

ARTICLE 7.
CONSTRUCTION SITES IN NONATTAINMENT AREAS – FUGITIVE DUST

4-7-210. Definitions

As used in this Article:

1. "Aggregate area" means, for purposes of assessing either disturbed area or overall project size, the relevant area or areas under common control and contained within a planned area development, within a legal subdivision, and/or adjoining parcels undergoing concurrent Development Activity. Parcels shall be considered adjoining if they are either contiguous or separated only by a privately or publicly owned easement or right-of-way.
2. "Bulk material" as used in this rule, means any material including but not limited to earth, rock, silt, sediment, sand, gravel, soil, fill, aggregate less than 2 inches in length or diameter, dirt, mud, grubbed materials, cinders, pumice, demolition debris, and dry concrete, which are capable of producing fugitive dust at an industrial, institutional, commercial, governmental, construction and/or demolition site.
3. "Construction" means building, maintaining or modifying a capital improvement resting upon, connected to or buried in the earth. Construction includes, but is not limited to, building construction, installing underground utilities, installing above-ground utilities, and building physical infrastructure including roads, highways, railways, flood structures, drainage works and irrigation works. Notwithstanding any other exemption under these rules, weed abatement by discing or blading and conducted for the purpose of enabling Development Activity or maintaining a Site shall qualify as construction.
4. "Development Activity" or "Development Activities" are defined as follows:
 - A. Development Activity includes:
 1. Earthmoving;
 2. Construction;
 3. When conducted on a Site, any of:
 - a. Use of vehicles or self-propelled equipment for material handling or storage off of a dustproof paved surface;
 - b. Use of vehicles or self-propelled equipment for transporting materials or personnel off of a dustproof paved surface;
 - c. Parking a vehicle or self-propelled equipment off of a dustproof paved surface;
 4. Generating trackout as a result of any other Development Activity.
 - B. Notwithstanding subparagraph A., Development Activities shall not include:
 1. Normal farm cultural practices, including leveling of fields.
 2. Permit-regulated non-fugitive emission points and permit-regulated fugitive emission sources at any stationary facility operating under authority of a permit issued pursuant to ARS §§49-426 or 49-480, provided that this Article shall apply to Development Activity not specifically regulated under the permit.
 3. Permit-regulated non-fugitive emission points at a portable source operating on a Site in support of Development Activity otherwise regulated under this Article pursuant to a permit issued pursuant to ARS §§49-426 or 49-480, except to the extent that operation of such portable source is conducted in support of Development Activity otherwise regulated under this Article, in which case this Article shall still apply to such a permitted portable source with respect to fugitive emissions from any source-specific Development Activity as defined under this Article.

4. Emergency response 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. For purposes of this subsection, an emergency response must address a situation arising from a sudden and unforeseeable event beyond the control of the Owner and/or Operator, including acts of God. Activities by an Owner and/or Operator to address a disturbance resulting from improperly designed equipment, lack of preventative maintenance, careless or improper operation or operator error shall not qualify as an emergency response.
 5. Normal surface maintenance of established roads, established utility easements, established traveled rights-of-way and established access roads does not constitute development, but only if such maintenance is not part of a larger project and:
 - a. Is not within a Site that is otherwise subject to a Site Permit requirement; and
 - b. Such maintenance does not involve cutting, filling or the import or export of material.
 6. Hauling activities outside of a Site, other than as regulated under project-linked trackout provisions of these rules and under §4-7-230.D pertaining to haulage between portions of a Site that straddles a roadway.
 7. Weed abatement by discing or blading, subject to the limitations of §§4-7-210.3 and 4-7-210.7.
5. "Disturbed surface" or "disturbed area" means any 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 natural condition, thereby increasing the potential for emission of fugitive dust.
- A. If a Site contains disturbed surfaces areas exhibiting visibly distinguishable soils, vegetative cover, or other stabilization characteristics, the Owner and/or Operator shall treat each such distinguishable area separately for purposes of assessing the necessary stabilization for that soil type or condition.
 - B. For trenches that are less than four feet in depth, it is assumed that a six (6) foot wide path of surface material will be disturbed as the trench is dug. Once the trench exceeds a length of 726 feet, 0.1 acres of surface area has been disturbed. For trenches that are four feet or greater in depth, it is assumed that a twelve (12) foot wide path of surface material will be disturbed as the trench is dug. Once the trench exceeds a length of 363 feet, 0.1 acres of surface area have been disturbed. If the registrant identifies situations in which the amount of surface area should be calculated differently, a case-by-case determination would be made.
 - C. For calculations of the projected disturbed surface areas that will result from land clearing or earthmoving activities, a minimum of 25 feet will be added to each dimension of all structures, driveways, concrete pads, and other construction projects being built on the Site to allow for an equipment utilization zone.
 - D. Surfaces that have been stabilized to meet at least one of the stabilization standards of §4-7-226.D shall no longer be considered disturbed.
6. "Dust suppressant" means 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 U.S. 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.

7. "Earthmoving" means use of vehicles or self-propelled equipment for: land stripping; trenching; grading; cutting and filling earthen materials; excavating; land leveling; drilling; back filling; contouring the earth; open stockpiling of bulk materials; loading or unloading bulk material; grubbing foundations or slabs; demolition; or any of the foregoing in connection with landscaping a Site. Blasting operations shall constitute earthmoving. Notwithstanding any other exemption under these rules, weed abatement by discing or blading and conducted for the purpose of enabling other earthmoving activity shall qualify as earthmoving.
8. "End of workday" means 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 p.m.
9. "Fugitive dust" as used in this rule, means regulated particulate matter, which is not collected by a capture system, which is entrained in the ambient air, and which is caused from human and/or natural activities, such as but not limited to, movement of soils, vehicles, equipment, blasting, and wind. For the purpose of this rule, 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.
10. "Net opacity contribution" means the difference between opacity leaving the Site and opacity entering the Site.
11. "Objective requirements" or "objective standards" mean those standards which either establish a numerical performance standard, or which have a formal compliance assessment method established under this Article. Examples include opacity standards, surface stabilization standards and length and pack-thickness limitations on visible trackout.
12. "Opacity" as used in this rule, means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background. See Article 9 for specific methods for assessing opacity.
13. "Owner and/or Operator" means any person who leases, operates, controls, or supervises a Development Activity subject to any requirements of this Article and includes, but is not limited to, the owner, lessee, developer, responsible official, permit applicant, permit holder, general contractor, prime contractor, supervisor or management company of or for a Development Activity or Site.
14. "PAD" means an approved planned area development approved by a political subdivision pursuant to statutory authority.
15. "Paved public roadway" means either:
 - A. A publicly owned paved roadway, as evidenced by a formal acceptance by the state or a political subdivision of the state of either:
 1. An on-going maintenance obligation for the roadway; or
 2. A title or easement for the roadway; or
 - B. Within a PAD or subdivision, a paved private roadway that is open to travel by the public. Where active construction operations continue within a PAD or subdivision, the permittee may post signs to close selected paved roadways within the still-constructing areas to travel by the public. However, at least one road must furnish required paved access to every parcel within the PAD or subdivision that has received a certificate of occupancy, and every such required paved access road shall constitute a "paved public roadway" notwithstanding any signage to the contrary.
16. "Permit," for purposes of this Article, means a Site Permit.

17. "Permittee" means the person or legal entity who has obtained a Site Permit.
18. "Road Construction" as used in this rule, means the use of any equipment for the paving or new construction of a road surface, street or highway.
19. "Road Maintenance" as used in this rule, means the use of any equipment for the repair and preservation of an old road surface, street or highway.
20. "Silt" means any aggregate material with a particle size less than 75 micrometers in diameter, which passes through a No. 200 Sieve.
21. "Site" means any lot, parcel, easement, or right-of-way where Earthmoving or Construction occurs.
22. "Site Permit" means a permit as defined in §§4-7-234, 4-7-238 and/or 4-7-242.
23. "Source" as used in this Article means the Site which is under common control or ownership, and any fixed or moveable object or surface on such Site which is a potential point of origin of fugitive dust.
24. "Stockpile" as used in this rule, means an open storage pile with an open accumulation of bulk material with a 5% or greater silt content that has a total surface area of 150 square feet or more and that at any one point attains a height of three feet. Silt content shall be assumed to be 5% or greater unless the affected party can show, by: testing in accordance with ASTM method C136-96a; or testing by other equivalent method approved in writing by the Control Officer and the EPA Administrator, that the silt content is less than 5%.
25. "Subdivision" means a platted subdivision.
26. "Suppressant" means dust suppressant.
27. "Trackout" means visible material deposited onto any paved public roadway, as defined in this Article, by traffic leaving a Site.
28. "Unpaved haul/access road" as used in this rule, means any on-site unpaved road used by commercial, industrial, institutional, and/or governmental traffic.
29. "Unpaved road" as used in this rule, means any road or equipment path that is not paved. For the purpose of this rule, an unpaved road is not a horse trail, hiking path, bicycle path, or other similar path used exclusively for purposes other than travel by motor vehicles.
30. "Work practice standards" mean those standards which have neither a numerical performance standard or a compliance assessment method established. Compliance with work practice standards is assessed on a pass/fail basis.

[Adopted June 3, 2009, effective August 26, 2009]

4-7-214. General Provisions

- A. Intent. The intent of this Article is to avoid violations of the prevailing PM₁₀ standard and additionally minimize nuisance impacts by improving control of excessive fugitive dust emissions. The Article focuses on emissions from process activity, site activity and a lack of adequate surface stabilization, all associated with construction, earthwork or land development.
- B. Relationship to other rules. Other than as provided in subsection D below, the provisions of this Article supplement and do not supplant the other provisions of these rules.
- C. Effective Date. The rules set forth in this Article shall become effective 60 days after the publication of a notice of final rulemaking in the Arizona Administrative Register.

D. Geographic Applicability

This Article applies in the Pinal County portion of the Phoenix PM₁₀ Serious Nonattainment area, more specifically Township 1 North, Range 8 East, Gila & Salt River Base and Meridian ("T1N R8E"). In the affected region, this Article supplants the generally applicable dust registration program of Chapter 4, Article 3 of this Code.

E. Violations

Failure by any person to comply with the applicable requirements of this Article shall constitute a violation subject to penalty as provided in these rules and A.R.S. Title 49, Chapter 3, Article 3, A.R.S. §49-471 et seq.

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4-7-218. Applicability; Development Activity

A. The objective standards of §4-7-226 and the work practice requirements of §4-7-230 shall apply to Development Activity at any Site, regardless of the size of the disturbed area.

B. Unless Development Activity qualifies for coverage under an Area Block Permit, the Site Permit requirements of §§4-7-234 and 4-7-238 apply to any Site which includes an aggregate area of more than 0.1 acres that has been or will be disturbed by Development Activity.

C. The Area Block Permit requirements under §§4-7-234 and 4-7-242 apply to any political subdivisions and Public Utility Corporations which will regularly engage in Development Activity that will disturb an area of 0.1 acres or more.

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4-7-222. Owner and/or Operator Liability

A. Onset. Compliance with the requirements of this Article shall commence on or before the date when Development Activity begins on the Site.

B. Duration and Termination. Obligations continue until all of the following occur:

1. Development Activity has ceased.
2. All disturbed portions of the Site have been stabilized as required under §4-7-226.
3. The Control Officer approves closure of the construction permit.

C. Obligations. With respect to any Site, an Owner and/or Operator shall:

1. Obtain, or cause to be obtained, and be liable for any failure to obtain, a Permit pursuant to §§4-7-238 or 4-7-242 for any Site with a disturbed area exceeding 0.1 acres.
2. Until termination as provided in this section, comply with or cause compliance with, and be liable for any person's violating or failing to comply with, any of:
 - a. The applicable objective site standards of §4-7-226.
 - b. The applicable obligatory site work practice standards of §4-7-230.
 - c. The requirement that a Site Permit be approved prior to any person engaging in earthmoving that will cause more than 0.1 acre of disturbed area.
 - d. The provisions of any Site Permit for the Site approved pursuant to §§4-7-238 or 4-7-242, including the requirements of the Dust Management Plan included within that permit.

D. Affirmative Defense for Wind-Driven Opacity Violations

An Owner and/or Operator shall have an affirmative defense to any enforcement action for opacity violations resulting solely from wind acting upon a stabilized surface, provided that:

1. The Owner and/or Operator can show that the prevailing wind speed exceeded 25 m.p.h. when averaged over one hour, as measured by:
 - a. A Pinal County Air Quality monitoring station in the affected area;
 - b. Any other certified meteorological station in the affected area; or
 - c. A wind-speed instrument calibrated to the manufacturer's standards and operated on-site.
2. The Owner and/or Operator can show through written records or otherwise that:
 - a. The requirements of the Site dust control plan were being met; and
 - b. The offending areas of the Site were maintained in a condition adequate to meet relevant stabilization requirements under §§4-7-226.C and 4-7-226.D.
3. The Owner and/or Operator can show that for any areas subject to any Development Activity that continues during windy conditions, including but not limited to earthmoving, equipment movement or site traffic, in addition to any other required control measures one or more of the following measures were applied and maintained:
 - a. All Development Activity, other than continued application of water for dust suppression and site stabilization purposes, has ceased;
 - b. Apply water or other suitable dust suppressant at least twice per hour to affected areas;
 - c. For areas that are shown to have an optimum moisture content of less than 12%, as determined by ASTM Method D1557-02e1 or other equivalent methods approved by the Control Officer and the Administrator, maintain at least 70% of the optimum soil moisture content, as determined by ASTM Method D2216-05 or other equivalent methods approved by the Control Officer and the Administrator;
 - d. For areas where the optimum moisture content has not been shown to be less than 12%, maintain soil moisture content at a minimum of 12%, as determined by ASTM Method D2216-05 or other equivalent methods approved by the Control Officer and the Administrator.
4. The Owner and/or Operator can show that for temporary disturbed surfaces, including but not limited to, after work hours, weekends and holidays, in addition to any other required control measures, the following measures were applied as appropriate:
 - a. For open storage piles, either:
 - i. Apply water on all open storage piles at least twice per hour; or
 - ii. Cover open storage piles with tarps, plastic, or other material such that the wind will not remove the covering(s).
 - b. For other temporary disturbed surfaces, either:
 - i. Uniformly apply and maintain surface gravel or dust suppressants; or
 - ii. Apply water to disturbed surface areas at least three times per day, but if disturbed surface areas continue to show evidence of wind-blown dust, increase watering frequency to four times per day.

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4-7-226. Objective Standards; Sites

- A. Opacity Limitations. Opacity directly attributable to Development Activity or resulting from any disturbed areas caused by Development Activity shall not exceed any of the following limitations:
 1. 0% Property Line Opacity Limitation. Subject to the exemptions below, the net opacity contribution from any Development Activity or disturbed areas caused by Development Activity shall not violate a 0% opacity standard at the boundary of the parcel for more than 30 seconds in any continuous six-minute period.
 - a. This limitation shall not apply to earthmoving operations conducted within 25 feet of a parcel boundary.
 - b. For purposes of this property line opacity standard, opacity shall be determined based on a time-aggregation method. See Article 9, §4-9-340.F.

2. [Continuous Plume Limitation] Opacity shall not exceed 20% opacity for any continuous plume, as assessed by a time-averaging method, based on observations every 15 seconds over a 3-minute span, as defined in Article 9, §4-9-340.E.
3. [Intermittent Plume Limitation] Opacity shall not exceed 20% opacity for any intermittent plume, as assessed by the average of a set of six paired observations, spaced by five seconds and conducted within a one-hour period, as defined by the appropriate test method in Article 9, see §§4-9-340.C and 4-9-340.D.
4. [Wind Events] The opacity limitations of this rule shall apply to wind-driven emissions, provided that an Owner and/or Operator may have an affirmative defense to any violation upon making a showing as required under §4-7-222.

B. Trackout Limitations.

1. [Basic Limitation] Continuous visible trackout from any Site onto a paved public roadway shall not exceed 25' in length or exhibit a trackout pack-depth greater than 0.25".
2. On-site Trackout Control System. For any period of time when a project has more than two acres of area disturbed, or on any day that more than 100 cubic yards of bulk material is shipping in or out of the Site, install and maintain a trackout control system that prevents trackout.
3. Trackout Control System Options.

Where a trackout control system is required, install and maintain at least one of the following system options.

a. Presumptively acceptable systems.

The following systems shall be acceptable options in a dust mitigation plan:

- i. Rumble strips – 25 foot length. For use of grizzlies or other similar devices designed to remove dirt/mud from tires, the devices shall extend from the intersection with the public paved road surface for a distance of at least 25 feet, and cover the full width of the unpaved exit surface for at least 25 feet.
- ii. Gravel pads - 50 foot length. For use of gravel pads, coverage with gravel shall be at least one inch or larger in diameter and at least 3 inches deep, shall extend from the intersection with the public paved road surface for a distance of at least 50 feet, and cover the full width of the unpaved exit surface for at least 50 feet. Any gravel deposited onto a public paved road travel lane or shoulder must be removed at the end of the workday or immediately following the last vehicle using the gravel pad, or at least once every 24 hours, whichever occurs first.
- iii. Internal paving - 100 feet. For use of paving, paved surfaces shall extend from the intersection with the paved public road surface for a distance of at least 100 feet, and cover the full width of the unpaved access road for that distance to allow mud and dirt to drop off of vehicles before exiting the Site. Mud and dirt deposits accumulating on paved interior roads shall be removed with sufficient frequency, but not less frequently than once per workday, to prevent carryout and trackout onto a paved public road.
- iv. [Wheel wash system] At all exits onto paved areas accessible to the public, install a wheel wash system.

B. Alternative systems.

As an alternative, the Site Permit dust control plan may propose some other system for controlling trackout, provided that visible trackout from such system shall not exceed 5' in length onto a paved public road.

C. Active Area Stabilization Requirements

1. Applicability; Affected Areas

Active area stabilization requirements apply to disturbed areas affected by on-site parking, vehicular traffic, equipment traffic, material transport, or equipment transport.

2. [Objective Standards] Comply with each of the following requirements:

- a. Every disturbed parking area and/or working area shall show compliance at all times with one of the following objective standards as assessed in accord with Article 9, §4-9-320.A:
 - i. Silt loading shall not exceed 0.33 oz/ft²; or
 - ii. Silt content shall not exceed 8% for parking and working areas.
- b. Every disturbed roadway area shall show compliance at all times with one of the following objective standards as assessed in accord with Article 9, §4-9-320.A:
 - i. Silt loading shall not exceed 0.33 oz/ft²; or
 - ii. Silt content shall not exceed 6% for roads.
- c. All disturbed areas other than parking areas, working areas or roadway areas affected under this Active Area Stabilization requirement shall be stabilized such that every disturbed area shows compliance at all times with the drop ball test of Article 9, §4-9-320.B.1.

3. [Maintenance Obligation] Maintain active area stabilization to meet the foregoing standards until the activity ceases and the affected area of the Site has been stabilized to meet the post-operation stabilization standards of §4-7-226.D.

D. Stabilization Requirement for Inactive and Post-operation Areas

Any disturbed surface area on which no activity is occurring shall meet at least one of the standards described below. If areas of the Site exhibit visibly distinguishable surface characteristics, each area shall be separately assessed for stability. Stability shall be assessed in accord with the appropriate test methods described in Article 9, §4-9-320.B. Failure to maintain a disturbed surface area on which no activity is occurring shall be considered in violation of this rule unless the area is maintained in a manner that meets at least one of the standards listed below, as applicable.

1. [Drop Ball Test] Maintain stabilization or a soil crust adequate to pass the drop ball test;
2. [Maintain 100 cm/sec. threshold friction velocity] Maintain a threshold friction velocity (TFV) for disturbed surface areas corrected for non-erodible elements of 100 cm/second or higher;
3. [Maintain 50% flat vegetative cover] Maintain a flat vegetative 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) that is equal to at least 50%;
4. [Maintain 30% standing vegetative cover] Maintain a standing vegetative cover (i.e., vegetation that is attached (rooted) with a predominant vertical orientation) that is equal to or greater than 30%;
5. [Maintain 10% standing vegetative cover and 43 cm/sec. TFV] Maintain a standing vegetative cover (i.e., vegetation that is attached (rooted) with a predominant vertical orientation) that is

equal to or greater than 10% and where the threshold friction velocity is equal to or greater than 43 cm/second when corrected for non-erodible elements;

6. [Minimum non-erodible element cover] Maintain a percent cover that is equal to or greater than 10% for non-erodible elements as measured by the "rock test"; or
7. [Implement an approved alternative] Comply with a standard of an alternative test method, upon obtaining the written approval from the Control Officer and the Administrator.

E. Duration of Stabilization Obligation.

1. Unpermitted Sites. For any unpermitted Site, maintain the stabilization standards of §4-7-226.D until Development Activity is complete.
2. Sites Subject to a Block Permit. For any unpermitted Site, maintain the stabilization standards of §4-7-226.D until Development Activity is complete.
3. Other Permitted Sites. For any other Site subject to permit requirement, maintain the stabilization standards of §4-7-226.D until the Control Officer approves closure of the Site Permit under Rule §4-7-238.

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4-7-230. Obligatory Work Practice Standards; Sites

A. Project Access Control.

Define, clearly mark, and enforce ingress and egress points for traffic into and out of the Site.

B. Dust Suppression for Inactive and Post-operation Areas and Roadways

For all inactive and post-operation-areas and -roadways within the Site:

1. Restrict access, and pave, apply gravel or apply a suitable dust suppressant other than water;
2. Apply water and prevent access by fences, ditches, vegetation, berms, or other suitable barrier or means sufficient to prevent trespass as approved by the Control Officer; or
3. Establish a vegetative cover in accord with §4-7-226.D.

C. Bulk Material Stacking and Stockpiling Operations

1. At least one of the following control measures shall be implemented during bulk material stacking, loading and unloading operations:
 - a. Spray material with water, as necessary, prior to stacking, loading and unloading and/or while stacking, loading and unloading; or
 - b. Spray material with a dust suppressant other than water, as necessary, prior to stacking, loading, and unloading and/or while stacking, loading and unloading.
2. When not conducting stacking, loading or unloading operations, implement at least one of the following control measures with respect to a stockpile:
 - a. Cover all open storage piles with a tarp, plastic, or other material to prevent wind from removing the covering(s)/such that the covering(s) will not be dislodged by the wind; or
 - b. Apply water to maintain a soil moisture content at a minimum of 12%, as determined by ASTM Method D2216-05 or other equivalent methods approved by the Control Officer and the Administrator. For areas that have an optimum moisture content of less than 12% as determined by ASTM Method D1557-02e1 or other equivalent methods approved

by the Control Officer and the Administrator, maintain at least 70% of the optimum soil moisture content; or

- c. Maintain a soil crust; or
- d. Implement either of the control measures in preceding subsection .b or .c, and construct and maintain wind barriers, storage silos, or a three-sided enclosure with walls, whose length is no less than equal to the length of the pile, whose distance from the pile is not more than twice the height of the pile, whose height is equal to the pile height, and whose porosity is no more than 50%.

D. Trackout; Monitoring and Cleanup.

1. Monitor trackout length at each egress point.
2. Immediately clean up any trackout that violates the length or pack-thickness limitations of §4-7-226.B.1.
3. Remove all visible trackout at the close of each workday and/or each work shift.

E. Signage

At any Site that is five acres or larger, erect a project information sign at the main entrance that is visible to the public or at each end of the road construction Site. The sign shall be a minimum of 24 inches tall by 30 inches wide, have a white background, and have the words "DUST CONTROL" shown in black block lettering which is at least four inches high, and shall contain the following information in legible fashion"

1. Project Name
2. Name and phone number of person(s) responsible for conducting project
3. Text stating: "Dust Complaints? Call Pinal County Air Quality Control District at (520) 866-6929."

F. Training

1. Dust Coordinator

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

2. Superintendent and Water Pull Drivers

Assure that the site superintendent or other designated on-site representative of the Site Permit holder, and any water truck or water pull driver maintaining surface stabilization shall have successfully completed a Control-Officer-approved Basic Dust Control Training Class.

G. Conformance with Project Access Control.

Drivers, contractors, subcontractors, and materialmen shall utilize only the ingress and egress defined by the Owner and/or Operator.

H. Dust Suppression for Active Working Areas, Parking Areas and Roadways

To manage dust from working areas, including disturbed areas affected by on-site parking, vehicular traffic, equipment traffic, material transport, or equipment transport and roadways, at least one of the following measures shall be implemented:

1. Apply water so that the surface is visibly moist;

2. Apply and maintain a suitable dust suppressant other than water;
3. Limit speed to 15 mph and traffic to no more than 20 trips/day, provided reliance on this measure requires that the Dust Management Plan include a traffic management plan that details how speed and daily trips will be limited;
4. Apply gravel, recycled asphalt or other suitable material; or
5. Pave.

I. Dust Suppression During Bulk Excavation Operations

1. Pre-watering shall be applied before commencing earthmoving cut-operations; and
2. Water shall be applied during activity as required to limit particulate emissions to avoid opacity limit violations.

J. Project-internal Load Stabilization

Load stabilization shall be required during haulage of bulk excavated materials internally within a Site and not crossing a paved public road by implementing at least one of the following measures:

1. Limit speed to 15 miles per hour;
2. Stabilize loads with water or a dust suppressant; or
3. Cover the load with a tarp or other suitable dust and wind impermeable material.

K. Roadway-Crossing Load-Stabilization

Load stabilization shall be required during haulage of bulk excavated materials across a paved public road, by implementing all of the following limitations:

1. Load all haul trucks such that the freeboard is not less than three inches;
2. Load all haul trucks such that at no time shall the highest point of the bulk material be higher than the sides, front, and back of a cargo container area;
3. Prevent spillage or loss of bulk material from holes or other openings in the cargo compartment's floor, sides, and/or tailgate(s); and
4. When crossing and/or accessing a paved area accessible to the public, 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 haul trucks and/or motor vehicles that traverse the Site.

L. Demolition; Emission Mitigation

To the extent Development Activity includes demolition activities, implement all of the following measures:

1. Apply water to demolition debris immediately following demolition activity; and
2. Apply water to all disturbed soil surfaces to establish a crust and to prevent wind erosion.

M. Weed Abatement; Emission Mitigation

To the extent Earthmoving for a particular project includes weed abatement activity, implement all of the following control measures:

1. Before weed abatement by discing or blading occurs, apply water;
2. While weed abatement by discing or blading is occurring, apply water; and
3. After weed abatement by discing or blading occurs, pave, apply gravel, apply water, apply a suitable dust suppressant other than water, or establish vegetative ground cover.

N. Blasting; Emission Mitigation

All of the following control measures shall be implemented for blasting operations at a Site:

1. In wind gusts above 25 miles per hour, discontinue/cease blasting; and
2. Pre-water and maintain surface soils in a stabilized condition where support equipment and vehicles will operate.

O. Subcontractor Registration Verification

Assure that any subcontractors engaged in earthmoving activity on the Site have registered with Pinal County Air Quality as a subcontractor.

[Adopted June 3, 2009, effective August 26, 2009]

4-7-234. Nonattainment-Area Dust Permit Program; General Provisions

A. Permittee's Universal Obligations

A permittee under this Article shall be bound to comply with:

1. Applicable objective and work practice standards,
2. The commitments in a dust control plan submitted in support of the application,
3. The application acknowledgments required for a particular permit, and
4. The obligations, standards, and commitments in a permit.

B. Permit Types

1. Site Permits
2. Nonattainment Area Block Permits
3. Any Site subject to a permit requirement under this rule shall not require an additional registration under §4-3-080, the existing county-wide dust registration program.

C. Application Review and Approval; Dust Control Plan Merger; Limited Effect of Approval

1. Following submittal of a complete application under this Article, including payment of any necessary fee, the Control Officer shall within 10 working days approve, disapprove, or conditionally approve the permit application, in accordance with the requirements of this Article.
2. Upon approval of any permit under this Article, the provisions of any dust control plan submitted as part of the application shall be merged as part of the permit, and any commitments in the dust control plan shall constitute enforceable requirements under the permit.
3. Approval of a permit under this Article shall not excuse, or act as a shield with respect to, a violation of any requirement or limitation under these rules, including the provisions of this Article.

D. Fees

Issuance of every permit shall be subject to payment of a fee as specified in Appendix C.

1. Construction Permits shall be assessed a fee based on project area and the fee specified in earthmoving Category A.

2. Block permits shall be assessed a fee based on Appendix C, earthmoving Category D.
 3. Permit transfers shall be approved without a fee.
 4. Permit revisions shall be assessed a fee based on the time required to process the revision application, with a minimum billing of one hour, and a maximum revision fee of \$1000.00.
 5. Late-filed applications are subject to the late filing fee specified in Appendix C.
 6. Fee waivers are not allowed.
- E. Permit Duration
All permits shall have a one-year permit term.
- F. Permit Revisions
A permittee may request revision of a permit or a transfer of the permit by filing an amended application. A transfer request shall bear the signatures of authorized representatives for both the transferor and the transferee, and shall further properly identify the transferee.
- G. Renewals
Should a construction project last longer than the term of a permit, the permittee shall re-apply for a Dust Control Permit at least 14 calendar days prior to the expiration date of the original permit term. For good cause show, the Control Officer may extend that renewal application deadline. Provided the applicant has a rational system for the completion status of individual parcels within a project, a single permit renewal may cover derivative parcels even though they are no longer contiguous. The renewal fee shall be based on the un-completed area of the project.
- H. Right of entry and inspection.
Subject to the requirements of 49-471.03, any Site covered by a permit issued pursuant to this Article is subject to inspection without prior notice by the Control Officer.
- I. Application signatures.
Every application shall be signed by an individual, and that signature shall constitute a personal representation that the signer has authority to commit the named permit applicant ("Permittee") to comply with the provisions of this Article.

[Adopted June 3, 2009, effective August 26, 2009]

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.

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:

- 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.

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.
 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.

[Adopted June 3, 2009, effective August 26, 2009]

4-7-242. Nonattainment Area Block Permits

A. Applicability

1. Nonattainment Area Block Permits shall only be available for earthmoving activity associated with:
 - a. Maintenance of existing underground or above-ground lines;
 - b. Effecting end-user connections, including but not limited to water connections, sewer connections, natural gas connections, electrical power connections, and communications connections;
 - c. Underground utility line extensions not exceeding 500' in length; and
 - d. Overhead utility line extensions.
2. Nonattainment Area Block Permits shall only be available to:
 - a. Political subdivisions; and
 - b. Public Utility Corporations regulated by the Arizona Corporation Commission.

B. Application Requirements

A Nonattainment Area Block 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 identification information as specified on that form, including a proper legal identification of the applicant.
2. Plot Plan or Site Plan - Not required.
3. Identification of surface-disturbing activities
The Block Permit Application shall acknowledge that applicability is limited to installation of underground utilities and any associated landscaping.
4. Permit applicability form
Not required.
5. Block Permit dust control plan.
The applicant shall include in the application a Block Permit Dust Control Plan, explaining the mitigation measures that will be used to control dust from every covered activity to be conducted under the Block Permit. To be approvable under §4-7-234.C, the Block Permit 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 Block Permit 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:
 - 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.

C. Block Permittee's Obligations

1. Application Acknowledgments. By signing an application, the Block Permittee acknowledges an obligation to:
 - a. Assure that any earthmoving activity on the Site conducted by the Permittee is covered by an Block Permit;
 - b. With respect to every Site:
 - i. Comply with objective standards of §4-7-226, including the post-operation stabilization requirement.
 - ii. Comply with obligatory work practice standards of §4-7-230.
 - iii. Comply with commitments in the dust management plan submitted in support of the Block Permit application.
2. The Block Permittee shall, for any project that will disturb more than 0.1 acres, provide the Control Officer with notice of the start and completion of each project conducted under the Block Permit. The notice shall be provided in a format approved by the Control Officer.
3. Permit must be available on-site. For any project for which notification is required, a complete copy of the Block Permit, including the Block Permit Dust Control Plan, shall be available on every project Site at all times that earthmoving activities occur and made available upon request of the Control Officer.
4. Permittee responsible for compliance. The permittee is responsible for ensuring that all Persons abide by the conditions of the Block Permit and these regulations such that the Site remains in compliance with the Block Permit.
5. Recordkeeping
Unless an alternative frequency is presented in a dust control plan and approved in a permit, on any day when earthmoving activity occurs the Permittee shall maintain daily logs showing:
 - a. Water/suppressant truck hours of operation and water or suppressant application rates. Permittee may use whatever metrics reasonably reflect application rates.
 - b. Records of opacity observations, including notation of methods utilized.
 - c. Records of location and results of post-operation surface stabilization assessments, including notation of methods utilized.
 - d. Compliance with Block Permit dust control plan.
6. Basic Dust Control Training Requirement. A site superintendent or other designated on-site representative of the Block Permit holder and water truck and water pull drivers for each Site that will involve disturbance of more than 0.1 acres shall have successfully completed a Control-Officer-approved Basic Dust Control Training Class.

D. Permit Closeout Not applicable.

[Adopted June 3, 2009, effective August 26, 2009]

4-7-246. Recordkeeping and Records Retention

- A. Requirement to furnish records upon request. Upon verbal or written request by the Control Officer, the log or the records and supporting documentation required under this Article shall be provided 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, records shall be provided without delay.
- B. Records Retention. Any person subject to a record-keeping requirement shall retain copies of approved Dust Control Plans, control measures implementation records, and all supporting documentation for at least six months following the termination of the dust-generating operation and for at least two years from the date such records were initiated.

[Adopted June 3, 2009, effective August 26, 2009]