**Maricopa County**
Air Quality Department

AIR QUALITY DEPARTMENT
1001 North Central Avenue
Phoenix, AZ 85004

Hickman's Family Farms
ATTN: Frank G Ruiz, Safety & Health Coordinator
6515 S Jackrabbit Trail
Buckeye, AZ 85326

The purpose of the letter is to inform you that the application for a permit renewal has been approved and will be incorporated into Air Quality Permit 110069. The applicable Permit Conditions are enclosed with this letter.

If you need assistance with th e permit, please contact the Small Business Assistance Coordinator office at 602.506.5102 or contact the undersigned at 602.506.7248. Email communications may be sent to AQPermits@mail.maricopa.gov.

**MARICOPA COUNTY AIR QUALITY DEPARTMENT**

**Engineering and Permitting Division**

**1001 N. Central Avenue, Suite 400, Phoenix, Arizona 85004**
**Phone: (602) 506-6010 Fax: (602) 506-6985**

# AIR QUALITY PERMIT TO OPERATE AND/OR CONSTRUCT

*(As required by Title 49, Chapter 3, Article 2, Section 49-480, Arizona Revised Statutes)*

## ISSUED TO

**Hickman's Family Farms**
**6515 Jackrabbit Trl**
**Buckeye, AZ 85326**

*This air quality permit to operate and/or construct does not relieve the applicant of the responsibility of meeting all air pollution regulations.*

THE PERMITTEE IS SUBJECT TO THE SPECIFIC AND GENERAL CONDITIONS IDENTIFIED IN THIS PERMIT.

**PERMIT NUMBER:** 110069 **REVISION DATE:** 01/28/2016

**REVISION NUMBER:** 1.0.0.0 **EXPIRATION DATE:** 11/30/2021

Todd Martin

**Todd Martin, Non-Title V Permit Supervisor**

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*Any cited regulatory paragraphs or section numbers refer to the version of the rules and regulations that were in effect on the first date of public notice of the applicable Permit Condition unless specified otherwise. However, in the event the rules and regulations are amended during the term of this Permit, the amended rules and regulations shall apply to this Permit. Whenever the term, Control Officer, is used in this Permit it shall be interpreted to mean, Control Officer or designated representative. Where the term "Rule" appears, it shall be construed to mean "Maricopa County Air Pollution Control Regulations" unless otherwise noted.*

## SPECIFIC CONDITIONS

### Emergency Engines

**1. Operational Limitations:**

a. The Permittee shall limit the operation of the emergency engine to no more than 100 hours each per calendar year for the purposes of maintenance checks and readiness testing.
[Rule 324 §§104.5, 205][40 CFR §§60.4211(e)]

b. The Permittee shall limit the total hours of operation of the emergency engine to no more than 500 hours each per any twelve consecutive months including the hours listed in Subpart [a] above. The daily trigger of Best Available Control Technology (BACT) has been exempted for the emergency engine.
[SIP Rule 324 §205]

c. The emergency engine shall not be used for peak shaving. The emergency engine shall only be used for the following purposes:

i. For power when normal power service fails from the serving utility or if onsite electrical transmission or onsite power generation equipment fails;

ii. Reliability-related activities such as engine readiness, calibration, or maintenance or to prevent the occurrence of an unsafe condition during electrical system maintenance as long as the total number of hours of the operation does not exceed 100 hours per calendar year per engine as evidenced by an installed non-resettable hour meter;
[SIP Rule 324 §104] [40 CFR §§60.4211(e)]

**2. Fuel Limitations:**

a. The Permittee shall only use diesel fuel that has a minimum cetane index of 40 or a maximum aromatic content of 35 volume percent; and has a maximum sulfur content of 15 parts per million (ppm) in the engine, except that any existing diesel fuel purchased (or otherwise obtained) prior to October 1, 2010, may be used until depleted:
[40 CFR89.112][40 CFR §§60.4207(a,b), 80.510(a,b)]

**3. Monitoring:**
The Permittee shall install a non -resettable hour meter prior to startup of the engine(s). The Permittee shall not operate the engine(s) unless the cumulative run time meter is installed and working properly.
[Rule 220 §302.4] [40 CFR §§60.4209]

**4. Opacity:**

a. The Permittee shall not discharge into the ambient air from any single source of emissions any air contaminant, other than uncombined water, in excess of 20% opacity, except as specified in Permit Condition 5.

b. Compliance with visible emissions shall be determined using the techniques specified in EPA Reference Method 9, 40 CFR Part 60, Appendix A.
[SIP Rule 324 §§303, 503.8]

**5. NSPS Subpart IIII Requirements:**

**a.** The Caterpillar Model D80-6 Diesel Engine shall be certified to meet EPA Tier 3 emission standards.
[40 CFR 89.112][40 CFR §60.4205]

b. Additional Opacity Standard:

The Permittee shall not allow exhaust opacity to exceed 15% during the lugging mode.
[40 CFR §§60.4205, 60.4202, 89.113(a)(2)]

c. Crankcase Emissions:
The Permittee shall not discharge crankcase emissions into the ambient atmosphere, unless such crankcase emi ssions are permanently routed into the exhaust and included in all exhaust emission measurements. This provision does not apply to engines using turbochargers, pumps, blowers, or superchargers for air induction or fire pump engines.
[40 CFR §§60.4205, 89.112(e)]

d. The Permittee shall operate and maintain each engine according to the manufacturer's written instructions, or procedures developed by the Permittee that are approved by the engine manufacturer, over the entire life of the engine.
[40 CFR §§60.4211(a), 60.4206]

e. The Permittee shall only change those engine settings that are permitted by the manufacturer.
[40 CFR §60.4211(a)]

f. The Permittee shall meet the requirements of 40 CFR Part 89 as it applies.
[40 CFR §60.4211(a)]

**6. Recordkeeping:**

a. The Permittee shall maintain the following records for a period of at least five years from the date of the records and make them available to the Control Officer upon request:

i. An initial one time entry listing the particular engine combustion type (compressio n or spark - ignition or rich or lean burn); manufacturer; model designation, rated brake horsepower, serial number and where the engine is located on the site.

ii. Monthly rolling twelve month total of hours of operation, including hours of operation for testin g, reliability and maintenance.

iii. Fuel type and sulfur content of fuel. The Permittee shall maintain fuel receipts, contract specifications, pipeline meter tickets, Material Safety Data Sheets (MSDS), fuel supplier information or purchase records, if applicable, from the fuel supplier, indicating the sulfur content of the fuel oil. In lieu of these, testing of the fuel oil for sulfur content to meet the applicable sulfur limit shall be permitted as evidence of compliance.

iv. An explanation for the use of the engine if it is used as an emergency engine.

b. The Permittee shall maintain a copy of manufacturer data for each engine listed in Permit Conditions 5 indicating compliance with the standards in this Permit.
[Rule 220 §302.7][40 CFR §§60.4211(b)(3)]

c. For each engine listed in Permit Condition 5, the Permittee shall maintain an onsite copy of the manufacturer's written instructions, or procedures developed by the Permittee in accordance with these Permit Conditions and make it available to MCAQD upon request.
[Rule 220 §302.7]

**7. Emergency Provisions:**
The Permittee shall comply with all record keeping and reporting requirements of Rule 130 (Emergency Provisions) and Rule 140 (Excess Emissions) if the allowable hours of operation are exœeded.
[Rule 130; Rule 140]

**Non-Resale Gasoline Storage and Dispensing**

**8. Allowable Throughput:**

a. The Permittee shall limit the delivery of gasoline to the facility to no more than 3,000 gallons per day and 50,000 gallons per any twelve consecutive month time period

b. Compliance with the daily throughput limit shall be determined by taking the monthly t hroughput and

dividing by the number of days of operation per month.

[Rule 220 §302.2] [Locally Enforceable Only]

**9. Operating Limitation:**

The Permittee shall dispense no resold gasoline at the facility.

[Rule 220 §302.2] [Locally Enforceable Only]

**10. General Duties to Minimize Emissions:**

At all times, the Permittee shall operate and maintain each gasoline storage tank, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. Determination of whether such operation and maintenance procedures are being used will be based on information available to the Control Officer which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source.

[40 CFR §63.11115(a)]

**11. Emission Limitations and Management Practices:**

The Permittee shall not allow gasoline to be handled in a manner that would result in vapor releases to the atmosphere for extended periods of time. Measures to be taken include, but are not limited to, the following:

a. Minimize gasoline spills;

b. Clean up spills as expeditiously as practicable;

c. Cover all open gasoline containers and all gasoline storage tank fill-pipes with a gasketed seal when not in use;

d. Minimize gasoline sent to open waste collection systems that collect and transport gasoline to reclamation and recycling devices, such as oil/water separators.

[40 CFR §§ 63.11116(a)]

**12. Vapor Loss Control Measure Requirements:**

The Permittee shall not transfer or permit the transfer of gasoline from any gasoline delivery vessel into any stationary dispensing tank located above or below ground with a tank capacity of more than 250 gallons unless the following requirements are met:

a. Basic Tank Integrity:

i. No vapor or liquid escapes are allowed through a dispensing tank's outer surfaces or from any of the joints where the tank is connected to pipe, wires, or other systems.

[Rule 353 §301] [Locally Enforceable Only]

ii. VOC Emission Standard:

Tanks and their fittings shall be vapor tight except for the outlet of a pressure/vacuum relief valve on a dispensing tank's vent pipe. Specifically, this means that at a probe tip distance of 1 inch (2.5 cm) from a surface, no vapor escape shall exceed 20% of the lower explosive limit (LEL). This applies to tanks containing gasoline regardless of whether they are currently being filled, and to caps and other tank fittings.

For the purpose of this Permit, vapor tight is defined as a condition in which an organic vapor analyzer (OVA) or a combustible gas detector (CGD) at a potential VOC leak source shows either less than 10,000 ppm when calibrated with methane or less than 20% of the LEL, when prepared according to the manufacturer and used according to Rule 353, Section 504.3

[Rule 353 §§217, §301.1(b)] [Locally Enforceable Only]

iii. Leakage Limits: For storage and receiving operations, no liquid gasoline escape of more than 3 drops per minute is allowed, including leaks through the walls of piping, fittings, fill hose(s), and vapor hose(s). Gasoline drainage loss from the end of a fill hose or a vapor hose shall not exceed 2 teaspoonsful in the course of the connect or disconnect process.

[Rule 353 §301.2; SIP Rule 353 §301.3]

iv. Spill Containment Equipment:

1) The entire spill containment system including gaskets shall be kept vapor tight.

a) The outer surface of the spill containment receptacle shall have no holes or cracks and shall allow no vapors to pass from the dispensing tank through it to the atmosphere.

b) Spill containment receptacles shall be kept clean and free of foreign material at all times.
[Rule 353 §301.3(a)] [Locally Enforceable Only]

2) If the spill containment is equipped with a passageway to allow material trapped by the containment system to flow into the interior of the dispensing tank:

a) The passageway shall be kept vapor tight at all times, except during the short period when a perso n opens the passageway to immediately drain material trapped by the containment system into the tank.

b) The bottom of the receptacle shall be designed and kept such that no puddles of gasoline are left after draining through the passageway has ceased.
[Rule 353 §301.3(b)] [Locally Enforceable Only]

3) The dispensing tank owner/operator is responsible for assuring that before a delivery vessel leaves the premises after a delivery:

a) Any gasoline in a dispensing tank's spill containment receptacle has been removed.

b) Any gasoline that a person has taken out of a spill receptacle, as a free liquid or as absorbed into/onto other material removed from the receptacle, shall be contained in such a way that VOC emission is prevented; disposal in conformance with applicab le hazardous waste rules is sufficient to meet this requirement.

c) Any plunger/stopper assembly is unimpeded and sealing correctly.
[Rule 353 §301.3(c)] [Locally Enforceable Only]

4) Criteria of Violation/Exceedance for Spill-Containment Receptacles: A reading on a CGD or OVA exceeding 20% LEL (10,000 ppm as methane) is an exceedance.
[Rule 353 §301.3(d)] [Locally Enforceable Only]

b. Fill Pipe Requirements:

i. Submerged Fill Pipe:

1) Each fill-line into a stationary dispensing tank shall be equipped with a permanent submerged fill pipe that has a discharge opening which is completely submerged when the liquid level is 6 inches above the tank bottom.
[Rule 353 §302.1][SIP Rule 353 §301.1]

2) Threads, gaskets, and mating surfaces of the fill pipe assembly shall be designe d and maintained tight. There shall be no liquid or vapor leakage at the joints of the assembly.
[Rule 353 §302.1(a)] [Locally Enforceable Only]

ii. Fill Pipe Caps:

1) The cap shall have a securely attached, intact gasket.

2) The cap and its gasket shall always fu nction properly, latch completely so that it cannot then be easily twisted by hand, and have no structural defects.

3) The cap of a gasoline fill pipe shall always be fastened securely on the fill pipe except immediately before, during, and immediately after:

a) "Sticking" the tank to measure gasoline depth

b) Delivering gasoline into the tank

c) Doing testing, maintenance or inspection on the gasoline/vapor system

4) The Permittee shall not unfasten or remove a fill pipe cap unless every other fill pipe is either securely capped or connected to a delivery hose, except as otherwise needed for testing, maintenance, or inspection.

[Rule 353 §302.2] [Locally Enforceable Only]

iii. Multiple Fill Pipes:
A tank installed after December 31, 1998 shall not be equipped with more than one fill pipe. Concurrent delivery of gasoline to a tank with more than 1 fill pipe is prohibited.

[Rule 353 §302.3] [Locally Enforceable Only]

iv. Fill Pipe Obstructions:
No screen and/or other obstructions in fill pipe assemblies shall be allowed unless it is CARB-certified or does not prevent the measurement of how far the end of the fill pipe is from the bottom of the tank (overfill protection flappers are acceptable). Allowed screens and/or other obstructions shall be temporarily removed by the Permittee of a dispensing tank prior to inspection by the Control Officer to allow measurements pursuant to this Permit.

[Rule 353 §302.4] [Locally Enforceable Only]

v. Overfill protection equipment shall be kept vapor tight so that no emissions from the tank can penetrate into the fill-pipe or atmosphere.

[Rule 353 §302.5] [Locally Enforceable Only]

**13. Inspection Requirements:**

a. The Permittee shall inspect spill containment receptacles weekly for cracks, defects, foreign material, and spilled gasoline. Records shall be maintained as specified below.

[Rule 353 §301.3(a)(3)] [Locally Enforceable Only]

b. External fittings of the fill pipe assembly shall be inspected weekly to assure that the cap, gasket, and piping are intact and are not loose.

[Rule 353 §302.1(b)] [Locally Enforceable Only]

c. If deliveries are less than weekly, inspection and recording of the inspection at the time of each delivery will be considered an acceptable alternative to the weekly inspection and recordkeeping requirements of the rule.

[Rule 220 §302.5 & 302.7]

**14. Recordkeeping Requirements:**
The Permittee shall keep the following records and supporting information no less than five years from the date of such record:

a. The total amount of gasoline received each month shall be recorded by the end of the following month.

b. Weekly inspection records of the fill pipe and spill containment shall be recorded by the end of Saturday of the following week.

c. Records of the last 12 months of gasoline throughput shall be onsite and readily available within 24 hours of a request by the Control Officer.

[Rule 353 §502] [SIP Rule 353 §502] [40 CFR §§ 63.11111(e)]

**Rule 310: Fugitive Dust from Dust-Generating Operations**

**15. Applicability:**

a. The provisions of this Permit Section apply to all dust-generating operations except for those dust-generating operations listed in the Condition below. Any person engaged in a dust-generating operation subject to this Permit Section shall be subject to the standards and/or requirements of this Permit Section before, after, and while conducting such dust-generating operation, including during weekends, after work hours, and on holidays.

b. For the purpose of Rule 310, any control measure that is implemented must achieve the applicable standard(s) described in Rule 310, as determined by the corresponding test method(s), as applicable, and must achieve other applicable standard(s) set forth in Rule 310.

c. Regardless of whether a dust-generating operation is in compliance with an approved Dust Control Plan or there is no approved Dust Control Plan, the owner and/or operator of a dust-generating operation shall be subject to all requirements of Rule 310 at all times.

d. Failure to comply with the provisions of these requirements, as applicable, and/or of an approved Dust Control Plan, shall constitute a violation.

[SIP Rule 310 §§102, 301]

**16. Exemptions:**

The provisions of this Permit Section shall not apply to the following activities:

a. 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.

b. Establishing of initial landscapes without the use of mechanized equipment or conducting landscape maintenance without the use of mechanized equipment. 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.

[SIP Rule 310 §103]

**17. Collocation**

The Permittee shall not co-locate any crushing & screening, hot mix asphalt plant and/or concrete batch facilities with the equipment covered by this permit as documented in the equipment list. Co-located sources are those located on contiguous or adjacent properties, which are under common control of the Permittee.

[Rule 100 §200.26, Rule 200 §303.3.c]

**18. Dust Control Plan Requirements:**

a. The owner and/or operator of a dust-generating operation shall submit to the Control Officer a Dust Control Plan with any permit applications that involve dust-generating operations with a disturbed surface area that equals or exceeds 0.10 acre (4,356 square feet) before commencing any routine dust-generating operation. The Dust Control Plan shall be kept available onsite at all times.

b. The Permittee shall comply with the requirements of the Dust Control Plan and the provisions of MCAQD Rule 310 Sections 301 – 310 at all times.

[SIP Rule 310 §§ 301-310, 409]

**19. Visible Emission Requirements for Dust-Generating Operations:**

a. The Permittee shall not cause or allow visible fugitive dust emissions to exceed 20% opacity.

b. The Permittee shall not cause or allow visible emissions of particulate matter, including fugitive dust, beyond the property line within which the emissions are generated. Visible emissions shall be determined by a standard of no visible emissions exceeding 30 seconds in duration in any six-minute period as determined by using EPA Reference Method 22. This requirement does not apply to dust-generating operations conducted within 25 feet of the property line.

[SIP Rule 310 §303.1]

**20. Exemptions from Dust-Generating Operation Opacity Limitation Requirement:**

a. If wind conditions cause fugitive dust emissions to exceed the opacity requirements in this permit, despite implementation of the Dust Control Plan, an owner and/or operator shall:

i. Ensure that all control measures and requirements of the Dust Control Plan are implemented and the subject violations cannot be prevented by better application, operation, or maintenance of these measures and requirements.

ii. Cease dust -generating operations and stabilize any disturbed surface area consistent with the Stabilization Requirements of these conditions.

iii. Compile records consistent with the recordkeeping requirements of these Permit Conditions and document the control measure and other Dust Control Plan requirements implemented.

b. Emergency Maintenance of Flood Control Channels and Water Retention Basins: The opacity limit shall not apply to emergency maintenance of flood control channels and water retention basin s, provided that control measures are implemented.

[SIP Rule 310 §303.2]

**21. Stabilization Requirements for Dust-Generating Operations:**

a. Unpaved Parking Lot: The owner and/or operator of any unpaved parking lot shall not allow visible fugitive dust emissions to exceed 20% opacity and shall not allow silt loading equal to or greater than 0.33 oz/ft$^2$. However, if silt loading is equal to or greater than 0.33 oz/ft$^2$, then the owner and/or operator shall not allow the silt content to exceed 8%. An unpaved parking lot includes any area that is not paved and that is used for parking, maneuvering, material handling, or storing motor vehicles and equipment

[SIP Rule 310 §§ 232, 304.1]

b. Unpaved Haul/Access Road:
An unpaved haul/access road includes any on -site road or equipment path that is not paved and is used by commercial, industrial, institutional, and/or governmental traffic.

i. The owner and/or operator of any unpaved haul/access road (whether at a work site that is under construction or at a work site that is temporar ily or permanently inactive) shall not allow visible fugitive dust emissions to exceed 20% opacity and shall not allow silt loading equal to or greater than 0.33 oz/ft$^2$. However, if silt loading is equal to or greater than 0.33 oz/ft$^2$, then the owner and/or operator shall not allow the silt content to exceed 6%.

ii. The owner and/or operator of any unpaved haul/access road (including at a work site that is under construction or a work site that is temporarily or permanently inactive) shall, as an alternative to meeting the stabilization requirements for an unpaved haul/access road in Subsection [21.b.i] of this Condition, limit vehicle trips to no more than 20 per day per road and limit vehicle speeds to no more than 15 miles per hour. If complying with this subsection of this Permit, the owner and/or operator must include, in a Dust Control Plan, the maximum number of vehicle trips on the unpaved haul/access roads each day (including number of employee vehicles, earthmovi ng equipment, haul trucks, and water trucks) and a description of how vehicle speeds will be restricted to no more than 15 miles per hour.

[SIP Rule 310 §304.2]

c. Disturbed Surface Area: The owner and/or operator of any disturbed surface area on which no act ivity is occurring (including at a work site that is under construction or a work site that is temporarily or permanently inactive) shall meet at least one of the standards described below, as applicable. Should such a disturbed surface area contain more t han one type of stabilization characteristic, such as soil, vegetation, or other characteristic, which is visibly distinguishable, then the owner and/or operator shall test each representative surface separately for stability, in an area that represents a random portion of the overall disturbed conditions of the site, in accordance with the appropriate test methods described in Section 501.2(c) of Rule 310 and in Appendix C (Fugitive Dust Test Methods) of MCAQD rules. The owner and/or operator of such dist urbed surface area on which no activity is occurring shall be considered in violation of Rule 310 if the area is not maintained in a manner that meets at least one of the standards listed below, as applicable. An area is considered to be a disturbed surfac e area until the activity that caused the disturbance has been completed and the disturbed surface area meets the standards described in this subsection.

i. Maintain a soil crust;

ii. Maintain a threshold friction velocity (TFV) for disturbed surface areas correc ted for non-erodible

elements of 100 cm/second or higher;

iii. 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%;

iv. 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%;

v. Maintain a standing vegetative cover (i.e., vegetation tha t 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;

vi. Maintain a percent cover that is equal to or greater than 10% for non-erodible elements; or

vii. Comply with a standard of an alternative test method, upon obtaining the written approval from the Control Officer and the Administrator.

[SIP Rule 310 §304.3]

**22. Soil Moisture:**

If water is the chosen control measure in an approved Dust Control Plan, the owner and/or operator of a dust-generating operation shall operate a water application system on -site (e.g., water truck, water hose) while conducting any earthmoving operations on disturbed surfac e areas 1 acre or larger, unless a soil crust is maintained or the soil is sufficiently damp to prevent loose grains of soil from becoming dislodged.

[SIP Rule 310 §307]

**23. Dust Control Training Classes for Dust-Generating Operations:**

a. At least once every thre e years, the following people shall successfully complete a Basic Dust Control Training Class conducted or approved by the Control Officer.

i. Water truck drivers.

ii. Water-pull drivers.

iii. The site superintendent or other designated on-site representative of the permit holder.

b. Any certification issued to a person having successfully completed a Basic Dust Control Training Class conducted or approved by the Control Officer may be suspended o r revoked for cause, including, but not limited to, inappropriate ethical activities or conduct associated with the dust control program.

[SIP Rule 310 §309.1]

**24. Dust Control Plan Revisions**

a. If the Control Officer determines that an approved Dust Control Pla n has been followed, yet fugitive dust emissions from any dust-generating operation still exceed the standards of this Permit, the Control Officer shall issue a written notice to the owner and/or operator of the dust -generating operation explaining such de termination. The owner and/or operator of a dust -generating operation shall make written revisions to the Dust Control Plan and shall submit such revised Dust Control Plan to the Control Officer within three working days of receipt of the Control Officer's written notice, unless such time period is extended by the Control Officer, upon request, for good cause. During the time that such owner and/or operator is preparing revisions to the approved Dust Control Plan, such owner and/or operator must still comply with all requirements of this Permit.

[SIP Rule 310 §403.1]

b. The Permittee shall request a Dust Control Plan revision with a submittal in the manner and form prescribed by the Control Officer if:

i. The acreage of a project changes;

ii. The permit holder changes;

iii. The name(s), address(es), or phone numbers of person(s) responsible for the submittal and

implementation of the Dust Control Plan and responsible for the dust-generating operation change; and

iv. If the activities related to the purposes for which the Dust Control permit was obtained change.

[SIP Rule 310 §403.2]

**25. Recordkeeping:**

The Permittee shall maintain the following records for the time period specified in Condition 26 and make them available to the Control Officer upon request:

a. The Permittee shall keep a written record of self -inspection on each day dust -generating operations are conducted. Self-inspection records shall include daily inspections for crusted or damp soil, trackout conditions and clean -up measures, daily water usage, and dust suppressant application. Such written record shall also include the following information:

i. Method, frequency, and intensity of application or implementation of the control measures;

ii. Method, frequency, and amount of water application to the site;

iii. Street sweeping frequency;

iv. Types of surface treatments applied to and maintenance of trackout control devices, gravel pads, fences, wind barriers, and tarps;

v. Types and results of test methods conducted;

vi. If contingency control measures are implemented, actual application or implementation of contingency control measures and why contingency control measures were implemented;

vii. List of subcontractors' names and registration numbers updated when changes are made; and

viii. Names of employees who successfully completed dust control training classes, date of the classes that such employees successfully completed, and name of the agency/representative who conducted such classes.

[SIP Rule 310 §502.1]

b. Upon verbal or written request by the Control Officer, the log or the records and supporting documentation shall be provided as soon as possible but no later than 48 hours after the request, excluding weekends. If the Control Officer is at the site where requested records are kept, records shall be provided without delay.

[SIP Rule 310 §§502.3]

**26. Records Retention:**

The Permittee 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.

[SIP Rule 310 §503]

## GENERAL CONDITIONS

**27. Posting of Permit:**

This Permit shall be posted in a clearly vis ible and accessible location on the site where the equipment is installed.

[Rule 200 §312]

**28. Compliance:**

a. The issuance of any Permit or Permit revision shall not relieve the Permittee from compliance with any Federal laws, Arizona laws, or the County or SIP R ules, nor does any other law, regulation or permit relieve the Permittee from obtaining a Permit or Permit revision required under the County Rules.

[Rule 200 §309][Rule 220 §406.3][Locally Enforceable Only]

b. The Permittee shall comply with all conditions o f this Permit including all applicable requirements of

Federal laws, Arizona laws, and Maricopa County Air Pollution Control Rules and Regulations now in effect and as amended in the future. Any Permit noncompliance is grounds for enforcement action, Permit termination or revocation, or for denial of a renewal application. In addition, non-compliance with any federally enforceable requirements constitutes a violation of the Clean Air Act.

[A.A.C. R18-2-306.A.8.a][Locally Enforceable Only]

c. It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with these Permit Conditions.

[Rule 220 §302.10][A.A.C. R18-2-306.A.8.b][Locally Enforceable Only]

d. Rights and Privileges: This Permit does not convey any property rights or exclusive privilege of any sort.

[Rule 220 §302.12][Locally Enforceable Only]

e. Fees: The Permittee shall pay all fees to the Control Officer in accordance with Rule 280. No permit or permit revision is valid until the applicable permit fee has been received and until the permit is issued by the Control Officer.

[Rule 200 §409][Rule 280 §302][A.R.S. 49-480(D)][SIP Rule 28]

**29. Malfunctions, Emergency Upsets, and Excess Emissions:**

An affirmative defense of an emergency, excess emission, and/or during startup and shutdown shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence as outlined in Rule 130 for emergencies and Rule 140 for excess emissions.

[Rule 130 §§201, 400][Rule 140 §§400, 500][SIP Rule 140]

**30. Revision / Reopening / Revocation:**

The Permit may be revised, reopened, revoked and reissued, or terminated for cause. The filing of a request by the Permittee for a permit revision, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any Permit Condition.

[Rule 220 §302.11][Locally Enforceable Only]

**31. Records:**

a. The Permittee shall furnish information that the Control Officer may request in writing to determine whether cause exists for revising, revoking and reissuing this permit, or terminating this permit, or to determine compliance with this permit. The information shall be provided in a timeframe specified by the Control Officer. Upon request, the Permittee shall also furnish to the Control Officer copies of records required to be kept by this Permit. For information claimed to be confidential, the Permittee shall furnish a copy of such records directly to the Administrator along with a claim of confidentiality.

[Rule 220 §302.13][SIP Rule 40]

b. If the Permittee fails to submit any relevant facts or has submitted incorrect information in a permit application, the Permittee shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information. In addition, the Permittee shall provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application is filed but prior to release of a proposed permit. Willful misrepresentation of facts in a permit application is cause for revocation or denial of a permit.

[Rule 220 §§301.5, 301.6][Locally Enforceable Only]

**32. Right to Entry:**

a. The Control Officer during reasonable hours, for the purpose of enforcing and administering County or SIP Rules or the Clean Air Act, or any provision of the Arizona Revised Statutes relating to the emission or control prescribed pursuant thereto, may enter every building, premises, or other place, except the interior of structures used as private residences. Every person is guilty of a petty offense under A.R.S. 49-488 who in any way denies, obstructs or hampers such entrance or inspection that is lawfully authorized by warrant.

b. The Permittee shall allow the Control Officer or his designated representatives, upon presentation of proper credentials (e.g., Maricopa County Air Quality Department identification) and other documents

as may be required by law, to:

i. Enter upon the Permittee's premises where a source is located or emissions -related activity is conducted, or where records are required to be kept pursuant to the conditions of the permit;

ii. Have access to and copy, at reasonable times, any records that are requir ed to be kept pursuant to the conditions of the permit;

iii. Inspect, at reasonable times, any sources, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required pursuant to this permit;

iv. Sample or monit or, at reasonable times, substances or parameters for the purpose of assuring compliance with the Permit or other applicable requirements; and

v. To record any inspection by use of written, electronic, magnetic, and photographic media.

[Rule 100 §105][Rule 220 §302.17-21][SIP Rule 43]

**33. Severability:**

The rules, paragraphs, clauses, provisions, and/or sections of this Permit are severable, and, if any rule, paragraph, clause, provision, and/or section of this Permit is held invalid, the remainder of this Permit shall not be affected thereby.

[Rule 220 §302.9][SIP Rule 80]