

**Final Environmental Impact Report  
Tracy Village Project EIR  
City of Tracy, San Joaquin County, California**

**State Clearinghouse Number 2016112016**

Prepared for:



**City of Tracy**

333 Civic Center Dr.  
Tracy, CA 95376  
209.831.6000

Contact: Victoria Lombardo, Senior Planner

Prepared by:

**FirstCarbon Solutions**

1350 Treat Boulevard, Suite 380  
Walnut Creek, CA 94597  
925.357.2562

Contact: Mary Bean, Project Director  
Elizabeth Johnson, Project Manager

Date: April 11, 2018

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## SECTION 1: INTRODUCTION

In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15088, the City of Tracy has evaluated the comments received on the Tracy Village Project Draft Environmental Impact Report (EIR). The Responses to Comments and Errata, which are included in this document, together with the Draft EIR, Draft EIR appendices, and the Mitigation Monitoring and Reporting Program, comprise the Final EIR for use by the City of Tracy in its review and consideration of the Tracy Village Project.

This document is organized into three sections:

- **Section 1—Introduction.**
- **Section 2—Responses to Written Comments:** Provides a list of the agencies, organizations, and individuals who commented on the Draft EIR. Copies of all of the letters received regarding the Draft EIR and responses thereto are included in this section.
- **Section 3—Errata:** Includes an addendum listing refinements and clarifications on the Draft EIR, which have been incorporated.

The Final EIR includes the following contents:

- Draft EIR (provided under separate cover)
- Draft EIR appendices (provided under separate cover)
- Responses to Written Comments and Errata (Sections 2 and 3 of this document)
- Mitigation Monitoring and Reporting Program (provided under separate cover)
- Appendix L: SVAPCD Air Quality Regulation VIII

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## SECTION 2: RESPONSES TO WRITTEN COMMENTS

### 2.1 - List of Authors

A list of public agencies, organizations, and individuals that provided comments on the Draft EIR is presented below. Each comment has been assigned a code. Individual comments within each communication have been numbered so comments can be cross-referenced with responses. Following this list, the text of the communication is reprinted and followed by the corresponding response.

Author	Author Code
<b>State Agencies</b>	
Governor’s Office of Planning and Research .....	OPR
<b>Local Agencies</b>	
San Joaquin Council of Governments .....	SJCOG
San Joaquin County Multi-Species Habitat Conservation & Open Space Plan .....	SJMSCP
San Joaquin Local Agency Formation Commission .....	SJLAFC
San Joaquin Valley Air Pollution Control District .....	SJVAPCD
City of Tracy Planning Commission .....	CTPC
<b>Individuals</b>	
James Coltrell .....	COLT
Kathy Martinez .....	MART
Rick Sanders .....	SAND
Judy Houdeshell .....	HOUD
Ronnie Johal .....	JOHA
Joe Navejas .....	NAVE

### 2.2 - Responses to Comments

#### 2.2.1 - Introduction

In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15088, the City of Tracy, as the lead agency, evaluated the comments received on the Draft EIR (State Clearinghouse No. 2016112016) for the Tracy Village Project, and has prepared the following responses to the comments received. This Response to Comments document becomes part of the Final EIR for the project in accordance with CEQA Guidelines Section 15132.

Section 15204(a) of the CEQA Guidelines states that reviewers of an EIR should focus on the sufficiency of the document. That section only requires lead agencies to respond to significant environmental issues, and it specifically states that lead agencies do not need to provide all information requested by the reviewers as long as a good faith effort at full disclosure is made in the EIR.

## 2.2.2 - Comment Letters and Responses

The comment letters reproduced in the following pages follow the same organization as used in the List of Authors.



Edmund G. Brown Jr.  
Governor

STATE OF CALIFORNIA  
Governor's Office of Planning and Research  
State Clearinghouse and Planning Unit



Ken Alex  
Director

October 2, 2017

OPR  
Page 1 of 2

Victoria Lombardo  
City of Tracy  
333 Civic Center Plaza  
Tracy, CA 95376

Subject: Tracy Village  
SCH#: 2016112016

Dear Victoria Lombardo:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on September 29, 2017, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan  
Director, State Clearinghouse

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RECEIVED

OCT 04 2017

CITY OF TRACY  
DEVELOPMENT SERVICES

**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2016112016  
**Project Title** Tracy Village  
**Lead Agency** Tracy, City of

**Type** EIR Draft EIR

**Description** The Tracy Village Project is a proposed gated community consisting of up to 600 single family detached residential homes. The project would include three man-made lakes totaling approximately ten acres, along with a community recreation center with pool, spa and bocce courts, open space, and trails/pathways. The following schools are located within a mile distance from the project site: Hirsch Elementary, Monticello Elementary, and Anthony Traina Elementary. The project site is within the City's Sphere of Influence. It includes annexation of the site and additional lots.

**Lead Agency Contact**

**Name** Victoria Lombardo  
**Agency** City of Tracy  
**Phone** 209-831-6428 **Fax**  
**email**  
**Address** 333 Civic Center Plaza  
**City** Tracy **State** CA **Zip** 95376

**Project Location**

**County** San Joaquin  
**City** Tracy  
**Region**  
**Lat / Long** 37° 42' 22" N / 121° 26' 59" W  
**Cross Streets** Valpico Rd and Corral Hollow Rd  
**Parcel No.** 244-04-001  
**Township** 3S **Range** 5E **Section** 5 **Base** MD

**Proximity to:**

**Highways** 580  
**Airports** Tracy Municipal  
**Railways** ACE Rail line  
**Waterways** Westside Irrigation District Canal  
**Schools** Tracy USD  
**Land Use** PLU: Ag; Z: Ag-urban reserve; GP: Resource conservation

**Project Issues** Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Growth Inducing; Landuse; Cumulative Effects; Aesthetic/Visual

**Reviewing Agencies** Resources Agency; Central Valley Flood Protection Board; Department of Fish and Wildlife, Region 3; Department of Parks and Recreation; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 10; State Water Resources Control Board, Division of Drinking Water; State Water Resources Control Board, Division of Water Rights; Regional Water Quality Control Bd., Region 5 (Sacramento); Department of Toxic Substances Control; Delta Protection Commission; Delta Stewardship Council; Native American Heritage Commission; Public Utilities Commission

**Date Received** 08/16/2017 **Start of Review** 08/16/2017 **End of Review** 09/29/2017

## **State Agencies**

### ***Governor's Office of Planning and Research (OPR)***

#### *Response to OPR-1*

OPR notes the receipt of the Draft EIR and states that the document was distributed to the state agencies listed. None responded directly to OPR.

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**SAN JOAQUIN COUNCIL OF GOVERNMENTS**

555 E. Weber Avenue • Stockton, California 95202 • P 209.235.0600 • F 209.235.0438 • www.sjcog.org

*San Joaquin County Airport Land Use Commission/Congestion Management Agency*

September 27, 2017  
Victoria Lombardo  
Development Services Department  
333 Civic Center Drive  
Tracy, CA 95376

*Katherine Miller*  
CHAIR

*Robert Rickman*  
VICE CHAIR

*Andrew T. Chesley*  
EXECUTIVE DIRECTOR

*Member Agencies*  
CITIES OF  
ESCALON,  
LATHROP,  
LODI,  
MANTECA,  
RIPON,  
STOCKTON,  
TRACY,  
AND  
THE COUNTY OF  
SAN JOAQUIN

**Re: Tracy Village DEIR (Deadline: 9/27/17)**

Dear Victoria Lombardo,

The San Joaquin Council of Governments (SJCOG), acting as the Airport Land Use Commission (ALUC) and Congestion Management Agency (CMA), has draft environmental impact report for 600-unit single-family detached home project with man-made lakes and community recreation area at Corral Hollow Road and Valpico Road, Tracy (APN: 244-030-001 & -021, 242-050-001 & -021).

**CONGESTION MANAGEMENT AGENCY’S REVIEW**

SJCOG adopted the 2016 Update to the Regional Congestion Management Program (RCMP) ([http://www.sjcog-rcmp.org/literature\\_231152/2016\\_RCMP\\_Update\\_Adopted\\_Report](http://www.sjcog-rcmp.org/literature_231152/2016_RCMP_Update_Adopted_Report)) on March 24, 2016). Chapter 6 of the RCMP describes the updated Land Use Analysis Program, including Tier 1 and Tier 2 review/analysis requirements, analysis methods, impact significance criteria, and mitigation.

SJCOG has reviewed the Tracy Village DEIR and had the following comments.

- After reviewing mitigation measures in ES-20 to ES-23, payment into the RTIF fund was not identified as a mitigation measure. SJCOG recommends the project be charged for single-family housing. RTIF fee schedule can be found in [http:// www.sjcog.org/ 118/ Regional-Transportation-Impact-Fee-RTIF](http://www.sjcog.org/118/Regional-Transportation-Impact-Fee-RTIF).
- SJCOG understands Corral Hollow Road & Linne Road improvements cannot be completed until approved by UPRR/PUC, as stated in Mitigation Measure Trans-2b.

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*“The addition of project traffic causes the intersection of Corral Hollow Road/Linne Road (Intersection #7) to add delay and continue to deteriorate and operate at LOS F in both the AM and PM peak hours. The intersection would operate at acceptable LOS B and D with the following improvements: Add a southbound through lane, and add a northbound through lane, and add a separate westbound right-turn lane. Improvements shall be constructed at the railroad crossing gates. This project improvement will supplement background improvements previously identified for other approved projects (Ellis and Tracy Hills) which includes installation of a signal, the addition of one northbound channelized right-turn lane, and the addition of one southbound left-turn lane. However, if any of the previously approved projects do not develop or an application for a building permit is not submitted before the TVDP submits an application, the TVDP Applicant shall install the full Background Conditions Plus Project improvements, which will include the*

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*Background Base Line improvements. The TVDP Applicant will be reimbursed for such improvements through a Business Improvement District once the project is constructed.*

*This Project improvement is required by the Public Utilities Commission because vehicle queues will spill across the railroad tracks and will cause safety concerns for train traffic. This improvement is a partial TMP improvement and shall be partially funded by the City TIF. The City Engineer shall, at the time the tentative map is prepared, identify the non-TMP improvements. Any costs related to non-TMP improvements are the responsibility of the applicant and other approved projects listed above.*

*The TVDP Applicant shall, in collaboration with the City Engineer and UPRR/PUC, commence with an engineering design process to install the improvements identified. This design process shall commence immediately following approval of this Project Application by the City of Tracy. Because approval by UPRR/PUC is required before this improvement can be installed, the project impact will remain significant and unavoidable.” (pg. ES-21 to -22)*

#### **AIRPORT LAND USE COMMISSION’S REVIEW**

This project is located within Tracy Airport’s influence area and Traffic Pattern Zone (TPZ), as identified in 2009 San Joaquin County Metropolitan Airport Land Use Compatibility Plan (ALUCP) (<http://www.sicog.org/DocumentCenter/View/17>). Tracy Village DEIR (pg. 3.8-14) addresses the attraction of birds to three man-made lakes.

*“Because the TVDP includes the creation of three man-made lakes totaling approximately 10.5 acres, there is a potential impact from flocks of birds attracted to the lakes. The Tracy Municipal Airport is authorized to implement wildlife management procedures within the land use impact area for the airport, if necessary. If large flocks of birds were attracted to the TVDP’s lake features, a wildlife management plan could be authorized by the Federal Airport Administration to prevent aircraft safety impacts such as collisions with birds.” (pg. 3.8-14)*

Mitigation Measure HAZ-3 states the following:

*“The lake system shall be designed and managed to avoid attracting waterfowl. Design measures that may be used to discourage waterfowl include:*

- *Avoiding large turf areas.*
- *Managing aquatic vegetation to eliminate nesting places by cutting back foliage or using appropriate herbicides.*
- *Prohibiting the feeding of waterfowl.*
- *Constructing the lakes so that there are vertical edges.*
- *Providing low fencing at the water’s edge, or a narrow band of tall plants, such as cattails.*
- *Signs posted prohibiting feeding of waterfowl in public areas of the lakefront.*
- *HOA rules to include prohibition of feeding waterfowl in private yards, and information campaign to make residents aware of the prohibition and the safety reason for it, explaining that encouraging waterfowl to return to the site increases the potential for conflicts with aircraft using Tracy Airport*
- *The lake system shall be monitored and inspected by the HOA once a month to enforce and ensure the effectiveness of the methods implemented to mitigate this impact. Inspection records will be available for the City or County to inspect as needed.” (pg. ES-14)*

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SJCOG assumes the man-made lakes and recreational area will encompass the required 10% open space requirement.

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SJCOG requests the deed notice requirement be included within DEIR.

For new residential development within any airport's influence area (AIA), deed notices are required per the California Civil Code as well as the San Joaquin County's Airport Land Use Compatibility Plan. These notices are a form of buyer awareness measure whose objective is to ensure that prospective buyers of airport area property, particularly residential property, are informed about the airport's impact on the property. A statement similar to the following should be included on the deed for any real property subject to the deed notice requirements set forth in the San Joaquin County Airport Land Use Compatibility Plan. Such notice should be recorded by the county of San Joaquin. Also, this deed notice should be included on any parcel map, tentative map, or final map for subdivision approval.

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*Sample Deed Notice - The San Joaquin County Airport Land Use Commission's Airport Land Use Compatibility Plan identify the Tracy Municipal Airport's Airport Influence Area. Properties within this area are routinely subject to overflights by aircraft using this public-use airport and, as a result, residents may experience inconvenience, annoyance, or discomfort arising from the noise of such operations. State law (Public Utilities Code Section 21670 et seq.) establishes the importance of public-use airports to the public interest of the people of the state of California. Residents of property near such airports should therefore be prepared to accept the inconvenience, annoyance, or discomfort from normal aircraft operations. Residents also should be aware that the current volume of aircraft activity may increase in the future. Any subsequent deed conveying this parcel or subdivisions thereof shall contain a statement in substantially this form.*

SJCOG would like to provide standards and project design conditions that comply with the Airport Land Use Compatibility Plan as a reference guide.

1. New land uses that may cause visual, electronic, or increased bird strike hazards to aircraft in flight shall not be permitted within any airport's influence area. Specific characteristics to be avoided include:
  - a. Glare or distracting lights which could be mistaken for airport lights. Reflective materials are not permitted to be used in structures or signs (excluding traffic directing signs).
  - b. Sources of dust, steam, or smoke which may impair pilot visibility.
  - c. Sources of electrical interference with aircraft communications or navigation. No transmissions which would interfere with aircraft radio communications or navigational signals are permitted.
  - d. Occupied structures must be soundproofed to reduce interior noise to 45 decibel(dB) according to State guidelines.
  - e. Within the airport's influence area, ALUC review is required for any proposed object taller than 100 feet above ground level (AGL).
  
2. Regardless of location within San Joaquin County, ALUC review is required in addition to Federal Aviation Administration (FAA) notification in accordance with Code of Federal Regulations, Part 77, (<https://oeaaa.faa.gov/oeaaa/external/portal.jsp>) for any proposal for construction or alteration under the following conditions:
  - a. If requested by the FAA.
  - b. Any construction or alteration that is more than 200 ft. AGL at its site.
  - c. Any construction or alteration that exceeds an imaginary surface extending outward and

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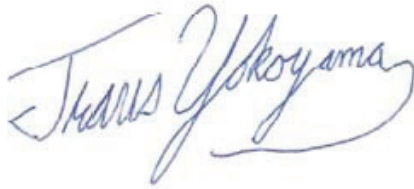
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upward at any of the following slopes:

- i. 100 to 1 for a horizontal distance of 20,000 ft. of a public use or military airport from any point on the runway of each airport with its longest runway more than 3,200 ft.
- ii. 50 to 1 for a horizontal distance of 10,000 ft. of a public use or military airport from any point on the runway of each airport with its longest runway no more than 3,200 ft.
- iii. 25 to 1 for a horizontal distance of 5,000 ft. of the nearest take off and landing area of a public use heliport
- d. Any highway, railroad or other traverse way whose prescribed adjusted height would exceed the above noted standards
- e. Any construction or alteration located on a public use airport or heliport regardless of height or location.

Thank you again for the opportunity to comment. Please contact CMA and ALUC staff Travis Yokoyama (209-235-0451 or yokoyama@sjcog.org) if you have any questions or comments.

Sincerely,

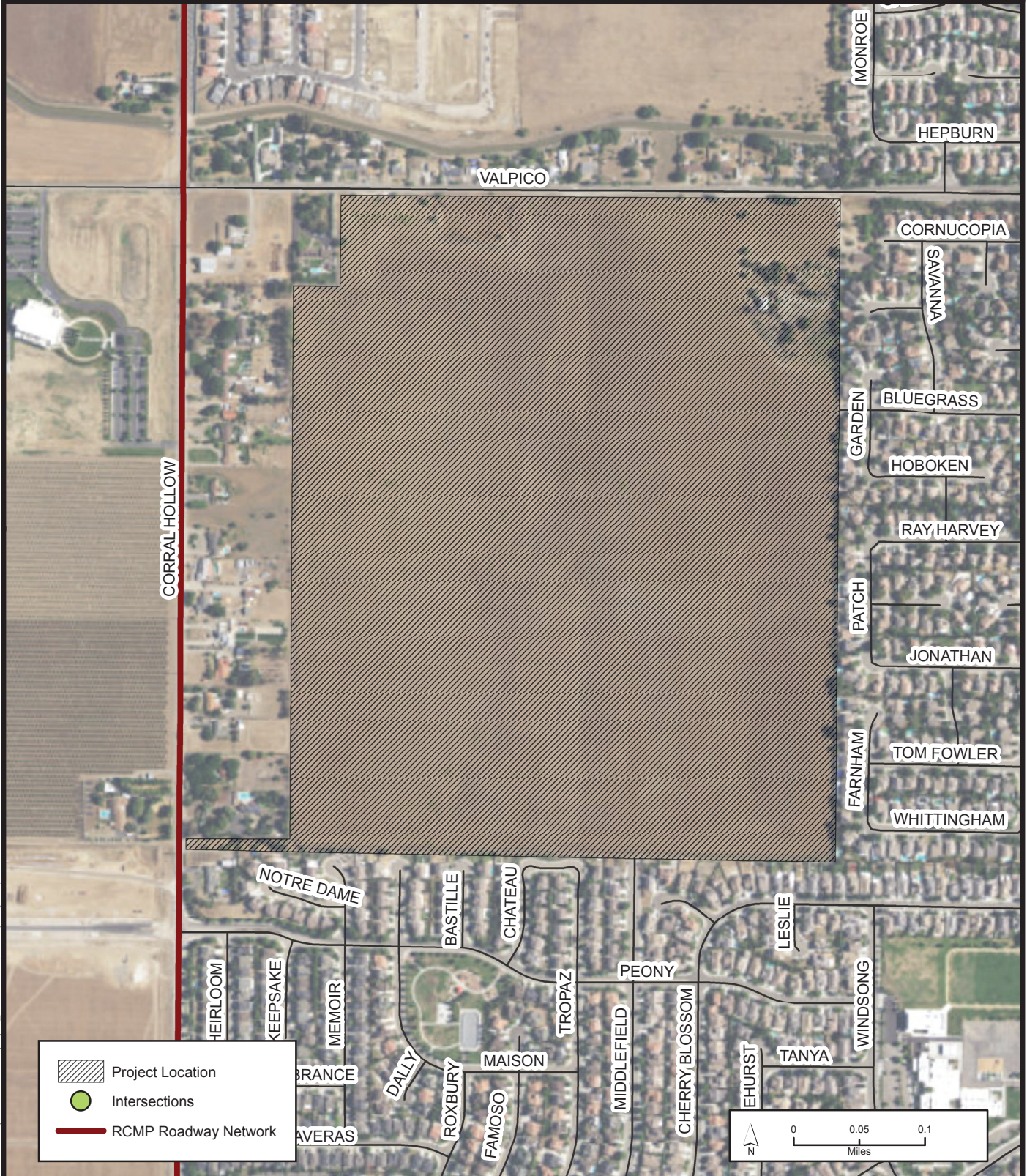
A handwritten signature in blue ink that reads "Travis Yokoyama". The signature is fluid and cursive, with the first name "Travis" and last name "Yokoyama" clearly legible.

Travis Yokoyama

ATTACHMENT A – Exhibit of Project Site Location in relation to RCMP Network  
ATTACHMENT B – Exhibit of Project Site Location in relation to ALUC



Tracy Village Draft EIR  
Tracy, CA 95377  
APN: 244-030-001 & -021, 242-050-001 & -021



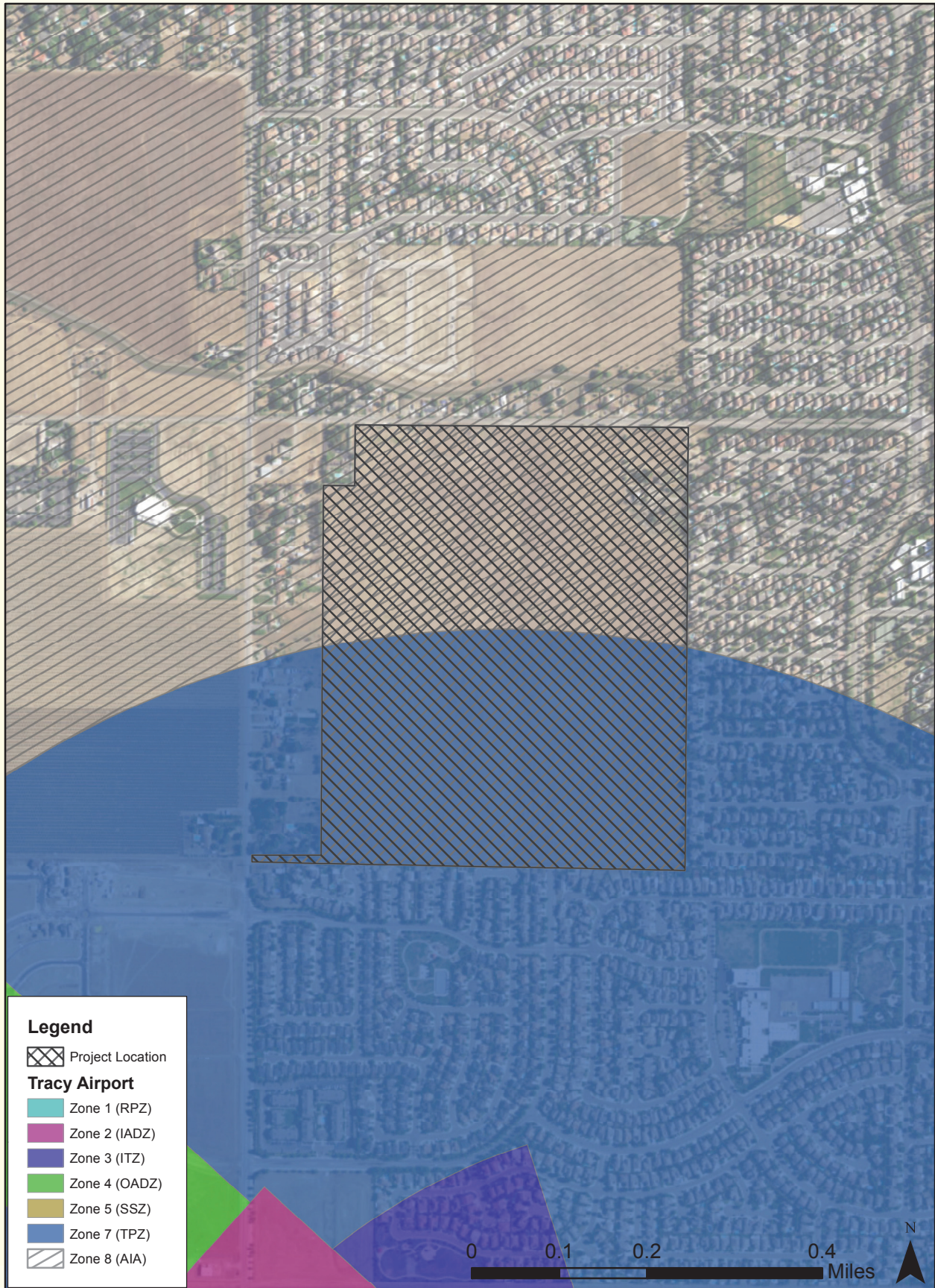
Path: M:\Project Review\Misc\project\_location.mxd, User: yokoyama, Date: 09/27/2017



REGIONAL CONGESTION MANAGEMENT PROGRAM



**Tracy Village Draft EIR**  
**Tracy, CA 95377**  
**APN: 244-030-001 & -021, 242-050-001 & -021**



**Legend**


 Project Location

**Tracy Airport**


 Zone 1 (RPZ)


 Zone 2 (IADZ)

 Zone 3 (ITZ)

 Zone 4 (OADZ)

 Zone 5 (SSZ)

 Zone 7 (TPZ)

 Zone 8 (AIA)

0 0.1 0.2 0.4 Miles



**AIRPORT LAND USE COMMISSION**

**Local Agencies**

**San Joaquin Council of Governments (SJCOG)**

*Response to SJCOG-1*

The comment questions why the RTIF [Regional Transportation Impact Fee] fund was not identified as a mitigation measure.

The proposed project will be subject to all applicable development impact fees, including the RTIF. Tracy Municipal Code Chapter 13.32 specifically requires payment of the RTIF, and no separate mitigation measure is required to ensure compliance with the law. The DEIR states:

Page 83 of the TIA indicates that the RTIF fees would be payable. These fees are updated from time to time and more information is available at:  
<http://www.sjco.org/118/Regional-Transportation-Impact-Fee-RTIF>

*Response to SJCOG-2*

The commenter understands Corral Hollow and Linne Road improvements cannot be completed until approved by UPRR/PUC, as stated on pages 3.16-57 through 3.16-58.

Comment is noted. This comment is an observation regarding the Corral Hollow and Linne Road Improvements and is not related to the adequacy of the EIR, so no further response is required.

*Response to SJCOG-3*

The commenter states the project is located within Tracy Airport’s influence area and Traffic Pattern Zone, and assumes the man-made lakes and recreational area will encompass the required 10% open space requirement, which would equal 13.4 acres for the 134-acre site.

The EIR provided the amount of open space proposed in the Specific Plan in Table 3.15-1: Nearby Park and Open Space Facilities, page 3.15-2 as shown. Counting the lakes, the project provides 21 acres of open space, which exceeds the 10% open space requirement. The DEIR address the potential that birds could be attracted to these man-made lakes and evaluates that impact on pages 3.14 through 3.17 in the Hazards section. The comment is noted.

**Table 3.15-2: Open Space**

Open Space Type	Acreage
Lake System	10.5
Recreation Facilities	4.0
Open Space System	2.4
Private Park	3.2
Dog Park	0.2
Pedestrian Connection	0.7
<b>Total</b>	<b>21.0</b>
Source: Tracy Village Specific Plan, p. 2–6	



*Response to SJCOG-4*

The commenter requests the deed notice requirements be included within DEIR.

The EIR has been revised in the Errata to clarify that General Plan Objective LU 6.3, Policy P.2 requires all new development near the Tracy Municipal Airport to record aviation easements or deed disclosures in compliance with the ALUCP and to provide the requested exemplar language. The proposed language addresses existing aircraft noise impacts on future residents of the project and is not related to safety or hazards.

*Response to SJCOG-5*

The commenter states land uses that may be hazards to aircraft in flight shall not be permitted within any airport's influence area and suggests certain project design conditions intended to serve as reference for the City's review.

These regulations are acknowledged and were included on page 3.10-7 of the DEIR. Upon final ALUC review of the project, no additional design conditions were found to be necessary.

*Response to SJCOG-6*

The commenter states Airport Land Use Compatibility review is required for any proposal for construction or alterations of the listed condition.

These regulations are acknowledged and are found on pages 3.10-7 of the DEIR. As stated on that page of the DEIR, ALUC review is required for proposal for construction or alteration if it meets the following conditions:

- a) If requested by the FAA.
- b) Any construction or alteration that is more than 200 ft. above ground level at its site.
- c) Any construction or alteration that exceeds an imaginary surface extending outward and upward at any of the following slopes:
  - 100 to 1 for a horizontal distance of 20,000 ft. of a public use or military airport from any point on the runway of each airport with its longest runway more than 3,200 ft.
  - 50 to 1 for a horizontal distance of 10,000 ft. of a public use or military airport from any point on the runway of each airport with its longest runway no more than 3,200 ft.
  - 25 to 1 for a horizontal distance of 5,000 ft. of the nearest take off and landing area of a public use heliport
- d) Any highway, railroad or other traverse way whose prescribed adjusted height would exceed the above noted standards
- e) Any construction or alteration located on a public use airport or heliport regardless of height or location.

The TVDP does not meet these conditions and the ALUC staff agree that no further agency review is required.





## S J C O G , I n c .

555 East Weber Avenue • Stockton, CA 95202 • (209) 235-0600 • FAX (209) 235-0438

*San Joaquin County Multi-Species Habitat Conservation & Open Space Plan (SJMSCP)*

### SJMSCP RESPONSE TO LOCAL JURISDICTION (RTL) ADVISORY AGENCY NOTICE TO SJCOC, Inc.

**To:** Victoria Lombard, City of Tracy, Community Development Department  
**From:** Laurel Boyd, SJCOC, Inc.  
**Date:** August 25, 2017  
**Local Jurisdiction Project Title:** Notice of Completion of Draft EIR for the Tracy Village Project  
**Assessor Parcel Number(s):** 244-040-01  
**Local Jurisdiction Project Number:** State Clearinghouse No.: 2016112016  
**Total Acres to be converted from Open Space Use:** Approximately 133.60 acres  
**Habitat Types to be Disturbed:** Agricultural Habitat Land  
**Species Impact Findings:** Findings to be determined by SJMSCP biologist.

Dear Ms. Lombardo:

SJCOC, Inc. has reviewed the Notice of completion of a Draft Environmental Impact Report (EIR) for the Tracy Village Project. The Tracy Village Project proposes a gated community consisting of up to 600 single-family detached residential homes, and would include 3 man-made lakes totaling approximately 10 acres, along with a community recreation center with pool, spa, and bocce courts, open space and trails/pathways. The Project also includes the proposed annexation into the City of an additional 42 residential properties fronting Corral Hollow Road and Valpico Road, and an adjoining drainage canal north of Valpico Road. The project sites is located south of Valpico Road and east of Corral Hollow Road, Tracy (APN: 244-040-01).

The City of Tracy is a signatory to San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). Participation in the SJMSCP satisfies requirements of both the state and federal endangered species acts, and ensures that the impacts are mitigated below a level of significance in compliance with the California Environmental Quality Act (CEQA). The LOCAL JURISDICTION retains responsibility for ensuring that the appropriate Incidental Take Minimization Measure are properly implemented and monitored and that appropriate fees are paid in compliance with the SJMSCP. Although participation in the SJMSCP is voluntary, Local Jurisdiction/Lead Agencies should be aware that if project applicants choose against participating in the SJMSCP, they will be required to provide alternative mitigation in an amount and kind equal to that provided in the SJMSCP.

***This Project is subject to the SJMSCP.*** This can be up to a 30 day process and it is recommended that the project applicant contact SJMSCP staff as early as possible. It is also recommended that the project applicant obtain an information package. <http://www.sjco.org>

Please contact SJMSCP staff regarding completing the following steps to satisfy SJMSCP requirements:

- Schedule a SJMSCP Biologist to perform a pre-construction survey ***prior to any ground disturbance***
- SJMSCP Incidental take Minimization Measures and mitigation requirement:
  1. Incidental Take Minimization Measures (ITMMs) will be issued to the project and must be signed by the project applicant prior to any ground disturbance but no later than six (6) months from receipt of the ITMMs. If ITMMs are not signed within six months, the applicant must reapply for SJMSCP Coverage. Upon receipt of signed ITMMs from project applicant, SJCOC, Inc. staff will sign the ITMMs. This is the effective date of the ITMMs.
  2. Under no circumstance shall ground disturbance occur without compliance and satisfaction of the ITMMs.
  3. Upon issuance of fully executed ITMMs and prior to any ground disturbance, the project applicant must:
    - a. Post a bond for payment of the applicable SJMSCP fee covering the entirety of the project acreage being covered (the bond should be valid for no longer than a 6 month period); or
    - b. Pay the appropriate SJMSCP fee for the entirety of the project acreage being covered; or
    - c. Dedicate land in-lieu of fees, either as conservation easements or fee title; or
    - d. Purchase approved mitigation bank credits.
  4. Within 6 months from the effective date of the ITMMs or issuance of a building permit, whichever occurs first, the project applicant must:

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2 | S J C O G , I n c .

- a. Pay the appropriate SJMSCP for the entirety of the project acreage being covered; or
- b. Dedicate land in-lieu of fees, either as conservation easements or fee title; or
- c. Purchase approved mitigation bank credits.

Failure to satisfy the obligations of the mitigation fee shall subject the bond to be called.

- Receive your Certificate of Payment and release the required permit

*It should be noted that if this project has any potential impacts to waters of the United States [pursuant to Section 404 Clean Water Act], it would require the project to seek voluntary coverage through the unmapped process under the SJMSCP which could take up to 90 days. It may be prudent to obtain a preliminary wetlands map from a qualified consultant. If waters of the United States are confirmed on the project site, the Corps and the Regional Water Quality Control Board (RWQCB) would have regulatory authority over those mapped areas [pursuant to Section 404 and 401 of the Clean Water Act respectively] and permits would be required from each of these resource agencies prior to grading the project site.*

If you have any questions, please call (209) 235-0600.

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CONT

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### **San Joaquin Multi-Species Conservation Plan (SJMSCP)**

#### *Response to SJMSCP-1*

The commenter indicates that the City of Tracy is a signatory to the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP), which makes the City responsible for ensuring the project complies with the SJMSCP.

As stated on page 3.4-19 of the DEIR, the project applicant will participate in the SJMSCP.

#### *Response to SJMSCP-2*

The commenter indicates that the City of Tracy is a signatory to the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan, which makes the City responsible for ensuring that the project applicant takes the steps required to comply with the SJMSCP.

The applicant will begin the process with SJMSCP if the project is approved by the City of Tracy.

#### *Response to SJMSCP-3*

The commenter notes that if the project has potential impact on waters of the United States pursuant to the Clean Water Act, then the applicant would be required to seek voluntary coverage of the SJMSCP.

As reported in the DEIR on page 3.4-17, there is no potential impact to the waters of the United States. Two field surveys by qualified biologists and a review of the literature conclude that the site does not contain vernal pools, seasonal wetlands, marshes, ponds, lakes, or riparian wetlands of any type. No aquatic features with the potential of being subject to USACE, RWQCB, or CDFW jurisdiction were observed within the TVDP site.

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**SAN JOAQUIN  
LOCAL AGENCY FORMATION COMMISSION**

**LAFCo**

509 W. WEBER AVENUE SUITE 420 STOCKTON, CA 95203

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September 28, 2017

**CHAIR**

**DOUG KUEHNE**  
LODI CITY COUNCIL

**MIGUEL VILLAPUDUA**  
COUNTY BOARD OF  
SUPERVISORS

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**EXECUTIVE OFFICER**

**JAMES E. GLASER**

**COUNSEL**

**ROD ATTEBERY**

**LAFCO ANALYST**

**ELIZABETH CONTRERAS**

**COMMISSION CLERK**

**MITZI STITES**

Victoria Lombardo, AICP, Senior Planner  
City of Tracy  
Development and Engineering Services  
333 Civic Center Plaza  
Tracy, CA 95376

RE: Tracy Village Project EIR  
State Clearinghouse # 2016112016

Dear Ms. Lombardo:

San Joaquin Local Agency Formation Commission (LAFCo) has reviewed the Draft Environmental Impact Report for the Tracy Village Project EIR and have the following comments to offer:

**Fire Protection Discussion**

There are two separate fire agencies that provide fire services to the Tracy Area. Tracy Rural Fire Protection District (Tracy Rural) is a special independent district which formed in 1942 and whose fire district boundary is approximately 200 square miles and includes the unincorporated territory surrounding the City of Tracy and the territory that annexed to the City after 2002. The other fire service provider is the City of Tracy. These fire providers did not merged as the EIR states. These two agencies did execute a Joint Powers Agreement in 1999 and formed the South County Fire Authority (SCFA) to provide fire services to both agencies. They remain two separate agencies. The EIR does not state if the City will request detachment from Tracy Rural. Since 2002, the City has not requested detachment and therefore the EIR must evaluate the ability of Tracy Rural to provide fire protection.

The EIR states that SCFA responded to 6,443 calls for assistance in FY 2013/2014. According to data received from the City of Stockton Dispatch Center for calendar year 2016, the City of Tracy responded to 713 calls and Tracy Rural responded to 204 calls for service that included fire, fire alarm, grass fire, medical, and vehicle calls. Tracy Rural had a reflex time in 2016 of 15 minutes 45 seconds for fire calls and 12minutes 38 seconds for medical calls including vehicles. City of Tracy had a reflex time in 2016 of 9 minutes 30

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seconds for fire calls and 7 minutes and 29 seconds for medical calls including vehicles. These numbers exceed the established response goals for each department.

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CONT

The EIR fails to state the emergency response time to the proposed development. Furthermore, it states that the station that would provide service is scheduled to be moved two miles east of the project site. Once again, the EIR does not state the response time to the site from the new location and does not state with clarity if a new station is needed. The EIR states *if* construction is necessary the station would be funded by new development including the TVDP's development fees. The EIR must determine if sufficient funding would be available to construct the station and if adequate funding is available to staff the station. It should be noted that development fees could only be used for capital improvements. While economic and social changes resulting from a project shall not be treated as significant effects on the environment, economic and social changes may be used to determine that a physical change shall be regarded as a significant effect on the environment. In this case, the subdivision would have the effect of attracting people to the location and exposing them to the hazards found there (§15065 and §15126.2).

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### **Fire Governance Plan**

In 2011 the City of Tracy committed to completion of a plan regarding the governance for the Tracy City Fire Department and Tracy Rural Fire Protection District subject to the approval of LAFCo and that all subsequent annexation requests must be consistent with that Plan. This plan was due by October 2013. Since this plan has not been completed, the annexation request addressed in the EIR cannot be successfully processed. As evidence by the Municipal Service Review for Rural Fire Protection Districts prepared by LAFCO in 2011, there are significant shortcomings with Tracy Rural and there is no evidence that they have the ability to provide the service. The EIR should address this issue in the Land Use and Planning section.

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### **Sphere of Influence**

In accordance with §56425 (g) of the California Government Code, the Commission shall review and update each sphere of influence every five years. The Commission last considered the City of Tracy's sphere of influence on January 20, 2012. Annexation requests must be consistent with an updated sphere of influence, therefore, an update to the sphere of influence is also required before an application for annexation can be processed. The EIR should address this issue in the Land Use and Planning section

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### **Municipal Service Review**

In accordance with §56430 of the California Government Code, a service review must be conducted in order to update sphere of influences in accordance with §56425. As such, a Municipal Service Review is also needed prior to processing an annexation application. The EIR should address this issue in the Land Use and Planning section.

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### **Agricultural Resources**

The EIR concludes that the conversion of agricultural land to urban use is less than significant and no mitigation measures are required. LAFCo disagrees with this conclusion. While the General Plan may have adopted a Statement of Overriding Consideration, that does not make this a less than significant impact for this project. In fact, this supports the finding of significant and unavoidable, which requires mitigation. The City of Tracy adopted an Agricultural Mitigation

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Fee ordinance. This project needs to find that this impact is significant and unavoidable and that feasible mitigation measures exist.

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CONT

Respectfully submitted,



James E. Glaser  
Executive Officer

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### **San Joaquin Local Agency Formation Commission (SJLAFC)**

#### *Response to SJLAFC-1*

The commenter states there are two separate fire agencies that provide fire service to the Tracy Area, the South County Fire Authority and the City of Tracy, that the two did not merge as stated in the EIR.

The distinction is acknowledged and the following explanation will be added to the Draft EIR, as indicated in the Errata. Since September 16, 1999, the Tracy Rural Fire Protection District and the City of Tracy have been parties to the “Agreement between South County Fire Authority and the City of Tracy for Provision of Fire Services to Authority’s Jurisdictional Area.” Section 1.5, Jurisdictional Area states the following:

Jurisdictional area means and includes both the area within the corporate limits of the City of Tracy and the area within the Tracy Rural Fire Protection District as both such limits now exist or may hereafter exist and not within the jurisdictional area of any other fire protection district.

From a service delivery perspective, first response fire service is provided to the jurisdictional area from the closest fire station regardless of station ownership. Although the South County Fire Authority (SCFA) Joint Powers Agreement (JPA) comprises two member agencies, operationally it provides service to one combined jurisdictional area.

The new South San Joaquin County Fire Authority (SSJCFA) JPA also consists of two member agencies, providing service to one jurisdictional area. The City of Tracy and the Tracy Rural Fire District are now member agencies of the “Joint Powers Agreement of the South San Joaquin County Fire Authority.” Section 1.4. Specified Powers states the following:

The Authority is hereby authorized, in its own name, to do all acts necessary for the exercise of the foregoing powers, including but not limited to, any of the following:  
(a) Initiate, alter and otherwise exercise the common powers of its Members in providing fire suppression, protection, prevention, and related services, and those powers that may be conferred upon it by subsequently enacted legislation, and to be the exclusive body to make policy concerning the administration of the provision of fire service by the Authority for Member Agencies including determining if, when and where to place facilities and staff said facilities within the Authority’s jurisdiction for services.

The agreement further states in Section 3. Level Of Service, 3.1 Basic Services, A. List of Services, that “The Authority shall provide a uniform, minimum set of basic services to each Member Agency, which shall consist of the following: 1. Responding to fire and emergency calls to provide fire suppression, rescue, emergency medical, and hazardous materials response service.” From a service delivery perspective, first response fire service is provided to the jurisdictional area of the SSJCFA from the closest fire station regardless of ownership.

As stated above, since 2002, annexations into the City have not detached from Tracy Rural. It is important to note that when annexed into the City, the performance measures that apply to the City (not the Tracy Rural performance measure) are then applicable to the “annexed but not detached area.”

*Response to SJLAF-2*

The commenter questions the reflex times reported in the DEIR, and provides alternate reporting from the City of Stockton Dispatch Center for the calendar year 2016.

The data obtained by the Local Agency Formation Commission (LAFCO) from the City of Stockton Dispatch Center for calendar year 2016 is a partial data set representative of a partial year of dispatch services. Previously, SCFA resources were dispatched by the Valley Regional Emergency Communications Center (VRECC) operated by American Medical Response. On April 26, 2016, the SCFA switched dispatch providers from VRECC to the City of Stockton through the San Joaquin County Regional Fire Dispatch Authority (SJCRFDA). The data set obtained by LAFCO reflects only 66 days of service received from SJCRFDA. This explains why the number of calls for the City of Tracy and Tracy Rural emergency services reported by the City of Stockton Dispatch Center is much lower than those reported in the DEIR.

In Fiscal Year 2016–2017, the SCFA responded to 7,351 calls for assistance. These calls for service included fires of all type, fire alarms, emergency medical, vehicle accidents, hazardous conditions, and service calls. The 2016–2017 South County Fire Authority Annual Report indicates the reflex time in the City was 6:59 minutes for EMS incidents, 8:30 minutes for structure fires, and 9:17 minutes for all other incident types. Tracy Rural shows 11:41 minutes for EMS incidents, 13:49 minutes for structure fires, and 13:18 minutes for all other incident types. Further information can be found in the 2016–2017 South County Fire Authority Annual Report.

*Response to SJLAF-3*

The commenter states that the DEIR fails to state the emergency response time to the proposed development, and whether a new station would be needed.

According to the City of Tracy GIS Viewer, the majority of the proposed development can be reached within 1.5 miles of existing SCFA Fire Station 97. Typically, a 1.5-mile distance is equivalent to an approximate 4-minute travel time. As mentioned, this station will likely be relocated within the next 5 years. The proposed relocation site remains approximately 1.5 miles from the proposed development.

In 2017, the SCFA completed a Standards of Cover Study with Citygate Associates, LLC. The May 2, 2017 SCFA report identifies the need for an additional fire station on Valpico Road between Corral Hollow Road to the east and Lammers Road to the west. The addition of this station (also known as “Proposed 4”) will provide a second fire station in proximity of the proposed project. This station is anticipated to be constructed within the next 2 to 3 years in response to development of the Ellis project. This station will be located within 1.5 miles of the entire proposed project. The proposed project remains within approximately 4 minutes of travel times from the existing SCFA Station 97, a potentially relocated Station 97, and a proposed additional fire station on Valpico Road. The City has

identified funding for the potential relocation of SCFA Fire Station 97. Further, the construction of the additional station identified as Proposed 4 will be funded through development fees as indicated in the Citywide Public Safety Master Plan (CPSMP).

*Response to SJLAF-4*

The commenter raises a question related to funding available to construct the station and if adequate funding is available to staff the station.

The SCFA has concluded the funding source for the capital needs will be sufficiently provided through development impact fees as indicated in the CPSMP. Understanding that development impact fees do not provide funding for operations, the SCFA analyzed projected revenue outside of capital improvements. A forecast of revenue from development projects currently in process and on the development horizon within areas annexed by the City but not detached from Tracy Rural indicates that sufficient operating revenues will be generated by January 2020. This forecast projects revenues as a result of both residential and commercial growth. Projected operating expenditures are based upon maintaining current SCFA staffing levels.

*Response to SJLAF-5*

The commenter states that economic and social changes may be used to determine that a physical change shall be regarded as a significant effect of the environment, and, in this case, the subdivision would have the effect of attracting people to the location and exposing them to the hazards found there.

CEQA is generally concerned with impacts of a project on the environment and not the impacts of the existing environment on a project. The language relied on by the commenter from the CEQA Guidelines related to attracting people to existing hazards has been found by the California Supreme Court to be inconsistent with the CEQA statute (*California Bldg. Industry Assn. v. Bay Area Air Quality Management Dist.* (2015) 62 Cal.4<sup>th</sup> 369, 390). The proposed project will add residential housing inventory contiguous with existing neighborhoods. The people attracted to the location by the proposed development would not be exposed to any unique hazards not already present with other developed residential areas. The City's General Plan and the Citywide Public Safety Master Plan have analyzed the impacts of allowing additional residential development in this location.

*Response to SJLAF-6*

The commenter questions whether the EIR can be successfully processed if a previous governance plan for the Tracy City Fire Department and Tracy Fire Protection District has not been completed yet.

On February 20, 2018, both the City of Tracy and the Tracy Rural Fire District entered into the "Joint Powers Agreement of the South San Joaquin County Fire Authority." The SSJCFA is a new joint powers agreement that completes the new governance plan referenced by the commenter. Also on February 20, 2018, both member agencies approved the dissolution of the existing SCFA effective July 1, 2018. The SSJCFA is the new JPA allowing member agencies to exercise their powers for the purpose of improving the provision of fire service within the Authority's jurisdiction. The new SSJCFA JPA has an effective date of March 1, 2018 with an implementation of July 1, 2018.

The Municipal Service Review for Rural Fire Protection Districts prepared by LAFCO in 2011 views Tracy Rural as a stand-alone entity. As a member agency of the SSJCFA, Tracy Rural is entitled to the full strength of operational resources within the JPA. When considering the ability of local fire stations to serve the proposed project, the jurisdictional area of the SSJCFA and fire stations within it should be the determining factor. That said, the location of the existing SSJCFA Fire Station 97 or its proposed relocation site on Valpico Road will still serve the proposed project within response time objectives. In addition, the completion of a second future station on Valpico Road will provide not one but two facilities in proximity to the proposed project.

*Response to SJLAF-7*

The commenter states that the project must be consistent with an updated sphere of influences.

The Project Description identifies San Joaquin LAFCO as a responsible agency related to the annexation of the project site. The Errata expands the discussion of the steps required to annex the project site, including an update to the City's Sphere of Influence (SOI) and Municipal Service Review (MSR). The update to the SOI and MSR must be completed every 5 years. The City will submit the latest MSR to LAFCO in the spring of 2018, and is working with LAFCO to revise its Sphere of Influence.

*Response to SJLAF-8*

The commenter notes that a Municipal Service Review is needed prior to processing and an annexation application.

See Response to SJLAF-7. The City is currently working with LAFCO to revise its Sphere of Influence and Municipal Service Review in order to complete the process to their satisfaction and allow LAFCO to approve the annexation. In accordance with the guidance found in Appendix G to the CEQA Guidelines, the Land Use and Planning Chapter focuses on plans and regulations adopted for the purpose of avoiding or mitigating an environmental effect. As such, no further discussion of the MSR process is required beyond that found in the Errata.

*Response to SJLAF-9*

The commenter questions the DEIR's conclusion that the conversion of agricultural land to urban use is less than significant and no mitigation measures are required.

This concern is addressed on page 3.2-13 of the DEIR. The conversion of the TVDP from agricultural land to residential is consistent with the City's long-term planning vision. The City's General Plan EIR (Section 4.7, Agriculture) found that the effects of converting agricultural land such as the proposed TVDP site to urban uses would be significant and unavoidable. As noted in the DEIR, the TVDP is surrounded by urban uses on all sides. These existing conditions make long-term agricultural use of the project site not viable because of compatibility issues and the inability to undertake large-scale agricultural production. Because of the island nature of the TVDP, the conversion of the TVDP is considered a less than significant impact.

October 2, 2017

SJVAPCD  
Page 1 of 3

Victoria Lombardo  
City of Tracy  
Development & Engineering Services  
333 Civic Center Plaza  
Tracy, CA 95376

**Project: Draft Environmental Impact Report (EIR) for the Tracy Village Project**

**District CEQA Reference No: 20170954**

Dear Ms. Lombardo:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the Draft Environmental Impact Report (EIR) for the Tracy Village Project. Per the EIR, the proposed project consists of two components: 1. Tracy Village Development Project (TVDP) consists of annexing 134 acres of land in San Joaquin County to the City of Tracy and constructing up to 600 single family detached residential lots for an active adult, gated, and age-restricted community; and 2. Residential Annexation Area consists of annexing 42 existing lots in San Joaquin County to the City of Tracy (Project). The proposed Project is located in San Joaquin County adjacent to the Tracy city limits. The District offers the following comments:

**1) Rule 9510 Indirect Source Review**

***District Rule 9510 Indirect Source Review (ISR) requires an Air Impact Assessment (AIA) application be submitted to the District no later than applying for final discretionary approval with the public agency.***

The Project will exceed District Rule 9510 Indirect Source Review (ISR) applicability threshold of 50 dwelling units. Therefore, the Project is subject to Rule 9510 ISR. Rule 9510 ISR is intended to mitigate a project's impact on air quality through project design elements or by payment of applicable off-site mitigation fees. Rule 9510 ISR requires the submittal of an Air Impact Assessment (AIA) application to the District no later than applying for final discretionary approval with the public agency. Information about how to comply with Rule 9510 ISR can be found online at: <http://www.valleyair.org/ISR/ISRHome.htm>. The AIA application can be found online at: <http://www.valleyair.org/ISR/ISRFormsAndApplications.htm>.

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**Seyed Sadredin**  
Executive Director/Air Pollution Control Officer

**Northern Region**  
4800 Enterprise Way  
Modesto, CA 95356-8718  
Tel: (209) 557-6400 FAX: (209) 557-6475

**Central Region (Main Office)**  
1990 E. Gettysburg Avenue  
Fresno, CA 93726-0244  
Tel: (559) 230-6000 FAX: (559) 230-6061

**Southern Region**  
34946 Flyover Court  
Bakersfield, CA 93308-9725  
Tel: 661-392-5500 FAX: 661-392-5585

**2) Other District Rules and Regulations**

***The Project may be subject to the following District rules and regulations.***

The Project may be subject to District Rules and Regulations, including: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants). The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at (559) 230-5888. Current District rules can be found online at: [www.valleyair.org/rules/1ruleslist.htm](http://www.valleyair.org/rules/1ruleslist.htm).

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**3) Risk Assessment**

***The District recommends that a risk assessment be performed to determine if toxic air containments (TACs) during construction would have an impact on nearby sensitive receptors.***

On Page 3.3-37, the EIR states,

*“Construction phase risks would be considered acute health risks as opposed to cancer risks, which are long-term. The Office of Environmental Health Hazard Assessment has yet to define acute risk factors for diesel particulates that would allow the calculation of hazards risk index; thus, evaluation of this impact would be speculative and no further discussion is necessary.”*

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Although it is true that the state has not yet established an acute risk factor for diesel particulate matter, in their new risk assessment model cancer risks can be calculated for exposures of as little as one year. Since this is a multi-year construction Project, the District recommends the Project be evaluated for potential health impacts to sensitive receptors (on-site and off-site). The exposure duration can be selected to match the length of the construction period.

The District recommends conducting a screening analysis that includes all sources of emissions to determine if it is necessary to conduct a health risk assessment (HRA). A screening analysis is used to identify projects that may have a significant health impact. A prioritization, using CAPCOA's updated methodology, is a recommended screening method. A prioritization score of 10 or more is considered to be potentially significant and an HRA should be performed. The prioritization calculator can be found at: [http://www.valleyair.org/busind/pto/emission\\_factors/Criteria/Toxics/Utilities/PRIORITIZATION%20RMR%202016.XLS](http://www.valleyair.org/busind/pto/emission_factors/Criteria/Toxics/Utilities/PRIORITIZATION%20RMR%202016.XLS).

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If an HRA is to be performed, it is recommended that the Project proponent contact the District to review the proposed modeling protocol. The Project would be considered to have a significant health risk if the HRA demonstrates that Project related health impacts would exceed the District's significance threshold of 20 in a million for carcinogenic risk and 1.0 for Acute and Chronic Hazard Indices.

More information on toxic emission factors, prioritizations and HRAs can be obtained by:

- Calling Technical Services staff at (559) 230-6000.
- E-mailing inquiries to: [hramodeler@valleyair.org](mailto:hramodeler@valleyair.org); or
- Visiting the District's website at (modeling information):  
[http://www.valleyair.org/busind/pto/Tox\\_Resources/AirQualityMonitoring.htm](http://www.valleyair.org/busind/pto/Tox_Resources/AirQualityMonitoring.htm)

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If you have any questions or require further information, please call Sharla Yang at (559) 230-5934.

Sincerely,

Arnaud Marjollet  
Director of Permit Services



Brian Clements  
Program Manager

AM: sy

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### **San Joaquin Valley Air Pollution Control District (SJVAPCD)**

#### *Response to SJVAPCD-1*

The commenter notes that in accordance with District Rule 9510 Indirect Source Review, an Air Impact Assessment is required.

Comment acknowledged. The SJVAPCD's rules and regulations that could apply to the project, including District Rule 9510—Indirect Source Review, are listed on pages 3.3-18 through 3.3-19 of the DEIR. Page 3.3-19 of the DEIR states that this project must comply with Rule 9510 because it would develop more than 50 residential dwelling units.

#### *Response to SJVAPCD-2*

The commenter states that the Project may be subject to the San Joaquin Valley Air Pollution Control District's rules and regulations.

Comment acknowledged. The SJVAPCD's rules and regulations that could apply to the project are listed on page 3.3-18 of the DEIR.

#### *Response to SJVAPCD-3*

The commenter recommends that a risk assessment be performed to determine if toxic air contaminants during construction would have an impact on nearby sensitive receptors.

Please refer to Response to SJVAPCD-4.

#### *Response to SJVAPCD-4*

The commenter recommends conducting a screening analysis to determine if it is necessary to conduct a health risk assessment (HRA).

A localized pollutant analysis is included in the impact analysis for Impact AIR-2. The SJVAPCD's 2015 GAMAQI includes screening thresholds for identifying projects that need detailed analysis for localized impacts. Projects with on-site emission increases from construction activities or operational activities that exceed the 100 pounds per day screening level of any criteria pollutant after compliance with regulations and implementation of all enforceable mitigation measures would require preparation of an ambient air quality analysis. As shown in Table 3.37: Maximum Daily Air Pollutant Emissions, the project would not exceed the SVAPCD's screening level for either construction or operations, and, therefore, an HRA would not be necessary, which is consistent with SVAPCD's guidance. This analysis specifically examined a multi-year scenario as the SJVAPCD suggests.

#### *Response to SJVAPCD-5*

In the case than a health risk assessment is performed, the commenter recommends that the San Joaquin Valley Air pollution Control District is contacted to review the proposed modeling protocol.

An HRA was not required, based on the SJVAPCD 2015 GAMAQI screening threshold discussed above. The project emissions do not meet the 100-pound-per-day screening threshold for pollutants concern, as discussed in the DEIR on page 3.3-30.

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**MINUTES  
TRACY CITY PLANNING COMMISSION  
SEPTEMBER 27, 2017, 7:00 P.M.  
CITY OF TRACY COUNCIL CHAMBERS  
333 CIVIC CENTER PLAZA**

**CALL TO ORDER**

Chair Orcutt called the meeting to order at 7:00 p.m.

**PLEDGE OF ALLEGIANCE**

Chair Orcutt led the pledge of allegiance.

**ROLL CALL**

Roll Call found Chair Orcutt, Vice Chair Sangha, and Commissioners Hudson, Krogh, and Tanner present. Also present were: Bill Dean, Assistant Director of Development Services; Leticia Ramirez, Assistant City Attorney; Scott Claar, Senior Planner; Vicki Lombardo, Senior Planner; Cris Mina, Senior Civil Engineer; and Peggy Abundiz, Recording Secretary.

**MINUTES**

It was moved by Commissioner Tanner, and seconded by Vice Chair Sangha, that the Planning Commission meeting Minutes of September 13, 2017, be approved. Voice vote found all in favor; passed and so ordered.

**DIRECTOR'S REPORT REGARDING THIS AGENDA**

Bill Dean thanked the Commission for their service on this night, adding that there is a full agenda for the meeting. Mr. Dean pointed out that Agenda Item 1-A, regarding the Pereira Mine, will be re-noticed for a later meeting, as stated on the agenda. He further announced that Item 1-E, involving determination of consistency with the General Plan for the vacation of a small piece of right-of-way, needs further review and thus is being postponed to a future meeting as well.

**ITEMS FROM THE AUDIENCE**

None.

**1. NEW BUSINESS**

- A. PUBLIC HEARING TO CONSIDER APPROVAL OF A CONDITIONAL USE PERMIT AND RECLAMATION PLAN AMENDMENT TO DEFINE AND EXTEND THE EXPIRATION DATES FOR MINING UNTIL DECEMBER 31, 2036 AND RECLAMATION UNTIL DECEMBER 31, 2039 WITH NO CHANGES TO MINING OR RECLAMATION ACTIVITIES (REQUEST IS ONLY TO EXTEND TIME), AND APPROVAL OF THE RENEWAL OF THE INTERIM MANAGEMENT PLAN FOR AN ADDITIONAL FIVE YEAR PERIOD FOR THE PEREIRA MINE, LOCATED AT THE SOUTHWEST CORNER OF LINNE ROAD AND SOUTH TRACY BOULEVARD

(ASSESSOR'S PARCEL NUMBER 253-110-09) – APPLICANT IS TEICHERT AGGREGATES; OWNER IS TRIANGLE PROPERTIES; APPLICATION NUMBER CUP16-0010

As stated on the Agenda, this item will be re-noticed for a future Planning Commission meeting.

- B. PUBLIC HEARING TO CONSIDER RECOMMENDATIONS TO THE CITY COUNCIL REGARDING APPROVAL OF A GENERAL PLAN AMENDMENT TO CHANGE THE GENERAL PLAN LAND USE DESIGNATION FROM RESIDENTIAL HIGH TO COMMERCIAL AND APPROVAL OF A REZONE FROM HIGH DENSITY RESIDENTIAL ZONE TO GENERAL HIGHWAY COMMERCIAL ZONE FOR A 6,000 SQUARE FOOT PARCEL LOCATED AT 2461 HOLLY DRIVE AND A 7,402 SQUARE FOOT PARCEL LOCATED AT 2441 HOLLY DRIVE. THE APPLICANT IS MIKE SOUZA. THE PROPERTY OWNERS ARE GEMELOS FAMILY PARTNERSHIP AND TRACY UNIFIED SCHOOL DISTRICT. APPLICATION NUMBERS GPA17-0002 AND R17-0002

Scott Claar presented the staff report. Chair Orcutt opened the public hearing at 7:03 p.m. Applicant Mike Souza spoke and addressed questions from the Commission. As there was no other testimony to be heard, Chair Orcutt closed the public hearing at 7:08 p.m. Scott Claar addressed questions from the Commission.

**ACTION** It was moved by Commissioner Hudson, and seconded by Commissioner Tanner, that the Planning Commission recommend that the City Council take the following actions, as stated in the Planning Commission Resolution dated September 27, 2017:

- Approve a General Plan Amendment to change the General Plan Land Use Designation from Residential High to Commercial for an approximately 6,000 square foot parcel located at 2461 Holly Drive, Assessor's Parcel Number 214-520-17, and an approximately 7,402 square foot parcel located at 2441 Holly Drive, Assessor's Parcel Number 214-520-18, Application Number GPA17-0002; and
- Introduce and adopt an ordinance to rezone an approximately 6,000 square foot parcel located at 2461 Holly Drive, Assessor's Parcel Number 214-520-17, and an approximately 7,402 square foot parcel located at 2441 Holly Drive, Assessor's Parcel Number 214-520-18, from High Density Residential Zone to General Highway Commercial Zone, Application Number R17-0002.

A voice vote found all in favor; 5-0-0, passed and so ordered.

- C. PRESENTATION AND QUESTION/ANSWER DISCUSSION ON THE PROPOSED TRACY VILLAGE DEVELOPMENT PROJECT

Vicki Lombardo presented the staff report, then requested that the Commission turn it over to Jeff Schroeder of Ponderosa Homes II, Inc., for a brief PowerPoint presentation. Mr. Schroeder made the presentation and addressed general questions

from the Commission relative to the development. Other questions from the Commission are listed below, with the Applicant's response following:

- Why wasn't the southwest walking strip made a road or access point for ingress, egress, emergency vehicles, etc.?  
APPLICANT: The strip sits between two residential lots and is 25 feet in width, which is not wide enough for vehicular access. We see it as a pedestrian access out to Corral Hollow Road.
- Citizens may not see a manmade lake as beneficial.  
APPLICANT: Lakes are well received in terms of an amenity. The original vision was four lakes, then the drought came, then it was two lakes or no lakes. We designated three lakes once the City informed us they had received a grant to extend the recycled water line down close enough to where we could afford to bring it over. We haven't finalized that location yet, or how long it will take to get there. We'll be using that recycled water, but it's really integrated into the entire project from a storm drain and water treatment standpoint. The lake will also provide irrigation for all of the common areas, which will help circulate the water in the lake as well. Additionally, the lake has filtration and pumping systems, as well as oxygen emitters, to prevent eutrophication. It's a manmade system run pretty efficiently, and it seems the homeowners association would want to protect that to the greatest extent possible because it is an amenity to the community. Another benefit is that it can provide a place for the City to send its recycled water.

At 7:34 p.m., Chair Orcutt invited the public to share any questions or comments they had on the development project.

Perpetua Comstock-Fritchie spoke and openly discussed her questions with Mr. Schroeder regarding the project, including future dedication of property for the widening of Valpico Road, as well as traffic concerns. Cris Mina addressed questions from the Commission and Ms. Comstock-Fritchie relative to future traffic improvements at the intersection of Corral Hollow and Valpico Roads.

Suzanne Shaw spoke, and echoed Ms. Comstock-Fritchie's concerns regarding traffic congestion. Ms. Shaw also asked questions with regard to: entrances to the development, future improvements on Corral Hollow Road, who will pay for the sidewalks, future dedication of property, and whether or not current residents will be allowed to continue using well water and propane. Chair Orcutt, Jeff Schroeder, Bill Dean, and Vicki Lombardo addressed these questions.

Perpetua Comstock-Fritchie asked questions regarding the annexation process, addressed by Bill Dean.

Judy Houdeshell inquired as to how long construction is expected to last. Discussion ensued regarding the active adult residential allocation system, and the approval processes required in order for this project to be completed.

As no one else came forward, Chair Orcutt closed the public question/comment session at 8:00 p.m.

Mr. Schroeder addressed additional general questions from the Commission relative to the project.

D. PUBLIC MEETING TO SOLICIT COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE TRACY VILLAGE DEVELOPMENT PROJECT

Vicki Lombardo presented the staff report, pointed out that the public comment period for the Draft Environmental Impact Report (DEIR) ends on October 2, and introduced Elizabeth Johnson, Senior Project Manager with First Carbon Solutions. Ms. Johnson pointed out that Mary Bean, Project Director, was present as well. Ms. Johnson gave a PowerPoint presentation, providing an overview of the environmental process and summarizing the findings contained in the DEIR, then invited questions from the Commission.

Bill Dean pointed out that the environmental process requires that staff note down questions at this point, rather than provide answers. Mr. Dean further explained that any questions raised, whether from an agency or a homeowner, will be answered through this process. Thus, tonight's purpose is simply to provide an opportunity for people to ask questions. Answers to these questions will be provided once technical staff has been consulted. In response to a question from Chair Orcutt, Mr. Dean stated that the DEIR is posted on the City's website, and a hard copy is also available for review at City Hall.

Elizabeth Johnson provided an overview of the EIR process.

The Commissioners raised the following questions regarding the DEIR:

- In terms of the improvements to Valpico Road, what is the viability of access for the existing lots that front onto that road in its ultimate configuration? (Cris Mina pointed out that if this question is not addressable in the EIR, then it can be addressed in the Tentative Map stage, when Engineering will write conditions of approval specifying the location of access points and construction detail of those access points.) | 1
- Is the issue of birds a major problem? (Bill Dean pointed out that some possible mitigation measures are listed in the DEIR, but that, if possible, the final document will elaborate on that.) | 2
- Page 3.16-5 – Discusses intersection studies. A number of these do not have pedestrian crosswalks. If it becomes City property, will pedestrian crosswalks be installed? | 3
- Page 3.16-14 – Discusses Tracer. I would hope that the City is planning to do more with Tracer and/or para-transit in that area. If not, why not? | 4

- Parking occupancy at the Ace Tracy Station—why wasn't this based on a more current study? The study was completed three years ago and the occupancy has got to be greater than 73.5%. Why isn't it current? | 5
- Page 3.16-17 – Cumulative plus intersection level of service – Lammers and Valpico Roads are already at Level F. With the project included, the level remains at F. Why? | 6
- Two areas of Corral Hollow and Valpico go from a Level C to E. Why? | 7
- Tracy Boulevard and Valpico also go from Level C to E. Why? Can't these be improved? | 8
- Pages 5-2 and 5-10 discuss alternatives. It seems like the project may really be going for Alternative 3, which is just the project. What about the option that the 42 properties not be a part of the City? (Bill Dean pointed out that a determination on this is not a part of the DEIR process—the process simply lists alternatives, but the ultimate decision rests with the City, and the Planning Commission has full discretion to make whatever recommendation it so chooses to City Council.) | 9
- Page 5-16, Table 5-4 – there seems to be a big difference between a.m. and p.m in terms of travel. Why is there such a big difference between the two? | 10
- Is there going to be a traffic signal at the intersection of Valpico and Corral Hollow? | 11
- The current fire station which would service that community is on Central Avenue and Tracy Boulevard. It is slated to be moved to the east, to Valpico. Is moving that station going to diminish response times to this project and other neighborhoods in that area? Can the next closest station (believed to be Eleventh Street) handle backup call volume if those resources are deployed to other locations in the city? Will we still be within the level of service that's required? | 12
- The City just acquired a tractor drawn aerial ladder truck apparatus that seems a lot bigger than what we had before. Do the turning radiuses inside of this development meet the requirements for that ladder truck, and do the turning radiuses meet the requirement for turning off of the city streets into the development? | 13
- Page ES-2 – Under Applicant Objectives, third from the bottom it lists as one of the objectives: *“Reduce waste, reinvest back into the community, and minimize impacts on local services.”* What is meant by the term “reinvest back into the community?” | 14

- Page ES-18 – In the Executive Summary Matrix, one of the mitigation measures, NOI-1b, discusses the 6-foot-high sound wall proposed, and then later that the project might implement an 8-foot-high sound wall. There is a comment related to that on Page 1-5, Comment 10: *“The resident on the east side of the property currently enjoys views across the project site. She has a 3-foot fence, and is concerned about the proposed 8-foot wall.”* Is it 6-foot or 8-foot? Is it going to be built? Aesthetics is a concern. How is it going to be perceived? Are we going to put vegetation on it? Are we going to tree line it? Stones? Etc. It would obviously be a sound wall, but would it be a decorative type wall? 15
- Would the southwest walking strip be best used as a one-way exit to minimize or potentially lessen the impacts on Valpico Road? 16

An audience member asked when the answers to these questions would be provided. Bill Dean stated that response time will depend on how many questions are posed.

At 8:34 p.m., Chair Orcutt opened the public comment period for the Tracy Village DEIR.

Judy Houdeshell spoke, expressing the following concerns:

- Page 3.3.40 – Discusses valley fever and references District Regulation VIII in terms of how the soil disturbance and dust would be handled during a project. The wind is 99% of the time going from west to east, and I get a lot of dust at my house every windy day. When they excavate they will be causing dust. It would be nice to be able to see what District Regulation VIII says, in particular with regard to dust control. It would be nice if that was delineated a little more thoroughly in the Report as the public document in order to understand what that would mean so that if we start getting a lot of dust there’s something I can fall back onto, and for the contractor to look at and understand they need to follow. It was interesting that it was noted that out of 8,652 people that were hospitalized between the years 2001 and 2007, 752 of them died. It is very serious. The report did find that this particular plot of land is probably not at a high risk for it, but you cannot be certain. So I am really concerned about the dust. (Joe Orcutt added a question here regarding the watering of construction sites for dust prevention, asking whether or not that would help keep the valley fever molecules settled as well.) Once the water dries, the dust picks back up again and with the wind it would make it worse, so hopefully there are other mitigation measures.
- The wall that will be built behind my house—I don’t think it’s a sound wall, but I am concerned about what that wall is going to look like and at what stage in the project it will be built. Also, with our 3-foot fence we have a built-in pond. My husband built part of the pond into the fence line. So there’s a lot of concern about what that wall is going to do to our pond, and to the look of our backyard.



### **City of Tracy Planning Commission (CTPC)**

#### *Response to CTPC-1*

The commenter questions the viability of access, in terms of improvements to Valpico Road, for the existing lots that front onto that road in its ultimate configuration.

The existing driveways will remain functional, and if any of those lots redevelops in the future, the City will review and require the improvement to meet all City standards.

#### *Response to CTPC-2*

The commenter raises a question in relation to birds being a problem (because of the project's location near the Tracy Municipal Airport).

The Airport Land Use Compatibility Plan for San Joaquin County established compatibility zones around the Tracy Airport, which lies approximately 0.85 mile south of the project site. The lower portion of the TVDP falls within Zone 7. The following restrictions apply to this zone:

1. New land uses that may cause visual, electronic, or increased bird strike hazards to aircraft in flight shall not be permitted within any airport's influence area. Specific characteristics to be avoided include:
  - a. Glare or distracting lights which could be mistaken for airport lights. Reflective materials are not permitted to be used in structures or signs (excluding traffic directing signs).
  - b. Sources of dust, steam, or smoke which may impair pilot visibility.
  - c. Sources of electrical interference with aircraft communications or navigation. No transmissions which would interfere with aircraft radio communications or navigational signals are permitted.
  - d. Occupied structures must be soundproofed to reduce interior noise to 45 decibel(dB) according to State guidelines.

The Errata to this FEIR clarifies in Section 3.8, Hazards, that such restrictions are applicable to the project. The DEIR found that the proposed lakes on the project site could create an aviation hazard if flocks of birds were attracted to the lakes, increasing the possibility of bird strikes. Mitigation Measure (MM) HAZ-3 on page 3.8-14 provides methods that are intended to prevent the use of the lakes by waterfowl that, if they formed large flocks, could pose collision risk for aircraft using the Tracy Airport.

#### *Response to CTPC-3*

The commenter raises a question in relation to the installation of crosswalks at intersections in the project vicinity.

All signalized intersections within the project, both currently located within the City and those planned for annexation, will contain pedestrian crosswalks.

#### *Response to CTPC-4*

The commenter questions the City's plans with TRACER and para-transit in the area.

The comment does not relate to the adequacy of the EIR or an impact on the environment, so no further response is required. The comment is being forwarded to decision-makers for their consideration.

*Response to CTPC-5*

The commenter questions if the parking occupancy study at the ACE Tracy Station parking lot used in the DEIR is current enough.

The 2014 study summarized on DEIR page 3.16-15 reflected ACE's most current study available on the date the NOP was published. In response to the comment, KHA held a telephone conference with ACE staff on October 11, 2017. ACE stated that parking occupancy peaks on Tuesdays and Wednesday mornings at approximately 90 percent. Though some residents of the projects may utilize the lot because the project is an active adult community that will consist primarily of retirees, the project-generated parking demand will not be significant. In addition, ACE staff indicated that increased parking enforcement against improperly parked vehicles generate additional capacity at the lot. ACE agreed that the project would not interfere with ACE's operations. These clarifications do not alter the impact conclusions of the DEIR. It is possible that Active Adults would not ride the train in the same numbers as commuters.

*Response to CTPC-6*

The commenter questions why the level of service (LOS) at the intersection of Lammers and Valpico Roads, which is already at LOS F, remains at F with addition of project traffic in the cumulative scenario.

Table 3.16-17 of the DEIR provides the results of the Cumulative Plus Project Intersection Level of Service calculations. Cumulative AM and PM delays are 123.9 and 110.0 seconds per vehicle (LOS F). Cumulative Plus Project delays are 135.1 and 116.3 with single family and 128.1 and 111.8 with Active Adult (which also falls to LOS F). The LOS at this intersection would improve to LOS B in the AM peak hour and LOS D in the PM peak hour with the implementation of MM TRANS-3b. MM TRANS-3b was inadvertently omitted in the Draft EIR, although it is presented in the Traffic Study (Appendix H). The full mitigation measure is presented in the Errata section of this FEIR.

*Response to CTPC-7*

The commenter asks why the level of service on segments of Valpico and Corral Hollow Roads decreases to LOS E with the addition of project traffic.

As shown in Table 3.16-19, the volume-to-capacity (V/C) ratio on the segment of Corral Hollow Road from Middlefield Drive to Linne Road would be 1.04, which corresponds to LOS F, with the addition of the project traffic to the cumulative scenario for the PM peak hour. The V/C on Valpico Road from Corral Hollow Road to Project driveway #1 would be 0.94, which corresponds to LOS E. However, the traffic analysis concludes that these roadway segments would operate acceptably. The rationale for assuming that the LOS shown for Roadway segments in Tables 3.16-17 and 3.16-19 would improve to acceptable levels of service is provided on page 3.16-66 of the DEIR:

Cumulative conditions, when the full road network is built out, the intersection would govern capacity on the City urban street network, and not the segments. All

the intersections analyzed would operate at or better than the City LOS standards and, as such, the segments can also be expected to operate at acceptable conditions. The TVDP project will pay the City Transportation Improvement Fee, implemented as a mitigation measure, as its fair share contribution towards the potential incremental cumulative roadway impacts. As such, with the implementation of Mitigation Measure TRANS-3, cumulative project impacts would be reduced to less than significant levels.

For further clarification, the segment V/C shown in Table 3.16-19 for roadway segments is considered a conservative evaluation, based on the assumed volume and capacity on each segment. However, since the traffic study also analyzed effects on the intersections adjacent to these segments, and the intersections were either already operating acceptably or the project mitigated to operate acceptably, the segments would also operate acceptably. Road segments and intersections operate as a system.

*Response to CTPC-8*

The commenter raises the same question related to the level of service on Tracy Boulevard and Valpico Road roadway segments with the project.

Tracy/Valpico changes from LOS D in Cumulative PM peak to LOS E in Cumulative Plus Project PM peak. AM peak changes from LOS C in Cumulative to LOS D in Cumulative Plus Project conditions. The analysis shows the deterioration of operating conditions without any roadway improvements, which is the purpose of the analysis. Mitigation is then identified to mitigate project impacts, which would yield a better LOS. With mitigation, the LOS would improve to LOS D in AM and PM Mitigated Cumulative Plus Project.

*Response to CTPC-9*

The commenter raises a question related to the alternatives listed.

CEQA requires an EIR to include a reasonable range of alternatives. Alternatives should generally be designed to potentially reduce the significant impacts of the project. The proposed alternative would not reduce any of the physical impacts of the project on the environment but would instead shift the local agency with land use control over the project from the City to the County. Because this alternative would not reduce the significant impacts of the project on the environment, it has not been considered further in the EIR.

*Response to CTPC-10*

The commenter raises a question related to the difference in traffic times between AM and PM travel times in Table 5-4.

This table compares the “Low-density alternative,” which is the same as the surrounding land use designation, to the proposed project, which is “age-qualified,” that is, limited to people over 55-years old. Age-qualified communities typically make fewer daily trips than single-family. Age qualified communities’ morning and evening commutes also typically occur during off-peak hours (not during the adjacent network peak), whereas single-family units’ morning and evening commutes more closely align with the adjacent network peaks.

*Response to CTPC-11*

The commenter questions whether there will be a traffic signal at the intersection of Valpico Road and Corral Hollow.

The City recently approved the widening of Corral Hollow Road to four lanes from Parkside Drive to Linne Road, including the addition of turn lanes and signalization of the Corral Hollow/Valpico Road intersection.

*Response to CTPC-12*

The commenter questions the fire service response time if the current fire station is moved, as is stated in the DEIR.

The majority of the proposed development is within 1.5 miles of existing SCFA Fire Station 97. Typically, a 1.5-mile distance is equivalent to an approximate 4-minute travel time. As mentioned, this station will likely be relocated within the next 5 years. The proposed relocation site remains approximately 1.5 miles away from the proposed development.

In 2017, the SCFA completed a Standards of Cover Study with Citygate Associates, LLC. The May 2, 2017 SCFA report identifies the need for an additional fire station on Valpico Road between Corral Hollow Road to the east and Lammers Road to the west. The addition of this station (Proposed 4) will provide a second fire station in proximity of the proposed project. This station is anticipated to be constructed within the next 2 to 3 years in response to development of the Ellis project. This station will be located within 1.5 miles of the entire proposed project. The proposed project remains within approximately 4-minute travel times from the existing SCFA Station 97, a potentially relocated Station 97, and a proposed additional fire station on Valpico Road. The City has identified funding for the potential relocation of SCFA Fire Station 97. Further, the construction of the additional station identified as Proposed 4 will be funded through development fees as indicated in the CPSMP.

*Response to CTPC-13*

The commenter raises concern whether the turning radius inside the new development meet requirements for the fire service ladder truck.

The map review of the proposed project by City agencies included an analysis of fire truck templates to ensure conformance with City requirements.

*Response to CTPC-14*

The commenter raises a question related to the phrase “reinvest back into the community” in the Applicant Objectives section of the DEIR.

The comment does not relate to the adequacy of the EIR, so no further response is required. That said, the comment is being forwarded to decision-makers for their consideration.

*Response to CTPC-15*

The commenter raises a question related to the sound wall proposed and the aesthetics of the sound wall.

The proposed sound wall along Valpico Road will comply with the design guidelines in the Specific Plan and is subject to design review by the City of Tracy to ensure it meets the City of Tracy Streetscape Design guidelines. The Specific Plan design guidelines specify a maximum height of 8 feet for the Valpico Road sound wall. Page 3.10 of the DEIR discloses that the soundwall could be a maximum of 8 feet in height, and the Aesthetics chapter considered the maximum height of the wall in its impact analyses. As discussed on page 3.12-21 of the Noise Section of the EIR, the project will either require an 8-foot-high soundwall along Valpico Road, or could use a 6-foot-high wall with the implementation of MM NOI-1b:

**MM NOI-1b** Assuming implementation of only a 6-foot-high soundwall along the project's northern property line bordering Valpico Road, all proposed residences located within 180 feet of the centerline of Valpico Road shall include an alternate form of ventilation, such as an air conditioning system, in order to ensure that windows can remain closed for a prolonged period of time. The building plans approved by the City shall reflect this requirement. Alternatively, if the project will implement construction of an 8-foot-high soundwall along the project's northern property line bordering Valpico Road, then no additional mitigation such as an alternate form of ventilation would be required.

*Response to CTPC-16*

The commenter questions if a one-way exit on the southwest walking strip would be a beneficial way to minimize the impacts on Valpico Road.

Corral Hollow Road is an arterial in the City street system with minimum major driveway spacing requirements. It is not recommended to have another driveway at this location because adding another intersection would impact the ability of cars to move through the corridor in an efficient and coordinated manner.

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**Victoria Lombardo**

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**From:** jcoltrellfam@comcast.net  
**Sent:** Thursday, August 24, 2017 11:10 AM  
**To:** Victoria Lombardo  
**Subject:** Tracy Village Project

Please add James & Lesley Coltrell [jcoltrellfam@comcast.net](mailto:jcoltrellfam@comcast.net) to the notification list for the Tracy Village Project. | 1

We have serious concerns regarding the Airborne pollution from the soil. As Lesley is suffering from Coccidioidomycosis (Valley Fever) which is very prevalent in the field behind us and the entire San Joaquin Valley. Lesley has already had a portion of her Lung removed and we have had Three (3) neighbors die from this!! | 2

It is also very important to keep the soil moist to reduce the dust, due to the fact many of us have swimming pools, that back up to the field. The time for upkeep and cost will rise during this project.

Thank you,  
James & Lesley Coltrell  
3621 Farnham Court  
Tracy, CA 95377  
(209) 836-4386

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**Victoria Lombardo**

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**From:** Martinez, Kathy M <KMartinez@ortc.com>  
**Sent:** Monday, August 28, 2017 2:35 PM  
**To:** Victoria Lombardo  
**Subject:** Tracy Village Project

Hello Victoria my home is on Corral hollow Road and I have a question regarding the annexation . So if that happens we will be in the City ? Is that correct not county. Do we have to hook up to city water ? or can we not be annexed and stay the way we are? I prefer to stay the way we are I have no problem being on a septic and well water. Also will there be a map provided regarding the property line referring to the back of my property so I know they will not take any of my property . Please let me know thank you

1  
2

**Kathy Martinez**   
Escrow Officer

T: (209) 835.1331 | F: (209) 835.5331 | Shoretel 43010  
KMartinez@ortc.com  
Old Republic Title Company  
150 W. 10th Street, Tracy Ca 95376  
[ortc.com](http://ortc.com)

Marna Aguirre  
Escrow Assistant  
[maquirre@ortc.com](mailto:maquirre@ortc.com)

**\*\* NOTE: Email fraud is on the rise. Call your escrow officer to verify WIRE TRANSFER INSTRUCTIONS before sending funds. \*\***

***PLEASE KEEP THE FOLLOWING TIME FRAMES IN MIND WHEN SETTING CLOSING EXPECTATIONS WITH YOUR CLIENTS: - DOCS FOR SIGNING SHOULD BE RECEIVED IN OUR OFFICE A MINIMUM OF 4 BUSINESS\* HOURS PRIOR TO THEIR ANTICIPATED SIGNING TIME. - "SPECIAL" OR AFTERNOON RECORDINGS MUST BE SIGNED THE DAY BEFORE IN ORDER TO HAVE ORIGINAL DOCUMENTS DELIVERED FOR RECORDING. UNFORTUNATELY THERE IS NO GUARANTY OF SAME DAY SIGNINGS/RECORDINGS.  
\*Business hours are 8:00 AM to 5:00 PM PST Monday through Friday***

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**From:** Victoria Lombardo  
**Sent:** Monday, October 02, 2017 3:33 PM  
**To:** Elizabeth Johnson (ejohnson@fcs-intl.com); brian@landlogistics.com  
**Subject:** FW: Active Senior

-----Original Message-----

From: [hiitsrick.sanders@gmail.com](mailto:hiitsrick.sanders@gmail.com) [<mailto:hiitsrick.sanders@gmail.com>]  
Sent: Friday, September 29, 2017 1:39 PM  
To: Victoria Lombardo  
Subject: Active Senior

Good Afternoon,

I read with interest about the Tracy Village project and think it would be a great asset to Tracy! However, I also live 1 mile north of the site, Corral Hollow/Golden Leaf, and along with the traffic concerns the Valley Fever concern is real. This past year we had to put down a pet due to valley fever contracted most likely from within our yard as the animal never left our home. The vet said it was most likely airborne. It was very concerning because of my own compromised immune system and I'm sure there are others who could be at risk within our city! Would love to see this project move forward! We just need to find good solutions, for which I only have my voiced concerns! Thanks for all you do for our great city!

Regards,  
Rick Sanders  
170 Portico Lane  
Tracy, Ca  
935.457.4442

Sent from my iPhone

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- Page ES-18 – In the Executive Summary Matrix, one of the mitigation measures, NOI-1b, discusses the 6-foot-high sound wall proposed, and then later that the project might implement an 8-foot-high sound wall. There is a comment related to that on Page 1-5, Comment 10: *“The resident on the east side of the property currently enjoys views across the project site. She has a 3-foot fence, and is concerned about the proposed 8-foot wall.”* Is it 6-foot or 8-foot? Is it going to be built? Aesthetics is a concern. How is it going to be perceived? Are we going to put vegetation on it? Are we going to tree line it? Stones? Etc. It would obviously be a sound wall, but would it be a decorative type wall?
- Would the southwest walking strip be best used as a one-way exit to minimize or potentially lessen the impacts on Valpico Road?

An audience member asked when the answers to these questions would be provided. Bill Dean stated that response time will depend on how many questions are posed.

At 8:34 p.m., Chair Orcutt opened the public comment period for the Tracy Village DEIR.

Judy Houdeshell spoke, expressing the following concerns:

- Page 3.3.40 – Discusses valley fever and references District Regulation VIII in terms of how the soil disturbance and dust would be handled during a project. The wind is 99% of the time going from west to east, and I get a lot of dust at my house every windy day. When they excavate they will be causing dust. It would be nice to be able to see what District Regulation VIII says, in particular with regard to dust control. It would be nice if that was delineated a little more thoroughly in the Report as the public document in order to understand what that would mean so that if we start getting a lot of dust there’s something I can fall back onto, and for the contractor to look at and understand they need to follow. It was interesting that it was noted that out of 8,652 people that were hospitalized between the years 2001 and 2007, 752 of them died. It is very serious. The report did find that this particular plot of land is probably not at a high risk for it, but you cannot be certain. So I am really concerned about the dust. (Joe Orcutt added a question here regarding the watering of construction sites for dust prevention, asking whether or not that would help keep the valley fever molecules settled as well.) Once the water dries, the dust picks back up again and with the wind it would make it worse, so hopefully there are other mitigation measures. 1
- The wall that will be built behind my house—I don’t think it’s a sound wall, but I am concerned about what that wall is going to look like and at what stage in the project it will be built. Also, with our 3-foot fence we have a built-in pond. My husband built part of the pond into the fence line. So there’s a lot of concern about what that wall is going to do to our pond, and to the look of our backyard. 2

- Ponderosa has stated to me that the houses along the back of our homes would all be single story, so that we would not have a 1 ½- or 2-story home directly behind us. I don't know if that's in the Report in terms of the visual impacts for the existing homeowners. 3
- Page 3.16-72 – There's a map. At the dead end that's adjacent to my house it references an emergency vehicle access, but yet in the drawing I only see a pedestrian access way and a house. I don't understand what that emergency vehicle access is. Is it going around the outside perimeter of the whole thing? Inside the wall? Within the new development? Or is it from the dead end going in, and they're going to need to move the housing footprints to make an emergency vehicle access? I couldn't figure out the map. It would be nice to see a blow-up of that area and what that reference to an emergency vehicle access really looks like. 4
- Valpico Road, Middlefield, and Linne all have traffic congestion problems. If there's any consideration possible for the multiplicity of construction projects happening at the same time and making things worse, or changing a regular red light to a blinking red light, which seems to happen quite often and slows traffic down tremendously, it would be nice for the City to look at those kinds of issues. I've had friends who have had to turn around and go home and not go into work. Traffic has been terrible. 5
- Regarding solar panels, it would be interesting to know what percentage of use the panels will have to cover. Is it a certain percentage of the homes are to have solar, or is it a certain percentage of solar power on each home? I would love to see Tracy become a zero net energy city. To put two solar panels on a house does almost nothing. You really need to have something that's significant enough to make a difference to the homeowner and really to look at the amount of power that's going to be consumed and see if the panels are going to be doing more than saving them a few dollars. (Chair Orcutt interjected here that, based on the Tentative Map and how they have the elevations and the directional faces of the different houses and the roofs, the engineers will be looking at all of that for where to optimally place all of the solar usage for the rooftops.) The layout and design of the homes should allow for more south facing rooflines to better accommodate more solar panels. 6
- Noise – I see in the Report that the construction hours allowable for the project are from 7:00 a.m. until 10:00 p.m. It seems like, for every waking hour of my life for the next 11 years, they could rightfully be out there making noise until 10:00 at night. In the report, the noise level was compared to that of the airport. Tracy's airport does not run planes until 10:00 at night. They run very small planes. I don't hear the airport from my house. I do hear on occasion the pounding of the gravel pit companies across Linne Road and that travels across the empty field pretty easily, but the airport noise is really almost nonexistent. (Chair Orcutt pointed out here that, as we move closer with the Tentative Map and having another public hearing this will be addressed. 7

Additionally, we have many developers here who love to work with the individual residents and talk with them separately outside of our meetings to help mitigate different impacts. He added that he has seen this quite a few times through different developments that have come through our City, and it's usually a pretty amicable type of relationship that grows from that.) People across the street from Ellis have made lots of comments to me that the noise starts at 5:00 a.m. when the crews show up and play their radios loud and start mobilizing to start their day. But with this being a binding legal document, 7:00 a.m. to 10:00 p.m., if they're hammering and sawing and making noise until 10:00 p.m. I don't have a legal leg to stand on. If that's going to go on for 10 years I'm moving away. The noise and dust are my two largest concerns.

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CONT

- I've had a wonderful view across the field for 27 years, since 1990. Many people come to the dead end next to my house with their kids. They ride their bicycles out there, they stop and stare at the sunset, and it's a lovers' lane viewpoint of Mount Diablo and the windmills and all of that. I know that's not going to keep progress from moving forward, but I just want it on record that there are a lot of people that enjoy that view across the field, more than just myself.
- Light is also a little concern. I have a hot tub in my backyard, right in the corner where there's going to be a pedestrian gate. I'm sure there's going to be a light right over our hot tub, which is not going to be a good thing for us. (Chair Orcutt pointed out here that this is part of the Tentative Map process, and offered to Ms. Houdeshell that she is welcome to come to that and as she takes a look and gauges where her house is and where the lighting is, etc., she can make recommendations, and perhaps the applicant would be willing to look at that and possibly meet somewhere in the middle where that may be. Chair Orcutt added that this is all a part of the public process.) I'm hoping for a little street lamp, rather than a regular street light.

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As no one else come forward, Chair Orcutt closed the public comment period at 8:49 p.m.

Bill Dean thanked everyone for coming out, pointing out that the whole city improves when we engage in this process, and reiterating that there will be answers provided to the questions posed tonight through this process. Chair Orcutt echoed Mr. Dean's sentiments with regard to improvement of the city through this process.

E. DETERMINATION OF CONSISTENCY WITH THE CITY OF TRACY GENERAL PLAN FOR A VACATION OF PUBLIC RIGHT-OF-WAY AFFECTING THE SOUTHEAST CORNER OF GRANT LINE AND PARADISE ROADS. APPLICANT IS PROLOGIS. APPLICATION NUMBER DET17-0003

This item was postponed to a future meeting (refer to "Director's Report Regarding This Agenda" on Page 1).

## **2. ITEMS FROM THE AUDIENCE**

None.

## **3. DIRECTOR'S REPORT**

Bill Dean thanked those Commissioners who were able to attend the recent California American Planning Association (APA) Conference, pointing out that it was great to be able to be together and attend some sessions. Mr. Dean added that hopefully, as schedules allow, there will be even more participation next year. Mr. Dean stated his intention to add an agenda item for a Commission meeting in the near future, under Director's Report, to share what attendees experienced at the Conference, pointing out that it would be an opportunity for the Commission members who were not able to attend to hear from fellow Commissioners, and staff, about what was experienced and perhaps how it relates to the work they do. Chair Orcutt expressed his agreement.

## **4. ITEMS FROM THE COMMISSION**

Chair Orcutt invited the Commission to share any items they would like to discuss. Vice Chair Jass Sangha expressed concerns relative to criticisms recently expressed about the Planning Commission in terms of the appropriateness of what they say, their actions, and the direction they should be going. Vice Chair Sangha further shared her understanding of the Planning Commission as an independent Commission under the State of California, and any other state. She added that City staff have always encouraged the Commissioners to speak their minds and share their views, and have always pointed out that the Commission has the authority to do so.

In response to Ms. Sangha's concerns, Bill Dean stressed that the Planning Commission is an independent Commission appointed by the City Council which serves at their will to advise them on planning matters that come before them. Mr. Dean further stated that he strongly supports and thinks that the Commissioners should interact with one another at these meetings, fully evaluate the items staff brings forward, express opinions, challenge one another, further the dialogue, express concerns, listen to one another, and conduct the open public hearing so that people have a chance to participate in this community. Mr. Dean added that Tracy is a growing community with a lot at stake if this process is not followed, and that he is going to continue to do everything he can to encourage it from his office. Mr. Dean asked the Commissioners to inform him if any staff member dissuades them from participating in this way.

Vice Chair Sangha reiterated that the issue does not involve staff, adding that she wants it on record that staff have all been very supportive. Ms. Sangha shared that what drove her comments tonight was what she is hearing from citizens based upon their observations of the City Council meetings.

Mr. Dean thanked Ms. Sangha for raising this issue, and suggested that when the APA Conference item is discussed at a future meeting the role of the Planning Commission also be discussed, as that was the topic of some of the Conference sessions. Mr. Dean further suggested that perhaps in that discussion the Commissioners can share some of



the stories they heard from other jurisdictions about how to deal with sticky issues. Mr. Dean pointed out that it is not unique to Tracy that we are faced with issues that bring out passions in people, and that perhaps in that dialogue the Commissioners can share with each other what they may have gleaned from some of those sessions.

Vice Chair Sangha expressed that it is a blessing that all five Commissioners get along so well, adding that even when they disagree with each other they do not disrespect one another.

Jacy Krogh suggested that if any Commissioners have an issue involving the City Council they reach out to the Mayor or other appropriate person, and have the right to do so. Commissioner Krogh added that, although appointed by the City Council, the Commissioners are constituents of the Council, and that Council is responsible for answering questions from the electorate.

## **5. ADJOURNMENT**

It was moved by Commissioner Orcutt, and seconded by Commissioner Hudson, to adjourn.

Time: 8:58 p.m.

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CHAIR

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STAFF LIAISON

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**Victoria Lombardo**

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**From:** RONNIE JOHAL <safetysupervisor@gmail.com>  
**Sent:** Friday, September 08, 2017 8:59 AM  
**To:** Victoria Lombardo  
**Subject:** Tracy Village Project

Dear:  
Victoria Lombardo

I am interested in the Tracy Village Project. I received a letter dated August 17, 2017. I am looking for a home. I am a first time buyer. How would I be able to purchase and proceed with the low density age related home. Will you be able to send me further information as to how I may be able to go on the list. Also please include prices of the homes.

Thank You  
Ronnie Johal  
Phone: 209 640-5451

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**Victoria Lombardo**

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**From:** Joe L Navejas <navejas@pacbell.net>  
**Sent:** Saturday, August 26, 2017 7:24 AM  
**To:** Victoria Lombardo  
**Subject:** Tracy Village

Hello Victoria,

I am in receipt of the notification of the DEIR for the Tracy Village Project.

Please keep notifications coming to me. My wife and I have been looking for a 55+ Adult Community and have looked in Elk Grove, El Dorado and West Sacramento, but we do not want to leave Tracy.

Thank you.

Joe and Estela Navejas  
1451 Hepburn Street  
Tracy, CA 95376

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## Individuals

### **James Coltrell (COLT)**

#### *Response to COLT-1*

The commenter would like to be added to the notification list for the Tracy Village Project.

The comment does not relate to the adequacy of the EIR, so no further response is required. The city has added the commenter to the notification list.

#### *Response to COLT-2*

The commenter raises a concern regarding the Valley Fever and its potential increase from fugitive dust caused by construction.

As discussed on the DEIR pages 3.3-38 through 3.3-40, Valley Fever, or coccidioidomycosis, is an acknowledged hazard in the San Joaquin Valley geographic region. The project site is at a low risk for Valley Fever because of the surrounding vicinity consists of urbanized development or cultivated fields with buildings, pavement and landscaped areas, all of which are characteristics of sites less favorable for the growth of fungal spores that cause Valley fever. The impact of fugitive dust during construction, which may contain fungal spores, is considered less than significant because the Tracy Village Project will comply with Regulation VIII of the SJVAPCD. The purpose of this regulation is to prevent, minimize or mitigate the generation of fugitive dust.

### **Kathy Martinez (MART)**

#### *Response to MART-1*

The commenter raises a question related to the annexation and the water utility service to her home.

The comment does not relate to the adequacy of the EIR, so no further response is required. The comment is being forwarded to decision-makers for their consideration. The San Joaquin County Local Agency Formation Commission reviews annexation proposals. Landowners owning land within the proposed annexation site and registered voters living within the proposed territory and within 300 feet of the annexation site are provided a Notice of Public Hearing. Proposals are then considered by the Commission at a public hearing during a regular LAFCO meeting.

#### *Response to MART-2*

The commenter raises a question related to the annexation and if there will be a map provided regarding the property line.

The comment does not relate to the adequacy of the EIR, so no further response is required. The comment is being forwarded to decision-makers for their consideration.

### **Rick Sanders (SAND)**

#### *Response to SAND-1*

The commenter raises concern with the project's impact on traffic.

The City recently approved the widening of Corral Hollow Road to four lanes from Parkside Drive to Linne Road, including the addition of turn lanes and signalization of the Corral Hollow/Valpico Road intersection. This will improve the background traffic conditions. The Transportation and Traffic



section of the DEIR analyzed the effects of the proposed project on traffic and circulation and provided mitigation measures for each of the impacts found. The impact to the intersection of Lammers Road/Valpico Road would be considered mitigable except for the inability of the City to determine the timing of the required improvements because of required approvals from the Union Pacific Railroad and the California Public Utilities Commission.

*Response to SAND-2*

The commenter raises a concern regarding the Valley Fever and its potential increase from fugitive dust caused by construction.

As discussed on the DEIR pages 3.3-38 through 3.3-40, Valley Fever, or coccidioidomycosis, is an acknowledged hazard in the San Joaquin Valley geographic region. The project site is at a low risk for Valley Fever because of the surrounding vicinity consists of urbanized development or cultivated fields with buildings, pavement and landscaped areas, all of which are characteristics of sites less favorable for the growth of fungal spores that cause Valley fever. The impact of fugitive dust during construction, which may contain fungal spores, is considered less than significant because the Tracy Village Project will comply with Regulation VIII of the SJVAPCD. The purpose of this regulation is to prevent, minimize or mitigate the generation of fugitive dust.

***Judy Houdeshell (HOUD)***

*Response to HOUD-1*

The commenter raises a concern regarding the Valley Fever and its potential increase from fugitive dust caused by construction and asks for more detailed information about SJVAPCD Regulation VIII.

As discussed on the DEIR pages 3.3-38 through 3.3-40, Valley Fever, or coccidioidomycosis, is an acknowledged hazard in the San Joaquin Valley geographic region. The project site is at a low risk for Valley Fever because of the surrounding vicinity consists of urbanized development or cultivated fields with buildings, pavement and landscaped areas, all of which are characteristics of sites less favorable for the growth of fungal spores that cause Valley fever. The impact of fugitive dust during construction, which may contain fungal spores, is considered less than significant because the Tracy Village Project will comply with Regulation VIII of the SJVAPCD. The purpose of this regulation is to prevent, minimize or mitigate the generation of fugitive dust.

The Errata to this document presents the full wording of all the pertinent section of Regulation VIII and appends it to the EIR.

*Response to HOUD-2*

The commenter is concerned with the aesthetics of the wall and if it will interfere with the commenter's backyard.

Concerns regarding private aesthetic impacts versus the impacts to the public at large are generally beyond the scope of CEQA, but the commenter's concern will be provided to decision-makers for consideration. The proposed sound walls around the development and along Valpico will comply with the design guidelines in the Specific Plan and is subject to design review by the City of Tracy to ensure it meets the City of Tracy Streetscape Design guidelines.

*Response to HOUD-3*

The commenter raises a question related to the height of the homes to be built behind her home.

The Specific plan as analyzed in the EIR looked at the various types of houses and heights proposed. The maximum height of houses would be 30 feet, which would not allow for a full second story. No visual impacts were found by the EIR analysis, as discussed in Section 3.1, Aesthetics. The Specific Plan provides for varying designs from lot to lot to prevent excessive massing.

*Response to HOUD-4*

The commenter raises a question related to the emergency vehicle access to her house.

The pedestrian pathway will also accommodate emergency vehicle access, if required. The roadway will be controlled via a pedestrian or vehicular gate for EV access only.

*Response to HOUD-5*

The commenter raises a concern regarding the project's impact on traffic.

City's roadways Master Plan and the EIR have analyzed these intersections. Existing plus approved project analysis assumes traffic from approved projects on the network and analyzes operations with effects from these projects. The DEIR identified Intersection #2 as having unacceptable LOS in cumulative conditions. The Errata clarifies that, as stated on page 3.16-60, the applicant will be required to install certain improvements at the applicant's expense as part of MM TRANS-3. The following is the complete list of the proposed traffic mitigation measures:

**MM TRANS-1a** Install a signal, optimize cycle lengths and splits, add a separate northbound left-turn pocket, add a separate right-turn pocket, and add a separate eastbound left-turn pocket at the Lammers Road/Old Schulte Road (Intersection #1). The City has recently approved the installation of this interim improvement at the intersection and the intersection would operate acceptable at LOS A in the AM peak hour and LOS A in the PM peak hour. Because this improvement was previously identified for other approved projects (Ellis and Cordes Ranch), this background improvement is already funded. As a result, the project would not contribute funding to this improvement. However, if any of the previously approved projects do not develop or an application for a building permit is not submitted before the TVDP submits an application, the TVDP Project Applicant shall install the full Background Conditions Plus Project improvements, which will include the Background Base Line improvements. Under this scenario, the TVDP Applicant will be reimbursed for such improvements through a Business Improvement District once the project is constructed.

**MM TRANS-1b** The City has recently approved the widening of Corral Hollow Road to four lanes from Parkside Drive to Linne Road, including the addition of turn lanes and signalization of the Corral Hollow/Valpico Road intersection. The improvements are identified in the City TMP. Prior to issuance of a building permit, the project would pay the City Traffic Impact Fees. With these improvements, the intersection would operate at an acceptable LOS A in the AM and in the PM peak hour.

**MM TRANS-2a** The addition of project traffic causes the intersection of Lammers Road/Valpico Road (Intersection #2) to add delay and continue to deteriorate and operate at LOS F in both the AM and PM peak hours. The intersection would operate at acceptable LOS C and D with the following improvement: Add a separate westbound right-turn lane, and a shared westbound left-turn and through lane. The westbound right-turn phase will be overlapped with the southbound left-turn phase. The TVDP Applicant shall install this improvement with prior to the issuance of the first building permit.

Because this improvement is identified in the Tracy TMP, this improvement is eligible to receive fee credits via the City's TIF upon completion of construction and acceptance by the City. This project improvement will supplement background improvements previously identified for another approved project (Cordes Ranch) which includes installation of a signal and a southbound left turn lane. However, if any of the previously approved projects do not develop or an application for a building permit is not submitted before the TVDP submits an application, the TVDP Applicant shall install the full Background Conditions Plus Project improvements, which will include the Background Base Line improvements. The TVDP Applicant will be reimbursed for such improvements through a Business Improvement District once the project is constructed.

**MM TRANS-2b** The addition of project traffic causes the intersection of Corral Hollow Road/Linne Road (Intersection #7) to add delay and continue to deteriorate and operate at LOS F in both the AM and PM peak hours. The intersection would operate at acceptable LOS B and D with the following improvements: Add a southbound through lane, and add a northbound through lane, and add a separate westbound right-turn lane. Improvements shall be constructed at the railroad crossing gates. This project improvement will supplement background improvements previously identified for other approved projects (Ellis and Tracy Hills) which includes installation of a signal, the addition of one northbound channelized right-turn lane, and the addition of one southbound left-turn lane. However, if any of the previously approved projects do not develop or an application for a building permit is not submitted before the TVDP submits an application, the TVDP Applicant shall install the full Background Conditions Plus Project improvements, which will include the Background Base Line improvements. The TVDP Applicant will be reimbursed for such improvements through a Business Improvement District once the project is constructed.

This Project improvement is required by the Public Utilities Commission because vehicle queues will spill across the railroad tracks and will cause safety concerns for train traffic. This improvement is a partial TMP improvement and shall be partially funded by the City TIF. The City Engineer shall, at the time the tentative map is prepared, identify the non-TMP improvements. Any costs related to non-TMP improvements are the responsibility of the applicant and other approved projects listed above.

The TVDP Applicant shall, in collaboration with the City Engineer and UPRR/PUC, commence with an engineering design process to install the improvements identified. This design process shall commence immediately following approval of this Project Application by the City of Tracy. Because approval by UPRR/PUC is required before this improvement can be installed, the project impact will remain significant and unavoidable.

**MM TRANS-3** Prior to the issuance of a building permit, the Applicant shall pay Traffic Impact Fees to the City of Tracy to account for the Cumulative Traffic Impacts.

To address cumulative impacts to Intersection #2, the applicant shall install a channelized westbound right turn lane, a second southbound left turn pocket, an eastbound right turn overlap phase, and a northbound right turn overlap phase. These improvements are in addition to the TMP improvements. The applicant shall fund these improvements.

*Response to HOUD-6*

The commenter raises a question related to solar panels and their impact on residential homes.

The DEIR concludes that the project will not result in the wasteful energy on pages 6.6 and 6.7. The building plans will be reviewed by the City to ensure that solar panels are appropriately located on the houses, and the developer will select an amount of solar panels that produce enough power to be cost-effective/air quality baseline.

*Response to HOUD-7*

The commenter raises a concern regarding the noise and dust caused by the project's construction.

The DEIR erroneously stated the hours limiting construction, regulated by the City's Municipal code and General Plan. The correct hours of allowed construction are from 7 a.m. to 7 p.m. The text of the DEIR is corrected in the Errata of this document. For a discussion of construction noise impacts, please see DEIR pages 3.12-3 through 3.12-5 and 3.12-18 through 3.12-19. The EIR concludes that compliance with the City's permissible hours of construction, as well as compliance with best management practices (BMPs) construction noise reduction measures outlined in MM NOI-1a, would ensure that construction noise would not result in sleep disturbance of sensitive receptors or exposure of persons to noise levels in excess of established standards. With the incorporation of mitigation, short-term construction impacts associated with applicable noise standards established by the City of Tracy would be less than significant. DEIR pages 3.3-36 through 3.3-40 address impacts related to dust generation and conclude that such impacts would be less than significant, due to the project's compliance with SJVAPCD Title VIII regulations. Please also see Response to HOUD-1.

*Response to HOUD-8*

The commenter raises a concern regarding the project's impact on the scenic viewpoint from her home.

The project's aesthetic impacts are discussed on DEIR pages 3.1-8 through 3.1-12. The EIR explains that the project would change the TVDP site to become more consistent with the existing visual

character of the surrounding area, which is single-family residential on all sides and that the project's aesthetic impacts would be less than significant. Distant views, including those of Mt. Diablo, from the site surrounding areas will not be affected.

However, the City understands that this development represents a change from the existing condition. Specific design features that this project includes to better integrate with existing neighbors include:

1. Single-story Homes
2. Perimeter Wall
3. Design Standards

*Response to HOUD-9*

The commenter raises a question regarding lighting near her home.

Pages 3.1-11 and 3.1-12 of the DEIR conclude that MM AES-3, which would require an outdoor lighting plan, would reduce the project's impacts related to lighting to a less than significant level. Concerns regarding private lighting impacts versus impacts to the public at large are generally beyond the scope of CEQA, but the commenter's concerns will be provided to decision-makers for considerations.

**Ronnie Johal (JOHA)**

*Response to JOHA-1*

The commenter requests information related to the age-limitation on purchasing a home in the proposed development

Information on purchasing homes from the developer, a private entity, will be advertised if the project is approved by the City and constructed. This is not a CEQA-related question. The commenter will receive any future mailings regarding the approval of the project sent to interested parties by the City. The City is not involved in the process to age-verify future residents. The City has provided the commenter the contact information for the project proponents to discuss further.

**Joe Navejas (NAVE)**

*Response to NAVE-1*

The commenter states that he received the notification of the availability of the EIR and requests that he continue to receive notifications from the City regarding the proposed project.

The comment does not relate to the adequacy of the EIR, so no further response is required. That said, the comment is being forwarded to decision-makers for consideration.

## SECTION 3: ERRATA

The following are revisions to the Draft EIR for the Tracy Village Project EIR. These revisions are minor modifications and clarifications to the document, and do not change the significance of any of the environmental issue conclusions within the Draft EIR. The revisions are listed by page number. All additions to the text are underlined (underlined) and all deletions from the text are stricken (~~stricken~~).

### 3.1 - Changes in Response to Specific Comments

#### 3.2: Project Description

Page 2-22, section 2.6.1, at the end of the second bullet point, add the words:

- Annexation and pre-zoning. Final approval action on the annexation would be required by San Joaquin Local Agency Formation Commission~~—~~,The annexation request would be pursuant to the agency’s review and approval of the Municipal Services review and an update to the City’s Sphere of Influence. The City is in the process of working with LAFCO to revise its Sphere of Influence.

#### 3.3: Air Quality

##### **Page 3.3-19**

At the end of paragraph one, add the words:

Regulation VIII is presented in Appendix L.

#### **Appendix L, Air Quality Regulations**

The full text of the SJVAPCD Regulation 9 has been added to the EIR as Appendix L: Air Quality Regulations. The new appendix follows this page.

#### 3.10: Land Use

The following General Plan Policy is added to General Plan Objective LU 6.3 in DEIR Table 3.10 on page 3.10-14:

P2. All development near the Tracy Municipal Airport shall file deed notices for real estate disclosure, or record aviation easements on properties with new development in compliance with the 2009 San Joaquin County Airport Land Use Compatibility Plan.

The consistency determination is added in the next column:

**Consistent:** The project developer is required to record aviation easement or deed disclosures in compliance with the ALUCP.

The following paragraph is added to the General Plan Goals and Policies discussion on page 3.10-11:

The SJCOG suggested the following language for deed notices, parcel maps, tentative maps, or final map for subdivision approval as required by General Plan Objective LU-6.3, Policy P.2:

The San Joaquin County Airport Land Use Commission’s Airport Land Use Compatibility Plan identifies the Tracy Municipal Airport’s Airport Influence Area. Properties within this area are routinely subject to overflights by aircraft using this public-use airport and, as a result, residents may experience inconvenience, annoyance, or discomfort arising from the noise of such operations. State law (Public Utilities Code Section 21670 et seq.) establishes the importance of public-use airports to the public interest of the people of the state of California. Residents of the property near such airports should therefore be prepared to accept the inconvenience, annoyance or discomfort from normal aircraft operations. Residents also should be aware that the current volume of aircraft activity may increase in the future. Any subsequent deed conveying this parcel or subdivisions thereof shall contain a statement in substantially this form.

### **3.12: Noise**

#### ***Page 3.12-13, third paragraph***

The following Objective and Policies of the Tracy General Plan were missing from the DEIR and are added here as follows:

- **Objective N-1.2:** Control sources of excessive noise.
- **P1.** The City’s Noise Ordinance, as revised from time to time, shall prohibit the generation of excessive noise.
- **P2.** Mitigation measures shall be required for new development projects that exceed the following criteria:
  - Cause the  $L_{dn}$  at noise-sensitive uses to increase by 3 dB or more and exceed the “normally acceptable” level.
  - Cause the  $L_{dn}$  at noise-sensitive uses to increase 5 dB or more and remain “normally acceptable.”
  - Cause new noise levels to exceed the City of Tracy Noise Ordinance limits.
- **P3.** Pavement surfaces that reduce noise from roadways should be considered as paving or repavement opportunities arise.
- **P4.** All construction in the vicinity of noise sensitive land uses, such as residences, hospitals, or convalescent homes, shall be limited to daylight hours or 7:00 a.m. to 7:00 p.m. In addition, the following construction noise control measures shall be included as requirements at construction sites to minimize construction noise impacts:
  - Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
  - Locate stationary noise-generating equipment as far as possible from sensitive receptors when sensitive receptors adjoin or are near a construction area.



- Utilize “quiet” air compressors and other stationary noise sources where technology exists.

**Page 3.12-13, third paragraph**

The municipal code was incorrectly cited here. This paragraph is replaced as follows:

***Tracy, California Municipal Code***

Title 4, Chapter 12, Article 9 of the Tracy, California Municipal Code also contains guidance with the intent to control noise and vibration to promote and maintain the health, safety, and welfare of its residents. Section 4.12.720 of the Municipal Code generally prohibits certain activities that have the potential to result in loud, excessive, or unreasonable noise levels. According to the general sound level limits for residential districts, no person shall cause or allow the creation of any noise to the extent that the one-hour average sound level, at any point on or beyond the boundaries of the property on which the sound is produced to exceed 55 dBA for any one-hour average period. Specific activities enumerated in the municipal code that could potentially pertain to the proposed project include minor maintenance to or improvement of real property. ~~This limitation prohibits the generation of construction noise, other than between the hours of 7:00 a.m. and 10:00 p.m. on weekdays or between the hours of 7:00 a.m. and 10:00 p.m. on weekends and federal holidays.~~ The noise ordinance also specifically prohibits the operation of any pneumatic or air hammer, pile driver, steam shovel, derrick, steam or electric hoist, parking lot cleaning equipment, or other appliance, the use of which is attended by loud or unusual noise, between the hours of 10:00 p.m. and 7:00 a.m.

**Page 3.12-13, fourth paragraph**

The second sentence is corrected as follows to provide the correct citation of the Municipal Code: The noise ordinance of the Municipal code prohibits the generation of construction noise, other than between the hours of 7:00 a.m. and ~~10:00 p.m.~~ 7:00 p.m.

**3.14: Public Services**

**Page 3.14-1, first paragraph**

The City of Tracy Fire Department did not merge with the Tracy Rural Fire Protection District as was incorrectly stated in the DEIR. Although two separate agencies, they did execute a Joint Powers Agreement to form the South County Fire Authority (SCFA). This paragraph is replaced as follows:

***Fire Protection and Emergency Medical Services***

The Tracy Fire Department (Fire Department) provides fire protection and emergency medical services to over 200 square miles and over 100,000 people, encompassing the City of Tracy as well as all of the surrounding rural areas from the Stanislaus County line to the Alameda County line, and the Mountain House Community Services District. ~~The City of Tracy Fire Department merged with the Tracy Rural Fire Protection District forming the South County Fire Authority (SCFA) in 1999. The SCFA was created to provide fire protection~~

services to the entire jurisdictional area of both the corporate city limits and surrounding rural community (City of Tracy 2015a). Both Tracy Rural and the City of Tracy contract with the SCFA to receive fire protection services. The SCFA in turn contracts with the City of Tracy to provide employees and administrative services. The Fire Department Administration is headquartered at 835 Central Avenue. Since September 16, 1999, the Tracy Rural Fire Protection District and the City of Tracy have been parties to the “Agreement between South County Fire Authority and the City of Tracy for Provision of Fire Services to Authority’s Jurisdictional Area.” Section 1.5 *Jurisdictional Area*, states: “Jurisdictional area means and includes both the area within the corporate limits of the City of Tracy and the area within the Tracy Rural Fire Protection District as both such limits now exist or may hereafter exist and not within the jurisdictional area of any other fire protection district.” From a service delivery perspective, first response fire service is provided to the jurisdictional area from the closest fire station regardless of station ownership. Although the South County Fire Authority (SCFA) JPA comprises two member agencies, operationally it provides service to one combined jurisdictional area. The new South San Joaquin County Fire Authority (SSJCFA) JPA also consists of two member agencies, providing service to one jurisdictional area. The City of Tracy and the Tracy Rural Fire District are now member agencies of the “Joint Powers Agreement of the South San Joaquin County Fire Authority.” Section 1.4 Specified Powers states the following: “The Authority is hereby authorized, in its own name, to do all acts necessary for the exercise of the foregoing powers, including but not limited to, any of the following: (a) Initiate, alter and otherwise exercise the common powers of its Members in providing fire suppression, protection, prevention, and related services, and those powers that may be conferred upon it by subsequently enacted legislation, and to be the exclusive body to make policy concerning the administration of the provision of fire service by the Authority for Member Agencies including determining if, when and where to place facilities and staff said facilities within the Authority’s jurisdiction for services.” The agreement further states in Section 3. Level Of Service, 3.1 Basic Services, A. List of Services, states that: “The Authority shall provide a uniform, minimum set of basic services to each Member Agency, which shall consist of the following: 1. Responding to fire and emergency calls to provide fire suppression, rescue, emergency medical, and hazardous materials response service.” From a service delivery perspective, first response fire service is provided to the jurisdictional area of the SSJCFA from the closest fire station regardless of ownership.

As stated above, since 2002 annexations into the City have not detached from Tracy Rural. It is important to note that when annexed into the City, the performance measures that apply to the City (not the Tracy Rural performance measures) are then applicable to the “annexed but not detached area.”

### 3.16: Transportation

#### Page 3.16-6

A mitigation measure for Impact TRANS-3 pertaining to the intersection of Lammers Road/Valpico Road (Intersection #2) under the cumulative with project conditions was incorrectly presented. The clarified language does not change the conclusion of less than significant after mitigation. The following language is added to MM TRANS-3:

### **Mitigation Measures**

**MM TRANS-3** Prior to the issuance of a building permit, the Applicant shall pay Traffic Impact Fees to the City of Tracy to account for the Cumulative Traffic Impacts.

To address cumulative impacts to Intersection #2, the applicant shall install a channelized westbound right-turn lane, a second southbound left-turn pocket, an eastbound right-turn overlap phase, and a northbound right-turn overlap phase. These improvements are in addition to the TMP improvements. The applicant shall fund these improvements.

### **3.17: Utilities and Service Systems**

#### **Page 3.17-13, first paragraph**

The first sentence is corrected as follows to provide the correct assumed exterior recycled water use rate (4.0 af/ac/yr) for the irrigated landscape areas.

According to the WSA, exterior recycled water use was assumed to be 4.00 af/ac/yr for irrigated landscape areas, including roadway medians and other landscape areas.

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**Appendix L:  
SJVAPCD Regulation VIII**

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RULE 8011 GENERAL REQUIREMENTS (Adopted November 15, 2001; Amended August 19, 2004)

1.0 Purpose

The purpose of Regulation VIII (Fugitive PM10 Prohibitions) is to reduce ambient concentrations of fine particulate matter (PM10) by requiring actions to prevent, reduce or mitigate anthropogenic fugitive dust emissions.

The Rules contained in this Regulation have been developed pursuant to United States Environmental Protection Agency guidance for Serious PM10 Nonattainment Areas. The rules are applicable to specified anthropogenic fugitive dust sources. Fugitive dust contains PM10 and particles larger than PM10. Controlling fugitive dust emissions when visible emissions are detected will not prevent all PM10 emissions, but will substantially reduce PM10 emissions.

2.0 Applicability

The provisions of this rule are applicable to specified outdoor fugitive dust sources. The definitions, exemptions, requirements, administrative requirements, recordkeeping requirements, and test methods set forth in this rule are applicable to all Rules under Regulation VIII (Fugitive PM10 Prohibitions) of the Rules and Regulations of the San Joaquin Valley Unified Air Pollution Control District. The provisions of this rule adopted on November 15, 2001 shall remain in effect until October 1, 2004 at which time the amendments adopted on August 19, 2004 shall take effect.

3.0 Definitions

The following definitions shall be applicable to rules contained in Regulation VIII.

- 3.1 Agricultural Source: any activity or portion of land associated with the commercial growing of crops or the raising of fowl or animals.
- 3.2 Annual Average Daily Vehicle Trips (AADT): annual average 24-hour total of all vehicles counted on a road.
- 3.3 Anthropogenic: sources of pollution of, relating to, or resulting from the influence of human beings on nature.
- 3.4 APCO: the Air Pollution Control Officer of the San Joaquin Valley Unified Air Pollution Control District or his designee.
- 3.5 Blasting: any excavation or demolition conducted with the use of explosives.



- 3.6 Bulk Material: any unpackaged material with a silt content of more than 5%.
- 3.7 Bulk Material Handling, Storage, and/or Transporting Operation: includes but is not limited to the use of equipment, haul trucks, and/or motor vehicles for the loading, unloading, conveying, transporting, piling, stacking, screening, grading, or moving of bulk materials at an industrial, institutional, commercial and/or governmental owned or operated site or facility.
- 3.8 Carryout and Trackout: any and all materials that adheres to and agglomerates on vehicles, haul trucks, and/or equipment (including trailers, tires, etc.) and falls onto a paved public road or the paved shoulder of a paved public road.
- 3.9 Chemical/Organic Stabilization/Suppression: means controlling PM10 emissions from fugitive dust by applying any non-toxic chemical or organic dust suppressant, other than water, which meets any specifications, criteria, or tests required by any federal, state, or local water agency and is not prohibited for use by any applicable law, rule, or regulations.
- 3.10 Construction: any on-site mechanical activities preparatory to or related to the building, alteration, rehabilitation, or demolition of an improvement on real property, including, but not limited to, land clearing, excavation related to construction, land leveling, grading, cut and fill grading, and the erection or demolition of any structure. As used in Regulation VIII, a construction site may encompass several contiguous parcels, or may encompass only a portion of one parcel, depending on the relationship of the property boundaries to the actual construction activities.
- 3.11 Disturbed Surface Area: an area in which naturally occurring soils, or soils or other materials placed thereon, have been physically moved, uncovered, destabilized, or otherwise modified by grading, land leveling, scraping, cut and fill activities, excavation, brush and timber clearing, or grubbing, and soils on which vehicle traffic and/or equipment operation has occurred. An area is considered to be disturbed until the activity that caused the disturbance has been completed, and the disturbed area meets the stabilized surface conditions specified in this rule.
- 3.12 Dust Suppressants: includes water, hygroscopic materials and, chemical/organic stabilization/suppression materials.
- 3.13 Earthmoving Activities: The use of any equipment for an activity that may generate fugitive dust emissions, including, but not limited to, cutting and filling, grading, leveling, excavating, trenching, loading or unloading of bulk materials, demolishing, blasting, drilling, adding to or removing bulk of

materials from open storage piles, weed abatement through disking, and back-filling.

- 3.14 **Emergency:** any situation where immediate action on the part of a federal, state or local agency involved is needed and where the timing of such federal, state or local activities makes it impractical to meet the requirements of this Regulation, such as natural disasters, civil disturbances, or hazardous materials spills. Only an authorized official of a federal, state or local agency may declare an emergency when deemed necessary to protect the general public.
- 3.15 **Enclosed Structure:** a building with walls on all sides covered with a roof.
- 3.16 **Event material:** wind, storm, or water erosion and runoff resulting in the accumulation of mud, soil, or other material onto a public paved road surface travel lane or shoulder.
- 3.17 **Excavation:** any digging, trenching, quarrying, extraction, or tunneling.
- 3.18 **Extraction:** removal of minerals, aggregate, or fossil fuels from the earth by excavation; including mining, surface stripping, open pit excavation, or tunneling.
- 3.19 **Fallow Land:** agriculturally productive land which has been developed and used for agricultural purposes in the past that is allowed to lie idle during the growing season, including agricultural land that has been plowed, harrowed, and broken up without seeding.
- 3.20 **Freeboard:** the vertical distance between the top edge of a cargo container area and the highest point at which the bulk material contacts the sides, front, or back of a cargo container area.
- 3.21 **Fueling and Service:** an activity that involves the transfer of fuel into a vehicle/equipment fuel tank, and/or the repair and maintenance activity performed on vehicles/equipment.
- 3.22 **Fugitive Dust:** any solid particulate matter entrained in the ambient air which is caused by anthropogenic or natural activities which is emitted into the air without first passing through a stack or duct designed to control flow, including, but not limited to, emissions caused by movement of soil, vehicles, equipment, and windblown dust. This excludes particulate matter emitted directly in the exhaust of motor vehicles, from other fuel combustion devices, portable brazing, soldering, or welding equipment, and from pile drivers.

- 3.23 Gravel Pad: a layer of washed gravel, rock, or crushed rock located at the point of intersection of a paved public roadway and an unpaved work site exit, and maintained to dislodge mud, dirt, and/or debris from the tires of motor vehicles and/or haul trucks, prior to exiting the work site.
- 3.24 Grizzly: a device (i.e., rails, pipes, or grates) used to dislodge mud, dirt, and/or debris from the tires and undercarriage of motor vehicles or haul truck prior to leaving the work site.
- 3.25 Haul Truck: any fully or partially open-bodied, self-propelled vehicle including any non-motorized attachments used for transporting bulk materials, including, but not limited to, trailers or other conveyances which are connected to or propelled by the actual motorized portion of the vehicle.
- 3.26 Hygroscopic Materials: any material that is readily capable of absorbing moisture from the air.
- 3.27 Landfill Daily Cover: soil excavated and stockpiled from a landfill borrow site that is used for daily operations to cover solid waste, trash, garbage, or other waste at a landfill disposal site.
- 3.28 Landfill Disposal Site: a site where solid waste, trash, garbage, or other waste is disposed of by burying between layers of earth.
- 3.29 Land Preparation: any activity that disturbs the natural condition of land, including, but not limited to, brush or timber clearing, grubbing, scraping, ground excavation, land leveling, or grading.
- 3.30 Limit Visible Dust Emissions to 20% Opacity: Visible Dust Emissions (VDE) of such opacity to obscure a certified observer's view to a degree less than an opacity of 20 percent in accordance with the test methods in Appendix A, Sections 1 and 2 of this rule.
- 3.31 Local Agency: a city, county, or special district with jurisdiction over public roads or having land use authority.
- 3.32 Modified Road: any road that is widened or improved so as to increase traffic capacity or that has been reconstructed. This term does not include road maintenance, repair, chip seal, pavement or roadbed rehabilitation that does not affect roadway geometrics, or surface overlay work.
- 3.33 New Paved Road: any paved road segment constructed or modified after May 15, 2002. (See the definition of paved road in this rule).

- 3.34 Off-field Agricultural Source: any agricultural source that meets the definition of: outdoor handling, storage and transport of bulk material; paved road; unpaved road; or unpaved vehicle/equipment traffic area
- 3.35 On-field Agricultural Source: any agricultural source that is not an off-field agricultural source, including:
  - 3.35.1 activities conducted solely for the purpose of preparing land for the growing of crops or the raising of fowl or animals, such as brush or timber clearing, grubbing, scraping, ground excavation, land leveling, grading, turning under stalks, disking, or tilling;
  - 3.35.2 drying or pre-cleaning of agricultural crop material on the field where it was harvested;
  - 3.35.3 handling or storage of agricultural crop material that is baled, cubed, pelletized, or long-stemmed, on the field where it was harvested, and the handling of fowl or animal feed materials at sites where animals or fowl are raised;
  - 3.35.4 disturbances of cultivated land as a result of fallowing, planting, fertilizing or harvesting.
- 3.36 Open Area: any of the following described in subsection 3.36.1 through subsection 3.36.3 of this rule. For the purpose of this rule, vacant portions of residential or commercial lots and contiguous parcels that are immediately adjacent to and owned and/or operated by the same individual or entity are considered one open area. An open area does not include any unpaved vehicle/equipment traffic area as defined in this rule.
  - 3.36.1 an unsubdivided or undeveloped land adjoining a developed or a partially developed residential, industrial, institutional, governmental, or commercial area.
  - 3.36.2 a subdivided residential, industrial, institutional, governmental, or commercial lot, which contains no approved or permitted building or structures of a temporary or permanent nature.
  - 3.36.3 a partially developed residential, industrial, institutional, governmental, or commercial lot and contiguous lots under common ownership.
- 3.37 Open Storage Pile: any accumulation of bulk material, stored outside a building or warehouse.

- 3.38 Open-Pit Mine: an excavation for a mining operation which, excluding entrances and egresses, is encircled by a “high-wall” at least 10 feet high. A “high wall” is a berm or cut having a slope of at least 1:1.
- 3.39 Operation: any activity, process, or project described in the applicability sections of the Rules under Regulation VIII.
- 3.40 Outdoor Handling, Storage, and Transport: handling (including loading and unloading), storage, and transport, and any accumulation of bulk material, temporarily or permanently stored outside of an enclosed structure.
- 3.41 Owner/Operator: includes, but is not limited to, any person who leases, supervises, or operates equipment, or owns/operates a fugitive dust source, in addition to the normal meaning of owner or operator.
- 3.42 Particulate matter: any material emitted or entrained into the air as liquid or solid particles, with the exception of uncombined water.
- 3.43 Paved Road/Area: any road/area that is covered by concrete, asphaltic concrete, asphalt, or other materials which provides structural support for vehicles.
- 3.44 Person: any individual, public and private corporation, government agency, partnership, association, firm, trust, estate, or any other legal entity which is recognized by law as the subject of rights and duties.
- 3.45 PM10: particulate matter with an aerodynamic diameter smaller than or equal to a nominal ten (10) microns as measured by the applicable State and Federal reference test methods.
- 3.46 PM10-Efficient Street Sweeper: a street sweeper which has been certified by the South Coast Air Quality Management District (SCAQMD) to comply with the District's performance standards set forth in SCAQMD Rule 1186 utilizing the test methods set forth in SCAQMD Rule 1186, Appendix A.
- 3.47 Private Road: any road not defined as public.
- 3.48 Public Road: any road operated by a public road agency and maintained for unrestricted legal vehicle access.
- 3.49 Road: any road or street, highway, freeway, alley, way, access easement or driveway.

- 3.50 Road Length: the total centerline distance of all contiguous (connected) segments of an owner's road, regardless of change of direction, road name, or surface, or intersection with a road not owned or operated by the owner.
- 3.51 Road Segment: the portion of a road between two intersections, or between an intersection and the road's terminus.
- 3.52 Roadmix: a mixture of tank bottoms from crude oil storage tanks, material from crude oil spills, or other crude-oil-containing soil mixed with aggregates and soils, that is used as a base or cover material for roads, parking lots, berms, tank and well locations, or similar applications.
- 3.53 Rural: areas not classified as urban constitute "rural."
- 3.54 Shipping, Receiving, and Transfer: an activity that involves handling, processing, and movement of materials, supplies or equipment.
- 3.55 Silt: any aggregate material with a particle size of less than 75 micrometers in diameter, which passes through a No. 200 Sieve. For the purpose of all Rules under Regulation VIII, the silt content level is assumed to be 5 percent or greater, unless a person can show, by sampling and analysis, using the test method in Section 6.1.4 of this rule, that the silt content is less than 5 percent.
- 3.56 Site: real property or land used or set aside for any specific use.
- 3.57 Soil Stabilization: the process used to control PM10 emissions from fugitive dust for an extended period of time by applying dust suppressants or planting vegetative cover.
- 3.58 Stabilized Surface: any disturbed surface area or open bulk material storage pile that is resistant to wind blown fugitive dust emissions. A surface is considered to be stabilized if it meets at least one of the following conditions specified in this Section and as determined by the test methods specified in Appendix B of this rule:
- 3.58.1 A visible crust; or
  - 3.58.2 A threshold friction velocity (TFV) for disturbed surface areas corrected for non-erodible elements of 100 centimeters per second or greater; or
  - 3.58.3 A flat vegetative cover of at least 50 percent that is attached or rooted vegetation; or unattached vegetative debris lying on the surface with a predominant horizontal orientation that is not subject to movement by wind; or

- 3.58.4 A standing vegetative cover of at least 30 percent that is attached or rooted vegetation with a predominant vertical orientation; or
- 3.58.5 A standing vegetative cover that is attached or rooted vegetation with a predominant vertical orientation that is at least 10 percent and where the TFV is at least 43 centimeters per second when corrected for non-erodible elements; or
- 3.58.6 A surface that is greater than or equal to 10 percent of non-erodible elements such as rocks, stones, or hard-packed clumps of soil.
- 3.59 Stabilized Unpaved Road/Unpaved shoulder: any unpaved road, unpaved shoulder, or unpaved vehicle/equipment traffic area surface which meets the definition of stabilized surface as determined by the test methods in Appendix B, Section 3 of this rule, and where VDE is limited to 20% opacity.
- 3.60 Temporary Unpaved Road: any unpaved road surface which is created to support a temporary or periodic activity, and the use of such road surface is limited to vehicle access for a period of not more than six months during any consecutive three-year period. Temporary unpaved roads must also comply with the definition of section 3.59.
- 3.61 Three-sided Structure: A building with walls on three sides with or without a roof. 3.62 Threshold Friction Velocity (TFV): is the corrected velocity necessary to initiate soil erosion as determined by the test method specified in Section 6.0 of this rule. The lower the TFV, the greater the propensity for fine particles to be lifted at relatively low wind speeds.
- 3.63 Trackout Control Device: a gravel pad, grizzly, wheel wash system, or a paved area located at the point of intersection of an unpaved area and a paved road that prevents or controls trackout.
- 3.64 Unpaved Road: any road that is not covered by one of the materials described in the paved road definition.
- 3.65 Unpaved Access/Haul Road: any road or path that is not covered by one of the materials described in the paved road definition that is associated with any construction, demolition, excavation, extraction, and other earthmoving activity and used by vehicles, equipment, haul trucks, or any conveyances to travel within a site, to move materials from one part of a site to another part within the same site, or to provide temporary access to a site.
- 3.66 Unpaved Vehicle/Equipment Traffic Area: any nonresidential area that is not covered by asphalt, recycled asphalt, asphaltic concrete, concrete, or concrete



pavement that is used for fueling and servicing; shipping, receiving and transfer; or parking or storing equipment, haul trucks, vehicles, and any conveyances.

- 3.67 Urban Area: an area within an incorporated city boundary or within unincorporated areas completely surrounded by an incorporated city
- 3.68 Vehicle: A device by which any person or property may be propelled, moved, or drawn, including mobile equipment, excepting aircraft or watercraft or devices moved exclusively by human or animal power or used exclusively upon rails or tracks.
- 3.69 Vehicle Daily Trips (VDT): The 24-hour total (midnight to midnight) count of all vehicles traveling over a survey point on a road segment or unpaved vehicle/equipment traffic area. The survey point must represent the most heavily traveled portion of the road segment or unpaved vehicle/equipment traffic area.
- 3.70 Visible Dust Emissions (VDE): dust emissions that are visible to an observer.
- 3.71 Wind Barrier: a fence or structure constructed, or row of trees planted, to reduce the shearing effects caused by wind thereby reducing or eliminating the amount of entrained fugitive dust.
- 3.72 Wind Generated Fugitive Dust: visible emissions from any disturbed surface area which are generated by wind action alone.
- 3.73 Wheel Wash System: a system that uses water to dislodge mud, dirt and/or other debris from the tires and undercarriage of vehicles and/or haul trucks, prior to exiting the work site.
- 3.74 Workday: a day on which work is performed as distinguished from a day off. For the purposes of this Regulation, a workday may be any period of hours or shift within a 24-hour period.

#### 4.0 Exemptions

- 4.1 Emergency activities performed to ensure public health and safety are exempt from Regulation VIII. Emergency activities lasting more than 30 days shall be subject to this regulation, except where compliance would limit the effectiveness of the emergency activity performed to ensure public health and safety.
- 4.2 Active operations conducted by essential service utilities to provide electricity, natural gas, telephone, water and sewer during periods of service outages and emergency disruptions. Within one hour of completion of active operations, a

person/owner must immediately comply with the requirements of Regulation VIII.

4.3 Activities conducted at an elevation of 3,000 feet or higher above sea level.

4.4 On-field agricultural sources.

## 5.0 General Requirements

5.1 Materials used for chemical/organic stabilization of soils, including petroleum resins, asphaltic emulsions, acrylics, and adhesives shall not violate State Water Quality Control Board standards for use as a soil stabilizer. Materials accepted by the California Air Resources Board (ARB) and the United States Environmental Agency (EPA), and which meet State water quality standards, shall be considered acceptable to the APCO.

5.2 Any material prohibited for use as dust suppressant by EPA, the ARB, or other applicable law, rule, or regulation is also prohibited under Regulation VIII.

5.3 Use of hygroscopic materials may be prohibited by the APCO in areas lacking sufficient atmospheric moisture of soil for such materials to effectively reduce fugitive dust emissions. The atmospheric moisture of soil is considered to be sufficient if it meets the application specifications of the hygroscopic product manufacturer. Use of such materials may be approved in conjunction with sufficient wetting of the controlled area.

5.4 Any use of dust suppressants or gravel pads, and paving materials such as asphalt or concrete for paving, shall comply with other applicable District Rules.

## 6.0 Administrative Requirements

### 6.1 Test Methods

The test methods specified in this section shall be used to determine compliance with the requirements of all rules under Regulation VIII.

#### 6.1.1 Determination of VDE Opacity

Opacity observations to determine compliance with VDE standards shall be conducted in accordance with the test procedures for "Visual Determination of Opacity" as described in Appendix A of this rule. Opacity observations for sources other than unpaved traffic areas (e.g.,

roads, parking areas) shall be conducted per Section 2 of Appendix A and shall require 12 readings at 15-second intervals.

#### 6.1.2 Determination of Stabilized Surface

Observations to determine compliance with the conditions specified for a stabilized surface, in any inactive disturbed surface area, whether at a work site that is under construction, at a work site that is temporarily or permanently inactive, or on an open area and vacant lot, shall be conducted in accordance with the test methods described in Appendix B of this rule. If a disturbed surface area fails all of the specified tests, then the surface shall not be considered stabilized.

#### 6.1.3 Determination of Soil Moisture Content

Soil moisture content shall be determined by using ASTM Method D2216-98 (Standard Test Method For Laboratory Determination Of Water [Moisture] Content of Soil and Rock By Mass), or other equivalent test methods approved by the EPA, ARB, and the APCO.

#### 6.1.4 Determination of Silt Content for Bulk Materials

Silt content of a bulk material shall be determined by ASTM Method C 136a (Standard Test Method For Sieve Analysis Of Fine and Coarse Aggregates), or other equivalent test methods approved by EPA, ARB, and the APCO.

#### 6.1.5 Determination of Silt Content for Unpaved Roads and Unpaved Vehicle/Equipment Traffic Areas

Silt Content for unpaved roads and unpaved vehicle/equipment traffic areas shall be determined by using Section 3 of Appendix B of this Rule or other equivalent test methods approved by EPA, ARB, and the APCO.

#### 6.1.6 Determination of Threshold Friction Velocity (TFV)

TFV shall be determined according to the sieving field procedure contained in "Determination of Threshold Friction Velocity (TFV)," as described in Appendix B of this rule.

## 6.2 Recordkeeping Requirements

A person or owner/operator shall maintain records and any other supporting documents to demonstrate compliance with the requirements of the rules under Regulation VIII only for those days that a control measure was implemented. Such records shall include the type of control measure(s) used, the location and extent of coverage, and the date, amount, and frequency of application of dust suppressant, manufacturer's dust suppressant product information sheet that identifies the name of the dust suppressant and application instructions. Records shall be kept for one year following project completion that results in the termination of all dust generating activities. An owner/operator subject to Rule 2520 (Federally Mandated Operating Permits) shall keep the records for five years. Records shall be made available to the APCO upon request.

## 7.0 Fugitive PM10 Management Plan for Unpaved Roads and Unpaved Vehicle/Equipment Traffic Areas

As a compliance alternative for Rule 8061 section 5.2 and Rule 8071 section 5.1, an operator may implement a Fugitive PM10 Management Plan (FPMP) that is designed to achieve 50% control efficiency and has been approved by the APCO. The FPMP shall be implemented on all days that traffic exceeds, or is expected to exceed, the number of annual average daily vehicle trips or vehicle trips per day as specified in Rules 8061, 8071, and 8081. The owner/operator remains subject to all requirements of the applicable rules of Regulation VIII that are not addressed by the FPMP. It should be noted that the FPMP is not a compliance option for any requirement for a stabilized surface as defined in Rule 8011. The requirements for FPMPs for agricultural sources are specified in Rule 8081 (Agricultural Sources) section 7.0.

7.1 An owner/operator shall provide the proposed FPMP to the APCO or his/her designee via fax, mail, or in person. The APCO shall approve, disapprove, or conditionally approve each proposed FPMP. An FPMP shall not be considered APCO-approved until the operator has received written approval from the APCO.

7.2 An owner/operator may submit one FPMP covering multiple unpaved roads and unpaved vehicle/equipment traffic areas.

7.3 An owner/operator shall retain a copy of an APCO-approved FPMP at the operators place of business and make it available for inspection by the APCO or his designee during normal business hours. The APCO-approved FPMP shall remain valid until notification by the APCO that it is no longer valid, or until the owner/operator notifies the APCO that the owner/operator has permanently discontinued implementing the FPMP.

- 7.4 Failure to comply with the provisions of an APCO-approved FPMP is deemed to be a violation of this rule.
- 7.5 A FPMP shall contain all of the following information:
- 7.5.1 Name(s), address(es), and phone number(s) of person(s) responsible for the preparation, submittal, and implementation of the FPMP, and of person(s) responsible for the unpaved road or traffic area.
  - 7.5.2 A plot plan or map which shows the location of each unpaved road or traffic area to be covered by the FPMP, and the total length (miles) of unpaved roads, and the total area (acres) of the unpaved traffic areas.
  - 7.5.3 The months (and weeks, if known) of the year that vehicle traffic is expected to reach or exceed the number of vehicle trips as specified in Rules 8061, 8071, and 8081, and the types of vehicles (e.g., passenger vehicles, trucks, mobile equipment) expected on each road or traffic area. As stated above, the FPMP shall be implemented on all days that traffic exceeds, or is expected to exceed, the number of vehicle trips as specified in Rules 8061, 8071, and 8081.
  - 7.5.4 Dust suppressants, gravel, and/or vegetative materials to be applied, including: product specifications; manufacturer's usage instructions (method, frequency, and intensity of application); type, number, and capacity of application equipment; and information on environmental impacts and approvals or certifications related to appropriate and safe use for ground application.
  - 7.5.5 A description of the condition of the treated surfaces to be achieved as a result of the use of the suppressant or other dust control material.

APPENDIX A  
Visual Determination of Opacity

- SECTION 1 Test Method For Unpaved Roads and Unpaved Traffic Areas
  - SECTION 2 Test Method For Time-Averaged Regulations
  - SECTION 3 Qualification and Testing
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SECTION 1 TEST METHOD FOR UNPAVED ROADS AND UNPAVED TRAFFIC AREAS

1.0 Opacity Test Method. The purpose of this test method is to estimate the percent opacity of fugitive dust plumes caused by vehicle movement on unpaved roads and unpaved traffic areas. This method can only be conducted by an individual who has received certification as a qualified observer. Qualification and testing requirements can be found in Section 3. of this appendix.

- a. Step 1: Stand at least 16.5 feet from the fugitive dust source in order to provide a clear view of the emissions with the sun oriented in the 140° sector to the back. Following the above requirements, make opacity observations so that the line of vision is approximately perpendicular to the dust plume and wind direction. If multiple plumes are involved, do not include more than one plume in the line of sight at one time.
- b. Step 2: Record the fugitive dust source location, source type, method of control used, if any, observer's name, certification data and affiliation, and a sketch of the observer's position relative to the fugitive dust source. Also, record the time, estimated distance to the fugitive dust source location, approximate wind direction, estimated wind speed, description of the sky condition (presence and color of clouds), observer's position to the fugitive dust source, and color of the plume and type of background on the visible emission observation form both when opacity readings are initiated and completed.
- c. Step 3: Make opacity observations, to the extent possible, using a contrasting background that is perpendicular to the line of vision. Make opacity observations approximately 1 meter above the surface from which the plume is generated. Note that the observation is to be made at only one visual point upon generation of a plume, as opposed to visually tracking the entire length of a dust plume as it is created along a surface. Make two observations per vehicle, beginning with the first reading at zero seconds and the second reading at five seconds. The zero-second observation should begin immediately after a plume has been created above the surface involved. Do not look continuously at the plume but, instead, observe the plume briefly at zero seconds and then again at five seconds.

- d. Step 4: Record the opacity observations to the nearest 5% on an observational record sheet. Each momentary observation recorded represents the average opacity of emissions for a 5-second period. While it is not required by the test method, EPA recommends that the observer estimate the size of vehicles which generate dust plumes for which readings are taken (e.g. mid-size passenger car or heavy-duty truck) and the approximate speeds the vehicles are traveling when readings are taken.
- e. Step 5: Repeat Step 3 (Section 1 c) of this appendix) and Step 4 (Section 1 (d) of this appendix) until you have recorded a total of 12 consecutive opacity readings. This will occur once six vehicles have driven on the source in your line of observation for which you are able to take proper readings. The 12 consecutive readings must be taken within the same period of observation but must not exceed 1 hour. Observations immediately preceding and following interrupted observations can be considered consecutive.
- f. Step 6: Average the 12 opacity readings together. If the average opacity reading equals 20% or lower, the source is in compliance with the opacity standard described in Rule 8011 of this rule.

## SECTION 2 TEST METHOD FOR VISUAL DETERMINATION OF OPACITY OF EMISSIONS FROM SOURCES FOR TIME-AVERAGED REGULATIONS

- 2.0 Applicability. This method is applicable for the determination of the opacity of emissions from sources of visible emissions for time-averaged regulations. A time-averaged regulation is any regulation that requires averaging visible emission data to determine the opacity of visible emissions over a specific time period.
- 2.1 Principle. The opacity of emissions from sources of visible emissions is determined visually by an observer qualified according to the procedures of Section 3 of this appendix.
- 2.2 Procedures. An observer qualified, in accordance with Section 3 of this appendix, shall use the following procedures for visually determining the opacity of emissions.
  - a. Position. Stand at a position at least 5 meters from the fugitive dust source in order to provide a clear view of the emissions with the sun oriented in the 140° sector to the back. Consistent as much as possible with maintaining the above requirements, make opacity observations from a position such that the line of sight is approximately perpendicular to the plume and wind direction. The observer may follow the fugitive dust plume generated by mobile

earthmoving equipment, as long as the sun remains oriented in the 140° sector to the back. As much as possible, if multiple plumes are involved, do not include more than one plume in the line of sight at one time.

- b. **Field Records.** Record the name of the site, fugitive dust source type (i.e., pile, material handling (i.e., transfer, loading, sorting)), method of control used, if any, observer's name, certification data and affiliation, and a sketch of the observer's position relative to the fugitive dust source. Also, record the time, estimated distance to the fugitive dust source location, approximate wind direction, estimated wind speed, description of the sky condition (presence and color of clouds), observer's position relative to the fugitive dust source, and color of the plume and type of background on the visible emission observation from when opacity readings are initiated and completed.
- c. **Observations.** Make opacity observations, to the extent possible, using a contrasting background that is perpendicular to the line of sight. For storage piles, make opacity observations approximately 1 meter above the surface from which the plume is generated. For extraction operations and the loading of haul trucks in open-pit mines, make opacity observations approximately one meter above the rim of the pit. The initial observation should begin immediately after a plume has been created above the surface involved. Do not look continuously at the plume, but instead observe the plume momentarily at 15-second intervals. For fugitive dust from earthmoving equipment, make opacity observations approximately 1 meter above the mechanical equipment generating the plume.
- d. **Recording Observations.** Record the opacity observations to the nearest 5% every 15 seconds on an observational record sheet. Each momentary observation recorded represents the average opacity of emissions for a 15-second period. If a multiple plume exists at the time of an observation, do not record an opacity reading. Mark an "x" for that reading. If the equipment generating the plume travels outside of the field of observation, resulting in the inability to maintain the orientation of the sun within the 140° sector or if the equipment ceases operating, mark an "x" for the 15-second interval reading. Readings identified as "x" shall be considered interrupted readings.
- e. **Data Reduction For Time-Averaged Regulations.** For each set of 12 or 24 consecutive readings, calculate the appropriate average opacity. Sets must consist of consecutive observations, however, readings



immediately preceding and following interrupted readings shall be deemed consecutive and in no case shall two sets overlap, resulting in multiple violations.

### SECTION 3 QUALIFICATION AND TESTING.

- 3.1 Certification Requirements. To receive certification as a qualified observer, a candidate must be tested and demonstrate the ability to assign opacity readings in 5% increments to 25 different black plumes and 25 different white plumes, with an error not to exceed 15% opacity on any one reading and an average error not to exceed 7.5% opacity in each category. Candidates shall be tested according to the procedures described in section 3.2 of this appendix. Any smoke generator used pursuant to section 3.3 of this appendix shall be equipped with a smoke meter, which meets the requirements of section 3.1 of this appendix. Certification tests that do not meet the requirements of sections 3.2 and 3.3 of this appendix are not valid. The certification shall be valid for a period of 6 months, and after each 6-month period the qualification procedures must be repeated by an observer in order to retain certification.
- 3.2 Certification Procedure. The certification test consists of showing the candidate a complete run of 50 plumes, 25 black plumes and 25 white plumes, generated by a smoke generator. Plumes shall be presented in random order within each set of 25 black and 25 white plumes. The candidate assigns an opacity value to each plume and records the observation on a suitable form. At the completion of each run of 50 readings, the score of the candidate is determined. If a candidate fails to qualify, the complete run of 50 readings must be repeated in any retest. The smoke test may be administered as Section of a smoke school or training program, and may be preceded by training or familiarization runs of the smoke generator, during which candidates are shown black and white plumes of known opacity.
- 3.3 Smoke Generator Specifications. Any smoke generator used for the purpose of section 3.2 of this appendix shall be equipped with a smoke meter installed to measure opacity across the diameter of the smoke generator stack. The smoke meter output shall display in-stack opacity, based upon a path length equal to the stack exit diameter on a full 0% to 100% chart recorder scale. The smoke meter optical design and performance shall meet the specifications shown in Table A of this appendix. The smoke meter shall be calibrated as prescribed in section 3.3.a of this appendix prior to conducting each smoke reading test. At the completion of each test, the zero and span drift shall be checked, and if the drift exceeds plus or minus 1% opacity, the condition shall be corrected prior to conducting any subsequent test runs.

The smoke meter shall be demonstrated, at the time of installation, to meet the specifications listed in Table A of this appendix. This demonstration shall be repeated following any subsequent repair or replacement of the photocell or associated electronic circuitry, including the chart recorder or output meter, or every 6 months, whichever occurs first.

- a. Calibration. The smoke meter is calibrated after allowing a minimum of 30 minutes warm-up by alternately producing simulated opacity of 0% and 100%. When stable response at 0% or 100% is noted, the smoke meter is adjusted to produce an output of 0% or 100%, as appropriate. This calibration shall be repeated until stable 0% and 100% readings are produced without adjustment. Simulated 0% and 100% opacity values may be produced by alternately switching the power to the light source on and off while the smoke generator is not producing smoke.
- b. Smoke Meter Evaluation. The smoke meter design and performance are to be evaluated as follows:
  - (1) Light Source. Verify, from manufacturer's data and from voltage measurements made at the lamp, as installed, that the lamp is operated within plus or minus 5% of the nominal rated voltage.
  - (2) Spectral Response Of Photocell. Verify from manufacturer's data that the photocell has a photopic response (i.e., the spectral sensitivity of the cell shall closely approximate the standard spectral-luminosity curve for photopic vision which is referenced in (b) of Table A of this appendix).
  - (3) Angle Of View. Check construction geometry to ensure that the total angle of view of the smoke plume, as seen by the photocell, does not exceed 15°. Calculate the total angle of view as follows:

$$\text{Total Angle Of View} = 2 \tan^{-1} d/2L$$

Where:

d = The photocell diameter + the diameter of the limiting aperture; and

L = The distance from the photocell to the limiting aperture.

The limiting aperture is the point in the path between the photocell and the smoke plume where the angle of view is most restricted. In smoke generator smoke meters, this is normally an orifice plate.

- (4) Angle Of Projection. Check construction geometry to ensure that the total angle of projection of the lamp on the smoke plume does not exceed 15°. Calculate the total angle of projection as follows:

$$\text{Total Angle Of Projection} = 2 \tan^{-1} d/2L$$

Where:

d= The sum of the length of the lamp filament + the diameter of the limiting aperture; and

L = The distance from the lamp to the limiting aperture.

- (5) Calibration Error. Using neutral-density filters of known opacity, check the error between the actual response and the theoretical linear response of the smoke meter. This check is accomplished by first calibrating the smoke meter, according to section 3.3(a) of this appendix, and then inserting a series of three neutral-density filters of nominal opacity of 20%, 50%, and 75% in the smoke meter path length. Use filters calibrated within plus or minus 2%. Care should be taken when inserting the filters to prevent stray light from affecting the meter. Make a total of five nonconsecutive readings for each filter. The maximum opacity error on any one reading shall be plus or minus 3%.
- (6) Zero And Span Drift. Determine the zero and span drift by calibrating and operating the smoke generator in a normal manner over a 1-hour period. The drift is measured by checking the zero and span at the end of this period.
- (7) Response Time. Determine the response time by producing the series of five simulated 0% and 100% opacity values and observing the time required to reach stable response. Opacity values of 0% and 100% may be simulated by alternately switching the power to the lightsource off and on while the smoke generator is not operating.

Table A. Smoke Meter Design And Performance Specifications  
Parameter Specification

- a. Light Source: Incandescent lamp operated at nominal rated voltage.
- b. Spectral response of photocell: Photopic (daylight spectral response of the human eye).
- c. Angle of view: 15° maximum total angle.
- d. Angle of projection : 15° maximum total angle.
- e. Calibration error: Plus or minus 3% opacity, maximum.
- f. Zero and span drift: Plus or minus 1% opacity, 30 minutes.
- g. Response time: Less than or equal to 5 seconds

APPENDIX B  
Determination of Stabilization

- SECTION 1 Test Methods for Determining Stabilization
  - SECTION 2 Visible Crust Determination
  - SECTION 3 Determination of Silt Content for Unpaved Roads and Unpaved Vehicle/Equipment Traffic Areas
  - SECTION 4 Determination of Threshold Friction Velocity
  - SECTION 5 Determination of Flat Vegetative Cover
  - SECTION 6 Determination of Standing Vegetative Cover
  - SECTION 7 Rock Test Method
- 

1. Test Methods For Determining Stabilization.

The test methods described in Section 2 through Section 7 of this appendix shall be used to determine whether an area has a stabilized surface. Should a disturbed area contain more than one type of disturbance, soil, vegetation, or other characteristics, which are visibly distinguishable, test each representative surface separately for stability, in an area that represents a random portion of the overall disturbed conditions of the site, according to the appropriate test methods in Section 2 through Section 7 of this appendix, and include or eliminate it from the total size assessment of disturbed surface area(s) depending upon test method results.

2. Visible Crust Determination.

2.1 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° angle perpendicular to) the soil surface. If blowsand is present, clear the blowsand from the surfaces on which the visible crust test method is conducted. Blowsand is defined as thin deposits of loose uncombined grains covering less than 50% of a site which have not originated from the representative site surface being tested. If material covers a visible crust, which is not blowsand, apply the test method in Section 4 of this appendix to the loose material to determine whether the surface is stabilized.

2.2 A sufficient crust is defined under the following conditions: once a ball has been dropped according to section 2.1. of this appendix, 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 upon which it fell has not been pulverized, so that loose grains are visible.

- 2.3 Drop the ball three times within a survey area that measures 1 foot by 1 foot and that represents a random portion of the overall disturbed conditions of the site. The survey area shall be considered to have passed the Visible Crust Determination Test if at least two out of the three times that the ball was dropped, the results met the criteria in section 2.2 of this appendix. Select at least two other survey areas that represent a random portion of the overall disturbed conditions of the site, and repeat this procedure. If the results meet the criteria of section 2.2 of this appendix for all of the survey areas tested, then the site shall be considered to have passed the Visible Crust Determination Test and shall be considered sufficiently crusted.
- 2.4 At any given site, the existence of a sufficient crust covering one portion of the site may not represent the existence or protectiveness of a crust on another portion of the site. Repeat the visible crust test as often as necessary on each random portion of the overall conditions of the site for an accurate assessment.

### 3. Determination of Silt Content for Unpaved Roads and Unpaved Vehicle/Equipment Traffic Areas

The purpose of this test method is to estimate the silt content of the trafficked parts of unpaved roads and unpaved vehicle/equipment traffic areas. The higher the silt content, the more fine dust particles that are released when vehicles travel on unpaved roads and unpaved vehicle/equipment traffic areas.

#### 3.1 Equipment:

- a. A set of sieves with the following openings: 4 millimeters (mm), 2mm, 1 mm, 0.5 mm and 0.25 mm, a lid, and collector pan.
- b. A small whisk broom or paintbrush with stiff bristles and dustpan 1ft. in width (the broom/brush should preferably have one, thin row of bristles no longer than 1.5 inches in length).
- c. A spatula without holes.
- d. A small scale with half-ounce increments (e.g., postal/package scale).
- e. A shallow, lightweight container (e.g., plastic storage container).
- f. A sturdy cardboard box or other rigid object with a level surface.
- g. A basic calculator.
- h. Cloth gloves (optional for handling metal sieves on hot, sunny days).
- i. Sealable plastic bags (if sending samples to a laboratory).
- j. A pencil/pen and paper.

- 3.2 Step 1: Look for a routinely traveled surface, as evidenced by tire tracks [Only collect samples from surfaces that are not damp due to precipitation or dew. This statement is not meant to be a standard in itself for dampness where watering is being used as a control measure. It is only intended to ensure that

surface testing is done in a representative manner.] Use caution when taking samples to ensure personal safety with respect to passing vehicles. Gently press the edge of a dustpan (1 foot in width) into the surface four times to mark an area that is 1 square foot. Collect a sample of loose surface material into the dustpan, minimizing escape of dust particles. Use a spatula to lift heavier elements such as gravel. Only collect dirt/gravel to an approximate depth of 3/8 inch or 1 cm in the 1 square foot area. If you reach a hard, underlying subsurface that is < 3/8 inch in depth, do not continue collecting the sample by digging into the hard surface. In other words, you are only collecting a surface sample of loose material down to 1cm. In order to confirm that samples are collected to a 1cm depth, a wooden dowel or other similar narrow object a least one-foot in length can be laid horizontally across the survey area while a metric rule is held perpendicular to the dowel. (Optional: At this point, you can choose to place the sample collected into a plastic bag or container and take it to an independent laboratory for silt content analysis. A reference to the procedure the laboratory is required to follow is at the end of this section)

- 3.3 Step 2: Place a scale on a level surface. Place a lightweight container on the scale. Zero the scale with the weight of the empty container on it. Transfer the entire sample collected in the dustpan to the container, minimizing escape of dust particles. Weight the sample and record its weight.
- 3.4 Step 3: Stack a set of sieves in order according to the size openings specified above, beginning with the largest size opening (4 mm) at the top. Place a collector pan underneath the bottom (0.25 mm) sieve.
- 3.5 Step 4: Carefully pour the sample into the sieve stack, minimizing escape of dust particles by slowly brushing material into the stack with a whiskbroom or brush. (On windy days, use the trunk or door of a vehicle as a wind barrier.) Cover the stack with a lid. Lift up the sieve stack and shake it vigorously up and down and sideways for at least 1 minute.
- 3.6 Step 5: Remove the lid from the stack and disassemble each sieve separately, beginning with the top sieve. As you remove each sieve, examine it to make sure that all of the material has been sifted to the finest sieve through which it can pass (e.g., material in each sieve (besides the top sieve that captures a range of larger elements) should look the same size). If this is not the case, re-stack the sieves and collector pan, cover the stack with the lid, and shake it again for at least 1 minute. (You only need to reassemble the sieve(s) that contain material, which requires further sifting.)
- 3.7 Step 6: After disassembling the sieves and collector pan, slowly sweep the material from the collector pan into the empty container originally used to collect and weight the entire sample. Take care to minimize escape of dust

particles. You do not need to do anything with material captured in the sieves – only the collector pan. Weigh the container with the materials from the collector pan and record its weight.

- 3.8 Step 7: If the source is an unpaved road, multiply the resulting weight by 0.38. If the source is an unpaved vehicle/equipment traffic area, multiply the resulting weight by 0.55. The resulting number is the estimated silt loading. Then, divide by the total weight of the sample you recorded earlier in Step 2 (section 3.3) and multiply by 100 to estimate the percent silt content.
- 3.9 Step 8: Select another two routinely traveled portions of the unpaved road or unpaved vehicle/equipment traffic area and repeat this test method. Once you have calculated the silt loading and percent silt content of the 3 samples collected, average your results together.
- 3.10 Step 9: Examine Results. If the average silt loading is less than 0.33 oz/ft<sup>2</sup>, the surface is STABLE. If the average silt loading is greater than or equal to 0.33 oz/ft<sup>2</sup>, then proceed to examine the average percent silt content. If the source is an unpaved road and the average percent silt content is 6% or less, the surface is STABLE. If the source is an unpaved parking lot and the average percent silt content is 8% or less, the surface is STABLE. If your field test results are within 2% of the standard (for example, 4%-8% silt content on an unpaved road) it is recommended that you collect 3 additional samples from the source according to Step 1 (section 3.2) and take them to an independent laboratory for silt content analysis.
- 3.11 Independent Laboratory Analysis: You may choose to collect samples from the source, according to Step 1 (section 3.2) and send them to an independent laboratory for silt content analysis rather than conduct the sieve field procedure. If so, the test method the laboratory is required to use is:  
“Procedures For Laboratory Analysis for Surface/Bulk Dust Loading Samples”, (Fifth Edition, Volume 1, Appendix C.2.3 “Silt Analysis”, 1995), AP-42, Office of Air Quality Planning & Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina.

#### 4. Determination Of Threshold Friction Velocity (TFV).

For disturbed surface areas that are not crusted or vegetated, determine threshold friction velocity (TFV) according to the following sieving field procedure (based on a 1952 laboratory procedure published by W. S. Chepil).

- 4.1 Obtain and stack a set of sieves with the following openings: 4 millimeters (mm), 2 mm, 1 mm, 0.5 mm, and 0.25 mm or obtain and stack a set of standard/commonly available sieves. Place the sieves in order according to size

openings, beginning with the largest size opening at the top. Place a collector pan underneath the bottom (0.25 mm) sieve. Collect a sample of loose surface material from an area at least 30 cm by 30 cm in size to a depth of approximately 1 cm using a brush and dustpan or other similar device. Only collect soil samples from dry surfaces (i.e. when the surface is not damp to the touch). Remove any rocks larger than 1 cm in diameter from the sample. Pour the sample into the top sieve (4 mm opening) and cover the sieve/collector pan unit with a lid. Minimize escape of particles into the air when transferring surface soil into the sieve/collector pan unit. Move the covered sieve/collector pan unit by hand using a broad, circular arm motion in the horizontal plane. Complete twenty circular arm movements, ten clockwise and ten counterclockwise, at a speed just necessary to achieve some relative horizontal motion between the sieves and the particles. Remove the lid from the sieve/collector pan unit and disassemble each sieve separately beginning with the largest sieve. As each sieve is removed, examine it for loose particles. If loose particles have not been sifted to the finest sieve through which they can pass, reassemble and cover the sieve/collector pan unit and gently rotate it an additional ten times. After disassembling the sieve/collector pan unit, slightly tilt and gently tap each sieve and the collector pan so that material aligns along one side. In doing so, minimize escape of particles into the air. Line up the sieves and collector pan in a row and visibly inspect the relative quantities of catch in order to determine which sieve (or whether the collector pan) contains the greatest volume of material. If a visual determination of relative volumes of catch among sieves is difficult, use a graduated cylinder to measure the volume. Estimate TFV for the sieve catch with the greatest volume using Table 1 of this appendix, which provides a correlation between sieve opening size and TFV.

Table 1. Determination Of Threshold Friction Velocity

Tyler Sieve No.	ASTM 11 Sieve No.	Opening (mm)	TFV (cm/s)
5	5	4	135
9	10	2	100
16	18	1	76
32	35	0.5	58
60	60	0.25	43
Collector Pan	---	--	30

- 4.2 Collect at least three soil samples which represent random portions of the overall conditions of the site, repeat the above TFV test method for each sample and average the resulting TFVs together to determine the TFV uncorrected for non-erodible elements. Non-erodible elements are distinct elements, in the random portion of the overall conditions of the site, that are larger than 1 cm in diameter, remain firmly in place during a wind episode, and inhibit soil loss by



consuming Section of the shear stress of the wind. Non-erodible elements include stones and bulk surface material but do not include flat or standing vegetation. For surfaces with non-erodible elements, determine corrections to the TFV by identifying the fraction of the survey area, as viewed from directly overhead, that is occupied by non-erodible elements using the following procedure. For a more detailed description of this procedure, see Section 6 (Test Methods For Stabilization-Rock Test Method) of this appendix. Select a survey area of 1 meter by 1 meter that represents a random portion of the overall conditions of the site. Where many non-erodible elements lie within the survey area, separate the non-erodible elements into groups according to size. For each group, calculate the overhead area for the non-erodible elements according to the following equations:

$$\text{Average Dimensions} = \text{(Average Length) x (Average Width)} \quad \text{Eq. 1}$$

$$\text{Overhead Area} = \text{(Average Dimensions) x (Number Of Elements)} \quad \text{Eq. 2}$$

$$\text{Total Overhead Area} = \text{Overhead Area Of Group 1} + \text{Overhead Area Of Group 2 (etc.)} \quad \text{Eq. 3}$$

$$\text{Total Frontal Area} = \text{Total Overhead Area}/2 \quad \text{Eq. 4}$$

$$\text{Percent Cover Of Non-Erodible Elements} = \text{(Total Frontal Area/Survey Area) x 100} \quad \text{Eq. 5}$$

Note: Ensure consistent units of measurement (e.g., square meters or square inches when calculating percent cover).

Repeat this procedure on an additional two distinct survey areas that represent a random portion of the overall conditions of the site and average the results. Use Table 2 of this appendix to identify the correction factor for the percent cover of non-erodible elements. Multiply the TFV by the corresponding correction factor to calculate the TFV corrected for non-erodible elements.

Table 2. Correction Factors For Threshold Friction Velocity

Percent Cover Of Non-Erodible Elements	Correction Factor
Greater than or equal to 10%	5
Greater than or equal to 5% and less than 10%	3
Less than 5% and greater than or equal to 1%	2
Less than 1%	None

## 5. Determination Of Flat Vegetative Cover.

Flat vegetation includes attached (rooted) vegetation or unattached vegetative debris lying on the surface with a predominant horizontal orientation that is not subject to movement by wind. Flat vegetation, which is dead but firmly attached, shall be considered equally protective as live vegetation. Stones or other aggregate larger than 1 centimeter in diameter shall be considered protective cover in the course of conducting the line transect test method. Where flat vegetation exists, conduct the following line transect test method.

5.1 Line Transect Test Method. Stretch a 100 foot measuring tape across a survey area that represents a random portion of the overall conditions of the site. Firmly anchor both ends of the measuring tape into the surface using a tool such as a screwdriver, with the tape stretched taut and close to the soil surface. If vegetation exists in regular rows, place the tape diagonally (at approximately a 45° angle) away from a parallel or perpendicular position to the vegetated rows. Pinpoint an area the size of a 3/32 inch diameter brazing rod or wooden dowel centered above each 1 foot interval mark along one edge of the tape. Count the number of times that flat vegetation lies directly underneath the pinpointed area at 1 foot intervals. Consistently observe the underlying surface from a 90° angle directly above each pinpoint on one side of the tape. Do not count the underlying surface as vegetated if any portion of the pinpoint extends beyond the edge of the vegetation underneath in any direction. If clumps of vegetation or vegetative debris lie underneath the pinpointed area, count the surface as vegetated, unless bare soil is visible directly below the pinpointed area. When 100 observations have been made, add together the number of times a surface was counted as vegetated. This total represents the percent of flat vegetation cover (e.g., if 35 positive counts were made, then vegetation cover is 35%). If the survey area that represents a random portion of the overall conditions of the site is too small for 100 observations, make as many observations as possible. Then multiply the count of vegetated surface areas by the appropriate conversion factor to obtain percent cover. For example, if vegetation was counted 20 times within a total of 50 observations, divide 20 by 50 and multiply by 100 to obtain a flat vegetation cover of 40%.

5.2 Conduct the line transect test method, as described in section 5.1 of this appendix, an additional two times on areas that represent a random portion of the overall conditions of the site and average results.

## 6. Determination Of Standing Vegetative Cover.

Standing vegetation includes vegetation that is attached (rooted) with a predominant vertical orientation. Standing vegetation, which is dead but firmly rooted, shall be

considered equally protective as live vegetation. Conduct the following standing vegetation test method to determine if 30% cover or more exists. If the resulting percent cover is less than 30% but equal to or greater than 10%, then conduct the test in Section 4 (Determination Of Threshold Friction Velocity (TFV)) of this appendix in order to determine if the site is stabilized, such that the standing vegetation cover is equal to or greater than 10%, where threshold friction velocity, corrected for non-erodible elements, is equal to or greater than 43 cm/second.

- 6.1 For standing vegetation that consists of large, separate vegetative structures (e.g., shrubs and sagebrush), select a survey area that represents a random portion of the overall conditions of the site that is the shape of a square with sides equal to at least 10 times the average height of the vegetative structures. For smaller standing vegetation, select a survey area of three feet by three feet.
- 6.2 Count the number of standing vegetative structures within the survey area. Count vegetation, which grows in clumps as a single unit. Where different types of vegetation exist and/or vegetation of different height and width exists, separate the vegetative structures with similar dimensions into groups. Count the number of vegetative structures in each group within the survey area. Select an individual structure within each group that represents the average height and width of the vegetation in the group. If the structure is dense (e.g., when looking at it vertically from base to top there is little or zero open air space within its perimeter), calculate and record its frontal silhouette area, according to Equation 6 of this appendix. Also, use Equation 6 of this appendix to estimate the average height and width of the vegetation if the survey area is larger than nine square feet. Otherwise, use the procedure in section 6.3 of this appendix to calculate the frontal silhouette area. Then calculate the percent cover of standing vegetation according to Equations 7, 8, and 9 of this appendix.

$$\text{Frontal Silhouette Area} = (\text{Average Height}) \times (\text{Average Width}) \quad \text{Eq. 6}$$

$$\text{Frontal Silhouette Area Of Group} = (\text{Frontal Silhouette Area Of Individual Vegetative Structure}) \times (\text{Number Of Vegetation Structures Per Group}) \quad \text{Eq. 7}$$

$$\text{Total Frontal Silhouette Area} = \text{Frontal Silhouette Area Of Group 1} + \text{Frontal Silhouette Area Of Group 2 (etc.)} \quad \text{Eq. 8}$$

$$\text{Percent Cover Of Standing Vegetation} = (\text{Total Frontal Silhouette Area/Survey Area}) \times 100 \quad \text{Eq. 9}$$

$$\text{Percent Open Space} = \frac{[(\text{Number Of Circled Gridlines Within The Outlined Area Counted That Are Not Covered By Vegetation} / \text{Total Number Of Gridline Intersections Within The Outlined Area}) \times 100]}{\quad} \quad \text{Eq. 10}$$

$$\text{Percent Vegetative Density} = 100 - \text{Percent Open Space} \quad \text{Eq. 11}$$

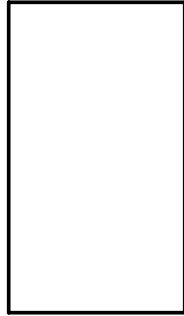
$$\text{Vegetative Density} = \frac{\text{Percent Vegetative Density}}{100} \quad \text{Eq. 12}$$

$$\text{Frontal Silhouette Area} = [\text{Max. Height} \times \text{Max. Width}] \times [\text{Vegetative Density} / 0.4] 0.5 \quad \text{Eq. 13}$$

Note: Ensure consistent units of measurement (e.g., square meters or square inches when calculating percent cover).

- 6.3 Vegetative Density Factor. Cut a single, representative piece of vegetation (or consolidated vegetative structure) to within 1 cm of surface soil. Using a white paper grid or transparent grid over white paper, lay the vegetation flat on top of the grid (but do not apply pressure to flatten the structure). Grid boxes of 1 inch or 1/2 inch squares are sufficient for most vegetation when conducting this procedure. Using a marker or pencil, outline the shape of the vegetation along its outer perimeter, according to Figure B, C, or D of this appendix, as appropriate. (Note: Figure C differs from Figure D primarily in that the width of vegetation in Figure C is narrow at its base and gradually broadens to its tallest height. In Figure D, the width of the vegetation generally becomes narrower from its midpoint to its tallest height.) Remove the vegetation, count and record the total number of gridline intersections within the outlined area, but do not count gridline intersections that connect with the outlined shape. There must be at least 10 gridline intersections within the outlined area and preferably more than 20, otherwise, use smaller grid boxes. Draw small circles (no greater than a 3/32 inch diameter) at each gridline intersection counted within the outlined area. Replace the vegetation on the grid within its outlined shape. From a distance of approximately 2 feet directly above the grid, observe each circled gridline intersection. Count and record the number of circled gridline intersections that are not covered by any piece of the vegetation. To calculate percent vegetative density, use Equations 10 and 11 of this appendix. If percent vegetative density is equal to or greater than 30, use an equation (one of the equations-Equations 16, 17, or 18 of this appendix) that matches the outline used to trace the vegetation (Figure B, C, or D) to calculate its frontal silhouette area. If percent vegetative density is less than 30, use Equations 12 and 13 of this appendix to calculate the frontal silhouette area.

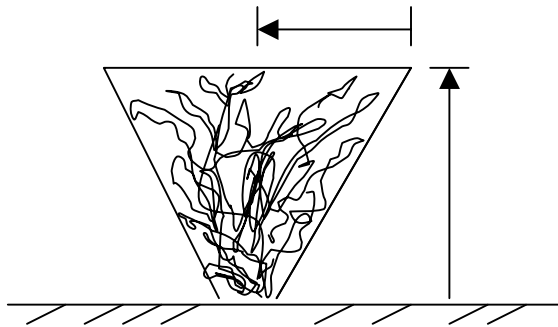
Figure B. Cylinder



$$\text{Frontal Silhouette Area} = \text{Maximum Height} \times \text{Maximum Width}$$

Eq. 16

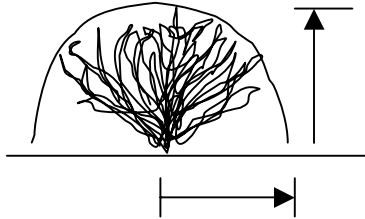
Figure C. Inverted Cone



$$\text{Frontal Silhouette Area} = \text{Maximum Height} \times \frac{1}{2} \text{Maximum Width}$$

Eq. 17

Figure D. Upper Sphere



$$\text{Frontal Silhouette Area} = (3.14 \times \text{Maximum Height} \times 1/2 \text{ Maximum Width})/2 \quad \text{Eq. 18}$$

7. Rock Test Method.

The Rock Test Method, which is similar to Section 4 (Test Methods For Stabilization-Determination Of Threshold Friction Velocity (TFV)) of this appendix, examines the wind-resistance effects of rocks and other non-erodible elements on disturbed surfaces. Non-erodible elements are objects larger than 1 centimeter (cm) in diameter that remain firmly in place even on windy days. Typically, non-erodible elements include rocks, stones, glass fragments, and hardpacked clumps of soil lying on or embedded in the surface. Vegetation does not count as a non-erodible element in this method. The purpose of this test method is to estimate the percent cover of non-erodible elements on a given surface to see whether such elements take up enough space to offer protection against windblown dust. For simplification, the following test method refers to all non-erodible elements as “rocks”.

- 7.1 Select a 1 meter by 1 meter survey area that represents the general rock distribution on the surface. (A 1 meter by 1 meter area is slightly greater than a 3 foot by 3 foot area.) Mark-off the survey area by tracing a straight, visible line in the dirt along the edge of a measuring tape or by placing short ropes, yard sticks, or other straight objects in a square around the survey area.
- 7.2 Without moving any of the rocks or other elements, examine the survey area. Since rocks  $> 3/8$  inch (1 cm) in diameter are of interest, measure the diameter of some of the smaller rocks to get a sense for which rocks need to be considered.

- 7.3 Mentally group the rocks > 3/8 inch (1 cm) diameter lying in the survey area into small, medium, and large size categories. Or, if the rocks are all approximately the same size, simply select a rock of average size and typical shape. Without removing any of the rocks from the ground, count the number of rocks in the survey area in each group and write down the resulting number.
- 7.4 Without removing rocks, select one or two average-size rocks in each group and measure the length and width. Use either metric units or standard units. Using a calculator, multiply the length times the width of the rocks to get the average dimensions of the rocks in each group. Write down the results for each rock group.
- 7.5 For each rock group, multiply the average dimensions (length times width) by the number of rocks counted in the group. Add the results from each rock group to get the total rock area within the survey area.
- 7.6 Divide the total rock area, calculated in section 7.5 of this appendix, by two (to get frontal area). Divide the resulting number by the size of the survey area (make sure the units of measurement match), and multiply by 100 for percent rock cover. For example, the total rock area is 1,400 square centimeters, divide 1,400 by 2 to get 700. Divide 700 by 10,000 (the survey area is 1 meter by 1 meter, which is 100 centimeters by 100 centimeters or 10,000 centimeters) and multiply by 100. The result is 7% rock cover. If rock measurements are made in inches, convert the survey area from meters to inches (1 inch = 2.54 centimeters).
- 7.7 Select and mark-off two additional survey areas and repeat the procedures described in section 7.1 through section 7.6 of this appendix. Make sure the additional survey areas also represent the general rock distribution on the site. Average the percent cover results from all three survey areas to estimate the average percent of rock cover.
- 7.8 If the average rock cover is greater than or equal to 10%, the surface is stable. If the average rock cover is less than 10%, follow the procedures in section 7.9 of this appendix.
- 7.9 If the average rock cover is less than 10%, the surface may or may not be stable. Follow the procedures in Section 1.3 (Determination Of Threshold Friction Velocity (TFV)) of this rule and use the results from the rock test method as a correction (i.e., multiplication) factor. If the rock cover is at least 1%, such rock cover helps to limit windblown dust. However, depending on the soil's ability to release fine dust particles into the air, the percent rock cover

may or may not be sufficient enough to stabilize the surface. It is also possible that the soil itself has a high enough TFV to be stable without even accounting for rock cover.

- 7.10 After completing the procedures described in section 7.9 of this appendix, use Table 2 of this appendix to identify the appropriate correction factor to the TFV, depending on the percent rock cover.



RULE 8021 CONSTRUCTION, DEMOLITION, EXCAVATION, EXTRACTION, AND OTHER EARTHMOVING ACTIVITIES (Adopted November 15, 2001; Amended August 19, 2004)

1.0 Purpose

The purpose of this rule is to limit fugitive dust emissions from construction, demolition, excavation, extraction, and other earthmoving activities.

2.0 Applicability

This rule applies to any construction, demolition, excavation, extraction, and other earthmoving activities, including, but not limited to, land clearing, grubbing, scraping, travel on site, and travel on access roads to and from the site. This rule also applies to the construction of new landfill disposal sites or modification to existing landfill disposal sites prior to commencement of landfilling activities. The provisions of this rule adopted on November 15, 2001 shall remain in effect until October 1, 2004 at which time the amendments adopted on August 19, 2004 shall take effect.

3.0 Definitions

The definitions of terms in Rule 8011 (General Requirements) shall apply to this rule.

4.0 Exemptions

In addition to the exemptions established in Rule 8011, the activities listed in Sections 4.1 through 4.5 are exempt from this rule. However, carryout and trackout materials as a result of activities exempted in Sections 4.1 through 4.5 of this rule must be removed from any paved public roads pursuant to Rule 8041 (Carryout and Trackout):

4.1 Blasting activities that have been permitted by the California Division of Industrial Safety. Other activities performed in conjunction with blasting are not exempt from complying with the provisions of other applicable rules under Regulation VIII (Fugitive PM10 Prohibitions).

4.2 Maintenance or remodeling of existing buildings and additions to existing buildings where total building area is not increased by more than fifty percent, or 10,000 square feet, whichever is less; but not including ancillary construction such as expanding parking lots.

4.3 All additions to existing single family residential buildings.

4.4 Disking of weeds and dried vegetation related to fire prevention required by a Federal, State or local agency on a site less than one-half (1/2) acre. Activities

performed in conjunction with disking are not exempt from complying with the provisions of other applicable rules under Regulation VIII.

- 4.5 The spreading of landfill daily cover necessary to cover garbage/rubbish in order to preserve public health and safety and to comply with the requirements of the California Integrated Waste Management Board during wind conditions which would generate fugitive dust.

## 5.0 Requirements

No person shall perform any construction, demolition, excavation, extraction, or other earthmoving activities unless the appropriate requirements in sections 5.1 through 5.5 are sufficiently implemented to limit VDE to 20% opacity and comply with the conditions for a stabilized surface area when applicable. In addition to the requirements of this rule, a person shall comply with all other applicable requirements of Regulation VIII.

- 5.1 A person shall implement the requirements specified below when using wrecking balls or other wrecking equipment to raze or demolish buildings.
  - 5.1.1 Apply sufficient water to building exterior surfaces, unpaved surface areas where equipment will operate, and razed building materials to limit VDE to 20% opacity throughout the duration of razing and demolition activities.
  - 5.1.2 Apply sufficient dust suppressants to unpaved surface areas within 100 feet where materials from razing or demolition activities will fall in order to limit VDE to 20% opacity.
  - 5.1.3 Apply sufficient dust suppressants to unpaved surface areas where wrecking or hauling equipment will be operated in order to limit VDE to 20% opacity
  - 5.1.4 Handling, storage, and transport of bulk materials on-site or off-site resulting from the demolition or razing of buildings shall comply with the requirements specified in Rule 8031 (Bulk Materials)
  - 5.1.5 Apply water within 1 hour of demolition to unpaved surfaces within 100 feet of the demolished structure.
  - 5.1.6 Prevention and removal of carryout or trackout on paved public access roads from demolition operations shall be performed in accordance with Rule 8041 (Carryout and Trackout).
- 5.2 A person shall control the fugitive dust emissions to meet the requirements in Table 8021-1.

Table 8021-1 – CONTROL MEASURE OPTIONS FOR  
CONSTRUCTION, EXCAVATION, EXTRACTION, AND  
OTHER EARTHMOVING ACTIVITIES

A.	<p><b>PRE-ACTIVITY:</b></p> <p>A1 Pre-water site sufficient to limit VDE to 20% opacity, and</p> <p>A2 Phase work to reduce the amount of disturbed surface area at any one time.</p>
B.	<p><b>DURING ACTIVE OPERATIONS:</b></p> <p>B1 Apply water or chemical/organic stabilizers/suppressants sufficient to limit VDE to 20% opacity; or</p> <p>B2 Construct and maintain wind barriers sufficient to limit VDE to 20% opacity. If utilizing wind barriers, control measure B1 above shall also be implemented.</p> <p>B3 Apply water or chemical/organic stabilizers/suppressants to unpaved haul/access roads and unpaved vehicle/equipment traffic areas sufficient to limit VDE to 20% opacity and meet the conditions of a stabilized unpaved road surface.</p>
C.	<p><b>TEMPORARY STABILIZATION DURING PERIODS OF INACTIVITY:</b></p> <p>C1 Restrict vehicular access to the area; and</p> <p>C2 Apply water or chemical/organic stabilizers/suppressants, sufficient to comply with the conditions of a stabilized surface. If an area having 0.5 acres or more of disturbed surface area remains unused for seven or more days, the area must comply with the conditions for a stabilized surface area as defined in section 3.58 of Rule 8011.</p>

5.3 Speed Limitations and Posting of Speed Limit Signs on Uncontrolled Unpaved Access/Haul Roads on Construction Sites

5.3.1. An owner/operator shall limit the speed of vehicles traveling on uncontrolled unpaved access/haul roads within construction sites to a maximum of 15 miles per hour.

5.3.2. An owner/operator shall post speed limit signs that meet State and Federal Department of Transportation standards at each construction site's uncontrolled unpaved access/haul road entrance. At a minimum, speed limit signs shall also be posted at least every 500 feet and shall be readable in both directions of travel along uncontrolled unpaved access/haul roads.

5.4 Wind Generated Fugitive Dust Requirements

5.4.1 Cease outdoor construction, excavation, extraction, and other earthmoving activities that disturb the soil whenever VDE exceeds 20% opacity. Indoor activities such as electrical, plumbing, dry wall installation, painting, and any other activity that does not cause any disturbances to the soil are not subject to this requirement.

- 5.4.2 Continue operation of water trucks/devices when outdoor construction excavation, extraction, and other earthmoving activities cease, unless unsafe to do so.

## 6.0 Administrative Requirements

### 6.1 Test Methods

The applicable test methods specified in Rule 8011 shall be used to determine compliance with this rule.

### 6.2 Recordkeeping

An owner/operator shall comply with the recordkeeping requirements specified in Rule 8011.

### 6.3 Dust Control Plan

6.3.1 An owner/operator shall submit a Dust Control Plan to the APCO prior to the start of any construction activity on any site that will include 10 acres or more of disturbed surface area for residential developments, or 5 acres or more of disturbed surface area for non-residential development, or will include moving, depositing, or relocating more than 2,500 cubic yards per day of bulk materials on at least three days. Construction activities shall not commence until the APCO has approved or conditionally approved the Dust Control Plan. An owner/operator shall provide written notification to the APCO within 10 days prior to the commencement of earthmoving activities via fax or mail. The requirement to submit a dust control plan shall apply to all such activities conducted for residential and non-residential (e.g., commercial, industrial, or institutional) purposes or conducted by any governmental entity.

6.3.2 An owner/operator may submit one Dust Control Plan covering multiple projects at different sites where construction will commence within the next 12 months provided the plan includes each project size and location, types of activities to be performed. The Dust Control Plan shall specify the expected start and completion date of each project.

6.3.3 The Dust Control Plan shall describe all fugitive dust control measures to be implemented before, during, and after any dust generating activity.

- 6.3.4 A Dust Control Plan shall contain all the information described in Section 6.3.6 of this rule. The APCO shall approve, disapprove, or conditionally approve the Dust Control Plan within 30 days of plan submittal. A Dust Control Plan is deemed automatically approved if, after 30 days following receipt by the District, the District does not provide any comments to the owner/operator regarding the Dust Control Plan.
- 6.3.5 An owner/operator shall retain a copy of an approved Dust Control Plan at the project site. The approved Dust Control Plan shall remain valid until the termination of all dust generating activities. Failure to comply with the provisions of an approved Dust Control Plan is deemed to be a violation of this rule. Regardless of whether an approved Dust Control Plan is in place or not, or even when the owner/operator responsible for the plan is complying with an approved Dust Control Plan, the owner/operator is still subject to comply with all requirements of the applicable rules under Regulation VIII at all times.
- 6.3.6 A Dust Control Plan shall contain all of the following information:
- 6.3.6.1 Name(s), address(es), and phone number(s) of person(s) and owner(s)/operator(s) responsible for the preparation, submittal, and implementation of the Dust Control Plan and responsible for the dust generating operation and the application of dust control measures.
  - 6.3.6.2 A plot plan which shows the type and location of each project.
  - 6.3.6.3 The total area of land surface to be disturbed, daily throughput volume of earthmoving in cubic yards, and total area in acres of the entire project site.
  - 6.3.6.4 The expected start and completion dates of dust generating and soil disturbance activities to be performed on the site.
  - 6.3.6.5 The actual and potential sources of fugitive dust emissions on the site and the location of bulk material handling and storage areas, paved and unpaved roads; entrances and exits where carryout/trackout may occur; and traffic areas.
  - 6.3.6.6 Dust suppressants to be applied, including: product specifications; manufacturer's usage instructions (method, frequency, and intensity of application); type, number, and

capacity of application equipment; and information on environmental impacts and approvals or certifications related to appropriate and safe use for ground application.

6.3.6.7 Specific surface treatment(s) and/or control measures utilized to control material carryout, trackout, and sedimentation where unpaved and/or access points join paved public access roads.

6.3.6.8 At least one key individual representing the owner/operator or any person who prepares a Dust Control Plan must complete a Dust Control Training Class conducted by the District. The District will conduct Dust Control Training Classes on an as needed basis.

#### 6.4 District Notification of Earthmoving Activities on Smaller Construction Sites

6.4.1 On residential development construction sites ranging from 1.0 to less than 10.0 acres in area, an owner/operator shall provide written notification to the District at least 48 hours prior to his/her intent to commence any earthmoving activities.

6.4.2 On non-residential development construction sites ranging from 1.0 to less than 5.0 acres in area, an owner/operator shall provide written notification to the District at least 48 hours prior to his/her intent to commence any earthmoving activities.

RULE 8031 BULK MATERIALS (Adopted November 15, 2001; Amended August 19, 2004)

1.0 Purpose

The purpose of this rule is to limit fugitive dust emissions from the outdoor handling, storage, and transport of bulk materials.

2.0 Applicability

This rule applies to the outdoor handling, storage, and transport of any bulk material. The provisions of this rule adopted on November 15, 2001 shall remain in effect until October 1, 2004 at which time the amendments adopted on August 19, 2004 shall take effect.

3.0 Definitions

The definitions of terms in Rule 8011 (General Requirements) shall apply to this rule.

4.0 Exemptions

In addition to the exemptions established in Rule 8011 the following exemptions are established for this Rule:

- 4.1 Any outdoor storage, handling, or transport of bulk materials which would be damaged by wetting with water or by the application of chemical/organic dust suppressants, provided owners/operators demonstrate to the satisfaction of the APCO and USEPA that none of the control measures specified in Table 8031-1 of this rule can be implemented to limit visible dust emissions (VDE) to 20% opacity or provide a stabilized surface as defined in Rule 8011.
- 4.2 The spreading of landfill daily cover.
- 4.3 Transport of a bulk material in an outdoor area for a distance of twelve feet or less with the use of a chute or conveyor device.
- 4.4 Outdoor storage of any bulk material at a single site where no material is actively being added or removed at the end of the workday or overnight and where the total material stored is less than 100 cubic yards.
- 4.5 Agricultural sources subject to, or specifically exempt from, the requirements of Rule 8081 (Agricultural Sources).

5.0 Requirements

No person shall perform any outdoor handling, storage, and transport of bulk materials unless the appropriate requirements in Table 8031-1 of this rule are sufficiently implemented to limit VDE to 20% opacity or to comply with the conditions for a stabilized surface as defined in Rule 8011. In addition to the requirements of this rule, a person shall comply with all other applicable requirements of Regulation VIII.

<b>TABLE 8031-1 – CONTROL MEASURES FOR BULK MATERIALS</b>	
<b>A. HANDLING OF BULK MATERIALS:</b>	<ul style="list-style-type: none"> <li>A1 When handling bulk materials, apply water or chemical/organic stabilizers/suppressants sufficient to limit VDE to 20% opacity or;</li> <li>A2 Construct and maintain wind barriers sufficient to limit VDE to 20% opacity and with less than 50% porosity. If utilizing fences or wind barriers, control measure A1 shall also be implemented</li> </ul>
<b>B. STORAGE OF BULK MATERIALS:</b>	<ul style="list-style-type: none"> <li>B1 When storing bulk materials, comply with the conditions for a stabilized surface as defined in Rule 8011; or</li> <li>B2 Cover bulk materials stored outdoors with tarps, plastic, or other suitable material and anchor in such a manner that prevents the cover from being removed by wind action; or</li> <li>B3 Construct and maintain wind barriers sufficient to limit VDE to 20% opacity and with less than 50% porosity. If utilizing fences or wind barriers, apply water or chemical/organic stabilizers/suppressants to limit VDE to 20% opacity or;</li> <li>B4 Utilize a 3-sided structure with a height at least equal to the height of the storage pile and with less than 50% porosity.</li> </ul>
<b>C. ON-SITE TRANSPORTING OF BULK MATERIALS:</b>	<ul style="list-style-type: none"> <li>C1 Limit vehicular speed while traveling on the work site sufficient to limit VDE to 20% opacity; or</li> <li>C2 Load all haul trucks such that the freeboard is not less than six (6) inches when material is transported across any paved public access road sufficient to limit VDE to 20% opacity, or</li> <li>C3 Apply water to the top of the load sufficient to limit VDE to 20% opacity, or</li> <li>C4 Cover haul trucks with a tarp or other suitable cover.</li> </ul>
<b>D. OFF-SITE TRANSPORTING OF BULK MATERIALS:</b>	<ul style="list-style-type: none"> <li>D1 Clean the interior of the cargo compartment or cover the cargo compartment before the empty truck leaves the site; and</li> <li>D2 Prevent spillage or loss of bulk material from holes or other openings in the cargo compartment's floor, sides, and/or tailgate; and</li> <li>D3 Load all haul trucks such that the freeboard is not less than six (6) inches when material is transported on any paved public access road, and apply water to the top of the load sufficient to limit VDE to 20% opacity; or cover haul trucks with a tarp or other suitable cover.</li> </ul>



TABLE 8031-1 – CONTROL MEASURES FOR BULK MATERIALS

E.	OUTDOOR TRANSPORT OF BULK MATERIALS WITH A CHUTE OR CONVEYOR:
E1	Fully enclose the chute or conveyor; or
E2	Operate water spray equipment that sufficiently wets materials to limit VDE to 20% opacity; or
E3	Wash separated or screened materials to remove conveyed materials having an aerodynamic diameter of 10 microns or less sufficient to limit VDE to 20% opacity.

6.0 Administrative Requirements

6.1 Test Methods

The applicable test methods specified in Rule 8011 shall be used to determine compliance with this rule.

6.2 Recordkeeping

An owner/operator shall comply with the recordkeeping requirements specified in Rule 8011.

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RULE 8041 CARRYOUT AND TRACKOUT (Adopted November 15, 2001; Amended August 19, 2004)

1.0 Purpose

The purpose of this rule is to prevent or limit fugitive dust emissions from carryout and trackout.

2.0 Applicability

This rule applies to all sites that are subject to any of the following rules where carryout or trackout has occurred or may occur on paved public roads or the paved shoulders of a paved public road: Rules 8021 (Construction, Demolition, Excavation, Extraction, and other Earthmoving Activities), 8031 (Bulk Materials), 8061 (Paved and Unpaved Roads), and 8071 (Unpaved Vehicle and Equipment Traffic Areas) The provisions of this rule adopted on November 15, 2001 shall remain in effect until October 1, 2004 at which time the amendments adopted on August 19, 2004 shall take effect.

3.0 Definitions

The definitions of terms in Rule 8011 (General Requirements) shall apply to this rule.

4.0 Exemptions

In addition to the exemptions established in Rule 8011, the following exemption is also established for this rule.

4.1 Carryout and trackout caused by an Agricultural Source.

5.0 Requirements

An owner/operator shall sufficiently prevent or cleanup carryout and trackout as specified in sections 5.1 through 5.9. In addition to the requirements of this rule, a person shall comply with all other applicable requirements of Regulation VIII. The use of blower devices, or dry rotary brushes or brooms, for removal of carryout and trackout on public roads is expressly prohibited. The removal of carryout and trackout from paved public roads does not exempt an owner/operator from obtaining state or local agency permits which may be required for the cleanup of mud and dirt on paved public roads.

5.1 Owners/operators shall remove all visible carryout and trackout at the end of each workday.

- 5.2 An owner/operator of any site with 150 or more vehicle trips per day, or 20 or more vehicle trips per day by vehicles with three or more axles shall take the actions for carryout and trackout as specified in Section 5.8.
- 5.3 An owner/operator subject to the requirements of a Dust Control Plan as specified in Rule 8021 (Construction, Demolition, Excavation, Extraction, and other Earthmoving Activities) shall take the actions for carryout and trackout as specified in Section 5.8.
- 5.4 Within urban areas, an owner/operator shall prevent carryout and trackout, or immediately remove carryout and trackout when it extends 50 feet or more from the nearest unpaved surface exit point of a site.
- 5.5 Within rural areas, construction projects 10 acres or more in size, an owner/operator shall prevent carryout and trackout, or immediately remove carryout and trackout when it extends 50 feet or more from the nearest unpaved surface exit point of a site.
- 5.6 For sites with paved interior roads, an owner/operator shall prevent and mitigate carryout and trackout as specified in Section 5.8.
- 5.7 Cleanup of carryout and trackout shall be accomplished by:
  - 5.7.1 Manually sweeping and picking-up; or
  - 5.7.2 Operating a rotary brush or broom accompanied or preceded by sufficient wetting to limit VDE to 20% opacity; or
  - 5.7.3 Operating a PM10-efficient street sweeper that has a pick-up efficiency of at least 80 percent as defined in Rule 8011 (General Requirements).
  - 5.7.4 Flushing with water, if curbs or gutters are not present and where the use of water will not result as a source of trackout material or result in adverse impacts on storm water drainage systems or violate any National Pollutant Discharge Elimination System permit program.
- 5.8 Carryout and trackout shall be prevented and mitigated as specified in sections 5.8.1 and 5.8.2:
  - 5.8.1 Prevented by:
    - 5.8.1.1 Installing and maintaining a trackout control device meeting the specifications contained in Section 5.9 at all access points to paved public roads; or

5.8.1.2 Utilizing a carryout and trackout prevention procedure which has been demonstrated to the satisfaction of the APCO and US EPA as achieving an equivalent or greater level of control than specified in Section 5.8.1.1.

5.8.2 Mitigated by:

In the event that measures specified in Section 5.8.1 are insufficient to prevent carryout and trackout, removal of any carryout and trackout must be accomplished within one-half hour of the generation of such carryout and trackout.

5.9 Specifications for Section 5.8.1 shall meet the following conditions or combination of conditions:

5.9.1 For use of grizzlies or other similar devices designed to removed dirt/mud from tires, the devices shall extend from the intersection with the public paved road surface for a distance of at least 25 feet, and cover the full width of the unpaved exit surface for at least 25 feet.

5.9.2 For use of gravel pads, coverage with gravel shall be at least one inch or larger in diameter and at least 3 inches deep, shall extend from the intersection with the public paved road surface for a distance of at least 50 feet, and cover the full width of the unpaved exit surface for at least 50 feet. Any gravel deposited onto a public paved road travel lane or shoulder must be removed at the end of the workday or immediately following the last vehicle using the gravel pad, or at least once every 24 hours, whichever occurs first.

5.9.3 For use of paving, paved surfaces shall extend from the intersection with the public paved road surface for a distance of at least 100 feet, and cover the full width of the unpaved access road for that distance to allow mud and dirt to drop off of vehicles before exiting the site. Mud and dirt deposits accumulating on paved interior roads shall be removed with sufficient frequency, but not less frequently than once per workday, to prevent carryout and trackout onto paved public roads

6.0 Administrative Requirements

6.1 Test Methods

The applicable test methods specified in Rule 8011 shall be used to determine compliance with this rule.

## 6.2 Recordkeeping

An owner/operator shall comply with the recordkeeping requirements specified in Rule 8011.

RULE 8051 OPEN AREAS (Adopted November 15, 2001; Amended August 19, 2004)

1.0 Purpose

The purpose of this rule is to limit fugitive dust emissions from open areas.

2.0 Applicability

This rule applies to any open area having 0.5 acres or more within urban areas, or 3.0 acres or more within rural areas; and contains at least 1000 square feet of disturbed surface area. The provisions of this rule adopted on November 15, 2001 shall remain in effect until October 1, 2004 at which time the amendments adopted on August 19, 2004 shall take effect.

3.0 Definitions

The definitions of terms in Rule 8011 (General Requirements) shall apply to this rule.

4.0 Exemptions

The exemptions established in Rule 8011 are also established for this rule.

4.1. Any weed abatement activity utilizing mowing and/or cutting, and which leaves at least three inches of stubble immediately after such mowing/cutting has occurred.

5.0 Requirements

Whenever open areas are disturbed or vehicles are used in open areas, an owner/operator shall implement one or a combination of control measures indicated in Table 8051-1 to comply with the conditions of a stabilized surface at all times and to limit VDE to 20% opacity. In addition to the requirements of this rule, a person shall comply with all other applicable requirements of Regulation VIII

**TABLE 8051-1 SOURCE TYPE AND CONTROL MEASURES FOR  
OPEN AREAS**

<p><b>A. OPEN AREAS:</b>                  Implement, apply, maintain, and reapply if necessary, at least one or a combination of the following control measures to comply at all times with the conditions for a stabilized surface and limit VDE to 20% opacity as defined in Rule 8011:                  A1 Apply and maintain water or dust suppressant(s) to all unvegetated areas; or                  A2 Establish vegetation on all previously disturbed areas; or                  A3 Pave, apply and maintain gravel, or apply and maintain chemical/organic stabilizers/suppressants.</p>
<p><b>B. VEHICLE USE IN OPEN AREAS:</b>                  Upon evidence of trespass, prevent unauthorized vehicle access by:                  Posting “No Trespassing” signs or installing physical barriers such as fences, gates, posts, and/or other appropriate barriers to effectively prevent access to the area.</p>

**6.0 Administrative Requirements**

**6.1 Test Methods**

The applicable test methods specified in Rule 8011 shall be used to determine compliance with this rule.

**6.2 Recordkeeping**

An owner/operator shall comply with the recordkeeping requirements specified in Rule 8011.



RULE 8061 PAVED AND UNPAVED ROADS (Adopted November 15, 2001; Amended August 19, 2004)

1.0 Purpose

The purpose of this rule is to limit fugitive dust emissions from paved and unpaved roads by implementing control measures and design criteria.

2.0 Applicability

This rule applies to any new or existing public or private paved or unpaved road, road construction project, or road modification project. The provisions of this rule adopted on November 15, 2001 shall remain in effect until October 1, 2004 at which time the amendments adopted on August 19, 2004 shall take effect.

3.0 Definitions

The definitions of terms in Rule 8011 (General Requirements) shall apply to this rule.

4.0 Exemptions

In addition to the exemptions established in Rule 8011, the following exemptions are established for this Rule:

4.1 Any unpaved road segment with less than 26 annual average daily vehicle trips (AADT).

4.1.1 This exemption shall not apply to Section 5.2.3 of this rule.

4.1.2 An owner/operator of any unpaved road segment with 26 or more AADT must provide estimated or actual vehicle trip data to the APCO by July 1, 2005.

4.2 Maintenance and resurfacing of existing paved roads does not apply to section 5.2 of this rule.

4.3 Agricultural sources subject to, or specifically exempt from, Rule 8081 (Agricultural Sources)

4.4 Emergency activities performed to ensure public health and safety as specified in Rule 8011, section 4.1.

4.5 Equipment used to remove debris beyond the capabilities of PM10-efficient street sweepers.

## 5.0 Requirements

In addition to the requirements of this rule, a person shall comply with all other applicable requirements of Regulation VIII.

### 5.1 Paved Roads

#### 5.1.1 New or Modified Paved Roads:

5.1.1.1 An owner/operator having jurisdiction over, or ownership of, public or private paved roads shall construct, or require to be constructed, all new or modified paved roads in conformance with the American Association of State Highway and Transportation Officials (AASHTO) guidelines for width of shoulders and for median shoulders as specified in section 5.1.1.2 of this rule as specified below:

5.1.1.1.1 New paved roads or modifications to existing paved roads with projected annual average daily vehicle trips of 500 vehicles or more shall be constructed with paved shoulders that meet following widths:

Annual Average Daily Vehicle Trips (AADT)	Minimum Paved or Stabilized Shoulder Width
500-3000	4 feet or limit of right-of-way, whichever is the lesser
Greater than 3000	8 feet or limit of right-of-way, whichever is the lesser

5.1.1.1.2 A curbing adjacent to and contiguous with the travel lane or paved shoulder of a road may be constructed, in lieu of meeting the paved shoulder width standard in Section 5.1.1.1.1

5.1.1.1.3 Intersections, auxiliary entry lanes, and auxiliary exit lanes may be constructed adjacent to and contiguous with the roadway, in lieu of meeting the paved shoulder width standard in Section 5.1.1.1.1

5.1.1.1.4 Where the requirements specified in Section 5.1.1.1.1 are shown to conflict with the requirements of the California Environmental

Quality Act (CEQA) and National Environmental Policy Act (NEPA) with respect to determinations regarding environmental, cultural, archaeological, historical, or other considerations addressed in such documents, an owner/operator is exempt from the paved shoulder width requirements specified in Section 5.1.1.1.1 of this rule.

5.1.1.2 Whenever any paved road which has projected annual average daily vehicle trips of 500 or more is constructed, or modified with medians, the medians shall be constructed in conformance with the AASHTO guidelines for width of median shoulders, with paved shoulders having a minimum width of four feet adjacent to the traffic lanes unless:

5.1.1.2.1 The medians of roads having speed limits set at or below 45 miles per hour are constructed with curbing; or

5.1.1.2.2 The medians are landscaped and maintained with grass or other vegetative ground cover or chemical/organic dust suppressants/stabilizers to comply with the definition of stabilized surface in Rule 8011.

5.1.2 PM10-Efficient Street Sweepers:

Each city, county, or state agency with primary responsibility for any existing paved road within an urban area shall take the following actions:

5.1.2.1 Effective July 1, 2005, all purchases of street sweeper equipment by such agency or their contractor(s) shall be only PM10-efficient street sweepers.

5.1.2.2 The utilization of PM10-efficient street sweepers by an agency or its contractor(s) shall be prioritized for use on routine street sweeper route(s) with paved curbs which have been determined by an agency to have the greatest actual or potential for dirt and silt loadings.

5.1.2.3 Any agency which conducts or contracts for routine street sweeping activities or services shall purchase, or require their contractor(s) to purchase and place into service, at least one PM10-efficient street sweeper not later than July 1, 2008.

5.1.2.4 Any street sweeping routes with paved curbs covered by PM10-efficient street sweepers pursuant to Section 5.1.2.2 shall conduct routine street sweeping operations over such routes at a frequency of not less than once per month.

5.1.2.5 All PM10-efficient street sweepers shall be operated and maintained according to manufacturer specifications.

5.1.2.6 If the provisions of Sections 5.1.2.1 or 5.1.2.3 cannot be met due to budgetary constraints, the agency may submit a statement of financial hardship to, and approved by, the APCO and US EPA.

### 5.1.3 Post-Event Clean-Up

Each city, county, or state agency with primary responsibility for any existing paved road shall take the following actions upon discovery by the city, county or state agency of accumulations of mud/dirt [event material] of at least 1 inch thickness over an area of at least 50 square feet on road surface travel lanes as a result of wind/storm/water erosion and runoff:

5.1.3.1 Within 24 hours of discovery by the city, county or state agency of such condition, remove the mud/dirt from the travel lanes or restrict vehicles from traveling over said mud/dirt until such time as the material can be removed from the travel lanes.

5.1.3.2 Follow dust minimizing practices during the removal of such mud/dirt from the travel lanes.

5.1.3.3 In the event unsafe travel conditions would result from restricting vehicle traffic pursuant to Section 5.1.3.1, and removal of such material is not possible within 72 hours due to weekend or holiday conditions, the provisions of Section 5.1.3.1 can be extended upon notification to and approval by the APCO.

5.1.3.4 As soon as practicable, removal of mud/dirt from paved shoulders should also occur through the use of dust minimizing practices.

## 5.2 Unpaved Road Segment

5.2.1. On any unpaved road segment with 26 or more AADT, the owner/operator shall limit VDE to 20% opacity and comply with the

requirements of a stabilized unpaved road by application and/or re-application/maintenance of at least one of the following control measures, or shall implement an APCO-approved Fugitive PM10 Management Plan as specified in Rule 8011 (General Requirements):

5.2.1.1 Watering;

5.2.1.2 Uniform layer of washed gravel;

5.2.1.3 Chemical/organic dust stabilizers/suppressants in accordance with the manufacturer's specifications;

5.2.1.4 Roadmix;

5.2.1.5 Paving;

5.2.1.6 Any other method that can be demonstrated to the satisfaction of the APCO that effectively limits VDE to 20% opacity and meets the conditions of a stabilized unpaved road.

5.2.2 Within an urban area, the construction of any new unpaved road is prohibited unless the road meets the definition of a temporary unpaved road as specified in section 3.60 of Rule 8011.

5.2.3 Requirements for Existing Unpaved Public Roads in Urban and Rural Areas:

5.2.3.1 Each city, county, or state agency with primary responsibility for any existing unpaved road within urban and rural areas shall take the following actions:

5.2.3.1.1 By January 1, 2005 provide the District with a list of all unpaved roads under its jurisdiction in any urban area(s), including data on length of, and AADT on, each unpaved road segment.

5.2.3.1.2 By July 1, 2005 provide the District with a list of all unpaved roads under its jurisdiction in any rural area, including data on length of, and AADT on, each unpaved road segment.

5.2.3.1.3 By January 1, 2010, pave an average of 20% annually of all unpaved roads identified in Section 5.2.3.1.1 up to a maximum of 5 cumulative miles within any one

urban area, with priority given to roads with the highest AADT levels. In meeting this requirement, each jurisdiction must show incremental progress.

5.2.3.1.4 By April 1 of each year, 2006 through 2010, submit to the District the total number of unpaved road miles which were paved during the previous calendar year, and the percentage of cumulative miles paved relative to the list provided pursuant to Section 5.2.3.1.1.

5.2.3.1.5 If the provisions of Section 5.2.3.1.3 cannot be met due to budgetary constraints, the agency may submit a statement of financial hardship to, and approved by, the APCO and US EPA.

5.2.4 Requirements for Existing Paved Public Roads with Unpaved Shoulders in Urban and Rural Areas:

5.2.4.1 Each city, county, or state agency with primary responsibility for any existing paved public road with unpaved shoulders in urban and rural areas shall take the following actions:

5.2.4.1.1 By January 1, 2005 provide the District with a list of all paved public roads with unpaved shoulders in any urban and rural area, including data on length of, and AADT on, each segment of paved public road with unpaved shoulders.

5.2.4.1.2 In Urban areas, by January 1, 2010, pave or stabilize 4-foot shoulders on 50% of existing paved public roads with the highest AADT in urban areas identified in Section 5.2.4.1.1. In meeting this requirement, each jurisdiction must show incremental progress.

5.2.4.1.3 In Rural areas, by January 1, 2010, pave or stabilize 4-foot shoulders on 25% of existing paved public roads with the highest AADT in rural areas identified in Section 5.2.4.1.1. In meeting this requirement, each jurisdiction must show incremental progress.

5.2.4.1.4 If the provisions of Sections 5.2.4.1.2 or 5.2.4.1.3 cannot be met due to budgetary constraints, the agency may submit a statement of financial hardship to, and approved by, the APCO and US EPA.

### 5.2.5 Requirements for Establishing and Posting Maximum Speed Limits on Unpaved Roads

Each owner/operator shall establish a maximum speed limit of 25 mph on each unpaved road with 26 AADT or more and shall post speed limit signs, one in each direction, per mile of road segment in urban areas, and per two miles of road segment in rural areas. This provision shall become effective one year from the date of adoption of this rule amendment.

## 6.0 Administrative Requirements

### 6.1 Test Methods

The applicable test methods specified in Rule 8011 shall be used to determine compliance with this rule.

### 6.2 Recordkeeping and Reporting

In addition to complying with the recordkeeping requirements specified in Rule 8011 and Sections 5.2.3 and 5.2.4 of this rule, city, county and state agencies responsible for the maintenance and operation of public paved and unpaved roads, shall prepare and submit a written report to the District documenting compliance with the provisions of this rule. This report shall be prepared for the years 2003 and 2004, and no less frequently than each two (2) year period thereafter. The reports shall be transmitted to the District no later than 90 days after the end of the calendar year and shall include:

6.2.1 The total miles of paved and unpaved roads under the jurisdiction of the owner or agency and the miles of roads constructed or modified during the reporting period subject to the requirements of this regulation.

6.2.2 For newly constructed or modified roads, a summary of actions taken during the reporting period to prevent or mitigate PM10 emissions, with miles specified for each type of control measure used to reduce PM10 emissions.

6.2.3 For all roads under the agency's jurisdiction, a summary of actions taken to reduce PM10 emissions from roads during the reporting period. The total miles of roads for which these procedures were enforced and the estimated traffic volume on the affected roads shall be provided.

6.2.4 Other information that may be needed by the APCO for compliance with the United States Environmental Protection Agency's requirements.



RULE 8071 UNPAVED VEHICLE/EQUIPMENT TRAFFIC AREAS (Adopted November 15, 2001; Amended September 16, 2004)

1.0 Purpose

The purpose of this rule is to limit fugitive dust emissions from unpaved vehicle and equipment traffic areas.

2.0 Applicability

This rule applies to any unpaved vehicle/equipment traffic area. The provisions of this rule adopted on November 15, 2001 shall remain in effect until October 1, 2004 at which time the amendments adopted on September 16, 2004 shall take effect.

3.0 Definitions

The definitions of terms in Rule 8011 (General Requirements) shall apply to this rule.

4.0 Exemptions

In addition to the exemptions established in Rule 8011, the following exemptions are also established for this rule:

4.1 Unpaved vehicle and equipment traffic areas with less than 50 Average Annual Daily Trips (AADT).

4.2 Agricultural sources subject to, or specifically exempt from, the requirements of Rule 8081 (Agricultural Sources).

5.0 Requirements

5.1 In addition to the requirements of this rule, a person shall comply with all other applicable requirements of Regulation VIII to limit Visible Dust Emissions (VDE) to 20% opacity and comply with the requirements of a stabilized unpaved road. If vehicle activity originates from and remains exclusively within an unpaved vehicle/equipment traffic area, section 5.2 may be implemented to limit VDE to 20% opacity.

5.1.1 Where 50 or more Average Annual Daily Trips (AADT) will occur on an unpaved vehicle/equipment traffic area, the owner/operator shall limit VDE to 20% opacity and comply with the requirements of a stabilized unpaved road by application and/or re-application/maintenance of at least one of the following control measures, or shall implement an APCO-approved Fugitive PM10 Management Plan as specified in Rule 8011 (General Requirements):

- 5.1.1.1 Watering;
  - 5.1.1.2 Uniform layer of washed gravel;
  - 5.1.1.3 Chemical/organic dust stabilizers/suppressants in accordance with the manufacturer's specifications;
  - 5.1.1.4 Vegetative materials;
  - 5.1.1.5 Paving;
  - 5.1.1.6 Roadmix;
  - 5.1.1.-7 Any other method(s) that can be demonstrated to the satisfaction of the APCO that effectively limits VDE to 20% opacity and meets the conditions of a stabilized unpaved road.
- 5.1.2 For unpaved vehicle/equipment traffic areas with 150 VDT, or 150 VDT that are utilized intermittently for a period of 30 days or less during the calendar year, the owner/operator shall implement the control options specified in 5.1.1.1 through 5.1.1.7, or shall implement an APCO-approved Fugitive PM10 Management Plan as specified in Rule 8011 (General Requirements) during the period that the unpaved vehicle/equipment traffic area is utilized.
- 5.1.3 On each day that 25 or more VDT with 3 or more axles will occur on an unpaved vehicle/equipment traffic area, the owner/operator shall limit VDE to 20% opacity and comply with the requirements of a stabilized unpaved road by the application and/or re-application/maintenance of at least one of the control measures specified sections 5.1.1.1 through 5.1.1.6, or shall implement an APCO-approved Fugitive PM10 Management Plan as specified in Rule 8011 (General Requirements).
- 5.1.4 On each day when a special event will result in 1,000 or more vehicles that will travel/park on an unpaved area, the owner/operator of the unpaved area to be traveled/parked upon must notify the District at least 48 hours in advance when such a special event will occur. During the duration of the special event vehicle travel/parking, the owner/operator shall limit VDE to 20% opacity and comply with the requirements of a stabilized unpaved road by the application and/or re-application/maintenance of water or chemical/organic dust stabilizers/suppressants in accordance with the manufacturer's specifications.
- 5.2 In addition to the requirements of this rule, a person shall comply with all other applicable requirements of Regulation VIII to limit Visible Dust Emissions (VDE) to 20% opacity.
- 5.2.1 On each day that 50 or more VDT, or 25 or more VDT with 3 or more axles, originates from within and remains exclusively within an unpaved

vehicle/equipment traffic area, the owner/operator may apply/reapply water to limit VDE to 20% opacity.

- 5.3 An owner/operator shall restrict access and periodically stabilize a disturbed surface area whenever a site becomes inactive to comply with the conditions for a stabilized surface as defined in Rule 8011.

## 6.0 Administrative Requirements

### 6.1 Test Methods

The applicable test methods specified in Rule 8011 shall be used to determine compliance with this rule.

### 6.2 Recordkeeping

An owner/operator shall comply with the recordkeeping requirements specified in Rule 8011.

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RULE 8081 AGRICULTURAL SOURCES (Adopted November 15, 2001; Amended September 16, 2004)

1.0 Purpose

The purpose of this rule is to limit fugitive dust emissions from agricultural sources.

2.0 Applicability

This rule applies to off-field agricultural sources. The provisions of this rule adopted on November 15, 2001 shall remain in effect until October 1, 2004 at which time the amendments adopted on August 19, 2004 shall take effect.

3.0 Definitions

The definitions of terms established in Rule 8011 (General Requirements) shall apply to this rule.

4.0 Exemptions

In addition to the exemptions established in Rule 8011, the following exemptions are established for this rule:

4.1 On-field agricultural sources.

4.2 Off-field agricultural sources necessary to minimize or respond to adverse effects on agricultural crops caused during freezing temperatures as declared by the National Weather Service.

4.3 Any outdoor storage, handling, or transport of bulk materials which would be damaged by wetting with water or by the application of chemical/organic dust suppressants, provided owners/operators demonstrates to the satisfaction of the APCO and USEPA, that none of the control measures specified in Table 8081-1 of this rule can be implemented to limit visible dust emissions (VDE) to 20% opacity or provide a stabilized surface as defined in Rule 8011.

4.4 Any unpaved road segment with less than 75 vehicle trips for that day. If 75 vehicle trips for that day will be exceeded, an owner/operator shall comply with the requirements of this Rule. This threshold does not apply to unpaved road segments subject to the requirements of Rule 4550 (Conservation Management Practices). Equipment with loading forks employed in the act of loading or unloading harvested commodities in the harvest location and traveling at 3 miles per hour or less are not included in the trip counts.

- 4.5 The felling and removal of trees from forest stands. However, the rules of Regulation VIII will apply to other timber harvest activities such as site preparation of log storage and staging areas.
- 4.6 Outdoor storage of any bulk material at a single site where no material is actively being added or removed and where the total material stored is less than 100 cubic yards.
- 4.7 Any unpaved vehicle and equipment parking and traffic area less than 1.0 acre and more than one mile from an urban area, or with less than 50 Average Annual Daily Trips (AADT) or less than 150 VDT that are utilized intermittently for a period of 30 days or less during the calendar year.
- 4.8 Transport of a bulk material in an outdoor area for a distance of twelve feet or less with the use of a chute or conveyor device.

## 5.0 Requirements

An owner/operator shall comply with Sections 5.1 through 5.3 and sufficiently implement at least one of the control measures indicated in each section of Table 8081-1 to limit VDE to 20% opacity or to comply with the conditions for a stabilized surface as defined in Rule 8011. In addition to the requirements of this rule, a person shall comply with all other applicable requirements of Regulation VIII.

### 5.1 Requirements for Bulk Materials

No person shall undertake any outdoor handling, storage, and transport of bulk materials unless the appropriate requirements in Table 8081-1 of this rule are sufficiently implemented to limit VDE to 20% opacity or to comply with the conditions for a stabilized surface as defined in Rule 8011.

### 5.2 Requirements for Paved Roads and Unpaved Road Segments

#### 5.2.1 Paved Road Segment

An owner/operator shall comply with the requirements of Rule 8061 (Paved and Unpaved Roads) regarding the construction standards for shoulder width and medians when constructing new paved roads or modifying existing paved roads.

**TABLE 8081-1  
CONTROL MEASURES FOR BULK MATERIALS**

<p><b>A. HANDLING OF BULK MATERIALS:</b></p> <p>A1 When handling bulk materials, apply water or suitable chemical/organic stabilizers/suppressants sufficient to limit VDE to 20% opacity or;</p> <p>A2 Construct and maintain wind barriers sufficient to limit VDE to 20% opacity and with less than 50% porosity. If utilizing fences or wind barriers, control measure A1 shall also be implemented.</p>
<p><b>B. STORAGE OF BULK MATERIALS:</b></p> <p>B1 When storing bulk materials, comply with the conditions for a stabilized surface as defined in Rule 8011; or</p> <p>B2 Cover bulk materials stored outdoors with tarps, plastic, or other suitable material and anchor in such a manner that prevents the cover from being removed by wind action; or</p> <p>B3 Construct and maintain fences or wind barriers sufficient to limit VDE to 20% opacity and with less than 50% porosity. If utilizing fences or wind barriers, apply water or suitable chemical/organic stabilizers/suppressants sufficient to limit VDE to 20% opacity or;</p> <p>B4 Utilize a 3-sided structure with a height at least equal to the height of the storage pile and with less than 50% porosity.</p>
<p><b>C. ON-SITE TRANSPORTING OF BULK MATERIALS:</b></p> <p>C1 Limit vehicular speed while traveling on the work site sufficient to limit VDE to 20% opacity; or</p> <p>C2 Load all haul trucks such that the freeboard is not less than six (6) inches when material is transported across any paved public access road; or</p> <p>C3 Apply water to the top of the load sufficient to limit VDE to 20% opacity; or</p> <p>C4 Cover haul trucks with a tarp or other suitable cover.</p>
<p><b>D. OFF-SITE TRANSPORTING OF BULK MATERIALS:</b></p> <p>D1 Clean the interior of the cargo compartment or cover the cargo compartment before the empty truck leaves the site; and</p> <p>D2 Prevent spillage or loss of bulk material from holes or other openings in the cargo compartment's floor, sides, and/or tailgate; and</p> <p>D3 Load all haul trucks such that the freeboard is not less than six (6) inches when material is transported on any paved public access road and apply water to the top of the load sufficient to limit VDE to 20% opacity; or cover haul trucks with a tarp or other suitable closure.</p>
<p><b>E. OUTDOOR TRANSPORT OF BULK MATERIALS WITH A CHUTE OR CONVEYOR:</b></p> <p>E1 Fully enclose the chute or conveyor; or</p> <p>E2 Operate water spray equipment that sufficiently wets materials to limit VDE to 20% opacity; or</p> <p>E3 Wash separated or screened materials to remove conveyed materials having an aerodynamic diameter of 10 microns or less sufficient to limit VDE to 20% opacity.</p>

## 5.2.2 Unpaved Road Segments

5.2.2.1 On each day that 75 or more vehicle daily trips (VDT), or 25 or more VDT with 3 or more axles, will occur on an unpaved road segment, the owner/operator shall limit VDE to 20% opacity and comply with the requirements of a stabilized unpaved road by application and/or re-application/maintenance of at least one of the following control measures, or shall implement an approved Fugitive PM10 Management Plan as specified in section 7.0.

- 5.2.2.1.1 Watering;
- 5.2.2.1.2 Uniform layer of washed gravel;
- 5.2.2.1.3 Chemical/organic dust suppressants;
- 5.2.2.1.4 Vegetative materials;
- 5.2.2.1.5 Paving;
- 5.2.2.1.6 Roadmix;
- 5.2.2.1.7 Any other method(s) that can be demonstrated to the satisfaction of the APCO that effectively limits VDE to 20% opacity and meets the conditions of a stabilized unpaved road.

## 5.3 Requirements for Unpaved Vehicle/Equipment Parking and Traffic Areas

The control measures specified in Sections 5.3.1 through 5.3.5 shall be implemented on unpaved surface areas dedicated to any vehicle and equipment parking and traffic activity in order to limit VDE to 20% opacity and comply with the requirements of a stabilized unpaved road as specified in Rule 8011. If vehicle activity remains exclusively within an unpaved vehicle/equipment traffic area, section 5.3 may be implemented to limit VDE to 20% opacity.

5.3.1 Where 50 or more AADT will occur on an unpaved vehicle/equipment traffic area, the owner/operator shall limit VDE to 20% opacity and comply with the requirements of a stabilized unpaved road by the application and/or reapplication/maintenance of at least one of the following control measures, or shall implement an approved Fugitive PM10 Management Plan as specified in section 7.0:

- 5.3.1.1 Watering
- 5.3.1.2 Uniform layer of washed gravel;
- 5.3.1.3 Chemical/organic dust stabilizers/suppressants in accordance with the manufacturer's specifications;
- 5.3.1.4 Roadmix;



- 5.3.1.5 Paving;
- 5.3.1.6 Any other method(s) that can be demonstrated to the satisfaction of the APCO that effectively limits VDE to 20% opacity and meets the conditions of a stabilized unpaved road.

5.3.2 For unpaved vehicle/equipment traffic areas with 150 or more VDT, or 150 or more VDT that are utilized intermittently for a period of 30 days or less during the calendar year, the owner/operator shall implement the control options specified in 5.3.1.1 through 5.3.1.6.

5.3.3 On each day that 25 or more VDT with 3 or more axles will occur on an unpaved vehicle/equipment traffic area, the owner/operator shall limit VDE to 20% opacity and comply with the requirements of a stabilized unpaved road by the application and/or re-application/maintenance of at least one of the control measures specified section 5.3.1.1 through 5.3.1.6.

5.3.4 On each day that 75 or more VDT, or 26 or more VDT with 3 or more axles originates from within and remains exclusively within an unpaved vehicle/equipment traffic area, the owner/operator may apply/re-apply water to limit VDE to 20% opacity.

5.3.5 An owner/operator shall restrict access and periodically stabilize a disturbed surface area whenever a site becomes inactive at the end of the workday to comply with the conditions for a stabilized unpaved road as defined in Rule 8011.

#### 5.4 Requirements for Carryout/Trackout

The District hereby incorporates by reference California Vehicle Code section 23112-23113. This section requires material, including dirt deposited on any public highway or street to be cleaned up as specified in California Vehicle Code 23112-23113.

### 6.0 Administrative Requirements

#### 6.1 Test Methods

The applicable test methods specified in Rule 8011 shall be used to determine compliance with this rule.

## 6.2 Recordkeeping

An owner/operator shall comply with the recordkeeping requirements specified in Rule 8011.

## 7.0 Fugitive PM10 Management Plan for Unpaved Roads and Unpaved Vehicle/Equipment Traffic Areas

As a compliance alternative for sections 5.2.2, 5.3.1, and 5.3.2 of this rule, an operator may implement a Fugitive PM10 Management Plan (FPMP) that is designed to achieve 50% control efficiency and has been approved by the Fresno Regional office of the United States Department of Agriculture Natural Resource Conservation Service based on guidance and criteria established by the APCO. The FPMP shall be implemented on all days that traffic exceeds, or is expected to exceed, the number of annual average daily vehicle trips or vehicle trips per day as specified in sections 5.2.2, 5.3.1, and 5.3.2 of this rule. The owner/operator remains subject to all requirements of the applicable rules of Regulation VIII that are not addressed by the FPMP. It should be noted that the FPMP is not a compliance option for any requirement for a stabilized surface as defined in Rule 8011.

7.1 An owner/operator shall provide the proposed FPMP to the local office of the USDA Resource Conservation District (RCD) via fax, mail, or in person. The RCD shall submit the proposed FPMP to the Fresno Regional Office of the NRCS, who in turn shall evaluate and approve, disapprove, or conditionally approve each proposed FPMP based on guidance and criteria established by the APCO. An FPMP shall not be considered approved until the operator has received written approval from the NRCS. The NRCS and local RCDs shall make all approved FPMPs available to the APCO and the public.

7.2 An owner/operator may submit one FPMP covering multiple unpaved roads and unpaved vehicle/equipment traffic areas.

7.3 An owner/operator shall retain a copy of an approved FPMP at the operators place of business and make it available for inspection by the APCO or his designee during normal business hours. The approved FPMP shall remain valid until the APCO notifies the owner/operator or the NRCS that it needs to be revised, or until the owner/operator notifies the NRCS that the owner/operator has permanently discontinued implementing the FPMP. The NRCS shall notify the APCO as soon as possible in the event an operator notifies the NRCS the owner/operator has permanently discontinued implementing the FPMP.

7.4 Failure to comply with the provisions of an approved FPMP is deemed to be a violation of this rule.

7.5 A FPMP shall contain all of the following information:

- 7.5.1 Name(s), address(es), and phone number(s) of person(s) responsible for the preparation, submittal, and implementation of the FPMP, and of person(s) responsible for the unpaved road or traffic area.
- 7.5.2 A plot plan or map which shows the location of each unpaved road or traffic area to be covered by the FPMP, and the total length (miles) of unpaved roads, and the total area (acres) of the unpaved traffic areas.
- 7.5.3 The months (and weeks, if known) of the year that vehicle traffic is expected to exceed 75 vehicle trips per day, and the types of vehicles (e.g., passenger vehicles, trucks, mobile equipment) expected on each road or traffic area. As stated above, the FPMP shall be implemented on all days that traffic exceeds, or is expected to exceed, the number of annual average daily vehicle trips or vehicle trips per day as specified in sections 5.2.2, 5.3.1, and 5.3.2 of this rule.
- 7.5.4 Dust suppressants, gravel, and/or vegetative materials to be applied, including: product specifications; manufacturer's usage instructions (method, frequency, and intensity of application); type, number, and capacity of application equipment; and information on environmental impacts and approvals or certifications related to appropriate and safe use for ground application.
- 7.5.5 A description of the condition of the treated surfaces to be achieved as a result of the use of the suppressant or other dust control material.

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