

**ARTICLE 4.
NONATTAINMENT AREA RULES;
DUSTPROOFING FOR COMMERCIAL PARKING, DRIVES AND YARDS**

4-4-100. General Provisions

- A. Intent. The intent of this Article is to avoid violations of the prevailing PM₁₀ standard and additionally minimize nuisance impacts by improving control of excessive fugitive dust emissions from unpaved parking lots.
- B. Relationship to other rules. The provisions of this Article supplement and do not supplant the other provisions of these rules.
- C. Effective Date. Other than as specifically provided, rules set forth in this Article, and the repeal of any rules rescinded in conjunction with the amendment of this Article, shall become effective 60 days after final publication of a corresponding Notice of Final Rulemaking in the Arizona Administrative Register.
- D. Geographic Applicability
This Article applies in the Pinal County portion of the Phoenix PM₁₀ Serious Nonattainment area, more specifically Township 1 North, Range 8 East, Gila & Salt River Base and Meridian ("T1N R8E").
- E. Violations
Failure by any person to comply with the applicable requirements of this Article shall constitute a violation subject to penalty as provided in these rules and A.R.S. Title 49, Chapter 3, Article 3, A.R.S. §49-471 et seq.

[Adopted effective September 10, 2008. Amended June 3, 2009, effective August 26, 2009]

4-4-110. Definitions

As used in this Article:

- A. Hierarchy of definitions

For purposes of this Article definitions shall be based on the following order of precedence:

- 1. Enumerated definitions under this rule;
 - 2. Definitions in §4-7-210;
 - 3. Definitions set forth elsewhere in these rules; and
 - 4. The common and ordinary meaning of the term.
- B. Lot - A parcel of land identified on a final or parcel map recorded in the office of the Pinal County recorder with a separate and distinct number or letter.
 - C. Low use unpaved parking lot - A lot on which vehicles are parked no more than thirty-five (35) days during a calendar year.
 - D. Motor vehicle - A self-propelled vehicle for use on the public roads and highways of the State of Arizona and required to be registered under the Arizona State Uniform Motor Vehicle Act, including any non-motorized attachments, such as, but not limited to, trailers or other conveyances which are connected to or propelled by the actual motorized portion of the vehicle.
 - E. Owner and/or operator - Any person who owns, leases, operates, controls, maintains or supervises an unpaved parking lot surface subject to the requirements of this Article.
 - F. Pavement - A traffic-bearing surface consisting of any of:
 - 1. asphalt,
 - 2. recycled asphalt,
 - 3. concrete,
 - 4. Penetration treatment of bituminous material and a seal coat of bituminous binder and mineral aggregate, commonly known as "double chip seal" or "asphalt rock dust palliative" ("ARDP"),
 - 5. asphaltic concrete,
 - 6. rubberized asphalt, or

- 7. other similar material.
- G. Property line - The boundaries of an area in which either a person causing the emission or a person allowing the emission has the legal use or possession of the property. Where such property is divided into one or more sub-tenancies, the property line(s) shall refer to the boundaries dividing the areas of all sub-tenancies.
- H. Unpaved commercial parking lot - Any area that is not paved and that is used for parking, maneuvering, material handling, or storing motor vehicles and equipment. An unpaved commercial parking lot includes, but is not limited to, automobile impound yards, wrecking yards, automobile dismantling yards, salvage yards, material handling yards, and storage yards. For the purpose of this definition, maneuvering shall not include military maneuvers or exercises conducted on federal facilities. For purposes of Article 4, an unpaved commercial parking lot does not include parking, maneuvering, ingress and egress areas at residential buildings with four or fewer units, which residential parking lots separately regulated under Article 5.

[Adopted effective September 10, 2008. Amended June 3, 2009. effective August 26, 2009]

4-4-120. Objective Standards

An Owner and/or Operator shall stabilize any affected unpaved commercial parking lot surface such that:

- A. [Silt Content/Silt Loading Limitations] Every unpaved commercial parking lot shall show compliance at all times with one of the following objective standards as assessed in accord with Article 9, §4-9-320.A:
 - 1. Silt loading shall not exceed 0.33 oz/ft²; or
 - 2. Silt content shall not exceed 8% for parking areas.
- B. [Opacity Limitations] Observed opacity shall not exceed either of:
 - 1. 20% Internal Opacity Limitation. For any fugitive dust plume caused by vehicular movement, a limit of 20 percent opacity based on an intermittent opacity method, as determined by the applicable test method of Article 9. See §4-9-340.D.; or
 - 2. 0% Property Line Wind-Driven Opacity Limitation. The net opacity contribution from any unpaved commercial parking lot shall not violate a 0% opacity standard beyond the property line within which the emissions are generated for more than 30 seconds in any continuous six-minute period. For purposes of this limitation, opacity shall be determined based on a time-aggregation method. See Article 9, §4-9-340.F.

[Adopted effective September 10, 2008. Amended June 3, 2009. effective August 26, 2009]

4-4-130. Work Practice Standards

A. Commercial Unpaved Parking Lots

At any unpaved commercial parking lot other than a low-use unpaved commercial parking lot, the Owner and/or Operator shall:

- 1. Restrict vehicle access to only those areas for which control measures have been taken.
- 2. Dustproof the unpaved commercial parking lot with one of the following control measures:
 - a. Pave;
 - b. [Gravel surfacing] Uniformly apply and maintain surface gravel; or

- c. [Dust suppressants & trackout control] Apply dust suppressants other than water and install, maintain, and use a suitable trackout control system that controls and prevents trackout and/or removes particulate matter from the tires and the exterior surfaces of motor vehicles that traverse the site.

3. Make a record of the dustproofing action taken.

B. Low-Use Unpaved Commercial Parking Lots

At any low-use unpaved commercial parking lot, the Owner and/or Operator shall:

1. Restrict vehicle access to only those areas for which control measures have been taken.
2. Dustproof the unpaved commercial parking lot with one of the following measures:
 - a. Pave;
 - b. [Gravel surfacing] Uniformly apply and maintain surface gravel;
 - c. [Dust suppressants & trackout control] Apply dust suppressants other than water and install, maintain, and use a suitable trackout control system that controls and prevents trackout and/or removes particulate matter from the tires and the exterior surfaces of motor vehicles that traverse the site; or
 - d. [Water & trackout control] Apply water and install, maintain, and use a suitable trackout control device that controls and prevents trackout and/or removes particulate matter from the tires and the exterior surfaces of motor vehicles that traverse the site.
3. Make a record of the dustproofing action taken.

C. Compliance Determination

Implementation of the work practice standards required under this section shall be deemed inadequate until the Owner and/or Operator achieves compliance with the objective standards of §4-4-120.

D. Trackout Cleanup Requirement

If trackout occurs, the Owner and/or Operator shall:

1. Repair and/or replace the control measure(s);
2. Clean-up immediately such trackout from paved areas accessible to the public including curbs, gutters, and sidewalks when trackout exceeds a cumulative distance of 25 lineal feet;
3. Clean-up all visible trackout from paved areas accessible to the public at the end of the day.
4. Make a record of the repair, replacement and/or cleanup action taken.

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4-4-140. Recordkeeping and Records Retention

- A. Requirement to furnish records upon request. Upon verbal or written request by the Control Officer, the log or the records and supporting documentation required under this Article shall be provided as soon as possible but no later than 48 hours, excluding weekends. If the Control Officer is at the Site where requested records are kept, records shall be provided without delay.
- B. Records Retention. Any person subject to a record-keeping requirement shall retain copies of approved control measure implementation records, and all supporting documentation for at least two years from the date such records were initiated.

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