

REGULATION III – CONTROL OF AIR CONTAMINANTS

RULE 310.01

FUGITIVE DUST FROM NON-TRADITIONAL SOURCES OF FUGITIVE DUST

INDEX

SECTION 100 – GENERAL

- 101 PURPOSE
- 102 APPLICABILITY
- 103 EXEMPTIONS

SECTION 200 – DEFINITIONS

- 201 ANIMAL WASTE
- 202 AREA A
- 203 AREA ACCESSIBLE TO THE PUBLIC
- 204 BULK MATERIAL
- 205 CHEMICAL/ORGANIC STABILIZER
- 206 CONTROL MEASURE
- 207 DISTURBED SURFACE AREA
- 208 DUST-GENERATING OPERATION
- 209 DUST SUPPRESSANT
- 210 EMERGENCY
- 211 EMERGENCY ACTIVITY
- 212 FEED LANE ACCESS AREAS
- 213 FUGITIVE DUST
- 214 GRAVEL PAD
- 215 GRIZZLY
- 216 LIVESTOCK ACTIVITIES
- 217 MOTOR VEHICLE
- 218 NON-TRADITIONAL SOURCE OF FUGITIVE DUST
- 219 NORMAL FARM CULTURAL PRACTICE
- 220 OFF-ROAD VEHICLE

- 221 OPEN AREAS AND VACANT LOTS
- 222 OWNER AND/OR OPERATOR
- 223 PAVE
- 224 PM₁₀ NONATTAINMENT AREA
- 225 PROPERTY LINE
- 226 PUBLIC ROADWAYS
- 227 TRACKOUT/CARRYOUT
- 228 TRACKOUT CONTROL DEVICE
- 229 UNPAVED ACCESS CONNECTIONS
- 230 UNPAVED PARKING LOT
- 231 UNPAVED ROADWAY (INCLUDING ALLEYS)
- 232 VACANT LOT

SECTION 300 – STANDARDS

- 301 GENERAL REQUIREMENTS FOR NON-TRADITIONAL SOURCES
OF FUGITIVE DUST
- 302 CONTROL MEASURES FOR NON-TRADITIONAL SOURCES OF
FUGITIVE DUST

SECTION 400 – ADMINISTRATIVE REQUIREMENTS (NOT APPLICABLE)

SECTION 500 – MONITORING AND RECORDS

- 501 COMPLIANCE DETERMINATION
- 502 RECORDKEEPING
- 503 RECORDS RETENTION

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

RULE 310.01

FUGITIVE DUST FROM NON-TRADITIONAL SOURCES OF FUGITIVE DUST

SECTION 100 – GENERAL

101 PURPOSE: To minimize the amount of fugitive dust entrained into the ambient air from non-traditional sources of fugitive dust by requiring measures to prevent, reduce, or mitigate fugitive dust emissions.

102 APPLICABILITY:

102.1 The provisions of this rule shall apply to non-traditional sources of fugitive dust that are conducted in Maricopa County, except for those dust-generating operations listed in Section 103 of this rule.

102.2 The provisions of this rule shall apply to any open area or vacant lot that is not defined as agricultural land and is not used for agricultural purposes according to Arizona Revised Statutes (A.R.S.) § 42-12151 and A.R.S. § 42-12152.

103 EXEMPTIONS:

103.1 The provisions of this rule shall not apply to normal farm cultural practices according to A.R.S. § 49-457 and A.R.S. § 49-504.4.

103.2 The provisions of this rule shall not apply to dust-generating operations that are subject to the standards and/or requirements described in Rule 310-Fugitive Dust from Dust-generating Operations of these rules.

103.3 The provisions of this rule shall not apply to emergency activities that may disturb the soil conducted by any utility or government agency in order to prevent public injury or to restore critical utilities to functional status.

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.

103.5 Establishing initial landscapes without the use of mechanized equipment, conducting landscape maintenance without the use of mechanized equipment, and playing on or maintaining a field used for non-motorized sports shall not be considered a dust-generating operation. However, establishing initial landscapes without the use of mechanized equipment and conducting landscape maintenance without the use of mechanized equipment shall not include grading, or trenching, performed to establish initial landscapes or to redesign existing landscapes.

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.

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

201 ANIMAL WASTE – Any animal excretions and mixtures containing animal excretions.

202 AREA A – As defined in A.R.S. § 49-541(1), the area in Maricopa County delineated as follows:

Township 8 North, Range 2 East and Range 3 East
Township 7 North, Range 2 West through Range 5 East
Township 6 North, Range 5 West through Range 6 East
Township 5 North, Range 5 West through Range 7 East
Township 4 North, Range 5 West through Range 8 East
Township 3 North, Range 5 West through Range 8 East
Township 2 North, Range 5 West through Range 8 East
Township 1 North, Range 5 West through Range 7 East
Township 1 South, Range 5 West through Range 7 East
Township 2 South, Range 5 West through Range 7 East
Township 3 South, Range 5 West through Range 1 East
Township 4 South, Range 5 West through Range 1 East

203 AREA ACCESSIBLE TO THE PUBLIC – Any parking lot or public roadway that can be entered or used for public travel primarily for purposes unrelated to the dust-generating operation.

204 BULK MATERIAL – Any material, including, but not limited to, the following materials that are capable of producing fugitive dust.:

204.1 Earth.

- 204.2 Rock.
 - 204.3 Silt.
 - 204.4 Sediment.
 - 204.5 Sand.
 - 204.6 Gravel.
 - 204.7 Soil.
 - 204.8 Fill.
 - 204.9 Aggregate less than 2 inches in length or diameter (i.e., aggregate base course [ABC]).
 - 204.10 Dirt.
 - 204.11 Mud.
 - 204.12 Demolition debris.
 - 204.13 Cotton.
 - 204.14 Trash.
 - 204.15 Cinders.
 - 204.16 Pumice.
 - 204.17 Saw dust.
 - 204.18 Feeds.
 - 204.19 Grains.
 - 204.20 Fertilizers.
 - 204.21 Fluff from shredders.
 - 204.22 Dry concrete.
- 205 CHEMICAL/ORGANIC STABILIZER** – Any non-toxic chemical or organic dust suppressant, other than water, which meets any specifications, criteria, or tests required by any Federal, State, or local water agency and is not prohibited for use by any applicable law, rule, or regulation.
- 206 CONTROL MEASURE** – A technique, practice, or procedure used to prevent or minimize the generation, emission, entrainment, suspension, and/or airborne transport of fugitive dust.
- 207 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.
- 208 DUST-GENERATING OPERATION** – Any activity capable of generating fugitive dust, including but not limited to, the following activities:
- 208.1 Land clearing, maintenance, and land cleanup using mechanized equipment.
 - 208.2 Earthmoving.
 - 208.3 Weed abatement by discing or blading.
 - 208.4 Excavating.

- 208.5 Construction.
 - 208.6 Demolition.
 - 208.7 Bulk material handling (e.g., bulk material hauling and/or transporting, bulk material stacking, loading, and unloading operations).
 - 208.8 Storage and/or transporting operations (e.g., open storage piles, bulk material hauling and/or transporting, bulk material stacking, loading, and unloading operations).
 - 208.9 Operation of any outdoor equipment.
 - 208.10 Operation of motorized machinery.
 - 208.11 Establishing and/or using staging areas, parking areas, material storage areas, or access routes to and from a site.
 - 208.12 Establishing and/or using unpaved haul/access roads to, from, and within a site.
 - 208.13 Disturbed surface areas associated with a site.
 - 208.14 Installing initial landscapes using mechanized equipment.
- 209 **DUST SUPPRESSANT** – Water, hygroscopic material, solution of water and chemical surfactant, foam, non-toxic chemical stabilizer, or any other dust palliative, which is not prohibited for ground surface application by the Environmental Protection Agency (EPA) or the Arizona Department of Environmental Quality (ADEQ), or any applicable law, rule, or regulation, as a treatment material for reducing fugitive dust emissions.
- 210 **EMERGENCY** – A situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a 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.
- 211 **EMERGENCY ACTIVITY** – Repairs that are a result of an emergency which prevents or hinders the provision of electricity, the distribution/collection of water, and the availability of other utilities due to unforeseen circumstances that are beyond the routine maintenance and repair due to normal wear conducted by a utility or municipality.
- 212 **FEED LANE ACCESS AREAS** – Roads providing access from the feed preparation areas to and including feed land areas at a livestock activity. These access roads are typically used to distribute feed from feed trucks to the animals.
- 213 **FUGITIVE DUST** – The particulate matter not collected by a capture system, that is entrained in the ambient air and is caused from human and/or natural activities, such as, but not limited to, movement of soil, vehicles, equipment, blasting, and wind.

- 214 GRAVEL PAD** – A layer of washed gravel, rock, or crushed rock that is at least one inch or larger in diameter, that is maintained at the point of intersection of a paved area accessible to the public and a work site entrance to dislodge mud, dirt, and/or debris from the tires of motor vehicles and/or haul trucks, prior to leaving the work site. A gravel pad shall consist of one inch to 3 inches rough diameter, clean, well-graded gravel or crushed rock. Minimum dimensions must be 30 feet wide by 3 inches deep, and, at minimum, 50 feet long or the length of the longest haul truck, whichever is greater.
- 215 GRIZZLY** – A device (i.e., rails, pipes, or grates) used to dislodge mud, dirt, and/or debris from the tires and undercarriage of motor vehicles and/or haul trucks prior to leaving the work site.
- 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, and feed lots.
- 217 MOTOR VEHICLE** – A self-propelled vehicle for use on the public roads and highways of the State of Arizona and required to be registered under the Arizona State Uniform Motor Vehicle Act, including any non-motorized attachments, such as but not limited to, trailers or other conveyances which are connected to or propelled by the actual motorized portion of the vehicle.
- 218 NON-TRADITIONAL SOURCE OF FUGITIVE DUST** – A source of fugitive dust that is located at a source that does not require any permit under these rules. The following non-traditional sources of fugitive dust are subject to the standards and/or requirements described in Rule 310.01-Fugitive Dust from Non-Traditional Sources of Fugitive Dust of these rules:
- 218.1** Vehicle use in open areas and vacant lots
 - 218.2** Open areas and vacant lots
 - 218.3** Unpaved parking lots
 - 218.4** Unpaved roadways (including alleys)
 - 218.5** Livestock activities
 - 218.6** Erosion-caused deposition of bulk materials onto paved surfaces
 - 218.7** Easements, rights-of-way, and access roads for utilities (electricity, natural gas, oil, water, and gas transmission)
- 219 NORMAL FARM CULTURAL PRACTICE** – All activities by the owner, lessee, agent, independent contractor, and/or supplier conducted on any facility for the production of crops and/or nursery plants. Disturbances of the field surface caused by turning under stalks, tilling, leveling, planting, fertilizing, or harvesting are included in this definition.

- 220 OFF-ROAD VEHICLE** – Any self-propelled conveyance specifically designed for off-road use, including, but not limited to, off-road or all-terrain equipment, trucks, cars, motorcycles, motorbikes, or motorbuggies.
- 221 OPEN AREAS AND VACANT LOTS** – Any of the following described in Section 221.1 through Section 221.3 of this rule. For the purpose of this rule, vacant portions of residential or commercial lots that are immediately adjacent and owned and/or operated by the same individual or entity are considered one vacant open area or vacant lot.
- 221.1** An unsubdivided or undeveloped tract of land adjoining a developed or a partially developed residential, industrial, institutional, governmental, or commercial area.
- 221.2** A subdivided residential, industrial, institutional, governmental, or commercial lot that contains no approved or permitted buildings or structures of a temporary or permanent nature.
- 221.3** A partially developed residential, industrial, institutional, governmental, or commercial lot.
- 222 OWNER AND/OR OPERATOR** – Any person who owns, leases, operates, controls, or supervises a fugitive dust source subject to the requirements of this rule.
- 223 PAVE** – To apply and maintain asphalt, concrete, or other similar material to a roadway surface (i.e., asphaltic concrete, concrete pavement, chip seal, or rubberized asphalt).
- 224 PM₁₀ NONATTAINMENT AREA** – An area designated by the EPA as exceeding National Ambient Air Quality Standards based upon data collected through air quality monitoring. The geographical boundary of Maricopa County's PM₁₀ nonattainment area is defined as the rectangle determined by and including the following townships and ranges: T6N, R3W; T6N, R7E; T2S, R3W; T2S, R7E; and T1N, R8E. Maricopa County's PM₁₀ nonattainment area includes the following cities: Surprise, Peoria, Glendale, Phoenix, Scottsdale, Tempe, Mesa, Gilbert, Chandler, Avondale, Buckeye, and Goodyear.
- 225 PROPERTY LINE** – The boundaries of an area in which either a person causing the emission or a person allowing the emission has the legal use or possession of the property. Where such property is divided into one or more sub-tenancies, the property line(s) shall refer to the boundaries dividing the areas of all sub-tenancies.
- 226 PUBLIC ROADWAYS** – Any roadways that are open to public travel.
- 227 TRACKOUT/CARRYOUT** – Any and all bulk materials that adhere to and agglomerate on the surfaces of motor vehicles, haul trucks, and/or equipment

(including tires) and that have fallen or been deposited onto a paved area accessible to the public.

- 228 TRACKOUT CONTROL DEVICE** – A gravel pad, grizzly, wheel wash system, or a paved area, located at the point of intersection of an unpaved area and a paved area accessible to the public that controls or prevents vehicular trackout.
- 229 UNPAVED ACCESS CONNECTIONS** – Any unpaved road connection with a paved public road.
- 230 UNPAVED PARKING LOT** – Any area 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.
- 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 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.
- 232 VACANT LOT** – The definition of vacant lot is included in Section 221-Definition of Open Areas and Vacant Lots of this rule.

SECTION 300 – STANDARDS

301 GENERAL REQUIREMENTS FOR NON-TRADITIONAL SOURCES OF FUGITIVE DUST:

301.1 An owner and/or operator of a non-traditional source of fugitive dust shall be subject to the standards and/or requirements described in this rule. Failure to comply with any such standards and/or requirements is deemed a violation of this rule.

301.2 When an owner and/or operator of a non-traditional source of fugitive dust fails to stabilize disturbed surfaces of vacant lots as required in Section 302.4 and Section 302.5 of this rule, the Control Officer shall commence

enforcement of those rule provisions regarding the stabilization of disturbed surfaces of vacant lots that include the following:

- a. Reasonable written notice to the owner or the owner's authorized agent or the owner's statutory agent that the unpaved disturbed surface of a vacant lot is required to be stabilized. The notice shall be given not less than 30 days before the day set for compliance and shall include a legal description of the property and the estimated cost to the county for the stabilization if the owner does not comply. The notice shall be either personally served or mailed by certified mail to the owner's statutory agent, to the owner at the owner's last known address or to the address to which the tax bill for the property was last mailed.
- b. Authority to enter upon any said land/property where such non-traditional source of fugitive dust exists/where such disturbed surface area exists and to take remedial and/or corrective action as may be deemed appropriate to cope with and relieve, reduce, remedy, and/or stabilize such non-traditional source of fugitive dust/such disturbed surface area. Any cost incurred in connection with any such remedial or corrective action by the Maricopa County Air Quality Department or any person acting for the Maricopa County Air Quality Department shall be reimbursed by the owner and/or operator of such non-traditional source of fugitive dust.

302 CONTROL MEASURES FOR NON-TRADITIONAL SOURCES OF FUGITIVE DUST:

- 302.1** When engaged in the activities described in Section 302.4 through Section 302.10 of this rule, the owner and/or operator of a non-traditional source of fugitive dust shall implement control measures as described in Section 302.4 through Section 302.10 of this rule, as applicable.
- 302.2** Control measures shall be implemented to achieve the visible emissions requirements, as required for each activity and the compliance determination in Section 501 of this rule.
- 302.3** Failure to implement control measures as required by this rule, as applicable, and/or failure to maintain stabilization of a non-traditional source of fugitive dust with adequate surface crusting to prevent wind erosion as measured by the requirements in this rule shall be deemed a violation of this rule.
- 302.4 Vehicle Use in Open Areas and Vacant Lots:** The owner and/or operator of a non-traditional source of fugitive dust that involves vehicle use in open areas and vacant lots shall be subject to the visible emissions

requirements described in Section 302.4(a) of this rule and, unless otherwise specified and/or required, shall comply with the control measures described in Section 302.4(b) of this rule and the additional requirements described in Section 302.4(c) of this rule.

a. Visible Emissions Requirements: 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.

b. Control Measures:

- (1) Prevent motor vehicle and/or off-road vehicle trespassing, parking, and/or access by installing barriers, curbs, fences, gates, posts, shrubs, trees, or other effective control measures;
- (2) Prevent motor vehicle and/or off-road vehicle trespassing, parking, and/or access by posting that consists of one of the following:
 - (a) A sign written in compliance with ordinance(s) of local, County, State, or Federal sign standards.
 - (b) An order of a government land management agency.
 - (c) Most current maps approved by a government land management agency.
 - (d) Virtual posting a government land management agency.
- (3) Uniformly apply and maintain surface gravel or chemical/organic stabilizers to all areas disturbed by motor vehicles and/or off-road vehicles; or
- (4) Apply and maintain an alternative control measure approved in writing by the Control Officer and the Administrator.

c. Additional Requirements:

- (1) If open areas and vacant lots are 0.10 acre (4,356 square feet) or larger and have a cumulative of 500 square feet or more that are disturbed by being driven over and/or used by motor vehicles, by off-road vehicles, or for material dumping, then the owner and/or operator shall implement one or more of the control measures described in Section 302.4(b) of this rule within 60 calendar days

following the initial discovery by the Control Officer of disturbance or vehicle use on open areas and vacant lots.

- (2) Within 30 calendar days following the initial discovery by the Control Officer of disturbance or vehicle use on open areas and vacant lots, the owner and/or operator shall provide in writing to the Control Officer a description and date of the control measure(s) to be implemented to prevent such disturbance or vehicle use on open areas and vacant lots.
- (3) The owner and/or operator shall implement all control measures necessary to limit the disturbance or vehicle use on open areas and vacant lots in accordance with the requirements of this rule. Control measure(s) shall be considered effectively implemented when the open areas and vacant lots achieve the compliance determinations described in Section 302.4(a) of this rule.
- (4) Once a control measure in Section 302.4(b) of this rule has been effectively implemented, then such open area or vacant lot is subject to the requirements of Section 302.5-Open Areas and Vacant Lots of this rule.
- (5) Use of or parking on open areas and vacant lots by the owner and/or operator of such open areas and vacant lots shall not be considered vehicle use in open areas and vacant lots and shall not be subject to the requirements of Section 302.4(b) and Section 302.4(c)(1) through Section 302.4(c)(4) of this rule. Such open areas and vacant lots shall still achieve the compliance determinations described in Section 501 of this rule.
- (6) Establishing initial landscapes without the use of mechanized equipment or conducting landscape maintenance without the use of mechanized equipment shall not be considered vehicle use in open areas and vacant lots and shall not be subject to the requirements of Section 302.4(b) and Section 302.4(c)(1) through Section 302.4(c)(4) of this rule. Such open areas and vacant lots shall still achieve the compliance determinations described in Section 501 of this rule.

302.5 Open Areas and Vacant Lots: The owner and/or operator of a non-traditional source of fugitive dust that involves open areas and vacant lots shall be subject to the visible emissions requirements described in Section 302.5(a) of this rule and, unless otherwise specified and/or required, shall comply with the control measures described in Section 302.5(b) of this rule and the additional requirements described in Section 302.5(c) of this rule.

a. Visible Emissions Requirements: 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.

b. Control Measures:

(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.

(2) Apply a dust suppressant to all disturbed surface areas.

(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.

(4) Uniformly apply and maintain surface gravel.

(5) Apply and maintain an alternative control measure approved in writing by the Control Officer and the Administrator.

c. Additional Requirements:

(1) If open areas and vacant lots are 0.10 acre (4,356 square feet) or larger and have a cumulative of 500 square feet or more that are disturbed and if such disturbed area remains unoccupied, unused, vacant, or undeveloped for more than 15 days, then the owner and/or operator shall implement one or more of the control measures described in Section 302.5(b) of this rule within 60 calendar days following the initial discovery by the Control Officer of the disturbance on the open areas and vacant lots.

(2) Within 30 calendar days following the initial discovery by the Control Officer of the disturbance on the open areas and vacant lots, the owner and/or operator shall provide in writing to the

Control Officer a description and date of the control measure(s) to be implemented.

- (3) Control measure(s) shall be considered effectively implemented when the disturbance on the open areas and vacant lots achieves the compliance determinations described in Section 302.5(a) of this rule.

302.6 Unpaved Parking Lots: The owner and/or operator of a non-traditional source of fugitive dust that involves unpaved parking lots shall be subject to the requirements described in Section 302.6(a) of this rule and, unless otherwise specified and/or required, shall comply with one of the control measures described in Section 302.6(b) of this rule and the additional requirements described in Section 302.6(c) of this rule.

a. Visible Emissions Requirements and Stabilization Requirements:

- (1) The owner and/or operator of a non-traditional source of fugitive dust that involves unpaved parking 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.
- (2) The owner and/or operator of a non-traditional source of fugitive dust that involves unpaved parking lots shall not cause or allow visible fugitive dust emissions to exceed 20% opacity and either Section 302.6(a)(2)(a) or Section 302.6(a)(2)(b) of this rule:
 - (a) Shall not allow silt loading equal to or greater than 0.33 oz/ft²;
or
 - (b) Shall not allow the silt content to exceed 8%.

b. Control Measures:

- (1) Pave;
- (2) 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;
- (3) Uniformly apply and maintain surface gravel; or
- (4) 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.

c. Additional Requirements:

- (1) The owner and/or operator of an unpaved parking lot shall implement one of the control measures described in Section 302.6(b) of this rule on any surface area(s) of the lot on which vehicles enter, park, and exit.
 - (a) If an unpaved parking lot is utilized for a period of 35 days or less during the calendar year, the owner and/or operator shall implement one or more of the control measures described in Section 302.6(b) of this rule during the period that the unpaved parking lot is utilized for vehicle parking and shall restrict vehicle access to only those areas upon which a control measure has been implemented.
 - (b) If an unpaved parking lot is utilized for more than 35 days during the calendar year, the owner and/or operator shall implement one or more of the control measures described in Section 302.6(b)(1) through Section 302.6(b)(3) of this rule during the period that the unpaved parking lot is utilized for vehicle parking and shall restrict vehicle access to only those areas upon which a control measure has been implemented.
- (2) Control measure(s) shall be considered effectively implemented when the unpaved parking lot achieves the compliance determinations described in Section 302.6(a) of this rule.
- (3) If trackout occurs, the owner and/or operator shall repair and/or replace the control measure(s) and shall clean-up immediately such trackout from paved areas accessible to the public including curbs, gutters, and sidewalks when trackout extends a cumulative distance of 25 linear feet or more and at the end of the day for all other trackout.
- (4) Parking, maneuvering, ingress, and egress areas at developments other than residential buildings with four or fewer units shall be maintained with one or more of the following dustproof paving methods:
 - (a) Asphaltic concrete.
 - (b) Cement concrete.

(c) Penetration treatment of bituminous material and seal coat of bituminous binder and a mineral aggregate.

(d) A stabilization method approved in writing by the Control Officer and the Administrator.

(5) Parking, maneuvering, ingress, and egress areas 3,000 square feet or more in size at residential buildings with four or fewer units shall be maintained with a paving or stabilization method authorized by the county by code, ordinance, or permit.

302.7 Unpaved Roadways (Including Alleys): The owner and/or operator of unpaved roadways (including alleys) that are used by 150 vehicle trips or more per day in the PM₁₀ nonattainment area shall be subject to the stabilization requirements described in Section 302.7(a) of this rule and, unless otherwise specified and/or required, shall comply with one of the control measures described in Section 302.7(b) of this rule and the additional requirements described in Section 302.7(c) of this rule.

a. Stabilization Requirements: The owner and/or operator of unpaved roadways (including alleys) shall not cause or allow visible fugitive dust emissions to exceed 20% opacity and either Section 302.7(a)(1) or Section 302.7(a)(2) of this rule:

(1) Shall not allow silt loading equal to or greater than 0.33 oz/ft²; or

(2) Shall not allow the silt content to exceed 6%.

b. Control Measures:

(1) Pave;

(2) Apply dust suppressants other than water; or

(3) Uniformly apply and maintain surface gravel.

c. Additional Requirements:

(1) If a person allows 150 vehicle trips or more per day on an unpaved roadway (including an alley) in the PM₁₀ nonattainment area, then such person shall first implement one of the control measures described in Section 302.7(b) of this rule.

(2) A person, who allows 150 vehicle trips or more per day on an unpaved roadway (including an alley) in the PM₁₀ nonattainment area, shall be responsible for conducting vehicle counts/traffic

counts to determine if 150 vehicle trips or more per day occur on an unpaved roadway (including an alley). 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.

- (3) Control measure(s) shall be considered effectively implemented under the following conditions:
 - (a) When the unpaved roadway (including an alley) achieves the compliance determinations described in Section 302.7(a) of this rule.
 - (b) When one of the control measures described in Section 302.7(b) of this rule is implemented on 5 miles of unpaved roadways (including alleys) having vehicle traffic of 150 vehicle trips or more per day within one calendar year beginning in calendar year of 2008. If the control measure described in Section 302.7(b)(2) of this rule is implemented, the unpaved roadways (including alleys) must be maintained so as to comply with Appendix C of these rules.

302.8 Livestock Activities: The owner and/or operator of a non-traditional source of fugitive dust that involves livestock activities shall be subject to the visible emissions requirements described in Section 302.8(a) of this rule and, unless otherwise specified and/or required, shall comply with the control measures described in Section 302.8(b) of this rule and the additional requirements described in Section 302.8(c) of this rule.

a. Visible Emissions Requirements:

- (1) For unpaved access connections and unpaved feed lane access areas, the owner and/or operator shall not cause or allow visible fugitive dust emissions to exceed 20% opacity.
- (2) For corrals, pens, and arenas, the owner and/or operator shall not cause or allow visible fugitive dust emissions to exceed 20% opacity for a period aggregating more than three minutes in any 60-minute period.
- (3) The owner and/or operator shall not cause, suffer, or allow visible emissions of particulate matter, including fugitive dust, beyond the property line within which the emissions are generated.

b. Control Measures:

(1) For unpaved access connections:

- (a)** Apply and maintain dust suppressants other than water; or
- (b)** Apply and maintain pavement, gravel (maintained to a depth of four inches), or asphaltic roadbase.

(2) For unpaved feed lane access areas:

- (a)** Apply and maintain dust suppressants other than water; or
- (b)** Apply and maintain pavement, gravel (maintained to a depth of four inches), or asphaltic roadbase.

(3) For bulk material hauling, including animal waste, off-site and crossing and/or accessing a paved area accessible to the public:

- (a)** Load all vehicles used to haul bulk material, including animal waste, such that the freeboard is not less than three inches;
- (b)** Prevent spillage or loss of bulk material, including animal waste, from holes or other openings in the cargo compartment's floor, sides, and/or tailgate(s);
- (c)** Cover cargo compartment with a tarp or other suitable closure; and
- (d)** 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.

(4) 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; or

(e) Apply and maintain an alternative control measure approved in writing by the Control Officer and the Administrator.

c. Additional Requirements:

- (1) The owner and/or operator of livestock activities shall implement one of the control measures described in Section 302.8(b)(1), Section 302.8(b)(2), Section 302.8(b)(3), and Section 302.8(b)(4) of this rule, as applicable.
- (2) Control measure(s) shall be considered effectively implemented when the livestock activities achieve the compliance determinations described in Section 302.8(a) of this rule.
- (3) If trackout occurs, the owner and/or operator shall repair and/or replace the control measure(s) and shall clean-up immediately such trackout from paved areas accessible to the public including curbs, gutters, and sidewalks when trackout extends a cumulative distance of 25 linear feet or more and at the end of the day for all other trackout.

302.9 Erosion-Caused Deposition of Bulk Materials Onto Paved Surfaces:

The owner and/or operator of a non-traditional source of fugitive dust that involves erosion-caused deposition of bulk materials onto paved surfaces shall comply with the control measures described in Section 302.9(a) of this rule and the additional requirements described in Section 302.9(b) of this rule.

a. Control Measures:

- (1) Remove any and all such deposits by utilizing the appropriate control measures within 24 hours of the deposits' identification or prior to the resumption of traffic on pavement, where the pavement area has been closed to traffic; and
- (2) Dispose of deposits in such a manner so as not to cause another source of fugitive dust.

b. Additional Requirements:

- (1) In the event that erosion-caused deposition of bulk materials or other materials occurs on any adjacent paved roadway, paved parking lot, curb, gutter, or sidewalk, the owner and/or operator of the property from which the deposition eroded shall implement both of the control measures described in Section 302.9(a) of this rule.

- (2) Failure to comply with both of the control measures described in Section 302.9(a) of this rule shall constitute a violation of this rule.

302.10 Easements, Rights-of-Way, and Access Roads for Utilities

(Transmission of Electricity, Natural Gas, Oil, Water, and Gas): 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) that are used by 150 vehicle trips or more per day in the PM₁₀ nonattainment area shall be subject to the stabilization requirements described in Section 302.10(a) of this rule and unless otherwise specified and/or required, comply with one of the control measures described in Section 302.10(b) of this rule and the additional requirements described in Section 302.10(c) of this rule.

- a. Stabilization Requirements:** 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 visible fugitive dust emissions to exceed 20% opacity and either Section 302.10(a)(1) or Section 302.10(a)(2) of this rule:

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

- b. Control Measures:**

- (1) Pave;
- (2) Apply dust suppressants other than water;
- (3) Uniformly apply and maintain surface gravel; or
- (4) Install locked gates at each entry point.

- c. Additional Requirements:**

- (1) If an owner and/or operator 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 PM₁₀ nonattainment area, then such owner and/or operator shall first implement one of the control measures described in Section 302.10(b) of this rule.

- (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 PM₁₀ 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). 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.
- (3) Control measure(s) shall be considered effectively implemented when the easement, right-of-way, and access road for utilities (transmission of electricity, natural gas, oil, water, and gas) achieves the compliance determinations described in Section 302.10(a) of this rule.

SECTION 400 – ADMINISTRATIVE REQUIREMENTS (NOT APPLICABLE)

SECTION 500 – MONITORING AND RECORDS

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

501.1 Opacity Observations:

- a. Opacity observations to measure visible emissions shall be conducted in accordance with the techniques specified in EPA Reference Method 203B (Visual Determination of Opacity of Emissions from Stationary Sources for Time-Exception Regulations). Emissions shall not exceed the applicable opacity standards of this rule for a period aggregating more than three minutes in any 60-minute period.
- b. Opacity observations to determine compliance with Sections 302.6, 302.7, 302.8(a)(1), 302.8(a)(2), and 302.10 of this rule shall be conducted in accordance with the techniques specified in Appendix C (Fugitive Dust Test Methods) of these rules.

501.2 Stabilization observations for unpaved parking lots and/or unpaved roadways (including alleys) shall be conducted in accordance with Appendix C, Section 2.1-Test Methods for Stabilization-for Unpaved Roads and Unpaved Parking Lots of these rules.

501.3 Stabilization observations for an open area and vacant lot shall be conducted in accordance with the following:

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

502 RECORDKEEPING: Any person subject to the requirements of this rule shall compile and retain records that provide evidence of control measure application (i.e., receipts and/or purchase records). Such person shall describe, in the records, the type of treatment or control measure, extent of coverage, and date applied. Upon verbal or written request by the Control Officer, such person shall provide the records and supporting documentation as soon as possible but no later than 48 hours, excluding weekends. If the Control Officer is at the site where requested records are kept, such person shall provide the records without delay.

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