



September 23, 2009

COMPLIANCE ADVISORY

NOTICE OF ADOPTION OF NEW RULE 55 – FUGITIVE DUST CONTROL

On June 24, 2009, the Air Pollution Control Board adopted new Rule 55 – Fugitive Dust Control. New Rule 55 will minimize dust released from the soil during construction and demolition activities. These activities are one of the largest sources of particulate matter emissions in the region and a frequent source of complaints about air pollution. These fugitive dust particulates can cause respiratory illness and can damage property and reduce visibility.

San Diego County does not yet meet the State clean air standards for particulate matter. Per State law, this lack of attainment requires the District to implement all feasible measures to attain the standard.

Rule 55 will become effective on **December 24, 2009**.

Specifically, new Rule 55 is summarized as follows:

Applicability	This rule shall apply to any commercial construction or demolition activity capable of generating fugitive dust emissions, including but not limited to, active operations, open storage piles, and inactive disturbed areas.
Exemptions	<p>The provisions of this rule shall not apply to the following:</p> <p>Noncommercial construction or demolition activities in support of any structure designed for and used exclusively as a dwelling for not more than four (4) families;</p> <p>Emergency operations conducted during and in response to life-threatening situations, or in conjunction with any officially declared disaster or state of emergency;</p> <p>Active operations conducted by essential service utilities to provide electricity, natural gas, telephone, water and/or sewer during periods of unplanned service outages and emergency disruptions;</p> <p>Any active operation, open storage pile, or inactive disturbed area for which the owner/operator can demonstrate that necessary fugitive dust preventive or mitigating actions are in conflict with the California or federal Endangered Species Acts, or a local, state, or federal water quality requirement;</p>

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	<p>Explosive blasting operations. However, any other activities capable of generating fugitive dust emissions and performed in conjunction with explosive blasting, such as vehicle transport of materials produced by blasting operations, are not exempt from complying with the provisions of this rule or other applicable rules;</p> <p>Abrasive blasting operations regulated by Rule 71 (Abrasive Blasting);</p> <p>Activities subject to an Air Pollution Control District permit to operate;</p> <p>Permanent unpaved roads.</p>
Definitions	<p>Provides definitions for terms used in the rule. For example, “Permanent unpaved roads” means any unsealed or dirt roadway that is not covered by concrete, asphaltic concrete, fresh or recycled asphalt, or rubberized asphalt, and which is designed and intended to remain unsealed and uncovered indefinitely. This definition excludes public or private roads undergoing construction or resurfacing.</p>
Emission Standards	<p>Effective December 24, 2009, no person shall engage in construction or demolition activity subject to this rule in a manner that discharges visible dust emissions into the atmosphere beyond the property line for a period or periods aggregating more than 3 minutes in any 60 minute period.</p> <p>Visible roadway dust as a result of active operations, spillage from transport trucks, erosion, or track-out/carry-out shall:</p> <p>(i) be minimized by the use of any of the following or equally effective track-out/carry-out and erosion control measures that apply to the project or operation: track-out grates or gravel beds at each egress point, wheel-washing at each egress during muddy conditions, soil binders, chemical soil stabilizers, geotextiles, mulching, or seeding; and for outbound transport trucks: using secured tarps or cargo covering, watering, or treating of transported material; and</p> <p>(ii) be removed at the conclusion of each work day when active operations cease, or every 24 hours for continuous operations. If a street sweeper is used to remove any track-out/carry-out, only PM10-efficient street sweepers certified to meet the most current South Coast Air Quality Management District Rule 1186 requirements shall be used. The use of blowers for removal of track-out/carry-out is prohibited under any circumstances.</p>

A copy of Rule 55 is available by contacting the District at (858) 586-2712 or on the District’s web site at www.sdapcd.org/rules/rules/REG4.html. For more information, please contact the District’s Compliance Division at (858) 586-2650.