

**Feather River Air Quality Management District  
LOCAL AND STATE REGULATIONS APPLICABLE TO FUGITIVE DUST**

**I. FRAQMD Rules and Regulations**

*Note: The following District Rules and Regulations are enforced for each project regardless of lead agency or Board approved project CEQA mitigation requirements.*

**FRAQMD RULE 3.0 - VISIBLE EMISSIONS (Adopted 6/91)**

As provided by Section 41701 of the California Health and Safety Code, a person shall not discharge into the atmosphere from any single source of emissions whatsoever, any air contaminants for a period or periods aggregating more than three minutes in any one hour which is:

- a. As dark or darker in shade as that designated as No. 2 on the Ringlemen Chart, as published by the United States Bureau of Mines; or
- b. Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in Subsection 'a' above.

*Enforcement:* The District has trained staff capable of performing a Visible Emissions Evaluation (VEE). VEE courses are offered to regulators and the regulated community (for a fee) at regular intervals by staff of the California Air Resources Board.

**FRAQMD RULE 3.16 - FUGITIVE DUST EMISSIONS (Adopted 4/11/94)**

**A. PURPOSE**

The purpose of this Rule is to reasonably regulate operations which periodically may cause fugitive dust emissions into the atmosphere.

**B. DEFINITION**

For the purpose of this Rule, the following definitions shall apply:

B.1 Fugitive Dust: Solid airborne matter emitted from any non-combustion source.

B.2 Emergency: Any act of God, but only if the owner of the property from which fugitive dust emissions originate establishes for the Feather River Air Quality Management District, by a preponderance of evidence, that he or she took reasonable precautions in light of the relevant facts and circumstances to minimize emissions.

B.3 Property Line: Adjacent properties which are owned by the same person shall be considered the same property for the purpose of determining the property line.

**C. REQUIREMENTS**

A person shall take every reasonable precaution not to cause or allow the emissions of fugitive dust from being airborne beyond the property line from which the emission originates, from any construction, handling or storage activity, or any wrecking, excavation, grading, clearing of land or solid waste disposal operation.

Reasonable precautions shall include, but are not limited to:

C.1 use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, construction of roadways, or the clearing of land;

C.2 application of asphalt, oil, water, or suitable chemical on dirt roads, material stockpiles, and other surfaces which can give rise to airborne dusts;

C.3 other means approved by the Air Pollution Control Officer.

#### D. EXEMPTIONS

The provisions of this Rule shall not apply to the following:

D.1 Agricultural Operations

D.2 Currently unworked land designated as reclaimed for agriculture

D.3 An Emergency

D.4 Unpaved roads open to public travel (this inclusion shall not apply to industrial or commercial facilities).

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## II. State Laws

### California Health and Safety Code

**Section 41700.** Except as otherwise provided in Section 41705, no person shall discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health, or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.

**Section 41701.** Except as otherwise provided in Section 41704, or Article 2 (commencing with Section 41800) of this chapter other than Section 41812, or Article 2 (commencing with Section 42350) of Chapter 4, no person shall discharge into the atmosphere from any source whatsoever any air contaminant, other than uncombined water vapor, for a period or periods aggregating more than three minutes in any one hour which is: (a) As dark or darker in shade as that designated as No. 2 on the Ringelmann Chart, as published by the United States Bureau of Mines, or (b) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subdivision (a).

### California Vehicle Code

Section 23114 requires: No vehicle shall transport any aggregate material upon a highway unless the material is covered. Exception 23114(e)(4): Vehicles transporting loads of aggregate materials shall not be required to cover their loads if the load, where it contacts the sides, front, and back of the cargo container area, remains six inches from the upper edge of the container area, and if the load does not extend, at its peak, above any part of the upper edge of the cargo container area. For purposes of this section, "aggregate material" means rock fragments, pebbles, sand, dirt, gravel, cobbles, crushed base, asphalt, and other similar materials.