

**Comparison Of Rule 310.01-Adopted February 17, 2005 With Rule 310.01-Draft July 19, 2007
With Stakeholders' Comments As Of Public Workshop #4-June 21, 2007**

<p align="center">Rule 310.01 Fugitive Dust From Open Areas, Vacant Lots, Unpaved Parking Lots, And Unpaved Roadways Adopted February 17, 2005</p>	<p align="center">Rule 310.01 Fugitive Dust From Open Areas, Vacant Lots, Unpaved Parking Lots, And Unpaved Roadways <u>Non-Traditional Sources Of Fugitive Dust</u> Draft July 19, 2007</p>	<p align="center">Description Of Revision</p>	<p align="center">Stakeholders' Comments</p>
<p>101 Purpose: To limit the emission of particulate matter into the ambient air from open areas, vacant lots, unpaved parking lots, and unpaved roadways which are not regulated by Rule 310 (Fugitive Dust) of these rules and which do not require a permit nor a Dust Control Plan. The effect of this rule shall be to minimize the amount of fine particulate matter (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 the emission of particulate matter into the ambient air from open areas, vacant lots, unpaved parking lots, and unpaved roadways which are not regulated by Rule 310 Fugitive Dust of these rules, and which do not require a permit nor a Dust Control Plan. The effect of this rule shall be to fine particulate matter (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. To minimize the amount of fugitive dust entrained into the ambient air from non-traditional sources of fugitive dust by requiring measures to prevent, reduce, or mitigate fugitive dust emissions.</p> <p><u>To minimize the amount of fugitive dust entrained into the ambient air from non-traditional sources of fugitive dust by requiring measures to prevent, reduce, or mitigate fugitive dust emissions.</u></p>	<p>To clarify the purpose of Rule 310.01.</p> <p>To introduce/use the term “non-traditional sources 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 sources of fugitive dust” will reflect that Rule 310.01 regulates more than open areas, vacant lots, unpaved parking lots, and unpaved roadways.</p>	<p>Attendee At Pubic Workshop #2-May 17, 2007: Rule 310.01 and Rule 310 are circular. Better define “non-traditional sources of fugitive dust”.</p> <p>Attendee At Pubic Workshop #2-May 17, 2007: Bureau Of Land Management land is subject to Rule 310.01. Is that clear/apparent in this rule?</p> <p>Arizona Department Of Transportation: Why is Maricopa County suggesting rule changes to Rule 310.01 similar to those proposed in Rule 310 and Rule 316? Vacant properties are not similar to a permitted source and should not be subject to the same type of controls as a permitted facility, especially when Rule 310.01 is applied county-wide and has already been deemed as best available control measures (BACM) and most stringent measures (MSM) by the EPA. While some modifications and changes would reduce PM₁₀ emissions, others would not, such as the 20% opacity/boundary limitation on vacant properties. Shouldn't the rule changes have a purpose related to reducing emissions, especially emissions under low-wind stagnant conditions - conditions that triggered the need for the 5% plan?</p>
<p>102 Applicability: The provisions of this rule shall apply to open areas, vacant lots, unpaved parking lots, and unpaved</p>	<p>102 Applicability: The provisions of this rule shall apply to open areas, vacant lots, unpaved parking lots, and unpaved roadways which are not regulated by Rule</p>	<p>To clarify the applicability of Rule 310.01.</p>	<p>Attendee At Pubic Workshop #2-May 17, 2007: Rule 310.01 and Rule 310 are circular. Better define</p>

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<p>roadways which are not regulated by Rule 310 (Fugitive Dust) of these rules and which do not require a permit nor a Dust Control Plan. In addition, the provisions of this rule shall apply to any open area or vacant lot that is not defined as agricultural land and is not used for agricultural purposes according to Arizona Revised Statutes (ARS) §42-12151 and ARS §42-12152. The provisions of this rule shall not apply to normal farm cultural practices according to ARS §49-457 and ARS §49-504.4.</p>	<p>310-Fugitive Dust of these rules and which do not require a permit nor a Dust Control Plan. In addition, the provisions of this rule shall apply to any open area or vacant lot that is not defined as agricultural land and is not used for agricultural purposes according to Arizona Revised Statutes (ARS) §42-12151 and ARS §42-12152. The provisions of this rule shall not apply to normal farm cultural practices according to ARS §49-457 and ARS §49-504.4.</p> <p><u>102.1 The provisions of this rule shall apply to non-traditional sources of fugitive dust that are conducted in Maricopa County, except for those dust generating operations listed in Section 103 of this rule.</u></p> <p><u>102.2 The provisions of this rule shall apply to any open area or vacant lot that is not defined as agricultural land and is not used for agricultural purposes according to Arizona Revised Statutes (ARS) §42-12151 and ARS §42-12152.</u></p>	<p>To introduce/use the term “non-traditional sources 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 sources of fugitive dust” will reflect that Rule 310.01 regulates more than open areas, vacant lots, unpaved parking lots, and unpaved roadways.</p>	<p>“non-traditional sources of fugitive dust”.</p> <p>Attendee At Pubic Workshop #2-May 17, 2007: Bureau Of Land Management land is subject to Rule 310.01. Is that clear/apparent in this rule?</p> <p>Attendee At Pubic Workshop #3-June 7, 2007: The applicability statement is confusing.</p> <p>Attendee At Pubic Workshop #3-June 7, 2007: Separate Rule 310.01 into three rules - a rule for open areas and vacant lots, a rule for unpaved roadways, and a rule for unpaved parking lots. Or more clearly describe requirements for such activities.</p> <p>Arizona Department Of Transportation: The rule needs to determine applicability based on disturbed area of land not on the size of the property. Properties less than 0.10 acre should not be subject to this rule. Properties should only be subject to more stringent requirements when dust generating activities are occurring, such as weed abatement, as described in FIP rule guidance from the EPA.</p>
	<p>103 Exemptions:</p> <p><u>103.2 The provisions of this rule shall not apply to dust generating operations that are subject to the standards and/or requirements described in Rule 310-Fugitive Dust From Dust Generating Operations of these rules.</u></p> <p><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>To change format.</p>	<p>Attendee At Pubic Workshop #2-May 17, 2007: Rule 310.01 and Rule 310 are circular. Better define “non-traditional sources of fugitive dust”.</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>

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			<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: 103.1 The provisions of this rule shall not apply to normal farm cultural practices according to Arizona Revised Statutes (ARS) §49-457 and §49-504.4. 103.2 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>
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<p align="center">Rule 310.01 Fugitive Dust From Open Areas, Vacant Lots, Unpaved Parking Lots, And Unpaved Roadways Adopted February 17, 2005</p>	<p align="center">Rule 310.01 Fugitive Dust From Open Areas, Vacant Lots, Unpaved Parking Lots, And Unpaved Roadways <u>Non-Traditional Sources Of Fugitive Dust</u> Draft July 19, 2007</p>	<p align="center">Description Of Revision</p>	<p align="center">Stakeholders' Comments</p>
	<p><u>201 Animal Waste</u> - Any animal excretions and mixtures containing animal excretions.</p>	<p>To add definition of "animal waste." Definition matches definition used in San Joaquin's Rule 4570-Confined Animal Facilities.</p>	
	<p><u>202 Area Accessible To The Public</u> - Any parking lot or public roadway that is accessible to public travel primarily for purposes unrelated to the dust generating operation.</p>	<p>To add definition of "area accessible to the public". Definition matches definition used in Rule 310.</p>	
<p>201 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)), dirt, mud, demolition debris, cotton, trash, cinders, pumice, saw dust, feeds, grains, fertilizers, fluff (from shredders), and dry concrete, that are capable of producing fugitive dust.</p>	<p><u>203 Bulk Material</u> - 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>203.1 Earth</u> <u>203.2 Rock</u> <u>203.3 Silt</u> <u>203.4 Sediment</u> <u>203.5 Sand</u> <u>203.6 Gravel</u> <u>203.7 Soil</u> <u>203.8 Fill</u> <u>203.9 Aggregate less than 2 inches in length or diameter (i.e., aggregate base course (ABC))</u> <u>203.10 Dirt</u> <u>203.11 Mud</u> <u>203.12 Demolition debris</u> <u>203.13 Cotton</u> <u>203.14 Trash</u> <u>203.15 Cinders</u> <u>203.16 Pumice</u> <u>203.17 Saw dust</u> <u>203.18 Feeds</u> <u>203.19 Grains</u> <u>203.20 Fertilizers</u></p>	<p>To change format and to list only once materials that are listed twice (i.e., earth and soil).</p>	

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	203.21 Fluff from shredders 203.22 Dry concrete		
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<p>202 Chemical/Organic Stabilizer - Any non-toxic chemical or organic dust suppressant, other than water, which meets any specifications, criteria, or tests required by any Federal, State, or local water agency and is not prohibited for use by any applicable law, rule, or regulation.</p>	<p>204 Chemical/Organic Stabilizer - Any non-toxic chemical or organic dust suppressant, other than water, which meets any specifications, criteria, or tests required by any Federal, State, or local water agency and is not prohibited for use by any applicable law, rule, or regulation.</p>	<p>No change proposed.</p>	
<p>203 Control Measure - A technique, practice, or procedure used to prevent or minimize the generation, emission, entrainment, suspension, and/or airborne transport of fugitive dust.</p>	<p>205 Control Measure - A technique, practice, or procedure used to prevent or minimize the generation, emission, entrainment, suspension, and/or airborne transport of fugitive dust.</p>	<p>No change proposed.</p>	
	<p>206 Dairy Farm - <u>An operation on a property, or set of properties that are contiguous or separated only by a public right-of-way, that raises cows or produces milk from cows for the purpose of making a profit or for a livelihood. Heifer and calf farms are dairy farms.</u></p>	<p>To add definition of "dairy farm". Definition matches definition used in South Coast's Rule 403-Fugitive Dust.</p>	
<p>204 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 300 of this rule, as applicable.</p>	<p>207 Disturbed Surface Area - A portion of the earth's surface (or material placed thereupon) which or material placed on the earth's surface that 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 300 of this rule.</p>	<p>To match definition of "disturbed surface area" to definition of "disturbed surface area" in Senate Bill 1552. Senate Bill 1552 reads, in part, as follows: ARS §49-474.01(A)(11) In a county with a population of two million or more persons or any portion of a county within an area designated by the Environmental Protection Agency as a serious PM₁₀ nonattainment area or a maintenance area that was designated as a serious PM₁₀</p>	

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		<p>nonattainment area, no later than March 31, 2008, adopt rule provisions, and, no later than October 1, 2008, commence enforcement of those rule provisions regarding the stabilization of disturbed surfaces of vacant lots that include the following:</p> <p>“Disturbed surface” means a portion of the earth’s surface or material placed on the earth’s surface that has been physically moved, uncovered, destabilized, or otherwise modified from its undisturbed native condition if the potential for the emission of fugitive dust is increased by the movement, destabilization, or modification.</p> <p>Vacant lots do not include any site of disturbed surface area that is subject to a permit issued by the Control Officer that requires control of PM₁₀ emissions from dust generating operations.</p>	
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	<p><u>208 Dust Generating Operation</u> - Any activity capable of generating fugitive dust, including but not limited to, the following activities. For the purpose of this rule, establishing initial landscapes without the use of mechanized equipment, conducting landscape maintenance without the use of mechanized equipment, and playing on or maintaining a field used for non-motorized sports shall not be considered a dust generating operation. However, establishing initial landscapes without the use of mechanized equipment and conducting landscape maintenance without the use of mechanized equipment shall not include grading, or trenching, performed to establish initial landscapes or to redesign existing landscapes.</p> <p><u>208.1</u> Land clearing, maintenance, and land cleanup using mechanized equipment</p> <p><u>208.2</u> Earthmoving</p> <p><u>208.3</u> Weed abatement by discing or blading</p> <p><u>208.4</u> Excavating</p> <p><u>208.5</u> Construction</p> <p><u>208.6</u> Demolition</p> <p><u>208.7</u> Bulk material handling (e.g., bulk material hauling and/or transporting, bulk material stacking, loading, and unloading operations)</p> <p><u>208.8</u> Storage and/or transporting operations (e.g., open storage piles, bulk material hauling and/or transporting, bulk material stacking, loading, and unloading operations)</p> <p><u>208.9</u> Operation of any outdoor equipment</p> <p><u>208.10</u> Operation of motorized machinery</p> <p><u>208.11</u> Establishing and/or using staging areas, parking areas, material storage areas, or access routes to and from a site</p> <p><u>208.12</u> Establishing and/or using unpaved haul/access roads to, from, and within a site</p> <p><u>208.13</u> Disturbed surface areas associated with a site</p> <p><u>208.14</u> Installing initial landscapes using mechanized equipment</p>	<p>To add definition of "dust generating operation".</p> <p>Definition matches definition used in Rule 310.</p>	<p>Attendee At Pubic Workshop #2-May 17, 2007: Better define/Clarify "operation of any outdoor equipment". (Section 206.18). Include such definition/clarification in Rule 310. 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.</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 206: 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, <u>installing initial landscapes and landscape maintenance</u> shall not include grading, or trenching, or any other mechanized surface disturbing activities performed to establish initial landscapes or to redesign existing landscapes. Suggested revision to Section 206.22: <u>Initial landscaping using mechanized equipment</u>. "Vehicle use and movement" (Section 206.17) and "driving vehicles on a site" (Section 206.20) 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 206.17 and Section 206.22.</p> <p>Arizona Department Of Agriculture: Farmers must obtain a dust control permit if they leave a field fallow for economic</p>

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			<p>consideration or if they hired to control weeds on another owner's small field. It is impractical and cost prohibitive for a farmer to obtain and meet all conditions of a dust control permit as stated in Rule 310, Section 403-Dust Control Plan Requirements. If an owner/operator does not perform weed control the weeds become a fire hazard and, in some cities, can fall under nuisance ordinances.</p> <p>Attendee At Pubic Workshop #3-June 7, 2007: The definition of dust generating operation is too broad.</p>
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<p>205 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 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 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>210 Emergency - <u>A situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a 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>	<p>To add definition of "emergency".</p>	
	<p>211 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>	<p>To add definition of "emergency activity".</p>	<p>City Of Phoenix: An exemption for emergency activities should be included. 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. Suggested revision: Add: The provisions of this rule shall not apply to emergency</p>

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			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.
	212 Feed Lane Access Areas - Road providing access from the feed preparation areas to and including feed land areas at a livestock operation. These access roads are typically used to distribute feed from feed trucks to the animals.	To add definition of "dairy farm". Definition matches definition used in South Coast's Rule 1186-PM ₁₀ Emissions From Paved And Unpaved Roads And Livestock Operations.	
206 Feedlots And/Or Livestock Areas - Any area on which an operation directly related to feeding animals, displaying animals, racing animals, exercising animals, and/or for any other such activity exists.	206 Feedlots And/Or Livestock Areas - Any area on which an operation directly related to feeding animals, displaying animals, racing animals, exercising animals, and/or for any other such activity exists.	To delete definition of "feedlots and/or livestock areas". To use and define the term "livestock operations".	
207 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.	213 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.	No change proposed.	
	214 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 add definition of "gravel pad". Definition of "gravel pad" matches definition used in Rule 310.	

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	<p>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. 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.</p>		
	<p>215 Livestock Activities - Any activity directly related to feeding animals, displaying animals, racing animals, exercising animals, and/or for any other such activity, including but not limited to, livestock arenas, horse arenas, and feed lots.</p>	<p>To add definition of "livestock operations". Definition matches definition used in South Coast's Rule 1186-PM₁₀ Emissions From Paved And Unpaved Roads And Livestock Operations.</p>	

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<p>208 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 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>No change proposed.</p>	
	<p>217 Non-Traditional Source Of Fugitive Dust - <u>A source of fugitive dust that is located at a source that does not require any permit under these rules. The following 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> <u>217.1 Vehicle use in open areas and vacant lots</u> <u>217.2 Open areas and vacant lots</u> <u>217.3 Unpaved parking lots</u> <u>217.4 Unpaved roadways (including alleys)</u> <u>217.5 Livestock activities</u> <u>217.6 Erosion-caused deposition of bulk materials onto paved surfaces</u> <u>217.7 Easements, rights-of-way, and access roads for utilities (electricity, natural gas, oil, water, and gas transmission)</u></p>	<p>To add definition "non-traditional sources of fugitive dust".</p> <p>To introduce/use the term "non-traditional sources 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 sources of fugitive dust" will reflect that Rule 310.01 regulates more than open areas, vacant lots, unpaved parking lots, and unpaved roadways.</p>	<p>Attendee At Pubic Workshop #2-May 17, 2007: Rule 310.01 and Rule 310 are circular. Better define "non-traditional sources of fugitive dust".</p> <p>Attendee At Pubic Workshop #2-May 17, 2007: Bureau Of Land Management land is subject to Rule 310.01. Is that clear/apparent in this rule?</p> <p>City Of Phoenix: "Vehicle use and movement" (Section 206.17) and "driving vehicles on a site" (Section 206.20) 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 206.17 and Section 206.22 - 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>209 Normal Farm Cultural Practice - All activities by the owner, lessee, agent, independent contractor, and/or supplier</p>	<p>218 Normal Farm Cultural Practice - All activities by the owner, lessee, agent, independent contractor, and/or supplier conducted on any facility for the</p>	<p>No change proposed.</p>	

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<p>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>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>		
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**Comparison Of Rule 310.01-Adopted February 17, 2005 With Rule 310.01-Draft July 19, 2007
With Stakeholders' Comments As Of Public Workshop #4-June 21, 2007**

<p align="center">Rule 310.01 Fugitive Dust From Open Areas, Vacant Lots, Unpaved Parking Lots, And Unpaved Roadways Adopted February 17, 2005</p>	<p align="center">Rule 310.01 Fugitive Dust From Open Areas, Vacant Lots, Unpaved Parking Lots, And Unpaved Roadways <u>Non-Traditional Sources Of Fugitive Dust</u> Draft July 19, 2007</p>	<p align="center">Description Of Revision</p>	<p align="center">Stakeholders' Comments</p>
<p>210 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>219 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>	
<p>211 Open Areas And Vacant Lots - Any of the following described in Section 211.1 through Section 211.4 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 vacant open area or vacant lot. 211.1 An unsubdivided or undeveloped tract of land adjoining a developed or a partially developed residential, industrial, institutional, governmental, or commercial area. 211.2 A subdivided residential, industrial, institutional, governmental, or commercial lot that contains no approved or permitted buildings or structures of a temporary or permanent nature. 211.3 A partially developed residential, industrial, institutional, governmental, or commercial lot. 211.4 A tract of land, in the PM₁₀ nonattainment area, adjoining agricultural property.</p>	<p>220 Open Areas And Vacant Lots - Any of the following described in Section 211.4 <u>Section 220.1</u> through Section 211.4 <u>Section 220.3</u> 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 vacant open area or vacant lot. 220.1 An unsubdivided or undeveloped tract of land adjoining a developed or a partially developed residential, industrial, institutional, governmental, or commercial area. 220.2 A subdivided residential, industrial, institutional, governmental, or commercial lot that contains no approved or permitted buildings or structures of a temporary or permanent nature. 220.3 A partially developed residential, industrial, institutional, governmental, or commercial lot. 211.4 A tract of land, in the PM₁₀ nonattainment area, adjoining agricultural property.</p>	<p>To delete "adjoining a developed or a partially developed residential, industrial, institutional, governmental, or commercial area" and "a tract of land, in the PM₁₀ nonattainment area, adjoining agricultural property".</p>	<p>Arizona Department Of Agriculture: In Rule 310.01, Section 214.4, "tract of land" needs to be clearly defined. There are many "tracts of land" that are adjoining to and are considered an integral part of exempt farm cultural practices and non-traditional sources of fugitive dust.</p>
<p>212 Owner And/Or Operator - Any person who owns, leases, operates, controls, or supervises a fugitive dust source subject to the requirements of this rule.</p>	<p>221 Owner And/Or Operator - Any person who owns, leases, operates, controls, or supervises a fugitive dust source subject to the requirements of this rule.</p>	<p>No change proposed.</p>	
<p>213 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>222 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>	

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<p>214 PM₁₀ Nonattainment Area - An area designated by the EPA as exceeding national ambient air quality standards based upon data collected thru air quality monitoring. The geographical boundary of Maricopa County's PM₁₀ nonattainment area is defined as the rectangle determined by and including the following townships and ranges: T6N, R3W; T6N, R7E; T2S, R3W; T2S, R7E; and T1N, R8E. Maricopa County's PM₁₀ nonattainment area includes the following cities: Surprise, Peoria, Glendale, Phoenix, Scottsdale, Tempe, Mesa, Gilbert, Chandler, Avondale, Buckeye, and Goodyear.</p>	<p>223 PM₁₀ Nonattainment Area - An area designated by the EPA as exceeding national ambient air quality standards based upon data collected thru air quality monitoring. The geographical boundary of Maricopa County's PM₁₀ nonattainment area is defined as the rectangle determined by and including the following townships and ranges: T6N, R3W; T6N, R7E; T2S, R3W; T2S, R7E; and T1N, R8E. Maricopa County's PM₁₀ nonattainment area includes the following cities: Surprise, Peoria, Glendale, Phoenix, Scottsdale, Tempe, Mesa, Gilbert, Chandler, Avondale, Buckeye, and Goodyear.</p>	<p>No change proposed.</p>	
	<p>224 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>215 Public Roadways - Any roadways that are open to public travel.</p>	<p>225 Public Roadways - Any roadways that are open to public travel.</p>	<p>No change proposed.</p>	
	<p>226 Trackout/Carryout – <u>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.</u></p>	<p>To add definition of "trackout/carryout". Definition matches definition used in Rule 310.</p>	
	<p>227 Trackout Control Device - <u>A gravel pad, 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.</u></p>	<p>To add definition of "trackout control device". Definition matches definition used in Rule 310.</p>	<p>Attendee At Public Workshop #2-May 17, 2007: Add "grizzly" to definition of "trackout control device" to match definition used in Rule 310.</p>

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	<p><u>228 Unpaved Access Connections</u> - <u>Any unpaved road connection with a paved public road.</u></p>	<p>To add definition of “unpaved access connections”.</p> <p>Definition matches definition used in South Coast’s Rule 1186-PM₁₀ Emissions From Paved And Unpaved Roads And Livestock Operations.</p>	
<p>216 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.</p>	<p><u>229 Unpaved Parking Lot</u> - Any area larger than 5,000 square feet that is not paved and that is used for parking, maneuvering, <u>material handling</u>, or storing motor vehicles <u>and equipment</u>. <u>An unpaved parking lot includes, but is not limited to, automobile impound yards, wrecking yards, automobile dismantling yards, salvage yards, material handling yards, and storage yards. For the purpose of this definition, maneuvering shall not include military maneuvers or exercises conducted on federal facilities.</u></p>	<p>To change definition of “unpaved parking lot” to match Clark County’s definition of “unpaved parking lot” in Section 92-Fugitive Dust From Unpaved Parking Lots; Material Handling And Storage Yards; And Vehicle And Equipment Storage Yards.</p>	<p>Arizona Department Of Agriculture: Clarification is needed on the definition of unpaved parking lot. There are unpaved areas associated with the agricultural industry or exempt farm cultural practices and non-traditional sources of fugitive dust. Farm yard, plant nurseries, large alleyways (essential for fire control), between hay sheds, grain or feed storage facilities, chemical and fertilizer storage areas, animal pens, stalls and barns, animal staging areas, arenas and livestock showing areas are some examples of unpaved parking or unpaved work areas that are part of a farming operation. The rule should clarify that these are part of the agricultural operation.</p>

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<p>217 Unpaved Roadway (Including Alleys) - A road that is not paved and that is owned by Federal, State, county, municipal, or other governmental or quasi-governmental agencies. For the purpose of this rule, an unpaved roadway (including alleys) is not a horse trail, hiking path, bicycle path, or other similar path used exclusively for purposes other than travel by motor vehicles.</p>	<p>230 Unpaved Roadway (Including Alleys) - A road that is not paved and that is owned by Federal, State, county, municipal, or other governmental or quasi-governmental agencies. For the purpose of this rule, an unpaved roadway (including alleys) is not a horse trail, hiking path, bicycle path, or other similar path used exclusively for purposes other than travel by motor vehicles.</p>	<p>No change proposed.</p>	<p>Attendee At Pubic Workshop #2-May 17, 2007: Better define "unpaved roadway (including alleys)" and consider/clarify how such definition applies to municipal alleys and substation roads particularly regarding trespassing.</p> <p>Attendee At Pubic Workshop #3-June 7, 2007: "Used exclusively for purposes other than travel by motor vehicles" language is confusing. Would canal banks be defined as unpaved roadways? If so, does that contradict Section 311-Easements, Rights-Of-Way, And Access Roads For Utilities?</p>
<p>218 Vacant Lot - The definition of vacant lot is included in Section 211 (Definition Of Open Areas And Vacant Lots) of this rule.</p>	<p>210 Vacant Lot - The definition of vacant lot is included in Section 214 Section 220-Definition Of Open Areas And Vacant Lots of this rule.</p>	<p>No change proposed.</p>	

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	<p><u>301 General Requirements For Non-Traditional Sources Of Fugitive Dust:</u> <u>301.1 An owner and/or operator of a non-traditional source of fugitive dust shall be subject to the standards and/or requirements described in this rule. Failure to comply with any such standards and/or requirements is deemed a violation of this rule.</u> <u>301.2 When an owner and/or operator of a non-traditional source of fugitive dust fails to relieve, reduce, remedy, and/or stabilize a non-traditional source of fugitive dust/a disturbed surface area, in compliance with the standards and/or requirements of this rule, the Control Officer shall be empowered to enter upon any said land/property where such non-traditional source of fugitive dust exists/where such disturbed surface area exists and to take remedial and/or corrective action as may be deemed appropriate to cope with and relieve, reduce, remedy, and/or stabilize such non-traditional source of fugitive dust/such disturbed surface area. Any cost incurred in connection with any such remedial or corrective action by the Maricopa County Air Quality Department or any person acting for the Maricopa County Air Quality Department shall be reimbursed by the owner and/or operator of such non-traditional source of fugitive dust.</u></p>	<p>To clarify the standards to which an owner and/or operator is subject.</p> <p>Text matches Clark County's Section 94-Permitting And Dust Control For Construction Activities.</p> <p>Senate Bill 1552 - Arizona Revised Statutes (ARS) 49-474.01(A)(11) reads:</p> <p>In a county with a population of two million or more persons or any portion of a county within an area designated by the Environmental Protection Agency as a serious PM₁₀ nonattainment area or a maintenance area that was designated as a serious PM₁₀ nonattainment area, no later than March 31, 2008, adopt rule provisions, and, no later than October 1, 2008, commence enforcement of those rule provisions regarding the stabilization of disturbed surfaces of vacant lots that include the following:</p> <p>"Disturbed surface" means a portion of the earth's surface or material placed on the earth's surface that has been physically moved, uncovered, destabilized, or otherwise modified from its undisturbed native condition if the potential for the emission of fugitive dust is increased by the movement, destabilization, or modification.</p> <p>Vacant lots do not include any site of disturbed surface area that is subject to a permit issued by the Control Officer that requires control of PM₁₀ emissions from dust generating operations.</p> <p>(a) Reasonable written notice to the owner or the owner's authorized agent or the owner's</p>	<p>Arizona Department Of Agriculture: State in the rule language a timeframe between issuing the owner/operator a notice of violation (NOV) and compliance enforcement from Maricopa County.</p> <p>Attendee At Pubic Workshop #3-June 7, 2007: Make sure Section 302 is consistent with Senate Bill 1552.</p>

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		<p>statutory agent that the unpaved disturbed surface of a vacant lot is required to be stabilized. The notice shall be given not less than 30 days before the day set for compliance and shall include a legal description of the property and the estimated cost to the county for the stabilization if the owner does not comply. The notice shall be either personally served or mailed by certified mail to the owner's statutory agent, to the owner at the owner's last known address or to the address to which the tax bill for the property was last mailed.</p> <p>(b) Authority for the county to enter the lot to stabilize the disturbed surface at the expense of the owner if the vacant lot has not been stabilized by the day set for compliance.</p> <p>(c) Methods for stabilization of the disturbed surface of the vacant lot, the actual cost of stabilization, and the fine that may be imposed for a violation of this section.</p>	
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	<p><u>302 Control Measures For Non-Traditional Sources Of Fugitive Dust:</u> <u>302.1</u> When engaged in the activities described in Section 302.4 through Section 302.10 of this rule, the owner and/or operator of a non-traditional source of fugitive dust shall implement control measures as described in Section 302.4 through Section 302.10 of this rule, as applicable. <u>302.2</u> Control measures shall be implemented to achieve the visible emissions requirements, as required for each activity and the compliance determination in Section 501 of this rule. <u>302.3</u> Failure to implement control measures as required by this rule, as applicable, and/or failure to maintain stabilization of a non-traditional source of fugitive dust with adequate surface crusting to prevent wind erosion as measured by the requirements in this rule shall be deemed a violation of this rule.</p>	<p>To clarify the standards for control measures to which an owner and/or operator is subject.</p>	<p>Attendee At Pubic Workshop #3-June 7, 2007: How do transmission lines comply-with the visible emissions standards? There are issues of trespass and stabilizing transmission lines.</p> <p>Arizona Department Of Transportation: Regarding 20% opacity and no-emissions from property line, the Federal Implementation Plan (FIP) rule did not apply a 20% opacity requirement to vacant land. It was mentioned at the workshop that it didn't make sense to conduct stabilization test on unpaved roads and parking lots for logistical reasons - similar case can be made for requiring a 20% opacity on vacant land - an active emission source would be required. Any emission generation (i.e., earthmoving operation) would likely trigger the need for a permit and the existing rule already addresses trespass and other unwanted sources discussed in the FIP rule. Final FIP rule 63 Federal Register 41326, 41350 (40 CFR 52.128)</p> <p>Arizona Department Of Transportation: What is the purpose of adding the no emissions past the property line boundary when the EPA has already determined the existing rule was more stringent than the property line boundary visible emissions rule in South Coast - Rule 403?</p> <p>Arizona Department Of Transportation: From Technical Support Document (TSD) for the metro Phoenix serious area PM₁₀ plan dated January 14, 2002: "South Coast Rule 403 prohibits visible fugitive dust</p>

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			<p>emissions beyond the property line. The Phoenix serious area plan deems the Rule 403 requirements equivalent in stringency to Maricopa County requirements with respect to control of fugitive dust from vacant lots. We believe that, since Maricopa County Rule 310 and Rule 310.01 both establish a specific list of controls for vacant lots, as well as appropriate standards and test methods to be used to determine source compliance, the rules are sufficiently stringent for these sources. The Maricopa County vacant lot standards, may, in fact, be more stringent than South Coast Rule 403 requirements, because they directly pertain to ensuring surface stability instead of simply requiring no visible emissions at the property line”.</p> <p>Attendee At Pubic Workshop #2-May 17, 2007: Is 20% opacity threshold applicable/necessary if no activity is occurring on/at a non-traditional source of fugitive dust?</p> <p>Staff: Suggested revision to Section 303.1(a): The owner and/or operator of a non-traditional source of fugitive dust shall not cause or allow visible fugitive dust emissions to exceed 20% opacity and create dust emissions that would extend beyond the property line.</p> <p>Attendee At Pubic Workshop #3-June 7, 2007: Clark County does not have 0% opacity for open areas and vacant lots. Clark County does not regulate below the threshold. How does Section 303 compare to Clark County’s Section 41-Fugitive Dust? Invite a Clark County representative to participate in Public Workshops.</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</p>
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			<p>such activities provided they are meeting all other rule and/or permit requirements. Suggested revision: Add Section 303.2(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 303.2(b).</p> <p>Arizona Department Of Agriculture: In Section 303.2(a), the rule language should state a time limit for visible fugitive dust emissions to remain visible in the atmosphere beyond the property line. In Section 303.2(b), the rule should clarify who determines if a non-traditional source of fugitive dust has met the opacity limitation requirement.</p>
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<p>301 Vehicle Use In Open Areas And Vacant Lots: If open areas and vacant lots are 0.10 acre or larger and have a cumulative of 500 square feet or more that are driven over and/or used by motor vehicles and/or off-road vehicles, then the owner and/or operator of such open areas and vacant lots shall implement one of the control measures described in Section 301.1 of this rule within 60 calendar days following the initial discovery of vehicle use on open areas and vacant lots. Within 30 calendar days following the initial discovery by the Control Officer of vehicle use on open areas and vacant lots, the owner and/or operator of such open areas and vacant lots shall provide in writing to the Control Officer a description and date of the control measure(s) to be implemented to prevent such vehicle use on open areas and vacant lots. For the purpose of this rule, such control measure(s) shall be considered effectively implemented when the open areas and vacant lots meet one of the stabilization limitations described in Section 301.2 of this rule. Once a control measure in Section 301.1 of this rule has been effectively implemented, then such open area or vacant lot is subject to the requirements of Section 302 (Open Areas And Vacant Lots) of this rule. Use of or parking on open areas and vacant lots by the owner and/or operator of such open areas and vacant lots and/or landscape maintenance of such open areas and vacant lots shall not be considered vehicle use in open areas and vacant lots, although such open areas and vacant lots shall still meet the stabilization limitations described in Section 301.2 of this rule. For</p>	<p>302.4 Vehicle Use In Open Areas And Vacant Lots: <u>The owner and/or operator of a non-traditional source of fugitive dust that involves vehicle use in open areas and vacant lots shall be subject, at all times, to the visible emissions requirements described in Section 302.4(a) of this rule and, unless otherwise specified and/or required, shall comply with the control measures described in Section 302.4(b) of this rule and the additional requirements described in Section 302.4(c) of this rule.</u> a. Visible Emissions Requirements: <u>(1) The owner and/or operator of a non-traditional source of fugitive dust that involves vehicle use in open areas and vacant lots shall not cause or allow visible fugitive dust emissions to exceed 20% opacity for a period aggregating more than three minutes in any 60-minute period.</u> <u>(2) The owner and/or operator of a non-traditional source of fugitive dust that involves vehicle use in open areas and vacant lots shall not cause or allow visible fugitive dust emissions to remain visible in the atmosphere beyond the property line.</u> b. Control Measures: <u>(1) Prevent motor vehicle and/or off-road vehicle trespassing, parking, and/or access, by installing barriers, curbs, fences, gates, posts, signs (written in English and Spanish and in compliance with ordinance(s) of local jurisdictions), shrubs, trees, or other effective control measures; or</u> <u>(2) Uniformly apply and maintain surface gravel or chemical/organic stabilizers to all areas disturbed by motor vehicles and/or off-road vehicles; or</u> <u>(3) Apply and maintain an alternative control measure approved in writing by the Control Officer and the Administrator.</u></p>	<p>To change format.</p> <p>To add visible emissions requirements.</p> <p>To describe stabilization limitations in Section 501.</p> <p>To change "60 calendars days" to "30 calendar days".</p>	<p>City Of Phoenix: Suggested revision: Do not change "60 calendars days" to "30 calendar days" regarding implementation of control measures following the initial discovery of vehicle use on open areas and vacant lots. 30 days for implementation, in many cases, is not enough time to gather appropriate location and bid information to successfully accomplish trespass prevention. Suggested revision: Change proposed text "following the initial discovery of disturbance or vehicle use on open areas and vacant lots" to "following the initial discovery by the Control Officer of disturbance or vehicle use on open areas and vacant lots".</p> <p>City Of Phoenix: Suggested revision: Change proposed text "cumulative of 5,000 square feet or more" to "cumulative of 500 square feet or more". The 5,000 square feet threshold is for unpaved parking lots. The main determinant for triggering Section 305.1 is that the soil is disturbed. Suggested revision: 305.1 If open areas and vacant lots are 0.10 acre (4,356 square feet) or larger and have a cumulative of 5,000 500 square feet or more that are <u>disturbed by being</u> driven over and/or used by motor vehicles, by off-road vehicles, or for material dumping, then the owner and/or operator shall implement one or more of the control measures described in Section 305.6 of this rule within 30 60 calendar days following the initial discovery <u>by the Control Officer</u> of disturbance or vehicle use on open areas and vacant lots. Suggested revision: 305.5 Use of or parking on open areas and vacant lots by the owner and/or operator of such open areas and vacant lots and/or <u>establishing initial landscapes or conducting</u> landscape maintenance of such open areas and vacant lots shall not be considered vehicle use in open areas and vacant lots and shall not be subject to the</p>

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<p>the purpose of this rule, landscape maintenance does not include grading, trenching, nor any other mechanized surface disturbing activities performed to establish initial landscapes or to redesign existing landscapes.</p> <p>301.1 Control Measures:</p> <p>a. Prevent motor vehicle and/or off-road vehicle trespassing, parking, and/or access, by installing barriers, curbs, fences, gates, posts, signs (written in English and Spanish and in compliance with ordinance(s) of local jurisdictions), shrubs, trees, or other effective control measures.</p> <p>b. Uniformly apply and maintain surface gravel or chemical/organic stabilizers to all areas disturbed by motor vehicles and/or off-road vehicles in compliance with one of the stabilization limitations described in Section 301.2 of this rule.</p> <p>c. Apply and maintain an alternative control measure approved in writing by the Control Officer and the Administrator of the EPA.</p> <p>301.2 Stabilization Limitations:</p> <p>a. A visible crust shall be implemented, as determined by Appendix C, Section 2.3 (Test Methods For Stabilization-Visible Crust Determination) (The Drop Ball/Steel Ball Test) of these rules; or</p> <p>b. A threshold friction velocity (TFV) corrected for non-erodible elements of 100 cm/second or higher shall be implemented, as determined by Appendix C, Section 2.4 (Test Methods For Stabilization-Determination Of Threshold Friction Velocity (TFV)) (Sieving Field Procedure) of these rules; or</p> <p>c. 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% shall be implemented, as determined by Appendix C, Section 2.5 (Test Methods For Stabilization-Determination Of Flat Vegetative Cover) of these rules; or</p> <p>d. Standing vegetative cover (i.e.,</p>	<p>c. Additional Requirements:</p> <p>(1) <u>If open areas and vacant lots are 0.10 acre (4,356 square feet) or larger and have a cumulative of 500 square feet or more that are disturbed by being driven over and/or used by motor vehicles, by off-road vehicles, or for material dumping, then the owner and/or operator shall implement one or more of the control measures described in Section 302.4(b) of this rule within 30 calendar days following the initial discovery by the Control Officer of disturbance or vehicle use on open areas and vacant lots.</u></p> <p>(2) <u>Within 30 calendar days following the initial discovery by the Control Officer of disturbance or vehicle use on open areas and vacant lots, the owner and/or operator shall provide in writing to the Control Officer a description and date of the control measure(s) to be implemented to prevent such disturbance or vehicle use on open areas and vacant lots.</u></p> <p>(3) <u>The owner and/or operator shall implement all control measures necessary to limit the disturbance or vehicle use on open areas and vacant lots in accordance with the requirements of this rule. Control measure(s) shall be considered effectively implemented when the open areas and vacant lots achieve the compliance determinations described in Section 501 of this rule.</u></p> <p>(4) <u>Once a control measure in Section 302.4(b) of this rule has been effectively implemented, then such open area or vacant lot is subject to the requirements of Section 303.5-Open Areas And Vacant Lots of this rule.</u></p> <p>(5) <u>Use of or parking on open areas and vacant lots by the owner and/or operator of such open areas and vacant lots shall not be considered vehicle use in open areas and vacant lots and shall not be subject to the requirements of Section 302.4(b) and Section 302.4(c)(1) through Section 302.4(c)(4) of this rule. Such open areas and vacant lots shall still achieve the compliance determinations described in Section 501 of this rule.</u></p> <p>(6) <u>Establishing initial landscapes without the use of mechanized equipment or conducting</u></p>		<p>requirements of Section 305.6 of this rule. Such open areas and vacant lots shall still achieve the requirements in Section 305.7 of this rule. For the purpose of this rule, <u>initial landscapes or landscape maintenance does not include grading, or trenching, or any other mechanized surface—disturbing activities performed to establish initial landscapes or to redesign existing landscapes.</u></p> <p>Staff: Consider allowing an exemption or an affirmative defense for trespass, if owner and/or operator has implemented control measures and trespass occurs. Will the EPA approve such exemption?</p> <p>Attendee At Pubic Workshop #3-June 7, 2007: Put-back 30 days for implementation of control measures. Extend time if extension is requested.</p> <p>Attendee At Pubic Workshop #3-June 7, 2007: Trespass is not regulated by Rule 310.01? Distinguish between “trespass” and “disturbed un-lawfully”. Barriers are not always practical.</p> <p>Attendee At Pubic Workshop #3-June 7, 2007: What triggers a Dust Control permit? Property associated with source - property on which no activity is occurring-type language should be in Rule 310 regarding open areas and vacant lots.</p>
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<p>vegetation that is attached (rooted) with a predominant vertical orientation) that is equal to or greater than 30% shall be implemented, as determined by Appendix C, Section 2.6 (Test Methods For Stabilization-Determination Of Standing Vegetative Cover) of these rules; or</p> <p>e. 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 shall be implemented, as determined by Appendix C, Section 2.6 (Test Methods For Stabilization-Determination Of Standing Vegetative Cover) of these rules; or</p> <p>f. A percent cover that is equal to or greater than 10% for non-erodible elements shall be implemented, as determined by Appendix C, Section 2.7 (Test Methods For Stabilization-Rock Test Method) of these rules; or</p> <p>g. An alternative test method approved in writing by the Control Officer and the Administrator of the EPA shall be implemented.</p>	<p><u>landscape maintenance without the use of mechanized equipment shall not be considered vehicle use in open areas and vacant lots and shall not be subject to the requirements of Section 302.4(b) and Section 302.4(c)(1) through Section 302.4(c)(4) of this rule. Such open areas and vacant lots shall still achieve the compliance determinations described in Section 501 of this rule. For the purpose of this rule, establishing initial landscapes without the use of mechanized equipment and conducting landscape maintenance without the use of mechanized equipment shall not include grading or trenching activities performed to establish initial landscapes or to redesign existing landscapes.</u></p>		
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<p align="center">Rule 310.01 Fugitive Dust From Open Areas, Vacant Lots, Unpaved Parking Lots, And Unpaved Roadways Adopted February 17, 2005</p>	<p align="center">Rule 310.01 Fugitive Dust From Open Areas, Vacant Lots, Unpaved Parking Lots, And Unpaved Roadways Non-Traditional Sources Of Fugitive Dust Draft July 19, 2007</p>	<p align="center">Description Of Revision</p>	<p align="center">Stakeholders' Comments</p>
<p>302 Open Areas And Vacant Lots: If open areas and vacant lots have 0.5 acre or more of disturbed surface area and remain unoccupied, unused, vacant, or undeveloped for more than 15 days, then the owner and/or operator of such open areas and vacant lots shall implement one of the control measures described in Section 302.1 of this rule within 60 calendar days following the initial discovery of the disturbance on the open areas and vacant lots. Within 30 calendar days following the initial discovery by the Control Officer of the disturbance on the open areas and vacant lots, the owner and/or operator of such open areas and vacant lots shall provide in writing to the Control Officer a description and date of the control measure(s) to be implemented. For the purpose of this rule, such control measure(s) shall be considered effectively implemented when the open areas and vacant lots meet one of the stabilization limitations described in Section 302.2 of this rule. Should an open area or vacant lot on which no activity is occurring contain more than one type of disturbance, soil, vegetation, or other characteristics that are visibly distinguishable, then each representative surface shall be tested 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 included or eliminated from the total size assessment of disturbed surface area(s) depending on test method results.</p> <p>302.1 Control Measures:</p> <p>a. Establish vegetative ground cover on all disturbed surface areas within 60 calendar</p>	<p>302.5 Open Areas And Vacant Lots: <u>The owner and/or operator of a non-traditional source of fugitive dust that involves open areas and vacant lots shall be subject, at all times, to the visible emissions requirements described in Section 302.5(a) of this rule and, unless otherwise specified and/or required, shall comply with the control measures described in Section 302.5(b) of this rule and the additional requirements described in Section 302.5(c) of this rule.</u></p> <p>a. Visible Emissions Requirements: <u>The owner and/or operator of a non-traditional source of fugitive dust that involves open areas and vacant lots shall not cause or allow visible fugitive dust emissions to remain visible in the atmosphere beyond the property line.</u></p> <p>b. Control Measures:</p> <p>(1) <u>Establish vegetative ground cover on all disturbed surface areas. Such control measure(s) must be maintained and reapplied, if necessary. Stabilization shall be achieved, per this control measure, within eight months after the control measure has been implemented.</u></p> <p>(2) <u>Apply a dust suppressant to all disturbed surface areas.</u></p> <p>(3) <u>Restore all disturbed surface areas within 30 calendar days following the initial discovery by the Control Officer of the disturbance, such that the vegetative ground cover and soil characteristics are similar to adjacent or nearby undisturbed native conditions. Such control measure(s) must be maintained and reapplied, if necessary. Stabilization shall be achieved, per such control measure, within eight months after such control measure has been implemented.</u></p> <p>(4) <u>Uniformly apply and maintain surface gravel.</u></p> <p>(5) <u>Apply and maintain an alternative control</u></p>	<p>To change format.</p> <p>To add visible emissions requirements.</p> <p>To describe stabilization limitations in Section 501.</p> <p>To change "60 calendars days" to "30 calendar days".</p>	<p>Attendee At Public Workshop #2-May 17, 2007: Do not change "60 calendars days" to "30 calendar days" regarding implementation of control measures following the initial discovery of disturbance on open areas and vacant lots. 30 days for implementation, in many cases, is not enough time to gather appropriate location and bid information to successfully accomplish trespass prevention. Suggested revision: Change proposed text "following the initial discovery of disturbance on the open areas and vacant lots" to "following the initial discovery by the Control Officer of disturbance on open areas and vacant lots".</p> <p>Attendee At Public Workshop #2-May 17, 2007: Should control measures for open areas and vacant lots match Rule 310, Section 303.21(a)(3):</p> <p>303.21 Disturbed Surface Areas:</p> <p>a. Control Measures: The owner and/or operator of a dust generating operation that involves a disturbed surface area shall implement the following control measures, as applicable...(3) 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 shall implement one of the following control measures within ten days following the completion of such activity: (a) Pave, apply gravel, or apply a suitable dust suppressant other than water; (b) Establish vegetative ground cover in sufficient quantify; or (c) Implement control measures described in Section 304.21(a)(3)(a) or Section 304.21(a)(3)(b) of this rule and restrict vehicle access to the area. (d)</p>

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<p>days following the initial discovery of the disturbance. Such control measure(s) must be maintained and reapplied, if necessary, until the disturbed surface areas are stabilized, in compliance with one of the stabilization limitations described in Section 302.2 of this rule. Stabilization shall be achieved, per this control measure, within eight months after the control measure has been implemented.</p> <p>b. Apply a dust suppressant to all disturbed surface areas, in compliance with one of the stabilization limitations described in Section 302.2 of this rule.</p> <p>c. Restore all disturbed surface areas within 60 calendar days following the initial discovery of the disturbance, such that the vegetative ground cover and soil characteristics are similar to adjacent or nearby undisturbed native conditions. Such control measure(s) must be maintained and reapplied, if necessary, until the disturbed surface areas are stabilized, in compliance with one of the stabilization limitations described in Section 302.2 of this rule. Stabilization shall be achieved, per such control measure, within eight months after such control measure has been implemented.</p> <p>d. Uniformly apply and maintain surface gravel, in compliance with one of the stabilization limitations described in Section 302.2 of this rule.</p> <p>e. Apply and maintain an alternative control measure approved in writing by the Control Officer and the Administrator of the EPA.</p> <p>302.2 Stabilization Limitations:</p> <p>a. A visible crust shall be implemented, as determined by Appendix C, Section 2.3 (Test Methods For Stabilization-Visible Crust Determination) (The Drop Ball/Steel Ball Test) of these rules; or</p> <p>b. A threshold friction velocity (TFV), corrected for non-erodible elements of 100 cm/second or higher, shall be implemented, as determined by Appendix C, Section 2.4 (Test Methods For Stabilization-Determination Of Threshold Friction Velocity (TFV)) (Sieving Field Procedure) of these rules; or</p>	<p><u>measure approved in writing by the Control Officer and the Administrator.</u></p> <p>c. Additional Requirements:</p> <p><u>(1) If open areas and vacant lots are 0.10 acre (4,356 square feet) or larger and have a cumulative of 500 square feet or more that are disturbed and if such disturbed area remains unoccupied, unused, vacant, or undeveloped for more than 15 days, then the owner and/or operator shall implement one or more of the control measures described in Section 302.5(b) of this rule within 30 calendar days following the initial discovery by the Control Officer of the disturbance on the open areas and vacant lots.</u></p> <p><u>(2) Within 30 calendar days following the initial discovery by the Control Officer of the disturbance on the open areas and vacant lots, the owner and/or operator shall provide in writing to the Control Officer a description and date of the control measure(s) to be implemented.</u></p> <p><u>(3) Control measure(s) shall be considered effectively implemented when the disturbance on the open areas and vacant lots achieves the compliance determinations described in Section 501 of this rule.</u></p>		<p>Restore area such that the vegetative ground cover and soil characteristics are similar to adjacent or nearby undisturbed native conditions.</p>
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<p>c. 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% shall be implemented, as determined by Appendix C, Section 2.5 (Test Methods For Stabilization-Determination Of Flat Vegetative Cover) of these rules; or</p> <p>d. Standing vegetative cover (i.e., vegetation that is attached (rooted) with a predominant vertical orientation) that is equal to or greater than 30% shall be implemented, as determined by Appendix C, Section 2.6 (Test Methods For Stabilization-Determination Of Standing Vegetative Cover) of these rules; or</p> <p>e. 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 shall be implemented, as determined by Appendix C, Section 2.6 (Test Methods For Stabilization-Determination Of Standing Vegetative Cover) of these rules; or</p> <p>f. A percent cover that is equal to or greater than 10% for non-erodible elements shall be implemented, as determined by Appendix C, Section 2.7 (Test Methods For Stabilization-Rock Test Method) of these rules; or</p> <p>g. An alternative test method approved in writing by the Control Officer and the Administrator of the EPA shall be implemented.</p>			
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**Comparison Of Rule 310.01-Adopted February 17, 2005 With Rule 310.01-Draft July 19, 2007
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<p align="center">Rule 310.01 Fugitive Dust From Open Areas, Vacant Lots, Unpaved Parking Lots, And Unpaved Roadways Adopted February 17, 2005</p>	<p align="center">Rule 310.01 Fugitive Dust From Open Areas, Vacant Lots, Unpaved Parking Lots, And Unpaved Roadways Non-Traditional Sources Of Fugitive Dust Draft July 19, 2007</p>	<p align="center">Description Of Revision</p>	<p align="center">Stakeholders' Comments</p>
<p>303 Unpaved Parking Lots: The owner and/or operator of an unpaved parking lot shall implement one of the control measures described in Section 303.1 of this rule on any surface area(s) of the lot on which vehicles enter, park, and exit. For unpaved parking lots that are utilized intermittently, for a period of 35 days or less during the calendar year, the owner and/or operator shall implement one of the control measures described in Section 303.1 of this rule, during the period that the unpaved parking lots are utilized for vehicle parking. For the purpose of this rule, such control measure(s) shall be considered effectively implemented when the unpaved parking lot meets the stabilization and opacity limitations described in Section 303.2 of this rule.</p> <p>303.1 Control Measures:</p> <p>a. Pave.</p> <p>b. Apply dust suppressants, in compliance with the stabilization and opacity limitations described in Section 303.2 of this rule.</p> <p>c. Uniformly apply and maintain surface gravel, in compliance with the stabilization and opacity limitations described in Section 303.2 of this rule.</p> <p>303.2 Stabilization And Opacity Limitations: For the purpose of this rule, control measures shall be considered effectively implemented when stabilization and opacity observations for fugitive dust emissions from unpaved parking lots do not exceed 20% opacity and meet one of the following, as determined by Appendix C, Section 2.1 (Test Methods For Stabilization-For Unpaved Roads And Unpaved Parking Lots) of these rules:</p> <p>a. Silt loading is equal to or greater than 0.33 oz/ft²; or</p>	<p>302.6 Unpaved Parking Lots: <u>The owner and/or operator of a non-traditional source of fugitive dust that involves unpaved parking lots shall be subject, at all times, to the visible emissions requirements described in Section 302.6(a) of this rule and, unless otherwise specified and/or required, shall comply with the control measures described in Section 302.6(b) of this rule and the additional requirements described in Section 302.6(c) of this rule.</u></p> <p>a. Visible Emissions Requirements:</p> <p><u>(1) The owner and/or operator of a non-traditional source of fugitive dust that involves unpaved parking lots shall not cause or allow visible fugitive dust emissions to exceed 20% opacity, as described in Appendix C, Section 2.1-Test Methods For Stabilization-For Unpaved Roads And Unpaved Parking Lots of these rules.</u></p> <p><u>(2) The owner and/or operator of a non-traditional source of fugitive dust that involves unpaved parking lots shall not cause or allow visible fugitive dust emissions to remain visible in the atmosphere beyond the property line.</u></p> <p>b. Control Measures:</p> <p><u>(1) Pave.</u></p> <p><u>(2) Apply dust suppressants other than water and install a suitable trackout control device that controls and prevents trackout and/or removes particulate matter from tires and the exterior surfaces of motor vehicles that traverse the site.</u></p> <p><u>(3) Uniformly apply and maintain surface gravel.</u></p> <p><u>(4) Apply water and install a suitable trackout control device that controls and prevents trackout and/or removes particulate matter from tires and the exterior surfaces of motor vehicles that traverse the site.</u></p> <p>c. Additional Requirements:</p> <p><u>(1) The owner and/or operator of an unpaved parking lot shall implement one of the control measures described in Section 302.6(b) of this</u></p>	<p>To change format.</p> <p>To add visible emissions requirements.</p> <p>To describe stabilization limitations in Section 501.</p> <p>To add trackout control device requirement and water as control measures.</p> <p>To add control measures for cleaning-up trackout.</p>	<p>City Of Phoenix: Frequently, unpaved parking lots (more than 5000 square feet) are used for short-term events for 1-5 days duration. These activities should not be required to construct a gravel pad, especially when gravel pads are only required for construction sites of one acre or larger and for many months in duration. Suggested revision: 307.2 If an unpaved parking lot is utilized for a period of 35 days or less during the calendar year, the owner and/or operator shall implement one or more of the control measures described in Section 307.4 of this rule during the period that the unpaved parking lot is utilized for vehicle parking. <u>Unpaved parking lots utilized for five days or less are exempt from the gravel pad requirement in Sections 307.4(b) and (c) of this rule.</u></p> <p>City Of Phoenix: Frequently, unpaved parking lots (more than 5000 square feet) are used for short-term events for 1-5 days duration. These activities should not be required to construct a gravel pad, especially when gravel pads are only required for construction sites of one acre or larger and for many months in duration. Suggested revision: 307.2 If an unpaved parking lot is utilized for a period of 35 days or less during the calendar year, the owner and/or operator shall implement one or more of the control measures described in Section 307.4 of this rule during the period that the unpaved parking lot is utilized for vehicle parking. <u>Unpaved parking lots utilized for five days or less are exempt from the gravel pad requirement in Sections 307.4(b) and (c) of this rule.</u></p> <p>Staff: Add requirement to install a trackout</p>

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<p>b. Silt content does not exceed 8%.</p>	<p><u>rule on any surface area(s) of the lot on which vehicles enter, park, and exit.</u> <u>(2) If an unpaved parking lot is utilized for a period of 35 days or less during the calendar year, the owner and/or operator shall implement one or more of the control measures described in Section 302.6(b) of this rule during the period that the unpaved parking lot is utilized for vehicle parking and shall restrict vehicle access to only those areas upon which a control measure has been implemented.</u> <u>(3) If an unpaved parking lot is utilized for more than 35 days during the calendar year, the owner and/or operator shall implement one or more of the control measures described in Section 302.6(b)(1) through Section 302.6(b)(3) of this rule during the period that the unpaved parking lot is utilized for vehicle parking and shall restrict vehicle access to only those areas upon which a control measure has been implemented.</u> <u>(4) Control measure(s) shall be considered effectively implemented when the unpaved parking lot achieves the compliance determinations described in Section 501 of this rule.</u> <u>(5) If trackout occurs, the owner and/or operator shall repair and/or replace the control measure(s) and shall clean-up immediately such trackout from paved areas accessible to the public including curbs, gutters, and sidewalks when trackout extends a cumulative distance of 25 linear feet or more and at the end of the day for all other trackout.</u></p>		<p>control device.</p> <p>Attendee At Pubic Workshop #3-June 7, 2007: Make similar to trackout control device requirements in Rule 310. What happens if an unpaved parking lot exits onto an unpaved road? Make more clear.</p> <p>Attendee At Pubic Workshop #3-June 7, 2007: How often should stabilization procedures be conducted? Should Section 502 address frequency of conducting stabilization procedures?</p>
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<p align="center">Rule 310.01 Fugitive Dust From Open Areas, Vacant Lots, Unpaved Parking Lots, And Unpaved Roadways Adopted February 17, 2005</p>	<p align="center">Rule 310.01 Fugitive Dust From Open Areas, Vacant Lots, Unpaved Parking Lots, And Unpaved Roadways <u>Non-Traditional Sources Of Fugitive Dust</u> Draft July 19, 2007</p>	<p align="center">Description Of Revision</p>	<p align="center">Stakeholders' Comments</p>
<p>304 Unpaved Roadways (Including Alleys): If a person allows 150 vehicles or more per day to use an unpaved roadway (including alleys) in the PM₁₀ nonattainment area, then such person shall first implement one of the control measures described in Section 304.1 of this rule. For the purpose of this rule, such control measure(s) shall be considered effectively implemented when the unpaved roadway (including alleys) meets the stabilization and opacity limitation described in Section 304.2 of this rule.</p> <p>304.1 Control Measures:</p> <p>a. Pave.</p> <p>b. Apply dust suppressants, in compliance with the stabilization and opacity limitations described in Section 304.2 of this rule.</p> <p>c. Uniformly apply and maintain surface gravel, in compliance with the stabilization and opacity limitations described in Section 304.2 of this rule.</p> <p>304.2 Stabilization And Opacity Limitations: For the purpose of this rule, control measures shall be considered effectively implemented when stabilization and opacity observations for fugitive dust emissions from unpaved roadways (including alleys) do not exceed 20% opacity and meet one of the following, as determined by Appendix C, Section 2.1 (Test Methods For Stabilization-For Unpaved Roads And Unpaved Parking Lots) of these rules:</p> <p>a. Silt loading is equal to or greater than 0.33 oz/ft²; or</p> <p>b. Silt content does not exceed 6%.</p>	<p>302.7 Unpaved Roadways (Including Alleys): <u>The owner and/or operator of a non-traditional source of fugitive dust that involves unpaved roadways (including alleys) shall, unless otherwise specified and/or required, comply with the control measures described in Section 302.7(a) of this rule and the additional requirements described in Section 302.7(b) of this rule.</u></p> <p>a. Control Measures:</p> <p>(1) <u>Pave.</u></p> <p>(2) <u>Apply dust suppressants other than water.</u></p> <p>(3) <u>Uniformly apply and maintain surface gravel.</u></p> <p>b. Additional Requirements:</p> <p>(1) <u>If a person allows 150 vehicles or more per day to use an unpaved roadway (including an alley) in the PM₁₀ nonattainment area, then such person shall first implement one of the control measures described in Section 302.7(a) of this rule.</u></p> <p>(2) <u>A person, who allows 150 vehicles or more per day to use an unpaved roadway (including an alley) in the PM₁₀ nonattainment area, shall be responsible for conducting vehicle counts/traffic counts to determine if 150 vehicles or more per day use an unpaved roadway (including an alley). Such person shall provide to the Control Officer written results of such vehicle counts/traffic counts within 60 days of verbal or written request by the Control Officer.</u></p> <p>(3) <u>Control measure(s) shall be considered effectively implemented when the unpaved roadway (including an alley) achieves the compliance determinations described in Section 501 of this rule.</u></p>	<p>To change format.</p> <p>To describe stabilization limitations in Section 501.</p> <p>To add requirement to conduct vehicle counts/traffic counts.</p>	<p>Attendee At Public Workshop #2-May 17, 2007: Traffic count tubes can be unreliable for unpaved alleys</p> <p>Attendee At Public Workshop #2-May 17, 2007: Must traffic counts be conducted on every road?</p> <p>Staff: What is the definition of "person"?</p> <p>Attendee At Public Workshop #3-June 7, 2007: "Person" relates to Bureau Of Land Management discussion relating to "special permits". Bureau Of Land Management issues permits to people for unpaved roadways. "Person" would be subject to requirements - not the owner and/or operator.</p> <p>Attendee At Public Workshop #3-June 7, 2007: Sometimes Federal Land Manager designates utility rights-of-way as trails. Trails would have to be stabilized as unpaved roadways. How do Section 308 and Section 311 relate - especially to dual uses of rights-of-way, Bureau Of Land Management, and trails?</p> <p>Attendee At Public Workshop #3-June 7, 2007: Regarding traffic counts on unpaved roadways, are 150 vehicles or more per day counted over a year? Variability from day-to-day. Samples of 6-7 unpaved roads; average that is representative of normal operation/normal traffic use. There are electronic traffic counters/newer technologies. Talk-to Pima County and McDOT. Standard transportation count every 48 hours, mid-week, or based-on number of homes accessing the road.</p>

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			<p>Staff: Suggested revision to Section 308.4(c): In order to be in compliance with this rule, visible fugitive dust emissions shall not exceed 20% opacity during any dust generating activity or dust emissions extend past the property line. In addition, either the silt loading shall not be equal to or greater than 0.33 oz/ft² or the silt content shall not exceed 6%.</p>
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**Comparison Of Rule 310.01-Adopted February 17, 2005 With Rule 310.01-Draft July 19, 2007
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<p align="center">Rule 310.01 Fugitive Dust From Open Areas, Vacant Lots, Unpaved Parking Lots, And Unpaved Roadways Adopted February 17, 2005</p>	<p align="center">Rule 310.01 Fugitive Dust From Open Areas, Vacant Lots, Unpaved Parking Lots, And Unpaved Roadways <u>Non-Traditional Sources Of Fugitive Dust</u> Draft July 19, 2007</p>	<p align="center">Description Of Revision</p>	<p align="center">Stakeholders' Comments</p>
<p>305 Feedlots And/Or Livestock Areas: The owner and/or operator of any feedlot and/or livestock area shall implement one of the control measures described in Section 305.1 of this rule. For the purpose of this rule, such control measure(s) shall be considered effectively implemented when the feedlot and/or livestock area meets the opacity limitation described in Section 305.2 of this rule.</p> <p>305.1 Control Measures:</p> <p>a. Apply dust suppressants, in compliance with the opacity limitation described in Section 305.2 of this rule.</p> <p>b. Uniformly apply and maintain surface gravel, in compliance with the opacity limitation described in Section 305.2 of this rule.</p> <p>c. Install shrubs and/or trees within 50 feet to 100 feet of animal pens, in compliance with the opacity limitation described in Section 305.2 of this rule.</p> <p>305.2 Opacity Limitation: For the purpose of this rule, control measures shall be considered effectively implemented when opacity observations for fugitive dust emissions from feedlots and/or livestock areas do not exceed 20% opacity, as determined by Appendix C, Section 3 (Visual Determination Of Opacity Of Emissions From Sources For Time-Average Regulations) of these rules.</p>	<p>302.8 Livestock Activities: <u>The owner and/or operator of a non-traditional source of fugitive dust that involves livestock activities shall be subject, at all times, to the visible emissions requirements described in Section 302.8(a) of this rule and, unless otherwise specified and/or required, shall comply with the control measures described in Section 302.8(b) of this rule and the additional requirements described in Section 302.8(c) of this rule.</u></p> <p>a. Visible Emissions Requirements:</p> <p>(1) <u>The owner and/or operator of a non-traditional source of fugitive dust that involves livestock activities shall not cause or allow visible fugitive dust emissions to exceed 20% opacity.</u></p> <p>(2) <u>The owner and/or operator of a non-traditional source of fugitive dust that involves livestock activities shall not cause or allow visible fugitive dust emissions to remain visible in the atmosphere beyond the property line.</u></p> <p>b. Control Measures:</p> <p>(1) <u>For unpaved access connections and unpaved feed lane access areas:</u></p> <p>(a) <u>Apply and maintain dust suppressants other than water.</u></p> <p>(b) <u>Apply and maintain pavement, gravel (maintained to a depth of four inches), or asphaltic roadbase.</u></p> <p>(2) <u>For bulk material hauling including animal waste:</u></p> <p>(a) <u>Load all vehicles used to haul bulk material including animal waste such that the freeboard is not less than three inches;</u></p> <p>(b) <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>(c) <u>Cover cargo compartment with a tarp or other suitable closure.</u></p>	<p>To change format.</p> <p>To add visible emissions requirements.</p> <p>To describe stabilization limitations in Section 501.</p> <p>To add control measures for cleaning-up trackout.</p> <p>January 2002 - Tetra Tech, Inc. Task 1- Survey Current Livestock Waste Management Practices In The South Coast Air Basin Livestock Waste Management Practices And Control Option Assessment Project: "Of particular interest are techniques that result in products that can be profitably transported. Information related to the broad spectrum of existing manure storage practices and facilities is lacking. Results to date show a large variation across time and among types of manure storage and handling systems."</p>	<p>Attendee At Public Workshop #2-May 17, 2007: Control measures described in Section 309.2 are not feasible. Consider California's/Imperial County's rules regarding feedlots and/or livestock areas.</p> <p>Arizona Department Of Agriculture: Regarding Section 309.2, it is impractical and cost prohibitive for the owner and/or operator of a feedlot and/or livestock area to implement any one of the control measures described in Section 309.2 of this rule. The control measures in this rule should be replaced with affordable and practical control measures that the owner and/or operator could feasibly do without being a detriment to the operation or the animals.</p> <p>Arizona Department Of Agriculture: Regarding Section 309.2(a), if water is used as a dust suppressant at a feedlot and/or livestock area, it can cause a health concern for both the animals and residents who live nearby. A moist environment in feedlots and/or livestock areas creates a fly and mosquito habitat. A damp environment can also harbor bacteria and mold. Wet manure also causes an odor concern to the local community. Manure has very little odor when dry.</p> <p>Arizona Department Of Agriculture: Regarding Section 309.2(b), it is not a feasible measure to apply surface gravel to a feedlot and/or livestock area. Manure, once removed from animal operations, is often used as a field crop additive and nutrient. Manure containing gravel cannot be used as a field nutrient. Manure from</p>

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	<p><u>(3) For corrals, pens, and arenas:</u> <u>(a) Apply water.</u> <u>(b) Install shrubs and/or trees within 50 feet to 100 feet of corrals, pens, and arenas.</u> <u>c. Additional Requirements:</u> <u>(1) The owner and/or operator of livestock activities shall implement one of the control measures described in Section 302.8(b)(1), Section 302.8(b)(2), and Section 302.8(b)(3) of this rule, as applicable.</u> <u>(2) Control measure(s) shall be considered effectively implemented when the livestock activities achieve the compliance determinations described in Section 501 of this rule.</u> <u>(3) If trackout occurs, the owner and/or operator shall repair and/or replace the control measure(s) and shall clean-up immediately such trackout from paved areas accessible to the public including curbs, gutters, and sidewalks when trackout extends a cumulative distance of 25 linear feet or more and at the end of the day for all other trackout.</u></p>		<p>feedlots and/or livestock areas can be converted to a green energy in anaerobic digesters (currently being implemented in Maricopa County). Manure containing gravel cannot be used in this technology. In addition, gravel is uncomfortable and possibly dangerous for hooved animals to stand on for extended periods of time.</p> <p>Arizona Department Of Agriculture: Regarding Section 309.2(c), many feedlots and/or livestock areas are very large and occasionally built on leased land. It becomes impractical and cost-prohibitive to install enough trees and shrubs to surround the animals on the property. Many dairies in Maricopa County are surrounded by fields (corn, alfalfa) that could be considered an existing control measure to reduce dust.</p>
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<p align="center">Rule 310.01 Fugitive Dust From Open Areas, Vacant Lots, Unpaved Parking Lots, And Unpaved Roadways Adopted February 17, 2005</p>	<p align="center">Rule 310.01 Fugitive Dust From Open Areas, Vacant Lots, Unpaved Parking Lots, And Unpaved Roadways Non-Traditional Sources Of Fugitive Dust Draft July 19, 2007</p>	<p align="center">Description Of Revision</p>	<p align="center">Stakeholders' Comments</p>
<p>306 Erosion-Caused Deposition Of Bulk Materials Onto Paved Surfaces: In the event that erosion-caused deposition of bulk materials or other materials occurs on any adjacent paved roadway or paved parking lot, the owner and/or operator of the property from which the deposition eroded shall implement both of the control measures described in Section 306.1 of this rule. For the purpose of this rule, such control measures shall be considered effectively implemented when the deposition meets the opacity limitation described in Section 306.2 of this rule. Exceedances of the opacity limitation, due to erosion-caused deposition of bulk materials onto paved surfaces, shall constitute a violation of the opacity limitation.</p> <p>306.1 Control Measures:</p> <p>a. Remove any and all such deposits by utilizing the appropriate control measures within 24 hours of the deposits' identification or prior to the resumption of traffic on pavement, where the pavement area has been closed to traffic; and</p> <p>b. Dispose of deposits in such a manner so as not to cause another source of fugitive dust.</p> <p>306.2 Opacity Limitation: For the purpose of this rule, control measures shall be considered effectively implemented when opacity observations for fugitive dust emissions from erosion-caused deposition of bulk materials onto paved surfaces do not exceed 20% opacity, as described in Appendix C, Section 2.1 (Test Methods For Stabilization-For Unpaved Roads And Unpaved Parking Lots) of these rules.</p>	<p><u>302.9 Erosion-Caused Deposition Of Bulk Materials Onto Paved Surfaces:</u> <u>The owner and/or operator of a non-traditional source of fugitive dust that involves erosion-caused deposition of bulk materials onto paved surfaces shall, unless otherwise specified and/or required, comply with the control measures described in Section 302.9(a) of this rule and the additional requirements described in Section 302.9(b) of this rule.</u></p> <p><u>a. Control Measures:</u></p> <p><u>(1)</u> <u>Remove any and all such deposits by utilizing the appropriate control measures within 24 hours of the deposits' identification or prior to the resumption of traffic on pavement, where the pavement area has been closed to traffic; and</u></p> <p><u>(2)</u> <u>Dispose of deposits in such a manner so as not to cause another source of fugitive dust.</u></p> <p><u>b. Additional Requirements:</u></p> <p><u>(1)</u> <u>In the event that erosion-caused deposition of bulk materials or other materials occurs on any adjacent paved roadway, paved parking lot, curb, gutter, or sidewalk, the owner and/or operator of the property from which the deposition eroded shall implement both of the control measures described in Section 303.9(b) of this rule.</u></p> <p><u>(2)</u> <u>Failure to comply with both of the control measures described in Section 302.9(a) of this rule shall constitute a violation of this rule.</u></p>	<p>To change format.</p>	

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<p>307 Easements, Rights-Of-Way, And Access Roads For Utilities (Electricity, Natural Gas, Oil, Water, And Gas Transmission): If an owner and/or operator allows 150 vehicles or more per day to use an easement, right-of-way, and access road for utilities (electricity, natural gas, oil, water, and gas transmission) in the PM₁₀ nonattainment area, then such owner and/or operator shall first implement one of the control measures described in Section 307.1 of this rule. For the purpose of this rule, such control measure(s) shall be considered effectively implemented, when the easement, right-of-way, and access road for utilities (electricity, natural gas, oil, water, and gas transmission) meet the stabilization and opacity limitation described in Section 307.2 of this rule.</p> <p>307.1 Control Measures:</p> <p>a. Pave.</p> <p>b. Apply dust suppressants, in compliance with the stabilization and opacity limitations described in Section 307.2 of this rule.</p> <p>c. Uniformly apply and maintain surface gravel, in compliance with the stabilization and opacity limitations described in Section 307.2 of this rule.</p> <p>307.2 Stabilization And Opacity Limitations: For the purpose of this rule, control measures shall be considered effectively implemented when stabilization and opacity observations for fugitive dust emissions from easements, rights-of-way, and access roads for utilities (electricity, natural gas, oil, water, and gas transmission) do not exceed 20% opacity and meet one of the following, as determined by Appendix C, Section 2.1 (Test Methods For Stabilization-For Unpaved Roads And Unpaved Parking</p>	<p>302.10 Easements, Rights-Of-Way, And Access Roads For Utilities (Electricity, Natural Gas, Oil, Water, And Gas Transmission): <u>The owner and/or operator of a non-traditional source of fugitive dust that involves easements, rights-of-way, and access roads for utilities (electricity, natural gas, oil, water, and gas transmission) shall, unless otherwise specified and/or required, comply with the control measures described in Section 302.10(a) of this rule and the additional requirements described in Section 302.10(b) of this rule.</u></p> <p>a. Control Measures:</p> <p>(1) Pave.</p> <p>(2) Apply dust suppressants.</p> <p>(3) Uniformly apply and maintain surface gravel.</p> <p>(4) Install locked gates at each entry point.</p> <p>b. Additional Requirements:</p> <p>(1) If an owner and/or operator allows 150 vehicles or more per day to use an easement, right-of-way, and access road for utilities (electricity, natural gas, oil, water, and gas transmission) in the PM₁₀ nonattainment area, then such owner and/or operator shall first implement one of the control measures described in Section 302.10(a) of this rule.</p> <p>(2) A person, who allows 150 vehicles or more per day to use an easement, right-of-way, and access road for utilities (electricity, natural gas, oil, water, and gas transmission) in the PM₁₀ nonattainment area, shall be responsible for conducting vehicle counts/traffic counts to determine if 150 vehicles or more per day use an easement, right-of-way, and access road for utilities (electricity, natural gas, oil, water, and gas transmission). Such person shall provide to the Control Officer written results of such vehicle counts/traffic counts within 60 days of</p>	<p>To change format.</p> <p>To add requirement to conduct vehicle counts/traffic counts.</p> <p>To add control measure "install locked gates at each entry point".</p> <p>To describe stabilization limitations in Section 501.</p>	<p>Attendee At Public Workshop #2-May 17, 2007: Traffic count tubes can be unreliable for unpaved alleys</p> <p>Attendee At Public Workshop #2-May 17, 2007: Must traffic counts be conducted on every road?</p> <p>Attendee At Pubic Workshop #3-June 7, 2007: "Person" relates to Bureau Of Land Management discussion relating to "special permits". Bureau Of Land Management issues permits to people for unpaved roadways. "Person" would be subject to requirements - not the owner and/or operator.</p> <p>Attendee At Pubic Workshop #3-June 7, 2007: Can canal banks be addressed in Section 311? What if less than 150 vehicles access the easement? Clarify that Section 311.2 and Section 311.3 relate to/apply to Section 311 and Section 311.1.</p> <p>Attendee At Pubic Workshop #3-June 7, 2007: Sometimes Federal Land Manager designates utility rights-of-way as trails. Trails would have to be stabilized as unpaved roadways. How do Section 308 and Section 311 relate - especially to dual uses of rights-of-way, Bureau Of Land Management, and trails?</p> <p>Attendee At Pubic Workshop #3-June 7, 2007: Regarding Section 311.2, change "150" to "100". Does that match Senate Bill 1552? Will that include too many roads? If a city has 600 alleys, will the city have-to do a traffic count on each alley? How does that relate to recordkeeping?</p>

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<p>Lots) of these rules: a. Silt loading is not equal to or greater than 0.33 oz/ft²; or b. Silt content does not exceed 6%.</p>	<p><u>verbal or written request by the Control Officer.</u> <u>(3) Control measure(s) shall be considered effectively implemented when the easement, right-of-way, and access road for utilities (electricity, natural gas, oil, water, and gas transmission) achieves the compliance determinations described in Section 501 of this rule.</u></p>		<p>Attendee At Pubic Workshop #3-June 7, 2007: Regarding traffic counts on unpaved roadways, are 150 vehicles or more per day counted over a year? Variability from day-to-day. Samples of 6-7 unpaved roads; average that is representative of normal operation/normal traffic use. There are electronic traffic counters/newer technologies. Talk-to Pima County and McDOT. Standard transportation count every 48 hours, mid-week, or based-on number of homes accessing the road.</p>
<p>Section 400 - Administrative Requirements (Not Applicable)</p>	<p>Section 400 - Administrative Requirements (Not Applicable)</p>	<p>No change proposed.</p>	

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<p align="center">Rule 310.01 Fugitive Dust From Open Areas, Vacant Lots, Unpaved Parking Lots, And Unpaved Roadways Adopted February 17, 2005</p>	<p align="center">Rule 310.01 Fugitive Dust From Open Areas, Vacant Lots, Unpaved Parking Lots, And Unpaved Roadways <u>Non-Traditional Sources Of Fugitive Dust</u> Draft July 19, 2007</p>	<p align="center">Description Of Revision</p>	<p align="center">Stakeholders' Comments</p>
<p>501 Stabilization Observations: 501.1 Stabilization observations for unpaved parking lots and/or unpaved roadways (including alleys) 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. 501.2 Stabilization observations for an open area and vacant lot shall be conducted in accordance with the following: a. Appendix C, Section 2.3 (Test Methods For Stabilization-Visible Crust Determination) (The Drop Ball/Steel Ball Test) of these rules; or b. Appendix C, Section 2.4 (Test Methods For Stabilization-Determination Of Threshold Friction Velocity (TFV)) (Sieving Field Procedure) of these rules, where the threshold friction velocity (TFV) for disturbed surface areas corrected for non-erodible elements is 100 cm/second or higher; or c. Appendix C, Section 2.5 (Test Methods For Stabilization-Determination Of Flat Vegetative Cover) of these rules, where 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) is equal to at least 50%; or d. Appendix C, Section 2.6 (Test Methods For Stabilization-Determination Of Standing Vegetative Cover) of these rules, where standing vegetation cover (i.e., vegetation that is attached (rooted) with a predominant vertical orientation) is equal to or greater than 30%; or e. Appendix C, Section 2.6 (Test Methods For Stabilization-Determination Of Standing Vegetative Cover) of these rules, where the standing vegetation cover (i.e., vegetation that is attached (rooted) with a predominant vertical orientation) is equal to or greater than 10% and where the threshold friction velocity, corrected for non-erodible elements, is equal to or greater than 43 cm/second;</p>	<p>501 <u>Compliance Determination:</u> To determine compliance with this rule, the following test methods shall be followed: 501.1 <u>Opacity observations shall be conducted in accordance with the techniques specified in the Environmental Protection Agency (EPA) Reference Method 9-Visual Determination Of The Opacity Of Emissions From Stationary Sources, 40 CFR 60, Appendix A.</u> 501.2 Stabilization observations for unpaved parking lots and/or unpaved roadways (including alleys) 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. 501.3 Stabilization observations for an open area and vacant lot shall be conducted in accordance with the following: a. Appendix C, Section 2.3-Test Methods For Stabilization-Visible <u>Soil</u> Crust Determination-The Drop Ball/Steel Ball Test of these rules; or b. Appendix C, Section 2.4-Test Methods For Stabilization-Determination Of Threshold Friction Velocity (TFV)-Sieving Field Procedure of these rules, where the threshold friction velocity (TFV) for disturbed surface areas corrected for non-erodible elements is 100 cm/second or higher; or c. Appendix C, Section 2.5-Test Methods For Stabilization-Determination Of Flat Vegetative Cover of these rules, where 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) is equal to at least 50%; or d. Appendix C, Section 2.6-Test Methods For Stabilization-Determination Of Standing Vegetative Cover of these rules, where standing vegetation cover (i.e., vegetation that is attached (rooted) with a predominant vertical orientation) is equal to or greater than 30%; or e. Appendix C, Section 2.6-Test Methods For</p>	<p>To add opacity observations.</p> <p>To change title of test method referenced in Appendix C, Section 2.3 to "Test Methods For Stabilization-Soil Crust Determination -The Drop Ball Test.</p> <p>Matches Clark County's Section 94-Permitting And Dust Control For Construction Activities.</p>	

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<p>or</p> <p>f. Appendix C, Section 2.7 (Test Methods For Stabilization-Rock Test Method) of these rules where a percent cover is equal to or greater than 10% for non-erodible elements.</p> <p>g. An alternative test method approved in writing by the Control Officer and the Administrator of the EPA.</p>	<p>Stabilization-Determination Of Standing Vegetative Cover of these rules, where the standing vegetation cover (i.e., vegetation that is attached (rooted) with a predominant vertical orientation) is equal to or greater than 10% and where the threshold friction velocity, corrected for non-erodible elements, is equal to or greater than 43 cm/second; or</p> <p>f. Appendix C, Section 2.7-Test Methods For Stabilization-Rock Test Method of these rules where a percent cover is equal to or greater than 10% for non-erodible elements.</p> <p>g. An alternative test method approved in writing by the Control Officer and the Administrator of the EPA.</p>		
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<p>502 Recordkeeping: Any person subject to the requirements of this rule shall compile and retain records that provide evidence of control measure application (i.e., receipts and/or purchase records). Such person shall describe, in the records, the type of treatment or control measure, extent of coverage, and date applied. Upon verbal or written request by the Control Officer, such person shall provide the records and supporting documentation within 48 hours, excluding weekends. If the Control Officer is at the site where requested records are kept, such person shall provide the records without delay.</p>	<p>502 Recordkeeping: Any person subject to the requirements of this rule shall compile and retain records that provide evidence of control measure application (i.e., receipts and/or purchase records). Such person shall describe, in the records, the type of treatment or control measure, extent of coverage, and date applied. Upon verbal or written request by the Control Officer, such person shall provide the records and supporting documentation within 48 hours, excluding weekends. If the Control Officer is at the site where requested records are kept, such person shall provide the records without delay.</p>	<p>No change proposed.</p>	
<p>503 Records Retention: Copies of the records required by Section 502 (Recordkeeping) of this rule shall be retained for at least one year.</p>	<p>503 Records Retention: Copies of the records required by Section 502-Recordkeeping of this rule shall be retained for at least one year.</p>	<p>No change proposed.</p>	