BOARD MEETING DATE: July 7, 2017 AGENDA NO. 37

PROPOSAL: Certify Final Environmental Assessment and Adopt Rule 1466 – Control of Particulate Emissions from Soils with Toxic Air Contaminants

SYNOPSIS: Proposed Rule 1466 establishes requirements to minimize fugitive particulate matter emissions from earth-moving activities at sites that the U.S. Environmental Protection Agency, California Department of Toxic Substances Control, State Water Resources Control Board, or Regional Water Quality Control Board have determined that the soil contains arsenic, asbestos, cadmium, hexavalent chromium, lead, mercury, nickel, or polychlorinated biphenyls. The Executive Officer can also identify sites that would be applicable to Proposed Rule 1466 based on specified criteria. Proposed Rule 1466 will also require monitoring of ambient PM10 levels, dust control measures, notification to the SCAQMD when these activities are occurring and when PM10 levels are exceeded, and signage and recordkeeping requirements.

COMMITTEE: Stationary Source, May 19 and June 16, 2017, Reviewed

RECOMMENDED ACTIONS:
Adopt the attached resolution:
1. Certifying the Final Environmental Assessment for Proposed Rule 1466 – Control of Particulate Emissions from Soils with Toxic Air Contaminants; and
2. Adopting Rule 1466 – Control of Particulate Emissions from Soils with Toxic Air Contaminants.

Wayne Nastri
Executive Officer

PF:SN:MM:UV

Background

Soil (including dirt, sand, gravel, clay, and aggregate material) with toxic air contaminants has the potential to become airborne during earth-moving activities such as excavation, grading, and stockpiling. The SCAQMD's existing regulatory program does not include a rule to address fugitive dust emissions from earth-moving activities from soil that contains toxic air contaminants. Proposed Rule 1466 – Control of

Particulate Emissions from Soils with Toxic Air Contaminants (Proposed Rule 1466) will fill a regulatory gap and provides specific requirements to minimize exposure to certain toxic air contaminants that can be released during earth-moving activities.

Proposal

Proposed Rule 1466 will be applicable to any owner or operator conducting earth-moving activities at sites designated by the U.S. Environmental Protection Agency (U.S. EPA), California Department of Toxic Substances Control (DTSC), State Water Resources Control Board (State Water Board), or Regional Water Quality Control Board (Regional Water Board) that contain arsenic, asbestos, cadmium, hexavalent chromium, lead, mercury, nickel, and polychlorinated biphenyls at concentrations that exceed action levels as specified by the designating agency. If the Executive Officer has evidence that a site may contain one or more of the applicable toxic air contaminants, the site may be subject to the proposed rule after the Executive Officer consults with U.S. EPA, DTSC, the State Water Board, Regional Water Board, and/or local or state health agencies and takes into consideration the following criteria: concentration(s) of the toxic air contaminant(s) in the soil, background concentration(s), volume of the soil with toxic air contaminants, distance to a residence, park, or school, meteorological data, data provided by the owner or operator, including health risk data, and other additional data, including ambient monitoring, if available.

Under the proposed rule, the owner or operator must conduct near-real-time PM10 monitoring. If the PM10 concentration exceeds 25 $\mu g/m^3$, the owner or operator must temporarily suspend earth-moving activities until the PM10 concentration is below 25 $\mu g/m^3$. In addition, Proposed Rule 1466 includes a series of dust control measures to minimize off-site fugitive emissions, such as wind screens, watering, a speed limit for on-site vehicles, limits for stockpiling, provisions when loading and unloading trucks, and requirements for an onsite dust control supervisor. The proposed rule also limits earth-moving activities at schools, early education centers, and joint use agreement sites associated with a school, when school is in session or when there is a school-sponsored activity. The proposed rule also has requirements to notify the Executive Officer when earth-moving activities commence and when the ambient PM10 concentration limit of 25 $\mu g/m^3$ has been exceeded. Proposed Rule 1466 also includes signage and recordkeeping requirements.

The proposed rule allows owners or operators or designating agencies to utilize alternative dust control measures provided they are approved by the Executive Officer. In addition, the proposed rule allows an owner or operator or designating agency to request an exemption for certain provisions of the proposed rule. Proposed Rule 1466 excludes sites with less than 50 cubic yards of soil, sites performing work within an enclosed air pollution control system, emergency life-threatening situations, and essential service utilities during outages. Sites that are excavating less than 500 cubic yards of soil or projects that are conducting linear trenching on a paved roadway are

exempt from monitoring, fencing, on-site dust control supervisor, and signage requirements.

Public Process
Proposed Rule 1466 was developed through a public process. Through the rulemaking process, staff held four stakeholder Working Group Meetings to discuss provisions of the proposed rule: March 16, 2017, April 13, 2017, May 3, 2017, and May 18, 2017. In addition, staff held a Public Workshop on May 10, 2017.

Key Issue
During the June Stationary Source Committee meeting, Board Member Dr. Joseph Lyou questioned why the rule applies only to a subset of toxic air contaminants and does not include pesticides, herbicides, other metals, persistent bio-cumulative toxics, and semi-volatile organic compounds. Board Members Sheila Kuehl and Dr. Lyou requested that the proposed rule apply to additional toxic air contaminants. Proposed Rule 1466 can be expanded to include additional toxic air contaminants; however, this would require appropriate noticing. The Stationary Source Committee recommended that staff proceed with the July 7, 2017 Public Hearing for the current proposed rule which addresses arsenic, asbestos, cadmium, hexavalent chromium, lead, mercury, nickel, and polychlorinated biphenyls and return to the Board regarding additional toxic air contaminants. The Resolution includes a commitment to return to the Board with a proposed amendment to the rule to expand the applicable toxic air contaminants as early as practicable considering impacts and staff resources, but no later than February 2018.

California Environmental Quality Act
Proposed Rule 1466 is considered to be a "project" as defined by the California Environmental Quality Act (CEQA). CEQA requires the evaluation of potentially adverse environmental impacts of proposed projects and the application of feasible methods to reduce or avoid significant adverse environmental impacts of these projects. SCAQMD staff's review of Proposed Rule 1466 concluded that while the proposed project will be expected to create an environmental benefit by reducing emissions of toxic air contaminants and PM10, the activities that site operators may undertake to comply with Proposed Rule 1466 may also create secondary adverse environmental impacts, but not at a significant level. Thus, pursuant to CEQA Guidelines §15252 and §15070 and SCAQMD Rule 110, the SCAQMD has prepared an Environmental Assessment (EA) for Proposed Rule 1466. The Draft EA was released for a 30-day public review and comment period from May 16, 2017 to June 15, 2017. One comment letter was received from the public relative to the analysis in the Draft EA, and responses to the comments have been prepared. The comment letter and the responses are included in an appendix to the Final EA (see Appendix E). Since the release of the Draft EA, minor modifications have been made to Proposed Rule 1466 and some of the revisions were made in response to verbal and written comments on the project's effects. SCAQMD staff has reviewed the modifications to Proposed Rule 1466 and concluded that none of the modifications constitute significant new information or a substantial increase in the severity of an environmental impact, or provide new

information of substantial importance relative to the draft document. In addition, revisions to Proposed Rule 1466 in response to verbal and written comments would not create new, avoidable significant effects. As a result, these minor revisions do not require recirculation of the Draft EA pursuant to CEQA Guidelines §15073.5 and §15088.5. Therefore, the Draft EA has been revised to reflect the aforementioned modifications and to include the comment letters and responses to comments such that it is now a Final EA (see Attachment H of this Board package). Prior to making a decision on the proposed adoption of Rule 1466, the Board must review and certify the Final EA as providing adequate information on the potential adverse environmental impacts of the proposed project.

Socioeconomic Analysis

Proposed Rule 1466 is designed to reduce toxic air contaminants from earth-moving activities at sites that contain applicable toxic air contaminants. Proposed Rule 1466 sets PM10 emission limits and best management practices as baseline requirements. The potentially impacted sites may belong to various industry sectors in the four-county region, including but not limited to, utilities, manufacturing, rail transportation, waste management and remediation services, educational services, and public administration sectors. Prior data of sites with applicable toxic air contaminants in the soil indicated that at least three sites were previously operated by small businesses. Based on prior data, the annual compliance cost was estimated to be about $731,000 for an expected total of eight sites per year in the region.

AQMP and Legal Mandates

Pursuant to Health & Safety Code Section 40460 (a), the SCAQMD is required to adopt an Air Quality Management Plan (AQMP) demonstrating compliance with all federal regulations and standards. The SCAQMD is required to adopt rules and regulations that carry out the objectives of the AQMP. Proposed Rule 1466 is a control measure (CM TXM-04) in the 2016 AQMP and will reduce fugitive dust emissions containing toxic air contaminants from earth-moving activities at cleanup sites.

Implementation and Resource Impact

Existing SCAQMD resources will be used to implement Proposed Rule 1466.

Attachments

A. Summary of Proposal
B. Key Issues and Responses
C. Rule Development Process
D. Key Contacts List
E. Resolution
F. Proposed Rule 1466
G. Staff Report for Proposed Rule 1466
H. Final Environmental Assessment
I. Board Meeting Presentation

ATTACHMENT A

SUMMARY OF PROPOSAL

Proposed Rule 1466 – Control of Particulate Emissions from Soils with Toxic Air Contaminants
Applicability • Sites that have been designated by the U.S. Environmental Protection Agency, California Department of Toxic Substances Control, State Water Resources Control Board, or Regional Water Quality Board as cleanup sites • Sites that have been designated by the Executive Officer, based on criteria specified in the proposed rule Monitoring Requirements • Conduct continuous direct-reading near-real-time ambient monitoring of PM10 • If the PM10 concentration exceeds 25 µg/m^3, cease all earth-moving activity and implement dust control measures until the PM10 concentration is 25 µg/m^3 or less Dust Control Measures • Dust control measures such as wind screens and watering • Vehicle measures such as minimizing track-out and fugitive dust from vehicle movement • Requirements when stockpiling • Truck loading and unloading measures to minimize fugitive dust • On-site dust control supervisor • Restrictions when earth-moving activities with soil containing toxic air contaminants can occur at schools, early education centers, and joint use agreement properties, and requirements when stockpiling at these sites Notification Requirements • Notify the Executive Officer of the intent to conduct earth-moving activities • Notify the Executive Officer of exceedances of the PM10 limit Signage • Install and maintain signage on the perimeter listing the toxic air contaminants in the soil, a contact phone number for the owner or operator, and the SCAQMD's 1-800-CUT SMOG phone number Recordkeeping • Maintain daily records of inspections, monitoring results, complaints, and other information

Executive Officer Designated Sites

- Criteria considered by Executive Officer when designating a site as subject to the rule

Alternative Provisions

- Procedures and timelines for requesting alternative provisions

Exemptions

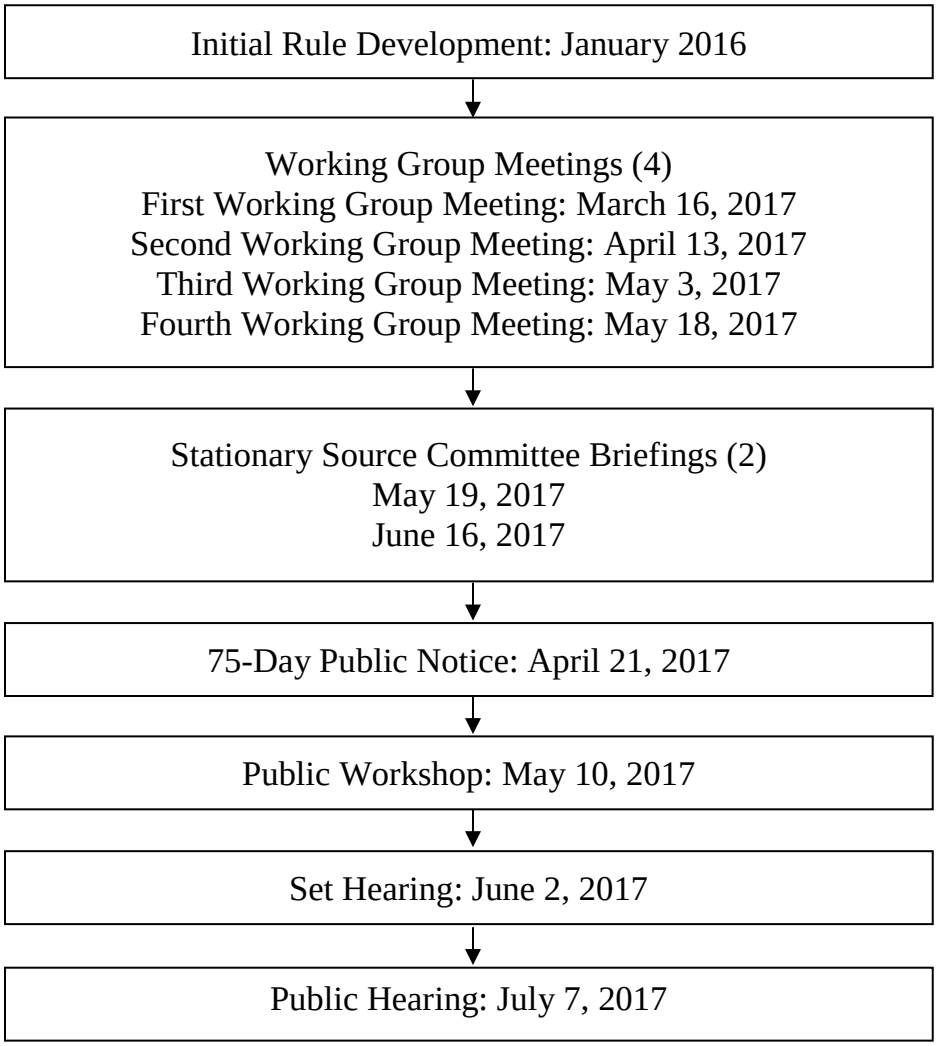
- Any measure when confirmed by designating agency in consultation with Executive Officer
- Earth-moving activities conducted within an enclosed system vented to a permitted air pollution control device
- Earth-moving activities with applicable toxic air contaminants of < 50 yd^3
- Linear trenching for sewers on roadways and excavation activities with applicable toxic air contaminants of < 500 yd^3
- Emergency situations and emergency disruptions of essential public services
- Soil sampling

ATTACHMENT B
KEY ISSUES AND RESPONSES

Proposed Rule 1466 – Control of Particulate Emissions from Soils with Toxic Air Contaminants
Additional Toxic Air Contaminants Applicable to Proposed Rule 1466: During the June Stationary Source Committee meeting, Board Member Dr. Joseph Lyou asked if the proposed rule can be expanded to include other toxic air contaminants such as pesticides, herbicides, other metals, persistent bio-cumulative toxics, and semi-volatile organic compounds. Dr. Lyou and Board Member Sheila Kuehl requested that the proposed rule apply to additional toxic air contaminants. • Proposed Rule 1466 can be expanded to include additional toxic air contaminants; however, this would require appropriate noticing. • Staff will proceed with the July 7, 2017 Public Hearing for the current proposed rule which addresses arsenic, asbestos, cadmium, hexavalent chromium, lead, mercury, nickel, and polychlorinated biphenyls. Staff will return to the Board with a proposed amendment to the rule to expand the applicable toxic air contaminants as early as practicable, considering impacts and staff resources, but no later than February 2018.

ATTACHMENT C

RULE DEVELOPMENT PROCESS
Proposed Rule 1466 – Control of Particulate Emissions from Soils with Toxic Air Contaminants



19 months spent in rule development
1 Public Workshop
4 Working Group Meetings

ATTACHMENT D
KEY CONTACTS LIST

Action Now
AECOM
Arcadis
Antea Group
ATC Group Services
The Boeing Company
California Communities Against Toxics
California Council for Environmental and Economic Balance
California Department of Toxic Substances Control
California Safe Schools
Chevron Corporation
Coalition for a Safe Environment
Del Amo Action Committee
E4 Strategic Solutions
Health Science Associates
ITS Environmental
Los Angeles Department of Water and Power
Los Angeles Unified School District
Metropolitan Water District of Southern California
National Demolition Contractors
Operating Engineers Training Trust
Our Right to Know
Ramboll Environ
Sanitation Districts of Los Angeles County
Society for Positive Action
Southern California Alliance of Publicly Owned Treatment Works
Tesoro Corporation
Western States Petroleum Association

ATTACHMENT E

RESOLUTION NO. 17-_____

A Resolution of the Governing Board of the South Coast Air Quality Management District (SCAQMD) certifying the Final Environmental Assessment for Proposed Rule 1466 – Control of Particulate Emissions from Soils with Toxic Air Contaminants.

A Resolution of the SCAQMD Governing Board adopting Rule 1466 – Control of Particulate Emissions from Soils with Toxic Air Contaminants.

WHEREAS, the SCAQMD Governing Board finds and determines that Proposed Rule 1466 is considered a "project" pursuant to the California Environmental Quality Act (CEQA) and that the proposed project would not have a significant adverse effect on the environment; and

WHEREAS, the SCAQMD has had its regulatory program certified pursuant to Public Resources Code Section 21080.5 and has conducted CEQA review and analysis pursuant to such program (SCAQMD Rule 110); and

WHEREAS, the SCAQMD staff has prepared a Draft Environmental Assessment (EA) pursuant to its certified regulatory program and CEQA Guidelines Sections 15251, 15252, and 15070, setting forth the potential environmental consequences of Proposed Rule 1466; and

WHEREAS, the Draft EA was circulated for a 30-day public review and comment period, from May 16, 2017 to June 15, 2017; and

WHEREAS, the Draft EA has been revised to include comments received on the Draft EA and the responses, so that it is now a Final EA; and

WHEREAS, Findings pursuant to Public Resources Code Section 21081.6 and CEQA Guidelines Section 15091 and a Statement of Overriding Considerations pursuant to CEQA Guidelines Section 15093 were not prepared because the analysis of the proposed project shows that Proposed Rule 1466 would not have a significant adverse effect on the environment, and thus, such Findings and Statement of Overriding Considerations are not required; and

WHEREAS, it is necessary that the adequacy of the Final EA, including responses to comments received relative to the Draft EA, be determined by the SCAQMD Governing Board prior to its certification; and

WHEREAS, Proposed Rule 1466 and supporting documentation, including but not limited to, the Final EA, the Socioeconomic Impact Assessment, and the Staff Report, were presented to the SCAQMD Governing Board and the SCAQMD Governing Board has reviewed and considered the entirety of this information, and has taken and considered staff testimony and public comment prior to approving the project; and

WHEREAS, the SCAQMD Governing Board voting to adopt Proposed Rule 1466 has reviewed and considered the information contained in the Final EA and other supporting documentation, and has determined that the document has been completed in compliance with CEQA; and

WHEREAS, pursuant to CEQA Guidelines Section 15252 (a)(2)(B), since no significant adverse impacts were identified, no alternatives or mitigation measures are required and thus, a Mitigation Monitoring Plan pursuant to Public Resources Code Section 21081.6 and CEQA Guidelines Section 15097, has not been prepared; and

WHEREAS, the SCAQMD Governing Board voting on Proposed Rule 1466, has reviewed and considered the Final EA, including responses to comments, prior to its certification; and

WHEREAS, the Final EA reflects the independent judgment of the SCAQMD; and

WHEREAS, the SCAQMD Governing Board finds and determines, taking into consideration the factors in section (d)(4)(D) of the Governing Board Procedures (codified as Section 30.5(4) of the Administrative Code), that the modifications which have been made to Proposed Rule 1466 since the notice of public hearing was published do not significantly change the meaning of the proposed project within the meaning of Health and Safety Code Section 40726 and would not constitute significant new information requiring recirculation of the Draft EA pursuant to CEQA Guidelines Sections 15073.5 and 15088.5; and

WHEREAS, Proposed Rule 1466 is a control measure (CM TXM-04) in the 2016 Air Quality Management Plan (AQMP) and was not ranked by cost-effectiveness relative to other AQMP control measures in the 2016 AQMP, and furthermore, pursuant to Health and Safety Code Section 40910, cost-effectiveness in terms of dollars per ton of pollutant reduced is only applicable to rules regulating ozone, carbon monoxide, sulfur dioxide, and nitrogen dioxide and does not apply to toxic air contaminants; and

WHEREAS, Proposed Rule 1466 will not be submitted for inclusion into the State Implementation Plan; and

WHEREAS, the SCAQMD staff conducted a public workshop regarding Proposed Rule 1466 on May 10, 2017; and

WHEREAS, California Health and Safety Code Section 40727 requires that prior to adopting, amending or repealing a rule or regulation, the SCAQMD Governing Board shall make findings of necessity, authority, clarity, consistency, non-duplication, and reference based on relevant information presented at the public hearing and in the staff report; and

WHEREAS, the SCAQMD Governing Board has determined that Proposed Rule 1466 is needed to further protect public health to minimize fugitive dust emissions from earth-moving activities at sites that contain certain toxic air contaminants by establishing an ambient PM10 concentration limit and including requirements for ambient PM10 monitoring, dust control measures, notification, signage, and recordkeeping; and

WHEREAS, the SCAQMD Governing Board obtains its authority to adopt, amend or repeal rules and regulations from Sections 39002, 39650 et seq., 40000, 40001, 40440, 40441, 40702, 40725 through 40728, 41508, 41511, 41700, and 41706 of the California Health and Safety Code; and

WHEREAS, the SCAQMD Governing Board has determined that Proposed Rule 1466, as proposed to be adopted, is written and displayed so that the meaning can be easily understood by persons directly affected by it; and

WHEREAS, the SCAQMD Governing Board has determined that Proposed Rule 1466, as proposed to be adopted, is in harmony with, and not in conflict with, or contradictory to, existing statutes, court decisions, or state or federal regulations; and

WHEREAS, the SCAQMD Governing Board has determined that Proposed Rule 1466, as proposed to be adopted, does not impose the same requirements as any existing state or federal regulations, and the proposed amended rule is necessary and proper to execute the powers and duties granted to, and imposed upon, the SCAQMD; and

WHEREAS, the SCAQMD Governing Board, in adopting this regulation, references the following statutes which the SCAQMD hereby implements, interprets or makes specific: the provisions of the Health and Safety Code Section 41700 (nuisance) and Federal Clean Air Act Section 112 (Hazardous Air Pollutants) and Section 116 (Retention of State Authority); and

WHEREAS, Health and Safety Code Section 40727.2 requires the SCAQMD to prepare a written analysis of existing federal air pollution control requirements applicable to the same source type being regulated whenever it adopts, or amends a rule, and that the SCAQMD's comparative analysis of Proposed Rule 1466 is included in the staff report; and

WHEREAS, the SCAQMD Governing Board has determined that the Socioeconomic Impact Assessment, as contained in the Final Staff Report, of Proposed Rule 1466 is consistent with the March 17, 1989 Governing Board Socioeconomic Resolution for rule adoption; and

WHEREAS, the SCAQMD Governing Board has determined that the Socioeconomic Impact Assessment, as contained in the Final Staff Report, is consistent with the provisions of the Health and Safety Code Sections 40440.8, 40728.5, and 40920.6; and

WHEREAS, the SCAQMD Board has actively considered the Socioeconomic Impact Assessment, as contained in the Final Staff Report, and has made a good faith effort to minimize such impacts; and

WHEREAS, the SCAQMD Governing Board has determined that Proposed Rule 1466 will result in increased costs to sites containing applicable toxic air contaminants, yet such costs are considered to be reasonable, with a total annualized cost as specified in the Socioeconomic Impact Assessment, as contained in the Final Staff Report; and

WHEREAS, the SCAQMD Governing Board specifies the Assistant Deputy Executive Officer overseeing the rule development for Proposed Rule 1466 as the custodian of the documents or other materials which constitute the record of proceedings upon which the adoption of this proposed project is based, which are located at the South Coast Air Quality Management District, 21865 Copley Drive, Diamond Bar, California; and

WHEREAS, there are other toxic air contaminants such as pesticides, herbicides, other metals, and persistent bio-cumulative toxics that are not included in Proposed Rule 1466 that can exist at sites that have been designated by U.S. EPA, the state or regional water quality board, or the California Department of Toxic Substances Control. Earth-moving activities of soil containing these toxic air contaminants can expose surrounding communities if dust control measures are not implemented; and

WHEREAS, the Stationary Source Committee recommended that staff proceed with Proposed Rule 1466, but return in a subsequent Board Hearing to expand the applicability to include other toxic air contaminants; and

WHEREAS, a public hearing has been properly noticed in accordance with all provisions of Health and Safety Code Section 40725; and

WHEREAS, the SCAQMD Governing Board has held a public hearing in accordance with all provisions of law; and

NOW, THEREFORE BE IT RESOLVED, that the SCAQMD Governing Board directs staff to expand the applicability of Proposed Rule 1466 for the Board's consideration to include other toxic air contaminants such as pesticides, herbicides, other metals, persistent bio-cumulative toxics, and semi-volatile organic compounds as early as practicable considering CEQA and staff resources, but no later than February 2018.

BE IT FURTHER RESOLVED, that the SCAQMD Governing Board does hereby certify that the Final EA for Proposed Rule 1466, including responses to comments, was completed in compliance with CEQA and SCAQMD Rule 110 provisions and finds that the Final EA was presented to the SCAQMD Governing Board, whose members reviewed, considered, and approved the information therein prior to acting on Proposed Rule 1466; and

BE IT FURTHER RESOLVED, that because no significant adverse environmental impacts were identified as a result of implementing Proposed Rule 1466, Findings, a Statement of Overriding Considerations, and a Mitigation Monitoring Plan are not required; and

BE IT FURTHER RESOLVED, that the SCAQMD Governing Board does hereby adopt, pursuant to the authority granted by law, Proposed Rule 1466 as set forth in the attached, and incorporated herein by reference.

DATE: _____ _____

CLERK OF THE BOARDS

ATTACHMENT F

PROPOSED RULE 1466. CONTROL OF PARTICULATE EMISSIONS FROM SOILS WITH TOXIC AIR CONTAMINANTS

(a) Purpose

The purpose of this rule is to minimize the amount of off-site fugitive dust emissions containing toxic air contaminants by reducing particulate emissions in the ambient air as a result of earth-moving activities, including, excavating, grading, handling, treating, stockpiling, transferring, and removing soil that contains applicable toxic air contaminants from sites that meet the applicability requirements of subdivision (b).

(b) Applicability

(1) Effective 30 days from adoption date, this rule shall apply to any owner or operator conducting earth-moving activities of soil with applicable toxic air contaminants as defined in paragraph (c)(2) that have been identified as contaminants of concern at a site that has been designated and notified by the:

(A) U.S. Environmental Protection Agency (U.S. EPA) as a Superfund National Priorities List site;

(B) California Department of Toxic Substances Control (DTSC) as a Brownfield or Cleanup Program site;

(C) State Water Resources Control Board (State Water Board) or Regional Water Quality Board (Regional Water Board) as a Site Cleanup Program site; or

(D) Executive Officer pursuant to subdivision (i).

(2) This rule shall not apply to:

(A) Earth-moving activities of soil with applicable toxic air contaminants of less than 50 cubic yards; or

(B) Removal of soil for sampling purposes.

(c) Definitions

(1) ADEQUATELY WET is the condition of being sufficiently mixed or penetrated with water to prevent the release of particulates or visible emissions. The process by which an adequately wet condition is achieved is by using a dispenser or water hose with a nozzle that permits the use of a fine, low-pressure spray or mist.

(2) APPLICABLE TOXIC AIR CONTAMINANTS, for the purpose of this rule, include arsenic, asbestos, cadmium, hexavalent chromium, lead, mercury, nickel, and polychlorinated biphenyls.

(3) CHEMICAL STABILIZERS are any non-toxic chemical dust suppressant. The chemical stabilizers shall meet any specifications, criteria, or tests required by any federal, state, or local agency or any applicable law, rule, or regulation. Unless otherwise indicated, the use of a non-toxic chemical stabilizer shall be of sufficient concentration and application frequency to maintain a stabilized surface and no less than what is specified by the manufacturer.

(4) DISTURBED SURFACE AREA is 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 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 of at least 70 percent of the native cover for a particular area for at least 30 days.

(5) DUST SUPPRESSANTS are water, hygroscopic materials, or chemical stabilizers used as a treatment material to reduce fugitive dust emissions.

(6) EARLY EDUCATION CENTER is any public or private property, used for purposes of education as defined as an Early Learning and Developmental Program by the U.S. Department of Education, but does not include any property in which education is primarily conducted in private homes. Early education center includes any building or structure, playground, athletic field, or other areas of early education center property.

(7) EARTH-MOVING ACTIVITIES are, for the purpose of this rule, any activity on a site that meets the applicability requirements of subdivision (b) where soil with applicable toxic air contaminants are being moved or uncovered, and shall include, but not be limited to the following: excavating, grading, earth cutting and filling operations, loading or unloading, and adding to or removing from stockpiles.

(8) FUGITIVE DUST is, for the purpose of this rule, any solid particulate matter that is in contact with ambient air and has the potential to become airborne, other than solid particulate matter that is emitted from an exhaust stack.

(9) JOINT USE AGREEMENT PROPERTY is a shared public facility in which a formal agreement exists between a school or early education center and another government entity setting forth the terms and conditions for shared use.

(10) OWNER OR OPERATOR is any firm, business establishment, association, partnership, corporation or individual, whether acting as principal, agent, employee, contractor, or other capacity.

(11) PAVED ROAD is a public or private improved street, highway, alley, public way, or easement that is covered by typical roadway materials, but excluding access roadways that connect a facility with a public paved roadway 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.

(12) PROPERTY LINE is the boundary of an area where a person 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.

(13) SCHOOL is any public or private education center, including juvenile detention facilities and education centers serving as the students' place of residence (e.g., boarding schools), used for purposes of the education of more than 12 children in kindergarten or any grades 1 to 12, inclusive, but does not include any school in which education is primarily conducted in private homes. School includes any building or structure, playground, athletic field, or other areas of school property.

(14) SOIL is dirt, sand, gravel, clay, and aggregate material less than two inches in length or diameter, and other organic or inorganic particulate matter.

(15) SOIL WITH APPLICABLE TOXIC AIR CONTAMINANT(S) means, for the purpose of this rule, soil that has been identified by U.S. EPA, DTSC, State Water Board, Regional Water Board, or the Executive Officer to contain one or more of the applicable toxic air contaminants as defined in paragraph (c)(2) that exceed action levels as specified by the designating agency.

(16) STABILIZED SURFACE is any previously disturbed surface area or stockpile, 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. Stabilization can be demonstrated by one or more of the applicable test methods contained in the *SCAQMD Rule 403 Fugitive Dust Implementation Handbook.*

(17) STOCKPILE is any accumulation of soil, 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 square feet or more.

(18) TRACK-OUT is any soil that adheres to and agglomerates on the exterior surface of motor vehicles, haul trucks, and equipment (including tires) that has been released onto a paved road.

(19) WIND-DRIVEN FUGITIVE DUST is visible emissions from any disturbed surface area, which is generated by wind action alone.

(20) WIND GUST is the maximum instantaneous wind speed as measured by an anemometer.

(d) Monitoring Requirements

(1) When earth-moving activities or vehicular movement occurs, the owner or operator shall conduct continuous direct-reading near real-time ambient monitoring of PM_{10} concentrations pursuant to paragraph (d)(3).

(2) If the PM_{10} concentration averaged over two hours exceeds 25 micrograms per cubic meter, as measured pursuant to paragraph (d)(3) and as determined pursuant to paragraph (d)(4), the owner or operator shall cease earth-moving activities, apply dust suppressant to fugitive dust sources, or implement other dust control measures as necessary until the PM_{10} concentration is equal to or less than 25 micrograms per cubic meter averaged over 30 minutes.

(A) The owner or operator or designating agency may request an alternative PM_{10} limit from the Executive Officer provided the exposure to toxic air contaminants from fugitive dust from earth-moving activities at the proposed PM_{10} concentration level is health protective to the public. The owner or operator or designating agency shall provide to the Executive Officer the information specified in subparagraphs (i)(1)(A) through (G) and substantiate its position that an alternative PM_{10} limit is health protective. Use of an alternative PM_{10} limit must be submitted and approved by the Executive Officer as specified in subdivision (j).

(3) The owner or operator conducting earth-moving activities shall install and conduct ambient PM_{10} monitoring as follows:

(A) In accordance with a U.S. EPA-approved equivalent method for PM_{10} monitoring or an alternative method approved by the Executive Officer. The owner or ~~/~~operator or designating agency shall select an alternative PM_{10} method as specified in Appendix 1. Use of an alternative PM_{10}

method must be submitted and approved by the Executive Officer as specified in subdivision (j);

(B) Using a minimum of one upwind monitor where the location of the upwind monitor(s) are indicative of background PM_{10} levels and not generally influenced by fugitive dust sources from the site;

(C) Using a minimum of one downwind monitor placed in the seasonal prevailing wind direction downwind of each area of earth-moving activity and as close to the property line as feasible;

(D) Operate, maintain, and calibrate ambient PM_{10} monitors in accordance with appropriate U.S. EPA-published documents for U.S. EPA-approved equivalent method(s) for PM_{10} or the alternative method approved by the Executive Officer, and manufacturer's instructions; and

(E) Collect ambient PM_{10} data with a data acquisition system that is capable of logging direct-reading near real-time data providing the date, time, and PM_{10} concentration in micrograms per cubic meter every 10 minutes or less.

(4) The owner or operator shall calculate the PM_{10} concentration based on the PM_{10} concentration averaged over two hours, starting at the top of each hour, where:

(A) The PM_{10} concentration is the absolute difference between the upwind and downwind monitors;

(B) If there is more than one upwind monitor, the upwind result is the two hour average of all upwind monitors;

(C) If there is more than one downwind monitor, the downwind average is the maximum two hour average concentration of any of the downwind monitors; and

(D) The owner or operator or designating agency may use an alternative calculation methodology if the owner or operator or designating agency provides information to substantiate that all or some the PM_{10} concentration is the result of another source and not attributed to the earth-moving activities of the site. Use of an alternative calculation methodology must be submitted and approved by the Executive Officer as specified in subdivision (j).~~;~~

(5) When earth-moving activities occur, the owner or operator shall monitor wind direction and speed as specified in U.S. EPA *Quality Assurance Handbook for Air Pollution Measurement Systems, Volume IV: Meteorological Measurements*.

(e) Requirements to Minimize Fugitive Dust Emissions

(1) The owner or operator shall not conduct earth-moving activities unless the area is surrounded with fencing that is a minimum of 6 feet tall and at least as tall as the height of the tallest stockpile, with a windscreen with a porosity of 50 ± 5%.

(2) An owner or operator conducting earth-moving activities shall:

(A) Adequately wet to the depth of earth-moving activity and allow time for penetration; and

(B) Adequately wet at frequencies to prevent the generation of visible dust plumes.

(3) An owner or operator that is moving vehicles on, within, or off a site where earth-moving activities are occurring shall:

(A) Post signs at all entrances of the site to designate the speed limit as 15 miles per hour;

(B) Stabilize the surface of all vehicular traffic and parking areas by applying gravel, paving, or dust suppressant;

(C) Not allow track-out to extend beyond 25 feet of the property line. Remove any track-out each day using a vacuum equipped with a filter(s) rated by the manufacturer to achieve a 99.97% capture efficiency for 0.3 micron particles;

(D) Clean the soil from the exterior of trucks, trailers, and tires prior to the truck leaving the site; and

(E) The owner or operator shall utilize at least one of the measures listed in clause (e)(3)(E)(i) through (e)(3)(E)(iv) 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 the surface extending at least 100 feet from the property line and at least 20 feet wide;

(iii) Utilize a wheel shaker/wheel spreading device consisting of raised dividers (rails, pipes, or grates) at least 24 feet long and 10 feet wide; or

(iv) Install and utilize a wheel washing system to remove soil from tires and vehicle undercarriages.

(4) An owner or operator conducting earth-moving activities that result in the development of stockpiles of any soil with applicable toxic air contaminants shall:

(A) Segregate non-contaminated stockpiles from stockpiles with applicable toxic air contaminants and label with "SCAQMD Rule 1466 – Control of Particulate Emissions from Soils with Toxic Air Contaminants Applicable Soil";

(B) Maintain stockpiles to avoid steep sides or faces that exceed the angle of repose;

(C) Not create a stockpile that is more than 400 cubic yards of soil and greater in height than the perimeter fencing and windscreen;

(D) Apply dust suppressant to stockpiles;

(E) At the end of each working day, either chemically stabilize and/or completely cover with 10 millimeter thick plastic sheeting that overlaps a minimum of 24 inches. The plastic sheeting shall be anchored and secured so that no portion of the soil is exposed to the atmosphere; and

(F) Daily, inspect stabilized or covered stockpiles. For a stabilized stockpile, such inspections shall include a demonstration of stabilization by one or more of the applicable test methods contained in *SCAQMD Rule 403 Fugitive Dust Implementation Handbook*. For a covered stockpile, such inspections shall include a visual inspection of all seams and plastic cover surfaces. Immediately re-stabilize or repair any holes, tears, or any other potential sources of fugitive toxic air contaminant emissions.

(5) An owner or operator conducting truck loading activities of soil containing applicable toxic air contaminants shall:

(A) Apply dust suppressant to material prior to loading;

(B) Empty the loader bucket slowly so that no dust plumes are generated;

(C) Minimize the drop height from the loader bucket;

(D) Maintain at least six inches of freeboard while transporting within a site; and

(E) Completely tarp the truck and trailer prior to leaving the site.

(6) An owner or operator conducting truck unloading activities of soil containing applicable toxic air contaminants shall:

(A) Apply dust suppressant to material prior to unloading; and

(B) Empty the trailer slowly so that no dust plumes are generated.

(7) The owner or operator shall immediately remove any spilled soil containing applicable toxic air contaminants.

(8) The owner or operator shall cease earth-moving activities if the wind speed is greater than 15 miles per hour (mph) averaged over a 15-minute period or instantaneous wind speeds exceed 25 mph.

(9) During earth-moving activities, the owner or operator shall have an on-site dust control supervisor that:

(A) Is employed by or contracted with the owner or operator;

(B) Is located on the site during working hours;

(C) Is in a position to expeditiously employ sufficient dust control measures to ensure compliance with all Rule requirements;

(D) Has completed the SCAQMD Fugitive Dust Control Class and has been issued a valid Certificate of Completion for the class; and

(E) Has the following credentials, if asbestos is an applicable toxic air contaminant:

(i) Successfully completed the Asbestos Abatement Contractor/Supervisor course pursuant to the Asbestos Hazard Emergency Response Act (AHERA), and obtained and maintained accreditation as an AHERA Asbestos Abatement Contractor/Supervisor; and

(ii) Trained on the provisions of 40 CFR Part 61.145, 61.146, 61.147 and 61.152 (Asbestos NESHAP provisions) and Part 763, and have the means by which to comply with these provisions.

(10) If earth-moving activities will not occur for three (3) or more consecutive days, apply a chemical stabilizer to potential sources of fugitive dust diluted to the concentration required to maintain a stabilized surface for the period of inactivity; re-stabilize as necessary.

(11) An owner or operator that is conducting earth-moving activities of soil with applicable toxic air contaminant(s) at a school, early education center, or joint use agreement property shall:

(A) Only conduct earth-moving activities at a school or early education center outside of the hours between 7:30 a.m. and 4:30 p.m. on days when the school or early education center is in session;

(B) Only conduct earth-moving activities at a school, early education center, or joint use agreement property whenever there is no school or early education center sponsored activity;

(C) Handle excavated soils with applicable toxic air contaminants by:

(i) Immediately placing soil in a leak-tight container whereby any contained solids or liquids are prevented from escaping or spilling out;

(ii) Directly loading soil in trucks, applying dust suppressant, and covering prior to transporting; or

(iii) Stockpiling pursuant to paragraph (e)(4), in a fenced area that is not accessible to the general public, and locked when not in use; and

(D) Within five (5) days of its excavation, remove all soil with applicable toxic air contaminants from the site.

(12) With the exception of (e)(7) and (e)(11), the owner or operator or designating agency may use alternative dust control measures that meets the objective and effectiveness of the dust control measure it is replacing, where the objective and effectiveness of each category of dust control measures is stated in Appendix 2. Use of alternative dust control measures must be submitted and approved by the Executive Officer as specified under subdivision (j).

(f) Notification Requirements

(1) At least 72 hours and no more than 30 days prior to conducting any earth-moving activities on any site meeting the applicability requirements of subdivision (b), the owner or operator shall electronically notify the Executive Officer, using a format approved by the Executive Officer, of the intent to conduct any earth-moving activities. Notifications shall include the following requirements:

(A) Name, address, telephone number, and e-mail address of the owner or operator;

(B) Name, telephone number, and e-mail address of the on-site dust control supervisor;

(C) Project name and, if applicable, the project identification number from the designating agency;

(D) Project location (address and/or coordinates);

(E) Identify whether the site is a school, or early education center, or joint use agreement property;

(F) A map indicating the specific location(s) of each earth-moving activity and the concentrations of the applicable toxic air contaminant(s) and location of PM_{10} monitors;

(G) A description of the earth-moving activities and a schedule that includes the anticipated start and completion dates of earth-moving activities;

(H) Current and/or previous type of operation(s) and use(s) at the site; and

(I) Whether the notice is a revised notification.

(2) Within 72 hours of an exceedance of the PM_{10} emission limit specified in subdivision (d), the owner or operator of a site meeting the applicability requirements of subdivision (b) shall electronically notify the Executive Officer, using a format approved by the Executive Officer, of the exceedance and shall include the following information:

(A) Name, address, telephone number, and e-mail address of the owner/operator;

(B) Name, telephone number, and e-mail address of the on-site dust control supervisor;

(C) Project name and, if applicable, the project identification number from the designating agency;

(D) Project Location (address and/or coordinates);

(E) PM_{10} monitoring results, including result, date and time of~~:~~ exceedance(s), 12 hours before first exceedance, and 12 hours after last exceedance;

(F) Earth-moving activities occurring at the date and time of exceedance(s); and

(G) Dust control measure(s) taken to mitigate fugitive dust.

(g) Signage Requirements

When conducting earth-moving activities, the owner or operator shall install and maintain project signage.

(1) Unless otherwise approved in writing by the Executive Officer, signage shall:

(A) Be installed at all entrances and at intervals of 1,000 feet or less along the property line or perimeter of the site, with a minimum of one along each side;

(B) Be located between 6 and 8 feet above grade from the bottom of the sign;

(C) Display lettering at least four inches tall with text contrasting with the sign background; and

(D) Display the following information:

(i) Local or toll-free phone number for the site contact or pre-recorded notification center that is accessible 24 hours a day; and

(ii) Warning statement:

"THIS SITE CONTAINS SOILS THAT CONTAIN THE FOLLOWING CHEMICALS: [LIST APPLICABLE TOXIC AIR CONTAMINANTS]

TO REPORT ANY DUST LEAVING THE SITE PLEASE CALL [FACILITY CONTACT] OR THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT AT 1-800-CUT-SMOG"

(2) The owner or operator or designating agency may use alternative signage approved by the Executive Officer pursuant to subdivision (j). Notwithstanding subdivision (j), the request shall include a visual representation of the alternative sign and proposed locations and at a minimum, the alternative signage shall:

(A) Display lettering at least four inches tall with text contrasting with the sign background; and

(B) Display the following warning statement:

"THIS SITE CONTAINS SOILS THAT CONTAIN THE FOLLOWING CHEMICALS: [LIST APPLICABLE TOXIC AIR CONTAMINANTS] TO REPORT ANY DUST LEAVING THE SITE PLEASE CALL THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT AT 1-800-CUT-SMOG"

(h) Recordkeeping Requirements

The owner or operator shall maintain records for a period of not less than three years and shall make such records available to the Executive Officer upon request. At a minimum, records shall be maintained daily and shall include:

(1) Inspection of all covered stockpiles containing soils with applicable toxic air contaminants;

(2) Results of wind and PM_{10} monitoring, including calibration, maintenance, operator training, and daily instrument performance check records for all monitoring instruments;

(3) Earth-moving activities conducted and the corresponding volume of soil with applicable toxic air contaminant;

(4) Names and business addresses of the transporting and receiving facilities, and a copy of the shipping manifest; and

(5) Complaints called in, including the name of complainant and contact information, date and time, earth-moving activities occurring at the date and time, complaint, and action taken to mitigate the source of the complaint.

(i) Executive Officer Designated Sites

(1) The Executive Officer may designate a site if the Executive Officer has evidence that the site ~~that~~ contains soil with applicable toxic air contaminants, after

consultation with U.S. EPA, DTSC, the State or Regional Water Boards, and/or local or state health agencies, and consideration of the following:

(A) Concentration(s) of applicable toxic air contaminant(s) in the soil;

(B) Background concentration(s) of applicable toxic air contaminant(s);

(C) Volume of soil with applicable toxic air contaminant(s);

(D) Distance to a residence, park, or school;

(E) Meteorological data;

(F) Health risk information or other data provided by the owner or operator, if available; and

(G) Ambient monitoring data and other applicable data, if available.

(2) Prior to making a determination, the Executive Officer will notify the owner or operator in writing that the site may be subject to this rule.

(A) In the event the owner or operator exercises this opportunity to demonstrate that this rule does not apply, the owner or operator shall submit information to the Executive Officer within 14 days of the notification substantiating why the site should be excluded from this rule.

(B) Upon final determination, the Executive Officer will notify the owner or operator in writing if the site is subject to this rule.

(3) During the determination period, the owner or operator shall comply with the provisions of this rule or cease all earth-moving activities until a determination is made.

(j) Alternative Provisions

(1) If requesting an alternative provision pursuant to subparagraphs (d)(2)(A), (d)(3)(A), or (d)(4)(D) or paragraphs (e)(12) or (g)(2), the owner or operator <u>or designating agency</u> shall submit all information to the Executive Officer to substantiate its positon.

(A) The owner or operator <u>or designating agency</u> that elects to request alternative provisions for the PM_{10} limit, PM_{10} monitoring method, or signage shall submit the request in writing at least 30 days prior to conducting any earth-moving activities.

(B) The owner or operator <u>or designating agency</u> that elects to request alternative provisions for the PM_{10} calculation or dust control measures shall submit the request, in writing, prior to an exceedance of <u>the PM_{10} concentration requirements set forth in</u> paragraph (d)(2).

(2) The Executive Officer may request additional information from the owner or operator or designating agency.

(3) The owner or operator or designating agency shall submit all requested information within 14 days of the request for additional information.

(4) The Executive Officer will review the request for an alternative provision and will approve or reject the data and notify the owner or operator or designating agency in writing. Approved alternative provisions may not be used retroactively.

(k) Exemptions

(1) The owner or operator may be exempt from one or more provisions of this rule provided there is written confirmation that the designating agency under subparagraphs (b)(1)(A) through (C) has consulted with the Executive Officer and has determined that the provision(s) are not needed based on information specified in subparagraphs (i)(1)(A) through (G).

(2) Earth-moving activities performed within an enclosed system vented to SCAQMD permitted air pollution control equipment shall be exempt from all requirements except: subparagraphs (e)(3)(C) through (e)(3)(E), subparagraphs (e)(5)(D) and (e)(5)(E), and subdivisions (g) and (h).

(3) Linear trenching for sewer projects on roadways and earth-moving activities consisting only of excavation activities of soil with applicable toxic air contaminants of less than 500 cubic yards, directly loaded into a truck or bin for transport, shall be exempt from all requirements except: paragraphs (e)(2) through (e)(8), paragraph (e)(11), and subdivisions (f), (h), and (i).

(~~3~~4) Active operations conducted during emergency life-threatening situations, or in conjunction with any officially declared disaster or state of emergency as declared by an authorized health officer, agricultural commissioner, fire protection officer, or other authorized agency officer shall be exempt from all requirements. The Executive Officer shall be notified electronically no later than 48 hours following such earth-moving activities. Written notification shall include written emergency declaration from the authorized officer.

(~~4~~5) Active operations conducted by essential service utilities to provide electricity, natural gas, telephone, water, or sewer during periods of service outages and emergency disruptions shall be exempt from all requirements. The Executive Officer shall be notified electronically no later than 48 hours following such earth-moving activities.

Appendix 1 – Executive Officer Approved PM_{10} Monitors

The Executive Officer may approve PM_{10} monitors that meeting the following requirements.

1. PM_{10} monitors must be continuous direct-reading near-real time monitors and shall monitor particulate matter less than 10 microns.
2. PM_{10} monitors must be equipped with:
   a. Omni-directional heated sampler inlet with water trap;
   ~~b. Sample heater tube;~~
   ~~c~~b. Sample pump;
   ~~d~~c. Volumetric flow controller;
   ~~e~~d. Enclosure; and
   ~~f~~e. Data logger capable of logging each data point with average concentration, time/date, and data point number.
3. PM_{10} monitors must have the following minimum performance standards:
   a. Range: 0 - 10,000 µg/m3
   b. Accuracy: ±5% of reading ± precision
   c. Resolution: 0.1 µg/m3
   d. Measurement Cycle: User selectable (30 minute and 2 hour)
4. In order to ensure the validity of the PM_{10} measurements performed, there must be appropriate Quality Assurance/Quality Control (QA/QC). It is the responsibility of the owner or operator to adequately supplement QA/QC Plans to include the following critical features: instrument calibration, instrument maintenance, operator training, and daily instrument performance (span) checks.

Appendix 2 – Objectives and Effectiveness of Dust Control Measures Set-Forth in Subdivision (e)

Dust Control Measure	Objective	Effectiveness
(e)(1) Fencing and Windscreen Requirement	To minimize off-site fugitive dust emissions containing toxic air contaminants, provide a wind break, act as containment, provide security, and limit access to unauthorized persons.	Any dust control measure that is equally or more effective in minimizing off-site fugitive dust emissions containing toxic air contaminants that may result in exposure to the general public and will limit public access to the site.
(e)(2) Water Application	To minimize fugitive dust emissions containing toxic air contaminants from earth-moving activities.	Any dust control measure that is equally or more effective at preventing the generation of visible dust plumes from earth-moving activities.
(e)(3) Vehicle Movement	To minimize fugitive dust emissions containing toxic air contaminants from on-site vehicles and as vehicles are moving off-site.	Any dust control measure that is equally or more effective at preventing the generation of dust plumes from on-site vehicle movement and any fugitive dust that can be tracked out of the site that can result in exposure to the general public.
(e)(4) Stockpiles	To minimize fugitive dust emissions containing toxic air contaminants from stockpiles.	Any dust control measure that is equally or more effective at minimizing fugitive dust emissions containing toxic air contaminants from stockpiles and that will prevent the generation of dust plumes from stockpiles that can result

Dust Control Measure	Objective	Effectiveness
		in exposure to the general public.
(e)(5) Truck Loading	To minimize fugitive dust emissions containing toxic air contaminants from truck loading and truck movement.	Any dust control measure that is equally or more effective at preventing a dust plume or fugitive dust occurring during the loading of soils containing toxic air contaminants into trailers and physical containment or other mechanisms to minimize fugitive dust from escaping the trailer during transport.
(e)(6) Truck Unloading	To minimize fugitive dust emissions containing toxic air contaminants from truck unloading and truck movement.	Any dust control measure that is equally or more effective at preventing a dust plume or fugitive dust occurring during the unloading of soils containing toxic air contaminants.
(e)(8) Earth-Moving Activities at Certain Wind Speeds	To minimize fugitive dust emissions containing toxic air contaminants from high wind events.	Any dust control measure that is equally or more effective at preventing a dust plume or fugitive dust occurring during high wind events.
(e)(9) On-site Dust Control Supervisor	To require the on-site presence of a person that has specific training to ensure compliance with all Rule requirements.	Any measure that ensures the on-site presence of a person with training covering the same material as that covered by an SCAQMD Fugitive Dust Control Class and appropriate credentials to hand applicable toxic air contaminants and that can

Dust Control Measure	Objective	Effectiveness
		ensure compliance with all Rule requirements.
(e)(10) Application of Chemical Stabilizer During Periods of Inactivity	To minimize a dust plume or fugitive dust emissions containing toxic air contaminants from occurring on-site during periods of inactivity.	Any dust control measure that is equally or more effective at preventing a dust plume or fugitive dust emissions containing toxic air contaminants from occurring on-site during periods of inactivity.

ATTACHMENT G

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

Final Staff Report
Proposed Rule 1466 – Control of Particulate Emissions from Soils with Toxic Air Contaminants

June 2017

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WAYNE NASTRI

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INTRODUCTION

The South Coast Air Quality Management District (SCAQMD) is the lead air pollution agency in the South Coast Air Basin (SCAB) and has jurisdiction over all of Orange County and the non-desert portions of Los Angeles, Riverside, and San Bernardino Counties. The SCAQMD performs inspections of more than 27,000 facilities in the SCAB and Coachella Valley, in addition to responding to thousands of public complaints regarding air quality.

Soil, including dirt, sand, gravel, clay, and aggregate material, with toxic air contaminants have the potential to become airborne during earth-moving activities such as excavation, grading, and stockpiling. The purpose of Proposed Rule 1466 – Control of Particulate Emissions from Soils with Toxic Air Contaminants (Proposed Rule 1466) is to minimize off-site fugitive dust emissions containing toxic air contaminants by establishing dust control measures that can be implemented during earth-moving activities at sites that contain certain toxic air contaminants. Proposed Rule 1466 will focus on the following toxic air contaminants: arsenic, asbestos, cadmium, hexavalent chromium, lead, mercury, nickel, and polychlorinated biphenyls. The provisions in Proposed Rule 1466 include ambient PM_{10} monitoring, dust control measures, notification, signage, and recordkeeping requirements.

BACKGROUND

Proposed Rule 1466 – Control of Particulate Emissions from Soils with Toxic Air Contaminants will reduce fugitive non-volatile toxic air contaminant emissions from sites conducting earth-moving activities. It will apply to sites conducting earth-moving activities where soils contain applicable toxic air contaminants as determined and designated by the U.S. Environmental Protection Agency (U.S. EPA), California Department of Toxics Substances Control (DTSC), State Water Resources Control Board (State Water Board), or Regional Water Quality Control Board (Regional Water Board). Additionally, the proposed rule allows the Executive Officer to identify sites, based on a set of criteria, to be subject to the requirements of Proposed Rule 1466. For sites that meet the applicability requirements, the proposal will establish a PM_{10} ambient dust concentration limit, dust control measures, and will require notification to the Executive Officer prior to beginning earth-moving activities as well as when ambient PM_{10} dust concentration limits are exceeded. Sites will be required to install and maintain signage to inform the community and discourage unauthorized access. Records of monitoring readings and other site activities will be required. The proposal will also include additional requirements for sites that are located at schools, early education centers, or joint use agreement properties.

Proposed Rule 1466 provides requirements for regulatory agencies and entities that are conducting earth-moving activities at sites that contain soil levels of arsenic, asbestos, cadmium, hexavalent chromium, lead, mercury, nickel, and polychlorinated biphenyls that exceed the designating agencies' threshold for action. The regulatory agencies that typically oversee these types of operations will normally require an action plan and the provisions in this proposed rule are designed to be incorporated into such plans. Proposed Rule 1466's PM_{10} emission limit and dust control measures are intended to be base requirements and do not preclude the designating agency from implementing more stringent limits or measures. In situations where additional regulatory flexibility is necessary, the proposed rule allows alternative dust control measures, ambient dust concentration limits, and other provisions upon Executive Officer approval.

REGULATORY BACKGROUND

SCAQMD has existing rules that address various aspects of fugitive dust (Rule 403 – Fugitive Dust), volatile organic compounds (VOCs) contaminated soil (Rule 1166 – Volatile Organic Compound Emissions from Decontamination of Soil), and particulate matter and hexavalent chromium emissions from cement manufacturing facilities (Rule 1156 – Further Reductions of Particulate Emissions from Cement Manufacturing Facilities). However, these existing SCAQMD rules do not specifically address soils containing particulate toxic air contaminants.

Rule 1166

Rule 1166 was adopted on August 5, 1988 and establishes requirements to control the emissions of VOCs from excavating, grading, handling and treating VOC-contaminated soil as a result of leakage from storage or transfer operations, accidental spillage or other deposition. Although Rule 1166 targets VOC emission reductions, implementation of the rule also results in concurrent reductions in toxic-VOCs such as benzene, toluene, xylene, and ethylbenzene which are generally associated with petroleum products. The rule includes provisions for mitigation plans to limit VOC emissions, notification to the SCAQMD, and monitoring requirements; as well as measures to reduce VOC emissions during stockpiling and truck loading. Rule 1166 does not apply to sites with soils containing non-VOC toxics such as metal toxic particulates and the toxic air contaminants covered under Proposed Rule 1466.

Rule 403

Rule 403 was adopted on May 7, 1976 and has been amended six times. The purpose of Rule 403 is to reduce the amount of particulate matter entrained in the ambient air as a result of man-made fugitive dust sources by requiring actions to prevent, reduce, or mitigate fugitive dust emissions. Rule 403 limits particulate matter concentrations, when monitored, and contains control measures to limit fugitive dust. Rule 403 provides a menu of dust control guidance and options for the operator to select. Additional provisions, including more specific dust control measures, are included for large operations (> 50 acres) and for operations where fugitive dust concentrations exceed performance standards. Many sites with toxic air contaminants in the soil are less than 50 acres, and would not be required to implement these additional and more specific dust control measures required of large sites. Also, ambient dust monitoring is not always required under Rule 403. Even when monitoring is required, the 50 $\mu g/m^3$ PM_{10} ambient dust concentration limit may not be sufficiently health protective for toxic air contaminants.

Rule 1156

Rule 1156 was adopted on November 4, 2005 and establishes requirements to reduce particulate matter emissions and minimize hexavalent chromium emissions from cement manufacturing operations and properties. The rule includes provisions for visible emissions; material loading, unloading and transferring; cement manufacturing operations; material storage; air pollution control devices; internal roadways and areas; and track-out. Rule 1156 also has provisions for a Compliance Monitoring Plan; hexavalent chromium, PM_{10}, and wind monitoring; and source testing. Additional provisions include Operation and Maintenance procedures; reporting and recordkeeping; and requirements after facility closure. Rule 1156 is applicable to only cement manufacturing facilities, addresses only hexavalent chromium, and does not apply to all earth-moving activities.

Existing Regulatory Framework

Proposed Rule 1466 fills a regulatory gap in the SCAQMD's existing regulatory framework for addressing non-volatile toxic air contaminants from earth-moving activities. Existing Rules 1166 and 403 address VOC emissions and ordinary dust caused by earth-moving activities, but do not address exposure to metal or other particulate toxic air contaminants caused by such activities. Existing Rule 1156 addresses particulate matter and hexavalent chromium from cement manufacturing facilities, but does not address earth-moving activities outside of cement manufacturing facilities nor additional toxic air contaminants. Soils with non-volatile toxic air contaminants such as arsenic, asbestos, cadmium, hexavalent chromium, lead, mercury, nickel, and polychlorinated biphenyls pose much greater health risks than ordinary dust. Fugitive dust with non-volatile toxic air contaminants have the potential to settle in the neighborhoods around contaminated sites and expose nearby receptors long after the earth-moving activities conclude. Fugitive toxic particulates subsequently may be absorbed into the body through inhalation, ingestion, and dermal contact. Therefore, additional provisions are necessary to minimize the re-entrainment of toxic particulates into the air from sites that contain soils with toxic air contaminants.

Oversight Agencies for Investigation and Cleanup of Contaminated Sites

In addition to SCAQMD rules, federal, state, and local regulatory agencies have programs that oversee the investigation and cleanup of contaminated sites. The U.S. EPA program is referred to as the Federal Superfund National Priorities List. DTSC's cleanup program is the Brownfields and Environmental Restoration Program (Cleanup Program). The State Water Board and Regional Water Board refer to their programs as Site Cleanup Programs. Investigations performed by oversight agencies typically begin with a preliminary assessment of the potentially contaminated site. A more detailed site assessment will be conducted if the preliminary assessment shows the possibility of contamination and threat to human health and/or the environment, which determines which sites are designated as requiring some type of cleanup activity. The designating agency will then require a remedial or removal action plan. The plans typically contain an introduction with the cleanup objective, background on the site with the description and geology, the contaminants of concern, a risk evaluation, an overview of the actions that will be taken to clean the site, and the schedule for activities, among other topics. For sites within SCAQMD's jurisdiction, these cleanup actions often contain a dust mitigation component that includes selected measures from SCAQMD Rule 403 and Rule 1166, which were not designed to address earth-moving activities of soils with toxic particulates. The designating agency or owner or operator implement the dust mitigation portion of the action plan by applying water or chemical stabilizers, limiting operations during high-wind conditions, and generally complying with the basic provisions of Rule 403. Cleanup actions are generally completed within three months, but may take one year or longer on larger sites.

PUBLIC PROCESS

Development of Proposed Rule 1466 is being conducted through a public process. SCAQMD has held four working group meetings at the SCAQMD Headquarters in Diamond Bar on March 16, 2017, April 13, 2017, May 3, 2017, and May 18, 2017. The Working Group is composed of representatives from businesses, environmental groups, public agencies, and consultants. The purpose of the working group meetings is to discuss proposed concepts and to work through the details of staff's proposal. In addition, a Public Workshop was held on May 10, 2017.

PROPOSED RULE 1466

Proposed Rule 1466 establishes basic provisions that must be implemented by owners or operators that are conducting earth-moving activities at sites that contain certain toxic air contaminants. Proposed Rule 1466 is designed to provide additional health protection, but not impede the actions that are being taken by designating agencies such as U.S. EPA, DTSC, and the State or Regional Water Board to complete work at sites they have designated. There are a number of areas within the proposed rule, where the designating agency or an owner or operator may utilize alternative dust control measures provided they are approved by the Executive Officer

Purpose (Subdivision (a))

The purpose of Proposed Rule 1466 is to minimize the amount of off-site fugitive dust emissions containing arsenic, asbestos, cadmium, hexavalent chromium, lead, mercury, nickel, and polychlorinated biphenyls from sites that meet the applicability requirements. Off-site fugitive dust emissions will be minimized by reducing particulate emissions as a result of earth-moving activities of soils that contain these toxic air contaminants.

Applicability (Subdivision (b))

The proposed rule will become effective thirty days after adoption and be applicable to any owner or operator conducting earth-moving activities at cleanup sites designated by the U.S. EPA, DTSC, State Water Board, or Regional Water Board that contain arsenic, asbestos, cadmium, hexavalent chromium, lead, mercury, nickel, and polychlorinated biphenyls. While many sites contain these compounds at background levels, only sites with these compounds listed as a contaminant of concern would be subject to the proposed rule. For example, if a Superfund site identified perchloroethylene as a contaminant of concern, but soil samples showed arsenic present below background levels, then Proposed Rule 1466 would not be applicable. Another example in which Proposed Rule 1466 would not apply is where a preliminary assessment by the Regional Water Board revealed that lead was present but determined that it was at concentrations below action levels.

Sites may also be designated by the Executive Officer based on a set of criteria, pursuant to subdivision (i) of the proposed rule. The criteria for designation by the Executive Officer includes consultation with other regulatory agencies, the concentration and volume of contaminants, the proximity to nearby residences, parks, and schools, meteorological data, any health risk, ambient monitoring data, or other data, if available. The Executive Officer would make such a designation when a site has not yet been declared a cleanup site by another regulatory agency. The purpose of this provision is to allow the SCAQMD to take action at a site conducting earth-moving activities that is not yet designated by another agency and is known to have soil with applicable toxic air contaminants where Rule 403 is not sufficiently health protective.

The rule will not apply to earth-moving activities of less than 50 cubic yards of soil or to soil removal for sampling purposes.

In general, the dust control measures for the proposed rule are effective once earth-moving activities commence. For example, a cleanup site certified as clean by DTSC has remediated contaminated soil by capping the contaminated area. If the site wants to move forward with earth-

moving activities on the clean soil above the cap, Proposed Rule 1466 would not apply because the activities would not disturb the contaminated area.

Definitions (Subdivision (c))

Most of the definitions in the proposed rule are taken from Rule 403, Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities, and Rule 102 – Definition of Terms with slight modifications to maintain consistency and to address toxic air contaminants rather than dust or asbestos, respectively.

Rule 403
Chemical Stabilizers
Disturbed Surface Area
Dust Suppressant
Earth-Moving Activities
Fugitive Dust
Paved Road
Property Line
Soil (Includes "Bulk Material")
Stabilized Surface
Stockpile (Formerly "Open Storage Pile")
Track-Out
Wind-Driven Fugitive Dust
Wind Gust

Rule 1403
Adequately Wet

Rule 102
Owner or Operator (Adapted from "Person")

The following provides a summary of definitions that are specific to Proposed Rule 1466 and are not included in existing Rules 403, 1403, or 102.

Applicable Toxic Air Contaminants include arsenic, asbestos, cadmium, hexavalent chromium, lead, mercury, nickel, and polychlorinated biphenyls. The applicable toxic air contaminants were selected from those commonly found at contaminated sites above background levels that have negative health effects. Proposed Rule 1466 does not include VOC related toxic air contaminants as those are covered under Rule 1166.

Early Education Center is any public or private property, used for purposes of education as defined as an Early Learning and Developmental Program by the U.S. Department of Education. Early education center includes any building or structure, playground, athletic field, or other areas of early education center property, but does not include any property in which education is primarily conducted in private homes.

Joint Use Agreement Property is a shared public facility in which a formal agreement exists between a school or early education center and another government entity setting forth the terms and conditions for shared use. Joint use agreement properties were included because they are extensively used by children for school sponsored activities.

School is any public or private education center, used to educate children from kindergarten through grade 12. School includes any building or structure, playground, athletic field, or other areas of school property, but does not include any school in which education is primarily conducted in private homes.

Soil with Applicable Toxic Air Contaminant(s) are soils that have been identified by the designating agency or Executive Officer as containing an Applicable Toxic Air Contaminant at concentrations exceeding action levels as specified by the designating agency.

Monitoring Requirements (Subdivision (d))

Due to the toxic nature of the applicable toxic air contaminants, the requirements set forth in Proposed Rule 1466 are more stringent than the requirements contained in Rule 403. Under the proposed rule, the absolute difference in ambient PM_{10} concentrations between upwind and downwind monitors, averaged over two hours, must be 25 $\mu g/m^3$ or less, as compared to Rule 403 where dust concentrations are limited to 50 $\mu g/m^3$ averaged over five hours. If the ambient dust concentration limit is exceeded, the owner or operator must immediately stop all earth-moving activities and apply dust suppressant to all fugitive dust sources or employ necessary dust control measures until the PM_{10} concentration drops below 25 $\mu g/m^3$, averaged over 30 minutes. The PM_{10} concentration limit is intended to alert the owner or operator to increase vigilance of implementing dust control measures. An exceedance requires a temporary interruption in operations to allow the owner or operator to ensure dust emissions are well controlled while minimizing disruption to the overall schedule to complete the actions of the designating agency. Proposed Rule 1466 also allows the owner or operator or designating agency to request an alternative ambient PM_{10} concentration limit. The request must be submitted to the Executive Officer pursuant to subdivision (j) and must substantiate that the new limit is health protective by providing the concentration(s) of the applicable toxic air contaminant(s) in the soil; the background concentration(s) of the applicable toxic air contaminant(s); the volume of the soil with applicable toxic air contaminant(s); the distance to a residence, park, or school; meteorological data; risk data, if available; ambient monitoring data, if available, and the proposed limit. The owner or operator or designating agency must have written approval by the Executive Officer prior to using a higher ambient PM_{10} concentration limit. A lower ambient PM_{10} concentration limit may be desired when there are high concentrations of applicable toxic air contaminants in the soil. Conversely, a higher ambient PM_{10} concentration limit may be appropriate when there are lower concentrations of toxic air contaminants in the soil or nearby receptors are further away.

Proposed Rule 1466 establishes an ambient PM_{10} concentration limit, which requires specific actions to be taken if exceeded. The monitoring requirement for Proposed Rule 1466 is for total ambient PM_{10} concentration and does require monitoring for individual toxic air contaminants. PM_{10} acts as a surrogate for all the applicable toxic air contaminants. During the development of Proposed Rule 1466, staff considered monitoring individual toxics, but decided to use PM_{10} as a surrogate for individual toxics as PM_{10} can be monitored in real-time. Concentrations of individual

toxic air contaminants in the air can be back-calculated using the PM_{10} concentration and the concentration of the toxic air contaminant in the soil. Direct-reading near real-time monitoring of PM_{10} allows the use of real-time data, whereas analyzing for specific toxic air contaminants will take several days before information becomes available. Additionally, testing for individual toxic air contaminants may require more than one type of monitor and several different laboratory test methods. Having near real-time data allows for sites to take immediate action once the PM_{10} concentration exceeds the threshold and provides continuous public health protection by minimizing exposure of toxic air contaminants from any fugitive dust that can occur from earth-moving activities at the site.

Under Proposed Rule 1466, PM_{10} monitoring must occur at all times when earth-moving activities are conducted and during any vehicle movement on the site. PM_{10} monitoring must be continuous direct-reading near real-time and the method must be a federal equivalent method or an Executive Officer approved method pursuant to subdivision (j) and Appendix 1 of the rule. Appendix 1 provides the requirements for alternative PM_{10} monitors. The alternative PM_{10} monitor must meet the following requirements:

1. PM_{10} monitors must be continuous direct-reading near-real time monitors and shall monitor particulate matter less than 10 microns.
2. PM_{10} monitors must be equipped with:
    a. Omni-directional heated sampler inlet with water trap;
    ~~b. Sample heater tube;~~
    ~~c~~b. Sample pump;
    ~~d~~c. Volumetric flow controller;
    ~~e~~d. Enclosure; and
    ~~f~~e. Data logger capable of logging each data point with average concentration, time/date, and data point number.
3. PM_{10} monitors must have the following minimum performance standards:
    a. Range: 0 - 10,000 µg/m3
    b. Accuracy: ±5% of reading ± precision
    c. Resolution: 0.1 µg/m3
    d. Measurement Cycle: User selectable (30 minute and 2 hour)
4. In order to ensure the validity of the PM_{10} measurements performed, there must be appropriate Quality Assurance/Quality Control (QA/QC). It is the responsibility of the owner or operator to adequately supplement QA/QC Plans to include the following critical features: periodic instrument calibration, operator training, and daily instrument performance (span) checks.

There must be a minimum of one upwind monitor located in an area that is not generally influenced by any of the fugitive dust sources from the site and that is indicative of background PM_{10} levels in the area. There must be a minimum of one downwind monitor for each area of active earth-moving activity where the downwind monitor is located as close to the property line as possible and in the prevailing downwind direction of the earth-moving activity. Prevailing seasonal wind direction is based on seasonal data predicting the wind direction. For days with shifting winds, the site should determine the predicted wind direction when the majority of earth-moving activity will occur and place the downwind monitor accordingly. There are no requirements for moving

monitors in response to shifting wind directions once the seasonal prevailing wind direction is determined.

The monitors must be operated, maintained, and calibrated according to federal regulations, federal equivalent methods, or the Executive Officer approved method and comply with manufacturer's instructions. In order to ensure the validity of the PM_{10} measurements performed, there must be appropriate Quality Assurance/Quality Control (QA/QC). Additionally, the monitors must be equipped with a data acquisition system that is able to record direct-reading near real-time continuous data, including the date, time, and ambient PM_{10} concentration in $\mu g/m^3$ every 10 minutes or less. There is also a requirement to monitor wind direction and speed as specified in *U.S. EPA Quality Assurance Handbook for Air Pollution Measurement Systems, Volume IV: Meteorological Measurements.*

PM_{10} is calculated by taking the absolute difference between the two-hour average of the upwind and downwind monitors. The average PM_{10} concentration will start at the top of every other hour. If there are multiple upwind monitors, the value for the two-hour average upwind PM_{10} concentration is the average of the two-hour average PM_{10} concentration of the all the upwind monitors. If there are multiple downwind monitors, the value for the two-hour average downwind PM_{10} concentration is the two-hour average of the downwind monitor with the maximum PM_{10} concentration. For example, if a site has two upwind monitors with average PM_{10} concentrations of 68 and 72 $\mu g/m^3$ and three downwind monitors with average PM_{10} concentrations of 83, 77, and 81 $\mu g/m^3$, the upwind average would be 70 $\mu g/m^3$ and the downwind average would be 83 $\mu g/m^3$, for a difference of 13 $\mu g/m^3$.

If the owner or operator believes that there is an external factor contributing to the PM_{10} concentration, the owner or operator may submit, pursuant to subdivision (j), a request to the Executive Officer to use a different calculation methodology and providing proof that some or all of the PM_{10} is the result of another source and cannot be attributed to the earth-moving activities of the site.

Requirements to Minimize Fugitive Dust Emissions (Subdivision (e))

The dust control measures in Proposed Rule 1466 are primarily adaptations of measures from Rules 403, 1166, and 1403. Proposed Rule 1466 uses a more prescriptive approach of specifying the dust control measures than Rule 403 in order to be more health protective since the soils contain toxic air contaminants. These dust control measures are to be performed only during earth-moving activities of soil with applicable toxic air contaminants and any vehicle movement on the site.

Proposed Rule 1466 paragraph (e)(12) allows the owner or operator or designating agency to utilize alternative dust control measures, with the exception of (e)(7) and (e)(11), provided they are approved by the Executive Officer pursuant to subdivision (j) and meet the same objectives and effectiveness as the dust control measure they are replacing as listed in Appendix 2 of the rule. Appendix 2 includes a table for each of the major categories of dust control measures and the general objective and effectiveness of the measure to provide guidance to the owner or operator or designating agency if an alternative measure is selected. The Executive Officer will use this same information regarding the general objective and effectiveness to approve or disapprove an alternative measure. The owner or operator or designating agency should provide a brief written

description of the measure, how the alternative measure meets the same objective of the replacement measure, and a qualitative description of how the alternative measure is equally or more effective.

Dust Control Measures

- Paragraph (e)(1) A windscreen shall surround the area of the earth-moving activities to provide a wind break, act as containment, provide security, and limit access to unauthorized persons. The windscreen must be at least 6 feet tall and must be as tall as the highest stockpile and must have a porosity of 50 ± 5%.
- Paragraph (e)(2) All earth-moving activities of soil with toxic air contaminants, shall only be conducted when adequately wet and given enough time for the water to penetrate. The wet soil will prevent the generation of visible dust plumes and limit fugitive dust.
- Paragraph (e)(3) To minimize fugitive dust from vehicle movement, the site shall post signs at all entrances and limit vehicle speeds to 15 miles per hour and stabilize roads and parking areas by applying gravel, paving, or dust suppressant. The following measures prevent soil with applicable toxic air contaminants leaving the site. Prior to leaving the site, trucks must clean the soil from their trucks, including the trailer and tires. Each vehicle egress from the site to a paved public road shall employ at least one of the following measures: 1) install a pad that consists of washed gravel with a minimum-size of one inch to a depth of at least six inches, a width of at least 30 feet wide, and a length of at least 50 feet; 2) pave the surface so that it extends at least 100 feet from the property line and is at least 20 feet wide; 3) utilize a wheel shaker or wheel spreading device that consists of raised dividers, such as rails, pipes, or grates, at least 24 feet long and 10 feet wide; or 4) install and utilize a wheel washing system to remove soil from tires and vehicle undercarriages. Any track out created shall not extend more than 25 feet from the property line and must be removed using a HEPA vacuum at the end of each day.
- Paragraph (e)(4) Several dust control measures are proposed for stockpiles containing soil with applicable toxic air contaminants. Those stockpiles shall be segregated from uncontaminated soil, labeled "SCAQMD Rule 1466 – Control of Particulate Emissions from Soils with Toxic Air Contaminants Applicable Soil", and shaped so that there are no steep sides or faces that exceed the angle of repose. The stockpiles shall not be greater than 400 cubic yards or exceed the height of the perimeter fencing and windscreen. Stockpiles shall be kept adequately wet and/or chemically stabilized. At the end of the work day, the stockpiles must be chemically stabilized or completely covered. If the stockpile is being covered, the cover must be 10 millimeter thick plastic sheeting, the seams must have a minimum overlap of 24 inches, and the cover must be anchored and secured. Stabilized or covered stockpiles shall be inspected daily and immediately re-stabilized or repaired as necessary. For chemically stabilized stockpiles, inspections should include a demonstration of stabilization as described in *SCAQMD Rule 403 Fugitive Dust Implementation Handbook*.
- Paragraph (e)(5) When loading trucks with soil with applicable toxic air contaminants, apply dust suppressant to the soil and empty the loader bucket slowly and with a minimal drop height so that no visible dust plumes are generated. When moving within the site, the trailer must maintain at least six inches of freeboard and shall be completely covered with a tarp prior to leaving the site. Completely covered means that the tarp is to not have any holes and the tarp must not leave any gaps between the trailer and the tarp.

- Paragraph (e)(6) When unloading soil with applicable toxic air contaminants, apply dust suppressant to the soil and empty the loader bucket slowly so that no visible dust plumes are generated.
- Paragraph (e)(7) All spills of soil with applicable toxic air contaminants must be immediately cleaned up. This will ensure that all soil is handled appropriately and not leftover on the site or vulnerable to become airborne.
- Paragraph (e)(8) If wind speeds exceed 15 miles per hour (mph) averaged over a 15-minute period or instantaneous wind speeds exceed 25 mph, all earth-moving activities of soil with applicable toxic air contaminants must stop. The high winds will create wind-driven fugitive dust, ceasing activity will ensure that the owner or operator is not adding fugitive dust with applicable toxic air contaminants.
- Paragraph (e)(9) All sites conducting earth-moving activity of soil with applicable toxic air contaminants must employ an on-site dust control supervisor. The on-site dust control supervisor must be on the site during working hours, ensure compliance with all Rule 1466 requirements, and have completed the SCAQMD Fugitive Dust Control Class with a valid Certificate of Completion. If one of the applicable toxic air contaminants is asbestos, the on-site dust control supervisor shall also be trained according to Rule 1403 requirements for the on-site representative. The on-site dust control supervisor will be responsible for keeping the site below 25 $\mu g/m^3$ PM_{10} and will specify which dust control measures to employ if the site does exceed 25 $\mu g/m^3$ PM_{10}.
- Paragraph (e)(10) To prevent wind-driven fugitive dust, if a site will be inactive for three or more consecutive days, all potential sources of fugitive dust will need to be stabilized. The areas must be stabilized with a chemical stabilizer in the concentration required to maintain a stabilized surface for the period of inactivity and re-stabilized as necessary.
- Paragraph (e)(11) Additional requirements for sites that are schools, early education centers, or joint use agreement properties conducting earth-moving activities of soil with applicable toxic air contaminants include:
    - Only conducting earth-moving activities when the school or the early education center is not in session or when there is no school sponsored activity at a school, early education center, or joint use agreement property;
    - Requiring the soil to be placed in leak-tight containers, directly loaded into trucks and hauled off site, or stockpiled in a fenced and locked area; and
    - Removing excavated soil within five days.

Notification Requirements (Subdivision (f))

These provisions allow compliance personnel to be present, if necessary, to ensure that the requirements are being followed.

Notification of Intent to Conduct Earth-Moving Activities

At least 72 hours, but no more than 30 days prior to commencement of earth-moving activities, the owner or operator must provide notification to the Executive Officer. The notification shall contain:

- Name, address, telephone number, and e-mail address of the owner or operator
- Name, telephone number, and e-mail address of the on-site dust control supervisor
- Project name and the project identification number from the designating agency (if applicable)

- Project location (address and/or coordinates)
- Identify whether the site is a school, early education center, or joint use agreement property
- A map indicating the specific location(s) of each earth-moving activity and the concentrations of the applicable toxic air contaminant(s) and location of PM_{10} monitors
- A description of the earth-moving activities and a schedule that includes the anticipated start and completion dates of earth-moving activities
- Current and/or previous type of operation(s) and use(s) at the site
- An indication if the notice is a revised notification

Notification of Exceedance of PM_{10} Limit

Additionally, an owner or operator must provide notification to the Executive Officer within 72 hours whenever the absolute difference between the upwind and downwind ambient dust concentration exceeds 25 $\mu g/m^3$. The notification for exceeding the ambient dust concentration limit must include:

- Name, address, telephone number, and e-mail address of the owner or operator
- Name, telephone number, and e-mail address of the on-site dust control supervisor
- Project name and the project identification number from the designating agency (if applicable)
- Project Location (address and/or coordinates)
- PM_{10} monitoring results, including result, date, and time of: exceedance(s), 12 hours before first exceedance, and 12 hours after last exceedance. If the site is not operating at any of the hours, then that should be indicated as the result for that specific timeframe.
- Earth-moving activities occurring at the date and time of exceedance(s)
- Dust control measure(s) taken to mitigate fugitive dust

Signage Requirements (Subdivision (g))

The signage around the property will inform the surrounding community that the site contains hazardous materials and let them know where to obtain more information or how to make a complaint. Unless the Executive Officer authorizes an alternative sign, signage shall follow these requirements:

- Installed at all entrances and at intervals of 1,000 feet or less along the perimeter of the site, with at least one sign along each side
- Located between 6 and 8 feet above grade from the bottom of the sign
- Displays lettering at least 4 inches tall with text contrasting with the sign background
- Displays the following information:
    - Local or toll-free phone number for the site contact or pre-recorded notification center that is accessible 24 hours a day
    - Warning statement:

"THIS SITE CONTAINS SOILS THAT CONTAIN THE FOLLOWING CHEMICALS: [LIST APPLICABLE TOXIC AIR CONTAMINANTS] TO REPORT ANY DUST LEAVING THE SITE PLEASE CALL [FACILITY CONTACT] OR THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT AT 1-800-CUT-SMOG"

The owner or operator or designating agency may use alternative signage approved by the Executive Officer. The purpose of the alternative signage provision is to allow modifications to the sign to address inconsistencies from local ordinances or other agencies or jurisdictions. At a minimum, alternative signs, pursuant to subdivision (j), must display the warning statement above in lettering at least 4 inches tall with text contrasting with the sign background. The request for alternative signs must include the proposed locations of the signs.

Recordkeeping Requirements (Subdivision (h))

Records will allow compliance personnel to track the on-goings of a site without having to be present at all times. Records will be required to be made available to the Executive Officer upon request and must be maintained for at least three years. Records must be maintained on site only during earth-moving activities. Once earth-moving activities are complete, records do not need to be maintained on site, but still must be maintained and made available to the Executive Officer upon request. Daily records must include:

- Inspection of all covered or stabilized stockpiles containing soils with applicable toxic air contaminants
- Wind and PM_{10} monitoring results, including instrument calibration, maintenance, operator training, and daily instrument performance check records for all monitoring equipment.
- Earth-moving activities conducted and the volume of soil with applicable toxic air contaminant
- Information regarding the transporting and receiving facilities, and a copy of the shipping manifest
- Complaints called in, including the name of complainant and contact information, date and time, earth-moving activities occurring at the date and time, complaint, and action taken to mitigate the source of the complaint.

Executive Officer Designated Sites (Subdivision (i))

In order to determine whether or not a site is applicable to the rule, the Executive Officer, with evidence that a site contains soil with applicable toxic air contaminants, will consult with U.S. EPA, DTSC, the State or Regional Water Boards, and/or local or state health agencies, and take into consideration:

- The concentration(s) of the applicable toxic air contaminant(s) in the soil
- The background concentration(s) of the applicable toxic air contaminant(s)
- The volume of the soil with applicable toxic air contaminant(s)
- The distance to a residence, park, or school
- Meteorological data
- Data provided by the owner or operator, including health risk data, if available
- Additional data, including ambient monitoring, if available

Prior to making a determination of applicability, the Executive Officer will notify the owner or operator. The owner or operator has up to 14 days from the date the Executive Officer notifies the owner or operator that it is potentially subject to Proposed Rule 1466 to provide additional data to the Executive Officer to demonstrate that the site should not be applicable to the rule. The Executive Officer will notify the owner or operator in writing of the final determination. If the owner or operator does not provide information to the Executive Officer within 14 days, the

Executive Officer can deem the site subject to Proposed Rule 1466. During the determination period, the owner or operator must comply with the provisions of this rule or cease all earth-moving activities.

Alternative Provisions (Subdivision (j))

If an owner or operator or designating agency elects to request an alternative provision, the owner or operator or designating agency must submit all the information necessary to substantiate their reasoning that an alternative provision is needed. For requests for alternative provisions for PM_{10} limit, PM_{10} monitoring method, or signage, requests must be submitted at least thirty days prior to conducting earth-moving activities. For alternative PM_{10} calculation, submit the request within two days of the exceedance.

The Executive Officer may request additional information from the owner or operator or designating agency, which must be provided within 14 days of the request. The Executive Officer will notify the owner or operator or designating agency of the rejection or approval in writing. The alternative provisions, if approved, may not be used retroactively.

Exemptions (Subdivision (k))

The owner or operator of a site may be exempt from certain provisions of this rule. The designating agency must consult with the Executive Officer and take into consideration: the concentration(s) of the applicable toxic air contaminant(s) in the soil; the background concentration(s) of the applicable toxic air contaminant(s); the volume of the soil with applicable toxic air contaminant(s); the distance to a residence, park, or school; meteorological data; data provided by the owner or operator, including risk data, if available; and additional data, including ambient monitoring, if available.

Earth-moving activities performed within enclosures vented to approved air pollution control equipment shall be exempt from all requirements except:

- Subparagraph (e)(3)(C), the track-out provision
- Subparagraph (e)(3)(D), cleaning the trucks prior to leaving the site
- Subparagraph (e)(3)(E), vehicle egress measures
- Subparagraph (e)(5)(D), on-site freeboard
- Subparagraph (e)(5)(E), tarping truck and trailer
- Subdivision (g), signage requirements
- Subdivision (h), recordkeeping requirements

Fugitive dust emissions will not be significant if activities are limited to only excavation of less than 500 cubic yards and directly loaded into a truck or bin for transport. Also, the timeframe for excavating this volume of soil will be approximately one week. Sites will be exempt from monitoring, fencing, on-site dust control supervisor, stabilizing during periods of inactivity and signage requirements, but must employ the remaining dust control measures. Therefore linear trenching for sewer projects or roadways and earth-moving activities consisting only of excavation activities of soil with applicable toxic air contaminants of less than 500 cubic yards, ~~and~~ directly loaded into trucks or bin for transport, shall be exempt from all requirements except:

- Paragraph (e)(2), adequately wet soil
- Paragraph (e)(3), vehicles

- Paragraph (e)(4), stockpiles
- Paragraphs (e)(5) and (e)(6), truck loading and unloading
- Paragraph (e)(7), spilled soil
- Paragraph (e)(8), wind speed
- Paragraph (e)(11), schools, early education centers, and joint use agreement properties
- Subdivision (f), notification requirements
- Subdivision (h), recordkeeping requirements
- Subdivision (i), Executive Officer designated sites

Earth-moving activities conducted during emergency life-threatening situations, or in conjunction with any officially declared disaster or state of emergency as declared by an authorized health officer, agricultural commissioner, or fire protection officer shall be exempt for all requirements. The Executive Officer must be notified within 48 hours of emergency earth-moving activities and the notification must include a written emergency declaration from the authorized officer. Similarly, earth-moving activities conducted by essential service utilities to provide electricity, natural gas, telephone, water or sewer during periods of service outages and emergency disruptions are also exempt for all requirements. The Executive Officer shall be notified within 48 hours following such earth-moving activities.

POTENTIALLY IMPACTED SITES

A review of notifications of hazardous site cleanup actions by responsible regulatory agencies between 2014 and 2016 indicates that approximately 25 sites would have been subject to Proposed Rule 1466 had it been in place during that time period. Table 1 below provides the facility usage, acreage, and contaminants of concern including the maximum concentration, when available, for each site.

Table 1 – 2014-2016 Designated Sites with Applicable Toxic Air Contaminants

Facility Usage	Contaminants of Concern (ppm)	Size (acres)
Military	Lead (not specified)	2
School	Arsenic (80), Lead (1,300), Cadmium (2)	9
Power Generation	Hexavalent chromium (50)	11
Metal Melting	Cadmium (8)	1
Metal Melting	Arsenic (154), Cadmium (10)	1
Metal Finishing	Cadmium (2,400), Hexavalent chromium (96), Nickel (3,800), Lead (320)	1
School	Arsenic (91), Lead (124)	8
Waste Management	Polychlorinated biphenyls (23)	9
Aerospace	Cadmium (5), Lead (236)	1
School*	Polychlorinated biphenyls (50)	1
Metal Finishing	Arsenic (33), Lead (189)	1
Manufacturing and Trucking	Arsenic (8), Cadmium (25), Lead (613), Polychlorinated biphenyls (<1)	21
Metal Finishing	Cadmium (980), Hexavalent chromium (6)	2
Chemicals	Arsenic (40), Lead (770)	4

Facility Usage	Contaminants of Concern (ppm)	Size (acres)
School	Arsenic (90)	3
Railway	Arsenic (50)	2
Manufacturing	Hexavalent chromium (2), Lead (321)	3
Metal Melting	Hexavalent chromium (1)	12
School	Arsenic (840), Lead (8,100)	1
Metal Finishing	Lead (unspecified), Hexavalent chromium (unspecified)	1
Vacant	Polychlorinated biphenyls (0.9)	1
Manufacturing	Arsenic (120), Cadmium (69), Mercury (116), Nickel (19,000), Lead (60,000), Polychlorinated biphenyls (130)	25
Military	Polychlorinated biphenyls (0.3)	62
School	Asbestos (35%)	1
Metal Melting	Arsenic (unspecified), Lead (unspecified)	15

Over the 2014-2016 period, the highest number of active sites at one time was six. The total size of the six facilities was 27 acres. Of those six sites, two were on school property. In terms of total acreage undergoing cleanup at any one time, the most active period of time had three sites performing cleanup over 88 acres. Preliminary indications estimate current water usage of roughly 1,000 gallons per acre per day to mitigate fugitive dust. Staff estimates that water usage would increase to 2,600 gallons per acre per day under the proposed rule. On a daily basis, the maximum water increase would be approximately 141,000 gallons. Upon reviewing the cleanup action plans of the above facilities, it was noted that some of the proposed provisions of the rule are already incorporated into several of the plans. The specific measures and the rate of frequency found in existing plans has been included in the Socio-Economic report.

~~COMMENTS AND RESPONSES~~

~~Comment Letter #1~~
~~DTSC~~
~~May 10, 2017~~

TO: Uyen-Uyen Vo, Air Quality Specialist
FROM: Coby Graham, Senior Industrial Hygienist
DATE: May 10, 2017
RE: SCAQMD Proposed Rule 1466 – Control of Particulate Emissions from Soils with Toxic Air Contaminants

DTSC Health and Safety Program (HSP) would like to take this opportunity to thank the District for its dedication to protect southern California's communities through its promulgation of Proposed Rule 1466—Control of Particulate Emissions from Soils with Air Toxic Contaminants (Proposed Rule or PR1466). Overall, the Proposed Rule is a good first step towards the goal of controlling the potential release of fugitive dust from sites with soils known to contain regulated toxic compounds. In an effort of collaboration towards this same goal, DTSC HSP would like to provide its comments from its review of the Proposed Rule's language.

In general, due to its similarity to the District's Rule 403—Fugitive Dust—DTSC HSP would like to know whether the proposed rule would supersede the requirements of Rule 403 at applicable PR1466 sites. ~~1-1~~

Additionally, HSP finds that PR1466 does not provide an adequate method to monitor asbestos emissions from cleanup sites with known asbestos contamination or asbestos containing soils. PR1466 would benefit from additional detail pertaining to the control and abatement of asbestos. ~~1-2~~

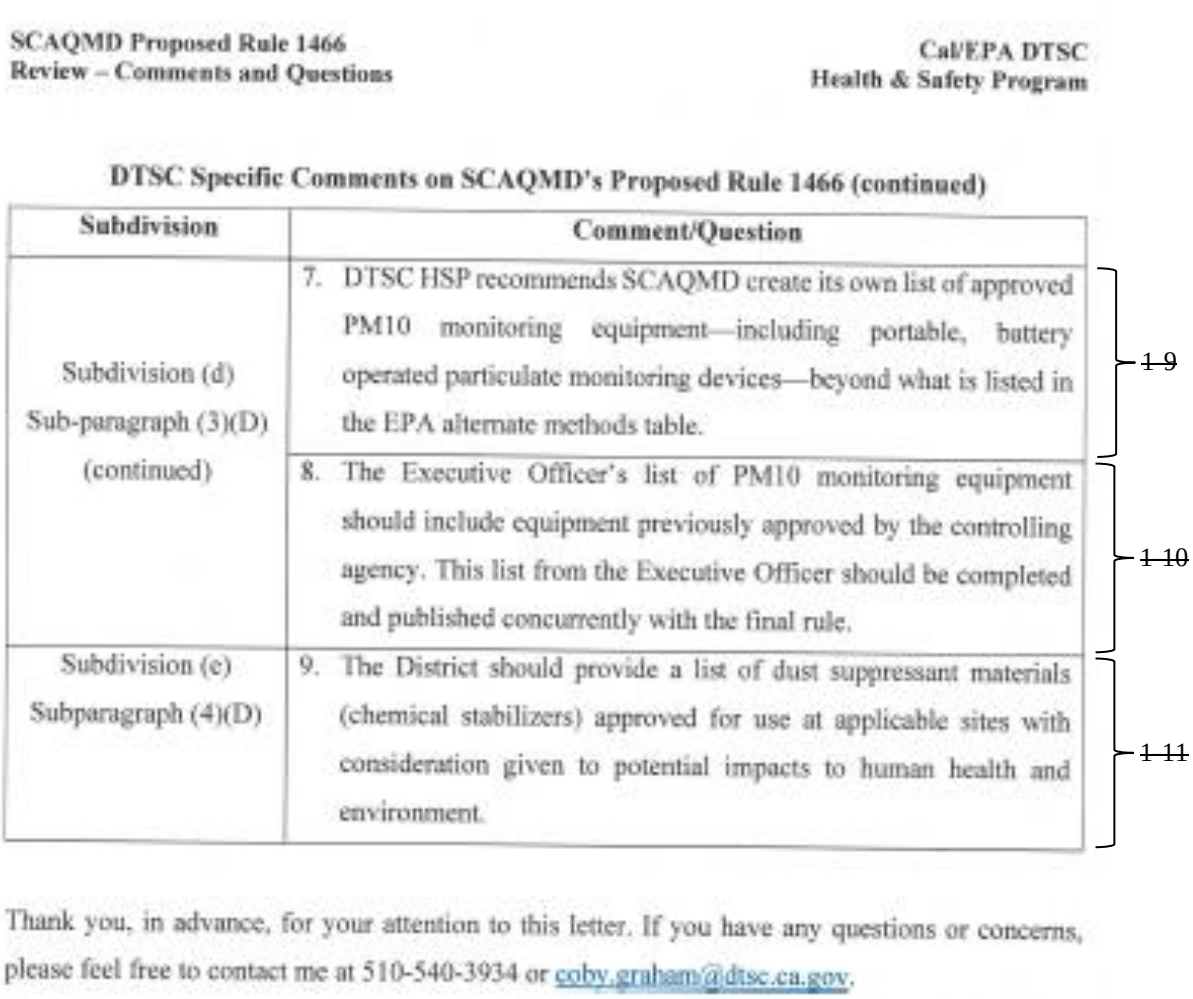
Please find DTSC's comments on specific subdivisions of the Proposed Rule in the following table.

SCAQMD Proposed Rule 1466
Review – Comments and Questions

Cal/EPA DTSC
Health & Safety Program

DTSC Specific Comments on SCAQMD's Proposed Rule 1466

Subdivision	Comment/Question	
Subdivision (b)	1. What is the basis for this selection of seven chemicals? How would other compounds (e.g., PAHs and pesticides) be added to this list in the future?	1-3
Subdivision (b) Paragraph (4)	2. The OEHHA's CHHSLs may not be the best available screening levels. Some CHHSL values (e.g. PCB) are outdated. The District should include USEPA's Regional Screening Levels (RSLs) and DTSC-modified screening levels (DTSC-SLs) (found in DTSC HHRA Note 3) to this list. Additionally, will the District indicate whether, and under what circumstances, residential or commercial screening levels should be used?	1-4
Subdivision (c) Paragraph (14)	3. Please add a qualification, "that exceed levels of concern and require soil excavation," to clarify which soils with applicable toxic air contaminants would be covered by the rule.	1-5
Subdivision (d) Paragraph (2)	4. Please explain from where the PM10 concentration limit of 25 $\mu g/m^3$ was derived? DTSC sites with the potential for release of toxic air contaminants predominantly have allowable risk-based, surrogate particulate concentrations of greater than 50 $\mu g/m^3$ for PM10; in these cases the PM10 limit from Rule 403 has been adequate.	1-6
Subdivision (d) Sub-paragraph (3)(B)(ii)	5. Please define "predominant". Is the predominant wind direction based on seasonal, monthly, weekly, or daily data? Will there be any guidance, or reference to available guidance, for sites with daily shifting wind directions?	1-7
Subdivision (d) Sub-paragraph (3)(D)	6. The rule should be clear that it requires direct-reading, real-time monitoring equipment to measure PM10 concentrations.	1-8



SCAQMD Proposed Rule 1466
Review – Comments and Questions

Cal/EPA DTSC
Health & Safety Program

DTSC Specific Comments on SCAQMD's Proposed Rule 1466 (continued)

Subdivision	Comment/Question
Subdivision (d) Sub-paragraph (3)(D) (continued)	7. DTSC HSP recommends SCAQMD create its own list of approved PM10 monitoring equipment—including portable, battery operated particulate monitoring devices—beyond what is listed in the EPA alternate methods table.
	8. The Executive Officer's list of PM10 monitoring equipment should include equipment previously approved by the controlling agency. This list from the Executive Officer should be completed and published concurrently with the final rule.
Subdivision (e) Subparagraph (4)(D)	9. The District should provide a list of dust suppressant materials (chemical stabilizers) approved for use at applicable sites with consideration given to potential impacts to human health and environment.

Thank you, in advance, for your attention to this letter. If you have any questions or concerns, please feel free to contact me at 510-540-3934 or coby.graham@dtsc.ca.gov.

1-9

1-10

1-11

~~Response to Comment 1-1:~~

~~If the requirements are not related, then both rules would apply. If the requirements overlap, then the provisions in Proposed Rule 1466 supersede those in Rule 403.~~

~~Response to Comment 1-2:~~

~~Proposed Rule 1466 does not have requirements for monitoring asbestos because there is no direct reading real-time monitoring available for asbestos. Proposed Rule 1466 requires direct-reading near real-time monitoring for ambient PM_{10}, which provides an immediate indication if more dust control measures are needed to minimize exposure. Also, staff understands that asbestos has different handling requirements than other toxic air contaminants, but staff feels that including asbestos in the rule is necessary to be health protective with regard to earth-moving activities. Furthermore, the provisions in Proposed Rule 1466 do not preclude the lead agency from requiring additional measures with regard to the control and abatement of asbestos.~~

Response to Comment 1-3:

While the original proposal referred to by the commenter included seven chemicals applicable to the rule, during the rule development process, polychlorinated biphenyls were added. The basis for the selection of these chemicals is that they were commonly found at contaminated sites above background levels and have negative health effects. Proposed Rule 1466 does not include volatile toxic air contaminants as those are covered under Rule 1166.

Response to Comment 1-4:

Staff has removed references to OEHHA's California Human Health Screening Levels. Instead of using the California Human Health Screening Levels, when determining the applicability of Proposed Rule 1466 for a site, the Executive Officer consult with other governmental agencies and take into consideration the concentration(s) of the applicable toxic air contaminants, the background concentrations, volume of soil with applicable toxic air contaminant(s), distance to a residence park or school, meteorological data, health risk data and additional data provided by the owner or operator, and other applicable data including ambient monitoring data. Staff has also added a mechanism for sites to provide additional information to the Executive Officer prior to determination.

Response to Comment 1-5:

Thank you for the suggestion, staff has clarified the rule language in paragraph (b)(1).

Response to Comment 1-6:

Staff initially considered requiring ambient monitoring for each contaminant of concern. However, the limitation that the results would not be available in near-real time led staff to use the overall PM_{10} concentration approach. Similar to the approach DTSC uses currently, staff back-calculated the concentrations in soil that would meet a chronic hazard index of one if ambient downwind PM_{10} difference was either 50 $\mu g/m^3$ or 25 $\mu g/m^3$. Using the 2015 OEHHA Guidelines to determine health impacts, some compounds, notably arsenic, asbestos, and PCBs, would not necessarily meet health protective goals if an ambient concentration of 50 $\mu g/m^3$ were allowed in all instances. Even at 25 $\mu g/m^3$ health protective goals may not be met in a few cases at sites with higher concentrations of contaminants of concern or the presence of multiple contaminants of concern. However, staff was reluctant to further lower the ambient PM_{10} concentration as that may unduly delay cleanup operations. In the cases where a contaminant of concern can be shown to be in such low concentrations or other circumstances as to be able to meet health protective goals, staff has added a provision in the rule language that allows the owner or operator to submit a request to the Executive Officer for an alternative PM_{10} limit.

Response to Comment 1-7:

Prevailing seasonal wind direction is based on seasonal data predicting the wind direction. For days with shifting winds, the site should determine the predicted wind direction when the majority of earth-moving activity will occur and place the downwind monitor accordingly. There are no requirements for moving monitors in response to shifting wind directions once the daily predominant wind direction is determined.

Response to Comment 1-8:

Thank you for the suggestion, staff has clarified the rule language in subparagraph (d)(3)(E).

Response to Comment 1-9:

The rule has a provision that allows an owner or operator to use a non-U.S. EPA-approved equivalent method that is approved by the Executive Officer. Before the effective date of the rule, staff will have a list of SCAQMD approved PM_{10} monitoring equipment on the SCAQMD website. At this time, staff is aware of two monitors that the Executive Officer will approve – the TSI Dusttrak 8530 and Thermo ADR 1500 Area Dust Monitor. Staff has included specifications for other monitoring equipment for Executive Officer approval in Appendix 1 of the rule.

Response to Comment 1-10:

There is no previously approved PM_{10} monitoring equipment, but before the effective date of the rule, staff will have a list of SCAQMD approved PM_{10} monitoring equipment on the SCAQMD website. At this time, staff is aware of two monitors that the Executive Officer will approve – the TSI Dusttrak 8530 and Thermo ADR 1500 Area Dust Monitor. Staff has included specifications for other monitoring equipment for Executive Officer approval in Appendix 1 of the rule.

Response to Comment 1-11:

SCAQMD Rule 403 Fugitive Dust Implementation Handbook (Handbook) has a Resource List of Vendors for chemical dust suppressants. The Handbook can be obtained by completing the Controlling Fugitive Dust Compliance Training course. Before the effective date of the rule, staff will post the list from The Handbook of approved chemical dust suppressant vendors on the SCAQMD website.

~~Comment Letter #2~~
~~Alta Environmental~~
~~May 17, 2017~~

May 17, 2017

Ms. Uyen-Uyen Vo
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, California 91765

Re: Comment on Proposed Rule 1466 "CONTROL OF PARTICULATE EMISSIONS FROM SOILS WITH TOXIC AIR CONTAMINANTS"

Dear Ms. Vo,

During closure of the Exide Vernon site, various earth-moving activities will be completed within enclosures (permanent or temporary). The purpose of the enclosures is to prevent fugitive dust while moving soil that may contain toxic air contaminants (i.e. lead).

After reviewing the Proposed Rule 1466, we could not see special provisions for earth-moving activities conducted within enclosures. We would like to clarify the requirements under this scenario, and to discuss the addition of an exemption or special provisions to avoid enforcement issues down the road. The exemption/special provisions may be for earth-moving activities completed within an enclosure (permanent or temporary), or for sites that have an AQMD-approved Compliance Plan for Closure (i.e. under R1420.1(p)).

~~2-1~~

Thank you for the opportunity to provide this comment.

Sincerely,

Nicolas Serieys, PE, CPP
Vice President, Air & EHS Compliance

Alta Environmental
3777 Long Beach Boulevard Annex Building Long Beach CA 90807 United States of America
T (562) 495 5777 F (562) 495 5877 Toll-free (800) 777-0605 altaenviron.com

Response to Comment 2-1:
Thank you for the suggestion, staff has clarified the rule language to include an exemption for earth-moving activities conducted inside a controlled enclosure in paragraph (k)(2).

~~Comment Letter #3~~
~~County Sanitation Districts of Los Angeles County~~
~~May 22, 2017~~

The Boeing Company
4000 Lakewood Blvd
Long Beach, CA 90808

May 17, 2017

S C A Q M D
21865 E. Copley Drive
Diamond Bar, CA 91765

ATTN: Uyen-Uyen Vo
Air Quality Specialist

Re: SCAQMD Proposed Rule 1466

Thank you for the opportunity to provide comments relating to the Proposed Rule 1466 (Control of Particulate Emissions from Soils with Toxic Air Contaminants). Boeing requests that the following changes/clarifications be incorporated into the proposed rule:

(b) Applicability

This rule shall apply to any owner or operator conducting earth-moving activities of soils that contain one or more of the following toxic air contaminants that have been identified as contaminants of concern: arsenic, asbestos, cadmium, hexavalent chromium, lead, mercury, nickel, and/or polychlorinated biphenyls at a site that has been designated by the: — ~~3-1~~

(b)(4) Executive Officer as a site containing soil contaminated with cadmium, hexavalent chromium, lead, mercury, nickel and/or polychlorinated biphenyls in concentrations above the Office of Environmental Health Hazard Assessment's California Human Health Screening Level, ~~arsenic in concentration above 12 ppm,~~ and/or asbestos in concentrations above 2,500 ppm, where the Executive Officer has notified the owner or operator that earth-moving activities are subject to the provisions of this rule. Please note that the screening number for arsenic is for contamination resulting from human activity only. Concentrations of naturally occurring arsenic may be far above the screening number and should not be considered a contaminant of concern. — ~~3-2~~

(c)(2) APPLICABLE TOXIC AIR CONTAMINANTS, for the purposes of this rule, include arsenic, asbestos, cadmium, hexavalent chromium, lead, mercury, nickel, and polychlorinated biphenyls. — ~~3-3~~

In addition, Boeing requests that an exemption level of 500 cubic yards be established in Section (i) for excavation activities only and be subject to the requirements listed in (e)(2), (e)(3), (e)(4), (e)(5), and (e)(7) only. — ~~3-4~~

The Boeing Company
4000 Lakewood Blvd
Long Beach, CA 90808

Boeing looks forward to continuing to work with District staff in the development of Proposed Rule 1466. If you should have any questions or require additional information, please do not hesitate to contact me.

William Pearce
Senior Environmental Engineer
Environmental Services
Environment, Health & Safety

~~Response to Comment 3-1:~~
~~Thank you for the suggestion, staff has clarified the rule language in paragraph (b)(1).~~

~~Response to Comment 3-2:~~
~~See Response to Comment 1-4 above.~~

~~Response to Comment 3-3:~~
~~Thank you for the suggestion, staff has clarified the rule language in paragraph (c)(2).~~

~~Response to Comment 3-4:~~
~~Proposed Rule 1466 allows alternative dust control measures (paragraph (e)(12)), ambient monitoring limits (subparagraph (d)(2)(A)), and other provisions upon Executive Officer approval. Additionally, staff has added a provision, paragraph (k)(1), which allows the designating agency to consult with the Executive Officer and allow for exemptions from certain provisions or for the rule to not be applicable.~~

~~Comment Letter #4~~
~~County Sanitation Districts of Los Angeles County~~
~~May 22, 2017~~

COUNTY SANITATION DISTRICTS
OF LOS ANGELES COUNTY

1955 Workman Mill Road, Whittier, CA 90601-1400
Mailing Address: P.O. Box 4998, Whittier, CA 90607-4998
Telephone: (562) 699-7411, FAX: (562) 699-5422
www.lacsd.org

GRACE ROBINSON HYDE
Chief Engineer and General Manager

May 22, 2017
File No.: 31-380.10B

Ms. Susan Nakamura
Assistant Deputy Executive Officer
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, California 91765

Dear Ms. Nakamura:

Comments on Proposed Rule 1466
Control of Particulate Emissions from Soils with Toxic Air Contaminants

The County Sanitation Districts of Los Angeles County (Sanitation Districts) appreciate the opportunity to comment on the proposed rule to South Coast Air Quality Management District (SCAQMD) Rule 1466 – Control of Particulate Emissions from Soils with Toxic Air Contaminants (PR 1466). The Sanitation Districts provide environmentally sound, cost-effective wastewater and solid waste management for about 5.5 million people in Los Angeles County and, in the process, convert wastes into resources such as reclaimed water, energy, and usable recycled materials. The Sanitation Districts' service area covers approximately 800 square miles and encompasses 78 cities and unincorporated territory within the County through a partnership agreement with 24 independent special districts.

Although the Sanitation Districts currently have no site cleanups subject to the proposed rule, future projects could be affected. Accordingly, we are concerned that the proposed rule does not explicitly differentiate between cleanup sites and cleanup sites with an approved Health Risk Assessment (HRA). From the Department of Toxic Substance Control's (DTSC) website[1], "Human and Ecological Risk Office (HERO) provides DTSC program staff with world-class technical assistance and training on toxicity of chemicals and the health risks of chemicals to human and ecological receptors. HERO's objective is to ensure that contaminants are accurately characterized, health risks are accurately estimated, and any residual contamination does not pose a risk to human and ecological health". We believe if a site does not pose a health risk, which has been evaluated and approved by a lead agency, then it should not be subject to PR 1466. The proposed rule language does not make this distinction clear. Instead, these types of sites are lumped together in the overall category subject to the proposed rule of "Site Cleanup Program site" and then the owner/operator is required to provide justification as to why their site is not subject to the rule. As a result of these challenges, it seems duplicative and inefficient to minimize toxic emissions if there is no health risk associated with the subject activity. The Sanitation Districts believe that SCAQMD should exempt projects with an approved HRA and/or Certification of Completion issued by the lead agency.

4-1

1 http://www.dtsc.ca.gov/AssessingRisk/

DM# 4159315

Recycled Paper

Ms. Susan Nakamura -2- May 22, 2017

For these reasons, the Sanitation Districts respectfully request that the SCAQMD consider the need for operational flexibility without duplicative regulatory efforts. Specifically, we propose the following exemption provision be included in the final rule:

(i)(6) Site(s) that have an approved Health Risk Assessment that does not pose a risk to human and ecological health and/or Certificate of Completion issued by the lead agency.

4-1 (Cont.)

If you have any questions regarding this transmittal, please do not hesitate to contact the undersigned. Thank you again for the opportunity to provide comments on the proposed amended rule.

Very truly yours,

David L. Rothbart
Supervising Engineer
Air Quality Engineering
Technical Services Department

DLR:CAC:hb

cc: Mr. Michael Morris - SCAQMD
Ms. Uyen-Uyen Vo - SCAQMD

~~Response to Comment 4-1:~~

~~The proposed rule includes in a provision, subparagraph (i)(1)(F), for consideration of available health risk assessment data by the Executive Officer when making a determination of applicability of the rule.~~

~~Comment Letter #5~~
~~DTSC~~
~~May 23, 2017~~

To: Uyen-Uyen Vo, Air Quality Specialist

From: Ryan Kinsella, Senior Industrial Hygienist

Date: May 23, 2017

RE: SCAQMD Proposed Rule 1466- Control of Particulate Emissions from Soils with Toxic Air Contaminants

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This comment is regarding the revised version of PR1466 presented at Working Group Meeting 4 on May 18, 2017. Section (e)(11) refers to RCRA hazardous waste. Since this rule will apply to locations within the state of California, I recommend adding California designated hazardous waste to this statement as well. ~~5-1~~

Thank you for considering this comment. If you have any questions or concerns, please contact me at 818.717.6590 or ryan.kinsella@dtsc.ca.gov

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~~Response to Comment 5-1:~~

~~Thank you for the suggestion, staff has removed the reference to hazardous waste in paragraph (e)(11) and the provision is now applicable to earth-moving activities of soils with applicable toxic air contaminants at schools, early education centers, and joint use agreement properties when school or early education centers are in session or during school or early education center sponsored activities.~~

~~Comment Letter #6~~
~~Various Organizations~~
~~June 1, 2017~~

Executive Officer Wayne Nastri
Chairman Burke & Honorable Boardmembers
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, California 91765

Re: Rule 1466 – Toxic Air Contaminates & Earthmoving Activities

Dear Executive Officer Nastri, Chairman Burke & Honorable Boardmembers,

On behalf of the undersigned organizations, we are writing to request that the South Coast Air Quality Management District stand firm in not allowing earthmoving of soils contaminated with toxic chemicals on school property, even when below monitored thresholds applicable to other sites, or when children are present prior to, or during school hours. Especially in areas where activities include, but are not limited to: after school programs, athletic events or school initiated activities with children present. ~~6-1~~

Given the extensive activities that take place in areas where partnerships aka "Joint Use Agreements" between schools and parks exist, we respectfully request that these areas also be included in this rule.

Thank you for your consideration, and ongoing efforts to protect all Southern Californians and especially the most vulnerable, our children.

Respectfully,

Robina Suwol
Executive Director
California Safe Schools

Jane Williams
Executive Director
California Communities Against Toxics

Cynthia Babich
Executive Director
DelAmo Action Committee

Jesse Marquez
Executive Director
Coalition for a Safe Environment

Dr. Rhonda Jessum
Executive Director
Our Right to Know

Mitzi Shpak
Executive Director
Action Now

Shabaka Heru
Executive Director
Society for Positive Action

cc:
Susan Nakamura
Michael Morris
Uyen-Uye Vo

~~Response to Comment 6-1:~~
~~See Response to Comment 5-1 above.~~

~~Comment Letter #7~~
~~Los Angeles Department of Water and Power~~
~~June 1, 2017~~

Los Angeles Department of Water & Power

ERIC GARCETTI
Mayor

Commission
MEL LEVINE, President
WILLIAM W. FUNDERBURK JR., Vice President
JILL BANKS BARAD
CHRISTINA E. NOONAN
AURA VASQUEZ
BARBARA E. MOSCHOS, Secretary

DAVID H. WRIGHT
General Manager

June 1, 2017

South Coast Air Quality
Management District
PO Box 4830
Diamond Bar, CA 91765-0830

Attention: Ms. Uyen-Uyen Vo

Dear Ms. Vo:

Subject: Los Angeles Department of Water and Power's Comments on Proposed Rule 1466

Thank you for discussing the rule applicability language for the Proposed Rule 1466 this morning with the Los Angeles Department of Water and Power (LADWP). During the discussion we proposed to add a notification requirement by South Coast Air Quality Management District (AQMD) to the owner or operator of a designated site defined in Section (b) of Proposed Rule 1466 dated May 18, 2017.

The proposed changes to section (b) are indicated in bold and underlined:

"(b) Applicability
This rule shall apply to any owner or operator conducting earth-moving activities of soils bulk materials that contain one or more of the following toxic air contaminants that <u>have been identified</u> as a contaminants of concern: arsenic, asbestos, cadmium, hexavalent chromium, lead, mercury, nickel, and/or polychlorinated biphenyls at a site that has been designated **<u>and notified</u>** by the:..."

~~7-1~~

This recommended change would provide certainty to the owners and operators that their sites are affected by the rule.

Additionally, we have the following comments:

<u>Section (c)(13)</u>
In this section, AQMD defines bulk materials as follows:

~~7-2~~

"BULK MATERIALS WITH APPLICABLE TOXIC AIR CONTAMINANT(S) means, for the purpose of this rule, soils bulk materials that have been identified by U.S. EPA,

Putting Our Customers First

111 N. Hope Street, Los Angeles, California 90012-2607 Mailing Address: Box 51111, Los Angeles, CA 90051-5700
Telephone (213) 367-4211 www.LADWP.com

Ms. Uyen-Uyen Vo
Page 2
June 1, 2017

DTSC, State Water Board, Regional Water Board, or the Executive Officer to contain one or more of the following toxic air contaminants: arsenic, asbestos, cadmium, hexavalent chromium, lead, mercury, nickel, or polychlorinated biphenyl(s) that exceed levels of concern and require earth-moving activities."

The phrase "that exceed levels of concern" was added in this latest rule draft but the levels of concern are not defined which introduces uncertainty with respect to an owner's or operator's compliance with the rule. LADWP requests that AQMD define/specify "levels of concern."

~~7-2 (Cont.)~~

Section (i)(1)(F)
In this section AQMD indicates that a site will be designated a contaminated site after considering several factors including "Meteorological data." LADWP recommends that AQMD specify the period of "meteorological data" that will be considered in its determination (e.g. one year).

~~7-3~~

Section (i)(2)(B)
In this section, AQMD requires the owner or operator to cease operations while AQMD is in the process of making a determination to designate a site as containing bulk materials with toxic air contaminants at levels of concern. However, the proposed rule language does not provide a time frame for AQMD final determination that the site is subject to the rule. This open-ended provision introduces uncertainty with respect to the owner's or operator's project schedule. LADWP recommends that AQMD define a maximum "determination period" such that it would not impact a project schedule.

~~7-4~~

If you have any questions or would like additional information, please contact me at (213) 367-0409.

Sincerely,

Jodean Giese

Jodean Giese
Manager of Air Quality

DP:lct
c: Ms. Jodean Giese

~~Response to Comment 7-1:~~

~~The applicability has been clarified in subdivision (b) of the proposed rule and includes "and notified".~~

Response to Comment 7-2:

Bulk Materials with Applicable Toxic Air Contaminants(s), is now Soil with Applicable Toxic Air Contaminant(s). The rule language no longer includes the phrase "levels of concern" and is instead replaced with "action levels as specified by the designating agency".

Response to Comment 7-3:

Meteorological data generally refers to seasonal prevailing wind direction. However, there may be other factors that can be considered including precipitation, wind speed, or others.

Response to Comment 7-4:

Paragraph (i)(3) indicates that, when notified by the Executive Officer that Rule 1466 may be applicable, the owner or operator of a site may continue earth-moving activities and comply with all provisions of the rule while the Executive Officer is making a final determination.

SOCIOECONOMIC ASSESSMENT

Affected Industries

Proposed Rule 1466 sets requirements for earth-moving activities at sites containing certain toxic air contaminants and the potentially impacted sites may belong to various industry sectors in the four-county region. As described in Potentially Impacted Sites~~the previous section~~, a list of potentially impacted sites was developed based on a review of notifications of cleanup actions at sites with applicable toxic air contaminants in the soil by responsible regulatory agencies between 2014 and 2016. At sites where there ~~is~~ are no longer any industrial operations ~~there~~, production and output for industries at those sites ~~the industries associated with them~~ would not be directly affected ~~in terms of production or output~~. However, based on the North America Industry Classification System (NAICS), the industry classification of previously operating facilities is used to categorize the sites to estimate the potentially affected industries.

To estimate potential impacts, data from past sites with soil containing the Proposed Rule 1466 applicable toxic air contaminants was evaluated. Table 2 summarizes the industries associated with past sites with applicable toxic air contaminants in the soil ~~in the region~~. Over a three year period (2014-2016), 25 sites with applicable toxic air contaminants in the soil, totaling 198 acres, would have been subject to Proposed Rule 1466 had it been in place during that time period. The greatest number of sites are associated with Elementary and Secondary Schools (NAICS: 611110) with six sites, while the largest land area for cleanup sites is associated with National Security (NAICS: 928110), with 64 acres. Aggregating all manufacturing industries together (NAICS: 31-33) corresponds to 13 sites, comprising a total of 88 acres.

Table 2: Affected Industries Based on Previous Toxic Cleanup Sites (2014-2016)

Industry Classification (6-digit Industry NAICS)	# of Sites	Total Acres
Manufacturing (31-33)	**13**	**88**
Nonferrous Metal (except Aluminum) Smelting and Refining (331410)	3	28
Steel Foundries (except Investment) (331513)	1	1
Electroplating, Plating, Polishing, Anodizing, and Coloring (332813)	5	9
All Other Miscellaneous Fabricated Metal Product Manufacturing (332999)	2	24
Aircraft Manufacturing (336411)	1	1
Ship Building and Repairing (336611)	1	25
Fossil Fuel Electric Power Generation (221112)	1	11
Line-Haul Railroads (482111)	1	2
Hazardous Waste Collection (562112)	1	9
Elementary and Secondary Schools (611110)	6	23
National Security (928110)	2	64
Unclassified[1]	1	1
Total	38	198

Among the potentially impacted sites, some were previously operated by small business owners or operators. Information on employees and sales for six out of the 12 sites associated with private

[1] This refers to the vacant lot listed Table 1.

companies is available, based on the 2017 Dun and Bradstreet data. None of the owners or operators of the six sites for which there are sales and employment data were reported as a small business as defined under SCAQMD Rule 102. Under the federal Small Business Administration's definition, three sites were previously operated by small businesses.[2]

Compliance Cost

Based on the same data used to compile Table 2, staff developed a reasonable scenario for potential compliance cost.[3] It is assumed that an average of 8 toxic cleanup sites (25 sites ÷ 3 years ≈ 8 sites), with an average size of eight acres per site (198 acres ÷ 25 sites ≈ 8 acres) would be potentially subject to Proposed Rule 1466 on an annual basis. Based on time spent on earth-moving activities from a sample of sites from Table 1, staff assumes an average period of 3 months for earth-moving activities for this scenario. Additionally, this scenario also takes into account the fact that many sites may have already employed some of the dust control measures proposed in Proposed Rule 1466 in accordance with existing SCAQMD rules and requirements from other agencies. For example, many sites have already put fencing and windscreens in place or PM_{10} monitors in accordance with DTSC requirements or vehicle egress measures and on-site compliance supervisor in accordance with SCAQMD Rule 403. Staff calculated the percentage of sites which already use particular dust control measures, monitoring equipment, or undertake required activities in order to estimate the portion of Proposed Rule 1466 requirements which are incremental to this baseline.

Based on this scenario, the estimated total regional annual compliance cost was found to be about $731,000 (Table 3). A range of cost per average-sized site was also calculated to provide further information about what cost of this proposed rule for a single site would be. A low cost site, which already has employed an on-site dust control supervisor, and equipment like PM_{10} monitors and fencing with windscreens, would have cost of about $31,000. While a high cost site, which has not already employed any of the required measures would have a cost of about $161,000.

[2]The SCAQMD defines a "small business" in Rule 102 for purposes of fees as one which employs 10 or fewer persons and which earns less than $500,000 in gross annual receipts. The SCAQMD also defines "small business" for the purpose of qualifying for access to services from the SCAQMD's Small Business Assistance Office (SBAO) as a business with an annual receipt of $5 million or less, or with 100 or fewer employees. In addition to the SCAQMD's definition of a small business, the federal Clean Air Act Amendments (CAAA) of 1990 and the federal Small Business Administration (SBA) also provide definitions of a small business. The CAAA classifies a business as a "small business stationary source" if it: (1) employs 100 or fewer employees, (2) does not emit more than 10 tons per year of either VOC or NOx, and (3) is a small business as defined by SBA. The SBA definitions of small businesses vary by six-digit North American Industrial Classification System (NAICS) codes. In general terms, a small businesses must have no more than 500 employees for most manufacturing and mining industries, and no more than $7 million in average annual receipts for most nonmanufacturing industries.

[3]The cost assumptions made herein are based on the same data and information used for the Draft Environmental Assessment (EA) (Draft EA; released on May 12, 2017). While the Draft EA examines the maximum environmental impacts of compliance-related activities that could occur concurrently, the socioeconomic assessment typically analyzes, on an annual basis, the socioeconomic impacts of compliance-related activities, regardless of whether they could occur concurrently during the same period within any given year.

Table 3: Estimated Annual Compliance Cost

Activity or Equipment	Average Annual Cost	Cost per site	
		Low cost site	High cost site
PM_{10} monitors	$292,499	$0	$91,406
Sweeper with HEPA filter	$118,200	$14,775	$14,775
Water Truck	$107,520	$13,440	$13,440
Dust Control Supervisor	$97,952	$0	$15,561
Fencing (temporary)	$86,400	$0	$21,600
Water	$17,741	$2,218	$2,218
Fencing in of stockpiles (at school, early education centers, and joint use agreement properties)	$3,240	$0	$1,620
Notification signs	$2,880	$360	$360
Vehicle Egress (washed gravel)	$2,642	$0	$389
Speed limit signs	$616	$77	$77
Fence gate (temporary)	$500	$0	$125
Plastic Sheeting	$480	$0	$200
Total	**$730,670**	**$30,870**	**$161,770**

The items with relatively larger costs are the PM_{10} monitors, sweeper with HEPA filters, water trucks, temporary fencing and windscreen, and the dust control supervisor. Following is a description of the estimation and associated cost assumptions:

- **PM_{10} Monitors** cost was estimated based on an assumption of the purchase of two T640 model monitors with the 640X option (one upwind and one downwind) per site at $45,703 per monitor, based on a price quote from a local supplier. This would result in a cost of about $91,406 for each site, which does not already use PM_{10} monitors. Based on prior site data (see Table 1), it was assumed that approximately 60% of sites already have PM_{10} monitors. Note that this analysis does not consider any resale value the PM_{10} monitors may have after project completion, therefore representing an upper bound on the cost for this equipment.
- **Sweeper with HEPA Filter** cost was estimated based on a price quote from a national supplier of $14,775 per unit for purchase. This analysis does not consider any resale value the sweeper may have after project completion, therefore representing an upper bound on the cost for this equipment.
- **Water Trucks** cost was estimated based on the assumption of one 4,000-5,000 gallon capacity water truck necessary to service an average size cleanup site at a rental rate of $4,480 per month, based on a price quote from a local supplier.
- **On-site Dust Control Supervisor** cost was estimated based on an annual salary of $46,800 from a job listing for construction supervisor in Los Angeles county and adjusted for to account for the non-wage benefits[4], such as health benefits, considering a 3-month project period, and

[4] Based on the ratio of Total Benefits to Wages and Salary on average for 2016 from Employer Cost of Employee Compensation, Bureau of Labor Statistics.

the fact that 30% of sites already employ supervisors that would satisfy this requirement.[5] This results in an incremental cost of about $15,561 for each site that does not already employ a dust control supervisor.

- **Fencing, windscreen, and gate (temporary)** costs were estimated based on an average eight acre site, that would have an approximately 600' x 600' perimeter, using a quote of a 3-month rental rate from a local supplier of $4,500 per 500 linear feet of temporary 6-foot fencing with windscreens, and adjusting for the desired number of linear feet. An additional $125 per site is included for fence gates. Based on about half of sites already having fencing with windscreens in place, this results in a cost of about $21,725 for a site without these structures already in place.
- **Water** costs were estimated based on the incremental water use required by the Proposed Rule 1466. Based on prior site data (see Table 1), incremental water use was estimated to be about 1,700 cubic feet per site, per work day on average. As the majority of sites were located in Los Angeles county, the Tier 1 commercial water rate from Los Angeles Department of Water and Power of $1.999 per hundred cubic feet (hcf) was used to calculate the cost of water.[6] This results in a cost estimate of about $2,218 per average site.
- **Fencing in of Stockpiles** cost was estimated based on the assumption that about 180 linear feet of fencing would be necessary to surround a 400 cubic yard stockpile. This requirement is specific to schools, early education centers, and joint use agreement properties.
- **Notification signs** cost was estimated based on a price of $90/sign, assuming four signs for each site.
- **Vehicle Egress** cost was estimated based on the assumed use of washed gravel, which is the lowest cost option to fulfill this proposed requirement. The estimation assumed 21 tons of gravel at a price of $18.50 per ton and taking into account that 14% of sites have already employed vehicle egress measures.
- **Speed limit signs** cost was estimated based on a price of $19.25/sign from a national supplier, assuming 4 signs for each site.
- **Plastic Sheeting** cost was estimated based on a price of $200 for a 20' x 100' sheet of 10 millimeter plastic sheeting from a local supplier.

Job Impacts

It has been standard practice for SCAQMD socioeconomic analysis that when the annual compliance cost is less than one million current U.S. dollars, the Regional Economic Impact Model (REMI) is not used to simulate jobs and macroeconomic impacts. This is because the resultant impacts would be diminutive relative to the baseline regional economy. Since the annual cost of compliance with Proposed Rule 1466 are $730,670, a REMI analysis was not conducted.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

Pursuant to the California Environmental Quality Act (CEQA) and SCAQMD Rule 110, SCAQMD staff has evaluated the proposed project and made the appropriate CEQA

[5] The number of sites which already employ PM_{10} monitors or onsite dust control supervisor differs due to sites being subject to different requirements from different lead agencies.

[6] A site will pay different water rates depending on where it is located. Water rates from major water districts in each of the four counties in the air basin are examined, and the rate used to calculate cost is considered to be a good proxy for other Tier 1 rates in the region. A rate of about $2.04/hcf is found for City of Anaheim, $1.978/hcf for Western Municipal Water District in Riverside, and about $1.52/hcf for the San Bernardino Municipal Water District.

determination. The public workshop meeting provided an opportunity to solicit public input on any potential environmental impacts from the proposed project. Comments received at the public workshop on any environmental impacts will be considered when making the CEQA determination.

DRAFT FINDINGS UNDER CALIFORNIA HEALTH AND SAFETY CODE SECTION 40727

Requirements to Make Findings

California Health and Safety Code Section 40727 requires that prior to adopting, amending or repealing a rule or regulation, the SCAQMD Governing Board shall make findings of necessity, authority, clarity, consistency, non-duplication, and reference based on relevant information presented at the public hearing, and in the staff report.

Necessity

Proposed Rule 1466 is needed to address fugitive emissions of toxic air contaminants from earth-moving activities. The proposed rule applies to sites where a designating agency such as U.S. EPA, DTSC, Regional Water Board, or State Water Board has identified one or more of certain toxic air contaminants in the soil and the site has begun earth-moving activities. Proposed Rule 1466 also has provisions that permit the Executive Officer of the SCAQMD to designate a site as needing to comply with the provisions of Rule 1466 based on a series of criteria. Rule 1466 fills a gap in the SCAQMD's existing regulatory program to ensure sites conducting earth-moving activities with soil that contains certain toxics are implementing specific dust control measures and are monitoring particulate emissions to minimize the surrounding communities' exposure to toxic air contaminants.

Authority

The SCAQMD Governing Board has authority to adopt Rule 1466 pursuant to the California Health and Safety Code Sections 39002, 39650 et. seq., 40000, 40001, 40440, 40441, 40702, 40725 through 40728, 41508, 41511, 41700, and 41706.

Clarity

Proposed Rule 1466 is written or displayed so that its meaning can be easily understood by the persons directly affected by it.

Consistency

Proposed Rule 1466 is in harmony with and not in conflict with or contradictory to, existing statutes, court decisions, or state or federal regulations.

Non-Duplication

Proposed Rule 1466 will not impose the same requirements as any existing state or federal regulations. The proposed rule is necessary and proper to execute the powers and duties granted to, and imposed upon, the SCAQMD. SCAQMD Rule 403 has some similar provisions but there is minimal overlap between the two rules for applicable sites. Where there is overlap, the provisions in Proposed Rule 1466 supersede those in Rule 403.

Reference

By adopting Proposed Rule 1466, the SCAQMD Governing Board will be implementing, interpreting or making specific the provisions of the California Health and Safety Code Section 41700 (nuisance), and Federal Clean Air Act Section 112 (Hazardous Air Pollutants), and Section 116 (Retention of State authority).

Rule Adoption Relative to Cost-Effectiveness

On October 14, 1994, the Governing Board adopted a resolution that requires staff to address whether rules being proposed for adoption are considered in the order of cost-effectiveness. The 2016 Air Quality Management Plan (AQMP) ranked, in the order of cost-effectiveness, all of the control measures for which costs were quantified. It is generally recommended that the most cost-effective actions be taken first. Although TXM-04 is a control measure that was included in the 2016 AQMP, Proposed Rule 1466 was included in the 2016 AQMP as a toxic control measure and was not ranked relative to other criteria pollutant control measures in the 2016 AQMP.

Incremental Cost-effectiveness

Health and Safety Code Section 40920.6 requires an incremental cost effectiveness analysis for Best Available Retrofit Control Technology (BARCT) rules or emission reduction strategies when there is more than one control option which would achieve the emission reduction objective of the proposed amendments, relative to ozone, carbon monoxide, sulphur oxides, oxides of nitrogen, and their precursors. Since Proposed Rule 1466 is a toxic rule that is designed to reduce toxic air contaminants, the incremental cost effectiveness analysis requirement does not apply.

COMPARATIVE ANALYSIS

Health and Safety Code section 40727.2 requires a comparative analysis of the proposed amended rule with any Federal or District rules and regulations applicable to the same source.

	Proposed Rule 1466	Rule 403	Rule 1166	Rule 1157	Rule 1403	Rule 1156
Purpose	Control fugitive toxic air contaminant emissions during earth-moving activities	Reduce anthropogenic fugitive dust	Control of VOC emissions (including toxic VOCs) from earth-moving activities	Control PM_{10} emissions from aggregate activities	Limit asbestos emissions	Reduce particulate matter and hexavalent chromium emissions
Applicability	Designated cleanup sites with specified toxic air contaminants	Any activity or anthropogenic condition capable of generating dust	VOC contaminated soils	Sand, gravel, quarried rock operations	Building demolition and renovation activities	Cement manufacturing operations and the property
Monitoring	Two-hour 25 $\mu g/m^3$ differential limit for PM_{10} emission; Meteorological monitoring	If monitored, five-hour 50 $\mu g/m^3$ differential limit for PM_{10} emission	Fifteen minute monitoring of VOC emissions	None	None	Hexavalent chromium monitoring, wind monitoring, and PM_{10} monitoring if accrues three or more notices of violation for Rule 403 exceedance within 36-month period
General Controls	Perimeter fencing and windscreen	Perimeter fencing and windscreen	None	None	Removal procedures	None
	Application of dust suppressants during earth-moving activities	Adequately wet during earth-moving activities	None	None	Handling procedures	Application of dust suppressants
	Cease earth-moving operations during high wind conditions	During high wind conditions some requirements do not apply	None	None	None	Cease open handling of clinker material during high wind conditions
	Onsite compliance supervisor	Onsite compliance supervisor (large sites only)	None	None	Onsite compliance supervisor	None

	Proposed Rule 1466	Rule 403	Rule 1166	Rule 1157	Rule 1403	Rule 1156
	Earth-moving not allowed during hours operation or facility sponsored activities when conducted on school, early education centers, or joint use agreement properties	None	None	None	None	None
Vehicle Controls	Vehicle speed limit	Vehicle speed limit (large sites only)	None	Vehicle speed limit	Vehicle marking	Vehicle speed limit
	Stabilize road and parking surfaces	Stabilize road and parking surfaces	None	Stabilize road and parking surfaces	None	Stabilize or apply gravel pad to roads
	Clean departing vehicles	None	None	None	None	Truck cleaning facility on site
	Limited track out	Limited track out	None	Limited track out	None	No track out
	Vehicle egress	Vehicle egress	None	Vehicle egress	None	Vehicle egress
	None	None	None	None	None	Sweep internal paved roads
Stockpile Controls	Limited size	None	None	Limited size	Leak-tight containers	
	Adequately wet or chemically stabilized	Adequately wet or chemically stabilized	Adequately wet or chemically stabilized	Adequately wet or chemically stabilized	None	Apply chemical dust suppressant
	Covered during inactivity	None	Covered during inactivity	Apply chemical stabilizer during inactivity	None	Covered
	Daily inspection	None	Daily inspection	None	None	Records of status of piles
	Segregate	None	Segregate	None	None	None
	Limited at schools, early education centers and joint use agreement properties	None	None	None	None	None
	None	None	None	None	None	Freeboard requirements
	None	None	None	None	None	Wind fence
	Adequately wet	Adequately wet	None	None	None	Apply dust suppressants as necessary

	Proposed Rule 1466	Rule 403	Rule 1166	Rule 1157	Rule 1403	Rule 1156
Loading, Unloading and Transferring Controls	Loading techniques	Loading techniques	None	None	None	Minimize height of drop
	Cover loads	Cover loads (contingency only)	Cover loads	None	None	Close cement truck hatches
						Conducted in enclosed system that is vented to SCAQMD permitted air pollution control device
						Cover or enclose all conveying systems and enclose all transfer points
						Dust curtains, shrouds, belt scrapers, and gaskets along belt conveying system
Notification	Prior to commencing earth-moving activities	Prior to commencing earth-moving activities (large sites only)	Prior to commencing earth-moving activities	None	Prior to commencing asbestos handling	None
	Exceedances of hourly PM_{10} limit	None	None	None	Changes in quantity or schedule	Exceedance of hexavalent chromium, fail source testing compliance limits
	None	None	None	None	None	Fugitive Dust Advisory flyer
Signage	Entrances and along perimeter	Entrances and along perimeter (large sites only)	None	None	Entrances and along perimeter	None
Recordkeeping	Monitoring results, dust control actions taken, stockpile inspections, volume of soil removed, transport information, complaints	Dust control actions taken (large sites only)	VOC concentration readings; stockpile inspections, transport information	Dust control actions, transport information	Control actions, survey data, notifications, training information, transport information	Dust control and cleaning activities, operation and production records, test reports, equipment records, material handling, monitoring data, maintenance activities, vehicle traffic

REFERENCES

Air Monitoring Methods - Criteria Pollutants, U.S. EPA, https://www3.epa.gov/ttn/amtic/criteria.html, accessed May 31, 2017

"Air Toxics Hot Spots Program, Risk Assessment Guidelines, Guidance Manual for Preparation of Health Risk Assessments", Office of Environmental Health Hazard Assessment, February 2015

Brownfields, DTSC, http://www.dtsc.ca.gov/SiteCleanup/Brownfields/index.cfm, accessed May 31, 2017

"List of Designated Reference and Equivalent Methods", U.S. EPA, https://www3.epa.gov/ttn/amtic/criteria.html, accessed June 6, 2017

"Quality Assurance Handbook for Air Pollution Measurement Systems, Volume IV: Meteorological Measurements", U.S. EPA, March 2008

"Rule 403 Fugitive Dust Implementation Handbook", South Coast Air Quality Management District, June 2007

Site Cleanup Programs, California Environmental Protection Agency, http://www.waterboards.ca.gov/water_issues/programs/scp/, accessed May 31, 2017

Superfund: National Priorities List (NPL), U.S. EPA, https://www.epa.gov/superfund/superfund-national-priorities-list-npl, accessed May 31, 2017

APPENDIX A: COMMENTS AND RESPONSES

Comment Letter #1
DTSC
May 10, 2017

TO: Uyen-Uyen Vo, Air Quality Specialist
FROM: Coby Graham, Senior Industrial Hygienist
DATE: May 10, 2017
RE: SCAQMD Proposed Rule 1466 – Control of Particulate Emissions from Soils with Toxic Air Contaminants

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DTSC Health and Safety Program (HSP) would like to take this opportunity to thank the District for its dedication to protect southern California's communities through its promulgation of Proposed Rule 1466—Control of Particulate Emissions from Soils with Air Toxic Contaminants (Proposed Rule or PR1466). Overall, the Proposed Rule is a good first step towards the goal of controlling the potential release of fugitive dust from sites with soils known to contain regulated toxic compounds. In an effort of collaboration towards this same goal, DTSC HSP would like to provide its comments from its review of the Proposed Rule's language.

In general, due to its similarity to the District's Rule 403—Fugitive Dust—DTSC HSP would like to know whether the proposed rule would supersede the requirements of Rule 403 at applicable PR1466 sites. 1-1

Additionally, HSP finds that PR1466 does not provide an adequate method to monitor asbestos emissions from cleanup sites with known asbestos contamination or asbestos containing soils. PR1466 would benefit from additional detail pertaining to the control and abatement of asbestos. 1-2

Please find DTSC's comments on specific subdivisions of the Proposed Rule in the following table.

DTSC Specific Comments on SCAQMD's Proposed Rule 1466

Subdivision	Comment/Question	
Subdivision (b)	1. What is the basis for this selection of seven chemicals? How would other compounds (e.g., PAHs and pesticides) be added to this list in the future?	1-3
Subdivision (b) Paragraph (4)	2. The OEHHA's CHHSLs may not be the best available screening levels. Some CHHSL values (e.g. PCB) are outdated. The District should include USEPA's Regional Screening Levels (RSLs) and DTSC-modified screening levels (DTSC-SLs) (found in DTSC HHRA Note 3) to this list. Additionally, will the District indicate whether, and under what circumstances, residential or commercial screening levels should be used?	1-4
Subdivision (c) Paragraph (14)	3. Please add a qualification, "that exceed levels of concern and require soil excavation," to clarify which soils with applicable toxic air contaminants would be covered by the rule.	1-5
Subdivision (d) Paragraph (2)	4. Please explain from where the PM10 concentration limit of 25 $\mu g/m^3$ was derived? DTSC sites with the potential for release of toxic air contaminants predominantly have allowable risk-based, surrogate particulate concentrations of greater than 50 $\mu g/m^3$ for PM10; in these cases the PM10 limit from Rule 403 has been adequate.	1-6
Subdivision (d) Sub-paragraph (3)(B)(ii)	5. Please define "predominant". Is the predominant wind direction based on seasonal, monthly, weekly, or daily data? Will there be any guidance, or reference to available guidance, for sites with daily shifting wind directions?	1-7
Subdivision (d) Sub-paragraph (3)(D)	6. The rule should be clear that it requires direct-reading, real-time monitoring equipment to measure PM10 concentrations.	1-8

DTSC Specific Comments on SCAQMD's Proposed Rule 1466 (continued)

Subdivision	Comment/Question	
Subdivision (d) Sub-paragraph (3)(D) (continued)	7. DTSC HSP recommends SCAQMD create its own list of approved PM10 monitoring equipment—including portable, battery operated particulate monitoring devices—beyond what is listed in the EPA alternate methods table.	1-9
	8. The Executive Officer's list of PM10 monitoring equipment should include equipment previously approved by the controlling agency. This list from the Executive Officer should be completed and published concurrently with the final rule.	1-10
Subdivision (e) Subparagraph (4)(D)	9. The District should provide a list of dust suppressant materials (chemical stabilizers) approved for use at applicable sites with consideration given to potential impacts to human health and environment.	1-11

Thank you, in advance, for your attention to this letter. If you have any questions or concerns, please feel free to contact me at 510-540-3934 or coby.graham@dtsc.ca.gov.

Response to Comment 1-1:

If the requirements are not related, then both rules would apply. If the requirements overlap, then the provisions in Proposed Rule 1466 supersede those in Rule 403.

Response to Comment 1-2:

Proposed Rule 1466 does not have requirements for monitoring asbestos because there is no direct reading real-time monitoring available for asbestos. Proposed Rule 1466 requires direct-reading near real-time monitoring for ambient PM_{10}, which provides an immediate indication if more dust control measures are needed to minimize exposure. Also, staff understands that asbestos has different handling requirements than other toxic air contaminants, but staff feels that including asbestos in the rule is necessary to be health protective with regard to earth-moving activities. Furthermore, the provisions in Proposed Rule 1466 do not preclude the lead agency from requiring additional measures with regard to the control and abatement of asbestos.

Response to Comment 1-3:

While the original proposal referred to by the commenter included seven chemicals applicable to the rule, during the rule development process, polychlorinated biphenyls were added. The basis for the selection of these chemicals is that they were commonly found at contaminated sites above background levels and have negative health effects. Proposed Rule 1466 does not include volatile toxic air contaminants as those are covered under Rule 1166.

Response to Comment 1-4:

Staff has removed references to OEHHA's California Human Health Screening Levels. Instead of using the California Human Health Screening Levels, when determining the applicability of Proposed Rule 1466 for a site, the Executive Officer consult with other governmental agencies and take into consideration the concentration(s) of the applicable toxic air contaminants, the background concentrations, volume of soil with applicable toxic air contaminant(s), distance to a residence park or school, meteorological data, health risk data and additional data provided by the owner or operator, and other applicable data including ambient monitoring data. Staff has also added a mechanism for sites to provide additional information to the Executive Officer prior to determination.

Response to Comment 1-5:

Thank you for the suggestion, staff has clarified the rule language in paragraph (b)(1).

Response to Comment 1-6:

Staff initially considered requiring ambient monitoring for each contaminant of concern. However, the limitation that the results would not be available in near-real time led staff to use the overall PM_{10} concentration approach. Similar to the approach DTSC uses currently, staff back-calculated the concentrations in soil that would meet a chronic hazard index of one if ambient downwind PM_{10} difference was either 50 $\mu g/m^3$ or 25 $\mu g/m^3$. Using the 2015 OEHHA Guidelines to determine health impacts, some compounds, notably arsenic, asbestos, and PCBs, would not necessarily meet health protective goals if an ambient concentration of 50 $\mu g/m^3$ were allowed in all instances. Even at 25 $\mu g/m^3$ health protective goals may not be met in a few cases at sites with higher concentrations of contaminants of concern or the presence of multiple contaminants of concern. However, staff was reluctant to further lower the ambient PM_{10} concentration as that may unduly delay cleanup operations. In the cases where a contaminant of concern can be shown to be in such low concentrations or other circumstances as to be able to meet health protective goals, staff has added a provision in the rule language that allows the owner or operator or designating agency to submit a request to the Executive Officer for an alternative PM_{10} limit.

Response to Comment 1-7:

Prevailing seasonal wind direction is based on seasonal data predicting the wind direction. For days with shifting winds, the site should determine the predicted wind direction when the majority of earth-moving activity will occur and place the downwind monitor accordingly. There are no requirements for moving monitors in response to shifting wind directions once the daily predominant wind direction is determined.

Response to Comment 1-8:

Thank you for the suggestion, staff has clarified the rule language in subparagraph (d)(3)(E).

Response to Comment 1-9:

The rule has a provision that allows an owner or operator to use a non-U.S. EPA-approved equivalent method that is approved by the Executive Officer. Before the effective date of the rule, staff will have a list of SCAQMD approved PM_{10} monitoring equipment on the SCAQMD website. At this time, staff is aware of two monitors that the Executive Officer will approve – the TSI Dusttrak 8530 and Thermo ADR 1500 Area Dust Monitor. Staff has included specifications for other monitoring equipment for Executive Officer approval in Appendix 1 of the rule.

Response to Comment 1-10:

There is no previously approved PM_{10} monitoring equipment, but before the effective date of the rule, staff will have a list of SCAQMD approved PM_{10} monitoring equipment on the SCAQMD website. At this time, staff is aware of two monitors that the Executive Officer will approve – the TSI Dusttrak 8530 and Thermo ADR 1500 Area Dust Monitor. Staff has included specifications for other monitoring equipment for Executive Officer approval in Appendix 1 of the rule.

Response to Comment 1-11:

SCAQMD Rule 403 Fugitive Dust Implementation Handbook (Handbook) has a Resource List of Vendors for chemical dust suppressants. The Handbook can be obtained by completing the Controlling Fugitive Dust Compliance Training course. Before the effective date of the rule, staff will post the list from The Handbook of approved chemical dust suppressant vendors on the SCAQMD website.

Comment Letter #2
Alta Environmental
May 17, 2017

May 17, 2017

Ms. Uyen-Uyen Vo
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, California 91765

Re: Comment on Proposed Rule 1466 "CONTROL OF PARTICULATE EMISSIONS FROM SOILS WITH TOXIC AIR CONTAMINANTS"

Dear Ms. Vo,

During closure of the Exide Vernon site, various earth-moving activities will be completed within enclosures (permanent or temporary). The purpose of the enclosures is to prevent fugitive dust while moving soil that may contain toxic air contaminants (i.e. lead).

After reviewing the Proposed Rule 1466, we could not see special provisions for earth-moving activities conducted within enclosures. We would like to clarify the requirements under this scenario, and to discuss the addition of an exemption or special provisions to avoid enforcement issues down the road. The exemption/special provisions may be for earth-moving activities completed within an enclosure (permanent or temporary), or for sites that have an AQMD-approved Compliance Plan for Closure (i.e. under R1420.1(p)).

2-1

Thank you for the opportunity to provide this comment.

Sincerely,

Nicolas Serieys, PE, CPP
Vice President, Air & EHS Compliance

Alta Environmental
3777 Long Beach Boulevard Annex Building Long Beach CA 90807 United States of America
T (562) 495 5777 F (562) 495 5877 Toll-free (800) 777-0605 altaenviron.com

Response to Comment 2-1:

Thank you for the suggestion, staff has clarified the rule language to include an exemption for earth-moving activities conducted inside a controlled enclosure in paragraph (k)(2).

Comment Letter #3
The Boeing Company
May 22, 2017

The Boeing Company
4000 Lakewood Blvd
Long Beach, CA 90808

May 17, 2017

S C A Q M D
21865 E. Copley Drive
Diamond Bar, CA 91765

ATTN: Uyen-Uyen Vo
Air Quality Specialist

Re: SCAQMD Proposed Rule 1466

Thank you for the opportunity to provide comments relating to the Proposed Rule 1466 (Control of Particulate Emissions from Soils with Toxic Air Contaminants). Boeing requests that the following changes/clarifications be incorporated into the proposed rule:

(b) Applicability

This rule shall apply to any owner or operator conducting earth-moving activities of soils that contain one or more of the following toxic air contaminants that have been identified as contaminants of concern: arsenic, asbestos, cadmium, hexavalent chromium, lead, mercury, nickel, and/or polychlorinated biphenyls at a site that has been designated by the: 3-1

(b)(4) Executive Officer as a site containing soil contaminated with cadmium, hexavalent chromium, lead, mercury, nickel and/or polychlorinated biphenyls in concentrations above the Office of Environmental Health Hazard Assessment's California Human Health Screening Level, ~~arsenic in concentration above 12 ppm,~~ and/or asbestos in concentrations above 2,500 ppm, where the Executive Officer has notified the owner or operator that earth-moving activities are subject to the provisions of this rule. Please note that the screening number for arsenic is for contamination resulting from human activity only. Concentrations of naturally occurring arsenic may be far above the screening number and should not be considered a contaminant of concern. 3-2

(c)(2) APPLICABLE TOXIC AIR CONTAMINANTS, for the purposes of this rule, include arsenic, asbestos, cadmium, hexavalent chromium, lead, mercury, nickel, and polychlorinated biphenyls. 3-3

In addition, Boeing requests that an exemption level of 500 cubic yards be established in Section (i) for excavation activities only and be subject to the requirements listed in (e)(2), (e)(3), (e)(4), (e)(5), and (e)(7) only. 3-4

The Boeing Company
4000 Lakewood Blvd
Long Beach, CA 90808

Boeing looks forward to continuing to work with District staff in the development of Proposed Rule 1466. If you should have any questions or require additional information, please do not hesitate to contact me.

William Pearce
Senior Environmental Engineer
Environmental Services
Environment, Health & Safety

Response to Comment 3-1:
Thank you for the suggestion, staff has clarified the rule language in paragraph (b)(1).

Response to Comment 3-2:
See Response to Comment 1-4 above.

Response to Comment 3-3:
Thank you for the suggestion, staff has clarified the rule language in paragraph (c)(2).

Response to Comment 3-4:
Staff modified Proposed Rule 1466 to include an additional exemption, under paragraph (k)(3) that exempts those earth-moving activities that only consist of excavation activities of soil with applicable toxic air contaminants of less than 500 cubic yards and directly loaded into trucks or bins for transport from monitoring, fencing, on-site dust control supervisor, stabilization during periods of inactivity, and signage requirements.

Comment Letter #4
County Sanitation Districts of Los Angeles County
May 22, 2017

COUNTY SANITATION DISTRICTS
OF LOS ANGELES COUNTY

1955 Workman Mill Road, Whittier, CA 90601-1400
Mailing Address: P.O. Box 4998, Whittier, CA 90607-4998
Telephone: (562) 699-7411, FAX: (562) 699-5422
www.lacsd.org

GRACE ROBINSON HYDE
Chief Engineer and General Manager

May 22, 2017
File No.: 31-380.10B

Ms. Susan Nakamura
Assistant Deputy Executive Officer
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, California 91765

Dear Ms. Nakamura:

Comments on Proposed Rule 1466
Control of Particulate Emissions from Soils with Toxic Air Contaminants

The County Sanitation Districts of Los Angeles County (Sanitation Districts) appreciate the opportunity to comment on the proposed rule to South Coast Air Quality Management District (SCAQMD) Rule 1466 – Control of Particulate Emissions from Soils with Toxic Air Contaminants (PR 1466). The Sanitation Districts provide environmentally sound, cost-effective wastewater and solid waste management for about 5.5 million people in Los Angeles County and, in the process, convert wastes into resources such as reclaimed water, energy, and usable recycled materials. The Sanitation Districts' service area covers approximately 800 square miles and encompasses 78 cities and unincorporated territory within the County through a partnership agreement with 24 independent special districts.

Although the Sanitation Districts currently have no site cleanups subject to the proposed rule, future projects could be affected. Accordingly, we are concerned that the proposed rule does not explicitly differentiate between cleanup sites and cleanup sites with an approved Health Risk Assessment (HRA). From the Department of Toxic Substance Control's (DTSC) website[1], "Human and Ecological Risk Office (HERO) provides DTSC program staff with world-class technical assistance and training on toxicity of chemicals and the health risks of chemicals to human and ecological receptors. HERO's objective is to ensure that contaminants are accurately characterized, health risks are accurately estimated, and any residual contamination does not pose a risk to human and ecological health". We believe if a site does not pose a health risk, which has been evaluated and approved by a lead agency, then it should not be subject to PR 1466. The proposed rule language does not make this distinction clear. Instead, these types of sites are lumped together in the overall category subject to the proposed rule of "Site Cleanup Program site" and then the owner/operator is required to provide justification as to why their site is not subject to the rule. As a result of these challenges, it seems duplicative and inefficient to minimize toxic emissions if there is no health risk associated with the subject activity. The Sanitation Districts believe that SCAQMD should exempt projects with an approved HRA and/or Certification of Completion issued by the lead agency. 4-1

1 http://www.dtsc.ca.gov/AssessingRisk/

DM# 4159315

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For these reasons, the Sanitation Districts respectfully request that the SCAQMD consider the need for operational flexibility without duplicative regulatory efforts. Specifically, we propose the following exemption provision be included in the final rule:

(i)(6) Site(s) that have an approved Health Risk Assessment that does not pose a risk to human and ecological health and/or Certificate of Completion issued by the lead agency.

4-1 (Cont.)

If you have any questions regarding this transmittal, please do not hesitate to contact the undersigned. Thank you again for the opportunity to provide comments on the proposed amended rule.

Very truly yours,

David L. Rothbart
Supervising Engineer
Air Quality Engineering
Technical Services Department

DLR:CAC:hb

cc: Mr. Michael Morris - SCAQMD
Ms. Uyen-Uyen Vo - SCAQMD

Response to Comment 4-1:

The proposed rule includes in a provision, subparagraph (i)(1)(F), for consideration of available health risk data by the Executive Officer when making a determination of applicability of the rule. Having an approved health risk assessment does not provide certainty that the earth-moving activities will not cause a health risk impact since the health risk assessment does not limit the health risk level, but is stating the estimated health risk from the project Additionally, if a project unknowingly comes across contaminated soil, this information would not have been incorporated in the approved health risk assessment. Staff has added a provision that states the Executive Officer must have evidence before starting the designation process.

Comment Letter #5
DTSC
May 23, 2017

To: Uyen-Uyen Vo, Air Quality Specialist

From: Ryan Kinsella, Senior Industrial Hygienist

Date: May 23, 2017

RE: SCAQMD Proposed Rule 1466- Control of Particulate Emissions from Soils with Toxic Air Contaminants

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This comment is regarding the revised version of PR1466 presented at Working Group Meeting 4 on May 18, 2017. Section (e)(11) refers to RCRA hazardous waste. Since this rule will apply to locations within the state of California, I recommend adding California designated hazardous waste to this statement as well. 5-1

Thank you for considering this comment. If you have any questions or concerns, please contact me at 818.717.6590 or ryan.kinsella@dtsc.ca.gov

---

Response to Comment 5-1:

Thank you for the suggestion, staff has removed the reference to hazardous waste in paragraph (e)(11) and the provision is now applicable to earth-moving activities of soils with applicable toxic air contaminants at schools, early education centers, and joint use agreement properties when school or early education centers are in session or during school or early education center sponsored activities.

Comment Letter #6
Various Organizations
June 1, 2017

Executive Officer Wayne Nastri
Chairman Burke & Honorable Boardmembers
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, California 91765

Re: Rule 1466 – Toxic Air Contaminates & Earthmoving Activities

Dear Executive Officer Nastri, Chairman Burke & Honorable Boardmembers,

On behalf of the undersigned organizations, we are writing to request that the South Coast Air Quality Management District stand firm in not allowing earthmoving of soils contaminated with toxic chemicals on school property, even when below monitored thresholds applicable to other sites, or when children are present prior to, or during school hours. Especially in areas where activities include, but are not limited to: after school programs, athletic events or school initiated activities with children present. 6-1

Given the extensive activities that take place in areas where partnerships aka "Joint Use Agreements" between schools and parks exist, we respectfully request that these areas also be included in this rule.

Thank you for your consideration, and ongoing efforts to protect all Southern Californians and especially the most vulnerable, our children.

Respectfully,

Robina Suwol
Executive Director
California Safe Schools

Jane Williams
Executive Director
California Communities Against Toxics

Cynthia Babich
Executive Director
DelAmo Action Committee

Jesse Marquez
Executive Director
Coalition for a Safe Environment

Dr. Rhonda Jessum
Executive Director
Our Right to Know

Mitzi Shpak
Executive Director
Action Now

Shabaka Heru
Executive Director
Society for Positive Action

cc:
Susan Nakamura
Michael Morris
Uyen-Uye Vo

Response to Comment 6-1:
See Response to Comment 5-1 above.

Comment Letter #7
Los Angeles Department of Water and Power
June 1, 2017

Los Angeles Department of Water & Power

ERIC GARCETTI
Mayor

Commission
MEL LEVINE, President
WILLIAM W. FUNDERBURK JR., Vice President
JILL BANKS BARAD
CHRISTINA E. NOONAN
AURA VASQUEZ
BARBARA E. MOSCHOS, Secretary

DAVID H. WRIGHT
General Manager

June 1, 2017

South Coast Air Quality
Management District
PO Box 4830
Diamond Bar, CA 91765-0830

Attention: Ms. Uyen-Uyen Vo

Dear Ms. Vo:

Subject: Los Angeles Department of Water and Power's Comments on Proposed Rule 1466

Thank you for discussing the rule applicability language for the Proposed Rule 1466 this morning with the Los Angeles Department of Water and Power (LADWP). During the discussion we proposed to add a notification requirement by South Coast Air Quality Management District (AQMD) to the owner or operator of a designated site defined in Section (b) of Proposed Rule 1466 dated May 18, 2017.

The proposed changes to section (b) are indicated in bold and underlined:

"(b) Applicability
This rule shall apply to any owner or operator conducting earth-moving activities of soils bulk materials that contain one or more of the following toxic air contaminants that <u>have been identified</u> as a contaminants of concern: arsenic, asbestos, cadmium, hexavalent chromium, lead, mercury, nickel, and/or polychlorinated biphenyls at a site that has been designated **<u>and notified</u>** by the:..."

7-1

This recommended change would provide certainty to the owners and operators that their sites are affected by the rule.

Additionally, we have the following comments:

<u>Section (c)(13)</u>
In this section, AQMD defines bulk materials as follows:

"BULK MATERIALS WITH APPLICABLE TOXIC AIR CONTAMINANT(S) means, for the purpose of this rule, soils bulk materials that have been identified by U.S. EPA,

7-2

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Telephone (213) 367-4211 www.LADWP.com

DTSC, State Water Board, Regional Water Board, or the Executive Officer to contain one or more of the following toxic air contaminants: arsenic, asbestos, cadmium, hexavalent chromium, lead, mercury, nickel, or polychlorinated biphenyl(s) that exceed levels of concern and require earth-moving activities."

The phrase "that exceed levels of concern" was added in this latest rule draft but the levels of concern are not defined which introduces uncertainty with respect to an owner's or operator's compliance with the rule. LADWP requests that AQMD define/specify "levels of concern."

7-2 (Cont.)

Section (i)(1)(F)
In this section AQMD indicates that a site will be designated a contaminated site after considering several factors including "Meteorological data." LADWP recommends that AQMD specify the period of "meteorological data" that will be considered in its determination (e.g. one year).

7-3

Section (i)(2)(B)
In this section, AQMD requires the owner or operator to cease operations while AQMD is in the process of making a determination to designate a site as containing bulk materials with toxic air contaminants at levels of concern. However, the proposed rule language does not provide a time frame for AQMD final determination that the site is subject to the rule. This open-ended provision introduces uncertainty with respect to the owner's or operator's project schedule. LADWP recommends that AQMD define a maximum "determination period" such that it would not impact a project schedule.

7-4

If you have any questions or would like additional information, please contact me at (213) 367-0409.

Sincerely,

Jodean Giese

Jodean Giese
Manager of Air Quality

DP:lct
c: Ms. Jodean Giese

Response to Comment 7-1:

The applicability has been clarified in subdivision (b) of the proposed rule and includes "and notified".

Response to Comment 7-2:

Bulk Materials with Applicable Toxic Air Contaminants(s), is now Soil with Applicable Toxic Air Contaminant(s). The rule language no longer includes the phrase "levels of concern" and is instead replaced with "action levels as specified by the designating agency".

Response to Comment 7-3:

Meteorological data generally refers to seasonal prevailing wind direction. However, there may be other factors that can be considered including precipitation, wind speed, or others.

Response to Comment 7-4:

Paragraph (i)(3) indicates that, when notified by the Executive Officer that Rule 1466 may be applicable, the owner or operator of a site may continue earth-moving activities and comply with all provisions of the rule while the Executive Officer is making a final determination.

ATTACHMENT H

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

Final Environmental Assessment for Proposed Rule 1466 – Control of Particulate Emissions from Soils with Toxic Air Contaminants

June 2017

SCAQMD No. 05122017SW
State Clearinghouse No: 2017051046

Executive Officer
Wayne Nastri

Deputy Executive Officer
Planning, Rule Development and Area Sources
Philip Fine, Ph.D.

Assistant Deputy Executive Officer
Planning, Rule Development and Area Sources
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	Barbara Radlein	Program Supervisor, CEQA
	Mike Morris	Program Supervisor
	Megan Lorenz	Principal Deputy District Counsel
	Sheri Hanizavareh	Deputy District Counsel II

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT
GOVERNING BOARD

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Speaker of the Assembly Appointee

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County of Orange

DR. CLARK E. PARKER, SR.
Senate Rules Committee Appointee

DWIGHT ROBINSON
Councilmember, Lake Forest
Cities of Orange County

JANICE RUTHERFORD
Supervisor, Second District
County of San Bernardino

EXECUTIVE OFFICER:
WAYNE NASTRI

PREFACE

This document constitutes the Final Environmental Assessment (EA) for Proposed Rule (PR) 1466 - Control of Particulate Emissions from Soils with Toxic Air Contaminants. A Draft EA was released for a 30-day public review and comment period from May 16, 2017 to June 15, 2017. Analysis of PR 1466 in the Draft EA did not result in the identification of any environmental topic areas that would be significantly adversely affected. One comment letter was received from the public regarding the analysis in the Draft EA. The comment letter received relative to the Draft EA and responses to individual comments are included in Appendix E of this document.

In addition, subsequent to release of the Draft EA, modifications were made to PR 1466 and some of the revisions were made in response to verbal and written comments received. To facilitate identification, modifications to the document are included as underlined text and text removed from the document is indicated by ~~strikethrough~~. To avoid confusion, minor formatting changes are not shown in underline or strikethrough mode.

Staff has reviewed the modifications to PR 1466 and concluded that none of the revisions constitute: 1) significant new information; 2) a substantial increase in the severity of an environmental impact; or, 3) provide new information of substantial importance relative to the draft document. In addition, revisions to the proposed project in response to verbal or written comments would not create new, avoidable significant effects. As a result, these revisions do not require recirculation of the document pursuant to CEQA Guidelines § 15073.5 and § 15088.5. Therefore, this document now constitutes the Final EA for PR 1466.

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CHAPTER 1

PROJECT DESCRIPTION

INTRODUCTION

The California Legislature created the South Coast Air Quality Management District (SCAQMD) in 1977[1] as the agency responsible for developing and enforcing air pollution control rules and regulations in the South Coast Air Basin (Basin) and portions of the Salton Sea Air Basin (SSAB) and Mojave Desert Air Basin. By statute, the SCAQMD is required to adopt an air quality management plan (AQMP) demonstrating compliance with all federal and state ambient air quality standards for the areas under the jurisdiction of the SCAQMD[2]. Furthermore, the SCAQMD must adopt rules and regulations that carry out the AQMP[3]. The AQMP is a regional blueprint for how the SCAQMD will achieve air quality standards and healthful air and the Final 2016 AQMP[4] contains multiple goals promoting reductions of criteria air pollutants, greenhouse gases, and toxics air contaminants (TACs). Relative to toxics emissions, more information obtained from the Final 2016 AQMP about soil cleanup sites indicating that more fugitive dust controls are needed to address fugitive toxic particulate emissions, especially metal particulates. Since heavy metals, such as arsenic, cadmium, hexavalent chromiume, lead, mercury, and nickel have high cancer and/or non-cancer risks compared to other toxics and can create health problems from ingestion, dermal exposure, and through consumption of breast-milk, the Final 2016 AQMP contains air toxics control strategy TXM-04 - Control of Toxic Metal Particulate Emissions from Contaminated Soil, to specifically address reducing particulate emissions of certain TACs at sites conducting soil cleanup activities.

Proposed Rule (PR) 1466 – Control of Particulate Emissions from Soils with Toxic Air Contaminants, has been developed to implement TXM-04 in the Final 2016 AQMP by establishing dust control measures that can be applied during earth-moving activities at sites where a federal, state, or local oversight agency has identified one or more of the following TACs in the soil: arsenic, asbestos, cadmium, hexavalent chromium, lead, mercury, nickel, and polychlorinated biphenyls (PCBs). Asbestos and PCBs are not metal TACs, but are added to the PR 1466 TACs list because they are also most commonly found in the soils that contain TACs. SCAQMD staff estimates that between five and ten ~~soil cleanup~~ sites per year will be subject to PR 1466 based on the cleanup sites surveyed in 2014-2016 which can be found in the Appendix C.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

The California Environmental Quality Act (CEQA), California Public Resources Code § 21000 *et seq.*, requires environmental impacts of proposed projects to be evaluated and feasible methods to reduce, avoid or eliminate significant adverse impacts of these projects to be identified and implemented. The lead agency is the "public agency that has the principal responsibility for carrying out or approving a project that may have a significant effect upon the environment" (Public Resources Code § 21067). Since PR 1466 is a SCAQMD-proposed rule, the SCAQMD has the primary responsibility for supervising or approving the entire project as a whole and is the most appropriate public agency to act as lead agency (CEQA Guidelines[5] § 15051(b)).

[1] The Lewis-Presley Air Quality Management Act, 1976 Cal. Stats., Ch. 324 (codified at Health and Safety Code §§ 40400-40540).
[2] Health and Safety Code § 40460(a).
[3] Health and Safety Code § 40440(a).
[4] SCAQMD, Final 2016 Air Quality Management Plan, March 2017. http://www.aqmd.gov/home/library/clean-air-plans/air-quality-mgt-plan/final-2016-aqmp
[5] The CEQA Guidelines are codified at Title 14 California Code of Regulations § 15000 *et seq.*

CEQA requires that all potential adverse environmental impacts of proposed projects be evaluated and that methods to reduce or avoid identified significant adverse environmental impacts of these projects be implemented if feasible. The purpose of the CEQA process is to inform the lead agency, responsible agencies, decision makers and the general public of potential adverse environmental impacts that could result from implementing PR 1466 (the proposed project) and to identify feasible mitigation measures or alternatives, when an impact is significant.

Public Resources Code § 21080.5 allows public agencies with regulatory programs to prepare a plan or other written documents in lieu of an environmental impact report once the Secretary of the Resources Agency has certified the regulatory program. The SCAQMD's regulatory program was certified by the Secretary of Resources Agency on March 1, 1989, and has been adopted as SCAQMD Rule 110 – Rule Adoption Procedures to Assure Protection and Enhancement of the Environment.

PR 1466 has been developed to minimize particulate emissions resulting from earth-moving activities at sites where it is has been determined that the soil contains certain TACs which are defined as the Applicable TACs in PR 1466[6]. Because the proposed adoption of PR 1466 requires discretionary approval by a public agency, it is a "project" as defined by CEQA[7]. SCAQMD staff's review of the adverse effects shows that PR 1466 would not have a significant adverse effect on the environment. Thus, the type of CEQA document appropriate for the proposed project is an Environmental Assessment (EA). The EA is a substitute CEQA document, prepared in lieu of a Negative Declaration (CEQA Guidelines § 15252), pursuant to the SCAQMD's Certified Regulatory Program (CEQA Guidelines § 15251(l); codified in SCAQMD Rule 110). The EA is also a public disclosure document intended to: 1) provide the lead agency, responsible agencies, decision makers and the general public with information on the environmental impacts of the proposed project; and, 2) be used as a tool by decision makers to facilitate decision making on the proposed project.

The SCAQMD, as lead agency for the proposed project, prepared a Draft EA pursuant to its Certified Regulatory Program. The Draft EA includes a project description in Chapter 1 and an Environmental Checklist in Chapter 2. The Environmental Checklist provides a standard tool to identify and evaluate a project's adverse environmental impacts and the analysis concluded that no significant adverse impacts would be expected to occur if PR 1466 is implemented. Because PR 1466 will have no statewide, regional or areawide significance, no CEQA scoping meeting is required to be held for the proposed project pursuant to Public Resources Code § 21083.9(a)(2). Further, pursuant to CEQA Guidelines § 15252, since no significant adverse impacts were identified, no alternatives or mitigation measures are required. The analysis in Chapter 2 supports the conclusion of no significant adverse environmental impacts.

The Draft EA was ~~is being~~ released for a 30-day public review and comment period from May 16, 2017 to June 15, 2017 and one comment letter was received. All comments received during the public comment period on the analysis presented in the Draft EA have been ~~will be~~ responded to and included in an appendix to the Final EA (see Appendix E).

Subsequent to release of the Draft EA, minor modifications were made to PR 1466 and some of the revisions were made in response to verbal and written comments received. Staff has reviewed

[6] The Applicable TACs in PR 1466 include: arsenic, asbestos, cadmium, hexavalent chromium, lead, mercury, nickel, and polychlorinated biphenyls.

[7] 14 California Code of Regulations § 15378

the modifications to PR 1466 and concluded that none of the modifications constitute: 1) significant new information; 2) a substantial increase in the severity of an environmental impact; or, 3) provide new information of substantial importance relative to the draft document. In addition, revisions to PR 1466 in response to verbal or written comments would not create new, avoidable significant effects. As a result, these revisions do not require recirculation of the Draft EA pursuant to CEQA Guidelines § 15073.5 and § 15088.5. Thus, the Draft EA has been revised to reflect the aforementioned modifications and to include the comment letter and responses to comments such that it is now a Final EA.

Prior to making a decision on the adoption of PR 1466, the SCAQMD Governing Board must review and certify the Final EA as providing adequate information on the potential adverse environmental impacts that may occur as a result of adopting PR 1466.

PROJECT LOCATION

PR 1466 would affect sites that are conducting earth-moving activities within the SCAQMD's jurisdiction that meet the applicability requirements of the proposed rule. The SCAQMD has jurisdiction over an area of approximately 10,743 square miles, consisting of the four-county Basin (Orange County and the non-desert portions of Los Angeles, Riverside and San Bernardino counties), and the Riverside County portions of the SSAB and Mojave Desert Air Basin. The Basin, which is a subarea of SCAQMD's jurisdiction, is bounded by the Pacific Ocean to the west and the San Gabriel, San Bernardino, and San Jacinto mountains to the north and east. It includes all of Orange County and the non-desert portions of Los Angeles, Riverside, and San Bernardino counties. The Riverside County portion of the SSAB is bounded by the San Jacinto Mountains in the west and spans eastward up to the Palo Verde Valley. A federal nonattainment area (known as the Coachella Valley Planning Area) is a subregion of Riverside County and the SSAB that is bounded by the San Jacinto Mountains to the west and the eastern boundary of the Coachella Valley to the east (see Figure 1-1).

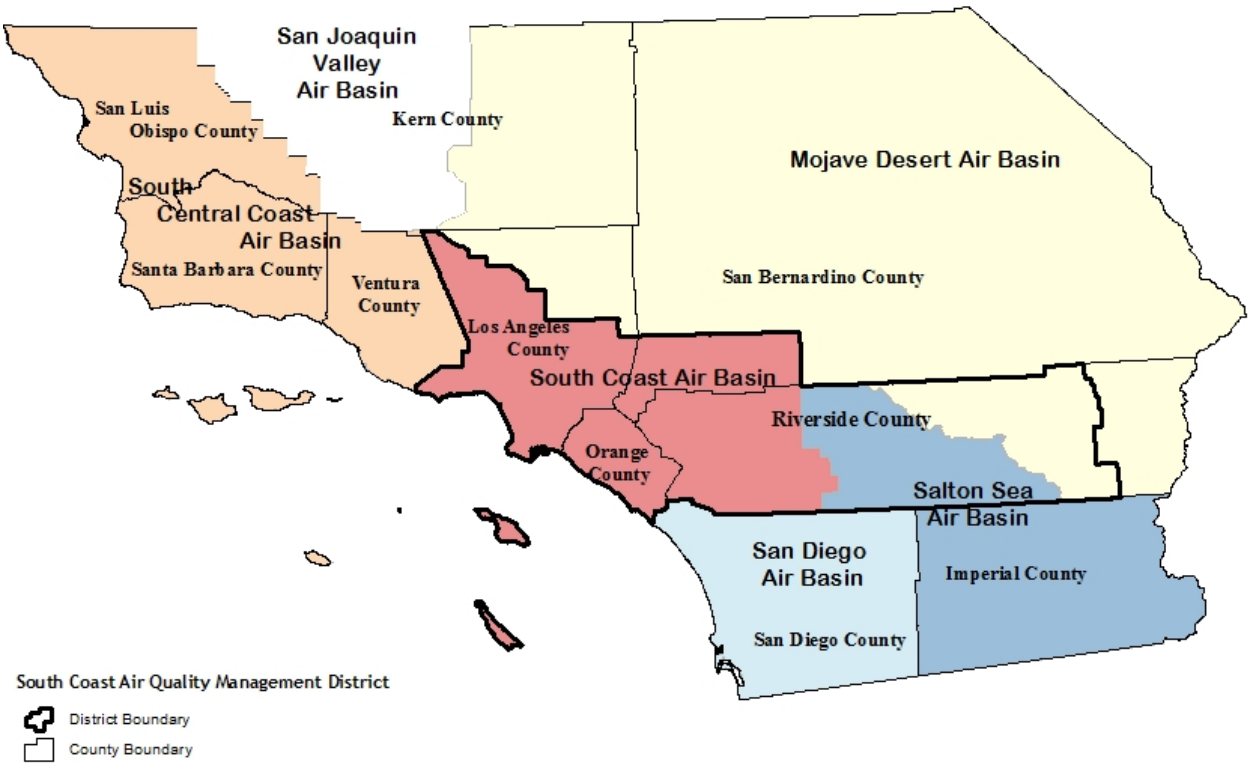


Figure 1-1
Southern California Air Basins

PROJECT BACKGROUND

Soils containing TACs have the potential to become airborne and create fugitive dust during earth-moving activities, including but not limited to, excavation, grading, stockpiling and trenching. There are ~~two~~ three existing SCAQMD rules that address contaminated soil and fugitive dust: Rule 1166 – Volatile Organic Compound Emissions from Decontamination of Soil; Rule 1156 – Further Reductions of Particulate Emissions from Cement Manufacturing Facilities; and Rule 403 – Fugitive Dust. Rule 1166 regulates volatile organic compound (VOC) emissions, including toxic-VOCs, from contaminated soils and contains requirements for mitigation plans to limit VOC emissions, notification and monitoring activities, and specific measures to minimize VOCs during stockpiling and truck loading activities. Rule 1156 establishes requirements to reduce particulate matter emissions and minimize hexavalent chromium emissions from cement manufacturing operations and properties. Rule 403 regulates coarse particulate matter (PM10) emissions from fugitive dust sources by limiting dust concentrations, requiring monitoring, and applying best available control measures. Rule 403 contains additional requirements applicable to large operations and other operations where fugitive dust concentrations exceed performance standards. While these ~~two~~ three rules address VOC emissions, hexavalent chromium emissions from cement manufacturing, and ordinary (non-TAC) dust caused by earth-moving activities, they do not address exposure to particulates containing metals or other TACs during earth-moving activities.

In addition to SCAQMD Rules 403, 1156 and 1166, there are federal, state, and local regulatory agencies that have programs which oversee the identification, investigation and cleanup of hazardous waste sites. For example, the Federal Superfund National Priorities List is a federal program administered by the U.S. Environmental Protection Agency (U.S. EPA). At the state level, the California Department of Toxics Substances Control (DTSC) administers the Brownfields and Environmental Restoration Program while the California Environmental Protection Agency's (CalEPA's) State Water Resources Control Board (State Water Board) and Regional Water Quality Control Board (Regional Water Board) administer Site Cleanup Programs. Investigations performed by these oversight agencies typically begin with a preliminary assessment of the potentially contaminated site. A more detailed site assessment will be conducted to identify which sites may require some type of cleanup activity if the preliminary assessment shows the possibility of contamination and a threat to human health and/or the environment. For sites requiring cleanup, the designating agency will also require a remedial or removal action plan which is typically comprised of: an introduction; the cleanup objective; the background describing the site's geology and the contaminants of concern; a risk evaluation; an overview of the actions that will be taken to cleanup the site such as dust mitigation measures as required by SCAQMD Rule 403, Rule 1156, and Rule 1166; and the schedule for activities. Typical dust mitigation measures involve the application of water or chemical stabilizers, limiting earth-moving activities during high-wind conditions, and generally complying with the basic provisions of Rule 403. Cleanup actions are generally completed within two to three months, but large sites may take up to one year or longer.

The existing regulatory structure does not provide sufficient safeguards for sites with non-volatile TACs in the soil. For example, Rule 1166 does not apply to soils that do not contain VOC emissions with other metal toxic air contaminants. Rule 1156 is only applicable to hexavalent chromium at cement manufacturing facilities and does not apply to all earth-moving activities. Additionally, Rule 403 would not apply to certain sites that do not meet the applicable size of site requirements and therefore the additional dust control measures required by Rule 403 for a large site would not have to be implemented. Further, fugitive non-volatile TACs have the potential to settle in the neighborhoods around contaminated sites and continue to expose nearby receptors for months or years afterwards. For these reasons, SCAQMD staff believes that PR 1466 is necessary to minimize the re-entrainment of toxic particulates into the air from sites that have non-volatile TACs in the soil.

PROJECT DESCRIPTION

PR 1466 establishes requirements to minimize off-site fugitive PM10 emissions that contain ~~levels of~~ arsenic, asbestos, cadmium, hexavalent chromium, lead, mercury, nickel, and PCBs from earth-moving activities at sites that have been designated by the U.S. EPA, DTSC, and CalEPA's State Water Board or Regional Water Board as containing one or more of these TACs based on their thresholds or screening levels. In addition, PR 1466 requirements would also apply to a site conducting earth-moving activities about which the SCAQMD Executive Officer has information indicating that the soil contains levels of the aforementioned TACs that exceed designated agencies' thresholds. PR 1466 also establishes a PM10 ambient dust limit and dust control measures at PR 1466 applicable~~cleanup~~ sites, and would require notification to the Executive Officer when cleanup operations begin or PM10 emission limits are not met. Sites affected by PR 1466 will be required to install and maintain signage which has information to call the operator or the SCAQMD. PR 1466 contains requirements for maintaining records of monitoring readings and other site activities. PR 1466 also includes additional requirements to limit cleanup activities for sites at schools and early education centers. In situations where additional regulatory flexibility

is necessary, PR 1466 allows alternative dust control measures if approved by the Executive Officer.

The following is a detailed summary of the key elements contained in PR 1466. A copy of PR 1466 can be found in Appendix A.

Purpose – subdivision (a)

Subdivision (a) establishes the purpose of PR 1466 which is to minimize the amount of off-site fugitive dust emissions containing arsenic, asbestos, cadmium, hexavalent chromium, lead, mercury, nickel, and/or PCBs. Off-site fugitive dust emissions will be minimized by reducing particulate emissions as a result of earth-moving activities of soils that contain these TACs from sites that meet the applicability requirements set forth in the proposed rule.

Applicability - subdivision (b)

Subdivision (b) explains that PR 1466 will be applicable to any owner or operator conducting earth-moving activities at ~~cleanup~~ the sites designated by the U.S. EPA, DTSC, State Water Board, or Regional Water Board that contain arsenic, asbestos, cadmium, hexavalent chromium, lead, mercury, nickel, and/or PCBs. While many sites contain one or more of these TACs at background levels, only sites with the aforementioned TACs identified as a contaminant of concern would be subject to PR 1466. The Executive Officer may also designate a site as being subject to PR 1466 based on as set of criteria after consultation with U.S. EPA, DTSC, the State or Regional Water Boards, and/or local or state health agencies~~when a site has elevated concentrations of one or more of the PR 1466 applicable TACs as indicated by ambient data or soil data~~. Under these circumstances, the Executive Officer would notify the owner or operator of the affected site that Rule 1466 would apply and that the site must be in compliance with Rule 1466 or enforcement action will be taken.

Definitions -subdivision (c)

Subdivision (c) includes definitions of the following terms; some are new while others are either identical to or slightly modified versions of definitions in SCAQMD Rule 403, Rule 1403 - Asbestos Emissions From Demolition/Renovation Activities, and Rule 102 – Definition of Terms, to maintain consistency and to address TACs in lieu of dust and asbestos.

The following are based on terms defined in Rule 403

- ~~Bulk Material~~
- Chemical Stabilizers
- ~~Contractor~~
- Disturbed Surface Area
- Dust Suppressant
- Earth-Moving Activities
- Fugitive Dust
- Paved Road
- Property Line
- Soil (Includes "Bulk Material")
- Stabilized Surface
- Stockpile (Formerly "Open Storage Pile")
- Track-Out
- Wind-Driven Fugitive Dust
- Wind Gust

The following is based on a definition in Rule 1403

Adequately Wet

The following is based on a definition in Rule 102

Owner or Operator (adapted from the definition of "Person")

New Definitions:

Applicable Toxic Air Contaminants include: arsenic, asbestos, cadmium, hexavalent chromium, lead, mercury, nickel, and PCBs. The Applicable TACs were selected from those commonly found at contaminated sites above background levels with high cancer and/or non-cancer risks when compared to other toxics and the potential to create health problems. PR 1466 does not include VOC-related toxic air contaminants as those are covered under Rule 1166.

Early Education Center is any public or private property, used for purposes of education as defined as an Early Learning and Developmental Program by the U.S. Department of Education. Early education center includes any building or structure, playground, athletic field, or other areas of early education center property, but does not include any property in which education is primarily conducted in private homes. ~~Near Real-Time is used in this proposed rule when discussing continuous data logging and allows for the time delay for processing and transmission.~~

Joint Use Agreement Property is a shared public facility in which a formal agreement exists between a school or early education center and another government entity setting forth the terms and conditions for shared use. Joint use agreement properties were included because they are extensively used by children for school--sponsored activities.

School is any public or private education center, used to educate children from kindergarten through grade 12. School includes any building or structure, playground, athletic field, or other areas of school property, but does not include any school in which education is primarily conducted in private homes.

Soil with Applicable Toxic Air Contaminant(s) are soils that have been identified by the designating agency or Executive Officer as containing an Applicable Toxic Air Contaminant at concentrations exceeding action levels as specified by the designating agency.~~Soils with Applicable TACs are soils that have been identified by: 1) the designating agency as containing an Applicable TAC; or 2) the Executive Officer, as containing cadmium, hexavalent chromium, lead, mercury, nickel, and/or PCBs at concentrations greater than the Office of Environmental Health Hazard Assessment's California Human Health Screening Level (CHHSL), arsenic in concentrations greater than 12 ppm, and/or asbestos in concentrations greater than 2,500 parts-per million (ppm). The CHHSLs are routinely used to determine if a site is contaminated. The CHHSL for arsenic is below background level so DTSC's screening level of 12 ppm was used instead. Since asbestos does not have a CHHSL, a threshold of 0.25% (2,500 ppm) will apply instead.~~

Monitoring Requirements - subdivision (d)

Due to the toxic nature of the Applicable TACs that would be regulated by PR 1466, the proposed monitoring requirements are more stringent than the requirements contained in Rule 403. Specifically, under PR 1466, the difference in ambient PM10 concentrations between upwind and

downwind monitors, averaged over ~~an~~ two hours, is proposed to be set at 25 micrograms per cubic meter (µg/m^3) or less instead of 50 µg/m^3 averaged over five hours as is currently required in Rule 403. PR 1466 also allows for the Executive Officer to require a different PM10 monitoring threshold provision in subdivision (j). In addition, if the ambient dust concentration limit is exceeded, PR 1466 would require the owner or operator to immediately stop all earth-moving activities and apply dust suppressant to all fugitive dust sources or employ necessary dust control measures until the PM10 concentration drops below 25 µg/m^3, averaged over 30 minutes.

PR 1466 would also require continuous direct-reading near real-time PM10 monitoring to occur at all times when earth-moving activities are conducted and any vehicle movement is occurring on the site. PR 1466 prescribes that the method to conduct PM10 monitoring must be either a federal equivalent method or an Executive Officer approved method, which is included in Appendix 1 of PR 1466. PR 1466 also requires a minimum of one upwind and one downwind monitor with the upwind monitor(s) located in an area that is not generally influenced by any of the fugitive dust sources from the site and that is indicative of background PM10 levels in the area and the downwind monitor(s) located as close to the property line as possible and in the predominant downwind direction of the earth-moving activity. PR 1466 requires these monitors to be operated, maintained, calibrated, and equipped with a data acquisition system that is able to record near real-time continuous data, date, time, and PM10 concentration in units of µg/m^3 every 10 minutes or less. There is also a requirement in PR 1466 for monitoring wind direction and speed as specified in SCAQMD Rule 403 Fugitive Dust Implementation Handbook.

Requirements to Minimize Fugitive Dust Emissions - Subdivision (e)

The dust control measures proposed in subdivision (e) are primarily adaptations of the dust control measures contained in Rules 403, 1166, and 1403, but PR 1466 takes more of a prescriptive approach by specifying the dust control measures to be taken in order to be more health protective for soils that contain the Applicable TACs. PR 1466 requires these dust control measures to be performed only during earth-moving activities when the soil contains the Applicable TACs. Paragraph (e)(12) allows the owner or operator to utilize alternative dust control measures, with the exception of paragraphs (e)(7) and (e)(11), provided they are approved by the Executive Officer pursuant to subdivision (j) and meet the same objectives and effectiveness as the dust control measure they are replacing as listed in Appendix 2 of PR 1466.~~In addition, subdivision (e) would allow the owner or operator to utilize alternative dust control measures provided they are approved by the Executive Officer.~~

Dust Control Measures

- A windscreen shall surround the area of the earth-moving activities to provide a wind break, act as containment, provide security, and limit access to unauthorized persons. The windscreen must be at least 6 feet ~~and up to 10 feet tall~~ and must be as tall as the highest stockpile and must have a porosity of 50 +/- 5%.
- All earth-moving activities involving soil containing the Applicable TACs shall only be conducted when the soil is adequately wet to prevent the generation of visible dust plumes and limit fugitive dust.
- To minimize fugitive dust from vehicle movement, signs shall be posted at the site at all entrances and limit vehicle speeds to 15 miles per hour (mph) and stabilize roads and parking areas by applying gravel, paving, chemical stabilizer, or water. To prevent bulk material leaving the site, prior to leaving the site, trucks must clean the bulk material from their trucks, trailers and tires including each vehicle egress from the site to a paved public

road shall employ at least one of the following measures: 1) install a pad that consists of washed gravel (minimum-size: one inch) to a depth of at least six inches, a width of at least 30 feet wide, and at length of at least 50 feet; 2) pave the surface so that it extends at least 100 feet from the property line and is at least 20 feet wide; 3) utilize a wheel shaker or wheel spreading device that consists of raised dividers (rails, pipe, or grates) at least 24 feet long and 10 feet wide; or 4) install and utilize a wheel washing system to remove bulk material from tires and vehicle undercarriages. Any track out created shall not extend more than 25 feet from the property line and must be removed using a high efficiency particulate arrestor (HEPA) vacuum at the end of each day.

- For stockpiles containing soil with Applicable TACs, the stockpiles shall be segregated from uncontaminated soil, with a sign labeled "SCAQMD Rule 1466 – Control of Particulate Emissions from Soils with Toxic Air Contaminants~~Contaminated Soil~~" ~~with the Applicable TACs listed~~, and shaped so that there are no steep sides or faces that exceed the angle of repose. In addition, the stockpiles shall not be greater than 400 cubic yards or exceed the height of the perimeter fencing and windscreen. Throughout the work day, the stockpiles shall also be kept adequately wet and/or chemically stabilized. At the end of the work day, the stockpiles must be chemically stabilized or completely covered. If the stockpile is being covered, the cover must be 10 mil thick plastic sheeting, the seams must have a minimum overlap of 24 inches, and the cover must be anchored and secured. Stabilized or covered contaminated stockpiles shall be inspected daily and immediately re-stabilized or repaired as necessary.
- When loading trucks with the contaminated soil containing any Applicable TAC, the soil shall be adequately wet and emptied slowly with a minimal drop height so that no visible dust plumes are generated. When moving within the site, the trailer must maintain at least six inches of freeboard and shall be made completely covered with a tarp prior to leaving the site.
- When unloading the contaminated soil containing any Applicable TAC, the soil shall be adequately wet and emptied slowly so that no visible dust plumes are generated.
- All spills of soil containing any Applicable TAC must be immediately cleaned up to ensure that all contaminated soil is handled in an appropriate manner and not left on the site vulnerable to become airborne.
- If wind speeds exceed 15 mph averaged over a 15-minute period or instantaneous wind speeds exceed 25 mph, all earth-moving activities of soils containing any Applicable TAC must stop. The high winds will create wind-driven fugitive dust, ceasing activity will ensure that the owner or operator is not adding the fugitive dust.
- All sites conducting earth-moving activities involving soil containing any Applicable TAC must employ an on-site dust control supervisor to be present during working hours, ensure compliance with all Rule 1466 requirements, and have completed the SCAQMD Fugitive Dust Control Class with a valid Certificate of Completion. If one of the Applicable TACs found in the soil is identified as asbestos, the on-site dust control supervisor shall also be trained according to Rule 1403 requirements for the on-site representative. The on-site dust control supervisor will be responsible for keeping the difference between the upwind and downwind concentrations below 25 $\mu g/m^3$ PM10 and will specify which dust control measures to employ in the event the site exceeds 25 $\mu g/m^3$ PM10.

- To prevent wind-driven fugitive dust generation when a site will be inactive for three or more consecutive days, all potential sources of fugitive dust will need to be stabilized with ~~water and~~ a chemical stabilizer diluted to ~~in~~ a concentration ~~that is equal to 5% of what would be~~ required to maintain a stabilized surface for the period of inactivity, with re-stabilization as necessary ~~six months~~.
- Additional requirements for sites that are on school grounds or early education centers include:
    - Not being allowed to conduct any earth-moving activities when school is in session or during a school sponsored activity; and
    - Requiring the soil to be placed in leak-tight containers, directly loaded onto trucks and hauled off site, or stockpiled in a fenced and locked area~~any other alternative storage approved by the Executive Officer~~.

Notification Requirements - subdivision (f)

Subdivision (f) contains the following notification requirements to ensure that the requirements in PR 1466 are being followed.

Notification of Intent to Conduct Earth-Moving Activities

At least 72 hours, but no more than 30 days prior to commencement of earth-moving activities, the owner or operator must provide notification to the Executive Officer that contains:

- Name, address, ~~and~~ telephone number, and e-mail address of the owner or operator;
- Name, ~~and~~ telephone number, and e-mail address of the on-site dust control supervisor;
- Project name and, if applicable, the project identification number from the designating agency;
- Project location (address and/or coordinates);
- Whether the site is on school grounds or early education center;
- A map indicating the specific location(s) of each earth-moving activity and the concentrations of the Applicable TAC(s);
- A description of the earth-moving activities and a schedule that includes the anticipated start and completion dates of earth-moving activities;
- Current and/or previous type of operation(s) and use(s) at the site; and,
- An indication if the notice is a revised notification.

Notification of Exceedance of PM10 Limit

Additionally, an owner or operator is required to provide notification to the Executive Officer within 72 hours of an exceedance of PM10 emission limit specified in subdivision (d). The notification for exceeding the ambient dust concentration limit shall include the following information:

- Name, address, ~~and~~ telephone number, and e-mail address of the owner/operator;
- Name, ~~and~~ telephone number, and e-mail address of the on-site dust control supervisor;

- Project name and, if applicable, the project identification number from the designating agency;
- Project location (address and/or coordinates);
- Hourly PM10 monitoring results, including result, date, and time of exceedance(s): 12 hours before first exceedance, and 12 hours after last exceedance;
- Earth-moving activities occurring at the date and time of exceedance(s); and
- Dust control measure(s) taken to mitigate fugitive dust.

Signage Requirements - subdivision (g)

Subdivision (g) contains requirements for signage to be installed around the property to inform the surrounding community that the site contains hazardous materials and provide instructions about where to obtain more information or how to make a complaint. Unless the Executive Officer authorizes an alternative sign, the signage shall meet the following requirements:

- Installed at all entrances and at intervals of 1,000 feet or less along the perimeter of the site, with at least one sign along each side;
- Located between 6 and 8 feet above grade from the bottom of the sign;
- ~~Measures at least 48 inches wide by 48 inches tall;~~
- Displays lettering at least 4 inches tall with text contrasting with the sign background; and
- Displays the following information:
    - Local or toll-free phone number for the facility contact or pre-recorded notification center that is accessible 24 hours a day
    - Warning statement:

"THIS SITE CONTAINS SOILS THAT CONTAIN THE FOLLOWING CHEMICALS: [LIST SOIL TACS[8]]
TO REPORT ANY DUST PLEASE CALL [FACILITY CONTACT] OR THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT AT 1-800-CUT-SMOG"

The owner or operator may use alternative signage approved by the Executive Officer. The purpose of the alternative signage provision is to allow modifications to the sign to address inconsistencies from local ordinances or other agencies or jurisdictions. At a minimum, alternative signs, pursuant to subdivision (j), must display the warning statement above in lettering at least 4 inches tall with text contrasting with the sign background. The request for alternative signs must include a visual representation of the alternative sign and the proposed locations of the signs.

[8] Only the Applicable TACs identified in PR 1466.

Recordkeeping Requirements - subdivision (h)
Subdivision (h) contains requirements for keeping daily records to be made available to the Executive Officer upon request, to be maintained for at least three years, and to include the following:

- Inspection(s) conducted of all covered or stabilized contaminated stockpiles;
- Wind and PM10 monitoring results, including calibration records for all monitoring instruments;
- Earth-moving activities conducted and the volume of soil that contains the Applicable TAC(s);
- Information regarding the transporter and receiving facility, and a copy of the shipping manifest; and
- Complaints received by telephone, including the name of complainant and contact information, date and time of the call, a description of the complaint, a description of the earth-moving activities occurring at the date and time of the complaint, and a description of the action(s) taken to address the source or cause of the complaint.

Executive Officer Designated Sites - subdivision (i)
In order to determine whether or not a site has to comply with PR 1466, the Executive Officer will consult with U.S. EPA, DTSC, the State or Regional Water Boards, and/or local or state health agencies and take into consideration:

- The concentration(s) of the applicable toxic air contaminant(s) in the soil;
- The background concentration(s) of the applicable toxic air contaminant(s);
- The volume of the soil with applicable toxic air contaminant(s);
- The distance to a residence, park, or school;
- Meteorological data;
- Data provided by the owner or operator, including health risk data, if available; and,
- Additional data, including ambient monitoring, if available.

Alternative Provisions - subdivision (j)
If an owner or operator elects to request an alternative provision, the owner or operator must submit all of the information necessary to substantiate their reasoning that an alternative provision is needed. For requests for alternative provisions for the PM10 limit, PM10 monitoring method, or signage, requests must be submitted in writing at least thirty days prior to conducting earth-moving activities. For an alternative PM10 calculation request, a written request is required to be submitted within two days of the exceedance.

Exemptions - subdivision (~~i~~k)
The owner or operator of a site may be exempt from certain provisions of PR 1466. There must be written confirmation that the designating agency has consulted with the Executive Officer and has taken into consideration: the concentration(s) of the applicable toxic air contaminant(s) in the soil; the background concentration(s) of the applicable toxic air contaminant(s); the volume of the soil with applicable toxic air contaminant(s); the distance to a residence, park, or school;

meteorological data; data provided by the owner or operator, including risk data, if available; and additional data, including ambient monitoring, if available. ~~Subdivision (i) describes the following situations or activities that would be exempt from PR 1466:~~

- ~~Earth-moving activities of less than 50 cubic yards of soil;~~
- ~~Removing soil for sampling purposes;~~
- ~~Earth-moving activities conducted during emergency life-threatening situations, or in conjunction with any officially declared disaster or state of emergency as declared by an authorized health officer, agricultural commissioner, or fire protection officer. The Executive Officer must be notified within 48 hours of emergency earth-moving activities and the notification must include a written emergency declaration from the authorized officer;~~
- ~~Earth-moving activities conducted by essential service utilities to provide electricity, natural gas, telephone, water or sewer during periods of service outages and emergency disruptions; and~~
- ~~Any contractor subsequent to the time the contract ends, as long as the contractor implemented the required control measures during the contractual period.~~

Earth-moving activities performed within enclosures vented to approve air pollution control equipment shall be exempt from all requirements except:

- Subparagraph (e)(3)(C) - the track-out provision;
- Subparagraph (e)(3)(D) - cleaning the trucks prior to leaving the site;
- Subparagraph (e)(3)(E) - vehicle egress measures;
- Subparagraph (e)(5)(D) - on-site freeboard;
- Subparagraph (e)(5)(E) - tarping truck and trailer;
- Subdivision (g) - signage requirements; and
- Subdivision (h) recordkeeping requirements.

Fugitive dust emissions will not be significant if activities are limited to only excavation of less than 500 cubic yards and directly loaded. Also, the timeframe for excavating this volume of soil may be approximately one week. Sites will be exempt from monitoring, fencing, on-site dust control supervisor, stabilizing during periods of inactivity and signage requirements, but must employ the remaining dust control measures. Therefore, earth-moving activities consisting only of excavation activities of soil with applicable toxic air contaminants of less than 500 cubic yards and directly loaded into trucks shall be exempt from all requirements except:

- Paragraph (e)(2) - adequately wet soil;
- Paragraph (e)(3) - vehicles;
- Paragraph (e)(4) – stockpiles;
- Paragraphs (e)(5) and (e)(6) - truck loading and unloading;
- Paragraph (e)(7) - spilled soil;
- Paragraph (e)(8) - wind speed;
- Paragraph (e)(11) - schools, early education centers, and joint use agreement properties;
- Subdivision (f) - notification requirements;
- Subdivision (h) - recordkeeping requirements; and
- Subdivision (i) - Executive Officer designated sites.

Earth-moving activities conducted during emergency life-threatening situations, or in conjunction with any officially declared disaster or state of emergency as declared by an authorized health officer, agricultural commissioner, or fire protection officer shall be exempt for all requirements. The Executive Officer must be notified within 48 hours of emergency earth-moving activities and the notification must include a written emergency declaration from the authorized officer. Similarly, earth-moving activities conducted by essential service utilities to provide electricity, natural gas, telephone, water or sewer during periods of service outages and emergency disruptions are also exempt for all requirements. The Executive Officer shall be notified within 48 hours following such earth-moving activities.

CHAPTER 2

ENVIRONMENTAL CHECKLIST

INTRODUCTION

The environmental checklist provides a standard evaluation tool to identify a project's potential adverse environmental impacts. This checklist identifies and evaluates potential adverse environmental impacts that may be created by the proposed project.

GENERAL INFORMATION

Project Title:	PR 1466 – Control of Particulate Emissions from Soils with Toxic Air Contaminants
Lead Agency Name:	South Coast Air Quality Management District
Lead Agency Address:	21865 Copley Drive Diamond Bar, CA 91765
CEQA Contact Person:	Mr. Sam Wang (909) 396-2649
PR 1466 Contact Person	Ms. Uyen-Uyen Vo (909) 396-2238
Project Sponsor's Name:	South Coast Air Quality Management District
Project Sponsor's Address:	21865 Copley Drive Diamond Bar, CA 91765
General Plan Designation:	Not applicable
Zoning:	Not applicable
Description of Project:	SCAQMD staff has developed Proposed Rule (PR) 1466 to establish requirements to minimize off-site fugitive particulate matter (PM10) emissions that contain certain toxic air contaminants (TACs) from earth-moving activities at sites within SCAQMD jurisdiction that have been designated ~~as cleanup sites~~ by the United States Environmental Protection Agency (U.S. EPA), the California Department of Toxic Substances Control (DTSC), the California Environmental Protection Agency's (CalEPA's) State Water Resources Control Board or Regional Water Quality Control Board. Thus, some sites that may be affected by PR 1466 may also be identified on lists compiled by the DTSC per Government Code § 65962.5. PR 1466 requirements would also apply to any site conducting earth-moving activities that is identified by the SCAQMD's Executive Officer ~~as having soil that contains certain TACs at levels exceeding soil cleanup thresholds~~. PR 1466 establishes a PM10 ambient dust limit and dust control measures at PR 1466 applicable sites, and would require notification to the Executive Officer when cleanup operations begin or PM10 emission limits are not met. PR 1466 applicable sites will be required to install and maintain signage to inform the community and discourage unauthorized access. PR 1466 also includes additional

	requirements to limit cleanup activities for sites at schools and early education centers. In situations where additional regulatory flexibility is necessary, PR 1466 allows alternative dust control measures if approved by the Executive Officer. While the reduction of TACs and PM10 will be expected to create an environmental benefit, the activities that site operators may undertake to comply with PR 1466 may also create secondary adverse environmental impacts. However, analysis of PR 1466 in the Draft EA did not result in the identification of any environmental topic areas that would be significantly adversely affected
Surrounding Land Uses and Setting:	Various
Other Public Agencies Whose Approval is Required:	Not applicable

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The following environmental impact areas have been assessed to determine their potential to be affected by the proposed project. As indicated by the checklist on the following pages, environmental topics marked with an "✓"involve at least one impact that is a "Potentially Significant Impact". An explanation relative to the determination of impacts can be found following the checklist for each area.

☐ Aesthetics	☐ Geology and Soils	☐ Population and Housing
☐ Agriculture and Forestry Resources	☐ Hazards and Hazardous Materials	☐ Public Services
☐ Air Quality and Greenhouse Gas Emissions	☐ Hydrology and Water Quality	☐ Recreation
☐ Biological Resources	☐ Land Use and Planning	☐ Solid and Hazardous Waste
☐ Cultural Resources	☐ Mineral Resources	☐ Transportation and Traffic
☐ Energy	☐ Noise	☐ Mandatory Findings of Significance

DETERMINATION

On the basis of this initial evaluation:

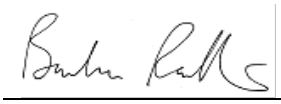
☑ I find the proposed project, in accordance with those findings made pursuant to CEQA Guideline § 15252, COULD NOT have a significant effect on the environment, and that an ENVIRONMENTAL ASSESSMENT with no significant impacts has been prepared.

☐ I find that although the proposed project could have a significant effect on the environment, there will NOT be significant effects in this case because revisions in the project have been made by or agreed to by the project proponent. An ENVIRONMENTAL ASSESSMENT with no significant impacts will be prepared.

☐ I find that the proposed project MAY have a significant effect(s) on the environment, and an ENVIRONMENTAL ASSESSMENT will be prepared.

☐ I find that the proposed project MAY have a "potentially significant impact" on the environment, but at least one effect: 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards; and, 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL ASSESSMENT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects: 1) have been analyzed adequately in an earlier ENVIRONMENTAL ASSESSMENT pursuant to applicable standards; and, 2) have been avoided or mitigated pursuant to that earlier ENVIRONMENTAL ASSESSMENT, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Date: May 12, 2017 **Signature:** 

Barbara Radlein
Program Supervisor, CEQA Special Projects
Planning, Rules, and Area Sources

ENVIRONMENTAL CHECKLIST AND DISCUSSION

As discussed in Chapter 1, the main focus of PR 1466 is to reduce toxic PM10 emissions from earth-moving activities at sites with soils that contain any of the following TACs: arsenic, asbestos, cadmium, hexavalent chromium, lead, mercury, nickel, or PCBs. PR 1466 establishes dust control measures to minimize off-site fugitive particulate matter emissions that contain the Applicable TACs from earth-moving activities at sites where either the U.S. EPA, DTSC, State Water Board, Regional Water Board, or SCAQMD have determined that one or more of the Applicable TACs are contained in the soil where earth -moving activities are occurring. However, implementation of PR 1466 itself would not cause any soil cleanup activities.

PR 1466 has been evaluated relative to each of the 17 environmental topics identified in the following environmental checklist. Several requirements in PR 1466 would not be expected to cause any physical changes that that could have secondary adverse environmental effects. For example, requirements to keep records, provide notifications and post signage are administrative or procedural in nature and would not be expected to create any secondary adverse environmental effects.

PR 1466 also contains requirements that may cause physical activities to occur at sites affected by the proposed rule and these activities may create secondary adverse environmental impacts. For example, PR 1466 contains fugitive dust control measures and would require monitoring of ambient PM10 emissions at ~~a cleanup~~ the site. Thus, the analysis in this EA focuses on the potential secondary adverse environmental impacts associated with implementing the fugitive dust control measures and conducting monitoring. It is important to note, that some of these fugitive dust control measures may already be required and implemented pursuant to Rule 403 as Rule 403 provides a series of suggested fugitive dust mitigation measures for certain sites. To evaluate these impacts, the following assumptions were relied upon in the foregoing analyses:

- Implementation of the fugitive dust control measures during earth-moving activities at the ~~cleanup~~ sites are treated as construction activities because: 1) the cleanup activities are typically short-term (e.g., less than one year) by nature and involve earth-moving activities such as land clearing, excavation, grading, stockpiling, and trenching; and 2) the cleanup activities involve mobile off-road equipment typically associated with construction. PR 1466 is assumed to not have operational activities because once the cleanup activities are completed, the land is either left vacant or developed with its own construction of buildings or other structures for some eventual operational use at a future time. These actions after the cleanup will require their own CEQA evaluation and are not analyzed here since these actions are not foreseeable and are not ~~part of~~required by PR 1466. Therefore, the benefits and impacts from implementing PR 1466 are expected to occur only during construction with no environmental impacts occurring during operation.

- SCAQMD staff estimates up to ten ~~soil cleanup~~ sites per year will be subject to PR 1466 and up to six sites will have soil cleanup activities occurring on a peak day.

- While there are other rules that may be applicable to ~~soil cleanup~~ the sites concurrent with implementing PR 1466, specific to PR 1466, the analysis assumes that each of the six sites will have an additional two water trucks, one compliance supervisor vehicle, and one monitoring vehicle~~s~~ on a peak day. In addition, the analysis includes the assumption that

there will be two trucks to deliver fencing/windscreen materials and one truck to deliver tarps (plastic sheeting) for covering stockpiles occurring on the same peak day.

- All trucks are instate construction heavy trucks (T6 trucks) and all vehicles are light duty automobiles (LDA)

- Each LDA, delivery truck, and water truck are assumed to travel up to 40 miles (one round trip), 40 miles (one round trip), and 20 miles (five round trips), respectively.

- The Gross Vehicle Weight (GVW) for each water truck is assumed to be 52,000 pounds and is assumed to have the capacity to carry 4,000 gallons of water.

- Each water truck is assumed to make five round trips and distribute up to 20,000 gallons of water over the ~~cleanup~~ site on a peak day.

- Since most sites will complete their cleanup/earth-moving activities in three months, the analysis assumes that the cleanup activities will occur over 65 working days for each site.

- SCAQMD staff estimates that up to half of the sites will need new fencing/windscreen and tarps (plastic sheeting) while the remainder are expected to have these features in place due to requirements imposed by other non-SCAQMD rules/regulations.

		Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
I.	**AESTHETICS.** Would the project:				
a)	Have a substantial adverse effect on a scenic vista?	☐	☐	☑	☐
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☑	☐
c)	Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☑	☐
d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☐	☑

Significance Criteria

The proposed project impacts on aesthetics will be considered significant if:

- The project will block views from a scenic highway or corridor.
- The project will adversely affect the visual continuity of the surrounding area.
- The impacts on light and glare will be considered significant if the project adds lighting which would add glare to residential areas or sensitive receptors.

Discussion

PR 1466 will reduce particulate emissions from soils with the Applicable TACs by implementing fugitive dust control measures from earth-moving activities at sites that have been determined to contain the Applicable TACs by U.S. EPA, DTSC, State Water Board, Regional Water Board, or the SCAQMD's Executive Officer. Facilities affected by PR 1466 are located in existing industrial, commercial, residential, other or mixed land use areas. PR 1466 establishes a PM10 ambient dust limit and dust control measures at ~~cleanup~~ the sites, and would require notification to the Executive Officer when earth-moving activities begin or PM10 emission limits are not met. Sites affected by PR 1466 will be required to install and maintain signage to inform the community and discourage unauthorized access. PR 1466 also includes additional requirements to limit cleanup activities for sites at schools and early education centers.

I. a), b) & c) Less Than Significant Impact. In order for sites to become subject to PR 1466, they must first be designated by a federal, state, or local agency as requiring soil cleanup. Thus, cleanup activities required by these agencies will already involve heavy-duty construction equipment such as tractors, loaders, backhoes, excavators, heavy duty and medium duty trucks for hauling, material delivery and spraying water, and worker vehicles and most of the equipment and activities occur within the confines of each ~~cleanup~~ affected site with some activities occurring at the entry/exit points. For implementation~~ing~~ of the dust control measures contained in PR 1466,

some additional water trucks, delivery trucks, and worker vehicles will be needed. As such, because each affected ~~cleanup~~ site will already have an assortment of construction equipment and vehicles on site and going to and from the site throughout the day, the additional water trucks, delivery trucks, and worker vehicles that may be needed to implement PR 1466 are not expected to be substantially discernable from any of the other equipment or vehicles that may already be present on-site for cleanup activities. Further, depending on the location of the site undergoing cleanup activities and depending on where the cleanup activities are occurring within each site ~~property~~, the views of scenic highways or corridors and the visual continuity of the area surrounding the ~~cleanup~~ site may already be adversely affected as part of the existing setting. For this reason, any additional water trucks, delivery trucks and worker vehicles that will be needed to implement PR 1466~~,~~ are not expected to introduce significant visual changes to areas outside each ~~cleanup~~ affected site, if at all, depending on the location of the construction activities within the site.

The dust control measures in PR 1466 have several requirements that may temporarily contribute to the overall appearance of each affected site and its perimeter while cleanup activities are occurring. For example, installation of a windscreen and perimeter fencing may be required to surround the area of the earth-moving activities to provide a wind break, act as containment, provide security, and limit access to unauthorized persons. The windscreen must be at least 6 feet tall and must be as tall as the highest stockpile and must have a porosity of 50%. The windscreen will likely obstruct ~~the~~ views onto the site so that the cleanup activities and equipment on-site may not be visible, or may only be partially visible above the fence, depending on the geography of the site. Since the perimeter fencing will be installed prior to the creation of stockpiles, PR 1466 also restricts the heights of stockpiles on-site so that they cannot exceed the height of the perimeter fencing and windscreen. The perimeter fencing and windscreen are temporary installations since once the cleanup activities are completed (typically within two to three months), the perimeter fencing and windscreen may be removed. Under most ~~of the~~ City and County construction codes throughout the Basin as well as ~~and~~ under SCAQMD's Rule 403 – Fugitive Dust, most of the ~~cleanup~~ affected sites already require fencing for both construction and cleanup activities. Further, if the size of the ~~cleanup~~ site is small, the installation of fencing with a windbreak at a ~~cleanup~~ site may qualify for an exemption from CEQA pursuant to CEQA Guideline § 15330 - Minor Actions To Prevent, Minimize, Stabilize, Mitigate Or Eliminate The Release Or Threat Of Release Of Hazardous Waste Or Hazardous Substances. For these reasons, the installation of fencing with windscreens and limitations on~~ing~~ the heights of stockpiles required as part of the implementation~~ing~~ of the dust control measures in PR 1466, are not expected to introduce new permanent significant visual changes to areas outside each ~~cleanup~~ site.

In addition, PR 1466 requires each affected site to have signs posted at all entrances with contact phone numbers and limit vehicle speeds to 15 mph. Again, under most ~~of the~~ City and County construction codes throughout the Basin, an assortment of other types of signage is required for construction ~~and cleanup~~ sites. As such, the additional signage requirements in PR 1466 are expected to comply with city and county ordinances and are not expected are not expected to introduce new permanent significant visual changes to areas outside each ~~cleanup~~ site.

To prevent bulk materials that are being hauled off of any ~~cleanup~~ affected site from creating a visibility problem, prior to leaving the site PR 1466 contains requirements for truck operators to clean the bulk material from their trucks, trailers, and tires including each vehicle egress from the site to a paved public road shall employ at least one of the following measures: 1) install a pad that consists of washed gravel (minimum-size: one inch) to a depth of at least six inches, a width

of at least 30 feet wide, and at length of at least 50 feet; 2) pave the surface so that it extends at least 100 feet from the property line and is at least 20 feet wide; 3) utilize a wheel shaker or wheel spreading device that consists of raised dividers (rails, pipe, or grates) at least 24 feet long and 10 feet wide; or 4) install and utilize a wheel washing system to remove bulk material from tires and vehicle undercarriages. Any track out created shall not extend more than 25 feet from the property line and must be removed using a high efficiency particulate arrestor (HEPA) vacuum at the end of each day. Because these track out measures would be expected to prevent visible emissions from being generated, no new permanent significant visual changes to areas outside each ~~cleanup~~ affected site are expected to occur.

While PR 1466 is designed to apply to sites that are already conducting earth-moving activities, PR 1466 does not require soil cleanup or earth-moving activities to occur. The additional equipment needed on site to implement PR 1466 (e.g., water trucks, delivery trucks and worker vehicles) are in addition to the equipment that is already present for the earth-moving activities as part of the baseline. The construction activities as a result of PR 1466 are expected to be temporary in nature and will cease following completion of the cleanup of soils contaminated with Applicable TACs. Once the cleanup is completed, all construction equipment, including the vehicles needed to implement PR 1466, will be removed from each site.

PR 1466 imposes limits on ambient PM10 concentration levels and fugitive dust emission control requirements. To that extent, toxic and PM10 emission reductions are achieved through PR 1466, and, thus, improvements in visibility would also be expected to occur as fugitive dust control measures are implemented. Better visibility will be expected to improve the existing visual character or quality of areas in the vicinity of affected ~~cleanup~~ sites.

Finally, PR 1466 contains provisions that would allow the SCAQMD's Executive Officer to exercise discretion and evaluate any project site on a case-by-case basis to adjust the dust mitigation requirements, including the perimeter fencing and signage requirements ~~accordingly~~. Because PR 1466 contains this flexibility, the SCAQMD is committed to work with the any applicable local, state and federal agencies that may be involved to minimize or prevent block views from a scenic highway or corridor and avoid visual continuity of the surrounding area. Therefore, less than significant impacts are anticipated overall from implementing the various dust control measures contained in PR 1466.

~~Therefore, b~~Based on the foregoing analysis, implementing PR 1466 would not be expected to damage, degrade, or obstruct scenic resources and the existing visual character of any site in the vicinity of affected sites.

I. d) No Impact. There are no components in PR 1466 that would require construction activities to occur at night. Further, cities and counties typically have their own limitations and prohibitions that restrict construction from occurring during evening hours and weekends. Therefore, no additional temporary construction lighting at the ~~cleanup~~ affected sites would be expected or caused by PR 1466. Therefore, the proposed project is not expected to create a new source of substantial light or glare at any of the affected ~~cleanup~~ sites in a manner that would adversely affect day or nighttime views in the surrounding areas.

Conclusion

Based upon these considerations, significant adverse aesthetics impacts are not expected from implementing PR 1466. Since no significant aesthetics impacts were identified, no mitigation measures are necessary or required.

		Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
II.	**AGRICULTURE AND FORESTRY RESOURCES.** Would the project:				
a)	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland mapping and Monitoring Program of the California Resources Agency, to non- agricultural use?	☐	☐	☐	☑
b)	Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☑
c)	Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code § 12220(g)), timberland (as defined by Public Resources Code § 4526), or timberland zoned Timberland Production (as defined by Government Code § 51104(g))?	☐	☐	☐	☑
d)	Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☑

Significance Criteria

Project-related impacts on agriculture and forestry resources will be considered significant if any of the following conditions are met:

- The proposed project conflicts with existing zoning or agricultural use or Williamson Act contracts.
- The proposed project will convert prime farmland, unique farmland or farmland of statewide importance as shown on the maps prepared pursuant to the farmland mapping and monitoring program of the California Resources Agency, to non-agricultural use.
- The proposed project conflicts with existing zoning for, or causes rezoning of, forest land (as defined in Public Resources Code § 12220(g)), timberland (as defined in Public Resources Code § 4526), or timberland zoned Timberland Production (as defined by Government Code § 51104(g)).
- The proposed project would involve changes in the existing environment, which due to their location or nature, could result in conversion of farmland to non-agricultural use or conversion of forest land to non-forest use.

Discussion

PR 1466 will reduce particulate emissions from soils with the Applicable TACs by implementing fugitive dust control measures from earth-moving activities at sites that have been determined to contain the Applicable TACs by U.S. EPA, DTSC, State Water Board, Regional Water Board, or the SCAQMD's Executive Officer. Facilities affected by PR 1466 are located in existing industrial, commercial, residential, other or mixed land use areas. PR 1466 establishes a PM10 ambient dust limit and dust control measures at ~~cleanup~~ the sites, and would require notification to the Executive Officer when earth-moving activities begin or PM10 emission limits are not met. Sites affected by PR 1466 will be required to install and maintain signage to inform the community and discourage unauthorized access. PR 1466 also includes additional requirements to limit cleanup activities for sites at schools and early education centers.

II. a), b), c), & d) No Impact. The ~~cleanup~~ affected sites that may be subject to PR 1466 may be located in existing industrial, commercial, residential, or mixed land use areas within the Basin. Because of the types of TACs that would be found in the contaminated soil at any affected site subject to PR 1466, each affected ~~cleanup~~ site is not expected to be located on or near areas zoned for agricultural, forestry or timberland use, Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland mapping and Monitoring Program of the California Resources Agency. Further, while PR 1466 would require the installation of temporary perimeter fencing, windscreens, and signage, PR 1466 would not require the construction of any permanent new buildings or other structures. Thus, implementation of PR 1466 would not require the conversion of existing farmland to non-agricultural use, conversion of forest land to non-forest use, conflict with zoning for agricultural use or a Williamson Act contract, or conflict with existing zoning for, or cause rezoning of, forest land or timberland. Since the compliance activities that would occur as a result of implementing PR 1466 would occur within the existing boundaries of each affected site, there are no provisions in PR 1466 that would affect land use plans, policies, or regulations. Land use and other planning considerations are determined by local governments and no land use or planning requirements relative to agricultural or forestry/timberland resources would be altered by the proposed project. Therefore, the proposed project is not expected to result in converting farmland to non-agricultural use, or conflict with existing zoning for agricultural use, or a Williamson Act contract. Further, the proposed project is not expected to conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code § 12220(g)), timberland (as defined by Public Resources Code § 4526), or timberland zoned Timberland Production (as defined by Government Code § 51104(g)) or result in the loss of forest land or conversion of forest land to non-forest use.

Consequently, the proposed project would not create any significant adverse agriculture or forestry resources impacts.

Conclusion

Based upon these considerations, significant adverse agriculture and forestry resources impacts are not expected from implementing PR 1466. Since no significant agriculture and forestry resources impacts were identified, no mitigation measures are necessary or required.

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
III. AIR QUALITY AND GREENHOUSE GAS EMISSIONS. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☑
b) Violate any air quality standard or contribute to an existing or projected air quality violation?	☐	☐	☑	☐
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?	☐	☐	☑	☐
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☑	☐
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☑	☐
f) Diminish an existing air quality rule or future compliance requirement resulting in a significant increase in air pollutant(s)?	☐	☐	☑	☐
g) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☑	☐
h) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☑	☐

Significance Criteria

To determine whether or not air quality and greenhouse gas impacts from implementing PR 1466 are significant, impacts will be evaluated and compared to the criteria in Table 2-1. PR 1466 will be considered to have significant adverse impacts if any one of the thresholds in Table 2-1 are equaled or exceeded.

Table 2-1
SCAQMD Air Quality Significance Thresholds

Mass Daily Thresholds [a]		
Pollutant	**Construction** [b]	**Operation** [c]
NO_x	100 lbs/day	55 lbs/day
VOC	75 lbs/day	55 lbs/day
PM_{10}	150 lbs/day	150 lbs/day
$PM_{2.5}$	55 lbs/day	55 lbs/day
SO_x	150 lbs/day	150 lbs/day
CO	550 lbs/day	550 lbs/day
Lead	3 lbs/day	3 lbs/day
Toxic Air Contaminants (TACs), Odor, and GHG Thresholds		
TACs (including carcinogens and non-carcinogens)	Maximum Incremental Cancer Risk ≥ 10 in 1 million Cancer Burden > 0.5 excess cancer cases (in areas ≥ 1 in 1 million) Chronic & Acute Hazard Index ≥ 1.0 (project increment)	
Odor	Project creates an odor nuisance pursuant to SCAQMD Rule 402	
GHG	10,000 MT/yr CO_2eq for industrial facilities	
Ambient Air Quality Standards for Criteria Pollutants [d]		
NO_2 1-hour average annual arithmetic mean	SCAQMD is in attainment; project is significant if it causes or contributes to an exceedance of the following attainment standards: 0.18 ppm (state) 0.03 ppm (state) and 0.0534 ppm (federal)	
PM_{10} 24-hour average annual average	10.4 μg/m^3 (construction)[e] & 2.5 μg/m^3 (operation) 1.0 μg/m^3	
$PM_{2.5}$ 24-hour average	10.4 μg/m^3 (construction)[e] & 2.5 μg/m^3 (operation)	
SO_2 1-hour average 24-hour average	0.25 ppm (state) & 0.075 ppm (federal – 99th percentile) 0.04 ppm (state)	
Sulfate 24-hour average	25 μg/m^3 (state)	
CO 1-hour average 8-hour average	SCAQMD is in attainment; project is significant if it causes or contributes to an exceedance of the following attainment standards: 20 ppm (state) and 35 ppm (federal) 9.0 ppm (state/federal)	
Lead 30-day Average Rolling 3-month average	1.5 μg/m^3 (state) 0.15 μg/m^3 (federal)	

[a] Source: SCAQMD CEQA Handbook (SCAQMD, 1993)
[b] Construction thresholds apply to both the South Coast Air Basin and Coachella Valley (Salton Sea and Mojave Desert Air Basins).
[c] For Coachella Valley, the mass daily thresholds for operation are the same as the construction thresholds.
[d] Ambient air quality thresholds for criteria pollutants based on SCAQMD Rule 1303, Table A-2 unless otherwise stated.
[e] Ambient air quality threshold based on SCAQMD Rule 403.

KEY: lbs/day = pounds per day ppm = parts per million μg/m^3 = microgram per cubic meter ≥ = greater than or equal to
MT/yr CO_2eq = metric tons per year of CO_2 equivalents > = greater than

Revision: March 2015

Discussion

PR 1466 will reduce particulate emissions from soils with the Applicable TACs by implementing fugitive dust control measures from earth-moving activities at sites that have been determined to contain the Applicable TACs by U.S. EPA, DTSC, State Water Board, Regional Water Board, or the SCAQMD's Executive Officer. Facilities affected by PR 1466 are located in existing industrial, commercial, residential, other or mixed land use areas. PR 1466 establishes a PM10 ambient dust limit and dust control measures at ~~cleanup~~ the sites, and would require notification to the Executive Officer when earth-moving activities begin or PM10 emission limits are not met. Sites affected by PR 1466 will be required to install and maintain signage to inform the community and discourage unauthorized access. PR 1466 also includes additional requirements to limit cleanup activities for sites at schools and early education centers.

III. a) No Impact. The SCAQMD is required by law to prepare a comprehensive AQMP which includes strategies (e.g., control measures) to reduce emission levels to achieve and maintain state and federal ambient air quality standards in areas under the SCAQMD's jurisdiction, and to ensure that new sources of emissions are planned and operated to be consistent with the SCAQMD's air quality goals. The AQMP's air pollution reduction strategies include control measures which target stationary, area, mobile, and indirect sources. These control measures are based on feasible methods of attaining ambient air quality standards. Pursuant to the provisions of both the state and federal Clean Air Acts, the SCAQMD is also required to attain the state and federal ambient air quality standards for all criteria pollutants.

The most recent regional blueprint for how the SCAQMD will achieve air quality standards and healthful air is outlined the Final 2016 AQMP which contains multiple goals promoting reductions of criteria air pollutants, greenhouse gases, and toxics. Relative to toxics emissions, more information obtained from the Final 2016 AQMP about soil cleanup sites indicating that more fugitive dust controls are needed to address fugitive toxic particulate emissions, especially metal particulates. Since heavy metals, such as arsenic, cadmium, hexavalent ~~chrome~~chromium, lead, mercury, and nickel have high relative risks compared to other toxics and can create health problems from ingestion, dermal exposure, and through consumption of breast-milk, the Final 2016 AQMP contains air toxics control strategy TXM-04 - Control of Toxic Metal Particulate Emissions from Contaminated Soil, to specifically address reducing particulate emissions with certain TACs at sites conducting soil cleanup activities. PR 1466 has been developed to implement TXM-04 by establishing dust control measures that can be applied during earth-moving activities at soil cleanup sites to minimize the re-entrainment of toxic particulates from soil containing any of the following TACs: arsenic, asbestos, cadmium, hexavalent chromium, lead, mercury, nickel, and/or PCBs. Thus, consistent with the goals of the Final 2016 AQMP, PR 1466, once implemented, is expected to reduce PM and TAC emissions as well as reduce the associated health risks affecting neighboring businesses and residents. Further, because implementing PR 1466 to reduce PM and TAC emissions from earth-moving activities at ~~cleanup~~ the sites would implement the control strategy TXM-04, PR 1466 would not be expected to conflict with or obstruct implementation of the Final 2016 AQMP. Since no significant impacts were identified for this issue, no mitigation measures are necessary or required.

III. b) and f) Less Than Significant Impact.

Construction Analysis:
The primary source of air quality and greenhouse gas (GHG) impacts that are expected to occur as a result of implementing PR 1466 are from implementing the fugitive dust control measures, monitoring the ambient PM10 emissions, and performing daily supervision and inspections during cleanup activities. It is important to note that the earth-moving activities at the ~~cleanup~~ sites such as land clearing, excavation, grading, stockpiling, and trenching are construction activities and the associated mobile on-road vehicles used by the employees and supervisors are already part of ~~in~~ the baseline or existing setting because PR 1466 will ~~is~~ not cause~~ing~~ the earth-moving activities to occur.

A review of notifications of hazardous site cleanup actions by federal, state, and local regulatory agencies between 2014 and 2016 within SCAQMD's jurisdiction indicates that approximately 25 sites would have been subject to PR 1466 had it existed during that time period. Appendix C contains a list of the cleanup sites between 2014 and 2016 which includes the name, type and acreage of each ~~contaminated~~ site, and the associated environmental concern(s) including the maximum water usages. During the 2014-2016 period, the highest number of active sites undergoing cleanup activities at one time was six and the combined size of the six cleanup sites ~~combined~~ was 27 acres. Of the six sites, two were located on school properties~~y~~. In terms of total acreage undergoing cleanup over ~~in~~ a six-month period, the most active period of time had three sites performing cleanup over 88 acres. Thus, the focus of the analysis in this EA assumes that six sites undergoing simultaneous cleanup activities would be representative of a peak day for the purpose of the conducting a worst-case CEQA analysis.

The total time needed to complete the cleanup will vary depending on the size of the ~~cleanup~~ site and the complexity of the cleanup work. However, based on the previous cleanup projects that are summarized in Appendix B, the actual time needed to complete the cleanup is typically two to three months for most of the sites. Because the activities to implement PR 1466 will need to occur concurrently with the cleanup activities, this analysis assumes that compliance with PR 1466 will also occur over the same time period.

Table 2-2 summarizes the baseline/existing setting activities of any affected ~~cleanup~~ site and the key requirements in PR 1466 that may cause new physical actions to occur that have the potential to create secondary adverse air quality and GHG emission impacts.

Table 2-2
Sources of Potential Secondary Adverse Air Quality and GHG Impacts from Implementing PR 1466

PR 1466 Requirements	Baseline/Existing Physical Actions Occurring During Cleanup without PR 1466	Physical Actions Anticipated due to PR 1466	Sources of Potential Secondary Adverse Air Quality and GHG Impacts
Fencing, Windscreen, and Plastic Sheeting	Fencing and windscreen are required at most ~~cleanup~~ sites due to existing city or~~,~~ county regulations as well as ~~, or~~ other SCAQMD rules (e.g., Rule 403).	Fencing and windscreen installation for the ~~cleanup~~ affected sites that are not required by other city, county, or SCAQMD rules; and Plastic sheeting (tarps) apply to the stockpiles.	Emissions from truck delivering fencing/windscreen materials and plastic sheeting (tarps) materials.
Fugitive Dust Control Measures	Workers use water trucks to ensure the working areas are adequately wet and chemically stabilized during earth-moving activities, such as land clearing, excavation, grading, stockpiling, and trenching. Off-road construction equipment will be used for earth-moving activities during cleanup.	Workers to use additional water trucks to ensure the working areas are adequately wet and chemically stabilized during earth-moving activities. No additional off-road construction equipment will be required due to PR 1466.	1. Emissions from water trucks working on ~~cleanup~~ affected site; 2. Emissions from trucks delivering water to ~~cleanup~~ the site; and 3. Emissions from workers' vehicles commuting to/from ~~cleanup~~ site.
Monitoring, Supervision and Inspection	Workers to conduct supervision and inspection on vehicle control, earth-moving control, stockpile control and truck loading controls pursuant to city, county, or other SCAQMD rules, general construction management, and/or safety requirements.	Additional workers may be needed to conduct hourly monitoring for PM10 emissions and meteorological monitoring Additional workers may be needed to implement daily supervision and inspection on vehicle control, earth-moving control, stockpile control and truck loading controls.	1. Emissions from vehicles used as part of conducting monitoring and inspection of ~~cleanup~~ the site 2. Emissions from workers' vehicles commuting to/from ~~cleanup~~ the site

The following summarizes the assumptions that have been made to estimate the secondary air quality and GHG impacts from implementing PR 1466:

- SCAQMD staff estimates up to ten ~~soil cleanup~~ sites per year will be subject to PR 1466 and up to six sites will have soil cleanup activities occurring on a peak day.

- While there are other rules that may be applicable to ~~soil cleanup~~affected sites concurrent with implementing PR 1466, specific to PR 1466, the analysis assumes that each of the six sites will have an additional two water trucks, one compliance supervisor vehicle, and one monitoring vehicle~~s~~ on a peak day. In addition, the analysis includes the assumption that there will be two trucks to deliver fencing/windscreen materials and one truck to deliver tarps (plastic sheeting) for covering stockpiles occurring on the same peak day.

- All trucks are instate construction heavy trucks (T6 trucks) and all vehicles are light duty automobiles, (LDA).

- Each LDA, delivery truck, and water truck are assumed to travel up to 40 miles (one round trip), 40 miles (one round trip), and 20 miles (five round trips), respectively.

- The Gross Vehicle Weight (GVW) for each water truck is assumed to be 52,000 pounds and is assumed to have the capacity to carry 4,000 gallons of water.

- Each water truck is assumed to make five round trips and distribute up to 20,000 gallons of water over the ~~cleanup~~ affected site on a peak day.

- Since most sites will complete their cleanup/earth-moving activities in three months, the analysis assumes that the cleanup activities will occur over 65 working days for each site.

- SCAQMD staff estimates that up to half of the sites will need new fencing/windscreen and tarps (plastic sheeting) while the remainder are expected to have these features in place due to requirements imposed by other non-SCAQMD rules/regulations.

- Emissions from the mobile on-road and off-road vehicles will be compared to the SCAQMD's air quality significance thresholds for construction.

The criteria pollutant emissions were estimated for all on-road vehicles transporting workers, delivery trucks, and water trucks travelling using the data generated from CARB's EMFAC2014, methods from U.S. EPA AP-42, and the assumptions from California Emissions Estimator Model[9]® version 2016.3.1 (CalEEMod). Appendix B contains the assumptions used and results of this analysis.

Table 2-3 summarizes the peak daily criteria pollutant emissions associated with construction activities occurring at all six ~~cleanup~~ sites.

[9] CalEEMod is a statewide land use emissions computer model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify potential criteria pollutant and GHG emissions associated with both construction and operations from a variety of land use projects.

Table 2-3
Peak Daily Construction Emissions

Key Requirements	VOC (lb/day)	NOx (lb/day)	CO (lb/day)	SOx (lb/day)	PM10 (lb/day)	PM2.5 (lb/day)
Fencing, windscreen, and plastic sheeting[a]	0.06	1.55	0.17	0.003	0.60	0.18
Fugitive Dust Control Measures	0.11	3.21	0.37	0.006	17.11	1.79
Monitoring, Supervision and Inspection	0.03	0.10	1.17	0.004	0.21	2.15
Total[a]	0.20	4.86	1.71	0.01	17.92	4.11
SIGNIFICANCE THRESHOLD DURING CONSTRUCTION	75	100	550	150	150	55
SIGNIFICANT?	**NO**	**NO**	**NO**	**NO**	**NO**	**NO**

Notes:
[a.] Total daily emission calculations are based on the emissions from 12 diesel water trucks, 3 diesel delivery trucks, and 12 gasoline vehicles at all six sites. See Appendix B for the detailed calculations.

Therefore, as shown in Table 2-3, the peak daily construction emissions for the criteria pollutants that may occur as a result of implementing PR 1466 are less than the air quality significance thresholds for construction. Thus, the proposed project is not expected to result in significant adverse criteria pollutant emission impacts during construction.

Since the cleanup activities and the associated activities with implementing PR 1466 only involve equipment fueled by either diesel or gasoline, no electricity consumption is expected to occur from implementing PR 1466. Thus, there will be no secondary air quality and GHG impacts from electricity generation or consumption during construction.

Toxic Air Contaminants During Construction

The analysis assumes that a relatively small quantity of diesel-fueled on-road vehicles may be utilized on a peak day to implement PR 1466. Diesel particulate matter (DPM) is considered a carcinogen and has chronic non-cancer effects. Since the use of diesel-fueled vehicles is a small number per affected site (e.g., 12 water trucks and 3 delivery trucks) and will only occur over a short-term 65 working days (less than six months), a Health Risk Assessment (HRA) was not conducted. For these reasons, the amount of DPM to be generated on a peak day is expected to be less than significant.

Since the type of contamination at ~~cleanup~~ the sites can vary widely from site to site, staff is unable to predict what the speciation of the contamination may be for future affected sites or quantify the potential reduction of the Applicable TACs (e.g., arsenic, asbestos, cadmium, hexavalent chromium, lead, mercury, nickel, and/or PCBs) that may occur as a result of implementing PR 1466. However, implementation of PR 1466 is expected to create an environmental benefit by reducing baseline TAC impacts from contaminated soils at existing ~~cleanup~~ sites through implementation~~ing~~ of measures to minimize fugitive PM emissions containing certain TACs during soil cleanup activities. Therefore, PR 1466 is not expected to generate significant adverse TAC impacts.

Operational Analysis:
PR 1466 is assumed to not have operational impacts because once the cleanup activities are completed and the soil is stabilized, the land is either left vacant or developed with its own construction of buildings or other structures for some eventual operational use at a future time. Again, any activities that occur at an affected site after cleanup is completed are not assumed to occur as a result of PR 1466. Therefore, the benefits and impacts from implementing PR 1466 are expected to occur only during construction with no environmental impacts occurring during operation.

III. c) Less Than Significant Impact.

Cumulative Impacts

Based on the foregoing analysis, since criteria pollutant project-specific air quality impacts from implementing PR 1466 would not be expected to exceed the air quality significance thresholds during construction in Table 2-1, cumulative air quality impacts are also expected to be less than significant. SCAQMD cumulative significance thresholds are the same as project-specific significance thresholds. Therefore, potential adverse impacts from implementing PR 1466 would not be "cumulatively considerable" as defined by CEQA Guidelines § 15064(h)(1) for air quality impacts. Per CEQA Guidelines § 15064(h)(4), the mere existence of significant cumulative impacts caused by other projects alone shall not constitute substantial evidence that the proposed project's incremental effects are cumulatively considerable.

The SCAQMD guidance on addressing cumulative impacts for air quality is as follows: "As Lead Agency, the SCAQMD uses the same significance thresholds for project specific and cumulative impacts for all environmental topics analyzed in an Environmental Assessment or EIR." "Projects that exceed the project-specific significance thresholds are considered by the SCAQMD to be cumulatively considerable. This is the reason project-specific and cumulative significance thresholds are the same. Conversely, projects that do not exceed the project-specific thresholds are generally not considered to be cumulatively significant."[10]

This approach was upheld by the Court in *Citizens for Responsible Equitable Environmental Development v. City of Chula Vista* (2011) 197 Cal. App. 4th 327, 334. The Court determined that where it can be found that a project did not exceed the SCAQMD's established air quality significance thresholds, the City of Chula Vista properly concluded that the project would not cause a significant environmental effect, nor result in a cumulatively considerable increase in these pollutants. The court found this determination to be consistent with CEQA Guidelines § 15064.7, stating, "The lead agency may rely on a threshold of significance standard to determine whether a project will cause a significant environmental effect." *Id.* The court found that, "Although the project will contribute additional air pollutants to an existing nonattainment area, these increases are below the significance criteria." *Id.* "Thus, we conclude that no fair argument exists that the Project will cause a significant unavoidable cumulative contribution to an air quality impact." *Id.* As in *Chula Vista*, here the SCAQMD has demonstrated, using accurate and appropriate data and assumptions, that the project will not exceed the established SCAQMD significance thresholds.

[10] SCAQMD Cumulative Impacts Working Group White Paper on Potential Control Strategies to Address Cumulative Impacts From Air Pollution, August 2003, Appendix D, Cumulative Impact Analysis Requirements Pursuant to CEQA, at D-3, http://www.aqmd.gov/docs/default-source/Agendas/Environmental-Justice/cumulative-impacts-working-group/cumulative-impacts-white-paper-appendix.pdf.

See also, ***Rialto Citizens for Responsible Growth v. City of Rialto*** (2012) 208 Cal. App. 4th 899. Here again the court upheld the SCAQMD's approach to utilizing the established air quality significance thresholds to determine whether the impacts of a project would be cumulatively considerable. Thus, it may be concluded that the proposed project will not contribute to a significant unavoidable cumulative air quality impact.

III. d) Less than Significant Impact.

Impacts on Sensitive Receptors

The analysis in Section III. b) and f) concluded that the quantity of pollutants that may be generated from implementing the proposed project would be less than significant during construction and would create no impacts during operation. Thus, the quantity of pollutants that may be generated from implementing PR 1466 would not be considered substantial, irrespective of whether sensitive receptors are located near the affected ~~cleanup~~ sites.

Because PR 1466 is applicable to ~~cleanup~~ the sites that are first designated by federal, state or local agencies on a case-by-case basis, SCAQMD staff is unable to predict or forecast whether any ~~designated cleanup~~affected site would be located near one or more sensitive receptors. Therefore, in accordance with CEQA Guidelines § 15145, an evaluation of the proximity of each future ~~designated cleanup~~affected site to sensitive receptors and whether PR 1466 would adversely affect the sensitive receptors is concluded to be speculative and will not be evaluated further in this analysis.

Implementation of PR 1466 is expected to create an environmental benefit by reducing baseline TAC impacts from contaminated soils at existing ~~cleanup~~ sites through implementation~~ing~~ of measures to minimize fugitive PM emissions containing certain TACs during soil cleanup activities. Thus, PR 1466 is not expected to create significant adverse impacts to sensitive receptors. Since no significant impacts were identified for this issue, no mitigation measures are necessary or required.

III. e) Less than Significant Impact.

Odor Impacts

As previously explained, this analysis assumes that an additional 12 diesel-fueled water trucks and 3 delivery trucks will be used intermittently as required for fencing and dust control at each affected ~~cleanup~~ site in response to PR 1466. However, each affected ~~cleanup~~ site will already have other diesel-fueled equipment and vehicles operating on-site during the cleanup activities as part of the existing setting. With regard to odors associated with diesel fuel exhaust, diesel fuel is required to have a low sulfur content (e.g., 15 ppm by weight or less) in accordance with SCAQMD Rule 431.2 – Sulfur Content of Liquid Fuels, which already has the effect of minimizing emissions and odors. The operation of 12 additional water trucks and 3 additional delivery trucks is not expected to significantly contribute to the overall odor profile at any of the affected sites because: 1) the fencing and watering activities will occur within the confines of the existing ~~cleanup~~ sites; and 2) diesel vehicles are typically fitted with air pollution control equipment such as diesel

particulate filters, for example, that may be effective at minimizing odors from the exhaust[11]; and 3) sufficient dispersion of diesel emissions over distance generally occurs such that odors associated with diesel emissions may not be discernable to off-site receptors, depending on the location of the trucks and the other diesel-fueled equipment and vehicles operating on-site and their distance relative to the nearest off-site receptor(s). Further, all diesel vehicles, including the water trucks and delivery trucks, that will be operated at each ~~cleanup~~ affected site will not be allowed to idle longer than five minutes per any one location in accordance with the CARB idling regulation[12], so odors from all of the diesel vehicles would be minimized. Therefore, the intermittent use of 12 additional diesel-fueled water trucks and 3 additional diesel-fueled delivery trucks over ~~up to~~approximately a three-month period would not be expected to significantly contribute to diesel exhaust odors at each affected ~~cleanup~~ site at a level greater than what is already typically present.

Thus, PR 1466 is not expected to create significant adverse objectionable odors above the existing odor profile at each affected ~~cleanup~~ site. Since no significant impacts were identified for this issue, no mitigation measures for odors are necessary or required.

III. g) and h) Less Than Significant Impact.

Greenhouse Gas (GHG) Impacts

Significant changes in global climate patterns have recently been associated with global warming, an average increase in the temperature of the atmosphere near the Earth's surface, attributed to accumulation of GHG emissions in the atmosphere. GHGs trap heat in the atmosphere, which in turn heats the surface of the Earth. Some GHGs occur naturally and are emitted to the atmosphere through natural processes, while others are created and emitted solely through human activities. The emission of GHGs through the combustion of fossil fuels (i.e., fuels containing carbon) in conjunction with other human activities, appears to be closely associated with global warming. State law defines GHG to include the following: carbon dioxide (CO2), methane (CH4), nitrous oxide (N2O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF6) (Health and Safety Code § 38505(g)). The most common GHG that results from human activity is CO2, followed by CH4 and N2O.

Traditionally, GHGs and other global warming pollutants are perceived as solely global in their impacts and that increasing emissions anywhere in the world contribute to climate change anywhere in the world. A study conducted on the health impacts of CO2 "domes" that form over urban areas cause increases in local temperatures and local criteria pollutants, which have adverse health effects[13].

The analysis of GHGs is a different analysis than the analysis of criteria pollutants for the following reasons. For criteria pollutants, the significance thresholds are based on daily emissions because attainment or non-attainment is primarily based on daily exceedances of applicable ambient air

[11] Regulation to Reduce Emissions of Diesel Particulate Matter, Oxides of Nitrogen and Other Criteria Pollutants from In-Use Heavy-Duty Diesel-Fueled Vehicles (including Tier 1 through Tier 4 engines) is in Title 13, California Code of Regulation (CCR), Section 2025. https://www.arb.ca.gov/msprog/onrdiesel/documents/tbfinalreg.pdf

[12] Title 13, California Code of Regulation (CCR), section 2485. https://www.arb.ca.gov/msprog/truck-idling/13CCR2485_09022016.pdf

[13] Jacobsen, Mark Z. "Enhancement of Local Air Pollution by Urban CO2 Domes," Environmental Science and Technology, as describe in Stanford University press release on March 16, 2010 available at: http://news.stanford.edu/news/2010/march/urban-carbon-domes-031610.html.

quality standards. Further, several ambient air quality standards are based on relatively short-term exposure effects on human health (e.g., one-hour and eight-hour standards). Since the half-life of CO2 is approximately 100 years, for example, the effects of GHGs occur over a longer term which means they affect the global climate over a relatively long time frame. As a result, the SCAQMD's current position is to evaluate the effects of GHGs over a longer timeframe than a single day (i.e., annual emissions). GHG emissions are typically considered to be cumulative impacts because they contribute to global climate effects. GHG emission impacts from implementing PR 1466 were calculated at the project-specific level. For example, the analysis assumes that 12 additional diesel-fueled water trucks, 3 additional diesel-fueled delivery trucks, and 12 gasoline-fueled vehicles will be needed to implement PR 1466 and use of these vehicles at the affected ~~cleanup~~ sites has the potential to increase the use of fuel (e.g., gasoline and diesel) which will in turn increase CO2 emissions.

The SCAQMD convened a "Greenhouse Gas CEQA Significance Threshold Working Group" to consider a variety of benchmarks and potential significance thresholds to evaluate GHG impacts. On December 5, 2008, the SCAQMD adopted an interim CEQA GHG Significance Threshold for projects where SCAQMD is the lead agency (SCAQMD 2008). This GHG interim threshold is set at 10,000 metric tons of CO2 equivalent emissions (CO2eq) per year (MT/yr). Projects with incremental increases below this threshold will not be cumulatively considerable.

Table 2-4 summarizes the GHG analysis which shows that PR 1466 may result in the generation of 49 amortized MT/yr of CO2eq emissions[14] from all the additional water trucks, delivery trucks, and other vehicles that may be used at the six sites. The detailed calculations of GHG emissions from implementation of PR 1466 can be found in Appendix B.

Table 2-4
PR 1466 GHG Emissions

Activity	CO2eq (MT/year[a])
Total Project GHG Emissions	49
SIGNIFICANCE THRESHOLD	**10,000**
SIGNIFICANT?	**NO**

[a.] 1 metric ton = 2,205 pounds

Thus, as shown in Table 2-4, the SCAQMD's GHG significance threshold will not be exceeded if PR 1466 is implemented. For this reason, implementing PR 1466 is also not expected to generate significant adverse cumulative GHG air quality impacts. Further, PR 1466 is not expected to generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment or conflict with an applicable plan, policy or regulation[15] adopted for the purpose of reducing the emissions of GHG gases.

[14] GHGs from short-term construction activities are amortized over 30 years. To amortize GHGs from temporary construction activities over a 30-year period (*est. life of the project/ equipment*), the amount of CO2eq emissions during construction are calculated and then divided by 30. Since the construction activities associated with PR 1466 are expected to occur every year in the future, the total project annual amortized emissions is equal to the peak annual GHG emissions during construction.

[15] Including but not limited to California Assembly Bill (AB) 32, SCAQMD Final 2016 AQMP, Southern California Association of Governments (SCAG) 2016 Regional Transportation Plan/ Sustainable Communities Strategy (RTP/SCS), and etc.

Conclusion

Based upon these considerations, significant air quality and GHG emissions impacts are not expected from implementing PR 1466. Since no significant air quality and GHG emissions impacts were identified, no mitigation measures are necessary or required.

		Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
IV.	**BIOLOGICAL RESOURCES.** Would the project:				
a)	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☑
b)	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☑
c)	Have a substantial adverse effect on federally protected wetlands as defined by § 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☑
d)	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☑
e)	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☑
f)	Conflict with the provisions of an adopted Habitat Conservation plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☑

Significance Criteria

Impacts on biological resources will be considered significant if any of the following criteria apply:

- The project results in a loss of plant communities or animal habitat considered to be rare, threatened or endangered by federal, state or local agencies.
- The project interferes substantially with the movement of any resident or migratory wildlife species.
- The project adversely affects aquatic communities through construction or operation of the project.

Discussion

PR 1466 will reduce particulate emissions from soils with the Applicable TACs by implementing fugitive dust control measures from earth-moving activities at sites that have been determined to contain the Applicable TACs by U.S. EPA, DTSC, State Water Board, Regional Water Board, or the SCAQMD's Executive Officer. Facilities affected by PR 1466 are located in existing industrial, commercial, residential, other or mixed land use areas. PR 1466 establishes a PM10 ambient dust limit and dust control measures at ~~cleanup~~ the sites, and would require notification to the Executive Officer when earth-moving activities begin or PM10 emission limits are not met. Sites affected by PR 1466 will be required to install and maintain signage to inform the community and discourage unauthorized access. PR 1466 also includes additional requirements to limit cleanup activities for sites at schools and early education centers.

IV. a), b), c), & d) No Impact. The future ~~cleanup~~ sites that will be affected by PR 1466 are previously developed and established sites that will be designated for cleanup by federal, state, and local regulatory agencies. There are no provisions in PR 1466 that would require earth-moving activities, but rather PR 1466 imposes requirements to minimize toxic fugitive dust if and when earth-moving activities occur during soil cleanup as required by federal, state, and local regulatory agencies. Also, PR 1466 does not require the acquisition of additional land or further conversions of riparian habitats or sensitive natural communities where endangered or sensitive species may be found. Thus, PR 1466 would not be expected to cause a specific disturbance of habitat or have a direct or indirect impact on plant or animal species on land or in water. Also, PR 1466 does not require the development or acquisition of additional land or further conversions of riparian habitats or sensitive natural communities where endangered or sensitive species may be found. Therefore, PR 1466 would have no direct or indirect impacts that could adversely affect plant or animal species or the habitats on which they rely within the SCAQMD's jurisdiction.

IV. e) & f) No Impact. The future ~~cleanup~~ sites that will be affected by PR 1466 are previously developed and established sites that will be designated for cleanup by federal, state, and local regulatory agencies. There are no provisions in PR 1466 that would require earth-moving activities, but rather PR 1466 imposes requirements to minimize toxic fugitive dust if and when earth-moving activities occur during soil cleanup as required by federal, state, and local regulatory agencies. PR 1466 does not require the development or acquisition of additional land. Therefore, PR 1466 is not envisioned to conflict with local policies or ordinances protecting biological resources or local, regional, or state conservation plans. Land use and other planning considerations are determined by local governments and no land use or planning requirements would be altered by implementing PR 1466. Additionally, PR 1466 would not conflict with any

adopted Habitat Conservation Plan, Natural Community Conservation Plan, or any other relevant habitat conservation plan, and would not create divisions in any existing communities because all activities associated with complying with PR 1466 would occur at existing ~~cleanup~~ sites in previously disturbed areas which are not typically subject to Habitat or Natural Community Conservation Plans.

The SCAQMD, as the Lead Agency, has found that, when considering the record as a whole, there is no evidence that implementing of PR 1466 would have potential for any new adverse effects on wildlife resources or the habitat upon which wildlife depends. Accordingly, based upon the preceding information, the SCAQMD has, on the basis of substantial evidence, rebutted the presumption of adverse effect contained in Title 14 of the California Code of Regulations § 753.5(d) - Projects Eligible for a No Effect Determination.

Conclusion

Based upon these considerations, significant biological resource impacts are not expected from implementing PR 1466. Since no significant biological resource impacts were identified, no mitigation measures are necessary or required.

		Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
V.	**CULTURAL RESOURCES.** Would the project:				
a)	Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?	☐	☐	☐	☑
b)	Cause a substantial adverse change in the significance of an archaeological resource as defined in § 15064.5?	☐	☐	☐	☑
c)	Directly or indirectly destroy a unique paleontological resource, site, or feature?	☐	☐	☐	☑
d)	Disturb any human remains, including those interred outside formal cemeteries?	☐	☐	☐	☑
e)	Cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code § 21074?	☐	☐	☐	☑

Significance Criteria

Impacts to cultural resources will be considered significant if:

- The project results in the disturbance of a significant prehistoric or historic archaeological site or a property of historic or cultural significance, or tribal cultural significance to a community or ethnic or social group or a California Native American tribe.
- Unique paleontological resources or objects with cultural value to a California Native American tribe are present that could be disturbed by construction of the proposed project.
- The project would disturb human remains.

Discussion

PR 1466 will reduce particulate emissions from soils with the Applicable TACs by implementing fugitive dust control measures from earth-moving activities at sites that have been determined to contain the Applicable TACs by U.S. EPA, DTSC, State Water Board, Regional Water Board, or the SCAQMD's Executive Officer. Facilities affected by PR 1466 are located in existing industrial, commercial, residential, other or mixed land use areas. PR 1466 establishes a PM10 ambient dust limit and dust control measures at ~~cleanup~~ the sites, and would require notification to the Executive Officer when earth-moving activities begin or PM10 emission limits are not met. Sites affected by PR 1466 will be required to install and maintain signage to inform the community and discourage unauthorized access. PR 1466 also includes additional requirements to limit cleanup activities for sites at schools and early education centers.

V. a), b), c), & d) No Impact. There are existing laws in place that are designed to protect and mitigate potential impacts to cultural resources. For example, the CEQA Guidelines state that generally, a resource shall be considered "historically significant" if the resource meets the criteria for listing in the California Register of Historical Resources, which include the following:

- Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
- Is associated with the lives of persons important in our past;
- Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values;
- Has yielded or may be likely to yield information important in prehistory or history (CEQA Guidelines § 15064.5).

Buildings, structures, and other potential culturally significant resources that are less than 50 years old are generally excluded from listing in the National Register of Historic Places, unless they are shown to be exceptionally important.

The future ~~cleanup~~ sites that will be affected by PR 1466 are previously developed and established sites that will be designated for cleanup by federal, state, and local regulatory agencies. There are no provisions in PR 1466 that would require earth-moving activities, but rather PR 1466 imposes requirements to minimize toxic fugitive dust if and when earth-moving activities occur during soil cleanup as required by federal, state, and local regulatory agencies. Earth-moving activities would occur in areas where there are no existing buildings or structures present. Therefore, PR 1466 would not be expected to affect any cultural or historical buildings and has no potential to cause a substantial adverse change to a historical or archaeological resource, directly or indirectly destroy a unique paleontological resource or site or unique geologic feature, or disturb any human remains, including those interred outside formal cemeteries. Implementation of PR 1466 is, therefore, not anticipated to result in any activities or promote any programs that could have a significant adverse impact on cultural resources within the SCAQMD's jurisdiction.

V. e) No Impact. The future ~~cleanup~~ sites that will be affected by PR 1466 are previously developed and established sites that will be designated for cleanup by federal, state, and local regulatory agencies. There are no provisions in PR 1466 that would require earth-moving activities, but rather PR 1466 imposes requirements to minimize toxic fugitive dust if and when earth-moving activities occur during soil cleanup as required by federal, state, and local regulatory agencies. For these reasons, PR 1466 is not expected to require physical changes to a site, feature, place, cultural landscape, sacred place or object with cultural value to a California Native American Tribe. Furthermore, PR 1466 is not expected to result in a physical change to a resource determined to be eligible for inclusion or listed in the California Register of Historical Resources or included in a local register of historical resources. Thus, PR 1466 is not expected to cause any substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code § 21074.

As part of releasing this CEQA document for public review and comment, the SCAQMD also provided a formal notice of the proposed project to all California Native American Tribes (Tribes) that requested to be on the Native American Heritage Commission's (NAHC) notification list per Public Resources Code § 21080.3.1(b)(1). The NAHC notification list provides a 30-day period

during which a Tribe may respond to the formal notice, in writing, requesting consultation on the proposed project.

In the event that a Tribe submits a written request for consultation during this 30-day period, the SCAQMD will initiate a consultation with the Tribe within 30 days of receiving the request in accordance with Public Resources Code § 21080.3.1(b). Consultation ends when either: 1) both parties agree to measures to avoid or mitigate a significant effect on a Tribal Cultural Resource and agreed upon mitigation measures shall be recommended for inclusion in the environmental document [see Public Resources Code § 21082.3(a)]; or, 2) either party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached [see Public Resources Code § 21080.3.2(b)(1)-(2) and § 21080.3.1(b)(1)].

Conclusion

Based upon these considerations, significant adverse cultural resources impacts are not expected from implementing PR 1466. Since no significant cultural resources impacts were identified, no mitigation measures are necessary or required.

		Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
VI.	**ENERGY.** Would the project:				
a)	Conflict with adopted energy conservation plans?	☐	☐	☐	☑
b)	Result in the need for new or substantially altered power or natural gas utility systems?	☐	☐	☐	☑
c)	Create any significant effects on local or regional energy supplies and on requirements for additional energy?	☐	☐	☐	☑
d)	Create any significant effects on peak and base period demands for electricity and other forms of energy?	☐	☐	☑	☐
e)	Comply with existing energy standards?	☐	☐	☐	☑

Significance Criteria

Impacts to energy resources will be considered significant if any of the following criteria are met:

- The project conflicts with adopted energy conservation plans or standards.
- The project results in substantial depletion of existing energy resource supplies.
- An increase in demand for utilities impacts the current capacities of the electric and natural gas utilities.
- The project uses non-renewable resources in a wasteful and/or inefficient manner.

Discussion

PR 1466 will reduce particulate emissions from soils with the Applicable TACs by implementing fugitive dust control measures from earth-moving activities at sites that have been determined to contain the Applicable TACs by U.S. EPA, DTSC, State Water Board, Regional Water Board, or the SCAQMD's Executive Officer. Facilities affected by PR 1466 are located in existing industrial, commercial, residential, other or mixed land use areas. PR 1466 establishes a PM10 ambient dust limit and dust control measures at ~~cleanup~~ the sites, and would require notification to the Executive Officer when earth-moving activities begin or PM10 emission limits are not met. Sites affected by PR 1466 will be required to install and maintain signage to inform the community and discourage unauthorized access. PR 1466 also includes additional requirements to limit cleanup activities for sites at schools and early education centers.

VI. a), b), c), **& e) No Impact.** The future ~~cleanup~~ sites that will be affected by PR 1466 are previously developed and established sites that will be designated for cleanup by federal, state, and local regulatory agencies. There are no provisions in PR 1466 that would require earth-moving activities, but rather PR 1466 imposes requirements to minimize toxic fugitive dust if and when earth-moving activities occur during soil cleanup as required by the federal, state, and local

regulatory agencies. As such, PR 1466 is not expected to conflict with any adopted energy conservation plans or violate any energy conservation standards because any ~~cleanup~~ affected sites that are subject to PR 1466 would be expected to continue implementing any existing energy conservation plans that are currently in place regardless of whether PR 1466 is implemented. While implementation or PR 1466 will require the use of additional fuel to operate the additional water trucks, delivery trucks and worker vehicles (see Section VI. d for the analysis of these impacts), the use of the additional fuel would not be considered wasteful. For these reasons, PR 1466 would not be expected to conflict with energy conservation plans or existing energy standards, or use non-renewable resources in a wasteful manner. No additional electricity or natural gas will be needed when implementing PR 1466. Therefore, PR 1466 will not result in the need for new or substantially altered power or natural gas utility systems and will not create any significant effects on local or regional energy supplies and on requirements for additional energy.

VI. d) Less Than Significant Impact. The future ~~cleanup~~ sites that will be affected by PR 1466 are previously developed and established sites that will be designated for cleanup by federal, state, and local regulatory agencies. There are no provisions in PR 1466 that would require earth-moving activities, but rather PR 1466 imposes requirements to minimize toxic fugitive dust if and when earth-moving activities occur during soil cleanup as required by federal, state, and local regulatory agencies. Implementation of PR 1466 at each affected ~~cleanup~~ sites is expected to cause an increase the use of diesel fuel and gasoline from the use of 12 additional water trucks, 3 delivery trucks, and 12 additional worker vehicles, but no additional electricity or natural gas will be needed. The following sections evaluate the energy sources and consumption that may be affected by the implementation of PR 1466.

The water trucks are expected to be used to implement the fugitive dust control measures. The delivery trucks are expected to be used to deliver the fence, windscreen, and plastic sheeting and the worker vehicles are expected to be used to transport the additional workers required by PR 1466 to conduct monitoring. To estimate "worst-case" energy impacts from fuel use associated with these vehicles, the SCAQMD staff used the reference[16] of fuel economy from National Highway Traffic Safety Administration (NHTSA) and U.S. EPA Fuel Economy report and estimate the diesel fuel consumptions for heavy duty trucks and gasoline fuel for light duty worker vehicles are approximately 2 and 20 miles per gallon, respectively. The fuel usage per construction worker commute round trips was calculated based on assuming 40 miles round trip to and from the construction ~~cleanup~~ site in one day. It is also assumed each water truck will travel 20 miles per day and each delivery trucks will travel 40 miles per day. As explained previously, a peak construction day is based on six ~~cleanup~~ sites occurring on a given day. Table 2-5 lists the projected energy impacts associated with the construction activities from all ~~cleanup~~ sites. Appendix B contains the assumptions and calculations for estimating fuel usage associated with these activities.

[16] National Highway Traffic Safety Administration (NHTSA) vocational vehicle standards. https://www.dieselnet.com/standards/us/fe_hd.php

Table 2-5
Projected Fuel Usage

Fuel Type	Year 2015 Estimated Basin Fuel Demand[a] (mmgal/yr)	Fuel Usage[b] (mmgal/yr)	Total % Above Baseline	Exceeds Threshold of Significance?[c]
Gasoline	6,783	0.003	0.0004	No
Diesel	756	0.016	0.0021	No

[a] California Annual Retail Fuel Outlet Report Results in 2015, 2015 California Energy Commission (http://www.energy.ca.gov/almanac/transportation_data/gasoline/2015_A15_Results.xlsx). [Accessed April 25, 2017.]
[b] Estimated peak fuel usage from additional water trucks, delivery trucks, and worker vehicles.
[c] SCAQMD's energy threshold for both types of fuel used is 1% of fuel supply.

The 2015 California Annual Retail Fuel Outlet Report Results from the California Energy Commission (CEC) state that 6,783 million gallons of gasoline and 756 million gallons of diesel were consumed in 2015 in the South Coast Air Basin. Thus, if an additional 0.003 million gallons of gasoline and 0.016 million gallons of diesel consumed per year during implementing PR 1466, less than significant adverse impact on fuel supplies would be expected.

Conclusion

Based upon these considerations, significant adverse energy impacts are not expected from implementing PR 1466. Since no significant energy impacts were identified, no mitigation measures are necessary or required.

		Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
VII.	**GEOLOGY AND SOILS.** Would the project:				
a)	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	☐	☐	☐	☑
	• Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?	☐	☐	☐	☑
	• Strong seismic ground shaking?	☐	☐	☐	☑
	• Seismic–related ground failure, including liquefaction?	☐	☐	☐	☑
b)	Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☑
c)	Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	☑
d)	Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☐	☑
e)	Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☑

Significance Criteria

Impacts on the geological environment will be considered significant if any of the following criteria apply:

- Topographic alterations would result in significant changes, disruptions, displacement, excavation, compaction or over covering of large amounts of soil.
- Unique geological resources (paleontological resources or unique outcrops) are present that could be disturbed by the construction of the proposed project.

- Exposure of people or structures to major geologic hazards such as earthquake surface rupture, ground shaking, liquefaction or landslides.
- Secondary seismic effects could occur which could damage facility structures, e.g., liquefaction.
- Other geological hazards exist which could adversely affect the facility, e.g., landslides, mudslides.

Discussion

PR 1466 will reduce particulate emissions from soils with the Applicable TACs by implementing fugitive dust control measures from earth-moving activities at sites that have been determined to contain the Applicable TACs by U.S. EPA, DTSC, State Water Board, Regional Water Board, or the SCAQMD's Executive Officer. Facilities affected by PR 1466 are located in existing industrial, commercial, residential, other or mixed land use areas. PR 1466 establishes a PM10 ambient dust limit and dust control measures at ~~cleanup~~ the sites, and would require notification to the Executive Officer when earth-moving activities begin or PM10 emission limits are not met. Sites affected by PR 1466 will be required to install and maintain signage to inform the community and discourage unauthorized access. PR 1466 also includes additional requirements to limit cleanup activities for sites at schools and early education centers.

VII. a) & b): No Impact. Since PR 1466 would result in reducing fugitive particulate emissions from soils with certain TACs by implementing fugitive dust control measures during earth-moving activities, the project does not cause or require a new facility to be constructed. Thus, PR 1466 would not alter the exposure of people or property to geological hazards such as earthquakes, landslides, mudslides, ground failure, or other natural hazards. As a result, substantial exposure of people or structures to the risk of loss, injury, or death involving the rupture of an earthquake fault, seismic ground shaking, ground failure or landslides is not anticipated.

Further, the fugitive dust emissions from wind erosion are expected to be minimized under PR 1466. In addition, ~~cleanup~~ site operators must control fugitive dust through a number of soil stabilizing measures such as watering the site ~~and~~ or using chemical soil stabilizers in order to comply with the requirements of PR 1466. Therefore, no adverse impacts to the loss of topsoil and soil erosion are expected.

VII. c), d), & e) No Impact. Since the future ~~cleanup~~ sites that will be affected by PR 1466 will be the ones already designated by federal, state, and local regulatory agencies. It is expected that the soil types present at the affected ~~cleanup~~ sites will not be made further susceptible to expansion or liquefaction. Furthermore, subsidence is not anticipated to be a problem since excavation, grading, or filling activities are not expected to occur due to implementing PR 1466 at the affected ~~cleanup~~ sites. Therefore, because PR 1466 would not involve locating sites on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse, no impacts are anticipated.

Since PR 1466 will reduce fugitive particulate emissions from soils with certain TACs by implementing fugitive dust control measures during earth-moving activities at sites that have been designated ~~as cleanup sites~~ by federal, state, and local regulatory agencies, people or property will not be exposed to new impacts related to expansive soils to create substantial risks to life or

property or soils incapable of supporting water disposal. Furthermore, implementation of PR 1466 does not require the installation of septic tanks. Therefore, PR 1466 will not adversely affect soils associated with a installing a new septic system or alternative wastewater disposal system or modifying an existing sewer.

Conclusion

Based upon these considerations, significant adverse geology and soils impacts are not expected from the implementation of PR 1466. Since no significant geology and soils impacts were identified, no mitigation measures are necessary or required.

		Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
VIII.	**HAZARDS AND HAZARDOUS MATERIALS.** Would the project:				
a)	Create a significant hazard to the public or the environment through the routine transport, use, and disposal of hazardous materials?	☐	☐	☐	☑
b)	Create a significant hazard to the public or the environment through reasonably foreseeable upset conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☑
c)	Emit hazardous emissions, or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☑
d)	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5 and, as a result, would create a significant hazard to the public or the environment?	☐	☐	☐	☑
e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public use airport or a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☑
f)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☑
g)	Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☑
h)	Significantly increased fire hazard in areas with flammable materials?	☐	☐	☐	☑

Significance Criteria

Impacts associated with hazards will be considered significant if any of the following occur:

- Non-compliance with any applicable design code or regulation.
- Non-conformance to National Fire Protection Association standards.
- Non-conformance to regulations or generally accepted industry practices related to operating policy and procedures concerning the design, construction, security, leak detection, spill containment or fire protection.
- Exposure to hazardous chemicals in concentrations equal to or greater than the Emergency Response Planning Guideline (ERPG) 2 levels.

Discussion

PR 1466 will reduce particulate emissions from soils with the Applicable TACs by implementing fugitive dust control measures from earth-moving activities at sites that have been determined to contain the Applicable TACs by U.S. EPA, DTSC, State Water Board, Regional Water Board, or the SCAQMD's Executive Officer. Facilities affected by PR 1466 are located in existing industrial, commercial, residential, other or mixed land use areas. PR 1466 establishes a PM10 ambient dust limit and dust control measures at ~~cleanup~~ the sites, and would require notification to the Executive Officer when earth-moving activities begin or PM10 emission limits are not met. Sites affected by PR 1466 will be required to install and maintain signage to inform the community and discourage unauthorized access. PR 1466 also includes additional requirements to limit cleanup activities for sites at schools and early education centers.

VIII. a) & b) No Impact. The sites that will be affected by PR 1466 are previously developed and established sites that will be designated for cleanup by federal, state, and local regulatory agencies. Thus, the cleanup activities that occur at these sites involve the routine transport, use, and disposal of hazardous materials (e.g., contaminated soil) as part of the existing setting and, as such, may create reasonably foreseeable upset conditions involving the release of hazardous materials into the environment as fugitive dust containing TACs. Because PR 1466 is designed to minimize fugitive dust generated during these cleanup activities, PR 1466 would not be expected to cause any increase in the severity of these existing conditions at ~~cleanup~~ the sites. It is important to note that there are no provisions in PR 1466 that would require the earth-moving activities to occur. Instead, PR 1466 imposes requirements to minimize and monitor toxic fugitive dust if and when earth-moving activities occur during soil cleanup. In particular, PR 1466 contains dust control strategies that may employ stabilizing disturbed soils by either applying water or non-toxic chemical stabilizer. PR 1466 also contains requirements for tarping stockpiles, limiting the vehicle speed on the ~~cleanup~~ sites, and employing measures to prevent soil from leaving the property via drag out or track out via vehicle wheel shaking or washing and vacuuming entry/exit points. Overall, minimizing the amount of off-site fugitive dust emissions containing TACs during cleanup will, in turn, be health protective over the long term. ~~Therefore,~~ PR 1466 will not itself ~~does not~~ cause any removal of contaminated soils.

Because the cleanup activities are part of the existing setting, they ~~cleanup activities~~ may involve existing hazards impacts to the public or environment through the routine transport, use, and disposal of hazardous materials or create reasonably foreseeable upset conditions involving the release of hazardous materials into the environment. However, implementation of PR 1466 would not be expected to change these existing conditions. Further, because the type of contamination

at ~~cleanup~~ the sites can vary widely from site to site, staff is unable to predict what the speciation of the contamination may be for future affected sites or quantify the potential reduction of the Applicable TACs (e.g., arsenic, asbestos, cadmium, hexavalent chromium, lead, mercury, nickel, and/or PCBs) that may occur as a result of implementing PR 1466.

VIII. c) No Impact. PR 1466 is applicable to ~~cleanup~~ the sites that are designated by federal, state and local regulatory agencies on a case-by-case basis. However, SCAQMD staff is unable to predict or forecast whether any designated ~~cleanup~~ site will be located at or within a one-quarter mile of a school. Because it is entirely possible that there will be ~~designated cleanup~~affected sites that are located at or near a school, PR 1466 was specifically crafted to include additional requirements to limit cleanup activities at a school or early education center. For example, PR 1466 would: 1) prohibit all earth-moving activities when the school or early education center is in session or during a school/early education sponsored activity; and 2) require the contaminated soil to be placed in leak-tight containers, directly loaded onto trucks and hauled off site, or 3) require the contaminated soil to be stockpiled in fenced and locked area~~any other alternative storage approved by the Executive Officer~~. Therefore, PR 1466 would not cause ~~emit~~ hazardous emissions, or result in the handling of hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school, but would include measures to reduce the exposure to schools from cleanup activities.

VIII. d) No Impact. Government Code § 65962.5 refers to hazardous waste handling practices at sites that are subject to the Resources Conservation and Recovery Act (RCRA). The future ~~cleanup~~ affected sites that may be subject to PR 1466 will be sites that have already been designated for cleanup by federal, state or local regulatory agencies and PR 1466 will not cause a site to be included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5. However, compliance with PR 1466 will minimize the generation of fugitive dust during cleanup activities which may be toxic and hazardous. The less fugitive dust that is generated, the less that it will be emitted directly to the atmosphere. The excavated contaminated soil from the affected ~~cleanup~~ sites is required to be managed in accordance with applicable federal, state, and local rules and regulations and compliance with these regulations is expected to continue after PR 1466 is implemented. Therefore, compliance with PR 1466 would not create a new significant hazard to the public or environment.

VIII. e) No Impact. Future ~~cleanup~~ sites that will be affected by PR 1466 are previously developed and established sites that will be designated for cleanup by federal, state, and local regulatory agencies. PR 1466 was crafted in response to recognizing potential hazards that may arise during cleanup activities to provide an environmental benefit when compared to the existing setting. Further, SCAQMD staff is unable to predict or forecast whether any ~~designated cleanup~~ affected site would be located within an airport land use plan or within two miles of a public use airport or private airstrip. Therefore, in accordance with CEQA Guidelines § 15145, an evaluation of the proximity of each future ~~designated cleanup~~affected site to an airport land use plan or within two miles of a public use airport or private airstrip is concluded to be speculative and will not be evaluated further in this analysis. In any case, PR 1466 would not be expected to result in a new safety hazard for people residing or working in the area of any ~~cleanup~~ affected site, regardless of whether the affected~~a cleanup~~ site may be located within an airport land use plan or within two miles of a public use airport or private airstrip.

VIII. f) No Impact. Health and Safety Code § 25507 specifically requires all businesses handling hazardous materials to submit a business emergency response plan to assist local administering

agencies in the emergency release or threatened release of a hazardous material. Business emergency response plans generally require the following:

- Identification of individuals who are responsible for various actions, including reporting, assisting emergency response personnel and establishing an emergency response team;
- Procedures to notify the administering agency, the appropriate local emergency rescue personnel, and the California Office of Emergency Services;
- Procedures to mitigate a release or threatened release to minimize any potential harm or damage to persons, property or the environment;
- Procedures to notify the necessary persons who can respond to an emergency within the facility;
- Details of evacuation plans and procedures;
- Descriptions of the emergency equipment available in the facility;
- Identification of local emergency medical assistance; and,
- Training (initial and refresher) programs for employees in:
    1. The safe handling of hazardous materials used by the business;
    2. Methods of working with the local public emergency response agencies;
    3. The use of emergency response resources under control of the handler;
    4. Other procedures and resources that will increase public safety and prevent or mitigate a release of hazardous materials.

In general, every county or city and all facilities using a minimum amount of hazardous materials are required to formulate detailed contingency plans to eliminate, or at least minimize, the possibility and effect of fires, explosion, or spills. In conjunction with the California Office of Emergency Services, local jurisdictions have enacted ordinances that set standards for area and business emergency response plans. These requirements include immediate notification, mitigation of an actual or threatened release of a hazardous material, and evacuation of the emergency area.

Emergency response plans are typically prepared in coordination with the local city or county emergency plans to ensure the safety of not only the public (surrounding local communities), but the facility employees as well. Some of the existing ~~cleanup~~ sites that may be subject to PR 1466 may already have emergency response plans in place, as applicable. Further, PR 1466 contains no requirements that would impair implementation of, or physically interfere with any adopted emergency response plan or emergency evacuation plan. PR 1466 ~~does~~ will not itself cause any soil cleanup or earth-moving activities. Thus, PR 1466 is not expected to impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

VIII. g) & h) No Impact. PR 1466 is applicable to ~~cleanup~~ sites that are first designated by federal, state and local regulatory agencies on a case-by-case basis. However, PR 1466 does not involve the construction of structures or placement of people in urban areas next to wildlands causing those risks. Therefore, PR 1466 would be not expected to expose people or structures to

a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

Further, because the type of contamination at ~~cleanup~~ the sites can vary widely from site to site, staff is unable to predict: 1) what the speciation of the contamination may be at future affected designated ~~cleanup~~ the sites; 2) whether any of the contaminants found would contain any of the Applicable TACs (e.g., arsenic, asbestos, cadmium, hexavalent chromium, lead, mercury, nickel, and polychlorinated biphenyls); and, 3) whether any of these TACs are part of a compound or chemical mixture that is flammable. In any case, the ~~type of~~ TACs found in the contaminated soil are ~~is~~ part of the existing setting of the affected ~~cleanup~~ sites ~~and~~. PR 1466 will not be introducing flammable materials to the sites since the soil stabilizer is typically water or water-based mixtures that are not flammable. Thus, since PR 1466 will only apply to ~~cleanup~~ the sites that have found these TACs in the soil, complying with PR 1466 will not create a new fire hazard above the existing setting because PR 1466 would not change how contaminated soil will be handled, irrespective of whether it contains flammable materials or compounds. Therefore, PR 1466 would be not expected significantly increase the fire hazard in areas with flammable materials.

Conclusion

Based upon these considerations, no significant adverse hazards and hazardous materials impacts are expected from implementing PR 1466. Since no significant hazards and hazardous materials impacts were identified, no mitigation measures are necessary or required.

		Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
IX.	**HYDROLOGY AND WATER QUALITY.** Would the project:				
a)	Violate any water quality standards, waste discharge requirements, exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board, or otherwise substantially degrade water quality?	☐	☐	☐	☑
b)	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g. the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☑	☐
c)	Substantially alter the existing drainage pattern of the site or area, including through alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in substantial erosion or siltation on- or off-site or flooding on- or off-site?	☐	☐	☐	☑
d)	Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	☑
e)	Place housing or other structures within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map, which would impede or redirect flood flows?	☐	☐	☐	☑

		Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
f)	Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam, or inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☑
g)	Require or result in the construction of new water or wastewater treatment facilities or new storm water drainage facilities, or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☑
h)	Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☑	☐
i)	Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☑

Significance Criteria

Potential impacts on water resources will be considered significant if any of the following criteria apply:

Water Demand:

- The existing water supply does not have the capacity to meet the increased demands of the project, or the project would use more than 262,820 gallons per day of potable water.
- The project increases demand for total water by more than five million gallons per day.

Water Quality:

- The project will cause degradation or depletion of ground water resources substantially affecting current or future uses.
- The project will cause the degradation of surface water substantially affecting current or future uses.

- The project will result in a violation of National Pollutant Discharge Elimination System (NPDES) permit requirements.
- The capacities of existing or proposed wastewater treatment facilities and the sanitary sewer system are not sufficient to meet the needs of the project.
- The project results in substantial increases in the area of impervious surfaces, such that interference with groundwater recharge efforts occurs.
- The project results in alterations to the course or flow of floodwaters.

Discussion

PR 1466 will reduce particulate emissions from soils with the Applicable TACs by implementing fugitive dust control measures from earth-moving activities at sites that have been determined to contain the Applicable TACs by U.S. EPA, DTSC, State Water Board, Regional Water Board, or the SCAQMD's Executive Officer. Facilities affected by PR 1466 are located in existing industrial, commercial, residential, other or mixed land use areas. PR 1466 establishes a PM10 ambient dust limit and dust control measures at ~~cleanup~~ the sites, and would require notification to the Executive Officer when earth-moving activities begin or PM10 emission limits are not met. Sites affected by PR 1466 will be required to install and maintain signage to inform the community and discourage unauthorized access. PR 1466 also includes additional requirements to limit cleanup activities for sites at schools and early education centers.

IX. a), g) and i) No Impact. PR 1466 contains an assortment of dust control measures to be implemented during earth-moving activities at affected ~~cleanup~~ sites and the use of water or a chemical stabilizer are options that may be used to ~~stabilize the soil and~~ minimize fugitive dust. If a person conducting the soil cleanup activities elects to utilize water to stabilize the soil, water used for dust suppression does not have to be of potable quality, but can be recycled water. Due to the limited availability of recycled water, the type of water to be used for dust suppression is predominantly potable water that is either delivered to an affected site via an existing water connection to the local water provider or by truck. Uncontaminated groundwater and/or recycled water may also be used, if available. However, any use of contaminated or potentially contaminated water for this purpose would not only defeat the overall purpose of the soil cleanup activities, but would violate water quality standards and thereby would be prohibited for use. When water is the soil stabilizer of choice, water trucks will spray the water onto the affected area(s) and the soil will absorb the water so there is no surface run-off. Eventually the soil will dry out due to water evaporation off of the soil surface, and the process of spraying water via water truck will need to be repeated, as needed. Therefore, no surface run-off and no wastewater will be generated from conducting watering in an effort to stabilize the soil.

If a person conducting the soil cleanup activities elects to utilize a chemical stabilizer as a dust suppressant, then PR 1466 requires the user of the chemical stabilizer to verify that the product is: 1) non-toxic; 2) capable of meeting any specifications, criteria, or tests required by any federal, state, or local agency or any applicable law, rule, or regulation, including the Regional Water Quality Control Board; and 3) not prohibited for use by any federal, state, or local agency or any applicable law, rule, or regulation, including the Regional Water Quality Control Board. As with water, when chemical stabilizer is the ~~soil stabilizer~~dust suppressant of choice and it is spread in liquid form, water trucks will spray the chemical stabilizer onto the affected area(s) and the soil

will absorb the chemical stabilizer. Therefore, the application of chemical stabilizer would not be expected to generate wastewater.

Since no wastewater will be generated as a result of using watering or applying chemical stabilizer to minimize the generation of fugitive dust, PR 1466 would not be expected to cause any affected ~~cleanup~~ sites to violate any water quality standards, waste discharge requirements, exceed wastewater treatment requirements of the applicable of the Publicly Owned Treatment Works (POTW) or Regional Water Quality Control Board, or otherwise substantially degrade water quality that the requirements are meant to protect. Also, since no wastewater will be generated from the application of water or chemical stabilizer, PR 1466 would not require or result in the construction of new water or wastewater treatment facilities or new storm water drainage facilities, or expansion of existing facilities. Finally, since no wastewater will be generated from the application of water or chemical stabilizer, PR 1466 would not trigger the need for an adequate wastewater capacity determination by any wastewater treatment provider that may be serving each affected ~~cleanup~~ site, if any. Therefore, no impacts to either wastewater or wastewater treatment are expected to occur as a result of implementing PR 1466 at any affected ~~cleanup~~ sites.

IX. c), d), e), and f) No Impact. The future ~~cleanup~~ sites that will be affected by PR 1466 are previously developed and established sites that will be designated for cleanup by federal, state, and local regulatory agencies. There are no provisions in PR 1466 that would require earth-moving activities, but rather PR 1466 imposes requirements to minimize and monitor toxic fugitive dust if and when earth-moving activities occur during soil cleanup as required by federal, state, and local regulatory agencies. Therefore, PR 1466 is not expected to result in placing new housing or structures in 100-year flood hazard areas that could create new flood hazards or create significant adverse risk impacts from flooding as a result of failure of a levee or dam or inundation by seiches, tsunamis, or mudflows.

PR 1466 is also not expected to have any significant adverse effects on any existing drainage patterns, or cause an increase rate or amount of surface runoff water that would exceed the capacity of the sites' existing or planned storm water drainage systems because, as explained in Section IX. a), g) and i), PR 1466 is not expected generate wastewater or surface run-off and does not contain any requirements that would change existing drainage patterns or the procedures for how surface runoff water is handled. In addition, PR 1466 would not require or result in the construction of new water or wastewater treatment facilities or new storm water drainage facilities, or expansion of existing facilities. PR 1466 would not result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.

IX. b) and h) Less than Significant Impact. While PR 1466 allows a person conducting soil cleanup to utilize water to suppress the generation of fugitive dust during earth-moving activities, the type of water to be used for this purpose (e.g., potable, groundwater, or recycled water) is not prescribed. As explained in Section IX. a), g) and i), if a person conducting the soil cleanup activities elects to utilize water to ~~stabilize the soil~~suppress fugitive dust, the type of water to be used for this purpose is typically potable water, which is either delivered to an affected site via an existing water connection to the local water provider or by truck. In some areas within the SCAQMD's jurisdiction, recycled water may also be available via an existing water connection to the local recycled water provider or by truck. The availability of groundwater for dust suppression purposes, however, is a different matter as there are more restricting factors. Because PR 1466 is applicable to ~~cleanup~~ the sites that are first designated by federal, state and local agencies on a

case-by-case basis, SCAQMD staff is unable to predict or forecast whether any designated ~~cleanup~~ site will have access to groundwater and whether the groundwater will be of a sufficient quality or supply to apply to soil for dust suppression purposes. Nonetheless, if a ~~cleanup~~ site has a well on its property, groundwater may be used for the purpose of dust suppression provided that the property owner has groundwater pumping rights and sufficient supply, and either the groundwater is not contaminated, or the groundwater is first treated by a groundwater treatment system to remove contaminants prior to application. Of course if groundwater is not available at an affected site, then potable or recycled water will need to be used.

Preliminary indications and analyses in the previous Sections estimate current water usage of roughly 1,000 gallons per acre per day to mitigate fugitive dust. Staff estimates that water usage would increase to 2,600 gallons per acre per day under the proposed rule over 88 acres. Therefore, as summarized in Table 2-6, the maximum amount of water that may be needed to conduct watering for dust suppression activities at all six ~~cleanup~~ sites is estimated to be up to 141,000 gallons per day and this potential increase in water use is less than the SCAQMD's significance thresholds of five million gallons per day of total water (e.g., potable, recycled, and groundwater combined) and 262,820 gallons per day of potable water. Thus, regardless of whether 100 percent of potable, recycled, or groundwater is used, or any combination thereof, the amount of water that may be needed for dust suppression is at less than significant levels.

Table 2-6
Projected Water Demand

PR 1466 **Water Used For Fugitive Dust Control**	**Additional Water Demand on a Peak Day (gal/day)**
PR 1466 Watering	141,000
Significance Threshold for Potable Water:	262,820
SIGNIFICANT FOR POTABLE WATER?	**NO**
Significance Threshold for Total Water:	5,000,000
SIGNIFICANT FOR TOTAL WATER?	**NO**

Even so, due to site-specific factors that tend to limit the use of groundwater and the unlikely possibility that all of the affected ~~cleanup~~ sites with have access to groundwater of a suitable quality and amount, implementation of PR 1466 is not expected to substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g. the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted. Similarly, if the water demand for dust suppression purposes is entirely supplied by potable water, since the estimated potable water demand and total water demand would be less than significance thresholds for potable and total water, respectively, the water demand impacts that are expected occur from implementing PR 1466 would be less than significant. Further, existing water supplies are expected to be sufficiently available to serve the affected ~~cleanup~~ sites without the need for new or expanded entitlements. Therefore, PR 1466 is not expected to have significant adverse water demand impacts.

Conclusion

Based upon these considerations, significant adverse hydrology and water quality impacts are not expected from implementing PR 1466. Since no significant hydrology and water quality impacts were identified, no mitigation measures are necessary or required.

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
X. LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?	☐	☐	☑	☐
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☑	☐

Significance Criteria

Land use and planning impacts will be considered significant if the project conflicts with the land use and zoning designations established by local jurisdictions.

Discussion

PR 1466 will reduce particulate emissions from soils with the Applicable TACs by implementing fugitive dust control measures from earth-moving activities at sites that have been determined to contain the Applicable TACs by U.S. EPA, DTSC, State Water Board, Regional Water Board, or the SCAQMD's Executive Officer. Facilities affected by PR 1466 are located in existing industrial, commercial, residential, other or mixed land use areas. PR 1466 establishes a PM10 ambient dust limit and dust control measures at ~~cleanup~~ the sites, and would require notification to the Executive Officer when earth-moving activities begin or PM10 emission limits are not met. Sites affected by PR 1466 will be required to install and maintain signage to inform the community and discourage unauthorized access. PR 1466 also includes additional requirements to limit cleanup activities for sites at schools and early education centers.

X. a) Less than Significant Impact. PR 1466 does not require the construction of new facilities, and any physical effects that will result from PR 1466, will occur at existing ~~cleanup~~ sites and would not be expected to go beyond existing boundaries. However, PR 1466 contains dust control measures that may cause physical modifications to an affected ~~cleanup~~ site. Of the dust control measures, a windscreen and perimeter fencing is required to surround each affected ~~cleanup~~ site to provide a wind break, act as containment, provide security, and limit access to unauthorized persons. The windscreen must be at least six feet tall and must be as tall as the highest stockpile and must have a porosity of 50 ± 5%. For small to medium-sized ~~cleanup~~ sites, the installation of temporary perimeter fencing as part of implementing PR 1466 would ordinarily not be expected to physically divide an established community. However, for large to extra-large ~~cleanup~~ sites (e.g., over 25 acres), the installation of perimeter fencing could be extensive and depending on the location of the ~~cleanup~~ site relative to its surroundings, could potentially temporarily divide an established community until the cleanup activities are completed. For this reason, PR 1466

contains provisions that would allow the SCAQMD's Executive Officer to exercise discretion and evaluate the project site on a case-by-case basis to adjust the dust mitigation requirements, including the perimeter fencing requirements accordingly. Because PR 1466 contains this flexibility, the SCAQMD is committed to work with any applicable local, state and federal agencies that may be involved to minimize or prevent dividing an established community under these circumstances. Therefore, less than significant impacts are anticipated.

X. b) Less than Significant Impact. Land use and other planning considerations are determined by local governments and no land use or planning requirements are intended to be altered by PR 1466. PR 1466 contains dust control measures that may cause physical modifications to an affected ~~cleanup~~ site. Of the dust control measures, a windscreen and perimeter fencing may be required to surround the area of the earth-moving activities to provide a wind break, act as containment, provide security, and limit access to unauthorized persons. The windscreen must be at least six feet tall and must be as tall as the highest stockpile and must have a porosity of 50 ± 5%. Generally, all physical modifications that are expected to occur as a result of complying with the dust control measures in PR 1466 will occur within the confines of the existing ~~cleanup~~ sites and would not be expected to affect or conflict with any applicable land use plans, policies, or regulations. Further, no new development or alterations to existing land designations will occur as a result of the implementation of PR 1466. However, in the event that a local, state or federal agency determines that the installation of a perimeter fencing with a windscreen may be impractical or would conflict with local, state or federal regulations, PR 1466 contains provisions that would allow the SCAQMD's Executive Officer to exercise discretion on a case-by-case basis to adjust the dust mitigation requirements accordingly. The impacts from installation of a perimeter fencing with a windscreen are analyzed in Aesthetics Section. Therefore, present or planned land uses in the region will not be significantly affected as a result of implementing PR 1466.

Conclusion

Based upon these considerations, significant adverse land use and planning impacts are not expected from implementing PR 1466. Since no significant land use and planning impacts were identified, no mitigation measures are necessary or required.

		Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
XI.	**MINERAL RESOURCES.** Would the project:				
a)	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☑
b)	Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☑

Significance Criteria

Project-related impacts on mineral resources will be considered significant if any of the following conditions are met:

- The project would result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.
- The proposed project results in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.

Discussion

PR 1466 will reduce particulate emissions from soils with the Applicable TACs by implementing fugitive dust control measures from earth-moving activities at sites that have been determined to contain the Applicable TACs by U.S. EPA, DTSC, State Water Board, Regional Water Board, or the SCAQMD's Executive Officer. Facilities affected by PR 1466 are located in existing industrial, commercial, residential, other or mixed land use areas. PR 1466 establishes a PM10 ambient dust limit and dust control measures at ~~cleanup~~ the sites, and would require notification to the Executive Officer when earth-moving activities begin or PM10 emission limits are not met. Sites affected by PR 1466 will be required to install and maintain signage to inform the community and discourage unauthorized access. PR 1466 also includes additional requirements to limit cleanup activities for sites at schools and early education centers.

XI. a) & b) No Impact. PR 1466 would require the implementation fugitive dust control measures during earth-moving activities, monitoring, supervision, and inspection at affected ~~cleanup~~ sites. These activities necessary to implement PR 1466 would not require the use of a known mineral resource. Thus, there are no provisions in PR 1466 that would result in the loss of availability of a known mineral resource of value to the region and the residents of the state such as aggregate, coal, clay, shale, et cetera, or of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.

Conclusion

Based upon these considerations, significant adverse mineral resource impacts are not expected from implementing PR 1466. Since no significant mineral resource impacts were identified, no mitigation measures are necessary or required.

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
XII. NOISE. Would the project result in:				
a) Exposure of persons to or generation of permanent noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☑	☐
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☑	☐
c) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☑	☐
d) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public use airport or private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☑	☐

Significance Criteria

Noise impact will be considered significant if:

- Construction noise levels exceed the local noise ordinances or, if the noise threshold is currently exceeded, project noise sources increase ambient noise levels by more than three decibels (dBA) at the site boundary. Construction noise levels will be considered significant if they exceed federal Occupational Safety and Health Administration (OSHA) noise standards for workers.
- The proposed project operational noise levels exceed any of the local noise ordinances at the site boundary or, if the noise threshold is currently exceeded, project noise sources increase ambient noise levels by more than three dBA at the site boundary.

Discussion

PR 1466 will reduce particulate emissions from soils with the Applicable TACs by implementing fugitive dust control measures from earth-moving activities at sites that have been determined to contain the Applicable TACs by U.S. EPA, DTSC, State Water Board, Regional Water Board, or the SCAQMD's Executive Officer. Facilities affected by PR 1466 are located in existing industrial, commercial, residential, other or mixed land use areas. PR 1466 establishes a PM10 ambient dust limit and dust control measures at ~~cleanup~~ the sites, and would require notification to the Executive Officer when earth-moving activities begin or PM10 emission limits are not met. Sites affected by PR 1466 will be required to install and maintain signage to inform the community

and discourage unauthorized access. PR 1466 also includes additional requirements to limit cleanup activities for sites at schools and early education centers.

XII. a), b), & c) Less than Significant Impact.

The future ~~cleanup~~ sites that will be affected by PR 1466 are previously developed and established sites that will be designated for cleanup by federal, state, and local regulatory agencies. There are no provisions in PR 1466 that would require earth-moving activities, but rather PR 1466 imposes requirements to minimize and monitor ~~toxic~~ fugitive dust if and when earth-moving activities occur during soil cleanup as required by federal, state, and local regulatory agencies. Thus, the existing noise environment at an affected ~~cleanup~~ site will be typically dominated by noise from existing equipment on-site such as tractor/loader/backhoes, vehicular traffic around the site, and trucks and other vehicles entering and exiting the premises. Thus, the existing noise environment will be expected to have a higher background noise level when compared to other areas when the cleanup activities are occurring. While PR 1466 will contribute additional noise at each affected ~~cleanup~~ site that will be attributable to an additional 12 water trucks, 3 delivery trucks, and 12 additional worker vehicles above the existing setting, the noise impacts from implementing PR 1466 will likely be indistinguishable from the background noise levels at the property line. Operation of the construction equipment would be expected to comply with all existing noise control laws and ordinances. Once the cleanup activities are complete and activities to comply with the dust control measures in PR 1466 are no longer needed, the noise levels are expected to be lessened compared to what is generated on-site as part of conducting cleanup activities.

Due to the attenuation rate of noise based on distance from the source, it is unlikely that noise levels exceeding local noise ordinances from operation new air pollution control equipment would occur beyond a facility's boundaries. Furthermore, OSHA and CAL-OSHA have established noise standards to protect worker health. Furthermore, compliance with local noise ordinances limiting the hours of construction will reduce the temporary noise impacts from construction to sensitive receptors. These potential noise increases are expected to be within the allowable noise levels established by the local noise ordinances for industrial areas, and thus are expected to be less than significant.

XII. d) Less than Significant Impact. In order for sites to become subject to PR 1466, they must first be designated by a federal, state, or local agency as requiring soil cleanup. Thus, cleanup activities required by these agencies will involve noise generating heavy-duty construction equipment such as tractors, loaders, backhoes, excavators, heavy duty and medium duty trucks for hauling, material delivery and spraying water, and worker vehicles and most of the equipment and activities occur within the confines of each ~~cleanup~~ affected site with some activities also occurring at the entry/exit points. All noise producing equipment at all ~~cleanup~~ affected sites must comply with local noise ordinances and applicable OSHA or CAL-OSHA workplace noise reduction requirements. For implementation~~ing~~ of the dust control measures contained in PR 1466, some additional water trucks, delivery trucks, and worker vehicles will be needed. However, because each affected ~~cleanup~~ site will already have an assortment of construction equipment and vehicles on site and going to and from the site throughout the day, the additional water trucks, delivery trucks, and worker vehicles and their associated noise profiles are not expected to be substantially discernable from any of the other noise generating equipment or vehicles that may already be present on-site for cleanup activities. Thus, for any ~~cleanup~~ affected site that is located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public use airport or private airstrip, compliance with PR 1466 would not be expected to expose people

residing or working in the vicinity of ~~a designated cleanup~~the site to excessive noise levels. Therefore, the impacts for the topic area are expected to be less than significant.

Conclusion

Based upon these considerations, significant adverse noise impacts are not expected from the implementing PR 1466. Since no significant noise impacts were identified, no mitigation measures are necessary or required.

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
XIII. POPULATION AND HOUSING. Would the project:				
a) Induce substantial growth in an area either directly (for example, by proposing new homes and businesses) or indirectly (e.g. through extension of roads or other infrastructure)?	☐	☐	☐	☑
b) Displace substantial numbers of people or existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☑

Significance Criteria

Impacts of the proposed project on population and housing will be considered significant if the following criteria are exceeded:

- The demand for temporary or permanent housing exceeds the existing supply.
- The proposed project produces additional population, housing or employment inconsistent with adopted plans either in terms of overall amount or location.

Discussion

PR 1466 will reduce particulate emissions from soils with the Applicable TACs by implementing fugitive dust control measures from earth-moving activities at sites that have been determined to contain the Applicable TACs by U.S. EPA, DTSC, State Water Board, Regional Water Board, or the SCAQMD's Executive Officer. Facilities affected by PR 1466 are located in existing industrial, commercial, residential, other or mixed land use areas. PR 1466 establishes a PM10 ambient dust limit and dust control measures at ~~cleanup~~ the sites, and would require notification to the Executive Officer when earth-moving activities begin or PM10 emission limits are not met. Sites affected by PR 1466 will be required to install and maintain signage to inform the community and discourage unauthorized access. PR 1466 also includes additional requirements to limit cleanup activities for sites at schools and early education centers.

XIII. a) & b) No Impact. The future ~~cleanup~~ affected sites that will be affected by PR 1466 are previously developed and established sites that will be designated for cleanup by federal, state, and local regulatory agencies. There are no provisions in PR 1466 that would require earth-moving activities, but rather PR 1466 imposes requirements to minimize toxic fugitive dust if and when earth-moving activities occur during soil cleanup as required by federal, state, and local regulatory agencies. For these reasons, PR 1466 is not expected to require the relocation of individuals, require new housing or commercial facilities, or change the distribution of the population. On a peak day, the analysis assumes to increase up to 12 workers may be needed to perform additional inspection, supervision, and monitoring activities to comply with PR 1466 requirements at all six ~~cleanup~~ sites on a peak day and these workers can be supplied from the existing labor pool in the local Southern California area. The human population within the jurisdiction of the District is

anticipated to grow regardless of whether or not PR 1466 is implemented. As a result, PR 1466 is not anticipated to generate any significant adverse effects, either direct or indirect, on population growth in the Basin or population distribution. Since PR 1466 is designed to reduce fugitive particulate emissions from soils at sites that have been designated for ~~as~~ cleanup ~~sites~~, PR 1466 is not expected to result in the creation of any industry that would affect population growth, directly or indirectly or cause the displacement of substantial numbers of people that would induce the construction of replacement housing elsewhere within SCAQMD's jurisdiction.

Conclusion

Based upon these considerations, no significant population and housing impacts are expected from implementing PR 1466. Since no significant population and housing impacts were identified, no mitigation measures are necessary or required.

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
XIV. PUBLIC SERVICES. Would the proposal result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:				
a) Fire protection?	☐	☐	☐	☑
b) Police protection?	☐	☐	☐	☑
c) Schools?	☐	☐	☐	☑
d) Other public facilities?	☐	☐	☐	☑

Significance Criteria

Impacts on public services will be considered significant if the project results in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response time or other performance objectives.

Discussion

PR 1466 will reduce particulate emissions from soils with the Applicable TACs by implementing fugitive dust control measures from earth-moving activities at sites that have been determined to contain the Applicable TACs by U.S. EPA, DTSC, State Water Board, Regional Water Board, or the SCAQMD's Executive Officer. Facilities affected by PR 1466 are located in existing industrial, commercial, residential, other or mixed land use areas. PR 1466 establishes a PM10 ambient dust limit and dust control measures at ~~cleanup~~ the sites, and would require notification to the Executive Officer when earth-moving activities begin or PM10 emission limits are not met. Sites affected by PR 1466 will be required to install and maintain signage to inform the community and discourage unauthorized access. PR 1466 also includes additional requirements to limit cleanup activities for sites at schools and early education centers.

XIV. a), b), c), & d) No Impact. As explained in Section XIII. Population and Housing, PR 1466 is not expected to induce population growth in any way because the local labor pool (e.g., workforce) is expected to be sufficient to accommodate 12 additional workers to perform any inspection, supervision, and monitoring activities that may be necessary at affected ~~cleanup~~ sites. Therefore, with no significant increase in local population, no impacts would be expected on public

service and no need for physically altered the public services, including fire protection, police protection, schools, and government facilities.

Conclusion

Based upon these considerations, no significant public services impacts are expected from implementing PR 1466. Since no significant public services impacts were identified, no mitigation measures are necessary or required.

		Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
XV.	**RECREATION.**				
a)	Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☑
b)	Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment or recreational services?	☐	☐	☐	☑

Significance Criteria

Impacts to recreation will be considered significant if:

- The project results in an increased demand for neighborhood or regional parks or other recreational facilities.
- The project adversely affects existing recreational opportunities.

Discussion

PR 1466 will reduce particulate emissions from soils with the Applicable TACs by implementing fugitive dust control measures from earth-moving activities at sites that have been determined to contain the Applicable TACs by U.S. EPA, DTSC, State Water Board, Regional Water Board, or the SCAQMD's Executive Officer. Facilities affected by PR 1466 are located in existing industrial, commercial, residential, other or mixed land use areas. PR 1466 establishes a PM10 ambient dust limit and dust control measures at ~~cleanup~~ the sites, and would require notification to the Executive Officer when earth-moving activities begin or PM10 emission limits are not met. Sites affected by PR 1466 will be required to install and maintain signage to inform the community and discourage unauthorized access. PR 1466 also includes additional requirements to limit cleanup activities for sites at schools and early education centers.

XV. a) & b) No Impact. As explained in Section XIII. Population and Housing, PR 1466 is not expected to induce population growth in any way because the local labor pool (e.g., workforce) is expected to be sufficient to accommodate an additional 12 workers to perform any inspection, supervision, and monitoring activities that may be necessary at affected ~~cleanup~~ sites. The human population within the jurisdiction of the District is anticipated to grow regardless of implementing PR 1466. As a result, PR 1466 is not anticipated to generate any significant adverse effects, either direct or indirect, on population growth in the Basin or population distribution would affect or cause an increase in the demand for or use of existing neighborhood and regional parks or other recreational facilities. Further PR 1466 would not require the construction of new or the expansion of existing recreational facilities that might, in turn, cause adverse physical effects on the

environment because PR 1466 will not directly or indirectly substantively increase or redistribute population.

Conclusion

Based upon these considerations, no significant recreation impacts are expected from implementing PR 1466. Since no significant recreation impacts were identified, no mitigation measures are necessary or required.

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
XVI. SOLID AND HAZARDOUS WASTE. Would the project:				
a) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☑	☐
b) Comply with federal, state, and local statutes and regulations related to solid and hazardous waste?	☐	☐	☑	☐

Significance Criteria

The proposed project impacts on solid and hazardous waste will be considered significant if the following occurs:

- The generation and disposal of hazardous and non-hazardous waste exceeds the capacity of designated landfills.

Discussion

PR 1466 will reduce particulate emissions from soils with the Applicable TACs by implementing fugitive dust control measures from earth-moving activities at sites that have been determined to contain the Applicable TACs by U.S. EPA, DTSC, State Water Board, Regional Water Board, or the SCAQMD's Executive Officer. Facilities affected by PR 1466 are located in existing industrial, commercial, residential, other or mixed land use areas. PR 1466 establishes a PM10 ambient dust limit and dust control measures at ~~cleanup~~ the sites, and would require notification to the Executive Officer when earth-moving activities begin or PM10 emission limits are not met. Sites affected by PR 1466 will be required to install and maintain signage to inform the community and discourage unauthorized access. PR 1466 also includes additional requirements to limit cleanup activities for sites at schools and early education centers.

XVI. a) & b) Less than Significant. Landfills are permitted by the local enforcement agencies with concurrence from the California Department of Resources Recycling and Recovery (CalRecycle). Local agencies establish the maximum amount of solid waste which can be received by a landfill each day and the operational life of a landfill. This analysis of solid waste impacts assumes that safety and disposal procedures required by various agencies in California will provide reasonable precautions against the improper disposal of hazardous wastes in a municipal waste landfill. Because of state and federal requirements, some facilities are attempting to reduce or minimize the generation of solid and hazardous wastes by incorporating source reduction technologies to reduce the volume or toxicity of wastes generated, including improving operating procedures, using less hazardous or nonhazardous substitute materials, and upgrading or replacing inefficient processes.

PR 1466 would reduce fugitive particulate emissions from soils with toxic air contaminants by implementing fugitive dust control measures during earth-moving activities at sites that have been designated for ~~as~~ cleanup ~~sites~~. It is assumed that ~~cleanup~~ the site owners ~~and~~ or operators currently comply with all applicable local, state, or federal waste disposal regulations. PR 1466 is

expected to only generate solid and hazardous waste consisting of ~~for its~~ plastic sheeting (tarps), which will be used to cover the stockpiles. The fencing and windscreen materials will be recycled and used at other construction sites and so ~~these~~ will not ~~won't~~ be ~~sending~~ sent to ~~the~~ waste disposal sites. SCAQMD staff estimates~~d up to~~ that a small amount of the 15 cubic yards of plastic sheeting waste will be generated per year from all sites. The plastic sheeting waste is expected to be treated as hazardous waste, along with the contaminated soils, and so its disposal will ~~to~~ comply with all local, state, or federal waste disposal regulations. PR 1466 does not contain any provisions that would alter current practices. Thus, implementation of PR 1466 is not expected to interfere with any affected ~~cleanup~~ site ability to comply with applicable local, state, or federal waste disposal regulations in a manner that would cause a significant adverse solid and hazardous waste impact.

Conclusion

Based upon these considerations, significant adverse solid and hazardous waste impacts are not expected from implementing PR 1466. Since no significant solid and hazardous waste impacts were identified, no mitigation measures are necessary or required.

		Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
XVII.	**TRANSPORTATION AND TRAFFIC.** Would the project:				
a)	Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☐	☑	☐
b)	Conflict with an applicable congestion management program, including but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☐	☑	☐
c)	Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☑	☐
d)	Substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?	☐	☐	☐	☑
e)	Result in inadequate emergency access?	☐	☐	☐	☑
f)	Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☐	☑

Significance Criteria

Impacts on transportation and traffic will be considered significant if any of the following criteria apply:

- Peak period levels on major arterials are disrupted to a point where level of service (LOS) is reduced to D, E or F for more than one month.
- An intersection's volume to capacity ratio increase by 0.02 (two percent) or more when the LOS is already D, E or F.
- A major roadway is closed to all through traffic, and no alternate route is available.
- The project conflicts with applicable policies, plans or programs establishing measures of effectiveness, thereby decreasing the performance or safety of any mode of transportation.
- There is an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system.
- The demand for parking facilities is substantially increased.
- Water borne, rail car or air traffic is substantially altered.
- Traffic hazards to motor vehicles, bicyclists or pedestrians are substantially increased.
- The need for more than 350 employees.
- An increase in heavy-duty transport truck traffic to and/or from the facility by more than 350 truck round trips per day.
- Increase customer traffic by more than 700 visits per day.

Discussion

PR 1466 will reduce particulate emissions from soils with the Applicable TACs by implementing fugitive dust control measures from earth-moving activities at sites that have been determined to contain the Applicable TACs by U.S. EPA, DTSC, State Water Board, Regional Water Board, or the SCAQMD's Executive Officer. Facilities affected by PR 1466 are located in existing industrial, commercial, residential, other or mixed land use areas. PR 1466 establishes a PM10 ambient dust limit and dust control measures at ~~cleanup~~ the sites, and would require notification to the Executive Officer when earth-moving activities begin or PM10 emission limits are not met. Sites affected by PR 1466 will be required to install and maintain signage to inform the community and discourage unauthorized access. PR 1466 also includes additional requirements to limit cleanup activities for sites at schools and early education centers.

XVII. a) & b) Less Than Significant Impact

As previously explained in Section III - Air Quality and Greenhouse Gas Emissions, compliance with PR 1466 may require fugitive dust control, inspection, supervision, and monitoring activities at designated ~~cleanup~~ sites. For a "worst case" analysis, approximately additional 12 water trucks (five round trip per vehicle), 3 delivery trucks (one round trip per vehicle), plus 12 worker vehicles (one round trip per vehicle) are assumed to be needed on a peak construction day for six ~~cleanup~~ sites. SCAQMD staff assumed that for the six ~~cleanup~~ sites, implementation of PR 1466 on a peak day would generate a maximum of 15 new vehicle trips (round trips) which can be attributed to implementing the fencing and windscreen requirement as well as additional trips needed for

workers to conduct inspection, supervision, and monitoring. For these reasons, construction is not expected to affect on-site traffic or parking for each ~~cleanup~~ affected site. Further, since the additional 15 vehicle trips that may occur on a peak day are below the significant threshold of 350 round trips, impacts to traffic and transportation are not expected to be significant. The estimated vehicles from all activities is summarized in Table 2-7.

Table 2-7
Estimation of Vehicle Trips

Phase	Worker Vehicles	Delivery Trucks	Total
Construction [a,b]	12 per day (12 round trips)	3 per day (3 round trips)	15 per day (15 round trips)

[a] The water trucks (each has 5 round trips) will be used on-site and the water will be provided by ~~are from the~~ nearby water hydrants. Therefore the trucks~~y~~ are not considered ~~as~~ transportation impact and are not included in this analysis here.

[b] The worst case analysis is based on a maximum of 3 delivery truck trips (round trips) for installation of fencing, windscreen, and plastic sheeting (tarps) and 12 worker trips (round-trips) to account for the additional employees to do the inspection, supervision, monitoring activities at 6 ~~cleanup~~ sites together.

While these additional vehicle trips are assumed to overlap on a given day, the 15 round trips that may occur are not expected to significantly adversely affect circulation patterns on local roadways or the level of service at intersections near each of the affected ~~cleanup~~ sites. Thus, implementation of PR 1466 is not expected to cause a significant increase in the number of worker trips at any of the affected ~~cleanup~~ sites

XVII. c) Less than Significant Impact. In order for sites to become subject to PR 1466, they must first be designated by a federal, state, or local agency as requiring soil cleanup. Thus, cleanup activities required by these agencies will involve heavy-duty construction equipment such as tractors, loaders, backhoes, excavators, heavy duty and medium duty trucks for hauling, material delivery and spraying water, and worker vehicles and most of the equipment and activities occur within the confines of each ~~cleanup~~ affected site with some activities occurring at the entry/exit points. The height profile of the equipment and vehicles operating at ~~cleanup~~ the affected sites would not be at an elevation that would cause or affect existing air traffic patterns. Similarly, for implementing the dust control measures contained in PR 1466, some additional water trucks, delivery trucks, and worker vehicles will be needed and the height profile of these vehicles will have similar height profiles to the equipment and vehicles already operating at the ~~cleanup~~ sites. As such, implementation of PR 1466 would not be expected to result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks. Therefore, the impacts for the topic area are expected to be less than significant.

XVII. d) & e) No Impact.
The future ~~cleanup~~ sites that will be affected by PR 1466 are previously developed and established sites that will be designated for cleanup by federal, state, and local regulatory agencies. There are no provisions in PR 1466 that would require earth-moving activities, but rather PR 1466 imposes requirements to minimize toxic fugitive dust if and when earth-moving activities occur during soil cleanup as required by federal, state, and local regulatory agencies. To implement PR 1466, as explained previously in Section XVII. a) and b), for a "worst case" analysis, approximately additional 3 delivery trucks plus 12 worker vehicles are assumed to be needed on a peak construction day for six ~~cleanup~~ sites resulting in 15 round trips occurring on local roadways. This

low quantity of additional trips would not require the construction of new roadways. Thus, implementation of PR 1466 would not be expected to change to current public roadway designs. As a result, PR 1466 is not expected to substantially increase traffic hazards or create incompatible uses at or adjacent to the facilities. Emergency access at each of the affected ~~cleanup~~ sites is not expected to be impacted because PR 1466 does not contain any requirements specific to emergency access points and each affected cleanup is expected to continue to maintain their existing emergency access. Since PR 1466 is expected to involve short-term activities that would create new water truck trips and worker vehicle trips that would be expected to cease after cleanup is completed, the proposed project is not expected to alter the existing long-term circulation patterns within the areas of each affected ~~cleanup~~ site. Thus, no long-term impacts on the traffic circulation system are expected to occur during implementation of PR 1466.

XVII. f) No Impact. PR 1466 does not contain any requirements that would affect or alter adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. Further, the affected ~~cleanup~~ sites would still be expected to comply with, and not interfere with adopted policies, plans, or programs supporting alternative transportation (e.g., bicycles or buses) that exist in their respective cities. Since all of the requirements and compliance activities associated with implementing PR 1466 would be expected to occur on-site, PR 1466 would have no impact on each affected ~~cleanup~~ site's ability to comply with any applicable alternative transportation plans or policies.

Conclusion

Based upon these considerations, no significant transportation and traffic impacts are expected from implementing PR 1466. Since no significant transportation and traffic impacts were identified, no mitigation measures are necessary or required.

		Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.					
a)	Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☐	☑
b)	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)	☐	☐	☑	☐
c)	Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☑	☐

Discussion

XVIII. a) No Impact. As explained in Section IV - Biological Resources, the future ~~cleanup~~ sites that will be affected by PR 1466 are previously developed and established sites that will be designated for cleanup by federal, state, and local regulatory agencies. There are no provisions in PR 1466 that would require earth-moving activities, but rather PR 1466 imposes requirements to minimize toxic fugitive dust if and when earth-moving activities occur during soil cleanup as required by federal, state, and local regulatory agencies. Also, PR 1466 does not require the acquisition of additional land or further conversions of riparian habitats or sensitive natural communities where endangered or sensitive species may be found. Thus, PR 1466 would not be expected to cause a specific disturbance of habitat or have a direct or indirect impact on plant or animal species on land or in water. Therefore, PR 1466 would have no direct or indirect impacts that could adversely affect plant or animal species or the habitats on which they rely within the SCAQMD's jurisdiction and PR 1466 is not expected to reduce or eliminate any plant or animal species or destroy prehistoric records of the past.

XVIII. b) Less Than Significant Impact. Based on the foregoing analyses, PR 1466 would not result in significant adverse project-specific environmental impacts. Potential adverse impacts from implementing PR 1466 would not be "cumulatively considerable" as defined by CEQA Guidelines § 15064(h)(1) for any environmental topic because there are no, or only minor incremental project-specific impacts that were concluded to be less than significant. Per CEQA Guidelines § 15064(h)(4), the mere existence of significant cumulative impacts caused by other projects alone shall not constitute substantial evidence that the proposed project's incremental effects are cumulative considerable. SCAQMD cumulative significant thresholds are the same as project-specific significance thresholds.

This approach was upheld by the Court in *Citizens for Responsible Equitable Environmental Development v. City of Chula Vista* (2011) 197 Cal. App. 4th 327, 334. The Court determined that where it can be found that a project did not exceed the SCAQMD's established air quality significance thresholds, the City of Chula Vista properly concluded that the project would not cause a significant environmental effect, nor result in a cumulatively considerable increase in these pollutants. The court found this determination to be consistent with CEQA Guidelines § 15064.7, stating, "The lead agency may rely on a threshold of significance standard to determine whether a project will cause a significant environmental effect." The court found that, "Although the project will contribute additional air pollutants to an existing nonattainment area, these increases are below the significance criteria…" "Thus, we conclude that no fair argument exists that the Project will cause a significant unavoidable cumulative contribution to an air quality impact." As in *Chula Vista*, here the SCAQMD has demonstrated, when using accurate and appropriate data and assumptions, that the project will not exceed the established SCAQMD significance thresholds. See also, *Rialto Citizens for Responsible Growth v. City of Rialto* (2012) 208 Cal. App. 4th 899. Here again the court upheld the SCAQMD's approach to utilizing the established air quality significance thresholds to determine whether the impacts of a project would be cumulatively considerable. Thus, the implementation of PR 1466 will not cause a significant unavoidable cumulative impact.

Therefore, there is no potential for significant adverse cumulative or cumulatively considerable impacts to be generated by PR 1466 for any environmental topic.

XVIII. c) Less Than Significant Impact. The objective of PR 1466 is to reduce exposure from fugitive dust containing TACs from cleanup activities. Based on the foregoing analyses, PR 1466 is not expected to cause adverse effects on human beings for any environmental topic, either directly or indirectly because: 1) the aesthetics impacts were determined to be less than significance as analyzed in Section I - Aesthetics; 2) the air quality and GHG emission impacts were determined to be less than the significance thresholds as analyzed in Section III – Air Quality and Greenhouse Gases; 3) the increased demand for energy and water can be met by utilizing existing services as analyzed in Section VI – Energy and Section IX - Hydrology and Water Quality, respectively; 4) the hazards and hazardous materials impacts were determined to be less than significance as analyzed in Section VIII – Hazards and Hazardous Materials; 5) the land use and planning impacts were determined to be less than significance as analyzed in Section X – Land Use and Planning; 6) the transportation and traffic impacts were determined to be less than the significance thresholds as analyzed in Section XVI – Transportation and Traffic; and 7) the solid and hazardous waste impacts were determined to be less than the significance as analyzed in Section XVI – Solid and Hazardous Waste. In addition, the analysis concluded that there would be no significant environmental impacts for the remaining environmental impact topic areas:

agriculture and forestry resources, biological resources, cultural resources, geology and soils, mineral resources, population and housing, public services, and recreation.

Conclusion

As previously discussed in environmental topics I through XVIII, the proposed project has no potential to cause significant adverse environmental effects. Since no significant adverse environmental impacts were identified for any topic area, no mitigation measures are necessary or required.

APPENDICES

APPENDIX A

PROPOSED RULE 1466 - CONTROL OF PARTICULATE EMISSIONS FROM SOILS WITH TOXIC AIR CONTAMINANTS

In order to save space and avoid repetition, please refer to the latest version of Proposed Rule 1466 located in the Governing Board Package (meeting date July 7, 2017). The version of Proposed Rule 1466 that was circulated with the Draft EA and released on May 16, 2017 for a 30-day public review and comment period ending on June 15, 2017 was identified as "PR 1466 April 21, 2017." Original hard copies of the Draft EA, which include the draft version of the proposed rule listed above, can be obtained through the SCAQMD Public Information Center located in the SCAQMD headquarters lobby, or the SCAQMD's publication request line at (909) 396-2039 or from Fabian Wesson - Assistant Deputy Executive Officer/Public Advisor, AQMD, 21865 Copley Drive, Diamond Bar CA 91765, or PICrequests@aqmd.gov

APPENDIX B

CEQA IMPACT EVALUATIONS – ASSUMPTIONS AND CALCULATIONS

Appendix B
CEQA Impact Evaluations - Assumptions and Calculations
(2017/05/11 rev)

Emissions Summary

PR 1466 Requirement	CO, lb/day	NOx, lb/day	PM10, lb/day	PM2.5, lb/day	VOC, lb/day	SOX, lb/day
Increased water trucks	0.37	3.21	17.11	1.79	0.11	0.01
Increased delivery trucks	0.17	1.55	0.60	0.18	0.06	0.00
Increased employee vehicles	1.17	0.10	0.21	2.15	0.03	0.00
Total	**1.71**	**4.86**	**17.92**	**4.11**	**0.20**	**0.01**

By Vehicle Class	CO, lb/day	NOx, lb/day	PM10, lb/day	PM2.5, lb/day	VOC, lb/day	SOX, lb/day	CO2, MT/yr	CH4, MT/yr	N2O, MT/yr	CO2e, MT/yr	All sites: Max. # used/day	All sites: Max. # day used/yr
Diesel Water Trucks (T6 Construction Truck)	0.37	3.21	17.11	1.79	0.11	0.01	30.83	-	-	30.83	12	1300
Diesel Delivery Trucks (T6 Construction Truck)	0.17	1.55	0.60	0.18	0.06	0.00	0.14	-	-	1.40	3	30
Employee Vehicle (LDA)	1.17	0.10	0.21	2.15	0.03	0.00	17.19	-	-	17.19	12	1300
Total	**1.71**	**4.86**	**17.92**	**4.11**	**0.20**	**0.01**	**48.16**	**-**	**-**	**49.42**		

Note:

1. It is conservatively assumed that there will be up to 6 sites doing cleanup in the peak day and 10 sites in a year.
2. It is conservatively assumed in the peak day, there will be an additional 2 water trucks (T6), 1 supervisor vehicles (LDA) and 1 monitoring vehicles (LDA) at each site. Plus, 2 T6 trucks to deliver fencing/windscreen and 1 T6 truck to deliver tarps.
3. Each LDA, delivery truck, and water truck are assumed to travel round trip up to 40 miles, 40 miles, and 4 miles, respectively
4. Assumed the Gross Vehicle Weight for the T6 instate construction heavy truck (4,000 gallon water truck) is 52,000 lbs.
5. Assumed each 4,000 gallon water truck will handle 20,000 gallon water in a peak day (5 round trips).
6. Assumed 65 working days per site.
7. Assumed half of the sites need new fencing/windscreen and tarps (plastic sheeting).

	Site #
Daily	6
Annual	10

water truck - T6 instate construction heavy (T6) - each

	CO	NOx	PM10	PM2.5	VOC	SOX	CO2	CH4	N2O	CO2e	VMT, mile/day
g/mile (RUNEX, PMBW, PMTW, Fugitive)	0.63	5.62	32.36	3.38	0.20	0.01	1,151.66			1,151.66	20.0
g/vehicle (IDLEX)	1.48	9.06	0.06	0.05	0.18	0.01	706.18			706.18	
lb/day, MT/day for GHG	0.03	0.27	1.43	0.15	0.01	0.00	0.02	-	-	0.02	

EF: from EMFAC2014, EPA AP-42

delivery truck - T6 instate construction heavy (T6) - each

	CO	NOx	PM10	PM2.5	VOC	SOX	CO2	CH4	N2O	CO2e	VMT, mile/day
g/mile (RUNEX, PMBW, PMTW, Fugitive)	0.63	5.62	2.27	0.67	0.20	0.01	1,151.66	-	-	1,151.66	40.0
g/vehicle (IDLEX)	1.48	9.06	0.06	0.05	0.18	0.01	706.18	-	-	706.18	
lb/day, MT/day for GHG	0.06	0.52	0.20	0.06	0.02	0.00	0.05	-	-	0.05	

EF: from EMFAC2014, EPA AP-42

Light-Duty Automobiles (LDA) - each

	CO	NOx	PM10	PM2.5	VOC	SOX	CO2	CH4	N2O	CO2e	VMT, mile/day
g/mile (RUNEX, PMBW, PMTW, Fugitive)	1.10	0.10	0.20	2.03	0.03	0.00	330.83			330.83	40.0
lb/day, MT/day for GHG	0.10	0.01	0.02	0.18	0.00	0.00	0.01	-	-	0.01	

EF: from EMFAC2014, EPA AP-42

ENERGY CALS

Category	EPA/NHTSA Fuel Consumption							
	gal/1,000 ton-mile	ton	1 ton-m/g	mpg	**gallon fuel consumed per year due to PR 1466**	Baseline - Year 2015 Estimated Basin Fuel Demand (mmgal/yr)	Total % Above Baseline	
LDA				20.00	2,600	6,783	0.00004%	gasoline
Medium Heavy Class 6-7	22.1	26	45.25	1.74	15,629	756	0.0021%	diesel

Reference:

National Highway Traffic Safety Administration (NHTSA) vocational vehicle standards, https://www.dieselnet.com/standards/us/fe_hd.php

EPA Fuel Economy report: https://www.epa.gov/fueleconomy/trends-report

PR 1466 - Water Usage

Estimated Additional Water Usage (gal/day)	2014-2016	Future (peak daily)
	319,176	141,000

Assumed the additional water usage in the peak day after PR 1466 implemented will be about half of the usage in 2014-2016. The actual numbers are from PR 1466 Staff Report.

Water sources: local water hydrants

APPENDIX C

LIST OF CLEANUP SITES FROM 2014 TO 2016

Appendix C
2014-2016 Cleanup Sites
(2017/05/11rev)

Contaminated Sites

SCAQMD Log	Name	Site Type	Size (acres)	Estimated Current Water Usage (gal/day)	Estimated Proposed Water Usage (gal/day)	Current Water Trucks[1]	Estimated Proposed Water Trucks[1]	Estimated Water Truck Increases
LAC140220-01	Olympic Base	Military	2	1,936	5,160	1	1	-
LAC140624-05	South Region HS	School	9	8,712	23,220	1	2	1
LAC140627-01	PG&E Topock	Power Generation	11	10,648	28,380	1	2	1
LAC140826-03	Liston Brick	Metal Melting	1	968	2,580	1	1	-
LAC141007-03	Southland Steel	Metal Melting	1	968	2,580	1	1	-
LAC141008-02	Renu Plating	Metal Finishing	1	968	2,580	1	1	-
LAC141009-08	Cal School for Deaf	School	8	7,744	20,640	1	2	1
LAC141112-01	Ecology Controls Ind	Waste Management	9	8,712	23,220	1	2	1
RVC141030-03	Lockheed Beaumont 2	Aerospace	1	968	2,580	1	1	-
LAC141216-06	Malibu High School	School	1	968	2,580	1	1	-
LAC141230-05	APEX Metal Polishing	Metal Finishing	1	968	2,580	1	1	-
LAC150313-05	Jordan Downs	Manufacturing and Trucking	21	20,328	54,180	2	3	1
LAC150416-12	OC Metal Proc	Metal Finishing	2	1,936	5,160	1	1	-
SBC150424-02	Ashland	Chemicals	4	3,872	10,320	1	1	-
LAC150602-03	Cal HS	School	3	2,904	7,740	1	1	-
ORC150609-02	Beverly Hills Civic Ctr	Railway	2	1,936	5,160	1	1	-
LAC150707-13	Parks at Monrovia	Manufacturing	3	2,904	7,740	1	1	-
LAC150707-11	Int'l Light Metals	Metal Melting	12	11,616	30,960	1	2	1
LAC150820-13	Fremont HS	School	1	968	2,580	1	1	-
ORC151117-01	Delru	Metal Finishing	1	968	2,580	1	1	-
SBC160322-05	Las Terrezas	vacant	1	968	2,580	1	1	-
LAC160401-08	Southwest Marine	Manufacturing	25	24,200	64,500	2	4	2
RVC160929-05	AgPark	Military	62	60,016	159,960	4	8	4
LAC161101-10	Ladera Park	School	1	968	2,580	1	1	-
LAC161220-08	Exide	Metal Melting	15	14,520	38,700	1	2	1
			Total	**191,664**	**510,840**	**30**	**43**	**13**
					319,176			

Total acres	198	
Average acre per site	8	
Max acres in 6 month period	88	
Max sites in 6 month period	6	
Average sites in one year period	8	
Max sites in one year period	10	
Plastic sheeting - tarp per site	3	cu. Yd
Plastic sheeting - tarp total site per year	15	cu. Yd
fence/windscreen for 8 acre site	600'x600'x10'	

NOTE:
[1] Always round up

APPENDIX D

REFERENCES

REFERENCES

ORGANIZATIONS AND PERSONS CONSULTED

REFERENCES

California Environmental Quality Act (CEQA) Guidelines, codified at Title 14 California Code of Regulations, §15000 et seq.

California Energy Commission, California Annual Retail Fuel Outlet Report Results in 2015, http://www.energy.ca.gov/almanac/transportation_data/gasoline/2015_A15_Results.xlsx

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SCAQMD, 2016. Final 2016 Air Quality Management Plan. March 2017. http://www.aqmd.gov/home/library/clean-air-plans/air-quality-mgt-plan/final-2016-aqmp .

ORGANIZATIONS AND PERSONS CONSULTED

The CEQA statutes and Guidelines require that organizations and persons consulted be provided in the EA. A number of organizations, state and local agencies, and private industry have been consulted. The following organizations and persons have provided input into this document:

California Department of Toxic Substances Control (DTSC)
5796 Corporate Ave. cypress, CA 90630
(714) 484-5300

APPENDIX E

COMMENT LETTER ON THE DRAFT EA AND RESPONSES TO COMMENTS

Comment Letter #1: Diana Watson / Department of Transportation

Comment Letter #1

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION
DISTRICT 7-OFFICE OF TRANSPORTATION PLANNING
100 S. MAIN STREET, MS 16
LOS ANGELES, CA 90012
PHONE (213) 897-9446
FAX (213) 897-1337
www.dot.ca.gov

Serious Drought.
Serious drought.
Help save water!

June 9, 2017

Barbara Radlein
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, CA 91765

RE: Proposed Rule 1466-Control of Particulate Emissions from Solis with Toxic Air Contaminants
SCH # 2017051046
GTS# 07-ALL-2017-00023

Dear Ms. Radlein:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Draft Environmental Assessment (DEA) of Proposed Rule 1466. South Coast Air Quality Management District's (SCAQMD) staff has developed Proposed rule (PR) 1466 to establish requirements to minimize off-site fugitive particulate matter (PM 10) emissions that contain certain toxic air contaminants (TAC's) from earth-moving activities at sites within SCAQMD jurisdiction that have been designated as cleanup sites by the US Environmental Protection Agency, the California Toxic Substances Control (DTSC), the California Environmental Protection Agency's State Water Resources Control Board or Regional Water Quality Control Board. PR 1466 requirements would also apply to any site conducting earth-moving activities that is identified by their SCAQMD's Executive Officer as having soil that contains certain TAC's at levels exceeding soil cleanup thresholds. PR 1466 establishes a PM10 ambient dust limit and dust control measures at PR 1466 applicable sites.

Please note that any work performed within State right of way will require an encroachment permit from Caltrans. In addition, please be reminded that transportation of heavy construction equipment materials, or other special equipment, which require the use of oversized-transport vehicles on State highways will require a Caltrans transportation permit. Caltrans recommends that large size truck trips be limited to off-peak commute hours.

If you have any questions please feel free to contact Melanie Bradford, the project coordinator at (213) 897-9446 and refer to GTS#07-ALL-2017-00023.

Sincerely,

DIANNA WATSON
LD-IGR Branch Chief

cc: Scott Morgan, State Clearinghouse

"Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability"

Responses to Comments

Responses to Comment Letter #1

PR 1466 does not require the construction of new buildings or new air pollution control equipment, or the relocation or remodeling of existing sites, buildings or air pollution control equipment. Further, there are no provisions in PR 1466 that require earth-moving activities to occur. Instead, PR 1466 imposes requirements to minimize toxic fugitive dust if and when earth-moving activities occur during soil cleanup activities as required by federal, state, and local regulatory agencies. PR 1466 does not prescribe the location where the soil cleanup activities will occur. Also, it is important to note that the types of earth-moving activities that may occur during soil cleanup activities may involve land clearing, excavation, grading, stockpiling, and trenching which may require the use of construction equipment and vehicles. However, the emissions generated from operating the necessary construction equipment and mobile on-road vehicles by the employees and supervisors at the affected sites are already a part of the baseline or existing setting. Therefore, PR 1466 would not cause earth-moving activities to occur within a State right of way. Also, it is important to note that PR 1466 does not require the transportation of heavy construction equipment and vehicles. For this reason, PR 1466 would not be expected to trigger any ~~of~~ Caltrans' permitting requirements for bringing construction equipment and vehicles onto sites undergoing cleanup activities.

Further, as analyzed in Section XVII - Transportation and Traffic in the EA (see pages 2-63 to 2-66), implementation of PR 1466 would not increase large size truck trips and would not create significant impacts to transportation and traffic. Therefore, no oversized-transport vehicles requiring a Caltrans transportation permit will be necessary if PR 1466 is implemented.

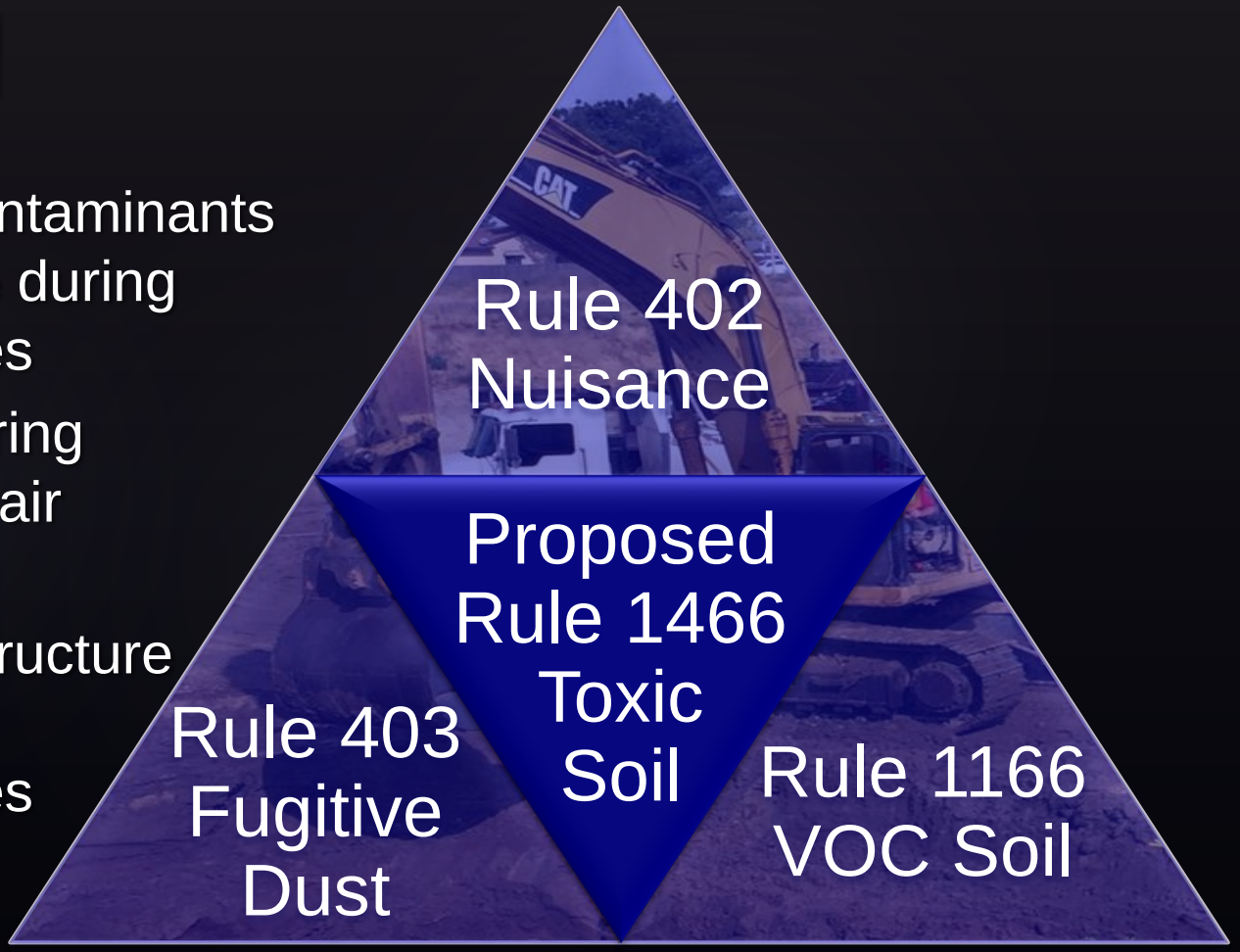
Attachment I

Proposed Rule 1466:
Control of Particulate Emissions from Soils with Toxic Air Contaminants

Governing Board Presentation
July 7, 2017

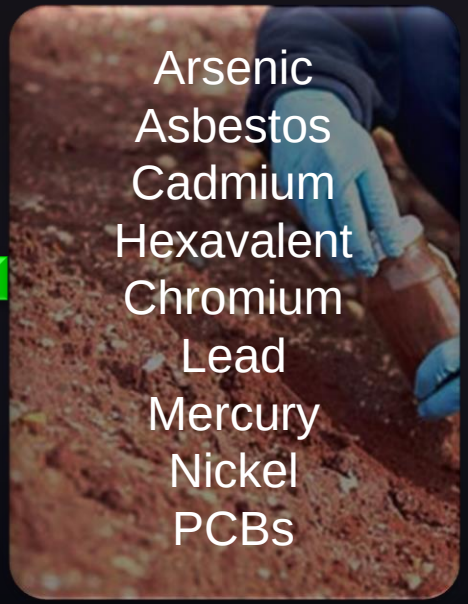
Background

- Soils with toxic air contaminants can become airborne during earth-moving activities
- Can expose neighboring communities to toxic air contaminants
- Existing regulatory structure does not address earth-moving activities for soils that contain toxic air contaminants



Applicability

Agency Designation



Applicable Toxic Air Contaminants

Begin Earth-Moving Activities

Key Features of PR 1466

Real-Time Monitoring

- PM_{10} monitoring required
- If PM10 is > 25 µg/m^3, temporarily cease operations to ensure fugitive dust is well controlled

Dust Control Measures

- Fencing and watering
- Vehicle measures
- Stockpiling
- Truck loading and unloading
- On-site dust control supervisor

Additional Provisions for Schools

- No earth-moving activities when school in session or school sponsored activities
- Includes K-12, early education, and joint use agreement sites

Special Considerations

- Allows alternative dust control measures
- Provides process to request exemptions
- Excludes certain provisions for sites excavating less than 500 cubic yards or linear sanitation projects on roadways, provided direct load to a bin for transport or truck
- Exemptions for sites with less than 50 cubic yards of soil and unique situations such as emergencies and utility outages

Future Amendment to Expand List of Applicable Toxics

- Stationary Source Committee recommended expanding list of applicable toxic air contaminants to include other metals, pesticides, and semi-volatile contaminants
- Staff will return to the Governing Board as soon as possible, but no later than February 2018 with proposed amendments

Recommended Actions

- Adopt the Resolution:
  - Certifying the Final Environmental Assessment
  - Adopting Rule 1466