**Section 845.500 Air Criteria**

a) The owner or operator of a CCR surface impoundment, or any lateral expansion of a CCR surface impoundment, must adopt measures that will effectively minimize CCR from becoming airborne at the facility, including CCR fugitive dust originating from CCR surface impoundments, roads, and other CCR management and material handling activities.

b) CCR Fugitive Dust Control Plan. The owner or operator of the CCR surface impoundment must prepare and operate in accordance with a CCR fugitive dust control plan as specified in this subsection (b). This requirement applies in addition to, not in place of, any applicable standards under the Occupational Safety and Health Act (29 USC 15), including 29 CFR 1910.1018, 29 CFR 1910.1024, 29 CFR 1910.1025, 29 CFR 1910.1027, and 1910.1053, or any other State or federal law.

1) The CCR fugitive dust control plan must identify and describe the CCR fugitive dust control measures the owner or operator will use to minimize CCR from becoming airborne at the facility. The owner or operator must select, and include in the CCR fugitive dust control plan, the CCR fugitive dust control measures that are most appropriate for site conditions, along with an explanation of how the measures selected are applicable and appropriate for site conditions. Examples of control measures that may be appropriate include: locating CCR inside an enclosure or partial enclosure; operating a water spray or fogging system; reducing fall distances at material drop points; using wind barriers, compaction, or vegetative covers; establishing and enforcing reduced vehicle speed limits; paving and sweeping roads; covering trucks transporting CCR; reducing or halting operations during high wind events; or applying a daily cover.

2) The CCR fugitive dust control plan must include procedures to log every complaint from members of the public received by the owner or operator involving CCR fugitive dust events at the facility. The owner or operator must:

A) Include for each logged complaint the date of the complaint, the date of the incident, the name and contact information of the complainant, if given, and all actions taken to assess and resolve the complaint; and

B) Submit quarterly reports to the Agency no later than 14 days from the end of the quarter of all complaints received in that quarter, including the information required by subsection (b)(2)(A).

3) The CCR fugitive dust control plan must include a description of the procedures the owner or operator will follow to periodically assess the effectiveness of the control plan.

4) The owner or operator of a CCR surface impoundment must prepare an initial CCR fugitive dust control plan for the facility by October 31, 2021, or by initial receipt of CCR in any CCR surface impoundment at the facility if the owner or operator becomes subject to this Part after October 31, 2021.

5) Amendment of the Plan. The owner or operator of a CCR surface impoundment subject to the requirements may amend the written CCR fugitive dust control plan at any time provided the revised plan is submitted to the Agency. The owner or operator must amend the written plan whenever there is a change in conditions that would substantially affect the written plan in effect, such as the construction and operation of a new CCR surface impoundment.

6) The owner or operator must place the initial and any amendments to the fugitive dust control plan in the facility's operating record as required by Section 845.800(d)(7). The most recent fugitive dust control plan must be placed in the facility's operating record and available on the owner's or operator's CCR website before submitting a permit application under this Part.

7) The owner or operator must obtain a certification from a qualified professional engineer that the initial CCR fugitive dust control plan, or any subsequent amendment of it, meets the requirements of this Section.

c) Annual CCR Fugitive Dust Control Report. The owner or operator of a CCR surface impoundment must prepare an annual CCR fugitive dust control report that includes a description of the actions taken by the owner or operator to control CCR fugitive dust and the four quarterly fugitive dust complaint reports submitted under subsection (b)(2)(B). The annual CCR fugitive dust control report must be submitted as a part of the annual consolidated report required by Section 845.550.