REGULATION III – CONTROL OF AIR CONTAMINANTS

RULE 310
FUGITIVE DUST FROM DUST-GENERATING OPERATIONS

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MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS
REGULATION III – CONTROL OF AIR CONTAMINANTS

RULE 310
FUGITIVE DUST FROM DUST-GENERATING OPERATIONS

SECTION 100 – GENERAL

101 **PURPOSE:** To limit particulate matter (PM_{10}) emissions into the ambient air from any property, operation or activity that may serve as a fugitive dust source. The effect of this rule shall be to minimize the amount of PM_{10} entrained into the ambient air as a result of the impact of human activities by requiring measures to prevent, reduce, or mitigate particulate matter emissions.

102 **APPLICABILITY:** The provisions of this rule shall apply to all dust-generating operations except for those dust-generating operations listed in Section 103 of this rule.

103 **EXEMPTIONS:**

103.1 The provisions of this rule shall not apply to normal farm cultural practices according to Arizona Revised Statutes (A.R.S.) § 49-457 and A.R.S. § 49-504.4.

103.2 The provisions of this rule shall not apply to the following non-traditional sources of fugitive dust that are located at sources that do not require any permit under these rules. These non-traditional sources of fugitive dust are subject to the standards and/or requirements described in Rule 310.01: Fugitive Dust from Non-Traditional Sources of Fugitive Dust of these rules:

a. Vehicle use in open areas and vacant lots.

b. Open areas and vacant lots.

c. Unpaved parking lots.

d. Unpaved roadways (including alleys).

e. Livestock activities.

f. Erosion-caused deposition of bulk materials onto paved surfaces.

g. Easements, rights-of-way, and access roads for utilities (transmission of electricity, natural gas, oil, water, and gas).

103.3 The provisions of this rule shall not apply to emergency activities that may disturb the soil conducted by any utility or government agency in order to prevent public injury or to restore critical utilities to functional status.

103.4 The provisions of this rule do not apply to the establishment of initial landscapes without the use of mechanized equipment, conducting landscape maintenance without the use of mechanized equipment, and playing on or maintaining a field used for non-motorized sports. However, establishing initial landscapes without the use of mechanized equipment and conducting landscape maintenance without the use of mechanized equipment shall not include grading, or trenching performed to establish initial landscapes or to redesign existing landscapes.

103.5 The provisions of this rule shall not apply to rooftop operations for cutting, drilling, grinding, or coring roofing tile when such activity is occurring on a pitched roof.

SECTION 200 – DEFINITIONS: For the purpose of this rule, the following definitions apply, in addition to those definitions found in Rule 100: General Provisions and Definitions of these rules. In the event of any inconsistency between any of the Maricopa County air pollution control rules, the definitions in this rule take precedence.

201 **AREA A** – As defined in A.R.S. § 49-541(1), the area in Maricopa County delineated as follows:

Township 8 North, Range 2 East and Range 3 East
Township 7 North, Range 2 West through Range 5 East
Township 6 North, Range 5 West through Range 6 East
Township 5 North, Range 5 West through Range 7 East
Township 4 North, Range 5 West through Range 8 East
Township 3 North, Range 5 West through Range 8 East
Township 2 North, Range 5 West through Range 8 East
Township 1 North, Range 5 West through Range 7 East
Township 1 South, Range 5 West through Range 7 East
Township 2 South, Range 5 West through Range 7 East
Township 3 South, Range 5 West through Range 1 East
Township 4 South, Range 5 West through Range 1 East

202 **AREA ACCESSIBLE TO THE PUBLIC** – Any paved parking lot or paved roadway that can be entered or used for public travel primarily for purposes unrelated to the dust-generating operation.

203 **BULK MATERIAL** – Any material, including, but not limited to, the following materials that are capable of producing fugitive dust:

203.1 Earth.
203.2 Rock.
203.3 Silt.
203.4 Sediment.
203.5 Sand.
203.6 Gravel.
203.7 Soil.
203.8 Fill.
203.9 Aggregate less than 2 inches in length or diameter (i.e., aggregate base course [ABC]).
203.10 Dirt.
203.11 Mud.
203.12 Demolition debris.
203.13 Cotton.
203.14 Trash.
203.15 Cinders.
203.16 Pumice.
203.17 Sawdust.
203.18 Feeds.
203.19 Grains.
203.20 Fertilizers.
203.21 Fluff from shredders.
203.22 Dry concrete.

204 **BULK MATERIAL HANDLING, STORAGE, AND/OR TRANSPORTING OPERATION** – The use of equipment, haul trucks, and/or motor vehicles, including, but not limited to, for the following activities that are capable of producing fugitive dust:

204.1 Loading.
204.2 Unloading.
204.3 Conveying.
204.4 Transporting.
204.5 Piling.
204.6 Stacking.
204.7 Screening.
204.8 Grading.
204.9 Moving bulk materials.

205 **CONTROL MEASURE** – A technique, practice, or procedure used to prevent or minimize the generation, emission, entrainment, suspension, and/or airborne transport of fugitive dust. Control measures include, but are not limited to:

205.1 Curbing;
205.2 Paving;
205.3 Pre-watering;
205.4 Applying dust suppressants;
205.5 Physically stabilizing with vegetation, gravel, recrushed/recycled asphalt or other forms of physical stabilization;
205.6 Limiting, restricting, phasing and/or rerouting motor vehicle access;
205.7 Reducing vehicle speeds and/or number of vehicle trips;
205.8 Limiting use of off-road vehicles on open areas and vacant lots;
205.9 Utilizing work practices and/or structural provisions to prevent wind and water erosion onto areas accessible to the public;
205.10 Appropriately using dust control implements;
205.11 Installing one or more grizzlies, gravel pads, and/or wash down pads adjacent to the entrance of an area accessible to the public to control carry-out and trackout;
205.12 Keeping open-bodied haul trucks in good repair, so that spillage may not occur from beds, sidewalls, and tailgates; and
205.13 Covering the cargo beds of haul trucks to minimize wind-blown dust emissions and spillage.

206 **DISTURBED SURFACE AREA** – A portion of the earth's surface or material placed on the earth's surface that has been physically moved, uncovered, destabilized, or otherwise modified from its undisturbed native condition if the potential for the emission of fugitive dust is increased by the movement, destabilization, or modification.

207 **DUST CONTROL IMPLEMENT** – A tool, machine, equipment, accessory, structure, enclosure, cover, material or supply, including an adequate readily available supply of water and its associated distribution/delivery system, used to control fugitive dust emissions.

208 **DUST CONTROL PLAN** – A written plan describing all control measures to be implemented and maintained in order to prevent or minimize the generation, emission, entrainment, suspension, and/or airborne transport of fugitive dust.

209 **DUST-GENERATING OPERATION** – Any activity capable of generating fugitive dust, including, but not limited to, the following activities:

209.1 Land clearing, maintenance, and land clean-up using mechanized equipment.
209.2 Earthmoving.
209.3 Weed abatement by discing or blading.
209.4 Excavating.
209.5 Construction.

209.6 Demolition.
209.7 Bulk material handling (e.g., bulk material hauling and/or transporting, bulk material stacking, loading, and unloading operations).
209.8 Storage and/or transporting operations (e.g., open storage piles).
209.9 Operation of any outdoor equipment.
209.10 Operation of motorized machinery.
209.11 Establishing and/or using staging areas, parking areas, material storage areas, or access routes to and from a site.
209.12 Establishing and/or using unpaved haul/access roads to, from, and within a site.
209.13 Disturbed surface areas associated with a site.
209.14 Installing initial landscapes using mechanized equipment.

210 **DUST SUPPRESSANT** – Water, hygroscopic material, solution of water and chemical surfactant, foam, non-toxic chemical stabilizer or any other dust palliative, which is not prohibited for ground surface application by the U.S. Environmental Protection Agency (EPA) or the Arizona Department of Environmental Quality (ADEQ) or any applicable law, rule, or regulation, as a treatment material for reducing fugitive dust emissions.

211 **EARTHMOVING OPERATION** – The use of any equipment for an activity that may generate fugitive dust, such as but not limited to, the following activities:

211.1 Cutting and filling.
211.2 Grading.
211.3 Leveling.
211.4 Excavating.
211.5 Trenching.
211.6 Loading or unloading of bulk materials.
211.7 Demolishing.
211.8 Blasting.
211.9 Drilling.
211.10 Adding bulk materials to or removing bulk materials from open storage piles.
211.11 Back filling.
211.12 Soil mulching.
211.13 Landfill operations.
211.14 Weed abatement by discing or blading.

212 **EMERGENCY** – A situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a limitation in this rule, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include any noncompliance due to improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.

213 **EMERGENCY ACTIVITY** – Repairs that are a result of an emergency which prevents or hinders the provision of electricity, the distribution/collection of water, and the

availability of other utilities due to unforeseen circumstances that are beyond the routine maintenance and repair due to normal wear conducted by a utility or municipality.

214 **END OF WORKDAY** – The end of a working period that may include one or more work shifts. If working 24 hours a day, the end of a working period shall be considered no later than 8 pm.

215 **FREEBOARD** – The vertical distance between the top edge of a cargo container area and the highest point at which the bulk material contacts the sides, front, and back of a cargo container area.

216 **FUGITIVE DUST** – The particulate matter not collected by a capture system, that is entrained in the ambient air, and is caused from human and/or natural activities, such as, but not limited to, the movement of soil, vehicles, equipment, blasting, and wind. For the purpose of this rule, fugitive dust does not include particulate matter emitted directly from the exhaust of motor vehicles and other internal combustion engines, from portable brazing, soldering, or welding equipment, and from piledrivers, and does not include emissions from process and combustion sources that are subject to other rules in Regulation III (Control of Air Contaminants) of these rules.

217 **GRAVEL PAD** – A layer of washed gravel, rock, or crushed rock that is at least one inch or larger in diameter, that is maintained at the point of intersection of an area accessible to the public and a work site exit to dislodge mud, dirt, and/or debris from the tires of motor vehicles and/or haul trucks, prior to leaving the work site. Minimum dimensions must be 30 feet wide by 3 inches deep and 50 feet long, or the length of the longest haul truck, whichever is greater. If an unpaved surface exit does not have adequate width to install a 30-foot wide gravel pad, then the width of the gravel pad must cover the full width of the unpaved surface exit and such shorter width must be adequate to prevent trackout.

218 **GRIZZLY** – A device (i.e., rails, pipes, or grates) used to dislodge mud, dirt, and/or debris from the tires and undercarriage of motor vehicles and/or haul trucks prior to leaving the work site.

219 **HAUL TRUCK** – Any fully or partially open-bodied self-propelled vehicle including any non-motorized attachments, such as, but not limited to, trailers or other conveyances that are connected to or propelled by the actual motorized portion of the vehicle used for transporting bulk materials.

220 **MOTOR VEHICLE** – A self-propelled vehicle for use on the public roads and highways of the State of Arizona and required to be registered under the Arizona State Uniform Motor Vehicle Act, including any non-motorized attachments, such as but not limited to, trailers or other conveyances which are connected to or propelled by the actual motorized portion of the vehicle.

221 **NORMAL FARM CULTURAL PRACTICE** – All activities by the owner, lessee, agent, independent contractor, and/or supplier conducted on any facility for the production of crops and/or nursery plants. Disturbances of the field surface caused by turning under stalks, tilling, leveling, planting, fertilizing, or harvesting are included in this definition.

222 **OFF-ROAD VEHICLE** – Any self-propelled conveyance specifically designed for off-road use, including, but not limited to, off-road or all-terrain equipment, trucks, cars, motorcycles, motorbikes, or motorbuggies.

223 **OPEN STORAGE PILE** – Any accumulation of bulk material with a 5% or greater silt content that has a total surface area of 150 square feet or more and that at any one point attains a height of three feet. Silt content shall be assumed to be 5% or greater unless a person can show, by testing in accordance with ASTM Method C136-06 or other equivalent method approved in writing by the Control Officer and the Administrator, that the silt content is less than 5%.

224 **OWNER AND/OR OPERATOR** – The person including, but not limited to, the property owner, lessee, developer, responsible official, Dust Control permit applicant (who may also be the responsible party contracting to do the work), general contractor, prime contractor, supervisor, management company, or any person who owns, leases, operates, controls, or supervises a dust-generating operation subject to the requirements of this rule.

225 **PAVE** – To apply and maintain asphalt, concrete, or other similar material to a roadway surface (i.e., asphaltic concrete, concrete pavement, chip seal, or rubberized asphalt).

226 **PROPERTY LINE** – The boundaries of an area in which either a person causing the emission or a person allowing the emission has the legal use or possession of the property. Where such property is divided into one or more sub-tenancies, the property line(s) shall refer to the boundaries dividing the areas of all sub-tenancies.

227 **ROUTINE** – Any dust-generating operation which occurs more than 4 times per year or lasts 30 cumulative days or more per year.

228 **SILT** – Any aggregate material with a particle size less than 75 micrometers in diameter, which passes through a No. 200 sieve.

229 **TRACKOUT/CARRYOUT** – Any and all bulk materials that adhere to and agglomerate on the surfaces of motor vehicles, haul trucks, and/or equipment (including tires) and that have fallen or been deposited onto an area accessible to the public.

230 **TRACKOUT CONTROL DEVICE** – A gravel pad, grizzly, wheel wash system, or a paved area, located at the point of intersection of an unpaved area and an area accessible to the public that controls or prevents vehicular trackout.

231 **UNPAVED HAUL/ACCESS ROAD** – Any on-site unpaved road used by commercial, industrial, institutional, and/or governmental traffic.

232 **UNPAVED PARKING LOT** – Any area that is not paved and that is designated for parking in the Dust Control Plan or that is used for parking, maneuvering, material handling, or storing motor vehicles and equipment. An unpaved parking lot includes, but is not limited to, automobile impound yards, wrecking yards, automobile dismantling yards, salvage yards, material handling yards, and storage yards. For the purpose of this rule, maneuvering shall not include military maneuvers or exercises conducted on federal facilities.

233 **UNPAVED ROAD** – Any road or equipment path that is not paved. For the purpose of this rule, an unpaved road is not a horse trail, hiking path, bicycle path, or other similar path used exclusively for purposes other than travel by motor vehicles.

234 **WIND-BLOWN DUST** – Visible emissions, from any disturbed surface area, that are generated by wind action alone.

235 **WORK SITE** – Any property upon which any dust-generating operations occur.

SECTION 300 – STANDARDS

301 GENERAL REQUIREMENTS FOR DUST-GENERATING OPERATIONS:

301.1 Any person engaged in a dust-generating operation subject to this rule shall be subject to the standards and/or requirements of this rule before, after, and while conducting such dust-generating operation, including during weekends, after work hours, and on holidays.

301.2 For the purpose of this rule, any control measure that is implemented must achieve the applicable standard(s) described in this rule, as determined by the corresponding test method(s), as applicable, and must achieve other applicable standard(s) set forth in this rule.

301.3 Control measures described in Section 305 of this rule. Regardless of whether a dust-generating operation is in compliance with an approved Dust Control Plan or there is no approved Dust Control Plan, the owner and/or operator of a dust-generating operation shall be subject to all requirements of this rule at all times.

301.4 Failure to comply with the provisions of this rule, as applicable, and/or of an approved Dust Control Plan, shall constitute a violation.

302 PERMIT REQUIREMENTS FOR DUST-GENERATING OPERATIONS:

302.1 No person shall commence construction of, operate, or make a modification to any dust-generating operation when such dust-generating operations disturb a

total surface area of 0.10 acre (4,356 square feet) or more without first obtaining a permit or permit revision from the Control Officer.

302.2 No person shall commence construction of, operate, or make a modification to any dust-generating operation that disturbs a total surface area of less than 0.10 acre (4,356 square feet) under common control that are either contiguous or separated only by a public or private roadway and that cumulatively equal or exceed 0.10 acre in area without first obtaining a permit or permit revision from the Control Officer.

302.3 No person shall commence any routine dust-generating operation that disturbs a surface area of 0.10 acre or greater at a site that has obtained or must obtain a Title V, Non-Title V, or General permit under Regulation II (Permits and Fees) of these rules without first submitting to the Control Officer a Dust Control Plan.

302.4 The property owner, lessee, developer, responsible official, Dust Control permit applicant (who may also be the responsible party contracting to do the work), general contractor, prime contractor, supervisor, management company, or any person who owns, leases, operates, controls, or supervises a dust-generating operation subject to the requirements of this rule shall be responsible for obtaining a permit or permit revision from the Control Officer.

302.5 All permit applications shall be filed in the manner and form prescribed by the Control Officer, which includes, but is not limited to, the requirements of Section 400 of this rule. The application shall contain all the information necessary to enable the Control Officer to make the determination to grant or to deny a permit or permit revision, which shall contain such terms and conditions as the Control Officer deems necessary to assure a source's compliance with the requirements of this rule.

302.6 The issuance of any permit or permit revision shall not relieve any person subject to the requirements of this rule from compliance with any Federal laws, Arizona laws, or these rules.

302.7 Any other law, regulation or permit shall not relieve any person from obtaining a permit or permit revision required under this rule.

303 VISIBLE EMISSIONS REQUIREMENTS FOR DUST-GENERATING OPERATIONS:

303.1 **Dust-Generating Operation Visible Emissions Requirement**: The owner and/or operator of a dust-generating operation shall not allow visible fugitive dust emissions to exceed the limits listed in either one of the following:

a. The owner and/or operator of a dust-generating operation shall not cause or allow visible fugitive dust emissions to exceed 20% opacity.

b. The owner and/or operator of a dust-generating operation shall not cause or allow visible emissions of particulate matter, including fugitive dust, beyond the property line within which the emissions are generated. Visible emissions shall be determined by a standard of no visible emissions exceeding 30 seconds in duration in any six-minute period as determined by using EPA Reference Method 22.

303.2 Exemptions from Dust-Generating Operation Visible Emissions Requirement:

a. If wind conditions cause fugitive dust emissions to exceed the visible emissions requirements in Section 303.1(a) of this rule, despite implementation of the Dust Control Plan, an owner and/or operator shall:

(1) Ensure that all control measures and requirements of the Dust Control Plan are implemented and the subject violations cannot be prevented by better application, operation, or maintenance of these measures and requirements.

(2) Cease dust-generating operations and stabilize any disturbed surface area consistent with Section 304.3 of this rule.

(3) Compile records consistent with Sections 502 and 503 of this rule and document control measure and other Dust Control Plan requirement implementation.

b. Emergency Maintenance of Flood Control Channels and Water Retention Basins: The visible emissions limits described in Section 303.1 of this rule shall not apply to emergency maintenance of flood control channels and water retention basins, provided that control measures are implemented.

c. Vehicle Test and Development Facilities and Operations: The visible emissions limit described in Section 303.1(a) of this rule shall not apply to vehicle test and development facilities and operations when dust is required to test and validate design integrity, product quality, and/or commercial acceptance, if such testing is not feasible within enclosed facilities. However, all areas used to test and validate design integrity, product quality, and/or commercial acceptance shall be stabilized after such testing, in compliance with Appendix C (Fugitive Dust Test Methods) of these rules. All areas not used to test and validate design integrity, product quality, and/or commercial acceptance shall be stabilized, in compliance with Appendix C (Fugitive Dust Test Methods) of these rules. In addition, vehicle test and development facilities may require a Dust Control permit in accordance with Section 302 of this rule.

d. **Activities Near the Property Line:** The opacity limit described in Section 303.1(b) of this rule shall not apply to dust-generating operations conducted within 25 feet of the property line.

e. **Ceasing Operations at a Solid Waste Management Facility:** The requirement in Section 303.2(a)(2) of this rule to cease dust-generating operations if wind conditions cause fugitive dust emissions to exceed the visible emissions requirements in Section 303.1(a) of this rule shall not apply to daily compaction and covering of refuse if ceasing operations violates Arizona Department of Environmental Quality solid waste management rules or causes or threatens to cause a public health hazard or nuisance. However, the owner and/or operator must comply with all other provisions in Section 303.2(a) of this rule.

304 STABILIZATION REQUIREMENTS FOR DUST-GENERATING OPERATIONS:

304.1 Unpaved Parking Lot: The owner and/or operator of any unpaved parking lot shall not allow visible fugitive dust emissions to exceed 20% opacity and shall not allow silt loading equal to or greater than 0.33 oz/ft^2. However, if silt loading is equal to or greater than 0.33 oz/ft^2, then the owner and/or operator shall not allow the silt content to exceed 8%.

304.2 Unpaved Haul/Access Road:

a. The owner and/or operator of any unpaved haul/access road (whether at a work site that is under construction or at a work site that is temporarily or permanently inactive) shall not allow visible fugitive dust emissions to exceed 20% opacity and shall not allow silt loading equal to or greater than 0.33 oz/ft^2. However, if silt loading is equal to or greater than 0.33 oz/ft^2, then the owner and/or operator shall not allow the silt content to exceed 6%.

b. The owner and/or operator of any unpaved haul/access road (whether at a work site that is under construction or a work site that is temporarily or permanently inactive) shall, as an alternative to meeting the stabilization requirements for an unpaved haul/access road in Section 304.2(a) of this rule, limit vehicle trips to no more than 20 per day per road and limit vehicle speeds to no more than 15 miles per hour. If complying with this section of this rule, the owner and/or operator must include, in a Dust Control Plan, the maximum number of vehicle trips on the unpaved haul/access roads each day (including number of employee vehicles, earthmoving equipment, haul trucks, and water trucks) and a description of how vehicle speeds will be restricted to no more than 15 miles per hour.

304.3 Disturbed Surface Area: The owner and/or operator of any disturbed surface area on which no activity is occurring (whether at a work site that is under construction or a work site that is temporarily or permanently inactive) shall meet

at least one of the standards described in Sections 304.3(a) through 304.3(g) below, as applicable. Should such a disturbed surface area contain more than one type of stabilization characteristic, such as soil, vegetation, or other characteristic, which is visibly distinguishable, then the owner and/or operator shall test each representative surface separately for stability, in an area that represents a random portion of the overall disturbed conditions of the site, in accordance with the appropriate test methods described in Section 501.2(c) of this rule and in Appendix C (Fugitive Dust Test Methods) of these rules. The owner and/or operator of such disturbed surface area on which no activity is occurring shall be considered in violation of this rule if the area is not maintained in a manner that meets at least one of the standards listed below, as applicable. An area is considered to be a disturbed surface area until the activity that caused the disturbance has been completed and the disturbed surface area meets the standards described in this section of this rule.

a. Maintain a soil crust;

b. Maintain a threshold friction velocity (TFV) for disturbed surface areas corrected for non-erodible elements of 100 cm/second or higher;

c. Maintain a flat vegetative cover (i.e., attached [rooted] vegetation or unattached vegetative debris lying on the surface with a predominant horizontal orientation that is not subject to movement by wind) that is equal to at least 50%;

d. Maintain a standing vegetative cover (i.e., vegetation that is attached [rooted] with a predominant vertical orientation) that is equal to or greater than 30%;

e. Maintain a standing vegetative cover (i.e., vegetation that is attached [rooted] with a predominant vertical orientation) that is equal to or greater than 10% and where the threshold friction velocity is equal to or greater than 43 cm/second when corrected for non-erodible elements;

f. Maintain a percent cover that is equal to or greater than 10% for non-erodible elements; or

g. Comply with a standard of an alternative test method, upon obtaining the written approval from the Control Officer and the Administrator.

304.4 Vehicle Test and Development Facilities and Operations: No stabilization requirement shall apply to vehicle test and development facilities and operations when dust is required to test and validate design integrity, product quality, and/or commercial acceptance, if such testing is not feasible within enclosed facilities. However, all areas used to test and validate design integrity, product quality, and/or commercial acceptance shall be stabilized after such testing, in compliance with Appendix C (Fugitive Dust Test Methods) of these rules. All areas not used

to test and validate design integrity, product quality, and/or commercial acceptance shall be stabilized, in compliance with Appendix C (Fugitive Dust Test Methods) of these rules. In addition, vehicle test and development facilities may require a Dust Control permit in accordance with Section 302 of this rule.

305 CONTROL MEASURES FOR DUST-GENERATING OPERATIONS: When engaged in a dust-generating operation, the owner and/or operator shall install, maintain, and use control measures, as applicable. Control measures for specific dust-generating operations are described in Sections 305.1 through 305.12 of this rule. The owner and/or operator of a dust-generating operation shall implement control measures before, after, and while conducting dust-generating operations, including during weekends, after work hours, and on holidays. At least one primary control measure and one contingency control measure must be identified in the Dust Control Plan for all dust-generating sources.

305.1 Off-Site Hauling onto Areas Accessible to the Public: The owner and/or operator of a dust-generating operation that involves off-site hauling shall implement the following control measures:

a. When cargo compartment is loaded:

(1) Load all haul trucks such that the freeboard is not less than three inches;

(2) Load all haul trucks such that at no time shall the highest point of the bulk material be higher than the sides, front, and back of a cargo container area;

(3) Prevent spillage or loss of bulk material from holes or other openings in the cargo compartment's floor, sides, and/or tailgate(s); and

(4) Cover the cargo compartment with a tarp or other suitable closure.

b. When cargo compartment is empty:

(1) Clean the interior of the cargo compartment; or

(2) Cover the cargo compartment with a tarp or other suitable closure.

c. When off-site hauling, install, maintain, and use a suitable trackout control device that controls and prevents trackout and/or removes particulate matter from tires and the exterior surfaces of haul trucks and/or motor vehicles that traverse the site.

305.2 Bulk Material Hauling/Transporting When On-Site Hauling/Transporting Within the Boundaries of the Work Site but not Crossing an Area Accessible to the Public: The owner and/or operator of a dust-generating operation that involves bulk material hauling/transporting when on-site hauling/transporting

within the boundaries of the work site but not crossing an area accessible to the public shall implement one of the following control measures:

a. Limit vehicle speed to 15 miles per hour or less while traveling on the work site;

b. Apply water to the top of the load; or

c. Cover haul trucks with a tarp or other suitable closure.

305.3 Bulk Material Hauling/Transporting When On-Site Hauling/Transporting Within the Boundaries of the Work Site and Crossing and/or Accessing an Area Accessible to the Public: The owner and/or operator of a dust-generating operation that involves bulk material hauling/transporting when on-site hauling/ transporting within the boundaries of the work site and crossing and/or accessing an area accessible to the public shall implement all of the following control measures:

a. Load all haul trucks such that the freeboard is not less than three inches;

b. Load all haul trucks such that at no time shall the highest point of the bulk material be higher than the sides, front, and back of a cargo container area;

c. Prevent spillage or loss of bulk material from holes or other openings in the cargo compartment's floor, sides, and/or tailgate(s); and

d. When crossing and/or accessing an area accessible to the public, install, maintain, and use a suitable trackout control device that controls and prevents trackout and/or removes particulate matter from tires and the exterior surfaces of haul trucks and/or motor vehicles that traverse the site.

305.4 Bulk Material Stacking, Loading, and Unloading Operations: The owner and/or operator of a dust-generating operation that involves bulk material stacking, loading, and unloading operations shall implement the following control measures:

a. Prior to stacking, loading, and unloading:

(1) Mix material with water; or

(2) Mix material with a dust suppressant other than water.

b. While stacking, loading, and unloading:

(1) Apply water; or

(2) Apply a dust suppressant other than water.

305.5 Open Storage Piles: The owner and/or operator of a dust-generating operation that involves an open storage pile shall implement one of the following control measures, as applicable, when not conducting stacking, loading, and unloading operations:

a. Cover all open storage piles with a tarp, plastic, or other material to prevent wind from removing the covering(s) such that the covering(s) will not be dislodged by wind; or

b. Apply water to maintain a soil moisture content at a minimum of 12%, as determined by ASTM Method D2216-05 or other equivalent methods approved by the Control Officer and the Administrator. For areas that have an optimum moisture content for compaction of less than 12%, as determined by ASTM Method D1557-02e1 or other equivalent methods approved by the Control Officer and the Administrator, maintain at least 70% of the optimum soil moisture content; or

c. Maintain a visible crust; or

d. Implement the control measure described in Section 305.5(b) or in Section 305.5(c) of this rule and construct and maintain wind barriers, storage silos, or a three-sided enclosure with walls, whose length is no less than equal to the length of the pile, whose distance from the pile is no more than twice the height of the pile, whose height is equal to the pile height, and whose porosity is no more than 50%.

305.6 Unpaved Staging Areas, Unpaved Parking Areas, and Unpaved Material Storage Areas: The owner and/or operator of a dust-generating operation that involves unpaved staging areas, unpaved parking areas, and unpaved material storage areas shall implement one or more of the following control measures:

a. Apply water so that the surface is visibly moist;

b. Pave;

c. Apply and maintain gravel, recycled asphalt, or other suitable material;

d. Apply and maintain a suitable dust suppressant other than water; or

e. Limit vehicle trips to no more than 20 per day per road and limit vehicle speeds to no more than 15 miles per hour. If complying with this section, the owner and/or operator shall provide to the Control Officer the maximum number of vehicle trips on the staging areas, parking areas, and/or material storage areas each day (including number of employee vehicles, earthmoving

equipment, haul trucks, and water trucks) and a description of how vehicle speeds will be restricted to no more than 15 miles per hour.

305.7 Unpaved Haul/Access Roads: The owner and/or operator of a dust-generating operation that involves unpaved haul/access roads shall implement one or more of the following control measures:

a. Apply water so that the surface is visibly moist;

b. Pave;

c. Apply and maintain gravel, recycled asphalt, or other suitable material;

d. Apply and maintain a suitable dust suppressant other than water; or

e. Limit vehicle trips to no more than 20 per day per road and limit vehicle speeds to no more than 15 miles per hour. If complying with this section of this rule, the owner and/or operator shall provide to the Control Officer the maximum number of vehicle trips on the unpaved haul/access roads each day (including number of employee vehicles, earthmoving equipment, haul trucks, and water trucks) and a description of how vehicle speeds will be restricted to no more than 15 miles per hour.

305.8 Weed Abatement by Discing or Blading: The owner and/or operator of a dust-generating operation that involves weed abatement by discing or blading shall comply with all of the following control measures:

a. Before weed abatement by discing or blading occurs, apply water;

b. While weed abatement by discing or blading is occurring, apply water; and

c. After weed abatement by discing or blading occurs, pave, apply gravel, apply water, apply a suitable dust suppressant other than water, or establish vegetative ground cover.

305.9 Blasting Operations: The owner and/or operator of a dust-generating operation that involves blasting operations shall pre-water and maintain surface soils in a stabilized condition where support equipment and vehicles will operate.

305.10 Demolition Activities: The owner and/or operator of a dust-generating operation that involves demolition activities shall implement all of the following control measures:

a. Apply water to demolition debris immediately following demolition activity; and

b. Apply water to all disturbed soils surfaces to establish a visible crust and to prevent wind erosion.

305.11 Disturbed Surface Areas: The owner and/or operator of a dust-generating operation that involves disturbed surface areas shall implement the following control measures, as applicable:

a. Before disturbed surface areas are created, implement one of the following control measures:

(1) Pre-water site to depth of cuts, allowing time for penetration; or

(2) Phase work to reduce the amount of disturbed surface areas at any one time.

b. While disturbed surface areas are being created, implement one of the following control measures:

(1) Apply water or other suitable dust suppressant other than water to keep the soil visibly moist throughout the process;

(2) Apply water to maintain a soil moisture content at a minimum of 12%, as determined by ASTM Method D2216-05 or other equivalent method as approved by the Control Officer and the Administrator. For areas that have an optimum moisture content for compaction of less than 12%, as determined by ASTM Method D1557-02e1 or other equivalent method approved by the Control Officer and the Administrator, maintain at least 70% of the optimum soil moisture content; or

(3) Implement control measure described in Section 305.11(b)(1) or Section 305.11(b)(2) of this rule and construct fences or three-foot to five-foot high wind barriers with 50% or less porosity adjacent to roadways or urban areas to reduce the amount of wind-blown material leaving a site.

c. When the dust-generating operation is finished for a period of 30 days or longer: For longer than temporary pauses that occur during a dust-generating operation, the owner and/or operator shall implement one or more of the following control measures within ten days following the completion of such dust-generating operation:

(1) Pave, apply gravel, or apply a suitable dust suppressant other than water;

(2) Establish vegetative ground cover;

(3) Implement control measures described in Section 305.11(c)(1) or Section 305.11(c)(2) of this rule and restrict vehicle access to the area;

(4) Apply water and prevent access by fences, ditches, vegetation, berms, or other suitable barrier or means sufficient to prevent trespass as approved by the Control Officer; or

(5) Restore area such that the vegetative ground cover and soil characteristics are similar to adjacent or nearby undisturbed native conditions.

305.12 Easements, Rights-of-Way, and Access Roads for Utilities (Transmission of Electricity, Natural Gas, Oil, Water, and Gas) Associated With Sources That Have a Non-Title V Permit, a Title V Permit, and/or a General Permit Under These Rules: The owner and/or operator of a dust-generating operation that involves an easement, right-of-way, and access road for utilities (transmission of electricity, natural gas, oil, water, and gas) associated with sources that have a Title V permit, a Non-Title V permit, and/or a General permit under these rules shall implement at least one of the following control measures:

a. Inside Area A, limit vehicle speed to 15 miles per hour or less and vehicle trips to no more than 20 per day per road;

b. Outside Area A, limit vehicle trips to no more than 20 per day per road; or

c. Implement control measures described in Section 305.7 of this rule.

306 TRACKOUT, CARRY-OUT, SPILLAGE, AND/OR EROSION: The owner and/or operator of a dust-generating operation shall prevent and control trackout, carry-out, spillage, and/or erosion.

306.1 Trackout Control Device:

a. **Criterion for Trackout Control Device:** Install, maintain and use a suitable trackout control device that prevents and controls trackout and/or removes particulate matter from tires and the exterior surfaces of haul trucks and/or motor vehicles that traverse the site at all exits onto areas accessible to the public from both of the following:

(1) All work sites with a disturbed surface area of two acres or larger, and

(2) All work sites where 100 cubic yards of bulk materials are hauled on-site and/or off-site per day.

b. **Control Measures:** For those work sites identified in Section 306.1(a) of this rule, prevent trackout, carry-out, spillage, and/or erosion by implementing one of the following control measures:

(1) At all exits onto areas accessible to the public, install a wheel wash system;

(2) At all exits onto areas accessible to the public, install a gravel pad to comply with Section 217 of this rule;

(3) At all exits onto areas accessible to the public, install a grizzly or rumble grate that consists of raised dividers (rails, pipes, or grates) a minimum of three inches tall, six inches apart, and 20 feet long, to allow a vibration to be produced such that dust is shaken off the wheels of a vehicle as the entire circumference of each wheel of the vehicle passes over the grizzly or rumble grate; or

(4) Pave starting from the point of intersection with an area accessible to the public and extending for a centerline distance of at least 100 feet and a width of at least 20 feet.

306.2 Clean Up of Trackout:

a. **Criterion for Clean Up of Trackout:** Clean up, trackout, carry-out, spillage, and/or erosion from areas accessible to the public including curbs, gutters, and sidewalks, on the following time-schedule:

(1) Immediately, when trackout, carry-out, or spillage extends a cumulative distance of 25 linear feet or more; and

(2) At the end of the workday, for all other trackout, carry-out, spillage, and/or erosion.

b. **Control Measures:**

(1) Operate a street sweeper or wet broom with sufficient water, or including but not limited to kick broom, steel bristle broom, Teflon broom, vacuum, at the speed recommended by the manufacturer and at the frequency(ies) described in this section of this rule; or

(2) Manually sweep up deposits to comply with this section of this rule.

307 SOIL MOISTURE: If water is the chosen control measure in an approved Dust Control Plan, the owner and/or operator of a dust-generating operation shall operate a water application system on-site (e.g., water truck, water hose) while conducting any earth-moving operations on disturbed surface areas 1 acre or larger, unless a visible crust is maintained or the soil is sufficiently damp to prevent loose grains of soil from becoming dislodged.

308 PROJECT INFORMATION SIGN FOR DUST-GENERATING OPERATIONS: For all sites with a Dust Control permit that are five acres or larger, except for routine maintenance and repair done under a Dust Control Block permit, the owner and/or operator shall erect and maintain a project information sign at the main entrance such that members of the public can easily view and read the sign at all times. Such sign shall have a white background, have black block lettering that is at least four inches high, and shall contain at least all of the following information:

308.1 Project name and permittee's name;

308.2 Current Dust Control permit number;

308.3 Name and local phone number of person(s) responsible for dust control matters;

308.4 Text stating: "Dust complaints? Call Maricopa County Air Quality Department – (Insert the accurate Maricopa County Air Quality Department complaint line telephone number)."

309 DUST CONTROL TRAINING CLASSES FOR DUST-GENERATING OPERATIONS:

309.1 Basic Dust Control Training Class:

a. At least once every three years, the persons specified in Section 309.1(b) or Section 309.1(c) of this rule shall successfully complete a Basic Dust Control Training Class conducted or approved by the Control Officer.

b. The following persons present at a site that is subject to a permit issued by the Control Officer requiring control of PM_{10} emissions from dust-generating operations shall complete a Basic Dust Control Training Class as specified in Section 309.1(a) of this rule:

(1) Water truck drivers.

(2) Water-pull drivers.

(3) The site superintendent or other designated on-site representative of the permit holder, if present at a site that has more than one acre of disturbed surface area.

c. A Dust Control Block Permit permittee/holder shall have, at a minimum, one individual trained in accordance with the Basic Dust Control Training Class as specified in Section 309.1(a) of this rule, if present at a site that has more than one acre of disturbed surface area.

d. All persons having successfully completed training during the 2006 and 2007 calendar years shall be deemed to have satisfied the requirement to successfully complete the Basic Dust Control Training Class, if the training that was completed was conducted or approved by the Control Officer. Completion of the Comprehensive Dust Control Training Class, as required in Section 309.2 of this rule, shall satisfy the requirement of this section of this rule.

e. The Control Officer may suspend or revoke for cause including, but not limited to, inappropriate ethical activities or conduct associated with the dust control program or repeated failure to follow the training requirements, a certification issued to a person having successfully completed a Basic Dust Control Training Class conducted or approved by the Control Officer. The Control Officer will provide written notification to such person regarding such suspension or revocation.

309.2 Comprehensive Dust Control Training Class:

a. At least once every three years, the Dust Control Coordinator, who meets the requirements of Section 310 of this rule, shall successfully complete the Comprehensive Dust Control Training Class conducted or approved by the Control Officer.

b. All persons having successfully completed training during the 2006 and 2007 calendar years shall be deemed to have satisfied the requirement to successfully complete the Comprehensive Dust Control Training Class, if the training that was completed was conducted or approved by the Control Officer.

c. The Control Officer may suspend or revoke for cause including, but not limited to, inappropriate ethical activities or conduct associated with the dust control program or repeated failure to follow the training requirements, a certification issued to a person having successfully completed a Comprehensive Dust Control Training Class conducted or approved by the Control Officer. The Control Officer will provide written notification to such person regarding such suspension or revocation.

310 DUST CONTROL COORDINATOR FOR DUST-GENERATING OPERATIONS:

310.1 The permittee for any site of five acres or more of disturbed surface area subject to a permit issued by the Control Officer requiring control of PM_{10} emissions from dust-generating operations shall have on-site at least one Dust Control Coordinator trained in accordance with Section 309.2 of this rule at all times during primary dust-generating operations related to the purposes for which the Dust Control permit was obtained.

310.2 The Dust Control Coordinator shall have full authority to ensure that dust control measures are implemented on-site, including conducting inspections, deployment

of dust suppression resources, and modifications or shut-down of activities as needed to control dust.

310.3 The Dust Control Coordinator shall be responsible for managing dust prevention and dust control on the site.

310.4 At least once every three years, the Dust Control Coordinator shall successfully complete a Comprehensive Dust Control Training Class conducted or approved by the Control Officer.

310.5 The Dust Control Coordinator shall have a valid dust training certification identification card readily accessible on-site while acting as a Dust Control Coordinator.

310.6 The requirement for a Dust Control Coordinator shall lapse when all of the following actions/events/procedures occur:

a. The area of disturbed surface area becomes less than five acres;

b. The previously disturbed surface areas have been stabilized in accordance with/in compliance with the standards and/or requirements of this rule; and

c. The Dust Control permit holder provides notice to the Control Officer of acreage stabilization.

310.7 The Dust Control Block Permit permittee/holder shall have on sites that have more than one acre of disturbed surface area at least one individual, who has been trained in accordance with the requirements of Section 309.1(c) of this rule. One such individual shall be designated by the Dust Control Block Permit permittee/ holder as the Dust Control Coordinator. The Dust Control Coordinator shall be present on-site at all times during primary dust-generating activities that are related to the purposes for which the permit was obtained.

SECTION 400 – ADMINISTRATIVE REQUIREMENTS

401 DUST CONTROL PERMIT REQUIREMENTS:

401.1 To apply for a Dust Control permit, an applicant shall complete a permit application in the manner and form prescribed by the Control Officer. At a minimum, such application shall contain the following information:

a. Applicant information;

b. Project information, which shall include a project site drawing and, if the site is one acre or larger, soil designations; and

c. Dust Control Plan, which shall meet the specifications described in Section 402 of this rule.

401.2 A Dust Control permit shall be granted subject to, but not limited to, the following conditions:

a. The permittee shall be responsible for ensuring that all persons abide by the conditions of the Dust Control permit and these regulations;

b. The permittee shall be responsible for supplying complete copies of the Dust Control permit including the Dust Control Plan, to all project contractors and subcontractors;

c. The permittee shall be responsible for all permit conditions, until a Permit Cancellation Request form has been submitted by the owner and/or operator and approved by the Control Officer;

d. The permittee shall be responsible for providing Dust Control Coordinator's/ Coordinators' name(s) and dust control training certification information/ number(s) to the Control Officer and for keeping such information updated.

401.3 The signature of the permittee on the Dust Control permit application shall constitute agreement to accept responsibility for meeting the conditions of the Dust Control permit and for ensuring that control measures are implemented throughout the project site and during the duration of the project.

402 DUST CONTROL PLAN REQUIREMENTS:

402.1 The owner and/or operator of a dust-generating operation shall submit to the Control Officer a Dust Control Plan with any permit applications that involve dust-generating operations with a disturbed surface area that equals or exceeds 0.10 acre (4,356 square feet) including both of the following situations:

a. When submitting an application for a Dust Control permit involving dust-generating operations that would equal or exceed 0.10 acre (4,356 square feet), and

b. Before commencing any routine dust-generating operation at a site that has obtained or must obtain a Title V, Non-Title V, or General permit under Regulation II (Permits and Fees) of these rules.

402.2 The owner and/or operator of a dust-generating operation shall submit to the Control Officer a Dust Control Plan with any application for a Dust Control permit. Applicants shall describe, in a Dust Control Plan, all control measures to be implemented before, after, and while conducting any dust-generating operation, including during weekends, after work hours, and on holidays.

402.3 A Dust Control Plan shall, at a minimum, contain all of the following information:

a. Name(s), address(es), and phone numbers of person(s) responsible for the submittal and implementation of the Dust Control Plan and responsible for the dust-generating operation.

b. A drawing, on 8½" x 11" paper, that shows:

(1) Entire project site/facility boundaries, including boundaries of areas to be disturbed if less than entire project site/facility boundaries,

(2) Acres to be disturbed with linear dimensions or certification by a licensed engineer or surveyor showing the total square footage to be disturbed,

(3) Nearest public roads,

(4) North arrow,

(5) Planned exit locations onto areas accessible to the public, and

(6) Unpaved parking lot(s).

c. Appropriate control measures, or a combination thereof, as described in Sections 305 and 306 of this rule, for every actual and potential dust-generating operation.

(1) Control measures must be implemented before, after, and while conducting any dust-generating operation, including during weekends, after work hours, and on holidays.

(2) All required control measures and at least one contingency control measure must be identified for all dust-generating operations.

(3) A control measure that is not listed in Section 305 or in Section 306 of this rule may be chosen provided that such control measure is implemented to comply with the requirements of this rule.

(4) If complying with Section 305.7(e) of this rule, the Dust Control Plan must include the maximum number of vehicle trips on the unpaved haul/access roads each day (including number of employee vehicles, earthmoving equipment, haul trucks, and water trucks).

d. Dust suppressants to be applied, including all of the following product specifications or label instructions for approved usage:

(1) Method, frequency, and intensity of application;

(2) Type, number, and capacity of application equipment; and

(3) Information on environmental impacts and approvals or certifications related to appropriate and safe use for ground application.

e. Specific surface treatment(s) and/or control measures utilized to control material trackout and sedimentation where unpaved roads and/or access points join areas accessible to the public.

402.4 The Control Officer shall approve, disapprove, or conditionally approve the Dust Control Plan, in accordance with the criteria used to approve, disapprove or conditionally approve a permit, as described in Rule 200: Permit Requirements of these rules.

402.5 For construction projects one acre or larger, except for routine maintenance and repair done under a Dust Control Block Permit, a statement disclosing which of the four designated texture(s) of soil described in Appendix F of these rules is naturally present at or will be imported to the dust-generating operation. The measured soil content at a particular site shall take precedence over any mapped soil types, and whenever soils have been tested at a particular site, the test results should be relied on rather than the map in Appendix F of these rules.

402.6 Should any primary control measure(s) prove ineffective, the owner and/or operator shall immediately implement the contingency control measure(s). If the identified contingency control measure is effective to comply with all of the requirements of this rule, the owner and/or operator need not revise the Dust Control Plan.

403 DUST CONTROL PLAN REVISIONS:

403.1 If Required by the Control Officer:

a. If the Control Officer determines that an approved Dust Control Plan has been followed, yet fugitive dust emissions from any dust-generating operation still exceed the standards of this rule, then the Control Officer shall issue a written notice to the owner and/or operator of the dust-generating operation explaining such determination.

b. The owner and/or operator of a dust-generating operation shall make written revisions to the Dust Control Plan and shall submit such revised Dust Control Plan to the Control Officer within three working days of receipt of the Control Officer's written notice, unless such time period is extended by the Control Officer, upon request, for good cause. During the time that such owner and/or

operator is preparing revisions to the approved Dust Control Plan, such owner and/or operator must still comply with all requirements of this rule.

403.2 If Requested by the Permittee:

a. If the acreage of a project changes, the owner and/or operator shall request a Dust Control Plan revision. Such Dust Control Plan revision shall be filed in the manner and form prescribed by the Control Officer.

b. If the permit holder changes, the owner and/or operator shall request a Dust Control Plan revision. Such Dust Control Plan revision shall be filed in the manner and form prescribed by the Control Officer.

c. If the name(s), address(es), or phone numbers of person(s) responsible for the submittal and implementation of the Dust Control Plan and responsible for the dust-generating operation change, the owner and/or operator shall request a Dust Control Plan revision. Such Dust Control Plan revision shall be filed in the manner and form prescribed by the Control Officer.

d. If the activities related to the purposes for which the Dust Control permit was obtained change, the owner and/or operator shall request a Dust Control Plan revision. Such Dust Control Plan revision shall be filed in the manner and form prescribed by the Control Officer.

403.3 If Rule 310 is Revised:

a. If any changes to a Dust Control Plan are necessary as a result of the most recent revisions of this rule, such changes to the Dust Control Plan shall not be required until the associated Dust Control permit is required to be renewed.

b. If any changes to a Dust Control Plan associated with a Title V permit or with a Non-Title V permit are necessary as a result of the most recent revisions of this rule, then the owner and/or operator shall submit a revised Dust Control Plan to the Control Officer, according to the minor permit revision procedures described in Rule 210 or in Rule 220 of these rules respectively, no later than six months after the effective date of the most recent revisions to this rule.

404 DUST CONTROL BLOCK PERMIT REQUIREMENTS:

404.1 A Dust Control Block Permit application may be submitted to the Control Officer, if one or more of the activities listed in this section of this rule are conducted and if such activities occur at more than one site (i.e., projects that involve multiple small areas scattered throughout Maricopa County including, but not limited to, fiber optic cable installation and natural gas line extension). New construction shall obtain a separate Dust Control permit.

a. Routine operation (i.e., municipalities, governmental agencies, and utilities that are responsible for the repeat maintenance of infrastructure including, but not limited to, weed control around a prison, canal bank and road grading, and road shoulder grading).

b. Maintenance (i.e., municipalities, governmental agencies, and utilities that are responsible for the repeat maintenance of infrastructure including, but not limited to, weed control around a prison, canal bank and road grading, and road shoulder grading).

c. Expansion or extension of utilities, paved roads, unpaved roads, road shoulders, alleys, and public rights-of-way at non-contiguous sites by municipalities, governmental agencies, and utilities.

404.2 When completing and submitting a Dust Control Block Permit application, the owner and/or operator shall comply with the following requirements:

a. A Dust Control Plan that meets the criteria described in Section 402 of this rule and applies to all sites shall be submitted to the Control Officer with the Dust Control Block Permit application.

b. A description or map of the owner's and/or operator's service areas and a list of all sites that are 0.10 acre (4,356 square feet) or greater, including the location and size of each site, shall be submitted to the Control Officer with the Dust Control Block Permit application.

c. For any project that is 0.10 acre (4,356 square feet) or greater and not listed in the Dust Control Block Permit application, the applicant shall notify the Control Officer in writing at least three working days prior to commencing the dust-generating operation. The notice shall include the site location, size, type of activity, and start date.

404.3 The Dust Control Block Permit will cover crews that work for the municipalities, governmental agencies, and utilities, including subcontractors. However, municipalities, governmental agencies, and utilities shall retain overall authority for dust control on the project.

405 **APPROVAL OR DENIAL OF PERMIT APPLICATIONS FOR DUST-GENERATING OPERATIONS:** The Control Officer shall take final action on a Dust Control permit application, a Dust Control permit revision, or a Dust Control Block Permit within 14 calendar days of the filing of the complete application. The Control Officer shall notify the applicant in writing of his approval or denial.

406 **TERMS FOR PERMITS FOR DUST-GENERATING OPERATIONS**: A Dust Control permit issued according to this rule shall be issued for a period of one year from the date of issuance. Should the project last longer than one year from the date the permit

was issued, the permittee shall re-apply for a Dust Control Permit at least 14 calendar days prior to the expiration date of the original permit. For the purpose of this section, a permit is considered expired, if a permit renewal is not applied for at least 14 calendar days prior to the expiration date of the original permit.

407 **DEFACING, ALTERING, FORGING, COUNTERFEITING, OR FALSIFYING PERMITS FOR DUST-GENERATING OPERATIONS**: A person shall not willfully deface, alter, forge, counterfeit, or falsify any Dust Control permit issued under the provisions of this rule.

408 **FEES FOR PERMITS FOR DUST-GENERATING OPERATIONS:** No Dust Control permit is valid until the applicable Dust Control permit fee has been received and until the Dust Control permit is issued by the Control Officer.

409 **POSTING OF PERMITS FOR DUST-GENERATING OPERATIONS**: A Dust Control permit and a Dust Control Plan, as approved by the Control Officer, shall be posted in a conspicuous location at the work site, within on-site equipment, or in an on-site vehicle, or shall otherwise be kept available on-site at all times.

410 **COMPLIANCE SCHEDULE:** The newly amended provisions of this rule become effective upon adoption of this rule. An owner and/or operator of a dust-generating operation subject to this rule shall meet all applicable provisions of this rule upon adoption of the newly amended provisions of this rule and according to the following schedule:

410.1 Basic Dust Control Training Class: No later than December 31, 2008, a site superintendent or other designated on-site representative of the permit holder and water truck and water pull drivers for each site shall have successfully completed the Basic Dust Control Training Class, as described in Section 309.1 of this rule.

410.2 Dust Control Coordinator: No later than June 30, 2008, any site and/or any contiguous site under common control of five acres or more of disturbed surface area subject to a permit shall, at all times during primary dust-generating operations related to the purposes for which the Dust Control permit was obtained, have on-site at least one individual designated by the permit holder as a Dust Control Coordinator, as described in Section 310 of this rule.

SECTION 500 – MONITORING AND RECORDS

501 **COMPLIANCE DETERMINATION:** To determine compliance with the visible emissions requirements in Section 303 of this rule and with the stabilization requirements in Section 304 of this rule, the following test methods shall be followed:

501.1 Opacity Observations:

a. **Dust-Generating Operations:** Opacity observations of dust-generating operations shall be conducted in accordance with Appendix C, Section 3 (Visual Opacity Determination of Emissions from Dust-Generating Operations) of these rules.

b. **Unpaved Parking Lot:** Opacity observations of any unpaved parking lot shall be conducted in accordance with Appendix C, Section 2.1 (Test Methods for Stabilization for Unpaved Roads and Unpaved Parking Lots) of these rules.

c. **Unpaved Haul/Access Road:** Opacity observations of any unpaved haul/access road (whether at a work site that is under construction or at a work site that is temporarily or permanently inactive) shall be conducted in accordance with Appendix C, Section 2.1 (Test Methods for Stabilization for Unpaved Roads and Unpaved Parking Lots) of these rules.

d. **Visible Emissions Beyond the Property Line:** Opacity observations of any visible emissions beyond the property line shall be conducted in accordance with EPA Reference Method 22.

501.2 Stabilization Observations:

a. **Unpaved Parking Lot:** Stabilization observations for unpaved parking lots shall be conducted in accordance with Appendix C, Section 2.1 (Test Methods for Stabilization for Unpaved Roads and Unpaved Parking Lots) of these rules. When more than one test method is permitted for a determination, an exceedance of the limits established in this rule determined by any of the applicable test methods shall constitute a violation of this rule.

b. **Unpaved Haul/Access Road:** Stabilization observations for unpaved haul/ access roads (whether at a work site that is under construction or at a work site that is temporarily or permanently inactive) shall be conducted in accordance with Appendix C, Section 2.1 (Test Methods for Stabilization for Unpaved Roads and Unpaved Parking Lots) of these rules. When more than one test method is permitted for a determination, an exceedance of the limits established in this rule determined by any of the applicable test methods shall constitute a violation of this rule.

c. **Disturbed Surface Area:** Stabilization observations for any disturbed surface area on which no activity is occurring (whether at a work site that is under construction, at a work site that is temporarily or permanently inactive) shall be conducted in accordance with at least one of the techniques described in Section 501.2(c)(1) through Section 501.2(c)(7) below, as applicable. The owner and/or operator of such inactive disturbed surface area shall be considered in violation of this rule if such inactive disturbed surface area is not maintained in a manner that meets at least one of the standards described in Section 304.3 of this rule, as applicable.

(1) Appendix C, Section 2.3 (Test Methods for Stabilization: Soil Crust Determination: the Drop Ball Test) of these rules for a soil crust; or

(2) Appendix C, Section 2.4 (Test Methods for Stabilization: Determination of Threshold Friction Velocity [TFV]: Sieving Field Procedure) of these rules for threshold friction velocity (TFV) corrected for non-erodible elements of 100 cm/second or higher; or

(3) Appendix C, Section 2.5 (Test Methods for Stabilization: Determination of Flat Vegetative Cover) of these rules for flat vegetation cover (i.e., attached [rooted] vegetation or unattached vegetative debris lying on the surface with a predominant horizontal orientation that is not subject to movement by wind) that is equal to at least 50%; or

(4) Appendix C, Section 2.6 (Test Methods for Stabilization: Determination of Standing Vegetative Cover) of these rules for standing vegetation cover (i.e., vegetation that is attached [rooted] with a predominant vertical orientation) that is equal to or greater than 30%; or

(5) Appendix C, Section 2.6 (Test Methods for Stabilization: Determination of Standing Vegetative Cover) of these rules for standing vegetation cover (i.e., vegetation that is attached [rooted] with a predominant vertical orientation) that is equal to or greater than 10% and where the threshold friction velocity is equal to or greater than 43 cm/second when corrected for non-erodible elements; or

(6) Appendix C, Section 2.7 (Test Methods for Stabilization: Rock Test Method) of these rules for a percent cover that is equal to or greater than 10%, for non-erodible elements; or

(7) An alternative and equivalent test method approved in writing by the Control Officer and the Administrator.

502 RECORDKEEPING:

502.1 Any person who conducts dust-generating operations that require a Dust Control Plan shall keep a written record of self-inspection on each day dust-generating operations are conducted. Self-inspection records shall include daily inspections for crusted or damp soil, trackout conditions and clean-up measures, daily water usage for dust control measures, and dust suppressant application. Such written record shall also include the following information:

a. Method, frequency, and intensity of application or implementation of the control measures;

b. Method, frequency, and amount of water application to the site;

c. Street sweeping frequency;

d. Types of surface treatments applied to and maintenance of trackout control devices, gravel pads, fences, wind barriers, and tarps;

e. Types and results of test methods conducted;

f. If contingency control measures are implemented, actual application or implementation of contingency control measures and why contingency control measures were implemented;

g. List of subcontractors' names and registration numbers updated when changes are made; and

h. Names of employee(s) who successfully completed dust control training class(es) required by Section 309 of this rule, date of the class(es) that such employee(s) successfully completed, and name of the agency/representative who conducted such class(es).

502.2 Any person who conducts dust-generating operations that do not require a Dust Control Plan shall compile and retain records (including records on any street sweeping, water applications, and maintenance of trackout control devices, gravel pads, fences, wind barriers, and tarps) that provide evidence of control measure application, by indicating the type of treatment or control measure, extent of coverage, and date applied.

502.3 Upon verbal or written request by the Control Officer, the log or the records and supporting documentation shall be provided as soon as possible but no later than 48 hours, excluding weekends. If the Control Officer is at the site where requested records are kept, records shall be provided without delay.

503 **RECORDS RETENTION**: Any person who conducts dust-generating operations that require a Dust Control Plan shall retain copies of approved Dust Control Plans, control measures implementation records, and all supporting documentation for at least six months following the termination of the dust-generating operation and for at least two years from the date such records were initiated. If a person has obtained a Title V Permit and is subject to the requirements of this rule, then such person shall retain records required by this rule for at least five years from the date such records are established.

504 **TEST METHODS INCORPORATED BY REFERENCE:** The test methods listed in this section are incorporated by reference. These incorporations by reference include no future editions or amendments. Copies of the test methods listed in this section are available for review at the Maricopa County Air Quality Department, 1001 North Central Avenue, Phoenix, AZ, 85004.

504.1 ASTM Method C136-06 ("Standard Test Method for Sieve Analysis of Fine and Coarse Aggregates"), 2006 edition.

504.2 ASTM Method D2216-05 ("Standard Test Method for Laboratory Determination of Water [Moisture] Content of Soil and Rock by Mass"), 2005 edition.

504.3 ASTM Method D1557-02e1 ("Test Method for Laboratory Compaction Characteristics of Soil Using Modified Effort (56,000 ft-lbf/ft^3 (2,700 kN-m/m^3)"), 2002 edition.

504.4 EPA Reference Method 22 ("Visual Determination of Fugitive Emissions from Material Sources and Smoke Emissions from Flares"), 2000 edition.