

COUNTY NOTICES PURSUANT TO A.R.S. § 49-112

Because each county writes rules and regulations in its own unique style, County Notices published in the *Register* do not conform to the standards of the *Arizona Rulemaking Manual*. With the exception of minor formatting changes, the rules (including subsection labeling, spelling, grammar, and punctuation) are reproduced as submitted.

NOTICE OF PROPOSED ORDINANCE OF COCONINO COUNTY PURSUANT TO A.R.S. § 49-112(B)

[M14-79]

1. Heading and number of the proposed rule, ordinance or other regulation:

Ordinance 2014-04: Coconino County Stormwater Quality and Runoff Control Ordinance

2. Summary of the proposed rules, ordinance, or other regulation:

Coconino County meets the minimum federal requirements for designation by the United States Environmental Protection Agency (EPA) as a Small Municipal Separate Storm Sewer Operator. As an Operator, 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 systems within the designated County SMS4 areas.

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

This Ordinance ensures that the County is compliant with its Arizona Pollutant Discharge Elimination System (AZPDES) permit by establishing methods for controlling the introduction of pollutants into the County's Small Municipal Separate Storm Sewer Systems (SMS4s). The objectives of this Ordinance are:

1. To regulate the contribution of pollutants to the County SMS4s by storm water drainage in unincorporated, urbanized areas by any user.
2. To prohibit illicit connections and drainages to the County SMS4s.
3. To establish legal authority to carry out all inspection, surveillance, monitoring, and enforcement procedures necessary to ensure compliance with this Ordinance.

3. A demonstration of the grounds and evidence of compliance with A.R.S. § 49-112(A) or (B):

A.R.S. § 49-371(A)(2)(b) authorizes Coconino County to adopt an ordinance more stringent than the provisions of Title 49 when "required under a federal statute or regulation, or authorized pursuant to an intergovernmental agreement with the federal government to enforce federal statutes." Pursuant to Public Law 92-500 § 101(b), and other portions of the Clean Water Act, as amended, States regulate water within their borders, through permit programs as required by §§ 402 and 404 of the Clean Water Act. The State of Arizona complies with these requirements of federal law through the issuance of Arizona Pollutant Discharge Elimination System (AZPDES) permits.

As part of the State of Arizona's compliance with the Clean Water Act, Coconino County has been issued an AZPDES permit, Permit No. AZG2002-002. Part V(B)(3)(c) of the County's AZPDES permit requires the County to "prohibit through ordinance... non-stormwater discharges into the storm sewer system." The adoption of Ordinance 2014-04, therefore, is appropriate under A.R.S. § 49-371(A)(2)(b) as part of the State of Arizona's compliance with the Clean Water Act, as amended.

4. Name and address of the person to whom persons may address questions or comments:

Coconino County Community Development
ATTN: County Hydrologist
2500 N. Ft. Valley Rd.
Flagstaff, AZ 86001

5. Where persons may obtain a full copy of the proposed rule, ordinance, or other regulation:

In-Person:

Coconino County Clerk of the Board of Supervisors
219 E. Cherry Ave.
Flagstaff, AZ 86001

Or

Coconino County Community Development
2500 N. Ft. Valley Rd.
Flagstaff, AZ 86001

Online:

<http://coconino.az.gov/index.aspx?nid=1090>