

PINAL COUNTY  
STORMWATER MANAGEMENT  
ORDINANCE

ORDINANCE NUMBER {INSERT NUMBER}



P I N A L ♦ C O U N T Y

*Wide open opportunity*

AS APPROVED AND ADOPTED BY THE PINAL COUNTY BOARD OF  
SUPERVISORS ON

{INSERT DATE}

EFFECTIVE AS OF

{INSERT DATE}

# PINAL COUNTY STORMWATER MANAGEMENT ORDINANCE

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## **TITLE 1.0: AUTHORITY, PURPOSE, AND TITLE**

### **CHAPTER 1.05 STATUTORY AUTHORIZATION**

Pinal County may enact a Stormwater Ordinance pursuant to A.R.S. § 11-251.66 and A.R.S. § 49-371 and § 49-372. Pinal County, as a Municipal Separate Storm Sewer System under Phase II of the National Pollutant Discharge Elimination System (NPDES) Stormwater program of the Environmental Protection Agency (EPA) is empowered to regulate Stormwater by the authority of the Clean Water Act, 33 U.S.C. Sec. 1251 et seq.

### **CHAPTER 1.10 PURPOSE**

Pinal County meets the minimum federal requirements for designation by the United States Environmental Protection Agency (EPA) as a small Municipal Separate Storm Sewer Operator or MS4. As a small MS4, the County is required by the Federal Water Pollution Control Act of 1972, commonly known as the Clean Water Act (as amended), to implement and enforce a program to improve to the maximum extent practicable the quality of Stormwater in the County's Stormwater conveyance system within the unincorporated urbanized areas of the County.

The purpose of this Ordinance is to provide for the health, safety, and general welfare of the citizens of Pinal County through the prohibition of the introduction of non-Stormwater drainages to the storm drainage system to the maximum extent practicable as required by federal and state law. This Ordinance will also protect Waters of the U.S. within Pinal County by improving the quality of the Stormwater runoff from urbanized areas to the County-owned system by means of the use of Best Management Practices (BMPs) by the County and its citizens.

This Ordinance ensures that the County is compliant with its Arizona Pollutant Discharge and Elimination System (AZPDES) Permit requirements by establishing methods for controlling the introduction of Pollutants into the County's municipal separate storm sewer system (MS4). The objectives of this Ordinance are:

1. To regulate the contribution of Pollutants to the County MS4 by Stormwater drainage in unincorporated urbanized areas by any user.
2. To prohibit illicit connections and drainages to the County MS4.
3. To establish legal authority to carry out all inspection, surveillance, monitoring, and enforcement procedures necessary to ensure compliance with this Ordinance.

### **CHAPTER 1.15 TITLE**

This Ordinance shall be known as the Pinal County Stormwater Management Ordinance.

## **TITLE 2.0: RULES OF CONSTRUCTION AND INTERPRETATION**

### **CHAPTER 2.05 GENERAL RULES FOR CONSTRUCTION OF LANGUAGE**

All words used in the present tense shall include the future tense. All words in the singular number shall include the plural number, and all words in the plural number shall include the singular number. The word “shall” is mandatory and not directory, and the word “may” is permissive.

### **CHAPTER 2.10 RESPONSIBILITY FOR ADMINISTRATION**

Pinal County shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted or duties imposed upon Pinal County may be delegated in writing by the Board of Supervisors of Pinal County to entities acting in the beneficial interest of or in the employ of the County. Pinal County has designated the County Engineer or his/her authorized agent to administer this program.

### **CHAPTER 2.15 COMPATIBILITY WITH OTHER REGULATIONS**

This Ordinance is not intended to modify or repeal any other regulation, rule, ordinance, or other provision of law. The requirements of this Ordinance are in addition to the requirements of any other regulation, rule, ordinance, or other provision of law, and where any provision of this Ordinance imposes restrictions different from those imposed by any other regulation, rule, ordinance, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

### **CHAPTER 2.20 SEVERABILITY**

The provisions of this Ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any Person, establishment, or circumstances shall be declared unconstitutional or invalid by a court of competent jurisdiction, such determination of invalidity shall not affect the other provisions or application of this Ordinance.

### **CHAPTER 2.25 DISCLAIMER**

The standards set forth herein and promulgated pursuant to this Ordinance are minimum standards; therefore this Ordinance does not intend or imply that compliance by any Person will ensure that there will be no contamination, pollution, or unauthorized drainage of Pollutants.

Neither submission of a plan or Permit under the provisions herein nor compliance with the provisions of this Ordinance shall relieve any Person from responsibility for damage to any Person or property otherwise imposed by law.

### **CHAPTER 2.30 OTHER REGULATORY REQUIREMENTS**

Permits and Approvals issued pursuant to this Ordinance shall not relieve the applicant of the responsibility to comply with or to secure other required Permits or Approvals for activities regulated by any other applicable code, rule, regulation, act, statute or ordinance. This Ordinance shall not preclude the inclusion in such other Permit of more stringent requirements concerning regulation of Stormwater and Erosion.

#### **2.30.010. County Permits and Approvals**

If a Person applies for any one Permit from Pinal County, that Person is not relieved from the obligation to obtain any other applicable County Permit or Permits. The

following list is not exhaustive and additional programs may be included by the department.

- A. Grading and paving plans or permit
- B. Floodplain use permit
- C. Final plat
- D. Final Development plans
- E. Residential construction permit
- F. Commercial construction permit
- G. Subdivision infrastructure plan
- H. Manufactured housing permit
- I. Landscape plans
- J. Special use permit
- K. Site plan, including modification, minor deviation, or extension
- L. Solid waste facility permit
- M. On-site wastewater treatment facility plan
- N. Wastewater disposal and reuse permit
- O. Solid waste disposal, collection and transport permit
- P. Permit for reclaimed water facility or system
- Q. Septic system permits
- R. Permit or license to use County right-of-way
- S. Permit or franchise for railroad crossing or street railway on public roadway
- T. Permit or license to use Flood Control District right-of-way
- U. Air quality permit for earth moving
- V. Drinking water system permit
- W. Public or semi-public pool and spa permit

## **TITLE 3.0: DEFINITIONS**

For the purpose of this Ordinance, the following definitions shall apply:

1. **ADEQ** - The Arizona Department of Environmental Quality.
2. **AZPDES** - The Arizona pollutant discharge elimination system program as adopted under section 402(b) of the Clean Water Act.
3. **AZPDES Permit** - A permit issued by the Arizona Department of Environmental Quality pursuant to 33 U.S.C. 1342(b) that authorizes the discharge of Pollutants to Waters of the U.S.
4. **Best Management Practices (BMPs)** - Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, other management practices to prevent or reduce the introduction of Pollutants directly or indirectly to the County MS4 or Storm Drainage Systems connected to the MS4 and the prohibition of specific activities, practices, and procedures and such other provisions as the Department determines appropriate for the control of Pollutants. BMPs also include treatment practices, operating procedures, and practices to control the following; site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.
5. **CFR** – Code of Federal Regulations
6. **Clean Water Act** - The Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) and any subsequent amendments thereto.
7. **Construction Activity** - Activities subject to NPDES and/or AZPDES Construction Permits. These include construction Projects resulting in land disturbance of one (1) acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.
8. **County** - Pinal County, Arizona government officials and employees or designees of the Board of Supervisors of Pinal County designated to enforce this Ordinance.
8. **Department** - The Pinal County Public Works Department.
9. **Director** - The Pinal County Engineer or his or her authorized agents.
10. **Discharge** - Any addition of any pollutant to navigable waters from any point source.
11. **Disturbance** - The result of altering soil from its native or stabilized condition thereby rendering it subject to movement or erosion by water to potentially become, or becoming a pollutant in site Stormwater runoff; also means soil disturbance.
12. **Drainage System** - All Facilities and natural features used for the movement of Stormwater through and from a drainage area, including, but not limited to, any and all of the following: conduits; pipes and appurtenant features; channels; ditches; flumes; culverts; streets; swales; gutters as well as all watercourses, water bodies and wetlands.
13. **EPA** – The Environmental Protection Agency
14. **Erosion** - The wearing away of land surface by water or wind which occurs from weather or runoff, but is often intensified by human activity.
15. **Facility** - Any land, building, installation, structure, equipment, device, conveyance, area, source, activity or practice from which there is, or with reasonable probability may be,

the introduction of Stormwater to the County MS4 or Storm Drainage Systems connected to the MS4.

16. **Hazardous Materials** - Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
17. **Illegal Drainage** - Any direct or indirect non-Stormwater drainage to the County MS4 or a Storm Drainage System connected to the MS4 without a permit or exempted in Chapter 5.10 of this Ordinance.
18. **Illicit Connections** - An illicit connection is defined as either of the following:
  - A. Any drain or conveyance, whether on the surface or subsurface that allows illegal drainage to enter any Storm Drainage System including but not limited to any conveyances that allow any non-Stormwater drainage including sewage, process wastewater, and wash water to enter the County MS4 or any Storm Drainage System and any connections to the County MS4 or any Storm Drainage System from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency, or
  - B. Any drain or conveyance connected from a commercial or industrial land use to the County MS4 or any Storm Drainage System that has not been documented in plans, maps, or equivalent records and approved by an authorized regulatory or enforcement agency.
19. **Illicit discharge** - means any discharge to a municipal separate storm sewer that is not composed entirely of storm water except discharges pursuant to a NPDES permit (other than the NPDES permit for discharges from the municipal separate storm sewer) and discharges resulting from fire fighting activities.
20. **Impervious Surface** - A surface which has been compacted or covered with a layer of material so that it is resistant to infiltration by water. It includes semi-pervious surfaces such as compacted clayey soils, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots, and other similar surfaces. "Net Increase of Impervious Surface" refers to the difference between the existing impervious coverage and the total impervious surface proposed.
21. **Industrial Activity** - Activities subject to NPDES Industrial Stormwater Permits as defined in 40 CFR, Section 122.26 (b) (14).
22. **Land Disturbance** - Soil disturbance or any site disturbance.
23. **Land Surveyor** - A land surveyor licensed to practice land surveying in the State of Arizona.
24. **Maintenance** - The action taken to restore or preserve the as-built functional design of any Facility or system.
25. **Municipal Separate Storm Sewer System (MS4)** - A conveyance or system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, natural conveyances or storm drains) owned or operated by Pinal County and designed or used for collecting or conveying



Stormwater, and that is not used for collecting or conveying sewage. Also the County MS4.

26. **National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit** - A permit issued by the Environmental Protection Agency (EPA), or by a State under authority delegated pursuant to 33 U.S.C. 1342(b), that authorizes the discharge of Pollutants to Waters of the U.S., whether the permit is applicable on an individual, group, or general area-wide basis.
27. **Non-Stormwater Drainage** - Any drainage to the County MS4 or a Storm Drainage System that is not composed entirely of Stormwater.
28. **NPDES** - National Pollutant Discharge Elimination System.
29. **Nuisance** - The meaning of Nuisance for purposes of this Ordinance shall include the conditions listed in A.R.S. § 36-601, § 49-141 and § 13-2917.
30. **Operator** - An Operator of a construction site, such as the developer, is one who maintains overall operational control over construction plans and specifications, including the ability to change these plans and specifications. An Operator can also be one who maintains day-to-day operational control over activities that will ensure compliance with the Stormwater Pollution Prevention Plan (SWPPP), such as the general contractor or subcontractor.
31. **Outfall**- means a point source as defined by 40 CFR 122.2 at the point where a municipal separate storm sewer discharges to waters of the United States and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels or other conveyances which connect segments of the same stream of other waters of the United States and are used to convey waters of the United States.
32. **Owner** - The person, persons, or entity whose name appears on the title or deed to the subject property or properties.
33. **Permit** - A written permit to operate, issued by the Pinal County Community Development Department and/or Public Works Department.
34. **Permittee** - The person, agency, or entity authorized to conduct the work specified in accordance with the conditions of the Stormwater permit(s) and as described in the application, approved drawings, plans, and other documents on file with the County.
35. **Person** - Any natural individual, association, organization, partnership, firm, corporation, or other entity recognized by law.
36. **Pollutant** - Any agent introduced to Stormwater or non-Stormwater through human activity that may cause, potentially cause, or contribute to the degradation of water quality. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coli form and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; dredged spoil, rock, sand or silt; and noxious or offensive matter of any kind.

37. **Post-Construction** - For purposes of this Ordinance is that regulated category of construction for new developments and redevelopments which results in the establishment of permanent Stormwater pollution prevention devices, or structural BMPs, built in compliance to Pinal County's design standards and also includes long-term operations and maintenance (O&M) programs, or non-structural BMPs, to be permanently associated with the Stormwater pollution prevention devices or controls at the new development upon completion of the land disturbing activity.
38. **Post-Construction Permit** - A document issued by the Department evidencing its satisfactory completion of the final inspection of pertinent permanent BMPs and its approval of any Operation and Maintenance (O&M) Plans associated with the subject property after all Construction Activity is complete and final site stabilization has been achieved.
39. **Post-Construction Site Plan** - A plan or set of plans clearly identifying the site and depicting the placement of BMPs that are to remain permanently on the site following completion of the construction phase.
40. **Pre-Construction and Construction Phase Site Plan** - A plan or set of plans clearly identifying the site and depicting the placement of BMPs to be used during the preconstruction land disturbance and during construction phase of a construction Project. The plan will cover the complete interior and perimeter of the construction site during all phases of the Project.
41. **Premises** - Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.
42. **Redevelopment** - Projects that alter the "footprint" of an existing site or building in such a way that there is a Disturbance of equal to or greater than one (1) acre of land. Redevelopment projects do not include such activities as exterior remodeling, which would not be expected to cause adverse Stormwater quality impacts and offer no new opportunity for Stormwater controls.
43. **Sewage** - Wastes from toilets, baths, sinks, lavatories, laundries, and other plumbing fixtures in residences, institutions, public and business buildings, mobile homes, watercraft, and other places of human habitation, employment, or recreation.
44. **Storm Drainage System** - Public and private drainage Facilities other than sanitary sewers within the urbanized, unincorporated area of Pinal County by which Stormwater is collected and/or conveyed to the County MS4, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping Facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.
45. **Stormwater** - Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.
46. **Stormwater Management Plan (SWMP)**: A document submitted on a Department form or in a Department approved format which describes the Best Management Practices, activities and measures to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions and measures to eliminate or reduce the introduction of pollutants to Stormwater, the County MS4, or Storm Drainage Systems connected to the MS4 to the maximum extent practicable (MEP).

47. **Stormwater Drainage System** – Public and private drainage Facilities other than sanitary sewers within the urbanized, unincorporated area of Pinal County by which Stormwater is collected and/or conveyed to the County MS4, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping Facilities, retention and detention basins, natural and human made or altered drainage channels, reservoirs and other drainage structures.
48. **SWPPP** - The Stormwater Pollution Prevention Plan associated with the permit for a site.
49. **Urbanized Area** - A portion of the County that has a population density of at least one thousand (1,000) people per square mile and/or meets other criteria set by the U.S. Bureau of Census in the latest Decennial Census.
50. **Wastewater** - Sewage and waterborne industrial wastes.
51. **Waters of the U.S.** - As defined in 33 CFR 328.3(a) and 40 CFR 230.3(s).

## **TITLE 4.0: APPLICABILITY**

This Ordinance applies to all areas of urbanized unincorporated Pinal County as defined herein and depicted by the most recent U.S. Census published “urbanized” area (UA) map for Pinal County and as may be identified by future Decennial Census.

This Ordinance applies to all water entering the County MS4 or any Storm Drainage System connected to the MS4 in the urbanized areas of the County and generated on any developed and undeveloped lands unless explicitly exempted in this Ordinance.

## **TITLE 5.0: ILLICIT NON-STORMWATER DRAINAGE AND CONNECTIONS**

### **CHAPTER 5.05 PROHIBITION OF NON-STORMWATER DRAINAGE**

**5.05.010.** No Person shall throw, drain, or otherwise introduce, cause, or allow others under its or their control to throw, drain, or otherwise introduce into the County MS4 or into the Storm Drainage System within the County MS4 any Pollutants, waters containing any Pollutants, or water other than Stormwater.

**5.05.020.** The commencement, conduct or continuance of any illegal drainage to the County MS4 or any Storm Drainage System is prohibited except as described as follows:

- A. The following drainage is exempt from prohibitions established by this Ordinance:
  1. Water line flushing, landscape irrigation, diverted stream flows, rising groundwaters, uncontaminated groundwater infiltration, uncontaminated pumped groundwater, drainages from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, de-chlorinated swimming pool drainages, and street wash water.
  2. Drainage or flow from firefighting, and other drainages specified in writing by the Department as being necessary to protect public health and safety.
  3. Drainage associated with dye testing; however, this activity requires a verbal notification to the Department prior to the time of the test.
- B. This drainage prohibition shall not apply to any non-Stormwater drainage permitted under an NPDES Permit, waiver, or waste drainage order issued to the discharger and administered under the authority of the United States Environmental Protection Agency (EPA), provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and Ordinances, and provided that written approval has been granted for any drainage to a Storm Drainage System.
- C. The Department may evaluate and remove any of the above exemptions if it is determined that they are identified as significant sources of Pollutants as required by 40 CFR 122.34.b.3.iii.

## CHAPTER 5.10 PROHIBITION OF ILLICIT CONNECTIONS

- 5.10.010.** The construction, use, maintenance or continued existence of illicit connections to the County MS4 or any Storm Drainage System is prohibited.
- 5.10.020.** This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- 5.10.030.** A Person is considered to be in violation of this Ordinance if the Person connects a line conveying non-Stormwater to the County MS4, or allows such a connection to continue.
- 5.10.040.** Improper connections in violation of this Ordinance must be disconnected and redirected to an appropriate approved waste disposal system.
- 5.10.050.** Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the Storm Sewer System, shall be located by the Owner or occupant of that property upon receipt of written Notice of Outstanding Violation from the Department requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be determined, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other drainage point be identified. Results of these investigations are to be documented and provided to the Department.

## **TITLE 6.0: CONSTRUCTION SITE STORMWATER RUNOFF POLLUTION CONTROL**

### **CHAPTER 6.05 INTRODUCTION**

Runoff from construction sites may be a major source of pollution and is subject to federal, state and local requirements to improve Stormwater quality. With few exceptions, these requirements will include the development and implementation of a Stormwater Pollution Prevention Plan (SWPPP) for every Construction Activity as defined herein within the urbanized unincorporated areas of the County. SWPPPs are to be prepared prior to the filing of a Notice of Intent (NOI) with ADEQ. That SWPPP may be reviewed by ADEQ. SWPPPs may be reviewed at the construction site by the Department. Stormwater treatment measures known as Best Management Practices or BMPs may be required along with inspections by the County or ADEQ to determine compliance with the SWPPP and the installation and management of the BMPs.

In accordance with its own ADEQ Permit requiring it to reduce construction site Stormwater pollution in its urbanized area, Pinal County has established a construction site or land disturbance Pre-Construction and Construction phase Approval process administered by the Pinal County Community Development Department and/or Public Works Department.

### **CHAPTER 6.10 CONSTRUCTION SITE APPROVAL**

- 6.10.010.** An Owner or Operator who intends to disturb an area of land that is equal to or greater than one acre, or that is less than one (1) acre but is part of a larger plan of development shall obtain permit coverage from the ADEQ. A copy of the Notice of Intent (NOI) to be bound by ADEQ's general construction Permit, or evidence of the State's construction Permit obtained by the Owner or Operator, must be filed with the Department prior to the start of the land disturbance as required by ADEQ.
- 6.10.020.** An Owner or Operator who intends to disturb an area of land that is equal to or greater than one (1) acre, or that is less than one (1) acre but is part of a larger plan of development that disturbs one (1) or more acres of soil, must also obtain an approval from the Department and pay any applicable fees set by the Department. This dual system of regulation is as required by Federal law, 40 CFR122.34.b.4.i, and by the general permit for the Pinal County MS4 issued by the ADEQ.
- 6.10.030.** No disturbance of the site is allowed until the Stormwater approval has been issued.
- 6.10.040.** A copy of the approval and the SWPPP for the construction must be available on the site during all work times.
- 6.10.050.** To obtain an approval the Owner or Operator must complete the following:
- A.** Submit to the Department a pre-construction and construction phase Stormwater Site Plan no later than thirty (30) working days prior to the actual start of construction for standard turnaround times for applications.
  - B.** This pre-construction and construction phase Stormwater Site Plan(s) must consider possible water quality impacts and explain in sufficient detail the construction Best Management Practices to be followed by the owner and all who

work on the site. The site plan defines the BMPs to ensure that erosion will be minimized, sediment transport managed and that controls for other wastes are in place during the construction process.

- C. This Stormwater Site Plan(s) will be reviewed by the Department and returned with any comments or a letter of acceptance of the plans.
- D. After changes have been made to the Stormwater Site Plan(s) to address the Department's comments, the revised plan(s) shall be resubmitted for review.

**6.10.060.** The SWPPP for the construction site is to remain at the site and is to be made available to the Department. At the start of construction and during construction the Department may inspect any site to determine that the SWPPP for the site is being followed and that the indicated BMPs have been properly installed and satisfactorily maintained. If the SWPPP has not been implemented and/or if the BMPs on site have not been satisfactorily installed or maintained the Department will notify the Owner or Operator of the deficiencies. If the Owner or Operator has failed to address satisfactorily these issues within seven (7) working days of notification of deficiencies, a compliance order will be issued by the Department and a complaint shall be referred to the County Attorney as provided herein and in A.R.S. § 49-261. The Department may also seek an injunction to stop the work as provided herein and civil penalties or criminal penalties.

#### CHAPTER 6.15 EXEMPTIONS

Coverage under a Department Stormwater approval for construction is not required for sites over one (1) acre for:

- 6.15.010.** Regular maintenance activities performed within the original line, grade or capacity of a Facility.
- 6.15.020.** Construction Projects where the Operator can prove that there is no reasonable probability that Stormwater can leave the site.
- 6.15.030.** A site that qualifies for an erosivity waiver for activities in low-risk soil conditions.
- 6.15.040.** A site already covered by an individual NPDES permit with Stormwater provisions.
- 6.15.050.** Emergency construction activities required to protect public health and safety.
- 6.15.060.** Sites not within the urbanized unincorporated areas as identified in Title 4.0 herein.

#### CHAPTER 6.20 TRANSFERS OF APPROVALS

An approval may be transferred by the submittal of a Department transfer of coverage form that includes assurances by the new Owner that the approved SWPPP and BMPs requirements will be met. A separate administrative fee applies to transfers of ownership.

#### CHAPTER 6.25 TERMINATION OF COVERAGE

Coverage under the construction approval will end when a notice of termination is filed with the Department and an inspection by the Department has confirmed that the entire site has been

stabilized and landscaping and paving complete. The Owner of the site must continue to meet the requirements of any Post-Construction Permits issued by the Department.

#### CHAPTER 6.30 COMPLIANCE MONITORING

**6.30.010.** Right of Entry for Inspection and Sampling

The Department is permitted to enter and inspect Facilities subject to this Ordinance as often as may be necessary to determine compliance with this Ordinance and approvals issued hereunder.

- A. If an Owner or Operator holding an approval has security measures in force which require proper identification and clearance before entry into its premises, the Owner or Operator shall make the necessary arrangements to allow the Department access to the premises.
- B. Owners or Operators holding an approval or their designated representatives shall allow the Department ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES and/or AZPDES Permit to discharge Stormwater, and to determine performance of any additional duties required by the approved plans or by applicable state and federal stormwater law.
- C. Any temporary or permanent obstruction to safe and easy access to the site or Facility to be inspected and/or sampled shall be promptly removed by the Operator at the written or oral request of the Department and shall not be replaced. The costs of clearing such access shall be borne by the Operator.
- D. Unreasonable delay in allowing the Department access to an approved Facility is a violation of this Ordinance. A Person who is the Operator of a Facility with an NPDES or AZPDES Permit to discharge Stormwater associated with industrial activity violates the Permit terms if the Person denies the Department reasonable access to the Permitted Facility for conducting any activity authorized or required by this Ordinance.

**6.30.020.** Search Warrants

If the Department has been refused access to the premises, then the Director may seek issuance of a search warrant from any court of competent jurisdiction in addition to issuing a compliance order, seeking an injunction and assessing appropriate civil or criminal penalties under Title 10.0 herein and Title 49, Arizona Revised Statutes.



## **TITLE 7.0: INDUSTRIAL ACTIVITY DISCHARGES**

### **CHAPTER 7.05 SUBMISSION OF NOI OR OTHER PROOF OF COMPLIANCE TO DEPARTMENT**

- 7.05.010.** Any Person subject to an industrial activity individual or general NPDES or AZPDES Discharge Permit may be required to provide proof of compliance with said Permit in a form acceptable to the Department prior to the allowing of discharges to the County MS4.
- 7.05.020.** The Operator of a Facility required to have an individual NPDES or AZPDES Permit to Discharge Stormwater associated with industrial activity shall submit proof of the Permit, or if under a general permit, a copy of the Notice of Intent (NOI) to the address shown in 7.05.030 below at the same time the Operator submits the original Notice of Intent to the EPA or ADEQ as applicable.
- 7.05.030.** The copy of the Notice of Intent may be delivered to the Department either in Person or by mailing it to the Pinal County Department of Public Works, 31 North Pinal Street, PO Box 727, Florence, AZ 85132.
- 7.05.040.** Any Owner or Operator of a Facility or site which is not exempt, does not have an NPDES or AZPDES Permit, and is discharging Stormwater associated with industrial activity within the unincorporated urbanized County MS4 shall be reported to the Environmental Protection Agency and/or the ADEQ.

## **TITLE 8.0: REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORMWATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES**

- 8.00.010.** Any activity, operation, or Facility that may cause or contribute to pollution or contamination of Stormwater that discharges to any Storm Drainage System connected to the MS4 or the County MS4 in the unincorporated urbanized areas of the County must implement Best Management Practices (BMPs) as defined in Title 3.0 for Stormwater. The Owner or Operator of such activity, operation, site or Facility shall provide, at their own expense, reasonable protection from accidental introduction of prohibited materials or other wastes into any Storm Drainage System or County MS4 using BMPs. These BMPs shall be part of a Stormwater Pollution Prevention Plan (SWPPP) as necessary for compliance with requirements of any applicable AZPDES permit.
- 8.00.020.** Any Person responsible for a property or premise that is, or may be, the source of illegal non-Stormwater drainage as defined in Title 3.0, may be required to implement, at said Person's expense, additional BMPs to prevent the further drainage of Pollutants.
- 8.00.030.** Compliance with all terms and conditions of a valid NPDES or AZPDES Permit authorizing the discharge of Stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this Title.

## **TITLE 9.0: NOTIFICATION OF SPILLS**

- 9.00.010.** Notwithstanding other requirements of law, as soon as any Person responsible for a Facility, site or operation, including construction sites, or responsible for emergency response for a Facility, site or operation has information of any known or suspected release of materials which are resulting or may result in the introduction of Pollutants into a Storm Drainage System connected to the MS4 or the County MS4 shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, said Person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said Person shall notify the Department in person, by phone or by e-mail or facsimile no later than the next day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Department within ten (10) calendar days of the phone notice. If Pollutants emanate from a commercial or industrial establishment, the Owner or Operator of such establishment shall also retain an on-site written record of the release and the actions taken to prevent its recurrence. Such records shall be retained for at least one (1) year or as may otherwise be required by applicable state or federal law.
- 9.00.020.** Failure to provide notification of a release as provided above is a violation of this Ordinance.

## **TITLE 10.0: VIOLATIONS, ENFORCEMENT, PENALTIES AND AUTHORITY**

### **CHAPTER 10.05 VIOLATIONS**

- 10.05.010.** It is unlawful for any Person to violate any provision or fail to comply with any of the requirements of this Ordinance. Any Person who violates or continues to violate any provision of this Ordinance, any order, approval or permit issued under this Ordinance or A.R.S. § 49-255.01, -263 or 263.01 is subject to the enforcement actions provided herein.
- 10.05.020.** Nothing in this Ordinance shall restrict the Director in exercising the full Department's authorities granted by statute, rule, or ordinance.

### **CHAPTER 10.10 NOTICE OF OUTSTANDING VIOLATION (NOV)**

- 10.10.010.** The NOV is an informal notice regarding non-compliance with the Ordinance used primarily to notify the Owner and/or Operator of what the Department considers to be a minor violation.
- 10.10.020.** If the Director has reason to believe that any Person has violated, or continues to violate, any provision of this Ordinance, any approval, or any permit, the Director may serve upon that person a written Notice Of Outstanding Violation, specifying the particular violation believed to have occurred and requesting the person to immediately investigate the matter and to correct the violation within the time period stated in the NOV.

- 10.10.030.** Investigation and/or resolution of the matter in response to a Notice of Outstanding Violation in no way relieve the alleged violator of liability for any violations occurring before or after receipt of the Notice of Outstanding Violation. Nothing in this subsection limits the authority of the Director to take any action, including an emergency action or any other enforcement action, without first issuing a NOV.

#### CHAPTER 10.15 SETTLEMENT AGREEMENT

The Director may enter into a settlement agreement or consent order that resolves the Person's liability to the County. A Settlement Agreement may include civil and/or criminal penalties, and the reimbursement of costs and expenses incurred by the Department in connection with the violation.

#### CHAPTER 10.20 COMPLIANCE ORDER (A.R.S. § 49-261)

- 10.20.010.** If the Director has reason to believe that a Person has violated any provision of this Ordinance, any order issued by the Department hereunder, a Stormwater Approval, or any Permit, the Director may issue a Compliance Order. The Compliance Order shall be served on the Person by Certified Mail, return receipt requested, or by personal service.
- A.** The Compliance Order shall contain:
1. The name and address of the Person;
  2. The address or a description of the construction site or other Facility, building, structure, or land where the violation is occurring or has occurred;
  3. A statement specifying the nature of the violation;
  4. A description of the remedial measures the Person shall take in order to resolve the violation and come into compliance with this Ordinance and a reasonable period of time to complete the remedial measures.
  5. A statement that the Person may request a hearing before an administrative law judge on the Compliance Order by filing a written request for a hearing with the Department not more than thirty (30) calendar days after service of the Compliance Order.
- B.** The Compliance Order may require the Person:
1. To perform monitoring, tests, analyses, and reporting,
  2. To eliminate Illegal Drainage connections or drainage to the County's MS4 or any Storm Drainage System,
  3. To cease and desist all Illegal Drainage, practices, and/or operations,
  4. To implement source control or treatment BMPs.
- 10.20.020.** A Compliance Order becomes final and enforceable in the superior court unless within thirty (30) calendar days after the receipt of the Order the Person requests a hearing before an administrative law judge. If a hearing is requested, the Order does not become final until the administrative law judge has issued a final decision on the appeal. Appeals shall be conducted according to A.R.S. § 49-321.

CHAPTER 10.25 INJUNCTIVE RELIEF (A.R.S. § 49-262)

**10.25.010.** Whether or not a Person has requested a hearing, the Director, through the County Attorney, may file an action in the superior court requesting a temporary restraining order, a preliminary injunction, a permanent injunction, and/or any other relief if the Director has reason to believe any of the following has occurred:

- A.** That a Person is in violation of:
  - 1.** Any provision of this Ordinance, or
  - 2.** A Pollutant limitation or any other condition of a Stormwater Approval or any Permit.
- B.** Notwithstanding any other provision of this Ordinance, if the Director has reason to believe that a Person is creating an imminent and substantial endangerment to the public health or environment, arising out of a violation of Article 2, 3 or 3.1 of Arizona Revised Statutes Title 49 Chapter 2, this Ordinance, a Stormwater Approval, or any Permit, the Director, through the County Attorney, may file an action in the superior court requesting a temporary restraining order, a preliminary injunction, a permanent injunction, and/or any other relief the Director deems appropriate.

CHAPTER 10.30 SUSPENSION AND REVOCATION OF APPROVALS OR PERMITS

**10.30.010.** Suspension of Approval or Permit:

- A.** If the Director has reason to believe that a Person who holds a Stormwater Approval or Permit has failed to comply with the Approval and/or Permit or is engaged in any actual or threatened activity that presents or may present imminent and substantial endangerment to the public health, the environment, to any Person, or to the County's MS4 or any Storm Drainage System, the Director may summarily and immediately suspend the Person's Stormwater Approval or Permit. Notice of a summary suspension shall be served on the Person by personal delivery or sent by Registered or Certified Mail, return receipt requested, to the Person's last known address.
- B.** Within fifteen (15) working days of being served with a notice of summary suspension, the Person may file a written request to vacate or modify the suspension order with the Department and the Director shall hear the request within five (5) working days. An order of summary suspension shall remain in effect for not more than twenty-five (25) working days. If the violation is not corrected within the twenty-five (25) working days, the Director may issue subsequent summary suspension orders.
- C.** Upon suspension of Stormwater Approval or Permit, the Department may post the Department's red closed sign on the Person's construction site or Facility advising the public that the Person's Stormwater Approval or Permit has been summarily suspended and the Person's access to the County's MS4 or any Storm Drainage System is prohibited. A Person's access to the County's MS4 or any Storm Drainage System shall not be reinstated without the prior written approval of the Director.

**10.30.020.** Revocation of Approval or Permit:

- A. If the Director has reason to believe that a Person is violating or has violated this Ordinance or its Stormwater Approval or any Permit, the Director may revoke the Person's Stormwater Approval or Permit.
- B. Prior to revocation, the Director shall serve written notice on the Person stating the specific reason(s) for revoking the Stormwater Approval or Permit and that the Stormwater Approval or Permit shall be revoked twenty (20) calendar days following service of the notice, unless the Person files a written request for a hearing with the Department within the twenty (20) calendar day notice period. If a timely request for a hearing is received, the Director shall hold a hearing as soon as practicable. The hearing shall be conducted in the same manner as hearings are conducted under A.R.S. § 41-1061 to 1066. After the hearing, the Director shall affirm, modify, or revoke the notice of revocation. If a timely request for a hearing is not filed, revocation of the Approval or Permit is final after the twenty (20) calendar day notice period expires.
- C. When a notice of revocation is served, the Department may post a yellow public notice sign on the Person's construction site or other Facility advising the public that the Person's Stormwater Approval or Permit may be revoked and the Person's access to the County's MS4 or any Storm Drainage System may be terminated. If the violator fails to comply with an order the Director may take action as deemed necessary to prevent or minimize damage to the County MS4 or any Storm Drainage System, or to minimize danger to the health and welfare of Persons. A Person's access to the County's MS4 or any Storm Drainage System shall not be reinstated without the prior written approval of the Director.
- D. A notice of revocation shall be deemed served and received on the date the notice is personally delivered to the Person or on the date the notice is sent by Registered or Certified Mail, return receipt requested, to the Person's last known address. A copy of the notice shall be filed in the records of the Department. The notice shall comply with A.R.S. § 41-1061(B).

**CHAPTER 10.35 CIVIL PENALTIES (A.R.S. § 49-371)**

The Department may seek a civil penalty of not to exceed two thousand five hundred dollars (\$2,500) per day for each violation; each day of a violation constitutes a separate offense. The Director through the County Attorney may file an action in the Superior Court to recover civil penalties.

**CHAPTER 10.40 CRIMINAL VIOLATIONS (A.R.S. § 49-263)**

**10.40.010.** It is unlawful to:

- A. Discharge Stormwater to the MS4 without an approval, permit, or appropriate authority from the Department.
- B. Fail to monitor, sample, or report discharges as required by under this Ordinance.
- C. Violate a discharge limitation.
- D. Violate a water quality standard.

- 10.40.020.** A Person who with criminal negligence performs an act prohibited under 10.40.010 subsection A is guilty of a class 6 felony.
- 10.40.030.** A Person who knowingly performs an act prohibited under 10.40.010 subsection A is guilty of a class 5 felony.
- 10.40.040.** A Person who knowingly or recklessly manifests an extreme indifference for human life in performing an act prohibited under subsection A of 10.40.010 is guilty of a class 2 felony.
- 10.40.050.** A violation of any provision of this chapter for which a penalty is not otherwise prescribed is a class 2 misdemeanor.
- 10.40.060.** The County Attorney may enforce this section at the request of the Director.
- 10.40.070.** Monetary criminal penalties obtained under this chapter shall be deposited in the County's general fund. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

**CHAPTER 10.45 REMEDIES NOT EXCLUSIVE**

The remedies and enforcement actions listed in this Ordinance are not exclusive of any other remedies or enforcement actions available under any applicable federal, state, County and local laws, rules, Ordinances, and ordinances. The County may seek cumulative remedies.

## **TITLE 11: POST-CONSTRUCTION STORMWATER MANAGEMENT**

### **CHAPTER 11.05 INTRODUCTION**

The goal of this Post-Construction Stormwater management program is to protect public safety and public infrastructure, reduce erosion on private properties and stream channels, and protect the quality of Waters of the U.S. to the maximum extent practicable. The goals are achieved by maintaining and/or restoring natural drainage patterns, minimizing grading and disturbance, and minimizing the extent of impervious cover, as well as encouraging the use of a variety of Best Management Practices for reducing the Pollutant loadings from newly developed and redeveloped sites. This will be accomplished by requirements to, among other things, reduce the magnitude and extent of impervious cover and site disturbance, remove Pollutants from runoff prior to the introduction of Stormwater to the County MS4, and promote effective operation and maintenance of all Stormwater Facilities.

### **CHAPTER 11.10 APPLICABILITY**

The post-construction requirements in this Title apply to permanent Stormwater Management Systems, Facilities, and other devices. Stormwater management during construction activities is regulated separately pursuant to Title 6.0 of this Ordinance.

### **CHAPTER 11.15 OBJECTIVES**

In order to protect the health, safety and general welfare of the residents of Pinal County, as well as to protect, sustain and enhance the quality of the Waters of the U.S. in and adjacent to the County, drainage and Stormwater management practices shall be utilized as directed herein to achieve the following objectives:

- 11.15.010.** Accommodate site development and redevelopment in a manner that protects public safety and that is consistent with federal and state water quality requirements and the requirements of the Phase II Stormwater permit for the County.
- 11.15.020.** Protect water quality to the Maximum Extent Practicable by removing and/or treating Pollutants prior to the introduction of Stormwater to the County MS4 or any Storm Drainage System connected to the MS4 throughout the County.
- 11.15.030.** Promote effective long-term operation and maintenance of all permanent Stormwater Management Systems and Facilities.
- 11.15.040.** Treat and release Stormwater as close to the source of runoff as possible using a minimum of structures and maximizing reliance on natural processes.
- 11.15.050.** Address certain requirements of the Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) Phase II Stormwater Ordinances.
- 11.15.060.** Reduce the environmental impacts of Stormwater pollution from existing developed sites undergoing redevelopment while encouraging development and redevelopment in urban areas and areas designated for growth.

## CHAPTER 11.20 REGULATED ACTIVITIES

### **11.20.010. Post-Construction Permits Required**

A Post-Construction Permit is required for land disturbance equal to or greater than one (1) acre in area except as otherwise provided per Section 11.20.020 of this Ordinance. Land disturbances of less than one (1) acre constituting a part of a larger development plan are also regulated. Activities for which a Post-Construction Permit is required include land development and redevelopment to include clearing or grubbing, leveling, construction of new or additional impervious or semi-pervious surfaces such as driveways, roadways, parking lots, recreation features; construction of new buildings or additions to existing buildings; and installation of permanent Stormwater Management Systems, Facilities or appurtenances thereto.

A Post-Construction Permit shall be issued to the Owner of the property as the party responsible for the permanent operational and maintenance aspect(s) of the Post-Construction BMPs. The Owner of the property shall have a Post-Construction Permit in his or her possession prior to recording the O&M Plan and Maintenance Agreement with the County Recorder.

### **11.20.020. Exemptions**

The following activities may be exempted by the Director from on-site Stormwater quality runoff control. An exemption shall apply only to the requirement for on-site permanent Stormwater Management Systems, Facilities, and/ or devices, in the application for a Stormwater Permit. All other Stormwater management design elements, such as a storm sewer system, road culverts, erosion and sedimentation control and runoff quality, shall be required. All exemption requests must be filed with the Department.

- A. Emergency Exemption.** Emergency maintenance work performed for the protection of public health, safety and welfare. A written description of the scope and extent of any emergency work performed shall be submitted to the Department within two (2) calendar days of the commencement of the activity. If the Department finds that the work is not an emergency, then the work shall cease immediately and the requirements of this Ordinance shall be addressed as applicable.
- B. Maintenance Exemption.** Any maintenance to an existing Stormwater Management Systems made in accordance with plans and specifications approved by the Department.
- C. Gardening.** Use of land for gardening for home consumption.
- D. Irrigation return flows and other agricultural and non-agricultural activities** excluded by 40 CFR 122.3.
- E. Improvement-related Exemption.** A Stormwater Management System will not be required for any net increase of impervious surface of less than one thousand (1,000) square feet where the cumulative total square feet of all impervious surfaces does not exceed the impervious surface standards of the applicable zoning district. However, where the net increase in impervious surface exceeds one thousand (1,000) square feet but the total disturbed area is less than five thousand



(5,000) square feet pursuant to a soil erosion and sediment pollution control plan and/or a grading plan, the Applicant shall demonstrate compliance with this Ordinance for the increased impervious surface.

#### CHAPTER 11.25 WAIVERS

- 11.25.010.** The provisions of this Ordinance are the minimum standards for the protection of the public welfare.
- 11.25.020.** If an applicant demonstrates to the satisfaction of the Director that any mandatory provision of this chapter is unreasonable as it applies to the proposed Project or that an alternate design may result in a superior result within the context of Chapter 11.25.030 of this Ordinance, the Director upon obtaining the comments and recommendations of staff may grant a waiver or relief so that substantial justice may be done and public interest is secured; provided that such waiver will not have the effect of nullifying the intent and purpose of this Ordinance.
- 11.25.030.** The applicant shall submit all requests for waivers in writing and shall include such requests as a part of their development application or during the plan review and approval process. The applicant shall state in full (1) the facts of unreasonableness on which the request is based, the provision or provisions of the Ordinance that are involved, and the minimum waiver that is necessary or (2) the applicant shall state how the requested waiver and how the applicant's proposal shall result in an equal or better means of complying with the intent of Chapter 11.15 Objectives, and Chapter 11.30 General Requirements.
- 11.25.040.** The applicant shall submit all waiver requests to the Department. The Department has sixty (60) working days to act on any waiver request.
- 11.25.050.** The Director shall keep a written record of all actions on waiver requests.
- 11.25.060.** The Director may charge a fee for each waiver request, which shall be used to offset the administrative costs of reviewing the waiver request. The applicant shall also agree to reimburse the Department for reasonable and necessary fees that may be incurred by the Department in any review of a waiver request.
- 11.25.070.** In granting waivers, the Director may impose reasonable conditions as will, in its judgment, secure substantially the objectives of the standards or requirements that are to be modified.
- 11.25.080.** The Director may grant applications for waivers when the following findings are made, as relevant:
- A.** That the waiver shall result in an equal or better means of complying with the intent of this Ordinance;
  - B.** That the waiver is the minimum necessary to provide relief;
  - C.** That the applicant is not requesting a waiver based on cost considerations;
  - D.** That existing off-site Stormwater problems will not be exacerbated;

- E. That runoff is not being diverted to a different drainage area;
- F. That increased flooding or ponding on off-site properties or roadways will not occur;
- G. That increased peak flow or volume from the site will not occur;
- H. That erosive conditions due to increased peak flows or volume will not occur;
- I. That adverse impact to water quality will not result;
- J. That increased or unusual County maintenance expenses will not result from the waiver;
- K. That the amount of Stormwater generated has been minimized to the greatest extent allowed;
- L. That long term operation and maintenance activities are established;
- M. That the receiving streams and/or water bodies will not be adversely impacted in erosion and sedimentation.

#### CHAPTER 11.30 GENERAL REQUIREMENTS

- 11.30.010.** The management of Stormwater on site, both during and upon completion of the land disturbances described in Chapter 11.05 shall be accomplished in accordance with the standards and criteria of this Ordinance and the requirements of the Pinal County Drainage Regulations, the Pinal County Development Services Code, and the Floodplain Regulations for Pinal County. The design of any temporary or permanent Facilities and structures and the utilization of any natural drainage systems shall be in full compliance with this Ordinance and any other applicable Regulation.
- 11.30.020.** The intent of these design standards is to encourage environmentally sound Stormwater management practices that provide necessary drainage Facilities while protecting the hydrologic characteristics and water quality of the site and watershed. Development shall be required to incorporate Stormwater management control.
- 11.30.030.** Applicants should refer to the most recent version of appropriate references for guidance in the design of Stormwater Management Systems, Facilities, and/ or devices, most appropriate to individual site conditions. The objectives are to achieve water quality improvement at the source or during conveyance, prior to the introduction of Stormwater into the County MS4 or any Storm Drainage System connected to the MS4.
- 11.30.040.** The Stormwater Management Systems shall not create an adverse impact on Stormwater quality in either upstream or downstream areas. Offsite areas, which drain to or across a site proposed for development, shall be addressed in the Post-Construction Site Plan prepared for the development. No Post-Construction Site Plan shall be approved unless it provides information sufficient to assure that the runoff from the Project shall not adversely impact water quality in downstream areas.
- 11.30.050.** Where deemed necessary by the Director, the applicant shall construct storm drains to handle on-site runoff to the maximum extent permitted under the Pinal County Drainage Ordinance and manual, and/or Pinal County Development Services Code, provide on-

site/off-site drainage easements, and provide for the conveyance of off-site runoff to an acceptable outlet in the same watershed.

- 11.30.060.** Any Stormwater Management Systems or Facility regulated by this Ordinance that would be located in or adjacent to Waters of the U.S. or wetlands shall continue to be subject to approval by the U.S. Army Corps of Engineers (USACOE) or other agencies through their permit processes. Proof of approval by the USACOE shall be provided by the applicant prior to the start of construction.
- 11.30.070.** Any Stormwater Management Facility or part thereof regulated by this Ordinance that will be located in Pinal County Transportation Facilities, Pinal County Flood Control District, or other County-owned rights-of-way or that will drain across or onto Pinal County Transportation Facilities, Flood Control District or other County-owned rights-of-way shall be subject to written approval, licensing or permitting by the appropriate authority. Excluding the USACOE approval process detailed in subsection 60 above, documentation of such aforementioned approval, licensing or permitting shall be provided by the applicant at the time of application.
- 11.30.080.** At the time of application for a building permit for any approved lot created by a subdivision and/or improved as a land development Project, issuance of the Permit shall be conditioned upon adherence to the terms of this Ordinance.
- 11.30.090.** Stormwater drainage to impaired waters or unique waters may be subject to additional performance criteria or may need to utilize or restrict certain Stormwater management practices.
- 11.30.100.** An application for a Post-Construction Permit shall be submitted to the Department at least thirty (30) working days prior to the anticipated end of construction for standard turnaround times for applications. Refer to the Department's current fee table for applicable fees.

#### CHAPTER 11.35 CONSTRUCTION AND OPERATION RESPONSIBILITIES

##### **11.35.010.** General Responsibilities

- A.** Developments constructing in phases shall address Stormwater quality on a unit/phased basis as part of their drainage plans required by the Pinal County Development Services Code and of the Pinal County Drainage Ordinance and Manual. Stormwater quality must not be left for the final phase of a development.
- B.** The owner of permanent Stormwater Management Facilities shall be responsible for the proper operation and maintenance of those Facilities during and after construction. All permanent on-site BMPs shall be operational prior to the use by any development or phase of development dependent on those BMPs. An Operation and Maintenance Plan consistent with the requirements of Section 1109 shall be prepared for review and approval by the Director and shall be executed and signed by the Department and the owner.
- C.** The Owner of permanent Stormwater Management Facilities for a tract shall be responsible for the proper installation and function of those Facilities in accordance

with the approved Stormwater permit. All temporary soil erosion and sedimentation control measures shall be removed or converted to their permanent configuration in accordance with an approved erosion control plan. This requirement in no way precludes the authority of the Director to determine when sufficient stabilization has occurred on a site in order to convert to the permanent Stormwater Management Facilities.

#### CHAPTER 11.40 REPORT WITH APPLICATION

For all post-construction activities governed by this Ordinance the Applicant shall submit with their Stormwater permit application. A report which shall contain the information necessary to allow the Department to review the application. It may be necessary for some applications covering areas greater than twenty (20) acres to have the report prepared by a Professional Licensed Civil Engineer in the State of Arizona. The information required in the report may include, but is not limited to, the following:

- 11.40.010.** A suitable map of the watershed for all named streams within which the Project is proposed with existing and proposed development areas presented on the map. A United States Geological Survey quadrangle map is sufficient.
- 11.40.020.** Suitable maps and drawings showing all existing natural and constructed drainage Facilities affecting the subject property.
- 11.40.030.** Hydrologic watershed and water feature boundaries including all areas flowing to the proposed Project, existing streams (including intermittent and ephemeral streams, and other bodies of water within the Project area).
- 11.40.040.** Sufficient topographical information with elevations to verify the location of all ridges, streams, etc. Two (2) foot contour intervals are acceptable within the Project's boundaries and for proposed off-site improvement. For slopes greater than fifteen (15) percent, five (5) foot contours are acceptable.
- 11.40.050.** Notes pertaining to and locations of existing standing water, areas of heavy seepage, springs, wetlands, streams, and hydrologically sensitive areas.
- 11.40.060.** General type of soils with Hydrologic Soil Group noted, estimated permeability in inches per hour, and location and results of all soil tests and borings.
- 11.40.070.** Description of current and proposed ground cover and land use. The total area and percent of impervious cover shall be noted.
- 11.40.080.** A plan of the proposed Stormwater drainage system attributable to the activity proposed, including runoff calculations, Stormwater management practices to be applied both during and after development, and the expected Project time schedule.
- 11.40.090.** The design computations for all proposed Stormwater drainage systems, including storm drain pipes, inlets, runoff control measures and culverts, drainage channels, and other features, Facilities, and Stormwater management practices.

- 11.40.100.** A grading plan, including all areas of disturbance, of the subject activity. The total area of disturbance shall be noted in square feet and acres.
- 11.40.110.** A plan of the erosion and sedimentation procedures to be utilized as required by the Pinal County grading and drainage requirements.
- 11.40.120.** A delineation of the pathways of all concentrated flow (that is, flow other than overland sheet flow).
- 11.40.130.** An Operation and Maintenance Plan consistent with the requirements of Section 11.50.050. Such a plan should clearly explain how the proposed Facilities operate and the functions they serve.
- 11.40.140.** The name of the development, the name and address of the property owner and applicant, and the names and address of the individual or firm preparing the plan.
- 11.40.150.** A north arrow, submission date, scale and revision dates as applicable shall be included on each page of all plans submitted.
- 11.40.160.** Complete delineation of the flow paths used for calculating the time of concentration for the pre-developed and post-developed conditions.
- 11.40.170.** Construction details sufficient to express completely the intended Stormwater design components consistent with this Ordinance.

**CHAPTER 11.45 “AS-BUILT” PLANS**

When construction is complete the applicant shall submit to the Department an actual “as-built” plan for all Stormwater Management Systems or Facilities required per the approved Post-Construction Stormwater Site Plan. The “as-built” plan shall show all final design specifications for all permanent Stormwater Management Systems or Facilities and if necessary shall be prepared and certified by a licensed professional engineer registered in the State of Arizona. The “as-built” plan shall be based on an actual field survey. The “as-built” plan shall be submitted to the Department for review and final inspection by the Department. Any performance and/or financial securities established for the Project by the Department shall include requirements for submittal of “as-built” plans.

**CHAPTER 11.50 OWNERSHIP AND MAINTENANCE**

**11.50.010. Ownership**

All Stormwater Management Systems, Facilities, and/ or devices shall be owned and maintained by one, or a combination of, the following entities:

- A.** An individual for his or her own on-lot Stormwater Management Systems or Facilities not constructed as part of a subdivision.
- B.** An individual for his or her own on-lot Stormwater Management Systems or Facilities constructed as part of a subdivision. The subdivision plat shall contain a note in a form satisfactory to the Department designating the entity responsible for operation and maintenance of the on-lot Facilities consistent with an approved Operation and Maintenance Plan.

- C. An entity that owns or has a perpetual right to access the land on which common Stormwater Management Systems, Facilities, and/or devices are located. (This type of Ownership applies to subdivisions and condominium plats. The entity would typically be a property owners' association.) The subdivision or condominium plat shall contain a note in a form satisfactory to the Department designating the entity responsible for operation and maintenance of the common Stormwater Management Systems, Facilities and devices consistent with an approved Operation and Maintenance Plan. Stormwater Management Systems, Facilities, and/or devices or the ownership of the land on which they are located may not be deeded or dedicated to the County or the Pinal County Flood Control District.

**11.50.020. Requirements for Covenants, Codes, and Restrictions**

- A. The subdivision plat or land development plan and plat shall contain a note in a form satisfactory to the Department granting to the Department the right, but not the duty, to enter upon the premises to repair or restore Stormwater Management Systems, Facilities, and/ or devices in the event that the responsible Person or entity fails to do so, to charge and assess the costs thereof to the owner and to enforce said charges and assessments by lien upon the property. In addition, the deed for each lot shall contain a covenant binding on the grantee and his, her, or their heirs, successors and assigns designating the Person responsible for the operation and maintenance of any on-lot Facilities.
- B. In addition to the above, developers of subdivisions shall record with the County Recorder a declaration of covenants, conditions, and restrictions in a form satisfactory to the Department describing the responsibility for operation and maintenance of the on-lot Stormwater Management Systems, Facilities, and/or devices, consistent with an approved Operation and Maintenance Plan, prior to the sale of any individual lots. The covenants, conditions and restriction shall run with the land and be binding upon the initial grantees of each lot within the subdivision and his, her or their heirs, administrators, successors and assigns.

**11.50.030. Homeowners' or Property Owners' Association Ownership**

Where a homeowners' or property owners' association is proposed to own and manage common Facilities, the subdivision or condominium plat shall contain a note in a form satisfactory to the Department designating the entity responsible for operation and maintenance of the Stormwater Management Systems and Facilities consistent with an approved Operation and Maintenance Plan and, in the event that the responsible entity fails to do so, granting to the Department the right, but not the duty, to enter upon the premises to repair or restore said systems or Facilities, to charge and assess the costs thereof to the owner of the property and to enforce said charges and assessments by lien upon the property. In addition, the developer shall record with the Pinal County Recorder a declaration of covenants in a form satisfactory to the County setting forth the rights and responsibilities of the homeowners' or property owners' association for operation and maintenance of the Stormwater Management System, Facilities, and/or devices, prior to the initial sale of individual lots or condominium units. The terms of this covenant and restriction shall run with the land and be binding upon the initial grantees of each tract or lot containing common Facilities within the subdivision, and their heirs, administrators, successors and assigns.

**11.50.040. Operation and Maintenance Plans**

An Operation and Maintenance Plan shall be prepared to identify the ownership, operation and maintenance responsibilities and as-built conditions for all Stormwater Management Systems and Facilities. At a minimum, the Operation and Maintenance Plan shall include the following:

- A.** Any obligations concerning perpetuation and/or maintenance of natural drainage or infiltration Facilities, and other Facilities identified within the Post-Construction Permit.
- B.** A description of the permanent Stormwater structural BMPs on the site, explaining how each practice is intended to function and operate over time.
- C.** All drainage and access easements shall be depicted and any site restrictions to be recorded against the property shall be identified on the plan. All such easements and restrictions shall be perfected to run with the land and bind the landowner and its heirs, successors, and assigns.
- D.** The full names and addresses of each Person that owns and/or is responsible for operation and maintenance of the Stormwater Management Systems or Facilities.
- E.** A description of the Stormwater Management Systems and Facilities, written in a clear manner, consistent with the knowledge and understanding of the intended user.
- F.** A general description of operation and maintenance activities and responsibilities for the Stormwater Management Systems or Facilities held in common or on-lot, including but not limited to: lawn care, vegetation maintenance, clean out of accumulated debris and sediment (including from grates, trash racks, inlets, etc.), liability insurance, maintenance and repair of Stormwater Management Systems or Facilities, landscaping and planting, payment of taxes and construction of any kind associated with the use, benefit and enjoyment of the Facilities by the owners.
- G.** A description of routine non-structural BMPs operation and maintenance actions and schedules necessary to ensure proper operation of Stormwater Management Systems or Facilities.
- H.** A written statement by the owner giving the County assurances that no action will be taken by any lot owner to disrupt or in any way impair the effectiveness of any Stormwater Management Systems or Facilities, setting forth in deed restrictions the ability but not the duty of the Department to take corrective measures if the County determines at any time that the stipulated permanent Stormwater Management Systems or Facilities have been eliminated, altered, or improperly maintained, including the right of the Department to cause the work to be done and record a lien against the property upon which the work is conducted for all costs incurred by the County in conducting the corrective measures that were not, but should have been taken, by the lot Owner, following written notification and within a period of time set by the Director.
- I.** An explanation of how the parties responsible for the long-term operation and maintenance of Stormwater Management Systems or Facilities shall make records of the installation and of all maintenance and repairs, and shall retain the records until the site use changes and new permits and Operation and Maintenance Plans are requested and approved. These records shall be submitted to the Department as

established by the Operation and Maintenance Plan or if otherwise required by the Department.

**11.50.050. Recording of Operation and Maintenance Plans**

The owner of any land upon which permanent Stormwater Management Facilities and/or BMPs will be placed, constructed or implemented as described in an approved Post-Construction Permit and the Operations and Maintenance Plan, shall record the following documents with the Pinal County Recorder within fifteen (15) days of approval of the operations and maintenance plan by the County:

- A.** The Operations and Maintenance Plan, or a summary notice thereof;
- B.** Any necessary Operations and Maintenance Agreement(s); and
- C.** Necessary access and/or drainage easements.

Items and/or conditions may be required to be included in any Operation and Maintenance Agreement where determined necessary by the Department to guarantee the satisfactory operation and maintenance of all permanent Stormwater Management Systems, Facilities, and/ or devices. The Agreement shall be subject to the review and approval of the Department.

**CHAPTER 11.55 DRAINAGE PROVISIONS AND FLOOD CONTROL REGULATIONS**

- 11.55.010.** Provisions for on-site Stormwater retention/drainage and off-site Stormwater drainage both entering and leaving the property may be required by the Pinal County Community Development Department and the Pinal County Flood Control District. This Stormwater Ordinance and all amendments hereto shall be consistent with and subject to the regulations and provisions of the Drainage Regulation for Pinal County and the Floodplain Regulations adopted by the Pinal County Flood Control District.
- 11.55.020.** Erosion control measures should be in conformance with BMPs identified by EPA, ADEQ, Pinal County Drainage Manual, or a locally approved method.
- 11.55.030.** Stormwater pollution prevention is to be addressed through the use of BMPs to the maximum extent practicable to comply with federal, state, county or local regulations or ordinances.
- 11.55.040.** The Pinal County Flood Control District has established a minimum level of control for new development discharging into District owned or operated structures. This minimum standard is “First Flush” and consists of retaining or treating the first 0.5 inches of direct runoff from a storm event. Written approval in the form of a license, permit or easement to drain into Flood Control District owned structures is required.



**TITLE 12: FEES**

In accordance with A.R.S. § 11-251.08 the Pinal County Board of Supervisors, through the adoption of the Ordinance shall establish a fee schedule by separate resolution to cover the expense for regulating, enforcing and assuring compliance with the Ordinance.

**CHAPTER 12.05 REVISION OF FEES**

The Pinal County Board of Supervisors shall revise the fee schedule as needed to keep current with rising expenses to perform reviews and inspection services. The adoption or revision of the fee schedule shall not affect any change in the Ordinance.

**TITLE 13: EFFECTIVE DATE AND ADOPTION OF ORDINANCE**

This Ordinance shall be in full force and effect thirty (30) days after its final passage and Adoption.

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by the following:

\_\_\_\_\_  
Supervisor – District 1

\_\_\_\_\_  
Supervisor – District 2

\_\_\_\_\_  
Supervisor – District 3

\_\_\_\_\_  
Supervisor – District 4

\_\_\_\_\_  
Supervisor – District 5

\_\_\_\_\_  
Clerk of the Board