

Article 7 Construction Sites in Nonattainment Areas—Fugitive Dust

4-7-238 Nonattainment Area Site Permits

A. Applicability

1. Onset. Before Development Activity begins on a Site that will involve a disturbance of an aggregate area of more than 0.1 acres, the Owner and/or Operator or someone with privity to the Owner and/or Operator shall apply for and obtain a Site Permit from the Control Officer.

2. Duration/Termination. The Site Permit shall be maintained until all of the following occur:

- a. Development Activity has ceased.
- b. All disturbed portions of the Site have been stabilized.
- c. Closure of the Site Permit in accord with this rule.

B. Application Requirements

A Site Permit application shall include each of:

1. Application coversheet

The applicant shall present an application on a form approved by the Control Officer, and shall include all essential identification information as specified on that form, including a proper legal identification of the applicant and the property owner, and the assessor's parcel number(s) for the project. A separate application is required for each Site location not contiguous to the location on the original application form.

2. Plot Plan or Site Plan

Each application shall include a plot plan with linear dimensions in feet. The plot plan must be on 8-1/2 by 11 inch paper, and may be on one or more sheets. The plan should identify the assessor's parcel number(s), the street address(es), the direction north, indicate the areas to be disturbed, and include a calculation of the area to be disturbed. The plan should show:

- a. Entire project site/facility boundaries,
- b. Acres to be disturbed with linear dimensions,
- c. Nearest public roads,
- d. North arrow, and
- e. Planned exit locations onto paved areas accessible to the public.

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3. Identification of surface-disturbing Activities

The Site Permit Application shall separately identify all activities that may cause a surface disturbance, specifically including planned earthmoving activities and other planned activities that may cause a disturbed surface.

a. Non-earthmoving Activities. The Site Permit application shall identify planned non-earthmoving activity, including any of:

- i. Vehicle traffic
- ii. Equipment traffic
- iii. Parking
- iv. Material storage and handling
- v. Other activities.

b. Earthmoving Activities. The Site Permit application shall identify planned earthmoving activity, including any of:

- i. Primary mass grading operations
- ii. Excavations for new footings, pads and concrete work
- iii. Grubbing existing foundations, slabs or structures
- iv. Installation of underground utilities
- v. Landscaping
- vi. Other earthmoving activities as defined in §4-7-210.

4. Site Dust Control Plan.

The applicant shall include in the application a Site Dust Control Plan, explaining the mitigation measures that will be used to control dust from every covered activity to be conducted on the Site. To be approvable under §4-7-234.C, the Dust Control Plan must explain how the Permittee will achieve compliance with each relevant objective standard in §4-7-226 and each relevant work practice standard in §4-7-230. At a minimum, the Site Dust Control Plan must address each of the following issues, and for each of the controls required under subparagraphs a. through h., must both designate all required measures as primary control measures and must additionally designate at least one contingency control measure:

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- a. Indicate how access to the Site will be controlled.
- b. Indicate whether the project will require a trackout control system. Whether or not a trackout control system is required, explain how trackout will be controlled at each of the access points.
- c. For every identified earthmoving activity, explain how dust will be controlled by actions taken prior to or during that activity.
- d. Apart from earthmoving, explain how the Permittee will establish and maintain stabilization of roadways, and areas used for traffic, parking, and the handling and storage of materials.
- e. If the applicant proposes to achieve stabilization by limiting speeds and traffic volume, explain how those limits will be enforced.
- f. Explain how, once earthmoving operations are completed, affected areas will be stabilized.
- g. Explain how areas disturbed by non-earthmoving activities will be stabilized.
- h. If stabilization will depend upon restricting access or preventing trespass, explain how that will be achieved.
- i. If dust mitigation efforts will involve use of dust suppressants, identify the product, include copies of MSDS sheets, and define in the plan details of the utilization in accord with the manufacturer's recommendations, including the method, frequency and intensity of application; the type, number and capacity of application equipment; and information on environmental impacts and approvals or certifications related to appropriate safe use for ground application.
- j. Define how often records of the volume of water- or suppressant-usage will be recorded.
- k. Define how frequently property-line opacity observations will be conducted and corresponding records recorded.
- l. Define how frequently activity-linked opacity observations will be conducted and corresponding records recorded.
- m. Define how frequently stabilization observations will be conducted and corresponding records recorded.
- n. Define how frequently trackout inspections will be conducted and corresponding records recorded.

5. Phased Close-out Plan

A Site Permit applicant may propose, as an element of the Site Dust Control Plan, a tracking system to define which individual parcels within a PAD or subdivision have qualified for Permit Closeout with respect to that parcel. Subject to the approval of the Control Officer, the tracking system proposal may include an electronic spreadsheet and linked electronic map maintained at the PAD or subdivision site. Closeout with respect to any parcel cannot take effect before the Permittee provides notice to the Control Officer regarding that parcel. Implementation of any such phased plan requires the express approval of the Control Officer.

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C. Permittee's Obligations

1. Application Acknowledgments. By signing an application, the Permittee acknowledges obligations to, and liability for failure to:
 - a. Assure that any earthmoving activity on the Site is covered by the Permit;
 - b. With respect to the Site:
 - i. Comply with or cause compliance with objective standards of §4-7-226.
 - ii. Comply with or cause compliance with obligatory work practice standards of §4-7-230.
 - iii. Comply with or cause compliance with commitments in the dust management plan submitted in support of the Permit application.
2. Permit must be available on-site. A complete copy of the Site Permit, including the dust control plan, shall be kept on the project at all times that Construction Activities occur and shall be made available upon request of the Control Officer.
3. Recordkeeping. On any day when disturbed surfaces remain on the Site and any earthmoving or construction activity occurs, the Permittee shall maintain daily logs showing:
 - a. Records verifying integrity of entrance/exit definitions.
 - b. Records of trackout compliance inspections.
 - c. Water/suppressant truck hours of operation and water or suppressant application rates. Permittee may use whatever metrics will reasonably reflect actual application rates.
 - d. Records of opacity observations, including notation of methods utilized.
 - e. Records of location and results of surface stabilization assessments, including notation of methods utilized.
 - f. Compliance with the dust control plan.
4. Basic Dust Control Training Requirement. No later than December 31, 2008, a site superintendent or other designated on-site representative of the permit holder and water truck and water pull drivers for each Site shall have successfully completed a Control-Officer-approved Basic Dust Control Training Class.

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5. Dust Control Coordinator Requirement. Any Site, or any contiguous combination of Sites under common control, having five acres or more of disturbed surface area subject to a Permit requirement shall, at all times during earthmoving activity operations related to the purposes for which a Site Permit is required, have on-site at least one individual qualified under a Control-Officer-approved Dust Control Coordinator training program.

D. Permit Closeout

1. Site-wide Project Closure; Closure of the Obligations of the Owner and/or Operator.

An Owner and/or Operator may attain a project-wide closeout ("project closure") by obtaining from the Control Officer a written Approval of Certificate of Project Completion based upon a showing of final stabilization following completion of all Development Activity.

2. Site-wide Project Closure; Closure of Permittee's Obligation.

A Permittee may terminate his liability under this Article by obtaining from the Control Officer a written Approval of Certificate of Project Completion, based upon the contractor's showing of:

- a. Final stabilization following completion of contracted project-wide Development Activity;
- b. Other equitable grounds (i.e. Termination of contractor's involvement with project).

3. Phased Closure.

An Owner and/or Operator and a Permittee may terminate liability and obligation under this Article with respect to a specific lot or parcel within a development, by complying with the terms of a Control-Officer-approved phased closure plan.