



Maricopa County Air Quality Department
Substantive Policy Statement: SPS-2018-009
Block Permits and Contractors
Issue Date: November 16, 2018

Approved by:

A handwritten signature in cursive script that reads "Philip A. McNeely".

Philip A. McNeely, Director

A substantive policy statement is advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the county and does not impose additional requirements or penalties on regulated parties or include confidential information or rules or ordinances adopted pursuant to Arizona Revised Statutes (A.R.S.) Title 49 (The Environment), Chapter 3 (Air Quality). [A.R.S. §§ 11-1601(8), 49-471(17)]

If you believe that this substantive policy statement does impose additional requirements or penalties on regulated parties, you may petition the agency under A.R.S. § 41-1033 for a review of the statement. [A.R.S. § 41-1033]

An applicant for a license subject to A.R.S. Title 11 (Counties), Chapter 11 (County Regulations), Article 1 (General Provisions) may request a county to clarify its interpretation or application of a statute, ordinance, regulation, delegation agreement or authorized substantive policy statement affecting the procurement of that license by providing the county with a written request that satisfies the requirements of A.R.S. § 11-1609(A). [A.R.S. § 11-1609]

I. Purpose

This substantive policy statement explains the applicability of block permits to contractors who are hired by municipalities, government agencies or utilities, and the responsibilities of the contractor and municipalities, government agencies and utilities (the block permit holder).

II. Applicability

This substantive policy statement applies to:

- A. Municipalities, government agencies and utilities that have been issued a block permit and that hire contractors to work under their block permit; and
- B. Contractors who are hired by municipalities, government agencies or utilities to work under a municipality's, government agency's or utility's block permit

III. Definitions

- A. Contractor** – Any person, firm, partnership, corporation, association or other organization, or a combination of any of them, that, for compensation, undertakes to or offers to undertake to, purports to have the capacity to undertake to, submits a bid or responds to a request for qualification or a request for proposals for construction services to, does himself or by or through others, or directly or indirectly supervises others to:
1. Construct, alter, repair, add to, subtract from, improve, move, wreck or demolish any building, highway, road, railroad, excavation or other structure, project, development or improvement, or to do any part thereof, including the erection of scaffolding or any other structure or work in connection with the construction.
 2. Connect such a structure or improvements to utility service lines and metering devices and the sewer line.
 3. Provide mechanical or structural service for any such structure or improvements.
- B. Control Officer** – The executive head of the Maricopa County Air Quality Department (MCAQD) authorized or designated to enforce air pollution regulations, the executive head of an air pollution control district established under A.R.S. § 49-473, or the designated agent.
- C. Owner And/Or Operator** – The person including, but not limited to, the property owner, lessee, developer, responsible official, dust control permit applicant (who may also be the responsible party contracting to do the work), general contractor, prime contractor, supervisor, management company, or any person who own, leases, operates, controls, or supervises a dust-generating operation subject to the requirements of Maricopa County Air Pollution Control Regulations, Rule 310 (Fugitive Dust From Dust-Generating Operations).
- D. Person** – Any individual, public or private corporation, company, partnership, firm, association or society of persons, the federal government any of its departments or agencies, or the state and any of its agencies, department or political subdivisions, as well as a natural person.
- E. Subcontractor** – Any person, firm, partnership, corporation, association, or other organization that conducts work at a site under contract with or under the control or supervision of the owner and/or operator or another subcontractor.

IV. Discussion

Maricopa County Air Pollution Control Regulations, Rule 310 (Fugitive Dust From Dust-Generating Operations) explains the requirements for block permits. Block permits are only issued to municipalities, government agencies or utilities for one or more of the following projects that occur in multiple, small areas scattered throughout Maricopa County:

- Routine operations (the maintenance of infrastructure, e.g., weed control around a prison, canal road grading, road grading, road shoulder grading)
- Installation of fiber optic cable and natural gas line extension
- Expansion or extension of utilities, paved roads, unpaved roads, road shoulders, alleys and public rights-of-way at non-contiguous sites

When municipalities, government agencies or utilities don't have the resources to conduct these projects themselves, they find it necessary to hire contractors.

V. Statutory Authority

- A. A.R.S. § 49-474.06 [Title 49-The Environment, Chapter 3-Air Quality, Article 3-County Air Pollution Control, Section 49-474.06-Dust Control; Subcontractor Registration; Fee]
- B. A.R.S. § 49-479 [Title 49-The Environment, Chapter 3-Air Quality, Article 3-County Air Pollution Control, Section 479-Rules; Hearing]
- C. A.R.S. § 49-480 [Title 49-The Environment, Chapter 3-Air Quality, Article 3-County Air Pollution Control, Section 480-Permits; Fees]

VI. Procedures

- A. Contractors who have been hired by municipalities, government agencies or utilities to work under their block permit must comply with all of the following:
 1. Register with the Control Officer as a subcontractor and:
 - a. Have registration number readily accessible on-site while conducting any dust-generating operations
 - b. Have registration number visible and readable by the public without having to be asked by the public, e.g., included/posted on a sign that is visible on the contractor's vehicle or equipment
 2. Have at least one person who has successfully completed a Basic Dust Control Training Class present at a site or a group of contiguous sites under one project that has more than one acre of disturbed surface area
 3. Follow all of the provisions of the block permit, Rule 310 (Fugitive Dust From Dust-Generating Operations) and other applicable regulations
- B. Municipalities, government agencies or utilities that hire contractors to work under their block permit must comply with all of the following:
 1. List all contractors in the block permit application

- 2. For contractors who are not listed in the block permit application, notify the Control Officer in writing prior to the contractor beginning work under the block permit
- C. In lieu of issuing to a block permit holder (municipality, government agency or utility), the Control Officer may issue a Notice of Violation to a contractor for violating conditions of the block permit, Rule 310 (Fugitive Dust From Dust-Generating Operations) or other applicable regulations.

VII. Divisions Affected

- A. Permitting
- B. Compliance and Enforcement

VIII. References

- A. Maricopa County Air Pollution Control Regulations, Rule 310 (Fugitive Dust From Dust-Generating Operations)
- B. A.R.S. § 49-474.06 [Title 49-The Environment, Chapter 3-Air Quality, Article 3-County Air Pollution Control, Section 49-474.06-Dust Control; Subcontractor Registration; Fee]

IX. Revision History

Version	Date	Description
1.	11-16-2018	Initial version
2.		