

# DUST ACTION GENERAL PERMIT

(As required by Arizona Revised Statutes, Title 49, Chapter 3, Article 2, Section 49-457.05)

*This air quality control permit does not relieve applicant of responsibility for  
meeting all air pollution regulations*



THIS GENERAL PERMIT ISSUED SUBJECT TO THE FOLLOWING Conditions contained in Attachments  
"A", "B" and "C"

ADEQ GENERAL PERMIT NUMBER NA EXPIRATION DATE December 30, 2016

PERMIT ISSUED THIS 30<sup>th</sup> DAY OF December, 2011

SIGNATURE

Eric C. Massey, Director, Air Quality Division

TITLE

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## DUST ACTION GENERAL PERMIT

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# DUST ACTION GENERAL PERMIT

## INTRODUCTION

Since the start of Calendar Year 2008, the majority of exceedances of the PM<sub>10</sub> National Ambient Air Quality Standard (NAAQS) in the Maricopa County serious PM<sub>10</sub> nonattainment area have been related to high wind events. High wind events, along with a number of other meteorological conditions that can lead to the generation of dust can be predicted through meteorological forecasts.

In accordance with A.R.S. § 49-424(11), ADEQ is developing and disseminating an air quality dust forecast for the Maricopa County serious PM<sub>10</sub> nonattainment area. Based upon knowledge of historical and recent meteorological conditions, and the prediction of such factors as wind speed and wind direction, forecasts identify the potential risk of dust entrainment as “Low”, “Moderate” or “High” for the next five consecutive days. ADEQ updates this five-day *Maricopa County Dust Control Forecast* every Sunday through Friday, and posts it on its website at <http://www.azdeq.gov/environ/air/ozone/mcdust.pdf>.

In accordance with A.R.S. § 49-457.05, this Dust Action General Permit identifies a series of Best Management Practices (BMPs) for specific dust generating operations. When ADEQ’s Maricopa County Dust Control Forecast predicts that a day is at high risk for dust generation, those dust generating operations that are not already required to control dust through a permit issued by the Arizona Department of Environmental Quality (ADEQ) or the Maricopa County Air Quality Department (MCAQD) are expected to choose and implement at least one BMP to reduce or prevent PM<sub>10</sub> emissions. Implementation of a BMP is expected to occur as soon as practicable before and during the high risk event. Although the BMPs in the Dust Action General Permit only apply to those sources that do not already have a permit, dust generating operations with an air quality permit are also expected to implement the dust controls in their permit at the same time.

According to statute, BMPs identified in the Dust Action General Permit are expected to be employed absent the requirement to obtain an air quality permit. If the owner or operator of a dust-generating operation is found by ADEQ’s Director to have failed to choose and implement an applicable BMP as soon as practicable before and during a day that is forecast to be at high risk of dust generation, then the owner or operator can be required to obtain a Requirement to Operate (RTO) under the Dust Action General Permit. The process by which ADEQ’s Director makes such a finding is identified within the Dust Action General Permit. Violations of the Dust Action General Permit are subject to the enforcement requirements of Arizona Revised Statutes Title 49, Chapter 3, Article 2, including civil penalties of up to ten thousand dollars per day, per violation, pursuant to Section 463.

In accordance with A.R.S. § 49-457.05(E) this Dust Action General Permit is subject to a 30-day public comment period and shall be effective for a period of five-years.

# **DUST ACTION GENERAL PERMIT**

## **ATTACHMENT "A": GENERAL PROVISIONS**

### **I. APPLICABILITY**

- A.** This Dust Action General Permit is applicable to the owner or operator of a regulated activity within a county with a population of two million or more persons, or any portion of a county within areas designated by the environmental protection agency as a serious PM<sub>10</sub> nonattainment area or a maintenance area that was previously designated as a serious PM<sub>10</sub> nonattainment area who is required by the Director to obtain a general permit in accordance with Condition IV of this Attachment.
- B.** Each owner or operator of a regulated activity that is required by the Director to obtain this Dust Action General Permit shall obtain a Requirement to Operate that includes the following information:
  - 1. The regulated activity;
  - 2. The legal owner or operator of the regulated activity; and
  - 3. The physical address, location, or parcel number where the regulated activity occurs.
- C.** Each Requirement to Operate (RTO) issued under this general permit shall only apply to those regulated activities that are identified pursuant to Section V of this attachment and in the RTO, are under the control of the same Permittee, and are located on one or more properties that are adjacent or contiguous to the location of the regulated activity.

### **II. DEFINITIONS**

For the purposes of the Dust Action General Permit the following terms are defined as follows:

- A.** "Applicable implementation plan" means that term as defined in 42 United States Code section 7602(q).
- B.** "Best management practices" means techniques that are verified by scientific research and that on a case-by-case basis are practical, economically feasible and effective in reducing PM<sub>10</sub> particulate emissions from a regulated activity.
- C.** "Control officer" has the same meaning prescribed in Arizona Revised Statutes § 49-471.
- D.** "Designated, managed or open trail system" means roads, highways, multiple use corridors, trails or routes that are part of a system of trails and routes that are designated, managed or opened to public motor vehicle travel by government land management agency by rule, order, travel management plan, sign, or map approved by such agency.
- E.** "Disturbed surface area" means a portion of the earth's surface or material that is 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.
- F.** "Dust-generating operation" means disturbed surface areas, including those of open areas

or vacant lots that are not defined as agricultural land and are not used for agricultural purposes according to Arizona Revised Statutes §§ 42-12151 and 42-12152, or any other area or activity capable of generating fugitive dust, including the following:

1. Land clearing, maintenance and land clean-up using mechanized equipment.
  2. Earthmoving.
  3. Weed abatement by discing or blading.
  4. Excavating.
  5. Construction.
  6. Demolition.
  7. Bulk material handling, including hauling, transporting, stacking, loading and unloading operations.
  8. Storage or transporting operations, including storage piles.
  9. Operation of outdoor equipment.
  10. Operation of motorized machinery.
  11. Establishing or using staging areas, parking areas, material storage areas or access routes.
  12. Establishing or using unpaved haul or access roads.
  13. Installing initial landscapes using mechanized equipment.
- G. “Dust Suppressant” means water, hygroscopic material, a 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.
- H. "Fugitive dust" means particulate matter that could not reasonably pass through a stack, chimney, vent or other functionally equivalent opening, that can be entrained in the ambient air and that is caused by human or natural activities, including the movement of soil, vehicles, equipment, blasting and wind. 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 or from pile drivers.
- I. “Livestock special event” means displaying, racing, training or exercising livestock during an event at which a fee is collected, or is open to 24 or more persons including staff, participants and spectators, and is conducted at a facility specifically designed for this purpose and is not already subject to A.R.S. § 49-457.”
- J. “Owner or operator” means any person who owns, leases, operates, controls, or supervises a regulated activity subject to the requirements of this general permit.

- K. "Regulated activity" means all dust-generating operations except for the following:
1. Normal farm cultural practices as prescribed in A.R.S. §§ 49-504(4) or 49-457.
  2. Emergency activities that may disturb the soil and that are conducted by any utility or government agency in order to prevent public injury or to restore critical utilities to a functional status.
  3. 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 nonmotorized sports, except that these activities shall not include grading or trenching performed to establish initial landscapes or to redesign existing landscapes.
  4. Rooftop operations for cutting, drilling, grinding or coring roofing tile if that activity is occurring on a pitched roof.

### **III. GENERAL PERMIT EXPIRATION, RENEWAL AND RE-OPENING**

- A. This Dust Action General Permit is valid for a period of five years from the date of issuance. The Director of ADEQ (Director) shall review and may renew this General Permit every five years from its date of issuance. The Permittee's RTOs shall coincide with the term of this General Permit, regardless of when the RTO was issued during this five year period. The Director may require an existing RTO to be renewed at the time that this General Permit is renewed.
- B. The Director may periodically reexamine, evaluate and modify the Dust Action General Permit as prescribed in A.R.S. Section 49-426(H)(2) through (6). After approval by the Director, any modifications to the Dust Action General Permit shall be provided to the Control Officer and shall be submitted to the United States Environmental Protection Agency as a revision to the applicable State Implementation Plan.
- C. At the time that the public notice is required, pursuant to issuance of the proposed General Permit renewal, the Director shall notify in writing all Permittees with existing RTOs that have been renewed. The written notice shall describe the source's duty to comply with the conditions of the General Permit.

### **IV. COMPLIANCE WITH PERMIT CONDITIONS**

- A. The Permittee shall comply with all Conditions of this General Permit including all applicable requirements of Arizona air quality statutes and the air quality rules. Any permit noncompliance constitutes a violation of the Arizona Revised Statutes and is grounds for enforcement action, including, but not limited to civil penalties. In addition, non-compliance with any federally enforceable requirements constitutes a violation of the Clean Air Act.
- B. It shall not be a defense for a Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this General Permit.

### **V. ISSUANCE OF A DUST ACTION GENERAL PERMIT FOR CAUSE**

- A. The Director may require the owner or operator of a regulated activity to obtain a

Requirement to Operate under the Dust Action General Permit at any time if it can be demonstrated that:

1. The regulated activity is not otherwise subject to an air quality permit issued by the Director or the Maricopa County Air Quality Department Control Officer; and
2. The owner or operator of a regulated activity did not choose or implement a Best Management Practice as soon as practicable before and during a day forecast to be at high risk of dust generation.

**B.** A demonstration that the owner or operator of a regulated activity did not choose or implement a Best Management Practice shall include the following:

1. Documentation that includes a description of the regulated activity;
2. Documentation that clearly identifies the legal owner or operator of the regulated activity;
3. Documentation that clearly identifies the physical address(es), location(s), or parcel number(s) where the regulated activity occurred;
4. Documentation that includes records, field reports or photographic evidence that demonstrates that the owner or operator of the regulated activity was not implementing a Best Management Practice as soon as practicable before and during a day forecast to be at high risk of dust generation;
5. A description of the actions taken by the owner or operator of the regulated activity to comply with the required Best Management Practice(s) at the time of the inspection;
6. Documentation that identifies any previous inspections associated with the owner, operator, physical address(es), location(s), or parcel number(s) as well as results of those inspections; and
7. Documentation that demonstrates that the owner or operator of the regulated activity has been provided with a copy of the documentation identified in Condition III.B.1 through 6 above.

**C.** Upon receipt of a demonstration that the owner or operator of a regulated activity did not choose or implement a Best Management Practice, the Director shall:

1. Notify the owner or operator of the receipt of the demonstration; and
2. Provide the owner or operator with five (5) business days to demonstrate that a Best Management Practice was employed at the time of the inspection; or provide a document that identifies the Best Management Practice(s) that will be employed at the address(es), location(s), or parcel number(s) identified in the Director's letter.

**D.** If the Director determines that the owner or operator of a regulated activity was not in compliance with the required Best Management Practices as soon as practicable before and during a day forecast to be at high risk of dust generation, and has not adequately



identified the Best Management Practices that will be employed as soon as practicable before and during future days forecast to be at high risk of dust generation the Director shall issue a RTO under the Dust Action General Permit and shall require the owner or operator to choose and implement Best Management Practices within five (5) business days of the determination.

## **VI. TERMINATION FOR CAUSE**

- A.** The Permittee may apply to the Director for termination of a RTO under the general permit if it can be demonstrated that:
1. The regulated activity is subject to an air quality permit issued by the Director or the Maricopa County Air Quality Department Control Officer;
  2. The Permittee is no longer the legal owner or operator of the regulated activity by demonstrating one of the following:
    - a. The regulated activity has been sold, transferred or otherwise been dispossessed by the Permittee; or
    - b. The regulated activity is no longer capable of being operated at the physical address(es), location(s), or parcel number(s) where the regulated activity occurred; or
  3. The Permittee provides documentation that a Best Management Practice has been chosen and implemented for each applicable regulated activity as soon as practicable before and during a day forecast to be at high risk of dust generation by submitting one of the following:
    - a. Demonstrating that a Best Management Practice of a permanent nature has been applied to the regulated activity;
    - b. Submitting a copy of the records required in Attachment “B” Conditions I.D and II.C for the two most recent consecutive years after the time that the Dust Action General Permit has been issued; or
    - c. Submitting a copy of the records required in Attachment “B” Conditions I.D and II.C for a different time period than that prescribed in Condition VI.A.3.b above based upon a demonstration that:
      - (1) A regulated activity was not owned or operated at the location during the two most recent consecutive years; or
      - (2) There were no days forecast to be at high risk of dust generation during the two most recent consecutive years.
- B.** The Director may terminate a RTO under the general permit if the Director makes an independent finding that:
1. The regulated activity is subject to an air quality permit issued by the Director or the Maricopa County Air Quality Department Control Officer;
  2. In accordance with Condition VI.A.2 above, the Permittee is no longer the legal

owner or operator of the regulated activity.

## **VII. COMPLIANCE CERTIFICATION**

- A.** The Permittee shall submit to the Director a compliance certification once each year, which describes the compliance status of the source with respect to each General Permit condition and the methods used for determining the compliance status. This certification shall be submitted by January 31<sup>st</sup> and shall cover the previous calendar year.

The compliance certification shall include the following:

1. Identification of the dust-generating operation owner or operated by the Permittee.
2. Identification of the Best Management Practice(s) used by the Permittee to comply with the terms and conditions of this General Permit.

- B.** The Director may request additional information to support the compliance certification.

## **VIII. INSPECTION AND ENTRY**

Upon presentation of credentials and other documents as may be required by law, the Permittee shall allow the Department, or an authorized representative (including an authorized contractor acting as a representative of the Department), to perform the following:

- A.** Enter upon the Permittee's premises where a regulated activity is located or conducted, or where records must be kept under the conditions of this General Permit;
- B.** Have access to and copy, at reasonable times, any records that are required to be kept under the conditions of this General Permit;
- C.** Inspect, at reasonable times, any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this General Permit;
- D.** Sample or monitor at reasonable times, substances or parameters for the purpose of assuring compliance with the General Permit or other applicable requirements; and
- E.** Record any inspection by use of written, electronic, magnetic and photographic media.

## **IX. RECORD KEEPING REQUIREMENTS**

Until the RTO under the general permit is terminated pursuant to Section XIII of Attachment "A", the Permittee shall retain records of all required records and supporting information and shall make the records available to the Director upon request.

## **X. REPORTING REQUIREMENTS**

The Permittee shall submit the following reports:

- A.** Compliance certifications in accordance with Section IV of Attachment "A".
- B.** Other reports required by any condition in Attachment "B".

## **XI. DUTY TO PROVIDE INFORMATION**

- A.** The Permittee shall furnish to the Director, within a reasonable time, any information that the Director may request in writing to determine whether cause exists for revoking the General Permit coverage, or to determine compliance with this General Permit. Upon request, the Permittee shall also furnish to the Director copies of records that the Permittee is required to keep under the General Permit. For information claimed confidential, the Permittee shall furnish an additional copy of such records directly to the Director along with a claim of confidentiality.
- B.** If the Permittee has failed to submit any relevant facts or if the Permittee has submitted incorrect information in a General Permit coverage application, the Permittee shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information.

## **XII. PROPERTY RIGHTS**

This General Permit does not convey any property rights of any sort, or any exclusive privilege.

## **XIII. SEVERABILITY CLAUSE**

The provisions of this General Permit are severable. In the event of a challenge to any portion of this General Permit, or if any portion of this permit is held invalid, the remaining permit conditions remain valid and in force.

## **XIV. RENTING OR LEASING A REGULATED ACTIVITY**

In the case that a regulated activity covered under this general permit is rented or leased, a copy of this General Permit and relevant RTOs shall be provided by the owner to the renter or lessee, and the renter or lessee shall be bound by this permit's provisions. In the event a copy of this General Permit and relevant RTOs are not provided to the renter or lessee, both the owner and the renter or lessee shall be responsible for the implementation of a Best Management Practice in compliance with the General Permit conditions and any violations thereof.

## **DUST ACTION GENERAL PERMIT**

### **ATTACHMENT “B”: SPECIFIC CONDITIONS**

#### **I. GENERAL CONDITIONS**

- A. The Permittee shall obtain a copy of the *Maricopa County Dust Control Forecast* each day that it is updated by:
  - 1. Accessing the forecast through ADEQ’s website at:  
<http://www.azdeq.gov/environ/air/ozone/mcdust.pdf>; or
  - 2. Signing up for ADEQ’s electronic mailing system.
- B. The Permittee shall register to receive all available electronic updates from all Maricopa County Air Quality Department air quality monitors within 4 miles of the regulated activity.
- C. The Permittee shall notify employees who conduct or operate a regulated activity when the *Maricopa County Dust Control Forecast* identifies the following day as being at high risk of dust generation.
- D. The Permittee shall keep a record of each *Maricopa County Dust Action Control Forecast* that identifies the next calendar day as being at high risk of dust generation and a log of the date, time and method used to notify employees.

#### **II. BEST MANAGEMENT PRACTICES REQUIREMENT**

- A. As soon as practicable before, and during a day identified by the *Maricopa County Dust Control Forecast* as being at high risk of dust generation, the Permittee shall take reasonable precautions to reduce or prevent particulate matter from becoming airborne. Examples of Best Management Practices for specific source categories are included in Attachment “C” of this permit.
- B. The Permittee shall choose and implement a Best Management Practice for each regulated activity owned or operated by the Permittee.
- C. The Permittee shall keep records of the Best Management Practices that are employed in advance of and during a day identified by the *Maricopa County Dust Control Forecast* as being at high risk of dust generation.

#### **III. ALTERNATIVE BEST MANAGEMENT PRACTICES NOT INCLUDED IN THE GENERAL PERMIT**

- A. The Permittee may choose and implement an alternative Best Management Practice that is not included in Attachment “C” of this permit provided that the Permittee maintains records of documentation demonstrating that the alternative Best Management Practice that was selected and implemented achieves an equivalent or greater control of PM<sub>10</sub> particle emissions than an example included in Attachment “C”;
- B. Any person may petition the Director to make a determination that an alternative Best

Management Practice achieves an equivalent or greater control of PM<sub>10</sub> emissions than the examples included in Attachment “C”. These petitions shall include the following:

1. A description of the alternative Best Management Practice; and
  2. A demonstration that the alternative Best Management Practice achieves an equivalent or greater control of PM<sub>10</sub> emissions than an example included in Attachment “C”.
- C. Upon renewal or re-opening of this general permit, the Director shall add to the Best Management Practices examples in Attachment “C” any alternative Best Management Practices that were approved under Condition III.B above.

## **DUST ACTION GENERAL PERMIT**

### **ATTACHMENT “C”: BEST MANAGEMENT PRACTICE EXAMPLES**

#### **I. VEHICLE USE IN OPEN AREAS AND VACANT LOTS**

- A. This condition does not apply to designated, managed or opened trail systems.
- B. As soon as practicable before and during a day forecast to be at high risk of dust generation, the Permittee shall:
  - 1. Reduce or prevent motor vehicle access to the open area or vacant lots by:
    - a. Installing barriers, curbs, fences, gates, posts, shrubs, trees or other effective control measures; or
    - b. Installing no trespassing, no parking or no access signs that comply with local, County, State or Federal sign standards; or
  - 2. Uniformly apply and maintain surface gravel or chemical or organic stabilizers to all areas disturbed by motor vehicles.
- C. As soon as practicable before and during the day forecast to be at high risk of dust generation the Permittee shall inspect, maintain and repair as necessary the best management practice selected in Condition I.B. above.

#### **II. OPEN AREAS AND VACANT LOTS**

- A. This condition does not apply to designated, managed or opened trail systems.
- B. As soon as practicable before and during a day forecast to be at high risk of dust generation, the Permittee shall control PM<sub>10</sub> emissions from open areas and vacant lots by:
  - 1. Establishing vegetative ground cover on all disturbed surface area; or
  - 2. Increasing the use of dust suppressants on the open area or vacant lot; or
  - 3. Uniformly applying and maintaining surface gravel or chemical or organic stabilizers to all disturbed areas.
- C. As soon as practicable before and during the day forecast to be at high risk of dust generation the Permittee shall inspect, maintain, and repair, as necessary, the best management practice selected in Condition II.B above.

#### **III. UNPAVED PARKING LOTS**

- A. This condition does not apply to designated, managed or opened trail systems.
- B. This condition applies to parking, maneuvering, ingress and egress areas at developments other than residential buildings with four or fewer units.

- C. As soon as practicable before and during a day forecast to be at high risk of dust generation, the Permittee shall control PM<sub>10</sub> emissions from unpaved parking lots by:
  - 1. Increasing the use of dust suppressants other than water on the unpaved parking lot; or
  - 2. Uniformly applying and maintaining surface gravel or chemical or organic stabilizers to all disturbed areas.
- D. As soon as practicable before and during the day forecast to be at high risk of dust generation the Permittee shall inspect, maintain, and repair, as necessary, the best management practice selected in Condition III.C above.

#### **IV. UNPAVED ROADWAYS, ALLEYWAYS AND ROAD SHOULDERS**

- A. This condition does not apply to designated, managed or opened trail systems.
- B. This condition applies to unpaved roadways or alleyways that experience an average of 150 vehicle trips or more per day.
- C. As soon as practicable before and during a day forecast to be at high risk of dust generation, the Permittee shall control PM<sub>10</sub> emissions by:
  - 1. Reducing or preventing motor vehicle access as prescribed in Condition I.B above;
  - 2. Increasing the use of dust suppressants other than water on the unpaved roadway or alleyway; or
  - 3. Uniformly applying and maintaining surface gravel or chemical or organic stabilizers to the unpaved roadway or alleyway.
- D. As soon as practicable before and during the day forecast to be at high risk of dust generation the Permittee shall inspect, maintain, and repair, as necessary, the best management practice selected in Condition IV.C above.

#### **V. LIVESTOCK SPECIAL EVENTS NOT COVERED UNDER A.R.S. § 49-457**

- A. This condition applies to livestock facilities at which special events that are not already covered under A.R.S. § 49-457 occur.
- B. As soon as practicable before and during the day forecast to be at high risk of dust generation the Permittee shall control PM<sub>10</sub> emissions by:
  - 1. Increasing the use of dust suppressants, including water, on unpaved access connections and feed lane access areas at the livestock special event; or
  - 2. Uniformly applying and maintaining surface gravel or chemical or organic stabilizers to all areas disturbed by motor vehicles other than areas where such application will create a documentable hazard for livestock activities; or.

3. Reducing or preventing motor vehicle access on unpaved access connections and feed lane access areas at the livestock special event by:
  - a. Installing barriers, curbs, fences, gates, posts, shrubs, trees or other effective control measures; or
  - b. Installing no trespassing, no parking or no access signs that comply with local, County, State or Federal sign standards; or
- C. As soon as practicable before and during the day forecast to be at high risk of dust generation the Permittee shall inspect, maintain, and repair, as necessary, the best management practice selected in Condition V.B above.

## **VI. EASEMENTS, RIGHTS-OF-WAY, AND ACCESS ROADS FOR UTILITIES**

- A. This condition does not apply to designated, managed or opened trail systems.
- B. This condition applies to easements, rights-of-way, and access roads for utilities (transmission of electricity, natural gas, oil, water, and gas) that experience an average of 150 vehicle trips or more per day.
- C. As soon as practicable before and during a day forecast to be at high risk of dust generation, the Permittee shall control PM<sub>10</sub> emissions by:
  1. Reducing or preventing motor vehicle access as prescribed in Condition I.B above;
  2. Increasing the use of dust suppressants other than water on the easement, right-of-way or access road; or
  3. Uniformly applying and maintaining surface gravel or chemical or organic stabilizers to the easement, right-of-way or access road.
- D. As soon as practicable before and during the day forecast to be at high risk of dust generation the Permittee shall inspect, maintain, and repair, as necessary, the best management practice selected in Condition VI.C above.

## **VII. TRACKOUT OR DEPOSITS OF BULK MATERIAL**

As soon as practicable before and during a day forecast to be at high risk of dust generation, the Permittee shall clean-up loose material or remove deposits of bulk material from areas accessible to the public on day before and during high risk day.

## **VIII. DESIGNATED, MANAGED OR OPENED TRAIL SYSTEMS**

- A. During the course of each calendar year, the Permittee shall control PM<sub>10</sub> emissions from designated, managed or opened trail systems by employing adaptive management techniques such as:
  1. Posting public information to educate the riding public about at the impacts of air quality regulation on the use of off-highway vehicles,



including the restriction of operation during high pollution advisories, through methods similar to kiosks, distribution of material at major events and dealerships, and other Public Service Announcements; and

2. Conducting mechanized trail repair and maintenance at slow speeds that:
    - a. Reduce the speed of water run-off on the designated, managed or opened trail system;
    - b. Reduce the amount of silt that would otherwise accumulate on the designated, managed or open trail system;
    - c. Add grade dip or water controls to the designated, managed or open trail system; or
    - d. Add or repair silt traps on water drains; or
  3. Re-routing an existing designated, managed or opened trail that causes traffic to avoid soils susceptible to dust generation; or constructing a new designated, managed or opened trails that allow for appropriate trail repair and maintenance and include speed limiting features such as turns and climbs; or
  4. Rehabilitating open parking areas, mine sites, and old unpaved roads that are not designated, managed or opened trail systems. Rehabilitation includes re-contouring the areas, replanting trees and spreading native seed to hold soil together and reduce windblown dust; or
- B. As soon as practicable before and during a day forecast to be at high risk of dust generation, the Permittee shall control PM<sub>10</sub> emissions from disturbed areas along the designated, managed or opened trail system by employing adaptive management techniques such as:
1. Applying a proven dust surfactant;
  2. Repairing roads and other unpaved surfaces to control the water run-off and silt;
  3. Using soil binders and compaction to allow for light to moderate traffic flow; or
  4. Installing an engineered road or surface that:
    - a. Raises the road or surface bed above grade;
    - b. Uses an ABC road mix and binder;
    - c. Compacts the road or surface; and
    - d. Crowns to drain water; or
- C. As soon as practicable before and during the day forecast to be at high risk of dust generation the Permittee shall inspect, maintain, and repair, as necessary, the best management practice selected in Conditions VI.A or B above; or

- D. When the *Maricopa County Dust Control Forecast* identifies the following day as being at high risk of dust the Permittee shall post information at kiosks or use equivalent methods to notify users of designated, managed or opened trail system.