

Nye County

DUST MANAGEMENT HANDBOOK

FOR

THE PAHRUMP REGIONAL PLANNING DISTRICT

May 2007

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ACRONYMS AND DEFINITIONS

Additional definitions are included in Section 15.28.070 of the Nye County Code.

Best Management Practices (BMP) – The suite of the most appropriate control measures for preventing or minimizing the generation of Fugitive Dust. **For the purpose of this Handbook, the definition of Best Management Practices is synonymous with Best Practical Methods, as defined in Subsection 15.28.070 of the Nye County Code.**

Bulk material – Any material, including but not limited to, earth, rock, silt, sediment, sand, gravel, soil, fill, aggregate less than 2 inches in length or diameter, dirt, mud, demolition debris, cotton, trash, cinders, pumice, saw dust, feeds, grains, fertilizers, and dry concrete, which is capable of producing Fugitive Dust at an industrial, institutional, governmental, construction, and/or demolition site.

Control measure – A technique, practice, or procedure used to prevent or minimize the generation, emission, entrainment, suspension, and/or airborne transport of Fugitive Dust. An action or practice employed to comply with a Control Requirement.

Control requirement – A summary statement of the code requirements pertaining to a particular activity or action.

Dust Control Plan (DCP) – A plan to formalize a project-specific Fugitive Dust control program.

Dust Palliative – Hygroscopic material, non-toxic chemical stabilizer or other material which is not prohibited for ground surface application by the federal U.S. Environmental Protection Agency (EPA) or the Nevada Division of Environmental Protection (NDEP) or any applicable law or regulation, used as a treatment material for reducing Fugitive Dust emissions. Water, solutions of water and chemical surfactants, and foam are not Dust Palliatives for the purpose of these regulations.

Dust Suppressant – Water or any hygroscopic material, solution of water and chemical surfactants, foam, non-toxic chemical stabilizer or any other Dust Palliative which is not prohibited for ground surface application by the federal U.S. Environmental Protection Agency (EPA) or the Nevada Division of Environmental Protection (NDEP) or any applicable law or regulation, used as a treatment material for reducing Fugitive Dust emissions.

U.S. EPA – United States Environmental Protection Agency

Freeboard – The distance measured from the upper limit of the side of the storage area of a truck to the fill line.

Fugitive Dust – Particulate matter, which is not collected by a capture system, and that could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening. Fugitive Dust is entrained in the air and is caused from human and/or natural activities, such as but not limited to, movement of soils, vehicles, equipment, blasting, and wind.

NDEP – Nevada Division of Environmental Protection

Notice of Alleged Violation (NOAV) – A notice of an alleged violation of the Nye County Dust Control Code.

Owner/Operator – The owner or operator (contractor, developer, etc.) that is directly involved in a soil disturbing activity.

Particulate Emission Potential (PEP) – The characteristic ability of specific soil types to emit dust.

Silhouette area – The area of a shadow produced if a light was shone directly from the opposite side of an object.

Stable, and/or Stabilized – Soils are considered stable or stabilized when they are in compliance with the standard set forth per Nye County Code 15.28.140.

Staging area – Any portion of a construction project used for storing materials, parking vehicles, and equipment; may be a separate area from the main construction project area.

Surfactant – A compound or element that reduces the surface tension of a liquid. The term is used in this document to describe wetting and spray additives designed to promote the economical application of water to hydrophobic soils. Surfactants prevent drifting, decrease run-off, increase the penetrating and wetting properties, and promote more even, consistent spray patterns.

Tackifier – A substance used with water to hold together mulches and other Dust Palliatives, which binds small particles together without forming a hard crust.

Track-out – Soils on paved roadways deposited from vehicles that have passed from a construction site or from an unpaved access route or area onto the paved surface.

Type II Material – Base Aggregate as defined in Section 704 of the Uniform Standards Specifications for Public Works' Construction Off-Site Improvements, Nye County Area, Nevada.

Wheel shaker – A device capable of spreading the tread on tires and shaking the wheels and axles of vehicles for the purpose of releasing mud, soils, and rock from the tires and undercarriage to prevent tracking those materials onto paved surfaces.

Wheel washer – A station or device, either temporary or permanent, that utilizes a bath or spray of water for the purpose of cleaning mud, soils, and rock from the tires and undercarriage of vehicles to prevent tracking those materials onto paved surfaces.

Wobbler – Type of sprinkler head designed to minimize evaporation of water by enhancing the horizontal spray pattern.

INTRODUCTION

The Nye County Air Quality Program Administrator (AQPA) regulates construction activities that disturb soil in the Pahrump Regional Planning District, Nye County, Nevada. A Dust Control Plan (Plan) is required for most soil-disturbing projects where the total disturbance on one or contiguous parcels by the same operator equals or exceeds 0.5 acre.

A Dust Control Plan must be submitted to and deemed complete by the AQPA before soil is disturbed. All plans, forms, fees, and documentation required for submittal to Nye County shall be submitted to the AQPA. The Nye County Air Quality Program Administrator Offices are located at 250 N. Highway 160, Suite 1, Pahrump, Nevada 89060-4039. The AQPA must be notified after the completion of a project.

Each Zoning Review application for construction activities, as well as projects involving the construction of unpaved parking and storage areas, open areas and vacant lots that propose a disturbance of 0.5 acre or greater must have a Dust Control Plan outlining control measures to prevent Fugitive Dust. Control measures are based upon soil type and project activities. Soil types are classified based upon particulate emission potential (PEP). A map of the Pahrump Valley soil PEP is provided as Figure 1 in this Handbook.

Fugitive Dust emission violations are strictly enforced. Owner/operators and contractors are responsible for controlling dust on their projects 24 hours a day, 7 days a week; there are no exceptions. Violators may be required to pay penalties or possibly suspend operations until the Fugitive Dust is mitigated on the construction sites.

This Dust Management Handbook (Handbook) provides a guideline for developing a Dust Control Plan. The Handbook has been divided into the following parts:

GENERAL INFORMATION:

- a. Dust Control Plan Requirements (DCP)
- b. General Construction Project Activities (GEN)

BEST MANAGEMENT PRACTICES:

- a. Soil Particulate Emission Determination Charts and Maps
- b. Best Management Practices (BMP) for Construction Activities

ATTACHMENTS:

- a. Attachment 1 - Dust Control Plan Forms
- b. Attachment 2 - Policy on Dust Palliative Use In The Pahrump Regional Planning District, Nye County, Nevada
- c. Attachment 3 - Design and Posting of Dust Control Plan Signage
- d. Attachment 4 - Dust Control Code

DUST CONTROL PLAN SUMMARY

DCP 01

REQUIREMENTS:

- Owners/operators and contractors are responsible for controlling dust on their projects 24 hours a day, 7 days a week; there are no exceptions. Violators may be required to pay penalties or possibly suspend operations until the Fugitive Dust is mitigated on the construction sites.
- Plan required for soil-disturbing projects with aggregate disturbances of 0.5 acres or greater.
- *BMP Control Requirements* must be addressed by *Control Measures*.
- *BMP Control Measures* must be followed for every soil disturbing or construction activity.

CONTROL MEASURES

1. A Dust Control Plan is required for soil-disturbing or construction projects that disturb an aggregate of 0.5 acres or greater. A Dust Control Plan for projects with aggregate disturbances of 5 acres or more, which requires review by the Nevada Division of Environmental Protection, should be submitted for Nye County review prior to submittal to the Nevada Division of Environmental Protection.
2. Dust Control Plans may be submitted by the property owner or authorized designee.
3. Dust Control Plan requirements:
 - a. Submit a complete form that includes project vicinity and assessor's parcel maps (see Attachment 1: Dust Control Plan Application Form DCP 01). Completed Dust Control Plans should be submitted to Nye County as indicated in the Introduction of this Dust Management Handbook.
 - b. For soil disturbing or construction projects equal to or greater than 0.5 acre, a Dust Control Plan using the Best Management Practices in the Handbook must be submitted. Control Measures must be selected to meet all Control Requirements. Consider project conditions and logistics when identifying and selecting Best Management Practices and Control.
4. A Dust Control sign must be conspicuously posted on every construction site requiring a Dust Control Plan (see Code Section 15.28.160(A.1)).

DUST CONTROL PLAN SUMMARY (continued)

DCP 01

5. Copies of the Dust Control Plan and related maps must be supplied to all contractors and subcontractors. A complete copy must be kept at the construction site at all times.
 6. Notify Nye County of any proposed modifications to the Dust Control Plan. Submit a Dust Control Plan Modification form DCP 05 or 08 (see Attachment 1: Dust Control Plan Forms).
 7. Dust Control Plans are reviewed as a part of the Zoning Review or Site Development application process. Emergency measures are exempt from permitting requirements, but are not exempt from the application of dust mitigation measures or the use of Best Management Practices.
-

DUST CONTROL PLAN SIGNAGE

DCP 02

REQUIREMENTS:

- The Dust Control Plan sign must be placed in a conspicuous place on the project site prior to commencement of construction activities.
- The phone numbers posted on the Dust Control Plan sign must be for a person responsible for project dust control, and who can be reached during evening and weekend hours.

DUST CONTROL SIGNAGE

1. The Dust Control Plan sign must be placed on the project site and must be conspicuous to the public. The phone number posted on the Dust Control Plan sign must be for a person who can be reached during evening and weekend hours. That person must be able to implement Fugitive Dust Control Measures.
2. The owner/operator of any project requiring a Dust Control Plan must install a sign on the property prior to the commencement of construction. This sign must measure, at minimum, two (2) feet wide by two (2) feet high, conforming to the Nye County Code regarding the posting of informational signs on construction sites (see Code Section 15.28.160).
3. Projects less than two (2) weeks in duration may request a waiver of the requirement of posting a Dust Control Plan sign.

DUST CONTROL PLAN MODIFICATIONS

DCP 03

REQUIREMENTS:

- Modifications must be made on a Dust Control Plan Modification form and submitted to Nye County for review.
- If modification is in response to a Notice of Alleged Violation or Order, it must be noted on the modification form, and corrective action must take place as directed.

PLAN MODIFICATION

Modifications to a Dust Control Plan can be made with Nye County approval.

1. A Dust Control Plan Modification form must be submitted to Nye County (see Attachment 1: Dust Control Plan Forms)
2. If the parcel changes ownership or you wish to change the owner/operator during the lifetime of a Dust Control Plan, a MODIFICATION OF DUST CONTROL PLAN – TRANSFER OF PLAN AND/OR CHANGE OF PROPERTY OWNER (form DCP 08) must be submitted, and proof of ownership, or Owners Designee Form (DCP 04), whichever is appropriate, must be provided with the form.
3. The Dust Control Plan Modification application form must be signed by the owner/operator or written designee.
4. If the modification is in response to a Notice of Alleged Violation or Corrective Action Order issued by Nye County, it should be so noted on the modification form. The corrective action must take place as directed. All other Dust Control Plan requirements remain in effect while the modification is being processed.
5. If the selected control measures are inadequate to meet the requirements of Code Section 15.28.140(A), Soil Stabilization Standards of the Dust Control Code, additional or more stringent standards must be selected. A Dust Control Plan Modification form must be submitted.

DUST CONTROL PLAN CLOSURE

DCP 04

REQUIREMENTS:

- **Within 20 working days of the completion of the project, the site must be stabilized and a Certificate of Project Completion form submitted to Nye County.**

DUST CONTROL PLAN CLOSURE/RENEWAL

Dust Control Plans must be closed out to document completion of project activities.

1. Within 20 working days of the completion of the project, a Certificate of Project Completion (form DCP 07) must be submitted to the Nye County Air Quality Program Administrator (see Attachment 1: Dust Control Plan Forms).
2. A site visit will be conducted to determine if the parcel is properly stabilized. Upon verification of stabilization, the Dust Control Plan will be closed.
3. If the parcel has not been properly stabilized, the owner/operator will be notified of the deficiencies with a Corrective Action Order outlining corrective measures and timelines. Another Dust Control Plan Closure form must be submitted and a follow-up site visit will be conducted.
4. The Dust Control Plan is valid for one (1) year. If a project is not completed within a year, a plan renewal must be submitted.
5. Plan renewal may be accomplished by submitting an updated Dust Control Plan (DCP 01) and applicable fees.

DUST CONTROL PLAN COMPLIANCE

DCP 05

REQUIREMENTS:

- Comply with all control measures as required by Nye County Code.
- Comply with all control measures as directed in a Notice of Alleged Violation or Order.
- Comply with all control measures listed in Dust Control Plan.
- Employ control measures in all phases of construction activities.

CODE OVERVIEW

1. All owner/operators, contractors, or other persons involved in construction activities must employ the control measures as set forth in their Dust Control Plan as described in this Handbook.
2. The following circumstances constitute a violation of the Nye County Code:
 - (a) Allowing Fugitive Dust emissions to exceed the standard as set forth in Section 15.20.080(A), (i.e. a visual emission of particulate matter whose opacity exceeds 20 percent using the Time Averaged Method).
 - (b) Failure to submit a complete Dust Control Plan before engaging in activities that disturb or have the potential to disturb soils and/or cause or have the potential to cause Fugitive Dust to enter the air.
 - (c) Failure to submit a complete Dust Control Plan for all areas subject to construction activities.
 - (d) Conducting a construction activity as defined by Section 15.28.070 for which no specified control option is indicated in the Dust Control Plan.
 - (e) Failure to perform any duty to allow or carry out an inspection, entry, or monitoring activity required by Nye County.
 - (f) Failure to implement any item that is listed as a "Requirement" in the Best Management Practices section of the Handbook for an applicable construction activity.

DUST CONTROL PLAN COMPLIANCE (continued)

DCP 05

- (g) Failure to implement any Best Management Practice listed in the Dust Control Plan.
- (h) Failure to maintain static (not actively worked) project soils with adequate surface crusting to prevent wind erosion as measured by test method "Soil Crust Determination (The Drop Ball Test)" Section 15.28.140(A) "Stabilization Standards", or alternative Control Measures approved in the Dust Control Plan.
- (i) Failure to comply with any record keeping or miscellaneous requirements of this Section.
- (j) Failure to comply with any other provision of this section.
- (k) Failure to prepare a new plan or renew an existing plan.

WARNING LETTER(S)

When a Code Compliance Officer observes an imminent violation of Chapter 15.28, a warning letter may be issued to the owner/operator and/or persons conducting the activity. The Warning Letter will identify the corrective actions that should be taken. If the corrective action is intended to be a permanent change to the methods for dust mitigation on site, a modification to the Dust Control Plan must be filed by the owner/operator to incorporate the Control Measures specified by the Warning Letter. The owner/operator may contact the Code Compliance Officer for more information.

NOTICE OF ALLEGED VIOLATION

1. If a Notice of Alleged Violation (NOAV) is received for violation(s) of the Dust Control Code in Chapter 15.28, it will be accompanied by a form entitled "Option Letter." The following choices will be presented:
 - (a) **Contest neither the "facts alleged" nor the "penalty assessed";**
 - (b) **Contest the penalty assessed.** In this instance, the alleged facts are not contested, only the penalty is considered inappropriate. The documentation submitted should be focused on the factors regarding the penalty. The owner/operator may contact the Code Compliance Officer for more information; or

DUST CONTROL PLAN COMPLIANCE (continued)

DCP 05

- (c) **Contest the facts alleged and the penalty assessed in the NOAV.** This option may be selected if the alleged facts of the NOAV can be reasonably disputed and the penalty is considered inappropriate. Proper and complete documentation of Dust Control Measures should be submitted with the Option Letter. The owner/operator may contact the Code Compliance Officer for more information.
2. The NOAV also will identify the corrective action(s) and the date by which the corrective action(s) must be implemented. If the corrective action is intended to be a permanent change to the methods for dust mitigation on site, a modification to the Dust Control Plan must be filed by the owner/operator to incorporate the Control Measures specified by the NOAV.
 3. If the owner/operator wishes to contest either the facts alleged and/or the penalty assessed in the NOAV, a meeting with the Compliance Review Committee must be scheduled. The owner/operator must contact the Code Compliance Officer and return the completed "Option Letter" within 14 calendar days of receiving the NOAV to schedule the Compliance Review Committee meeting.
 4. The finding(s) and recommendation(s) of the Compliance Review Committee will be forwarded to the owner/operator in a Settlement Agreement.
 5. If an "Order to Pay" is included, the owner/operator must pay the assessed penalties within 30 calendar days of receipt, or contact the AQPA within 7 calendar days to set up a payment plan. When a payment plan is established, the first payment will be due at the time the payment plan is established.

APPEALING A NOTICE OF VIOLATION

An owner/operator who is not satisfied with the CRC decision, may request an appeal hearing. The appeal will be heard *de novo*. Thus, any information and/or evidence previously submitted and considered must be brought to the Air Quality Appeal Hearings and Adjudications.

There is a 14 calendar day time limit in which to appeal the finding(s) and recommendation(s) of the Compliance Review Committee. A "Request for Hearing Before Nye County Hearing Officer" form (DCP 09) must be submitted to the AQPA. Appeal requests must be received within 14 calendar days of receipt of the Settlement Agreement. The Appeal Hearing process is described in Nye County Ordinance 316.

An owner/operator who is not satisfied with the Hearing Officer's decision, may request an appeal hearing before the Board of County Commissioners (BOCC). The appeal will be heard *de novo*. Thus, any information and/or evidence previously submitted and considered must be brought to the Nye County Board of Commissioners Meeting.

There is a 10 calendar day time limit from the date of service of the Order of Adjudication in which to appeal the decision of the Nye County Hearing Officer. An "Appeal to the Nye County Board of County Commissioners From Order of the Nye County Air Quality Hearing Officer" form must be submitted to the Clerk of the Board along with a \$50.00 filing fee. The BOCC Appeal Hearing process is described in Nye County Ordinance 316.

PENALTY STRUCTURE

The penalty structure for calculation of fines is defined in the Nye County Pahrump Regional Planning District Penalty Policy and Guidance Document. Penalties are assessed for violation(s) of the Nye County Code 15.28, including but not limited to:

- violations of the Dust Control Plan;
- failure to maintain soils in a damp, crusted, or stabilized condition, or to clean track-out from paved roads;
- emissions of Fugitive Dust;
- non-compliance with a Corrective Action Order;
- failure to post signs;
- failure to prepare, modify, or renew a Dust Control Plan;
- failure to pay any fee, fine or penalty.

The maximum penalty amount may not exceed \$10,000 per day per violation.

DUST CONTROL PLAN FEES

DCP 06

REQUIREMENTS:

- Pay fees as required for Dust Control Plan review.
- Pay fees as required for Dust Control Plan modification.
- Pay fees as required for Dust Control Plan renewal.

DUST CONTROL PLAN FEE STRUCTURE

Fees for Nye County technical review of Dust Control Plans required by this Handbook and final inspection at Dust Control Plan Closure shall be assessed as follows:

1. New or Renewed Dust Control Plan:

- a. Dust Control Plan applications having an aggregate disturbance of up to 1 acre - \$50.
- b. Dust Control Plan applications having an aggregate disturbance of greater than 1 acre - \$50/acre rounded up to the nearest full acre.

2. Dust Control Plan Modifications:

Substantive Dust Control Plan modifications (all modifications other than point of contact), regardless of reason for modification:

- a. Projects having an aggregate disturbance of up to 1 acre - \$50
- b. Projects having an aggregate disturbance of greater than 1 acre - \$50/acre rounded up to the nearest full acre.

PHASING

GEN 01

REQUIREMENTS:

- Address all phases and stages of construction.
- Phases must have distinct physical boundaries.
- Include stage number, title, acreage, controls, and BMPs.

CONTROL MEASURES

1. The Dust Control Plan must address all phases and stages of the construction project. For projects with large cut and fill requirements, the land not active after the cut and fill must be stabilized using a palliative or other approved Control Measure and vehicle access must be prevented. Owner/operators should also limit the area disturbed at any one time, to the extent possible.
2. The construction project may consist of a single phase or be divided into as many phases as the owner/operator chooses. Each phase must have distinct physical boundaries to make it easily identifiable.
3. When project stages are identified, the following information must be provided for each project stage:
 - a. Stage number and title;
 - b. Amount of acreage included in stage;
 - c. Control Requirements for activity; and
 - d. Best Management Practice control measures to be implemented to meet Control Requirements.

4. Project planning for dust control is an effective method for reducing potential emissions on a construction site. Project planning may include the following procedures:
- a. Reducing the size of the staging area;
 - b. Disturbing only a portion of the overall site at one time;
 - c. Paving roadways as soon as possible;
 - d. Constructing block walls as soon as possible;
 - e. Planting perimeter vegetation with greater than 50 percent silhouette areas at the beginning of the project;
 - f. Limiting the number of ingress and egress points;
-
- g. Paving parking lots as soon as possible;
 - h. For large cut and fill projects, stabilizing the portion of the construction site not being actively worked on for the period of time it is vacant; or
 - i. Confine import haul traffic to compacted or paved routes, where possible, to avoid picking up soil and rock in tire treads.

RECORD KEEPING

GEN 02

REQUIREMENTS:

- Record use of Dust Palliatives and Suppressants.
- Record track-out conditions and cleanup.
- Notify Nye County when project is complete.
- Record verification of compliance with all applicable Dust Control Measures.
- Notify Nye County of compliance with a Notice of Alleged Violation or Order.
- Retain project records.

CONTROL MEASURES

1. Document all use of Dust Palliatives on the Dust Palliative Information form DCP 06 (see Attachment 1: Dust Control Plan Forms).
2. Record track-out conditions daily and document cleanup measures taken.
3. Record other Dust Control Measures taken, including date, time, and amount of water applied for dust control purposes.
4. Notify Nye County of compliance with any Notice of Alleged Violation or Corrective Action Order issued.
5. Notify Nye County upon completion of project.
6. Retain all project records for one year or six months beyond project completion, whichever is greater.

WEATHER MONITORING

GEN 03

REQUIREMENTS:

- **Monitor current weather conditions and weather predictions from the National Weather Service.**
- **Cease all construction activities if Fugitive Dust cannot be controlled.**

CONTROL MEASURES

1. When winds occur that cause Fugitive Dust emissions, despite adhering to all Best Management Practices, all construction activities must cease immediately, except the operation of water trucks, which may continue to operate.
 2. Water trucks should continue to operate under these circumstances unless wind conditions are such that continued operation of watering equipment cannot reduce Fugitive Dust emissions or visibility is limited to an extent that it is hazardous to continue operating equipment.
-

BEST MANAGEMENT PRACTICES FOR DUST CONTROL

Best Management Practices (BMPs) are site-specific Dust Control Measures that are based on each project soil type, specific construction activities, phases and stages. These practices must be included in each Dust Control Plan and are established to meet the goal of reducing particulate emissions from construction sites. Additionally, some practices are designed for the purpose of reducing the amount of water needed for Dust Control.

1. Soil Type Categories

Soil types are classified into two categories (high (H) and low (L)) based on their Particulate Emission Potential (PEP). PEP is determined by soil silt content (measured by the soil percentage that will pass through a 200-mesh sieve).

Figure 1 is a map of the Nye County portion of the Pahrump Valley delineating the soil PEP categories.

2. Best Management Practices

The following subsections list the current BMPs developed and approved for use in Nye County for dust mitigation for construction activities. The BMPs are organized alphabetically by construction activity.

The control requirements of each construction activity category to be conducted on the construction project must be met through implementation of control measures. Within most construction activity categories, there are choices of control measure(s) to be selected from to meet the control requirements. Control requirements are stated for each construction activity. All control measures that will be used to meet the control requirements on the construction project must be identified in the Dust Control Plan for each construction activity.

Control measures are presented by soil type category where applicable. Some control measures apply to construction activities regardless of soil type. The control measures selected to meet control requirements must address the soil type for the area in which the construction project is permitted (see Figure 1).

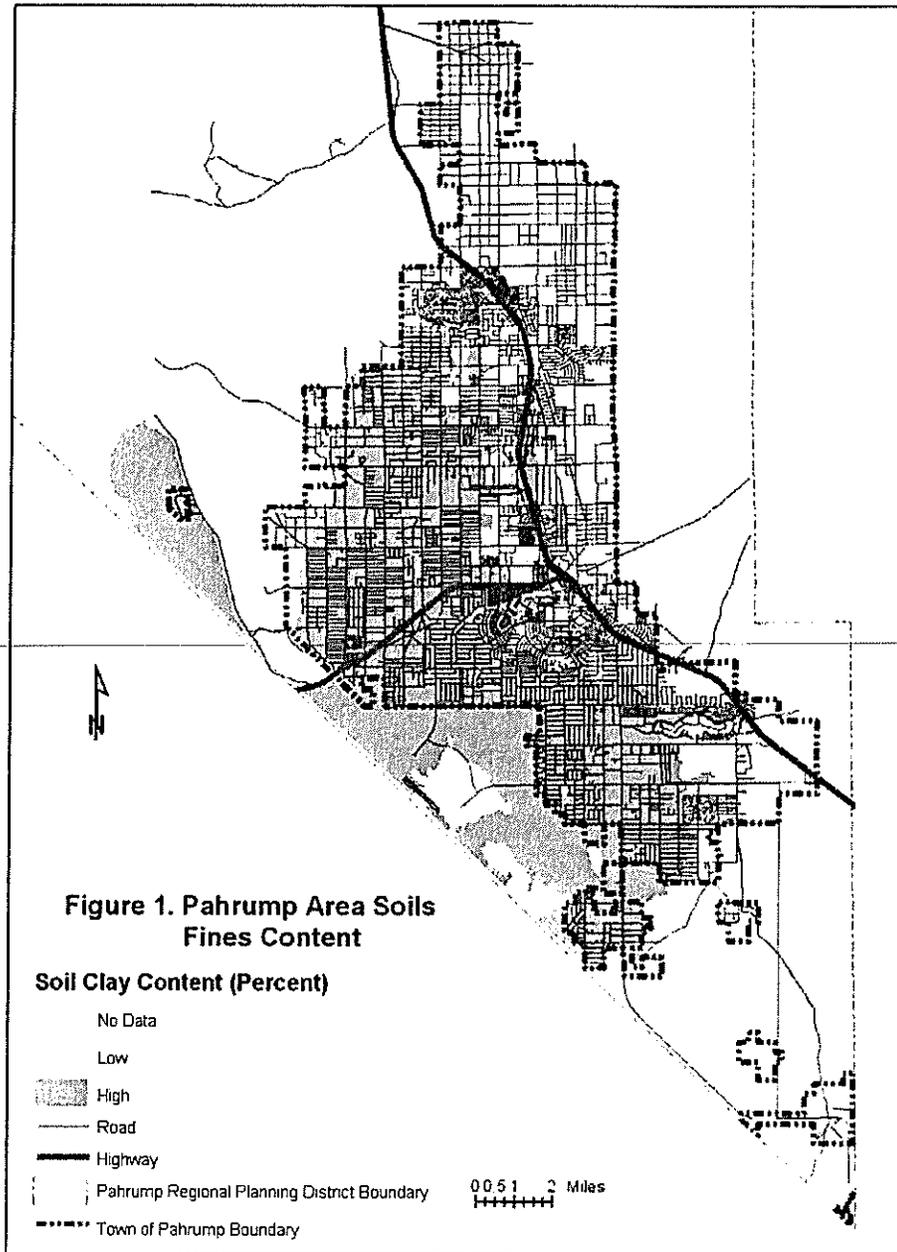
Control measures not currently listed in the Handbook may be proposed in a Dust Control Plan. Such unlisted control measures will be reviewed by Nye County and may require additional information regarding their effectiveness. Any control measure not listed in the Handbook must clearly meet the control requirements for an activity category.

Nye County will apply the following minimum criteria when evaluating any unlisted control measures that are proposed to meet the control requirements for a BMP:

1. The control measure technique is a new or alternative technology that is demonstrated to be equally or more effective in meeting the control requirement than the existing control measures; or
2. Site logistics do not practically allow for implementation of a listed control measure as written (e.g. road width or pre-existing barriers limit the size or width of a gravel pad); or
3. The owner/operator demonstrates that a listed control measure is technically infeasible due to site-specific or material-specific conditions, such that implementation of the control measure will not provide a benefit in reducing Fugitive Dust (e.g. pre-soaking screened, washed rock when handling).

Plan deviations from specific soil type BMPs in the form of a "downgrade" to the BMPs listed for a soil type with a lower PEP, or applying a control measure listed for all soil types in lieu of a specific soil type BMP, are not acceptable unless demonstrated to meet at least one of the above criteria.

FIGURE 1: PAHRUMP VALLEY SOIL TYPES MAP



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BACKFILLING

BMP 01

Definition: Filling area previously excavated or trenched.

Requirement: Stabilize backfill material when not actively handling.

- 01-1 Water backfill material to maintain moisture or to form a crust when not actively handling, or
- 01-2 Apply and maintain a Dust Palliative to backfill material to form a crust when not actively handling, or
- 01-3 Cover or enclose backfill material when not actively handling.

Requirement: Stabilize backfill material during handling.

- 01-4 Empty loader bucket slowly and minimize drop height from loader bucket, or
- 01-5 Dedicate water truck or large hose to backfilling equipment and apply water as needed.

Requirement: Stabilize soils at completion of backfilling activity.

- 01-6 Apply water and maintain disturbed soils in a stable condition until permanent stabilization is complete, or
- 01-7 Apply and maintain a Dust Palliative on disturbed soils to form a crust following backfilling activity.

CLEARING AND GRUBBING

BMP 02

Definition: Clearing and grubbing for site preparation and vacant land cleanup.

Requirement: Stabilize surface soils where support equipment and vehicles will operate.

- 02-1 Pre-water and maintain surface soils in a stabilized condition where support equipment and vehicles will operate, or
- 02-2 Apply and maintain a Dust Palliative on surface soils where support equipment and vehicles will operate.

Requirement: Stabilize soils during clearing and grubbing activities.

- 02-3 L: Apply water during clearing and grubbing activities.
- 02-4 H: Apply water and surfactant or tackifier mixture during clearing and grubbing activities.

Requirement: Stabilize disturbed soils immediately after clearing and grubbing activities.

- 02-5 Water disturbed soils to form a crust immediately following clearing and grubbing activities, or
- 02-6 Apply and maintain a Dust Palliative on disturbed soils to form a crust immediately following clearing and grubbing activities.

Recommendations: Maintain live perennial vegetation and desert pavement where possible.

CUT AND FILL

BMP 03

Definition: Cut and/or fill soils for site grade preparation.

Requirement: Stabilize surface soils where support equipment and vehicles will operate.

- 03-1 Pre-water and maintain surface soils in a stabilized condition where support equipment and vehicles will operate, or
- 03-2 Apply and maintain a Dust Palliative to surface soils where support equipment and vehicles will operate.

Requirement: Pre-water soils.

- 03-3 Dig a test hole to depth of cut or equipment penetration to determine if soils are moist at depth. Continue to pre-water if not moist to depth of cut, and
- 03-4 L: Pre-water with sprinklers or wobblers to allow time for moisture penetration, or
- 03-5 L: Pre-water with water trucks or water pulls to allow time for moisture penetration.

- 03-6 H: Pre-water with a water and surfactant or tackifier mixture using sprinklers or wobblers to allow time for moisture penetration, or
- 03-7 H: Pre-water with a water and surfactant mixture or tackifier using water trucks or water pulls to allow time for moisture penetration.

Requirement: Stabilize soils during cut activities.

- 03-8 Apply water to depth of cut prior to subsequent cuts using water truck or water pull, or
- 03-9 No cut activities, fill only.

Requirement: Stabilize soils after cut and fill activities.

- 03-10 Water disturbed soils to form a crust following fill and compaction, or
- 03-11 Apply and maintain a Dust Palliative on disturbed soils to form a crust following fill and compaction.

See also: BMP 05: DISTURBED LAND – Long-Term Stabilization if no activity will occur within 30 days.

DISTURBED SOIL

BMP 04

Definition: Disturbed soil areas throughout project site including area between structures.

Requirement: For each non-linear project of five acres or more to be permitted; install perimeter wind barrier three feet or more in height made of material with a porosity of 50 percent or less.

Requirement: Limit vehicle traffic and disturbance of soils where possible.

- 04-1 Limit vehicle traffic and disturbance of soils with the use of fencing, barriers, barricades, and/or wind barriers.

Requirement: Stabilize and maintain stability of all disturbed soils throughout construction site.

Note: The owner/operator must choose one or both of the following.

- 04-2 Apply water to stabilize disturbed soils. Soils must be kept in a sufficiently damp, crusted or covered condition, and/or
- 04-3 Apply and maintain a Dust Palliative based on soil type and future plans.

Requirement: Soil conditions, including preventive and corrective measures, must be recorded every day the construction project is active.

- 04-4 Record soil conditions and dust control actions in daily project records.

Recommendations: If interior block walls are planned, install as early in the construction as possible.

See also: BMP 05: DISTURBED LAND – Long-Term Stabilization, if no continuing activity will occur within 30 days.

DISTURBED LAND – Long-Term Stabilization

BMP 05

Definition: Large tracts of disturbed land that will not have continuing activity for more than 30 days.

Requirement: Stabilize soils.

- 05-1 Apply and maintain a Dust Palliative on disturbed soils for long-term stabilization, or
- 05-2 Stabilize disturbed soils with vegetation for long-term stabilization, or
- 05-3 Pave or apply surface rock for long-term stabilization, or
- 05-4 Use wind breaks in accordance with a site-specific plan, or
- 05-5 Apply water and maintain soils in a visible damp or crusted condition for temporary stabilization.

Requirement: Prevent access to limit soil disturbance.

- 05-6 Prevent access by fencing, ditches, vegetation, berms or other suitable barrier or means.

Recommendations: Plant perimeter vegetation early. Use of native and drought-tolerant plants with greater than 50 percent silhouette area is encouraged.

See also: BMP 06: DUST PALLIATIVE – Selection and Use.

DUST PALLIATIVE – Selection and Use

BMP 06

Definition: Selection and use of chemical and organic dust suppressing agents and other dust palliatives.

Requirement: Follow the “Policy on Dust Palliatives Use In the Pahrump Regional Planning District, Nye County, Nevada” (Attachment 2).

Requirement: Record use of Suppressants and Dust Palliatives and retain records (Attachment 1, Form DCP 06).

Requirement: Follow applicable federal and state regulations.

Requirement: Select method of long-term stabilization taking into consideration future land use.

06-1 For traffic area applications use Table 1: Traffic Area Application Requirements, Appropriate Use of Liquid Dust Palliatives and Application Rates, from the Policy on Dust Palliatives Use In the Pahrump Regional Planning District, Nye County, Nevada, or

06-2 For non-traffic area applications use Table 2: Non-Traffic Area Application Requirements, Appropriate Use of Liquid Dust Palliatives and Application Rates, from the Policy on Dust Palliatives Use In the Pahrump Regional Planning District, Nye County, Nevada.

**IMPORTING/EXPORTING SOILS, ROCK AND OTHER
BULK MATERIAL**

BMP 07

Definition: Importing or exporting of soils, aggregate, decorative rock, debris, Type II and other bulk material.

Requirement: Limit visible dust opacity from vehicular operations.

- 07-1 Apply water and limit vehicle speeds to 15 mph on the work site, or
- 07-2 Apply and maintain a Dust Suppressant on haul routes.

Requirement: Check belly-dump truck seals regularly and remove any trapped rocks to prevent spillage.

Requirement: Maintain 12 inches of freeboard to minimize spillage.

Requirement: Stabilize materials during transport on site.

- 07-3 Use tarps or other suitable enclosures on haul trucks, or
- 07-4 Stabilize materials with water.

Requirement: Clean wheels and undercarriage of haul trucks prior to leaving construction site.

Recommendations: Check State and local laws, regarding the hauling of bulk materials on public roadways.

See also: BMP 12: TRACK-OUT PREVENTION AND CLEANUP.
BMP 15: TRUCK LOADING.

LANDSCAPING

BMP 08

Definition: Installation of sod, decorative rock, desert or other landscape materials.

Requirement: Stabilize soils, materials and slopes during handling.

- 08-1 **L:** Apply water prior to leveling or any other earth moving activity to keep the soils moist throughout the process.
- 08-2 **H:** Apply a water and surfactant or tackifier mixture prior to leveling or any other earth moving activity to keep the soils moist throughout the process.

Requirement: Stabilize soils, materials and slopes at completion of activity.

- 08-3 Stabilize sloping surfaces using soil binders until vegetation or ground cover can effectively stabilize the slope, or
- 08-4 Apply water and maintain sloping surfaces in a crusted condition, or
- 08-5 Maintain an effective cover over materials.

PAVING/SUB-GRADE PREPARATION

BMP 09

Definition: Sub-grade preparation for paving streets, parking lots, etc.

Requirement: Stabilize soils prior to activities.

- 09-1 Pre-water sub-grade surface until adequate moisture content is reached and maintained.

Requirement: Stabilize soils during activities.

- 09-2 Maintain at least 70 percent of optimum moisture content for Type II material while aggregate is being applied.

Requirement: Stabilize soils following activities.

- 09-3 Place tack coat on Type II aggregate base immediately after it is applied, or
- 09-4 Apply water to Type II aggregate base immediately after it is applied.

Requirement: Stabilize adjacent disturbed soils following paving activities.

- 09-5 Stabilize adjacent disturbed soils following paving activities by crusting with water, or
- 09-6 Stabilize adjacent disturbed soils following paving activities by applying a Dust Palliative, or
- 09-7 Stabilize adjacent disturbed soils following paving activities with immediate landscaping activity or installation of vegetative or rock cover, or
- 09-8 Ensure that soils remain undisturbed adjacent to paving activities.

STAGING AREAS

BMP 10

Definition: Staging areas, equipment storage and material storage areas.

Requirement: Limit visible dust opacity from vehicular operations.

- 10-1 Limit vehicle speeds to 15 mph in the staging area and on all unpaved access routes, or
- 10-2 Apply and maintain a Dust Suppressant on all vehicle traffic areas in the staging areas and unpaved access routes.

Requirement: Stabilize staging area soils during use.

- 10-3 Pre-water and maintain surface soils in a stabilized condition where support equipment and vehicles will operate, or
- 10-4 Apply and maintain a Dust Palliative to surface soils where support equipment and vehicles will be operated.

Requirement: Stabilize staging area soils at project completion.

- 10-5 Apply a Dust Palliative, or
- 10-6 Apply screened or washed Type II aggregate, or
- 10-7 Use wind breaks in accordance with a site-specific plan, or
- 10-8 Chip seal, or
- 10-9 A completed project will stabilize staging area with buildings, chip seal, pavement, and/or landscaping, or
- 10-10 Apply water to form an adequate crust, and prevent access.

Recommendations: Limit size of staging areas.

Limit ingress and egress points.

See also: BMP 12: TRACK-OUT PREVENTION AND CLEANUP

STOCKPILING

BMP 11

Definition: Stockpiling of emissible or excavated material for future use or export.

Requirement: To the extent possible, maintain stockpile to avoid steep sides or faces.

- 11-1 Stockpiles will not be constructed over eight feet in height, or
- 11-2 Stockpiles constructed over eight feet high must have a road bladed to the top to allow water truck access or must have a sprinkler irrigation system installed, used and maintained.

Requirement: Stabilize surface soils where support equipment and vehicles will operate.

- 11-3 Pre-water and maintain surface soils in a stabilized condition where support equipment and vehicles will operate, or
- 11-4 Apply and maintain a Dust Palliative on surface soils where support equipment and vehicles will operate.

Requirement: Stabilize stockpile materials during handling.

- 11-5 Remove material from the downwind side of the stockpile, when safe to do so, and

Note: Include 11-5 above, in addition to the appropriate control measure for the appropriate soil type, selected from the following.

- 11-6 **L:** Apply water during stacking, loading and unloading operations.
- 11-7 **H:** Apply a water and surfactant or tackifier mixture during stacking, loading and unloading operations.

Requirement: Stabilize stockpiles at completion of activity.

- 11-8 Water stockpiles to form a crust immediately at the completion of activity, or
- 11-9 Apply and maintain a Dust Palliative to all surfaces of the stockpiles, or
- 11-10 Provide and maintain wind barriers on three sides of the pile. The length of the barrier at least must be equal to the length of the stockpile, and placed at a distance from the stockpile not more than twice the height of the stockpile. The barrier height must be at least equal to the stockpile height, and made of material with a porosity of 50 percent or less, or
- 11-11 Apply a cover or screen to stockpiles.

TRACK-OUT PREVENTION AND CLEANUP

BMP 12

Definition: Prevention and cleanup of mud, silt and soils tracked out onto paved roads.

Requirement: In soils that have a PEP classification of "High," pave construction roadways as early as possible.

Requirement: Use of soil to create a ramp for vehicle access over a curb is prohibited.

Requirement: Track-out conditions, including preventive and corrective measures, must be recorded daily for every day that the construction access is used by vehicles.

12-1 Record soil conditions and dust control actions in daily project records.

Requirement: Prevent dust emissions from track-out.

12-2 Immediately clean track-out from paved surfaces to prevent fugitive emissions. Track-out must not extend a distance of 50 feet or more, or

12-3 Maintain dust control during working hours and clean track-out from paved surfaces at the end of the work shift/day. Track-out must not extend 50 feet or more and must be cleaned daily, at minimum.

Requirement: Install and maintain track-out control devices in effective condition at all access points where paved and unpaved access or travel routes intersect.

12-4 Install gravel pad(s) consisting of one to three inch rough diameter, clean, well-graded gravel or crushed rock. Minimum dimensions must be 30 feet wide by three inches deep, and, at minimum, 50' or the length of the longest haul truck, whichever is greater. Re-screen, wash or apply additional rock in gravel pad to maintain effectiveness, or

12-5 Install wheel shakers. Clean wheel shakers on a regular basis to maintain effectiveness, or

12-6 Install wheel washers. Maintain wheel washers on a regular basis to maintain effectiveness, or

12-7 Install wheel shakers in the event that track-out cannot be controlled with gravel pads, or

12-8 Install wheel washer in the event that track-out cannot be controlled with gravel pads and wheel shakers, or

12-9 Road vehicles will only operate on stabilized surfaces.

(Continued on next page)

Requirement: All exiting traffic must be routed over selected track-out control device(s).

- 12-10 Clearly establish and enforce traffic patterns to route traffic over selected track-out control device(s), and limit site access to routes with track-out control devices in place by installing effective barriers on unprotected routes.

TRAFFIC – Unpaved Routes and Parking Areas

BMP 13

Definition: Construction related traffic on unpaved interior and/or access roads and unpaved employee/worker parking areas.

Requirement: Limit visible dust opacity from vehicular operations.

- 13-1 Limit vehicle speeds to 15 mph on all unpaved routes and parking areas, or
- 13-2 Apply and maintain a Dust Palliative on all vehicle travel areas.

Requirement: Stabilize all haul routes.

- 13-3 Apply water to haul routes and maintain in a stabilized condition, or
- 13-4 Apply a Dust Palliative to haul routes and maintain in a stabilized condition, or
- 13-5 Apply gravel to haul routes and maintain in a stabilized condition, or
- 13-6 Supplement a Dust Palliative or aggregate applications with watering, if necessary.

Requirement: Stabilize all off-road and parking areas.

- 13-7 Apply water to off-road traffic and parking areas and maintain in a stabilized condition, or
- 13-8 Apply gravel to off-road traffic and parking areas and maintain in a stabilized condition, or
- 13-9 Apply recycled asphalt (or other suitable material) to off-road traffic and parking areas and maintain in a stabilized condition, or
- 13-10 Apply and maintain a Dust Palliative (designed for vehicle traffic) to off-road traffic and parking areas and maintain in a stabilized condition.

Recommendations: Use of bumps or dips for speed control is encouraged.

Pave as soon as possible.

TRENCHING

BMP 14

Definition: Trenching with track or wheel mounted excavator, shovel, backhoe, or trencher.

Requirement: Stabilize surface soils where trenching equipment, support equipment, and vehicles will operate.

- 14-1 Pre-water and maintain surface soils in a stabilized condition where trenching equipment, support equipment, and vehicles will operate, or
- 14-2 Apply and maintain a Dust Palliative to surface soils where trenching equipment, support equipment, and vehicles will operate.

Requirement: Presoak soils prior to trenching activities.

- 14-3 Pre-water surface, pre-trench to 18" depth, soak soils via pre-trench prior to deep trenching, and
- 14-4 L: Presoak soils with water using sprinklers or wobblers, or
- 14-5 L: Presoak soils with water using water trucks.
- 14-6 H: Presoak soils with a water and surfactant or tackifier mixture using water trucks, or
- 14-7 H: Presoak soils with a water and surfactant or tackifier mixture using sprinklers or wobblers.

Requirement: Stabilize soils during trenching activities.

- 14-8 L: Complete trenching with a dedicated water truck or large hose, maintaining water as needed to prevent dust, or
- 14-9 L: Use spray nozzles mounted on trenching machine.
- 14-10 H: Complete trenching with a dedicated water truck or large hose, maintaining a water and surfactant or tackifier mixture as needed to prevent dust.

Requirement: Stabilize soils at the completion of trenching activities.

- 14-11 Use water to form a crust on excavated soil windrow as it is formed, or
- 14-12 Use a Dust Palliative to form a crust on excavated soil windrow as it is formed.

Recommendations: Wash mud and soils from equipment at completion of trenching to prevent crusting and drying of soils on equipment.

See also: BMP 01: BACKFILLING, if applicable.

TRUCK LOADING

BMP 15

Definition: Loading trucks with materials including construction and demolition debris, rock and soils.

Requirement: Ensure all loads are covered prior to leaving the construction site and traveling on public roadways.

Requirement: Stabilize surface soils where loaders, support equipment and vehicles will operate.

- 15-1 Pre-water and maintain surface soils in a stabilized condition where loaders, support equipment and vehicles will operate, or
- 15-2 Apply and maintain a Dust Palliative on surface soils where loaders, support equipment and vehicles will operate.

Requirement: Stabilize material during loading.

- 15-3 Empty loader bucket slowly and keep loader bucket close to the truck to minimize the drop height while dumping, and

Note: The owner/operator must select 15-3 in addition to one of the following.

- 15-4 L: Mix material with water prior to loading.
- 15-5 H: Mix material with a water and surfactant or tackifier mixture prior to loading, or
- 15-6 H: Spray material with a water and surfactant or tackifier mixture while loading.

ATTACHMENT 1

DUST CONTROL PLAN FORMS

1. Dust Control Plan (form DCP 01)
2. Dust Control Plan Checklist (form DCP 02)
3. Control Measure Identification (form DCP 03)

4. Owner's Designee (form DCP 04)
5. Dust Control Plan Modification (form DCP 05)
6. Dust Palliative Information (form DCP 06)
7. Certificate of Project Completion (form DCP 07)
8. Modification of Dust Control Plan – Transfer of Plan and/or Change of Property Owner (form DCP 08)
9. Request for Hearing Before Nye County Hearing Officer: Appeal of Notice of Alleged Violation (form DCP 09)
10. Record of Daily Dust Control for Construction Activities (form DCP 10)

INSTRUCTION SHEET FOR A DUST CONTROL PLAN

1. Complete the Dust Control Plan form (DCP 01) and any additional forms required for completion and attachment. **As a minimum, the Dust Control Plan must include the forms and maps described on this page.**
2. Use the **Dust Control Plan Checklist** (DCP 02) to determine which Construction Best Management Practices (BMPs) are to be included in the Dust Control Plan. The checklist divides the construction project into seven (7) groups based on typical project stages: 1) Offsite Utility and Street Development, 2) Site Preparation and Earthwork, 3) Forms Construction and Slab Pouring, 4) Subgrade Preparation and Paving, 5) Building, 6) Landscaping, and 7) Activities for Every Stage. Mark the box next to all Project Activities that are applicable to your project.
3. Complete the **Control Measure Identification** form (DCP 03). Use the Project Activities Checklist (DCP 02) to itemize project stages and activities. Select and list BMP Control Measures to be used to fulfill each requirement for the Project Activity on the Control Measure Identification form. If available, select at least one Control Measure corresponding to the identified soil particulate emission potential (PEP). See Control Measures Identification Instruction page of this section for detailed instructions.

4. Provide a map showing the vicinity of the project, clearly identifying the closest major cross streets or other landmarks and the project location. Label this map "**Vicinity Map**". Required map size is 8 ½ x 11 inches. For projects less than 10 acres, where the required Assessor Parcel Maps listed below indicates known cross streets, this map is not required.
5. Provide an 8 ½ x 11 inch **Assessor Parcel Map** for the property(s) on which the project will be occurring. Outline or highlight the affected parcels. Assessor Parcel Maps may be obtained from the Nye County Assessor's Office. Projects that entail installation or construction of linear features such as roads, pipelines or other utilities that border or cross more than two Assessor's Parcel Maps are only required to provide an Assessor's Parcel Map(s) for those areas that show the material and equipment staging areas; but a detailed vicinity map adequately depicting the entire project area, including staging areas, must be provided.
6. Submit Dust Control Plan and fee to Nye County. Dust Control Plans will be accepted Monday through Friday, 8:00 a.m. to 4:30 p.m., at the address specified in the Introduction section of the Nye County Dust Management Handbook (page1). Applicable fees are described in DCP 06 (Dust Control Plan Fees) of the Nye County Dust Management Handbook.

FOR Nye County USE ONLY

PLAN NUMBER	ISSUE DATE	ISSUED BY	
DATE PAID	\$ AMOUNT	CHECK #	COMPANY NAME
RECEIVED BY	\$ BALANCE DUE		
NYE COUNTY REVIEW: _____		DATE: _____	

DUST CONTROL PLAN

Construction activities include but are not limited to: cut and fill, site cleanup, staging areas, stockpiles, surface grading, trenching, landscaping and construction.

- ◆ A Dust Control Plan is required for all projects disturbing 0.5 acre or more. Attach a copy of the Dust Control Plan (DCP 01) including maps and required supplemental forms and documents.
- ◆ A copy of the submitted Dust Control Plan including all maps must be on-site prior to commencing construction activity.
- ◆ A Dust Control Plan Sign must be erected on-site prior to commencing construction activity.
- ◆ ~~Owner/Operator is responsible for dust control 24 hours per day, 7 days per week until a Certificate of Project Completion is submitted by the Owner/Operator and reviewed by a Code Compliance Officer.~~

Please print in ink or type. Blank spaces must be completed for the application to be processed. If not applicable, enter N/A.

1. Project Name: _____

2. Dust Control Plan Filing (check one): New Renewal

3. Owner/Operator:

Property Owner Developer Prime Contractor Other

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-mail Address: _____

4. Property Owner: (if applicant is NOT the Property Owner, Owner's Designee form DCP 04 is required, See Attachment 1: Dust Control Plan Forms)

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

5. Project Address or Location:

Address: _____ City: _____

Nearest major cross-streets: _____

Township(s): _____ Range(s): _____ Section(s): _____

Assessor's Parcel number(s) (Attach map): _____

6. Point of Contact for dust control matters and to whom a NOTICE OF ALLEGED VIOLATION should be sent if necessary:

Name: _____

Company: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Ext: _____ Fax: _____

Cell/Pager: _____ After Hours Phone: _____

7. On-site Superintendent/Supervisor/Foreman contact:

Name: _____ Company: _____

On-site phone: _____ Cell/Pager: _____

8. Project Summary (check all that apply):

Project Timeline:

New Project Existing/Ongoing Project

Anticipated Start Date: _____ Completion Date: _____

Project Description: _____

Project Acreage: _____ acres (rounded to the nearest 0.1 acre)

(All land to be disturbed must be included in project acreage: project site, new or existing unpaved access roads, stockpile, and staging areas)

Water source: Hydrant with Jones Valve Fire hose Water trucks Well
 Stand tanks Ponds Other: _____

9. Project Soil "Particulate Emission Potential":

PEP is determined using generalized PEP determination map included in the Dust Management Handbook.

PEP for this project is determined to be:

High

Low

10. Attach completed Dust Control Plan

Attach a Dust Control Plan Checklist (Form # DCP 02), Control Measure Identification (as many copies of Form # DCP 03 as needed), and applicable maps.

11. AQPA Notification of Project Completion:

Nye County must be notified within 20 working days of the completion of the project (Certificate of Project Completion Form # DCP 07).

DUST CONTROL PLAN CHECKLIST

Instructions: In each Stage column, place a mark in the box in the Project Activity row for each activity that will occur in your project. Refer to the Best Management Practices (BMP) for dust control in the Nye County Dust Management Handbook for a complete list and descriptions.

If additional soil disturbing activities are to be included in a project stage, include them as "Other" and provide a description.

If a stage is not applicable to your project, mark the box in the "Stage Not Applicable" row.

If an activity is applicable to all stages of your project, for example BMP 04 Disturbed Soil, mark the box in the "Activities for Every Stage" column.

DUST CONTROL PLAN CHECKLIST

Project Name: _____

Submittee Name: _____

BMP	Project Activity	Stage													
		1 Activities for Every Stage	2 Site Preparation and Development	3 Forms Construction and Earthwork	4 Subgrade Preparation and Slab Pouring	5 Building	6 Landscaping	7	8	9					
01	Stage Not Applicable														
02	Backfilling														
03	Clearing & Grubbing														
04	Cut and/or Fill														
05	Disturbed Soil														
06	Disturbed Land - Long Term Stabilization														
07	Dust Suppressants - Selection and Use														
08	Importing/Exporting Materials														
09	Landscaping														
10	Paving/Subgrade Preparation														
11	Staging Areas														
12	Stockpiles														
13	Trackout Prevention and Cleanup														
14	Trenching														
15	Traffic - Unpaved Routes and Parking														
	Truck Loading														
	Other (include description below)														

Control Measure Identification

Instructions:

1. **Control Measures must be chosen for each Project Activity marked on the Project Activities Checklist (DCP 02). Make as many copies of DCP 03 as needed, to list them all.**
2. Control Requirements and Control Measures are listed in Best Management Practices section of the Dust Management Handbook.
3. On the "Project Activity:" line, enter the name of each Activity identified from the **Project Activities Checklist**. Then on the "BMP #:" line, enter the corresponding BMP #, these are found on pages 19 through 35, of the Nye County Dust Management Handbook.
4. Check the box that indicates what stage(s) of your project this **Project Activity's** Control Measures will apply to. If a Project Activity will have different Control Measures in different stages, repeat steps 2-5 as needed. Do not indicate the same stage on more than one entry for one type of Project Activity.
5. Select and list all BMP Control Measures to be used to fulfill each requirement for each Project Activity and enter the Control Measure number on the form. If a Requirement does not apply to the Project Activity, briefly explain the reason on a separate sheet to be referenced on and attached to form DCP 03.

6. If listed, you must select at least one Control Measure corresponding to the identified soil Particulate Emission Potential (PEP) for your site. These are abbreviated as "L:" for Low, and "H:" for High, on the BMP pages. If you select Contingency measures they must be denoted with a mark in the check box.
7. Recommendations are included for some Project Activities. If applied, these suggestions may reduce the amount of additives and water required to effectively prevent fugitive dust.

An example is provided below.

Project Stages:

- | | |
|---------------------------------------|--|
| ALL = Activities for Every Stage | (1) = Offsite Utility and Street Development |
| (2) = Site Preparation and Earthwork | (3) = Forms Construction and Slab Pouring |
| (4) = Subgrade Preparation and Paving | (5) = Building (6) = Landscaping |

EXAMPLE:

Control Measure Identification

Project Activity: Backfilling BMP #: 01

Stage(s) (Check all that apply for this Project Activity):

ALL (1) (2) (3) (4) (5) (6)

Control Measure # 01-1

Control Measure # 01-5

Control Measure # 01-6

Contingency Measure:

Control Measure # 01-2

Control Measure Identification

(Make additional copies of this page as necessary)

STAGE IDENTIFICATION:

ALL = Activities for Every Stage

(2) = Site Preparation and Earthwork

(4) = Subgrade Preparation and Paving

(1) = Offsite Utilities and Street Development

(3) = Forms Construction and Slab Pouring

(5) = Building

(6) = Landscaping

Project Activity: _____ BMP #: _____

Stage(s) (Check all that apply for this Project Activity):

ALL (1) (2) (3) (4) (5) (6)

Control Measure # _____

Control Measure # _____

Control Measure # _____

Control Measure # _____

Contingency Measure: Control Measure # _____

Project Activity: _____ BMP #: _____

Stage(s) (Check all that apply for this Project Activity):

ALL (1) (2) (3) (4) (5) (6)

Control Measure # _____

Control Measure # _____

Control Measure # _____

Control Measure # _____

Contingency Measure: Control Measure # _____

Project Activity: _____ BMP #: _____

Stage(s) (Check all that apply for this Project Activity):

ALL (1) (2) (3) (4) (5) (6)

Control Measure # _____

Control Measure # _____

Control Measure # _____

Control Measure # _____

Contingency Measure: Control Measure # _____

Project Activity: _____ BMP #: _____

Stage(s) (Check all that apply for this Project Activity):

ALL (1) (2) (3) (4) (5) (6)

Control Measure # _____

Control Measure # _____

Control Measure # _____

Control Measure # _____

Contingency Measure: Control Measure # _____

**OWNER'S DESIGNEE FOR DUST CONTROL PLAN
FOR CONSTRUCTION ACTIVITIES (Must be notarized)**

An Excavation / Encroachment / Offsite permit for government owned land may be submitted in lieu of this form.

1. DESIGNEE INFORMATION:

Designee: _____

Address: _____

City: _____ State: _____ ZIP: _____

Phone: _____ Ext: _____ Fax: _____

2. PROPERTY OWNERS INFORMATION:

Property Owner Easement Holder Right of Way Holder

Name: _____

Address: _____

City: _____ State: _____ ZIP: _____

Phone: _____ Ext: _____ Fax: _____

3. PROPERTY PHYSICAL INFORMATION:

Project Address or, if none, description of location: _____

Major Cross Streets: _____ Assessor Parcel Map #: _____

I hereby authorize the person listed as my designee to act on my behalf in all matters regarding the requirements of the Dust Control Plan. The Designee is responsible until such time the Plan is closed in accordance with Nye County Codes. The Designee is responsible for ensuring the contractor(s), subcontractor(s), and all other persons associated with the Project be certified and comply with the "Conditions of Plan". They have full authorization to modify and close the Dust Control Plan for Construction Activities for my property.

Signature Owner/Holder Printed Name

Title and Company Date

State of _____

County of _____

Subscribed and sworn to before me on this _____ day

of _____ 20____

by _____



Notary Signature

APPLICATION FOR DUST CONTROL PLAN MODIFICATION

Submit applicable fee per DCP 06 (Dust Control Plan Fees) of the Nye County Dust Management Handbook

1. **GENERAL INFORMATION:** Plan Number: _____

Owner/Operator: _____

Project Name: _____

Project Address/Location: _____

2. **IS MODIFICATION REQUESTED AS A RESULT OF A NOTICE OF ALLEGED VIOLATION OR ORDER?**

Yes No

3. **INFORMATION TO BE MODIFIED:**

Control/Contingency Measures and/or Stages: (check all stages to be modified)

Activities for Every Stage

Offsite Utility and Street Development

Site Preparation and Earthwork

Forms Construction and Slab Pouring

Subgrade Preparation and Paving

Building

Landscaping

Attach modified Dust Control Plan Checklist (DCP 02) and Control Measure Identification (DCP 03) forms for additional activities.

Project Acreage:

Acreage to be added: _____ Acreage to be removed: _____

Attach a revised map showing the originally permitted area and the area to be added/removed. Attach Owners Designee (DCP 04) form(s) for any additional parcel(s) to be added.

Contact Information:

Point of Contact

On-site Contact

Attach current information.

Other:

Attach modifications and/or current information.

4. **SUBMITTED BY:**

Signature: _____ Date: _____

Name: _____ Company Name/Title: _____

5. **REVIEWED BY:**

Nye County: _____ Date: _____

DUST PALLIATIVE INFORMATION

1. DUST CONTROL PLAN INFORMATION: *(if applicable)*

Plan Number: _____
Owner/Operator: _____
Project Name: _____

2. DUST PALLIATIVE INFORMATION:

Project Address/Location: _____
Date of Application: _____ Acreage or Square Footage stabilized: _____
Product Name of Dust Palliative: _____
Type of Dust Palliative: _____
Dilution Rate: _____ Application Rate: _____
Method of Application (Topical/Blended): _____
 Traffic Non-Traffic Equipment Used: _____

3. APPLICATOR INFORMATION:

Company: _____
Address: _____
Contact Name: _____ Nevada Contractor's License #: _____
Phone Number: _____ FAX Number: _____
Is there a warrantee on services provided? Yes No
 If yes, terms of warrantee: _____
 If no, how long is the Dust Palliative expected to be effective: _____
Signature of Applicator: _____ Date: _____

4. SUBMITTED BY:

Signature: _____ Date: _____
Name: _____
Company Name/Title: _____

CERTIFICATE OF PROJECT COMPLETION

This form must be submitted within 20 working days of the completion of the project.

1. DUST CONTROL PLAN INFORMATION:

Plan Number: _____
Owner/Operator: _____
Project Name: _____
Project Address/Location: _____

2. CLOSURE INFORMATION:

Owner/Operator Statement

I verify no further soil disturbing construction activities will occur at the above referenced location. All project soils designated in the Dust Control Plan have been permanently stabilized by the following method(s) (Check all that apply):

- | | | |
|---|---|---------------------------------|
| <input type="checkbox"/> Buildings | <input type="checkbox"/> Landscaping | <input type="checkbox"/> Paving |
| <input type="checkbox"/> Application of gravel cover | <input type="checkbox"/> Application of dust palliative | |
| <input type="checkbox"/> <1/4 acre disturbed soil remains | | |
| <input type="checkbox"/> Other method (describe): _____ | | |

I further verify that this project has not created any emission units that require an Air Quality Operating Permit (issued by NDEP). (Decreased font size from 12 to 11)

Owner/Operator Signature: _____ Date: _____

Request return fax with inspection results? No Yes, Fax #: _____

Nye County use only

Inspection Results

An inspection by a Nye County Code Compliance Officer has been performed with the following results:

- Construction has ceased and the entire site has been adequately treated for long-term stabilization (PASS)
- Construction has ceased, but the site has not been adequately treated for long-term stabilization *in certain areas* (FAIL)
- Construction has ceased, but the site has not been adequately treated for long-term stabilization (FAIL)

Notes: _____

Code Compliance Officer: _____ Date: _____

**MODIFICATION OF DUST CONTROL PLAN
TRANSFER OF PLAN AND/OR CHANGE OF PROPERTY OWNER**

Please print in ink or type. Blank spaces must be completed for the application to be processed. If not applicable, enter N/A.

1. This application is for: (mark all that apply)
 Transfer of Plan
 Change of Property Ownership

2. Plan Number: _____
Project Name: _____

3. Current Permit Holder: _____
Current Property Owner: _____

4. New Owner/Operator (if applicable):
(if new Owner/Operator is NOT the Property Owner, Owner's Designee form DCP 04 from property owner is required, See Attachment 1: Dust Control Plan Forms)

Property Owner Developer Prime Contractor Other _____

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-mail Address: _____

5. New Property Owner (if applicable):
(if new Property Owner is NOT the Permittee, Owner's Designee form DCP 04 from new property owner is required, See Attachment 1: Dust Control Plan Forms)

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

6. Point of Contact for dust control matters and to whom a NOTICE OF ALLEGED VIOLATION should be sent if necessary (if changed from current Plan):

Name: _____

Company: _____

Address: _____

6. Point of Contact (continued):

City: _____ State: _____ Zip: _____
Telephone: _____ Ext: _____ Fax: _____
Cell/Pager: _____ After Hours Phone: _____

7. On-site Superintendent/Supervisor/Foreman contact (if changed from current Plan):

Name: _____ Company: _____
On-site phone: _____ Cell/Pager: _____

The signatory on this Dust Control Plan submittal shall constitute an agreement by the Owner/Operator to be the person with authority to enforce compliance by all contractors and subcontractors with the Dust Management Handbook, Dust Control Measures, Dust Control Plan, any Plan supplements and Section 15.28 of the Nye County Dust Control Code.

The signatory further stipulates that by signing this application, he/she has read and understood the existing Dust Control Plan and associated documents, and agrees to abide by all conditions and requirements of that Plan.

The holder of the Plan agrees to allow inspection of the premises to which the Plan relates by any authorized officer of Nye County at any time during the holder's hours of operation without prior notice.

OWNER/OPERATOR (AGENT) SIGNATURE

PRINTED NAME

DATE

TITLE AND COMPANY NAME

REQUEST FOR HEARING BEFORE THE NYE COUNTY HEARING OFFICER

1. GENERAL INFORMATION: Plan Number: _____
Owner/Operator: _____
Project Name: _____
Project Address/Location: _____
NOAV #: _____ Date of Issue: _____
Nature of Alleged Violation: _____

2. PURPOSE OF REQUESTED HEARING:
 Contest the Penalty Assessed Contest the Facts Alleged and the Penalty Assessed
 Other: _____

Provide a Summary Explanation for Hearing Request (attach additional sheets as needed):

Nye County use only

Date Request Received By Nye County: _____

Nye County Representative Receiving Application: _____

Hearing request received within time limits established in the Nye County Dust Management Handbook. Hearing Scheduled for: _____
 Hearing request denied for failure to submit form within time limits established in the Nye County Dust Management Handbook.
 Other: _____

Notes: _____

ATTACHMENT 2

**POLICY ON DUST PALLIATIVE USE IN
THE PAHRUMP REGIONAL PLANNING DISTRICT,
NYE COUNTY, NEVADA**

**POLICY ON DUST
PALLIATIVE USE IN
THE PAHRUMP REGIONAL
PLANNING DISTRICT,
NYE COUNTY, NEVADA**

Glossary of Terms and Definitions
Environmental / Regulatory Requirements
General Use Requirements
Application Guidelines - Traffic Area Applications
Application Guidelines - Non-Traffic Area Applications

GLOSSARY OF TERMS AND DEFINITIONS¹

Application rate: Liquids - For liquid suppressants, the volume of mixed solution (concentrate plus water) applied per unit area of land. Typical application rates range from 0.10 to 1.00 gallons of mixed solution per square yard (gallon/yd²) of land.

Application rate: Fibers and Mulches - For fibers and mulches, the mass of solids in pounds applied per unit area of land. Typical application rates range from 500 pounds per acre to 6,000 pounds per acre.

Brine - Solution of salt in water. Strength of brine measured by percent solids by mass. For example: a 40 percent magnesium chloride brine has 40 percent solids by mass.

Deliquescent salts - Calcium chloride and magnesium chloride salts are deliquescent (readily drawing moisture from the atmosphere and melting). Calcium chloride is available as flake or brine. Magnesium chloride is available as brine. Brine solids contents are variable.

Dilution ratio - The ratio of the volume of concentrate to volume of water. Example: 1:4 means 1 volume of concentrate is to be mixed with 4 volumes of water, or 100 gallons of concentrate would be mixed with 400 gallons of water.

Dust Palliative - A hygroscopic material, non-toxic chemical stabilizer or other dust palliative which is not prohibited for ground surface application by the EPA or the Nevada Division of Environmental Protection (NDEP) or any applicable law or regulation, as a treatment material for reducing fugitive dust emissions. Water, solutions of water and chemical surfactants, and foam are not dust palliatives for the purpose of these Codes.

Dust Suppressant - Water, hygroscopic material, solution of water and chemical surfactants, foam, non-toxic chemical stabilizer or any other dust palliative which is not prohibited for ground surface application by the EPA or the Nevada Division of Environmental Protection (NDEP) or any applicable law or regulation, as a treatment material for reducing fugitive dust emissions.

Fibers/mulches - Blends of wood fiber or paper mulch with binder and or tackifier in water. Fibers and mulches are usually blended on-site. Formulation types and concentrations are often proprietary and depend on soil conditions and intended use.

Hygroscopic - Readily drawing moisture from the atmosphere but not melting. Dry sodium chloride is hygroscopic.

Lignosulfonate - By-product of sulfite paper-making process. Available as 10-25 percent volumetric residual solution, as a 50 percent volumetric residual solution, or as powdered solid to be mixed with water. May have high initial BOD (Biological Oxygen Demand).

¹ Principal source: Bolander and Yamada, Dust Palliative Selection and Application Guide – US Department of Agriculture, November, 1999.

Organic non-petroleum products - Vegetable oils; typical sources include canola oil, cottonseed oil, linseed oil and soybean oil. Applied full-strength at 0.25-0.50 gallon/yd².

Organic petroleum products - Available as cutback asphalt, asphalt emulsions, modified asphalt emulsions and other emulsified oils. Application rates highly variable, depending on road surface conditions, product type and dilution.

Synthetic polymers - By-products of adhesive manufacturing process. Available as 40-50 percent volumetric residual concentrate (40-60 percent solids by mass) in water, then diluted for application.

Tackifier - A substance used with water to hold together mulches and other dust palliatives. A tackifier binds small particles together without forming a hard crust. Many dust palliatives can be used in a dilute form as a tackifier.

Topical - Liquid dust suppressant application technique using a hose, spray bay or spray cannon.

Windrow - Method of making a temporary road surface. A 4- to 6-inch thick layer of soil is scraped off the surface. The surface is treated with dust suppressant. The windrow is scraped back onto the surface and another treatment of dust suppressant is applied. A compaction step may be necessary.

ENVIRONMENTAL AND REGULATORY REQUIREMENTS

Policy Background

The objective of this Policy on Dust Palliative Use in the Pahrump Regional Planning District, Nye County, Nevada is to facilitate the implementation of fugitive dust controls in a manner that prevents human exposure to harmful constituents and protects soil and water resources while achieving Dust Control objectives. This policy was based on current state and federal regulations that are applicable to soil contamination, groundwater contamination, and surface water contamination. Some requirements are also incorporated based on information currently available in the scientific literature.

This policy provides guidance on the use of dust palliatives and suppressants. The document lists applicable state regulations to the use of dust palliatives. This policy includes guidelines and requirements for the use of dust palliative products based on conditions in the Pahrump Regional Planning District.

Regulatory Basis For Guidance

- NAC 445A.2272 Contamination of soil: Establishment of action levels
- NAC 445A.22735 Contamination of groundwater: Establishment of action levels
- NAC 445A.2275 Contamination of surface water

- NRS 444.8565 "Hazardous Waste" defined
- NRS 444.861 "Used Oil" defined
- NRS 444.8632 Compliance with federal regulations adopted by reference
- NRS 444.8681 Mixing of used oil with hazardous waste or products
- NRS 444.8682 Requirements for managing and disposing of mixtures of used oil and hazardous waste or other products
- NRS 444.8683 Regulation of mixtures of used oil with wastes determined not to be hazardous

COMPLIANCE

Application of dust palliatives may be subject to sample collection and testing for compliance with applicable regulations of the Nevada Administrative Code and the Nevada Revised Statutes, and with the prohibited materials requirements and pH requirements set forth in this policy. Sample collection may be conducted by compliance staff of Nye County or the Nevada Division of Environmental Protection.

The requirements of this policy are applicable to Dust Control Plans submitted under the requirements of the Nye County Code 15.28.

Prohibited Materials

The materials and compounds listed on the following pages are not permitted in any dust suppressant product at detectable levels:

1) Banned Pesticides:²

- aldrin
- chlordane
- DDT
- DDE
- DDD
- Methoxychlor
- Dieldrin/endrin
- Heptachlor
- Hexachlorobenzene
- Lindane ((γ -BHC)
- 4. 2,3,4,5-Bis(2-butylene)tetrahydro-2- furaldehyde (Repellent-11)
- bromoxynil butyrate
- cadmium compounds
- calcium arsenate
- carbon tetrachloride
- chloranil

² References: a) United States Environmental Protection Agency
Office of Pesticide Programs

<http://www.epa.gov/oppfead1/international/piclist.htm>

b) The Merck Index, eleventh edition, Merck and company, Rahway, N. J., 1989

c) Environmental Chemistry, Manahan, S. Lewis Publisher, 1994.

d) Hazardous Wastes, Watts, R. Wiley Interscience, 1997.

e) Hazardous Waste Management, La Grega, M. McGraw Hill, 1994.

- chlordecone (kepone)
 - chlorinated camphene [Toxaphene]
 - chloromethoxypropylmercuric acetate (CPMA)
 - copper arsenate
 - DBCP
 - Di(phenylmercury)dodeceny succinate (PMDS)
 - EPN
 - ethyl hexyleneglycol (6-12)
 - lead arsenate
 - leptophos
 - mevinphos
 - mirex
 - nitrofen (TOK)
 - OMPA (octamethylpyrophosphoramidate)
 - phenylmercury acetate (PMA)
 - phenylmercuric oleate (PMO)
 - potassium 2,4,5-trichlorophenate (2,4,5-TCP)
 - pyriminil (Vacor)
 - safrole
 - silvex
 - sodium arsenite
 - TDE
-
- Terpene polychlorinates (Strobane)
 - thallium sulfate
 - vinyl chloride

2) Severely Restricted Pesticides³

- arsenic trioxide
- carbofuran (granular only)
- daminozide/alar
- sodium arsenate
- tributyltin compounds

³ **References:** a) United States Environmental Protection Agency
Office of Pesticide Programs

<http://www.epa.gov/oppfead1/international/piclist.htm>

- b) The Merck Index, eleventh edition, Merck and company, Rahway, N. J., 1989
 c) Environmental Chemistry, Manahan, S. Lewis Publisher, 1994.
 d) Hazardous Wastes, Watts, R. Wiley Interscience, 1997.
 e) Hazardous Waste Management, La Grega, M. McGraw Hill, 1994.

- 3) Dioxins
- 4) Asbestos
- 5) PCBs

pH Limits

All dust suppressant products shall have a pH value of not less than four (pH = 4) or greater than nine (pH = 9) as applied.

GENERAL USE REQUIREMENTS

Open Bodies of Water and Drinking Water Well-Heads:

Organic petroleum products, deliquescent/hygroscopic salts, and lignin-based palliatives may not be used within 20 yards of open bodies of water, including lakes, streams, and canals, or within 20 yards of a drinking water well-head. This buffer zone is intended to prevent leachate from these palliatives from reaching an open body of water or a ground water aquifer.

Natural Washes and Flood Control Channels:

Organic petroleum products, deliquescent/hygroscopic salts, and lignin-based palliatives may not be used within twenty 20 yards of any natural wash or flood control channel. This buffer zone is intended to prevent leachate from these palliatives from reaching a natural wash or flood channel, and subsequently being flushed into surface waters or drinking water supplies during a rain event.

Surfactants:

Surfactants may not contain phosphates. Surfactants by themselves are not allowed for use as a dust palliative because they do not form a durable soil surface. Non-phosphate surfactants may be combined with dust palliatives to assist penetration of dust palliatives into hydrophobic soils.

Pesticide Application With Dust Palliatives:

Any person who applies any pesticide material with a dust palliative is required to hold a valid pesticide applicators license issued by the State of Nevada.

Dust Palliative Dilution and Tank Cleaning:

Dust palliative applicators should be aware that use of water tainted with any of the above-listed prohibited or severely restricted chemicals, or with other compounds that would result in a violation of applicable codes and regulations for the dilution of dust

palliatives could result in a palliative mixture that would not comply with applicable environmental regulations or the pH requirements for dust palliatives set forth in this policy.

Only potable water supplies or reclaimed water, meaning wastewater that, as a result of appropriate treatment, is suitable for subsequent beneficial use, may be used as a diluent for dust suppressants. Application or transport tanks that have been used for other purposes, such as pesticide use, must be cleaned in accordance with applicable regulations before being used to transport, mix, or apply a dust palliative.

Traffic Area Applications:

1. Fiber mulch products are not allowed for use as a dust palliative in traffic areas. These products do not hold up well for traffic use.
2. Use of deliquescent/hygroscopic salts are limited to magnesium chloride and only allowed for short-term (less than one year) stabilization of unpaved roads. Treated unpaved roads must be periodically maintained with additional applications of water and magnesium chloride as needed to maintain effectiveness. Magnesium chloride is not effective, even with product reapplication, for periods of more than one year.

TABLE 1
TRAFFIC AREA APPLICATION REQUIREMENTS
Appropriate Use of Liquid Dust Palliatives and Application Rates

(Traffic Area: Any land area upon which vehicular traffic is reasonably expected to occur due to location, topography or access)

**Dust palliative materials must conform to all applicable Environmental /
Regulatory Policies and General Use Requirements**

Product Type	Use/Treatment	Dilution Ratio		Application Rate gallon/yd ²	Notes
		Range	Typical		
Synthetic polymers: polyvinyl acetate vinyl acrylic	Topical Road or parking lot	1:12-1:4	1:9	0.50	1,2,3,4
	Topical Road shoulder	1:12-1:4	1:9	0.50	
	Windrow Road surfaces	1:12-1:4	1:9	0.25/0.25/0.50	
Organic petroleum products: modified & unmodified asphalt emulsions	Topical Road or parking lot	1:8	1:4	0.50	1,2,3,4,5
	Topical Road shoulder	1:10	1:7	0.25	1,2,3,4,5
	Windrow Road surfaces	1:8	1:4	0.40	1,2,3,4,5
Magnesium chloride only. Other deliquescent/ hygroscopic salts, including calcium chloride and sodium chloride are not permitted	Topical Road or parking lot			0.50	1,2,3,4,6,8,9
	Topical Road shoulder-not Allowed				1,2,3,4,6,8,9, 10
	Windrow Road surfaces			0.25/0.25	1,2,3,4,6,8,9
Fibers/Mulches	Not Allowed Unpaved Road and other Traffic Applications	Not Applicable		Not Applicable	12
Lignin-Based Types (Lignosulfonate)	Topical Road or parking lot	1:1	1:1	0.50 to 1.00	1,2,3,4,5
	Topical Road shoulder	1:7-1:4	1:4	0.15 to 0.20	1,2,3,4,5
	Windrow Road surfaces	1:1	1:1	0.25/0.25 to 50/0.50	1,2,3,4,5
Organic non- petroleum products: animal fats, molasses/sugar beet, tall oil emulsions, vegetable oils	Topical Road or parking lot	1:10 -1:2	1:5	1.00	1,2,3,4,5
	Topical Road shoulder	1:10 -1:2	1:5	1.00	1,2,3,4,5
	Windrow Road surfaces	1:2- 1:1	1:1	0.15/0.15	1,2,3,4,5
Other	As approved by Code Compliance Officer				

Non-Traffic Area Applications:

1. Organic petroleum products, including modified and unmodified asphalt emulsions, are not permitted on non-traffic areas. These palliatives are subject to NAC 445A.2272(b) and may discolor the land surface and produce unpleasant odors.
2. Deliquescent/hygroscopic salts are not allowed for non-traffic stabilization. These salts require frequent re-watering to be effective in the Pahrump Valley, are not effective for periods of more than one year, and tend to leach chlorides when precipitation occurs.
3. Lignin-based palliatives are not allowed for non-traffic stabilization. Surface binding action of lignin-based palliatives may be reduced or completely destroyed when heavy rains occur. The decreased binding action of these products following heavy rains renders areas treated with lignin-based palliatives vulnerable to wind erosion after rain occurs. Leachate from lignin-based palliatives may also adversely impact the quality of storm water runoff.

TABLE 2
NON-TRAFFIC AREA APPLICATION REQUIREMENTS
Appropriate Use of Liquid Dust Palliatives and Application Rates

(Non-Traffic Area: Any land area upon which no vehicular traffic is reasonably expected to occur due to site specific conditions; e.g., remoteness, fencing or other access controls)

**Dust palliative materials must conform to all applicable Environmental /
Regulatory Requirements and General Use Requirements.**

Product Type	Use/Treatment	Dilution Ratio		Application Rate gallon/yd2	Notes
		Range	Typical		
Synthetic polymers: Polyvinyl acetate Vinyl acrylic	Topical Vacant Land	1:12-1:4	1:9	0.50	1,2,3,4
Organic petroleum products: modified & unmodified Asphalt emulsions	Not Allowed Vacant Land	Not Applicable		Not Applicable	10
Deliquescent/ Hygroscopic salts: Magnesium chloride brine, calcium chloride brine or flakes, sodium chloride	Not Allowed Vacant Land	Not Applicable		Not Applicable	10
Lignin-Based Types (Lignosulfonate)	Not Allowed Vacant Land	Not Applicable		Not Applicable	10
Fibers/Mulches	Topical Vacant Land	As prepared		500-6000	1,2,3,4,11
Organic non-petroleum products: animal fats, molasses/sugar beet, tall oil emulsions, vegetable oils	Topical Vacant Land	1:10-1:2	1:5	1.00	1,2,3,4,5
Other	As approved by Code Compliance Officer				

NOTES: (See last column in preceding Application Guideline tables)

1. Topical application rates shown are to obtain ½ to 1 inch of penetration. Higher application rates should be used if greater penetration is needed. Windrow rate shown is to give sufficient penetration to form a 4-6 inch thick temporary travel surface.
2. The dilution ratio (concentrate: water) is variable, and shall be appropriate for the intended use, and local soil and weather conditions, as proposed by the Contractor and agreed upon by the Code Compliance Officer. Warranty conditions in Note 4 apply.
3. Application rate of mixed solution at the typical dilution ratio. Lifetime conditions in Note 4 apply. For windrow applications, the rates separated by slash marks indicate the first/second/third application. First application is after removal of windrow. Second application is after replacement of windrow. Third application, if needed, is after second application.
4. Application of diluted suppressant shall be sufficient to achieve a minimum warranted lifetime of one year from date of application.
5. These palliatives are subject to NAC 445A.2272(b) and may discolor the land surface and produce unpleasant odors.
6. Must be periodically maintained with additional applications of water and salt as needed to maintain effectiveness. Allowed only for short-term (< one year) stabilization of unpaved roads. May not be used on trafficked areas within 20 yards of a drinking water well-head, natural or artificial drainage channel or other surface water feature unless approved by the Code Compliance Officer.
7. Surfactants may be added to assist penetration of water and dust palliative into hydrophobic soils. Surfactants by themselves are not allowed for use as dust palliatives. Phosphates not allowed as surfactant constituents.
8. Brine strength may vary as supplied from manufacturer, but is typically in the range of 20-40 percent solids by mass. Maximum and minimum allowable strengths to be set by the Code Compliance Officer.
9. Sodium chloride (NaCl) not allowed for any application, because it is ineffective at ambient relative humidity below 76 percent. Relative humidity above 50 percent seldomly occurs in the Pahrump Valley.
10. Deliquescent/hygroscopic salts are not allowed for use on vacant lands or on road shoulders near surface waters or surface drainage because of adverse water quality impacts, including elevated chloride concentrations in storm water runoff and in groundwater.
11. Application rate in pounds per acre at the on-site blended strength.
12. Fiber mulches are not effective for traffic applications.

ATTACHMENT 3

**DESIGN AND POSTING OF
DUST CONTROL PLAN SIGNAGE**

POLICY ON DUST CONTROL PLAN DESIGN AND POSTING OF SIGNAGE

Pursuant to Nye County Code 15.28.090, Nye County has developed this policy to address questions related to the posting of informational signs on construction sites in the Pahrump Regional Planning District, Nye County, Nevada. Because this policy is referenced in the code, non-compliance may result in a Notice of Alleged Violation.

The following text is excerpted from Subsection 15.28.090 for purposes of convenience:

The owner/operator will:
Install a sign on said property prior to commencing construction activity that is visible to the public and conforming to County policy on Dust Control Plan Design and Posting of Signage as described in 15.28.160, Posting of Informational Signs on Construction Sites.

In addition to the requirements listed pursuant to subsection 15.28.090, the Dust Control Plan sign shall conform to the following requirements listed pursuant to Subsection 15.28.160:

1. **The signboard shall be constructed with materials capable of withstanding the harsh environment (e.g., strong winds, intense sunlight) of Nye County. Nye County recommends the following materials:**
 - (a) $\frac{3}{4}$ " A/C laminated plywood board 2 feet by 2 feet in dimension;
 - (b) 4"x4" posts;
 - (c) Posts should be attached to the plywood board with a minimum of two (2) carriage bolts on each post; and
 - (d) The front surface of the signboard should be painted in the contrasting colors of a white background with black lettering, or
 - (e) A minimum of 0.118" DiBond® Composite Material (aluminum sheets over a thermoplastic core) a minimum of 2 feet by 2 feet in dimension;
 - (f) 1 7/8" galvanized steel center post with the base of the sign four feet above ground level;
 - (g) The sign should be attached to the post with a single fastener to allow for heat expansion; and
 - (h) The front surface of the signboard should have a white background with contrasting black lettering.

2. **The signboard shall contain the following information:**
 - (a) Project name;
 - (b) Owner/Operator name;

ATTACHMENT 4

DUST CONTROL CODE

- (c) Telephone Number of person responsible for dust control;
- (d) Nye County Air Quality Program Administrator telephone number;
- (e) Building, site preparation, or conditional use permit number;
- (f) Dust Control Plan Number; and
- (g) Project Acreage.

3. The signboard shall be designed to the following alpha and numeric text dimensions (signboards written in longhand are unacceptable).

(a) Nye County provides the following example:

PROJECT NAME:	(Proj. Name)
OWNER/OPERATOR:	(Your Name)
OPERATOR TELEPHONE NUMBER:	(Your Number)
NYE COUNTY— AIR QUALITY PROGRAM ADMINISTRATOR TELEPHONE NUMBER:	(Pahrump Phone Number)
BUILDING/OTHER PERMIT NUMBERS:	(Permit Number)
DUST CONTROL PLAN NUMBER:	(Plan Number)
PROJECT ACREAGE:	(Acreage)

NYE COUNTY
PAHRUMP REGIONAL PLANNING
DISTRICT

ENFORCEMENT PROCEDURE

MAY 2007

INTRODUCTION

Enforcement of dust control regulations and requirements is an important element in achieving compliance. Without adequate enforcement, the incentive to achieve compliance is greatly diminished. A consistent and even approach of enforcement is necessary to prevent economic disadvantages for those that operate in compliance. A summary of the process is shown schematically in a flow chart presented in the Appendix to this document.

All Code Compliance Officers are responsible for bringing issues of noncompliance to the attention of the Nye County Air Quality Program Administrator (AQPA). After a decision is made to pursue an enforcement action, the respective Code Compliance Officer (CCO) follows the enforcement procedure throughout the entire process.

ENFORCEMENT PROCEDURES

The Code Compliance Officer has 14 calendar days to prepare a written inspection report once an inspection has been conducted. This period may be extended upon prior approval by the AQPA, if necessary.

When a violation is documented by the CCO through an inspection, the AQPA determines if an enforcement action will be pursued. The CCO will, when feasible, notify the owner/operator or representative (in the case of an inspection, when feasible, before he leaves the site) that an alleged violation has been documented and that the matter will be referred to the AQPA. Any questions by the owner/operator concerning the alleged violation or a possible action by Nye County must be referred to the AQPA.

If the violation is imminent, or very minimal, non-repetitive, self reported by the owner/operator, and the facility has quickly returned to compliance, a Warning Letter is issued to assist the owner/operator in returning to compliance. A follow-up inspection, a follow-up telephone call, or written correspondence from the owner/operator is used to document a return to compliance. A Warning Letter does not constitute a Code Violation and does not include monetary penalties.

If a violation is determined to be either; a first time violation that does not adversely impact human health and safety; or is administrative and does not involve the emission of fugitive dust, a Warning Notice of Alleged Violation will be issued. A Warning Notice of Alleged Violation (NOAV) qualifies as a Code Violation but does not have monetary penalties.

If a violation is determined to present a hazard to public health and safety, a Notice of Alleged Violation (NOAV) will be issued by the AQPA. The NOAV will include a list of alleged violations, the associated penalty and compliance deadline.

ADMINISTRATIVE FINES OR PENALTIES

If an alleged violation is documented, a NOAV will be issued with a proposed penalty determined pursuant to Nye County Code 15.28 using the Penalty Policy Guidance Document.

NOTICE OF ALLEGED VIOLATION PROCESS

Upon observation and documentation of a potential NOAV, an enforcement conference can be scheduled with the owner/operator and the CCO who documented the alleged violation. The enforcement conference should be scheduled within 14 calendar days of the CCO completely documenting an alleged violation. The enforcement conference is an informal discussion, usually without legal counsel, to review the circumstances surrounding the alleged violation and corrective actions that can be (or have been) implemented. The CCO will determine during the enforcement conference whether sufficient information exists to support a NOAV, or whether additional information is needed to determine the owner/operators compliance status.

If a recommendation will be made to issue a NOAV, penalties are discussed with the owner/operator. The maximum penalty allowed by code is \$10,000 per day per violation. Preliminary discussions occur with the owner/operator using the Penalty Policy Guidance Document to develop a recommended penalty amount for the AQPA to include in the NOAV. Supplemental Environmental Projects can be considered in lieu of monetary penalties. Such projects must have substantively the same monetary value as the proposed penalty.

The NOAV is issued by the AQPA and is accompanied by an Option Letter through which the owner/operator can either accept or contest the NOAV. The owner/operator must return the completed Option Letter within 14 calendar days after receipt of the NOAV. The Option Letter allows the owner/operator to agree to the facts alleged and the identified penalty, or contest either the facts alleged and/or the penalty assessed.

When an owner/operator contests a NOAV, a meeting is scheduled with the Compliance Review Committee (CRC), which includes the Air Quality Program Administrator, the Public Works Director, and an ex officio representative of the Nevada Division of Environmental Protection (NDEP).

The CRC shall consider relevant matters, including but not limited to contests of Stop Orders and NOAVs. The CCO will provide testimony as necessary regarding the contested violations to be discussed with the CRC. The owner/operator may present information and/or evidence as may be appropriate to support his position. The CRC shall make its finding(s) and recommendation(s) following discussion and consensus.

The Penalty Policy Guidance Document is used to calculate the recommended penalty. When an agreement has been reached regarding a recommended penalty or settlement, a Settlement Agreement is prepared and then issued. The Settlement Agreement details the violation, recommended penalty, corrective actions and compliance deadlines. If the owner/operator agrees to the details of the violation, they should sign and return one copy of the Settlement Agreement to the AQPA. The agreement is sent to the Hearing Officer for review and Adjudication. If the owner/operator does not agree with the details of the violation, they should return a Request for Hearing Before Nye County Hearing Officer: Appeal of Notice of Alleged Violation form DCP 09. The NOAV is scheduled to be heard on the next duly-noticed Air Quality Appeal Hearings and Adjudications.

All proceedings, corrective actions, and recommended penalties are documented by the CRC in the meeting minutes and are placed in the owner/operator's file.

Upon receipt of a Settlement Agreement, an owner/operator must comply with any corrective actions schedule(s) included therein, but has up to 30 calendar days to respond to an "Order to Pay" with payment in full. An owner/operator may request a payment plan but must do so within seven (7) calendar days of receiving the Settlement Agreement. The owner/operator must remit the first payment at the time the payment plan is negotiated.

In the event a public health or safety issue is identified (via an inspection, or other means), a verbal Stop Order will be issued immediately by the CCO followed by a written Stop Order by the AQPA. Under the terms of a Stop Order, construction operations, with the exception of dust control measures, are prohibited. In most cases, the owner/operator corrects the violation within 24 hours of the inspection, or by the enforcement conference date depending on the circumstances. In those instances where equipment replacement is required, a compliance schedule is negotiated and documented in a Corrective Action Order. The CCO who documented the violation will perform a follow-up inspection or other appropriate method to verify completion of corrective actions required by an order. If the violation has not been corrected in accordance with the compliance schedule, the matter will be handled as a new documented violation. Additional NOAVs may also be considered if other violations are discovered.

APPEALS

If the owner/operator disagrees with the recommended action by the CRC (issuance of a NOAV, associated facts or penalties, or other directive) the owner/operator has 14 calendar days from the date of receipt of the Settlement Agreement to request an appeal hearing. A *de novo* hearing is held before the Hearing Officer to determine if the action should be dismissed, modified, or allowed to stand. During the appeal hearing, penalties can be revised (either upward or downward), and previous negotiations to determine a penalty recommendation may be upheld, dismissed, or revised. Every decision by the Hearing Officer shall be memorialized in an Order of Adjudication.

ADJUDICATION

All actions taken during the enforcement process by the AQPA, the CRC, or a Hearing Officer must be formally adjudicated during a publicly-noticed meeting by either: an independent Hearing Officer, or by the Board of County Commissioners. The adjudication proceeding must be noticed on the agenda in accordance with Nevada's open meeting law at either: a regularly scheduled Board of County Commissioners meeting, or at a Public Hearing scheduled in accordance with Nye County Ordinance No. 316 Section 6.A and Section 13.B. The classes of actions requiring adjudication are: (1) NOAVs that are not contested by the owner/operator; (2) NOAVs with Stipulation that are not contested by the owner/operator; (3) NOAVs for which the proposed penalties are being contested, and (4) NOAVs for which both the facts and penalties are contested, and (5) Dismissed NOAVs.

STEPS TO DETERMINE AN ENFORCEMENT ACTION

The specific steps in pursuing an enforcement action are:

- If an enforcement action is to be pursued, the CCO will inform the owner/operator about the possible violation and, if requested by the owner/operator, schedule an informal meeting to discuss the alleged violation and proposed penalty. The CCO should contact the AQPA if any additional issues arise from the discussions before proceeding forward.
- Upon receiving information, or observing and documenting a possible violation, the CCO discusses the information with the AQPA. A Warning NOAV, NOAV or Stop Order will be issued only if the AQPA determines it to be warranted following review of the completed inspection report.
- If the owner/operator contests either the facts of the violation and/or the penalty, he/she may request that the case be presented before the CRC.
- The CRC reviews the evidence presented by the CCO and the cited party. A penalty is calculated using the Penalty Policy Guidance Document. A Settlement Agreement is prepared stating the CRC's findings and recommendations and issued to the owner/operator.
- The owner/operator has 14 calendar days to either accept the terms of the Settlement Agreement or request a hearing before an independent Hearing Officer.
- If the owner/operator accepts a Settlement Agreement that includes an "Order to Pay", payment in full must be remitted in 30-calendar days.
- Or, an owner/operator may request a payment plan within seven (7) calendar days of receiving the Settlement Agreement. The first payment must be remitted when the payment plan is established.
- If an enforcement action is appealed by an owner/operator, the Hearing Officer will hear the case *de novo*.
- The Hearing Officer will review the case and staff recommendations, and may either accept or dismiss the NOAV based on the facts alleged. Similarly, the Hearing Officer may accept, dismiss, or revise the penalty assessed.
- The owner/operator must remit payment within five (5) calendar days of their imposition by the Hearing Officer.
- The owner/operator has 10 calendar days from the date of service of the Order of Adjudication in which to appeal the decision of the Nye County Hearing Officer.
- If an Order of Adjudication is appealed by an owner/operator, the Board of County Commissioners will hear the case *de novo*.
- The Board of County Commissioners will review the case and staff recommendations, and may either accept or dismiss the NOAV based on the facts alleged. Similarly, the Board of County Commissioners may accept, dismiss, or revise the penalty assessed.

ISSUING WARNING LETTERS, WARNING NOAVS, AND NOAVS

- The preparation of Warning Letters, Warning NOAVs, and NOAVs has been simplified by the use of form Letters.
- As directed by the AQPA, the CCO will register the enforcement document number in the log.

- When completed, the enforcement document is signed by the AQPA and the inspection report signed by the CCO should be included.
- If a Stop Order was also required it should be part of the document package.
- If a penalty was assessed, the penalty amount should be included in the document. An Option Letter should be enclosed in the package.
- Be sure to provide cc's to the appropriate parties.
- Once the NOAV and packet is signed, it is ready for copying, mailing via certified mail, distribution and filing.

ACCOUNTABILITY AND FOLLOW-UP

All NOAVs are sequentially numbered to provide accountability. The enforcement process from date of inspection and NOAV issue date through date of return to compliance is tracked and documented in a NOAV Tracking System. This system ensures enforcement time lines are met and proper documentation has been completed. NOAVs are filed in the NOAV file (by fiscal year) and each source file along with inspection reports, Compliance Review Committee meeting minutes, Settlement Agreements, Adjudicated Orders, and any other relevant correspondence.

Appendix - Work Flow Diagram for Implementation and Enforcement of Nye County Dust Control Program

Dust Control Plan Review and Implementation

