

STORMWATER MANAGEMENT PLAN

In accordance with the
Arizona Pollutant Discharge Elimination System
Small Municipal Separate Storm Sewer Systems Permit 2016
Permit No. AZG2016-002
Issued on: September 30, 2016

Prepared for:



Town of Fountain Hills
16705 E. Avenue of the Fountains
Fountain Hills, AZ 85268

March 2017

CERTIFICATION

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. In addition, I certify that the permittee will comply with all terms and conditions stipulated in General Permit No. AZG2016-002 issued by the Director."



Grady Miller, Town Manager
Town of Fountain Hills, AZ

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EXECUTIVE SUMMARY

The Town of Fountain Hills (Town) must develop and implement a Stormwater Management Plan (also referred to as a Stormwater Management Program [SWMP]) as required by the Arizona Department of Environmental Quality's (ADEQ) Arizona Pollutant Discharge Elimination System (AZPDES) General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4) to Waters of the United States No. AZG2016-002 (Permit). The Permit was issued by ADEQ effective on September 30, 2016 and supersedes Permit No. AZG2002-002 issued by ADEQ on December 19, 2002.

This SWMP has been developed in accordance with 40 CFR Part 122; Arizona Revised Statutes (ARS) Title 49, Chapter 2, Article 3.1; and Arizona Administrative Code (AAC) Title 18, Chapter 9, Articles 9 and 10. The SWMP has been prepared to meet the requirements identified in Permit section 5.1 and is certified according to Permit section 9.9.

This SWMP outlines the Town's program to reduce the discharge of pollutants to the maximum extent practicable (MEP), to protect water quality, and to satisfy the appropriate requirements of the Clean Water Act (CWA) in accordance with ADEQ's Stormwater Phase II program. This goal is achieved through implementing six minimum control measures (MCMs):

- Public Education and Outreach
- Public Involvement and Participation
- Illicit Discharge Detection and Elimination (IDDE) Program
- Construction Activity Stormwater Runoff Control
- Post-Construction Stormwater Management in New Development and Redevelopment
- Pollution Prevention and Good Housekeeping for Municipal Operations

The SWMP is designed to be a comprehensive program document outlining how the stormwater program is implemented and maintained, therefore, additional sections have been added to address:

- Fiscal Resources
- Legal Authority
- MS4 Mapping
- Monitoring
- Program evaluation and revision
- Reporting
- Signatory Requirements

1.0 INTRODUCTION

Fountain Hills is located in Maricopa County (see Figure 1), has a population of approximately 22,489 (based on 2010 U.S. Census Bureau data), and has an incorporated area of approximately 18.5 square miles. Fountain Hills is located within the Phoenix urbanized area and is required to comply with Phase II MS4 regulations as outlined by ADEQ. The SWMP covers all municipally owned and operated areas within the Town's incorporated area.

2.0 STORMWATER SYSTEM

The Town's stormwater system is comprised of a system of municipally owned or operated curbs, gutters, inlets, catch basins, underground pipes, detention basins, natural washes and man-made channels. The stormwater system is maintained by a combination of the Town's Public Works Division and outside contractors. Maintenance programs for the stormwater system are further described in Section 6.

3.0 RECEIVING WATERS

Overall, Fountain Hills gradually slopes from west to east with frequent hills. Most stormwater discharges into a number of washes that traverse through the Town. Only the Ashbrook Wash ultimately discharges into the Verde River (see Figure 1). Remaining washes, such as Escalante and Colony washes, discharge onto the adjacent Fort McDowell Indian Reservation where the runoff dissipates before reaching the Verde River. Approximately 15-percent of the Town's area, along its south and western borders, is tributary to the Salt River. At the outfall from the Town, at Ashbrook Wash, the Verde River is found to be supporting its designated uses and is not impaired. Subsequently, the Town does not discharge into any waters with approved Total Maximum Daily Loads (TMDL's).

4.0 LEGAL AUTHORITY

Article 9-3 of the Fountain Hills Town Code calls for the preservation of watercourses including the Town's numerous washes. Articles 10-2 and 10-4 set forth the Town's policy on littering (illegal dumping). Offenders found in violation of littering or polluting the washes or stormwater collection system will be penalized in accordance with Article 1-8.

4.1 ENFORCEMENT

The following individuals have been designated by the Town Manager to support and enforce stormwater provisions of the Town Code and SWMP:

- The Development Services Department has one full-time **Code Enforcement Officer** who inspects construction sites and reacts to complaints from residents that are general in nature.
- The **Facilities/Environmental Supervisor** and **Engineering Inspector** have been designated by the Town Manager to investigate and enforce the Town's codes and ordinances regarding illicit discharges into the Town's MS4.

In order to comply with the Permit, the Town has created an Enforcement Response Plan (ERP). The ERP outlines a set of escalating enforcement measures the Town will follow to enforce its relevant stormwater ordinances. Escalation measures presented in the ERP are briefly described below:

- A verbal warning
- A written warning
- Notice of Violation
- Civil Citations
- Criminal Penalties

If the violator takes insufficient actions, the Town will proceed with its abatement process as described in the Town Code. The Town will perform minimum corrective actions to restore compliance with the SWMP and Town ordinances and the violator will be responsible for the associated costs to reimburse the Town. The Town's ERP is located in Attachment I.

5.0 FISCAL RESOURCES

Fountain Hills currently uses monies from the Town's General Fund (washes) and Street Fund (storm drains) for operation and maintenance of the stormwater system and for performing capital improvements. On November 20, 2014, an environmental fee was approved for the Town. Each parcel is charged \$3 per month and is billed annually. A portion of the environmental fee is applied towards annual ADEQ permit fees and SWMP compliance activities. The Town has the financial resources to develop, implement, and enforce the six minimum control measures.

6.0 MS4 MAPPING

The Town's GIS department has developed a Geographic Information System (GIS) database to manage its storm sewer system information. All of the known washes and storm drainage related facilities are currently included in the GIS database. The Town maintains an up-to-date map of town owned washes, catch basins, outfalls and retention basins. Additional stormwater related information such as citizen complaints, dry weather screening results, and monitoring/sampling data may also be entered into the system.

The database will be kept current as new developments are completed or as Town boundaries are modified. The Town will include any updates performed in its annual report as outlined in section 8.4 of the Permit.

7.0 MINIMUM CONTROL MEASURES

The SWMP outlines the six minimum control measures (MCMs) that are required by the Permit. The six minimum controls are:

1. Public Education and Outreach
2. Public Participation and Involvement
3. Illicit Discharge Detection and Elimination
4. Construction Site Runoff Control
5. Post-Construction Runoff Control
6. Pollution Prevention/Good Housekeeping

The MCMs are described in detail in the following sections. Each MCM contains Best Management Practices (BMPs) selected by the Town. Each BMP is a specific activity the Town will take to achieve compliance with the MCM. BMPs are briefly described within this Section and tables, including a description of each BMP, measurable goals, responsible party and frequency or deadline can be found in **Tables 1** through **6**. A table containing the name, title and responsible party for implementing the SWMP is provided in Attachment C.

In addition to these MCMs, the permit also requires the development of an ERP, a written SWMP (this document), an annual report, and analytical monitoring for certain waterbody conditions. Note that the Town does not drain to impaired or OAW water bodies; therefore, no analytical monitoring is required.

7.1 MCM-1: PUBLIC EDUCATION AND OUTREACH

This section is intended to meet the requirements outlined in Permit section 6.4.1. The Public Education and Outreach MCM targets different sectors of the public. According to the US Census Bureau, the general public demographics for Fountain Hills include:

- The average household size is 2.16 persons per household.
- 45.7% of residents over the age of 25 have a Bachelor's degree or higher.
- The median household income is \$73,272.
- The median age, for men and women, is 53 years.
- 92% of the population is White, while Hispanic or Latino make up 4% of the population.

The Towns Public Education Program incorporates the demographics noted above to ensure maximum value and impact.

Table 1 identifies the BMPs, schedule, measurable goals, audience and responsible party(s) for the Public Education and Outreach minimum control measure.

BMP 1.1 – Local Outreach Group

The Town is a member of Phoenix area Stormwater Outreach for Regional Municipalities (STORM), a public education group comprised of Phase I and Phase II MS4 community representatives that is committed to developing stormwater education and outreach materials such as related radio ads, TV ads, billboards, handouts, brochures, etc. The Town's partnership with STORM does not wholly satisfy the public outreach and education MCM, but supplements the Town's efforts to provide a more comprehensive outreach effort.

BMP 1.2 – Public Service Video

STORM has presented a public service video announcement on discharges to the storm drain system. The video was prepared in English & Spanish and the Town airs the video on Channel 11.

BMP 1.3 – Printed Materials

The Town uses brochures, books, and other printed information to target the various segments of the public and raise stormwater awareness. Materials are distributed at various Town events and are geared to groups such as homeowners, contractors, golf course operators, and schoolchildren.

BMP 1.4 – Newspaper Articles

Press releases are published in area newspapers including the *Times of Fountain Hills*, a local weekly newspaper. In addition, the Town publishes articles for inclusion in *In the Loop*, a local semiannual magazine.

BMP 1.5 – Town Website

The Town's website contains a page dedicated to stormwater management. The website contains a link to the current SWMP, and information for the public about stormwater management, listing the Town's responsibilities. Additionally, a link to the STORM website is provided as another vehicle for getting stormwater related information to the public. Stormwater related articles and a calendar of stormwater related events.

7.2 MCM-2: PUBLIC PARTICIPATION AND INVOLVEMENT

This section is intended to meet the requirements outlined in Permit section 6.4.2. The public involvement component of the Town's SWMP is crucial for developing support by the citizenry and is ultimately tied to the success of the SWMP. The Town will ensure that the public participation opportunities are open to all socio-economic groups and meetings and events will be publicized and open to the public. Copies of the SWMP and Notice of Intent (NOI) will be maintained at the Development Services Department and will be available online at the Town's website.

Table 2 identifies the BMPs, schedule, measurable goals and responsible party(s) for the Public Participation and Involvement minimum control measure.

BMP 2.1 – Opportunity to Review the SWMP

Each year the Town will provide the public with an opportunity to review and provide feedback on the SWMP. The SWMP will be posted online year-round and the Town will post a ‘News Flash’ on the Town’s website soliciting feedback.

BMP 2.2 – Public Reporting Hotline

Drainage/stormwater related complaints and concerns are fielded through the Town’s general phone line and are routed to the Development Services Department. Additionally, the public can report concerns using the Town’s online ‘RequestTracker’ tool to make requests and follow up on previously submitted requests.

Upon receipt, the Environmental Manager, or their designee, initiates follow-up actions to identify the situation resulting in the complaint or concern. The Town will respond to all stormwater related reports within three business days of receipt.

BMP 2.3 – Adopt-A-Street

The Town has developed an “Adopt-A-Street” program to help clean and preserve streets within the Town. Volunteer groups sign to clean a section of street in the Town. Volunteers sign a contract and they clean the streets multiple times a year. The Town provides safety vests and trash bags. The volunteers leave the trash on the side of the street and the Town Street Department crews dispose of the refuse at a landfill. The name of the volunteer group is placed on a signpost in the section of street they clean.

BMP 2.4 – Chamber Art Fair

The Town distributes public education materials and discusses stormwater issues with the general public at the art fairs held in March and/or November each year and at local meetings that occur in Fountain Hills during the year. Public outings that will be targeted include art fairs, held periodically during the year, and the Spring Fling, a town sponsored fair that has occurred in previous years during the spring.

7.3 MCM-3: ILLICIT DISCHARGE DETECTION AND ELIMINATION

This section is intended to meet the requirements outlined in Permit section 6.4.3. The program will work to detect and eliminate illicit discharges.

Non-stormwater discharges allowed under General Permit No. AZG2016-002, section 1.3.2 that are not considered “illicit” include:

- water line flushing
- landscape irrigation
- diverted stream flows
- rising ground waters
- uncontaminated groundwater infiltration
- uncontaminated pumped ground water
- discharges from potable water sources
- foundation drains
- air conditioning condensate
- irrigation water *
- springs
- water from crawl space pumps
- footing drains
- lawn watering
- individual residential car washing
- discharges from riparian habitats and wetlands
- dechlorinated swimming pool discharges**
- street wash water
- and discharge or flows from emergency firefighting activities

** Does not include irrigation of golf courses. Many golf courses in the Town are irrigated using treated wastewater effluent and are therefore required to prevent offsite drainage.*

*** Prohibited discharges: Per Town Code 14-7 "Uniform Drainage Regulation" the Town does not allow pool water to be discharged into the storm sewer system.*

The Town has reviewed the above discharges and determined that they are not significant contributors of pollutants to waters of the United States. The Town also reviewed occasional incidental non-stormwater discharges such as charity car washes, etc. and determined they were not typically a significant contributor of pollutants. All discharges to and from the MS4, other than those named above and stormwater discharges, will be treated as potential illicit discharges until identified otherwise.

Table 3 identifies the BMPs, schedule, measurable goals and responsible party(s) for the Illicit Discharge Detection and Elimination minimum control measure.

BMP 3.1 – Eliminating Illicit Discharges

In conjuncture with education and training, the Town implements an identification and reporting process for responding to potential illicit discharges to and from the MS4.

Potential illicit discharges are identified primarily through dry and wet weather screening, regular Town maintenance activities, and reports from employees and/or the public. Regardless of the reporting route, Illicit Discharges are investigated according to the IDDE SOP (see Attachment J).

BMP 3.2 – Dry Weather Screening

The Facilities/Environmental Supervisor, their staff, or a contractor will perform dry weather screening at 50% of the total outfalls into Ashbrook Wash each year. Any signs of potential illicit discharge are reported to the Facilities/Environmental Supervisor for follow up. If an illicit discharge is observed, additional upstream investigations will be performed to determine sources of the illicit discharge and appropriate action will be taken to eliminate the illicit discharge to the

stormwater system. See Attachment J for detailed IDDE Inspection/Investigation Standard Operation Procedures (SOP).

BMP 3.3 – Wet Weather Monitoring

While implementing the Wet Weather Monitoring Program, the Facilities/Environmental Supervisor, their staff, or a contractor will perform a visual inspection of stormwater discharges at 5 outfalls, 2 times during each wet season during regular Town business hours. For the purposes of wet weather monitoring, the summer and winter wet seasons are defined as:

Summer wet season is June 1st through October 31st

Winter wet season is November 1st through May 31st.

Inspections will be documented on the “IDDE Inspection/Investigation Form” (see Attachment D) and will be completed according to the IDDE Inspection/Investigation Standard Operation Procedures (SOP) (see Attachment J). The Town will provide a summary of wet weather visual assessments in each annual report.

Outfalls selected for wet weather monitoring are presented in Figure 1 and were selected based on their accessibility, geographic location, and associated land uses.

- Outfall 1 – Residential and roadway areas.
- Outfall 2 – Residential and golf course areas.
- Outfall 3 – Residential, roadway, and school areas.
- Outfall 4 – Commercial and roadway areas.
- Outfall 5 – Commercial, roadway, and utility areas.

BMP 3.4 – Oil and Grease Program

The Fountain Hills Sanitary District, a special district (governmental entity) that operates the sanitary sewage system in Fountain Hills, has a program that targets oil and grease releases from restaurants and automotive garages. Restaurants, garages, and other businesses are required to have the appropriate discharge devices (grease traps, oil interceptors, etc.) in place at their facility. This inspection program is limited to an initial consultation with new businesses and follow-up contact through yearly sampling. The Sanitary District has agreed to provide annual Fats Oils and Grease (FOG) reports to the Town for potential follow up actions. The report contains noted deficiencies and remedies.

BMP 3.5 – Unpermitted Facilities and Activities

The Town actively works to identify unpermitted facilities and activities that are discharging to the MS4. To identify these facilities and activities the Town will:

For construction sites:

- Require each construction site permit applicant to provide a copy of the AZPDES CGP Authorization To Discharge (ATD), if applicable.
- Through the course of performing regular business, Town inspectors will identify and report construction activities in the field that may not have a Town permit. These sites will be reported to Public Works, who will send the contractor notification that Town permits are required and to contact ADEQ to determine if CGP coverage is needed.

For industrial facilities:

- Annually identify new industrial businesses with Standard Industrial Classification (SIC) Codes requiring Multi-Sector General Permit (MSGP) permit coverage. Reports will be pulled annually from the Business Licensing Department to verify if any applicable industrial facilities have applied for new business licenses. The Town will then cross-reference the list of businesses using ADEQs MegaSearch database (<http://megasearch.azdeq.gov/megasearch/>). If the business is not listed, the Town will mail a letter recommending the business owner contact ADEQ to determine if MSGP coverage is required.

The Town will include a list of sites and facilities contacted throughout the year that may require AZPDES permit coverage in the annual report.

BMP 3.6 – Staff Training

See section 8.0 for the training requirements for this MCM. All training schedules, responsibilities, and content are covered in section 8.0.

7.4 MCM-4: CONSTRUCTION

This section is intended to meet the requirements outlined in Permit section 6.4.4. Fountain Hills recognizes that construction site runoff can transport a significant amount of silt and sediment, as well as other stormwater pollutants, in a short period of time.

Implementation for regulating construction projects is fulfilled by Sections 5.02 and 5.05 of the Town's Subdivision Ordinance, Chapter 2.05 Plan Review and Chapter 5.11 Land Disturbance Standards of the Town's Zoning Ordinance both address erosion and sediment erosion and dust control of construction sites (see Attachment H). These ordinances are in the process of being updated to include additional requirements for erosion and sediment erosion on the site plans, proper disposal of site wastes and the actions, procedures and penalties necessary for non-compliance. The revised ordinance will be implemented by September 2018.

Table 4 identifies the BMPs, schedule, measurable goals and responsible party(s) for the Construction Site Runoff Control minimum control measure.

BMP 4.1 – Construction Inventory

The Town maintains an inventory of all construction sites within Town boundaries that disturb one or more acres of land, or will disturb less than one acre, but is part of a common plan of development or sale that will ultimately disturb one acre or more. Construction projects are managed by the Town's tracking software, Munis. Construction sites are logged into Munis by the Building Permit Technician from the Development Services Department. The inventory is searchable by site address.

BMP 4.2 – Inspection and Enforcement Procedures

The Town will inspect construction sites for stormwater compliance a minimum of 2 times during the active phase of construction. Upon inspection, the Chief Building Official (Inspector) will complete an inspection form (see Attachment D) and retain an electronic or hard copy for a minimum of 3 years. The permittee must set up a disturbance fence at the site before construction can begin.

If a non-compliance is identified during the inspection, the Inspector will notify the permittee and follow up within 24 hours or 7 days (depending on severity) to ensure corrective actions have been made. If corrective actions have not been implemented, the Inspector will begin the enforcement process described in the Enforcement Response Plan (Attachment I).

In the case that a complaint is received for a potential stormwater non-compliant activity at or emanating from a construction site, the Inspector will investigate within 7 days of receiving the complaint.

The permittee will be required to submit a NOT and the end of construction.

BMP 4.3 – Site Plan Review Procedures

Any construction activities in the Town of Fountain Hills that meet the AZPDES CGP permit coverage criteria from ADEQ will be required to submit and NOI, ATD, and Erosion Control Plan (ECP) that has been prepared by a qualified person certifying its accuracy and completeness.

The Town will review the submitted documents and plans to ensure compliance with Town standards. All plan review fees are due in accordance with current adopted fee schedule. If not approved, comments will be provided by staff, and a subsequent submittal will be required.

BMP 4.4 – Contractor Education

STORM has produced a brochure specifically for construction sites. The brochure is available on the Town's website. The public is encouraged to submit comments or concerns to the Facilities and Environmental Supervisor. The contractor is provided a brochure at the time the building permit is issued.

- All contractors and operators should, at a minimum, have a general knowledge of stormwater pollution prevention procedures.

BMP 4.5 – Staff Training

See section 8.0 for the training requirements for this MCM. All training schedules, responsibilities, and content are covered in section 8.0.

7.5 MCM-5: POST-CONSTRUCTION

This section is intended to meet the requirements outlined in Permit section 6.4.5. The Town recognizes that post-construction runoff control is important in reducing the amount of pollutants that may be discharged to local washes and stormwater conveyances.

Table 5 identifies the BMPs, schedule, measurable goals and responsible party(s) for the Post-Construction Runoff Control minimum control measure.

BMP 5.1 – Stormwater Control Inventory

The Town logs all Single Family Residential (SFR) and Commercial construction projects into Munis, a tracking system. As plans are submitted for approval, the project is logged. After each review, the status is updated in the system. Grading plans for SFR projects are kept on file at the Town. Grading plans and floor plans are also kept on file for all commercial projects. During the course of development and redevelopment, all public and private infrastructure will be included in the Town's GIS database.

BMP 5.2 – Inspection and Enforcement Procedures

The Town inspects public post-construction BMPs for proper operation and maintenance. The Town will inspect up to 25 stormwater control features that discharge directly to the MS4 each year. Upon inspection completion by Town personnel or their consultant, the Inspector will fill out an inspection form (see Attachment D - Construction and Post Construction Site Tracking Form). The inspection forms will be kept on file for a minimum of 3 years after the completion of the project. If a violation is found, the Inspector will notify the Contractor and follow up within 7 days to ensure corrective actions have been made.

In addition, all private post-construction BMPs are required to be maintained by their respective owners. In response to complaints, the Town will inspect privately owned post-construction BMPs, and require appropriate remediation if necessary.

If stormwater complaints are received, the Inspector will have 3 business days to investigate the cause of the complaint. The Town will implement the Enforcement Response Plan as-needed to address any violations (see Section 4.1).

BMP 5.3 – Site Plan Review Procedures

The Town requires all plans to be submitted before construction can begin. At this time, the Engineering Department reviews the Site Plan for stormwater compliance. Current detention basin design requirements were adopted from the Maricopa County Flood Control District Guidelines. In general, the Town's major detention dams provide satisfactory overall detention. On-site detention is only required outside of the drainage area of these dams and only in non-

hillside areas or where a known downstream drainage inadequacy currently exists. Construction may not begin until plans have been approved by the Engineering Department. These design policies will be reviewed and revised, if necessary.

BMP 5.4 – Staff Training

The Town will train all employees sufficiently in order to comply with MCM-5. All training is contained within section 8 of this SWMP.

7.6 MCM-6: POLLUTION PREVENTION AND GOOD HOUSEKEEPING FOR MUNICIPAL OPERATIONS

This section is intended to meet the requirements outlined in Permit section 6.4.6. The pollution prevention/good housekeeping control measure is conducted by municipal staff. The program has been developed to ensure that pollution from municipal sources is minimized and that Town employees are properly trained in the operation and maintenance of Town-owned or operated facilities and activities.

Table 6 identifies the BMPs, schedule, measurable goals and responsible party(s) for the Pollution Prevention/Good Housekeeping minimum control measure.

BMP 6.1 – O&M Procedures

Vehicle Maintenance Program - The Town's current vehicle maintenance program is limited to routine maintenance at the Town's maintenance yard. The majority of the washing of town-owned vehicles is performed at commercial carwashes, however; the Fountain Hills Fire Department washes all Town-owned fire trucks at the fire stations. At minimum, all Town-owned vehicles will be regularly inspected to eliminate oil, grease, and fluid leaks. Some facilities may be subject to more frequent inspections based on their potential risk to discharge pollutants.

Wash Management Program – The Town has an existing Wash Management Program that includes maintenance and inspection of the stormwater system including washes, storm drains, catch basins, dams and detention ponds. The maintenance portion of the Wash Management Program is led by the Facilities Supervisor. Approximately 20% of catch basins are cleaned by town maintenance workers (streets division) on an annual basis. Problematic or critical catch basins are monitored more frequently. The Facilities Supervisor also directs contracted maintenance crews to clean the washes during the wash maintenance period that occurs from November through April. The Facilities Supervisor walks at minimum two washes per week to determine the maintenance crew's scope of work during the wash maintenance period.

Detention Basin Inspection – Another aspect of the Wash Management Program includes the annual inspection of the Town's detention basins. The Arizona Department of Water Resources (ADWR) inspects the Town's dams for compliance to the Dam Safety Program. Adherence to this program will ensure the Town's detention basins and corresponding dams are functioning correctly to eliminate the possibility of an illicit discharge. See BMP 3.1 for additional information on dry weather screening under MCM-3: Illicit Discharge Detection and Elimination.

Chemical Management - The Town's Parks and Recreation Department is responsible for the proper management and application of chemicals as part of grounds maintenance procedures within Fountain Hills. Fertilizer is applied four times per year and records of all pre-emergent applications are well documented. All chemical applicators are certified on an annual basis. The Open Space Management Division of the Development Services department is responsible for the proper management and application of chemicals as part of ground maintenance procedures for all municipal properties (other than parks) and all landscaped street medians. The Town has a current program to minimize the volume of chemicals used.

Waste Disposal - The Town disposes of all waste, trash and refuse during cleaning and maintenance at the appropriate landfill locations. Landfills and commercial waste disposal companies are used for most of the waste disposal. An existing ordinance requires pet owners to pick up after their pets and waste disposal bags are provided at all Town-owned parks.

BMP 6.2 – Street Sweeping

The Town's current street sweeping program includes the cleaning of main arterial streets on a monthly basis and the cleaning of the remaining streets every other month. In time, the Town will consider improvements which could include increased sweeping prior and during periods of seasonal rainfall and disposal methods for the waste material. The Town currently performs all street sweeping activity through a contractor. The collected material is taken off site and disposed of in an approved landfill.

BMP 6.3 – Municipal Operations Inventory

The Facilities Division maintains an inventory of Town buildings and properties. Facilities were then ranked by priority including the following aspects: if the facility was within 0.25 miles of an impaired water, if the facility or surrounding areas has a history of dry weather flows, and whether the facility is covered under another AzPDES regulatory program.

Facility	Priority	Site Inspection Schedule
Street Maintenance Facility	High	Quarterly
Fire Station 1	Medium	Annually
Fire Station 2	Medium	Annually
Kiwanis Building	Low	20% per year
Town Hall	Low	20% per year
Community Center	Low	20% per year
Library/Museum	Low	20% per year

Site inspection schedule determined by facility priority. More frequent inspections are performed on higher risk facilities. Low priority facilities must be inspected once every 5 years. Medium priority facilities must be inspected yearly while high priority facilities are inspected quarterly.

A Facility Inspection Form is used (see Attachment D) in order to aid the inspection process. The inspection form is based on EPA guidelines and includes items that pertain to stormwater management. The Town Engineer is responsible for performing the inspection of the maintenance

facilities. If any part of a facilities is not in compliance, the Town Engineer will notify the Facilities and Environmental Supervisor who will then have 2 business days to follow-up.

BMP 6.4 – Staff Training

See section 8.0 for the training requirements for MCM-6. All training schedules, responsibilities, and content are covered in section 8.0.

8.0 TRAINING

The Town has a training program to address the training requirements for all applicable municipal employees. Target employees include: building site inspectors, construction plan reviewers, construction and post-construction inspectors, code enforcement officers, public safety personnel, and those employees who are involved in target operations and/or their supervisors. Training can also be provided to certain Town contractors at the discretion of the Stormwater Compliance Manager. The training program is based on the identified needs of the municipal employees. See table below for an outline of the training provided by the Town.

Course	Audience	Frequency	Content
General Stormwater Training	<ul style="list-style-type: none"> - All Town staff involved in field activities, not covered in the Comprehensive Training - Town Contractors 	Annual	<ul style="list-style-type: none"> - General Stormwater Awareness
Comprehensive Stormwater Training	<ul style="list-style-type: none"> - Chief Building Inspector - Town Engineer - Facilities and Environmental Supervisor - Code Enforcement Officer - Street Sweeper Superintendent - Engineering Inspectors - Fleet Mechanic - Engineering Inspector 	Annual	<ul style="list-style-type: none"> - Stormwater Awareness - IDDE - Municipal Facilities - Inspections - Enforcement - Forms

8.1 TYPES OF TRAINING

The following sections describe main topics of stormwater pollution prevention training conducted by the Town. Training will typically be conducted in person or online using the Town’s training software, *Safe Personnel*.

8.1.1 ILLICIT DISCHARGE DETECTION AND ELIMINATION

As outlined in Permit section 6.4.3.10, training is required to inform public employees of hazards associated with illegal discharges and improper disposal of waste. The goals of the program are to raise awareness, and prevent Illicit Discharges (IDs) and Illicit Connections (ICs), and to encourage employees to report IDs and ICs they may encounter.

Town management will be trained on the use of the proper forms and process for reporting and follow up of illicit discharges.

8.1.2 MUNICIPAL FACILITIES

As outlined in Permit section 6.4.6.f, training is required on the O&M program for municipal operations. The goal of the program is to prevent or reduce pollutant runoff from municipal operations due to activities including but not limited to: park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and stormwater system maintenance. Training topics may include:

- Maintenance activities, schedules, and inspection procedures for controls to reduce floatables and other pollutants.
- Controls to reduce or eliminate the discharge of pollutants from streets, roads, highways, municipal parking lots, maintenance and storage yards, waste transfer stations, fleet or maintenance shops with outdoor storage areas, and salt and sand storage locations and snow disposal areas.
- Procedures to properly dispose of waste removed from the Town and municipal operations (including dredge spoil, accumulated sediments, floatables, and other debris).
- Procedures for properly filling out the Municipal Facility Inspection Form.

8.1.3 INSPECTION

Training is required for employees responsible for conducting construction and post-construction site inspections and applying enforcement actions against construction site operators (Permit section 6.4.4 and 6.4.5). The goal of the program is to prevent or reduce pollutant runoff from construction sites, new development and redevelopment projects.

Any contractor participating in the stormwater program should be properly trained. Contractors should be trained to properly identify stormwater pollution and potential illicit discharges.

8.2 TRAINING FREQUENCY

The Town conducts annual training for new employees and biennial refresher training to existing employees on the topics identified in section 8.1. Training is also provided when employees are assigned new operations, tasks, equipment, or protocols.

8.3 TRAINING METHOD

Training may be provided by one or more of the following methods:

- Incorporate stormwater training into existing training programs (i.e. safety, materials handling, new employee orientation, etc.).
- Establish on-the-job awareness and reinforcement (stormwater pollution prevention posters, paycheck inserts, articles on the Town's internal website, etc.).
- Provide more customary training such as in-house workshops or presentations.

8.4 TRAINING MEASURABLE GOALS

The measurable goal for all training BMPs is to track and report the number of employees trained during each reporting period.

9.0 ANALYTICAL MONITORING

Permit section 7.0 requires monitoring for small MS4s that discharge to impaired waters with established Total Maximum Daily Load(s) (TMDLs), and Outstanding Arizona Waters (OAWs). The Town's MS4 drains to the Verde River. At this time, the Verde River, at the outfall location, is not listed on Arizona's 303(d) list and there is no established TMDL nor is it classified as an OAW; therefore, the Town's SWMP does not include provisions for stormwater monitoring. The SWMP will be updated annually, analytical monitoring provisions will be added in the future if necessary.

10.0 REPORTING REQUIREMENTS

This section describes the reporting requirements as outlined in the Permit.

10.1 ANNUAL REPORT

The Town will submit its required report annually by September 30 of each year. The report will include:

- Status of compliance with Permit conditions
- Updates regarding mapping requirements (including percent complete)
- Assessment of the effectiveness of the BMPs
- Assessment of the progress towards achieving the measurable goals for each of the six minimum control measures (including description of the targeted message for each audience, distribution method and dates, and program evaluation method)
- Description of the activities used to promote public participation
- The status of any plans or activities required by the IDDE programs, including results of illicit discharge potential protocols, number of illicit discharges located, number of illicit discharges removed, and employee training.
- All outfall screening and monitoring data collected
- The status of any plans or activities required by General Monitoring Program
- Status of the construction runoff management including number of project plans reviewed, number of inspections, and number of enforcement actions.
- Status of stormwater management for new development and redevelopment
- Status of ordinance development and review
- Status of the operation and maintenance programs (6.4.6.1)
- Description of any changes in identified BMPs or measurable goals

- Description of activities to be conducted during next reporting cycle

10.2 DISCHARGE MONITORING REPORTS

The Town will produce a Discharge Monitoring Report (DMR) to be included with its annual report. Inspection forms from all dry and wet weather visual inspections performed as outlined in MCM-3: Illicit Discharge Detection and Enforcement will be included in the DMR. Should an illicit discharge be confirmed during an inspection, the Town will also include the following information in the DMR:

- Location of discharge and its source(s)
- Description of the discharge
- Estimated illicit discharge duration
- Method of discovery
- Date of discovery
- Date of elimination
- Mitigation or enforcement action
- Responsible person (if known)
- Estimated volume

The DMR will be submitted along with the annual report no later than September 30 of each year.

10.3 OTHER REPORTING

Per Permit Section 9.12 the Town is required to:

- Notify ADEQ of any noncompliance to the Permit which may endanger human health or the environment;
- Give notice to ADEQ as soon as possible of any planned physical alterations or additions to permitted facilities;
- Give advance notice to ADEQ of any planned changes that may result in noncompliance with permit requirements, and
- Contact ADEQ if the Town becomes aware that relevant information in the NOI or any other submitted report was not included.

11.0 SWMP REVISION

Fountain Hills retained the services of Amec Foster Wheeler to assist the Town in its preparation of the Notice of Intent (NOI) and SWMP in order to comply with the 2016 Permit.

The SWMP is meant to be a living document and updated as conditions change. A list of Plan revisions will be included within this Section as future SWMP revisions are made.

12.0 PROGRAM ASSESSMENT

The Town or their contractor will annually self-evaluate the SWMP for compliance with the Small General MS4 Permit. All BMPs will be assessed for appropriateness and effectiveness by analyzing their established goals (see Tables 1 through 6). If necessary, ineffective or infeasible BMPs may be modified or replaced, however documentation of why the BMP was insufficient, expectation of the replacement BMP, and why the replacement BMP will meet the defined goals is required within the SWMP. Adding components or controls to BMPs can be done at any time. The self-evaluation will be included in Attachment G as well as submitted to ADEQ as part of the annual report.

13.0 RECORD KEEPING

The Town will keep all records pertaining to the Permit for a minimum period of 3 years. The records will include all reports, follow up documentation, inspection records, enforcement actions, and data used in the development of the notice of intent.

14.0 PLAN AVAILABILITY

A hardcopy of the Town's SWMP is kept at the Town Hall for public viewing during normal business hours. The Town's plan is also maintained online and accessible to the public. The SWMP can be viewed at: <http://www.fh.az.gov/358/Storm-Water-Management>.

TABLES

Table 1 – Public Education and Outreach BMPs

BMP Category	BMP Responsibility and Description	Measurable Goals (Audience)	BMP Frequency
1.1 Local Outreach Group	Public Works Department Town will partner with a local outreach group, STORM, or other. Town will maintain membership and participate in regional outreach efforts.	A. Maintain membership with STORM and participate in meetings. B. Document outreach efforts that affect Town residents each year. Summarize activity and record number of citizens. (General Public)	Meetings are held monthly.
1.2 Public Service Video	Information Technology Show video material produced by STORM on Channel 11.	Record number of times information is aired. (Community/Commercial Industry)	1 times per year minimum
1.3 Printed Materials	Public Works Department Handout Stormwater brochure and related material at, Art Fairs, school events or other events.	A. Document events where Stormwater materials are handed out to public. B. Number of brochures handed out (Residential/Construction/Commercial entities)	2 events per year minimum
1.4 Newspaper Articles	Public Works Department Article containing Stormwater Management material in the Town's publications, Times of Fountain Hills or In the Loop.	Record media source and dates of publication/use. (Residential Community)	1 time per year minimum
1.5 Town Website	Information Technology A. Provide Stormwater Management Plan on the Town's website. B. Provide a link to the STORM website which contains stormwater related articles and calendar of stormwater related events. C. Provide a method to receive public complaints on the website.	Document updates of website, articles used, and dates of publication. (General Public)	Website available year-round

Table 2 – Public Involvement and Participation BMPs

Best Management Category	BMP Responsibility and Description	Measurable Goals	BMP Frequency
2.1 Opportunity to Review the SWMP	<p>Public Works Department Provide the public with an opportunity to provide input on the SWMP.</p>	<p>A. Document publication dates. B. Post a 'News Flash' one time each year soliciting feedback on the SWMP. C. Respond to 100% of comments received.</p>	<p>A. 1 time per year B. 1 time each year C. Within 1 week</p>
2.2 Public Reporting Hotline	<p>Public Works Department A. Provide a means to receive public reports of potential stormwater concerns. B. Review and respond to complaints regularly to address stormwater issues.</p>	<p>A. Confirm operation of phone and online reporting systems. B. Track and respond to all valid stormwater concerns.</p>	<p>A. 1 time per year minimum B. Ongoing basis</p>
2.3 Adopt-A-Street	<p>Public Works Department Continue Town Adopt-A-Street program. Review program needs annually.</p>	<p>Place Adopt-A-Street signs, if warranted. Document number and signs placed and organizations in the program. Report the number of participating groups or individuals each year and the number of bags or pounds of trash removed.</p>	<p>1 time per year minimum</p>
2.4 Chamber Art Fair	<p>Public Works Department Distribute educational materials and discuss stormwater related issues with the public at local fairs.</p>	<p>Document the date, number of participants, businesses and industries in attendance, topics of discussion and other program features.</p>	<p>1 time per year minimum</p>

Table 3 – Illicit Discharge Detection and Elimination BMPs

Best Management Practice	BMP Responsibility and Description	Measurable Goals	BMP Frequency
3.1 Eliminating Illicit Discharges	Public Works Department Wash Management Program to address illicit discharges to the stormwater system by completing visually inspections of washes prior to maintenance.	A. Record number of inspections. B. Keep document inspection findings to include in year-end report. C. Respond to all reports within 3 business days.	A. 1 time per year B. 20% of washes inspected every year 100% of IDs tracked
3.2 Dry Weather Screening	Development Services Perform dry weather screening of 50% of the Town's outfalls to identify potential illicit discharges.	A. Track number of new stormwater features added to GIS. B. Review jurisdictional boundary and SW system map and keep current. C. Perform 50% of all outfall dry weather assessments each year.	A. Ongoing B. GIS updates - weekly (as needed) C: 1 time per year minimum
3.3 Wet Weather Visual Monitoring	Public Works Department Visually monitor outfalls in response to rain events to identify potential illicit discharges. Perform outfall monitoring 2 times each wet season, at 5 outfall locations.	Document inspections Record number of wet weather visual monitoring inspections performed each year.	2 times from June 1 st – October 31 st and 2 times from November 1 st to May 31 st .
3.4 Oil and Grease Program	Sanitary District New businesses have discharge devices inspected initially and all businesses are inspected yearly for compliance with FOG reports.	Record inspection results, deficiencies and remedies. Program will be reviewed for effectiveness.	1 time per year minimum
3.5 Unpermitted Facilities and Activities	Public Works Department Identify unpermitted (NPDES/AZPDES) facilities and sites.	Record the number and contact information of contacted sites and facilities potentially requiring AZPDES coverage.	Annually



Best Management Practice	BMP Responsibility and Description	Measurable Goals	BMP Frequency
3.6 Training	Public Works Department All persons involved in in stormwater related activities will be adequately trained on identifying and tracking IDs.	Provide Maintain training logs in Annual Report. 100% of eligible employees to be trained annually.	1 time per year minimum

Table 4 – Construction Site Runoff Control BMPs

Best Management Practice	BMP Responsibility and Description	Measurable Goals	BMP Frequency
4.1 Construction Inventory	Development Services Maintain an inventory of active construction sites.	The number of active construction sites will be recorded in the annual report.	Ongoing
4.2 Inspection and Enforcement Procedures	Public Works Department and Development Services Inspect construction projects for stormwater compliance.	The number of construction site inspections will be recorded in the annual report.	2 inspections per construction site
4.3 Site Plan Review Procedures	Development Services Review erosion control plans to ensure compliance.	Review plans and record number of plans reviewed.	Ongoing
4.4 Contractor Education	Development Services Contractors are provided access to a brochure that provides additional stormwater pollution prevention information.	The brochure will be reviewed and additional information will be added if deemed necessary.	1 time per year minimum
4.5 Staff Training	Public Works Department Conduct training of contractors and operators on general compliance to stormwater pollution prevention. Review/revise current training program to ensure program effectiveness.	Document the date of training and participants involved. Document any changes made to current program.	1 time per year minimum

Table 5 – Post Construction Runoff Control BMPs

Best Management Practice	BMP Responsibility and Description	Measurable Goals	BMP Frequency
5.1 Stormwater Control Inventory	GIS Department New Public and Private stormwater as-built drawings will be entered into the Town's GIS database.	Maintain current inventory of stormwater controls. Number of as-builts added to database will be recorded each year.	1 time per year minimum
5.2 Inspection and Enforcement Procedure	Public Works Department and Development Services Perform inspections at 25 municipal structures and at private structures in response to complaints. Review/revise ordinances to address issues with noncompliance to SWMP.	Perform Inspections of municipal structures each year. Conduct follow-up activity within 3 business days of complaints. Record number of enforcement actions taken. Document any changes to ERP.	1 time per year minimum
5.3 Site Plan Review Procedures	Public Works Department and Development Services Review Site Plan when plans are submitted. Ensure plans meet MCFCD Guidelines.	Record number of plans approved. 100% of plans must meet guidelines. Document any changes to Site Plan review procedures.	Ongoing plan review Annual review of site plan procedures
5.4 Staff Training	Public Works Department Town will provide training to staff to enforce Post Construction BMPs.	Report number of employees trained each year. 100% of applicable employees to be trained each year. Document date of training and participants involved.	1 time per year minimum

Table 6 – Pollution Prevention/Good Housekeeping BMPs

Best Management Practice	BMP Responsibility and Description	Measurable Goals	BMP Frequency
6.1a O&M Procedures <i>Vehicle Maintenance Program</i>	Public Works Department Inspect Town-owned vehicles on routine basis. Review current vehicle maintenance program. Make improvements to program as necessary.	Record dates of inspection, issues discovered, and dates corrected. Record improvements made to program. 100 % of vehicles will be inspected each year.	1 time per year minimum
6.1b O&M Procedures <i>Wash Management Program</i>	Public Works Department Annual maintenance and cleaning of stormwater system during wash maintenance period (November through April).	20% of washes will be maintained each year. Document review of current program and changes implemented.	1 time per year minimum
6.1c O&M Procedures <i>Chemical Management</i>	Public Works Department Proper management and application of chemicals as part of grounds maintenance procedures and for all municipal properties. (Fertilizer – 4 times per year) (Chemical certifications – 1 time per year)	100% of applicable chemical certifications will be renewed each year. Document review of current program and changes implemented.	1 time per year minimum
6.1d O&M Procedures <i>Waste Disposal</i>	Public Works Department Proper disposal of waste at landfill locations through weekly trash pickup for residents.	Record improvements or modifications made to program, if any.	1 time per year minimum
6.2 Street Sweeping	Public Works Department Contractors sweep Town street. Review/revise current street sweeping program, if necessary. Main arterial streets cleaned monthly. Remaining streets cleaned every 2 months.	100% of streets cleaned on bimonthly basis. Document the miles of street cleaned and frequency of street cleaning. Document any changes implemented.	1 time per year minimum



Best Management Practice	BMP Responsibility and Description	Measurable Goals	BMP Frequency
6.3 Municipal Operations Inventory	Streets Department Review maintenance facilities. Eliminate any cross-connections and correct any containment issues. Low priority facilities inspected 20% per year, Medium priority facilities inspected yearly, and high priority facilities inspected quarterly.	100% of required inspections performed each year. Record dates of inspection, issues discovered, and dates corrected.	1 time per year minimum
6.4 Staff Training	Streets Department Conduct training of Town employees on the proper maintenance of the storm drain system and illicit discharges. Review/revise current training program for proper maintenance of stormwater system and illicit discharges.	100% of eligible employees trained annually. Document the date of training and participants involved. Document any changes made to current program.	1 time per year minimum

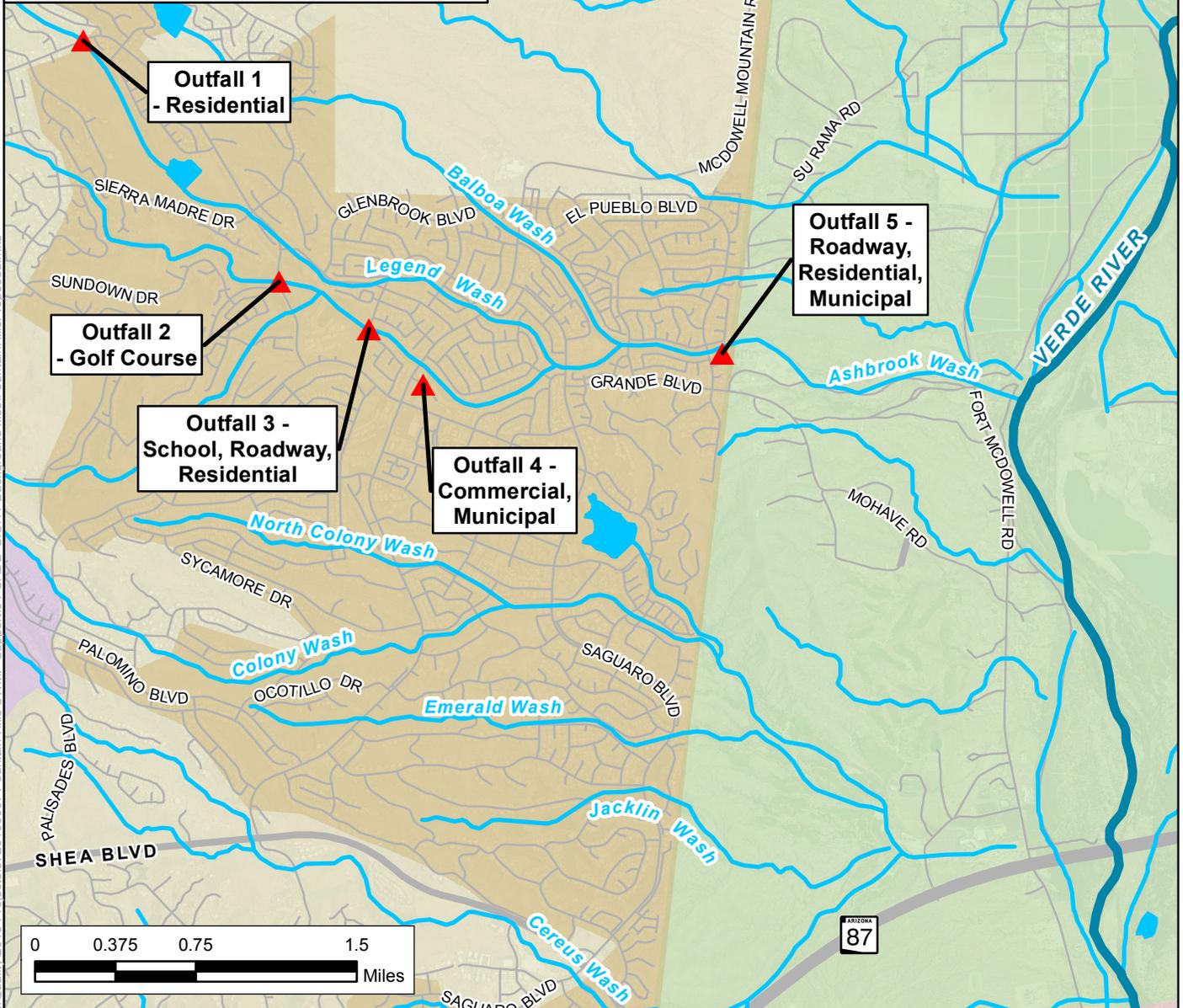
Table 7 - Program Management Requirements

Reporting and Assessment	Frequency	Timeframe
Annual Report	Annually	September 30
Self-Evaluation	Annually	September 30
Discharge Monitoring Reports	Annually	September 30
Storm Sewer System Mapping – Keep maps current	Update as new stormwater systems come online	Ongoing
Enforcement Response Plan – Implement the Enforcement Response Plan addressing illicit discharge, construction site and post construction site program enforcement.	Implement ongoing	Within 24 months of obtaining coverage

FIGURES

Legend

-  Proposed Outfall Location
-  Streams
-  Verde River
-  Fountain Hills Urbanized Area (2010)
-  The Town of Fountain Hills
-  The City of Scottsdale
-  Fort McDowell Indian Reservation
-  Salt River Indian Reservation



Job No.: 37-2016-6007
 PM: PM
 Date: 3/16/2017
 Scale: 1" = 0.75 miles



Fountain Hills SWSP

Figure 1



Path: C:\Infrastructure\WaterQuality\2016 Projects\3720166007 Fountain Hills SWSP_Support\04-CADD-GIS\41-Background files\FountainHillsProposed.mxd

The map shown here has been created with all due and reasonable care and is strictly for use with Amec Foster Wheeler Project Number 37-2016-6007. This map has not been certified by a licensed land surveyor, and any third party use of this map comes without warranties of any kind. Amec Foster Wheeler assumes no liability, direct or indirect, whatsoever for any such third party or unintended use.



ATTACHMENT A

ACRONYMS AND DEFINITIONS

ACRONYMS

The following is a list of acronyms and abbreviations that are used in this document.

AAC	Arizona Administration Code
ADEQ	Arizona Department of Environmental Quality
ARS	Arizona Revised Statutes
ATD	Authorization to Discharge
AZPDES	Arizona Pollutant Discharge Elimination System
BMP(s)	Best Management Practice(s)
CWA	Clean Water Act
DMR	Discharge Monitoring Report
ECP	Erosion Control Plan
ERP	Enforcement Response Plan
FOG	Fats, Oils and Grease
GIS	Geographic Information System
IC	Illicit Connection
ID	Illicit Discharge
IDDE	Illicit Discharge Detection and Elimination
MCM(s)	Minimum Control Measure(s)
MEP	Maximum Extent Practicable
MS4	Municipal Separate Storm Sewer System
MSGP	Multi-Sector General Permit
NOI	Notice of Intent
NPDES	National Pollutant Discharge Elimination System
O&M	Operations and Maintenance
OAW	Outstanding Arizona Waters

SFR	Single Family Residential
SIC	Standard Industrial Classification
SOP	Standard Operating Procedures
STORM	Stormwater Outreach for Regional Municipalities
SWMP	Stormwater Management Plan
TMDL	Total Maximum Daily Load

DEFINITIONS

Arizona Pollutant Discharge Elimination System (AZPDES) - The ADEQ implementation of the EPA program for issuing, modifying, revoking, reissuing, terminating, monitoring, and enforcing permits and imposing and enforcing pretreatment requirements under the Clean Water Act.

Best Management Practices (BMPs) - Measures or practices used to prevent or minimize the amount of pollution entering surface waters. BMPs may take the form of a process, activity, or physical structure.

Discharge - The conveyance, channeling, runoff, or drainage stormwater, including snowmelt, from a site.

Minor Spills - Spills that have a volume less than the reportable quantity, can be controlled and cleaned up with onsite resources, do not contaminate the environment, and do not cause injury to personnel.

National Pollutant Discharge Elimination System (NPDES) - The EPA program for issuing, modifying, revoking, reissuing, terminating, monitoring, and enforcing permits and imposing and enforcing pretreatment requirements under the Clean Water Act.

Non-stormwater discharge - Any discharge not comprised entirely of stormwater except discharges authorized by a NPDES/AZPDES permit.

Outfall - Any discernible stormwater conveyance (e.g., pipe, ditch, swale, canal) that discharges to waters of the state or to a separate municipal storm system. See also point source discharge.

Point Discharge - Any discernible, confined, and discrete conveyance, including pipes, ditches, channels, tunnels, conduits, and wells.

Pollutant - Any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into stormwater.

Precipitation - Any form of rain or snow.

Run-on - Stormwater surface flow or other surface flow that enters the site other than that where it originated.

Runoff - Part of precipitation, snowmelt, or irrigation water that runs off the land into streams or other surface water. It can carry pollutants from the air and land into the receiving waters.

Stormwater - Stormwater runoff, snowmelt runoff, and surface runoff and drainage.



ATTACHMENT B

NOTICE OF INTENT



NOTICE OF INTENT (NOI)

for Arizona Pollutant Discharge Elimination System (AZPDES) Small Municipal Separate Storm Sewer System (MS4) General Permit (AZG2016-002)

Regulated small Municipal Separate Storm Sewer Systems (MS4s) must submit a Notice of Intent (NOI) to the Arizona Department of Environmental Quality (ADEQ) to obtain MS4 general permit coverage. Permittees must complete a NOI form and submit the original, ink-signed document to the address below:

Arizona Department of Environmental Quality
 Surface Water Section/ Stormwater & General Permits Unit (5415A-1)
 1110 West Washington Street
 Phoenix, AZ 85007

A. SMALL MS4 INFORMATION

Legal Name of Municipality or Organization:
 Town of Fountain Hills

Choose one: Existing Permittee New Permittee

Operator Type:
 Town

Mailing Address:
 16705 E. Avenue of the Fountains

County:
 Maricopa

City: Fountain Hills State: Arizona

Zip Code:
 85268

Latitude/ Longitude at approximate geographic center of MS4 (D/M/S):
 33°36'30"N 111°44'30"W

B. PRIMARY MS4 PROGRAM MANAGER CONTACT PERSON

Name: Raymond Rees Title: Facilities/Environmental Supervisor

Department:
 Public Works

Mailing Address:
 16705 E. Avenue of the Fountains

City: Fountain Hills State: Arizona Zip Code: 85268

Phone Number: 480-816-5180 Fax Number: 480-837-3145 Email Address: rrees@fh.az.gov

Has another governmental entity agreed to satisfy any of your permit obligations? Yes No

If "yes" to the above question, name the other governmental entity and describe the agreement(s) between entities:

[Click here to enter text.](#)



C. BILLING INFORMATION			
Same as Primary MS4 Program Manager Contact Person Information? If "yes," proceed to Section D.		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Name: Click here to enter text.	Title: Click here to enter text.		
Department: Click here to enter text.			
Mailing Address: Click here to enter text.			
City: Click here to enter text.	State: Click here to enter text.	Zip Code: Click here to enter text.	
Phone Number: Click here to enter text.	Fax Number: Click here to enter text.	Email Address: Click here to enter text.	
D. ENFORCEMENT AUTHORITY OR OTHER MECHANISM			
Illicit Discharge Detection and Elimination (IDDE) Enforcement Authority or other mechanism established?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Describe IDDE Enforcement Authority or other mechanism: The Town is currently revising multiple sections of the Town code to meet MS4 Permit requirements, particularly its Enforcement Authority over illicit discharges.			
Name of Enforcement Authority or other mechanism: Fountain Hills Town Code		Effective Date or Estimated Date of Adoption: 9/29/2018	
Construction Site Stormwater Runoff Enforcement Authority or other mechanism established?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Describe Construction Site Stormwater Enforcement Authority or other mechanism: The Town is currently revising the Town code to more clearly define its Enforcement Authority over construction site runoff.			
Name of Enforcement Authority or other mechanism: Fountain Hills Town Code		Effective Date or Estimated Date of Adoption: 9/29/2018	
Post-Construction Stormwater Management Enforcement Authority or other mechanism established?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Describe Post-Construction Enforcement Authority or other mechanism: The Town is currently revising the Town code to more clearly define its Enforcement Authority over post-construction stormwater management.			
Name of Enforcement Authority or other mechanism: Fountain Hills Town Code		Effective Date or Estimated Date of Adoption: 9/29/2018	

E. MAPPING COMPONENTS

1. Stormwater Sewer Mapping (including roads with drainage system, municipal streets, catch basins, curbs, gutter, ditches, man-made channels, or storm drains that are owned or operated by the permittee and convey stormwater to Waters of the US)	Percent Complete at time of NOI submission 100%
---	---

If 100% of requirements are NOT met for an existing permittee and for all new permittees, include a timeline, measurable goals, and estimated date of completion (MM/YY) for Stormwater Sewer Mapping:
[Click here to enter text.](#)

2. Outfall Mapping	Percent Complete at time of NOI submission 100%
--------------------	---

If 100% of requirements are NOT met for an existing permittee and for all new permittees, include a timeline, measurable goals, and estimated date of completion (MM/YY) for Outfall Mapping:
[Click here to enter text.](#)

3. Identification of Receiving Waters (names and locations of all the Waters of the US that receive discharge from those outfalls)	Percent Complete at time of NOI submission 100%
--	---

If 100% of requirements are NOT met for an existing permittee and for all new permittees, include a timeline, measurable goals, and estimated date of completion (MM/YY) for Receiving Water Identification:
[Click here to enter text.](#)

F. SUMMARY OF RECEIVING WATERS

Does the MS4 have outfalls that discharge to Waters listed in A.A.C. R18-11 Article 1, Appendix B?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
--	---	-----------------------------

If "yes" the MS4 discharges to receiving water(s) listed in A.A.C. R18-11 Article 1, Appendix B, then the following section must be completed. If "no" discharges occur to receiving water(s) listed in A.A.C. R18-11 Article 1, Appendix B, then the following section does not need to be filled out, proceed to Section G. If you answer "yes," the receiving water segment is Impaired, Not-Attaining or an Outstanding Arizona Water (OAW), you must also complete Part H.3- Impaired, Not-Attaining and OAWs and BMPs.

Identify Appendix B surface water(s) that receives discharge(s) from the MS4	Number of outfalls discharging to receiving water?	Is the receiving water listed as an Impaired, Not-Attaining or OAW (choose one)?	List Pollutant(s) causing the Impairment(s):	Does the receiving water have a TMDL?
Ashbrook Wash	>10	No	Click here to enter text.	No
Click here to enter text.		Choose an item.	Click here to enter text.	
Click here to enter text.		Choose an item.	Click here to enter text.	
Click here to enter text.		Choose an item.	Click here to enter text.	
Click here to enter text.		Choose an item.	Click here to enter text.	
Click here to enter text.		Choose an item.	Click here to enter text.	

G. STORMWATER MANAGEMENT PROGRAM (SWMP) SUMMARY

G-1. MCM 1: Public Education and Outreach

For MCM 1- Public Education and Outreach, use the pull down menu to indicate the BMP Category (column 1). You may override the selection and type in your own BMP. Include a brief description of the BMP (column 2) including the personnel position or department(s) responsible. Describe the Measureable Goals (column 3) for each BMP, including the targeted audience such as commercial, construction, industrial or residential for MCM 1. Column 3 should include milestones, timeframes and frequencies. Insert the month and year (MM/YY) in the Start Date (column 4) to indicate the date the BMP was initiated or enter your own text to override the selection.

BMP Category (enter your own text to override the drop down menu)	BMP Description (include personnel position or department responsible)	Measurable Goals (include milestones, timeframes and frequencies) and include the Targeted Audience	Start Date (MM/YY) (enter your own text to override the drop down menu)
1.1 Local Outreach Group	Public Works Department. Town will partner with STORM to aid in public outreach efforts.	Maintain membership and participation with STORM. Target audience is all members of the general public. Conducted annually.	09/16
1.2 Public Service Video	Information Technology. Air video on local access cable channel.	Air the public service video on Channel 11 at least one time per year. Target audience is the Residential Community and/or Commercial Industry. Conducted annually.	09/16
1.3 Printed Materials	Public Works Department. Distribute printed materials at Town event.	Distribute materials at 2 events per year. Target audience includes residential, construction, and/or commercial entities. Conducted annually.	09/16
1.4 Newspaper Articles	Public Works Department. Publish articles or announcements in Town publications such as <i>Times of Fountain Hills</i> or <i>In the Loop</i> .	Publish one article or announcement in one publication once per year. Target audience is the residential community. Conducted annually.	09/16
1.5 Town Website	Information Technology. Provide relevant stormwater information and links.	Update or confirm website links and content annually. Target audience is the general public.	09/16
Choose an item.	Click here to enter text	Click here to enter text.	Choose an item.
Choose an item.	Click here to enter text.	Click here to enter text.	Choose an item.
Choose an item.	Click here to enter text.	Click here to enter text.	Choose an item.
Choose an item.	Click here to enter text.	Click here to enter text.	Choose an item.
Choose an item.	Click here to enter text.	Click here to enter text.	Choose an item.
Choose an item.	Click here to enter text.	Click here to enter text.	Choose an item.

MCM 1: Public Education and Outreach

Use this space to add any additional information for MCM1:

[Click here to enter text.](#)

G-2. MCM 2: Public Involvement and Participation

For MCM 2- Public Involvement and Participation, use the pull down menu to indicate the BMP Category (column 1). You may override the selection and type in your own BMP. Include a brief description of the BMP (column 2) including the personnel position or department(s) responsible. Describe the Measureable Goals (column 3) for each BMP. Column 3 should include milestones, timeframes and frequencies. Insert the month and year (MM/YY) in the Start Date (column 4) to indicate the date the BMP was initiated or enter your own text to override the selection.

BMP Category (enter your own text to override the drop down menu)	BMP Description (include personnel position or department responsible)	Measurable Goals (include milestones, timeframes and frequencies)	Start Date (MM/YY) (enter your own text to override the drop down menu)
2.1 Opportunity to Review the SWMP	Public Works Department. Provide the public with an opportunity to provide input on the SWMP.	Post a 'News Flash' one time each year soliciting feedback on the SWMP. Respond to comments received.	09/16
2.2 Public Reporting Hotline	Public Works Department. Provide a means to receive public reports of potential stormwater concerns.	Track and respond to valid stormwater concerns within 3 business days. Ongoing.	09/16
2.3 Adopt-A-Street	Public Works Department. Review Town Adopt-a-Street program. Review program needs annually.	Report the number of participating groups or individuals each year and the number of bags or pounds of trash removed.	09/16
2.4 Chamber Art Fair	Public Works Department. Distribute educational materials and discuss stormwater related issues with the public at local fairs.	Attend at least one Chamber Art Fair each year. Ongoing.	09/16
Choose an item.	Click here to enter text.	Click here to enter text.	Choose an item.
Choose an item.	Click here to enter text.	Click here to enter text.	Choose an item.
Choose an item.	Click here to enter text.	Click here to enter text.	Choose an item.
Choose an item.	Click here to enter text.	Click here to enter text.	Choose an item.
Choose an item.	Click here to enter text.	Click here to enter text.	Choose an item.
Choose an item.	Click here to enter text.	Click here to enter text.	Choose an item.
Choose an item.	Click here to enter text.	Click here to enter text.	Choose an item.

MCM 2: Public Involvement and Participation

Use this space to add any additional information about MCM2:

[Click here to enter text.](#)

G-3. MCM 3: Illicit Discharge Detection and Elimination (IDDE) Program

For MCM 3- Illicit Discharge Detection and Elimination (IDDE) Program, use the pull down menu to indicate the BMP Category (column 1). You may override the selection and type in your own BMP. Include a brief description of the BMP (column 2) including the personnel position or department(s) responsible. Describe the Measureable Goals (column 3) for each BMP. Column 3 should include milestones, timeframes and frequencies. Insert the month and year (MM/YY) in the Start Date (column 4) to indicate the date the BMP was initiated or enter your own text to override the selection.

BMP Category (enter your own text to override the drop down menu)	BMP Description (include personnel position or department responsible)	Measurable Goals (include milestones, timeframes and frequencies)	Start Date (MM/YY) (enter your own text to override the drop down menu)
3.1 Eliminating Illicit Discharges	Public Works Department. Identify and Eliminate Illicit Discharges	Respond to illicit discharge reports within 3 business days of notification/identification.	09/16
3.2 Dry Weather Screening	Development Services. Perform dry weather screening at 50% of Town outfalls to identify potential illicit discharges.	Perform dry weather screening at 50% of outfalls each year.	09/16
3.3 Wet Weather Monitoring	Public Works Department. Visually monitor outfalls in response to rain events to identify potential illicit discharges.	Perform outfall monitoring 2 times each wet season at 5 outfall locations.	07/17
3.4 Oil & Grease Program	Sanitary District. New businesses have discharge devices inspected initially and all businesses are inspected yearly for compliance with FOG reports.	Record inspection results, deficiencies and remedies.	09/16
3.5 Unpermitted Facilities and Activities	Public Works Department. Identify unpermitted (AZPDES) industrial facilities and construction sites.	Record the number and contact information of construction sites and facilities potentially requiring AZPDES coverage.	07/17
3.6 Staff Training	Public Works Department. All persons providing inspection for the Wash Management Program must be adequately trained.	100% of applicable employees will be trained annually. Document the date of training and participants involved.	03/17
Choose an item.	Click here to enter text.	Click here to enter text.	Choose an item.
Choose an item.	Click here to enter text.	Click here to enter text.	Choose an item.
Choose an item.	Click here to enter text.	Click here to enter text.	Choose an item.
Choose an item.	Click here to enter text.	Click here to enter text.	Choose an item.
Choose an item.	Click here to enter text.	Click here to enter text.	Choose an item.

Choose an item.	Click here to enter text.	Click here to enter text.	Choose an item.
-----------------	---------------------------	---------------------------	-----------------

MCM 3: Illicit Discharge Detection and Elimination (IDDE) Program

Use this space to add any additional information about MCM3:

[Click here to enter text.](#)

G-4. MCM 4: Construction Activity Stormwater Runoff Control

For MCM 4- Construction Activity Stormwater Runoff Control, use the pull down menu to indicate the BMP Category (column 1). You may override the selection and type in your own BMP. Include a brief description of the BMP (column 2) including the personnel position or department(s) responsible. Describe the Measureable Goals (column 3) for each BMP. Column 3 should include milestones, timeframes and frequencies. Insert the month and year (MM/YY) in the Start Date (column 4) to indicate the date the BMP was initiated or enter your own text to override the selection.

BMP Category (enter your own text to override the drop down menu)	BMP Description (include personnel position or department responsible)	Measurable Goals (include milestones, timeframes and frequencies)	Start Date (MM/YY) (enter your own text to override the drop down menu)
4.1 Construction Inventory	Development Services. Maintain an inventory of active construction sites.	The number of active construction sites will be recorded in the annual report.	03/17
4.2 Inspection and Enforcement Procedures	Public Works Department and Development Services. Inspect construction projects for stormwater compliance.	The number of construction site inspections will be recorded in the annual report. Construction sites will be inspected a minimum of 2 times.	03/17
4.3 Site Plan Review Procedures	Development Services. Review erosion control plans to ensure compliance with Town standards.	Review plans and record number of plans reviewed annually.	03/17
4.4 Contractor Education	Development Services. Contractors are provided access to a brochure that provides additional stormwater pollution prevention information.	100% of contractors will be provided an informational brochure. The brochure will be reviewed and additional information will be added if deemed necessary.	07/17
4.5 Staff Training	Public Works Department. Conduct training of contractors and operators on general compliance to stormwater pollution prevention. Review/revise current training program to ensure program effectiveness.	100% of applicable employees will be trained. Document the date of training and participants involved.	03/17
Choose an item.	Click here to enter text.	Click here to enter text.	Choose an item.
Choose an item.	Click here to enter text.	Click here to enter text.	Choose an item.
Choose an item.	Click here to enter text.	Click here to enter text.	Choose an item.
Choose an item.	Click here to enter text.	Click here to enter text.	Choose an item.
Choose an item.	Click here to enter text.	Click here to enter text.	Choose an item.
Choose an item.	Click here to enter text.	Click here to enter text.	Choose an item.

MCM 4: Construction Activity Stormwater Runoff Control

Use this space to add any additional information about MCM4:

[Click here to enter text.](#)

G-5. MCM 5: Post-Construction Stormwater Management in New Development and Redevelopment

For MCM 5- Post-Construction Stormwater Management in New Development and Redevelopment, use the pull down menu to indicate the BMP Category (column 1). You may override the selection and type in your own BMP. Include a brief description of the BMP (column 2) including the personnel position or department(s) responsible. Describe the Measureable Goals (column 3) for each BMP. Column 3 should include milestones, timeframes and frequencies. Insert the month and year (MM/YY) in the Start Date (column 4) to indicate the date the BMP was initiated or enter your own text to override the selection.

BMP Category (enter your own text to override the drop down menu)	BMP Description (include personnel position or department responsible)	Measurable Goals (include milestones, timeframes and frequencies)	Start Date (MM/YY) (enter your own text to override the drop down menu)
5.1 Stormwater Control Inventory	GIS Department. Public and new Private stormwater infrastructure will be entered into the Town's GIS database.	Record number of stormwater infrastructure entries. Document any improvements made.	09/16
5.2 Inspection and Enforcement Procedures	Public Works Department and Development Services. Perform inspections at 25 municipal structures and at private structures in response to complaints. Review/revise ordinances to address issues with noncompliance to SWMP.	Perform inspections of municipal structures each year and in response to complaints at private structures. Conduct follow up within 3 business days. Record number of enforcement actions against owners of private structures.	03/17
5.3 Site Plan Review Procedures	Public Works Department and Development Services. Review Site Plan when plans are submitted. Ensure plans meet MCFCD Guidelines.	Record number of plans approved. Document any changes to Site Plan review procedures.	12/16
5.4 Staff Training	Public Works Department. Conduct training of city employees on stormwater pollution prevention. Review/revise current training program to ensure program effectiveness.	100% of applicable employees trained each year. Document the date of training and participants involved.	03/17
Choose an item.	Click here to enter text.	Click here to enter text.	Choose an item.
Choose an item.	Click here to enter text.	Click here to enter text.	Choose an item.
Choose an item.	Click here to enter text.	Click here to enter text.	Choose an item.
Choose an item.	Click here to enter text.	Click here to enter text.	Choose an item.
Choose an item.	Click here to enter text.	Click here to enter text.	Choose an item.
Choose an item.	Click here to enter text.	Click here to enter text.	Choose an item.
Choose an item.	Click here to enter text.	Click here to enter text.	Choose an item.

MCM 5: Post-Construction Stormwater Management in New Development and Redevelopment

Use this space to add any additional information about MCM5:

[Click here to enter text.](#)

G-6. MCM 6: Pollution Prevention and Good Housekeeping

For MCM 6- Pollution Prevention and Good Housekeeping, Insert the Facility Name applicable to the MS4. Use the pull down menu to indicate the BMP Category (column 1). You may override the selection and type in your own BMP. Include a brief description of the BMP (column 2) including the personnel position or department(s) responsible. Describe the Measureable Goals (column 3) for each BMP. Column 3 should include milestones, timeframes and frequencies. Insert the month and year (MM/YY) in the Start Date (column 4) to indicate the date the BMP was initiated or enter your own text to override the selection. For those BMPs that are not Facility specific, use the rows after the Facility Name inserts.

BMP Category (enter your own text to override the drop down menu)	BMP Description (include personnel position or department responsible)	Measurable Goals (include milestones, timeframes and frequencies)	Start Date (MM/YY) (enter your own text to override the drop down menu)
Insert Facility Name: Street Maintenance Yard			
Training	Public Works Dept Train appropriate staff on facility inspections; BMPs employed at the Yard; and identifying, eliminating, and reporting discharges.	100% of applicable employees trained annually. Document the date of training and participants involved. Document any changes made to current program.	3/17
Insert Facility Name: Street Maintenance Yard			
Inspections	Public Works Dept Perform quarterly inspections of areas and activities where potential pollutants maybe exposed to stormwater.	Perform quarterly site inspections.	3/17
Insert Facility Name: Click here to enter text.			
Choose an item.	Click here to enter text.	Click here to enter text.	Choose an item.
Insert Facility Name: Click here to enter text.			
Choose an item.	Click here to enter text.	Click here to enter text.	Choose an item.
Insert Facility Name: Click here to enter text.			
Choose an item.	Click here to enter text.	Click here to enter text.	Choose an item.
Insert Facility Name: Click here to enter text.			
Choose an item.	Click here to enter text.	Click here to enter text.	Choose an item.
Insert Pollution Prevention and Good Housekeeping BMPs that are not facility specific below			
6.1a O&M Procedures - Vehicle Maintenance Program	Public Works Department. Inspect Town-owned vehicles on routine basis. Review current vehicle maintenance program. Make improvements to program as necessary.	Record dates of inspection, issues discovered, and dates corrected. Record improvements made to program.	09/16

6.1b O&M Procedures – Wash Management Program	Public Works Department. Annual maintenance and cleaning of stormwater system during wash maintenance period (November through April).	20% of washes will be maintained each year. Document review of current program and changes implemented.	09/16
6.1c O&M Procedures – Chemical Management	Public Works Department. Proper management and application of chemicals as part of grounds maintenance procedures and for all municipal properties. (Fertilizer – 4 times per year) (Chemical certifications – 1 time per year)	Chemical certifications will be renewed each year. Document review of current program and changes implemented.	09/16
6.1d O&M Procedures – Waste Disposal	<i>Public Works Department.</i> Proper disposal of waste at landfill locations through weekly trash pickup for residents.	Minimum biweekly trash pickups for public and private entities. Record improvements or modifications made to program, if any.	09/16
6.2 Street Sweeping	Public Works Department. Contractors sweep Town street. Review/revise current street sweeping program, if necessary. Main arterial streets cleaned monthly. Remaining streets cleaned every 2 months.	Streets cleaned on bimonthly basis. Document the miles of street cleaned and frequency of street cleaning. Document any changes implemented.	09/16
6.3 Municipal Operations Inventory	Public Works Department. Review maintenance facilities. Eliminate any cross-connections and correct any containment issues. Low priority facilities inspected 20% per year, Medium priority facilities inspected yearly, and high priority facilities inspected quarterly.	100% of required inspections performed each year. Record dates of inspection, issues discovered, and dates corrected.	03/17
6.4 Staff Training	Public Works Department. Conduct training of Town employees on the proper maintenance of the storm drain system and illicit discharges. Review/revise current training program for proper maintenance of stormwater system and illicit discharges.	100% of applicable employees trained. Document the date of training and participants involved. Document any changes made to current program.	03/17

MCM 6 Pollution Prevention and Good Housekeeping

Use this space to add any additional information about MCM6:

Additionally, as part of its O&M Procedures, the Town of Fountain Hills performs Detention Basin Inspections on an annual basis. Detention basins are inspected jointly by the Town of Fountain Hills as well as the ADWR for compliance with the Dam Safety Program.

H. MONITORING

1. DRY WEATHER VISUAL OUTFALL MONITORING

Has a dry weather visual discharge monitoring program been developed?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If the above answer is "yes," provide the actual date of implementation:		9/29/2016
If the above answer is "no," provide estimated date of completion:		Click here to enter a date.
Estimated total number of municipal stormwater outfalls	Percent of total number of municipal stormwater outfalls to be monitored each year	
80	50%	

2.A VISUAL STORMWATER DISCHARGE MONITORING

Below identify a minimum of five outfalls or field screening points for the visual stormwater discharge monitoring program

Outfall or field screening point identification number	Name of receiving water	Is the receiving water listed as an Impaired, Not-Attaining or OAW (choose one)?
Outfall 1	Ashbrook Wash	No
Outfall 2	Ashbrook Wash	No
Outfall 3	Ashbrook Wash	No
Outfall 4	Ashbrook Wash	No
Outfall 5	Ashbrook Wash	No

2.B VISUAL STORMWATER DISCHARGE MONITORING ALTERNATIVE

Are you proposing a visual stormwater discharge monitoring alternative?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If "yes" a visual stormwater discharge monitoring alternative is being proposed, provide a description of the proposed alternative and how the proposed alternative is as effective as, or is more effective than, visual stormwater discharge monitoring in the space below.		
Click here to enter text.		

3. IMPAIRED, NOT-ATTAINING AND OAW MONITORING AND BMPS

Part H.3 is to be completed only if the MS4 has outfalls that discharge to an Impaired, Not-Attaining or Outstanding Arizona Water (OAW), or a combination thereof.

Has a Sampling and Analysis Plan (SAP) been developed in accordance with permit Part 5.1.g?	<input type="checkbox"/> Yes	<input type="checkbox"/> No		
If the above answer is "no," provide an estimated date of completion for the SAP:		Click here to enter a date.		
List each individual receiving water that is Impaired, Not-Attaining or an OAW that the MS4 discharges to	How many outfalls will be sampled?	List outfall ID or unique identification	List parameter(s) to be analyzed	Provide a description of how the selected BMPs will specifically address the pollutant(s) causing the impairments or how the BMPS will be protective of the OAW

Click here to enter text.		Click here to enter text.	Click here to enter text.	Click here to enter text.
Click here to enter text.		Click here to enter text.	Click here to enter text.	Click here to enter text.
Click here to enter text.		Click here to enter text.	Click here to enter text.	Click here to enter text.
Click here to enter text.		Click here to enter text.	Click here to enter text.	Click here to enter text.
Click here to enter text.		Click here to enter text.	Click here to enter text.	Click here to enter text.

I. NOTES AND ADDITIONAL INFORMATION

Use the space below to provide any additional information about the MS4 program.

Click here to enter text.

J. FEES

Fill out either Part A for a New Permittee or Part B for an Existing Permittee. If a New Permittee, choose one check box below to indicate the MS4s population and applicable initial permit fee. Insert the total payment included with the NOI in the text box. If an Existing Permittee, choose one check box below to indicate the MS4s population. Note: The estimated MS4 population should be based on latest Decennial Census by the Bureau of Census.

<p>Part A</p> <p><input type="checkbox"/> New Permittee.</p> <p>I confirm the correct fee payment is included with the NOI.</p> <p><input type="checkbox"/> <or = to 10,000: \$2,500</p> <p><input type="checkbox"/> >10,000 but ≤ 100,000: \$5,000</p> <p><input type="checkbox"/> > 100,000: \$7,500</p> <p><input type="checkbox"/> Non-traditional MS4 such as hospital, college or military: \$5,000</p> <p>Total fee payment included: Click here to enter text.</p>	<p>Part B</p> <p><input checked="" type="checkbox"/> Existing Permittee.</p> <p>No fee is required for NOI submission. You will continue to be invoiced on your current annual fee billing cycle.</p> <p><input type="checkbox"/> <or = to 10,000</p> <p><input checked="" type="checkbox"/> >10,000 but ≤ 100,000</p> <p><input type="checkbox"/> > 100,000</p> <p><input type="checkbox"/> Non-traditional MS4 such as hospital, college or military</p>
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K. CERTIFICATION

Pursuant to A.R.S. § 41-1030:

(1) ADEQ shall not base a licensing decision, in whole or in part, on a requirement or condition not specifically authorized by statute or rule. General authority in a statute does not authorize a requirement or condition unless a rule is made pursuant to it that specifically authorizes the requirement or condition.

(2) Prohibited licensing decisions may be challenged in a private civil action. Relief may be awarded to the prevailing party against ADEQ, including reasonable attorney fees, damages, and all fees associated with the license application.

(3) ADEQ employees may not intentionally or knowingly violate the requirement for specific licensing authority. Violation is cause for disciplinary action or dismissal, pursuant to ADEQ’s adopted personnel policy. ADEQ employees are still afforded the immunity in A.R.S. §§ 12-821.01 and 12-820.02.

I certify under penalty of law that I have met the eligibility conditions of this permit and that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, I certify that the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I certify that I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.



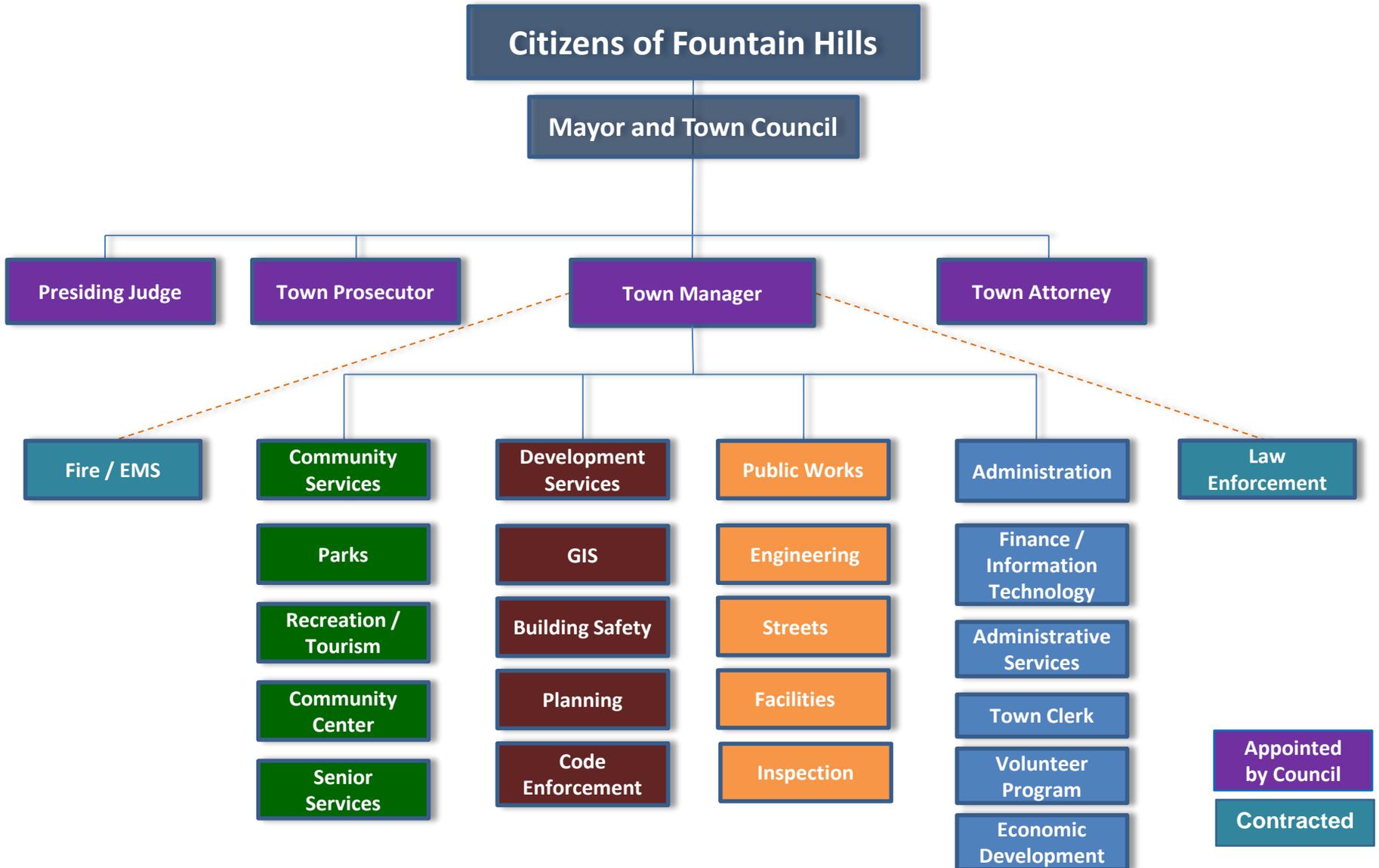
Printed Name: Grady Miller	Title: Town Manager
Ink Signature <i>Grady Miller</i>	Date: 4-4-2017



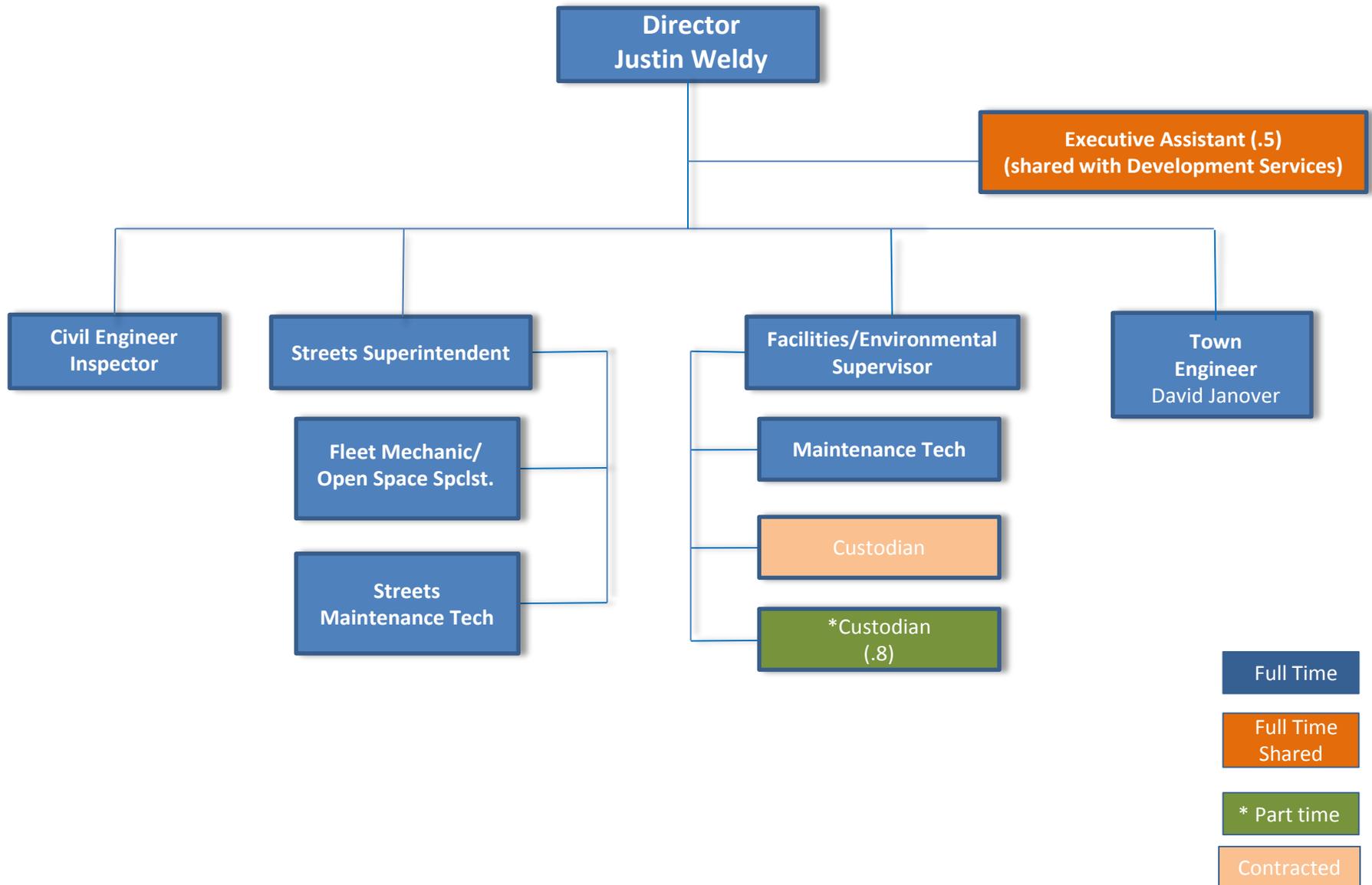
ATTACHMENT C

ORGANIZATIONAL CHART AND RESPONSIBILITIES

Town of Fountain Hills Organization



PUBLIC WORKS DEPARTMENT



Department	Name/Title	Responsibility
Administration	Grady Miller Town Manager	Signs MS4 NOI, SWMP, Annual Report
Development Services (GIS, Building Safety, Planning, Code Enforcement)	John Wesley Development Services Director	Oversees and directs program activities
	Ken Valverde GIS Technician	Maintain current mapping system of Town stormwater system
	Peter Johnson Chief Building Official	Building permit approval and review
	Marilyn Grudier Building Permit Technician	Log new construction projects
	Roy Jaffee Code Enforcement Officer	Inspect construction projects
Public Works (Engineering, Streets & Facilities)	Justin Weldy Public Works Director	Oversees and directs program activities
	Steve Bartlett Facilities and Environmental Supervisor	Implements Stormwater Management Plan
	David Janover Town Engineer	Code Enforcement, Inspection of Facilities
	Gary Baker Engineering Inspector	Civil site inspections and review
	Jeff Larson Fleet Mechanic	Clean drainage inlets and stormwater systems
	Jeff Pierce Streets Superintendent	Oversees Streets programs and activities
	Various Contractors	Yearly Wash Cleanout, ROW, Median cleaning



ATTACHMENT D

FORMS

**IDDE Inspection/Investigation Form
Construction and Post Construction Site Tracking Form
Municipal Facility Inspection Form**

Visual Stormwater Monitoring Form

Rain within past 72 hours? <input type="checkbox"/> Yes <input type="checkbox"/> No
--

Feature: _____

Date of Inspection: _____

Name: _____

Maintenance Needed: Yes No

Evidence of Pollutants: Yes No

Water Present: Yes No

Referred for Follow-up (date): _____

To: _____ Justin Weldy

Follow-up Implemented (date): _____



Visual Stormwater Monitoring Form

Rain within past 72 hours? <input type="checkbox"/> Yes <input type="checkbox"/> No
--

Feature: _____

Date of Inspection: _____

Name: _____

Maintenance Needed: Yes No

Evidence of Pollutants: Yes No

Water Present: Yes No

Referred for Follow-up (date): _____

To: _____ Justin Weldy

Follow-up Implemented (date): _____

JOB ADDRESS

PERMIT NO.

DATE REQUESTED

APPROVED

NOT APPROVED

REINSPECTION

DISTURBANCE FENCE	<input type="checkbox"/>	
FND		
RET WALL FTG	<input type="checkbox"/>	
FOOTING	<input type="checkbox"/>	
STEM/STL	<input type="checkbox"/>	
MONO FTG.	<input type="checkbox"/>	
THK'N SLAB	<input type="checkbox"/>	
FIRE PLC	<input type="checkbox"/>	
FENCE	<input type="checkbox"/>	
GROUT	<input type="checkbox"/>	
BOND BEAM	<input type="checkbox"/>	
UNDER FLR		
PLUMB	<input type="checkbox"/>	
ELECT	<input type="checkbox"/>	
MECH	<input type="checkbox"/>	
SEWER	<input type="checkbox"/>	
WATER	<input type="checkbox"/>	
ROOF/WALLS		
ROOF NAILING	<input type="checkbox"/>	
FULL SHEAR	<input type="checkbox"/>	
TOP OUT		
ELECT	<input type="checkbox"/>	
PLUMB	<input type="checkbox"/>	
FRAMING	<input type="checkbox"/>	
MECHANICAL	<input type="checkbox"/>	
WALLS		
INSULATION	<input type="checkbox"/>	
DRYWALL	<input type="checkbox"/>	
EXT LATH	<input type="checkbox"/>	
POOL		
PRE GUNITE	<input type="checkbox"/>	
ELECT	<input type="checkbox"/>	
GAS HTR/LINE	<input type="checkbox"/>	
PRE PLASTER	<input type="checkbox"/>	
FENCE	<input type="checkbox"/>	
FINAL		
BUILDING	<input type="checkbox"/>	
ELECT	<input type="checkbox"/>	
PLUMBING	<input type="checkbox"/>	
MECHANICAL	<input type="checkbox"/>	
INSULATION	<input type="checkbox"/>	
FENCE	<input type="checkbox"/>	
GAS	<input type="checkbox"/>	
GRADING/SITE	<input type="checkbox"/>	
STORMWATER		
BMPs INSTALLED	<input type="checkbox"/>	
INLETS PROTECTED	<input type="checkbox"/>	
TRACKOUT PAD	<input type="checkbox"/>	

INSPECTOR:

DATE:

PROVIDE ALL PREVIOUS INSPECTION TICKETS AT JOB SITE FOR A REINSPECTION.

(MAKE CORRECTIONS AND CALL FOR THE RE-INSPECTION)

INSPECTION LINE: (480) 816-5131 BEFORE 4pm.

TOWN OF FOUNTAIN HILLS

IDDE INSPECTION/INVESTIGATION FORM
Town of Fountain Hills



Section 1: Background Data

Outfall ID:	Date:	Time:
Inspector/Investigator:		
<input type="checkbox"/> Dry Weather Inspection <input type="checkbox"/> IDDE Investigation <input type="checkbox"/> 3-Day Follow-up Inspection <input type="checkbox"/> Visual Assessment (If so, check sampling description boxes below) <input type="checkbox"/> Sampling Event #1 <input type="checkbox"/> Sampling Event #2 <input type="checkbox"/> Summer Wet Season (6/1 - 10/1) <input type="checkbox"/> Winter Wet Season (11/1 – 5/31)		
Photos? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, append photos to this report.		
Precipitation w/in last 72 hours? <input type="checkbox"/> Yes <input type="checkbox"/> No Approximate Rainfall (in) _____		Weather (approx. temp, etc.):
Land Use in Drainage Area (check all that apply):	<input type="checkbox"/> Open Space Other: _____ Known Industries: _____	
<input type="checkbox"/> Industrial <input type="checkbox"/> Residential <input type="checkbox"/> Commercial		

Section 2: Physical Indicators

INDICATOR	DESCRIPTION	COMMENTS
Outfall Damage	<input type="checkbox"/> None <input type="checkbox"/> Spalling, Cracking or Chipping <input type="checkbox"/> Peeling Paint <input type="checkbox"/> Corrosion <input type="checkbox"/> Other: _____	
Deposits / Stains	<input type="checkbox"/> None <input type="checkbox"/> Oily <input type="checkbox"/> Flow Line <input type="checkbox"/> Paint <input type="checkbox"/> Other: _____	
Abnormal Vegetation	<input type="checkbox"/> None <input type="checkbox"/> Excessive <input type="checkbox"/> Inhibited	
Poor Water Quality	<input type="checkbox"/> None <input type="checkbox"/> Odors <input type="checkbox"/> Colors <input type="checkbox"/> Floatables <input type="checkbox"/> Oil Sheen <input type="checkbox"/> Suds <input type="checkbox"/> Excessive Algae <input type="checkbox"/> Other: _____	
Pipe Algae Growth	<input type="checkbox"/> None <input type="checkbox"/> Brown <input type="checkbox"/> Orange <input type="checkbox"/> Green <input type="checkbox"/> Other:	
Do physical indicators suggest an illicit discharge has occurred? <input type="checkbox"/> No <input type="checkbox"/> Yes		
Flow Present?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, describe: <input type="checkbox"/> Trickle <input type="checkbox"/> Moderate <input type="checkbox"/> Substantial And go to Section 3. If no flow and no physical indicators, skip to Section 4 and close investigation. If no flow but physical indicators are present, skip to Section 4 and schedule 3-Day Follow-Up.	

Facility Inspection Form – (EPA Guidelines)

Performed by: _____

Facility: _____

Date: _____

Inspection Area and Potential Pollutants	Description	Repairs/ Corrections Needed	Comments
Yard -O&G -Metals -Glycol	<ul style="list-style-type: none"> • Waste materials disposed of properly. • Drums of materials and wastes are stored on an impervious surface and have secondary containment • Leaking vehicles are not stored outdoors. 	<ul style="list-style-type: none"> <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Y <input type="checkbox"/> N 	
Building -O&G -TSS	<ul style="list-style-type: none"> • Employees trained in use of fire extinguishers. • Emergency exits are clear, and exit signs are posted over doors. • Smoking is prohibited near volatile fluids. • Electrical receptacles have no open grounds or reverse polarity. • Circuits are labeled and circuit box is closed. Access is clear 5-10'. • Electrical outlets have cover plates. No wires are frayed, damaged, or taped off. • Wiring is enclosed in Electrical Metallic Tubing or rigid metal pipe. • There is adequate ventilation for carbon monoxide from tailpipe exhaust systems. 	<ul style="list-style-type: none"> <input type="checkbox"/> Y <input type="checkbox"/> N 	
Materials & Waste Storage Management -O&G -TSS	<ul style="list-style-type: none"> • Drums, tanks and containers are labeled with name and hazard. • Waste containers are labeled with the date when contents were first added. • Lids are tight-fitting and sealed. • Waste storage area is labeled. • There are no leaks or spillage in chemical or waste storage areas. • Flammable materials are stored in an approved area • Flammable and hazardous liquids are stored in approved containers. • Waste containers are stored on an impervious surface and have secondary containment. 	<ul style="list-style-type: none"> <input type="checkbox"/> Y <input type="checkbox"/> N 	

Facility Inspection Form – (EPA Guidelines)

Inspection Area and Potential Pollutants	Description	Repairs/ Corrections Needed	Comments
Floors -O&G -TSS	<ul style="list-style-type: none"> Floor drains are connected to the sewer or equipped with an approved tight tank. There are no cracks in the floor that would allow spills to penetrate. 	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Y <input type="checkbox"/> N	
General Equipment -O&G -Metals -Glycol -TDS -TSS	<ul style="list-style-type: none"> Underground storage tanks and above-ground storage tanks are permitted by the appropriate state agency or local fire department. Waste oil furnaces are permitted by appropriate state agency or local fire departments (as required). Lifts have operable safety locks; are tested and serviced monthly. Wheel grinders have properly adjusted tongue guards and work rests. Placard overhead storage with approved load limits and install guard rails. Electrical cords are intact and have grounding prongs. 	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Y <input type="checkbox"/> N	
Health & Safety	<ul style="list-style-type: none"> The shop has written contingency plans for fire prevention, emergencies, and spill control, posted near phones and potential sources of spills. Spill control materials are available on-site. Materials Safety Data Sheets (MSDSs) are available for all chemicals. Eyewash and showers providing 15 minutes of continuous flush are available in areas where acids and bases are used. Employees are trained in chemical hazard, safety, and emergency preparedness. 	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Y <input type="checkbox"/> N	

Facility Inspection Form – (EPA Guidelines)

Inspection Area and Potential Pollutants	Description	Repairs/ Corrections Needed	Comments
VEHICLE MAINTENANCE OPERATIONS			
Vehicle Fluids -O&G -Metals -Glycol	<ul style="list-style-type: none"> • Drained waste fluids such as waste oil, antifreeze, and solvents are stored in separate drums or tanks. • Waste oil is removed by a licensed transporter or burned on-site in an approved heater. • Oil filters are punctured and hot drained over a waste oil drum for the required amount of time, and then recycled or disposed of properly. • Oily shop rags are placed in sealed, labeled metal containers and laundered by a licensed facility. • Oily absorbents are handled as oily waste, not thrown in the trash. 	<ul style="list-style-type: none"> <input type="checkbox"/> Y <input type="checkbox"/> N 	
Solvent Parts Cleaning -O&G -Metals -Glycol	<ul style="list-style-type: none"> • Lid of solvent parts cleaner is closed. • A licensed transporter picks up and recycles solvents or disposes of solvents as hazardous waste. • Parts cleaner is labeled with material name and hazard type. • If flammable solvent is used, the parts cleaner has a fusible link that locks shut in the case of fire. • Parts cleaner filters are handled as a hazardous waste. 	<ul style="list-style-type: none"> <input type="checkbox"/> Y <input type="checkbox"/> N 	
Battery & Tire Storage -O&G -Metals	<ul style="list-style-type: none"> • Batteries are stored in a single layer on pallets or shelving with a non-corrosive base, and are properly recycled. • Tires stored outside are covered and properly disposed of. 	<ul style="list-style-type: none"> <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Y <input type="checkbox"/> N 	



ATTACHMENT E

COMPLETED FORMS



ATTACHMENT F
TRAINING RECORDS



ATTACHMENT G

SELF-EVALUATION RECORDS



ATTACHMENT H

ORDINANCES

Zoning Ordinance Section 5.11

Zoning Ordinance Section 2.05

Town Code Article 9-3

Town Code Article 1-8

Town Code Article 10-2

Town Code Article 10-4

Subdivision Ordinance Section 5.02

Subdivision Ordinance Section 5.05

Section 5.11 Land Disturbance Standards

- A. Incorporated by Reference:** The grading standards, cut and fill standards, drainage standards, retaining wall standards and height of structures at graded sites standards shall be governed by the provisions set forth in Article V of the Town of Fountain Hills Subdivision Ordinance, which are incorporated as if fully set forth herein, and a violation of which shall also be deemed a violation of this Section 5.11.

Town of Fountain Hills Zoning Ordinance
Chapter 5

B. Procedural Regulations:

- 1. Plan of Development:** Prior to the issuance of a zoning clearance, a plan of development or grading plan shall be submitted to and approved by the Town Engineering Department, and the Community Development Department. The approval of the plan of development may include reasonable additional requirements as to grading, cut and fill, slope restoration, signs, vehicular ingress and egress, parking, lighting, setbacks of buildings, etc., to the extent that the noted purpose and objectives of this Chapter are maintained and ensured.

- 2. Application Requirements:** In addition to the otherwise noted procedural and information requirements of this provision, all applications for a zoning clearance, subdivision approval, or grading plan approval shall contain the following materials and information:
 - a. Site plan, prepared by an Arizona Registered Land Surveyor or Arizona Registered Civil Engineer with the following information:
 - (1) A topographic survey at least ten (10) feet beyond the exterior property line of the site.
 - (2) Contour interval not exceeding two (2) feet within twenty (20) feet of any proposed improvement and five (5) foot intervals for the remainder of the lot or parcel.
 - (3) Scale of the site plan shall be not less than One (1) inch equals twenty (20) feet. For large-scale projects, the Community Development Director may allow a different scale.
 - (4) If structures are proposed, show cross-sections through site and building at twenty-five (25) foot intervals perpendicular to slope, giving percentage of slope at each and showing exact heights of structures at each existing contour.

Town of Fountain Hills Zoning Ordinance
Chapter 5

- (5) If structures are proposed, each floor level shall be shown with different heading and with a legend giving grade or elevation of each level.
 - (6) If a garage(s) is proposed, give proposed elevation or grade at garage floor and at existing street level at drive entry. Give percentage of total average slope, and percent and length of single steepest portion of driveway.
 - (7) List the individual square footage of buildings, garages, patios, footprint, disturbance area and , if applicable, pool.
 - (8) Shade all disturbed (or graded) areas and show the proposed method of final treatment. Indicate all retaining walls, showing the actual and allowable heights.
 - (9) Show how drainage is altered, and if so, how it is redirected to original channel and show that the requirements regarding storm water runoff and drainage have been met.
 - (10) Show location of all proposed utility lines.
 - (11) Give legal description, property dimensions and heading, along with the name, address, and telephone number of applicant.
- b. Elevations, to be submitted if structures are proposed.
- (1) Show all exterior building elevations, giving accurate existing and proposed grades lines (Scale ¼" – 1'0").
 - (2) Show total height of buildings and give height and square footage of all retaining walls.

Town of Fountain Hills Zoning Ordinance
Chapter 5

3. **Special Use Permit:** A special use permit shall be required for any persons, firm, or corporation to undertake clearing or any work regulated by the International Building Code when not in accordance with a Plan of Development as determined by the Community Development Director.

Town of Fountain Hills Zoning Ordinance
Chapter 2

Section 2.05 Plan Review

- A. Purpose:** The purpose of the plan review is to enable the Community Development Department to make a finding that the proposed development conforms with the intent and provisions of this ordinance and all other Town ordinances. The Department may be assisted in this determination by engineering department, utility companies, fire district, sanitary district, and other appropriate agencies in the form of written staff recommendations or stamps of approval. The provisions of this section shall apply to the permitted, temporary uses, and special uses as specified for each zoning district.
- B. Application for Plan Approval:** A request for plan approval shall be filed with the Community Development Director or designee, on a form prescribed by the Community Development Director. The request for approval shall be accompanied by two (2) identical copies of the plan. Each copy shall be on one or more sheets of paper measuring not more than twenty-four (24) by thirty-six (36) inches, drawn to a scale not smaller than twenty (20) feet to the inch, prepared by an Arizona registered land surveyor or Arizona registered civil engineer which show the following:

Town of Fountain Hills Zoning Ordinance Chapter 2

- 1.** Legal description, property dimensions and heading, along with the name, address and telephone number of the owner, developer and designer.
- 2.** A topographic survey extending at least ten (10) feet beyond the exterior property line of the site. Contour interval shall not exceed two (2) feet within twenty (20) feet of any proposed improvement and five (5) foot intervals for the remainder of the lot or parcel.
- 3.** Scale of the site plan shall be not less than one (1) inch equals twenty (20) feet. For large-scale projects, the Community Development Director may allow a different scale.
- 4.** If structures are proposed, show cross-sections through site and building at twenty-five (25) foot intervals perpendicular to slope, giving percentage of slope at each, and showing exact heights of structures at each existing contour.
- 5.** If structures are proposed, each floor level shall be shown with different shading with a legend giving grade or elevation of each level.
- 6.** If a garage(s) is proposed, give proposed elevation or grade at garage floor and at existing street level at drive entry. Give percentage of total average slope, and percent and length of single steepest portion of driveway.
- 7.** List the individual square footage of buildings, garages, patios, footprint, and disturbance area.
- 8.** Dot in all disturbed (or graded) areas and show the proposed method of final treatment. Indicate all retaining walls, showing the actual heights.
- 9.** Show existing and proposed grades and drainage systems and how drainage is altered, how it is redirected to original channel and show that the requirements regarding storm water runoff and drainage have been met.
- 10.** Size and dimensions of yards and space between buildings.
- 11.** Location and height of walls and fences.

Town of Fountain Hills Zoning Ordinance
Chapter 2

12. Location, number of spaces, dimensions, circulation patterns, and surface materials for all off-street parking and loading areas, driveways, access ways, and pedestrian walkways.
 13. The location, dimensions, area, materials, and lighting of signage.
 14. Location and general nature of lighting.
 15. Street dedications and improvements.
 16. The size and locations of all existing and proposed public and private utilities. All easements must be shown and given in writing.
 17. Natural features such as mesas, rock outcroppings, or streams and manmade features such as existing roads and structures, with indication as to which are to be retained and which are to be removed or altered.
 18. Landscaping, including all surfacing material around buildings and in all open spaces pursuant to the provisions of Article VI of the Fountain Hills Subdivision Ordinance.
 19. A vicinity sketch showing the location of the site in relation to the surrounding street system. Adjacent properties and their uses shall be identified.
 20. Any other information, which the plan reviewer may find necessary to establish compliance with this and other ordinances.
- C. **Special Use Permit:** A special use permit shall be required for any person, firm, or corporation to undertake clearing or any work regulated by Appendix, Chapter 33 of the 1994 Uniform Building Code when not in accordance with a Plan of Development as determined by the Community Development Director.
- D. **Plan of Development:** Prior to the issuance of a zoning clearance, a plan of development or grading plan shall be submitted to and approved by the Town Engineering Department, and the Community Development Department. The approval of the plan of development may include reasonable additional requirements as to grading, cut and fill, slope restoration, signs, vehicular ingress and egress, parking, lighting,

Town of Fountain Hills Zoning Ordinance
Chapter 2

setbacks of buildings, etc., to the extent that the noted purpose and objectives of this Chapter are maintained and ensured.

- E. Exception:** When, in the opinion of the Community Development Director, the nature of the permitted or special use is such that it would be unnecessary or economically unfeasible for the applicant to prepare a plan in accordance with the above requirements, the Community Development Director may waive certain of the above requirements, but in all cases the applicant will be required to prepare and submit a site plan drawn to scale.
- F. Fee:** The application for plan approval shall be accompanied by a filing fee, which shall include engineering plan review time costs, in an amount established by a schedule adopted by resolution of the Council and filed in the offices of the Town Clerk. No part of the filing fee shall be refundable. Payment of the filing fee may be waived when the petitioner is the town, county, state, school district, or federal government.
- G. Review Procedures:**
- 1.** The Community Development Department shall have ten (10) working days from the date of submission of a plan application to review said plan and approve, conditionally approve, request more time or reject said plan based on its compliance with all provisions of this ordinance, all other applicable ordinances, and master plans of the Town of Fountain Hills, and to notify the applicant of the Department's decision in writing. If, however, the Community Development Director wishes to obtain the opinion of the Planning and Zoning Commission, the Director may forward the plan to the Commission for action at its next regular meeting to be held at least seven (7) days after such action. In such case, the Community Development Director must render a decision within five (5) days after Commission action. In the event of denial, the decision shall set forth in detail the reasons for denial, or in the event of conditional approval, the changes or additions which are necessary to make the plan acceptable.
 - 2.** All copies of the approved plan, with any conditions shown thereon or attached thereto, shall be dated and signed by the Community Development Director. One copy of said approved plan and

Town of Fountain Hills Zoning Ordinance
Chapter 2

conditions shall be mailed to the applicant, and one copy shall be filed with the Building Inspector.

H. Appeals: Any applicant for plan approval who is dissatisfied or aggrieved by the decision of the Community Development Director may appeal such decision to the Board of Adjustment by filing a written notice of appeal with the Community Development Department in accordance the procedures outlined in Section 2.04 of this Ordinance.

I. Expiration of Plan Approval:

1. One (1) year after the date of approval, a plan approval becomes void if a building permit has not been issued.
2. If the applicant files for an extension prior to the approval becoming void, an extension may be granted by the approving bodies.

J. Violation and Enforcement:

1. Prior to the issuance of a building permit, the Building Inspector shall ascertain that the Zoning Administrator and other reviewing agencies have approved the plans which are in conformance with those presented with the building permit application and that the time limitations imposed by this ordinance have not elapsed.
2. The Building Inspector shall ensure that all matters are undertaken according to the conditions of the approved plan. In the event of a violation, the Building Inspector shall notify the permittee, by mail or written report that he is in violation of the conditions of the approved plan. If the violation is not cured or a cure is not substantially begun in the opinion of the Building Inspector within ten (10) days after notification, the building permit shall be revoked and shall be null and void.

Article 9-3

WATERCOURSE PRESERVATION AND HABITAT ORDINANCE

Sections:

- 9-3-1 Purpose and Intent**
- 9-3-2 Definitions**
- 9-3-3 Development of Washes**
- 9-3-4 Voter Approval of Development**
- 9-3-5 Restrictions on Transfer or Alienation**
- 9-3-6 Modification, Amendment or Appeal**
- 9-3-7 Severability**

Section 9-3-1 Purpose and Intent

Washes owned by the town are valuable natural resources that contribute to the quality of life for the residents of the town. Such washes assist in natural groundwater recharge, support wildlife habitat and provide natural open space. The washes are an integral part of the town's unique Sonoran Desert heritage. The washes are our legacy to the citizens of the town. These regulations are specifically intended to accomplish the following:

- A. Maintain the natural state of any washes now owned by the town or to be acquired by whatever means by the town.
- B. Provide for natural groundwater recharge.
- C. Provide for wildlife corridors.
- D. Provide open space areas in a natural and unaltered desert environment.

Section 9-3-2 Definitions

- A. "Development" means any human alteration to the natural state of the land including its vegetation, soil, geology or hydrology for any use except flood control, fire control and matters of public safety or emergency, or easement use or maintenance, or maintenance of any existing structure or fixture existing as of the twenty-eighth day of May, 1996.
- B. "Wash" means any natural watercourse as existing on land owned or to be owned by the town including the immediately adjacent banks of any such wash.

Section 9-3-3 Development of Washes

No development of any wash shall occur except by an affirmative vote of town electors in any general election held by the town.

Section 9-3-4 Voter Approval of Development

Any proposed development of any wash, submitted for voter approval, shall be submitted only after comprehensive studies including, but not limited to the following, have occurred and have been made available in their entirety to the public in at least three open meetings, preceded by at least seven days notice, and at least thirty days prior to any general election:

- A. A comprehensive inventory and study of, and impact on all vegetation, wildlife and existing recreational uses to be impacted by any proposed development.
- B. Comprehensive recommendations to mitigate any impact to vegetation, wildlife and existing recreational uses.
- C. All alternatives to such development.
- D. Review and analysis of capital costs of any proposed development, including projections of any maintenance expenses projected out at least five years.

Section 9-3-5 Restrictions on Transfer or Alienation

No sale, swap, trade, lease, transfer or other alienation of any town interest in any wash shall occur without affirmative approval of town electors voting in any town general election.

Section 9-3-6 Modification, Amendment or Appeal

This article shall not be amended, modified or repealed except by affirmative vote of the town electors voting in any general town election.

Section 9-3-7 Severability

Should any section of this article be determined to be void, unlawful or of no effect, the remaining sections shall continue to be fully applicable and shall be deemed to be in full force and effect.

Article 1-8

PENALTY

Sections:

- 1-8-1 General Provisions**
- 1-8-2 Criminal and Civil Traffic Penalty Provisions**
- 1-8-3 Civil Penalty Provisions**

Section 1-8-1 General Provisions

- A. Each day any violation of any provisions of this code or of any ordinance continues shall constitute a separate offense. In all cases where the same offense is made punishable or is created by different clauses or sections of this code the prosecuting officer may elect under which to proceed; but not more than one recovery shall be had against the same person for the same offense; provided, the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.
- B. When two or more persons have liability to the Town or are responsible for a violation of this code, their responsibility shall be joint and several.
- C. Nothing in this Section shall in any way impair or act as a bar to any charges or costs assessed pursuant to Chapter 5 of this code.

(12-02, Added, 03/01/2012)

Section 1-8-2 Criminal and Civil Traffic Penalty Provisions

- A. Any person found guilty of violating any provisions of this code where no specific penalty is provided therefor and no other penalty provision is referenced shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not to exceed two thousand five hundred dollars or by imprisonment for a period not to exceed six months, or by both such fine and imprisonment.
- B. Any violation of or failure or refusal to do or perform any act required by Chapter 12 of this code constitutes a civil traffic violation. Civil traffic violations are subject to the provisions of A.R.S. Title 28, Chapter 6, Articles 20 and 21 and amendments thereto.
- C. Any person who is found or pleads guilty to a misdemeanor criminal offense in the municipal court and who, as a consequence, is incarcerated in any jail facility, may as a part of any sentence imposed by the municipal court, be required to reimburse the Town for any costs of such incarceration charged to the Town by the jail facility in which the person was incarcerated.

(12-02, Amended, 03/01/2012, Prior Section 1-8-1 name: Penalty Provisions ; 12-02, Renumbered, 03/01/2012, Previously numbered 1-8-1)

Section 1-8-3 Civil Penalty Provisions

- A. This Section applies whenever in this code or in any ordinance of the Town any act is prohibited

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or is made or declared to be unlawful or an offense, or whenever in such code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, and where a civil penalty is declared to be applicable.

B. Unless otherwise specified, written notice and/or civil citation may be issued for the failure to do or perform any act required by this code.

C. Notice of Violation.

1. The Town may seek voluntary compliance with the provisions of this code before issuing a civil citation or criminal complaint, as applicable. This shall include a written notice of violation given to the responsible party.
2. A notice of violation may be issued by the Town Manager or authorized designee.
3. The notice of violation shall set forth the nature of the violation, a reference to the sections(s) violated, the action required to come into compliance with the provision of the code, the time period provided to come into compliance, and the person at the Town to contact for further information.
4. The Town shall use reasonable efforts to ensure that notices of violation are received by the responsible party; provided, however, failure of the responsible party to receive a notice of violation shall not preclude the subsequent issuance of a civil citation or criminal complaint, as applicable.
5. Nothing in this Section shall prevent the Town from taking immediate action to protect the public from an imminent hazard to health or safety as otherwise provided by law.

D. Civil Citations.

1. Unless otherwise designated as a criminal offense, if a violation continues past the compliance time set forth in the notice of violation, a civil citation may be issued to the person or entity responsible for the violation.
2. A civil citation may be issued by the Town Manager or authorized designee.
3. The civil citation shall include the date of the violation, a reference to the sections(s) violated and, if applicable, the location of the property or site at issue.
4. The civil citation shall direct the defendant to pay the fine imposed pursuant to subsection 1-8-3(E) below or appear in the Fountain Hills Municipal Court on the date noted on the citation, which date shall not be less than ten days after citation issuance.
5. The civil citation shall provide notice that if the defendant fails to pay the fine or appear in the Fountain Hills Municipal Court as directed, a default judgment will be entered in the amount of the fine designated on the citation for the violation. In addition, a default fee may be imposed for failure to appear.
6. Service of the citation may be accomplished and will be deemed proper and complete by any of the following methods:

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- a. Hand delivering the citation to the defendant. If the defendant is a business, service may be by hand delivery to the business owner, any adult manager of the business, or any adult employee of the business.
- b. Mailing a copy of the citation by certified or registered mail, return receipt requested, to the defendant's last known address. If the defendant is a business, service may be by certified or registered mail, return receipt requested, to the current business address.
- c. Any means allowed by the Arizona Rules of Civil Procedure for the Superior Courts of Arizona.

E. Civil Penalties.

1. A person or entity convicted of a violation of the code pursuant to this Section, unless otherwise specified, shall be punishable by a base fine of not more than \$500.
2. Any defendant who fails to pay the fine or appear in the Fountain Hills Municipal Court as directed by a citation issued pursuant to this Section, or who fails to appear at the time and place set for trial of a matter arising under this Section, shall be subject to an additional default fee in an amount established by the Fountain Hills Municipal Court.
3. Any judgments issued by the Fountain Hills Municipal court shall be subject to all surcharges and fees imposed by state law in addition to the base civil fines required by this Section.
4. Judgments shall be collected in the same manner as any other civil judgment as provided by law.

F. Recidivist Properties/Persons.

1. The recidivist process is designed to provide relief via an expedited enforcement process for problems with persons or entities who repeatedly violate any provision of this code or Town ordinance and who have demonstrated an unwillingness to comply with this Section 1-8-3. Any violation of this chapter, whether initially deemed civil or criminal in nature, which is committed by a person deemed a recidivist as set forth in Subsection 1-8-3(F)(2) below, shall be deemed a misdemeanor and shall be addressed as set forth in Subsection 1-8-2(A) above.
2. A person or entity shall be deemed a "recidivist" if such person or entity has been issued a notice of violation and/or civil citation, and/or criminal charges filed for two or more times within the last two-year period relating to violations of the same provisions of this code.
3. To address frequently occurring violations on recidivist parties or entities, the Town Manager or authorized designee may initiate non-complaint based inspections/code enforcement on recidivist parties or entities after case resolution to check for a recurrence of the same violation(s).
4. Cases for which the persons or entities involved have been designated a recidivist shall be submitted to the Town Prosecutor for further action consistent with this chapter.

G. The penalties set forth in this Section shall be in addition to any penalty, fine, fee assessment or surcharge that may be assessed pursuant to state law.

(15-01, Amended, 03/19/2015; 12-02, Added, 03/01/2012)

Article 10-2

LITTER; NUISANCES

Sections:

- 10-2-1 Definitions**
- 10-2-2 Public Nuisances Defined**
- 10-2-3 Litter in Public Places; Construction Debris**
- 10-2-4 Depositing Litter in Gutters**
- 10-2-5 Litter Thrown from Vehicles**
- 10-2-6 Littering from Trucks**
- 10-2-7 Littering in Parks**
- 10-2-8 Deposit of Commercial Handbills on Public Property**
- 10-2-9 Handbills: Commercial and Non-Commercial**
- 10-2-10 Dropping Litter from Aircraft**
- 10-2-11 Deposit of Litter on Occupied Private Property**
- 10-2-12 Maintenance of Litter-Free Premises**
- 10-2-13 Vacant Lots**
- 10-2-14 Business Establishments - Receptacles**
- 10-2-15 Unsightly Premises**
- 10-2-16 Maintenance of Pools, Spas and Similar Water Features**
- 10-2-17 Abatement of Nuisances**
- 10-2-18 Penalties**

Section 10-2-1 Definitions

In this article, unless the context otherwise requires:

- A. "Aircraft" means any contrivance now known or hereafter invented, used or designed for navigation or for flight in the air, and includes, but is not limited to, helicopters and lighter-than-air dirigibles and balloons.
- B. "Animal" means any and all types of animals, both domestic and wild, male and female, singular and plural.
- C. "Authorized private receptacle" means a litter storage and collection receptacle as required and authorized in this article.
- D. "Commercial Handbill" means any printed or written matter, any sample or device, circular, leaflet, pamphlet, paper, booklet, or any other printed, or otherwise reproduced original or copies of any matter or literature:
 - 1. Which is not defined as in this chapter as either a newspaper or a non-commercial handbill; and
 - 2. Which advertises for sale any merchandise, product, commodity, or thing; or
 - 3. Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interests thereof by sales; or

4. Which directs attention to or advertises any meeting, theatrical performance, exhibition, or event of any kind, for which an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition, or event of any kind, when in either of the same is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good order. Nothing contained in this clause shall be derived to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition, or event of any kind without a license, where such license is or may be required by any law of this state, or under any ordinance of this town; or
 5. Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes, or for the private benefit and gain of any person so engaged as advertiser or distributor.
- E. "Fowl" means any and all fowl, domesticated and wild, male and female, singular and plural.
- F. "Garbage" means putrescible animal and vegetable wastes, resulting from the handling, preparation, cooking and consumption of food.
- G. "Litter" means garbage, refuse and rubbish and all other waste material which, if thrown or deposited in a manner prohibited by this article, tends to create a danger to public health, safety and welfare, and includes, but not by way of limitation, paper and metal, such as containers or cans.
- H. "Major repair" means the removal from any vehicle of a major portion thereof, including, but not limited to, the differential, transmission, head, engine block or oil pan.
- I. "Newspaper" means a publication regularly issued for dissemination of current news, matters of general interest and local happenings at stated short intervals of time whether such publication is distributed by paid subscription or for free. Such publication shall be from a known office of publication and shall bear the dates of issue and shall be numbered consecutively.
- J. "Non-commercial handbill" means any printed or written matter, any sample or device, circular, leaflet, pamphlet, magazine paper booklet, or any other printed or otherwise reproduced original or copies of any matter or literature not included in the definitions of a commercial handbill or a newspaper.
- K. "Park" means a park, reservation, playground, recreation center or any other public area in the town owned or used by the town and devoted to public recreation.
- L. "Private premises" means any dwelling, house, building or other structure designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and includes but is not limited to any yard, grounds, walk, driveway, porch, steps, vestibule or mail box belonging or appurtenant to such dwelling, house, building or other structure.
- M. "Public place" means any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds and buildings.
- N. "Refuse" means all putrescible and non-putrescible solid wastes, except body wastes, including

garbage, rubbish, ashes, street cleanings, dead animals, abandoned, wrecked or junked vehicles or parts thereof and solid market and industrial wastes.

- O. "Rubbish" means non-putrescible solid wastes consisting of both combustible and non-combustible wastes, such as paper, wrappings, cigarettes, cardboard, metal cans, yard clippings, leaves, metal, wood, glass, bedding, crockery and similar materials.
- P. "Streets or road" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel, and includes the whole right-of-way of the public entity maintaining said way, whether such right-of-way is paved or not.
- Q. "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks, except for a device propelled solely by human power.

(98-01, Amended, 01/15/1998)

Section 10-2-2 Public Nuisances Defined

The following specific acts, omissions, conditions and things in or upon any private lot, building, structure or premises, or in or upon any public right-of-way, streets, avenue, alley, park, parkway or other public or private place in the town are hereby declared to be public nuisances, to wit:

- A. Privies, vaults, cesspools, sumps, pits or like places which are not securely protected from insects or rodents, or which are foul or malodorous, or which are not securely closed and protected or, if necessary, illuminated so as to prevent persons or objects from falling therein.
- B. Filthy, littered or trash-covered exterior areas, including all buildings and structures thereon and areas adjacent thereto.
- C. Animal manure in any quantity which is not securely protected from insects and the elements, or which is kept or handled in violation of any ordinance of the town or Maricopa County; provided, however, that nothing in this subsection shall be deemed to prohibit the utilization of such animal manure on any farm, garden or ranch in such a manner and for such purposes as are compatible with customary methods of good husbandry.
- D. Poison oak, poison ivy, or any noxious or toxic weeds or uncultivated plants (whether growing or otherwise), weeds, tall grass, uncultivated shrubs or growth higher than 24 inches or which present a fire hazard.
- E. Accumulations of bottles, glass, cans, ashes, small pieces of scrap iron, wire metal articles, bric-a-brac, broken stone or cement, broken crockery, broken glass, broken plaster and all other trash and abandoned material, unless the same be kept in covered bins or metal receptacles approved by this code or any town ordinance.
- F. Accumulations of trash, litter, rags, empty barrels, boxes, crates, packing cases, mattresses, bedding excelsior, packing straw, packing hay, or other packing material, lumber, scrap iron, tin, and other metal, or anything whatsoever in which insects may breed or multiply or which provides harborage for rodents or which may create a fire hazard.

- G. Any unsightly and dangerous building, billboard or other structure, or any old abandoned or partially destroyed building or structure, or any building or structure commenced and abandoned.
- H. All places used or maintained as junk yards or dumping grounds, or for the wrecking, disassembling, repair or rebuilding of automobiles, trucks, tractors or machinery of any kind, or for the storing or leaving of worn out, wrecked or abandoned automobiles, trucks, tractors or machinery of any kind or of any of the parts thereof, or for the storing or leaving of any machinery or equipment used by contractors or builders or by other persons, which said places are kept or maintained so as to interfere with the comfortable enjoyment or the quality of life or property by and of others; provided, however, that nothing contained in this subsection shall be deemed to prohibit any automobile wrecking yard or other junk yard where the same is otherwise permitted by the town zoning ordinance and amendments thereto, which is operated in conformity therewith.
- I. Any putrid, unsound or unwholesome bones, meat, hides, skins, or the whole or any part of any dead animal, fish or fowl, butcher's trimmings and offal, or any waste vegetable or animal matter in any quantity, garbage, human excreta, sewage or other offensive substances accumulated on private or public property; provided, however, nothing herein contained shall prevent the temporary retention of waste in receptacles in the manner provided by a county health officer, this code or ordinance of the town.
- J. The erection, continuance or use of any building, room or other place in said town for the exercise of any trade, employment or manufacture which, by noxious exhalations, including, but not limited to, smoke, soot, dust, fumes or other gases, offensive odors or other annoyances, which is discomforting or offensive or detrimental to the health of individuals or of the public, except for normal exhalation or smoke produced by normal heating devices.
- K. Causing, allowing or permitting any artificial illumination of such intensity as to interfere substantially and unnecessarily with the use and enjoyment of public or private property by any considerable number of people, or with the lawful use of any school, public place or public street, or with any governmental or public function of the town, or as to constitute a hazard or threat to the public health, safety and welfare of the people of the town; provided, this subsection shall not apply where the person responsible for said artificial illumination is authorized by the town manager, any school within the town, this code or any ordinance of the town.
- L. Burning of refuse. No outside burning is allowed.
- M. Any unguarded or abandoned excavation, pit, well or hole dangerous, injurious or harmful to life or property.
- N. To leave or permit to remain outside of any dwelling, building or other structure, or within any unoccupied or abandoned building, dwelling or other structure under the control of any person and in a place accessible to children, any abandoned, unattended or discarded icebox, refrigerator or other container which has an airtight door or lid, snap lock or other locking device which may not be released from the inside, without first removing said door or lid, snap lock or other locking device from said icebox, refrigerator or container.
- O. The doing of any act, or omitting to perform a duty, or suffering or permitting any condition or thing to be or exist, which act, omission, condition or other thing either:
 - 1. Unlawfully interferes with, obstructs or tends to obstruct or renders dangerous the free

passage or use, in the customary manner, of any stream, public park, parkway, square, sidewalk, street or highway in the town and is no less a nuisance because the extent of the annoyance or damage inflicted is unequal.

2. Obstructs the free use of property so as to essentially interfere with the comfortable enjoyment of life and property by an entire community or neighborhood or by a considerable number of persons.
- P. To leave or permit to remain overnight in the front yard of any private premises, construction equipment whether free standing or on one or more axles; or to store overnight in the front yard of any private premises, any building materials whether free standing or on pallets or skids, when such equipment or materials are not for use at the premises or stored pursuant to a valid and current building permit issued by the town for work at that premises. Equipment and materials may be stored in the side yard area of any private premises so long as they are screened from public view by a wall, fence or other permitted screen.
- Q. To allow any swimming or architectural pool, spa, pond, fountain or similar water feature located on real property within the Town to remain or be maintained in a condition that poses a health or safety hazard, harbors insect infestation or creates a visible deteriorated or blighted appearance including, without limitation, a stagnant or unfiltered condition.

(Ordinance 07-08, Amended, 08/02/2007, text added)

Section 10-2-3 Litter in Public Places; Construction Debris

- A. No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the town except in public receptacles, or in authorized private receptacles for collection.
- B. Construction debris shall not remain uncontained for more than twenty-four hours and shall be contained at all times upon the premises.

Section 10-2-4 Depositing Litter in Gutters

No person shall sweep into or deposit in any gutter, street or other public place within the town the accumulation of litter from any public or private sidewalk or driveway or any building or lot. Persons owning or occupying property or places of business shall keep the sidewalk and parkway in front of their premise free of litter.

Section 10-2-5 Litter Thrown from Vehicles

No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the town, or upon private property.

Section 10-2-6 Littering from Trucks

No person shall drive or move any truck or other vehicle within the town unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any

street, alley or other public place.

Section 10-2-7 Littering in Parks

No person shall throw or deposit litter in any park within the town except in public receptacles and in such manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or public place. Where public receptacles are not provided, all litter shall be carried away from the park by the person responsible for its presence and properly disposed of.

Section 10-2-8 Deposit of Commercial Handbills on Public Property

No person shall throw or deposit any commercial or non-commercial handbill in or upon any sidewalk, street or other public place within the town, nor shall any person hand out or distribute or sell any commercial handbill in any public place, but nothing in this section shall be deemed to prohibit any person from handing out or distributing on any sidewalk, street or other place within the town, without charge to the receiver thereof, any non-commercial handbill to any person willing to accept it.

Section 10-2-9 Handbills: Commercial and Non-Commercial

- A. No person shall throw or deposit any commercial or non-commercial handbill in or upon any vehicle, but it is not unlawful on any public place for a person to hand out or distribute without charge to the receiver thereof, a non-commercial handbill to any occupant of a vehicle who is willing to accept it.
- B. No person shall throw or deposit any commercial or non-commercial handbill in or upon any private premises which are known, or should be known, to such person to be temporarily or continuously uninhabited or vacant.
- C. No person shall throw, deposit or distribute any commercial or non-commercial handbill upon any private premises, if requested by anyone thereon not to do so, or if there is placed on the premises in a conspicuous position near the entrance thereof, a sign bearing the words "No Trespassing", "No Peddlers or Agents", "No Advertisement", or any similar notice, indicating in any manner that the occupants of said premises do not desire to be molested or have their right of privacy disturbed, or to have any handbill left upon such premises.
- D. No person shall throw, deposit or distribute any commercial or non-commercial handbill in or upon private premises which are inhabited unless the handbill is so placed or deposited as to secure or prevent the handbill from being blown or drifted about the premises or sidewalks, streets or other public places, and except that mailboxes may not be so used when so prohibited by federal postal law or regulations. The provisions of this section shall not apply to the distribution of mail by the United States nor of newspapers as defined by this article.
- E. No person shall throw, deposit or distribute any commercial handbill in or upon private premises which are inhabited except upon the acceptance thereof, or the express consent therefor, by an occupant of such premises.

Section 10-2-10 Dropping Litter from Aircraft

No person in any aircraft shall throw out, drop or deposit within the town any litter, handbill or any other object.

Section 10-2-11 Deposit of Litter on Occupied Private Property

No person shall throw or deposit litter on any occupied private property within the town, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property.

Section 10-2-12 Maintenance of Litter-Free Premises

The owner or person in control of any private property shall at all times maintain the premises free of litter; but this section shall not prohibit the storage of litter in authorized private receptacles for collection, or within any building when not in violation of any health, fire, building or any other regulation, ordinance, order or statute.

Section 10-2-13 Vacant Lots

No person shall throw or deposit litter on any open or vacant private property within the town whether owned by such person or not.

Section 10-2-14 Business Establishments - Receptacles

No person occupying or employed in any business establishment shall deposit any litter in any receptacle, unless such receptacle shall be provided with a lid of sufficient weight to prevent the escape of any litter from the receptacle. This provision shall not apply to boxes, either postboard or wooden, not less than six inches square in size, provided a receptacle shall be provided of sufficient size to prevent any such boxes from being carried or deposited by the elements upon any street, alley or other public place.

Section 10-2-15 Unsightly Premises

Every person owning, managing, or having charge, control or occupancy of any real property in the town shall not allow any part of such property visible from the street or adjoining premises to become so unsightly or untidy as to substantially detract from the appearance of the immediate neighborhood or tend to threaten the safety and welfare of the immediate neighborhood.

Section 10-2-16 Maintenance of Pools, Spas and Similar Water Features

A. It shall be the unlawful for any person owning, managing, or having charge, control or occupancy

of any real property in the town to allow any swimming or architectural pool, spa, pond, fountain or similar water feature located on such real property to remain or be maintained in a condition that poses a health or safety hazard, harbors insect infestation or creates a visible deteriorated or blighted appearance including, without limitation, a stagnant or unfiltered condition.

- B. All such pools, spas, ponds, fountains and similar water features shall be maintained to prevent bacterial growth, algae formation, debris accumulation and noxious odors.
- C. For the purposes of this section, the term "architectural" shall mean a constructed or excavated exterior area designed to hold water on a continuous basis other than for swimming, diving or bathing purposes.
- D. Emergency Abatement.
 - 1. For the purposes of this subsection, "imminent hazard" shall mean a condition existing upon any real property, whether within or without a building that, if left un-mitigated, would cause a reasonable person to believe that such condition presents an immediate threat to life, health or public safety.
 - 2. If a condition exists that would cause a violation of Section 10-2-16 of this chapter and such condition presents an imminent hazard to life, health or public safety, the Town may initiate an emergency abatement procedure as set forth below:
 - a. The Town shall notify, in writing, the owner, the owner's authorized agent, the owner's statutory agent, an occupant or the person responsible for the real property upon which the violation exists to correct the violation within 24 hours of receipt of such notice. The notice shall specify that, if the responsible party does not correct the violation within 24 hours of receipt of the notice, the Town may abate the violation and charge the cost of such abatement, plus reasonable administrative costs, to the property owner. Notice shall be deemed proper by any of the following methods:
 - (1) By hand delivering a copy of the notice to the owner, the owner's authorized agent, the owner's statutory agent, an occupant, lessee and/or person responsible for the violation, which notice shall be deemed given on the date that the notice is so delivered.
 - (2) By mailing of a copy of the notice, via US Mail (certified, return receipt requested) to the owner, the owner's authorized agent, the owner's statutory agent, an occupant, lessee and/or person responsible for the violation at the last known address, which notice shall be deemed given three days after such notice is deposited in the US Mail.
 - (3) By prominently posting a copy of the notice on the property, which notice is deemed given on the date of such posting.
 - b. The Town Manager or authorized designee may, at any time after the

condition creating the imminent hazard has been identified, and only after attempting to make contact with the occupants of the real property upon which the imminent hazard exists, enter upon the real property for the sole purpose of placing devices or chemicals to prevent insect breeding until such time as the imminent hazard may be fully abated.

3. When any such person to whom notice, as aforesaid, has been given, and on or before the date of compliance on the notice, fails, neglects or refuses to abate from such property the condition causing the imminent hazard, the Town Manager or designee is authorized and directed to cause same to be abated at the expense of the owner or person controlling such property. Upon completion of the work, the Town Manager or designee shall prepare a verified statement of account of the actual cost of such abatement, the date the work was completed, and the street address and the legal description of the property on which said work was done, including five percent for additional inspection and other incidental costs in connection therewith. The verified statement shall be personally served on the owner or person controlling such property, in the manner provided in Rule 4(d) of the Arizona Rules of Civil Procedure, or mailed to the owner or person controlling such property at his last known address by certified or registered mail, or the address to which the tax bill for the property was last mailed. If the owner does not reside on such property, a duplicate notice shall also be sent to him by certified or registered mail at his last known address. The owner or person controlling such property shall have 30 days from the date of service to appeal in writing to the Council from the amount of the assessment as contained in the verified statement. If an appeal is not filed with the Town Clerk within such 30-day period, then the amount of the assessment as determined by the Town Manager or designee shall become final and binding. If an appeal is taken, the Council shall, not later than its second regular meeting following receipt of such appeal notice, hear and determine the appeal. The Council may affirm the amount of the assessment, modify the amount thereof, or determine that no assessment at all shall be made. The decision of the Council shall be final and binding on all persons.
4. If no appeal is taken from the amount of the assessment described in subsection 3 above, or if an appeal is taken and the Council has affirmed or modified the amount of the assessment, the original assessment or the assessment as so modified, shall be recorded in the office of the Maricopa County recorder and, from the date of its recording, shall be a lien on said lot or tract of land until paid. Such liens shall be prior and superior to all other liens, obligations, mortgages or other encumbrances, except liens for general taxes. A sale of the property to satisfy a lien obtained under the provisions of this section shall be made upon judgment of foreclosure or order of sale. The Town shall have the right to bring an action to enforce the lien in the superior court at any time after the recording of the assessment, but failure to enforce the lien by such action shall not affect its validity. The recorded assessment shall be prima facie evidence of the truth of all matters recited therein and of the regularity of all proceedings prior to the recording thereof. A prior assessment for the purposes provided in this section shall not be a bar to a subsequent assessment or assessments for such purposes, and any number of liens on the same lot or tract of land may be enforced in the same action.

(Ordinance 07-08, Amended, 08/02/2007, text added; 06-21, Added, 08/17/2006)

Section 10-2-17 Abatement of Nuisances

A public nuisance committed under this article may be abated (A) as set forth herein, (B) as set forth in Article 10-4 of this Code or (C) by any other means provided by law.

(Ordinance 07-08, Amended, 08/02/2007; 06-21, Renumbered, 08/17/2006)

Section 10-2-18 Penalties

Any person, whether as principal, owner, agent, tenant, employee or otherwise who maintains a nuisance upon any property within the town, violates any provision of this article, or fails to comply with any provision of this article, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punishable as provided in Article 1-8 of this code. The conviction of any person hereunder shall not relieve such person from the responsibility to correct such violation, nor prevent the enforcement, correction or removal thereof in any manner authorized by law. Every day that a nuisance is permitted to exist, or caused to continue to exist under this article shall be deemed a separate violation.

(06-21, Renumbered, 08/17/2006)

Article 10-4

REMOVAL OF LITTER

Sections:

- 10-4-1 Notice to Remove**
- 10-4-2 Service of Notice**
- 10-4-3 Appeal to Town Council**
- 10-4-4 Removal by Town**
- 10-4-5 Lien for Removal**
- 10-4-6 Placement of Debris**
- Section 10-4-1 Notice to Remove**

To compel the removal of litter through the provisions of this section and of Sections 10-4-2 through 10-4-5, if a person owning and/or controlling any property fails, neglects or refuses to remove or properly dispose of litter, located on property owned and/or controlled by such person, both the owner of the property and the person who is in control of the property shall be given written notice by the clerk to remove all litter from such property within thirty days from the date the notice was received by the owner and/or person in control of the property, and prior to the date of compliance on the notice. Such notice shall be received not less than thirty days before the date set thereon for compliance and shall contain an estimate of the cost of removal by the town, a statement that unless the person owning and/or controlling such property complies therewith within thirty days from the date such written notice is received that the town will, at the expense of both the person owning and the person controlling said property, perform the necessary work at a cost not to exceed the estimate given in the notice, and that the owner and/or the controller of the property may appeal in writing to the clerk within thirty days from the date the notice is received by him and prior to the date of compliance.

Section 10-4-2 Service of Notice

Notice shall be personally served on the owner or person controlling such property, by a police officer of the town in the manner provided in Rule 4(d) of the Arizona Rules of Civil Procedure, or mailed to the owner or person controlling such property at his last known address by certified or registered mail, or the address to which the tax bill for the property was last mailed. If the owner does not reside on such property, a duplicate notice shall also be sent to him by certified or registered mail at his last known address.

Section 10-4-3 Appeal to Town Council

Prior to the date set for compliance on the notice, the owner or person controlling such property may appeal in writing to the town council from the demand of the notice. The town council shall hear and determine the same and the decision of the town council shall be final. The town council may either affirm or reverse the decision or modify the scope of the work as required in the notice.

Section 10-4-4 Removal by Town

When any such person to whom notice, as aforesaid, has been given, and on or before the date of compliance on the notice, or within such further time as may have been granted by the council on appeal, fails, neglects or refuses to move from such property any or all litter, the clerk is authorized and directed to cause same to be removed and disposed of at the expense of the owner or person controlling such property. Upon completion of the work, the clerk shall prepare a verified statement of account of the actual cost of such removal or abatement, the date the work was completed, and the street address and the legal description of the property on which said work was done, including five percent for additional inspection and other incidental costs in connection therewith, and shall serve a duplicate copy of such verified statement upon the person owning or controlling such property in the manner prescribed in Section 10-4-2. The owner or person controlling such property shall have thirty days from the date of service upon him to appeal in writing to the council from the amount of the assessment as contained in the verified statement. If an appeal is not filed with the clerk within such thirty day period, then the amount of the assessment as determined by the manager shall become final and binding. If an appeal is taken, the council shall, at its next regular meeting, hear and determine the appeal and may affirm the amount of the assessment, modify the amount thereof, or determine that no assessment at all shall be made. The decision of the council shall be final and binding on all persons.

Section 10-4-5 Lien for Removal

If no appeal is taken from the amount of the assessment, or if an appeal is taken and the council has affirmed or modified the amount of the assessment, the original assessment or the assessment as so modified shall be recorded in the office of the county recorder and, from the date of its recording, shall be a lien on said lot or tract of land until paid. Such liens shall be prior and superior to all other liens, obligations, mortgages or other encumbrances, except liens for general taxes. A sale of the property to satisfy a lien obtained under the provisions of this section shall be made upon judgment of foreclosure or order of sale. The town shall have the right to bring an action to enforce the lien in the superior court at any time after the recording of the assessment, but failure to enforce the lien by such action shall not affect its validity. The recorded assessment shall be prima facie evidence of the truth of all matters recited therein and of the regularity of all proceedings prior to the recording thereof. A prior assessment for the purposes provided in this section shall not be a bar to a subsequent assessment or assessments for such purposes, and any number of liens on the same lot or tract of land may be enforced in the same action.

Section 10-4-6 Placement of Debris

It is unlawful for any person, firm or corporation to place any rubbish, trash, filth or debris upon any private or public property not owned or under the control of said person, firm or corporation and, in addition to any fine which may be imposed for a violation of any provision of this section, shall be liable for all costs which may be assessed pursuant to this article for the removal of said rubbish, trash, filth or debris.

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Section 5.02 Subdivision Grading Standards

- A. Grading Permits:** Prior to the issuance of a zoning clearance or a grading permit, no person shall cause or permit any clearing or grading on, or to, any site other than soil tests conducted on a parcel of land 100 square feet maximum in size. Any brushing, clearing, or grading in all zoning districts, on any vacant lots, or on developed lots in non-disturbance areas as set forth in this Article or Hillside Protection Easements, shall require a grading permit and shall be preapproved by the Fire Marshal or authorized representative. In no case shall any brushing, clearing, or grading extend further than a defensible space which shall be defined as, and shall be limited to, a band of land measured horizontally up to a maximum of 30 feet from any structure. Any cacti, shrub or plant in the defensible space shall not be removed unless identified as dead by the Fire Marshal.

Dead trees in the defensible space shall be removed. Live vegetation beneath trees within the defensible space shall not be removed, but should be maintained at a height that will deter its functioning as a “ladder” for fire to travel from the ground vegetation into the tree crown. Live vegetation within the defensible space shall have all dead material removed and should be thinned and pruned to reduce fire intensity and rate of spread. Owners of vacant lots shall provide a defensible space from an adjoining property owner’s structure per written recommendations determined from an on-site inspection from the Fire Marshall or authorized designee. Any clearing for a defensible space that extends into a non-disturbance area or into a Hillside Protection Easement area is prohibited without prior written authorization from the Fire Marshal or authorized designee after an on-site inspection of the area. Any clearing of a vacant lot is prohibited unless the clearing is for a defensible space to an adjoining structure as outlined previously in this subsection. Elimination of wildlife habitat for protected species is prohibited. A person found guilty of

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violating the provisions of this Subsection 5.02.A shall be subject to the penalties established in Subsection 5.02.B.11.d of this article.

B. Grading Standards: Unless exempt pursuant to Subsection 5.02.C of this Article, the following grading standards shall apply to all property within the corporate limits of the Town.

1. **Residential Property:** The area permitted to be disturbed on any platted residential land is unlimited on terrain sloping less than 20%. Terrain containing slopes equal to or exceeding 20% is limited to 40% disturbance, as set forth in Subsection 5.04.A of this Article.

a. When the subdivider has granted a Hillside Protection Easement(s) and/or has donated undisturbed hillside land to the Town or to a Town-approved land preservation organization in an amount necessary to satisfy the hillside protection requirements of this Ordinance, all areas outside of the Hillside Protection Easement(s) and/or preservation lands may be disturbed.

b. When no preservation measures have taken place in the platting process, the disturbance allowance shall be in accordance with the grading limitations of Subsection 5.04.A of this Article.

c. If a residual area remains after computing the allowed area of disturbance of a lot or parcel, and any of the following conditions apply, the Town Manager or authorized designee may allow the property owner to disturb all or a portion of residual area under any of the following circumstances:

1. The residual area of the lot or parcel was previously disturbed during subdivision construction.

2. There are no rock outcrops, significant topographic features or significant native vegetation to be preserved.

3. All adjacent property owners were permitted to disturb property adjacent to the residual area.

d. There shall be no waiver by the Town Manager or authorized designee, for disturbance of residual area that:

1. Contains rock outcrops, significant topographical features, significant native vegetation; or

2. Abuts land dedicated in any form as non-disturbance or open space, such as wash parcels, native open space tracts, Hillside Protection Easement(s), or other non-disturbance areas on privately owned land.

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2. **Grading of All Un-platted Land, Regardless of the Base Zoning District:** The area permitted to be disturbed for all un-platted land is unlimited on terrain sloping less than 20%. The area permitted to be disturbed on slopes equal to or exceeding 20% is set forth in Subsection 5.04.A of this Article.
3. **Grading for Non-Residential Structures in Residential Zoning Districts:** The limitations on grading area for non-residential structures in residential zoning districts as specified in Subsections 5.02.B.1 through 5.02.B.2 of this Article, may be waived by the Town Council.
4. **Grading for Parks and Golf Courses:** The limitations on disturbance as specified in this Article (including area of disturbance as well as height and retention of cut and fill) may be waived by the Town Council for the development of a park, a golf course, trails or other recreational development that does not entail a building or buildings as the primary purpose of the development.
5. **Grading for Utility Lines:** With the exception of power lines capable of carrying 69kv or more of voltage, utility lines shall be located underground. Utilities must be located within allowed disturbance areas as outlined in Subsection 5.04.B.1.b of this Article.
6. **Road Grading:** Grading for roads is subject to the cut and fill limitations of this Article. These limitations may be waived by the Town Council.
7. **Total Disturbance:** All grading, including subdivision improvement grading, and/or disturbance performed subsequent to September 20, 1991 is considered to be cumulative under this Article.
8. **Disturbance Limit Fencing:** Prior to the issuance of a building or grading permit, and prior to any disturbance activities, a six foot high imbedded chain-link fence shall be installed on the disturbance limit line as identified on the approved site plan for the site. The disturbance limit boundary shall be established and staked by an Arizona-registered land surveyor. No disturbance limit fencing shall be located outside of the surveyor's staked area. Appropriate warning signs in English and Spanish shall also be posted at least every 100 linear feet on the required fencing. The Town Manager or authorized designee shall inspect the fence, signage, and surveyor's staking to insure its proper location and construction prior to the issuance of the building/grading permit for the site. Such fencing and signage shall be maintained in place throughout the grading/construction process and shall only be removed after a final inspection or Certificate of Occupancy has been issued by the Town. These regulations may be waived by the Town Manager or authorized designee if 100% of the lot on which the construction activity is permitted has been graded or disturbed as part of an approved subdivision grading permit.

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9. **Disturbance Buffers:**

- a. It is recommended that all proposed non-disturbance areas or Hillside Protection Easements be located not closer than:
 - 1. Eight feet from any building.
 - 2. Five feet from the outside face of any retaining wall where the retaining wall is supporting a fill slope.
 - 3. One foot from the “day lighted” top of a maximum one to one cut slope, the toe of such slope beginning at the bottom of the outside edge of the footing for any retaining wall where the retaining wall is supporting a cut slope.
 - 4. Three feet from the outside face of any other wall or fence or the edge of any fill grading.
 - 5. One foot from the edge of any cut grading.
 - 6. Ten feet from any sewer lateral, or five feet from the edge of any utility line trench, whichever is greater.

- b. If disturbance does take place within a non-disturbance area or within a Hillside Protection Easement, all construction and grading activity on the site shall stop, pursuant to a Town-issued stop work order. The stop work order shall remain effective until the property owner and the property owner’s authorized representatives, either jointly or severally, do all of the following:
 - 1. Provides the Town with a revised site plan prepared by an Arizona-registered land surveyor that accurately depicts the area and size, in square feet, of the disturbance into the non-disturbance area(s) or Hillside Protection Easement area(s).
 - 2. Provides the Town with re-vegetation and irrigation plans prepared by an Arizona-registered landscape architect for the non-disturbance or Hillside Protection Easement area(s) disturbed.
 - 3. Causes the non-disturbance area(s) or Hillside Protection Easement Area(s) to be re-vegetated and irrigated according to the submitted and approved re-vegetation and irrigation plans.
 - 4. Pays to the Town a fee, in an amount determined by the Town Manager or designee, per square foot of disturbance that occurred within the non-disturbance areas or Hillside Protection Easements on the property.

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10. **Columbaria Disturbance Exemptions by Special Use Permit:** The development of columbaria, including any accompanying features such as walkways, may be exempted from the regulations of this Subsection 5.02.B by Special Use Permit pursuant to Section 2.02 of the Town Zoning Ordinance, if all of the following conditions exist:
 - a. The columbaria is an accessory use to a church.
 - b. The columbaria and any accompanying features shall be designed to minimally alter the existing topography and vegetation.
 - c. The columbaria and any accompanying features shall be designed so that any Natural Features are not disturbed.
 - d. The building area of the columbaria shall not exceed 10% of the total building area of the church buildings.
 - e. A landscape plan prepared and stamped by an Arizona-registered landscaping architect, which plan meets the applicable landscaping regulations of Article VI, Section 6.05 of this Ordinance, is submitted and approved by the Town Manager or authorized designee.

11. **Pad Elevation and Building Location Certifications:** Prior to the approval of any building stem wall inspection or a pre-slab inspection, whichever occurs first, the property owner or his/her designee shall provide the Town with a certification statement that is prepared, stamped and signed by an Arizona-registered land surveyor, that certifies the finished floor elevation(s) and the horizontal location of the building. Pad elevations and building locations must be accurate to 1/10th of a foot as compared to the approved site plan or an amended site plan. The requirements in this subsection may be waived at the discretion of the Town Engineer.

12. **Stabilization of Slopes:** Slope stabilization is required as set forth in the Town's most recently adopted version of the International Building Code, as amended.

13. **Pre-Grading:** A grading or building permit shall not be conditioned on altering, modifying or not utilizing existing grading, if the existing grading work was completed in conformance with valid permits, and does not present a threat or danger to the proposed development or neighboring properties. This provision does not prevent the Town Engineer from requiring necessary documentation of site suitability to assure soil stability, compaction, and other geotechnical purposes.

Fountain Hills Subdivision Ordinance
ARTICLE 5

14. **Restoration of Graded Surfaces:**

- a. Vegetation shall be reestablished on all exposed fill slopes, cut slopes, utility lines, driveway(s), and graded surfaces, except for cosmetic landscaping abutting buildings in accordance with the standards established in Article VI of this Ordinance. Newly exposed rock faces shall be stained to match adjacent areas of the lot.
- b. A re-vegetation plan shall be submitted with and approved as part of the landscape plans for the lot or parcel disturbed. The re-vegetation process shall be completed prior to the final approval by the Town Manager or authorized designee, unless a specific exemption is granted by the Town Manager or authorized designee. Grading and other improvements for drainage and erosion control purposes shall also be completed and re-vegetated/landscaped prior to final inspection.

15. **Dust Control:** During all grading, and until re-vegetation or site restoration is completed, dust should be minimized by application of approved dust control methods.

C. **Exemptions:**

1. Lots used for governmental purposes and owned by utility companies that are regulated by the Arizona Corporation Commission, and lots owned by other political subdivisions of the State or Federal government, are exempt from the hillside disturbance limitations of Sections 5.02 and 5.04.
2. A 20' wide band of primary driveway access (measured from the back of curb to the nearest point of intersection with any portion of the house, the garage door or a carport or covered driveway, if any) is excluded from the hillside disturbance limitations.
3. A 10' wide utility trench exemption may be allowed, subject to written confirmation of the requirement from the utility company stating that the trench must be outside the driveway access exemption. Such exempted area must be re-vegetated in accordance with subsection 5.02(B)(14).
4. Single-Family Residential lots zoned R1-6, R1-6A, R1-8, R1-8A, R1-10 and R1-10A shall be 100% disturbable and exempt from the hillside disturbance limitations.
5. Non-residential property in Commercial or Industrial zoning districts shall be 100% disturbable and exempt from the hillside disturbance limitations.

Fountain Hills Subdivision Ordinance
ARTICLE 5

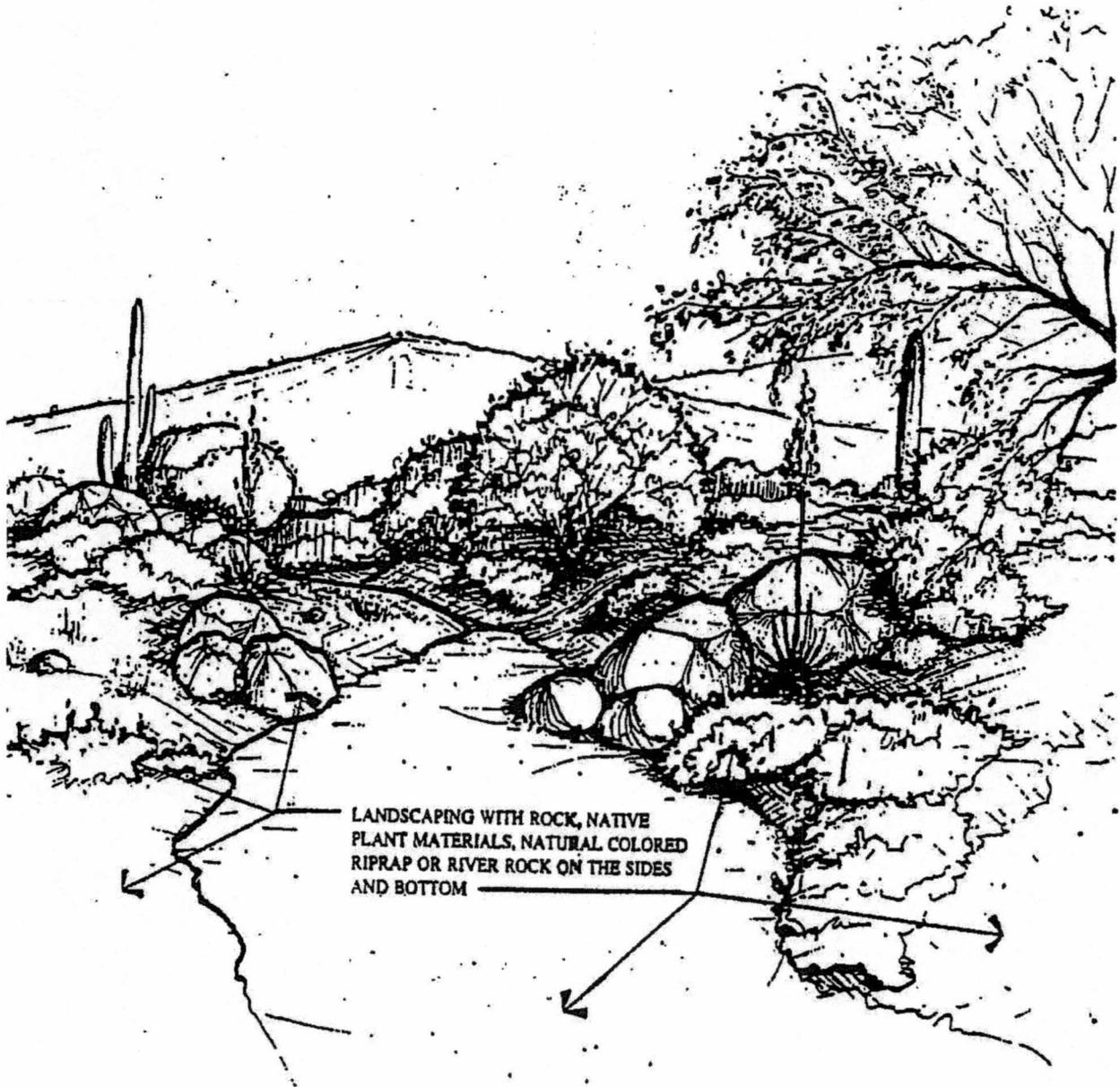
Section 5.05 Washes/Drainage

- A. Maintenance of Continuity.** The entrance and exit points and continuity of all natural drainage channels on a lot or parcel shall be preserved. Ponding of water shall not be permitted above cut or fill slopes. Building sites must be designed to carry surface waters away from buildings and away from or through retaining walls.
- B. Swale Grading.** The minimum amount of swale grading necessary for drainage purposes is not subject to the restoration procedures of Subsection 5.02.B.16.
- C. Character.** Retained washes and new drainage channels shall be given a “natural” desert character where possible in accordance with the Town’s engineering requirements. Requirements may include landscaping with rock and native plant materials, and preservation of existing natural features (see Exhibit 26).
- D. Detention Basins.** Storm water detention basins with natural materials are encouraged subject to the conditions and locations as approved by the Town Engineer.
- E. Detention Basin Re-vegetation/Aesthetics.** Storm water detention basins shall be re-vegetated with existing vegetation and native plant materials where appropriate in accordance with the approved landscape plan. Terracing, berming and contouring will be encouraged to naturalize and enhance the aesthetics of the basin and to blend with the surrounding terrain.
- F. Basin Construction.** Basins shall be designed to allow for the creation of peninsulas, more “natural” contouring, and the placement of boulders and rock outcroppings (See Exhibit 27).
- G. Basin Slopes.** Basin slopes shall not exceed a three to one (horizontal to vertical) slope adjacent to public streets. Remaining slopes shall also not exceed a three to one slope. Deviations may be approved by the Town Engineer if the lesser slope creates excessive grading of the existing desert environment (See Exhibit 27).
- H. Native Materials.** The use of native materials in the construction of headwalls, flow retardant structures and devices, culverts and drainage channel bottoms is encouraged (See Exhibits 28 and 29).
- I. Erosion Prevention.** Erosion controls should be constructed and maintained to prevent erosion of all slopes and graded areas. Surface drainage interceptors may be provided at the top of all cut and fill slopes where surface runoff will create erosion problems. Sub-surface drainage facilities may be required for stability and protection of affected areas due to ground water seepage. Erosion protection of drainage swales will be encouraged through the use of native rocks and native plant materials. Where runoff velocities necessitate additional erosion protection, the use of integral colored gunite or alternative material may be approved by the Town Council with a recommendation by the Town Engineer and Community Development Director or designee.

Fountain Hills Subdivision Ordinance
ARTICLE 5

Exhibit 26

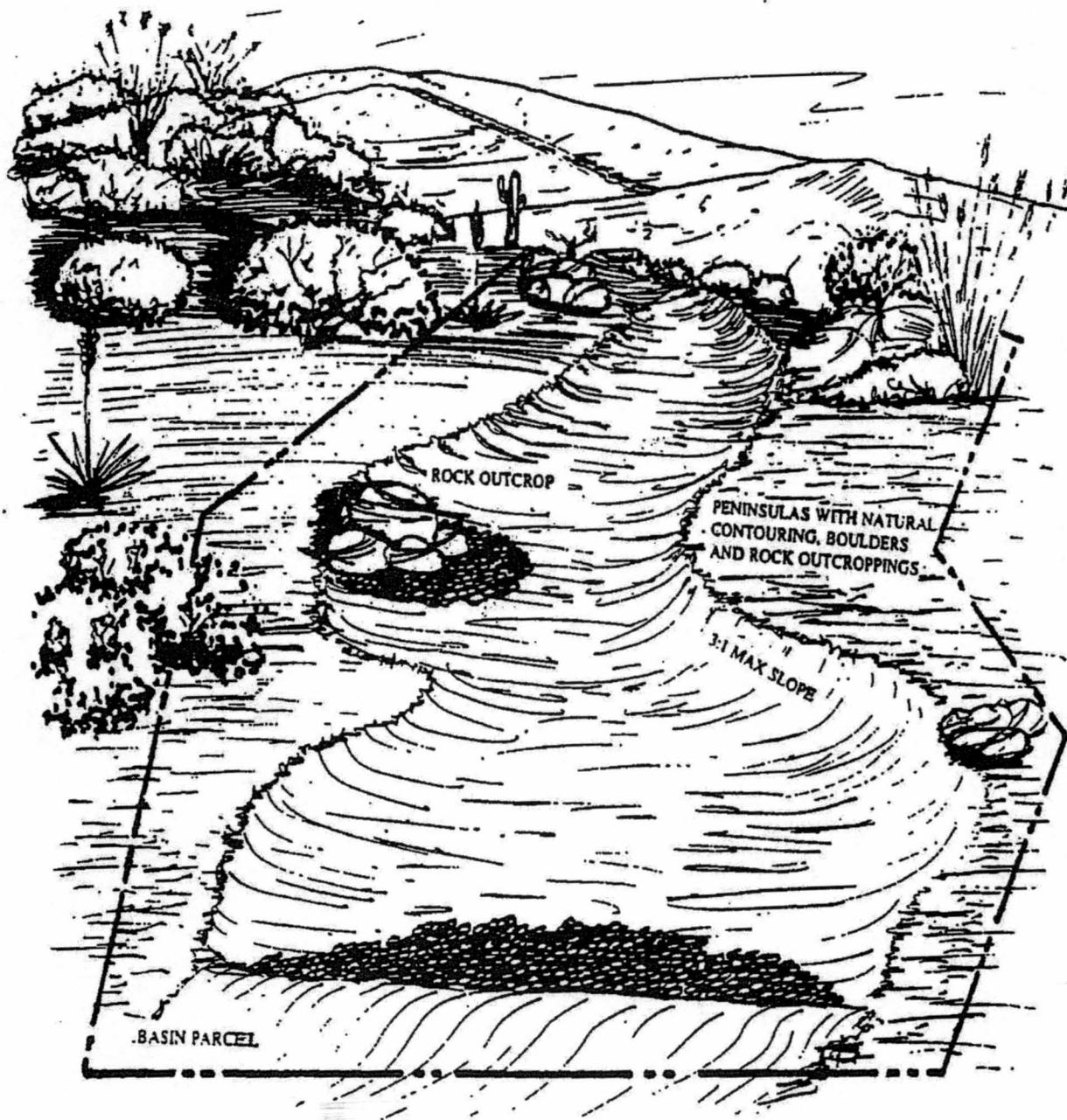
**NATURAL DESERT CHARACTER
FOR DRAINAGE CHANNELS**



Fountain Hills Subdivision Ordinance
ARTICLE 5

Exhibit 27

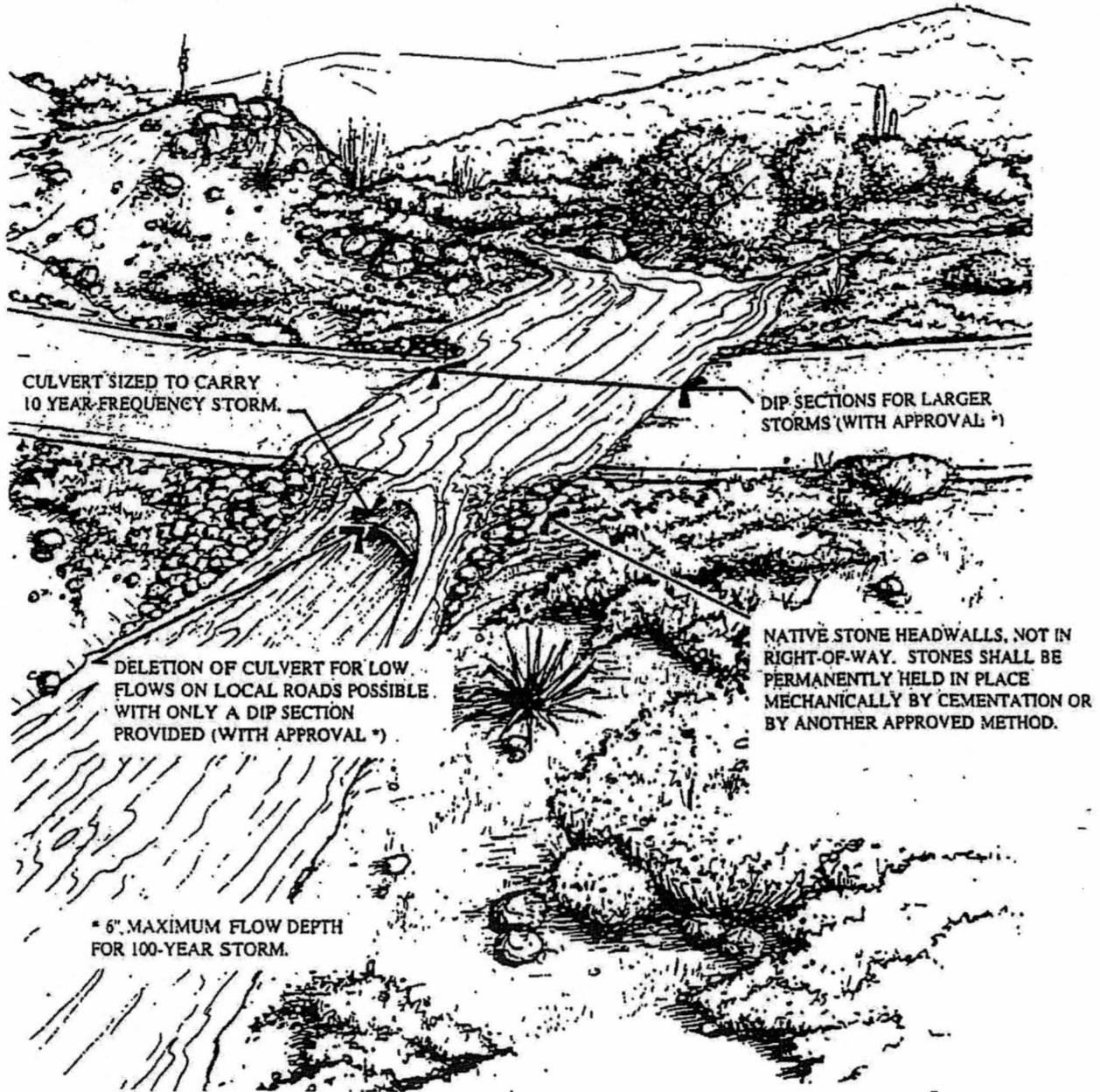
BASIN CONSTRUCTION AND SLOPES



Fountain Hills Subdivision Ordinance
ARTICLE 5

Exhibit 28

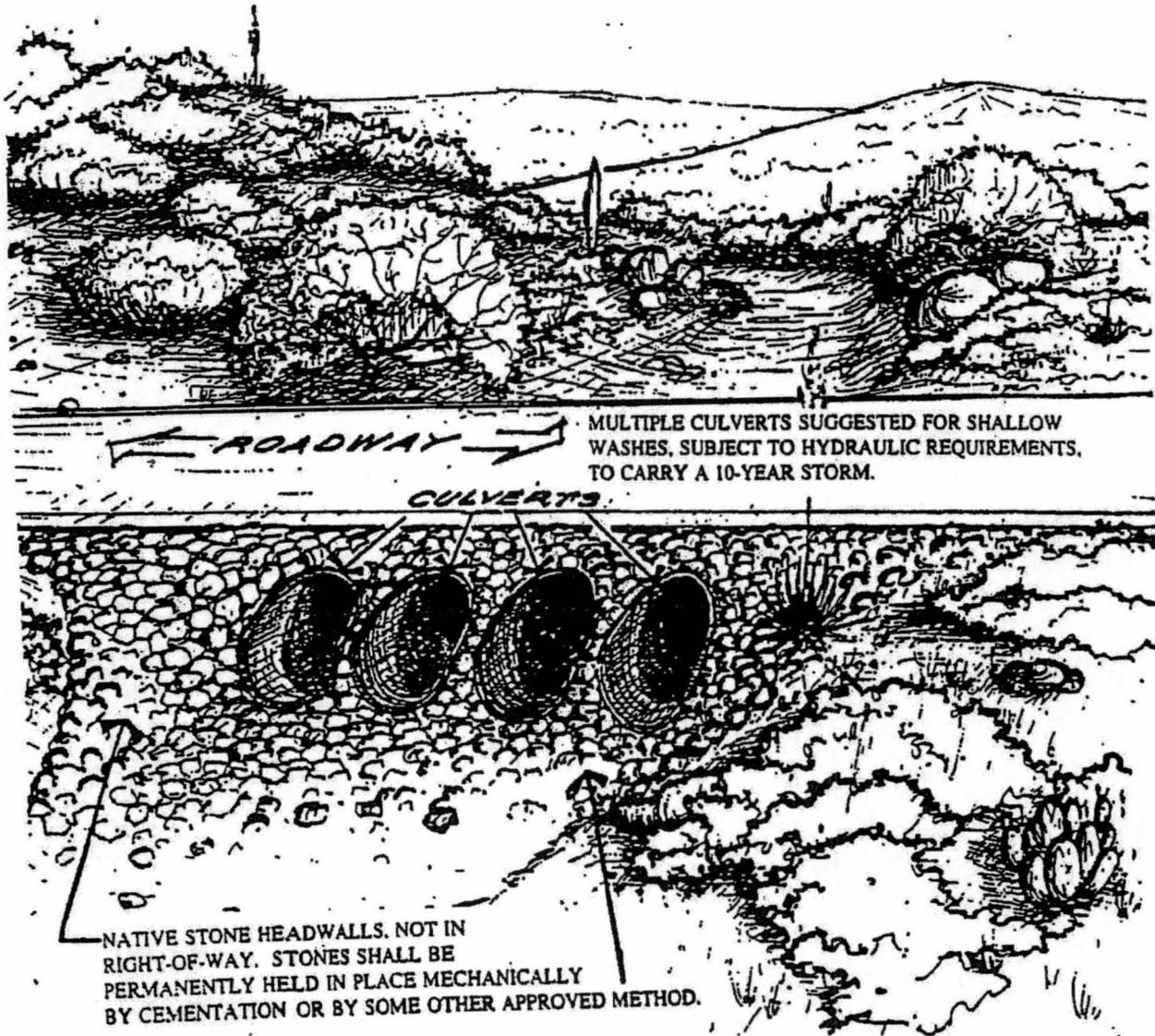
**DRAINAGEWAY CROSSING
CULVERT AND DIP SECTION**



Fountain Hills Subdivision Ordinance
ARTICLE 5

Exhibit 29

**MULTIPLE CULVERTS
FOR LARGER DRAINAGEWAYS**





ATTACHMENT I

ENFORCEMENT RESPONSE PLAN

Enforcement Response Plan (ERP)

INTRODUCTION

As required by the by the Arizona Department of Environmental Quality's (ADEQ) Arizona Pollutant Discharge Elimination System (AZPDES) General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4) to Waters of the United States No. AZG2016-002 (Permit), the Town of Fountain Hills is required to develop and implement an Enforcement Response Plan (ERP). This ERP describes the Town's procedures and policies regarding enforcement of the Town's municipal ordinances relating to stormwater quality, including illicit discharges. Compliance shall be achieved through progressively stricter responses as needed. The ERP includes the following items relative to the Town's enforcement procedures:

- A description of the types of enforcement issued by the Town.
- A description of specific strategies for escalating enforcement response, where necessary, to address persistent, repeat or escalating violations.

The basis for the Town's stormwater program enforcement can be found in the following documents:

- Zoning Ordinance Section 5.11
- Zoning Ordinance Section 2.05
- Town Code Article 9-3
- Town Code Article 1-8
- Town Code Article 10-2
- Town Code Article 10-4
- Subdivision Ordinance Section 5.02
- Subdivision Ordinance Section 5.05

This ERP documents the policies and procedures in support of the documents noted above.

1.0 ENFORCEMENT PROCESS

The Town's enforcement of construction stormwater violations, water quality violations and illicit discharges is authorized by multiple sections of the Town's municipal code (see Attachment H of the SWMP).

1.1 NEW DEVELOPMENT

For new development and redevelopment sites, the Town issues Planning and Zoning, and Building Permits. Permits are issued by the Planning and Zoning and Building Safety Divisions of Development Services Department, respectively. Development Services staff coordinate routinely with the Chief Building Official. Prior to issuing a building permit, Building Safety staff ensure that Planning and Zoning Permits and/or other stormwater-related permits have been submitted and approved. Once development is completed, Building Safety staff ensures as-builts have been submitted and approved before issuing a Certificate of Occupancy. When issues arise during construction, the Chief Building Official will withhold inspections and/or Certificates of Occupancy as necessary. Withholding inspections and/or Certificates of Occupancy is found to be the most effective in achieving compliance.

1.2 ILLICIT DISCHARGES

The Town has a training program to educate appropriate employees on the identification of illicit discharges. Where an illicit discharge has been identified, it is routed to Code Enforcement for investigation. The Code Enforcement Officer performs an inspection to identify the source and pollutant being discharged. The Code Enforcement Officer then determines the appropriate enforcement response.

2.0 RESPONSE CRITERIA TO CONSIDER

Upon discovery of a violation of the Town's Ordinance, the enforcement process begins by identifying the stormwater violation and determining the severity of the enforcement response. The following criteria should be considered when determining the appropriate enforcement response:

- *Effect on the Environment* - Violations that have the potential to negatively impact the Town's stormwater system, private property, or washes are urgent and require expeditious action. Such violations warrant bypassing verbal warnings and moving to more aggressive actions to gain quick compliance.
- *Compliance History of the Violator* - The violator's compliance history can affect the enforcement response. Recurring violations may indicate that an operator's treatment system is inadequate, that the operator has taken a casual approach to operating and maintaining the treatment system or that an operator does not intend to comply with the ordinance. Repeated violations by the same person or company reflects egregiousness and/or willfulness.
- *Duration* - Where a violator has been issued a verbal or written warning, the compliance clock begins. Failure to complete corrective actions within the established time may indicate that escalated enforcement actions are needed to gain compliance.
- *Good Faith of the Violator* - 'Good Faith' is defined as the violator's honest intention to remedy non-compliance evidenced by actions which give support to this intention. Good faith shall be demonstrated by cooperation and completion of corrective measures in a timely manner. A violator's good faith in correcting noncompliance is a factor in determining which enforcement response is suitable.

3.0 CATEGORIES OF VIOLATIONS

There are two general categories of violations:

- *Permitted violations* - These types of violations are typically construction projects holding a Building Permit that are in violation of permit conditions.

- *Unpermitted violations* - These violations include illicit discharges, illegal dumping, or land disturbances that begin without first obtaining an appropriate Permit.

The type of violation and severity of the violation sets the type of enforcement and aggressiveness of each enforcement steps. The sections following describe the steps.

The Code Enforcement Officer, Chief Building Official, or their designee may employ any combination of the following enforcement actions, and may escalate enforcement responses where necessary to address persistent non-compliance, repeat or escalating violations, or incidents of major environmental harm. Section 2 includes criteria that can cause an enforcement action to be escalated to gain compliance and prevent damages.

3.1 VERBAL WARNINGS

For less severe violations or for first time offenders, the Code Enforcement Officer, Chief Building Official, or their designee may issue verbal warnings that specify the nature of the violation, any required corrective action, and a time to comply with a documented verbal warning. Warnings are documented in the Town's Construction Inspection/IDDE tracking system, Munis.

3.2 WRITTEN WARNING

A Corrective Order is a written warning intended for minor violations. The Code Enforcement Officer, Chief Building Official, or their designee may issue a Corrective Order to the responsible party and/or property owner where the violation has occurred. The Corrective Order typically includes:

- The description and nature of the violations to the Town's Ordinance, approved Erosion Control Plans (ECPs), and/or construction plans.
- The location of where the violations have occurred.
- A description of the steps that must be taken to rectify the violation. Steps may include the development and submittal of Corrective Action Plans, repair of measures on a construction site, immediately ceasing illicit discharges and/or repairing any damages that occurred.
- The deadline by which the repairs or remediation work must be completed to avoid escalated enforcement.
- Signature and Title of the person issuing the Corrective Order.

3.3 NOTICE OF VIOLATION

If a Written Warning has not been addressed to the satisfaction of the Code Enforcement Officer, Chief Building Official, or their designee may issue a Notice of Violation (NOV) to the responsible party and/or property owner where the violation has occurred. Furthermore, a Notice of Violation may be the first notice to the violator for serious violations or for repeat offenders.

The NOV does not include the specific fine or penalty amount.

The NOV requires the violator to submit a written explanation of the violation and a Corrective Action Plan within a set timeframe established in the NOV. The Corrective Action Plan must be submitted by the violator to the Director of Development Services. An inspection to ensure that corrective actions have been completed is conducted by the Director, or their designee at the Directors discretion. Submission of the Corrective Action Plan in no way relieves the violator of liability for any violations occurring before or after receipt of the NOV.

The NOV includes:

- The description and nature of the violations to the Town's Ordinance, approved ECPs, and/or construction plans.
- The location of where the violations have occurred.
- A description of the ordered repair or remediation work which is necessary to bring the activity or site into compliance.
- Requirement to submit to the Town's Director of Development Services within 10 days a written Corrective Action Plan to correct the violation.
- Deadline by which the repair or remediation work must be completed to avoid escalated enforcement. This becomes the expiration date of the NOV. Note that the expiration date is based upon the violator's date of receipt of the NOV.
- Signature and Title of the person issuing the NOV.

3.4 CIVIL CITATIONS

A civil citation is a monetary penalty assessed by the Town to any person violating the Town's Ordinance or a permit. The fine is considered punitive in nature and is not related to any specific cost borne by the Town. The Town shall also recover any damages to the Town's stormwater system for actions taken by the Town to rectify a violation or for actions taken by the Town to stop illicit discharges. Civil citations are prepared and served by a Code Enforcement Officer.

Along with the civil citation, the Town may request for a written Corrective Action Plan to be submitted to the Town within the timeframe established in the citation. The Corrective Action Plan must include actions to be taken to bring a site or activity into compliance and must include a timeline to complete actions. The Corrective Action Plan must be submitted by the violator to the Director of Development Services. An inspection to ensure that any corrective actions have been completed may be conducted by the Director or their designee. Submission of this plan in no way relieves the violator of liability for any violations occurring before or after receipt of the NOV.

Civil citations are generally issued after the NOV expires and when corrective actions have not been completed. The amount of the penalty is unless specified punishable by a base fine of not more than \$500. The Magistrate's Court, with input from the Director of Development Services or their designee, will consider the following criteria when assessing penalties:

- The amount of damage to the public health and the environment.
- The amount of effort put forth by the violator to remedy this violation.
- The economic benefit gained by the violator for not obeying the law.
- Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity.
- The amount of penalty established by ordinance or resolution for specific categories of violations.
- Any unusual or extraordinary enforcement costs incurred by the Town.
- Any equities of the situation that outweigh the benefit of imposing any penalty or damage assessment.

The Magistrate's Court, with input from the Director of Development Services or their designee, may also consider these additional criteria for determining penalties of violations:

- Willingness and cooperation of the violator to remedy this violation and remediate any damage.
- Whether the violation was intentional, negligent, or accidental.
- Costs incurred by the Town for any administrative or remediation costs, including the investigative and monitoring activities. This is often computed in terms of number of man-hours necessary to deal with the problem.
- Prior violations for this violator or at this location.

3.5 CRIMINAL PENALTIES

Criminal prosecution is a formal process of charging individuals and organizations with violations of ordinance provisions that are punishable, upon conviction, by fines and/or imprisonment. Criminal prosecution is an appropriate enforcement action when there is evidence of willful noncompliance and when criminal negligence or intent can be proven. Some examples of these are altering or falsifying reports, tampering with samples, unauthorized discharges, and violations of administrative orders.

The criminal enforcement process begins when the Town has reason to believe crimes have been or will be committed. This information may be gathered during routine inspections or monitoring activities or in the form of reports from employees or the public. Citations may be issued by a Code Officer in the Code Enforcement Department when it is determined the operator's efforts, or lack thereof, to obtain compliance through less formal actions have failed. If crimes are suspected or known, the Director of Development Services or their designee shall notify the Town's Attorney for proper collection of evidence.

Any person who negligently, willfully or intentionally violates any stormwater provision of the Town Ordinance shall be guilty of a misdemeanor and shall be punished subject to the penalty jurisdictional of the Magistrate's Court. Each day of a violation shall constitute a new and separate offence.

4.0 ADDITIONAL RESPONSE ALTERNATIVES FOR PERMITTED VIOLATIONS

Additional response alternatives are available for development-related violations including any one or a combination of the following:

4.1 STOP WORK ORDER

Development Services staff can initiate a Stop Work Order where the site has active Town permits, such as a Building Permit. The Stop Work Order must include the steps necessary to bring the site in compliance with applicable permits. Where a Code Enforcement Officer, Chief Building Official, or their designee determines that a permit is being violated, the following steps must be taken:

- The Town's Code Enforcement Officer, Chief Building Official, or their designee issues a Stop Work Order.
- The Code Enforcement Officer, Chief Building Official, or their designee notifies the Director of Development Services of the Stop Work Order.
- The Code Enforcement Officer, Chief Building Official, or their designee re-inspects to ensure compliance before the Town releases the Stop Work order.

A Stop Work Order may be issued to the permit holder and/or property owner of a construction site to suspend work under the following circumstances:

- If a Corrective Order has not resulted in a corrective action at a Construction Site which is acceptable to the Code Enforcement Officer, Chief Building Official, or their designee by the expiration date of the Corrective Order.
- If work, which requires a SWPPP, has proceeded without first submitting a plan and obtaining a permit.
- Incidents which may cause damage to the MS4 and/or the health and welfare of the public and Town personnel.
- Incidents which may cause damage to the environment.
- Chronic violations and/or failures to comply with Verbal Warnings, Corrective Orders and Notices of Violation

A Stop Work Order typically includes:

- The description and nature of the violations to the Town's Ordinance or construction plans.
- The location of where the violations have occurred.
- A description of the ordered repair or remediation work necessary to comply with the Town's Ordinance
- Requirement to submit a Corrective Action Plan within 10 days of the Stop Work Order. The Corrective Action Plan must address actions that will be taken to bring the site into compliance.
- Signature and Title of the person issuing the Stop Work Order.

4.2 WITHHOLD BUILDING INSPECTIONS

Where a Town Code Enforcement Officer, Chief Building Official, or their designee determines that a permit is being violated and building has commenced on the site, building inspections may also be withheld by the following procedure:

- The Code Enforcement Officer, Chief Building Official, or their designee notifies the Building Safety Department to withhold building inspections. Building Safety Department places a hold on building inspections and will not issue a Certificate of Occupancy.

- A Town Code Enforcement Officer, Chief Building Official, or their designee shall re-inspect to ensure compliance before the Town releases the hold on building inspections.

4.3 WITHHOLD PLAN APPROVALS

When violations are known to exist, the Director of Development Services or their designee may withhold the approval of all plans the responsible party or property owner submits. The project is flagged within the Stormwater Project Tracking System (Munis) to hold all plans until violations are resolved.

4.4 WITHHOLD RELEASE OF CERTIFICATE OF OCCUPANCY

If the post-construction BMPs do not pass the final stormwater inspection by the Chief Building Official, the Town may withhold the release of the Certificate of Occupancy until the site passes its final stormwater inspection by the following procedure:

- The Chief Building Official notifies the Development Services Department to withhold the Certificate of Occupancy.
- The Chief Building Official notifies the Director of Development Services of the hold on Certificate of Occupancy.
- The Chief Building Official shall re-inspect to ensure compliance before the Town releases the hold on the Certificate of Occupancy.

5.0 ADDITIONAL ACTION BY FOUNTAIN HILLS

Where violations are not corrected in a timely manner or where the violation is damaging or has the imminent potential of damaging other properties or water bodies, the Town, or its contractor, may enter upon the lot or parcel of land and correct the violation. Where the Town completes repairs, the costs incurred by the Town and/or its contractor (including inspection, administration, labor, equipment costs) shall be from the offender through collection of bonds or directly billing the offender.

Where Fountain Hills is fined and/or placed under a compliance schedule by the state or federal government for violation(s) of its NPDES (AZPDES) permit, and Fountain Hills can identify the person(s) who caused such violations(s) to occur, the Town may pass through the penalty and cost of compliance to that business or person(s).

6.0 CORRECTIVE ACTION PLANS

With any corrective action noted above, the Town has the authority to require a violator submit a Corrective Action Plan (CAP). Some corrective actions needed at a site are straight forward, simple actions such as cleaning out sediment controls or vegetating an area. However, other

actions may take more planning and thought. In those situations, the Town can require a CAP. A CAP may include any or all of the following items, depending on the violation:

- A proposed description of and design for immediate actions. Examples include installation of additional sediment controls.
- A proposed description of final actions to bring the site fully into compliance. An example could be the submittal of a detailed engineering plan.
- A proposed schedule for actions to bring the site into compliance.

When requiring a CAP, the inspector must set a deadline for submittal of the CAP for review and acceptance. If immediate measures are needed to halt damages to the Town's stormwater system, private property or a wash, those actions should be separately addressed in the enforcement action and required immediately as opposed to waiting on submittal of the CAP.



ATTACHMENT J

IDDE INSPECTION/INVESTIGATION SOP

Illicit Discharge Detection and Elimination Standard Operating Procedures

Prepared for:



Town of Fountain Hills
11465 W Civic Center Drive
Fountain Hills, Arizona 85323

Prepared by:



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February 2017

1.0 Introduction

This document presents the Town of Fountain Hills' plan for illicit discharge detection and elimination (IDDE) activities in compliance with requirements outlined in AZPDES Phase II General Permit No. AZG2016-002 (Permit). The Permit requires the Town to develop an IDDE program that contains a set of standard investigative procedures to identify the source of illicit connections and discharges and to require their removal from the system. Although the Permit does not outline specific procedures to follow, the IDDE program must, to the maximum extent practical (MEP), implement efforts to find and remove illicit discharges as well as to increase knowledge of the stormwater collection system and pollutants of concern.

2.0 Important Terminology and Key Concepts

Pollutants of Concern

The three illicit discharges most commonly found in urban settings include:

1. **Pathogenic and toxic pollutants** should be considered the most severe since contact or consumption of storm water contaminated by these pollutants could cause illness and significant water treatment problems for downstream users. These pollutants may originate from:
 - Sanitary, commercial, and industrial wastewater;
 - Inappropriate household toxicant disposal;
 - Automobile engine de-greasing; and
 - Excessive use of chemicals (pesticides, herbicides, and fertilizers).
2. **Nuisance pollutants** offer aquatic life threatening conditions to the storm drainage system. These pollutants can cause excessive dissolved oxygen depletions, tastes, odors, and colors in downstream water supplies, algal blooms, offensive floatables, and noticeably turbid water. These pollutants may originate in residential and commercial areas from:
 - Sanitary wastewaters;
 - Laundry wastewaters;
 - Lawn irrigation runoff;
 - Automobile wash waters;
 - Construction site dewatering; and
 - Washing of concrete ready-mix trucks.
3. **Relatively clean water** discharged through a storm drainage system is commonly found during an outfall inventory. Relatively clean water discharges can originate from the following:
 - Fire hydrant flushing;
 - Infiltrating groundwater; and
 - Infiltration from potable waterline leak.

Pathogenic and nuisance pollutants should be prioritized in a manner that ensures prompt action in the source identification process as these types of pollutants have the most harmful effects to the environment.

Allowable Discharges

Non-stormwater discharges allowed under General Permit No. AZG2016-002, section 1.3.2 that are not considered “illicit” include:

- water line flushing
- landscape irrigation
- diverted stream flows
- rising ground waters
- uncontaminated groundwater infiltration
- uncontaminated pumped ground water
- discharges from potable water sources
- foundation drains
- air conditioning condensate
- irrigation water *
- springs
- water from crawl space pumps
- footing drains
- lawn watering
- individual residential car washing
- discharges from riparian habitats and wetlands
- dechlorinated swimming pool discharges**
- street wash water
- and discharge or flows from emergency firefighting activities

** Does not include irrigation of golf courses. Many golf courses in the Town are irrigated using treated wastewater effluent and are therefore required to prevent offsite drainage.*

*** Prohibited discharges: Per Town Code 14-7 “Uniform Drainage Regulation” the Town does not allow pool water to be discharged into the storm sewer system.*

Illicit Discharge

The term illicit discharge is defined in the Permit as:

“...any discharge to a municipal separate storm sewer that is not comprised entirely of stormwater except discharges pursuant to a AZPDES/NPDES permit (other than the AZPDES permit for discharges from the municipal separate storm sewer) and discharges resulting from firefighting activities.”

Source Identification

Source identification are the office and field tasks used to track a potential illicit discharge to the source and determine if the discharge is in fact an illicit based on analysis of samples taken or investigation conducted.

3.0 Summary of Town IDDE Procedures

This section summarizes the Town’s systematic approach to eliminating illicit discharges.

3.1 Report of Potential Illicit Discharges to the Code Enforcement Division

The process begins through the identification of a potential illicit discharge. Identification is expected to be achieved by internal reporting from Town personnel, external reporting/complaints, and outfall and field screening point visual assessments.

3.1.1 Internal Reporting

Through implementing the Town’s stormwater training program, many Town employees will be educated on illicit discharge recognition and reporting. Reports of potential illicit discharges are received from employees from various Town departments (e.g. Law Enforcement, Environmental Programs maintenance crews) during their ordinary course of work.

Observations are reported through field crew supervisors to the Code Enforcement Division or Environmental Supervisor.

3.1.2 External Observation

Citizens, visitors, and others are able to notify the Environmental Supervisor or Code Enforcement Division of the presence of potential illicit discharges. These complaints are received through the Town's general phone line and routed to the Development Services Department. The potential illicit discharge will be inspected within three business days of complaint receipt.

3.1.3 Visual Monitoring

Dry Weather Outfall Monitoring

During dry weather the AZPDES Coordinator performs annual outfall screening of each regulated outfall at least 72 hours after a storm event that results in a discharge from the storm sewer system. This process will be the primary method for detecting illicit connections. If an outfall is found to be discharging during the dry weather outfall screening, the potential illicit discharge tracking steps outlined in Section 4.1 should be initiated. Should the inspector find a potential discharge that is not currently flowing or a discharge that is unable to be tracked, the inspector will schedule a three day follow up inspection to verify if the discharge is reoccurring. See Appendix A for IDDE Inspection/Investigation Forms, Instructions, and Flowchart.

Visual Stormwater Discharge Monitoring

Town staff will perform a visual inspection of at least 1 outfall and 4 screening locations, 2 times during each wet season. For the purposes of wet weather monitoring, the summer and winter wet seasons are defined as:

Summer wet season is June 1st through October 31st
Winter wet season is November 1st through May 31st.

Results of visual discharge monitoring are recorded on a Discharge Monitoring Report (DMR) for submittal with the annual report.

The grab samples should be collected in clear plastic containers for analysis. The samples should be analyzed in the field for the following parameters:

- Color
- Odor
- Clarity
- Floating, Settled, and Suspended Solids
- Foam
- Sheen

If determined necessary samples may be collected and analyzed in a lab for parameters of potential concern.

In the event Town personnel or their contractor cannot access any outfall(s) or screening point during a wet weather discharge, the Town will conduct wet weather screening as soon as practicable after the storm or discharge event. Should the inspector find a potential discharge

that is unable to be tracked, the inspector will schedule a three day follow up inspection to verify if the discharge is reoccurring.

See Appendix A for IDDE Inspection/Investigation Forms, Instructions, and Flowchart.

4.0 Illicit Discharge Source Identification

The identification step has two primary components: 1) Potential illicit discharge tracking to identify the source, and 2) illicit discharge elimination through enforcement or notification. These steps apply only to the instances in which the potential illicit discharge is flowing into the MS4.

4.1 Potential Illicit Discharge Tracking and Source Identification

The first step in the source identification process is to track the discharge up to the source. The source can be tracked upstream either to the actual pollution causing event (e.g. vehicle accident with spilled fuel, illegal connection of car wash drain to storm system) or until a system owned by another entity is encountered.

The Environmental Supervisor will begin the tracking process at the potential illicit discharge location. The procedure is the same regardless of how the discharge was discovered (screening, internal or external reporting). The following steps should be generally followed:

1. At an outfall where a dry weather flow or visual assessment containing pollutants was collected was found or at the initial point of discovery of the discharge, physical parameters of the flow should be recorded.
2. If the discharge continues upstream and can be tracked, move upstream in the direction of the discharge. Continue investigation at each intersection until the 1) source is found, 2) or the discharge can no longer be tracked upstream (e.g. underground, between manholes) is encountered.
3. If the discharge continues underground, inspect upstream manholes to isolate the discharge location between two manholes. Additional tracking options including CCTV camera of the storm drain line segment or smoke and/or dye testing of nearby suspect sources. Additionally, analytical sampling of suspected sources can be compared to that of the illicit discharge to verify similar characteristics.

4.2 Illicit Discharge Detection

Once a potential illicit discharge has been tracked to the source, investigators must determine if the flow is an illicit, allowable discharge, or is regulated under an AZPDES Permit. If the source is illicit, follow up activities are performed, if the source is not illicit, the investigation is complete and findings documented.

5.0 Follow-up

If the source cannot be identified; the Environmental Supervisor will either close the case with no additional follow up needed (such action is common for pool water or irrigation discharges) or conduct a re-inspection of the area within 3 days (common for illicit connections or repeat offenders).

6.0 Reporting and Enforcement

Illicit discharge investigations are tracked using the Inspection/Investigation Forms, Instructions, and Flowchart provided in Appendix A. Investigation records are maintained with the SWMP and investigation details are included with the MS4 Annual Report.

If a verified illicit discharge or case of illegal dumping is identified, the Environmental Supervisor or Code Enforcement officer implements the Enforcement Response Plan (ERP) to eliminate the illicit discharge as expeditiously as possible. Where immediate elimination of the illicit discharge is not possible, the violator and Environmental Program Manager will work together to establish an expeditious schedule for elimination.

APPENDIX A

**IDDE INSPECTION/INVESTIGATION :
INSTRUCTIONS
FLOWCHART
FORMS**

Instructions for Completing the IDDE Inspection/Investigation Form

Section 1: Background Data

Enter the outfall or screening point identification number from the stormwater outfall inventory. Include the: date including day month and year, name of the person or persons conducting the inspection/investigation, a concise description of the weather conditions at the time of the assessment including approximate temperature. Note weather there has been measureable rainfall in the investigation area within the last 72 hours. Check the appropriate box for the type of assessment being conducted, and document observations with photographs whenever possible. Cameras that automatically date and time stamp photographs are preferred. Photographs should be appended to the final copy of the form and included in the electronic version of the form as well.

Section 2: Physical Indicators

This section provides a description of the condition of the outfall. These physical indicators may provide evidence that illicit discharges have occurred when there is no flow at the time of the investigation. **This section is to be completed whether or not there is flow.**

Do physical indicators suggest an illicit discharge has occurred? (Yes/No): Answer yes if there is physical evidence of past or current illicit discharges.

Flow Chart Procedure:

- If *No* is entered for flow and physical indicators, close the investigation and complete Section 4 of the form.
- If *No* is entered for flow but physical indicators are present, schedule a 3-Day Follow-Up inspection and complete Section 4.
- If *Yes* is entered for flow (regardless of the presence of physical indicators), complete proceed to Section 3.

Section 3: Discharge Description (Flowing Outfalls Only)

Complete table describing outfall characteristics (odor, color, turbidity, floatables). This section is filled out for flowing outfalls only. After documenting the physical properties of the discharge, the field crew should attempt to trace the flow to its source. If the flow originates underground and access to manholes in roadways is required for tracking, the process may need to be delayed until proper safety procedures (traffic control, confined space entry, etc.) can be arranged.

Flow Chart Procedure:

- If the discharge can be tracked, implement tracking procedures and identify the source.
- If the discharge cannot be tracked and shows signs of significant contamination, conduct field screening.

Section 4: Enforcement and Resolution

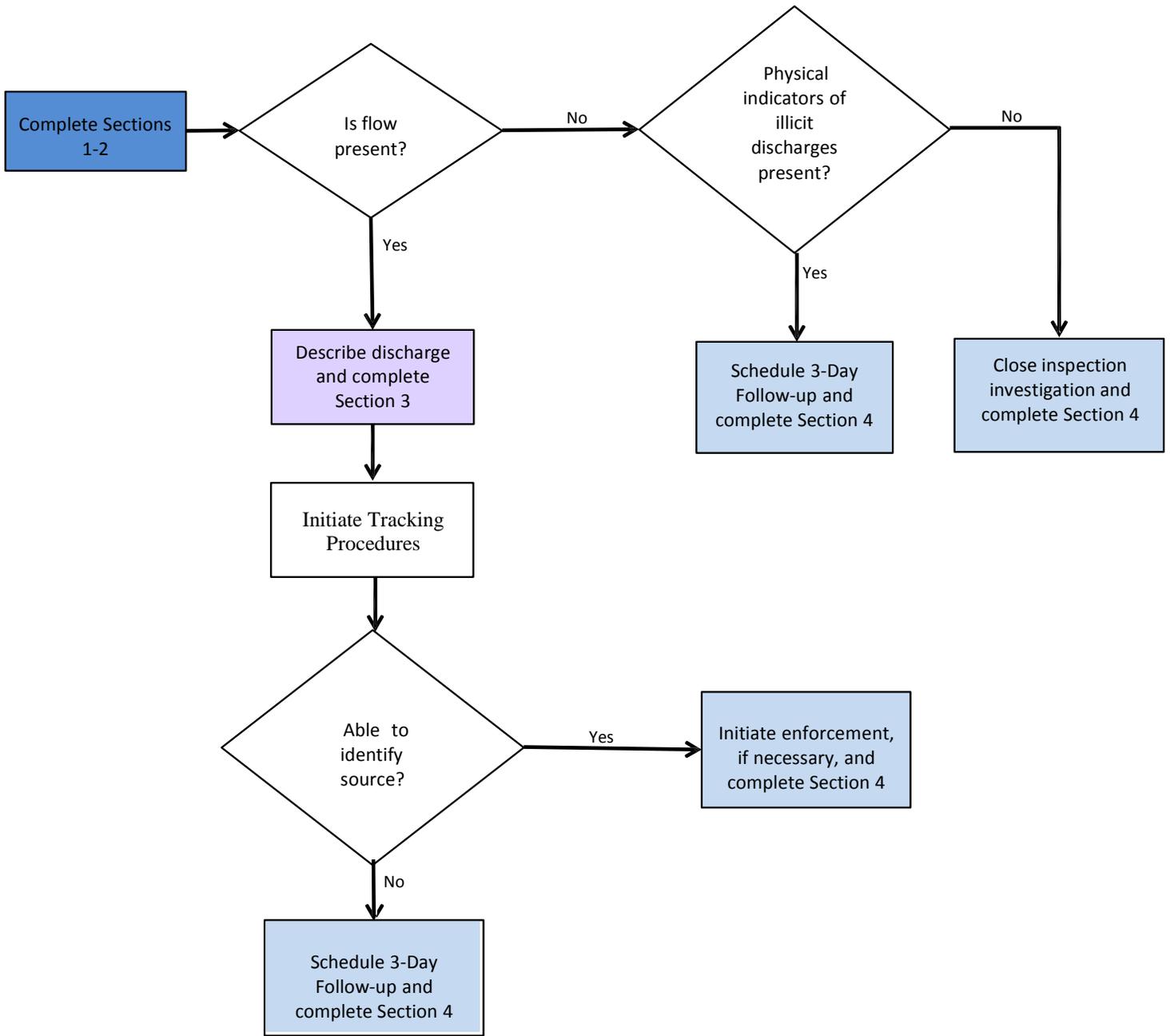
Check the appropriate box for the resolution of the investigation: Source Identified, 3-Day Follow-up Inspection, or Investigation Closed.

Enforcement Action: Identify whether enforcement action was taken. Describe the action: verbal notice, written notice, etc.

Source/Resolution: Describe the source if found and final resolution.

FLOW CHART FOR IDDE INSPECTION/INVESTIGATION FORM

Town of Fountain Hills



IDDE INSPECTION/INVESTIGATION FORM
Town of Fountain Hills



Section 1: Background Data

Outfall ID:	Date:	Time:
Inspector/Investigator:		
Inspection/Investigation Type: (Pick One)		
<input type="checkbox"/> Dry Weather Inspection <input type="checkbox"/> IDDE Investigation <input type="checkbox"/> 3-Day Follow-up Inspection <input type="checkbox"/> Visual Assessment (If so, check sampling description boxes below) <input type="checkbox"/> Sampling Event #1 <input type="checkbox"/> Sampling Event #2 <input type="checkbox"/> Summer Wet Season (6/1 - 10/1) <input type="checkbox"/> Winter Wet Season (11/1 – 5/31)		
Photos? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, append photos to this report.		
Precipitation w/in last 72 hours? <input type="checkbox"/> Yes <input type="checkbox"/> No Approximate Rainfall (in) _____		Weather (approx. temp, etc.):
Land Use in Drainage Area (check all that apply):	<input type="checkbox"/> Open Space Other: _____ Known Industries: _____	
<input type="checkbox"/> Industrial <input type="checkbox"/> Residential <input type="checkbox"/> Commercial		

Section 2: Physical Indicators

INDICATOR	DESCRIPTION	COMMENTS
Outfall Damage	<input type="checkbox"/> None <input type="checkbox"/> Spalling, Cracking or Chipping <input type="checkbox"/> Peeling Paint <input type="checkbox"/> Corrosion <input type="checkbox"/> Other: _____	
Deposits / Stains	<input type="checkbox"/> None <input type="checkbox"/> Oily <input type="checkbox"/> Flow Line <input type="checkbox"/> Paint <input type="checkbox"/> Other: _____	
Abnormal Vegetation	<input type="checkbox"/> None <input type="checkbox"/> Excessive <input type="checkbox"/> Inhibited	
Poor Water Quality	<input type="checkbox"/> None <input type="checkbox"/> Odors <input type="checkbox"/> Colors <input type="checkbox"/> Floatables <input type="checkbox"/> Oil Sheen <input type="checkbox"/> Suds <input type="checkbox"/> Excessive Algae <input type="checkbox"/> Other: _____	
Pipe Algae Growth	<input type="checkbox"/> None <input type="checkbox"/> Brown <input type="checkbox"/> Orange <input type="checkbox"/> Green <input type="checkbox"/> Other:	
Do physical indicators suggest an illicit discharge has occurred? <input type="checkbox"/> No <input type="checkbox"/> Yes		
Flow Present?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, describe: <input type="checkbox"/> Trickle <input type="checkbox"/> Moderate <input type="checkbox"/> Substantial And go to Section 3. If no flow and no physical indicators, skip to Section 4 and close investigation. If no flow but physical indicators are present, skip to Section 4 and schedule 3-Day Follow-Up.	

IDDE INSPECTION/INVESTIGATION FORM
Town of Fountain Hills



Section 3: Discharge Description (flowing outfalls only)

INDICATOR	CHECK if Absent	DESCRIPTION	RELATIVE SEVERITY INDEX (1-3)		
Odor	<input type="checkbox"/> (No odor)	<input type="checkbox"/> Sewage <input type="checkbox"/> Rancid/Sour <input type="checkbox"/> Sulfide <input type="checkbox"/> Laundry <input type="checkbox"/> Petro/gas <input type="checkbox"/> Other: _____	<input type="checkbox"/> 1-Faint	<input type="checkbox"/> 2-Easily detected	<input type="checkbox"/> 3-noticeable from a distance
Color	<input type="checkbox"/> (Colorless)	<input type="checkbox"/> Gray <input type="checkbox"/> Brown <input type="checkbox"/> Yellow <input type="checkbox"/> Green <input type="checkbox"/> Red/Orange <input type="checkbox"/> Multicolor <input type="checkbox"/> Other: _____	<input type="checkbox"/> 1-Faint color visible in sample bottle	<input type="checkbox"/> 2-Color clearly visible in sample bottle	<input type="checkbox"/> 3-Clearly visible in outfall flow
Turbidity	<input type="checkbox"/> (Clear)	See severity	<input type="checkbox"/> 1-Slightly cloudy	<input type="checkbox"/> 2-Cloudy	<input type="checkbox"/> 3-Opaque
Floatables – does not include trash!	<input type="checkbox"/> (Clean)	<input type="checkbox"/> Sewage <input type="checkbox"/> Suds/Foam <input type="checkbox"/> Oil sheen <input type="checkbox"/> Plant Debris <input type="checkbox"/> Other: _____	<input type="checkbox"/> 1-Few/slight; origin not obvious	<input type="checkbox"/> 2-Some indications of origin	<input type="checkbox"/> 3-Some; origin obvious
Do physical indicators suggest an illicit discharge is present? (Y/N)					

Section 4: Enforcement and Resolution

<input type="checkbox"/> Source identified (describe below) _____
<input type="checkbox"/> Estimated illicit discharge duration (hours) _____
<input type="checkbox"/> Estimated volume (gallons) _____
<input type="checkbox"/> Date of discharge elimination _____
<input type="checkbox"/> 3-Day Follow-up Inspection required (describe reason why below)
Enforcement action taken? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, describe:
Source/Resolution: _____



ATTACHMENT K

MS4 PERMIT

PERMIT NO. AZG2016-002

STATE OF ARIZONA
DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER QUALITY DIVISION
PHOENIX, ARIZONA 85007

ARIZONA POLLUTANT DISCHARGE ELIMINATION SYSTEM
GENERAL PERMIT FOR STORMWATER DISCHARGES
FROM SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS
TO WATERS OF THE UNITED STATES

This permit provides authorization to discharge under the Arizona Pollutant Discharge Elimination System (AZPDES) program, in compliance with the provisions of the Arizona Revised Statutes (A.R.S) and, Title 49, Chapter 2, Article 3.1, the Arizona Administrative Code (A.C.C.), and Title 18, Chapter 9, Article 9.

This general permit specifically authorizes stormwater discharges from small municipal separate storm sewer systems (MS4s) in Arizona to Waters of the United States, pursuant to 40 CFR § 122.34. All discharges authorized by this general permit shall be consistent with the terms and conditions of this general permit.

This general permit becomes effective on September 30, 2016.

This general permit and the authorization to discharge expires at midnight, September 29, 2021.

Signed this 29th day of September, 2016.

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY


Trevor Baggione, Director
Water Quality Division

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1.0 COVERAGE UNDER THIS GENERAL PERMIT

1.1 Permit Area

This permit covers and applies to traditional and non-traditional regulated, Small Municipal Separate Storm Sewer Systems (MS4s) in Arizona, except those located in Indian Country:

- a. City or Town – Urbanized area(s) determined by the most recent Decennial Census by the Bureau of Census, including areas annexed during the permit term;
- b. County – Un-incorporated urbanized area determined by the most recent Decennial Census by the Bureau of Census;
- c. State, federal, and other publicly-owned properties that the director determines contributes to a violation of a water quality standard or is a significant contributor of pollutants to Waters of the U.S. and
- d. Areas outside of an urbanized area as designated by the director pursuant to Arizona Administrative Code (A.A.C.) R18-9-A902(D).

1.2 Eligibility

This permit authorizes the discharge of stormwater from small municipal separate storm sewer systems (MS4s) provided the permittee complies with all the requirements of this general permit, and the MS4:

- a. Is located fully or partially within an urbanized area as determined by the latest Decennial Census by the Bureau of Census; or
- b. Is designated for permit authorization by the department under the A.A.C. R-18-9-A902(D)(1), R18-9-A902(D)(2), R-18-9-A902(E), and R18-9-A905(A)(1)(f) which incorporates 40 CFR §122.32.

1.3 Non-Stormwater Discharges

1.3.1 Except as provided in Part 1.3.2, the permittee shall prohibit non-stormwater discharges into its MS4 unless the discharges are authorized by a separate NPDES or AZPDES permit.

1.3.2 The following categories of non-stormwater discharges (occurring within the jurisdiction of the permittee) are prohibited if the discharges are identified by the permittee as significant contributors of pollutants to the MS4. If any of the following categories of discharges are identified as a significant contributor, the permittee must address the category as an illicit discharge as specified in Part 6.4.3.1:

- a. Water line flushing
- b. Landscape irrigation
- c. Diverted stream flows
- d. Rising ground waters
- e. Uncontaminated ground water infiltration
- f. Uncontaminated pumped groundwater
- g. Discharges from potable water sources
- h. Foundation drains
- i. Air conditioning condensate
- j. Irrigation water

- k. Springs
- l. Water from crawl space pumps
- m. Footing drains
- n. Lawn watering
- o. Individual residential car washing
- p. Discharges from riparian habitats and wetlands
- q. Dechlorinated swimming pool discharges
- r. Street wash water, and
- s. Discharges or flows from firefighting activities

1.4 Limitations of Coverage

Except as provided in Part 1.3.2, this general permit does not authorize:

- 1.4.1** Discharges mixed with sources of non-stormwater unless the non-stormwater discharges comply with an applicable NPDES or AZPDES permit, as addressed in Part 1.3.1;
- 1.4.2** Stormwater discharges associated with industrial activity as defined in 40 CFR §122.26(b)(14)(i)-(ix) and (xi);
- 1.4.3** Stormwater discharges associated with construction activity as defined in 40 CFR §122.26(b)(14)(x) or 40 CFR §122.26(b)(15);
- 1.4.4** Stormwater discharges currently covered under another permit;
- 1.4.5** Discharges to impaired waters listed (including not-attaining waters) if discharge(s) from the MS4 contain, or may contain, pollutant(s) for which the receiving water is listed except:
 - a. If a TMDL has been established and the stormwater management program (SWMP) is consistent with the requirements of the TMDL, including any wasteload allocation or load allocation in the TMDL. The SWMP must also identify Best Management Practices (BMPs) the permittee will use to meet wasteload allocations or load allocations and include monitoring for associated pollutant(s); and
 - b. If a TMDL has not been established and the SWMP includes a section describing how the program will control the discharge of 303(d) listed pollutants and ensure to the maximum extent practicable that discharges from the MS4 will not cause or contribute to exceedances of surface water quality standards. The SWMP must also identify BMPs the permittee will use to control discharges and include monitoring of their effectiveness.
- 1.4.6** Discharges that do not comply with Arizona's anti-degradation rule R18-11-107;
- 1.4.7** Stormwater discharges prohibited under 40 CFR §122.4.

1.5 Permit Compliance

Non-compliance with any requirement of this permit constitutes a violation of the permit and may result in an enforcement action, including injunctive relief and/or penalties under state and federal laws.

2.0 AUTHORIZATION UNDER THIS GENERAL PERMIT

Upon the effective date of this permit, existing and new permittees automatically have coverage under this permit for up to 180 days. Existing and new Small MS4 operators who wish to retain coverage under this permit must submit a complete and accurate Notice of Intent to ADEQ within 180 days of the effective date of this permit.

2.1 Obtaining Permit Coverage

2.1.1 A person seeking authorization to discharge under this general permit shall submit to the department a complete and accurate Notice of Intent (NOI) on a form provided by the department and includes, at a minimum, the following information:

- a. Name of MS4
- b. Operator name and title
- c. Mailing address
- d. Annual fee billing information
- e. Contact person
- f. Contact information
- g. Estimated population (based on most recent Decennial Census by the Bureau of Census)
- h. Receiving water(s) – those listed in A.A.C., Title 18, Chapter 11, Article 1, Appendix B
- i. The number of outfalls that discharge to a receiving water listed in A.A.C. R18-11, Appendix B
- j. Outfall, name or identification of outfalls required in “i,” above
- k. Identification of a minimum of five (5) outfalls (or screening points) to be included in the visual stormwater discharge monitoring program (Part 6.4.3.8)
- l. Identification of impaired and not-attaining waters that receive discharges from the MS4, including the pollutant(s) causing the impairment, total maximum daily load, and waste load allocation(s), as applicable
- m. Identification of Outstanding Arizona Waters that receive discharges from the MS4
- n. BMPs and measurable goals for each of the six (6) minimum control measures (MCMs) identified in Part 6.4
- o. Outfall name or identification of those outfalls to be utilized for analytical monitoring of stormwater discharges to impaired, not-attaining waters and Outstanding Arizona Waters
- p. Schedule for developing and implementing BMPs and associated program elements specified in this permit
- q. Proposal for alternative to visual stormwater discharge monitoring, if applicable (Part 6.4.3.8)
- r. Additional information specified in the NOI for ADEQ to determine eligibility under this permit.

2.1.2 Eligible persons wishing to retain coverage under this permit (existing and new MS4 operators) must submit a complete and accurate NOI to the department within 180 days of the effective date of this permit. Small MS4 operators notified after the effective date of this permit must submit a NOI within 180 days of receiving notification in writing by ADEQ that they are subject to permitting. Persons failing to submit a new NOI within the applicable timeframe will be considered discharging without a permit.

- 2.1.3** If the department notifies the applicant of deficiencies or inadequacies in any portion of the NOI, or requests additional information, the applicant must correct the deficient or inadequate portions and submit a revised NOI that addresses the deficiencies within seven (7) days of receiving notification.
- 2.1.4** The permittee must submit a revised NOI to the department within fifteen (15) days whenever there is a change of information (certifying official, mailing address, contact information, BMPs, measurable goals, etc.).
- 2.1.5** Notice of Intent forms submitted to ADEQ will be posted on the ADEQ website and made available for public comment. ADEQ may request additional information from the application based on public comments.

2.2 Permit Fees

Permittees are subject to fees established in A.A.C. R18-14-109. The department will issue an invoice annually to the permittee at the address identified on the NOI.

New permittees must submit the applicable fee with their NOI.

Existing permittees are not required to include the annual fee when submitting an NOI to obtain coverage under this permit.

2.3 Terminating Coverage

A permittee may terminate coverage under this general permit by submitting a notice of termination (NOT) on a form provided by the department. Authorization to discharge terminates at midnight on the day the NOT is received by the department.

If the operator does not obtain coverage under an alternate AZPDES permit that authorizes the discharge of stormwater prior to submitting the NOT, the operator will be considered discharging without a permit.

NOTs must be signed in accordance with Part 9.9 and must be submitted to the following address until such time as electronic submission is available:

Arizona Department of Environmental Quality
Surface Water Section (5415A-1)
1110 West Washington Street
Phoenix, AZ 85007

2.4 Coverage under an Individual Permit

Pursuant to A.A.C. R18-9-C902, a person may request, or be required by the director, to obtain coverage under an individual permit.

2.5 Continuation of this General Permit

If this permit is not reissued prior to the expiration date, it will be administratively continued in accordance with A.A.C. R18-9-C903 and remain in force and effect for discharges that were authorized prior to expiration.

If the MS4 operator does not submit a timely, complete, and accurate NOI requesting authorization to discharge under a reissued permit or a timely request for authorization under an individual or alternative general permit, authorization under this permit will terminate on the due date for the NOI under the reissued permit unless otherwise specified in the reissued permit.

3.0 STORMWATER PROGRAM ENFORCEMENT

3.1 Establish Enforcement Procedures

Within twenty-four (24) months from the effective date of this permit, existing and new permittees shall adopt and implement local ordinance(s) or other regulatory mechanism(s) that provide adequate enforcement procedures that satisfy the requirements of this permit to control pollutant discharges into its MS4.

3.2 Enforcement Requirements

If not already developed, the permittee must establish and exercise enforcement procedures to comply with this permit. To be considered adequate, enforcement procedures must, at a minimum, address the following:

- a. Prohibit and eliminate illicit connections and discharges to the MS4;
- b. Control the discharge of spills, and prohibit dumping or disposal of materials other than stormwater into the MS4;
- c. Require compliance with conditions in the permittee's ordinances, permits, contracts, or orders;
- d. Require owners/operators of construction activities, new or redeveloped land, and industrial and commercial facilities to minimize the discharge of pollutants to the MS4 through the installation, implementation, and maintenance of stormwater control measures;
- e. To the extent allowed under State law, the permittee must have methods to enter private property for the purpose of inspecting at reasonable times any facilities, equipment, practices, or operations related to stormwater discharges to determine whether there is compliance with local stormwater control ordinances/standards;
- f. The permittee must promptly require violators cease and desist illicit discharges or discharges of stormwater in violation of any ordinance or standard and/or cleanup and abate such discharges;
- g. To the extent allowable under State and federal law, the permittee must impose civil or criminal sanctions (including referral to a city or district attorney) and escalate corrective response, consistent with its enforcement response;
- h. Identify departments within the permittee's jurisdiction that conduct stormwater-related activities and their roles and responsibilities under this permit. Include an up-to-date organizational chart specifying these departments and key personnel positions;
- i. Identification of the local administrative and legal procedures and ordinances available to mandate compliance with stormwater-related ordinances and therefore with the conditions of this permit; and
- j. A description of how stormwater related-ordinances are implemented and appealed.

3.3 Enforcement Response Plan(s)

The permittee shall develop an enforcement response plan (ERP) that specifies how it will exercise its legal authority to comply with this permit. The ERP shall include a prioritization schedule that establishes escalated enforcement for non-compliance of illicit discharges and construction activities. In developing the ERP, the permittee shall include the following factors in prioritizing escalated enforcement: severity of non-compliance, repeated non-compliance, proximity to a receiving water or storm sewer system, and other appropriate factors. The ERP must be developed and implemented within twenty-four (24) months of obtaining permit coverage.

4.0 STORM SEWER SYSTEM MAPPING

The permittee must prepare and maintain an up-to-date map of the municipal separate storm sewer system. At a minimum, the map system must be sufficient in scope and detail to identify and isolate illicit discharges. The permittee is not required to submit storm sewer system mapping infrastructure to ADEQ unless specifically requested, and shall make mapping information available to ADEQ or EPA to assess permit compliance.

4.1 Develop a map that includes, at a minimum, the following components:

- a. Storm sewer system (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains that are owned or operated by the permittee and convey stormwater to Waters of the U.S.),
- b. Location of all outfalls, and
- c. Name and location of all Waters of the U.S. that receive discharges from outfalls.

4.2 Existing permittees shall update map(s) within twelve (12) months from the effective date of this permit to include areas added as a result of the most recent Decennial Census (including annexed areas) and annually thereafter. Updates shall include mapping components identified in Section 4.1 above.

4.3 New permittees must include a mapping schedule in their NOI. The schedule must include how the permittee will conduct the mapping process, a timeline, measurable goals and estimated completion date(s). The permittee shall have its storm system mapped by the end of the fourth year of permit coverage.

4.4 The permittee must include a narrative description of the status of storm sewer system mapping, outfall mapping, and waters of the U.S. that receive discharges from the outfalls (including percent complete) in each annual report (see Part 8.3).

5.0 STORMWATER MANAGEMENT PROGRAM

The permittee shall develop, implement, and enforce a SWMP that is designed to reduce the discharge of pollutants from the MS4 to the maximum extent practicable, to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act. The program shall be documented and available for review by ADEQ, U.S. EPA, and interested persons.

Existing permittees shall modify or update their existing SWMP to meet the terms and conditions of this permit within six (6) months of the effective date of this permit.

New permittees shall develop a SWMP that meets the conditions of this permit within one (1) year of the effective date of this permit.

At a minimum, all permittees must annually assess, evaluate, and update the BMPs and SWMP and incorporate any revisions necessary to maintain permit compliance. The annual SWMP review must occur in connection with preparing the annual report (see Parts 8.1 and 8.3).

5.1 Contents of the Stormwater Management Program

At a minimum, the SWMP shall contain the following:

- a. Listing of all receiving waters, their classification under the applicable state water quality standards, any impairment(s) and associated pollutant(s) of concern, applicable TMDLs and WLAs, and number of outfalls from the MS4 that discharge to each waterbody;
- b. The process and schedule for creating and maintaining an up-to-date map that includes, at a minimum, the storm sewer system, outfalls, and receiving waters;
- c. Listing of all discharges that cause or contribute to the exceedance of an applicable surface water quality standard;
- d. Description of any other practices to achieve compliance with Part 6.1 and 6.2;
- e. Description of practices to achieve compliance with Parts 6.3 and 6.4 (MEP and MCM requirements). For each permit condition identify:
 1. The personnel, position or department responsible for the measure,
 2. The BMPs for each control measure or permit requirement, and
 3. The measurable goal(s) for each BMP. Each measurable goal shall include milestones and timeframes for its implementation and have a quantity and/or quality associated with its endpoint. Each goal shall have a measure of assessment.
- f. Description of practices to achieve compliance with applicable TMDLs or waste load allocation, including measurable goal(s) for each BMP and corresponding milestones and timeframes. Each goal must have an associated measure of assessment;
- g. Analytical monitoring program for impaired or not-attaining waters, and for Outstanding Arizona Waters to ensure compliance with permit limitations, wasteload allocation(s), and surface water quality standards.

The analytical monitoring program shall include a Sampling and Analyses Plan (SAP) that includes the following minimum components: sample collection, equipment and containers, decontamination, calibration procedures, sample frequency (based on illicit discharge characteristics), document site conditions, field notes, sample preservation, tracking (chain-of-custody), and handling;

- h. Protocol for annual program evaluation (Part 8.1). Update annually and maintain copies; and
- i. Identification of personnel (department, position, etc.) responsible for program implementation.

5.2 Stormwater Management Plan Availability

The permittee shall retain a copy of the current SWMP required by this permit at the office or facility identified on the NOI and shall be available upon request by ADEQ or U.S. EPA, or their authorized representatives.

A copy of the most up-to-date SWMP shall be made available to the public during normal business hours and posted on the permittee's website.

6.0 EFFLUENT LIMITATIONS

The permittee shall develop, implement and enforce a program to reduce the discharge of pollutants from the MS4 to the maximum extent practicable, to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act and the Arizona Surface Water Quality Standards.

6.1 Water Quality Based Effluent Limitations

Pursuant to Clean Water Act 402(p)(3)(B)(iii), this permit includes provisions to ensure that discharges from the permittee's small MS4 do not cause or contribute to an exceedance of surface water quality standards, in addition to requirements to reduce the discharge of pollutants to the maximum extent practicable.

6.2 Surface Water Quality Standards

The permittee shall implement the six (6) minimum control measures specified in Part 6.4 to the maximum extent practicable to protect water quality, and to satisfy water quality requirements of the Clean Water Act, including attainment of surface water quality standards.

If the permittee discovers, or is otherwise notified by ADEQ or U.S. EPA, that a discharge from the MS4 is causing or contributing to an exceedance of an applicable surface water quality standard, the permittee shall expand or better tailor its BMPs within the scope of the six (6) minimum control measures in Part 6.4 to achieve progress toward attainment of surface water quality standards.

To assure compliance with permit limitation, ADEQ may require the permittee to conduct analytical monitoring and will provide notice to the permittee in writing (see also Part 7).

6.3 Requirements to Reduce the Discharge of Pollutants

The permittee shall reduce the discharge of pollutants to the maximum extent practicable (MEP), to protect water quality, and to satisfy the appropriate requirements of the Clean Water Act by implementing the six (6) minimum control measures in part 6.4.

6.4 Minimum Control Measures

- a. Existing permittees shall continue to implement their existing SWMPs while making updates pursuant to this permit. This permit does not extend the compliance deadlines set forth in Permit AZG2002-002.
- b. Implementation of one (1) or more of the minimum control measures described in Parts 6.4.1 - 6.4.6 or other permit requirements may be shared with another entity (including another interconnected MS4) or the other entity may fully implement the measure or requirement, if the following requirements are satisfied:
 - The other entity implements the control measure as specified in the SWMP;
 - The particular control measure or component thereof undertaken by the other entity is at least as stringent as the corresponding permit requirement;
 - The other entity agrees to implement the control measure on the permittee's behalf. The annual report must specify that the permittee is relying on another entity to satisfy some of its permit obligations and specify what those obligations are;
 - The permittee remains responsible for compliance with all permit obligations if the other entity fails to implement the control measures (or component thereof). The permittee may enter into a legally-binding agreement with the other entity regarding the other entity's

performance of control measures, but the permittee remains ultimately responsible for permit compliance.

6.4.1 Public Education and Outreach

Objective: The permittee shall implement an education program that includes educational goals based on stormwater issues of significance within the MS4 area. The program shall include a focus on pollutants of concern for impaired and TMDL waters, and priority waters that receive a discharge from the MS4. The ultimate objective of a public education program is to increase knowledge and change behavior of the public so that pollutants in stormwater are reduced.

6.4.1.1 The permittee shall implement the public education program required by 40 CFR §122.34(b)(2) by distributing educational material to the MS4 community. The educational program shall define goals, express specific messages, define the targeted audience for each message, and identify responsible parties for program implementation. At a minimum, the program shall provide information concerning the impact of stormwater discharges on water bodies within the community, especially waters that are impaired, not-attaining, or identified as Outstanding Arizona Waters. The program shall identify steps and/or activities the public can take to reduce the pollutants in stormwater runoff and their impacts to the environment.

6.4.1.2 The program shall focus on messages for specific audiences as well as show progress toward the defined educational goals of the program. The permittee shall identify methods that it will use to evaluate the effectiveness of the educational messages and the overall education program. Any methods used to evaluate the effectiveness of the program shall be tied to the defined goals of the program and the overall objective of changes in behavior and knowledge.

6.4.1.3 The permittee shall modify any ineffective messages or distribution techniques.

6.4.1.4 The permittee shall document in each annual report: the messages for each audience; the method of distribution; the measures/methods used to assess the effectiveness of the messages, and the method/measures used to assess the overall effectiveness of the education program.

6.4.2 Public Involvement and Participation

Objective: The permittee shall provide opportunities to engage the public to participate in the review and implementation of the permittee's SWMP.

6.4.2.1 All public involvement activities shall comply with state and local public notice requirements. The SWMP and all annual reports shall be available to the public. The permittee is encouraged to satisfy this requirement by posting records online.

6.4.2.2 The permittee shall annually provide the public an opportunity to participate in the review and implementation of the SWMP.

6.4.2.3 The permittee shall report on the activities undertaken to provide public participation opportunities including compliance with Part 6.4.2.1. Public participation opportunities pursuant to Part 6.4.2.2 may include, but are not limited to, websites, hotlines, clean-up teams, monitoring teams, or an advisory committee.

6.4.3 Illicit Discharge Detection and Elimination (IDDE) Program

The permittee shall implement an IDDE program to systematically find and eliminate sources of non-stormwater to its municipal separate storm sewer system and to implement procedures to prevent illicit connections and discharges.

The IDDE program shall be recorded in a written document. The IDDE program shall include each of the elements described in Part 6.4.3.8 (a through c), unless the permittee provides a written explanation within the IDDE program as to why a particular element is not applicable to the permittee. For existing permittees, the written IDDE program shall be completed within six (6) months of the effective date of this permit. For new permittees, the written IDDE program shall be completed within one (1) year of the effective date of the permit. The permittee shall implement the IDDE program in accordance with the goals and milestones set forth in Parts 5.0 and 6.4.3.

6.4.3.1. Definitions and Prohibitions

The permittee shall prohibit illicit discharges (including sanitary sewer overflows) to and from its MS4 and require removal of such discharges consistent with Part 6.4.3.5 of this permit. An illicit discharge is any discharge to a municipal separate storm sewer that is not composed entirely of stormwater *except*:

- a. Discharges authorized under a separate NPDES permit that authorize a discharge to the MS4;
- b. Non-stormwater discharges allowed by Part 1.3.2.

6.4.1.5 Enforcement Procedures

The IDDE program must ensure the permittee has adequate enforcement procedures to accomplish the following tasks: prohibit illicit discharges; investigate suspected illicit discharges; eliminate illicit discharges, including discharges from properties not owned or operated by the MS4 that discharge into the MS4 system; and implement appropriate enforcement procedures and actions. Adequate enforcement procedures consists of a current effective ordinance, by-law, or other regulatory mechanism. For existing permittees, the ordinance, by-law, or other regulatory mechanism was a requirement of AZG2002-002 and is required to be effective under that permit. The written IDDE program shall include a reference or citation of the authority the permittee will use to implement all aspects of the IDDE program as specified in Part 3.0.

6.4.3.3 Statement of IDDE Program Responsibilities

The permittee shall establish a written statement that clearly identifies responsibilities with regard to eliminating illicit discharges. The statement shall identify the lead municipal agency or department responsible for implementing the IDDE Program as well as any other agencies or departments that may have responsibilities for aspects of the program. Where multiple departments and agencies have responsibilities to the IDDE program, specific areas of responsibility shall be defined and processes for coordination and data sharing shall be established and documented.

6.4.3.4 Illicit Discharge Prevention and Reporting

The permittee shall develop and implement process(es) and procedures designed to prevent, identify, report, and mitigate illicit discharges to and from the MS4 (this may be a part of the education program required by Part 6.4.1; reporting (hotlines), and training of public employees involved in the IDDE program).

6.4.3.5 Eliminating Illicit Discharges

Illicit discharges to the MS4 are prohibited and constitutes a violation of this permit when the permittee is not fully implementing applicable permit requirements and the SWMP.

Upon detection of an illicit discharge, the permittee shall eliminate it as expeditiously as possible. The permittee shall identify and notify all responsible parties for any such discharge and require immediate cessation in accordance with its legal authorities. Where elimination of an illicit discharge is not immediately possible, the permittee shall establish an expeditious schedule for its elimination and report the dates of identification and schedules for removal in the permittee's annual reports. The permittee shall immediately commence actions necessary for elimination. In the interim, the permittee shall take all reasonable and prudent measures to minimize the discharge of pollutants to its MS4.

To the extent known, the permittee shall include in the annual report the following information: the location of the illicit discharge and its source(s); a description of the discharge; estimated illicit discharge duration; the method of discovery; date of discovery; date of elimination; mitigation or enforcement action; responsible person (if known); and estimated volume.

6.4.3.6 Non-Stormwater Discharges

The non-stormwater discharges identified in Part 1.3.2 do not need to be addressed as an illicit discharge unless it is determined by the permittee that any of these sources is a significant contributor of pollutants. Non-stormwater discharges from the MS4 that cause or contribute to a violation of a surface water quality standard where the permittee fails to take action to eliminate the discharge of pollutants constitutes a permit violation.

6.4.3.7 Existing Permittees IDDE Programs

During the development of the new components of the IDDE program required by this permit, existing permittees must continue to implement their current IDDE program required by the AZG2002-002 to detect and eliminate illicit discharges to its MS4.

6.4.3.8 Visual Monitoring

The permittee shall develop, implement, and maintain a visual monitoring program that includes both dry weather and stormwater discharges to identify, monitor, and eliminate illicit discharges; and to ensure compliance with effluent limitations in this permit.

The monitoring programs shall include written procedures for conducting visual monitoring of outfalls from the MS4.

Monitoring procedures shall include, at a minimum, the following information/observations: outfall identification, personnel, time, date, weather conditions at time of inspection, estimated flowrate, apparent odor, color, clarity, debris, floatables, and other necessary information to characterize the screening.

In the event an illicit discharge is discovered as a result of dry or wet weather outfall monitoring, the permittee shall implement measures to eliminate the illicit discharge (part 6.4.3.5).

For each confirmed illicit discharge, the permittee shall include in the annual report the following information: the location of the discharge and its source(s); a description of the discharge; estimated illicit discharge duration; the method of discovery; date of discovery; date of elimination; mitigation or enforcement action; responsible person (if known); and estimated volume.

a) Visual Dry Weather Outfall Monitoring

Within six (6) months of obtaining authorization to discharge, the permittee shall develop and implement a visual, dry weather outfall monitoring program. Dry weather monitoring must be conducted at least 72 hours after a storm event that resulted in a discharge from the storm sewer system.

The permittee shall document and include findings of dry weather monitoring in the annual report.

b) Visual Stormwater Discharge Monitoring

The permittee shall identify a minimum of five (5) outfalls that are representative of its stormwater discharges to conduct visual stormwater discharge monitoring. If the permittee has less than five (5) outfalls, then the permittee shall monitor all outfalls as part of the stormwater discharge monitoring program. In the event a Small MS4 does not have five (5) outfalls, a minimum of five (5) screening points, or combination of outfalls and screening points, shall be utilized. Screening points shall be at locations where stormwater leaves the Small MS4's permitted area including locations where stormwater may discharge to another MS4 or other conveyance. The outfalls / screening points selected for visual stormwater discharge monitoring shall be identified in the NOI.

Within six (6) months of obtaining authorization to discharge, the permittee shall develop and implement a stormwater discharge visual monitoring program. The stormwater discharge monitoring program must be conducted in response to a storm event that results in a discharge from the storm sewer system and, to the extent practicable, should include the first flush.

The permittee shall conduct a minimum of two (2) stormwater discharge monitoring events during each wet season of the representative outfall(s) and shall document and include findings in the annual report.

Summer Wet Season: June 1 through October 31
Winter Wet Season: November 1 through May 31

In the event a permittee cannot access any outfall(s) during a wet weather discharge, the permittee shall conduct wet weather screening as soon as practicable after the storm or discharge event.

Visual Stormwater Discharge Monitoring Alternative – the permittee may elect to submit in its NOI (see part 2.1.1) alternative practices to visual stormwater discharge monitoring. In doing so, the permittee shall include a written description as to how and why the proposed alternative is as effective, or more effective, than visual stormwater discharge monitoring.

c) Follow-up Screening

The permittee shall establish a follow-up screening schedule for identified or suspected illicit discharges to ensure they do not recur.

6.4.3.9 Indicators of IDDE Program Progress

The permittee shall define or describe indicators for tracking program success. At a minimum, indicators shall include measures that demonstrate efforts to locate illicit discharges identified and removed. Such measures may include response time to inspection, public awareness, time from discovery to elimination, and other appropriate factors.

The permittee shall evaluate and report the overall effectiveness of the program based on the tracking measures outlined in Part 6.4.3.8 in the annual program evaluation and in the annual report.

6.4.3.10 Staff Training

The permittee shall, at a minimum, provide annual training to employees involved in the IDDE program (e.g., street workers, inspectors, solid waste personnel, etc.). The training must include the IDDE program components and how to recognize illicit discharges. The permittee shall report on the frequency and type of employee training in the annual report.

6.4.3.11 Unpermitted (Illicit) Discharges to the MS4

The permittee shall develop, implement, and enforce a program to actively identify facilities and activities (e.g., industrial facilities, construction activities, etc.) that discharge to the MS4 without an AZPDES/NPDES permit.

The permittee shall include the number of facilities contacted each year in the annual report and shall include the facility name, type of activity conducted at the facility (including SIC code, to the extent known), and whether or not the facility has AZPDES permit coverage, if known or available.

A description of the permittee's illicit discharge program shall be included in the SWMP.

6.4.4 Construction Activity Stormwater Runoff Control

The permittee must develop, implement, maintain, and enforce a construction activity stormwater runoff control program to minimize or eliminate pollutant discharges to the MS4s from construction activities that will disturb one (1) or more acres of land, including sites less than one (1) acre that are part of a common plan of development or sale.

6.4.4.1 Construction Activity Stormwater Runoff Implementation

Existing and new permittees must assess existing legal authority, codes, and other relevant mechanisms and adopt, and implement measures to ensure compliance with construction activity runoff timeframe(s) specified in Part 3.1.

6.4.4.2 Construction Activity Stormwater Runoff Program Components

The construction activity stormwater runoff control program shall include, at a minimum, the elements in Paragraphs a. through h. of this part:

- a. An ordinance or other regulatory mechanism that requires the use of sediment and erosion control practices.
- b. An inventory of all construction activities that disturb or will disturb one (1) or more acres within the permitted area, including those that are less than one (1) acre but are part of a larger common plan of development or sale if the larger common plan will ultimately disturb greater than one (1) acre.
- c. Written procedures for site inspections and enforcement of sediment and erosion control measures. If not already existing, these procedures shall be completed within one (1) year from the date of submitting an NOI to ADEQ. The procedures shall clearly define who is responsible for site inspections as well as who has authority to implement enforcement procedures. The program must allow the permittee, to the extent authorized by law, to impose sanctions ensuring compliance with the local program. These procedures and regulatory authorities shall be documented in the SWMP.
- d. In developing construction activity inspection frequency, the permittee shall consider, at a minimum, the following:
 1. Phase of construction;
 2. Proximity to an impaired, not-attaining water or Outstanding Arizona Water;
 3. Size of the construction activity (acreage disturbed); and
 4. History of non-compliance (site or operator).
- e. Based on construction activity inspection findings, the permittee must take all necessary follow-up actions (i.e., re-inspection, enforcement) to ensure compliance in accordance with the permittee's enforcement response plan required under Part 3.3.
- f. Requirements for construction operators to implement sediment and erosion control BMPs appropriate for the conditions at the construction activity. Examples of appropriate sediment and erosion control measures for construction activities include local requirements to:
 1. Minimize the amount of disturbed area and protect natural resources;
 2. Stabilize sites when projects are complete or operations have temporarily ceased;
 3. Protect slopes on the site of the construction activity;
 4. Protect storm drain inlets and armor all newly-constructed outlets;
 5. Use perimeter controls at the site;

6. Stabilize entrance(s) and exit(s) at the location of the construction activity to prevent off-site tracking; and
 7. Inspect stormwater controls at consistent intervals.
- g. Requirements to control wastes, including but not limited to: discarded building materials; paints; fertilizers; concrete wash out; chemicals; litter; and sanitary wastes.
- h. Written procedures for site plan review. If not already existing, the procedures for site plan review which incorporate consideration of potential water quality impacts shall be completed within one (1) year from date the NOI is submitted to ADEQ. Site plan review shall include: a review by the permittee of the site design; the planned operations at the location of the construction activity; planned stormwater controls during the construction phase; and the planned controls to be used to manage runoff created after development (see 6.4.5).

6.4.4.3 Personnel Qualifications

The permittee shall ensure staff who conduct activities related to implementing the construction stormwater program (permitting, plan review, construction activity inspections, enforcement, etc.) have the knowledge, skills, and abilities to proficiently carryout their assigned duties.

6.4.4.4 Construction Activity Operator Education and Public Involvement

The permittee must develop and implement a program to provide education to construction activity operators on erosion and sediment control best management practices requirements and establish procedures for receipt of and consideration of information submitted by the public (see also Part 6.4.2).

6.4.4.5 Tracking and Recordkeeping

The permittee must track the number of inspections and re-inspections of construction activities to verify the sites are inspected at the frequency established under Part 6.4.4.2 (d) and (e) and include this information in the annual report.

6.4.5 Post-Construction Stormwater Management in New Development and Redevelopment

Permittees shall develop, implement, and enforce a program to address post-construction stormwater runoff from new development and redevelopment projects that disturb one (1) or more acres of land (or less than one (1) acre if part of a common plan of development) that discharge into the permittee's MS4.

The post-construction stormwater management program must include a combination of structural and/or non-structural best management practices, as well as the components identified in this section.

Permittees shall maintain all records associated, including enforcement actions, in accordance with Part 8.2

6.4.5.1 Regulatory Mechanism for Post-Construction Stormwater Controls

The new development/redevelopment program shall include an ordinance or regulatory mechanism to address runoff from new development and redevelopment projects.

The regulatory mechanism must specify that owners or operators of new development and redevelopment sites discharging to the MS4, design, install, and maintain post-construction stormwater controls that reduce or eliminate the discharge of pollutants from the site after construction activities are completed.

Permittees must evaluate existing ordinance or other regulatory mechanism(s) to address post-construction stormwater runoff from new development and redevelopment projects. If it is determined existing ordinances or other regulatory mechanism(s) must be modified, the permittee must develop, adopt and implement a revised ordinance or other mechanism within the timeframes(s) specified in Part 3.1.

The permittee's new development/redevelopment program shall have procedures to ensure any stormwater controls or management practices for new development and redevelopment will prevent or minimize impacts to water quality from stormwater runoff.

6.4.5.2 Site Plan Review

The permittee shall design, implement, and maintain a site plan review process to evaluate and approve post-construction stormwater controls.

6.4.5.3 Post-Construction Stormwater Control Inventory

Within the first year of the effective date of this permit, the permittee shall implement and maintain an inventory system of all post-construction structural stormwater control measures installed and implemented at new development and redeveloped sites, including both public and private sector sites located within the permit area that discharge into the MS4. The inventory must be searchable by property location (either on paper or electronic) or other relevant criteria.

6.4.5.4 Operation and Maintenance of Post-Construction BMPs

The permittee shall establish processes, procedures, and other such provisions necessary to ensure the long-term operation and maintenance of post-construction stormwater BMPs.

6.4.6 Pollution Prevention and Good Housekeeping for Municipal Operations

The permittee must develop, implement, and maintain an operations and maintenance program that includes a training component with the ultimate goal of preventing or reducing pollutant runoff and protecting water quality from municipal facilities and activities. The provisions in this part apply to facilities and activities that are not subject to separate AZPDES permitting.

Existing permittees must continue to implement established operation and maintenance programs while updating those programs, as necessary, to comply with the requirements of this permit. Program updates must be developed and implemented within six (6) months of obtaining permit coverage.

New permittees must develop and implement the following program requirements within one (1) year of obtaining permit coverage.

At a minimum, the program must include:

- a. Develop an inventory of municipal operations that discharge;
- b. Prioritize municipal facilities based on their risk to discharge pollutants and develop and implement a site inspection schedule (example, more frequent inspections for higher risk facilities, less frequent inspections for lower risk facilities);
- c. Develop and implement an inspection schedule for municipally-owned and operated facilities and activities to ensure stormwater controls are effective and being properly maintained;
- d. Based on inspection findings, update municipally-owned or operated facilities priority status and modify inspection frequency, as appropriate;
- e. Develop and implement stormwater controls at municipally-owned or operated facilities and discharge activities to reduce or eliminate the discharge of pollutants;
- f. Develop and implement an employee training program to incorporate pollution prevention and good housekeeping techniques into everyday operations and maintenance activities; and
- g. Develop maintenance activities, maintenance schedules, and long-term inspections procedures for structural and non-structural stormwater controls to reduce floatables, trash, and other pollutants discharged from the MS4.

7.0 ANALYTICAL MONITORING

In addition to analytical monitoring of municipal stormwater discharges to impaired, not-attaining waters and Outstanding Arizona Waters (OAWs), ADEQ may notify the permittee in writing of additional monitoring requirements to ensure protection of receiving water quality or to ensure permit compliance. Additional monitoring will be required if there is evidence that a pollutant is being discharged by the permittee that may be causing or contributing to exceedances of a water quality standard. Any such notice will provide an explanation of the reasons for the monitoring, locations, and parameters to be monitored, frequency and period of monitoring, sample types, and reporting requirements.

Analytical monitoring shall be conducted in accordance with approved test methods in accordance with A.A.C. R18-9-A905(B).

7.1 General Monitoring Requirements

The monitoring provisions of this Part apply to permittees that must conduct analytical monitoring. The permittee shall collect and analyze stormwater samples and document monitoring activities consistent with the procedures described in Part 6.4.3.8 and Part 9.

- a. The purpose of the monitoring section of this permit is to:
 1. Assess the impacts to impaired, not-attaining, or Outstanding Arizona Waters (OAWs) resulting from stormwater discharges from Small MS4 outfalls;
 2. Characterize stormwater discharges;
 3. Identify sources of elevated pollutant loads and specific pollutants; and
 4. Assess the overall health and evaluate long-term trends in water quality of impaired, not attaining, or OAWs.
- b. The permittee shall identify in the SWMP and annual reports discharges that:
 1. Discharge to impaired waters listed on the Arizona's 303(d) list (Category 5) and those listed as not attaining (Category 4) on Arizona's Water Quality Assessment report;
 2. Discharges to OAWs listed in A.A.C. R18-11-112; and
 3. Additional monitoring required by ADEQ.
- c. Annual reporting requirements for outfall monitoring are included in Part 8.3.
- d. Analytical Monitoring Schedule:
 1. Existing Permittees – Impaired, not-attaining, and OAW monitoring must be fully implemented no later June 1, 2017.
 2. New Permittees – Impaired, not-attaining, and OAW monitoring must be fully implemented no later than November 1, 2017.
 3. Alternative schedule specified by ADEQ.

The required monitoring events may be distributed during seasons when precipitation occurs, or when snowmelt results in a measurable discharge from the site. Wet seasons apply statewide and are defined as follows:

Summer wet season: June 1 – October 31
Winter wet season: November 1 – May 31

The term 'wet season' includes areas of the state where freezing conditions exist that prevent runoff from occurring for extended periods. In areas where freezing conditions exist, the required monitoring and sample collection may be distributed during seasons when precipitation runoff, either as melting snow or rain mixed with melting snow, occurs.

7.2 Discharges to Impaired and Not-Attaining Waters

If an outfall discharges to an impaired or not-attaining water, the permittee shall develop and implement a monitoring program for all pollutants for which the waterbody is listed.

If the waterbody is listed for suspended solids, turbidity or sediment/sedimentation and the discharge occurs for more than 48 hours after the storm event, the permittee shall monitor for suspended sediment concentration (SSC). If the pollutant causing the impairment is expressed in the form of an indicator or surrogate pollutant, the permittee shall monitor for that indicator or surrogate pollutant.

The permittee shall comply with all applicable waste load allocations established in approved TMDLs. In the event monitoring requirements (frequency, analytical parameters, etc.) are established in an approved TMDL, the permittee shall comply with the specifications in the approved TMDL.

7.3 Discharges to Outstanding Arizona Waters

Analytical monitoring of outfalls that discharge to an OAW must be conducted twice per wet season for the entire permit term to assure discharges from the MS4 do not degrade existing water quality, or cause or contribute to an exceedance of an Arizona surface water quality standard. The permittee shall establish a list of analytical parameters to be included in the monitoring program and shall identify the analytical parameter and justification/rationale for selecting the key parameters in the SWMP.

7.4 Tracking

Permittees with outfalls that discharge to impaired, not-attaining, or OAWs shall develop a system to track the information required in the permit and the information required to be reported in the annual report (see Part 8.3). The tracking system shall be developed and implemented within twelve (12) months of the effective date of this permit.

The permittee must implement, and revise as necessary, a comprehensive monitoring and assessment program. A description of this program must be included in the SWMP. The monitoring and assessment program must be designed to meet the following objectives:

- a. Assess compliance with this permit;
- b. Measure the effectiveness of the permittee's stormwater management program;
- c. Assess the chemical, physical, and biological impacts to receiving waters resulting from stormwater discharges;
- d. Characterize stormwater discharges;
- e. Identify sources of specific pollutants;
- f. Detect and eliminate illicit discharges and illegal connections to the MS4; and
- g. Assess the overall health and evaluate long-term trends in receiving water quality.

8.0 PROGRAM ASSESSMENT, RECORDKEEPING, AND REPORTING

8.1 Program Evaluation

8.1.1 The permittee shall annually self-evaluate its compliance with the terms and conditions of this permit. The permittee shall maintain the annual evaluation documentation as part of the SWMP. The permittee shall include this information in the annual report.

8.1.2 The permittee shall evaluate the appropriateness of the selected BMPs in achieving the objectives of each control measure and the defined measurable goals. The permittee may change BMPs in accordance with the following provisions:

- a. Adding (but not subtracting or replacing) components or controls may be made at any time;
- b. Changes replacing an ineffective or infeasible BMP specifically identified in the SWMP with an alternative BMP may be made if the proposed changes meet the criteria of this Part.

The permittee shall include this information in the annual report.

8.1.3 BMP modification documentation shall include the following information and all documentation shall be kept in the SWMP:

- a. An analysis of why the BMP is ineffective or infeasible;
- b. Expectations on the effectiveness of the replacement BMP; and
- c. An analysis of why the replacement BMP is expected to achieve the defined goals of the BMP to be replaced.

The permittee shall indicate BMP modifications along with a brief explanation of the modification in the annual report.

8.1.4 ADEQ may require the permittee to add, modify, repair, replace or change BMPs or other measures described in the annual reports to address the following:

- a. Impacts to receiving water quality caused or contributed to by discharges from the MS4;
- b. To satisfy conditions of this permit;
- c. To include more stringent requirements necessary to comply with new state or federal legal requirements; or
- d. Attainment of surface water quality standards.

Any changes requested by ADEQ will be in writing and will require the permittee to develop a schedule to implement the changes and will offer the permittee the opportunity to propose alternative program changes to meet the objective of the requested modification.

8.2 Recordkeeping

- 8.2.1** The permittee shall keep all records required by this permit for a period of at least three (3) years. Records include information used in the development of any written program required by this permit, any monitoring results, copies of reports, records of screening, follow-up and elimination of illicit discharges; maintenance records; inspection records; enforcement actions; and data used in the development of the notice of intent, SWMP, plans, and annual reports. This list provides examples of records that should be maintained, but is not all inclusive.
- 8.2.2** Records other than those required to be included in the discharge monitoring report (Part 8.3) and annual report (Part 8.4), shall be submitted upon request by ADEQ, or U.S. EPA.
- 8.2.3** The permittee shall make the records relating to this permit, including the written stormwater management program, available to the public. The public may view the records during normal business hours. The permittee may charge a reasonable fee for copying requests. The permittee is encouraged to satisfy this requirement by posting records online.

8.3 Discharge Monitoring Report

The permittee must submit all monitoring results (analytical and visual monitoring results) on a discharge monitoring report (DMR) in a manner prescribed by ADEQ (electronic, paper format, etc.). In the event electronic reporting becomes available, permittees must submit analytical and visual monitoring results using an online program or portal application prescribed by ADEQ (or U.S. EPA). DMRs must be submitted no later than September 30 of each year and shall include analytical and visual monitoring results for the period July 1 through June 30 of the preceding calendar year.

8.4 Annual Report

The permittee shall submit an annual report each year of the permit term to ADEQ. The reporting period is from July 1 through June 30 each year. The annual report is due to ADEQ on or before September 30 each year for the reporting period. The annual reports shall contain the following information:

- a. The status of compliance with the permit terms and conditions;
- b. Updates regarding mapping requirements (see Part 4.1), including percent complete;
- c. An evaluation of the appropriateness and efficacy of the selected BMPs;
- d. An assessment of the progress towards achieving the measurable goals and objectives of each control measure in Part 6.4 including description of the targeted messages for each audience; method of distribution and dates of distribution; methods used to evaluate the program; and any changes to the program;
- e. Description of the activities used to promote public participation;
- f. Description of the activities related to implementation of the IDDE program including: status and results of the illicit discharge potential protocols described in Parts 6.4.3.4 (program responsibilities and systematic procedure); number and identifier of assets inspected or evaluated; number and identifier of outfalls screened; number of illicit discharges located; number of illicit discharges removed; and employee training;

- g. All outfall screening and monitoring data collected by or on behalf of the permittee during the reporting period and cumulative for the permit term, including but not limited to all data collected pursuant to Parts 6.4.3 and 7.0;
- h. The status of any plans or activities required by Part 6.4.3 and/or Part 7.1 (impaired and not-attaining waters), including:
 - 1. Identification of all discharges determined to be causing or contributing to an exceedance of water quality standards and description of response;
 - 2. For discharges subject to TMDLs, identification of specific BMPs used to address the pollutant identified as the cause of the impairment and assessment of the BMPs effectiveness at controlling the pollutant;
- i. Status of the construction runoff management including number of project plans reviewed, number of inspections, and number of enforcement actions;
- j. Status of stormwater management for new development and redevelopment including status of ordinance development and review;
- k. Status of the operation and maintenance programs required by Part 6.4.6.1;
- l. Description of any changes in identified BMPs or measurable goals;
- m. Any additional reporting requirements specified in Parts 1-7; and
- n. Description of activities to be conducted during the next reporting cycle.

Reports must be submitted to ADEQ at the following address:

Arizona Department of Environmental Quality
1110 West Washington Street, Mail Code 5451A-1
Phoenix, Arizona 85007

In the event electronic reporting becomes available, permittees must submit their annual reports using an online program or portal application prescribed by ADEQ (or U.S. EPA).

9.0 STANDARD PERMIT CONDITIONS

Standard permit conditions in Part 9 are consistent with the general permit provisions required under 40 CFR 122.41 and A.A.C. R-18-9-A905(A)(3).

1. **Duty to Comply:** [A.A.C. R18-9-A905(A)(3)(a), which incorporates 40 CFR 122.41(a)(1) and A.R.S. §§ 49-261, 262, 263.01, and 263.02.]
 - a. The operator shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act; A.R.S. Title 49, Chapter 2, Article 3.1; and A.A.C. Title 18, Chapter 9, Article 9, and is grounds for enforcement action, permit termination, revocation and reissuance, or modification, or denial of a permit renewal application.
 - b. The issuance of this permit does not waive any federal, state, county, or local regulations or permit requirements with which a person discharging under this permit is required to comply.
 - c. The operator shall comply with any effluent standards or prohibitions established under section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if this permit has not yet been modified to incorporate the requirement.

2. **Duty to Reapply / Continuation of the Expired General Permit:** [A.A.C. R18-9-A905, which incorporates 40 CFR 122.41(b) and A.A.C. R18-9-C903]
 - a. Upon reissuance of the general permit, the permittee shall file an NOI, within the timeframe specified in the new general permit, and shall obtain new written authorization to discharge from the Director.
 - b. If the Director does not reissue the general permit before the expiration date, the current general permit will be administratively continued and remain in force and effect until the general permit is reissued.
 - c. Any operator granted authorization to discharge under the general permit before the expiration date automatically remains covered by the continued general permit until the earlier of:
 - i. Reissuance or replacement of the general permit, at which time the operator shall comply with the NOI conditions of the new general permit to maintain authorization to discharge; or
 - ii. The date the operator has submitted a Notice of Termination; or
 - iii. The date the Director has issued an individual permit for the discharge; or
 - iv. The date the Director has issued a formal permit decision not to reissue the general permit, at which time the operator shall seek coverage under an alternative general permit or an individual permit, or cease discharge.

3. **Need To Halt or Reduce Activity Not a Defense:** [A.A.C. R18-9-A905(A)(3)(a), which incorporates 40 CFR 122.41(c)]

It shall not be a defense for an operator in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

4. **Duty to Mitigate:** [A.A.C. R18-9-A905(A)(3)(a), which incorporates 40 CFR 122.41(d)]

The operator shall take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment per A.R.S. § 49-255.01(E)(1)(d).

5. Proper Operation and Maintenance: [A.A.C. R18-9-A905(A)(3)(a), which incorporates 40 CFR 122.41(e)]

The operator shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the operator to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures.

6. Permit Actions: [A.A.C. R18-9-A905(A)(3)(a), which incorporates 40 CFR 122.41(f)]

This permit may be modified, revoked and reissued, or terminated for cause. Filing a request by the operator for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

7. Property Rights: [A.A.C. R18-9-A905(A)(3)(a), which incorporates 40 CFR 122.41(g)]

This permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or invasion of personal rights, nor any infringement of federal, state, Indian tribe, or local laws or regulations.

8. Duty to Provide Information: [A.A.C. R18-9-A905(A)(3)(a), which incorporates 40 CFR 122.41(h)]

The operator shall furnish to ADEQ, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The operator shall also furnish to ADEQ upon request, copies of records required to be kept by this permit.

9. Signatory Requirements: [A.A.C. R18-9-A905(A)(3)(a), which incorporates 40 CFR 122.41(k) and (l); A.A.C. R18-9-A905(A)(1)(c), which incorporates 40 CFR 122.22]

All Notices of Intent (NOI) and Notices of Termination (NOT) must be signed as follows:

- a. NOIs:
 - i. For a corporation: By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
 - ii. For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or
 - iii. For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a federal (or state) agency includes: (1) The chief executive officer (or director) of the agency, or (2) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

- b. All NOTs, reports, plans, inspection reports, monitoring reports, and other information required by this permit must be signed by a person described in Part 9.9(a), above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - i. The authorization is made in writing by a person described in Subsection 9(a) above;
 - ii. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of manager, operator, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may be either a named individual or any individual occupying a named position); and
 - iii. The signed and dated written authorization is included in the SWMP. A copy must be submitted to ADEQ, upon request.
- c. Certification. Any person signing documents under the terms of this permit shall make the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

10. Inspection and Entry: [A.A.C. R18-9-A905(A)(3)(a), which incorporates 40 CFR 122.41(i)]

The operator shall allow the Director or an authorized representative upon the presentation of credentials and such other documents as may be required by law to:

- a. Enter upon the operator's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;
- b. Have access to and copy at reasonable times, any records that must be kept under the conditions of this general permit;
- c. Inspect at reasonable times any facility or equipment (including monitoring and control equipment), practices or operations regulated or required under this permit;
- d. Sample or monitor at reasonable times any substances or parameters at any location, for the purposes of assuring permit compliance or as otherwise authorized by A.R.S. Title 49, Chapter 2, Article 3.1, and 18 A.A.C. 9, Articles 9.

11. Monitoring and Records: [A.A.C. R18-9-A905(A)(3)(a), which incorporates 40 CFR 122.41(j)]

- a. Representative Samples/Measurements: Samples and measurements taken for the purpose of monitoring must be representative of the volume and nature of the monitored activity.
- b. Retention of Records: The operator shall retain records of all monitoring information, including all calibration and maintenance records, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three (3) years from the date permit coverage ends. Operators shall submit any such records to the Director upon request. The operator shall retain the SWPPP developed in accordance with Part 6 of this permit, for at least three (3) years after the last modification or amendment is made to the plan. The Director may extend this retention period upon request by notifying the operator in writing at any time prior to the end of the standard three year retention period.

- c. Records Contents: Records of monitoring information must include:
- i. The date, exact location, and time of sampling or measurements;
 - ii. The initials or name(s) of the individual(s) who performed the sampling or measurements;
 - iii. The date(s) analyses were performed;
 - iv. The time(s) analyses were initiated;
 - v. The initials or name(s) of the individual(s) who performed the analyses;
 - vi. References and written procedures, when available, for the analytical techniques or methods used;
 - vii. The analytical techniques or methods used; and
 - viii. The results of such analyses.
- d. Any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained in this permit is subject to the enforcement actions established under A.R.S. Title 49, Chapter 2, Article 4, which includes the possibility of fines and/or imprisonment.

12. Reporting Requirements: [A.A.C. R18-9-A905(A)(3)(a), which incorporates 40 CFR 122.41(l)]

- a. Planned changes: The operator shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:
- i. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b) (incorporated by reference at A.A.C. R18-9-A905(A)(1)(e)); or
 - ii. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under 40 CFR 122.42(a)(1) (incorporated by reference at A.A.C. R18-9-A905(A)(3)(b)).
- b. Monitoring reports: Monitoring results must be reported at the intervals specified elsewhere in this permit.
- i. Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms (paper or electronic) provided or specified by ADEQ.
 - ii. If the operator monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR Part 136 unless otherwise specified in 40 CFR Part 503, or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.
 - iii. Calculations for all limitations which require averaging of measurements must use an arithmetic mean and non-detected results must be incorporated in calculations as the limit of quantitation for the analysis.
- c. Anticipated noncompliance: The operator shall give advance notice to the Director of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements.
- d. Twenty-four hour reporting:
- i. The operator shall report to ADEQ any noncompliance with this permit which may endanger human health or the environment. The operator shall orally notify the office listed below within 24 hours:

Arizona Department of Environmental Quality – Water Quality Division
1110 W. Washington Street
Phoenix, AZ 85007
Office: (602) 771 - 4508

- ii. A written submission shall also be provided to the office identified above within five (5) days of the time the operator becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- iii. The following shall be included as information which must be reported within 24 hours under this paragraph.
 - 1) Any upset which exceeds any effluent limitation in the permit.
 - 2) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in the permit to be reported within 24 hours. (See 40 CFR 122.44(g) which is incorporated by reference at A.A.C. R18-9-A905(A)(3)(d)).
- iv. ADEQ may waive the written report on a case-by-case basis for reports under this subsection if the oral report has been received within 24 hours.
- e. Other noncompliance: The operator shall report all instances of noncompliance not otherwise required to be reported under this subsection, at the time monitoring reports are submitted. The reports shall contain the information listed in subsection 12(d).
- f. Other information: When the operator becomes aware that it failed to submit any relevant facts or submitted incorrect information in the Notice of Intent or in any other report to the Department, the operator shall promptly submit the facts or information to ADEQ at the address listed in Part 8.2.

13. Reopener Clause: [A.A.C. R18-9-A905(A)(3)(d), which incorporates 40 CFR 122.44(c)]

The Department may elect to modify the permit prior to its expiration (rather than waiting for the new permit cycle) to comply with any new statutory or regulatory requirements, such as for effluent limitation guidelines, which may be promulgated in the course of the current permit cycle.

14. Other Environmental Laws:

No condition of this general permit releases the operator from any responsibility or requirements under other environmental statutes or regulations. For example, this permit does not authorize the "taking" of endangered or threatened species as prohibited by Section 9 of the Endangered Species Act, 16 U.S.C. 1538. Information regarding the location of endangered and threatened species and guidance on what activities constitute a "taking" are available from the U.S. Fish and Wildlife Service. The operator shall also comply with applicable State and Federal laws, including Spill Prevention Control and Countermeasures (SPCC).

15. State or Tribal Law: [Pursuant to A.A.C. R18-9-A904(C)]

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the operator from any responsibilities, liabilities, or penalties established pursuant to any applicable State or Tribal law or regulation under authority preserved by Section 510 of the Clean Water Act.

16. Severability:

The provisions of this general permit are severable, and if any provision of this general permit, or the application of any provision of this general permit to any circumstance, is held invalid, the application of the provision to other circumstances, and the remainder of this general permit shall not be affected.

17. Requiring Coverage under an Individual Permit or an Alternative General Permit: [Pursuant to A.A.C. R18-9-C902 and R18-9-A909]

- a. The Director may require a person authorized by this permit to apply for and/or obtain either an individual AZPDES permit or an alternative AZPDES general permit. Any interested person may petition the Department to take action under this section. The Department may require an operator authorized to discharge under this permit to apply for an individual permit in any of the following cases:
 - i. A change occurs in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source;
 - ii. Effluent limitation guidelines are promulgated for point sources covered by the general permit;
 - iii. An Arizona Water Quality Management Plan containing requirements applicable to the point sources is approved;
 - iv. Circumstances change after the time of the request to be covered so that the discharger is no longer appropriately controlled under the general permit, or either a temporary or permanent reduction or elimination of the authorized discharge is necessary;
 - v. If the Director determines that the discharge is a significant contributor of pollutants. When making this determination, the Director shall consider:
 - 1) The location of the discharge with respect to waters of the United States,
 - 2) The size of the discharge,
 - 3) The quantity and nature of the pollutants discharged to waters of the U.S., and
 - 4) Any other relevant factor.
- b. If an individual permit is required, the Director shall notify the discharger in writing of the decision. The notice shall include:
 - i. A brief statement of the reasons for the decision;
 - ii. An application form;
 - iii. A statement setting a deadline to file the application;
 - iv. A statement that on the effective date of issuance or denial of the individual permit, coverage under the general permit will automatically terminate;
 - v. The applicant's right to appeal the individual permit requirement with the Water Quality Appeals Board under A.R.S. § 49-323, the number of days the applicant has to file a protest challenging the individual permit requirement, and the name and telephone number of the Department contact person who can answer questions regarding the appeals process; and
 - vi. The applicant's right to request an informal settlement conference under A.R.S. 41-1092.03(A) and 41-1092.06.
- c. The discharger shall apply for an individual permit within 90 days of receipt of the notice, unless the Director grants a later date. In no case shall the deadline be more than 180 days after the date of the notice.
- d. If the discharger fails to submit the individual permit application within the time period established in Part 9.17(c) the applicability of the general permit to the discharger is automatically terminated at the end of the day specified by the Director for application submittal.
- e. Coverage under the general permit shall continue until an individual permit is issued or denied unless the general permit coverage is terminated under Part 9.17(d).

18. Request for an Individual Permit: [Pursuant to A.A.C. R18-9-C902]

- a. An operator may request an exclusion from coverage of a general permit by applying for an individual permit.
 - i. The operator shall submit an individual permit application under R18-9-B901(B) and include the reasons supporting the request no later than 90 days after publication of the general permit.
 - ii. The Director shall grant the request if the reasons cited by the operator are adequate to support the request.
- b. If an individual permit is issued to a person otherwise subject to a general permit, the applicability of the general permit to the discharge is automatically terminated on the effective date of the individual permit.

19. Change of Operator: [A.A.C. R18-9-C904]

If a change of ownership or operator occurs for a facility operating under a general permit:

- a. Permitted owner or operator: The operator shall provide the Department with a Notice of Termination by certified mail within 30 days after the new owner or operator assumes responsibility for the facility.
 - i. The Notice of Termination shall include all requirements for termination specified in the general permit for which the Notice of Termination is submitted.
 - ii. An operator shall comply with the permit conditions specified in the general permit for which the Notice of Termination is submitted until the Notice of Termination is received by the Department.
- b. New owner or operator:
 - i. The new owner or operator shall complete and file a Notice of Intent with the Department within the time period specified in the general permit before taking over operational control of, or initiation of activities at, the facility.
 - ii. If the previous operator was required to implement a stormwater pollution prevention plan, the new owner shall develop a new stormwater pollution prevention plan, or may modify, certify, and implement the old stormwater pollution prevention plan if the old stormwater pollution prevention plan complies with the requirements of the current general permit.
 - iii. The operator shall provide the Department with a Notice of Termination if a permitted facility ceases operation, ceases to discharge, or changes operator status. In the case of a construction activity, the operator shall submit a Notice of Termination to the Department when:
 - 1) The facility ceases construction operations and the discharge is no longer associated with construction or construction-related activities,
 - 2) The construction is complete and final site stabilization is achieved, or
 - 3) The operator's status changes.

20. Bypass: [A.A.C. R18-9-A905(A)(3)(a), which incorporates 40 CFR 122.41(m)]

- a. Definitions:
 - i. Bypass means the intentional diversion of waste streams from any portion of a treatment facility;

- ii. Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
 - b. Bypass not exceeding limitations: The operator may allow any bypass to occur that does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions Part 9.20(c) and 20(d).
 - c. Notice:
 - i. Anticipated bypass. If the operator knows in advance of the need for a bypass, if possible prior notice shall be submitted at least ten days before the date of the bypass.
 - ii. Unanticipated bypass. The operator shall submit notice of an unanticipated bypass as required in Part 9.12(d).
 - d. Prohibition of bypass:
 - i. Bypass is prohibited, and ADEQ may take enforcement action against the operator for bypass, unless:
 - 1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - 2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - 3) The operator submitted notices as required under Part 9.20(c).
 - ii. ADEQ may approve an anticipated bypass, after considering its adverse effects, if the Department determines that it will meet the three conditions listed above in this Part 9.20(d).
- 21. Upset:** [A.R.S. §§ 49-255(8) and 255.01(E), A.A.C. R18-9-A905(A)(3)(a), which incorporates 40 CFR 122.41(n)]
- a. Definition: Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the operator. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
 - b. Effect of an upset: An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of Part 9.21(c) are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
 - c. Conditions necessary for a demonstration of upset: An operator who wishes to establish the affirmative defense of upset must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - i. An upset occurred and that the operator can identify the cause(s) of the upset;
 - ii. The permitted facility was at the time being properly operated;

- iii. The operator submitted notice of the upset as required in Part 9.12(d)(iii); and
 - iv. The operator complied with any remedial measures required under Part 9.4.
- d. Burden of proof: In any enforcement proceeding, the operator, who is seeking to establish the occurrence of an upset, has the burden of proof.

22. Penalties for Violations of Permit Conditions

Any permit noncompliance constitutes a violation and is grounds for an enforcement action, permit termination, revocation and reissuance, modification, or denial of a permit renewal application.

- a. Civil Penalties: A.R.S. § 49-262 provides that any person who violates any provision of A.R.S. Title 49, Chapter 2, Article 2, 3 or 3.1 or a rule, permit, discharge limitation or order issued or adopted under A.R.S. Title 49, Chapter 2, Article 3.1 is subject to a civil penalty not to exceed \$25,000 per day per violation.
- b. Criminal Penalties: Any person who violates a condition of this general permit, or violates a provision under A.R.S. Title 49, Chapter 2, Article 3.1, or A.A.C. Title 18, Chapter 2, Article 9 is subject to the enforcement actions established under A.R.S. Title 49, Chapter 2, Article 4, which may include the possibility of fines and/or imprisonment.

10.0 DEFINITIONS

1. **Analytical monitoring** – means monitoring conducted to provide quantitative results in accordance with A.A.C. R18-9-A905(B).
2. **Best management practices (BMPs)** – means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of “waters of the United States.” BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
3. **Common plan of development** – a contiguous area where multiple separate and distinct land disturbing activities may be taking place at different times, on different schedules, but under one plan. A ‘plan’ is broadly defined to include design, permit application, advertisement or physical demarcation indicating that land-disturbing activities may occur.
4. **Construction activity** – means earth-disturbing activities such as, clearing, grading, excavating, stockpiling of fill material and other similar activities. This definition encompasses both large construction activities defined in 40 CFR 122.26 (b)(14)(x) and small construction activities in 40 CFR 122.26 (b)(15)(i) and includes construction support activities.
5. **Controls or Control Measures or Measures** – means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or control the pollution of waters of the United States. Controls also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
6. **CWA or The Act** means Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub.L. 92-500, as amended Pub. L. 95 217, Pub. L. 95-576, Pub. L. 96-483 and Pub. L. 97-117, 33 U.S.C. 1251 et.seq.
7. **Department** – the Arizona Department of Environmental Quality.
8. **Discharge** – when used without qualification means the “discharge of a pollutant.”
9. **Discharge of a pollutant** – any addition of any “pollutant” or combination of pollutants to “waters of the United States” from any “point source,” or any addition of any pollutant or combination of pollutants to the waters of the “contiguous zone” or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation. This includes additions of pollutants into waters of the United States from surface runoff which is collected or channeled by man. See 40 CFR 122.2.
10. **Discharge point** – the location where stormwater flows exit the construction activity.
11. **Effluent limitations** – means any limitation or condition on quantities, discharge rates, or concentration of pollutants which are discharged from a point source.
12. **Effluent Limitations Guideline (ELG)** – defined in 40 CFR § 122.2 as a regulation published by the Administrator under section 304(b) of CWA to adopt or revise effluent limitations.
13. **Ephemeral water** – a surface water that has a channel that is at all times above the water table, and that flows only in direct response to precipitation. [A.A.C. R18-11-101(22)]

14. **Existing Permittees** means Small MS4 operators who had coverage under ADEQ's 2002 Small MS4 General Permit.
15. **Facility** means any "point source" or any other facility (including land or appurtenances thereto) that is subject to regulation under the AZPDES/NPDES program.
16. **Field Screening Point** means location(s) where municipal stormwater leaves a Small MS4 operator's permitted area and goes to a Waters of the U.S. by way of a conveyance (such as another municipal storm sewer system).
17. **Illicit connection** means any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.
18. **Illicit discharge** means any discharge to a municipal separate storm sewer that is not composed entirely of stormwater except discharges pursuant to a AZPDES/NPDES permit (other than the AZPDES permit for discharges from the municipal separate storm sewer) and discharges resulting from firefighting activities.
19. **Impaired water** – waters that have been assessed by ADEQ, under the Clean Water Act, as not attaining a water quality standard for at least one (1) designated use, and are listed in Arizona's current 303(d) List or on the 305(b) Category 4 list.
20. **Intermittent water** or **Intermittent stream** – a stream or reach that flows continuously only at certain times of the year, as when it receives water from a spring or from another surface source, such as melting snow. [A.A.C. R18-11-101(25)]
21. **Maximum Extent Practicable (MEP)** – means maximum extent practicable, the technology-based discharge standard for municipal separate storm sewer systems to reduce pollutants in storm water discharges. A discussion of MEP as it applies to small MS4s is found at 40 CFR 122.34. CWA section 402(p)(3)(B)(iii) requires that a municipal permit "shall require controls to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques and system design, and engineering methods, and other provisions such as the Administrator or the State determines appropriate for the control of such pollutants.
22. **Measurable Goal** means a quantitative measure of progress in implementing a component of a storm water management program.
23. **Minimize** – to reduce and/or eliminate to the extent achievable using control measures that are technologically available and economically practicable and achievable in light of best industry practices.
24. **Municipal separate storm sewer** – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):
 - a. Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or a designated and approved management agency under section 208 of the Clean Water Act (33 U.S.C. 1288) that discharges to waters of the United States;
 - b. Designed or used for collecting or conveying stormwater;
 - c. Which is not a combined sewer; and
 - d. Which is not part of a Publicly Owned Treatment Works.

- 25. Municipal separate storm sewer system (MS4)** – all separate storm sewers defined as “large,” “medium,” or “small” municipal separate storm sewer systems or any municipal separate storm sewers on a system-wide or jurisdiction-wide basis as determined by the Director under A.A.C. R18-9-C902(A)(1)(g)(i) through (iv). [A.A.C. R18-9-A901(23)]. This also includes similar systems owned or operated by separate storm sewer municipal jurisdictions not required to obtain stormwater discharge authorization.
- 26. New Permittees** means Small MS4 operators who did not have permit coverage under ADEQ’s 2002 Small MS4 General Permit.
- 27. Not-Attaining** means a surface water is assessed as impaired, but is not placed on the 303(d) List because:
- a. A TMDL is prepared and implemented for the surface water;
 - b. An action, which meets the requirements of R18-11-604(D)(2)(h), is occurring and is expected to bring the surface water to attaining before the next 303(d) List submission; or
 - c. The impairment of the surface water is due to pollution but not a pollutant, for which a TMDL load allocation cannot be developed.
- 28. Non-traditional MS4** means systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings. 40 CFR 122.26(a)(16)(iii).
- 29. Notice of Intent (NOI)** – the application to operate under this general permit.
- 30. Notice of Termination (NOT)** – the application to terminate coverage under this general permit.
- 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 (2) municipal separate storm sewers, or pipes, tunnels or other conveyances which connect segments of the same stream or other waters of the United States and are used to convey waters of the United States.
- 32. Outstanding Arizona Water (OAW)** – a surface water that has been designated by ADEQ as an outstanding state resource under A.A.C. R18-11-112.
- 33. Owner or operator** means the owner or operator of any “facility or activity” subject to regulation under the NPDES program.
- 34. Perennial water** – a surface water that flows continuously throughout the year (A.A.C. R18-11-101(30)).
- 35. Permittee** – refers to any person (defined below) authorized by this NPDES permit to discharge to Waters of the United States.
- 36. Person** – an individual, employee, officer, managing body, trust, firm, joint stock company, consortium, public or private corporation, including a government corporation, partnership, association or state, a political subdivision of this state, a commission, the United States government or any federal facility, interstate body, or other entity.
- 37. Point source** – any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

- 38. Pollutant** – sediment, fluids, contaminants, toxic wastes, toxic pollutants, dredged spoil, solid waste, substances and chemicals, pesticides, herbicides, fertilizers and other agricultural chemicals, incinerator residue, sewage, garbage, sewage sludge, munitions, petroleum products, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt (e.g., overburden material), and mining, industrial, municipal and agricultural wastes or any other liquid, solid, gaseous or hazardous substances. [A.R.S. § 49-201(29)]
- 39. Receiving water** – as used in this permit means “Water of the United States” as defined in 40 CFR §122.2 that receives discharges from the MS4.
- 40. Satellite Installation** - means facilities that are not subject to separate AZPDES permitting, are non-contiguous with the primary facility, and meet the following criteria: a) located in an urbanized area, and b) have the potential to discharge pollutants. Examples include golf courses, parks and recreation areas, and vehicle and equipment maintenance facilities.
- 41. Stormwater** – stormwater runoff, snow melt runoff, and surface runoff and drainage. See 40 CFR 122.26(b)(13).
- 42. Stormwater Discharge Associated with Construction Activity** – a discharge of pollutants in stormwater runoff from areas where soil disturbing activities (e.g., clearing, grading, or excavating), construction materials, or equipment storage or maintenance (e.g., fill piles, borrow areas, concrete truck washout, fueling), or other industrial stormwater directly related to the construction process (e.g., concrete or asphalt batch plants) are located. See 40 CFR 122.26(b)(14)(x) and 40 CFR 122.26(b)(15).
- 43. Stormwater Discharge Associated with Industrial Activity** means the discharge from any conveyance which is used for collecting and conveying stormwater and which is directly related to manufacturing, processing, or raw materials storage areas at an industrial plant (See 40 CFR §122.26(b)(14) for specifics of this definition).
- 44. Stormwater Management Program (SWMP)** means a comprehensive program to manage the quality of stormwater discharged from the municipal separate storm sewer system. For the purposes of this permit, the Stormwater Management Program is considered a single document, but may actually consist of separate programs (e.g. "chapters") for each permittee.
- 45. Stormwater Pollution Prevention Plan (SWPPP)** – a site-specific, written document that, among other things: (1) identifies potential sources of stormwater pollution at the location of the construction activity; (2) describes control measures to reduce or eliminate pollutants in stormwater discharges from the construction activity; and (3) identifies procedures the operator will implement to comply with the terms and conditions of this general permit.
- 46. Surface Water** – as used in this permit means “Water of the United States” as defined in 40 CFR §122.2.
- 47. Total Maximum Daily Load (TMDL)** – an estimation of the total amount of a pollutant from all sources that may be added to a water while still allowing the water to achieve and maintain applicable surface water quality standards. Each total maximum daily load shall include allocations for sources that contribute the pollutant to the water, as required by section 303(d) of the clean water act (33 United States Code, Section 1313(d)) and regulations implementing that statute to achieve applicable surface water quality standards. [A.R.S. § 49-231(4)]
- 48. Turbidity** – a condition of water quality characterized by the presence of suspended solids and/or organic material; expressed as nephelometric turbidity units (NTU).

- 49. Waste Load Allocation (WLA)** – The maximum load of pollutants each discharger of waste is allowed to release into a particular waterway. Discharge limits are usually required for each specific water quality criterion being, or expected to be, violated. WLAs constitute a type of water quality-based effluent limitation. (See 40 C.F.R. § 130.2(h))
- 50. Waters of the United States (U.S.)** – defined in 40 CFR 122.2.
- 51. Wetland** – an area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. A wetland includes a swamp, marsh, bog, cienega, tinaja, and similar areas. [A.A.C. R18-11-101(49)]