

**PIMA COUNTY ORDINANCE NO. 2002-108\_\_\_\_\_**

AN ORDINANCE OF THE PIMA COUNTY BOARD OF SUPERVISORS RELATING TO THE ENVIRONMENT AND AIR QUALITY; AMENDING CHAPTER 17.12, SECTION 17.12.470 BY EXTENDING THE TERM OF ACTIVITY PERMITS FROM THREE MONTHS TO ONE YEAR; AMENDING CHAPTER SECTION 17.12.540 TO PROVIDE A NEW FEE SCHEDULE FOR ACTIVITY PERMITS; AMENDING CHAPTER 17.16, SECTION 17.16.050, OF THE PIMA COUNTY CODE TO PROHIBIT EMISSIONS OF PARTICULATE MATTER GREATER THAN 20 PERCENT OPACITY FROM NON-POINT SOURCES IN EASTERN PIMA COUNTY.

**IT IS HEREBY ORDAINED BY THE PIMA COUNTY BOARD OF SUPERVISORS AS FOLLOWS:**

**SECTION 1.** Pima County Code Section 17.12.470 is hereby amended to read as follows:

17.12.470 Activity permits.

- A. Except as exempted in Table 17.12.540, no person shall conduct, cause or allow land stripping, earthmoving, blasting (except blasting associated with an individual source permit issued for mining), trenching or road construction, or commence demolition or renovation of any structure without first obtaining an activity permit from the control officer.
- B. 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.
- C. An activity is valid for a period of one year from the date of issue.
- D. Permittees shall notify the control officer within five working days of the start and completion of the project.
- E. This section shall not apply to sources which obtain a Class I or Class II air quality permit from the Director pursuant to ARS § 49-426 or from the Control Officer pursuant to Section 17.12.140 for any activity allowed by the Class I or Class II permit, except for asbestos NESHAP activities.

- F. Sources are not required to obtain an activity permit pursuant to this section for activities involving asbestos cement pipe; however, such sources shall comply with all other local, state and federal requirements applicable to such materials. (~~Ord. 2002- §1, 2002, Ord. 1999-11 ' 1 (part), 1999; Ord. 1995-87 ' 21, 1995; Ord. 1994-83 ' 41, 1994: Ord. 1993-128 ' 3 (part), 1993); Ord. 1987-75 ' 5 (part), 1987)~~)

**SECTION 2.** Pima County Code Section 17.12.540 is hereby amended to read as follows:

17.12.540 Activity Permit Fees.

- A. Refer to Table 17.12.540, Activity Fee Schedules.
- B. The control officer may waive the 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. 2002- §2, 2002; 1995-87 ' 26, 1995; Ord. 1994-83 ' 44, 1994: Ord. 1993-128 ' 3 (part), 1993)~~)

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**Table 17.12.540**

**ACTIVITY PERMIT FEES SCHEDULE**

<b>S.S.<sup>1</sup></b>	<b>ACTIVITY</b>	<b>RATE COMPONENTS</b>	<b>EXEMPTIONS</b>
A	Landstripping and/or Earthmoving	1-2 ACRES      \$100.00 > 2-10 ACRES    \$500.00 > 10-40 ACRES   \$1,500.00 > 40+ ACRES     \$3,000.00	< 1 acre
B	Trenching	300-500 FT.      \$75.00 501-1500 FT.     \$200.00 1501-5000 FT.    \$400.00 5001+ FT.         \$800.00	< 300 ft; trenching for landscaping
C	Road Construction	50-1000 FT.      \$50.00 1001-3000 FT.    \$250.00 3001-6000 FT.    \$500.00 6001+ FT.         \$1000.00	< 50 ft
D	Activity permit for NESHAP facilities	\$420.00	See Exemption Note
E	Blasting	\$18.00 plus \$3.53 per day of blasting	None

**Exemption Note:**

< 260 linear feet on pipes;  
 < 160 square feet on other facility components;  
 < 35 cubic feet off facility components

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<sup>1</sup>Sub-schedule for identification only.

(Ord. 2002- §2, 2002; Ord. 1995-87 §26, 1995; Ord. 1994-83 §44, 1994; Ord. 1993-128 §3 (part), 1993; Ord. 1990-113 §16, 1990; Ord. 1989-165 §17 (part), 1989; Ord. 1987-175 §18, 1987)

**SECTION 3.** Pima County Code Section 17.16.050 is hereby amended to read as follows:

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 from an emission from any non-point source, as measured in accordance with the Arizona Testing Manual, Reference Method 9 shall not exceed the following:
  - 1. 20 percent for such non-point sources in eastern Pima County, east of the eastern boundary of the Tohono O’Odham Reservation.
  - 2. 40 percent for such non-point sources in all other areas of Pima County.
- C. Open fires permitted according to chapter 17.12 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 Rule 17.12.470 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 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. 2002- §3, 2002, Ord. 1999-11 ' 2 (part), 1999; Ord. 1995-87 ' 39. 1995; Ord. 1994-83 ' 49, 1994: Ord. 1993-128 ' 4 (part), 1993; Ord. 1987-175 ' 23, 1987; (Ord. 1979-93 (part), 1979)

**SECTION 4.** If any of the provisions of this ordinance or the application thereof to any person or circumstance is invalid, the invalidity shall not effect other provisions or applications of this ordinance which can be given effect without the invalid provision or circumstance, and to this end the provisions of this ordinance are severable.

**SECTION 5.** Section 2 of this ordinance shall become effective on July 1, 2003. All other provisions of this ordinance shall become effective 30 days after its adoption.

**PASSED AND ADOPTED** by the Board of Supervisors of Pima County, Arizona this \_\_\_\_ day of \_\_\_\_\_, 2002.

**PIMA COUNTY BOARD OF SUPERVISORS**

\_\_\_\_\_  
Chairman, Board of Supervisors

Date signed:  
\_\_\_\_\_

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Clerk, Board of Supervisors

\_\_\_\_\_  
Civil Deputy County Attorney

