

Air Quality Bulletin

July 2004

Changes Adopted to Air Quality Dust Rules Affecting Construction and Demolition Activities

by Alene M. Taber

The South Coast Air Quality Management District ("AQMD") has adopted changes to its rules regulating **dust at construction and demolition activities**, AQMD Rule 403 – Fugitive Dust. The AQMD regulates all of Orange County, and substantial portions of Los Angeles, Riverside, and San Bernardino Counties. Some of the key changes made by the AQMD include the following:

- Preventing dust caused by vehicles traveling on unpaved roads from exceeding 20 percent opacity (measurement of visibility).
- Implementation of best available control measures ("BACM") to control dust (e.g., watering and soil stabilization requirements).
- Prohibition on visible roadway track-out extending more than 25 cumulative feet from the work site. All roadway track-out is required to be removed at the conclusion of each work day.
- Beginning January 1, 2005, installation of a track-out prevention device listed in Rule 403 at work sites greater than 5 acres of disturbed surface area or with more than 100 cubic yards of daily bulk material import or export.
- Lowering of the definition of a "Large Operation" from a work site with greater than 100 acres of disturbed surface area or 10,000 cubic yards of daily earth movement **to** greater than 50 acres of disturbed surface area **or** 5,000 cubic yards or more of daily earth movement at least three times during the last 365 days.
- Requirements for Large Operators to:

- ✓ Submit a notification to the AQMD within 7 days of qualifying as a Large Operation;
- ✓ Implement specific measures from AQMD's Rule 403 Implementation Handbook;

- ✓ Maintain daily records to document specific dust control actions taken (must be kept for at least 3 years);
- ✓ Install and maintain project contact signage (beginning January 1, 2005);
- ✓ Identify a dust control supervisor that has attended AQMD-sponsored dust control class (beginning January 1, 2005); and,
- ✓ Notify the AQMD within 30 days of no longer qualifying as a large operation.

The AQMD is sponsoring classes regarding compliance with the new rules. Information regarding these classes can be obtained from Sharon Fujimoto at 909.396.2183 or sfujimoto@aqmd.gov.

Please contact Alene Taber at 949.851.7492 or ataber@jdplaw.com if you would like additional information concerning the AQMD's changes to these rules. ■



About the Author:

Alene M. Taber concentrates her practice in air quality, environmental law, CEQA, land use approvals, land use-related litigation, water rights, and endangered species and habitat preservation.

Jackson DeMarco Peckenpaugh is recognized as a preeminent California full-service law firm, representing clients in key California industries.

Offices:

Irvine
2030 Main Street, Suite 1200
Irvine, CA 92614
t 949.752.8585
f 949.752.0597

Westlake Village
2815 Townsgate Road, Suite 200
Westlake Village, CA 91361
t 805.230.0023
f 805.230.0087

Website:

www.jdplaw.com

Disclaimer:

This newsletter has been prepared by Jackson DeMarco Peckenpaugh and is intended for informational purposes ONLY. The information provided in this newsletter is provided only as general information, which may or may not reflect the most current legal developments. The opinions expressed in or through this newsletter are the opinions of the individual author and may not reflect the opinions of Jackson DeMarco Peckenpaugh or any individual attorney.

Transmission of the information contained in this newsletter is not intended to create, and receipt does not constitute an attorney-client relationship between you and Jackson DeMarco Peckenpaugh. This newsletter is not a substitute for legal advice from a qualified attorney licensed in the appropriate jurisdiction.