

Article 3 Construction Sites—Fugitive Dust

4-3-090 Universal Performance Standards

1. Within the affected area, a landowner or contractor shall not conduct or allow dust generating operations:
 - a. in a manner such that an unreasonable amount of dust is blown into sensitive areas so as to create a public nuisance;
 - b. in a manner such that opacity of the dust leaving the property exceeds twenty percent (20%) or greater as measured using Test Method 9 (40 CFR 60, Appendix A) or an equivalent test method approved by the Control Officer and the EPA Administrator;
 - c. in a manner that will produce visibility impairment that could threaten public safety.
2. Failure to comply with these requirements shall presumptively constitute cause for the Control Officer or his authorized representative to order a halt to the offending activity. Failure by an owner, contractor or facility operator to respond to such an order from the Control Officer shall constitute a violation of this rule.
3. Violations: Generally any land owner, contractor, or subcontractor operating on the job site, who violates any Pinal County Air Quality Control District rule may be subject to an order of abatement, a civil action for injunctive relief or civil penalties, or may be found guilty of a Class I Misdemeanor.

4. Violation Exemptions:

- a. Wind Event: exceedances of the opacity limit that occur due to a wind event shall be exempted from enforcement action if the owner/general contractor demonstrates all of the following conditions:
 - i. All control measures required in the registration acknowledgment were followed and one or more of the work practices were applied and maintained;
 - ii. The 20% opacity exceedance could not have been prevented by better application, implementation, operation or maintenance of the control measures;
 - iii. The occurrence of a wind event on the day(s) in question is documented by records of the Pinal County Air Quality Control District monitoring station in the affected area, from any other certified meteorological station, or by a wind instrument that is calibrated to the manufacturer' s standards and that is located at the site being investigated.
- b. No opacity violation shall apply to emergency maintenance of flood control channels and water retention basins, provided that control measures were being implemented.

5. Limited scope of rule

Nothing in this rule shall authorize or permit any practice which is in violation of any statute, ordinance, rule or regulation.