

RULE 345. CONTROL OF FUGITIVE DUST FROM CONSTRUCTION AND DEMOLITION ACTIVITIES. (Adopted [date of adoption])

A. Applicability

This rule applies to any activity associated with construction or demolition of a structure or structures. Activities subject to this regulation are also subject to Rule 302 (Visible Emissions) and Rule 303 (Nuisance).

B. Exemptions

The provisions of this rule shall not apply to the following:

1. Construction or demolition activities in support of any structure having four or fewer dwelling units under one roof.
2. Construction or demolition activities in support of a mobile home.
3. Emergency operations conducted during and in response to life-threatening situations, or in conjunction with any officially declared disaster or state of emergency.
4. Demolition activities using blasting explosives, which have been permitted by the California Division of Industrial Safety. However, any other activities capable of generating fugitive dust emissions and performed in conjunction with explosive blasting, including but not limited to vehicle transport of materials produced by blasting operations, are not exempt from complying with provisions of this rule or other applicable rules.
5. Any active operation, open storage pile, or disturbed surface area demonstrated to be in conflict with the California or Federal Endangered Species Acts, or a local, state, or federal water quality requirement.

C. Definitions

1. **“Active Operations”** means activities capable of generating fugitive dust, including, but not limited to, bulk material handling, earth-moving activities, construction or demolition activities, or vehicular movement on unpaved surfaces.
2. **“Blower”** means any device used, designed or operated to produce a current of air by fuel, electricity or other means to push, propel or blow dirt, cuttings, refuse or debris.
3. **“Bulk Material”** means sand, gravel, aggregate material less than two inches in length or diameter, and other organic or inorganic particulate matter.
4. **“Construction/Demolition Activities”** means any on-site mechanical operations conducted in preparation of, or related to, the building, alteration, rehabilitation, demolition, or improvement of property, including, but not limited to, grading, excavating, loading, crushing, cutting, planning, or ground breaking.
5. **“Disturbed Surface Area”** means that portion of the ground 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:
 - a. been restored to a natural state, such that the vegetative ground cover and soil characteristics are similar to adjacent or nearby natural conditions;

- b. been paved or otherwise covered by a permanent structure.
6. **“Earth-Moving Activities”** means any operations using equipment to move or uncover soil, and includes, but is not be limited to the following:
- a. grading, earth cutting and filling operations;
 - b. loading or unloading of dirt or bulk materials;
 - c. adding to or removing from open storage piles, soil mulching;
 - d. landfill operations;
 - e. mining operations; and
 - f. weed-abatement operations.
7. **“Emergency”** means any sudden, unexpected occurrence involving a clear and imminent danger, demanding immediate action to prevent or mitigate the loss of, or damage to, life, health, property, or essential public services.
8. **“Erosion”** means the movement and deposition of land surface materials by water or wind primarily as a result of human activities.
9. **“Fugitive Dust”** means any solid particulate matter that becomes airborne, directly or indirectly as a result of the activities of any person(s), except for emissions from an exhaust stack.
10. **“Open Storage Pile”** means any accumulation of bulk material or soil with five percent or greater silt content which is not fully enclosed, covered or chemically stabilized, and which attains a height of three feet or more and a total surface area of 150 or more square feet. Silt content level is assumed to be five percent or greater unless a person can show, by sampling and analysis in accordance with ASTM Method C-136 or other equivalent method approved in writing by the California Resources Board, that the silt content is less than five percent.
11. **“Outbound”** means trucks that are going in the direction away from (i.e., leaving or exiting) a construction or demolition site or property.
12. **“Paved Road”** means a public or private improved street, highway, alley, public way, or easement that is covered by typical roadway materials including, but not limited to, asphalt paving or concrete.
13. **“PM₁₀ - Efficient Street Sweeper”** means any street sweeper certified by the Control Officer or by the South Coast Air Quality Management District as meeting the Particulate Matter (10 microns and less) capture efficiency criteria outlined in South Coast Air Quality Management District Rule 1186 Appendix A.
14. **“Property Line”** means the boundary of an area owned or legally controlled by a person causing fugitive dust emissions or allowing such emissions. This may include all or portions of a legal parcel or parcels.
15. **“Source”** means all activities and operations causing emissions that are located on contiguous property under common ownership or control, including associated facility-access and haul roads.
16. **“Structure”** means anything constructed, erected or demolished, the use of which requires location on the ground or attachment to something located on the ground, excluding trailers and sidewalks. Structure shall not include any public highway or roadway.

17. **“Track-Out/Carry-Out”** means any bulk materials that adhere to and agglomerate on the exterior surfaces of motor vehicles and/or equipment (including tires), or are inadvertently carried out, and that fall onto a paved road, creating visible roadway dust.
18. **“Visible Dust Emissions”** means any solid particulate matter that can be seen in the air without the aid of instruments other than corrective lenses.
19. **“Visible Roadway Dust”** means any sand, soil, dirt, or other solid particulate matter which can be seen upon paved public road surfaces and which can be removed by a vacuum sweeper, or a wet sweeper under normal operating conditions.

D. Requirements and Standards

1. **Visible Fugitive Dust Beyond the Property Line.** No person shall engage in any construction or demolition activity or earth moving activities subject to this rule in a manner that causes discharge into the atmosphere beyond the property line visible dust emissions of 20% opacity or greater for a period or periods aggregating more than 3 minutes in any 60 minute period.
2. **Truck Hauling.** No person, including facility or site owner or operator of source, shall load or allow the loading of bulk materials or soil onto outbound trucks unless at least one of the following dust prevention techniques is utilized:
 - a. Use properly secured tarps or cargo covering that covers the entire surface area of the load or use a container-type enclosure.
 - b. Maintain a minimum of 6 inches of freeboard below the rim of the truck bed where the load touches the sides of the cargo area and ensure that the peak of the load does not extend above any part of the upper edge of the cargo area.
 - c. Water or otherwise treat the bulk material to minimize loss of material to wind or spillage.
 - d. Other effective dust prevention control measures approved in writing by the Control Officer.
3. **Track-Out/Carry-Out.** Visible roadway dust as a result of active operations, spillage from transport trucks, erosion, or track-out/carry-out shall be controlled as outlined below:
 - a. Visible roadway dust shall be minimized by the use of any of the following track-out/carry-out and erosion control measures that apply to the project or operations: track-out grates of gravel beds at each egress point, wheel-washing at each egress point during muddy conditions, soil binders, chemical soil stabilizers, geotextiles, mulching, or seeding; and
 - b. Visible roadway dust shall be removed at the conclusion of each work day when bulk material removal ceases, or every 24 hours for continuous operations. If a street sweeper is used to remove any track-out/carry-out, only a PM₁₀-Efficient Street Sweeper shall be used. The use of blowers for removal of track-out/carry-out is prohibited.
4. **Demolition.** The following work practice standards shall be followed during structure demolition:
 - a. As necessary to prevent visible emissions, the structure shall be wet (with sufficient quantities of water to prevent the generation of visible dust plumes) prior to removal. Wetting shall continue as necessary during active removal and the debris reduction process.

- b. Unless the owner or operator certifies in writing to the Control Officer prior to the demolition that safety concerns require otherwise, the structure shall be demolished inward toward the building pad and roof and walls shall be laid down so that they fall inward and not away from the building.

E. Rule Effective Date

Unless otherwise specified, the provisions of this rule as adopted on [*Date of Rule Adoption*] become effective [*6 months post-Date of Rule Adoption*].