

**NOTICE OF FINAL RULEMAKING
MARICOPA COUNTY AIR POLLUTION CONTROL REGULATIONS
REGULATION III – CONTROL OF AIR CONTAMINANTS
RULE 316: NONMETALLIC MINERAL PROCESSING**

The Maricopa County Air Quality Department (MCAQD) revised Rule 316 (Nonmetallic Mineral Processing). The Control Officer is posting this Notice of Final Rulemaking on the MCAQD website as required by A.R.S. § 49-471.07(G). This notice includes the preamble, as prescribed in A.R.S. § 49-471.05, and the exact wording of the rule. This notice also includes a list of all previous notices appearing in the register addressing the proposed rule and the concise explanatory statement prescribed in A.R.S. § 49-471.07, subsection B.

PREAMBLE

1. Statutory authority for the rulemaking:

A.R.S. §§ 11-251.18, 49-112, 49-474, 49-479 and 49-480

2. Name and address of department personnel with whom persons may communicate regarding the rulemaking:

Name: Kristi Beck or Kimberly Butler
Maricopa County Air Quality Department
Planning and Analysis Division
Address: 3800 N Central Avenue, Suite 1400
Phoenix, AZ 85012
Telephone: (602) 506-6010
Fax: (602) 506-6179
Submit Comments At: <http://maricopa.gov/FormCenter/Regulatory-Outreach-17/Citizen-Comments-94>

3. Rulemaking process:

This rulemaking is following procedures identified in state statutes and the Maricopa County Enhanced Regulatory Outreach Program (EROP) Policy.

County Manager Briefing:	January 7, 2013
Stakeholder Workshops:	April 25, 2013 November 30, 2017 January 8, 2018
Board of Health Meeting to Approve Expedited Rulemaking:	February 2, 2018
Notice of Proposed Rulemaking:	May 11, 2018
Board of Health Meeting to Recommend Approval to the Board of Supervisors:	July 23, 2018
Board of Supervisors Formal Meeting to set the Public Hearing:	September 19, 2018
Board of Supervisors Public Hearing:	November 7, 2018

4. Explanation of the rule, including the control officer's reasons for initiating the rulemaking:

Rule 316 (Nonmetallic Mineral Processing) limits particulate matter emissions from sand and gravel plants, concrete batch plants, and hot mix asphalt plants. Rule 316 requires compliance with emission limits and implementation of control measures. Rule 316 also includes requirements for training, monitoring, recordkeeping, and reporting. Rule 316 was adopted on July 6, 1993 and revised three times thereafter, to incorporate requirements prescribed by the Clean Air Act and the Environmental Protection Agency (EPA).

The MCAQD revised Rule 316 for the following reasons: to clarify the applicability and several requirements of Rule 316; to consolidate applicable requirements for nonmetallic mineral processing and related operations in a single rule; to incorporate EPA approved alternative control measures and test methods; to ensure the rule applies equitably to similar operations; to correct a deficiency that was noted by the EPA when Rule 316 was approved; to update the compliance schedule for rumble grates; and to address safety concerns identified by stakeholders.

In the past, Rule 316 has not applied to cement and fly ash transfer facilities because cement and fly ash are not nonmetallic minerals. However, Rule 316 does contain standards relating to the transfer and storage of cement, lime, and fly ash that occurs at nonmetallic mineral processing plants. To clarify that Rule 316 is only applicable to nonmetallic mineral processing plants and related operations, the MCAQD added exemptions for dry material transfer facilities and water treatment facilities in Section 103. The MCAQD also defined "dry material" and "transfer facility" in Section 200.

Since 2005, facilities subject to Rule 316 have been required to comply with two fugitive dust rules (Rule 310 and Rule 316) which contain different requirements for controlling emissions. To clarify the requirements, the MCAQD consolidated all fugitive dust control measures for nonmetallic mineral processing and related operations in a single rule. In addition, the MCAQD incorporated a 20% opacity limit for emissions of blue smoke (which were previously subject to an identical limit in Rule 300).

After Rule 316 was revised in 2008, the EPA promulgated new requirements for nonmetallic mineral processing (40 CFR 60 Subpart OOO). In addition, EPA approved requests for an alternative trackout control requirement, alternative minimum moisture contents for products feeding hot mix asphalt plants, and an alternative test method for soil moisture testing. Finally, in 2011, EPA approved Rule 310 which contained requirements for controlling wind-blown dust instead of requirements for wind events. The MCAQD is clarifying the requirements by incorporating emissions limits from the federal New Source Performance Standards for Nonmetallic Mineral Processing and by incorporating all EPA approved alternatives to the requirements of Rule 316. The MCAQD is also incorporating requirements for controlling wind-blown dust from Rule 310.

Control requirements for cement, lime, and fly ash storage silos were added to Rule 316 in 2005. More recently, the MCAQD learned that other pozzolan materials, which are similar to cement, lime, and fly ash, are in use at some facilities. To ensure the rule applies equitably to similar operations, the MCAQD included control requirements for dry material storage silos and defined dry material.

Rule 316 also includes tiered requirements for trackout control devices and for cleaning paved roads identified in the dust control plan, based on the number of aggregate trucks, mixer trucks and/or batch trucks exiting the facility on any day. To ensure that the requirements apply equitably to similar operations, the MCAQD clarified that it is not necessary to clean paved roads identified in the dust control plan if there is less than 12 linear feet of bulk material present on the paved roads. In addition, the revised rule includes delivery trucks when determining which trackout control and cleaning schedules are applicable to each facility.

When EPA approved Rule 316 into the Arizona State Implementation Plan (SIP) in 2009, the technical support document specified that changes to the requirements for new open storage piles would be required the next time Rule 316 was revised. As a result, the revised rule requires installation of new open storage piles 25 feet or more from the property line, unless it can be demonstrated to the Control Officer that there is not adequate space to install the open storage piles 25 feet or more from the property line.

In the revised rule, the MCAQD updated the compliance schedule for existing rumble grates. The updated compliance schedule requires rumble grates installed or moved after November 7, 2018 to meet the specifications outlined in Section 260. The updated compliance schedule requires existing rumble grates to comply with the specifications in Section 260, if the rumble grates are installed at facility that receives two or more violations for trackout during any consecutive 24-month period.

The revised rule also clarifies the soil moisture testing requirements, allows site personnel to identify locations where soil moisture samples can be collected safely, and reduces administrative requirements. The revised rule also includes minor editorial changes.

5. Studies relied on in the control officer's evaluation of or justification for the rule and where the public may obtain or review the studies, all data underlying the studies, any analysis of the studies and other supporting material.

Not applicable.

6. An economic, small business and consumer impact statement:

The following discussion addresses each of the elements required for an economic, small business and consumer impact statement, as prescribed by A.R.S. §§ 41-1055, subsections A, B and C, and 41-1035:

An identification of the proposed rulemaking, including all of the following:

This rulemaking revised Rule 316.

(a) The conduct and its frequency of occurrence that the rule is designed to change.

This rulemaking revised Rule 316 to consolidate applicable requirements for control of particulate matter emissions from nonmetallic mineral processing and related operations in a single rule; to incorporate EPA approved alternative control measures and test methods; to ensure the rule applies equitably to similar operations; to correct a deficiency that was noted by the EPA when Rule 316 was approved; to update the compliance schedule for rumble grates; and to address safety concerns identified by stakeholders.

(b) The harm resulting from the conduct the rule is designed to change and the likelihood it will continue to occur if the rule is not changed.

This rulemaking revised Rule 316 to consolidate applicable requirements for control of particulate matter emissions from nonmetallic mineral processing and related operations in a single rule; to incorporate EPA approved alternative control measures and test methods; to ensure the rule applies equitably to similar operations; to correct a deficiency that was noted by the EPA when Rule 316 was approved; to update the compliance schedule for rumble grates; and to address safety concerns identified by stakeholders.

(c) The estimated change in frequency of the targeted conduct expected from the rule change.

This rulemaking revised Rule 316 to consolidate applicable requirements for control of particulate matter emissions from nonmetallic mineral processing and related operations in a single rule; to incorporate EPA approved alternative control measures and test methods; to ensure the rule applies equitably to similar operations; to correct a deficiency that was noted by the EPA when Rule 316 was approved; to update the compliance schedule for rumble grates; and to address safety concerns identified by stakeholders.

A brief summary of the information included in the economic, small business and consumer impact statement.

This rulemaking should not have an economic impact on small businesses or consumers in Maricopa County. The revisions do not impose any new, significant compliance burdens on small businesses. This rulemaking is intended to clarify existing regulatory requirements.

Name and address of agency employees who may be contacted to submit or request additional data on the information included in the economic, small business and consumer impact statement.

Name: Kristi Beck or Kimberly Butler
Maricopa County Air Quality Department
Planning and Analysis Division
Address: 3800 N Central Avenue, Suite 1400
Phoenix, AZ 85012
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An identification of the persons who will be directly affected by, bear the costs of or directly benefit from the proposed rulemaking.

This rulemaking should not have an economic impact on small businesses or consumers in Maricopa County. The revisions do not impose any new, significant compliance burdens on small businesses. This rulemaking is intended to clarify existing regulatory requirements.

A cost benefit analysis of the following:

(a) The probable costs and benefits to the implementing agency and other agencies directly affected by the implementation and enforcement of the proposed rulemaking.

This rulemaking should not have an economic impact on the MCAQD or any other agency. The revisions do not impose any new, significant compliance burdens on businesses; therefore, the MCAQD and other agencies should not have any extra costs related to the rulemaking.

(b) The probable costs and benefits to a political subdivision of this state directly affected by the implementation and enforcement of the proposed rulemaking.

This rulemaking should not have an economic impact on any political subdivision in Maricopa County. The revisions do not impose any new, significant compliance burdens on businesses.

(c) The probable costs and benefits to businesses directly affected by the proposed rulemaking, including any anticipated effect on the revenues or payroll expenditures of employers who are subject to the proposed rulemaking.

This rulemaking should not have an economic impact on any businesses in Maricopa County. The revisions do not impose any new, significant compliance burdens on businesses.

A general description of the probable impact on private and public employment in businesses, agencies and political subdivisions of this state directly affected by the proposed rulemaking.

Because this rulemaking does not impose any new, significant compliance burdens on businesses, agencies, and political subdivisions of this state, the MCAQD does not anticipate this rulemaking will have an impact on private and public employment.

A statement of the probable impact of the proposed rulemaking on small businesses. The statement shall include:

(a) An identification of the small businesses subject to the proposed rulemaking.

Small businesses that conduct nonmetallic mineral processing or related operations (such as sand and gravel plants, concrete plants, and asphalt plants) will be subject to this rulemaking.

(b) The administrative and other costs required for compliance with the proposed rulemaking.

This rulemaking should not have an economic impact on any businesses in Maricopa County. The revisions do not impose any new, significant compliance burdens on businesses.

(c) A description of the methods that the agency may use to reduce the impact on small businesses.

i. Establish less stringent compliance or reporting requirements in the rule for small businesses.

This rulemaking should not have an economic impact on any businesses in Maricopa County. The revisions do not impose any new, significant compliance burdens on businesses.

ii. Establish less stringent schedules or deadlines in the rule for compliance or reporting requirements for small businesses.

This rulemaking should not have an economic impact on any businesses in Maricopa County. The revisions do not impose any new, significant compliance burdens on businesses.

iii. Consolidate or simplify the rule's compliance or reporting requirements for small businesses.

This rulemaking should not have an economic impact on any businesses in Maricopa County. The revisions do not impose any new, significant compliance burdens on businesses.

iv. Establish performance standards for small businesses to replace design or operational standards in the rule.

This rulemaking should not have an economic impact on any businesses in Maricopa County. The revisions do not impose any new, significant compliance burdens on businesses.

v. Exempt small businesses from any or all requirements of the rule.

This rulemaking should not have an economic impact on any businesses in Maricopa County. The revisions do not impose any new, significant compliance burdens on businesses.

(d) The probable cost and benefit to private persons and consumers who are directly affected by the proposed rulemaking.

The revisions do not impose any new, significant compliance burdens on businesses. With no additional costs to pass through, this rulemaking should not have an economic impact on any private persons or consumers in Maricopa County.

A statement of the probable effect on state revenues.

The rulemaking will not impose increased monetary or regulatory costs on other state agencies, political subdivisions of this state, persons, or individuals so regulated. Without costs to pass through to customers, there is no projected change in consumer purchase patterns and, thus, no impact on state revenues from sales taxes.

A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed rulemaking, including the monetizing of the costs and benefits for each option and providing the rationale for not using nonselected alternatives.

This rulemaking should not have an economic impact on small businesses or consumers in Maricopa County. The revisions do not impose any new, significant compliance burdens on small businesses. This rulemaking is intended to clarify existing regulatory requirements.

A description of any data on which a rule is based with a detailed explanation of how the data was obtained and why the data is acceptable data.

Not applicable.

7. The effective date of the rule:

The date of adoption is November 7, 2018.

8. Such other matters as are prescribed by statute and that are applicable to the county or to any specific rule or class of rules:

Under A.R.S. § 49-479(C), a county may adopt or amend a rule, emission standard, or standard of performance that is more stringent than a rule, emission standard or standard of performance for similar sources adopted by the director of the Arizona Department of Environmental Quality (ADEQ) if the county complies with the applicable requirements of A.R.S. §49-112.

§ 49-112 County regulation; standards

§ 49-112(A)

When authorized by law, a county may adopt a rule, ordinance or regulation that is more stringent than or in addition to a provision of this title or rule adopted by the director or any board or commission authorized to adopt rules pursuant to this title if all of the following requirements are met:

1. The rule, ordinance or regulation is necessary to address a peculiar local condition.
2. There is credible evidence that the rule, ordinance or regulation is either:
 - (a) Necessary to prevent a significant threat to public health or the environment that results from a peculiar local condition and is technically and economically feasible.
 - (b) Required under a federal statute or regulation, or authorized pursuant to an intergovernmental agreement with the federal government to enforce federal statutes or regulations if the county rule, ordinance or regulation is equivalent to federal statutes or regulation.
3. Any fee or tax adopted under the rule, ordinance or regulation does not exceed the reasonable costs of the county to issue and administer the permit or plan approval program.

§ 49-112(B)

When authorized by law, a county may adopt rules, ordinances or regulations in lieu of a state program that are as stringent as a provision of this title or rule adopted by the director or any board or commission authorized to adopt rules pursuant to this title if the county demonstrates that the cost of obtaining permits or other approvals from the county will approximately equal or be less than the fee or cost of obtaining similar permits or approvals under this title or any rule adopted pursuant to this title. If the state has not adopted a fee or tax for similar permits or approvals, the county may adopt a fee when authorized by law in the rule, ordinance or regulation that does not exceed the reasonable costs of the county to issue and administer that permit or plan approval program.

The MCAQD is in compliance with A.R.S. §§ 49-112(A) and (B). This rulemaking does not make the rule more stringent.

9. List of all previous notices appearing in the register addressing the proposed rule and a concise explanatory statement, as prescribed by A.R.S. § 49-471.07, subsection B:

- (a) List of all previous notices appearing in the register addressing the proposed rule:

(b) The following discussion addresses each of the elements required for a concise explanatory statement, as prescribed by A.R.S. § 49-471.07, subsection B:

The following changes were made after the Notice of Proposed Rulemaking was published on May 11, 2018 (24 AAR 1439):

1. In Section 301.1, "Table 1" was renamed "Table 316-1" to make the formatting of the revised rule consistent with other MCAQD rules.
2. In Section 305.1, "air quality permit" was replaced with "air pollution control permit."
3. In the introductory statement for Section 307, "307.11" was replaced with "307.12."
4. In Section 307.8, "fugitive dust control measures for blasting operations" was replaced with "fugitive dust control measures for demolition activities" to correct a mismatch between the subsection heading and the text in the subsection. The "fugitive dust control measures for blasting operations" that were referred to in Section 307.8 were incorporated in Section 307.9. The fugitive dust control measures for nighttime operations that were in Section 307.9 were moved to Section 307.11, and old Section 307.11 (Soil Moisture) has been renumbered to Section 307.12.
5. The punctuation in Section 311.1(i) was changed to make the subsection consistent with other subsections in the rule.
6. The punctuation in Section 311.2(c-e) was changed to make the subsection consistent with other subsections in the rule.

The following discussion evaluates the arguments for and against the rule and includes responses to comments received on the proposed rule or the preamble in the Notice of Proposed Rulemaking. The MCAQD received written comments from eight stakeholders. All of the comments were reviewed and evaluated by the MCAQD.

Comments #1 through #13 were provided by the Arizona Rock Products Association (ARPA).

Comment #1: The Arizona Rock Products Association ("ARPA") appreciates the opportunity to provide these comments concerning draft revisions to Rule 316 titled: Draft Rule for Stakeholder Workshop: November 30, 2019[*sic*] (the "Draft Rule"). ARPA greatly appreciates the efforts of Maricopa County Air Quality Department ("MCAQD") to initiate the stakeholder process, prepare the Draft Rule, respond to industry comments, and hold the Stakeholder Workshop on November 30, 2017. The stakeholder meeting was organized and well run, and MCAQD personnel encouraged feedback on the Draft Rule.

As discussed during the Stakeholder Workshop, ARPA understands that MCAQD will revise the Draft Rule to incorporate many of the comments raised during the meeting. ARPA's comments are therefore not intended to be comprehensive at this time, but focused on discrete provisions of the Draft Rule.

When preparing subsequent versions of the Draft Rule, ARPA requests that MCAQD clearly identify which proposed provisions are new and which ones are simply being moved. That will help ARPA's members provide targeted, limited comments, and help MCAQD respond to any potential concerns that the rule's existing provisions are being weakened or removed.

Response #1: The MCAQD revised the draft rule to address comments raised during the November 30, 2017 stakeholder workshop. As requested in this comment, an annotated copy of the draft rule, which clearly identified which provisions were new and which provisions were moved, was provided prior to the January 8, 2018 stakeholder workshop.

Comment #2: Please exempt cement and fly ash terminals from Rule 316.

ARPA agrees with the proposal to remove cement and fly ash terminals from Rule 316¹ and instead regulate them under rule 241. Because transfer facilities are paved and materials remain enclosed, the types of activities conducted at these facilities are fundamentally different than sand and gravel operations, concrete batch plants, and hot mix asphalt plants. We request that Section 103, Exemptions, of the Draft Rule be revised along the following lines:

103 EXEMPTIONS: The provisions of this rule do not apply to:
103.1 Cement, fly ash, or pozzolan transfer facilities
103.2 Water treatment facilities

Response #2: The MCAQD agrees that dry material transfer facilities, which are paved and where materials remain enclosed, are not a significant source of fugitive dust emissions in Maricopa County. As such, there are no significant emission reductions that would be achieved by extending the fugitive dust control measure requirements in Rule 316 to these facilities. Therefore, section 103 was revised to exempt "dry material transfer facilities" from the requirements of Rule 316. The MCAQD will continue regulating cement and fly ash terminals under Rule 241 (Minor New Source Review) which requires Best Available Control Technology (BACT) for any new stationary source which emits 15 or more tons per year of particulate matter with an aerodynamic diameter less than or equal to a nominal 10 microns (PM₁₀) and any modified stationary source if the modification increases the source's potential to emit PM₁₀ by 15 or more tons per year.

Comment #3: ARPA requests greater flexibility regarding the applicability or inapplicability of Maricopa County Rule 310.

Section 304 of the Draft Rule identifies when a Dust Control Permit under Rule 310 is required. ARPA supports the concept to provide

¹ This comment refers to the "Interim Rule 316 Implementation Policy" memorandum from MCAQD Director Lawrence Odle (March 23, 2009) which had indicated that in a future rulemaking, the definition of nonmetallic mineral processing plant would be expanded to include cement transfer and concrete product facilities.

additional clarity regarding when a Dust Control Permit is required. Our specific comments on applicability provisions are as follows:

Revise Section 304.1 to authorize alternatives: An existing permit holder should have the authority to engage in vertical construction or demolition under their non-title V permit (which is currently allowable) if a modified DCP and proper NESHAP notification is submitted OR obtain a Dust Control Permit separate from the Non-Title V Permit. We therefore request the following revision:

304.1 For all dust-generating operations, as defined in Rule 310 of these rules, associated with vertical construction or demolition, the owner, operator, or person subject to this rule shall comply with all requirements of Rule 370, as applicable, and may either obtain a separate Dust Control Permit or conduct vertical construction or demolition pursuant to a Title V, Non-Title V, or general permit.

Revise 304.3, 304.4, and 304.5 to authorize alternatives: Whether permitted under Rule 310 or Rule 316, the applicable control measures should be identical for site preparation and maintenance activities. We therefore request that the owner or operator have the flexibility to choose which permit best fits their business needs, at the election of the owner or operator. Please revise the Draft Rule's applicability to provide the owner or operator with flexibility to authorize site preparation and maintenance activities under a Dust Control Permit, stationary source permit, or a portable source general permit.

Response #3: The MCAQD aligned the fugitive dust control requirements in Rule 316 with the fugitive dust control requirements in Rule 310. This alignment will allow facilities that were previously subject to both rules to more easily comply with all applicable requirements. MCAQD also removed the language referring to specific types of permits that was proposed in Section 304 of the draft rule. Facilities subject to Rule 316 will continue to be subject to the applicable permitting requirements in Regulation II (Permits and Fees) of the Maricopa County Air Pollution Control Regulations.

Comment #4: Please retain current definitions of "Affected Operation and Nonmetallic Mineral Processing Plant."

The proposed revised definitions of "Affected Operation" and "Nonmetallic Mineral Processing Plant" would greatly expand the applicability of the rule, ensnaring each and every operation that uses any nonmetallic mineral. The potential universe of additional sources that would be regulated is thus very broad, and would include operations that are very different than nonmetallic mineral processing facilities. ARPA requests that the current definitions be retained.

Response #4: The MCAQD retained the existing definition of "Affected Operation." The MCAQD removed the changes to the definition of "Nonmetallic Mineral Processing Plant" that were proposed in the draft rule that was

prepared for the November 30, 2017 stakeholder workshop. The definition in the revised rule is identical to the definition that was in the 2008 rule, except that examples of nonmetallic mineral processing that are not relevant to Maricopa County (such as coal fired power plants and Portland cement plants) were deleted.

Comment #5: Please keep current definition of “Aggregate Truck.”

The proposed revised definition would include all trucks, including pickups, regardless of whether the truck was used to transport the products from a specific nonmetallic mineral processing plant. The proposed definition could trigger new requirements unnecessarily and unintentionally (for example, triggering the thresholds in Section 307.6). ARPA requests that the current definition be retained.

Response #5: The MCAQD retained the existing definition of “Aggregate Truck.”

Comment #6: Please keep the definition of “Dust Generating Operation” and remove the proposed definition of “Site Preparation and Maintenance.”

The definition of “Site Preparation and Maintenance” does not provide more clarity and certainty than the current definition of “Dust Generating Operation.” ARPA therefore requests that MCAQD retain the definition of dust generating operation and delete the proposed definition of site preparation and maintenance.

Response #6: The MCAQD retained the existing definition of “Dust-Generating Operation” and removed the proposed definition of “Site Preparation and Maintenance.”

Comment #7: Please retain the current definition of “New Facility.”

Under federal law, transfer of ownership does not convert an existing source into a new one that would then become immediately subject to standards that only apply to new sources (for example, New Source Review or New Source Performance Standards). The same principles should apply to Rule 316. A transfer of ownership should not convert an existing facility into a new facility that is subject to additional requirements solely as a result of the transfer. ARPA requests that the current definition of new facility be retained. Additionally, to the extent permit writers are treating ownership transfers as creating new facilities, ARPA requests that this practice cease.

Response #7: The MCAQD considered this comment and agrees that, for the purposes of Rule 316, transfer of ownership should not convert an existing facility into a new facility. Rather than retaining the definition of “New Facility” the MCAQD revised the definition to clarify that, for the purposes of Rule 316, transfer of ownership does not convert an existing facility to a new facility.

Comment #8: Provide flexibility for wet material processing operations.

Under Section 301.1.c as drafted, wet material processing operations would have a 0% opacity limit. We understand the intent was to

provide this as an alternative to installing watering systems under 301.2.b. We therefore request clarity that this is an alternative, not a requirement. Our proposed language is as follows:

Visible fugitive dust emissions from wet material processing operations and subsequent screening operations, bucket elevators, and belt conveyors that process saturated material in the production line up to the next crusher, grinding mill, or storage bin, if the owner, operator, or person subject to this rule elects not to permanently mount watering systems.

Response #8: The MCAQD considered this comment and determined that there are no significant emission reductions to be gained by adding a new opacity standard that is only applicable to wet material processing operations. In addition, the MCAQD determined that adding a new opacity standard that is only applicable to wet material processing operations could make the visible emission standards for crushing and screening operations more difficult to enforce. Therefore, the MCAQD removed the proposed opacity limit for wet material processing operations from the revised rule. Visible emissions from wet material processing operations will still be subject to the applicable emission limits in Table 336-1.

Comment #9: Delete or revise Draft Section 311.7.

Draft Section 311.7 requires the owner, operator, or person subject to the rule to supply copies of the Dust Control Plan to anyone else engaged in any related operations. We request that this proposed provision be removed, as Draft 311.6 would require the Dust Control Plan to be on-site at all times. Providing written copies to all subcontractors, even if onsite for a short period of time, would result in unnecessary, excessive use of resources. Additionally, the provision could be interpreted to require two separate entities, operating under separate permits, to share dust control plans with each other. As an alternative, we ask that the provision be revised as follows:

The owner, operator, or person subject to this rule shall make available the approved Dust Control Plan to all contractors and subcontractors at a facility who are engaged in nonmetallic mineral processing or related operations that are subject to this Rule.

Response #9: The MCAQD revised Section 311.7 to incorporate the recommended language.

Comment #10: Delete draft Section 312.4

We request that Draft Section 312.4 be deleted. The Control Officer already has the authority to request additional testing in appropriate circumstances, in accordance with existing statutory and regulatory authorities.

Response #10: The MCAQD deleted the additional moisture testing language that was proposed in Section 312.4 of the draft rule that was prepared for the November 30, 2017 stakeholder workshop.

Comment #11: Revise Draft Section 501.2.a.(4).

The current rule requires records of asphaltic concrete produced daily to be maintained. As proposed the Draft Rule would require records of average hourly production rate to be maintained as well. This requirement is not in the current rule and therefore ARPA requests its deletion.

Response #11: The MCAQD removed average hourly production rate from the list of daily records that must be maintained at an asphaltic concrete plant. The MCAQD will continue requiring daily records of the amount of asphaltic concrete produced and the hours of operation.

Comment #12: Delete Draft Section 501.2.a.(9).

ARPA requests that this proposed addition be removed. Fuel requirements (such as usage, record keeping and other limitations) are addressed in other rules and leaving this Requirement in Rule 316 could cause a conflict with the requirements of other rules.

Response #12: The MCAQD considered this comment and deleted the requirement to keep daily records of fuel consumption that were proposed in Section 501.2a(9) of the draft rule that was prepared for the November 30, 2017 stakeholder workshop.

Comment #13: The Arizona Rock Products Association (“ARPA”) is grateful for the opportunity to provide support related to the approval of revisions to the Maricopa County Air Quality Department’s (“MCAQD”) Rule 316 for Non-Metallic Mineral Processing. As you are aware, the MCAQD will present proposed revisions to Rule 316 at the Board of Health meeting scheduled for Friday, February 2, 2018 at 1:30 pm.

Response #13: The MCAQD appreciates your support for the proposed changes.

Comment #14: Facility over workspace – wording.

Response #14: The MCAQD used the word "facility" instead of "work-site" in Rule 316.

Comment #15: I oppose changes to this rule as it is not beneficial to my health. On the contrary, it is harmful and we deserve clean air regulations to be enforced rather than removed.

Response #15: The MCAQD disagrees that this rulemaking will have an adverse effect on human health or the environment. This rulemaking will decrease pollution by increasing compliance with existing requirements. This will be achieved by increasing the clarity of Rule 316, by incorporating EPA-approved alternative control measures, and by consolidating applicable requirements in a single rule. This rulemaking is not making the requirements for nonmetallic mineral processing less stringent.

Comment #16: This rule change would allow for more pollution in our air not less. It is the county's responsibility to protect its citizenry and not corporations. Changing this rule would harm public health and that should be enough to stop such a industry driven change but because health doesn't seem to be a concern it would also lesson the tax base for the county by driving down property values of homes affected by pollution.

Response #16: The MCAQD disagrees that this rulemaking will allow for more air pollution. This rulemaking will decrease pollution by increasing compliance with existing requirements. This will be achieved by increasing the clarity of Rule 316, by incorporating EPA-approved alternative control measures, and by consolidating applicable requirements in a single rule. This rulemaking is not making Rule 316 less stringent.

The MCAQD also disagrees that this rulemaking will have a negative effect on property values. This rulemaking will not affect where nonmetallic mineral processing and related operations may be located (as those decisions are made by municipal planning and zoning agencies). In addition, this rulemaking is not making the requirements for nonmetallic mineral processing less stringent and will not allow for an increase in air pollution. Finally, the requirements in the revised rule are consistent with federal requirements for nonmetallic mineral processing plants and hot mix asphalt plants.

Comment #17: I oppose the fact that the Air Quality Dept. is relaxing standards that protect the public health and safety. There does not need to be “more flexible compliance”, there needs to be stronger enforcement for pollution violators.

Response #17: The MCAQD disagrees that the revised rule relaxes the requirements for nonmetallic mineral processing. By aligning Rule 316 with the New Source Performance Standards for Nonmetallic Mineral Processing, the revised rule actually includes more stringent opacity limits for crushers and other affected operations or process sources at a facility that commenced construction, modification, or reconstruction on or after April 22, 2008. The more flexible compliance options for wind-blown dust actually enable the facility owner/or operator to respond more quickly when wind is causing emissions. In fact, the control measures for "wind-blown dust" in the revised rule are the same control measures that were applicable during a "wind event" in the version of Rule 316 that was adopted in 2008. In addition, the revised rule is actually more enforceable because the MCAQD no longer has to demonstrate that the 60-minute average wind speed was below 25 miles per hour before issuing a visible emissions violation. Instead, the responsibility is on the owner, operator, or person subject to the rule to ensure that, regardless of wind speed, wind-blown dust cannot be prevented by better application, operation, or maintenance of fugitive dust control measures.

Comment #18: I oppose the fact that the Air Quality Dept. is relaxing standards that protect the public health and safety. There does not need to be “more flexible compliance”, there needs to be stronger enforcement for pollution violators.

Response #18: The MCAQD disagrees that the revised rule relaxes the requirements for nonmetallic mineral processing. By aligning Rule 316 with the New Source Performance Standards for Nonmetallic Mineral Processing, the revised rule actually includes more stringent opacity limits for crushers and other affected operations or process sources at a facility that commenced construction, modification, or reconstruction on or after April 22, 2008. The more flexible compliance options for wind-blown dust actually enable the facility owner/or operator to respond more quickly when wind is causing emissions. In fact, the control measures for "wind-blown dust" in the revised rule are the same control measures that were applicable during a "wind event" in the version of Rule 316 that was adopted in 2008. In addition, the revised rule is actually more enforceable because the MCAQD no longer has to demonstrate that the 60-minute average wind speed was below 25 miles per hour before issuing a visible emissions violation. Instead, the responsibility is on the owner, operator, or person subject to the rule to ensure that, regardless of wind speed, wind-blown dust cannot be prevented by better application, operation, or maintenance of fugitive dust control measure

Comment #19: Just another example of MCAQD relaxing the air quality standards for the benefit of the offenders at the detriment of the public's health.

Response #19: The MCAQD disagrees that this rulemaking will have an adverse effect on public health. This rulemaking will decrease pollution by increasing compliance with existing requirements. This will be achieved by increasing the clarity of Rule 316, by incorporating EPA-approved alternative control measures, and by consolidating applicable requirements in a single rule.

The MCAQD also disagrees that the revised rule relaxes the requirements for nonmetallic mineral processing. By aligning Rule 316 with the New Source Performance Standards for Nonmetallic Mineral Processing, the revised rule actually includes more stringent opacity limits for crushers and other affected operations or process sources at a facility that commenced construction, modification, or reconstruction on or after April 22, 2008.

Comment #20: The Arizona Rock Products Association (“ARPA”) supports the approval of revisions to the Maricopa County Air Quality Department’s (“MCAQD”) Rule 316 for Non-Metallic Mineral Processing. As you are aware, the MCAQD will present proposed revisions to Rule 316 at the Board of Supervisors’ meeting scheduled for November 7, 2018 at 9:30AM.

ARPA supports the adoption of the proposed amendments to the rule and submission of the amended rule as a revision to the Arizona State Implementation Plan. ARPA sincerely appreciates how the stakeholder meetings were conducted and our ability to provide feedback on the proposed changes. Our members felt their comments and the information submitted by the Association was sufficiently reviewed by County staff and the resulting changes are reflective of that process. Most importantly, the Association is affirmed the rule will continue to be protective of public health and the environment.

Thank you for the opportunity to submit comment. Please feel free to contact me with any questions.

Response #20: The MCAQD appreciates your support for the proposed changes.

10. Any other matter prescribed by statute that are applicable to the specific department or to any specific rule or class of rules:

Not applicable

EXACT WORDING OF THE RULE

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

**RULE 316
NONMETALLIC MINERAL PROCESSING**

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Adopted 07/06/93
Revised 04/21/99
Revised 06/08/05
Revised 03/12/08

Adopted 07/06/93; Revised 04/21/99; Revised 06/08/05; Revised 03/12/08; Revised
XX/XX/XXXX

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

**RULE 316
NONMETALLIC MINERAL PROCESSING**

SECTION 100 – GENERAL

101 PURPOSE: To limit the emission of particulate matter into the ambient air from any nonmetallic mineral processing plant ~~and/or rock product processing plant~~ and any related operations.

102 APPLICABILITY: The provisions of this rule shall apply to any commercial and/or industrial nonmetallic mineral processing plant ~~and/or rock product processing plant~~ and any related operations. Compliance with the provisions of this rule shall not relieve any person subject to the requirements of this rule from complying with any other applicable rules, including federally enforceable New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants. ~~In such case, the more stringent standard shall apply.~~ Whenever more than one rule, regulation, or emission limit applies to nonmetallic mineral processing and any related operations subject to this rule, the more stringent standard applies.

103 EXEMPTIONS: The provisions of this rule do not apply to:

103.1 Dry material transfer facilities.

103.2 Water treatment facilities.

SECTION 200 – DEFINITIONS: ~~See Rule 100 (General Provisions and Definitions) of these rules for definitions of terms that are used but not specifically defined in this rule. For the purpose of this rule, the following definitions shall apply.~~ For the purpose of this rule, the following definitions shall 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 AFFECTED OPERATION: An operation that processes nonmetallic minerals or that is related to such processing and process sources including, but not limited to: excavating, crushers, grinding mills, screening equipment, conveying systems, elevators, transfer points, bagging operations, storage bins, enclosed truck and railcar loading stations, and truck dumping.

- 202 **AGGREGATE TRUCK:** Any truck with an open top used to transport the products of nonmetallic mineral processing plants ~~and/or rock product processing plants.~~
- 203 **APPROVED EMISSION CONTROL SYSTEM (ECS):** A system for reducing particulate emissions, consisting of collection and/or control devices which are approved in writing by the Control Officer and are designed and operated in accordance with good engineering practice.
- 204 **AREA ACCESSIBLE TO THE PUBLIC:** Any ~~retail paved~~ parking lot or ~~public paved~~ roadway that ~~is open to~~ can be entered or used for public travel primarily for ~~the~~ purposes unrelated to the dust-generating operations.
- 205 **206 ASPHALTIC CEMENT:** The dark brown to black cementitious material (solid, semisolid, or liquid in consistency), of which the main constituents are naturally occurring bitumens or bitumens resulting from petroleum refining.
- 206 **207 ASPHALTIC CONCRETE PLANT/ASPHALT PLANT:** Any facility used to manufacture asphaltic concrete by mixing graded aggregate and asphaltic cements.
- 207 **208 BAGGING OPERATION:** The mechanical process by which bags or other containers are filled with nonmetallic minerals or dry materials.
- 208 **209 BATCH TRUCK:** Any truck that loads and transports products produced by batch.
- 209 **210 BELT CONVEYOR:** A conveying device that transports material from one location to another by means of an endless belt that is carried on a series of idlers and routed around a pulley at each end.
- 210 **211 BERMS AND GUARD RAILS:** ~~A pile or mound~~ Piles or mounds of material along an elevated roadway capable of moderating or limiting the force of a vehicle in order to impede the vehicle's passage over the bank of the roadway.
- 211 **212 BLASTING OPERATIONS:** Operations that break or displace soil and/or rock by means of explosives.
- 211 **213 BLUE SMOKE:** A combination of hydrocarbons and particulate matter that is produced when asphaltic cement is heated.
- 210 **214 BULK MATERIAL:** Any material including, but not limited to: earth, rock, silt, sediment, sand, gravel, soil, fill, aggregate less than two inches in length or diameter (i.e., aggregate base course (ABC)), dirt, mud, demolition debris, cotton, trash, cinders, pumice, saw dust, feeds, grains, fertilizers, fluff (from shredders), and dry concrete, that is capable of producing fugitive dust.
- 214 **215 CEMENT:** A powder consisting of, but not limited to, alumina, silica, lime, iron oxide, and/or magnesium oxide burned together in a kiln and finely pulverized and used as an ingredient of mortar, concrete, and/or other similar product including, but not limited to, any hydraulic cement such as Portland cement.

- 244 **215** **COHESIVE HARD SURFACE:** ~~Any material including, but not limited to: pavement, recycled asphalt mixed with a binder, or a dust suppressant other than water applied and maintained as a roadway surface. One of the following materials applied and maintained as a roadway surface:~~
- 215.1** Pavement, including but not limited to, asphalt, concrete, asphaltic concrete, concrete pavement, chip seal, or rubberized asphalt.
- 215.2** Recycled asphalt mixed with a binder.
- 215.3** Continuous gravel cover which is at least six inches deep to which water is applied during the workday.
- 215.4** A dust suppressant other than water, which is applied in accordance with the methods and frequencies specified in the approved Dust Control Plan, which produces or creates a mass in which the soil particles are tightly and uniformly stuck together such that visible emissions are not produced by wind blowing across the surface or by motor vehicles or equipment driving on the surface.
- 215.5** Another material, which is applied and maintained in accordance with the approved Dust Control Plan, which creates a roadway surface such that visible emissions are not produced by wind blowing across the surface or by motor vehicles or equipment driving on the surface.
- 242 **216** **CONCRETE PLANT:** Any facility used to manufacture concrete by mixing water, aggregate, and cement.
- 243 **217** **CONVEYING SYSTEM:** A device for transporting materials from one piece of equipment or location to another location within a facility. Conveying systems include, but are not limited to: feeders, belt conveyers, bucket elevators and pressure control systems.
- 244 **218** **CRUSHER:** A machine used to crush ~~any~~ nonmetallic minerals or products made with nonmetallic minerals including, but not limited to, the following types: jaw, gyratory, cone, roll, rod mill, hammermill, and impactor.
- 219** **DELIVERY TRUCK:** Any truck (including any non-motorized attachment to a truck, such as a trailer or other conveyance connected to or propelled by the actual motorized portion of the truck) that holds, stores, or delivers products or materials to or from nonmetallic mineral processing or any related operations.
- 245 **220** **DISTURBED SURFACE AREA:** A portion of the earth's surface (or material placed thereupon) which has been physically moved, uncovered, destabilized, or otherwise modified from its undisturbed native condition ~~thereby increasing~~ if the potential for the emission of fugitive dust is increased by the movement, destabilization, or modification.
- 221** **DRY MATERIAL:** Cement, fly ash, lime, and other pozzolan materials to which water or other liquids have not been added.
- 246 **222** **DRY MIX CONCRETE PLANT:** Any facility used to manufacture a mixture of aggregate and cements without the addition of water.

- 217 **223 DUST-GENERATING OPERATION:** Any activity capable of generating fugitive dust including, but not limited to: land clearing, earthmoving, weed abatement by discing or blading, excavating, construction, demolition, bulk material handling, storage and/or transporting operations, vehicle use and movement, the operation of any outdoor equipment, or unpaved parking lots. For the purpose of this rule, landscape maintenance and playing on or maintaining a field used for non-motorized sports shall not be considered a dust-generating operation. However, landscape maintenance shall not include grading, trenching, or any other mechanized surface disturbing activities performed to establish initial landscapes or to redesign existing landscapes.
- 218 **224 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 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.
- 219 **225 ENCLOSED TRUCK OR RAILCAR LOADING STATION:** That portion of a nonmetallic mineral processing plant where nonmetallic mineral are loaded by an enclosed conveying system into enclosed trucks or railcars.
- 220 **226 END OF WORK DAY:** The end of a working period that may include one or more work shifts. If working 24 hours a day, the end of a working period ~~shall be~~ is considered no later than 8 pm.
- 221 **227 FABRIC FILTER BAGHOUSE:** ~~Tube-shaped filter bags—long small-diameter fabric tubes referred to as "bags"—arranged in parallel flow paths and designed to separate particles and flue gas. A device in which particulates are removed from the stream of exhaust gases using permeable fabric bags.~~
- 228 FACILITY:** All the pollutant-emitting equipment and activities that are located on one or more contiguous or adjacent properties, and that are under the control of the same person or persons under common control.
- 229 FLY ASH:** Any product of coal combustion that is recovered for use as a cement or lime additive, absorbent, gas scrubber, plastics filler or any other beneficial use and that is exempt from regulation as a hazardous waste under 40 CFR 261.4.
- 222 **230 FREEBOARD:** The vertical distance between the top edge of a cargo container area and the highest point at which the bulk material contacts the sides, front, and back of a cargo container area.
- 223 **231 FUGITIVE DUST CONTROL MEASURE:** A technique, practice, or procedure used to prevent or minimize the generation, emission, entrainment, suspension, and/or airborne transport of fugitive dust.
- 224 **232 FUGITIVE DUST CONTROL TECHNICIAN:** A person with the authority to expeditiously employ sufficient fugitive dust control measures to ensure compliance with Rule 316 of these rules this rule at an active operation a facility where nonmetallic mineral processing or any related operations occur.

- 225 **233 FUGITIVE DUST EMISSION:** Particulate matter not collected by a capture system that is entrained in the ambient air and is caused from human and/or natural activities.
- 234 **GRAVEL PAD:** A layer of washed gravel, rock, or crushed rock, which is at least one inch or larger in diameter and at least six inches deep. A Gravel pad shall be at least 30 feet wide, and 50 feet long or the length of the longest haul truck, whichever is greater, with a stabilizing mechanism/device (i.e., curbs or structural devices along the perimeter of the gravel pad), and shall dislodge mud, dirt, and/or debris from the tires of motor vehicles and/or haul trucks, prior to leaving a facility. 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 shall cover the full width of the unpaved surface exit and such shorter width shall be adequate to prevent trackout.
- 226 **235 GRINDING MILL:** A machine used for the wet or dry fine crushing of any nonmetallic mineral. Grinding mills include, but are not limited to, the following types: hammer, roller, rod, pebble and ball, and fluid energy. The grinding mill includes the air conveying system, air separator, or air classifier, where such systems are used.
- 227 **236 HAUL/ACCESS ROAD:** Any ~~on-site~~ unpaved road that is used by haul trucks to carry materials from the quarry or pit to different locations within the facility. For the purpose of this ~~definition rule~~, haul/access roads are not in permanent areas of a facility.
- 228 **237 HAUL TRUCK:** Any fully or partially open-bodied self-propelled vehicle including any non-motorized attachments, such as but not limited to: trailers or other conveyances that are connected to or propelled by the actual motorized portion of the vehicle used for transporting bulk materials.
- 229 **238 INFREQUENT OPERATIONS:** Operations that have state mine identification, approved reclamation plans and bonding as required by State Mining and Reclamation Act of 1975, and only operate on an average of 52 days per year over the past three years ~~from June 8, 2005.~~
- 239 **LIME:** Any calcinated limestone including, but not limited to, hydraulic lime.
- 230 ~~MATERIAL DELIVERY TRUCK—Any truck that loads and transports product to customers.~~
- 240 **MATERIAL STORAGE AND SILO LOADING OPERATIONS:** Any combination of processes or equipment used for storing dry materials and/or loading dry materials into silos.
- 234 **241 MIXER TRUCK:** Any truck that mixes cement and other ingredients in a drum to produce concrete.
- 232 **242 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.

- ~~233~~ **243** **NEW FACILITY:** A facility ~~subject to this rule that has not been operated by such facility prior to that commenced nonmetallic mineral processing or any related operations on or after June 8, 2005. A facility that commenced nonmetallic mineral processing or any related operations before June 8, 2005 does not become a new facility due to the addition of new equipment, processes, or operations.~~
- ~~234~~ **244** **NONMETALLIC MINERAL:** Any of the following minerals or any mixture of which the majority is any of the following minerals:
- ~~234.1~~ **244.1** Crushed and broken stone, including limestone, dolomite, granite, rhyolite, traprock, sandstone, quartz, quartzite, marl, marble, slate, shale, oil shale, and shell.
- ~~234.2~~ **244.2** Sand, ~~and gravel and quarried rocks.~~
- ~~234.3~~ **244.3** Clay including kaolin, fireclay, bentonite, fuller's earth, ball clay, and common clay.
- ~~234.4~~ **244.4** Rock salt.
- ~~234.5~~ **244.5** Gypsum.
- ~~234.6~~ **244.6** Sodium compounds including sodium carbonate, sodium chloride, and sodium sulfate.
- ~~234.7~~ **244.7** Pumice.
- ~~234.8~~ **244.8** Gilsonite.
- ~~234.9~~ **244.9** Talc and pyrophyllite.
- ~~234.10~~ **244.10** Boron including borax, kernite, and colemanite.
- ~~234.11~~ **244.11** Barite.
- ~~234.12~~ **244.12** Fluorspar.
- ~~234.13~~ **244.13** Feldspar.
- ~~234.14~~ **244.14** Diatomite.
- ~~234.15~~ **244.15** Perlite.
- ~~234.16~~ **244.16** Vermiculite.
- ~~234.17~~ **244.17** Mica.
- ~~234.18~~ **244.18** Kyanite including andalusite, sillimanite, topaz, and dumortierite.
- ~~234.19~~ **244.19** Coal.
- ~~235~~ **245** **NONMETALLIC MINERAL PROCESSING PLANT:** Any facility utilizing any combination of equipment or machinery to mine, excavate, separate, combine, crush, or grind any nonmetallic mineral including, but not limited to: lime plants, ~~coal-fired power plants~~, steel mills, asphalt plants, concrete plants, ~~Portland cement plants~~, raw material storage and distribution, and sand and gravel plants. ~~Rock Product Processing Plants are included in this definition.~~
- ~~236~~ **246** **OPEN STORAGE PILE:** Any accumulation of bulk material with a 5% or greater silt content that has a total surface area of 150 square feet or more and that at any one point

attains a height of three feet. Silt content ~~shall be~~ is assumed to be 5% or greater unless a person can show, by testing in accordance with ASTM Method C136-06 or other equivalent method approved in writing by the Control Officer and the Administrator, that the silt content is less than 5%. For the purpose of this rule, the definition of open storage pile does not include berms ~~and guard rails~~ that are installed to comply with 30 Code of Federal Regulations (CFR) 56.93000.

- 237 **247** **OVERBURDEN REMOVAL OPERATION:** An operation that removes and/or strips soil, rock, or other materials that lie above a natural nonmetallic mineral deposit and/or in-between a natural nonmetallic mineral deposit.
- 248** **OVERFLOW WARNING SYSTEM/DEVICE:** A properly functioning system or device that sends a signal indicating that the level of material in a silo is approaching or at maximum capacity. The system/device shall be designed to automatically stop silo filling operations, or alert the operator(s) to stop the loading operation, when the level of material in a silo is approaching or at maximum capacity.
- 238 **249** **PARTICULATE MATTER EMISSIONS:** Any and all finely divided solid or liquid materials other than uncombined water released to the ambient air as measured by the applicable state and federal test methods.
- 239 **250** **PAVE:** ~~To apply and maintain asphalt, concrete, or other similar material to a roadway surface (i.e., including, but not limited to, asphaltic concrete, concrete pavement, chip seal, rubberized asphalt, or recycled asphalt mixed with a binder, to the surface of a roadway or parking lot.~~
- 240 **251** **PERMANENT AREAS OF A FACILITY:** Areas that remain in-place for 180 days or more in 12 consecutive months. Permanent areas of a facility include the following areas: entrances, exits, parking areas, office areas, warehouse areas, maintenance areas (not including maintenance areas that are in the quarry or pit), concrete plant areas, asphaltic plant areas, and roads leading to and from such areas.
- 252** **PERMANENT FACILITY:** Any facility that remains in-place for 180 days or more in 12 consecutive months.
- 241 ~~PORTLAND CEMENT PLANT—Any facility that manufactures Portland Cement using either a wet or dry process.~~
- 253** **POZZOLAN:** Any of finely divided siliceous or siliceous and aluminous materials that react chemically with slaked lime at ordinary temperature and in the presence of moisture to form a strong, slow-hardening cement.
- 242 **254** **PRESSURE CONTROL SYSTEM:** System in which loads are moved in the proper sequence, at the correct time, and at the desired speed through the use of valves that control the direction of air flow, regulate actuator speed, ~~and or~~ respond to changes in air pressure.
- 243 **255** **PROCESS:** One or more operations including those using equipment and technology in the production of goods or services or the control of by-products or waste.

- 244 **256** **PROCESS SOURCE:** The last operation of a process or a distinctly separate process which produces an air contaminant and which is not a pollution abatement operation.
- 245 **257** **PRODUCTION WORK SHIFT:** An eight-hour operating period based on the 24-hour operating schedule.
- 246 **PUBLIC ROADWAYS** — ~~Any roadways that are open to public travel.~~
- 258** **RELATED OPERATIONS:** The use, handling, or storage of dry materials or nonmetallic minerals at a facility that produces other products or materials, or the preparation and maintenance of a facility subject to this rule. Related operations may include, but are not limited to:
- 258.1** Asphaltic concrete plants, asphalt plants, concrete plants, and dry mix concrete plants.
- 258.2** Material storage and silo loading operations that occur at asphaltic concrete plants, asphalt plants, concrete plants, and dry mix concrete plants.
- 258.3** Bagging operations.
- 258.4** Handling, processing, or disposal of returned products.
- 258.5** Processing of materials made with nonmetallic minerals or dry materials, including, but not limited to, concrete crushing.
- 258.6** Installing, constructing, or maintaining unpaved roads, parking lots, or pads for processing equipment at a facility subject to this rule.
- 258.7** Dust-generating operations that occur at a facility subject to this rule.
- 258.8** Blasting operations.
- 247 **259** **RETURNED PRODUCTS:** Left-over concrete or asphalt products that were not used at a job site and were returned to the facility.
- 248 **260** **RUMBLE GRATE:** A system where the vehicle is vibrated while traveling over grates with the purpose of removing dust and other debris. A system that produces a vibration such that mud, dirt, and/or debris are shaken off the tires and the exterior surfaces of a motor vehicle as a motor vehicle passes over the system. The minimum length of a rumble grate shall be 20 feet in the direction of vehicle travel or the circumference of the largest tire of a motor vehicle as a motor vehicle passes over such rumble grate, whichever is greater. The width of a rumble grate shall cover the full width of the exit. A rumble grate shall consist of raised dividers (e.g., rails, pipes, or grates), which shall meet all of the following specifications:
- 260.1** The height of each divider shall measure no less than three inches;
- 260.2** The width of each divider shall measure no more than four inches; and
- 260.3** The distance between each divider (i.e., from the outer edge of a divider to the outer edge of a divider next to such divider) shall measure no less than six inches.
- 261** **SATURATED MATERIAL:** Mineral material with sufficient surface moisture such that particulate matter emissions are not generated from processing of the material through

screening operations, bucket elevators, and belt conveyors. Material that is wetted solely by wet suppression systems is not considered to be “saturated” for the purpose of this rule.

- 249 **262** **SCREENING OPERATION:** A device (such as a shaker screen) that mechanically separates material according to its size by passing undersize material through one or more mesh surfaces (screens) in series and retaining oversize material on the mesh surfaces (screens).
- 250 **263** **SILO:** An elevated storage container with or without a top that releases material thru the bottom.
- 251 **264** **SILT:** Any aggregate material with a particle size less than 75 micrometers in diameter, which passes through a No. 200 sieve.
- 252 **265** **SPILLAGE:** ~~Any quantity of nonmetallic minerals/materials that spill~~ Material caused or allowed, intentionally or unintentionally, to flow, run, or fall out, over or off of vehicles or equipment, while being processed or after having been processed by an affected operation, where such spilled nonmetallic minerals/materials can have the potential to generate or cause fugitive dust emissions.
- 253 **266** **STACK EMISSIONS:** ~~The particulate matter emissions~~ Emissions that are released to the atmosphere from a capture system through a building vent, stack or other point source discharge, including particulate matter or other emissions which have the potential to become particulate matter when released into the atmosphere and combined with other emissions from the same source.
- 254 **267** **STAGING AREA:** A place where aggregate trucks and mixer trucks temporarily queue for their loading or unloading.
- 268** **STORAGE BIN:** A facility enclosure, hopper, silo, or surge bin for the storage of nonmetallic minerals or products made with nonmetallic minerals prior to further processing or loading.
- 255 **TEMPORARY FACILITY** — ~~A facility that occupies a designated site for not more than 180 days in a calendar year.~~
- 256 **269** **TRACKOUT:** ~~Any and all bulk materials that~~ have the potential to produce fugitive dust and to 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 paved area accessible to the public.
- 257 **270** **TRACKOUT CONTROL DEVICE:** A gravel pad, grizzly, wheel washer, rumble grate, paved area, truck washer, or other equivalent trackout control device located at the point of intersection of an unpaved area and ~~an paved~~ area accessible to the public that controls and prevents trackout and/or removes particulate matter from tires and the exterior surfaces of aggregate trucks, haul trucks, and/or motor vehicles that traverse a facility.
- 271** **TRANSFER FACILITY:** A facility that exclusively receives, stores, and distributes dry materials that remain within enclosed systems (such as hoses and silos) at all times.

- 258 **272** **TRANSFER POINT:** A point in a conveying operation system where ~~nonmetallic mineral~~ materials are transferred from or to a belt conveyor, except for transfer to a stockpile.
- 259 **273** **TRUCK DUMPING:** The unloading of nonmetallic minerals or products made with nonmetallic minerals from movable vehicles designed to transport nonmetallic minerals or products made with nonmetallic minerals from one location to another. Movable vehicles include, but are not limited to: trucks, front end loaders, skip hoists, and railcars.
- 260 **274** **TRUCK WASHER:** A system that is used to wash the entire surface and the tires of a truck.
- 275** **UNPAVED PARKING LOT:** Any area that is not paved and that is designated for parking or storing motor vehicles and equipment in the Dust Control Plan or that is used for parking or storing motor vehicles and equipment.
- 261 **276** **UNPAVED ROAD:** Any roads, equipment paths, or travel ways that are not covered by typical roadway materials. Public unpaved roads are any unpaved roadway owned by federal, state, county, municipal, or governmental or quasigovernmental agencies. Private unpaved roads are all other unpaved roadways not defined as public. Any road or equipment path that is not paved. For the purpose of this rule, an unpaved road is not a horse trail, hiking path, bicycle path, or other similar path used exclusively for purposes other than travel by motor vehicles.
- 262 **277** **VENT:** An opening through which there is mechanically or naturally induced air flow for the purpose of exhausting air carrying particulate matter.
- 278** **WET MATERIAL PROCESSING OPERATION:** Either of the following:
- 278.1** Wet screening operations and subsequent screening operations, bucket elevators, and belt conveyors in the production line that process saturated materials up to the next crusher, grinding mill, or storage bin in the production line; or
- 278.2** Screening operations, bucket elevators, and belt conveyors in the production line downstream of wet mining operations that process saturated materials up to the first crusher, grinding mill, or storage bin in the production line.
- 279** **WET MINING OPERATION:** A mining or dredging operation designed and operated to extract any nonmetallic mineral from deposits existing at or below the water table, where the nonmetallic mineral is saturated with water.
- 280** **WET SCREENING OPERATION:** A screening operation which removes unwanted material or which separates marketable fines from the product by a washing process which is designed and operated at all times such that the product is saturated with water.
- 263 **281** **WHEEL WASHER:** A system that is capable of washing the entire circumference of each wheel of the vehicle.
- 282** **WIND-BLOWN DUST:** Visible emissions, from any disturbed surface area, process source, or operation, which are generated by wind action alone.

264 ~~WIND EVENT~~ — When the 60-minute average wind speed is greater than 25 miles per hour.

SECTION 300 – STANDARDS

301 CRUSHING AND SCREENING – PROCESS EMISSION LIMITATIONS AND CONTROLS:

301.1 Process Emission Limitations: ~~The owner and/or operator~~ An owner, operator, or person subject to this rule shall not discharge, or cause, or allow to be discharged into the ambient air:

- a. ~~Stack emissions exceeding 7% opacity and containing more than 0.02 grains/dry standard cubic foot (gr/dscf) (50 mg/dsem) of particulate matter.~~
 - (1) Exceeding 7% opacity; or
 - (2) Containing more than 0.014 grains/dry standard cubic foot (gr/dscf) of particulate matter.
- b. ~~Fugitive dust emissions exceeding 7% opacity from any transfer point on a conveying system~~ the applicable opacity limits in Table 316-1.

**TABLE 316-1
FUGITIVE DUST EMISSION LIMITS FOR CRUSHING AND SCREENING**

EMISSION SOURCE	OPACITY LIMITS	
	<u>At a facility that commenced construction, modification, or reconstruction</u>	
	<u>Before April 22, 2008</u>	<u>On or after April 22, 2008</u>
<u>(1) Any transfer point on a conveying system</u>	<u>7%</u>	<u>7%</u>
<u>(2) Any crusher</u>	<u>15%</u>	<u>12%</u>
<u>(3) Truck dumping directly into any screening operation, feed hopper, or crusher</u>	<u>20%</u>	<u>20%</u>
<u>(4) Any other affected operation or process source</u>	<u>10%</u>	<u>7%</u>

- ~~e. Fugitive dust emissions exceeding 15% opacity from any crusher.~~
- ~~d. Fugitive dust emissions exceeding 10% opacity from any affected operation or process source, excluding truck dumping.~~
- ~~e. Fugitive dust emissions exceeding 20% opacity from truck dumping directly into any screening operation, feed hopper, or crusher. Opacity observations to determine compliance with this section of this rule shall be conducted in accordance with the techniques specified in Appendix C Fugitive Dust Test Methods of these rules.~~

301.2 Controls: ~~The owner and/or operator~~ An owner, operator, or person subject to this rule shall implement process controls described in Section 301.2(a), Section 301.2(b), and Section 301.2(c), and Section 301.2(d) of this rule or shall implement process controls described in Section 301.2(a) and Section ~~301.2(d)~~ 301.2(e) of this rule:

- a. Enclose sides of all shaker screens.

- b. Permanently mount watering systems (~~e.g., including, but not limited to, spray bars, a fogging system, or a misting system or an equivalent control~~) on all of the points listed below, for crushers, shaker screens, and material transfer points, excluding wet material processing operations:
- (1) At every location of fugitive dust emissions from all crushers including, but not limited to, the inlet and outlet of all crushers;
 - (2) At the outlet of all shaker screens; and
 - (3) ~~Outlet of~~ At all material transfer points, excluding transfer points located within a surge tunnel; and wet plants.
 - (4) At the exit of each surge tunnel, unless a watering system is permanently mounted at all transfer points within the surge tunnel.
- c. Operate watering systems, ~~as necessary, (e.g., spray bars or an equivalent control)~~ on the points listed in Section 301.2(b) of this rule ~~for crushers, shaker screens, and material transfer points, excluding wet plants,~~ to continuously maintain a ~~4%~~ the applicable minimum moisture content listed below. Compliance shall be demonstrated by conducting moisture testing as specified in Section 312 of this rule.
- (1) 2% minimum moisture content at all points in a process line where washed feed products are directly feeding a hot mix asphalt plant;
 - (2) 2.5% minimum moisture content at all points in a process line where unwashed feed products are directly feeding a hot mix asphalt plant; and
 - (3) 4% minimum moisture content at all other points in a process line, unless an alternative minimum moisture content has been approved by the Control Officer and the Administrator.
 - (4) An alternative minimum moisture content requested in a permit application and approved by the Control Officer and the Administrator prior to implementation. When requesting an alternative minimum moisture content, the owner, operator, or person subject to this rule shall submit to the Control Officer documentation that justifies the alternative minimum moisture content. Documentation may include, but is not limited to: economic analyses, emissions rates, water availability, and technical feasibility.
- (1) ~~The watering systems shall be maintained in good operating condition, as verified by daily inspections.~~
 - (2) ~~The owner and/or operator shall investigate and correct any problems before continuing and/or resuming operations.~~
 - (3) ~~The owner and/or operator shall conduct soil moisture tests as follows:~~
 - (a) ~~If the owner and/or operator is required to have in place a Fugitive Dust Control Technician according to Section 309 of this rule, then soil moisture tests shall be conducted twice daily in accordance with the test methods described in Section 502 of this rule.~~

- ~~(b) If the owner and/or operator is not required to have in place a Fugitive Dust Control Technician according to Section 309 of this rule, then soil moisture tests shall be conducted daily in accordance with the test methods described in Section 502 of this rule.~~
- ~~(c) If the owner and/or operator demonstrates that the 4% minimum moisture content is maintained for a minimum of four weeks, then soil moisture tests may be conducted weekly in accordance with the test methods described in Section 502 of this rule.~~
- ~~(d) If the owner and/or operator fails to comply with the opacity limitations described in Section 301.1, Section 306.1, or Section 306.2 of this rule and/or if two consecutive soil moisture tests are below 4%, then the owner and/or operator shall conduct soil moisture tests in accordance with Section 301.2(c)(3)(a) or Section 301.2(c)(3)(b) of this rule, as applicable.~~
- ~~(e) If the owner and/or operator of a facility complies with both of the following requirements, then the number of sampling points identified in Section 502.3(c)(1) through (3) of this rule may be reduced:~~
 - ~~301—(i) A soil moisture test is conducted in accordance with the test methods described in Section 502 of this rule at the primary crusher, which indicates that at least a 5% minimum moisture content is maintained; and~~
 - ~~302—(ii) A demonstration that complies with Section 502.3(d) of this rule is submitted to and approved by the Control Officer and is complied with in accordance with Section 502.3(d) of this rule.~~
- ~~(4) The owner and/or operator may request in a permit application, with explanation, an alternative plan that justifies a minimum moisture content other than 4% and that justifies conducting fewer soil moisture tests as are required. In the request, the owner and/or operator shall submit to the Control Officer documentation regarding a minimum moisture content other than 4%, including, but not limited to: economics, emissions rates, water availability, and technical feasibility. In addition, the owner and/or operator shall demonstrate that the proposed alternative compliance demonstration plan will be equivalent in determining compliance with the soil moisture content requirements. Prior approval from the Control Officer and the Administrator shall be received before implementing the plan.~~
 - d.** Maintain watering systems in good operating condition, as verified by daily inspections on days when process equipment is operating, and investigate and correct any problems before continuing and/or resuming operation of process equipment.
 - e.** Enclose and exhaust the regulated process to a properly sized fabric filter baghouse.

302 ASPHALTIC CONCRETE PLANTS – PROCESS EMISSION LIMITATIONS AND CONTROLS:

302.1 Process Emission Limitations: ~~The owner and/or operator~~ An owner, operator, or person subject to this rule shall not discharge, or cause, or allow to be discharged into the ambient air:

- a. ~~For~~ When producing non-rubberized asphaltic concrete plants, stack emissions: exceeding 5% opacity and containing more than 0.04 gr/dscf (90 mg mg/dscm) of particulate matter.
 - (1) Exceeding 5% opacity; or
 - (2) Containing more than 0.04 gr/dscf (90 mg mg/dscm) of particulate matter.
- b. ~~For~~ When producing rubberized asphaltic concrete, stack emissions: plants (when producing rubberized asphalt only), stack emissions exceeding 20% opacity and containing more than 0.04 gr/dscf (90 mg/dscm) of particulate matter.
 - (1) Exceeding 20% opacity; or
 - (2) Containing more than 0.04 gr/dscf (90 mg/dscm) of particulate matter;
- c. When producing rubberized asphaltic concrete, fugitive emissions of blue smoke from the drum dryer exceeding 20% opacity.
- e. d. Fugitive dust emissions exceeding 10% opacity from any affected operation, or process source, excluding truck dumping.
- e. Fugitive dust emissions exceeding 20% opacity from truck dumping directly into any asphalt plant feed hopper.

302.2 Controls: ~~The owner and/or operator~~ An owner, operator, or person subject to this rule shall, from all drum dryers, control and vent exhaust from all drum dryers to a properly sized fabric filter baghouse.

303 RAW MATERIAL STORAGE AND SILO LOADING OPERATIONS, DISTRIBUTION, CONCRETE PLANTS, AND/OR BAGGING OPERATIONS – PROCESS EMISSION LIMITATIONS AND CONTROLS:

303.1 Process Emission Limitations: ~~The owner and/or operator~~ An owner, operator, or person subject to this rule shall not discharge or cause or allow to be discharged into the ambient air:

- a. Stack emissions exceeding 5% opacity; or
- b. Fugitive dust emissions exceeding 10% opacity from any affected operation, or process source, excluding truck dumping.

303.2 Controls: ~~The owner and/or operator~~ An owner, operator, or person subject to this rule shall implement the following process controls:

- a. On all cement, lime, and/or fly ash dry material storage silo(s), install and operate an operational overflow warning system/device. The system/device shall be designed to alert operator(s) to stop the loading operation when the cement, lime, and/or fly ash storage silo(s) are reaching a capacity that could adversely impact pollution abatement equipment.

- b. On ~~new cement, lime, and/or fly ash~~ all dry material storage silos installed after June 8, 2005, install a properly sized fabric filter baghouse or equivalent device designed to meet a maximum outlet grain loading of 0.01 gr/dscf.
- c. On dry mix concrete plant loading stations ~~/~~, when loading truck mixed product, implement one of the following process controls:
 - (1) Install and use a rubber fill tube;
 - (2) Install and operate a water spray;
 - (3) Install and operate a properly sized fabric filter baghouse or delivery system;
 - (4) Enclose mixer loading stations such that no visible emissions occur; or
 - (5) Conduct mixer loading stations in an enclosed process building such that no visible emissions from the building occur during the mixing activities.
- d. On each cement storage silo filling processing/loading operations ~~controls~~, install a pressure control system designed to shut-off the cement silo filling processes/loading operations; if pressure from the delivery truck is excessive, as defined in the approved Operation and Maintenance (O&M) Plan.
- e. On each dry material storage silo filling process/loading operation installed after [insert date of rule adoption], install a pressure control system designed to shut-off the silo filling process/loading operation if pressure from the delivery truck is excessive, as defined in the approved O&M Plan.

304 OTHER ASSOCIATED OPERATIONS: ~~All other affected operations or process sources not specifically listed in Sections 301, 302, or 303 of this rule associated with the processing of nonmetallic minerals, all other fugitive dust emission limitations not specifically listed in Section 306 of this rule, all other fugitive dust control measures not specifically listed in Section 307 of this rule, and all overburden operations shall, at a minimum, meet the provisions of Rule 310 of these rules.~~

304.1 For all dust-generating operations not specifically listed in Sections 301, 302, or 303 of this rule, the owner, operator, or person subject to this rule shall implement fugitive dust control measures to comply with Section 306 and Section 307 of this rule.

304.2 Dust-generating operations at a facility subject to the requirements of this rule shall not commence until the owner, operator, or person subject to this rule has obtained an air pollution control permit in accordance with Rule 200 of these rules.

304.3 Dust-generating operations that occur before or while portable equipment subject to the requirements of this rule is located at a facility shall not commence until the owner, operator, or person subject to this rule has obtained an air pollution control permit and submitted a move notice in accordance with Rule 200 of these rules.

- a. With each portable source move notice, the owner, operator, or person subject to this rule shall submit, to the Control Officer, a Dust Control Plan that meets the requirements of Section 311 of this rule.

- b. With each portable source move notice, the owner, operator, or person subject to this rule shall submit, to the Control Officer, an O&M Plan that meets the requirements of Section 305 of this rule.

305 **AIR POLLUTION CONTROL EQUIPMENT AND APPROVED EMISSION CONTROL SYSTEM (ECS):** An owner, operator, or person subject to this rule ~~and/or operator of a facility~~ shall provide, properly install and maintain in calibration, in good working order, and in operation air pollution control equipment required by this rule. When selecting air pollution control equipment required by this rule, the owner, operator, or person subject to this rule ~~and/or operator of a facility~~ may consider the site-specific and/or material-specific conditions and logistics of a facility. When doing so, some air pollution control equipment may be more reasonable to implement than others. Regardless, any air pollution control equipment that is installed must achieve the applicable standard(s) required by this rule, as determined by the corresponding test method(s), as applicable, and must achieve other applicable standard(s) set forth in this rule. The owner, operator, or person subject to this rule ~~and/or operator of a facility~~ may submit a request to the Control Officer and the Administrator for the use of alternative air pollution control equipment. The request shall include the proposed alternative air pollution control equipment, the air pollution control equipment that the alternative would replace, and a detailed statement or report demonstrating that the air pollution control equipment would result in equivalent or better emission control than the equipment prescribed in this rule. Nothing in this rule shall be construed to prevent an owner, operator, or person subject to this rule ~~and/or operator of a facility~~ from making such demonstration. Following a decision by the Control Officer and the Administrator to grant the petition, the owner, operator, or person subject to this rule ~~facility~~ shall incorporate the alternative air pollution control equipment in any required Operation and Maintenance (O&M) Plan.

305.1 Operation and Maintenance (O&M) Plan Requirements for an ECS: For each ECS that is used to comply with this rule or an air pollution control permit, the owner, operator, or person subject to this rule shall:

- a. ~~An owner and/or operator of a facility shall provide and maintain, readily available on-site at all times, (an) O&M Plan(s) for any ECS, any other emission processing equipment, and any ECS monitoring devices that are used pursuant to this rule or to an air pollution control permit. Submit to the Control Officer for approval an O&M Plan for each ECS and for each ECS monitoring device that is used pursuant to this rule or an air pollution control permit. The O&M Plan(s) shall include all of the following information:~~
- (1) ECS equipment manufacturer name and model designation;
 - (2) ECS equipment serial number, or a unique identifier assigned by the owner;
and
 - (3) Key system operating parameters, such as temperatures, pressures and/or flow rates, necessary to determine the ECS is functioning properly and operating within design parameters, as well as the acceptable operating range, monitoring frequency, and recording method for each operating parameter.

(4) Descriptions of maintenance procedures that will be performed on each ECS and ECS monitoring device and the frequency of each maintenance procedure.

- b. The owner and/or operator of a facility shall submit to the Control Officer for approval the O&M Plan(s) for each ECS and for each ECS monitoring device that is used pursuant to this rule. Provide and maintain, readily available on-site at all times, the approved O&M Plan(s) for each ECS and each ECS monitoring device that is used pursuant to this rule or to an air pollution control permit.
- c. The owner and/or operator of a facility shall comply with all the identified actions and schedules provided in each O&M Plan. Install, maintain, and accurately calibrate monitoring devices described in the approved O&M Plan(s). The monitoring devices shall measure pressures, rates of flow, and/or other operating conditions necessary to determine if the control devices are functioning properly.
- d. Fully comply with all the identified actions and schedules provided in each O&M Plan.
- e. Upon receipt of written notice from the Control Officer that an O&M Plan is deficient or inadequate, submit a revised O&M Plan to the Control Officer within 5 working days of receipt of the Control Officer's written notice, unless such time period is extended by the Control Officer, upon written request, for good cause. During the time that the owner, operator, or person subject to this rule is preparing revisions to the O&M Plan, the owner, operator, or person subject to this rule shall comply with all requirements of this rule.

305.2 Operation and Maintenance (O&M) Plan Requirements for Dust Control Measures:

- a. An owner and/or operator of a facility shall provide and maintain, readily available on-site at all times, (an) O&M Plan(s) for equipment associated with any process fugitive emissions and fugitive dust control measures (i.e., gravel pads, wheel washers, truck washers, rumble grates, watering systems, and street sweepers) that are implemented to comply with this rule or an air pollution control permit.
- b. The owner and/or operator of a facility shall comply with all the identified actions and schedules provided in each O&M Plan.

305.3 Providing and Maintaining ECS Monitoring Devices: An owner and/or operator of a facility operating an ECS pursuant to this rule shall install, maintain, and calibrate monitoring devices described in the O&M Plan(s). The monitoring devices shall measure pressures, rates of flow, and/or other operating conditions necessary to determine if the control devices are functioning properly.

305.4 O&M Plan Responsibility: An owner and/or operator of a facility that is required to have an O&M Plan pursuant to Section 305 of this rule must fully comply with all O&M Plans that the owner and/or operator has submitted for approval, even if such O&M Plans have not yet been approved, unless notified in writing by the Control Officer.

306 FUGITIVE DUST EMISSION LIMITATIONS: An owner, operator, or person subject to this rule shall comply with the following limitations at all times and in all areas of a site, unless otherwise specified.

306.1 20% Opacity Limitation: For emissions that are not already regulated by an opacity limit, ~~the owner and/or operator of a facility~~ an owner, operator, or person subject to this rule shall not discharge, ~~or cause,~~ or allow to be discharged into the ambient air fugitive dust emissions exceeding 20% opacity, in accordance with the test methods described in Section 503 of this rule and in Appendix C-Fugitive Dust Test Methods of these rules.

306.2 Visible Emission Limitation Beyond Property Line: ~~An owner, operator, or person subject to this rule and/or operator of a facility~~ shall not ~~discharge, cause, or allow to be discharged~~ visible emissions of particulate matter, including fugitive dust emissions from any active operation, open storage pile, or disturbed surface area associated with such facility such that the presence of such fugitive dust emissions remain visible in the atmosphere beyond the property line of such facility within which the emissions are generated.

306.3 ~~Wind Event~~ Wind-Blown Dust: The fugitive dust emission limitations described in Section 306.1 and Section 306.2 of this rule shall not apply to wind-blown dust during a wind event, if the owner and/or operator of a facility ~~owner, operator, or person subject to this rule~~ meets the following conditions:

- a. Has implemented the fugitive dust control measures described in Section 307 of this rule, as applicable, and the fugitive dust emissions cannot be prevented by better application, operation, or maintenance of these fugitive dust control measures;
- b. Has compiled and retained records, in accordance with Section 501.4 of this rule; ~~and has documented by records the occurrence of a wind event on the day(s) in question. The occurrence of a wind event must be determined by the nearest Maricopa County Air Quality Department monitoring station, from any other certified meteorological station, or by a wind instrument that is calibrated according to manufacturer's standards and that is located at the site being checked;~~ and
- c. Has implemented the following ~~high wind fugitive dust~~ control measures, as applicable:
 - (1) For an active operation, implement one of the following fugitive dust control measures, ~~in accordance with the test methods described in Section 503 and Section 504 of this rule and in Appendix C-Fugitive Dust Test Methods of these rules:~~
 - (a) ~~Cease active operation of any equipment or activity that may contribute to an exceedance of the fugitive dust emission limitations described in Section 306.1 of this rule for the duration of the wind event and, if active operation is ceased for the remainder of the work day, stabilize the area;~~ or
 - (b) ~~Before and during active operations, Apply water or other suitable dust suppressant other than water to keep the soil visibly moist.~~

- (2) For an inactive open storage pile, implement one of the following fugitive dust control measures, ~~in accordance with the test methods described in Section 503 and Section 504 of this rule and in Appendix C-Fugitive Dust Test Methods of these rules:~~
 - (a) Maintain a soil crust by applying water or other suitable dust suppressant ~~other than water~~ or by implementing another fugitive dust control measure, in sufficient quantities to meet the stabilization standards described in Section 505 of this rule.
 - (b) Cover open storage pile with tarps, plastic, or other material such that wind will not remove the covering, if open storage pile is less than eight feet high.
- (3) For an inactive-disturbed surface area, implement one of the following fugitive dust control measures, ~~in accordance with the test methods described in Section 503 and Section 504 of this rule and in Appendix C-Fugitive Dust Test Methods of these rules:~~
 - (a) Uniformly apply and maintain surface gravel or a dust suppressant other than water; or
 - (b) Maintain a soil crust by applying water or other suitable dust suppressant ~~other than water~~ or by implementing another fugitive dust control measure, in sufficient quantities to meet the stabilization standards described in Section 505 of this rule.

306.4 Stabilization Standards ~~Silt Loading and Silt Content Standards for Unpaved Roads and Unpaved Parking Lots and Unpaved Staging Areas: From unpaved roads and unpaved parking and staging areas, the owner and/or operator of a facility shall not discharge or allow to be discharged into the ambient air fugitive dust emissions exceeding 20% opacity, in accordance with the test methods described in Section 502 of this rule and in Appendix C-Fugitive Dust Test Methods of these rules, and one of the following: An owner, operator, or person subject to this rule shall not allow silt loading equal to or greater than 0.33 oz/ft² for unpaved roads, unpaved parking lots, and unpaved staging areas. However, if silt loading is equal to or greater than 0.33 oz/ft², the owner, operator, or person subject to this rule shall not allow:~~

- a. ~~For unpaved roads, silt loading equal to or greater than 0.33 oz/ft² or silt content exceeding 6%. Silt content to exceed 6% for unpaved roads; or~~
- b. ~~For unpaved parking and staging areas, silt loading equal to or greater than 0.33 oz/ft² or silt content exceeding 8%. Silt content to exceed 8% for unpaved parking lots and staging areas.~~

306.5 Stabilization Standards for all other areas: An owner, operator, or person subject to this rule shall stabilize all areas of the facility, excluding unpaved roads, unpaved parking lots, and unpaved staging areas, in order to meet at least one of the standards listed below, as applicable:

- a. ~~An owner and/or operator of a facility with an open area or a disturbed surface area on which no activity is occurring (including areas that are temporarily or~~

~~permanently inactive) shall be considered in violation of this rule if area is not maintained in a manner that meets at least one of the standards listed below, as applicable. Maintain visible soil moisture;~~

- ~~(1)~~ **b.** Maintain a soil crust;
- ~~(2)~~ **c.** Maintain a threshold friction velocity (TFV) for disturbed surface areas corrected for non-erodible elements of 100 cm/second or higher;
- ~~(3)~~ **d.** 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%;
- ~~(4)~~ **e.** 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%;
- ~~(5)~~ **f.** Maintain a 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;
- ~~(6)~~ **g.** Maintain a percent cover that is equal to or greater than 10% for non-erodible elements; or
- ~~(7)~~ **h.** Comply with a standard of an alternative test method, upon obtaining the written approval from the Control Officer and the Administrator.
- b. i.** ~~If no activity is occurring on an open storage pile and material handling or surface soils where support equipment and vehicles operate in association with such facility and if an open storage pile and material handling or surface soils where support equipment and vehicles operate in association with such a facility contains more than one type of visibly distinguishable stabilization characteristics, soil textures, vegetation, or other characteristics, which are visibly distinguishable, the owner and/or operator shall test each representative surface area will be evaluated 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 505 of this rule and in Appendix C-Fugitive Dust Test Methods of these rules.~~

307 FUGITIVE DUST CONTROL MEASURES: ~~The owner and/or operator of a nonmetallic mineral processing plant and/or a rock product processing plant. An owner, operator, or person subject to this rule shall implement the fugitive dust control measures described in this Sections 307.1 through 307.12 of this rule, as applicable. When selecting a fugitive dust control measure(s), the owner and/or operator of a facility an owner, operator, or person subject to this rule may consider the site-specific and/or material-specific conditions and logistics of a facility. When doing so, some fugitive dust control measures may be more reasonable to implement than others. Regardless, any fugitive dust control measure that is implemented must achieve the applicable standard(s) described in Section 306 of this rule, as determined by the corresponding test method(s), as applicable, and must achieve other applicable standard(s) set forth in this rule. The owner and/or operator of a facility. An owner, operator, or person subject to this rule may submit a request to the Control Officer and the Administrator for the use of alternative control measure(s). The~~

request shall include the proposed alternative control measure, the control measure that the alternative would replace, and a detailed statement or report demonstrating that the measure would result in equivalent or better emission control than the measures prescribed in this rule. Nothing in this rule shall be construed to prevent an ~~owner and/or operator of a facility~~ owner, operator, or person subject to this rule from making such demonstration. Following a decision by the Control Officer and the Administrator to grant the petition, the facility shall incorporate the alternative control measure in any required Dust Control Plan. ~~When engaged in the activities described in Section 301 and Section 307.1 through Section 307.9 of this rule, the owner and/or operator of a facility shall install, maintain, and use fugitive dust control measures as described in Section 307.1 through Section 307.9 of this rule, as applicable.~~

307.1 Open Storage Piles and Material Handling: ~~The owner and/or operator of a facility~~ An owner, operator, or person subject to this rule shall implement all of the following fugitive dust control measures, as applicable. For the purpose of this rule, open storage pile(s) and material handling does not include berms ~~and guard rails~~ that are installed to comply with 30 CFR 56.93000. However, such berms ~~and guard rails~~ shall be installed and maintained in compliance with Section 306.1, Section 306.2, and Section 306.5 of this rule.

- a. Prior to, and/or while conducting ~~loading and unloading~~ loading, unloading, and excavating operations, implement one of the following fugitive dust control measures:
 - (1) Spray material with water, as necessary; or
 - (2) Spray material with a dust suppressant other than water, as necessary.
- b. When not conducting ~~loading and unloading~~ loading, unloading, and excavating operations, implement one of the following fugitive dust control measures:
 - (1) Spray material with water, as necessary;
 - (2) Maintain a 1.5% or more soil moisture content of the open storage pile(s);
 - (3) Locate open storage pile(s) in a pit/in the bottom of a pit;
 - (4) Arrange open storage pile(s) such that storage pile(s) of larger diameter products are on the perimeter and act as barriers to/for open storage pile(s) that could create fugitive dust emissions;
 - (5) Construct and maintain wind barriers, storage silos, or a three-sided enclosure with walls, whose length is no less than equal to the length of the pile, whose distance from the pile is no more than twice the height of the pile, whose height is equal to the pile height, and whose porosity is no more than 50%; ~~or~~
 - (6) Cover open storage piles with tarps, plastic, or other material to prevent wind from removing the coverings; or
 - (7) Maintain a visible crust.
- c. When installing new open storage pile(s), ~~at an existing facility and/or when installing new open storage pile(s) at a new facility, the owner and/or operator an~~ owner, operator, or person subject to this rule shall implement all of the

following fugitive dust control measures, ~~only if it is determined to be feasible on a case-by-case basis through the Dust Control Plan by assessing the amount of open land available at the property at the time the new open storage pile(s) are formed:~~

- (1) Install the open storage pile(s) ~~at least 25 feet or more~~ from the property line. An owner, operator, or person subject to this rule may be allowed to install the open storage pile(s) less than 25 feet from the property line, if the owner, operator, or person subject to this rule can demonstrate to the Control Officer that there is not adequate space to install the open storage pile(s) 25 feet or more from the property line. Such demonstration shall be made in writing and approved by the Control Officer; and
 - (2) Limit the height of the open storage pile(s) to less than 45 feet.
- d. ~~For existing open storage pile(s) and when installing open storage pile(s) for an existing facility or for a new facility, if such~~ For any open storage pile(s) will be constructed over that are more than eight feet high and will not be that are not covered, then the owner and/or operator ~~the owner, operator, or person subject to this rule~~ shall install, use, and maintain a water truck or other method that is capable of completely wetting the surfaces of the open storage pile(s).

307.2 Surface Stabilization Unpaved Parking Lots, Staging Areas, and Areas Where Support Equipment and Vehicles Operate: ~~The owner and/or operator of a facility~~ An owner, operator or person subject to this rule shall implement one of the following fugitive dust control measures on areas other than the areas identified in Section 307.3 and Section 307.4 of this rule where loaders, support equipment, and vehicles operate.

- a. Apply and maintain water;
- b. Apply and maintain a dust suppressant, other than water; or
- c. Apply and maintain a layer of washed gravel that is at least six inches deep ~~a gravel pad in compliance with Section 307.6(b)(4) of this rule.~~

307.3 Haul/Access Roads that are Not in Permanent Areas of a Facility:

- a. ~~The owner and/or operator of a facility~~ An owner, operator or person subject to this rule shall implement one of the following fugitive dust control measures, as applicable, before engaging in the use of, ~~or in the maintenance of,~~ haul/access roads. Compliance with the provisions of this section of this rule shall not relieve any person subject to the requirements of this section of this rule from complying with any other federally enforceable requirements (i.e., a permit issued under Section 404 of the Clean Water Act).
 - (1) Install and maintain bumps, humps, or dips for speed control and apply water, as necessary;
 - (2) Limit vehicle speeds and apply water, as necessary;
 - (3) ~~Pave~~ Install and maintain a paved surface;
 - (4) Apply and maintain a layer of washed gravel that is six inches deep ~~pad in compliance with Section 307.6(b)(4) of this rule;~~

- (5) Apply a dust suppressant, other than water; or
 - (6) Install and maintain a cohesive hard surface.
- b. For a new facility, if it is determined that none of the fugitive dust control measures described in Section 307.3(a) of this rule can be technically and feasibly implemented, then ~~the owner and/or operator of a new facility shall~~ the owner, operator, or person subject to this rule shall maintain a ~~minimum~~ distance of 25 feet ~~or more from~~ between the property line ~~for and~~ haul/access roads associated with the new facility. Such determination shall be made and approved in writing by the Control Officer and the Administrator and shall be approved in the Dust Control Plan.

307.4 On-Site Traffic:

- a. ~~The owner and/or operator of a facility~~ An owner, operator, or person subject to this rule shall require all batch trucks and ~~material~~ delivery trucks to remain on roads with paved surfaces or cohesive hard surfaces.
- b. ~~The owner and/or operator of a facility~~ An owner, operator, or person subject to this rule shall require all aggregate trucks to remain on paved surfaces or cohesive hard surfaces, except when driving on roads leading to and from aggregate loading areas/loading operations, as approved in the Dust Control Plan.
- c. ~~The owner and/or operator of a facility~~ An owner, operator, or person subject to this rule shall require all batch trucks and ~~material~~ delivery trucks to ~~enter and~~ exit the facility/operation only through ~~entrances~~ exits that comply with the trackout control device requirements in Section 307.6 of this rule.
- d. ~~The owner and/or operator of a facility~~ An owner, operator, or person subject to this rule shall pave or install a cohesive hard surface on permanent areas of a facility on which vehicles drive, as approved in the Dust Control Plan.

307.5 Off-Site Traffic: Hauling and/or Transporting Bulk Material: ~~When hauling and/or transporting bulk material off-site, the owner and/or operator of a facility shall implement all of the following control measures:~~

- a. ~~Load all haul trucks such that the freeboard is not less than three inches;~~
 - b. ~~Prevent spillage or loss of bulk material from holes or other openings in the cargo compartment's floor, sides, and/or tailgate(s); and~~
 - e. ~~Cover haul trucks with a tarp or other suitable closure.~~
- a. When hauling and/or transporting bulk material off-site, an owner, operator, or person subject to this rule shall implement all of the following control measures:
- (1) Load all haul trucks such that the freeboard is not less than three inches;
 - (2) Prevent spillage or loss of bulk material from holes or other openings in the cargo compartment's floor, sides, and/or tailgate(s); and
 - (3) Cover haul trucks with a tarp or other suitable closure.

b. When hauling and/or transporting bulk material within the boundaries of the facility, an owner, operator, or person subject to this rule shall implement one of the following control measures:

(1) Limit vehicle speed to 15 miles per hour or less while traveling within the facility;

(2) Apply water to the top of the load; or

(3) Cover haul trucks with a tarp or other suitable closure.

c. When hauling and/or transporting bulk material within the boundaries of a facility and crossing or accessing an area accessible to the public, an owner, operator, or person subject to this rule shall implement all of the following control measures:

(1) Load all haul trucks such that the freeboard is not less than three inches;

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

(3) Cover haul trucks with a tarp or other suitable closure.

307.6 **Trackout Control Devices, Trackout, and Spillage:**

a. **Rumble Grate and Wheel Washer Trackout Control Devices for Facilities with 60 or More Trucks Exiting on Any Day:** ~~The owner and/or operator of a new permanent facility and the owner and/or operator~~ An owner, operator, or person subject to this rule shall install, maintain, and use a rumble grate and wheel washer, in accordance with all of the following conditions, as applicable at a ~~of an existing permanent facility with a minimum of 60 or more aggregate trucks, mixer trucks, delivery trucks and/or batch trucks exiting a~~ the facility on any day onto paved public roadways/paved areas accessible to the public shall install, maintain, and use a rumble grate and wheel washer, in accordance with all of the following conditions, as applicable. For the purpose of this rule, a vehicle wash and/or a cosmetic wash may be substituted for a wheel washer, provided such vehicle wash and/or cosmetic wash has at least 40 pounds per square inch (psi) water spray from the nozzle (owner and/or operator of the facility shall have a water pressure gauge available on-site to allow verification of such water pressure), meets the definition of wheel washer (i.e., is capable of washing the entire circumference of each wheel of the vehicle), is operated in such a way that visible deposits are removed from the entire circumference of each wheel of the vehicle exiting the wash, is installed, maintained, and used in accordance with criteria in Section 307.6(a)(1)-(5) of this rule, and is approved in the Dust Control Plan for the facility.

(1) ~~The owner and/or operator of a facility~~ An owner, operator, or person subject to this rule shall locate a rumble grate within 10 feet from a wheel washer.

(a) The rumble grate and wheel washer shall be located no less than 30 feet prior to each exit that leads to a ~~paved public roadway/paved area~~ paved area accessible to the public and that is used by aggregate trucks, mixer trucks, delivery trucks, and/or batch trucks.

- (b) ~~The owner and/or operator of a facility~~ An owner, operator, or person subject to this rule may be allowed to install a rumble grate and wheel washer less than 30 feet prior to each exit if the ~~owner and/or operator of a facility~~ owner, operator, or person subject to this rule can demonstrate to the Control Officer that there is not adequate space to install a rumble grate and wheel washer no less than 30 feet prior to each exit and that a rumble grate and wheel washer at a shorter distance will be adequate to prevent trackout.
- (c) ~~A rumble grate shall consist of raised dividers (rails, pipes, or grates) a minimum of three inches tall, six inches apart, and 20 feet long, to allow a vibration to be produced such that dust is shaken off the wheels of a vehicle as the entire circumference of each wheel of the vehicle passes over the rumble grate. A vehicle wash and/or a cosmetic wash may be substituted for a wheel washer, provided such vehicle wash and/or cosmetic wash has at least 40 pounds per square inch (psi) water spray from the nozzle, meets the definition of wheel washer (i.e., is capable of washing the entire circumference of each wheel of the vehicle), is operated in such a way that visible deposits are removed from the entire circumference of each wheel of the vehicle exiting the wash, is installed, maintained, and used in accordance with criteria in Section 307.6(a)(1)-(6) of this rule, and is approved in the Dust Control Plan for the facility.~~
- (2) ~~The owner and/or operator of a facility~~ An owner, operator, or person subject to this rule shall ensure that all aggregate trucks, mixer trucks, delivery trucks, and/or batch trucks exit the facility via the rumble grate first and then the wheel washer.
- (3) ~~The owner and/or operator of a facility~~ An owner, operator, or person subject to this rule shall post a sign by the rumble grate and wheel washer to designate the speed limit as 5 miles per hour.
- (4) ~~The owner and/or operator of a facility~~ An owner, operator, or person subject to this rule shall pave the roads from the rumble grate and wheel washer to the facility exits leading to ~~paved public roadways~~/paved areas accessible to the public.
- (5) ~~The owner and/or operator of a facility~~ An owner, operator, or person subject to this rule shall ensure that all aggregate trucks, mixer trucks, delivery trucks, and/or batch trucks remain on the paved roads between the rumble grate and wheel washer and the facility exits leading to ~~paved public roadways~~/paved areas accessible to the public.
- (6) An owner, operator, or person subject to this rule shall have a water pressure gauge available on-site to measure nozzle pressure if a vehicle wash and/or cosmetic wash is substituted for a wheel washer.
- b. ~~Rumble Grate, Wheel Washer, or Truck Washer~~ **Trackout Control Devices for Facilities with Less than 60 Trucks Exiting on Any Day:** ~~The owner and/or operator of a facility~~ An owner, operator, or person not subject to Section

307.6(a) of this rule shall install, maintain, and use a rumble grate, wheel washer, or truck washer in accordance with all of the following:

- (1) A rumble grate, wheel washer, or truck washer shall be located no less than 30 feet prior to each exit that leads to a ~~paved public roadway/paved area~~ accessible to the public and that is used by aggregate trucks, mixer trucks, delivery trucks, and/or batch trucks.
 - (a) ~~The owner and/or operator of a facility~~ An owner, operator, or person subject to this rule may be allowed to install a rumble grate, wheel washer, or truck washer less than 30 feet prior to each exit if the owner and/or operator of a facility can demonstrate to the Control Officer that there is not adequate space to install a rumble grate, wheel washer, or truck washer no less than 30 feet prior to each exit and that a rumble grate, wheel washer, or truck washer at a shorter distance will be adequate to prevent trackout.
 - (b) ~~A rumble grate shall consist of raised dividers (rails, pipes, or grates) a minimum of three inches tall, six inches apart, and 20 feet long, to allow a vibration to be produced such that dust is shaken off the wheels of a vehicle as the entire circumference of each wheel of the vehicle passes over the rumble grate.~~
- (2) ~~The owner and/or operator of a facility~~ An owner, operator, or person subject to this rule shall ensure that all aggregate trucks, mixer trucks, delivery trucks, and/or batch trucks exit the facility via a rumble grate, wheel washer, or truck washer.
- (3) ~~The owner and/or operator of a facility~~ An owner, operator, or person subject to this rule shall post a sign by the rumble grate, wheel washer, or truck washer to designate the speed limit as 5 miles per hour.
- (4) If haul/access roads are unpaved between the rumble grate, wheel washer, or truck washer and the facility exits leading to ~~paved public roadways/~~ paved areas accessible to the public, a gravel pad shall be installed, maintained, and used from the rumble grate, wheel washer, or truck washer to such ~~paved public roadways/paved areas~~ paved areas accessible to the public. The gravel pad shall be flushed with water or completely replaced as necessary to comply with the trackout threshold described in Section 307.6(d) of this rule. ~~in accordance with all of the following:~~
 - (a) ~~Gravel pad shall be designed with a layer of washed gravel, rock, or crushed rock that is at least one inch or larger in diameter and 6 inches deep, 30 feet wide, and 50 feet long and shall be flushed with water or completely replaced as necessary to comply with the trackout threshold described in Section 307.6(d) of this rule.~~
 - (b) ~~Gravel pad shall have a gravel pad stabilizing mechanism/device (i.e., curbs or structural devices along the perimeter of the gravel pad) and shall be flushed with water or completely replaced as necessary to comply with the trackout threshold described in Section 307.6(d) of this rule.~~

c. **Exemptions for Wheel Washers from Trackout Control Device**

Requirements: ~~The owner and/or operator of a facility shall not be required to install, maintain, and use a wheel washer, if any one of the following are applicable:~~

- (1) ~~An owner, operator, or person subject to his rule shall not be required to install, maintain, and use a wheel washer at a facility that has all paved roads and meters aggregate or related materials directly to a ready-mix or hot mix asphalt truck, with the exception of returned products. The owner and/or operator of the facility~~ An owner, operator, or person subject to this rule shall install, maintain, and use a rumble grate in compliance with Section 307.6(b) of this rule.
- (2) ~~An owner, operator, or person subject to his rule shall not be required to install, maintain, and use a wheel washer at a facility that is less than 5 acres in land size and handles recycled asphalt and recycled concrete exclusively. The owner and/or operator of the facility~~ An owner, operator, or person subject to this rule shall install, maintain, and use a rumble grate in compliance with Section 307.6(b) of this rule and shall install a gravel pad in compliance with Section 307.6(b)(4) of this rule on all unpaved roads leading to the facility exits leading to paved public roadways/paved areas accessible to the public.
- (3) ~~An owner, operator, or person subject to his rule shall not be required to install, maintain, and use a wheel washer at a facility that has a minimum of ¼ mile paved roads leading from a rumble grate to the facility exits leading to paved public roadways/paved areas accessible to the public.~~
- (4) ~~An owner, operator, or person subject to his rule shall not be required to install, maintain, and use a wheel washer at a facility that meets the definition of infrequent operations, as defined in Section 229-238 of this rule. The owner and/or operator of the facility~~ An owner, operator, or person subject to this rule shall install, maintain, and use a rumble grate in compliance with Section 307.6(b) of this rule and shall install a gravel pad in compliance with Section 307.6(b)(4) of this rule. The gravel pad shall be installed for a distance of no less than 100 feet from the rumble grate to the facility exits leading to paved public roadways/paved areas accessible to the public. The owner and/or operator of the facility An owner, operator, or person subject to this rule shall keep records in accordance with Section 500 of this rule, as applicable. The owner and/or operator of the facility An owner, operator, or person subject to this rule shall notify the Control Officer in the event that the facility will operate more than 52 days per year based on the average rolling 3-year period after June 8, 2005 and the owner and/or operator of the facility owner, operator, or person subject to this rule shall comply with Section 307.6 of this rule, as applicable.
- (5) An owner, operator, or person subject to this rule shall not be required to install, maintain, or use a wheel washer, rumble grate, or other trackout control device specified in Section 307.6(a)-(b) of this rule, where the only possible fugitive dust release from the facility may be generated from a

process that is otherwise vented or controlled through an approved emission control system and provided the following controls are in place:

- (a) A paved surface is installed and maintained on all internal travel, parking, and vehicle maneuvering areas;
- (b) All emissions from processes that create dust are captured by an approved emission control system operated in accordance with Section 305.1 of this rule;
- (c) All dry material storage silos are equipped with an overflow warning system/device and a pressure control system which prevents spillage during silo loading;
- (d) All material from rail car bottom dumping, for rail car unloading, is contained in areas where no vehicle use or maneuvering is permitted; and
- (e) All material transfer operations are conducted in a manner that prevents spillage of material to the ground.

d. Trackout Distance: ~~An owner and/or operator of a facility shall not allow trackout to extend a cumulative distance of 25 linear feet or more from all facility exits onto paved areas accessible to the public. Notwithstanding the proceeding, the owner and/or operator of a facility shall clean up all other trackout at the end of the workday.~~

- (1) An owner, operator, or person subject to this rule shall not allow trackout to extend a cumulative distance of 25 linear feet or more from all facility exits onto paved areas accessible to the public.
- (2) An owner, operator, or person subject to this rule shall clean up all trackout at the end of the work day.

e. Cleaning Paved Roads Identified in the Dust Control Plan: ~~The owner and/or operator of a facility~~ An owner, operator, or person subject to this rule shall clean all paved roads identified in the Dust Control Plan for a facility in accordance with all of the following as applicable:

- (1) ~~The owner and/or operator of~~ An owner, operator, or person subject to this rule at a facility with a ~~minimum of~~ 60 or more aggregate trucks, mixer trucks, delivery trucks, and/or batch trucks exiting the facility on any day shall sweep the paved roads with a street sweeper by the end of each production work shift, if there is evidence of dirt and/or other bulk material extending a cumulative distance of 12 linear feet or more on any paved road.
- (2) ~~The owner and/or operator of~~ An owner, operator, or person subject to this rule at a facility with less than 60 aggregate trucks, mixer trucks, delivery trucks, and/or batch trucks exiting the facility on any day shall sweep the paved roads with a street sweeper by the end of every other work day, if there is evidence of dirt and/or other bulk material extending a cumulative distance of 12 linear feet or more on any paved road. On the days that paved roads are not swept, if there is evidence of dirt and/or other bulk material extending a cumulative distance of 12 linear feet or more on any paved road, an owner, operator, or person subject to this rule shall remove the dirt

~~and/or other bulk material from the paved internal road by the end of the work day the owner and/or operator of a facility shall apply water on at least 100 feet of paved roads or the entire length of paved roads leading to an exit to paved public roadways/paved areas accessible to the public, if such roadways are less than 100 feet long.~~

- ~~(3) The owner and/or operator of a facility,~~ An owner, operator or person subject to this rule who purchases street sweepers after June 8, 2005, shall purchase street sweepers that meet the criteria of PM₁₀-efficient South Coast Air Quality Management Rule 1186 certified street sweepers.
- ~~(4) The owner and/or operator of~~ An owner, operator, or person subject to this rule ~~a new facility shall use South Coast Air Quality Management Rule 1186 certified street sweepers to sweep paved roads~~ at a new facility.

f. Spillage: An owner, operator, or person subject to this rule shall comply with the following requirements:

- (1) Maintain all spillage in a stabilized condition with dust suppressants until removal.
- (2) Clean-up all spillage at the end of the work day.

~~307.7 Pad Construction for Processing Equipment: The owner and/or operator of a facility shall implement, maintain, and use fugitive dust control measures during the construction of pads for processing equipment, so as to meet all of the applicable requirements in this rule, and shall identify, in the Dust Control Plan, such fugitive dust control measures:~~

307.7 Weed Abatement by Discing or Blading: An owner, operator, or person subject to this rule shall implement all of the following fugitive dust control measures before, during, and after weed abatement by discing or blading:

- a. Before weed abatement by discing or blading occurs, apply water;
- b. While weed abatement by discing or blading is occurring, apply water; and
- c. After weed abatement by discing or blading occurs, pave, apply gravel, apply water, apply a suitable dust suppressant other than water, or establish vegetative ground cover.

~~307.8 Spillage: In addition to complying with the fugitive dust emission limitations described in Section 306 of this rule and implementing fugitive dust control measures described in Section 307.1 through Section 307.9 of this rule, as applicable, the owner and/or operator of a facility shall implement the following fugitive dust control measures, as applicable, when spillage occurs:~~

- ~~a. Promptly remove any pile of spillage on paved haul/access roads/paved roads;~~
~~or~~
- ~~b. Maintain in a stabilized condition any pile of spillage on paved haul/access roads/paved roads and remove such pile by the end of each day; and~~
- ~~c. Maintain in a stabilized condition all other piles of spillage with dust suppressants until removal.~~

- 307.8 Demolition:** An owner, operator, or person subject to this rule shall implement all of the following fugitive dust control measures for demolition activities:
- a. Apply water to demolition debris immediately following demolition activity; and
 - b. After demolition, apply water to all soil surfaces to establish a visible crust and to prevent wind erosion.
- 307.9 Nighttime Operations ~~Blasting Operations:~~** The owner and/or operator of a facility shall implement, maintain, and use fugitive dust control measures at night, as approved in the Dust Control Plan. An owner, operator, or person subject to this rule shall pre-water and maintain surface soils in a stabilized condition where support equipment and vehicles will operate when conducting blasting operations.
- 307.10 Other Dust-Generating Operations:** An owner, operator, or person subject to this rule shall implement the following control measures, as applicable, when conducting dust-generating operations not specifically listed in Section 307.1 through Section 307.9 of this rule, or when a dust-generating operation is finished for a period of 30 days or longer:
- a. Before disturbed surface areas are created, implement one of the following control measures:
 - (1) Pre-water site to depth of cuts, allowing time for penetration; or
 - (2) Phase work to reduce the amount of disturbed surface areas at any one time.
 - b. While disturbed surface areas are being created, implement one of the following control measures:
 - (1) Apply water or other suitable dust suppressant other than water to keep the soil visibly moist;
 - (2) Apply water to maintain a soil moisture content at a minimum of 12%, as determined by ASTM Method D2216-05 or other equivalent method as approved by the Control Officer and the Administrator. For areas that have optimum moisture content for compaction of less than 12%, as determined by ASTM Method D1557-02e1 or other equivalent method approved by the Control Officer and the Administrator, maintain at least 70% of the optimum soil moisture content; or
 - (3) Implement control measures described in Section 307.10(b)(1) or Section 307.10(b)(2) of this rule and construct fences or three-foot to five-foot high wind barriers with 50% or less porosity adjacent to roadways or urban areas to reduce the amount of wind-blown material leaving a site.
 - c. When a dust-generating operation is finished for a period of 30 days or longer, the owner, operator, or person subject to this rule shall implement one of the following control measures on the disturbed surface area within ten days after cessation nonmetallic mineral processing, related operations, or any other dust-generating operations.
 - (1) Pave, apply gravel, or apply a suitable dust suppressant other than water;
 - (2) Establish vegetative ground cover;

- (3) Implement control measures described in Section 307.10(c)(1) or Section 307.10(c)(2) of this rule and restrict vehicle access to the area;
- (4) Apply water and prevent access by fences, ditches, vegetation, berms, or other suitable barrier or means sufficient to prevent vehicle access as approved by the Control Officer;
- (5) Restore area such that the vegetative ground cover and soil characteristics are similar to adjacent or nearby undisturbed native conditions.

307.11 Nighttime Operations: An owner, operator or person subject to this rule shall implement, maintain, and use fugitive dust control measures between sunset and sunrise so as to meet all of the applicable requirements in this rule, and shall identify in the Dust Control Plan such fugitive dust control measures.

307.12 Soil Moisture: If water is the chosen control measure in an approved Dust Control Plan, the owner, operator, or person subject to this rule shall operate a water application system (e.g. a water truck) at the facility while conducting any operations that have the potential to generate fugitive dust emissions, unless a visible crust is maintained or the soil is sufficiently damp to prevent loose grains of soil from becoming dislodged.

308 FACILITY INFORMATION SIGN: ~~The owner and/or operator of a facility~~ An owner, operator, or person subject to this rule shall erect and maintain a facility information sign at the main entrance such that members of the public can easily view and read the sign at all times. Such sign shall have a white background, have black block lettering that is at least four inches high, and shall contain at least all of the following information:

- 308.1** Facility name and permittee’s name;
- 308.2** Current number of the air quality permit or of authority to operate under a general permit;
- 308.3** Name and local phone number of person(s) responsible for dust control matters; and
- 308.4** Text stating: “Dust complaints? Call Maricopa County Air Quality Department - (Insert the accurate Maricopa County Air Quality Department complaint line telephone number).”

309 FUGITIVE DUST CONTROL TECHNICIAN: ~~The owner and/or operator of a facility~~ An owner, operator, or person subject to this rule with a rated or permitted capacity of 25 tons or more of material per hour or with five acres or more of disturbed surface area subject to a permit, whichever is greater, shall have in place a Fugitive Dust Control Technician, who shall meet all of the following qualifications:

- 309.1** Be authorized by the ~~owner and/or operator of the facility~~ owner, operator, or person subject to this rule to have full authority to ensure that fugitive dust control measures are implemented on-site and to conduct routine inspections, recordkeeping, and reporting to ensure that all fugitive dust control measures are installed, maintained, and used in compliance with this rule.

- 309.2 Be trained in accordance with the Comprehensive Dust Control Training Class conducted or approved by the Control Officer, successfully complete, at least once every three years, such Comprehensive Dust Control Training Class, and have a valid dust training certification identification card readily accessible on-site while acting as a Fugitive Dust Control Technician.
- 309.3 Be authorized by the owner ~~and/or operator of the facility,~~ operator, or person subject to this rule to install, maintain, and use fugitive dust control measures, deploy resources, and shutdown or modify ~~activities~~ equipment or operations as needed.
- 309.4 Be on-site at all times during primary dust-generating operations related to the purposes for which the permit was obtained.
- 309.5 Be certified to determine opacity as visible emissions in accordance with the provisions of the EPA Method 9 as specified in 40 CFR, Part 60, Appendix A.
- 309.6 Be authorized by the owner ~~and/or operator of the facility,~~ operator, or person subject to this rule to ensure that the site superintendent or other designated on-site representative of the owner ~~and/or operator of the facility,~~ operator, or person subject to this rule and water truck and water pull drivers for each site be trained in accordance with the Basic Dust Control Training Class conducted or approved by the Control Officer with jurisdiction over the site and successfully complete, at least once every three years, such Basic Dust Control Training Class.

310 BASIC DUST CONTROL TRAINING CLASS:

- 310.1 At least once every three years, the ~~site superintendent~~ plant manager, foreman, or other designated on-site representative of the permit holder, if present at a site that has more than one acre of disturbed surface area that is subject to a permit issued by the Control Officer requiring control of PM₁₀ emissions from dust-generating operations shall successfully complete a Basic Dust Control Training Class conducted or approved by the Control Officer.
- 310.2 At least once every three years, water truck and water-pull drivers shall successfully complete a Basic Dust Control Training Class conducted or approved by the Control Officer.
- 310.3 ~~All persons having successfully completed training during the 2006 and 2007 calendar years shall be deemed to have satisfied the requirement to successfully complete the Basic Dust Control Training Class, if the training that was completed was conducted or approved by the Control Officer.~~ Completion of the Comprehensive Dust Control Training Class, as required in Section 309.2 of this rule, shall satisfy the requirement of this section of this rule.
- 310.4 For water truck drivers hired on or after [insert date of rule adoption], basic training is required within 60 days from the date of hire unless such time period is extended by the Control Officer, upon written request, for good cause.

311 DUST CONTROL PLAN:

- 311.1 ~~The owner and/or operator of a facility shall~~ An owner, operator, or person subject to this rule shall submit, to the Control Officer, a Dust Control Plan that ~~describes all fugitive dust control measures to be implemented, in order to comply with~~

Section 305.2, Section 306, Section 307, and Section 309 of this rule includes, at a minimum, the following information:

- a. Name(s), address(es), and phone numbers of person(s) responsible for the submittal and implementation of the Dust Control Plan and responsible for the dust-generating operation.
- b. Equipment associated with any process fugitive emissions to be implemented, in order to comply with Sections 301, 302, and 303 of this rule.
- c. Fugitive dust control measures to be implemented, in order to comply with Sections 305, 306, and 307 of this rule.
- d. Appropriate control measures, or a combination thereof, for every actual and potential source of fugitive dust; and
- e. Fugitive dust control measures to be implemented for other affected operations not identified in this rule, as applicable.
- f. Installation date of trackout control device, if applicable;
- g. Dust suppressants to be applied, including all of the following product specifications or label instructions for approved usage:
 - (1) Method, frequency, and intensity of application;
 - (2) Type, number, and capacity of application equipment; and
 - (3) Information on environmental impacts and approvals or certifications related to appropriate and safe use for ground application.
- h. Operation and maintenance procedures for process controls and fugitive dust control measures, including but not limited to, gravel pads, wheel washers, truck washers, rumble grates, watering systems, and street sweepers, that are used to comply with this rule or an air pollution control permit.
- i. A drawing, on 8½" x 11" paper, that shows all of the following information:
 - (1) Property boundaries and project site boundaries with linear dimensions;
 - (2) Location, linear dimensions, and specific surfaces treatment(s) and/or control measures utilized (i.e., install and maintain a paved surface or a cohesive hard surface) for staging areas, open storage piles, haul/access roads, parking areas, and permanent areas of the facility;
 - (3) Location and type of trackout control device, if applicable;
 - (4) Nearest public roads;
 - (5) North arrow;
 - (6) Planned exit locations onto areas accessible to the public; and
 - (7) Unpaved parking lot(s).
- j. The method that will be used for soil moisture testing: ASTM C566-97 (2004) "Standard Test Method for Total Evaporable Moisture Content of Aggregate by Drying" or Speedy Moisture Meter.

k. A process diagram that identifies the progression of material containing aggregate material less than 0.25 inch in diameter through the process and that includes all of the following information:

- (1) Identification of all screen outlets of aggregate material less than 0.25 inch in diameter;
- (2) Identification of all crusher outlets of aggregate material less than 0.25 inch in diameter;
- (3) Identification of all stacker points of aggregate material less than 0.25 inch in diameter;
- (4) Identification of sample points for soil moisture tests required by Section 312 of this rule; and
- (5) Identification of the applicable minimum soil moisture content required by Section 301.2(c) of this rule for each sample point for soil moisture tests.

~~311.2 The owner and/or operator of a facility shall submit, to the Control Officer, a Dust Control Plan that describes all equipment associated with any process fugitive emissions to be implemented, in order to comply with Section 301 and Section 305.2 of this rule and that includes all of the information in Section 311.2(a) and Section 311.2(b) of this rule, as applicable. If an alternative plan for conducting required soil moisture tests is approved by the Control Officer, included in a Dust Control Plan, and implemented by the owner and/or operator, as allowed under Section 301.2(e)(6) of this rule, and if the Control Officer determines that such alternative plan included in a Dust Control Plan has been followed, yet fugitive dust emissions still exceed the standards of this rule, then the Control Officer shall issue a written notice to the owner and/or operator explaining such determination. The owner and/or operator 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 Dust Control Plan, such owner and/or operator must still comply with all requirements of this rule.~~

- ~~a. Documentation for the soil moisture content in order to comply with Section 301.2 of this rule.~~
- ~~b. Documentation of soil moisture analysis for each move notice regarding portable sources.~~

~~311.3 The Dust Control Plan shall, in addition, contain all the information described in Rule 310-Fugitive Dust From Dust-Generating Operations of these rules.~~

~~311.4 All other criteria associated with the Dust Control Plan shall meet the criteria described in Rule 310-Fugitive Dust From Dust-Generating Operations of these rules.~~

311.2 An owner, operator, or person subject to this rule shall submit to the Control Officer a revised Dust Control Plan at each of the following times:

- a. At the time such owner, operator, or person subject to this rule submits an application for an air pollution control permit to the Control Officer;
- b. Prior to commencing dust generating operations, nonmetallic mineral processing, or any related operations in areas of a facility that were not previously identified in the approved Dust Control Plan;
- c. Prior to installing, maintaining, or using new roads (excluding new roads within a pit), new parking areas, or new staging areas that were not previously identified in the approved Dust Control Plan;
- d. Prior to modifying any dust control measures specified in the approved Dust Control Plan;
- e. Prior to implementing changes to the soil moisture testing protocol in the approved Dust Control Plan, except as allowed in Section 312 of this rule; and
- f. Prior to commencing construction or demolition projects that were not previously described in the approved Dust Control Plan.

311.5 **311.3** The Control Officer shall approve, disapprove, or conditionally approve the Dust Control Plan, in accordance with the criteria used to approve, disapprove or conditionally approve a permit. Failure to comply with the provisions of an approved Dust Control Plan shall be deemed a violation of this rule.

311.6 ~~With each move notice regarding portable sources, the owner and/or operator of a facility shall submit, to the Control Officer, a Dust Control Plan that meets the requirements of this section of this rule.~~

311.4 The Control Officer shall provide written notification to the owner, operator, or person subject to this rule, if the Control Officer determines any of the following:

- a. That a Dust Control Plan is incomplete;
- b. That the Dust Control Plan is conditionally approved; or
- c. That an approved Dust Control Plan has been followed, yet fugitive dust emissions still exceed the standards of this rule and, therefore, a revised Dust Control Plan is required.

311.5 The owner, operator, or person subject to this rule, who receives a notice as described in Section 311.4 of this rule, 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 written request, for good cause. During the time that such owner, operator, or person subject to this rule is preparing revisions to the Dust Control Plan, such owner, operator, or person shall still comply with all requirements of this rule.

311.6 The owner, operator, or person subject to this rule shall keep a complete copy of the approved Dust Control Plan on-site at all times.

311.7 An owner, operator, or person subject to this rule shall make available the approved Dust Control Plan to all contractors and subcontractors at a facility who are engaged in nonmetallic mineral processing or related operations that are subject to this rule.

312 ~~GENERAL REQUIREMENTS: An owner and/or operator of a facility subject to this rule shall be subject to the standards and/or requirements of this rule at all times. Failure to comply with any one of the following requirements shall constitute a violation:~~

- ~~312.1 Process emission limitations and controls described in Section 301, Section 302, and Section 303 of this rule.~~
- ~~312.2 Operation and maintenance (O&M) plan requirements for an emission control system and for dust control measures described in Section 305 of this rule.~~
- ~~312.3 Fugitive dust emission limitations described in Section 306 of this rule.~~
- ~~312.4 Fugitive dust control measures described in Section 307 of this rule.~~
- ~~312.5 Facility information sign requirement described in Section 308 of this rule.~~
- ~~312.6 Fugitive Dust Control Technician requirements described in Section 309 of this rule.~~
- ~~312.7 Basic Dust Control Training Class requirements described in Section 310.~~
- ~~312.8 Dust Control Plan requirements described in Section 311 of this rule.~~
- ~~312.9 Monitoring and recordkeeping requirements described in Section 500 of this rule.~~
- ~~312.10 Any other requirements of this rule.~~

312 CRUSHING AND SCREENING – MOISTURE TESTING REQUIREMENTS:

312.1 Moisture Testing Procedures: An owner, operator, or person subject to this rule shall conduct moisture tests as follows:

- a. Moisture testing shall be conducted on aggregate material less than 0.25 inch in diameter at the sampling points specified in Section 312.1(a)(1)-(3) of this rule.**
 - (1) At the beginning of the process line from the feed entering the line;**
 - (2) At a point between the initial shaker screen and the final stack point; and**
 - (3) From each stacker point or material placed on the stacker conveyor containing aggregate material less than 0.25 inch in diameter.**
 - (4) An owner, operator, or person subject to this rule may request in writing that moisture testing be conducted at sampling points other than those specified in Section 312.1(a)(1)-(3). In the request, the owner, operator, or person subject to this rule shall submit to the Control Officer documentation regarding the requested sampling points. The request shall include the following explanation(s): (1) safety issues (i.e., worker exposure to moving equipment) and/or feasibility issues (i.e., guards on transfer points) affecting the sampling location(s), (2) proposed alternative sampling location(s) with explanation that such alternative sampling location(s) will ensure compliance with all other moisture testing procedures in this rule, and (3) identification of such alternative sampling location(s) in the approved Dust Control Plan or in a revision approved to the Dust Control Plan.**
 - (5) An owner, operator, or person subject to this rule may request in an application for an air pollution control permit, with explanation, an alternative plan that justifies conducting fewer soil moisture tests. In the**

request, the owner, operator, or person subject to this rule shall submit to the Control Officer documentation regarding conducting fewer soil moisture tests than are required, including, but not limited to, economics, emissions rates, water availability, and technical feasibility. In addition, the owner, operator, or person subject to this rule shall demonstrate that the proposed alternative compliance demonstration plan will be equivalent in determining compliance with the soil moisture content requirements. Prior approval from the Control Officer and the Administrator shall be received before implementing the plan.

- b.** Moisture testing shall be conducted in accordance with the following requirements:
- (1)** Moisture testing shall be conducted in accordance with the requirements of ASTM C566-97 (2004) “Standard Test Method For Total Evaporable Moisture Content of Aggregate by Drying” with the exception that smaller sample portions may be used.
 - (2)** As an alternative to Section 312.1(b)(1) of this rule, an owner, operator, or person subject to this rule may use the Speedy Moisture Meter after receiving written approval from the Control Officer and after submitting to the Control Officer a written request that includes the following information:
 - (a)** A description of the alternative testing equipment, including the display range, maintenance requirements, and any limitations;
 - (b)** A correlation analysis conducted using 20 samples from the Speedy Moisture Meter and the results using ASTM C566-97 (2004). A separate correlation analysis shall be done for each unit (serial number shall be specified);
 - (c)** A description of the calibration procedures that includes the following information:
 - (i)** Calibration of each Speedy Moisture Meter (serial number shall be specified) on at least a biweekly basis against ASTM C566-97 (2004) as a standard;
 - (ii)** Identification of at least three sampling points per process line to be used for calibration in the Dust Control Plan required by Section 311 of this Rule. The three sampling points shall be at the beginning of the process line, at a point between the primary shaker and the final stack point, and at the end of the process.
 - (d)** An agreement to revert to ASTM C566-97 (2004) if the Speedy Moisture Meter results do not correlate with ASTM C566-97 (2004); and
 - (e)** Modification of the site-specific O&M Plan or Dust Control Plan to include the information described in Sections 312.1(b)(2)(c) and (d) of this rule.

312.2 Moisture Testing Frequency:

- a. If the owner, operator, or person subject to this rule is required to have in place a Fugitive Dust Control Technician according to Section 309 of this rule, then soil moisture tests shall be conducted twice daily.
- b. If the owner, operator, or person subject to this rule is not required to have in place a Fugitive Dust Control Technician according to Section 309 of this rule, then soil moisture tests shall be conducted once daily.
- c. On days when moisture testing is required, an owner, operator, or person subject to this rule shall collect a sample from each location identified in the approved Dust Control Plan within one hour after startup of the crushing and screening operation.
- d. On days when twice daily moisture testing is required, an owner, operator, or person subject to this rule shall collect a sample from each location identified in the approved Dust Control Plan at 3 pm or within one hour before shutdown of the crushing and screening operation.
- e. When crushing and screening operations continue for more than 16 hours on a day when twice daily moisture testing is required, an additional soil moisture sample shall be collected from each sampling location identified in the approved Dust Control Plan such that soil moisture samples are collected no less frequently than once in every 8-hour period.

312.3 Reduction in Moisture Testing Frequency:

- a. If the owner, operator, or person subject to this rule demonstrates that the applicable moisture contents listed in Section 301.2(c) of this rule are maintained for a minimum of 20 consecutive soil moisture samples collected from each of the sampling locations identified in the approved Dust Control Plan, then soil moisture tests may be conducted weekly in accordance with the test methods described in Section 312.1 of this rule, without prior approval from the Control Officer.
- b. If the owner, operator, or person subject to this rule fails to comply with the opacity limitations described in Sections 301.1, 306.1, or 306.2 of this rule and/or if two consecutive soil moisture tests result in a moisture level below the applicable moisture contents listed in Section 301.2(c) of this rule, then the owner, operator, or person subject to this rule shall resume the sampling frequency specified in Section 312.2 of this rule, as applicable.
- c. Each time a portable crushing operation or a portable screening operation is moved, the owner, operator, or person subject to this rule shall resume the sampling frequency specified in Section 312.2 of this rule, as applicable. The owner, operator or person subject to this rule shall repeat the procedures in Section 312.3(a) of this rule each time the portable crushing or screening operation is moved before reducing the frequency of moisture testing.

312.4 Moisture Testing Exemption: Moisture testing is not required on a crusher and/or screen plant that is enclosed and exhausted to a properly sized fabric filter baghouse.

313 STANDARDS OF PERFORMANCE FOR NONMETALLIC MINERAL PROCESSING: An owner, operator, or person subject to this rule shall comply with all applicable requirements of 40 CFR Part 60 Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants.

SECTION 400 – ADMINISTRATIVE REQUIREMENTS

401 COMPLIANCE SCHEDULE FOR NEWLY AMENDED PROVISIONS OF THIS RULE: The newly amended provisions of this rule shall become effective upon adoption of this rule except as follows:

401.1 Process Controls: Process controls required by ~~Section 301.2~~ Sections 301.2, 302.2, and 303.2 of this rule shall be implemented by ~~July 12, 2008~~ [insert date - three months after rule adoption].

401.2 O&M Plan:

- a. ~~The owner and/or operator~~ If modifications to an O&M Plan are required to achieve compliance with the requirements of this rule, an owner, operator, or person subject to this rule ~~of an existing facility~~ shall revise/update all O&M Plans by ~~June 12, 2008~~ [insert date – three months after rule adoption].
- b. The Control Officer shall take final action on an O&M Plan revision/update to address the newly amended provisions of this rule within 30 calendar days of the filing of the complete O&M Plan revision/update. The Control Officer shall notify the applicant in writing of his approval or denial.

401.3 Dust Control Plan:

- a. ~~The owner and/or operator~~ An owner, operator, or person subject to this rule ~~of an existing facility~~ shall revise/update all Dust Control Plans required by this rule by ~~June 12, 2008~~ [insert date – three months after rule adoption].
- b. The owner and/or operator of a new facility shall submit to the Control Officer a Dust Control Plan at the time such owner and/or operator submits a permit application to the Control Officer.
- c. The Control Officer shall take final action on a Dust Control Plan revision/update to address the newly amended provisions of this rule within 30 calendar days of the filing of the complete Dust Control Plan revision/update. The Control Officer shall notify the applicant in writing of his approval or denial.

401.4 Basic Dust Control Training Class: No later than December 31, 2008, a site superintendent or other designated on-site representative of the permit holder, water truck drivers, and water pull drivers shall have successfully completed the Basic Dust Control Training Class, as described in Section 310 of this rule. **Rumble Grates:** Rumble grates that are installed or moved on or after [insert date of rule adoption] shall meet the requirements described in Section 260 of this rule. If a rumble grate installed prior to [insert date of rule adoption], as identified by an installation date in the Dust Control Plan, is modified (e.g., rumble grate dividers are raised), such rumble grate is not subject to the requirements in Section 260 of this rule. However, should a source receive two or more violations for trackout during any consecutive

24-month period, then the owner, operator, or person subject to this rule shall meet the requirements described in Section 260 of this rule.

401.5 ~~Comprehensive Dust Control Training Class: No later than June 30, 2008, a Fugitive Dust Control Technician shall have successfully completed the Comprehensive Dust Control Training Class, as described in Section 309 of this rule.~~

401.6 ~~Rumble Grates: As of June 12, 2008, new rumble grates or existing rumble grates that are moved or modified must meet the requirements described in Sections 307.6(a)(1)(e) or 307.6(b)(1)(b) of this rule.~~

SECTION 500 – MONITORING AND RECORDS

501 MONITORING, RECORDKEEPING AND REPORTING: ~~Any owner and/or operator of a facility~~ An owner, operator, or person subject to this rule shall comply with the following requirements. Records shall be retained for five years. ~~and shall be made available to the Control Officer upon request.~~

501.1 Operational information required by this rule shall be kept on-site, in written or electronic format, and in a complete and consistent manner ~~on-site~~ and shall be made available without delay to the Control Officer upon request. Paper or electronic copies of records required by this rule shall be made available to the Control Officer upon request.

501.2 Records of the following process and operational information, as applicable, are required:

a. **General Data:** Daily records shall be kept for all days that ~~a facility process equipment is actively~~ operating. Records shall include all of the following:

(1) Hours of operation;

(2) Type of batch operation (wet, dry, central);

(3) Throughput per day of ~~basic raw~~ materials including sand, aggregate, and cement (tons/day);

(4) Volume of concrete produced per day (cubic yards/day) and ~~volume~~ amount of asphaltic concrete produced per day (tons/day);

(5) ~~Volume~~ Amount of aggregate mined per day ~~(tons per day)~~(tons/day); ~~and~~

(6) Amount of each ~~basic raw material including sand, aggregate,~~ nonmetallic mineral and amount of each dry material ~~cement, fly ash~~ delivered per day (tons/day or cubic yards/day);

(7) For facilities that assert to be below the thresholds in Section 307.6(a) and Section 307.6(e)(1) of this rule, the number of aggregate trucks, mixer trucks, delivery trucks, and/or batch trucks exiting the facility; and

(8) Description of operating condition of process controls as required in Section 301.2(d) of this rule.

b. ~~Additional Data For Dry Mix Concrete Plants and/or Bagging Operations:~~ Records shall include all of the following: **Soil Moisture Testing:**

- (1) ~~Number of bags of dry mix produced; The date, time, and location for each soil moisture sample collected;~~
 - (2) ~~Weight (size) of bags of dry mix produced; Results of each soil moisture test; and~~
 - (3) ~~Kind and amount of fuel consumed in dryer (cubic feet/day or gallons/day); and Corrective actions taken when soil moisture test results are below the applicable minimum moisture content in Section 301.2(c) of this rule.~~
 - (4) ~~Kind and amount of any back-up fuel, if any.~~
- e. ~~Control And Monitoring Device Data: Records shall include all of the following:~~
- (1) ~~For a fabric filter baghouse:~~
 - (a) ~~Date of inspection;~~
 - (b) ~~Date and designation of bag replacement;~~
 - (c) ~~Date of service or maintenance related activities; and~~
 - (d) ~~Time, date, and cause of fabric filter baghouse failure and/or down time, if applicable.~~
 - (2) ~~For a scrubber:~~
 - (a) ~~Date of service or maintenance related activities;~~
 - (b) ~~Liquid flow rate;~~
 - (c) ~~Other operating parameters that need to be monitored to assure that the scrubber is functioning properly and operating within design parameters; and~~
 - (d) ~~Time, date, and cause of scrubber failure and/or down time, if applicable.~~
 - (3) ~~For watering systems (e.g., spray bars or an equivalent control):~~
 - (a) ~~Date, time, and location of each moisture sampling point; and~~
 - (b) ~~Results of moisture testing.~~

501.3 O&M Plan Records: ~~An owner and/or operator of a facility shall~~ An owner, operator, or person subject to this rule shall maintain all of the following records in accordance with ~~an~~ the approved O&M Plan:

- a. **For Any ECS, ~~Any Other Emission Processing Equipment,~~ and Any ECS Monitoring Devices that are Used Pursuant to Under this Rule or ~~to~~ Under an Air Pollution Control Permit:**
 - (1) Periods of time that an approved ECS is operating to comply with this rule;
 - (2) Periods of time that an approved ECS is not operating;
 - (3) Flow rates;
 - (4) Pressure drops;
 - (5) Other conditions and operating parameters necessary to determine if the approved ECS is functioning properly;

- (6) Results of visual inspections; ~~and~~
- (7) Correction action taken, if necessary; ~~and~~
- (8) Dates of all service or maintenance related activities for each approved ECS.

~~b. For Equipment Associated With Any Process Fugitive Emissions And Any Fugitive Dust Control Measures That Are Implemented To Comply With This Rule Or To An Air Pollution Control Permit:~~

- ~~(1) A written record of self-inspection on each day that a facility is actively operating. Self-inspection records shall include daily inspections or in compliance with O&M Plan requirements, whichever is more frequent;~~
- ~~(2) Maintenance of street sweepers; and~~
- ~~(3) Maintenance of trackout control devices, gravel pads, wheel washers, and truck washers.~~

501.4 Dust Control Plan Records: ~~An owner and/or operator of a facility shall~~ An owner, operator, or person subject to this rule shall compile, maintain, and retain a written record of self-inspection of all fugitive dust control measures implemented, in order to comply with the Dust Control Plan, on each day that ~~the facility is actively operating~~ any activity capable of generating fugitive dust is conducted at the facility. ~~Self-inspection records shall include information as described in Rule 310: Fugitive Dust From Dust-Generating Operations of these rules. Self-inspection records shall include daily inspections for crusted or damp soil, trackout conditions and clean-up measures, daily water usage for dust control measures, and dust suppressant application. Such written records shall also include the following information:~~

- a. Method, frequency, and intensity of application or implementation of the control measures;
- b. Method, frequency, and amount of water application to the site;
- c. Street sweeping frequency;
- d. Types of surface treatments applied to and maintenance of trackout control devices, gravel pads, fences, wind barriers, and tarps;
- e. Types and results of test methods conducted;
- f. If contingency control measures are implemented, actual application or implementation of contingency control measures and why contingency control measures were implemented;
- g. List of subcontractors' names and registration numbers, if applicable, updated when changes are made; and
- h. Names of employee(s) who successfully completed dust control training class(es) required by Sections 309 and 310 of this rule, and the date of the class(es) that such employee(s) successfully completed.

501.5 Basic Dust Control Training Class Records: ~~An owner and/or operator of a facility shall~~ An owner, operator, or person subject to this rule shall compile,

maintain, and retain a written record for each employee subject to Section 310 of this rule. Such written records shall include the name of the employee, the date of the Basic Dust Control Training Class that such employee successfully completed, and the name of the agency/representative who conducted such class.

502 COMPLIANCE DETERMINATION FOR PROCESS EMISSIONS AND

CONTROLS: Compliance determinations for activities regulated by Sections 301 (excluding Section ~~301.1(e)~~ 301.1(b)(3)), 302, and/or 303 of this rule shall be made according to the test methods for those subparts of 40 CFR Part 60, Appendix A, ~~adopted as of July 1, 2007~~, as listed below. Such subparts of 40 CFR Part 60, Appendix A, ~~adopted as of July 1, 2007~~ and 40 CFR Part 51, Appendix M, ~~adopted as of July 1, 2007~~; are ~~adopted~~ incorporated by reference as indicated. The EPA test methods as they exist in the CFR, as listed below, are incorporated by reference in Appendix G of these rules. This ~~adoption~~ incorporation by reference includes no future editions or amendments. Copies of test methods referenced in Section 502 of this rule are available at the Maricopa County Air Quality Department, 1001 North Central Avenue, Phoenix, Arizona, 85004-1942. When more than one test method is permitted for a compliance determination, then an exceedance of the limits established in this rule, determined by any of the applicable test methods, constitutes a violation of this rule.

502.1 Grain Loading: Particulate matter ~~and associated moisture content shall~~ concentration shall be determined using the applicable EPA Reference Methods ~~1 through 5~~ Method 5, 40 CFR Part 60, Appendix A.

502.2 Opacity Observations: ~~Opacity observations to measure visible emissions from activities regulated by Sections 301 (excluding Section 301.1(e)), 302, and/or 303 of this rule 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), 40 CFR Part 51, Appendix M, adopted as of July 1, 2007. Emissions shall not exceed the applicable opacity standards described in Section 301 (excluding Section 301.1(e)), Section 302, and Section 303 of this rule for a period aggregating more than three minutes in any 60-minute period.~~

- a. Opacity observations to measure visible emissions from activities regulated by Sections 301 (excluding truck dumping directly into any screening operation, feed hopper, or crusher), 302 (excluding truck dumping directly into any screening operation, feed hopper, or crusher), and/or 303 of this rule 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), 40 CFR Part 51, Appendix M. The EPA test methods as they exist in the CFR are incorporated by reference in Appendix G of these rules. Emissions shall not exceed the applicable opacity standards described in Section 301, Section 302, and Section 303 of this rule for a period aggregating more than three minutes in any 60-minute period.
- b. ~~Opacity observations to determine compliance with the opacity limits for truck dumping directly into any screening operation, feed hopper, or crusher shall be conducted in accordance with the techniques specified in Appendix C-Fugitive Dust Test Methods of these rules.~~

502.3 Soil Moisture Testing for Watering Systems:

- a. ~~If twice daily moisture sampling is required, such sampling shall be conducted within one hour of startup and again at 3 pm or within one hour prior to daily shutdown but no less frequently than once every 8-hour period.~~
- b. ~~If daily moisture sampling is required, such sampling shall be conducted within one hour after startup.~~
- e. Moisture testing shall be conducted on all crushers, shaker screens, and material transfer points (excluding wet plants). Unless prior approval from the Control Officer is granted, moisture testing shall be conducted at the following sample points:
 - (1) Within 10 feet from the point where crushed aggregate material is placed on the discharge belt conveyor from the crusher;
 - (2) Within 10 feet from the point where screened aggregate material is placed on the conveyor; and
 - (3) From each stacker point.
- d. ~~The number of sampling points identified in Section 502.3(e)(1) through (3) of this rule may be reduced, if the owner and/or operator of a facility complies with all of the following requirements:~~
 - (1) ~~A 5% minimum moisture content, as demonstrated by a soil moisture test conducted in accordance with the test methods described in Section 502 of this rule, is maintained at the primary crusher;~~
 - (2) ~~A minimum of 20 soil moisture samples are taken at all of the points identified in Section 502.3(e) of this rule;~~
 - (3) ~~A 4% minimum moisture content, as demonstrated by a soil moisture test conducted in accordance with the test methods described in Section 502 of this rule and as demonstrated by the soil moisture samples required by Section 502.3(d)(2) of this rule, is maintained at all of the points identified in Section 502.3(e) of this rule; and~~
 - (4) ~~A written request is submitted to and approved by the Control Officer to revise/modify the Dust Control Plan to reflect the change in moisture content and the reduced number of sampling points according to the demonstration made by the owner and/or operator of a facility according to this section of this rule.~~
- e. Moisture testing is not required on a crusher and/or screen plant equipped with a baghouse or fabric filter, electrostatic precipitator, or wet scrubber, excluding wet spray bars, for control of particulate matter.
- f. Moisture testing shall include all aggregate material less than 0.25 inch in diameter.
- g. Moisture testing shall be conducted in accordance with the requirements of American Society For Testing And Materials C566-97 (2004) "Standard Test

Method for Total Evaporable Moisture Content of Aggregate by Drying” with the exception that smaller sample portions may be used.

- 503 COMPLIANCE DETERMINATION FOR EMISSIONS AND CONTROLS THAT ARE REGULATED BY SECTION ~~304.1(E)~~ 301.1(B)(3), SECTION 302.1(E) 304, AND/OR SECTION 306 OF THIS RULE:** To determine compliance with the fugitive dust emission limitations described in Section ~~304.1(e)~~ 301.1(b)(3), Section ~~304 302.1(e)~~, and/or Section 306 of this rule, opacity observations shall be conducted in accordance with the techniques specified in Appendix C-Fugitive Dust Test Methods of these rules.
- 504 COMPLIANCE DETERMINATION FOR SOIL MOISTURE CONTENT AND SOIL COMPACTION CHARACTERISTICS TEST METHODS ~~ADOPTED~~ INCORPORATED BY REFERENCE:**
- 504.1** ASTM Method D2216-05 ("Standard Test Method for Laboratory Determination of Water (Moisture) Content of Soil and Rock by Mass"), 2005 edition.
- 504.2** ASTM Method D1557-02e1 ("Test Method for Laboratory Compaction Characteristics of Soil Using Modified Effort (56,000 ft-lbf/ft³ (2,700 kN-m/m³))), 2002 edition.
- 504.3** ASTM C566-97 (2004) "Standard Test Method for Total Evaporable Moisture Content of Aggregate by Drying".
- 505 COMPLIANCE DETERMINATION FOR STABILIZATION STANDARDS TEST METHODS ~~ADOPTED~~ INCORPORATED BY REFERENCE:** The stabilization standards described in ~~Section 306.5~~ Section 306 of this rule shall be determined by using the following test methods in accordance with Appendix C-Fugitive Dust Test Methods of these rules:
- 505.1** Appendix C, Section 2.1.2 (Silt Content Test Method) of these rules to estimate the silt content of the trafficked parts of unpaved roads (not to exceed 6%) and unpaved parking lots (not to exceed 8%).
- 505.2** Appendix C, Section 2.3 (Test Methods for Stabilization-Soil Crust Determination (The Drop Ball Test)) of these rules for a soil crust.
- 505.3** Appendix C, Section 2.4 (Test Methods for Stabilization-Determination of Threshold Friction Velocity (TFV) (Sieving Field Procedure)) of these rules for threshold friction velocity (TFV) corrected for non-erodible elements of 100 cm/second or higher.
- 505.4** Appendix C, Section 2.5 (Test Methods for Stabilization-Determination of Flat Vegetative Cover) of these rules for 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) that is equal to at least 50%.
- 505.5** Appendix C, Section 2.6 (Test Methods for Stabilization-Determination of Standing Vegetative Cover) of these rules for standing vegetation cover (i.e., vegetation that is

attached (rooted) with a predominant vertical orientation) that is equal to or greater than 30%.

505.6 Appendix C, Section 2.6 (Test Methods for Stabilization-Determination of Standing Vegetative Cover) of these rules for standing vegetation 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.

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

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

506 CERTIFIED STREET SWEEPING EQUIPMENT LIST ~~ADOPTED~~

INCORPORATED BY REFERENCE: The list of street sweeping equipment (as of July 9, 2004) that has met the South Coast Air Quality Management Rule 1186 certification standards is found in support documents for the South Coast Air Quality Management District Regulation XI-Source Specific Standards, Rule 1186-PM₁₀ Emissions from Paved and Unpaved Roads and Livestock Operations and is ~~adopted~~ incorporated by reference. A copy of the list of certified street sweeping equipment can also be obtained at the Maricopa County Air Quality Department, ~~1001 North Central Avenue, Phoenix, Arizona, 85004.~~