

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust <u>From Dust Generating Operations</u> Draft June 21, 2007	Description Of Revision	Stakeholders' Comments
<p>101 Purpose: To limit particulate matter 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 PM₁₀ 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.</p>	<p>101 Purpose: To limit particulate matter (<u>PM₁₀</u>) 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 PM₁₀ 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.</p>	<p>To add "PM₁₀" in reference to "particulate matter".</p>	<p>Joint Environmental Task Force: The Joint Environmental Task Force does not approve Rule 310 draft as written. The wording is confusing in that it is not clear that this rule applies to fugitive dust from sand and gravel mining operations.</p>
<p>102 Applicability: The provisions of this rule shall apply to all dust generating operations except for those dust generating operations listed in Section 103.</p>	<p>102 Applicability: The provisions of this rule shall apply to all dust generating operations except for those dust generating operations listed in Section 103 <u>of this rule.</u></p>	<p>To add "of this rule".</p>	<p>Joint Environmental Task Force: This Rule applies to all dust generating operations except farming and non-traditional sources, which are not listed. What is Rule 310.01? What are non-traditional sources? All of the activities described here can and do take place at sand and gravel mining operation sites. Therefore, this rule should apply to sand and gravel mining operations as well as to construction. Fugitive dust is a major part of such mining operations. Are there controls identical to the ones specified in Rule 310 specified in another rule specifically for sand and gravel mining? If so specify here. If not, specify that this rule is universal. The title of the rule is "fugitive dust". If the requirements here are stricter than those for sand and gravel mining permits, then sand and gravel mining permits should incorporate these requirements as corrected by the comments in this letter. There is a "disconnect" here. Is mining given the "easy" requirements?</p>
<p>103 Exemptions: The following are exempt from the requirements of this rule: normal farm cultural practices under Arizona Revised Statutes (A.R.S.) §49-457 and §49-504.4, and open areas, vacant lots, unpaved parking lots, and unpaved roadways that are not located at sources that require any permit</p>	<p>103 Exemptions: The following are exempt from the requirements of this rule: normal farm cultural practices under Arizona Revised Statutes (ARS) §49-457 and §49-504.4, and open areas, vacant lots, unpaved parking lots, and unpaved roadways that are not located at sources that require any permit</p>	<p>To change format for clarity.</p> <p>To add exemption for non-traditional sources.</p> <p>To add exemption for emergency activities.</p>	<p>City Of Phoenix: An exemption for emergency activities should be included in Section 103. Emergency activities include operations that may disturb the soil for the prevention of public injury or the restoration of critical utilities to functional status. Such an</p>

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

<p>under these rules.</p>	<p><u>under these rules. The provisions of this rule shall not apply to the following activities:</u> <u>103.1 The provisions of this rule shall not apply to normal farm cultural practices according to Arizona Revised Statutes (ARS) §49-457 and ARS §49-504.4.</u> <u>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-Non-Traditional Sources Of Fugitive Dust of these rules.</u> <u>a. Vehicle use in open areas and vacant lots</u> <u>b. Open areas and vacant lots</u> <u>c. Unpaved parking lots</u> <u>d. Unpaved roadways (including alleys)</u> <u>e. Livestock operations</u> <u>f. Erosion-caused deposition of bulk materials onto paved surfaces</u> <u>g. Easements, rights-of-way, and access roads for utilities (electricity, natural gas, oil, water, and gas transmission)</u> <u>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.</u></p>		<p>exemption is allowed in the Clark County's Section 94.2.5. In addition, a definition for an emergency activity should be provided in Rule 310. Suggested revision: Add Section 103.3: The provisions of this rule shall not apply to emergency activities that may disturb the soil, conducted by any utility, municipality, or government entity in order to prevent public injury or restore critical utilities to functional status. Suggested definition of "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.</p> <p>Maricopa County Farm Bureau: Section 103.1 appears to exempt farmers engaged in "normal farm cultural practices" from the regulations in Rule 310. Would you please clarify whether there are any provisions in the draft rule that would affect agricultural producers notwithstanding this general exemption? Specifically, would the language in Section 302.2-Property Line Opacity Limitation Requirement apply to agriculture?</p>
<p>201 Area Accessible To The Public – Any retail parking lot or public roadway that is open to public travel primarily for purposes unrelated to the dust generating operation.</p>	<p>201 Area Accessible To The Public – Any retail parking lot or public roadway that is open to public travel primarily for purposes unrelated to the dust generating operation.</p>	<p>Areas accessible to the public should not be limited-to retail parking lots. Parking lots for churches, schools, other institutions meet the definition, per Staff comment.</p>	<p>Joint Environmental Task Force: The area definition here is not inclusive enough. Use the area defined by the EPA.</p>

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust <u>From Dust Generating Operations</u> Draft June 21, 2007	Description Of Revision	Stakeholders' Comments
<p>202 Bulk Material - Any material, including, but not limited to, earth, rock, silt, sediment, sand, gravel, soil, fill, aggregate less than 2 inches in length or diameter (i.e., aggregate base course (ABC)), earth, soil, dirt, mud, demolition debris, cotton, trash, cinders, pumice, rock, saw dust, feeds, grains, fertilizers, fluff (from shredders), and dry concrete, that are capable of producing fugitive dust.</p>	<p>202 Bulk Material - Any material, including, but not limited to, the following materials earth, rock, silt, sediment, sand, gravel, soil, fill, aggregate less than 2 inches in length or diameter (i.e., aggregate base course (ABC)), earth, soil, dirt, mud, demolition debris, cotton, trash, cinders, pumice, rock, saw dust, feeds, grains, fertilizers, fluff (from shredders), and dry concrete, that are capable of producing fugitive dust.:</p> <p><u>202.1 Earth</u> <u>202.2 Rock</u> <u>202.3 Silt</u> <u>202.4 Sediment</u> <u>202.5 Sand</u> <u>202.6 Gravel</u> <u>202.7 Soil</u> <u>202.8 Fill</u> <u>202.9 Aggregate less than 2 inches in length or diameter (i.e., aggregate base course (ABC))</u> <u>202.10 Dirt</u> <u>202.11 Mud</u> <u>202.12 Demolition debris</u> <u>202.13 Cotton</u> <u>202.14 Trash</u> <u>202.15 Cinders</u> <u>202.16 Pumice</u> <u>202.17 Saw dust</u> <u>202.18 Feeds</u> <u>202.19 Grains</u> <u>202.20 Fertilizers</u> <u>202.21 Fluff from shredders</u> <u>202.22 Dry concrete</u></p>	<p>To change format for clarity and to list only once materials that are listed twice (i.e., earth and soil).</p>	

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust <u>From Dust Generating Operations</u> Draft June 21, 2007	Description Of Revision	Stakeholders' Comments
<p>203 Bulk Material Handling, Storage, And/OR Transporting Operation - The use of equipment, haul trucks, and/or motor vehicles, including, but not limited to, the loading, unloading, conveying, transporting, piling, stacking, screening, grading, or moving of bulk materials, that are capable of producing fugitive dust.</p>	<p>203 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 the loading, unloading, conveying, transporting, piling, stacking, screening, grading, or moving of bulk materials, that are capable of producing fugitive dust: <u>203.1 Loading</u> <u>203.2 Unloading</u> <u>203.3 Conveying</u> <u>203.4 Transporting</u> <u>203.5 Piling</u> <u>203.6 Stacking</u> <u>203.7 Screening</u> <u>203.8 Grading</u> <u>203.9 Moving bulk materials</u></p>	<p>To change format for clarity.</p>	<p>Joint Environmental Task Force: Add Section 203.10 Dumping.</p>
<p>204 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: 204.1 Curbing; 204.2 Paving; 204.3 Pre-wetting; 204.4 Applying dust suppressants; 204.5 Physically stabilizing with vegetation, gravel, recrushed/recycled asphalt or other forms of physical stabilization; 204.6 Limiting, restricting, phasing and/or rerouting motor vehicle access; 204.7 Reducing vehicle speeds and/or number of vehicle trips; 204.8 Limiting use of off-road vehicles on open areas and vacant lots; 204.9 Utilizing work practices and/or structural provisions to prevent wind and water erosion onto paved areas accessible to the public; 204.10 Appropriately using dust control implements; 204.11 Installing one or more grizzlies, gravel pads, and/or wash down pads adjacent to the entrance of a paved area accessible to the public to control carry-out and trackout;</p>	<p>204 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: 204.1 Curbing; 204.2 Paving; 204.3 Pre-wetting <u>Pre-watering</u>; 204.4 Applying dust suppressants; 204.5 Physically stabilizing with vegetation, gravel, recrushed/recycled asphalt or other forms of physical stabilization; 204.6 Limiting, restricting, phasing and/or rerouting motor vehicle access; 204.7 Reducing vehicle speeds and/or number of vehicle trips; 204.8 Limiting use of off-road vehicles on open areas and vacant lots; 204.9 Utilizing work practices and/or structural provisions to prevent wind and water erosion onto paved areas accessible to the public; 204.10 Appropriately using dust control implements; 204.11 Installing one or more grizzlies, gravel pads, and/or wash down pads adjacent to the entrance of a paved area accessible to the public to control carry-out and trackout; 204.12 Keeping open-bodied haul trucks in good</p>	<p>To match term used in Application For Dust Control Permit and Guidance For Application For Dust Control Permit - "pre-watering".</p>	<p>Joint Environmental Task Force: Change Section 204.3 as follows: Watering should be done before, during and after processing. Also, water all open areas including those with material piles as often as needed to prevent fugitive dust.</p>

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

<p>204.12 Keeping open-bodied haul trucks in good repair, so that spillage may not occur from beds, sidewalls, and tailgates; and 204.13 Covering the cargo beds of haul trucks to minimize wind-blown dust emissions and spillage.</p>	<p>repair, so that spillage may not occur from beds, sidewalls, and tailgates; and 204.13 Covering the cargo beds of haul trucks to minimize wind-blown dust emissions and spillage.</p>		
---	--	--	--

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust <u>From Dust Generating Operations</u> Draft June 21, 2007	Description Of Revision	Stakeholders' Comments
<p>205 Disturbed Surface Area – A portion of the earth's surface (or material placed thereupon) which has been physically moved, uncovered, destabilized, or otherwise modified from its undisturbed native condition, thereby increasing the potential for the emission of fugitive dust. For the purpose of this rule, 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 301 and Section 302 of this rule.</p>	<p>205 Disturbed Surface Area – A portion of the earth's surface (or material placed thereupon) which <u>or material placed on the earth's surface that</u> has been physically moved, uncovered, destabilized, or otherwise modified from its undisturbed native condition, thereby increasing the potential for the emission of fugitive dust. <u>if the potential for the emission of fugitive dust is increased by the movement, destabilization, or modification.</u> For the purpose of this rule, 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 301 and Section 302 <u>Section 304</u> of this rule.</p>	<p>To match definition of "disturbed surface area" to definition of "disturbed surface area" in Senate Bill 1552.</p>	
<p>206 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.</p>	<p>206 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.</p>	<p>No change proposed.</p>	
<p>207 Dust Control Plan - A written plan describing all fugitive dust control measures.</p>	<p>207 Dust Control Plan - A written plan describing all fugitive dust control measures <u>to be implemented and maintained in order to prevent or minimize the generation, emission, entrainment, suspension, and/or airborne transport of fugitive dust.</u></p>	<p>To specify what a Dust Control Plan is.</p>	

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust <u>From Dust Generating Operations</u> Draft June 21, 2007	Description Of Revision	Stakeholders' Comments
<p>208 Dust Generating Operation - Any activity capable of generating fugitive dust, including but not limited to, land clearing, earthmoving, weed abatement by discing or blading, excavating, construction, demolition, bulk material handling, storage and/or transporting operations, vehicle use and movement, the operation of any outdoor equipment, or unpaved parking lots. For the purpose of this rule, landscape maintenance and playing on or maintaining a field used for non-motorized sports shall not be considered a dust generating operation. However, landscape maintenance shall not include grading, trenching, or any other mechanized surface disturbing activities performed to establish initial landscapes or to redesign existing landscapes.</p>	<p>208 Dust Generating Operation - Any activity capable of generating fugitive dust, including but not limited to, <u>the following activities, land clearing, earthmoving, weed abatement by discing or blading, excavating, construction, demolition, bulk material handling, storage and/or transporting operations, vehicle use and movement, the operation of any outdoor equipment, or unpaved parking lots.</u> For the purpose of this rule, landscape maintenance and playing on or maintaining a field used for non-motorized sports shall not be considered a dust generating operation. However, landscape maintenance shall not include grading, trenching, or any other mechanized surface disturbing activities performed to establish initial landscapes or to redesign existing landscapes.</p> <p><u>208.1 Land clearing, maintenance, and land cleanup using machinery</u> <u>208.2 Earthmoving</u> <u>208.3 Weed abatement by discing or blading</u> <u>208.4 Excavating</u> <u>208.5 Construction</u> <u>208.6 Demolition</u> <u>208.7 Bulk material handling (e.g., bulk material hauling and/or transporting, bulk material stacking, loading, and unloading operations)</u> <u>208.8 Storage and/or transporting Operations (e.g., open storage piles, bulk material hauling and/or transporting, bulk material stacking, loading, and unloading operations)</u> <u>208.9 Operation of any outdoor equipment</u> <u>208.10 Operation of motorized machinery</u> <u>208.11 Establishing and/or using staging areas, parking areas, material storage areas, or access routes to and from a site</u> <u>208.12 Establishing and/or using unpaved haul/access roads to, from, and within a site</u> <u>208.13 Disturbed surface areas associated with a site</u></p>	<p>To change format for clarity and to change definition to match Clark County's definition of "construction activities" in Section 94-Permitting And Dust Control For Construction Activities.</p>	<p>Attendee At Pubic Workshop #2-May 17, 2007: Better define/Clarify "operation of any outdoor equipment". (Section 208.18). Include such definition/clarification in Rule 310.01. Clarify "mowing" vs. "weed abatement by discing or blading". Sometimes a source may claim that it will be "mowing" when in reality it will be "scalping". Include such clarification in Rule 310.01.</p> <p>City Of Phoenix: Constructing initial landscapes without the use of mechanized equipment should be exempt to allow someone to plant a backyard garden. Suggested revision of Section 208: For the purpose of this rule, <u>installing initial landscapes and landscape maintenance without the use of mechanized equipment</u> landscape maintenance and playing on or maintaining a field used for non-motorized sports shall not be considered a dust generating operation. However, installing initial landscapes and landscape maintenance shall not include grading, <u>or</u> trenching, <u>or</u> any other <u>mechanized surface disturbing</u> activities performed to establish initial landscapes or to redesign existing landscapes. Suggested revision to Section 208.22: Initial landscaping <u>using mechanized equipment.</u> "Vehicle use and movement" (Section 208.17) and "driving vehicles on a site" (Section 208.20) are exempt in/from Rule 310 (and are regulated as non-traditional sources of fugitive dust in Rule 310.01). The operations should not be listed as dust generating operations. Suggested revision: Delete Section 208.17 and Section 208.22.</p>

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

	<u>208.14 Installing initial landscapes using mechanized equipment</u>		
--	--	--	--

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust <u>From Dust Generating Operations</u> Draft June 21, 2007	Description Of Revision	Stakeholders' Comments
<p>209 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.</p>	<p>209 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.</p>	<p>No change proposed.</p>	<p>EnSSo Environmental Stabilization Solutions: Review dust suppressant definition, consider using terms such as “non-leaching, UV resistant” to protect environment. Petroleum-based dust suppressants are toxic to fish and wildlife and consideration given to excluding from accepted dust suppressant. Ligninsulfonates (lignons) leach into water bodies increasing BOD, reducing biological activity, and retarding growth in fish. MSDS should provide accurate description of chemical make-up of dust suppressant. Chip sealing is a petroleum-based dust suppressant and should be applied in combination with a non-leaching soil stabilizer to protect the product from leaching petroleum into the ground surface.</p>
<p>210 Earthmoving Operation – The use of any equipment for an activity which may generate fugitive dust, such as but not limited to, cutting and filling, grading, leveling, excavating, trenching, loading or unloading of bulk materials, demolishing, blasting, drilling, adding to or removing bulk materials from open storage piles, back filling, soil mulching, landfill operations, or weed abatement by discing or blading.</p>	<p>210 Earthmoving Operation – The use of any equipment for an activity which may generate fugitive dust, such as but not limited to, the following activities: cutting and filling, grading, leveling, excavating, trenching, loading or unloading of bulk materials, demolishing, blasting, drilling, adding to or removing bulk materials from open storage piles, back filling, soil mulching, landfill operations, or weed abatement by discing or blading.</p> <p><u>210.1 Cutting and filling</u> <u>210.2 Grading</u> <u>210.3 Leveling</u> <u>210.4 Excavating</u> <u>210.5 Trenching</u> <u>210.6 Loading or unloading of bulk materials</u> <u>210.7 Demolishing</u> <u>210.8 Blasting</u> <u>210.9 Drilling</u> <u>210.10 Adding bulk materials to or removing bulk materials from open storage piles</u> <u>210.11 Back filling</u></p>	<p>To change format for clarity.</p>	

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

	<u>210.12 Soil mulching</u> <u>210.13 Landfill operations</u> <u>210.14 Weed abatement by discing or blading</u>		
--	--	--	--

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust <u>From Dust Generating Operations</u> Draft June 21, 2007	Description Of Revision	Stakeholders' Comments
	<p>211 Emergency - A situation arising from <u>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 technology-based emission limitation under the permit, 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.</u></p>	To add definition of "emergency".	
	<p>212 Emergency Activity - <u>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.</u></p>	To add definition of "emergency activity".	<p>City Of Phoenix: An exemption for emergency activities should be included in Section 103. Emergency activities include operations that may disturb the soil for the prevention of public injury or the restoration of critical utilities to functional status. Such an exemption is allowed in the Clark County's Section 94.2.5. In addition, a definition for an emergency activity should be provided in Rule 310. Suggested revision: Add Section 103.3: The provisions of this rule shall not apply to emergency activities that may disturb the soil, conducted by any utility, municipality, or government entity in order to prevent public injury or restore critical utilities to functional status. Suggested definition of "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.</p>

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

	<p>213 End Of Work Day - <u>The end of a working period that may include one or more work shifts but not later than 8 pm.</u></p>	<p>To add definition per Stakeholders' comments during Public Workshop #1-April 19, 2007. Definition matches definition used in Rule 316-Nonmetallic Mineral Processing. Term is used in Rule 310 regarding trackout.</p>	<p>John Walker: The definition of "end of work day" needs to be further clarified and/or changed. Many non-ferrous mining sites have shifts beginning in the afternoon, which don't end until after 8 pm. They may be operating around-the-clock during certain periods of high demand or if they make overnight inter-plant shipments of materials. Also, there are often trucks operating different overlapping shifts. This definition is not acceptable and is un-necessary. Suggested revision: Indicate that trackout is to be cleaned-up whenever it exceeds a certain length and at the end (if any) of a work period, if the trackout exceeds that certain length.</p>
<p>211 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.</p>	<p>214 214 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.</p>	<p>No change proposed.</p>	
<p>212 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, 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.</p>	<p>215 215 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.</p>	<p>No change proposed.</p>	<p>Joint Environmental Task Force: Why don't you consider the exhaust from internal combustion engines? You can write a requirement that is more stringent than that of the EPA. To have the Valley air out of compliance and not count pollution from "exempt" engines is not to take this effort seriously.</p>

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust <u>From Dust Generating Operations</u> Draft June 21, 2007	Description Of Revision	Stakeholders' Comments
<p>213 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 a paved area accessible to the public and a work site entrance to dislodge mud, dirt, and/or debris from the tires of motor vehicles and/or haul trucks, prior to leaving the work site.</p>	<p>213 216 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 a paved area accessible to the public and a work site entrance to dislodge mud, dirt, and/or debris from the tires of motor vehicles and/or haul trucks, prior to leaving the work site. <u>A gravel pad shall consist of one inch to 3 inches rough diameter, clean, well-graded gravel or crushed rock. Minimum dimensions must be 30 feet wide by 3 inches deep, and, at minimum, 50 feet long or the length of the longest haul truck, whichever is greater.</u></p>	<p>To add dimensions of gravel pad to the definition of gravel pad and to remove dimensions of gravel pad from Rule 310 regarding trackout, per Staff comment.</p> <p>Staff recommends that gravel pad be required to be three inches deep instead-of six inches deep because experience in the field has shown six inches deep to inhibit vehicle travel rather than reduce trackout.</p> <p>Proposed dimensions of gravel pad are same dimensions required in Clark County's Construction Activities Dust Control Handbook.</p>	<p>John Walker: Rule 310 states that gravel pads must be 30' wide. There are simply some site entrances/exits that are not that wide, nor can be, due to presence of fixed obstructions or hazards (i.e., drop-offs into concrete or other ditches which the contractor/site operator and possible the site owner is not allowed to modify. The adequately wide gravel pad should be as little as 21'-24'. Suggested revision: "30' wide or at least wide enough to accommodate two vehicles of the maximum width of on-road vehicles (8' x 6") that routinely leave and enter the site to pass-by each other at normal speeds on the gravel pad, allowing 2'-4' clearance between vehicles and a minimum of 1'-2' of gravel remaining on the lateral side of each vehicle.</p> <p>City Of Mesa: Relaxing the requirement for depth of gravel pads from six inches to three inches is not acceptable. This will significantly reduce the effectiveness of these pads. The six inch requirement should be retained. The width and length requirement for gravel pads should be increased at least for larger sites. This is the only way to make the gravel pads more effective for large vehicles. Maricopa County should consider trackout requirements based-on site size and should incorporate into Rule 310 the authority to require a larger gravel pad if an existing gravel pad is found to be ineffective. For example, the proposed 30' x 50' pad size is sufficient for a one-acre site. In fact, a site this size is unlikely to even have room for a larger gravel pad. Also, a one-acre site is highly unlikely to have large numbers of large vehicles on the</p>

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

			<p>site at any time. Conversely, a 100-acre site is very likely to have several days with fleets of large vehicles active at the site. In this case, trackout requirements should include a large gravel pad (i.e., 60' x 100') at each entrance and mandatory installation of a grizzly.</p> <p>EnSSo Environmental Stabilization Solutions: Consider additional BMP design in definition as an alternative control measure. For example, decomposed granite at 3/8" minus or recycled asphalt (granular specified asphalt) at 1.25" minus combined with a non-leaching, UV resistant soil stabilizer and rolled in place 4" thick at least 30' wide and 50' long would provide a stable dust-free surface, preventing trackout.</p>
<p>214 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.</p>	<p>214 217 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.</p>	No change proposed.	
<p>215 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.</p>	<p>215 218 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.</p>	No change proposed.	
<p>216 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.</p>	<p>216 219 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.</p>	No change proposed.	
	<p>220 Non-Traditional Source Of Fugitive Dust - <u>A source of fugitive dust that is located at a source that does not require a permit</u></p>	To add definition of "non-traditional source of fugitive dust".	<p>Attendee At Pubic Workshop #2-May 17, 2007: Rule 310.01 and Rule 310 are circular. Better define "non-</p>

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

	<p>under these rules. The following <u>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:</u></p> <p><u>220.1 Vehicle use in open areas and vacant lots</u> <u>220.2 Open areas and vacant lots</u> <u>220.3 Unpaved parking lots</u> <u>220.4 Unpaved roadways (including alleys)</u> <u>220.5 Livestock operations</u> <u>220.6 Erosion-caused deposition of bulk materials onto paved surfaces</u> <u>220.7 Easements, rights-of-way, and access roads for utilities (electricity, natural gas, oil, water, and gas transmission)</u></p>	<p>To introduce/use the term “non-traditional source of fugitive dust”, in order to identify the types of activities that Rule 310.01 is intended to regulate.</p> <p>Using the term “non-traditional source of fugitive dust” will reflect that Rule 310.01 regulates more than open areas, vacant lots, unpaved parking lots, and unpaved roadways.</p>	<p>traditional sources of fugitive dust”.</p> <p>City Of Phoenix: “Vehicle use and movement” (Section 208.17) and “driving vehicles on a site” (Section 208.20) are exempt in/from Rule 310 (and are regulated as non-traditional sources of fugitive dust in Rule 310.01). The operations should not be listed as dust generating operations.</p> <p>City Of Phoenix: Suggested revision: Delete Section 208.17 and Section 208.22 - from the definition of “dust generating operation” and add “vehicle use and movement” and “driving vehicles on a site” to the definition of “non-traditional source of fugitive dust”.</p>
<p>217 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.</p>	<p>247 <u>221</u> 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.</p>	<p>No change proposed.</p>	
<p>218 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.</p>	<p>248 <u>222</u> 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.</p>	<p>No change proposed.</p>	

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust <u>From Dust Generating Operations</u> Draft June 21, 2007	Description Of Revision	Stakeholders' Comments
<p>219 Open Areas And Vacant Lots - Any of the following described in Section 219.1 through Section 219.4 of this rule. For the purpose of this rule, vacant portions of residential or commercial lots that are immediately adjacent and owned and/or operated by the same individual or entity are considered one open area or vacant lot.</p> <p>219.1 An unsubdivided or undeveloped tract of land adjoining a developed or partially developed residential, industrial, institutional, governmental, or commercial area.</p> <p>219.2 A subdivided residential, industrial, institutional, governmental, or commercial lot that contains no approved or permitted buildings or structures of a temporary or permanent nature.</p> <p>219.3 A partially developed residential, industrial, institutional, governmental, or commercial lot.</p> <p>219.4 A tract of land, in the nonattainment area, adjoining agricultural property.</p>	<p>219 Open Areas And Vacant Lots - Any of the following described in Section 219.1 through Section 219.4 of this rule. For the purpose of this rule, vacant portions of residential or commercial lots that are immediately adjacent and owned and/or operated by the same individual or entity are considered one open area or vacant lot.</p> <p>219.1 An unsubdivided or undeveloped tract of land adjoining a developed or partially developed residential, industrial, institutional, governmental, or commercial area.</p> <p>219.2 A subdivided residential, industrial, institutional, governmental, or commercial lot that contains no approved or permitted buildings or structures of a temporary or permanent nature.</p> <p>219.3 A partially developed residential, industrial, institutional, governmental, or commercial lot.</p> <p>219.4 A tract of land, in the nonattainment area, adjoining agricultural property.</p>	<p>To delete definition of "open areas and vacant lots".</p> <p>Term is used in Rule 310.01-Fugitive Dust From Non-Traditional Sources Of Fugitive Dust.</p>	
	<p>223 Open Storage Pile - <u>Any accumulation of bulk material with a 5% or greater silt content which in any one point attains a height of three feet and covers a total surface area of 150 square feet or more. Silt content shall be assumed to be 5% or greater unless a person can show, by testing in accordance with ASTM Method C136-96A or other equivalent method approved in writing by the Control Officer and the Administrator that the silt content is less than 5%.</u></p>	<p>To move definition of "open storage pile" from standards section to definitions section.</p> <p>Term and definition were used in Rule 310, Section 308.6 adopted April 7, 2004.</p>	<p>John Walker: If rock, sand, gravel, aggregate less than two inches in diameter and cinders have been washed and not recombined with other materials having a silt content, then they should be excluded from the open storage pile control measures and stabilization requirements. If washed, even if their moisture content decreased to less than 12%, they still produce no PM₁₀, as they contain none. This section of the rule should state that the operator having a current Dust Control Permit which specifies that piles of such washed materials are produced from time-to-time shall be considered to have met the requirements of</p>

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

			<p>showing that the silt content is less than 5%. The requirement for 12% moisture should be eliminated for such washed materials.</p>
<p>220 Owner And/Or Operator – The person responsible for obtaining an earthmoving permit under Rule 200, Section 305, or any person who owns, leases, operates, controls, or supervises a dust generating operation subject to the requirements of this rule.</p>	<p>220 224 Owner And/Or Operator – The person responsible for obtaining an earthmoving permit under Rule 200, Section 305, <u>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, or supervisor,</u> or any person who owns, leases, operates, controls, or supervises a dust generating operation subject to the requirements of this rule.</p>	<p>To specify who an owner and/or operator is.</p>	<p>John Walker: I highly object to the language as written. A landowner who has a current lease to a lessee (for a reasonably long period of time - 3 months - 6 month or longer), with the stipulation that the lessee is responsible for meeting all current air quality rules and restoring the property to a condition that meets the then current air quality rules, should be responsible for meeting Rule 310. This is especially so if the property will not be used for dust generating operations following the departure of the lessee. The land owner is often not physically present at the site for months to years and should not be held responsible for failure to perform of the lessee, developer, or general contractor. The changes to the section fail to meet the specified goal. There is an owner. There is an operator. The two may or may not be the same entity but referring to an "owner/operator" will only serve to cloud responsibility and result in possible finger-pointing between the two. Subcontractors, who have been advised in writing of their responsibility to abide by Rule 310, should be the entity fined in the event their particular activity violates an air quality rule. Suggested revision: Owner and operator should be defined separately and other sections in Rule 310 should be modified to reference them separately.</p>

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

<p>221 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).</p>	<p>224 225 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).</p>	<p>No change proposed.</p>	<p>EnSSo Environmental Stabilization Solutions: Consider adding to the other similar materials (ie...) Both of the following alternatives are less expensive than traditional paving as defined in (ie...), neither application requires a batch permit, dust permit, or air quality permit for emitting VOCs: natural pavement (3/8" minus decomposed granite blended or batched with non-leaching, UV resistant binder (ie. tall oil pitch)) and cold-rolled asphalt (granular specified asphalt blended or batched with non-leaching, UV resistant binder (ie. tall oil pitch)).</p>
	<p>226 Property Line - <u>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.</u></p>	<p>To add definition of "property line". Definition matches definition used in South Coast's Rule 403-Fugitive Dust.</p>	
<p>222 Public Roadways – Any roadways that are open to public travel.</p>	<p>222 227 Public Roadways – Any roadways that are open to public travel.</p>	<p>No change proposed.</p>	

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust <u>From Dust Generating Operations</u> Draft June 21, 2007	Description Of Revision	Stakeholders' Comments
223 Routine – Any dust generating operation which occurs more than 4 times per year or lasts 30 cumulative days or more per year.	223 <u>228</u> Routine – Any dust generating operation which occurs more than 4 times per year or lasts 30 cumulative days or more per year.	No change proposed.	
224 Silt – Any aggregate material with a particle size less than 75 micrometers in diameter, which passes through a No. 200 Sieve.	224 <u>229</u> Silt – Any aggregate material with a particle size less than 75 micrometers in diameter, which passes through a No. 200 Sieve.	No change proposed.	John Walker: If proposed Rule 310 is to control PM ₁₀ , why is silt defined to include materials all the way-up-to 75 micrometers (i.e., PM ₁₁₋₇₅)? Have materials in the range of 11-75 micrometers been proven to have any significant risk to health? If not, they should not be regulated. If the EPA or ADEQ mandates regulation of PM ₁₁₋₇₅ anyway, they should be required to demonstrate their duly promulgated rules that require regulation of PM ₁₁ thru PM ₇₅ , which rules should reference legally-approved studies that demonstrate harmful health effects of a legally significant character. Suggested revision: Define silt as only those particles smaller than PM ₁₀ .
	230 Tarp -	For the Five Percent Plan, to add definition of “tarp” to clarify one of the control measures for open storage piles and to require cargo compartment, whether loaded or empty, to be fully enclosed prior to traveling on a paved public roadway.	EnSSo Environmental Stabilization Solutions: Tarp needs to be defined (ie. canvas, liquid tarp, porosity); some type of baseline should be established.
225 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 a paved area accessible to the public.	225 <u>231</u> 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 a paved area accessible to the public.	No change proposed.	
226 Trackout Control Device - A gravel pad,	226 <u>232</u> Trackout Control Device - A gravel pad, grizzly,	No change proposed.	EnSSo Environmental

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

grizzly, wheel wash system, or a paved area, located at the point of intersection of an unpaved area and a paved area accessible to the public that controls or prevents vehicular trackout.	wheel wash system, or a paved area, located at the point of intersection of an unpaved area and a paved area accessible to the public that controls or prevents vehicular trackout.		Stabilization Solutions: Reference back to definition of gravel pad and to definition of pave.
227 Unpaved Haul/Access Road – Any on-site unpaved road used by commercial, industrial, institutional, and/or governmental traffic.	227 233 Unpaved Haul/Access Road – Any on-site unpaved road used by commercial, industrial, institutional, and/or governmental traffic.	No change proposed.	
228 Unpaved Parking Lot – Any area larger than 5,000 square feet that is not paved and that is used for parking, maneuvering, or storing motor vehicles.	228 234 Unpaved Parking Lot – Any area larger than 5,000 square feet that is not paved and that is used for parking, maneuvering, or storing motor vehicles.	No change proposed.	
229 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.	229 235 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.	No change proposed.	

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust <u>From Dust Generating Operations</u> Draft June 21, 2007	Description Of Revision	Stakeholders' Comments
<p>230 Urban Or Suburban Open Area – The definition of urban or suburban open area is included in Section 219 (Definition Of Open Areas And Vacant Lots) of this rule.</p>	<p>230 Urban Or Suburban Open Area – The definition of urban or suburban open area is included in Section 219 Definition Of Open Areas And Vacant Lots of this rule.</p>	<p>To delete definition of “urban or suburban open area”.</p> <p>Term is used in Rule 310.01-Fugitive Dust From Non-Traditional Sources Of Fugitive Dust.</p>	
<p>231 Vacant Lot – The definition of vacant lot is included in Section 219 (Definition Of Open Areas And Vacant Lots) of this rule.</p>	<p>231 Vacant Lot – The definition of vacant lot is included in Section 219 Definition Of Open Areas And Vacant Lots of this rule.</p>	<p>To delete definition of “vacant lot”.</p> <p>Term is used in Rule 310.01-Fugitive Dust From Non-Traditional Sources Of Fugitive Dust.</p>	

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust From Dust Generating Operations Draft June 21, 2007	Description Of Revision	Stakeholders' Comments
232 Vacant Parcel – The definition of vacant parcel is included in Section 219 (Definition Of Open Areas And Vacant Lots) of this rule.	232 Vacant Parcel – The definition of vacant parcel is included in Section 219-Definition Of Open Areas And Vacant Lots of this rule.	To delete definition of “vacant parcel”. Term is used in Rule 310.01-Fugitive Dust From Non-Traditional Sources Of Fugitive Dust.	
233 Wind-Blown Dust - Visible emissions, from any disturbed surface area, that are generated by wind action alone.	233 236 Wind-Blown Dust - Visible emissions, from any disturbed surface area, that are generated by wind action alone.	No change proposed.	
234 Wind Event – When the 60-minute average wind speed is greater than 25 miles per hour.	234 237 Wind Event – When the 60-minute average wind speed is greater than 25 miles per hour.	No change proposed.	Joint Environmental Task Force: How do you know that a wind event doesn't start at 12 mph? Let's deal with the reality of non-compliance here.
235 Work Site – Any property upon which any dust generating operations and/or earthmoving operations occur.	235 238 Work Site – Any property upon which any dust generating operations and/or earthmoving operations occur.	To delete “earthmoving operations” because it is included in “dust generating operations”.	Joint Environmental Task Force: Based on the area involved, why isn't the site at 121 st Avenue and Olive considered to be a “work site”?

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust <u>From Dust Generating Operations</u> Draft June 21, 2007	Description Of Revision	Stakeholders' Comments
	<p><u>301 General Requirements For Dust Generating Operations:</u> Any person engaging in a dust generating operation on a site having a Dust Control permit and a Dust Control Plan or engaging in a dust generating operation that requires a permit according to this rule shall comply with the following series of independent requirements. Regardless of whether a dust generating operation is in compliance with an approved Dust Control Permit or an approved Dust Control Plan or there is no approved Dust Control permit or Dust Control Plan, the owner and/or operator of a dust generating operation shall still be subject to all requirements of this rule at all times. Failure to comply with any one of the following requirements shall constitute a violation of this rule.</p> <p><u>301.1 Visible emissions requirements from dust generating operations described in Section 303 of this rule.</u></p> <p><u>301.2 Stabilization requirements described in Section 304 of this rule.</u></p> <p><u>301.3 Control measures described in Section 305 of this rule.</u></p> <p><u>301.4 Monitoring and recordkeeping requirements described in Section 500 of this rule.</u></p>	<p>To add general requirements for dust generating operations.</p> <p>General requirements for dust generating operations are intended to clarify the duties to which an owner and/or operator must comply and to distinguish between control measures, stabilization standards, and test methods.</p>	
	<p><u>302 Permit Requirements For Dust Generating Operations:</u></p> <p><u>302.1</u> No person shall commence construction of, operate, or make a modification to any dust generating operation when such dust generating operation disturbs 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.</p> <p><u>302.2</u> 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</p>	<p>To add permit requirements for dust generating operations from Rule 200-Permit Requirements.</p> <p>Permit requirements for earthmoving operations to be revised in Rule 200 and to reference Rule 310.</p>	<p>Joint Environmental Task Force: Is this an air quality permit? It sounds like it should be.</p>

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

	<p><u>(4,356 square feet) in area without first obtaining a permit or permit revision from the Control Officer.</u></p> <p><u>302.3</u> <u>No person shall commence 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 without first submitting to the Control Officer a Dust Control Plan.</u></p> <p><u>302.4</u> <u>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, 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.</u></p> <p><u>302.5</u> <u>All permit applications shall be filed in the manner and form prescribed by the Control Officer. 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.</u></p> <p><u>302.6</u> <u>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.</u></p> <p><u>302.7</u> <u>Any other law, regulation or permit shall not relieve any person from obtaining a permit or permit revision required under this rule.</u></p>		
--	---	--	--

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust <u>From Dust Generating Operations</u> Draft June 21, 2007	Description Of Revision	Stakeholders' Comments
<p>301 Opacity Limitation For Dust Generating Operations: The owner and/or operator of a dust generating operation shall not allow visible fugitive dust emissions to exceed 20% opacity as tested by methods described in Appendix C of these rules.</p>	<p><u>303 Visible Emissions From Dust Generating Operations:</u> The owner and/or operator of a dust generating operation shall not allow visible fugitive dust emissions to exceed 20% opacity as tested by methods described in Appendix C of these rules.</p> <p><u>303.1 Dust Generating Operation Opacity Limitation Requirement:</u></p> <p><u>a.</u> The owner and/or operator of a dust generating operation shall not cause or allow visible fugitive dust emissions to exceed 20% opacity; or</p> <p><u>b.</u> The owner and/or operator of a dust generating operation shall not cause or allow visible fugitive dust emissions to remain visible in the atmosphere beyond the property line.</p>	<p>To add 0% opacity standard at the property line. 0% opacity standard at the property line matches standard in Rule 316-Nonmetallic Mineral Processing and matches Clark County Section 94-Permitting And Dust Control For Construction Activities.</p>	<p>City Of Phoenix: In most cases, new construction and routine maintenance of utilities and rights-of-way are located at property boundaries. Property line visible emissions should not apply for such activities provided they are meeting all other rule and/or permit requirements. Suggested revision: Add Section 302.2(c) New Construction And Routine Maintenance Of Linear Utility And Right-Of-Way Sites: The property line opacity limitation requirement shall not apply to new construction and routine maintenance of linear utility and right-of-way sites provided that control measures are implemented. Suggested revision: Add the test method to Section 302.2(b).</p> <p>Joint Environmental Task Force: Incorporate the following: Opacity measurements shall be made whenever dust is being created (day or night). New methods acceptable to the EPA shall be employed.</p> <p>Maricopa County Farm Bureau: Section 103.1 appears to exempt farmers engaged in "normal farm cultural practices" from the regulations in Rule 310. Would you please clarify whether there are any provisions in the draft rule that would affect agricultural producers notwithstanding this general exemption? Specifically, would the language in Section 302.2-Property Line Opacity Limitation Requirement apply to agriculture?</p>

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust From Dust Generating Operations Draft June 21, 2007	Description Of Revision	Stakeholders' Comments
<p>301.1 Wind Event: Exceedances of the opacity limit 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:</p> <p>a. All control measures required were followed and 1 or more of the control measures in Tables 20 & 21 was applied and maintained;</p> <p>b. The 20% opacity exceedance could not have been prevented by better application, implementation, operation, or maintenance of control measures;</p> <p>c. The owner and/or operator compiled and retained records, in accordance with Section 502 (Recordkeeping) of this rule; and</p> <p>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 Environmental Services Department Air Quality Division 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.</p> <p>301.2 Emergency Maintenance Of Flood Control Channels And Water Retention Basins: No opacity limitation shall apply to</p>	<p>303.2 Exemptions From Dust Generating Operation Opacity Limitation Requirement:</p> <p>a. Wind Event: Exceedances of the opacity limit <u>described in Section 303.1(a) of this rule</u> 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:</p> <p>(1) All control measures required were followed and 4 <u>one</u> or more of the following control measures in Tables 20 & 21 was <u>were</u> applied and maintained;:</p> <p>(a) For dust generating operations:</p> <p>(i) <u>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;</u></p> <p>(ii) <u>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;</u></p> <p>(iii) <u>Apply water as necessary to maintain a soil moisture content at a minimum of 12%, as determined by ASTM Method D2216-98 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 D1557-91 (1998) or other equivalent method approved by the Control Officer and the Administrator, maintain at least 70% of the optimum soil moisture content; or</u></p> <p>(iv) <u>Implement Section 303.2(a)(1)(a)(ii) or Section 303.2(a)(1)(a)(iii) 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.</u></p> <p>(b) For temporary disturbed surface areas, including but not limited to, <u>after work hours, weekends, and holidays:</u></p> <p>(i) <u>Uniformly apply and maintain surface gravel or dust suppressants;</u></p> <p>(ii) <u>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;</u></p> <p>(iii) <u>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</u></p> <p>(iv) <u>Cover open storage piles with tarps, plastic, or other material such that wind will not remove the covering(s).</u></p> <p>(2) The 20% opacity exceedance Exceedance of the opacity limit described in Section 303.1(a) of this rule could not have been prevented by better application, implementation, operation, or maintenance of control measures;</p>	<p>To remove reference to Table 20 and Table 21 and to add control measures from Table 20 and Table 21 - regarding wind event - to Rule 310, Section 303.2, per Staff comment.</p> <p>To add requirement that all areas used to test and validate design integrity, product quality, and/or commercial acceptance and all areas not used to test and validate design integrity, product quality, and/or commercial acceptance must be stabilized and that vehicle test and development facilities may require a Dust Control permit in accordance with Rule 310, Section 302, per Staff comment.</p>	<p>Staff: When construction crews are building a house or business, they often leave the site un-clean (i.e., they leave dust from drywall and they leave bags of open cement). Suggested revision: Add the following text to Section 302.3(a)(1)(b): Clean dust, dirt, and construction debris from in and around buildings under construction so that wind does not release the dust particles from any building or maintenance surface.</p> <p>Joint Environmental Task Force: Change threshold wind speed to 12 mph. Delete Section 302.3(a)(1)(iv). Putting up short fences on huge berms is not a defense for opacity exceedance. Also delete Sections 302.3(a)(2), (3), and (4). The documentation that a wind event occurred is a defense for exceeding opacity?</p> <p>Home Builders Association Of Central Arizona: Regarding Section 302.3(a)(1)(a)(iii), 12% soil moisture content?</p> <p>EnSSo Environmental Stabilization Solutions: Regarding Section 302.3(a)(1)(a)(ii), water and dust suppressants are not applied at same rates in order to achieve effectiveness. Water application considerations should include temperature, traffic loading, and silt content of soils. Dust suppressant application considerations should include</p>

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

<p>emergency maintenance of flood control channels and water retention basins, provided that control measures are implemented.</p> <p>301.3 Vehicle Test And Development Facilities And Operations: No opacity limitation 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.</p>	<p>(3) The owner and/or operator compiled and retained records, in accordance with Section 502-Recordkeeping of this rule; and</p> <p>(4) 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 Environmental Services Department Air Quality Division <u>Maricopa County Air Quality Department</u> 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.</p> <p>b. Emergency Maintenance Of Flood Control Channels And Water Retention Basins: No opacity limitation shall <u>The opacity limit described in Section 303.1(a) of this rule shall not</u> apply to emergency maintenance of flood control channels and water retention basins, provided that control measures are implemented.</p> <p>c. Vehicle Test And Development Facilities And Operations: No opacity limitation shall <u>The opacity limit described in Section 303.1(a) of this rule shall not</u> 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. <u>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, and all areas not used to test and validate design integrity, product quality, and/or commercial acceptance shall be stabilized. In addition, vehicle test and development facilities may require a Dust Control permit in accordance with Section 302 of this rule.</u></p>		<p>environmental concerns (ie., leachability, chemical constituents of dust suppressant) and effectiveness considerations (ie. dilution ratios, solids content, UV resistance).</p> <p>EnSSo Environmental Stabilization Solutions: Section 302.3(a)(1)(b)(i) refers to Section 303.3, however, Section 303.3 does not provide compliance information for dust suppressants.</p> <p>EnSSo Environmental Stabilization Solutions: Regarding Section 302.3(a)(1)(b)(iii), consideration adding "suitable dust suppressant as defined in Section 209".</p>
--	--	--	---

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust <u>From Dust Generating Operations</u> Draft June 21, 2007	Description Of Revision	Stakeholders' Comments
<p>302 Stabilization Requirements For Dust Generating Operations:</p> <p>302.1 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 either:</p> <p>a. Shall not allow silt loading equal to or greater than 0.33 oz/ft², or</p> <p>b. Shall not allow the silt content to exceed 8%.</p> <p>302.2 Unpaved Haul/Access Road:</p> <p>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 either:</p> <p>(1) Shall not allow silt loading equal to or greater than 0.33 oz/ft²; or</p> <p>(2) Shall not allow the silt content to exceed 6%.</p> <p>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, 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 subsection, 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).</p> <p>302.3 Open Area And Vacant Lot Or Disturbed Surface Area: The owner and/or operator of an open area and/or vacant lot or 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 1 of the standards described in Sections 302.3(a) through 302.3(g) below, as applicable. Should a disturbed open area and/or vacant lot or any disturbed surface area on which no activity is occurring contain more than one type of disturbance, soil, vegetation, or other characteristics, which are visibly distinguishable,</p>	<p>302 304 Stabilization Requirements For Dust Generating Operations:</p> <p>302.1 304.1 Unpaved Parking Lot: The owner and/or operator of any unpaved parking lot shall not allow visible fugitive dust emissions to exceed 20% opacity <u>the opacity limit described in Section 303.1 of this rule</u> and either <u>Section 304.1(a) or Section 304.1(b) of this rule</u>:</p> <p>a. Shall not allow silt loading equal to or greater than 0.33 oz/ft², or</p> <p>b. Shall not allow the silt content to exceed 8%.</p> <p>302.2 304.2 Unpaved Haul/Access Road:</p> <p>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 <u>the opacity limit described in Section 303.1 of this rule</u> and either <u>Section 304.1(a) or Section 304.1(b) of this rule</u> :</p> <p>(1) Shall not allow silt loading equal to or greater than 0.33 oz/ft²; or</p> <p>(2) Shall not allow the silt content to exceed 6%.</p> <p>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, 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 subsection <u>section of this rule</u>, 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).</p> <p>302.3 304.3 Open Area And Vacant Lot Undeveloped Area Of A Site Or Disturbed Surface Area: The owner and/or operator of an open area and/or vacant lot <u>undeveloped area of a site</u> or 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 4 <u>one</u> of the standards described in Sections 302.3(a) through 302.3(g) <u>Sections 304.3(a) through 304.3(g)</u> below, as applicable. Should a disturbed open area and/or vacant lot <u>an undeveloped area of a site</u> or any disturbed surface area on which no activity is occurring contain more</p>	<p>To clarify opacity limit that applies to unpaved parking lots and unpaved haul/access roads.</p> <p>To change "open area and vacant lot" to "undeveloped area of a site". "Open area and vacant lot" is used in Rule 310.01-Fugitive Dust From Non-Traditional Sources Of Fugitive Dust.</p>	

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

<p>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, according to the appropriate test methods in Appendix C of these rules, and include or eliminate it from the total size assessment of disturbed surface area(s) depending upon test method results. The owner and/or operator of such inactive disturbed surface area shall be considered in violation of this rule if the area is not maintained in a manner that meets at least 1 of the standards listed below, as applicable.</p> <p>a. Maintain a visible crust;</p> <p>b. Maintain a threshold friction velocity (TFV) for disturbed surface areas corrected for non-erodible elements of 100 cm/second or higher;</p> <p>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%;</p> <p>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%;</p> <p>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;</p> <p>f. Maintain a percent cover that is equal to or greater than 10% for non-erodible elements; or</p> <p>g. Comply with a standard of an alternative test method, upon obtaining the written approval from the Control Officer and the Administrator of the Environmental Protection Agency (EPA).</p> <p>302.4 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.</p>	<p>than one type of disturbance, 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, according to the appropriate test methods in Appendix C of these rules, and include or eliminate it from the total size assessment of disturbed surface area(s) depending upon test method results. The owner and/or operator of such inactive disturbed surface area shall be considered in violation of this rule if the area is not maintained in a manner that meets at least 1 one of the standards listed below, as applicable.</p> <p>a. Maintain a visible crust;</p> <p>b. Maintain a threshold friction velocity (TFV) for disturbed surface areas corrected for non-erodible elements of 100 cm/second or higher;</p> <p>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%;</p> <p>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%;</p> <p>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;</p> <p>f. Maintain a percent cover that is equal to or greater than 10% for non-erodible elements; or</p> <p>g. Comply with a standard of an alternative test method, upon obtaining the written approval from the Control Officer and the Administrator of the Environmental Protection Agency (EPA).</p> <p>302.4 304.4 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.</p>		
--	--	--	--

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

<p align="center">Rule 310 - Fugitive Dust Adopted April 7, 2004</p>	<p align="center">Rule 310 - Fugitive Dust From Dust Generating Operations Draft June 21, 2007</p>	<p align="center">Description Of Revision</p>	<p align="center">Stakeholders' Comments</p>
<p>303 Dust Control Plan Required: 303.1 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 earthmoving operations with a disturbed surface area that equals or exceeds 0.10 acre, including both of the following situations: a. When submitting an application for an earthmoving permit involving earthmoving operations that would equal or exceed 0.10 acre, 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. Compliance with this section does not affect an owner and/or operator's responsibility to comply with the other standards of this rule. The Dust Control Plan shall describe all control measures to be implemented before, after, and while conducting any dust generating operation, including during weekends, after work hours, and on holidays. 303.2 A Dust Control Plan shall, at a minimum, contain all the information described in Section 304 of this rule. 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. Failure to comply with the provisions of an approved Dust Control Plan is deemed to be a violation of this rule. Regardless of whether an approved Dust Control Plan is in place or not, the owner and/or operator of a dust generating operation is still subject to all requirements of this rule at all times. In addition, the owner and/or operator of a source with an approved Dust Control Plan is still subject to all of the requirements of this rule, even if such owner and/or operator is complying with the approved Dust Control Plan. 303.3 At least one primary control measure and</p>	<p>402 Dust Control Plan Requirements: 402.1 <u>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:</u> a. <u>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</u> b. <u>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.</u> 402.2 <u>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 complete Maricopa County's "Application For Dust Control Permit" and submit such information as a Dust Control Plan. 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.</u> 402.3 <u>A Dust Control Plan shall, at a minimum, contain all of the following information:</u> a. <u>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.</u> b. <u>A drawing, on 8½" x 11" paper, that shows:</u> (1) <u>Entire project site/facility boundaries.</u> (2) <u>Acres to be disturbed with linear dimensions.</u> (3) <u>Nearest public roads.</u> (4) <u>North arrow, and</u> (5) <u>Planned exit locations onto paved areas accessible to the public.</u> c. <u>Appropriate control measures, or a combination thereof, as described in Section 305 of this rule, for every actual and potential dust generating operation.</u> (1) <u>Control measures must be implemented before, after, and while conducting any dust generating operation, including during weekends, after work hours, and on holidays.</u></p>	<p>To move Dust Control Plan requirements from standards section to administrative requirements section.</p>	

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

<p>one contingency control measure must be identified in the Dust Control Plan for all fugitive dust sources. 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 under Section 305 of this rule.</p> <p>303.4 A Dust Control Plan shall not be required for any of the following activities:</p> <p>a. To play on or maintain a field used for non-motorized sports;</p> <p>b. For landscape maintenance, which, for the purpose of this rule, does not include grading, trenching, nor or any other mechanized surface disturbing activities; and</p> <p>c. To establish initial landscapes or to redesign existing landscapes of legally-designated public parks and recreational areas, including national parks, national monuments, national forests, state parks, city parks, county regional parks, ballfields, camp sites, and playgrounds at camp sites; hiking paths, horse trails, and bicycle paths that are used exclusively for purposes other than travel by motor vehicles; (for the purpose of this rule, establishing initial landscapes or redesigning existing landscapes does not include grading, trenching, or any other mechanized surface disturbing activities).</p>	<p><u>(2) All required control measures and at least one contingency control measure must be identified for all dust generating operations. 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(s) is effective to comply with all of the requirements of this rule, the owner and/or operator need not revise the Dust Control Plan.</u></p> <p><u>(3) A control measure that is not listed in Section 305 of this rule may be chosen provided that such control measure is implemented to comply with the requirements described in Section 301 of this rule.</u></p> <p><u>(4) If complying with Section 305.7-Stabilization Requirements For Fugitive Dust Sources-Unpaved Haul/Access Road 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).</u></p> <p><u>d. Dust suppressants to be applied, including all of the following product specifications or label instructions for approved usage:</u></p> <p><u>(1) Method, frequency, and intensity of application;</u></p> <p><u>(2) Type, number, and capacity of application equipment; and</u></p> <p><u>(3) Information on environmental impacts and approvals or certifications related to appropriate and safe use for ground application.</u></p> <p><u>e. Specific surface treatment(s) and/or control measures utilized to control material trackout and sedimentation where unpaved and/or access points join paved areas accessible to the public.</u></p> <p><u>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. Failure to comply with the provisions of an approved Dust Control Plan is deemed a violation of this rule.</u></p> <p><u>402.5 For construction projects one acre or larger, except for routine maintenance and repair done under a Dust Control permit-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.</u></p> <p><u>402.6 At least one primary control measure and one</u></p>		
--	---	--	--

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

	<p><u>contingency control measure must be identified in the Dust Control Plan for all dust generating sources. 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.</u></p>		
--	--	--	--

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

<p align="center">Rule 310 - Fugitive Dust Adopted April 7, 2004</p>	<p align="center">Rule 310 - Fugitive Dust From Dust Generating Operations Draft June 21, 2007</p>	<p align="center">Description Of Revision</p>	<p align="center">Stakeholders' Comments</p>
<p>304 Elements Of A Dust Control Plan: A Dust Control Plan shall contain, at a minimum, all of the following information:</p> <p>304.1 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.</p> <p>304.2 A drawing, on 8½" x 11" paper, that shows:</p> <p>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.</p> <p>304.3 Control measures, or a combination thereof, to be applied to all actual and potential dust generating operations, before, after, and while conducting any dust generating operation, including during weekends, after work hours, and on holidays.</p> <p>a. All required control measures from Tables 1-21 and at least one contingency control measure must be identified, for all dust generating operations. 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(s) is effective to comply with all of the requirements of this rule, the owner and/or operator need not revise the Dust Control Plan under Section 305 of this rule.</p> <p>b. Alternatively, a control measure(s) that is not listed in Tables 1-21 of this rule may be chosen, provided that such control measure(s) is implemented to comply with the standard(s) described in Section 301 and Section 302 of this rule, as determined by the corresponding test method(s), as applicable, and meets other applicable standard(s) set forth in this rule.</p> <p>c. If complying with Section 302.2(b) (Stabilization Requirements For Fugitive Dust Sources-Unpaved Haul/Access Road) of this rule,</p>	<p><u>402 Dust Control Plan Requirements:</u></p> <p><u>402.1</u> 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:</p> <p><u>a.</u> 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</p> <p><u>b.</u> 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.</p> <p><u>402.2</u> 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 complete Maricopa County's "Application For Dust Control Permit" and submit such information as a Dust Control Plan. 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.</p> <p><u>402.3</u> A Dust Control Plan shall, at a minimum, contain all of the following information:</p> <p><u>a.</u> 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.</p> <p><u>b.</u> A drawing, on 8½" x 11" paper, that shows:</p> <p><u>(1)</u> Entire project site/facility boundaries, <u>(2)</u> Acres to be disturbed with linear dimensions, <u>(3)</u> Nearest public roads, <u>(4)</u> North arrow, and <u>(5)</u> Planned exit locations onto paved areas accessible to the public.</p> <p><u>c.</u> Appropriate control measures, or a combination thereof, as described in Section 305 of this rule, for every actual and potential dust generating operation.</p> <p><u>(1)</u> Control measures must be implemented before, after, and while conducting any dust generating operation, including during weekends, after work hours, and on holidays.</p> <p><u>(2)</u> All required control measures and at least one contingency control measure must be identified for all dust generating operations. Should any primary control measure(s) prove ineffective, the owner and/or operator shall immediately</p>	<p>To move elements of a Dust Control Plan from standards section to administrative requirements section.</p>	

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

<p>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).</p> <p>304.4 Dust suppressants to be applied, including all of the following product specifications or label instructions for approved usage:</p> <p>a. Method, frequency, and intensity of application;</p> <p>b. Type, number, and capacity of application equipment; and</p> <p>c. Information on environmental impacts and approvals or certifications related to appropriate and safe use for ground application.</p> <p>304.5 Specific surface treatment(s) and/or control measures utilized to control material trackout and sedimentation where unpaved and/or access points join paved areas accessible to the public.</p> <p>304.6 For construction projects one acre or larger, except for routine maintenance and repair done under a 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.</p>	<p><u>implement the contingency control measure(s). If the identified contingency control measure(s) is effective to comply with all of the requirements of this rule, the owner and/or operator need not revise the Dust Control Plan.</u></p> <p><u>(3) A control measure that is not listed in Section 305 of this rule may be chosen provided that such control measure is implemented to comply with the requirements described in Section 301 of this rule.</u></p> <p><u>(4) If complying with Section 305.7-Stabilization Requirements For Fugitive Dust Sources-Unpaved Haul/Access Road 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).</u></p> <p><u>d. Dust suppressants to be applied, including all of the following product specifications or label instructions for approved usage:</u></p> <p><u>(1) Method, frequency, and intensity of application;</u></p> <p><u>(2) Type, number, and capacity of application equipment; and</u></p> <p><u>(3) Information on environmental impacts and approvals or certifications related to appropriate and safe use for ground application.</u></p> <p><u>e. Specific surface treatment(s) and/or control measures utilized to control material trackout and sedimentation where unpaved and/or access points join paved areas accessible to the public.</u></p> <p><u>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. Failure to comply with the provisions of an approved Dust Control Plan is deemed a violation of this rule.</u></p> <p><u>402.5 For construction projects one acre or larger, except for routine maintenance and repair done under a Dust Control permit-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.</u></p> <p><u>402.6 At least one primary control measure and one contingency control measure must be identified in the Dust Control Plan for all dust generating sources. 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.</u></p>		
---	---	--	--

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust <u>From Dust Generating Operations</u> Draft June 21, 2007	Description Of Revision	Stakeholders' Comments
<p>305 Dust Control Plan Revisions: 305.1 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 standards in Section 301 and Section 302 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. 305.2 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.</p>	<p><u>403 Dust Control Plan Revisions:</u> <u>403.1 If Required By The Control Officer:</u> <u>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.</u> <u>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.</u> <u>403.2 If Requested By The Permittee:</u> <u>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.</u> <u>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.</u> <u>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 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.</u> <u>403.2 If Rule 310 Is Revised:</u> <u>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.</u> <u>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.</u></p>	<p>To move Dust Control Plan revisions from standards section to administrative requirements section.</p> <p>To add requirements for Dust Control Plan revisions, if requested by the permittee, to match explanation/criteria in Guidance For Application For Dust Control Permit.</p>	

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

<p align="center">Rule 310 - Fugitive Dust Adopted April 7, 2004</p>	<p align="center">Rule 310 - Fugitive Dust <u>From Dust Generating Operations</u> Draft June 21, 2007</p>	<p align="center">Description Of Revision</p>	<p align="center">Stakeholders' Comments</p>
<p>306 Control Measures: 306.1 The owner and/or operator of a dust generating operation shall implement control measures before, after, and while conducting operations, including during weekends, after work hours, and on holidays, in accordance with Section 304.3 and Tables 1-21 of this rule. 306.2 For the purpose of this rule, any control measure that is implemented must achieve the applicable standard(s) described in Sections 301 and 302 of this rule, as determined by the corresponding test method(s), as applicable, and must achieve other applicable standard(s) set forth in this rule. 306.3 Failure to comply with the provisions of Section 308 (Work Practices) of this rule, as applicable, and/or of an approved Dust Control Plan, is deemed a violation of this rule. 306.4 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 is still subject to all requirements of this rule at all times.</p>	<p><u>305 Control Measures For Dust Generating Operations:</u> <u>When engaged in the dust generating operations described in Section 305.1 through Section 305.11 of this rule, the owner and/or operator of a dust generating operation shall install, maintain, and use control measures as described in Section 305.1 through Section 305.11 of this rule, 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.</u></p>	<p>To move the general requirements for control measures to proposed new Section 301-General Requirements For Dust Generating Operations and to retain in Section 305 requirements addressing specific control measures.</p> <p>General requirements for dust generating operations are intended to clarify the duties to which an owner and/or operator must comply and to distinguish between control measures, stabilization standards, and test methods.</p>	<p>Joint Environmental Task Force: Does this mean that someone is going to check on dust emissions at night? No one does it now. What happens if they don't comply?</p> <p>EnSSo Environmental Stabilization Solutions: Review each reference to stabilization procedures in relation to dust suppressants definition, description, and reference.</p> <p>EnSSo Environmental Stabilization Solutions: Review each reference to ASTM standard for accuracy as some referenced standards are outdated.</p>

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust <u>From Dust Generating Operations</u> Draft June 21, 2007	Description Of Revision	Stakeholders' Comments
<p>307 Project Information Sign: For all sites with an earthmoving permit that are five acres or larger, except for routine maintenance and repair done under a block permit, the owner and/or operator shall erect and maintain a project information sign at the main entrance, that is readable by the public. 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:</p> <p>307.1 Project name and permit holder, 307.2 Earthmoving Permit number, 307.3 Name and phone number of person(s) responsible for conducting the project, and 307.4 Text stating: "Dust Complaints? Call Maricopa County Environmental Services Department (insert the current/accurate phone number for the complaint phone line)."</p>	<p><u>308 Project Information Sign For Dust Generating Operations:</u> <u>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 permit-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:</u></p> <p><u>308.1</u> Project name, project acreage, and permittee's name; <u>308.2</u> Dust Control permit number and expiration date; <u>308.3</u> Name and local phone number of person(s) responsible for dust control matters; <u>308.4</u> Text stating: "Dust complaints? Call Maricopa County Air Quality Department - 602-372-2703."</p>	<p>To move project information sign requirements from standards section to administrative requirements section.</p> <p>Specific information required to be on the project information sign matches requirements in Clark County's Construction Activities Dust Control Handbook adopted March 18, 2003.</p>	<p>City Of Mesa: The posting requirement should apply at all entrances to a site. In addition, signs should be posted around the accessible perimeter of the site indicating the location of acceptable entrances and stating that no other entrances are allowed. Maricopa County should consider extending the sign-posting requirement to smaller sites, perhaps as small as one acre. This makes smaller sites more "visible" to the public and could encourage these smaller sites to pay more attention to dust control requirements.</p> <p>Joint Environmental Task Force: People have trouble finding a working number to use to report complaints. Is 602.372.2703 a good number?</p> <p>Home Builders Association Of Central Arizona: Regarding Section 304.4, 602-372-2703?</p>
<p>308 Work Practices: When engaged in the following specific activities, the owner and/or operator of a dust generating operation shall comply with the following work practices in addition to implementing, as applicable, the control measures described in Tables 1-21 of this rule.</p>	<p><u>305 Control Measures For Dust Generating Operations:</u> <u>When engaged in the dust generating operations described in Section 305.1 through Section 305.11 of this rule, the owner and/or operator of a dust generating operation shall install, maintain, and use control measures as described in Section 305.1 through Section 305.11 of this rule, 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.</u></p>	<p>To delete Rule 310, Section 308 and to add work practices to specific control measures described in Rule 310, Section 305-Control Measures For Dust Generating Operations.</p>	

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust <u>From Dust Generating Operations</u> Draft June 21, 2007	Description Of Revision	Stakeholders' Comments
<p>308.1 Bulk Material Hauling Off-Site Onto Paved Areas Accessible to the Public: Notwithstanding other sections of this rule, the owner and/or operator of a dust generating operation and the owner and/or operator of a haul truck shall do all of the following:</p> <p>a. Load all haul trucks such that the freeboard is not less than three inches;</p> <p>b. Prevent spillage or loss of bulk material from holes or other openings in the cargo compartment's floor, sides, and/or tailgate(s);</p> <p>c. Cover all haul trucks with a tarp or other suitable closure; and</p> <p>d. Before the empty haul truck leaves the site, clean the interior of the cargo compartment or cover the cargo compartment.</p>	<p>305.1 Bulk Material Hauling/Transporting When Off-Site Hauling/Transporting Outside The Boundaries Of The Work Site And Crossing And/Or Accessing A Paved Area Accessible To The Public: <u>The owner and/or operator of a dust generating operation that involves bulk material hauling/transporting when off-site hauling/transporting outside the boundaries of the work site and crossing and/or accessing a paved area accessible to the public shall implement the following control measures:</u></p> <p>a. When cargo compartment is loaded:</p> <p>(1) <u>Load all haul trucks such that the freeboard is not less than three inches;</u></p> <p>(2) <u>Prevent spillage or loss of bulk material from holes or other openings in the cargo compartment's floor, sides, and/or tailgate(s); and</u></p> <p>(3) <u>Cover cargo compartment with a tarp or other suitable closure.</u></p> <p>b. When cargo compartment is empty:</p> <p>(1) <u>Clean the interior of the cargo compartment; or</u></p> <p>(2) <u>Cover the cargo compartment with a tarp or other suitable closure.</u></p> <p>c. When off-site hauling/transporting outside the boundaries of the work site and crossing and/or accessing a paved areas 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.</p>	<p>To delete Table 15 and to add control measures from Table 15 to Rule 310, Section 305.1, per Staff comment.</p> <p>To add requirement to install, maintain, and use a trackout control device, per Staff comment.</p>	<p>John Walker: There are an excessive number of requirements for opacity determinations. Sections 303.7, 303.8, 303.9 and many other section of this proposed rule change are symptomatic of what I seem to be seeing in a lot of other places in the rule. First, control measures are specified and testing to determine stabilization measurements are required. If this wasn't so serious for mines and construction, I would be falling out of my chair laughing. Either Maricopa County misinterpreted what the Stakeholders wanted or there has been no input regarding these excessive opacity measurement requirements from industry. Such requirements for excess opacity readings can only result in an increase in already excessive citations for mere paperwork violations. In general, Maricopa County should just decide and require what measure or measures in a given situation are effective enough, based-on credible evidence from peer reviewed scientific studies, and in cooperation with industry and other Stakeholders. Such measures should then be presumed to meet the stabilization requirements. Surely the County is capable of determining, once and for all, what control measures will produce adequate opacity control. If they need to be more specific in the control measures, so be it. More stringent control measures (provided they are scientifically justified) can often be implemented as part of normal operations (e.g. watering a haul road four times a day instead of two). This rule, as written, will significantly increase the number of operations that must make opacity readings. There are severely limited numbers of training slots available for making the EPA Method 9 readings. The classes for this are given by only one company a few times a year (unless the MCAQD or ADEQ have resumed these certification classes). Also, there seems to be an increase of required opacity readings, even for operations, which have traditionally only had to do a minimal number of these in the past. There is no way the County can adequately enforce this, except by useless and time consuming opacity readings. These requirements will be a poster child exemplifying bad rulemaking by the MCAQD. If the County persists in these excessive</p>

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

			<p>requirements for opacity readings, then they must submit an economic impact for this particular part of the rule, per the applicable Arizona Revised Statute, showing that it is necessary for the health of the community. Since the MCAQD has stated that it will increase its inspections to four time per year, such inspections would be a time where they could make the opacity measurements, if they are really needed. This would be similar to what the federal MSHA-Mine Safety And Health Administration does during its period inspections. A thorough inspection is made and a determination on non-compliance, if such exists, is issued immediately.</p> <p>John Walker: Rule 310, Section 303.7(b) requires outside trucking companies, who are totally unfamiliar with the EPA Method 9 opacity measurements, to make separate measurements of their opacity emission. I want to be there when the single owner-operator of a gravel delivery truck tries to make these measurements while driving his truck. This part-of Rule 310 is totally un-needed. It is almost universally agreed that the control measure most often used (i.e., tarping) is effective in reducing emissions to acceptable levels. Suggested revision: State that if tarping is used that the owner or operator of the dust generating facility will have prima facie met the required stabilization requirement.</p> <p>Attendee At Pubic Workshop #2-May 17, 2007: Rule 310 is too prescriptive.</p> <p>Joint Environmental Task Force: Who will check on this? Beardsley Road has over a thousand trucks a day on it. According to the Maricopa Association Of Governments (MAG) recommendations for reducing PM₁₀, some trucks from Apache Junction do not cover their loads. Why not, if this rule is for the whole County? What happens if this is not met? Specify.</p> <p>EnSSo Environmental Stabilization Solutions: The term "suitable" should be defined. Establish a minimum or baseline criteria for suitability. Is suitability determined on a review, case-by-case basis or determined in the field?</p>
--	--	--	--

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust <u>From Dust Generating Operations</u> Draft June 21, 2007	Description Of Revision	Stakeholders' Comments
<p>308.2 Bulk Material Hauling On-Site Within the Boundaries of The Work Site: When crossing a paved area accessible to the public while construction is underway, the owner and/or operator of a dust generating operation shall do all of the following:</p> <p>a. Load all haul trucks such that the freeboard is not less than three inches;</p> <p>b. Prevent spillage or loss of bulk material from holes or other openings in the cargo compartment's floor, sides, and/or tailgate(s); and</p> <p>c. Install 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 such work site. Examples of trackout control devices are described in Table 17 of this rule.</p>	<p><u>305.2 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:</u> <u>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:</u></p> <p><u>a.</u> <u>Limit vehicle speed to 15 miles per hour or less while traveling on the work site;</u></p> <p><u>b.</u> <u>Apply water to the top of the load; or</u></p> <p><u>c.</u> <u>Cover haul trucks with a tarp or other suitable closure.</u></p> <p><u>305.3 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:</u> <u>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:</u></p> <p><u>a.</u> <u>Load all haul trucks such that the freeboard is not less than three inches;</u></p> <p><u>b.</u> <u>Prevent spillage or loss of bulk material from holes or other openings in the cargo compartment's floor, sides, and/or tailgate(s); and</u></p> <p><u>c.</u> <u>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.</u></p>	<p>To delete Table 13 and Table 14 and to add control measures from Table 13 and Table 14 to Rule 310, Section 305.2 and Section 305.3, per Staff comment.</p>	<p>John Walker: The requirement to wet the top of the load or tarp when hauling bulk materials within a construction site or sand and gravel plant when speeds exceed 15 mph is overkill. If the material has been adequately pre-wetted, as I'm sure is defined and required elsewhere in this rule, then the measures in Rule 310, Section 303.8(a)(2) and (3) are un-necessary. Most equipment used to transport material within a pit or construction site, such as front-end loaders, scrapers, and large off-road haul trucks, cannot be equipped with tarps. These type of equipment routinely traverse such sites at more than 15 mph with no or acceptable opacity without wetting the top of the load or tarping.</p> <p>City Of Glendale: Regarding Section 303.8(a), for excavating and hauling of soil from our excavation site to a working area, we presently use a CAT scrapper which is off-road equipment. Due to solid waste regulations which require us to cover deposited waste on a daily basis, the scrapper must transport large amounts of soil to the work area in order to cover the days waste that has been compacted. Because of this large amount, the scrapper may not always be able to stay under 15 mph (road dust is controlled by water or by one of the other control measures specified to meet Section 302 of this rule). It would also be difficult to apply water to the top of every load that is brought up to the work area, as well as, tarping the load. Since sufficient water is put-down before the excavation begins to minimize dust generation during excavation, can a fourth control measure be added to Section 303.8(a) to reflect that if the transported soil contains sufficient moisture as to comply with Section 302 of this rule, it would satisfy as a control measure?</p>

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust <u>From Dust Generating Operations</u> Draft June 21, 2007	Description Of Revision	Stakeholders' Comments
	<p>305.4 Bulk Material Stacking, Loading, And Unloading Operations: <u>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:</u></p> <p><u>a. Spray material with water, as necessary, prior to stacking, loading, and unloading and/or while stacking, loading, and unloading; or</u></p> <p><u>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.</u></p>	<p>To delete Table 11 and to add control measures from Table 11 to Rule 310, Section 305.4, per Staff comment.</p>	<p>John Walker: Gosh Almighty, the junk never stops. Again, if the material has been pre-wetted prior to handling as required elsewhere in Rule 310, it will not be necessary to spray it before handling. This part of Rule 310 could be interpreted by an overzealous inspector or anybody else to require measurements of opacity at every different pile of material within a construction site or sand and gravel plant. This could easily total into the dozens of types of aggregate materials. Again, this is ridiculous. If the material has been pre-wetted as required elsewhere, there should not be any requirement for separate measurements of opacity. Opacity as a measure of real PM₁₀ content is highly suspect anyway, very expensive to apply, due to the onerous training requirements of the EPA Method 9. Heck, the Red Cross trusts that I know how to save a life using CPR for 2 years, but people can't be trusted to remember how to take opacity readings for more than 6 months. Come on, get real. If and when opacity readings are really needed, why doesn't the EPA, in cooperation with industry, simply produce good digital color photos of brown emissions - not black or white as done in Method 9 training.</p> <p>EnSSo Environmental Stabilization Solutions: Implementing only one control measure will not provide</p>

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

			adequate dust protection; need a combination of control measures.
--	--	--	---

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust From Dust Generating Operations Draft June 21, 2007	Description Of Revision	Stakeholders' Comments
<p>308.3 Trackout, Carry-Out, Spillage, and/or Erosion: The owner and/or operator of a dust generating operation shall do all of the following:</p> <p>a. Install, maintain and use a suitable trackout control device (examples of trackout control devices are described in Table 17 – Trackout Control of this rule) 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 such operation at all exits onto paved areas accessible to the public from both of the following:</p> <p>(1) All work sites with a disturbed surface area of two acres or larger, and</p> <p>(2) All work sites where 100 cubic yards of bulk materials are hauled on-site and/or off-site per day.</p> <p>b. Clean up, trackout, carry-out, spillage, and/or erosion, on the following time-schedule:</p> <p>(1) Immediately, when trackout, carry-out, or spillage extends a cumulative distance of 50 linear feet or more; and</p> <p>(2) At the end of the workday, for all other trackout, carry-out, spillage, and/or erosion.</p>	<p>306 Trackout Control, Carry-Out, Spillage, And/Or Erosion: <u>The owner and/or operator of a dust generating operation shall implement all of the following control measures to control trackout, carry-out, spillage, and/or erosion:</u></p> <p>306.1 <u>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 at all exits onto paved areas accessible to the public from both of the following:</u></p> <p>a. <u>All work sites with a disturbed surface area of one acre or larger, and</u></p> <p>b. <u>All work sites where 100 cubic yards of bulk materials are hauled on-site and/or off-site per day.</u></p> <p>306.2 <u>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:</u></p> <p>a. <u>Immediately, when trackout, carry-out, or spillage extends a cumulative distance of 25 linear feet or more; and</u></p> <p>b. <u>At the end of the workday, for all other trackout, carry-out, spillage, and/or erosion.</u></p> <p>306.3 <u>Prevent trackout, carry-out, spillage, and/or erosion by implementing one of the following control measures:</u></p> <p>a. <u>At all access points, install a wheel wash system;</u></p> <p>b. <u>At all access points, install a gravel pad to comply with Section 216 of this rule;</u></p> <p>c. <u>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;</u></p> <p>d. <u>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</u></p>	<p>To delete Table 16 and Table 17 and to add control measures from Table 16 and Table 17 to Rule 310, Section 306, per Staff comment.</p>	<p>John Walker: In Rule 310, Section 303.11(a)(1)(b) change to read "...into or out-of the site..." The present wording could be construed to require trackout control measures where materials are hauled strictly within the site. "On-site" is not the same as "into the site".</p> <p>John Walker: Regarding Rule 310, Section 303.11(a)(2)(a), no justification has been provided, either with this proposed rule or with the previous change in Rule 316 as to why the reduction in trackout distance from 50 feet to 25 feet is necessary using "credible scientific evidence" as required by State law ARS §49-112(A)(2)(a).</p> <p>John Walker: Regarding Rule 310, Section 303.11(a)(3)(a), why is a wheel wash system at all access points or a gravel pad at all access points required? If a wheel wash system were ever really incrementally effective over a gravel pad (for which Maricopa County has never presented any credible evidence), why could it not be used at the busiest access points with public roadways, while gravel pads could be used on other access points? Suggested revision: Rule 310, Section 303.11(a)(3)(a) should be modified to allow the use of a wheel wash system (if required or desired by the operator at a particular access point) or gravel pad at any particular access point. Also, such control measures should only be required if such access points are carrying over a certain minimum number of vehicles per day. Otherwise, wheel wash systems are not cost effective at reducing emissions.</p> <p>John Walker: Regarding Rule 310, Section 303.11(a)(3) as compared to Rule 316, Section 307.6, why is the MCAQD attempting to ram an expensive, non-cost effective technology which has not been proven to have any significant effect on PM₁₀ (i.e., wheel wash systems) down the throats of even small non-ferrous mining facilities, when operations which generate the same or more trackout, such as large construction sites, are not required to have one? In proposed Rule 310, Section 303.11(3), operations other than non-ferrous mines are given an option not to use a wheel wash system, while the mines are almost always forced to do so by Rule</p>

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

	<p><u>frequency(ies) described in this section of this rule; or</u> <u>e. Manually sweep-up deposits to comply with this section of this rule.</u></p>		<p>316. If non-human owners and/or operators of such mining operations are considered to be “persons” under the 14th amendment of the U.S. Constitution, this would constitute an unequal treatment under the law, in violation of that amendment. Rule 310, Section 303.11(3) and Rule 316, Section 307.6 need to be modified to give consistent treatment to both mining and non-mining operations whether on-going or new. Rule 316 as now written appears to discriminate against small new operations, presenting a further regulatory barrier to entry of new small aggregate companies into the Phoenix metro market, to the economic detriment of their customers, including the County itself. It is highly notable that the economic impact statement of the final rulemaking for Rule 316 does not seem to state any separate reduction in trackout emissions for wheel wash systems alone, nor their incremental effectiveness (I should say in-effectiveness) in reducing PM₁₀ emissions. Wheel washing systems seem to be a non-effective technology looking for a government entity to mandate them. That is simply bad government based on the politics of aesthetics (e.g., the “Brown Cloud Initiative”, “ooh, the pavement isn’t as black as it was when it was new”), rather than real science.</p> <p>City Of Mesa: Rule 310, Section 303.11 should also have a provision that allows Maricopa County to require a larger gravel pad or other trackout control devices if the existing control is ineffective. Developers naturally seek cost savings at a construction site. However, too often materials for and maintenance of trackout control devices suffer from the desire to minimize environmental costs. Maricopa County should have authority to mandate use of additional materials and/or coverage of a greater area to increase the effectiveness of trackout control devices. Suggested revision: At site five acres or larger, access points should be clearly marked. Signs should be posted indicating the location of acceptable entrances. Too often “convenience” entrances are created at larger sites and these entrances do not meet trackout control device requirements. These signs should be in addition to the signs already required by Rule 310, Section 304.</p> <p>EnSSo Environmental Stabilization Solutions: Should reference compliance with definition of pave.</p>
--	---	--	--

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust <u>From Dust Generating Operations</u> Draft June 21, 2007	Description Of Revision	Stakeholders' Comments
<p>308.4 Unpaved Haul/Access Roads: The owner and/or operator of a dust generating operation shall implement one or more control measure(s) described in Table 3 – Unpaved Haul/Access Roads of this rule, before using or maintaining unpaved haul/access roads.</p>	<p>305.7 Unpaved Haul/Access Roads: <u>The owner and/or operator of a dust generating operation that involves an unpaved haul/access road shall implement one or more of the following control measures:</u></p> <p><u>a. Limit vehicle speed to 15 miles per hour or less and limit vehicle trips to no more than 20 per day per road;</u></p> <p><u>b. Apply water so that the surface is visibly moist;</u></p> <p><u>c. Pave;</u></p> <p><u>d. Apply and maintain gravel, recycled asphalt, or other suitable material; or</u></p> <p><u>e. Apply and maintain a suitable dust suppressant other than water.</u></p> <p><u>f. Limit vehicle trips to no more than 20 per day per road or 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).</u></p>	<p>To delete Table 3 and to add control measures from Table 3 to Rule 310, Section 305.7, per Staff comment.</p>	<p>John Walker: Ah, here is where a slight tightening of the opacity standards could actually reduce emissions far more than even 100% trackout control ever will. Has the MCAQD even considered that? I believe the MCAQD could justify a tighter requirement here, than the EPA otherwise requires, meeting the burden of ARS §49-112(A)(2)(a). If you will examine honest emissions inventories and permit applications for sand and gravel plants (do construction sites have the same regulatory burden of emissions inventories? If not, why not?), you will find that haul trucks within the site can often generate far more emissions of PM₁₀ than all other operations combined, even with currently required control measures and opacity standards.</p> <p>Joint Environmental Task Force: How do you know how much dust is reduced by the alternative to stabilization? Delete Section 303.12(b)(4). Why put loopholes? The idea is to reduce dust?</p> <p>Home Builders Association Of Central Arizona: Regarding Section 303.12(a)(1), 15 miles per hour or less?</p> <p>EnSSo Environmental Stabilization Solutions: Regarding Section 303.12(a)(1), limiting road trips to no more than 20 per day is too restrictive for business purposes; should add some type of alternative control measures such as dust suppressant.</p>

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

			<p>EnSSo Environmental Stabilization Solutions: Regarding Section 303.12(a)(2), watering haul roads creates finer silt particles. As the water dries, it creates a crust. When heavy vehicular traffic passes over the crust, the particles are ground down to finer silts each watering cycle (ie. water=crust; traffic=crush).</p> <p>EnSSo Environmental Stabilization Solutions: Regarding Section 303.12(a)(5), non-leaching, UV resistant soil binders create a crust that do not crush soil particles and encapsulates particles adhering them to soil surface thus reducing trackout.</p>
--	--	--	---

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust From Dust Generating Operations Draft June 21, 2007	Description Of Revision	Stakeholders' Comments
<p>308.5 Easements, Rights-Of-Way, and Access Roads for Utilities (Electricity, Natural Gas, Oil, Water, and Gas Transmission) 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 shall do at least one of the following:</p> <p>a. Inside the PM₁₀ nonattainment area, restrict vehicular speeds to 15 miles per hour and vehicular trips to no more than 20 per day per road;</p> <p>b. Outside the PM₁₀ nonattainment area, restrict vehicular trips to no more than 20 per day per road; or</p> <p>c. Implement control measures, as described in Table 3 – Unpaved Haul/Access Roads of this rule.</p>	<p>305.12 Easements, Rights-Of-Way, And Access Roads For Utilities (Electricity, Natural Gas, Oil, Water, And Gas Transmission) Associated With Sources That Have A Non-Title V Permit, A Title V Permit, And/Or A General Permit Under These Rules: <u>The owner and/or operator of a dust generating operation that involves an easement, right-of-way, and access road for utilities (electricity, natural gas, oil, water, and gas transmission) 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:</u></p> <p>a. <u>Inside the PM₁₀ nonattainment area, limit vehicle speed to 15 miles per hour or less and vehicle trips to no more than 20 per day per road;</u></p> <p>b. <u>Outside the PM₁₀ nonattainment area, limit vehicle trips to no more than 20 per day per road; or</u></p> <p>c. <u>Implement control measures described in Section 305.7 of this rule.</u></p>	<p>To delete Table 19 and to add control measures from Table 19 to Rule 310, Section 303.13, per Staff comment.</p>	<p>John Walker: The stabilization procedures have no alternative to compliance like the alternative provided in Rule 310, Section 303.12(b)(4). Thus, it appears that Rule 310 would require utility companies to perform opacity readings on their utility line access roads. This is ridiculous and will no-doubt require expensive training of utility employees to make the EPA Method 9 opacity readings. If vehicle trips are less than 20 per day or speed limits are kept low, then this should be good-enough. Anything more is overkill and will result in no appreciable health benefit. If the County wants to keep this, they must demonstrate appreciable health benefits for this subsection, as required by ARS §49-112(A)(2)(a).</p> <p>Joint Environmental Task Force: Why are there 1000+ trucks a day on Beardsley Road, if this is a requirement?</p>

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust <u>From Dust Generating Operations</u> Draft June 21, 2007	Description Of Revision	Stakeholders' Comments
<p>308.6 Open Storage Piles: For the purpose of this rule, an open storage pile is any accumulation of bulk material with a 5% or greater silt content which in any one point attains a height of three feet and covers a total surface area of 150 square feet or more. Silt content shall be assumed to be 5% or greater unless a person can show, by testing in accordance with ASTM Method C136-96A or other equivalent method approved in writing by the Control Officer and the Administrator of EPA, that the silt content is less than 5%. The owner and/or operator of such dust generating operation shall comply with all of the following:</p> <p>a. Prior to and/or while conducting stacking, loading, and unloading operations, comply with one of the following work practices:</p> <p>(1) Spray material with water, as necessary; or</p> <p>(2) Spray material with a dust suppressant other than water, as necessary.</p> <p>b. When not conducting stacking, loading, and unloading operations, comply with one of the following work practices:</p> <p>(1) Cover open storage piles with tarps, plastic, or other material to prevent wind from removing the coverings;</p> <p>(2) Apply water to maintain a soil moisture content at a minimum of 12%, as determined by ASTM Method D2216-98, or other equivalent methods approved by the Control Officer and the Administrator of EPA. For areas that have an optimum moisture content for compaction of less than 12%, as determined by ASTM Method D1557-91 (1998) or other equivalent methods approved by the Control Officer and the Administrator of EPA, maintain at least 70% of the optimum soil moisture content;</p> <p>(3) Meet one of the stabilization requirements described in Section 302.3 of this rule; or</p>	<p>305.5 Open Storage Piles: <u>The owner and/or operator of a dust generating operation that involves an open storage pile shall implement the following control measures, as applicable:</u></p> <p><u>a. Prior to and/or while conducting stacking, loading, and unloading operations, implement one of the following control measures:</u></p> <p><u>(1) Spray material with water, as necessary; or</u></p> <p><u>(2) Spray material with a dust suppressant other than water, as necessary.</u></p> <p><u>b. When not conducting stacking, loading, and unloading operations, implement one of the following control measures:</u></p> <p><u>(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</u></p> <p><u>(2) Apply water to maintain a soil moisture content at a minimum of 12%, as determined by ASTM Method D2216-98, 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 D1557-91 (1998) or other equivalent methods approved by the Control Officer and the Administrator, maintain at least 70% of the optimum soil moisture content.</u></p> <p><u>(3) Implement the control measure described in Section 305.5(b)(1) or in Section 305.5(b)(2) 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%.</u></p>	<p>To delete Table 11 and Table 12 and to add control measures from Table 11 and Table 12 to Rule 310, Section 305.5, per Staff comment.</p>	<p>John Walker: If rock, sand, gravel, aggregate less than two inches in diameter and cinders have been washed and not recombined with other materials having a silt content, then they should be excluded from the open storage pile control measures and stabilization requirements. If washed, even if their moisture content decreased to less than 12%, they still produce no PM₁₀, as they contain none. This section of the rule should state that the operator having a current Dust Control Permit which specifies that piles of such washed materials are produced from time-to-time shall be considered to have met the requirements of showing that the silt content is less than 5%. The requirement for 12% moisture should be eliminated for such washed materials.</p> <p>Home Builders Association Of Central Arizona: Regarding Section 303.14(b), 12% soil moisture content?</p> <p>EnSSo Environmental Stabilization Solutions: Should reference definition of dust suppressant and definition of open storage pile.</p>

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

<p>(4) 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%. If implementing this subsection, the owner and/or operator must also implement either Section 308.6(b)(2) or Section 308.6(b)(3) above.</p>			
--	--	--	--

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust <u>From Dust Generating Operations</u> Draft June 21, 2007	Description Of Revision	Stakeholders' Comments
<p>308.7 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 visible crust is maintained or the soil is sufficiently damp to prevent loose grains of soil from becoming dislodged.</p>	<p>307 Soil Moisture: <u>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 dust generating operations on disturbed surface areas one acre or larger, unless a visible crust is maintained or the soil is sufficiently damp to prevent loose grains of soil from becoming dislodged.</u></p>	<p>No change proposed.</p>	<p>EnSSo Environmental Stabilization Solutions: Need to establish a baseline criteria rather than “sufficiently damp”; reference Section 303.14(b)(2)(b).</p>
<p>308.8 Weed Abatement By Discing Or Blading: The owner and/or operator of a dust generating operation shall comply with all of the following during weed abatement procedures by discing or blading: a. Apply water before weed abatement by discing or blading occurs; and b. Apply water while weed abatement by discing or blading is occurring; and c. Either: (1) Pave, apply gravel, apply water, or apply a suitable dust suppressant, in compliance with Section 302.3 of this rule, after weed abatement by discing or blading occurs; or (2) Establish vegetative ground cover in sufficient quantity, in compliance with Section 302.3 of this rule, after weed abatement by discing or blading occurs.</p>	<p>305.8 Weed Abatement By Discing Or Blading: <u>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:</u> a. <u>Before weed abatement by discing or blading occurs, apply water;</u> b. <u>While weed abatement by discing or blading is occurring, apply water; and</u> c. <u>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.</u></p>	<p>To delete Table 18 and to add control measures from Table 18 to Rule 310, Section 305.8, per Staff comment.</p>	

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust From Dust Generating Operations Draft June 21, 2007	Description Of Revision	Stakeholders' Comments
	<p><u>305.6 Staging Areas, Parking Areas, Material Storage Areas, And/Or Access Routes To And From A Site:</u> The owner and/or operator of a dust generating operation that involves staging areas, parking areas, material storage areas, and/or access routes to and from a site shall implement one or more of the following control measures:</p> <p><u>a.</u> Limit vehicle speed to 15 miles per hour or less and limit vehicle trips to no more than 20 per day per road;</p> <p><u>b.</u> Apply water so that the surface is visibly moist;</p> <p><u>c.</u> Pave;</p> <p><u>d.</u> Apply and maintain gravel, recycled asphalt, or other suitable material;</p> <p><u>e.</u> Apply and maintain a suitable dust suppressant other than water; or</p> <p><u>f.</u> 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, material storage areas, and/or access routes to and from a site each day (including number of employee vehicles, earthmoving equipment, haul trucks, and water trucks).</p>	<p>To add control measures for staging areas, parking areas, material storage areas, and/or access routes to and from a site.</p> <p>Proposed control measures address vehicle use and parking on sites that require a permit and match Clark County's Section 94-Permitting And Dust Control For Construction Activities.</p>	
	<p><u>305.9 Blasting Operations:</u> The owner and/or operator of a dust generating operation that involves blasting operations shall implement all of the following control measures:</p> <p><u>a.</u> In wind gusts above 25 miles per hour, discontinue/cease blasting; and</p> <p><u>b.</u> Pre-water and maintain surface soils in a stabilized condition where support equipment and vehicles will operate.</p>	<p>To delete Table 9 and to add control measures from Table 9 to Rule 310, Section 305.9, per Staff comment.</p>	<p>J&D Excavators: The goal of the blasting excavation process is to achieve a balanced state while avoiding any intermediate condition that may endanger the excavation itself and the people and the equipment there. An explosive's efficiency and stability determine how the explosive should be used in a blasting project. The explosive used in the largest quantities in modern rock blasting is ANFO (ammonium nitrate and fuel oil). ANFO has a higher efficiency in rock blasting than nitroglycerin explosives. The main disadvantage of ANFO is that it is not water resistant. If ANFO gets wet, it not longer detonates. Every blast site is unique and pre-watering each site will cause un-intended safety hazards to develop. Suggested revision to Section 303.19(a)(2): Pre-water and maintain surface soils in a stabilized condition</p>

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

			<p>where support equipment and vehicles will operate. Blaster in charge will work with Control Officer to evaluate the site and then take any necessary action to reduce dust.</p> <p>Joint Environmental Task Force: Change all wind event definitions in this rule to 12 mph instead of 25 mph. Data from the MCAQD monitoring network shows that 12 mph is a significant level in the production of fugitive dust.</p>
--	--	--	---

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust From Dust Generating Operations Draft June 21, 2007	Description Of Revision	Stakeholders' Comments
	<p>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:</p> <p><u>a. Apply water to demolition debris immediately following demolition activity; and</u></p> <p><u>b. Apply water to all disturbed soils surfaces to establish a crust and to prevent wind erosion.</u></p>	<p>To delete Table 10 and to add control measures from Table 10 to Rule 310, Section 305.10, per Staff comment.</p>	<p>John Walker: For a one-man demolition operation (backhoe rig and a dump truck), who is supposed to take the opacity readings? Once again, this is an onerous extension of requirements for opacity readings to operators who have never had to do these before. Totally ludicrous.</p> <p>EnSSo Environmental Stabilization Solutions: Add "or dust suppressant".</p>
	<p>305.11 Disturbed Surface Areas: The owner and/or operator of a dust generating operation that involves a disturbed surface area shall implement the following control measures, as applicable:</p> <p><u>a. Before disturbed surface areas are created, implement one of the following control measures:</u></p> <p><u>(1) Pre-water site to depth of cuts, allowing time for penetration; or</u></p> <p><u>(2) Phase work to reduce the amount of disturbed surface areas at any one time.</u></p> <p><u>b. While disturbed surface areas are being created, implement one of the following control measures:</u></p> <p><u>(1) Apply water or other suitable dust suppressant other than water;</u></p> <p><u>(2) Apply water as necessary to maintain a soil moisture content at a minimum of 12%, as determined by ASTM Method D2216-98 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 D1557-91 (1998) or other equivalent method approved by the Control Officer and the Administrator, maintain at least 70% of the optimum soil moisture content; or</u></p> <p><u>(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 windblown material leaving a site.</u></p> <p><u>c. When activity that caused the disturbance/that caused the disturbed surface areas will be complete for a period of 30 days or longer, the owner and/or operator</u></p>	<p>To delete Table 5, Table 6, Table 7, and Table 8 and to add control measures from Table 5, Table 6, Table 7, and Table 8 to Rule 310, Section 305.11, per Staff comment.</p>	<p>Staff: When construction crews are building a house or business, they often leave the site un-clean (i.e., they leave dust from drywall and they leave bags of open cement). Suggested revision: Add the following text to Section 303.21(a)(2) and (3): Clean dust, dirt, and construction debris from in and around buildings under construction so that wind does not release the dust particles from any building or maintenance surface.</p> <p>Home Builders Association Of Central Arizona: Regarding Section 303.17(b)(2), 12% soil moisture content?</p> <p>EnSSo Environmental Stabilization Solutions: Stabilization procedures do not discuss dust suppressants.</p> <p>John Walker: This could require a church or other organization that operates intermittently with small amounts of slow vehicle traffic to have to perform one of the specified determinations of the effectiveness of the control measure. Hells bells, why can't the County just say what control measures they want such organizations to do.</p> <p>Attendee At Pubic Workshop #2-May 17, 2007: Rule 310 is too prescriptive.</p>

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

	<p>shall implement one of the following control measures within ten days following the completion of such activity:</p> <p>(1) <u>Pave, apply gravel, or apply a suitable dust suppressant other than water;</u></p> <p>(2) <u>Establish vegetative ground cover in sufficient quantify; or</u></p> <p>(3) <u>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.</u></p> <p>(d) <u>Restore area such that the vegetative ground cover and soil characteristics are similar to adjacent or nearby undisturbed native conditions.</u></p>		
--	---	--	--

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust From Dust Generating Operations Draft June 21, 2007	Description Of Revision	Stakeholders' Comments
	<p><u>309 Dust Control Training Classes For Dust Generating Operations:</u> <u>309.1 Basic Dust Control Training Class:</u> <u>a. A Dust Control permit holder shall ensure that the site superintendent or other designated on-site representative of the permit holder and water truck and water pull drivers for each site successfully complete a Maricopa County Air Quality Department Basic Dust Control Training Class.</u> <u>b. A Dust Control permit holder for contiguous sites under common control larger than one acre in the aggregate shall ensure that the site superintendent or other designated on-site representative of the permit holder and water truck and water pull drivers for each site successfully complete a Maricopa County Air Quality Department Basic Dust Control Training Class.</u> <u>c. All employees 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.</u> <u>d. All employees required to complete the Basic Dust Control Training Class shall successfully complete the Basic Dust Control Training Class at least once every three years.</u> <u>e. The content of the Basic Dust Control Training Class shall include, but shall not be limited to, information regarding completing a Dust Control permit application and a Dust Control Plan, health effects of PM₁₀, and implementation and maintenance of control measures.</u> <u>309.2 Comprehensive Dust Control Training Class:</u> <u>a. A Dust Control Coordinator, who meets the requirements of Section 310 of this rule, shall successfully complete the Comprehensive Dust Control Training Class.</u> <u>b. The Dust Control Coordinator shall be required to successfully complete, at least once every three years, a Comprehensive Dust Control Training Class conducted or approved by the Control Officer with jurisdiction over the site.</u> <u>c. All employees having successfully completed training during the 2006 and 2007 calendar years shall be deemed to have satisfied the requirement to</u></p>	<p>To add requirements for dust control training classes to comply with Senate Bill 1552.</p>	<p>City Of Phoenix: Because of the large number of municipal field workers who would need to be trained under Section 305, it would be time-consuming and a hardship for over 1,000 employees to attend a Maricopa County Basic Dust Control Training Class. Senate Bill 1552 contains language that may be useful on this provision by allowing Maricopa County-approved training. Suggested revision to Section 305.1(a): A Dust Control permit holder shall ensure that the site superintendent or other designated on-site representative of the permit holder and water truck and water pull drivers for each site successfully complete a Maricopa County Air Quality Department <u>or Maricopa County Air Quality Department-approved</u> Basic Dust Control Training Class.</p> <p>John Walker: Basic Dust Control Class for construction site water truck drivers? You've got to be kidding. Many such drivers are extremely transient employees, often not even fluent in English. Will the MCAQD provide these classes in Spanish? (I actually hope not and instead hope for official English for all governmental operations). Will the County provide these classes on weekends and evenings, so as to not further burden construction and mining? Will the MCAQD provide the required economic impact statement per ARS §49-112(A)(2)(a) justifying this change? It seems like this and many other changes were just thrown into the pot in a desperate attempt to placate the EPA.</p>

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

	<u>successfully complete the Comprehensive Dust Control Training Class, if the training that was completed was conducted or approved by the Control Officer.</u>		
--	--	--	--

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust From Dust Generating Operations Draft June 21, 2007	Description Of Revision	Stakeholders' Comments
	<p><u>310 Dust Control Coordinator For Dust Generating Operations:</u> <u>310.1</u> Any site of five acres or more of disturbed surface area shall, at all times during any activities that disturb or have the potential to disturb soils and during related transport activities at access points to paved roads, have on-site at least one individual designated by the permittee as a Dust Control Coordinator. <u>310.2</u> The Dust Control Coordinator shall have full authority to ensure that dust control measures are implemented on-site, including inspections, deployment of dust suppression resources, and modification or shut-down of activities as needed to control dust. <u>310.3</u> The Dust Control Coordinator shall be responsible for managing dust prevention and dust control on the site. <u>310.4</u> The Dust Control Coordinator shall be required to successfully complete, at least once every three years, a Comprehensive Dust Control Training Class conducted or approved by the Control Officer with jurisdiction over the site. The Dust Control permit holder shall ensure that the Dust Control Coordinator has successfully completed, at least once every three years, a Comprehensive Dust Control Training Class conducted or approved by the Control Officer with jurisdiction over the site. <u>310.5</u> The Dust Control Coordinator shall maintain a dust training certification identification card on-site at all times. <u>310.6</u> The requirement for a Dust Control Coordinator shall lapse when all of the following actions/events/procedures occur: <u>a.</u> The area of disturbed surface area becomes less than five acres; <u>b.</u> The previously disturbed surface areas have been stabilized in accordance with/in compliance with the standards and/or requirements of this rule; and <u>c.</u> The Dust Control permit holder provides notice to the Control Officer of acreage stabilization.</p>	<p>To add requirements for a Dust Control Coordinator to comply with Senate Bill 1552.</p>	<p>City Of Mesa: Rule 310, Section 306 should be specifically stated that the Dust Control Coordinator is responsible for ensuring that only marked entrances are used to enter or exit the site. Maricopa County should consider, either in Rule 310 or elsewhere, a requirement that smaller sites, perhaps as small as one acre, have an individual at the site trained in dust control requirements. This could be the superintendent or another responsible individual. This person would be able to identify potential dust issues and make management aware that action may be required.</p> <p>John Walker: Comprehensive Dust Control Training Class every three years. What is the legal reason that this class is only required once every three years for this rule, but (if memory serves) is required once every year for Rule 316 for a mine's Dust Control Technician? Again, this seems to be un-equal treatment under the law, when comparing construction sites to mines. There does not appear to be training in the EPA Method 9 included as part of the Basic or Comprehensive Dust Control Classes, nor a requirement that the Dust Control Coordinator be certified in Method 9 (as required for mining operations in Rule 316, Section 308.5), yet the operator will have to make opacity readings, especially if the many new requirements for such readings are finalized in the new Rule 310. Again, this seems to be un-equal treatment under the law. When comparing construction sites to mines. Why is the Dust Control Coordinator not required to be available on-site within 30 minutes, as is the case for the Dust Control Technician in Rule 316, Section 308.3? Again, this seems to be un-equal treatment under the law, when comparing construction sites to mines.</p> <p>Joint Environmental Task Force: The five acre threshold conflicts with the 0.10 acre threshold. The lower number - 0.10 acre - should be used. Control dust!</p>

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust From Dust Generating Operations Draft June 21, 2007	Description Of Revision	Stakeholders' Comments
	<p>401 Dust Control Plan Posting: The owner and/or operator of an earthmoving operation shall post a copy of the approved Dust Control Plan in a conspicuous location at the work site, within on-site equipment, or in an on-site vehicle, or shall otherwise keep a copy of the approved Dust Control Plan available on site at all times. The owner and/or operator of a dust generating operation that has been issued a Block Permit shall not be required to keep a copy of the 8½" by 11" site drawing according to Section 304.2 of this rule. <u>Dust Control Permit Requirements:</u></p> <p><u>401.1</u> To apply for a Dust Control permit, applicants shall complete Maricopa County's "Application For Dust Control Permit" form and shall supply all information required by the following three sections of the form:</p> <p><u>a.</u> Applicant information;</p> <p><u>b.</u> Project information, which shall include a project site drawing and, if the site is one acre or larger, soil designations; and</p> <p><u>c.</u> Dust Control Plan, which shall meet the specifications described in Section 402 of this rule.</p> <p><u>401.2</u> A Dust Control permit shall be granted subject to, but not limited to, the following conditions:</p> <p><u>a.</u> The permittee shall be responsible for ensuring that all persons abide by the conditions of the Dust Control permit and these regulations;</p> <p><u>b.</u> 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; and</p> <p><u>c.</u> 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.</p> <p><u>401.3</u> 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.</p> <p><u>401.4</u> Requirements and conditions of the Dust Control permit shall be made a part of the specifications of the construction contract between the owner and prime contractor and contracts between the prime contractor and applicable subcontractors. Said contracts must provide a monetary allowance for any dust control options specified in</p>	<p>To add requirements for Dust Control permits.</p>	<p>Joint Environmental Task Force: Is this an air quality permit? It should be.</p> <p>City Of Phoenix: Constructing initial landscapes without the use of mechanized equipment should be exempt to allow someone to plant a backyard garden. Suggested revision to Section 402.4: A Dust Control permit shall not be required to conduct <u>initial landscapes or</u> landscape maintenance. In order to be exempt from a Dust Control permit, such <u>initial landscapes or</u> landscape maintenance shall not include grading, <u>or</u> trenching, or any other mechanized surface disturbing activities performed to establish initial landscapes or to redesign existing landscapes. Suggested revision to Section 402.8: A Dust Control Permit shall not be required to establish initial landscapes or to redesign existing landscapes of legally-designated public parks and recreational areas, including but not limited to the following locations. In order to be exempt from a Dust Control permit, establishing initial landscapes or redesigning existing landscapes shall not include grading <u>or</u> trenching, or any other mechanized surface disturbing activities.</p> <p>Bureau Of Land Management: The Bureau Of Land Management land has been added to the list of areas that do not require a Dust Control Permit to establish initial landscapes or to redesign existing landscapes of legally-designated public parks and recreational areas. However, it is not added to Section 404.8 - the list of areas that do not require a Dust Control Plan to establish initial landscapes or to redesign existing landscapes of legally-designated public parks and recreational areas. Suggested revision: Delete all</p>

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

	<p>the Dust Control Plan. The amount of the allowance may be <u>specified either by the owner, competitively bid, or negotiated by and amongst the parties.</u></p>		<p>references to “national parks” and “Bureau Of Land Management” and just state Federal lands as exempted locations, which takes care-of those listed and others that may be left-out, such as Bureau Of Reclamation, Fish And Wildlife Service, which it appears is the intent anyway. Suggested revision to Section 402: Delete all references to “national parks” and “Bureau Of Land Management” and just state Federal lands as exempted locations, which takes care-of those listed and others that may be left-out, such as Bureau Of Reclamation, Fish And Wildlife Service, which it appears is the intent anyway.</p> <p>Joint Environmental Task Force: There should not be any exemptions from Dust Control Permit requirements. This is about having safe air for people to breathe.</p>
--	---	--	---

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust From Dust Generating Operations Draft June 21, 2007	Description Of Revision	Stakeholders' Comments
	<p>402 COMPLIANCE SCHEDULE: The requirements of this rule supercede any conflicting requirements that may be found in existing Dust Control Plans. Dust Control Plan Requirements:</p> <p>402.1 For Earthmoving Permits: If any changes to a Dust Control Plan, associated with an Earthmoving Permit, are necessary as a result of the most recent revisions of this rule, such changes shall not be required until the Earthmoving Permit is required to be renewed. 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:</p> <p>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</p> <p>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.</p> <p>402.2 For Non-Title V Permits And For Title V Permits: If any changes to a Dust Control Plan, associated with a Non-Title V Permit or with a 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 220 and Rule 210 of these rules respectively, no later than 6 months after the effective date of the most recent revisions to this rule. 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 complete Maricopa County's "Application For Dust Control Permit" and submit such information as a Dust Control Plan. 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.</p> <p>402.3 A Dust Control Plan shall, at a minimum, contain all of the following information:</p> <p>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.</p> <p>b. A drawing, on 8½" x 11" paper, that shows:</p> <p>(1) Entire project site/facility boundaries,</p> <p>(2) Acres to be disturbed with linear dimensions,</p>	<p>To move Dust Control Plan requirements from standards section to administrative requirements section.</p>	<p>Joint Environmental Task Force: A Dust Control Plan is due before operations start. That is good. Why isn't this implemented? Air quality permits allow 2 months-3 months of dust generation before such documentation is required. That needs to change to be consistent with this rule. Suggested revision: In Section 403.5, use 0.10 acre instead of one acre or larger.</p> <p>City Of Phoenix: Constructing initial landscapes without the use of mechanized equipment should be exempt to allow someone to plant a backyard garden. Suggested revision to Section 404.7: A Dust Control Plan shall not be required to conduct <u>initial landscapes or</u> landscape maintenance. In order to be exempt from a Dust Control Plan, such <u>initial landscapes or</u> landscape maintenance shall not include grading, <u>or</u> trenching, <u>or any other mechanized surface disturbing</u> activities performed to establish initial landscapes or to redesign existing landscapes.</p> <p>Bureau Of Land Management: The Bureau Of Land Management land has been added to the list of areas that do not require a Dust Control Permit to establish initial landscapes or to redesign existing landscapes of legally-designated public parks and recreational areas. However, it is not added to Section 404.8 - the list of areas that do not require a Dust Control Plan to establish initial landscapes or to redesign existing landscapes of legally-designated public parks and recreational areas. Suggested revision: Delete all references to "national parks" and "Bureau Of Land Management" and just state Federal lands as exempted locations, which takes care of those listed and others that</p>

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

<p><u>(3) Nearest public roads,</u> <u>(4) North arrow, and</u> <u>(5) Planned exit locations onto paved areas accessible to the public.</u> <u>c. Appropriate control measures, or a combination thereof, as described in Section 305 of this rule, for every actual and potential dust generating operation.</u> <u>(1) Control measures must be implemented before, after, and while conducting any dust generating operation, including during weekends, after work hours, and on holidays.</u> <u>(2) All required control measures and at least one contingency control measure must be identified for all dust generating operations. 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(s) is effective to comply with all of the requirements of this rule, the owner and/or operator need not revise the Dust Control Plan.</u> <u>(3) A control measure that is not listed in Section 305 of this rule may be chosen provided that such control measure is implemented to comply with the requirements described in Section 301 of this rule.</u> <u>(4) If complying with Section 305.7-Control Measures For Dust Generating Operations-Unpaved Haul/Access Roads 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).</u> <u>d. Dust suppressants to be applied, including all of the following product specifications or label instructions for approved usage:</u> <u>(1) Method, frequency, and intensity of application;</u> <u>(2) Type, number, and capacity of application equipment; and</u> <u>(3) Information on environmental impacts and approvals or certifications related to appropriate and safe use for ground application.</u> <u>e. Specific surface treatment(s) and/or control measures utilized to control material trackout and sedimentation where unpaved and/or access points join paved areas accessible to the public.</u> <u>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. Failure to comply with the provisions of an approved Dust Control Plan is deemed a violation of this rule.</u> <u>402.5 For construction projects one acre or larger, except for routine maintenance and repair done under a Dust Control permit-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</u></p>		<p>may be left-out, such as Bureau Of Reclamation, Fish And Wildlife Service, which it appears is the intent anyway. Suggested revision to Section 402: Delete all references to "national parks" and "Bureau Of Land Management" and just state Federal lands as exempted locations, which takes care-of those listed and others that may be left-out, such as Bureau Of Reclamation, Fish And Wildlife Service, which it appears is the intent anyway.</p>
---	--	--

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

	<p>at a particular site, the test results should be relied on rather than the map in Appendix F of these rules.</p> <p><u>402.6</u> At least one primary control measure and one contingency control measure must be identified in the Dust Control Plan for all dust generating sources. 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.</p>		
--	---	--	--

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust From Dust Generating Operations Draft June 21, 2007	Description Of Revision	Stakeholders' Comments
	<p><u>403 Dust Control Plan Revisions:</u> <u>403.1 If Required By The Control Officer:</u> <u>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.</u> <u>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.</u> <u>403.2 If Requested By The Permittee:</u> <u>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.</u> <u>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.</u> <u>403.3 If Rule 310 Is Revised:</u> <u>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.</u> <u>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</u></p>	<p>To move Dust Control Plan revisions from standards section to administrative requirements section.</p> <p>To add requirements for Dust Control Plan revisions, if requested by the permittee, to match explanation/criteria in Guidance For Application For Dust Control Permit.</p>	<p>John Walker: Rule 310, Section 405.2(b) should be modified to include a requirement that the Control Officer give notice via certified mail to those persons required to modify their Dust Control Plan, which will generally be long-term construction projects or fixed-site operations air quality permit holders. Mere publication of change to Rule 310 is not sufficient notice to require these changes.</p> <p>Joint Environmental Task Force: If Rule 310 is revised, no grandfathering of pollution. This Valley is out of compliance now. All changes to Rule 310 should be implemented immediately.</p>

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

	<p><u>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.</u></p>		
--	---	--	--

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust From Dust Generating Operations Draft June 21, 2007	Description Of Revision	Stakeholders' Comments
	<p><u>404 Dust Control Permit-Block Permit Requirements:</u> <u>404.1 A Dust Control permit-Block permit application may be submitted to the Control Officer, if any one of the following dust generating operations are conducted:</u> <u>a. More than one of the activities listed in this section of this rule 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).</u> <u>b. 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 road grading, and road shoulder grading).</u> <u>c. 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 road grading, and road shoulder grading).</u> <u>d. 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.</u> <u>404.2 When completing and submitting a Dust Control permit-Block permit application, the owner and/or operator shall comply with the following requirements:</u> <u>a. A Dust Control Plan that meets the criteria described in Section 303 of this rule and applies to all sites shall be submitted to the Control Officer with the Dust Control permit-Block permit application.</u> <u>b. A list of all sites, including the location and size of each site, shall be submitted to the Control Officer with the Dust Control permit-Block permit application.</u> <u>c. For any project not listed in the Dust Control</u></p>	<p>To add Dust Control permit-Block permit requirements from Rule 200-Permit Requirements.</p> <p>Dust Control permit-Block permit requirements to be deleted from Rule 200 and to reference Rule 310.</p>	<p>Joint Environmental Task Force: Regarding Section 406.2(c), no exemptions. A project needs to be covered by this rule.</p>

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

	<p><u>permit-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.</u></p> <p>404.3 <u>The dust generating operation(s) shall commence within 12 months of the Dust Control permit-Block permit issuance.</u></p> <p>404.4 <u>New construction shall obtain a separate dust control permit.</u></p> <p>404.5 <u>The Dust Control permit-Block permit will cover crews that work for the municipalities and/or utilities, including subcontractors. However, municipalities and/or utilities shall retain overall authority for dust control on the project.</u></p>		
--	---	--	--

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust <u>From Dust Generating Operations</u> Draft June 21, 2007	Description Of Revision	Stakeholders' Comments
	<p><u>405 Approval Or Denial Of Permit Applications for Dust Generating Operations:</u> <u>The Control Officer shall take final action on a Dust Control permit application, a Dust Control permit revision, or a Dust Control permit-block permit within 14 calendar days of the filing of the completed application. The Control Officer shall notify the applicant in writing of his approval or denial.</u></p>	<p>To add administrative requirements/specifics regarding Dust Control permits and Dust Control Plans for clarity.</p>	<p>John Walker: Finally, I get to make a positive comment. This requirement for a timely yes or no decision on the completed Dust Control Permit is a welcome change. Thank you. But for this provision to be of any real effect, there must also be a requirement added somewhere in Rule 310 (and Rule 316) and Rule 200, which requires the Control Officer to notify the permit applicant within a reasonable time (say 30 days for large operations, 14 days for small ones) of the need for additional information. Otherwise, the application should be considered complete. Also, revisions to Dust Control Plans per Section 405 should be granted in a similarly short period of time. A similar provision requiring reasonably rapid approval or notification that additional information is required and particular specification of what additional information should be added to Section 301 and Section 403.4, as well as to the appropriate section of Rule 200. In the case of an air quality permit, which ends up requiring a public hearing or comment period, the applicant should be notified in a very short period of time of that necessity, as well as citing the statute or regulation(s) which cause such public hearing to be required. The public hearing or comment period should be scheduled within a rule specified reasonably short period of time after it's determined to be necessary. Should any additional action be required on the part of the applicant, the Control Officer should notify the applicant within 14 days. The estimated additional time should be limited, based upon size and type of project. Delays can potentially be used at the mere caprice of the permit engineers or officials involved, although I hope that is never the case.</p> <p>Joint Environmental Task Force: The permit for dust generating operations related to sand and gravel mining operations should be an air quality permit and must have public input. All of the activities described here can and do take place at sand and gravel mining operation sites.</p>

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

			<p>Therefore, this rule should apply to sand and gravel mining operations as well as to construction. Fugitive dust is a major part of such mining operations. Are there controls identical to the ones specified in Rule 310 specified in another rule specifically for sand and gravel mining? If so specify here. If not, specify that this rule is universal. The title of the rule is "fugitive dust". If the requirements here are stricter than those for sand and gravel mining permits, then sand and gravel mining permits should incorporate these requirements as corrected by the comments in this letter. There is a "disconnect" here. Is mining given the "easy" requirements?</p>
	<p><u>406 Terms For Permits For Dust Generating Operations:</u> <u>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.</u></p>	<p>To add administrative requirements/specifics regarding Dust Control permits and Dust Control Plans for clarity.</p>	
	<p><u>407 Defacing, Altering, Forging, Counterfeiting, Or Falsifying Permits For Dust Generating Operations:</u> <u>A person shall not willfully deface, alter, forge, counterfeit, or falsify any Dust Control permit issued under the provisions of this rule.</u></p>	<p>To add administrative requirements/specifics regarding Dust Control permits and Dust Control Plans for clarity.</p>	
	<p><u>408 Fees For Permits For Dust Generating Operations:</u> <u>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.</u></p>	<p>To add administrative requirements/specifics regarding Dust Control permits and Dust Control Plans for clarity.</p>	

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust From Dust Generating Operations Draft June 21, 2007	Description Of Revision	Stakeholders' Comments
<p>401 Dust Control Plan Posting: The owner and/or operator of an earthmoving operation shall post a copy of the approved Dust Control Plan in a conspicuous location at the work site, within on-site equipment, or in an on-site vehicle, or shall otherwise keep a copy of the approved Dust Control Plan available on-site at all times. The owner and/or operator of a dust generating operation that has been issued a Block Permit shall not be required to keep a copy of the 8½" by 11" site drawing according to section 304.2 of this rule.</p>	<p>409 Posting Of Permits For Dust Generating Operations: <u>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.</u></p>	<p>To clarify the permit posting requirements.</p>	
<p>402 Compliance Schedule: The requirements of this rule supercede any conflicting requirements that may be found in existing Dust Control Plans.</p> <p>402.1 For Earthmoving Permits: If any changes to a Dust Control Plan, associated with an Earthmoving Permit, are necessary as a result of the most recent revisions of this rule, such changes shall not be required until the Earthmoving Permit is required to be renewed.</p> <p>402.2 For Non-Title V Permits And For Title V Permits: If any changes to a Dust Control Plan, associated with a Non-Title V Permit or with a 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 220 and Rule 210 of these rules</p>	<p>410 Compliance Schedule: <u>The newly amended provisions of this rule shall 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:</u></p> <p>410.1 Basic Dust Control Training Class: <u>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. All employees 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.</u></p> <p>410.2 Dust Control Coordinator: <u>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 shall, at all times during any activities that disturb or have the potential to disturb soils and during related transport activities at access points to paved roads, have on-site at least one individual</u></p>	<p>To clarify the compliance schedule.</p> <p>Compliance schedule in Rule 310 adopted April 7, 2004 addresses making changes to an earthmoving permit and making changes to a Non-Title V permit or a Title V permit. The requirements and/or compliance schedule for making such changes are proposed to be addressed in Section 403.</p>	

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

respectively, no later than 6 months after the effective date of the most recent revisions to this rule.	<u>designated by the permit holder as a Dust Control Coordinator, as described in Section 310 of this rule.</u>		
--	---	--	--

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust <u>From Dust Generating Operations</u> Draft June 21, 2007	Description Of Revision	Stakeholders' Comments
<p>501 Compliance Determination: To determine compliance with this rule, the following test methods shall be followed:</p> <p>501.1 Opacity Observations:</p> <p>a. Dust Generating Operations: Opacity observations of a source engaging in dust generating operations shall be conducted in accordance with Appendix C, Section 3 (Time Averaged Methods of Visual Opacity Determination of Emissions from Dust Generating Operations).</p> <p>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.</p> <p>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.</p>	<p>501 Compliance Determination: To determine compliance with the visible emissions requirements in <u>Section 303 of this rule and with the stabilization requirements in Section 304 of this rule</u>, the following test methods shall be followed:</p> <p>501.1 Opacity Observations:</p> <p>a. Dust Generating Operations: Opacity observations of a source engaging in dust generating operations shall be conducted in accordance with Appendix C, Section 3-Time Averaged Methods of Visual Opacity Determination of Emissions from Dust Generating Operations of these rules.</p> <p>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.</p> <p>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.</p>	<p>To specify that test methods are for visible emissions requirements and stabilization requirements.</p>	
<p>501.2 Stabilization Observations:</p> <p>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 1 test method is permitted for a determination, an exceedance of the limits established in this rule determined by any of the applicable test methods constitutes a violation of this rule.</p> <p>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</p>	<p>501.2 Stabilization Observations:</p> <p>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 4 <u>one</u> test method is permitted for a determination, an exceedance of the limits established in this rule determined by any of the applicable test methods <u>constitutes shall constitute</u> a violation of this rule.</p> <p>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 rule. When</p>	<p>To change "open area and vacant lot" to "undeveloped area of a site".</p> <p>"Open area and vacant lot" is used in Rule 310.01-Fugitive Dust From Non-Traditional Sources Of Fugitive Dust.</p>	

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

<p>Methods For Stabilization-For Unpaved Roads And Unpaved Parking Lots) of these rule. When more than 1 test method is permitted for a determination, an exceedance of the limits established in this rule determined by any of the applicable test methods constitutes a violation of this rule.</p> <p>c. Open Area And Vacant Lot Or Disturbed Surface Area: Stabilization observations for an open area and vacant lot or 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 subsection 501.2(c)(1) through subsection 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 1 of the standards described in subsection 302.3 of this rule, as applicable.</p> <p>(1) Appendix C, Section 2.3 (Test Methods For Stabilization-Visible Crust Determination) (The Drop Ball/Steel Ball Test) of these rules for a visible crust; or</p> <p>(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</p> <p>(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</p> <p>(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</p> <p>(5) Appendix C, Section 2.6 (Test Methods For Stabilization-Determination Of Standing Vegetative Cover) of these rules for standing</p>	<p>more than 4 <u>one</u> test method is permitted for a determination, an exceedance of the limits established in this rule determined by any of the applicable test methods constitutes <u>shall constitute</u> a violation of this rule.</p> <p>c. Open Area And Vacant Lot Undeveloped Area Of A Site Or Disturbed Surface Area: Stabilization observations for an open area and vacant lot <u>undeveloped area of a site</u> or 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 subsection 501.2(c)(1) <u>Section 501.2(c)(1)</u> through subsection 501.2(c)(7) <u>Section 501.2(c)(7)</u> 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 4 <u>one</u> of the standards described in subsection 302.3 <u>Section 304.3</u> of this rule, as applicable.</p> <p>(1) Appendix C, Section 2.3-Test Methods For Stabilization-Visible Soil <u>Crust Determination-The Drop Ball/Steel Ball</u> Test of these rules for a visible crust; or</p> <p>(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</p> <p>(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</p> <p>(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</p> <p>(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-</p>		
--	---	--	--

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

<p>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 test method approved in writing by the Control Officer and the Administrator of the EPA.</p>	<p>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 test method approved in writing by the Control Officer and the Administrator of the EPA.</p>		
--	---	--	--

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust <u>From Dust Generating Operations</u> Draft June 21, 2007	Description Of Revision	Stakeholders' Comments
<p>502 Recordkeeping: 502.1 Any person who conducts dust generating operations that require a Dust Control Plan shall keep a daily written log recording the actual application or implementation of the control measures delineated in the approved Dust Control Plan (including records on any street sweeping, water applications, and maintenance of trackout control devices, gravel pads, fences, wind barriers, and tarps). 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 within 48 hours, excluding weekends. If the Control Officer is at the site where requested records are kept, records shall be provided without delay.</p>	<p>502 Recordkeeping: 502.1 Any person who conducts dust generating operations that require a Dust Control Plan shall keep a daily written log <u>a written record of self inspection on each day soil disturbing work is conducted.</u> <u>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.</u> Such written record shall <u>also</u> include the actual application or implementation of the control measures delineated in the approved Dust Control Plan (including records on any street sweeping, water applications, and maintenance of trackout control devices, gravel pads, fences, wind barriers, and tarps): <u>the following information:</u> <u>a. Method, frequency, and intensity of application or implementation of the control measures;</u> <u>b. Method, frequency, and amount of water application to the site;</u> <u>c. Street sweeping frequency;</u> <u>d. Types of surface treatments applied to and maintenance of trackout control devices, gravel pads, fences, wind barriers, and tarps;</u> <u>e. Types and results of test methods conducted; and</u> <u>f. If contingency control measures are implemented, actual application or implementation of contingency control measures and why contingency control measures were implemented.</u> 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 within 48 hours, excluding weekends. If the Control Officer is at the site where requested records are kept, records shall be provided without delay.</p>	<p>To clarify when written records must be kept and what written records must be kept, per Stakeholders' comments during Public Workshop #1-April 19, 2007.</p> <p>Proposed text matches Clark County's Section 94-Permitting And Dust Control For Construction Activities.</p>	

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust <u>From Dust Generating Operations</u> Draft June 21, 2007	Description Of Revision	Stakeholders' Comments
<p>503 Records Retention: Copies of approved Dust Control Plans, control measures implementation records, and all supporting documentation shall be retained for at least six months following the termination of the dust generating operation. Copies of approved Dust Control Plans, control measures implementation records, and all supporting documentation shall be retained for at least 1 year 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 5 years from the date such records are established.</p>	<p>503 Records Retention: Copies <u>Any person who conducts dust generating operations that require a Dust Control Plan shall retain copies</u> of approved Dust Control Plans, control measures implementation records, and all supporting documentation shall be retained for at least six months following the termination of the dust generating operation <u>and for at least two years from the date such records were initiated.</u> Copies of approved Dust Control Plans, control measures implementation records, and all supporting documentation shall be retained for at least 1 year 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 <u>5 five</u> years from the date such records are established.</p>	<p>To clarify who must maintain records and for how long.</p>	
<p>504 Test Methods Adopted By Reference: The test methods listed in this section are adopted by reference. These adoptions 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 Environmental Services Department, 1001 North Central Avenue, Phoenix, AZ, 85004-1942.</p> <p>504.1 ASTM Method C136-96A ("Standard Test Method For Sieve Analysis Of Fine And Coarse Aggregates"), 1996 edition.</p> <p>504.2 ASTM Method D2216-98 ("Standard Test Method For Laboratory Determination Of Water (Moisture) Content Of Soil And Rock By Mass"), 1998 edition.</p> <p>504.3 ASTM Method D1557-91(1998) ("Test Method For Laboratory Compaction Characteristics Of Soil Using Modified Effort (56,000 ft-lbf/ft³ (2,700 kN-m/m³)), 1998 edition.</p>	<p>504 Test Methods Adopted By Reference: The test methods listed in this section are adopted by reference. These adoptions 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 Environmental Services Department <u>Maricopa County Air Quality Department</u>, 1001 North Central Avenue, Phoenix, AZ, 85004-1942.</p> <p>504.1 ASTM Method C136-96A ("Standard Test Method For Sieve Analysis Of Fine And Coarse Aggregates"), 1996 edition.</p> <p>504.2 ASTM Method D2216-98 ("Standard Test Method For Laboratory Determination Of Water (Moisture) Content Of Soil And Rock By Mass"), 1998 edition.</p> <p>504.3 ASTM Method D1557-91(1998) ("Test Method For Laboratory Compaction Characteristics Of Soil Using Modified Effort (56,000 ft-lbf/ft³ (2,700 kN-m/m³)), 1998 edition.</p>	<p>To change "Maricopa County Environmental Services Department" to "Maricopa County Air Quality Department"</p>	

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust <u>From Dust Generating Operations</u> Draft June 21, 2007	Description Of Revision	Stakeholders' Comments
<p>Table 1 - Vehicle Use In Open Areas And Vacant Lot a. An owner and/or operator must implement one of the following control measures: 1. Restrict trespass by installing signs; or 2. Install physical barriers such as curbs, fences, gates, posts, signs, shrubs, and/or trees to prevent access to the area.</p>	<p>Table 4 - Vehicle Use In Open Areas And Vacant Lot a. An owner and/or operator must implement one of the following control measures: 1. Restrict trespass by installing signs; or 2. Install physical barriers such as curbs, fences, gates, posts, signs, shrubs, and/or trees to prevent access to the area.</p>	<p>To delete Table 1 and Table 4 and to add control measures from Table 1 and Table 4 to Rule 310, Section 305.11-Control Measures For Dust Generating Operations-Disturbed Surface Areas.</p>	

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust <u>From Dust Generating Operations</u> Draft June 21, 2007	Description Of Revision	Stakeholders' Comments
<p>Table 2 - Unpaved Parking Lots a. An owner and/or operator must implement one of the following control measures: 1. Pave; 2. Apply and maintain gravel, recycled asphalt, or other suitable material, in compliance with Section 302.1 of this rule; 3. Apply a suitable dust suppressant in compliance with Section 302.1 of this rule. b. Suggested additional control measure for contingency plans: 1. Limit vehicle speeds to 15 mph on the site.</p>	<p>Table 2 - Unpaved Parking Lots a. An owner and/or operator must implement one of the following control measures: 1. Pave; 2. Apply and maintain gravel, recycled asphalt, or other suitable material, in compliance with Section 302.1 of this rule; 3. Apply a suitable dust suppressant in compliance with Section 302.1 of this rule. b. Suggested additional control measure for contingency plans: 1. Limit vehicle speeds to 15 mph on the site.</p>	<p>To delete Table 2 and to add control measures from Table 2 to Rule 310, 305.11-Control Measures For Dust Generating Operations-Disturbed Surface Areas.</p>	
<p>Table 3 - Unpaved Haul/Access Roads a. An owner and/or operator must implement one of the following control measures: 1. Limit vehicle speed to 15 mph or less and limit vehicular trips to no more than 20 per day; 2. Apply water, so that the surface is visibly moist in compliance with Section 302.2 of this rule; 3. Pave; 4. Apply and maintain gravel, recycled asphalt, or other suitable material, in compliance with Section 302.2 of this rule; or 5. Apply a suitable dust suppressant, in compliance with Section 302.2 of this rule.</p>	<p>Table 3 - Unpaved Haul/Access Roads a. An owner and/or operator must implement one of the following control measures: 1. Limit vehicle speed to 15 mph or less and limit vehicular trips to no more than 20 per day; 2. Apply water, so that the surface is visibly moist in compliance with Section 302.2 of this rule; 3. Pave; 4. Apply and maintain gravel, recycled asphalt, or other suitable material, in compliance with Section 302.2 of this rule; or 5. Apply a suitable dust suppressant, in compliance with Section 302.2 of this rule.</p>	<p>To delete Table 3 and to add control measures from Table 3 to Rule 310, Section 305.7-Control Measures For Dust Generating Operations-Unpaved Haul/Access Roads.</p>	

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust <u>From Dust Generating Operations</u> Draft June 21, 2007	Description Of Revision	Stakeholders' Comments
<p>Table 4 - Open Areas And Vacant Lots a. An owner and/or operator must implement one of the following control measures to comply with Section 302.3 of this rule: 1. Pave, apply gravel, or apply a suitable dust suppressant; 2. Establish vegetative ground cover in sufficient quantity; or 3. Restore area such that the vegetative ground cover and soil characteristics are similar to adjacent or nearby undisturbed native conditions.</p>	<p>Table 4 - Open Areas And Vacant Lots a. An owner and/or operator must implement one of the following control measures to comply with Section 302.3 of this rule: 1. Pave, apply gravel, or apply a suitable dust suppressant; 2. Establish vegetative ground cover in sufficient quantity; or 3. Restore area such that the vegetative ground cover and soil characteristics are similar to adjacent or nearby undisturbed native conditions.</p>	<p>To delete Table 1 and Table 4 and to add control measures from Table 1 and Table 4 to Rule 310, Section 305.11-Control Measures For Dust Generating Operations-Disturbed Surface Areas.</p>	

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust <u>From Dust Generating Operations</u> Draft June 21, 2007	Description Of Revision	Stakeholders' Comments
<p>Table 5 - Disturbed Surface Areas – Pre-Activity Work Practices a. Before activity begins, an owner and/or operator must 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.</p>	<p>Table 5 - Disturbed Surface Areas-Pre-Activity Work Practices a. Before activity begins, an owner and/or operator must 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.</p>	<p>To delete Table 5, Table 6, Table 7, and Table 8 and to add control measures from Table 5, Table 6, Table 7, and Table 8 to Rule 310, Section 305.11-Control Measures For Dust Generating Operations-Disturbed Surface Areas.</p>	

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust <u>From Dust Generating Operations</u> Draft June 21, 2007	Description Of Revision	Stakeholders' Comments
<p>Table 6 - Disturbed Surface Areas – Work Practices During Operations</p> <p>a. During operations, an owner and/or operator must implement one of the following control measures:</p> <p>1. Apply water or other suitable dust suppressant, in compliance with Section 301 of this rule;</p> <p>2. Apply water as necessary to maintain a soil moisture content at a minimum of 12%, as determined by ASTM Method D2216-98 or other equivalent method as approved by the Control Officer and the Administrator of EPA. For areas that have an optimum moisture content for compaction of less than 12%, as determined by ASTM Method D1557-91 (1998) or other equivalent method approved by the Control Officer and the Administrator of EPA, maintain at least 70% of the optimum soil moisture content; or</p> <p>3. Implement (a)(1) or (a)(2) above 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.</p> <p>b. Suggested additional control measure for contingency plans:</p> <p>1. Limit vehicle speeds to 15 mph on the work site.</p>	<p>Table 6 – Disturbed Surface Areas – Work Practices During Operations</p> <p>a. During operations, an owner and/or operator must implement one of the following control measures:</p> <p>1. Apply water or other suitable dust suppressant, in compliance with Section 301 of this rule;</p> <p>2. Apply water as necessary to maintain a soil moisture content at a minimum of 12%, as determined by ASTM Method D2216-98 or other equivalent method as approved by the Control Officer and the Administrator of EPA. For areas that have an optimum moisture content for compaction of less than 12%, as determined by ASTM Method D1557-91 (1998) or other equivalent method approved by the Control Officer and the Administrator of EPA, maintain at least 70% of the optimum soil moisture content; or</p> <p>3. Implement (a)(1) or (a)(2) above 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.</p> <p>b. Suggested additional control measure for contingency plans:</p> <p>1. Limit vehicle speeds to 15 mph on the work site.</p>	<p>To delete Table 5, Table 6, Table 7, and Table 8 and to add control measures from Table 5, Table 6, Table 7, and Table 8 to Rule 310, Section 305.11-Control Measures For Dust Generating Operations-Disturbed Surface Areas.</p>	

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust From Dust Generating Operations Draft June 21, 2007	Description Of Revision	Stakeholders' Comments
<p>Table 7 - Disturbed Surface Areas – Temporary Stabilization (Up To 8 Months) During Weekends, After Work Hours, And On Holidays</p> <p>a. An owner and/or operator must implement one of the following control measures to comply with Section 302.3 of this rule:</p> <ol style="list-style-type: none"> 1. Pave, apply gravel, or apply a suitable dust suppressant; 2. Establish vegetative ground cover in sufficient quantity; or 3. Implement (a)(1) or (a)(2), above, and restrict vehicular access to the area. 	<p>Table 7 – Disturbed Surface Areas – Temporary Stabilization (Up To 8 Months) During Weekends, After Work Hours, And On Holidays</p> <p>a. An owner and/or operator must implement one of the following control measures to comply with Section 302.3 of this rule:</p> <ol style="list-style-type: none"> 1. Pave, apply gravel, or apply a suitable dust suppressant; 2. Establish vegetative ground cover in sufficient quantity; or 3. Implement (a)(1) or (a)(2), above, and restrict vehicular access to the area. 	<p>To delete Table 5, Table 6, Table 7, and Table 8 and to add control measures from Table 5, Table 6, Table 7, and Table 8 to Rule 310, Section 305.11-Control Measures For Dust Generating Operations-Disturbed Surface Areas.</p>	
<p>Table 8 - Disturbed Surface Areas – Permanent Stabilization (Required Within 8 Months Of Ceasing Dust Generating Operations)</p> <p>a. An owner and/or operator must implement one of the following control measures to comply with Section 302.3 of this rule:</p> <ol style="list-style-type: none"> 1. Pave, apply gravel, or apply a suitable dust suppressant; 2. Establish vegetative ground cover in sufficient quantity; or 3. Restore area such that the vegetative ground cover and soil characteristics are similar to adjacent or nearby undisturbed native conditions. 	<p>Table 8 – Disturbed Surface Areas – Permanent Stabilization (Required Within 8 Months Of Ceasing Dust Generating Operations)</p> <p>a. An owner and/or operator must implement one of the following control measures to comply with Section 302.3 of this rule:</p> <ol style="list-style-type: none"> 1. Pave, apply gravel, or apply a suitable dust suppressant; 2. Establish vegetative ground cover in sufficient quantity; or 3. Restore area such that the vegetative ground cover and soil characteristics are similar to adjacent or nearby undisturbed native conditions. 	<p>To delete Table 5, Table 6, Table 7, and Table 8 and to add control measures from Table 5, Table 6, Table 7, and Table 8 to Rule 310, Section 305.11-Control Measures For Dust Generating Operations-Disturbed Surface Areas.</p>	

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust From Dust Generating Operations Draft June 21, 2007	Description Of Revision	Stakeholders' Comments
<p>Table 9 - Blasting Operations a. An owner and/or operator must implement all of the following control measures: 1. In wind gusts above 25 mph, discontinue blasting; and 2. Pre-water and maintain surface soils in a stabilized condition where support equipment and vehicles will operate.</p>	<p>Table 9 –Blasting Operations a. An owner and/or operator must implement all of the following control measures: 1. In wind gusts above 25 mph, discontinue blasting; and 2. Pre-water and maintain surface soils in a stabilized condition where support equipment and vehicles will operate.</p>	<p>To delete Table 9 and to add control measures from Table 9 to Rule 310, Section 305.9-Control Measures For Dust Generating Operations-Blasting Operations.</p>	
<p>Table 10 - Demolition Activities a. An owner and/or operator must implement all of the following control measures: 1. Stabilize demolition debris. Apply water to debris immediately following demolition activity; and 2. Stabilize surrounding area immediately following demolition activity. Water all disturbed soil surfaces to establish a crust and prevent wind erosion of soil. b. Suggested additional control measure for contingency plans: 1. Thoroughly clean blast debris from paved and other surfaces following demolition activity.</p>	<p>Table 10 –Demolition Activities a. An owner and/or operator must implement all of the following control measures: 1. Stabilize demolition debris. Apply water to debris immediately following demolition activity; and 2. Stabilize surrounding area immediately following demolition activity. Water all disturbed soil surfaces to establish a crust and prevent wind erosion of soil. b. Suggested additional control measure for contingency plans: 1. Thoroughly clean blast debris from paved and other surfaces following demolition activity.</p>	<p>To delete Table 10 and to add control measures from Table 10 to Rule 310, Section 305.10-Control Measures For Dust Generating Operations-Demolition Activities.</p>	

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust From Dust Generating Operations Draft June 21, 2007	Description Of Revision	Stakeholders' Comments
<p>Table 11 - Bulk Material Handling Operations Work Practices For Stacking, Loading, And Unloading Operations</p> <p>a. An owner and/or operator must implement one of the following control measures:</p> <ol style="list-style-type: none"> 1. Spray material with water, as necessary, prior to stacking, loading, and unloading, and/or while stacking, loading, and unloading; 2. Spray material with a dust suppressant other than water, as necessary, prior to stacking, loading, and unloading, and/or while stacking, loading, and unloading. <p>b. Suggested additional control measures for contingency plans:</p> <ol style="list-style-type: none"> 1. Pre-water and maintain surface soils in a stabilized condition where support equipment and vehicles will operate. 2. Remove material from the downwind side of the storage pile when safe to do so. 3. Empty loader bucket slowly and keep loader bucket close to the truck to minimize the drop height while dumping. 	<p>Table 11 - Bulk Material Handling Operations Work Practices For Stacking, Loading, And Unloading Operations</p> <p>a. An owner and/or operator must implement one of the following control measures:</p> <ol style="list-style-type: none"> 1. Spray material with water, as necessary, prior to stacking, loading, and unloading, and/or while stacking, loading, and unloading; 2. Spray material with a dust suppressant other than water, as necessary, prior to stacking, loading, and unloading, and/or while stacking, loading, and unloading. <p>b. Suggested additional control measures for contingency plans:</p> <ol style="list-style-type: none"> 1. Pre-water and maintain surface soils in a stabilized condition where support equipment and vehicles will operate. 2. Remove material from the downwind side of the storage pile when safe to do so. 3. Empty loader bucket slowly and keep loader bucket close to the truck to minimize the drop height while dumping. 	<p>To delete Table 11 and to add control measures from Table 11 to Rule 310, Section 305.4- Control Measures For Dust Generating Operations-Bulk Material Stacking, Loading, And Unloading Operations.</p>	
<p>Table 12 - Open Storage Piles When Not Conducting Stacking, Loading, And Unloading Operations</p> <p>a. An owner and/or operator must implement one of the following control measures:</p> <ol style="list-style-type: none"> 1. Cover open storage piles with tarps, plastic, or other material such that the coverings will not be dislodged by wind; 2. Apply water to maintain a soil moisture content at a minimum of 12%, as determined by ASTM 	<p>Table 12 - Open Storage Piles When Not Conducting Stacking, Loading, And Unloading Operations</p> <p>a. An owner and/or operator must implement one of the following control measures:</p> <ol style="list-style-type: none"> 1. Cover open storage piles with tarps, plastic, or other material such that the coverings will not be dislodged by wind; 2. Apply water to maintain a soil moisture content at a minimum of 12%, as determined by ASTM Method D2216-98, or other equivalent methods approved by the Control Officer and the Administrator of the EPA; or for areas that have an optimum moisture content for compaction of less than 12%, as determined by ASTM Method D1557-91 (1998) or other equivalent methods approved by the Control Officer and the Administrator of EPA, maintain at least 70% of the soil moisture 	<p>To delete Table 11 and Table 12 and to add control measures from Table 11 and Table 12 to Rule 310, Section 305.5- Control Measures For Dust Generating Operations-Open Storage Piles.</p>	

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

<p>Method D2216-98, or other equivalent methods approved by the Control Officer and the Administrator of the EPA; or for areas that have an optimum moisture content for compaction of less than 12%, as determined by ASTM Method D1557-91 (1998) or other equivalent methods approved by the Control Officer and the Administrator of EPA, maintain at least 70% of the soil moisture content;</p> <p>3. Meet the stabilization requirements described in Section 302.3 of this rule; or</p> <p>4. Implement (a)(2) or (a)(3), above, 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%.</p>	<p>content;</p> <p>3. Meet the stabilization requirements described in Section 302.3 of this rule; or</p> <p>4. Implement (a)(2) or (a)(3), above, 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%.</p>		
--	--	--	--

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust <u>From Dust Generating Operations</u> Draft June 21, 2007	Description Of Revision	Stakeholders' Comments
<p>Table 13 - Bulk Material Hauling/Transporting Within The Boundaries Of The Work Site When Crossing A Paved Area Accessible To The Public While Construction Is Underway</p> <p>a. An owner and/or operator must implement all of the following control measures:</p> <ol style="list-style-type: none"> 1. Load all haul trucks such that the freeboard is not less than 3 inches when crossing a paved area accessible to the public while construction is underway; 2. Prevent spillage or loss of bulk material from holes or other openings in the cargo compartment's floor, sides, and/or tailgate(s); 3. Install 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 such work site. <p>b. Suggested additional control measure for contingency plans:</p> <ol style="list-style-type: none"> 1. Limit vehicle speeds to 15 mph on the work site. 	<p>Table 13 — Bulk Material Hauling/Transporting Within The Boundaries Of The Work Site When Crossing A Paved Area Accessible To The Public While Construction Is Underway</p> <p>a. An owner and/or operator must implement all of the following control measures:</p> <ol style="list-style-type: none"> 1. Load all haul trucks such that the freeboard is not less than 3 inches when crossing a paved area accessible to the public while construction is underway; 2. Prevent spillage or loss of bulk material from holes or other openings in the cargo compartment's floor, sides, and/or tailgate(s); 3. Install 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 such work site. <p>b. Suggested additional control measure for contingency plans:</p> <ol style="list-style-type: none"> 1. Limit vehicle speeds to 15 mph on the work site. 	<p>To delete Table 13, Table 14, and Table 15 and to add control measures from Table 13 , Table 14, and Table 15 to Rule 310:</p> <p>Section 305.1-Control Measures For Dust Generating Operations-Bulk Material Hauling/Transporting When Off-Site Hauling/Transporting Outside The Boundaries Of The Work Site And Crossing And/Or Accessing A Paved Area Accessible To The Public</p> <p>Section 305.2-Control Measures For Dust Generating Operations-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</p> <p>Section 305.3-Control Measures For Dust Generating Operations-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</p>	
<p>Table 14 - 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</p> <p>a. An owner and/or operator must implement one of the following control measures:</p> <ol style="list-style-type: none"> 1. Limit vehicular speeds to 15 mph or less while traveling on the work site; 2. Apply water to the top of the load in compliance with Section 301 of this rule; or 3. Cover haul trucks with a tarp or other suitable closure. 	<p>Table 14 — 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</p> <p>a. An owner and/or operator must implement one of the following control measures:</p> <ol style="list-style-type: none"> 1. Limit vehicular speeds to 15 mph or less while traveling on the work site; 2. Apply water to the top of the load in compliance with Section 301 of this rule; or 3. Cover haul trucks with a tarp or other suitable closure. 	<p>To delete Table 13, Table 14, and Table 15 and to add control measures from Table 13 , Table 14, and Table 15 to Rule 310:</p> <p>Section 305.1-Control Measures For Dust Generating Operations-Bulk Material Hauling/Transporting When Off-Site Hauling/Transporting Outside The Boundaries Of The Work Site And Crossing And/Or Accessing A Paved Area Accessible To The Public</p> <p>Section 305.2-Control Measures For Dust Generating Operations-Bulk</p>	

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

		<p>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</p> <p>Section 305.3-Control Measures For Dust Generating Operations-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</p>	
--	--	---	--

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust <u>From Dust Generating Operations</u> Draft June 21, 2007	Description Of Revision	Stakeholders' Comments
<p>Table 15 - Bulk Material Hauling/Transporting Off-Site Hauling/Transporting Onto Paved Areas Accessible To The Public</p> <p>a. An owner and/or operator must implement all of the following control measures:</p> <ol style="list-style-type: none"> 1. Cover haul trucks with a tarp or other suitable closure; 2. Load all haul trucks such that the freeboard is not less than 3 inches; 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. Before the empty haul truck leaves the site, clean the interior of the cargo compartment or cover the cargo compartment. 	<p>Table 15 — Bulk Material Hauling/Transporting Off-Site Hauling/Transporting Onto Paved Areas Accessible To The Public</p> <p>a. An owner and/or operator must implement all of the following control measures:</p> <ol style="list-style-type: none"> 1. Cover haul trucks with a tarp or other suitable closure; 2. Load all haul trucks such that the freeboard is not less than 3 inches; 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. Before the empty haul truck leaves the site, clean the interior of the cargo compartment or cover the cargo compartment. 	<p>To delete Table 13, Table 14, and Table 15 and to add control measures from Table 13 , Table 14, and Table 15 to Rule 310:</p> <p>Section 305.1-Control Measures For Dust Generating Operations-Bulk Material Hauling/Transporting When Off-Site Hauling/Transporting Outside The Boundaries Of The Work Site And Crossing And/Or Accessing A Paved Area Accessible To The Public</p> <p>Section 305.2-Control Measures For Dust Generating Operations-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</p> <p>Section 305.3-Control Measures For Dust Generating Operations-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</p>	

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust <u>From Dust Generating Operations</u> Draft June 21, 2007	Description Of Revision	Stakeholders' Comments
<p>Table 16 - Clean Up Of Trackout, Carry Out, Spillage, And Erosion a. An owner and/or operator must implement one of the following control measures: 1. Operate a street sweeper or wet broom with sufficient water, at the speed recommended by the manufacturer and at the frequency(ies) described in Section 308.3 of this rule; or 2. Manually sweep up deposits in compliance with Section 308.3 of this rule.</p>	<p>Table 16 — Clean Up Of Trackout, Carry Out, Spillage, And Erosion a. An owner and/or operator must implement one of the following control measures: 1. Operate a street sweeper or wet broom with sufficient water, at the speed recommended by the manufacturer and at the frequency(ies) described in Section 308.3 of this rule; or 2. Manually sweep up deposits in compliance with Section 308.3 of this rule.</p>	<p>To delete Table 16 and Table 17 and to add control measures from Table 16 and Table 17 to Rule 310, Section 306-Trackout, Carry-Out, Spillage, And/Or Erosion.</p>	

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust <u>From Dust Generating Operations</u> Draft June 21, 2007	Description Of Revision	Stakeholders' Comments
<p>Table 17 - Trackout Control a. An owner and/or operator must implement all of the following control measures: 1. Immediately clean up trackout that exceeds 50 feet. All other trackout must be cleaned up at the end of the workday; and 2. In accordance with Section 308.3(a), prevent trackout by implementing one of the following control measures: i. At all access points, install a grizzly or wheel wash system. ii. At all access points, install a gravel pad at least 30 feet wide, 50 feet long, and 6 inches deep, in compliance with Section 213 of this rule. iii. 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. b. Suggested additional control measures for contingency plans: 1. Clearly establish and enforce traffic patterns to route traffic over selected trackout control devices. 2. Limit site accessibility to routes with trackout control devices in place by installing effective barriers on unprotected routes. 3. Pave construction activity roadways as soon as possible.</p>	<p>Table 17 - Trackout Control a. An owner and/or operator must implement all of the following control measures: 1. Immediately clean up trackout that exceeds 50 feet. All other trackout must be cleaned up at the end of the workday; and 2. In accordance with Section 308.3(a), prevent trackout by implementing one of the following control measures: i. At all access points, install a grizzly or wheel wash system. ii. At all access points, install a gravel pad at least 30 feet wide, 50 feet long, and 6 inches deep, in compliance with Section 213 of this rule. iii. 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. b. Suggested additional control measures for contingency plans: 1. Clearly establish and enforce traffic patterns to route traffic over selected trackout control devices. 2. Limit site accessibility to routes with trackout control devices in place by installing effective barriers on unprotected routes. 3. Pave construction activity roadways as soon as possible.</p>	<p>To delete Table 16 and Table 17 and to add control measures from Table 16 and Table 17 to Rule 310, Section 306-Trackout, Carry-Out, Spillage, And/Or Erosion.</p>	

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust <u>From Dust Generating Operations</u> Draft June 21, 2007	Description Of Revision	Stakeholders' Comments
<p>Table 18 - Weed Abatement By Discing Or Blading</p> <p>a. An owner and/or operator must implement all of the following control measures:</p> <ol style="list-style-type: none"> 1. Pre-water site; 2. Apply water while weed abatement by discing or blading is occurring; and 3. Stabilize area by implementing either one of the following: <ol style="list-style-type: none"> i. Pave, apply gravel, apply water, or apply a suitable dust suppressant, in compliance with Section 302.3 of this rule, after weed abatement by discing or blading occurs; or ii. Establish vegetative ground cover in sufficient quantity, in compliance with Section 302.3 of this rule, after weed abatement by discing or blading occurs. <p>b. Suggested additional control measures for contingency plans:</p> <ol style="list-style-type: none"> 1. Limit vehicle speeds to 15 mph during discing and blading operations. 	<p>Table 18—Weed Abatement By Discing Or Blading</p> <p>a. An owner and/or operator must implement all of the following control measures:</p> <ol style="list-style-type: none"> 1. Pre-water site; 2. Apply water while weed abatement by discing or blading is occurring; and 3. Stabilize area by implementing either one of the following: <ol style="list-style-type: none"> i. Pave, apply gravel, apply water, or apply a suitable dust suppressant, in compliance with Section 302.3 of this rule, after weed abatement by discing or blading occurs; or ii. Establish vegetative ground cover in sufficient quantity, in compliance with Section 302.3 of this rule, after weed abatement by discing or blading occurs. <p>b. Suggested additional control measures for contingency plans:</p> <ol style="list-style-type: none"> 1. Limit vehicle speeds to 15 mph during discing and blading operations. 	<p>To delete Table 18 and to add control measures from Table 18 to Rule 310, Section 305.8-Control Measures For Dust Generating Operations-Weed Abatement By Discing Or Blading.</p>	

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust From Dust Generating Operations Draft June 21, 2007	Description Of Revision	Stakeholders' Comments
<p>Table 19 - Easements, Rights-Of-Way, And Access Roads For Utilities (Electricity, Natural Gas, Oil, Water, And Gas Transmission) Associated With Sources That Have A Non-Title V Permit, A Title V Permit, And/Or A General Permit Under These Rules</p> <p>a. An owner and/or operator must implement one of the following control measures:</p> <p>1. Inside the PM₁₀ nonattainment area, restrict vehicular speeds to 15 mph and vehicular trips to no more than 20 per day per road;</p> <p>2. Outside the PM₁₀ nonattainment area, restrict vehicular trips to no more than 20 per day per road; or</p> <p>3. Implement control measures, as described in Table 3 (Unpaved Haul/Access Roads) of this rule.</p> <p>Note: For Tables 20 & 21, control measures in [brackets] are to be applied only to dust generating operations outside the nonattainment area.</p>	<p>Table 19 — Easements, Rights-Of-Way, And Access Roads For Utilities (Electricity, Natural Gas, Oil, Water, And Gas Transmission) Associated With Sources That Have A Non-Title V Permit, A Title V Permit, And/Or A General Permit Under These Rules</p> <p>a. An owner and/or operator must implement one of the following control measures:</p> <p>1. Inside the PM₁₀ nonattainment area, restrict vehicular speeds to 15 mph and vehicular trips to no more than 20 per day per road;</p> <p>2. Outside the PM₁₀ nonattainment area, restrict vehicular trips to no more than 20 per day per road; or</p> <p>3. Implement control measures, as described in Table 3 (Unpaved Haul/Access Roads) of this rule.</p> <p>Note: For Tables 20 & 21, control measures in [brackets] are to be applied only to dust generating operations outside the nonattainment area.</p>	<p>To delete Table 19 and to add control measures from Table 19 to Rule 310, Section 305.12-Control Measures For Dust Generating Operations-Easements, Rights-Of-Way, And Access Roads For Utilities (Electricity, Natural Gas, Oil, Water, And Gas Transmission) Associated With Sources That Have A Non-Title V Permit, A Title V Permit, And/Or A General Permit Under These Rules</p>	

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust <u>From Dust Generating Operations</u> Draft June 21, 2007	Description Of Revision	Stakeholders' Comments
<p>Table 20 - Wind Event Control Measures-Dust Generating Operations</p> <p>a. An owner and/or operator must implement one of the following control measures:</p> <ol style="list-style-type: none"> 1. Cease dust generating operations for the duration of the condition/situation/event when the 60-minute average wind speed is greater than 25 mph and if dust generating operations are ceased for the remainder of the work day, stabilize the area; 2. Apply water or other suitable dust suppressant at least twice [once] per hour, in compliance with Section 301 of this rule; 3. Apply water as necessary to maintain a soil moisture content at a minimum of 12%, as determined by ASTM Method D2216-98 or other equivalent method as approved by the Control Officer and the Administrator of EPA. For areas that have an optimum moisture content for compaction of less than 12%, as determined by ASTM Method D1557-91 (1998) or other equivalent method approved by the Control Officer and the Administrator of EPA, maintain at least 70% of the optimum soil moisture content; or 4. Implement (a)(2) or (a)(3), above, 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. 	<p>Table 20 — Wind Event Control Measures-Dust Generating Operations</p> <p>a. An owner and/or operator must implement one of the following control measures:</p> <ol style="list-style-type: none"> 1. Cease dust generating operations for the duration of the condition/situation/event when the 60 minute average wind speed is greater than 25 mph and if dust generating operations are ceased for the remainder of the work day, stabilize the area; 2. Apply water or other suitable dust suppressant at least twice [once] per hour, in compliance with Section 301 of this rule; 3. Apply water as necessary to maintain a soil moisture content at a minimum of 12%, as determined by ASTM Method D2216-98 or other equivalent method as approved by the Control Officer and the Administrator of EPA. For areas that have an optimum moisture content for compaction of less than 12%, as determined by ASTM Method D1557-91 (1998) or other equivalent method approved by the Control Officer and the Administrator of EPA, maintain at least 70% of the optimum soil moisture content; or 4. Implement (a)(2) or (a)(3), above, 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. 	<p>To delete Table 20 and Table 21 and to add control measures from Table 20 and Table 21 to Rule 310, Section 303.2(a)-Visible Emissions Requirements For Dust Generating Operations-Dust Generating Operation Opacity Limitation Requirements-Exemptions From Dust Generating Operation Opacity Limitation Requirement-Wind Event.</p>	

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft June 21, 2007
With Stakeholders' Comments As Of Public Workshop #3-June 7, 2007**

Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust <u>From Dust Generating Operations</u> Draft June 21, 2007	Description Of Revision	Stakeholders' Comments
<p>Table 21 - Wind Event Control Measures-Temporary Disturbed Surface Areas (After Work Hours, Weekends, Holidays)</p> <p>a. An owner and/or operator must implement one of the following control measures:</p> <ol style="list-style-type: none"> 1. Uniformly apply and maintain surface gravel or dust suppressants, in compliance with Section 302.3 of this rule; 2. Apply water to all disturbed surface areas 3 times per day. If there is any evidence of wind-blown dust, increase watering frequency to a minimum of 4 times per day; 3. Apply water on open storage piles at least twice [once] per hour, in compliance with Section 302.3 of this rule; or 4. Cover open storage piles with tarps, plastic, or other material such that wind will not remove the covering(s). <p>b. Suggested additional control measures for contingency plans:</p> <ol style="list-style-type: none"> 1. Implement a combination of the control measures listed in (a)(1) through (a)(4), above. 	<p>Table 21 - Wind Event Control Measures-Temporary Disturbed Surface Areas (After Work Hours, Weekends, Holidays)</p> <p>a. An owner and/or operator must implement one of the following control measures:</p> <ol style="list-style-type: none"> 1. Uniformly apply and maintain surface gravel or dust suppressants, in compliance with Section 302.3 of this rule; 2. Apply water to all disturbed surface areas 3 times per day. If there is any evidence of wind-blown dust, increase watering frequency to a minimum of 4 times per day; 3. Apply water on open storage piles at least twice [once] per hour, in compliance with Section 302.3 of this rule; or 4. Cover open storage piles with tarps, plastic, or other material such that wind will not remove the covering(s). <p>b. Suggested additional control measures for contingency plans:</p> <ol style="list-style-type: none"> 1. Implement a combination of the control measures listed in (a)(1) through (a)(4), above. 	<p>To delete Table 20 and Table 21 and to add control measures from Table 20 and Table 21 to Rule 310, Section 303.2(a)-Visible Emissions Requirements For Dust Generating Operations-Dust Generating Operation Opacity Limitation Requirements-Exemptions From Dust Generating Operation Opacity Limitation Requirement-Wind Event.</p>	