

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: Antelope Valley Air Quality Management District

Rule No: 1186

Rule Title: PM10 Emissions From Paved And Unpaved Roads, And Livestock Operations

Date Adopted or Amended: Rescinded 5-16-2006

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. (See Staff Report Appendix A)
<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. (See Staff Report Appendix B)
<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. (See Staff Report Appendix C)

SIP COMPLETENESS CHECKLIST
(Electronic Format)

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

- | | | | |
|-------------------------------------|--------------------------|-------------------------------------|--|
| <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. <i>(See Staff Report)</i> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" 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 INFORMATIONDistrict: Antelope Valley Air Quality Management DistrictRule No(s): 1186 Date adopted/Amended/Rescinded: Rescinded May 16, 2006Rule Title(s): PM10 Emissions From Paved And Unpaved Roads, And Livestock OperationsDate Submitted to ARB: February 28, 2006If an Amended Rule, Date Last Amended (or Adopted): Adopted February 14, 1997Is 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 Walters Phone Number: (760) 245-1661 x6122 E-mail Address: twalters@mdaqmd.ca.govNarrative Summary of New Rule or Rule Changes: New Rule Amended Rule (Rescinded)

Pursuant to 17 CCR §§60104-60109 which defines the boundaries of California air basins, and AVAQMD Rule 103 – Definition of Geographical Areas, the desert portion of Los Angeles County is within the Mojave Desert Air Basin (MDAB) not the SCAB. Therefore, the AVAQMD in its entirety is located within the MDAB. Rule 1186 – PM10 Emissions From Paved And Unpaved Roads, And Livestock Operations is applicable only to specified land uses and activities conducted within the SCAB portion of the SCAQMD (Rule 1186(b)). By its own terms, this rule does not apply within the jurisdiction of the AVAPCD and should be removed from the AVAQMD Rule Book.

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: 0Inventory Year Used to Calculate Changes in Emissions: N/A Area Affected: N/A

Future Year Control Profile Estimate *(Provide information on as many years as possible):*
N/A

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

Baseline Inventory in the SIP for the Control Measure: N/A

Emissions Reduction Commitment in the SIP for the Control Measure: 0

Revised Baseline Inventory (if any): N/A

Revised Emission Reduction Estimate (if developed): N/A

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 (Unclassified) Nonattainment Split

Approximate Total Number of Small (<100 TPY) Sources Affected by this Amendment: 0

Percent in Nonattainment Area: 0%

Number of Large (\geq 100 TPY) Sources Controlled: 0 Percent in Nonattainment Area: 0%

Name(s) and Location(s) (city and county) of Large (\geq 100 TPY) Sources Controlled by Rule *(Attach additional sheets as necessary)*: N/A

IV. EMISSION REDUCTION TECHNOLOGY

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

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

Other Methods in the Rule for Achieving Emission Reductions are: Alternate Compliance Plans

V. OTHER REQUIREMENTS

The Rule Contains: N/A

Emission Limits in Section(s): (d) Work Practice Standards in Section(s): (d)

Recordkeeping Requirements in Section(s): (d) Reporting Requirements in Section(s): (d)

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

VI. IMPACT ON AIR QUALITY PLAN

- No Impact Impacts RFP Impacts attainment

Discussion: _____

**MINUTES OF THE GOVERNING BOARD
OF THE ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT
LANCASTER, CALIFORNIA**

AGENDA ITEM 11

DATE: May 16, 2006

RECOMMENDATION: 1. Conduct a public hearing to consider the proposed rescission of Rule 1186 – *PM₁₀ Emissions From Paved And Unpaved Roads, And Livestock Operations*; 2. Make a determination that the California Environmental Quality Act (CEQA) Categorical Exemption applies; 3. Waive the reading of the Resolution; 4. Adopt a resolution making appropriate findings, certifying the Notice of Exemption, rescinding Rule 1186 – *PM₁₀ Emissions From Paved And Unpaved Roads, And Livestock Operations*; and directing staff actions. This public hearing was previously noticed for April 18, 2006. This meeting was cancelled and all items deferred to the next regularly scheduled meeting of May 16, 2006.


SUMMARY: Rule 1186 – *PM₁₀ Emissions From Paved And Unpaved Roads, And Livestock Operations* is proposed for rescission because this rule by its terms does not apply within the jurisdiction of the Antelope Valley Air Quality Management District (AVAQMD) and should be removed from the AVAQMD Rule Book.

BACKGROUND:

On July 1, 1997 the Antelope Valley Air Pollution Control District (AVAPCD) was created pursuant to statute (former H&S Code §40106, A.B. 266-Knight Ch. 542, statutes of 1996) and assumed all air pollution control responsibilities from the South Coast Air Quality Management District (SCAQMD) for the area of Los Angeles County outside the South Coast Air Basin (SCAB). The SCAQMD rules in effect within the jurisdiction of the AVAPCD remained in effect until the AVAPCD Governing Board superceded, amended or rescinded them.

On January 1, 2002 the Antelope Valley Air Quality Management District (AVAQMD) was created pursuant to statute (H&S Code §41300 et seq.) to replace the AVAPCD. Once again the rules in effect at the time of the change remained in effect until the AVAQMD Governing Board superceded, amended or rescinded them. The SCAQMD adopted Rule 1186 on February 14, 1997; it is the current version in the AVAQMD Rule Book.

cc: Roseana Navarro-Brasington
Tracy Walters

I, CRYSTAL BATES, DEPUTY CLERK OF THE GOVERNING BOARD
OF THE ANTELOPE VALLEY AIR QUALITY MANAGEMENT
DISTRICT, HEREBY CERTIFY THE FOREGOING TO BE A
FULL, TRUE AND CORRECT COPY OF THE RECORD OF
THE ACTION AS THE SAME APPEARS IN THE OFFICIAL
MINUTES OF SAID GOVERNING BOARD MEETING
 DEPUTY CLERK OF THE BOARD
ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT.

**MINUTES OF THE GOVERNING BOARD
OF THE ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT
LANCASTER, CALIFORNIA**

AGENDA ITEM 11

PAGE 2

Pursuant to 17 CCR §§60104-60109, which defines the boundaries of California air basins, and AVAQMD Rule 103 – *Definition of Geographical Areas*, the desert portion of Los Angeles County is within the Mojave Desert Air Basin (MDAB) not the SCAB. Therefore the AVAQMD in its entirety is located within the MDAB.

Rule 1186 – *PM₁₀ Emissions From Paved and Unpaved Roads, and Livestock Operations* is applicable only to specified land uses and activities conducted within the SCAB portion of the SCAQMD (Rule 1186(b)). By its own terms, this rule does not apply within the jurisdiction of the AVAPCD and should be removed from the AVAQMD Rule Book.

A Notice of Exemption, Categorical Exemption (Class 8; 14 Cal. Code Reg. §15308) will be prepared by the AVAQMD for the rescission of Rule 1186 – *PM₁₀ Emissions From Paved And Unpaved Roads, And Livestock Operations* pursuant to the requirements of CEQA.

REASON FOR RECOMMENDATION: Health & Safety Code §§40702 and 40703 require the Governing Board to hold a public hearing before adopting rules and regulation. Also, 42 U.S.C. §7410(l) (FCAA §110(l)) requires that all SIP revisions be adopted after public notice and hearing.

REVIEW BY OTHERS: This item was reviewed by Eldon Heaston, Executive Director and Karen Nowak, Deputy District Counsel on April 28, 2006.

FINANCIAL DATA: No increase in appropriation is anticipated.

PRESENTER: Bret Banks, Operations Manager

**MINUTES OF THE GOVERNING BOARD
OF THE ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT
LANCASTER, CALIFORNIA**

AGENDA ITEM 11

PAGE 3

**ACTION OF THE GOVERNING BOARD
APPROVED**

Upon Motion by DISPENZA, Seconded by MCCOY, as approved by the following vote:

Ayes: 5 MCCOY, HEARNS, SMITH, DISPENZA, LEDFORD
Noes:
Absent: 1 LAWSON
Abstain:
Vacant:

CRYSTAL BATES, DEPUTY CLERK OF THE GOVERNING BOARD

BY _____

Dated: May 16, 2006

RESOLUTION 06-02

1 **A RESOLUTION OF THE GOVERNING BOARD OF THE ANTELOPE VALLEY AIR**
2 **QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF**
3 **EXEMPTION, AMENDING RULE 1186 – *PM₁₀ EMISSIONS FROM PAVED AND UNPAVED***
ROADS, AND LIVESTOCK OPERATIONS AND DIRECTING STAFF ACTIONS.

4 On May 16, 2006, on motion by Member DISPENZA, seconded by Member MCCOY, and
5 carried, the following resolution is adopted:

6 **WHEREAS**, the Antelope Valley Air Quality Management District (AVAQMD) has authority
7 pursuant to California Health and Safety Code (H & S Code) §§40702, 40725-40728 to adopt, amend or
8 repeal rules and regulations; and

9 **WHEREAS**, on July 1, 1997 the Antelope Valley Air Pollution Control District (AVAPCD) was
10 created pursuant to statute (former H&S Code §40106, A.B. 266-Knight Ch. 542, statutes of 1996) and
11 assumed all air pollution control responsibilities from the South Coast Air Quality Management District
12 (SCAQMD) for the area of Los Angeles County outside the South Coast Air Basin (SCAB); and

13 **WHEREAS**, the SCAQMD rules in effect within the jurisdiction of the AVAPCD remained in
14 effect until the AVAPCD Governing Board superceded, amended or rescinded them; and

15 **WHEREAS**, on January 1, 2002 the AVAQMD was created pursuant to statute (H&S Code
16 §41300 et seq.) to replace the AVAPCD; and

17 **WHEREAS**, the rules in effect at the time of the change remained in effect until the AVAQMD
18 Governing Board superceded, amended or rescinded them; and

19 **WHEREAS**, Rule 1186 was adopted by the SCAQMD on February 14, 1997; and

20 **WHEREAS**, Rule 1186 – *PM₁₀ Emissions From Paved And Unpaved Roads, And Livestock*
21 *Operations* reduces the amount of particulate matter entrained in the ambient air as a result of paved and
22 unpaved roads, and livestock auctions within the SCAB portion of the SCAQMD; and

23 **WHEREAS**, the AVAQMD is located entirely within the Mojave Desert Air Basin; and

24 **WHEREAS**, Rule 1186 has never applied, by its terms, to roads and livestock operations within
25 the jurisdiction of the AVAQMD; and

26 **WHEREAS**, the proposed rescission of the Rule is necessary because it does not apply, by its
27 terms, within the jurisdiction of the AVAQMD and is needed to remove a non-applicable rule from the
28 rule book; and

RESOLUTION 06-02

1 **WHEREAS**, the AVAQMD has the authority pursuant to H & S Code §40702 to amend rules and
2 regulations; and

3 **WHEREAS**, the proposed rescission is clear in that the meaning can be easily understood by the
4 persons impacted by the Rule; and

5 **WHEREAS**, the proposed rescission is in harmony with, and not in conflict with, or contradictory
6 to existing statutes, court decisions, or State or Federal regulations because this rule, by its terms, has
7 never applied within the jurisdiction of the AVAQMD; and

8 **WHEREAS**, the proposed rescission does not impose the same requirements as any existing State
9 or Federal regulation because it has never applied, by its terms, within the jurisdiction of the AVAQMD;
10 and

11 **WHEREAS**, the proposed rescission is properly referenced; and

12 **WHEREAS**, a public hearing has been properly noticed and conducted, pursuant to H & S Code
13 §40725, concerning the proposed rescission of Rule 1186; and

14 **WHEREAS**, a Notice of Exemption, a Categorical Exemption (Class 8, 14 CCR §15308) for the
15 proposed rescission of Rule 1186, completed in compliance with the California Environmental Quality
16 Act (CEQA), has been presented to the AVAQMD Board; each member having reviewed, considered and
17 approved the information contained therein prior to acting on the proposed rescission of Rule 1186, and
18 the AVAQMD Board having determined that the proposed rescission will not have any potential for
19 resulting in any adverse impact upon the environment; and

20 **WHEREAS**, the Board has considered the evidence presented at the public hearing; and

21 **NOW, THEREFORE, BE IT RESOLVED**, that the Governing Board of the AVAQMD finds
22 that the proposed rescission of Rule 1186 – *PM₁₀ Emissions From Paved And Unpaved Roads, And*
23 *Livestock Operations* is necessary, authorized, clear, consistent, non-duplicative and properly referenced;
24 and

25 **BE IT FURTHER RESOLVED**, that the Governing Board of the AVAQMD hereby makes a
26 finding that the Class 8 Categorical Exemption (14 CCR §15308) applies and certifies the Notice of
27 Exemption for the proposed rescission of Rule 1186; and

28 //

RESOLUTION 06-02

1 BE IT FURTHER RESOLVED, that the Board of the AVAQMD does hereby adopt, pursuant to
2 the authority granted by law, the proposed rescission of Rule 1186, as set forth in the attachments to this
3 resolution and incorporated herein by this reference; and

4 BE IT FURTHER RESOLVED, that this resolution shall take effect immediately upon adoption,
5 that the Clerk of the Board is directed to file the Notice of Exemption in compliance with the provisions
6 of CEQA.

7 PASSED, APPROVED AND ADOPTED by the Governing Board of the Antelope Valley Air Quality
8 Management District by the following vote:

9 AYES: 5 MEMBER: MCCOY, HEARNS, SMITH, DISPENZA, LEDFORD
10 NOES: 1 MEMBER: LAWSON
11 ABSENT: MEMBER:
12 ABSTAIN: MEMBER:

13
14 STATE OF CALIFORNIA)
15 COUNTY OF LOS ANGELES) SS:

17 I, Crystal Bates, Deputy Clerk of the Governing Board of the Antelope Valley Air Quality
18 Management District, hereby certify the foregoing to be a full, true and correct copy of the record of the
19 action as the same appears in the Official Minutes of said Governing Board at its meeting of May 16,
2006.

20 
21 _____
22 Deputy Clerk of the Governing Board,
23 Antelope Valley Air Quality Management District.
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(Adopted: 2/14/97)

RULE 1186
~~PM₁₀ Emissions From Paved And Unpaved Roads,~~
~~And Livestock Operations~~

(a) ~~Purpose~~

~~The purpose of this rule is to reduce the amount of particulate matter entrained in the ambient air as a result of vehicular travel on paved and unpaved roads, and at livestock operations.~~

(b) ~~Applicability~~

~~The provisions of this rule shall apply to specified land uses and activities conducted within the South Coast Air Basin portion of the South Coast Air Quality Management District which result in fugitive dust.~~

(c) ~~Definitions~~

- (1) ~~AVERAGE DAILY TRIPS (ADT) means the average number of vehicles that cross a given surface during a specified 24 hour time period as determined by the most recent Institute of Transportation Engineers trip generation manual, tube counts, or observations.~~
- (2) ~~CHEMICAL STABILIZERS mean 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 (EPA), or any applicable law, rule or regulation; and should 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.~~
- (3) ~~CHEMICAL STABILIZATION means a method of dust control implemented by a person to mitigate fugitive dust and corresponding PM₁₀ emissions which involves the use of non-toxic chemical stabilizers in sufficient quantities to maintain a stabilized surface.~~

- (4) ~~CONTINGENCY NOTIFICATION~~ means that the U.S. EPA has determined and notified the District in writing that PM₁₀ contingency requirements must be implemented based on a finding that: (1) PM₁₀ and PM₁₀ precursor emissions reductions were less than required at any three year milestone reporting interval, or (2) the region failed to attain the PM₁₀ standards within the time frames allotted under the Federal Clean Air Act, or (3) if as part of an Attainment/Maintenance Plan, the region is no longer in attainment of the PM₁₀ standards.
- (5) ~~DUST SUPPRESSANTS~~ are water, hygroscopic materials, or non-toxic chemical stabilizers used as a treatment material to reduce fugitive dust emissions.
- (6) ~~ESSENTIAL PUBLIC SERVICES~~ are sewage treatment facilities, prisons, police facilities, fire fighting facilities, schools, hospitals, landfills, and water delivery operations.
- (7) ~~FEED LANE ACCESS AREAS~~ are roads providing access from the feed preparation areas to and including feed lane areas at a livestock operation. These access roads are typically used to distribute feed from feed trucks to the animals.
- (8) ~~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 man.
- (9) ~~LIVESTOCK OPERATIONS~~ means any operation directly related to the raising of more than 50 animals for the primary purpose of making a profit or for a livelihood.
- (10) ~~OWNER/OPERATOR~~ is any person who owns, leases, or operates a land use or activity subject to the requirements of this rule.
- (11) ~~PAVED ROAD~~ means an improved street, highway, alley, public way, or easement that is covered by typical roadway materials 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.
- (12) ~~PM₁₀~~ is particulate matter with an aerodynamic diameter smaller than or equal to 10 microns as measured by the applicable State and Federal reference test methods.
- (13) ~~PM₁₀ EFFICIENT STREET SWEEPERS~~ are street cleaning equipment designed to prevent the venting of particulate matter 10 microns or less that has been outfitted with a filter, bag house, cyclone or other system.

- (14) ~~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.
- (15) ~~STABILIZED SURFACE~~ means:
- (a) ~~any disturbed surface area or open storage pile which has been treated to prevent wind-driven fugitive dust;~~
 - (b) ~~any unpaved road surface in which any fugitive dust plume emanating from vehicular traffic does not exceed 20 percent opacity.~~
- (16) ~~STREET CLEANING~~ means the removal of post-event visible roadway accumulations using street sweeping equipment, front end loaders, haul vehicles, manual shoveling, street flushing, or any other methods determined effective by the responsible agency.
- (17) ~~TYPICAL ROADWAY MATERIALS~~ are concrete, asphaltic concrete, recycled asphalt or asphalt.
- (18) ~~UNPAVED ACCESS CONNECTIONS~~ are any unpaved road connection with a paved public road.
- (19) ~~UNPAVED ALLEY~~ means any roadway not exceeding 25 feet in width which is primarily used for access to the rear or side entrances of abutting property that is not covered by one of the following: concrete, asphaltic concrete, recycled asphalt, or asphalt.
- (20) ~~UNPAVED ROADS~~ are any unsealed or unpaved roads, equipment paths, or travel ways that are not covered by one of the following: concrete, asphaltic concrete, recycled asphalt, or asphalt. 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. This definition excludes horse trails, hiking paths, bicycle paths, or other similar pathways used exclusively for purposes other than travel by motorized vehicles.
- (21) ~~VISIBLE ROADWAY ACCUMULATIONS~~ means the deposit of particulate matter onto paved roads as a result of wind or water erosion, haul vehicle spillage, or any other event excluding vehicular track-out, which results in the accumulation of visible roadway dust covering a contiguous area in excess of 200 square feet.

~~(22) WIND DRIVEN FUGITIVE DUST means visible emissions from any disturbed surface area which is generated by wind action alone.~~

~~(d) Requirements~~

~~**Paved Roads**~~

~~(1) Any owner or operator of a paved public road on which there is visible roadway accumulations shall begin removal of such material through street cleaning within 72 hours following any notification of the accumulation and shall completely remove such material as soon as feasible. If removal cannot be completed within 10 days of notification, the owner/operator shall notify the Executive Officer and provide information on the location of the accumulation(s) and estimated removal completion date.~~

~~(2) Any agency intending to purchase, lease, or otherwise contract for street sweeper equipment shall be required to procure PM₁₀-efficient street sweeping equipment after January 1, 1999.~~

~~**Unpaved Roads**~~

~~(3) Any owner or operator of an unpaved public road shall annually treat unpaved roads that have greater than the average ADT of all unpaved roads in its jurisdiction (as determined by the owner/operator) beginning January 1, 1998 and each of the 8 calendar years thereafter by either:~~

~~(A) Paving at least 1 mile of such roads using typical roadway materials; or~~

~~(B) Applying chemical stabilization to 2 miles of such roads in sufficient quantities to maintain a stabilized surface; or~~

~~(C) Taking one or more of the following actions on 3 miles of such roads:~~

~~(i) Installing signage at 1/4 mile intervals that prohibits vehicular speeds in excess of 15 miles per hour (mph) as authorized by California Vehicle Code section 22365 and/or~~

~~(ii) Installing speed control devices (e.g., speed bumps) every 500 feet and/or~~

~~(iii) Maintaining the roadway in such a manner that inhibits vehicular speeds in excess of 15 mph to 3 miles of unpaved roads in its jurisdiction.~~

(Note: ~~Treatment in excess of the annual requirement can be credited toward future year requirements.~~)

Livestock Operations

- (4) ~~Any owner or operator of a livestock operation shall cease all hay grinding activities between 2 and 5 p.m. if visible emissions extend more than 50 feet from a hay grinding source.~~
- (5) ~~Any owner or operator of a livestock operation shall treat all unpaved access connections and unpaved feed lane access areas with either pavement, gravel (maintained to a depth of four inches), or asphaltic road base no later than January 1, 1998.~~

(e) Contingency Requirements

~~When a contingency notification has occurred, the requirements of this subdivision shall become effective in the county subject to the notification 60 days after the first publication date in newspapers of general circulation in that county. Such publication shall specify that a contingency notification has occurred, and that paragraph (e)(1) is to be implemented within 60 days of a contingency notification.~~

Paved Roads

- (1) ~~Any owner or operator of public or private paved roads shall construct, or require to be constructed, all new or widened paved roads in accordance with the American Association of State Highway and Transportation Officials (AASHTO) guidelines or the applicable equivalent locally adopted guidelines for curbing, width of shoulders, and medians as specified below:~~
 - (A) ~~New construction or widening of paved roads with projected average daily trips of 500 vehicles or more shall be constructed with curbs or as an alternative paved outside shoulders using typical roadway materials and having the following minimum widths:~~

Average Daily Trips	Minimum Shoulder Width
500 – 3,000	4 feet
3,000 or greater	8 feet
 - (B) ~~New construction or widening of paved roads with medians and projected average daily trips of 500 vehicles or more shall pave the median area with typical roadway materials unless:~~

- ~~(i) the speed limits are set at or below 45 miles per hour; or~~
- ~~(ii) the medians are landscaped and maintained with grass or other vegetative ground cover and are surrounded by curbing; or~~
- ~~(iii) the medians are treated with chemical stabilizers in sufficient quantity and frequency to establish a stabilized surface and are surrounded by curbing.~~

~~(f) Recordkeeping~~

- ~~(1) Any person subject to paragraph (d)(3) shall maintain records that document compliance with the requirements specified in paragraph (d)(3). Such records must be updated annually and must be made available to the Executive Officer upon request.~~

~~(g) Effective Date~~

~~All provisions of this rule shall become effective upon adoption of this Rule.~~

~~(h) Exemptions~~

- ~~(1) The provisions of this rule shall not apply to sources with an approved Rule 1158 (Storage, Handling, and Transport of Petroleum Coke) plan provided that all sources of fugitive dust are included in the plan and the control actions are sufficient to comply with the performance standards contained in Rule 403.~~
- ~~(2) The provisions of this rule shall not apply to essential public services that are in compliance with District Rule 403 (Fugitive Dust).~~
- ~~(3) The provisions of paragraph (d)(1) shall not apply to:
 - ~~(A) visible roadway accumulations that occur on roads with fewer than 500 average daily trips.~~
 - ~~(B) paved roads that have been closed until such time that the road is again opened to vehicular activity.~~
 - ~~(C) events of such magnitude that a State of Emergency has been declared by the Governor, provided that removal of visible roadway accumulations associated with such events are initiated and completed as soon as feasible.~~~~
- ~~(4) An owner or operator of a paved road shall be exempt from the provisions of paragraph (d)(2) provided that PM₁₀ efficient street sweepers have been purchased and are being used on all swept paved roads, other than the portion of~~

exempt paved roads [defined as paved public roads that: 1) have curbs, or paved road shoulders in excess of four feet and 2) are not within 1,000 feet of an unpaved road], and the owner or operator of a paved road submits annually the following to the Executive Officer:

(A) ~~— a written inventory of the curb mileage swept and to be swept using PM₁₀-efficient street sweepers; and~~

(B) ~~— a written inventory of the exempt curb mileage.~~

(5) ~~— The provisions of paragraph (d)(3) shall not apply to:~~

(A) ~~— any unpaved road 3,000 feet above mean sea level with fewer than 500 ADT.~~

(B) ~~— any unpaved road used for emergency fire or flood protection or emergency maintenance of essential service utilities to provide electricity, natural gas, telephone, water, and sewer.~~

(C) ~~— any unpaved public road where public access is prohibited.~~

(D) ~~— any unpaved alley.~~

(E) ~~— any jurisdiction if it:~~

(i) ~~— notifies the Executive Officer that it has less than 5 miles of unpaved road mileage and implements once at least one of the control strategies identified in either subparagraph (d)(3)(A) or (d)(3)(B) or (d)(3)(C) on the unpaved road mileage with greater than the average ADT (as determined by the owner/operator) by January 1, 2000.~~

(ii) ~~— notifies the Executive Officer that it has more than 5 but less than 10 miles of unpaved road mileage and implements at least one of the control strategies identified in either subparagraph (d)(3)(A) or (d)(3)(B) or (d)(3)(C) on unpaved roads with greater than the average ADT (as determined by the owner/operator) in each three year period beginning January 1, 1998 (with final treatments completed by December 31, 2005).~~

(iii) ~~— notifies the Executive Officer that all of its remaining unpaved roads have 20 ADT or less (as determined by the owner/operator).~~

(6) ~~— The provisions of paragraphs (d)(3), (d)(4), and (d)(5) shall not apply to livestock operations whose contiguous bounded areas include less than ten acres.~~

~~(7) — The provisions of subparagraph (e)(1)(A) shall not apply to unpaved road shoulders provided that the area extending eight feet from the outside edge of the pavement is landscaped and maintained with grass or other vegetative ground cover.~~

~~(i) — Alternative Control Options~~

~~In lieu of complying with the provisions of paragraphs (d)(3) and (d)(5) and subdivision (e), a person may submit for approval by the Executive Officer and the U.S. Environmental Protection Agency a plan for achieving equivalent emissions reductions through alternative control measures.~~

~~[SIP: Submitted as adopted 2/14/97 on 8/1/97.]~~

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Antelope Valley
Air Quality Management District



Staff Report

Proposed Rescission
Rule 1186 – *PM₁₀ Emissions From Paved And Unpaved
Roads, And Livestock Operations*

For rescission on
May 16, 2006

43301 DIVISION ST., SUITE 206,
LANCASTER, CALIFORNIA 93535-4649
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**STAFF REPORT
TABLE OF CONTENTS**

*Rule 1186 – PM₁₀ Emissions From Paved And Unpaved Roads,
And Livestock Operations*

I.	PURPOSE OF STAFF REPORT	1
II.	EXECUTIVE SUMMARY	1
III.	STAFF RECOMMENDATION	2
IV.	LEGAL REQUIREMENTS CHECKLIST	3
V.	DISCUSSION OF LEGAL REQUIREMENTS	4
A.	REQUIRED ELEMENTS/FINDINGS	4
1.	State Findings Required for Adoption of Rules & Regulations	4
a.	Necessity	4
b.	Authority	4
c.	Clarity	4
d.	Consistency	4
e.	Nonduplication	4
f.	Reference	4
g.	Public Notice & Comment, Public Hearing	5
2.	Federal Elements (SIP Submittals, Other Federal Submittals)	5
a.	Satisfaction of Underlying Federal Requirements	5
b.	Public Notice and Comment	5
c.	Availability of Document	5
d.	Notice to Specified Entities	5
e.	Public Hearing	5
f.	Legal Authority to Adopt and Implement	5
g.	Applicable State Laws and Regulations Were Followed	6
B.	WRITTEN ANALYSIS OF EXISTING REQUIREMENTS	6
C.	ECONOMIC ANALYSIS	6
1.	General	6
2.	Incremental Cost Effectiveness	6
D.	ENVIRONMENTAL ANALYSIS (CEQA)	6

E.	SUPPLEMENTAL ENVIRONMENTAL ANALYSIS	7
1.	Potential Environmental Impacts.....	7
2.	Mitigation of Impacts	7
3.	Alternative Methods of Compliance.....	7
F.	PUBLIC REVIEW	7
VI.	TECHNICAL DISCUSSION.....	7
A.	SOURCE DESCRIPTION	7
B.	EMISSIONS	7
C.	CONTROL REQUIREMENTS.....	8
D.	PROPOSED RULE SUMMARY.....	8
E.	SIP HISTORY	8
1.	SIP History.....	8
2.	SIP Analysis.....	8
	Appendix A – Rule 1186 – <i>PM₁₀ Emissions From Paved And Unpaved Roads, And Livestock Operations, Iterated Version</i>	A-1
	Appendix B - Public Notice Documents	B-1
	Appendix C - Public Comments and Responses	C-1
	Appendix D - California Environmental Quality Act Documentation.....	D-1
	Appendix E - Bibliography.....	E-1

STAFF REPORT
Rule 1186 – *PM₁₀ Emissions From Paved And Unpaved Roads,*
And Livestock Operations

I. PURPOSE OF STAFF REPORT

A staff report serves several discrete purposes. Its primary purpose is to provide a summary and background material to the members of the Governing Board. This allows the members of the Governing Board to be fully informed before making any required decision. It also provides the documentation necessary for the Governing Board to make any findings, which are required by law to be made prior to the approval or adoption of a document. In addition, a staff report ensures that the correct procedures and proper documentation for approval, adoption, or rescission of a document have been performed. Finally, the staff report provides evidence for defense against legal challenges regarding the propriety of the approval or adoption of the document.

II. EXECUTIVE SUMMARY

The Antelope Valley Air Quality Management District (AVAQMD) Governing Board is being requested to conduct a public hearing, make findings, and then adopt a resolution rescinding Rule 1186 – *PM₁₀ Emissions From Paved And Unpaved Roads, And Livestock Operations*, and directing staff actions. This public hearing was noticed for April 18, 2006. This meeting was cancelled and all items deferred to the next regularly scheduled meeting of May 16, 2006.

On July 1, 1997 the Antelope Valley Air Pollution Control District (AVAPCD) was created pursuant to statute (former H&S Code §40106, A.B. 266-Knight Ch. 542, statutes of 1996) and assumed all air pollution control responsibilities from the South Coast Air Quality Management District (SCAQMD) for the area of Los Angeles County outside the South Coast Air Basin (SCAB). The SCAQMD rules in effect within the jurisdiction of the AVAPCD remained in effect until the AVAPCD Governing Board superceded, amended or rescinded them. On January 1, 2002 the AVAQMD was created pursuant to statute (H&S Code §41300 et seq.) to replace the AVAPCD. Once again the rules in effect at the time of the change remained in effect until the AVAQMD Governing Board superceded, amended or rescinded them. The SCAQMD adopted Rule 1186 on February 14, 1997, and it is the current version in the AVAQMD Rule Book.

Pursuant to 17 CCR §§60104-60109 which defines the boundaries of California air basins, and AVAQMD Rule 103 – *Definition of Geographical Areas*, the desert portion of Los Angeles County is within the Mojave Desert Air Basin (MDAB) not the SCAB. Therefore, the AVAQMD in its entirety is located within the MDAB. Rule 1186 – *PM₁₀ Emissions From Paved And Unpaved Roads, And Livestock Operations* is applicable only to specified land uses and activities conducted within the SCAB portion of the SCAQMD (Rule 1186(b)). By its own terms, this rule does not apply within the jurisdiction of the AVAPCD and should be removed from the AVAQMD Rule Book.

III. STAFF RECOMMENDATION

Staff recommends that the Governing Board of the AVAQMD, after conducting a public hearing, rescind Rule 1186 – *PM₁₀ Emissions From Paved And Unpaved Roads, And Livestock Operations*. Such action is necessary to remove a rule from the Rule Book which is not applicable, by its terms, in the jurisdiction of the AVAQMD.

IV. LEGAL REQUIREMENTS CHECKLIST

The findings and analysis as indicated below are required for the procedurally correct rescission of Rule 1186 - *Pm10 Emissions From Paved And Unpaved Roads, And Livestock Operations*. Each item is discussed, if applicable, in Section V below. Copies of documents are included in the appropriate Appendix.

FINDINGS REQUIRED FOR RULES & REGULATIONS

- Necessity
- Authority
- Clarity
- Consistency
- Nonduplication
- Reference
- Public Notice & Comment
- Public Hearing

REQUIREMENTS FOR STATE IMPLEMENTATION PLAN SUBMISSION (SIP):

- Public Notice & Comment
- Availability of Document
- Notice to Specified Entities (State, Air Districts, USEPA, Other States)
- Public Hearing
- Legal Authority to adopt and implement the document.
- Applicable State laws and regulations were followed.

ELEMENTS OF A FEDERAL SUBMISSION

N/A Elements as set forth in applicable Federal law or regulations.

CALIFORNIA ENVIRONMENTAL QUALITY ACT REQUIREMENTS (CEQA):

- N/A Ministerial Action
- Exemption
- N/A Negative Declaration
- N/A Environmental Impact Report
- N/A Appropriate findings, if necessary.
- N/A Public Notice & Comment

SUPPLEMENTAL ENVIRONMENTAL ANALYSIS (RULES & REGULATIONS ONLY):

- Environmental impacts of compliance.
- Mitigation of impacts.
- Alternative methods of compliance.

OTHER:

- Written analysis of existing air pollution control requirements
- Economic Analysis
- Public Review

V. DISCUSSION OF LEGAL REQUIREMENTS

A. REQUIRED ELEMENTS/FINDINGS

This section discusses the State of California statutory requirements that apply to the proposed rescission of Rule 1186. These are actions which need to be performed, and/or information, which must be provided in order to rescind the Rule in a procedurally correct manner.

1. State Findings Required for Adoption of Rules & Regulations:

Before adopting, amending, or repealing a rule or regulation, the AVAQMD Governing Board is required to make findings of necessity, authority, clarity, consistency, non-duplication, and reference based upon relevant information presented at the hearing. The information below is provided to assist the Board in making these findings.

a. Necessity:

The proposed rescission of Rule 1186 is necessary because it does not apply, by its terms, within the jurisdiction of the AVAQMD. The rescission of Rule 1186 is needed to remove a non-applicable rule from the Rule Book.

b. Authority:

AVAQMD has the authority pursuant to California Health and Safety Code (H & S Code) §40702 to adopt, amend or repeal rules and regulations.

c. Clarity:

The proposed amendments are clear in that they are written so that the persons subject to the Rule can easily understand the meaning.

d. Consistency:

The proposed rescission of Rule 1186 is in harmony with, and not in conflict with or contradictory to, any State law or regulation, Federal law or regulation, or court decisions because this rule, by its terms, has never applied within the jurisdiction of the AVAQMD.

e. Nonduplication:

The proposed rescission does not impose the same requirements as an existing State or Federal law or regulation because it has never applied, by its terms, within the jurisdiction of the AVAQMD.

f. Reference:

AVAQMD has the authority pursuant to H & S Code §40702 to adopt, amend or repeal rules and regulations.

g. Public Notice & Comment, Public Hearing:

Notice for the public hearing for the proposed rescission Rule 1186 will be published March 17, 2006. See Appendix "B" for a copy of the public notice. See Appendix C for copies of comments, if any, and AVAQMD responses.

2. Federal Elements (SIP Submittals, Other Federal Submittals).

Submittals to United States Environmental Protection Agency (USEPA) are required to include various elements depending upon the type of document submitted and the underlying Federal law which requires the submittal. The information below indicates which elements are required for the proposed rescission of Rule 1186 and how they were satisfied.

a. Satisfaction of Underlying Federal Requirements:

The rescission of Rule 1186 is subject to all the requirements for a SIP submittal because Rule 1186 may be included in the AVAQMD SIP. The criteria for determining completeness of SIP submissions are set forth in 40 CFR Part 51, Appendix V, 2.0.

b. Public Notice and Comment:

This public hearing was noticed for April 18, 2006. This meeting was cancelled and all items deferred to the May 16, 2006 meeting. See Appendix "B" for a copy of the public notice. See Appendix C for copies of comments, if any, and AVAQMD responses.

c. Availability of Document:

Copies of the proposed rescission Rule 1186 and the accompanying draft staff report will be made available to the public on March 17, 2006.

d. Notice to Specified Entities

Copies of the proposed rescission of Rule 1186 and the accompanying draft staff report will be mailed to all affected agencies, including but not limited to California Air Resources Board (CARB) and USEPA.

e. Public Hearing:

This public hearing was previously noticed for April 18, 2006. This meeting was cancelled and all items deferred to the May 16, 2006 meeting.

f. Legal Authority to Adopt and Implement:

The AVAQMD has the authority pursuant to H&S Code §40702 to adopt, amend, or repeal rules and regulations and to do such acts as may be necessary or proper to execute the duties imposed upon the AVAQMD.

g. Applicable State Laws and Regulations Were Followed:

Public notice and hearing procedures pursuant to H&S Code §§40725-40728 have been followed. See Section (V)(A)(1) above for compliance with state findings required pursuant to H&S Code §40727. See Section (V)(B) below for compliance with the required analysis of existing requirements pursuant to H&S Code §40727.2. See Section (V)(C) for compliance with economic analysis requirements pursuant to H&S Code §40920.6. See Section (V)(D) below for compliance with provisions of the California Environmental Quality Act (CEQA).

B WRITTEN ANALYSIS OF EXISTING REQUIREMENTS

H & S Code §40727.2 requires air districts to prepare a written analysis of all existing federal air pollution control requirements that apply to the same equipment or source type as the rule proposed for modification by the District. Since the proposed rescission of Rule 1186 does not impose new requirements and merely rescinds a non-applicable rule, the requirement to provide this analysis does not apply.

C. ECONOMIC ANALYSIS

1. General.

Rule 1186 reduces the amount of particulate matter entrained in the ambient air as a result of paved and unpaved roads, and livestock auctions within the SCAB portion of the SCAQMD. The AVAQMD is located entirely within the MDAB. The rule has never applied, by its terms, to roads and livestock operations within the jurisdiction of the AVAQMD. No economic impact is anticipated by the rescission of Rule 1186.

2. Incremental Cost Effectiveness.

Pursuant to H&S Code §40920.6, incremental cost effectiveness calculations are required for rules and regulations which are adopted or amended to meet the California Clean Air Act requirements for Best Available Retrofit Control Technology (BARCT) or “all feasible measures” to control volatile organic compounds, oxides of nitrogen or oxides of sulfur. The proposed rescission of Rule 1186 is not subject to incremental cost effectiveness calculations because it does not involve BARCT or “all feasible measures” requirements in that the rule is not applicable, by its terms, within the jurisdiction of the AVAQMD.

D. ENVIRONMENTAL ANALYSIS (CEQA)

1. The rescission of Rule 1186 is administrative in nature since it has never applied, by its terms, within the jurisdiction of the AVAQMD. No environmental impacts are anticipated from this action.

E. SUPPLEMENTAL ENVIRONMENTAL ANALYSIS

1. Potential Environmental Impacts

The rescission of Rule 1186 is administrative in nature since it has never applied, by its terms, within the jurisdiction of the AVAQMD. No environmental impacts are anticipated from this action.

2. Mitigation of Impacts

N/A

3. Alternative Methods of Compliance

N/A

F. PUBLIC REVIEW

See Staff Report Section (V)(A)(1)(g) and (2)(b), as well as Appendix B.

VI. TECHNICAL DISCUSSION

A. SOURCE DESCRIPTION

Rule 1186 was adopted by the SCAQMD for the portions of the SCAB which are classified as PM non-attainment. The provisions of Rule 1186 apply to specific land uses and activities conducted which result in fugitive dust emissions within areas classified as PM non-attainment within the SCAB portion of the SCAQMD. The AVAQMD in its entirety is located within the MDAB. The AVAQMD Federal PM attainment status is unclassified and there are no federally classified PM non-attainment areas within the District. Because there are no PM non-attainment areas within the District boundaries, the rule has never applied, by its terms, to roads and livestock operations within the jurisdiction of the AVAQMD. Being as there are no PM non-attainment areas within the AVAQMD the rule by its terms and its intent is non-enforceable and non-applicable. Rule 1186 does not apply and has not been applied within the AVAQMD; therefore rescission of the rule does not trigger the anti-backsliding provision of the Clean Air Act.

B. EMISSIONS

Rule 1186 has never applied, by its terms, within the jurisdiction of the AVAQMD and, therefore, no environmental impacts are anticipated from this action.

C. CONTROL REQUIREMENTS

Rule 1186 has never applied, by its terms, within the jurisdiction of the AVAQMD and, therefore, no emission control methods will be required.

D. PROPOSED RULE SUMMARY

Rule 1186 reduces the amount of particulate matter entrained in the ambient air as a result of paved and unpaved roads, and livestock auctions within the SCAB portion of the SCAQMD. The AVAQMD is located entirely within the MDAB. The rule has never applied, by its terms, to roads and livestock operations within the jurisdiction of the AVAQMD. No economic impact is anticipated by the rescission of Rule 1186.

This section gives a brief overview of the proposed rescission of Rule 1186.

E. SIP HISTORY

1. SIP History.

Rule 1186 was adopted on February 14, 1997. Rule 1186 was submitted as adopted as part of the SIP on August 1, 1997. The AVAQMD is unaware if any further action was taken by USEPA.

2. SIP Analysis.

The AVAPCD came into existence pursuant to statute on July 1, 1997 (Health & Safety Code §40106, A.B. 266-Knight Ch. 542, statutes of 1996). The rules and regulations of the SCAQMD remain in effect within the AVAPCD until the AVAPCD Governing Board adopts, amends or rescinds new ones (Health & Safety Code §40106(e)). Since the SIP applies to the territory for which it was approved at the time it was approved, the AVAPCD also inherited the SCAQMD SIP applicable to the Los Angeles County portion of the South East Air Basin (now called the Mojave Desert Air Basin) prior to July 1, 1997. On January 1, 2002 the AVAQMD was created pursuant to statute (H&S Code §41300 et seq.) to replace the AVAPCD. Once again the SIP in effect at the time of the change remained in effect until the AVAQMD Governing Board superceded, amended or rescinded it.

Since Rule 1186 has never applied by its terms to paved or unpaved roads and livestock operations within the jurisdiction of the AVAQMD, removal of this rule from the AVAQMD SIP, if included, would have no effect.

APPENDIX "A"
Rule 1186 – *PM₁₀ Emissions From Paved And Unpaved Roads,
And Livestock Operations*

Iterated Version

The iterated version is provided so that the changes to an existing rule may be easily found. The manner of differentiating text is as follows:

1. Underlined text identifies new or revised language.
2. ~~Lined out text~~ identifies language which is being deleted.
3. Normal text identifies the current language of the current rule which will remain unchanged by the adoption of the proposed amendments.
4. *Italicized text* identifies explanatory material that is not part of the proposed language.

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RULE 1186
~~PM₁₀ Emissions From Paved And Unpaved Roads,
And Livestock Operations~~

~~(a) Purpose~~

~~The purpose of this rule is to reduce the amount of particulate matter entrained in the ambient air as a result of vehicular travel on paved and unpaved roads, and at livestock operations.~~

~~(b) Applicability~~

~~The provisions of this rule shall apply to specified land uses and activities conducted within the South Coast Air Basin portion of the South Coast Air Quality Management District which result in fugitive dust.~~

~~(c) Definitions~~

- ~~(1) AVERAGE DAILY TRIPS (ADT) means the average number of vehicles that cross a given surface during a specified 24-hour time period as determined by the most recent Institute of Transportation Engineers trip generation manual, tube counts, or observations.~~
- ~~(2) CHEMICAL STABILIZERS mean 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 (EPA), or any applicable law, rule or regulation, and should 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.~~
- ~~(3) CHEMICAL STABILIZATION means a method of dust control implemented by a person to mitigate fugitive dust and corresponding PM₁₀ emissions which involves the use of non-toxic chemical stabilizers in sufficient quantities to maintain a stabilized surface.~~

- (4) ~~CONTINGENCY NOTIFICATION~~ means that the U.S. EPA has determined and notified the District in writing that PM_{10} contingency requirements must be implemented based on a finding that: (1) PM_{10} and PM_{10} precursor emissions reductions were less than required at any three-year milestone reporting interval, or (2) the region failed to attain the PM_{10} standards within the time frames allotted under the Federal Clean Air Act, or (3) if as part of an Attainment/Maintenance Plan, the region is no longer in attainment of the PM_{10} standards.
- (5) ~~DUST SUPPRESSANTS~~ are water, hygroscopic materials, or non-toxic chemical stabilizers used as a treatment material to reduce fugitive dust emissions.
- (6) ~~ESSENTIAL PUBLIC SERVICES~~ are sewage treatment facilities, prisons, police facilities, fire fighting facilities, schools, hospitals, landfills, and water delivery operations.
- (7) ~~FEED LANE ACCESS AREAS~~ are roads providing access from the feed preparation areas to and including feed lane areas at a livestock operation. These access roads are typically used to distribute feed from feed trucks to the animals.
- (8) ~~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 man.
- (9) ~~LIVESTOCK OPERATIONS~~ means any operation directly related to the raising of more than 50 animals for the primary purpose of making a profit or for a livelihood.
- (10) ~~OWNER/OPERATOR~~ is any person who owns, leases, or operates a land use or activity subject to the requirements of this rule.
- (11) ~~PAVED ROAD~~ means an improved street, highway, alley, public way, or easement that is covered by typical roadway materials 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.
- (12) ~~PM_{10}~~ is particulate matter with an aerodynamic diameter smaller than or equal to 10 microns as measured by the applicable State and Federal reference test methods.
- (13) ~~PM_{10} -EFFICIENT STREET SWEEPERS~~ are street cleaning equipment designed to prevent the venting of particulate matter 10 microns or less that has been outfitted with a filter, bag house, cyclone or other system.

- (14) ~~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.
- (15) ~~STABILIZED SURFACE~~ means:
- (a) ~~any disturbed surface area or open storage pile which has been treated to prevent wind-driven fugitive dust;~~
 - (b) ~~any unpaved road surface in which any fugitive dust plume emanating from vehicular traffic does not exceed 20 percent opacity.~~
- (16) ~~STREET CLEANING~~ means the removal of post-event visible roadway accumulations using street sweeping equipment, front end loaders, haul vehicles, manual shoveling, street flushing, or any other methods determined effective by the responsible agency.
- (17) ~~TYPICAL ROADWAY MATERIALS~~ are concrete, asphaltic concrete, recycled asphalt or asphalt.
- (18) ~~UNPAVED ACCESS CONNECTIONS~~ are any unpaved road connection with a paved public road.
- (19) ~~UNPAVED ALLEY~~ means any roadway not exceeding 25 feet in width which is primarily used for access to the rear or side entrances of abutting property that is not covered by one of the following: concrete, asphaltic concrete, recycled asphalt, or asphalt.
- (20) ~~UNPAVED ROADS~~ are any unsealed or unpaved roads, equipment paths, or travel ways that are not covered by one of the following: concrete, asphaltic concrete, recycled asphalt, or asphalt. 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. This definition excludes horse trails, hiking paths, bicycle paths, or other similar pathways used exclusively for purposes other than travel by motorized vehicles.
- (21) ~~VISIBLE ROADWAY ACCUMULATIONS~~ means the deposit of particulate matter onto paved roads as a result of wind or water erosion, haul vehicle spillage, or any other event excluding vehicular track-out, which results in the accumulation of visible roadway dust covering a contiguous area in excess of 200 square feet.
- (22) ~~WIND-DRIVEN FUGITIVE DUST~~ means visible emissions from any disturbed surface area which is generated by wind action alone.

~~(d) Requirements~~

~~**Paved Roads**~~

- ~~(1) Any owner or operator of a paved public road on which there is visible roadway accumulations shall begin removal of such material through street cleaning within 72 hours following any notification of the accumulation and shall completely remove such material as soon as feasible. If removal cannot be completed within 10 days of notification, the owner/operator shall notify the Executive Officer and provide information on the location of the accumulation(s) and estimated removal completion date.~~
- ~~(2) Any agency intending to purchase, lease, or otherwise contract for street sweeper equipment shall be required to procure PM₁₀-efficient street sweeping equipment after January 1, 1999.~~

~~**Unpaved Roads**~~

- ~~(3) Any owner or operator of an unpaved public road shall annually treat unpaved roads that have greater than the average ADT of all unpaved roads in its jurisdiction (as determined by the owner/operator) beginning January 1, 1998 and each of the 8 calendar years thereafter by either:~~
- ~~(A) Paving at least 1 mile of such roads using typical roadway materials; or~~
 - ~~(B) Applying chemical stabilization to 2 miles of such roads in sufficient quantities to maintain a stabilized surface; or~~
 - ~~(C) Taking one or more of the following actions on 3 miles of such roads:~~
 - ~~(i) Installing signage at 1/4 mile intervals that prohibits vehicular speeds in excess of 15 miles per hour (mph) as authorized by California Vehicle Code section 22365 and/or~~
 - ~~(ii) Installing speed control devices (e.g., speed bumps) every 500 feet and/or~~
 - ~~(iii) Maintaining the roadway in such a manner that inhibits vehicular speeds in excess of 15 mph to 3 miles of unpaved roads in its jurisdiction.~~

~~(Note: Treatment in excess of the annual requirement can be credited toward future year requirements.)~~

Livestock Operations

- (4) ~~Any owner or operator of a livestock operation shall cease all hay grinding activities between 2 and 5 p.m. if visible emissions extend more than 50 feet from a hay grinding source.~~
- (5) ~~Any owner or operator of a livestock operation shall treat all unpaved access connections and unpaved feed lane access areas with either pavement, gravel (maintained to a depth of four inches), or asphaltic road-base no later than January 1, 1998.~~

(e) Contingency Requirements

~~When a contingency notification has occurred, the requirements of this subdivision shall become effective in the county subject to the notification 60 days after the first publication date in newspapers of general circulation in that county. Such publication shall specify that a contingency notification has occurred, and that paragraph (e)(1) is to be implemented within 60 days of a contingency notification.~~

Paved Roads

- (1) ~~Any owner or operator of public or private paved roads shall construct, or require to be constructed, all new or widened paved roads in accordance with the American Association of State Highway and Transportation Officials (AASHTO) guidelines or the applicable equivalent locally adopted guidelines for curbing, width of shoulders, and medians as specified below:~~
 - (A) ~~New construction or widening of paved roads with projected average daily trips of 500 vehicles or more shall be constructed with curbs or as an alternative paved outside shoulders using typical roadway materials and having the following minimum widths:~~

Average Daily Trips	Minimum Shoulder Width
500 - 3,000	4 feet
3,000 or greater	8 feet
 - (B) ~~New construction or widening of paved roads with medians and projected average daily trips of 500 vehicles or more shall pave the median area with typical roadway materials unless:~~
 - (i) ~~the speed limits are set at or below 45 miles per hour; or~~
 - (ii) ~~the medians are landscaped and maintained with grass or other vegetative ground cover and are surrounded by curbing; or~~

- ~~(iii) the medians are treated with chemical stabilizers in sufficient quantity and frequency to establish a stabilized surface and are surrounded by curbing.~~

~~(f) Recordkeeping~~

- ~~(1) Any person subject to paragraph (d)(3) shall maintain records that document compliance with the requirements specified in paragraph (d)(3). Such records must be updated annually and must be made available to the Executive Officer upon request.~~

~~(g) Effective Date~~

~~All provisions of this rule shall become effective upon adoption of this Rule.~~

~~(h) Exemptions~~

- ~~(1) The provisions of this rule shall not apply to sources with an approved Rule 1158 (Storage, Handling, and Transport of Petroleum Coke) plan provided that all sources of fugitive dust are included in the plan and the control actions are sufficient to comply with the performance standards contained in Rule 403.~~
- ~~(2) The provisions of this rule shall not apply to essential public services that are in compliance with District Rule 403 (Fugitive Dust).~~
- ~~(3) The provisions of paragraph (d)(1) shall not apply to:
 - ~~(A) visible roadway accumulations that occur on roads with fewer than 500 average daily trips.~~
 - ~~(B) paved roads that have been closed until such time that the road is again opened to vehicular activity.~~
 - ~~(C) events of such magnitude that a State of Emergency has been declared by the Governor, provided that removal of visible roadway accumulations associated with such events are initiated and completed as soon as feasible.~~~~
- ~~(4) An owner or operator of a paved road shall be exempt from the provisions of paragraph (d)(2) provided that PM₁₀-efficient street sweepers have been purchased and are being used on all swept paved roads, other than the portion of exempt paved roads [defined as paved public roads that: 1) have curbs, or paved road shoulders in excess of four feet and 2) are not within 1,000 feet of an unpaved road], and the owner or operator of a paved road submits annually the following to the Executive Officer:~~

- ~~(A) — a written inventory of the curb mileage swept and to be swept using PM₁₀-efficient street sweepers; and~~
 - ~~(B) — a written inventory of the exempt curb mileage.~~
 - ~~(5) — The provisions of paragraph (d)(3) shall not apply to:
 - ~~(A) — any unpaved road 3,000 feet above mean sea level with fewer than 500 ADT.~~
 - ~~(B) — any unpaved road used for emergency fire or flood protection or emergency maintenance of essential service utilities to provide electricity, natural gas, telephone, water, and sewer.~~
 - ~~(C) — any unpaved public road where public access is prohibited.~~
 - ~~(D) — any unpaved alley.~~
 - ~~(E) — any jurisdiction if it:
 - ~~(i) — notifies the Executive Officer that it has less than 5 miles of unpaved road mileage and implements once at least one of the control strategies identified in either subparagraph (d)(3)(A) or (d)(3)(B) or (d)(3)(C) on the unpaved road mileage with greater than the average ADT (as determined by the owner/operator) by January 1, 2000.~~
 - ~~(ii) — notifies the Executive Officer that it has more than 5 but less than 10 miles of unpaved road mileage and implements at least one of the control strategies identified in either subparagraph (d)(3)(A) or (d)(3)(B) or (d)(3)(C) on unpaved roads with greater than the average ADT (as determined by the owner/operator) in each three year period beginning January 1, 1998 (with final treatments completed by December 31, 2005).~~
 - ~~(iii) — notifies the Executive Officer that all of its remaining unpaved roads have 20 ADT or less (as determined by the owner/operator).~~~~~~
- ~~(6) — The provisions of paragraphs (d)(3), (d)(4), and (d)(5) shall not apply to livestock operations whose contiguous bounded areas include less than ten acres.~~
- ~~(7) — The provisions of subparagraph (e)(1)(A) shall not apply to unpaved road shoulders provided that the area extending eight feet from the outside edge of the pavement is landscaped and maintained with grass or other vegetative ground cover.~~

~~(i) — Alternative Control Options~~

~~In lieu of complying with the provisions of paragraphs (d)(3) and (d)(5) and subdivision (e), a person may submit for approval by the Executive Officer and the U.S. Environmental Protection Agency a plan for achieving equivalent emissions reductions through alternative control measures.~~

~~{SIP: Submitted as adopted 2/14/97 on 8/1/97.}~~

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APPENDIX "B"
PUBLIC NOTICE DOCUMENTS

(to be included when available)

1. Proof of Publication for Notice of Public Hearing – March 17, 2006
2. Proof of Publication for Notice of Public Hearing – April 14, 2006

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PROOF OF PUBLICATION

(2015.5 C.C.P.)

STATE OF CALIFORNIA

County of Los Angeles

} s s

Notice Type: NOTICE OF HEARING

The space above for filing stamp only

I am a citizen of the United States and a resident of the County aforesaid; 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 the **Antelope Valley Press**, a newspaper of general circulation, printed and published daily in the city of **Palmdale**, 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, under date of October 24, 1931, Case Number 328601; Modified Case Number 657770 April 11, 1956; also operating as the Ledger-Gazette, adjudicated a legal newspaper June 15, 1927, by Superior Court decree No. 224545; also operating as the Desert Mailer News, formerly known as the South Antelope Valley Foothill News, adjudicated a newspaper of general circulation by the Superior Court of the County of Los Angeles, State of California on May 29, 1967, Case Number NOC564 and adjudicated a newspaper of general circulation for the City of Lancaster, State of California on January 26, 1990, Case Number NOC10714, Modified October 22, 1990; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

March 17, 2006

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



Signature

Dated: March 17, 2006
Executed at Palmdale, California

ANTELOPE VALLEY PRESS
37404 SIERRA HWY., PALMDALE CA 93550
Telephone (661)267-4112/Fax (661)947-4870

NOTICE OF HEARING

NOTICE IS HERBY GIVEN that the Governing Board of the Antelope Valley Air Quality Management District (AVAQMD) will conduct a public hearing on March 18, 2006 at 10:00 A.M. to consider the proposed rescission on Rule 1186 - PM10 Emissions From Paved And Unpaved Roads, And Livestock Operations.

SAID HEARING will be conducted in the Governing Board Chambers located at the AVAQMD offices 43301 Division Street, Suite 200, Lancaster, CA 92525-4649 where all interested persons may be present and be heard. Copies of the proposed rescission on Rule 1186 - PM10 Emissions From Paved And Unpaved Roads, And Livestock Operations and the Staff Report are on file and may be obtained from the Clerk of the Governing Board at the AVAQMD Office. Written comments may be submitted to Gret Bonke, Operations Manager at the above office address. Comments must be received no later than April 4, 2006 to be considered. If you have any questions you may contact Tracy Wolfgram (760) 245-1681 x 6122 for further information.

The proposed rescission on Rule 1186 - PM10 Emissions From Paved And Unpaved Roads, And Livestock Operations will remove the rule from the AVAQMD Rule Book because by its own terms, this rule does not apply within the jurisdiction of the AVAQMD.

Pursuant to the California Environmental Quality Act (CEQA) the AVAQMD has determined that a Categorical Exemption (Class B - 14 Cal. Code Reg. §15308) applies and has prepared a Notice of Exemption for this action.

Crystal Bates
Deputy Clerk of the Board
Antelope Valley Air Quality Management District
Published 3/17/06

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PROOF OF PUBLICATION

(2015.5 C.C.P.)

STATE OF CALIFORNIA

County of Los Angeles

} ss

The space above for filing stamp only

Notice: NOTICE OF HEARING

I am a citizen of the United States and a resident of the County aforesaid; 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 the **Antelope Valley Press**, a newspaper of general circulation, printed and published **daily** in the city of **Palmdale**, 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, under date of October 24, 1931, Case Number 328601; Modified Case Number 657770 April 11, 1956; also operating as the Ledger-Gazette, adjudicated a legal newspaper June 15, 1927, by Superior Court decree No. 224545; also operating as the Desert Mailer News, formerly known as the South Antelope Valley Foothill News, adjudicated a newspaper of general circulation by the Superior Court of the County of Los Angeles, State of California on May 29, 1967, Case Number NOC564 and adjudicated a newspaper of general circulation for the City of Lancaster, State of California on January 26, 1990, Case Number NOC10714, Modified October 22, 1990; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

April 14, 2006

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

Alison Adams

Signature

Dated: April 14, 2006
Executed at Palmdale, California

ANTELOPE VALLEY PRESS
37404 SIERRA HWY., PALMDALE CA 93550
Telephone (661)267-4112/Fax (661)947-4870

NOTICE OF HEARING
NOTICE IS HEARBY GIVEN that the Governing Board of the Antelope Valley Air Quality Management District (AVAQMD) will conduct a public hearing on May 16, 2006 at 10:00 A.M. to consider the proposed rescission on Rule 1186 - *PM10 Emissions From Paved And Unpaved Roads, And Livestock Operations*. This public hearing was previously noticed for April 18, 2006. This meeting was cancelled and all items deferred to the next regularly scheduled meeting of May 16, 2006.
SAID HEARING will be conducted in the Governing Board Chambers located at the AVAQMD offices 43301 Division Street, Suite 206, Lancaster, CA 92525-4649 where all interested persons may be present and be heard. Copies of the proposed rescission on Rule 1186 - *PM10 Emissions From Paved And Unpaved Roads, And Livestock Operations* and the Staff Report are on file and may be obtained from the Clerk of the Governing Board at the AVAQMD Offices. Written comments may be submitted to Bret Banks, Operations Manager at the above office address. Comments must be received no later than May 2, 2006 to be considered. If you have any questions you may contact Tracy Walters at (760) 245-1661 x 6122 for further information.
The proposed rescission on Rule 1186 - *PM10 Emissions From Paved And Unpaved Roads, And Livestock Operations* will remove the rule from the AVAQMD Rule Book because by its own terms, this rule does not apply within the jurisdiction of the AVAQMD.
Pursuant to the California Environmental Quality Act (CEQA) the AVAQMD has determined that a Categorical Exemption (Class 9 - 14 Cal. Code Reg §15308) applies and has prepared a *Notice of Exemption* for this action.
Crystal Bates
Deputy Clerk of the Board
Antelope Valley Air Quality Management District
Published 4/14/06

AVAQMD
APR 17 2006
RECEIVED

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APPENDIX "C"
PUBLIC COMMENTS AND RESPONSES

1. USEPA comment email dated March 23, 2006

Roseana Navarro-Brasington

From: Wamsley.Jerry@epamail.epa.gov
Sent: Thursday, March 23, 2006 6:56 PM
To: Roseana Navarro-Brasington
Cc: Rose.Julie@epamail.epa.gov; Steckel.Andrew@epamail.epa.gov
Subject: rescission of AVAQMD Rule 1186

Hello Ms. Navarro-Brasington,

Regarding your proposed rescission of Rule 1186, we suggest that you treat your action like a negative declaration by providing additional information in the staff report demonstrating that the rule does not apply to the AVAQMD PM nonattainment area. If paved and unpaved roads or livestock operations are major sources of PM emissions in the nonattainment area, then the rule would have practical utility. Finding that the rule is nonsensical on its face, does not relieve AVAQMD of the responsibility of demonstrating that the rule cannot be implemented successfully if the problematic applicability statement were corrected. Furthermore, a demonstration and finding by the Governing Board that there are no major sources of PM covered by this rule and that the rule has no practical utility would allow EPA to address anti-backsliding provisions of the Clean Air Act in any subsequent rulemaking amending the AVAQMD State Implementation Plan.

If you have any questions, please call me at 415 947-4111 or Julie Rose at 415 947-4126.

Thank you.

Jerry Wamsley

District Response:

Comments considered and clarification added to technical discussion section of Staff Report. The District is not located within the SCAB and is not classified as PM non-attainment.

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APPENDIX "D"
CALIFORNIA ENVIRONMENTAL QUALITY ACT
DOCUMENTATION
(to be included as available)

1. Notice of Exemption – Los Angeles County

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Antelope Valley Air Quality Management District
43301 Division St., Suite 206
Lancaster, CA 93535-4649

AVAQMD

661.723.8070
Fax 661.723.3450

MAY 25 2006

RECEIVED Eldon Heaston, Executive Director

ORIGINAL FILED

MAY 23 2006

NOTICE OF EXEMPTION

LOS ANGELES, COUNTY CLERK

TO: Los Angeles County Clerk
12400 E. Imperial Hwy, #1001
Norwalk, CA 90650

FROM: Antelope Valley
Air Quality Management District
43301 Division Street, Suite 206
Lancaster, CA 93535-4649

AVAQMD Clerk of the Governing Board

PROJECT TITLE: Rule 1186 – PM₁₀ Emissions From Paved And Unpaved Roads, And Livestock Operations

PROJECT LOCATION – SPECIFIC: Los Angeles County portion of the Mojave Desert Air Basin.

PROJECT LOCATION – COUNTY: Los Angeles County

DESCRIPTION OF PROJECT: Rule 1186 is proposed for rescission because this rule by its terms does not apply within the jurisdiction of the Antelope Valley Air Quality Management District (AVAQMD) and should be removed from the AVAQMD rule book.

NAME OF PUBLIC AGENCY APPROVING PROJECT: Antelope Valley AQMD

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Antelope Valley AQMD

EXEMPT STATUS (CHECK ONE)

Ministerial (Pub. Res. Code §21080(b)(1); 14 Cal Code Reg. §15268)

Emergency Project (Pub. Res. Code §21080(b)(4); 14 Cal Code Reg. §15269(b))

Categorical Exemption – Class 8 (14 Cal Code Reg. §15308)

REASONS WHY PROJECT IS EXEMPT: The rescission of Rule 1186 is administrative in nature since this rule by its terms does not apply within the jurisdiction of the AVAQMD. No environmental impacts are anticipated from this action.

LEAD AGENCY CONTACT PERSON: Bret Banks PHONE: (661) 723-8070

SIGNATURE: [Signature] TITLE: Operations Manager DATE: May 16, 2006

DATE RECEIVED FOR FILING:



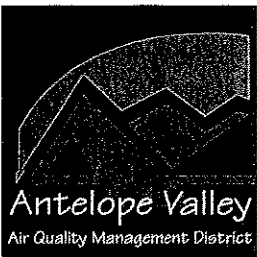
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APPENDIX "E" BIBLIOGRAPHY

The following documents were consulted in the preparation of this staff report and the proposed rescission of Rule 1186:

1. Health and Safety Code §§ 41300-41302
2. 17 CCR §60104
3. 17 CCR §60109
4. AVAQMD Rule 103 – *Definition Of Geographical Areas*

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Antelope Valley Air Quality Management District **AVAQMD**
43301 Division St., Suite 206
Lancaster, CA 93535-4649

661.723.8070
Fax 661.723.3450

MAY 25 2006

RECEIVED Eldon Heaston, Executive Director

ORIGINAL FILED

MAY 23 2006

NOTICE OF EXEMPTION

LOS ANGELES, COUNTY CLERK

TO: Los Angeles County Clerk
12400 E. Imperial Hwy, #1001
Norwalk, CA 90650

FROM: Antelope Valley
Air Quality Management District
43301 Division Street, Suite 206
Lancaster, CA 93535-4649

AVAQMD Clerk of the Governing Board

PROJECT TITLE: .Rule 1186 – *PM₁₀ Emissions From Paved And Unpaved Roads, And Livestock Operations*

PROJECT LOCATION – SPECIFIC: Los Angeles County portion of the Mojave Desert Air Basin.

PROJECT LOCATION – COUNTY: Los Angeles County

DESCRIPTION OF PROJECT: Rule 1186 is proposed for rescission because this rule by its terms does not apply within the jurisdiction of the Antelope Valley Air Quality Management District (AVAQMD) and should be removed from the AVAQMD rule book.

NAME OF PUBLIC AGENCY APPROVING PROJECT: Antelope Valley AQMD

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Antelope Valley AQMD

EXEMPT STATUS (CHECK ONE)

Ministerial (Pub. Res. Code §21080(b)(1); 14 Cal Code Reg. §15268)

Emergency Project (Pub. Res. Code §21080(b)(4); 14 Cal Code Reg. §15269(b))

Categorical Exemption – Class 8 (14 Cal Code Reg. §15308)

REASONS WHY PROJECT IS EXEMPT: The rescission of Rule 1186 is administrative in nature since this rule by its terms does not apply within the jurisdiction of the AVAQMD. No environmental impacts are anticipated from this action.

LEAD AGENCY CONTACT PERSON: Bret Banks **PHONE:** (661) 723-8070

SIGNATURE: **TITLE:** Operations Manager **DATE:** May 16, 2006

DATE RECEIVED FOR FILING:

**MINUTES OF THE GOVERNING BOARD
OF THE ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT
LANCASTER, CALIFORNIA**

AGENDA ITEM 6


DATE: March 21, 2006

RECOMMENDATION: Set date of April 18, 2006 to conduct a public hearing to consider the proposed rescission of Rule 1186 - *PM₁₀ Emissions From Paved And Unpaved Roads, And Livestock Operations* and approval of California Environmental Quality Act (CEQA) documentation.

SUMMARY: This item officially sets the date for the mandatory public hearing to be held on the proposed rescission of Rule 1186. Rule 1186 is proposed for rescission because this rule, by its terms, does not apply within the jurisdiction of the Antelope Valley Air Quality Management District (AVAQMD) and should be removed from the AVAQMD rulebook.

BACKGROUND: On July 1, 1997 the Antelope Valley Air Pollution Control District (AVAPCD) was created pursuant to statute (former H&S Code §40106, A.B. 266-Knight Ch. 542, statutes of 1996) and assumed all air pollution control responsibilities from the South Coast Air Quality Management District (SCAQMD) for the area of Los Angeles County outside the South Coast Air Basin (SCAB). The SCAQMD rules in effect within the jurisdiction of the AVAPCD remained in effect until the AVAPCD Governing Board superceded, amended or rescinded them. On January 1, 2002 the AVAQMD was created pursuant to statute (H&S Code §41300 et seq.) to replace the AVAPCD. Once again the rules in effect at the time of the change remained in effect until the AVAQMD Governing Board superceded, amended or rescinded them. The SCAQMD adopted Rule 1186 on February 14, 1997; it is the current version in the AVAQMD rulebook.

Pursuant to 17 CCR §§60104-60109 which defines the boundaries of California air basins, and AVAQMD Rule 103 - *Definition of Geographical Areas*, the desert portion of Los Angeles County is within the Mojave Desert Air Basin (MDAB) not the SCAB. Therefore the AVAQMD in its entirety is located within the MDAB. Rule 1186 - *PM₁₀ Emissions From Paved And Unpaved Roads, And Livestock Operations* is applicable only to specified land uses and activities conducted within the SCAB portion of the SCAQMD (Rule 1186(b)). By its own terms, this rule does not apply within the jurisdiction of the AVAPCD and should be removed from the AVAQMD rulebook.

CRYSTAL DATES, DEPUTY CLERK OF THE GOVERNING BOARD
OF THE ANTELOPE VALLEY AIR QUALITY MANAGEMENT
DISTRICT, HEREBY CERTIFY THE FOREGOING TO BE A
FULL, TRUE AND CORRECT COPY OF THE RECORD OF
THE ACTION AS THE SAME APPEARS IN THE OFFICIAL
MINUTES OF SAID GOVERNING BOARD MEETING

DEPUTY CLERK OF THE BOARD
ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT

Tracy Walters
Roseana Navarro-Brasington

**MINUTES OF THE GOVERNING BOARD
OF THE ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT
LANCASTER, CALIFORNIA**

AGENDA ITEM 6

PAGE 2

A Notice of Exemption, Categorical Exemption (Class 8; 14 Cal. Code Reg. §15308) will be prepared by the AVAQMD for the rescission of Rule 1186 pursuant to the requirements of CEQA.

REASON FOR RECOMMENDATION: Health & Safety Code §§40702 and 40703 require the Governing Board to hold a public hearing before adopting rules and regulation. Also, 42 U.S.C. §7410(l) (FCAA §110(l)) requires that all SIP revisions be adopted after public notice and hearing.

REVIEW BY OTHERS: This item was reviewed by Eldon Heaston, Interim Air Pollution Control Officer and Karen Nowak, Deputy District Counsel on March 1, 2006.

FINANCIAL DATA: No increase in appropriation is anticipated.

PRESENTER: Bret Banks, Operations Manager

**MINUTES OF THE GOVERNING BOARD
OF THE ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT
LANCASTER, CALIFORNIA**

AGENDA ITEM 6

PAGE 3

**ACTION OF THE GOVERNING BOARD
APPROVED**

Upon Motion by DISPENZA, Seconded by ROBERTS, as approved by the following vote:

Ayes: 4 MCCOY, HEARNS, ROBERTS, DISPENZA
Noes:
Absent: 2 LAWSON, LEDFORD
Abstain:
Vacant:

**CRYSTAL BATES, DEPUTY CLERK OF THE GOVERNING BOARD
BY _____**

Dated: March 21, 2006

District email.txt

Return-path: <twalters@mdaqmd.ca.gov>
Received: from rain.arb.ca.gov (rain [146.114.82.75])
by airmail.arb.ca.gov (iPlanet Messaging Server 5.2 HotFix 1.25 (built Mar 3
2004)) with SMTP id <OJ160051IOOY84@airmail.arb.ca.gov> for
dabrown@arb.ca.gov; Tue, 20 Jun 2006 17:14:59 -0700 (PDT)
Date: Tue, 20 Jun 2006 17:14:35 -0700
From: Tracy Walters <twalters@mdaqmd.ca.gov>
Subject: Rescission of AVAQMD Rule 1186
To: "David Brown (E-mail)" <dabrown@arb.ca.gov>
Message-id: <6AFBDF8F49A42240B1D681EF458875DA023006@AIRQSVR11.MDAirQ.org>
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X-MIMEOLE: Produced By Microsoft Exchange V6.5
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Thread-index: AcaUx6zJ3ITtyXeNShyw4MsF9qTnVw==
X-MS-Has-Attach: yes
X-MS-TNEF-Correlator:
Original-recipient: rfc822;dabrown@arb.ca.gov

This is a multi-part message in MIME format.

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Content-Transfer-Encoding: quoted-printable

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<<AV1186setdate.pdf>> <<AV1186Minute.pdf>> <<AV1186reso.pdf>> =
<<AV1186CARB eval.doc>> <<AV1186SIPcheck.doc>>=20

The Governing Board of the Antelope Valley Air Quality Management =
District (AVAQMD) rescinded Rule 1186 - PM10 Emissions From Paved And =
Unpaved Roads, And Livestock Operations on May 16, 2006. Attached for =
your review are the following documents pertaining to the rescission:

- * Rule 1186 iterated version
- * Staff Report
- * Proof of Publication (included in Staff Report)
- * Signed Notice of Exemption, Los Angeles County=20
- * Set Date Minute item, Official Copy
- * Rescission Minute item, Official Copy
- * Resolution 06-01, Official Copy
- * CARB Rule Evaluation Form
- * SIP Completeness Checklist

The Rule is included in the State Implementation Plan (SIP)and therefore =

District email.txt

requires submission to USEPA. Please let me know if you need anything =
further on this. Thank you for your assistance in this matter.

Tracy Walters
Air Quality Specialist
760-245-1661 ext. 6122