

CALIFORNIA AIR RESOURCES BOARD

SIP COMPLETENESS CHECKLIST
(Electronic Format)

***** TO BE COMPLETED BY DISTRICT AND RETURNED TO ARB *****

All rules submitted to the EPA as State Implementation Plan (SIP) revisions must be supported by certain information and documentation for the rule packages to be deemed complete for review by the EPA. Rules will not be evaluated for approvability by the EPA unless the submittal packages are complete. To assist you in determining that all necessary materials are included in rules packages sent to the ARB for submittal to the EPA, please fill out the following form and include it with the rule package you send ARB. See the ARB's Guidelines on the Implementation of the 40 CFR 51, Appendix V, for a more detailed explanation than is provided here. Adopted rules and rule amendments should be checked against U.S. EPA's Guidance Document for Correcting Common VOC & Other Rule Deficiencies (Little Blue Book, August 21, 2001) to ensure that they contain no elements which will result in disapproval by EPA.

District: South Coast A.Q.M.D.

Rule No: Amended Rule 403

Rule Title: Fugitive Dust

Date Adopted or Amended: Amended June 3, 2005

ADMINISTRATIVE MATERIALS

Note: All documents should be in electronic format. Items that have signatures, initials, or stamps may be scanned.

<u>Attached</u>	<u>Not Attached</u>	<u>N/A</u>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>COMPLETE COPY OF THE RULE:</u> Provide an unmarked copy of the entire rule as adopted or amended by your District Board.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>UNDERLINE AND STRIKEOUT COPY OF THE RULE:</u> If an amended rule, provide a complete copy of the rule indicating in underline and strikeout format all language which has been added, deleted, or changed since the rule was last adopted or amended.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>COMPLETE COPY OF THE REFERENCED RULE(S):</u> For any rule which includes language specifically referencing another rule, a copy of that other rule must also be submitted, unless it has already been submitted to EPA as part of a previous SIP submittal.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>PUBLIC NOTICE EVIDENCE:</u> Include a copy of the local newspaper clipping certification(s), stating the date of publication, which must be at least 30 days before the hearing. As an alternative, include a copy of the actual published notice of the public hearing as it appeared in the local newspaper(s). In this case, however, enough of the newspaper page must be included to show the date of publication. The notice must specifically identify by title and number each rule adopted or amended.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>RESOLUTION/MINUTE ORDER:</u> Provide the Board Clerk certified resolution or minute order. This document must include certification that the hearing was held in accordance with the information in the public notice. It must also list the rules that were adopted or amended, the date of the public hearing, and a statement of compliance with California Health and Safety Code Sections 40725-40728 (Administrative Procedures Act).
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>PUBLIC COMMENTS AND RESPONSES:</u> Submit copies of written public comments made during the notice period and at the public hearing. Also submit any written responses prepared by the District staff or presented to the District Board at the public hearing. A summary of the public comments and responses is adequate. If there were no comments made during the notice period or at the hearing, please indicate N/A to the left.

CALIFORNIA AIR RESOURCES BOARD

SIP COMPLETENESS CHECKLIST
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TECHNICAL MATERIALS

Note: All documents and forms should be in electronic format.

<u>Attached</u>	<u>Not Attached</u>	<u>N/A</u>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>RULE EVALUATION FORM:</u> See instructions for completing the Rule Evaluation Form and the accompanying sample form.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>NON-EPA TEST METHODS:</u> Attach all test methods that are referenced in your rule that do not appear in 40 CFR 51, 60, 61, 63, or have not been previously submitted to EPA. EPA methods used in other media such as SW846 for solid waste are not automatically approved for air pollution applications. Submittal of test methods that are not EPA-approved should include the information and follow the procedure described in Region 9's "Test Method Review & Evaluation Process."
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>MODELING SUPPORT:</u> Provide if appropriate. In general, modeling support is not required for VOC and NOx rules to determine their impacts on ozone levels. Modeling is required where a rule is a relaxation that affects large sources (≥ 100 TPY) in an attainment area for SO ₂ , directly emitted PM ₁₀ , CO, or NO _x (for NO ₂ purposes). In cases where EPA is concerned with the impact on air quality of rule revisions which relax limits or cause a shift in emission patterns in a nonattainment area, a reference back to the approved SIP will be sufficient provided the approved SIP accounts for the relaxation and provided the approved SIP used the current EPA modeling guidelines. If current EPA modeling guidelines were not used, then new modeling may be required.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>ECONOMIC AND TECHNICAL JUSTIFICATION FOR DEVIATIONS FROM EPA POLICIES:</u> The District staff report or other information included with the submittal should discuss all potential relaxations or deviations from RACT, RACM, BACT, BACM, enforceability, attainment, RFP, or other relevant EPA requirements. This includes, for example, demonstrating that exemptions or emission limits less stringent than the presumptive RACT (e.g., a CTG) meet EPA's 5 percent policy, and demonstrating that all source categories exempted from a RACM/BACM rule are de minimus according to EPA's RACM/BACM policy.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>ADDITIONAL MATERIALS:</u> Provide District staff reports and any other supporting information concerning development of the rule or rule changes. This information should explain the basis for all limits and thresholds contained in the rule.

APCD/AQMD RULE EVALUATION FORM – Page 1
(Electronic Format)**I. GENERAL INFORMATION**District: South Coast A.Q.M.DRule No(s): 403 Date adopted/Amended/Rescinded: Amended, June 3, 2005Rule Title(s): Fugitive DustDate Submitted to ARB: July, 2005If an Amended Rule, Date Last Amended (or Adopted): April 2, 2004Is the Rule Intended to be Sent to the U.S. EPA as a SIP Revision? Yes No (If No, do not complete remainder of form)District Contact: Tracy Goss Phone Number: (909) 396-3106 E-mail Address: tgoss@aqmd.govNarrative Summary of New Rule or Rule Changes: New Rule Amended Rule

Amendments to Rule 403 removed the existing exemption for agricultural operations directly related to the raising of fowl and other confined animals and required implementation of Best Available Control Measures (BACM) to control fugitive dust and the corresponding PM10 emissions. BACM for confined animal facilities are identified in Table 4 of the rule. Under the amendments, these provisions become effective January 1, 2006 to comply with SB700 provisions.

Pollutant(s) Regulated by the Rule (Check): ROG (NOx) SO2
 (CO) PM TAC (name): _____**II. EFFECT ON EMISSIONS**

Complete this section ONLY for rules that, when implemented, will result in quantifiable changes in emissions. Attach reference(s) for emission factor(s) and other information. Attach calculation sheet showing how the emission information provided below was determined.

Net Effect on Emissions: Increase* Decrease** N/AEmission Reduction Commitment in SIP for this Source Category: N/A. 2003 AQMP Control Measure BCM-07 did not specify emission reductions.Inventory Year Used to Calculate Changes in Emissions: 2005 Area Affected: South Coast A.Q.M.D.Future Year Control Profile Estimate (Provide information on as many years as possible):
(See discussion under Revised Emission Reduction Estimate)

APCD/AQMD RULE EVALUATION FORM - Page 2
(Electronic Format)

Baseline Inventory in the SIP for the Control Measure: Baseline emissions inventory in 2003 AQMP Control Measure BCM-07 not specified.

Emissions Reduction Commitment in the SIP for the Control Measure: N/A. 2003 AQMP Control Measure BCM-07 did not specify emission reductions. Rule changes were required by SB 700.

Revised Baseline Inventory (if any): (See discussion under Revised Emission Reduction Estimate)

Revised Emission Reduction Estimate (if developed): PM10 emissions from the confined animal facilities that are subject to the Rule 403 amendments are not an inventoried source category. Based on the assumptions highlighted in the draft Staff Report, PM10 emissions from confined animal facilities were estimated at approximately 0.26 ton per day. Because the amended Rule 403 control actions represent a menu approach, confined animal facilities will implement a combination of practices to comply with the rule. It is estimated that confined animal facilities will implement access restriction/speed control, gravel, vegetation establishment, and chemical stabilizer application to meet the rule requirements. Control efficiencies for these actions range from 30 to 90 percent. A mid-range control efficiency of 50 percent was applied to the uncontrolled baseline inventory to estimate the PM10 emission reductions associated with the amendments to Rule 403 at approximately 0.13 ton per day in 2006 and 2010.

Note that the district's input to the Rule Evaluation Form will not be used as input to the ARB's emission forecasting and planning.

III. SOURCES/ATTAINMENT STATUS

District is: Attainment Nonattainment Split

Approximate Total Number of Small (<100 TPY) Sources Affected by this Amendment: Unknown as these sources are not permitted

Percent in Nonattainment Area: 100%

Number of Large (\geq 100 TPY) Sources Controlled: Unknown as these sources are not permitted Percent in Nonattainment Area: 100%

Name(s) and Location(s) (city and county) of Large (\geq 100 TPY) Sources Controlled by Rule *(Attach additional sheets as necessary):* Unknown as these sources are not permitted

IV. EMISSION REDUCTION TECHNOLOGY

Does the Rule Include Emission Limits that are Continuous? Yes No

If Yes, Those Limits are in Section(s) _____ of the Rule.

Other Methods in the Rule for Achieving Emission Reductions are: Table 4 conservation management practices

V. OTHER REQUIREMENTS

The Rule Contains:

Emission Limits in Section(s): N/A Work Practice Standards in Section(s): paragraph (d)(6) requires implementation of Table 4 conservation management practices

Recordkeeping Requirements in Section(s): N/A Reporting Requirements in Section(s): N/A

APCD/AQMD RULE EVALUATION FORM - Page 3
(Electronic Format)

VI. IMPACT ON AIR QUALITY PLAN

No Impact Impacts RFP Impacts attainment

Discussion: (See discussion under the heading, Revised Emission Reduction Estimate)

ATTACHMENT E

RESOLUTION NO. 05-21

A Resolution of the Governing Board of the South Coast Air Quality Management District (AQMD) certifying the Final Environmental Assessment for Proposed Amended Rule 403 – Fugitive Dust.

A Resolution of the AQMD Governing Board adopting Proposed Amended Rule 403 – Fugitive Dust.

WHEREAS, the South Coast AQMD Board has determined with certainty that Proposed Amended Rule 403 – Fugitive Dust is considered a “project” pursuant to the California Environmental Quality Act (CEQA); and

WHEREAS, the AQMD has had its regulatory program certified pursuant to Public Resources Code Section 21080.5 and has conducted CEQA review pursuant to such program (AQMD Rule 110); and

WHEREAS, the AQMD staff has prepared a Draft Environmental Assessment (EA) pursuant to its certified regulatory program and state CEQA Guidelines Section 15252, setting forth the potential environmental consequences of Proposed Amended Rule 403 – Fugitive Dust; and

WHEREAS, the Draft EA was circulated for public review, comments received were responded to, and a Final EA has been prepared; and

WHEREAS, it is necessary that the adequacy of the Final EA, including the response to comments, be determined by the Governing Board prior to its certification; and

WHEREAS, the South Coast AQMD Board voting on Proposed Amended Rule 403 – Fugitive Dust has reviewed and considered the Final EA including responses to comments; and

WHEREAS, the AQMD is not required to prepare a Statement of Findings, a Statement of Overriding Considerations, or a Mitigation Monitoring Plan because the proposed project is not expected to generate significant adverse environmental impacts; and

WHEREAS, the South Coast AQMD Board has determined that a need exists to amend Rule 403 – Fugitive Dust to comply with SB 700 and federal mandates and to resolve an implementation issue; and

WHEREAS, the South Coast AQMD Board obtains its authority to adopt, amend, or repeal rules and regulations from Sections 39002, 40000, 40001, 40412, 40440, 40441, 40702, 40725 through 40728, and 41700 of the California Health and Safety Code; and

WHEREAS, the South Coast AQMD Board has determined that Rule 403 – Fugitive Dust as proposed to be amended is written or displayed so that its meaning can be easily understood by the persons directly affected by it; and

WHEREAS, the South Coast AQMD Board has determined that Rule 403 – Fugitive Dust as proposed to be amended is in harmony with, and not in conflict with or contradictory to, existing statutes, court decisions, federal or state regulations; and

WHEREAS, the South Coast AQMD Board has determined that Rule 403 – Fugitive Dust as proposed to be amended does not impose the same requirements as any existing State

or federal regulations and the proposed rule is necessary and proper to execute the powers and duties granted to, and imposed upon, the AQMD; and

WHEREAS, the South Coast AQMD Board in adopting this regulation, references the following statutes which the AQMD hereby implements, interprets or makes specific: California Health and Safety Code Sections 40001 (rules to achieve ambient air quality standards); and 40724 (BACM for agricultural sources);

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

WHEREAS, the South Coast AQMD Board has held a public hearing in accordance with all provisions of law; and

WHEREAS, the South Coast AQMD Board has determined that there is a problem that Rule 403 – Fugitive Dust as proposed to be amended will help alleviate (i.e., attainment of State and federal ambient air quality standards); and

WHEREAS, the South Coast AQMD Board has determined that the Socioeconomic Impact Assessment for Rule 403 – Fugitive Dust as proposed to be amended is consistent with the March 17, 1989 and October 14, 1994 Board Socioeconomic Resolution for rule adoption; and

WHEREAS, the South Coast AQMD Board has determined that the Socioeconomic Impact Assessment is consistent with the provisions of Health and Safety Code Sections 40440.5, 40440.8, 40728.5, and 40920.6; and

WHEREAS, the South Coast AQMD Board has determined that Rule 403 – Fugitive Dust as proposed to be amended is considered cost-effective with a cost-effectiveness figure as described in the Staff Report; and

WHEREAS, the South Coast AQMD Board has actively considered the Socioeconomic Assessment and has made a good faith effort to minimize such impacts; and

WHEREAS, the Governing Board finds and determines, taking into consideration the factors in Section (d)(4)(D) of the Governing Board Procedures, that the modifications adopted which have been made to Rule 403 – Fugitive Dust since notice of public hearing do not significantly change the meaning of the proposed amended rule within the meaning of Health and Safety Code Section 40726 and would not constitute significant new information pursuant to CEQA Guidelines Section 15088.4; and

WHEREAS, the AQMD specifies the Director of Area Sources of Planning, Rule Development and Area Sources of Proposed Amended Rule 403 – Fugitive Dust as the custodian of the documents or other materials which constitute the record of proceedings upon which the adoption of this proposed amendment is based, which are located at the South Coast Air Quality Management District, 21865 Copley Drive, Diamond Bar, California.

NOW, THEREFORE, BE IT RESOLVED that the Governing Board of the South Coast AQMD hereby certifies, pursuant to the authority granted by law, the Final EA for Proposed Amended Rule 403 – Fugitive Dust, and approves the responses to comments.

BE IT FURTHER RESOLVED that the Governing Board of the South Coast AQMD does hereby approve the Socioeconomic Assessment contained in the Final Staff Report.

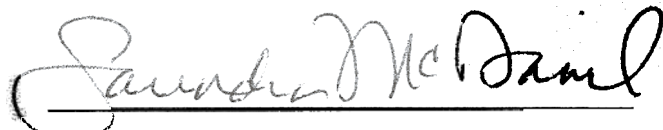
BE IT FURTHER RESOLVED that the Governing Board of the South Coast AQMD does hereby amend, pursuant to the authority granted by law, Rule 403 – Fugitive Dust, as set forth in the attached, and incorporated herein by this reference.

AYES: Antonovich, Burke, Carney, LaPisto-Kirtley, Perry, Pulido, Verdugo-Peralta, and Wilson.

NOES None.

ABSENT: Loveridge, Ovitt, Silva, and Yates.

DATE: 6-3-05


Saundra McDaniel
Saundra McDaniel, Clerk of the Board

(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 9) 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 40) 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~~ 11) 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~~ 12) DUST SUPPRESSANTS are water, hygroscopic materials, or non-toxic chemical stabilizers used as a treatment material to reduce fugitive dust emissions.
- (~~16~~ 13) 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~~ 14) 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~~ 15) 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~~ 16) HIGH WIND CONDITIONS means that instantaneous wind speeds exceed 25 miles per hour.
- (~~20~~ 17) 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~~ 18) 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~~ 19) 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~~ 20) PARTICULATE MATTER means any material, except uncombined water, which exists in a finely divided form as a liquid or solid at standard conditions.
- (~~24~~ 21) 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~~ 22) PM₁₀ 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~~ 23) 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~~ 24) 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~~ 25) 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~~ 26) SIMULTANEOUS SAMPLING means the operation of two PM₁₀ 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~~ 27) 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~~ ~~28~~) **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~~ ~~29~~) **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~~ ~~30~~) **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~~ ~~31~~) **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~~ ~~32~~) **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~~ ~~33~~) **WIND-DRIVEN FUGITIVE DUST** means visible emissions from any disturbed surface area which is generated by wind action alone.

(~~37~~ ~~34~~) **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 PM₁₀ 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 PM₁₀ 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 PM₁₀.
 - (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) ~~After January 1, 2005, n~~ 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) ~~after January 1, 2005,~~ 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) ~~after January 1, 2005~~, 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 A) ~~Agricultural vegetative crop operations directly related to the raising of fowls or animals and agricultural 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 B) 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 C) Agricultural vegetative crop operations outside the South Coast Air Basin, ~~until January 1, 2005,~~ 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 D~~) Active operations conducted during emergency life-threatening situations, or in conjunction with any officially declared disaster or state of emergency.
 - (~~G E~~) 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 F~~) Any contractor subsequent to the time the contract ends, provided that such contractor implemented the required control measures during the contractual period.
 - (~~I G~~) 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 H~~) 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 I~~) 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 PM₁₀ 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"> ✓ Mix backfill soil with water prior to moving ✓ Dedicate water truck or high capacity hose to backfilling equipment ✓ Empty loader bucket slowly so that no dust plumes are generated ✓ Minimize drop height from loader bucket
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"> ✓ Maintain live perennial vegetation where possible ✓ Apply water in sufficient quantity to prevent generation of dust plumes
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"> ✓ Use of high pressure air to clear forms may cause exceedance of Rule requirements
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"> ✓ Follow permit conditions for crushing equipment ✓ Pre-water material prior to loading into crusher ✓ Monitor crusher emissions opacity ✓ Apply water to crushed material to prevent dust plumes

**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"> ✓ For large sites, pre-water with sprinklers or water trucks and allow time for penetration ✓ Use water trucks/pulls to water soils to depth of cut prior to subsequent cuts
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"> ✓ Apply water in sufficient quantities to prevent the generation of visible dust plumes
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"> ✓ Limit vehicular traffic and disturbances on soils where possible ✓ If interior block walls are planned, install as early as possible ✓ Apply water or a stabilizing agent in sufficient quantities to prevent the generation of visible dust plumes
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"> ✓ Grade each project phase separately, timed to coincide with construction phase ✓ Upwind fencing can prevent material movement on site ✓ Apply water or a stabilizing agent in sufficient quantities to prevent the generation of visible dust plumes

**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"> ✓ Use tarps or other suitable enclosures on haul trucks ✓ Check belly-dump truck seals regularly and remove any trapped rocks to prevent spillage ✓ Comply with track-out prevention/mitigation requirements ✓ Provide water while loading and unloading to reduce visible dust plumes
Landscaping	10-1 Stabilize soils, materials, slopes	<ul style="list-style-type: none"> ✓ Apply water to materials to stabilize ✓ Maintain materials in a crusted condition ✓ Maintain effective cover over materials ✓ Stabilize sloping surfaces using soil binders until vegetation or ground cover can effectively stabilize the slopes ✓ Hydroseed prior to rain season
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"> ✓ Installation of curbing and/or paving of road shoulders can reduce recurring maintenance costs ✓ Use of chemical dust suppressants can inhibit vegetation growth and reduce future road shoulder maintenance costs

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"> ✓ Dedicate water truck or high capacity hose to screening operation ✓ Drop material through the screen slowly and minimize drop height ✓ Install wind barrier with a porosity of no more than 50% upwind of screen to the height of the drop point
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"> ✓ Limit size of staging area ✓ Limit vehicle speeds to 15 miles per hour ✓ Limit number and size of staging area entrances/exits
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"> ✓ Add or remove material from the downwind portion of the storage pile ✓ Maintain storage piles to avoid steep sides or faces

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"> ✓ Apply gravel/paving to all haul routes as soon as possible to all future roadway areas ✓ Barriers can be used to ensure vehicles are only used on established parking areas/haul routes
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"> ✓ 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 ✓ Washing mud and soils from equipment at the conclusion of trenching activities can prevent crusting and drying of soil on equipment
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"> ✓ Empty loader bucket such that no visible dust plumes are created ✓ Ensure that the loader bucket is close to the truck to minimize drop height while loading
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"> ✓ Haul waste material immediately off-site

**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

FUGITIVE DUST SOURCE CATEGORY	CONTROL ACTIONS
Earth-moving (except construction cutting and filling areas, and mining operations)	<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>
Earth-moving: Construction fill areas:	<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)

FUGITIVE DUST SOURCE CATEGORY	CONTROL ACTIONS
Earth-moving: Construction cut areas and mining operations:	(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.
Disturbed surface areas (except completed grading areas)	(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.
Disturbed surface areas: Completed grading areas	(2c) Apply chemical stabilizers within five working days of grading completion; OR (2d) Take actions (3a) or (3c) specified for inactive disturbed surface areas.
Inactive disturbed surface areas	(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)

FUGITIVE DUST SOURCE CATEGORY	CONTROL ACTIONS
Unpaved Roads	<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>
Open storage piles	<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>
All Categories	<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**

FUGITIVE DUST SOURCE CATEGORY	CONTROL MEASURES
Earth-moving	(1A) Cease all active operations; OR (2A) Apply water to soil not more than 15 minutes prior to moving such soil.
Disturbed surface areas	(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.
Unpaved roads	(1C) Apply chemical stabilizers prior to wind event; OR (2C) Apply water twice per hour during active operation; OR (3C) Stop all vehicular traffic.
Open storage piles	(1D) Apply water twice per hour; OR (2D) Install temporary coverings.
Paved road track-out	(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.
All Categories	(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)

<u>SOURCE CATEGORY</u>	<u>CONSERVATION MANAGEMENT PRACTICES</u>
<u>Manure Handling</u> <u>(Only applicable to Commercial Poultry Ranches)</u>	(1a) <u>Cover manure prior to removing material off-site; AND</u> (1b) <u>Spread the manure before 11:00 AM and when wind conditions are less than 25 miles per hour; AND</u> (1c) <u>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).</u> (1d) <u>Utilize frequent manure removal by removing the manure from laying hen houses at least every seven days and immediately thin bed dry the material.</u>
<u>Feedstock Handling</u>	(2a) <u>Utilize a sock or boot on the feed truck auger when filling feed storage bins.</u>
<u>Disturbed Surfaces</u>	(3a) <u>Maintain at least 70 percent vegetative cover on vacant portions of the facility; OR</u> (3b) <u>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</u> (3c) <u>Apply dust suppressants in sufficient concentrations and frequencies to maintain a stabilized surface.</u>
<u>Unpaved Roads</u>	(4a) <u>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</u> (4b) <u>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</u> (4c) <u>Treat unpaved roads with water, mulch, chemical dust suppressants or other cover to maintain a stabilized surface.</u>
<u>Equipment Parking Areas</u>	(5a) <u>Apply dust suppressants in sufficient quantity and frequency to maintain a stabilized surface; OR</u> (5b) <u>Apply material with low silt content (i.e., asphalt, concrete, recycled road base, or gravel to a depth of four inches).</u>

(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) PM₁₀ 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 PM₁₀ 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 PM₁₀ 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 PM₁₀ 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 PM₁₀.
 - (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 PM₁₀ 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"> ✓ Mix backfill soil with water prior to moving ✓ Dedicate water truck or high capacity hose to backfilling equipment ✓ Empty loader bucket slowly so that no dust plumes are generated ✓ Minimize drop height from loader bucket
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"> ✓ Maintain live perennial vegetation where possible ✓ Apply water in sufficient quantity to prevent generation of dust plumes
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"> ✓ Use of high pressure air to clear forms may cause exceedance of Rule requirements
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"> ✓ Follow permit conditions for crushing equipment ✓ Pre-water material prior to loading into crusher ✓ Monitor crusher emissions opacity ✓ Apply water to crushed material to prevent dust plumes

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"> ✓ For large sites, pre-water with sprinklers or water trucks and allow time for penetration ✓ Use water trucks/pulls to water soils to depth of cut prior to subsequent cuts
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"> ✓ Apply water in sufficient quantities to prevent the generation of visible dust plumes
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"> ✓ Limit vehicular traffic and disturbances on soils where possible ✓ If interior block walls are planned, install as early as possible ✓ Apply water or a stabilizing agent in sufficient quantities to prevent the generation of visible dust plumes
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"> ✓ Grade each project phase separately, timed to coincide with construction phase ✓ Upwind fencing can prevent material movement on site ✓ Apply water or a stabilizing agent in sufficient quantities to prevent the generation of visible dust plumes

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"> ✓ Use tarps or other suitable enclosures on haul trucks ✓ Check belly-dump truck seals regularly and remove any trapped rocks to prevent spillage ✓ Comply with track-out prevention/mitigation requirements ✓ Provide water while loading and unloading to reduce visible dust plumes
Landscaping	10-1 Stabilize soils, materials, slopes	<ul style="list-style-type: none"> ✓ Apply water to materials to stabilize ✓ Maintain materials in a crusted condition ✓ Maintain effective cover over materials ✓ Stabilize sloping surfaces using soil binders until vegetation or ground cover can effectively stabilize the slopes ✓ Hydroseed prior to rain season
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"> ✓ Installation of curbing and/or paving of road shoulders can reduce recurring maintenance costs ✓ Use of chemical dust suppressants can inhibit vegetation growth and reduce future road shoulder maintenance costs

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"> ✓ Dedicate water truck or high capacity hose to screening operation ✓ Drop material through the screen slowly and minimize drop height ✓ Install wind barrier with a porosity of no more than 50% upwind of screen to the height of the drop point
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"> ✓ Limit size of staging area ✓ Limit vehicle speeds to 15 miles per hour ✓ Limit number and size of staging area entrances/exits
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"> ✓ Add or remove material from the downwind portion of the storage pile ✓ Maintain storage piles to avoid steep sides or faces

**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"> ✓ Apply gravel/paving to all haul routes as soon as possible to all future roadway areas ✓ Barriers can be used to ensure vehicles are only used on established parking areas/haul routes
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"> ✓ 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 ✓ Washing mud and soils from equipment at the conclusion of trenching activities can prevent crusting and drying of soil on equipment
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"> ✓ Empty loader bucket such that no visible dust plumes are created ✓ Ensure that the loader bucket is close to the truck to minimize drop height while loading
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"> ✓ Haul waste material immediately off-site

**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

FUGITIVE DUST SOURCE CATEGORY	CONTROL ACTIONS
Earth-moving (except construction cutting and filling areas, and mining operations)	<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>
Earth-moving: Construction fill areas:	<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)

FUGITIVE DUST SOURCE CATEGORY	CONTROL ACTIONS
Earth-moving: Construction cut areas and mining operations:	(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.
Disturbed surface areas (except completed grading areas)	(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.
Disturbed surface areas: Completed grading areas	(2c) Apply chemical stabilizers within five working days of grading completion; OR (2d) Take actions (3a) or (3c) specified for inactive disturbed surface areas.
Inactive disturbed surface areas	(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)

FUGITIVE DUST SOURCE CATEGORY	CONTROL ACTIONS
Unpaved Roads	<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>
Open storage piles	<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>
All Categories	<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

FUGITIVE DUST SOURCE CATEGORY	CONTROL MEASURES
Earth-moving	(1A) Cease all active operations; OR (2A) Apply water to soil not more than 15 minutes prior to moving such soil.
Disturbed surface areas	(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.
Unpaved roads	(1C) Apply chemical stabilizers prior to wind event; OR (2C) Apply water twice per hour during active operation; OR (3C) Stop all vehicular traffic.
Open storage piles	(1D) Apply water twice per hour; OR (2D) Install temporary coverings.
Paved road track-out	(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.
All Categories	(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)

SOURCE CATEGORY	CONSERVATION MANAGEMENT PRACTICES
Manure Handling (Only applicable to Commercial Poultry Ranches)	(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.
Feedstock Handling	(2a) Utilize a sock or boot on the feed truck auger when filling feed storage bins.
Disturbed Surfaces	(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.
Unpaved Roads	(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.
Equipment Parking Areas	(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).

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State of California)
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Ad Description: PUBLIC HEARING AMEND RULE 403

I am a citizen of the United States and a resident of the State of California; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer and publisher of the THE REGISTER, a newspaper published in the English language in the city of SANTA ANA, county of ORANGE, and adjudged a newspaper of general circulation as defined by the laws of the State of California by the Superior Court of the County of ORANGE, State of California, under date 11/19/1905, Case No. A21046. That the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

05/04/2005

Executed on: 05/04/2005
At SANTA ANA, California

I certify (or declare) under penalty of perjury that the foregoing is true and correct.



Signature

CNS#: 812073

NOTICE OF PUBLIC HEARING
PROPOSED AMENDMENTS TO THE RULES AND REGULATIONS OF THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

Proposed Amendments to Rule 403 - Fugitive Dust

NOTICE IS HEREBY GIVEN that a public hearing to amend the rules and regulations of the South Coast Air Quality Management District (AQMD) will be held on Friday, June 3, 2005, in the Diamond Bar Auditorium, AQMD Headquarters, 21865 Copley Drive, Diamond Bar, California, at 9:00 a.m. or thereafter, at which time evidence will be taken and all interested persons will be heard by the AQMD Governing Board.

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- Draft Socioeconomic Analysis

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DATED: April 27, 2005
SAUNDRA McDANIEL
CLERK OF THE BOARD
05/04/2005

SAN BERNARDINO COUNTY SUN

399 D ST, SAN BERNARDINO, CA 92401
Telephone (909) 386-3960 / Fax (909) 381-3976

SAUNDRA McDANIEL
SCAQMD/HEARING BOARD
21865 COPLEY DRIVE
DIAMOND BAR, CA - 91765-4178

PROOF OF PUBLICATION

2015.5 C.C.P.

State of California)
County of SAN BERNARDIN) ss

Notice Type: HRG - NOTICE OF HEARING

Ad Description: PUBLIC HEARING AMEND RULE 403

I am a citizen of the United States and a resident of the State of California; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer and publisher of the SAN BERNARDINO COUNTY SUN, a newspaper published in the English language in the city of SAN BERNARDINO, county of SAN BERNARDINO, and adjudged a newspaper of general circulation as defined by the laws of the State of California by the Superior Court of the County of SAN BERNARDINO, State of California, under date 06/20/1952, Case No. 73084. That the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

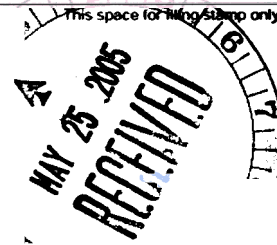
05/04/2005

Executed on: 05/04/2005
At Los Angeles, California

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Helen Tang

Signature



SBS #: 811977

NOTICE OF PUBLIC HEARING
PROPOSED AMENDMENTS TO THE RULES AND REGULATIONS OF THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

Proposed Amendments to Rule 403 - Fugitive Dust

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DATED: April 27, 2005
SAUNDRA McDANIEL
CLERK OF THE BOARD

**INLAND VALLEY
DAILY BULLETIN**
(formerly the Progress Bulletin)

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CNS-812083#
NOTICE OF PUBLIC HEARING
**PROPOSED AMENDMENTS TO THE RULES
AND REGULATIONS
OF THE SOUTH COAST AIR QUALITY
MANAGEMENT DISTRICT**
**Proposed Amendments to Rule 403
- Fugitive Dust**

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DATED: April 27, 2005
SAUNDRA McDANIEL
CLERK OF THE BOARD
05/04/2005
CNS-812083#
INLAND VALLEY DAILY BULLETIN/LA
#46472

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**STATE OF CALIFORNIA
County of Los Angeles**

I am a citizen of the United States, I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of INLAND VALLEY DAILY BULLETIN, a newspaper of general circulation printed and published daily for the City of Pomona, County of Los Angeles, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Los Angeles, State of California, on the date of June 15, 1945, Decree No. Pomo C-606. The notice, of which the annexed is a true printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

5/4/05

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Ontario, San Bernardino Co. California
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NOTICE OF PUBLIC HEARING
PROPOSED AMENDMENTS TO THE
RULES AND REGULATIONS
OF THE SOUTH COAST AIR QUALITY
MANAGEMENT DISTRICT

Proposed Amendments to Rule 403 -
Fugitive Dust

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DATED: April 27, 2005
SAUNDRA McDANIEL
CLERK OF THE BOARD
05/04/2005
DJ-812079#

PROOF OF PUBLICATION

(2015.5 C.C.P.)

State of California
County of Los Angeles

Notice Type: HRG - NOTICE OF HEARING

Ad Description: PUBLIC HEARING AMEND RULE 403

I am a citizen of the United States and a resident of the State of California; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer and publisher of the LOS ANGELES DAILY JOURNAL, a newspaper published in the English language in the city of LOS ANGELES, county of LOS ANGELES, and adjudged a newspaper of general circulation as defined by the laws of the State of California by the Superior Court of the County of LOS ANGELES, State of California, under date 04/26/1954, Case No. 599,382. That the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

05/04/2005

Executed on: 05/04/2005
At Los Angeles, California

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Signature

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Corona-Norco Independent, Elsinore Sun-Tribune,
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**PROOF OF PUBLICATION
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Ad Desc.: Rule 403 / CNS 812057

I am a citizen of the United States. I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am an authorized representative of THE PRESS-ENTERPRISE, a newspaper of general circulation, printed and published daily in the city of Riverside, County of Riverside, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of Riverside, State of California, under date of April 25, 1952, Case Number 54446, under date of March 29, 1957, Case Number 65673 and under date of August 25, 1995, Case Number 267864; that the notice, of which the annexed is a printed copy, has been published in said newspaper in accordance with the instructions of the person(s) requesting publication, and not in any supplement thereof on the following dates, to wit:

05-04-05

I Certify (or declare) under penalty of perjury that the foregoing is true and correct.

Date: May 4, 2005
At: Riverside, California



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NOTICE OF PUBLIC HEARING

PROPOSED
AMENDMENTS TO THE
RULES AND
REGULATIONS
OF THE SOUTH COAST
AIR QUALITY
MANAGEMENT DISTRICT

Proposed Amendments to
Rule 403 - Fugitive Dust

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Bar, CA 91765.
saundm@aqmd.gov or by calling (909) 396-3054.

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SAUNDRA McDANIEL
CLERK OF THE BOARD
05/04/2005
CNS-812057#
RIVERSIDE PRESS
ENTERPRISE

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

Draft Final Staff Report

Proposed Amendments to:

Rule 403 – Fugitive Dust

June 2005

Deputy Executive Officer

Planning, Rule Development and Area Sources
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Assistant Deputy Executive Officer

Planning, Rule Development and Area Sources
Laki Tisopulos, Ph.D., P.E.

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District Counsel
Frances Keeler - Senior Deputy District Counsel
John Olvera – Senior Deputy District Counsel

**SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT
GOVERNING BOARD**

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Governor's Appointee

DENNIS YATES
Mayor, City of Chino
Cities of San Bernardino County Representative

EXECUTIVE OFFICER:

BARRY R. WALLERSTEIN, D.Env.

Note to Reader

Comments received on the Draft Environmental Assessment prepared for PAR 403 indicate that adjustments to the CARB agricultural tilling emission factor used to estimate PM10 emissions for weed abatement may be necessary. This will require time to evaluate the comments and prepare the appropriate CEQA analysis, as necessary. AQMD staff is proposing to delay the proposed amendments to the Rule 403 weed abatement provisions to allow such analysis. Removal of this portion of PAR 403 does not affect the emission reductions or cost effectiveness estimates for proposed requirements related to livestock facilities.

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APPENDICES

Appendix A: Flat Vegetation Test Method

Appendix B: PM Emissions from Laying Hen Houses

Appendix C: Cost-Effectiveness Estimates for Conservation Management Practices

Appendix D: Activity Data and Emissions Estimate for Weed Abatement Activities

EXECUTIVE SUMMARY

In an effort to improve air quality in air basins in non-attainment with State and federal ambient air quality standards and to comply with federal mandates, Senate Bill (SB) 700 was signed into law on September 22, 2003 to reduce emissions from the agricultural sector. Under SB 700 requirements, agricultural operations are no longer exempt by State law from air quality permitting and these sources are also required to implement Best Available Control Measures (BACM) to reduce fine particulate matter also referred to as fugitive dust, or PM10 (particulate matter with an aerodynamic diameter of 10 microns or less). Presently, fugitive dust control programs are already in place for some agricultural sources (i.e., crop farmers and dairies); however, amendments to Rule 403 (Fugitive Dust) are proposed to require BACM for the remaining confined animal facilities in accordance with SB 700 requirements. Additionally, an amendment to Rule 403 is also proposed to address an implementation issue associated with weed abatement activities. Rule compliance dates that have already passed are also proposed for removal.

Confined Animal Facilities

An existing AQMD program presently implements BACM requirements for agricultural vegetative crop producers (Rule 403) and dairy facilities (Rules 1127 and 1186), but exempts other agricultural operations. Proposed Amended Rule (PAR) 403 will remove the existing exemption for agricultural operations directly related to the raising of fowl and other confined animals. These operations are referred to as confined animal facilities. PAR 403 would require confined animal facilities, other than dairy farms, to implement additional measures contained in Table 4 BACM requirements. By definition, the confined animal facilities subject to proposed Rule 403 Table 4 requirements include horse, sheep, goat, swine, beef cattle, rabbit, chicken, turkey, or duck facilities where the feeding is accomplished by means other than grazing. The specific BACM (now referred to as conservation management practices) are for the following source categories: manure handling, feedstock handling, disturbed surfaces, unpaved roads, and equipment parking areas. Under the proposal, these provisions become effective January 1, 2006 to comply with the SB 700 timetable of requirements and to allow for a comprehensive education / outreach program on specific conservation management practices required for confined animal facilities. Estimated emission reductions are approximately 0.13 ton per day with an estimated cost-effectiveness of \$4,800 per ton of PM10 reduced.

Weed Abatement Activities

The most recent amendments to AQMD fugitive dust rules (Rules 403, 403.1, and 1186) were adopted in April 2004 to implement 2003 AQMP control measure BCM-07 and to conform to the latest U.S. Environmental Protection Agency (US EPA) guidance to further reduce PM10 emissions. An additional amendment to Rule 403 is proposed to address an implementation issue associated with weed abatement activities resulting from the April 2004 amendments. Specifically, the proposal allows discing of weeds without the use of water, provided that the agency issuing the weed abatement order makes a determination that watering is not feasible and other effective control measures are used during and after the discing activity. The proposed amendment would result in approximately 0.015 to 0.018 ton of PM10 emissions increase per day under a scenario that presumes that no water is applied prior to conducting any weed abatement activities.

REGULATORY BACKGROUND

The South Coast Air Quality Management District (District) monitors ambient air quality for criteria pollutants (ozone, carbon monoxide, particulate matter, lead and sulfate) at 32 locations within southern California's South Coast Air Basin (Basin) and the Coachella Valley portion of the Salton Sea Air Basin (SSAB). Pollutant concentrations exceed federal and/or state standard(s) for suspended particulate matter (PM10 and PM2.5)¹ (AQMP, 2003). The US EPA has designated both Basin and the SSAB as "serious" non-attainment areas for PM10 and the Basin, individually, is also designated by US EPA as non-attainment for PM2.5. Under the federal Clean Air Act (CAA) both the Basin and Coachella Valley portion of the SSAB are required to attain the PM10 National Ambient Air Quality Standards (NAAQS) by January 1, 2006. Studies indicate that approximately 20 to 40 percent of ambient PM10 concentrations are a result of soil dust entrainment, commonly referred to as fugitive dust. Higher soil dust contribution to ambient PM10 levels have been documented in the inland portions of the District.²

Rule 403 was adopted by the District's Governing Board in 1977 and has undergone numerous amendments to date. Key Rule 403 provisions include visible emissions property line standard, requirements to implement Best Available Control Measures (BACM), upwind/downwind PM10 concentration standards, prevention of material track-out on paved public roads, and special control requirements for large operations (sources greater than 50 acres or with more than 5,000 cubic yards of daily earth-movement).

The proposed amendments to Rule 403 are summarized below.

Confined Animal Facilities

In an effort to comply with federal mandates and to improve air quality in air basins designated as non-attainment with State and federal ambient air quality standards Senate Bill (SB) 700 was signed into law on September 22, 2003 to reduce emissions from the agricultural sector. SB 700 amended the California Health & Safety Code as it applies to each air district that is designated a serious federal non-attainment area for an applicable ambient air quality standard for particulate matter. Specifically, as of January 1, 2004, each air district designated as non-attainment for particulate matter must adopt, implement, and submit for inclusion into the state implementation plan, a rule or regulation requiring Best Available Control Measures (BACM) and Best Available Retrofit Control Technology (BARCT) for agricultural practices. PAR 403 will implement BACM requirements for confined animal facilities to meet the statutory requirements of SB 700.

Weed Abatement Activities

In 1976, Rule 403 included a provision that prohibited fugitive dust from any earth-moving, transport, handling, construction or storage activity, or unpaved road from remaining visible in the atmosphere beyond the property line of the emission source. Rule 403 was amended in September 1992 to comply with the newly established 1990 CAA requirements for PM10. Based on US EPA guidance for PM10 non-attainment areas, the 1992 amendments included a list of required control measures, deletion of a high-wind exemption, and special requirements for large operations. Because the 1992 amendments represented a significant change from the 1976 Rule, the adoption resolution included a requirement for AQMD staff

¹ PM10 refers to Particulate Matter with an aerodynamic diameter of 10 microns or less and PM2.5 refers to Particulate Matter with an aerodynamic diameter of 2.5 microns or less.

² Particulate Matter Technical Enhancement Program (PTEP), South Coast Air Quality Management District, 1996.

to report to the Governing Board in July of 1993 on the status of Rule implementation efforts and any implementation issues.

During the 1992 Rule evaluation process, agencies responsible for requiring weed abatement activities indicated that many clearing activities are conducted at the property line of affected parcels to create fire breaks. The agencies indicated that it was thus, quite possible for fugitive dust emissions from weed abatement activities to cross property lines and violate Rule 403 provisions. In response to these concerns and due to the importance of these activities for fire protection purposes, a limited Rule 403 exemption was proposed for weed abatement activities provided that mowing that maintains weed stubble on a site was conducted. Mowing was encouraged because the activity does not disturb the soil and would leave the site resistant to wind driven fugitive dust.

The amendments recognized that mowing is not always feasible due to physical obstructions, rocks, or fire hazard conditions by allowing discing for weed abatement activities provided that the agency issuing the weed abatement order made a written determination that mowing was infeasible for technical reasons. In order to reduce the potential for windblown emissions from areas that had been either mowed or disced, the limited exemption included provisions that the site would still be subject to the prohibition of visible dust emissions from crossing any property line when weed abatement activities had ceased. These limited exemption provisions were adopted in July of 1993.

In 2004, amendments were proposed to AQMD Rule 403 to conform to the latest US EPA guidance and to further reduce fugitive dust and the corresponding PM10 emissions. An amendment was adopted that required watering when conducting discing for weed abatement activities. This amendment was based on similar requirements for other fugitive dust sources (i.e., construction projects) as well as control programs developed for other PM10 non-attainment areas (i.e., Clark County, Nevada, Maricopa County, Arizona and the San Joaquin Valley).

Subsequent to adoption of the April 2004 Rule 403 amendments, agencies responsible for weed abatement raised technical issues regarding the feasibility of watering prior to discing for weed abatement. The primary concern included safety factors and the feasibility of water truck operation on sites with steep slopes or uneven terrain. It should be noted that similar concerns were expressed by the construction industry during the 1992 Rule 403 amendment process. In response to the construction industry concerns, the 1992 Rule 403 Table 2 control actions for earth-moving activities require watering as necessary to prevent visible emissions ... “unless the area is inaccessible to watering vehicles due to slope conditions or other safety factors”. Accordingly, AQMD staff has proposed to amend existing Rule 403 weed abatement provisions to provide agencies greater flexibility in controlling fugitive dust emissions during and after discing operations in areas where watering prior to discing is not feasible while still implementing all other feasible controls.

PURPOSE AND APPLICABILITY

The purpose of this Rule is to reduce the amount of particulate matter entrained in the ambient air as a result of anthropogenic fugitive dust sources by requiring actions to prevent, reduce or mitigate fugitive dust emissions. Rule 403 is applicable to any activity or man-made condition capable of generating fugitive dust.

LEGAL AUTHORITY

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

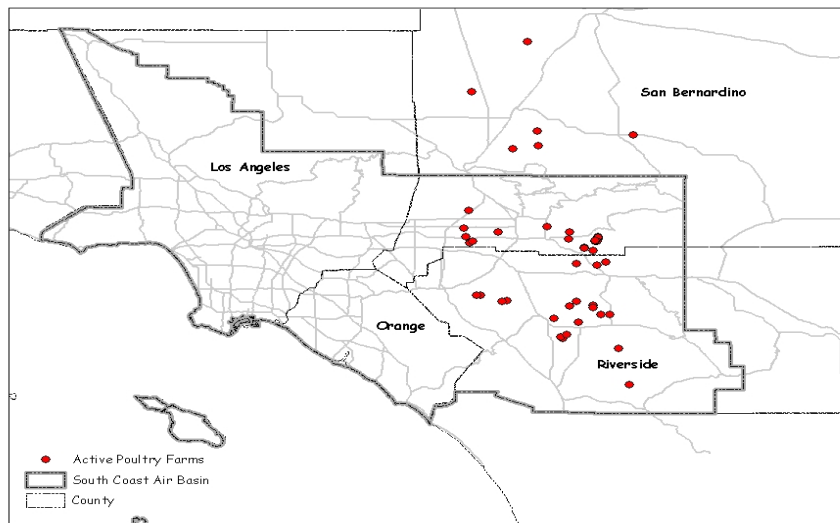
AFFECTED INDUSTRY

Confined Animal Facilities

Based on information from the California Department of Food and Agriculture (CDFA) most confined animal facilities have moved outside of the jurisdictional boundaries of the District with the exception of dairy farms and poultry facilities. As mentioned, BACM is presently implemented at dairy farms through AQMD Rules 1127 and 1186. Accordingly, PAR 403 will primarily be applicable to poultry facilities and the few remaining other confined animal facilities discussed below. Based on available data from the Poultry and Egg Production Association (PEPA) there are 34 active laying-hen poultry facilities within the jurisdictional boundaries of the AQMD. In total, these facilities have approximately 8.4 million egg-producers, commonly referred to as layers. According PEPA, there are also seven confined animal facilities for pullets (also referred to as young hens, usually less than one year old).³ Figure 1 presents the location of the poultry facilities within the South Coast AQMD.

³ Doug Kuney, Poultry and Egg Production Association, personal communication with Mike Laybourn, February, 2005.

Figure 1
Active Egg-Production Facilities



In addition to the laying hen facilities, information provided by the CDFA⁴ indicates that there are two swine facilities, two sheep ranches, two facilities with goats (one for goat milk and one for goat meat), and two facilities that raise ducks within the jurisdictional boundaries of the AQMD that are anticipated to be subject to PAR 403 requirements. There are additional small confined animal facilities for these animals, but these facilities are expected to be below the proposed confined animal facility thresholds included in PAR 403.

Sources of fine particulate matter or fugitive dust at confined animal facilities include vehicular travel and windblown emissions from unpaved roads and parking lots, loading/unloading of material and windblown emissions from storage piles. Currently, Rule 403 subparagraph (g)(1)(A) exempts agricultural operations directly related to the raising of fowls or animals. Amending this exemption and requiring dust control actions at confined animal facilities will reduce fugitive dust and the corresponding PM10 emissions, thereby contributing to the Basin's attainment of the ambient air quality standards.

Weed Abatement Activities

Weed abatement activities are mandated by county agricultural commissioner offices and state, county, or municipal fire departments primarily for fire protection purposes. They may also be ordered by local code enforcement officials. Authority to conduct these activities is granted under section 14876 of the California Health and Safety Code. Weed abatement orders are typically issued by the appropriate agencies listed above in the late winter to early spring with a specified compliance date. Property owners can contract for the work to be completed or can wait for agency action. After the mandatory compliance date has lapsed, agency personnel inspect the properties for compliance. Non-compliant properties are scheduled for weed abatement and property owners are billed for the costs incurred by the

⁴ Dr. David Kerr, State of California, Department of Food and Agriculture, personal communication with Mike Laybourn, February 22, 2005.

agency. Based on information provided by agencies responsible for implementing weed abatement programs, weed abatement activities are typically conducted during spring and summer months. Information on areas disced and mowed by county agencies for weed abatement purposes are presented in Appendix D. As presented in the Appendix, county agencies also conduct weed abatement activities within the jurisdictional boundaries of individual cities. Figure 2 illustrates an example of a completed weed abatement activity that was conducted on uneven terrain.



Figure 2
Disced Surface

SUMMARY OF PROPOSED RULE AMENDMENTS

Confined Animal Facilities

As mentioned, an existing AQMD program presently implements BACM for agricultural vegetative crop producers and dairy facilities, but exempts other agricultural operations. Proposed amendments to Rule 403 will remove the current exemption for agricultural operations referred to as confined animal facilities. A new definition for confined animal facilities has been developed based on the definition included in AQMD Rule 102 and includes horse, sheep, goat, swine, beef cattle, rabbit, chicken, turkey, or duck facilities where the feeding is by means other than grazing. Under the PAR 403 proposal, confined animal facilities (defined as sites with greater than 3,360 fowl or 50 or more animals, excluding dairy farms) will become subject to the general requirements in Rule 403, subdivision (d). Additionally, confined animal facilities, excluding dairy farms, will be required under PAR 403, paragraph (d)(6), to implement Table 4 BACM provisions (now referred to as conservation management practices or CMPs). Rule 403 BACM requirements are referred to as conservation management practices as United States Department of

Agriculture (USDA) funding programs use the term conservation management practices and use of consistent terms will increase the likelihood for funding of air quality improvement programs including those for dust control. Dairy farms are not required to implement Rule 403 BACM requirements as these sources are presently subject to AQMD Rule 1127 and 1186 BACM requirements. A Rule 403 exemption is provided for dairy farms [subparagraph (g)(1)(A)] and for confined animal facilities less than one acre in size [subparagraph (g)(1)(B)]. As summarized in Table 1 and detailed in Table 4 of Rule 403, conservation management practices or CMPs have been developed for manure handling/management, feedstock handling, disturbed surfaces, unpaved roads, and equipment parking areas.

The manure handling CMPs are only applicable to commercial poultry ranches. The manure handling truck covering and manure spreading CMPs (Rule 403, Table 4, 1a and 1b) are based on typical dust control actions for crop producers. The coning and drying, and frequent manure removal CMPs (Rule 403, Table 4, 1c and 1d) were obtained from “The City of Yucaipa Guidelines to Manure Management Plans” that were developed in conjunction with Ordinance 216.⁵ While it is acknowledged that the manure handling coning and drying, and frequent manure removal CMPs were developed primarily to reduce vector problems (flies) and abate odor impacts, implementation of these practices is also expected to reduce ammonia and certain VOC emissions.

The feedstock handling CMP was obtained from San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) Regulation 4550, adopted in May of 2004. The disturbed surface area, unpaved road, and equipment parking area CMP mirror SJVUAPCD Rule 4550 provisions for livestock facilities and are also similar to existing Rule 403 provisions for these sources at agricultural crop farms. Additionally, the access restriction portion of the unpaved road CMP is similar as University of California Cooperative Extension recommendations to prevent the spread of exotic Newcastle disease.⁶

⁵ J. Wakoli Wekesa, Ph.D., Vector Ecologist, San Bernardino County Vector Control Program, April 8, 2002.

⁶ Carol Cardona and Douglas R. Kuney, UC Cooperative Extension, Recommendations to Prevent the Spread of Exotic Newcastle Disease, undated.

Table 1
Summary of Proposed Rule 403 Table 4 Conservation Management Practices for
Confined Animal Facilities

Source Category	Conservation Management Practices
Manure Handling (Only applicable to Commercial Poultry Ranches)	<ul style="list-style-type: none"> ✓ Cover manure before transporting material off-site; and ✓ Spread manure before 11:00 and when conditions are less than 25 miles per hour; and ✓ Utilize coning and drying manure management, or in lieu of the coning and drying method: ✓ Utilize frequent manure removal.
Feedstock Handling	<ul style="list-style-type: none"> ✓ Utilize a sock or boot on the feedstock auger when filling feed storage bins.
Disturbed Surfaces	<ul style="list-style-type: none"> ✓ Maintain 70 percent vegetative cover on vacant portions of the facility; or ✓ Utilize conservation tillage practices to maintain plant residues on-site if growing crops; or ✓ Apply dust suppressants (water, hygroscopic materials, or chemical stabilizers) in such concentrations and frequencies to maintain a stabilized surface.
Unpaved Roads	<ul style="list-style-type: none"> ✓ Restrict access to private unpaved roads and ensure vehicular speeds do not exceed 15 mph; or ✓ Apply material with low silt content (i.e., asphalt, concrete recycled road base or gravel to a depth of four inches) to frequently traveled unpaved roads; or ✓ Treat unpaved roads with water, mulch, chemical dust suppressants to maintain a stabilized surface.
Equipment Parking Areas	<ul style="list-style-type: none"> ✓ Apply dust suppressants to maintain a stabilized surface; or ✓ Apply material with low silt content (i.e., asphalt, concrete recycled road base or gravel to a depth of four inches).

In order to provide flexibility to confined animal facilities, the majority of these CMPs are organized in a menu approach and operators can select the most appropriate CMP for individual facilities. These provisions become effective January 1, 2006 to comply with the SB 700 timetable requirements and to allow for a comprehensive education / outreach program on specific CMPs for confined animal facilities.

Weed Abatement Activities

The most recent amendments to AQMD fugitive dust rules (Rules 403, 403.1, and 1186) were adopted in April 2004 to implement 2003 AQMP control measure BCM-07 and to conform to the latest U.S. Environmental Protection Agency (US EPA) guidance to further reduce PM10 emissions. An additional amendment to Rule 403 is proposed to address an implementation issue associated with weed abatement activities resulting from the April 2004 amendments. Specifically, the proposal allows discing of weeds without the use of water, provided that the specific governmental agency with legal authority for issuing the

weed abatement order makes a determination that watering is not feasible and other effective control measures are used during and after the discing activity to minimize fugitive emissions and stabilize disturbed soils. Table 2 summarizes existing and proposed Rule 403 provisions related to weed abatement activities.

**Table 2
Existing and Proposed Rule 403 Provisions Related to
Weed Abatement Activities**

Existing Rule 403 Provisions	Proposed Rule 403 Amendments
<p>Clause (g)(1)(H)(ii)</p> <p>Discing is exempt from Rule 403 provisions where watering is used prior to initiating these activities and a determination is made by the agency issuing the weed abatement order that mowing is not feasible. The provisions this clause do not exempt the owner of any property from stabilizing disturbed surfaces that have been created as a result of the weed abatement actions through implementation of Rule 403 Table 1 control measures.</p>	<p>Clause (g)(1)(J)(ii)</p> <p>Discing for weed abatement is exempt from Rule 403 provisions. The soil must be watered prior to initiation of these activities unless all of the following conditions are met:</p> <ul style="list-style-type: none"> ✓ Upon request, written documentation is provided to the Executive Officer issued by the agency originating the weed abatement order that clearly indicates by specific site and location the District verifiable technical reasons including at a minimum, one or more of the following, physical obstructions, slope conditions, safety factors, accessibility of water source, why watering prior to discing is not feasible; and ✓ wind speeds are less than 25 miles per hour during weed abatement activities; and ✓ measures, including, but not limited to, vehicle speed reduction, disc shrouds, or disc setting adjustments are used to prevent visible dust emissions from exceeding 50 feet from the operated equipment in any direction; and ✓ after weed abatement activities have ceased, the disturbed surface is stabilized or achieves a flat vegetative cover of attached or rooted vegetation or unattached vegetative debris of 50 percent or greater as determined by the flat vegetative cover test method included in the Rule 403 Implementation Handbook. Notwithstanding the above criteria, disturbed surfaces resulting from weed abatement activities are subject to the subparagraph (d)(1)(A) property line standard.

These proposed amendments allow greater flexibility in conducting weed abatement activities while still implementing feasible controls. Additionally, these amendments set a performance standard that prohibits visible emissions from discing for weed abatement from exceeding 50 feet from the emission source – a standard that is presently not included in the existing Rule.

Post Weed Abatement Stabilization

Rule 403 currently specifies that the weed abatement exemption provisions do not exempt the owner of any property from stabilizing, in accordance with Rule 403 paragraph (d)(2), disturbed surface areas which have been created as a result of the weed abatement actions. This rule text was added in conjunction with the April 2004 rule amendments, which were intended to clarify text added in 1993 that stated that sites subject to weed abatement activities were not exempt from the Rule 403 property line standard following the cessation of weed abatement activities. Rule 403 paragraph (d)(2) requires the implementation of Table 1 BACM for all fugitive dust sources. The most applicable Rule 403 Table 1 measures for weed abatement activities are contained in the Table 3 control measures for disturbed soils listed below.

Table 3
Rule 403 Table 1
Best Available Control Measures
(Applicable to All Construction Activity Sources)

Disturbed soil	07-1	Stabilize disturbed soil throughout the construction site; and	<ul style="list-style-type: none"> ✓ Limit vehicular traffic and disturbances on soils where possible ✓ If interior block walls are planned, install as early as possible ✓ Apply water or a stabilizing agent in sufficient quantities to prevent the generation of visible dust plumes
	07-2	Stabilize disturbed soil between structures	

As shown above, the Rule 403 Table 1 BACM list was developed primarily for construction projects. Accordingly, PAR 403 adds the Flat Vegetative Cover (FVC) test method to the Rule 403 Implementation Handbook to provide guidance as to what is considered a stabilized surface following weed abatement activities. The procedures for conducting a FVC determination are summarized below. This test method could be used by property owners to ensure compliance with Rule 403 long-term surface stabilization standards or could be used by AQMD compliance staff to notify property owners of disturbed surfaces previously subject to weed abatement activities that would likely be subject to significant wind erosion.

Flat Vegetative Cover Test Method

The FVC test method was adapted from the United States Department Agriculture Natural Resources Conservation Service (USDA-NRCS) line transect method and is presently used in other serious PM10 non-attainment areas (i.e., Maricopa County, Arizona, Clark County, Nevada and the San Joaquin Valley) as a compliance tool for fugitive dust sources. The concept of the FVC test method is that undeveloped land with plant residue, clods, rocks, etc. will be much less likely to be subject to wind erosion when compared to a wide, level, unsheltered, isolated field with bare, smooth, loose, and non-crustured surfaces.

As described in Appendix A, persons using the FVC test method stretch a one-hundred foot measuring tape across a disturbed surface area. Observations are made at one foot increments and notes are made when vegetation (including dead vegetation that is firmly attached) and/or aggregates greater than one centimeter in diameter lie directly underneath

the observation point. When 100 observations have been made, the total number of times a surface was counted as vegetated are summed. This total represents the percent of flat vegetation cover (e.g. if 50 positive counts were made, then vegetation cover is 50 percent). If the disturbed surface area is too small for 100 observations, as many observations as possible are made and the count of vegetated surface areas is multiplied by the appropriate conversion factor to obtain percent cover. For example, if vegetation was counted 30 times within a total of 50 observations, the vegetated surface observations (30) are divided by the total observations (50) and multiplied by 100 to obtain a flat vegetation cover of 60 percent. In order to be in compliance with the proposed Rule 403 amendment, a site must achieve a flat vegetative cover of attached or rooted vegetation or unattached vegetative debris of 50 percent or greater.

EMISSIONS, EMISSION REDUCTIONS, COST-EFFECTIVENESS

The 2003 Air Quality Management Plan (AQMP) estimated PM10 emissions from fugitive dust sources at approximately 204 tons per day and the 2003 Coachella Valley State Implementation Plan (CVSIP) estimated PM10 emissions from Coachella Valley fugitive dust sources at approximately 29 tons per day. The following text describes the existing emissions inventory and the estimated affect on emissions associated with the amendments.

Confined Animal Facilities

Confined animal facilities range from ten to 40 acres based on AQMD staff site visits and limited information. Fugitive dust (PM10) emission sources at these sites include unpaved roads/parking areas, and windblown emissions from disturbed surfaces/open storage piles. In order to estimate emissions, it was presumed that each facility has one-quarter mile of unpaved road (subject to 10 vehicular trips per day) and two acres of disturbed surfaces. The unpaved road mileage corresponds with the size range for facilities (ten to 40 acres) and the vehicular activity is based on one daily feed truck trip and one egg or product collection truck trip and the daily worker trips. The disturbed surface area estimate is based on manure spreading areas as well as unpaved parking lots and vehicular storage areas. These mid-range assumptions are considered a source average and were applied to all facilities even though it is acknowledged that some confined animal facilities might have paved roads and parking areas. Using higher unpaved road traffic levels and disturbed surface area estimates at some confined animal facilities and lower assumptions for other facilities with paved surfaces would yield similar estimates for PM10 emissions from confined animal facilities.

Using these assumptions, PM10 emissions from fugitive dust sources at confined animal facilities are estimated at approximately 0.26 ton per day (see Appendix B). Because the PAR 403 CMPs contained in Table 4 represent a menu approach, confined animal facilities will implement a combination of practices to comply with the rule. Using the assumptions listed in Appendix C, it is estimated that confined animal facilities will implement access restriction/speed control, gravel, vegetation establishment, and chemical stabilizer application to meet the rule's performance standards and to comply with the Table 4

requirements. Control efficiencies for these CMPs range from 30 to 90 percent.⁷ A mid-range control efficiency of 50 percent was applied to the uncontrolled baseline inventory to estimate the PM10 emission reductions associated with PAR 403 at approximately 0.13 ton per day.

Cost-effectiveness is calculated by dividing the estimated compliance costs of a proposed regulation by the estimated emission reductions. Based on the cost information presented in Appendix C and the estimated 50 percent reduction in fugitive dust emissions from PAR 403 provisions, the cost-effectiveness of PAR 403 confined animal facility requirements is estimated at approximately \$4,800 per ton of PM10 reduced. As presented in Appendix C, CMP costs include \$400 for installation of speed control signs, \$7,820 for treatment of one-quarter mile of unpaved roads, and approximately \$100 and \$5,340 for treatment of one acre of disturbed surfaces with vegetation and chemical stabilizers, respectively. The signage installation cost is annualized for an eight year period, gravel unpaved road treatments are annualized for three years and revegetation and chemical stabilizer treatments on disturbed surface areas are considered annual costs.

Weed Abatement Activities

The California Air Resources Board (CARB) emission factor for agricultural tilling⁸ was applied to activity data provided by County agencies (Appendix D) to obtain an estimate of PM10 emissions from weed abatement activities. The agricultural tilling emission factor was considered appropriate for estimating emissions from discing for weed abatement as both activities use very similar implements. Appendix D also shows that counties implement weed abatement programs within individual cities. Based on this data, discing for weed abatement activities without the use of water have been estimated to generate approximately 0.03 ton per day (see Appendix D). Presuming a 50 percent reduction from watering sites subject to discing and an assumption that none of the acres currently subject to discing will be watered, the emissions increase associated with the proposed Rule 403 amendment is estimated at 0.015 ton per day.

As mentioned above under the “Affected Industry” heading, weed abatement activities are also mandated by local governments (cities). In addition, these activities are conducted by private parties in response to city or county-issued weed abatement orders or in response to fire hazard concerns by individual property owners. Efforts were made to obtain weed abatement activity data from local city governments; however, after contacting ten jurisdictions, information was only available from two cities and the estimates were low when compared with the county-supplied data. In response to this situation and recognizing that county agencies implement weed abatement programs for individual cities a conservative assumption was made to account for weed abatement activities conducted for individual cities. Specifically, the county-supplied activity data was increased by 20 percent to account for weed abatement activities conducted for individual cities. Under this scenario, the emissions increase from this proposed Rule 403 amendment would then be approximately 0.018 ton per day. It should be noted that further emission reductions from weed abatement activities from the uncontrolled baseline inventory are expected due to the

⁷ US EPA, Fugitive Dust Background Document and Technical Information Document for Best Available Control Measure, EPA-450/2-92-004, September 1992.

⁸ CARB Area Source Methodology, Section 7.4, January 2003

establishment of a 50 foot visible emissions performance standard, however, the effect of this performance standard has not been quantified as it is uncertain as to the amount of weed abatement activities that will be conducted without water.

CONCLUSION

Amendments to Rule 403 will implement State law requirements pursuant to SB 700 for confined animal facilities. In addition, the amendments address an implementation issue relative to weed abatement activities where watering is not feasible. It provides agencies greater flexibility in controlling fugitive dust emissions during and after weed abatement operations when discing in areas where watering is not feasible. All feasible controls must still be implemented. PM10 emissions reductions from confined animal facility requirements are estimated at 0.13 ton per day. The emissions increase associated with PAR 403 weed abatement provisions have been estimated to range from 0.015 to 0.018 ton per day. Accordingly, the net impact on emissions from PAR 403 is estimated to result in a net reduction of 0.114 ton of PM10 per day.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

The proposed amendments to Rule 403 are considered a “project” as defined by the California Environmental Quality Act (CEQA), and the SCAQMD is the designated lead agency. Pursuant to CEQA and SCAQMD Rule 110, the SCAQMD prepared an environmental assessment evaluating potentially significant adverse environmental impacts associated with implementing the proposed project. Based on the net effect of PAR 403 (PM10 emission reductions) the EA concluded that the proposed amendments to Rule 403 will not adversely affect the environment. An environmental impact is defined as an impact to the physical conditions which exist within the area which would be affected by the proposed project.

SOCIOECONOMIC ASSESSMENT

The proposed amendments to Rule 403 would mainly affect poultry and confined animal facilities in the counties of Riverside and San Bernardino. These facilities belong to the industries of hog and pig farming (NAICS 1122), poultry and egg production (NAICS 1123), and sheep and goat farming (NAICS 1124).

The affected facilities are required to use conservation management practices to comply with Rule 403 by January 1, 2006. It is assumed that 49 facilities would erect signs for vehicle speed and trespass control for unpaved roads, cover them with gravel, and revegetate and/or apply chemical stabilizer to disturbed surface areas. Based on the unit cost data in Appendix C of the Draft Staff Report, the total annualized capital and annual operating and maintenance (O & M) costs for the affected facilities are estimated to be \$215,780 with the following breakdown:

Table 4
Costs of PAR 403

Cost Item	Annualized Capital	O & M
Signage	\$2,940	\$0
Chemical Stabilizer	\$0	\$160,200
Gravel	\$45,043	\$0
Revegetation	\$0	\$7,616

Cost impacts associated with the PAR 403 provisions relative to weed abatement activities have not been analyzed as the proposed amendments are anticipated to result in a reduction in costs to affected industries.

DRAFT FINDINGS AND COMPARATIVE ANALYSIS

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

Necessity

A need exists to amend Rule 403 to comply with SB700 requiring BARCT and BACT for agricultural operations and federal mandates, and to resolve an implementation issue regarding weed abatement.

Authority

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

Clarity

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

Consistency

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

Non-Duplication

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

Reference

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

Alternative Control Measures - Health and Safety Code Section 40440.5, subsection (c)(3) requires an analysis of alternative control measures. PAR 403 requirements are

primarily performance-oriented and allow any available technology that can meet the applicable performance standards. Accordingly, an alternative control measure analysis is not warranted for PAR 403 requirements.

Draft Comparative Analysis

Health and Safety Code §§40727.2 requires a written analysis comparing the proposed rule with existing District and federal regulations. Health and Safety Code §§40727.2, subsection (c) and (d) further require the analysis to review averaging provisions, operating parameters, work practice requirements, and monitoring, reporting and recordkeeping requirements associated with existing applicable rules and proposed regulations.

As mentioned PAR 403 removes the current exemption for confined animal facilities from the property line standard and requires Table 4 CMPs. Additionally, PAR 403 amends the exemption provisions for weed abatement activities and clarifies that wind-monitoring equipment must be located on-site and operated and maintained in accordance with the Rule 403 Implementation Handbook performance standards. Table 5 below identifies other AQMD rules that apply to the sources subject to PAR 403. Footnotes explain the differences between proposed Rule 403 amendments and the other AQMD Rules where relevant. No federal requirements have been identified that apply to the same sources.

Table 5
Comparison of PAR 403 and other AQMD Rules

Rule	Source	Emission Reductions / Limits (footnotes provide comparison with PAR 403 requirements)	Averaging Procedures (Units), Work Practices, Operating Provisions	Monitoring, Recordkeeping, Reporting, Test Methods
AQMD 401 (Visible Emissions)	Any single source of emissions; would include exhaust stack emissions.	Prohibits excess visible emissions. ⁹	20 percent opacity can not be exceeded three minutes in any hour, cumulatively.	Test method based on opacity as determined by Ringlemann chart or U.S. EPA Method 9.
AQMD 402 (Nuisance)	Any source	Prohibits public nuisance caused by emissions of air contaminants. ¹⁰	None	None specified.
AQMD 404 (Particulate Matter – Concentration)	Applicable to any source	Prohibits discharge of particulate matter in excess of certain rates. ¹¹	Based on grains per cubic foot of air stream.	None specified.
AQMD 405 (Solid Particulate Matter – Weight)	Applies to any source	Prohibits discharge of particulate matter weight in excess of specified rates. ¹²	Establishes maximum discharge rate (lbs./hr.) based on process weight per hour.	None specified.
State H & S Code 41701	Applicable to any source.	Prohibits discharge of excessive visible emissions. ¹³	40 percent opacity can not be exceeded three minutes in any hour, cumulatively.	Test methods - Ringlemann chart or U.S. EPA Method 9.
Federal	No regulations identified.	No regulations identified.	No regulations identified.	No regulations identified.

⁹ PAR 403 limits sources to no visible emissions crossing any property line and requires implementation of conservation management practices for confined animal facilities. Agricultural operations, including confined animal facilities, are exempt from Rule 401.

¹⁰ Rule 402 provisions are implemented primarily in response to public complaints. PAR 403 requirements are applicable regardless of whether public complaints are filed.

¹¹ This Rule is used in conjunction with the AQMD's permitting system for point sources of air pollution. Fugitive dust sources subject to PAR 403 requirements are not subject to AQMD permits.

¹² Under Rule 405, point source emissions are addressed through the permit evaluation process. VOC emissions associated with larger confined animal facilities will be subject to AQMD permitting actions, however, confined animal facility fugitive dust sources as addressed by PAR 403 requirements are not subject to the AQMD's permitting system.

¹³ PAR 403 limits sources to no visible emissions crossing any property line and requires confined animal facilities to implement conservation management practices. Agricultural operations, including confined animal facilities, are exempt from Health and Safety Code § 41701.

REFERENCES

South Coast Air Quality Management District, 2003 Air Quality Management Plan (AQMP), August 2003.

PUBLIC COMMENTS AND RESPONSES

A PAR 403 public workshop was conducted on March 24, 2005. In addition to the oral comments, staff received written comment letters specific to PAR 403 during a comment period that ended April 5, 2005. A summary of the oral and written comments is provided below, followed by staff responses.

Comment 1: The Rule lists the following as agencies responsible for issuing weed abatement orders and implementing weed abatement programs: county agricultural commissioner offices and any state, county or municipal fire department. Other local government departments (i.e., code enforcement) have the responsibility for implementing weed abatement programs and these agencies would not be recognized under the existing Rule language. We request that the list of recognized agencies be expanded to include other governmental agencies responsible for weed abatement programs.

Staff Response: Staff agrees. The list of agencies responsible for implementing weed abatement programs has been expanded to include, “any specific governmental agency with legal authority for weed abatement activities.” This proposed revision clarifies the original intent of the Rule.

Comment 2: The PM10 emissions generated from weed abatement activities and the associated emissions increase relative to PAR 403 are underestimated. Specifically, the emission factor for agricultural tilling supplied by the California Air Resources Board (CARB) should be 5.0 pounds per acre not the 1.2 pounds per acre reported in the preliminary draft staff report. The 1.2 pounds per acre emission factor does not account for the fact that these activities occur in the late spring and summer when soils are dry thereby increasing the potential for fugitive dust. Additionally, the preliminary draft staff report does not include any estimation of windblown fugitive dust emissions in areas that were previously subject to discing for weed abatement.

Staff Response: The emission factor used in the PAR 403 preliminary draft staff report is the current emission factor used by the CARB to estimate PM10 emissions from agricultural tilling. Emission factors are periodically updated by CARB based on new information. This emission factor was selected due to the similarity of agricultural tilling to equipment used for weed abatement discing. No effort was made to estimate windblown fugitive dust emissions from areas that were previously subject to weed abatement activities as these areas are presently subject to best available control measures (BACM) and the Rule 403 prohibition of visible emissions from crossing any property line after weed abatement activities cease. Please also refer to response to comment number three below.

Comment 3: The preliminary draft staff report appears to describe that the emissions increase associated with weed abatement activities is offset by emission reductions achieved by new requirements for confined animal facilities. This is not appropriate as emission reductions are necessary to protect public health.

Staff Response: The draft staff report does provide an estimate of emissions increase due to the change to the discing provisions. The preliminary draft staff report also included a discussion of the net impact of PAR 403 on PM10 emissions as a regulatory project subject to the California Environmental Quality Act (CEQA). The CEQA document is appropriately concerned with the net emission impacts resulting from the proposed amendments to Rule 403.

Comment 4: Currently, weed abatement notices are distributed by the responsible agencies and make no mention of particulate matter controls required under AQMD regulations. Additional outreach should be conducted to property owners to inform them of AQMD regulations.

Staff Response: Staff thanks the commenter for this suggestion. As part of an ongoing outreach program to the agencies, District staff will distribute sample text for inclusion directly on weed abatement notices for governmental agencies to include in future notifications. The following sample text was included in Los Angeles County weed abatement notices distributed in the Antelope Valley:

“The Antelope Valley Air Pollution Control District (AVAPCD) does not recommend scraping to clear weeds: instead mow to no lower than three inches. You will be responsible for dust from clearing and the dust after lots are cleared.”

District staff will work with agencies responsible for weed abatement programs to develop text to inform land owners of dust control requirements based on the most recent Rule 403 exemption provisions. Sample text for inclusion in future weed abatement notices is provided below.

“This is a dust control zone. South Coast Air Quality Management District (AQMD) Rule 403 prohibits visible dust emissions from any man-made activity from crossing any property line. You, as the property owner, are responsible for dust after lots are cleared.”

District staff would also like to work with experts from resource agencies (e.g., Riverside-Corona Resource Conservation District) to develop information on the benefits of mowing rather than discing for weed abatement.

Comment 5: Sometimes goats are used for brush clearance. PAR 403 includes requirements for confined animal facilities with more than 50 animals. Would the PAR 403 requirements preclude the use of a heard of 50 or more goats for brush clearance?

Staff Response: No. This provision does not apply to this operation, as it does not fall under the definition of a confined animal facility in the proposed amended rule. Use of goats for brush clearance is consistent with the preferred approach for weed abatement activities since it is a form of mowing. The confined animal facility requirements in PAR 403 are for fixed facilities that have fugitive dust sources on-site (i.e., unpaved roads, storage piles, etc.).

Based on available information, goats used for brush clearance are transported in trucks for use in specific areas. When activities in a given area have ceased, the animals are moved to other locations.

Comment 6: Mowing is preferred over discing for weed abatement because soil compaction and stability are retained and erosion is minimized. Better education should be conducted to inform landowners of the benefit of using mowing instead of discing for weed abatement. Mowing can occur earlier in the year before vegetation dries out thereby reducing the risk of fire. Discing actually increases plant growth thereby increasing the need to conduct weed abatement on parcels each year and increases the long-term risk for fire. If discing for weed abatement must occur, it should be completed before the end of the rainy season. Additional guidance on the specific areas where weed abatement must occur should be provided to ensure that only the necessary areas are subject to weed abatement activities instead of the entire parcel.

Staff Response: District staff concurs that mowing is the preferred method for weed abatement activities. The following text was included in the first compliance outreach bulletin. “To that end, AQMD Rule 403 encourages mowing instead of discing for weed abatement activities. Specifically, weed abatement activities are exempt from the Rule 403 visible emission performance standards provided that mowing, cutting or other similar processes are used that maintain weed stubble at least three inches above the soil. Mowing is preferred for weed abatement purposes because natural vegetative cover is the most effective, easiest, and most economical way to control wind erosion.” As noted in the draft staff report, fire agencies in 1992 indicated that there are safety factors (i.e., risk of fire ignition, rock or foreign objects thrown by mowing equipment) associated with mowing for weed abatement. See also response to comment number four for a discussion of planned outreach activities.

PAR 403 text related to weed abatement activities only addresses instances when watering is not feasible. PAR 403 does not encourage discing over mowing for weed abatement activities. The specification of which areas must be subject to weed abatement activities, as well as the preferred season in which these activities must be conducted, is the responsibility of the agency issuing the weed abatement order and is outside the scope of PAR 403. Thus comments relative to timing of weed abatement activities, as well as the minimum acreage to be subject to weed abatement activities, should be directed to agencies issuing weed abatement orders.

Comment 7: The proposed amendment is supported. There are circumstances where mowing for weed abatement is infeasible and safety is a concern. Specifically, mowing can result in a fire hazard when blades strike rocks or other objects that create sparks. However, while discing for weed abatement can also ignite fires, tractor operators are better capable of controlling with a fire ignited by discing. This is one advantage that discing has over mowing for weed abatement. Also, mowing for weed abatement in areas with rocks or foreign objects has the potential to expel material and create a safety hazard.

Staff Response: District staff appreciates the comments and is aware of the concern for fire ignition and safety concerns associated with mowing. In instances where mowing is not feasible, Rule 403 provides an alternative.

Comment 8: Except in the event of an emergency, discing for weed abatement should not be allowed unless a 72 hour advance notice is given to the AQMD and AQMD approves the specific site conditions that preclude the use of mowing for weed abatement. Perhaps a phase-in period would be appropriate to allow contractors the lead time necessary to purchase mowing equipment. AQMD rules are not enforced.

Staff Response: Mowing is the preferred approach for conducting weed abatement, however, as noted in the draft staff report comments have been made that there are instances where mowing could potentially ignite fires or throw objects resulting in a safety hazard. Staff is not directly aware of any such fires being ignited from mowing for weed abatement activities. AQMD does not have sufficient resources to verify every request to conduct discing for weed abatement. AQMD staff would like to work with resource agencies and the interested public on increasing the awareness of AQMD regulations and providing information on the benefits of mowing for weed abatement purposes.

Comment 9: The proposed requirements to locate wind monitors on-site to qualify for a high wind exemption from the Rule 403 performance standards represent a significant new cost to sources. Recordkeeping requirements for high wind monitoring would represent an additional new cost to sources. All of these costs should be analyzed as part of the PAR 403 socioeconomic analysis.

Staff Response: The purpose of the proposed requirement is to enable sources to accurately determine and document the wind speed conditions necessary to be eligible for exemption from the property line and upwind/downwind standards as established in existing Rule 403, paragraph (g)(2). However, after investigating the cost concerns further, District staff has determined that less expensive means may be available for determining wind speed. These options may not involve sophisticated equipment purchases, but additional time is needed to explore these options. As a result, District staff has removed this language from the proposed rule.

Comment 10: Is there an alternative to the requirement for wind monitoring equipment to be located on-site such as use of wind data from AQMD monitoring stations or development of a high-wind forecast system. The AQMD should implement a program to forecast high wind conditions and notify sources when high winds are expected. If wind monitoring will be required under PAR 403 a list of appropriate wind monitoring equipment should be developed by AQMD.

Staff Response: AQMD monitoring sites are not appropriate for measuring high winds as there are relative few sites and because conditions will vary greatly from a source to AQMD monitoring sites. A high-wind forecast system is presently not planned for the South Coast Air Basin due to resource issues but could be pursued in the future. Please also refer to response to comment nine, above.

Comment 11: PM10 emissions from turf overseeding are a significant emission source in the Coachella Valley. Additionally, baseball field maintenance activities generate significant amounts of fugitive dust.

Staff Response: AQMD staff is well aware of the turf overseeding activities conducted in the fall to replace Bermuda grasses with winter Rye grasses. These activities are subject to the Rule 403 general requirements (i.e., prohibition of visible emissions from crossing any

property line). Additionally, these activities are presently required to implement Rule 403 Table 1 BACM numbers 18-1 and 18-2.

Baseball field maintenance activities are subject to the Rule 403 general requirements (i.e., prohibition of visible emissions from crossing any property line). While baseball field maintenance is not specifically called out in the Rule 403 Table 1 measures, these activities could be considered under the general definition of earth-moving and as such would be required to implement Rule 403 Table 1 BACM numbers 08-1, 08-2, and 08-3.

District staff will work with the Coachella Valley Association of Governments (CVAG) to educate and conduct outreach on how to reduce community impacts from both these sources.

Comment 12: The flat vegetative cover test method is too subjective and could be abused by an untrained observer. Also, the test method should be replicated but the rule does not appear to include such a requirement

Staff Response: District staff will work with affected agencies to provide guidance on the steps necessary to conduct the flat vegetation cover test method. As specified in Appendix A, the flat vegetative cover test method is required to be conducted on three separate portions of the site on the day that observations are made.

The flat vegetative cover test method is intended to be a proactive measure that could be used to identify a site that has the potential for wind erosion. It should also be noted that disturbed surfaces resulting from weed abatement activities are subject to the Rule 403 prohibition of visible emissions from crossing any property line once weed abatement activities have ceased.

Comment 13: Mowing a field is not safe due to rocks and foreign objects being thrown from mowing equipment and the potential for fire ignition and watering/stabilizing the area before discing is not feasible. Furthermore, watering to a sufficient depth to mitigate fugitive dust emissions prior to tilling would take thousands of gallons per acre. For a twenty acre parcel this would result in thousands of gallons of water applied. Excess runoff could cause erosion deposits on surrounding streets that would dry and become suspended by future traffic. Additionally, applying significant amounts of water to prior to discing for weed abatement would encourage weed and grass growth exacerbating the weed and grass problem.

Staff Response: Mowing for weed abatement has been successfully implemented in portions of San Bernardino County where high winds can lead to wind erosion. Watering prior to earth-moving has been successfully implemented for other fugitive dust sources (i.e., construction projects). PAR 403 weed abatement provisions seek to obtain a balance between the need for fire protection and the technical feasibility of watering. Finally, it is unlikely that a one time application of water immediately prior to discing would result in significant grass or weed growth; however, District staff is prepared to review any data the commenter can provide on this subject.

Appendix A

Flat Vegetation Test Method*

Equipment:

- 100-foot measuring tape
- Two screwdrivers
- 3/32 inch diameter brazing rod or wooden dowel
- Pencil/Pen and paper

Introduction:

This test method examines the protection of flat vegetation against wind erosion on disturbed surfaces. Flat vegetation includes rooted vegetation or unattached vegetative debris lying horizontally on a surface. It can be alive or dead, but wind must not be able to move it or blow it away. Examples include flat, low-lying plants, horizontally flattened grass, or clumps of hay that are bunched. The purpose of this test is to estimate the percent cover of flat vegetation on a disturbed surface to see whether it sufficiently protects against windblown dust.

Determination Of Flat Vegetative Cover

Flat vegetation includes attached (rooted) vegetation or unattached vegetative debris lying on the surface with a predominant horizontal orientation that is not subject to movement by wind. Flat vegetation, which is dead but firmly attached, shall be considered equally protective as live vegetation. Stones or other aggregate larger than 1 centimeter in diameter shall be considered protective cover in the course of conducting the line transect test method. Where flat vegetation exists, conduct the following line transect test method.

Line Transect Test Method

Stretch a 100 foot measuring tape across a survey area that represents a random portion of the overall conditions of the site. Firmly anchor both ends of the measuring tape into the surface using a tool such as a screwdriver, with the tape stretched taut and close to the soil surface. If vegetation exists in regular rows, place the tape diagonally (at approximately a 45° angle) away from a parallel or perpendicular position to the vegetated rows. Pinpoint an area the size of a 3/32 inch diameter brazing rod or wooden dowel centered above each 1 foot interval mark along one edge of the tape. Count the number of times that flat vegetation lies directly underneath the pinpointed area at 1 foot intervals. Consistently observe the underlying surface from a 90° angle directly above each pinpoint on one side of the tape. Do not count the underlying surface as vegetated if any portion of the pinpoint extends beyond the edge of the vegetation underneath in any direction. If clumps of vegetation or vegetative debris lie underneath the pinpointed area, count the surface as vegetated, unless bare soil is visible directly below the pinpointed area. When 100 observations have been made, add together the number of times a surface was counted as vegetated. This total represents the percent of flat vegetation cover (e.g., if 50 positive counts were made, then vegetation cover is 50%). If the survey area that represents a random portion of

the overall conditions of the site is too small for 100 observations, make as many observations as possible. Then multiply the count of vegetated surface areas by the appropriate conversion factor to obtain percent cover. For example, if vegetation was counted 30 times within a total of 50 observations, divide 30 by 50 and multiply by 100 to obtain a flat vegetation cover of 60%.

Conduct the line transect test method, as described above, an additional two times on areas that represent a random portion of the overall conditions of the site and average results.

*University of Nebraska Cooperative Extension, Institute of Agriculture and Natural Resources

APPENDIX B

PM10 Emissions from Confined Animal Facilities

PM10 Fugitive Dust Emissions (Unpaved Roads)

	Emission Factor ¹ (lbs PM10/VMT - CARB)	Inventory ² (VMT)	Emissions (t/yr)	Emissions (t/d)	Reductions (50% control)
Riverside	2.27	17250	19.58	0.054	
San Bernardino	2.27	19500	22.13	0.061	
Orange	2.27	N/A			
LA	2.27	N/A			
				0.114 t/d	0.057 t/d
					17.142 t/yr

PM10 Fugitive Dust Emissions (Windblown Disturbed)

	Emission Factor ³ (lbs PM10/acre/yr - CARB)	Inventory ⁴ (Acreage)	Emissions (t/yr)	Emissions (t/d)	Reductions
Riverside	868	46	19.96	0.055	
San Bernardino	1333	52	34.66	0.095	
Orange		N/A			
LA		N/A			
				0.150 t/d	0.075 t/d
				0.264 total t/d	27.311 t/yr

Notes:

- ¹ CARB Area Source Methodology, Section 7.11 Unpaved Road Dust Farm Roads, August 1997.
- ² Each facility (23 RVC and 26 SB) has one-quarter mile of unpaved road with an average daily traffic level of 10 on 300 working days per year
[# of facilities/County x 0.25 mile x 10 trips per day x 300 working days = VMT (vehicle miles traveled)]
- ³ CARB Area Source Methodology, Section 7.13 Windblown Dust - Unpaved Roads, August 1997.
- ⁴ Each facility (23 RVC and 26 SB) has an average of 2 acres of disturbed surfaces
[# of facilities/County x acres of disturbed surfaces = total acreage of disturbed surfaces]

Total Emissions	Reductions
0.132 t/d	44.453 t/yr

APPENDIX C

PAR 403 Confined Animal Facility Conservation Management Practice Cost-Effectiveness

Number of affected facilities

Riverside	23
San Bernardino	26

Cost assumptions:

Speed/trespass control ¹ (signage)	Two installed signs	400	
	Useful life (years)	8	
	Interest rate - 4%		
	Capital recovery factor	0.149	
	Annualized cost	60	\$ / facility
Chemical stabilizer ¹	Purchase/application	5340	\$ / acre
Unpaved road gravel ²	Purchase/application	7820	\$ / quarter mile
	Useful life (years)	3	
	Interest rate - 4%		
	Capital recovery factor	0.36	
	Annualized cost	2815	\$ / facility
Revegetation ³		112	\$ / acre

Conservation management practice assumptions:

Unpaved roads	# of Facilities	Costs	
Signage	49	2940	
Gravel	16	45043	
Disturbed surface areas (98 acres total)	# of Acres		
Revegetation	68	7616	
Chemical stabilization	30	160200	
		215780	\$ for affected facilities

PAR 403 conservation management practice emission reductions (Appendix B - 50 percent reduction through combination of practices)	45	tons per year
	4795	\$ / ton PM10 reduced

Notes:

- ¹ San Joaquin Unified Air Pollution Control District, PM10 State Implementation Plan, 2003
- ² Nancy Von Muegge, Vulcan Materials, personal communication with Kathy Stevens, March, 2005
- ³ South Coast Air Quality Management District, Final Revised Rule 403 Staff Report, February 1997.
(costs increased from 1996 \$ to 2004 \$ using a deflator of 1.12)

APPENDIX D

PM10 Emissions from Weed Abatement Activities

Discing

County	Time Period	Acres Discd	PM10 Emission Factor (lbs./ac.) ¹	Total PM10 Emissions (tons)	PM10 Emissions (t/d) ²
Riverside	July-September	9500	1.2	5.70	0.02
San Bernardino ³	Spring-Summer	5700	1.2	3.42	0.01
Orange ⁴	May - September	114	1.2	0.07	0.0002
Los Angeles ⁵	Spring-Summer	2842	1.2	1.71	0.005
				10.89	0.03
PM10 Emissions (50% decrease in watering)					0.015 (t/d)

Mowing⁶

Riverside	July-September	175
San Bernardino	Spring-Summer	1600
San Bernardino	Fall	2800
Orange	Spring-Summer	64
Los Angeles	Spring-Summer	323

Notes:

- ¹ ARB Area Source Methodology, Section 7.4, January 2003
- ² tons per day
- ³ Includes work done in the Cities of Ontario, Rancho Cucamonga, Highland, Grand Terrace
- ⁴ County discs 5% of affected parcels (total 6 acres). Reminder conducted by property owners. Estimate rose accordingly.
- ⁵ Includes work done in the Cities and Communities of Los Angeles, Malibu, Topanga, West Hollywood, Claremont, Covina, Diamond Bar, Glendora, La Verne, Pomona, San Dimas, Walnut, City Terrace, Commerce, E. Los Angeles, Hacienda Heights, Industry, La Mirada, La Puente, Montebello, Monterey Park, Pico Rivera, Rosemead, Rowland Heights, Santa Fe Springs, S. San Gabriel, Whittier, Artesia, Baldwin Hills, Bell, Bell Gardens, Bellflower, Carson, Catalina Island, Cerritos, Cudahy, Hawaiian Gardens, Ladera Heights, Lakewood, Lawndale, Lennox, Lomita, Marina del Rey, Maywood, Norwalk, Palos Verdes Estates, Paramount, Rancho Palos Verdes, Rolling Hills, Rolling Hills Estates, Rosewood, Signal Hill, South Gate, Alta Dena, Arcadia, Azusa, Baldwin Park, Bradbury, Duarte, El Monte, Irwindale, La Canada, Flintridge, Monrovia, Montrose, Rosemead, San Gabriel, S. El Monte, S. Pasadena, Temple City, Agoura, Agora Hills, Calabasas, Glendale, Westlake Village, Bouquet Canyon, Canyon Country, Castaic, Chatsworth, Newhall, Santa Clarita
- ⁶ No emission factor, not quantified



**SUMMARY
MINUTES OF THE BOARD OF THE
SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT**

SAUNDRA McDANIEL, CLERK OF THE BOARD

FRIDAY, JUNE 3, 2005

Notice having been duly given, the regular meeting of the South Coast Air Quality Management District Board was held at District Headquarters, 21865 Copley Drive, Diamond Bar, California. Members present:

William A. Burke, Ed.D., Chairman
Speaker of the Assembly Appointee

Supervisor S. Roy Wilson, Ed.D., Vice Chairman
County of Riverside

Supervisor Michael D. Antonovich (arrived at 9:40 a.m.)
County of Los Angeles

Ms. Jane W. Carney
Senate Rules Committee Appointee

Mayor Beatrice J. S. LaPisto-Kirtley
Cities of Los Angeles County – Eastern Region

Mayor Ronald O. Loveridge (arrived at 9:12 a.m.)
Cities of Riverside County

Supervisor Gary Ovitt
County of San Bernardino

Councilmember Jan Perry (arrived at 9:30 a.m.)
Cities of Los Angeles County – Western Region

Mayor Miguel A. Pulido
Cities of Orange County

Supervisor James W. Silva
County of Orange

Ms. Cynthia Verdugo-Peralta
Governor's Appointee

Mayor Dennis R. Yates
Cities of San Bernardino County

CALL TO ORDER: The meeting was called to order by Chairman Burke at 9:10 a.m.

- Pledge of Allegiance: Led by Ms. LaPisto-Kirtley.
- Opening Comments

Ms. Carney. Expressed her appreciation to staff for the excellent efforts put forth in planning the Board Retreat, and noted that the retreat was both informative and intellectually stimulating.

Dr. Barry R. Wallerstein, Executive Officer. 1) Announced the return of Rick Pearce, Chief Financial Officer, from his medical leave. 2) Presented to the Board a certificate of recognition from CARB for staff's outstanding work related to air quality monitoring.

- Presentation on Brain and Lung Tumor and Air Pollution Foundation Studies

Dr. Keith Black gave a slide presentation regarding the study on the search for new molecular biomarkers associated with early changes in brain tissues after exposure to toxic chemicals and ambient particles.

In summary, Dr. Black noted that incidents of brain cancer are on the rise; it is a leading cause of death to children; there are 200,000 cases each year in the United States; and environmental agents and factors in the air may play an important role in the development of brain cancer. The study showed that exposing rats to toxic chemicals and particulate pollutants in a time period as short as three weeks to three months could induce molecular changes in the brain, and increases expression of genes that directly relate to the development of cancer. The findings are both important and disturbing, and suggest that even brief exposures to air pollution can cause changes to genes in the brain that relate to cancer.

Dr. Black recommended that the studies be expanded to include longer exposure times and to look at different particles, so as to understand the relationship of ultra fine particles and brain tumors and other types of cancers.

Mr. Pulido spoke of the need to educate colleagues and suggested that the results and data from Dr. Black's study be shared with other agencies.

Ms. LaPisto-Kirtley requested that future studies focus on the effects of nano particles on the brain, body, and those afflicted with asthma.

(Mr. Loveridge arrived at 9:12 a.m.)

CONSENT CALENDAR

- 1 Minutes of May 6, 2005 Board Meeting
 2. Set Public Hearing July 8, 2005 to Amend Rule 1162 - Polyester Resin Operations
 3. Award Contracts for Natural Gas Refueling Station Infrastructure and Reissue RFP
 4. Execute Contract to Cosponsor Development and Certification of Heavy-Duty Natural Gas Engine Meeting 2010 Emission Standards
 5. Execute Contract to Cosponsor Demonstration of Particulate Filter and Gas-to-Liquid Diesel Fuel in Transportation Refrigeration Unit Engines
 6. Execute Contracts to Demonstrate Applicability of Cleaire Advanced Emissions Controls' Longview Systems on Solid Waste Collection Vehicles
 7. Recognize and Appropriate Funds from U.S. EPA and CARB, and Execute Contracts for Truck Stop Electrification
 8. Execute Contract to Continue Monitoring of Microturbine Sites
 9. Transfer Funds from Clean Fuels Fund to FY 2005-06 General Fund Budget of Science & Technology Advancement
 10. Execute Contract to Purchase Sulfur Dioxide Analyzers for Ambient Air Monitoring Network

Execute Purchase Order for Off-site Storage Services

Approve Transfer of Funds for Purchase of Modeling Computer Workstations
 13. Establish List of Prequalified Vendors to Provide Printing Services
 14. Establish List of Prequalified Providers of Temporary Employment Services
 15. Appropriate Funds from Designation for Litigation and Enforcement and Authorize Amending Existing Contracts to Appropriate Such Funds
 16. Approve Award Modifications and Corrections for FY 2004-05 AB 2766 Discretionary Fund Work Program; Grant MSRC Authority to Adjust Project Costs Up to Five Percent; and Authorize Board Chairman to Execute Agreements
 17. Inter-District Transfer of Emission Reduction Credits to Antelope Valley Air Quality Management District
 18. Public Affairs Report
-

19. **This item was withdrawn by staff.**
20. Hearing Board Report
Civil Filing and Civil Penalties Report
22. Lead Agency Projects and Environmental Documents Received by AQMD
23. Rule and Control Measure Forecast
24. Notification of Recent State-Approved Health Risk Values for New Source Review
Status Report on Major Projects for Information Management Scheduled to Start During Last Six Months of 2004-05
26. Status Report on Web Casting District Governing Board Meetings
Report of RFPs and RFQs Scheduled for Release in June

Agenda Item 17 was withheld for discussion. Mr. Ovitt, Mr. Yates, and Dr. Wilson indicated they would abstain from Item 16 due to campaign contributions from Waste Management.

ON MOTION OF MS. LaPISTO-KIRTLEY, SECONDED BY DR. BURKE, THE BOARD APPROVED AGENDA ITEMS 1 THROUGH 16, 18, AND 20 THROUGH 27, AS RECOMMENDED BY STAFF, BY THE FOLLOWING VOTE:

AYES: Burke, Carney, LaPisto-Kirtley, Loveridge, Ovitt [except Item 16], Pulido, Silva, Verdugo-Peralta, Wilson [except Item 16], and Yates [except Item 16].

NOES: None.

ABSTAIN: Ovitt, Wilson, and Yates [on Item 16 only].

ABSENT: Antonovich and Perry.

BOARD CALENDAR

29. Administrative Committee
Legislative Committee
 31. ***This item was withdrawn by staff.***
 32. Stationary Source Committee
-

- 33. Technology Committee
- 34. Mobile Source Air Pollution Reduction Review Committee
- 35. California Air Resources Board Monthly Report (No Written Material - Transcripts of the meetings are available at CARB's web site, www.arb.ca.gov)

California Fuel Cell Partnership Steering Team Meeting

ON MOTION OF MS. VERDUGO-PERALTA, SECONDED BY DR. WILSON, AND UNANIMOUSLY CARRIED (Absent: Antonovich and Perry), THE BOARD APPROVED AGENDA ITEMS 29, 30, AND 32 THROUGH 36, AND ADOPTED THE FOLLOWING POSITIONS ON LEGISLATION AS RECOMMENDED:

SB 419 (Simitian) Ultrahazardous Waste Transportation: Railroad Tank Cars	Support with amendments
SB 475 (Runner) Air Pollution: Stationary Sources: Emissions Reductions: Banking	Support as amended
SB 975 (Ashburn) Air Quality Biodiesel Fuel	Oppose

(Ms. Perry arrived at 9:30 a.m.)

Agenda Item No. 39 was taken out of order.

PUBLIC HEARINGS

Amend Rule 461 - Gasoline Transfer and Dispensing

Larry Bowen, Planning and Rules Manager, gave the staff report. An errata sheet, rewording/adding language to the adopting Resolution and deleting the following from recommended actions in the board letter, was distributed by staff to the Board members and copies made available to the public:

~~“3. Finding that AQMD permits are necessary for all agricultural gasoline transfer and dispensing operations subject to Rule 461 and directing staff to amend Rule 219, as necessary.”~~

The public hearing was opened, and the Board heard testimony from the following individuals:

CYNTHIA CORY, California Farm Bureau Federation

Expressed opposition to the intent of Rule 219 to require a permit for less than five tons, and noted that the agricultural industry will meet the obligations required in Rule 461. (Submitted written comments)

MICHAEL WANG, Western States Petroleum Association (WSPA)

Expressed appreciation for staff's outreach efforts to make sure AQMD's needs and the supply and demand for gasoline were balanced as Rule 461 enforcement deadlines approached, and its willingness to work with industry. (Submitted written comments)

(Mr. Antonovich arrived at 9:40 a.m. during public testimony)

In response to questions and concerns raised by Board Members, Dr. Wallerstein, Laki Tisopulos, Assistant DEO of Planning, Rule Development, and Area Sources, and Carol Coy, DEO of Engineering & Compliance, made the following clarifications.

- The issue of whether to require a permit for these facilities is not before the Board at this time. Staff intends to address that issue in the Fall.

The intent of SB 700 is that agricultural sources be treated the same as other similar sources and with similar equipment.

- AQMD requires permits for these sources to ensure and improve enforceability of its rules and regulations.
- Approximately ten facilities may opt to install vapor recovery equipment. The permit fees, which are discounted to the agricultural community, are initially \$400, with a \$65 annual renewable fee.
- AQMD is exercising enforcement discretion to allow the fuel deliverers to be non-accountable for 45-days. The actual station operators are being held accountable to make sure the equipment is in compliance.

There being no further public testimony on this item, the public hearing was closed.

Written Comments Submitted by:

California Independent Oil Marketers Association (CIOMA)

ON MOTION OF MS. LaPISTO-KIRTLEY, SECONDED BY MR. YATES, AND UNANIMOUSLY CARRIED, THE BOARD ADOPTED RESOLUTION NO. 05-19, AMENDING RULE 461 AND CERTIFYING THE CEQA NOTICE OF EXEMPTION, AS RECOMMENDED BY STAFF, WITH THE FOLLOWING MODIFICATIONS TO THE RESOLUTION:

Modifications to the Resolution.

“BE IT FURTHER RESOLVED, that the AQMD ~~Governing Board~~ staff recommends ~~finds~~ pursuant to Health and Safety Code Section 42301.16 for agricultural sources of air pollution with actual emissions that are less than one-half of any applicable emissions threshold for a major source in the district and subject to Rule 461 – Gasoline Transfer and Dispensing, that a permit is necessary for its gasoline transfer and dispensing operations subject to Rule 461 to impose or enforce reductions of emission of air pollutants that the AQMD has shown to cause or contribute to a violation of a state or federal ambient air quality standard.”

“BE IT FURTHER RESOLVED, that the AQMD ~~Governing Board~~ staff believes ~~finds~~ pursuant to Health and Safety Code Section 42301.16 for agricultural sources of air pollution with actual emissions that are less than one-half of any applicable emissions threshold for a major source in the district and subject to Rule 461 – Gasoline Transfer and Dispensing, that the requirement for an agricultural source to obtain a permit for its gasoline transfer and dispensing operations subject to Rule 461 does not impose a burden that is significantly more burdensome than permits required for other similar sources of air pollution.”

“BE IT FURTHER RESOLVED, that the AQMD staff recommends that the ~~Governing Board~~ ~~directs staff to bring forward for their consideration~~ an amendment to Rule 219 – Equipment Not Requiring A Written Permit Pursuant to Regulation II to require written permits for equipment subject to Rule 461 – Gasoline Transfer and Dispensing that is installed or operated at an agricultural source, regardless of the source size; and”

Add to the Resolution.

“BE IT FURTHER RESOLVED that the AQMD staff recommends that in conjunction with the amendment to Rule 219, there also be an amendment to Regulation III – Fees to extend the discounted permit fee schedule currently included in Rule 312 – Special Permitting Fees for Agricultural Sources to the additional gasoline storage and dispensing equipment operated by agricultural facilities that are required to obtain an AQMD operating permit.”

28. Items Deferred from Consent Calendar

17. Inter-District Transfer of Emission Reduction Credits to Antelope Valley Air Quality Management District

In response to Dr. Wilson's request to transfer five pounds of NOx credits in addition to the VOCs, Dr. Wallerstein noted that due to a sense of extreme caution with the unavailability of emission reduction credits (ERCs) there could be difficulties in any growth or expansion within the Basin, staff did not previously recommend to the Board approval of the request. However, because the District's supply of NOx credits has been stable and there is ample supply to allow the five pounds to be transferred, staff would not recommend otherwise if the Board decided to approve the request. Staff does emphasize that there should not be a message that the District has an abundance of NOx credits to be taken by the downwind districts, because there is an upcoming shave in the RECLAIM program that may have a ripple effect to tighten-up the NOx ERC market.

The following individual addressed the Board to comment on Item No. 17.

George Jung, Lockheed Martin, expressed the need for the five-pound inter-district transfer and requested an additional three pounds of particulate matter for the installation of its jet engine testing facility. Expressed his belief that studies for other pollutants which were done by Mojave Desert AQMD staff indicate there is a problem with particulate being transported from South Coast district to Antelope Valley district. (Submitted written comments)

Dr. Wallerstein noted that a designated transport couple done by the state does not include particulate, and that the particulate problems are derived locally. Further, there is an extreme shortage of PM10 credits in the South Coast Air Basin. The price has reached \$70,000 a pound, and AQMD does not know how it is going to come up with enough credits for the fifteen hundred mega watts of power that Edison is currently out to bid, nor does the AQMD know how it is going to be able to site any major facility needing PM credits.

Mr. Silva suggested postponing Agenda Item 17 for 30 days to allow staff and Lockheed Martin to further discuss the transfer request.

At Chairman Burke's direction.

**AGENDA ITEM NO. 17 WAS CONTINUED TO THE
JULY 8, 2005 BOARD MEETING.**

PUBLIC HEARINGS (Continued)

At staff's recommendation, the Board combined the public hearings on Agenda Items 37 and 38.

- 37. Adopt Executive Officer's FY 2005-06 AQMD Budget and Work Program
- 38. Amend Regulation III – Fees

Rick Pearce, Chief Financial Officer, gave the staff report for Agenda Item No. 37. An errata sheet amending staff's recommended action to include the following policy was distributed to the Board Members and copies were made available to the public.

- “5. Direct staff to establish a policy on unreserved Fund Balance in the General Fund to maintain a minimum of 15% of revenues beginning Fiscal Year 2006-07.”

Overall, the proposal represents a 2.7 percent increase over the 2004-05 budget and a 3.1 percent decrease from the current budget of \$108.5 million. Included in the budget is a 6 percent fee increase, with no increases in salary and benefits because of on-going negotiations; a 3 percent salary savings which represents 23 unfilled positions; a proposal to unfund five positions; subject to negotiations with the unions, a reduction in the employer share of the employees pick-up of a portion of their retirement; and an increase of approximately \$1.1 million in services, supplies, and equipment budget.

Three options were provided; staff recommended that the Board approve Option No. 2, an across-the-board fee increase of 6 percent, noting that it would still require approximately \$850,000 from the fund balance, and additional costs would be funded from the Reserves for any type of agreement with the unions.

Laki Tisopulos, Assistant DEO of Planning, Rule Development and Area Sources, gave the staff report for Agenda Item No. 38. The proposal consists of Part A, cost recovery proposals to better align revenues versus expenditures; and Part B, proposed across-the-board fee increases to address the budget shortfall.

Three options were provided; staff recommended that the Board: 1) incorporate the cost recovery proposals included in Part A; and 2) approve Option No. 2, an across-the-board fee increase of 6 percent, with the exception of Rule 303, Hearing Board Fees, where, by law, the fee increase must be limited to the Consumer Price Index (CPI) of 3.6 percent.

The public hearing on Agenda Items 37 and 38 was opened, and the Board heard testimony from the following individuals:

BILL LaMARR, California Small Business Alliance

Expressed concern that the proposed budget is not balanced, expenses are projected to exceed revenues, it does not include any salary or benefit adjustments for staff, and the request for a fee increase comes on the heels of AQMD receiving a \$31 million settlement. He suggested that the stakeholder working group process that makes recommendations on discretionary programs be continued until better fiscal controls and accountability can be made.

BILL QUINN, California Council for Environmental & Economic Balance (CCEEB)

Noted CCEEB's commitment to work with all stakeholders to make sure the District has funding to perform its mission. Encouraged the Board to look at discretionary programs, and recommended the Board adopt the 3.6 percent CPI increase, and 10 percent of the settlement monies be used to fill in any gaps that would result from a less-than-6-percent increase.

WILLIAM W. DAVIS, Teamsters Local 911

Recommended that the Board adopt a 7.5 percent fee increase to close the gap in the budget and maintain programs. Expressed the need to arrive at a solution to address the employees' retirement costs and support for making the Hearing Board self-sufficient; and noted that continuing to cut programs and staffing will have a disastrous effect on AQMD's overall mission.

ERNEST LOPEZ, Professional Employees Association

Expressed support for staff's recommendation of the 6 percent fee increase, noting that the AQMD must be adequately funded in order to be fully functional and fulfill its mission.

CURTIS COLEMAN, Southern California Air Quality Alliance (SCAQA)

Suggested that a portion of the \$31 million settlement be used to place the reserves at an appropriate level. Noted there is no justification to charge companies fees over the CPI, when the AQMD will be receiving this one-time windfall that could help address the retirement contribution issue.

There being no further public testimony, the public hearing was closed.

Dr. Wallerstein responded to public comments as follows:

- Small businesses receive a 50 percent discount. At the 6 percent fee increase, with the discount fees will go down to 3 percent, and small businesses will see an increase less than the 3.6 percent CPI.
- The civil penalty portions of the BP settlement monies are in a separate account awaiting the Board's decision as to how these funds will be utilized, and the back emission fees are incorporated in the budget.

- AQMD has slipped behind to the point of having to lean heavily on one-time monies, and, to some degree, will have to lean on them at the end of employee negotiations. The more AQMD relies on one-time monies, the bigger the fee increase will become for the Board in the future.
- Staff is downsized in the budget, and over a two-year period, 40-plus positions were eliminated. Given the magnitude of the air quality problem and the high level of excellence that is required of staff to achieve clean air in the Basin, a smaller budget than that proposed by staff would result in a significantly diminished ability for AQMD to carry out the mandated activities contained in the Health and Safety code.

Ms. Verdugo-Peralta noted that, as an advocate and small business person, she understands what businesses are facing; however, the Agency has a responsibility to 16 million people and the costs for services provided to small and large businesses needs to be recognized. Discretionary funding for environmental justice is justified, corporate environmental responsibility is a way of doing business, and small businesses receive a 50 percent discount. In order for the AQMD to remain strong, it must charge for services, and she is in favor of the 6 percent fee increase. She requested that staff look into the Hearing Board being self-sufficient.

Mr. Loveridge expressed support for staff's recommendation, noting that the air quality in this region remains the worst in the country and that the AQMD is also proud of the fact of its being the best in world at its attempt to improve the air.

Mr. Ovitt expressed his appreciation to staff for making a positive impact in the budget by reducing costs; however, he could only support a 3.6 percent CPI, and does not feel the businesses should be charged a higher fee increase.

Mr. Pulido noted he is a small business person, everyone must do their part, the 50 percent discount is more than fair, and the AQMD has an overwhelming task of cleaning up the air.

Mr. Yates recommended that the Board adopt the 3.6 percent CPI, and noted that a 6 or 7.5 percent increase is an additional hardship to companies that have worked to achieve the advances the AQMD has made to clean up the air.

Ms. Carney noted that a great deal of time was spent exploring other revenue sources; however, absent any legislation to allow revenue raised from the general population, the AQMD is looking at a fee increase. Noting the economy is better than in previous years, and to keep the integrity of AQMD's work moving forward, she expressed support for a 6 percent fee increase.

Mr. Silva noted there is a fine balance between making sure we have a clean environment and keeping business healthy in order to provide jobs, and he expressed support for a 3.6 CPI fee increase.

Dr. Wilson expressed his agreement that the Board must be prudent; however, he is against using one-time monies to balance the budget. Noting that staff's chart which indicated the AQMD has been below the CPI over the past 15 years convinced him that the 6 percent fee increase is appropriate.

MR. PULIDO MOVED APPROVAL OF THE FOLLOWING ACTIONS ON AGENDA ITEMS 37 AND 38, AS RECOMMENDED BY STAFF:

- 1) REMOVE FROM RESERVES AND DESIGNATIONS ALL AMOUNTS ASSOCIATED WITH THE FY 2004-05 BUDGET;
- 2) APPROVE TOTAL APPROPRIATIONS OF \$105,110,807;
- 3) APPROVE AN UNDESIGNATED FUND BALANCE OF \$18,065,749 AND TOTAL RESERVES AND DESIGNATIONS OF \$21,529,061;
- 4) RECOGNIZE ESTIMATED REVENUES OF \$104,259,957;
- 5) DIRECT STAFF TO ESTABLISH A POLICY ON UNRESERVED FUND BALANCE IN THE GENERAL FUND TO MAINTAIN A MINIMUM OF 15% OF REVENUES BEGINNING FISCAL YEAR 2006-07; AND
- 6) ADOPT RESOLUTION NO. 05-20, AMENDING REGULATION III, INCLUDING RULES 301, 303, 304, 304.1, 306, 307.1, 308, 309, AND 311 BY ADOPTING ALL PROPOSALS LISTED IN PART A OF THE PROPOSED AMENDMENTS AND SCENARIO 2 LISTED IN PART B OF THE PROPOSED AMENDMENTS, AN ACROSS-THE-BOARD FEE INCREASE OF 6 PERCENT, EXCEPT FOR RULE 303, FOR WHICH THE ACROSS-THE-BOARD FEE INCREASE IS 3.6 PERCENT (CPI); AND CERTIFYING THE NOTICE OF EXEMPTION FROM CEQA REQUIREMENTS.

THE MOTION WAS SECONDED BY DR. WILSON, AND PASSED BY THE FOLLOWING VOTE:

AYES: Burke, Carney, LaPisto-Kirtley, Loveridge, Perry, Pulido, Verdugo-Peralta, and Wilson.

NOES: Antonovich, Ovitt, Silva, and Yates.

40. Amend Rule 403 - Fugitive Dust

Staff waived an oral report on Agenda Item 40. The public hearing was opened. There being no public testimony on this item, the public hearing was closed.

ON MOTION OF MS. LaPISTO-KIRTLEY, SECONDED BY MS. CARNEY, AND UNANIMOUSLY CARRIED (Absent: Loveridge, Ovitt, Silva, and Yates), THE BOARD ADOPTED RESOLUTION NO. 05-21, AMENDING RULE 403 AND CERTIFYING THE FINAL ENVIRONMENTAL ASSESSMENT, AS RECOMMENDED BY STAFF.

41. Amend Rule 1110.2 - Emissions from Gaseous and Liquid-Fueled Engines and Rescind Rule 1110.1 - Emissions from Stationary Internal Combustion Engines

Laki Tisopulos, Assistant DEO of Planning, Rule Development, and Area Sources, gave the staff report. An errata sheet, prepared by staff in response to issues raised by the California Farm Bureau Federation, was provided to the Board Members and distributed to the public.

The public hearing was opened, and the Board heard testimony from the following individuals:

CYNTHIA CORY, California Farm Bureau Federation

Requested that the compliance date for replacement of the engines be extended to 2010, and that staff report back to the Board in December 2006 on the availability of Carl Moyer funds. Expressed opposition to the requirement to permit engines less than five tons, and to the provision requiring small farms to meet a higher emission limit. (Submitted written comments)

BRUCE SCOTT, Agriculture

Expressed appreciation to staff for its efforts made with the working groups, and requested that agricultural facilities with emissions below 50 percent of the Title V threshold be removed from the permitting process and the compliance date extended to 2010.

KATHYE RIETKERK, Kallisto Greenhouses

Expressed her appreciation to staff for revising/removing language regarding monitoring, recordkeeping, source tests, and pretesting. Indicated that cost increases can not be passed onto the consumer, and recommended that facilities above the threshold be permitted and that equipment on facilities less than 50 percent of the threshold not be required to have a permit.

There being no further public testimony on this item, the public hearing was closed.

In response to questions and concerns raised by Board Members, Dr. Wallerstein, Dr. Tisopulos, and Mohsen Nazemi, Assistant DEO of Engineering & Compliance, made the following clarifications.

- The proposed rule would make large and small farm engine operators subject to BACT standards for new engines.
- In February 2005 the Board authorized the use of up to \$4 million in Carl Moyer funds for the use of agricultural sources complying with AQMD rules. The RFP will go out in July 2005, and staff will bring forward recommendations for the issuance of the funding to the Board before the end of the year.
- Those who may not have the access to electric power will be able to tap into the Carl Moyer funds to assist in procuring a new engine.
- Staff initially proposed a more aggressive time frame for implementation because they only have a few years to access the Moyer funding. It is no longer a technology-forcing rule, and the schedule is appropriate.
- During the process of applying for a permit, staff works with the applicants and informs them of any available program funds.
- It is staff's hope that the Board approves individual grants from the first allotment of the \$4 million by the end of the year, and because there is a 10 year funding stream for Carl Moyer, if all the initial funds are depleted there is an opportunity to provide funding over the next 3 to 4 years. The general public is paying for the replacement of the dirty diesel engines with electric motors, which is a cost savings to the operators.
- SB 700 requires the adoption of the best available retrofit control requirements for agricultural and stationary sources. There will be a cost savings because the Carl Moyer funds are available to pay for replacing the engines.

Dr. Wallerstein amended staff's recommendation to provide a report to the Board by December 2006 on the implementation of Rule 1110.2 and whether agricultural operators are receiving funding.

MS. VERDUGO-PERALTA MOVED, SECONDED BY MS. CARNEY, TO ADOPT RESOLUTION NO. 05-22, AMENDING RULE 1110.2 AND RESCINDING RULE 1110.1 AND CERTIFYING THE FINAL ENVIRONMENTAL ASSESSMENT, AS RECOMMENDED BY STAFF, WITH THE MODIFICATIONS SET FORTH IN THE ERRATA SHEET.

Mr. Antonovich noted his concern of the Board adopting a rule that may have a serious potential impact on the small farmers, and recommended that the rule be adopted contingent upon grant funds being available to the small farmers; and if the funds are not available, then the farmer would not be liable for complying with the rule until the funds are made available.

MS. LaPISTO-KIRTLEY MOVED TO AMEND THE MAIN MOTION TO GIVE SMALL SOURCES FIRST PRIORITY FOR ACCESS TO THE STATE VEHICLE REGISTRATION FUNDS SET ASIDE FOR THE USE OF AGRICULTURAL SOURCES COMPLYING WITH AQMD RULES, WITH THE REMAINING FUNDS TO BE MADE AVAILABLE TO THE LARGER SOURCES, AND STAFF TO REPORT BACK TO THE BOARD IN THE EVENT THE FUNDS ARE DEPLETED AND ADDITIONAL FUNDING IS NEEDED.

MS. VERDUGO-PERALTA ACCEPTED THE AMENDMENT AS PART OF THE MAIN MOTION. MS. CARNEY, SECONDER TO THE MOTION, CONCURRED.

MR. YATES MOVED TO AMEND THE MAIN MOTION TO EXTEND THE COMPLIANCE DEADLINE FROM 2008 TO 2010 FOR THE SMALL AGRICULTURAL OPERATIONS. THE AMENDMENT TO THE MOTION WAS SECONDED BY MR. ANTONOVICH, AND PASSED BY THE FOLLOWING VOTE:

AYES: Antonovich, Burke, Ovitt, Pulido, Silva, Wilson, and Yates.

NOES: Carney, LaPisto-Kirtley, Loveridge, Perry, and Verdugo-Peralta.

THE MAIN MOTION MADE BY MS. VERDUGO-PERALTA, AND SECONDED BY MS. CARNEY, **AS AMENDED BY THE BOARD**, TO ADOPT RESOLUTION NO. 05-22, AMENDING RULE 1110.2 AND RESCINDING RULE 1110.1 AND CERTIFYING THE FINAL ENVIRONMENTAL ASSESSMENT, AS RECOMMENDED BY STAFF, WITH THE FOLLOWING MODIFICATIONS TO THE RECOMMENDED ACTION AND RESOLUTION AS SET FORTH IN THE ERRATA SHEET, CARRIED BY A UNANIMOUS VOTE OF THE BOARD.

Modification to Recommended Action:

~~“3. Finding that AQMD permits are necessary for all agricultural engines subject to Rule 1110.2 and directing staff to start the process for amending Rule 219, as necessary.”~~

Modifications to the Resolution:

“BE IT FURTHER RESOLVED that the AQMD Governing Board, pursuant to Health and Safety Code Section 42301.16, makes the following findings for agricultural engines subject to Rule 1110.2 – Emissions from Gaseous and Liquid-Fueled Internal Combustion Engines at agricultural facilities with actual emissions that are less than one-half of all the applicable district emissions thresholds for a major source: 1) such engines are not subject to the requirements of Health and Safety Code Section 40724.6 for large confined animal facilities; 2) AQMD staff recommends that permits are necessary for such engines in order to impose and enforce reductions of air pollutant emissions that cause or contribute to violations of state and federal ambient air quality standards in AQMD; and 3) AQMD staff recommends that the requirement for an AQMD permit for such engines would not impose a burden on agricultural facilities that is significantly more burdensome than permits required for other similar sources of air pollution.”

“BE IT FURTHER RESOLVED that the AQMD ~~Governing Board is directing staff~~ recommends to prepare an amendment to Rule 219 – Equipment Not Requiring a Written Permit Pursuant to Regulation III that will require agricultural engines subject to Rule 1110.2 to have an AQMD permit and bring it to a public hearing for Board consideration prior to the implementation date of Rule 1110.2 for agricultural operations.”

“BE IT FURTHER RESOLVED that the AQMD Governing Board is directing staff recommends to also prepare, in conjunction with the amendment to Rule 219, an amendment to Regulation XIII – Fees to extend the discounted permit fee schedule currently included in Rule 312 – Special Permitting Fees for Agricultural Sources to those additional internal combustion engines operated by agricultural facilities that are required to obtain an AQMD operating permit.”

PUBLIC COMMENT PERIOD - (Public Comment on Non-Agenda Items, Pursuant to Government Code Section 54954.3)

There was no public comment on non-agenda items.

CLOSED SESSION

The Board recessed to closed session at 11:25 a.m., pursuant to Government Code sections:

- 54956.9(a) to confer with its counsel regarding pending litigation which has been initiated formally and to which the District is a party. The action is: Engine Manufacturers Association, et al. v. SCAQMD, et al., United States District Court Case No. CV-00-09065 FMC (BQRx).
- 54597.6(a) to meet with designated representatives regarding represented employee salaries and benefits or other mandatory subjects within the scope of representation [Negotiator: Eudora Tharp; Represented Employees: SCAQMD Professional Employees Association and Teamsters Local 911] and to meet with labor negotiators regarding unrepresented employees [Agency Designated Representative: Eudora Tharp; Unrepresented Employees: Designated Deputies and Management and Confidential employees].
- 54956.9(c) to confer with its counsel regarding determining whether to initiate litigation (two cases).

ADJOURNMENT

Following closed session, District Counsel Kurt Wiese announced that the Board took no reportable actions in closed session; and the meeting was adjourned at 12:25 p.m.

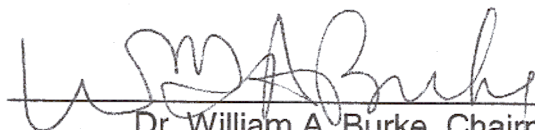
The foregoing is a true statement of the proceedings held by the South Coast Air Quality Management District Board on June 3, 2005.

Respectfully Submitted,



ROSE JUAREZ
Senior Deputy Clerk

Date Minutes Approved: 7-8-05



Dr. William A. Burke, Chairman

ACRONYMS

BACT = Best Available Control Technology
CARB = California Air Resources Board
CEQA = California Environmental Quality Act
CPI = Consumer Price Index
EPA = Environmental Protection Agency
ERC = Emission Reduction Credit
FY = Fiscal Year
NO_x = Oxides of Nitrogen
PM₁₀ = Particulate Matter ≤ 10 microns
RECLAIM = Regional Clean Air Incentives Market
RFP = Request for Proposals
RFQ = Request for Quotations
SB = Senate Bill
VOC = Volatile Organic Compound



South Coast Air Quality Management District



21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

August 26, 2005

Ms. Sally Rump
Air Resources Board
1001 I Street
Sacramento, CA 95814

Re: SIP Submittal: Amended Rule 403 (Fugitive Dust)

Dear Ms. Rump:

Attached you will find information pertaining to Rule 403 which was amended by the South Coast Air Quality Management District (AQMD) Governing Board on June 3, 2005.

We are requesting that upon your review and concurrence that the attached information be provided to the U.S. Environmental Protection Agency for its review and inclusion in the State Implementation Plan.

If you have any questions on this submittal, please contact Tracy Goss at (909) 396-3106.

Sincerely,

A handwritten signature in blue ink, appearing to read "Elaine Chang".

Elaine Chang, DrPH
Deputy Executive Officer
Planning, Rule Development & Area Sources

LTT:LL:TAG

Attachments:
SIP Completeness Checklist
Clean and Strikeout Copies of Amended Rule
Proof of Publication
Signed Board Resolution/Minutes
APCD/AQMD Rule Evaluation Form
Staff Report (includes public comments & responses)

Andrew Steckel/EPA Region IX (w/o attachments)
Mary Leonard/SCAQMD (w/o attachments)
SIP File (w/attachments)