



LEGAL ALERT

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Please note that the Maricopa County Air Quality Department recently modified its standards for dust-generating operations.

Subcontractor Registration for Dust Control

Maricopa County now requires registration for subcontractors engaged in dust-generating operations at a site that is subject to a Maricopa County dust control permit. Dust-generating operations include, for example, land clearing, maintenance and land cleanup, earthmoving, weed abatement, excavating, construction, demolition, bulk material handling, and storage/transporting operations. Any subcontractor engaged in such operations at a site subject to a Maricopa County dust control permit must comply as of August 1, 2008.

The subcontractor registration application form is available online at:

<http://www.maricopa.gov/aq/divisions/compliance/dust/Default.aspx>

Dust Control Training

As of June 30, 2008, a site of five or more acres of disturbed surface area, subject to a dust control permit issued by the Control Office, requires a Dust Control Coordinator to be on site at all times during primary dust-generating operations. Revisions also require additional training for the Dust Control Coordinator. By December 31, 2008, the coordinator must attend a Comprehensive Dust Control Training class. Site superintendents, water truck drivers, and water pull drivers must also attend a Basic Dust Control Training class at least once every three years for sites larger than one acre. (See MCAQD Rule 310 § 310)

Trackout

Maricopa County rules now require immediate cleanup of trackout, carry-out, spillage, or erosion when the trackout extends 25 cumulative linear feet or more, rather than the previous 50 cumulative linear feet. Curbs, gutters, and sidewalks must also be cleaned, but are not included in the cumulative linear distance. (See MCAQD Rule 310 § 306.2)



Permanent Stabilization

Owners or operators of a dust-generating operation must permanently stabilize disturbed surface areas when the operation is finished for more than 30 days. Previously, the County required permanent stabilization when the operation was finished for a period of eight months or longer. Stabilization must be implemented within ten days after the completion of a dust-generating operation. (See MCAQD Rule 310 § 305.11)

Monitoring and Recordkeeping

Any person who conducts dust-generating operations that require a Dust Control Plan shall keep a written record of self-inspection. The rule

now clarifies that self-inspection records must include daily inspections for crusted or damp soil, trackout conditions and clean-up measures, daily water usage, and dust suppressant application. Records must be retained for six months following termination of a dust-generating operation, and for at least two years from the date the records were initiated. (See MCAQD Rule 310 §§ 502, 503)

If you have any questions, please contact Patrick Paul at ppaul@swlaw.com | 602.382.6359 or Richard Siever at rsiever@swlaw.com | 602.382.6553.



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