

**REGULATION II
PROHIBITIONS**

RULE 226 DUST CONTROL

CONTENTS

PART 1.0 GENERAL

- 1.1 Purpose
- 1.2 Applicability
- 1.3 Exemption, Agricultural Operations

PART 2.0 DEFINITIONS

PART 3.0 STANDARDS

- 3.1 General Requirements

PART 4.0 ADMINISTRATIVE REQUIREMENTS

- 4.1 Correction of Condition
- 4.2 Remedial Action
- 4.3 Costs

REGULATION II PROHIBITIONS

RULE 226 DUST CONTROL

PART 1.0 GENERAL

1.1 Purpose

The purpose of this rule is to reduce and control fugitive dust emissions to the atmosphere.

1.2 Applicability

This rule shall apply to any person engaged in:

- a. Dismantling or demolition of buildings;
- b. Public or Private Construction;
- c. Mining;
- d. Processing of solid bulk materials (i.e., sand, gravel, rock, dirt, sawdust, ash, etc.)
- e. Operation of machines or equipment;
- f. Operation and use of unpaved parking facilities;
- g. Operation and use of livestock and/or horse arenas;
- h. Operation of feed lots;
- i. Operation and use of raceways for animals or motor vehicles.

1.3 Exemptions:

The requirements set forth in Part 3.0 - Standards do not apply to commercial agricultural operations.

PART 2.0 DEFINITIONS

Bulk Materials:

Any unpackaged material which emits dust when stored or handled (i.e., dirt, sand, gravel, sawdust, ash, rock, etc.).

Chemical Soil Stabilization/Suppression:

A means of dust control implemented by any person to mitigate PM 10 emissions by applying petroleum resins, asphaltic emulsions, acrylics, adhesives, or any other approved materials.

REGULATION II PROHIBITIONS

Construction Site:

A site on which construction, demolition, or related activities occur, including, but not limited to, land clearing, excavation related to construction, land leveling, grading, cut and fill grading, and the erection or demolition of a structure. As used in this Rule, a construction site may encompass several contiguous parcels, or may encompass only a portion of one parcel, depending on the relationship of the property boundaries to the actual construction activities.

Disturbed Area:

An area in which soils have been disturbed by grading, land leveling, scraping, cut and fill activities, excavation, brush and timber clearing, grubbing, and soils on which vehicle operation has occurred.

Dust Suppressants:

Water, hygroscopic materials, chemical stabilization palliatives and suppression materials, and other approved substances.

Fugitive Dust:

The particulate matter entrained in the ambient air which is caused from man-made and natural activities which is emitted into the air without first passing through a stack or duct designed to control flow, including, but not limited to, emissions caused by movement of soil, vehicles, equipment, and wind blown dust. This excluded particulate matter emitted directly in the exhaust of motor vehicles, from other fuel combustion devices, portable brazing, soldering, or welding equipment, and from pile drivers.

Hygroscopic Materials:

Any material that is readily capable of absorbing moisture from the air.

Land Preparation:

Any preparation of land for anthropogenic (human) purposes, including brush or timber clearing, grubbing, scraping, ground excavation, land leveling, or grading.

Operation:

Any activity, process, or project described in the applicability sections of the Rules of this Regulation.

REGULATION II PROHIBITIONS

Owner/Operator:

Includes, but is not limited to, any person who leases, supervises, or operates equipment, in addition to the normal meaning of owner or operator.

Palliative:

Any dust control agent used to lessen or reduce dust emissions.

Particulate Matter:

Any material emitted or entrained into the air as liquid or solid particulates, with the exception of uncombined water. (For PM-10, refer to Definition).

Paved Roads:

An improved street, highway, alley, public way, or easement that is covered by concrete, asphaltic concrete, asphalt, or other materials which provide a permanent stable surface.

Person:

Any individual, public and private corporation, government agency, partnership, association, firm, trust, estate, or any other legal entity which is recognized by law as the subject of rights and duties.

PM-10:

Particulate matter with an aerodynamic diameter smaller than or equal to a nominal ten (10) microns as measured by the applicable State and Federal reference test methods.

Reasonably Available Control Measures:

Techniques used to limit the emission and/or airborne transport of fugitive dust from a site including: application of water, chemical stabilizers/suppressants, soil stabilizers, or other liquids, covering, paving, enclosing, shrouding, compacting, planting, cleaning, or such other measures the Air Pollution Control Officer may approve to accomplish satisfactory results for temporary and/or extended suppression of PM-10 emissions.

REGULATION II PROHIBITIONS

Road:

Any paved or unpaved, public or private street, highway, freeway, alley way, access drive, access easement, haul road, or driveway.

Site:

Real property or land used or set aside for any specific use.

Unpaved Roads:

An open way that is not covered by one of the materials described in the paved road definition.

Vehicle:

Any device by which any person or property may be propelled, moved, or drawn, excepting aircraft or watercraft or devices moved exclusively by human or animal power or used exclusively upon rails or tracks.

Visible Dust Emission:

Visible dust of such opacity as to obscure an observer's view to a degree equal to or greater than an opacity of 20%, for a period or periods aggregating more than three (3) minutes in any one (1) hour.

PART 3.0 STANDARDS

3.1 General Requirements:

Any person shall take all reasonable precautions to prevent dust emissions. Reasonable precautions may include, but are not limited to, cessation of operations, cleanup, sweeping, sprinkling, compacting, enclosure, chemical or asphalt sealing, and use of wind screens or snow fences.

- A. No person may disturb the topsoil or remove ground cover on any real property and thereafter allow the property to remain unoccupied, unused, vacant or undeveloped unless reasonable precautions are taken to prevent generation of dust. A dust control plan must be submitted to and approved by the Air Pollution Control Officer before topsoil is disturbed on any project where more than one (1) acre of natural surface area is to be altered or where the natural ground cover is removed. In the dust control plan, the Air Pollution Control Officer may require use of

REGULATION II PROHIBITIONS

palliatives, reseeded, or other means to minimize windblown dust.

- B. For any proposed development, division of land, special use permit application of zone change, the Air Pollution Control Officer may require the applicant to submit soils data and any other pertinent data for the area in which the development is proposed.
- C. If a determination is made that the disturbance (per 3.1.A.) or development (per 3.1.B.) of the site may cause the generation of dust, the Air Pollution Control Officer may require:
 - 1. Phased clearing of the land;
 - 2. The use of palliatives;
 - 3. The use of water;
 - 4. The use of snow fencing;
 - 5. The use of wind screen;
 - 6. Reseeding;
 - 7. Controls of single lot development approved as a part of a land subdivision subject to these regulations.

After commencement of development, if the approved elements of the dust control plan prove ineffective, the Air Pollution Control Officer may require additional control measures to be instituted. Phasing will not be required as a control strategy after a project is under construction.

In the case of subdivisions, condominiums and planned unit developments, a dust control plan must be submitted as part of the final map approval process.

If a development requires a special use permit, the Air Pollution Control Officer may require the dust control plan to be submitted and become a condition of the special use permit process.

- D. No person shall cause or allow the handling or storage of any materials on a manner which results, or may result in the generation of dust.
- E. Any vehicle operating on a paved roadway with a load of any bulk material susceptible to being dropped, spilled, leaked, or other wise escaping therefrom and being entrained in the air, must take one of the following control measures:

REGULATION II PROHIBITIONS

1. Six (6) inches of freeboard is maintained within the bed of the vehicle. For the purposes of this regulation, "freeboard" means the vertical distance from the highest portion of the edge of the load to the lowest part of the rim of the truck bed.
2. Materials contain enough moisture to control dust emissions from the point of origin to their final destination. Whenever possible, the use of dust suppressants must be applied in conjunction with the water.
3. In the event that measures 1 or 2 are ineffective in preventing materials from escaping, tarps or other cargo covers shall be employed.

This section does not prohibit a public maintenance vehicle from depositing sand on a paved roadway to enhance traction, or sprinkling water or other substances to clean or maintain a highway.

- F. Paved entry aprons or other effective cleaning techniques (e.g., wheel washers), may be required by the Air Pollution Control Officer to prevent tracking onto paved roadways. Paved entry aprons may include road section or coarse aggregate or steel grate to "knock off" dirt which accumulates on the vehicle and/or vehicle wheels.

Any material which is tracked onto a paved roadway must be removed (swept or washed) as quickly and as safely as possible. Exceptions to this provision may be made by the Air Pollution Control Officer for the construction, maintenance, and/or repair of paved roadways and for the application of de-icing and traction materials for wintertime driving safety.

PART 4.0 ADMINISTRATIVE REQUIREMENTS

4.1 Correction of Condition:

If the Air Pollution Control Officer documents that a person is in non-compliance with any of the provisions contained in Subsection 3.1, he will notify the person of that fact and specify a period of time in which the person must achieve compliance. Failure to comply within 24 hours or as the time determined by the Air Pollution Control Officer constitutes grounds for a Notice of Violation (NOV) citation per the District

REGULATION II PROHIBITIONS

Enforcement Policy.

4.2 Remedial Action:

The Air Pollution Control Officer, after proper notice, may enter upon any real property where dust is being generated and take such remedial and corrective action as he deems necessary.

4.3 Costs:

Any costs incurred in connection with any remedial or corrective action taken by the Air Pollution Control Officer, pursuant to this section, shall be assessed against the owner of the property involved. Failure to pay the full amount of such incurred costs shall result in a lien against the property. The lien shall remain in effect until all costs have been fully paid, which may include, but are not limited to, cost of collection and reasonable attorney fees.