

Title 17 Air Quality Control

**The complete text of the rules is at <http://www.pima.gov/cob/code/>*

Chapter 17.12 PERMITS AND PERMIT REVISIONS

Article IV. Activity Permits

17.12.465 Definitions.

In addition to the definitions contained in Section 17.04.340, words, phrases and terms used in this Article shall have the following meanings:

- A. "Demolition" means the wrecking or taking out of any load-supporting structural member of a facility together with any related handling operations or intentional burning of any facility.
- B. "Earthmoving" means the movement of earthen material which causes or has the potential to cause fugitive dust.
- C. "Fugitive Dust" means the particulate matter not collected by a capture system that is entrained in the ambient air and is caused from human, animal, and/or natural activities, such as, but not limited to, movement of soil, vehicles, equipment, blasting, and wind.
- D. "Project" means the specific plan, design or phase of the plan for which the person obtains a permit.
- E. "Regulated asbestos containing material" or "RACM" means (a) Friable asbestos material, (b) Category I nonfriable ACM that has become friable, (c) Category I nonfriable ACM that will be or has been subjected to sanding, grinding, cutting, or abrading, or (d) Category II nonfriable ACM that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations regulated by 40 CFR 61, Subpart M.
- F. "Renovation" means altering a facility or one or more facility components in any way, including the stripping or removal of RACM from a facility component. Operations in which load-supporting structural members are wrecked or taken out are demolitions.
- G. "Trenching" means the construction of a narrow excavation, in relation to its length, made below the surface of the ground for purposes of facilitating the installation and repair of underground utilities.

17.12.470 Fugitive dust activity permits.

- A. No person shall conduct, cause or allow land stripping, earthmoving, blasting, trenching or road construction without first obtaining an activity permit from the Control Officer.
- B. There shall be two types of activity permits as follows:
 - 1. A single activity permit shall be obtained by persons conducting any one of the following activities:
 - a. Land stripping and/or earthmoving activities totaling more than one acre in size;
 - b. Trenching activities totaling more than 300 feet in length;
 - c. Road construction activities totaling more than 50 feet in length; and
 - d. Blasting activities.
 - 2. A multiple activity permit may be obtained by persons conducting more than one dust producing activity to include, but not limited to, land stripping, earthmoving, trenching, blasting, and road construction at a single project site covering an acre or greater.
- C. In the case of an emergency, action may be taken to stabilize the situation before obtaining an activity permit. Upon stabilizing the emergency situation, an activity permit shall be obtained.
- D. Permittees shall notify the control officer within five working days of the start and completion of the project.
- E. The following terms apply to the duration of the activity permit:
 - 1. An activity permit is valid for one year from the date of issue.
 - 2. Upon approval by the control officer, two permits covering the same scope of work or identical project may be obtained and will be valid for a period of two years from the date of issue.
 - 3. Permit coverage shall not be transferred from the original permit holder.
 - 4. Permits may be voluntarily terminated pursuant to Section 17.12.275.

F. The following exemptions will apply to this Section:

1. Class I, II, or III air quality permit holders pursuant to Section 17.12.140 whose permit authorizes the above described activities in subsection B.1.a thru d.
2. Trenching activities associated with the installation of irrigation lines for landscaping purposes that disturbs less than the first foot of topsoil.
3. Trenching activities located beneath a road for which a current fugitive dust activity permit for road construction has been issued.

Article VI. Fees

17.12.500 General provisions.

- A. Permits issued pursuant to a program adopted under this title are subject to payment of a reasonable fee to be determined as outlined in this chapter.
- B. Funds received for permits issued pursuant to this chapter shall be deposited in a special public health fund and shall be used by the control officer to defray the costs of implementing provisions of this title.
- C. An applicant for an activity or open burning permit shall pay a fee calculated according to the schedules listed at the end of this chapter and any other provisions established in subsequent sections. (Ord. 1995-87 § 22, 1995: Ord. 1993-128 § 3 (part), 1993)

17.12.540 Activity permit fees.

- A. Refer to Table 17.12.540, Activity Permit Fee Schedules.
- B. The control officer may waive the activity permit fee if all the following apply:
 1. The permit is being obtained for cleanup of an illegal dump; and
 2. The illegal dump was caused by a party other than the property owner where the dump is located.

17.12.620 Refund of permit fees.

No fees shall be refunded except those paid in excess of the amount required. An excess payment shall be refunded upon the written request of the permittee within one year of overpayment.

Table 17.12.540

FUGITIVE DUST ACTIVITY PERMIT FEES SCHEDULE (effective July 5, 2007)

S.S.1	ACTIVITY	RATE COMPONENTS			
A	Land stripping and/or earthmoving	1-2 acres	\$100.00		
		>2-10 acres	\$500.00		
		>10-40 acres	\$1,500.00		
		>40+ acres	\$3,000.00		
B	Trenching	300-500 feet	\$75.00		
		501-1,500 feet	\$200.00		
		1,501-5,000 feet	\$400.00		
		5,001+ feet	\$800.00		
C	Road construction	50-1,000 feet	\$50.00		
		1,001-3,000 feet	\$250.00		
		3,001-6,000 feet	\$500.00		
		6,001+ feet	\$1,000.00		
D	Blasting		\$25.00		

E	Multiple Activity Permit	1-10 acres >10-40 acres >40+ acres	\$ 625.00 \$2,000.00 \$4,000.00		
NESHAP Activity Permit					
F	Demolition or Renovation of NESHAP Facility		\$420.00		
¹ Sub-schedule for identification only.					

Chapter 17.16 EMISSION LIMITING STANDARDS

Article II. Visible Emission Standards

17.16.050 Visibility limiting standard.

- A. No person shall cause, suffer, allow or permit operations or activities likely to result in excessive amounts of airborne dust without taking reasonable precautions to prevent excessive amounts of particulate matter from becoming airborne.
- B. Except for sources located within the boundaries of the Tohono O'Odham, Pasqua Yaqui and San Xavier Indian Reservations, opacity of an emission from any nonpoint source, as measured in accordance with the Arizona Testing Manual, Reference Method 9, shall not exceed the following:
1. Twenty percent for such nonpoint sources in eastern Pima County, east of the eastern boundary of the Tohono O'Odham Reservation.
 2. Forty percent for such nonpoint sources in all other areas of Pima County.
- C. Open fires permitted according to Chapter 17.12 are exempt from the requirements of this section.
- D. No person shall cause, suffer, allow, or permit diffusion of visible emissions, including fugitive dust, beyond the property boundary line within which the emissions become airborne, without taking reasonably necessary and feasible precautions to control generation of airborne particulate matter. Sources may be required to cease temporarily the activity or operation which is causing or contributing to the emissions until reasonably necessary and feasible precautions are taken.
1. Sources required to obtain an air quality permit under ARS § 49-426, § 49-480 or Rule 17.12.470 may request to have the actions constituting reasonably necessary and feasible precautions approved and included as permit conditions. Compliance with such permit conditions shall be considered compliance with this subsection.
 2. This subsection shall not apply when wind speeds exceed twenty-five (25) miles per hour (using the Beaufort Scale of Wind-Speed Equivalents, or as recorded by the National Weather Service). This exception does not apply if control measures have not been taken or were not commensurate with the size or scope of the emission source.
 3. This subsection shall not apply to the generation of airborne particulate matter from undisturbed land.

Article III. Emissions from Existing and New Nonpoint Sources

17.16.055 General.

For purposes of this article, any source of air contaminants which due to a lack of an identifiable emission point or plume cannot be considered a point source, shall be classified as a nonpoint source. In applying this criteria, such items as air-curtain destructors, heater-planners, and conveyor transfer points shall be considered to have identifiable plumes. Any affected facility subject to regulation under this chapter or A.A.C. Title 9, Chapter 3, Article 8, shall not be subject to regulation under this article.

17.16.060 Fugitive dust producing activities.

- A. A permittee whose permit specifically allows fugitive dust producing operations or activities is responsible for controlling windblown dust, dust from haul roads, and dust emitted from land clearing, earthmoving, demolition, trenching, blasting, road construction, mining, racing event, and other activities, as applicable.
 - 1. Until the area becomes permanently stabilized by paving, landscaping or otherwise, dust emissions shall be controlled by applying adequate amounts of water, chemical stabilizer, or other effective dust suppressant.
 - 2. The permittee shall not leave land in such a state that fugitive dust emissions (including windblown dust or dust caused by vehicular traffic on the area) would violate Section 17.16.050.
- B. A permittee whose permit specifically allows fugitive dust producing operations or activities is responsible for controlling windblown dust, dust from haul roads, and dust emitted from land clearing, earthmoving, demolition, trenching, blasting, road construction, mining, racing event, and other activities to ensure compliance with Section 17.16.050.

17.16.070 Fugitive dust emissions standards for motor vehicle operation.

- A. No person shall cause, suffer, allow, or permit a vacant lot, or an urban or suburban open area, to be driven over or used by motor vehicles, trucks, cars, cycles, bikes, or buggies, or by animals such as horses, without taking reasonable precautions to limit excessive amounts of particulates from becoming airborne. Dust shall be kept to a minimum by using an approved dust suppressant, or adhesive soil stabilizer, or by paving, or by barring access to the property, or by other acceptable means.
- B. No person shall operate a motor vehicle for recreational purposes in a dry wash, riverbed or open area in such a way as to cause or contribute to excessive amounts of particulate matter from becoming airborne into a residential, recreational, institutional educational, retail sales, hotel or business premises.
- C. Any person found to be in violation of this section shall be guilty of an offense as provided under A.R.S. 49-502.
- D. In accordance with the provisions of A.R.S. 49-502, peace officers are authorized to issue a notice to appear for any violation of this section. In lieu of issuing a notice to appear, peace officers may file a violation report with the control officer, requesting him to file a complaint alleging a violation of this section pursuant to A.R.S. 49-502.

17.16.080 Vacant lots and open spaces.

- A. No person shall cause, suffer, allow, or permit a building or its appurtenances, or a building or subdivision site, or a driveway, or a parking area, or a vacant lot or sales lot, or an urban or suburban open area to be constructed, used, altered, repaired, demolished, cleared, or leveled, or the earth to be moved or excavated, without taking reasonable precautions to limit excessive amounts of particulate matter from becoming airborne. Dust and other types of air contaminants shall be kept to a minimum by good modern practices such as using an approved dust suppressant or adhesive soil stabilizer, paving, covering, landscaping, continuous wetting, detouring, barring access, or other acceptable means.
- B. No vacant lot, housing plot, building site, parking area, sales lot, playground, livestock feedlot, or other open area - other than those used solely for soil-cultivation or vegetative crop-producing and harvesting agricultural purposes - shall be used or left in such a state after construction, alteration, clearing, leveling, or excavation that naturally induced wind blowing over the area causes a violation of Section 17.16.050. Dust emissions must be permanently suppressed by landscaping, covering with gravel or vegetation, paving, or applying equivalently effective controls.
- C. No vacant lot, parking area, sales lot, or other open urban area shall be used by motor vehicles in such a manner that visible dust emissions induced by vehicular traffic on the area cause a violation of Section 17.16.050.

17.16.090 Roads and streets.

- A. No person shall cause, suffer, allow or permit the use, repair, construction or reconstruction of a roadway or alley without taking reasonable precautions to prevent excessive amounts of particulate matter from becoming airborne. Dust and other particulates shall be kept to a minimum by employing temporary paving, dust suppressants, wetting down, detouring or by other reasonable means.
- B. Dust emissions from the construction phase of a new road must be minimized by applying the same measures specified in subsection A of this section.
- C. No new unpaved private driveway shall be constructed unless the road will not be used by more vehicular traffic than that associated with a one- or two-family private residence, and the road will not be adjacent to any recreational, institutional, educational, or retail sales facility.
- D. No new unpaved service road or unpaved haul road shall be constructed unless dust will be suppressed after construction by intermittently watering, limiting access, or applying chemical dust suppressants to the road, in such a way that visible dust emissions caused by vehicular traffic on the road do not violate Section 17.16.050.
- E. No new road other than a private driveway shall be constructed unless the paving specifications are those defined by, or equivalent to those of, the planning department and/or highway department of the jurisdictional agency.
- F. The surfacing of roadways with asbestos tailings is prohibited.
- G. No person shall cause, suffer, allow or permit transportation of materials likely to give rise to airborne dust without taking reasonable precautions, such as wetting, applying dust suppressants, or covering the load, to prevent particulate matter from becoming airborne. Earth or other material that is deposited by trucking or earth moving equipment shall be removed from paved streets by the person responsible for such deposits.

17.16.100 Particulate materials.

- A. No person shall cause, suffer, allow or permit crushing, screening, handling, transporting or conveying of materials or other operations likely to result in significant amounts of airborne dust without taking reasonable precautions, such as the use of spray bars, wetting agents, dust suppressants, covering the load, and hoods to prevent excessive amounts of particulate matter from becoming airborne.
- B. Dust emissions from construction activity shall be effectively controlled by applying adequate amounts of water or other equivalently effective dust controls.
- C. Dust emissions from the transportation of materials shall be effectively controlled by covering stock loads in open-bodied trucks, limiting vehicular speeds, or other equivalently effective controls.
- D. Emissions from a sandblasting or other abrasive blasting operation shall be effectively controlled by applying water to suppress visible emissions (wet blasting), enclosing the operation, or use of other equivalently effective controls.

17.16.110 Storage piles.

- A. No person shall cause, suffer, allow, or permit organic or inorganic dust producing material to be stacked, piled or otherwise stored without taking reasonable precautions such as chemical stabilization, wetting, or covering to prevent excessive amounts of particulate matter from becoming airborne.
- B. Stacking and reclaiming machinery utilized at storage piles shall be operated at all times with a minimum fall of material and in such manner, or with the use of spray bars and wetting agents, as to minimize and control to ensure compliance with Section 17.16.050.

17.16.120 Mineral tailings.

- A. No person shall cause, suffer, allow, or permit construction of mineral tailing piles without taking reasonable precautions to prevent excessive amounts of particulate matter from becoming airborne. Reasonable precautions shall mean wetting, chemical stabilization, revegetation or such other measures as are approved by the control officer.

B. No person shall cause, suffer, allow, or permit construction of mineral tailings piles without taking reasonable precautions (i.e., wetting, chemical stabilization and revegetation) to minimize and control to ensure compliance with Section 17.16.050.