



Mendocino County

Legislation Text

File #: 21-0815, **Version:** 1

To: Board of Supervisors

From: Transportation

Meeting Date: July 13, 2021

Department Contact: Howard N. Dashiell

Phone: 463-4363

Item Type: Regular Agenda

Time Allocated for Item: 15 Min.

Agenda Title:

Discussion and Possible Action Including Acceptance of Presentation Regarding County Road Dust Suppression Program - Dust-Off (Laytonville Area)
(Sponsor: Transportation)

Recommended Action/Motion:

Accept presentation regarding County Road Dust Suppression Program - Dust-Off (Laytonville Area)

Previous Board/Board Committee Actions:

The Board of Supervisors (BOS) received update as part of the Chief Executive Officer's Report at the BOS meeting of June 22, 2021 (item 5f).

Summary of Request:

Mendocino County Department of Transportation (MCDOT) County Road Dust Suppression Program is suspended this year due to drought and deficit in County Road Fund. The typical annual Dust-Off application is made to 19 miles (5.5%) of the most traveled of the County's total 344 miles of gravel roads at a cost of about \$100k. The Dust-Off Program consists of the application of a magnesium chloride (MgCl₂) based formula mixed with water and applied by water truck. This year water sources are scarce and additional cost to haul water combined with a deficit in County Road Fund has caused MCDOT to suspend County Road Dust Suppression Program for 2021.

An Air District Department of Motor Vehicles (DMV) Fund to apply Dust-Off to County roads for regular operations is not permitted. Pursuant to California Health & Safety Code section 44220(b), the revenues from the fees collected "shall be used solely to reduce air pollution from motor vehicles and for related planning, monitoring, enforcement and technical studies necessary for the implementation of the California Clean Air Act of 1988." The Air District has three legal opinions concluding that funding application of Dust-Off to County roads is not a permitted use of Air District DMV funds.

In general, Section 404 of the Clean Water Act requires permits for the discharge of material into waters of the United States, including wetlands. However, certain activities are exempt from permit requirements such as - construction and maintenance of farm and forest roads, in accordance with best management practices. So the County can keep maintaining our 344 miles of gravel roads under guidelines that prohibit our crews from directly causing discharge of water pollutants -dust from driving is not a direct cause. According to the Federal

Highway Administration in 2012 there were 1,357,430 miles of unpaved public road in the United States, accounting for almost 35% of the more than 4 million miles of roadway in the Nation. Mendocino County has 344 miles divided by 1,016 total County maintained miles or 33.9%, which is about the national average. MCDOT Director estimates that the private road system in Mendocino County is close to 99% unpaved.

Alternative Action/Motion:

Not accept the presentation and provide further direction to staff.

Supervisory District: District 3

vote requirement: Majority

Supplemental Information Available Online At: N/A

Fiscal Details:

source of funding: N/A

current f/y cost: N/A

annual recurring cost: N/A

budget clarification: N/A

budgeted in current f/y: N/A

if no, please describe:

revenue agreement: N/A

Agreement/Resolution/Ordinance Approved by County Counsel: N/A

CEO Liaison: Steve Dunncliff, Deputy CEO

CEO Review: Yes

CEO Comments:

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Executed By: Atlas Pearson, Deputy Clerk I

Date: July 15, 2021

Final Status: No Action Taken

