sampler and the property line are minimized.
- (4) No person shall allow track-out to extend 25 feet or more in cumulative length from the point of origin from an active operation. Notwithstanding the preceding, all track-out from an active operation shall be removed at the conclusion of each workday or evening shift.
- (5) No person shall conduct an active operation with a disturbed surface area of five or more acres, or with a daily import or export of 100 cubic yards or more of bulk material without utilizing at least one of the measures listed in subparagraphs (d)(5)(A) through (d)(5)(E) at each vehicle egress from the site to a paved public road.
- (A) Install a pad consisting of washed gravel (minimum-size: one inch) maintained in a clean condition to a depth of at least six inches and extending at least 30 feet wide and at least 50 feet long.

- (B) Pave the surface extending at least 100 feet and at least 20 feet wide.
  - (C) Utilize a wheel shaker/wheel spreading device consisting of raised dividers (rails, pipe, or grates) at least 24 feet long and 10 feet wide to remove bulk material from tires and vehicle undercarriages before vehicles exit the site.
  - (D) Install and utilize a wheel washing system to remove bulk material from tires and vehicle undercarriages before vehicles exit the site.
  - (E) Any other control measures approved by the Executive Officer and the U.S. EPA as equivalent to the actions specified in subparagraphs (d)(5)(A) through (d)(5)(D).
- (6) Beginning January 1, 2006, any person who operates or authorizes the operation of a confined animal facility subject to this Rule shall implement the applicable conservation management practices specified in Table 4 of this Rule.
- (e) **Additional Requirements for Large Operations**
- (1) Any person who conducts or authorizes the conducting of a large operation subject to this Rule shall implement the applicable actions specified in Table 2 of this Rule at all times and shall implement the applicable actions specified in Table 3 of this Rule when the applicable performance standards can not be met through use of Table 2 actions; and shall:
    - (A) submit a fully executed Large Operation Notification (Form 403 N) to the Executive Officer within 7 days of qualifying as a large operation;
    - (B) include, as part of the notification, the name(s), address(es), and phone number(s) of the person(s) responsible for the submittal, and a description of the operation(s), including a map depicting the location of the site;
    - (C) maintain daily records to document the specific dust control actions taken, maintain such records for a period of not less than three years; and make such records available to the Executive Officer upon request;

- (D) install and maintain project signage with project contact signage that meets the minimum standards of the Rule 403 Implementation Handbook, prior to initiating any earthmoving activities;
  - (E) identify a dust control supervisor that:
    - (i) is employed by or contracted with the property owner or developer;
    - (ii) is on the site or available on-site within 30 minutes during working hours;
    - (iii) has the authority to expeditiously employ sufficient dust mitigation measures to ensure compliance with all Rule requirements;
    - (iv) has completed the AQMD Fugitive Dust Control Class and has been issued a valid Certificate of Completion for the class; and
  - (F) notify the Executive Officer in writing within 30 days after the site no longer qualifies as a large operation as defined by paragraph (c)(18).
- (2) Any Large Operation Notification submitted to the Executive Officer or AQMD-approved dust control plan shall be valid for a period of one year from the date of written acceptance by the Executive Officer. Any Large Operation Notification accepted pursuant to paragraph (e)(1), excluding those submitted by aggregate-related plants and cement manufacturing facilities must be resubmitted annually by the person who conducts or authorizes the conducting of a large operation, at least 30 days prior to the expiration date, or the submittal shall no longer be valid as of the expiration date. If all fugitive dust sources and corresponding control measures or special circumstances remain identical to those identified in the previously accepted submittal or in an AQMD-approved dust control plan, the resubmittal may be a simple statement of no-change (Form 403NC).
- (f) **Compliance Schedule**  
The newly amended provisions of this Rule shall become effective upon adoption. Pursuant to subdivision (e), any existing site that qualifies as a large operation will have 60 days from the date of Rule adoption to comply with the notification and recordkeeping requirements for large operations. Any Large Operation

Notification or AQMD-approved dust control plan which has been accepted prior to the date of adoption of these amendments shall remain in effect and the Large Operation Notification or AQMD-approved dust control plan annual resubmittal date shall be one year from adoption of this Rule amendment.

(g) Exemptions

(1) The provisions of this Rule shall not apply to:

- (A) Dairy farms.
- (B) Confined animal facilities provided that the combined disturbed surface area within one continuous property line is one acre or less.
- (C) Agricultural vegetative crop operations provided that the combined disturbed surface area within one continuous property line and not separated by a paved public road is 10 acres or less.
- (D) Agricultural vegetative crop operations within the South Coast Air Basin, whose combined disturbed surface area includes more than 10 acres provided that the person responsible for such operations:
  - (i) voluntarily implements the conservation management practices contained in the Rule 403 Agricultural Handbook;
  - (ii) completes and maintains the self-monitoring form documenting sufficient conservation management practices, as described in the Rule 403 Agricultural Handbook; and
  - (iii) makes the completed self-monitoring form available to the Executive Officer upon request.
- (E) Agricultural vegetative crop operations outside the South Coast Air Basin whose combined disturbed surface area includes more than 10 acres provided that the person responsible for such operations:
  - (i) voluntarily implements the conservation management practices contained in the Rule 403 Coachella Valley Agricultural Handbook; and
  - (ii) completes and maintains the self-monitoring form documenting sufficient conservation management practices, as described in the Rule 403 Coachella Valley Agricultural Handbook; and
  - (iii) makes the completed self-monitoring form available to the Executive Officer upon request.

- (F) Active operations conducted during emergency life-threatening situations, or in conjunction with any officially declared disaster or state of emergency.
  - (G) Active operations conducted by essential service utilities to provide electricity, natural gas, telephone, water and sewer during periods of service outages and emergency disruptions.
  - (H) Any contractor subsequent to the time the contract ends, provided that such contractor implemented the required control measures during the contractual period.
  - (I) Any grading contractor, for a phase of active operations, subsequent to the contractual completion of that phase of earth-moving activities, provided that the required control measures have been implemented during the entire phase of earth-moving activities, through and including five days after the final grading inspection.
  - (J) Weed abatement operations ordered by a county agricultural commissioner or any state, county, or municipal fire department, provided that:
    - (i) mowing, cutting or other similar process is used which maintains weed stubble at least three inches above the soil; and
    - (ii) any discing or similar operation which cuts into and disturbs the soil, where watering is used prior to initiation of these activities, and a determination is made by the agency issuing the weed abatement order that, due to fire hazard conditions, rocks, or other physical obstructions, it is not practical to meet the conditions specified in clause (g)(1)(H)(i). The provisions this clause shall not exempt the owner of any property from stabilizing, in accordance with paragraph (d)(2), disturbed surface areas which have been created as a result of the weed abatement actions.
  - (K) sandblasting operations.
- (2) The provisions of paragraphs (d)(1) and (d)(3) shall not apply:
- (A) When wind gusts exceed 25 miles per hour, provided that:

- (i) The required Table 3 contingency measures in this Rule are implemented for each applicable fugitive dust source type, and;
    - (ii) records are maintained in accordance with subparagraph (e)(1)(C).
  - (B) To unpaved roads, provided such roads:
    - (i) are used solely for the maintenance of wind-generating equipment; or
    - (ii) are unpaved public alleys as defined in Rule 1186; or
    - (iii) are service roads that meet all of the following criteria:
      - (a) are less than 50 feet in width at all points along the road;
      - (b) are within 25 feet of the property line; and
      - (c) have a traffic volume less than 20 vehicle-trips per day.
  - (C) To any active operation, open storage pile, or disturbed surface area for which necessary fugitive dust preventive or mitigative actions are in conflict with the federal Endangered Species Act, as determined in writing by the State or federal agency responsible for making such determinations.
- (3) The provisions of (d)(2) shall not apply to any aggregate-related plant or cement manufacturing facility that implements the applicable actions specified in Table 2 of this Rule at all times and shall implement the applicable actions specified in Table 3 of this Rule when the applicable performance standards of paragraphs (d)(1) and (d)(3) can not be met through use of Table 2 actions.
  - (4) The provisions of paragraphs (d)(1), (d)(2), and (d)(3) shall not apply to:
    - (A) Blasting operations which have been permitted by the California Division of Industrial Safety; and
    - (B) Motion picture, television, and video production activities when dust emissions are required for visual effects. In order to obtain this exemption, the Executive Officer must receive notification in writing at least 72 hours in advance of any such activity and no nuisance results from such activity.
  - (5) The provisions of paragraph (d)(3) shall not apply if the dust control actions, as specified in Table 2, are implemented on a routine basis for

each applicable fugitive dust source type. To qualify for this exemption, a person must maintain records in accordance with subparagraph (e)(1)(C).

- (6) The provisions of paragraph (d)(4) shall not apply to earth coverings of public paved roadways where such coverings are approved by a local government agency for the protection of the roadway, and where such coverings are used as roadway crossings for haul vehicles provided that such roadway is closed to through traffic and visible roadway dust is removed within one day following the cessation of activities.
- (7) The provisions of subdivision (e) shall not apply to:
  - (A) officially-designated public parks and recreational areas, including national parks, national monuments, national forests, state parks, state recreational areas, and county regional parks.
  - (B) any large operation which is required to submit a dust control plan to any city or county government which has adopted a District-approved dust control ordinance.
  - (C) any large operation subject to Rule 1158, which has an approved dust control plan pursuant to Rule 1158, provided that all sources of fugitive dust are included in the Rule 1158 plan.
- (8) The provisions of subparagraph (e)(1)(A) through (e)(1)(C) shall not apply to any large operation with an AQMD-approved fugitive dust control plan provided that there is no change to the sources and controls as identified in the AQMD-approved fugitive dust control plan.

(h) Fees

Any person conducting active operations for which the Executive Officer conducts upwind/downwind monitoring for PM<sub>10</sub> pursuant to paragraph (d)(3) shall be assessed applicable Ambient Air Analysis Fees pursuant to Rule 304.1. Applicable fees shall be waived for any facility which is exempted from paragraph (d)(3) or meets the requirements of paragraph (d)(3).

**TABLE 1  
BEST AVAILABLE CONTROL MEASURES  
(Applicable to All Construction Activity Sources)**

Source Category	Control Measure	Guidance
Backfilling	01-1 Stabilize backfill material when not actively handling; and 01-2 Stabilize backfill material during handling; and 01-3 Stabilize soil at completion of activity.	<ul style="list-style-type: none"> <li>✓ Mix backfill soil with water prior to moving</li> <li>✓ Dedicate water truck or high capacity hose to backfilling equipment</li> <li>✓ Empty loader bucket slowly so that no dust plumes are generated</li> <li>✓ Minimize drop height from loader bucket</li> </ul>
Clearing and grubbing	02-1 Maintain stability of soil through pre-watering of site prior to clearing and grubbing; and 02-2 Stabilize soil during clearing and grubbing activities; and 02-3 Stabilize soil immediately after clearing and grubbing activities.	<ul style="list-style-type: none"> <li>✓ Maintain live perennial vegetation where possible</li> <li>✓ Apply water in sufficient quantity to prevent generation of dust plumes</li> </ul>
Clearing forms	03-1 Use water spray to clear forms; or 03-2 Use sweeping and water spray to clear forms; or 03-3 Use vacuum system to clear forms.	<ul style="list-style-type: none"> <li>✓ Use of high pressure air to clear forms may cause exceedance of Rule requirements</li> </ul>
Crushing	04-1 Stabilize surface soils prior to operation of support equipment; and 04-2 Stabilize material after crushing.	<ul style="list-style-type: none"> <li>✓ Follow permit conditions for crushing equipment</li> <li>✓ Pre-water material prior to loading into crusher</li> <li>✓ Monitor crusher emissions opacity</li> <li>✓ Apply water to crushed material to prevent dust plumes</li> </ul>

**TABLE 1**  
**BEST AVAILABLE CONTROL MEASURES**  
**(Applicable to All Construction Activity Sources)**

Source Category	Control Measure	Guidance
Cut and fill	05-1 Pre-water soils prior to cut and fill activities; and 05-2 Stabilize soil during and after cut and fill activities.	<ul style="list-style-type: none"> <li>✓ For large sites, pre-water with sprinklers or water trucks and allow time for penetration</li> <li>✓ Use water trucks/pulls to water soils to depth of cut prior to subsequent cuts</li> </ul>
Demolition – mechanical/manual	06-1 Stabilize wind erodible surfaces to reduce dust; and 06-2 Stabilize surface soil where support equipment and vehicles will operate; and 06-3 Stabilize loose soil and demolition debris; and 06-4 Comply with AQMD Rule 1403.	<ul style="list-style-type: none"> <li>✓ Apply water in sufficient quantities to prevent the generation of visible dust plumes</li> </ul>
Disturbed soil	07-1 Stabilize disturbed soil throughout the construction site; and 07-2 Stabilize disturbed soil between structures	<ul style="list-style-type: none"> <li>✓ Limit vehicular traffic and disturbances on soils where possible</li> <li>✓ If interior block walls are planned, install as early as possible</li> <li>✓ Apply water or a stabilizing agent in sufficient quantities to prevent the generation of visible dust plumes</li> </ul>
Earth-moving activities	08-1 Pre-apply water to depth of proposed cuts; and 08-2 Re-apply water as necessary to maintain soils in a damp condition and to ensure that visible emissions do not exceed 100 feet in any direction; and 08-3 Stabilize soils once earth-moving activities are complete.	<ul style="list-style-type: none"> <li>✓ Grade each project phase separately, timed to coincide with construction phase</li> <li>✓ Upwind fencing can prevent material movement on site</li> <li>✓ Apply water or a stabilizing agent in sufficient quantities to prevent the generation of visible dust plumes</li> </ul>

**TABLE 1  
BEST AVAILABLE CONTROL MEASURES  
(Applicable to All Construction Activity Sources)**

Source Category	Control Measure	Guidance
Importing/exporting of bulk materials	09-1 Stabilize material while loading to reduce fugitive dust emissions; and 09-2 Maintain at least six inches of freeboard on haul vehicles; and 09-3 Stabilize material while transporting to reduce fugitive dust emissions; and 09-4 Stabilize material while unloading to reduce fugitive dust emissions; and 09-5 Comply with Vehicle Code Section 23114.	<ul style="list-style-type: none"> <li>✓ Use tarps or other suitable enclosures on haul trucks</li> <li>✓ Check belly-dump truck seals regularly and remove any trapped rocks to prevent spillage</li> <li>✓ Comply with track-out prevention/mitigation requirements</li> <li>✓ Provide water while loading and unloading to reduce visible dust plumes</li> </ul>
Landscaping	10-1 Stabilize soils, materials, slopes	<ul style="list-style-type: none"> <li>✓ Apply water to materials to stabilize</li> <li>✓ Maintain materials in a crusted condition</li> <li>✓ Maintain effective cover over materials</li> <li>✓ Stabilize sloping surfaces using soil binders until vegetation or ground cover can effectively stabilize the slopes</li> <li>✓ Hydroseed prior to rain season</li> </ul>
Road shoulder maintenance	11-1 Apply water to unpaved shoulders prior to clearing; and 11-2 Apply chemical dust suppressants and/or washed gravel to maintain a stabilized surface after completing road shoulder maintenance.	<ul style="list-style-type: none"> <li>✓ Installation of curbing and/or paving of road shoulders can reduce recurring maintenance costs</li> <li>✓ Use of chemical dust suppressants can inhibit vegetation growth and reduce future road shoulder maintenance costs</li> </ul>

**TABLE 1**  
**BEST AVAILABLE CONTROL MEASURES**  
**(Applicable to All Construction Activity Sources)**

Source Category	Control Measure	Guidance
Screening	12-1 Pre-water material prior to screening; and 12-2 Limit fugitive dust emissions to opacity and plume length standards; and 12-3 Stabilize material immediately after screening.	<ul style="list-style-type: none"> <li>✓ Dedicate water truck or high capacity hose to screening operation</li> <li>✓ Drop material through the screen slowly and minimize drop height</li> <li>✓ Install wind barrier with a porosity of no more than 50% upwind of screen to the height of the drop point</li> </ul>
Staging areas	13-1 Stabilize staging areas during use; and 13-2 Stabilize staging area soils at project completion.	<ul style="list-style-type: none"> <li>✓ Limit size of staging area</li> <li>✓ Limit vehicle speeds to 15 miles per hour</li> <li>✓ Limit number and size of staging area entrances/exits</li> </ul>
Stockpiles/ Bulk Material Handling	14-1 Stabilize stockpiled materials. 14-2 Stockpiles within 100 yards of off-site occupied buildings must not be greater than eight feet in height; or must have a road bladed to the top to allow water truck access or must have an operational water irrigation system that is capable of complete stockpile coverage.	<ul style="list-style-type: none"> <li>✓ Add or remove material from the downwind portion of the storage pile</li> <li>✓ Maintain storage piles to avoid steep sides or faces</li> </ul>

**TABLE 1  
BEST AVAILABLE CONTROL MEASURES  
(Applicable to All Construction Activity Sources)**

Source Category	Control Measure	Guidance
Traffic areas for construction activities	15-1 Stabilize all off-road traffic and parking areas; and 15-2 Stabilize all haul routes; and 15-3 Direct construction traffic over established haul routes.	<ul style="list-style-type: none"> <li>✓ Apply gravel/paving to all haul routes as soon as possible to all future roadway areas</li> <li>✓ Barriers can be used to ensure vehicles are only used on established parking areas/haul routes</li> </ul>
Trenching	16-1 Stabilize surface soils where trencher or excavator and support equipment will operate; and 16-2 Stabilize soils at the completion of trenching activities.	<ul style="list-style-type: none"> <li>✓ Pre-watering of soils prior to trenching is an effective preventive measure. For deep trenching activities, pre-trench to 18 inches soak soils via the pre-trench and resuming trenching</li> <li>✓ Washing mud and soils from equipment at the conclusion of trenching activities can prevent crusting and drying of soil on equipment</li> </ul>
Truck loading	17-1 Pre-water material prior to loading; and 17-2 Ensure that freeboard exceeds six inches (CVC 23114)	<ul style="list-style-type: none"> <li>✓ Empty loader bucket such that no visible dust plumes are created</li> <li>✓ Ensure that the loader bucket is close to the truck to minimize drop height while loading</li> </ul>
Turf Overseeding	18-1 Apply sufficient water immediately prior to conducting turf vacuuming activities to meet opacity and plume length standards; and 18-2 Cover haul vehicles prior to exiting the site.	<ul style="list-style-type: none"> <li>✓ Haul waste material immediately off-site</li> </ul>

**TABLE 1  
BEST AVAILABLE CONTROL MEASURES  
(Applicable to All Construction Activity Sources)**

Source Category	Control Measure	Guidance
Unpaved roads/parking lots	19-1 Stabilize soils to meet the applicable performance standards; and 19-2 Limit vehicular travel to established unpaved roads (haul routes) and unpaved parking lots.	✓ Restricting vehicular access to established unpaved travel paths and parking lots can reduce stabilization requirements
Vacant land	20-1 In instances where vacant lots are 0.10 acre or larger and have a cumulative area of 500 square feet or more that are driven over and/or used by motor vehicles and/or off-road vehicles, prevent motor vehicle and/or off-road vehicle trespassing, parking and/or access by installing barriers, curbs, fences, gates, posts, signs, shrubs, trees or other effective control measures.	

**Table 2**  
**DUST CONTROL MEASURES FOR LARGE OPERATIONS**

<b>FUGITIVE DUST SOURCE CATEGORY</b>	<b>CONTROL ACTIONS</b>
<b>Earth-moving (except construction cutting and filling areas, and mining operations)</b>	<p>(1a) Maintain soil moisture content at a minimum of 12 percent, as determined by ASTM method D-2216, or other equivalent method approved by the Executive Officer, the California Air Resources Board, and the U.S. EPA. Two soil moisture evaluations must be conducted during the first three hours of active operations during a calendar day, and two such evaluations each subsequent four-hour period of active operations; OR</p> <p>(1a-1) For any earth-moving which is more than 100 feet from all property lines, conduct watering as necessary to prevent visible dust emissions from exceeding 100 feet in length in any direction.</p>
<b>Earth-moving: Construction fill areas:</b>	<p>(1b) Maintain soil moisture content at a minimum of 12 percent, as determined by ASTM method D-2216, or other equivalent method approved by the Executive Officer, the California Air Resources Board, and the U.S. EPA. For areas which have an optimum moisture content for compaction of less than 12 percent, as determined by ASTM Method 1557 or other equivalent method approved by the Executive Officer and the California Air Resources Board and the U.S. EPA, complete the compaction process as expeditiously as possible after achieving at least 70 percent of the optimum soil moisture content. Two soil moisture evaluations must be conducted during the first three hours of active operations during a calendar day, and two such evaluations during each subsequent four-hour period of active operations.</p>

Table 2 (Continued)

<b>FUGITIVE DUST SOURCE CATEGORY</b>	<b>CONTROL ACTIONS</b>
<b>Earth-moving: Construction cut areas and mining operations:</b>	(1c) Conduct watering as necessary to prevent visible emissions from extending more than 100 feet beyond the active cut or mining area unless the area is inaccessible to watering vehicles due to slope conditions or other safety factors.
<b>Disturbed surface areas (except completed grading areas)</b>	(2a/b) Apply dust suppression in sufficient quantity and frequency to maintain a stabilized surface. Any areas which cannot be stabilized, as evidenced by wind driven fugitive dust must have an application of water at least twice per day to at least 80 percent of the unstabilized area.
<b>Disturbed surface areas: Completed grading areas</b>	(2c) Apply chemical stabilizers within five working days of grading completion; OR  (2d) Take actions (3a) or (3c) specified for inactive disturbed surface areas.
<b>Inactive disturbed surface areas</b>	(3a) Apply water to at least 80 percent of all inactive disturbed surface areas on a daily basis when there is evidence of wind driven fugitive dust, excluding any areas which are inaccessible to watering vehicles due to excessive slope or other safety conditions; OR  (3b) Apply dust suppressants in sufficient quantity and frequency to maintain a stabilized surface; OR  (3c) Establish a vegetative ground cover within 21 days after active operations have ceased. Ground cover must be of sufficient density to expose less than 30 percent of unstabilized ground within 90 days of planting, and at all times thereafter; OR  (3d) Utilize any combination of control actions (3a), (3b), and (3c) such that, in total, these actions apply to all inactive disturbed surface areas.

Table 2 (Continued)

<b>FUGITIVE DUST SOURCE CATEGORY</b>	<b>CONTROL ACTIONS</b>
<b>Unpaved Roads</b>	<p>(4a) Water all roads used for any vehicular traffic at least once per every two hours of active operations [3 times per normal 8 hour work day]; OR</p> <p>(4b) Water all roads used for any vehicular traffic once daily and restrict vehicle speeds to 15 miles per hour; OR</p> <p>(4c) Apply a chemical stabilizer to all unpaved road surfaces in sufficient quantity and frequency to maintain a stabilized surface.</p>
<b>Open storage piles</b>	<p>(5a) Apply chemical stabilizers; OR</p> <p>(5b) Apply water to at least 80 percent of the surface area of all open storage piles on a daily basis when there is evidence of wind driven fugitive dust; OR</p> <p>(5c) Install temporary coverings; OR</p> <p>(5d) Install a three-sided enclosure with walls with no more than 50 percent porosity which extend, at a minimum, to the top of the pile. This option may only be used at aggregate-related plants or at cement manufacturing facilities.</p>
<b>All Categories</b>	<p>(6a) Any other control measures approved by the Executive Officer and the U.S. EPA as equivalent to the methods specified in Table 2 may be used.</p>

**TABLE 3**  
**CONTINGENCY CONTROL MEASURES FOR LARGE OPERATIONS**

<b>FUGITIVE DUST SOURCE CATEGORY</b>	<b>CONTROL MEASURES</b>
<b>Earth-moving</b>	(1A) Cease all active operations; OR (2A) Apply water to soil not more than 15 minutes prior to moving such soil.
<b>Disturbed surface areas</b>	(0B) On the last day of active operations prior to a weekend, holiday, or any other period when active operations will not occur for not more than four consecutive days: apply water with a mixture of chemical stabilizer diluted to not less than 1/20 of the concentration required to maintain a stabilized surface for a period of six months; OR (1B) Apply chemical stabilizers prior to wind event; OR (2B) Apply water to all unstabilized disturbed areas 3 times per day. If there is any evidence of wind driven fugitive dust, watering frequency is increased to a minimum of four times per day; OR (3B) Take the actions specified in Table 2, Item (3c); OR (4B) Utilize any combination of control actions (1B), (2B), and (3B) such that, in total, these actions apply to all disturbed surface areas.
<b>Unpaved roads</b>	(1C) Apply chemical stabilizers prior to wind event; OR (2C) Apply water twice per hour during active operation; OR (3C) Stop all vehicular traffic.
<b>Open storage piles</b>	(1D) Apply water twice per hour; OR (2D) Install temporary coverings.
<b>Paved road track-out</b>	(1E) Cover all haul vehicles; OR (2E) Comply with the vehicle freeboard requirements of Section 23114 of the California Vehicle Code for both public and private roads.
<b>All Categories</b>	(1F) Any other control measures approved by the Executive Officer and the U.S. EPA as equivalent to the methods specified in Table 3 may be used.

**Table 4**  
**(Conservation Management Practices for Confined Animal Facilities)**

<b>SOURCE CATEGORY</b>	<b>CONSERVATION MANAGEMENT PRACTICES</b>
<b>Manure Handling</b>  <b>(Only applicable to Commercial Poultry Ranches)</b>	(1a) Cover manure prior to removing material off-site; AND (1b) Spread the manure before 11:00 AM and when wind conditions are less than 25 miles per hour; AND (1c) Utilize coning and drying manure management by removing manure at laying hen houses at least twice per year and maintain a base of no less than 6 inches of dry manure after clean out; or in lieu of complying with conservation management practice (1c), comply with conservation management practice (1d). (1d) Utilize frequent manure removal by removing the manure from laying hen houses at least every seven days and immediately thin bed dry the material.
<b>Feedstock Handling</b>	(2a) Utilize a sock or boot on the feed truck auger when filling feed storage bins.
<b>Disturbed Surfaces</b>	(3a) Maintain at least 70 percent vegetative cover on vacant portions of the facility; OR (3b) Utilize conservation tillage practices to manage the amount, orientation and distribution of crop and other plant residues on the soil surface year-round, while growing crops (if applicable) in narrow slots or tilled strips; OR (3c) Apply dust suppressants in sufficient concentrations and frequencies to maintain a stabilized surface.
<b>Unpaved Roads</b>	(4a) Restrict access to private unpaved roads either through signage or physical access restrictions and control vehicular speeds to no more than 15 miles per hour through worker notifications, signage, or any other necessary means; OR (4b) Cover frequently traveled unpaved roads with low silt content material (i.e., asphalt, concrete, recycled road base, or gravel to a minimum depth of four inches); OR (4c) Treat unpaved roads with water, mulch, chemical dust suppressants or other cover to maintain a stabilized surface.
<b>Equipment Parking Areas</b>	(5a) Apply dust suppressants in sufficient quantity and frequency to maintain a stabilized surface; OR (5b) Apply material with low silt content (i.e., asphalt, concrete, recycled road base, or gravel to a depth of four inches).

(Adopted January 15, 1993)(Amended June 16, 2000)(Amended April 2, 2004)

**RULE 403.1. SUPPLEMENTAL FUGITIVE DUST CONTROL REQUIREMENTS FOR COACHELLA VALLEY SOURCES**

- (a) Purpose  
The purpose of this rule is to reduce or prevent the amount of fine particulate matter (PM<sub>10</sub>) entrained in the ambient air from anthropogenic (man-made) fugitive dust sources.
- (b) Applicability  
The provisions of this rule are supplemental to Rule 403 requirements and shall apply only to fugitive dust sources in the Coachella Valley.
- (c) Definitions
- (1) ACTIVE OPERATIONS shall mean any source capable of generating fugitive dust, including, but not limited to, earth-moving activities, construction/demolition activities, disturbed surface areas, or agricultural operations.
  - (2) AGRICULTURAL OPERATIONS means any operation occurring on a ranch or farm directly related to the growing of crops, or raising of fowls or animals for the primary purpose of making a profit or for a livelihood.
  - (3) ANEMOMETERS are devices used to measure wind speed in accordance with the performance standards, maintenance and calibration criteria specified in the Rule 403.1 Implementation Handbook.
  - (4) BULK MATERIAL is sand, gravel, soil, aggregate material less than two inches in length or diameter and other organic and inorganic particulate matter.
  - (5) 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.

- (6) COACHELLA VALLEY means that portion of Riverside County, as defined in Rule 103, subdivision (h).
- (7) COACHELLA VALLEY BLOWSAND ZONE means the corridor of land extending two miles to either side of the centerline of the I-10 Freeway beginning at the SR-111/I-10 junction and continuing southeast to the I-10/ Jefferson Street interchange in Indio.
- (8) CONSTRUCTION/DEMOLITION ACTIVITIES means any on-site 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, crushing, cutting, planing, shaping or ground breaking.
- (9) 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 vegetative ground cover and soil characteristics are similar to adjacent or near-by natural conditions;
  - (B) been paved or otherwise covered by a permanent structure;
  - (C) sustained a vegetative ground cover of at least 70 percent of the average native cover for a particular area for at least 30 days.
- (10) DUST CONTROL SUPERVISOR means a person with the authority to expeditiously employ sufficient dust mitigation measures to ensure compliance with all Rule 403 and Rule 403.1 requirements at an active operation.
- (11) DUST SUPPRESSANTS are water, hygroscopic materials, or non-toxic chemical stabilizers used as a treatment material to reduce fugitive emissions.
- (12) EARTH-MOVING ACTIVITIES means the use of any equipment for any activity where soil is being moved or uncovered and shall include, but not be limited to the following: such operations as grading, loading or unloading of dirt or bulk materials, adding to or removing from open storage piles of bulk materials, landfill operations, weed abatement through disking, soil mulching and agricultural tilling.

- (13) 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.
- (14) FUGITIVE DUST CONTROL PLAN means a plan to control fugitive dust plan as described in subdivision (e).
- (15) ON-SITE means within the property lines of a property, or as otherwise approved by the Executive Officer.
- (16) OPEN STORAGE PILE is any accumulation of bulk material which is not fully enclosed, covered or chemically stabilized, and which attains a height of three feet or more and a total surface area of 150 or more square feet.
- (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) PM<sub>10</sub> means particulate matter with an aerodynamic diameter smaller than or equal to 10 microns as measured by the applicable state and federal reference test methods.
- (19) PROPERTY LINE means the boundaries of an area in which a person allowing the emission has the legal use or possession of the property. Where such property is divided into one or more sub-tenancies, the property line(s) shall refer to the boundaries dividing the areas of all sub-tenancies.
- (20) RULE 403.1 IMPLEMENTATION HANDBOOK means a guidance document that has been approved by the Governing Board on April 2, 2004 or hereafter approved by the Executive Officer and the U.S. EPA.
- (21) STABILIZED SURFACE means any previously disturbed surface area 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 403.1 Implementation Handbook.
- (22) UNPAVED ROADS means any unsealed or unpaved roads, equipment paths, or travel ways that are not covered by one of the following: concrete, asphaltic concrete, recycled asphalt, asphalt or other materials with equivalent performance as determined by the Executive Officer, the California Air Resources Board, and the U.S. EPA. 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.

- (23) WIND-DRIVEN FUGITIVE DUST means visible emissions from any disturbed surface area which is generated by wind action alone.
- (24) WIND GUST is the maximum instantaneous wind speed as measured by an anemometer.

(d) General Requirements

- (1) Any person who is responsible for any active operation, open storage pile, or disturbed surface area, and who seeks an exemption pursuant to Rule 403, paragraph (g)(2) shall be required to determine when wind speed conditions exceed 25 miles per hour. The wind speed determination shall be based on either District forecasts or through use of an on-site anemometer as described in subdivision (g).
- (2) Any person involved in active operations in the Coachella Valley Blowsand Zone shall stabilize new man-made deposits of bulk material within 24 hours of making such bulk material deposits. Stabilization procedures shall include one or more of the following:
  - (A) Application of water to at least 70 percent of the surface area of any bulk material deposits at least 3 times for each day that there is evidence of wind driven fugitive dust; or
  - (B) Application of chemical stabilizers in sufficient concentration so as to maintain a stabilized surface for a period of at least 6 months; or
  - (C) Installation of wind breaks of such design so as to reduce maximum wind gusts to less than 25 miles per hour in the area of the bulk material deposits.
- (3) Any person involved in active operations in the Coachella Valley Blowsand Zone shall stabilize new deposits of bulk material originating from off-site undisturbed natural desert areas within 72 hours. Stabilization procedures shall include one or more of the following:
  - (A) Application of water to at least 70 percent of the surface area of any bulk material deposits at least 3 times for each day that there is evidence of wind driven fugitive dust; or
  - (B) Application of chemical stabilizers in sufficient concentration so as to maintain a stabilized surface for a period of at least six months.

- (4) A person who conducts or authorizes the conducting of an active operation shall implement at least one of the control actions specified in Rule 403, Table 2 for the source category "Inactive Disturbed Surface Areas" to minimize wind driven fugitive dust from disturbed surface areas at such time when active operations have ceased for a period of at least 20 days.
  - (5) Any person involved in agricultural tilling or soil mulching activities shall cease such activities when wind speeds exceed 25 miles per hour. The wind speed determination shall be based on either District forecasts or through use of an on-site anemometer as described in subdivision (g).
- (e) Fugitive Dust Control Plan and Other Requirements for Construction Projects/Earth-Moving Activities
- (1) Any person who conducts or authorizes the conducting of an active operation with a disturbed surface area of more than 5,000 square feet shall not initiate any earth-moving activities unless a fugitive dust control plan is prepared and approved by the Executive Officer in accordance with the requirements of subdivision (f) and the Rule 403.1 Implementation Handbook. These provisions shall not apply to active operations exempted by paragraph (i)(4).
  - (2) Any operator required to submit a fugitive dust control plan under paragraph (e)(1) shall maintain a complete copy of the approved fugitive dust control plan on site in a conspicuous place at all times and the fugitive dust control plan must be provided upon request.
  - (3) Any operator required to submit a fugitive dust control plan under paragraph (e)(1) shall install and maintain signage with project contact information that meets the minimum standards of the Rule 403.1 Implementation Handbook prior to initiating any type of earth-moving activities.
  - (4) Any operator required to submit a fugitive dust control plan under paragraph (e)(1) for a project with a disturbed surface area of 50 or more acres shall have an Dust Control Supervisor that:
    - (A) is employed by or contracted with the property owner or developer; and
    - (B) is on-site or is available to be on-site within 30 minutes of initial contact; and

- (C) has the authority to expeditiously employ sufficient dust mitigation measures to ensure compliance with all Rule 403 and 403.1 requirements; and
  - (D) has completed the AQMD Coachella Valley Fugitive Dust Control Class and has been issued a valid Certificate of Completion for the class.
- (5) Failure to comply with any of the provisions of an approved fugitive dust control plan shall be a violation of this rule.
- (f) Fugitive Dust Control Plan Preparation, Submittal, and Approval Requirements
- (1) A fugitive dust control plan prepared pursuant to paragraph (e)(1) must include the following information in a 8 ½ by 11 inch format:
    - (A) the name(s), address(es), and phone number(s) of the person(s) responsible for the preparation, submittal, and implementation of the fugitive dust control plan; and
    - (B) a description of the operation(s), including a map depicting the location of the site; and
    - (C) a listing of all sources of fugitive dust emissions within the property lines; and
    - (D) a description of the control measures as identified by the Rule 403.1 Implementation Handbook as applied to each of the sources identified in the fugitive dust control plan. The description of the control measures must be sufficiently detailed to demonstrate that the applicable best available control measures will be utilized and/or installed during all periods of active operations; and
    - (E) a description of the required contingency control measures (e.g., increased watering) for immediate implementation upon notice of visible dust crossing any property line.
  - (2) In the event that there are special technical (e.g., non-economic) circumstances, including safety, which prevent the use of at least one of the control measures as identified by the Rule 403.1 Implementation Handbook for any of the sources identified in the fugitive dust control plan, a justification statement must be provided in lieu of the description. The justification statement must explain the reason(s) why the required control measures cannot be implemented.
  - (3) Within 30 calendar days of the receipt of a fugitive dust control plan submitted pursuant to paragraph (e)(1), the Executive Officer will either

approve or apply any necessary conditions to the fugitive dust control plan in writing. For a fugitive dust control plan to be approved, the requirements of paragraph (f)(1) must be satisfied.

- (4) The Executive Officer will apply conditions if the stated fugitive dust control plan measures do not satisfactorily conform to the best available control measures and guidance contained in the Rule 403.1 Implementation Handbook. The conditions necessary to modify the fugitive dust control plan will be provided in writing to the person(s) identified in subparagraph (f)(1)(A). A letter to the Executive Officer stating that such modifications will be incorporated into the fugitive dust control plan shall be deemed sufficient to result in approval of the fugitive dust control plan.
- (5) Any fugitive dust control plan approved by the Executive Officer shall be valid for a period of one year from the date of approval. Any approved fugitive dust control plan must be resubmitted annually, at least 30 days prior to the expiration date, or the fugitive dust control plan shall expire as of the expiration date. If all fugitive dust sources and corresponding control measures or special circumstances remain identical to those identified in the previously approved fugitive dust control plan, the submittal may contain a simple statement of no-change (Form 403NC). Otherwise, a resubmittal must contain all the items specified in subparagraphs (f)(1)(A) through (f)(1)(E).

(g) **Wind Monitoring Implementation Requirements**

- (1) The determination of wind speed conditions in excess of 25 miles per hour, as specified in paragraphs (d)(1) and (d)(5), shall be based on the following criteria:
  - (A) For facilities with an on-site anemometer:
    - (i) When the on-site anemometer registers at least two wind gusts in excess of 25 miles per hour within a consecutive 30-minute period. Wind speeds shall be deemed to be below 25 miles per hour if there is no recurring wind gust in excess of 25 miles per hour within a consecutive 30-minute period; or
  - (B) For facilities without an on-site anemometer:

- (i) When wind speeds in excess of 25 miles per hour are forecast to occur in the Coachella Valley for that day. This condition shall apply to the full calendar day for which the forecast is valid. (The Executive Officer shall determine meteorological conditions which will cause wind speeds in excess of 25 miles per hour, and shall issue daily forecasts of expected wind conditions. Such forecasts shall be available to the public); or
  - (ii) When wind speeds in excess of 25 miles per hour are not forecast to occur by the District, and fugitive dust emissions are visible for a distance of at least 100 feet from the origin of such emissions, and there is visible evidence of wind driven fugitive dust.
- (2) Any person who elects to install an on-site anemometer shall:
  - (A) Notify the Executive Officer no more than 10 days after installing such equipment. The notification shall contain, at a minimum, the person's name, address, telephone number, description of the operation(s), and first day of operation, as specified in the District's Rule 403.1 Implementation Handbook.
  - (B) Be subject to the provisions of subparagraph (g)(1)(B) for wind speed determinations if equipment outages, malfunctions, or invalid data exceed one hour during active operations on a calendar day.
- (h) Recordkeeping
  - (1) A person subject to the provisions of this rule shall compile written daily records to document the specific actions taken to comply with this Rule. Such records shall be retained for not less than three years and shall be made available to the Executive Officer upon request.
  - (2) In addition to the provisions of paragraph (h)(1), any person who elects to install an on-site anemometer shall also compile written records. Such records shall contain:
    - (A) Location, vendor, model, and serial number of the anemometer;
    - (B) The time of occurrence of any wind gust in excess of 25 miles per hour during hours of active operations;

- (C) The actions taken to comply with the provisions of paragraphs (d)(5) and (i)(3), as applicable.
- (i) Exemptions
- (1) The provisions of this rule shall not apply to ceased or inactive mining operations subject to the requirements of the Surface Mining and Recovery Act (SMARA) of 1975, provided that the provisions of the SMARA Reclamation Plan are implemented by the owner and are at least as stringent as those contained in this rule;
  - (2) The provisions of paragraphs (d)(2), (d)(3), and (d)(4) shall not apply to:
    - (A) Any active operation, open storage pile, or disturbed surface area for which necessary fugitive dust preventive or mitigative actions are in conflict with the Endangered Species Act as determined in writing by the State or federal agency responsible for making such determinations;
    - (B) Any disturbed surface areas or bulk material deposits with a surface area less than 2,500 square feet;
    - (C) Non-routine or emergency maintenance of flood control channels and water spreading basins.
  - (3) The provisions of paragraph (d)(5) shall not apply to agricultural tilling activities or soil mulching activities under the following conditions:
    - (A) If the prohibitory requirements of this Rule have occurred during six or more hours of active operations on each of two previous consecutive days, then a one-day exemption will be allowed. (These activities would again be subject to the prohibitory requirements of this Rule following this one day exemption.)
    - (B) If the prohibitory requirements of this Rule have occurred during sixty or more cumulative hours of active operations within a calendar month, then an exemption will be allowed for the remainder of the calendar month. (These activities would again be subject to the prohibitory requirements of this Rule at the start of the following month.)
    - (C) During periods of precipitation.

- (4) The provisions of paragraph (e)(1) shall not apply to any active operation which is required to submit a dust control plan to any city or county government that has adopted a District-approved dust control ordinance.
  
- (j) Fees
  - (1) Any person subject to a fugitive dust control plan submittal pursuant to paragraph (e)(1) shall be assessed applicable filing and evaluation fees pursuant to Rule 306.
  - (2) The submittal of an annual statement of no-change, pursuant to paragraph (f)(5), shall not be considered as an annual review, and therefore shall not be subject to annual review fees, pursuant to Rule 306.

Appendix B  
Example Recordkeeping Forms

---

## **RECORDKEEPING FORMS**

- **Summary of Dust Control Ordinance Requirements**
- **Sample Recordkeeping Forms for Routine Construction Activities**
- **Chemical Dust Suppressant Recordkeeping Form**

## **RECORDKEEPING FORMS**

### **Summary of Dust Control Ordinance Requirements**

Under dust control ordinance requirements, construction activities are required to maintain daily self-inspection records and this information must be retained for at least three years after project completion.

Additionally, any activity that utilizes chemical dust suppressants for dust control is required to maintain records indicating type of product applied, vendor name, and the method, frequency, concentration, and quantity of application.

All recordkeeping information must be made available to the local permitting authority and the AQMD immediately upon request. A copy of the recordkeeping must also be retained on-site.

The following forms have been prepared to assist in complying with these requirements.

### Daily Self-Inspection Recordkeeping Form - AM HOURS

Elements Monitored	12am	1am	2am	3am	4am	5am	6am	7am	8am	9am	10am	11am	Comments
Forecasted high winds													
Wind speed													
Wind direction													
# Water trucks operating													
# Water trucks available													
Roads moist/watered													
Unstabilized areas moist/watered													
Dry areas observed													
Irrigation working													
Water tanks filled													
Water pumps working													
Chemical stabilization used													
Track-out observed													
Blow sand observed on-site													
Blowing dust observed on-site													
Blowing dust observed off-site													
Wind/snow fencing maintained													
# Complaints received													
Corrective action taken													

N= No or none    Y = Yes

N/A = Not applicable

Name:

Title:

Date:

**Daily Self-Inspection Recordkeeping Form - PM HOURS**

Elements Monitored	12pm	1pm	2pm	3pm	4pm	5pm	6pm	7pm	8pm	9pm	10pm	11pm	Comments
Forecasted high winds													
Wind speed													
Wind direction													
# Water trucks operating													
# Water trucks available													
Roads moist/watered													
Unstabilized areas moist/watered													
Dry areas observed													
Irrigation working													
Water tanks filled													
Water pumps working													
Chemical stabilization used													
Track-out observed													
Blow sand observed on-site													
Blowing dust observed on-site													
Blowing dust observed off-site													
Wind/snow fencing maintained													
# Complaints received													
Corrective action taken													

N= No or none Y = Yes N/A = Not applicable

Name:	Title:	Date:
-------	--------	-------

## Chemical Dust Suppressant Recordkeeping Form

(Form CDS)

The dust control ordinance requires activities that utilize chemical dust suppressants must retain records indicating the type of product applied, vendor name, and the method, frequency, concentration, quantity and date of application. A copy of invoices for chemical dust suppressant products or application services is also required. These records must be retained for at least three years after project completion.

PROJECT INFORMATION	PLEASE ENTER INFORMATION BELOW
<b>PLAN/PERMIT NUMBER</b> <i>(IF APPLICABLE)</i>	
<b>PROPERTY OWNER NAME/PHONE</b>	
<b>CONSTRUCTION PROJECT NAME</b>	
<b>PROJECT ADDRESS/LOCATION</b>	
<b>DUST SUPPRESSANT PRODUCT INFORMATION</b>	
<b>DATE/TIME OF APPLICATION</b>	
<b>NAME OF PRODUCT</b>	
<b>DILUTION RATE</b>	
<b>APPLICATION RATE</b>	
<b>ACREAGE/SQUARE FOOTAGE TREATED</b>	
<b>TRAFFIC OR NON-TRAFFIC AREA</b>	
<b>DUST SUPPRESSANT APPLICATOR INFORMATION</b>	
<b>APPLICATOR NAME</b>	
<b>CONTACT</b>	
<b>PHONE</b>	
<b>WARRANTEE TERMS</b> <i>(IF APPLICABLE)</i>	

\_\_\_\_\_  
SIGNATURE OF FORM PREPARER:

\_\_\_\_\_  
TITLE:

\_\_\_\_\_  
DATE: