

California Department of Transportation

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March 16, 2022

Mr. George Wu and Mr. Henry Pourzand
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, CA 91765

Subject: Comment Letter – Proposed Rule 403.2, “Fugitive Dust from Large Roadway Projects”

Dear Mr. Wu and Mr. Pourzand:

The California Department of Transportation (Caltrans) is appreciative of our ongoing engagement with the South Coast Air Quality Management District (SCAQMD) concerning proposed rule 403.2. As you know, our collaboration with you led to Caltrans developing pilot project dust control specifications that include many of the requirements of proposed rule 403.2. That collaboration also led to mutually beneficial revisions that have been reflected in the February 18th version of the proposed rule.

On February 23, 2022, Caltrans issued the attached addendum for Contract 08-1M1104, a pilot project located on I-215 in the City of San Bernardino. This addendum reflects our commitment to partner with SCAQMD and to proactively evaluate the effectiveness of enhanced dust control requirements on Caltrans projects. As this project is also located in part within the Air Protection Community (AB 617) community boundary of “San Bernardino, Muscoy,” the addendum also requires the Contractor to use Tier 4 off-road diesel equipment during construction, which will reduce oxides of nitrogen (NOx) and diesel particulate matter (DPM) emissions when compared to the use of lower tiered off-road diesel equipment.

We look forward to continuing engagement with you on pilot projects and Caltrans’ concerns with the proposed rule. We recommend the following modifications to the proposed rule to address concerns:

1. Material Pile (Stockpiling) Prohibition: On-site stockpiling of material, such as aggregate base and reclaimed asphalt pavement, is critical to our GHG reduction efforts. In many urban areas, a 100-foot prohibition from property lines

will require materials, which are usually stockpiled on-site, to be hauled away and later returned to the project site; thereby increasing GHG emissions and increasing diesel emissions in communities located en route to and from off-site stockpiling locations. We suggest control measures that prohibit stockpiles greater than 20 feet in height and requiring a temporary cover or requiring the application of dust suppressants is adequate to control fugitive dust from stockpiles located within 100 feet of a property line. We also have safety concerns related to the placement of stockpiles near the roadway.

2. Cold Central Plant Recycling (CCPR): Caltrans and the Federal Highway Administration (FHWA) have been championing increased use of CCPR to a) reduce greenhouse gas emissions, b) reuse and conserve non-renewable natural resources, c) reduce construction duration and 3) reduce construction cost. As mobile plants associated with CCPR reuse existing pavement material and do not require crushing of large virgin aggregates, we suggest that section "(d) Requirements (1)" be revised to read "Beginning [six (6) months after Date of Adoption] for any Large Roadway Project, no person shall conduct virgin aggregate crushing and grinding operations at a large roadway project within a distance of 100 feet of an area of public exposure or sensitive receptor. Distances shall be measured from the nearest edge of the virgin aggregate crushing and grinding operation for the large roadway project to the closest point of the property line of the nearest sensitive receptor, or location within an area of public exposure that is officially designated for use by the public.
3. Minor Maintenance Exemption: To avoid delays in performing necessary minor maintenance and addressing related safety concerns, we suggest the following minor maintenance activities be exempt from the proposed rule: pothole repair, pavement repair, pavement crack sealing, pavement digouts, concrete slab repair/replacement, shoulder backing repair, sidewalk repair/replacement, curb/dike repair/replacement, sign repair/replacement, guardrail repair/replacement, culvert/pipe repair/replacement, drainage inlet repair/replacement, bridge repair, concrete barrier repair/replacement, slope repair, mowing, trash removal, street sweeping, water pollution control repair/replacement, landscaping repair/replacement, fence repair/replacement, pavement delineation repair/replacement and electrical system repairs.
4. Exemption for projects funded under the following Highway Maintenance (HM) Programs: HM-1 (Pavement) and HM-3 (Bridges). The HM-1 and HM-3 Programs fund short term projects to implement minor repairs and enhance safety of the State Highway System.
5. Signage: The four-foot by eight-foot (4' x 8') signage required by the proposed rule contains excessive lines of information which would be difficult to read at highway speeds, and would be distracting to motorists traveling through the project location causing potential safety concerns. Due to sound walls and

other lateral clearance limitations, placement of such large signage along the right of way will not be feasible in many areas. In addition, placement of signs on any public roadway must conform to the California Manual on Uniform Traffic Control Devices (CA-MUTCD) as governed by federal regulation (23 CFR 655) and State statutes (Section 21400, California Vehicle Code). We suggest addressing public outreach as indicated in the attached pilot project specifications.

6. Large Roadway: Based upon our recent discussions, we understand that the proposed rule will be further revised in April 2022, so that the rule will only apply to Class 1 (Interstates) and Class 2 (Freeway or Expressway) functional classification roadways rather than portions of roadways with an annual daily average number of vehicle trips in excess of 100,000. As we don't favor eliminating traffic volumes in the applicability of the proposed rule, we suggest the definition retain the traffic volume threshold included in the February 18 version of the proposed rule by revising the rule as follows, "LARGE ROADWAY means any portion of a Class 1 (Interstate) or Class 2 (Freeway or Expressway) functional classification roadway with an annual average daily traffic (AADT) in excess of 100,000 based on the most recent (AADT) data available at the following Caltrans' website:

<https://dot.ca.gov/programs/traffic-operations/census>."

We look forward to partnering with the SCAQMD on the enhanced dust control pilot projects that Caltrans has proactively implemented and jointly evaluating prudent strategies to address fugitive dust concerns. We respectfully request the proposed rulemaking be delayed for a few months to allow Caltrans and SCAQMD to evaluate the outcomes of the pilot projects. We thank you for the opportunity to provide these comments and look forward to ongoing engagement to address fugitive dust. If you have any questions, please do not hesitate to contact Shaila Chowdhury, Chief Environmental Engineer at (916) 275-2948 or Scott Fredrickson at (916) 275-2926.

Sincerely,



Ramon L. Hopkins, P.E.
(Acting) Chief, Division of Environmental Analysis

Attachment: Addendum No. 1 for Contract 08-1M1104