

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

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Section 1: Authority and References

Pursuant to the authority in California Health and Safety Code, Section 39666 the Bay Area Air Quality Management District (District) enforces standards required by Title 17, California Code of Regulations, Section 93105 (Section 93105) for Construction, Grading, Quarrying, and Surface Mining Operations. The intent of this regulation is to control naturally occurring asbestos emissions from construction, grading, quarrying, and surface mining operations to the lowest achievable rates by using Best Available Control Technology (BACT).

Section 93105 applies to any road construction and maintenance, construction, grading, quarrying, and surface mining operations where a geographic ultramafic rock unit (GURU) may exist according to the Department of Conservation, Division of Mines and Geology maps that identify deposits of ultramafic rock in California; or where any area to be disturbed has naturally occurring asbestos, serpentine, or GURU as determined by the owner/operator or the Air Pollution Control Officer (APCO); or where naturally occurring asbestos, serpentine, or GURU is discovered by the owner/operator, a registered geologist, or APCO in the area to be disturbed after the start of construction, grading, quarrying, or surface mining.

Section 2: General Exemptions

There are several exemptions from the requirements of Section 93105. These exemptions were included to address unique situations or potential occurrences. The following provides the basis for these exemptions and a brief summary for each.

A. Geological Evaluation

There may be areas identified on Department of Conservation (DOC) and California Geologic Survey (CGS) maps within GURU's where there is no serpentine or ultramafic rock. Therefore, the rule includes a provision that would allow the APCO to exempt a project if a *registered geologist* determines that there is no serpentine or ultramafic rock in the area to be disturbed.

The owner/operator must submit an application for the exemption and must include the registered geologist's negative declaration and any supporting documents.

The District will grant or deny any exemption application within 90 days. The APCO will provide a written response for any exemption denial.

The exemption is not valid if the owner/operator discovers naturally occurring asbestos, serpentine or ultramafic rock. The owner/operator

must notify the District no later than the next business day and will be subject to the requirements of Section 93105. See specific operations section for more details.

B. Agricultural and Timber Harvesting Operations

Agricultural and timber harvesting operations are exempt from Section 93105. This exemption does not apply to the construction of roads or buildings associated within an agricultural or timber harvesting operation. The exemption for agricultural operations is provided because it is not anticipated that significant agricultural activities exist in the areas where ultramafic rock is present. Soils in ultramafic rock areas are not highly desirable for farming. The exemption for timber harvesting was provided because this activity generally occurs in remote locations and typically not more than once every ten years.

C. Homeowners/Tenants

This provision exempts individuals in residential areas (homeowners and tenants) conducting construction and grading activities on their property when the area to be disturbed is *one acre or less*. Minimal dust mitigation measures should be used any time an activity has a potential to raise dust in an area where asbestos may be present. The requirements of Regulation 6 (Particulate Matter and Visible Emissions) apply and should be enforced to control fugitive dust and potential asbestos emissions.

D. Sand and Gravel Operations

Sand and gravel operations may qualify for an exemption for activities associated with the removal, processing, and storage of material extracted from alluvial deposits because of the low probability of the presence of asbestos. This includes crushing, screening and conveying equipment, stockpiles, and off-site material transport. The owner/operator must submit an application for the exemption. The District will grant or deny any exemption application within 90 days. The APCO will provide a written response for any exemption denial.

There are additional limited exemptions included in the section for Road Construction and Maintenance for emergency road repairs and remote locations. See specific operations section for more details.

Section 3: Inspection Procedures

A. Pre-inspection

The inspector should review copies of notifications or plans received by the District and forwarded to the field. It is important to identify the project type to enforce the appropriate requirements of Section 93105.

Dust Mitigations Plans are required to be submitted and pre-approved for Construction and Grading Operations that will disturb greater than one (1.0) acre and for quarrying and surface mining operations. The plan must specify dust mitigation practices that are sufficient to ensure that no equipment or operation emits dust that is visible crossing the property line. The practices outlined in the Dust Mitigation Plan must be followed throughout the duration of the project.

Department of Conservation (DOC) and California Geologic Survey (CGS) maps are retained by an assigned Air Quality Program Specialist and may be reviewed by inspection staff prior to going to the project location to get an indication of the location of GURU's. The maps are only an indicator of suspected locations of naturally occurring asbestos and should not be used as a definitive source to locate naturally occurring asbestos or GURU's.

B. Safety and Inspection Equipment

Inspectors are required to use personal protective equipment when performing inspections and taking samples. See below for additional safety equipment and recommendations.

Equipment/PPE

The following equipment is provided to conduct an inspection at a project site:

- Safety glasses, safety shoes
- Hard hat
- One pint can with labels and seals
- Negative air half face/full face respirator
- Tyvek suit
- Spray bottle with water
- Camera
- Steel ball (for surface crusting determination)
- Tape measure

The inspector should take extra precautions to ensure proper safety measures are taken when working around heavy equipment or in any construction area. It may be difficult for a heavy equipment operator to see a visitor who has entered into the project's active work area. The inspector should not enter an active work area without escort or making contact with a site representative.

C. General Inspection Procedures

Upon arrival at the project site, the Inspector should attempt to contact the project foreman or other on-site representative, identify him/herself and give the representative a business card. The Inspector should advise the on-site representative of the purpose of the inspection.

The standards of Section 93105 differ from the visible emissions standards in Regulation 6, Section 301 in that they do not require taking a Plume Evaluation Record. They are more comparable to the standards found in Regulation 6, Section 305 addressing visible particles. If any visible emission is observed crossing the project boundary, it is a violation of Section 93105. Project boundary means the right-of-way and any construction easements adjacent to and necessary for the purposes of a specific project or maintenance activity. This means any area under control of the owner/operator that is closed to the public using things like barrier tape, cones, fencing, or any other material used to mark the area of activity not open to the public.

General housekeeping procedures should be utilized by the owner/operator to maintain a clean worksite. Track-out and debris from vehicles leaving the project boundaries is an indicator that the owner/operator may not be utilizing proper dust mitigation measures required in the regulation. The inspector should bring these issues to the attention of the owner/operator immediately to resolve any potential violations or public complaints.

In the event that photographs are taken, the inspector should record the date, time, location (area being photographed and place photograph was taken), and any other relevant information in a photo log to document any investigation findings.

D. Inspection Procedures Specific to Operation Category

1. Road Construction and Maintenance

The requirements for road construction and maintenance apply to activities undertaken to build roads, highways, railroads, bridges, culverts, drains, and other works incidental to road construction and maintenance activities that involve grading and excavation.

Responsible parties for projects that disturb the soil surface and are in a GURU must notify the District in writing of the project 14 days prior to the beginning of the operation. If the presence of naturally occurring asbestos, serpentine, or ultramafic rock is discovered after the beginning of the road construction or maintenance project, the operator must notify the District by the next business day and comply with the specified dust control requirements within 24 hours. (See Table-D1 for requirements.)

The regulation specifies the implementation of dust control measures sufficient to prevent the emission of visible dust to the ambient air during any activity that disturbs the native soil as well as those areas of native soil subject to vehicular traffic. In most instances, this is accomplished by ensuring that these areas are kept adequately wet. Additionally, vehicle speeds must be limited to 15 mph on unpaved areas unless the exposed area has been stabilized to prevent visible emissions, and vehicles that have traveled across bare soil must pass across a track-out prevention device prior to resuming travel on a paved public roadway. No track-out should be observed by the inspector on a paved public roadway.

Section 93105 provides an exemption from the advance notification requirements to allow road maintenance activities resulting from an emergency to proceed as soon as possible. Examples of emergency situations include road repairs as a result of landslides, fires, or floods. The operator must notify the District of the emergency activity by the next business day.

The District may also exempt roads that are greater than one mile from any residence, hospital, day care center, worksite, business, or developed campground. The exemption must be applied for in writing. The District will grant or deny any exemption application within 90 days. The APCO will provide a written response for any exemption denial.

These exemptions do not apply to building construction and quarrying activities.

Table-D1

ROAD CONTRUCTION AND MAINTENANCE REQUIREMENTS	
Administrative	<ul style="list-style-type: none"> • Notify APCO 14 days prior to disturbing serpentine or ultramafic rock • Notify APCO next business day upon discovery of naturally occurring asbestos, serpentine, or ultramafic rock
Dust control	<ul style="list-style-type: none"> • Stabilize unpaved areas by wetting, chemical dust suppressant, or cover • Vehicle speed in unpaved areas \leq 15 mph or stabilize area to prevent visible emissions if $>$ 15 mph • Storage piles and disturbed areas not subject to vehicle traffic stabilized by wetting, chemical dust suppressant, or cover • No track-out visible on paved roadway open to the public • Equipment and operations must not cause any visible emission to cross project boundaries • Implement dust control measures within 24 hours upon discovery of naturally occurring asbestos, serpentine, or ultramafic rock

2. Construction and Grading Operations

The requirements for construction and grading operations depend on the area to be disturbed. The regulation contains specific requirements for areas that are one acre or less and for areas that are larger than one acre.

a. Areas of One Acre or Less

The regulation specifies minimum control requirements for locations in which the area to be disturbed is one acre or less. These requirements require vehicle speeds to be limited to 15 mph or less, wetting of stockpiles and surfaces that will be disturbed, no visible emissions observed crossing property lines, and track-out prevention and cleanup. No notification to the District is required. (See Table-D2 for requirements)

The minimum requirements are to be implemented at the start and maintained throughout the duration of the construction or

grading project within a GURU. If naturally occurring asbestos, serpentine, or ultramafic rock is discovered on a site outside a GURU, the District is to be notified by the next business day and the minimum control requirements are to be implemented within 24 hours.

Table-D2

CONSTRUCTION AND GRADING OPERATIONS REQUIREMENTS	
Areas of One Acre or Less	
Administrative	<ul style="list-style-type: none"> • No notification required to the District • Notify APCO next business day upon discovery of naturally occurring asbestos, serpentine, or ultramafic rock
Dust control	<ul style="list-style-type: none"> • Vehicle speed \leq 15 mph • Sufficient water applied to area prior to disturbance to prevent visible emissions from crossing project boundaries • Areas to be graded or excavated kept adequately wetted to prevent visible emissions from crossing project boundaries • Storage piles kept adequately wetted, treated with chemical dust suppressant, or covered when material is not being added or removed • Equipment must be washed down before moving from property onto paved roadway • Visible track-out on paved public road must be cleaned using wet sweeping or HEPA filter equipped vacuum device within 24 hours • Implement the preceding dust control measures within 24 hours upon discovery of naturally occurring asbestos, serpentine, or ultramafic rock

b. Areas Greater than One Acre

An operation located in a GURU that will be disturbing more than an acre of soil surface is subject to the requirements to submit an Asbestos Dust Mitigation Plan for District approval. The Asbestos Dust Mitigation Plan must be submitted prior to startup of any activity. An Asbestos Dust Mitigation Plan must incorporate measures to control all of the following potential emission sources:

- Track-out onto the paved public road;

- Inactive disturbed surface area and storage piles;
- Traffic on unpaved on-site roads;
- Active storage piles;
- Earthmoving activities;
- Off-site transport of materials; and
- Post-project disturbed soil surfaces.

Disturbed surface areas and storage piles that will remain inactive for more than seven (7) days are required to be kept adequately wetted to establish and maintain surface crusting. The inspector should make field determinations for compliance utilizing test methods outlined in EXHIBIT 1, Test Methods. (See Tables D3 and D4 for requirements.)

The provisions of the approved plan must be implemented at the beginning and maintained throughout the duration of the operation. If naturally occurring asbestos, serpentine, or ultramafic rock is discovered after the project begins, the owner/operator must notify the District by the next business day and implement the minimum control requirements specified in the regulation (i.e., those projects \leq 1 acre) within 24 hours. In addition, the owner/operator must submit an Asbestos Dust Mitigation Plan to the District within 14 days and implement the provisions of the plan within 14 days of District approval.

Table-D3

CONSTRUCTION AND GRADING OPERATIONS REQUIREMENTS	
Areas Greater than One Acre	
Administrative	<ul style="list-style-type: none"> • Asbestos Dust Mitigation Plan submitted to the District and approved prior to engaging in any construction or grading operation • Notify APCO next business day upon discovery of naturally occurring asbestos, serpentine, or ultramafic rock • Submit Asbestos Dust Mitigation Plan within 14 days upon discovery of naturally occurring asbestos, serpentine, or ultramafic rock • Report results of air monitoring requested by the APCO • Report bulk sampling results conducted by the owner/operator to document applicability done at the request of the APCO

Table-D4

CONSTRUCTION AND GRADING OPERATIONS REQUIREMENTS	
Areas Greater than One Acre	
Dust control	<ul style="list-style-type: none"> • Vehicle speed \leq 15 mph • Sufficient water applied to area prior to disturbance to prevent visible emissions from crossing project boundaries • Areas to be graded or excavated kept adequately wetted to prevent visible emissions from crossing project boundaries • Storage piles kept adequately wetted, treated with chemical dust suppressant, or covered when material is not being added or removed • Storage piles must be stabilized when inactive for more than 7 days by adequately wetting, establishing surface crusting, chemical dust suppressant, covering with tarps or vegetative cover, installation of wind barriers around three sides or open areas, or any measure as effective. • Equipment must be washed down before moving from property onto paved roadway • Track-out prevention device installed (gravel pad, tire shaker, wheel wash system, 50 feet of pavement extending from intersection with paved public road, or other measure as effective • Visible track-out on paved public road must be cleaned using wet sweeping or HEPA filter equipped vacuum device within 24 hours • Post project stabilization of disturbed surfaces using vegetative cover, 3" of non-asbestos-containing material, paving, or other measure deemed sufficient to prevent 10 mph winds from causing visible emissions • Implement the dust control measures from Table-D2 within 24 hours upon discovery of naturally occurring asbestos, serpentine, or ultramafic rock • Implement provisions of District-approved Asbestos Dust Mitigation Plan within 14 days of approval after discovery of naturally occurring asbestos, serpentine, or ultramafic rock

c. Recordkeeping

Required records include the results of air monitoring done at the request of the District (see Section E), the results of a geological evaluation conducted on the property, and the results of any bulk sampling requested by the District or conducted for the purpose of demonstrating the applicability of (or compliance with) Section 93105. These records must be maintained for seven years.

d. Reporting

Information that must be reported to the District includes the results of any air monitoring initiated at the request of the District, any bulk sampling done to demonstrate the applicability of (or compliance with) Section 93105, or any other information requested by the District. If a specific reporting frequency is desired by the owner/operator, Section 93105 allows that frequency, as approved by the District, to be incorporated as a part of the Asbestos Dust Mitigation Plan.

3. Quarrying and Surface Mining Operations

No person shall engage in quarrying and surface mining operations unless an Asbestos Dust Mitigation Plan has been submitted and approved by the District and the fugitive dust mitigation measures specified in the plan are implemented and maintained throughout the duration of the quarrying and surface mining operation.

Owners/operators of mineral exploration activities are not required to submit an Asbestos Dust Mitigation Plan, but should implement dust control measures as specified in the regulation. (See Table-D5 for requirements.)

Table-D5

QUARRYING AND SURFACE MINING OPERATIONS REQUIREMENTS	
Mineral Exploration Activities	
Administrative	<ul style="list-style-type: none"> • Notify APCO next business day upon discovery of naturally occurring asbestos, serpentine, or ultramafic rock • Report results of air monitoring requested by the APCO • Report bulk sampling results requested by the APCO
Dust control	<ul style="list-style-type: none"> • Vehicle speed \leq 15 mph • Sufficient water applied to area prior to disturbance to prevent visible emissions from crossing project boundaries • Keep disturbed areas and storage piles adequately wetted to prevent until permanently stabilized • Install track-out prevention device to prevent track-out onto paved public highway • Visible track-out on paved public road must be cleaned using wet sweeping or HEPA filter equipped vacuum device at end of business day or within 24 hours • Cover, treat with chemical dust suppressant, or otherwise stabilize disturbed areas when operations cease for more than 7 days

If the owner/operator discovers naturally occurring asbestos, serpentine, or ultramafic rock after quarrying and surface mining begins, he/she shall notify the APCO by the next business day and implement dust control measures as specified in the regulation within 24 hours. Additional measures will also be required 14 days after discovery of naturally occurring asbestos, serpentine, or ultramafic rock. These include implementing dust control measures as specified in the regulation and submitting an Asbestos Dust Mitigation Plan to the District.

The APCO may approve the use of requirements or restrictions established under other regulatory programs to meet the requirements for quarrying and surface mining operations. The requirements must be as stringent as those in the regulation and be enforceable by the APCO. (See Tables D6 and D7 for requirements)

a. Recordkeeping

Required records include the results of air monitoring done at the request of the District, the results of a geological evaluation conducted on the property, and the results of any bulk sampling requested by the District or conducted for the purpose of demonstrating the applicability of (or compliance with) this regulation. These records must be maintained for seven years.

b. Reporting

Information that must be reported to the District includes the results of any air monitoring initiated at the request of the District, documentation of any geologic evaluation, any bulk sampling done to demonstrate the applicability of (or compliance with) Section 93105, or any other information requested by the District. If a specific reporting frequency is desired by the owner/operator, the regulation allows that frequency, as approved by the District, to be incorporated as a part of the Asbestos Dust Mitigation Plan.

Table-D6

QUARRYING AND SURFACE MINING OPERATIONS REQUIREMENTS	
Administrative	<ul style="list-style-type: none"> • Asbestos Dust Mitigation Plan submitted to the District and approved prior to engaging in any quarrying and surface mining operation • Notify APCO next business day upon discovery of naturally occurring asbestos, serpentine, or ultramafic rock • Submit Asbestos Dust Mitigation Plan within 14 days upon discovery of naturally occurring asbestos, serpentine, or ultramafic rock • Report results of air monitoring requested by the APCO • Report bulk sampling results requested by the APCO
Dust control	<ul style="list-style-type: none"> • Keep stock and working piles adequately wetted during the addition and removal of material • Keep on-site unpaved roads, parking lots, and staging areas stabilized • Keep exposed areas and inactive stockpiles that are prone to mechanical or wind disturbance stabilized • Ensure materials to be quarried, excavated, or graded are adequately wetted • Ensure all loads are adequately wetted before and during truck loading operations • Ensure trucks transporting materials off-site are loaded properly • Limit vehicle speeds within the quarry or surface mining operation to 15 mph • Measures to ensure no visible emissions from excavated, crushed, screened, loaded, or conveyed material crosses project boundaries • Visible emissions from grinding mill, screening operation, or transfer point do not exceed ½ Ringelmann or 10% opacity • Measures to ensure no visible emissions from a crusher exceed ¾ Ringelmann or 15% opacity • Installation of spraybars on conveyors and shrouds at all drop points • Install track-out control and prevention device • Stabilize all on-site roads, parking lots, and staging areas open to the public by paving with asphalt or concrete, treating with chemical dust suppressant, or 3" of gravel cover with less than 0.25% asbestos

Table-D7

QUARRYING AND SURFACE MINING OPERATIONS REQUIREMENTS (cont.)	
Dust control	<ul style="list-style-type: none"> • Implement the following dust control measures within 24 hours upon discovery of naturally occurring asbestos, serpentine, or ultramafic rock: <ul style="list-style-type: none"> - Keep stock and working piles adequately wetted during the addition and removal of material - Keep on-site unpaved roads, parking lots, and staging areas stabilized - Keep exposed areas and inactive stockpiles that are prone to mechanical or wind disturbance stabilized - Ensure materials to be quarried, excavated, or graded are adequately wetted - Ensure all loads are adequately wetted before and during truck loading operations - Ensure trucks transporting materials off-site are loaded properly - Limit vehicle speeds within the quarry or surface mining operation to 15 mph • Implement the following dust control measures within 14 days upon discovery of naturally occurring asbestos, serpentine, or ultramafic rock: <ul style="list-style-type: none"> - Measures to ensure no visible emissions from excavated, crushed, screened, loaded, or conveyed material crosses project boundaries - Visible emissions from grinding mill, screening operation, or transfer point do not exceed ½ Ringelmann or 10% opacity - Measures to ensure no visible emissions from a crusher exceed ¾ Ringelmann or 15% opacity - Installation of spraybars on conveyors and shrouds at all drop points - Install track-out control and prevention device - Stabilize all on-site roads, parking lots, and staging areas open to the public by paving with asphalt or concrete, treating with chemical dust suppressant, or 3" of gravel cover with less than 0.25% asbestos

E. Air Monitoring for Asbestos

The APCO has the discretion to require air monitoring in an Asbestos Dust Mitigation Plan and/or by written request for any project subject to Section 93105. The request would likely be the result of past or ongoing non-compliance, public complaints, or due to the proximity of sensitive receptors. All air sampling results, either requested by APCO or performed voluntarily by the owner/operator of the project, must be submitted to the District. The frequency for reporting the air monitoring results will be included in the Dust Mitigation Plan or the APCO written request for air monitoring. The APCO may revise an Asbestos Dust Mitigation Plan on the basis of the air monitoring results.

Section 4: Criteria for Notices of Violation

A. Administrative Violations

The following represent violations of Title 17, CCR, Section 93105 administrative requirements by specific operation category:

1. Road Construction and Maintenance

- Failure to notify the APCO 14 days prior to disturbing naturally occurring asbestos, serpentine, or ultramafic rock
- Failure to notify the APCO the next business day following the discovery of naturally occurring asbestos, serpentine, or ultramafic rock

2. Construction and Grading (≤ 1 acre)

- Failure to notify the APCO the next business day following the discovery of naturally occurring asbestos, serpentine, or ultramafic rock

3. Construction and Grading (>1 acre)

- Failure to submit an Asbestos Dust Mitigation Plan and have approved by the District prior to engaging in construction or grading activities
- Failure to notify the APCO the next business day following the discovery of naturally occurring asbestos, serpentine, or ultramafic rock

- Failure to submit an Asbestos Dust Mitigation Plan within 14 days following the discovery of naturally occurring asbestos, serpentine, or ultramafic rock
- Failure to maintain records of air monitoring results and bulk sampling results requested by the APCO
- Failure to report air monitoring results or bulk sampling results if requested by the APCO

4. Quarrying and Surface Mining Operations

- Failure to submit an Asbestos Dust Mitigation Plan and have approved by the District prior to engaging in quarrying and surface mining operations
- Failure to notify the APCO the next business day following the discovery of naturally occurring asbestos, serpentine, or ultramafic rock
- Failure to submit an Asbestos Dust Mitigation Plan within 14 days following the discovery of naturally occurring asbestos, serpentine, or ultramafic rock
- Failure to maintain records of air monitoring results and bulk sampling results requested by the APCO
- Failure to report air monitoring results or bulk sampling results if requested by the APCO

B. Common Emission Related Violations

The following represent violations of Title 17, CCR, Section 93105 emission related requirements that are common to all operation categories:

- No dust mitigation measures implemented in regulated areas
- Equipment and operations cause visible emissions to cross project boundaries (e.g. not adequately wetted) See EXHIBIT 1 for method to determine if adequately wetted

- Vehicle speed exceeds 15 mph and the area is not stabilized to prevent visible emissions
- Inactive storage piles not adequately wetted, treated with chemical dust suppressant or covered, or otherwise unprotected and produce visible emissions
- Emission control measures not implemented following the discovery of naturally occurring asbestos, serpentine, or ultramafic rock

C. Emission Related Violations Specific to Operation Categories

1. Road Construction and Maintenance

- Failure to stabilize unpaved areas by wetting, chemical dust suppressant, or cover
- Track-out visible on paved roadway open to the public

2. All Construction and Grading Operations

- Failure to wash down equipment before moving from property onto paved roadway

3. All Construction and Grading Operations and Quarrying and Surface Mining Operations

- Failure to clean public roads of track-out using wet sweeping or HEPA filter equipped vacuum device every 24 hours

4. Construction and Grading Operations in Areas > 1 Acre

- Failure to install track-out prevention device

D. Determination of Violation

For the most part, determination of violations of Section 93105 is either informational (administrative) or visual. Determination of applicability of Section 93105 will be made by Air Quality Specialist staff who review notifications or Asbestos Dust Mitigation Plans, or by inspection staff who have taken field samples to determine the presence of naturally occurring asbestos, serpentine, or ultramafic rock within the operation's boundaries. The presence of naturally occurring asbestos, serpentine, or ultramafic

rock can be indicated on a DOC or CGS map, but must be confirmed by a bulk sample to determine a violation.

The burden of proof that a project is not subject to Section 93105 is strictly that of the owner/operator by way of the exemption application and documentation.

Visual determination of the violation primarily consists of observing visible emissions crossing a project boundary due to inadequate wetting (no PER is required), obvious track-out onto public highways with no cleaning procedures implemented, inadequate wetting of storage piles or inactive areas, and excessive vehicle speeds on unpaved areas that produce visible emissions.

Photographs are recommended when documenting violations of visible emissions or evidence of track-out onto public roadways.

E. Notice of Violation Citation

Any NOV shall be issued citing: Title 17, CCR, Section 93105, and the appropriate subsection. See EXHIBIT 2 for summary of subsections. The NOV will be issued to the owner/operator performing the activity that is in violation. If no responsible party is on-site, the NOV may be issued by mail. The inspector should consult with the Supervisor in these instances.

Section 5: Permit Applicability

Operations described in this document that are subject to Section 93105 will not be subject to permitting requirements, with the exception of Quarrying and Surface Mining Operations. In those cases, the inspector should contact a Permit Engineer to determine if any permit conditions apply to the operation.

Section 6: Compliance Assistance

Interested parties may call the Compliance Assistance hotline, (415) 749-4999, for further information.

In addition, the following forms have been developed and are available for the inspector to provide to owners/operators of regulated operations and are available on the BAAQMD website. These forms include:

- Geological Exemption Application form
- Prior Notification form (Road Construction and Maintenance)
- Template for an Asbestos Dust Mitigation Plan

- Notification form for naturally occurring asbestos, serpentine, or ultramafic rock discovered after the start of the project

These guidelines are intended to provide staff with standardized procedures. District staff may deviate from these guidelines following approval from District management. The guidelines do not modify District regulations or other applicable law, and do not create binding requirements on the APCO or any entity outside the District. In the event of a conflict between these guidelines and District regulations, the latter will govern.

EXHIBIT 1

TEST METHODS

1. **Ultramafic Rock:**

The composition of this material should be determined using standard analysis techniques including color index assessment, microscopic examination, petrographic analysis or rock thin analysis, or chemical 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 method test method approved in writing from the Executive Officer of the California Air Resources Board, may be used to determine the content of a bulk sample.

3. **Analysis of Air Samples:**

Analysis of all air samples shall follow the analytical method specified by the EPA Asbestos Hazard Emergency Response Act (AHERA) criteria for asbestos.

4. **Air Sample Analysis Reporting**

The results of air sample analysis shall be reported as structures per cubic centimeter (s/cc).

5. **Adequately Wetted:**

An inspector should make their field determination of “adequately wetted” based on the moisture content for specific materials as specified by the District-approved Dust Mitigation Plan. In the event the Dust Mitigation Plan does not have a moisture content requirement, the inspector shall use a one quart container to obtain a representative sample of material from the top three inches of a road, or bare area, or from the surface of the stockpile. The material should then be dropped from a height of four feet onto a hard surface. The material shall be considered adequately wetted if no visible dust is emitted when the material is dropped.

6. Surface crusting:

The stability of surface crusting shall be tested using a steel ball with a diameter of 15.9 millimeters (0.625 inches) and a mass ranging from 16 to 17 grams. The ball should be dropped from a height of 30 centimeters (one foot) directly above the horizontal surface. If blowsand (thin deposits of loose grains covering less than 50% of the surface that did not originate from the surface being tested) is present, clear the blowsand from the surface to be tested before dropping the steel ball.

The surface is considered to have a sufficient crust if the ball does not sink into the surface exposing loose grains and, upon removing the ball, the surface on which the ball was dropped has not been pulverized so that loose grains are visible.

Drop the ball three times in three representative test areas measuring one foot by one foot. The representative test area will be deemed passing if two of the three balls dropped meet the criteria in the previous paragraph. The entire surface shall be “sufficiently crusted” if all three representative areas pass.

EXHIBIT 2

Summary of Regulation Sections

SECTION	DESCRIPTION	ADMINIS TRATIVE	WORK PRACTICE	ONE- DAY	MULTI -DAY
Road Construction and Maintenance					
93105(d)(1)(A)	APCO not notified 14 days prior to the start of the project	x		x	
93105(d)(1)(B)	Dust control measures not implemented		x		x
93105(d)(1)(B)1	Unpaved areas not stabilized to prevent visible emissions		x		x
93105(d)(1)(B)2	Vehicles and equipment on unpaved roads <15mph or >15 mph with no visible emissions		x		x
93105(d)(1)(B)3	Storage piles and disturbed areas not stabilized		x		x
93105(d)(1)(B)4	Track-out visible		x		x
93105(d)(1)(C)	Visible emissions across project boundaries		x		x
93105(d)(2)(A)	APCO not notified next business day after discovery	x		x	
93105(d)(2)(B)	Dust control measures not implemented 24 hours after discovery		x		x
Construction and Grading					
93105(e)(1)(A)	Construction and grading vehicle speed < 15mph		x		x
93105(e)(1)(B)	Insufficient water prior to disturbance to prevent visible emissions		x		x
93105(e)(1)(C)	Area to be graded or excavated not adequately wet		x		x
93105(e)(1)(D)	Storage piles not adequately wetted, treated with chemical dust suppressant, or covered when material is being added or removed		x		x
93105(e)(1)(E)	Equipment not washed down prior to moving onto paved road		x		x
93105(e)(1)(F)	Visible track-out not cleaned within 24 hours		x		x
93105(e)(2)(A)	Asbestos dust mitigation plan not submitted and approved	x		x	
93105(e)(3)(A)	APCO not notified next business day after discovery	x		x	
93105(e)(3)(B)	Dust control measures not implemented 24 hours after discovery		x		x
93105(e)(3)(D)1	Asbestos dust mitigation plan not submitted within 14 days after discovery	x		x	
93105(e)(3)(D)2	Dust mitigation measures not implemented within 24 hours		x		x
93105(e)(3)(D)3	No implementation of asbestos dust mitigation plan within 14 days of District approval		x		x
93105(e)(3)(D)4	Asbestos dust mitigation plan not implemented by owner/operator		x		x
93105(e)(5)(A)1	Records not maintained for air monitoring conducted at the request of the APCO	x		x	
93105(e)(5)(A)2	Records not maintained for geologic evaluation	x		x	
93105(e)(5)(A)3	Records not maintained for bulk sampling	x		x	
93105(e)(5)(B)1	Failure to report results of air monitoring conducted at the request of the APCO	x		x	
93105(e)(5)(B)2	Failure to report results of bulk sampling	x		x	

Quarrying and Surface Mining					
93105(f)(1)	Asbestos dust mitigation plan not submitted and approved	x		x	
93105(f)(1)(B)1	Mineral Exploration Activities: vehicle speed > 15 mph;		x		x
93105(f)(1)(B)2	Mineral Exploration Activities: insufficient water to ground disturbance causing visible emissions		x		x
93105(f)(1)(B)3	Mineral Exploration Activities: disturbed areas and storage piles not adequately wetted until permanently stabilized		x		x
93105(f)(1)(B)4	Mineral Exploration Activities: track-out prevention device not installed		x		x
93105(f)(1)(B)5	Mineral Exploration Activities: visible track-out not cleaned by end of work day or within 24 hours		x		x
93105(f)(1)(B)6	Mineral Exploration Activities: disturbed areas not covered, treated with chemical dust suppressant, or stabilized when operations cease for more than 7 days		x		x
93105(f)(2)(A)	APCO not notified next business day after discovery	x		x	
93105(f)(2)(B)1	Storage piles not adequately wetted, treated with chemical dust suppressant, or covered when material is being added or removed		x		x
93105(f)(2)(B)2	On-site unpaved roads, parking lots, and staging areas not stabilized		x		x
93105(f)(2)(B)3	Exposed areas and inactive stockpiles prone to mechanical or wind disturbance not stabilized		x		x
93105(f)(2)(B)4	Quarried, excavated, or graded materials not adequately wetted		x		x
93105(f)(2)(B)5	Loads not adequately wetted before and during truck loading operations		x		x
93105(f)(2)(B)6	Trucks transporting materials off-site not adequately wetted and properly covered or loaded		x		x
93105(f)(2)(B)7	Vehicle speeds within the quarry or surface mining operation exceeding 15 mph		x		x
93105(f)(2)(C)1	Not taking measures to ensure material being excavated, crushed, screened, loaded, transferred, or conveyed does not result in dust visible crossing property line		x		x
93105(f)(2)(C)2	Not taking measures to ensure that no grinding mill, screening operation, or transfer point on a belt conveyor discharges visible emissions for more than three minutes at 1/2 Ringelmann or 10% opacity		x		x
93105(f)(2)(C)3	Not taking measures to ensure that no crusher discharges visible emissions for more than three minutes at 3/4 Ringelmann or 15% opacity		x		x
93105(f)(2)(C)4	Not taking measures to meet the requirements of (f)(2)(C)1 through (f)(2)(C)3 by installing spraybars on all conveyors and shrouds at all drop points		x		x
93105(f)(2)(C)5	Not installing track-out control and prevention measures		x		x
93105(f)(2)(C)6	On-site roads, parking lots, and staging areas open to the public not stabilized		x		x
93105(f)(2)(D)	Failure to submit Asbestos Dust Mitigation Plan within 14 days and maintain measures specified in subsections (f)(2)(B) and (f)(2)(C)	x		x	

93105(f)(4)(A)	Failure to comply with requirements or restrictions set by other regulatory programs equivalent to or more stringent than the requirements of subsection (f)	x		x	
93105(f)(5)(A)1	Records not maintained for air monitoring conducted at the request of the APCO	x		x	
93105(f)(5)(A)2	Records not maintained for geologic evaluation	x		x	
93105(f)(5)(A)3	Records not maintained for bulk sampling	x		x	
93105(f)(5)(B)1	Failure to report results of air monitoring conducted at the request of the APCO	x		x	
93105(f)(5)(B)2	Failure to report documentation of any geologic evaluation conducted on the property in question	x		x	
93105(f)(5)(B)3	Failure to report results of bulk sampling	x		x	
93105(g)	Failure to conduct air monitoring required by APCO	x		x	

EXHIBIT 3

REFERRALS

In the course of performing inspections, it is not uncommon that inspectors will identify problems that may come under the jurisdiction of other agencies. In such cases, it is appropriate that referrals to those agencies be made. If the inspector is uncertain if such a referral is appropriate, the inspector shall confer with their supervisor.

ENVIRONMENTAL PROTECTION AGENCY

- AHERA Coordinator (415) 744-1122

CAL/OSHA

- District Offices (for emission related issues)
 - Concord (925) 602-6517
 - Foster City (650) 573-3812
 - Oakland (510) 622-2916
 - San Francisco (415) 557-1677
 - San Jose (408) 452-7288
 - Santa Rosa (707) 576-2388
- Website
 - <http://www.dir.ca.gov/dosh/dosh1.html>

WATER QUALITY CONTROL BOARD

- San Francisco Bay Region (510) 622-2300

LOCAL HEALTH DEPARTMENTS

Individual cities and counties often have staff trained to handle asbestos issues and to enforce local ordinances.