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Eldon Heaston, Executive Director

In reply, please refer to AV1014/094

October 31, 2014

California Energy Commission
DOCKETED
09-RENEW EO-1
TN # 74030
11-3-14

California Energy Commission
Dockets Office, MS-4
Docket No. 09-RENEW EO-01
1516 Ninth Street
Sacramento, CA 95814-5512

Project: Desert Renewable Energy Conservation Plan Photovoltaic Project Dust Mitigation

Dear Sir or Madam:

The Antelope Valley Air Quality Management District (District) has reviewed the Draft Desert Renewable Energy Conservation Plan and Environmental Impact Report/Statement. The District has developed a set of specific dust (construction, operational and fugitive) mitigation measures which the District recommends you incorporate as solar project air quality mitigation.

District Rule 403, *Fugitive Dust*, provides the primary guidance to minimize fugitive dust for any project greater than 5 acres. In addition to the requirements outlined in Rule 403 the District has developed dust control techniques that are recommendations during photovoltaic project construction.

I have enclosed a copy of District Rule 403, *Fugitive Dust*, for your reference and provided Attachment A to this letter with the dust control technique recommendations we use for photovoltaic construction projects.

Thank you for the opportunity to provide comment on the draft plan. If you have any questions regarding this letter, please contact me at (661)723-8070, extension 2.

Sincerely,

Bret Banks
Operations Manager

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Clean Cities
Antelope Valley

Attachment A

In addition to the requirements of existing Antelope Valley Air Quality Management District (District) Rule 403, *Fugitive Dust*, the District recommends that the following dust mitigation measures be implemented on all solar development projects greater than 5 acres.

- Use a water truck to maintain moist disturbed surfaces and actively spread water during visible dusting episodes to prevent visible dust from leaving the project property line.

- Mowing of existing vegetation to maintain the root structure should be used as an alternative to the "clear and grub" approach that removes all vegetation.

- Use of low impact equipment wherever possible to limit soil disturbance.

- Use hydro-mulch, chemical stabilization or gravel prior to the installation of the solar panel support structures to maintain a stable surface.

- All vehicle access roads, parking areas, and equipment "lay-down" areas shall be stabilized with chemical, hydro-mulch, or gravel sufficient to eliminate visible fugitive dust from vehicular travel and wind erosion.

(**Adopted**: 02/07/76; **Amended**: 11/06/92; **Amended**: 07/09/93; **Amended**: 02/14/97: **Amended**: 04/20/10)

RULE 403
Fugitive Dust

(A) General

(1) Purpose

(a) The purpose of this rule is to reduce the amount of Particulate Matter entrained in the ambient air as a result of anthropogenic (man-made) Fugitive Dust sources by requiring actions to prevent, reduce or mitigate Fugitive Dust emissions.

(2) Applicability

(a) The provisions of this rule shall apply to any activity or man-made condition capable of generating Fugitive Dust.

(B) Definitions

(1) "Active Operations" – Any activity capable of generating Fugitive Dust, including, but not limited to, Earth-Moving Activities, Construction/Demolition Activities, or heavy- and light-duty vehicular movement.

(2) "Agricultural Operation" – The growing and harvesting of crops or the raising of fowl or animals for the primary purpose of making a profit, providing a livelihood, or conducting agricultural research or instruction by an educational institution. Agricultural Operations do not include activities involving the processing or distribution of crops or fowl.

(3) "Air Pollution Control Officer (APCO)" – The person appointed to the position of Air Pollution Control Officer pursuant to the provisions of Health and Safety Code §40750 and his or her designee.

(4) "Anemometers" – Devices used to measure wind speed and direction.

(5) "Bulk Material" – Sand, gravel, soil, aggregate material less than two inches in length or diameter, and other organic or inorganic Particulate Matter.

(6) "Chemical Stabilizers" – Any non-toxic chemical Dust Suppressant which must not be used if prohibited for use by the Regional Water Quality Control Boards, the California Air Resources Board, the United States Environmental Protection Agency, or any applicable law, rule or regulation; and should meet any specifications, criteria, or tests required by any federal, state, or local water agency. Unless otherwise indicated, the use of a non-toxic Chemical Stabilizer shall be of sufficient concentration and application frequency to maintain a Stabilized Surface.

(7) "Construction/Demolition Activities" – Any on-site mechanical activities preparatory to or related to the building, alteration, rehabilitation, demolition or improvement of property, including, but not limited to the following activities; grading, excavation, loading, crushing, cutting, planing, shaping or ground breaking.

(8) "Contractor" – Any person who has a contractual arrangement to conduct an active operation for another person.

(9) "Disturbed Surface Area" – A portion of the earth's surface which has been physically moved, uncovered, destabilized, or otherwise modified from its undisturbed natural soil condition, thereby increasing the potential for emission of Fugitive Dust. This definition excludes those areas which 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; or

(c) Sustained a vegetative ground cover over at least 70 percent of an area for a period of at least six months.

(10) "Dust Control Plan (DCP)" – A District-approved document that describes what measures will be taken at a location to comply with this rule, prepared in accordance with section (D).

(11) "Dust Suppressants" – Water, hygroscopic materials, or non-toxic Chemical Stabilizers used as a treatment material to reduce Fugitive Dust emissions.

(12) "Earth-Moving Activities" – The use of any equipment for any activity where soil is being moved or uncovered, and shall include, but not be limited to the following: grading, earth cutting and filling operations, loading or unloading of dirt or Bulk Materials, adding to or removing from Open Storage Piles of Bulk Materials, landfill operations, weed abatement through disking, and soil mulching.

(13) "Fugitive Dust" – Any solid Particulate Matter that becomes airborne, other than that emitted from an exhaust stack, directly or indirectly as a result of the activities of man.

(14) "High Wind Conditions" – Instantaneous wind speeds (gusts) which exceed 25 miles per hour.

(15) "Inactive Disturbed Surface Area" – Any Disturbed Surface Area upon which Active Operations have not occurred or are not expected to occur for a period of 20 consecutive days.

(16) "Non-Routine" – Any non-periodic active operation which occurs no more than three times per year, lasts less than 30 cumulative days per year, and is scheduled less than 30 days in advance.

(17) "Open Storage Pile" – Any accumulation of Bulk Material 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 APCO and the California Air Resources Board, that the Silt content is less than five percent. The results of ASTM Method C-136 or equivalent method are valid for 60 days from the date the sample was taken.

(18) "Particulate Matter" – Any material, except uncombined water, which exists in a finely divided form as a liquid or solid at standard conditions.

(19) "Paved Road" – An improved street, highway, alley, public way, or easement that is covered by typical roadway materials excluding access roadways that connect a facility with a public Paved Road and are not open to through traffic. Public Paved Roads are those open to public access and that are owned by any federal, state, county, municipal or any other governmental or quasi-governmental agencies. Private Paved Roads are any Paved Roads not defined as public.

(20) "PM_{10}" – Particulate Matter with an aerodynamic diameter smaller than or equal to ten microns as measured by the applicable state and federal reference test methods.

(21) "Property Line" – The boundaries of an area in which either a person causing the emission or a person allowing the emission has the legal use or possession of the property. Where such property is divided into one or more sub-tenancies, the Property Line(s) shall refer to the boundaries dividing the areas of all sub-tenancies.

(22) "Silt" – Any aggregate material with a particle size less than 74 micrometers in diameter which passes through a No. 200 sieve.

(23) "Simultaneous Sampling" – The operation of two PM_{10} samplers in such a manner that one sampler is started within five minutes of the other, and each sampler is operated for a consecutive period which must be not less than 290 minutes and not more than 310 minutes.

(24) "Stabilized Surface" – Any previously Disturbed Surface Area or Open Storage Pile which, through the application of Dust Suppressants, shows visual or other evidence of surface crusting and is resistant to Wind-Driven Fugitive Dust and is demonstrated to be stabilized and where Visible Dust Emissions are limited to 20 percent opacity. Chemical treatment must be performed with a substance not disapproved for such use by the applicable Regional Water Quality Control Board.

(25) "Track-out" – Any Bulk Material that adheres to and agglomerates on the exterior surface of motor vehicles, haul trucks, and equipment (including tires) that have been released onto a paved road and can be removed by a vacuum sweeper or a broom sweeper under normal operating conditions.

(26) "Unpaved Roads" – Any unsealed or earthen roads, equipment paths, or travel ways that are not covered by one of the following: concrete, asphaltic concrete, recycled asphalt, or asphalt.

(27) "United States Environmental Protection Agency (USEPA)" – Refers to the Administrator or the appropriate designee of the United States Environmental Protection Agency.

(28) "Visible Dust Emissions (VDE)" – Any dust emissions that are visible to an observer.

(29) "Wind-Driven Fugitive Dust" – Visible emissions from any Disturbed Surface Area which is generated by wind action alone.

(30) "Wind Gust" – The maximum instantaneous wind speed as measured by an Anemometer.

(C) Requirements

(1) A person shall not cause or allow the emissions of Fugitive Dust from:

(a) Any Active Operation, Open Storage Pile, or Disturbed Surface Area such that the presence of such dust remains visible in the atmosphere beyond the Property Line of the emission source; or

(b) Any applicable source such that the dust causes 20 percent opacity or greater during each observation and the total duration of such observations (not necessarily consecutive) is a cumulative three minutes or more in any one hour. Only opacity readings from a single source shall be included in the cumulative total used to determine compliance.

(2) A person shall not cause or allow PM_{10} levels to exceed 50 micrograms per cubic meter when determined, by Simultaneous Sampling, as the difference between upwind and downwind samples collected on high-volume Particulate Matter samplers or other USEPA-approved equivalent method for PM_{10} monitoring. If sampling is conducted, samplers shall be:

(a) Operated, maintained, and calibrated in accordance with 40 Code of Federal Regulations (CFR), Part 50, Appendix J, or appropriate USEPA-published documents for USEPA-approved equivalent method(s) for PM_{10}.

(b) Reasonably placed upwind and downwind of key activity areas and as close to the Property Line as feasible, such that other sources of Fugitive Dust between the sampler and the Property Line are minimized.

(3) Track-out Operations

(a) A person shall not allow Track-out to extend 25 feet or more in cumulative length from the point of origin from an active operation.

Notwithstanding the preceding, all Track-out from an active operation shall be removed at the conclusion of each workday or evening shift.

(b) A person shall not conduct an Active Operation with a Disturbed Surface Area of five or more acres, or with a daily import or export of 100 cubic yards or more of Bulk Material without utilizing at least one of the measures listed in subparagraphs (C)(3)(b)(i) through (C)(3)(b)(v) at each vehicle egress from the site to a paved public road.

(i) Install a pad consisting of washed gravel (minimum-size: one inch) maintained in a clean condition to a depth of at least six inches and extending at least 30 feet wide and at least 50 feet long;

(ii) Pave or apply chemical stabilization at sufficient concentration and frequency to maintain a Stabilized Surface starting from the point of intersection with the public paved surface, and extending at least 100 feet and at least 20 feet wide;

(iii) Utilize a wheel shaker/wheel spreading device consisting of raised dividers (rails, pipe, or grates) at least 24 feet long and ten feet wide to remove Bulk Material from tires and vehicle undercarriages before vehicles exit the site;

(iv) Install and utilize a wheel washing system to remove Bulk Material from tires and vehicle undercarriages before vehicles exit the site; or

(v) Any other control measure approved by the APCO and the USEPA as equivalent to the methods specified in subparagraphs (C)(3)(b)(i) through (C)(3)(b)(iv).

(4) Earth-Moving Operations

(a) A person shall not conduct an Active Operation of Construction, excavation, extraction and other Earth-Moving Activities with a Disturbed Surface Area of five or more acres, or with a daily import or export of 100 cubic yards or more of Bulk Material without utilizing at least one of the measures listed for each of the operation stages specified in subparagraphs (C)(4)(a)(i) through (C)(4)(a)(iv).

(i) Pre-activity:

a. Pre-water site sufficient to limit VDE to 20 percent opacity; and

b. Phase work to reduce the amount of Disturbed Surface Area at any one time

(ii) During Active Operations:

a. Apply water or chemical/organic stabilizers/suppressants sufficient to limit VDE to 20 percent opacity;
b. Construct and maintain wind barriers sufficient to limit VDE to 20 percent opacity. If utilizing wind barriers, control measure (a) above shall also be implemented; or
c. Apply water or chemical/organic stabilizers/suppressants to unpaved haul/access roads and unpaved vehicle/equipment traffic areas sufficient to limit VDE to 20 percent opacity and meet the requirements of section (C)(9).

(iii) Temporary Stabilization During Periods of Inactivity:

a. Restrict vehicular access to the area; and
b. Apply water or chemical/organic stabilizers/suppressants, sufficient to limit VDE to 20 percent opacity, or to comply with the conditions of a Stabilized Surface. If an area having one-half acres or more of Disturbed Surface Area remains unused for seven or more days, the area must comply with the conditions for a Stabilized Surface area.

(iv) Any other control measures approved by the APCO and the USEPA as equivalent to the methods specified in subparagraphs (C)(4)(a)(i) through(C)(4)(a)(iii).

(5) Demolition Operations

(a) A person shall implement the requirements of (C)(5)(a)(i) through (C)(5)(a)(v) when using wrecking balls or other wrecking equipment to raze or demolish buildings:

(i) Apply sufficient water to building exterior surfaces and razed building materials to limit VDE to 20 percent opacity throughout the duration of razing and demolition activities;
(ii) Apply sufficient Dust Suppressants to unpaved surface areas where materials from razing or demolition activities will fall, or where wrecking or hauling equipment will be operated, in order to limit VDE to 20 percent opacity;
(iii) Handling, storage, and transport of Bulk Materials on-site or off-site resulting from the demolition or razing of buildings shall comply with the requirements specified in section (C)(6);
(iv) Prevention and removal of carryout or Track-out on paved public access roads from demolition operations shall be performed in accordance with (C)(3); or
(v) Any other control measures approved by the APCO and the USEPA as equivalent to the methods specified in subparagraphs (C)(5)(a)(i) through (C)(5)(a)(iv).

(6) Bulk Material Operations

(a) No person shall conduct an active operation of handling Bulk Material with a daily import or export of 100 cubic yards or more of Bulk Material without utilizing at least one of the measures listed for each of the operation stages specified in subparagraphs (C)(6)(a)(i) through (C)(6)(a)(vi):

(i) Handling of Bulk Materials:

a. When handling Bulk Materials, apply water or chemical/organic stabilizers/suppressants sufficient to limit VDE to 20 percent opacity; or
b. Construct and maintain wind barriers sufficient to limit VDE to 20 percent opacity and with less than 50 percent porosity. If utilizing fences or wind barriers, control measure (C)(6)(a)(i)[a.] shall also be implemented.

(ii) Storage of Bulk Materials:

a. When storing Bulk Materials, comply with the conditions for a Stabilized Surface;
b. Cover Bulk Materials stored outdoors with tarps, plastic, or other suitable material and anchor in such a manner that prevents the cover from being removed by wind action;
c. Construct and maintain wind barriers sufficient to limit VDE to 20 percent opacity and with less than 50 percent porosity. If utilizing fences or wind barriers, apply water or chemical/organic stabilizers/suppressants to limit VDE to 20 percent opacity;
d. Utilize a three-sided structure with a height at least equal to the height of the storage pile and with less than 50 percent porosity; or
e. Installation of wind breaks of such design so as to reduce maximum Wind Gusts to less than 25 miles per hour in the area of the Bulk Material deposits.

(iii) On-site Transporting of Bulk Materials:

a. Limit vehicular speed while traveling on the work site sufficient to limit VDE to 20 percent opacity;
b. Load all haul trucks such that the freeboard is not less than six inches when material is transported across any paved public access road sufficient to limit VDE to 20 percent opacity;
c. Apply water to the top of the load sufficient to limit VDE to 20 percent opacity; or
d. Cover haul trucks with a tarp or other suitable cover.

(iv) Off-site Transporting of Bulk Materials:

a. Clean the interior of the cargo compartment or cover the cargo compartment before the empty truck leaves the site;
b. Prevent spillage or loss of Bulk Material from holes or other openings in the cargo compartment's floor, sides, and/or tailgate; and
c. Load all haul trucks such that the freeboard is not less than six inches when material is transported on any paved public access road, and apply water to the top of the load sufficient to limit VDE to 20 percent opacity; or cover haul trucks with a tarp or other suitable cover.

(v) Outdoor Transport of Bulk Materials With a Chute or Conveyor:

a. Fully enclose the chute or conveyor;
b. Operate water spray equipment that sufficiently wets materials to limit VDE to 20 percent opacity; or
c. Wash separated or screened materials to remove conveyed materials having an aerodynamic diameter of ten microns or less sufficient to limit VDE to 20 percent opacity.

(vi) Any other control measures approved by the APCO and USEPA as equivalent to the methods specified in subparagraphs (C)(6)(a)(i) through(C)(6)(a)(v).

(7) Disturbed Open Area of Three or More Acres

(a) An owner/operator of an open area with a Disturbed Surface of three or more acres that has remained undeveloped, unoccupied, unused, or vacant for more than seven days shall do at least one of the following:

(i) Apply and maintain water or Dust Suppressant(s) to all unvegetated areas sufficient to limit VDE to 20 percent opacity;
(ii) Establish vegetation on all previously disturbed areas sufficient to limit VDE to 20 percent opacity;
(iii) Pave, apply and maintain gravel, or apply and maintain chemical/organic stabilizers/suppressants sufficient to limit VDE to 20 percent opacity;
(iv) Upon evidence of trespass, prevent unauthorized vehicle access by posting "No Trespassing" signs or installing physical barriers such as fences, gates, posts, and/or other appropriate barriers to effectively prevent access to the area; or
(v) Any other control measures approved by the APCO and the USEPA as equivalent to the methods specified in subparagraphs (C)(7)(a)(i) through(C)(7)(a)(iv).

(8) Unpaved Roads at Industrial or Commercial Facilities

(a) An owner/operator of an Unpaved Road at an industrial or commercial facility shall limit VDE to 20 percent opacity from the Unpaved Road segment by application and/or maintenance of at least one of the following control measures, or shall implement an APCO approved Dust Control Plan:

(i) Apply and maintain water or Dust Suppressant(s) sufficient to limit VDE to 20 percent opacity;
(ii) Pave, apply and maintain gravel, or apply and maintain chemical/organic stabilizers/suppressants sufficient to limit VDE to 20 percent opacity;
(iii) Restrict vehicle speed to 15 miles per hour; or
(iv) Any other method that effectively limits VDE to 20 percent opacity and results in a stabilized Unpaved Road surface.

(9) Unpaved Vehicle/Equipment Traffic Area

(a) An owner/operator of an unpaved vehicle/equipment traffic area shall limit VDE to 20 percent opacity from the unpaved vehicle/equipment traffic area by application and/or maintenance of at least one of the following control measures, or shall implement an APCO approved Dust Control Plan:

(i) Apply and maintain water or Dust Suppressant(s) sufficient to limit VDE to 20 percent opacity;
(ii) Pave, apply and maintain gravel, or apply and maintain chemical/organic stabilizers/suppressants sufficient to limit VDE to 20 percent opacity;
(iii) Restrict vehicle speed to 15 miles per hour;
(iv) An owner/operator shall restrict access and periodically stabilize a Disturbed Surface Area whenever a site becomes an Inactive Disturbed Surface Area to comply with the conditions for a Stabilized Surface; or
(v) Any other method that effectively limits VDE to 20 percent opacity and results in a Stabilized Surface.

(10) A person performing Earth-Moving Activities during High Wind Conditions shall:

(a) Cease all Active Operations; or

(b) Apply water to soil not more than 15 minutes prior to moving such soil to limit VDE to 20 percent opacity.

(11) The owner/operator of Disturbed Surface Areas during High Wind Conditions shall:

(a) Apply water with a mixture of Chemical Stabilizer diluted to not less than 1/20 of the concentration required to maintain a Stabilized Surface for a period of six months only on the last day of Active Operations prior to a weekend, holiday, or any other period when Active Operations will not occur for not more than four consecutive days;

(b) Apply Chemical Stabilizers prior to high wind event;

(c) Apply water to all unstabilized Disturbed Areas three times per day. Watering frequency should be increased to a minimum of four times per day if there is any evidence of visible Wind-Driven Fugitive Dust;

(d) Establish a vegetative ground cover within 30 days after Active Operations have ceased. Ground cover must be of sufficient density to expose less than 30 percent of unstabilized ground within 90 days of planting, and at all times thereafter;

(e) Apply Chemical Stabilizers within seven working days of grading completion; or

(f) Utilize any combination of control actions listed such that, in total, these actions apply to all Disturbed Surface Areas.

(12) Owners/operators of Unpaved Roads during high winds shall:

(a) Apply Chemical Stabilizers prior to wind event;

(b) Apply water once per hour during active operation; or

(c) Stop all vehicular traffic.

(13) Owners/operators of Open Storage Piles during high winds shall:

(a) Apply Chemical Stabilizers;

(b) Apply water to at lest 70 percent of the surface area of all Open Storage Piles on a daily basis when there is evidence of Wind-Driven Fugitive Dust;

(c) Install temporary coverings; or

(d) Install a three sided enclosure which will extend, at a minimum, to the top of the pile.

(14) Owners/operators of all categories during high winds shall:

(a) Use any other control measures approved by the APCO and the USEPA as equivalent to the methods specified in section (C).

(D) Dust Control Plan

(1) An owner/operator shall submit a Dust Control Plan (DCP) to the APCO prior to the start of any construction activity on any site that will include ten acres or more of Disturbed Surface Area for residential developments, or five acres or more of Disturbed Surface Area for non-residential development, or will include moving, depositing, or relocating more than 2,500 cubic yards per day of Bulk Materials on at least three days. Construction activities shall not commence until the APCO has approved or conditionally approved the DCP. An owner/operator shall provide written notification to the APCO within ten days prior to the commencement of Earth-Moving Activities via fax or mail. The requirement to submit a DCP shall apply to all such activities conducted for residential and non-residential (e.g., commercial, industrial, or institutional) purposes or conducted by any governmental entity.

(a) Install and maintain project signage with project contact prior to initiating any Earth-Moving Activities that;

(i) Identifies phone numbers for dust complaints; and
(ii) Meets minimum standards of Rule 403, Appendix "A".

(b) An owner/operator may submit one DCP covering multiple projects at different sites where construction will commence within the next 12 months provided the DCP includes each project size, location, and types of activities to be performed. The DCP shall specify the expected start and completion date of each project.

(c) The DCP shall describe all Fugitive Dust control measures to be implemented before, during, and after any dust generating activity.

(d) A DCP shall contain all the information described in section (D)(1)(h)(i) through (D)(1)(h)(viii). The APCO shall approve, disapprove, or conditionally approve the DCP within ten days of DCP submittal. A DCP is deemed automatically approved if, after ten days following receipt by the District, the District does not provide any comments to the owner/operator regarding the DCP.

(e) An owner/operator shall submit a copy of a DCP approval letter to the building and safety authority prior to issuance of a grading permit.

(f) An owner/operator shall retain a copy of an approved DCP at the project site. The approved DCP shall remain valid until the termination of all dust generating activities. Failure to comply with the provisions of an approved DCP is deemed to be a violation of this rule. Regardless of whether an approved DCP is in place or not, or even when the owner/operator responsible for the DCP is complying with an approved DCP, the owner/operator is still subject to comply with all requirements of Rule 403 at all times.

(g) An owner/operator shall maintain daily records to document the specific dust control actions taken, maintain such records for a period of not less than three years; and make such records available to the APCO upon request.

(h) A DCP shall contain all of the following information:

(i) Name(s), address(es), and phone number(s) of person(s) and owner(s)/operator(s) responsible for the preparation, submittal, and implementation of the DCP and responsible for the dust generating operation and the application of dust control measures.

(ii) A plot plan which shows the type and location of each project.

(iii) The total area of land surface to be disturbed, daily throughput volume of earthmoving in cubic yards, and total area in acres of the entire project site.

(iv) The expected start and completion dates of dust generating and soil disturbance activities to be performed on the site.

(v) The actual and potential sources of Fugitive Dust emissions on the site and the location of Bulk Material handling and storage areas, paved and Unpaved Roads; entrances and exits where carryout/Track-out may occur; and traffic areas.

(vi) Dust Suppressants to be applied, including: product specifications; manufacturer's usage instructions (method, frequency, and intensity of application); type, number, and capacity of application equipment; and information on environmental impacts and approvals or certifications related to appropriate and safe use for ground application.

(vii) Specific surface treatment(s) and/or control measures utilized to control material carryout, Track-out, and sedimentation where unpaved and/or access points join paved public access roads.

(viii) Identify a dust control supervisor that:

a. Is employed by or contracted with the property owner or developer;
b. Is on the site or available on-site within 30 minutes during working hours;
c. Has the authority to expeditiously employ sufficient dust mitigation measures to ensure compliance with Rule requirements; and
d. Has completed the AVAQMD Fugitive Dust Control Class and has been issued a valid Certification of Completion for the class.

(i) Notify the APCO in writing within 30 days after the site no longer qualifies as an active operation.

(j) Any approved DCP shall be valid for a period of one year from the date of approval or conditional approval of the DCP. DCPs must be resubmitted annually, at least 60 days prior to the expiration date, or the DCP shall become disapproved as of the expiration date. If all Fugitive Dust sources and corresponding control measures or special circumstances remain identical to those identified in the previously approved DCP, the resubmittal may contain a simple statement of no-change. Otherwise, a resubmittal must contain all the items specified in subparagraphs (D)(1)(h).

(E) Compliance Schedule

All the newly amended provisions of this rule shall become effective upon adoption of this rule amendment.

(F) Exemptions

(1) The provisions of this rule shall not apply to:

(a) Agricultural Operations.

(b) Unpaved Roads not part of an industrial or commercial facility.

(c) Any Disturbed Surface Area less than one-half acre on property zoned for residential uses.

(d) Active Operations conducted during emergency life-threatening situations, or in conjunction with any officially declared disaster or state of emergency.

(e) Active Operations conducted by essential service utilities to provide electricity, natural gas, telephone, water and sewer during periods of service outages and emergency disruptions.

(f) Any Contractor subsequent to the time the contract ends, provided that such Contractor implemented the required control measures during the contractual period.

(g) Any grading Contractor, for a phase of Active Operations, subsequent to the contractual completion of that phase of Earth-Moving Activities, provided that the required control measures have been implemented during the entire phase of Earth-Moving Activities, through and including five days after the final grading inspection.

(h) Weed abatement operations ordered by a county agricultural commissioner or any state, county, or municipal fire department, provided that:

(i) Mowing, cutting or other similar process is used which maintains weed stubble at least three inches above the soil; and

(ii) Any disking or similar operation which cuts into and disturbs the soil, where watering is used prior to initiation of these activities, and a determination is made by the agency issuing the weed abatement order that, due to fire hazard conditions, rocks, or other physical obstructions, it is not practical to meet the conditions specified in (F)(1)(h)(i). The provisions of this clause shall not exempt the owner of any property from stabilizing Disturbed Surface Areas which have been created as a result of the weed abatement actions.

(i) Blasting operations which have been permitted by the California Division of Industrial Safety.

(j) Motion picture, television, and video production activities when dust emissions are required for visual effects. In order to obtain this exemption, the APCO must receive notification in writing at least 72 hours in advance of any such activity and no nuisance results from such activity.

(2) The provisions of paragraphs (C)(1) through (C)(14) shall not apply:

(a) When high winds exceed 25 miles per hour, provided that:

(i) The required control measures for High Wind Conditions are implemented for each applicable Fugitive Dust source type, as specified in section (C)(10) through (C)(14);

(ii) Maintain daily records to document the specific actions taken;

(iii) Maintain such records for a period of not less than six months; and

(iv) Make such records available to the APCO upon request.

(b) To Unpaved Roads, provided such roads:

(i) Are used solely for the maintenance of wind-generating equipment; or

(ii) Meet all of the following criteria:

a. Are less than 50 feet in width at all points along the road;

b. Are within 25 feet of the Property Line; and

c. Have a traffic volume less than 20 vehicle-trips per day.

(c) To any Active Operation, Open Storage Pile, or Disturbed Surface Area for which necessary Fugitive Dust preventive or mitigative actions are in conflict with the federal Endangered Species Act.

(d) To Non-routine or emergency maintenance of flood control channels and water spreading basins.

(4) The provisions of section (C)(3) shall not apply to earth coverings of public Paved Roads where such coverings are approved by a local government agency for the protection of the roadway, and where such coverings are used as roadway crossings for haul vehicles.

(5) The provisions of section (D) shall not apply to:

(a) Officially-designated public parks and recreational areas, including national parks, national monuments, national forests, state parks, state recreational areas, and county regional parks.

(G) Fees

(1) Any person subject to a Dust Control Plan submittal pursuant to section (D) shall be assessed applicable filing and evaluation fees pursuant to Rule 306.

(2) The submittal of an annual statement of no-change, pursuant to section (D)(1)(i), shall not be considered as an annual review, and therefore shall not be subject to annual review fees, pursuant to Rule 306.

(3) The owner/operator of any facility for which the APCO conducts upwind/downwind monitoring for PM_{10} pursuant to section (C)(2) shall be assessed applicable Ambient Air Analysis Fees pursuant to Rule 304.1.

[SIP: Submitted as amended mm/dd/yy on mm/dd/yy; Submitted as amended 2/14/97 on 8/1/97; Submitted as amended 7/9/93 on 7/13/94; Approved 9/8/78, 43 FR 40011, 40 CFR 52.220(c)(39)(iii)(C); Approved 6/14/78, 43 FR 25684, 40 CFR 52.220(c)(32)(iv)(A)]

Appendix "A"

CONSTRUCTION SITE SIGNAGE GUIDELINES
(Minimum Requirements)

The purpose of this signage is to allow the public to contact the responsible party if Visible Dust Emissions or Track-out of material is observed from a construction site.

Project size	≥ Ten Acres
Sign size	48" x 96"

Sign Template

Permit # (if applicable)	4"
Site Name	4"
Project Name / Tract # # # #	4"
IF YOU SEE DUST COMING FROM THIS PROJECT CALL	4"
Name, Phone Number(XXX) XXX-XXXX	6"
If you do not receive a response, Please call The Antelope Valley AQMD at 1-877-723-8070	3"

Notes:

Signage must be located within 50 feet of each project site entrance.

No more than four signs are required per site/facility.

One sign is sufficient for multiple site entrances located within 300 yards of each other.

Text height shall be at a minimum as shown on right side of sign template above.

Sign background must contrast with lettering, typically black text with white background.

Sign should be one inch AC laminated plywood board.

The lower edge of the sign board must be a minimum of six feet and a maximum of seven feet above grade.

The telephone number listed for the contact must be a local or a toll-free number and shall be accessible 24 hours per day.