

Pima County Code Title 17 Air Quality Control

The complete text of the ordinance is at:

https://codelibrary.amlegal.com/codes/pimacounty/latest/pimacounty_az/0-0-0-13257#JD_Ch.17.14Art.II

17.14.010 - Definitions.

In addition to the definitions contained in Section 17.04.340, words, phrases and terms used in this chapter shall have the following meanings:

- A. "Demolition" means the wrecking or taking out of any load-supporting structural member of a facility together with any related handling operations or intentional burning of any facility.
- B. "Earthmoving" means the movement of earthen material which causes or has the potential to cause fugitive dust.
- C. "Fugitive dust" means the particulate matter not collected by a capture system that is entrained in the ambient air and is caused from human, animal, and/or natural activities, such as, but not limited to, movement of soil, vehicles, equipment, blasting, and wind.
- D. "Project" means the specific plan, design or phase of the plan for which the person obtains a permit.
- E. "Regulated asbestos containing material" or "RACM" means (a) friable asbestos material, (b) Category I nonfriable ACM that has become friable, (c) Category I nonfriable ACM that will be or has been subjected to sanding, grinding, cutting, or abrading, or (d) Category II nonfriable ACM that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations regulated by 40 CFR 61, Subpart M.
- F. "Renovation" means altering a facility or one or more facility components in any way, including the stripping or removal of RACM from a facility component. Operations in which load-supporting structural members are wrecked or taken out are demolitions.
- G. "Trenching" means the construction of a narrow excavation, in relation to its length, made below the surface of the ground for purposes of facilitating the installation and repair of underground utilities.

(Ord. 2017-20 § 2 (part), 2017)

Editor's note— Formerly § 17.12.465.

17.14.040 - Fugitive dust activity permits.

- A. No person shall conduct, cause or allow land stripping, earthmoving, blasting, trenching or road construction without first obtaining an activity permit from the control officer.
- B. There shall be two types of activity permits as follows:
 - 1. A single activity permit shall be obtained by persons conducting any one of the following activities:
 - a. Land stripping and/or earthmoving activities totaling more than one acre in size;

- b. Trenching activities totaling more than three hundred feet in length;
 - c. Road construction activities totaling more than fifty feet in length; and
 - d. Blasting activities.
2. A multiple activity permit may be obtained by persons conducting more than one dust producing activity to include, but not limited to, land stripping, earthmoving, trenching, blasting, and road construction at a single project site covering an acre or greater.
- C. In the case of an emergency, action may be taken to stabilize the situation before obtaining an activity permit. Upon stabilizing the emergency situation, an activity permit shall be obtained.
- D. Permittees shall notify the control officer within five working days of the start and completion of the project.
- E. The following terms apply to the duration of the activity permit:
- 1. An activity permit is valid for one year from the date of issue.
 - 2. Upon approval by the control officer, two permits covering the same scope of work or identical project may be obtained and will be valid for a period of two years from the date of issue.
 - 3. Permit coverage shall not be transferred from the original permit holder.
 - 4. Permits may be voluntarily terminated pursuant to Section 17.13.060.
- F. The following exemptions will apply to this section:
- 1. Class I, II, or III air quality permit holders pursuant to Section 17.11.090 whose permit authorizes the above described activities in subsection (B)(1)(a) thru (d).
 - 2. Trenching activities associated with the installation of irrigation lines for landscaping purposes that disturbs less than the first foot of topsoil.
 - 3. Trenching activities located beneath a road for which a current fugitive dust activity permit for road construction has been issued.

(Ord. 2017-20 § 2 (part), 2017)

Editor's note— Formerly § 17.12.470.

17.14.050 - Fugitive dust activity permit fees.

A. Fugitive Dust Activity Permit Fee Schedule (effective July 5, 2007).

S.S. ¹	ACTIVITY	RATE COMPONENTS	
A	Land stripping and/or earthmoving	>1—2 acres	\$100.00
		>2—10 acres	\$500.00
		>10—40 acres	\$1,500.00
		>40+ acres	\$3,000.00

B	Trenching	300—500 feet	\$75.00
		501—1,500 feet	\$200.00
		1,501—5,000 feet	\$400.00
		5,001+ feet	\$800.00
C	Road construction	50—1,000 feet	\$50.00
		1,001—3,000 feet	\$250.00
		3,001—6,000 feet	\$500.00
		6,001+ feet	\$1,000.00
D	Blasting		\$25.00
E	Multiple Activity Permit	>1—10 acres	\$625.00
		>10—40 acres	\$2,000.00
		>40+ acres	\$4,000.00

1. S.S. Sub-schedule for identification only.

B. The control officer may waive the fugitive dust activity permit fee if all the following apply:

1. The permit is being obtained for cleanup of an illegal dump; and
2. The illegal dump was caused by a party other than the property owner where the dump is located.

(Ord. 2017-20 § 2 (part), 2017)

Editor's note— Formerly § 17.12.540.

17.14.030 - Refund of overpayment of permit fees.

No fees shall be refunded except those paid in excess of the amount required. An excess payment shall be refunded upon the written request of the permittee within one year of overpayment.

(Ord. 2017-20 § 2 (part), 2017)

Editor's note— Formerly § 17.12.620.

17.16.050 - Visibility limiting standard.

- A. No person shall cause, suffer, allow or permit operations or activities likely to result in excessive amounts of airborne dust without taking reasonable precautions to prevent excessive amounts of particulate matter from becoming airborne.
- B. Except for sources located within the boundaries of the Tohono O'Odham, Pasqua Yaqui and San Xavier Indian Reservations, opacity of an emission from any nonpoint source, as measured in accordance with the Arizona Testing Manual, Reference Method 9, shall not exceed the following:

1. Twenty percent for such nonpoint sources in eastern Pima County, east of the eastern boundary of the Tohono O'Odham Reservation.
 2. Forty percent for such nonpoint sources in all other areas of Pima County.
- C. Open fires permitted according to Chapter 17.14 are exempt from the requirements of this section.
- D. No person shall cause, suffer, allow, or permit diffusion of visible emissions, including fugitive dust, beyond the property boundary line within which the emissions become airborne, without taking reasonably necessary and feasible precautions to control generation of airborne particulate matter. Sources may be required to cease temporarily the activity or operation which is causing or contributing to the emissions until reasonably necessary and feasible precautions are taken.
1. Sources required to obtain an air quality permit under ARS § 49-426, § 49-480 or Section 17.14.040 may request to have the actions constituting reasonably necessary and feasible precautions approved and included as permit conditions. Compliance with such permit conditions shall be considered compliance with this subsection.
 2. This subsection shall not apply when wind speeds exceed twenty-five (25) miles per hour (using the Beaufort Scale of Wind-Speed Equivalents, or as recorded by the National Weather Service). This exception does not apply if control measures have not been taken or were not commensurate with the size or scope of the emission source.
 3. This subsection shall not apply to the generation of airborne particulate matter from undisturbed land.

(Ord. 2017-20 § 3 (part), 2017: Ord. 2002-108 § 3, 2002; Ord. 1999-11 § 2, 1999; Ord. 1995-87 § 39, 1995; Ord. 1994-83 § 49, 1994; Ord. 1993-128 § 4 (part), 1993)

17.16.060 - Fugitive dust producing activities.

- A. A permittee whose permit specifically allows fugitive dust producing operations or activities is responsible for controlling windblown dust, dust from haul roads, and dust emitted from land clearing, earthmoving, demolition, trenching, blasting, road construction, mining, racing event, and other activities, as applicable.
1. Until the area becomes permanently stabilized by paving, landscaping or otherwise, dust emissions shall be controlled by applying adequate amounts of water, chemical stabilizer, or other effective dust suppressant.
 2. The permittee shall not leave land in such a state that fugitive dust emissions (including windblown dust or dust caused by vehicular traffic on the area) would violate Section 17.16.050.
- B. A permittee whose permit specifically allows fugitive dust producing operations or activities is responsible for controlling windblown dust, dust from haul roads, and dust emitted from land clearing, earthmoving, demolition, trenching, blasting, road construction, mining, racing event, and other activities to ensure compliance with Section 17.16.050.

(Ord. 1995-87 § 41, 1995; Ord. 1994-83 § 50, 1994; Ord. 1993-128 § 4 (part), 1993)