| Maricopa County<br>Air Quality Department | Substantive Policy Statement: SPS-2018-001<br>Trackout From Normal Farm Cultural Practices |
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| Approved by:<br>Philip A. McNeely | Philip A. McNeely, Director |

A substantive policy statement is advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the county and does not impose additional requirements or penalties on regulated parties or include confidential information or rules or ordinances adopted pursuant to Arizona Revised Statutes (A.R.S.) Title 49 (The Environment), Chapter 3 (Air Quality). [A.R.S. §§ 11-1601(8), 49-471(17)]

If you believe that this substantive policy statement does impose additional requirements or penalties on regulated parties, you may petition the agency under A.R.S. § 41-1033 for a review of the statement. [A.R.S. § 41-1033]

An applicant for a license subject to A.R.S. Title 11 (Counties), Chapter 11 (County Regulations), Article 1 (General Provisions) may request a county to clarify its interpretation or application of a statute, ordinance, regulation, delegation agreement or authorized substantive policy statement affecting the procurement of that license by providing the county with a written request that satisfies the requirements of A.R.S. § 11-1609(A). [A.R.S. § 11-1609]

## I. Purpose

Arizona Revised Statutes (A.R.S.) § 49-457 established a best management practices committee to set standards in order to reduce particulate matter emissions from agricultural activities (facility) and preempted further regulation of agricultural activities by counties, cities, and towns.

Maricopa County Air Pollution Control Regulations Rule 310–Fugitive Dust From Dust-Generating Operations was adopted to limit particulate matter emissions from dust-generating operations. While normal farm cultural practices are exempt from Rule 310, the Maricopa County Air Quality Department (MCAQD) regulates trackout from many sources, including trackout from a facility where normal farm cultural practices occur. This substantive policy statement will:

**A.** Clarify requirements for cleaning up trackout from a facility where normal farm cultural practices occur;

**B.** Suggest steps that can be taken to create and implement a trackout control plan (plan) and measures that can be taken to respond if trackout occurs;

**C.** Describe how the MCAQD will attempt to communicate with the owner and/or operator of a facility where normal farm cultural practices occur to ensure that emissions are minimized as expeditiously as possible; and

**D.** Explain how the MCAQD will identify the responsible party for issuance of a violation if compliance with this substantive policy statement is not achieved.

This substantive policy statement does not impose any new requirements on the owner or operator of a facility where normal farm cultural practices occur or limit the statutory authority of the MCAQD.

## II. Applicability

This substantive policy statement applies when trackout occurs from normal farm cultural practices.

## III. Definitions (From Rule 310)

**A. Area Accessible To The Public:** Any paved parking lot or paved roadway that can be entered or used for public travel primarily for purposes unrelated to the dust-generating operation.

**B. Dust-Generating Operation:** Any activity capable of generating fugitive dust. Examples of dust-generating operations are listed in Section 209 of Rule 310.

**C. End Of Workday**: The end of a working period that may include one or more work shifts. If working 24 hours a day, the end of a working period shall be considered no later than 8 pm.

**D. Fugitive Dust:** The particulate matter not collected by a capture system that is entrained in the ambient air and is caused from human and/or natural activities. Examples of fugitive and non-fugitive dust sources are listed in Section 216 of Rule 310.

**E. Normal Farm Cultural Practice:** All activities by the owner, lessee, agent, independent contractor, and/or supplier conducted on any facility for the production of crops and/or nursery plants. Disturbances of the field surface caused by turning under stalks, tilling, leveling, planting, fertilizing, or harvesting are included in this definition.

**F. Trackout/Carryout:** Any and all bulk materials that adhere to and agglomerate on the surfaces of motor vehicles, haul trucks, and/or equipment (including tires) and that have fallen or been deposited onto an area accessible to the public.

## IV. Discussion

The MCAQD recognizes that normal farm cultural practices differ from other types of dust-generating operations. Most importantly, when producing crops or nursery plants, care must be taken to avoid soil compaction which degrades the soil and adversely affects crop yield. In addition, vegetable crops are often harvested from wet soil to ensure the produce stays fresh. This wet, non-compacted soil can be tracked out by vehicles and equipment exiting onto paved roads. This presents a unique challenge because the types of trackout control devices used at other types of dust-generating operations are often less effective at removing dirt and mud from farming equipment. In addition, crop schedules and the highly perishable nature of the product make it infeasible to delay operations following heavy rains, further increasing the probability that trackout may occur. Finally, because Dust Control Permits are not required for normal farm cultural practices, it can take time for the MCAQD to identify and communicate with the parties responsible for cleaning trackout from areas accessible to the public.

## V. Statutory Authority

**A.** A.R.S. § 41-1009 [Title 41-State Government, Chapter 6-Administrative Procedure, Article 1-General Provisions, Inspections And Audits; Applicability; Exceptions]

**B.** A.R.S. § 49-457 [Title 49-The Environment, Chapter 3-Air Quality, Article 2-State Air Pollution Control, Agricultural Best Management Practices Committee; Members; Powers; Permits; Enforcement; Preemption; Definitions]

**C.** A.R.S. § 49-471.01 [Title 49-The Environment, Chapter 3-Air Quality, Article 3-County Air Pollution Control, Regulatory Bill Of Rights]

**D.** A.R.S. § 49-471.03 [Title 49-The Environment, Chapter 3-Air Quality, Article 3-County Air Pollution Control, Inspections]

**E.** A.R.S. § 49-479(A) [Title 49-The Environment, Chapter 3-Air Quality, Article 3-County Air Pollution Control, Rules; Hearing]

## VI. Procedures

### A. Clarification of Trackout Clean Up Requirements

1. Rule 310, Section 306.2 requires the owner and/or operator of a facility where normal farm cultural practices occur to clean up trackout, carry-out, spillage, and erosion (trackout) from areas accessible to the public including curbs, gutters, and sidewalks, on the following schedule:

    a. Immediately, when trackout, carry-out, or spillage extends a cumulative distance of 25 linear feet or more; and

b. At the end of the workday, for all other trackout, carry-out, spillage, and erosion.

2. For the purposes of this substantive policy statement, for trackout from a facility where normal farm cultural practices occur, the MCAQD considers "immediately" to be within 4 hours, if no fugitive dust is visible from wind or vehicles driving over the trackout.

3. If fugitive dust is visible from the trackout, implement trackout response (as described in Section D).

## B. Trackout Control Plan

It is recommended that the owner and/or operator of a facility where normal farm cultural practices occur develop a plan before normal farm cultural practices commence. The plan may identify ways to minimize the accumulation of trackout and ensure the owner and/or operator is prepared to respond expeditiously if trackout occurs. The plan may include:

1. Locations where haul trucks and vehicles will exit the facility and locations where trackout control devices will be effective.

2. Measures to limit vehicle access to entrances and exits that can be maintained.

3. Areas where trackout can be removed by manual sweeping and what equipment or procedures are necessary to ensure worker safety.

4. Other methods of trackout removal, including street sweeping services and the use of water trucks to spray trackout off of areas accessible to the public.

5. Under what circumstances access to an area accessible to the public can be restricted.

A Trackout Control Plan template is provided in Appendix A.

## C. Trackout Control Plan Implementation

It is recommended that the owner and/or operator of a facility where normal farm cultural practices occur communicate the plan to a designated individual who will implement the plan. The designated individual is encouraged to:

1. Sign up to receive rapid response notifications, high pollution advisories, and health watch alerts by text message or email.

2. Assess trackout conditions and the condition of any trackout control devices shortly after sunrise, periodically throughout the day, and before the end of the work day.

3. Ensure that vehicles are exiting the site at designated locations and using trackout control devices (when available).

## D. Trackout Response

It is recommended that the designated individual who will implement the plan take the following steps when trackout occurs:

1. Keep trackout wet or restrict access to the area accessible to the public so that trackout is not a source of fugitive dust.

2. Initiate cleaning of trackout within 4 hours after trackout is observed, or sooner if fugitive dust emissions are visible. Trackout can be cleaned manually (if it is safe to do so) or with a street sweeper.

3. Verify that all trackout has been cleaned from the area accessible to the public by the end of the workday.

## E. Communicating with Owners and/or Operators of Normal Farm Cultural Practices

1. The MCAQD will not conduct routine inspections at a facility where normal farm cultural practices occur, unless an air quality permit has been issued for other equipment or activities at the facility. However, inspectors may observe trackout when responding to complaints or when driving by a facility where normal farm cultural practices occur.

2. When trackout is observed from a facility where normal farm cultural practices occur, the inspector and their supervisor will consider all relevant information (including weather events, pollution advisories, and ambient air quality conditions) and will use the principles of compliance assurance to ensure that fugitive dust is minimized and trackout is cleaned in accordance with this substantive policy statement.

3. The inspector will attempt to contact the designated person overseeing the operations. If the inspector is unable to contact someone on-site, the inspector will attempt to contact the owner and/or operator of the facility through the Arizona Department of Environmental Quality and/or the Maricopa County Farm Bureau. The owner and/or operator of a facility may proactively provide their contact information and the location of their operation to the MCAQD using the form in Appendix B.

4. The inspector will explain the requirements of this substantive policy statement, verify that appropriate action has been taken to remove trackout, and determine when complete removal of trackout is expected.

5. The inspector will return to the facility where trackout was observed to verify that all trackout has been cleaned in accordance with this substantive policy statement.

6. If the MCAQD determines that a situation warrants the issuance of an Opportunity to Correct (OTC) or a Notice of Violation (NOV), the MCAQD will attempt to issue the violation to the entity that generated the trackout (such as the owner or operator of the normal farm cultural practice or the owner or operator of the harvesting operation), whenever possible. If the MCAQD is not able to identify or contact the owner or operator of the normal farm cultural practices, the OTC or NOV may be issued to the property owner.

7. The Business Assistance Office is available to answer questions, provide technical assistance, and conduct courtesy visits to help achieve compliance.

8. The Business Assistance Office offers the opportunity for enforcement case review if the recipient of an OTC or an NOV believes the violation was issued in error or there are reasons that should be considered which could overturn the violation.

## VII. Divisions Affected

**A.** Travel Reduction and Outreach – Business Assistance

**B.** Compliance And Enforcement

## VIII. References

**A.** Maricopa County Air Pollution Control Regulations-Rule 310-Fugitive Dust From Dust-Generating Operations

**B.** MCAQD Substantive Policy Statement PP-2011-003-Opportunity To Correct

## IX. Revision History

| Version | Revision Date | Description of Revision |
|---|---|---|
| 1 | 05-18-2018 | Initial version |

## X. Appendices

**A.** Trackout Control Plan

**B.** Contact Information Form

# Appendix A: Trackout Control Plan

For Facilities Where Normal Farm Cultural Practices Occur

Business name _____

Physical address or location of the facility:

_____ City: _____ Zip Code: _____

## Implementation

Designate an individual to implement the trackout control plan.

Name: _____

- ☐ Assess trackout conditions throughout the work day
- ☐ Clean trackout from paved areas within 4 hours (or when emissions are visible)
- ☐ Ensure vehicles are exiting at designated locations
- ☐ Sign up for Rapid Response Notifications (if your operation is located near and air quality monitor) www.maricopa.gov/1628
- ☐ Sign up to receive text or email notifications when a High Pollution Advisory (HPA) or Health Watch is issued bit.ly/CleanAirMakeMoreAlerts

## Exit Locations

Identify travel routes and locations where vehicles will exit onto paved roads:

1. _____
2. _____
3. _____
4. _____
5. _____

## Trackout Control Devices

Consider using a rumble grate or a gravel pad to remove dirt and mud from vehicles before they exit onto paved roads.

## Manual Cleaning

Identify paved areas that can be cleaned by manual sweeping (S) or by washing with water (W):

1. _____ ☐ S ☐ W
2. _____ ☐ S ☐ W
3. _____ ☐ S ☐ W
4. _____ ☐ S ☐ W
5. _____ ☐ S ☐ W

**Water should never be used to wash trackout into a storm drain.**

## Safety

List equipment or procedures that are necessary for worker safety when manually cleaning trackout:

1. _____
2. _____
3. _____
4. _____
5. _____

## Street Sweeping

Identify a street sweeper to be contacted if trackout cannot be cleaned by manual sweeping or with a water truck:

Name: _____

Phone: _____

**Keep this trackout control plan on-site so that the designated individual can refer to it frequently.**

Return Completed Form To:
Maricopa County Air Quality Department
1001 N. Central Avenue, Suite 125, Phoenix AZ 85004
Phone (602) 506-6010 Fax (602) 372-0587
AQPlanning@mail.maricopa.gov

# Appendix B: Contact Information Form

For Facilities Where Normal Farm Cultural Practices Occur

The owner and/or operator of a facility where normal farm cultural practices occur may voluntarily submit their contact information to the Maricopa County Air Quality Department (MCAQD). If trackout is observed from a facility where normal farm cultural practices occur, the MCAQD will use the information provided on this form to communicate their observations to the designated contact. This improved communication process will promote compliance and minimize emissions.

Name of Farm: _____

Designated Contact: _____ Phone Number: _____

Email Address: _____

Physical Location of the Facility (such as address, parcel number, coordinates, map, etc.):

_____

_____

_____

_____