

Article 3 Construction Sites—Fugitive Dust

4-3-060. General Provisions

A. Intent; Applicability; Exceptions

1. Intent

The intent of this section is to improve the control of excessive fugitive dust emissions that have been traditionally associated with construction, earthwork and land development, and thereby minimize nuisance impacts.

2. Effective Date

Except for the registration requirements noted in A. 6(e), the approval date of the regulations and prohibitions set forth in this section is the date the Board of Supervisors adopts the final rule, unless the board of Supervisors specifies a later date. The rules will become effective 60 days after the final publication in the Arizona Administrative Register.

3. Geographic Scope

These rules shall be effective throughout Pinal County.

4. Affected Activities

Within the meaning of this section, land stripping, earthmoving, blasting, trenching, road construction, grading, landscaping, stockpiling excavated materials, storing excavated materials, loading excavated materials, or any other activity associated with land development which results in a disturbed surface area or dust generating operations, shall all constitute "affected activities" if the disturbed surface area is greater than 0.1 acre.

5. Affected Parties

The requirements and prohibitions of this rule shall independently apply to the land owner, and to any contractor or subcontractor operating on the job site, provided that full compliance with this rule by one of those parties shall operate to the benefit of each.

6. Exceptions

Subject to the exceptions below, the prohibitions, registration requirements and performance standards of this section shall apply to all affected activities.

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4-3-060. General Provisions continued

- a. The registration requirements of this section shall not apply to any facility operating under authority of a permit issued pursuant to ARS §§49-426 or 49-480.
- b. In the case of an emergency, action may be taken to stabilize the situation before submitting an air quality earthmoving activity registration form. Upon stabilizing the emergency situation, an air quality earthmoving activity registration form shall be submitted.
- c. In the case of legitimate vehicle test and development facilities and operations conducted by or for an equipment manufacturer, where dust is required to test and validate the design integrity, product quality and/or commercial acceptance, those activities shall be exempt from the registration requirements under this rule.
- d. The registration requirements of this section shall not apply to road maintenance activities. However, road maintenance activities must include control measures and work practices to reduce dust generation. A dust control plan must be prepared and available upon request, which shall contain an explanation of the control measures and work practices to be utilized on the project or site.
- e. The registration requirements of this section shall apply to public contracts, for work located outside of "Area A, " bid on or after December 30, 2002, and private contracts bids on the date the contract is signed.
- f. The registration requirements shall not apply with respect to affected activities associated with the emergency repair of utilities.

B. General Prohibition

Subject to the exemptions set forth in this section, it constitutes a violation of this rule for any person to cause or permit the use of any powered equipment for the purpose of conducting any affected activity, without:

1. Providing an earthmoving registration form to the control officer, obtaining a written acknowledgement from the control officer, and complying with the provisions of the registration notice; and
2. Complying with the universal performance standard defined in this rule (see 4-3-090).