REGULATION III – CONTROL OF AIR CONTAMINANTS

RULE 310.01
FUGITIVE DUST FROM NON-TRADITIONAL SOURCES OF FUGITIVE DUST

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MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS
REGULATION III – CONTROL OF AIR CONTAMINANTS

RULE 310.01
FUGITIVE DUST FROM NON-TRADITIONAL SOURCES OF FUGITIVE DUST

SECTION 100 – GENERAL

101 PURPOSE: To minimize the amount of fugitive dust entrained into the ambient air from non-traditional sources of fugitive dust by requiring measures to prevent, reduce, or mitigate fugitive dust emissions.

102 APPLICABILITY:

102.1 The provisions of this rule shall apply to non-traditional sources of fugitive dust that are conducted in Maricopa County, except for those dust-generating operations listed in Section 103 of this rule.

102.2 The provisions of this rule shall apply to any open area or vacant lot that is not defined as agricultural land and is not used for agricultural purposes according to Arizona Revised Statutes (A.R.S.) § 42-12151 and A.R.S. § 42-12152.

103 EXEMPTIONS:

103.1 The provisions of this rule shall not apply to normal farm cultural practices according to A.R.S. § 49-457 and A.R.S. § 49-504.4.

103.2 The provisions of this rule shall not apply to dust-generating operations that are subject to the standards and/or requirements described in Rule 310: Fugitive Dust from Dust-Generating Operations of these rules.

103.3 The provisions of this rule shall not apply to 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.

103.4 The provisions of this rule do not apply to the establishment of initial landscapes without the use of mechanized equipment, conducting landscape maintenance without the use of mechanized equipment, and playing on or maintaining a field used for non-motorized sports. However, establishing initial landscapes without

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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.

SECTION 200 – DEFINITIONS: For the purpose of this rule, the following definitions apply, in addition to those definitions found in Rule 100: General Provisions and Definitions of these rules. In the event of any inconsistency between any of the Maricopa County air pollution control rules, the definitions in this rule take precedence.

201 **ANIMAL WASTE –** Any animal excretions and mixtures containing animal excretions.

202 **AREA A –** As defined in A.R.S. § 49-541(1), the area in Maricopa County delineated as follows:

Township 8 North, Range 2 East and Range 3 East
Township 7 North, Range 2 West through Range 5 East
Township 6 North, Range 5 West through Range 6 East
Township 5 North, Range 5 West through Range 7 East
Township 4 North, Range 5 West through Range 8 East
Township 3 North, Range 5 West through Range 8 East
Township 2 North, Range 5 West through Range 8 East
Township 1 North, Range 5 West through Range 7 East
Township 1 South, Range 5 West through Range 7 East
Township 2 South, Range 5 West through Range 7 East
Township 3 South, Range 5 West through Range 1 East
Township 4 South, Range 5 West through Range 1 East

203 **AREA ACCESSIBLE TO THE PUBLIC –** Any paved parking lot or paved roadway that can be entered or used for public travel primarily for purposes unrelated to the dust-generating operation.

204 **BULK MATERIAL –** Any material, including, but not limited to, the following materials that are capable of producing fugitive dust:

204.1 Earth.
204.2 Rock.
204.3 Silt.
204.4 Sediment.
204.5 Sand.
204.6 Gravel.
204.7 Soil.
204.8 Fill.
204.9 Aggregate less than 2 inches in length or diameter (i.e., aggregate base course [ABC]).
204.10 Dirt.
204.11 Mud.

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204.12 Demolition debris.
204.13 Cotton.
204.14 Trash.
204.15 Cinders.
204.16 Pumice.
204.17 Saw dust.
204.18 Feeds.
204.19 Grains.
204.20 Fertilizers.
204.21 Fluff from shredders.
204.22 Dry concrete.

205 **CHEMICAL/ORGANIC STABILIZER** – Any non-toxic chemical or organic dust suppressant, other than water, which meets any specifications, criteria, or tests required by any federal, state, or local water agency and is not prohibited for use by any applicable law, rule, or regulation.

206 **CONTROL MEASURE** – A technique, practice, or procedure used to prevent or minimize the generation, emission, entrainment, suspension, and/or airborne transport of fugitive dust.

207 **DISTURBED SURFACE AREA** – A 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 native condition if the potential for the emission of fugitive dust is increased by the movement, destabilization, or modification.

208 **DUST-GENERATING OPERATION** – Any activity capable of generating fugitive dust, including but not limited to, the following activities:

208.1 Land clearing, maintenance, and land cleanup using mechanized equipment.
208.2 Earthmoving.
208.3 Weed abatement by discing or blading.
208.4 Excavating.
208.5 Construction.
208.6 Demolition.
208.7 Bulk material handling (e.g., bulk material hauling and/or transporting, bulk material stacking, loading, and unloading operations).
208.8 Storage and/or transporting operations (e.g., open storage piles).
208.9 Operation of any outdoor equipment.
208.10 Operation of motorized machinery.
208.11 Establishing and/or using staging areas, parking areas, material storage areas, or access routes to and from a site.
208.12 Establishing and/or using unpaved haul/access roads to, from, and within a site.
208.13 Disturbed surface areas associated with a site.
208.14 Installing initial landscapes using mechanized equipment.

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209 **DUST SUPPRESSANT** – 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 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.

210 **EMERGENCY** – A situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a limitation in this rule, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include any noncompliance due to improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.

211 **EMERGENCY ACTIVITY** – Repairs that are a result of an emergency which prevents or hinders the provision of electricity, the distribution/collection of water, and the availability of other utilities due to unforeseen circumstances that are beyond the routine maintenance and repair due to normal wear conducted by a utility or municipality.

212 **FEED LANE ACCESS AREAS** – Roads providing access from the feed preparation areas to and including feed lane areas at a livestock activity. These access roads are typically used to distribute feed from feed trucks to the animals.

213 **FUGITIVE DUST** – The particulate matter not collected by a capture system, that is entrained in the ambient air and is caused from human and/or natural activities, such as, but not limited to, movement of soil, 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, and does not include emissions from process and combustion sources that are subject to other rules in Regulation III (Control of Air Contaminants) of these rules.

214 **GRAVEL PAD** – A layer of washed gravel, rock, or crushed rock that is at least one inch or larger in diameter, that is maintained at the point of intersection of an area accessible to the public and a site exit to dislodge mud, dirt, and/or debris from the tires of motor vehicles, prior to leaving the site. Minimum dimensions must be 30 feet wide by 3 inches deep and 50 feet long or the length of the longest motor vehicle, whichever is greater. If an unpaved surface exit does not have adequate width to install a 30-foot wide gravel pad, then the width of the gravel pad must cover the full width of the unpaved surface exit and such shorter width shall be adequate to prevent trackout.

215 **GRIZZLY** – A device (i.e., rails, pipes, or grates) used to dislodge mud, dirt, and/or debris from the tires and undercarriage of motor vehicles prior to leaving the work site.

216 **LIVESTOCK ACTIVITIES** – Any activity directly related to feeding animals, displaying animals, racing animals, exercising animals, and/or for any other such activity

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including, but not limited to, livestock arenas, horse arenas, feed lots, and residential activities related to feeding or raising animals.

217 **MOTOR VEHICLE** – A self-propelled vehicle for use on the public roads and highways of the State of Arizona and required to be registered under the Arizona State Uniform Motor Vehicle Act, including any non-motorized attachments, such as but not limited to, trailers or other conveyances which are connected to or propelled by the actual motorized portion of the vehicle.

218 **NON-TRADITIONAL SOURCE OF FUGITIVE DUST** – A source of fugitive dust that is located at a source that does not require any permit under these rules. The following non-traditional sources of fugitive dust are subject to the standards and/or requirements described in Rule 310.01: Fugitive Dust from Non-Traditional Sources of Fugitive Dust of these rules:

218.1 Vehicle use in open areas and vacant lots.
218.2 Open areas and vacant lots.
218.3 Unpaved parking lots.
218.4 Unpaved roadways (including alleys).
218.5 Livestock activities.
218.6 Erosion-caused deposition of bulk materials onto paved surfaces.
218.7 Easements, rights-of-way, and access roads for utilities (electricity, natural gas, oil, water, and gas transmission).

219 **NORMAL FARM CULTURAL PRACTICE** – All activities by the owner, lessee, agent, independent contractor, and/or supplier conducted on any facility for the production of crops and/or nursery plants. Disturbances of the field surface caused by turning under stalks, tilling, leveling, planting, fertilizing, or harvesting are included in this definition.

220 **OFF-ROAD VEHICLE** – Any self-propelled conveyance specifically designed for off-road use, including, but not limited to, off-road or all-terrain equipment, trucks, cars, motorcycles, motorbikes, or motorbuggies.

221 **OPEN AREAS AND VACANT LOTS** – Any of the following described in Sections 221.1 through 221.3 of this rule. For the purpose of this rule, vacant portions of residential or commercial lots that are immediately adjacent and owned and/or operated by the same individual or entity are considered one vacant open area or vacant lot.

221.1 An unsubdivided or undeveloped tract of land adjoining a developed or a partially developed residential, industrial, institutional, governmental, or commercial area.

221.2 A subdivided residential, industrial, institutional, governmental, or commercial lot that contains no approved or permitted buildings or structures of a temporary or permanent nature.

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221.3 A partially developed residential, industrial, institutional, governmental, or commercial lot.

222 **OWNER AND/OR OPERATOR** – Any person who owns, leases, operates, controls, or supervises a fugitive dust source subject to the requirements of this rule.

223 **PAVE** – To apply and maintain asphalt, concrete, or other similar material to a roadway surface (i.e., asphaltic concrete, concrete pavement, chip seal, or rubberized asphalt).

224 **PM_{10} NONATTAINMENT AREA** – An area designated by the EPA as exceeding National Ambient Air Quality Standards based upon data collected through air quality monitoring. The geographical boundary of Maricopa County's PM_{10} nonattainment area is defined as the rectangle determined by and including the following townships and ranges: T6N, R3W; T6N, R7E; T2S, R3W; T2S, R7E; and T1N, R8E. Maricopa County's PM_{10} nonattainment area includes the following cities: Surprise, Peoria, Glendale, Phoenix, Scottsdale, Tempe, Mesa, Gilbert, Chandler, Avondale, Buckeye, and Goodyear.

225 **PROPERTY LINE** – The boundaries of an area in which either a person causing the emission or a person allowing the emission has the legal use or possession of the property. Where such property is divided into one or more sub-tenancies, the property line(s) shall refer to the boundaries dividing the areas of all sub-tenancies.

226 **PUBLIC ROADWAYS** – Any roadways that are open to public travel.

227 **TRACKOUT/CARRYOUT** – Any and all bulk materials that adhere to and agglomerate on the surfaces of motor vehicles, haul trucks, and/or equipment (including tires) and that have fallen or been deposited onto an area accessible to the public.

228 **TRACKOUT CONTROL DEVICE** – A gravel pad, grizzly, wheel wash system, or a paved area, located at the point of intersection of an unpaved area and an area accessible to the public that controls or prevents vehicular trackout.

229 **UNPAVED ACCESS CONNECTIONS** – Any unpaved road connection with a paved public road.

230 **UNPAVED PARKING LOT** – Any area that is not paved and that is used for parking, maneuvering, material handling, or storing motor vehicles and equipment. An unpaved parking lot includes, but is not limited to, automobile impound yards, wrecking yards, automobile dismantling yards, salvage yards, material handling yards, and storage yards. For the purpose of this rule, maneuvering shall not include military maneuvers or exercises conducted on federal facilities.

231 **UNPAVED ROADWAY (INCLUDING ALLEYS)** – A road that is not paved and that is owned by federal, state, county, municipal, or other governmental or quasi-governmental agencies. For the purpose of this rule, an unpaved roadway (including

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alleys) is not a horse trail, hiking path, bicycle path, or other similar path used exclusively for purposes other than travel by motor vehicles. An unpaved roadway (including alleys) includes designated or opened trail systems and service roads regardless of surface composition.

232 **VACANT LOT –** The definition of vacant lot is included in Section 221: Definition of Open Areas and Vacant Lots of this rule.

SECTION 300 – STANDARDS

301 GENERAL REQUIREMENTS FOR NON-TRADITIONAL SOURCES OF FUGITIVE DUST:

301.1 An owner and/or operator of a non-traditional source of fugitive dust shall be subject to the standards and/or requirements described in this rule. Failure to comply with any such standards and/or requirements is deemed a violation of this rule.

301.2 When an owner and/or operator of a non-traditional source of fugitive dust fails to stabilize disturbed surfaces of vacant lots as required in Sections 302.4 and 302.5 of this rule, the Control Officer shall commence enforcement of those rule provisions regarding the stabilization of disturbed surfaces of vacant lots that include the following:

a. Reasonable written notice to the owner or the owner's authorized agent or the owner's statutory agent that the unpaved disturbed surface of a vacant lot is required to be stabilized. The notice shall be given not less than 30 days before the day set for compliance and shall include a legal description of the property and the estimated cost to the county for the stabilization if the owner does not comply. The notice shall be either personally served or mailed by certified mail to the owner's statutory agent, to the owner at the owner's last known address or to the address to which the tax bill for the property was last mailed.

b. Authority to enter upon any said land/property where such non-traditional source of fugitive dust exists/where such disturbed surface area exists and to take remedial and/or corrective action as may be deemed appropriate to cope with and relieve, reduce, remedy, and/or stabilize such non-traditional source of fugitive dust/such disturbed surface area. Any cost incurred in connection with any such remedial or corrective action by the Maricopa County Air Quality Department or any person acting for the Maricopa County Air Quality Department shall be reimbursed by the owner and/or operator of such non-traditional source of fugitive dust.

302 CONTROL MEASURES FOR NON-TRADITIONAL SOURCES OF FUGITIVE DUST:

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302.1 When engaged in the activities described in Sections 302.4 through 302.10 of this rule, the owner and/or operator of a non-traditional source of fugitive dust shall implement control measures as described in Sections 302.4 through 302.10 of this rule, as applicable.

302.2 Control measures shall be implemented to meet the visible emissions requirements and stabilization requirements, as required for each activity, and to achieve the compliance determination in Section 501 of this rule.

302.3 Failure to implement control measures as required by this rule, as applicable, and/or failure to maintain stabilization of a non-traditional source of fugitive dust with adequate surface crusting to prevent wind erosion as measured by the requirements in this rule shall be deemed a violation of this rule.

302.4 **Vehicle Use in Open Areas and Vacant Lots:** The owner and/or operator of a non-traditional source of fugitive dust that involves vehicle use in open areas and vacant lots shall be subject to the requirements described in Section 302.4(a) of this rule and, unless otherwise specified and/or required, shall comply with the control measures described in Section 302.4(b) of this rule and the additional requirements described in Section 302.4(c) of this rule.

a. Visible Emissions Requirements and Stabilization Requirements:

(1) The owner and/or operator of a non-traditional source of fugitive dust that involves vehicle use in open areas and vacant lots shall not cause or allow visible emissions of particulate matter, including fugitive dust, beyond the property line within which the emissions are generated.

(2) The owner and/or operator of a non-traditional source of fugitive dust that involves vehicle use in open areas and vacant lots shall stabilize the open areas and vacant lots on which vehicles are used to meet one of the following stabilization limitations:

(a) A soil crust; or

(b) A threshold friction velocity (TFV) corrected for non-erodible elements of 100 cm/second or higher; or

(c) 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%; or

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(d) Standing vegetative cover (i.e., vegetation that is attached [rooted] with a predominant vertical orientation) that is equal to or greater than 30%; or

(e) 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; or

(f) A percent cover that is equal to or greater than 10% for non-erodible elements; or

(g) An alternative test method approved in writing by the Control Officer and the Administrator.

b. Control Measures:

(1) Prevent motor vehicle and/or off-road vehicle trespassing, parking, and/or access by installing barriers, curbs, fences, gates, posts, shrubs, trees, or other effective control measures;

(2) Prevent motor vehicle and/or off-road vehicle trespassing, parking, and/or access by posting that consists of one of the following:

(a) A sign written in compliance with ordinance(s) of local, County, State, or Federal sign standards.

(b) An order of a government land management agency.

(c) Most current maps approved by a government land management agency.

(d) Virtual posting a government land management agency.

(3) Uniformly apply and maintain surface gravel or chemical/organic stabilizers to all areas disturbed by motor vehicles and/or off-road vehicles; or

(4) Apply and maintain an alternative control measure approved in writing by the Control Officer and the Administrator.

c. Additional Requirements:

(1) If open areas and vacant lots are 0.10 acre (4,356 square feet) or larger and have a cumulative of 500 square feet or more that are disturbed by

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being driven over and/or used by motor vehicles, by off-road vehicles, or for material dumping, then the owner and/or operator shall implement one or more of the control measures described in Section 302.4(b) of this rule within 60 calendar days following the initial discovery by the Control Officer of disturbance or vehicle use on open areas and vacant lots.

(2) Within 30 calendar days following the initial discovery by the Control Officer of disturbance or vehicle use on open areas and vacant lots, the owner and/or operator shall provide in writing to the Control Officer a description and date of the control measure(s) to be implemented to prevent such disturbance or vehicle use on open areas and vacant lots.

(3) The owner and/or operator shall implement all control measures necessary to limit the disturbance or vehicle use on open areas and vacant lots in accordance with the requirements of this rule. Control measure(s) shall be considered effectively implemented when the open areas and vacant lots meet the requirements described in Section 302.4(a) of this rule.

(4) Once a control measure in Section 302.4(b) of this rule has been effectively implemented, then such open area or vacant lot is subject to the requirements of Section 302.5: Open Areas and Vacant Lots of this rule.

(5) Use of or parking on open areas and vacant lots by the owner and/or operator of such open areas and vacant lots shall not be considered vehicle use in open areas and vacant lots and shall not be subject to the requirements of Section 302.4(b) and sections 302.4(c)(1) through 302.4(c)(4) of this rule. Such open areas and vacant lots shall still meet the requirements described in Section 302.5 of this rule.

(6) Establishing initial landscapes without the use of mechanized equipment or conducting landscape maintenance without the use of mechanized equipment shall not be considered vehicle use in open areas and vacant lots and shall not be subject to the requirements of Section 302.4(b) and Sections 302.4(c)(1) through 302.4(c)(4) of this rule. Such open areas and vacant lots shall still meet the requirements described in Section 302.5 of this rule.

302.5 Open Areas and Vacant Lots: The owner and/or operator of a non-traditional source of fugitive dust that involves open areas and vacant lots shall be subject to the requirements described in Section 302.5(a) of this rule and, unless otherwise specified and/or required, shall comply with the control measures described in Section 302.5(b) of this rule and the additional requirements described in Section 302.5(c) of this rule.

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a. Visible Emissions Requirements and Stabilization Requirements:

(1) The owner and/or operator of a non-traditional source of fugitive dust that involves open areas and vacant lots shall not cause or allow visible emissions of particulate matter, including fugitive dust, beyond the property line within which the emissions are generated.

(2) The owner and/or operator of a non-traditional source of fugitive dust that involves open areas and vacant lots shall stabilize the open areas and vacant lots to meet one of the following stabilization limitations:

(a) A soil crust; or

(b) A threshold friction velocity (TFV) corrected for non-erodible elements of 100 cm/second or higher; or

(c) 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%; or

(d) Standing vegetative cover (i.e., vegetation that is attached [rooted] with a predominant vertical orientation) that is equal to or greater than 30%; or

(e) 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; or

(f) A percent cover that is equal to or greater than 10% for non-erodible elements; or

(g) An alternative test method approved in writing by the Control Officer and the Administrator.

b. Control Measures:

(1) Establish vegetative ground cover on all disturbed surface areas. Such control measure(s) must be maintained and reapplied, if necessary. Stabilization shall be achieved, per this control measure, within eight months after the control measure has been implemented; or

(2) Apply a dust suppressant to all disturbed surface areas; or

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(3) Restore all disturbed surface areas within 60 calendar days following the initial discovery by the Control Officer of the disturbance, such that the vegetative ground cover and soil characteristics are similar to adjacent or nearby undisturbed native conditions. Such control measure(s) must be maintained and reapplied, if necessary. Stabilization shall be achieved, per such control measure, within eight months after such control measure has been implemented; or

(4) Uniformly apply and maintain surface gravel; or

(5) Apply and maintain an alternative control measure approved in writing by the Control Officer and the Administrator.

c. Additional Requirements:

(1) If open areas and vacant lots are 0.10 acre (4,356 square feet) or larger and have a cumulative of 500 square feet or more that are disturbed and if such disturbed area remains unoccupied, unused, vacant, or undeveloped for more than 15 days, then the owner and/or operator shall implement one or more of the control measures described in Section 302.5(b) of this rule within 60 calendar days following the initial discovery by the Control Officer of the disturbance on the open areas and vacant lots.

(2) Within 30 calendar days following the initial discovery by the Control Officer of the disturbance on the open areas and vacant lots, the owner and/or operator shall provide in writing to the Control Officer a description and date of the control measure(s) to be implemented.

(3) Control measure(s) shall be considered effectively implemented when the disturbance on the open areas and vacant lots meets the requirements described in Section 302.5(a) of this rule.

302.6 Unpaved Parking Lots: The owner and/or operator of a non-traditional source of fugitive dust that involves unpaved parking lots shall be subject to the requirements described in Section 302.6(a) of this rule and, unless otherwise specified and/or required, shall comply with one of the control measures described in Section 302.6(b) of this rule and the additional requirements described in Section 302.6(c) of this rule.

a. Visible Emissions Requirements and Stabilization Requirements:

(1) The owner and/or operator of a non-traditional source of fugitive dust that involves unpaved parking lots shall not cause or allow visible

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emissions of particulate matter, including fugitive dust, beyond the property line within which the emissions are generated.

(2) The owner and/or operator of a non-traditional source of fugitive dust that involves unpaved parking lots shall not cause or 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%.

b. Control Measures:

(1) For parking, maneuvering, ingress, and egress areas at developments other than residential buildings with four or fewer units that are utilized for more than 35 days during the calendar year:

(a) Install and maintain pavement; or

(b) Apply dust suppressant other than water and 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 motor vehicles that traverse the site; or

(c) Uniformly apply and maintain surface gravel.

(2) For parking, maneuvering, ingress, and egress areas at developments other than residential buildings with four or fewer units that are utilized for 35 days or less during the calendar year:

(a) Install and maintain one of the control measures listed in Section 302.6(b)(1) of this rule; or

(b) Apply water and 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 motor vehicles that traverse the site.

(3) For parking, maneuvering, ingress, and egress areas 3,000 square feet or more in size at residential buildings with four or fewer units install and maintain a paving or stabilization method authorized by the city, town, or county by code, ordinance, or permit.

c. Additional Requirements:

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(1) Control measure(s) shall be considered effectively implemented when the unpaved parking lot meets the requirements described in Section 302.6(a) of this rule.

(2) If trackout occurs, the owner and/or operator shall repair and/or replace the control measure(s) and shall clean-up immediately such trackout from areas accessible to the public including curbs, gutters, and sidewalks when trackout extends a cumulative distance of 25 linear feet or more and at the end of the day for all other trackout.

302.7 Unpaved Roadways (Including Alleys): The owner and/or operator of unpaved roadways (including alleys) that are used by 150 vehicle trips or more per day in the PM_{10} nonattainment area shall be subject to the requirements described in Section 302.7(a) of this rule and, unless otherwise specified and/or required, shall comply with one of the control measures described in Section 302.7(b) of this rule and the additional requirements described in Section 302.7(c) of this rule.

a. Visible Emissions Requirements and Stabilization Requirements: The owner and/or operator of unpaved roadways (including alleys) shall not cause or 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%.

b. Control Measures:

(1) Pave;

(2) Apply dust suppressants other than water; or

(3) Uniformly apply and maintain surface gravel.

c. Additional Requirements:

(1) If a person allows 150 vehicle trips or more per day on an unpaved roadway (including an alley) in the PM_{10} nonattainment area, then such person shall first implement one of the control measures described in Section 302.7(b) of this rule.

(2) A person, who allows 150 vehicle trips or more per day on an unpaved roadway (including an alley) in the PM_{10} nonattainment area, shall be responsible for conducting vehicle counts/traffic counts to determine if 150 vehicle trips or more per day occur on an unpaved roadway (including an alley). A traffic count shall measure vehicular traffic over a 48-hour period, which may consist of two non-consecutive 24-hour periods. Vehicular traffic shall be measured continuously during each

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24-hour period. The average vehicle counts/traffic counts on the highest trafficked days shall be recorded and provided to the Control Officer in writing within 60 days of verbal or written request by the Control Officer.

(3) Control measure(s) shall be considered effectively implemented under the following conditions:

(a) When the unpaved roadway (including an alley) meets the requirements described in Section 302.7(a) of this rule.

(b) When one of the control measures described in Section 302.7(b) of this rule is implemented on 5 miles of unpaved roadways (including alleys) having vehicle traffic of 150 vehicle trips or more per day within one calendar year beginning in calendar year of 2008. If the control measure described in Section 302.7(b)(2) of this rule is implemented, the unpaved roadways (including alleys) must be maintained so as to comply with Appendix C of these rules.

302.8 Livestock Activities: The owner and/or operator of a non-traditional source of fugitive dust that involves livestock activities shall be subject to the requirements described in Section 302.8(a) of this rule and, unless otherwise specified and/or required, shall comply with the control measures described in Section 302.8(b) of this rule and the additional requirements described in Section 302.8(c) of this rule.

a. Visible Emissions Requirements:

(1) For unpaved access connections and unpaved feed lane access areas, the owner and/or operator shall not cause or allow visible fugitive dust emissions to exceed 20% opacity.

(2) For corrals, pens, and arenas, the owner and/or operator shall not cause or allow visible fugitive dust emissions to exceed 20% opacity for a period aggregating more than three minutes in any 60-minute period.

(3) The owner and/or operator shall not cause or allow visible emissions of particulate matter, including fugitive dust, beyond the property line within which the emissions are generated.

b. Control Measures: The owner and/or operator of a non-traditional source of fugitive dust that involves livestock activities shall implement the control measures described in this section of this rule. When selecting a control measure, the owner and/or operator may consider site-specific logistics of the livestock activities. When doing so, some control measures may be more reasonable to implement than others. Any control measure that is implemented must achieve the applicable standards and requirements

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described in Sections 302.8(a) and (c) of this rule, as determined by the corresponding test methods, as applicable, and must achieve other applicable standards set forth in this rule. The owner and/or operator may submit a request to the Control Officer and the Administrator for the use of alternative control measure(s). The owner and/or operator may implement the alternative control measure only after the Control Officer and the Administrator have granted the petition.

(1) For unpaved access connections and unpaved feed lane access areas:

(a) Apply water and 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 motor vehicles that traverse the site;

(b) Apply and maintain pavement, gravel (maintained to a depth of four inches), or asphaltic roadbase;

(c) Apply and maintain dust suppressants other than water; or

(d) Limit vehicle trips to no more than 20 per day per road, limit vehicle speeds to no more than 15 miles per hour, and restrict public access to private roads by installing barriers, curbs, fences, gates, posts, or signs written in compliance with ordinance(s) of local, County, State, or Federal sign standards.

(2) For bulk material hauling, including animal waste, off-site and crossing and/or accessing an area accessible to the public:

(a) Load all vehicles used to haul bulk material, including animal waste, such that the freeboard is not less than three inches;

(b) Prevent spillage or loss of bulk material, including animal waste, from holes or other openings in the cargo compartment's floor, sides, and/or tailgate(s);

(c) Cover cargo compartment with a tarp or other suitable closure; and

(d) 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 motor vehicles that traverse the site.

(3) For corrals, pens, and arenas:

(a) Apply water;

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(b) Install shrubs and/or trees within 50 feet to 100 feet of corrals, pens, and arenas;

(c) Scrape and/or remove manure;

(d) Apply a fibrous layer (i.e., wood chips) in working areas;

(e) Provide shaded areas; or

(f) Apply and maintain an alternative control measure approved in writing by the Control Officer and the Administrator.

c. Additional Requirements:

(1) The owner and/or operator of livestock activities shall implement at least one of the control measures from each of the following three sections of this rule, as applicable: Section 302.8(b)(1), Section 302.8(b)(2), and Section 302.8(b)(3). In lieu of implementing at least one control measure from each of the following three sections of this rule, as applicable: Section 302.8(b)(1), Section 302.8(b)(2), and Section 302.8(b)(3), the owner and/or operator of livestock activities shall implement an alternative control measure approved in writing by the Control Officer and the Administrator.

(2) Control measure(s) shall be considered effectively implemented when the livestock activities meet the requirements described in Section 302.8(a) of this rule.

(3) If trackout occurs, the owner and/or operator shall repair and/or replace the control measure(s) and shall clean up immediately such trackout from areas accessible to the public including curbs, gutters, and sidewalks when trackout extends a cumulative distance of 25 linear feet or more and at the end of the day for all other trackout.

302.9 Erosion-Caused Deposition of Bulk Materials Onto Paved Surfaces: The owner and/or operator of a non-traditional source of fugitive dust that involves erosion-caused deposition of bulk materials onto paved surfaces shall comply with the control measures described in Section 302.9(a) of this rule and the additional requirements described in Section 302.9(b) of this rule.

a. Control Measures:

(1) Remove any and all such deposits by utilizing the appropriate control measures within 24 hours of the deposits' identification or prior to the

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resumption of traffic on pavement, where the pavement area has been closed to traffic; and

(2) Dispose of deposits in such a manner so as not to cause another source of fugitive dust.

b. Additional Requirements:

(1) In the event that erosion-caused deposition of bulk materials or other materials occurs on any adjacent paved roadway, paved parking lot, curb, gutter, or sidewalk, the owner and/or operator of the property from which the deposition eroded shall implement both of the control measures described in Section 302.9(a) of this rule.

(2) Failure to comply with both of the control measures described in Section 302.9(a) of this rule shall constitute a violation of this rule.

302.10 Easements, Rights-of-Way, and Access Roads for Utilities (Transmission of Electricity, Natural Gas, Oil, Water, and Gas): The owner and/or operator of a non-traditional source of fugitive dust that involves easements, rights-of-way, and access roads for utilities (transmission of electricity, natural gas, oil, water, and gas) that are used by 150 vehicle trips or more per day in the PM_{10} nonattainment area shall be subject to the requirements described in Section 302.10(a) of this rule and unless otherwise specified and/or required, comply with one of the control measures described in Section 302.10(b) of this rule and the additional requirements described in Section 302.10(c) of this rule.

a. Visible Emissions Requirements and Stabilization Requirements: The owner and/or operator of a non-traditional source of fugitive dust that involves easements, rights-of-way, and access roads for utilities (transmission of electricity, natural gas, oil, water, and gas) shall not cause or 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%.

b. Control Measures:

(1) Pave;

(2) Apply dust suppressants other than water;

(3) Uniformly apply and maintain surface gravel; or

(4) Install locked gates at each entry point.

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c. Additional Requirements:

(1) If an owner and/or operator allows 150 vehicle trips or more per day to use an easement, right-of-way, and access road for utilities (transmission of electricity, natural gas, oil, water, and gas) in the PM_{10} nonattainment area, then such owner and/or operator shall first implement one of the control measures described in Section 302.10(b) of this rule.

(2) A person, who allows 150 vehicle trips or more per day to use an easement, right-of-way, and access road for utilities (transmission of electricity, natural gas, oil, water, and gas) in the PM_{10} nonattainment area, shall be responsible for conducting vehicle counts/traffic counts to determine if 150 vehicle trips or more per day occur on an easement, right-of-way, and access road for utilities (transmission of electricity, natural gas, oil, water, and gas). A traffic count shall measure vehicular traffic over a 48-hour period, which may consist of two non-consecutive 24-hour periods. Vehicular traffic shall be measured continuously during each 24-hour period. The average vehicle counts/traffic counts on the highest trafficked days shall be recorded and provided to the Control Officer in writing within 60 days of verbal or written request by the Control Officer.

(3) Control measure(s) shall be considered effectively implemented when the easement, right-of-way, and access road for utilities (transmission of electricity, natural gas, oil, water, and gas) meets the requirements described in Section 302.10(a) of this rule.

SECTION 400 – ADMINISTRATIVE REQUIREMENTS (NOT APPLICABLE)

SECTION 500 – MONITORING AND RECORDS

501 COMPLIANCE DETERMINATION: To determine compliance with this rule, the following test methods shall be followed:

501.1 Opacity Observations:

a. Opacity observations to measure visible emissions shall be conducted in accordance with the techniques specified in EPA Reference Method 203B (Visual Determination of Opacity of Emissions from Stationary Sources for Time-Exception Regulations). Emissions shall not exceed the applicable opacity standards of this rule for a period aggregating more than three minutes in any 60-minute period.

b. Opacity observations to determine compliance with Sections 302.6, 302.7, 302.8(a)(1), 302.8(a)(2), and 302.10 of this rule shall be conducted in

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accordance with the techniques specified in Appendix C (Fugitive Dust Test Methods) of these rules.

501.2 Stabilization observations for unpaved parking lots and/or unpaved roadways (including alleys) shall be conducted in accordance with Appendix C, Section 2.1 (Test Methods for Stabilization for Unpaved Roads and Unpaved Parking Lots) of these rules.

501.3 Stabilization observations for vehicle use in open areas and vacant lots and/or open areas and vacant lots shall be conducted in accordance with the following:

a. Appendix C, Section 2.3 (Test Methods for Stabilization: Soil Crust Determination: The Drop Ball Test) of these rules; or

b. Appendix C, Section 2.4 (Test Methods for Stabilization: Determination of Threshold Friction Velocity [TFV]: Sieving Field Procedure) of these rules, where the threshold friction velocity (TFV) for disturbed surface areas corrected for non-erodible elements is 100 cm/second or higher; or

c. Appendix C, Section 2.5 (Test Methods for Stabilization: Determination of Flat Vegetative Cover) of these rules, where flat vegetation 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) is equal to at least 50%; or

d. Appendix C, Section 2.6 (Test Methods for Stabilization: Determination of Standing Vegetative Cover) of these rules, where standing vegetation cover (i.e., vegetation that is attached [rooted] with a predominant vertical orientation) is equal to or greater than 30%; or

e. Appendix C, Section 2.6 (Test Methods for Stabilization: Determination of Standing Vegetative Cover) of these rules, where the standing vegetation cover (i.e., vegetation that is attached [rooted] with a predominant vertical orientation) is equal to or greater than 10% and where the threshold friction velocity, corrected for non-erodible elements, is equal to or greater than 43 cm/second; or

f. Appendix C, Section 2.7 (Test Methods for Stabilization: Rock Test Method) of these rules where a percent cover is equal to or greater than 10% for non-erodible elements.

g. An alternative test method approved in writing by the Control Officer and the Administrator.

502 **RECORDKEEPING:** Any person subject to the requirements of this rule shall compile and retain records that provide evidence of control measure application (i.e., receipts

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and/or purchase records). Such person shall describe, in the records, the type of treatment or control measure, extent of coverage, and date applied. Upon verbal or written request by the Control Officer, such person shall provide the records and supporting documentation 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, such person shall provide the records without delay.

503 **RECORDS RETENTION:** Copies of the records required by Section 502 (Recordkeeping) of this rule shall be retained for at least two years.

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