

**RULE 223 FUGITIVE DUST – GENERAL REQUIREMENTS**

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### 223.1 GENERAL

- 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 are applicable to specified outdoor fugitive dust sources. The definitions, exemptions, requirements, administrative requirements, recordkeeping requirements, and test methods set forth in this rule are applicable to Rules 223, 223-1 and 223-2 of the Rules and Regulations of the El Dorado County Air Quality Management District.

### 223.2 EXEMPTIONS

The provisions of this Rule shall not apply to:

- A. Agricultural activities conducted and maintained for commercial agricultural purposes excluding construction and construction related activities. If there is a question regarding whether an activity is an agricultural activity or a commercial agricultural activity, the Air Pollution Control Officer shall consult with the El Dorado County Agricultural Commissioner.
- B. Active operations conducted during emergency life-threatening situations, or in conjunction with any officially declared disaster or state of emergency, or to attend to uncontrolled fires.
- C. Active operations conducted by essential service utilities to provide electricity, natural gas, telephone, water and sewer during periods of service outages and emergency disruptions.
- D. Fire hazard abatement, or vegetation clearing for fire defense purposes ordered by any state, county, or municipal fire department, or that is required by a local ordinance. The provisions of this clause shall not exempt the owner of any property from controlling fugitive dust emissions emanating from disturbed surface areas and inactive disturbed surface areas created as a result of the exempt activity.
- E. Any active operation, open storage pile, or disturbed surface area for which necessary fugitive dust preventive or mitigating actions are in conflict with the California or Federal Endangered Species Acts, as determined by the State or Federal agency responsible for making such determinations.
- F. Emergency maintenance of flood control or irrigation channels, canals and water spreading basins.
- G. Unpaved roads, which are not part of construction and construction related activities, or where no nuisance or health hazard is created by its usage, until December 31, 2009 or adoption of a specific unpaved road rule, whichever is sooner.

### 223.3 DEFINITIONS

- A. **ACCESS ROAD:** any road extending from a public thoroughfare onto the property of a construction project, quarry, or surface mining operation.
- B. **ACTIVE OPERATIONS:** Any activity capable of generating fugitive dust, including, but not limited to, earth-moving activities, construction activities, disturbed surface areas or heavy- and

light-duty vehicular movement on disturbed surface areas, including inactive disturbed surface areas, and unpaved roads within a construction or a development project.

- C. **AGRICULTURAL ACTIVITY:** Any activity, operation, facility, or appurtenances thereof, including, but not limited to, the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural commodity including timber, viticulture, apiculture, or horticultural, the raising of livestock, fur bearing animals, fish, or poultry, and game birds, and any practices performed by a farmer or on a farm incident to or in conjunction with those farming operations, including preparation for market, delivery to storage or to market, or delivery to carriers for transportation to market.
- D. **BLASTING:** Blasting is a process used to create/clear an area by using explosives.
- E. **BOUNDARY LINE:** 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. This may include all or portions of a legal parcel or parcels as defined by the El Dorado County Assessor.
- F. **BULK MATERIAL:** Any material which can emit dust when stored, disturbed, or handled, and is generally un-packaged, including sand, gravel, soil, aggregate material less than two inches in length or diameter and other organic or inorganic particulate matter.
- G. **CHEMICAL STABILIZERS:** A 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 Environmental Protection Agency, 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.
- H. **CONSTRUCTION OR CONSTRUCTION RELATED ACTIVITIES:** Any on-site mechanical activities preparatory to 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. This does not include EDCAQMD permitted stationary sources except for construction activities at the source.
- I. **CONTRACTOR:** Any person who has a contractual arrangement to conduct an active operation subject to this Rule for another person.
- J. **DISTURBED SURFACE AREA:** A portion of the earth's surface that has been physically moved, uncovered, destabilized, or otherwise modified from its undisturbed natural soil condition, thereby increasing the potential for emissions of fugitive dust. This definition excludes those areas that have:
  - 1. Been restored to a natural state, such that the vegetative ground cover and soil characteristics are similar to adjacent or nearby natural conditions;
  - 2. Been paved or otherwise covered by a permanent structure; or
  - 3. Sustained a vegetative ground cover over at least 95 percent of an area for a period of at least 6 months.

- K. **DUST SUPPRESSANTS:** Water, hygroscopic materials, or non-toxic chemical stabilizers used as a treatment material to reduce fugitive dust emissions.
- L. **EARTH-MOVING ACTIVITIES:** Include, but are not limited to, 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, or soil mulching.
- M. **EDCAQMD:** El Dorado County Air Quality Management District
- N. **FUGITIVE DUST:** Any solid particulate matter that becomes airborne, without first passing through a stack or duct, directly or indirectly as a result of the activities of man (i.e. anthropogenic), including the raising and/or keeping of animals.
- O. **GRAVEL PAD:** a layer of gravel, rock, or crushed rock which is at least one inch or larger in diameter and less than five (5) percent silt content, maintained at the point of intersection of a paved public roadway and a work site entrance to dislodge mud, dirt, and debris from tires of motor vehicles and haul trucks prior to leaving a worksite.
- P. **GRIZZLY:** a device used to dislodge mud, dirt, and debris from the tires and undercarriage of motor vehicles and haul trucks prior to leaving the work site.
- Q. **INACTIVE DISTURBED SURFACE AREA:** Any disturbed surface area upon which active operations have not occurred or are not expected to occur for a period of seven (7) consecutive days.
- R. **LARGE OPERATIONS:** any active operations on property which contains 50 or more acres of disturbed surface area.
- S. **NON-ROUTINE:** Any non-periodic active operation that occurs no more than three (3) times per year, lasts less than 30 cumulative days per year, and is scheduled less than 30 days in advance.
- T. **OPEN STORAGE PILE:** Any accumulation of bulk material, which is not fully enclosed, covered, or chemically stabilized.
- U. **OWNER/OPERATOR OR PERSON:** includes, but is not limited to:
  - 1. An individual, trust, firm, joint stock company, business concern, partnership, limited liability company, association, or corporation including, but not limited to, a government corporation;
  - 2. Any city, county, district, commission, the state or any department, agency, or political subdivision thereof, any interstate body, and the federal government or any department or agency thereof to the extent permitted by law; or
  - 3. A project proponent and any of its contractors or subcontractors.
- V. **PARTICULATE MATTER:** Any material, except uncombined water, which exists in a finely divided form as a liquid or solid at standard conditions.
- W. **PAVED ROAD:** An improved street, highway, alley, public way, or easement that is covered by typical roadway materials. Public paved roads are those open to public access and that are under the

jurisdiction of any federal, state, county, municipal or any other governmental or quasi-governmental agencies, including gated communities and Zone of Benefit maintained roads. Private paved roads are any paved roads not defined as public.

- X. **PAVING:** creating a cover consisting of portland cement, asphalt concrete, asphaltic concrete, recycled asphalt, or chip seal.
- Y. **PM10:** Is particulate matter with an aerodynamic diameter smaller than or equal to a nominal 10 microns as measured by an applicable reference test method or methods found in Article 2, Subchapter 6, Title 17, California Code of Regulations (commencing with Section 94100).
- Z. **PROJECT BOUNDARIES:** the right-of-way and any construction easements adjacent to and necessary for the purposes of a specific road construction project or maintenance activity.
- AA. **PROPERTY:** any real property including, but not limited to, any contiguous parcel or parcels of land and anything attached to, or erected on it.
- BB. **ROAD CONSTRUCTION AND MAINTENANCE:** Activities undertaken to build roads, highways, railroads, bridges, culverts, drains and other works incidental to road or highway construction and maintenance activities that involve grading or excavation.
- CC. **ROAD SURFACE:** the traveled way of a road and any shoulder which may extend up ten (10) feet from the edge of the traveled way.
- DD. **SIMULTANEOUS SAMPLING:** The operation of two PM10 samplers in such a manner that one sampler is started within five (5) 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.
- EE. **STABILIZED SURFACE:** any previously disturbed surface area or open storage pile which shows visual or other evidence of resistance to wind generated fugitive dust. This can be accomplished through the application of dust suppressants, tillage, vegetative or mechanical ground cover, or other mechanisms to create a stable surface. Efficiency of surface stabilization can be measured pursuant to the Surface Crusting Test as applicable for construction operations.
- FF. **TRACK-OUT/CARRY-OUT:** Any and all bulk materials that adhere to and agglomerate on the exterior surfaces of motor vehicles and/or equipment (including tires) that have been released onto a paved road.
- GG. **UNPAVED ROADS:** 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 under the jurisdiction of any federal, state, county, municipal or other governmental or quasi-governmental agencies. Private unpaved roads are all other unpaved roadways not defined as public.
- HH. **VISIBLE EMISSIONS:** Any particulate matter that is visually detectable without the aid of instruments other than corrective lenses.
- II. **VISIBLE ROADWAY DUST:** Any sand, soil, dirt, or other solid particulate matter which is visible upon paved road surfaces and can be removed by a vacuum sweeper or a wet sweeper under normal operating conditions.

- JJ. **WIND-GENERATED DUST:** Visible emissions from any disturbed surface area that is generated by wind action alone.

#### **223.4 REQUIREMENTS**

- A. **VISIBLE EMISSIONS NOT ALLOWED BEYOND BOUNDARY LINE:** A person shall not cause or allow the emissions of fugitive dust from any active operation, open storage pile, or disturbed surface area, such that the presence of such fugitive dust remains visible, or exceed shade darker as that designated as No. 0 on the Ringelmann Chart, or exceed 0% opacity as determined in accordance with US EPA Method 9, in the atmosphere beyond the boundary line of the emission source.
- B. **CONCENTRATION LIMIT:** A person shall not cause or allow PM10 levels to exceed 50 micrograms per cubic meter, 24 hour average, 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 methods for PM10 monitoring. Sampling, if deemed necessary and required by the Air Pollution Control Officer, shall be conducted in accordance with the procedures specified in Section 223.5.A.

#### **223.5 MONITORING AND RECORDKEEPING**

##### **A. MONITORING:**

1. Sampling to determine compliance with the particulate matter concentration limit of Section 223.4.B is only required when deemed necessary by the Air Pollution Control Officer.
2. The conduct of sampling to demonstrate compliance with Section 223.4.B may be required, with reasonable notice, of the person discharging emissions, or sampling may be conducted by the EDCAQMD with the costs of sampling, not to exceed actual costs, borne by the person discharging emissions.
3. Samplers shall be operated, maintained, and calibrated in accordance with 40 CFR Part 50, Appendix J, or appropriate U.S. EPA published documents for U.S. EPA approved equivalent method(s) for PM10.
4. Samplers shall be placed upwind and downwind of key activity areas and as close to the boundary line as feasible, such that other sources of fugitive dust between the sampler and the boundary line are minimized.
5. Procedures for the conduct of simultaneous sampling to determine compliance with Section 223.4.B, and the reporting of results, shall be approved by the Air Pollution Control Officer.

##### **B. RECORDKEEPING:**

1. A person or owner/operator shall maintain records and any other supporting documents to demonstrate compliance with the requirements of EDCAQMD Rules 223 only for those days that a control measure was implemented.

2. Such records shall include the type of fugitive dust control measure(s) used, the location and extent of coverage, and the date, amount, and frequency of application of dust suppressant, manufacturer's dust suppressant product information sheet that identifies the name of the dust suppressant and application instructions.
3. Records shall be retained for two years following project completion that results in the termination of all dust generating activities. Records shall be made available to the Air Pollution Control Officer upon request.