

# **PIMA COUNTY DEPARTMENT OF ENVIRONMENTAL QUALITY TECHNICAL PROCEDURE**

POLICY NO.: Technical Procedure, TECH-211

EFFECTIVE DATE: August 5, 2005

## **POLICY: DETERMINING APPLICABILITY FOR FUGITIVE DUST ACTIVITY PERMITS**

The Pima County Department of Environmental Quality (PDEQ) protects air quality by regulating fugitive particulate matter emissions. The Fugitive Dust Activity Permit Program was established to ensure that individuals would be aware of fugitive dust regulations and provide to the department with information on the location and types of activities to ensure compliance. Whether or not a project requires a fugitive dust activity permit; all dust generating activities or operations are required to take reasonably necessary and feasible precaution to control the generation of airborne particulate matter.

### **PURPOSE:**

The purpose of this substantive policy is to determine the necessity of obtaining a Fugitive Dust Activity Permit.

### **Definitions:**

- A. **Definition of Land Stripping/Earthmoving:** (Title 17)  
"Land stripping" or "land stripping activity" means removal of all or any portion of existing vegetation from parcels of land with equipment, which plows or scrapes the ground surface.
- B. **Definition of Project:** (For the purposes of this policy)  
A "project" is the specific plan, design or phase of the plan that the person obtaining the permit is applying for.
- C. **Definition of Road:** (Title 17)  
"Road" means a path, trail, driveway, freeway, street, or access way, which is constructed for principle use by vehicular traffic.
- D. **Definition of Road Construction:** (Title 17)  
"Road construction" means the construction of a new roadway or the conversion of an existing unpaved road to a paved road.
- F. **Definition of Trenching:** (For the purposes of this policy)  
"Trenching," (Trench - excavation) means the construction of a narrow excavation (in relation to its length) made below the surface of the ground for the purpose of facilitating the installation and repair of underground utilities. Title 17 exempts landscaping irrigation lines in the first foot of topsoil from obtaining a trenching permit. Footers, stem walls for the structure, and patio or privacy walls are excluded from trenching permit requirements.

**G. Definition of Person:** (Title 17)

“Person” includes any public or private corporation, company, partnership, firm, trust, association or society of person, the federal government and any of its departments or agencies, the state and any of its agencies, departments or political subdivisions, as well as a natural person.

**1. General Practices:**

- A. A Fugitive Dust Activity Permit is the property of the applicant applying for the permit.
- B. A permit that covers the type of dust producing activity is required for a project. The following permitting scenarios are possible:
  - 1. One project with multiple activities will require each contractor to apply for and obtain a permit for their individual activities or;
  - 2. One contractor, owner or developer may apply for and obtain a permit for all activities.
- C. The person conducting dust producing activities requiring a permit **will** be cited if they fail to obtain a fugitive dust activity permit.
- D. PDEQ will not “amend” an existing activity permit to add additional activities for the project. A new permit must be issued at the time of the request. If, when the additional permit is requested, the footage or acreage total would have put the cost of the original permit into a higher category, the permittee will be charged the difference.

**2. Road Construction:**

- A. **Construction of a New Bike Path on Existing Roads:** A bike path is considered road construction and a permit is required if the project is over the threshold amount. For permitting purposes road construction is linear footage.
- B. **Construction of a New Bike Path AND New Roads:** If the road is being constructed at the same time as the bike path, and the bike path is within the right-of-way, it is considered one project. If the bike path is outside of the right-of-way, or is being constructed at a different time than the road project, a separate activity permit for road construction is required for the bike path and the road.

The conversion of a previously unpaved road to a paved road **IS** considered road construction.

A sidewalk is not for use by vehicular traffic and therefore not considered a road and does not require a fugitive dust activity permit for road construction.
- C. **Trenching for purposes of Road Construction:** A fugitive dust activity permit for road construction shall include trenching activities only if the trenching that occurs is directly performed for the purposes of preparing the site for a road. Refer to 3A for further clarification.
- D. **Road Construction/Maintenance:** The grading of an existing dirt road and the maintenance of the right-of-way or shoulders of an existing dirt or paved road for the purpose of weed abatement or storm water drainage shall not require a fugitive dust activity permit

### 3. Trenching:

- A. **Construction of Trenches for Utilities AND New Roads:** When a new road is proposed that will have a number of utility trenches constructed under or within the right-of-way, only a permit for road construction will be required. If utilities will be constructed at a separate time than the road construction, or at a location outside the right-of-way, separate permit coverage for trenching must be obtained.
- B. **Construction of Trenches for Utilities on Existing Roads:** In this case, no new road is being constructed and trenching is the primary activity. As such, permits shall be based on the total linear footage of trenching occurring.

### 4. Land Stripping/Earthmoving:

- A. **Additional Land Stripping/Earthmoving during Road Construction:** The activity permit for road construction applies to all earthmoving activities within the right-of-way. Any additional earthmoving activities outside the right-of-way will require additional permit coverage for the total acreage disturbed.
- B. **Parking Lots:** If the project is over the threshold amount, the construction of a parking lot requires a fugitive dust activity permit for land stripping/earthmoving.
- C. **Home/Bldg Sites:** Only if the area being cleared for the footprint of the home or building meets the threshold amount will a permit be required.
- D. **Permanent Earthmoving Operations:** Persons conducting ongoing earthmoving activity at quarry pits, landfills, and other facilities that are not covered by the conditions of a stationary source Air Quality Operating Permit must obtain an initial one-time Fugitive Dust Activity Permit to cover the aggregate of area that they plan to affect in the future.

### 5. Property Improvements:

- A. **Fugitive Dust Activity Permits for Property Improvements, Single Lot:** Trenching for landscaping purposes is exempt. The trenching for extending utilities from the property line to the structure shall require permitting if the sum of trenching for all utilities is greater than 300 feet. Construction of new a driveway over the threshold amount requires a permit.
- B. **Fugitive Dust Activity Permits for Property Improvements, Multiple Lots:** When a single project consists of improving multiple sites, permit requirements shall be based on contiguous activities that meet threshold activity amounts. This includes all utility trenches, roads and land stripping/earthmoving activities for the project.
- C. Only demolition and renovation projects subject to the asbestos NESHAP require a NESHAP Activity Permit.
- D. The property owner and/or developer are responsible for dust control after the construction is complete. PDEQ may also cite the person engaging in dust producing activities.

APPROVED BY:

Ursula Nelson 6.21.2016

Ursula Nelson

Director

Date

Original Policy Approved: February 9, 2005

Date(s) Revised: August 5, 2005, September 10, 2010, June 21, 2016