

MARICOPA COUNTY AIR QUALITY DEPARTMENT  
Engineering and Permitting Division  
1001 N. Central Avenue, Suite 400, Phoenix, Arizona 85004  
Phone: (602) 506-6010 Fax: (602) 506-6985

**GENERAL PERMIT TO OPERATE AND/OR CONSTRUCT**

*(As required by Title 49, Chapter 3, Article 2, Section 49-480, Arizona Revised Statutes)*

**for**  
**ARIZONA**  
**Fuel Burning Operations**

*This general permit to operate and/or construct does not relieve the applicant of the responsibility of meeting all air pollution regulations.*

EXPIRATION DATE: 08/04/2014

REVISION DATE: \_\_\_\_\_

ISSUANCE DATE: \_\_\_\_\_

\_\_\_\_\_  
Lawrence Odle, Director, Maricopa County Air Quality Department

**General Permit to Operate and/or Construct  
Fuel Burning Operations**

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## General Permit to Operate and/or Construct Fuel Burning Operations

### SECTION 1: AUTHORITY

This General Permit is authorized by Rule 200 and Rule 230 of the Maricopa County Air Pollution Control Rules and Regulations (Rules) pursuant to Section 49-480.J of the Arizona Revised Statutes. In that the Arizona Department of Environmental Quality has not issued a general permit for *Fuel Burning Operations* in Maricopa County as defined herein, the Maricopa County Air Quality Department is authorized to issue this General Permit.

[A.R.S. §49-480.J] [County Rules 200 and 230]

### SECTION 2: DEFINITIONS

For the purposes of this General Permit, the following definitions shall apply:

**Compression ignition (CI)** means a type of stationary internal combustion engine that is not a spark ignition engine.

**Defeat Device** means an auxiliary device that reduces the effectiveness of emission controls under conditions that the engine may reasonably be expected to encounter during normal operations.

**Diesel fuel** means any liquid obtained from the distillation of petroleum with a boiling point of approximately 150 to 360 degrees Celsius. One commonly used form is number 2 distillate oil.

**Emergency stationary internal combustion engine (ICE)** means any stationary IC engine whose sole function is to provide back-up power when electric power from the local utility is interrupted and when operated solely for any of the reasons:

- A. Used only for power when normal power service fails from the serving utility or if onsite electrical transmission or onsite power generation equipment fails; or
- B. Used only for the emergency pumping of water resulting from a flood, fire, lightning strikes, police action or for any other essential public services which affect the public health and safety; or
- C. Used for lighting airport runways; or
- D. Used for sewage overflow mitigation and/or prevention; or
- E. Used for reliability-related activities such as engine readiness, calibration, or maintenance or to prevent the occurrence of an unsafe condition during electrical system maintenance, as long as the total number of hours of the operation does not exceed 100 hours per calendar year per engine as evidenced by an installed non-resettable hour meter; or
- F. Used as the prime engine when the prime engine has failed, but only for such time as is needed to repair the prime engine; or
- G. Used to operate standby emergency water pumps for fire control that activate when sensors detect low water pressure.

An emergency engine shall not be used to supply standby power due to a voluntary reduction in power by a utility or power company, supply power for distribution or sale to the grid, supply power at a source in order to avoid peak demand charges or high electric energy prices during on-peak price periods, or supply power as part of a financial arrangement with another entity.

**External Fuel Burning** means a process involving the combustion of natural gas, propane or butane which does not include internal combustion engines, turbines, burn-off ovens, incinerators, crematories, or other equipment that requires a control device to comply with any requirements.

**Maximum engine power** means maximum engine power as defined in 40 CFR 1039.801.

**Model year** means either:

- A. The calendar year in which the engine was originally produced, or
- B. The annual new model production period of the engine manufacturer if it is different than the calendar year. This must include January 1 of the calendar year for which the model year is named. It may not begin before January 2 of the previous calendar year and it must end by December 31 of the named calendar year. For an engine that is converted to a stationary engine after being placed into service as a nonroad or other non-stationary engine, model year means the calendar year or new model production period in which the engine was originally produced.

**Natural Gas** means a naturally occurring mixture of hydrocarbon and non-hydrocarbon gases found in geologic formations beneath the earth's surface, of which the principal constituent is methane. For the purposes of this general permit, natural gas means pipeline quality fuel gas which contains no environmentally meaningful quantity of sulfur or fuel-bound nitrogen.

**Responsible Official** means one of the following:

- A. For a corporation: A president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of the fuel burning facilities;
- B. For a partnership: A general partner;
- C. For a sole proprietorship: The owner; or
- D. For a municipality, State, Federal, or other public agency: either a principal executive officer or ranking official.

**Spark Ignition (SI)** means relating to either: a gasoline-fueled engine; or any other type of engine with a spark plug (or other sparking device) and with operating characteristics significantly similar to the theoretical Otto combustion cycle. Spark ignition engines usually use a throttle to regulate intake air flow to control power during normal operation. Dual-fuel engines in which a liquid fuel (typically diesel fuel) is used for compression ignition and gaseous fuel (typically natural gas) is used as the primary fuel at an annual average ratio of less than 2 parts diesel fuel to 100 parts total fuel on an energy equivalent basis are spark ignition engines.

### **SECTION 3: AUTHORITY UNDER THIS GENERAL PERMIT**

Any fuel burning operation shall be eligible for coverage under this General Permit if the facility meets the requirements as specified in the Operating Requirements in Section 5 of this General Permit. However, if a fuel burning operation does not meet the provisions of the Operating Requirements, the facility will be considered ineligible for coverage and the applicant shall be required by the Control Officer to obtain an individual source permit.

#### **A. AUTHORITY TO OPERATE (ATO) OR CONSTRUCT**

A facility is not covered by this General Permit unless a complete application for an ATO is filed with the Control Officer.

[County Rule 230 §§303.1, 303.3, & 302.4]

#### **B. EFFECTIVE DATE AND EXPIRATION DATE OF AUTHORIZATION**

This General Permit shall be valid for five years after the date it is signed by the Control Officer. All ATOs issued under this General Permit expire on the same date that this General Permit expires, regardless of when the ATO was issued. Any activity covered by this General Permit is authorized at the specified facility on the date the application is filed. The Control Officer will provide written notice of the expiration of this General Permit stating that the

source must reapply for coverage. The Permittee may operate under the terms of this General Permit until one of the following conditions takes place:

- 1) The date that the Permittee submits a complete application for coverage under an individual permit;
- 2) 180 days after receipt of the notice of expiration, termination or cancellation of this general permit or an ATO;
- 3) The date the Permittee submits a complete application for coverage under a renewal of this general permit; or
- 4) The expiration date of this General Permit  
[County Rule 210 §§302.1a & 302.1.h.3] [County Rule 230 §§302.4.a, 303.3, 306 & 311.3]

**C. REQUIREMENTS TO FILE AN APPLICATION FOR AN INDIVIDUAL SOURCE PERMIT**

- 1) Denial of an ATO  
If the Control Officer notifies the Permittee that the application for coverage under the General Permit is denied, the applicant must file an individual source permit application within 180 days of receipt of the denial notice.  
[County Rule 230 §303.3]
- 2) Revocation of Authority to Operate  
If an ATO has been issued and the Permittee is later notified by the Control Officer of the revocation of the authority to operate under this General Permit because of expiration, termination, or cancellation, the Permittee must file an application for an individual source permit. The application for an individual source permit must be filed within 180 days of receiving the notice from the Control Officer. The Permittee may continue to operate under this General Permit until the earlier of either:
  - a) The date that it submits a complete application for an individual source permit; or
  - b) The date 180 days after receipt of the notice of expiration, termination, or cancellation of this general permit.  
[County Rule 230 §311]

**D. ISSUANCE OF AN INDIVIDUAL SOURCE PERMIT**

If the Control Officer issues an Individual Source Permit authorizing the same activity that is authorized by an ATO issued under this General Permit, the ATO shall terminate on the date that the Individual Source Permit is issued.  
[County Rule 230 §307]

**SECTION 4: GENERAL REQUIREMENTS**

**A. COMPLIANCE REQUIRED**

The Permittee shall comply with all conditions of this Permit including all applicable requirements of Arizona air quality statutes and the Rules. Compliance with permit terms and conditions does not relieve, modify, or otherwise affect the Permittee's duty to comply with all applicable requirements of Arizona air quality statutes and the Rules. Any Permit non-compliance is grounds for enforcement action; for a permit termination, revocation and reissuance, or revision; or for denial of a permit renewal application. Non-compliance with any federally enforceable requirement in the Permit constitutes a violation of the federal Clean Air Act.  
[County Rule 210 §302.1.h.1] [County Rule 230 §302.4.a]

The Permittee shall halt or reduce the permitted activity in order to maintain compliance with the applicable requirements of Federal laws, Arizona laws, the Rules, or other conditions of this Permit.  
[County Rule 210 §302.1.h.2] [County Rule 230 §302.4.a]

**B. DUTY TO PROVIDE INFORMATION**

- 1) The Permittee shall furnish to the Control Officer, within a reasonable time, any information that the Control Officer may request in writing to determine whether cause exists for revoking the ATO, or to determine compliance with the permit. Upon request, the Permittee shall also furnish to the Control Officer copies of records required to be kept by the permit. For information claimed to be confidential, the Permittee shall furnish a copy of such records directly to the Administrator of the United States Environmental Protection Agency (EPA) along with a claim of confidentiality if required to do so by the Control Officer.  
[County Rule 210 §302.1h.5] [County Rule 230 §302.4.a]
- 2) If, while processing an application for an ATO, the Control Officer determines that additional information is necessary to evaluate or to take final action on that application, the Control Officer may request such information in writing and may set a reasonable deadline for a response. The Control Officer may, after one submittal by the applicant under this rule, reject an application that is still determined to be incomplete and shall notify the applicant of the decision by certified mail.  
[County Rule 220 §301.4.e]
- 3) If the Permittee has failed to submit any relevant facts or has submitted incorrect information in the application for an ATO, the Permittee shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information.  
[County Rule 220 §301.5]

**C. EMERGENCY PROVISIONS**

- 1) For the purposes of this Permit, an emergency is defined as any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, that require immediate corrective action to restore normal operation, and that cause the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.  
[County Rule 130 §201]
- 2) An emergency constitutes an affirmative defense to an action brought for noncompliance with the technology-based emission limitations, if the requirements of this Permit Condition are met.  
[County Rule 130 §401]
- 3) The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that contain the information listed in the Emergency subpart of the Monitoring and Recordkeeping section of this Permit.  
[County Rule 130 §402]
- 4) In any enforcement proceeding, the Permittee seeking to establish the occurrence of an emergency has the burden of proof.  
[County Rule 130 §403]
- 5) The provisions of this Permit Condition are in addition to any emergency or upset provision contained in any applicable requirement.  
[County Rule 130 §404]

**D. EXCESS EMISSIONS**

- 1) Affirmative Defense For Malfunctions:  
Emissions in excess of an applicable emission limitation contained in this General Permit shall constitute a violation. For all situations that constitute an emergency, the requirements of the Emergency Provisions of this

Section shall apply. In all other circumstances, it shall be an affirmative defense if the owner and/or operator of the source has complied with the excess emissions reporting requirement section of this Permit and has demonstrated all of the following:

- a) The excess emissions resulted from a sudden and unavoidable breakdown of the process equipment or the air pollution control equipment beyond the reasonable control of the operator;
- b) The source's air pollution control equipment, process equipment, or processes were at all times maintained and operated in a manner consistent with good practice for minimizing emissions;
- c) If repairs were required, the repairs were made in an expeditious fashion when the applicable emission limitations were being exceeded. Off-shift labor and overtime were utilized where practicable to ensure that the repairs were made as expeditiously as possible. If off-shift labor and overtime were not utilized, then the Permittee satisfactorily demonstrated that such measures were impractical;
- d) The amount and duration of the excess emissions (including any bypass operation) were minimized to the maximum extent practicable during periods of such emissions;
- e) All reasonable steps were taken to minimize the impact of the excess emissions on ambient air quality;
- f) The excess emissions were not part of a recurring pattern indicative of inadequate design, operation, or maintenance;
- g) During the period of excess emissions, there were no exceedances of the relevant ambient air quality standards established in County Rule 510 that could be attributed to the emitting source;
- h) The excess emissions did not stem from any activity or event that could have been foreseen and avoided, or planned, and could not have been avoided by better operations and maintenance practices;
- i) All emissions monitoring systems were kept in operation, if at all practicable; and
- j) The Permittee's actions in response to the excess emissions were documented by contemporaneous records.

[County Rule 140 §401]

2) Affirmative Defense for Startup And Shutdown:

Except as provided for in this Permit Condition, and unless otherwise provided for in the applicable requirement, emissions in excess of an applicable emission limitation due to startup and shutdown shall constitute a violation. The owner and/or operator of a source with emissions in excess of an applicable emission limitation due to startup and shutdown has an affirmative defense to a civil or administrative enforcement proceeding based on that violation, other than a judicial action seeking injunctive relief, if the Permittee has complied with the excess emissions reporting requirements section of this Permit and has demonstrated all of the following:

- a) The excess emissions could not have been prevented through careful and prudent planning and design;
- b) If the excess emissions were the result of a bypass of control equipment, the bypass was unavoidable to prevent loss of life, personal injury, or severe damage to air pollution control equipment, production equipment, or other property;
- c) The source's air pollution control equipment, process equipment, or processes were at all times maintained and operated in a manner consistent with good practice for minimizing emissions;
- d) The amount and duration of the excess emissions (including any bypass operation) were minimized to

the maximum extent practicable, during periods of such emissions;

- e) All reasonable steps were taken to minimize the impact of the excess emissions on ambient air quality;
- f) During the period of excess emissions, there were no exceedances of the relevant ambient air quality standards established in County Rule 510 that could be attributed to the emitting source;
- g) All emissions monitoring systems were kept in operation, if at all practicable; and
- h) The Permittee's actions in response to the excess emissions were documented by contemporaneous records.

[County Rule 140 §402.1]

If excess emissions occur due to a malfunction during routine startup and shutdown, then those malfunctions shall be treated as other malfunctions subject to the Affirmative Defense For Malfunctions section of this Permit Condition.

[County Rule 140 §402.2]

3) Affirmative Defense for Malfunctions During Scheduled Maintenance:

If excess emissions occur due to malfunction during scheduled maintenance, then those instances will be treated as other malfunctions subject to the Affirmative Defense for Malfunctions section of this Permit Condition.

[County Rule 140 §403]

4) Demonstration of Reasonable and Practical Measures:

For an affirmative defense under this Permit Condition, the Permittee shall demonstrate, through submission of the data and information required by the Excess Emissions section of the Monitoring and Recordkeeping requirements of this Permit, that all reasonable and practical measures within the Permittee's control were implemented to prevent the occurrence of the excess emissions.

[County Rule 140 §404]

**E. FACILITY CHANGES NOT REQUIRING A PERMIT REVISION**

- 1) Except for a physical change or change in the method of operation at a Fuel Burning Facility requiring the Permittee to obtain an individual permit, or a change subject to logging or notice requirements in Conditions B.2 or B.3 of this Section, a change at a Fuel Burning Facility shall not be subject to revision, notice, or logging requirements of these General Permit Conditions.

[County Rule 220 §404.1]

- 2) The following changes may be made if the Permittee keeps on-site records of the changes according to Section 7 of this General Permit.

- a) Changing process equipment, operating procedures, or making any other physical change if the permit requires the changes to be logged;
- b) Engaging in any new exempted activity listed in County Rule 200, subsection 303.3(c), but not listed in the General Permit; and
- c) Making a change that results in a decrease in actual emissions, if the Permittee wants to claim credit for the decrease in determining whether the Permittee has a net emissions increase for any purpose. The logged information shall include a description of the change that will produce the decrease in actual emissions. A decrease that has not been logged is creditable only if the decrease is quantifiable, enforceable, and otherwise qualifies as a creditable decrease.

[County Rule 220 §404.2.b,c,d and e]

- 3) The following changes may be made if the Permittee provides written notice to the Control Officer in advance of the change as provided below:
- a) Making a physical change or a change in the method of operation that increases actual emissions more than 10% of the major source threshold for any conventional air pollutant but does not require a permit revision: no less than 7 days before the change;
  - b) Making any change that would trigger an applicable requirement that already exists in the permit: no less than 30 days before the change, unless otherwise required by an applicable requirement;
  - c) Making a change that amounts to reconstruction of the source or an affected facility: no less than 7 days before the change. For purposes of this subsection, reconstruction of a source or an affected facility shall be presumed if the fixed capital cost of the new components exceed 50% of the fixed capital cost of a comparable entirely new source or affected facility and the changes to the components have occurred over the 12 consecutive months beginning with commencement of construction; and
  - d) Making a change that will result in the emissions of a new regulated air pollutant above an applicable regulatory threshold, but that does not trigger a new applicable requirement for that source category: no less than 30 days before the change. For purposes of this requirement, an applicable regulatory threshold for a conventional air pollutant shall be 10% of the applicable major source threshold for that pollutant.

[County Rule 220 §404.3.b, d, e and f]

- 4) For each change under Condition B.3 above, the written notice shall be by certified mail or hand delivery and shall be received by the Control Officer the minimum amount of time in advance of the change. Notifications of changes associated with emergency conditions, such as malfunctions necessitating the replacement of equipment, may be provided with less than required notice, but must be provided as far in advance of the change, or if advance notification is not practicable, as soon after the change, as possible.

[County Rule 220 §404.4]

- 5) The written notice shall include:

- a) When the proposed change will occur;
- b) A description of the change;
- c) Any change in emissions of regulated air pollutants; and
- d) Any permit term or condition that is no longer applicable as a result of the change.

[County Rule 220 §404.5]

- 6) Notwithstanding any other Condition of this General Permit, the Control Officer may require the Permittee to obtain a new ATO or an individual permit for any change that, when considered together with any other changes submitted by the same facility under this Condition over a 5 year term, constitutes a change under County Rule 220 Section 403.2.

[County Rule 220 §404.6]

- 7) If a source change is described under both Condition B.2 and B.3 of this section, the source shall comply with Condition B.3 of this section.

[County Rule 220 §404.7]

8) If a source change is described under both Condition B.3 of this section and County Rule 220 §403.1, the Permittee shall apply for a new ATO. [County Rule 220 §404.8]

9) A Permittee may implement any change under Condition B.3 of this section without the required notice by applying for a new ATO. [County Rule 220 §404.9]

**F. FILING OF AN APPLICATION FOR AN ATO:**

Any facility that is eligible for this General Permit according to the requirements of Section 4 may apply for an ATO by completing the necessary application forms that are approved by the Control Officer. The application shall be completed, all necessary information provided, and the ATO application shall be signed by the responsible official before the application may be processed. [County Rule 230 §302.4]

A source applying for an ATO under this Permit shall not propose nor accept pursuant to County Rule 220 emission limitations, controls, or other requirements that are not included in this General Permit. [County Rule 230 §302.5]

**G. PAY APPLICABLE FEES**

Sources applying for and operating under an ATO for this General Permit shall pay all fees to the Control Officer pursuant to Rule 280 of the Maricopa County Air Pollution Control Regulations. [County Rule 280]

**H. POSTING OF A PERMIT**

The Permittee shall post a copy of the ATO at the covered facility in such a manner as to be clearly visible. A complete copy of the General Permit and the original ATO shall be kept on the site during the life of the permit. [County Rule 200 §311]

**I. PROPERTY RIGHTS**

This General Permit does not convey any property rights of any sort, or any exclusive privilege. [County Rule 210 §302.1.h.4] [County Rule 230 §302.4.a]

**J. RIGHT TO ENTRY AND INSPECTION**

For the purpose of assuring compliance with this General Permit, the Permittee shall allow the Control Officer or authorized representative, upon presentation of proper credentials to:

- 1) Enter upon the Permittee's premises where the source is located or emissions-related activity is conducted, or where records are required to be kept pursuant to the conditions of this Permit;
- 2) Have access to and copy, at reasonable times, any records required to be kept under the terms and conditions of this General Permit;
- 3) Inspect any source, at reasonable times, equipment (including monitoring and air pollution control devices), practices or operations regulated or required in this General Permit;
- 4) Sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with this General Permit or other applicable requirements; and

- 5) Record any inspection by use of written, electronic, magnetic, and photographic media.  
[County Rule 220 §§302.17, 18, 19, 20, 21]

**K. SEVERABILITY**

The provisions of this General Permit are severable and, if any provision of this General Permit is held invalid, the remainder of this General Permit shall remain valid.

[County Rule 210 §302.1.g] [County Rule 230 §302.4.a]

**SECTION 5: OPERATING REQUIREMENTS**

**A. EXTERNAL COMBUSTION EQUIPMENT:**

- 1) The Permittee shall only burn natural gas, propane, and butane as fuels in the fuel burning equipment. This requirement does not apply to internal combustion engines.  
[County Rule 220 §302.2]
- 2) The maximum heat input rating of any single fuel-burning unit (excluding internal combustion engines) shall be less than 10 million BTU/hr.  
[County Rule 230]
- 3) The maximum aggregated heat input rating for all fuel burning equipment (excluding internal combustion engines) at the facility as a whole shall be less than 55 million BTU/Hr.  
[County Rule 230]

**B. INTERNAL COMBUSTION ENGINES:**

- 1) Only emergency internal combustion engines (ICE) may construct or operate under this General Permit.
- 2) Emergency stationary ICE may only be operated during emergency situations and for the purpose of maintenance checks and readiness testing, provided that the tests are recommended by Federal, State, or local government, the manufacturer, the vendor, or the insurance company associated with the engine. Maintenance checks and readiness testing of such units is limited to 100 hours per year. The Permittee may petition the Administrator of the EPA for approval of additional hours to be used for maintenance checks and readiness testing.
- 3) The horsepower rating of any single ICE shall not exceed 250 horsepower (HP).
- 4) The Permittee shall not burn any fuel containing more than 500 parts per million (ppm) sulfur. Additional fuel requirements for compression ignition (CI) ICE subject to Title 40 of the Code of Federal Regulations (40 CFR) Part 60 Subpart IIII are specified in Section 6 of these permit conditions.
- 5) Each engine shall be equipped with a non-resettable hour meter.  
[County Rule 230 §301] [County Rule 200 §309] [County Rule 320 §305]  
[County Rule 324 §102] [40 CFR §§60.4209 and 60.4211(e)]

**C. TEMPORARY HALTING OR REDUCING OF ACTIVITY:**

The Permittee shall halt or reduce activities, if necessary, in order to maintain compliance with conditions of this General Permit.

[County Rule 210 §302.1] [County Rule 230 §302.4.a]

**D. OPACITY LIMITATIONS**

Unless otherwise stated in this Permit, the Permittee shall not discharge into the ambient air from any single source of emissions any air contaminate, other than uncombined water, in excess of 20% opacity for a period aggregating more than three minutes in any 60-minute period.

[Rule 300 §301]

**SECTION 6: 40 CFR PART 60 SUBPART III REQUIREMENTS FOR COMPRESSION IGNITION (DIESEL) ENGINES**

**A. APPLICABILITY:**

The engines listed below are subject to this Permit Condition:

- 1) Any emergency stationary compression ignition (CI) ICE that is not a fire pump engine that was ordered after July 11, 2005 and manufactured after April 1, 2006.
- 2) Any fire pump engine ordered after July 11, 2005 and manufactured as a certified National Fire Protection Association (NFPA) fire pump engine after July 1, 2006.
- 3) Any stationary emergency CI ICE that was modified or reconstructed after July 11, 2005.

**B. REQUIREMENTS:**

Emergency CI ICE subject to this section shall meet the following requirements, as applicable:

- 1) Emergency CI ICE, excluding fire pumps, manufactured between April 1, 2006 and December 31, 2006 and pre-2007 model year emergency engines, excluding fire pumps, modified or reconstructed after July 11, 2005 shall comply with the emission standards in Table 1 below:

**Table 1**  
**Emission Standards for Stationary Pre-2007 Model Year CI Engines in g/KW-hr (g/HP-hr)**

Maximum Engine Power	Nonroad Engine Emission Rating	NMHC + NOx	HC	NOx	CO	PM
KW < 8 (HP < 11)	Tier 1	10.5 (7.8)	—	—	8.0 (6.0)	1.0 (0.75)
8 ≤ KW < 19 (11 ≤ HP < 25)	Tier 1	9.5 (7.1)	—	—	6.6 (4.9)	0.80 (0.60)
19 ≤ KW < 37 (25 ≤ HP < 50)	Tier 1	9.5 (7.1)	—	—	5.5 (4.1)	0.80 (0.60)
37 ≤ KW < 130 (50 ≤ HP < 175)	Tier 1	—	—	9.2 (6.9)	—	—
130 ≤ KW < 187 (175 ≤ HP < 250)	Tier 1	—	1.3 (1.0)	9.2 (6.9)	11.4 (8.5)	0.54 (0.40)

The Permittee shall demonstrate compliance with the emission standards by **one** of the following:

- a) Purchasing an engine certified to the applicable emission standards for the same maximum engine power. The engine must be installed and configured according to the manufacturer's specifications.
- b) Keeping records of performance test results for each pollutant for a test conducted on a similar engine.

The test must have been conducted using the same methods specified in 40 CFR §60.4212 and these methods must have been followed correctly.

- c) Keeping records of data from the engine manufacturer or control device vendor indicating compliance with the standards.
- d) Conducting an initial performance test to demonstrate compliance with the emission standards according to the requirements specified in 40 CFR §60.4212, as applicable.

[40 CFR 60 §§4205(a) and 4211(b)]

- 2) Engines, excluding fire pump engines, shall be certified to the following standards beginning on the specified model year for the same maximum engine power category:

**Table 2**  
**Emission Standards for Stationary 2007 Model Year and Later CI Engines**

Maximum Engine Power	Model Year	Nonroad Engine Emission Rating	NMHC + NOx	CO	PM
KW < 8 (HP < 11)	2007 only	Tier 2	7.5 (5.6)	8.0 (6.0)	0.80 (0.60)
8 ≤ KW < 19 (11 ≤ HP < 25)	2007 only	Tier 2	7.5 (5.6)	6.6 (4.9)	0.80 (0.60)
19 ≤ KW < 37 (25 ≤ HP < 50)	2007 only	Tier 2	7.5 (5.6)	5.5 (4.1)	0.60 (0.44)
37 ≤ KW < 75 (50 ≤ HP < 100)	2007+	Tier 2	7.5 (5.6)	5.0 (3.7)	0.40 (0.30)
	2008+	Tier 3	4.7 (3.5)	5.0 (3.7)	0.40 (0.30)
75 ≤ KW < 130 (100 ≤ HP < 175)	2007+	Tier 3	4.0 (3.0)	5.0 (3.7)	0.30 (0.22)
130 ≤ KW < 187 (175 ≤ HP < 250)	2007+	Tier 3	4.0 (3.0)	3.5 (2.6)	0.20 (0.15)

Exhaust opacity shall not exceed the following limits:

- a) 20% during the acceleration mode;
- b) 15% during the lugging mode; and
- c) 50% during the peaks in either the acceleration or lugging modes.

[40 CFR §§60.4205(b) and 60.4211(c)] [40 CFR §89.112]

- 3) 2008 model year and later engines, excluding fire pumps, with a maximum engine power less than 37 KW (50 HP) shall be certified by the engine manufacturer to comply with the following emission standards:

**Table 3**  
**Emission Standards for Stationary 2008 Model Year and later CI Engines**  
**Less than 37 KW (50 HP) in g/KW-hr (g/HP-hr)**

<b>Maximum Engine Power</b>	<b>Nonroad Engine Emission Rating</b>	<b>NO<sub>x</sub>+ NMHC</b>	<b>CO</b>	<b>PM</b>
KW < 8 (HP < 11)	Tier 4	7.5 (5.6)	8.0 (6.0)	0.40 (0.30)
8 ≤ KW < 19 (11 ≤ HP < 25)	Tier 4	7.5 (5.6)	6.6 (4.9)	0.40 (0.30)
19 ≤ KW < 37 (25 ≤ HP < 50)	Interim Tier 4	7.5 (5.6)	5.5 (4.1)	0.30 (0.22)

- a) Smoke standards: Except for single-cylinder engines, constant-speed engines, and engines certified to a PM emission standard of 0.07 g/KW-hr or lower, smoke from all CI ICE in this category shall not exceed the following:
  - (1) 20% during the acceleration mode.
  - (2) 15% during the lugging mode.
  - (3) 50% during the peaks in either the acceleration or lugging modes.
  
- b) Crankcase emissions: Crankcase emissions may not be discharged directly into the ambient atmosphere from any engine applicable to this subpart, unless the emissions are added to the exhaust emissions (either physically or mathematically) during all emission testing. Crankcase emissions that are routed to the exhaust upstream of exhaust aftertreatment during all operations are not considered to be discharged directly into the ambient atmosphere.
  
- c) Adjustable parameters: Engines that have adjustable parameters must meet all the requirements of 40 CFR §1039 for any adjustment in the physically adjustable range.
  
- d) Defeat devices: The Permittee shall not equip any engine with a defeat device  

[40 CFR §§60.4205(b) and 60.4211(c)]  
 [40 CFR §§1039.104, 1039.105, 1039.107, and 1039.115]

- 4) The Permittee shall comply with the emission standards in Table 4 below for fire pump engines:

**Table 4**  
**Emission Standards for Stationary CI Fire Pump Engines in g/KW-hr (g/HP-hr)**

Maximum engine power	Model year(s)	NMHC + NOX	CO	PM
KW < 8 (HP < 11)	2010 and earlier	10.5 (7.8)	8.0 (6.0)	1.0 (0.75)
	2011+	7.5 (5.6)	—	0.40 (0.30)
8 ≤ KW < 19 (11 ≤ HP < 25)	2010 and earlier	9.5 (7.1)	6.6 (4.9)	0.80 (0.60)
	2011+	7.5 (5.6)	—	0.40 (0.30)
19 ≤ KW < 37 (25 ≤ HP < 50)	2010 and earlier	9.5 (7.1)	5.5 (4.1)	0.80 (0.60)
	2011+	7.5 (5.6)	—	0.30 (0.22)
37 ≤ KW < 75 (50 ≤ HP < 100)	2010 and earlier	10.5 (7.8)	5.0 (3.7)	0.80 (0.60)
	2011+	4.7 (3.5)	—	0.40 (0.30)
75 ≤ KW < 130 (100 ≤ HP < 175)	2009 and earlier	10.5 (7.8)	5.0 (3.7)	0.80 (0.60)
	2010-2012 <sup>1</sup>			
	2010+	4.0 (3.0)	—	0.30 (0.22)
130 ≤ KW < 187 (175 ≤ HP < 250)	2008 and earlier	10.5 (7.8)	3.5 (2.6)	0.54 (0.40)
	2009-2011 <sup>1</sup>			
	2009+	4.0 (3.0)	—	0.20 (0.15)

<sup>1</sup> The emission standards for these specified model year ranges only apply to engines in the specified maximum engine power category that have a rated speed greater than 2,650 revolutions per minute (rpm).

For fire pumps manufactured during or after the model years in Table 5, the Permittee shall purchase engines certified to the emission standards in Table 4 for the same model year and NFPA nameplate engine power.

**Table 5**  
**Certification Requirements for Stationary CI Fire Pump Engines**

Engine power	Starting model year new fire pump engines must be certified
KW < 75 (HP < 100)	2011
75 ≤ KW < 130 (100 ≤ HP < 175)	2010
130 ≤ KW ≤ 187 (175 ≤ HP ≤ 250)	2009

[40 CFR §§60.4205(c) and 60.4211(c)]

- 5) After December 31<sup>st</sup> of the following years, the Permittee shall not install a stationary CI ICE that does not meet the applicable requirements for the previous model year as outlined below. This requirement does not apply to a stationary CI ICE that has been modified or reconstructed, and does not apply to engines that were removed from one existing location and reinstalled at a new location.
- a) After December 31, 2008, Permittee may not install stationary CI ICE (excluding fire pump engines) that do not meet the applicable requirements for 2007 model year engines.
  - b) After December 31, 2009, Permittee may not install stationary CI ICE with a maximum engine power of less than 19 KW (25 HP) (excluding fire pump engines) that do not meet the applicable requirements for 2008 model year engines.

- c) In addition to the requirements specified above, the Permittee is prohibited to import stationary CI ICE that do not meet the applicable requirements specified in paragraphs a) and b) after the dates specified.  
[40 CFR §§60.4208(a) and (h)]
  
- 6) The Permittee shall operate and maintain the engine according to the manufacturer's written instructions, or procedures developed by the Permittee that are approved in writing by the engine manufacturer, over the entire life of the engine.  
[40 CFR §60.4211(a) and §60.4206]
  
- 7) The Permittee shall only change those engine settings as allowed by the manufacturer.  
[40 CFR §60.4211(a)]
  
- 8) The Permittee shall meet the requirements of 40 CFR parts 89 or 1068, as they apply.  
[40 CFR §60.4211(a)]
  
- 9) The Permittee shall only use diesel fuel with a sulfur content no greater than 500 parts per million (ppm) and a minimum cetane index of 40 or a maximum aromatic content of 35 volume percent.  
[40 CFR §60.4207(a)]
  
- 10) Effective October 1, 2010, the Permittee shall use only diesel fuel with a sulfur content of no more than 15 ppm.  
[40 CFR §60.4207(b)]

**SECTION 7: 40 CFR PART 60 SUBPART JJJJ AND 40 CFR PART 63 SUBPART ZZZZ REQUIREMENTS FOR SPARK IGNITION (GASOLINE OR GAS) ENGINES**

**A. APPLICABILITY:**

For emergency engines, 40 CFR Part 60 Subpart JJJJ and 40 CFR Part 63 Subpart ZZZZ apply to each stationary emergency spark ignition (SI) ICE.

**B. REQUIREMENTS:**

- 1) NSPS Part JJJJ: The Permittee shall comply with Table 6 for any of the following:
  - a) New SI ICE with a maximum engine power less than or equal to 19 KW (25 HP) manufactured on or after January 1, 2008, or
  - b) Any SI ICE with a maximum engine power less than or equal to 19 KW (25 HP) modified or reconstructed on or after June 12, 2006.

**Table 6**  
**Emission Standards for Stationary SI Engines ≤19 KW (25 HP)**

Engine Class	Emission standards in g/KW-hr (g/HP-hr) <sup>a</sup>		
	HC+NOx	NMHC+NOx	CO
I (100 ≤ displacement < 225cc)	16.1 (12.0)	14.8 (11.0)	610 (455)
I-A (displacement < 66cc)	50 (37)		
I-B (66 ≤ displacement < 100cc)	40 (30)	37 (27.6)	
II (displacement ≥ 225 cc)	12.1 (9.0)	11.3 (8.4)	

<sup>a</sup> Modified and reconstructed engines manufactured prior to July 1, 2008 shall meet the standards applicable to engines manufactured after July 1, 2008.

[40 CFR §60.4231(b)] [40 CFR §60.4233(b)]

- 2) NSPS Part JJJJ: The Permittee shall comply with Table 7 for any of the following:
  - a) New SI ICE with a maximum engine power greater than 19 KW (25 HP) manufactured on or after January 1, 2009, or
  - b) Any SI ICE with a maximum engine power greater than 19 KW (25 HP) modified or reconstructed on or after June 12, 2006.

**Table 7**  
**Emission Standards for Stationary Emergency SI Engines ≥100 HP**

Maximum Engine Power	Manufacture Date	Emission standards			Emission standards		
		g/HP-hr			ppmvd at 15% O <sub>2</sub>		
		NOx <sup>a</sup>	CO	VOC	NOx	CO	VOC
25 < HP < 130	1/1/09	10	387	N/A	N/A	N/A	N/A
HP ≥ 130		2.0	4.0	1.0	160	540	86

<sup>a</sup> For engines 25<HP≤130, the NOx emission standard is in terms of NOX+HC

- 3) The Permittee shall operate and maintain the certified stationary SI internal combustion engine and control device according to the manufacturer's emission-related written instructions.
- 4) NESHAP Part ZZZZ: Compliance with Section 6 of this Permit or Section 7.B.1 or 7.B.2 of this Permit, as applicable, shall constitute compliance with 40 CFR Part 63 Subpart ZZZZ.

**SECTION 8: MONITORING AND RECORDKEEPING REQUIREMENTS**

**A. EMERGENCY PROVISION RECORDKEEPING REQUIREMENTS**

The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:

- 1) An emergency occurred and the permittee can identify the cause or causes of the emergency;
- 2) At the time of the emergency, the permitted source was being properly operated;
- 3) During the period of the emergency, the Permittee took all reasonable steps to minimize levels of emissions that

exceeded the emissions standards or other requirements in the permit; and

- 4) The Permittee as soon as possible telephoned the Control Officer, giving notice of the emergency, and submitted notice of the emergency to the Control Officer by certified mail, facsimile, or hand delivery within 2 working days of the time when emission limitations were exceeded due to the emergency. This notice shall contain a description of the emergency, any steps taken to mitigate emissions, and corrective action taken.

[County Rule 130 §402]

## **B. EXCESS EMISSIONS AND MALFUNCTION REPORTING**

- 1) The Permittee shall report to the Control Officer any emissions in excess of the limits established by this General Permit. Such report shall be in two parts as specified below:

- a) Initial notification by telephone or facsimile within 24 hours of the time when the Permittee first learned of the occurrence of excess emissions, including all available information from part 2) of this Permit Condition.

- b) Excess emissions report containing the information described in part 2) of this Permit Condition within 72 hours of the initial notification required by this Permit Condition.

[County Rule 140 §501]

- 2) The excess emissions report shall contain the following information:

- a) The identity of each stack or other emission point where the excess emissions occurred;

- b) The magnitude of the excess emissions expressed in the units of the applicable emissions limitation and the operating data and calculations used in determining the magnitude of the excess emissions;

- c) The time and duration or expected duration of the excess emissions;

- d) The identity of the equipment from which the excess emissions emanated;

- e) The nature and cause of such emissions;

- f) The steps taken, if the excess emissions were the result of a malfunction, to remedy the malfunction and the steps taken or planned to prevent the recurrence of such malfunction; and

- g) The steps that were or are being taken to limit the excess emissions.

[County Rule 140 §502]

- 3) In the case of the continuous or recurring excess emissions, the notification requirements of this General Permit shall be satisfied if the source provides the required notification after excess emissions are first detected and includes in such notification an estimate of the time the excess emissions will continue. Excess emissions occurring after the estimated time period or changes in the nature of the emissions as originally reported shall require additional notification that meets the criteria of this Permit Condition.

[County Rule 140 §503]

## **C. LOGGING REQUIREMENTS**

If the Permittee makes a change that is required to be logged by the Facility Change conditions in the General Requirements section of these Permit Conditions, then the Permittee shall perform such logging in indelible ink in a bound logbook with sequentially numbered pages, or in any other form, including electronic format, if approved by the Control Officer. Each log entry shall include at least the following information:

- 1) A description of each change including:
  - a) A description of any process change;
  - b) A description of any equipment change, including both old and new equipment descriptions, model numbers, and serial numbers, or any other unique equipment number; and
  - c) A description of any process material change.
- 2) The date and time that the change occurred;
- 3) The provision of this General Permit that authorizes the change to be made with logging; and
- 4) The date the log entry was made and the first and last name of the person making the log entry.

[County Rule 220 §502]

**D. RECORDKEEPING FOR ENGINES SUBJECT TO 40 CFR PART 60 SUBPART IIII**

- 1) The Permittee shall maintain monthly records of engine operation. The records shall include the purpose of operation and the duration of time the engine was operated. The record shall identify whenever the operation of the engine was for emergency purposes.

[40 CFR §60.4211(e)] [County Rule 220 §302.5 and County Rule 230 §301]
- 2) The Permittee shall maintain a copy of engine manufacturer data indicating compliance with the standards in this Permit for each compression ignition engine, and shall make the documentation available to the Control Officer upon request.

[40 CFR §60.4211(b)(3)] [County Rule 220 §302.5 and County Rule 230 §301]
- 3) The Permittee shall maintain an onsite copy of the engine manufacturer's written instructions or procedures developed by the Permittee that are approved by the engine manufacturer and shall make the documents available to the Control Officer upon request.

[40 CFR §60.4211(a)] [County Rule 220 §302.7 and County Rule 230 §301]

**E. RECORDKEEPING FOR ENGINES SUBJECT TO 40 CFR PART 63 SUBPART JJJJ**

- 1) The Permittee shall keep records of maintenance conducted to demonstrate compliance.
- 2) For any modified or reconstructed engine greater than 25 HP, the Permittee shall keep a maintenance plan and records of conducted maintenance and must, to the extent practicable, maintain and operate the engine in a manner consistent with good air pollution control practice for minimizing emissions. In addition, the Permittee shall conduct an initial performance test to demonstrate compliance pursuant to 40 CFR §60.4244.

[40 CFR §60.4243] [County Rule 220 §302.5 and County Rule 230 §301]

**F. RECORDS RETENTION REQUIREMENTS**

Any records required by these Permit Conditions shall be retained for five years and shall be made available to the Control Officer upon request.

[County Rule 100 §504 and County Rule 220 §501]

**SECTION 9: REPORTING REQUIREMENTS**

**A. CERTIFICATION OF TRUTH, ACCURACY, AND COMPLETENESS**

Any document that is required to be submitted by this General Permit, including reports, shall contain a certification by

the facility owner, or other responsible official as defined in County Rule 100 § 200.95, of truth, accuracy, and completeness. This certification and any other certification required under this permit shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

[County Rule 100 §401 and County Rule 220 §302.14]

## **B. DEVIATIONS FROM PERMIT REQUIREMENTS**

The Permittee shall report any deviations from the permit requirements, including those attributable to upset conditions, the probable cause of such deviations, and any corrective actions or preventive measures taken. The Permittee shall submit the report to the Control Officer within 2 working days from knowledge of the deviation.

[County Rule 210 §302.1e and County Rule 230 §§302.4a and 305.1c]

## **C. EMISSION INVENTORY**

If notified by the Control Officer, the Permittee shall submit an annual emissions inventory report to the Maricopa County Air Quality Department, Attention: Air Quality Emissions Unit Manager, in accordance with Rule 100 of the Maricopa County Air Pollution Control Regulations. The report shall include the throughput and any excess emissions reported during the previous calendar year.

[County Rule 100 §505]

## **D. EXCESS EMISSIONS REPORTING**

- 1) The Permittee shall report to the Control Officer any emissions in excess of the limits established by these rules or by the applicable permit. The report shall be in two parts as specified below:
  - a) Initial notification by telephone or facsimile within 24 hours of the time when the owner and/or operator first learned of the occurrence of excess emissions that includes all available information from the Excess Emissions Recordkeeping section of this General Permit.
  - b) Detailed written follow-up notification by submission of an excess emissions report within 72 hours of the initial notification.
- 2) The excess emissions report shall contain the following information:
  - a) The identity of each stack or other emission point where the excess emissions occurred;
  - b) The magnitude of the excess emissions expressed in the units of the applicable emission limitation and the operating data and calculations used in determining the magnitude of the excess emissions;
  - c) The time and duration or expected duration of the excess emissions;
  - d) The identity of the equipment from which the excess emissions emanated;
  - e) The nature and cause of such emissions;
  - f) The steps taken, if the excess emissions were the result of a malfunction, to remedy the malfunction and the steps taken or planned to prevent the recurrence of such malfunctions;
  - g) The steps that were or are being taken to limit the excess emissions; and
  - h) If the source's permit contains procedures governing source operation during periods of startup or malfunction and the excess emissions resulted from startup or malfunction, a list of the steps taken to comply with the permit procedures.

- 3) In the case of continuous or recurring excess emissions, the notification requirements of this rule shall be satisfied if the source provides the required notification after excess emissions are first detected and includes in the notification an estimate of the time the excess emissions will continue. Excess emissions occurring after the estimated time period or changes in the nature of the emissions as originally reported shall require additional initial and follow-up notification pursuant to this Permit Condition.

[County Rule 140 §500]

#### **E. FACILITY CHANGE REPORTING**

- 1) Any advance written notice required by the Allowable Facility Change section of this Permit shall meet all of the following requirements:

- a) The notice shall be by certified mail or hand delivery and shall be received by the Control Officer the minimum amount of time in advance of the change. Notifications of changes associated with emergency conditions, such as malfunctions necessitating the replacement of equipment, may be provided with less than required notice, but must be provided as far in advance of the change, or if advance notification is not practicable, as soon after the change, as possible.

[County Rule 220 §404.4]

- b) The written notice shall include:

- 1) When the proposed change will occur;
- 2) A description of the change;
- 3) Any change in emissions of regulated air pollutants; and
- 4) Any permit term or condition that is no longer applicable as a result of the change.

[County Rule 220 §404.5]

- 2) Annual Facility Change Report

The Permittee shall file a copy of all facility change logs required by this General Permit with the Control Officer within 30 days after each anniversary of the permit issue date. If no changes were made at the source requiring logging, a statement to that effect shall be filed instead.

[County Rule 220 §503]

#### **F. LOW SULFUR OIL VERIFICATION**

If the Control Officer requests proof of the sulfur content of fuel burned in the engines, the Permittee shall submit fuel receipts, contract specifications, pipeline meter tickets, Material Safety Data Sheets (MSDS), fuel supplier information or purchase records, if applicable, from the fuel supplier, indicating the sulfur content of the fuel oil. In lieu of these, testing of the fuel oil for sulfur content to meet the applicable sulfur limit shall be permitted if so desired by the owner or operator for evidence of compliance.

[County Rule 220 §302.7 and County Rule 230 §301]

### **SECTION 10: FUGITIVE DUST FROM DUST-GENERATING OPERATIONS**

#### **A. APPLICABILITY:**

The provisions of this Section apply to all dust-generating operations except for those dust-generating operations listed in Condition B of this Section. Any person engaged in a dust-generating operation subject to this Section shall be subject to the standards and/or requirements of this Section before, after, and while conducting such dust-

generating operation, including during weekends, after work hours, and on holidays. Failure to comply with any one of the following requirements shall constitute a violation.

[County Rule 310 §§102, 301]

**B. EXEMPTIONS:**

The provisions of this Section shall not apply to the following activities:

- 1) The provisions of this Section 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.
- 2) The provisions of this Section 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.
- 3) 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 Section E of this Permit.
- 4) Establishing 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 shall not be considered a dust-generating operation. 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.
- 5) 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 MCAQD rules in Regulation III-Control of Air Contaminants.

[County Rule 310 §103]

**C. OPACITY:**

- 1) The Permittee shall not cause or allow visible fugitive dust emissions to exceed 20% opacity.
- 2) The Permittee shall not cause, suffer, 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.

[County Rule 310 §303.1]

**D. EXEMPTIONS FROM DUST-GENERATING OPERATION OPACITY LIMITATION REQUIREMENT:**

- 1) Wind Event: Exceedances of the opacity limit described in Condition C.1) and C.2) of this Section that occur due to a wind event shall constitute a violation of the opacity limit. However, it shall be an affirmative defense in an enforcement action if the owner and/or operator demonstrates all of the following conditions:
  - a) All control measures required were followed and one or more of the following control measures were applied and maintained:
    - (1) For dust-generating operations:

- i. Cease dust-generating operations for the duration of the condition/situation/event when the 60-minute average wind speed is greater than 25 miles per hour and if dust-generating operations are ceased for the remainder of the work day, stabilize the area;
    - ii. Apply water or other suitable dust suppressant at least twice per hour to dust-generating operations in the PM10 nonattainment area and at least once per hour to dust-generating operations outside the PM10 nonattainment area;
    - iii. Apply water as necessary 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
    - iv. Implement Condition D.1)a)(1)(ii) or Condition D.1)a)(1)(iii) of this Section 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.
  - (2) For temporary disturbed surface areas, including but not limited to, after work hours, weekends, and holidays:
    - i. Uniformly apply and maintain surface gravel or dust suppressants;
    - ii. Apply water to all disturbed surface areas three times per day. If there is any evidence of wind-blown dust, increase watering frequency to a minimum of four times per day;
    - iii. Apply water on open storage piles at least twice per hour to temporary disturbed surface areas in the PM10 nonattainment area and at least once per hour to temporary disturbed surface areas outside the PM10 nonattainment area; or
    - iv. Cover open storage piles with tarps, plastic, or other material such that wind will not remove the covering(s).
  - b) Exceedances of the opacity limit described in Condition C of this Section could not have been prevented by better application, implementation, operation, or maintenance of control measures;
  - c) The owner and/or operator compiled and retained records, in accordance with Condition M of this Permit; and
  - d) The occurrence of a wind event on the day(s) in question is documented by records. The occurrence of a wind event must be determined by the nearest Maricopa County Air Quality Department monitoring station, from any other certified meteorological station, or by a wind instrument that is calibrated according to manufacturer's standards and that is located at the site being checked.
- 2) Emergency Maintenance of Flood Control Channels and Water Retention Basins: The opacity limit described in Condition C of this Section shall not apply to emergency maintenance of flood control channels and water retention basins, provided that control measures are implemented.
- 3) Vehicle Test and Development Facilities and Operations: The opacity limit described in Condition C.1) of this Section 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 MCAQD 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 MCAQD rules.

- 4) Activities Near the Property Line: The opacity limit described in Condition C.2) of this Section shall not apply to dust-generating operations conducted within 25 feet of the property line.

[County Rule 310 §303.2]

**E. STABILIZATION REQUIREMENTS FOR DUST-GENERATING OPERATIONS:**

- 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 will meet one of the following requirements:

- a) Shall not allow silt loading equal to or greater than 0.33 oz/ft<sup>2</sup>, or
- b) Shall not allow the silt content to exceed 8%.

[County Rule 310 §304.1]

- 2) Unpaved Haul/Access Road:

- a) The owner and/or operator of any unpaved haul/access road (whether including 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 will meet one of the following requirements:

- (1) Shall not allow silt loading equal to or greater than 0.33 oz/ft<sup>2</sup>; or
- (2) Shall not allow the silt content to exceed 6%.

- b) The owner and/or operator of any unpaved haul/access road (including 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 E.2)a) of this Condition, 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 Permit, 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.

[County Rule 310 §304.2]

- 3) Disturbed Surface Area:

The owner and/or operator of any disturbed surface area on which no activity is occurring (including 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 below, as applicable. Should any disturbed surface area on which no activity is occurring contain more than one type of visibly distinguishable stabilization characteristics, soil, vegetation, or other characteristics, which are visibly distinguishable, 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 Rule 310 Section 501 and in Appendix C (Fugitive Dust Test Methods) of Maricopa County Air Quality Department 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.

- 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.

[County Rule 310 §304.3]

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.

[County Rule 310 §304.4]

**F. 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. 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. Control measures for specific dust-generating operations are described in this Section.

1) Off-Site Hauling Onto Paved 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 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.

[County Rule 310 §305.1]

- 2) Bulk Material Hauling/Transporting When On-Site Hauling/Transporting Within the Boundaries of the Work Site but not Crossing a Paved 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 a paved 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.

[County Rule 310 §305.2]

- 3) Bulk Material Hauling/Transporting When On-Site Hauling/Transporting Within the Boundaries of the Work Site and Crossing and/or Accessing a Paved 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 a paved 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 a paved 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.

[County Rule 310 §305.3]

- 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 at least one of the following control measures:

- a) Spray material with water, as necessary, prior to stacking, loading, and unloading and/or while stacking, loading, and unloading; or
- b) Spray material with a dust suppressant other than water, as necessary, prior to stacking, loading, and unloading and/or while stacking, loading, and unloading.

[County Rule 310 §305.4]

- 5) Open Storage Piles: The owner and/or operator of a dust-generating operation that involves an open storage pile shall implement the following control measures, as applicable:
- a) Prior to and/or while conducting stacking, loading, and unloading operations, implement one of the following control measures:
    - (1) Spray material with water, as necessary; or
    - (2) Spray material with a dust suppressant other than water, as necessary.
  - b) When not conducting stacking, loading, and unloading operations, implement one of the following control measures:
    - (1) 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
    - (2) Apply water to maintain 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.
    - (3) Maintain a soil crust; or
    - (4) Implement the control measure described in Condition F.5)b)(2) or in Condition F.5)b)(3) of this Section 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%.

[County Rule 310 §305.5]

- 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.

[County Rule 310 §305.6]

- 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.  
[County Rule 310 §305.7]
- 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.  
[County Rule 310 §305.8]
- 9) Blasting Operations: The owner and/or operator of a dust-generating operation that involves blasting operations shall implement all of the following control measures:
- a) In wind gusts above 25 miles per hour, discontinue/cease blasting; and
  - b) Pre-water and maintain surface soils in a stabilized condition where support equipment and vehicles will operate.  
[County Rule 310 §305.9]
- 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 crust and to prevent wind erosion.  
[County Rule 310 §305.10]
- 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, as necessary;
    - (2) Apply water as necessary 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 one of the control measures below 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 windblown material leaving a site.
      - i. Apply water or other suitable dust suppressant other than water, as necessary; or
      - ii. Apply water as necessary 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.
  - 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 in sufficient quantity;
    - (3) Implement one of the control measures below and restrict vehicle access to the area;
      - i. Pave, apply gravel, or apply a suitable dust suppressant other than water; or
      - ii. Establish vegetative ground cover in sufficient quantity.
    - (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.
- [County Rule 310 §305.11]
- 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 General permit 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 Condition F.7) of this Section.

[County Rule 310 §305.12]

**G. 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.

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 paved 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 Condition G.1)a) of this Section, prevent trackout, carry-out, spillage, and/or erosion by implementing one of the following control measures:

- (1) At all exits onto paved areas accessible to the public, install a wheel wash system;
- (2) At all exits onto paved areas accessible to the public, install a gravel pad which meets the definition in this Permit;
- (3) At all exits onto paved 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 a paved area accessible to the public and extending for a centerline distance of at least 100 feet and a width of at least 20 feet.

[County Rule 310 §306.1]

2) Clean Up of Trackout:

- a) Criterion for Clean Up of Trackout: Clean up, trackout, carry-out, spillage, and/or erosion from paved 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, 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.

[County Rule 310 §306.2]

#### **H. 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 earthmoving operations on disturbed surface areas 1 acre or larger, unless a soil crust is maintained or the soil is sufficiently damp to prevent loose grains of soil from becoming dislodged.

[County Rule 310 §307]

#### **I. DUST CONTROL TRAINING CLASSES FOR DUST-GENERATING OPERATIONS:**

1) Basic Dust Control Training Class:

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

b) At least once every three years, water truck and water-pull drivers shall successfully complete a Basic Dust Control Training Class conducted or approved by the Control Officer.

c) 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 Condition I.2) of this Section, shall satisfy the requirement of this Condition.

[County Rule 310 §309.1]

2) Comprehensive Dust Control Training Class:

a) At least once every three years, the Dust Control Coordinator, who meets the requirements of Condition J of this Section, 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.

[County Rule 310 §309.2]

#### **J. DUST CONTROL COORDINATOR FOR DUST-GENERATING OPERATIONS:**

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<sub>10</sub> emissions from dust-generating operations shall have on-site at least one Dust Control Coordinator trained in accordance with Condition I.2) of this Section at all times during primary dust-generating operations related to the purposes for which the Dust Control permit was obtained.

- 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.
  - 3) The Dust Control Coordinator shall be responsible for managing dust prevention and dust control on the site.
  - 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.
  - 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.
  - 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.
- [County Rule 310 §310]

**K. DUST CONTROL PLAN:**

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:

- 1) 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
- 2) Before commencing any routine dust-generating operation at a site that has obtained or must obtain a General permit.

[County Rule 310 §402.1]

**L. DUST CONTROL PLAN CONTENTS:**

The Plan shall contain, at a minimum, the following information:

- 1) 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.
- 2) A drawing, on 8½" x 11" paper, that shows:
  - a) Entire project site/facility boundaries,
  - b) Acres to be disturbed with linear dimensions,
  - c) Nearest public roads,
  - d) North arrow, and

- e) Planned exit locations onto paved areas accessible to the public.
- 3) Appropriate control measures, or a combination thereof, as described in Condition F and Condition G of this Section, for every actual and potential dust-generating operation.
- a) Control measures must be implemented before, after, and while conducting any dust-generating operation, including during weekends, after work hours, and on holidays.
  - b) All required control measures and at least one contingency control measure must be identified for all dust-generating operations.
  - c) A control measure that is not listed in Condition F and Condition G of this Section may be chosen provided that such control measure is implemented to comply with the requirements described this Permit.
- 4) Dust suppressants to be applied, including all of the following product specifications or label instructions for approved usage:
- a) Method, frequency, and intensity of application;
  - b) Type, number, and capacity of application equipment; and
  - c) Information on environmental impacts and approvals or certifications related to appropriate and safe use for ground application.
- 5) Specific surface treatment(s) and/or control measures utilized to control material trackout and sedimentation where unpaved roads and/or access points join paved areas accessible to the public.
- 6) The Dust Control Plan shall be kept onsite and readily available upon inspections.
- 7) 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. 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 Permit. If the Control Officer determines that an approved Dust Control Plan has been followed yet fugitive dust visible emissions from any given fugitive dust source under the control of the Permittee still exceeds opacity limitations, then the Permittee shall make written revisions to the Dust Control Plan effectively correcting the deficiencies identified by the Control Officer. The Permittee shall submit these revisions to the Control Officer within three working days of being notified in writing of the Control Plan's deficiencies per Rule 310, §305. During the time the Permittee is revising the Plan, the Permittee shall still comply with all requirements in Rule 310.

[County Rule 310 §§402, 403 and 503]

**M. RECORD KEEPING:**

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.

- 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, 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 Condition I of this Section, date of the class(es) that such employee(s) successfully completed, and name of the agency/representative who conducted such class(es).
- 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.
- 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.

[County Rule 220 §500 and County Rule 310 §§502 and 503]