

RULE 8051 OPEN AREAS (Adopted November 15, 2001; Amended August 19, 2004;
Amended [rule adoption date])

1.0 Purpose

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

2.0 Applicability

2.1 Except as provided under Section 7.0, 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.

2.2 Sections 4.2 and 7.0 shall not become applicable until the effective date of the federal Environmental Protection Agency's (EPA) final and full approval of the California State Implementation Plan (SIP) as meeting the contingency measure requirements of the Clean Air Act section 172(c)(9) for San Joaquin Valley for the applicable PM2.5 National Ambient Air Quality Standards (NAAQS).

3.0 Definitions

The definitions of terms in Section 3.0 of Rule 8011 (General Requirements) shall apply to ~~this~~ Rule 8051 and are incorporated herein by reference.

4.0 Exemptions

In addition to the Exemptions identified below, the eExemptions established in Section 4.0 of Rule 8011 are shall also established for this apply to rRule 8051 and are incorporated herein by reference.

~~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.

4.2 Upon triggering Section 7.0, rural parcels between one (1) to three (3) acres implementing fire prevention activities required by a Federal, State, or local agency using the following methods:

4.2.1 Mowing and/or cutting, which leaves at least three inches of stubble immediately after such mowing and/or cutting has occurred;

4.2.2 Discing using no more than two passes. Operator shall minimize speed of equipment to limit dust emissions.

5.0 Requirements

Whenever an open areas ~~are~~is a disturbed surface area or vehicles are used in an open area, 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 no more than 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	
A.	<p>OPEN AREAS: 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:</p> <p>A1 Apply and maintain water or dust suppressant(s) to all unvegetated areas; or A2 Establish vegetation on all previously disturbed <u>surface</u> areas; or A3 Pave, apply and maintain gravel, or apply and maintain chemical/organic stabilizers/suppressants.</p>
B.	<p>VEHICLE USE IN OPEN AREAS: 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 Section 6.0 of Rule 8011, incorporated herein by reference, shall be used to determine compliance with this rule.

6.2 Recordkeeping

An owner/operator shall comply with the recordkeeping requirements specified in Section 6.0 of Rule 8011, incorporated herein by reference.

7.0 Contingency Provision

Upon 60 days after the issuance of a final determination by EPA that the District has failed to meet any of the following elements for any of the PM2.5 NAAQS: (1) meet any Reasonable Further Progress requirement, (2) meet any quantitative milestone in an approved attainment plan, (3) submit any quantitative milestone report, or (4) attain the applicable PM2.5 National Ambient Air Quality Standard by the applicable attainment date, Section 2.0 of this rule shall apply to any urban open area having 0.5 acres or more, or any rural open area having 1.0 acre or more; and contains at least 1,000 square feet of disturbed surface area.

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