



Air Pollution Control District  
San Luis Obispo County

April 12, 2016

Whitney McIlvaine  
City of Morro Bay  
955 Shasta Avenue  
Morro Bay, CA 93442

SUBJECT: APCD Comments Regarding the Rhine, L.P. / Morro 94, LLC Fuel Tank  
Demolition Project Referral (CP0-500 and UP0-440)

Dear Ms. McIlvaine:

Thank you for including the San Luis Obispo County Air Pollution Control District (APCD) in the environmental review process. We have completed our review of the proposed project located at 3300 Panorama Drive in Morro Bay. The project as proposed involves demolition of two (2) empty fuel tanks and one (1) water tank along with associated pumps and structures that were used by the Navy to store and transport jet fuel. *The following are APCD comments that are pertinent to this project.*

GENERAL COMMENTS

As a commenting agency in the California Environmental Quality Act (CEQA) review process for a project, the APCD assesses air pollution impacts from both the construction and operational phases of a project, with separate significant thresholds for each. **Please address the action items contained in this letter that are highlighted by bold and underlined text.**

**DEMOLITION/CONSTRUCTION PHASE IMPACTS - Below Threshold**

The APCD evaluated the demolition/construction impacts of this project using the most recent CalEEMod computer model for estimating construction emissions related to the development of land uses. The modeling results indicate that the demolition/construction phase impacts will likely be less than the APCD's significance threshold values identified in Table 2-1 of the CEQA Air Quality Handbook (available at the APCD web site: [www.slocleanair.org](http://www.slocleanair.org)). **Therefore, with the exception of the requirements below, the APCD is not requiring other demolition/construction phase mitigation measures for this project.**

Demolition/Construction Permit Requirements

Based on the information provided, we are unsure of the types of equipment that may be present and operations that may occur during the project's demolition/construction phase. Portable equipment, 50 horsepower (hp) or greater, may require California

statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit. Certain operations, such as degassing and cleaning of petroleum storage tanks, may also require an APCD permit. **To minimize potential delays, prior to the start of the project, please contact the APCD Engineering Division at (805) 781-5912 for specific information regarding permitting requirements.**

#### Petroleum Storage Tank Removal and Degassing

The Certified Unified Program Agency (CUPA) should be contacted prior to removal or degassing of fuel storage tanks. The San Luis Obispo County Environmental Health Division of the Public Health Department is the CUPA for most locations in San Luis Obispo County. You may contact Environmental Health Services at (805) 781-5544 for more information. Degassing and cleaning of fuel storage tanks must be done under an APCD permit for tank degassing and cleaning equipment. The removal of the liquid product, sludge, and vapor components must be performed in a safe, controlled fashion in order to avoid nuisance odors and the uncontrolled release of gaseous hydrocarbons. Vacuum trucks or pumps used to remove sludge and/or hydrocarbon containing materials must be vented to a District permitted control system to prevent odors and hydrocarbon emissions. **For more information concerning permit requirements, please contact the Engineering Division at (805) 781-5912.**

#### APCD Permitting of Hydrocarbon Contaminated Soil Processes

**If any soil on this site will be disturbed, this project will require an APCD permit to address proper management of the hydrocarbon contaminated soil prior to the start of any earthwork. This permit will include conditions to minimize emissions from any excavation, disposal or related process. To the extent feasible, the applicant must contact the APCD Engineering Division at 781-5912 at least 120 days before the start of excavation to begin the permitting process. In addition, the air quality impacts from the excavation and haul trips associated with removing the contaminated soil must be evaluated and mitigated if total emissions exceed the APCD's construction phase thresholds.**

#### Naturally Occurring Asbestos

Naturally occurring asbestos (NOA) has been identified by the state Air Resources Board as a toxic air contaminant. Serpentine and ultramafic rocks are very common throughout California and may contain naturally occurring asbestos. The SLO County APCD has identified areas throughout the County where NOA may be present (see the APCD's 2012 CEQA Handbook, Technical Appendix 4.4). This site is located in a candidate area for Naturally Occurring Asbestos (NOA). If any grading activities will be taking place, the following requirements will apply. Under the ARB Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations (93105), **prior to any grading or construction activities at the site, the project proponent shall ensure that a geologic evaluation is conducted to determine if the area disturbed is exempt from the regulation. An exemption request must be filed with the APCD.** If the site is not exempt from the requirements of the regulation, the applicant must comply with all requirements outlined in the Asbestos ATCM. This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD. More information on NOA can be found at [slocleanair.org/business/asbestos.php](http://slocleanair.org/business/asbestos.php).

#### Demolition/Asbestos

Demolition activities can have potential negative air quality impacts, including issues surrounding proper handling, abatement, and disposal of asbestos containing material (ACM). ACM could be encountered during the demolition or remodeling of existing structures or the disturbance, demolition, or relocation of above or below ground utility pipes/pipelines (e.g., transite pipes or insulation on pipes). **This project will include these activities and may be subject to various regulatory jurisdictions, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M - asbestos NESHAP).** These requirements include, but are not limited to: 1) written notification, within at least 10 business days of activities commencing, to the APCD, 2) asbestos survey conducted by a Certified Asbestos Consultant, and, 3) applicable removal and disposal requirements of identified ACM. Please contact the APCD Enforcement Division at (805) 781-5912 and also go to [slocleanair.org/business/asbestos.php](http://slocleanair.org/business/asbestos.php) for further information. To obtain a Notification of Demolition and Renovation form go to the "Other Forms" section of: [slocleanair.org/business/onlineforms.php](http://slocleanair.org/business/onlineforms.php).

#### Dust Control Measures

Demolition and construction activities can generate fugitive dust, which could be a nuisance to local residents and businesses in close proximity to the proposed construction site. **Projects with grading areas that are within 1,000 feet of any sensitive receptor (residences to the northwest, west and south) shall implement the following mitigation measures to manage fugitive dust emissions such that they do not exceed the APCD's 20% opacity limit (APCD Rule 401) or prompt nuisance violations (APCD Rule 402).**

- a. Reduce the amount of the disturbed area where possible;
- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the APCD's limit of 20% opacity for greater than 3 minutes in any 60 minute period. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible. **Please note that since water use is a concern due to drought conditions, the contractor or builder shall consider the use of an APCD-approved dust suppressant where feasible to reduce the amount of water used for dust control.** For a list of suppressants, see Section 4.3 of the CEQA Air Quality Handbook;
- c. All dirt stock pile areas should be sprayed daily and covered with tarps or other dust barriers as needed;
- d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible, following completion of any soil disturbing activities;
- e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established;
- f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
- g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;

- h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
- i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;
- j. To prevent "track out", install and operate a "track-out prevention device" where vehicles enter and exit unpaved roads onto paved streets. "Track-Out" is defined as sand or soil that adheres to and/or agglomerates on the exterior surfaces of motor vehicles and/or equipment (including tires) that may then fall onto any highway or street as described in California Vehicle Code Section 23113 and California Water Code 13304. The "track-out prevention device" can be any device or combination of devices that is effective at preventing track out, located at the point of intersection of an unpaved area and a paved road. Rumble strips or steel plate devices require periodic cleaning to be effective;
- k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers shall be used with reclaimed water used where feasible. Roads shall be pre-wetted prior to sweeping when feasible;
- l. All PM<sub>10</sub> mitigation measures required should be shown on grading and building plans; and,
- m. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints and reduce visible emissions below the APCD's limit of 20% opacity for greater than 3 minutes in any 60 minute period. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition.

#### Construction Phase Idling Limitations

This project is in close proximity to nearby sensitive receptors (residences to the northwest, west and south). Projects that will have diesel powered construction activity in close proximity to any sensitive receptor shall implement the following mitigation measures to ensure that public health benefits are realized by reducing toxic risk from diesel emissions:

**To help reduce sensitive receptor emissions impact of diesel vehicles and equipment used to construct the project, the applicant shall implement the following idling control techniques:**

#### California Diesel Idling Regulations

- a. **On-road diesel vehicles** shall comply with Section 2485 of Title 13 of the California Code of Regulations. This regulation limits idling from diesel-fueled commercial motor vehicles with gross vehicular weight ratings of more than 10,000 pounds and licensed for operation on highways. It applies to California and non-California based vehicles. In general, the regulation specifies that drivers of said vehicles:
  - 1. Shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location, except as noted in Subsection (d) of the regulation; and,
  - 2. Shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 1,000 feet of a restricted area, except as noted in Subsection (d) of the regulation.

- b. **Off-road diesel equipment** shall comply with the 5 minute idling restriction identified in Section 2449(d)(2) of the California Air Resources Board's In-Use off-Road Diesel regulation; and
- c. Signs must be posted in the designated queuing areas and job sites to remind drivers and operators of the state's 5 minute idling limit.

The specific requirements and exceptions in the regulations can be reviewed at the following web sites: [www.arb.ca.gov/msprog/truck-idling/2485.pdf](http://www.arb.ca.gov/msprog/truck-idling/2485.pdf) and [www.arb.ca.gov/msprog/ordiesel/documents/finalregorder-dec2011.pdf](http://www.arb.ca.gov/msprog/ordiesel/documents/finalregorder-dec2011.pdf).

**AND**

Diesel Idling Restrictions Near Sensitive Receptors

In addition to the State required diesel idling requirements, the project applicant shall comply with these more restrictive requirements to minimize impacts to nearby sensitive receptors (residences to the northwest, west and south):

- a. Diesel idling within 1,000 feet of sensitive receptors shall not be permitted;
- b. Use of alternative fueled equipment is recommended; and
- c. Signs that specify the no idling areas must be posted and enforced at the site.

Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, feel free to contact me at (805) 781-5912.

Sincerely,



Vince Kirkhuff  
Air Quality Specialist

VJK/arr

cc: Mr. Dan Thomas  
Gary Willey, Engineering Division Manager, APCD  
Dora Drexler, Compliance Division, APCD  
Tim Fuhs, Compliance Division, APCD  
Tricia Atkins, SLO County Environmental Health Services

Attachments: Naturally Occurring Asbestos – Construction & Grading Project Exemption Request Form, Construction & Grading Project Form