
ARTICLE 4

General Standards for Particulate Matter

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[Statutory Authority: RCW 70.94.141]

PURPOSE: This Article is intended to prevent and reduce fugitive dust emissions from projects which destabilize soil in Benton County.

Section 4.01 Definitions

- A. "Fugitive dust" means a particulate emission made airborne by forces of wind, human activity, or both. Unpaved roads, construction sites, and tilled land are examples of areas that originate fugitive dust. Fugitive Dust is a type of fugitive emissions.
- B. "Fugitive emissions" means emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.
- C. "Agricultural activity" means the growing, raising, or production of horticultural or viticultural crops, berries, poultry, livestock, shellfish, grain, mint, hay, and dairy products.
- D. "Agricultural land" means at least five acres of land devoted primarily to the commercial production of livestock, agricultural commodities, or cultured aquatic products.
- E. "Destabilization project" means construction, repair, or demolition of any building or road, or landscaping work on a property, which destabilizes the soil and thus has potential for fugitive dust emissions.
- F. "Emergency" means:
 - 1. Active operations conducted during emergency, life threatening situations, or in conjunction with an officially declared disaster or state of emergency; or
 - 2. Active operations conducted by public service utilities to provide electrical, natural gas, telephone, water, or sewer service during emergency outages.
- G. "Facility" means any institutional, commercial, public, industrial, or residential structure, installation, or building (including any structure, installation, or building containing condominiums or individual dwelling units operated as a residential cooperative).
- H. "Good agricultural practices" means economically feasible practices which are customary among or appropriate to farms and ranches of a similar nature in the local area.

Section 4.02 Particulate Matter Emissions

- A. Fallout.

No person may cause or allow the emission of particulate matter from any source to be deposited beyond the property under direct control of the owner or operator of the source in sufficient quantity to interfere unreasonably with the use and enjoyment of the property upon which the material is deposited. [WAC 173-400-040(3)]

- B. Fugitive emissions.

The owner or operator of any emissions unit or operation engaging in materials handling, construction, demolition or other operation which is a source of fugitive emission: [WAC 173-400-040(4)]

1. Must take reasonable precautions to prevent the release of air contaminants from the operation located in an attainment or unclassifiable area and not impacting any nonattainment area. [WAC 173-400-040(4)(a)]
2. Are required to use reasonable and available control methods if the emissions unit has been identified as a significant contributor to the nonattainment status of a designated nonattainment area. The methods must include any necessary changes in technology, process, or other control strategies to control emissions of the air contaminants for which nonattainment has been designated. [WAC 173-400-040(4)(b)]

C. Fugitive dust [WAC 173-400-040(9)]

1. The owner or operator of a source, including developed or undeveloped property, or activity that generates fugitive dust must take reasonable precautions to prevent that fugitive dust from becoming airborne and must maintain and operate the source to minimize emissions. [WAC 173-400-040(9)(a)]
2. These reasonable precautions may include, but are not limited to watering, chemical stabilizers, physical barriers, compaction, gravel, vegetative stabilization, mulching and keeping open areas to a minimum.
3. The owner or operator of any existing source or activity that generates fugitive dust that has been identified as a significant contributor to a PM-10 or PM-2.5 nonattainment area is required to use reasonably available control technology to control emissions. Significance will be determined by the criteria found in WAC 173-400-113(4). [WAC 173-400-040(9)(b)]

D. Project Notification.

1. Applicability.

The owner or operator of any destabilization project must notify the Agency of the project prior to commencement of any work that destabilizes the soil via the Agency website, www.bentoncleanair.org.

2. Exemptions.

- a. Any project at an existing facility.
- b. Any emergency project.
- c. Any agricultural operation.

3. Requirements.

The notification must include all of the following:

- a. At least two contacts, including name and phone number, for those responsible for mitigating fugitive dust 24 hours a day.
- b. The Benton County Parcel ID of each parcel affected by the destabilization project.
- c. The owner and operator(s) of the site.
- d. statement, electronically signed by the owner or operator of the site, accepting responsibility for controlling fugitive dust emissions.

E. Dust Control Plans.

1. Applicability.

The owner or operator of any destabilization project must maintain a written dust control plan for the project and make the dust control plan readily available.

2. Exemptions.
 - a. Any project at an existing facility.
 - b. Any emergency project.
 - c. Any agricultural operation.
4. Dust Control Plan Requirements.
 - a. Dust control plans must identify management practices and operational procedures which will effectively control fugitive dust emissions.
 - b. Dust control plans must contain the following information:
 - i. A detailed map or drawing of the site;
 - ii. A description of the water source to be made available to the site, if any;
 - iii. A description of preventive dust control measures to be implemented, specific to each area or process; and
 - iv. A description of contingency measures to be implemented in the event any of the preventive dust control measures become ineffective.
 - c. An owner or operator must implement effective dust control measures outlined in dust control plans.
 - d. The owner or operator must provide the Agency with a copy of the plan within two business days of it being requested.
5. Master Dust Control Plan.
 - a. As an alternative to a site dust control plan, an owner or operator may develop a master dust control plan that applies to more than one site or project. The master plan must:
 - i. Address all the requirements in Section 4.02.E.3 of this Regulation; and
 - ii. Provide for effective control of fugitive dust emissions to all sites and projects.
 - iii. Prior to the commencement of work at any site or project covered by the master plan, the owner or operator must notify the Agency.

Section 4.03 Agricultural Particulate Matter Emissions

A. Exemption.

Fugitive dust caused by agricultural activity consistent with good agricultural practices on agricultural land are exempt from the requirements of Section 4.02 unless they have a substantial adverse effect on public health.

B. Establishing Good Agricultural Practices.

1. In determining whether agricultural activity is consistent with good agricultural practices, the Agency shall consult with a recognized third-party expert in the activity prior to issuing any notice of violation.
2. Additionally, at the Agency's written request, the operator of the agricultural activity must provide the following within 5 business days to assist in determining whether agricultural activity is consistent with good agricultural practices:
 - a. A description of the agricultural activity.

- b. A timeline of the agricultural activity of a length appropriate to that activity.
- c. A description of the good agricultural practices employed with respect to wind erosion.