

Coconino County Stormwater Quality
And Runoff Control Ordinance

Amended Stormwater Ordinance – July 2017
Coconino County Community Development Stormwater Management Program
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CHAPTER 1 – ADMINISTRATION

Coconino County meets the minimum federal requirements for designation by the United States Environmental Protection Agency (EPA) as a Small Municipal Separate Storm Sewer System 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, quality controls for Stormwater in the County’s Stormwater conveyance systems within the designated County SMS4 areas.

101 – Statutory Authorization

Coconino County is authorized by A.R.S. §11-251(66) and A.R.S. §49-371 to enact a Stormwater regulation. Coconino County, as a Small 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. §1251 *et seq.*

102 – Title

This Ordinance shall be known as the Coconino County Stormwater Ordinance.

103 – Required Permit for County

There are three 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, which must be included in the Coconino County Stormwater Ordinance. They are:

1. Illicit Drainage detection and elimination;
2. Construction site Stormwater runoff control;
3. Post-Construction Stormwater runoff control;

104 – Statement of Purpose and Objectives

The purpose of this Ordinance is to provide for the health, safety, and general welfare of the citizens of Coconino County by prohibiting the introduction of non-Stormwater materials to the County system 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 to the County-owned system by means of the use of Best Management Practices (BMPs) by the County and its citizens.

This Ordinance ensures that the County is compliant with the requirements of 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 introduction of Pollutants to the County SMS4s through Stormwater drainage by any user.
2. To prohibit Illicit Connections and drainages to the County SMS4s.
3. To establish the legal authority to carry out all inspection, surveillance, monitoring, and enforcement procedures necessary to ensure compliance with this Ordinance.

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 the word “may” is permissive.

202 – Responsibility for Administration

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

203 – Compatibility with other Regulations

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

204 – Severability

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

205 – Disclaimer

The standards set forth herein and promulgated pursuant to this Ordinance are minimum standards; therefore this Ordinance does not intend or imply that compliance by any Person will ensure that there will be no contamination, pollution, or unauthorized release of Pollutants. Neither the submission of a plan, permit, or approval under the provisions herein, nor compliance with the provisions of this Ordinance shall relieve any Person from responsibility for damage to any Person or property otherwise imposed by law.

206 – Other Regulatory Requirements

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

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 Ordinance. The permit or approval shall not be granted unless the decision maker determines that the application is complete and the development project complies with the applicable requirements of this Ordinance, as described in Sections 602 and 703.1. If a Person applies for any one permit from Coconino County, that Person is not relieved from the obligation to obtain any other applicable County permit or permits.

CHAPTER 3 – DEFINITIONS

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

1. **ADEQ:** The Arizona Department of Environmental Quality.
2. **AZPDES:** The Arizona Pollutant Discharge Elimination System program as adopted under Section 402(b) of the Clean Water Act, 33 U.S.C. § 1251 *et seq.*
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):** means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of “waters of the United States.” BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
5. **CLEAN WATER ACT (CWA or The Act):** means Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub.L. 92-500, as amended Pub. L. 95 217, Pub. L. 95-576, Pub. L. 96-483 and Pub. L. 97-117, 33 U.S.C. 1251 *et seq.*
6. **CONSTRUCTION ACTIVITY:** means earth-disturbing activities such as, clearing, grading, excavating, stockpiling of fill material and other similar activities. This definition encompasses both large construction activities defined in 40 CFR 122.26 (b)(14)(x) and small construction activities in 40 CFR 122.26 (b)(15)(i) and includes construction support activities.
7. **COUNTY:** Coconino County is a political subdivision of the State of Arizona, including government officials and employees or designees of the Board of Supervisors of Coconino County designated to enforce this Ordinance.
8. **DEPARTMENT:** The Coconino County Community Development Department.
9. **DIRECTOR:** The Director of the Coconino County Community Development Department or his or her authorized agents.
10. **DISCHARGE:** when used without qualification means the “discharge of a pollutant.”.
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 and conveyance 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, and 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. **EROSION AND SEDIMENT CONTROL PLAN (ESCP):** A set of plans with design calculations prepared by or under the direction of a Design Engineer indicating the specific measures and sequencing to be used to control Erosion and sediment migration on a construction site before, during and after construction. The ESCP is included as part of the SWPPP.
15. **EROSION CONTROL:** A measure or activity that prevents Erosion.
16. **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 SMS4s or Storm Drainage Systems connected to the SMS4s.
17. **FARM, DOMESTIC AND COMMERCIAL ANIMALS:** Includes horses, cattle, buffalo, sheep, goats, chickens, pigs, alpacas, llamas, ostriches, dogs, cats and any other domesticated animals.
18. **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.
19. **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, processed Wastewater, and wash water to enter the County SMS4s or any Storm Drainage System and any connections to the County SMS4s 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 SMS4s 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.
20. **ILLICIT DISCHARGE:** means any discharge to a municipal separate storm sewer that is not composed entirely of stormwater except discharges pursuant to a AZPDES/NPDES permit (other than the AZPDES permit for discharges from the municipal separate storm sewer) and discharges resulting from firefighting activities.
21. **IMPERVIOUS SURFACE:** A surface which has been compacted or covered with a layer of material so that it is resistant to infiltration by water. It includes semi-pervious surfaces such as compacted clayey soils, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots, and other similar surfaces. "Net Increase of Impervious Surface" refers to the difference between the existing impervious coverage and the total Impervious Surface proposed.
22. **INDUSTRIAL ACTIVITY:** Activities subject to NPDES Industrial Stormwater Permits as defined in 40 CFR §122.26 (b) (14).
23. **LAND DISTURBANCE:** Soil Disturbance or any site Disturbance.
24. **LARGER COMMON PLAN OF DEVELOPMENT OR SALE:** a contiguous area where multiple separate and distinct land disturbing activities may be taking place at different times, on different schedules,

but under one plan. A ‘plan’ is broadly defined to include design, permit application, advertisement or physical demarcation indicating that land-disturbing activities may occur.

- 25. MAINTENANCE:** The action taken to restore or preserve the as-built functional design of any Facility or system.
- 26. MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4):** a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):
- a. Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or a designated and approved management agency under section 208 of the Clean Water Act (33 U.S.C. 1288) that discharges to waters of the United States;
 - b. Designed or used for collecting or conveying stormwater;
 - c. Which is not a combined sewer; and
 - d. Which is not part of a Publicly Owned Treatment Works.
- 27. 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 to an individual, group, or general area-wide basis.
- 28. NON-STORMWATER DRAINAGE:** Any drainage to the County SMS4s or a Storm Drainage System that is not composed entirely of Stormwater.
- 29. NOTICE OF INTENT (NOI):** An application to notify the permitting authority of a Facility’s intention to be covered by a general permit to Discharge into the storm Drainage System; exempts a Facility from having to submit an individual or group application.
- 30. NOT:** Notice of Termination.
- 31. NPDES:** National Pollutant Discharge Elimination System.
- 32. NUISANCE:** The unreasonable or unlawful use of real or personal property that 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.
- 33. 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.
- 34. OWNER:** means the owner or operator of any “facility or activity” subject to regulation under the NPDES program.

35. **PERMITTEE:** refers to any person (defined below) authorized by this NPDES permit to discharge to Waters of the United States..
36. **PERSON:** an individual, employee, officer, managing body, trust, firm, joint stock company, consortium, public or private corporation, including a government corporation, partnership, association or state, a political subdivision of this state, a commission, the United States government or any federal facility, interstate body, or other entity.
37. **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; farm, domestic and commercial 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.
38. **POST-CONSTRUCTION:** That regulated category of construction for new developments and redevelopments which results in the establishment of permanent Stormwater pollution prevention devices, or structural and non-structural BMPs, built in compliance with Coconino County's design standards and also includes long-term Operations and Maintenance (O&M) programs, or non-structural BMPs, to be permanently associated with the Stormwater pollution devices or controls at the new development upon completion of the land disturbing activity.
39. **POST-CONSTRUCTION SITE PLAN:** A plan or set of plans clearly identifying the site and depicting the placement of BMPs that are to remain permanently on the site following completion of the construction phase.
40. **PRE-CONSTRUCTION AND CONSTRUCTION PHASE SITE PLAN:** A plan or set of plans clearly identifying the site and depicting the placement of 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.
41. **PREMISES:** Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.
42. **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.
43. **SMS4:** Small Municipal Separate Storm Sewer System.
44. **STABILIZATION:** An Erosion Control technique, practice or procedure used to prevent or minimize exposed soil from eroding. Stabilization practices include but are not limited to: pre-watering, applying dust-suppressant, vegetation (temporary and permanent seeding), gravel application, mulching, soil stabilizers, plastic covers and tarps.
45. **STORM DRAINAGE SYSTEM:** Public and private drainage facilities other than sanitary sewers within the Urbanized, unincorporated areas of Coconino County by which Stormwater is collected and/or conveyed to the County SMS4s, 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.

46. **STORMWATER:** stormwater runoff, snow melt runoff, and surface runoff and drainage. See 40CFR 122.26(b)(13).
47. **STORMWATER MANAGEMENT PLAN (SWMP):** means a comprehensive program to manage the quality of stormwater discharged from the municipal separate storm sewer system. For the purposes of this permit, the Stormwater Management Program is considered a single document, but may actually consist of separate programs (e.g. "chapters") for each permittee.
48. **SWPPP:** The Stormwater Pollution Prevention Plan associated with the Stormwater approval for a site.
49. **TREATMENT WORKS:** Any devices and systems that are used in the storage, treatment, recycling and reclamation of municipal Sewage or industrial wastes of a liquid nature, the elements essential to providing a reliable recycled supply such as standby treatment units and clear well facilities, and any works that will be an integral part of the treatment process or that are used for residues resulting from that treatment. For the purposes of the programs required by A.R.S. §§ 49-255.02 and 49-255.03, Treatment Works include intercepting sewers, outfall sewers, Sewage collection systems, pumping, power and other equipment and any appurtenances, extensions, improvements, remodeling, additions and alterations.
50. **URBANIZED/URBANIZED AREA:** A portion of the unincorporated area 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.
51. **WASTEWATER:** Sewage and waterborne industrial wastes.
52. **WATERS OF THE U.S.:** defined in 40 CFR 122.2.

CHAPTER 4 – APPLICABILITY

401 – Introduction

1. This Ordinance applies to all water entering the County SMS4s or Storm Drainage Systems connected to the SMS4s in an Urbanized Area and generated on any developed and undeveloped lands, unless explicitly exempted by this Ordinance.
2. Except as required under the Clean Water Act, no Stormwater approval is required for any Person with a federal or state Pollutant Discharge elimination system permit regulating the same activity at the same location. This Ordinance does not apply to any Person or activity exempt under 33 USC §1342(l), 40 CFR §122.3 or Arizona Administrative Code §18-9-A902(G).

402 - Transfers of Approvals

A Stormwater approval is transferrable to subsequent Persons or Owners. Transfer of a Stormwater approval requires a written letter of assurance from the new Owner that the approved SWPPP, SWMP, and BMP requirements will be met. This letter of assurance must be dated and signed by the new Owner and delivered to the Director.

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 SMS4s or into a Storm Drainage System any Pollutants or waters containing any Pollutants.
2. Prohibited discharges include, but are not limited to, the following:
 - A. Any Discharge that is a source of Pollutants

- B. Any spills of Hazardous Materials that are uncontrolled and disposed of improperly;
 - C. Infiltration or leakage from cracked or failing sanitary and septic systems;
 - D. Improper disposal of oil, radiator fluid, hydraulic fluid, paint thinners, bulk herbicides and pesticides, laboratory wastes, household chemicals, and business toxics;
 - E. Discharges from commercial laundry systems and Discharges from commercial car washing, mobile car washing or Impervious Surface pressure washing operations;
 - F. Depositing, storing or dumping any material in a manner that may contribute a Pollutant to or obstruct the flow of Stormwater;
 - G. Establishing, using and/or maintaining any illicit connection to a County SMS4, Storm Drainage System or sanitary sewer system that allows a Discharge that contributes a Pollutant to Stormwater;
 - H. A drainage activity that may contribute Pollutants to Stormwater that has been misrepresented in any document pertaining to an approval plan, permit, or certification;
 - I. Discharge or drainage of manure and urine from farm, domestic, and commercial animals directly into Waters of the U.S.
 - J. Pollutants associated from the ownership and use of facilities such as parking lots, gas stations, industrial facilities, construction sites and retail establishments.
3. The following types of drainage are exempt from prohibitions established by this Ordinance:
- A. Water line flushing of dechlorinated water, landscape irrigation, diverted stream flows, rising groundwaters, uncontaminated groundwater infiltration, uncontaminated pumped groundwater, drainages from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, de-chlorinated swimming pool drainages, and street wash water.
 - B. Drainage or flow from firefighting, and other drainages specified in writing by the Department as being necessary to protect public health and safety.
 - C. Drainage associated with dye testing; however, this activity requires notification to the Department prior to the time of the test.
 - D. 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.
 - E. 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, Maintenance or use of an Illicit Connection to the County SMS4s or any Storm Drainage System is prohibited.

2. A Person is considered to be in violation of this Ordinance if the Person connects a conveyance of non-Stormwater to a County SMS4 or Storm Drainage System, or allows such a connection to continue.
3. Improper connections in violation of this Ordinance shall be disconnected and redirected to an appropriate, approved waste disposal system.
4. Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to a SMS4 or Storm Drainage 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 written letter shall 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 AND POLLUTION CONTROL

601 – Introduction

Runoff and Erosion from construction sites may be a major source of pollution and are subject to federal, state and local requirements to minimize, to the maximum extent practicable and allowable, the contribution of Pollutants to receiving streams and all conveyances, including storm drains, within Coconino County SMS4s and in Stormwater runoff discharging from County SMS4s. If left uncontrolled, runoff from construction sites can cause measurable physical, chemical and biological harm to our nation's waters.

602 – Construction Site Regulation

1. A dual system of regulation is as required by Federal law, 40 CFR §122.34(b)(4)(i), and by the general permit for the Coconino County SMS4s issued by the ADEQ, Part (V)(B)(4)(a).
 - A. 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 within a designated Coconino County SMS4, must obtain permit coverage under the General Permit from ADEQ and also obtain approval from the Department.
2. No Construction Activity Disturbance of the site is allowed until the Stormwater approval has been issued.
3. To obtain a Stormwater approval, the Owner or Operator must complete the following:
 - A. Submit to the Department a pre-construction and construction phase stormwater site plan, a SWPPP that addresses the construction phase water quality impacts and explains in detail the construction BMPs to be followed by the Owner and all who work on the site. The SWPPP must also contain an ESCP that defines the practices and control designs to be employed to ensure that Erosion will be minimized, sediment transport will be managed on site, and that controls for other wastes are in place during the construction process. The ESCP must also address measures to be taken to prevent excess soil and mud on construction equipment and worker's tires from leaving the construction site.
 - B. Unless waived by the Director, the ESCP must include measures to be taken to control Erosion and sediment from the stock piles and disturbed areas from leaving the site.
 - C. The SWPPP, including all site plans specific to the BMPs, will be reviewed by the Department. The timeframe, pursuant to A.R.S. § 11-1605(B), for the Department to review and determine administrative

completeness is thirty (30) days. Deficient applications shall be returned with any comments and a deficiency list that indicates what additional information is necessary for the application to be administratively complete. Applicants will be notified when an application is administratively complete.

D. Once an application is administratively complete, the Department shall grant or deny the Stormwater approval within thirty (30) days, pursuant to A.R.S. § 11-1605(B).

4. A copy of the SWPPP for the construction must be kept on the site during all work times.
5. At the start of construction and during construction, the Department may inspect any site to determine that the SWPPP for the site is being followed and that the indicated BMPs have been properly installed and satisfactorily maintained. If the SWPPP has not been implemented and/or if the BMPs on site have not been satisfactorily installed or maintained, the Department will notify the Owner or Operator of the deficiencies. If the Owner or Operator has failed to address satisfactorily these issues within seven (7) days of notification of deficiencies, a compliance order will be issued by the Department and the Department may also seek an injunction to stop the work as provided herein as well as civil or criminal penalties.
6. The operator must ensure routine inspections are performed at the site to ensure that BMPs are functional and that the SWPPP is being properly implemented.
 - A. The operator must specify an inspection schedule in the SWPPP and may choose either of the following:
 - i. The site will be inspected at least once every seven (7) calendar days, or
 - ii. The site will be inspected at least once every fourteen (14) calendar days, and also within twenty-four (24) hours of the end of each storm event of 0.5 inches or greater.
 - B. If the site is temporarily stabilized, the operator may utilize the reduced inspection frequency outlined in the AZPDES construction general permit.
 - C. Based on the results of the Owner or Operator's routine inspections, the operator must modify the SWPPP to include additional or modified BMPs designed to correct problems identified. The Owner or Operator must complete revisions to the SWPPP within seven (7) calendar days following any inspection.

603 - Exemptions

A Stormwater approval for construction is not required for:

1. Regular Maintenance activities performed within the original line, grade or capacity of a Facility.
2. Construction projects where the Owner or Operator can prove that there is no reasonable probability that Stormwater will leave the site.
3. A site that qualifies for an erosivity waiver for activities with 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 within an Urbanized Area already regulated by another SWMP.

604 - Termination of Coverage

Coverage under the construction portion of a Stormwater approval will end when a Notice of Termination (NOT) 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. As a condition of Departmental release of the construction portion of the

Stormwater approval, the Owner or Operator of the site must commit to installing and implementing any Post-Construction runoff control measures the Department may require for the site.

CHAPTER 7 – POST-CONSTRUCTION STORMWATER RUNOFF AND POLLUTION CONTROL

701 - Introduction

The goal of the Post-Construction Stormwater runoff and pollution control portion of a Stormwater approval 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, minimizing the extent of impervious cover, minimizing any increases in runoff volumes, and encouraging the use of a variety of BMPs 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 SMS4s, and promote effective operation and Maintenance of all Stormwater facilities.

701.1 - Applicability

The Post-Construction requirements in this Chapter apply to permanent Stormwater management facilities, systems and/ or devices.

702 – Regulated Activities

702.1 – Post-Construction Stormwater Management

Post-Construction runoff control is required for any land Disturbance equal to or greater than one acre within County SMS4s except as otherwise provided per Section 702.2 of this Ordinance. Land Disturbances within County SMS4s of less than 1 acre constituting a part of a larger development plan are also required to demonstrate that post-construction runoff water quality has been adequately protected. Activities for which Post-Construction runoff controls are 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. The post-construction portion of a Stormwater approval requires:

1. A SWPPP that includes a description of post-construction Stormwater management BMPs that will be installed during the construction process to control pollutants in Stormwater discharges after construction has been completed.
2. If “temporary” sediment basins are to be used as/converted to retention or detention basins in the post-construction phase, the operator shall remove and properly dispose of all sediments accumulated in the basin during construction activities prior to filing an NOT.
3. Post-construction structural BMPs shall be placed on upland soils to the degree attainable.
4. New discharge connections or permanent Stormwater outfalls to unique waters are prohibited under this approval.
5. Depending on the location, the installation of some permanent Stormwater management facilities, systems, and devices may also require a permit under section 404 of the Clean Water Act.
6. This approval only authorizes and requires the operator to install and maintain Stormwater management measures up to and including final stabilization of the site, and does not require continued maintenance after Stormwater discharges associated with the construction activity have been eliminated from the site and a NOT has been filed.

7. Post-construction Stormwater BMPs that discharge pollutants from point sources once construction is complete, may need to secure authorization under an AZPDES permit.

702.2 - Exemptions

The following activities may be exempted by the Director from on-site Post-Construction Stormwater runoff and pollution control requirements. An exemption shall apply only to the requirement for on-site permanent Post-Construction Stormwater management facilities, systems and/ or devices, in the application for a Stormwater approval. 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.

1. Emergency exemption: Emergency Maintenance work performed for the protection of public health, safety and welfare. A written description of the scope and extent of any emergency work performed shall be submitted to the Department within two (2) calendar days of the commencement of the activity. If the Department finds that the work is not an emergency, then the work shall cease immediately and the requirements of this Ordinance shall be addressed as applicable.
2. Maintenance exemption: Any Maintenance to an existing Stormwater management system made in accordance with plans and specifications approved by the Department.
3. Gardening: Use of land for gardening for home consumption.
4. Other agricultural and non-agricultural activities excluded by 40 CFR §122.3.

703 – General Requirements

1. The management of Stormwater on site, both during and upon completion of the land Disturbances described in Section 702.1 shall be accomplished in accordance with the standards and criteria of this Ordinance and the requirements of the Coconino County Engineering Design and Construction standards, Subdivision and Zoning Ordinances for Coconino County, the Floodplain Ordinance for Coconino County, and any other standards or criteria that are or may be adopted by the Coconino County Board of Supervisors. The design of any temporary or permanent facilities and structures and the utilization of any natural Drainage Systems shall be in full compliance with this Ordinance and any other applicable ordinance or 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.
3. Applicants shall refer to the most recent version of the Coconino County Engineering Design and Construction Standards or other appropriate references for guidance in the design of Post-Construction 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 SMS4s or any Storm Drainage System connected to the SMS4s.
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 Post-Construction runoff and pollution control plan prepared as part of the SWPPP for the development. Post-Construction runoff and pollution control plans shall provide 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 applicable County codes, provide on-site/off-site drainage 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 Ordinance that would be located in or adjacent to Waters of the U.S. or wetlands shall continue to be subject to approval by the U.S. Army Corps of Engineers (USACOE) or other agencies through their permit processes. Proof of approval by the USACOE shall be provided by the applicant prior to the start of construction.
7. Any Stormwater Post-Construction management Facility or part thereof regulated by this Ordinance that will be located in Coconino County-owned rights-of-way or that will drain across or onto other 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 or grading permit for any approved lot created by a subdivision and/or improved as a land development project, issuance of the permit shall be conditioned upon adherence to the terms of this Ordinance.
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 Post-Construction management practices.

704 – Permanent Stormwater Management Design Standards

Design standards for Post-Construction design and maintenance are contained in the most recent version of the Coconino County Engineering Design and Construction Standards Manual as adopted by the Coconino County Board of Supervisors.

705 – “As Built” Plans

When construction is complete, the applicant shall submit to the Department an actual “as built” plan for all Post-Construction Stormwater facilities required per the post-construction Stormwater plan. The “as built” plan shall show all final design specifications for all permanent Stormwater facilities and if necessary shall be prepared and certified by an 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.

706 – 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 Director. This Stormwater Ordinance and all amendments hereto shall be consistent with and subject to the regulations and provisions of the Coconino County Engineering Design and Construction standards, Planning and Zoning Ordinance and Floodplain Ordinance.
2. Erosion Control measures should be in conformance with BMPs identified in the most recent version of the Coconino County Engineering Design and Construction Standards Manual or other EPA, ADEQ or locally approved methods.

CHAPTER 8 - INDUSTRIAL ACTIVITY DISCHARGES

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 any of the County SMS4s.
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 NOI to the address shown 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 shall be delivered to the Department either in Person or by mailing it to the County Hydrologist, Coconino County Community Development Engineering Division, 2500 N. Ft. Valley Road, Flagstaff, AZ 86001.
4. Any Person found discharging Stormwater associated with Industrial Activity without an NPDES or AZPDES permit, or is not otherwise exempt will be reported to the Environmental Protection Agency and/or the Arizona Department of Environmental Quality.

CHAPTER 9 – 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 County SMS4s must implement BMPs 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 connected to County SMS4s or to County SMS4s using Best Management Practices. These BMPs shall be part of a 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 BMPs 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 compliance with the provisions of this section.

CHAPTER 10 – NOTIFICATION OF SPILLS

1. Notwithstanding other requirements of law, as soon as any Person responsible for a Facility, site or operation, including construction sites, or responsible for emergency response for a Facility, site or operation has information of any known or suspected release of materials which are resulting or may result in the illegal introduction of Pollutants into a Storm Drainage System connected to the County SMS4s 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 email to the contact provided on the permit 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. If prohibited materials emanate from a commercial or industrial establishment, the Owner or Operator of such establishment shall also retain an on-site written record of the release and the actions taken to prevent its recurrence. Such records shall be retained for at least one 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 Ordinance.

CHAPTER 11 – VIOLATIONS, ENFORCEMENT, PENALTIES AND AUTHORITY

1101 – Compliance Monitoring: Right of Entry for Inspection and Sampling

The Department is permitted to enter and inspect facilities subject to this Ordinance, pursuant to A.R.S. § 11-1603, as often as may be necessary to determine compliance with this Ordinance and approvals or permits issued hereunder.

1. If an Owner or Operator holding a building or grading permit requiring a Stormwater approval and/or an approved Stormwater permit 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.
2. Owners or Operators, or their designated representatives, holding a building or grading permit requiring a Stormwater approval and/or an approved Stormwater permit 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.
3. 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 Owner or 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 Owner or Operator.
4. Unreasonable delay in allowing the Department access to an approved Facility is a violation of this Ordinance. A Person who is the Owner or 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 by this Ordinance.

1102 - Violations

1. It is unlawful for any Person to violate any provision or fail to comply with any of the requirements of this Ordinance. Any Person who violates or continues to violate any provision of this Ordinance is subject to the enforcement actions provided herein.
2. If a violation is a Nuisance, source of pollution, or cause of sickness, the Director may order the Owner, Operator, or occupant to remove it within twenty-four (24) hours at the expense of the Owner, Operator or occupant. Notwithstanding any other provisions of this Ordinance, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a Nuisance per se, 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.

1103 – Letter of Outstanding Violation

1. When the Director finds that any Person has violated, or continues to violate, any provision of this Ordinance, 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 relieves 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.

1104 – Consent Order

After issuing a letter of outstanding violation the Director may enter into an order settling the issuance of the letter of outstanding violation. The terms of a consent order shall be determined by the agreement of the parties and must contain the items listed in section 1105(1)(A).

1105 – Compliance Order

1. Whenever the Director finds that a Person has violated a prohibition or failed to meet a requirement of this Ordinance, 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 Assessor’s parcel number(s), physical address, when available, and 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 this Ordinance 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 the Coconino County Superior Court by filing a written notice of appeal to Superior Court within 30 days of 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 SMS4s or any Storm Drainage System connected to the SMS4s;
 - 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 BMPs.
2. A compliance order becomes final and enforceable in the Superior Court thirty (30) days after it is served on the alleged violator.

1106 - Cease and Desist Orders

1. When the Director finds that any Person has violated, or continues to violate, any provision of this Ordinance, 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 violation(s) has (have) caused or contributed to an actual or threatened introduction of Pollutants to the County SMS4s or any Storm Drainage System connected to the SMS4s 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 Ordinance requirements; and

- B. Take such appropriate preventive action as may be needed to properly address a continuing or threatened violation, including immediately halting the violating activity.
2. Any Person who receives a cease and desist order 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 SMS4s or any Storm Drainage Systems connected to the SMS4s and/or endangerment to Persons or to the environment. The Director may allow the Person to resume the 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 Ordinance. 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 forty-eight (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.

1107 – Injunctive Relief

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 Ordinance, 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 Ordinance.

1108 - 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, 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 SMS4s or any Storm Drainage System connected to the SMS4s, summary suspension of the approval or permit may be ordered, pending proceedings before an appointed hearing officer, for revocation or suspension. An order of summary suspension must include written findings of imminent and substantial danger to the environment.
 - 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 SMS4s will be prohibited. A Person commits an offense, pursuant to section 1110, if the Person reinstates County SMS4 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, permanently revoke an approval or permit for the violation of this Ordinance or for interference with the regulatory authority in the performance of his/her 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 permit 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 approval or permit revocation, the Premises will thereupon be posted to show the permit revocation and access to the County SMS4s 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 SMS4s or any Storm Drainage System connected to the SMS4s, or to minimize danger to the health and welfare of Persons. An Owner or Operator commits a separate offense if the he or she reinstates County SMS4 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 served upon 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.

1109 - Civil Penalties

A Person who violates any provision of this Ordinance, an approval or permit issued hereunder, a Discharge limitation in a permit or approval, 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 pursuant to A.R.S. § 49-371(A)(5). Pursuant to A.R.S. § 49-371(A)(5), the Director may request that the County Attorney commence an action in Superior Court to recover the civil penalties.

1110 - 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 Ordinance.
 - C. Violate a Discharge limitation.
 - D. Violate a water quality standard.
2. A Person who performs an act prohibited under subsection 1 of this section is guilty of up to a class 2 misdemeanor, pursuant to A.R.S. § 49-263(E). Criminal prosecution of violations of this Ordinance can include up to ten (10) years imprisonment, pursuant to A.R.S. § 13-702 or a fine of up to \$1,000,000, pursuant to A.R.S. § 13-803(A)(1).
3. The County Attorney may enforce this section at the request of the Director.

1111 – Abatement Assessment and Lien

1. If abatement of the violation is ordered by the Superior Court or other court with jurisdiction, the Director may, pursuant to court order, take actions necessary to abate or remove the Nuisance or the source of the violating activity.

2. The Court Order authorizing the Director to take any action necessary to abate or remove a Nuisance or source of violation constitutes a lien against the lots or tracts of land on which the Nuisance was abated or removed.
 - A. The assessment, from the date of its recording in the office of the Coconino County Recorder, is a lien on the lot or tract of land until paid.
 - B. Any assessment recorded under this Ordinance is prior and superior to all other liens, obligations or other encumbrances, except liens for general taxes and prior recorded mortgages, as permitted by law.

1112 – Remedies Not Exclusive

The remedies listed in this Ordinance are not exclusive of any other remedies available under any applicable federal, state, county, local law, or as provided by contract and it is within the discretion of Coconino County to seek cumulative remedies.