

## REGULATION X

### **FUGITIVE DUST EMISSION STANDARDS, LIMITATIONS AND PROHIBITIONS**

**RULE 1001 Coastal Dunes Dust Control Requirements** *(Adopted 11/16/2011, Revision by Court Order CV12-0013, March 7, 2016)*

- A. **APPLICABILITY**. The provisions of this Rule shall apply to any operator of a coastal dune vehicle activity area, as defined by this Regulation, which is greater than 100 acres in size.
- B. **DEFINITIONS**. For the purpose of this Rule, the following definitions shall apply:
1. “APCD”: The San Luis Obispo County Air Pollution Control District.
  2. “APCO”: The San Luis Obispo County Air Pollution Control Officer.
  3. “Coastal Dune”: means sand and/or gravel deposits within a marine beach system, including, but not limited to, beach berms, fore dunes, dune ridges, back dunes and other sand and/or gravel areas deposited by wave or wind action. Coastal sand dune systems may extend into coastal wetlands.
  4. “Coastal Dune Vehicle Activity Area (CDVAA)”: Any area within 1.5 miles of the mean high tide line where public access to coastal dunes is allowed for vehicle activity.
  5. “CDVAA Monitor”: An APCO-approved monitoring site or sites designed to measure the maximum 24-hour average PM<sub>10</sub> concentrations directly downwind from the vehicle riding areas at the CDVAA. At a minimum, the monitoring site shall be equipped with an APCO-approved Federal Equivalent Method (FEM) PM<sub>10</sub> monitor capable of measuring hourly PM<sub>10</sub> concentrations continuously on a daily basis, and an APCO-approved wind speed and wind direction monitoring system.
  6. “CDVAA Operator”: Any individual, public or private corporation, partnership, association, firm, trust, estate, municipality, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties, who is responsible for the daily management of a CDVAA.
  7. “Control Site Monitor”: An APCO-approved monitoring site or sites designed to measure the maximum 24-hour average PM<sub>10</sub> concentrations directly downwind from a coastal dune area comparable to the CDVAA but where vehicle activity has been prohibited. At a minimum, the monitoring site shall be equipped with an APCO-approved Federal Equivalent Method (FEM) PM<sub>10</sub> monitor capable of measuring hourly PM<sub>10</sub> concentrations continuously on a daily basis, and an APCO-approved wind speed and wind direction monitoring system.

8. “Designated Representative”: The agent for a person, corporation or agency. The designated representative shall be responsible for and have the full authority to implement control measures on behalf of the person, corporation or agency.
9. “Monitoring Site Selection Plan”: A document providing a detailed description of the scientific approach, technical methods, criteria and timeline proposed to identify, evaluate and select appropriate locations for siting the temporary and long-term CDVAA and control site monitors.
10. “Paved Roads”: An improved street, highway, alley or public way that is covered by concrete, asphaltic concrete, or asphalt.
11. “PM<sub>10</sub>”: Particulate matter with an aerodynamic diameter smaller than or equal to a nominal 10 microns as measured by the applicable State and Federal reference test methods.
12. “PMRP”: Particulate Matter Reduction Plan.
13. “PMRP Monitoring Program”: The APCO approved monitoring program contained in the PMRP that includes a detailed description of the monitoring locations; sampling methods and equipment; operational and maintenance policies and procedures; data handling, storage and retrieval methods; quality control and quality assurance procedures; and related information needed to define how the CDVAA and Control Site Monitors will be sited, operated and maintained to determine compliance with section C.3.
14. “Temporary Baseline Monitoring Program”: A temporary monitoring program designed to determine baseline PM10 concentrations at the APCO-approved CDVAA and Control Site Monitor locations prior to implementation of the PMRP emission reduction strategies and monitoring program. The program shall include a detailed description of the monitoring locations; sampling methods and equipment; operational and maintenance policies and procedures; data handling, storage and retrieval methods; quality control and quality assurance procedures; and related information needed to define how the temporary monitors will be sited, operated and maintained to provide the required baseline data. The temporary monitors shall meet the specifications of the CDVAA and Control Site Monitors unless otherwise specified by the APCO.
15. “Track-Out”: Sand or soil that adhere to and/or agglomerate on the exterior surfaces of motor vehicles and/or equipment (including tires) that may then fall onto any highway or street as described in California Vehicle Code Section 23113 and California Water Code 13304.
16. “Track-Out Prevention Device”: A gravel pad, grizzly, rumble strip, wheel wash system, or a paved area, located at the point of intersection of an unpaved area and a paved road that is designed to prevent or control track-out.
17. “Vehicle”: Any self-propelled conveyance, including, but not limited to, off-road or

- all-terrain equipment, trucks, cars, motorcycles, motorbikes, or motor buggies.
18. “24-Hour Average PM<sub>10</sub> Concentration”: The value obtained by adding the hourly PM<sub>10</sub> concentrations measured during a calendar 24-hour period from midnight to midnight, and dividing by 24.

### C. GENERAL REQUIREMENTS

1. The CDVAA operator shall develop and implement an APCO-approved Temporary Baseline Monitoring Program to determine existing PM<sub>10</sub> concentrations at the APCO-approved CDVAA and Control Site Monitor locations prior to implementation of the PMRP emission reduction strategies and monitoring program.
2. The operator of a CDVAA shall prepare and implement an APCO-approved Particulate Matter Reduction Plan (PMRP) to minimize PM<sub>10</sub> emissions for the area under the control of a CDVAA operator. The PMRP shall contain measures that meet the performance requirements in C.3 and include:
  - a. An APCO-approved PM<sub>10</sub> monitoring network containing at least one CDVAA Monitor and at least one Control Site Monitor.
  - b. A description of all PM<sub>10</sub> control measures that will be implemented to reduce PM<sub>10</sub> emissions to comply with this rule, including the expected emission reduction effectiveness and implementation timeline for each measure.
  - c. A Track-Out Prevention Program that does not allow track-out of sand to extend 25 feet or more in length onto paved public roads and that requires track-out to be removed from pavement according to an APCO-approved method and schedule.
3. The CDVAA operator shall ensure that if the 24-hr average PM<sub>10</sub> concentration at the CDVAA Monitor is more than 20% above the 24-hr average PM<sub>10</sub> concentration at the Control Site Monitor, the 24-hr average PM<sub>10</sub> concentration at the CDVAA Monitor shall not exceed 55 ug/m<sup>3</sup>.
4. The CDVAA operator shall ensure they obtain all required permits from the appropriate land-use agencies and other affected governmental agencies, and that the requirements of the California Environmental Quality Act (CEQA) and the National Environmental Quality Act (NEPA) are satisfied to the extent any proposed measures identified in the PMRP or Temporary Baseline Monitoring Program require environmental review.

### D. Exemptions

1. Section C.3 shall not apply during days that have been declared an exceptional event by the APCO and where the United States Environmental Protection Agency has not denied the exceptional event.

E. RECORDKEEPING REQUIREMENTS: The CDVAA operator subject to the requirements of this Rule shall compile and retain records as required in the APCO approved PMRP. Records shall be maintained and be readily accessible for two years after the date of each entry and shall be provided to the APCD upon request.

F. COMPLIANCE SCHEDULE:

1. The CDVAA operator shall comply with the following compliance schedule:
  - a. By February 28, 2012, submit a draft Monitoring Site Selection Plan for APCO approval.
  - b. By May 31, 2012, submit a draft PMRP for APCO review.
  - c. By November 30, 2012, submit complete applications to the appropriate agencies for all PMRP projects that require regulatory approval.
  - d. By February 28, 2013, obtain APCO approval for a Temporary CDVAA and Control Site Baseline Monitoring Program and begin baseline monitoring.
  - e. By May 31, 2013, complete all environmental review requirements and obtain land use agency approval of all proposed PMRP projects.
  - f. By July 31, 2013, obtain APCO approval of the PMRP and begin implementation of the PMRP Monitoring Program.
  - g. By May 31, 2015, the requirements of Section C.3 shall apply.
2. With the exception of section F.1.g, the CDVAA operator will not be subject to civil penalties for failure to meet any timeframe set forth in section F.1 caused solely by delays from regulatory or other oversight agencies required to consider and approve the operator's PMRP or any part thereof.