

House Engrossed

**FILED**

**KEN BENNETT  
SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Fiftieth Legislature  
Second Regular Session  
2012

CHAPTER 308

# **HOUSE BILL 2798**

AN ACT

AMENDING TITLE 49, CHAPTER 3, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 49-411; 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. Title 49, chapter 3, article 1, Arizona Revised Statutes,  
3 is amended by adding section 49-411, to read:

4 49-411. Particulate measures; cities, towns, counties,  
5 departments; implementation; report

6 A. ON OR BEFORE MARCH 30 OF EACH CALENDAR YEAR, CITIES AND TOWNS IN  
7 AREA A AS DEFINED IN SECTION 49-541 SHALL SUBMIT A REPORT REGARDING THE  
8 FOLLOWING ACTIVITIES TO THE DEPARTMENT ON A FORM DEVELOPED BY THE DIRECTOR AS  
9 PRESCRIBED IN SUBSECTION F OF THIS SECTION:

10 1. PAVING OF UNPAVED ROADS AND SHOULDERS AS PRESCRIBED IN SECTION  
11 9-500.04, SUBSECTION A, PARAGRAPH 3.

12 2. RESTRICTIONS ON THE USE OF LEAF BLOWERS AS PRESCRIBED IN SECTION  
13 9-500.04, SUBSECTION A, PARAGRAPH 5, EXCEPT THOSE ACTIVITIES EXEMPTED UNDER  
14 SECTION 9-500.04, SUBSECTION H.

15 3. RESTRICTIONS ON PARKING, MANEUVERING, INGRESS AND EGRESS AREAS AND  
16 VACANT LOTS AS PRESCRIBED IN SECTION 9-500.04, SUBSECTION A, PARAGRAPHS 6, 7  
17 AND 8, EXCEPT THOSE ACTIVITIES EXEMPTED UNDER SECTION 9-500.04, SUBSECTION H.

18 4. CERTIFICATION AND USE OF STREET SWEEPERS AS PRESCRIBED IN SECTION  
19 9-500.04, SUBSECTION A, PARAGRAPH 9.

20 5. OFF-ROAD VEHICLE ORDINANCES AND COMPLIANCE AS PRESCRIBED IN SECTION  
21 9-500.27.

22 B. ON OR BEFORE MARCH 30 OF EACH CALENDAR YEAR, EACH COUNTY IN AREA A  
23 AS DEFINED IN SECTION 49-541 THAT HAS ADOPTED RULES PURSUANT TO SECTION  
24 49-479 REGARDING THE FOLLOWING ACTIVITIES SHALL SUBMIT A REPORT TO THE  
25 DEPARTMENT ON A FORM DEVELOPED BY THE DIRECTOR AS PRESCRIBED IN SUBSECTION F  
26 OF THIS SECTION:

27 1. NO BURN RESTRICTIONS FOR ANY HIGH POLLUTION ADVISORY DAY AS  
28 PRESCRIBED IN SECTION 11-871, SUBSECTIONS B AND D.

29 2. RESTRICTIONS ON THE USE OF LEAF BLOWERS BY COUNTY EMPLOYEES AND  
30 CONTRACTORS AND USE BY PRIVATE PERSONS IN THAT COUNTY AS PRESCRIBED IN  
31 SECTION 11-877.

32 3. PAVING OF UNPAVED ROADS AND SHOULDERS AS PRESCRIBED IN SECTION  
33 49-474.01, SUBSECTION A, PARAGRAPH 4.

34 4. RESTRICTIONS ON PARKING, MANEUVERING, INGRESS AND EGRESS AREAS AND  
35 VACANT LOTS AS PRESCRIBED IN SECTION 49-474.01, SUBSECTION A, PARAGRAPHS 5, 6  
36 AND 7.

37 5. CERTIFICATION AND USE OF STREET SWEEPERS AS PRESCRIBED IN SECTION  
38 49-474.01, SUBSECTION A, PARAGRAPH 8.

39 6. REQUIREMENTS FOR DUST CONTROL TRAINING AND SITE COORDINATORS FOR  
40 DUST CONTROL AT LOCATIONS AT WHICH DUST CONTROL PERMITS ARE REQUIRED AS  
41 PRESCRIBED IN SECTION 49-474.05.

42 7. REQUIREMENTS FOR DUST CONTROL PERMIT SUBCONTRACTOR REGISTRATION AS  
43 PRESCRIBED IN SECTION 49-474.06.

1 C. ON OR BEFORE MARCH 30 OF EACH CALENDAR YEAR, THE DEPARTMENT OF  
2 TRANSPORTATION SHALL SUBMIT A REPORT TO THE DEPARTMENT OF ENVIRONMENTAL  
3 QUALITY ON A FORM DEVELOPED BY THE DIRECTOR PURSUANT TO SUBSECTION F OF THIS  
4 SECTION. THE REPORT SHALL COVER RESTRICTIONS OR REQUIREMENTS IN CONTRACTS OR  
5 REQUESTS FOR PROPOSALS, BIDS OR OTHER CONSTRUCTION AND SERVICE ACTIVITIES  
6 OVERSEEN BY THE DEPARTMENT IN AREA A AS DEFINED IN SECTION 49-541 INCLUDING  
7 ANY REQUIREMENTS INCORPORATED BY REFERENCE TO STATE LAW, COUNTY ORDINANCE OR  
8 RULE OR TO A CITY OR TOWN ORDINANCE OR RULE AND REQUIRED TO BE CONTAINED IN  
9 BIDS, REQUESTS OR CONTRACTS OR IN THE ADMINISTRATION OF OTHER DEPARTMENT  
10 MATTERS.

11 D. ON OR BEFORE MARCH 30 OF EACH CALENDAR YEAR, THE APPROPRIATE  
12 DEPARTMENTS OR AGENCIES RESPONSIBLE FOR ENFORCING RESTRICTIONS ON OFF-HIGHWAY  
13 VEHICLES, ALL-TERRAIN VEHICLES AND OFF-ROAD RECREATIONAL MOTOR VEHICLES  
14 DURING HIGH POLLUTION ADVISORY DAYS AS PRESCRIBED IN SECTION 49-457.03 SHALL  
15 SUBMIT A REPORT REGARDING THOSE ACTIVITIES TO THE DEPARTMENT ON A FORM  
16 DEVELOPED BY THE DIRECTOR PURSUANT TO SUBSECTION F OF THIS SECTION.

17 E. ON OR BEFORE MARCH 30 OF EACH CALENDAR YEAR THE DEPARTMENT OF  
18 ENVIRONMENTAL QUALITY SHALL PREPARE A REPORT OF ITS ACTIVITIES RELATED TO THE  
19 FOLLOWING:

20 1. DEVELOPMENT AND DISSEMINATION OF AIR QUALITY DUST FORECASTS AS  
21 PRESCRIBED IN SECTION 49-424, PARAGRAPH 11.

22 2. PRODUCTION AND DISTRIBUTION OF PRINTED MATERIALS TO PERSONS WHO  
23 SELL OR RENT LEAF BLOWERS AS PRESCRIBED IN SECTION 49-457.01, SUBSECTION F.

24 3. PRODUCTION AND DISTRIBUTION OF PRINTED MATERIALS TO PERSONS WHO  
25 SELL OR RENT OFF-HIGHWAY VEHICLES, ALL-TERRAIN VEHICLES AND OFF-ROAD  
26 RECREATIONAL MOTOR VEHICLES AS PRESCRIBED IN SECTION 49-457.04, SUBSECTIONS B  
27 AND C.

28 4. DUST ACTION GENERAL PERMITS INCLUDING BEST MANAGEMENT PRACTICES FOR  
29 REGULATED ACTIVITIES BEFORE AND DURING A DAY THAT IS FORECAST TO BE AT HIGH  
30 RISK OF DUST GENERATION AND AT MODERATE RISK OF DUST GENERATION AS PRESCRIBED  
31 IN SECTION 49-457.05, SUBSECTIONS B, C AND D.

32 F. THE DIRECTOR SHALL DEVELOP A FORM TO BE USED FOR REPORTS REQUIRED  
33 PURSUANT TO THIS SECTION. THE REPORTS PRESCRIBED BY THIS SECTION SHALL  
34 CONTAIN A NARRATIVE DESCRIPTION THAT IDENTIFIES THE TYPE OF EMPLOYEE OR  
35 CONTRACTOR WHO PERFORMS ANY INSPECTION, ENFORCEMENT, TRAINING OR OTHER  
36 ACTIONS RELATED TO THE LISTED ACTIVITY AND A NARRATIVE DESCRIPTION OF THE  
37 SCOPE AND FREQUENCY OF THE ACTIVITY.

APPROVED BY THE GOVERNOR MAY 7, 2012.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 8, 2012.

Passed the House February 23, 2012

by the following vote: 44 Ayes,

12 Nays, 3 Not Voting  
*1 vacant*

*L. Michael Tolson*  
Speaker of the House

*Cheryl Laube*  
Chief Clerk of the House

Passed the Senate April 19, 2012

by the following vote: 18 Ayes,

11 Nays, 1 Not Voting

*Steve Pearce*  
President of the Senate

*Charmain Bilington*  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

30<sup>th</sup> day of April, 20 12

at 4:30 o'clock P M.

*Nanette Moran*  
Secretary to the Governor

Approved this 7<sup>th</sup> day of

May

at 4:10 o'clock P M.

*Jeanie K. Brewer*  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 8<sup>th</sup> day of May, 20 12

at 8:25 o'clock a M.

*Ken Blumenthal*  
Secretary of State