

Maricopa County Five Percent Plan Rulemaking Project

Note: Click-on the blue underlined text to proceed to that topic.

Since Maricopa County did not attain the PM₁₀ standard by December 31, 2006, the region must submit a Five Percent Plan for PM₁₀ to the Environmental Protection Agency (EPA) by December 31, 2007. The Five Percent Plan for PM₁₀ must demonstrate that PM₁₀ emissions will be reduced five percent per year until the PM₁₀ standard is attained.

To comply with commitments proposed in the Five Percent Plan for PM₁₀, the Maricopa County Air Quality Department (MCAQD) is proposing revisions to the following Maricopa County Air Pollution Control Regulations: Rule 200, Rule 300, Rule 310, Rule 310.01, and Appendix C. The MCAQD is conducting Public Workshops to solicit discussion and comments regarding proposed revisions to such rules.

The MCAQD has scheduled the **third Public Workshop for Thursday, June 7, 2007 at 9 am in the Maricopa County Board Of Supervisors Conference Room - 10th Floor - 301 West Jefferson**. A map is on Page #2.

The MCAQD has not prepared new drafts of the rules for the third Public Workshop. Rather, the MCAQD will continue discussing proposed revisions to Rule 310 draft May 17, 2007 and proposed revisions to Rule 310.01 draft May 17, 2007 and will begin discussing proposed revisions to Rule 200 draft May 17, 2007 and Rule 300 draft May 17, 2007.

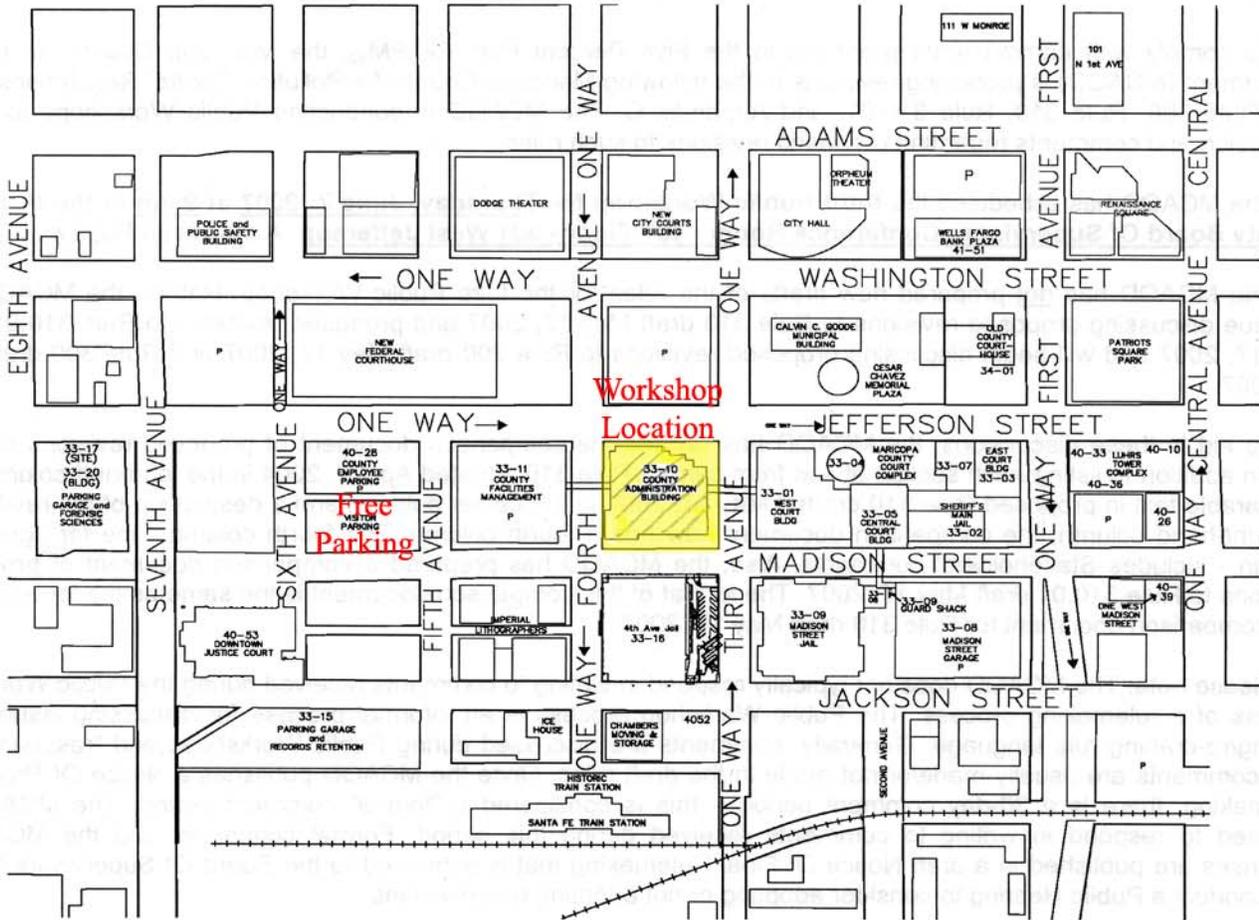
To aid in these discussions, the MCAQD has revised the comparison document of proposed revisions to Rule 310. In addition to listing each section of text from current Rule 310 adopted April 7, 2004 in the left-hand column, the comparable text in proposed Rule 310 drafted May 17, 2007 in the center column, and a description of the revision in the right-hand column, the comparison document now has a fourth column. The fourth column - the far right-hand column - includes Stakeholders' comments. Also, the MCAQD has prepared a comparison document of proposed revisions to Rule 310.01 draft May 17, 2007. The format of this comparison document is the same as the format of the new comparison document for Rule 310 draft May 17, 2007.

Please note: The MCAQD does not typically respond in-writing to comments received during the Public Workshop process of a rulemaking process. The Public Workshop process is an informal process for discussing issues and crafting/re-crafting rule language. Generally, comments are discussed during Public Workshops and "responses" to such comments are usually made/or not made in the draft rules. Once the MCAQD publishes a Notice Of Proposed Rulemaking, there is a 30-day comment period – this is considered a "formal" comment period. The MCAQD is obligated to respond in writing to comments received during this period. Formal comments and the MCAQD's responses are published in a draft Notice Of Final Rulemaking that is submitted to the Board Of Supervisors before they conduct a Public Hearing to consider adopting or not adopting rule revisions.



Downtown Parking

Free parking is available at the Customer/Employee parking lot between Jefferson and Madison - between 5th Avenue and 6th Avenue. The entrance is on 5th Avenue - just south of Jefferson Avenue.



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Revised 07/13/88
Repealed and Adopted 11/15/93
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MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS
REGULATION II - PERMITS AND FEES
RULE 200
PERMIT REQUIREMENTS

SECTION 100 - GENERAL

- 101 PURPOSE:** To provide an orderly procedure for the review of new sources of air pollution and for the modification and operation of existing sources through the issuance of permits.

SECTION 200 – DEFINITIONS (NOT APPLICABLE)

See Rule 100 (General Provisions And Definitions) of these rules for definitions of terms that are used but not specifically defined in this rule.

SECTION 300 - STANDARDS

- 301 PERMITS REQUIRED:** Except as otherwise provided in these rules, no person shall commence construction of, operate, or make a modification to any source subject to regulation under ~~this rule~~ these rules, without first obtaining a permit or permit revision from the Control Officer. The Maricopa County Air Quality Department issues the following permits: Title V permits, Non-Title V permits, General permits, Dust Control permits, and Permits To Burn. The standards and/or requirements for these permits are described in Section 302 thru Section 306 of this rule. Additional standards, administrative requirements, and monitoring and records requirements for some of these permits are described in individual rules of these rules, as applicable/as specified in Section 302 thru Section 306 of this rule.
- 302 TITLE V PERMIT:** A Title V permit or, in the case of an existing permitted source, a permit revision shall be required for a person to commence construction of, to operate, or to modify any of the following:
- 302.1** Any major source as defined in Rule 100 of these rules.
 - 302.2** Any solid waste incineration unit required to obtain a permit pursuant to Section 129(e) of the Act.
 - 302.3** Any affected source as defined in Rule 100 of these rules.
 - 302.4** Any source in a source category designated by the Administrator pursuant to 40 CFR 70.3 and adopted by the Board of Supervisors by rule.
- 303 NON-TITLE V PERMIT:** Unless a Title V permit or a permit revision is required, a Non-Title V permit or permit revision shall be required for:
- 303.1** A person to make a modification to a source which would cause it to emit or to have the potential to emit quantities of regulated air pollutants greater than those specified in subsections 303.2 and 303.3(c) of this rule.

303.2 A person to commence construction of or to modify either of the following after rules adopted pursuant to ARS §49-480.04 are effective:

- a.** A source that emits or has the potential to emit with controls ten tons per year or more of a hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants designated by the Director pursuant to Rule 372 (Maricopa County Hazardous Air Pollutants (HAPs) Program) of these rules and not listed in Section 112(b) of the Act.
- b.** A source that is within a category designated by the Director pursuant to Rule 372 (Maricopa County Hazardous Air Pollutants (HAPs) Program) of these rules and that emits or has the potential to emit with controls at least one ton, but less than ten tons per year of a hazardous air pollutant or at least 2.5 tons, but less than 25 tons per year of any combination of hazardous air pollutants.

303.3 A person to commence construction of, to operate, or to modify any of the following:

- a.** Any source other than a major source, including an area source, subject to a standard, limitation, or other requirement under Section 111 of the Act.
- b.** Any source other than a major source, including an area source, subject to a standard or other requirement pursuant to Section 112 of the Act. However, a source is not required to obtain a permit solely because it is subject to regulation or requirements pursuant to Section 112(r) of the Act.
- c.** Any source that emits or has the potential to emit, without control, regulated air pollutants, except the following sources to the extent which the described limits are not exceeded. However, any source that is exempt from obtaining a Non-Title V permit according to this section shall still comply with all other applicable requirements of these rules.

(1) General Combustion Equipment:

- (a)** Any source with an aggregated input capacity of less than 2,000,000 BTU per hour calculated by adding only those pieces of equipment over 300,000 BTU per hour with respect to fuel burning equipment fired with natural gas or liquefied petroleum gas.
- (b)** Any oil fueled heating equipment with a maximum rated input capacity or an aggregated input capacity of less than 500,000 BTU (527,200 kilojoules) per hour.

(2) Liquid Storage Tanks:

- (a)** Stationary storage tanks with a capacity of 250 gallons (946 liters) or less used for storing organic liquids.
- (b)** Stationary storage tanks used for storing organic liquids with a true vapor pressure of 1.5 psia (77.5 mm Hg) or less.
- (c)** Pressure tanks and pressurized vessels used exclusively for the storage of liquefied gases.

(3) Surface Coating And Printing Equipment:

- (a) The aggregate of all surface coating operations of a source in which no coated product is heat cured and a combined total of one gallon per day or less of all coating materials and solvents are used.
 - (b) Application equipment for architectural surface coatings is used for commercial and residential applications.
 - (c) Any coating operation, which employs only hand-held aerosol cans, where VOC emissions do not exceed three pounds on any single day.
 - (d) Any printing operation which employs a combination of printing presses with a maximum of 500 square inches (3226 cm²) of impression area and a maximum of two units per printing press. For the purposes of this rule, "units" means the number of printing surfaces.
- (4) **Solvent Cleaning Equipment:** Unheated, non-conveyorized, cleaning or coating equipment that does not include control enclosures:
- (a) With an open surface area of one square meter (10.8 square feet) or less and an internal volume of 350 liters (92.5 gallons) or less, having an organic solvent loss of three gallons per day or less, or
 - (b) Using only organic solvents with an initial boiling point of 302°F (150°C) or greater and having an organic solvent loss of three gallons per day or less, or
 - (c) Using materials with a VOC content of two percent or less by volume (20 cubic centimeters per liter).
- (5) **Internal Combustion Equipment:**
- (a) Internal combustion engines with a manufacturer's maximum continuous rating of 50 horsepower or less or a maximum accumulative rating of 250 horsepower or less for engines used in the same process at one source.
 - (b) Internal combustion engines used solely as a source of unlimited standby power or emergency purposes and operated at or below 500 hours per year for routine testing and emergency standby operation for each internal combustion engine and provided such source demonstrates that the potential emissions at 500 hours of operation each of all internal combustion engines do not exceed 4,000 pounds of nitrogen oxides or carbon monoxide per year as evidenced by an installed hour meter or written usage records maintained by the operator; and
 - (i) Are only used for power when normal power line service fails; or
 - (ii) Are only used for the emergency pumping of water.

leather, metals, plastics, rubber, fiberboard, masonry, carbon, graphite or glass.

- (h) Refrigerant recovery equipment.
- (i) ~~Normal landscaping, building~~ Building maintenance or janitorial activities.
- (j) A source whose aggregate of all miscellaneous equipment, processes or production lines not otherwise identified in this section has total uncontrolled emissions of less than three pounds (1.4 kg) VOC or PM-10 during any day and less than 5.5 pounds (2.5 kg) of any other regulated air pollutant during any day.
- (k) A person to begin actual construction of a source subject to Rule 372 (Maricopa County Hazardous Air Pollutants (HAPs) Program) of these rules.
- (l) A person to make a modification to a source subject to Rule 372 (Maricopa County Hazardous Air Pollutants (HAPs) Program) of these rules.

304 GENERAL PERMIT: A General permit shall be required for a person to commence construction of, to operate, or to modify a source that is a member of a facility class for which a General permit has been developed pursuant to Rule 230 of these rules. The provisions of Rule 230 of these rules shall apply to General permits, except as otherwise provided in Rule 230 of these rules.

305 ~~EARTH MOVING PERMIT~~ DUST CONTROL PERMIT: ~~No person shall cause, commence, suffer, allow, or engage in any earth moving operation that disturbs a total surface area of 0.10 acre or more, without first obtaining a permit from the Control Officer. This requirement for a permit shall apply to all such activities conducted for commercial, industrial, or institutional purposes or conducted by any governmental entity. The property owner, lessee, developer, or general/prime contractor will be responsible for acquiring the permit. Permits shall not be required for earth moving operations for emergency repair of utilities, paved roads, unpaved roads, shoulders, and/or alleys. A~~ Dust Control permit shall be required before a person, including but not limited to, the property owner, lessee, developer, responsible official, Dust Control permit applicant (who may also be the responsible party contracting to do the work), general contractor, prime contractor, supervisor, or any person who owns, leases, operates, controls, or supervises a dust generating operation subject to the requirements of Rule 310-Fugitive Dust of these rules, causes, commences, suffers, allows, or engages in any dust generating operation that disturbs a total surface area of 0.10 acre (4,356 square feet) or more. The provisions of Rule 310-Fugitive Dust of these rules shall apply to Dust Control permits, except as otherwise provided in Rule 310 of these rules.

~~305.1 Application: The applicant shall file an application, which includes an 8½" x 11" site map showing all linear dimensions, and shall submit a control plan as described in Rule 310 of these rules.~~

~~305.2 Annual Block Permit: Any person responsible for more than one earth moving operation consisting of routine operation, maintenance, and expansion or extension of utilities, paved roads, unpaved roads, road shoulders and/or alleys, and public right of ways at non-contiguous sites may submit one permit application covering multiple sites at which construction will commence within 12 months of permit issuance provided that:~~

- a. ~~The control plan as described in Rule 310 of these rules applies to all sites; and~~

- b. ~~The applicant submits a list of all sites, including the location and size of each site, with the application; and~~
- e. ~~For any project not listed in the application, the applicant notifies the Control Officer in writing at least three working days prior to commencing the earth moving operation. The notice shall include the site location, size, type of activity, and start date.~~

~~305.3 Action On Permit Application: The Control Officer shall take final action on an earth moving permit application within 14 calendar days of the filing of the completed application. The Control Officer shall notify the applicant in writing of his approval or denial.~~

~~305.4 Permit Term: Earth Moving permits issued pursuant to this rule shall be issued for a period of one year from the date of issuance.~~

~~305.5 Permit Renewal: Earth Moving permits shall be renewed annually should the project last longer than one year from the date the permit was issued. Applications for permit renewal shall be submitted to the Control Officer at least 14 calendar days prior to the expiration date of the original permit.~~

306 **SUBCONTRACTOR REGISTRATION:** A subcontractor subject to Rule 310-Fugitive Dust of these rules shall register with the Control Officer by submitting information in the manner and form prescribed by the Control Officer. The Control Officer shall issue a registration number to such subcontractor after payment of the registration fee has been received by the Control Officer. The subcontractor shall have the registration number visible while conducting any dust generating operation. The provisions of Rule 310-Fugitive Dust of these rules shall apply to subcontractor registration, except as otherwise provided in Rule 310 of these rules.

306 **307** **PERMIT TO BURN:** A permit is required for any open outdoor fire authorized under the exceptions in ARS 49-501 or Rule 314 of these rules.

307 **308** **EXEMPTIONS:** Notwithstanding Sections 301, 302, and 303 of this rule, the following sources shall not require a permit, unless the source is a major source, or unless operation without a permit would result in a violation of the Act:

307.1 **308.1** Sources subject to 40 CFR 60, Subpart AAA, Standards of Performance for New Residential Wood Heaters.

307.2 **308.2** Sources and source categories that would be required to obtain a permit solely because they are subject to 40 CFR 61.145.

307.3 **308.3** Agricultural equipment used in normal farm operations. Agricultural equipment used in normal farm operations, for the purposes of this rule, does not include equipment that would be classified as a source that would require a permit under Title V of the Act, or would be subject to a standard under 40 CFR parts 60 or 61.

308 **309** **STANDARDS FOR APPLICATIONS:** All permit applications shall be filed in the manner and form prescribed by the Control Officer. The application shall contain all the information necessary to enable the Control Officer to make the determination to grant or to deny a permit or permit revision, which shall contain such terms and conditions as the Control Officer deems necessary to assure a source's compliance with the requirements of these rules. The issuance of any permit or permit revision shall not relieve the owner or operator from compliance with any Federal laws, Arizona

laws, or these rules, nor does any other law, regulation or permit relieve the owner or operator from obtaining a permit or permit revision required under these rules.

308.1

309.1 Insignificant Activities:

- a. Rather than supplying detailed information, a Title V source may, in its permit application, list and generally group insignificant activities, which are defined in Rule 100-General Provisions And Definitions of these rules and which are listed in Appendix D-List Of Insignificant Activities of these rules.
- b. A Non-Title V source is not required to list nor to describe, in a permit application, insignificant activities, which are defined in Rule 100-General Provisions And Definitions of these rules and which are listed in Appendix D-List Of Insignificant Activities of these rules. If a Non-Title V source's emissions are approaching an applicable requirement, including but not limited to best available control technology (BACT) requirements or major source status, then such Non-Title V source may be required by Maricopa County to include, in a permit application, a description of its insignificant activities and emissions calculations for such insignificant activities.
- c. An activity, process, or emissions unit that is not included in Appendix D-List Of Insignificant Activities of these rules may be considered an insignificant activity if it meets the definition of insignificant activity in Rule 100-General Provisions And Definitions of these rules and is approved by the Control Officer and the Administrator of the Environmental Protection Agency (EPA). A source may request approval for the classification of an activity as insignificant by including such a request in its permit application, along with justification that such activity meets the definition of insignificant activity in Rule 100-General Provisions And Definitions of these rules.
- d. An application may not omit information regarding insignificant activities that is needed to determine: (1) the applicability of or to impose any applicable requirement; (2) whether the source is in compliance with applicable requirements; or (3) the fee amount required under these rules. In such cases, emissions calculations or other necessary information shall be included in the application.

308.2

309.2 Trivial Activities:

- a. A Title V source is not required, in a permit application, to list trivial activities, to describe trivial activities, nor to include the emissions from trivial activities, which are defined in Rule 100-General Provisions And Definitions of these rules and which are listed in Appendix E-List Of Trivial Activities of these rules.
- b. A Non-Title V source is not required, in a permit application, to list trivial activities, to describe trivial activities, nor to include the emissions from trivial activities, which are defined in Rule 100-General Provisions And Definitions of these rules and which are listed in Appendix E-List Of Trivial Activities of these rules.
- c. An activity that is not included in Appendix E-List Of Trivial Activities of these rules may be considered a trivial activity, if such activity meets the definition of trivial activity in Rule 100-General Provisions And Definitions of these rules.

309

310

PERMIT CONDITIONS: The Control Officer may impose any permit conditions that are necessary to ensure compliance with Federal laws, Arizona laws, or these rules.

- ~~309.1~~ **310.1** The Control Officer may require, as specified in ~~subsection 309.2 and subsection 309.3~~ Section 310.2 and Section 310.3 of this rule, any source of regulated air pollutants to monitor, sample, or perform other studies to quantify emissions of regulated air pollutants or levels of air pollution that may reasonably be attributable to that source, if the Control Officer:
- a. Determines that monitoring, sampling, or other studies are necessary to determine the effects of the source on levels of air pollution; or
 - b. Has reasonable cause to believe a violation of this rule, rules adopted pursuant to this rule, or a permit issued pursuant to this rule has been committed; or
 - c. Determines that those studies or data are necessary to accomplish the purposes of this rule and that the monitoring, sampling, or other studies by the source are necessary in order to assess the impact of the source on the emission of regulated air contaminants.
- ~~309.2~~ **310.2** The Control Officer may require a source of air contaminants, by permit or order, to perform monitoring, sampling, or other quantification of its emissions or air pollution that may reasonably be attributed to such a source. Before requiring such monitoring, sampling, or other quantification by permit or order, the Control Officer shall consider the relative cost and accuracy of any alternatives which may be reasonable under the circumstances such as emission factors, modeling, mass balance analyses, or emissions projections. The Control Officer may require such monitoring, sampling, or other quantification by permit or order if the Control Officer determines in writing that all of the following conditions are met:
- a. The actual or potential emissions of air pollution may adversely affect public health or the environment.
 - b. An adequate scientific basis for the monitoring, sampling, or quantification method exists.
 - c. The monitoring, sampling, or quantification method is technically feasible for the subject contaminant and the source.
 - d. The monitoring, sampling, or quantification method is reasonably accurate.
 - e. The cost of the method is reasonable in light of the use to be made of the data.
- ~~309.3~~ **310.3** Orders issued or permit conditions imposed pursuant to this rule shall be appealable to the hearing board in the same manner as that prescribed for orders of abatement in ARS §49-489 and ARS §49-490 and for permit conditions in ARS §49-482.
- ~~310~~ **311** **PROHIBITION - PERMIT MODIFICATION:** A person shall not willfully deface, alter, forge, counterfeit, or falsify any permit issued under the provisions of these rules.
- ~~311~~ **312** **PERMIT POSTING REQUIRED:** Any person who has been granted a permit shall keep a complete permit clearly visible and accessible on the site where the equipment is installed. All equipment covered by the permit shall be listed in the permit by a serial number or other equipment identification symbol and shall be identified on a plant diagram.
- ~~312~~ **313** **TRANSITION FROM INSTALLATION AND OPERATING PERMIT PROGRAM TO UNITARY PERMIT PROGRAM:**

- ~~312.1~~ **313.1 Sources With A Valid Installation, Operating, Or Conditional Permit:** A valid installation permit or operating permit issued by the Control Officer or a valid conditional permit issued by the hearing board before September 1, 1993, and the authority to operate as provided in Laws 1992, Chapter 299, Section 65, continue in effect until any of the following occurs:
- a. The Control Officer revokes an installation permit.
 - b. The Control Officer issues or denies a Title V permit or a Non-Title V permit to the source.
 - c. The hearing board revokes or modifies a conditional permit or the conditional permit expires. A source operating under a valid conditional permit may continue to operate in accordance with the terms and conditions of such permit after the expiration of the conditional permit if, at least 30 days prior to the expiration of the conditional permit, the source submits an application to the Control Officer for a Title V permit as described in ~~Section 312.2~~ Section 313.2 of this rule or for a Non-Title V permit as described in ~~Section 312.3~~ Section 313.3 of this rule.
- ~~312.2~~ **313.2 Title V Sources With An Installation, Operating, Or Conditional Permit:** Following November 29, 1996, the effective date of the Environmental Protection Agency's (EPA's) final interim approval of Maricopa County's Title V permit program, a source becomes subject to the requirements of the Title V permit program, when the source meets the applicability requirements as provided in this rule. Sources which hold a valid installation, operating, or conditional permit and require a Title V permit shall comply with the following provisions:
- a. The owner or operator of the source shall submit a permit application within 180 days of receipt of written notice from the Control Officer that an application is required or 12 months after the source becomes subject to the requirements of Title V of the Act and the permit requirements of these rules, whichever is earlier.
 - b. Any source, which has not yet submitted a Title V permit application, that wishes to make any source change not requiring a permit, an administrative permit revision, a minor permit revision, or a significant permit revision shall comply with the applicable provisions of Rule 210 of these rules.
- ~~312.3~~ **313.3 Non-Title V Sources With An Installation, Operating, Or Conditional Permit:** Sources requiring a Non-Title V permit in existence on the date these rules become effective which hold a valid installation, operating, or conditional permit shall comply with the following provisions:
- a. All sources shall submit a permit application to the Control Officer within 90 days of receipt of written notice from the Control Officer that an application is required.
 - b. Any source that wishes to make any source change not requiring a permit, an administrative permit revision, a minor permit revision, or a non-minor permit revision shall comply with the applicable provisions of Rule 220 of these rules.
- ~~312.4~~ **313.4 Written Notice:** For purposes of this subsection, written notice shall include, but not be limited to, a written warning, notice of violation, or order issued by the Control Officer for constructing or operating an emission source without a permit. Such a source shall be considered to be in violation of these rules on each day of operation or each day during which construction continues, until a permit is granted.

~~312.5~~

313.5 Sources Not Under Permit:

- a. All sources not in existence prior to the effective date of these rules shall first submit to the Control Officer an air quality permit application for the entire source and shall have been issued an air quality permit before commencing construction of such source.
- b. All sources in existence on the date these rules become effective and not holding a valid installation permit and/or a valid operating permit issued by the Control Officer, which have not applied for a Non-Title V permit pursuant to these rules, shall submit to the Control Officer a permit application for the entire source.
- c. All sources in existence on the date these rules become effective and not holding a valid installation permit and/or a valid operating permit issued by the Control Officer, which have not applied for a Title V permit pursuant to these rules, shall submit to the Control Officer a Title V permit application no more than 12 months after becoming subject to Title V permit requirements.

~~312.6~~

313.6 Sources Which Currently Have An Installation Or Operating Permit:

- a. For sources in existence on the date these rules become effective holding a valid installation permit and/or a valid operating permit issued by the Control Officer, the Control Officer may establish a phased schedule for acting on permit applications received within the first full year after the source becomes subject to obtaining a Title V or a Non-Title V permit under these rules. The schedule shall assure that at least one-third of such applications will be acted on annually over a period not to exceed three years after such effective date. Based on this schedule, the Control Officer shall review a completed application in accordance with the provisions of these rules and shall issue or deny the applicable permit within 18 months after the receipt of the completed application.
- b. Any application for an installation permit or an operating permit that is determined to be complete prior to the effective date of these rules but for which no permit has been issued shall be considered complete for the purposes of this section. In issuing a permit pursuant to such an application, the Control Officer shall include in the permit all elements addressed in the application and a schedule of compliance for submitting an application for a permit revision to address the elements required to be in the permit that were not included in the operating permit application or in the installation permit application. No later than six months after the effective date of these rules, the Control Officer shall take final action on an operating permit application or on an installation permit application determined to be complete prior to the effective date of these rules.

~~313~~

314 ACCELERATED PERMITTING:

~~313.1~~

314.1 Notwithstanding any other provisions of these rules, the following qualify a source for a request-submittal for accelerated processing: an application for a Title V permit or for a Non-Title V permit; any permit revision; and any coverage under a general permit. Such a request-submittal shall be submitted in writing to the Control Officer at least 30 days in advance of filing the application and shall be accompanied by fees as described in Rule 280 of these rules.

~~313.2~~

314.2 When an applicant has requested accelerated permit processing, the Control Officer may, to the extent practicable, undertake to process the permit or permit revision in accordance with the following schedule:

- a. For applications for initial Title V and Non-Title V permits under Rules 210 and 220 of these rules, for significant permit revisions under Rule 210 of these rules, or for non-minor permit revisions under Rule 220 of these rules, final action on the permit or on the permit revision shall be taken within 90 days or after the Control Officer determines that the application is complete for a Non-Title V source and within 120 days after the Control Officer determines that the application is complete for a Title V source. Except for a new major source or a major modification subject to the requirements of Rule 240 of these rules, an application for a new permit, a significant permit revision, or a permit renewal shall be deemed to be complete unless the Control Officer notifies the applicant by certified mail within 30 days of receipt of the application that the application is not complete.
- b. For applications for coverage under a general permit under Rule 230 of these rules, final action shall be taken within 30 days after receipt of the application.
- c. For minor permit revisions governed by Rule 210 of these rules and Rule 220 of these rules, the permit revision shall be issued within 60 days after receipt of the application.

~~313.3~~

314.3 Before issuing a permit or permit revision pursuant to this section, the applicant shall pay to the Control Officer all fees due as described in Rule 280 of these rules. Nothing in this section shall affect the public participation requirements of Rules 210 or 220 of these rules, or EPA and affected state review as required under Rule 210 of these rules.

SECTION 400 - ADMINISTRATIVE REQUIREMENTS

401 APPROVAL OR DENIAL OF PERMIT OR PERMIT REVISION:

- 401.1 The Control Officer shall deny a permit or revision if the applicant does not demonstrate that every such source for which a permit or permit revision is sought is so designed, controlled, or equipped with such air pollution control equipment that the source may be expected to operate without emitting or without causing to be emitted air contaminants in violation of the provisions of these rules.
- 401.2 Prior to acting on an application for a permit, the Control Officer may require the applicant to provide and to maintain such devices and procedures as are necessary for sampling and for testing purposes in order to secure information that will disclose the nature, extent, quantity, or degree of air contaminants discharged into the atmosphere from the source described in the application. In the event of such a requirement, the Control Officer shall notify the applicant in writing of the type and characteristics of such devices and procedures.
- 401.3 In acting upon an application for a permit renewal, if the Control Officer finds that such source has not been constructed in accordance with any prior permit or revision issued pursuant to ARS §49-480.01, the Control Officer shall require the permittee to obtain a permit revision or shall deny the permit renewal. The Control Officer shall not accept any further application for a permit for such source so constructed until the Control Officer finds that such source has been reconstructed in accordance with a prior permit or a revision, or until a revision to the permit has been obtained. The Control Officer may issue a permit with a compliance schedule for a source that is not in compliance with all applicable requirements at the time of permit issuance.

401.4 After a decision on a permit or on a permit revision, the Control Officer shall notify the applicant and any person who filed a comment on the permit pursuant to ARS §49-480 or on the permit revision pursuant to ARS §49-480.01 in writing of the decision, and if the permit is denied, the reasons for such denial. Service of this notification may be made in person or by first class mail. The Control Officer shall not accept a further application unless the applicant has corrected the circumstances giving rise to the objections as specified by the Control Officer as reasons for such denial.

402 PERMIT REOPENINGS; REVOCATION AND REISSUANCE; TERMINATION:

402.1 Reopening For Cause:

- a. Each issued permit shall include provisions specifying the conditions under which the permit will be reopened prior to the expiration of the permit. A permit shall be reopened and revised under any of the following circumstances:
 - (1) Additional applicable requirements under the Act become applicable to a major source with a remaining permit term of three or more years. Such a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to Section 403.2 of this rule. Any permit revision required pursuant to this rule shall comply with Section 403 of this rule for a permit renewal and shall reset the five year permit term.
 - (2) Additional requirements, including excess emissions requirements, become applicable to an affected source under the acid rain program. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the Title V permit.
 - (3) The Control Officer or the Administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
 - (4) The Control Officer or the Administrator determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
- b. Proceedings to reopen and issue a permit, including appeal of any final action relating to a permit reopening, shall follow the same procedures as apply to initial permit issuance and shall, except for reopenings under Section 402.1a(1) of this rule, affect only those parts of the permit for which cause to reopen exists. Such reopening shall be made as expeditiously as is practicable.
- c. Action to reopen a permit under this section shall not be initiated before a notice of such intent is provided to the source by the Control Officer at least 30 days in advance of the date that the permit is to be reopened, except that the Control Officer may provide a shorter time period in the case of an emergency.
- d. When a permit is reopened and revised pursuant to this rule, the Control Officer may make appropriate revisions to the permit shield established pursuant to Rule 210 of these rules.

402.2 Reopening For Cause By The Administrator:

- a. If the Administrator finds that cause exists to terminate, modify, or revoke and reissue a permit pursuant to Section 402.1 of this rule, the Administrator may notify the Control Officer and the permittee of such finding in writing. Within ten days of receipt of notice from the Administrator that cause exists to reopen a Title V permit, the Control Officer shall notify the source.
- b. Within 90 days of receipt of notice from the Administrator that cause exists to reopen a permit, the Control Officer shall forward to the Administrator a proposed determination of termination, modification, or revocation and reissuance of the permit. The Control Officer may request a 90 day extension of this limit if it is necessary to request a new or revised permit application or additional information from the applicant for, or holder of, a Title V permit.
- c. The Control Officer shall have 90 days from receipt of an objection by the Administrator to attempt to resolve the objection.

403 PERMIT RENEWAL AND EXPIRATION:

- 403.1** Prior to renewing a permit issued under these rules, the Control Officer shall provide notice in the same manner and form as provided in Rule 210 of these rules.
- 403.2** The Control Officer shall not renew a permit issued under these rules unless the permittee applies for a permit renewal prior to the expiration of a permit in the manner required by Rule 210 of these rules. If a timely and complete application for a permit renewal is submitted, but the Control Officer has failed to issue or deny the renewal permit before the end of the term of the previous permit, then the permit shall not expire until the renewal permit has been issued or denied. Any testing that is required for a renewal shall be completed before the proposed permit renewal is issued by the Control Officer.
- 403.3** The Control Officer shall publish notice of a permit renewal decision in the same manner as that provided in Rule 210 of these rules for a Title V permit and as that provided in Rule 220 of these rules for a Non-Title V permit.

404 PERMIT TRANSFERS:

- 404.1** Except as provided in ARS §49-429 and Section 404.2 of this rule, a Title V permit, a Non-Title V permit, or a General permit may be transferred to another person. Before the proposed transfer, the person who holds a valid Non-Title V permit or a valid General permit shall comply with the administrative permit revision procedures pursuant to Rule 220, Section 405.1 of these rules. At least 30 days before the proposed transfer, the person who holds a valid Title V permit shall give notice to the Control Officer in writing and shall comply with the administrative permit amendment procedures pursuant to Rule 210, Section 404 of these rules. Permit transfer notice shall contain the following:
- a. The permit number and expiration date.
 - b. The name, address and telephone number of the current permit holder.
 - c. The name, address and telephone number of the person to receive the permit.

- d. The name and title of the individual within the organization who is accepting responsibility for the permit along with a signed statement by that person indicating such acceptance.
- e. A description of the equipment to be transferred.
- f. A written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee.
- g. Provisions for the payment of any fees pursuant to Rule 280 of these rules that will be due and payable before the effective date of transfer.
- h. Sufficient information about the source's technical and financial capabilities of operating the source to allow the Control Officer to make the decision in Section 404.2 of this rule including:
 - (1) The qualifications of each person principally responsible for the operation of the source.
 - (2) A statement by the chief financial officer of the new permittee that it is financially capable of operating the source in compliance with the law, and the information that provides the basis for that statement.
 - (3) A brief description of any action for the enforcement of any federal or state law, rule or regulation, or any county, city or local government ordinance relating to the protection of the environment, instituted against any person employed by the new permittee and principally responsible for operating the source during the five years preceding the date of application. In lieu of this description, the new permittee may submit a copy of the certificate of disclosure or 10-K form required under ARS §49-109, or a statement that this information has been filed in compliance with ARS §49-109.

404.2 The Control Officer shall deny the transfer if the Control Officer determines that the organization receiving the permit is not capable of operating the source in compliance with Article 3, Chapter 3, Title 49, Arizona Revised Statutes, the provisions of these rules, or the provisions of the permit. Notice of the denial stating the reason for the denial shall be sent to the original permit holder by certified mail stating the reason for the denial within ten working days of the Control Officer's receipt of the application. If the transfer is not denied within ten working days after receipt of the notice, the Control Officer shall approve such permit transfer.

404.3 To appeal the transfer denial:

- a. Both the transferor and transferee shall petition the hearing board in writing for a public hearing; and
- b. The appeal process for a permit shall be followed.

405 PERMITS CONTAINING THE TERMS AND CONDITIONS OF FEDERAL DELAYED COMPLIANCE ORDERS (DCO) OR CONSENT DECREES:

405.1 The terms and conditions of either a DCO or consent decree shall be incorporated into a permit through a permit revision. In the event the permit expires prior to the expiration of

the DCO or consent decree, the DCO or consent decree shall be incorporated into any permit renewal.

405.2 The owner or operator of a source subject to a DCO or consent decree shall submit to the Control Officer a quarterly report of the status of the source and construction progress and copies of any reports to the Administrator required under the order or decree. The Control Officer may require additional reporting requirements and conditions in permits issued under this rule.

405.3 For the purpose of this rule, sources subject to a consent decree issued by a federal court shall meet the same requirements as those subject to a DCO.

406 **APPEAL:** Denial or revocation of a permit shall be stayed by the permittee's written petition for a hearing, filed in accordance with Rule 400 of these rules.

407 **AIR QUALITY IMPACT MODELS:**

407.1 Where the Control Officer requires a person to perform air quality impact modeling, the modeling shall be performed in a manner consistent with 40 CFR 51, Appendix W, "Guideline On Air quality Models", as of July 1, 2004 (and no future amendments or additions), which shall be referred to hereinafter as "Guideline", and is adopted by reference.

407.2 **Model Substitution:** Where the person can demonstrate that an air quality impact model specified in the guideline is inappropriate, the model may be modified or another model substituted. However, before such modification or substitution can occur, the Control Officer must make a written finding that:

- a. No model in the guideline is appropriate; or
- b. The data base required for the appropriate model in the guideline is not available; and
- c. A model proposed as a substitute or modification is likely to produce results equal or superior to those obtained by models in the guideline.

408 **TESTING PROCEDURES:** Except as otherwise specified, the applicable testing procedures contained in the Arizona Testing Manual for Air Pollutant Emissions shall be used to determine compliance with standards or permit conditions established pursuant to these rules.

409 **PERMIT FEES:** A fee shall be charged for each facility. No permit is valid until the applicable permit fee has been received and until the permit is issued by the Control Officer.

410 **PORTABLE SOURCES:**

410.1 An owner or operator of a portable source which will operate for the duration of its permit solely in Maricopa County shall obtain a permit from the Control Officer for Maricopa County and is subject to Sections 410.2, 410.3, and 410.4 of this rule. A portable source with a current State of Arizona permit need not obtain a Maricopa County permit but is subject to Sections 410.3, 410.4, and 410.5 of this rule. Any permit for a portable source shall contain conditions that will assure compliance with all applicable requirements at all authorized locations.

410.2 An owner or operator of a portable source, which has a Maricopa County permit but proposes to operate outside of Maricopa County, shall obtain a permit from the Director.

Upon issuance of a permit by the Director, the Control Officer shall terminate the Maricopa County permit for that source. If the owner or operator relocates the portable source in Maricopa County, the owner or operator shall notify the Control Officer as required by Section 410.4 of this rule of the relocation of the portable source. Whenever the owner or operator of a portable source operates a portable source in Maricopa County, such owner or operator shall comply with all regulatory requirements in these rules.

410.3 An owner of a portable source, which requires a permit under this rule, shall obtain the permit prior to renting or leasing said portable source. This permit shall be provided by the owner to the renter or lessee, and the renter or lessee shall be bound by the permit provisions. In the event a copy of the permit is not provided to the renter or lessee, both the owner and the renter or lessee shall be responsible for the operation of the portable source in compliance with the permit conditions and any violations thereof.

410.4 A portable source may be transported from one location to another within or across Maricopa County boundaries provided the owner or operator of such portable source notifies the Director and any Control Officer who has jurisdiction over the geographic area that includes the new location of the portable source by certified mail at least ten working days before the portable source is transported to the new location. The notification required under this rule shall include:

- a. A description of the portable source to be transported including the Maricopa County permit number or the State of Arizona permit number for such portable source;
- b. A description of the present location;
- c. A description of the location to which the portable source is to be transported, including the availability of all utilities, such as water and electricity, necessary for the proper operation of all control equipment;
- d. The date on which the portable source is to be moved;
- e. The date on which operation of the portable source will begin at the new location; and
- f. The duration of operation at the new location.

410.5 An owner or operator of a portable source with a current State of Arizona permit that moves such portable source into Maricopa County shall notify the Control Officer that such portable source is being transported to a new location and shall include in such notification a copy of the State of Arizona permit and a copy of any conditions imposed by the State of Arizona permit. The source shall be subject to all regulatory requirements of these rules.

411 PUBLIC RECORDS; CONFIDENTIALITY:

411.1 The Control Officer shall make all permits, including all elements required to be in the permit pursuant to Rule 210 of these rules and Rule 220 of these rules available to the public.

411.2 A notice of confidentiality pursuant to ARS §49-487(c) shall:

- a. Precisely identify the information in the application documents, which is considered confidential.

Draft Rule 200 - May 17, 2007

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- b.** Contain sufficient supporting information to allow the Control Officer to evaluate whether such information satisfies the requirements related to trade secrets or, if applicable, how the information, if disclosed, could cause substantial harm to the person's competitive position.

411.3 Within 30 days of receipt of a notice of confidentiality that complies with Section 411.2 of this rule, the Control Officer shall make a determination as to whether the information satisfies the requirements for trade secret or competitive position pursuant to ARS §49-487(C)(1) and so notify the applicant in writing. If the Control Officer agrees with the applicant that the information covered by the notice of confidentiality satisfies the statutory requirements, the Control Officer shall include a notice in the administrative record of the permit application that certain information has been considered confidential.

SECTION 500 - MONITORING AND RECORDS (NOT APPLICABLE)

**REGULATION III - CONTROL OF AIR CONTAMINANTS
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**MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS
REGULATION III - CONTROL OF AIR CONTAMINANTS**

**RULE 300
VISIBLE EMISSIONS**

SECTION 100 - GENERAL

- 101 PURPOSE:** To limit the emission of air contaminants into the ambient air by establishing standards for visible emissions and opacity.
- 102 APPLICABILITY:** This rule applies to visible emissions from sources for which no source-specific opacity requirements apply. Exceptions to this rule are described in Section 302 of this rule.

SECTION 200 - DEFINITIONS: For the purpose of this rule, the following definitions shall apply:

- 201 INTERMITTENT SOURCE** - A source which causes or discharges visible emissions for a duration of less than 6 consecutive minutes.
- 202 OPACITY** - A condition of the ambient air, or any part thereof, in which an air contaminant partially or wholly obscures the view of an observer.
- 203 PERCENT OPACITY** - The degree to which an effluent plume or any other emission of air contaminants obscures the transmission of light expressed as a percentage.
- 204 SHUTDOWN** - The cessation of operation of any air pollution control equipment and/or process equipment for any purpose, except routine phasing out of process equipment.
- 205 STARTUP** - The setting into operation of any air pollution control equipment and/or process equipment for any purpose, except routine phasing in of process equipment.
- 206 UNCOMBINED WATER** - Condensed water containing no more than analytical trace amounts of other chemical elements or compounds.

SECTION 300 - STANDARDS

- 301 LIMITATIONS - OPACITY/GENERAL:** ~~No person shall discharge into the ambient air from any single source of emissions any air contaminant, other than uncombined water, in excess of 20% opacity.~~

301.1 No person shall discharge into the ambient air, from any single source of emissions, any air contaminant, other than uncombined water, in excess of 20% opacity.

301.2 No person shall discharge into the ambient air, from any single source of emissions, any air contaminant that remains visible in the atmosphere beyond the property line.

302 EXCEPTIONS:

- 302.1 Charging Electric Arc Furnaces:** When charging or back-charging any electric arc furnace for which construction commenced prior to February 2, 1963, a person may discharge air contaminants, other than uncombined water, in excess of the applicable opacity limit in Section 301 of this rule for no more

than an aggregate of 3 minutes in any 45 minute period; however, visible emissions resulting from such discharge of air contaminants shall not exceed 40% opacity.

302.2 Emergency Diesel Generators (EDGs) And Equipment: When emergency diesel generators (EDGs) and equipment must run for safety reasons and/or for safety and operational tests to meet the requirements legally imposed by the Nuclear Regulatory Commission, a person may discharge air contaminants, other than uncombined water, in excess of the applicable opacity limit in Section 301 of this rule. Any discharge of air contaminants, other than uncombined water, in excess of the opacity limit in Section 301 of this rule should not contribute to a violation of the national ambient air quality standard.

302.3 Firing Of Ordnance At Test Facilities: Visible emissions exceeding the opacity standards for short periods of time resulting from firing test rounds in enclosed bunkers at ordnance test facilities which do not exceed 6 minutes in length shall not constitute a violation of Section 301 of this rule.

302.4 Opacity Training: Equipment or processes used to train individuals in opacity observations shall be exempt from opacity standards during the preparation for and/or during the actual training session(s).

SECTION 400 – ADMINISTRATIVE REQUIREMENTS (NOT APPLICABLE)

SECTION 500 - MONITORING AND RECORDS

501 COMPLIANCE DETERMINATION - OPACITY: Opacity shall be determined by observations of visible emissions conducted in accordance with EPA Reference Method 9, except as provided in Section 502 of this rule.

502 COMPLIANCE DETERMINATION - OPACITY OF VISIBLE EMISSIONS FROM INTERMITTENT SOURCES: Opacity of visible emissions from intermittent sources shall be ~~determined by observations of visible emissions conducted in accordance with EPA Reference Method 9, except that at least 12 rather than 24 consecutive readings shall be required at 15 second intervals for the averaging time.~~ conducted in accordance with the test methods described in Appendix C-Fugitive Dust Test Methods of these rules.

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**MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS
REGULATION III - CONTROL OF AIR CONTAMINANTS
RULE 310
FUGITIVE DUST**

SECTION 100 - GENERAL

101 **PURPOSE:** ~~To limit particulate matter emissions into the ambient air from any property, operation or activity that may serve as a fugitive dust source. The effect of this rule shall be to minimize the amount of PM₁₀ entrained into the ambient air as a result of the impact of human activities by requiring measures to prevent, reduce, or mitigate particulate matter emissions. The purpose of Rule 310-Fugitive Dust of these rules is:~~

101.1 To limit the emission of fugitive dust into the ambient air by preventing, controlling, and mitigating fugitive dust from dust generating operations; and

101.2 To establish control measures and standards for Maricopa County, define reasonable precautions for the prevention and control of fugitive dust from all dust generating operations, and establish thresholds for enforcement of these standards.

102 **APPLICABILITY:** The provisions of this rule shall apply to all dust generating operations that are conducted in Maricopa County, except for those dust generating operations listed in Section 103 of this rule.

103 **EXEMPTIONS:** ~~The following are exempt from the requirements of this rule: normal farm cultural practices under Arizona Revised Statutes (ARS) §49-457 and §49-504.4, and open areas, vacant lots, unpaved parking lots, and unpaved roadways that are not located at sources that require any permit under these rules. The provisions of this rule shall not apply to the following activities:~~

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

103.2 The provisions of this rule shall not apply to non-traditional sources of fugitive dust. Non-traditional sources of fugitive dust are subject to the standards and/or requirements described in Rule 310.01-Non-Traditional Sources Of Fugitive Dust of these rules.

SECTION 200 - DEFINITIONS: For the purpose of this rule, the following definitions shall apply. See Rule 100-General Provisions And Definitions of these rules for definitions of terms that are used but not specifically defined in this rule.

201 **AREA ACCESSIBLE TO THE PUBLIC** – Any ~~retail~~ parking lot or public roadway that is open to public travel primarily for purposes unrelated to the dust generating operation.

202 **BULK MATERIAL** - Any material, including, but not limited to, the following materials ~~earth, rock, silt, sediment, sand, gravel, soil, fill, aggregate less than 2 inches in length or diameter (i.e., aggregate base course (ABC)), earth, soil, dirt, mud, demolition debris, cotton, trash, cinders, pumice, rock, saw dust, feeds, grains, fertilizers, fluff (from shredders), and dry concrete, that are capable of producing fugitive dust.;~~

- 202.1 Earth
- 202.2 Rock
- 202.3 Silt
- 202.4 Sediment
- 202.5 Sand
- 202.6 Gravel
- 202.7 Soil
- 202.8 Fill
- 202.9 Aggregate less than 2 inches in length or diameter (i.e., aggregate base course (ABC))
- 202.10 Dirt
- 202.11 Mud
- 202.12 Demolition debris
- 202.13 Cotton
- 202.14 Trash
- 202.15 Cinders
- 202.16 Pumice
- 202.17 Saw dust
- 202.18 Feeds
- 202.19 Grains
- 202.20 Fertilizers
- 202.21 Fluff from shredders
- 202.22 Dry concrete

- 203 BULK MATERIAL HANDLING, STORAGE, AND/OR TRANSPORTING OPERATION -**
The use of equipment, haul trucks, and/or motor vehicles, including, but not limited to, for the following activities ~~the loading, unloading, conveying, transporting, piling, stacking, screening, grading, or moving of bulk materials~~, that are capable of producing fugitive dust:

- 203.1 Loading
- 203.2 Unloading
- 203.3 Conveying
- 203.4 Transporting
- 203.5 Piling
- 203.6 Stacking
- 203.7 Screening
- 203.8 Grading
- 203.9 Moving bulk materials

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

- 204.1 Curbing;
- 204.2 Paving;
- 204.3 ~~Pre-wetting~~ Pre-watering;
- 204.4 Applying dust suppressants;
- 204.5 Physically stabilizing with vegetation, gravel, recrushed/recycled asphalt or other forms of physical stabilization;
- 204.6 Limiting, restricting, phasing and/or rerouting motor vehicle access;
- 204.7 Reducing vehicle speeds and/or number of vehicle trips;
- 204.8 Limiting use of off-road vehicles on open areas and vacant lots;
- 204.9 Utilizing work practices and/or structural provisions to prevent wind and water erosion onto paved areas accessible to the public;
- 204.10 Appropriately using dust control implements;
- 204.11 Installing one or more grizzlies, gravel pads, and/or wash down pads adjacent to the entrance of a paved area accessible to the public to control carry-out and trackout;
- 204.12 Keeping open-bodied haul trucks in good repair, so that spillage may not occur from beds, sidewalls, and tailgates; and

- 204.13** Covering the cargo beds of haul trucks to minimize wind-blown dust emissions and spillage.
- 205** **DISTURBED SURFACE AREA** – A portion of the earth's surface (or material placed thereupon) which has been physically moved, uncovered, destabilized, or otherwise modified from its undisturbed native condition, thereby increasing the potential for the emission of fugitive dust. For the purpose of this rule, an area is considered to be a disturbed surface area until the activity that caused the disturbance has been completed and the disturbed surface area meets the standards described in ~~Section 304~~ Section 302 and ~~Section 302~~ Section 303.21 of this rule.
- 206** **DUST CONTROL IMPLEMENT** – A tool, machine, equipment, accessory, structure, enclosure, cover, material or supply, including an adequate readily available supply of water and its associated distribution/delivery system, used to control fugitive dust emissions.
- 207** **DUST CONTROL PLAN** - A written plan describing all ~~fugitive dust~~ control measures to be implemented and maintained in order to prevent or minimize the generation, emission, entrainment, suspension, and/or airborne transport of fugitive dust.
- 208** **DUST GENERATING OPERATION** - Any activity capable of generating fugitive dust, including but not limited to, the following activities, land clearing, earthmoving, weed abatement by discing or blading, excavating, construction, demolition, bulk material handling, storage and/or transporting operations, vehicle use and movement, the operation of any outdoor equipment, or unpaved parking lots. For the purpose of this rule, landscape maintenance and playing on or maintaining a field used for non-motorized sports shall not be considered a dust generating operation. However, landscape maintenance shall not include grading, trenching, or any other mechanized surface disturbing activities performed to establish initial landscapes or to redesign existing landscapes.
- 208.1** Land clearing, maintenance, and land cleanup using machinery
- 208.2** Earthmoving
- 208.3** Weed abatement by discing or blading
- 208.4** Excavating
- 208.5** Soil or rock excavation or removal
- 208.6** Soil or rock hauling
- 208.7** Filling, compacting, stockpiling and grading
- 208.8** Explosive blasting
- 208.9** Abrasive blasting
- 208.10** Concrete, stone, and tile cutting
- 208.11** Mechanized trenching
- 208.12** Handling of building materials capable of entrainment in air (e.g., sand, cement powder)
- 208.13** Construction
- 208.14** Demolition
- 208.15** Bulk material handling
- 208.16** Storage and/or transporting operations
- 208.17** Vehicle use and movement
- 208.18** Operation of any outdoor equipment
- 208.19** Operation of motorized machinery
- 208.20** Driving vehicles on a site
- 208.21** Establishing and/or using staging areas, parking areas, material storage areas, or access routes to and from a site
- 208.22** Initial landscaping
- 209** **DUST SUPPRESSANT** – Water, hygroscopic material, solution of water and chemical surfactant, foam, non-toxic chemical stabilizer or any other dust palliative, which is not prohibited for ground surface application by the U.S. Environmental Protection Agency (EPA) or the Arizona Department of Environmental Quality (ADEQ) or any applicable law, rule, or regulation, as a treatment material for reducing fugitive dust emissions.

- 210 EARTHMOVING OPERATION** – The use of any equipment for an activity which may generate fugitive dust, such as but not limited to, the following activities: cutting and filling, grading, leveling, excavating, trenching, loading or unloading of bulk materials, demolishing, blasting, drilling, adding to or removing bulk materials from open storage piles, back filling, soil mulching, landfill operations, or weed abatement by discing or blading.
- 210.1** Cutting and filling
 - 210.2** Grading
 - 210.3** Leveling
 - 210.4** Excavating
 - 210.5** Trenching
 - 210.6** Loading or unloading of bulk materials
 - 210.7** Demolishing
 - 210.8** Blasting
 - 210.9** Drilling
 - 210.10** Adding bulk materials to or removing bulk materials from open storage piles
 - 210.11** Back filling
 - 210.12** Soil mulching
 - 210.13** Landfill operations
 - 210.14** Weed abatement by discing or blading
- 211** **END OF WORK DAY** - The end of a working period that may include one or more work shifts but not later than 8 pm.
- ~~211~~ **212** **FREEBOARD** – The vertical distance between the top edge of a cargo container area and the highest point at which the bulk material contacts the sides, front, and back of a cargo container area.
- ~~212~~ **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, the movement of soil, vehicles, equipment, blasting, and wind. For the purpose of this rule, fugitive dust does not include particulate matter emitted directly from the exhaust of motor vehicles and other internal combustion engines, from portable brazing, soldering, or welding equipment, and from piledrivers, and does not include emissions from process and combustion sources that are subject to other rules in Regulation III-Control Of Air Contaminants of these rules.
- ~~213~~ **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 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 be at least 30 feet wide, 50 feet long, and three inches deep.
- ~~214~~ **215** **GRIZZLY** – A device (i.e., rails, pipes, or grates) used to dislodge mud, dirt, and/or debris from the tires and undercarriage of motor vehicles and/or haul trucks prior to leaving the work site.
- ~~215~~ **216** **HAUL TRUCK** - Any fully or partially open-bodied self-propelled vehicle including any non-motorized attachments, such as, but not limited to, trailers or other conveyances that are connected to or propelled by the actual motorized portion of the vehicle used for transporting bulk materials.
- ~~216~~ **217** **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.
- 218** **NON-TRADITIONAL SOURCE OF FUGITIVE DUST** - A source of fugitive dust that is not subject to Rule 310-Fugitive Dust of these rules, including but not limited to the following:
- 218.1** Vehicle use in open areas and vacant lots
 - 218.2** Open areas and vacant lots

- 218.3 Unpaved parking lots
- 218.4 Unpaved roadways (including alleys)
- 218.5 Feedlots and/or livestock areas
- 218.6 Erosion-caused deposition of bulk materials onto paved surfaces
- 218.7 Easements, rights-of-way, and access roads for utilities (electricity, natural gas, oil, water, and gas transmission)

- ~~217~~ 219 **NORMAL FARM CULTURAL PRACTICE** – All activities by the owner, lessee, agent, independent contractor, and/or supplier conducted on any facility for the production of crops and/or nursery plants. Disturbances of the field surface caused by turning under stalks, tilling, leveling, planting, fertilizing, or harvesting are included in this definition.
- ~~218~~ 220 **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.
- ~~219~~ 221 **OPEN AREAS AND VACANT LOTS** - Any of the following described in ~~Section 219.4~~ Section 221.1 through Section 219.4 Section 221.4 of this rule. For the purpose of this rule, vacant portions of residential or commercial lots that are immediately adjacent and owned and/or operated by the same individual or entity are considered one open area or vacant lot.
- ~~219.1~~ 221.1 An unsubdivided or undeveloped tract of land adjoining a developed or partially developed residential, industrial, institutional, governmental, or commercial area.
- ~~219.2~~ 221.2 A subdivided residential, industrial, institutional, governmental, or commercial lot that contains no approved or permitted buildings or structures of a temporary or permanent nature.
- ~~219.3~~ 221.3 A partially developed residential, industrial, institutional, governmental, or commercial lot.
- ~~219.4~~ 221.4 A tract of land, in the nonattainment area, adjoining agricultural property.
- 222 **OPEN STORAGE PILE** - Any accumulation of bulk material with a 5% or greater silt content which in any one point attains a height of three feet and covers a total surface area of 150 square feet or more. Silt content shall be assumed to be 5% or greater unless a person can show, by testing in accordance with ASTM Method C136-96A or other equivalent method approved in writing by the Control Officer and the Administrator that the silt content is less than 5%.
- ~~220~~ 223 **OWNER AND/OR OPERATOR** – ~~The person responsible for obtaining an earthmoving permit under Rule 200, Section 305, including, but not limited to, the property owner, lessee, developer, responsible official, Dust Control permit applicant (who may also be the responsible party contracting to do the work), general contractor, prime contractor, or supervisor, or any person who owns, leases, operates, controls, or supervises a dust generating operation subject to the requirements of this rule.~~
- ~~221~~ 224 **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).
- ~~222~~ 225 **PUBLIC ROADWAYS** – Any roadways that are open to public travel.
- ~~223~~ 226 **ROUTINE** – Any dust generating operation which occurs more than 4 times per year or lasts 30 cumulative days or more per year.
- ~~224~~ 227 **SILT**– Any aggregate material with a particle size less than 75 micrometers in diameter, which passes through a No. 200 Sieve.

- 228 TARP -**
- 225 229 TRACKOUT/CARRYOUT** – Any and all bulk materials that adhere to and agglomerate on the surfaces of motor vehicles, haul trucks, and/or equipment (including tires) and that have fallen or been deposited onto a paved area accessible to the public.
- 226 230 TRACKOUT CONTROL DEVICE** - A gravel pad, grizzly, wheel wash system, or a paved area, located at the point of intersection of an unpaved area and a paved area accessible to the public that controls or prevents vehicular trackout.
- 227 231 UNPAVED HAUL/ACCESS ROAD** – Any on-site unpaved road used by commercial, industrial, institutional, and/or governmental traffic.
- 228 232 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.
- 229 233 UNPAVED ROAD** – Any road or equipment path that is not paved. For the purpose of this rule, an unpaved road is not a horse trail, hiking path, bicycle path, or other similar path used exclusively for purposes other than travel by motor vehicles.
- 230 234 URBAN OR SUBURBAN OPEN AREA** – The definition of urban or suburban open area is included in ~~Section 219~~ Section 221-Definition Of Open Areas And Vacant Lots of this rule.
- 231 235 VACANT LOT** – The definition of vacant lot is included in ~~Section 219~~ Section 221-Definition Of Open Areas And Vacant Lots of this rule.
- 232 236 VACANT PARCEL** – The definition of vacant parcel is included in ~~Section 219~~ Section 221-Definition Of Open Areas And Vacant Lots of this rule.
- 233 237 WIND-BLOWN DUST** - Visible emissions, from any disturbed surface area, that are generated by wind action alone.
- 234 238 WIND EVENT** – When the 60-minute average wind speed is greater than 25 miles per hour.
- 235 239 WORK SITE** – Any property upon which any dust generating operations ~~and/or earthmoving operations~~ occur.

SECTION 300 – STANDARDS

301 PERMIT REQUIREMENTS FOR DUST GENERATING OPERATIONS: In addition to complying with the permit requirements of this section of this rule, any person subject to the requirements of this rule shall also comply with the permit requirements described in Section 400-Administrative Requirements of this rule and with the permit requirements described in Rule 200-Permit Requirements of these rules.

301.1 Except as otherwise provided in this rule, no person shall commence construction of, operate, or make a modification to any dust generating operation that disturbs a total surface area of 0.10 acre (4,356 square feet) or more without first obtaining a permit or permit revision from the Control Officer.

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

301.3 All permit applications shall be filed in the manner and form prescribed by the Control Officer. The application shall contain all the information necessary to enable the Control Officer to make the determination to grant or to deny a permit or permit revision, which shall contain such terms and conditions as the Control Officer deems necessary to assure a source's compliance with the requirements of this rule.

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

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

301

302

VISIBLE EMISSIONS FROM DUST GENERATING OPERATIONS: ~~The owner and/or operator of a dust generating operation shall not allow visible fugitive dust emissions to exceed 20% opacity as tested by methods described in Appendix C of these rules.~~

302.1 Dust Generating Operation Opacity Limitation Requirement:

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

b. To determine if a dust generating operation has met the opacity limitation requirement described in Section 302.1(a) of this rule, the owner and/or operator of a dust generating operation shall conduct opacity observations in accordance with the test methods described in the Environmental Protection Agency (EPA) Reference Method 9-Visual Determination Of The Opacity Of Emissions From Stationary Sources, 40 CFR 60, Appendix A. Opacity observations for continuous dust plumes and non-continuous dust plumes/intermittent visible emissions shall be conducted in accordance with the time-averaged test methods described in Appendix C-Fugitive Dust Test Methods of these rules.

302.2 Property Line Opacity Limitation Requirement:

a. The owner and/or operator of a dust generating operation shall not cause or allow visible fugitive dust emissions to remain visible in the atmosphere beyond the property line.

b. To determine if a dust generating operation has met the opacity limitation requirement described in Section 302.2(a) of this rule, the owner and/or operator of a dust generating operation shall conduct opacity observations in accordance with the test methods described...

302.3 Exemptions From Dust Generating Operation Opacity Limitation Requirement:

301.4

a. **Wind Event:** Exceedances of the opacity limit described in Section 302.1 and Section 302.2 of this rule that occur due to a wind event shall constitute a violation of the opacity limit. However, it shall be an affirmative defense in an enforcement action if the owner and/or operator demonstrates all of the following conditions:

(1) All control measures required were followed and ~~4~~ one or more of the following control measures ~~in Tables 20 & 21~~ was ~~were~~ applied and maintained;

(a) For dust generating operations:

- (i)** Cease dust generating operations for the duration of the condition/situation/event when the 60-minute average wind speed is greater than 25 miles per hour and if dust generating operations are ceased for the remainder of the work day, stabilize the area;
- (ii)** Apply water or other suitable dust suppressant at least twice per hour to dust generating operations in the PM₁₀ nonattainment area and at least once per hour to dust generating operations outside the PM₁₀ nonattainment area, in compliance with Section 302.1 of this rule;
- (iii)** Apply water as necessary to maintain a soil moisture content at a minimum of 12%, as determined by ASTM Method D2216-98 or other equivalent method as approved by the Control Officer and the Administrator. For areas that have an optimum moisture content for compaction of less than 12%, as determined by ASTM Method D1557-91 (1998) or other equivalent method approved by the Control Officer and the Administrator, maintain at least 70% of the optimum soil moisture content; or
- (iv)** Implement Section 302.3(a)(1)(a)(ii) or Section 302.3(a)(1)(a)(iii) of this rule and construct fences or three-foot to five-foot high wind barriers with 50% or less porosity adjacent to roadways or urban areas to reduce the amount of wind-blown material leaving a site.
- (b)** For temporary disturbed surface areas, including but not limited to, after work hours, weekends, and holidays:

 - (i)** Uniformly apply and maintain surface gravel or dust suppressants, in compliance with Appendix C-Fugitive Dust Test Methods of these rules;
 - (ii)** Apply water to all disturbed surface areas three times per day. If there is any evidence of wind-blown dust, increase watering frequency to a minimum of four times per day;
 - (iii)** Apply water on open storage piles at least twice per hour to temporary disturbed surface areas in the PM₁₀ nonattainment area and at least once per hour to temporary disturbed surface areas outside the PM₁₀ nonattainment area, in compliance with Appendix C-Fugitive Dust Test Methods of these rules; or
 - (iv)** Cover open storage piles with tarps, plastic, or other material such that wind will not remove the covering(s).

- (2) ~~The 20% opacity exceedance~~ Exceedance of the opacity limitation could not have been prevented by better application, implementation, operation, or maintenance of control measures;
- (3) The owner and/or operator compiled and retained records, in accordance with Section 502-Recordkeeping of this rule; and
- (4) The occurrence of a wind event on the day(s) in question is documented by records. The occurrence of a wind event must be determined by the nearest ~~Maricopa County Environmental Services Department Air Quality Division~~ Maricopa County Air Quality Department monitoring station, from any other certified meteorological station, or by a wind instrument that is calibrated according to manufacturer's standards and that is located at the site being checked.

301.2 **b. Emergency Maintenance Of Flood Control Channels And Water Retention Basins:** ~~No opacity limitation shall~~ The dust generating operation opacity limitation requirement shall not apply to emergency maintenance of flood control channels and water retention basins, provided that control measures are implemented.

301.3 **c. Vehicle Test And Development Facilities And Operations:** ~~No opacity limitation shall~~ The dust generating operation opacity limitation requirement shall not apply to vehicle test and development facilities and operations when dust is required to test and validate design integrity, product quality, and/or commercial acceptance, if such testing is not feasible within enclosed facilities. However, all areas used to test and validate design integrity, product quality, and/or commercial acceptance shall be stabilized after such testing, in compliance with Section 303 of this rule, and all areas not used to test and validate design integrity, product quality, and/or commercial acceptance shall be stabilized, in compliance with Section 303 of this rule. In addition, vehicle test and development facilities may require a Dust Control permit in accordance with Section 301 of this rule.

302 ~~STABILIZATION REQUIREMENTS FOR DUST GENERATING OPERATIONS:~~

302.1 ~~Unpaved Parking Lot: The owner and/or operator of any unpaved parking lot shall not allow visible fugitive dust emissions to exceed 20% opacity and either:~~

- a- ~~Shall not allow silt loading equal to or greater than 0.33 oz/ft²; or~~
- b- ~~Shall not allow the silt content to exceed 8%.~~

302.2 ~~Unpaved Haul/Access Road:~~

a- ~~The owner and/or operator of any unpaved haul/access road (whether including at a work site that is under construction or at a work site that is temporarily or permanently inactive) shall not allow visible fugitive dust emissions to exceed 20% opacity and either:~~

- (1) ~~Shall not allow silt loading equal to or greater than 0.33 oz/ft²; or~~
- (2) ~~Shall not allow the silt content to exceed 6%.~~

b- ~~The owner and/or operator of any unpaved haul/access road (including at a work site that is under construction or a work site that is temporarily or permanently inactive) shall, as an alternative to meeting the stabilization requirements for an~~

~~unpaved haul/access road, limit vehicle trips to no more than 20 per day per road and limit vehicle speeds to no more than 15 miles per hour. If complying with this subsection, the owner and/or operator must include, in a Dust Control Plan, the maximum number of vehicle trips on the unpaved haul/access roads each day (including number of employee vehicles, earthmoving equipment, haul trucks, and water trucks).~~

~~302.3 Open Area And Vacant Lot Or Disturbed Surface Area: The owner and/or operator of an open area and/or vacant lot or any disturbed surface area on which no activity is occurring (including at a work site that is under construction or a work site that is temporarily or permanently inactive) shall meet at least 1 of the standards described in Sections 302.3(a) through 302.3(g) below, as applicable. Should a disturbed open area and/or vacant lot or any disturbed surface area on which no activity is occurring contain more than one type of disturbance, soil, vegetation, or other characteristics, which are visibly distinguishable, the owner and/or operator shall test each representative surface separately for stability, in an area that represents a random portion of the overall disturbed conditions of the site, according to the appropriate test methods in Appendix C of these rules, and include or eliminate it from the total size assessment of disturbed surface area(s) depending upon test method results. The owner and/or operator of such inactive disturbed surface area shall be considered in violation of this rule if the area is not maintained in a manner that meets at least 1 of the standards listed below, as applicable.~~

- ~~a. Maintain a visible crust;~~
- ~~b. Maintain a threshold friction velocity (TFV) for disturbed surface areas corrected for non-erodible elements of 100 cm/second or higher;~~
- ~~c. Maintain a flat vegetative cover (i.e., attached (rooted) vegetation or unattached vegetative debris lying on the surface with a predominant horizontal orientation that is not subject to movement by wind) that is equal to at least 50%;~~
- ~~d. Maintain a standing vegetative cover (i.e., vegetation that is attached (rooted) with a predominant vertical orientation) that is equal to or greater than 30%;~~
- ~~e. Maintain a standing vegetative cover (i.e., vegetation that is attached (rooted) with a predominant vertical orientation) that is equal to or greater than 10% and where the threshold friction velocity is equal to or greater than 43 cm/second when corrected for non-erodible elements;~~
- ~~f. Maintain a percent cover that is equal to or greater than 10% for non-erodible elements; or~~
- ~~g. Comply with a standard of an alternative test method, upon obtaining the written approval from the Control Officer and the Administrator of the Environmental Protection Agency (EPA).~~

~~302.4 Vehicle Test And Development Facilities And Operations: No stabilization requirement shall apply to vehicle test and development facilities and operations when dust is required to test and validate design integrity, product quality, and/or commercial acceptance, if such testing is not feasible within enclosed facilities.~~

303 CONTROL MEASURES FOR DUST GENERATING OPERATIONS:

303.1 The owner and/or operator of a dust generating operations shall implement control measures before, after, and while conducting dust generating operations, including during weekends, after work hours, and on holidays.

303.2 Any control measure that is implemented shall achieve the applicable requirements in Section 302 of this rule.

303.3 To determine if a control measure has been implemented to meet the requirements of Section 302 of this rule, the owner and/or operator of a dust generating operation shall conduct opacity observations described in Section 302.1 and Section 302.2 of this rule and shall conduct stabilization procedures described in this section of this rule, as applicable.

303.4 When engaged in the dust generating operations described in Section 303.7 through Section 303.21 of this rule, the owner and/or operator of a dust generating operation shall install, maintain, and use control measures as described in Section 303.7 through Section 303.21 of this rule, as applicable.

303.5 Failure to implement control measures as required by this rule, as applicable, and/or failure to maintain stabilization of a site with adequate surface crusting to prevent wind erosion as measured by the requirements in Section 302 of this rule shall be deemed a violation of this rule.

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

303.7 **Bulk Material Hauling/Transporting When Off-Site Hauling/Transporting Outside The Boundaries Of The Work Site And Crossing And/Or Accessing A Paved Area Accessible To The Public:**

a. **Control Measures:** The owner and/or operator of a dust generating operation that involves bulk material hauling/transporting when off-site hauling/transporting outside the boundaries of the work site and crossing and/or accessing a paved area accessible to the public shall implement the following control measures:

(1) When cargo compartment is loaded:

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

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

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

(2) When cargo compartment is empty:

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

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

(3) Install, maintain, and use a suitable trackout control device that controls and prevents trackout and/or removes particulate matter from tires and the exterior surfaces of haul trucks and/or motor vehicles that traverse the site.

b. **Stabilization Procedures:** Control measures shall achieve the applicable requirements in Section 302 of this rule. To determine if a control measure has been

implemented to achieve the requirements in Section 302 of this rule, the owner and/or operator of a dust generating operation shall conduct opacity observations described in Section 302.1 and Section 302.2 of this rule.

303.8 Bulk Material Hauling/Transporting When On-Site Hauling/Transporting Within The Boundaries Of The Work Site But Not Crossing A Paved Area Accessible To The Public:

a. Control Measures: The owner and/or operator of a dust generating operation that involves bulk material hauling/transporting when on-site hauling/transporting within the boundaries of the work site but not crossing a paved area accessible to the public shall implement one of the following control measures:

- (1)** Limit vehicle speed to 15 miles per hour or less while traveling on the work site;
- (2)** Apply water to the top of the load to comply with Section 302 of this rule;
or
- (3)** Cover haul trucks with a tarp or other suitable closure.

b. Stabilization Procedures: Control measures shall achieve the applicable requirements in Section 302 of this rule. To determine if a control measure has been implemented to achieve the requirements in Section 302 of this rule, the owner and/or operator of a dust generating operation shall conduct opacity observations described in Section 302.1 and Section 302.2 of this rule.

303.9 Bulk Material Hauling/Transporting When On-Site Hauling/Transporting Within The Boundaries Of The Work Site And Crossing And/Or Accessing A Paved Area Accessible To The Public:

a. Control Measures: The owner and/or operator of a dust generating operation that involves bulk material hauling/transporting when on-site hauling/transporting within the boundaries of the work site and crossing and/or accessing a paved area accessible to the public shall implement all of the following control measures:

- (1)** Load all haul trucks such that the freeboard is not less than three inches;
- (2)** Prevent spillage or loss of bulk material from holes or other openings in the cargo compartment's floor, sides, and/or tailgate(s); and
- (3)** Install, maintain, and use a suitable trackout control device that controls and prevents trackout and/or removes particulate matter from tires and the exterior surfaces of haul trucks and/or motor vehicles that traverse the site.

b. Stabilization Procedures: Control measures shall achieve the applicable requirements in Section 302 of this rule. To determine if a control measure has been implemented to achieve the requirements in Section 302 of this rule, the owner and/or operator of a dust generating operation shall conduct opacity observations described in Section 302.1 and Section 302.2 of this rule.

303.10 Bulk Material Stacking, Loading, And Unloading Operations:

a. Control Measures: The owner and/or operator of a dust generating operation that involves bulk material stacking, loading, and unloading operations shall implement at least one of the following control measures:

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

b. **Stabilization Procedures:** Control measures shall achieve the applicable requirements in Section 302 of this rule. To determine if a control measure has been implemented to achieve the requirements in Section 302 of this rule, the owner and/or operator of a dust generating operation shall conduct opacity observations described in Section 302.1 and Section 302.2 of this rule.

303.11 Trackout Control, Carry-Out, Spillage, And/Or Erosion:

a. **Control Measures:** The owner and/or operator of a dust generating operation shall implement all of the following control measures to control trackout, carry-out, spillage, and/or erosion:

- (1) Install, maintain and use a suitable trackout control device that controls and prevents trackout and/or removes particulate matter from tires and the exterior surfaces of haul trucks and/or motor vehicles that traverse the site at all exits onto paved areas accessible to the public from both of the following:
 - (a) All work sites with a disturbed surface area of one acre or larger, and
 - (b) All work sites where 100 cubic yards of bulk materials are hauled on-site and/or off-site per day.
- (2) Clean up, trackout, carry-out, spillage, and/or erosion from paved areas accessible to the public including curbs, gutters, and sidewalks, on the following time-schedule:
 - (a) Immediately, when trackout, carry-out, or spillage extends a cumulative distance of 25 linear feet or more; and
 - (b) At the end of the workday, for all other trackout, carry-out, spillage, and/or erosion.
- (3) Prevent trackout, carry-out, spillage, and/or erosion by implementing one of the following control measures:
 - (a) At all access points, install a wheel wash system;
 - (b) At all access points, install a gravel pad to comply with Section 214 of this rule;
 - (c) Pave starting from the point of intersection with a paved area accessible to the public and extending for a centerline distance of at least 100 feet and a width of at least 20 feet;
 - (d) Operate a street sweeper or wet broom with sufficient water, including but not limited to kick broom, steel bristle broom,

Teflon broom, vacuum, at the speed recommended by the manufacturer and at the frequency(ies) described in this section of this rule; or

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

b. **Stabilization Procedures:** Control measures shall achieve the applicable requirements in Section 302 of this rule. To determine if a control measure has been implemented to achieve the requirements in Section 302 of this rule, the owner and/or operator of a dust generating operation shall conduct opacity observations described in Section 302.1 and Section 302.2 of this rule.

303.12 Unpaved Haul/Access Roads:

a. **Control Measures:** The owner and/or operator of a dust generating operation that involves an unpaved haul/access road shall implement one or more of the following control measures:

- (1) Limit vehicle speed to 15 miles per hour or less and limit vehicle trips to no more than 20 per day per road;
- (2) Apply water so that the surface is visibly moist;
- (3) Pave;
- (4) Apply and maintain gravel, recycled asphalt, or other suitable material; or
- (5) Apply and maintain a suitable dust suppressant other than water.

b. **Stabilization Procedures:**

- (1) Control measures shall achieve the applicable requirements in Section 302 of this rule.
- (2) To determine if a control measure has been implemented to achieve the requirements in Section 302 of this rule, the owner and/or operator of a dust generating operation shall conduct the opacity test method to determine the percent opacity of fugitive dust plumes caused when/at the time vehicles move/drive on the unpaved haul/access roads described in Appendix C-Fugitive Dust Test Methods of these rules and shall conduct the silt content test method to determine the silt content of the trafficked areas of the unpaved haul/access roads when vehicles are not moving/driving on the unpaved road described in Appendix C-Fugitive Dust Test Methods of these rules.
- (3) In order to be in compliance with this rule, visible fugitive dust emissions shall not exceed 20% opacity and either the silt loading shall not be equal to or greater than 0.33 oz/ft² or the silt content shall not exceed 6%.
- (4) The owner and/or operator of a dust generating operation that involves an unpaved haul/access road (including at a work site that is under construction or a work site that is temporarily or permanently inactive) shall, as an alternative to meeting the stabilization procedures for an unpaved road, limit vehicle trips to no more than 20 per day per road and limit vehicle speeds to no more than 15 miles per hour. If complying with

this section of this rule, the owner and/or operator must include, in a Dust Control Plan, the maximum number of vehicle trips on the unpaved roads each day (including number of employee vehicles, earthmoving equipment, haul trucks, and water trucks).

303.13 Easements, Rights-Of-Way, And Access Roads For Utilities (Electricity, Natural Gas, Oil, Water, And Gas Transmission) Associated With Sources That Have A Non-Title V Permit, A Title V Permit, And/Or A General Permit Under These Rules:

a. Control Measures: The owner and/or operator of a dust generating operation that involves an easement, right-of-way, and access road for utilities (electricity, natural gas, oil, water, and gas transmission) associated with sources that have a Title V permit, a Non-Title V permit, and/or a General permit under these rules shall implement at least one of the following control measures:

- (1)** Inside the PM₁₀ nonattainment area, limit vehicle speed to 15 miles per hour or less and vehicle trips to no more than 20 per day per road;
- (2)** Outside the PM₁₀ nonattainment area, limit vehicle trips to no more than 20 per day per road; or
- (3)** Implement control measures described in Section 303.12 of this rule.

b. Stabilization Procedures:

- (1)** Control measures shall achieve the applicable requirements in Section 302 of this rule.
- (2)** To determine if a control measure has been implemented to achieve the requirements in Section 302 of this rule, the owner and/or operator of a dust generating operation that involves an easement, right-of-way, and access road for utilities (electricity, natural gas, oil, water, and gas transmission) associated with sources that have a Title V permit, a Non-Title V permit, and/or a General permit under these rules shall conduct the opacity test method to determine the percent opacity of fugitive dust plumes caused when/at the time vehicles move/drive on the unpaved road described in Appendix C-Fugitive Dust Test Methods of these rules and shall conduct the silt content test method to determine the silt content of the trafficked areas of the unpaved road when vehicles are not moving/driving on the unpaved road described in Appendix C-Fugitive Dust Test Methods of these rules.
- (3)** In order to be in compliance with this rule, visible fugitive dust emissions shall not exceed 20% opacity and either the silt loading shall not be equal to or greater than 0.33 oz/ft² or the silt content shall not exceed 6%.

303.14 Open Storage Piles:

a. Control Measures: The owner and/or operator of a dust generating operation that involves an open storage pile shall implement the following control measures, as applicable:

- (1)** Prior to and/or while conducting stacking, loading, and unloading operations, implement one of the following control measures:
 - (a)** Spray material with water, as necessary; or

(b) Spray material with a dust suppressant other than water, as necessary.

(2) When not conducting stacking, loading, and unloading operations, implement one of the following control measures:

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

(b) Apply water to maintain a soil moisture content at a minimum of 12%, as determined by ASTM Method D2216-98, or other equivalent methods approved by the Control Officer and the Administrator. For areas that have an optimum moisture content for compaction of less than 12%, as determined by ASTM Method D1557-91 (1998) or other equivalent methods approved by the Control Officer and the Administrator, maintain at least 70% of the optimum soil moisture content.

(c) Implement the control measure described in Section 303.14(a)(2)(a) or in Section 303.14(a)(2)(b) of this rule and construct and maintain wind barriers, storage silos, or a three-sided enclosure with walls, whose length is no less than equal to the length of the pile, whose distance from the pile is no more than twice the height of the pile, whose height is equal to the pile height, and whose porosity is no more than 50%.

b. Stabilization Procedures:

(1) Control measures shall achieve the applicable requirements in Section 302 of this rule.

(2) To determine if a control measure has been implemented to achieve the requirements in Section 302 of this rule prior to and/or while conducting stacking, loading, and unloading operations, the owner and/or operator of a dust generating operation that involves an open storage pile shall conduct opacity observations described in Section 302.1 and Section 302.2 of this rule.

(3) To determine if a control measure has been implemented to achieve the requirements in Section 302 of this rule when not conducting stacking, loading, and unloading operations, the owner and/or operator of a dust generating operation that involves an open storage pile shall conduct the test methods described in Appendix C-Fugitive Dust Test Methods of these rules to determine if the open storage pile has a stabilized surface. The owner and/or operator shall meet one of the following test methods:

(a) Visible crust determination (Drop Ball Test Method);

(b) Determination of threshold friction velocity (TFV);

(c) Determination of flat vegetative cover (Line Transect Test Method);

- (d) Determination of standing vegetative cover (Vegetative Density Factor); or
- (e) Rock Test Method.

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

303.16 Weed Abatement By Discing Or Blading:

- a. **Control Measures:** The owner and/or operator of a dust generating operation that involves weed abatement by discing or blading shall comply with all of the following control measures:
 - (1) Before weed abatement by discing or blading occurs, apply water;
 - (2) While weed abatement by discing or blading is occurring, apply water; and
 - (3) After weed abatement by discing or blading occurs, pave, apply gravel, apply water, apply a suitable dust suppressant other than water, or establish vegetative ground cover.
- b. **Stabilization Procedures:** Control measures shall achieve the applicable requirements in Section 302 of this rule. To determine if a control measure has been implemented to achieve the requirements in Section 302 of this rule, the owner and/or operator of a dust generating operation shall conduct opacity observations described in Section 302.1 and Section 302.2 of this rule.

303.17 Open Areas And Vacant Lots:

- a. **Control Measures:**
 - (1) The owner and/or operator of a dust generating operation that involves vehicle use in open areas and vacant lots shall implement at least one of the following control measures:
 - (a) Restrict trespass by installing signs; or
 - (b) Restrict trespass by installing physical barriers, including but not limited to, curbs, fences, gates, posts, shrubs, and/or trees.
 - (2) The owner and/or operator of a dust generating operation that involves unoccupied, unused, vacant, or undeveloped open areas and vacant lots shall implement at least one of the following control measures:
 - (a) Pave, apply and maintain gravel, or apply and maintain a suitable dust suppressant other than water;
 - (b) Establish vegetative ground cover; or

- (c) Restore open area and vacant lot such that the vegetative ground cover and soil characteristics are similar to adjacent or nearby undisturbed native conditions.

b. Stabilization Procedures:

- (1) The owner and/or operator of a dust generating operation that involves vehicle use in open areas and vacant lots shall implement/comply with all of the following stabilization procedures:

- (a) Control measures shall achieve the applicable requirements in Section 302 of this rule.

- (b) To determine if a control measure has been implemented to achieve the requirements in Section 302 of this rule, the owner and/or operator of a dust generating operation shall conduct the opacity test method to determine the percent opacity of fugitive dust plumes caused when/at the time vehicles move/drive on the open area and vacant lot described in Appendix C-Fugitive Dust Test Methods of these rules and shall conduct the silt content test method to determine the silt content of the trafficked areas of the open area and vacant lot when vehicles are not moving/driving on the open area and vacant lot described in Appendix C-Fugitive Dust Test Methods of these rules.

- (c) In order to be in compliance with this rule, visible fugitive dust emissions shall not exceed 20% opacity and either the silt loading shall not be equal to or greater than 0.33 oz/ft² or the silt content shall not exceed 6% / 8%.

- (2) The owner and/or operator of a dust generating operation that involves unoccupied, unused, vacant, or undeveloped open areas and vacant lots shall implement/comply with all of the following stabilization procedures:

- (a) Control measures shall achieve the applicable requirements in Section 302 of this rule.

- (b) To determine if a control measure has been implemented to achieve the requirements of Section 302 of this rule, the owner and/or operator of a dust generating operation that involves unoccupied, unused, vacant, or undeveloped open areas and vacant lots shall conduct opacity observations described in Section 302.1 and Section 302.2 of this rule.

- (c) To determine if a control measure has been implemented to achieve the requirements in Section 302 of this rule, the owner and/or operator of a dust generating operation that involves unoccupied, unused, vacant, or undeveloped open areas and vacant lots shall conduct the test methods described in Appendix C-Fugitive Dust Test Methods of these rules to determine if the unoccupied, unused, vacant, or undeveloped open areas and vacant lots have a stabilized surface. The owner and/or operator shall meet one of the following test methods:

- (i) Visible crust determination (Drop Ball Test Method);

- (ii) Determination of threshold friction velocity (TFV);
- (iii) Determination of flat vegetative cover (Line Transect Test Method);
- (iv) Determination of standing vegetative cover (Vegetative Density Factor); or
- (v) Rock Test Method.

303.18 Unpaved Parking Lots:

a. Control Measures: The owner and/or operator of a dust generating operation that involves an unpaved parking lot shall implement at least one of the following control measures:

- (1) Pave;
- (2) Apply and maintain gravel, recycled asphalt, or other suitable material; or
- (3) Apply and maintain a suitable dust suppressant other than water.

b. Stabilization Procedures:

- (1) Control measures shall achieve the applicable requirements in Section 302 of this rule.
- (2) To determine if a control measure has been implemented to achieve the requirements in Section 302 of this rule, the owner and/or operator of a dust generating operation shall conduct the opacity test method to determine the percent opacity of fugitive dust plumes caused when/at the time vehicles move/drive on the unpaved parking lot described in Appendix C-Fugitive Dust Test Methods of these rules and shall conduct the silt content test method to determine the silt content of the trafficked areas of the unpaved parking lot when vehicles are not moving/driving on the unpaved parking lot described in Appendix C-Fugitive Dust Test Methods of these rules.
- (3) In order to be in compliance with this rule, visible fugitive dust emissions shall not exceed 20% opacity and either the silt loading shall not be equal to or greater than 0.33 oz/ft² or the silt content shall not exceed 8%.

303.19 Blasting Operations:

a. Control Measures: The owner and/or operator of a dust generating operation that involves blasting operations shall implement all of the following control measures:

- (1) In wind gusts above 25 miles per hour, discontinue/cease blasting; and
- (2) Pre-water and maintain surface soils in a stabilized condition where support equipment and vehicles will operate.

b. Stabilization Procedures: Control measures shall achieve the applicable requirements in Section 302 of this rule. To determine if a control measure has been implemented to achieve the requirements in Section 302 of this rule, the owner

and/or operator of a dust generating operation shall conduct opacity observations described in Section 302.1 and Section 302.2 of this rule.

303.20 Demolition Activities:

- a.** **Control Measures:** The owner and/or operator of a dust generating operation that involves demolition activities shall implement all of the following control measures:
- (1)** Apply water to demolition debris immediately following demolition activity; and
 - (2)** Apply water to all disturbed soils surfaces to establish a crust and to prevent wind erosion.
- b.** **Stabilization Procedures:** Control measures shall achieve the applicable requirements in Section 302 of this rule. To determine if a control measure has been implemented to achieve the requirements of Section 302 of this rule, the owner and/or operator of a dust generating operation shall conduct opacity observations described in Section 302.1 and Section 302.2 of this rule.

303.21 Disturbed Surface Areas:

- 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:
- (1)** Before disturbed surface areas are created, implement one of the following control measures:
 - (a)** Pre-water site to depth of cuts, allowing time for penetration; or
 - (b)** Phase work to reduce the amount of disturbed surface areas at any one time.
 - (2)** While disturbed surface areas are being created, implement one of the following control measures:
 - (a)** Apply water or other suitable dust suppressant other than water;
 - (b)** Apply water as necessary to maintain a soil moisture content at a minimum of 12%, as determined by ASTM Method D2216-98 or other equivalent method as approved by the Control Officer and the Administrator. For areas that have an optimum moisture content for compaction of less than 12%, as determined by ASTM Method D1557-91 (1998) or other equivalent method approved by the Control Officer and the Administrator, maintain at least 70% of the optimum soil moisture content; or
 - (c)** Implement control measure described in Section 304.21(a)(2)(a) or Section 304.21(a)(2)(b) of this rule and construct fences or three-foot to five-foot high wind barriers with 50% or less porosity adjacent to roadways or urban areas to reduce the amount of windblown material leaving a site.

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

b. **Stabilization Procedures:** Control measures shall achieve the applicable requirements in Section 302 of this rule. To determine if a control measure has been implemented to achieve the requirements of Section 302 of this rule, the owner and/or operator of a dust generating operation shall conduct opacity observations described in Section 302.1 and Section 302.2 of this rule.

(1) Before disturbed surface areas are created and while disturbed surface areas are being created, the owner and/or operator of a dust generating operation that involves disturbed surface areas shall implement/comply with control measures. Such control measures shall achieve the applicable requirements in Section 302 of this rule.

(2) 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 of a dust generating operation that involves disturbed surface areas shall implement/comply with all of the following stabilization procedures:

- (a)** Control measures shall achieve the applicable requirements in Section 302 of this rule.
- (b)** To determine if a control measure has been implemented to achieve the requirements in Section 302 of this rule, the owner and/or operator of a dust generating operation that involves disturbed surface areas that will be complete for a period of 30 days or longer shall conduct opacity observations described in Section 302.1 and Section 302.2 of this rule.
- (c)** To determine if a control measure has been implemented to achieve the requirements in Section 302 of this rule, the owner and/or operator of a dust generating operation that involves disturbed surface areas that will be complete for a period of 30 days or longer shall conduct the test methods described in Appendix C-Fugitive Dust Test Methods of these rules to determine if the disturbed surface areas have a stabilized surface. The owner and/or operator shall meet one of the following test methods:

- (i) Visible crust determination (Drop Ball Test Method);
- (ii) Determination of threshold friction velocity (TFV);
- (iii) Determination of flat vegetative cover (Line Transect Test Method);
- (iv) Determination of standing vegetative cover (Vegetative Density Factor); or
- (v) Rock Test Method.

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

- 304.1** Project name, project acreage, and permittee's name;
- 304.2** Dust Control permit number and expiration date;
- 304.3** Name and local phone number of person(s) responsible for dust control matters;
- 304.4** Text stating: "Dust complaints? Call Maricopa County Air Quality Department - 602-372-2703."

305 **DUST CONTROL TRAINING CLASSES FOR DUST GENERATING OPERATIONS:**

305.1 **Basic Dust Control Training Class:**

- a.** A Dust Control permit holder shall ensure that the site superintendent or other designated on-site representative of the permit holder and water truck and water pull drivers for each site successfully complete a Maricopa County Air Quality Department Basic Dust Control Training Class.
- b.** A Dust Control permit holder for contiguous sites under common control larger than one acre in the aggregate shall ensure that the site superintendent or other designated on-site representative of the permit holder and water truck and water pull drivers for each site successfully complete a Maricopa County Air Quality Department Basic Dust Control Training Class.
- c.** All employees having successfully completed training during the 2007 calendar year shall be deemed to have satisfied the requirement to successfully complete the Basic Dust Control Training Class, if the training that was completed was conducted or approved by the Control Officer.
- d.** All employees required to complete the Basic Dust Control Training Class shall successfully complete the Basic Dust Control Training Class at least once every three years.
- e.** The content of the Basic Dust Control Training Class shall include, but shall not be limited to, information regarding completing a Dust Control permit application and a Dust Control Plan, health effects of PM₁₀, and implementation and maintenance of control measures.

305.2 Comprehensive Dust Control Training Class:

- a.** A Dust Control Coordinator, who meets the requirements of Section 306 of this rule, shall successfully complete the Comprehensive Dust Control Training Class.
- b.** The Dust Control Coordinator shall be required to successfully complete, at least once every three years, a Comprehensive Dust Control Training Class conducted or approved by the Control Officer with jurisdiction over the site.
- c.** All employees having successfully completed training during the 2007 calendar year shall be deemed to have satisfied the requirement to successfully complete the Comprehensive Dust Control Training Class, if the training that was completed was conducted or approved by the Control Officer.

306 DUST CONTROL COORDINATOR FOR DUST GENERATING OPERATIONS:

- 306.1** Any site of five acres or more of disturbed surface area shall, at all times during any activities that disturb or have the potential to disturb soils and during related transport activities at access points to paved roads, have on-site at least one individual designated by the permittee as a Dust Control Coordinator.
- 306.2** The Dust Control Coordinator shall have full authority to ensure that dust control measures are implemented on-site, including inspections, deployment of dust suppression resources, and modification or shut-down of activities as needed to control dust.
- 306.3** The Dust Control Coordinator shall be responsible for managing dust prevention and dust control on the site.
- 306.4** The Dust Control Coordinator shall be required to successfully complete, at least once every three years, a Comprehensive Dust Control Training Class conducted or approved by the Control Officer with jurisdiction over the site. The Dust Control permit holder shall ensure that the Dust Control Coordinator has successfully completed, at least once every three years, a Comprehensive Dust Control Training Class conducted or approved by the Control Officer with jurisdiction over the site.
- 306.5** The Dust Control Coordinator shall maintain a dust training certification identification card on-site at all times.
- 306.6** The requirement for a Dust Control Coordinator shall lapse when all of the following actions/events/procedures occur:
 - a.** The area of disturbed surface area becomes less than five acres;
 - b.** The previously disturbed surface areas have been stabilized in accordance with/in compliance with the standards and/or requirements of this rule; and
 - c.** The Dust Control permit holder provides notice to the Control Officer of acreage stabilization.

303 DUST CONTROL PLAN REQUIRED:

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

- a. ~~When submitting an application for an earthmoving permit involving earthmoving operations that would equal or exceed 0.10 acre, and~~
- b. ~~Before commencing any routine dust generating operation at a site that has obtained or must obtain a Title V, Non Title V, or general permit under Regulation II Permits And Fees of these rules.~~

~~Compliance with this section does not affect an owner and/or operator's responsibility to comply with the other standards of this rule. The Dust Control Plan shall describe all control measures to be implemented before, after, and while conducting any dust generating operation, including during weekends, after work hours, and on holidays.~~

~~303.2 A Dust Control Plan shall, at a minimum, contain all the information described in Section 304 of this rule. The Control Officer shall approve, disapprove, or conditionally approve the Dust Control Plan, in accordance with the criteria used to approve, disapprove or conditionally approve a permit. Failure to comply with the provisions of an approved Dust Control Plan is deemed to be a violation of this rule. Regardless of whether an approved Dust Control Plan is in place or not, the owner and/or operator of a dust generating operation is still subject to all requirements of this rule at all times. In addition, the owner and/or operator of a source with an approved Dust Control Plan is still subject to all of the requirements of this rule, even if such owner and/or operator is complying with the approved Dust Control Plan.~~

~~303.3 At least one primary control measure and one contingency control measure must be identified in the Dust Control Plan for all fugitive dust sources. Should any primary control measure(s) prove ineffective, the owner and/or operator shall immediately implement the contingency control measure(s). If the identified contingency control measure is effective to comply with all of the requirements of this rule, the owner and/or operator need not revise the Dust Control Plan under Section 305 of this rule.~~

~~303.4 A Dust Control Plan shall not be required for any of the following activities:~~

- a. ~~To play on or maintain a field used for non-motorized sports;~~
- b. ~~For landscape maintenance, which, for the purpose of this rule, does not include grading, trenching, nor or any other mechanized surface disturbing activities; and~~
- e. ~~To establish initial landscapes or to redesign existing landscapes of legally-designated public parks and recreational areas, including national parks, national monuments, national forests, state parks, city parks, county regional parks, ballfields, camp sites, and playgrounds at camp sites; hiking paths, horse trails, and bicycle paths that are used exclusively for purposes other than travel by motor vehicles; (for the purpose of this rule, establishing initial landscapes or redesigning existing landscapes does not include grading, trenching, or any other mechanized surface disturbing activities).~~

~~304 ELEMENTS OF A DUST CONTROL PLAN: A Dust Control Plan shall contain, at a minimum, all of the following information:~~

~~304.1 Name(s), address(es), and phone numbers of person(s) responsible for the submittal and implementation of the Dust Control Plan and responsible for the dust generating operation.~~

~~304.2 A drawing, on 8½" x 11" paper, that shows:~~

- a. ~~Entire project site/facility boundaries,~~

- b. ~~Acres to be disturbed with linear dimensions,~~
 - e. ~~Nearest public roads,~~
 - d. ~~North arrow, and~~
 - e. ~~Planned exit locations onto paved areas accessible to the public.~~
- 304.3 ~~Control measures, or a combination thereof, to be applied to all actual and potential dust generating operations, before, after, and while conducting any dust generating operation, including during weekends, after work hours, and on holidays.~~
- a. ~~All required control measures from Tables 1-21 and at least one contingency control measure must be identified, for all dust generating operations. Should any primary control measure(s) prove ineffective, the owner and/or operator shall immediately implement the contingency control measure(s). If the identified contingency control measure(s) is effective to comply with all of the requirements of this rule, the owner and/or operator need not revise the Dust Control Plan under Section 305 of this rule.~~
 - b. ~~Alternatively, a control measure(s) that is not listed in Tables 1-21 of this rule may be chosen, provided that such control measure(s) is implemented to comply with the standard(s) described in Section 301 and Section 302 of this rule, as determined by the corresponding test method(s), as applicable, and meets other applicable standard(s) set forth in this rule.~~
 - e. ~~If complying with Section 302.2(b) Stabilization Requirements For Fugitive Dust Sources Unpaved Haul/Access Road of this rule, the Dust Control Plan must include the maximum number of vehicle trips on the unpaved haul/access roads each day (including number of employee vehicles, earthmoving equipment, haul trucks, and water trucks).~~
- 304.4 ~~Dust suppressants to be applied, including all of the following product specifications or label instructions for approved usage:~~
- a. ~~Method, frequency, and intensity of application;~~
 - b. ~~Type, number, and capacity of application equipment; and~~
 - e. ~~Information on environmental impacts and approvals or certifications related to appropriate and safe use for ground application.~~
- 304.5 ~~Specific surface treatment(s) and/or control measures utilized to control material trackout and sedimentation where unpaved and/or access point join paved areas accessible to the public.~~
- 304.6 ~~For construction projects one acre or larger, except for routine maintenance and repair done under a block permit, a statement disclosing which of the four designated texture(s) of soil described in Appendix F of these rules is naturally present at or will be imported to the dust generating operation. The measured soil content at a particular site shall take precedence over any mapped soil types, and whenever soils have been tested at a particular site, the test results should be relied on rather than the map in Appendix F.~~

305 DUST CONTROL PLAN REVISIONS:

~~305.1 If the Control Officer determines that an approved Dust Control Plan has been followed, yet fugitive dust emissions from any dust generating operation still exceed standards in Section 301 and Section 302 of this rule, then the Control Officer shall issue a written notice to the owner and/or operator of the dust generating operation explaining such determination.~~

~~305.2 The owner and/or operator of a dust generating operation shall make written revisions to the Dust Control Plan and shall submit such revised Dust Control Plan to the Control Officer within three working days of receipt of the Control Officer's written notice, unless such time period is extended by the Control Officer, upon request, for good cause. During the time that such owner and/or operator is preparing revisions to the approved Dust Control Plan, such owner and/or operator must still comply with all requirements of this rule.~~

306 ~~CONTROL MEASURES:~~

~~306.1 The owner and/or operator of a dust generating operation shall implement control measures before, after, and while conducting operations, including during weekends, after work hours, and on holidays, in accordance with Section 304.3 and Tables 1-21 of this rule.~~

~~306.2 For the purpose of this rule, any control measure that is implemented must achieve the applicable standard(s) described in Sections 301 and 302 of this rule, as determined by the corresponding test method(s), as applicable, and must achieve other applicable standard(s) set forth in this rule.~~

~~306.3 Failure to comply with the provisions of Section 308 (Work Practices) of this rule, as applicable, and/or of an approved Dust Control Plan, is deemed a violation of this rule.~~

~~306.4 Regardless of whether a dust generating operation is in compliance with an approved Dust Control Plan, or there is no approved dust control plan, the owner and/or operator of a dust generating operation is still subject to all requirements of this rule at all times.~~

307 ~~PROJECT INFORMATION SIGN: For all sites with an earthmoving permit that are five acres or larger, except for routine maintenance and repair done under a block permit, the owner and/or operator shall erect and maintain a project information sign at the main entrance, that is readable by the public. Such sign shall have a white background, have black block lettering that is at least four inches high, and shall contain at least all of the following information:~~

~~307.1 Project name and permit holder,~~

~~307.2 Earthmoving Permit number,~~

~~307.3 Name and phone number of person(s) responsible for conducting the project, and~~

~~307.4 Text stating: "Dust Complaints? Call Maricopa County Environmental Services Department (insert the current/accurate phone number for the complaint phone line)."~~

308 ~~WORK PRACTICES: When engaged in the following specific activities, the owner and/or operator of a dust generating operation shall comply with the following work practices in addition to implementing, as applicable, the control measures described in Tables 1-21 of this rule.~~

~~308.1 Bulk Material Hauling Off Site Onto Paved Areas Accessible to the Public: Notwithstanding other sections of this rule, the owner and/or operator of a dust generating operation and the owner and/or operator of a haul truck shall do all of the following:~~

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

- b. ~~Prevent spillage or loss of bulk material from holes or other openings in the cargo compartment's floor, sides, and/or tailgate(s);~~
 - e. ~~Cover all haul trucks with a tarp or other suitable closure; and~~
 - d. ~~Before the empty haul truck leaves the site, clean the interior of the cargo compartment or cover the cargo compartment.~~
- 308.2 ~~Bulk Material Hauling On Site Within the Boundaries of The Work Site: When crossing a paved area accessible to the public while construction is underway, the owner and/or operator of a dust generating operation shall do all of the following:~~
- a. ~~Load all haul trucks such that the freeboard is not less than three inches;~~
 - b. ~~Prevent spillage or loss of bulk material from holes or other openings in the cargo compartment's floor, sides, and/or tailgate(s); and~~
 - e. ~~Install a suitable trackout control device that controls and prevents trackout and/or removes particulate matter from tires and the exterior surfaces of haul trucks and/or motor vehicles that traverse such work site. Examples of trackout control devices are described in Table 17 of this rule.~~
- 308.3 ~~Trackout, Carry Out, Spillage, and/or Erosion: The owner and/or operator of a dust generating operation shall do all of the following:~~
- a. ~~Install, maintain and use a suitable trackout control device (examples of trackout control devices are described in Table 17 Trackout Control of this rule) that controls and prevents trackout and/or removes particulate matter from tires and the exterior surfaces of haul trucks and/or motor vehicles that traverse such operation at all exits onto paved areas accessible to the public from both of the following:~~
 - (1) ~~All work sites with a disturbed surface area of two acres or larger, and~~
 - (2) ~~All work sites where 100 cubic yards of bulk materials are hauled on site and/or off site per day.~~
 - b. ~~Clean up, trackout, carry out, spillage, and/or erosion, on the following time schedule:~~
 - (1) ~~Immediately, when trackout, carry out, or spillage extends a cumulative distance of 50 linear feet or more; and~~
 - (2) ~~At the end of the workday, for all other trackout, carry out, spillage, and/or erosion.~~
- 308.4 ~~Unpaved Haul/Access Roads: The owner and/or operator of a dust generating operation shall implement one or more control measure(s) described in Table 3 Unpaved Haul/Access Roads of this rule, before using or maintaining unpaved haul/access roads.~~
- 308.5 ~~Easements, Rights Of Way, and Access Roads for Utilities (Electricity, Natural Gas, Oil, Water, and Gas Transmission) Associated with Sources that have a Non Title V Permit, a Title V Permit, and/or a General Permit under These Rules: The owner and/or operator of a dust generating operation shall do at least one of the following:~~
- a. ~~Inside the PM₁₀ nonattainment area, restrict vehicular speeds to 15 miles per hour and vehicular trips to no more than 20 per day per road;~~

- b. Outside the PM₁₀ nonattainment area, restrict vehicular trips to no more than 20 per day per road; or
- e. Implement control measures, as described in Table 3 Unpaved Haul/Access Roads of this rule.

308.6 ~~Open Storage Piles: For the purpose of this rule, an open storage pile is any accumulation of bulk material with a 5% or greater silt content which in any one point attains a height of three feet and covers a total surface area of 150 square feet or more. Silt content shall be assumed to be 5% or greater unless a person can show, by testing in accordance with ASTM Method C136-96A or other equivalent method approved in writing by the Control Officer and the Administrator of EPA, that the silt content is less than 5%. The owner and/or operator of such dust-generating operation shall comply with all of the following:~~

- a. ~~Prior to and/or while conducting stacking, loading, and unloading operations, comply with one of the following work practices:~~
 - (1) ~~Spray material with water, as necessary; or~~
 - (2) ~~Spray material with a dust suppressant other than water, as necessary.~~
- b. ~~When not conducting stacking, loading, and unloading operations, comply with one of the following work practices:~~
 - (1) ~~Cover open storage piles with tarps, plastic, or other material to prevent wind from removing the coverings;~~
 - (2) ~~Apply water to maintain a soil moisture content at a minimum of 12%, as determined by ASTM Method D2216-98, or other equivalent methods approved by the Control Officer and the Administrator of EPA. For areas that have an optimum moisture content for compaction of less than 12%, as determined by ASTM Method D1557-91 (1998) or other equivalent methods approved by the Control Officer and the Administrator of EPA, maintain at least 70% of the optimum soil moisture content;~~
 - (3) ~~Meet one of the stabilization requirements described in Section 302.3 of this rule; or~~
 - (4) ~~Construct and maintain wind barriers, storage silos, or a three-sided enclosure with walls, whose length is no less than equal to the length of the pile, whose distance from the pile is no more than twice the height of the pile, whose height is equal to the pile height, and whose porosity is no more than 50%. If implementing this subsection, the owner and/or operator must also implement either Section 308.6(b)(2) or Section 308.6(b)(3) above.~~

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

- 308.8 ~~Weed Abatement by Discing or Blading: The owner and/or operator of a dust generating operation shall comply with all of the following during weed abatement procedures by discing or blading:~~
- a. ~~Apply water before weed abatement by discing or blading occurs; and~~
 - b. ~~Apply water while weed abatement by discing or blading is occurring; and~~
 - e. ~~Either:~~
 - (1) ~~Pave, apply gravel, apply water, or apply a suitable dust suppressant, in compliance with Section 302.3 of this rule, after weed abatement by discing or blading occurs; or~~
 - (2) ~~Establish vegetative ground cover in sufficient quantity, in compliance with Section 302.3 of this rule, after weed abatement by discing or blading occurs.~~

SECTION 400 - ADMINISTRATIVE REQUIREMENTS

- 401 ~~DUST CONTROL PLAN POSTING: The owner and/or operator of an earthmoving operation shall post a copy of the approved Dust Control Plan in a conspicuous location at the work site, within on-site equipment, or in an on site vehicle, or shall otherwise keep a copy of the approved Dust Control Plan available on site at all times. The owner and/or operator of a dust generating operation that has been issued a Block Permit shall not be required to keep a copy of the 8½" by 11" site drawing according to Section 304.2 of this rule.~~ **DUST CONTROL PERMIT REQUIREMENTS:**

401.1 To apply for a Dust Control permit, applicants shall complete Maricopa County's "Application For Dust Control Permit" form and shall supply all information required by the following three sections of the form:

- a. Applicant information;
- b. Project information, which shall include a project site drawing and, if the site is one acre or larger, soil designations; and
- c. Dust Control Plan, which shall meet the specifications described in Section 403 of this rule.

401.2 A Dust Control permit is to be granted subject to the right of inspection of such affected land without prior notice by the Control Officer.

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

- a. The permittee shall be responsible for ensuring that all persons abide by the conditions of the Dust Control permit and these regulations;
- b. The permittee shall be responsible for supplying complete copies of the Dust Control permit including the Dust Control Plan, to all project contractors and subcontractors; and
- c. The permittee shall be responsible for all permit conditions, until a Permit Cancellation Request form has been submitted by the owner and/or operator and approved by the Control Officer.

- 401.4 The signature of the permittee on the Dust Control permit application shall constitute agreement to accept responsibility for meeting the conditions of the Dust Control permit and for ensuring that control measures are implemented throughout the project site and during the duration of the project.
- 401.5 Requirements and conditions of the Dust Control permit shall be made a part of the specifications of the construction contract between the owner and prime contractor and contracts between the prime contractor and applicable subcontractors. Said contracts must provide a monetary allowance for any dust control options specified in the Dust Control Plan. The amount of the allowance may be specified either by the owner, competitively bid, or negotiated by and amongst the parties.
- 402** ~~COMPLIANCE SCHEDULE: The requirements of this rule supercede any conflicting requirements that may be found in existing Dust Control Plans.~~ **EXEMPTIONS FROM DUST CONTROL PERMIT REQUIREMENTS:** A Dust Control permit shall not be required for the following activities and/or operations. However, a Dust Control Plan may be required, unless such activity and/or operation is exempt from a Dust Control Plan as described in Section 404 of this rule. If a Dust Control permit is not required, the owner and/or operator conducting any dust generating operation, unless otherwise specified and/or required, shall implement and maintain control measures as described in Section 304 of this rule, as applicable. In addition, such owner and/or operator shall comply with the visible emissions standards, as applicable, as described in Section 302 of this rule and shall comply with the stabilization requirements, as applicable, as described in Section 303 of this rule.
- 402.1 ~~For Earthmoving Permits: If any changes to a Dust Control Plan, associated with an Earthmoving Permit, are necessary as a result of the most recent revisions of this rule, such changes shall not be required until the Earthmoving Permit is required to be renewed. A Dust Control permit shall not be required for dust generating operations less than 0.10 acre (4,356 square feet) in overall area.~~
- 402.2 ~~For Non Title V Permits And For Title V Permits: If any changes to a Dust Control Plan, associated with a Non Title V Permit or with a Title V Permit, are necessary as a result of the most recent revisions of this rule, then the owner and/or operator shall submit a revised Dust Control Plan to the Control Officer, according to the minor permit revision procedures described in Rule 220 and Rule 210 of these rules respectively, no later than 6 months after the effective date of the most recent revisions to this rule. A Dust Control permit shall not be required for dust generating operations for emergency maintenance and/or repair activities conducted by government agencies on publicly maintained roads, road shoulders, rights-of-way, public flood control facilities, flood control channels, water retention basins utilities, and/or alleys.~~
- 402.3 A Dust Control permit shall not be required if a dust generating operation is part-of an on-going business/is part of a facility that is required to have a Title V permit or a Non-Title V permit under these rules. Rather, such dust generating operation may be included in the Title V permit or the Non-Title V permit issued under Rule 210 or Rule 220 of these rules, respectively.
- 402.4 A Dust Control permit shall not be required to conduct landscape maintenance. In order to be exempt from a Dust Control permit, such landscape maintenance shall not include grading, trenching, or any other mechanized surface disturbing activities performed to establish initial landscapes or to redesign existing landscapes.
- 402.5 A Dust Control permit shall not be required for weed removal projects/weed abatement conducted by mowing. In order to be exempt from a Dust Control permit, such projects shall not involve grade elevation changes, soil or rock importation or exportation, and cut and fill operations.

402.6 A Dust Control permit shall not be required for dust palliative application projects conducted solely for the purpose of compliance with vacant lot control measure requirements described in Rule 310.01-Non-Traditional Sources Of Fugitive Dust of these rules. In order to be exempt from a Dust Control permit, such projects shall not involve grade elevation changes, soil or rock importation or exportation, and cut and fill operations. However, importing gravel or rock for use as a dust palliative is allowed.

402.7 A Dust Control Permit shall not be required to play on or to maintain a field used for non-motorized sports.

402.8 A Dust Control Permit shall not be required to establish initial landscapes or to redesign existing landscapes of legally-designated public parks and recreational areas, including but not limited to the following locations. In order to be exempt from a Dust Control permit, establishing initial landscapes or redesigning existing landscapes shall not include grading, trenching, or any other mechanized surface disturbing activities.

- a.** National parks
- b.** National monuments
- c.** National forests
- d.** State parks
- e.** City parks
- f.** County parks
- g.** Regional parks
- h.** Bureau Of Land Management land
- i.** Ballfields
- j.** Camp sites
- k.** Playgrounds at camp sites
- l.** Hiking paths
- m.** Horse trails
- n.** Bicycle paths that are used exclusively for purposes other than travel by motor vehicles

403 **DUST CONTROL PLAN REQUIREMENTS:**

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

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

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

403.2 The owner and/or operator of a dust generating operation shall submit to the Control Officer a Dust Control Plan with any application for a Dust Control permit. Applicants shall complete Section 3-Dust Control Plan in Maricopa County's "Application For Dust Control Permit" and submit such information as a Dust Control Plan. Applicants shall describe, in a Dust Control Plan, all control measures to be implemented before, after, and while conducting any dust generating operation, including during weekends, after work hours, and on holidays.

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

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

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

- (1)** Entire project site/facility boundaries,
- (2)** Acres to be disturbed with linear dimensions,
- (3)** Nearest public roads,
- (4)** North arrow, and
- (5)** Planned exit locations onto paved areas accessible to the public.

- c.** Appropriate control measures, or a combination thereof, as described in Section 303 of this rule, for every actual and potential dust generating operation.

- (1)** Control measures must be implemented before, after, and while conducting any dust generating operation, including during weekends, after work hours, and on holidays.
- (2)** All required control measures and at least one contingency control measure must be identified for all dust generating operations. Should any primary control measure(s) prove ineffective, the owner and/or operator shall immediately implement the contingency control measure(s). If the identified contingency control measure(s) is effective to comply with all of the requirements of this rule, the owner and/or operator need not revise the Dust Control Plan.
- (3)** A control measure that is not listed in Section 303 of this rule may be chosen provided that such control measure(s) is implemented to comply with the standard(s) described in Section 303 of this rule, as determined by the corresponding test method(s), as applicable, and meets other applicable standard(s) set forth in this rule.
- (4)** If complying with Section 303.12-Control Measures For Dust Generating Operations-Unpaved Haul/Access Roads of this rule, the Dust Control Plan must include the maximum number of vehicle trips on the unpaved haul/access roads each day (including number of employee vehicles, earthmoving equipment, haul trucks, and water trucks).

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

 - (1)** Method, frequency, and intensity of application;
 - (2)** Type, number, and capacity of application equipment; and
 - (3)** Information on environmental impacts and approvals or certifications related to appropriate and safe use for ground application.
- e.** Specific surface treatment(s) and/or control measures utilized to control material trackout and sedimentation where unpaved and/or access points join paved areas accessible to the public.

403.4 The Control Officer shall approve, disapprove, or conditionally approve the Dust Control Plan, in accordance with the criteria used to approve, disapprove or conditionally approve a permit. Failure to comply with the provisions of an approved Dust Control Plan is deemed a violation of this rule. Regardless of whether an approved Dust Control Plan is in place or not, the owner and/or operator of a dust generating operation is still subject to all requirements of this rule at all times. In addition, the owner and/or operator of a source with an approved Dust Control Plan is still subject to all of the requirements of this rule, even if such owner and/or operator is complying with the approved Dust Control Plan.

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

403.6 At least one primary control measure and one contingency control measure must be identified in the Dust Control Plan for all dust generating sources. Should any primary control measure(s) prove ineffective, the owner and/or operator shall immediately implement the contingency control measure(s). If the identified contingency control measure is effective to comply with all of the requirements of this rule, the owner and/or operator need not revise the Dust Control Plan.

404 **EXEMPTIONS FROM DUST CONTROL PLAN REQUIREMENTS:** A Dust Control Plan shall not be required for any of the following activities:

404.1 A Dust Control Plan shall not be required for dust generating operation operations less than 0.10 acre (4,356 square feet) in overall area.

404.2 A Dust Control Plan shall not be required for dust generating operations for emergency maintenance and/or repair activities conducted by government agencies on publicly maintained roads, road shoulders, rights-of-way, public flood control facilities, flood control channels, water retention basins utilities, and/or alleys.

404.3 A Dust Control Plan shall not be required for weed removal projects/weed abatement conducted by mowing. In order to be exempt from a Dust Control Plan, such projects shall not involve grade elevation changes, soil or rock importation or exportation, and cut and fill operations.

404.4 A Dust Control Plan shall not be required for dust palliative application projects conducted solely for the purpose of compliance with vacant lot control measure requirements described in Rule 310.01-Non-Traditional Sources Of Fugitive Dust of these rules. In order to be exempt from a Dust Control Plan, such projects shall not involve grade elevation changes, soil or rock importation or exportation, and cut and fill operations. However, importing gravel or rock for use as a dust palliative is allowed.

404.6 A Dust Control Plan shall not be required to play on or maintain a field used for non-motorized sports.

404.7 A Dust Control Plan shall not be required to conduct landscape maintenance. In order to be exempt from a Dust Control Plan, such landscape maintenance shall not include grading, trenching, or any other mechanized surface disturbing activities performed to establish initial landscapes or to redesign existing landscapes.

404.8 A Dust Control Plan shall not be required to establish initial landscapes or to redesign existing landscapes of legally-designated public parks and recreational areas, including but not limited to the following locations. In order to be exempt from a Dust Control Plan, establishing initial landscapes or redesigning existing landscapes shall not include grading, trenching, or any other mechanized surface disturbing activities.

- a.** National parks
- b.** National monuments
- c.** National forests
- d.** State parks
- e.** City parks
- f.** County parks
- g.** Regional parks
- h.** Ballfields
- i.** Camp sites
- j.** Playgrounds at camp sites
- k.** Hiking paths
- l.** Horse trails
- m.** Bicycle paths that are used exclusively for purposes other than travel by motor vehicles

405 **DUST CONTROL PLAN REVISIONS:**

405.1 **If Required By The Control Officer:**

- a.** If the Control Officer determines that an approved Dust Control Plan has been followed, yet fugitive dust emissions from any dust generating operation still exceed the standards of this rule, then the Control Officer shall issue a written

notice to the owner and/or operator of the dust generating operation explaining such determination.

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

405.2 If Requested By The Permittee:

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

405.2 If Rule 310 Is Revised:

- a.** If any changes to a Dust Control Plan are necessary as a result of the most recent revisions of this rule, such changes to the Dust Control Plan shall not be required until the associated Dust Control permit is required to be renewed.
- b.** If any changes to a Dust Control Plan, associated with a Title V permit or with a Non-Title V permit, are necessary as a result of the most recent revisions of this rule, then the owner and/or operator shall submit a revised Dust Control Plan to the Control Officer, according to the minor permit revision procedures described in Rule 210 or in Rule 220 of these rules respectively, no later than six months after the effective date of the most recent revisions to this rule.

406 DUST CONTROL PERMIT-BLOCK PERMIT REQUIREMENTS:

406.1 A Dust Control permit-Block permit application may be submitted to the Control Officer, if any one of the following dust generating operations are conducted:

- a.** More than one of the activities listed in this section of this rule and if such activities occur at more than one site (i.e., projects that involve multiple small areas scattered throughout Maricopa County, including but not limited to, fiber optic cable installation and natural gas line extension).
- b.** Routine operation (i.e., municipalities, governmental agencies, and utilities that are responsible for the repeat maintenance of infrastructure, including but not limited to, weed control around a prison, canal road grading, and road shoulder grading).

- c. Maintenance (i.e., municipalities, governmental agencies, and utilities that are responsible for the repeat maintenance of infrastructure, including but not limited to, weed control around a prison, canal road grading, and road shoulder grading).
- d. Expansion or extension of utilities, paved roads, unpaved roads, road shoulders, alleys, and public rights-of-way at non-contiguous sites by municipalities, governmental agencies, and utilities.

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

- a. A Dust Control Plan that meets the criteria described in Section 303 of this rule and applies to all sites shall be submitted to the Control Officer with the Dust Control permit-Block permit application.
- b. A list of all sites, including the location and size of each site, shall be submitted to the Control Officer with the Dust Control permit-Block permit application.
- c. For any project not listed in the Dust Control permit-Block permit application, the applicant shall notify the Control Officer in writing at least three working days prior to commencing the dust generating operation. The notice shall include the site location, size, type of activity, and start date.

406.3 The dust generating operation(s) shall commence within 12 months of the Dust Control permit-Block permit issuance.

406.4 New construction shall obtain a separate dust control permit.

406.5 The Dust Control permit-Block permit will cover crews that work for the municipalities and/or utilities, including subcontractors. However, municipalities and/or utilities shall retain overall authority for dust control on the project.

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

408 **TERMS FOR PERMITS FOR DUST GENERATING OPERATIONS:** A Dust Control permit issued according to this rule shall be issued for a period of one year from the date of issuance. Should the project last longer than one year from the date the permit was issued, the permittee shall re-apply for a Dust Control Permit at least 14 calendar days prior to the expiration date of the original permit.

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

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

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

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

412.1 **Basic Dust Control Training Class:** No later than December 31, 2008, a site superintendent or other designated on-site representative of the permit holder and water truck and water pull drivers for each site shall have successfully completed the Basic Dust Control Training Class, as described in/required by Section 305.1 of this rule. All employees having successfully completed training during the 2007 calendar year shall be deemed to have satisfied the requirement to successfully complete the Basic Dust Control Training Class, if the training that was completed was conducted or approved by the Control Officer.

412.2 **Dust Control Coordinator:** No later than June 30, 2008, any site and/or any contiguous site under common control of five acres or more of disturbed surface area shall, at all times during any activities that disturb or have the potential to disturb soils and during related transport activities at access points to paved roads, have on-site at least one individual designated by the permit holder as a Dust Control Coordinator, as described in/required by Section 306 of this rule.

SECTION 500 - MONITORING AND RECORDS

501 **COMPLIANCE DETERMINATION:** To determine compliance with this rule, the following test methods shall be followed:

501.1 **Opacity Observations:**

- a. **Dust Generating Operations:** Opacity observations of a source engaging in dust generating operations shall be conducted in accordance with Appendix C, Section 3-Time Averaged Methods of Visual Opacity Determination of Emissions from Dust Generating Operations of these rules.
- b. **Unpaved Parking Lot:** Opacity observations of any unpaved parking lot shall be conducted in accordance with Appendix C, Section 2.1-Test Methods For Stabilization For Unpaved Roads And Unpaved Parking Lots of these rules.
- c. **Unpaved Haul/Access Road:** Opacity observations of any unpaved haul/access road (whether at a work site that is under construction or at a work site that is temporarily or permanently inactive) shall be conducted in accordance with Appendix C, Section 2.1-Test Methods For Stabilization For Unpaved Roads And Unpaved Parking Lots of these rules.

501.2 **Stabilization Observations:**

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

Unpaved Parking Lots of these rule. When more than ~~4~~ one test method is permitted for a determination, an exceedance of the limits established in this rule determined by any of the applicable test methods ~~constitutes~~ shall constitute a violation of this rule.

- c. **Open Area And Vacant Lot Or Disturbed Surface Area:** Stabilization observations for an open area and vacant lot or any disturbed surface area on which no activity is occurring (whether at a work site that is under construction, at a work site that is temporarily or permanently inactive) shall be conducted in accordance with at least one of the techniques described in ~~subsection 501.2(e)(1)~~ Section 501.2(c)(1) through ~~subsection 501.2(e)(7)~~ Section 501.2(c)(7) below, as applicable. The owner and/or operator of such inactive disturbed surface area shall be considered in violation of this rule if such inactive disturbed surface area is not maintained in a manner that meets at least ~~4~~ one of the standards described in ~~subsection 302.3~~ Section 302.3 of this rule, as applicable.

- (1) Appendix C, Section 2.3-Test Methods For Stabilization-Visible Crust Determination-The Drop Ball/Steel Ball Test of these rules for a visible crust; or
- (2) Appendix C, Section 2.4-Test Methods For Stabilization-Determination Of Threshold Friction Velocity (TFV)-Sieving Field Procedure of these rules for threshold friction velocity (TFV) corrected for non-erodible elements of 100 cm/second or higher; or
- (3) Appendix C, Section 2.5-Test Methods For Stabilization-Determination Of Flat Vegetative Cover of these rules for flat vegetation cover (i.e., attached (rooted) vegetation or unattached vegetative debris lying on the surface with a predominant horizontal orientation that is not subject to movement by wind) that is equal to at least 50%; or
- (4) Appendix C, Section 2.6-Test Methods For Stabilization-Determination Of Standing Vegetative Cover of these rules for standing vegetation cover (i.e., vegetation that is attached (rooted) with a predominant vertical orientation) that is equal to or greater than 30%; or
- (5) Appendix C, Section 2.6-Test Methods For Stabilization-Determination Of Standing Vegetative Cover of these rules for standing vegetation cover (i.e., vegetation that is attached (rooted) with a predominant vertical orientation) that is equal to or greater than 10% and where the threshold friction velocity is equal to or greater than 43 cm/second when corrected for non-erodible elements; or
- (6) Appendix C, Section 2.7-Test Methods For Stabilization-Rock Test Method of these rules for a percent cover that is equal to or greater than 10%, for non-erodible elements; or
- (7) An alternative test method approved in writing by the Control Officer and the Administrator ~~of the EPA.~~

502 RECORDKEEPING:

- 502.1** Any person who conducts dust generating operations that require a Dust Control Plan shall keep ~~a daily written log~~ a written record of self inspection on each day soil disturbing work is conducted. Such written record shall include the actual application or implementation of the control measures delineated in the approved Dust Control Plan (including records on any

street sweeping, water applications, and maintenance of trackout control devices, gravel pads, fences, wind barriers, and tarps).

- 502.2** Any person who conducts dust generating operations that do not require a Dust Control Plan shall compile and retain records (including records on any street sweeping, water applications, and maintenance of trackout control devices, gravel pads, fences, wind barriers, and tarps) that provide evidence of control measure application, by indicating the type of treatment or control measure, extent of coverage, and date applied.
- 502.3** Upon verbal or written request by the Control Officer, the log or the records and supporting documentation shall be provided within 48 hours, excluding weekends. If the Control Officer is at the site where requested records are kept, records shall be provided without delay.
- 503 RECORDS RETENTION:** Copies of approved Dust Control Plans, control measures implementation records, and all supporting documentation shall be retained for at least six months following the termination of the dust generating operation. Copies of approved Dust Control Plans, control measures implementation records, and all supporting documentation shall be retained for at least ~~1~~ one year from the date such records were initiated. If a person has obtained a Title V Permit and is subject to the requirements of this rule, then such person shall retain records required by this rule for at least ~~5~~ five years from the date such records are established.
- 504 TEST METHODS ADOPTED BY REFERENCE:** The test methods listed in this section are adopted by reference. These adoptions by reference include no future editions or amendments. Copies of the test methods listed in this section are available for review at the ~~Maricopa County Environmental Services Department~~ Maricopa County Air Quality Department, 1001 North Central Avenue, Phoenix, AZ, 85004-1942.
- 504.1** ASTM Method C136-96A (“Standard Test Method For Sieve Analysis Of Fine And Coarse Aggregates”), 1996 edition.
- 504.2** ASTM Method D2216-98 (“Standard Test Method For Laboratory Determination Of Water (Moisture) Content Of Soil And Rock By Mass”), 1998 edition.
- 504.3** ASTM Method D1557-91(1998) (“Test Method For Laboratory Compaction Characteristics Of Soil Using Modified Effort (56,000 ft-lbf/ft³ (2,700 kN-m/m³))”), 1998 edition.

Table 1

~~Vehicle Use In Open Areas And Vacant Lots~~

- a. ~~An owner and/or operator must implement one of the following control measures:~~
- ~~1. Restrict trespass by installing signs; or~~
 - ~~2. Install physical barriers such as curbs, fences, gates, posts, signs, shrubs, and/or trees to prevent access to the area.~~

Table 2

~~Unpaved Parking Lots~~

- a. ~~An owner and/or operator must implement one of the following control measures:~~
- ~~1. Pave;~~
 - ~~2. Apply and maintain gravel, recycled asphalt, or other suitable material, in compliance with Section 302.1 of this rule; or~~
 - ~~3. Apply a suitable dust suppressant in compliance with Section 302.1 of this rule.~~
- b. ~~Suggested additional control measure for contingency plans:~~
- ~~1. Limit vehicle speeds to 15 m.p.h. on the site.~~

Table 3

~~Unpaved Haul/Access Roads~~

- a. ~~An owner and/or operator must implement one of the following control measures:~~
- ~~1. Limit vehicle speed to 15 m.p.h or less and limit vehicular trips to no more than 20 day;~~
 - ~~2. Apply water, so that the surface is visibly moist in compliance with Section 302.2 of this rule;~~
 - ~~3. Pave;~~
 - ~~4. Apply and maintain gravel, recycled asphalt, or other suitable material, in compliance with Section 302.2 of this rule; or~~
 - ~~5. Apply a suitable dust suppressant, in compliance with Section 302.2 of this rule.~~

Table 4

~~Open Areas And Vacant Lots~~

- a. ~~An owner and/or operator must implement one of the following control measures to comply with Section 302.3 of this rule:~~
- ~~1. Pave, apply gravel, or apply a suitable dust suppressant;~~
 - ~~2. Establish vegetative ground cover in sufficient quantity; or~~
 - ~~3. Restore area such that the vegetative ground cover and soil characteristics are similar to adjacent or nearby undisturbed native conditions.~~

Table 5

~~Disturbed Surface Areas—Pre Activity Work Practices~~

- a. ~~Before activity begins, an owner and/or operator must implement one of the following control measures:~~
- ~~1. Pre water site to depth of cuts, allowing time for penetration; or~~
 - ~~2. Phase work to reduce the amount of disturbed surface areas at any one time.~~

Table 6

~~Disturbed Surface Areas—Work Practices During Operations~~

- a. ~~During operations, an owner and/or operator must implement one of the following control measures:~~
- ~~1. Apply water or other suitable dust suppressant, in compliance with Section 301 of this rule;~~
 - ~~2. Apply water as necessary to maintain a soil moisture content at a minimum of 12%, as determined by ASTM Method D2216 98 or other equivalent method as approved by the Control Officer and the Administrator of EPA. For areas that have an optimum moisture content for compaction of less than 12%, as determined by ASTM Method D1557 91 (1998) or other equivalent method approved by the Control Officer and the Administrator of EPA, maintain at least 70% of the optimum soil moisture content; or~~

- 3. ~~Implement (a)(1) or (a)(2) above and construct fences or three foot to five foot high wind barriers with 50% or less porosity adjacent to roadways or urban areas to reduce the amount of windblown material leaving a site.~~
- b. ~~Suggested additional control measure for contingency plans:~~
 - 1. ~~Limit vehicle speeds to 15 m.p.h on the work site.~~

Table 7

~~Disturbed Surface Areas—Temporary Stabilization (Up To 8 Months)
During Weekends, After Work Hours, And On Holidays~~

- a. ~~An owner and/or operator must implement one of the following control measures to comply with Section 302.3 of this rule:~~
 - 1. ~~Pave, apply gravel, or apply a suitable dust suppressant;~~
 - 2. ~~Establish vegetative ground cover in sufficient quantity; or~~
 - 3. ~~Implement (a)(1) or (a)(2), above, and restrict vehicular access to the area.~~

Table 8

~~Disturbed Surface Areas—Permanent Stabilization
(Required Within 8 Months Of Ceasing Dust Generating Operations)~~

- a. ~~An owner and/or operator must implement one of the following control measures to comply with Section 302.3 of this rule:~~
 - 1. ~~Pave, apply gravel, or apply a suitable dust suppressant;~~
 - 2. ~~Establish vegetative ground cover in sufficient quantity; or~~
 - 3. ~~Restore area such that the vegetative ground cover and soil characteristics are similar to adjacent or nearby undisturbed native conditions.~~

Table 9

~~Blasting Operations~~

- a. ~~An owner and/or operator must implement all of the following control measures:~~
 - 1. ~~In wind gusts above 25 m.p.h., discontinue blasting; and~~
 - 2. ~~Pre water and maintain surface soils in a stabilized condition where support equipment and vehicles will operate.~~

Table 10

~~Demolition Activities~~

- a. ~~An owner and/or operator must implement all of the following control measures:~~
 - 1. ~~Stabilize demolition debris. Apply water to debris immediately following demolition activity; and~~
 - 2. ~~Stabilize surrounding area immediately following demolition activity. Water all disturbed soil surfaces to establish a crust and prevent wind erosion of soil.~~
- b. ~~Suggested additional control measure for contingency plans:~~
 - 1. ~~Thoroughly clean blast debris from paved and other surfaces following demolition activity.~~

Table 11

~~Bulk Material Handling Operations~~

~~Work Practices For Stacking, Loading, And Unloading Operations~~

- a. ~~An owner and/or operator must implement one of the following control measures:~~
 - 1. ~~Spray material with water, as necessary, prior to stacking, loading, and unloading, and/or while stacking, loading, and unloading;~~
 - 2. ~~Spray material with a dust suppressant other than water, as necessary, prior to stacking, loading, and unloading, and/or while stacking, loading, and unloading.~~
- b. ~~Suggested additional control measures for contingency plans:~~
 - 1. ~~Pre water and maintain surface soils in a stabilized condition where support equipment and vehicles will operate.~~
 - 2. ~~Remove material from the downwind side of the storage pile when safe to do so.~~

3. Empty loader bucket slowly and keep loader bucket close to the truck to minimize the drop height while dumping.

Table 12

Open Storage Piles

When Not Conducting Stacking, Loading, And Unloading Operations

- a. An owner and/or operator must implement one of the following control measures:
 1. Cover open storage piles with tarps, plastic, or other material such that the coverings will not be dislodged by wind;
 2. Apply water to maintain a soil moisture content at a minimum of 12%, as determined by ASTM Method D2216-98, or other equivalent methods approved by the Control Officer and the Administrator of the EPA; or for areas that have an optimum moisture content for compaction of less than 12%, as determined by ASTM Method D1557-91 (1998) or other equivalent methods approved by the Control Officer and the Administrator of EPA, maintain at least 70% of the soil moisture content;
 3. Meet the stabilization requirements described in Section 302.3 of this rule; or
 4. Implement (a)(2) or (a)(3), above, and construct and maintain wind barriers, storage silos, or a three sided enclosure with walls, whose length is no less than equal to the length of the pile, whose distance from the pile is no more than twice the height of the pile, whose height is equal to the pile height, and whose porosity is no more than 50%.

Table 13

Bulk Material Hauling/Transporting Within The Boundaries Of The Work Site

When Crossing A Paved Area Accessible To The Public

While Construction Is Underway

- a. An owner and/or operator must implement all of the following control measures:
 1. Load all haul trucks such that the freeboard is not less than 3 inches when crossing a paved area accessible to the public while construction is underway;
 2. Prevent spillage or loss of bulk material from holes or other openings in the cargo compartment's floor, sides, and/or tailgate(s);
 3. Install a suitable trackout control device that controls and prevents trackout and/or removes particulate matter from tires and the exterior surfaces of haul trucks and/or motor vehicles that traverse such work site.
- b. Suggested additional control measure for contingency plans:
 1. Limit vehicle speeds to 15 m.p.h. on the work site.

Table 14

Bulk Material Hauling/Transporting When On Site Hauling/Transporting

Within The Boundaries Of The Work Site But Not Crossing

A Paved Area Accessible To The Public

- a. An owner and/or operator must implement one of the following control measures:
 1. Limit vehicular speeds to 15 m.p.h. or less while traveling on the work site;
 2. Apply water to the top of the load in compliance with Section 301 of this rule; or
 3. Cover haul trucks with a tarp or other suitable closure.

Table 15

Bulk Material Hauling/Transporting Off Site Hauling/Transporting

Onto Paved Areas Accessible To The Public

- a. An owner and/or operator must implement all of the following control measures:
 1. Cover haul trucks with a tarp or other suitable closure;
 2. Load all haul trucks such that the freeboard is not less than 3 inches;
 3. Prevent spillage or loss of bulk material from holes or other openings in the cargo compartment's floor, sides, and/or tailgate(s); and
 4. Before the empty haul truck leaves the site, clean the interior of the cargo compartment or cover the cargo compartment.

Table 16

~~Clean Up Of Trackout, Carry Out, Spillage, And Erosion~~

- a. ~~An owner and/or operator must implement one of the following control measures:~~
 - 1. ~~Operate a street sweeper or wet broom with sufficient water, at the speed recommended by the manufacturer and at the frequency(ies) described in Section 308.3 of this rule; or~~
 - 2. ~~Manually sweep up deposits in compliance with Section 308.3 of this rule.~~

Table 17

~~Trackout Control~~

- a. ~~An owner and/or operator must implement all of the following control measures:~~
 - 1. ~~Immediately clean up trackout that exceeds 50 feet. All other trackout must be cleaned up at the end of the workday; and~~
 - 2. ~~In accordance with Section 308.3(a), prevent trackout by implementing one of the following control measures:~~
 - i. ~~At all access points, install a grizzly or wheel wash system.~~
 - ii. ~~At all access points, install a gravel pad at least 30 feet wide, 50 feet long, and 6 inches deep, in compliance with Section 213 of this rule.~~
 - iii. ~~Pave starting from the point of intersection with a paved area accessible to the public and extending for a centerline distance of at least 100 feet and a width of at least 20 feet.~~
- b. ~~Suggested additional control measures for contingency plans:~~
 - 1. ~~Clearly establish and enforce traffic patterns to route traffic over selected trackout control devices.~~
 - 2. ~~Limit site accessibility to routes with trackout control devices in place by installing effective barriers on unprotected routes.~~
 - 3. ~~Pave construction activity roadways as soon as possible.~~

Table 18

~~Weed Abatement By Discing Or Blading~~

- a. ~~An owner and/or operator must implement all of the following control measures:~~
 - 1. ~~Pre water site;~~
 - 2. ~~Apply water while weed abatement by discing or blading is occurring; and~~
 - 3. ~~Stabilize area by implementing either one of the following:~~
 - i. ~~Pave, apply gravel, apply water, or apply a suitable dust suppressant, in compliance with Section 302.3 of this rule, after weed abatement by discing or blading occurs; or~~
 - ii. ~~Establish vegetative ground cover in sufficient quantity, in compliance with Section 302.3 of this rule, after weed abatement by discing or blading occurs.~~
- b. ~~Suggested additional control measures for contingency plans~~
 - 1. ~~Limit vehicle speeds to 15 m.p.h. during discing and blading operations.~~

Table 19

~~Easements, Rights Of Way, And Access Roads For Utilities (Electricity, Natural Gas, Oil, Water, And Gas Transmission) Associated With Sources That Have A Non Title V Permit, A Title V Permit, And/Or A General Permit Under These Rules~~

- a. ~~An owner and/or operator must implement one of the following control measures:~~
 - 1. ~~Inside the PM10 nonattainment area, restrict vehicular speeds to 15 m.p.h. and vehicular trips to no more than 20 per day per road;~~
 - 2. ~~Outside the PM10 nonattainment area, restrict vehicular trips to no more than 20 per day per road;~~
~~or~~
 - 3. ~~Implement control measures, as described in Table 3 (Unpaved Haul/Access Roads) of this rule.~~

Note: For Tables 20 & 21, control measures in [brackets] are to be applied only to dust generating operations outside the nonattainment area.

Table 20

~~Wind Event Control Measures Dust Generating Operations~~

- a. ~~An owner and/or operator must implement one of the following control measures:~~
- ~~1. Cease dust generating operations for the duration of the condition/situation/event when the 60-minute average wind speed is greater than 25 m.p.h. and if dust generating operations are ceased for the remainder of the work day, stabilize the area;~~
 - ~~2. Apply water or other suitable dust suppressant at least twice [once] per hour, in compliance with Section 301 of this rule;~~
 - ~~3. Apply water as necessary to maintain a soil moisture content at a minimum of 12%, as determined by ASTM Method D2216 98 or other equivalent method as approved by the Control Officer and the Administrator of EPA. For areas that have an optimum moisture content for compaction of less than 12%, as determined by ASTM Method D1557 91 (1998) or other equivalent method approved by the Control Officer and the Administrator of EPA, maintain at least 70% of the optimum soil moisture content; or~~
 - ~~4. Implement (a)(2) or (a)(3), above, and construct fences or three foot to five foot high wind barriers with 50% or less porosity adjacent to roadways or urban areas to reduce the amount of wind-blown material leaving a site.~~

Table 21

~~Wind Event Control Measures Temporary Disturbed Surface Areas
(After Work Hours, Weekends, Holidays)~~

- a. ~~An owner and/or operator must implement one of the following control measures:~~
- ~~1. Uniformly apply and maintain surface gravel or dust suppressants, in compliance with Section 302.3 of this rule;~~
 - ~~2. Apply water to all disturbed surface areas 3 times per day. If there is any evidence of wind-blown dust, increase watering frequency to a minimum of 4 times per day;~~
 - ~~3. Apply water on open storage piles at least twice [once] per hour, in compliance with Section 302.3 of this rule; or~~
 - ~~4. Cover open storage piles with tarps, plastic, or other material such that wind will not remove the covering(s).~~
- b. ~~Suggested additional control measures for contingency plans:~~
- ~~1. Implement a combination of the control measures listed in (a)(1) through (a)(4), above.~~

REGULATION III - CONTROL OF AIR CONTAMINANTS
RULE 310.01
FUGITIVE DUST FROM
OPEN AREAS, VACANT LOTS, UNPAVED PARKING LOTS, AND UNPAVED ROADWAYS
NON-TRADITIONAL SOURCES OF FUGITIVE DUST
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503 RECORDS RETENTION

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

RULE 310.01
FUGITIVE DUST FROM
OPEN AREAS, VACANT LOTS, UNPAVED PARKING LOTS, AND UNPAVED ROADWAYS
NON-TRADITIONAL SOURCES OF FUGITIVE DUST

SECTION 100 - GENERAL

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~~ To minimize the amount of fine particulate matter (PM₁₀) fugitive dust entrained into the ambient air as a result of the impact of human activities from non-traditional sources of fugitive dust by requiring measures to prevent, reduce, or mitigate particulate matter fugitive dust emissions.

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 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.~~

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.

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.

103 **EXEMPTIONS:** 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.

SECTION 200 - DEFINITIONS: See Rule 100-General Provisions And Definitions of these rules for definitions of terms that are used but not specifically defined in this rule. For the purpose of this rule, the following definitions shall apply:

201 **AREA ACCESSIBLE TO THE PUBLIC** – Any parking lot or public roadway open to public travel primarily for purposes unrelated to the dust generating operation.

202 **BULK MATERIAL** - Any material, including, but not limited to, the following materials earth, rock, silt, sediment, sand, gravel, soil, fill, aggregate less than 2 inches in length or diameter (i.e., aggregate base course (ABC)), earth, soil, dirt, mud, demolition debris, cotton, trash, cinders, pumice, rock, saw dust, feeds, grains, fertilizers, fluff (from shredders), and dry concrete, that are capable of producing fugitive dust.:

- 202.1** Earth
- 202.2** Rock
- 202.3** Silt
- 202.4** Sediment
- 202.5** Sand
- 202.6** Gravel
- 202.7** Soil
- 202.8** Fill

- 202.9 Aggregate less than 2 inches in length or diameter (i.e., aggregate base course (ABC))
- 202.10 Dirt
- 202.11 Mud
- 202.12 Demolition debris
- 202.13 Cotton
- 202.14 Trash
- 202.15 Cinders
- 202.16 Pumice
- 202.17 Saw dust
- 202.18 Feeds
- 202.19 Grains
- 202.20 Fertilizers
- 202.21 Fluff from shredders
- 202.22 Dry concrete

202 203 **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.

203 204 **CONTROL MEASURE** - A technique, practice, or procedure used to prevent or minimize the generation, emission, entrainment, suspension, and/or airborne transport of fugitive dust.

204 205 **DISTURBED SURFACE AREA** - A portion of the earth's surface (or material placed thereupon) which has been physically moved, uncovered, destabilized, or otherwise modified from its undisturbed native condition, thereby increasing the potential for the emission of fugitive dust. For the purpose of this rule, an area is considered to be a disturbed surface area until the activity that caused the disturbance has been completed and the disturbed surface area meets the standards described in Section 300 of this rule, as applicable.

206 **DUST GENERATING OPERATION** - Any activity capable of generating fugitive dust, including but not limited to, the following activities. For the purpose of this rule, landscape maintenance and playing on or maintaining a field used for non-motorized sports shall not be considered a dust generating operation. However, landscape maintenance shall not include grading, trenching, or any other mechanized surface disturbing activities performed to establish initial landscapes or to redesign existing landscapes.

206.1 Land clearing, maintenance, and land cleanup using machinery

206.2 Earthmoving

206.3 Weed abatement by discing or blading

206.4 Excavating

206.5 Soil or rock excavation or removal

206.6 Soil or rock hauling

206.7 Filling, compacting, stockpiling and grading

206.8 Explosive blasting

206.9 Abrasive blasting

206.10 Concrete, stone, and tile cutting

206.11 Mechanized trenching

206.12 Handling of building materials capable of entrainment in air (e.g., sand, cement powder)

206.13 Construction

206.14 Demolition

206.15 Bulk material handling

206.16 Storage and/or transporting operations

206.17 Vehicle use and movement

206.18 Operation of any outdoor equipment

206.19 Operation of motorized machinery

206.20 Driving vehicles on a site

206.21 Establishing and/or using staging areas, parking areas, material storage areas, or access routes to and from a site

206.22 Initial landscaping

- 205 **207** **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.
- 206 **208** **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.
- 207 **209** **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.
- 208 **210** **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.
- 211** **NON-TRADITIONAL SOURCE OF FUGITIVE DUST** - A source of fugitive dust that is not subject to Rule 310-Fugitive Dust of these rules, including but not limited to the following:
- 211.1** Vehicle use in open areas and vacant lots
 - 211.2** Open areas and vacant lots
 - 211.3** Unpaved parking lots
 - 211.4** Unpaved roadways (including alleys)
 - 211.5** Feedlots and/or livestock areas
 - 211.6** Erosion-caused deposition of bulk materials onto paved surfaces
 - 211.7** Easements, rights-of-way, and access roads for utilities (electricity, natural gas, oil, water, and gas transmission)
- 209 **212** **NORMAL FARM CULTURAL PRACTICE** - All activities by the owner, lessee, agent, independent contractor, and/or supplier conducted on any facility for the production of crops and/or nursery plants. Disturbances of the field surface caused by turning under stalks, tilling, leveling, planting, fertilizing, or harvesting are included in this definition.
- 210 **213** **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.
- 211 **214** **OPEN AREAS AND VACANT LOTS** - Any of the following described in ~~Section 211.1~~ Section 214.1 through ~~Section 211.4~~ Section 214.4 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 **214.1** An unsubdivided or undeveloped tract of land adjoining a developed or a partially developed residential, industrial, institutional, governmental, or commercial area.
 - 211.2 **214.2** 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 **214.3** A partially developed residential, industrial, institutional, governmental, or commercial lot.
 - 211.4 **214.4** A tract of land, in the PM₁₀ nonattainment area, adjoining agricultural property.

- 242 **215** **OWNER AND/OR OPERATOR** - Any person who owns, leases, operates, controls, or supervises a fugitive dust source subject to the requirements of this rule.
- 243 **216** **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).
- 244 **217** **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.
- 245 **218** **PUBLIC ROADWAYS** - Any roadways that are open to public travel.
- 219** **TRACKOUT/CARRYOUT** – Any and all bulk materials that adhere to and agglomerate on the surfaces of motor vehicles, haul trucks, and/or equipment (including tires) and that have fallen or been deposited onto a paved area accessible to the public.
- 220** **TRACKOUT CONTROL DEVICE** - 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.
- 246 **221** **UNPAVED PARKING LOT** - Any area larger than 5,000 square feet that is not paved and that is used for parking, maneuvering, material handling, or storing motor vehicles and equipment. An unpaved parking lot includes, but is not limited to, automobile impound yards, wrecking yards, automobile dismantling yards, salvage yards, material handling yards, and storage yards. For the purpose of this definition, maneuvering shall not include military maneuvers or exercises conducted on federal facilities.
- 247 **222** **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.
- 248 **223** **VACANT LOT** - The definition of vacant lot is included in ~~Section 214~~ Section 214-Definition Of Open Areas And Vacant Lots of this rule.

SECTION 300 - STANDARDS

- 301** 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.
- 302** 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 exits/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. If such costs are not reimbursed, the Control Officer may request a lien be placed on the subject land/property that shall remain in full force and effect until any and all such costs have been collected.

303 **VISIBLE EMISSIONS FROM NON-TRADITIONAL SOURCES OF FUGITIVE DUST:** The owner and/or operator of a non-traditional source of fugitive dust shall be subject, at all times, to the visible emissions limitations/requirements described in this section of this rule. The owner and/or operator of a non-traditional source of fugitive dust, unless otherwise specified and/or required, shall comply with the requirements described in Section 303.1 and Section 303.2 of this rule, as applicable.

303.1 **Non-Traditional Sources Of Fugitive Dust Opacity Limitation Requirement:**

- 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.
- b.** To determine if a non-traditional source of fugitive dust has met the opacity limitation requirement described in Section 303.1(a) of this rule, the owner and/or operator shall conduct opacity observations in accordance with the test methods described in the Environmental Protection Agency (EPA) Reference Method 9-Visual Determination Of The Opacity Of Emissions From Stationary Sources, 40 CFR 60, Appendix A. Opacity observations for continuous dust plumes and non-continuous dust plumes/intermittent visible emissions shall be conducted in accordance with the time-averaged test methods described in Appendix C-Fugitive Dust Test Methods of these rules.

303.2 **Property Line Opacity Limitation Requirement:**

- a.** The owner and/or operator of a non-traditional source of fugitive dust shall not cause or allow visible fugitive dust emissions to remain visible in the atmosphere beyond the property line.
- b.** To determine if a non-traditional source of fugitive dust has met the opacity limitation requirement described in Section 303.2(a) of this rule, the owner and/or operator shall conduct opacity observations in accordance with the test methods described...

304 **CONTROL MEASURES FOR NON-TRADITIONAL SOURCES OF FUGITIVE DUST:**

- 304.1** When engaged in the activities and/or operations described in Section 305 through Section 311 of this rule, the owner and/or operator of a non-traditional source of fugitive dust shall implement control measures as described in Section 305 through Section 311 of this rule, as applicable.
- 304.2** Control measures shall be implemented to achieve the requirements in Section 303 of this rule.
- 304.3** To determine if a control measure has been implemented to achieve the requirements in Section 303 of this rule, the owner and/or operator of a non-traditional source of fugitive dust shall conduct opacity observations as described in Section 303.1 and Section 303.2 of this rule and shall conduct stabilization procedures as described in Section 305 through Section 311 of this rule, as applicable.
- 304.4** 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 Section 303 of this rule shall be deemed a violation of this rule.

301 **305** **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 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.~~

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 square feet or more that are 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 calendar days following the initial discovery of disturbance or vehicle use on open areas and vacant lots.

305.2 Within 30 calendar days following the initial discovery 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.

305.3 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 achieves one of the requirements described in Section 305.7 of this rule.

305.4 Once a control measure in Section 305.6 of this rule has been effectively implemented, then such open area or vacant lot is subject to the requirements of Section 306-Open Areas And Vacant Lots of this rule.

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 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 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, landscape maintenance does not include grading, trenching, or any other mechanized surface disturbing activities performed to establish initial landscapes or to redesign existing landscapes.

~~301.4~~

305.6 **Control Measures:**

- 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; or
- 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;~~ or
- c. Apply and maintain an alternative control measure approved in writing by the Control Officer and the Administrator ~~of the EPA.~~

301.2 **Stabilization Limitations:**

- 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~~
- 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~~
- e. ~~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~~
- 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~~
- 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~~
- 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~~
- g. ~~An alternative test method approved in writing by the Control Officer and the Administrator of the EPA shall be implemented.~~

305.7 Stabilization Procedures:

- a. The owner and/or operator shall implement/comply with all of the following stabilization procedures:
 - (1) Control measures shall be implemented to achieve the requirements in Section 303 of this rule.
 - (2) To determine if a control measure has been implemented to achieve the requirements in Section 303 of this rule, the owner and/or operator shall conduct the opacity test method to determine the percent opacity of fugitive dust plumes caused when/at the time vehicles move/drive on the open area and vacant lot described in Appendix C-Fugitive Dust Test Methods of these rules and shall conduct the silt content test method to determine the silt content of the trafficked areas of the open area and vacant lot when vehicles are not moving/driving on the open area and vacant lot described in Appendix C-Fugitive Dust Test Methods of these rules.
 - (3) In order to be in compliance with this rule, visible fugitive dust emissions shall not exceed 20% opacity and either the silt loading shall not be equal to or greater than 0.33 oz/ft² or the silt content shall not exceed 6% / 8%.

- b.** The owner and/or operator of unoccupied, unused, vacant, or undeveloped open areas and vacant lots shall implement/comply with all of the following stabilization procedures:
- (1)** Control measures shall be implemented to achieve the requirements in Section 303 of this rule.
 - (2)** To determine if a control measure has been implemented to achieve the requirements of Section 303 of this rule, the owner and/or operator shall conduct opacity observations described in Section 303 of this rule.
 - (3)** To determine if a control measure has been implemented to achieve the requirements of Section 303 of this rule, the owner and/or operator shall conduct the test methods described in Appendix C-Fugitive Dust Test Methods of these rules to determine if the unoccupied, unused, vacant, or undeveloped open areas and vacant lots have a stabilized surface. The owner and/or operator shall meet one of the following test methods:
 - (a)** Visible crust determination (Drop Ball Test Method);
 - (b)** Determination of threshold friction velocity (TFV);
 - (c)** Determination of flat vegetative cover (Line Transect Test Method);
 - (d)** Determination of standing vegetative cover (Vegetative Density Factor);
or
 - (e)** Rock Test Method.

302 **306** ~~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 Section 306.1 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 Section 306.2 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.~~

- 306.1** 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 shall implement one or more of the control measures described in Section 306.4 of this rule within 30 calendar days following the initial discovery of the disturbance on the open areas and vacant lots.
- 306.2** Within 30 calendar days following the initial discovery of disturbed surface areas that are unoccupied, unused, vacant, or undeveloped, 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.
- 306.3** Control measure(s) shall be considered effectively implemented when disturbed surface areas meet one of the requirements described in Section 306.5 of this rule.

302.1

306.4 Control Measures:

- a. Establish vegetative ground cover on all disturbed surface areas ~~within 60 calendar days following the initial discovery of the disturbance.~~ Such control measure(s) must be maintained and reapplied, if necessary, ~~until the disturbed surface such 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.
- 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.~~
- c. Restore all disturbed surface areas within ~~60~~ 30 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.
- d. Uniformly apply and maintain surface gravel, ~~in compliance with one of the stabilization limitations described in Section 302.2 of this rule.~~
- e. Apply and maintain an alternative control measure approved in writing by the Control Officer and the Administrator ~~of the EPA.~~

302.2 Stabilization Limitations:

- 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~~
- 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~~
- e. ~~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~~
- 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~~
- 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~~

- ~~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~~
- ~~g. An alternative test method approved in writing by the Control Officer and the Administrator of the EPA shall be implemented.~~

306.5 **Stabilization Procedures:** The owner and/or operator of open areas and vacant lots that have 0.5 acre or more of disturbed surface area and remain unoccupied, unused, vacant, or undeveloped for more than 15 days shall implement/comply with all of the following stabilization procedures:

- a.** Control measures shall be implemented to achieve the requirements of Section 303 of this rule.
- b.** To determine if a control measure has been implemented to achieve the requirements of Section 303 of this rule, the owner and/or operator shall conduct opacity observations described in Section 303 of this rule.
- c.** To determine if a control measure has been implemented to achieve the requirements of Section 303 of this rule, the owner and/or operator shall conduct the test methods described in Appendix C-Fugitive Dust Test Methods of these rules to determine if the unoccupied, unused, vacant, or undeveloped open areas have a stabilized surface. The owner and/or operator shall meet one of the following test methods:
 - (1)** Visible crust determination (Drop Ball Test Method);
 - (2)** Determination of threshold friction velocity (TFV);
 - (3)** Determination of flat vegetative cover (Line Transect Test Method);
 - (4)** Determination of standing vegetative cover (Vegetative Density Factor); or
 - (5)** Rock Test Method.

303 **307** **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.~~

307.1 The owner and/or operator of an unpaved parking lot shall implement one of the control measures described in Section 307.4 of this rule on any surface area(s) of the lot on which vehicles enter, park, and exit.

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.

307.3 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 307.4 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.

303-1

307.4 Control Measures:

- a. Pave.
- b. Apply dust suppressants, in compliance with the stabilization and opacity limitations described in Section 303.2 of this rule, 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.
- c. Uniformly apply and maintain surface gravel, in compliance with the stabilization and opacity limitations described in Section 303.2 of this rule, 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.

~~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:~~

- a. ~~Silt loading is equal to or greater than 0.33 oz/ft²; or~~
- b. ~~Silt content does not exceed 8%.~~

307.5 Stabilization Procedures:

- a. Control measures shall be implemented to achieve the requirements of Section 303 of this rule.
- b. To determine if a control measure has been implemented to achieve the requirements of Section 303 of this rule, the owner and/or operator shall conduct the opacity test method to determine the percent opacity of fugitive dust plumes caused when/at the time vehicles move/drive on the unpaved parking lot described in Appendix C-Fugitive Dust Test Methods of these rules and shall conduct the silt content test method to determine the silt content of the trafficked areas of the unpaved parking lot when vehicles are not moving/driving on the unpaved parking lot described in Appendix C-Fugitive Dust Test Methods of these rules.
- c. In order to be in compliance with this rule, visible fugitive dust emissions shall not exceed 20% opacity and either the silt loading shall not be equal to or greater than 0.33 oz/ft² or the silt content shall not exceed 8%.

304

308

~~**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.~~

308.1 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 308.3 of this rule.

308.2 A person, who allows 150 vehicles or more per day to use an unpaved roadway (including alleys) 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 alleys). 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.

304.1

308.3 Control Measures:

- a. Pave.
- b. Apply dust suppressants, ~~in compliance with the stabilization and opacity limitations procedures described in Section 304.2 of this rule.~~
- c. Uniformly apply and maintain surface gravel, ~~in compliance with the stabilization and opacity limitations described in Section 304.2 of this rule.~~

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:~~

- a. ~~Silt loading is equal to or greater than 0.33 oz/ft²; or~~
- b. ~~Silt content does not exceed 6%.~~

308.4 Stabilization Procedures:

- a. Control measures shall be implemented to achieve the requirements of Section 303 of this rule.
- b. To determine if a control measure has been implemented to achieve the requirements of Section 303 of this rule, a person shall conduct the opacity test method to determine the percent opacity of fugitive dust plumes caused when/at the time vehicles move/drive on the unpaved roadway (including alleys) described in Appendix C-Fugitive Dust Test Methods of these rules and shall conduct the silt content test method to determine the silt content of the trafficked areas of the unpaved roadway (including alleys) when vehicles are not moving/driving on the unpaved roadway (including alleys) described in Appendix C-Fugitive Dust Test Methods of these rules.
- c. In order to be in compliance with this rule, visible fugitive dust emissions shall not exceed 20% opacity and either the silt loading shall not be equal to or greater than 0.33 oz/ft² or the silt content shall not exceed 6%.

305 **309 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.~~

309.1 The owner and/or operator of any feedlot and/or livestock area shall implement one of the control measures described in Section 309.2 of this rule.

305.1

309.2 Control Measures:

- a. Apply dust suppressants, ~~in compliance with the opacity limitation described in Section 305.2 of this rule.~~
- b. Uniformly apply and maintain surface gravel, ~~in compliance with the opacity limitation described in Section 305.2 of this rule.~~

- 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.~~

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.~~

309.3 Stabilization Procedures:

- a. Control measures shall be implemented to achieve the requirements of Section 303 of this rule.
- b. To determine if a control measure has been implemented to achieve the requirements of Section 303 of this rule, the owner and/or operator shall conduct opacity observations described in Section 303 of this rule.
- c. To determine if a control measure has been implemented to achieve the requirements of Section 303 of this rule, the owner and/or operator shall conduct the test methods described in Appendix C-Fugitive Dust Test Methods of these rules to determine if feedlots and/or livestock areas have a stabilized surface. The owner and/or operator shall meet one of the following test methods:
 - (1) Visible crust determination (Drop Ball Test Method);
 - (2) Determination of threshold friction velocity (TFV);
 - (3) Determination of flat vegetative cover (Line Transect Test Method);
 - (4) Determination of standing vegetative cover (Vegetative Density Factor); or
 - (5) Rock Test Method.

306 **310** **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 stabilization 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.~~

310.1 In the event that erosion-caused deposition of bulk materials or other materials occurs on any adjacent paved roadway, or 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 310.3 of this rule.

310.2 Exceedances of the requirements of Section 303 of this rule, due to erosion-caused deposition of bulk materials onto paved surfaces, shall constitute a violation of this rule.

306.1 **310.3** **Control Measures:**

- 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

- b. Dispose of deposits in such a manner so as not to cause another source of fugitive dust.

~~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.~~

310.4 Stabilization Procedures:

- a. Control measures shall be implemented to achieve the requirements of Section 303 of this rule.
- b. To determine if a control measure has been implemented to achieve the requirements of Section 303 of this rule, the owner and/or operator shall conduct opacity observations described in Section 303 of this rule.

~~307~~ **311 EASEMENTS, RIGHTS-OF-WAY, AND ACCESS ROADS FOR UTILITIES (ELECTRICITY, NATURAL GAS, OIL, WATER, AND GAS TRANSMISSION):**

311.1 ~~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 307.4~~ Section 311.3 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.~~~~

311.2 ~~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 verbal or written request by the Control Officer.~~

~~307.4~~ **311.3 Control Measures:**

- a. ~~Pave.~~
- b. ~~Apply dust suppressants, in compliance with the stabilization and opacity limitations described in Section 307.2 of this rule.~~
- c. ~~Uniformly apply and maintain surface gravel, in compliance with the stabilization and opacity limitations described in Section 307.2 of this rule.~~
- d. Install locked gates at each entry point.

~~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 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%.~~

311.4 Stabilization Procedures:

- a. Control measures shall be implemented to achieve the requirements of Section 303 of this rule.
- b. To determine if a control measure has been implemented to achieve the requirements of Section 303 of this rule, the owner and/or operator shall conduct the opacity test method to determine the percent opacity of fugitive dust plumes caused when/at the time vehicles move/drive on easements, rights-of-way, and access roads for utilities (electricity, natural gas, oil, water, and gas transmission) described in Appendix C-Fugitive Dust Test Methods of these rules and shall conduct the silt content test method to determine the silt content of the trafficked areas of the easements, rights-of-way, and access roads for utilities (electricity, natural gas, oil, water, and gas transmission) when vehicles are not moving/driving on the easements, rights-of-way, and access roads for utilities (electricity, natural gas, oil, water, and gas transmission) described in Appendix C-Fugitive Dust Test Methods of these rules.
- c. In order to be in compliance with this rule, visible fugitive dust emissions shall not exceed 20% opacity and either the silt loading shall not be equal to or greater than 0.33 oz/ft² or the silt content shall not exceed 6%.

SECTION 400 - ADMINISTRATIVE REQUIREMENTS (NOT APPLICABLE)

SECTION 500 - MONITORING AND RECORDS

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

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where the threshold friction velocity, corrected for non-erodible elements, is equal to or greater than 43 cm/second; or

- 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.
- g. An alternative test method approved in writing by the Control Officer and the Administrator of the EPA.

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.

503 RECORDS RETENTION: Copies of the records required by Section 502-Recordkeeping of this rule shall be retained for at least one year.

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft May 17, 2007
With Stakeholders' Comments As Of Public Workshop #2-May 17, 2007**

Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust Draft May 17, 2007	Description Of Revision	Stakeholders' Comments
<p>101 Purpose: To limit particulate matter emissions into the ambient air from any property, operation or activity that may serve as a fugitive dust source. The effect of this rule shall be to minimize the amount of PM₁₀ entrained into the ambient air as a result of the impact of human activities by requiring measures to prevent, reduce, or mitigate particulate matter emissions.</p>	<p>101 Purpose: To limit particulate matter emissions into the ambient air from any property, operation or activity that may serve as a fugitive dust source. The effect of this rule shall be to minimize the amount of PM₁₀ entrained into the ambient air as a result of the impact of human activities by requiring measures to prevent, reduce, or mitigate particulate matter emissions. The purpose of Rule 310-Fugitive Dust of these rules is: <u>101.1 To limit the emission of fugitive dust into the ambient air by preventing, controlling, and mitigating fugitive dust from dust generating operations; and</u> <u>101.2 To establish control measures and standards for Maricopa County, define reasonable precautions for the prevention and control of fugitive dust from all dust generating operations, and establish thresholds for enforcement of these standards.</u></p>	<p>To clarify the purpose of Rule 310. Proposed text matches Clark County's "Purpose" in Section 94-Permitting And Dust Control For Construction Activities.</p>	<p>Joint Environmental Task Force: The Joint Environmental Task Force does not approve Rule 310 draft as written. The wording is confusing in that it is not clear that this rule applies to fugitive dust from sand and gravel mining operations.</p>
<p>102 Applicability: The provisions of this rule shall apply to all dust generating operations except for those dust generating operations listed in Section 103.</p>	<p>102 Applicability: The provisions of this rule shall apply to all dust generating operations <u>that are conducted in Maricopa County</u>, except for those dust generating operations listed in Section 103 <u>of this rule</u>.</p>	<p>To clarify that Rule 310 is applicable in Maricopa County - not just in the nonattainment area of Maricopa County.</p>	<p>Joint Environmental Task Force: This Rule applies to all dust generating operations except farming and non-traditional sources, which are not listed. What is Rule 310.01? What are non-traditional sources? All of the activities described here can and do take place at sand and gravel mining operation sites. Therefore, this rule should apply to sand and gravel mining operations as well as to construction. Fugitive dust is a major part of such mining operations. Are there controls identical to the ones specified in Rule 310 specified in another rule specifically for sand and gravel mining? If so specify here. If not, specify that this rule is universal. The title of the rule is "fugitive dust". If the requirements here are stricter than those for sand and gravel mining permits, then sand and gravel mining permits should</p>

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			incorporate these requirements as corrected by the comments in this letter. There is a "disconnect" here. Is mining given the "easy" requirements?
<p>103 Exemptions: The following are exempt from the requirements of this rule: normal farm cultural practices under Arizona Revised Statutes (A.R.S.) §49-457 and §49-504.4, and open areas, vacant lots, unpaved parking lots, and unpaved roadways that are not located at sources that require any permit under these rules.</p>	<p>103 Exemptions: The following are exempt from the requirements of this rule: normal farm cultural practices under Arizona Revised Statutes (ARS) §49-457 and §49-504.4, and open areas, vacant lots, unpaved parking lots, and unpaved roadways that are not located at sources that require any permit under these rules. The provisions of this rule shall not apply to the following activities:</p> <p><u>103.1 The provisions of this rule shall not apply to normal farm cultural practices according to Arizona Revised Statutes (ARS) §49-457 and ARS §49-504.4.</u></p> <p><u>103.2 The provisions of this rule shall not apply to non traditional sources of fugitive dust. Non-traditional sources of fugitive dust are subject to the standards and/or requirements described in Rule 310.01-Non-Traditional Sources Of Fugitive Dust of these rules.</u></p>	<p>To change format for clarity and to change reference to Rule 310.01 so that it matches proposed new title of Rule 310.01 - 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 exemption is allowed in the Clark County's Section 94.2.5. In addition, a definition for an emergency activity should be provided in Rule 310. Suggested revision: Add Section 103.3: The provisions of this rule shall not apply to emergency activities that may disturb the soil, conducted by any utility, municipality, or government entity in order to prevent public injury or restore critical utilities to functional status.</p>
<p>201 Area Accessible To The Public – Any retail parking lot or public roadway that is open to public travel primarily for purposes unrelated to the dust generating operation.</p>	<p>201 Area Accessible To The Public – Any retail parking lot or public roadway that is open to public travel primarily for purposes unrelated to the dust generating operation.</p>	<p>Areas accessible to the public should not be limited-to retail parking lots. Parking lots for churches, schools, other institutions meet the definition, per Staff comment.</p>	<p>Joint Environmental Task Force: The area definition here is not inclusive enough. Use the area defined by the EPA.</p>

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Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust Draft May 17, 2007	Description Of Revision	Stakeholders' Comments
<p>202 Bulk Material - Any material, including, but not limited to, earth, rock, silt, sediment, sand, gravel, soil, fill, aggregate less than 2 inches in length or diameter (i.e., aggregate base course (ABC)), earth, soil, dirt, mud, demolition debris, cotton, trash, cinders, pumice, rock, saw dust, feeds, grains, fertilizers, fluff (from shredders), and dry concrete, that are capable of producing fugitive dust.</p>	<p>202 Bulk Material - Any material, including, but not limited to, <u>the following materials</u> earth, rock, silt, sediment, sand, gravel, soil, fill, aggregate less than 2 inches in length or diameter (i.e., aggregate base course (ABC)), earth, soil, dirt, mud, demolition debris, cotton, trash, cinders, pumice, rock, saw dust, feeds, grains, fertilizers, fluff (from shredders), and dry concrete, that are capable of producing fugitive dust.:</p> <p><u>202.1 Earth</u> <u>202.2 Rock</u> <u>202.3 Silt</u> <u>202.4 Sediment</u> <u>202.5 Sand</u> <u>202.6 Gravel</u> <u>202.7 Soil</u> <u>202.8 Fill</u> <u>202.9 Aggregate less than 2 inches in length or diameter (i.e., aggregate base course (ABC))</u> <u>202.10 Dirt</u> <u>202.11 Mud</u> <u>202.12 Demolition debris</u> <u>202.13 Cotton</u> <u>202.14 Trash</u> <u>202.15 Cinders</u> <u>202.16 Pumice</u> <u>202.17 Saw dust</u> <u>202.18 Feeds</u> <u>202.19 Grains</u> <u>202.20 Fertilizers</u> <u>202.21 Fluff from shredders</u> <u>202.22 Dry concrete</u></p>	<p>To change format for clarity and to list only once materials that are listed twice (i.e., earth and soil).</p>	

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Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust Draft May 17, 2007	Description Of Revision	Stakeholders' Comments
<p>203 Bulk Material Handling, Storage, And/OR Transporting Operation - The use of equipment, haul trucks, and/or motor vehicles, including, but not limited to, the loading, unloading, conveying, transporting, piling, stacking, screening, grading, or moving of bulk materials, that are capable of producing fugitive dust.</p>	<p>203 Bulk Material Handling, Storage, And/OR Transporting Operation - The use of equipment, haul trucks, and/or motor vehicles, including, but not limited to, for the following activities the loading, unloading, conveying, transporting, piling, stacking, screening, grading, or moving of bulk materials, that are capable of producing fugitive dust.:</p> <p><u>203.1 Loading</u> <u>203.2 Unloading</u> <u>203.3 Conveying</u> <u>203.4 Transporting</u> <u>203.5 Piling</u> <u>203.6 Stacking</u> <u>203.7 Screening</u> <u>203.8 Grading</u> <u>203.9 Moving bulk materials</u></p>	<p>To change format for clarity.</p>	<p>Joint Environmental Task Force: Add Section 203.10 Dumping.</p>
<p>204 Control Measure - A technique, practice, or procedure used to prevent or minimize the generation, emission, entrainment, suspension, and/or airborne transport of fugitive dust. Control measures include, but are not limited to:</p> <p>204.1 Curbing; 204.2 Paving; 204.3 Pre-wetting; 204.4 Applying dust suppressants; 204.5 Physically stabilizing with vegetation, gravel, recrushed/recycled asphalt or other forms of physical stabilization; 204.6 Limiting, restricting, phasing and/or rerouting motor vehicle access; 204.7 Reducing vehicle speeds and/or number of vehicle trips; 204.8 Limiting use of off-road vehicles on open areas and vacant lots; 204.9 Utilizing work practices and/or structural provisions to prevent wind and water erosion onto paved areas accessible to the public; 204.10 Appropriately using dust control implements; 204.11 Installing one or more grizzlies, gravel pads, and/or wash down pads adjacent to the entrance of a paved area accessible to the public to control carry-out and trackout; 204.12 Keeping open-bodied haul trucks in good</p>	<p>204 Control Measure - A technique, practice, or procedure used to prevent or minimize the generation, emission, entrainment, suspension, and/or airborne transport of fugitive dust. Control measures include, but are not limited to:</p> <p>204.1 Curbing; 204.2 Paving; 204.3 Pre-wetting <u>Pre-watering</u>; 204.4 Applying dust suppressants; 204.5 Physically stabilizing with vegetation, gravel, recrushed/recycled asphalt or other forms of physical stabilization; 204.6 Limiting, restricting, phasing and/or rerouting motor vehicle access; 204.7 Reducing vehicle speeds and/or number of vehicle trips; 204.8 Limiting use of off-road vehicles on open areas and vacant lots; 204.9 Utilizing work practices and/or structural provisions to prevent wind and water erosion onto paved areas accessible to the public; 204.10 Appropriately using dust control implements; 204.11 Installing one or more grizzlies, gravel pads, and/or wash down pads adjacent to the entrance of a paved area accessible to the public to control carry-out and trackout; 204.12 Keeping open-bodied haul trucks in good</p>	<p>To match term used in Application For Dust Control Permit and Guidance For Application For Dust Control Permit - "pre-watering".</p>	<p>Joint Environmental Task Force: Change Section 204.3 as follows: Watering should be done before, during and after processing. Also, water all open areas including those with material piles as often as needed to prevent fugitive dust.</p>

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<p>repair, so that spillage may not occur from beds, sidewalls, and tailgates; and 204.13 Covering the cargo beds of haul trucks to minimize wind-blown dust emissions and spillage.</p>	<p>sidewalls, and tailgates; and 204.13 Covering the cargo beds of haul trucks to minimize wind-blown dust emissions and spillage.</p>		
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Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust Draft May 17, 2007	Description Of Revision	Stakeholders' Comments
<p>205 Disturbed Surface Area – A portion of the earth's surface (or material placed thereupon) which has been physically moved, uncovered, destabilized, or otherwise modified from its undisturbed native condition, thereby increasing the potential for the emission of fugitive dust. For the purpose of this rule, an area is considered to be a disturbed surface area until the activity that caused the disturbance has been completed and the disturbed surface area meets the standards described in Section 301 and Section 302 of this rule.</p>	<p>205 Disturbed Surface Area – A portion of the earth's surface (or material placed thereupon) which has been physically moved, uncovered, destabilized, or otherwise modified from its undisturbed native condition, thereby increasing the potential for the emission of fugitive dust. For the purpose of this rule, an area is considered to be a disturbed surface area until the activity that caused the disturbance has been completed and the disturbed surface area meets the standards described in Section 301 <u>Section 302</u> and Section 302 <u>Section 303.21</u> of this rule.</p>	<p>To correct references</p>	
<p>206 Dust Control Implement – A tool, machine, equipment, accessory, structure, enclosure, cover, material or supply, including an adequate readily available supply of water and its associated distribution/delivery system, used to control fugitive dust emissions.</p>	<p>206 Dust Control Implement – A tool, machine, equipment, accessory, structure, enclosure, cover, material or supply, including an adequate readily available supply of water and its associated distribution/delivery system, used to control fugitive dust emissions.</p>	<p>No change proposed.</p>	
<p>207 Dust Control Plan - A written plan describing all fugitive dust control measures.</p>	<p>207 Dust Control Plan - A written plan describing all fugitive dust control measures <u>to be implemented and maintained in order to prevent or minimize the generation, emission, entrainment, suspension, and/or airborne transport of fugitive dust.</u></p>	<p>To specify what a Dust Control Plan is.</p>	

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Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust Draft May 17, 2007	Description Of Revision	Stakeholders' Comments
<p>208 Dust Generating Operation - Any activity capable of generating fugitive dust, including but not limited to, land clearing, earthmoving, weed abatement by discing or blading, excavating, construction, demolition, bulk material handling, storage and/or transporting operations, vehicle use and movement, the operation of any outdoor equipment, or unpaved parking lots. For the purpose of this rule, landscape maintenance and playing on or maintaining a field used for non-motorized sports shall not be considered a dust generating operation. However, landscape maintenance shall not include grading, trenching, or any other mechanized surface disturbing activities performed to establish initial landscapes or to redesign existing landscapes.</p>	<p>208 Dust Generating Operation - Any activity capable of generating fugitive dust, including but not limited to, the following <u>activities</u>, land clearing, earthmoving, weed abatement by discing or blading, excavating, construction, demolition, bulk material handling, storage and/or transporting operations, vehicle use and movement, the operation of any outdoor equipment, or unpaved parking lots. For the purpose of this rule, landscape maintenance and playing on or maintaining a field used for non-motorized sports shall not be considered a dust generating operation. However, landscape maintenance shall not include grading, trenching, or any other mechanized surface disturbing activities performed to establish initial landscapes or to redesign existing landscapes.</p> <p><u>208.1 Land clearing, maintenance, and land cleanup using machinery</u> <u>208.2 Earthmoving</u> <u>208.3 Weed abatement by discing or blading</u> <u>208.4 Excavating</u> <u>208.5 Soil or rock excavation or removal</u> <u>208.6 Soil or rock hauling</u> <u>208.7 Filling, compacting, stockpiling and grading</u> <u>208.8 Explosive blasting</u> <u>208.9 Abrasive blasting</u> <u>208.10 Concrete, stone, and tile cutting</u> <u>208.11 Mechanized trenching</u> <u>208.12 Handling of building materials capable of entrainment in air (e.g., sand, cement powder)</u> <u>208.13 Construction</u> <u>208.14 Demolition</u> <u>208.15 Bulk material handling</u> <u>208.16 Storage and/or transporting operations</u> <u>208.17 Vehicle use and movement</u> <u>208.18 Operation of any outdoor equipment</u> <u>208.19 Operation of motorized machinery</u> <u>208.20 Driving vehicles on a site</u> <u>208.21 Establishing and/or using staging</u></p>	<p>To change format for clarity and to change definition to match Clark County's definition of "construction activities" in Section 94-Permitting And Dust Control For Construction Activities.</p>	<p>Attendee At Pubic Workshop #2-May 17, 2007: Better define/Clarify "operation of any outdoor equipment". (Section 208.18). Include such definition/clarification in Rule 310.01. Clarify "mowing" vs. "weed abatement by discing or blading". Sometimes a source may claim that it will be "mowing" when in reality it will be "scalping". Include such clarification in Rule 310.01.</p> <p>City Of Phoenix: Constructing initial landscapes without the use of mechanized equipment should be exempt to allow someone to plant a backyard garden. Suggested revision of Section 208: For the purpose of this rule, <u>installing initial landscapes and landscape maintenance without the use of mechanized equipment</u> landscape maintenance and playing on or maintaining a field used for non-motorized sports shall not be considered a dust generating operation. However, <u>installing initial landscapes and landscape maintenance</u> shall not include grading, <u>or trenching, or any other mechanized surface disturbing activities</u> performed to establish initial landscapes or to redesign existing landscapes. Suggested revision to Section 208.22: <u>Initial landscaping using mechanized equipment.</u> "Vehicle use and movement" (Section 208.17) and "driving vehicles on a site" (Section 208.20) are exempt in/from Rule 310 (and are regulated as non-traditional sources of fugitive dust in Rule 310.01). The operations should not be listed as dust generating operations. Suggested revision: Delete Section 208.17 and Section 208.22.</p>

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	<u>areas, parking areas, material storage areas, or access routes to and from a site</u> 208.22 Initial landscaping		
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Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust Draft May 17, 2007	Description Of Revision	Stakeholders' Comments
<p>209 Dust Suppressant – Water, hygroscopic material, solution of water and chemical surfactant, foam, non-toxic chemical stabilizer or any other dust palliative, which is not prohibited for ground surface application by the U.S. Environmental Protection Agency (EPA) or the Arizona Department of Environmental Quality (ADEQ) or any applicable law, rule, or regulation, as a treatment material for reducing fugitive dust emissions.</p>	<p>209 Dust Suppressant – Water, hygroscopic material, solution of water and chemical surfactant, foam, non-toxic chemical stabilizer or any other dust palliative, which is not prohibited for ground surface application by the U.S. Environmental Protection Agency (EPA) or the Arizona Department of Environmental Quality (ADEQ) or any applicable law, rule, or regulation, as a treatment material for reducing fugitive dust emissions.</p>	<p>No change proposed.</p>	
<p>210 Earthmoving Operation – The use of any equipment for an activity which may generate fugitive dust, such as but not limited to, cutting and filling, grading, leveling, excavating, trenching, loading or unloading of bulk materials, demolishing, blasting, drilling, adding to or removing bulk materials from open storage piles, back filling, soil mulching, landfill operations, or weed abatement by discing or blading.</p>	<p>210 Earthmoving Operation – The use of any equipment for an activity which may generate fugitive dust, such as but not limited to, the following activities: cutting and filling, grading, leveling, excavating, trenching, loading or unloading of bulk materials, demolishing, blasting, drilling, adding to or removing bulk materials from open storage piles, back filling, soil mulching, landfill operations, or weed abatement by discing or blading.</p> <p><u>210.1 Cutting and filling</u> <u>210.2 Grading</u> <u>210.3 Leveling</u> <u>210.4 Excavating</u> <u>210.5 Trenching</u> <u>210.6 Loading or unloading of bulk materials</u> <u>210.7 Demolishing</u> <u>210.8 Blasting</u> <u>210.9 Drilling</u> <u>210.10 Adding bulk materials to or removing bulk materials from open storage piles</u> <u>210.11 Back filling</u> <u>210.12 Soil mulching</u> <u>210.13 Landfill operations</u> <u>210.14 Weed abatement by discing or blading</u></p>	<p>To change format for clarity.</p>	

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<p>211 Freeboard – The vertical distance between the top edge of a cargo container area and the highest point at which the bulk material contacts the sides, front, and back of a cargo container area.</p>	<p>244 <u>212</u> Freeboard – The vertical distance between the top edge of a cargo container area and the highest point at which the bulk material contacts the sides, front, and back of a cargo container area.</p>	<p>No change proposed.</p>	
	<p><u>211 End Of Work Day</u> - <u>The end of a working period that may include one or more work shifts but not later than 8 pm.</u></p>	<p>To add definition per Stakeholders' comments during Public Workshop #1-April 19, 2007. Definition matches definition used in Rule 316-Nonmetallic Mineral Processing. Term is used in Rule 310, Section 303.11 - regarding trackout.</p>	<p>John Walker: The definition of "end of work day" needs to be further clarified and/or changed. Many non-ferrous mining sites have shifts beginning in the afternoon, which don't end until after 8 pm. They may be operating around-the-clock during certain periods of high demand or if they make overnight inter-plant shipments of materials. Also, there are often trucks operating different overlapping shifts. This definition is not acceptable and is un-necessary. Suggested revision: Indicate that trackout is to be cleaned-up whenever it exceeds a certain length and at the end (if any) of a work period, if the trackout exceeds that certain length.</p>
<p>212 Fugitive Dust - The particulate matter not collected by a capture system, that is entrained in the ambient air, and is caused from human and/or natural activities, such as, but not limited to, movement of soil, vehicles, equipment, blasting, and wind. For the purpose of this rule, fugitive dust does not include particulate matter emitted directly from the exhaust of motor vehicles and other internal combustion engines, from portable brazing, soldering, or welding equipment, and from piledrivers, and does not include emissions from process and combustion sources that are subject to other rules in Regulation III (Control Of Air Contaminants) of these rules.</p>	<p>242 <u>213</u> Fugitive Dust - The particulate matter not collected by a capture system, that is entrained in the ambient air, and is caused from human and/or natural activities, such as, but not limited to, the movement of soil, vehicles, equipment, blasting, and wind. For the purpose of this rule, fugitive dust does not include particulate matter emitted directly from the exhaust of motor vehicles and other internal combustion engines, from portable brazing, soldering, or welding equipment, and from piledrivers, and does not include emissions from process and combustion sources that are subject to other rules in Regulation III-Control Of Air Contaminants of these rules.</p>	<p>No change proposed.</p>	<p>Joint Environmental Task Force: Why don't you consider the exhaust from internal combustion engines? You can write a requirement that is more stringent than that of the EPA. To have the Valley air out of compliance and not count pollution from "exempt" engines is not to take this effort seriously.</p>

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<p>213 Gravel Pad – A layer of washed gravel, rock, or crushed rock that is at least one inch or larger in diameter, that is maintained at the point of intersection of a paved area accessible to the public and a work site entrance to dislodge mud, dirt, and/or debris from the tires of motor vehicles and/or haul trucks, prior to leaving the work site.</p>	<p>213 214 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 the public and a work site entrance to dislodge mud, dirt, and/or debris from the tires of motor vehicles and/or haul trucks, prior to leaving the work site. <u>A gravel pad shall be at least 30 feet wide, 50 feet long, and three inches deep.</u></p>	<p>To add dimensions of gravel pad to the definition of gravel pad and to remove dimensions of gravel pad from Rule 310, Section 303.11 - regarding trackout, per Staff comment.</p> <p>Staff recommends that gravel pad be required to be three inches deep instead-of six inches deep because experience in the field has shown six inches deep to inhibit vehicle travel rather than reduce trackout.</p>	<p>John Walker: Rule 310 states that gravel pads must be 30' wide. There are simply some site entrances/exits that are not that wide, nor can be, due to presence of fixed obstructions or hazards (i.e., drop-offs into concrete or other ditches which the contractor/site operator and possible the site owner is not allowed to modify. The adequately wide gravel pad should be as little as 21'-24'. Suggested revision: "30' wide or at least wide enough to accommodate two vehicles of the maximum width of on-road vehicles (8' x 6") that routinely leave and enter the site to pass-by each other at normal speeds on the gravel pad, allowing 2'-4' clearance between vehicles and a minimum of 1'-2' of gravel remaining on the lateral side of each vehicle.</p> <p>City Of Mesa: Relaxing the requirement for depth of gravel pads from six inches to three inches is not acceptable. This will significantly reduce the effectiveness of these pads. The six inch requirement should be retained. The width and length requirement for gravel pads should be increased at least for larger sites. This is the only way to make the gravel pads more effective for large vehicles. Maricopa County should consider trackout requirements based-on site size and should incorporate into Rule 310 the authority to require a larger gravel pad if an existing gravel pad is found to be ineffective. For example, the proposed 30' x 50' pad size is sufficient for a one-acre site. In fact, a site this size is unlikely to even have room for a larger gravel pad. Also, a one-acre site is highly unlikely to have large numbers of large vehicles on the site at any time. Conversely, a 100-</p>

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			acre site is very likely to have several days with fleets of large vehicles active at the site. In this case, trackout requirements should include a large gravel pad (i.e., 60' x 100') at each entrance and mandatory installation of a grizzly.
214 Grizzly – A device (i.e., rails, pipes, or grates) used to dislodge mud, dirt, and/or debris from the tires and undercarriage of motor vehicles and/or haul trucks prior to leaving the work site.	214 215 Grizzly – A device (i.e., rails, pipes, or grates) used to dislodge mud, dirt, and/or debris from the tires and undercarriage of motor vehicles and/or haul trucks prior to leaving the work site.	No change proposed.	
215 Haul Truck - Any fully or partially open-bodied self-propelled vehicle including any non-motorized attachments, such as, but not limited to, trailers or other conveyances that are connected to or propelled by the actual motorized portion of the vehicle used for transporting bulk materials.	215 216 Haul Truck - Any fully or partially open-bodied self-propelled vehicle including any non-motorized attachments, such as, but not limited to, trailers or other conveyances that are connected to or propelled by the actual motorized portion of the vehicle used for transporting bulk materials.	No change proposed.	
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.	216 217 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.	No change proposed.	
217 Normal Farm Cultural Practice – All activities by the owner, lessee, agent, independent contractor, and/or supplier conducted on any facility for the production of crops and/or nursery plants. Disturbances of the field surface caused by turning under stalks, tilling, leveling, planting, fertilizing, or harvesting are included in this definition.	217 219 Normal Farm Cultural Practice – All activities by the owner, lessee, agent, independent contractor, and/or supplier conducted on any facility for the production of crops and/or nursery plants. Disturbances of the field surface caused by turning under stalks, tilling, leveling, planting, fertilizing, or harvesting are included in this definition.	No change proposed.	
218 Off-Road Vehicle – Any self-propelled conveyance specifically designed for off-road use, including but not limited to, off-road or all-terrain equipment, trucks, cars, motorcycles, motorbikes, or motorbuggies.	218 220 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.	No change proposed.	

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Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust Draft May 17, 2007	Description Of Revision	Stakeholders' Comments
	<p><u>218 Non-Traditional Source Of Fugitive Dust</u> - A source of fugitive dust that is not subject to Rule 310-Fugitive Dust of these rules, including but not limited to the following:</p> <p><u>218.1 Vehicle use in open areas and vacant lots</u> <u>218.2 Open areas and vacant lots</u> <u>218.3 Unpaved parking lots</u> <u>218.4 Unpaved roadways (including alleys)</u> <u>218.5 Feedlots and/or livestock areas</u> <u>218.6 Erosion-caused deposition of bulk materials onto paved surfaces</u> <u>218.7 Easements, rights-of-way, and access roads for utilities (electricity, natural gas, oil, water, and gas transmission)</u></p>	<p>To add definition.</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>City Of Phoenix: “Vehicle use and movement” (Section 208.17) and “driving vehicles on a site” (Section 208.20) are exempt in/from Rule 310 (and are regulated as non-traditional sources of fugitive dust in Rule 310.01). The operations should not be listed as dust generating operations.</p> <p>Suggested revision: Delete Section 208.17 and Section 208.22 - from the definition of “dust generating operation” and add “vehicle use and movement” and “driving vehicles on a site” to the definition of “non-traditional source of fugitive dust”.</p>

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft May 17, 2007
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Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust Draft May 17, 2007	Description Of Revision	Stakeholders' Comments
<p>219 Open Areas And Vacant Lots - Any of the following described in Section 219.1 through Section 219.4 of this rule. For the purpose of this rule, vacant portions of residential or commercial lots that are immediately adjacent and owned and/or operated by the same individual or entity are considered one open area or vacant lot.</p> <p>219.1 An unsubdivided or undeveloped tract of land adjoining a developed or partially developed residential, industrial, institutional, governmental, or commercial area.</p> <p>219.2 A subdivided residential, industrial, institutional, governmental, or commercial lot that contains no approved or permitted buildings or structures of a temporary or permanent nature.</p> <p>219.3 A partially developed residential, industrial, institutional, governmental, or commercial lot.</p> <p>219.4 A tract of land, in the nonattainment area, adjoining agricultural property.</p>	<p>219 221 Open Areas And Vacant Lots - Any of the following described in Section 219.4 <u>Section 221.1</u> through Section 219.4 <u>Section 221.4</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 open area or vacant lot.</p> <p>219.1 <u>221.1</u> An unsubdivided or undeveloped tract of land adjoining a developed or partially developed residential, industrial, institutional, governmental, or commercial area.</p> <p>219.2 <u>221.2</u> A subdivided residential, industrial, institutional, governmental, or commercial lot that contains no approved or permitted buildings or structures of a temporary or permanent nature.</p> <p>219.3 <u>221.3</u> A partially developed residential, industrial, institutional, governmental, or commercial lot.</p> <p>219.4 <u>221.4</u> A tract of land, in the nonattainment area, adjoining agricultural property.</p>	<p>To correct references.</p>	
	<p><u>222 Open Storage Pile</u> - <u>Any accumulation of bulk material with a 5% or greater silt content which in any one point attains a height of three feet and covers a total surface area of 150 square feet or more. Silt content shall be assumed to be 5% or greater unless a person can show, by testing in accordance with ASTM Method C136-96A or other equivalent method approved in writing by the Control Officer and the Administrator that the silt content is less than 5%.</u></p>	<p>To move definition of open storage piles from standards section to definitions section.</p> <p>Term and definition were used in Rule 310, Section 308.6 adopted April 7, 2004.</p> <p>Term is used in draft Rule 310, Section 303.14.</p>	<p>John Walker: If rock, sand, gravel, aggregate less than two inches in diameter and cinders have been washed and not recombined with other materials having a silt content, then they should be excluded from the open storage pile control measures and stabilization requirements. If washed, even if their moisture content decreased to less than 12%, they still produce no PM₁₀, as they contain none. This section of the rule should state that the operator having a current Dust Control Permit which specifies that piles of such washed materials are produced from time-to-time shall be considered to have met the requirements of showing that the silt content is</p>

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			less than 5%. The requirement for 12% moisture should be eliminated for such washed materials.
<p>220 Owner And/Or Operator – The person responsible for obtaining an earthmoving permit under Rule 200, Section 305, or any person who owns, leases, operates, controls, or supervises a dust generating operation subject to the requirements of this rule.</p>	<p>220 223 Owner And/Or Operator – The person responsible for obtaining an earthmoving permit under Rule 200, Section 305, including, but not limited to, the <u>property owner, lessee, developer, responsible official, Dust Control permit applicant (who may also be the responsible party contracting to do the work), general contractor, prime contractor, or supervisor,</u> or any person who owns, leases, operates, controls, or supervises a dust generating operation subject to the requirements of this rule.</p>	<p>To specify who an owner and/or operator is.</p>	<p>John Walker: I highly object to the language as written. A landowner who has a current lease to a lessee (for a reasonably long period of time - 3 months - 6 month or longer), with the stipulation that the lessee is responsible for meeting all current air quality rules and restoring the property to a condition that meets the then current air quality rules, should be responsible for meeting Rule 310. This is especially so if the property will not be used for dust generating operations following the departure of the lessee. The land owner is often not physically present at the site for months to years and should not be held responsible for failure to perform of the lessee, developer, or general contractor. The changes to the section fail to meet the specified goal. There is an owner. There is an operator. The two may or may not be the same entity but referring to an "owner/operator" will only serve to cloud responsibility and result in possible finger-pointing between the two. Subcontractors, who have been advised in writing of their responsibility to abide by Rule 310, should be the entity fined in the event their particular activity violates an air quality rule. Suggested revision: Owner and operator should be defined separately and other sections in Rule 310 should be modified to reference them separately.</p>

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<p>221 Pave – To apply and maintain asphalt, concrete, or other similar material to a roadway surface (i.e., asphaltic concrete, concrete pavement, chip seal, or rubberized asphalt).</p>	<p>221 224 Pave – To apply and maintain asphalt, concrete, or other similar material to a roadway surface (i.e., asphaltic concrete, concrete pavement, chip seal, or rubberized asphalt).</p>	<p>No change proposed.</p>	
<p>222 Public Roadways – Any roadways that are open to public travel.</p>	<p>222 225 Public Roadways – Any roadways that are open to public travel.</p>	<p>No change proposed.</p>	

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft May 17, 2007
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Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust Draft May 17, 2007	Description Of Revision	Stakeholders' Comments
223 Routine – Any dust generating operation which occurs more than 4 times per year or lasts 30 cumulative days or more per year.	223 <u>226</u> Routine – Any dust generating operation which occurs more than 4 times per year or lasts 30 cumulative days or more per year.	No change proposed.	
224 Silt – Any aggregate material with a particle size less than 75 micrometers in diameter, which passes through a No. 200 Sieve.	224 <u>227</u> Silt – Any aggregate material with a particle size less than 75 micrometers in diameter, which passes through a No. 200 Sieve.	No change proposed.	John Walker: If proposed Rule 310 is to control PM ₁₀ , why is silt defined to include materials all the way-up-to 75 micrometers (i.e., PM ₁₁₋₇₅)? Have materials in the range of 11-75 micrometers been proven to have any significant risk to health? If not, they should not be regulated. If the EPA or ADEQ mandates regulation of PM ₁₁₋₇₅ anyway, they should be required to demonstrate their duly promulgated rules that require regulation of PM ₁₁ thru PM ₇₅ , which rules should reference legally-approved studies that demonstrate harmful health effects of a legally significant character. Suggested revision: Define silt as only those particles smaller than PM ₁₀ .
	228 Tarp -	To add definition of tarp to clarify one of the control measures for open storage piles and to require cargo compartment whether loaded or empty to be fully enclosed prior to traveling on a paved public roadway for the Five Percent Plan.	
225 Trackout/Carryout – Any and all bulk materials that adhere to and agglomerate on the surfaces of motor vehicles, haul trucks, and/or equipment (including tires) and that have fallen or been deposited onto a paved area accessible to the public.	225 <u>229</u> Trackout/Carryout – Any and all bulk materials that adhere to and agglomerate on the surfaces of motor vehicles, haul trucks, and/or equipment (including tires) and that have fallen or been deposited onto a paved area accessible to the public.	No change proposed.	
226 Trackout Control Device - A gravel pad, grizzly, wheel wash system, or a paved area,	226 <u>230</u> Trackout Control Device - A gravel pad, grizzly, wheel wash system, or a paved area, located at the point	No change proposed.	

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<p>located at the point of intersection of an unpaved area and a paved area accessible to the public that controls or prevents vehicular trackout.</p>	<p>of intersection of an unpaved area and a paved area accessible to the public that controls or prevents vehicular trackout.</p>		
<p>227 Unpaved Haul/Access Road – Any on-site unpaved road used by commercial, industrial, institutional, and/or governmental traffic.</p>	<p>227 231 Unpaved Haul/Access Road – Any on-site unpaved road used by commercial, industrial, institutional, and/or governmental traffic.</p>	<p>No change proposed.</p>	
<p>228 Unpaved Parking Lot – Any area larger than 5,000 square feet that is not paved and that is used for parking, maneuvering, or storing motor vehicles.</p>	<p>228 232 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>No change proposed.</p>	
<p>229 Unpaved Road – Any road or equipment path that is not paved. For the purpose of this rule, an unpaved road is not a horse trail, hiking path, bicycle path, or other similar path used exclusively for purposes other than travel by motor vehicles.</p>	<p>229 233 Unpaved Road – Any road or equipment path that is not paved. For the purpose of this rule, an unpaved road is not a horse trail, hiking path, bicycle path, or other similar path used exclusively for purposes other than travel by motor vehicles.</p>	<p>No change proposed.</p>	

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Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust Draft May 17, 2007	Description Of Revision	Stakeholders' Comments
<p>230 Urban Or Suburban Open Area – The definition of urban or suburban open area is included in Section 219 (Definition Of Open Areas And Vacant Lots) of this rule.</p>	<p>230 234 Urban Or Suburban Open Area – The definition of urban or suburban open area is included in Section 219 <u>Section 221</u>-Definition Of Open Areas And Vacant Lots of this rule.</p>	<p>To correct reference.</p>	
<p>231 Vacant Lot – The definition of vacant lot is included in Section 219 (Definition Of Open Areas And Vacant Lots) of this rule.</p>	<p>234 235 Vacant Lot – The definition of vacant lot is included in Section 219 <u>Section 221</u>-Definition Of Open Areas And Vacant Lots of this rule.</p>	<p>To correct reference.</p>	

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Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust Draft May 17, 2007	Description Of Revision	Stakeholders' Comments
232 Vacant Parcel – The definition of vacant parcel is included in Section 219 (Definition Of Open Areas And Vacant Lots) of this rule.	232 236 Vacant Parcel – The definition of vacant parcel is included in Section 219 Section 221-Definition Of Open Areas And Vacant Lots of this rule.	To correct reference.	
233 Wind-Blown Dust - Visible emissions, from any disturbed surface area, that are generated by wind action alone.	233 237 Wind-Blown Dust - Visible emissions, from any disturbed surface area, that are generated by wind action alone.	No change proposed.	
234 Wind Event – When the 60-minute average wind speed is greater than 25 miles per hour.	234 238 Wind Event – When the 60-minute average wind speed is greater than 25 miles per hour.	No change proposed.	Joint Environmental Task Force: How do you know that a wind event doesn't start at 12 mph? Let's deal with the reality of non-compliance here.
235 Work Site – Any property upon which any dust generating operations and/or earthmoving operations occur.	235 239 Work Site – Any property upon which any dust generating operations and/or earthmoving operations occur.	To delete “earthmoving operations” because it is included in “dust generating operations”.	Joint Environmental Task Force: Based on the area involved, why isn't the site at 121 st Avenue and Olive considered to be a “work site”?

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Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust Draft May 17, 2007	Description Of Revision	Stakeholders' Comments
	<p><u>301 Permit Requirements For Dust Generating Operations:</u> In addition to complying with the permit requirements of this section of this rule, any person subject to the requirements of this rule shall also comply with the permit requirements described in Section 400-Administrative Requirements of this rule and with the permit requirements described in Rule 200-Permit Requirements of these rules.</p> <p><u>301.1</u> Except as otherwise provided in this rule, no person shall commence construction of, operate, or make a modification to any dust generating operation that disturbs a total surface area of 0.10 acre (4,356 square feet) or more without first obtaining a permit or permit revision from the Control Officer.</p> <p><u>301.2</u> No person shall commence construction of, operate, or make a modification to any dust generating operation that disturbs a total surface area of less than 0.10 acre (4,356 square feet) under common control that are either contiguous or separated only by a public or private roadway and that cumulatively equal or exceed 0.10 acre (4,356 square feet) in area without first obtaining a permit or permit revision from the Control Officer.</p> <p><u>301.3</u> All permit applications shall be filed in the manner and form prescribed by the Control Officer. The application shall contain all the information necessary to enable the Control Officer to make the determination to grant or to deny a permit or permit revision, which shall contain such terms and conditions as the Control Officer deems necessary to assure a source's compliance with the requirements of this rule.</p> <p><u>301.4</u> The issuance of any permit or permit revision shall not relieve any person subject to the requirements of this rule from compliance with any Federal laws, Arizona laws, or these rules.</p> <p><u>301.5</u> Any other law, regulation or permit shall not relieve any person from obtaining a permit or permit revision required under this rule.</p>	<p>To add permit requirements for dust generating operations from Rule 200-Permit Requirements.</p> <p>Permit requirements for earthmoving operations to be revised in Rule 200 and to reference Rule 310.</p>	<p>Joint Environmental Task Force: Is this an air quality permit? It sounds like it should be.</p>

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Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust Draft May 17, 2007	Description Of Revision	Stakeholders' Comments
<p>301 Opacity Limitation For Dust Generating Operations: The owner and/or operator of a dust generating operation shall not allow visible fugitive dust emissions to exceed 20% opacity as tested by methods described in Appendix C of these rules.</p>	<p>302 Visible Emissions From Dust Generating Operations: The owner and/or operator of a dust generating operation shall not allow visible fugitive dust emissions to exceed 20% opacity as tested by methods described in Appendix C of these rules.</p> <p>302.1 Dust Generating Operation Opacity Limitation Requirement:</p> <p><u>a. The owner and/or operator of a dust generating operation shall not cause or allow visible fugitive dust emissions to exceed 20% opacity.</u></p> <p><u>b. To determine if a dust generating operation has met the opacity limitation requirement described in Section 302.1(a) of this rule, the owner and/or operator of a dust generating operation shall conduct opacity observations in accordance with the test methods described in the Environmental Protection Agency (EPA) Reference Method 9-Visual Determination Of The Opacity Of Emissions From Stationary Sources, 40 CFR 60, Appendix A. Opacity observations for continuous dust plumes and non-continuous dust plumes/intermittent visible emissions shall be conducted in accordance with the time-averaged test methods described in Appendix C-Fugitive Dust Test Methods of these rules.</u></p> <p>302.2 Property Line Opacity Limitation Requirement:</p> <p><u>a. The owner and/or operator of a dust generating operation shall not cause or allow visible fugitive dust emissions to remain visible in the atmosphere beyond the property line.</u></p> <p><u>b. To determine if a dust generating operation has met the opacity limitation requirement described in Section 302.2(a) of this rule, the owner and/or operator of a dust generating operation shall conduct opacity observations in accordance with the test methods described...</u></p>	<p>To add description of how owner and/or operator can determine if dust generating operation is meeting the 20% opacity standard.</p> <p>To add 0% opacity standard at the property line. 0% opacity standard at the property line matches standard in Rule 316-Nonmetallic Mineral Processing and matches Clark County Section 94-Permitting And Dust Control For Construction Activities.</p>	<p>City Of Phoenix: In most cases, new construction and routine maintenance of utilities and rights-of-way are located at property boundaries. Property line visible emissions should not apply for such activities provided they are meeting all other rule and/or permit requirements. Suggested revision: Add Section 302.2(c) New Construction And Routine Maintenance Of Linear Utility And Right-Of-Way Sites: The property line opacity limitation requirement shall not apply to new construction and routine maintenance of linear utility and right-of-way sites provided that control measures are implemented. Suggested revision: Add the test method to Section 302.2(b).</p> <p>Joint Environmental Task Force: Incorporate the following: Opacity measurements shall be made whenever dust is being created (day or night). New methods acceptable to the EPA shall be employed.</p>

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<p>301.1 Wind Event: Exceedances of the opacity limit that occur due to a wind event shall constitute a violation of the opacity limit. However, it shall be an affirmative defense in an enforcement action if the owner and/or operator demonstrates all of the following conditions:</p> <p>a. All control measures required were followed and 1 or more of the control measures in Tables 20 & 21 was applied and maintained;</p> <p>b. The 20% opacity exceedance could not have been prevented by better application, implementation, operation, or maintenance of control measures;</p> <p>c. The owner and/or operator compiled and retained records, in accordance with Section 502 (Recordkeeping) of this rule; and</p> <p>d. The occurrence of a wind event on the day(s) in question is documented by records. The occurrence of a wind event must be determined by the nearest Maricopa County Environmental Services Department Air Quality Division monitoring station, from any other certified meteorological station, or by a wind instrument that is calibrated according to manufacturer's standards and that is located at the site being checked.</p> <p>301.2 Emergency Maintenance Of Flood Control Channels And Water Retention Basins: No opacity limitation shall apply to emergency maintenance of</p>	<p><u>302.3 Exemptions From Dust Generating Operation Opacity Limitation Requirement:</u></p> <p><u>a. Wind Event:</u> Exceedances of the opacity limit described in Section 302.1 and Section 302.2 of this rule that occur due to a wind event shall constitute a violation of the opacity limit. However, it shall be an affirmative defense in an enforcement action if the owner and/or operator demonstrates all of the following conditions:</p> <p><u>(1)</u> All control measures required were followed and 4 <u>one</u> or more of the following control measures in Tables 20 & 21 <u>was</u> were applied and maintained;</p> <p><u>(a) For dust generating operations:</u></p> <p><u>(i)</u> <u>Cease dust generating operations for the duration of the condition/situation/event when the 60-minute average wind speed is greater than 25 miles per hour and if dust generating operations are ceased for the remainder of the work day, stabilize the area;</u></p> <p><u>(ii)</u> <u>Apply water or other suitable dust suppressant at least twice per hour to dust generating operations in the PM₁₀ nonattainment area and at least once per hour to dust generating operations outside the PM₁₀ nonattainment area, in compliance with Section 302.1 of this rule;</u></p> <p><u>(iii)</u> <u>Apply water as necessary to maintain a soil moisture content at a minimum of 12%, as determined by ASTM Method D2216-98 or other equivalent method as approved by the Control Officer and the Administrator. For areas that have an optimum moisture content for compaction of less than 12%, as determined by ASTM Method D1557-91 (1998) or other equivalent method approved by the Control Officer and the Administrator, maintain at least 70% of the optimum soil moisture content; or</u></p> <p><u>(iv)</u> <u>Implement Section 302.3(a)(1)(a)(ii) or Section 302.3(a)(1)(a)(iii) of this rule and construct fences or three-foot to five-foot high wind barriers with 50% or less porosity adjacent to roadways or urban areas to reduce the amount of wind-blown material leaving a site.</u></p> <p><u>(b)</u> <u>For temporary disturbed surface areas, including but not limited to, after work hours, weekends, and holidays:</u></p> <p><u>(i)</u> <u>Uniformly apply and maintain surface gravel or dust suppressants, in compliance with Appendix C-Fugitive Dust Test Methods of these rules;</u></p> <p><u>(ii)</u> <u>Apply water to all disturbed surface areas three times per day. If there is any evidence of wind-blown dust, increase watering frequency to a minimum of four times per day;</u></p> <p><u>(iii)</u> <u>Apply water on open storage piles at least twice per hour to temporary disturbed surface areas in the PM₁₀ nonattainment area and at least once per hour to temporary disturbed surface areas outside the PM₁₀ nonattainment area, in compliance with Appendix C-Fugitive Dust Test Methods of these rules; or</u></p> <p><u>(iv)</u> <u>Cover open storage piles with tarps, plastic, or other material such that wind will not remove the covering(s).</u></p> <p><u>(2)</u> The 20% opacity exceedance Exceedance of the opacity limitation could</p>	<p>To remove reference to Table 20 and Table 21 and to add control measures from Table 20 and Table 21 - regarding wind event - to Rule 310, Section 302.3, per Staff comment.</p> <p>To add requirement that all areas used to test and validate design integrity, product quality, and/or commercial acceptance and all areas not used to test and validate design integrity, product quality, and/or commercial acceptance must comply with Appendix C-Fugitive Dust Test Methods and that vehicle test and development facilities may require a Dust Control permit in accordance with Rule 310, Section 301, per Staff comment.</p>	<p>Staff: When construction crews are building a house or business, they often leave the site un-clean (i.e., they leave dust from drywall and they leave bags of open cement). Suggested revision: Add the following text to Section 302.3(a)(1)(b): Clean dust, dirt, and construction debris from in and around buildings under construction so that wind does not release the dust particles from any building or maintenance surface.</p> <p>Joint Environmental Task Force: Change threshold wind speed to 12 mph. Delete Section 302.3(a)(1)(a)(iv). Putting up short fences on huge berms is not a defense for opacity exceedance. Also delete Sections 302.3(a)(2), (3), and (4). The documentation that a wind event occurred is a defense for exceeding opacity?</p>

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<p>flood control channels and water retention basins, provided that control measures are implemented.</p> <p>301.3 Vehicle Test And Development Facilities And Operations: No opacity limitation shall apply to vehicle test and development facilities and operations when dust is required to test and validate design integrity, product quality, and/or commercial acceptance, if such testing is not feasible within enclosed facilities.</p>	<p>not have been prevented by better application, implementation, operation, or maintenance of control measures;</p> <p>(3) The owner and/or operator compiled and retained records, in accordance with Section 502-Recordkeeping of this rule; and</p> <p>(4) The occurrence of a wind event on the day(s) in question is documented by records. The occurrence of a wind event must be determined by the nearest Maricopa County Environmental Services Department Air Quality Division <u>Maricopa County Air Quality Department</u> monitoring station, from any other certified meteorological station, or by a wind instrument that is calibrated according to manufacturer's standards and that is located at the site being checked.</p> <p>b. Emergency Maintenance Of Flood Control Channels And Water Retention Basins: No opacity limitation shall <u>The dust generating operation opacity limitation requirement shall not</u> apply to emergency maintenance of flood control channels and water retention basins, provided that control measures are implemented.</p> <p>c. Vehicle Test And Development Facilities And Operations: No opacity limitation shall <u>The dust generating operation opacity limitation requirement shall not</u> apply to vehicle test and development facilities and operations when dust is required to test and validate design integrity, product quality, and/or commercial acceptance, if such testing is not feasible within enclosed facilities. <u>However, all areas used to test and validate design integrity, product quality, and/or commercial acceptance shall be stabilized after such testing, in compliance with Appendix C-Fugitive Dust Test Methods, and all areas not used to test and validate design integrity, product quality, and/or commercial acceptance shall be stabilized, in compliance with Appendix C-Fugitive Dust Test Methods of these rules. In addition, vehicle test and development facilities may require a Dust Control permit in accordance with Section 301 of this rule.</u></p>		
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Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust Draft May 17, 2007	Description Of Revision	Stakeholders' Comments
<p>302 Stabilization Requirements For Dust Generating Operations: 302.1 Unpaved Parking Lot: The owner and/or operator of any unpaved parking lot shall not allow visible fugitive dust emissions to exceed 20% opacity, and either: a. Shall not allow silt loading equal to or greater than 0.33 oz/ft², or b. Shall not allow the silt content to exceed 8%. 302.2 Unpaved Haul/Access Road: a. The owner and/or operator of any unpaved haul/access road (whether including at a work site that is under construction or at a work site that is temporarily or permanently inactive) shall not allow visible fugitive dust emissions to exceed 20% opacity, and either: (1) Shall not allow silt loading equal to or greater than 0.33 oz/ft²; or (2) Shall not allow the silt content to exceed 6%. b. The owner and/or operator of any unpaved haul/access road (including at a work site that is under construction or a work site that is temporarily or permanently inactive) shall, as an alternative to meeting the stabilization requirements for an unpaved haul/access road, limit vehicle trips to no more than 20 per day per road and limit vehicle speeds to no more than 15 miles per hour. If complying with this subsection, the owner and/or operator must include, in a Dust Control Plan, the maximum number of vehicle trips on the unpaved haul/access roads each day (including number of employee vehicles, earthmoving equipment, haul trucks, and water trucks). 302.3 Open Area And Vacant Lot Or Disturbed Surface Area: The owner and/or operator of an open area and/or vacant lot or any disturbed surface area on which no activity is occurring (including at a work site that is under construction or a work site that is temporarily or permanently inactive) shall meet at least 1 of the standards described in Sections 302.3(a) through 302.3(g) below, as applicable. Should a disturbed open area and/or vacant lot or any disturbed surface area on which no activity is occurring contain more than one type of disturbance, soil, vegetation, or other characteristics, which are visibly distinguishable, the owner and/or operator shall test each</p>	<p>302 Stabilization Requirements For Dust Generating Operations: 302.1 Unpaved Parking Lot: The owner and/or operator of any unpaved parking lot shall not allow visible fugitive dust emissions to exceed 20% opacity and either: a. Shall not allow silt loading equal to or greater than 0.33 oz/ft², or b. Shall not allow the silt content to exceed 8%. 302.2 Unpaved Haul/Access Road: a. The owner and/or operator of any unpaved haul/access road (whether including at a work site that is under construction or at a work site that is temporarily or permanently inactive) shall not allow visible fugitive dust emissions to exceed 20% opacity and either: (1) Shall not allow silt loading equal to or greater than 0.33 oz/ft²; or (2) Shall not allow the silt content to exceed 6%. b. The owner and/or operator of any unpaved haul/access road (including at a work site that is under construction or a work site that is temporarily or permanently inactive) shall, as an alternative to meeting the stabilization requirements for an unpaved haul/access road, limit vehicle trips to no more than 20 per day per road and limit vehicle speeds to no more than 15 miles per hour. If complying with this subsection, the owner and/or operator must include, in a Dust Control Plan, the maximum number of vehicle trips on the unpaved haul/access roads each day (including number of employee vehicles, earthmoving equipment, haul trucks, and water trucks). 302.3 Open Area And Vacant Lot Or Disturbed Surface Area: The owner and/or operator of an open area and/or vacant lot or any disturbed surface area on which no activity is occurring (including at a work site that is under construction or a work site that is temporarily or permanently inactive) shall meet at least 1 of the standards described in Sections 302.3(a) through 302.3(g) below, as applicable. Should a disturbed open area and/or vacant lot or any disturbed surface area on which no activity is occurring contain more than one type of disturbance, soil, vegetation, or other characteristics, which are visibly distinguishable, the owner and/or operator shall test each representative surface separately for stability, in an area that represents a random portion of the overall disturbed conditions of the site, according to the appropriate test methods in Appendix C of these rules, and include or eliminate it from the total size assessment of disturbed surface area(s) depending</p>	<p>To delete Rule 310, Section 302 and to add stabilization requirements/procedures to specific control measures described in Rule 310, Section 303-Control Measures For Dust Generating Operations.</p> <p>Per Stakeholders' comments during Public Workshop #1-April 19, 2007, Rule 310 does not clearly distinguish between control measures, stabilization standards, and test methods and who is responsible for determining compliance with stabilization standards and/or for conducting test methods.</p>	

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<p>representative surface separately for stability, in an area that represents a random portion of the overall disturbed conditions of the site, according to the appropriate test methods in Appendix C of these rules, and include or eliminate it from the total size assessment of disturbed surface area(s) depending upon test method results. The owner and/or operator of such inactive disturbed surface area shall be considered in violation of this rule if the area is not maintained in a manner that meets at least 1 of the standards listed below, as applicable.</p> <p>a. Maintain a visible crust;</p> <p>b. Maintain a threshold friction velocity (TFV) for disturbed surface areas corrected for non-erodible elements of 100 cm/second or higher;</p> <p>c. Maintain a flat vegetative cover (i.e., attached (rooted) vegetation or unattached vegetative debris lying on the surface with a predominant horizontal orientation that is not subject to movement by wind) that is equal to at least 50%;</p> <p>d. Maintain a standing vegetative cover (i.e., vegetation that is attached (rooted) with a predominant vertical orientation) that is equal to or greater than 30%;</p> <p>e. Maintain a standing vegetative cover (i.e., vegetation that is attached (rooted) with a predominant vertical orientation) that is equal to or greater than 10% and where the threshold friction velocity is equal to or greater than 43 cm/second when corrected for non-erodible elements;</p> <p>f. Maintain a percent cover that is equal to or greater than 10% for non-erodible elements; or</p> <p>g. Comply with a standard of an alternative test method, upon obtaining the written approval from the Control Officer and the Administrator of the Environmental Protection Agency (EPA).</p> <p>302.4 Vehicle Test And Development Facilities And Operations: No stabilization requirement shall apply to vehicle test and development facilities and operations when dust is required to test and validate design integrity, product quality, and/or commercial acceptance, if such testing is not feasible within enclosed facilities.</p>	<p>upon test method results. The owner and/or operator of such inactive disturbed surface area shall be considered in violation of this rule if the area is not maintained in a manner that meets at least 1 of the standards listed below, as applicable.</p> <p>a. Maintain a visible crust;</p> <p>b. Maintain a threshold friction velocity (TFV) for disturbed surface areas corrected for non-erodible elements of 100 cm/second or higher;</p> <p>e. Maintain a flat vegetative cover (i.e., attached (rooted) vegetation or unattached vegetative debris lying on the surface with a predominant horizontal orientation that is not subject to movement by wind) that is equal to at least 50%;</p> <p>d. Maintain a standing vegetative cover (i.e., vegetation that is attached (rooted) with a predominant vertical orientation) that is equal to or greater than 30%;</p> <p>e. Maintain a standing vegetative cover (i.e., vegetation that is attached (rooted) with a predominant vertical orientation) that is equal to or greater than 10% and where the threshold friction velocity is equal to or greater than 43 cm/second when corrected for non-erodible elements;</p> <p>f. Maintain a percent cover that is equal to or greater than 10% for non-erodible elements; or</p> <p>g. Comply with a standard of an alternative test method, upon obtaining the written approval from the Control Officer and the Administrator of the Environmental Protection Agency (EPA).</p> <p>302.4 Vehicle Test And Development Facilities And Operations: No stabilization requirement shall apply to vehicle test and development facilities and operations when dust is required to test and validate design integrity, product quality, and/or commercial acceptance, if such testing is not feasible within enclosed facilities.</p>		
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**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft May 17, 2007
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Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust Draft May 17, 2007	Description Of Revision	Stakeholders' Comments
<p>303 Dust Control Plan Required: 303.1 The owner and/or operator of a dust generating operation shall submit to the Control Officer a Dust Control Plan with any permit applications that involve earthmoving operations with a disturbed surface area that equals or exceeds 0.10 acre, including both of the following situations: a. When submitting an application for an earthmoving permit involving earthmoving operations that would equal or exceed 0.10 acre, and b. Before commencing any routine dust generating operation at a site that has obtained or must obtain a Title V, Non-Title V, or general permit under Regulation II (Permits And Fees) of these rules. Compliance with this section does not affect an owner and/or operator's responsibility to comply with the other standards of this rule. The Dust Control Plan shall describe all control measures to be implemented before, after, and while conducting any dust generating operation, including during weekends, after work hours, and on holidays. 303.2 A Dust Control Plan shall, at a minimum, contain all the information described in Section 304 of this rule. The Control Officer shall approve, disapprove, or conditionally approve the Dust Control Plan, in accordance with the criteria used to approve, disapprove or conditionally approve a permit. Failure to comply with the provisions of an approved Dust Control Plan is deemed to be a violation of this rule. Regardless of whether an approved Dust Control Plan is in place or not, the owner and/or operator of a dust generating operation is still subject to all requirements of this rule at all times. In addition, the owner and/or operator of a source with an approved Dust Control Plan is still subject to all of the requirements of this rule, even if such owner and/or operator is complying with the approved Dust Control Plan. 303.3 At least one primary control measure and one contingency control measure must be</p>	<p><u>403 Dust Control Plan Requirements:</u> <u>403.1</u> The owner and/or operator of a dust generating operation shall submit to the Control Officer a Dust Control Plan with any permit applications that involve dust generating operations with a disturbed surface area that equals or exceeds 0.10 acre (4,356 square feet) including both of the following situations: <u>a.</u> When submitting an application for a Dust Control permit involving dust generating operations that would equal or exceed 0.10 acre (4,356 square feet), and <u>b.</u> Before commencing any routine dust generating operation at a site that has obtained or must obtain a Title V, Non-Title V, or General permit under Regulation II-Permits And Fees of these rules. <u>403.2</u> The owner and/or operator of a dust generating operation shall submit to the Control Officer a Dust Control Plan with any application for a Dust Control permit, Applicants shall complete Section 3-Dust Control Plan in Maricopa County's "Application For Dust Control Permit" and submit such information as a Dust Control Plan. Applicants shall describe, in a Dust Control Plan, all control measures to be implemented before, after, and while conducting any dust generating operation, including during weekends, after work hours, and on holidays. <u>403.3</u> A Dust Control Plan shall, at a minimum, contain all of the following information: <u>a.</u> Name(s), address(es), and phone numbers of person(s) responsible for the submittal and implementation of the Dust Control Plan and responsible for the dust generating operation. <u>b.</u> A drawing, on 8½" x 11" paper, that shows: <u>(1)</u> Entire project site/facility boundaries, <u>(2)</u> Acres to be disturbed with linear dimensions. <u>(3)</u> Nearest public roads. <u>(4)</u> North arrow, and <u>(5)</u> Planned exit locations onto paved areas accessible to the public. <u>c.</u> Appropriate control measures, or a combination thereof, as described in Section 304 of this rule, for every actual and potential dust generating operation. <u>(1)</u> Control measures must be implemented before, after, and while conducting any dust generating operation, including during weekends, after work hours, and on holidays. <u>(2)</u> All required control measures and at least one</p>	<p>To move Dust Control Plan requirements from standards section to administrative requirements section.</p>	

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<p>identified in the Dust Control Plan for all fugitive dust sources. Should any primary control measure(s) prove ineffective, the owner and/or operator shall immediately implement the contingency control measure(s). If the identified contingency control measure is effective to comply with all of the requirements of this rule, the owner and/or operator need not revise the Dust Control Plan under Section 305 of this rule.</p> <p>303.4 A Dust Control Plan shall not be required for any of the following activities:</p> <p>a. To play on or maintain a field used for non-motorized sports;</p> <p>b. For landscape maintenance, which, for the purpose of this rule, does not include grading, trenching, nor or any other mechanized surface disturbing activities; and</p> <p>c. To establish initial landscapes or to redesign existing landscapes of legally-designated public parks and recreational areas, including national parks, national monuments, national forests, state parks, city parks, county regional parks, ballfields, camp sites, and playgrounds at camp sites; hiking paths, horse trails, and bicycle paths that are used exclusively for purposes other than travel by motor vehicles; (for the purpose of this rule, establishing initial landscapes or redesigning existing landscapes does not include grading, trenching, or any other mechanized surface disturbing activities).</p>	<p><u>contingency control measure must be identified for all dust generating operations. Should any primary control measure(s) prove ineffective, the owner and/or operator shall immediately implement the contingency control measure(s). If the identified contingency control measure(s) is effective to comply with all of the requirements of this rule, the owner and/or operator need not revise the Dust Control Plan.</u></p> <p><u>(3) A control measure that is not listed in Section 304 of this rule may be chosen provided that such control measure(s) is implemented to comply with the standard(s) described in Section 302 and Section 303 of this rule, as determined by the corresponding test method(s), as applicable, and meets other applicable standard(s) set forth in this rule.</u></p> <p><u>(4) If complying with Section 303.2-Stabilization Requirements For Fugitive Dust Sources-Unpaved Haul/Access Road of this rule, the Dust Control Plan must include the maximum number of vehicle trips on the unpaved haul/access roads each day (including number of employee vehicles, earthmoving equipment, haul trucks, and water trucks).</u></p> <p><u>d. Dust suppressants to be applied, including all of the following product specifications or label instructions for approved usage:</u></p> <p><u>(1) Method, frequency, and intensity of application;</u></p> <p><u>(2) Type, number, and capacity of application equipment; and</u></p> <p><u>(3) Information on environmental impacts and approvals or certifications related to appropriate and safe use for ground application.</u></p> <p><u>e. Specific surface treatment(s) and/or control measures utilized to control material trackout and sedimentation where unpaved and/or access points join paved areas accessible to the public.</u></p> <p><u>403.4 The Control Officer shall approve, disapprove, or conditionally approve the Dust Control Plan, in accordance with the criteria used to approve, disapprove or conditionally approve a permit. Failure to comply with the provisions of an approved Dust Control Plan is deemed a violation of this rule. Regardless of whether an approved Dust Control Plan is in place or not, the owner and/or operator of a dust generating operation is still subject to all requirements of this rule at all times. In addition, the owner and/or operator of a source with an approved Dust Control Plan is still subject to all of the requirements of this rule, even if such owner and/or operator is complying with the approved Dust Control Plan.</u></p> <p><u>403.5 For construction projects one acre or larger, except for routine maintenance and repair done under a Dust</u></p>		
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	<p><u>Control permit-Block permit, a statement disclosing which of the four designated texture(s) of soil described in Appendix F of these rules is naturally present at or will be imported to the dust generating operation. The measured soil content at a particular site shall take precedence over any mapped soil types, and whenever soils have been tested at a particular site, the test results should be relied on rather than the map in Appendix F of these rules.</u></p> <p>403.6 <u>At least one primary control measure and one contingency control measure must be identified in the Dust Control Plan for all dust generating sources. Should any primary control measure(s) prove ineffective, the owner and/or operator shall immediately implement the contingency control measure(s). If the identified contingency control measure is effective to comply with all of the requirements of this rule, the owner and/or operator need not revise the Dust Control Plan.</u></p>		
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**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft May 17, 2007
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Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust Draft May 17, 2007	Description Of Revision	Stakeholders' Comments
<p>304 Elements Of A Dust Control Plan: A Dust Control Plan shall contain, at a minimum, all of the following information:</p> <p>304.1 Name(s), address(es), and phone numbers of person(s) responsible for the submittal and implementation of the Dust Control Plan and responsible for the dust generating operation.</p> <p>304.2 A drawing, on 8½" x 11" paper, that shows:</p> <p>a. Entire project site/facility boundaries, b. Acres to be disturbed with linear dimensions, c. Nearest public roads, d. North arrow, and e. Planned exit locations onto paved areas accessible to the public.</p> <p>304.3 Control measures, or a combination thereof, to be applied to all actual and potential dust generating operations, before, after, and while conducting any dust generating operation, including during weekends, after work hours, and on holidays.</p> <p>a. All required control measures from Tables 1-21 and at least one contingency control measure must be identified, for all dust generating operations. Should any primary control measure(s) prove ineffective, the owner and/or operator shall immediately implement the contingency control measure(s). If the identified contingency control measure(s) is effective to comply with all of the requirements of this rule, the owner and/or operator need not revise the Dust Control Plan under Section 305 of this rule.</p> <p>b. Alternatively, a control measure(s) that is not listed in Tables 1-21 of this rule may be chosen, provided that such control measure(s) is implemented to comply with the standard(s) described in Section 301 and Section 302 of this rule, as determined by the corresponding test method(s), as applicable, and meets other applicable standard(s) set forth in this rule.</p> <p>c. If complying with Section 302.2(b) (Stabilization Requirements For Fugitive Dust Sources-Unpaved Haul/Access Road) of this rule, the Dust Control Plan must include the maximum</p>	<p><u>403 Dust Control Plan Requirements:</u></p> <p><u>403.1</u> The owner and/or operator of a dust generating operation shall submit to the Control Officer a Dust Control Plan with any <u>permit applications that involve dust generating operations with a disturbed surface area that equals or exceeds 0.10 acre (4,356 square feet) including both of the following situations:</u></p> <p><u>a.</u> <u>When submitting an application for a Dust Control permit involving dust generating operations that would equal or exceed 0.10 acre (4,356 square feet), and</u></p> <p><u>b.</u> <u>Before commencing any routine dust generating operation at a site that has obtained or must obtain a Title V, Non-Title V, or General permit under Regulation II-Permits And Fees of these rules.</u></p> <p><u>403.2</u> The owner and/or operator of a dust generating operation shall submit to the Control Officer a Dust Control Plan with any application for a Dust Control permit, Applicants shall complete Section 3-Dust Control Plan in Maricopa County's "Application For Dust Control Permit" and submit such information as a Dust Control Plan. Applicants shall describe, in a Dust Control Plan, all control measures to be implemented before, after, and while conducting any dust generating operation, including during weekends, after work hours, and on holidays.</p> <p><u>403.3</u> A Dust Control Plan shall, at a minimum, contain all of the following information:</p> <p><u>a.</u> <u>Name(s), address(es), and phone numbers of person(s) responsible for the submittal and implementation of the Dust Control Plan and responsible for the dust generating operation.</u></p> <p><u>b.</u> <u>A drawing, on 8½" x 11" paper, that shows:</u></p> <p><u>(1)</u> <u>Entire project site/facility boundaries,</u></p> <p><u>(2)</u> <u>Acres to be disturbed with linear dimensions,</u></p> <p><u>(3)</u> <u>Nearest public roads,</u></p> <p><u>(4)</u> <u>North arrow, and</u></p> <p><u>(5)</u> <u>Planned exit locations onto paved areas accessible to the public.</u></p> <p><u>c.</u> <u>Appropriate control measures, or a combination thereof, as described in Section 303 of this rule, for every actual and potential dust generating operation.</u></p> <p><u>(1)</u> <u>Control measures must be implemented before, after, and while conducting any dust generating operation, including during weekends, after work hours, and on holidays.</u></p> <p><u>(2)</u> <u>All required control measures and at least one contingency control measure must be identified for all dust generating operations. Should any primary control measure(s) prove ineffective, the owner and/or operator shall immediately implement the contingency control measure(s). If the identified</u></p>	<p>To move elements of a Dust Control Plan from standards section to administrative requirements section.</p>	

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<p>number of vehicle trips on the unpaved haul/access roads each day (including number of employee vehicles, earthmoving equipment, haul trucks, and water trucks).</p> <p>304.4 Dust suppressants to be applied, including all of the following product specifications or label instructions for approved usage:</p> <p>a. Method, frequency, and intensity of application;</p> <p>b. Type, number, and capacity of application equipment; and</p> <p>c. Information on environmental impacts and approvals or certifications related to appropriate and safe use for ground application.</p> <p>304.5 Specific surface treatment(s) and/or control measures utilized to control material trackout and sedimentation where unpaved and/or access points join paved areas accessible to the public.</p> <p>304.6 For construction projects one acre or larger, except for routine maintenance and repair done under a block permit, a statement disclosing which of the four designated texture(s) of soil described in Appendix F of these rules is naturally present at or will be imported to the dust generating operation. The measured soil content at a particular site shall take precedence over any mapped soil types, and whenever soils have been tested at a particular site, the test results should be relied on rather than the map in Appendix F.</p>	<p>contingency control measure(s) is effective to comply with all of the requirements of this rule, the owner and/or operator need not revise the Dust Control Plan.</p> <p>(3) A control measure that is not listed in Section 303 of this rule may be chosen provided that such control measure(s) is implemented to comply with the standard(s) described in Section 303 of this rule, as determined by the corresponding test method(s), as applicable, and meets other applicable standard(s) set forth in this rule.</p> <p>(4) If complying with Section 303.12-Control Measures For Dust Generating Operations-Unpaved Haul/Access Roads of this rule, the Dust Control Plan must include the maximum number of vehicle trips on the unpaved haul/access roads each day (including number of employee vehicles, earthmoving equipment, haul trucks, and water trucks).</p> <p>d. Dust suppressants to be applied, including all of the following product specifications or label instructions for approved usage:</p> <p>(1) Method, frequency, and intensity of application;</p> <p>(2) Type, number, and capacity of application equipment; and</p> <p>(3) Information on environmental impacts and approvals or certifications related to appropriate and safe use for ground application.</p> <p>e. Specific surface treatment(s) and/or control measures utilized to control material trackout and sedimentation where unpaved and/or access points join paved areas accessible to the public.</p> <p>403.4 The Control Officer shall approve, disapprove, or conditionally approve the Dust Control Plan, in accordance with the criteria used to approve, disapprove or conditionally approve a permit. Failure to comply with the provisions of an approved Dust Control Plan is deemed a violation of this rule. Regardless of whether an approved Dust Control Plan is in place or not, the owner and/or operator of a dust generating operation is still subject to all requirements of this rule at all times. In addition, the owner and/or operator of a source with an approved Dust Control Plan is still subject to all of the requirements of this rule, even if such owner and/or operator is complying with the approved Dust Control Plan.</p> <p>403.5 For construction projects one acre or larger, except for routine maintenance and repair done under a Dust Control permit-Block permit, a statement disclosing which of the four designated texture(s) of soil described in Appendix F of these rules is naturally present at or will be imported to the dust generating operation. The measured soil content at a particular site shall take precedence over any mapped soil types, and whenever soils have been tested at a particular site, the test results should be relied on rather than the map in Appendix F of these rules.</p> <p>403.6 At least one primary control measure and one contingency control measure must be identified in the Dust Control Plan for all dust generating sources. Should any primary control measure(s) prove ineffective, the owner and/or operator shall immediately</p>		
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	<u>implement the contingency control measure(s). If the identified contingency control measure is effective to comply with all of the requirements of this rule, the owner and/or operator need not revise the Dust Control Plan.</u>		
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Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust Draft May 17, 2007	Description Of Revision	Stakeholders' Comments
<p>305 Dust Control Plan Revisions: 305.1 If the Control Officer determines that an approved Dust Control Plan has been followed, yet fugitive dust emissions from any dust generating operation still exceed standards in Section 301 and Section 302 of this rule, then the Control Officer shall issue a written notice to the owner and/or operator of the dust generating operation explaining such determination. 305.2 The owner and/or operator of a dust generating operation shall make written revisions to the Dust Control Plan and shall submit such revised Dust Control Plan to the Control Officer within three working days of receipt of the Control Officer's written notice, unless such time period is extended by the Control Officer, upon request, for good cause. During the time that such owner and/or operator is preparing revisions to the approved Dust Control Plan, such owner and/or operator must still comply with all requirements of this rule.</p>	<p>405 Dust Control Plan Revisions: 405.1 If Required By The Control Officer: <u>a. If the Control Officer determines that an approved Dust Control Plan has been followed, yet fugitive dust emissions from any dust generating operation still exceed the standards of this rule, then the Control Officer shall issue a written notice to the owner and/or operator of the dust generating operation explaining such determination.</u> <u>b. The owner and/or operator of a dust generating operation shall make written revisions to the Dust Control Plan and shall submit such revised Dust Control Plan to the Control Officer within three working days of receipt of the Control Officer's written notice, unless such time period is extended by the Control Officer, upon request, for good cause. During the time that such owner and/or operator is preparing revisions to the approved Dust Control Plan, such owner and/or operator must still comply with all requirements of this rule.</u> 405.2 If Requested By The Permittee: <u>a. If the acreage of a project changes, the owner and/or operator shall request a Dust Control Plan revision. Such Dust Control Plan revision shall be filed in the manner and form prescribed by the Control Officer.</u> <u>b. If the permit holder changes, the owner and/or operator shall request a Dust Control Plan revision. Such Dust Control Plan revision shall be filed in the manner and form prescribed by the Control Officer.</u> <u>c. If the name(s), address(es), or phone numbers of person(s) responsible for the submittal and implementation of the Dust Control Plan and responsible for the dust generating operation change, the the owner and/or operator shall request a Dust Control Plan revision. Such Dust Control Plan revision shall be filed in the manner and form prescribed by the Control Officer.</u> 405.2 If Rule 310 Is Revised: <u>a. If any changes to a Dust Control Plan are necessary as a result of the most recent revisions of this rule, such changes to the Dust Control Plan shall not be required until the associated Dust Control permit is required to be renewed.</u> <u>b. If any changes to a Dust Control Plan, associated with a Title V permit or with a Non-Title V permit, are necessary as a result of the most recent revisions of this rule, then the owner and/or operator shall submit a revised Dust Control Plan to the Control Officer, according to the minor permit revision procedures described in Rule 210 or in Rule 220 of these rules respectively, no later than six months after the effective date of the most recent revisions to this rule.</u></p>	<p>To move Dust Control Plan revisions from standards section to administrative requirements section.</p> <p>To add requirements for Dust Control Plan revisions, if requested by the permittee, to match explanation/criteria in Guidance For Application For Dust Control Permit.</p>	

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Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust Draft May 17, 2007	Description Of Revision	Stakeholders' Comments
<p>306 Control Measures: 306.1 The owner and/or operator of a dust generating operation shall implement control measures before, after, and while conducting operations, including during weekends, after work hours, and on holidays, in accordance with Section 304.3 and Tables 1-21 of this rule. 306.2 For the purpose of this rule, any control measure that is implemented must achieve the applicable standard(s) described in Sections 301 and 302 of this rule, as determined by the corresponding test method(s), as applicable, and must achieve other applicable standard(s) set forth in this rule. 306.3 Failure to comply with the provisions of Section 308 (Work Practices) of this rule, as applicable, and/or of an approved Dust Control Plan, is deemed a violation of this rule. 306.4 Regardless of whether a dust generating operation is in compliance with an approved Dust Control Plan, or there is no approved dust control plan, the owner and/or operator of a dust generating operation is still subject to all requirements of this rule at all times.</p>	<p><u>303 Control Measures For Dust Generating Operations:</u> <u>303.1</u> The owner and/or operator of a dust generating operations shall implement control measures before, after, and while conducting dust generating operations, including during weekends, after work hours, and on holidays. <u>303.2</u> Any control measure that is implemented shall achieve the applicable requirements in Section 302 of this rule. <u>303.3</u> To determine if a control measure has been implemented to achieve the requirements in Section 302 of this rule, the owner and/or operator of a dust generating operation shall conduct opacity observations described in Section 302.1 and Section 302.2 of this rule and shall conduct stabilization procedures described in this section of this rule, as applicable. <u>303.4</u> When engaged in the dust generating operations described in Section 303.7 through Section 303.21 of this rule, the owner and/or operator of a dust generating operation shall install, maintain, and use control measures as described in Section 303.7 through Section 303.21 of this rule, as applicable. <u>303.5</u> Failure to implement control measures as required by this rule, as applicable, and/or failure to maintain stabilization of a site with adequate surface crusting to prevent wind erosion as measured by the requirements in Section 302 of this rule shall be deemed a violation of this rule. <u>303.6</u> Regardless of whether a dust generating operation is in compliance with an approved Dust Control Plan or there is no approved Dust Control Plan, the owner and/or operator of a dust generating operation shall still be subject to all requirements of this rule at all times.</p>	<p>To add description/explanation regarding control measures and how an owner and/or operator determines that control measures are implemented to meet the requirements of Rule 310.</p> <p>Proposed text matches Clark County's Section 94-Permitting And Dust Control For Construction Activities.</p> <p>In order to comply with Rule 310, an owner and/or operator has two duties: to install, maintain, and use control measures and to meet the stabilization requirements.</p> <p>Control measures must control fugitive dust such that fugitive dust does not exceed 20% opacity and does not cross a property line. In order for an owner and/or operator to determine if control measures are meeting such requirement, an owner and/or operator must use opacity observations (i.e., EPA Test Method 9 or time-averaged test method of visual opacity determination of emissions from dust generating operations - for intermittent visible emissions - non-continuous dust plume and continuous dust plumes) and must use stabilization procedures (i.e., for unpaved parking lots and unpaved roads - silt content test method and for open areas and vacant lots - visible crust determination (drop ball test), threshold friction velocity, flat vegetative cover, standing vegetative cover, and rock test method).</p> <p>Per Stakeholders' comments during Public Workshop #1-April 19, 2007, Rule 310 does not clearly distinguish between control measures, stabilization standards, and test methods and who is responsible for determining compliance with stabilization standards and/or for conducting test methods.</p>	<p>Joint Environmental Task Force: Does this mean that someone is going to check on dust emissions at night? No one does it now. What happens if they don't comply?</p>

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft May 17, 2007
With Stakeholders' Comments As Of Public Workshop #2-May 17, 2007**

Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust Draft May 17, 2007	Description Of Revision	Stakeholders' Comments
<p>307 Project Information Sign: For all sites with an earthmoving permit that are five acres or larger, except for routine maintenance and repair done under a block permit, the owner and/or operator shall erect and maintain a project information sign at the main entrance, that is readable by the public. Such sign shall have a white background, have black block lettering that is at least four inches high, and shall contain at least all of the following information: 307.1 Project name and permit holder, 307.2 Earthmoving Permit number, 307.3 Name and phone number of person(s) responsible for conducting the project, and 307.4 Text stating: "Dust Complaints? Call Maricopa County Environmental Services Department (insert the current/accurate phone number for the complaint phone line)."</p>	<p><u>304 Project Information Sign For Dust Generating Operations:</u> <u>For all sites with a Dust Control permit that are five acres or larger, except for routine maintenance and repair done under a Dust Control permit-Block permit, the owner and/or operator shall erect and maintain a project information sign at the main entrance such that members of the public can easily view and read the sign at all times. Such sign shall have a white background, have black block lettering that is at least four inches high, and shall contain at least all of the following information:</u> 304.1 Project name, project acreage, and permittee's name; 304.2 Dust Control permit number and expiration date; 304.3 Name and local phone number of person(s) responsible for dust control matters; 304.4 Text stating: "Dust complaints? Call Maricopa County Air Quality Department - 602-372-2703."</p>	<p>To move project information sign requirements from standards section to administrative requirements section.</p> <p>Specific information required to be on the project information sign matches requirements in Clark County's Construction Activities Dust Control Handbook adopted March 18, 2003.</p>	<p>City Of Mesa: The posting requirement should apply at all entrances to a site. In addition, signs should be posted around the accessible perimeter of the site indicating the location of acceptable entrances and stating that no other entrances are allowed. Maricopa County should consider extending the sign-posting requirement to smaller sites, perhaps as small as one acre. This makes smaller sites more "visible" to the public and could encourage these smaller sites to pay more attention to dust control requirements.</p> <p>Joint Environmental Task Force: People have trouble finding a working number to use to report complaints. Is 602.372.2703 a good number?</p>
<p>308 Work Practices: When engaged in the following specific activities, the owner and/or operator of a dust generating operation shall comply with the following work practices in addition to implementing, as applicable, the control measures described in Tables 1-21 of this rule.</p>	<p><u>303 Control Measures For Dust Generating Operations:</u> 303.1 <u>The owner and/or operator of a dust generating operations shall implement control measures before, after, and while conducting dust generating operations, including during weekends, after work hours, and on holidays.</u> 303.2 <u>Any control measure that is implemented shall achieve the applicable requirements in Section 302 of this rule.</u> 303.3 <u>To determine if a control measure has been implemented to achieve the requirements in Section 302 of this rule, the owner and/or operator of a dust generating operation shall conduct opacity observations described in Section 302.1 and Section 302.2 of this rule and shall conduct stabilization procedures described in this section of this rule, as applicable.</u> 303.4 <u>When engaged in the dust generating operations described in Section 303.7 through Section 303.21 of this rule, the owner and/or operator of a dust generating operation shall install, maintain, and use control measures as described in Section 303.7 through Section 303.21 of this rule, as applicable.</u> 303.5 <u>Failure to implement control measures as required by this rule, as applicable, and/or failure to maintain stabilization of a site</u></p>	<p>To delete Rule 310, Section 308 and to add work practices to specific control measures described in Rule 310, Section 303-Control Measures For Dust Generating Operations.</p> <p>Proposed text matches Clark County's Section 94-Permitting And Dust Control For Construction Activities.</p> <p>In order to comply with Rule 310, an owner and/or operator has two duties: to install, maintain, and use control measures and to meet the stabilization requirements.</p> <p>Control measures must control fugitive dust such that fugitive dust</p>	

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	<p><u>with adequate surface crusting to prevent wind erosion as measured by the requirements in Section 302 of this rule shall be deemed a violation of this rule.</u></p> <p><u>303.6 Regardless of whether a dust generating operation is in compliance with an approved Dust Control Plan or there is no approved Dust Control Plan, the owner and/or operator of a dust generating operation shall still be subject to all requirements of this rule at all times.</u></p>	<p>does not exceed 20% opacity and does not cross a property line. In order for an owner and/or operator to determine if control measures are meeting such requirement, an owner and/or operator must use opacity observations (i.e., EPA Test Method 9 or time-averaged test method of visual opacity determination of emissions from dust generating operations - for intermittent visible emissions - non-continuous dust plume and continuous dust plumes) and must use stabilization procedures (i.e., for unpaved parking lots and unpaved roads - silt content test method and for open areas and vacant lots - visible crust determination (drop ball test), threshold friction velocity, flat vegetative cover, standing vegetative cover, and rock test method).</p> <p>Per Stakeholders' comments during Public Workshop #1-April 19, 2007, Rule 310 does not clearly distinguish between control measures, stabilization standards, and test methods and who is responsible for determining compliance with stabilization standards and/or for conducting test methods.</p>	
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Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust Draft May 17, 2007	Description Of Revision	Stakeholders' Comments
<p>308.1 Bulk Material Hauling Off-Site Onto Paved Areas Accessible to the Public: Notwithstanding other sections of this rule, the owner and/or operator of a dust generating operation and the owner and/or operator of a haul truck shall do all of the following:</p> <p>a. Load all haul trucks such that the freeboard is not less than three inches;</p> <p>b. Prevent spillage or loss of bulk material from holes or other openings in the cargo compartment's floor, sides, and/or tailgate(s);</p> <p>c. Cover all haul trucks with a tarp or other suitable closure; and</p> <p>d. Before the empty haul truck leaves the site, clean the interior of the cargo compartment or cover the cargo compartment.</p>	<p><u>303.7 Bulk Material Hauling/Transporting When Off-Site Hauling/Transporting Outside The Boundaries Of The Work Site And Crossing And/Or Accessing A Paved Area Accessible To The Public:</u></p> <p><u>a. Control Measures:</u> <u>The owner and/or operator of a dust generating operation that involves bulk material hauling/transporting when off-site hauling/transporting outside the boundaries of the work site and crossing and/or accessing a paved area accessible to the public shall implement the following control measures:</u></p> <p><u>(1) When cargo compartment is loaded:</u></p> <p><u>(a) Load all haul trucks such that the freeboard is not less than three inches;</u></p> <p><u>(b) Prevent spillage or loss of bulk material from holes or other openings in the cargo compartment's floor, sides, and/or tailgate(s); and</u></p> <p><u>(c) Cover cargo compartment with a tarp or other suitable closure.</u></p> <p><u>(2) When cargo compartment is empty:</u></p> <p><u>(a) Clean the interior of the cargo compartment; or</u></p> <p><u>(b) Cover the cargo compartment with a tarp or other suitable closure.</u></p> <p><u>(3) Install, maintain, and use a suitable trackout control device that controls and prevents trackout and/or removes particulate matter from tires and the exterior surfaces of haul trucks and/or motor vehicles that traverse the site.</u></p> <p><u>b. Stabilization Procedures:</u> <u>Control measures shall achieve the applicable requirements in Section 302 of this rule. To determine if a control measure has been implemented to achieve the requirements in Section 302 of this rule, the owner and/or operator of a dust generating operation shall conduct opacity observations described in Section 302.1 and Section 302.2 of this rule.</u></p>	<p>To delete Table 15 and to add control measures from Table 15 to Rule 310, Section 303.7, per Staff comment.</p> <p>To add requirement to install, maintain, and use a trackout control device, per Staff comment.</p> <p>To add stabilization procedures for determining if control measures are implemented to control fugitive dust such that fugitive dust does not exceed 20% opacity and does not cross a property line.</p> <p>Per Stakeholders' comments during Public Workshop #1-April 19, 2007, Rule 310 does not clearly distinguish between control measures, stabilization standards, and test methods and who is responsible for determining compliance with stabilization standards and/or for conducting test methods.</p> <p>For the Five Percent Plan, better define tarping requirements to include enclosure of the bed. Require cargo compartment, whether loaded or empty, to be fully enclosed prior to traveling on paved public roadways.</p>	<p>John Walker: There are an excessive number of requirements for opacity determinations. Sections 303.7, 303.8, 303.9 and many other section of this proposed rule change are symptomatic of what I seem to be seeing in a lot of other places in the rule. First, control measures are specified and testing to determine stabilization measurements are required. If this wasn't so serious for mines and construction, I would be falling out of my chair laughing. Either Maricopa County misinterpreted what the Stakeholders wanted or there has been no input regarding these excessive opacity measurement requirements from industry. Such requirements for excess opacity readings can only result in an increase in already excessive citations for mere paperwork violations. In general, Maricopa County should just decide and require what measure or measures in a given situation are effective enough, based-on credible evidence from peer reviewed scientific studies, and in cooperation with industry and other Stakeholders. Such measures should then be presumed to meet the stabilization requirements. Surely the County is capable of determining, once and for all, what control measures will produce adequate opacity control. If they need to be more specific in the control measures, so be it. More stringent control measures (provided they are scientifically justified) can often be implemented as part of normal operations (e.g. watering a haul road four times a day instead of two). This rule, as written, will significantly increase the number of operations that must make opacity readings. There are severely limited numbers of training slots available for making the EPA Method 9 readings. The classes for this are given by only one company a few times a year (unless the MCAQD or ADEQ have resumed these certification classes). Also, there seems to be an increase of required opacity readings, even for operations, which have traditionally only had to do a minimal number of these in the past. There is no way the County can adequately enforce this, except by useless and time consuming opacity readings. These requirements will be a poster child exemplifying bad rulemaking by the MCAQD. If the County persists in these excessive requirements for opacity readings, then they must</p>

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			<p>submit an economic impact for this particular part of the rule, per the applicable Arizona Revised Statute, showing that it is necessary for the health of the community. Since the MCAQD has stated that it will increase its inspections to four time per year, such inspections would be a time where they could make the opacity measurements, if they are really needed. This would be similar to what the federal MSHA-Mine Safety And Health Administration does during its period inspections. A thorough inspection is made and a determination on non-compliance, if such exists, is issued immediately.</p> <p>John Walker: Rule 310, Section 303.7(b) requires outside trucking companies, who are totally unfamiliar with the EPA Method 9 opacity measurements, to make separate measurements of their opacity emission. I want to be there when the single owner-operator of a gravel delivery truck tries to make these measurements while driving his truck. This part-of Rule 310 is totally un-needed. It is almost universally agreed that the control measure most often used (i.e., tarping) is effective in reducing emissions to acceptable levels. Suggested revision: State that if tarping is used that the owner or operator of the dust generating facility will have prima facie met the required stabilization requirement.</p> <p>Attendee At Pubic Workshop #2-May 17, 2007: Rule 310 is too prescriptive.</p> <p>Joint Environmental Task Force: Who will check on this? Beardsley Road has over a thousand trucks a day on it. According to the Maricopa Association Of Governments (MAG) recommendations for reducing PM₁₀, some trucks from Apache Junction do not cover their loads. Why not, if this rule is for the whole County? What happens if this is not met? Specify.</p>
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Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust Draft May 17, 2007	Description Of Revision	Stakeholders' Comments
<p>308.2 Bulk Material Hauling On-Site Within the Boundaries of The Work Site: When crossing a paved area accessible to the public while construction is underway, the owner and/or operator of a dust generating operation shall do all of the following:</p> <p>a. Load all haul trucks such that the freeboard is not less than three inches;</p> <p>b. Prevent spillage or loss of bulk material from holes or other openings in the cargo compartment's floor, sides, and/or tailgate(s); and</p> <p>c. Install a suitable trackout control device that controls and prevents trackout and/or removes particulate matter from tires and the exterior surfaces of haul trucks and/or motor vehicles that traverse such work site. Examples of trackout control devices are described in Table 17 of this rule.</p>	<p><u>303.8 Bulk Material Hauling/Transporting When On-Site Hauling/Transporting Within The Boundaries Of The Work Site But Not Crossing A Paved Area Accessible To The Public:</u></p> <p><u>a. Control Measures:</u> The owner and/or operator of a dust generating operation that involves bulk material hauling/transporting when on-site hauling/transporting within the boundaries of the work site but not crossing a paved area accessible to the public shall implement one of the following control measures:</p> <p><u>(1) Limit vehicle speed to 15 miles per hour or less while traveling on the work site;</u></p> <p><u>(2) Apply water to the top of the load to comply with Section 302 of this rule; or</u></p> <p><u>(3) Cover haul trucks with a tarp or other suitable closure.</u></p> <p><u>b. Stabilization Procedures:</u> Control measures shall achieve the applicable requirements in Section 302 of this rule. To determine if a control measure has been implemented to achieve the requirements in Section 302 of this rule, the owner and/or operator of a dust generating operation shall conduct opacity observations described in Section 302.1 and Section 302.2 of this rule.</p> <p><u>303.9 Bulk Material Hauling/Transporting When On-Site Hauling/Transporting Within The Boundaries Of The Work Site And Crossing And/Or Accessing A Paved Area Accessible To The Public:</u></p> <p><u>a. Control Measures:</u> The owner and/or operator of a dust generating operation that involves bulk material hauling/transporting when on-site hauling/transporting within the boundaries of the work site and crossing and/or accessing a paved area accessible to the public shall implement all of the following control measures:</p> <p><u>(1) Load all haul trucks such that the freeboard is not less than three inches;</u></p> <p><u>(2) Prevent spillage or loss of bulk material from holes or other openings in the cargo compartment's floor, sides, and/or tailgate(s); and</u></p> <p><u>(3) Install, maintain, and use a suitable trackout control device that controls and prevents trackout and/or removes particulate matter from tires and the</u></p>	<p>To delete Table 13 and Table 14 and to add control measures from Table 13 and Table 14 to Rule 310, Section 303.8 and Section 303.9, per Staff comment.</p> <p>To add stabilization procedures for determining if control measures are implemented to control fugitive dust such that fugitive dust does not exceed 20% opacity and does not cross a property line.</p> <p>Per Stakeholders' comments during Public Workshop #1-April 19, 2007, Rule 310 does not clearly distinguish between control measures, stabilization standards, and test methods and who is responsible for determining compliance with stabilization standards and/or for conducting test methods.</p> <p>For the Five Percent Plan, better define tarping requirements to include enclosure of the bed. Require cargo compartment, whether loaded or empty, to be fully enclosed prior to traveling on paved public roadways.</p>	<p>John Walker: The requirement to wet the top of the load or tarp when hauling bulk materials within a construction site or sand and gravel plant when speeds exceed 15 mph is overkill. If the material has been adequately pre-wetted, as I'm sure is defined and required elsewhere in this rule, then the measures in Rule 310, Section 303.8(a)(2) and (3) are un-necessary. Most equipment used to transport material within a pit or construction site, such as front-end loaders, scrapers, and large off-road haul trucks, cannot be equipped with tarps. These type of equipment routinely traverse such sites at more than 15 mph with no or acceptable opacity without wetting the top of the load or tarping.</p>

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	<p><u>exterior surfaces of haul trucks and/or motor vehicles that traverse the site.</u></p> <p>b. Stabilization Procedures: <u>Control measures shall achieve the applicable requirements in Section 302 of this rule. To determine if a control measure has been implemented to achieve the requirements in Section 302 of this rule, the owner and/or operator of a dust generating operation shall conduct opacity observations described in Section 302.1 and Section 302.2 of this rule.</u></p>		
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	<p><u>303.10 Bulk Material Stacking, Loading, And Unloading Operations:</u> <u>a. Control Measures:</u> The owner and/or operator of a dust generating operation that involves bulk material stacking, loading, and unloading operations shall implement at least one of the following control measures: <u>(1) Spray material with water, as necessary, prior to stacking, loading, and unloading and/or while stacking, loading, and unloading; or</u> <u>(2) Spray material with a dust suppressant other than water, as necessary, prior to stacking, loading, and unloading and/or while stacking, loading, and unloading.</u> <u>b. Stabilization Procedures:</u> Control measures shall achieve the applicable requirements in Section 302 of this rule. To determine if a control measure has been implemented to achieve the requirements in Section 302 of this rule, the owner and/or operator of a dust generating operation shall conduct opacity observations described in Section 302.1 and Section 302.2 of this rule.</p>	<p>To delete Table 11 and to add control measures from Table 11 to Rule 310, Section 303.10, per Staff comment.</p> <p>To add stabilization procedures for determining if control measures are implemented to control fugitive dust such that fugitive dust does not exceed 20% opacity and does not cross a property line.</p> <p>Per Stakeholders' comments during Public Workshop #1-April 19, 2007, Rule 310 does not clearly distinguish between control measures, stabilization standards, and test methods and who is responsible for determining compliance with stabilization standards and/or for conducting test methods.</p>	<p>John Walker: Gosh Almighty, the junk never stops. Again, if the material has been pre-wetted prior to handling as required elsewhere in Rule 310, it will not be necessary to spray it before handling. This part of Rule 310 could be interpreted by an overzealous inspector or anybody else to require measurements of opacity at every different pile of material within a construction site or sand and gravel plant. This could easily total into the dozens of types of aggregate materials. Again, this is ridiculous. If the material has been pre-wetted as required elsewhere, there should not be any requirement for separate measurements of opacity. Opacity as a measure of real PM₁₀ content is highly suspect anyway, very expensive to apply, due to the onerous training requirements of the EPA Method 9. Heck, the Red Cross trusts that I know how to save a life using CPR for 2 years, but people can't be trusted to remember how to take opacity readings for more than 6 months. Come on, get real. If and when opacity readings are really needed, why doesn't the EPA, in cooperation with industry, simply produce good digital color photos of brown emissions - not black or white as done in Method 9 training.</p>

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<p>308.3 Trackout, Carry-Out, Spillage, and/or Erosion: The owner and/or operator of a dust generating operation shall do all of the following:</p> <p>a. Install, maintain and use a suitable trackout control device (examples of trackout control devices are described in Table 17 – Trackout Control of this rule) that controls and prevents trackout and/or removes particulate matter from tires and the exterior surfaces of haul trucks and/or motor vehicles that traverse such operation at all exits onto paved areas accessible to the public from both of the following:</p> <p>(1) All work sites with a disturbed surface area of two acres or larger, and</p> <p>(2) All work sites where 100 cubic yards of bulk materials are hauled on-site and/or off-site per day.</p> <p>b. Clean up, trackout, carry-out, spillage, and/or erosion, on the following time-schedule:</p> <p>(1) Immediately, when trackout, carry-out, or spillage extends a cumulative distance of 50 linear feet or more; and</p> <p>(2) At the end of the workday, for all other trackout, carry-out, spillage, and/or erosion.</p>	<p>303.11 Trackout Control, Carry-Out, Spillage, And/Or Erosion:</p> <p>a. Control Measures: <u>The owner and/or operator of a dust generating operation shall implement all of the following control measures to control trackout, carry-out, spillage, and/or erosion:</u></p> <p><u>(1) Install, maintain and use a suitable trackout control device that controls and prevents trackout and/or removes particulate matter from tires and the exterior surfaces of haul trucks and/or motor vehicles that traverse the site at all exits onto paved areas accessible to the public from both of the following:</u></p> <p><u>(a) All work sites with a disturbed surface area of one acre or larger, and</u></p> <p><u>(b) All work sites where 100 cubic yards of bulk materials are hauled on-site and/or off-site per day.</u></p> <p><u>(2) Clean up, trackout, carry-out, spillage, and/or erosion from paved areas accessible to the public including curbs, gutters, and sidewalks, on the following time-schedule:</u></p> <p><u>(a) Immediately, when trackout, carry-out, or spillage extends a cumulative distance of 25 linear feet or more; and</u></p> <p><u>(b) At the end of the workday, for all other trackout, carry-out, spillage, and/or erosion.</u></p> <p><u>(3) Prevent trackout, carry-out, spillage, and/or erosion by implementing one of the following control measures:</u></p> <p><u>(a) At all access points, install a wheel wash system;</u></p> <p><u>(b) At all access points, install a gravel pad to comply with Section 214 of this rule;</u></p> <p><u>(c) Pave starting from the point of intersection with a paved area accessible to the public and extending for a centerline distance of at least 100 feet and a width of at least 20 feet;</u></p> <p><u>(d) Operate a street sweeper or wet broom with sufficient water, including but not limited to kick broom, steel bristle broom, Teflon broom, vacuum, at the speed recommended by the manufacturer and at the</u></p>	<p>To delete Table 16 and Table 17 and to add control measures from Table 16 and Table 17 to Rule 310, Section 303.11, per Staff comment.</p> <p>To add stabilization procedures for determining if control measures are implemented to control fugitive dust such that fugitive dust does not exceed 20% opacity and does not cross a property line.</p> <p>Per Stakeholders' comments during Public Workshop #1-April 19, 2007, Rule 310 does not clearly distinguish between control measures, stabilization standards, and test methods and who is responsible for determining compliance with stabilization standards and/or for conducting test methods.</p>	<p>John Walker: In Rule 310, Section 303.11(a)(1)(b) change to read "...into or out-of the site..." The present wording could be construed to require trackout control measures where materials are hauled strictly within the site. "On-site" is not the same as "into the site".</p> <p>John Walker: Regarding Rule 310, Section 303.11(a)(2)(a), no justification has been provided, either with this proposed rule or with the previous change in Rule 316 as to why the reduction in trackout distance from 50 feet to 25 feet is necessary using "credible scientific evidence" as required by State law ARS §49-112(A)(2)(a).</p> <p>John Walker: Regarding Rule 310, Section 303.11(a)(3)(a), why is a wheel wash system at all access points or a gravel pad at all access points required? If a wheel wash system were ever really incrementally effective over a gravel pad (for which Maricopa County has never presented any credible evidence), why could it not be used at the busiest access points with public roadways, while gravel pads could be used on other access points? Suggested revision: Rule 310, Section 303.11(a)(3)(a) should be modified to allow the use of a wheel wash system (if required or desired by the operator at a particular access point) or gravel pad at any particular access point. Also, such control measures should only be required if such access points are carrying over a certain minimum number of vehicles per day. Otherwise, wheel wash systems are not cost effective at reducing emissions.</p> <p>John Walker: Regarding Rule 310, Section 303.11(a)(3) as compared to Rule 316, Section 307.6, why is the MCAQD attempting to ram an expensive, non-cost effective technology which has not been proven to have any significant effect on PM₁₀ (i.e., wheel wash systems) down the throats of even small non-ferrous mining facilities, when operations which generate the same or more trackout, such as large construction sites, are not required to have one? In proposed Rule 310, Section 303.11(3), operations other than non-ferrous mines are given an option not to use a wheel wash system, while the mines are almost always forced to do so by Rule 316. If non-human owners and/or operators of such</p>

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	<p><u>frequency(ies) described in this section of this rule; or</u> <u>(e) Manually sweep-up deposits to comply with this section of this rule.</u> <u>b. Stabilization Procedures: Control measures shall achieve the applicable requirements in Section 302 of this rule. To determine if a control measure has been implemented to achieve the requirements in Section 302 of this rule, the owner and/or operator of a dust generating operation shall conduct opacity observations described in Section 302.1 and Section 302.2 of this rule.</u></p>		<p>mining operations are considered to be “persons” under the 14th amendment of the U.S. Constitution, this would constitute an unequal treatment under the law, in violation of that amendment. Rule 310, Section 303.11(3) and Rule 316, Section 307.6 need to be modified to give consistent treatment to both mining and non-mining operations whether on-going or new. Rule 316 as now written appears to discriminate against small new operations, presenting a further regulatory barrier to entry of new small aggregate companies into the Phoenix metro market, to the economic detriment of their customers, including the County itself. It is highly notable that the economic impact statement of the final rulemaking for Rule 316 does not seem to state any separate reduction in trackout emissions for wheel wash systems alone, nor their incremental effectiveness (I should say in-effectiveness) in reducing PM₁₀ emissions. Wheel washing systems seem to be a non-effective technology looking for a government entity to mandate them. That is simply bad government based on the politics of aesthetics (e.g., the “Brown Cloud Initiative”, “ooh, the pavement isn’t as black as it was when it was new”), rather than real science.</p> <p>City Of Mesa: Rule 310, Section 303.11 should also have a provision that allows Maricopa County to require a larger gravel pad or other trackout control devices if the existing control is ineffective. Developers naturally seek cost savings at a construction site. However, too often materials for and maintenance of trackout control devices suffer from the desire to minimize environmental costs. Maricopa County should have authority to mandate use of additional materials and/or coverage of a greater area to increase the effectiveness of trackout control devices. Suggested revision: At site five acres or larger, access points should be clearly marked. Signs should be posted indicating the location of acceptable entrances. Too often “convenience” entrances are created at larger sites and these entrances do not meet trackout control device requirements. These signs should be in addition to the signs already required by Rule 310, Section 304.</p>
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<p>308.4 Unpaved Haul/Access Roads: The owner and/or operator of a dust generating operation shall implement one or more control measure(s) described in Table 3 – Unpaved Haul/Access Roads of this rule, before using or maintaining unpaved haul/access roads.</p>	<p>303.12 Unpaved Haul/Access Roads: <u>a. Control Measures: The owner and/or operator of a dust generating operation that involves an unpaved haul/access road shall implement one or more of the following control measures:</u> <u>(1) Limit vehicle speed to 15 miles per hour or less and limit vehicle trips to no more than 20 per day per road;</u> <u>(2) Apply water so that the surface is visibly moist;</u> <u>(3) Pave;</u> <u>(4) Apply and maintain gravel, recycled asphalt, or other suitable material; or</u> <u>(5) Apply and maintain a suitable dust suppressant other than water.</u> <u>b. Stabilization Procedures:</u> <u>(1) Control measures shall achieve the applicable requirements in Section 302 of this rule.</u> <u>(2) To determine if a control measure has been implemented to achieve the requirements in Section 302 of this rule, the owner and/or operator of a dust generating operation shall conduct the opacity test method to determine the percent opacity of fugitive dust plumes caused when/at the time vehicles move/drive on the unpaved haul/access roads described in Appendix C-Fugitive Dust Test Methods of these rules and shall conduct the silt content test method to determine the silt content of the trafficked areas of the unpaved haul/access roads when vehicles are not moving/driving on the unpaved road described in Appendix C-Fugitive Dust Test Methods of these rules.</u> <u>(3) In order to be in compliance with this rule, visible fugitive dust emissions shall not exceed 20% opacity and either the silt loading shall not be equal to or greater than 0.33 oz/ft² or the silt content shall not exceed 6%.</u> <u>(4) The owner and/or operator of a dust generating operation that involves an unpaved haul/access road (including at a work site that is under construction or a work site that is temporarily or permanently inactive) shall, as an alternative to meeting the stabilization procedures for an unpaved road, limit vehicle trips to no more than 20 per day per road and limit vehicle speeds to no more than 15 miles per hour. If complying with this section of</u></p>	<p>To delete Table 3 and to add control measures from Table 3 to Rule 310, Section 303.12, per Staff comment.</p> <p>To add stabilization procedures for determining if control measures are implemented to control fugitive dust such that fugitive dust does not exceed 20% opacity and does not cross a property line.</p> <p>Per Stakeholders' comments during Public Workshop #1-April 19, 2007, Rule 310 does not clearly distinguish between control measures, stabilization standards, and test methods and who is responsible for determining compliance with stabilization standards and/or for conducting test methods.</p>	<p>John Walker: Ah, here is where a slight tightening of the opacity standards could actually reduce emissions far more than even 100% trackout control ever will. Has the MCAQD even considered that? I believe the MCAQD could justify a tighter requirement here, than the EPA otherwise requires, meeting the burden of ARS §49-112(A)(2)(a). If you will examine honest emissions inventories and permit applications for sand and gravel plants (do construction sites have the same regulatory burden of emissions inventories? If not, why not?), you will find that haul trucks within the site can often generate far more emissions of PM₁₀ than all other operations combined, even with currently required control measures and opacity standards.</p> <p>Joint Environmental Task Force: How do you know how much dust is reduced by the alternative to stabilization? Delete Section 303.12(b)(4). Why put loopholes? The idea is to reduce dust?</p>

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	<p><u>this rule, the owner and/or operator must include, in a Dust Control Plan, the maximum number of vehicle trips on the unpaved roads each day (including number of employee vehicles, earthmoving equipment, haul trucks, and water trucks).</u></p>		
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**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft May 17, 2007
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Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust Draft May 17, 2007	Description Of Revision	Stakeholders' Comments
<p>308.5 Easements, Rights-Of-Way, and Access Roads for Utilities (Electricity, Natural Gas, Oil, Water, and Gas Transmission) Associated with Sources that have a Non-Title V Permit, a Title V Permit, and/or a General Permit under These Rules: The owner and/or operator of a dust generating operation shall do at least one of the following:</p> <p>a. Inside the PM₁₀ nonattainment area, restrict vehicular speeds to 15 miles per hour and vehicular trips to no more than 20 per day per road;</p> <p>b. Outside the PM₁₀ nonattainment area, restrict vehicular trips to no more than 20 per day per road; or</p> <p>c. Implement control measures, as described in Table 3 – Unpaved Haul/Access Roads of this rule.</p>	<p><u>303.13 Easements, Rights-Of-Way, And Access Roads For Utilities (Electricity, Natural Gas, Oil, Water, And Gas Transmission) Associated With Sources That Have A Non-Title V Permit, A Title V Permit, And/Or A General Permit Under These Rules:</u></p> <p><u>a. Control Measures: The owner and/or operator of a dust generating operation that involves an easement, right-of-way, and access road for utilities (electricity, natural gas, oil, water, and gas transmission) associated with sources that have a Title V permit, a Non-Title V permit, and/or a General permit under these rules shall implement at least one of the following control measures:</u></p> <p><u>(1) Inside the PM₁₀ nonattainment area, limit vehicle speed to 15 miles per hour or less and vehicle trips to no more than 20 per day per road;</u></p> <p><u>(2) Outside the PM₁₀ nonattainment area, limit vehicle trips to no more than 20 per day per road; or</u></p> <p><u>(3) Implement control measures described in Section 303.12 of this rule.</u></p> <p><u>b. Stabilization Procedures:</u></p> <p><u>(1) Control measures shall achieve the applicable requirements in Section 302 of this rule.</u></p> <p><u>(2) To determine if a control measure has been implemented to achieve the requirements in Section 302 of this rule, the owner and/or operator of a dust generating operation that involves an easement, right-of-way, and access road for utilities (electricity, natural gas, oil, water, and gas transmission) associated with sources that have a Title V permit, a Non-Title V permit, and/or a General permit under these rules shall conduct the opacity test method to determine the percent opacity of fugitive dust plumes caused when/at the time vehicles move/drive on the unpaved road described in Appendix C-Fugitive Dust Test Methods of these rules and shall conduct the silt content test method to determine the silt content of the</u></p>	<p>To delete Table 19 and to add control measures from Table 19 to Rule 310, Section 303.13, per Staff comment.</p> <p>To add stabilization procedures for determining if control measures are implemented to control fugitive dust such that fugitive dust does not exceed 20% opacity and does not cross a property line.</p> <p>Per Stakeholders' comments during Public Workshop #1-April 19, 2007, Rule 310 does not clearly distinguish between control measures, stabilization standards, and test methods and who is responsible for determining compliance with stabilization standards and/or for conducting test methods.</p>	<p>John Walker: The stabilization procedures have no alternative to compliance like the alternative provided in Rule 310, Section 303.12(b)(4). Thus, it appears that Rule 310 would require utility companies to perform opacity readings on their utility line access roads. This is ridiculous and will no-doubt require expensive training of utility employees to make the EPA Method 9 opacity readings. If vehicle trips are less than 20 per day or speed limits are kept low, then this should be good-enough. Anything more is overkill and will result in no appreciable health benefit. If the County wants to keep this, they must demonstrate appreciable health benefits for this subsection, as required by ARS §49-112(A)(2)(a).</p> <p>Joint Environmental Task Force: Why are there 1000+ trucks a day on Beardsley Road, if this is a requirement?</p>

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	<p><u>trafficked areas of the unpaved road when vehicles are not moving/driving on the unpaved road described in Appendix C-Fugitive Dust Test Methods of these rules.</u></p> <p><u>(3) In order to be in compliance with this rule, visible fugitive dust emissions shall not exceed 20% opacity and either the silt loading shall not be equal to or greater than 0.33 oz/ft² or the silt content shall not exceed 6%.</u></p>		
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**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft May 17, 2007
With Stakeholders' Comments As Of Public Workshop #2-May 17, 2007**

Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust Draft May 17, 2007	Description Of Revision	Stakeholders' Comments
<p>308.6 Open Storage Piles: For the purpose of this rule, an open storage pile is any accumulation of bulk material with a 5% or greater silt content which in any one point attains a height of three feet and covers a total surface area of 150 square feet or more. Silt content shall be assumed to be 5% or greater unless a person can show, by testing in accordance with ASTM Method C136-96A or other equivalent method approved in writing by the Control Officer and the Administrator of EPA, that the silt content is less than 5%. The owner and/or operator of such dust generating operation shall comply with all of the following:</p> <p>a. Prior to and/or while conducting stacking, loading, and unloading operations, comply with one of the following work practices:</p> <p>(1) Spray material with water, as necessary; or</p> <p>(2) Spray material with a dust suppressant other than water, as necessary.</p> <p>b. When not conducting stacking, loading, and unloading operations, comply with one of the following work practices:</p> <p>(1) Cover open storage piles with tarps, plastic, or other material to prevent wind from removing the coverings;</p> <p>(2) Apply water to maintain a soil moisture content at a minimum of 12%, as determined by ASTM Method D2216-98, or other equivalent methods approved by the Control Officer and the Administrator of EPA. For areas that have an optimum moisture content for compaction of less than 12%, as determined by ASTM Method D1557-91 (1998) or other equivalent methods approved by the Control Officer and the Administrator of EPA, maintain at least 70% of the optimum soil moisture content;</p> <p>(3) Meet one of the stabilization requirements described in Section 302.3 of this rule; or</p> <p>(4) Construct and maintain wind barriers,</p>	<p>303.14 Open Storage Piles:</p> <p>a. Control Measures: <u>The owner and/or operator of a dust generating operation that involves an open storage pile shall implement the following control measures, as applicable:</u></p> <p>(1) <u>Prior to and/or while conducting stacking, loading, and unloading operations, implement one of the following control measures:</u></p> <p>(a) <u>Spray material with water, as necessary; or</u></p> <p>(b) <u>Spray material with a dust suppressant other than water, as necessary.</u></p> <p>(2) <u>When not conducting stacking, loading, and unloading operations, implement one of the following control measures:</u></p> <p>(a) <u>Cover all open storage piles with a tarp, plastic, or other material to prevent wind from removing the covering(s)/such that the covering(s) will not be dislodged by wind; or</u></p> <p>(b) <u>Apply water to maintain a soil moisture content at a minimum of 12%, as determined by ASTM Method D2216-98, or other equivalent methods approved by the Control Officer and the Administrator. For areas that have an optimum moisture content for compaction of less than 12%, as determined by ASTM Method D1557-91 (1998) or other equivalent methods approved by the Control Officer and the Administrator, maintain at least 70% of the optimum soil moisture content.</u></p> <p>(c) <u>Implement the control measure described in Section 303.14(a)(2)(a) or in Section 303.14(a)(2)(b) of this rule and construct and maintain wind barriers, storage silos, or a three-sided enclosure with walls, whose length is no less than equal to the length of the pile, whose distance from the pile is no more than twice the height of the pile, whose height is equal to the pile height, and whose porosity is no more than 50%.</u></p> <p>b. Stabilization Procedures:</p> <p>(1) <u>Control measures shall achieve the applicable requirements in Section 302 of this rule.</u></p> <p>(2) <u>To determine if a control measure has been implemented to achieve the requirements in Section 302 of this rule prior to and/or while conducting stacking, loading, and unloading operations, the owner and/or operator of a dust generating operation that involves an open storage pile shall conduct opacity observations described in Section 302.1 and Section 302.2 of this rule.</u></p> <p>(3) <u>To determine if a control measure has been implemented to achieve the requirements in Section 302 of this rule when not conducting stacking, loading, and unloading operations, the owner and/or operator of a dust generating operation that involves an open storage pile shall conduct the test methods described in Appendix C-Fugitive Dust Test Methods of these rules to determine if the</u></p>	<p>To delete Table 11 and Table 12 and to add control measures from Table 11 and Table 12 to Rule 310, Section 303.14, per Staff comment.</p> <p>To add stabilization procedures for determining if control measures are implemented to control fugitive dust such that fugitive dust does not exceed 20% opacity and does not cross a property line.</p> <p>Per Stakeholders' comments during Public Workshop #1-April 19, 2007, Rule 310 does not clearly distinguish between control measures, stabilization standards, and test methods and who is responsible for determining compliance with stabilization standards and/or for conducting test methods.</p>	<p>John Walker: If rock, sand, gravel, aggregate less than two inches in diameter and cinders have been washed and not recombined with other materials having a silt content, then they should be excluded from the open storage pile control measures and stabilization requirements. If washed, even if their moisture content decreased to less than 12%, they still produce no PM₁₀, as they contain none. This section of the rule should state that the operator having a current Dust Control Permit which specifies that piles of such washed materials are produced from time-to-time shall be considered to have met the requirements of showing that the silt content is less than 5%. The requirement for 12% moisture should be eliminated for such washed materials.</p>

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<p>storage silos, or a three-sided enclosure with walls, whose length is no less than equal to the length of the pile, whose distance from the pile is no more than twice the height of the pile, whose height is equal to the pile height, and whose porosity is no more than 50%. If implementing this subsection, the owner and/or operator must also implement either Section 308.6(b)(2) or Section 308.6(b)(3) above.</p>	<p><u>open storage pile has a stabilized surface. The owner and/or operator shall meet one of the following test methods:</u> <u>(a) Visible crust determination (Drop Ball Test Method);</u> <u>(b) Determination of threshold friction velocity (TFV);</u> <u>(c) Determination of flat vegetative cover (Line Transect Test Method);</u> <u>(d) Determination of standing vegetative cover (Vegetative Density Factor); or</u> <u>(e) Rock Test Method</u></p>		
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Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust Draft May 17, 2007	Description Of Revision	Stakeholders' Comments
<p>308.7 Soil Moisture: If water is the chosen control measure in an approved Dust Control Plan, the owner and/or operator of a dust generating operation shall operate a water application system on-site (e.g., water truck, water hose) while conducting any earthmoving operations on disturbed surface areas 1 acre or larger, unless a visible crust is maintained or the soil is sufficiently damp to prevent loose grains of soil from becoming dislodged.</p>	<p><u>303.15 Soil Moisture: If water is the chosen control measure in an approved Dust Control Plan, the owner and/or operator of a dust generating operation shall operate a water application system on-site (e.g., water truck, water hose) while conducting any dust generating operations on disturbed surface areas one acre or larger, unless a visible crust is maintained or the soil is sufficiently damp to prevent loose grains of soil from becoming dislodged.</u></p>	<p>No change proposed.</p>	
<p>308.8 Weed Abatement By Discing Or Blading: The owner and/or operator of a dust generating operation shall comply with all of the following during weed abatement procedures by discing or blading: a. Apply water before weed abatement by discing or blading occurs; and b. Apply water while weed abatement by discing or blading is occurring; and c. Either: (1) Pave, apply gravel, apply water, or apply a suitable dust suppressant, in compliance with Section 302.3 of this rule, after weed abatement by discing or blading occurs; or (2) Establish vegetative ground cover in sufficient quantity, in compliance with Section 302.3 of this rule, after weed abatement by discing or blading occurs.</p>	<p><u>303.16 Weed Abatement By Discing Or Blading: a. Control Measures: The owner and/or operator of a dust generating operation that involves weed abatement by discing or blading shall comply with all of the following control measures: (1) Before weed abatement by discing or blading occurs, apply water; (2) While weed abatement by discing or blading is occurring, apply water; and (3) After weed abatement by discing or blading occurs, pave, apply gravel, apply water, apply a suitable dust suppressant other than water, or establish vegetative ground cover. b. Stabilization Procedures: Control measures shall achieve the applicable requirements in Section 302 of this rule. To determine if a control measure has been implemented to achieve the requirements in Section 302 of this rule, the owner and/or operator of a dust generating operation shall conduct opacity observations described in Section 302.1 and Section 302.2 of this rule.</u></p>	<p>To delete Table 18 and to add control measures from Table 18 to Rule 310, Section 303.16, per Staff comment.</p> <p>To add stabilization procedures for determining if control measures are implemented to control fugitive dust such that fugitive dust does not exceed 20% opacity and does not cross a property line.</p> <p>Per Stakeholders' comments during Public Workshop #1-April 19, 2007, Rule 310 does not clearly distinguish between control measures, stabilization standards, and test methods and who is responsible for determining compliance with stabilization standards and/or for conducting test methods.</p>	

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	<p><u>303.17 Open Areas And Vacant Lots:</u> <u>a. Control Measures:</u> <u>(1) The owner and/or operator of a dust generating operation that involves vehicle use in open areas and vacant lots shall implement at least one of the following control measures:</u> <u>(a) Restrict trespass by installing signs; or</u> <u>(b) Restrict trespass by installing physical barriers, including but not limited to, curbs, fences, gates, posts, shrubs, and/or trees.</u> <u>(2) The owner and/or operator of a dust generating operation that involves unoccupied, unused, vacant, or undeveloped open areas and vacant lots shall implement at least one of the following control measures:</u> <u>(a) Pave, apply and maintain gravel, or apply and maintain a suitable dust suppressant other than water;</u> <u>(b) Establish vegetative ground cover; or</u> <u>(c) Restore open area and vacant lot such that the vegetative ground cover and soil characteristics are similar to adjacent or nearby undisturbed native conditions.</u> <u>b. Stabilization Procedures:</u> <u>(1) The owner and/or operator of a dust generating operation that involves vehicle use in open areas and vacant lots shall implement/comply with all of the following stabilization procedures:</u> <u>(a) Control measures shall achieve the applicable requirements in Section 302 of this rule.</u> <u>(b) To determine if a control measure has been implemented to achieve the requirements in Section 302 of this rule, the owner and/or operator of a dust generating operation shall conduct the opacity test method to determine the percent opacity of fugitive dust plumes caused when/at the time vehicles move/drive on the open area and vacant lot described in Appendix C-Fugitive Dust Test Methods of these rules and shall conduct the silt content test method to determine the silt content of the trafficked areas of the open area and vacant lot when</u></p>	<p>To delete Table 1 and Table 4 and to add control measures from Table 1 and Table 4 to Rule 310, Section 303.17, per Staff comment.</p> <p>To add stabilization procedures for determining if control measures are implemented to control fugitive dust such that fugitive dust does not exceed 20% opacity and does not cross a property line.</p> <p>Per Stakeholders' comments during Public Workshop #1-April 19, 2007, Rule 310 does not clearly distinguish between control measures, stabilization standards, and test methods and who is responsible for determining compliance with stabilization standards and/or for conducting test methods.</p>	<p>John Walker: This could require a church or other organization that operates intermittently with small amounts of slow vehicle traffic to have to perform one of the specified determinations of the effectiveness of the control measure. Hells bells, why can't the County just say what control measures they want such organizations to do.</p> <p>Attendee At Pubic Workshop #2-May 17, 2007: Rule 310 is too prescriptive.</p>

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	<p>vehicles are not moving/driving on the open area and vacant lot described in Appendix C-Fugitive Dust Test Methods of these rules.</p> <p>(c) In order to be in compliance with this rule, visible fugitive dust emissions shall not exceed 20% opacity and either the silt loading shall not be equal to or greater than 0.33 oz/ft² or the silt content shall not exceed 6% / 8%.</p> <p>(2) The owner and/or operator of a dust generating operation that involves unoccupied, unused, vacant, or undeveloped open areas and vacant lots shall implement/comply with all of the following stabilization procedures:</p> <p>(a) Control measures shall achieve the applicable requirements in Section 302 of this rule.</p> <p>(b) To determine if a control measure has been implemented to achieve the requirements of Section 302 of this rule, the owner and/or operator of a dust generating operation that involves unoccupied, unused, vacant, or undeveloped open areas and vacant lots shall conduct opacity observations described in Section 302.1 and Section 302.2 of this rule.</p> <p>(c) To determine if a control measure has been implemented to achieve the requirements in Section 302 of this rule, the owner and/or operator of a dust generating operation that involves unoccupied, unused, vacant, or undeveloped open areas and vacant lots shall conduct the test methods described in Appendix C-Fugitive Dust Test Methods of these rules to determine if the unoccupied, unused, vacant, or undeveloped open areas and vacant lots have a stabilized surface. The owner and/or operator shall meet one of the following test methods:</p> <p>(i) Visible crust determination (Drop Ball Test Method);</p> <p>(ii) Determination of threshold friction velocity (TFV);</p> <p>(iii) Determination of flat vegetative cover (Line Transect Test Method);</p> <p>(iv) Determination of standing vegetative cover (Vegetative Density Factor); or</p> <p>(v) Rock Test Method.</p>		
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	<p><u>303.18 Unpaved Parking Lots:</u> <u>a. Control Measures:</u> The owner and/or operator of a dust generating operation that involves an unpaved parking lot shall implement at least one of the following control measures: <u>(1) Pave;</u> <u>(2) Apply and maintain gravel, recycled asphalt, or other suitable material; or</u> <u>(3) Apply and maintain a suitable dust suppressant other than water.</u> <u>b. Stabilization Procedures:</u> <u>(1) Control measures shall achieve the applicable requirements in Section 302 of this rule.</u> <u>(2) To determine if a control measure has been implemented to achieve the requirements in Section 302 of this rule, the owner and/or operator of a dust generating operation shall conduct the opacity test method to determine the percent opacity of fugitive dust plumes caused when/at the time vehicles move/drive on the unpaved parking lot described in Appendix C-Fugitive Dust Test Methods of these rules and shall conduct the silt content test method to determine the silt content of the trafficked areas of the unpaved parking lot when vehicles are not moving/driving on the unpaved parking lot described in Appendix C-Fugitive Dust Test Methods of these rules.</u> <u>(3) In order to be in compliance with this rule, visible fugitive dust emissions shall not exceed 20% opacity and either the silt loading shall not be equal to or greater than 0.33 oz/ft² or the silt content shall not exceed 8%.</u></p>	<p>To delete Table 2 and to add control measures from Table 2 to Rule 310, Section 303.18, per Staff comment.</p> <p>To add stabilization procedures for determining if control measures are implemented to control fugitive dust such that fugitive dust does not exceed 20% opacity and does not cross a property line.</p> <p>Per Stakeholders' comments during Public Workshop #1-April 19, 2007, Rule 310 does not clearly distinguish between control measures, stabilization standards, and test methods and who is responsible for determining compliance with stabilization standards and/or for conducting test methods.</p>	
	<p><u>303.19 Blasting Operations:</u> <u>a. Control Measures:</u> The owner and/or operator of a dust generating operation that involves blasting operations shall implement all of the following control measures: <u>(1) In wind gusts above 25 miles per hour, discontinue/cease blasting; and</u> <u>(2) Pre-water and maintain surface soils in a stabilized condition where support equipment and vehicles will operate.</u> <u>b. Stabilization Procedures:</u> Control measures shall achieve the applicable requirements in Section 302 of this rule. To determine if a control measure has been implemented to achieve the requirements in Section 302</p>	<p>To delete Table 9 and to add control measures from Table 9 to Rule 310, Section 303.19, per Staff comment.</p> <p>To add stabilization procedures for determining if control measures are implemented to control fugitive dust such that fugitive dust does not exceed 20% opacity and does not cross a property line.</p> <p>Per Stakeholders' comments during Public Workshop #1-April 19, 2007, Rule 310 does not clearly distinguish between</p>	<p>J&D Excavators: The goal of the blasting excavation process is to achieve a balanced state while avoiding any intermediate condition that may endanger the excavation itself and the people and the equipment there. An explosive's efficiency and stability determine how the explosive should be used in a blasting project. The explosive used in the largest quantities in modern rock blasting is ANFO (ammonium nitrate and fuel oil). ANFO has a higher efficiency in rock blasting than nitroglycerin explosives. The main disadvantage of ANFO is that it is not water resistant. If ANFO gets wet, it not longer</p>

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	<p><u>of this rule, the owner and/or operator of a dust generating operation shall conduct opacity observations described in Section 302.1 and Section 302.2 of this rule.</u></p>	<p>control measures, stabilization standards, and test methods and who is responsible for determining compliance with stabilization standards and/or for conducting test methods.</p>	<p>detonates. Every blast site is unique and pre-watering each site will cause un-intended safety hazards to develop. Suggested revision to Section 303.19(a)(2): Pre-water and maintain surface soils in a stabilized condition where support equipment and vehicles will operate. <u>Blaster in charge will work with Control Officer to evaluate the site and then take any necessary action to reduce dust.</u></p> <p>Joint Environmental Task Force: Change all wind event definitions in this rule to 12 mph instead of 25 mph. Data from the MCAQD monitoring network shows that 12 mph is a significant level in the production of fugitive dust.</p>
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Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust Draft May 17, 2007	Description Of Revision	Stakeholders' Comments
	<p><u>303.20 Demolition Activities:</u> <u>a. Control Measures:</u> The owner and/or operator of a dust generating operation that involves demolition activities shall implement all of the following control measures: <u>(1)</u> Apply water to demolition debris immediately following demolition activity; and <u>(2)</u> Apply water to all disturbed soils surfaces to establish a crust and to prevent wind erosion. <u>b. Stabilization Procedures:</u> Control measures shall achieve the applicable requirements in Section 302 of this rule. To determine if a control measure has been implemented to achieve the requirements of Section 302 of this rule, the owner and/or operator of a dust generating operation shall conduct opacity observations described in Section 302.1 and Section 302.2 of this rule.</p>	<p>To delete Table 10 and to add control measures from Table 10 to Rule 310, Section 303.20, per Staff comment.</p> <p>To add stabilization procedures for determining if control measures are implemented to control fugitive dust such that fugitive dust does not exceed 20% opacity and does not cross a property line.</p> <p>Per Stakeholders' comments during Public Workshop #1-April 19, 2007, Rule 310 does not clearly distinguish between control measures, stabilization standards, and test methods and who is responsible for determining compliance with stabilization standards and/or for conducting test methods.</p>	<p>John Walker: For a one-man demolition operation (backhoe rig and a dump truck), who is supposed to take the opacity readings? Once again, this is an onerous extension of requirements for opacity readings to operators who have never had to do these before. Totally ludicrous.</p>
	<p><u>303.21 Disturbed Surface Areas:</u> <u>a. Control Measures:</u> The owner and/or operator of a dust generating operation that involves a disturbed surface area shall implement the following control measures, as applicable: <u>(1)</u> Before disturbed surface areas are created, implement one of the following control measures: <u>(a)</u> Pre-water site to depth of cuts, allowing time for penetration; or <u>(b)</u> Phase work to reduce the amount of disturbed surface areas at any one time. <u>(2)</u> While disturbed surface areas are being created, implement one of the following control measures: <u>(a)</u> Apply water or other suitable dust suppressant other than water; <u>(b)</u> Apply water as necessary to maintain a soil moisture content at a minimum of 12%, as determined by ASTM Method D2216-98 or other equivalent method as approved by the Control Officer and the Administrator. For areas that have an optimum moisture content for compaction of less than 12%, as determined by ASTM Method D1557-91 (1998) or other equivalent method approved by the Control Officer and the Administrator, maintain at least 70% of the optimum soil moisture</p>	<p>To delete Table 5, Table 6, Table 7, and Table 8 and to add control measures from Table 5, Table 6, Table 7, and Table 8 to Rule 310, Section 303.21, per Staff comment.</p> <p>To add stabilization procedures for determining if control measures are implemented to control fugitive dust such that fugitive dust does not exceed 20% opacity and does not cross a property line.</p> <p>Per Stakeholders' comments during Public Workshop #1-April 19, 2007, Rule 310 does not clearly distinguish between control measures, stabilization standards, and test methods and who is responsible for determining compliance with stabilization standards and/or for conducting test methods.</p>	<p>Staff: When construction crews are building a house or business, they often leave the site un-clean (i.e., they leave dust from drywall and they leave bags of open cement). Suggested revision: Add the following text to Section 303.21(a)(2) and (3): Clean dust, dirt, and construction debris from in and around buildings under construction so that wind does not release the dust particles from any building or maintenance surface.</p>

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	<p>content: or</p> <p><u>(c) Implement control measure described in Section 304.21(a)(2)(a) or Section 304.21(a)(2)(b) of this rule and construct fences or three-foot to five-foot high wind barriers with 50% or less porosity adjacent to roadways or urban areas to reduce the amount of windblown material leaving a site.</u></p> <p><u>(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:</u></p> <p><u>(a) Pave, apply gravel, or apply a suitable dust suppressant other than water;</u></p> <p><u>(b) Establish vegetative ground cover in sufficient quantify; or</u></p> <p><u>(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.</u></p> <p><u>(d) Restore area such that the vegetative ground cover and soil characteristics are similar to adjacent or nearby undisturbed native conditions.</u></p> <p><u>b. Stabilization Procedures: Control measures shall achieve the applicable requirements in Section 302 of this rule. To determine if a control measure has been implemented to achieve the requirements of Section 302 of this rule, the owner and/or operator of a dust generating operation shall conduct opacity observations described in Section 302.1 and Section 302.2 of this rule.</u></p> <p><u>(1) Before disturbed surface areas are created and while disturbed surface areas are being created, the owner and/or operator of a dust generating operation that involves disturbed surface areas shall implement/comply with control measures. Such control measures shall achieve the applicable requirements in Section 302 of this rule.</u></p> <p><u>(2) 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 of a dust generating operation that involves disturbed surface areas shall implement/comply with all of the following stabilization procedures:</u></p> <p><u>(a) Control measures shall achieve the applicable requirements in Section 302 of this rule.</u></p> <p><u>(b) To determine if a control measure has been implemented to achieve the requirements in Section 302 of this rule, the owner and/or operator of a dust generating operation that involves disturbed surface areas that will be complete for a period of 30 days or</u></p>		
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	<p><u>longer shall conduct opacity observations described in Section 302.1 and Section 302.2 of this rule.</u></p> <p>(c) <u>To determine if a control measure has been implemented to achieve the requirements in Section 302 of this rule, the owner and/or operator of a dust generating operation that involves disturbed surface areas that will be complete for a period of 30 days or longer shall conduct the test methods described in Appendix C-Fugitive Dust Test Methods of these rules to determine if the disturbed surface areas have a stabilized surface. The owner and/or operator shall meet one of the following test methods:</u></p> <p>(i) <u>Visible crust determination (Drop Ball Test Method);</u></p> <p>(ii) <u>Determination of threshold friction velocity (TFV);</u></p> <p>(iii) <u>Determination of flat vegetative cover (Line Transect Test Method);</u></p> <p>(iv) <u>Determination of standing vegetative cover (Vegetative Density Factor); or</u></p> <p>(v) <u>Rock Test Method.</u></p>		
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Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust Draft May 17, 2007	Description Of Revision	Stakeholders' Comments
	<p><u>305 Dust Control Training Classes For Dust Generating Operations:</u> <u>305.1 Basic Dust Control Training Class:</u> <u>a. A Dust Control permit holder shall ensure that the site superintendent or other designated on-site representative of the permit holder and water truck and water pull drivers for each site successfully complete a Maricopa County Air Quality Department Basic Dust Control Training Class.</u> <u>b. A Dust Control permit holder for contiguous sites under common control larger than one acre in the aggregate shall ensure that the site superintendent or other designated on-site representative of the permit holder and water truck and water pull drivers for each site successfully complete a Maricopa County Air Quality Department Basic Dust Control Training Class.</u> <u>c. All employees having successfully completed training during the 2007 calendar year shall be deemed to have satisfied the requirement to successfully complete the Basic Dust Control Training Class, if the training that was completed was conducted or approved by the Control Officer.</u> <u>d. All employees required to complete the Basic Dust Control Training Class shall successfully complete the Basic Dust Control Training Class at least once every three years.</u> <u>e. The content of the Basic Dust Control Training Class shall include, but shall not be limited to, information regarding completing a Dust Control permit application and a Dust Control Plan, health effects of PM₁₀, and implementation and maintenance of control measures.</u> <u>305.2 Comprehensive Dust Control Training Class:</u> <u>a. A Dust Control Coordinator, who meets the requirements of Section 306 of this rule, shall successfully complete the Comprehensive Dust Control Training Class.</u> <u>b. The Dust Control Coordinator shall be required to successfully complete, at least once every three years, a Comprehensive Dust Control Training Class conducted or approved by the Control Officer with jurisdiction over the site.</u> <u>c. All employees having successfully completed training during the 2007 calendar year shall be deemed to have satisfied the requirement to successfully complete the Comprehensive Dust Control Training Class, if the</u></p>	<p>To add requirements for dust control training classes for the Five Percent Plan.</p>	<p>City Of Phoenix: Because of the large number of municipal field workers who would need to be trained under Section 305, it would be time-consuming and a hardship for over 1,000 employees to attend a Maricopa County Basic Dust Control Training Class. Senate Bill 1552 contains language that may be useful on this provision by allowing Maricopa County-approved training. Suggested revision to Section 305.1(a): A Dust Control permit holder shall ensure that the site superintendent or other designated on-site representative of the permit holder and water truck and water pull drivers for each site successfully complete a Maricopa County Air Quality Department <u>or Maricopa County Air Quality Department-approved</u> Basic Dust Control Training Class.</p> <p>John Walker: Basic Dust Control Class for construction site water truck drivers? You've got to be kidding. Many such drivers are extremely transient employees, often not even fluent in English. Will the MCAQD provide these classes in Spanish? (I actually hope not and instead hope for official English for all governmental operations). Will the County provide these classes on weekends and evenings, so as to not further burden construction and mining? Will the MCAQD provide the required economic impact statement per ARS §49-112(A)(2)(a) justifying this change? It seems like this and many other changes were just thrown into the pot in a desperate attempt to placate the EPA.</p>

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	<u>training that was completed was conducted or approved by the Control Officer.</u>		
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Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust Draft May 17, 2007	Description Of Revision	Stakeholders' Comments
	<p><u>306 Dust Control Coordinator For Dust Generating Operations:</u> <u>306.1 Any site of five acres or more of disturbed surface area shall, at all times during any activities that disturb or have the potential to disturb soils and during related transport activities at access points to paved roads, have on-site at least one individual designated by the permittee as a Dust Control Coordinator.</u> <u>306.2 The Dust Control Coordinator shall have full authority to ensure that dust control measures are implemented on-site, including inspections, deployment of dust suppression resources, and modification or shut-down of activities as needed to control dust.</u> <u>306.3 The Dust Control Coordinator shall be responsible for managing dust prevention and dust control on the site.</u> <u>306.4 The Dust Control Coordinator shall be required to successfully complete, at least once every three years, a Comprehensive Dust Control Training Class conducted or approved by the Control Officer with jurisdiction over the site. The Dust Control permit holder shall ensure that the Dust Control Coordinator has successfully completed, at least once every three years, a Comprehensive Dust Control Training Class conducted or approved by the Control Officer with jurisdiction over the site.</u> <u>306.5 The Dust Control Coordinator shall maintain a dust training certification identification card on-site at all times.</u> <u>306.6 The requirement for a Dust Control Coordinator shall lapse when all of the following actions/events/procedures occur:</u> <u>a. The area of disturbed surface area becomes less than five acres;</u> <u>b. The previously disturbed surface areas have been stabilized in accordance with/in compliance with the standards and/or requirements of this rule; and</u> <u>c. The Dust Control permit holder provides notice to the Control Officer of acreage stabilization.</u></p>	<p>To add requirements for a Dust Control Coordinator for the Five Percent Plan.</p>	<p>City Of Mesa: Rule 310, Section 306 should be specifically stated that the Dust Control Coordinator is responsible for ensuring that only marked entrances are used to enter or exit the site. Maricopa County should consider, either in Rule 310 or elsewhere, a requirement that smaller sites, perhaps as small as one acre, have an individual at the site trained in dust control requirements. This could be the superintendent or another responsible individual. This person would be able to identify potential dust issues and make management aware that action may be required.</p> <p>John Walker: Comprehensive Dust Control Training Class every three years. What is the legal reason that this class is only required once every three years for this rule, but (if memory serves) is required once every year for Rule 316 for a mine's Dust Control Technician? Again, this seems to be un-equal treatment under the law, when comparing construction sites to mines. There does not appear to be training in the EPA Method 9 included as part of the Basic or Comprehensive Dust Control Classes, nor a requirement that the Dust Control Coordinator be certified in Method 9 (as required for mining operations in Rule 316, Section 308.5), yet the operator will have to make opacity readings, especially if the many new requirements for such readings are finalized in the new Rule 310. Again, this seems to be un-equal treatment under the law. When comparing construction sites to mines. Why is the Dust Control Coordinator not required to be available on-site within 30 minutes, as is the case for the Dust Control Technician in Rule 316, Section 308.3? Again, this seems to be un-equal treatment under the law, when comparing construction sites to mines.</p> <p>Joint Environmental Task Force: The five acre threshold conflicts with the 0.10 acre threshold. The lower number - 0.10 acre - should be used. Control dust!</p>

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Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust Draft May 17, 2007	Description Of Revision	Stakeholders' Comments
	<p>401 Dust Control Plan Posting: The owner and/or operator of an earthmoving operation shall post a copy of the approved Dust Control Plan in a conspicuous location at the work site, within on-site equipment, or in an on-site vehicle, or shall otherwise keep a copy of the approved Dust Control Plan available on-site at all times. The owner and/or operator of a dust generating operation that has been issued a Block Permit shall not be required to keep a copy of the 8½" by 11" site drawing according to Section 304.2 of this rule. <u>Dust Control Permit Requirements:</u></p> <p><u>401.1</u> To apply for a Dust Control permit, applicants shall complete Maricopa County's "Application For Dust Control Permit" form and shall supply all information required by the following three sections of the form:</p> <p><u>a.</u> Applicant information;</p> <p><u>b.</u> Project information, which shall include a project site drawing and, if the site is one acre or larger, soil designations; and</p> <p><u>c.</u> Dust Control Plan, which shall meet the specifications described in Section 403 of this rule.</p> <p><u>401.2</u> A Dust Control permit is to be granted subject to the right of inspection of such affected land without prior notice by the Control Officer.</p> <p><u>401.3</u> A Dust Control permit shall be granted subject to, but not limited to, the following conditions:</p> <p><u>a.</u> The permittee shall be responsible for ensuring that all persons abide by the conditions of the Dust Control permit and these regulations;</p> <p><u>b.</u> The permittee shall be responsible for supplying complete copies of the Dust Control permit including the Dust Control Plan, to all project contractors and subcontractors; and</p> <p><u>c.</u> The permittee shall be responsible for all permit conditions, until a Permit Cancellation Request form has been submitted by the owner and/or operator and approved by the Control Officer.</p> <p><u>401.4</u> The signature of the permittee on the Dust Control permit application shall constitute agreement to accept responsibility for meeting the conditions of the Dust Control permit and for ensuring that control measures are implemented throughout the project site and during the duration of the project.</p> <p><u>401.5</u> Requirements and conditions of the Dust Control permit shall be made a part of the specifications of the construction contract between the owner and prime contractor and contracts between the prime contractor and</p>	<p>To add requirements for Dust Control permits for clarity.</p>	<p>Joint Environmental Task Force: Is this an air quality permit? It should be.</p>

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	<p><u>applicable subcontractors. Said contracts must provide a monetary allowance for any dust control options specified in the Dust Control Plan. The amount of the allowance may be specified either by the owner, competitively bid, or negotiated by and amongst the parties.</u></p>		
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Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust Draft May 17, 2007	Description Of Revision	Stakeholders' Comments
	<p>402 Compliance Schedule: The requirements of this rule supercede any conflicting requirements that may be found in existing Dust Control Plans. Exemptions From Dust Control Permit Requirements: A Dust Control permit shall not be required for the following activities and/or operations. However, a Dust Control Plan may be required, unless such activity and/or operation is exempt from a Dust Control Plan as described in Section 404 of this rule. If a Dust Control permit is not required, the owner and/or operator conducting any dust generating operation, unless otherwise specified and/or required, shall implement and maintain control measures as described in Section 304 of this rule, as applicable. In addition, such owner and/or operator shall comply with the visible emissions standards, as applicable, as described in Section 302 of this rule and shall comply with the stabilization requirements, as applicable, as described in Section 303 of this rule.</p> <p>402.1 For Earthmoving Permits: If any changes to a Dust Control Plan, associated with an Earthmoving Permit, are necessary as a result of the most recent revisions of this rule, such changes shall not be required until the Earthmoving Permit is required to be renewed. A Dust Control permit shall not be required for dust generating operations less than 0.10 acre (4,356 square feet) in overall area.</p> <p>402.2 For Non-Title V Permits And For Title V Permits: If any changes to a Dust Control Plan, associated with a Non-Title V Permit or with a Title V Permit, are necessary as a result of the most recent revisions of this rule, then the owner and/or operator shall submit a revised Dust Control Plan to the Control Officer, according to the minor permit revision procedures described in Rule 220 and Rule 210 of these rules respectively, no later than 6 months after the effective date of the most recent revisions to this rule. A Dust Control permit shall not be required for dust generating operations for emergency maintenance and/or repair activities conducted by government agencies on publicly maintained roads, road shoulders, rights-of-way, public flood control facilities, flood control channels, water retention basins utilities, and/or alleys.</p> <p>402.3 A Dust Control permit shall not be required if a dust generating operation is part of an on-going business/is part of a facility that is required to have a Title V permit or a Non-Title V permit under these rules. Rather, such dust generating operation may be included in the Title V permit or the Non-Title V permit issued under Rule 210 or Rule 220 of these rules, respectively.</p> <p>402.4 A Dust Control permit shall not be required to conduct landscape maintenance. In order to be exempt from a Dust</p>	<p>To add exemptions from Dust Control permit requirements.</p> <p>To include Bureau Of Land Management land to list of areas that do not require a Dust Control permit to establish initial landscapes or to redesign existing landscapes of legally-designated public parks and recreational areas, per Stakeholder comment.</p>	<p>City Of Phoenix: Constructing initial landscapes without the use of mechanized equipment should be exempt to allow someone to plant a backyard garden. Suggested revision to Section 402.4: A Dust Control permit shall not be required to conduct initial landscapes or landscape maintenance. In order to be exempt from a Dust Control permit, such initial landscapes or landscape maintenance 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 402.8: A Dust Control Permit shall not be required to establish initial landscapes or to redesign existing landscapes of legally-designated public parks and recreational areas, including but not limited to the following locations. In order to be exempt from a Dust Control permit, establishing initial landscapes or redesigning existing landscapes shall not include grading or trenching, or any other mechanized surface disturbing activities.</p> <p>Bureau Of Land Management: The Bureau Of Land Management land has been added to the list of areas that do not require a Dust Control Permit to establish initial landscapes or to redesign existing landscapes of legally-designated public parks and recreational areas. However, it is not added to Section 404.8 - the list of areas that do not require a Dust Control Plan to establish initial landscapes or to redesign existing landscapes of legally-designated public parks and recreational areas. Suggested revision: Delete all references to "national parks" and "Bureau Of Land Management" and just state Federal lands as exempted locations, which takes care of those listed and others that may be left-out, such as Bureau Of</p>

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	<p><u>Control permit, such landscape maintenance shall not include grading, trenching, or any other mechanized surface disturbing activities performed to establish initial landscapes or to redesign existing landscapes.</u></p> <p><u>402.5 A Dust Control permit shall not be required for weed removal projects/weed abatement conducted by mowing. In order to be exempt from a Dust Control permit, such projects shall not involve grade elevation changes, soil or rock importation or exportation, and cut and fill operations.</u></p> <p><u>402.6 A Dust Control permit shall not be required for dust palliative application projects conducted solely for the purpose of compliance with vacant lot control measure requirements described in Rule 310.01-Non-Traditional Sources Of Fugitive Dust of these rules. In order to be exempt from a Dust Control permit, such projects shall not involve grade elevation changes, soil or rock importation or exportation, and cut and fill operations. However, importing gravel or rock for use as a dust palliative is allowed.</u></p> <p><u>402.7 A Dust Control Permit shall not be required to play on or to maintain a field used for non-motorized sports.</u></p> <p><u>402.8 A Dust Control Permit shall not be required to establish initial landscapes or to redesign existing landscapes of legally-designated public parks and recreational areas, including but not limited to the following locations. In order to be exempt from a Dust Control permit, establishing initial landscapes or redesigning existing landscapes shall not include grading, trenching, or any other mechanized surface disturbing activities.</u></p> <p><u>a. National parks</u></p> <p><u>b. National monuments</u></p> <p><u>c. National forests</u></p> <p><u>d. State parks</u></p> <p><u>e. City parks</u></p> <p><u>f. County parks</u></p> <p><u>g. Regional parks</u></p> <p><u>h. Bureau Of Land Management land</u></p> <p><u>i. Ballfields</u></p> <p><u>j. Camp sites</u></p> <p><u>k. Playgrounds at camp sites</u></p> <p><u>l. Hiking paths</u></p> <p><u>m. Horse trails</u></p> <p><u>n. Bicycle paths that are used exclusively for purposes other than travel by motor vehicles</u></p>		<p>Reclamation, Fish And Wildlife Service, which it appears is the intent anyway. Suggested revision to Section 402: Delete all references to "national parks" and "Bureau Of Land Management" and just state Federal lands as exempted locations, which takes care-of those listed and others that may be left-out, such as Bureau Of Reclamation, Fish And Wildlife Service, which it appears is the intent anyway.</p> <p>Joint Environmental Task Force: There should not be any exemptions from Dust Control Permit requirements. This is about having safe air for people to breathe.</p>
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Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust Draft May 17, 2007	Description Of Revision	Stakeholders' Comments
	<p><u>403 Dust Control Plan Requirements:</u> <u>403.1</u> The owner and/or operator of a dust generating operation shall submit to the Control Officer a Dust Control Plan with any permit applications that involve dust generating operations with a disturbed surface area that equals or exceeds 0.10 acre (4,356 square feet) including both of the following situations: <u>a.</u> When submitting an application for a Dust Control permit involving dust generating operations that would equal or exceed 0.10 acre (4,356 square feet), and <u>b.</u> Before commencing any routine dust generating operation at a site that has obtained or must obtain a Title V, Non-Title V, or General permit under Regulation II-Permits And Fees of these rules. <u>403.2</u> The owner and/or operator of a dust generating operation shall submit to the Control Officer a Dust Control Plan with any application for a Dust Control permit, Applicants shall complete Section 3-Dust Control Plan in Maricopa County's "Application For Dust Control Permit" and submit such information as a Dust Control Plan. Applicants shall describe, in a Dust Control Plan, all control measures to be implemented before, after, and while conducting any dust generating operation, including during weekends, after work hours, and on holidays. <u>403.3</u> A Dust Control Plan shall, at a minimum, contain all of the following information: <u>a.</u> Name(s), address(es), and phone numbers of person(s) responsible for the submittal and implementation of the Dust Control Plan and responsible for the dust generating operation. <u>b.</u> A drawing, on 8½" x 11" paper, that shows: <u>(1)</u> Entire project site/facility boundaries, <u>(2)</u> Acres to be disturbed with linear dimensions, <u>(3)</u> Nearest public roads, <u>(4)</u> North arrow, and <u>(5)</u> Planned exit locations onto paved areas accessible to the public. <u>c.</u> Appropriate control measures, or a combination thereof, as described in Section 303 of this rule, for every actual and potential dust generating operation. <u>(1)</u> Control measures must be implemented before, after, and while conducting any dust generating operation, including during weekends, after work hours, and on holidays. <u>(2)</u> All required control measures and at least one</p>	<p>To move Dust Control Plan requirements from standards section to administrative requirements section.</p>	<p>Joint Environmental Task Force: A Dust Control Plan is due before operations start. That is good. Why isn't this implemented? Air quality permits allow 2 months-3 months of dust generation before such documentation is required. That needs to change to be consistent with this rule. Suggested revision: In Section 403.5, use 0.10 acre instead of one acre or larger.</p>

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	<p>contingency control measure must be identified for all dust generating operations. Should any primary control measure(s) prove ineffective, the owner and/or operator shall immediately implement the contingency control measure(s). If the identified contingency control measure(s) is effective to comply with all of the requirements of this rule, the owner and/or operator need not revise the Dust Control Plan.</p> <p>(3) A control measure that is not listed in Section 303 of this rule may be chosen provided that such control measure(s) is implemented to comply with the standard(s) described in Section 303 of this rule, as determined by the corresponding test method(s), as applicable, and meets other applicable standard(s) set forth in this rule.</p> <p>(4) If complying with Section 303.12-Control Measures For Dust Generating Operations-Unpaved Haul/Access Roads of this rule, the Dust Control Plan must include the maximum number of vehicle trips on the unpaved haul/access roads each day (including number of employee vehicles, earthmoving equipment, haul trucks, and water trucks).</p> <p>d. Dust suppressants to be applied, including all of the following product specifications or label instructions for approved usage:</p> <p>(1) Method, frequency, and intensity of application;</p> <p>(2) Type, number, and capacity of application equipment; and</p> <p>(3) Information on environmental impacts and approvals or certifications related to appropriate and safe use for ground application.</p> <p>e. Specific surface treatment(s) and/or control measures utilized to control material trackout and sedimentation where unpaved and/or access points join paved areas accessible to the public.</p> <p>403.4 The Control Officer shall approve, disapprove, or conditionally approve the Dust Control Plan, in accordance with the criteria used to approve, disapprove or conditionally approve a permit. Failure to comply with the provisions of an approved Dust Control Plan is deemed a violation of this rule. Regardless of whether an approved Dust Control Plan is in place or not, the owner and/or operator of a dust generating operation is still subject to all requirements of this rule at all times. In addition, the owner and/or operator of a source with an approved Dust Control Plan is still subject to all of the requirements of this rule, even if such owner and/or operator is complying with the approved Dust Control Plan.</p> <p>403.5 For construction projects one acre or larger, except for routine maintenance and repair done under a Dust</p>		
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	<p><u>Control permit-Block permit, a statement disclosing which of the four designated texture(s) of soil described in Appendix F of these rules is naturally present at or will be imported to the dust generating operation. The measured soil content at a particular site shall take precedence over any mapped soil types, and whenever soils have been tested at a particular site, the test results should be relied on rather than the map in Appendix F of these rules.</u></p> <p><u>403.6 At least one primary control measure and one contingency control measure must be identified in the Dust Control Plan for all dust generating sources. Should any primary control measure(s) prove ineffective, the owner and/or operator shall immediately implement the contingency control measure(s). If the identified contingency control measure is effective to comply with all of the requirements of this rule, the owner and/or operator need not revise the Dust Control Plan.</u></p>		
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	<p><u>404 Exemptions From Dust Control Plan Requirements:</u> A Dust Control Plan shall not be required for any of the following activities:</p> <p><u>404.1</u> A Dust Control Plan shall not be required for dust generating operation operations less than 0.10 acre (4,356 square feet) in overall area.</p> <p><u>404.2</u> A Dust Control Plan shall not be required for dust generating operations for emergency maintenance and/or repair activities conducted by government agencies on publicly maintained roads, road shoulders, rights-of-way, public flood control facilities, flood control channels, water retention basins utilities, and/or alleys.</p> <p><u>404.3</u> A Dust Control Plan shall not be required for weed removal projects/weed abatement conducted by mowing. In order to be exempt from a Dust Control Plan, such projects shall not involve grade elevation changes, soil or rock importation or exportation, and cut and fill operations.</p> <p><u>404.4</u> A Dust Control Plan shall not be required for dust palliative application projects conducted solely for the purpose of compliance with vacant lot control measure requirements described in Rule 310.01-Non-Traditional Sources Of Fugitive Dust of these rules. In order to be exempt from a Dust Control Plan, such projects shall not involve grade elevation changes, soil or rock importation or exportation, and cut and fill operations. However, importing gravel or rock for use as a dust palliative is allowed.</p> <p><u>404.6</u> A Dust Control Plan shall not be required to play on or maintain a field used for non-motorized sports.</p> <p><u>404.7</u> A Dust Control Plan shall not be required to conduct landscape maintenance. In order to be exempt from a Dust Control Plan, such landscape maintenance shall not include grading, trenching, or any other mechanized surface disturbing activities performed to establish initial landscapes or to redesign existing landscapes.</p> <p><u>404.8</u> A Dust Control Plan shall not be required to establish initial landscapes or to redesign existing landscapes of legally-designated public parks and recreational areas, including but not limited to the following locations. In order to be exempt from a Dust Control Plan, establishing initial landscapes or redesigning existing landscapes shall not include grading, trenching, or any other mechanized surface disturbing activities.</p> <p><u>a.</u> National parks</p>	<p>To add exemptions from Dust Control Plan requirements for clarity.</p>	<p>City Of Phoenix: Constructing initial landscapes without the use of mechanized equipment should be exempt to allow someone to plant a backyard garden. Suggested revision to Section 404.7: A Dust Control Plan shall not be required to conduct initial landscapes or landscape maintenance. In order to be exempt from a Dust Control Plan, such initial landscapes or landscape maintenance shall not include grading, or trenching, or any other mechanized surface disturbing activities performed to establish initial landscapes or to redesign existing landscapes.</p> <p>Bureau Of Land Management: The Bureau Of Land Management land has been added to the list of areas that do not require a Dust Control Permit to establish initial landscapes or to redesign existing landscapes of legally-designated public parks and recreational areas. However, it is not added to Section 404.8 - the list of areas that do not require a Dust Control Plan to establish initial landscapes or to redesign existing landscapes of legally-designated public parks and recreational areas. Suggested revision: Delete all references to "national parks" and "Bureau Of Land Management" and just state Federal lands as exempted locations, which takes care-of those listed and others that may be left-out, such as Bureau Of Reclamation, Fish And Wildlife Service, which it appears is the intent anyway. Suggested revision to Section 402: Delete all references to "national parks" and "Bureau Of Land Management" and just state Federal lands as exempted locations, which takes care-of those listed and others that may be left-out, such as Bureau Of Reclamation, Fish And Wildlife Service, which it appears is the intent anyway.</p>

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	<p><u>b. National monuments</u> <u>c. National forests</u> <u>d. State parks</u> <u>e. City parks</u> <u>f. County parks</u> <u>g. Regional parks</u> <u>h. Ballfields</u> <u>i. Camp sites</u> <u>j. Playgrounds at camp sites</u> <u>k. Hiking paths</u> <u>l. Horse trails</u> <u>m. Bicycle paths that are used exclusively for purposes other than travel by motor vehicles</u></p>		
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Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust Draft May 17, 2007	Description Of Revision	Stakeholders' Comments
	<p><u>405 Dust Control Plan Revisions:</u> <u>405.1 If Required By The Control Officer:</u> <u>a. If the Control Officer determines that an approved Dust Control Plan has been followed, yet fugitive dust emissions from any dust generating operation still exceed the standards of this rule, then the Control Officer shall issue a written notice to the owner and/or operator of the dust generating operation explaining such determination.</u> <u>b. The owner and/or operator of a dust generating operation shall make written revisions to the Dust Control Plan and shall submit such revised Dust Control Plan to the Control Officer within three working days of receipt of the Control Officer's written notice, unless such time period is extended by the Control Officer, upon request, for good cause. During the time that such owner and/or operator is preparing revisions to the approved Dust Control Plan, such owner and/or operator must still comply with all requirements of this rule.</u> <u>405.2 If Requested By The Permittee:</u> <u>a. If the acreage of a project changes, the owner and/or operator shall request a Dust Control Plan revision. Such Dust Control Plan revision shall be filed in the manner and form prescribed by the Control Officer.</u> <u>b. If the permit holder changes, the owner and/or operator shall request a Dust Control Plan revision. Such Dust Control Plan revision shall be filed in the manner and form prescribed by the Control Officer.</u> <u>405.2 If Rule 310 Is Revised:</u> <u>a. If any changes to a Dust Control Plan are necessary as a result of the most recent revisions of this rule, such changes to the Dust Control Plan shall not be required until the associated Dust Control permit is required to be renewed.</u> <u>b. If any changes to a Dust Control Plan, associated with a Title V permit or with a Non-Title V permit, are necessary as a result of the most recent revisions of this rule, then the owner and/or operator shall submit a revised Dust</u></p>	<p>To move Dust Control Plan revisions from standards section to administrative requirements section.</p> <p>To add requirements for Dust Control Plan revisions, if requested by the permittee, to match explanation/criteria in Guidance For Application For Dust Control Permit.</p>	<p>John Walker: Rule 310, Section 405.2(b) should be modified to include a requirement that the Control Officer give notice via certified mail to those persons required to modify their Dust Control Plan, which will generally be long-term construction projects or fixed-site operations air quality permit holders. Mere publication of change to Rule 310 is not sufficient notice to require these changes.</p> <p>Joint Environmental Task Force: If Rule 310 is revised, no grandfathering of pollution. This Valley is out of compliance now. All changes to Rule 310 should be implemented immediately.</p>

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	<u>Control Plan to the Control Officer, according to the minor permit revision procedures described in Rule 210 or in Rule 220 of these rules respectively, no later than six months after the effective date of the most recent revisions to this rule.</u>		
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Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust Draft May 17, 2007	Description Of Revision	Stakeholders' Comments
	<p><u>406 Dust Control Permit-Block Permit Requirements:</u> <u>406.1</u> A Dust Control permit-Block permit application may be submitted to the Control Officer, if any one of the following dust generating operations are conducted: <u>a. More than one of the activities listed in this section of this rule and if such activities occur at more than one site (i.e., projects that involve multiple small areas scattered throughout Maricopa County, including but not limited to, fiber optic cable installation and natural gas line extension).</u> <u>b. Routine operation (i.e., municipalities, governmental agencies, and utilities that are responsible for the repeat maintenance of infrastructure, including but not limited to, weed control around a prison, canal road grading, and road shoulder grading).</u> <u>c. Maintenance (i.e., municipalities, governmental agencies, and utilities that are responsible for the repeat maintenance of infrastructure, including but not limited to, weed control around a prison, canal road grading, and road shoulder grading).</u> <u>d. Expansion or extension of utilities, paved roads, unpaved roads, road shoulders, alleys, and public rights-of-way at non-contiguous sites by municipalities, governmental agencies, and utilities.</u> <u>406.2</u> When completing and submitting a Dust Control permit-Block permit application, the owner and/or operator shall comply with the following requirements: <u>a. A Dust Control Plan that meets the criteria described in Section 303 of this rule and applies to all sites shall be submitted to the Control Officer with the Dust Control permit-Block permit application.</u> <u>b. A list of all sites, including the location and size of each site, shall be submitted to the Control Officer with the Dust Control permit-Block permit application.</u> <u>c. For any project not listed in the Dust Control permit-Block permit application, the applicant</u></p>	<p>To add Dust Control permit-Block permit requirements from Rule 200-Permit Requirements.</p> <p>Dust Control permit-Block permit requirements to be deleted from Rule 200 and to reference Rule 310.</p>	<p>Joint Environmental Task Force: Regarding Section 406.2(c), no exemptions. A project needs to be covered by this rule.</p>

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	<p>shall notify the Control Officer in writing at least <u>three working days prior to commencing the dust generating operation.</u> The notice shall include the site location, size, type of activity, and start date.</p> <p><u>406.3</u> The dust generating operation(s) shall commence within 12 months of the Dust Control permit-Block permit issuance.</p> <p><u>406.4</u> New construction shall obtain a separate dust control permit.</p> <p><u>406.5</u> The Dust Control permit-Block permit will cover crews that work for the municipalities and/or utilities, including subcontractors. However, municipalities and/or utilities shall retain overall authority for dust control on the project.</p>		
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Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust Draft May 17, 2007	Description Of Revision	Stakeholders' Comments
	<p><u>407 Approval Or Denial Of Permit Applications for Dust Generating Operations:</u> The Control Officer shall take final action on a Dust Control permit application, a Dust Control permit revision, or a Dust Control permit-block permit within 14 calendar days of the filing of the completed application. The Control Officer shall notify the applicant in writing of his approval or denial.</p>	<p>To add administrative requirements/specifics regarding Dust Control permits and Dust Control Plans for clarity.</p>	<p>John Walker: Finally, I get to make a positive comment. This requirement for a timely yes or no decision on the completed Dust Control Permit is a welcome change. Thank you. But for this provision to be of any real effect, there must also be a requirement added somewhere in Rule 310 (and Rule 316) and Rule 200, which requires the Control Officer to notify the permit applicant within a reasonable time (say 30 days for large operations, 14 days for small ones) of the need for additional information. Otherwise, the application should be considered complete. Also, revisions to Dust Control Plans per Section 405 should be granted in a similarly short period of time. A similar provision requiring reasonably rapid approval or notification that additional information is required and particular specification of what additional information should be added to Section 301 and Section 403.4, as well as to the appropriate section of Rule 200. In the case of an air quality permit, which ends up requiring a public hearing or comment period, the applicant should be notified in a very short period of time of that necessity, as well as citing the statute or regulation(s) which cause such public hearing to be required. The public hearing or comment period should be scheduled within a rule specified reasonably short period of time after it's determined to be necessary. Should any additional action be required on the part of the applicant, the Control Officer should notify the applicant within 14 days. The estimated additional time should be limited, based upon size and type of project. Delays can potentially be used at the mere caprice of the permit engineers or officials involved, although I hope that is never the case.</p> <p>Joint Environmental Task Force: The permit for dust generating operations related to sand and gravel mining operations should be an air quality permit and must have public input. All of the activities described here can and do take place at sand and gravel mining operation sites. Therefore, this rule should apply to sand and</p>

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			<p>gravel mining operations as well as to construction. Fugitive dust is a major part of such mining operations. Are there controls identical to the ones specified in Rule 310 specified in another rule specifically for sand and gravel mining? If so specify here. If not, specify that this rule is universal. The title of the rule is "fugitive dust". If the requirements here are stricter than those for sand and gravel mining permits, then sand and gravel mining permits should incorporate these requirements as corrected by the comments in this letter. There is a "disconnect" here. Is mining given the "easy" requirements?</p>
	<p><u>408 Terms For Permits For Dust Generating Operations:</u> <u>A Dust Control permit issued according to this rule shall be issued for a period of one year from the date of issuance. Should the project last longer than one year from the date the permit was issued, the permittee shall re-apply for a Dust Control Permit at least 14 calendar days prior to the expiration date of the original permit.</u></p>	<p>To add administrative requirements/specifics regarding Dust Control permits and Dust Control Plans for clarity.</p>	
	<p><u>409 Defacing, Altering, Forging, Counterfeiting, Or Falsifying Permits For Dust Generating Operations:</u> <u>A person shall not willfully deface, alter, forge, counterfeit, or falsify any Dust Control permit issued under the provisions of this rule.</u></p>	<p>To add administrative requirements/specifics regarding Dust Control permits and Dust Control Plans for clarity.</p>	
	<p><u>410 Fees For Permits For Dust Generating Operations:</u> <u>No Dust Control permit is valid until the applicable Dust Control permit fee has been received and until the Dust Control permit is issued by the Control Officer.</u></p>	<p>To add administrative requirements/specifics regarding Dust Control permits and Dust Control Plans for clarity.</p>	

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<p>401 Dust Control Plan Posting: The owner and/or operator of an earthmoving operation shall post a copy of the approved Dust Control Plan in a conspicuous location at the work site, within on-site equipment, or in an on-site vehicle, or shall otherwise keep a copy of the approved Dust Control Plan available on-site at all times. The owner and/or operator of a dust generating operation that has been issued a Block Permit shall not be required to keep a copy of the 8½" by 11" site drawing according to section 304.2 of this rule.</p>	<p>411 Posting Of Permits For Dust Generating Operations: <u>A Dust Control permit and a Dust Control Plan, as approved by the Control Officer, shall be posted in a conspicuous location at the work site, within on-site equipment, or in an on-site vehicle, or shall otherwise be kept available on-site at all times.</u></p>		
<p>402 Compliance Schedule: The requirements of this rule supercede any conflicting requirements that may be found in existing Dust Control Plans.</p> <p>402.1 For Earthmoving Permits: If any changes to a Dust Control Plan, associated with an Earthmoving Permit, are necessary as a result of the most recent revisions of this rule, such changes shall not be required until the Earthmoving Permit is required to be renewed.</p> <p>402.2 For Non-Title V Permits And For Title V Permits: If any changes to a Dust Control Plan, associated with a Non-Title V Permit or with a Title V Permit, are necessary as a result of the most recent revisions of this rule, then the owner and/or operator shall submit a revised Dust Control Plan to the Control Officer, according to the minor permit revision procedures described in Rule 220 and Rule 210 of these rules respectively, no later than 6</p>	<p>405 Dust Control Plan Revisions:</p> <p>405.1 If Required By The Control Officer:</p> <p><u>a. If the Control Officer determines that an approved Dust Control Plan has been followed, yet fugitive dust emissions from any dust generating operation still exceed the standards of this rule, then the Control Officer shall issue a written notice to the owner and/or operator of the dust generating operation explaining such determination.</u></p> <p><u>b. The owner and/or operator of a dust generating operation shall make written revisions to the Dust Control Plan and shall submit such revised Dust Control Plan to the Control Officer within three working days of receipt of the Control Officer's written notice, unless such time period is extended by the Control Officer, upon request, for good cause. During the time that such owner and/or operator is preparing revisions to the approved Dust Control Plan, such owner and/or operator must still comply with all requirements of this rule.</u></p> <p>405.2 If Requested By The Permittee:</p> <p><u>a. If the acreage of a project changes, the owner and/or operator shall request a Dust Control Plan revision. Such Dust Control Plan revision shall be filed in the manner and form prescribed by the Control Officer.</u></p> <p><u>b. If the permit holder changes, the owner and/or operator shall request a Dust Control Plan revision.</u></p>	<p>To move Dust Control Plan revisions from standards section to administrative requirements section.</p> <p>To add requirements for Dust Control Plan revisions, if requested by the permittee, to match explanation/criteria in Guidance For Application For Dust Control Permit.</p>	

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<p>months after the effective date of the most recent revisions to this rule.</p>	<p>Such Dust Control Plan revision shall be filed in the manner and form prescribed by the Control Officer.</p> <p><u>405.2 If Rule 310 Is Revised:</u></p> <p><u>a.</u> If any changes to a Dust Control Plan are necessary as a result of the most recent revisions of this rule, such changes to the Dust Control Plan shall not be required until the associated Dust Control permit is required to be renewed.</p> <p><u>b.</u> If any changes to a Dust Control Plan, associated with a Title V permit or with a Non-Title V permit, are necessary as a result of the most recent revisions of this rule, then the owner and/or operator shall submit a revised Dust Control Plan to the Control Officer, according to the minor permit revision procedures described in Rule 210 or in Rule 220 of these rules respectively, no later than six months after the effective date of the most recent revisions to this rule.</p>		
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Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust Draft May 17, 2007	Description Of Revision	Stakeholders' Comments
<p>501 Compliance Determination: To determine compliance with this rule, the following test methods shall be followed:</p> <p>501.1 Opacity Observations:</p> <p>a. Dust Generating Operations: Opacity observations of a source engaging in dust generating operations shall be conducted in accordance with Appendix C, Section 3 (Time Averaged Methods of Visual Opacity Determination of Emissions from Dust Generating Operations).</p> <p>b. Unpaved Parking Lot: Opacity observations of any unpaved parking lot shall be conducted in accordance with Appendix C, Section 2.1 (Test Methods For Stabilization For Unpaved Roads And Unpaved Parking Lots) of these rules.</p> <p>c. Unpaved Haul/Access Road: Opacity observations of any unpaved haul/access road (whether at a work site that is under construction or at a work site that is temporarily or permanently inactive) shall be conducted in accordance with Appendix C, Section 2.1 (Test Methods For Stabilization For Unpaved Roads And Unpaved Parking Lots) of these rules.</p>	<p>501 Compliance Determination: To determine compliance with this rule, the following test methods shall be followed:</p> <p>501.1 Opacity Observations:</p> <p>a. Dust Generating Operations: Opacity observations of a source engaging in dust generating operations shall be conducted in accordance with Appendix C, Section 3-Time Averaged Methods of Visual Opacity Determination of Emissions from Dust Generating Operations of these rules.</p> <p>b. Unpaved Parking Lot: Opacity observations of any unpaved parking lot shall be conducted in accordance with Appendix C, Section 2.1-Test Methods For Stabilization For Unpaved Roads And Unpaved Parking Lots of these rules.</p> <p>c. Unpaved Haul/Access Road: Opacity observations of any unpaved haul/access road (whether at a work site that is under construction or at a work site that is temporarily or permanently inactive) shall be conducted in accordance with Appendix C, Section 2.1-Test Methods For Stabilization For Unpaved Roads And Unpaved Parking Lots of these rules.</p>	To change format for clarity.	
<p>501.2 Stabilization Observations:</p> <p>a. Unpaved Parking Lot: Stabilization observations for unpaved parking lots shall be conducted in accordance with Appendix C, Section 2.1 (Test Methods For Stabilization-For Unpaved Roads And Unpaved Parking Lots) of these rules. When more than 1 test method is permitted for a determination, an exceedance of the limits established in this rule determined by any of the applicable test methods constitutes a violation of this rule.</p> <p>b. Unpaved Haul/Access Road: Stabilization observations for unpaved haul/access roads (whether at a work site that is under construction or at a work site that is temporarily or permanently inactive) shall be conducted in accordance with Appendix C, Section 2.1 (Test Methods For Stabilization-For Unpaved Roads</p>	<p>501.2 Stabilization Observations:</p> <p>a. Unpaved Parking Lot: Stabilization observations for unpaved parking lots shall be conducted in accordance with Appendix C, Section 2.1-Test Methods For Stabilization-For Unpaved Roads And Unpaved Parking Lots of these rules. When more than 4 <u>one</u> test method is permitted for a determination, an exceedance of the limits established in this rule determined by any of the applicable test methods constitutes shall constitute a violation of this rule.</p> <p>b. Unpaved Haul/Access Road: Stabilization observations for unpaved haul/access roads (whether at a work site that is under construction or at a work site that is temporarily or permanently inactive) shall be conducted in accordance with Appendix C, Section 2.1-Test Methods For Stabilization-For Unpaved Roads And Unpaved Parking Lots of these rule. When more than 4 <u>one</u> test method is permitted for a</p>	To change format for clarity.	

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<p>And Unpaved Parking Lots) of these rule. When more than 1 test method is permitted for a determination, an exceedance of the limits established in this rule determined by any of the applicable test methods constitutes a violation of this rule.</p> <p>c. Open Area And Vacant Lot Or Disturbed Surface Area: Stabilization observations for an open area and vacant lot or any disturbed surface area on which no activity is occurring (whether at a work site that is under construction, at a work site that is temporarily or permanently inactive) shall be conducted in accordance with at least one of the techniques described in subsection 501.2(c)(1) through subsection 501.2(c)(7) below, as applicable. The owner and/or operator of such inactive disturbed surface area shall be considered in violation of this rule if such inactive disturbed surface area is not maintained in a manner that meets at least 1 of the standards described in subsection 302.3 of this rule, as applicable.</p> <p>(1) Appendix C, Section 2.3 (Test Methods For Stabilization-Visible Crust Determination) (The Drop Ball/Steel Ball Test) of these rules for a visible crust; or</p> <p>(2) Appendix C, Section 2.4 (Test Methods For Stabilization-Determination Of Threshold Friction Velocity (TFV)) (Sieving Field Procedure) of these rules for threshold friction velocity (TFV) corrected for non-erodible elements of 100 cm/second or higher; or</p> <p>(3) Appendix C, Section 2.5 (Test Methods For Stabilization-Determination Of Flat Vegetative Cover) of these rules for flat vegetation cover (i.e., attached (rooted) vegetation or unattached vegetative debris lying on the surface with a predominant horizontal orientation that is not subject to movement by wind) that is equal to at least 50%; or</p> <p>(4) Appendix C, Section 2.6 (Test Methods For Stabilization-Determination Of Standing Vegetative Cover) of these rules for standing vegetation cover (i.e., vegetation that is attached (rooted) with a predominant vertical orientation) that is equal to or greater than 30%; or</p> <p>(5) Appendix C, Section 2.6 (Test Methods For Stabilization-Determination Of Standing Vegetative Cover) of these rules for standing vegetation cover (i.e., vegetation that is attached</p>	<p>determination, an exceedance of the limits established in this rule determined by any of the applicable test methods constitutes <u>shall constitute</u> a violation of this rule.</p> <p>c. Open Area And Vacant Lot Or Disturbed Surface Area: Stabilization observations for an open area and vacant lot or any disturbed surface area on which no activity is occurring (whether at a work site that is under construction, at a work site that is temporarily or permanently inactive) shall be conducted in accordance with at least one of the techniques described in subsection 501.2(c)(1) <u>Section 501.2(c)(1)</u> through subsection 501.2(c)(7) <u>Section 501.2(c)(7)</u> below, as applicable. The owner and/or operator of such inactive disturbed surface area shall be considered in violation of this rule if such inactive disturbed surface area is not maintained in a manner that meets at least 4 <u>one</u> of the standards described in subsection 302.3 <u>Section 302.3</u> of this rule, as applicable.</p> <p>(1) Appendix C, Section 2.3-Test Methods For Stabilization-Visible Crust Determination-The Drop Ball/Steel Ball Test of these rules for a visible crust; or</p> <p>(2) Appendix C, Section 2.4-Test Methods For Stabilization-Determination Of Threshold Friction Velocity (TFV)-Sieving Field Procedure of these rules for threshold friction velocity (TFV) corrected for non-erodible elements of 100 cm/second or higher; or</p> <p>(3) Appendix C, Section 2.5-Test Methods For Stabilization-Determination Of Flat Vegetative Cover of these rules for flat vegetation cover (i.e., attached (rooted) vegetation or unattached vegetative debris lying on the surface with a predominant horizontal orientation that is not subject to movement by wind) that is equal to at least 50%; or</p> <p>(4) Appendix C, Section 2.6-Test Methods For Stabilization-Determination Of Standing Vegetative Cover of these rules for standing vegetation cover (i.e., vegetation that is attached (rooted) with a predominant vertical orientation) that is equal to or greater than 30%; or</p> <p>(5) Appendix C, Section 2.6-Test Methods For Stabilization-Determination Of Standing Vegetative Cover of these rules for standing vegetation cover (i.e., vegetation that is attached (rooted) with a predominant vertical orientation) that is equal to or greater than 10% and where the threshold friction velocity is equal to or greater than 43 cm/second when corrected for non-erodible elements; or</p> <p>(6) Appendix C, Section 2.7-Test Methods For</p>		
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<p>(rooted) with a predominant vertical orientation) that is equal to or greater than 10% and where the threshold friction velocity is equal to or greater than 43 cm/second when corrected for non-erodible elements; or (6) Appendix C, Section 2.7 (Test Methods For Stabilization-Rock Test Method) of these rules for a percent cover that is equal to or greater than 10%, for non-erodible elements; or (7) An alternative test method approved in writing by the Control Officer and the Administrator of the EPA.</p>	<p>Stabilization-Rock Test Method of these rules for a percent cover that is equal to or greater than 10%, for non-erodible elements; or (7) An alternative test method approved in writing by the Control Officer and the Administrator of the EPA.</p>		
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Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust Draft May 17, 2007	Description Of Revision	Stakeholders' Comments
<p>502 Recordkeeping: 502.1 Any person who conducts dust generating operations that require a Dust Control Plan shall keep a daily written log recording the actual application or implementation of the control measures delineated in the approved Dust Control Plan (including records on any street sweeping, water applications, and maintenance of trackout control devices, gravel pads, fences, wind barriers, and tarps). 502.2 Any person who conducts dust generating operations that do not require a Dust Control Plan shall compile and retain records (including records on any street sweeping, water applications, and maintenance of trackout control devices, gravel pads, fences, wind barriers, and tarps) that provide evidence of control measure application, by indicating the type of treatment or control measure, extent of coverage, and date applied. 502.3 Upon verbal or written request by the Control Officer, the log or the records and supporting documentation shall be provided within 48 hours, excluding weekends. If the Control Officer is at the site where requested records are kept, records shall be provided without delay.</p>	<p>502 Recordkeeping: 502.1 Any person who conducts dust generating operations that require a Dust Control Plan shall keep a daily written log <u>a written record of self inspection on each day soil disturbing work is conducted</u>. Such written record shall include the actual application or implementation of the control measures delineated in the approved Dust Control Plan (including records on any street sweeping, water applications, and maintenance of trackout control devices, gravel pads, fences, wind barriers, and tarps). 502.2 Any person who conducts dust generating operations that do not require a Dust Control Plan shall compile and retain records (including records on any street sweeping, water applications, and maintenance of trackout control devices, gravel pads, fences, wind barriers, and tarps) that provide evidence of control measure application, by indicating the type of treatment or control measure, extent of coverage, and date applied. 502.3 Upon verbal or written request by the Control Officer, the log or the records and supporting documentation shall be provided within 48 hours, excluding weekends. If the Control Officer is at the site where requested records are kept, records shall be provided without delay.</p>	<p>To clarify when written records must be kept, per Stakeholders' comments during Public Workshop #1-April 19, 2007.</p> <p>Proposed text matches Clark County's Section 94-Permitting And Dust Control For Construction Activities.</p>	

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Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust Draft May 17, 2007	Description Of Revision	Stakeholders' Comments
<p>503 Records Retention: Copies of approved Dust Control Plans, control measures implementation records, and all supporting documentation shall be retained for at least six months following the termination of the dust generating operation. Copies of approved Dust Control Plans, control measures implementation records, and all supporting documentation shall be retained for at least 1 year from the date such records were initiated. If a person has obtained a Title V Permit and is subject to the requirements of this rule, then such person shall retain records required by this rule for at least 5 years from the date such records are established.</p>	<p>503 Records Retention: Copies of approved Dust Control Plans, control measures implementation records, and all supporting documentation shall be retained for at least six months following the termination of the dust generating operation. Copies of approved Dust Control Plans, control measures implementation records, and all supporting documentation shall be retained for at least 4 <u>one</u> year from the date such records were initiated. If a person has obtained a Title V Permit and is subject to the requirements of this rule, then such person shall retain records required by this rule for at least 5 <u>five</u> years from the date such records are established.</p>	<p>To change format for clarity.</p>	
<p>504 Test Methods Adopted By Reference: The test methods listed in this section are adopted by reference. These adoptions by reference include no future editions or amendments. Copies of the test methods listed in this section are available for review at the Maricopa County Environmental Services Department, 1001 North Central Avenue, Phoenix, AZ, 85004-1942.</p> <p>504.1 ASTM Method C136-96A ("Standard Test Method For Sieve Analysis Of Fine And Coarse Aggregates"), 1996 edition.</p> <p>504.2 ASTM Method D2216-98 ("Standard Test Method For Laboratory Determination Of Water (Moisture) Content Of Soil And Rock By Mass"), 1998 edition.</p> <p>504.3 ASTM Method D1557-91(1998) ("Test Method For Laboratory Compaction Characteristics Of Soil Using Modified Effort (56,000 ft-lbf/ft³ (2,700 kN-m/m³))), 1998 edition.</p>	<p>504 Test Methods Adopted By Reference: The test methods listed in this section are adopted by reference. These adoptions by reference include no future editions or amendments. Copies of the test methods listed in this section are available for review at the Maricopa County Environmental Services Department <u>Maricopa County Air Quality Department</u>, 1001 North Central Avenue, Phoenix, AZ, 85004-1942.</p> <p>504.1 ASTM Method C136-96A ("Standard Test Method For Sieve Analysis Of Fine And Coarse Aggregates"), 1996 edition.</p> <p>504.2 ASTM Method D2216-98 ("Standard Test Method For Laboratory Determination Of Water (Moisture) Content Of Soil And Rock By Mass"), 1998 edition.</p> <p>504.3 ASTM Method D1557-91(1998) ("Test Method For Laboratory Compaction Characteristics Of Soil Using Modified Effort (56,000 ft-lbf/ft³ (2,700 kN-m/m³))), 1998 edition.</p>	<p>To change format for clarity.</p>	

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft May 17, 2007
With Stakeholders' Comments As Of Public Workshop #2-May 17, 2007**

Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust Draft May 17, 2007	Description Of Revision	Stakeholders' Comments
<p>Table 1 - Vehicle Use In Open Areas And Vacant Lot</p> <p>a. An owner and/or operator must implement one of the following control measures: 1. Restrict trespass by installing signs; or 2. Install physical barriers such as curbs, fences, gates, posts, signs, shrubs, and/or trees to prevent access to the area.</p>	<p><u>303.17 Open Areas And Vacant Lots:</u></p> <p><u>a. Control Measures:</u></p> <p><u>(1) The owner and/or operator of a dust generating operation that involves vehicle use in open areas and vacant lots shall implement at least one of the following control measures:</u></p> <p><u>(a) Restrict trespass by installing signs; or</u> <u>(b) Restrict trespass by installing physical barriers, including but not limited to, curbs, fences, gates, posts, shrubs, and/or trees.</u></p> <p><u>(2) The owner and/or operator of a dust generating operation that involves unoccupied, unused, vacant, or undeveloped open areas and vacant lots shall implement at least one of the following control measures:</u></p> <p><u>(a) Pave, apply and maintain gravel, or apply and maintain a suitable dust suppressant other than water;</u> <u>(b) Establish vegetative ground cover; or</u> <u>(c) Restore open area and vacant lot such that the vegetative ground cover and soil characteristics are similar to adjacent or nearby undisturbed native conditions.</u></p> <p><u>b. Stabilization Procedures:</u></p> <p><u>(1) The owner and/or operator of a dust generating operation that involves vehicle use in open areas and vacant lots shall implement/comply with all of the following stabilization procedures:</u></p> <p><u>(a) Control measures shall achieve the applicable requirements in Section 302 of this rule.</u> <u>(b) To determine if a control measure has been implemented to achieve the requirements in Section 302 of this rule, the owner and/or operator of a dust generating operation shall conduct the opacity test method to determine the percent opacity of fugitive dust plumes caused when/at the time vehicles move/drive on the open area and vacant lot described in Appendix C- Fugitive Dust Test Methods of these rules and shall conduct the silt content test method to determine the silt content of the trafficked areas of the open area and vacant lot when vehicles are not moving/driving on the open area and vacant lot described in Appendix C- Fugitive Dust Test Methods of these rules.</u> <u>(c) In order to be in compliance with this rule, visible fugitive dust emissions shall not exceed 20% opacity and either the silt loading shall not be equal to or greater</u></p>	<p>To delete Table 1 and Table 4 and to add control measures from Table 1 and Table 4 to Rule 310, Section 303.17, per Staff comment.</p> <p>To add stabilization procedures for determining if control measures are implemented to control fugitive dust such that fugitive dust does not exceed 20% opacity and does not cross a property line.</p> <p>Per Stakeholders' comments during Public Workshop #1-April 19, 2007, Rule 310 does not clearly distinguish between control measures, stabilization standards, and test methods and who is responsible for determining compliance with stabilization standards and/or for conducting test methods.</p>	

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft May 17, 2007
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	<p>than 0.33 oz/ft² or the silt content shall not exceed 6% / 8%.</p> <p>(2) <u>The owner and/or operator of a dust generating operation that involves unoccupied, unused, vacant, or undeveloped open areas and vacant lots shall implement/comply with all of the following stabilization procedures:</u></p> <p>(a) <u>Control measures shall achieve the applicable requirements in Section 302 of this rule.</u></p> <p>(b) <u>To determine if a control measure has been implemented to achieve the requirements of Section 302 of this rule, the owner and/or operator of a dust generating operation that involves unoccupied, unused, vacant, or undeveloped open areas and vacant lots shall conduct opacity observations described in Section 302.1 and Section 302.2 of this rule.</u></p> <p>(c) <u>To determine if a control measure has been implemented to achieve the requirements in Section 302 of this rule, the owner and/or operator of a dust generating operation that involves unoccupied, unused, vacant, or undeveloped open areas and vacant lots shall conduct the test methods described in Appendix C- Fugitive Dust Test Methods of these rules to determine if the unoccupied, unused, vacant, or undeveloped open areas and vacant lots have a stabilized surface. The owner and/or operator shall meet one of the following test methods:</u></p> <p>(i) <u>Visible crust determination (Drop Ball Test Method);</u></p> <p>(ii) <u>Determination of threshold friction velocity (TFV);</u></p> <p>(iii) <u>Determination of flat vegetative cover (Line Transect Test Method);</u></p> <p>(iv) <u>Determination of standing vegetative cover (Vegetative Density Factor); or</u></p> <p>(v) <u>Rock Test Method.</u></p>		
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**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft May 17, 2007
With Stakeholders' Comments As Of Public Workshop #2-May 17, 2007**

Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust Draft May 17, 2007	Description Of Revision	Stakeholders' Comments
<p>Table 2 - Unpaved Parking Lots a. An owner and/or operator must implement one of the following control measures: 1. Pave; 2. Apply and maintain gravel, recycled asphalt, or other suitable material, in compliance with Section 302.1 of this rule; 3. Apply a suitable dust suppressant in compliance with Section 302.1 of this rule. b. Suggested additional control measure for contingency plans: 1. Limit vehicle speeds to 15 mph on the site.</p>	<p><u>303.18 Unpaved Parking Lots:</u> <u>a. Control Measures:</u> The owner and/or operator of a dust generating operation that involves an unpaved parking lot shall implement at least one of the following control measures: <u>(1) Pave;</u> <u>(2) Apply and maintain gravel, recycled asphalt, or other suitable material; or</u> <u>(3) Apply and maintain a suitable dust suppressant other than water.</u> <u>b. Stabilization Procedures:</u> <u>(1) Control measures shall achieve the applicable requirements in Section 302 of this rule.</u> <u>(2) To determine if a control measure has been implemented to achieve the requirements in Section 302 of this rule, the owner and/or operator of a dust generating operation shall conduct the opacity test method to determine the percent opacity of fugitive dust plumes caused when/at the time vehicles move/drive on the unpaved parking lot described in Appendix C-Fugitive Dust Test Methods of these rules and shall conduct the silt content test method to determine the silt content of the trafficked areas of the unpaved parking lot when vehicles are not moving/driving on the unpaved parking lot described in Appendix C-Fugitive Dust Test Methods of these rules.</u> <u>(3) In order to be in compliance with this rule, visible fugitive dust emissions shall not exceed 20% opacity and either the silt loading shall not be equal to or greater than 0.33 oz/ft² or the silt content shall not exceed 8%.</u></p>	<p>To delete Table 2 and to add control measures from Table 2 to Rule 310, Section 303.18, per Staff comment.</p> <p>To add stabilization procedures for determining if control measures are implemented to control fugitive dust such that fugitive dust does not exceed 20% opacity and does not cross a property line.</p> <p>Per Stakeholders' comments during Public Workshop #1-April 19, 2007, Rule 310 does not clearly distinguish between control measures, stabilization standards, and test methods and who is responsible for determining compliance with stabilization standards and/or for conducting test methods.</p>	
<p>Table 3 - Unpaved Haul/Access Roads a. An owner and/or operator must implement one of the following control measures: 1. Limit vehicle speed to 15 mph or less and limit vehicular trips to no more than 20 per day; 2. Apply water, so that the surface is visibly moist in compliance with Section 302.2 of this rule; 3. Pave; 4. Apply and maintain gravel, recycled asphalt, or other suitable material, in compliance with Section 302.2 of this rule; or</p>	<p><u>303.12 Unpaved Haul/Access Roads:</u> <u>a. Control Measures:</u> The owner and/or operator of a dust generating operation that involves an unpaved haul/access road shall implement one or more of the following control measures: <u>(1) Limit vehicle speed to 15 miles per hour or less and limit vehicle trips to no more than 20 per day per road;</u> <u>(2) Apply water so that the surface is visibly moist;</u> <u>(3) Pave;</u> <u>(4) Apply and maintain gravel, recycled asphalt, or other suitable material; or</u> <u>(5) Apply and maintain a suitable dust suppressant other than water.</u> <u>b. Stabilization Procedures:</u> <u>(1) Control measures shall achieve the applicable requirements in Section 302 of this rule.</u></p>	<p>To delete Table 3 and to add control measures from Table 3 to Rule 310, Section 303.12, per Staff comment.</p> <p>To add stabilization procedures for determining if control measures are implemented to control fugitive dust such that fugitive dust does not exceed 20% opacity and does not cross a property line.</p> <p>Per Stakeholders' comments during Public Workshop #1-April 19, 2007, Rule 310 does not clearly distinguish between control measures, stabilization standards, and test</p>	

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<p>5. Apply a suitable dust suppressant, in compliance with Section 302.2 of this rule.</p>	<p><u>(2) To determine if a control measure has been implemented to achieve the requirements in Section 302 of this rule, the owner and/or operator of a dust generating operation shall conduct the opacity test method to determine the percent opacity of fugitive dust plumes caused when/at the time vehicles move/drive on the unpaved haul/access roads described in Appendix C-Fugitive Dust Test Methods of these rules and shall conduct the silt content test method to determine the silt content of the trafficked areas of the unpaved haul/access roads when vehicles are not moving/driving on the unpaved road described in Appendix C-Fugitive Dust Test Methods of these rules.</u></p> <p><u>(3) In order to be in compliance with this rule, visible fugitive dust emissions shall not exceed 20% opacity and either the silt loading shall not be equal to or greater than 0.33 oz/ft² or the silt content shall not exceed 6%.</u></p> <p><u>(4) The owner and/or operator of a dust generating operation that involves an unpaved haul/access road (including at a work site that is under construction or a work site that is temporarily or permanently inactive) shall, as an alternative to meeting the stabilization procedures for an unpaved road, limit vehicle trips to no more than 20 per day per road and limit vehicle speeds to no more than 15 miles per hour. If complying with this section of this rule, the owner and/or operator must include, in a Dust Control Plan, the maximum number of vehicle trips on the unpaved roads each day (including number of employee vehicles, earthmoving equipment, haul trucks, and water trucks).</u></p>	<p>methods and who is responsible for determining compliance with stabilization standards and/or for conducting test methods.</p>	
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**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft May 17, 2007
With Stakeholders' Comments As Of Public Workshop #2-May 17, 2007**

Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust Draft May 17, 2007	Description Of Revision	Stakeholders' Comments
<p>Table 4 - Open Areas And Vacant Lots</p> <p>a. An owner and/or operator must implement one of the following control measures to comply with Section 302.3 of this rule:</p> <ol style="list-style-type: none"> 1. Pave, apply gravel, or apply a suitable dust suppressant; 2. Establish vegetative ground cover in sufficient quantity; or 3. Restore area such that the vegetative ground cover and soil characteristics are similar to adjacent or nearby undisturbed native conditions. 	<p><u>303.17 Open Areas And Vacant Lots:</u></p> <p><u>a. Control Measures:</u></p> <p><u>(1) The owner and/or operator of a dust generating operation that involves vehicle use in open areas and vacant lots shall implement at least one of the following control measures:</u></p> <p><u>(a) Restrict trespass by installing signs; or</u></p> <p><u>(b) Restrict trespass by installing physical barriers, including but not limited to, curbs, fences, gates, posts, shrubs, and/or trees.</u></p> <p><u>(2) The owner and/or operator of a dust generating operation that involves unoccupied, unused, vacant, or undeveloped open areas and vacant lots shall implement at least one of the following control measures:</u></p> <p><u>(a) Pave, apply and maintain gravel, or apply and maintain a suitable dust suppressant other than water;</u></p> <p><u>(b) Establish vegetative ground cover; or</u></p> <p><u>(c) Restore open area and vacant lot such that the vegetative ground cover and soil characteristics are similar to adjacent or nearby undisturbed native conditions.</u></p> <p><u>b. Stabilization Procedures:</u></p> <p><u>(1) The owner and/or operator of a dust generating operation that involves vehicle use in open areas and vacant lots shall implement/comply with all of the following stabilization procedures:</u></p> <p><u>(a) Control measures shall achieve the applicable requirements in Section 302 of this rule.</u></p> <p><u>(b) To determine if a control measure has been implemented to achieve the requirements in Section 302 of this rule, the owner and/or operator of a dust generating operation shall conduct the opacity test method to determine the percent opacity of fugitive dust plumes caused when/at the time vehicles move/drive on the open area and vacant lot described in Appendix C-Fugitive Dust Test Methods of these rules and shall conduct the silt content test method to determine the silt content of the trafficked areas of the open area and vacant lot when vehicles are not moving/driving on the open area and vacant lot described in Appendix C-Fugitive Dust Test Methods of these rules.</u></p> <p><u>(c) In order to be in compliance with this rule, visible fugitive dust emissions shall not exceed 20% opacity and either the silt loading shall not be equal to or greater than 0.33 oz/ft² or the silt content shall not exceed 6% / 8%.</u></p> <p><u>(2) The owner and/or operator of a dust generating operation that involves unoccupied, unused, vacant, or undeveloped open areas and vacant lots shall implement/comply with all of</u></p>	<p>To delete Table 1 and Table 4 and to add control measures from Table 1 and Table 4 to Rule 310, Section 303.17, per Staff comment.</p> <p>To add stabilization procedures for determining if control measures are implemented to control fugitive dust such that fugitive dust does not exceed 20% opacity and does not cross a property line.</p> <p>Per Stakeholders' comments during Public Workshop #1-April 19, 2007, Rule 310 does not clearly distinguish between control measures, stabilization standards, and test methods and who is responsible for determining compliance with stabilization standards and/or for conducting test methods.</p>	

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	<p>the following stabilization procedures:</p> <p><u>(a) Control measures shall achieve the applicable requirements in Section 302 of this rule.</u></p> <p><u>(b) To determine if a control measure has been implemented to achieve the requirements of Section 302 of this rule, the owner and/or operator of a dust generating operation that involves unoccupied, unused, vacant, or undeveloped open areas and vacant lots shall conduct opacity observations described in Section 302.1 and Section 302.2 of this rule.</u></p> <p><u>(c) To determine if a control measure has been implemented to achieve the requirements in Section 302 of this rule, the owner and/or operator of a dust generating operation that involves unoccupied, unused, vacant, or undeveloped open areas and vacant lots shall conduct the test methods described in Appendix C-Fugitive Dust Test Methods of these rules to determine if the unoccupied, unused, vacant, or undeveloped open areas and vacant lots have a stabilized surface. The owner and/or operator shall meet one of the following test methods:</u></p> <p><u>(i) Visible crust determination (Drop Ball Test Method);</u></p> <p><u>(ii) Determination of threshold friction velocity (TFV);</u></p> <p><u>(iii) Determination of flat vegetative cover (Line Transect Test Method);</u></p> <p><u>(iv) Determination of standing vegetative cover (Vegetative Density Factor); or</u></p> <p><u>(v) Rock Test Method.</u></p>		
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**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft May 17, 2007
With Stakeholders' Comments As Of Public Workshop #2-May 17, 2007**

Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust Draft May 17, 2007	Description Of Revision	Stakeholders' Comments
<p>Table 5 - Disturbed Surface Areas – Pre-Activity Work Practices</p> <p>a. Before activity begins, an owner and/or operator must implement one of the following control measures:</p> <p>1. Pre-water site to depth of cuts, allowing time for penetration; or</p> <p>2. Phase work to reduce the amount of disturbed surface areas at any one time.</p>	<p><u>303.21 Disturbed Surface Areas:</u></p> <p><u>a. Control Measures:</u> The owner and/or operator of a dust generating operation that involves a disturbed surface area shall implement the following control measures, as applicable:</p> <p><u>(1) Before disturbed surface areas are created, implement one of the following control measures:</u></p> <p><u>(a) Pre-water site to depth of cuts, allowing time for penetration; or</u></p> <p><u>(b) Phase work to reduce the amount of disturbed surface areas at any one time.</u></p> <p><u>(2) While disturbed surface areas are being created, implement one of the following control measures:</u></p> <p><u>(a) Apply water or other suitable dust suppressant other than water;</u></p> <p><u>(b) Apply water as necessary to maintain a soil moisture content at a minimum of 12%, as determined by ASTM Method D2216-98 or other equivalent method as approved by the Control Officer and the Administrator. For areas that have an optimum moisture content for compaction of less than 12%, as determined by ASTM Method D1557-91 (1998) or other equivalent method approved by the Control Officer and the Administrator, maintain at least 70% of the optimum soil moisture content; or</u></p> <p><u>(c) Implement control measure described in Section 304.21(a)(2)(a) or Section 304.21(a)(2)(b) of this rule and construct fences or three-foot to five-foot high wind barriers with 50% or less porosity adjacent to roadways or urban areas to reduce the amount of windblown material leaving a site.</u></p> <p><u>(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:</u></p> <p><u>(a) Pave, apply gravel, or apply a suitable dust suppressant other than water;</u></p> <p><u>(b) Establish vegetative ground cover in sufficient quantify; or</u></p> <p><u>(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.</u></p> <p><u>(d) Restore area such that the vegetative ground cover and soil characteristics are similar to adjacent or nearby undisturbed native conditions.</u></p> <p><u>b. Stabilization Procedures:</u> Control measures shall achieve the applicable requirements in Section 302 of this rule. To determine if a control measure has been implemented to</p>	<p>To delete Table 5, Table 6, Table 7, and Table 8 and to add control measures from Table 5, Table 6, Table 7, and Table 8 to Rule 310, Section 303.21, per Staff comment.</p> <p>To add stabilization procedures for determining if control measures are implemented to control fugitive dust such that fugitive dust does not exceed 20% opacity and does not cross a property line.</p> <p>Per Stakeholders' comments during Public Workshop #1-April 19, 2007, Rule 310 does not clearly distinguish between control measures, stabilization standards, and test methods and who is responsible for determining compliance with stabilization standards and/or for conducting test methods.</p>	

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	<p>achieve the requirements of Section 302 of this rule, the owner and/or operator of a dust generating operation shall conduct opacity observations described in Section 302.1 and Section 302.2 of this rule.</p> <p>(1) Before disturbed surface areas are created and while disturbed surface areas are being created, the owner and/or operator of a dust generating operation that involves disturbed surface areas shall implement/comply with control measures. Such control measures shall achieve the applicable requirements in Section 302 of this rule.</p> <p>(2) 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 of a dust generating operation that involves disturbed surface areas shall implement/comply with all of the following stabilization procedures:</p> <p>(a) Control measures shall achieve the applicable requirements in Section 302 of this rule.</p> <p>(b) To determine if a control measure has been implemented to achieve the requirements in Section 302 of this rule, the owner and/or operator of a dust generating operation that involves disturbed surface areas that will be complete for a period of 30 days or longer shall conduct opacity observations described in Section 302.1 and Section 302.2 of this rule.</p> <p>(c) To determine if a control measure has been implemented to achieve the requirements in Section 302 of this rule, the owner and/or operator of a dust generating operation that involves disturbed surface areas that will be complete for a period of 30 days or longer shall conduct the test methods described in Appendix C-Fugitive Dust Test Methods of these rules to determine if the disturbed surface areas have a stabilized surface. The owner and/or operator shall meet one of the following test methods:</p> <p>(i) Visible crust determination (Drop Ball Test Method);</p> <p>(ii) Determination of threshold friction velocity (TFV);</p> <p>(iii) Determination of flat vegetative cover (Line Transect Test Method);</p> <p>(iv) Determination of standing vegetative cover (Vegetative Density Factor); or</p> <p>(v) Rock Test Method.</p>		
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**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft May 17, 2007
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Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust Draft May 17, 2007	Description Of Revision	Stakeholders' Comments
<p>Table 6 - Disturbed Surface Areas – Work Practices During Operations</p> <p>a. During operations, an owner and/or operator must implement one of the following control measures:</p> <p>1. Apply water or other suitable dust suppressant, in compliance with Section 301 of this rule;</p> <p>2. Apply water as necessary to maintain a soil moisture content at a minimum of 12%, as determined by ASTM Method D2216-98 or other equivalent method as approved by the Control Officer and the Administrator of EPA. For areas that have an optimum moisture content for compaction of less than 12%, as determined by ASTM Method D1557-91 (1998) or other equivalent method approved by the Control Officer and the Administrator of EPA, maintain at least 70% of the optimum soil moisture content; or</p> <p>3. Implement (a)(1) or (a)(2) above and construct fences or three-foot to five-foot high wind barriers with 50% or less porosity adjacent to roadways or urban areas to reduce the amount of windblown material leaving a site.</p> <p>b. Suggested additional control measure for contingency plans:</p> <p>1. Limit vehicle speeds to 15 mph on the work site.</p>	<p><u>303.21 Disturbed Surface Areas:</u></p> <p><u>a. Control Measures:</u> The owner and/or operator of a dust generating operation that involves a disturbed surface area shall implement the following control measures, as applicable:</p> <p><u>(1) Before disturbed surface areas are created, implement one of the following control measures:</u></p> <p><u>(a) Pre-water site to depth of cuts, allowing time for penetration; or</u></p> <p><u>(b) Phase work to reduce the amount of disturbed surface areas at any one time.</u></p> <p><u>(2) While disturbed surface areas are being created, implement one of the following control measures:</u></p> <p><u>(a) Apply water or other suitable dust suppressant other than water;</u></p> <p><u>(b) Apply water as necessary to maintain a soil moisture content at a minimum of 12%, as determined by ASTM Method D2216-98 or other equivalent method as approved by the Control Officer and the Administrator. For areas that have an optimum moisture content for compaction of less than 12%, as determined by ASTM Method D1557-91 (1998) or other equivalent method approved by the Control Officer and the Administrator, maintain at least 70% of the optimum soil moisture content; or</u></p> <p><u>(c) Implement control measure described in Section 304.21(a)(2)(a) or Section 304.21(a)(2)(b) of this rule and construct fences or three-foot to five-foot high wind barriers with 50% or less porosity adjacent to roadways or urban areas to reduce the amount of windblown material leaving a site.</u></p> <p><u>(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:</u></p> <p><u>(a) Pave, apply gravel, or apply a suitable dust suppressant other than water;</u></p> <p><u>(b) Establish vegetative ground cover in sufficient quantify; or</u></p> <p><u>(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.</u></p> <p><u>(d) Restore area such that the vegetative ground cover and soil characteristics are similar to adjacent or nearby undisturbed native conditions.</u></p> <p><u>b. Stabilization Procedures:</u> Control measures shall achieve the applicable requirements in Section 302 of this rule. To determine if a control measure has been implemented to</p>	<p>To delete Table 5, Table 6, Table 7, and Table 8 and to add control measures from Table 5, Table 6, Table 7, and Table 8 to Rule 310, Section 303.21, per Staff comment.</p> <p>To add stabilization procedures for determining if control measures are implemented to control fugitive dust such that fugitive dust does not exceed 20% opacity and does not cross a property line.</p> <p>Per Stakeholders' comments during Public Workshop #1-April 19, 2007, Rule 310 does not clearly distinguish between control measures, stabilization standards, and test methods and who is responsible for determining compliance with stabilization standards and/or for conducting test methods.</p>	

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft May 17, 2007
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	<p>achieve the requirements of Section 302 of this rule, the owner and/or operator of a dust generating operation shall conduct opacity observations described in Section 302.1 and Section 302.2 of this rule.</p> <p>(1) Before disturbed surface areas are created and while disturbed surface areas are being created, the owner and/or operator of a dust generating operation that involves disturbed surface areas shall implement/comply with control measures. Such control measures shall achieve the applicable requirements in Section 302 of this rule.</p> <p>(2) 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 of a dust generating operation that involves disturbed surface areas shall implement/comply with all of the following stabilization procedures:</p> <p>(a) Control measures shall achieve the applicable requirements in Section 302 of this rule.</p> <p>(b) To determine if a control measure has been implemented to achieve the requirements in Section 302 of this rule, the owner and/or operator of a dust generating operation that involves disturbed surface areas that will be complete for a period of 30 days or longer shall conduct opacity observations described in Section 302.1 and Section 302.2 of this rule.</p> <p>(c) To determine if a control measure has been implemented to achieve the requirements in Section 302 of this rule, the owner and/or operator of a dust generating operation that involves disturbed surface areas that will be complete for a period of 30 days or longer shall conduct the test methods described in Appendix C-Fugitive Dust Test Methods of these rules to determine if the disturbed surface areas have a stabilized surface. The owner and/or operator shall meet one of the following test methods:</p> <p>(i) Visible crust determination (Drop Ball Test Method);</p> <p>(ii) Determination of threshold friction velocity (TFV);</p> <p>(iii) Determination of flat vegetative cover (Line Transect Test Method);</p> <p>(iv) Determination of standing vegetative cover (Vegetative Density Factor); or</p> <p>(v) Rock Test Method.</p>		
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**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft May 17, 2007
With Stakeholders' Comments As Of Public Workshop #2-May 17, 2007**

Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust Draft May 17, 2007	Description Of Revision	Stakeholders' Comments
<p>Table 7 - Disturbed Surface Areas – Temporary Stabilization (Up To 8 Months) During Weekends, After Work Hours, And On Holidays</p> <p>a. An owner and/or operator must implement one of the following control measures to comply with Section 302.3 of this rule:</p> <ol style="list-style-type: none"> 1. Pave, apply gravel, or apply a suitable dust suppressant; 2. Establish vegetative ground cover in sufficient quantity; or 3. Implement (a)(1) or (a)(2), above, and restrict vehicular access to the area. 	<p><u>303.21 Disturbed Surface Areas:</u></p> <p><u>a. Control Measures:</u> The owner and/or operator of a dust generating operation that involves a disturbed surface area shall implement the following control measures, as applicable:</p> <p><u>(1) Before disturbed surface areas are created, implement one of the following control measures:</u></p> <p><u>(a) Pre-water site to depth of cuts, allowing time for penetration; or</u></p> <p><u>(b) Phase work to reduce the amount of disturbed surface areas at any one time.</u></p> <p><u>(2) While disturbed surface areas are being created, implement one of the following control measures:</u></p> <p><u>(a) Apply water or other suitable dust suppressant other than water;</u></p> <p><u>(b) Apply water as necessary to maintain a soil moisture content at a minimum of 12%, as determined by ASTM Method D2216-98 or other equivalent method as approved by the Control Officer and the Administrator. For areas that have an optimum moisture content for compaction of less than 12%, as determined by ASTM Method D1557-91 (1998) or other equivalent method approved by the Control Officer and the Administrator, maintain at least 70% of the optimum soil moisture content; or</u></p> <p><u>(c) Implement control measure described in Section 304.21(a)(2)(a) or Section 304.21(a)(2)(b) of this rule and construct fences or three-foot to five-foot high wind barriers with 50% or less porosity adjacent to roadways or urban areas to reduce the amount of windblown material leaving a site.</u></p> <p><u>(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:</u></p> <p><u>(a) Pave, apply gravel, or apply a suitable dust suppressant other than water;</u></p> <p><u>(b) Establish vegetative ground cover in sufficient quantity; or</u></p> <p><u>(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.</u></p> <p><u>(d) Restore area such that the vegetative ground cover and soil characteristics are similar to adjacent or nearby undisturbed native conditions.</u></p> <p><u>b. Stabilization Procedures:</u> Control measures shall achieve the applicable requirements in Section 302 of this rule. To determine if a control measure has been implemented to achieve the requirements of Section 302 of this rule, the owner and/or operator of a dust generating operation shall conduct opacity</p>	<p>To delete Table 5, Table 6, Table 7, and Table 8 and to add control measures from Table 5, Table 6, Table 7, and Table 8 to Rule 310, Section 303.21, per Staff comment.</p> <p>To add stabilization procedures for determining if control measures are implemented to control fugitive dust such that fugitive dust does not exceed 20% opacity and does not cross a property line.</p> <p>Per Stakeholders' comments during Public Workshop #1-April 19, 2007, Rule 310 does not clearly distinguish between control measures, stabilization standards, and test methods and who is responsible for determining compliance with stabilization standards and/or for conducting test methods.</p>	

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	<p>observations described in Section 302.1 and Section 302.2 of this rule.</p> <p><u>(1) Before disturbed surface areas are created and while disturbed surface areas are being created, the owner and/or operator of a dust generating operation that involves disturbed surface areas shall implement/comply with control measures. Such control measures shall achieve the applicable requirements in Section 302 of this rule.</u></p> <p><u>(2) 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 of a dust generating operation that involves disturbed surface areas shall implement/comply with all of the following stabilization procedures:</u></p> <p><u>(a) Control measures shall achieve the applicable requirements in Section 302 of this rule.</u></p> <p><u>(b) To determine if a control measure has been implemented to achieve the requirements in Section 302 of this rule, the owner and/or operator of a dust generating operation that involves disturbed surface areas that will be complete for a period of 30 days or longer shall conduct opacity observations described in Section 302.1 and Section 302.2 of this rule.</u></p> <p><u>(c) To determine if a control measure has been implemented to achieve the requirements in Section 302 of this rule, the owner and/or operator of a dust generating operation that involves disturbed surface areas that will be complete for a period of 30 days or longer shall conduct the test methods described in Appendix C-Fugitive Dust Test Methods of these rules to determine if the disturbed surface areas have a stabilized surface. The owner and/or operator shall meet one of the following test methods:</u></p> <p><u>(i) Visible crust determination (Drop Ball Test Method);</u></p> <p><u>(ii) Determination of threshold friction velocity (TFV);</u></p> <p><u>(iii) Determination of flat vegetative cover (Line Transect Test Method);</u></p> <p><u>(iv) Determination of standing vegetative cover (Vegetative Density Factor); or</u></p> <p><u>(v) Rock Test Method.</u></p>		
<p>Table 8 - Disturbed Surface Areas – Permanent Stabilization (Required Within 8 Months Of Ceasing Dust Generating Operations)</p> <p>a. An owner and/or operator must implement one of the following control measures to comply with Section 302.3 of this rule:</p> <p>1. Pave, apply gravel, or apply a suitable dust suppressant;</p> <p>2. Establish vegetative ground cover in</p>	<p><u>303.21 Disturbed Surface Areas:</u></p> <p><u>a. Control Measures:</u> The owner and/or operator of a dust generating operation that involves a disturbed surface area shall implement the following control measures, as applicable:</p> <p><u>(1) Before disturbed surface areas are created, implement one of the following control measures:</u></p> <p><u>(a) Pre-water site to depth of cuts, allowing time for penetration; or</u></p> <p><u>(b) Phase work to reduce the amount of disturbed surface areas at any one time.</u></p> <p><u>(2) While disturbed surface areas are being created, implement one of the following control measures:</u></p> <p><u>(a) Apply water or other suitable dust suppressant other than</u></p>	<p>To delete Table 5, Table 6, Table 7, and Table 8 and to add control measures from Table 5, Table 6, Table 7, and Table 8 to Rule 310, Section 303.21, per Staff comment.</p> <p>To add stabilization procedures for determining if control measures are implemented to control fugitive dust such that fugitive dust does not exceed 20% opacity and does not cross a property line.</p>	

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<p>sufficient quantity; or</p> <p>3. Restore area such that the vegetative ground cover and soil characteristics are similar to adjacent or nearby undisturbed native conditions.</p>	<p>water;</p> <p>(b) <u>Apply water as necessary to maintain a soil moisture content at a minimum of 12%, as determined by ASTM Method D2216-98 or other equivalent method as approved by the Control Officer and the Administrator. For areas that have an optimum moisture content for compaction of less than 12%, as determined by ASTM Method D1557-91 (1998) or other equivalent method approved by the Control Officer and the Administrator, maintain at least 70% of the optimum soil moisture content; or</u></p> <p>(c) <u>Implement control measure described in Section 304.21(a)(2)(a) or Section 304.21(a)(2)(b) of this rule and construct fences or three-foot to five-foot high wind barriers with 50% or less porosity adjacent to roadways or urban areas to reduce the amount of windblown material leaving a site.</u></p> <p>(3) <u>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:</u></p> <p>(a) <u>Pave, apply gravel, or apply a suitable dust suppressant other than water;</u></p> <p>(b) <u>Establish vegetative ground cover in sufficient quantify; or</u></p> <p>(c) <u>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.</u></p> <p>(d) <u>Restore area such that the vegetative ground cover and soil characteristics are similar to adjacent or nearby undisturbed native conditions.</u></p> <p>b. Stabilization Procedures: <u>Control measures shall achieve the applicable requirements in Section 302 of this rule. To determine if a control measure has been implemented to achieve the requirements of Section 302 of this rule, the owner and/or operator of a dust generating operation shall conduct opacity observations described in Section 302.1 and Section 302.2 of this rule.</u></p> <p>(1) <u>Before disturbed surface areas are created and while disturbed surface areas are being created, the owner and/or operator of a dust generating operation that involves disturbed surface areas shall implement/comply with control measures. Such control measures shall achieve the applicable requirements in Section 302 of this rule.</u></p> <p>(2) <u>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 of a dust generating operation that involves disturbed surface areas shall implement/comply with all of the following stabilization procedures:</u></p> <p>(a) <u>Control measures shall achieve the applicable requirements in Section 302 of this rule.</u></p> <p>(b) <u>To determine if a control measure has been implemented to achieve the requirements in Section 302 of this rule, the owner</u></p>	<p>Per Stakeholders' comments during Public Workshop #1-April 19, 2007, Rule 310 does not clearly distinguish between control measures, stabilization standards, and test methods and who is responsible for determining compliance with stabilization standards and/or for conducting test methods.</p>	
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	<p><u>and/or operator of a dust generating operation that involves disturbed surface areas that will be complete for a period of 30 days or longer shall conduct opacity observations described in Section 302.1 and Section 302.2 of this rule.</u></p> <p><u>(c) To determine if a control measure has been implemented to achieve the requirements in Section 302 of this rule, the owner and/or operator of a dust generating operation that involves disturbed surface areas that will be complete for a period of 30 days or longer shall conduct the test methods described in Appendix C-Fugitive Dust Test Methods of these rules to determine if the disturbed surface areas have a stabilized surface. The owner and/or operator shall meet one of the following test methods:</u></p> <p><u>(i) Visible crust determination (Drop Ball Test Method);</u></p> <p><u>(ii) Determination of threshold friction velocity (TFV);</u></p> <p><u>(iii) Determination of flat vegetative cover (Line Transect Test Method);</u></p> <p><u>(iv) Determination of standing vegetative cover (Vegetative Density Factor); or</u></p> <p><u>(v) Rock Test Method.</u></p>		
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Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust Draft May 17, 2007	Description Of Revision	Stakeholders' Comments
<p>Table 9 - Blasting Operations a. An owner and/or operator must implement all of the following control measures: 1. In wind gusts above 25 mph, discontinue blasting; and 2. Pre-water and maintain surface soils in a stabilized condition where support equipment and vehicles will operate.</p>	<p><u>303.19 Blasting Operations:</u> <u>a. Control Measures:</u> The owner and/or operator of a dust generating operation that involves blasting operations shall implement all of the following control measures: <u>(1)</u> In wind gusts above 25 miles per hour, discontinue/cease blasting; and <u>(2)</u> Pre-water and maintain surface soils in a stabilized condition where support equipment and vehicles will operate. <u>b. Stabilization Procedures:</u> Control measures shall achieve the applicable requirements in Section 302 of this rule. To determine if a control measure has been implemented to achieve the requirements in Section 302 of this rule, the owner and/or operator of a dust generating operation shall conduct opacity observations described in Section 302.1 and Section 302.2 of this rule.</p>	<p>To delete Table 9 and to add control measures from Table 9 to Rule 310, Section 303.19, per Staff comment.</p> <p>To add stabilization procedures for determining if control measures are implemented to control fugitive dust such that fugitive dust does not exceed 20% opacity and does not cross a property line.</p> <p>Per Stakeholders' comments during Public Workshop #1-April 19, 2007, Rule 310 does not clearly distinguish between control measures, stabilization standards, and test methods and who is responsible for determining compliance with stabilization standards and/or for conducting test methods.</p>	
<p>Table 10 - Demolition Activities a. An owner and/or operator must implement all of the following control measures: 1. Stabilize demolition debris. Apply water to debris immediately following demolition activity; and 2. Stabilize surrounding area immediately following demolition activity. Water all disturbed soil surfaces to establish a crust and prevent wind erosion of soil. b. Suggested additional control measure for contingency plans: 1. Thoroughly clean blast debris from paved and other surfaces following demolition activity.</p>	<p><u>303.20 Demolition Activities:</u> <u>a. Control Measures:</u> The owner and/or operator of a dust generating operation that involves demolition activities shall implement all of the following control measures: <u>(1)</u> Apply water to demolition debris immediately following demolition activity; and <u>(2)</u> Apply water to all disturbed soils surfaces to establish a crust and to prevent wind erosion. <u>b. Stabilization Procedures:</u> Control measures shall achieve the applicable requirements in Section 302 of this rule. To determine if a control measure has been implemented to achieve the requirements of Section 302 of this rule, the owner and/or operator of a dust generating operation shall conduct opacity observations described in Section 302.1 and Section 302.2 of this rule.</p>	<p>To delete Table 10 and to add control measures from Table 10 to Rule 310, Section 303.20, per Staff comment.</p> <p>To add stabilization procedures for determining if control measures are implemented to control fugitive dust such that fugitive dust does not exceed 20% opacity and does not cross a property line.</p> <p>Per Stakeholders' comments during Public Workshop #1-April 19, 2007, Rule 310 does not clearly distinguish between control measures, stabilization standards, and test methods and who is responsible for determining compliance with stabilization standards and/or for conducting test methods.</p>	

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Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust Draft May 17, 2007	Description Of Revision	Stakeholders' Comments
<p>Table 11 - Bulk Material Handling Operations Work Practices For Stacking, Loading, And Unloading Operations</p> <p>a. An owner and/or operator must implement one of the following control measures:</p> <ol style="list-style-type: none"> 1. Spray material with water, as necessary, prior to stacking, loading, and unloading, and/or while stacking, loading, and unloading; 2. Spray material with a dust suppressant other than water, as necessary, prior to stacking, loading, and unloading, and/or while stacking, loading, and unloading. <p>b. Suggested additional control measures for contingency plans:</p> <ol style="list-style-type: none"> 1. Pre-water and maintain surface soils in a stabilized condition where support equipment and vehicles will operate. 2. Remove material from the downwind side of the storage pile when safe to do so. 3. Empty loader bucket slowly and keep loader bucket close to the truck to minimize the drop height while dumping. 	<p><u>303.10 Bulk Material Stacking, Loading, And Unloading Operations:</u></p> <p><u>a. Control Measures:</u> The owner and/or operator of a dust generating operation that involves bulk material stacking, loading, and unloading operations shall implement at least one of the following control measures:</p> <ol style="list-style-type: none"> <u>(1) Spray material with water, as necessary, prior to stacking, loading, and unloading and/or while stacking, loading, and unloading; or</u> <u>(2) Spray material with a dust suppressant other than water, as necessary, prior to stacking, loading, and unloading and/or while stacking, loading, and unloading.</u> <p><u>b. Stabilization Procedures:</u> Control measures shall achieve the applicable requirements in Section 302 of this rule. To determine if a control measure has been implemented to achieve the requirements in Section 302 of this rule, the owner and/or operator of a dust generating operation shall conduct opacity observations described in Section 302.1 and Section 302.2 of this rule.</p>	<p>To delete Table 11 and to add control measures from Table 11 to Rule 310, Section 303.10, per Staff comment.</p> <p>To add stabilization procedures for determining if control measures are implemented to control fugitive dust such that fugitive dust does not exceed 20% opacity and does not cross a property line.</p> <p>Per Stakeholders' comments during Public Workshop #1-April 19, 2007, Rule 310 does not clearly distinguish between control measures, stabilization standards, and test methods and who is responsible for determining compliance with stabilization standards and/or for conducting test methods.</p>	
<p>Table 12 - Open Storage Piles When Not Conducting Stacking, Loading, And Unloading Operations</p> <p>a. An owner and/or operator must implement one of the following control measures:</p> <ol style="list-style-type: none"> 1. Cover open storage piles with tarps, plastic, or other material such that the coverings will not be dislodged by wind; 2. Apply water to maintain a soil moisture content at a minimum of 12%, as determined by ASTM Method D2216-98, or other 	<p><u>303.14 Open Storage Piles:</u></p> <p><u>a. Control Measures:</u> The owner and/or operator of a dust generating operation that involves an open storage pile shall implement the following control measures, as applicable:</p> <ol style="list-style-type: none"> <u>(1) Prior to and/or while conducting stacking, loading, and unloading operations, implement one of the following control measures:</u> <ol style="list-style-type: none"> <u>(a) Spray material with water, as necessary; or</u> <u>(b) Spray material with a dust suppressant other than water, as necessary.</u> <u>(2) When not conducting stacking, loading, and unloading operations, implement one of the following control measures:</u> <ol style="list-style-type: none"> <u>(a) Cover all open storage piles with a tarp, plastic, or other material to prevent wind from removing the covering(s)/such that the covering(s) will not be dislodged by wind; or</u> 	<p>To delete Table 11 and Table 12 and to add control measures from Table 11 and Table 12 to Rule 310, Section 303.14, per Staff comment.</p> <p>To add stabilization procedures for determining if control measures are implemented to control fugitive dust such that fugitive dust does not exceed 20% opacity and does not cross a property line.</p> <p>Per Stakeholders' comments during Public Workshop #1-April 19, 2007, Rule 310 does not clearly distinguish</p>	

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<p>equivalent methods approved by the Control Officer and the Administrator of the EPA; or for areas that have an optimum moisture content for compaction of less than 12%, as determined by ASTM Method D1557-91 (1998) or other equivalent methods approved by the Control Officer and the Administrator of EPA, maintain at least 70% of the soil moisture content;</p> <p>3. Meet the stabilization requirements described in Section 302.3 of this rule; or</p> <p>4. Implement (a)(2) or (a)(3), above, and construct and maintain wind barriers, storage silos, or a three-sided enclosure with walls, whose length is no less than equal to the length of the pile, whose distance from the pile is no more than twice the height of the pile, whose height is equal to the pile height, and whose porosity is no more than 50%.</p>	<p><u>(b) Apply water to maintain a soil moisture content at a minimum of 12%, as determined by ASTM Method D2216-98, or other equivalent methods approved by the Control Officer and the Administrator. For areas that have an optimum moisture content for compaction of less than 12%, as determined by ASTM Method D1557-91 (1998) or other equivalent methods approved by the Control Officer and the Administrator, maintain at least 70% of the optimum soil moisture content.</u></p> <p><u>(c) Implement the control measure described in Section 303.14(a)(2)(a) or in Section 303.14(a)(2)(b) of this rule and construct and maintain wind barriers, storage silos, or a three-sided enclosure with walls, whose length is no less than equal to the length of the pile, whose distance from the pile is no more than twice the height of the pile, whose height is equal to the pile height, and whose porosity is no more than 50%.</u></p> <p><u>b. Stabilization Procedures:</u></p> <p><u>(1) Control measures shall achieve the applicable requirements in Section 302 of this rule.</u></p> <p><u>(2) To determine if a control measure has been implemented to achieve the requirements in Section 302 of this rule prior to and/or while conducting stacking, loading, and unloading operations, the owner and/or operator of a dust generating operation that involves an open storage pile shall conduct opacity observations described in Section 302.1 and Section 302.2 of this rule.</u></p> <p><u>(3) To determine if a control measure has been implemented to achieve the requirements in Section 302 of this rule when not conducting stacking, loading, and unloading operations, the owner and/or operator of a dust generating operation that involves an open storage pile shall conduct the test methods described in Appendix C-Fugitive Dust Test Methods of these rules to determine if the open storage pile has a stabilized surface. The owner and/or operator shall meet one of the following test methods:</u></p> <p><u>(a) Visible crust determination (Drop Ball Test Method);</u></p> <p><u>(b) Determination of threshold friction velocity (TFV);</u></p> <p><u>(c) Determination of flat vegetative cover (Line Transect Test Method);</u></p> <p><u>(d) Determination of standing vegetative cover (Vegetative Density Factor); or</u></p> <p><u>(e) Rock Test Method</u></p>	<p>between control measures, stabilization standards, and test methods and who is responsible for determining compliance with stabilization standards and/or for conducting test methods.</p>
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Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust Draft May 17, 2007	Description Of Revision	Stakeholders' Comments
<p>Table 13 - Bulk Material Hauling/Transporting Within The Boundaries Of The Work Site When Crossing A Paved Area Accessible To The Public While Construction Is Underway</p> <p>a. An owner and/or operator must implement all of the following control measures:</p> <ol style="list-style-type: none"> 1. Load all haul trucks such that the freeboard is not less than 3 inches when crossing a paved area accessible to the public while construction is underway; 2. Prevent spillage or loss of bulk material from holes or other openings in the cargo compartment's floor, sides, and/or tailgate(s); 3. Install a suitable trackout control device that controls and prevents trackout and/or removes particulate matter from tires and the exterior surfaces of haul trucks and/or motor vehicles that traverse such work site. <p>b. Suggested additional control measure for contingency plans:</p> <ol style="list-style-type: none"> 1. Limit vehicle speeds to 15 mph on the work site. 	<p><u>303.9 Bulk Material Hauling/Transporting When On-Site Hauling/Transporting Within The Boundaries Of The Work Site And Crossing And/Or Accessing A Paved Area Accessible To The Public:</u></p> <p><u>a. Control Measures:</u> <u>The owner and/or operator of a dust generating operation that involves bulk material hauling/transporting when on-site hauling/transporting within the boundaries of the work site and crossing and/or accessing a paved area accessible to the public shall implement all of the following control measures:</u></p> <ol style="list-style-type: none"> <u>(1) Load all haul trucks such that the freeboard is not less than three inches;</u> <u>(2) 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> <u>(3) Install, maintain, and use a suitable trackout control device that controls and prevents trackout and/or removes particulate matter from tires and the exterior surfaces of haul trucks and/or motor vehicles that traverse the site.</u> <p><u>b. Stabilization Procedures:</u> <u>Control measures shall achieve the applicable requirements in Section 302 of this rule. To determine if a control measure has been implemented to achieve the requirements in Section 302 of this rule, the owner and/or operator of a dust generating operation shall conduct opacity observations described in Section 302.1 and Section 302.2 of this rule.</u></p>	<p>To delete Table 13 and Table 14 and to add control measures from Table 13 and Table 14 to Rule 310, Section 303.8 and Section 303.9, per Staff comment.</p> <p>To add stabilization procedures for determining if control measures are implemented to control fugitive dust such that fugitive dust does not exceed 20% opacity and does not cross a property line.</p> <p>Per Stakeholders' comments during Public Workshop #1-April 19, 2007, Rule 310 does not clearly distinguish between control measures, stabilization standards, and test methods and who is responsible for determining compliance with stabilization standards and/or for conducting test methods.</p> <p>For the Five Percent Plan, better define tarping requirements to include enclosure of the bed. Require cargo compartment, whether loaded or empty, to be fully enclosed prior to traveling on paved public roadways.</p>	
<p>Table 14 - Bulk Material Hauling/Transporting When On-Site Hauling/Transporting Within The Boundaries Of The Work Site But Not Crossing A Paved Area Accessible To The Public</p> <p>a. An owner and/or operator must implement one of the following control measures:</p> <ol style="list-style-type: none"> 1. Limit vehicular speeds to 15 mph or less while traveling on the work site; 2. Apply water to the top of the load in compliance with Section 301 of this rule; or 3. Cover haul trucks with a tarp or other suitable closure. 	<p><u>303.8 Bulk Material Hauling/Transporting When On-Site Hauling/Transporting Within The Boundaries Of The Work Site But Not Crossing A Paved Area Accessible To The Public:</u></p> <p><u>a. Control Measures:</u> <u>The owner and/or operator of a dust generating operation that involves bulk material hauling/transporting when on-site hauling/transporting within the boundaries of the work site but not crossing a paved area accessible to the public shall implement one of the following control measures:</u></p>	<p>To delete Table 13 and Table 14 and to add control measures from Table 13 and Table 14 to Rule 310, Section 303.8 and Section 303.9, per Staff comment.</p> <p>To add stabilization procedures for determining if control measures are implemented to control fugitive dust such that fugitive dust does not exceed 20% opacity and does not cross a property line.</p>	

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	<p><u>(1) Limit vehicle speed to 15 miles per hour or less while traveling on the work site;</u> <u>(2) Apply water to the top of the load to comply with Section 302 of this rule; or</u> <u>(3) Cover haul trucks with a tarp or other suitable closure.</u> <u>b. Stabilization Procedures:</u> <u>Control measures shall achieve the applicable requirements in Section 302 of this rule. To determine if a control measure has been implemented to achieve the requirements in Section 302 of this rule, the owner and/or operator of a dust generating operation shall conduct opacity observations described in Section 302.1 and Section 302.2 of this rule.</u></p>	<p>Per Stakeholders' comments during Public Workshop #1-April 19, 2007, Rule 310 does not clearly distinguish between control measures, stabilization standards, and test methods and who is responsible for determining compliance with stabilization standards and/or for conducting test methods.</p> <p>For the Five Percent Plan, better define tarping requirements to include enclosure of the bed. Require cargo compartment, whether loaded or empty, to be fully enclosed prior to traveling on paved public roadways.</p>	
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Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust Draft May 17, 2007	Description Of Revision	Stakeholders' Comments
<p>Table 15 - Bulk Material Hauling/Transporting Off-Site Hauling/Transporting Onto Paved Areas Accessible To The Public</p> <p>a. An owner and/or operator must implement all of the following control measures:</p> <ol style="list-style-type: none"> 1. Cover haul trucks with a tarp or other suitable closure; 2. Load all haul trucks such that the freeboard is not less than 3 inches; 3. Prevent spillage or loss of bulk material from holes or other openings in the cargo compartment's floor, sides, and/or tailgate(s); and 4. Before the empty haul truck leaves the site, clean the interior of the cargo compartment or cover the cargo compartment. 	<p><u>303.7 Bulk Material Hauling/Transporting When Off-Site Hauling/Transporting Outside The Boundaries Of The Work Site And Crossing And/Or Accessing A Paved Area Accessible To The Public:</u></p> <p><u>a. Control Measures:</u> <u>The owner and/or operator of a dust generating operation that involves bulk material hauling/transporting when off-site hauling/transporting outside the boundaries of the work site and crossing and/or accessing a paved area accessible to the public shall implement the following control measures:</u></p> <p><u>(1) When cargo compartment is loaded:</u></p> <p><u>(a) Load all haul trucks such that the freeboard is not less than three inches;</u></p> <p><u>(b) Prevent spillage or loss of bulk material from holes or other openings in the cargo compartment's floor, sides, and/or tailgate(s); and</u></p> <p><u>(c) Cover cargo compartment with a tarp or other suitable closure.</u></p> <p><u>(2) When cargo compartment is empty:</u></p> <p><u>(a) Clean the interior of the cargo compartment; or</u></p> <p><u>(b) Cover the cargo compartment with a tarp or other suitable closure.</u></p> <p><u>(3) Install, maintain, and use a suitable trackout control device that controls and prevents trackout and/or removes particulate matter from tires and the exterior surfaces of haul trucks and/or motor vehicles that traverse the site.</u></p> <p><u>b. Stabilization Procedures:</u> <u>Control measures shall achieve the applicable requirements in Section 302 of this rule. To determine if a control measure has been implemented to achieve the requirements in Section 302 of this rule, the owner and/or operator of a dust generating operation shall conduct opacity observations described in Section 302.1 and Section 302.2 of this rule.</u></p>	<p>To delete Table 15 and to add control measures from Table 15 to Rule 310, Section 303.7, per Staff comment.</p> <p>To add requirement to install, maintain, and use a trackout control device, per Staff comment.</p> <p>To add stabilization procedures for determining if control measures are implemented to control fugitive dust such that fugitive dust does not exceed 20% opacity and does not cross a property line.</p> <p>Per Stakeholders' comments during Public Workshop #1-April 19, 2007, Rule 310 does not clearly distinguish between control measures, stabilization standards, and test methods and who is responsible for determining compliance with stabilization standards and/or for conducting test methods.</p> <p>For the Five Percent Plan, better define tarping requirements to include enclosure of the bed. Require cargo compartment, whether loaded or empty, to be fully enclosed prior to traveling on paved public roadways.</p>	

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft May 17, 2007
With Stakeholders' Comments As Of Public Workshop #2-May 17, 2007**

Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust Draft May 17, 2007	Description Of Revision	Stakeholders' Comments
<p>Table 16 - Clean Up Of Trackout, Carry Out, Spillage, And Erosion</p> <p>a. An owner and/or operator must implement one of the following control measures:</p> <p>1. Operate a street sweeper or wet broom with sufficient water, at the speed recommended by the manufacturer and at the frequency(ies) described in Section 308.3 of this rule; or</p> <p>2. Manually sweep up deposits in compliance with Section 308.3 of this rule.</p>	<p><u>303.11 Trackout Control, Carry-Out, Spillage, And/Or Erosion:</u></p> <p><u>a. Control Measures:</u> The owner and/or operator of a dust generating operation shall implement all of the following control measures to control trackout, carry-out, spillage, and/or erosion:</p> <p><u>(1) Install, maintain and use a suitable trackout control device that controls and prevents trackout and/or removes particulate matter from tires and the exterior surfaces of haul trucks and/or motor vehicles that traverse the site at all exits onto paved areas accessible to the public from both of the following:</u></p> <p><u>(a) All work sites with a disturbed surface area of one acre or larger, and</u></p> <p><u>(b) All work sites where 100 cubic yards of bulk materials are hauled on-site and/or off-site per day.</u></p> <p><u>(2) Clean up, trackout, carry-out, spillage, and/or erosion from paved areas accessible to the public including curbs, gutters, and sidewalks, on the following time-schedule:</u></p> <p><u>(a) Immediately, when trackout, carry-out, or spillage extends a cumulative distance of 25 linear feet or more; and</u></p> <p><u>(b) At the end of the workday, for all other trackout, carry-out, spillage, and/or erosion.</u></p> <p><u>(3) Prevent trackout, carry-out, spillage, and/or erosion by implementing one of the following control measures:</u></p> <p><u>(a) At all access points, install a wheel wash system;</u></p> <p><u>(b) At all access points, install a gravel pad to comply with Section 214 of this rule;</u></p> <p><u>(c) Pave starting from the point of intersection with a paved area accessible to the public and extending for a centerline distance of at least 100 feet and a width of at least 20 feet;</u></p> <p><u>(d) Operate a street sweeper or wet broom with sufficient water, including but not limited to kick broom, steel bristle broom, Teflon broom, vacuum, at the speed recommended by the manufacturer and at the frequency(ies) described in this section of this rule; or</u></p> <p><u>(e) Manually sweep-up deposits to comply with this section of this rule.</u></p> <p><u>b. Stabilization Procedures:</u> Control measures shall achieve the applicable requirements in Section 302 of this rule. To determine if a control measure has been implemented to achieve the requirements in Section 302 of this rule, the owner and/or operator of a dust generating operation shall conduct opacity observations described in Section 302.1 and Section 302.2 of this rule.</p>	<p>To delete Table 16 and Table 17 and to add control measures from Table 16 and Table 17 to Rule 310, Section 303.11, per Staff comment.</p> <p>To add stabilization procedures for determining if control measures are implemented to control fugitive dust such that fugitive dust does not exceed 20% opacity and does not cross a property line.</p> <p>Per Stakeholders' comments during Public Workshop #1-April 19, 2007, Rule 310 does not clearly distinguish between control measures, stabilization standards, and test methods and who is responsible for determining compliance with stabilization standards and/or for conducting test methods.</p>	

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft May 17, 2007
With Stakeholders' Comments As Of Public Workshop #2-May 17, 2007**

Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust Draft May 17, 2007	Description Of Revision	Stakeholders' Comments
<p>Table 17 - Trackout Control a. An owner and/or operator must implement all of the following control measures: 1. Immediately clean up trackout that exceeds 50 feet. All other trackout must be cleaned up at the end of the workday; and 2. In accordance with Section 308.3(a), prevent trackout by implementing one of the following control measures: i. At all access points, install a grizzly or wheel wash system. ii. At all access points, install a gravel pad at least 30 feet wide, 50 feet long, and 6 inches deep, in compliance with Section 213 of this rule. iii. Pave starting from the point of intersection with a paved area accessible to the public and extending for a centerline distance of at least 100 feet and a width of at least 20 feet. b. Suggested additional control measures for contingency plans: 1. Clearly establish and enforce traffic patterns to route traffic over selected trackout control devices. 2. Limit site accessibility to routes with trackout control devices in place by installing effective barriers on unprotected routes. 3. Pave construction activity roadways as soon as possible.</p>	<p><u>303.11 Trackout Control, Carry-Out, Spillage, And/Or Erosion:</u> <u>a. Control Measures:</u> The owner and/or operator of a dust generating operation shall implement all of the following control measures to control trackout, carry-out, spillage, and/or erosion: <u>(1) Install, maintain and use a suitable trackout control device that controls and prevents trackout and/or removes particulate matter from tires and the exterior surfaces of haul trucks and/or motor vehicles that traverse the site at all exits onto paved areas accessible to the public from both of the following:</u> <u>(a) All work sites with a disturbed surface area of one acre or larger, and</u> <u>(b) All work sites where 100 cubic yards of bulk materials are hauled on-site and/or off-site per day.</u> <u>(2) Clean up, trackout, carry-out, spillage, and/or erosion from paved areas accessible to the public including curbs, gutters, and sidewalks, on the following time-schedule:</u> <u>(a) Immediately, when trackout, carry-out, or spillage extends a cumulative distance of 25 linear feet or more; and</u> <u>(b) At the end of the workday, for all other trackout, carry-out, spillage, and/or erosion.</u> <u>(3) Prevent trackout, carry-out, spillage, and/or erosion by implementing one of the following control measures:</u> <u>(a) At all access points, install a wheel wash system;</u> <u>(b) At all access points, install a gravel pad to comply with Section 214 of this rule;</u> <u>(c) Pave starting from the point of intersection with a paved area accessible to the public and extending for a centerline distance of at least 100 feet and a width of at least 20 feet;</u> <u>(d) Operate a street sweeper or wet broom with sufficient water, including but not limited to kick broom, steel bristle broom, Teflon broom, vacuum, at the speed recommended by the manufacturer and at the frequency(ies) described in this section of this rule; or</u> <u>(e) Manually sweep-up deposits to comply with this section of this rule.</u> <u>b. Stabilization Procedures:</u> Control measures shall achieve the applicable requirements in Section 302 of this rule. To determine if a control measure has been implemented to achieve the requirements in Section 302 of this rule, the owner and/or operator of a dust generating operation shall conduct opacity observations described in Section 302.1 and Section 302.2 of this rule.</p>	<p>To delete Table 16 and Table 17 and to add control measures from Table 16 and Table 17 to Rule 310, Section 303.11, per Staff comment.</p> <p>To add stabilization procedures for determining if control measures are implemented to control fugitive dust such that fugitive dust does not exceed 20% opacity and does not cross a property line.</p> <p>Per Stakeholders' comments during Public Workshop #1-April 19, 2007, Rule 310 does not clearly distinguish between control measures, stabilization standards, and test methods and who is responsible for determining compliance with stabilization standards and/or for conducting test methods.</p>	

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft May 17, 2007
With Stakeholders' Comments As Of Public Workshop #2-May 17, 2007**

Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust Draft May 17, 2007	Description Of Revision	Stakeholders' Comments
<p>Table 18 - Weed Abatement By Discing Or Blading</p> <p>a. An owner and/or operator must implement all of the following control measures:</p> <ol style="list-style-type: none"> 1. Pre-water site; 2. Apply water while weed abatement by discing or blading is occurring; and 3. Stabilize area by implementing either one of the following: <ol style="list-style-type: none"> i. Pave, apply gravel, apply water, or apply a suitable dust suppressant, in compliance with Section 302.3 of this rule, after weed abatement by discing or blading occurs; or ii. Establish vegetative ground cover in sufficient quantity, in compliance with Section 302.3 of this rule, after weed abatement by discing or blading occurs. <p>b. Suggested additional control measures for contingency plans:</p> <ol style="list-style-type: none"> 1. Limit vehicle speeds to 15 mph during discing and blading operations. 	<p><u>303.16 Weed Abatement By Discing Or Blading:</u></p> <p><u>a. Control Measures:</u> <u>The owner and/or operator of a dust generating operation that involves weed abatement by discing or blading shall comply with all of the following control measures:</u></p> <p><u>(1)</u> <u>Before weed abatement by discing or blading occurs, apply water;</u></p> <p><u>(2)</u> <u>While weed abatement by discing or blading is occurring, apply water; and</u></p> <p><u>(3)</u> <u>After weed abatement by discing or blading occurs, pave, apply gravel, apply water, apply a suitable dust suppressant other than water, or establish vegetative ground cover.</u></p> <p><u>b. Stabilization Procedures:</u> <u>Control measures shall achieve the applicable requirements in Section 302 of this rule. To determine if a control measure has been implemented to achieve the requirements in Section 302 of this rule, the owner and/or operator of a dust generating operation shall conduct opacity observations described in Section 302.1 and Section 302.2 of this rule.</u></p>	<p>To delete Table 18 and to add control measures from Table 18 to Rule 310, Section 303.16, per Staff comment.</p> <p>To add stabilization procedures for determining if control measures are implemented to control fugitive dust such that fugitive dust does not exceed 20% opacity and does not cross a property line.</p> <p>Per Stakeholders' comments during Public Workshop #1-April 19, 2007, Rule 310 does not clearly distinguish between control measures, stabilization standards, and test methods and who is responsible for determining compliance with stabilization standards and/or for conducting test methods.</p>	

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft May 17, 2007
With Stakeholders' Comments As Of Public Workshop #2-May 17, 2007**

Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust Draft May 17, 2007	Description Of Revision	Stakeholders' Comments
<p>Table 19 - Easements, Rights-Of-Way, And Access Roads For Utilities (Electricity, Natural Gas, Oil, Water, And Gas Transmission) Associated With Sources That Have A Non-Title V Permit, A Title V Permit, And/Or A General Permit Under These Rules</p> <p>a. An owner and/or operator must implement one of the following control measures:</p> <p>1. Inside the PM₁₀ nonattainment area, restrict vehicular speeds to 15 mph and vehicular trips to no more than 20 per day per road;</p> <p>2. Outside the PM₁₀ nonattainment area, restrict vehicular trips to no more than 20 per day per road; or</p> <p>3. Implement control measures, as described in Table 3 (Unpaved Haul/Access Roads) of this rule.</p> <p>Note: For Tables 20 & 21, control measures in [brackets] are to be applied only to dust generating operations outside the nonattainment area.</p>	<p><u>303.13 Easements, Rights-Of-Way, And Access Roads For Utilities (Electricity, Natural Gas, Oil, Water, And Gas Transmission) Associated With Sources That Have A Non-Title V Permit, A Title V Permit, And/Or A General Permit Under These Rules:</u></p> <p><u>a. Control Measures: The owner and/or operator of a dust generating operation that involves an easement, right-of-way, and access road for utilities (electricity, natural gas, oil, water, and gas transmission) associated with sources that have a Title V permit, a Non-Title V permit, and/or a General permit under these rules shall implement at least one of the following control measures:</u></p> <p><u>(1) Inside the PM₁₀ nonattainment area, limit vehicle speed to 15 miles per hour or less and vehicle trips to no more than 20 per day per road;</u></p> <p><u>(2) Outside the PM₁₀ nonattainment area, limit vehicle trips to no more than 20 per day per road; or</u></p> <p><u>(3) Implement control measures described in Section 303.12 of this rule.</u></p> <p><u>b. Stabilization Procedures:</u></p> <p><u>(1) Control measures shall achieve the applicable requirements in Section 302 of this rule.</u></p> <p><u>(2) To determine if a control measure has been implemented to achieve the requirements in Section 302 of this rule, the owner and/or operator of a dust generating operation that involves an easement, right-of-way, and access road for utilities (electricity, natural gas, oil, water, and gas transmission) associated with sources that have a Title V permit, a Non-Title V permit, and/or a General permit under these rules shall conduct the opacity test method to determine the percent opacity of fugitive dust plumes caused when/at the time vehicles move/drive on the unpaved road described in Appendix C-Fugitive Dust Test Methods of these rules and shall conduct the silt content test method to determine the silt content of the trafficked areas of the unpaved road when vehicles are not moving/driving on the unpaved road described in Appendix C-Fugitive Dust Test Methods of these rules.</u></p> <p><u>(3) In order to be in compliance with this rule, visible fugitive dust emissions shall not exceed 20% opacity and either the silt loading shall not be equal to or greater than 0.33 oz/ft² or the silt content shall not exceed 6%.</u></p>	<p>To delete Table 19 and to add control measures from Table 19 to Rule 310, Section 303.13, per Staff comment.</p> <p>To add stabilization procedures for determining if control measures are implemented to control fugitive dust such that fugitive dust does not exceed 20% opacity and does not cross a property line.</p> <p>Per Stakeholders' comments during Public Workshop #1-April 19, 2007, Rule 310 does not clearly distinguish between control measures, stabilization standards, and test methods and who is responsible for determining compliance with stabilization standards and/or for conducting test methods.</p>	

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft May 17, 2007
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Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust Draft May 17, 2007	Description Of Revision	Stakeholders' Comments
<p>Table 20 - Wind Event Control Measures-Dust Generating Operations</p> <p>a. An owner and/or operator must implement one of the following control measures:</p> <p>1. Cease dust generating operations for the duration of the condition/situation/event when the 60-minute average wind speed is greater than 25 mph and if dust generating operations are ceased for the remainder of the work day, stabilize the area;</p> <p>2. Apply water or other suitable dust suppressant at least twice [once] per hour, in compliance with Section 301 of this rule;</p> <p>3. Apply water as necessary to maintain a soil moisture content at a minimum of 12%, as determined by ASTM Method D2216-98 or other equivalent method as approved by the Control Officer and the Administrator of EPA. For areas that have an optimum moisture content for compaction of less than 12%, as determined by ASTM Method D1557-91 (1998) or other equivalent method approved by the Control Officer and the Administrator of EPA, maintain at least 70% of the optimum soil moisture content; or</p> <p>4. Implement (a)(2) or (a)(3), above, and construct fences or three-foot to five-foot high wind barriers with 50% or less porosity adjacent to roadways or urban areas to reduce the amount of wind-blown material leaving a site.</p>	<p><u>302.3 Exemptions From Dust Generating Operation Opacity Limitation Requirement:</u></p> <p><u>a. Wind Event:</u> Exceedances of the opacity limit described in Section 302.1 and Section 302.2 of this rule that occur due to a wind event shall constitute a violation of the opacity limit. However, it shall be an affirmative defense in an enforcement action if the owner and/or operator demonstrates all of the following conditions:</p> <p><u>(1)</u> All control measures required were followed and 4 <u>one</u> or more of the following control measures in Tables 20 & 21 <u>was</u> were applied and maintained;:</p> <p><u>(a)</u> For dust generating operations:</p> <p><u>(i)</u> Cease dust generating operations for the duration of the condition/situation/event when the 60-minute average wind speed is greater than 25 miles per hour and if dust generating operations are ceased for the remainder of the work day, stabilize the area;</p> <p><u>(ii)</u> Apply water or other suitable dust suppressant at least twice per hour to dust generating operations in the PM₁₀ nonattainment area and at least once per hour to dust generating operations outside the PM₁₀ nonattainment area, in compliance with Section 302.1 of this rule;</p> <p><u>(iii)</u> Apply water as necessary to maintain a soil moisture content at a minimum of 12%, as determined by ASTM Method D2216-98 or other equivalent method as approved by the Control Officer and the Administrator. For areas that have an optimum moisture content for compaction of less than 12%, as determined by ASTM Method D1557-91 (1998) or other equivalent method approved by the Control Officer and the Administrator, maintain at least 70% of the optimum soil moisture content; or</p> <p><u>(iv)</u> Implement Section 302.3(a)(1)(a)(ii) or Section 302.3(a)(1)(a)(iii) of this rule and construct fences or three-foot to five-foot high wind barriers with 50% or less porosity adjacent to roadways or urban areas to reduce the amount of wind-blown material leaving a site.</p> <p><u>(b)</u> For temporary disturbed surface areas, including but not limited to, after work hours, weekends, and holidays:</p> <p><u>(i)</u> Uniformly apply and maintain surface gravel or dust suppressants, in compliance with Appendix C-Fugitive Dust Test Methods of these rules;</p> <p><u>(ii)</u> Apply water to all disturbed surface areas three times per day. If there is any evidence of wind-blown dust, increase watering frequency to a minimum of four times per day;</p> <p><u>(iii)</u> Apply water on open storage piles at least twice per hour</p>	<p>To remove reference to Table 20 and Table 21 and to add control measures from Table 20 and Table 21 - regarding wind event - to Rule 310, Section 302.3, per Staff comment.</p> <p>To add requirement that all areas used to test and validate design integrity, product quality, and/or commercial acceptance and all areas not used to test and validate design integrity, product quality, and/or commercial acceptance must comply with Appendix C-Fugitive Dust Test Methods and that vehicle test and development facilities may require a Dust Control permit in accordance with Rule 310, Section 301, per Staff comment.</p>	

**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft May 17, 2007
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	<p>to temporary disturbed surface areas in the PM₁₀ nonattainment area and at least once per hour to temporary disturbed surface areas outside the PM₁₀ nonattainment area, in compliance with Appendix C-Fugitive Dust Test Methods of these rules; or</p> <p><u>(iv) Cover open storage piles with tarps, plastic, or other material such that wind will not remove the covering(s).</u></p> <p><u>(2) The 20% opacity exceedance Exceedance of the opacity limitation could not have been prevented by better application, implementation, operation, or maintenance of control measures;</u></p> <p><u>(3) The owner and/or operator compiled and retained records, in accordance with Section 502-Recordkeeping of this rule; and</u></p> <p><u>(4) The occurrence of a wind event on the day(s) in question is documented by records. The occurrence of a wind event must be determined by the nearest Maricopa County Environmental Services Department Air Quality Division <u>Maricopa County Air Quality Department</u> monitoring station, from any other certified meteorological station, or by a wind instrument that is calibrated according to manufacturer's standards and that is located at the site being checked.</u></p> <p>b. Emergency Maintenance Of Flood Control Channels And Water Retention Basins: No opacity limitation shall <u>The dust generating operation opacity limitation requirement shall not apply to emergency maintenance of flood control channels and water retention basins, provided that control measures are implemented.</u></p> <p>c. Vehicle Test And Development Facilities And Operations: No opacity limitation shall <u>The dust generating operation opacity limitation requirement shall not apply to vehicle test and development facilities and operations when dust is required to test and validate design integrity, product quality, and/or commercial acceptance, if such testing is not feasible within enclosed facilities. However, all areas used to test and validate design integrity, product quality, and/or commercial acceptance shall be stabilized after such testing, in compliance with Appendix C-Fugitive Dust Test Methods, and all areas not used to test and validate design integrity, product quality, and/or commercial acceptance shall be stabilized, in compliance with Appendix C-Fugitive Dust Test Methods of these rules. In addition, vehicle test and development facilities may require a Dust Control permit in accordance with Section 301 of this rule.</u></p>		
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**Comparison Of Rule 310-Adopted April 7, 2004 With Rule 310-Draft May 17, 2007
With Stakeholders' Comments As Of Public Workshop #2-May 17, 2007**

Rule 310 - Fugitive Dust Adopted April 7, 2004	Rule 310 - Fugitive Dust Draft May 17, 2007	Description Of Revision	Stakeholders' Comments
<p>Table 21 - Wind Event Control Measures-Temporary Disturbed Surface Areas (After Work Hours, Weekends, Holidays)</p> <p>a. An owner and/or operator must implement one of the following control measures:</p> <ol style="list-style-type: none"> 1. Uniformly apply and maintain surface gravel or dust suppressants, in compliance with Section 302.3 of this rule; 2. Apply water to all disturbed surface areas 3 times per day. If there is any evidence of wind-blown dust, increase watering frequency to a minimum of 4 times per day; 3. Apply water on open storage piles at least twice [once] per hour, in compliance with Section 302.3 of this rule; or 4. Cover open storage piles with tarps, plastic, or other material such that wind will not remove the covering(s). <p>b. Suggested additional control measures for contingency plans:</p> <ol style="list-style-type: none"> 1. Implement a combination of the control measures listed in (a)(1) through (a)(4), above. 	<p><u>302.3 Exemptions From Dust Generating Operation Opacity Limitation Requirement:</u></p> <p><u>a. Wind Event:</u> Exceedances of the opacity limit described in <u>Section 302.1 and Section 302.2 of this rule</u> that occur due to a wind event shall constitute a violation of the opacity limit. However, it shall be an affirmative defense in an enforcement action if the owner and/or operator demonstrates all of the following conditions:</p> <p><u>(1)</u> All control measures required were followed and 4 <u>one</u> or more of the <u>following</u> control measures in Tables 20 & 21 <u>was</u> were applied and maintained;:</p> <p><u>(a)</u> <u>For dust generating operations:</u></p> <p><u>(i)</u> <u>Cease dust generating operations for the duration of the condition/situation/event when the 60-minute average wind speed is greater than 25 miles per hour and if dust generating operations are ceased for the remainder of the work day, stabilize the area;</u></p> <p><u>(ii)</u> <u>Apply water or other suitable dust suppressant at least twice per hour to dust generating operations in the PM₁₀ nonattainment area and at least once per hour to dust generating operations outside the PM₁₀ nonattainment area, in compliance with Section 302.1 of this rule;</u></p> <p><u>(iii)</u> <u>Apply water as necessary to maintain a soil moisture content at a minimum of 12%, as determined by ASTM Method D2216-98 or other equivalent method as approved by the Control Officer and the Administrator. For areas that have an optimum moisture content for compaction of less than 12%, as determined by ASTM Method D1557-91 (1998) or other equivalent method approved by the Control Officer and the Administrator, maintain at least 70% of the optimum soil moisture content; or</u></p> <p><u>(iv)</u> <u>Implement Section 302.3(a)(1)(a)(ii) or Section 302.3(a)(1)(a)(iii) of this rule and construct fences or three-foot to five-foot high wind barriers with 50% or less porosity adjacent to roadways or urban areas to reduce the amount of wind-blown material leaving a site.</u></p> <p><u>(b)</u> <u>For temporary disturbed surface areas, including but not limited to, after work hours, weekends, and holidays:</u></p> <p><u>(i)</u> <u>Uniformly apply and maintain surface gravel or dust suppressants, in compliance with Appendix C-Fugitive Dust Test Methods of these rules;</u></p> <p><u>(ii)</u> <u>Apply water to all disturbed surface areas three times per day. If there is any evidence of wind-blown dust, increase watering frequency to a minimum of four times per day;</u></p> <p><u>(iii)</u> <u>Apply water on open storage piles at least twice per hour to temporary disturbed surface areas in the PM₁₀ nonattainment area and at least once per hour to temporary disturbed surface areas outside the PM₁₀ nonattainment area, in compliance with</u></p>	<p>To remove reference to Table 20 and Table 21 and to add control measures from Table 20 and Table 21 - regarding wind event - to Rule 310, Section 302.3, per Staff comment.</p> <p>To add requirement that all areas used to test and validate design integrity, product quality, and/or commercial acceptance and all areas not used to test and validate design integrity, product quality, and/or commercial acceptance must comply with Appendix C-Fugitive Dust Test Methods and that vehicle test and development facilities may require a Dust Control permit in accordance with Rule 310, Section 301, per Staff comment.</p>	

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	<p>Appendix C-Fugitive Dust Test Methods of these rules; or <u>(iv) Cover open storage piles with tarps, plastic, or other material such that wind will not remove the covering(s).</u> <u>(2) The 20% opacity exceedance Exceedance of the opacity limitation could not have been prevented by better application, implementation, operation, or maintenance of control measures;</u> <u>(3) The owner and/or operator compiled and retained records, in accordance with Section 502-Recordkeeping of this rule; and</u> <u>(4) The occurrence of a wind event on the day(s) in question is documented by records. The occurrence of a wind event must be determined by the nearest Maricopa County Environmental Services Department Air Quality Division <u>Maricopa County Air Quality Department</u> monitoring station, from any other certified meteorological station, or by a wind instrument that is calibrated according to manufacturer's standards and that is located at the site being checked.</u> <u>b. Emergency Maintenance Of Flood Control Channels And Water Retention Basins:</u> No opacity limitation shall <u>The dust generating operation opacity limitation requirement shall not apply to emergency maintenance of flood control channels and water retention basins, provided that control measures are implemented.</u> <u>c. Vehicle Test And Development Facilities And Operations:</u> No opacity limitation shall <u>The dust generating operation opacity limitation requirement shall not apply to vehicle test and development facilities and operations when dust is required to test and validate design integrity, product quality, and/or commercial acceptance, if such testing is not feasible within enclosed facilities. However, all areas used to test and validate design integrity, product quality, and/or commercial acceptance shall be stabilized after such testing, in compliance with Appendix C-Fugitive Dust Test Methods, and all areas not used to test and validate design integrity, product quality, and/or commercial acceptance shall be stabilized, in compliance with Appendix C-Fugitive Dust Test Methods of these rules. In addition, vehicle test and development facilities may require a Dust Control permit in accordance with Section 301 of this rule.</u></p>		
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**Comparison Of Rule 310.01-Adopted February 17, 2005 With Rule 310.01-Draft May 17, 2007
With Stakeholders' Comments As Of Public Workshop #2-May 17, 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 May 17, 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>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 <u>To minimize the amount of fine particulate matter (PM₁₀) fugitive dust entrained into the ambient air as a result of the impact of human activities from non-traditional sources of fugitive dust by requiring measures to prevent, reduce, or mitigate particulate matter 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>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 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>The provisions of this rule shall apply to 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. 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 clarify the applicability 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><u>103 Exemptions: 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.</u></p>	<p>To change format for clarity.</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>

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			<p>City Of Phoenix: An exemption for emergency activities should be included in Section 103. Emergency activities include operations that may disturb the soil for the prevention of public injury or the restoration of critical utilities to functional status. Such an exemption is allowed in the Clark County's Section 94.2.5. In addition, a definition for an emergency activity should be provided in Rule 310. Suggested revision: 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.</p>
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**Comparison Of Rule 310.01-Adopted February 17, 2005 With Rule 310.01-Draft May 17, 2007
With Stakeholders' Comments As Of Public Workshop #2-May 17, 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 May 17, 2007</p>	<p align="center">Description Of Revision</p>	<p align="center">Stakeholders' Comments</p>
	<p><u>201 Area Accessible To The Public</u> – <u>Any parking lot or public roadway open to public travel primarily for purposes unrelated to the dust generating operation.</u></p>	<p>To add definition of “area accessible to the public”.</p> <p>Proposed definition matches definition used in Rule 310. Term is used in Rule 310.01, Sections 219 and 220.</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>202 Bulk Material</u> - Any material, including, but not limited to, <u>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.:</u></p> <p><u>202.1 Earth</u> <u>202.2 Rock</u> <u>202.3 Silt</u> <u>202.4 Sediment</u> <u>202.5 Sand</u> <u>202.6 Gravel</u> <u>202.7 Soil</u> <u>202.8 Fill</u> <u>202.9 Aggregate less than 2 inches in length or diameter (i.e., aggregate base course (ABC))</u> <u>202.10 Dirt</u> <u>202.11 Mud</u> <u>202.12 Demolition debris</u> <u>202.13 Cotton</u> <u>202.14 Trash</u> <u>202.15 Cinders</u> <u>202.16 Pumice</u> <u>202.17 Saw dust</u> <u>202.18 Feeds</u> <u>202.19 Grains</u> <u>202.20 Fertilizers</u> <u>202.21 Fluff from shredders</u> <u>202.22 Dry concrete</u></p>	<p>To change format for clarity and to list only once materials that are listed twice (i.e., earth and soil).</p>	

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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>203 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>204 Control Measure - A technique, practice, or procedure used to prevent or minimize the generation, emission, entrainment, suspension, and/or airborne transport of fugitive dust.</p>	<p>No change proposed.</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>205 Disturbed Surface Area - A portion of the earth's surface (or material placed thereupon) which has been physically moved, uncovered, destabilized, or otherwise modified from its undisturbed native condition, thereby increasing the potential for the emission of fugitive dust. For the purpose of this rule, an area is considered to be a disturbed surface area until the activity that caused the disturbance has been completed and the disturbed surface area meets the standards described in Section 300 of this rule, as applicable.</p>	<p>No change proposed.</p>	

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	<p><u>206 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, landscape maintenance and playing on or maintaining a field used for non-motorized sports shall not be considered a dust generating operation. However, landscape maintenance shall not include grading, trenching, or any other mechanized surface disturbing activities performed to establish initial landscapes or to redesign existing landscapes.</p> <p><u>206.1 Land clearing, maintenance, and land Cleanup using machinery</u></p> <p><u>206.2 Earthmoving</u></p> <p><u>206.3 Weed abatement by discing or blading</u></p> <p><u>206.4 Excavating</u></p> <p><u>206.5 Soil or rock excavation or removal</u></p> <p><u>206.6 Soil or rock hauling</u></p> <p><u>206.7 Filling, compacting, stockpiling and grading</u></p> <p><u>206.8 Explosive blasting</u></p> <p><u>206.9 Abrasive blasting</u></p> <p><u>206.10 Concrete, stone, and tile cutting</u></p> <p><u>206.11 Mechanized trenching</u></p> <p><u>206.12 Handling of building materials capable Of entrainment in air (e.g., sand, cement powder)</u></p> <p><u>206.13 Construction</u></p> <p><u>206.14 Demolition</u></p> <p><u>206.15 Bulk material handling</u></p> <p><u>206.16 Storage and/or transporting operations</u></p> <p><u>206.17 Vehicle use and movement</u></p> <p><u>206.18 Operation of any outdoor equipment</u></p> <p><u>206.19 Operation of motorized machinery</u></p> <p><u>206.20 Driving vehicles on a site</u></p> <p><u>206.21 Establishing and/or using staging areas, parking areas, material storage areas, or access routes to and from a site</u></p> <p><u>206.22 Initial landscaping</u></p>	<p>To add definition of "dust generating operation".</p> <p>Proposed definition matches definition used in Rule 310. Term is used in Rule 310.01, Sections 102.1 and 201.</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>

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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>207 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>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.</p>	<p>208 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.</p>	<p>No change proposed.</p>	
<p>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.</p>	<p>209 Fugitive Dust - The particulate matter not collected by a capture system that is entrained in the ambient air and is caused from human and/or natural activities, such as, but not limited to, movement of soil, vehicles, equipment, blasting, and wind. For the purpose of this rule, fugitive dust does not include particulate matter emitted directly from the exhaust of motor vehicles and other internal combustion engines, from portable brazing, soldering, or welding equipment, and from piledrivers, and does not include emissions from process and combustion sources that are subject to other rules in Regulation III (Control Of Air Contaminants) of these rules.</p>	<p>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 May 17, 2007</p>	<p align="center">Description Of Revision</p>	<p align="center">Stakeholders' Comments</p>
<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>210 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>211 Non-Traditional Source Of Fugitive Dust - <u>A source of fugitive dust that is not subject to Rule 310-Fugitive Dust of these rules, including but not limited to the following:</u> <u>211.1 Vehicle use in open areas and vacant lots</u> <u>211.2 Open areas and vacant lots</u> <u>211.3 Unpaved parking lots</u> <u>211.4 Unpaved roadways (including alleys)</u> <u>211.5 Feedlots and/or livestock areas</u> <u>211.6 Erosion-caused deposition of bulk materials onto paved surfaces</u> <u>211.7 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>212 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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<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>213 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>214 Open Areas And Vacant Lots - Any of the following described in Section 211.4 <u>Section 214.1</u> through Section 211.4 <u>Section 214.4</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. 211.1 <u>214.1</u> An unsubdivided or undeveloped tract of land adjoining a developed or a partially developed residential, industrial, institutional, governmental, or commercial area. 211.2 <u>214.2</u> 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 <u>214.3</u> A partially developed residential, industrial, institutional, governmental, or commercial lot. 211.4 <u>214.4</u> A tract of land, in the PM₁₀ nonattainment area, adjoining agricultural property.</p>	<p>No change proposed.</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>215 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>216 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>217 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>215 Public Roadways - Any roadways that are open to public travel.</p>	<p>218 Public Roadways - Any roadways that are open to public travel.</p>	<p>No change proposed.</p>	
	<p>219 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. Proposed definition matches definition used in Rule 310.</p>	
	<p>220 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. Term is used in Rule 310.01, Section 307.4.</p>	<p>Attendee At Pubic Workshop #2-May 17, 2007: Add “grizzly” to definition of “trackout control device” to match definition used in Rule 310.</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>221 Unpaved Parking Lot - Any area larger than 5,000 square feet that is not paved and that is used for parking, maneuvering, <u>material handling, or storing motor vehicles and equipment. An unpaved parking lot includes, but is not limited to, automobile impound yards, wrecking yards, automobile dismantling yards, salvage yards, material handling yards, and storage yards. For the purpose of this 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>	

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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 May 17, 2007</p>	<p align="center">Description Of Revision</p>	<p align="center">Stakeholders' Comments</p>
<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>222 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>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>223 Vacant Lot - The definition of vacant lot is included in Section 214 <u>Section 214</u>-Definition Of Open Areas And Vacant Lots of this rule.</p>	<p>No change proposed.</p>	

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	<p><u>301 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></p>	<p>To clarify the standards to which an owner and/or operator is subject.</p>	
	<p><u>302 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. If such costs are not reimbursed, the Control Officer may request a lien be placed on the subject land/property that shall remain in full force and effect until any and all such costs have been collected.</u></p>	<p>To clarify the standards to which an owner and/or operator is subject. Proposed text matches Clark County's Section 94-Permitting And Dust Control For Construction Activities.</p>	
	<p><u>303 Visible Emissions From Non-Traditional Sources Of Fugitive Dust: The owner and/or operator of a non-traditional source of fugitive dust shall be subject, at all times, to the visible emissions limitations/requirements described in this section of this rule. The owner and/or operator of a non-traditional source of fugitive</u></p>	<p>To clarify that owner and/or operator of a non-traditional source of fugitive dust is subject to visible emissions limitations/requirements.</p>	

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	<u>dust, unless otherwise specified and/or required, shall comply with the requirements described in Section 303.1 and Section 303.2 of this rule, as applicable.</u>		
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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 May 17, 2007</p>	<p align="center">Description Of Revision</p>	<p align="center">Stakeholders' Comments</p>
	<p><u>303.1 Non-Traditional Sources Of Fugitive Dust Opacity Limitation Requirement:</u> <u>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.</u> <u>b. To determine if a non-traditional source of fugitive dust has met the opacity limitation requirement described in Section 303.1(a) of this rule, the owner and/or operator shall conduct opacity observations in accordance with the test methods described in the Environmental Protection Agency (EPA) Reference Method 9-Visual Determination Of The Opacity Of Emissions From Stationary Sources, 40 CFR 60, Appendix A. Opacity observations for continuous dust plumes and non-continuous dust plumes/intermittent visible emissions shall be conducted in accordance with the time-averaged test methods described in Appendix C-Fugitive Dust Test Methods of these rules.</u></p>	<p>To clarify that owner and/or operator of a non-traditional source of fugitive dust cannot cause or allow visible fugitive dust emissions to exceed 20% opacity.</p> <p>To add description of how owner and/or operator of a non-traditional source of fugitive dust can determine if dust generating operation is meeting the 20% opacity standard.</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><u>303.2 Property Line Opacity Limitation Requirement:</u> <u>a. The owner and/or operator of a non-traditional source of fugitive dust shall not cause or allow visible fugitive dust emissions to remain visible in the atmosphere beyond the property line.</u> <u>b. To determine if a non-traditional source of fugitive dust has met the opacity limitation requirement described in Section 303.2(a) of this rule, the owner and/or operator shall conduct opacity observations in accordance with the test methods described...</u></p>	<p>To clarify that owner and/or operator of a non-traditional source of fugitive dust cannot cause or allow visible fugitive dust emissions to remain visible in the atmosphere beyond the property line.</p> <p>To add description of how owner and/or operator of a non-traditional source of fugitive dust can determine if dust generating operation is meeting the 0% opacity standard.</p> <p>0% opacity standard at the property line matches standard in Rule 316-Nonmetallic Mineral Processing and matches Clark County Section 94-Permitting And Dust Control For Construction Activities.</p>	<p>City Of Phoenix: In most cases, new construction and routine maintenance of utilities and rights-of-way are located at property boundaries. Property line visible emissions should not apply for such activities provided they are meeting all other rule and/or permit requirements. Suggested revision: Add Section 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>

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	<p><u>304 Control Measures For Non-Traditional Sources Of Fugitive Dust:</u> <u>304.1</u> When engaged in the activities and/or operations described in Section 305 through Section 311 of this rule, the owner and/or operator of a non-traditional source of fugitive dust shall implement control measures as described in Section 305 through Section 311 of this rule, as applicable. <u>304.2</u> Control measures shall be implemented to achieve the requirements in Section 303 of this rule. <u>304.3</u> To determine if a control measure has been implemented to achieve the requirements in Section 303 of this rule, the owner and/or operator of a non-traditional source of fugitive dust shall conduct opacity observations as described in Section 303.1 and Section 303.2 of this rule and shall conduct stabilization procedures as described in Section 305 through Section 311 of this rule, as applicable. <u>304.4</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 Section 303 of 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>Proposed text matches Rule 310 and matches Clark County's Section 94-Permitting And Dust Control For Construction Activities.</p> <p>In order to comply with Rule 310.01, an owner and/or operator has two duties: to install, maintain, and use control measures and to meet the stabilization requirements.</p> <p>Control measures must control fugitive dust such that fugitive dust does not exceed 20% opacity and does not cross a property line. In order for an owner and/or operator to determine if control measures are meeting such requirement, an owner and/or operator must use opacity observations (i.e., EPA Test Method 9 or time-averaged test method of visual opacity determination of emissions from dust generating operations - for intermittent visible emissions - non-continuous dust plume and continuous dust plumes) and must use stabilization procedures (i.e., for unpaved parking lots and unpaved roads - silt content test method and for open areas and vacant lots - visible crust determination (drop ball test), threshold friction velocity, flat vegetative cover, standing vegetative cover, and rock test method).</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>305 Vehicle Use In Open Areas And Vacant Lots: <u>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 square feet or more that are 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 calendar days following the initial discovery of disturbance or vehicle use on open areas and vacant lots.</u> <u>305.2 Within 30 calendar days following the initial discovery 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> <u>305.3 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 achieves one of the requirements described in Section 305.7 of this rule.</u> <u>305.4 Once a control measure in Section 305.6 of this rule has been effectively implemented, then such open area or vacant lot is subject to the requirements of Section 306-Open Areas And Vacant Lots of this rule.</u> <u>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 landscape maintenance of such open areas and vacant lots shall not be considered vehicle use in open areas and vacant lots</u></p>	<p>To change format for clarity.</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><u>and shall not be subject to the 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, landscape maintenance does not include grading, trenching, or any other mechanized surface disturbing activities performed to establish initial landscapes or to redesign existing landscapes.</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</u> activities performed to establish initial landscapes or to redesign existing landscapes.</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.</p>
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<p>301.1 Control Measures: 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. 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. c. Apply and maintain an alternative control measure approved in writing by the Control Officer and the Administrator of the EPA.</p>	<p>305.6 Control Measures: 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; <u>or</u> 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; <u>or</u> c. Apply and maintain an alternative control measure approved in writing by the Control Officer and the Administrator of the EPA.</p>	<p>To delete reference to stabilization limitations and to add stabilization procedures.</p> <p>Proposed stabilization procedures allow owner and/or operator to determine if control measures are being implemented to control fugitive dust such that fugitive dust does not exceed 20% opacity and does not cross the property line.</p> <p>Proposed change matches change proposed in Rule 310. Per Stakeholders' comments during Public Workshop #1-April 19, 2007, Rule 310 does not clearly distinguish between control measures, stabilization standards, and test methods and who is responsible for determining compliance with stabilization standards and/or conducting test methods.</p>	
<p>301.2 Stabilization Limitations: 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 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 c. Flat vegetative cover (i.e., attached (rooted) vegetation or unattached vegetative debris lying on the surface with</p>	<p>305.7 Stabilization Procedures: a. <u>The owner and/or operator shall implement/comply with all of the following stabilization procedures:</u> (1) <u>Control measures shall be implemented to achieve the requirements in Section 303 of this rule.</u> (2) <u>To determine if a control measure has been implemented to achieve the requirements in Section 303 of this rule, the owner and/or operator shall conduct the opacity test method to determine the percent opacity of fugitive dust plumes caused when/at the time vehicles move/drive on the open area and vacant lot described in Appendix C-Fugitive Dust Test Methods of these rules and shall conduct the silt content test method to determine the silt content</u></p>	<p>To add stabilization procedures.</p> <p>Proposed stabilization procedures allow owner and/or operator to determine if control measures are being implemented to control fugitive dust such that fugitive dust does not exceed 20% opacity and does not cross the property line.</p> <p>Proposed change matches change proposed in Rule 310. Per Stakeholders' comments during Public Workshop #1-April 19, 2007, Rule 310 does not clearly distinguish between control measures, stabilization standards, and test methods and who</p>	<p>Staff: Suggested revision to Section 305.7(b)(3)(a): <u>Visible crust determination (Drop Ball Test Method). A hard surface shall be obvious upon initial discovery.</u> Suggested revision to Section 305.7(b)(3)(b): <u>Determination of threshold friction velocity (TFV). If insufficient non-erodibles are available, it should be noted.</u></p>

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<p>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>	<p>of the trafficked areas of the open area and vacant lot when vehicles are not moving/driving on the open area and vacant lot described in Appendix C-Fugitive Dust Test Methods of these rules.</p> <p>(3) <u>In order to be in compliance with this rule, visible fugitive dust emissions shall not exceed 20% opacity and either the silt loading shall not be equal to or greater than 0.33 oz/ft² or the silt content shall not exceed 6% / 8%.</u></p> <p>b. <u>The owner and/or operator of unoccupied, unused, vacant, or undeveloped open areas and vacant lots shall implement/comply with all of the following stabilization procedures:</u></p> <p>(1) <u>Control measures shall be implemented to achieve the requirements in Section 303 of this rule.</u></p> <p>(2) <u>To determine if a control measure has been implemented to achieve the requirements of Section 303 of this rule, the owner and/or operator shall conduct opacity observations described in Section 303 of this rule.</u></p> <p>(3) <u>To determine if a control measure has been implemented to achieve the requirements of Section 303 of this rule, the owner and/or operator shall conduct the test methods described in Appendix C-Fugitive Dust Test Methods of these rules to determine if the unoccupied, unused, vacant, or undeveloped open areas and vacant lots have a stabilized surface. The owner and/or operator shall meet one of the following test methods:</u></p> <p>(a) <u>Visible crust determination (Drop Ball Test Method);</u></p> <p>(b) <u>Determination of threshold friction velocity (TFV);</u></p> <p>(c) <u>Determination of flat vegetative cover (Line Transect Test Method);</u></p> <p>(d) <u>Determination of standing vegetative cover (Vegetative Density Factor); or</u></p> <p>(e) <u>Rock Test Method.</u></p>	<p>is responsible for determining compliance with stabilization standards and/or conducting test methods.</p>	
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<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>306 Open Areas And Vacant Lots: <u>306.1</u> 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 shall implement one or more of the control measures described in Section 306.4 of this rule within 30 calendar days following the initial discovery of the disturbance on the open areas and vacant lots. <u>306.2</u> Within 30 calendar days following the initial discovery of disturbed surface areas that are unoccupied, unused, vacant, or undeveloped, 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>306.3</u> Control measure(s) shall be considered effectively implemented when disturbed surface areas meet one of the requirements described in Section 306.5 of this rule.</p>	<p>To change format for clarity.</p> <p>To 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.</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>

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<p>302.1 Control Measures:</p> <p>a. Establish vegetative ground cover on all disturbed surface areas within 60 calendar 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>306.4 Control Measures:</p> <p>a. Establish vegetative ground cover on all disturbed surface areas within 60 calendar days following the initial discovery of the disturbance. Such control measure(s) must be maintained and reapplied, if necessary, until the disturbed surface such 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 <u>30</u> 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>To delete reference to stabilization limitations and to add stabilization procedures.</p> <p>Proposed stabilization procedures allow owner and/or operator to determine if control measures are being implemented to control fugitive dust such that fugitive dust does not exceed 20% opacity and does not cross the property line.</p> <p>Proposed change matches change proposed in Rule 310. Per Stakeholders' comments during Public Workshop #1-April 19, 2007, Rule 310 does not clearly distinguish between control measures, stabilization standards, and test methods and who is responsible for determining compliance with stabilization standards and/or conducting test methods.</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) 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 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 May 17, 2007</p>	<p align="center">Description Of Revision</p>	<p align="center">Stakeholders' Comments</p>
<p>302.2 Stabilization Limitations: 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 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 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 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 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 f. A percent cover that is equal to or greater</p>	<p>306.5 Stabilization Procedures: <u>The owner and/or operator of open areas and vacant lots that have 0.5 acre or more of disturbed surface area and remain unoccupied, unused, vacant, or undeveloped for more than 15 days shall implement/comply with all of the following stabilization procedures:</u> <u>a. Control measures shall be implemented to achieve the requirements of Section 303 of this rule.</u> <u>b. To determine if a control measure has been implemented to achieve the requirements of Section 303 of this rule, the owner and/or operator shall conduct opacity observations described in Section 303 of this rule.</u> <u>c. To determine if a control measure has been implemented to achieve the requirements of Section 303 of this rule, the owner and/or operator shall conduct the test methods described in Appendix C-Fugitive Dust Test Methods of these rules to determine if the unoccupied, unused, vacant, or undeveloped open areas have a stabilized surface. The owner and/or operator shall meet one of the following test methods:</u> <u>(1) Visible crust determination (Drop Ball Test Method);</u> <u>(2) Determination of threshold friction velocity (TFV);</u> <u>(3) Determination of flat vegetative cover (Line Transect Test Method);</u> <u>(4) Determination of standing vegetative cover (Vegetative Density Factor); or</u> <u>(5) Rock Test Method.</u></p>	<p>To add stabilization procedures.</p> <p>Proposed stabilization procedures allow owner and/or operator to determine if control measures are being implemented to control fugitive dust such that fugitive dust does not exceed 20% opacity and does not cross the property line.</p> <p>Proposed change matches change proposed in Rule 310. Per Stakeholders' comments during Public Workshop #1-April 19, 2007, Rule 310 does not clearly distinguish between control measures, stabilization standards, and test methods and who is responsible for determining compliance with stabilization standards and/or conducting test methods.</p>	

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<p>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 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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<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 May 17, 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>307 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><u>307.1 The owner and/or operator of an unpaved parking lot shall implement one of the control measures described in Section 307.4 of this rule on any surface area(s) of the lot on which vehicles enter, park, and exit.</u></p> <p><u>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></p> <p><u>307.3 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 307.4 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></p>	<p>To change format for clarity.</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>

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<p>303.1 Control Measures: a. Pave. b. Apply dust suppressants, in compliance with the stabilization and opacity limitations described in Section 303.2 of this rule. 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>307.4 Control Measures: a. Pave. b. Apply dust suppressants, in compliance with the stabilization and opacity limitations described in Section 303.2 of this rule. <u>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> c. Uniformly apply and maintain surface gravel, in compliance with the stabilization and opacity limitations described in Section 303.2 of this rule. <u>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>To delete reference to stabilization limitations and to add stabilization procedures.</p> <p>Proposed stabilization procedures allow owner and/or operator to determine if control measures are being implemented to control fugitive dust such that fugitive dust does not exceed 20% opacity and does not cross the property line.</p> <p>Proposed change matches change proposed in Rule 310. Per Stakeholders' comments during Public Workshop #1-April 19, 2007, Rule 310 does not clearly distinguish between control measures, stabilization standards, and test methods and who is responsible for determining compliance with stabilization standards and/or conducting test methods.</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 control device.</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: a. Silt loading is equal to or greater than 0.33 oz/ft²; or b. Silt content does not exceed 8%.</p>	<p>307.5 Stabilization Procedures: a. <u>Control measures shall be implemented to achieve the requirements of Section 303 of this rule.</u> b. <u>To determine if a control measure has been implemented to achieve the requirements of Section 303 of this rule, the owner and/or operator shall conduct the opacity test method to determine the percent opacity of fugitive dust plumes caused when/at the time vehicles move/drive on the unpaved parking lot described in Appendix C- Fugitive Dust Test Methods of these rules and shall conduct the silt content test method to determine the silt content of the trafficked areas of the</u></p>	<p>To add stabilization procedures.</p> <p>Proposed stabilization procedures allow owner and/or operator to determine if control measures are being implemented to control fugitive dust such that fugitive dust does not exceed 20% opacity and does not cross the property line.</p> <p>Proposed change matches change proposed in Rule 310. Per Stakeholders' comments during Public Workshop #1-April 19, 2007,</p>	

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	<p><u>unpaved parking lot when vehicles are not moving/driving on the unpaved parking lot described in Appendix C-Fugitive Dust Test Methods of these rules.</u></p> <p><u>c. In order to be in compliance with this rule, visible fugitive dust emissions shall not exceed 20% opacity and either the silt loading shall not be equal to or greater than 0.33 oz/ft² or the silt content shall not exceed 8%.</u></p>	<p>Rule 310 does not clearly distinguish between control measures, stabilization standards, and test methods and who is responsible for determining compliance with stabilization standards and/or conducting test methods.</p>	
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<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>308 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>308.1 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 308.3 of this rule.</p> <p>308.2 A person, who allows 150 vehicles or more per day to use an unpaved roadway (including alleys) 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 alleys). 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.</p>	<p>To change format for clarity.</p> <p>To add requirement to conduct vehicle counts/traffic counts, per Staff comments.</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>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>308.3 Control Measures:</p> <p>a. Pave.</p> <p>b. Apply dust suppressants, in compliance with the stabilization and opacity limitations procedures 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>To delete reference to stabilization limitations and to add stabilization procedures.</p> <p>Proposed stabilization procedures allow owner and/or operator to determine if control measures are being implemented to control fugitive dust such that fugitive dust does not exceed 20% opacity and does not</p>	

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		<p>cross the property line.</p> <p>Proposed change matches change proposed in Rule 310. Per Stakeholders' comments during Public Workshop #1-April 19, 2007, Rule 310 does not clearly distinguish between control measures, stabilization standards, and test methods and who is responsible for determining compliance with stabilization standards and/or conducting test methods.</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>308.4 Stabilization Procedures:</p> <p>a. <u>Control measures shall be implemented to achieve the requirements of Section 303 of this rule.</u></p> <p>b. <u>To determine if a control measure has been implemented to achieve the requirements of Section 303 of this rule, a person shall conduct the opacity test method to determine the percent opacity of fugitive dust plumes caused when/at the time vehicles move/drive on the unpaved roadway (including alleys) described in Appendix C-Fugitive Dust Test Methods of these rules and shall conduct the silt content test method to determine the silt content of the trafficked areas of the unpaved roadway (including alleys) when vehicles are not moving/driving on the unpaved roadway (including alleys) described in Appendix C-Fugitive Dust Test Methods of these rules.</u></p> <p>c. <u>In order to be in compliance with this rule, visible fugitive dust emissions shall not exceed 20% opacity and either the silt loading shall not be equal to or greater than 0.33 oz/ft² or the silt content shall not exceed 6%.</u></p>	<p>To add stabilization procedures.</p> <p>Proposed stabilization procedures allow owner and/or operator to determine if control measures are being implemented to control fugitive dust such that fugitive dust does not exceed 20% opacity and does not cross the property line.</p> <p>Proposed change matches change proposed in Rule 310. Per Stakeholders' comments during Public Workshop #1-April 19, 2007, Rule 310 does not clearly distinguish between control measures, stabilization standards, and test methods and who is responsible for determining compliance with stabilization standards and/or conducting test methods.</p>	<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 pas 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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<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>309 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. <u>309.1 The owner and/or operator of any feedlot and/or livestock area shall implement one of the control measures described in Section 309.2 of this rule.</u></p>	<p>To change format for clarity.</p>	
<p>305.1 Control Measures: a. Apply dust suppressants, in compliance with the opacity limitation described in Section 305.2 of this rule. b. Uniformly apply and maintain surface gravel, in compliance with the opacity limitation described in Section 305.2 of this rule. 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>309.2 Control Measures: a. Apply dust suppressants, in compliance with the opacity limitation described in Section 305.2 of this rule. b. Uniformly apply and maintain surface gravel, in compliance with the opacity limitation described in Section 305.2 of this rule. 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>To delete reference to stabilization limitations and to add stabilization procedures.</p> <p>Proposed stabilization procedures allow owner and/or operator to determine if control measures are being implemented to control fugitive dust such that fugitive dust does not exceed 20% opacity and does not cross the property line.</p> <p>Proposed change matches change proposed in Rule 310. Per Stakeholders' comments during Public Workshop #1-April 19, 2007, Rule 310 does not clearly distinguish between control measures, stabilization standards, and test methods and who is responsible for determining compliance with stabilization standards and/or conducting test methods.</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>305.2 Opacity Limitation: For the purpose of this rule, control measures shall be</p>	<p>309.3 Stabilization Procedures: a. Control measures shall be implemented</p>	<p>To add stabilization procedures.</p>	

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<p>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><u>to achieve the requirements of Section 303 of this rule.</u> <u>b. To determine if a control measure has been implemented to achieve the requirements of Section 303 of this rule, the owner and/or operator shall conduct opacity observations described in Section 303 of this rule.</u> <u>c. To determine if a control measure has been implemented to achieve the requirements of Section 303 of this rule, the owner and/or operator shall conduct the test methods described in Appendix C- Fugitive Dust Test Methods of these rules to determine if feedlots and/or livestock areas have a stabilized surface. The owner and/or operator shall meet one of the following test methods:</u> <u>(1) Visible crust determination (Drop Ball Test Method);</u> <u>(2) Determination of threshold friction velocity (TFV);</u> <u>(3) Determination of flat vegetative cover (Line Transect Test Method);</u> <u>(4) Determination of standing vegetative cover (Vegetative Density Factor); or</u> <u>(5) Rock Test Method.</u></p>	<p>Proposed stabilization procedures allow owner and/or operator to determine if control measures are being implemented to control fugitive dust such that fugitive dust does not exceed 20% opacity and does not cross the property line.</p> <p>Proposed change matches change proposed in Rule 310. Per Stakeholders' comments during Public Workshop #1- April 19, 2007, Rule 310 does not clearly distinguish between control measures, stabilization standards, and test methods and who is responsible for determining compliance with stabilization standards and/or conducting test methods.</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 May 17, 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>310 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 stabilization 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. <u>310.1</u> In the event that erosion-caused deposition of bulk materials or other materials occurs on any adjacent paved roadway, or 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 310.3 of this rule. <u>310.2</u> Exceedances of the requirements of Section 303 of this rule, due to erosion-caused deposition of bulk materials onto paved surfaces, shall constitute a violation of this rule.</p>	<p>To change format for clarity.</p>	
<p>306.1 Control Measures: 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 b. Dispose of deposits in such a manner so as not to cause another source of fugitive dust.</p>	<p>310.3 Control Measures: 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 b. Dispose of deposits in such a manner so as not to cause another source of fugitive dust.</p>	<p>No change proposed.</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</p>	<p>310.4 Stabilization Procedures: <u>a.</u> Control measures shall be implemented to achieve the requirements of Section 303 of this rule. <u>b.</u> To determine if a control measure has been</p>	<p>To add stabilization procedures. Proposed stabilization procedures allow owner and/or operator to</p>	

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<p>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>implemented to achieve the requirements of Section 303 of this rule, the owner and/or operator shall conduct opacity observations described in Section 303 of this rule.</u></p>	<p>determine if control measures are being implemented to control fugitive dust such that fugitive dust does not exceed 20% opacity and does not cross the property line.</p> <p>Proposed change matches change proposed in Rule 310. Per Stakeholders' comments during Public Workshop #1-April 19, 2007, Rule 310 does not clearly distinguish between control measures, stabilization standards, and test methods and who is responsible for determining compliance with stabilization standards and/or conducting test methods.</p>	
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**Comparison Of Rule 310.01-Adopted February 17, 2005 With Rule 310.01-Draft May 17, 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 May 17, 2007</p>	<p align="center">Description Of Revision</p>	<p align="center">Stakeholders' Comments</p>
<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>311 Easements, Rights-Of-Way, And Access Roads For Utilities (Electricity, Natural Gas, Oil, Water, And Gas Transmission): <u>311.1</u> 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 307.4 <u>Section 311.3</u> 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. <u>311.2</u> 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 verbal or written request by the Control Officer.</p>	<p>To add requirement to conduct vehicle counts/traffic counts, per Staff comments.</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>307.1 Control Measures: a. Pave. b. Apply dust suppressants, in compliance with the stabilization and opacity limitations</p>	<p>311.3 Control Measures: a. Pave. b. Apply dust suppressants, in compliance with the stabilization and opacity limitations</p>	<p>To delete reference to stabilization limitations and to add stabilization procedures.</p>	

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<p>described in Section 307.2 of this rule. 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>described in Section 307.2 of this rule. c. Uniformly apply and maintain surface gravel, in compliance with the stabilization and opacity limitations described in Section 307.2 of this rule. <u>d. Install locked gates at each entry point.</u></p>	<p>To add control measure "install locked gates at each entry point", per Staff comment.</p> <p>Proposed stabilization procedures allow owner and/or operator to determine if control measures are being implemented to control fugitive dust such that fugitive dust does not exceed 20% opacity and does not cross the property line.</p> <p>Proposed change matches change proposed in Rule 310. Per Stakeholders' comments during Public Workshop #1-April 19, 2007, Rule 310 does not clearly distinguish between control measures, stabilization standards, and test methods and who is responsible for determining compliance with stabilization standards and/or conducting test methods.</p>	
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**Comparison Of Rule 310.01-Adopted February 17, 2005 With Rule 310.01-Draft May 17, 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 May 17, 2007</p>	<p align="center">Description Of Revision</p>	<p align="center">Stakeholders' Comments</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 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>311.4 Stabilization Procedures: a. <u>Control measures shall be implemented to achieve the requirements of Section 303 of this rule.</u> b. <u>To determine if a control measure has been implemented to achieve the requirements of Section 303 of this rule, the owner and/or operator shall conduct the opacity test method to determine the percent opacity of fugitive dust plumes caused when/at the time vehicles move/drive on easements, rights-of-way, and access roads for utilities (electricity, natural gas, oil, water, and gas transmission) described in Appendix C-Fugitive Dust Test Methods of these rules and shall conduct the silt content test method to determine the silt content of the trafficked areas of the easements, rights-of-way, and access roads for utilities (electricity, natural gas, oil, water, and gas transmission) when vehicles are not moving/driving on the easements, rights-of-way, and access roads for utilities (electricity, natural gas, oil, water, and gas transmission) described in Appendix C-Fugitive Dust Test Methods of these rules.</u> c. <u>In order to be in compliance with this rule, visible fugitive dust emissions shall not exceed 20% opacity and either the silt loading shall not be equal to or greater than 0.33 oz/ft² or the silt content shall not exceed 6%.</u></p>	<p>To add stabilization procedures.</p> <p>Proposed stabilization procedures allow owner and/or operator to determine if control measures are being implemented to control fugitive dust such that fugitive dust does not exceed 20% opacity and does not cross the property line.</p> <p>Proposed change matches change proposed in Rule 310. Per Stakeholders' comments during Public Workshop #1-April 19, 2007, Rule 310 does not clearly distinguish between control measures, stabilization standards, and test methods and who is responsible for determining compliance with stabilization standards and/or conducting test methods.</p>	
<p>Section 400 - Administrative Requirements (Not Applicable)</p>	<p>Section 400 - Administrative Requirements (Not Applicable)</p>		

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<p>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.</p>	<p>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.</p>	<p>No change proposed.</p>	
<p>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-</p>	<p>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; or</p>	<p>To delete "of the EPA" from Section 501.2(g). "Administrator" is defined as the Administrator of the EPA. "Of the EPA" is redundant.</p>	

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<p>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>	<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>	