

4-3-190. Violations

A. Failure by any person to comply with the applicable requirements of this Article shall constitute a violation.

B. Violation Exemptions:

If all records were maintained in accordance with §4-3-180 section (C)(2)(b), the provisions of section §4-3-180 (A)(1) shall not apply to a work site during:

1. Wind conditions that cause fugitive dust to exceed the opacity requirements of §4-3-180 (A)(1), if all control measures as specified in the permit, are implemented, applied and maintained, all disturbed surface areas are stabilized, and one of the following:

a. All dust generating operations are ceased until the opacity requirements of §4-3-180(A)(1) are no longer being exceeded; or

b. Maintain documentation that any dust generating operations that are still being performed are not the cause of and do not contribute to the opacity violation. Documentation may include onsite opacity observations by a certified observer.

2. Emergency maintenance of flood control channels and water retention basins if all control measures, as specified in the permit are implemented, applied, and maintained.