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El Dorado amends some asbestos dust regulations

Other revisions in construction rules are delayed for study.

By Cathy Locke -- Bee Staff Writer

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Citing the need to balance concerns about naturally occurring asbestos and measures that increase construction costs, El Dorado County officials amended some construction-dust rules but called for further study before changing others.

The Board of Supervisors, acting as the board of the El Dorado County Air Quality Management District, agreed to revisions that included eliminating the \$420 fee for geological evaluation reviews of single-family residential projects.

Marcella McTaggart, air pollution control officer, said staff members determined the reviews didn't require enough time to warrant a fee.

Other changes extend the requirement for dust-control plans to get grading permits in incorporated cities and eliminate a provision that allowed multiple projects to be included under a single plan.

Staff members withdrew a proposal to raise the minimum size of projects subject to the rules from 20,000 cubic yards to 50,000 cubic yards of excavation, pending changes in the county's grading ordinance.

The board also postponed action on a staff member's recommendation to allow the use of "regenerative air" street sweepers, which are equipped with a dust-containment system. Rules require the use of sweepers with high-efficiency particulate air filters.

El Dorado Hills resident Chris Anaya asked that the board require evidence that the regenerative-air sweepers are as effective as those with HEPA filters in dealing with naturally occurring asbestos.

McTaggart also updated the board on the district's Be Active Community Outreach Network program, introduced in June to monitor construction-dust problems.

Inspectors responded within 30 minutes to two-thirds of the 96 complaints received since the program was implemented, she said. Of the cases in which response times were not met, some occurred on weekends or were too far from El Dorado Hills, where inspectors are based.

In general, she said, "developers and contractors are sensitive to the new rules and are complying."

In the case of an obvious violation of the rules, a contractor was fined \$5,000, McTaggart said.

She stressed the importance of people reporting dust problems when they see them. An inspector can issue a notice of violation only if he or she observes a plume of dust or if the soil on the site is excessively dry.

McTaggart said the district continues to face several monitoring issues, partly because testing methods are evolving. She specifically cited inconsistencies and differences in soil sampling and analytical methodologies.

In addition, she said, options are lacking for disposing of excavated soil containing high levels of asbestos.

When soil is disposed of off site, the person delivering the soil is supposed to give a written receipt to the recipient and copies are to be maintained by the recipient and the supplier.

"We have not developed a method for tracking that," McTaggart said, adding that monitoring that part of the program will be handled by a geologist. The county is recruiting for the position.

Vicki Summers, an El Dorado Hills resident and self-described "soccer mom," urged the Air Quality Management District staff members to look into dust-control activities at area schools. Summers said she complained to a principal after seeing gardeners with leaf blowers blowing dust from a pile of dirt toward children playing on swings.

McTaggart said schools are not exempt from dust-control rules, regardless of whether they are in an area known to contain naturally occurring asbestos.

Whether caused by leaf blowers, horses or four-wheel-drive vehicles, she said, "if they create enough dust to create a public nuisance, they fall under the public nuisance rules."

Board members said the Air Quality Management District may need to do more to assist schools.

"The county is so far out ahead of what anyone else is doing," Supervisor Jack Sweeney said. "We're going to have to do more education, more handouts to people, to get them to understand what the issues are. If we need to help the schools out with dust rules, we can."

McTaggart said additional amendments will be recommended in coming months.

Board members said they also will schedule a meeting to review and take public comment on the entire dust-control and hazard mitigation program.

About the writer:

- The Bee's Cathy Locke can be reached at (916) 608-7451 or clocke@sacbee.com.

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Phone: (916) 321-1000

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