YAVAPAI COUNTY

STORMWATER QUALITY MANAGEMENT

AND

DISCHARGE CONTROL REGULATION

Yavapai County Flood Control District
Stormwater Quality Program
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Table of Contents

	Page No.
CHAPTER 1 – INTRODUCTION	3
101 – Statutory Authorization	3
102 – Title	3
103 – Required Permit for County	3
104 – Statement of Purpose and Objectives	3
CHAPTER 2 – RULES OF CONSTRUCTION AND INTERPRETATION	4
201 – General Rules for Construction of Language	4
202 – Responsibility for Administration	4
203 – Compatibility with other Regulations	4
204 – Severability	4
205 – Disclaimer	4
206 – Other Regulatory Requirements	4
CHAPTER 3 – DEFINITIONS	5
CHAPTER 4 – APPLICABILITY	9
CHAPTER 5 – ILLICIT NON-STORMWATER DRAINAGE AND CONNECTIONS	9
501 – Prohibition of Non-Stormwater Drainage	9
502 – Prohibition of Illicit Connections	10
CHAPTER 6 – CONSTRUCTION SITE STORMWATER RUNOFF POLLUTION CONTROL	11
601 – Violations	11
602 – Construction Site Regulation	11
603 – Exemptions	12
604 – Transfers of Approvals	12
605 – Termination of Coverage	12
606 – Compliance of Monitoring	13
CHAPTER 7 – INDUSTRIAL ACTIVITY DISCHARGES	13
701 – Submission of “NOI” or Other Proof of Compliance to Department	13
CHAPTER 8 – REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORMWATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES	14
CHAPTER 9 – NOTIFICATION OF SPILLS	14

CHAPTER 10 – VIOLATIONS, ENFORCEMENT, PENALTIES AND AUTHORITY 15
1001 – Violations 15
1002 – Letter of Outstanding Violation 15
1003 – Consent Order 15
1004 – Compliance Order 15
1005 – Cease and Desist Orders 16
1006 – Injunctive Relief 17
1007 – Suspension and Revocation of Approvals or Permits 17
1008 – Civil Penalties 18
1009 – Criminal Violations 19
1010 – Abatement Assessment and Lien 19
1011 – Remedies Not Exclusive 20

CHAPTER 11 – POST-CONSTRUCTION STORMWATER MANAGEMENT 20
1101 – Introduction 20
1102 – Objectives 20
1103 – Regulated Activities 21
1104 – General Requirements 23
1105 – Permanent Stormwater Management Design Standards 24
1106 – Construction and Operation Responsibilities 25
1107 – Ownership and Maintenance 27
1108 – Operation and Maintenance Plans 28
1109 – Drainage Provisions and Flood Control Regulations 29

CHAPTER 12 – EFFECTIVE DATE AND ADOPTION OF REGULATIONS 30

CHAPTER 1 – INTRODUCTION

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

101- Statutory Authorization

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

102 – Title

This Regulation shall be known as the Yavapai County Stormwater Quality Management and Discharge Control Regulation.

103 – Required Permit for County

There are six minimum Stormwater control criteria required in the Phase II program by the federal regulations found at 40 CFR 122.34 and in the Arizona Phase II permit. They are:

1. Public education and outreach on stormwater impacts;
2. Public involvement and participation;
3. Illicit drainage detection and elimination;
4. Construction site Stormwater runoff control;
5. Post-construction Stormwater management in new development and redevelopment;
6. Pollution prevention/good housekeeping for municipal operations.

This Regulation meets Phase II permit requirements three, four, and five. Requirements one, two and six are applicable to Yavapai County and do not require the adoption of language to regulate activities by others within the County areas covered by the Phase II permit.

104 – Statement of Purpose and Objectives

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

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

1. To regulate the contribution of pollutants to the County MS4 by Stormwater drainage in unincorporated urbanized areas by any user.

2. To prohibit illicit connections and drainages to the County MS4.

3. To establish legal authority to carry out all inspection, surveillance, monitoring, and enforcement procedures necessary to ensure compliance with this Regulation.

CHAPTER 2 – RULES OF CONSTRUCTION AND INTERPRETATION

201 – General Rules for Construction of Language

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

202 – Responsibility for Administration

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

203 – Compatibility with other Regulations

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

204 – Severability

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

205 – Disclaimer

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

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

206 – Other Regulatory Requirements

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

206.1 County Permits and Approvals

An application for any discretionary permits or approvals issued by the County shall be accompanied by plans demonstrating how the development project will comply with the requirements of this Regulation. The permit or approval shall not be granted unless the decision maker determines that the development project complies with the applicable requirements of this Regulation. If a person applies for any one permit from Yavapai County, that person is not relieved from the obligation to obtain any other applicable County permit or permits. The following list is not exhaustive and additional programs may be included by the department.

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

CHAPTER 3 – DEFINITIONS

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

1. **ADEQ**: The Arizona Department of Environmental Quality.

2. **AZPDES**: The Arizona Pollutant Discharge Elimination System program as adopted under section 402(b) of the clean water act.

3. **AZPDES PERMIT**: A permit issued by the Arizona Department of Environmental Quality pursuant to 33 U.S.C. 1342(b) that authorizes the discharge of pollutants to Waters of the U.S.

4. **BEST MANAGEMENT PRACTICES (BMPS)**: Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, other management practices to prevent or reduce the introduction of pollutants directly or indirectly to the County MS4 or Storm Drainage Systems connected to the MS4 and the prohibition of specific activities, practices and procedures and such other provisions as the Department determines appropriate for the control of pollutants. BMP's also include treatment practices, operating procedures, and

practices to control the following: site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

5. **CLEAN WATER ACT**: The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

6. **CONSTRUCTION ACTIVITY**: Activities subject to NPDES and/or AZPDES Construction permits. These include construction projects resulting in land disturbance of one acre or more. Such activities include, but are not limited to, clearing and grubbing, grading, excavating, and demolition.

7. **COUNTY**: Yavapai County, Arizona government officials and employees or designees of the Board of Supervisors of Yavapai County designated to enforce this Regulation.

8. **DEPARTMENT:** The Yavapai County Flood Control District.

9. **DIRECTOR**: The Director of the Yavapai County Flood Control District or his or her authorized agents.

10. **DISCHARGE**: Any addition of any pollutant to navigable waters from any point source.

11. **DISTURBANCE**: The result of altering soil from its native or stabilized condition, thereby rendering it subject to movement or erosion by water to potentially become, or becoming a pollutant in site Stormwater runoff; also means soil disturbance.

12. **DRAINAGE SYSTEM**: All facilities and natural features used for the movement of Stormwater through and from a drainage area including, but not limited to, any and all of the following: conduits, pipes and appurtenant features; channels; ditches; flumes; culverts; streets; swales; gutters, as well as, all watercourses, water bodies and wetlands.

13. **EROSION**: The wearing away of land surface by water or wind which occurs from weather or runoff, but is often intensified by human activity.

14. **FACILITY**: Any land, building, installation, structure, equipment, device, conveyance, area, source, activity or practice from which there is, or with reasonable probability may be, the introduction of Stormwater to the County MS4 or Storm Drainage Systems connected to the MS4.

15. **HAZARDOUS MATERIALS**: Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

16. **ILLEGAL DRAINAGE**: Any direct or indirect non-Stormwater drainage to the County MS4 or a Storm Drainage System connected to the MS4 except as exempted in Section 501 of this Regulation.

17. **ILLICIT CONNECTIONS**: An illicit connection is defined as either of the following:

    a. Any drain or conveyance, whether on the surface or subsurface that allows illegal drainage to enter any Storm Drainage System including, but not limited to, any conveyances that allow any non-Stormwater drainage including sewage, process

wastewater, and wash water to enter the County MS4 or any Storm Drainage System and any connections to the County MS4 or any Storm Drainage System from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency, or

b. Any drain or conveyance connected from a commercial or industrial land use to the County MS4 or any Storm Drainage System that has not been documented in plans, maps, or equivalent records and approved by an authorized regulatory or enforcement agency.

18. **IMPERVIOUS SURFACE:** A surface which has been compacted or covered with a layer of material so that it is resistant to infiltration by water. It includes semi-pervious surfaces such as compacted clay soils, as well as, most conventionally surfaced streets, roofs, sidewalks, parking lots, and other similar surfaces. "Net Increase of Impervious Surface" refers to the difference between the existing impervious coverage and the total impervious surface proposed.

19. **INDUSTRIAL ACTIVITY**: Activities subject to NPDES Industrial Stormwater Permits as defined in 40 CFR, Section 122.26 (b) (14).

20. **LAND DISTURBANCE**: Soil disturbance or any site disturbance.

21. **LAND SURVEYOR**: A land surveyor licensed to practice land surveying in the State of Arizona.

22. **MAINTENANCE**: The action taken to restore or preserve the as-built functional design of any facility or system.

23. **MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)**: The system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, natural conveyances or storm drains) owned or operated by Yavapai County and designed or used for collecting or conveying Stormwater, and that is not used for collecting or conveying sewage. Also the County MS4.

24. **NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT**: A permit issued by the Environmental Protection Agency (EPA), or by a state under authority delegated pursuant to 33 U.S.C. § 1342(b), that authorizes the discharge of pollutants to Waters of the U.S., whether the permit is applicable on an individual, group, or general area wide basis.

25. **NON-STORMWATER DRAINAGE**: Any drainage to the County MS4 or a Storm Drainage System that is not composed entirely of Stormwater.

26. **NPDES**: National Pollutant Discharge Elimination System.

27. **NUISANCE**: The unreasonable or unlawful use of real or personal property that may obstruct or injure the right of another or the public and producing such material annoyance, inconvenience, discomfort, or hurt, that the Director presumes such use will result in damage. This definition includes the conditions listed in A.R.S. 36-601 as public nuisances dangerous to public health.

28. **OPERATOR**: An operator of a construction site, such as the developer, is one who maintains overall operational control over construction plans and specifications, including the ability to change these plans and specifications. An operator can also be one who maintains day-to-day operational control over activities that will ensure compliance with the Stormwater Pollution Prevention Plan (SWPPP), such as the general contractor or subcontractor.

29. **OWNER**: The person, persons, or entity whose name appears on the title or deed to the subject property or properties.

30. **PERMIT**: A written permit to operate, issued by the Yavapai County Flood Control District.

31. **PERMITTEE**: The person, agency or entity authorized to conduct the work specified in accordance with the conditions of the Stormwater permit(s) and as described in the application, approved drawings, plans and other documents on file with the county.

32. **PERSON**: Any natural individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting either as the owner or as the owner's agent.

33. **POLLUTANT**: Any agent introduced to Stormwater or non-Stormwater through human activity that may cause, potentially cause, or contribute to the degradation of water quality. Pollutants may include, but are not limited to paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coli form and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; dredged spoil, rock, sand or silt; and noxious or offensive matter of any kind.

34. **POST-CONSTRUCTION**: For purposes of the Regulation is that regulated category of construction for new developments and redevelopments which results in the establishment of permanent Stormwater pollution prevention devices, or structural BMP's, built in compliance to Yavapai County's design standards and also includes long-term operations and maintenance (O&M) programs, or non-structural BMP's, to be permanently associated with the Stormwater pollution devices or controls at the new development upon completion of the land disturbing activity

35. **POST-CONSTRUCTION SITE PLAN**: A plan or set of plans clearly identifying the site and depicting the placement of BMP's that are to remain permanently on the site following completion of the construction phase.

36. **PRE-CONSTRUCTION AND CONSTRUCTION PHASE SITE PLAN**: A plan or set of plans clearly identifying the site and depicting the placement of BMP's to be used during the preconstruction land disturbance and during construction phase of a construction project. The plan will cover the complete interior and perimeter of the construction site during all phases of the project.

37. **PREMISES**: Any building, lot, parcel of land, or portion of land, whether improved or unimproved including adjacent sidewalks and parking strips.

38. **SEWAGE**: Wastes from toilets, baths, sinks, lavatories, laundries and other plumbing fixtures in residences, institutions, public and business buildings, mobile homes, watercraft, and other places of human habitation, employment or recreation.

39. **STORM-DRAINAGE SYSTEM**: Public and private drainage facilities other than sanitary sewers within the urbanized, unincorporated area of Yavapai County by which Stormwater is collected and/or conveyed to the County MS4, including but not limited to, any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human made or altered drainage channels, reservoirs, and other drainage structures.

40. **STORMWATER**: Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

41. **STORMWATER MANAGEMENT PLAN (SWMP)**: A document submitted on a Department form or in a department approved format which describes the Best Management Practices and activities and measures to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions and measures to eliminate or reduce the introduction of pollutants to Stormwater, the County MS4, or Storm Drainage Systems connected to the MS4 to the Maximum Extent Practicable (MEP)

42. **SWPPP**: The Stormwater Pollution Prevention Plan associated with the permit for a site.

43. **URBANIZED AREA**: A portion of the county that has a population density of at least 1,000 people per square mile and/or meets other criteria set by the U.S. Bureau of Census in the latest Decennial Census.

44. **WASTEWATER**: Sewage and waterborne industrial wastes.

45. **WATERS OF THE U.S.**: As defined in 33 CFR 328.3(a) and 40 CFR 230.3(s).

CHAPTER 4 – APPLICABILITY

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

This Regulation applies to all water entering the County MS4 or Storm Drainage System connected to the MS4 in the urbanized areas of the County and generated on any developed and undeveloped lands unless explicitly exempted in this Regulation. This section is not intended to control pollution from incorporated areas of the County, nor is it intended to apply to the non-urbanized areas of the County as defined herein.

CHAPTER 5 – ILLICIT NON-STORMWATER DRAINAGE AND CONNECTIONS

501-Prohibition of Non-Stormwater Drainage

1. No person shall throw, drain, or otherwise introduce, cause, or allow others under its or their control to throw, drain or otherwise introduce into the County MS4 or into the Storm Drainage System within the County MS4 any pollutants or waters containing any pollutants, other than Stormwater.

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

    a. The following drainage is exempt from prohibitions established by this Regulation:

        i. Water line flushing, landscape irrigation, diverted stream flows, rising groundwater's, uncontaminated groundwater infiltration, uncontaminated pumped groundwater, drainages from potable water sources, foundation drains, air conditioning, condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, de-chlorinated swimming pool drainages, and street wash water.

        ii. Drainage or flow from firefighting, and other drainages specified in writing by the Department as being necessary to protect public health and safety.

        iii. Drainage associated with dye testing; however, this activity requires a verbal notification to the Department prior to the time of the test.

    b. This drainage prohibition shall not apply to any non-Stormwater drainage permitted under an NPDES permit, waiver, or waste drainage order issued to the discharger and administered under the authority of the United States Environmental Protection Agency (EPA), provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any drainage to a Storm Drainage System.

    c. The Department may evaluate and remove any of the above exemptions if it is determined that they are identified as significant sources of pollutants as required by 40 CFR 122.34.b.3.iii.

502-Prohibition of Illicit Connections

1. The construction, use, maintenance or continued existence of illicit connections to the County MS4 or any Storm Drainage System is prohibited.

2. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

3. A person is considered to be in violation of this Regulation if the person connects a line conveying non-Stormwater to the County MS4, or allows such a connection to continue.

4. Improper connections in violation of this Regulation must be disconnected and redirected to an appropriate approved waste disposal system.

5. Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the Storm Sewer System, shall be located by the owner or occupant of that property upon receipt of written Letter of Outstanding Violation from the Department requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be determined that the drain or conveyance be identified as storm sewer, sanitary sewer or

other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other drainage point be identified. Results of these investigations are to be documented and provided to the Department.

CHAPTER 6 – CONSTRUCTION SITE STORMWATER RUNOFF POLLUTION CONTROL

601–Introduction

Runoff from construction sites may be a major source of pollution and is subject to federal, state and local requirements to improve Stormwater quality. With few exceptions, these requirements will include the development and implementation of a Stormwater Pollution Prevention Plan (SWPPP) for every construction activity as defined herein within the urbanized unincorporated areas of the County. That SWPPP may be reviewed by the State. SWPPPs may be reviewed at the construction site by the Department. Stormwater treatment measures known as "Best Management Practices" or BM'Ps may be required along with inspections by the County or State to determine compliance with the SWPPP and the installation and management of the BMP's.

In accordance with its own permit requiring it to reduce construction site Stormwater pollution in its urbanized area, Yavapai County has established a construction site or land disturbance approval process administered by the Yavapai County Flood Control District.

602–Construction Site Regulation

1. An owner or operator who intends to disturb an area of land that is equal to or greater than one acre, or that is less than one acre but is part of a larger plan of development shall obtain permit coverage from the Arizona Department of Environmental Quality. A copy of the Notice of Intent (NOI) to be bound by the State's general construction permit, or evidence of the State's construction permit obtained by the owner or operator, must be filed with the Department prior to the start of the land disturbance as required by ADEQ.

2. An owner or operator who intends to disturb an area of land that is equal to or greater than one acre, or that is less than one acre but is part of a larger plan of development that disturbs one or more acres of soil, must also obtain an approval from the Department and pay an applicable fees set by the Department. This dual system of regulation is as required by Federal law, 40 CFR 122.34.b.4.i, and by the general permit for the Yavapai County MS4 issued by the Arizona Department of Environmental Quality, Part V.B.4.a.

3. No Construction activity disturbance of the site is allowed until the Stormwater approval has been issued.

4. A copy of the approval and the SWPPP for the construction must be kept on the site or be available on the site during all work times.

5. To obtain an approval the owner or operator must complete the following:

    a. Submit to the Department a pre-construction and construction phase Stormwater Site Plan no later than 30 working days prior to the actual start of construction for standard turnaround times for applications.

    b. This pre-construction and construction phase Stormwater Site Plan must consider possible water quality impacts and explain in sufficient detail the

construction Best Management Practices to be followed by the owner and all who work on the site. The site plan defines the BMP's to ensure that erosion will be minimized, sediment transport managed and that controls for other wastes are in place during the construction process.

c. This Stormwater Site Plan will be reviewed by the Department and returned with any comments or Letter of Acceptance of the plans.

d. After changes have been made to the Stormwater Site Plan to address the Department's comments, the revised plan shall be resubmitted for review.

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

603-Exemptions

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

1. Regular maintenance activities performed within the original line, grade or capacity of a facility;

2. Construction projects where the operator can prove that there is no reasonable probability that Stormwater can leave the site;

3. A site that qualifies for an erosivity waiver for activities in low risk soil conditions;

4. A site already covered by an individual NPDES permit with Stormwater provisions;

5. Emergency construction activities required to protect public health and safety;

6. Sites not within the urbanized unincorporated areas as identified in Chapter 4 herein.

604-Transfers of Approvals

An approval may be transferred by the submittal of a Department transfer of coverage form that includes assurances by the new owner that the approved SWPPP and BMP requirements will be met.

605-Termination of Coverage

Coverage under the construction approval will end when a notice of termination is filed with the Department and an inspection by the Department has confirmed that the entire site has been stabilized and landscaping and paving complete. The Owner of the site must continue to meet the requirements of any post-construction permits issued by the Department.

606–Compliance Monitoring

606.1-Right of Entry for Inspection and Sampling

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

A. If an Owner or Operator holding an approval has security measures in force which require proper identification and clearance before entry into its premises, the Owner or Operator shall make the necessary arrangements to allow the Department access to the premises.

B. Owners or Operators holding an approval or their designated representatives shall allow the Department ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES and/or AZPDES permit to discharge Stormwater and to determine performance of any additional duties required by the approved plans or by applicable state and federal stormwater law.

C. Any temporary or permanent obstruction to safe and easy access to the site or facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the Department and shall not be replaced. The costs of clearing such access shall be borne by the operator.

D. Unreasonable delay in allowing the Department access to an approved facility is a violation of this Regulation. A person who is the operator of a facility with an NPDES or AZPDES permit to discharge Stormwater associated with industrial activity violates the permit terms if the person denies the Department reasonable access to the permitted facility for conducting any activity authorized or required by this Regulation.

606.2 - Search Warrants

If the Department has been refused access to the premises, then the Director may seek issuance of a search warrant from any court of competent jurisdiction in addition to issuing a compliance order, seeking an injunction and assessing appropriate civil or criminal penalties under Chapter 10 herein and Title 49, Arizona Revised Statutes.

CHAPTER 7 - INDUSTRIAL ACTIVITY DISCHARGES

701-Submission of NOI or Other Proof of Compliance to Department

1. Any person subject to an industrial activity individual or general NPDES or AZPDES discharge permit may be required to provide proof of compliance with said permit in a form acceptable to the Department prior to the allowing of discharges to the County MS4.

2. The operator of a facility required to have an individual NPDES or AZPDES permit to discharge Stormwater associated with industrial activity shall submit proof of the permit, or if under a general permit, a copy of the Notice of Intent (NOI) to the address shown in 701(3) below at the same time the operator submits the original Notice of Intent to the EPA or Arizona Department of Environmental Quality as applicable.

3. The copy of the Notice of Intent may be delivered to the Department either in person or by mailing it to the Yavapai County Flood Control District, 500 S. Marina Street, Prescott, Arizona 86303.

4. Any person found owning or operating a facility or owning a site which is not exempt, does not have an NPDES or AZPDES permit, and is discharging Stormwater associated with industrial activity within the unincorporated urbanized County MS4 shall be reported to the Environmental Protection Agency and/or the Arizona Department of Environmental Quality.

CHAPTER 8 – REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORMWATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES

1. Any activity, operation, or facility that may cause or contribute to pollution or contamination of Stormwater that discharges to any Storm Drainage System connected to the MS4 or the County MS4 in the unincorporated urbanized areas of the County must implement Best Management Practices for Stormwater. The owner or operator of such activity, operation, site or facility shall provide, at their own expense, reasonable protection from accidental introduction of prohibited materials or other wastes into any Storm Drainage System or County MS4 using Best Management Practices. These BMP's shall be part of a Stormwater Pollution Prevention Plan (SWPPP) as necessary for compliance with requirements of the AZPDES permit.

2. Any person responsible for a property or premise that is, or may be, the source of illegal non-Stormwater drainage as described in Subsection 1, may be required to implement, at said person's expense, additional BMP's to prevent the further drainage of pollutants.

3. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of Stormwater associated with industrial activity, to the extent practicable, shall be deemed complaint with the provisions of this sections.

CHAPTER 9 – NOTIFICATION OF SPILLS

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

2. Failure to provide notification of a release as provided above is a violation of this Regulation.

CHAPTER 10 – VIOLATIONS, ENFORCEMENT, PENALTIES AND AUTHORITY

1001–Violations

1. It is unlawful for any person to violate any provision or fail to comply with any of the requirements of this Regulation. Any person who violates or continues to violate any provision of this Regulation is subject to the enforcement actions provided herein.

2. If a violation is a nuisance, source of filth, or cause of sickness, the Director may order the owner or occupant to remove it within 24 hours at the expense of the owner or occupant. Notwithstanding, any other provisions of this Regulation, any condition caused or permitted to exist in violation of any of the provisions of this Regulation is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

1002–Letter of Outstanding Violation

1. When the Director finds that any person has violated, or continues to violate, any provision of this Regulation, any order issued hereunder, any approval, or any condition of a permit, the Director may serve upon that person a written Letter Of Outstanding Violation, specifying the particular violation believed to have occurred and requesting the person to immediately investigate the matter and to seek a resolution whereby any unlawful acts will cease.

2. Investigation and/or resolution of the matter in response to a Letter of Outstanding Violation in no way relieve the alleged violator of liability for any violations occurring before or after receipt of the Letter of Outstanding Violation. Nothing in this subsection shall limit the authority of the Director to take any action, including emergency action or any other enforcement action, without first issuing a Letter of Outstanding Violation.

1003 – Consent Order

After a Letter of Outstanding Violation the Director may enter into an order settling the issuance of the Letter of Outstanding Violation. The Director may agree to accept monetary payments as part of the negotiated terms of a consent order. The terms of a consent order shall be determined by the agreement of the parties.

1004–Compliance Order

1. Whenever the Director finds that a person has violated a prohibition or failed to meet a requirement of this Regulation, any order issued hereunder, an approval, or a condition of a permit, the Director may order compliance by issuance of a Compliance Order. The Compliance Order shall be transmitted to the alleged violator by certified mail, return receipt requested, or by personal service.

    a. The Compliance Order shall contain:

        i. The name and address of the alleged violator;

        ii. The address when available or a description of the building, structure or land upon which the violation is occurring, or has occurred;

        iii. A statement specifying the nature of the violation;

iv. A description of the remedial measures necessary to restore compliance with the Regulation and a reasonable time schedule for the completion of such remedial action;

v. A statement of the penalty amount;

vi. A statement that the Compliance Order may be appealed to Yavapai county by filing a written notice of appeal to Superior Court within 30 days of a service of Letter of Outstanding Violation, and,

vii. A statement specifying that, should the violator fail to restore compliance within the established time schedule, the work may be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

b. Such Compliance Order may require without limitation:

i. The performance of monitoring, analyses, and reporting;

ii. The elimination of illicit connections or drainage to the County MS4 or any Storm Drainage System connected to the MS4;

iii. That violating drainage, practices, or operations shall cease and desist;

iv. Payment of a fine to cover administrative and remediation costs; and,

v. The implementation of source control or treatment BMP's.

2. A Compliance Order becomes final and enforceable in the Superior Court thirty days after it is served on the alleged violator.

1005-Cease and Desist Orders

1. When the Director finds that any person has violated, or continues to violate, any provision of this Regulation, any order issued hereunder, the terms of an approval or permit, or that the person's past violations are likely to recur, and that the person's violations(s) has (have) caused or contributed to an actual or threatened introduction of pollutants to the County MS4 or any Storm Drainage System connected to the MS4 which reasonably appears to present an imminent or substantial endangerment to the health or welfare of persons or to the environment, the Director may order the violator to immediately cease and desist all such violations and direct the violator to:

a. Immediately comply with all Regulation requirements; and,

b. Take such appropriate preventative action as may be needed to property address a continuing or threatened violation, including immediately halting the violating activity.

2. Any person notified of a Cease and Desist Order directed to it under this Subsection shall immediately comply and stop or eliminate its endangering activity. In the event of a person's failure to immediately comply with the emergency order, the Director may take such steps as deemed necessary to prevent or minimize harm to the County MS4 or any Storm Drainage Systems connected to the MS4 and/or endangerment to persons or to

the environment. The Director may allow the person to commence its activity when it has demonstrated to the satisfaction of the Director that the period of endangerment has passed, unless further proceedings are initiated against the discharger under this Regulation. A person that is responsible, in whole or in part, for any activity presenting imminent endangerment shall submit a SWPPP modification describing the causes of the harmful activity and the measures taken to prevent any future occurrence, to the Director within 48 hours of receipt of the order. Issuance of a Cease and Desist Order shall not be a bar against, or a prerequisite for, taking any other action against the violator.

1006–Injunctive Relief

1. Whether or not a person has requested a hearing, the Director, through the County Attorney, may request a temporary restraining order, a preliminary injunction, a permanent injunction, or any other relief necessary to protect the public health if the Director has reason to believe of the following:

    a. That a person is in violation of:

        i. This Regulation; or,

        ii. A pollutant limitation or any other condition of an approval or a permit issued.

    b. That a person is creating an actual or potential endangerment to the public health or environment because of acts performed in violation of this Regulation.

2. Notwithstanding any other provision of this Regulation, if the Director through the County Attorney, has reason to believe that a person is creating an imminent and substantial endangerment to the public health or environment because of acts performed, or violation of this Regulation, an approval, or a condition of a permit issued, the County Attorney may request a temporary restraining order, a preliminary injunction, a permanent injunction or any other relief necessary to protect the public health.

3. If a temporary restraining order is sought, the court may require the filing of a bond or equivalent security.

1007-Suspension and Revocation of Approvals or Permits

1. Suspension of Approval or Permit:

    a. When the Director finds that the holder of an approval or permit has failed to comply with a Letter Of Outstanding Violation of this Regulation or that an actual or threatened activity presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the County MS4 or any Storm Drainage System connected to the MS4, and incorporates a finding to that effect in the order, summary suspension of the approval or permit may be ordered pending proceedings for revocation or other action.

    b. Upon suspension of the approval or permit, the holder of the approval or permit may immediately move to vacate the suspension order and the Director shall hear such motion within five (5) days. In no event may a summary suspension remain in effect for more than twenty-five (25) days.

c. Upon suspension of the approval or permit, the premises will thereupon be posted to show the permit suspension and access to the County MS4 will be prohibited. A person commits an offense if the person reinstates County MS4 access to premises terminated pursuant to this Section, without the prior approval of the Director.

2. Revocation of Approval or Permit:

   a. The Director may, after providing opportunity for hearing, revoke an approval or permit for violation of this Regulation or for interference with the regulatory authority in the performance of its duty.

   b. Prior to revocation, the Director shall notify in writing the holder of the approval or permit, or the person in charge, of the specific reason(s) for which the approval or permit is to be revoked and that the approval or permit shall be revoked at the end of the twenty (20) days following service of such notice unless a written request for hearing is filed with the regulatory authority by the holder of the merit within such twenty (20) day period, revocation of the approval or permit becomes final. If a request for hearing is timely filed, the hearing shall be held within twenty (20) days of receipt of the request.

   c. Upon delivery of notice of suspension of approval or permit revocation, the premises will thereupon be posted to show the permit revocation and access to the County MS4 will be prohibited. If the violator fails to comply with an order the Director may take action as deemed necessary to prevent or minimize damage to the County MS4 or any Storm Drainage System connected to the MS4, or to minimize danger to the health and welfare of persons. An owner or operator commits a separate offense if the person reinstates County MS4 access to premises terminated pursuant to this Section, without the prior approval of the Director.

   d. A notice of revocation is properly served when it is delivered to the holder of the approval or permit, or the person in charge, or when it is sent by registered or certified mail, return receipt requested, to the last known address of the holder. A copy of the notice shall be filed in the records of the Department. The notice shall comply with the provisions of A.R.S. 41-1061.B.

3. Hearings held pursuant to the provisions of this Regulation shall be conducted in accordance with the requirements of A.R.S. 41-1061 et. seq.

1008-Civil Penalties

1. A person who violates any provision of this Regulation, an approval or permit issued hereunder, a discharge limitation in a permit or a cease and desist or other order issued, is subject to a civil penalty of not to exceed two thousand five hundred dollars ($2,500) per day, per violation. The Director may request that the County Attorney commence an action in Superior Court to recover the civil penalties.

2. The court, in issuing any final order in any civil action brought under this section, may award costs of litigation, including reasonable attorney and expert witness fees, to any substantially prevailing party if the court determines such an award is appropriate.

1009-Criminal Violations

1. It is unlawful to:

    a. Discharge without an approval or permit or appropriate authority;

    b. Fail to monitor, sample or report discharges as required by under this Regulation;

    c. Violate a discharge limitation; or,

    d. Violate a water quality standard.

2. A person who with criminal negligence performs an act prohibited under subsection A of this section is guilty of a class 6 felony.

3. A person who knowingly performs an act prohibited under Subsection A of this section is guilty of a class 5 felony.

4. A person who knowingly or recklessly manifests an extreme indifference for human life in performing an act prohibited under Subsection A of this section is guilty of a class 2 felony.

5. A violation of any provision of this chapter for which a penalty is not otherwise prescribed is a class 2 misdemeanor.

6. The County Attorney may enforce this section at the request of the Director.

7. Monetary criminal penalties obtained under this section shall be deposited in the County's general fund. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

1010–Abatement Assessment and Lien

1. If abatement of the violation is ordered by the Superior Court or other court with jurisdiction, the Director may, at his discretion, take actions necessary to abate or remove the nuisance or the source of the violating activity. Within twenty (20) days after abatement of the violation, the Director shall issue an Assessment Statement to the owner of the property on which such nuisance or violating activity was located.

2. The Assessment Statement shall include the following information:

    a. A description of the assessed costs, which shall include the actual costs of the removal or abatement, incidental costs, and the costs of any additional inspections.

    b. Notification that the property owner must pay the assessed costs within thirty days after receipt of the Assessment Statement or by such other date as may be specified for payment in the Assessment Statement unless an appeal is requested.

    c. Notification that the property owner may appeal the assessment to the Director in writing within thirty days after receipt of the Assessment Statement; and,

d. Notification that failure to pay the assessed costs may result in a lien being placed on the property on which the nuisance or source of filth was located.

3. The property owner may appeal the assessment to the Board of Health by filing a written request for a hearing within thirty days after receipt of the Assessment Statement.

    a. After a hearing, the Director may sustain, modify or revoke the Assessment Statement.

    b. If the Director sustains or modifies a cost assessment following an appeal of an Assessment Statement, the assessed costs must be paid within thirty days of the Director's decision or by such other time as may be specifically provided by the Director.

4. If the property owner does not pay the assessed costs after the time provided in (2.) (B) or (3.) (B) above has expired, the Director may assess the lots or tracts of land on which the nuisance was abated or removed.

    a. The assessment, for the date of its recording in the office of the Yavapai County Recorder, is a lien on the lot or tract of land until paid.

    b. Any assessment recorded under this Regulation is prior and superior to all other liens, obligations or other encumbrances, except liens for general taxes and prior recorded mortgages.

1011–Remedies Not Exclusive
The remedies listed in this Regulation are not exclusive of any other remedies available under any applicable federal, state, county or local law and it is within the discretion of Yavapai County to seek cumulative remedies.

CHAPTER 11 – POST-CONSTRUCTION STORMWATER MANAGEMENT

1101–Introduction
The goal of this post-construction Stormwater management program is to protect public safety and public infrastructure, reduce erosion on private properties and stream channels, and protect the quality of Waters of the U.S. to the maximum extent practicable. The goals are achieved by maintaining and/or restoring natural drainage patterns, minimizing grading and disturbance, and minimizing the extent of impervious cover, as well as, encouraging the use of a variety of Best Management Practices for reducing the pollutant loadings from newly developed and redeveloped sites. This will be accomplished by requirements to , among other things, reduce the magnitude and extent of impervious cover and site disturbance, remove pollutants from runoff prior to the introduction of Stormwater to the County MS4, and promote effective operation and maintenance of all Stormwater facilities.

1101.1–Applicability
The post-construction requirements in this Chapter apply to permanent Stormwater management facilities, systems and/ or devices. Stormwater management during construction activities is regulated separately pursuant to Chapter 6 of this Regulation.

1102–Objectives
In order to protect the health, safety and general welfare of the residents of Yavapai County, as well as, to protect, sustain and enhance the quality of the Waters of the U.S. in and adjacent to

the County, drainage and Stormwater management practices shall be utilized as directed herein to achieve the following objectives:

1. Accommodate site development and redevelopment in a manner that protects public safety and that is consistent with federal and state water quality requirements and the requirements of the Phase II Stormwater permit for the County.

2. Protect water quality to the Maximum Extent Practicable by removing and/or treating pollutants prior to the introduction of Stormwater to the County MS4 or any Storm Drainage System connected to the MS4 throughout the County.

3. Promote effective long-term operation and maintenance of all permanent Stormwater management facilities.

4. Treat and release Stormwater as close to the source of runoff as possible using a minimum of structures and maximizing reliance on natural processes.

5. Address certain requirements of the Municipal Separate Storm Sewer System (MS4), National Pollutant Discharge Elimination System (NPDES) Phase II Stormwater regulations.

6. Reduce the environmental impacts of Stormwater pollution from existing developed sites undergoing redevelopment while encouraging development and redevelopment in urban areas and areas designated for growth.

1103–Regulated Activities

1103.1–Post-Construction Permits Required

A post-construction permit is required for land disturbance equal to or greater than one acre in an area except as otherwise provided per Section 1103.2 of this Regulation. Land disturbances of less than 1 acre constituting a part of a larger development plan are also regulated. Activities for which a post-construction permit is required include land development and redevelopment to include clearing or grubbing, leveling, construction of new or additional impervious or semi-pervious surfaces such as driveways, roadways, parking lots, recreation features; construction of new buildings or additions to existing buildings; and installation of permanent Stormwater management facilities or appurtenances thereto.

1103.2–Exemptions

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

A. Emergency Exemption: Emergency maintenance work performed for the protection of public health, safety and welfare. A written description of the scope and extent of any emergency work performed shall be submitted to the Department within two (2) calendar days of the commencement of the activity. If the Department finds that the work is not an emergency, then the work shall cease immediately and the requirements of this Regulation shall be addressed as applicable.

B. Maintenance Exemption: Any maintenance to an existing Stormwater management system made in accordance with plans and specifications approved by the Department.

C. Gardening: Use of land for gardening for home consumption.

D. Irrigation: return flows and other agricultural and non-agricultural activities excluded by 40 CFR 122.3.

E. Improvement–related Exemption: A Stormwater management system will not be required for any net increase of impervious surface of less than one thousand square feet where the cumulative total square feet of all impervious surfaces does not exceed the impervious surface standards of the applicable zoning district. However, where the net increase in impervious surface exceeds one thousand square feet but the total disturbed area is less than five thousand square feet pursuant to a soil erosion and sediment pollution control plan /or a grading plan, the Applicant shall demonstrate compliance with this Regulation for the increased impervious surface.

1103.3 – Waivers

A. The provisions of this Regulation are the minimum standards for the protection of the public welfare.

B. If an applicant demonstrates to the satisfaction of the Director that any mandatory provision of this Regulation is unreasonable as it applies to the proposed Project or that an alternate design may result in a superior result within the context of Section C of this Regulation, the Director upon obtaining the comments and recommendations of staff may grant a waiver or relief so that substantial justice may be done and public interest is secured; provided that such waiver will not have the effect of nullifying the intent and purpose of this Regulation.

C. The applicant shall submit all requests for waivers in writing and shall include such requests as a part of their development application or during the plan review and approval process. The applicant shall state in full (1) the facts of unreasonableness on which the request is based, the provision or provisions of the Regulation that are involved, and the minimum waiver that is necessary or (2) the applicant shall state how the requested waiver and how the applicant's proposal shall result in an equal or better means of complying with the intent of Section 1102, Objectives, Section 1104, General Requirements, and Section 1105, Design Standards.

D. The applicant shall submit all waiver requests to the Department. The Department has sixty days to act on any waiver request.

E. The Director shall keep a written record of all actions on waiver requests.

F. The Director may charge a fee for each waiver request, which shall be used to offset the administrative costs of reviewing the waiver request. The applicant shall also agree to reimburse the Department for reasonable and necessary fees that may be incurred by the Department in any review of a waiver request.

G. In granting waivers, the Director may impose reasonable conditions as will, in its judgment, secure substantially the objectives of the standards or requirements that are to be modified.

H. The Director may grant applications for waivers when the following findings are made, as relevant:

1. That the waiver shall result in an equal or better means of complying with the intent of this Regulation;

2. That the waiver is the minimum necessary to provide relief;

3. That the applicant is not requesting a waiver based on cost considerations;

4. That existing off-site Stormwater problems will not be exacerbated;

5. That runoff is not being diverted to a different drainage area;

6. That increased flooding or ponding on off-site properties or roadways will not occur;

7. That increased peak flow or volume from the site will not occur;

8. That erosive conditions due to increased peak flows or volume will not occur;

9. That adverse impact to water quality will not result;

10. That increased or unusual County maintenance expenses will not result from the waiver;

11. That the amount of Stormwater generated has been minimized to the greatest extent allowed;

12. That long term operation and maintenance activities are established;

13. That the receiving streams and/or water bodies will not be adversely impacted in erosion and sedimentation.

1104–General Requirements

1. The management of Stormwater on site, both during and upon completion of the land disturbances described in Section 1101 shall be accomplished in accordance with the standards and criteria of this Regulation and the requirements of the Yavapai County Drainage Criteria Manual; the Yavapai County Drainage Regulations; the Subdivision Regulations for Yavapai County; and the Floodplain Regulations for Yavapai County. The design of any temporary or permanent facilities and structures and the utilization of any natural drainage systems shall be in full compliance with this Regulation and any other applicable Regulation.

2. The intent of these design standards is to encourage environmentally sound Stormwater management practices that provide necessary drainage facilities while protecting the hydrologic characteristics and water quality of the site and watershed. Development shall be required to incorporate Stormwater management control.

3. Applicants shall refer to the most recent version of the Yavapai County Drainage Criteria Manual or other appropriate references for guidance in the design of Stormwater management facilities, system and /or devices, most appropriate to individual site conditions. The objectives are to achieve water quality improvement at the source or during conveyance, prior to the introduction of Stormwater into the County MS4 or any Storm Drainage System connected to the MS4.

4. The Stormwater management system shall not create an adverse impact on Stormwater quality in either upstream or downstream areas. Offsite areas, which drain to or across a site proposed for development, shall be addressed in the Stormwater Management Plan prepared for the development. No Stormwater Management Plan shall be approved unless it provides information sufficient to assure that the runoff from the project shall not adversely impact water quality in downstream areas.

5. Where deemed necessary by the Director, the applicant shall construct storm drains to handle on-site runoff to the maximum extent permitted under the Yavapai County Drainage Criteria Manual, provide on-site/off-site easements, and provide for the conveyance of off-site runoff to an acceptable outlet in the same watershed.

6. Any Stormwater management facilities regulated by this Regulation that would be located in or adjacent to Waters of the U.S. or wetlands shall continue to be subject to approval by the U.S. Army Corps of Engineers (USACOE) or other agencies through their permit processes. Proof of approval by the USACOE shall be provided by the applicant prior to the start of construction.

7. Any Stormwater management facility or part thereof regulated by this Regulation that will be located in Yavapai County Department of Public Works, Yavapai County Flood Control District, or other County-owned rights-of-way or that will drain across or onto Flood Control District or other County-owned rights-of-way shall be subject to written approval, licensing or permitting by the appropriate authority. Excluding the USACOE approval process detailed in paragraph 6 above, documentation of such aforementioned approval, licensing or permitting shall be provided by the applicant at the time of application.

8. At the time of application for a building permit for any approved lot created by a subdivision and/or improved as a land development project, issuance of the permit shall be conditioned upon adherence to the terms of this Regulation.

9. Stormwater drainage to impaired waters or unique waters may be subject to additional performance criteria or may need to utilize or restrict certain Stormwater management practices.

1105–Permanent Stormwater Management Design Standards

Design standards for post construction design and maintenance are contained in the most recent version of the Yavapai County Drainage Criteria Manual as adopted by the Yavapai County Board of Supervisors and the Board of the Flood Control District of Yavapai County.

Standards for the application of Best Management Practices are found in the most recent version of the Yavapai County Drainage Criteria Manual.

1106–Construction and Operation Responsibilities

1106.01–General Responsibilities

A. Large developments shall address Stormwater quality of a unit/phased basis as part of their drainage plans required by the Yavapai County Subdivision Regulations and the Yavapai County Drainage Criteria Manual.

B. The owner of permanent Stormwater management facilities shall be responsible for the proper operation and maintenance of those facilities during and after construction. All permanent on-site BMP's shall be operational prior to the use by any development or phase of development dependent on those BMP's. An Operation and Maintenance Plan consistent with the requirements of Section 1109 shall be prepared for review and approval by the Director and shall be executed and signed by the Department and the owner.

C. The owner of permanent Stormwater management facilities for a tract shall be responsible for the proper installation and function of those facilities in accordance with the approved Stormwater permit. All temporary soil erosion and sedimentation control measures shall be removed or converted to their permanent configuration in accordance with an approved erosion control plan. This requirement in no way precludes the authority of the Director to determine when sufficient stabilization has occurred on a site in order to convert to the permanent Stormwater management facilities.

1106.02–Report with Application

For all post-construction activities governed by this Regulation the Applicant shall submit with their Stormwater permit application a report which shall contain the information necessary to allow the Department to review the application. It may be necessary for some applications covering large areas to have the report prepared by a professional licensed by the State of Arizona. The information in the report may include, but is not limited to, the following:

A. A suitable map of the watershed for all named streams within which the project is proposed with existing and proposed development areas presented on the map. A United State Geological Survey quadrangle map is sufficient.

B. Suitable maps and drawings showing all existing natural and constructed drainage facilities affecting the subject property.

C. Hydrologic watershed and water feature boundaries including all areas flowing to the proposed project, existing streams (including intermittent and ephemeral streams, and other bodies of water within the project area).

D. Sufficient topographical information with elevations to verify the location of all ridges, streams, etc. Two foot contour intervals are acceptable within the project's boundaries and for proposed off-site improvement. For slopes greater than fifteen percent (15%), five (5)-foot contours are acceptable.

E. Notes pertaining to, and locations of existing standing water, areas of heavy seepage, springs, wetlands, streams, and hydrologically sensitive areas.

F. General type of soils with Hydrologic Soil Group noted estimated permeability in inches per hour, and location and results of all soil tests and borings.

G. Description of current and proposed ground cover and land use. The total area and percent of impervious cover shall be noted.

H. A plan of the proposed Stormwater drainage system attributable to the activity proposed, including runoff calculations, Stormwater management practices to be applied both during and after development, and the expected project time schedule.

I. The design computations for all proposed Stormwater drainage systems, including storm drain pipes, inlets, runoff control measures and culverts, drainage channels, and other features, facilities, and Stormwater management practices.

J. A grading plan, including all areas of disturbance, of the subject activity. The total area of disturbance shall be noted in square feet and acres.

K. A plan of the erosion and sedimentation procedures to be utilized as required by the Yavapai County grading and drainage requirements.

L. A delineation of the pathways of all concentrated flow (that is, flow other than overland sheet flow.)

M. An operation and maintenance plan consistent with the requirements of Section 1108. Such a plan should clearly explain how the proposed facilities operate and the functions they serve.

N. The name of the development, the name and address of the property owner and applicant, and the names and address of the individual or firm preparing the plan.

O. A north arrow, submission date, scale and revision dates as applicable shall be included on each page of all plans submitted.

P. P. Complete delineation of the flow paths used for calculating the time of concentration for the pre-developed and post-developed conditions.

Q. Construction details sufficient to express completely the intended Stormwater design components consistent with this Regulation.

1106.03–"As Built" Plans

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

1107–Ownership and Maintenance

1107.1-Ownership

All Stormwater management facilities, systems and/ or devices identified within an approved Stormwater permit shall be owned and maintained by one, or a combination of, the following entities:

A. An individual for his or her own on-lot Stormwater management facilities not constructed as part of a subdivision and/or land development plan.

B. Where individual on-lot Stormwater management facilities, system and/ or devices are proposed in a subdivision or other development greater than one acre, the subdivision and/or land development plan and plat shall contain a note in a form satisfactory to the Department designating the entity responsible for operation and maintenance of the on-lot facilities consistent with an approved operation and maintenance plan.

C. An entity that owns or has a perpetual right to access the land on which the Stormwater management facilities, system and/ or devices are located. The operation and maintenance obligation runs with the land and is binding upon the initial grantees of each lot and his, her, or their heirs, administrators, successors or assigns. Stormwater management facilities, systems and/ or devices or the ownership of the land on which they are located may not be deeded or dedicated to the County or the Flood Control District.

1107.2–Requirements for Covenants, Codes and Restrictions

A. The subdivision and/or land development plan and plat shall contain a note in a form satisfactory to the Department granting to the Department the right, but not the duty, to enter upon the premises to repair or restore Stormwater management facilities, system and/ or devices in the event that the responsible person or entity fails to do so, to charge and assess the costs thereof to the owner and to enforce said charges and assessments by lien upon the property. In addition, the deed for each lot shall contain a covenant binding on the grantee and all successors in interest designating the responsibility for operation and maintenance of the on- lot facilities.

B. In addition to the above, developers of parcels with more than one (1) dwelling unit that are intended for sale and will not be held by a single owner, shall record with the County Recorder a declaration of covenants and restrictions in a form satisfactory to the Department describing the responsibility for operation and maintenance of the on-lot Stormwater management facilities, systems and/ or devices, consistent with an approved Operation and Maintenance Plan, prior to the sale of any individual lots. The terms of this covenant and restriction shall run with the land and be binding upon the initial grantees of each lot within the subdivision and his, her or their heirs, administrators, successors or assigns.

1107.3 - Homeowners or Condominium Association Ownership:

Where a homeowners' association is created to own and manage common facilities, the subdivision and/or land development plan and plat shall contain a note in a form satisfactory to the Department designating the entity responsible for construction and/or maintenance of the Stormwater management facilities consistent with an approved Operation and Maintenance Plan and, in the event that the responsible entity fails to do so, granting to the Department the right, but not the duty, to enter upon the premises to repair or restore said

facilities, to charge and assess the costs thereof to each owner of property within the development and to enforce said charges and assessments by lien upon each property within the development. In addition, the developer shall record with the Yavapai County Recorder a declaration of covenants in a form satisfactory to the County setting forth the rights and responsibilities of the homeowners' association for operation and maintenance of the Stormwater management facilities, system and/ or devices, prior to the sale of individual lots. The terms of this covenant and restriction shall run with the land and be binding upon the initial grantees of each lot within the subdivision, his, her or their heirs, administrators, successors and assigns.

1108–Operation and Maintenance Plans

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

1. Any obligations concerning perpetuation and/or maintenance of natural drainage or infiltration facilities, and other facilities identified within the Stormwater permit.

2. A description of the permanent Stormwater management practices on the site, explaining how each practice is intended to function and operate over time.

3. All drainage and access easements shall be depicted and any site restrictions to be recorded against the property shall be identified on the plan. All such easements and restrictions shall be perfected to run with the land and be binding upon the landowner and any successors in interest.

4. Ownership of and responsibility for operation and maintenance of Stormwater management facilities, including names and contact information, shall be required.

5. A description of all Stormwater management facilities, written in a clear manner, consistent with the knowledge and understanding of the intended user.

6. A general description of operation and maintenance activities and responsibilities for facilities held in common or on-lot, including but not limited to: lawn care, vegetation maintenance, clean out of accumulated debris and sediment (including from grates, trash racks, inlets, etc.), liability insurance, maintenance and repair of Stormwater management facilities, landscaping and planting, payment of taxes and construction of any kind associated with the use, benefit and enjoyment of the facilities by the owners.

7. A description of routine maintenance actions and schedules necessary to ensure proper operation of Stormwater management facilities.

8. Written statement by owner giving assurances that no action will be taken by any lot owner to disrupt or in any way impair the effectiveness of any Stormwater management facilities, setting forth in deed restrictions the ability but not the duty of the Department to take corrective measures if it is determined at any time that stipulated permanent Stormwater management facilities have been eliminated, altered, or improperly maintained, including the ability of the Department to cause the work to be done and lien all costs against the property should the required corrective measures not be taken by the lot owner, following written notification, within a period of time set by the Director.

9. An explanation of how the parties responsible for the long-term operation and maintenance of Stormwater management facilities shall make records of the installation

and of all maintenance and repairs, and shall retain the records until the site use changes and new permits and operation and maintenance plans are requested and approved. These records shall be submitted to the Department as established by the Operation and Maintenance Plan or if otherwise required by the Department.

1108.1 – Recording of Operation and Maintenance Plans

The owner of any land upon which permanent Stormwater management facilities and/or BM'Ps will be placed, constructed or implemented as described in an approved Stormwater permit and the Operations and Maintenance Plan, shall record the following documents with the Yavapai County Recorder within 15 days of approval of the Operations and Maintenance Plan by the County:

A. The Operations and Maintenance Plan, or a summary notice thereof;

B. Any necessary Operations and Maintenance Agreement(s); and,

C. Necessary access and/or drainage easements. Items and/or conditions may be required to be included in any Operation and Maintenance Agreement where determined necessary by the Department to guarantee the satisfactory operation and maintenance of all permanent Stormwater facilities, system and/ or devices. The Agreement shall be subject to the review and approval of the Department.

1109–Drainage Provisions and Flood Control Regulations

1. Provisions for on-site Stormwater retention/drainage and off-site Stormwater drainage both entering and leaving the property may be required by the Yavapai County Flood Control District. This Stormwater Regulation and all amendments hereto shall be consistent with and subject to the Regulations and provisions of the Yavapai County Drainage Criteria Manual and the Floodplain Regulations adopted by the Yavapai County Flood Control District.

2. Erosion Control measures should be in conformance with BMP's identified in the Yavapai County Drainage Criteria Manual or other EPA, ADEQ or locally approved method.

3. Stormwater pollution prevention is to be addressed through the use of BMP's to the maximum extent practicable to comply with federal, state, county or local regulations or ordinances.

4. The Flood Control District has established a minimum level of control for new development discharging into District owned or operated structures. This minimum standard is "First Flush" and consists of retaining or treating the first 0.5 inches of direct runoff from a storm event. The technical details for calculating "First Flush" and an example application are found in the most recent version of the Yavapai County Drainage Criteria Manual.

CHAPTER 12 – EFFECTIVE DATE AND ADOPTION OF REGULATION.

This Regulation shall be in full force and effect thirty (30) days after its final passage and Adoption.
PASSED AND ADOPTED this 19th of September 2011.

Julie Ayers
Clerk of the Board
Yavapai County Flood Control District

Date: 9/23/11

Carol Springer
Chairman Board of Directors
Yavapai County Flood Control District

Date: 9/23/11