

Technical Support Document
for
EPA's Notice of Proposed Rulemaking
on Revisions to the
California State Implementation Plan

as submitted by the State of California,
for the Imperial County Air Pollution Control District

EPA's Analysis of
Imperial County Air Pollution Control District's
Regulation VIII - Fugitive Dust; Rules 800, 804, 805 and 806

United States Environmental Protection Agency, Region IX
Air Division

December 2012

Rule Identification

Agency:	Imperial County Air Pollution Control District (ICAPCD)	
Rule Numbers and Titles:	Rule 800	General Requirements for Control of Fine Particulate Matter (PM10)
	Rule 804	Open Areas
	Rule 805	Paved and Unpaved Areas
	Rule 806	Conservation Management Practices (CMPs)
Versions Currently SIP Approved:	Adopted	November 8, 2005
	Submitted	June 16, 2006
	EPA Approved	July 8, 2010 (75 FR 39366)
Versions Addressed by this TSD:	Revised	October 16, 2012
	Submitted	November 7, 2012
	Found Complete	November 21, 2012

Background

Inhalable particulate matter (PM₁₀) contributes to effects that are harmful to human health and the environment, including premature mortality, aggravation of respiratory and cardiovascular disease, decreased lung function, visibility impairment, and damage to vegetation and ecosystems. Upon enactment of the 1990 Clean Air Act (CAA) amendments, Imperial County was classified as moderate nonattainment for the PM₁₀ national ambient air quality standard (NAAQS) under CAA sections 107(d)(4)(B) and 188(a). By November 15, 1991, such areas were required to develop and submit State Implementation Plan (SIP) revisions providing for, among other things, implementation of reasonably available control measures (RACM).

Partly to address the RACM requirement, ICAPCD adopted local Regulation VIII rules to control PM₁₀ from sources of fugitive dust on October 10, 1994, and revised them on November 25, 1996. EPA did not act on these versions of the rules with respect to the federally enforceable SIP.

On August 11, 2004, EPA reclassified Imperial County as serious nonattainment for PM₁₀. As a result, CAA section 189(b)(1)(B) required all best available control measures (BACM) to be implemented in the area within four years of the effective date of the reclassification, i.e., by September 10, 2008.

On November 8, 2005, partly to address the BACM requirement, ICAPCD revised the Regulation VIII rules to strengthen fugitive dust requirements.

On July 8, 2010, EPA finalized a limited approval of the 2005 version of Regulation VIII, finding that the seven Regulation VIII rules largely fulfilled the relevant CAA requirements. Simultaneously, EPA also finalized a limited disapproval of several of the rules, identifying specific deficiencies that needed to be addressed to fully demonstrate compliance with CAA requirements regarding BACM and enforceability.¹

In September 2010, ICAPCD and the California Department of Parks and Recreation (DPR) filed petitions with the Ninth Circuit Federal Court of Appeals for review of EPA's limited disapproval of the rules. After hearing oral argument on February 15, 2012, the Ninth Circuit directed the parties to consider mediation before rendering a decision on the litigation. On July 27, 2012, ICAPCD, DPR and EPA reached agreement on a resolution to the dispute which included a set of specific revisions to Regulation VIII.² These revisions are reflected in the version of Regulation VIII adopted by ICAPCD on October 16, 2012 and addressed by this technical support document (TSD) to EPA's associated SIP action.

Regulation VIII Summary

ICAPCD's Regulation VIII consists of seven interrelated rules designed to limit emissions of PM₁₀ from anthropogenic fugitive dust sources in Imperial County.

Rule 800, General Requirements for Control of Fine Particulate Matter, provides definitions, a compliance schedule, exemptions and other requirements generally applicable to all seven rules. It requires the U.S. Bureau of Land Management (BLM), U.S. Border Patrol (BP) and DPR to submit dust control plans (DCP) to mitigate fugitive dust from areas and/or activities under their control. Appendices A and B describe methods for determining compliance with opacity and surface stabilization requirements in Rules 801 through 806.

Rule 801, Construction and Earthmoving Activities, establishes a 20% opacity limit and control requirements for construction and earthmoving activities. Affected sources must submit a DCP and comply with other portions of Regulation VIII regarding bulk materials, carry-out and track-out, and paved and unpaved roads. The rule exempts single family homes and waives the 20% opacity limit in winds over 25 mph under

1 "Revisions to the California State Implementation Plan, Imperial County Air Pollution Control District; Final Rule," 75 FR 39366 (July 8, 2010).

2 Settlement agreement signed by Michael Kelley (ICAPCD, July 17, 2012), Janelle Beland (California Department of Parks and Recreation, July 25, 2012), and Christina Richmond (U.S. Department of Justice, July 27, 2012).

certain conditions.

Rule 802, Bulk Materials, establishes a 20% opacity limit and other requirements to control dust from bulk material handling, storage, transport and hauling.

Rule 803, Carry-Out and Track-Out, establishes requirements to prevent and clean-up mud and dirt transported onto paved roads from unpaved roads and areas.

Rule 804, Open Areas, establishes a 20% opacity limit and requires land owners to prevent vehicular trespass and stabilize disturbed soil on open areas larger than 0.5 acres in urban areas, and larger than three acres in rural areas. Agricultural operations are exempted.

Rule 805, Paved and Unpaved Roads, establishes a 20% opacity limit and control requirements for unpaved haul and access roads, canal roads and traffic areas that meet certain size or traffic thresholds. It also prohibits construction of new unpaved roads in certain circumstances. Single-family residences and agricultural operations are exempted.

Rule 806, Conservation Management Practices, requires agricultural operation sites greater than 40 acres to implement at least one conservation management practice (CMP) for each of several activities that often generate dust at agricultural operations. In addition, agricultural operation sites must prepare a CMP plan describing how they comply with Rule 806, and must make the CMP plan available to the ICAPCD upon request.

Responses to Previous EPA Action on Regulation VIII

Our July 8, 2010 final action found that the previous version of Regulation VIII largely fulfilled the relevant CAA requirements, except for several specific deficiencies that required correction. A summary of these deficiencies and how they are addressed by California's November 7, 2012 SIP submittal is provided below.³

Deficiency #1: Recreational Off-Highway Vehicle (OHV) Activity - Most OHV emissions in Imperial County are addressed only by DCP requirements in Rule 800 for sources under BLM control. While BLM is required to describe in the DCPs the dust control measures that it intends to implement, BLM is not required to implement any specific BACM-level controls for OHV use. Moreover, ICAPCD has not provided an analysis of BACM for OHV activity, including potential OHV activity in open areas and on unpaved roads and paths that are exempt from the specific requirements and measures in Rules

3 ICAPCD also summarizes how it addressed each deficiency in Appendix B to its staff report associated with adoption of Regulation VIII revisions, October 16, 2012.

804 and 805.

Response #1: ICAPCD adequately addressed this deficiency by clarifying and strengthening requirements related to OHV activity and by developing and submitting an adequate demonstration that the revised Regulation VIII fulfills BACM with respect to OHV.⁴ Relevant rule improvements include:

- New definition of off-road events/competitions (Rule 800.C.26), which are subject to additional requirements (e.g., Rule 800.F.5.c).
- Revised definition of OHV (Rule 800.C.27).
- Expansion to the definitions of open area (Rule 800.C.29) and recreational OHV use area (Rule 800.C.34), which are subject to requirements elsewhere in Regulation VIII.
- Addition of DPR as a regulated entity subject to OHV requirements (e.g., Rule 800.D.3 and F.5).
- Additional requirement to address any comments on draft DCPs from CARB or EPA (Rule 800.D.3.c).
- Additional reporting requirements regarding OHV use and dust controls (Rule 800.F.5.b and F.5.d).
- Addition of 20% opacity and surface stabilization requirements for certain roads and traffic areas associated with OHV events/competitions (Rule 800.F.5.c).
- Restriction on OHV events/competitions from June 15 to August 15 (Rule 800.F.5.g).
- Additional novel requirements for proposed new OHV areas (Rule 800.F.7).

The 2012 OHV BACM analysis is consistent with EPA's four-step process⁵ for identifying BACM by:

- Developing a detailed emissions inventory of PM₁₀ sources. ICAPCD's 2009 PM₁₀ SIP provided detailed PM₁₀ inventories.⁶ Section 2 of ICAPCD's 2012 OHV BACM analysis summarizes and clarifies the previous inventories with respect to both windblown and entrained (both during OHV events and on other days) OHV emissions. Windblown emissions from open areas is the largest PM₁₀ source in Imperial County, estimated at 157 tons/day. Of that, 8.8 tons/day is estimated from State and federal land where OHV activity is not restricted. Private land and entrained OHV emissions from public land are estimated to contribute much smaller emissions.
- Evaluating the impact of various sources on PM₁₀ concentrations to determine which are significant. Section 2 of ICAPCD's 2012 OHV BACM analysis

4 "Off-Highway Vehicle BACM Analysis," Appendix C to ICAPCD Regulation VIII staff report, Environ, October 2012.

5 59 FR 42010-42014 (August 16, 1994).

6 "2009 Imperial County State Implementation Plan for Particulate Matter Less Than 10 Microns in Aerodynamic Diameter, Final," adopted by ICAPCD Governing Board on August 11, 2009, (2009 PM₁₀ SIP), Appendix III.A and III.B.

summarizes ICAPCD's argument that OHV emissions are only significant during exceptional wind events that ICAPCD is not required to control as BACM. EPA's July 8, 2010 final action, however, determined that OHV emissions are significant sources requiring BACM.⁷ While ICAPCD disagrees with this conclusion, the remainder of the 2012 OHV BACM analysis demonstrates that BACM is now implemented for OHV activity in the County.

- Identifying potential BACM for significant source categories and evaluating their reasonableness considering technological feasibility, costs, energy and environmental impacts. Sections 3, 4 and 5 of ICAPCD's 2012 OHV BACM analysis identifies and evaluates potential BACM control measures for OHV activity in Imperial County. This includes analysis of various potential control strategies (e.g., require use permits, restrict OHV times and restrict OHV locations) as well as specific requirements adopted in other areas (primarily Maricopa and Clark counties).
- Providing for the implementation of BACM or providing a reasoned justification for rejecting any potential BACM. Sections 3 and 4 of ICAPCD's 2012 OHV BACM analysis describe those measures implemented as BACM in Imperial County and provide a reasoned justification for rejecting other measures. Implemented controls include restrictions on new and existing areas available for OHV activity, restrictions on times available for OHV activity, OHV use permits, and requirements for dust mitigation measures for operators of areas available for OHV activity.

Deficiency #2: Definition of "Disturbed Surface" - The term "disturbed surface area" is used in several Regulation VIII rules but is never defined. For example, Rule 804 applies to a source category for which BACM is required and relies on the undefined term to describe rule applicability in Rule 804.B.

Response #2: ICAPCD added a clear definition of disturbed surface area (Rule 800.C.15), which is similar to the analogous definition in San Joaquin Valley Air Pollution Control District's (SJVAPCD) Rule 8011.

Deficiency #3: Schedule for Stabilizing County Unpaved Roads - While CAA section 189(b)(1)(B) requires ICAPCD to implement BACM by 2008, Rule 805.E.7 allows the County until 2015 to stabilize heavily-travelled unpaved roads. This schedule is inconsistent with the statutory requirement and ICAPCD has not provided adequate evidence that this schedule is as expeditious as practicable, based upon economic feasibility or any other appropriate consideration. In addition, Rule 805.E.7's requirement to stabilize all non-exempt unpaved County roads is not adequately enforceable as currently structured because it is not clear that the County is required to implement (and not just submit) a stabilization plan, stabilize different unpaved roads each year and maintain all stabilized roads.

7 See, e.g., 75 FR 39369 (July 8, 2010).

Response #3: The Imperial County Department of Public Works (ICDPW) has primary responsibility for stabilizing public unpaved roads in the County. ICDPW has verified that the maximum funds are obligated to paving and road dust mitigation efforts in light of other County obligations.⁸ This verification, along with related documentation supporting ICAPCD's 2006 submittal of Regulation VIII,⁹ adequately demonstrates that the Rule 805.E.7 schedule is as expeditious as practicable. In addition, revisions to Rule 805.E.7.b and E.7.c adequately address the enforceability concerns by explicitly requiring plan compliance, stabilization of different roads each year and maintenance of all stabilized roads.

Deficiency #4: High-Traffic Agricultural Roads - Rule 805.D.2 exempts agricultural roads and traffic areas from the opacity and stabilization requirements applicable to non-agricultural operation sites. Farm roads and traffic areas are only required to implement a conservation management practice (CMP) from the menus for unpaved roads and traffic areas in Rule 806 in contrast to analogous rules in other geographical areas.

Response #4: While ICAPCD retained the general agricultural exemption in Rule 805.D.2, it adequately addressed this issue by adding requirements for high-traffic unpaved agricultural roads and traffic areas to meet opacity and stabilization requirements in Rule 806.D.2 and D.3, in addition to the existing CMP requirements. For example, unpaved roads and traffic areas with more than fifty vehicle daily trips must meet 20% opacity requirements.

Deficiency #5: Specificity of Agricultural Unpaved Road CMPs - Rule 806.E.3 and E.4 list CMPs intended to control emissions from agricultural unpaved roads and traffic areas, but these measures are broadly defined and there is no other mechanism in the rule to ensure specificity. The absence of sufficiently defined requirements makes it difficult for regulated parties to understand and comply with the requirements, and makes it difficult for ICAPCD or others to verify compliance and to enforce the requirements if necessary. The lack of specificity similarly renders it difficult to assess whether the measures constitute BACM level controls.

Response #5: ICAPCD adequately addressed this deficiency by extensively clarifying and strengthening numerous CMP definitions and related text in Rule 806. Other areas (e.g., SJVAPCD Rule 8081) ensure sufficient specificity by requiring a CMP application and review process. ICAPCD has avoided the need for this by incorporating sufficient clarity and specificity directly into the CMP definitions and requirements so that CMP

8 Letter from William Brunet, ICDPW, to Brad Poiriez, ICAPCD, May 11, 2012, included in the attachment to the Staff Report in the November 7, 2012 SIP submittal for Regulation VIII as part of ICAPCD's response to comment letter four from Comite Civico Del Valle.

9 See, for example, 2009 PM₁₀ SIP, pg 4-8 and Table IV.C-1, Appendix IV.C-1, pg. IV.C-1.

implementation and enforceability at a BACM level is clear to all parties. For example, the definition of track-out control in Rule 806.C.51 was revised from:

“Minimize any and all material that adheres to and agglomerates on all vehicle and equipment from unpaved roads and falls onto a paved public road or the paved shoulder of a paved public road.”

Additional new text is:

“Install one of the following devices: a grizzly, a gravel pad or a wheelwash system at all intersections of unpaved roads and public roads.”

Deficiency #6: Border Patrol Roads - Rule 800.F.6.c exempts roads owned or operated by BP from Rule 805 requirements that are *“inconsistent with BP authority and/or mission.”* It is not clear what this exemption is intended to address, or how it would be implemented and enforced in order to meet BACM requirements.

Response #6: ICAPCD adequately addressed this by removing the exemption of Rule 800.F.6.c.

Deficiency #7: Specificity of Agricultural Tilling and Harvesting CMPs - Rule 806.E.1 and E.2 list CMPs intended to control emissions from agricultural land preparation and cultivation, and harvest activities, but these measures are broadly defined and there is no other mechanism in the rule to ensure specificity. The absence of sufficiently defined requirements makes it difficult for regulated parties to understand and comply with the requirements, and makes it difficult for ICAPCD or others to verify compliance and to enforce the requirements if necessary. The lack of specificity similarly renders it difficult to assess whether the measures constitute BACM level controls.

Response #7: ICAPCD adequately addressed this deficiency by extensively clarifying and strengthening numerous CMP definitions and related text in Rule 806. Other areas (e.g., SJVAPCD Rule 4550) ensure sufficient specificity by requiring a CMP application and review process. ICAPCD has avoided the need for this by incorporating sufficient clarity and specificity directly into the CMP definitions and requirements so that CMP implementation and enforceability at a BACM level is clear to all parties. For example, the definition of mulching in Rule 806.C.30 was revised from:

“Applying or leaving plant residue or other material to soil surface. It reduces entrainment of PM due to winds as well as reduces weed competition thereby reducing tillage passes and compaction.”

The new text reads:

“Reducing PM10 emissions and wind erosion and preserving soil moisture by uniformly applying a protective layer of plant residue or other material to a soil surface prior to disturbing the site to reduce soil movement. Mulching material shall be evenly applied, and if necessary, anchored to the soil. Mulch should achieve a minimum 70% cover, and a minimum of 2 inch height above the surface. Inorganic material used for mulching should consist of pieces of .75 to 2 inches in diameter.”

Deficiency #8: Additional CMP Requirements - Rule 806.E requires one CMP from the “land preparation and cultivation” category and one CMP from the “harvesting” category, while rules in other geographic areas have more stringent requirements.

Response #8: ICAPCD adequately addressed this by adding CMP requirements for “Cropland-others,” in Rule 806.E.5 (similar to SJVAPCD) and windblown dust control in Rule 806.E.6 (including measures similar to South Coast Air Quality Management District, SCAQMD).

Deficiency #9: Windblown Dust - Windblown dust from non-pasture agricultural lands is a significant source of PM₁₀ that requires BACM independent of agricultural tilling. The CMPs in Rule 806.E, however, mainly control emissions by reducing the number of vehicle passes across fields, and sources are not required to select BACM level practices for controlling windblown dust from active or fallow agricultural fields.

Response #9: ICAPCD adequately addressed this by adding CMP requirements for windblown dust control in Rule 806.E.6, including measures similar to those in SCAQMD’s Rule 403 Agricultural Handbook.

Deficiency #10: Bulk Material Stabilization Discretion - Rule 802.D.1 allows ICAPCD to set aside controls that might be used instead of water to stabilize surfaces of bulk materials. This discretion allows ICAPCD to approve alternatives to the applicable SIP without following the SIP revision process described in CAA section 110. Moreover, ICAPCD has not demonstrated why such discretion is needed for measures such as covering, enclosing or sheltering material piles.

Response #10: As discussed in our July 2010 final action,¹⁰ our limited disapproval with respect to this deficiency in Rule 802.D.1 did not trigger CAA sanctions or Federal Implementation Plan (FIP) obligations because Rule 802 does not address a source category identified as significant and thus requiring BACM. Because of this and because ICAPCD did not agree that this was a rule deficiency, ICAPCD did not revise Rule 802 in October 2012, and we are not reevaluating Rule 802 in this TSD.

Additional Rule Revisions – ICAPCD made several additional rule improvements in October 2012 that did not directly respond to the specific rule deficiencies listed above. These include:

- Clarification that unpaved roads, parking lots and other activities are not exempted as military tactical training in Rule 800.E.6.
- Incentive for selecting the conservation tillage CMP in Rule 806.D.1.

¹⁰ 75 FR 29388, (July 8, 2010).

Evaluation Criteria - The following criteria were used to evaluate the submitted rules.

Enforceability - The Bluebook¹¹ and the Little Bluebook¹² were used to help evaluate compliance with the CAA section 110(a)(2)(A) requirement for enforceability.

Stringency – As discussed above, these rules must implement BACM pursuant to CAA section 189(b)(1)(B). We have defined BACM to be, among other things, the maximum degree of emission reduction achievable from a source category which is determined on a case-by-case basis considering energy, economic, environmental impacts and other costs.¹³ When a moderate area is reclassified to serious, the requirement to implement RACM in CAA section 189(a)(1)(C) remains. However, EPA does not ordinarily conduct a separate evaluation to determine whether measures for significant sources in a serious area also meet the RACM requirements. This is because in our serious area guidance, we interpret the BACM requirement as generally subsuming the RACM requirement (i.e., if we determine that the measures are indeed the "best available," we have necessarily concluded that they are "reasonably available").¹⁴

SIP Relaxation and Non-Interference - CAA section 110(l) prohibits EPA from approving any SIP revision that would interfere with any applicable requirement concerning attainment and reasonable further progress (RFP) or any other applicable requirement of the CAA. In addition, CAA section 193 prohibits the modification of any SIP-approved control requirement in effect before November 15, 1990, in a nonattainment area.

EPA Evaluation – Our July 2010 SIP approval was based on our analysis and conclusions that the 2006 submittal of Regulation VIII fulfilled the same three evaluation criteria of enforceability, stringency and SIP relaxation, except for the specified rule deficiencies. As discussed above, the 2012 submittal of revised versions of ICAPCD Rules 800, 804, 805 and 806 adequately address all the deficiencies we previously identified except for deficiency #10 regarding Rule 802, and revisions to Rule 802 are not required. We have no information causing us to change our analysis of the three evaluation criteria. In summary:

Enforceability - The rule requirements and applicability are clear, and the monitoring, recordkeeping, reporting and other provisions sufficiently ensure that affected sources

11 "Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations," EPA, May 25, 1988.

12 "Guidance Document for Correcting Common VOC & Other Rule Deficiencies," EPA Region 9, August 21, 2001.

13 "State Implementation Plans for Serious PM-10 Nonattainment Areas, and Attainment Date Waivers for PM-10 Nonattainment Areas Generally; Addendum to the General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990," 59 FR 41998, 42010 (August 16, 1994).

14 59 FR 42013-42014. See also "State Implementation Plans; General Preamble for the Implementation of Title 1 of the Clean Air Act Amendments of 1990," 57 FR 13498, 13540-13541 (April 16, 1992).

and regulators can evaluate and determine compliance with Rules 800, 804, 805 and 806 consistently.

Stringency – ICAPCD has adequately demonstrated that Rules 800, 804, 805 and 806 fulfil CAA section 189(b) requirements for BACM taking into consideration existing policy and guidance, analogous rules adopted in other areas, and analysis of technological and economic availability of controls.

SIP Relaxation and Non-Interference - We propose to determine that our approval of the submittal would comply with CAA sections 110(l) and 193 because (1) the proposed SIP revision would not interfere with the on-going process for ensuring that requirements for RFP and attainment of the NAAQS are met, and (2) the requirements in the submitted rule are more stringent than the existing SIP-approved control requirements that they would replace.

Relation to Exceptional Events – EPA’s July 2010 final action on Regulation VIII also took final agency action on requests by California to exclude several PM₁₀ NAAQS exceedances in Imperial County for regulatory purposes under EPA’s exceptional events rule.¹⁵ EPA’s preliminary view is that the Regulation VIII rules as revised in October 2012 constitute reasonable control of the sources covered by Regulation VIII for the purpose of evaluating whether an exceedance of the PM₁₀ NAAQS is an exceptional event pursuant to the exceptional events rule, including reasonable and appropriate control measures on significant contributing anthropogenic sources. This statement does not extend to exceedances of NAAQS other than the PM₁₀ NAAQS, or to events that differ significantly in terms of meteorology, sources, or conditions from the events that are at issue in EPA’s July 2010 final action and the associated litigation.

Additional Recommendations for the Next Rule Revision – The TSD supporting EPA’s proposed action in 2010 recommended several additional rule improvements which were not required to fulfil BACM or other CAA requirements.¹⁶ Several, for example, recommended improvements to Regulation VIII rules which do not address source categories identified as significant and thus requiring BACM. ICAPCD considered these recommendations while revising Regulation VIII in October 2012. Several of the recommended rule improvements are reflected in the 2012 rule revisions. While the remaining rule improvements are still not required, we continue to recommend that ICAPCD consider them further the next time Regulation VIII is

15 40 CFR 50.1(j) and 50.14.

16 “Technical Support Document for EPA’s Notice of Proposed Rulemaking on Revisions to the California State Implementation Plan as Submitted by the State of California, for the Imperial County Air Pollution Control District; EPA’s Analysis of Imperial County Air Pollution Control District’s Regulation VIII – Fugitive Dust Rules 800-806,” US EPA, Region IX Air Division, February 2010, page 11 – 12.

amended.

EPA Action - Revised ICAPCD Rules 800, 804, 805 and 806 as submitted in October 2012 strengthen the SIP, adequately address all previously identified rule deficiencies, and fulfil all relevant CAA section 110 and part D requirements. Therefore, EPA staff recommends full approval of these rules pursuant to CAA sections 110(k)(3) and 301(a). If finalized as proposed, this action would permanently terminate all CAA sanction and FIP implications associated with our July 2010 final limited disapproval of a previous version of these rules. The versions of ICAPCD Rules 801, 802 and 803 that were adopted locally in 2005 and approved by EPA into the federally enforceable SIP in 2010 would not be affected by this action.

Partial List of References

1. ICAPCD Rules 800, 801, 802, 803, 804, 805 and 806, as amended November 8, 2005 and submitted to EPA on June 16, 2006.
2. Letter regarding completeness from Deborah Jordan (EPA) to James Goldstene (CARB), November 21, 2012.
3. Revisions to the California State Implementation Plan, Imperial County Air Pollution Control District; Final Rule, 75 FR 39366, July 8, 2010.
4. ICAPCD Rules 800, 804, 805 and 806, as amended October 16, 2012 and submitted to EPA on November 7, 2012.
5. Settlement agreement signed by Michael Kelley (ICAPCD, July 17, 2012), Janelle Beland (California Department of Parks and Recreation, July 25, 2012), and Christina Richmond (U.S. Department of Justice, July 27, 2012).
6. "Staff Report; BACM Amendments to Regulation VIII, Fugitive Dust Rules," ICAPCD, October 16, 2012.
 - a. "Regulation VIII Amendments to Address EPA's Cited Deficiencies in 75 FR 8008; February 23, 2013 (sic)," ICAPCD, Appendix B to October 16, 2012 staff report.
 - b. "Off-Highway Vehicle (OHV) Area Best Available Control Measures (BACM) Assessment, ENVIRON, October 2012, Appendix C to October 16, 2012 staff report.
 - c. Letter from William Brunet, ICDPW, to Brad Poiriez, ICAPCD, May 11, 2012, included in ICAPCD's response to comment letter four from Comite Civico Del Valle, Attachment to October 16, 2012 staff report.
7. "State Implementation Plans for Serious PM-10 Nonattainment Areas, and Attainment Date Waivers for PM-10 Nonattainment Areas Generally; Addendum to the General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990," 59 FR 42010-42014, August 16, 1994.
8. "2009 Imperial County State Implementation Plan for Particulate Matter Less Than 10 Microns in Aerodynamic Diameter, Final," adopted by ICAPCD Governing Board on August 11, 2009, (2009 PM₁₀ SIP).

9. "Regulation VIII, Fugitive PM10 Prohibitions," SJVAPCD, adopted August 19 and September 16, 2004.
10. "Rule 4550, Conservation Management Practices," SJVAPCD, August 19, 2004.
11. "Rule 403, Fugitive Dust," SCAQMD, June 3, 2005.
12. "Rule 310.01, Fugitive Dust from Non-Traditional Sources of Fugitive Dust," MCAQD, January 27, 2010.
13. "Section 90, Fugitive Dust from Open Areas and Vacant Lots" (July 1, 2004); "Section 91, Fugitive Dust from Unpaved Roads, Unpaved Alleys, and Unpaved Easement Roads" (July 1, 2004); "Section 92, Fugitive Dust from Unpaved Parking Lots and Storage Areas" (August 2, 2011); "Section 93, Fugitive Dust from Paved Roads and Street Sweeping Equipment" (July 1, 2004); "Section 94, Permitting and Dust Control for Construction Activities" (July 1, 2004); CCDAQEM.
14. "Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations," (a.k.a., Bluebook) EPA OAQPS, May 25, 1988, (http://www.epa.gov/ttn/naaqs/ozone/ozonetech/voc_bluebook.pdf).
15. "Guidance Document for Correcting Common VOC & Other Rule Deficiencies," (a.k.a., Little Bluebook), EPA Region 9, August 21, 2001, (<http://www.epa.gov/region09/air/sips/littlebluebook2001.pdf>).
16. "State Implementation Plans; General Preamble for the Implementation of Title 1 of the Clean Air Act Amendments of 1990," 57 FR 13498, 13540-13541 (April 16, 1992).
17. "Technical Support Document for EPA's Notice of Proposed Rulemaking on Revisions to the California State Implementation Plan as submitted by the State of California for the Imperial County Air Pollution Control District; EPA's Analysis of Imperial County Air Pollution Control District's Regulation VIII - Fugitive Dust Rules 800-806," U.S. EPA, Region IX Air Division, February 2010 (EPA 2010 TSD).
18. "Rule 403 – Fugitive Dust," SCAQMD, June 3, 2005.
19. "Rule 403 Agricultural Handbook – Measures to Reduce Dust from Agricultural Operations in the South Coast Air Basin," SCAQMD, December 1998.
20. "Rule 4550 – Conservation Management Practices," SJVAPCD, August 19, 2004.
21. "Rule 8011 – General Requirements," SJVAPCD, August 19, 2004.
22. "Rule 8081 – Agricultural Sources," SJVAPCD, September 16, 2004.