

MEMORANDUM

TO: Community Advisory Council Members

FROM: Rebecca Armstrong

DATE: October 14, 2009

SUBJECT: Proposed New Rule 345, Control of Fugitive Dust from Construction and Demolition

Enclosed please find the draft proposed new Rule 345, Control of Fugitive Dust from Construction and Demolition for your review.

Senate Bill 656 (SB 656, Sher) was enacted by the legislature in 2003 to reduce public exposure to inhalable particulate matter (PM). Pursuant to SB 656, staff has conducted an assessment of ambient particulate matter air quality, an evaluation of ARB's list of measures, identification of feasible and cost-effective measures, and the adoption of an implementation schedule for the locally-appropriate control measures. As a result of this analysis and study, District staff found that Santa Barbara County's particle pollution problem appears to be PM₁₀-based.

At the May 26, 2005 APCD Board Hearing, staff presented to the Board Members a list of the most readily available, feasible and cost-effective control measures that could reduce PM₁₀ and PM_{2.5} (collectively referred to as PM).

The Board directed District staff to develop a new rule to control particulate matter from construction and demolition activities.

Upon adoption of this rule, the District will have the ability to enforce dust mitigation measures that apply to construction and demolition sources. This rule will enable District Inspectors, responding to complaint calls, to write Notices of Violation (NOVs) for subject sources that are causing a nuisance and are not adhering to the rule requirements (i.e., CEQA- Fugitive Dust Mitigation Measures and California Storm Water Control Regulations) that are currently in place. Particulate Matter emissions will be reduced as a result of the new-founded enforceability.

We plan to discuss this proposed new rule and to request that the CAC formulate a Board recommendation on it during the October 28 meeting. We anticipate bringing this new rulemaking effort to the Board in December 2009 or January 2010.