

SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT

**RULE 8010 -- FUGITIVE DUST ADMINISTRATIVE REQUIREMENTS FOR
CONTROL OF FINE PARTICULATE MATTER (PM-10)**

*(Adopted October 21, 1993; Amended September 14, 1994; Amended April 25, 1996;
Amended November 15, 2001)*

1.0 Purpose

The purpose of Regulation VIII is to reduce the amount of fine particulate matter (PM-10) entrained in the ambient air as a result of emissions generated from anthropogenic (man-made) fugitive dust sources by requiring actions to prevent, reduce, or mitigate PM-10 emissions. The Rules contained in this regulation are required to reduce PM-10 emissions which violate the National Ambient Air Quality Standards for PM-10 and implement control measures contained in the District PM-10 Nonattainment Area State Implementation Plan.

The Rules contained in this Regulation have been developed pursuant to United States Environmental Protection Agency guidance for Moderate Nonattainment Areas. The Rules are applicable to specified man-made fugitive dust sources. Fugitive dust emissions are used as an indicator of PM-10 emissions. Fugitive dust contains PM-10 and particles larger than PM-10. Controlling fugitive dust emissions when visible emissions are detected will not prevent all PM-10 emissions, but will substantially reduce emissions.

2.0 Applicability

The provisions of this Regulation are applicable to specified outdoor anthropogenic sources of PM-10. The definitions, exemptions, requirements, administrative requirements, and fees set forth in Rule 8010 are applicable to all Rules in Regulation VIII of the Rules and Regulations of the San Joaquin Valley Unified Air Pollution Control District. This rule shall remain in effect until April 30, 2002 or until the effective date of Rule 8011 (General Requirements), whichever occurs later.

3.0 Definitions

The following definitions shall be applicable to Rules contained in Regulation VIII.

- 3.1 Anthropogenic: sources of pollution of, relating to, or resulting from the influence of human beings on nature.
- 3.2 APCO: the Air Pollution Control Officer of the San Joaquin Valley Unified Air Pollution Control District or his designee.
- 3.3 Bulk Material: any unpackaged material which emits dust when stored or handled.

- 3.4 Chemical Stabilization/Suppression: a means of dust control implemented by any person to mitigate PM-10 emissions by applying petroleum resins, asphaltic emulsions, acrylics, adhesives, or any other approved materials.
- 3.5 Construction Site: is a site on which construction, demolition, or related activities occur, including, but not limited to, land clearing, excavation related to construction, land leveling, grading, cut and fill grading, and the erection or demolition of any structure. As used in this Regulation, a construction site may encompass several contiguous parcels, or may encompass only a portion of one parcel, depending on the relationship of the property boundaries to the actual construction activities.
- 3.6 Disturbed Area: is an area in which soils have been disturbed by grading, land leveling, scraping, cut and fill activities, excavation, brush and timber clearing, grubbing, and soils on which vehicle operation has occurred.
- 3.7 Dust Suppressants: includes water, hygroscopic materials, chemical stabilization and suppression materials (see also Definition 3.4), and other approved substances.
- 3.8 Emergency: any situation where immediate action on the part of a federal, state, or local agency involved is needed and where the timing of such federal, state or local activities makes it impractical to meet the requirements of this rule, such as natural disasters, civil disturbances, or hazardous materials spills. Only an authorized official of a federal, state, or local agency may declare an emergency when deemed necessary to protect the general public.
- 3.9 Fugitive Dust: the particulate matter entrained in the ambient air which is caused from man-made and natural activities which is emitted into the air without first passing through a stack or duct designed to control flow, including, but not limited to, emissions caused by movement of soil, vehicles, equipment, and windblown dust. This excludes particulate matter emitted directly in the exhaust of motor vehicles, from other fuel combustion devices, portable brazing, soldering, or welding equipment, and from pile drivers.
- 3.10 Hygroscopic Materials: any material that is readily capable of absorbing moisture from the air.
- 3.11 Land Preparation: any preparation of land for anthropogenic (human) purposes, including brush or timber clearing, grubbing, scraping, ground excavation, land leveling, or grading.
- 3.12 Local Agency: a city, county, or special district with jurisdiction over public roads or having land use authority.
- 3.13 New Operations: Any operation commencing for the first time after the effective date of this regulation.

- 3.14 Operation: any activity, process, or project described in the applicability sections of the Rules of this Regulation.
- 3.15 Owner/Operator: includes, but is not limited to, any person who leases, supervises, or operates equipment, in addition to the normal meaning of owner or operator.
- 3.16 Particulate matter: any material emitted or entrained into the air as liquid or solid particles, with the exception of uncombined water. (For PM-10, refer to Definition 3.19).
- 3.17 Paved Roads: an improved street, highway, alley, public way, or easement that is covered by concrete, asphaltic concrete, asphalt, or other materials which provide a permanent stable surface.
- 3.18 Person: any individual, public and private corporation, government agency, partnership, association, firm, trust, estate, or any other legal entity which is recognized by law as the subject of rights and duties.
- 3.19 PM-10: particulate matter with an aerodynamic diameter smaller than or equal to a nominal ten (10) microns as measured by the applicable State and Federal reference test methods.
- 3.20 Private Roads: any roads not defined as public and which are privately maintained.
- 3.21 Public Paved Roads: a paved road which is publicly maintained.
- 3.22 Public Roads: are roads owned and/or maintained by federal, state, county or city agencies.
- 3.23 Reasonably Available Control Measures: techniques used to limit the emission and/or airborne transport of fugitive dust from a site including: application of water, chemical stabilizers/suppressants, soil stabilizers, or other liquids, covering, paving, enclosing, shrouding, compacting, planting, cleaning, or such other measures the APCO may approve to accomplish satisfactory results for temporary and/or extended suppression of PM-10 emissions.
- 3.24 Road: any paved or unpaved, public or private street, highway, freeway, alley, way, access drive, access easement, haul road, or driveway.
- 3.25 Road Length: the total centerline distance of all contiguous (connected) segments of an owner's road, regardless of change of direction, road name, or surface, or intersection with a road not owned or operated by the owner.
- 3.26 Site: real property or land used or set aside for any specific use.

- 3.27 Soil Stabilization: the process used to mitigate PM-10 emissions for an extended period of time by applying petroleum resins, asphaltic emulsion, acrylics, adhesives, vegetation, or any other APCO approved material or process.
- 3.28 Unpaved Temporary Agricultural Access Roads: an unpaved private road developed for temporary or seasonal agricultural operation.
- 3.29 Unpaved Roads: an open way that is not covered by one of the materials described in the paved road definition.
- 3.30 Vehicle: any device by which any person or property may be propelled, moved, or drawn, excepting aircraft or watercraft or devices moved exclusively by human or animal power or used exclusively upon rails or tracks.
- 3.31 Visible Dust Emission (VDE): visible dust of such opacity as to obscure an observer's view to a degree equal to or greater than an opacity of 40%, for a period or periods aggregating more than three (3) minutes in any one (1) hour, except as set forth in Rule 8030 section 5.1.2.

4.0 Exemptions:

The following exemptions are applicable to all Regulation VIII Rules:

- 4.1 Actions required to protect the environment by Federal or State law or regulation.
- 4.2 Any source or operations already under Air Pollution Control District permit to operate with requirements for PM-10 control, provided the control of fugitive PM-10 emissions required by the permit is at least as stringent as required by this Regulation.
- 4.3 Emergency operations performed to ensure public health and safety. Emergency operations lasting more than 30 days shall be subject to this regulation, except where compliance would limit the effectiveness of the emergency operation performed to ensure public health and safety.
- 4.4 Removal of weeds and dried vegetation related to fire prevention required by a Federal, State, or local agency, but not including removal for construction activities.
- 4.5 Activities conducted at an elevation of 3000 feet or higher above sea level but not including reporting requirements specified in Rule 8060.
- 4.6 Activities conducted during freezing conditions.

5.0 Requirements

- 5.1 Requirements for chemical stabilizing agents.

Materials used for chemical stabilization of soils, including petroleum resins, asphaltic emulsions, acrylics, and adhesives which do not violate State Water Quality Control Board standards for use as a soil stabilizer. Materials accepted by ARB and/or EPA and which meet State water quality standards shall be considered acceptable to the APCO.

5.2 Prohibited dust suppressant materials.

Any material prohibited for use as dust suppressants by EPA, ARB, or other applicable law, rule, or regulation are deemed prohibited under this Regulation.

5.3 Use of hygroscopic materials may be prohibited by the APCO in areas lacking sufficient moisture for such materials to effectively reduce PM-10 emissions. Use of such materials may be approved in conjunction with sufficient wetting of the controlled area for such materials to effectively reduce PM-10 emissions. Hygroscopic materials depend upon humidity or application of water to provide effective dust control.

5.4 Requirements for dust palliative and asphalt paving: Any use of a dust palliative or asphalt paving material shall comply with other applicable District Rules.

5.5 Requirements for removal of mud and dirt trackout onto public paved roads contained in this Regulation do not exempt owners/operators from obtaining state or local agency permits which may be required for the cleanup of mud and dirt.

6.0 Alternative Compliance Plan

This section has been reserved for an Alternative Compliance Plan Procedure.

7.0 Fee

This section has been reserved for an Alternative Compliance Plan Procedure.

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