

RULE 804 OPEN AREAS

(Adopted 11/08/2005; Revised 10/16/2012; Revised 04/12/2016)

A. Purpose

The purpose of this regulation is to reduce the amount of fine Particulate Matter (PM₁₀) entrained in the ambient air as a result of emissions generated from Open Areas by requiring actions to prevent, reduce, or mitigate PM₁₀ emissions.

B. Applicability

This rule shall apply to any open area having 0.5 acres or more within urban areas, or 3.0 acres or more within rural areas; and contains at least 1000 square feet of disturbed surface area.

C. Definitions

The definition of terms found in Rule 800 (General Requirements for Control of Fine Particulate Matter (PM₁₀)) 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 Agricultural Operation Sites subject to Rule 806, Conservation Management Practices.

D.2 Recreational OHV Use Areas on public lands subject to Rule 800, General Requirements for Control of Fine Particulate Matter (PM₁₀).

E. Requirements

E.1 Open Areas: all Persons who own or otherwise have jurisdiction over an Open Area shall comply with one or more of the requirements of Section F.1 to comply with the conditions of a Stabilized Surface at all times and limit VDE to 20% opacity.

E.2 Vehicle use in Open Areas: within 30 days following initial discovery of evidence of trespass, a Person who owns or otherwise has jurisdiction over an Open Area shall prevent unauthorized vehicle access by posting "No Trespassing" signs or installing physical barriers such as fences, gates, posts, and/or appropriate barriers to effectively prevent access to the area.

F. Best Available Control Measures for Fugitive Dust (PM₁₀)**F.1 OPEN AREAS**

Any Combination of BACM and Alternative BACM is permissible.

F.1.a Apply and maintain water or dust suppressant(s) to all unvegetated areas.

F.1.b Establish vegetation on all previously disturbed areas.

F.1.c Pave, apply and maintain Gravel, or apply and maintain Chemical Stabilizers/Suppressants

F.1.d Implement Alternative BACM, approved in accordance with subdivision G.

G. Alternative BACM Approval Process

G.1 The APCD may approve Alternative BACM if:

G.1.a Both a technical evaluation submitted to the APCD and APCD-witnessed field test(s) (number and nature of tests determined by APCO) demonstrate that the proposed Alternative BACM achieves PM₁₀ emissions reductions equivalent to BACM measures identified at F.1.a, F.1.b, and F.1.c available for the applicable operation and that the dust control method will achieve a STABILIZED SURFACE and meet the 20% opacity requirement; and,

G.2 After the APCD has accepted the Alternative BACM, the proposed Alternative BACM will be submitted to EPA for its approval.

H. 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.

I. Violations

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