

**List Of Proposed Amendments To Rule 310 And Rule 310.01  
Including Stakeholders' Requested Amendments Since Adoption On March 26, 2008  
July 16, 2009**

**Note:** Items in bold font in the table below are proposed amendments that are either new or changed, since the Director's courtesy briefing conducted on December 17, 2008. Details of the proposed amendments to Rule 310 and Rule 310.01 are in the table beginning on page 2 of this document.

<b>Rule 310</b>	<b>Rule 310.01</b>
Section 103.4 Exemption For Disturbed Surface Area	Section 103.4 Exemption For Disturbed Surface Area
Re-Numbered Section 103.4 Exemption For Establishing Initial Landscapes	Re-Numbered Section 103.4 Exemption For Establishing Initial Landscapes
New Section 103.5 Exemption For Rooftop Tile Cutting	Section 103.6 Exemption Regarding Fugitive Dust
Section 103.5 Exemption For Trenching	<b>Section 200</b> Definitions
New Section 103.6 Exemption For NAOS And Clean Water Act Section 404 Areas	Section 203 Definition Of Area Accessible To The Public
Section 103.6 Exemption Regarding Fugitive Dust	<b>Section 214</b> Definition Of Gravel Pad
New Section 103.7 Exemption For Landscaping At A Residence	<b>Section 216</b> Definition Of Livestock Activities
<b>Section 200</b> Definitions	Section 231 Definition Of Unpaved Roadway (Including Alleys)
Section 202 Definition Of Area Accessible To The Public	Section 302.2 Control Measures For Non-Traditional Sources Of Fugitive Dust
New Section 205 Definition Of Canal Bank	Section 302.4 Vehicle Use In Open Areas And Vacant Lots-Visible Emissions Requirements And Stabilization Requirements
Section 209 Definition Of Dust-Generating Operation	Section 302.5 Open Areas And Vacant Lots-Visible Emissions Requirements And Stabilization Requirements
Section 211 Definition Of Earthmoving Operation	<b>Section 302.5(b)(5)</b> Open Areas And Vacant Lots-Control Measures
New Section 215 Definition Of Equipment Path	<b>Section 302.6(a)(2)</b> Unpaved Parking Lots-Visible Emissions Requirements And Stabilization Requirements
<b>Section 217</b> Definition Of Gravel Pad	Section 302.6(b) Unpaved Parking Lots-Control Measures
Section 227 Definition Of Public Roadways	<b>Section 302.6(c)(2)</b> Unpaved Parking Lots-Additional Requirements
Re-Numbered Section 232 Definition Of Unpaved Parking Lot	<b>Section 302.7(a)</b> Unpaved Roadways (Including Alleys)-Visible Emissions Requirements And Stabilization Requirements
Section 234 Definition Of Unpaved Road	<b>Section 302.8(b)</b> Livestock Activities-Control Measures
Section 301 General Requirements For Dust-Generating Operations	<b>Section 302.8(c)</b> Livestock Activities-Additional Requirements
<b>Section 302.5</b> Permit Requirements For Dust-Generating Operations	<b>Section 302.10(a)</b> Easements, Rights-Of-Way, And Access Roads For Utilities (Transmission Of Electricity, Natural Gas, Oil, Water, And Gas)-Visible Emissions Requirements And Stabilization Requirements
<b>Section 303.1(b)</b> Visible Emissions Requirements For Dust-Generating Operations	Section 302.10(c)(2) Easements, Rights-Of-Way, And Access Roads For Utilities (Transmission Of Electricity, Natural Gas, Oil, Water, And Gas)-Additional Requirements
<b>Section 303.2(a)</b> Wind Event	<b>New Section 303</b> Alternative Control Measures
Section 303.2(e) Exemption From Opacity Limitation For Undisturbed Surface Areas	<b>Section 501.3(g)</b> Compliance Determination
<b>Section 304.1</b> Stabilization Requirements For Dust-Generating Operations-Unpaved Parking Lot	
<b>Section 304.2(a)</b> Stabilization Requirements For Dust-Generating Operations-Unpaved Haul/Access Road	
Section 304.3 Stabilization Requirements For Disturbed Surface Areas	
Section 305.1(a)(4) Tarping Requirement	
Section 305.11(c)(2) Control Measures For Disturbed Surface Areas	
<b>Section 306</b> Trackout	
Section 308 Project Information Sign	
Section 309.1 Basic Dust Control Training Requirements For Block Permit Holders	
<b>New Section 309.1(e)</b> Basic Dust Control Training Class	
<b>New Section 309.2(c)</b> Comprehensive Dust Control Training Class	
Section 310 Dust Control Coordinator Requirements	
Section 402.3 Dust Control Plan Requirements	
Section 404.2 Dust Control Block Permit Application Requirements	
Section 409 Dust Control Permit Expiration And Renewal	
Section 502.1 Recordkeeping Requirements	

**Details Of Proposed Amendments To Rule 310 And Rule 310.01  
Including Stakeholders' Requested Amendments Since Adoption On March 26, 2008  
July 16, 2009**

**Note:** Items that are shaded in the table below are proposed amendments that are either new or changed, since the Director's courtesy briefing conducted on December 17, 2008. Proposed amendments are subject to change following legal and EPA review. (\*) indicates that requested amendment relaxes an existing rule and raises concerns with the prior MSM demonstration or other Clean Air Act Section 110(l) approvability issues.

	<b>Text Of Proposed Amendment</b>	<b>Description Of Proposed Amendment</b>
<b>1.</b>	<p><b>Rule 310, Section 103.4 Exemption For Disturbed Surface Area</b> 103 Exemptions: The provisions of this rule shall not apply to the following activities: 103.4 <del>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</del> <u>The provisions of this rule shall not apply to an area that is stabilized to meet</u> the standards described in Section 304 of this rule.</p>	<p><b>Draft Rule 310 amended.</b> The department agrees that clarification is appropriate. The language has been moved to the introductory paragraph in Rule 310, Section 304.3.</p>
<b>2.</b>	<p><b>Rule 310, Re-Numbered Section 103.4 Exemption For Establishing Initial Landscapes</b> <del>103.4 Establishing</del> <u>The provisions of this rule shall not apply to the establishment of initial landscapes without the use of mechanized equipment, conducting landscape maintenance without the use of mechanized equipment, and playing on or maintaining a field used for non-motorized sports. shall not be considered a dust-generating operation.</u> However, establishing initial landscapes without the use of mechanized equipment and conducting landscape maintenance without the use of mechanized equipment shall not include grading, or trenching performed to establish initial landscapes or to redesign existing landscapes.</p>	<p><b>Draft Rule 310 amended.</b> To amend sentence structure regarding the exemption for establishing initial landscapes.</p>
<b>3.</b>	<p><b>Rule 310, New Section 103.5 Exemption For Rooftop Tile Cutting</b> 103 Exemptions: The provisions of this rule shall not apply to the following activities: 103.5 <u>The provisions of this rule shall not apply to rooftop operations for cutting, drilling, grinding, or coring roofing tile when such activity is occurring on a pitched roof.</u></p>	<p><b>Draft Rule 310 amended.</b> To add exemption for rooftop tile cutting to avoid creating potentially unsafe conditions by requiring dust control measures for rooftop tile cutting.</p>
<b>4.</b>	<p><b>Rule 310, Section 103.5 Exemption For Trenching</b> 103 Exemptions: The provisions of this rule shall not apply to the following activities: 103.5 <del>Establishing</del> <u>The provisions of this rule shall not apply to establishing</u> initial landscapes without the use of mechanized equipment, conducting landscape maintenance without the use of mechanized equipment, and playing on or maintaining a field used for non-motorized sports shall not be considered a dust-generating operation. However, establishing initial landscapes without the use of mechanized equipment <del>and conducting landscape maintenance without the use of mechanized equipment</del> shall not include grading or trenching <u>for a distance greater than 100 feet in length</u> performed to establish initial landscapes or to redesign existing landscapes.</p>	<p><b>Draft Rule 310 amended.</b> The department agrees with the introductory language. However, the requested change to the second part of the exemption limits rule applicability by adding an exemption that doesn't exist now. In the Clark County rules, the 100 feet trenching provision is exempt from the requirement to obtain a permit not from the regulatory requirements of the rule. Trenching for a distance of 100 feet should easily fall below 0.1 acre permitting threshold specified in Rule 310.</p>

	Text Of Proposed Amendment	Description Of Proposed Amendment
5.	<p><b>Rule 310, New Section 103.6 Exemption For NAOS And Clean Water Act Section 404 Areas*</b>  <u>103.6 The provisions of this rule shall not apply if, as a result of either requirements imposed pursuant to Section 404 of the Clean Water Act or the Scottsdale Environmentally Sensitive Lands Ordinance, or other similar legally enforceable limitations on access or other restrictions imposed on designated areas of the property prevent taking the actions required under this rule.</u></p>	<p><b>No change to draft Rule 310.</b> The department has not been able to identify a specific conflict that would warrant making the proposed revision.</p>
6.	<p><b>Rule 310, Section 103.6 Exemption Regarding Fugitive Dust</b>  <del>103.6 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.</del></p>	<p><b>Draft Rule 310 amended.</b> To delete the exemption regarding fugitive dust and to add parallel text to Section 216: Definition Of Fugitive Dust to clarify that fugitive dust is not considered exempt from the provisions of Rule 310.</p>
7.	<p><b>Rule 310, New Section 103.7 Exemption For Landscaping At A Residence*</b>  103 Exemptions: The provisions of this rule shall not apply to the following activities:  <u>103.7 The provisions of this rule shall not apply to landscaping by an individual at his/her residence.</u></p>	<p><b>No change to draft Rule 310.</b> The requested change limits rule applicability by adding an exemption that doesn't exist now.</p>
8.	<p><b>Rule 310, Section 200 Definitions</b>  For the purpose of this rule, the following definitions shall apply, <del>in addition to those definitions found in Rule 100: General Provisions And Definitions of these rules. In the event of any conflict, the specific definitions in this section control. See Rule 100, General Provisions And Definitions of these rules for definitions of terms that are used but not specifically defined in this rule.</del></p>	<p><b>Draft Rule 310 amended.</b> To clarify introduction to definitions section.</p>
9.	<p><b>Rule 310, Section 202 Definition Of Area Accessible To The Public*</b>  202 Area Accessible To The Public - Any <u>paved</u> parking lot or public roadway that <u>intersects an exit from the work site and that</u> can be entered or used for public travel primarily for purposes unrelated to the dust-generating operation <u>and to which vehicle access has not been limited to construction traffic only by posting signs or physical barriers.</u></p> <p>Or</p> <p>202 Area Accessible To The Public - Any <u>paved</u> parking lot or public roadway that can be entered or used for public travel primarily for purposes unrelated to the dust-generating operation. <u>Areas restricted to construction traffic only are not accessible to the public.</u></p> <p>Or</p> <p>202 Area Accessible To The Public - Any <u>paved</u> parking lot or <u>paved</u> public roadway <del>that can be entered or used for public travel primarily for purposes unrelated to the dust-generating operation on which access is not limited to construction traffic</del></p>	<p><b>Draft Rule 310 amended.</b> To add the word "paved" and to delete "public". However, the remainder of the requested language narrows the application of this concept and would relax the existing rule.</p> <p>Rule 310, Section 202: Definition Of Area Accessible To The Public to read: Any <u>paved</u> parking lot or <u>paved</u> <del>public</del> roadway that can be entered or used for public travel primarily for purposes unrelated to the dust-generating operation.</p>

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	<p><u>only.</u></p> <p>Or</p> <p>202 Area Accessible To The Public - Any <u>paved</u> parking lot or <u>paved</u> public roadway <del>that can be entered or used for on which</del> public travel primarily for purposes unrelated to the dust-generating operation <u>is not prohibited.</u></p>	
10.	<p><b>Rule 310, New Section 205</b>  <b>Definition Of Canal Bank*</b>  <u>205 Canal Bank - Any property appurtenant to a water delivery or drainage ditch, lateral, or canal that is owner or managed by a person or entity for the primary purpose of operating and maintaining such water delivery or drainage ditch, lateral, or canal.</u></p> <p>And</p> <p>305.12 Easements, Rights-of-Way, <u>Canal Banks</u>, and Access Roads for Utilities (Transmission of Electricity, Natural Gas, Oil, Water, and Gas) Associated With Sources That Have a Non-Title V Permit, a Title V Permit, and/or a General Permit Under These Rules: The owner and/or operator of a dust-generating operation that involves an easement, right-of-way, <u>canal banks</u>, and access road for utilities (transmission of electricity, natural gas, oil, water, and gas ) associated with sources that have a Title V permit, a Non-Title V permit, and/or a General permit under these rules shall implement at least one of the following control measures:</p> <p>a. Inside Area A, limit vehicle speed to 15 miles per hour or less and vehicle trips to no more than 20 per day per road;  b. Outside Area A, limit vehicle trips to no more than 20 per day per road; or  c. Implement control measures described in Section 305.7 of this rule.</p>	<p><b>No change to draft Rule 310.</b> The requested changes constitute a relaxation of the existing rule. Written correspondence from EPA dated August 7, 2008 identifies a Clean Air Act 110(l) concern.</p>
11.	<p><b>Rule 310, Section 209</b>  <b>Definition Of Dust-Generating Operation</b>  209 Dust-Generating Operation - Any activity capable of generating fugitive dust, including but not limited to, the following activities:</p> <p>209.1 Land clearing, maintenance, and land cleanup using mechanized equipment.  209.2 Earthmoving.  209.3 Weed abatement by discing or blading.  209.4 Excavating.  209.5 Construction.  209.6 Demolition.  209.7 Bulk material handling (e.g., bulk material hauling and/or transporting, bulk material stacking, loading, and unloading operations).  209.8 Storage and/or transporting operations (e.g., open storage piles, <del>bulk material hauling and/or transporting, bulk material stacking, loading, and unloading operations</del>).  209.9 Operation of any outdoor equipment.  209.10 Operation of motorized machinery.  209.11 Establishing and/or using staging areas, parking areas, material storage areas, or access routes to and from a site.  209.12 Establishing and/or using unpaved haul/access roads</p>	<p><b>Draft Rule 310 amended.</b></p>

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	<p>to, from, and within a site.            209.13 Disturbed surface areas associated with a site.            209.14 Installing initial landscapes using mechanized equipment.</p>	
12.	<p><b>Rule 310, Section 211</b>  <b>Definition Of Earthmoving Operation</b>            211 Earthmoving Operation – The use of any equipment for an activity <del>which that</del> may generate fugitive dust, such as but not limited to, the following activities:            211.1 Cutting and filling.            211.2 Grading.            211.3 Leveling.            211.4 Excavating.            211.5 Trenching.            211.6 Loading or unloading of bulk materials.            211.7 Demolishing.            211.8 Blasting.            211.9 Drilling.            211.10 Adding bulk materials to or removing bulk materials from open storage piles.            211.11 Back filling.            211.12 Soil mulching.            211.13 Landfill operations.            211.14 Weed abatement by discing or blading.</p>	<p><b>Draft Rule 310 amended.</b></p>
13.	<p><b>Rule 310, New Section 215</b>  <b>Definition Of Equipment Path*</b>  <u>215 Equipment Path - Temporary tire tracks created in soil during, and as part of, an earthmoving operation. For the purpose of this rule, an equipment path shall not include, or function as, an unpaved haul/access road or unpaved road.</u></p>	<p><b>No change to draft Rule 310.</b> Requested change narrows the definition of unpaved road by adding an exemption that would relax the existing rule.</p>
14.	<p><b>Rule 310, Section 217</b>  <b>Definition Of Gravel Pad</b>            217 Gravel Pad – A layer of washed gravel, rock, or crushed rock that is at least one inch or larger in diameter, that is maintained at the point of intersection of 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 consist of one inch to 3 inches rough diameter, clean, well-graded gravel or crushed rock. Minimum dimensions must be <u>30 feet wide by at least 3 inches deep, and, at minimum, extend 50 feet long or the length of the longest haul truck, whichever is greater, and be either 30 feet wide or cover the full width of the unpaved surface exit, whichever is smaller.</u></p>	<p><b>Draft Rule 310 amended.</b> To clarify that using a 30-foot wide gravel pad exit is contingent on the physical impossibility of widening the existing exit – not mere inconvenience, per EPA’s comments dated February 5, 2009.</p> <p>Rule 310, Section 217: Definition Of Gravel Pad to read:            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 <del>a paved an</del> 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. <del>A gravel pad shall consist of one inch to 3 inches rough diameter, clean, well-graded gravel or crushed rock.</del> Minimum dimensions must be 30 feet wide by 3 inches deep, and, <del>at minimum,</del> 50 feet long or the length of the longest haul truck, whichever is greater. <u>If an unpaved surface exit does not have adequate width to install a 30-foot wide gravel pad, then the width of the gravel pad shall cover the full width of the unpaved surface exit and such shorter width shall be adequate to prevent trackout.</u></p>
15.	<p><b>Rule 310, Section 227</b>  <b>Definition Of Public Roadways*</b>            227 Public Roadways – Any roadways that are open to public travel <u>and that are owned or operated by a governmental entity that has accepted ownership and maintenance responsibility for the road through a formal action of the entity’s governing board.</u></p>	<p><b>Draft Rule 310 amended.</b> To delete the definition of public roadways. The concept is captured in Rule 310, Section 202: Definition Of Area Accessible To The Public.</p>

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	<p><u>All other roads are private.</u></p> <p>Or</p> <p>227 Public Roadways – Any roadways that are open to public travel <u>and that are not limited to construction traffic only.</u></p> <p>Or</p> <p>227 Public Roadways – Any roadways <del>that are open to on</del> <u>which</u> public travel for purposes unrelated to the dust-generating operation is not prohibited.</p>	
16.	<p><b>Rule 310, Re-Numbered Section 232</b>  <b>Definition Of Unpaved Parking Lot</b>  232 Unpaved Parking Lot – Any area <u>larger than 3,000 square feet</u> 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.</p> <p>Or</p> <p>232 Unpaved Parking Lot – Any area that is not paved and that is used <del>for parking</del>, maneuvering, material handling, or storing motor vehicles and equipment, <u>or parking three or more vehicles</u>. An unpaved parking lot includes, but is not limited to, automobile impound yards, wrecking yards, automobile dismantling yards, salvage yards, material handling yards, and storage yards. For the purpose of this <del>definition rule</del>, maneuvering shall not include military maneuvers or exercises conducted on federal facilities.</p> <p>Or</p> <p>232 Unpaved Parking Lot – Any area that is not paved and <u>that is designated for parking in the dust control permit or that is used for parking</u>, 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 <del>definition rule</del>, maneuvering shall not include military maneuvers or exercises conducted on federal facilities.</p>	<p><b>Draft Rule 310 amended.</b> To add the phrase “that is designated for parking in the Dust Control Plan or” as suggested by the second option. To accommodate this change, to revise Rule 310, Section 402.3(b) to specify that unpaved parking lots must be identified on the site drawing required for the Dust Control Plan.</p>
17.	<p><b>Rule 310, Section 234</b>  <b>Definition Of Unpaved Road*</b>  234 Unpaved Road – Any road <del>or equipment path</del> 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 <del>exclusively</del> <u>primarily</u> for purposes other than travel by motor vehicles.</p>	<p><b>No change to draft Rule 310.</b> Requested changes narrow definition, which would relax the existing rule.</p>
18.	<p><b>Rule 310, Section 301</b>  <b>General Requirements For Dust-Generating Operations</b>  301 General Requirements For Dust-Generating Operations:  Any person engaged in a dust-generating operation subject to</p>	<p><b>Draft Rule 310 amended.</b> Rule 310, Section 301 has been deleted and replaced by the provisions from the April 7, 2004 version of Rule 310, Section 306.</p>

	<b>Text Of Proposed Amendment</b>	<b>Description Of Proposed Amendment</b>
	<p>this rule shall be subject to the standards and/or requirements of this rule before, after, and while conducting such dust-generating operation, including during weekends, after work hours, and on holidays. Failure to comply with any one of the following requirements <u>as described in this rule</u> shall constitute a violation.</p> <p>301.1 Visible emissions requirements from dust-generating operations described in Section 303 of this rule.</p> <p>301.2 Stabilization requirements described in Section 304 of this rule.</p> <p>301.3 Control measures described in Section 305 of this rule.</p> <p>301.4 Trackout, carry-out, spillage, and/or erosion requirements described in Section 306 of this rule.</p> <p>301.5 Soil moisture requirements described in Section 307 of this rule.</p> <p>301.6 Dust control training class requirements described in Section 309 of this rule.</p> <p>301.7 Dust control permit requirements described in Section 401 of this rule.</p> <p>301.8 Dust Control Plan requirements described in Section 402 of this rule.</p> <p>301.9 Monitoring and recordkeeping requirements described in Section 500 of this rule.</p> <p>301.10 Any other requirements of this rule.</p>	<p>Rule 310, Section 301: General Requirements For Dust-Generating Operations to read: <u>Any person engaged in a dust-generating operation subject to this rule shall be subject to the standards and/or requirements of this rule before, after, and while conducting such dust-generating operation, including during weekends, after work hours, and on holidays. Failure to comply with any one of the following requirements shall constitute a violation.</u></p> <p><del>301.1 Visible emissions requirements from dust-generating operations described in Section 303 of this rule. Any person engaged in a dust-generating operation subject to this rule shall be subject to the standards and/or requirements of this rule before, after, and while conducting such dust-generating operation, including during weekends, after work hours, and on holidays.</del></p> <p><del>301.2 Stabilization requirements described in Section 304 of this rule. For the purpose of this rule, any control measure that is implemented must achieve the applicable standard(s) described in this rule, as determined by the corresponding test method(s), as applicable, and must achieve other applicable standard(s) set forth in this rule.</del></p> <p><del>301.3 Control measures described in Section 305 of this rule. Regardless of whether a dust-generating operation is in compliance with an approved Dust Control Plan or there is no approved Dust Control Plan, the owner and/or operator of a dust-generating operation shall be subject to all requirements of this rule at all times.</del></p> <p><del>301.4 Trackout, carry-out, spillage, and/or erosion requirements described in Section 306 of this rule. Failure to comply with the provisions of this rule, as applicable, and/or of an approved Dust Control Plan, shall constitute a violation.</del></p> <p><del>301.5 Soil moisture requirements described in Section 307 of this rule.</del></p> <p><del>301.6 Dust control training class requirements described in Section 309 of this rule.</del></p> <p><del>301.7 Dust control permit requirements described in Section 401 of this rule.</del></p> <p><del>301.8 Dust Control Plan requirements described in Section 402 of this rule.</del></p> <p><del>301.9 Monitoring and recordkeeping requirements described in Section 500 of this rule.</del></p> <p><del>301.10 Any other requirements of this rule.</del></p>
<b>19.</b>	<p><b>Rule 310, Section 302.5</b>  <b>Permit Requirements For Dust-Generating Operations</b>  All permit applications shall be filed in a manner and form prescribed by the Control Officer, <u>which includes, but is not limited to, the requirements of Section 400 of this rule.</u> 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 ensure a source's compliance with the requirements of this rule.</p>	<p><b>Draft Rule 310 amended.</b> To add specification regarding manner and form for filing a permit application.</p>
<b>20.</b>	<p><b>Rule 310, Section 303.1(b)</b>  <b>Visible Emissions Requirements For Dust-Generating Operations</b>  303.1(b) The owner and/or operator or a dust-generating operation shall not cause, suffer, or allow visible emissions of particulate matter, including fugitive dust, beyond the property</p>	<p><b>No change to draft Rule 310.</b> To delete (not add) the proposed sentence "In the event visible emissions of particulate matter, including fugitive dust, extend beyond the property line within which the emissions are generated, notwithstanding full implementation of the control measures approved in the Dust Control Plan, then the Control Officer</p>

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<p>line within which the emissions are generated <u>without applying the control measures required by the dust control permit</u>. Visible emissions shall be determined by a standard of no visible emissions exceeding 30 seconds in duration in any six-minute period as determined by using EPA Reference Method 22.</p> <p>Or</p> <p>303.1 Dust-Generating Operation Opacity Limitation Requirement: The owner and/or operator of a dust-generating operation shall not allow visible fugitive dust emissions to exceed the limits listed in either one of the following:</p> <p>a. The owner and/or operator of a dust-generating operation shall not cause or allow visible fugitive dust emissions to exceed 20% opacity.</p> <p>b. The owner and/or operator of a dust-generating operation shall not cause, suffer, or allow visible emissions of particulate matter, including fugitive dust, beyond the property line within which the emissions are generated <u>without taking reasonably necessary and feasible precautions to control generation of airborne particulate matter</u>. Visible emissions shall be determined by a standard of no visible emissions exceeding 30 seconds in duration in any six-minute period as determined by using EPA Reference Method 22.</p>	<p>may issue a written notice to the owner and/or operator of the dust-generating operation explaining such determination and requiring that the Dust Control Plan be revised according to Section 403 of this rule.”</p> <p>This sentence was proposed to be added to the visible emissions property line standard allowing revisions to a dust control plan similar to Clark County Air Quality Regulations, Section 94.11.3.</p> <p>This sentence will not be added, because EPA submitted the following comments on February 5, 2009: “We believe the second sentence may inappropriately limit enforcement of this opacity requirement and should be removed. Without this sentence, Maricopa still has discretion on how to enforce requirements and might decide not to write an NOV for minor violations or write an NOV that only requires dust control plan revisions for slightly more significant violations. However, this second sentence should be removed because it seems to restrict Maricopa’s ability to pursue larger penalties for gross violations.”</p>
<p><b>21. Rule 310, Section 303.2(a) Wind Event*</b></p> <p>212 Emergency - A situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, and <u>wind events</u>, which situation requires immediate corrective action to restore normal operations and that causes the source to exceed a limitation in this rule, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include any noncompliance due to improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.</p> <p>And</p> <p>236 Wind Event – <del>When the 60-minute average instantaneous wind speed is speeds are</del> greater than 25 miles per hour <u>as documented by the nearest Maricopa County Air Quality Department monitoring station, by 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>And</p> <p>303.2(a) Exemptions From Dust-Generating Operation Opacity Limitation Requirement:</p> <p>a. Wind Event: Exceedances of the opacity limit described in Section 303.1 of this rule that occur due to a wind event shall <u>not 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: This exemption does not apply if control measures required by this rule, including relevant recordkeeping requirements, have not been taken or were not in place at the time of the wind</u></p>	<p><b>Draft Rule 310 amended.</b> To clarify text regarding an affirmative defense during a wind event, per EPA’s comments dated May 14, 2009: “While we do not believe this is an approvability issue, we encourage you to retain text from the existing version of the rule that would help clarify the intent and implementation of the proposed replacement language...”</p> <p>Instead of deleting the original text in Section 303.2(a) and adding the following text to Section 303.2(a) - “In the event there are wind conditions that cause fugitive dust emissions in excess of the visible emissions limits described in Section 303.1(a) of this rule, notwithstanding full implementation of the control measures approved in the Dust Control Plan, all dust-generating operations on the project site that may contribute to these emissions shall immediately cease. Water trucks and water pulls shall continue to operate under these circumstances, unless wind conditions are such that the continued operation of watering equipment cannot reduce fugitive dust emissions or such that continued equipment operation poses a safety hazard”, to add the following text to Section 303.2(a)(1) – (3):</p> <p>“In the event wind conditions cause fugitive dust emissions exceeding the visible emissions requirements in Section 303.1(a) of this rule, despite implementation of the Dust Control Plan, an owner and/or operator shall:</p> <p>(1) Ensure that all control measures and requirements of the Dust Control Plan were implemented and the fugitive dust emissions exceeding visible emissions requirements could not be prevented by better application, operation, or maintenance of these measures and requirements.</p> <p>(2) Cease dust-generating operations for the day and stabilize any disturbed surface area consistent with Section 304.3 of this rule.</p> <p>(3) Compile records consistent with Sections 502 and 503 of</p>

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	<p><u>event. In addition, the exemption shall not apply unless:</u></p> <p>And</p> <p>303.2(a)(1)(a)(i) Exemptions From Dust-Generating Operation Opacity Limitation Requirement:  a. Wind Event: Exceedances of the opacity limit described in Section 303.1 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 one or more of the following control measures were applied and maintained:  (a) For dust-generating operations:  (i) Cease dust-generating operations for the duration of the condition/situation/<u>wind</u> event when the <del>60-minute average instantaneous</del> 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>And</p> <p>303.2(a)(2), (3), and (4) Exemptions From Dust-Generating Operation Opacity Limitation Requirement:  a. Wind Event: Exceedances of the opacity limit described in Section 303.1 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:  (2) Exceedances of the opacity <del>limit</del> <u>limits</u> described in Section 303.1 of this rule <del>could not have been prevented by better</del> <u>occurred despite</u> application, implementation, <u>or</u> operation, <del>or maintenance of required</del> control measures;  <del>(3) The owner and/or operator compiled and retained records, in accordance with Section 502 Recordkeeping of this rule; and</del>  <del>(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 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.</del></p>	<p>this rule and document control measure and other Dust Control Plan requirement implementation.”</p>
22.	<p><b>Rule 310, Section 303.2(e) Exemption From Opacity Limitation For Undisturbed Surface Areas*</b>  303.2(e) Exemptions From Dust-Generating Operation Opacity Limitation Requirement:  <u>(e) Undisturbed Surface Area: The opacity limits described in Section 303.1 of this rule shall not apply to airborne particulate matter from an undisturbed surface area.</u></p>	<p><b>No change to draft Rule 310.</b> The requested change adds an exemption to the rule that would relax the existing rule.</p>
23.	<p><b>Rule 310, Section 304.1 Stabilization Requirements For Dust-Generating Operations-Unpaved Parking Lot</b>  The owner and/or operator of any unpaved parking lot shall not allow <del>visible fugitive dust emissions to exceed 20% opacity and</del> either Section 304.1(a) or Section 304.1(b) of this rule: <u>to be exceeded.</u></p>	<p><b>Draft Rule 310 amended.</b> To clarify that to prove compliance, the owner and/or operator must meet 20% opacity standard and silt loading standard or must meet 20% opacity standard and silt content standard.</p> <p>To prove non-compliance, the inspector must show/demonstrate that at least one of the standards (i.e.,</p>

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	<p>a. <del>Shall not allow silt</del> <u>Silt</u> loading equal to or greater than 0.33 oz/ft<sup>2</sup>; or</p> <p>b. <del>Shall not allow the silt</del> <u>Silt</u> content to <del>exceed</del> <u>exceeding</u> 8%.</p>	20% opacity standard, silt loading standard, or silt content standard) has not been met.
24.	<p><b>Rule 310, Section 304.2(a)</b>  <b>Stabilization Requirements For Dust-Generating Operations-Unpaved Haul/Access Road</b>  The owner and/or operator of any unpaved haul/access road (whether <del>including</del> at a work site that is under construction or at a work site that is temporarily or permanently inactive) shall not allow <del>visible fugitive dust emissions to exceed 20% opacity and</del> either Section 304.2(a)(1) or Section 304.2(a)(2) of this rule: <u>to be exceeded</u>.</p> <p>(1) <del>Shall not allow silt</del> <u>Silt</u> loading equal to or greater than 0.33 oz/ft<sup>2</sup>; or</p> <p>(2) <del>Shall not allow the silt</del> <u>Silt</u> content to <del>exceed</del> <u>exceeding</u> 6%.</p>	<p><b>Draft Rule 310 amended.</b> To clarify that to prove compliance, the owner and/or operator must meet 20% opacity standard and silt loading standard or must meet 20% opacity standard and silt content standard.</p> <p>To prove non-compliance, the inspector must show/demonstrate that at least one of the standards (i.e., 20% opacity standard, silt loading standard, or silt content standard) has not been met.</p>
25.	<p><b>Rule 310, Section 304.3</b>  <b>Stabilization Requirements For Disturbed Surface Areas*</b>  304.3 Disturbed Surface Area: The owner and/or operator of any disturbed surface area, <u>including improved lots and equipment paths on such lots</u>, on which <del>no</del> an activity is <del>occurring</del> <u>ceased for the day</u> (<del>including whether</del> at a work site that is under construction or a work site that is temporarily or permanently inactive) shall meet at least one of the standards described in Sections 304.3(a) through 304.3(g) below, as applicable. <u>An area is considered to be a disturbed surface area until the disturbed surface area meets the standards described in this section of this rule.</u> Should any disturbed surface area on which no activity is occurring contain more than one type of visibly distinguishable stabilization characteristics, soil, vegetation, or other characteristics, which are visibly distinguishable, the owner and/or operator shall test each representative surface separately for stability, in an area that represents a random portion of the overall disturbed conditions of the site, in accordance with the appropriate test methods described in Section 501.2(c) of this rule and in Appendix C (Fugitive Dust Test Methods) of these rules. The owner and/or operator of such disturbed surface area on which no activity is occurring shall be considered in violation of this rule if the area is not maintained in a manner that meets at least one of the standards listed below, as applicable.</p>	<p><b>Draft Rule 310 amended.</b> The department agrees with the addition of the second sentence. However, the requested changes to the first sentence narrow the provision by adding an exemption for certain times of the day that would relax the existing rule and MSM determination. To delete an exemption regarding stabilization requirements for disturbed surface areas and to add parallel text to Rule 310, Section 304.3 to clarify that disturbed surface areas are not exempt from Rule 310.</p> <p>Rule 310, Section 304.3 to read: The owner and/or operator of any disturbed surface area on which no activity is occurring (<del>including whether</del> at a work site that is under construction or a work site that is temporarily or permanently inactive) shall meet at least one of the standards described in Sections 304.3(a) through 304.3(g) below, as applicable. <u>An area is considered to be a disturbed surface area until the activity that caused the disturbance has been completed and the disturbed surface area meets the standards described in this section of this rule.</u> Should any disturbed surface area on which no activity is occurring contain more than one type of visibly distinguishable stabilization characteristics, soil, vegetation, or other characteristics, which are visibly distinguishable, the owner and/or operator shall test each representative surface separately for stability, in an area that represents a random portion of the overall disturbed conditions of the site, in accordance with the appropriate test methods described in Section 501.2(c) of this rule and in Appendix C (Fugitive Dust Test Methods) of these rules. The owner and/or operator of such disturbed surface area on which no activity is occurring shall be considered in violation of this rule if the area is not maintained in a manner that meets at least one of the standards listed below, as applicable.</p>
26.	<p><b>Rule 310, Section 305.1(a)(4)</b>  <b>Tarping Requirement*</b>  305.1(a)(4) Off-Site Hauling Onto Paved Areas Accessible To The Public: The owner and/or operator of a dust-generating operation that involves off-site hauling shall implement the following control measures:</p> <p>a. When cargo compartment is loaded:</p> <p>(4) Cover <u>the</u> cargo compartment with a tarp or other suitable</p>	<p><b>No change to draft Rule 310.</b> The requested change adds an exemption to the rule that would relax the existing rule.</p>

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	<p>closure <u>if such tarp or closure is commercially available for the vehicle.</u></p> <p>And</p> <p>305.1(b)(2) Off-Site Hauling Onto Paved Areas Accessible To The Public: The owner and/or operator of a dust-generating operation that involves off-site hauling shall implement the following control measures:</p> <p>b. When cargo compartment is empty:</p> <p>(2) Cover the cargo compartment with a tarp or other suitable closure <u>if such tarp or closure is commercially available for such vehicle.</u></p> <p>And</p> <p>305.2(c) Bulk Material Hauling/Transporting When On-Site Hauling/Transporting Within the Boundaries Of The Work Site But Not Crossing A Paved Area Accessible To The Public: The owner and/or operator of a dust-generating operation that involves bulk material hauling/transporting when on-site hauling/transporting within the boundaries of the work site but not crossing a paved area accessible to the public shall implement one of the following control measures:</p> <p>c. Cover haul trucks with a tarp or other suitable closure <u>if such tarp or closure is commercially available for the vehicle.</u></p>	
27.	<p><b>Rule 310, Section 305.11(c)(2) Control Measures For Disturbed Surface Areas</b></p> <p>305.11(c)(2) Disturbed Surface Areas: The owner and/or operator of a dust-generating operation that involves disturbed surface areas shall implement the following control measures, as applicable:</p> <p>c. When the dust-generating operation is finished for a period of 30 days or longer – for longer than temporary pauses that occur during a dust-generating operation, the owner and/or operator shall implement one or more of the following control measures within ten days following the completion of such dust-generating operation:</p> <p>(1) Pave, apply gravel, or apply a suitable dust suppressant other than water;</p> <p>(2) Establish vegetative ground cover in sufficient quantity <u>as prescribed by Section 304.3(c) and (d) of this rule;</u></p> <p>(3) Implement control measures described in Section 305.11(c)(1) or Section 305.11(c)(2) of this rule and restrict vehicle access to the area;</p> <p>(4) Apply water and prevent access by fences, ditches, vegetation, berms, or other suitable barrier or means sufficient to prevent trespass as approved by the Control Officer; or</p> <p>(5) Restore area such that the vegetative ground cover and soil characteristics are similar to adjacent or nearby undisturbed native conditions.</p>	<p><b>Draft Rule 310 amended.</b> To delete “in sufficient quantity”.</p>
28.	<p><b>Rule 310, Section 306 Trackout*</b></p> <p>306 Trackout, Carry-Out, Spillage, and/or Erosion: The owner and/or operator of a dust-generating operation shall prevent and control trackout, carry-out, spillage, and/or erosion.</p> <p>306.2 Clean Up of Trackout:</p> <p>a. Criterion for Clean Up of Trackout: <del>Clean-up,</del> <u>Initiate clean-up</u></p>	<p><b>Draft Rule 310 amended.</b> The requested language relaxes an MSM measure required for areas requesting an attainment date extension. Instead, to add to the first sentence text that parallels South Coast (SCAQMD) Rule 403(d)(4): “The owner and/or operator of a dust-generating operation shall not allow trackout, carry-out, spillage, and/or erosion to extend 25 linear feet or more in cumulative length from the point of</p>

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<p><u>of 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>(1) <del>Immediately, when</del> <u>Within 20 minutes of discovering that</u> trackout, carry-out, or spillage extends a cumulative distance of 25 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>origin onto paved areas accessible to the public.”</p> <p>However, to clarify that trackout shall not extend “from all exits onto areas accessible to the public” rather than “from the point of origin onto paved areas accessible to the public”.</p> <p>Rule 310, Section 306: Trackout, Carry-Out, Spillage, And/Or Erosion to read: <del>The owner and/or operator of a dust-generating operation shall prevent and control trackout, carry-out, spillage, and/or erosion. The owner and/or operator of a dust-generating operation shall not allow trackout, carry-out, spillage, and/or erosion to extend a cumulative distance of 25 linear feet or more from all exits onto areas accessible to the public. Notwithstanding the preceding, all accumulations of trackout, carry-out, spillage, and/or erosion on areas accessible to the public, including curbs, gutters, and sidewalks, shall be cleaned up and removed at the end of the work day. In addition, the owner and/or operator of a dust-generating operation shall:</del></p> <p><u>306.1 Trackout Control Device: Install, maintain, and use a suitable trackout control device that prevents and controls trackout and/or removes particulate matter from tires and the exterior surfaces of haul trucks and/or motor vehicles that traverse the site at all exits onto areas accessible to the public from either of the following:</u></p> <p><del>a. Criterion for Trackout Control Device: Install, maintain and use a suitable trackout control device that prevents and controls trackout and/or removes particulate matter from tires and the exterior surfaces of haul trucks and/or motor vehicles that traverse the site at all exits onto paved areas accessible to the public from both of the following: All work sites with a disturbed surface area of two acres or larger, or</del></p> <p><del>(1) All work sites with a disturbed surface area of two acres or larger, and</del></p> <p><del>(2) All work sites where 100 cubic yards of bulk materials are hauled on-site and/or off-site per day.</del></p> <p><u>b. Control Measures: For those work sites identified in Section 306.1(a) of this rule, prevent trackout, carry-out, spillage, and/or erosion by implementing one of the following control measures: All work sites where 100 cubic yards of bulk materials are hauled on-site and/or off-site per day.</u></p> <p><del>(1) At all exits onto paved areas accessible to the public, install a wheel wash system;</del></p> <p><del>(2) At all exits onto paved areas accessible to the public, install a gravel pad to comply with Section 217 of this rule;</del></p> <p><del>(3) At all exits onto paved areas accessible to the public, install a grizzly or rumble grate that consists of raised dividers (rails, pipes, or grates) a minimum of three inches tall, six inches apart, and 20 feet long, to allow a vibration to be produced such that dust is shaken off the wheels of a vehicle as the entire circumference of each wheel of the vehicle passes over the grizzly or rumble grate; or</del></p> <p><del>(4) Pave starting from the point of intersection with a paved area accessible to the public and extending for a centerline distance of at least 100 feet and a width of at least 20 feet.</del></p> <p><u>306.2 Clean Up of Trackout: Install, maintain, and use one or more of the following trackout control devices, that prevents and controls trackout and/or removes particulate matter from tires and the exterior surfaces of haul trucks and/or motor vehicles that traverse the site at all exits onto areas</u></p>

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	<p><u>accessible to the public:</u></p> <p>a. <u>Criterion for Clean Up of Trackout:</u> Clean up, trackout, carry-out, spillage, and/or erosion from paved areas accessible to the public including curbs, gutters, and sidewalks, on the following time schedule: <u>A wheel wash system.</u></p> <p>(1) <u>Immediately, when trackout, carry-out, or spillage extends a cumulative distance of 25 linear feet or more; and</u></p> <p>(2) <u>At the end of the workday, for all other trackout, carry-out, spillage, and/or erosion.</u></p> <p>b. <u>Control Measures:</u> <u>A gravel pad that meets the specifications described in Section 217 of this rule.</u></p> <p>(1) <u>Operate a street sweeper or wet broom with sufficient water, including but not limited to kick broom, steel bristle broom, Teflon broom, vacuum, at the speed recommended by the manufacturer and at the frequency(ies) described in this section of this rule; or</u></p> <p>(2) <u>Manually sweep up deposits to comply with this section of this rule.</u></p> <p>c. <u>A grizzly or rumble grate that consists of raised dividers (rails, pipes, or grates) a minimum of three inches tall, six inches apart, and 20 feet long, to allow a vibration to be produced such that dust is shaken off the wheels of a vehicle as the entire circumference of each wheel of the vehicle passes over the grizzly or rumble grate, or</u></p> <p>d. <u>Asphalt, concrete, asphaltic concrete, concrete pavement, chip seal, rubberized asphalt, or similar material starting from the point of intersection with an area accessible to the public and extending for a centerline distance of at least 100 feet and a width of at least 20 feet.</u></p> <p><u>306.3 Clean up and remove trackout, carry-out, spillage, and/or erosion from areas accessible to the public, including curbs, gutters, and sidewalks, by using one or more of the following methods:</u></p> <p>a. <u>Operate a street sweeper or wet broom with sufficient water, including but not limited to kick broom, steel bristle broom, Teflon broom, vacuum, at the speed recommended by the manufacturer and at the frequency(ies) described in this section of this rule, or</u></p> <p>b. <u>Manually sweep up deposits to comply with this section of this rule.</u></p>
<p><b>29. Rule 310, Section 308</b>  <b>Project Information Sign</b>  308 Project Information Sign For Dust-Generating Operations:  For all sites with a Dust Control permit that are five acres or larger, except for routine maintenance and repair done under a Dust Control Block permit, the owner and/or operator shall erect and maintain a project information sign at the main entrance such that members of the public can easily view and read the sign at all times. Such sign shall have a white background, have black block lettering that is at least four inches high, and shall contain at least all of the following information:  308.1 Project name and permittee's name;  308.2 Current Dust Control permit number <del>and expiration date</del>;  308.3 Name and local phone number of person(s) responsible for dust control matters;  308.4 Text stating: "Dust complaints? Call Maricopa County Air Quality Department - (Insert the accurate Maricopa County Air Quality Department complaint line telephone number)."</p>	<p><b>Draft Rule 310 amended.</b></p>

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30.	<p><b>Rule 310, Section 309.1</b>  <b>Basic Dust Control Training Requirements For Block Permit Holders</b>            309.1 Basic Dust Control Training Class:  <u>d. Subsection (a), (b), and (c) do not apply when on-site dust-generating operations are conducted by a permittee who is required to obtain a single permit for multiple noncontiguous sites that is issued by a Control Officer and that requires control of PM<sub>10</sub> emissions.</u></p>	<p><b>Draft Rule 310 amended.</b> To clarify the training requirements for block permit holders.</p>
31.	<p><b>Rule 310, New Section 309.1(e)</b>  <b>Dust Control Training Classes For Dust-Generating Operations-Basic Dust Control Training Class</b>  <u>e. The Control Officer may suspend or revoke for cause including, but not limited to, inappropriate ethical activities or conduct or repeated failure to follow the training requirements, a license/certification issued to a person having successfully completed a Basic Dust Control Training Class conducted or approved by the Control Officer. The Control Officer will provide written notification to such person regarding such suspension or revocation.</u></p>	<p><b>Draft Rule 310 amended.</b> To add text regarding the Control Officer having authority to suspend or revoke a license/certification issued to a person having successfully completed a dust control training class.</p>
32.	<p><b>Rule 310, New Section 309.2(c)</b>  <b>Dust Control Training Classes For Dust-Generating Operations-Comprehensive Dust Control Training Class</b>  <u>c. The Control Officer may suspend or revoke for cause including, but not limited to, inappropriate ethical activities or conduct or repeated failure to follow the training requirements, a license/certification issued to a person having successfully completed a Comprehensive Dust Control Training Class conducted or approved by the Control Officer. The Control Officer will provide written notification to such person regarding such suspension or revocation.</u></p>	<p><b>Draft Rule 310 amended.</b> To add text regarding the Control Officer having authority to suspend or revoke a license/certification issued to a person having successfully completed a dust control training class.</p>
33.	<p><b>Rule 310, Section 310</b>  <b>Dust Control Coordinator Requirements</b>            310 Dust Control Coordinator For Dust-Generating Operations:            310.1 The permittee for any site of five acres or more of disturbed surface area subject to a permit issued by the Control Officer requiring control of PM<sub>10</sub> emissions from dust-generating operations shall have on-site at least one Dust Control Coordinator trained in accordance with Section 309.2 of this rule at all times during primary dust-generating operations related to the purposes for which the Dust Control permit was obtained. <u>The activities described in Section 209.9, 209.10, and 209.13 of this rule shall not be considered primary dust-generating activities.</u></p> <p>And</p> <p>310.6 The requirement for a Dust Control Coordinator shall <del>lapse</del> <u>no longer apply</u> 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</p>	<p><b>Draft Rule 310 amended.</b> Rule 310, Section 310.7 was revised as suggested, but the suggested change in Section 310.6 is inconsistent with A.R.S. § 49-474.05(l) and the suggested change in Section 310.1 is inconsistent with the primary dust-generating activities developed for the subcontractor registration program.</p>

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<p>Officer of acreage stabilization.</p> <p>And</p> <p>310.7 <del>The permittee, who is required to obtain a single permit for multiple non-contiguous sites in accordance with Section 404 of this rule, The Dust Control Block Permit permittee/holder shall have on sites with greater that have more than one acre of disturbed surface area at least one individual who is designated by the permittee as a Dust Control Coordinator trained in accordance with Section 309.1 Basic Dust Control Training Class of this rule. at least one individual, who has been trained in accordance with the requirements of Section 309.1(c) of this rule. One such individual shall be designated by the Dust Control Block Permit permittee/holder as the Dust Control Coordinator. The Dust Control Coordinator shall be present on-site at all times during primary dust-generating activities that are related to the purposes for which the permit was obtained.</del></p>	
<p><b>34. Rule 310, Section 402.3 Dust Control Plan Requirements</b></p> <p>402.3 A Dust Control Plan shall, at a minimum, contain all of the following information:</p> <p>a. Name(s), address(es), and phone numbers of person(s) responsible for the submittal and implementation of the Dust Control Plan and responsible for the dust-generating operation.</p> <p>b. A drawing, on 8½" x 11" paper, that shows:</p> <p>(1) Entire project site/facility boundaries,</p> <p>(2) Acres to be disturbed with linear dimensions <u>or showing the total square footage to be disturbed, as calculated and certified by a licensed engineer...</u></p>	<p><b>Draft Rule 310 amended.</b> Rule 310, Section 402.3: Dust Control Plan Requirements to read: A Dust Control Plan shall, at a minimum, contain all of the following information:</p> <p>a. Name(s), address(es), and phone numbers of person(s) responsible for the submittal and implementation of the Dust Control Plan and responsible for the dust-generating operation.</p> <p>b. A drawing, on 8½" x 11" paper, that shows:</p> <p>(1) Entire project site/facility boundaries, <u>including boundaries of areas to be disturbed if less than entire project site/facility boundaries,</u></p> <p>(2) Acres to be disturbed with linear dimensions <u>or certification by a licensed engineer or surveyor showing the total square footage to be disturbed,</u></p> <p>(3) Nearest public roads,</p> <p>(4) North arrow, <del>and</del></p> <p>(5) Planned exit locations onto paved areas accessible to the public, <u>and</u></p> <p>(6) <u>Unpaved parking lot(s).</u></p>
<p><b>35. Rule 310, Section 404.2 Dust Control Block Permit Application Requirements</b></p> <p>404.2 When completing and submitting a Dust Control Block Permit application, the owner and/or operator shall comply with the following requirements:</p> <p>a. A Dust Control Plan that meets the criteria described in Section 402 of this rule and applies to all sites shall be submitted to the Control Officer with the Dust Control Block Permit application.</p> <p>b. A <u>description or map of the owner's and/or operator's service areas and a list of all sites that are 0.10 acre (4,356 square feet) or greater,</u> including the location and size of each site, shall be submitted to the Control Officer with the Dust Control Block Permit application.</p> <p>c. For any project <u>that is 0.10 acre (4,356 square feet) or greater and not listed in the Dust Control Block Permit application,</u> the applicant owner and/or operator 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.</p> <p>402.3 A Dust Control Plan shall, at a minimum, contain all of the</p>	<p><b>Draft Rule 310 amended.</b> Rule 310, Section 404.2: Dust Control Block Permit Requirements to read: When completing and submitting a Dust Control Block Permit application, the owner and/or operator shall comply with the following requirements:</p> <p>a. A Dust Control Plan that meets the criteria described in Section 402 of this rule and applies to all sites shall be submitted to the Control Officer with the Dust Control Block Permit application.</p> <p>b. A <u>description or map of the owner's and/or operator's service areas and a list of all sites that are 0.10 acre (4,356 square feet) or greater,</u> including the location and size of each site, shall be submitted to the Control Officer with the Dust Control Block Permit application.</p> <p>c. For any project <u>that is 0.10 acre (4,356 square feet) or greater and not listed in the Dust Control Block Permit application,</u> the applicant owner and/or operator 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.</p>

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	<p>following information:</p> <p>c. Appropriate control measures, or a combination thereof, as described in Section 305 and Section 306 of this rule, for every actual and potential dust-generating operation.</p> <p>(4) If complying with <del>Section 305.7, Control Measures for Dust-Generating Operations-Unpaved Haul/Access Roads</del> <u>Section 305.7(e)</u> 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>	
36.	<p><b>Rule 310, Section 409</b>  <b>Dust Control Permit Expiration And Renewal</b>            409 Posting Of Permits For Dust-Generating Operations: A Dust Control permit and a Dust Control Plan, as approved by the Control Officer, shall be posted in a conspicuous location at the work site, within on-site equipment, or in an on-site vehicle, or shall otherwise be kept available on-site at all times. <u>For the purposes of this section, a permit shall not be considered expired if its renewal was timely applied for.</u></p>	<p><b>Draft Rule 310 amended.</b> To insert the suggested language in Rule 310, Section 406.</p>
37.	<p><b>Rule 310, Section 502.1</b>  <b>Recordkeeping Requirements</b>            502.1 Any person who conducts dust-generating operations that require a Dust Control Plan shall keep a written record of self-inspection on each day dust-generating operations are conducted. Self-inspection records shall include daily inspections for crusted or damp soil, trackout conditions and clean-up measures, daily water usage <u>for dust control measures</u>, and dust suppressant application. Such written record shall also include the following information:</p>	<p><b>Draft Rule 310 amended.</b></p>
38.	<p><b>Rule 310.01, Section 103.4</b>  <b>Exemption For Disturbed Surface Area</b>  <del>103.4 An area is considered to be a disturbed surface area until the activity that caused the disturbance has been completed and the disturbed surface area meets the standards described in this rule.</del></p>	<p><b>Draft Rule 310.01 amended.</b> To delete an exemption regarding stabilization requirements for disturbed surface areas, because the exemption contradicts the purpose of Rule 310.01.</p>
39.	<p><b>Rule 310.01, Re-Numbered Section 103.4</b>  <b>Exemption For Establishing Initial Landscapes</b>  <u>103.4 Establishing The provisions of this rule shall not apply to the establishment of initial landscapes without the use of mechanized equipment, conducting landscape maintenance without the use of mechanized equipment, and playing on or maintaining a field used for non-motorized sports. shall not be considered a dust-generating operation.</u> However, establishing initial landscapes without the use of mechanized equipment and conducting landscape maintenance without the use of mechanized equipment shall not include grading, or trenching, performed to establish initial landscapes or to redesign existing landscapes.</p>	<p><b>Draft Rule 310.01 amended.</b> To amend sentence structure regarding exemption for establishing initial landscapes.</p>
40.	<p><b>Rule 310.01, Section 103.6</b>  <b>Exemption Regarding Fugitive Dust</b>  <del>103.6 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</del></p>	<p><b>Draft Rule 310.01 amended.</b> To delete an exemption regarding fugitive dust and to add parallel text in Rule 310.01, Section 213: Definition Of Fugitive Dust to clarify that disturbed surface areas are not exempt from the provisions of Rule 310.01.</p>

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	<del>subject to other rules in Regulation III (Control of Air Contaminants) of these rules.</del>	
41.	<b>Rule 310.01, Section 200</b> <b>Definitions</b> <del>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, in addition to those definitions found in Rule 100: General Provisions And Definitions of these rules. In the event of any conflict, the specific definitions in this section control.</del>	<b>Draft Rule 310.01 amended.</b> To clarify introduction to definitions section.
42.	<b>Rule 310.01, Section 203</b> <b>Definition Of Area Accessible To The Public</b> 203 Area Accessible To The Public – Any <u>paved</u> parking lot or <u>paved</u> public roadway that can be entered or used for public travel primarily for purposes unrelated to the dust-generating operation.	<b>Draft Rule 310.01 amended.</b> To add “paved” and to delete “public” to clarify what is and is not considered an area accessible to the public.
43.	<b>Rule 310.01, Section 214</b> <b>Definition Of Gravel Pad</b> 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 <del>a paved</del> <u>an</u> 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. <del>A gravel pad shall consist of one inch to 3 inches rough diameter, clean, well-graded gravel or crushed rock.</del> Minimum dimensions must be 30 feet wide by 3 inches deep; and, <del>at minimum,</del> 50 feet long or the length of the longest haul truck, whichever is greater. <u>If an unpaved surface exit does not have adequate width to install a 30-foot wide gravel pad, then the width of the gravel pad shall cover the full width of the unpaved surface exit and such shorter width shall be adequate to prevent trackout.</u>	<b>Draft Rule 310.01 amended.</b> To clarify that using a 30-foot wide gravel pad exit is contingent on the physical impossibility of widening the existing exit – not mere inconvenience, per EPA's comments dated February 5, 2009.
44.	<b>Rule 310.01, Section 216</b> <b>Definition Of Livestock Activities</b> 216 Livestock Activities - Any activity directly related to feeding animals, displaying animals, racing animals, exercising animals, and/or for any other such activity including, but not limited to, livestock arenas, horse arenas, <del>and</del> feed lots <u>and residential activities related to feeding and displaying animals.</u>	<b>Draft Rule 310.01 amended.</b> To clarify that livestock activities apply not only to large arenas and livestock events but also to residential activities related to feeding and displaying animals.
45.	<b>Rule 310.01, Section 231</b> <b>Definition Of Unpaved Roadway (Including Alleys)</b> 231 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. An unpaved roadway (including alleys) includes designated or opened trail systems and service roads regardless of surface composition, <del>and any other property dedicated or otherwise reserved for public or private street uses, as evidenced by a recorded document, or having thereon a public easement for such use.</del>	<b>Draft Rule 310.01 amended.</b> To delete “and any other property dedicated or otherwise reserved for public or private street uses, as evidenced by a recorded document, or having thereon a public easement for such use” to clarify that the definition of “unpaved roadway” does not apply to private roads.
	<b>Rule 310.01, Section 302.2</b>	<b>Draft Rule 310.01 amended.</b> To delete “achieve” and to add

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46.	<p><b>Control Measures For Non-Traditional Sources Of Fugitive Dust</b>            302.2 Control measures shall be implemented to <del>achieve</del> meet the visible emissions requirements and <del>stabilization requirements</del>, as required for each activity, and <u>to achieve</u> the compliance determination in Section 501 of this rule.</p>	<p>“and stabilization requirements” and to add “to achieve”.</p>
47.	<p><b>Rule 310.01, Section 302.4 Vehicle Use In Open Areas And Vacant Lots-Visible Emissions Requirements And Stabilization Requirements</b>            a. Visible Emissions Requirements and Stabilization Requirements: <del>The owner and/or operator of a non-traditional source of fugitive dust that involves vehicle use in open areas and vacant lots shall not cause, suffer, or allow visible emissions of particulate matter, including fugitive dust, beyond the property line within which the emissions are generated.</del>  <u>(1) The owner and/or operator of a non-traditional source of fugitive dust that involves vehicle use in open areas and vacant lots shall not cause or allow visible emissions of particulate matter, including fugitive dust, beyond the property line within which the emissions are generated.</u>  <u>(2) The owner and/or operator of a non-traditional source of fugitive dust that involves vehicle use in open areas and vacant lots shall stabilize the open areas and vacant lots on which vehicles are used with one of the following stabilization limitations/methods:</u>  <u>(a) A visible crust; or</u>  <u>(b) A threshold friction velocity (TFV) corrected for non-erodible elements of 100 cm/second or higher; or</u>  <u>(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%; or</u>  <u>(d) Standing vegetative cover (i.e., vegetation that is attached (rooted) with a predominant vertical orientation) that is equal to or greater than 30%; or</u>  <u>(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; or</u>  <u>(f) A percent cover that is equal to or greater than 10% for non-erodible elements; or</u>  <u>(g) An alternative test method approved in writing by the Control Officer and the Administrator as described in Section 303 of this rule.</u></p>	<p><b>Draft Rule 310.01 amended.</b> To add stabilization requirements for vehicle use in open areas and vacant lots. Such requirements were inadvertently omitted when Rule 310.01 was adopted on March 26, 2008.</p>
48.	<p><b>Rule 310.01, Section 302.5 Open Areas And Vacant Lots-Visible Emissions Requirements And Stabilization Requirements</b>            a. Visible Emissions Requirements and Stabilization Requirements: <del>The owner and/or operator of a non-traditional source of fugitive dust that involves open areas and vacant lots shall not cause, suffer, or allow visible emissions of particulate matter, including fugitive dust, beyond the property line within which the emissions are generated.</del>  <u>(1) The owner and/or operator of a non-traditional source of fugitive dust that involves open areas and vacant lots shall not cause or allow visible emissions of particulate matter, including fugitive dust, beyond the property line within which the</u></p>	<p><b>Draft Rule 310.01 amended.</b> To add stabilization requirements for vehicle use in open areas and vacant lots and for open areas and vacant lots. Such requirements were inadvertently omitted when Rule 310.01 was adopted on March 26, 2008.</p>

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<p><u>emissions are generated.</u>  <u>(2) The owner and/or operator of a non-traditional source of fugitive dust that involves open areas and vacant lots shall stabilize the open areas and vacant lots with one of the following stabilization limitations/methods:</u>  <u>(a) A visible crust; or</u>  <u>(b) A threshold friction velocity (TFV) corrected for non-erodible elements of 100 cm/second or higher; or</u>  <u>(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%; or</u>  <u>(d) Standing vegetative cover (i.e., vegetation that is attached (rooted) with a predominant vertical orientation) that is equal to or greater than 30%; or</u>  <u>(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; or</u>  <u>(f) A percent cover that is equal to or greater than 10% for non-erodible elements; or</u>  <u>(g) An alternative test method approved in writing by the Control Officer and the Administrator as described in Section 303 of this rule.</u></p>	
<p><b>49. Rule 310.01, Section 302.5(b)(1)-(5) Open Areas And Vacant Lots-Control Measures</b>  (1) Establish vegetative ground cover on all disturbed surface areas. Such control measure(s) must be maintained and reapplied, if necessary. Stabilization shall be achieved, per this control measure, within eight months after the control measure has been implemented- ; <u>or</u>  (2) Apply a dust suppressant to all disturbed surface areas- ; <u>or</u>  (3) Restore all disturbed surface areas within 60 calendar days following the initial discovery by the Control Officer of the disturbance, such that the vegetative ground cover and soil characteristics are similar to adjacent or nearby undisturbed native conditions. Such control measure(s) must be maintained and reapplied, if necessary. Stabilization shall be achieved, per such control measure, within eight months after such control measure has been implemented- ; <u>or</u>  (4) Uniformly apply and maintain surface gravel- ; <u>or</u>  (5) Apply and maintain an alternative control measure approved in writing by the Control Officer and the Administrator <u>as described in Section 303 of this rule.</u></p>	<p><b>Draft Rule 310.01 amended.</b> To add “or” and to add “as described in Section 303 of this rule”.</p>
<p><b>50. Rule 310.01, Section 302.6(a)(2) Unpaved Parking Lots-Visible Emissions Requirements And Stabilization Requirements</b>  The owner and/or operator of a non-traditional source of fugitive dust that involves unpaved parking lots shall not cause or allow <del>visible fugitive dust emissions to exceed 20% opacity and either Section 302.6(a)(2)(a) or Section 302.6(a)(2)(b) of this rule: to be exceeded.</del> <u>In addition, the owner and/or operator of an unpaved parking lot shall not cause or allow visible fugitive dust emissions to exceed 20% opacity.</u>  (a) <del>Shall not allow silt</del> <u>Silt loading equal to or greater than 0.33 oz/ft<sup>2</sup>; or</u>  (b) <del>Shall not allow the silt</del> <u>Silt content to exceed exceeding 8%.</u></p>	<p><b>Draft Rule 310.01 amended.</b> To clarify that to prove compliance, the owner and/or operator must meet 20% opacity standard and silt loading standard or must meet 20% opacity standard and silt content standard.</p> <p>To prove non-compliance, the inspector must show/demonstrate that at least one of the standards (i.e., 20% opacity standard, silt loading standard, or silt content standard) has not been met.</p>

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51.	<p><b>Rule 310.01, Section 302.6(b)</b>  <b>Unpaved Parking Lots-Control Measures</b>  (1) <u>Pave; For parking, maneuvering, ingress, and egress areas at developments other than residential buildings with four or fewer units that are utilized for more than 35 days during the calendar year:</u>  (a) <u>Install and maintain pavement; or</u>  (b) <u>Apply dust suppressant other than water and 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 motor vehicles that traverse the site; or</u>  (c) <u>Uniformly apply and maintain surface gravel.</u>  (2) <u>For parking, maneuvering, ingress, and egress areas at developments other than residential buildings with four or fewer units that are utilized for 35 days or less during the calendar year:</u>  (a) <u>Install and maintain one of the control measures listed in Section 302.6(b)(1) of this rule; or</u>  (b) <u>Apply water and 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 motor vehicles that traverse the site.</u>  <del>(2) (3) Apply dust suppressants other than water and 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 motor vehicles that traverse the site;</del> <u>For parking, maneuvering, ingress, and egress areas 3,000 square feet or more in size at residential buildings with four or fewer units install and maintain a paving or stabilization method authorized by the city, town, or county by code, ordinance, or permit.</u>  <del>(3) Uniformly apply and maintain surface gravel; or</del>  (4) <u>Apply water and 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 motor vehicles that traverse the site.</u></p>	<p><b>Draft Rule 310.01 amended.</b> To clarify relationship between existing control measures for unpaved parking lots and Senate Bill 1552 / A.R.S. § 9-500.04.</p>
52.	<p><b>Rule 310.01, Section 302.6(c)(2)</b>  <b>Unpaved Parking Lots-Additional Requirements</b>  If trackout occurs, the owner and/or operator shall repair and/or replace the control measure(s) and shall clean up immediately such trackout from paved areas accessible to the public including curbs, gutters, and sidewalks when trackout extends a cumulative distance of 25 linear feet or more and at the end of the day for all other trackout. <u>The owner and/or operator shall not allow trackout to extend a cumulative distance of 25 linear feet or more from all exits onto areas accessible to the public. Notwithstanding the preceding, all accumulations of trackout on areas accessible to the public, including curbs, gutters, and sidewalks, shall be cleaned up and removed at the end of the work day.</u></p>	<p><b>Draft Rule 310.01 amended.</b> To clarify that trackout shall not extend “from all exits onto areas accessible to the public” rather than “from the point of origin onto paved areas accessible to the public”.</p>
53.	<p><b>Rule 310.01, Section 302.7(a)</b>  <b>Unpaved Roadways (Including Alleys)-Visible Emissions Requirements And Stabilization Requirements</b>  The owner and/or operator of unpaved roadways (including alleys) shall not cause or allow <del>visible fugitive dust emissions to exceed 20% opacity and either Section 302.7(a)(1) or Section</del></p>	<p><b>Draft Rule 310.01 amended.</b> To clarify that to prove compliance, the owner and/or operator must meet 20% opacity standard and silt loading standard or must meet 20% opacity standard and silt content standard.   To prove non-compliance, the inspector must</p>

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	<p>302.7(a)(2) of this rule: <del>to be exceeded.</del> In addition, the owner and/or operator of unpaved roadways (including alleys) shall not cause or allow visible fugitive dust emissions to exceed 20% opacity.</p> <p>(1) <del>Shall not allow silt</del> Silt loading equal to or greater than 0.33 oz/ft<sup>2</sup>; or</p> <p>(2) <del>Shall not allow the silt</del> Silt content to <del>exceed</del> exceeding 6%</p>	<p>show/demonstrate that at least one of the standards (i.e., 20% opacity standard, silt loading standard, or silt content standard) has not been met.</p>
54.	<p><b>Rule 310.01, Section 302.8(b)</b> <b>Livestock Activities-Control Measures</b></p>	<p><b>Draft Rule 310.01 amended.</b> To delete (not add) the proposed text regarding alternative control measures/alternative control technology as introduction to Section 302.8(b): "The owner and/or operator of a non-traditional source of fugitive dust that involves livestock activities shall implement the control measures described in this section of this rule. When selecting a control measure, the owner and/or operator may consider site-specific logistics of the livestock activities. When doing so, some control measures may be more reasonable to implement than others. Any control measure that is implemented must achieve the applicable standards and requirements described in Sections 302.8(a) and (c) of this rule, as determined by the corresponding test methods, as applicable, and must achieve other applicable standards set forth in this rule. The owner and/or operator may submit a request to the Control Officer and the Administrator for the use of alternative control measure(s). The owner and/or operator may implement the alternative control measure only after the Control Officer and the Administrator have granted the petition."</p> <p>To add alternative control measure provisions in Rule 310.01, new Section 303.</p>
55.	<p><b>Rule 310.01, Sections 302.8(b)(1) and (b)(2)</b> <b>Livestock Activities-Control Measures</b></p> <p>(1) For unpaved access connections <u>and unpaved feed lane access areas:</u></p> <p>(a) <del>Apply and maintain dust suppressants other than water; or</del> <u>Apply water and 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 motor vehicles that traverse the site;</u></p> <p>(b) <del>Apply and maintain pavement, gravel (maintained to a depth of four inches), or asphaltic roadbase;</del> ;</p> <p>(c) <del>Apply and maintain dust suppressants other than water; or</del></p> <p>(d) <u>Limit vehicle trips to no more than 20 per day per road, limit vehicle speeds to no more than 15 miles per hour, and restrict public access to private roads by installing barriers, curbs, fences, gates, posts, or signs written in compliance with ordinance(s) of local, County, State, or Federal sign standards.</u></p> <p>(2) <del>For unpaved feed lane access areas:</del></p> <p>(a) <del>Apply and maintain dust suppressants other than water; or</del></p> <p>(b) <del>Apply and maintain pavement, gravel (maintained to a depth of four inches), or asphaltic roadbase.</del></p>	<p><b>Draft Rule 310.01 amended.</b> To combine Sections 302.8(b)(1) and (b)(2) into Section 302.8(b)(1) and to add two control measures – apply water and install a trackout control device (Section 302.8(b)(1)(a)) and limit vehicle trips and vehicle speeds (Section 302.8(b)(1)(d)), per United Dairymen / Farm Bureau recommendation dated July 7, 2008.</p>
56.	<p><b>Rule 310.01, Sections 302.8(b)(3)(e)</b> <b>Livestock Activities-Control Measures</b></p> <p><del>(4)</del> (3) For corrals, pens, and arenas:</p> <p>(a) Apply water;</p> <p>(b) Install shrubs and/or trees within 50 feet to 100 feet of corrals, pens, and arenas;</p>	<p><b>Draft Rule 310.01 amended.</b> To add a control measure for corrals, pens, and arenas, per United Dairymen / Farm Bureau recommendation dated July 7, 2008.</p>

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	<p>(c) Scrape and/or remove manure;  (d) Apply a fibrous layer (i.e., wood chips) in working areas; <del>or</del>  (e) <u>Provide shaded areas; or</u>  <del>(e)</del> (f) Apply and maintain an alternative control measure approved in writing by the Control Officer and the Administrator as described in Section 303 of this rule.</p>	
57.	<p><b>Rule 310.01, Sections 302.8(b)(3)(f) Livestock Activities-Control Measures</b>  <del>(4)</del> (3) For corrals, pens, and arenas:  (a) Apply water;  (b) Install shrubs and/or trees within 50 feet to 100 feet of corrals, pens, and arenas;  (c) Scrape and/or remove manure;  (d) Apply a fibrous layer (i.e., wood chips) in working areas; <del>or</del>  (e) <u>Provide shaded areas; or</u>  <del>(e)</del> (f) Apply and maintain an alternative control measure approved in writing by the Control Officer and the Administrator as described in Section 303 of this rule.</p>	<p><b>Draft Rule 310.01 amended.</b> To add “as described in Section 303 of this rule”.</p>
58.	<p><b>Rule 310.01, Sections 302.8(c)(1) Livestock Activities-Additional Requirements</b>  The owner and/or operator of livestock activities shall implement <u>at least one of the control measures described in from each of the following three sections of this rule, as applicable: Section 302.8(b)(1), Section 302.8(b)(2), and Section 302.8(b)(3), and Section 302.8(b)(4) of this rule, as applicable. In lieu of implementing at least one control measure from each of the following three sections of this rule, as applicable: Section 302.8(b)(1), Section 302.8(b)(2), and Section 302.8(b)(3), the owner and/or operator of livestock activities shall implement an alternative control measure as described in Section 303 of this rule.</u></p>	<p><b>Draft Rule 310.01 amended.</b> To revise first sentence to clarify that at least one control measure from each of the three sections must be implemented, per EPA’s comments made June 24, 2009. To revise the statement regarding alternative control measures for livestock activities – to reference new Section 303-Alternative Control Measures.</p>
59.	<p><b>Rule 310.01, Section 302.8(c)(3) Livestock Activities-Additional Requirements:</b> <del>If trackout occurs, the owner and/or operator shall repair and/or replace the control measure(s) and shall clean up immediately such trackout from paved areas accessible to the public including curbs, gutters, and sidewalks when trackout extends a cumulative distance of 25 linear feet or more and at the end of the day for all other trackout. The owner and/or operator shall not allow trackout to extend a cumulative distance of 25 linear feet or more from all exits onto areas accessible to the public. Notwithstanding the preceding, all accumulations of trackout on areas accessible to the public, including curbs, gutters, and sidewalks, shall be cleaned up and removed at the end of the work day.</del></p>	<p><b>Draft Rule 310.01 amended.</b> To clarify that trackout shall not extend “from all exits onto areas accessible to the public” rather than “from the point of origin onto paved areas accessible to the public”.</p>
60.	<p><b>Rule 310.01, Section 302.10(a) Easements, Rights-of-Way, And Access Roads For Utilities (Transmission Of Electricity, Natural Gas, Oil, Water, And Gas)-Visible Emissions Requirements And Stabilization Requirements</b>  The owner and/or operator of a non-traditional source of fugitive dust that involves easements, rights-of-way, and access roads for utilities (transmission of electricity, natural gas, oil, water, and gas) shall not cause or allow <del>visible fugitive dust emissions to exceed 20% opacity and either Section 302.10(a)(1) or Section 302.10(a)(2) of this rule; to be exceeded.</del> In addition,</p>	<p><b>Draft Rule 310.01 amended.</b> To clarify that to prove compliance, the owner and/or operator must meet 20% opacity standard and silt loading standard or must meet 20% opacity standard and silt content standard.   To prove non-compliance, the inspector must show/demonstrate that at least one of the standards (i.e., 20% opacity standard, silt loading standard, or silt content standard) has not been met.</p>

	Text Of Proposed Amendment	Description Of Proposed Amendment
	<p><u>the owner and/or operator of easements, rights-of-way, and access roads for utilities (transmission of electricity, natural gas, oil, water, and gas) shall not cause or allow visible fugitive dust emissions to exceed 20% opacity.</u>  <del>(1) Shall not allow silt Silt loading equal to or greater than 0.33 oz/ft<sup>2</sup>; or</del>  <del>(2) Shall not allow the Silt content to exceed exceeding 6%.</del></p>	
61.	<p><b>Rule 310.01, Section 302.10(c)(2)  Easements, Rights-Of-Way, And Access Roads For Utilities (Transmission Of Electricity, Natural Gas, Oil, Water, And Gas)-Additional Requirements</b>  (2) A person, who allows 150 vehicle trips or more per day to use an easement, right-of-way, and access road for utilities (transmission of electricity, natural gas, oil, water, and gas) in the PM<sub>10</sub> nonattainment area, shall be responsible for conducting vehicle counts/traffic counts to determine if 150 vehicle trips or more per day occur on an easement, right-of-way, and access road for utilities (transmission of electricity, natural gas, oil, water, and gas). <del>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.</del> A traffic count shall measure vehicular traffic over a 48-hour period, which may consist of two non-consecutive 24-hour periods. Vehicular traffic shall be measured continuously during each 24-hour period. The average vehicle counts/traffic counts on the highest trafficked days shall be recorded and provided to the Control Officer in writing within 60 days of verbal or written request by the Control Officer.</p>	<p><b>Draft Rule 310.01 amended.</b> To amend the traffic count requirements to match traffic count requirements in Rule 310.01, Section 302.7(c)(2). Text was inadvertently omitted when Rule 310.01 was adopted on March 26, 2008.</p>
62.	<p><b>Rule 310.01, New Section 303  Alternative Control Measures</b>  <u>303.1 Any air pollution control measure installed or used must achieve the applicable standards described in Sections 302.4, 302.5, or 302.8 of this rule, as determined by the corresponding test methods, as applicable, and must achieve other applicable standard(s) set forth in this rule.</u>  <u>303.2 Any person may submit a request to the Control Officer for the use of an alternative air pollution control measure not otherwise specified in this rule. The request shall be submitted in writing to the Control Officer and shall meet all of the following requirements:</u>  a. <u>Be submitted as a separate/independent document;</u>  b. <u>Identify the owner and/or operator;</u>  c. <u>Identify and describe the proposed alternative air pollution control measure and the air pollution control measure that the alternative would replace;</u>  d. <u>Include a detailed statement or report demonstrating that the proposed alternative air pollution control measure would result in emission reductions that are equivalent to or exceed the emission reduction requirements otherwise specified in this rule;</u>  e. <u>Identify the rule section and subsection for which the respective alternative control measure is being requested; and,</u>  f. <u>Include a requested installation and implementation schedule.</u>  <u>303.3 The Control Officer will make an initial determination, based on the information submitted, whether or not the requested alternative control measure is equivalent to or exceeds the respective regulatory requirements.</u>  <u>303.4 If the Control Officer determines, based on the</u></p>	<p><b>Draft Rule 310.01 amended.</b> To move the proposed text regarding alternative control measures from introduction in Rule 310.01, Section 302.8(b) to Rule 310.01, New Section 303.</p>

Text Of Proposed Amendment	Description Of Proposed Amendment
<p><u>information submitted, that the requested alternative control measure is not at least equivalent to the respective regulatory requirements, the request will be denied. The applicant and the Administrator will be notified in writing of the decision.</u></p> <p><u>303.5 If the Control Officer determines, based on the information submitted, that the alternative control measure will be equivalent to or exceed the respective regulatory requirements, the Control Officer will forward such determination to the Administrator and request EPA approval.</u></p> <p><u>303.6 Following an initial approval by the Control Officer and concurrence by the Administrator, the applicant will be allowed to begin using the proposed alternative control measure for a specified period, during which a complete analysis of the performance will be conducted.</u></p> <p><u>303.7 The applicant must conduct testing of the alternative control measure as directed by the Control Officer.</u></p> <p><u>303.8 A final determination concerning equivalency will be made based on testing conducted during the analysis period.</u></p> <p><u>303.9 Notwithstanding the provisions of this section of this rule, no alternative control measure otherwise subject to this rule shall be installed or otherwise implemented to meet the requirements of this rule without prior written approval from the Control Officer and concurrence by the Administrator.</u></p> <p><u>303.10 Once an alternative control measure has been approved by both the Control Officer and the Administrator, any person subject to this rule can avail themselves of the alternative that has been approved.</u></p>	
<p><b>63. Rule 310.01, Section 501.3(g)</b>  <b><u>Compliance Determination</u></b>  Stabilization observations for <del>an open area and vacant lot</del> <u>vehicle use in open areas and vacant lots and/or open areas and vacant lots</u> shall be conducted in accordance with the following:  g. An alternative test method approved in writing by the Control Officer and the Administrator <u>as described in Section 303 of this rule.</u></p>	<p><b>Draft Rule 310.01 amended.</b> To add "as described in Section 303 of this rule".</p>