

## **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 PM<sub>10</sub> 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 Other than as specifically provided, rules set forth in this Article, and the repeal of any rules rescinded in conjunction with the amendment of this Article, shall become effective 60 days after final publication of a corresponding Notice of Final Rulemaking in the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 PM<sub>10</sub> 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.

### **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.

#### **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/ft<sup>2</sup>; 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.

#### **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.

#### **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.

### **ARTICLE 5. NONATTAINMENT AREA RULES; STABILIZATION FOR RESIDENTIAL PARKING AND DRIVES**

#### **4-5-150. Stabilization for Residential Parking and Drives; 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; Residential Property.

Property subject to this rule:

1. Includes any single deeded or platted parcel having built thereon a residential building or buildings with four or fewer residential units;
2. Excludes any publicly owned right-of-way legally established and actually maintained for travel by the public;
3. Excludes any right-of-way legally established to provide vehicular access to public utilities; and
4. Excludes earthmoving activity at a site, or that portion of a site, covered by mitigation requirements under dust registration issued by the Pinal County Control Officer.

##### C. Affected Surfaces at a Residential Property.

1. Affected surfaces include any areas in excess of 3,000 square feet utilized on a regular basis for parking, maneuvering or ingress and egress of on- or off-road vehicles.
2. Undisturbed surfaces are not affected surfaces, but only if those undisturbed surfaces are fenced or otherwise clearly distinguished from affected surfaces. Delineated long-term storage stalls, where a vehicle, trailer or other item is stored and not normally removed and replaced more than once in a sixty-day period shall also be considered undisturbed surfaces.

#### **4-5-160. Residential Parking Control Requirement**

- A. On and after the effective date, the owner and/or operator of any residential property shall install and maintain paving or a stabilization method for all affected surfaces. For purposes of this rule, "owner or operator" means any person who owns, leases, operates, controls, or supervises an affected area.
- B. For purposes of this rule, a stabilization method shall consist of one of the following, implemented in a manner that meets the maintenance standard of this rule:
  1. Paving with asphaltic concrete;
  2. Paving with Portland cement based concrete;
  3. Surfacing with a penetrating asphalt and a gravel surface, commonly known as chip sealing;
  4. Surfacing with and uniformly maintaining a two-inch deep layer of rock having a nominal size of 1/4" or larger;
  5. Surfacing with a two-inch deep layer of recycled asphalt;
  6. Watering with sufficient frequency so as to maintain a crust on the surface;
  7. Surfacing with any other surface treatment that has been approved in writing by the Pinal County Control Officer; or
  8. Initially, and at such other times as may be requested by the Control Officer, demonstrating to the satisfaction of the Pinal County Control Officer on a form as required by the Control Officer, that the average threshold friction velocity of the native soil surface, corrected for non-erodible

elements, is at least 100cm/second. Threshold friction velocity shall be assessed in accord with §4-9-320.B.2.

#### C. Maintenance

Surface stabilization shall be maintained in a manner that prevents visible track-out in excess of ten feet in length.

#### **4-5-170. Deferred enforcement date**

The Control Officer shall commence enforcement of the requirements of this Article no sooner than October 1, 2009.

## **ARTICLE 6. RESTRICTIONS ON VEHICLE PARKING AND USE ON VACANT LOTS**

#### **4-6-200. Unpaved and Unstabilized Vacant Lots, Restriction on Vehicle Parking and Use; Applicability**

##### A. Geographic Applicability.

1. The "affected area" under this rule includes the PM10-non-attainment-area portion of the Pinal-County-portion of Area A as defined at A.R.S. §49-541, including:  
Township 1 north, range 8 east
2. The "affected area" under this rule also includes the PM10-attainment-area portion of the Pinal-County-portion of Area A as defined at A.R.S. §49-541, including:  
Township 1 north, range 8 east  
Township 1 north, range 9 east  
Township 1 south, range 8 east  
Township 1 south, range 9 east  
Township 2 south, range 8 east  
Township 2 south, range 9 east  
Township 3 south, range 7 east  
Township 3 south, range 8 east  
Township 3 south, range 9 east

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

Property subject to this rule includes any unpaved or unstabilized vacant lot. For purposes of this rule, a vacant lot constitutes a parcel that is not occupied by a structure properly permitted under the prevailing building code. For purposes of this rule, a stabilized surface constitutes a surface that does not produce visible trackout when a vehicle leaves the lot, and shall consist of one of the following:

1. Paving with asphaltic concrete;
2. Paving with Portland cement based concrete;
3. Surfacing with a penetrating asphalt and a gravel surface, commonly known as chip sealing;
4. Surfacing with and uniformly maintaining a two-inch deep layer of rock having a nominal size of 1/4" or larger;
5. Surfacing with a two-inch deep layer of recycled asphalt;
6. Watering with sufficient frequency so as to maintain a crust on the surface;
7. Surfacing with any other surface treatment that has been approved by the Pinal County Control Officer;  
or
8. Initially, and at such other times as may be requested by the Control Officer, demonstrating to the satisfaction of the Pinal County Control Officer on a form as required by the Control Officer and pursuant to a test method approved by the Control Officer, that the average threshold friction velocity of the native soil surface, corrected for non-erodible elements, is at least 100 cm/second. Threshold friction velocity shall be assessed in accord with §4-9-300.

#### **4-6-210. Control Requirement**

1. A property owner or operator shall restrict vehicle parking and use on an unstabilized vacant lot. For purposes of this rule, "owner or operator" means any person who owns, leases, operates, controls, or supervises an affected area.

2. No person shall park any motor vehicle on any vacant unstabilized lot without the permission of the owner or operator. The vehicle operator and all persons in whose names the vehicle is registered shall be jointly and severally prima facie responsible for any violation of this prohibition.
3. The requirements under this rule shall not apply to an owner, operator, or anyone using or parking a vehicle with the permission of the owner or operator. Under this subsection, a lessee or an agent of the owner is an operator. Permission under this subparagraph includes access privileges expressly granted by statute, rule, ordinance or regulation of a federal or state agency or political subdivision, as well as access privileges granted as an attribute of any license issued by any such governmental body.