

RULE 801 CONSTRUCTION AND EARTHMOVING ACTIVITIES  
(Adopted 11/08/2005)

A. Purpose

The purpose of this rule is to reduce the amount of fine Particulate Matter (PM-10) entrained in the ambient air as a result of emissions generated from Construction and other Earthmoving Activities by requiring actions to prevent, reduce, or mitigate PM-10 emissions.

B. Applicability

This rule applies to any Construction and other Earthmoving Activities, including, but not limited to, land clearing, excavation related to construction, land leveling, grading, cut and fill grading, erection or demolition of any structure, cutting and filling, trenching, loading or unloading of bulk materials, demolishing, drilling, adding to or removing bulk of materials from open storage piles, weed abatement through disking, back filling, travel on-site and travel on access roads to and from the site.

C. Definitions

The definitions of terms found in Rule 800 (General Requirements for Control of Fine Particulate Matter (PM-10)) shall apply to this rule.

D. Exemptions

In addition to the exemptions listed in Rule 800, Section E, the following exemptions are established for this rule:

D.1 Construction or demolition at existing single family residential dwellings.

D.2 The 20% opacity limit of Sections E.1.a and E.2.b shall not apply when Wind Gusts exceed 25 miles per hour, provided that at least one of the following control measures is implemented for each applicable Fugitive Dust source type:

D.2.a Cease dust generating activities for a period of one hour after Wind Gusts last exceed the threshold. If operations cease for the remainder of the day, stabilization measures must be implemented.

D.2.b Apply water or dust Suppressants once per hour.

D.2.c Apply water to maintain 12% soil moisture content.

D.2.d Construct fences 3-5 feet high with 50% or less porosity, and must

be done in conjunction with another measure, as above.

E. Requirements

E.1 Construction sites and Earthmoving Activities:

E.1.a All Persons who own or operate a Construction site shall comply with the requirements of Section F.1 so as to limit VDE to 20% opacity and comply with the conditions for a Stabilized Surface when applicable.

E.1.b All Persons who perform any Earthmoving Activities shall comply with the requirements of Section F.1 so as to limit VDE to 20% opacity.

E.1.c All Persons who own or operate a Construction site of 10 acres or more in size for residential developments or 5 acres or more for non-residential developments shall develop a dust control plan. The dust control plan shall be made available to the APCD upon request. The dust control plan shall comply with the requirements of Section F.

E.1.d The owner or operator required to develop a dust control plan shall provide written notification to the APCD within 10 days prior to the commencement of any Construction activities via fax or mail. The requirement to develop a dust control plan shall apply to all such activities conducted for residential and non-residential (e.g., commercial, industrial, or institutional) purposes or conducted by any governmental entity. Regardless of whether a dust control plan is in place or not the owner or operator is still subject to comply with all requirements of the applicable rules under Regulation VIII at all times.

F. Best Available Control Measures for Fugitive Dust (PM-10)

F.1 Construction and Earthmoving Activities shall comply with the following requirements:

F.1.a Pre-Activity:

F.1.a.1 Pre-water site sufficient to limit VDE to 20% opacity, and

F.1.a.2 Phase work to minimize the amount of disturbed surface area at any one time.

F.1.b During Active Operations:

- F.1.b.1 Apply water or Chemical Stabilization as directed by product manufacturer to limit VDE to 20% opacity, or
  - F.1.b.2 Construct and maintain wind barriers sufficient to limit VDE to 20% opacity. If utilizing wind barriers, control measure F.1.b.1 above shall be implemented.
  - F.1.b.3 Apply water or Chemical Stabilization as directed by product manufacturer to unpaved haul/access roads and Unpaved Traffic Areas sufficient to limit VDE to 20% opacity and meet the conditions of a Stabilized Unpaved Road.
- F.1.c Temporary Stabilization During Periods of Inactivity:
- F.1.c.1 Restrict vehicular access to the area by fencing or signage; and
  - F.1.c.2 Apply water or Chemical Stabilization, as directed by product manufacturer, sufficient to comply with the conditions of a Stabilized Surface. If an area having 0.5 acres or more of disturbed surface area remains unused for seven or more days, the area must comply with the conditions for a Stabilized Surface area.
- F.1.d Track Out/Carry Out of Bulk Materials at the site shall be mitigated in compliance with Rule 803.
- F.1.e Unpaved Roads and Unpaved Traffic Areas at the site shall comply with Rule 805.
- F.1.f Bulk Material handling operations at the site shall comply with Rule 802.
- F.1.g Material transport of Bulk Material to, from, or around the site shall comply with Rule 802.
- F.1.h Haul trucks transporting Bulk Material to, from, or around the site shall comply with Rule 802.
- F.2 Dust Control Plan:
- F.2.a Retain a copy of the dust control plan at the project site.

F.2.b Comply with the requirements of the approved dust control plan.

F.2.c A dust control plan shall contain all of the following information:

1. Name, address, and phone number of the Person responsible for the preparation, submittal, and implementation of the dust control plan and responsible for the project site.
2. A plot plan which shows the type and location of each project.
3. The total area of land surface to be disturbed, estimated daily throughput volume of earthmoving in cubic yards, and total area in acres of the entire project site.
4. The expected start and completion dates of dust generating and soil disturbance activities to be performed on the site.
5. The actual and potential sources of Fugitive Dust emissions on the site and the location of Bulk Material handling and storage areas, Paved and Unpaved Roads, entrances and exits where Track Out/Carry Out may occur, and Unpaved Traffic Areas.
6. Dust Suppressants to be applied, including: product specifications; manufacturer's usage instructions (method, frequency, and intensity of application); type, number, and capacity of application equipment; and information on environmental impacts and approvals or certifications related to appropriate and safe use for ground application.
7. Specific surface treatment(s) and/or control measures utilized to control Track Out/Carry Out, and sedimentation where unpaved and/or access points join paved public access roads.
8. The dust control plan should describe all Fugitive Dust control measures to be implemented before, during, and after any dust generating activity.

G. Record of Control Implementation

Any Person subject to the requirements of this rule shall compile and retain records that provide evidence of control measure application (i.e., receipts and/or purchase records). Such Person shall describe, in the records, the type of

treatment or control measure, extent of coverage, and date applied. For control measures which require multiple daily applications, recording the frequency of application will fulfill the recordkeeping requirements of this rule (i.e., water being applied three times a day and the date) Records shall be maintained and be readily accessible for two years after the date of each entry and shall be provided to the APCD upon request.

H. Violations

Failure to comply with any provisions of this rule shall constitute a violation of Regulation VIII.