

REGULATORY DAMAGE CONTROL · ARIZONA DUST

After an ADEQ, EPA, or dust NOV in Arizona

First-week moves after a citation, plus a short dust-control checklist (Rule 310 / earthmoving / trackout / vacant lot). Not legal advice. You remain the permittee.

A notice of violation, an order of abatement, or an inspector on site is already a fact. The first job is to stop making it worse. The second is a written, ordered response. This sheet is a field aid for plant and job leadership. It is not counsel, a permit, or the rule.

THE FIRST WEEK

01 Read the notice. Calendar the date.

The NOV or order states what was observed, what rule is cited, and when a response is due. Put the due date on a calendar before anyone drafts a reply. Missed dates make the original problem larger.

02 Hold the record. Stop informal replies.

Keep logs, permits, training files, photos, and correspondence. Do not delete, tidy, or "fix" records after the fact. Do not argue the finding in an email thread that has no owner.

03 Separate fact, gap, and fix.

What the inspector saw. What the written program required. What the site will change. Those are three different sentences. A response that mixes them reads like an excuse.

04 Walk the site against the allegation.

Photograph current conditions. Compare the plan or permit to the yard as it runs today. If this is dust, use the checklist on page 2. Do not rewrite history. Record what is true now.

05 Write one response. Then send it.

One document, one owner, one deadline. Attach what was asked for. If counsel is involved, this work sits next to that advice. It does not replace it.

LIMITS

What this is not.**Not legal advice.**

Arroyo is an EHS practice, not a law firm. Nothing here is a promise that a finding will be withdrawn or a penalty reduced. If you need counsel, retain counsel.

You remain the permittee.

The company whose name is on the job or the yard stays the operator of record. Arroyo does not file as the operator.

Not a water-truck contractor.

Plan, permit, and program work. Not a truck on standby, not watering on a shift, not a promise to run dust-control equipment.

Not confined-space rescue.

Confined space work, when offered, is program and assessment. Not field standby and not a team on the pad.

Agencies named as regulators: ADEQ · EPA · Maricopa County Air Quality (Rule 310 / 310.01)

DUST CONTROL CHECKLIST

Earthmoving, trackout, vacant lots, haul roads.

Maricopa County Air Quality Rule 310 and 310.01 style checks. ADEQ and other Arizona county programs use the same ideas. This is a walk of paper versus the yard. It is not the rule, not a permit, and not a water-truck contract.

RULE 310

Earthmoving

- ☐ Disturbed acreage matches the dust control permit or plan on file.
- ☐ The control named for the cut (water, gravel, chemical, cover) is actually on the job, not only on paper.
- ☐ The crew knows the high-wind stop. Idle disturbed ground has a control, not a hope.
- ☐ Earthmoving that has finished is stabilized or back under a listed control.

EXITS TO PUBLIC ROADS

Trackout

- ☐ Trackout control sits at exits onto public roads and is in use, not stacked to the side.
- ☐ Gravel pad, rumble, wheel wash, or the equivalent in the plan is the one the trucks actually hit.
- ☐ Public pavement at the gate is not carrying mud off the site.
- ☐ A sweeper after the fact is a cleanup, not the whole trackout program.

RULE 310.01 STYLE

Vacant lot / unpaved

- ☐ Vacant lots, unpaved parking, and idle storage have a visible stabilization (gravel, vegetation, crust, pavement, or listed treatment).
- ☐ Access is controlled if the lot is not an active yard.
- ☐ Prior complaints, NOVs, or orders of abatement on that parcel are in the file.
- ☐ Rule 310.01 style vacant-lot duties are not assumed to be covered by an earthmoving permit next door.

THE YARD AS IT RUNS

Haul roads, yards, piles

- ☐ Haul roads and yard travel surfaces have the speed, watering, or treatment the plan states.
- ☐ Stockpiles match the plan on slope, cover, and loading practice.
- ☐ Drop heights, crushers, and loadout are not free-dumping past what the write-up allows.
- ☐ Water logs, inspections, and the written program line up with the yard as it runs today.

AFTER A DUST NOV OR ORDER OF ABATEMENT

Same first week. Then the yard.

- 01 Do not "fix" water logs, inspection sheets, or the plan after the fact.
- 02 Photograph current conditions before anyone grades or waters for show.
- 03 Compare the plan to the yard before you rewrite the plan.
- 04 One response, one owner, calendar the due date. Counsel if you need counsel.

If the plan, the permit package, or the written response needs an outside hand, write Arroyo. The practice is based in Phoenix. You remain the permittee.

stonetempleindustries@gmail.com
arroyo-ehs-app.vercel.app
arroyo-ehs-services.com

Not legal advice. Not a water-truck contractor.
Not confined-space rescue.