



South Coast  
Air Quality Management District  
21865 Copley Drive, Diamond Bar, CA 91765  
(909) 396-2000, [www.aqmd.gov](http://www.aqmd.gov)

## STATIONARY SOURCE COMMITTEE MEETING

### Committee Members

Mayor Ben J. Benoit, Chair  
Supervisor Sheila Kuehl, Vice Chair  
Senator Vanessa Delgado (Ret.)  
Board Member Veronica Padilla-Campos  
Vice Mayor Rex Richardson  
Supervisor Janice Rutherford

March 18, 2022 ♦ 10:30 a.m.

**Pursuant to Assembly Bill 361, a meeting of the South Coast Air Quality Management District Stationary Source Committee will only be conducted via videoconferencing and by telephone. Please follow the instructions below to join the meeting remotely.**

### ELECTRONIC PARTICIPATION INFORMATION (Instructions provided at bottom of the agenda)

**Join Zoom Webinar Meeting - from PC or Laptop**

<https://scaqmd.zoom.us/j/94141492308>

**Zoom Webinar ID:** 941 4149 2308 (applies to all)

**Teleconference Dial In**

+1 669 900 6833

**One tap mobile**

+16699006833,94141492308#

**Audience will be able to provide public comment through telephone or Zoom connection during public comment periods.**

**PUBLIC COMMENT WILL STILL BE TAKEN**

### AGENDA

*Members of the public may address this body concerning any agenda item before or during consideration of that item (Gov't. Code Section 54954.3(a)). If you wish to speak, raise your hand on Zoom or press Star 9 if participating by telephone. All agendas for regular meetings are posted at South Coast AQMD Headquarters, 21865 Copley Drive, Diamond Bar, California, at least 72 hours in advance of the regular meeting. Speakers may be limited to three (3) minutes total for all items on the agenda.*

*Cleaning the air that we breathe...*

## CALL TO ORDER

## ROLL CALL

### INFORMATIONAL ITEM (Item 1)

- 1. Summary of Proposed Rule 403.2 – Fugitive Dust from Large Roadway Projects (10 mins.)** Ian MacMillan  
Assistant Deputy  
Executive Officer  
*(No Motion Required)*  
Staff will provide a summary of Proposed Rule 403.2 (PR 403.2) that reduces potential fugitive dust impacts to communities located in close proximity to large roadway projects. PR 403.2 includes provisions for dust control, public notification, a certified dust control supervisor, project signage, and recordkeeping.  
*(Written Material Attached)*

### WRITTEN REPORTS (Items 2 through 3)

- 2. Monthly Update of Staff's Work with U.S. EPA and CARB on New Source Review Issues for the Transition of RECLAIM Facilities to a Command-and-Control Regulatory Program** Michael Krause  
Assistant Deputy  
Executive Officer  
*(No Motion Required)*  
This is a monthly update on staff's work with U.S. EPA and CARB regarding New Source Review issues related to the RECLAIM transition.  
*(Written Material Attached)*
- 3. Notice of Violation Penalty Summary** Bayron Gilchrist  
General Counsel  
*(No Motion Required)*  
This report provides the total penalties settled in February 2022 which includes Civil, Supplemental Environmental Projects, Mutual Settlement Assessment Penalty Program, Hearing Board and Miscellaneous.  
*(Written Material Attached)*

### OTHER MATTERS

- 4. Other Business**  
Any member of the Committee, or its staff, on his or her own initiative or in response to questions posed by the public, may ask a question for clarification, may make a brief announcement or report on his or her own activities, provide a reference to staff regarding factual information, request staff to report back at a subsequent meeting concerning any matter, or may take action to direct staff to place a matter of business on a future agenda. (Gov't. Code Section 54954.2)
- 5. Public Comment Period**  
At the end of the regular meeting agenda, an opportunity is also provided for the public to speak on any subject within the Committee's authority that is not on the agenda. Speakers may be limited to three (3) minutes each.
- 6. Next Meeting Date:** Friday, April 15, 2022 at 10:30 a.m.

## ADJOURNMENT

### **Americans with Disabilities Act and Language Accessibility**

*Disability and language-related accommodations can be requested to allow participation in the Stationary Source Committee meeting. The agenda will be made available, upon request, in appropriate alternative formats to assist persons with a disability (Gov't Code Section 54954.2(a)). In addition, other documents may be requested in alternative formats and languages. Any disability or language related accommodation must be requested as soon as practicable. Requests will be accommodated unless providing the accommodation would result in a fundamental alteration or undue burden to the South Coast AQMD. Please contact Catherine Rodriguez at (909) 396-2735 from 7:00 a.m. to 5:30 p.m., Tuesday through Friday, or send the request to [crodriguez@aqmd.gov](mailto:crodriguez@aqmd.gov).*

### **Document Availability**

*All documents (i) constituting non-exempt public records, (ii) relating to an item on an agenda for a regular meeting, and (iii) having been distributed to at least a majority of the Committee after the agenda is posted, are available by contacting Catherine Rodriguez at (909) 396-2735, or send the request to [crodriguez@aqmd.gov](mailto:crodriguez@aqmd.gov).*

## **INSTRUCTIONS FOR ELECTRONIC PARTICIPATION**

### **Instructions for Participating in a Virtual Meeting as an Attendee**

As an attendee, you will have the opportunity to virtually raise your hand and provide public comment.

Before joining the call, please silence your other communication devices such as your cell or desk phone. This will prevent any feedback or interruptions during the meeting.

**Please note:** During the meeting, all participants will be placed on Mute by the host. You will not be able to mute or unmute your lines manually.

After each agenda item, the Chairman will announce public comment.

A countdown timer will be displayed on the screen for each public comment.

If interpretation is needed, more time will be allotted.

**Once you raise your hand to provide public comment, your name will be added to the speaker list. Your name will be called when it is your turn to comment. The host will then unmute your line.**

### **Directions for Video ZOOM on a DESKTOP/LAPTOP:**

- If you would like to make a public comment, please click on the “**Raise Hand**” button on the bottom of the screen.  
This will signal to the host that you would like to provide a public comment and you will be added to the list.

### **Directions for Video Zoom on a SMARTPHONE:**

- If you would like to make a public comment, please click on the “**Raise Hand**” button on the bottom of your screen.
- This will signal to the host that you would like to provide a public comment and you will be added to the list.

**Directions for TELEPHONE line only:**

- If you would like to make public comment, please **dial \*9** on your keypad to signal that you would like to comment.



## PROPOSED RULE 403.2 FUGITIVE DUST FROM LARGE ROADWAY PROJECTS

**STATIONARY SOURCE COMMITTEE  
MARCH 18, 2022**

### BACKGROUND

- Large roadway construction projects are located close to areas of public exposure due to existing land use
- More dust measures are needed to minimize fugitive dust impacts for communities near large roadway construction projects
- Communities near large roadways are already disproportionately impacted by air quality issues from re-entrained road dust and mobile source emissions
- Proposed Rule 403.2 seeks to fill a regulatory gap to address these issues



Wildomar (15 freeway)





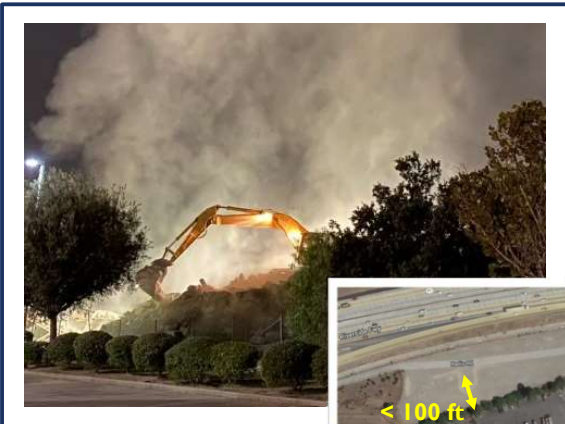
Wildomar (15 freeway)

## POTENTIAL FUGITIVE DUST GENERATING ACTIVITIES AT LARGE ROADWAY PROJECTS

- Large roadways include interstates, freeways, and expressways
- Fugitive dust generation at large roadway construction projects
  - Construction/demolition of roadway
  - Aggregate production from crushing and grinding of construction/demolition debris, including recycled concrete
  - Material stockpiles containing bulk material, construction/demolition debris, recycled concrete
    - Includes associated building and removal of stockpiles
  - Earth-moving activities, including construction vehicles traversing unpaved roads

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## NEED FOR PROPOSED RULE 403.2



Corona (91 freeway)



- Existing rules (e.g., Rule 403) do not include sufficient preventative measures for fugitive dust from most large roadway projects
  - Construction personnel in charge of dust control not required
  - Specific dust control measures applicable to Rule 403 'Large Operations' not required for most large roadway projects
    - The most stringent fugitive dust controls are included in Rule 403 'Large Operations'
  - Notification to the public and contact information for complaints not required
    - South Coast AQMD received 89 complaints since 2019
  - No buffer zones for activities with highest potential for dust generation

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## PURPOSE AND APPLICABILITY

- Purpose – reduce air quality impacts to people who may be exposed to fugitive dust generated by large roadway projects
- Applicability – any person who conducts activities or authorizes the conducting of activities for a large roadway project within:
  - 500 feet of an area of public exposure; or
  - 1,000 feet of a sensitive receptor
- Approach consistent with local measures
  - City of San Bernardino – no crushing/grinding on or within 1,000 ft of residential zoned lots
  - LA Metro Green Construction Policy – minimum 1,000-ft buffer between construction-related truck traffic and sensitive receptors where feasible, and notification of sensitive receptors within 1,000 feet

Area of Public Exposure:  
Residential, Commercial,  
Industrial, Recreational  
Land Uses  
Sensitive Receptor:  
Homes, Schools, Hospitals

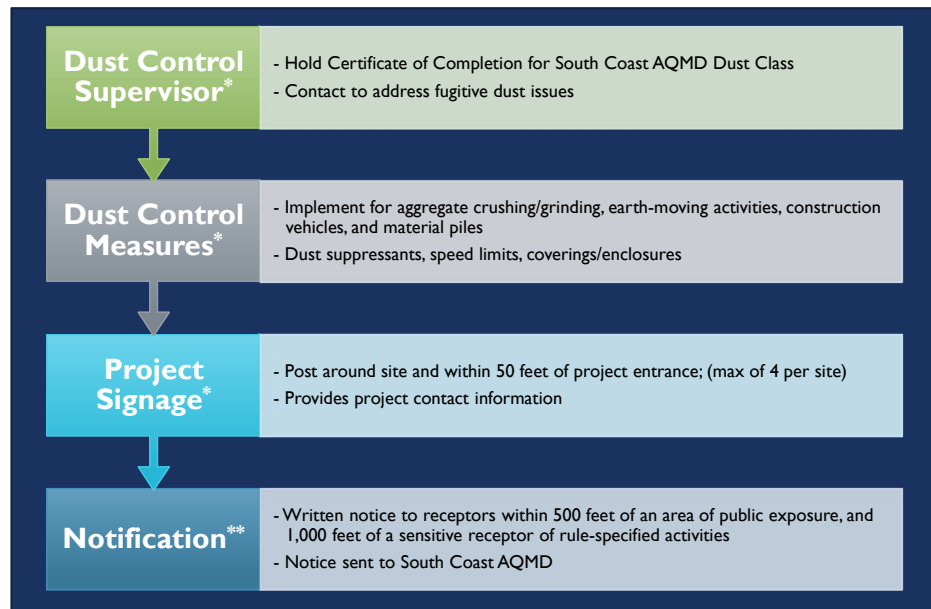
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## GENERAL REQUIREMENTS FOR LARGE ROADWAY PROJECTS

- Beginning six (6) months after rule adoption:
  - No aggregate crushing and grinding operations or maintenance of a material pile ( $\geq 3$  ft height) within 100 feet of an area of public exposure or sensitive receptor.
    - 3-foot height consistent with Rule 403 definition
    - Staff considering alternatives to this approach based on stakeholder feedback
  - Activities located within 500 feet of an area of public exposure, or 1,000 feet of a sensitive receptor shall comply with Additional Requirements and Recordkeeping (*next slide*):
    - Aggregate crushing and grinding operations;
    - Construction/demolition activities;
    - Earth-moving or any other mechanical activity that results in disturbed surface areas;
    - Movement of construction vehicles over paved and unpaved roads; or
    - Maintenance of material piles.

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## ADDITIONAL REQUIREMENTS



\* Consistent with Rule 403 Large Operations

\*\* Consistent with LA Metro Green Construction Policy

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## RECORDKEEPING AND EXEMPTIONS

- Daily Recordkeeping
  - Document activities and associated equipment with fugitive dust potential
  - Fugitive dust control measures implemented and frequency
  - Consistent with Rule 403 Large Operations
- Exemptions
  - Activities conducted during emergency life-threatening situations
  - Activities by utilities during service outages and emergency disruptions
  - Berms needed for best management practices for stormwater prevention or safety
  - Additional exemption under consideration for maintenance activities with low potential for significant fugitive dust generation (e.g., crack filling, pothole repair, etc.)

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## PUBLIC PROCESS



- 4 Working Group Meetings
- Public Workshop
- Over 20 individual stakeholder meetings to discuss concepts and concerns
  - Earlier concepts were broader in scope and applicability
  - Previously included all large demolition piles at all large construction/demolition projects

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## KEY COMMENTS – JUSTIFICATION FOR RULE

Comment	Response
Potential air quality impacts and complaint data not sufficient justification for proposed rule	<ul style="list-style-type: none"><li>• Persistent pattern of complaints (even without resulting enforcement action) indicate recurrent public exposure from large roadway projects linked to proximity<ul style="list-style-type: none"><li>• Detailed complaint data will be made available in response to stakeholder request</li></ul></li><li>• Existing rules require inspectors to ‘chase’ air quality problems</li><li>• PR 403.2 establishes targeted, preventative approach</li></ul>

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## KEY COMMENTS – APPLICABILITY TOO BROAD

Comment	Response
Rule is too broad and covers too many activities with low dust potential	<ul style="list-style-type: none"> <li>• <u>Proposed change</u>: “Large roadway project” would only apply to construction/demolition of a large road and not include routine maintenance with low potential for dust generation</li> <li>• <u>Proposed change</u>: Expand list of low dust potential maintenance activities exempt from rule</li> <li>• <u>Proposed change</u>: Staff considering alternatives to 3-foot pile height in prohibition zone, if mitigation included               <ul style="list-style-type: none"> <li>• Existing Rules 403 and 1157 already require:                   <ul style="list-style-type: none"> <li>• Piles <math>\geq 3'</math> must be stabilized (e.g., with watering), and</li> <li>• Piles <math>\geq 8'</math> tall are prohibited within 300 feet of an occupied building unless controls are applied (watering)</li> </ul> </li> </ul> </li> </ul>

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## KEY COMMENTS – LARGE ROADWAY WITH 100,000 VMT

Comment	Response
100,000 vehicles/day metric to define large roadways is unclear	<ul style="list-style-type: none"> <li>• Roads that have 100,000 vehicles/day are almost exclusively interstate roads, freeways, and expressways</li> <li>• <u>Proposed change</u>: Definition will instead be based on functional classifications of roads consistent with state definitions (Caltrans)</li> <li>• Staff will provide maps and/or references in the staff report clearly identifying which roadways are applicable</li> </ul>

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## NEXT STEPS

- Set Hearing – April 1, 2022
- Public Hearing – May 6, 2022

## **March 2022 Update on Work with U.S. EPA and CARB on New Source Review Issues for the RECLAIM Transition**

At the October 5, 2018 Board meeting, the Board directed staff to provide the Stationary Source Committee with a monthly update of staff's work with U.S. EPA regarding resolving NSR issues for the transition of facilities from RECLAIM to a command-and-control regulatory structure. The table below summarizes key activities with U.S. EPA and CARB since the last report.

- Planning to schedule next meeting late March

**SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT  
General Counsel's Office**

**Settlement Penalty Report (02/01/2022 - 02/28/2022)**

**Total Penalties**

Civil Settlement:       \$402,000.00  
MSPAP Settlement:       \$8,195.00  
Hearing Board Settlement:   \$10,000.00  
  
**Total Cash Settlements:**       \$420,195.00

**Fiscal Year through 02/28/2022 Cash Total:**   \$2,886,787.35

Fac ID	Company Name	Rule Number	Settled Date	Init	Notice Nbrs	Total Settlement
<b>Civil</b>						
35409	BARTON BRANDS	203(B)	02/17/2022	BT	P69537	\$375,000.00
25638	BURBANK CITY, BURBANK WATER & POWER	2004	02/17/2022	VT	P66175	\$1,000.00
109471	DURA COAT PRODUCTS INC	203(b)	02/18/2022	VT	P69365	\$1,000.00
187521	MEGATOYS INC.	1403, 40 CFR 61.145	02/17/2022	NS	P66711	\$7,500.00
157676	THE SHERWIN-WILLIAMS COMPANY	1113, 1143, 1168	02/17/2022	BT/WW	P55313, P61803, P64805, P64808, P67002, P67006, P67007, P67009	\$15,000.00
189970	WEBER LOGISTICS/RANCHO 107	1415.1	02/18/2022	SH	P64773	\$2,500.00
<b>Total Civil Settlements: \$402,000.00</b>						
<b>Hearing Board</b>						
104234	SCAQMD v. Mission Foods	202, 203(b), 1153.1, 1303	02/17/2022	KCM	5400-4	\$10,000.00
<b>Total Hearing Board Settlements: \$10,000.00</b>						

Fac ID	Company Name	Rule Number	Settled Date	Init	Notice Nbrs	Total Settlement
<b>MSPAP</b>						
111825	CONOCOPHILLIPS CO-255510 A.H.B. PROPER	461	02/18/2022	GC	P67237	\$300.00
151837	DUKE SERVICE CORNER	461	02/18/2022	GC	P67700	\$1,020.00
184450	EASTERN MUNICIPAL WATER DISTRICT	403	02/18/2022	GC	P69102	\$2,250.00
189862	GUTIERREZ CLEANERS INC	203(a), 1421	02/22/2022	GC	P68371	\$1,200.00
97547	LARRY JACINTO CONSTRUCTION	403	02/22/2022	TCF	P68273	\$500.00
178234	M1 FUEL, INC, DBA PASADENA 76	461	02/22/2022	TCF	P70356	\$375.00
188464	MYNOR AUTO REPAIR	1151	02/22/2022	TCF	P68724	\$375.00
39979	OMNITRANS	1151	02/22/2022	TCF	P68710	\$800.00
190953	RAHIM FAMILY TRUST	1403	02/22/2022	TCF	P69743	\$375.00
181390	SEVENTEEN TWENTY OIL COMPANY	203(b)	02/22/2022	TCF	P73051	\$1,000.00
<b>Total MSPAP Settlements: \$8,195.00</b>						

**SOUTH COAST AQMD'S RULES AND REGULATIONS INDEX  
FOR FEBRUARY 2022 PENALTY REPORT**

**REGULATION II - PERMITS**

Rule 202            Temporary Permit to Operate  
Rule 203            Permit to Operate

**REGULATION IV - PROHIBITIONS**

Rule 403            Fugitive Dust  
Rule 461            Gasoline Transfer and Dispensing

**REGULATION XI - SOURCE SPECIFIC STANDARDS**

Rule 1113           Architectural Coatings  
Rule 1143           Consumer Paint Thinners & Multi-Purpose Solvents  
Rule 1151           Motor Vehicle and Mobile Equipment Non-Assembly Line Coating Operations  
Rule 1153.1        Emissions of Oxides of Nitrogen from Commercial Food Ovens  
Rule 1168           Adhesive and Sealant Applications

**REGULATION XIII - NEW SOURCE REVIEW**

Rule 1303           Requirements

**REGULATION XIV - TOXICS**

Rule 1403           Asbestos Emissions from Demolition/Renovation Activities  
Rule 1415.1        Reduction of Refrigerant Emissions from Stationary Refrigeration Systems  
Rule 1421           Control of Perchloroethylene Emissions from Dry Cleaning Operations

**REGULATION XX    REGIONAL CLEAN AIR INCENTIVES MARKET (RECLAIM)**

Rule 2004           Requirements

**CODE OF FEDERAL REGULATIONS**

40 CFR 61.145    Standard for Demolition and Renovation