

1 BOARD OF COMMISSIONERS

2 COUNTY OF COOS

3 STATE OF OREGON

4 In the Matter of Establishing a County) RESOLUTION
5 Dust Abatement Policy) 02-06-085L

6 NOW BEFORE THE Board of Commissioners sitting for the
7 transaction of County business on the 3rd day of July, 2002, is the
8 matter of establishing a County Dust Abatement Policy;

9 AND IT APPEARING to the Board that pursuant to ORS 203.010,
10 Chapter 368, and Articles Four and Eleven of the Coos County Code,
11 the exercise of governmental powers relating to County roads is a
12 matter of local concern within the jurisdiction of the governing
13 body;

14 AND IT FURTHER APPEARING to the Board that dust can be a
15 problem during summer months; that the County has a statutory
16 duty to provide a safe and adequately maintained transportation
17 network within the fiscal capacity of the County; and that the
18 purpose of a dust control program is firstly to address safety
19 concerns and secondly to address the nuisance that roadway dust
20 creates for residents;

21 AND IT FURTHER APPEARING to the Board that it would not be
22 fiscally possible or desirable to make free dust control
23 available to all County residents, but recognizes the importance
24 of dust control, and as such is prepared to allow persons to
25
26
27
28

1 treat sections of County Roads with a product to control dust,
2 at their own cost, subject to the policies stated hereinbelow;

3 NOW THEREFORE, IT IS HEREBY RESOLVED that the following
4 policies are established:

5
6 1. Person(s) interested in applying dust control products to
7 County roads shall notify the County of such intention by first
8 contacting the County Highway Department to request a dust
9 control permit. There will be no fee for this permit.

10
11 2. To assure coordination between County Maintenance personnel
12 and the permittee, a separate permit shall be obtained for each
13 site to be treated.

14
15 3. Permittee shall give adequate warnings to the public, such as
16 by use of signs or flaggers, during dust control application
17 activities. The dust control site should also be marked with
18 stakes or flags showing the beginning and ending points.

19
20 4. All dust control agents used on County roads shall be approved
21 for use by the Oregon Department of Environmental Quality and be
22 included in the Coos County Highway Department's "Best Management
23 Practices" (BMP) for routine road maintenance. The County
24 reserves the right to add or delete materials from the approved
25 list at any time without prior notice. Petroleum products that
26 contain naphtha or other combustible materials may not be used.

27
28 5. Dust control palliative applicators shall comply with
conditions set forth herein and conditions set forth in the Coos
County Best Management Practices Guide(s).

6. The County does not guarantee the effectiveness of the dust
control agent chosen by the permittee.

7. The County will make every effort not to disturb treated
sections. However, the County reserves the right to determine
when a road must be graded to restore its reasonable travel
surface. In such event, the County shall not be responsible for
any costs or expenses associated with such disturbance, nor shall
it be responsible to re-apply dust control products.

IT FURTHER RESOLVED that the County will be responsible for
dust control abatement when its activities create excessive dust

1 conditions:

- 2 1. At major intersections and school bus stops with poor
- 3 alignments considered hazardous due to dusty conditions.
- 4 2. On designated gravel haul routes from County gravel pits.
- 5 3. Due to activities related to County road maintenance
- 6 projects.

7 IT IS FURTHER RESOLVED that commercial operators shall
 8 apply dust control at their own cost when their activities
 9 cause excessive dust conditions, as determined by the County
 10 Roadmaster.

11 DATED THIS _____ day of _____, 2002.

13 BOARD OF COMMISSIONERS

14 _____
 15 Chairman

16 _____
 17 Commissioner

16 Approved as to form:

18 _____
 19 Office of County Counsel

18 _____
 19 Commissioner

20
21
22
23
24
25
26
27
28