

Article 1 West Pinal PM10 Nonattainment Area Fugitive Dust

4-1-015 Exemptions

1. 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 specific activities shall be exempt from the applicable standards and requirements in this Article.
2. The standards and requirements of this Article shall not apply to emergency response activities that may disturb the soil conducted by any utility or government agency in order to prevent public injury or to restore critical utilities to functional status. For purposes of this subsection, an emergency response must address a situation arising from a sudden and unforeseeable event beyond the control of the owner and/or operator, including acts of God. Activities by an owner and/or operator to address a disturbance resulting from improperly designed equipment, lack of preventative maintenance, careless or improper operation or operator error shall not qualify as an emergency response.
3. The standards and requirements of this Article shall not apply to normal farm cultural practices according to A.R.S. §49-457 and A.R.S. §49-504.4 which are subject to Arizona Department of Environmental Quality (ADEQ) rules R18-2-610, R18-2-610.01, R18-2-611 and R18-2-611.01.
4. The standards and requirements of this Article shall not apply to dust generating operations subject to the standards and/or requirements described in Chapter 4, Article 3.
5. The standards and requirements of this Article shall not apply to the establishment of initial landscapes without the use of mechanized equipment, conducting landscape maintenance without the use of mechanized equipment, and playing on or maintaining a field used for non-motorized sports. However, establishing initial landscapes without the use of mechanized equipment and conducting landscape maintenance without the use of mechanized equipment shall not include grading, or trenching, performed to establish initial landscapes or to redesign existing landscapes.