

## **San Diego Air Pollution Control District**

### ***Draft Fugitive Dust Regulations (2005)***

#### **5.2.3 Measures Addressing Fugitive Dust**

The District proposes to further evaluate feasible control measures addressing fugitive dust and to develop a proposed Fugitive Dust Control Rule in 2007 to reduce directly emitted PM10 from fugitive dust sources such as construction sites, roads, and open areas.<sup>1</sup> Most local jurisdictions in San Diego County regulate construction activities to minimize fugitive dust through implementation of grading ordinances, stormwater pollution prevention plans, and mitigation measures imposed pursuant to the California Environmental Quality Act. Nevertheless, despite local municipal requirements the District continues to receive numerous dust-related air quality complaints (see section 5.3.2), indicating the need for improved compliance tools and possible additional control requirements.

During the future rule development phase, District staff will further evaluate primary fugitive dust sources and existing local requirements for fugitive dust control. A proposed District rule will be developed reflecting existing local requirements, with possible additional requirements if deficiencies in local requirements are found. The District will consider establishing a menu of compliance options, allowing project owners to select and implement the most suitable fugitive dust control techniques based on specific project characteristics. The existing "visible emissions" standard of District Rule 50 (Visible Emissions) will likely continue to apply. However, if more stringent visible emissions standards have been successfully implemented elsewhere, they will be evaluated during the rule development phase.

Fugitive dust control rules are currently being implemented in other California air districts as described in ARB's Staff Report. The local District measures will be tailored to the nature of sources and feasibility of controls in San Diego County and may not exactly match the requirements summarized below and described in Attachment B.

#### **Measures 24, 25, 26/Control of Construction, Demolition, and Grading Operations**

Require actions such as application of water or soil stabilizers to limit dust emissions from construction or demolition related disturbances of soil.

#### **Measures 27, 32/Control of Inactive Lands and Open Areas**

Require actions such as restricting vehicle access and application of water, soil stabilizers, or vegetative ground cover to limit dust emissions from inactive disturbed lands and disturbed open areas.

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<sup>1</sup>State law (HSC sections 39002 and 40000) establishes District authority to regulate air pollution from nonvehicular sources. While dust on roads and open areas may be entrained by vehicular movement, the roads and open areas—not the vehicles—are the sources of dust and the articles to be controlled or regulated as nonvehicular sources.

**Measures 28, 42/Control of Bulk Materials**

Require actions such as wind-fence installation and covering of outdoor storage piles to limit dust emissions from storage and handling of bulk materials.

**Measures 30, 31/Control of Carryout and Trackout**

Require actions such as truckload covers, wheel washing, and street sweeping to control and clean-up mud and dirt that adhere to vehicles and vehicle tires and is carried from a construction site and deposited onto a paved public road.

**Measures 36, 37/Control of Unpaved Parking Lots and Roads**

Require actions such as vehicle speed reduction and application of water, soil stabilizers, gravel, vegetative ground cover, or paving to limit dust emissions from unpaved parking lots and roads.

**Measures 39, 40, 41, 43/Control of Windblown Dust**

Require actions such as application of water, soil stabilizers, or vegetative ground cover to limit wind-driven fugitive dust.

**Enforcement**

A proposed Fugitive Dust Control Rule would streamline District efforts to respond to fugitive dust-related air quality complaints. Currently, the District must use District Rule 51 (Nuisance) to respond to fugitive dust complaints. A considerable number of persons must be impacted, and the District must verify the impacts, to constitute a public nuisance even when municipal dust control requirements are not being met. This can involve a lengthy and staff-intensive process that may not successfully determine a public nuisance pursuant to Rule 51. A Fugitive Dust Control Rule is now proposed for development to provide the District more immediate authority when responding to dust-related complaints to require mitigation of sources that violate fugitive dust prohibitions. The District will utilize its air quality complaint program to identify potential compliance problems and will coordinate enforcement efforts with local jurisdictions..