

OFFICIAL RECORDS OF  
YUMA COUNTY RECORDER  
SUSAN MARLER



**FEE #: 2007 - 32617**

09/19/2007 01:27 PAGES: 0021  
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REQ BY: YUMA CO BD OF SUPERVISOR  
REC BY: Margie Gamache

Please return original document  
To the **Board of Supervisors Office**,  
ATTENTION: Ginger Hamilton @ 373-1104

**TYPE OF DOCUMENT**

**ORDINANCE NO. 2007-05**

An ordinance of the County of Yuma County  
Regulating Stormwater Quality Management  
and the Discharge of Stormwater.

**DOCUMENT APPROVAL:**

Approved by Yuma County Board of Supervisors:  
September 5, 2007, Item No. 25.



YUMA COUNTY BOARD OF SUPERVISORS  
ORDINANCE NO. 07-05

AN ORDINANCE OF THE COUNTY OF YUMA REGULATING  
STORMWATER QUALITY MANAGEMENT AND THE  
DISCHARGE OF STORMWATER

**WHEREAS**, on 3 March, 2003 the Yuma County Board of Supervisors approved the Yuma County Arizona Pollution Discharge Elimination System (AZPDES) Phase II Stormwater Management Program and authorized the County Administrator to sign the Notice of Intent (NOI).

**WHEREAS**, on 10 March, 2003 a portion of Yuma County was designated a Small Municipal Separate Storm Sewer System (MS4) and began operating under AZPDES Permit Number AZG 2002-001 requiring the implementation of a program to detect and eliminate illicit discharges.

**WHEREAS**, Minimum Control Measure Number 4 under AZPDES Permit Number AZG 2002-002 and Title 40 of the Code of Federal Regulations requires the MS4 to develop an ordinance mandating construction site operators practice sediment and erosion control best management practices as well as properly control and dispose of wastes that may impact water quality.

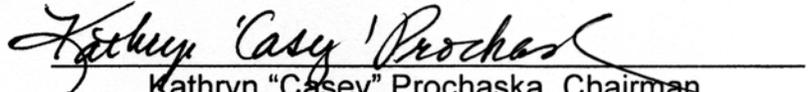
**WHEREAS**, Minimum Control Measure Number 5 under AZPDES Permit Number AZG 2002-002 and Title 40 of the Code of Federal Regulations requires the MS4 to develop an ordinance mandating an ordinance to address post-construction runoff from new development and redevelopment projects for improved water quality protection.

**WHEREAS**, a portion of Yuma County was designated a Small Municipal Separate Storm Sewer System (MS4) and began operating under AZPDES Permit Number AZG 2002-001 requiring at a minimum that Yuma County develop, implement, and enforce a Storm Water Management Program (SWMP) designed to reduce the discharge of pollutants from the MS4 to the Maximum Extent Practicable (MEP), to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act.

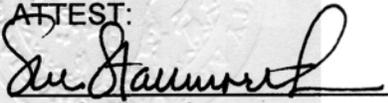
**WHEREAS**, ARS § 11-251.05 states that the Board of Supervisors may adopt ordinances necessary or proper to carry out the duties, responsibilities and functions of the county.

**NOW, THEREFORE, BE IT ORDAINED** by the Yuma County Board of Supervisors that this ordinance is adopted to provide regulations requiring the implementation of practices related to the management and control of illicit discharges, construction activities, and post-construction activities to be effective at 12:01 am on October 15, 2007.

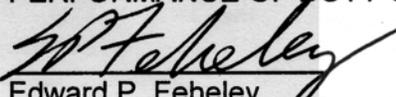
Adopted this 5<sup>th</sup> day of Sept, 2007

  
Kathryn "Casey" Prochaska, Chairman  
Board of Supervisors  
Yuma County, State of Arizona

ATTEST:

  
Sue Stallworth  
Clerk of the Board

APPROVED AS TO FORM AND DETERMINED TO BE WITHIN THE SCOPE OF  
PERFORMANCE OF DUTY OF THE YUMA COUNTY BOARD OF SUPERVISORS

  
Edward P. Feheley  
Deputy County Attorney

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## ARTICLE I INTRODUCTION

### SECTION 101 GENERAL

Stormwater runoff is one step in the natural cycle of water regeneration. However, human activities, such as construction and the operation and maintenance of urban infrastructure, can result in the undesirable discharge of pollutants, which may accumulate and then be deposited into the waters of the United States. The Environmental Protection Agency (EPA) has determined that the regulation of stormwater runoff discharges from land development projects and other construction activities in order to control and minimize increases in stormwater runoff rates and volumes, soil erosion, channel erosion, and nonpoint source pollution associated with stormwater runoff is in the public interest and will prevent a threat to public health and safety.

### SECTION 102 PURPOSE AND OBJECTIVES

The purpose of this ordinance is to complete objectives identified in the Yuma County Stormwater Management Program. These objectives are:

1. To regulate the contribution of pollutants into the MS4 [Municipal Stormwater Sewer System] by stormwater discharges of any user;
2. To prohibit illicit connections and discharges to the MS4 and require the removal of illicit connections;
3. To minimize nonpoint source pollution caused by stormwater runoff from new development and redevelopment projects;
4. To reduce the discharge of pollutants to the storm sewer system to the maximum extent practicable by requiring the use of best management practices, structural and/or non-structural storm water quantity and quality control measures and other provisions;
5. To reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution by ensuring that management controls are properly maintained.

### SECTION 103 DEFINITIONS

In addition to the definitions contained in Arizona Revised Statutes 49-255 and the Arizona Administrative Code R18-9-A901, all definitions contained in Section 502 of the Clean Water Act, and Title 40 of the Code of Federal Regulations part 122 shall apply and are incorporated herein by reference. For the purposes of this ordinance, the following definitions describe the meaning of the terms used in this ordinance:

**Accelerated Erosion:** means erosion caused by development activities that exceeds the natural processes by which the surface of the land is worn away by the action of water, wind, or chemical action.

**Applicant:** means any person, firm, or governmental agency who executes the necessary forms to procure official approval of a project or a permit to carry out construction for a project and has filed an application for a stormwater management permit.

**Arizona Pollutant Discharge Elimination System (AZPDES) Storm Water Discharge Permit:** means a permit issued by the Arizona Department of Environmental Quality (pursuant to 33 USC 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

**Authorized Enforcement Agency:** Any employees or designees of the Director, Yuma County Department of Development Services designated to enforce this ordinance.

**Authorized Inspector:** Shall mean the Director, Development Services, and persons designated by and under the Director's instruction and supervision, who are assigned to investigate compliance and detect violations of this ordinance.

**Adverse impact:** Any deleterious effect on waters or wetlands, including their quality, quantity, surface area, species composition, aesthetics or usefulness for human or natural uses which are or may potentially be harmful or injurious to human health, welfare, safety or property, to biological productivity, diversity, or stability or which unreasonably interfere with the enjoyment of life or property, including outdoor recreation.

**AZPDES:** means the Arizona Pollutant Discharge Elimination System program as adopted under section 402 (b) of the Clean Water Act.

**Aquifer:** means porous water bearing geologic formation generally restricted to materials capable of yielding an appreciable supply of water.

**Best Management Practices (BMP's):** BMP's are schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices used to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMP's also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

**Clean Water Act:** means the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), and any subsequent amendments thereto.

**Connection:** Any ditch, pipe, or other device for the diversion or transmission of storm drainage which will in any way affect the operation or maintenance of the municipal storm sewer system.

**Construction Activity:** Activities subject to AZPDES Construction Permits. Currently these include construction projects resulting in land disturbance of 5 acres or more. Beginning in March 2003, AZPDES Storm Water Phase II permits are required for construction projects resulting in land disturbance of 1 acre or more unless a waiver is obtained. Such activities include but are not limited to clearing and grubbing, grading,

excavating, and demolition. Also see definition for Large Construction Activity.

**Control Measure:** As used in the Arizona General Permit for Construction Activities refers to any Best management Practice or other method used to prevent or reduce the discharge of pollutants to waters of the United States.

**Commencement of construction activities:** means the initial disturbance of soils associated with clearing, grubbing, or excavating activities or other construction-related activities.

**Conveyance:** Any feature of the landscape or earth, manmade or natural that carries water in a concentrated flow.

**Detention structure or facility:** means the temporary storage of storm runoff in a stormwater management practice with the goals of controlling peak discharge rates and providing gravity settling of pollutants.

**Discharge:** shall mean any release, spill, leak, pump, flow, escape, leaching (including subsurface migration to groundwater), dumping or disposal of any liquid, semi-solid or solid substance. Also, when used without qualification means the discharge of a pollutant.

**Discharge of a Pollutant:** means

1. Any addition of any "pollutant" or combination of pollutants to "waters of the United States" from any "point source," or
2. 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 definition includes additions of pollutants into waters of the United States from: surface runoff which is collected or channeled by man; discharges through pipes, sewers, or other conveyances owned by a state, municipality, or other person which do not lead to a treatment works; and discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works. This term does not include an addition of pollutants by any "indirect discharger."

**Discharge-related activities** include: activities which cause, contribute to, or result in stormwater point source pollutant discharges; and measures to control stormwater discharges, including the siting, construction and operation of best management practices (BMP's) to control, reduce or prevent stormwater pollution.

**Discharge of stormwater associated with construction activity:** refers to a discharge of pollutants in stormwater runoff from areas where soil disturbing activities (e.g., clearing, grading, or excavation), construction materials or equipment storage or maintenance (e.g., fill piles, borrow area, concrete truck washout, fueling), or other

industrial stormwater directly related to the construction process (e.g., concrete or asphalt batch plants) are located.

**EPA:** shall mean the Environmental Protection Agency of the United States of America.

**Final stabilization** means that either:

- 1) All soil disturbing activities at the site have been completed and either of the two following criteria are met:
  - a) A uniform (e.g., evenly distributed, without large bare areas) perennial vegetative cover with a density of 70% of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or
  - b) Equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed.
- 2) When background native vegetation will cover less than 100 percent of the ground (e.g., arid areas, beaches), the 70 percent coverage criteria is adjusted as follows: if the native vegetation covers 50 percent of the ground, 70 percent of 50 percent ( $.70 \times .50 = .35$ ) would require 35% total cover for final stabilization. On a beach with no natural vegetation, no stabilization is required.
- 3) For individual lots in residential construction final stabilization means that EITHER:
  - a) The homebuilder has completed final stabilization as specified above, or
  - b) The homebuilder has established temporary stabilization including perimeter controls for an individual lot prior to occupation of the home by the homeowner and informing the homeowner of the need for, and benefits of, final stabilization, or
  - c) For construction projects on land used for agricultural purposes (e.g., pipelines across crop or range land), final stabilization may be accomplished by returning the disturbed land to its preconstruction agricultural use. Areas disturbed that were not previously used for agricultural activities, such as buffer strips immediately adjacent to "water of the United States," and areas which are not being returned to their preconstruction agricultural use must meet the final stabilization criteria above.

**Grading:** means any act by which soil is cleared, stripped, stockpiled, excavated, scarified, filled or any combination thereof.

**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.

**Illegal Discharge:** Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in this ordinance.

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  - b) Equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed.
- 2) When background native vegetation will cover less than 100 percent of the ground (e.g., arid areas, beaches), the 70 percent coverage criteria is adjusted as follows: if the native vegetation covers 50 percent of the ground, 70 percent of 50 percent ( $.70 \times .50 = .35$ ) would require 35% total cover for final stabilization. On a beach with no natural vegetation, no stabilization is required.
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  - b) The homebuilder has established temporary stabilization including perimeter controls for an individual lot prior to occupation of the home by the homeowner and informing the homeowner of the need for, and benefits of, final stabilization, or
  - c) For construction projects on land used for agricultural purposes (e.g., pipelines across crop or range land), final stabilization may be accomplished by returning the disturbed land to its preconstruction agricultural use. Areas disturbed that were not previously used for agricultural activities, such as buffer strips immediately adjacent to "water of the United States," and areas which are not being returned to their preconstruction agricultural use must meet the final stabilization criteria above.

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**Illegal Discharge:** Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in this ordinance.

**Illicit Connections:** An illicit connection is defined as either of the following:

Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain 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, Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

**Illicit Discharge:** means any discharge to a municipal separate storm sewer that is not composed entirely of stormwater except discharges pursuant to a NPDES or AZPDES permit (other than the NPDES or AZPDES permit for discharges from the municipal separate storm sewer) and discharges resulting from fire fighting activities.

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

**Infiltration:** means the passage or movement of water into the soil surface.

**Large construction activity** is defined at 40 CFR 122.26(b) (14) (x) and includes clearing, grading, and excavating resulting in a land disturbance that will disturb equal to or greater than five acres of land or will disturb less than five acres of total land area but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than five acres.

**Municipal Separate Storm Sewer System (MS4):** means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, and storm drains) that are:

1. Owned or operated by a state, city, town, county, 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; Designed or used for collecting or conveying stormwater; That is not a combined sewer; and
2. That is not part of a publicly owned treatment works.

**Non-Storm Water Discharge:** Any discharge to the storm drain system that is not composed entirely of storm water.

**Operator:** in the context of storm water associated with construction activity, means any person associated with a construction project that meets either of the following two criteria:

1. The person has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or
2. The person has day-to-day operational control of those activities at a project which are necessary to ensure compliance with a Storm Water Pollution Prevention Plan (SWPPP) for the site or other permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the SWPPP or comply with other permit conditions). This definition is provided to inform operators of how the regulatory definitions of "owner or operator" and "facility or activity" are applied to discharges of stormwater associated with construction activity.

**Owner or operator:** means the owner or operator of any "facility or activity" subject to regulation under the NPDES program.

**Person:** means 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. Arizona Revised Statutes (ARS) 49-201(26).

**Point source:** means 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, or vessel or other floating craft from which pollutants are or may be discharged to navigable waters. Point sources do not include return flows from irrigated agriculture. A.R.S. 49-201(27).

**Pollutant:** means 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 and mining, industrial, municipal and agricultural wastes or any other liquid, solid, gaseous or hazardous substances. A.R.S. 49-201(28).

**Small construction activity:** A small construction activity includes clearing, grading, and excavating resulting in a land disturbance that will disturb equal to or greater than one (1) acre and less than five (5) acres of land or will disturb less than one (1) acre of total land area but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one (1) acre and less than five (5) acres. Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility.

**Small Municipal Separate Storm Sewer System** means all separate storm sewers that are:

1. Owned or operated by the United States, 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 an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the Clean Water Act that discharges to waters of the United States;
2. Not defined as large or medium municipal separate storm sewer systems in accordance with this ordinance;
3. This term includes 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.

**Storm Drainage System:** Publicly-owned facilities by which storm water is collected and/or conveyed, 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.

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

**Storm water discharge associated with small construction activity:** means the discharge of storm water from construction activities including clearing, grading, and excavating that result in land disturbance of equal to or greater than one acre and less than five acres. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one and less than five acres. Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility.

**Stormwater Pollution Prevention Plan (SWPPP):** A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Stormwater Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

**Trash Receptacle:** means bins, dumpsters or any other receptacle/enclosure sufficient in number and size to prevent litter accumulation on a construction site.

**Wastewater:** means any water or other liquid, other than uncontaminated storm water, discharged from a facility.

**Waters of the United States** which is interchangeable with the term "navigable waters" means:

1. All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
2. All interstate waters, including interstate wetlands;
3. All other waters such as interstate lakes, rivers, streams (including intermittent streams), mudflats, sand flats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:
  - a. Which are or could be used by interstate or foreign travelers for recreational or other purposes;
  - b. From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
  - c. Which are used or could be used for industrial purposes by industries in interstate commerce;
4. All impoundments of waters otherwise defined as waters of the United States under this definition;
5. Tributaries of waters identified in paragraphs (1) through (4) of this definition;
6. The territorial sea; and
7. Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (1) through (6) of this definition.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the Clean Water Act (other than cooling ponds for steam electric generation stations per 40 CFR 423, which also meet the criteria of this definition) are not waters of the United States. Waters of the United States do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with the Environmental Protection Agency (EPA).

**Watercourse:** means a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

**Wetland** means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

## **SECTION 104        RULES OF CONSTRUCTION**

This ordinance shall be construed in the manner provided for by A.R.S. Title I, Chapter 2.

## **ARTICLE II        APPLICABILITY AND EXEMPTIONS**

### **SECTION 201        APPLICABILITY**

This ordinance shall apply to all water entering the Yuma County MS4 generated on any developed and undeveloped lands unless explicitly exempted by this ordinance. In Addition, this ordinance is applicable to all parcels of real estate within the jurisdiction of the Yuma County MS4 unless exempt under this ordinance.

### **SECTION 202        DISCHARGE EXEMPTIONS**

The following discharges are exempt from discharge prohibitions established by this ordinance:

- a) Discharges or flows from emergency fire-fighting activities;
- b) Fire hydrant flushing;
- c) Individual residential car washing;
- d) Water used to control dust, provided effluent or other wastewaters are not used;
- e) Potable water sources including water line flushing;
- f) Routine external building wash down where detergents are not used;
- g) Pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used;
- h) Uncontaminated air conditioning or compressor condensate;
- i) Uncontaminated ground water or spring water;
- j) Foundation or footing drains where flows are not contaminated with process materials such as solvents;
- k) Potable water well flushing where the receiving waters are ephemeral;
- l) Water used for compacting soil, provided effluent or other wastewaters are not used
- m) Water used for drilling and coring such as for evaluation of foundation materials, where flows are not contaminated with additives; and
- n) Water obtained from dewatering operations/ foundations in preparation for and during excavation and construction;
- o) Irrigation water;
- p) Lawn watering;
- q) De-chlorinated swimming pool discharges;
- r) landscape irrigation;
- s) Rising ground water;
- t) Discharges from riparian habitats and wetlands; and any other water source not containing Pollutants.

- u) Discharges specified in writing by the Yuma County Department of Development Services as being necessary to protect public health and safety.
- v) If dye testing is conducted, it will require written notification to the Yuma County Department of Development services prior to the time of the test.
- w) The discharge prohibition shall not apply to any non-storm water discharge permitted under an AZPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Arizona Department of Environmental Quality, provided that the discharger is in full compliance with all requirements of a permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the MS4.

### **SECTION 203      ACTIVITY EXEMPTIONS**

The following activities are exempt from the stormwater performance criteria established by this ordinance:

- a. Agricultural land activities in accordance with Section 11-830 and 42-12152 of the Arizona Revised Statutes.
- b. Additions or modifications to existing single family structures in accordance with the adopted Yuma County Zoning Ordinance.
- c. Repairs to any stormwater treatment practice deemed necessary by the Yuma County Department of Development Services.
- d. Fill. Provided the fill is less than one foot (1') in depth placed on natural terrain with a slope flatter than four percent (4%), does not exceed one thousand (1,000) cubic yards per acre and does not obstruct the existing drainage pattern.
- e. Any real estate less than one (1) acre which is not part of development or sale which development or sale is one (1) acre or more in the aggregate.

## **ARTICLE III      ILLICIT DISCHARGES**

### **SECTION 301      ILLICIT DISCHARGES PROHIBITED**

No person shall discharge any material or cause to be discharged into the Yuma County MS4 or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water. The commencement, conduct, or continuance of any illegal discharge to the Yuma County MS4 is prohibited.

### **SECTION 302      ILLICIT CONNECTIONS PROHIBITED**

The construction, use, maintenance or continued existence of illicit connections to the Yuma County MS4 is prohibited. 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. A

person is in violation of this ordinance if the person connects a line conveying sewage to the Yuma County MS4, or allows such a connection to continue.

### **SECTION 303 LITTER**

It is a violation of this ordinance to throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, kept, or maintained, in or upon any public or private driveway, parking area, street, alley, sidewalk, or component of the storm drain system or any watercourse, any refuse, rubbish, litter, garbage, or other discarded articles, accumulations, and/or pollutants so that the same may cause or contribute to elevated levels of pollution. Any owner or occupant of a property, or responsible person who fails to remove such pollutants is in violation of this ordinance.

All permitted construction sites shall have trash receptacles on site. Receptacles must be maintained in a clean, leak-proof, sanitary and neat condition, designed to contain trash and debris during high wind periods. Trash receptacles shall be removed from the construction site upon completion of the project.

### **SECTION 304 SPILL NOTIFICATION REQUIREMENTS**

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or water of the U.S. said person 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 Yuma County Department of Development Services in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Yuma County Department of Development Services within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

## **ARTICLE IV SUSPENSION AND REINSTATEMENT OF MS4 ACCESS**

### **SECTION 401 SUSPENSION OF MS4 ACCESS**

The Yuma County Department of Development Services may, without prior notice, suspend MS4 discharge access to a person or parcel when such suspension is necessary to stop an actual or threatened discharge in violation of this ordinance. Any person discharging to the MS4 in violation of this ordinance will have their MS4 access terminated.

**SECTION 402 REINSTATEMENT OF MS4 ACCESS**

It is a violation of this ordinance to reinstate MS4 access to premises terminated pursuant to this ordinance without the prior approval of the Yuma County Department of Development Services.

**ARTICLE V RUNOFF CONTROL**

**SECTION 501 CONSTRUCTION AND DEVELOPMENT**

Any person subject to the conditions of an AZPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit is required prior to discharges to the Yuma County MS4.

- a. All construction and development activities including clearing, grading or excavation shall comply with:
- b. Any condition and/or requirements established by the Yuma County Board of Supervisors or the Director, Yuma County Department of Development Services designed to protect specific watersheds or drainage basins;
- c. All conditions and requirements established by the AZPDES permit or other permits which are reasonably related to the reduction or elimination of pollutants in stormwater from the construction site;
- d. Conditions and requirements of any applicable Stormwater Pollution Prevention Plan.

**SECTION 502 WATERCOURSE PROTECTION**

Every occupant or owner of a property through which a watercourse passes shall keep and maintain the property reasonably free of trash, debris, vegetation, and other obstacles which would pollute, contaminate, or retard the flow of water through the watercourse. Every occupant or owner, consistent with other laws regarding riparian habitat protection, shall not remove healthy bank vegetation beyond that required to remove obstacles, nor remove said vegetation in such a manner as to increase the vulnerability of the watercourse to erosion.

**SECTION 503 BEST MANAGEMENT PRACTICES**

The Director, Yuma County Department of Development Services may adopt requirements that identify appropriate Best Management Practices (BMP's) for any activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, the Municipal Separate Storm Sewer System, or waters of the United States, and every person undertaking such activity or operation, or owning or operating such facility shall comply with such established requirements. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the Yuma County Municipal Separate Storm Sewer System or watercourses through the use of structural and non-structural BMP's or a combination of both.

Further, any person responsible for a property or premise, which is, or may be the source of an illicit discharge, may be required to implement, at personal expense, additional structural and non-structural BMP's to prevent the further discharge of pollutants to the Yuma County Municipal Separate Storm Sewer System. Notwithstanding the requirements of any of the foregoing subsections; any person that engages in activities or operations, or owning property or facilities, which may or will result in pollutants entering the municipal separate storm sewer system, or any watercourse, shall implement to the extent that they are economically and technically achievable to prevent and reduce such pollutants must implement such requirements.

## **ARTICLE VI      POST-CONSTRUCTION STORMWATER MANAGEMENT**

### **SECTION 601      PROHIBITED CONDUCT**

Any entity owning or operating non-exempt real estate is prohibited from performing any of the following:

- a. Discharge stormwater directly into a wetland or local water body without adequate treatment.
- b. Discharge stormwater in a manner that is inconsistent with applicable state or federal law.

### **SECTION 602      REQUIRED CONDUCT**

Any entity owning or operating non-exempt real estate shall comply with each of the following requirements:

- a. Maintain any and all storm water measures and practices identified in the construction plan that were intended to remain in place after construction activities have been completed.
- b. Install and maintain each post construction storm water quality measure approved as part of the construction plan
- c. Provide the Yuma County Department of Development Services with a narrative description of the maintenance guidelines for all post construction storm water quality measures to facilitate their proper long-term function and identify the entity or entities responsible for long-term maintenance. It is an obligation of the property owners and their successors in interest to provide these narrative descriptions to future parties who acquire interest in any portion of the real estate or who assume responsibility for the operation and maintenance of the post-construction storm water quality measures.
- d. Maintain all drainage systems and storm water storage facilities in good working order.
- e. Maintain natural drainage for any portion of the real estate not served by a constructed drainage system.
- f. Maintain all erosion sediment control systems installed on the subject property or identified as part of the construction plan unless such systems

- were temporary measures only intended to be in place during construction.
- g. Maintain all drainage channels and swales installed or identified as part of the construction plan so they do not cause erosion in the receiving channel or at the outlet.

### **SECTION 603 DEVELOPMENT REQUIREMENTS**

Any development, redevelopment or sale consisting of two (2) or more lots (and totaling in the aggregate of one (1) or more acres) shall comply with the following requirements:

- a. Execute an enforceable maintenance agreement that designates the parties responsible for the operation, maintenance and repair of all storm water management facilities, and any other system, structure or measure required by this ordinance. The agreement shall include provisions for funding all required maintenance.
- b. Parties who are responsible for operation and maintenance of storm water management facilities shall make and maintain records for all installation and maintenance and repairs of all systems, structures and measures. These records must be maintained for at least five (5) years and made available to the Yuma County Department of Development Services as required or requested.

### **SECTION 604 STORMWATER MANAGEMENT FACILITY MAINTENANCE**

All stormwater management facilities must be maintained to ensure the facility meets the minimum design requirements necessary for continuing compliance with this ordinance.

## **ARTICLE VII ENFORCEMENT**

### **SECTION 701 NOTICE OF VIOLATION**

Whenever the Yuma County Department of Development Services finds that a person has violated the requirements of this ordinance, the Yuma County Department of Development Services may order compliance by written Notice of Violation (NOV) to the responsible person.

The NOV shall identify the provisions of this ordinance that have been violated. If abatement of a violation and/or restoration of affected property are required, the NOV shall set forth a deadline within which such remediation or restoration must be completed. Said NOV shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

The NOV may be issued to: the owner or occupant of any property requiring abatement of conditions that may cause an illicit discharge; the owner or operator of a property that is subject to the requirements of any Stormwater Pollution Prevention Plan; and to any

person responsible for an illicit discharge or illicit connection.

The NOV may include the following terms and requirements:

- a. Specific steps and time schedules for compliance as reasonably necessary to prevent threatened or future illicit discharges;
- b. Specific steps and time schedules necessary to prevent continued violations from occurring;
- c. Specific steps and time schedules necessary to discontinue any illicit connection;
- d. Specific requirements for containment, cleanup, removal, storage, installation of overhead covering, or proper disposal of any pollutant having the potential to contact stormwater runoff; Any other requirements or terms reasonably calculated to prevent continued or threatened violations of this ordinance;
- e. An order to immediately discontinue any illicit connection or discharge into the MS4;
- f. An order to immediately divert or contain any flow of water off the property, where the flow is occurring in violation of any provision of this ordinance;
- g. An order to immediately discontinue any operations that cause violations of this ordinance;
- h. An order directing the clean up of the area affected by violations of this ordinance.

Failure to comply with this ordinance shall be considered a violation and shall be enforced in accordance with the provisions of section 1209 of the Yuma County Zoning Ordinance.

#### **SECTION 702 ACCESS TO FACILITIES**

Failure to provide reasonable access to inspect compliance with this ordinance is grounds to revoke any permit issued by Yuma County.

#### **SECTION 703 NUISANCES**

Any condition in violation of this ordinance constitutes a threat to the public health, safety and welfare, and is declared and deemed a nuisance.

#### **SECTION 704 MISDEMEANOR**

Any Person who violates any provision of this ordinance is guilty of a class one misdemeanor.

#### **SECTION 705 CONSECUTIVE VIOLATIONS**

Each day in which a violation of this ordinance occurs is a separate violation of this ordinance. Also, each violation of a separate provision of this ordinance is a separate violation of this ordinance. And finally, each day that a person fails to comply with the orders and requirements of a Notice of Violation is a separate violation of this ordinance.

**SECTION 706      ULTIMATE RESPONSIBILITY**

This ordinance is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulations, statute, or other provisions of the law. The standards set forth herein and promulgated pursuant to this ordinance are the minimum standards, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence; therefore this ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

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