

unpaved parking areas). Windblown emissions from disturbed areas and inactive storage piles on construction sites are also a source of PM-10. Construction operations, which are mostly earthmoving, represent approximately 37 percent of the 24-hour BLM Disposal Area emissions (not including trackout emissions).

The suggested measures in the Clark County Plan for controlling emissions from construction sites include a detailed list of controls encompassing a great variety of dust-generating activities, performance standards, enforcement-related measures,²⁰ and new measures not implemented in other areas. The measures considered include all sources of active dust generation and windblown dust on construction sites. We propose to find that the Clark County Plan evaluates a comprehensive set of potential controls for construction sites emissions including the potential MSM from other States.

Clark County adopted requirements pertaining to construction sites in Section 94 "Permitting and Dust Control for Construction Activities" on November 16, 2000. As part of this action, Clark County also adopted a "Section 94 Handbook," along with relevant tables of contents, definitions, articles, tables, indexes, examples and appendices.²¹ Together these documents make up the required control measures applicable to construction sites. Section 94 establishes the basic requirements for construction site dust control permits and other standards while the Section 94 Handbook lays forth more specific requirements for each dust-generating source.

Dust control permits are required prior to soil disturbance for all sites greater than ¼ acre, mechanized trenching greater than 100 feet in length, and mechanical demolition of structures greater than 1,000 square feet. However, all sites with construction activities regardless of size are subject to the requirements of section 94 and the Section 94 Handbook. Dust control permits must contain a "Dust Mitigation Plan" that employs the Section 94 Handbook Best Management Practices (BMPs). The Section 94 Handbook requirements are not only activity-specific and designed to be placed into dust control permits in a phase-specific manner, but are also specific to the type of soil at a particular site or location and

the soil's potential to emit fugitive dust. Therefore, each Dust Mitigation Plan must incorporate the appropriate BMPs per the Section 94 Handbook according to soil type parameters.²² Sites 10 acres or greater must provide a more detailed project description and site plan according to a "Site Specific Dust Mitigation Plan".

The Section 94 Handbook establishes a specific performance standard (*i.e.*, Control Requirement) that must be met for each identified construction activity.²³ Multiple Control Requirements apply for each construction activity. A menu of control measure options is provided, one or more of which must be specifically identified in the Dust Mitigation Plan to meet each applicable Control Requirement for the activity. The control measures identified in the Dust Mitigation Plan are subject to review and approval by the DAQM as part of the dust control permit.

Specific requirements include a 20 percent opacity standard for active earthmoving operations and construction traffic. Also, all construction activities are prohibited from creating a visible plume that extends more than 100 yards from the point of origin. Construction site trackout is addressed by both a requirement to install and maintain trackout control devices at all traffic access/exit points and a requirement that trackout be cleaned up immediately (within one hour of discovery) if it extends a cumulative distance of 50 feet or more. In addition, all trackout must be cleaned up by the end of the work day or evening shift. To prevent emissions during bulk material transport and handling, truck loads must be covered on public roads and a 20 percent opacity limit applies during truck loading and unloading. Truck loads of bulk materials on site must either be covered, maintain three to six inches of freeboard, or maintain optimum moisture content of soils. All inactive disturbed soil areas must meet surface stabilization standards,

²² Five soil type categories are included that take into account both silt content and optimum moisture content: high, moderately high, moderately low, low and slight. The high and moderately high soils generally require that a surfactant mixture with water or tackifier mixture with water, respectively, be applied for effective dust control.

²³ Construction activities with specific BMPs include trenching, truck loading, screening, landscaping, paving/subgrade preparation, disturbed inactive surfaces, track out control, staging, equipment, and material storage areas, construction traffic, crushing, abrasive blasting, soil and rock blasting, stockpiles, importing bulk materials, backfilling, clearing and grubbing, clearing forms, cut and fill and demolition.

including stockpiles and parking areas.²⁴ Unpaved haul roads must comply with both a 20% opacity standard²⁵ and a surface stabilization standard.²⁶ In high wind conditions, owners/operators must cease all construction activities if fugitive dust exceeds 20 percent opacity but must continue operation of water trucks and pulls except under specific circumstances. Sites with greater than 50 acres of actively disturbed soil are required to employ a responsible person to monitor dust control at the site.²⁷

Section 94 and the Section 94 Handbook and other documents adopted by reference contain appropriate performance standards and test methods for opacity and surface stability, recordkeeping requirements, and otherwise meet EPA's enforceability criteria. Although the opacity standard per the test method included in section 94 is the best currently available to assess the opacity of emissions from the variety of construction activities generating fugitive dust, it may not be sufficient in all field circumstances to control intermittently-occurring dust plumes to BACM levels. Therefore, Clark County has adopted a SIP commitment to fund additional research to develop an acceptable alternative test method and revise section 94 accordingly. See Chapter 4 of the Plan, section 4.8.2.7. We consider this commitment as factoring into our determination that the Plan provides for BACM/MSM.

Section 94 construction site requirements became effective on January 1, 2001. We propose to find that the Clark County Plan provides for the implementation of construction site measures as expeditiously as practicable, consistent with our proposed MSM policy.

For the MSM analysis, Clark County demonstrated that the section 94 and section 94 Handbook requirements are of equivalent or greater stringency than those adopted or in practice in other areas.

We, therefore, propose to find that the Clark County Plan provides for the

²⁴ Surfaces must comply with a visible crust standard per the test method in section 94 but may also comply with other surface stability standards in section 90.

²⁵ A modified EPA Reference Method 9 applies, found in section 91.

²⁶ A 6 percent silt content and/or 0.33 oz per square foot silt loading standard applies.

²⁷ This requirement was newly developed by Clark County and serves the dual purpose of improving compliance of larger sites by active monitoring of dust control-related efforts, but also encourages owners/operators to keep the total amount of disturbed surface under 50 acres as a preventative measure.

²⁰ We do not consider improved enforcement a BACM but rather a method of implementing BACM.

²¹ The Section 94 Handbook and associated documents are explicitly adopted as part of section 94 per subsection 94.3.1 of the rule.