

## Article 8 Nonattainment Area Rules, Requirement for Stabilization of Disturbed Areas at Vacant Lots

### 4-8-260 Stabilization of Disturbed Areas at Vacant Lots: Applicability

#### A. Geographic Applicability.

The "affected area" under this rule includes the Pinal-County-portion of the Phoenix Planning Area Serious PM10 nonattainment Area, identified as Township 1 North, Range 8 East, Gila & Salt River Base and Meridian.

#### B. Affected Parcels; Vacant Lots.

1. For purposes of this rule, "vacant lot" means a parcel of land on which there are no approved or permitted permanent or temporary buildings or structures.

2. For purposes of this rule, where an owner holds a non-vacant lot, "vacant lot" does not include a contiguous parcel or parcels adjoining that non-vacant lot, but the exemption applies only if the parcels are subject to common legal or equitable ownership. For purposes of this rule, a "vacant lot" does not include the site of a disturbed surface area that is subject to control of dust generating operations pursuant to a dust registration issued by the Control Officer pursuant to Chapter 4, Article 3 of these rules.

4. For purposes of this rule, a "vacant lot" does not include the site of a disturbed surface area that is subject to an industrial permit issued by the Control Officer pursuant to Chapter 3 of these rules.

#### C. Affected Areas Within Vacant Lots; Disturbed Surfaces

1. For purposes of this rule, "disturbed surface" means a portion of the earth's surface or material placed on the earth's surface that has been physically moved, uncovered, destabilized or otherwise modified from its undisturbed native condition if the potential for the emission of fugitive dust is meaningfully increased by the movement, destabilization or modification.

2. For purposes of this rule, "disturbed surface" does not include:

a. Any area that is subject to a control of dust generating operations pursuant to dust registration issued by the Control Officer pursuant to Chapter 4, Article 3 of these rules.

b. Any area that is disturbed as a result of normal farm cultural practice.

c. Any area while the activity causing the disturbance is still proceeding.