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December 12, 2022

Mr. Scott DiBiase
Interim Director
Pinal County Air Quality Control District
P.O. Box 987
Florence, AZ 85132
scott.dibiase@pinal.gov

Subject: Comments Chapter 4, Article 3, West Pinal Construction Fugitive Dust Rulemaking

Dear Mr. Dibiase,

Waste Management of Arizona, Inc. (WMA) hereby provides comments on the West Pinal Construction Fugitive Dust Rulemaking, Sections 4-3-160, 4-3-170, and 4-3-180.

General Comments:

As a general comment, please provide clarity between what's required for general Construction Projects and the requirements for dust generating activities at Title V and Non-Title V sites. Questions include specific requirements for the dust control plan, minimum water available requirements, signage, notifications, fencing, and high winds procedures.

Specific Comments:

1. §4-3-160.A.4.a, Page 21: Please clarify the rule applicability as "before conducting dust generating activities" to avoid interpretations that controls need to be implemented immediately after permit issuance.
2. §4-3-170.3, Page 24: The definition of "Bulk Material" should not include "trash". Municipal Solid Waste (trash) contains larger materials and particles than the other materials listed. Some of the control requirements for bulk material regarding the handling of bulk materials includes wetting, which is discouraged for municipal solid waste.
3. §4-3-170.5, Page 24: The definition of "Construction" doesn't definitively include landfill activities. Are the landfill activities such as earth movement operations, including cell construction, and soil movement for daily cover included?
4. §4-3-170.9, Page 27: For the Dust Control Plan (DCP),
 - a. Is there going to be a standard format? Or will they be site specific?
 - b. Are the DCPs going to be approved by the PCAQCD, and if so, please update #3, page 34 to more clearly call that out. Also, will the DCP approval process be independent of the processing of the Title V and Non-Title V Permit application? Or will an additional Title V and Non-Title V Permit approval be required?
 - c. Will the DCPs for existing Title V and Non-Title V sites need to be revised?
 - d. Will the DCP for Title V and Non-Title V Landfill sites be required to have all of the same components as those for typical construction projects?
5. §4-3-170.9, Page 34: For the Permit Cancellation, a simple notification to the PCAQCD would seem adequate versus a Permit Cancellation Request. We see the PCAQCD receiving many of these requests, that plus many other Dust Program follow up actions, we propose that the text "or after three days following submittal the notification the notification will be deemed approved" be included in this proposed requirement.
6. §4-3-180.C.3., Page 36: Will the Dust Control Plans for Title V and Non-Title V sites be required to have all of the same components as those for typical construction projects? As an example will the Title V and Non-Title V be required to estimate the maximum vehicle traffic? This would be a difficult limit for the solid waste industry to quantify due to nonroutine circumstances, such as clean-up projects. If maximum isn't intended to limit operations, then the use of maximum should be qualified in the text as "for informational purposes".
7. §4-3-180.C.4., Page 37: On-site water requirements

- a. Are Title V and Non-Title V sites subject to the minimum water requirements? If so, please provide a table that is suitable for dust generating activities that do not include soil movement on an acre basis. The problem for a 300 acre site is that the well would need to produce 3,000,000 gallons per day, which is beyond any reasonable request and would draw down groundwater.
 - b. Table 2 should also have a maximum requirement consistent with Maricopa County and similar to Table 1, i.e., 30,000 gallon per day for sites >100 acres. For large landfills, the 10,000 gallon/acre may exceed pump capacity and Arizona Department of Water Resources limitations.
8. §4-3-180.D.4 Page 38: For dust generating projects included in Title V and Non-Title V permits, such as the construction of cell, are completion notifications required? Please note we continually construct new cells.
9. §4-3-180.E., Page 39: a. Will signage be required for Title V and Non-Title V sites?
b. If so, will the DCP for Title V and Non-Title V sites be required to have all of the same components as those for typical construction projects?
10. §4-3-180.G & H., Page 40: The training requirements do not specify Method 9 training, is this required?
11. §4-3-180.G & H., Page 40: Will the dust control training be conducted online, or in person with PCQACD staff? Will the PCQACD training certifications be allowed to be fulfilled by the certifications training required for Maricopa County?
12. §4-3-180.I., Page 41: The requirements regarding the definition of “high wind conditions” should be referenced on a sustained basis not for an instantaneous burst to allow for temporary gusts often witnessed at larger sites. The verbiage regarding the “100 yards in length requires clarification; is this for a dust trail 100 yards long.
13. §4-3-180.I.2.a., Page 42: The high wind barrier is not reasonable for large sites, such as a landfill. Even if a barrier is installed around the active face, 3 feet isn’t sufficient for slowing high winds. In general wind speeds increase with height due to air density and surface friction. Episodes of “High winds” will most likely blow over a 3’ fence. The fence wouldn’t slow the winds and result would be a source of constant maintenance.
14. §4-3-180.I.2.a., Page 42: Limiting vehicle traffic by the use of fencing or barricades isn’t needed where roads are paved, stabilized, signs are present to direct traffic, or the site layout is obvious to direct truck traffic in the proper areas. Is this section meant to prohibit nonauthorized public traffic? This section needs to be updated to clarify the intent of this requirement.
15. §4-3-180.I.2.d., Page 43: The requirements for backfilling needs to be limited to soil or aggregate. The definition of backfilling should exempt municipal solid waste. ADEQ discourages wetting municipal solid waste and liquid application may cause leachate, odors, vectors and other issues.
§4-3-180.I.2.g., Page 45: The pre-water requirements are unsustainable for the large earth moving projects, such as the regular landfill construction of 15 acre cells. Typically, the area is flooded days before construction begins. A test hole could, possibly cut to the depth of the first cut. But subsequent cuts are made one right after the other with watering, as needed, in between cuts. Waiting for water to descend to another cut depth, approximately 6”, could take multiple applications of water and hours, even days to accomplish. For a trench, an enormous amount of water would be required and as much as 1’ of hydraulic head to penetrate to a depth of 18”. It could take up to 48-72 hours. A reasonable alternative would be to allow for initial watering, with the application of additional water on an as needed basis to avoid visible emissions.
16. §4-3-180.L., Page 49: The trackout requirements need exceptions for areas during high traffic for safety purposes. It may be dangerous to operate water trucks or sweepers “immediately” after trackout exceeds 25’ or at the end of the day.
17. §4-3-180.N., Page 50: The scope of inspection for “high risk forecast days” needs to be clarified. Disturbed areas that have been stabilized should be removed from detailed inspection as some landfills, for instance, have many acres of stabilized areas. Additionally, active areas should be exempted from stabilization. Adherence to the control measures in the approved DCP should exempt a permit holder from additional inspections.

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Please let me know if you have any questions or if a meeting would be preferred to further discuss the comments. Please feel free to contact me directly at (602) 708-9815 or by e-mail at dbearde2@wm.com. Thank you.

Sincerely,

A handwritten signature in black ink, reading "David Bearden". The signature is written in a cursive, flowing style.

David Bearden
Senior Environmental Protection Manager
Waste Management