

VENTURA COUNTY AIR POLLUTION CONTROL DISTRICT

**RULE 55.1 –PAVED ROADS AND PUBLIC UNPAVED ROADS**

*(Adopted 09/15/09)*

A. Applicability

Effective September 15, 2010, the provisions of this rule shall apply to:

1. Any government agency that owns or operates a public road; or
2. Any person operating construction or earthmoving equipment that may cause fugitive dust emissions on a public unpaved road.

B. General Requirements – Paved Roads

1. **Removal of Visible Roadway Accumulations:** Any owner or operator of a paved public road on which there is visible roadway accumulation shall begin removal of such material within 72 hours of any written notification from the APCD and completely remove such material as soon as feasible but no later than 10 calendar days after notification. The use of blowers for removal of visible roadway accumulation is expressly prohibited under any circumstances.

If removal of visible roadway accumulation cannot be completed within 10 calendar days, the owner or operator may request an extension to this deadline in writing to the Air Pollution Control Officer (APCO), and should include sufficient information to justify the request. When warranted by circumstances, the APCO may approve an extension for up to 90 calendar days after the original written notification.

2. **New or Widened Paved Road Construction:** Any owner or operator of a public paved road shall construct, or require to be constructed, all new or widened paved roads in accordance with the following guidelines for curbing, width of shoulders, and medians as specified below where there is adequate public right of way:
  - a. New construction or widening of paved roads with projected average daily trips of 1,000 vehicles or more shall meet at least one of the following three requirements:

- 1) Be constructed with curbs, rolled curbs, or swales; or
- 2) Have paved outside shoulders using typical roadway materials and having the minimum widths, as follows:

<u>Average Daily Trips</u>	<u>Minimum Shoulder Width</u>
1,000 – 3,000	4 feet
3,000 or greater	8 feet

or

- 3) Landscape and maintain with grass or vegetative ground cover the area extending eight feet from the outside edge of the pavement, or other equally effective fugitive dust control measure such as gravel or chemical stabilizer.

b. New construction or widening of paved roads with medians and projected average daily trips of 1,000 vehicles or more shall pave the median area with typical roadway materials, unless:

- 1) Speed limits are set below 45 mile per hour; or
- 2) Medians are landscaped and maintained with grass or other ground cover and are surrounded by curbing; or
- 3) Medians are treated with chemical stabilizers in sufficient quantity and frequency to establish a stabilized surface and are surrounded by curbing. Use of chemical stabilizers shall not cause the violation of any water quality standards.

#### C. General Requirements – Public Unpaved Roads

No person shall conduct any construction activity or any earthmoving activity on a public unpaved road that causes:

1. Visible emissions of 20 percent opacity or greater during each observation and the total duration of such observation (not necessarily consecutive) is a cumulative 3 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; or
2. A visible dust plume that exceeds 100 feet in length.

#### D. Exemptions

1. The provisions of Subsection B.1 (Removal of Visible Roadway Accumulations) shall not apply to:
  - a. Visible roadway accumulations that occur on roads with fewer than 1,000 average daily trips
  - b. Paved roads that are closed to vehicular activity.
  - c. Events of such magnitude that a State of Emergency has been declared by the Governor, Board of Supervisors, or other appropriate authority provided that removal of visible roadway accumulation associated with such events are initiated and completed as soon as feasible, but no longer than 90 days after the end of the emergency period.

## E. Test Method

Compliance with the opacity limit in Subsection C.1 shall be determined using EPA Method 9 with the following modifications:

1. Position: Stand at least 16.5 feet from the plume(s) with the sun oriented in the 140° sector to your back. If feasible, make opacity observations so your line of sight is approximately perpendicular to the direction of plume travel. To the extent possible, position yourself to make opacity observations using a contrasting background.
2. Field Records: Note the following on a record sheet:
  - a. Description and location of activity generating emissions, and method of control used, if any.
  - b. Observer's name, certification data, and affiliation, and a sketch of the observer's position relative to the dust generating activity and the sun, including estimated distances and direction to the plume.
  - c. Time that reading began, approximate wind speed and direction, description of the sky condition (presence and color of clouds), color of the plume, and type of background.
3. Observations: For each reading, make the observation at the highest opacity in the dust plume starting at an elevation line 5 feet above the emission source. Do not look continuously at the source, but make momentary observations once every 15 seconds. Record each observation to the nearest 5 percent. Each reading represents a 15 second period. If multiple plumes exist, do not include more than one plume in the line of sight at one time.
4. Compliance Determination: If the observer records twelve (12) readings of 20 percent or greater during a one-hour period, the source is not in compliance and observations may stop. The 20 percent or greater opacity readings are not required to be consecutive.
5. Only observers certified by the California Air Resources Board or the U.S. Environmental Protection Agency may determine compliance with opacity limits.

## F. Violations

Failure to comply with any provision of this rule is a violation of this rule.

## G. Definitions

1. “Average Daily Trips”: The average number of vehicles that cross a given surface during a specified 24-hour time period as determined by the most recent Institute of Transportation Engineers trip generation manual, tube counts, or observations.
2. “Chemical Stabilizers”: Any nontoxic chemical dust suppressant which is not prohibited for use by the Regional Water Quality Board, the California Air Resources Board, the U.S. Environmental Protection Agency, or any applicable law, rule, or regulation. The chemical stabilizers shall 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.
3. “Construction Activities”: Any on-site mechanical activities 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, planing, or ground breaking.
4. “Dust Suppressants”: Dust suppressants are water, hygroscopic materials, or non-toxic chemical stabilizers used as a treatment material to reduce fugitive dust emissions.
5. “Fugitive Dust”: Any solid particulate matter that becomes airborne, other than emitted from an exhaust stack, directly or indirectly as a result of the activities of any person(s).
6. “Government Agency”: A public authority that includes any federal, state, county, municipal, special district, or any other governmental or quasi-governmental agency.
7. “Landscaped”: A road median or road shoulder is considered to be landscaped when it has been adorned or improved by planting of trees, shrubs, or ground covers, by installing curbing or other masonry, or by including woodwork or other nonplant materials. Bare ground may be part of a landscaped section as long as there is an overall improvement to the area.
8. “Paved Road”: 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. For this purpose of this rule, roads covered with recycled road base or gravel are not considered to be paved.
9. “Public Road”: Any road or street under the jurisdiction of and maintained by a public authority and open to public travel. A public authority includes any governmental agency. A road is any open land designed for travel or transportation.

10. “Public Unpaved Road”: Any “public road,” as defined in Subsection G.9, that is not a “paved road,” which is defined in Subsection G.8.
11. “Shoulder Width”: The road shoulder width is the distance perpendicular to the center of the white line marking the right side of traffic lanes to the outside edge of the pavement. There are no shoulder width requirements in this rule for new or widened roads constructed with curbs.
12. “Stabilized Surface”: Any previously disturbed surface area, which through the application of dust suppressants, shows visual or other evidence of surface crusting and is resistant to wind-driven fugitive dust.
13. “Swales”: Any constructed swale near a road has a drainageway with gentle sideslopes (generally no steeper than 4:1) and a gradual slope in the direction of flow that collects and slowly conveys runoff flow to a downstream point of discharge. For the purpose of this rule, a swale shall be improved with either dense vegetation, gravel, rocks, or other dust prevention materials or treatment. Bare, untreated soil shall not occupy more than 10% of the swale surface area.
14. “Visible Roadway Accumulations”: The deposit of particulate matter onto paved roads as a result of wind or water erosion, haul vehicle spillage, or any other event excluding vehicular track-out, which results in the accumulation of visible roadway dust covering a contiguous area in excess of 200 square feet.

#### H. Compliance Schedule

The requirements of this rule shall become effective on September 15, 2010.

#### I. Compliance Status

Compliance with this Rule shall not guarantee that a person will be in compliance with any other district rule or state regulation, including but not limited to, Rule 50 (Opacity), Rule 51 (Nuisance), Health and Safety Code Section 41700 (Nuisance), or Health and Safety Code Section 41701 (Opacity).