



Maricopa County Air Quality Department
Substantive Policy Statement: SPS-2019-004
Rule 310 and Rule 316 Dust Control Certifications
Issue Date: February 25, 2020

Approved by:

A handwritten signature in black ink, appearing to read "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

This substantive policy statement clarifies which dust control certifications are required for employees working at sites subject to Rule 310 (Fugitive Dust From Dust-Generating Operations) and/or Rule 316 (Nonmetallic Mineral Processing).

II. Applicability

This substantive policy statement applies to employees working at sites subject to Rule 310 and/or Rule 316.

III. Statutory Authority

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

B. A.R.S. § 49-480 [Title 49-The Environment, Chapter 3-Air Quality, Article 3-County Air Pollution Control, Section 480-Permits; Fees]

IV. Divisions Affected

- A. Compliance and Enforcement
- B. Travel Reduction and Outreach

V. Definitions

The following definitions are terms used in this SPS and are verbatim from Rule 310 and/or Rule 316. Additional definitions can be found in Rules 310 and 316.

- A. **Disturbed Surface Area** - A portion of the earth's surface or material placed on the earth's surface that has been physically moved, uncovered, destabilized, or otherwise modified from its undisturbed native condition if the potential for the emission of fugitive dust is increased by the movement, destabilization, or modification. [Rules 310 and 316]
- B. **Fugitive Dust Control Technician** - A person with the authority to expeditiously employ sufficient fugitive dust control measures to ensure compliance with this rule at a facility where nonmetallic mineral processing or any related operations occur. [Rule 316]

VI. Discussion

While both Rules 310 and 316 have the same purpose, to control PM₁₀ emissions, each rule applies to a different industry; therefore, each rule has different dust control requirements.

Rule 310: Depending on the acreage of disturbed surface area at which they are working, Rule 310 requires site superintendents, block permit permittees, water truck drivers, and water-pull drivers to have a current basic or comprehensive (Dust Control Coordinator) dust training class completion certification.

Rule 316: Depending on the acreage of disturbed surface area at which they are working or depending on the rated or permitted capacity of material being processed through the site per hour, Rule 316 requires the plant manager, foreman, water truck drivers, and water-pull drivers to have a current basic or comprehensive (Fugitive Dust Control Technician) dust training class completion certification.

VII. Procedures

The following table shows which certification is deemed acceptable by the Maricopa County Air Quality Department (MCAQD), given the specified site/facility and individual:

	Water Truck and Water-Pull Drivers Regardless of acreage of disturbed surface area	Block Permit Permittees One acre of disturbed surface area for a site, not a cumulative acreage of all sites under the block permit	Site Superintendent or Plant Managers and Foremen Greater than one acre but less than five acres of disturbed surface area	Dust Control Coordinator or Fugitive Dust Control Technician Equal to or greater than five acres of disturbed surface area or equal to or greater than 25 tons of material processed per hour
Site/Facility Subject to Rule 310	310 Basic* Or 316 Basic*	310 Basic*	310 Basic*	310 Comprehensive
Site/Facility Subject to Rule 316	316 Basic*	Not Applicable	316 Basic*	316 Comprehensive
Site/Facility Subject to Rules 310 and 316	316 Basic*	Not Applicable	316 Basic*	316 Comprehensive

* Individuals subject to a basic certification, as per the table above, shall satisfy such basic certification requirement by possessing either a basic or comprehensive certification.

VIII. References

- A. Maricopa County Air Pollution Control Regulations, Rule 310 (Fugitive Dust From Dust-Generating Operations) revised January 27, 2010
- B. Maricopa County Air Pollution Control Regulations, Rule 316 (Nonmetallic Mineral Processing) revised November 7, 2018

IX. Revision History

Version	Date	Description
1.	02-25-2020	Initial version; supersedes PP-2010-002 (Rule 310 and Rule 316 Dust Control Certifications); added certification requirements for block permit permittees
2.		
3.		
4.		