

Appendix E

Contracted Water Truck Policy

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Section 94 authorizes the Department to take remedial action for dust abatement on construction sites, when the property owner/permittee fails to do so on their own behalf:

94.7.4.4 The Control Officer, or his/her designee shall be further empowered to enter upon any said land where any loose soil or dust problem exists, and to take such remedial and corrective action as may be deemed appropriate to cope with and relieve, reduce, or remedy the loose soil, dust situation or condition, when the Owner and/or Operator fails to do so.

94.7.4.4.1 Any cost incurred in connection with any such remedial or corrective action by the Department of Air Quality and Environmental Management or any Person acting for the Department of Air Quality and Environmental Management shall be reimbursed by the land Owner and/or Operator. If these costs are not reimbursed the Control Officer may request a lien be placed on the subject lands that shall remain in full force and effect until any and all such costs have been collected.

In order to implement this portion of the regulations, the Department shall rely upon the following policy and procedures:

1. If an inspection reveals that a construction site has failed to stabilize their site as required by Section 94 and the Construction Activities Handbook, document the conditions on an inspection form and by taking photographs. Appropriate test methods may also be used to document the site conditions. Measure the unstabilized area by pacing or using a measuring tape or wheel.
2. Issue a Corrective Action Order to the responsible party using standard language explicitly requiring soil stabilization immediately. The CAO should state, "If all site soils are not stabilized within 24 hours, the Department may take corrective action to stabilize the soils at the expense of the owner, permittee, or contractor."
3. Conduct a follow-up inspection using the procedure described in step 1. If a follow-up inspection at least 24 hours subsequent to the prior inspection demonstrates that the soils are still unstabilized, call the responsible party and advise them that the site remains out of compliance, call them and advise them that we may be dispatching a contracted water truck. If they indicate that they can immediately remedy the situation and it appears plausible that they will do so (e.g. you observe that there is a water truck filling up or you are reasonable assured to your satisfaction that they will immediately take corrective action) you may exercise reasonable discretion to delay calling in a water truck.
4. Call the Compliance Supervisor to advise of the situation and obtain authorization for ordering a contracted water truck.

5. Call the water truck company and advise them of a need for their services, and schedule a water truck to stabilize the site. Advise them of your status as a Compliance Officer. The employee of the water truck company who answers the phone should be aware of our contract, but if not tell them to clear it with Perry, the owner.
6. If a confrontational attitude by the responsible party escalates to the point that the Compliance Officer deems it unsafe or unwise to continue, or if the responsible party demands that the Compliance Officer and/or water truck depart from the site, the Compliance Officer and the water truck shall depart from the site. Immediately advise the Compliance Supervisor of the situation.
7. The costs incurred in stabilization shall be documented on the economic benefit component of a Notice of Violation, so that the county's expenses for abatement can be recovered. This expense shall not be considered a part of the penalty per se, but shall be considered reimbursement to the county for the cost of abatement. Alternatively we may be able to arrange for direct billing from the water truck company to the violator, but this procedure has not yet been established.

The water truck company under contract to the county is:

Best Water Truck Service
651-1501