

State of Arizona  
Senate  
Forty-eighth Legislature  
First Regular Session  
2007

# SENATE BILL 1552

## AN ACT

AMENDING SECTION 9-500.04, ARIZONA REVISED STATUTES; AMENDING TITLE 9, CHAPTER 4, ARTICLE 8, ARIZONA REVISED STATUTES, BY ADDING SECTION 9-500.27; AMENDING SECTIONS 11-871 AND 11-872, ARIZONA REVISED STATUTES; AMENDING TITLE 11, CHAPTER 6, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 11-877 AND 11-878; AMENDING SECTIONS 28-1098, 49-457 AND 49-501, ARIZONA REVISED STATUTES; AMENDING TITLE 49, CHAPTER 3, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 49-457.01, 49-457.02 AND 49-457.03; RELATING TO AIR QUALITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 9-500.04, Arizona Revised Statutes, is amended to  
3 read:

4 9-500.04. Air quality control; definitions

5 A. The governing body of a city or town in area A or AREA B as defined  
6 in section 49-541 shall:

7 1. If the city has a population exceeding fifty thousand persons  
8 according to the 1995 special census, adjust the work hours of at least  
9 eighty-five per cent of municipal employees each year beginning October 1 and  
10 ending April 1 in order to reduce the level of carbon monoxide, OZONE AND  
11 PARTICULATE MATTER concentrations caused by vehicular travel.

12 2. In area A, in consultation with the designated metropolitan  
13 planning organization, synchronize traffic control signals on all existing  
14 and new roadways, within and across jurisdictional boundaries, ~~which~~ THAT  
15 have ~~a-traffic-flow~~ AVERAGE DAILY TRIPS exceeding fifteen thousand motor  
16 vehicles per day.

17 3. In area A, beginning on January 1, 2000, develop and implement  
18 plans to stabilize targeted unpaved roads, alleys and unpaved shoulders on  
19 targeted arterials. The plans shall address the performance goals, the  
20 criteria for targeting the roads, alleys and shoulders, a schedule for  
21 implementation, funding options and reporting requirements.

22 4. In area A, acquire or utilize vacuum systems or other dust removal  
23 technology to reduce the particulates attributable to conventional crack  
24 sealing operations as existing equipment is retired.

25 5. IN AREA A, IN ORDER TO REDUCE PARTICULATE MATTER IN AMBIENT AIR:

26 (a) BEGINNING ON THE EFFECTIVE DATE OF THIS AMENDMENT TO THIS SECTION,  
27 PROHIBIT THE OPERATION OF LEAF BLOWERS, EXCEPT WHILE IN VACUUM MODE, ON ANY  
28 HIGH POLLUTION ADVISORY DAY FORECAST BY THE DEPARTMENT OF ENVIRONMENTAL  
29 QUALITY AND PROHIBIT THE BLOWING OF LANDSCAPE DEBRIS INTO PUBLIC ROADWAYS AT  
30 ANY TIME BY EMPLOYEES OR CONTRACTORS OF THAT CITY OR TOWN.

31 (b) NO LATER THAN OCTOBER 31, 2007, ADOPT, IMPLEMENT AND ENFORCE AN  
32 ORDINANCE THAT BANS THE OPERATION OF LEAF BLOWERS, EXCEPT WHILE IN VACUUM  
33 MODE, ON ANY HIGH POLLUTION ADVISORY DAY FORECAST BY THE DEPARTMENT OF  
34 ENVIRONMENTAL QUALITY AND THAT BANS THE BLOWING OF LANDSCAPE DEBRIS INTO  
35 PUBLIC ROADWAYS AT ANY TIME BY ANY PERSON.

36 ~~5-~~ 6. In area B, synchronize traffic control signals on all roadways  
37 ~~which~~ THAT have ~~a-traffic-flow~~ AVERAGE DAILY TRIPS exceeding fifteen thousand  
38 motor vehicles per day.

39 B. The governing body of a city or town in area B as defined in  
40 section 49-541 may make and enforce ordinances to reduce or encourage the  
41 reduction of the commuter use of motor vehicles by employees of the city or  
42 town and employees whose place of employment is within the city or town.

43 C. Except as provided in subsection F of this section, the governing  
44 body of a city or town in area A as defined in section 49-541 in a county  
45 with a population of more than one million two hundred thousand persons

1 according to the most recent United States decennial census shall develop and  
2 implement a vehicle fleet plan for the purpose of encouraging and  
3 progressively increasing the use of alternative fuels and clean burning fuels  
4 in city or town owned vehicles. The plan shall include a timetable for  
5 increasing the use of alternative fuels and clean burning fuels in fleet  
6 vehicles either through purchase or conversion.

7 D. The timetable shall reflect the following schedule and percentage  
8 of vehicles ~~which~~ THAT operate on alternative fuels and clean burning fuels:

9 1. At least eighteen per cent of the total fleet by December 31, 1995.

10 2. At least twenty-five per cent of the total fleet by December 31,  
11 1996.

12 3. At least fifty per cent of the total fleet by December 31, 1998.

13 4. At least seventy-five per cent of the total fleet by December 31,  
14 2000 and each year thereafter.

15 E. The requirements of subsections C and D of this section may be  
16 waived on receipt of evidence acceptable to the city or town council that the  
17 city or town is unable to acquire or be provided equipment or refueling  
18 facilities necessary to operate vehicles using alternative fuels or clean  
19 burning fuels at a projected cost that is reasonably expected to result in  
20 net costs of no greater than ten per cent more than the net costs associated  
21 with the continued use of conventional gasoline or diesel fuels measured over  
22 the expected useful life of the equipment or facilities supplied.  
23 Applications for waivers shall be filed with the department of environmental  
24 quality pursuant to section 49-412. An entity that receives a waiver  
25 pursuant to this section shall retrofit fleet heavy-duty diesel vehicles with  
26 a gross vehicle weight of eight thousand five hundred pounds or more, that  
27 were manufactured in or before model year 1993 and that are the subject of  
28 the waiver with a technology that is effective at reducing particulate MATTER  
29 emissions at least twenty-five per cent or more and that has been approved by  
30 the United States environmental protection agency pursuant to the urban bus  
31 engine retrofit/rebuild program. The entity shall comply with the  
32 implementation schedule pursuant to section 49-555.

33 F. The plan prescribed by subsection C of this section shall include  
34 provisions for the use of alternative fuels and clean burning fuels in the  
35 bus fleet operated by that city or town or a regional public transportation  
36 authority, except that all newly purchased buses shall use alternative fuel  
37 or clean burning fuel. The bus fleet shall comply with the timetable  
38 prescribed by subsection D of this section, except that the requirements of  
39 subsections C and D of this section may be waived on receipt of certification  
40 supported by evidence acceptable to the department of environmental quality  
41 that the city or town is unable to acquire or be provided equipment or  
42 refueling facilities necessary to operate vehicles using alternative fuels or  
43 clean burning fuels at a projected cost that is reasonably expected to result  
44 in net costs of no greater than twenty per cent more than the net costs  
45 associated with the continued use of conventional gasoline or diesel fuels

1 measured over the expected useful life of the equipment or facilities  
2 supplied.

3 G. If the requirements of subsections C, D and F of this section are  
4 met by the use of clean burning fuel, vehicle equivalents under those  
5 requirements shall be calculated as follows:

6 1. One vehicle equivalent for every four hundred fifty gallons of neat  
7 biodiesel or two thousand two hundred fifty gallons of a diesel fuel  
8 substitute prescribed in section 1-215, paragraph 7, subdivision (b).

9 2. One vehicle equivalent for every five hundred thirty gallons of the  
10 fuel prescribed in section 1-215, paragraph 7, subdivision (d).

11 H. For the purposes of this section, "alternative fuel" and "clean  
12 burning fuel" have the same meanings prescribed in section 1-215.

13 Sec. 2. Title 9, chapter 4, article 8, Arizona Revised Statutes, is  
14 amended by adding section 9-500.27, to read:

15 9-500.27. Air quality; public safety; uncovered loads; civil  
16 penalties

17 ON OR BEFORE SEPTEMBER 1, 2007, A CITY OR TOWN SHALL ADOPT, IMPLEMENT  
18 AND ENFORCE AN ORDINANCE THAT PROVIDES THAT:

19 1. FOR THE PURPOSE OF HIGHWAY SAFETY OR AIR POLLUTION PREVENTION, A  
20 PERSON SHALL NOT DRIVE OR MOVE A VEHICLE ON A ROADWAY UNLESS THE VEHICLE IS  
21 CONSTRUCTED OR LOADED IN A MANNER TO PREVENT ANY OF ITS LOAD FROM DROPPING,  
22 SIFTING, LEAKING OR OTHERWISE ESCAPING FROM THE VEHICLE, EXCEPT THE FOLLOWING  
23 ARE PERMITTED:

24 (a) SUFFICIENT SAND MAY BE DROPPED FOR THE PURPOSE OF SECURING  
25 TRACTION.

26 (b) WATER OR ANOTHER SUBSTANCE MAY BE SPRINKLED ON A ROADWAY IN  
27 CLEANING OR MAINTAINING THE ROADWAY.

28 (c) MINOR PIECES OF AGRICULTURAL MATERIALS SUCH AS LEAVES AND STEMS  
29 FROM AGRICULTURAL LOADS.

30 2. A PERSON SHALL NOT OPERATE A VEHICLE ON A ROADWAY WITH A LOAD  
31 UNLESS THE LOAD AND ANY COVERING ON THE LOAD ARE SECURELY FASTENED IN A  
32 MANNER TO PREVENT THE COVERING OR LOAD FROM BECOMING LOOSE, DETACHED OR IN  
33 ANY MANNER A HAZARD TO OTHER USERS OF THE ROADWAY.

34 3. IF A PERSON IS FOUND IN VIOLATION OF AN ORDINANCE ADOPTED PURSUANT  
35 TO THIS SECTION AND THE VIOLATION:

36 (a) DOES NOT CAUSE ANY DAMAGE OR INJURY AND IS THE PERSON'S:

37 (i) FIRST VIOLATION IN A SIXTY MONTH PERIOD, THE PERSON IS SUBJECT TO  
38 A CIVIL PENALTY OF NOT MORE THAN TWO HUNDRED FIFTY DOLLARS.

39 (ii) SECOND OR SUBSEQUENT VIOLATION IN A SIXTY MONTH PERIOD, THE  
40 PERSON IS SUBJECT TO A CIVIL PENALTY OF NOT MORE THAN THREE HUNDRED FIFTY  
41 DOLLARS.

42 (b) RESULTS IN AN ACCIDENT CAUSING SERIOUS PHYSICAL INJURY AS DEFINED  
43 IN SECTION 13-105 TO ANOTHER PERSON, THE PERSON IS SUBJECT TO A CIVIL PENALTY  
44 OF NOT MORE THAN FIVE HUNDRED DOLLARS.

1 (c) RESULTS IN AN ACCIDENT CAUSING THE DEATH OF ANOTHER PERSON, THE  
2 PERSON IS SUBJECT TO A CIVIL PENALTY OF NOT MORE THAN ONE THOUSAND DOLLARS.

3 Sec. 3. Section 11-871, Arizona Revised Statutes, is amended to read:  
4 11-871. Emissions control; no burn; exemptions; penalty

5 A. A county that contains any part of area A, as defined in section  
6 49-541, shall, ~~by September 1, 1999,~~ develop, implement and enforce in area  
7 A, as defined in section 49-541, an ordinance relating to residential wood  
8 burning restrictions, including a no burn restriction when monitoring or  
9 forecasting ~~indicates~~ BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY PREDICTS the  
10 carbon monoxide standard is likely to be exceeded.

11 B. ON OR BEFORE OCTOBER 31, 2007, A COUNTY THAT CONTAINS ANY PART OF  
12 AREA A, AS DEFINED IN SECTION 49-541, SHALL AMEND THE ORDINANCE PRESCRIBED BY  
13 SUBSECTION A OF THIS SECTION TO INCLUDE A NO BURN RESTRICTION FOR ANY HIGH  
14 POLLUTION ADVISORY DAY FORECAST BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY  
15 FOR PARTICULATE MATTER.

16 ~~B.~~ C. The ordinance shall provide an exemption for the use of  
17 residential wood stoves, wood fireplaces or gas fired fireplaces that comply  
18 with any of the following:

19 1. Provides the sole or primary source of heat or fuel for cooking for  
20 a residence.

21 2. Meets performance standards for new residential wood heaters  
22 manufactured on or after July 1, 1990 or sold at retail on or after July 1,  
23 1992 as prescribed by 40 Code of Federal Regulations part 60, subpart AAA.

24 3. Burns gaseous fuels, including gas logs.

25 4. Meets rules adopted by the board of supervisors as prescribed in  
26 section 49-479 for burning wood in approved appliances.

27 ~~C.~~ D. The ordinance shall provide that a person who violates an  
28 ordinance adopted pursuant to this section is subject to:

29 1. A warning for the first violation.

30 2. The imposition of a civil penalty of fifty dollars for the second  
31 violation.

32 3. The imposition of a civil penalty of one hundred dollars for ~~a~~ THE  
33 third ~~or any subsequent~~ violation.

34 4. THE IMPOSITION OF A CIVIL PENALTY OF TWO HUNDRED FIFTY DOLLARS FOR  
35 THE FOURTH OR ANY SUBSEQUENT VIOLATION.

36 ~~D.~~ E. For violations of ordinances adopted pursuant to this section,  
37 the control officer shall use a uniform civil ticket and complaint  
38 substantially similar to a uniform traffic ticket and complaint prescribed by  
39 the rules of procedure in civil traffic cases adopted by the supreme court.  
40 The control officer may issue citations to persons in violation of ordinances  
41 adopted pursuant to this section.

42 Sec. 4. Section 11-872, Arizona Revised Statutes, is amended to read:  
43 11-872. Control techniques; rules; schedule for adoption

44 A. If the administrator of the United States environmental protection  
45 agency makes a finding relating to area A, as defined in section 49-541,

1 pursuant to the clean air act amendments of 1990 (P.L. 101-549), section 172,  
2 the county shall adopt by rule the necessary emission limitations or other  
3 standards reflecting control techniques guidelines issued by the United  
4 States environmental protection agency pursuant to the clean air act  
5 amendments of 1990, section 183 in order to achieve emissions reductions  
6 sufficient to respond to the finding.

7 B. The county shall begin to develop rules ~~which~~ THAT incorporate the  
8 provisions of the control techniques guidelines being developed by the United  
9 States environmental protection agency. The rule making process shall  
10 parallel as closely as possible the United States environmental protection  
11 agency process and incorporate adequate public notice and comment. The  
12 county shall make every practical effort to assure the rules are consistent  
13 with the concepts and provisions embodied in the United States environmental  
14 protection agency process. Within sixty days ~~of~~ AFTER the formal adoption of  
15 the United States environmental protection agency control techniques  
16 guidelines for an industry sector, the county shall adopt rules, emission  
17 limitations or other standards reflecting such guidelines. If the guidelines  
18 are required pursuant to subsection A of this section prior to formal  
19 adoption by the administrator of the guidelines, the county rules shall  
20 become effective within sixty days ~~of~~ AFTER the United States environmental  
21 protection agency finding. The county shall determine which industry sector  
22 shall be subject to the requirements of this section.

23 C. If the director of the department of environmental quality  
24 determines that emissions inventory data, monitoring information and modeling  
25 or projections indicate it is likely that reasonable further progress or  
26 attainment will not be achieved in order to comply with the clean air act  
27 amendments of 1990 OR ACHIEVE OR MAINTAIN NATIONAL AMBIENT AIR QUALITY  
28 STANDARDS OR OTHER AIR QUALITY STANDARDS APPLICABLE TO OZONE PRECURSORS, the  
29 county shall adopt rules necessary to achieve emissions reductions to achieve  
30 reasonable further progress or attainment. The rules shall be based on  
31 technically feasible controls to reduce the emissions of volatile organic  
32 compounds from industry sectors that the United States environmental  
33 protection agency is considering for control technique guidelines.

34 D. All emissions reductions required pursuant to this section shall be  
35 achieved FOR PURPOSES OF THE ONE-HOUR OZONE STANDARD no later than June 1,  
36 1996 AND FOR PURPOSES OF THE EIGHT-HOUR AVERAGED OZONE STANDARD NO LATER THAN  
37 DECEMBER 31, 2008.

38 Sec. 5. Title 11, chapter 6, article 4, Arizona Revised Statutes, is  
39 amended by adding sections 11-877 and 11-878, to read:

40 11-877. Air quality control measures

41 IN ORDER TO REDUCE PARTICULATE MATTER IN AMBIENT AIR, THE BOARD OF  
42 SUPERVISORS OF ANY COUNTY THAT CONTAINS ANY PORTION OF AREA A, AS DEFINED IN  
43 SECTION 49-541, SHALL DEVELOP, IMPLEMENT AND ENFORCE IN AREA A THE FOLLOWING  
44 AIR QUALITY CONTROL MEASURES:

1 1. BEGINNING ON THE EFFECTIVE DATE OF THIS SECTION, PROHIBIT THE  
2 OPERATION OF LEAF BLOWERS, EXCEPT WHILE IN VACUUM MODE, ON ANY HIGH POLLUTION  
3 ADVISORY DAY FORECAST BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY AND PROHIBIT  
4 THE BLOWING OF LANDSCAPE DEBRIS INTO PUBLIC ROADWAYS AT ANY TIME BY EMPLOYEES  
5 OR CONTRACTORS OF THAT COUNTY.

6 2. NO LATER THAN OCTOBER 31, 2007, ADOPT, IMPLEMENT AND ENFORCE AN  
7 ORDINANCE THAT BANS THE OPERATION OF LEAF BLOWERS, EXCEPT WHILE IN VACUUM  
8 MODE, ON ANY HIGH POLLUTION ADVISORY DAY FORECAST BY THE DEPARTMENT OF  
9 ENVIRONMENTAL QUALITY AND THAT BANS THE BLOWING OF LANDSCAPE DEBRIS INTO  
10 PUBLIC ROADWAYS AT ANY TIME BY ANY PERSON.

11 11-878. Air quality; public safety; uncovered loads; civil  
12 penalties

13 ON OR BEFORE SEPTEMBER 1, 2007, A COUNTY SHALL ADOPT, IMPLEMENT AND  
14 ENFORCE AN ORDINANCE THAT PROVIDES THAT:

15 1. FOR THE PURPOSE OF HIGHWAY SAFETY OR AIR POLLUTION PREVENTION, A  
16 PERSON SHALL NOT DRIVE OR MOVE A VEHICLE ON A ROADWAY UNLESS THE VEHICLE IS  
17 CONSTRUCTED OR LOADED IN A MANNER TO PREVENT ANY OF ITS LOAD FROM DROPPING,  
18 SIFTING, LEAKING OR OTHERWISE ESCAPING FROM THE VEHICLE, EXCEPT THE FOLLOWING  
19 ARE PERMITTED:

20 (a) SUFFICIENT SAND MAY BE DROPPED FOR THE PURPOSE OF SECURING  
21 TRACTION.

22 (b) WATER OR ANOTHER SUBSTANCE MAY BE SPRINKLED ON A ROADWAY IN  
23 CLEANING OR MAINTAINING THE ROADWAY.

24 (c) MINOR PIECES OF AGRICULTURAL MATERIALS SUCH AS LEAVES AND STEMS  
25 FROM AGRICULTURAL LOADS.

26 2. A PERSON SHALL NOT OPERATE A VEHICLE ON A ROADWAY WITH A LOAD  
27 UNLESS THE LOAD AND ANY COVERING ON THE LOAD ARE SECURELY FASTENED IN A  
28 MANNER TO PREVENT THE COVERING OR LOAD FROM BECOMING LOOSE, DETACHED OR IN  
29 ANY MANNER A HAZARD TO OTHER USERS OF THE ROADWAY.

30 3. IF A PERSON IS FOUND IN VIOLATION OF AN ORDINANCE ADOPTED PURSUANT  
31 TO THIS SECTION AND THE VIOLATION:

32 (a) DOES NOT CAUSE ANY DAMAGE OR INJURY AND IS THE PERSON'S:

33 (i) FIRST VIOLATION IN A SIXTY MONTH PERIOD, THE PERSON IS SUBJECT TO  
34 A CIVIL PENALTY OF NOT MORE THAN TWO HUNDRED FIFTY DOLLARS.

35 (ii) SECOND OR SUBSEQUENT VIOLATION IN A SIXTY MONTH PERIOD, THE  
36 PERSON IS SUBJECT TO A CIVIL PENALTY OF NOT MORE THAN THREE HUNDRED FIFTY  
37 DOLLARS.

38 (b) RESULTS IN AN ACCIDENT CAUSING SERIOUS PHYSICAL INJURY AS DEFINED  
39 IN SECTION 13-105 TO ANOTHER PERSON, THE PERSON IS SUBJECT TO A CIVIL PENALTY  
40 OF NOT MORE THAN FIVE HUNDRED DOLLARS.

41 (c) RESULTS IN AN ACCIDENT CAUSING THE DEATH OF ANOTHER PERSON, THE  
42 PERSON IS SUBJECT TO A CIVIL PENALTY OF NOT MORE THAN ONE THOUSAND DOLLARS.





- 1           6. One person actively engaged in the production of vegetables.
- 2           7. One person actively engaged in the production of cotton.
- 3           8. One person actively engaged in the production of alfalfa.
- 4           9. One person actively engaged in the production of grain.
- 5           10. One soil taxonomist from the university of Arizona college of
- 6 agriculture.

7           C. The governor shall appoint the members designated pursuant to  
8 subsection ~~A~~ B, paragraphs 5 through 10 of this section for a term of six  
9 years. Members may be reappointed. Members are not entitled to compensation  
10 for their services but are entitled to receive reimbursement of expenses  
11 pursuant to ~~section 38-611, subsection D~~ TITLE 38, CHAPTER 4, ARTICLE 2.

12           D. The committee shall elect a chairman from the appointed members to  
13 serve a two year term.

14           E. The committee shall meet at the call of the chairman or at the  
15 request of a majority of the appointed members.

16           F. The department of environmental quality, the ARIZONA department of  
17 agriculture and the college of agriculture of the university of Arizona shall  
18 cooperate with and provide technical assistance and any necessary information  
19 to the committee. The department of environmental quality shall provide the  
20 necessary staff support and meeting facilities for the committee.

21           G. Notwithstanding subsections I, J and K of this section, a person  
22 engaged in a regulated agricultural activity on ~~the effective date of this~~  
23 ~~section~~ AUGUST 21, 1998 shall comply with the general permit as provided in  
24 subsection H of this section by December 31, 2001. A person who commences a  
25 regulated agricultural activity after December 31, 2000, shall comply with  
26 the general permit within eighteen months of commencing the activity.

27           H. By June 10, ~~2000~~ 2008, the committee shall adopt, by rule, an  
28 agricultural general permit specifying best management practices for  
29 regulated agricultural activities to reduce PM-10 particulate emissions. A  
30 person subject to an agricultural general permit pursuant to this section is  
31 not subject to a permit issued pursuant to section 49-426 except as provided  
32 in subsection K of this section. The committee shall adopt by rule a list of  
33 best management practices, at least one of which shall be used to demonstrate  
34 compliance with applicable provisions of the general permit no later than  
35 December 31, ~~2001~~ 2008. Best management practices may vary within the  
36 Maricopa PM-10 particulate nonattainment area, according to regional or  
37 geographical conditions or cropping patterns. The director shall submit the  
38 rule to the United States environmental protection agency as a revision to  
39 the applicable implementation plan within sixty days of adoption.

40           I. If the director determines that a person engaged in a regulated  
41 activity is not in compliance with the general permit, and that person has  
42 not previously been subject to a compliance order issued pursuant to this  
43 section, the director may serve upon the person by certified mail an order  
44 requiring compliance with the general permit and notifying the person of the  
45 opportunity for a hearing pursuant to title 41, chapter 6, article 10. The

1 order shall state with reasonable particularity the nature of the  
2 noncompliance and shall specify that the person has a period that the  
3 director determines is reasonable, but is not less than six months, to submit  
4 a plan to the supervisors of the natural resource conservation district in  
5 which the person engages in the regulated activity that specifies the best  
6 management practices from among those adopted in rule pursuant to subsection  
7 H of this section that the person will use to comply with the general permit.

8 J. If the director determines that a person engaged in a regulated  
9 activity is not in compliance with the general permit, and that person has  
10 previously submitted a plan pursuant to subsection I of this section, the  
11 director may serve upon the person by certified mail an order requiring  
12 compliance with the general permit and notifying the person of the  
13 opportunity for a hearing pursuant to title 41, chapter 6, article 10. The  
14 order shall state with reasonable particularity the nature of the  
15 noncompliance and shall specify that the person has a period that the  
16 director determines is reasonable, but is not less than six months, to submit  
17 a plan to the department that specifies the best management practices from  
18 among those adopted in rule pursuant to subsection H of this section that the  
19 person will use to comply with the general permit.

20 K. If a person fails to comply with the plan submitted pursuant to  
21 subsection J of this section, the director may revoke the agricultural  
22 general permit for that person and ~~to~~ require that the person obtain an  
23 individual permit pursuant to section 49-426. A revocation becomes effective  
24 after the director has provided the person with notice and an opportunity for  
25 a hearing pursuant to title 41, chapter 6, article 10.

26 L. The committee may periodically reexamine, evaluate and modify best  
27 management practices. Any approved modifications shall be submitted to the  
28 United States environmental protection agency as a revision to the applicable  
29 implementation plan.

30 M. The committee shall develop and commence an education program by  
31 June 10, 2000. The education program shall be conducted by the director or  
32 the director's designee or designees.

33 N. In this section, unless the context otherwise requires:

34 1. "Agricultural general permit" means best management practices that:

35 (a) Reduce PM-10 particulate emissions from tillage practices and from  
36 harvesting on a commercial farm.

37 (b) Reduce PM-10 particulate emissions from those areas of a  
38 commercial farm that are not normally in crop production.

39 (c) Reduce PM-10 particulate emissions from those areas of a  
40 commercial farm that are normally in crop production including prior to plant  
41 emergence and when the land is not in crop production.

42 2. "Applicable implementation plan" means that term as defined in 42  
43 United States Code SECTION 7601(q).

44 3. "Best management practices" means techniques THAT ARE verified by  
45 scientific research, ~~AND~~ AND that on a case by case basis are practical,

1 economically feasible and effective in reducing PM-10 particulate emissions  
2 from a regulated agricultural activity.

3 4. "Maricopa PM-10 particulate nonattainment area" means the Phoenix  
4 planning area as set forth in 40 Code of Federal Regulations ~~part~~ SECTION  
5 81.303.

6 5. "Regulated agricultural activities" means commercial farming  
7 practices that may produce PM-10 particulate emissions within the Maricopa  
8 PM-10 particulate nonattainment area.

9 Sec. 8. Title 49, chapter 3, article 2, Arizona Revised Statutes, is  
10 amended by adding sections 49-457.01, 49-457.02 and 49-457.03, to read:

11 49-457.01. Leaf blower equipment sellers; informational  
12 material; outreach; applicability

13 A. ANY PERSON WHO RENTS OR SELLS EQUIPMENT IN THE NORMAL COURSE OF  
14 BUSINESS THAT IS USED FOR BLOWING LANDSCAPE DEBRIS SHALL PROVIDE TO THE BUYER  
15 OR RENTER OF THE EQUIPMENT PRINTED MATERIALS THAT ARE APPROVED BY THE  
16 DEPARTMENT PURSUANT TO THIS SECTION.

17 B. THE DEPARTMENT SHALL PRODUCE PRINTED MATERIALS AND DISTRIBUTE THOSE  
18 MATERIALS TO PERSONS WHO SELL OR RENT EQUIPMENT USED FOR BLOWING LANDSCAPE  
19 DEBRIS. THE PRINTED MATERIALS SHALL BE DESIGNED TO EDUCATE AND INFORM THE  
20 USER OF THE EQUIPMENT ON THE SAFE AND EFFICIENT USE OF THE EQUIPMENT,  
21 INCLUDING METHODS FOR REDUCING THE GENERATION OF DUST, AND SHALL INCLUDE  
22 INFORMATION REGARDING DUST CONTROL ORDINANCES AND RESTRICTIONS THAT MAY BE  
23 APPLICABLE.

24 C. THIS SECTION APPLIES IN A COUNTY WITH A POPULATION OF MORE THAN  
25 THREE MILLION PERSONS AND IN THE PM-10 NONATTAINMENT AREA THAT CONTAINS THE  
26 CITY OF APACHE JUNCTION.

27 49-457.02. Dust-free developments program; certification; seal

28 A. THE DEPARTMENT SHALL ESTABLISH THE DUST-FREE DEVELOPMENTS PROGRAM  
29 TO ENCOURAGE AND RECOGNIZE PERSONS AND ENTITIES THAT DEMONSTRATE EXCEPTIONAL  
30 COMMITMENT TO THE REDUCTION OF AIRBORNE DUST IN A COUNTY WITH A POPULATION OF  
31 MORE THAN THREE MILLION PERSONS AND IN THE PM-10 NONATTAINMENT AREA THAT  
32 CONTAINS THE CITY OF APACHE JUNCTION. THE PROGRAM SHALL INCLUDE A VOLUNTARY  
33 CERTIFICATION PROCESS BASED ON CRITERIA DEVELOPED BY THE DEPARTMENT.

34 B. ANY PERSON OR ENTITY MAY APPLY FOR CERTIFICATION UNDER THE PROGRAM,  
35 AND IF APPROVED, MAY LAWFULLY USE A CERTIFICATION, SEAL, LOGO OR OTHER  
36 SIMILAR INDICATOR ESTABLISHED BY THE DEPARTMENT. A PERSON OR ENTITY THAT IS  
37 CERTIFIED UNDER THE PROGRAM MAY USE THE CERTIFICATION FOR PROMOTIONAL, CIVIC,  
38 PUBLIC RELATIONS OR PUBLIC INVOLVEMENT PURPOSES.

39 C. NOTWITHSTANDING SECTION 41-3102, THIS PROGRAM DOES NOT INCLUDE A  
40 SPECIFIC EXPIRATION DATE.

41 49-457.03. Off-road vehicles; pollution advisory days

42 IN AREA A, AS DEFINED IN SECTION 49-541, A PERSON SHALL NOT OPERATE AN  
43 OFF-HIGHWAY VEHICLE, AN ALL-TERRAIN VEHICLE OR AN OFF-ROAD RECREATIONAL MOTOR  
44 VEHICLE ON AN UNPAVED SURFACE DURING ANY HIGH POLLUTION ADVISORY DAY FORECAST  
45 BY THE DEPARTMENT FOR PARTICULATE MATTER.

1           Sec. 9. Section 49-501, Arizona Revised Statutes, is amended to read:  
2           49-501. Unlawful open burning; exceptions; fine; definition

3           A. Notwithstanding the provisions of any other section of this  
4 article: ~~;~~

5           1. It is unlawful for any person to ignite, cause to be ignited,  
6 permit to be ignited, or suffer, allow, or maintain any open outdoor fire  
7 except as provided in this section.

8           2. FROM MAY 1 THROUGH SEPTEMBER 30 EACH YEAR, IT IS UNLAWFUL FOR ANY  
9 PERSON TO IGNITE, CAUSE TO BE IGNITED, PERMIT TO BE IGNITED OR SUFFER, ALLOW  
10 OR MAINTAIN ANY OPEN OUTDOOR FIRE IN AREA A AS DEFINED IN SECTION 49-541.

11           ~~C.~~ B. The following fires are excepted from ~~the provisions of~~ this  
12 section:

13           1. Fires used only for cooking of food or for providing warmth for  
14 human beings ~~or for recreational purposes~~ or the branding of animals or the  
15 use of orchard heaters for the purpose of frost protection in farming or  
16 nursery operations.

17           2. Any fire set or permitted by any public officer in the performance  
18 of official duty, if such fire is set or permission given for the purpose of  
19 weed abatement, the prevention of a fire hazard, or instruction in the  
20 methods of fighting fires.

21           3. Fires set by or permitted by the director of the department of  
22 agriculture or county agricultural agents of the county for the purpose of  
23 disease and pest prevention.

24           4. Fires set by or permitted by the federal government or any of its  
25 departments, agencies or agents or the state or any of its agencies,  
26 departments or political subdivisions for the purpose of watershed  
27 rehabilitation or control through vegetative manipulation.

28           5. Fires permitted by any rule or regulation issued pursuant to this  
29 article, by any conditional permit issued by a hearing board established  
30 under this article or by any rule or conditional permit issued pursuant to  
31 article 2 of this chapter when the department of environmental quality  
32 pursuant to section 49-402 has assumed jurisdiction of the county in which  
33 the fire is located.

34           6. Fires set for the disposal of dangerous materials where there is no  
35 safe alternate method of disposal.

36           ~~D.~~ C. Permission for the setting of any fire given by a public  
37 officer in the performance of official duty under subsection ~~C.~~ B, paragraph  
38 2, 3 or 4 OF THIS SECTION shall be given in writing and a copy of the written  
39 permission shall be transmitted immediately to the director OF ENVIRONMENTAL  
40 QUALITY and the control officer of the county, district or region in which  
41 such fire is allowed. The setting of any such fire shall be conducted in a  
42 manner and at such time as approved by the control officer or the director OF  
43 ENVIRONMENTAL QUALITY, unless doing so would defeat the purpose of the  
44 exemption.

1           ~~E.~~ D. Notwithstanding section 49-107, the director may delegate  
2 authority for the issuance of open burning permits to a county, city, town or  
3 fire district. A county, city, town or fire district that has been delegated  
4 authority for the issuance of open burning permits may assign the issuance of  
5 these permits to a private fire protection service provider that performs  
6 fire protection services within that county, city, town or fire district.  
7 Any private fire protection service provider that is authorized to issue open  
8 burning permits pursuant to this subsection shall maintain a copy of all  
9 currently effective permits issued including a means of contacting the person  
10 authorized by the permit to set the fire in the event that an order to  
11 extinguish the open burning is issued. Permits issued pursuant to this  
12 subsection shall contain both of the following:

13           1. Conditions that limit the manner and time of setting the fire and  
14 that are consistent with this section and rules adopted pursuant to this  
15 section.

16           2. A provision that all burning be extinguished at the discretion of  
17 the director or the director's authorized representative during periods of  
18 inadequate atmospheric smoke dispersion, periods of excessive visibility  
19 impairment that could adversely affect public safety or periods when smoke is  
20 blown into populated areas so as to create a public nuisance.

21           ~~F.~~ E. The director may issue a general permit to allow persons  
22 engaged in farming or ranching on forty acres or more in an unincorporated  
23 area to burn household waste, as defined in section 49-701, that is generated  
24 on site, if no household waste collection and disposal service is available.  
25 The general permit shall include the following:

26           1. Conditions governing the method, manner and times for burning.

27           2. Limitation on materials which may be burned, including a  
28 prohibition on burning of materials which generate noxious fumes.

29           3. A requirement that any person seeking coverage under the general  
30 permit shall register with the director on a form prescribed by the director.  
31 Upon receipt of a registration form, the director shall notify the county in  
32 which the farm or ranch is located of such registration.

33           4. A statement that the director, a local air pollution control  
34 officer, or any other public officer may order the extinguishment of burning  
35 or may prohibit burning during periods of inadequate smoke dispersion  
36 or excessive visibility impairment or at other times when public health or  
37 safety could be adversely affected.

38           ~~G.~~ F. Nothing in this section is intended to permit any practice  
39 which is a violation of any statute, ordinance, rule or regulation in a  
40 county with a population in excess of one million two hundred thousand  
41 persons. ~~according to the most recent United States decennial census.~~  
42 NOTWITHSTANDING ANY OTHER LAW, SUCH A COUNTY SHALL PROHIBIT BY ORDINANCE THE  
43 USE OF WOOD BURNING CHIMINEAS, OUTDOOR FIRE PITS AND SIMILAR OUTDOOR FIRES ON  
44 THOSE DAYS FOR WHICH THE COUNTY HAS ISSUED A NO BURN DAY RESTRICTION.

1           ~~H.~~ G. A person who violates any provision of this section may be  
2 served a notice of violation and be subject to the enforcement provisions of  
3 this article to the same extent as a person violating any rule or regulation  
4 adopted pursuant to this article.

5           ~~I.~~ H. Any violation of this section shall be punishable by a fine not  
6 to exceed twenty-five dollars.

7           ~~B.~~ I. FOR THE PURPOSES OF THIS SECTION, "open outdoor fire", ~~as used~~  
8 ~~in this section,~~ means any combustion of combustible material of any type  
9 outdoors, in the open where the products of combustion are not directed  
10 through a flue. FOR THE PURPOSES OF THIS SUBSECTION, "flue", ~~as used in~~  
11 ~~this subsection,~~ means any duct or passage for air, gases or the like, such  
12 as a stack or chimney.