Spokane County Public Works

2024 Dust Abatement Policy

Overview

It is the responsibility of the Spokane County Public Works Department to provide safe, well-maintained roads to meet the needs of the traveling public. Currently, Spokane County maintains over 5,000 lane miles of road. Of this total, over 1900 lane miles of roadway are gravel. These gravel roads must be maintained by grading when conditions warrant.

During summer months, gravel roads can generate dust that is objectionable to adjacent property owners. For this reason, Spokane County allows property owners and residents to contract for the application of County approved dust palliatives on County roads, at the property owner’s or resident’s expense.

The application of dust palliative and all the associated liabilities are the responsibility of the contractor and/or property owner or resident. All dust palliative applications require a current contractor permit to be filed with Spokane County prior to any work. The following general rules will apply to dust abatement.

A Dust Abatement Guidelines

1. Placement of dust palliative on County Roads will be permitted during a limited season, as conditions warrant, for the reduction of dust only. No requests will be accepted for processing after Friday, June 28th, 2024. The season, including the reapplication of material to the road surface will end no later than August 31st 2024.

2. The contractor will notify Spokane County of their intention to apply dust palliative at each individual address by submitting a complete and accurate request for approval to do so. Notification to Spokane County is required for reapplication of dust palliative. Reapplication areas shall be signed according to the requirements of original permits.

3. The contractor will be notified when requested locations are approved for the application (or reapplication) of a dust palliative. It is the contractor’s responsibility to apply dust palliative within five calendar days of the approval, or sooner if advised to do so, to avoid the need to re-grade the road. If the contractor fails to apply the product within the given timeframe the
County will not guarantee a quick response to a request for re-grading. If a contractor receives approval and does not apply dust palliative in the required time period, the contractor shall take responsibility for their delay and Spokane County will inform the customer said delay was the responsibility of the contractor.

4. It is the responsibility of the contractor to ensure that dust palliative is applied in a manner that protects the motoring public from vehicle damage. Proper signing is also required to advise motorists of the existence of “DUST CONTROL”.

5. Contractors will adhere to the County’s complaint process and assume responsibility for resolution of damage complaints.

6. Although dust palliative has been applied, the road must, and will, be graded when road conditions deteriorate to an unsafe/unacceptable condition (i.e. washboards, chuck holes, reduced skid resistance). Spokane County will not be responsible for replacing dust abatement products under any circumstances.

7. Contractors cannot turn in dust abatement requests until either the Contractors physically mark the beginning and ending points on the road with approved flags (see below Section C, Item 3a for updated flagging requirements), or receive confirmation from the customer that they have marked the beginning and ending points on the road with approved flags for grading. Signage, not flags must remain up for the duration of the season. Please remove flags when placing signs after application of product.

8. Contractors shall apply dust palliative to total width of roadway, no half width applications are acceptable.

9. Under the Public Disclosure Law, Spokane County will release information pertaining to product and SDS information if requested by the public.

10. Petroleum products other than approved Emulsified Asphalt products are no longer approved in Spokane County. Acceptable alternative dust palliatives are lignin products, magnesium chloride, or calcium chloride.

11. There is to be no application of any dust abatement products on a roadway within 50 feet of any body of water where there is a possibility that the palliative may be washed into a water source (e.g., Newman Lake, Liberty Lake, Little Spokane River, Hangman Creek, Spokane River, Silver Lake, Clear Lake, Badger Lake, etc.). It is the Contractor’s responsibility to check each request to determine if it crosses or is adjacent to a stream or body of water. The Washington State Department of Ecology requests that the application of dust palliative be timed to avoid runoff from rainfall or human activity such as irrigation.

12. The County will occasionally take random samples of the dust palliative products. The Contractor and operators shall cooperate with county personnel in obtaining the samples from

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the applicator trucks. An SDS must be provided at the time the sample is obtained. If a truck is said to be “empty”, a County employee must still be allowed to attempt to obtain a sample. The lab results of the product MUST match the SDS provided by the contractor.

13. When the Contractor changes products, a new Certified Test Report will be required. Failure to provide current product information, or changing product without notification to the County Engineer, can result in termination of the Contractor’s permit for the current season, and possibly for future seasons.

14. It is Spokane County’s preference to leave dust palliative in place during the limited season. The application of dust palliative is solely for reduction of dust, and therefore does not upgrade any portion of the road from gravel to “hard surface”. The County will continue to maintain the road as a gravel road and property owners and residents should expect that any dust palliative applied to the road would be graded up at least twice a year. The decision to grade roads will be made based on the condition of the road, weather conditions, economics, and the judgment of those responsible for maintaining that section of road.

B Permit Requirements

1. Street Obstruction Permit Bond Requirement - $10,000.00

2. Liability Insurance $500,000.00, naming Spokane County as Additional Insured.

3. Materials Certification: Submit current (not more than 30 days old) certified test report and current SDS for products proposed for Dust Abatement on county roads. Copies of the SDS shall be carried on the applicator truck and made available for inspection by county personnel upon request.

4. TEST METHODS for Certified Test Report: Our policy requires the submittal of a certified test report. The following test methods are to be used by the lab processing the sample:

   - EPA Test Method 8270 – PAH’s (previously 8100)
   - EPA Test Method 8082 – PCB’s in oil
   - EPA Test Method 6010 – Priority Pollutant Metals (13)
   - EPA Test Method 8260 – Chlorinated Solvents
   - BTEX

   a. The above tests are only required to be performed on applicable products. After consulting multiple testing agencies some of the above tests may not be necessary on
some products. When submitting permit documents, please provide a letter or documentation from the manufacturer or testing agency for products not needing tests.

5. Product supplier must submit, in writing, a letter to the County stating that the product is labeled as a dust palliative and must also include guidelines or instructions for use of the product as a dust palliative.


7. Contractor must provide a legal, physical address for their office or home for notification purposes.

8. Contractor must supply the county with an exact replica of Signage and Flagging to be used.

C Grading & Dust Palliative Application Request

1. The Contractor will submit requests for grading for the application of approved dust palliatives to the Spokane County Public Works Department via email to PublicWorksDustControl@spokanecounty.org.

2. The request should include:
   a. The location by street address and description of termini to be treated (i.e., 500 ft. west of Monroe Road to 1000 ft. west of Monroe Road)
   b. Complete and accurate mailing addresses, telephone numbers and email addresses (if available), will be required for each customer and is to be submitted with every request. If the information is not complete, the request will not be processed.
   c. Contiguous properties will be billed as one request. Identify only the primary customer’s address, name, and phone number. Provide a clear beginning and ending location or address for the request. A beginning intersection and ending intersection is also acceptable for the location description. Each break in application is considered another request.

3. Beginning and ending points must be marked with approved flags by the resident or contractor prior to grading. It will be the contractor’s responsibility to make sure the beginning and ending points of each request are adequately marked, prior to a grader operator coming out to prepare the road.
   a. Flags must be a minimum of 2” wide, preferably 3”. Flagging must include company name and the address submitted on grading request, either printed or written in permanent marker. Spokane County will allow flagging and writing in the color of the contractors choosing.
b. **In the event that the Contractor is having the customer place flagging, please remind of the minimum width and required information. Please notify Spokane County of the color the Contractor will be requiring of the customer.**

c. **Flags are to be staked next to the road; flags hung from trees, fence posts, or any other method of marking is not acceptable, and the road will not be graded.**

4. There is a $20.00 fee per request, which will be billed monthly as requests are approved. Contiguous application will be counted as one request.

5. The Contractor will be notified by e-mail that the road has been approved for treatment as soon as possible after review by the District Supervisor. The Contractor may then proceed to make the application. Contractors shall complete the application of dust palliative within five calendar days, or sooner if advised that the road should be treated within a shorter time period.

**D Signing**

“Dust Control” signs, with the name and local Spokane telephone number of the contractor, shall be placed at each end of the new palliative on the right hand shoulder in each direction and also at any cross streets from which a motorist could come in contact with the fresh palliative. These signs must be placed in accordance with other road advisory signs within the county right of way and clearly visible to all motorists. **SIGN REQUIREMENTS:** Signs will be a minimum of **8 ½ x 11 inches** in size and must include the contractor name and a local Spokane area telephone number in type that will be visible from a distance sufficient for motorists to see clearly before actually driving on the product. The contractor name and phone number must be readable from a motor vehicle. If the contractor chooses a sign size that does not allow for the required lettering sizes, they shall attach a sign to the bottom of the “Dust Control” sign, showing the company name and local telephone number in the required size. **It is the responsibility of the contractor & property owner to keep the signs in place and in good shape for the duration of the season.**

**E Remediation of Spills or Over-Application of Product**

Where unauthorized dust palliatives are used, or where dust palliative is applied on top of a hardpan surface, or where palliative is tracked onto pavement surfaces, it may be necessary for the County to take immediate corrective measures. In the event the County deems corrective measures are necessary, whether to prevent harm to motorists and/or to the county rights of way, the County Engineer shall direct his crew to alleviate the condition by the most appropriate method, and the contractor will be billed for all labor and materials required to do so. **By his/her signature on the seasonal permit, the Contractor does hereby agree to pay to the County any and all costs incurred in this procedure.**
ALSO, if any product is misapplied within the 50-foot buffer, or if any product is found in any water source, it will be ENTIRELY the Contractor’s responsibility to remove, or have the product removed, per the procedures mandated by the Washington State Department of Ecology at his/her own expense. If the Department of Ecology responds to a “spill”, the Contractor assumes full legal and financial responsibility for the removal process and any fines related to the misapplication.

F  Cancellation of Permit

Be advised that a permit can and will be cancelled if a contractor fails to meet any of the above requirements at any time during the season.