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Draft Stormwater Quality Ordinance Worksession

January 14, 2015



Background

- Work session was held on July 16th, 2014 to discuss the stormwater quality program
- Based on discussion, staff worked to prepare a draft ordinance to meet ADEQ requirements for the County program.
- This requirement stems from the Clean Water Act, and affects Urbanized Areas per the U.S. Census

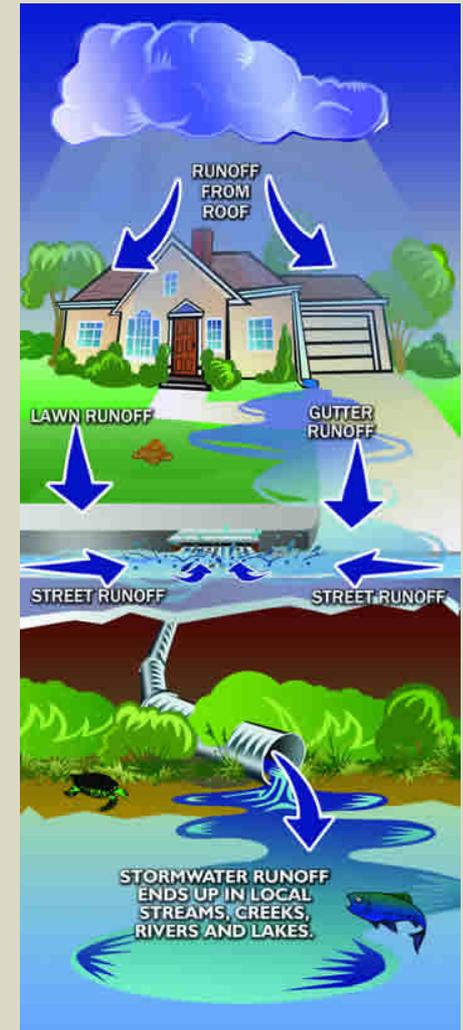




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What is Stormwater?

Stormwater refers to rain or snow melt that does not soak (infiltrate) into the ground, thus becoming surface runoff or drainage that enters surface waterways either directly or via a storm sewer system.

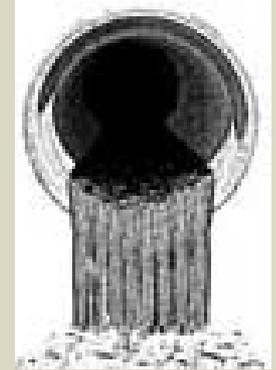




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Where in the Clean Water Act?

**CWA Section 402:
National Pollutant Discharge
Elimination System (NPDES)**



**CODE OF FEDERAL REGULATIONS
Title 40 – Protection of Environment
Part 122 - EPA Permit Programs
(40 CFR 122)**





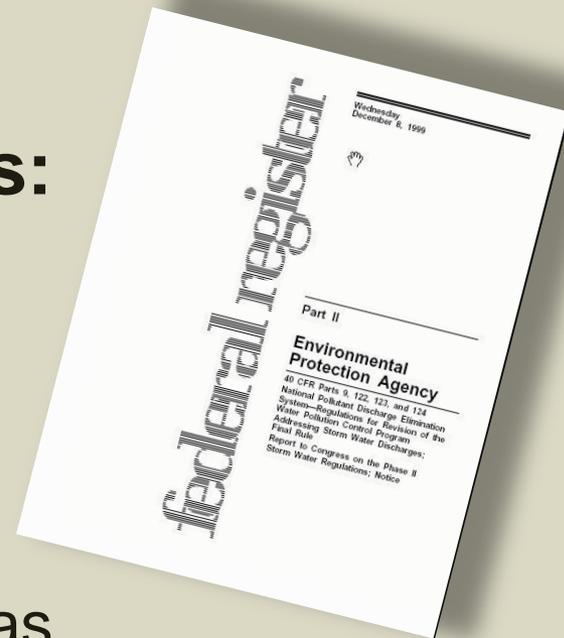
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Stormwater Regulations

A Federal **unfunded** mandate authorized by the Clean Water Act that impact, among other entities, municipal governments.

Implemented in 2 phases:

- ❖ **Phase I – Nov. 1990**
 - Population > 100,000
- ❖ **Phase II – Dec. 1999**
 - Based on U.S. Census Bureau Urbanized Areas
 - “Small MS4s” Population > 50,000
 - Others as designated by ADEQ





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Arizona Phase II Program

- ❖ On December 2002, Arizona became one of 45 states with authorization from U.S. EPA to operate the NPDES Permit Program for the state.
- ❖ Referred to as the Arizona Pollutant Discharge Elimination System (AZPDES) Permit Program.
- ❖ Pinal is currently under AZPDES Permit No. AZG2002-002 General Permit for Small MS4s





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AZ Phase II Communities

Small MS4s in Arizona, as established by the 2010 Census, with regulatory stormwater programs.

- Apache Junction
- Avondale
- Arizona State University
- Buckeye
- Camp Verde
- Carefree
- Casa Grande
- Cave Creek
- Chandler
- **Coconino County**
- **Cochise County**
- Cottonwood
- Davis Monthan Air Force Base
- Douglas
- El Mirage
- Flagstaff
- Fountain Hills
- Gilbert
- Goodyear
- Guadalupe
- Lake Havasu
- Litchfield Park
- Luke Air Force Base
- Marana
- **Maricopa County**
- Marine Corps Air Station, Yuma
- Mesa
- **Mohave County ***
- Nogales
- Northern Arizona University
- Oro Valley
- Paradise Valley
- Peoria
- **Pinal County**
- Prescott
- Prescott Valley
- Queen Creek
- Sedona
- Sierra Vista
- South Tucson
- Surprise
- Tolleson
- University of Arizona
- Veterans Hospital, PHX
- Veterans Hospital, TUC
- **Yavapai County**
- Youngtown
- Yuma
- **Yuma County**





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Original Permit Area

Based on 2000 Census Data

Permitted area: 6.6 square miles



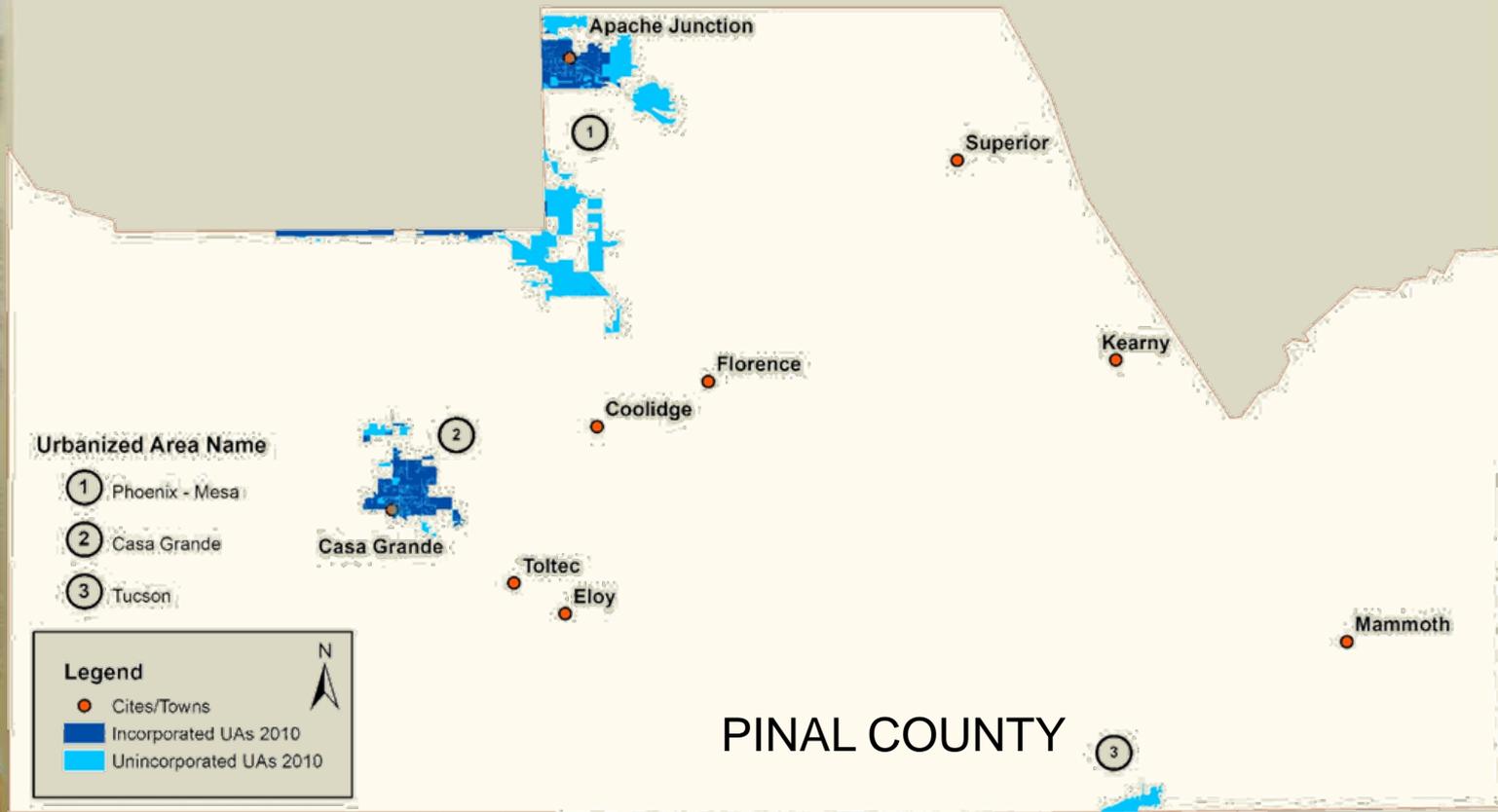


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Latest Permit Area

Based on 2010 Census Data

Permitted area: 47.2 square miles





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Six Minimum Control Measures



MCM 1 – Public Outreach

MCM 2 – Public Involvement/Participation



MCM 3 – Illicit Discharge Detection & Elimination



MCM 4 – Construction Site Runoff Control

MCM 5 – Post-Construction Stormwater Management Control



MCM 6 – Good Housekeeping for Municipal Operations



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New AZPDES Small MS4 General Permit Long Overdue

- Effective July 1, 2010, new fee program for water quality permits.
- ADEQ issued a draft permit for comments in December to stakeholders
- This draft permit is more stringent
- An audit by ADEQ of the County's Stormwater Program is due in the next two months.





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Status

- Draft permit is posted on the website and was sent out to the Central and Southern Homebuilders Association
- Following this worksession, it is recommended we proceed to do the official notifications to the State
- A new position has been posted to assist in the workload for this program.
- Funding for this program has not been determined. Recommend developing a fee schedule.





Comparison

County / Municipality	Pinal	Maricopa	Marana	Oro Valley	Tucson	Coconino	Flagstaff	Yavapai	Yuma County
Ordinance Number	DRAFT	C-88-09-008-7-00	2008.10 Title 25	Article 15-24	10209, Section 1 and Section 3, Article II	No number has been issued yet, ordinance still under review before the Board (pers. comm. Ted Smith, 3/14/2014).	Title 12-02-001	undetermined	2007
Ordinance Title	DRAFT Pinal County Stormwater Management Ordinance	"Maricopa County Stormwater Quality Management and Discharge Control Regulation"	"Stormwater Management"	"Town of Oro Valley Stormwater Utility Ordinance"	Article II Stormwater Management	Coconino County Stormwater Quality and Runoff Control Ordinance	Stormwater Management Utility	Yavapai County Stormwater Quality Management and Discharge Control Regulation	Yuma County Ordinance Regulating Stormwater Quality Management and the Discharge of Stormwater
Effective Date		05/06/2009	09/18/2007	10/01/08	10/18/2005	Adopted May 2014	2003 (rev 2007; IDDE [Title 12-03] took effect 2004, unable to locate)	undetermined	10/15/2007
Notes	Nearly identical to Maricopa County ordinance							Nearly identical to Maricopa County ordinance	Very loosely-developed plan



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Established (or establishes) Stormwater Utility	TBD	NO	NO	YES (15-24-6)	NO	NO	YES	NO	NO
Stormwater Utility Fees Clearly Defined	NO	YES	NO	NO	NO	NO	YES	NO	NO





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Fees – Maricopa County

Fee Schedule for Stormwater Permitting and Approval Activities

Stormwater Pre-Construction Phase	Fee
Pre-Construction Plan Review	\$1050.00
Pre-Construction Site Inspection	\$325.00
One Additional Review of Pre-Construction plans with minor revisions and One Inspection of the Site Revisions	\$670.00
Re-Inspection of site when corrections to the site have been made following a failed initial site inspection	\$325.00
Expedited plan reviews and inspections are available at twice the standard fee	Double Fee
Note: Applicant will have to re-apply for the pre-construction plan review if the revised plan or site inspection resulting from a revision or re-inspection of the site fails to get approval by the Department.	
Stormwater Post-Construction Phase	Fee
Post-Construction Plan Review	\$1050.00
Post-Construction Site Inspection	\$325.00
One Additional Review of Post-Construction plans with minor revisions and One Inspection of the Site Revisions	\$670.00
Re-Inspection of site when corrections to the site have been made following a failed initial site inspection	\$325.00
Expedited plan reviews and inspections are available at twice the standard fee	Double Fee
Note: Applicant will have to re-apply for the post-construction permit if the revised plan or site inspection resulting from a revision or re-inspection of the site fails to get approval by the Department.	
Miscellaneous	Fee
Inspections by request	\$325.00
Waivers	Fee
Fee includes document reviews and site inspection	\$2425.00
Permit Transfers	Fee
The fees presented are for permits and permit related activity approvals issued to a newly listed owner-operator of the site.	\$200.00
Refunds	
The client will be granted a 60% refund if the plan has not yet been assigned to department plan review staff. No refunds will be made after the department has started review of the client's plans.	





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Questions?

Pinal County

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