PROPOSED REGULATION ORDER

ASBESTOS AIRBORNE TOXIC CONTROL MEASURE FOR CONSTRUCTION, GRADING, QUARRYING, AND SURFACE MINING OPERATIONS

Adopt new section 93105, title 17, California Code of Regulations, to read as follows:

Section 93105. Asbestos Airborne Toxic Control Measure for Construction, Grading, Quarrying, and Surface Mining Operations.

(a) Effective Date.

(1) No later than 120 days after the approval of this section by the Office of Administrative Law, each air pollution control and air quality management district must:

(A) Implement and enforce the requirements of this section, or

(B) Propose their own asbestos airborne toxic control measure as provided in Health & Safety Code section 39666(d).

(2) *Pre-existing Operations*: The owner/operator of any project in which the construction, grading, quarrying, or surface mining operation started before the effective date of this section shall comply with this section by:

(A) The date the district begins implementing and enforcing this section as required in subsection (a)(1)(A); or

(B) The compliance date specified in the airborne toxic control measure adopted by the district as required in subsection (a)(1)(B).

(b) Applicability. Unless one of the specific exemptions specified in subsection (c) applies, this section shall apply to any construction, grading, quarrying, or surface mining operation on any property that meets any of the following criteria:

(1) Any portion of the area to be disturbed is located in a geographic ultramafic rock unit; or

(2) Any portion of the area to be disturbed has naturally-occurring asbestos, serpentine, or ultramafic rock as determined by the owner/operator, or the Air Pollution Control Officer (APCO); or

(3) Naturally-occurring asbestos, serpentine, or ultramafic rock is discovered by the owner/operator, a registered geologist, or the APCO in the area to be disturbed after the start of any construction, grading, quarrying, or surface mining operation.

(c) General Exemptions.

(1) *Geologic Evaluation*: The APCO may provide an exemption from this section for any property that meets the criterion in item (b)(1) if a registered geologist has conducted a geologic evaluation of the property and determined that no naturally-occurring asbestos, serpentine, or ultramafic rock is likely to be found in the area to be disturbed. Before an exemption can be granted, the owner/operator must provide a copy of a report detailing the geologic evaluation to the APCO for his or her consideration.

(A) At a minimum, the geologic evaluation must include:

1. A general description of the property and the proposed use;

2. A detailed site characterization which may include:
   i. A physical site inspection;
   ii. Offsite geologic evaluation of adjacent property;
   iii. Evaluation of existing geological maps and studies of the site and surrounding area;
   iv. Development of geologic maps of the site and vicinity;
   v. Identification and description of geologic units, rock and soil types, and features that could be related to the presence of ultramafic rocks, serpentine, or asbestos mineralization;
   vi. A subsurface investigation to evaluate the nature and extent of geologic materials in the subsurface where vertical excavation is planned; methods of subsurface investigation may include, but are not limited to borings, test pits, trenching, and geophysical surveys;

3. A classification of rock types found must conform to the nomenclature based on the International Union of Geological Science system;

4. A description of the sampling procedures used;

5. A description of the analytical procedures used, which may include mineralogical analyses, petrographic analyses, chemical analyses, or analyses for asbestos content;

6. An archive of collected rock samples for third party examination; and

7. A geologic evaluation report documenting observations, methods, data, and findings; the format and content of the report should follow the Guidelines for Engineering Geologic Reports issued by the State Board of Registration for Geologists and Geophysicists.

(B) The district may request any additional tests or other information needed to evaluate an application for exemption.

(C) The district shall grant or deny a request for an exemption within 90 days of the receipt of a complete application.

(D) If the request for an exemption is denied, the APCO shall provide written reasons for the denial.

(E) *Expiration of the Geologic Exemption:* If the owner/operator discovers any naturally-occurring asbestos, serpentine, or ultramafic rock in the area to be disturbed after the exemption is granted, then:

1. The owner/operator must comply with the requirements of this section;

2. The owner/operator must report the discovery of the naturally-occurring asbestos, serpentine, or ultramafic rock to the APCO no later than the next business day; and

3. The exemption under (c)(1) shall expire and cease to be effective.

(2) *Agriculture and Timber Harvesting*: This section shall not apply to agricultural operations or timber harvesting except for construction of roads and buildings. Construction of roads and buildings is subject to the requirements of subsection (d).

(3) *Homeowners and Tenants*: Individuals engaged in covered activities on property they own or occupy are exempt from subsections (e)(1) and (e)(3)(A).

(4) *Sand and Gravel Operations*: The APCO may provide an exemption for crushing, screening and conveying equipment, stockpiles, and off-site material transport at a sand and gravel operation if the operation processes only materials from an alluvial deposit.

(A) The district shall grant or deny a request for an exemption within ninety (90) days of the receipt of a complete application.

(B) If the request for an exemption is denied, the APCO shall provide written reasons for the denial.

(d) Requirements for Road Construction and Maintenance. These requirements shall apply to roads that are not part of a construction or grading project, quarry, or surface mine.

(1) No person shall conduct any road construction or maintenance activities that disturb any area that meets any criterion listed in subsections (b)(1) or (b)(2) unless:

(A) The APCO is notified in writing at least fourteen (14) days before the beginning of the activity or in accordance with a procedure approved by the district;

(B) Dust control measures sufficient to prevent the emission of visible dust to the ambient air during any activity that disturbs the ground are implemented;

(C) Unpaved areas subject to vehicle traffic are kept adequately wetted;

(D) The speed of any vehicles traveling across unpaved areas is no more than fifteen (15) miles per hour; and,

(E) Vehicles that have traveled across unpaved areas pass across a track-out prevention device before resuming travel on a paved public roadway.

(2) No person shall conduct any road construction or maintenance activity that disturbs the ground surface in an area that meets the criteria in subsection (b)(3) unless:

(A) The APCO is notified no later than the next business day of the discovery that the area meets the criteria in subsection (b)(3); and

(B) The requirements of subsections (d)(1)(B) through (d)(1)(E), are implemented within twenty-four (24) hours of the discovery.

(3) *Exemptions from the Requirements for Road Construction and Maintenance.* The following exemptions may apply in addition to the applicable general exemptions specified in subsection (c):

(A) *Emergency Road Repairs:* Subsection (d)(1)(A) shall not apply when construction of a road or firebreak, or a road repair is necessary due to a landslide, flood, or other emergency or to mitigate a condition that constitutes an imminent hazard to the public. The owner/operator shall notify the APCO no later than the next business day of the action taken and the condition establishing the applicability of this subsection.

(B) *Remote locations:* The APCO may provide an exemption from the requirements of subsection (d) for any activity which will occur at a remote location.

1. The district shall grant or deny a request for an exemption within ninety (90) days of the receipt of a complete application.

2. If the request for an exemption is denied, the APCO shall provide written reasons for the denial.

(e) Requirements for Construction and Grading Operations.

(1) *Areas of one acre or less meeting the criteria in subsections (b)(1) or (b)(2)*: No person shall engage in any construction or grading operation on property where the area to be disturbed is **one (1.0) acre or less** unless the following dust mitigation measures are initiated at the start and maintained throughout the duration of the construction or grading activity:

(A) Construction vehicle speed at the work site must be limited to fifteen (15) miles per hour or less;

(B) Prior to any ground disturbance, sufficient water must be applied to the area to be disturbed to prevent visible emissions from crossing the property line;

(C) Areas to be graded or excavated must be kept adequately wetted to prevent visible emissions from crossing the property line;

(D) Storage piles must be kept adequately wetted, treated with a chemical dust suppressant, or covered when material is not being added to or removed from the pile;

(E) Equipment must be washed down before moving from the property onto a paved public road; and

(F) Visible track-out on the paved public road must be cleaned using wet sweeping or a HEPA filter equipped vacuum device within twenty-four (24) hours.

(2) *Areas greater than one acre meeting the criteria in subsections (b)(1) or (b)(2)*: No person shall engage in any construction or grading operation on property where the area to be disturbed is **greater than one (1.0) acre** unless:

(A) An Asbestos Dust Mitigation Plan for the operation has been:

1. Submitted to and approved by the district before the start of any construction or grading activity, and

2. The provisions of that dust mitigation plan are implemented at the beginning and maintained throughout the duration of the construction or grading activity; and

(B) For a project started before the effective date of this section for which an asbestos dust mitigation plan was submitted at least sixty (60) days before the effective date, and for which the district has not yet approved the asbestos dust mitigation plan:

1. The measures in subsection (e)(1) must be implemented and maintained until the district-approved asbestos dust mitigation plan is implemented; and

2. The provisions of the district-approved asbestos dust mitigation plan must be implemented within fourteen (14) days of district approval of the plan and maintained throughout the remainder of the construction or grading activity.

(3) *Property that meets the criteria in subsection (b)(3)*: No person shall engage in any construction or grading operation unless the following requirements are met:

(A) The owner/operator notifies the district of the discovery of naturally-occurring asbestos, serpentine, or ultramafic rock no later than the next business day;

(B) The dust mitigation measures in subsection (e)(1) are implemented within twenty-four (24) hours after determining that the property meets the criteria in paragraph (b)(3); and

(C) For operations in which the area to be disturbed is **one (1.0) acre or less**, the dust mitigation measures in subsection (e)(1) are maintained throughout the duration of the construction or grading activity, or

(D) For operations in which the area to be disturbed is **greater than one (1.0) acre**, the owner/operator must:

1. Submit an asbestos dust mitigation plan to the district within fourteen (14) days of the discovery of naturally-occurring asbestos, serpentine, or ultramafic rock;

2. Maintain the dust mitigation measures in subsection (e)(1) until the provisions of the district-approved asbestos dust mitigation plan are implemented;

3. Implement the provisions of the district-approved asbestos dust mitigation plan within fourteen (14) days of district approval of the plan; and

4. Maintain the provisions of the district-approved asbestos dust mitigation plan throughout the remainder of the construction or grading activity.

(4) *Asbestos Dust Mitigation Plans*: An Asbestos Dust Mitigation Plan must specify dust mitigation practices which are sufficient to ensure that no equipment or operation emits dust that is visible crossing the property line, and must include one or more provisions addressing **each** of the following topics:

(A) Track-out prevention and control measures which shall include:

1. Removal of any visible track-out from a paved public road at any location where vehicles exit the work site; this shall be accomplished using wet sweeping or a HEPA filter equipped vacuum device at the end of the work day or at least one time per day; and

2. Installation of one or more of the following track-out prevention measures:
   i. A gravel pad designed using good engineering practices to clean the tires of exiting vehicles;
   ii. A tire shaker;
   iii. A wheel wash system;

iv. Pavement extending for not less than fifty (50) consecutive feet from the intersection with the paved public road; or
v. Any other measure as effective as the measures listed above.

(B) Keeping active storage piles adequately wetted or covered with tarps.

(C) Control for disturbed surface areas and storage piles that will remain inactive for more than seven (7) days, which shall include one or more of the following:

1. Keep the surface adequately wetted;

2. Establishment and maintenance of surface crusting sufficient to satisfy the test in subsection (h)(6);

3. Application of chemical dust suppressants or chemical stabilizers according to the manufacturers' recommendations;

4. Covering with tarp(s) or vegetative cover;

5. Installation of wind barriers of fifty (50) percent porosity around three (3) sides of a storage pile;

6. Installation of wind barriers across open areas; or

7. Any other measure as effective as the measures listed above.

(D) Control for traffic on on-site unpaved roads, parking lots, and staging areas which shall include:

1. A maximum vehicle speed limit of fifteen (15) miles per hour or less; and

2. One or more of the following:
i. Watering every two hours of active operations or sufficiently often to keep the area adequately wetted;
ii. Applying chemical dust suppressants consistent with manufacturer's directions;
iii. Maintaining a gravel cover with a silt content that is less than five (5) percent and asbestos content that is less than 0.25 percent, as determined using an approved

asbestos bulk test method, to a depth of three (3) inches on the surface being used for travel; or

iv. Any other measure as effective as the measures listed above.

(E) Control for earthmoving activities which shall include one or more of the following:

1. Pre-wetting the ground to the depth of anticipated cuts;

2. Suspending grading operations when wind speeds are high enough to result in dust emissions crossing the property line, despite the application of dust mitigation measures;

3. Application of water prior to any land clearing; or

4. Any other measure as effective as the measures listed above.

(F) *Control for off-site transport*. The owner/operator shall ensure that no trucks are allowed to transport excavated material off-site unless:

1. Trucks are maintained such that no spillage can occur from holes or other openings in cargo compartments; and

2. Loads are adequately wetted and either:
   i. Covered with tarps; or
   ii. Loaded such that the material does not touch the front, back, or sides of the cargo compartment at any point less than six inches from the top and that no point of the load extends above the top of the cargo compartment.

(G) *Post construction stabilization of disturbed areas*. Upon completion of the project, disturbed surfaces shall be stabilized using one or more of the following methods:

1. Establishment of a vegetative cover;

2. Placement of at least three (3.0) inches of non-asbestos-containing material;

3. Paving;

4. Any other measure deemed sufficient to prevent wind speeds of ten (10) miles per hour or greater from causing visible dust emissions.

(H) Air monitoring for asbestos (if required by the APCO).

1. If required by the district APCO, the plan must include an air-monitoring component.

2. The air monitoring component shall specify the following:
   i. Type of air sampling device(s);
   ii. Siting of air sampling device(s);
   iii. Sampling duration and frequency; and
   iv. Analytical method.

(I) *Frequency of reporting*: The plan shall state how often the items specified in subsection (e)(5)(B), and any other items identified in the plan, will be reported to the district.

(5) *Recordkeeping and Reporting Requirements*.

(A) *Recordkeeping Requirements:* The owner/operator shall maintain the following records for at least seven (7) years following the completion of the construction project:

1. The results of any air monitoring conducted at the request of the APCO;

2. The documentation for any geologic evaluation conducted on the property for the purposes of obtaining an exemption, except the archive of collected samples which may be discarded at the expiration of the exemption or one (1) year after the exemption is granted whichever is less; and,

3. The results of any asbestos bulk sampling that meets any of the following conditions:
   i. The asbestos bulk sampling was conducted by the owner/operator to document the applicability of or compliance with this section, or
   ii. The asbestos bulk sampling was done at the request of the district APCO.

(B) *Reporting Requirements:* The owner/operator of any grading or construction operation subject to this section shall submit the following to the District:

1. The results of any air monitoring conducted at the request of the APCO; and,

2. The results of any asbestos bulk sampling that meets any of the following conditions:
   i. Asbestos bulk sampling conducted by the owner/operator to document applicability of or compliance with this section, or
   ii. Asbestos bulk sampling done at the request of the APCO.

(f) Requirements for Quarrying and Surface Mining Operations.

(1) No person shall engage in any quarrying or surface mining operation that meets the criteria of subsections (b)(1) or (b)(2) unless an Asbestos Dust Mitigation Plan for the operation has been submitted to and approved by the District and the fugitive dust mitigation measures specified in the Plan are implemented and maintained throughout the duration of any quarrying or surface mining operation except,

(A) *Pre-existing Operations*: The owner or operator of any quarrying or surface mining operation that was in operation before the date this section is implemented as determined pursuant to subsection (a) that has not obtained district approval of the asbestos dust mitigation plan may continue operating if all the following conditions are met:

1. The owner/operator has submitted an asbestos dust mitigation plan to the district at least sixty (60) days prior to the date specified in subsection (a);

2. The owner/operator implements all of the dust mitigation measures specified in subsections (f)(2)(B) and (f)(2)(C) by the effective date specified in subsection (a) and maintains them until the provisions of an approved asbestos dust mitigation plan are implemented; and

3. The owner/operator implements the provisions of the asbestos dust mitigation plan within fourteen (14) days following district approval of the plan.

(B) *Mineral exploration activities*: Mineral exploration activities as defined in the California Public Resources Code section 2714(d) in an area meeting any of the conditions of subsection (b) are not required to submit an asbestos dust mitigation plan but shall

instead implement and maintain the following measures throughout the duration of the activity:

1. Limit vehicle speeds on the site to fifteen (15) miles per hour or less;

2. Apply sufficient water during any ground disturbance to prevent visible dust from crossing the property line;

3. Keep disturbed areas and storage piles adequately wetted until they are permanently stabilized;

4. Install a track-out prevention device designed to prevent track-out onto any paved public road;

5. Clean up any visible track-out at the end of the workday or at a minimum within twenty-four (24) hours; and

6. Cover, treat with a chemical dust suppressant, or otherwise stabilize any disturbed areas when operations cease for more than seven (7) days.

(2) The owner or operator of any quarry or surface mine that meets any of the criteria in subsection (b)(3) shall:

(A) Notify the APCO no later than the next business day of the discovery;

(B) Implement all the following measures within twenty-four (24) hours following the discovery:

1. Keep stock and working piles adequately wetted during the addition and removal of material;

2. Keep on-site unpaved roads, parking lots, and staging areas stabilized using one of the following measures:
   i. adequately wetted; or
   ii. controlled using dust palliatives or suppressants,
   iii. paving; or
   iv. covered to a depth of three (3) inches with gravel that does not contain more than 0.25 percent asbestos as determined using an approved asbestos bulk test method;

3. Keep exposed areas and inactive stockpiles that are prone to mechanical or wind disturbances:

i. adequately wetted; or
ii. controlled using dust palliatives or suppressants, paving, wind berms or breaks; or
iii. covered with tarps or material that does not contain more than 0.25 percent asbestos as determined using an approved asbestos bulk test method;

4. Ensure that materials to be quarried, excavated, or graded are adequately wetted;

5. Ensure that all loads are adequately wetted before and during truck loading operations;

6. Ensure that all trucks transporting materials off-site meet the following conditions at the time the truck leaves the site:
i. Loads are adequately wetted and covered with tarps; or
ii. Loads are adequately wetted and the material does not touch the front back or sides of the cargo compartment at any point less than six (6) inches from the top and no point of the load extends above the top of the cargo compartment; and

7. Limit vehicle speeds within the quarry or surface mining operation to fifteen (15) miles per hour or less.

(C) Implement the following measures within fourteen (14) days of the determination that the operation meets any of the criteria in subsection (b)(3):

1. Measures to ensure that material being excavated, crushed, screened, loaded, transferred or conveyed does not result in any dust that is visible crossing the property line; and

2. Measures to ensure that no grinding mill, screening operation, or transfer point on a belt conveyor discharges into the air any visible emissions other than uncombined water vapor, for a period aggregating more than three minutes in any one hour which are:
i. Half as dark or darker in shade as that designated as number one on the Ringlemann Chart, as published by the United States Bureau of Mines; or
ii. Of such opacity as to obscure an observers view to a degree equal to or greater than smoke as described in subsection (f)(2)(C)2.i. or ten (10) percent opacity;

3. Measures to ensure that no crusher discharges into the air any visible emissions other than uncombined water vapor, for a period aggregating more than three minutes in any one hour which are:
   i. Three-quarters as dark or darker in shade as that designated as number one on the Ringlemann Chart, as published by the United States Bureau of Mines; or
   ii. Of such opacity as to obscure an observers view to a degree equal to or greater than smoke as described in subsection (f)(3)(C)3.i. or fifteen (15) percent opacity;

4. Measures for material handling sufficient to meet the requirements of (f)(2)(C)1. through (f)(2)(C)3. Such measures may include the following:
   i. Installation and operation of spraybars on all conveyors;
   ii. Installation of shrouds at all drop points;

5. Track-out control and prevention measures which shall include:
   i. Installation of a gravel pad, grizzly, tire washing system, or paving at least fifty (50) feet of the access road, and
   ii. Cleaning any visible track-out off the paved public road using wet sweeping or a HEPA filter equipped vacuum device at the end of each workday.

6. Stabilization of all on-site roads, parking lots, and staging areas open to the public by one of the following methods:
   i. Pave with asphalt or concrete, or
   ii. Treat with a chemical dust suppressant applied according to manufacturers directions, or
   iii. Maintain a gravel cover that has a depth of at least three (3) inches and an asbestos concentration no more than 0.25 percent as determined using an approved asbestos bulk test method.

(D) Submit an Asbestos Dust Mitigation Plan to the District within fourteen (14) days and maintain the measures specified in subsections (f)(2)(B) and (f)(2)(C) until the asbestos dust mitigation measures in the district-approved Asbestos Dust Mitigation Plan are implemented.

(3) An Asbestos Dust Mitigation Plan required by subsections (f)(1) and (f)(2)(D) must include sections which address each of the following topics:

(A) A Fugitive Dust Mitigation Component which shall, at a minimum, include the measures specified in subsections (f)(2)(B) and

(f)(2)(C), unless the APCO determines that it is appropriate to add, omit, or modify these measures depending on site-specific parameters. The plan shall also require that :

1. Equipment and operations do not emit dust that is visible crossing the property line; and

2. Crushers do not discharge into the air any visible emissions other than uncombined water vapor, for a period aggregating more than three minutes in any one hour, which is:
   i. Three-quarters as dark or darker in shade as that designated as number one on the Ringlemann Chart, as published by the United States Bureau of Mines; or
   ii. Of such opacity as to obscure an observers view to a degree equal to or greater than smoke as described in subsection (f)(3)(A)2.i. or fifteen (15) percent opacity; and

3. Grinding mills, screening operations, and transfer points on belt conveyors do not discharge into the air any visible emissions other than uncombined water vapor, for a period aggregating more than three minutes in any one hour, which is:
   i. Half as dark or darker in shade as that designated as number one on the Ringlemann Chart, as published by the United States Bureau of Mines; or
   ii. Of such opacity as to obscure an observers view to a degree equal to or greater than smoke as described in subsection (f)(3)(A)3.i. or ten (10) percent opacity.

(B) Air monitoring for asbestos (if required by the APCO).

1. If required by the district APCO, the plan must include an air monitoring component.

2. The air monitoring component shall specify the following:
   i. Type of air sampling device(s);
   ii. Siting of air sampling device(s);
   iii. Sampling duration and frequency; and
   iv. Analytical method.

(C) *Frequency of reporting*. The plan shall state how often the items specified in subsection (f)(5)(B), and any other items identified in the plan, will be reported to the district.

(4) Upon petition by the owner/operator the APCO may approve the use of requirements or restrictions established under other regulatory programs to meet the requirements of subsection (f) under the following conditions:

(A) The requirements or restrictions are equivalent to or more stringent than the requirements of subsection (f); and

(B) The requirements or restrictions are enforceable by the APCO.

(5) *Recordkeeping and Reporting Requirements*: The owner/operator of a surface mining or quarrying operation subject to this section must comply with the following recordkeeping and reporting requirements:

(A) *Recordkeeping Requirements:* The owner/operator shall maintain the following records for at least seven (7) years:

1. The results of any air monitoring conducted at the request of the APCO;

2. The documentation for any geologic evaluation conducted on the property for the purpose of obtaining an exemption except, the archive of collected rock samples which may be discarded at the expiration of the exemption or one (1) year after the district granted or denied the exemption, whichever comes first; and,

3. The results of any asbestos bulk sampling that meets any of the following conditions:
   i. The asbestos bulk sampling was conducted by the owner/operator to document the applicability of, or compliance with this section, or
   ii. The asbestos bulk sampling was done at the request of the district APCO.

(B) *Reporting Requirements:* The owner/operator shall submit the following to the District:

1. The results of any air monitoring conducted at the request of the APCO; and,

2. The documentation of any geologic evaluation conducted on the property in question; and,

3. The results of any asbestos bulk sampling that meets any of the following conditions:

i. Asbestos bulk sampling conducted by the owner/operator to document applicability of or compliance with this section, or
ii. Asbestos bulk sampling done at the request of the district APCO.

(g) Air Monitoring for Asbestos.

(1) Air monitoring may be required by the district APCO.

(2) The APCO may revise the asbestos dust mitigation plan on the basis of the results of the air monitoring.

(h) Test Methods.

(1) *Ultramafic Rock*: The ultramafic rock composition of any material shall be determined using standard analysis techniques including, but not limited to, color index assessment, microscopic examination, petrographic analysis or rock thin sections, or chemical analysis techniques, such as X-ray fluorescence spectrometry or inductively coupled plasma analysis.

(2) *Bulk Sampling Methods*: ARB Test Method 435, or an alternative asbestos bulk test method approved in writing by the Executive Officer of the California Air Resources Board, shall be used to determine the asbestos content of a bulk sample. For the purposes of determining compliance with this section, references in ARB Test Method 435 to "serpentine aggregate" shall mean “gravel” or other “bulk materials” to be tested for asbestos content.

(3) *Analysis of Air Samples*: Analysis of all air samples shall follow the analytical method specified by the United States Environmental Protection Agency, Asbestos Hazard Emergency Response Act (AHERA) criteria for asbestos (40 CFR, Part 763), with the following exceptions:

(A) The analytical sensitivity shall be 0.001 structures per cubic centimeter (0.001 s/cc); and

(B) All asbestos structures with an aspect ratio greater than three to one (3 to1) shall be counted irrespective of length.

(4) The results of the analysis of air samples shall be reported as transmission electron microscopy (TEM) asbestos structures per cubic centimeter (s/cc).

(5) *Adequately Wetted*: Field determination of “adequately wetted” shall be as follows:

(A) If the district-approved asbestos dust mitigation plan has specified a percent moisture content for specific materials the determination shall be as specified in the district-approved asbestos dust mitigation plan; or

(B) If no moisture threshold is specified in a district-approved asbestos dust mitigation plan, a sample of at least one (1) quart in volume shall be taken from the top three (3) inches of a road, or bare area or from the surface of a stockpile. The sample shall be poured out from a height of four (4) feet onto a clean hard surface. The material shall be considered to be adequately wetted if there is no observable dust emitted when the material is dropped.

(6) *Surface Crusting*: "Measurement of the stability of surface crusting on horizontal surfaces" shall be as follows:

(A) Where a visible crust exists, drop a steel ball with a diameter of 15.9 millimeters (0.625 inches) and a mass ranging from 16 -17 grams from a distance of 30 centimeters (one foot) directly above (at a 90 degree angle perpendicular to) the ground surface. If blowsand (thin deposits of loose grains covering less than 50 percent of the surface that have not originated from the surface being tested) is present, clear the blowsand from the surfaces to be tested before dropping the steel ball.

(B) A sufficient crust is determined to exist if, when the ball is dropped according to subsection (h)(6)(A), the ball does not sink into the surface so that it is partially or fully surrounded by loose grains and, upon removing the ball, the surface on which it was dropped has not been pulverized so that loose grains are visible.

(C) Drop the ball three times each in three representative test areas within a survey area measuring 1 foot by 1 foot that represents a random portion of the surface being evaluated. The test area shall be deemed to have passed if at least two of the three times the ball was dropped, the results met the criteria in subsection (h)(6)(B). If all three test areas pass, the area shall be deemed to be "sufficiently crusted".

(i) Definitions. For the purposes of this section, the following definitions shall apply:

(1) "Access road" means any road extending from a public thoroughfare onto the property of a construction project, quarry, or surface mining operation.

(2) "Adequately wetted" means sufficiently moistened with water to minimize the release of particulate matter into the ambient air as determined by the test method(s) in subsection (h)(5).

(3) "Agricultural operation" means activities necessary for the growing and harvesting of crops or raising of fowl or animals.

(4) "APCO" means the executive officer, air pollution control officer, or the designee of the executive officer or air pollution control officer of any air pollution control or air quality management district created or continued in existence pursuant to Part 3 (commencing with section 40000), Division 26, Health and Safety Code.

(5) "Approved asbestos bulk test method" means ARB Test Method 435 or an alternative asbestos bulk test method approved in writing by the Executive Officer of the California Air Resources Board.

(6) "ARB" means the California Air Resources Board.

(7) "ARB Test Method 435" means the test method specified in title 17, California Code of Regulations, section 94147.

(8) "Asbestos" means asbestiforms of the following minerals: chrysotile (fibrous serpentine), crocidolite (fibrous riebeckite), amosite (fibrous cummingtonite--grunerite), fibrous tremolite, fibrous actinolite, and fibrous anthophyllite.

(9) "Asbestos-containing material" means any material that has an asbestos content of 0.25 percent or greater.

(10) "Asbestos Dust Mitigation Plan" means a detailed written document specifying measures that would be implemented to minimize the emissions of asbestos-laden dust.

(11) "Carry-out" or "track-out" means any bulk material that adheres to and agglomerates on the exterior surfaces of motor vehicles, haul trucks, and/or equipment, including tires, and that has fallen or been deposited onto a paved public roadway.

(12) "Construction," "grading," "construction or grading operation" and "construction or grading activity" mean any surface disturbance conducted with powered equipment or any related activity, including, but not limited to, all surface and subsurface cuts and fills, excavation, trenching, stockpiling, bulldozing, and landfills.

(13) "District" means any air pollution control or air quality management district created or continued in existence pursuant to Part 3 (commencing with section 40000), Division 26, Health and Safety Code.

(14) "Geographic ultramafic rock unit" means a geographic area that is designated as an ultramafic rock unit or ultrabasic rock unit, including the unit boundary line, on any of the maps referenced in Appendix A.

(15) "Geologic evaluation" means an evaluation of a property to determine the presence of various types of rocks, including ultramafic rock, serpentinite, or other metamorphic derivatives of ultramafic rock.

(16) "Gravel pad" means a layer of gravel, rock, or crushed rock which is at least one inch or larger in diameter and less than five (5) percent silt content, maintained at the point of intersection of a paved public roadway and a work site entrance to dislodge mud, dirt, and debris from tires of motor vehicles and haul trucks prior to leaving a worksite.

(17) "Grizzly" means a device used to dislodge mud, dirt, and debris from the tires and undercarriage of motor vehicles and haul trucks prior to leaving the work site.

(18) "HEPA filter" means a High Efficiency Particulate Air filter used to remove particles less than one (1) micron in aerodynamic diameter and operates at removal efficiencies of 99.9 percent or greater.

(19) "Naturally-occurring asbestos" means asbestos that has not been processed in an asbestos mill.

(20) "Owner/operator" or "person" includes, but is not limited to:

(A) An individual, trust, firm, joint stock company, business concern, partnership, limited liability company, association, or corporation including, but not limited to, a government corporation;

(B) Any city, county, district, commission, the state or any department, agency, or political subdivision thereof, any interstate body, and the federal government or any department or agency thereof to the extent permitted by law; or

(C) A project proponent and any of its contractors or subcontractors.

(21) “Paving” means creating a cover consisting of portland cement, asphalt concrete, or chip seal.

(22) "Property" means any real property including, but not limited to, any contiguous parcel or parcels of land and anything attached to, or erected on it.

(23) "Quarrying" means the act of obtaining stone from the earth by means of cutting, digging, excavating, or blasting and includes processes used to convert the excavated material into commercial products.

(24) "Registered geologist" means an individual that is currently licensed as a geologist with the State of California, Department of Consumer Affairs, Board of Geology and Geophysicists.

(25) "Remote location" means any location that is at least one (1.0) mile from the location of a receptor. "Receptor" includes, but is not limited to, any hospital, school, day care center, work site, business, residence, and permanent campground. The distance to the nearest receptor is to be measured from the outermost limit of the area to be disturbed or road surface, whichever is closer.

(26) "Road surface" means the traveled way of a road and any shoulder which may extend up ten (10) feet from the edge of the traveled way.

(27) "Sand and Gravel Operation" means any facility operating in alluvial deposits.

(28) "Serpentine" means any form of the following hydrous magnesium silicate minerals: antigorite, lizardite, and chrysotile.

(29) "Serpentinite" means a rock consisting almost entirely of serpentine, although small amounts of other minerals such as magnetite, chromite, talc, brucite, and tremolite-actinolite may also be present. "Serpentinite" is a metamorphic derivative of the ultramafic rocks, peridotite, pyroxenite, or dunite.

(30) "Surface mining" means all, or any part of, the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposit, open-pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incident to an underground mine. "Surface mining" includes, but is not limited to, in place distillation or retorting or leaching, the production and disposal of mining waste, prospecting and exploratory activities or any activity subject to regulation under the Surface Mining and Reclamation Act of 1975, Public Resources Code section 2700 et seq.

(31) "Ultrabasic rock" means ultramafic rock.

(32) "Ultramafic rock" means an igneous rock composed of 90 percent or greater of one or a combination of the following iron/magnesium-rich, dark-colored silicate minerals: olivine, pyroxene, or more rarely amphibole. For the purposes of this section, "ultramafic rock" includes the following rock types: dunite, pyroxenite, and peridotite; and their metamorphic derivatives.

(33) "Visible emissions" means any particulate mater that is visually detectable without the aid of instruments other than corrective lenses.

NOTE: Authority cited: Sections 39600, 39601, 39650, 39658, 39659, 39666, and 41511, Health and Safety Code. Reference: Sections 39650, 39658, 39659, 39666, and 41511, Health and Safety Code.

APPENDIX A

California Department of Conservation
Division of Mines and Geology

AVAILABLE GEOLOGIC MAPS FOR CALIFORNIA

GEOLOGIC ATLASES OF CALIFORNIA Scale 1:250,000

GEOLOGIC ATLAS OF CALIFORNIA: ALTURAS
Compiled by Gay, T.E. and others, 1958

GEOLOGIC ATLAS OF CALIFORNIA: BAKERSFIELD
Compiled by Smith, A.R., 1964 (reprinted 1992)

GEOLOGIC ATLAS OF CALIFORNIA: DEATH VALLEY
Compiled by Streitz, R.L. and Stinson, M.C., 1974 (reprinted 1991)

GEOLOGIC ATLAS OF CALIFORNIA: FRESNO
Compiled by Matthews, R.A. and Burnett, J.L, 1965 (reprinted 1991)

GEOLOGIC ATLAS OF CALIFORNIA: KINGMAN
Compiled by Jennings, C.W., 1961

GEOLOGIC ATLAS OF CALIFORNIA: LONG BEACH
Compiled by Jennings, C.W., 1962 (reprinted 1992)

GEOLOGIC ATLAS OF CALIFORNIA: LOS ANGELES
Compiled by Jennings, C.W. and Strand, R.G., 1969 (reprinted 1991)

GEOLOGIC ATLAS OF CALIFORNIA: MARIPOSA
Compiled by Strand, R.G., 1967 (reprinted 1991)

GEOLOGIC ATLAS OF CALIFORNIA: NEEDLES
Compiled by Bishop, C.C., 1963 (reprinted 1992)

GEOLOGIC ATLAS OF CALIFORNIA: REDDING
Compiled by Strand, R.G., 1962

GEOLOGIC ATLAS OF CALIFORNIA: SALTON SEA
Compiled by Jennings, C.W., 1967 (reprinted 1992)

GEOLOGIC ATLAS OF CALIFORNIA: SAN LUIS OBISPO
Compiled by Jennings, C.W., 1958 (reprinted 1992)

GEOLOGIC ATLAS OF CALIFORNIA: SAN DIEGO - EL CENTRO
Compiled by Strand, R.G., 1962 (reprinted 1992)

GEOLOGIC ATLAS OF CALIFORNIA: SANTA ANA
Compiled by Rogers, T.H., (reprinted 1992)

GEOLOGIC ATLAS OF CALIFORNIA: SANTA CRUZ
Compiled by Jennings, C.W. and Strand, R.G., 1958 (reprinted 1992)

GEOLOGIC ATLAS OF CALIFORNIA: SANTA MARIA
Compiled by Jennings, C.W., 1959 (reprinted 1992)

GEOLOGIC ATLAS OF CALIFORNIA: TRONA
Compiled by Jennings, C.W., 1962

GEOLOGIC ATLAS OF CALIFORNIA: UKIAH
Compiled by Jennings, C.W. and Strand, R.G., 1960 (reprinted 1992)

GEOLOGIC ATLAS OF CALIFORNIA: WALKER LAKE
Compiled by Koenig, J.B., 1963 (reprinted 1992)

GEOLOGIC ATLAS OF CALIFORNIA: WESTWOOD
Compiled by Lyndon, P.A., and others, 1960

REGIONAL GEOLOGIC MAP SERIES Scale 1:250,000

GEOLOGIC MAP OF THE CHICO QUADRANGLE
(set of five sheets)
By Saucedo, G.J. and Wagner, D.L., 1992

GEOLOGIC MAP OF THE SACRAMENTO QUADRANGLE
(set of four sheets)
Compiled by Wagner, D.L. and others, 1981

GEOLOGIC MAP OF THE SANTA ROSA QUADRANGLE
(set of five sheets)
Compiled by Wagner and D.L., Bortugno, E.J. (reprinted 1999)

GEOLOGIC MAP OF THE SAN BERNARDINO QUADRANGLE
(set of five sheets)
Compiled by Bortugno, E.J., and Spittler, T.E. (reprinted 1998)

GEOLOGIC MAP OF THE WEED QUADRANGLE
(set of four sheets)
By Wagner, D.L. and Saucedo, G.J., 1987

GEOLOGIC MAP OF THE SAN FRANCISCO-SAN JOSE QUADRANGLE
(set of five sheets)
By Wagner, D.L., Bortugno, E.J. and McJunkin, R.D., 1990
Color-coded faults

LOCAL GEOLOGIC MAPS

AREAS MORE LIKELY TO CONTAIN NATURALLY-OCCURRING ASBESTOS IN WESTERN EL DORADO COUNTY, CALIFORNIA
By Ron Churchill, March 2000
Scale 1:100,000

SERPINTINITE SURVEY OF LAKE COUNTY, CALIFORNIA – MAP A, ULTRAMAFIC, ULTRABASIC, AND SERPENTINE ROCK AND SOILS OF LAKE COUNTY,
Adopted: March 2, 1992
Scale: 1:100,000