

CITY OF DOUGLAS STORMWATER MANAGEMENT PROGRAM PLAN



Prepared by the City of Douglas

Permit No. AZG2016-002

Eddie Gonzales, MS4 Coordinator

eddie.gonzales@douglasaz.gov

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ACRONYMS

AAC	Arizona Administrative Code
ADEQ	Arizona Department of Environmental Quality
ARCA	Alternative Retention Criteria Area
AZDEPS	Arizona Pollutant Discharge Elimination System
BMP	Best Management Practice
CCTV	Closed Circuit Television
CFR	Code of Federal Regulations
CGP	Construction General Permit
CIP	Capital Improvement Project
CWA	Clean Water Act
EPA	Environmental Protection Agency
ERP	Enforcement Response Plan
FIFRA	Federal Insecticide, Fungicide and Rodenticide Act
HPCC	Household Products Collection Center
HWMP	Hazardous Waste Management Plan
IDDE	Illicit Discharge Detection and Elimination
IPM	Integrated Pest Management
KG	Kilogram
LID	Low Impact Development
MEP	Maximum extent Practicable
MS4	Municipal Separate Storm Sewer System
MSDS	Material Safety Data Sheet
MSGP	Multi-Sector General Permit
NEC	No Exposure Certification
NOI	Notice of Intent
NOV	Notice of Violation
NOT	Notice Termination
NPDES	National Pollutant Discharge Elimination System
NW	Nogales Wash
OAW	Outstanding Arizona Water
PPB	Parts per Billion
PPE	Personal Protective Equipment
PPM	Parts per Million
POTW	Publicly Owned Treatment Works
SARA	Superfund Amendments and Reauthorization Act
SIC	Standard Industrial Classification
SU	Standard Units
SWMP	Stormwater Management Plan
SWPPP	Stormwater Pollution Prevention Plan
SWQS	Surface Water Quality Standards
TMDL	Total maximum Daily Load
WWD	White Water Drain
WWTP	Waste Water Treatment Plant

1.0 EXECUTIVE SUMMARY

The City of Douglas Stormwater Management Plan (SWMP) identifies the major programs, policies, and procedures that will be implemented by the City to minimize the impact of urban activities on the quality of storm water. Douglas is required to develop this plan as a municipality authorized to discharge stormwater as a Municipal Separate Storm Sewer System (MS4) under the Arizona Pollutant Discharge Elimination System (AZPDES) permit program administered by the Arizona Department of Environmental Quality (ADEQ), Permit No. AZG2016-002. Douglas Phase II Small MS4 Permit (Permit) was most recently reissued by ADEQ on September 30, 2016, and contains requirements for the development and content of this document. Douglas is required to develop a SWMP that outlines the specific goals, objectives, and associated timelines for the management and monitoring of activities that impact the quality of stormwater runoff based upon the Permit conditions.

The SWMP addresses six major areas including Public Education and Outreach, Public Involvement and Participation, Illicit Discharge Detection and Elimination (IDDE), Municipal Facility Pollution Prevention, Industrial and Commercial Facilities Pollution Prevention, Construction Sites, and Post- Construction. Additionally, it includes specific details for the wet weather monitoring program. The SWMP has been written to reflect the requirements of the Permit in addition to providing the details of the major program areas; therefore, the SWMP includes fourteen sections, summary, introduction, a description of how the stormwater program is managed, sections addressing the six major program areas and measures specified in Part V.B. of the general permit, and additional sections describing the training program, the monitoring program, financial resources, and program evaluation and modification .

The SWMP is a comprehensive planning tool that guides the implementation of the stormwater program components and provides a mechanism for measuring progress towards the program objectives. It is the goal of the SWMP to reduce the discharge of pollutants to and from the MS4 to the maximum extent practical (MEP), thus protecting the quality of water in the receiving water bodies. The updated SWMP was prepared with a central focus of describing management practices and control measures established to minimize the discharge of pollutants over the current Permit term. The SWMP describes a wide range of continuing Best Management Practices (BMPs), which are being implemented during the five-year term of the Phase II MS4 Permit and describes the overall management strategies planned by the city.

The SWMP was developed with input from multiple City of Douglas departments and divisions and approved by the City Manager. The Certification Statement is included in Attachment A, **also will be brought before Mayor and Council.**

Douglas has worked on Permit implementation in partnership with other Arizona Cities that are MS4'. In effort to provide general implementation consistency, the City of Douglas has, in part, used a similar format and some similar general content used by Phoenix, Tucson, Nogales and Tempe. All program specifics are, unique to Douglas.

2.0 THE STORMWATER MANAGEMENT PLAN

The SWMP translates the Small MS4 Permit requirements into city programs and procedures and is referenced by the City for development of individual ordinances, plans, policies, and procedures to protect stormwater quality.

Douglas initial SWMP was prepared in compliance with the requirements of the Small MS4 Permit issued by the Arizona Department of Environmental Quality (ADEQ) in 1997. The Original Permit was due to expire in 2009, but was administratively continued. On December 05, 2002, ADEQ was granted permitting authority to implement the National Pollutant Discharge Elimination System (NPDES) Program in Arizona. The State administers the program as the Arizona Pollutant Discharge Elimination System (AZPDES). Douglas performed a comprehensive assessment of its Stormwater program in 2007 by In-House Personal and proposed a reason of concern with the City's SWMP. The proposed updates to SWMP were never approved or fully implemented. The City of Douglas also had an audit done in 2018, by ADEQ. The consultant identified some deficiencies and some items that the City was in compliance within its existing program. This new SWMP incorporates some previously proposed management changes, as well as the ADEQ audit deficiencies into plans and further outlines the major programs and policies that the city has developed and shall be implementing to protect Stormwater quality in compliance with the Phase 11 Small MS4 Permit effective September 30, 2016. The primary program elements are illustrated in Figure 1.

The SWMP covers the geographic boundary of the City of Douglas and a small area within its water and Wastewater service area within Cochise County.

2.1 PROGRAM OVERVIEW

In addition to the descriptions of program elements contained within the SWMP, each City Department or Division with Stormwater management responsibilities maintains documentation of its internal procedures for implementation of the program elements described in the SWMP. Examples of this documentation include the following information:

- Practices and procedures for field screening (dry weather outfall monitoring) City of Douglas facility assessment program and schedule
- Hazardous Waste Management Program
- Drainage system maintenance schedule for the MS4 Development review, approval, and permitting
- Construction and Post-Construction site inspection program, database, and checklist
- Industrial/commercial inspection program, database, and checklist (Pre-Treatment and Backflow Databases).

Such documents are reviewed and updated as necessary or as required by Permit to keep up with changes within the city and with changing local, state, and federal regulations. These programs will remain, however, in compliance with the Phase II MS4 permit and the programs outlined in this SWMP.

2.2 REGULATORY FRAMEWORK

2.2.1 NPDES Permitting for Stormwater Discharges

The Water Quality Act of 1987 added Section 402(p) to the Clean Water Act (CWA), which required the EPA to develop a phased approach to regulate Stormwater discharges under the National Pollutant Discharge Elimination System (NPDES) program. EPA published the final regulations on the first phase of the NPDES Stormwater program on November 16, 1990. These regulations, known as the Phase II Regulations (64 FR 68722) require smaller operators to obtain a permit for their Stormwater discharges. These additional regulations stemmed from national studies and local findings that showed runoff from smaller urban areas increasingly impaired stream ecology and the health of aquatic life. While many of the water courses in Arizona are ephemeral or intermittent, these national regulations still apply to Arizona. Regulated MS4 operators include:

1. Operators that are located wholly or partially in an urbanized area by the 2000 US Census (see 40 CFR 122.32(a) (1). Regulated operators include five counties, 20 cities and 7 non-traditional municipalities. These operators were required to submit a Notice of Intent and Stormwater Management Program to ADEQ by March 10, 2003.
2. Operators designated by ADEQ (see 40 CFR 122.32(a)(2)). These operators were required to submit their Notice of Intent and Stormwater Management Program to ADEQ by December 2003. Designated operators include Camp Verde, Cottonwood, Douglas, Fountain Hills, Lake Havasu, Nogales, Sedona and Sierra Vista.

Operators of small MS4s in Arizona are regulated under a general permit. In accordance with the Small MS4 General Permit, each MS4 is required to prepare and implement a Stormwater Management Program Plan (SWMP). The SWMP must reduce the discharge of pollutants to the "maximum extent practicable", protect water quality, and satisfy the appropriate water quality requirements of the Clean Water Act. Small MS4s must design into their programs six minimum control measures including: Public Education and Outreach, Public Participation/ Involvement; Illicit Discharge Detection and Elimination; Construction Site Runoff Control; and Post-Construction Runoff Control.

For the permit and forms.

Established permit application requirements for discharges from municipal MS4's serving a population of 100,000 or more, as defined in CFR 122.26(b)(8), the term "municipal separate storm sewer system" refers to a conveyance, or system of conveyances (including roads with drainage systems, municipal streams, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that are:

1. 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 or drainage district or similar entity or an Indian tribe or an authorized tribal organization, 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.
2. Designed or used for collecting or conveying Stormwater; and
3. Not combined sewers; or
4. Not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2

On December 5, 2002, EPA granted permitting authority to the Arizona Department of Environmental

Quality (ADEQ) to implement the NPDES program in Arizona, except for discharges on Indian Lands. In Arizona, the NPDES program is administered as the AZPDES program.

2.2.2 Impaired Water Bodies

Section 303(d) of the CWA requires that states, territories and authorized tribes develop lists of impaired waters in their jurisdictions. The lists are required to be updated every other year. Water bodies included on the 303(d) list are considered impaired because they do not meet water quality standards for at least one designated use. As of the 2014 303(d) and other impaired water lists(s), the following waters receiving discharges from Douglas have been identified as impaired:

- 1 White Water Draw

2.2.3 Total Daily Load (TMDL) Allocations

At the time of Permit issuance, no Total Maximum Daily Loads (TMDLs) have been established for any water of the U.S. that receives discharges from Douglas MS4. However, if a TMDL is established during the Permit term, the Permit may be reopened and modified to include the requirements of the TMDL and associated implementation plan.

2.2.4 Outstanding Arizona Waters

The Permit is intended to preserve and protect Outstanding Arizona Waters (OAW) within the State of Arizona. At the time of Permit issuance, no water of the U.S. receiving discharges from the MS4 has been classified as an OAW. However, if a water of the U.S. that has the potential to be impacted by the MS4 discharge is classified as an OAW during the Permit term, the Permit may be reopened and modified to include additional conditions to ensure that the OAW is adequately protected.

2.2.5 Receiving Waters

The Permit authorizes Stormwater discharges from the Douglas MS4 to waters of the U.S., directly and by way of other conveyances not owned or operated by Douglas, Arizona Water Quality Standards that apply to the waters of the U.S. receiving discharges from Douglas are specified in A.A.C. Title 18, Chapter 11, and Article 1.

The Douglas MS4 has potential to discharge Stormwater to waters of the U.S., including White Water Draw

2.3 DOUGLAS - AREA WATER QUALITY CONCERNS AND CLIMATE

2.3.1 Stormwater Runoff and Urbanization

Urbanization alters the natural infiltration capability of the land and generates pollutants associated with the activities of dense populations. Thus, urbanization causes an increase in the volume of Stormwater runoff and the pollutant loadings in Stormwater discharged to waters of the U.S. (EPA, 1992). Urban development increases the amount of impervious surface in a watershed as farmland and other undeveloped land with natural infiltration characteristics are converted into buildings with rooftops, driveways, sidewalks, roads, and parking lots with no ability to absorb Stormwater. Stormwater washes over these impervious areas, picking up pollutants along the way, and gains speed and volume because it is unable to disperse and filter into the ground. As a result, Stormwater flows are higher in volume, pollutants, and temperature than the flows in less impervious areas which have more natural vegetation and soil to filter the runoff (EPA, 1997). In addition to increased impervious areas, urban development creates new pollution sources as population density increases and

generates higher levels of caremissions, fertilizers and pesticides, litter, pet wastes, and household hazardous wastes. These pollutants can be washed into surface waters by stormwater runoff or may be dumped directly into them.

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ADEQ regularly monitors the quality of surface waters in Arizona. This is done in order to meet federal Clean water Act requirements to develop a Water Quality Inventory Report for Congress every two years therefore the City of Douglas will sample twice (2) during the Winter Rains and twice (2) during the Monsoon Season.

2.3.2 Construction Impacts and Stormwater Runoff

Stormwater discharges generated during construction activities can also cause physical, chemical and biological water quality impacts and compromise the integrity of surface waters. A primary concern at most construction sites is the erosion and transport process related to fine sediment because rain splash, rills, and sheet wash encourage the detachment and transport of this material to water bodies. Water quality impairments can result because a number of pollutants are absorbed onto fine sediment particles. The interconnected process of erosion (detachment of the soil particles), sediment transport, and delivery is the primary pathway for introducing pollutants, such as nutrients (particularly phosphorus), metals, and organic compounds into aquatic systems (DouglasAZPDES FactSheet, 2010).

2.3.3 Non-Stormwater Discharges

The Douglas MS4 can receive non-storm water discharges. Many non-storm water discharges are prohibited by the MS4 Permit unless authorized separately under the AZPDES Program or are not determined to be a significant source of pollutants. See Section 6.5.2 for a description of non-stormwater discharges that may be allowed. Other non-stormwater discharges may be illicit or exempt from regulation.

Sources of illicit discharges can include sanitary and industrial wastewater, oils and greases, and other chemicals. These types of illicit discharges may contain heavy metals, toxics, oil and grease, solvents, household hazardous materials, radiator fluids, litter, viruses, and bacteria. Many aspects of Douglas program are designed to prevent, respond to, investigate, and mitigate such discharge events.

Sources of exempt discharges that are routinely found in the MS4 are largely irrigation return water. These discharges have been found to not be a significant source of pollutants.

2.3.4 Climate

The City of Douglas is located in the semi-arid climate of southwest-central Arizona. This climate provides a variety of temperatures from hot summers when temperatures tend to be 95/100 degrees Fahrenheit to cool winters, when temperatures tend to be in the 60's.

The warmest month of the year is July, with an average maximum temperature of 100/105 degrees Fahrenheit, while the coldest month of the year is January, with an average minimum temperature of 39 degrees Fahrenheit. Temperature variations between night and day tend to be about 25/30 degrees Fahrenheit.

The annual average precipitation in Douglas is 13 inches, with an average of 35 days a year receiving rain. Precipitation events are categorized into winter storms and summer storms. Winter storms generally occur between October and May and tend to originate from the North Pacific Ocean.

Storm precipitation during this time of year tends to be light, extending over relatively large areas. Summer storms generally occur between June and October and tend to originate from the southern Pacific Ocean. Precipitation during summer storms generally consists of short, heavy rains over localized areas.

2.3.5 5 Geographic Setting

The cities of Douglas, Arizona and Agua Prieta, Sonora referred to jointly as The Sister Cities, approximately 120 miles Southeast of Metropolitan area of Tucson, Arizona have historically approached the issues of stormwater as a regional issue, in part due to the natural gradient of the land. The Sister Cities lie in the Northwest to Southwest running San Bernardino Valley which runs the Rio San Bernardino. The City of Douglas with a population of 16,500 and Agua Prieta approx. 150,000.

3.0 PROGRAM MANAGEMENT

3.1 PERMITTEE RESPONSIBILITIES

The Small MS4 Permit is administered by Douglas Environmental Department and the Department of Public Works. However, multiple city departments and divisions are involved with the day-to-day responsibilities of implementing the stormwater program. A SWMP Implementation Team is tasked with overseeing and assessing progress on each of the elements of the program. The Team includes representatives from each of the following city departments and divisions and functions with direct stormwater responsibilities:

Table 1: City Responsibilities

Department/Division	Responsibilities
Water and Wastewater Utilities	Program Administration Public Education & Outreach Public Involvement Illicit Discharge Detection and Elimination Industrial Inspections Outfall Inspections Enforcement & Compliance Wet Weather Monitoring Data analysis Reporting Drainage System Inspection Maintenance Mapping CCTV Municipal Facility Inspections Training Program Oversight
Transportation Division	Drainage System Inspection Maintenance Roadway Maintenance and Street Sweeping Volunteer Programs
Engineering Division	Construction Inspections Post-Construction Inspections Enforcement & Compliance
Field Operations Division	Drainage System Inspection Maintenance Volunteer Programs Household Hazardous Waste
Community Relations Office	Public Education & Outreach Public Involvement
Community Development Department	Construction Plan Review

The purpose of the SWMP Team is to direct the implementation of the SWMP and to coordinate program implementation at the appropriate organizational level. The SWMP Team members also provide technical assistance and support to the city stormwater program administrator (City Engineer) when changes to legislative initiatives and regulatory requirements occur.

3.2 FUNDING SOURCES

Implementation of the SWMP is funded through the following sources:

Water /Wastwater 50% and Administration 50%

A detailed fiscal analysis will be provided to ADEQ as a component of the Annual Report.

3.3 LEGAL AUTHORITY AND ENFORCEMENT

3.3.1 Legal Authority

Douglas is required to continue to maintain and enforce legal authority to control the discharge of pollutants to the MS4 through ordinance, statute, permit, contract, or similar means. This legal authority must, at a minimum, authorize Douglas to:

Control the contribution of pollutants to the MS4 by stormwater discharges associated with industrial activity (as defined by 40 CFR 122.26(b)(14)) and the quality of stormwater discharged from sites of industrial activity;

Control the contribution of pollutants to the MS4 by stormwater discharges associated with construction activity and the quality of stormwater discharged from construction sites;

Prohibit illicit connections and discharges to the MS4;

Control discharges to the MS4 of spills, dumping, or disposal of materials other than stormwater;

Require compliance with conditions in ordinances, Permits, contracts, or orders;

Carry out all inspection, surveillance, and monitoring procedures necessary to determine

Compliance and noncompliance with Permit conditions, including the prohibition of illicit discharges to the MS4; and

I Establish requirements for post-construction stormwater controls.

Douglas maintains this authority in Title 15 of the Douglas Municipal City Code. Copies of these ordinances can be found in Attachment B and online under City Municipal Code. Over the course of the Permit term, Douglas will review and amend the Code where necessary.

Douglas does not have the authority to enforce the provisions of Arizona's General Permit for Stormwater Discharges Associated with Industrial Activities, Arizona's General Permit for Stormwater

Discharges Associated with Construction Activity, or Arizona's De Minims General Permit. The AZPDES permit program is administered by ADEQ. However, local stormwater and grading and drainage ordinances may address items similar to those identified in these statewide permits.

3.3.2 Enforcement

Douglas is in the process of developing a more detailed Stormwater specific Enforcement Response Plan (ERP) that is based on our City Code for resolving all Stormwater violations. Pending this plan, Douglas will continue to enforce the Stormwater ordinance under existing policies and procedures. See Section 6.6 For the existing enforcement procedures. All formal Stormwater Enforcement activities are conducted by Douglas Environmental Compliance Inspectors. General Construction/Post-Construction violations that don't have potential to result in an illicit discharge are enforced by Douglas Public Works Engineering Division.

The city maintains records of enforcement activities including:

- Inspection reports and narratives
- Copies of communications with the parties in violation of city code
- Documentation of follow-up actions
- Responses received from violators

Program responsibilities are distributed through the City Manager and the MS4 Stormwater Coordinator. Ultimate responsibility lies with the City Manager. Standard Operating procedures (SOP's) are used at all levels of management.

In addition to following the directions issued by the Chain of Command, and the City's SOP's, the field inspector uses the following forms:

- City of Douglas Facility Stormwater Inspection Form
- Collection System Sanitary Sewer Overflow Reporting Form
- Sewer Inspection Form & Record report Daily

4.0 PUBLIC EDUCATION AND OUTREACH

4.1 INTRODUCTION

Public education and outreach is an important element of Douglas Stormwater program. Increasing public awareness of Stormwater pollution concerns and prevention ultimately serves to reduce the contribution of pollutants in Stormwater runoff. Douglas will continue to operate a City-Wide public education and outreach program and, where feasible, continue efforts regionally through involvement with organizations such as Stormwater Outreach for Regional Agencies (STORA).

4.2 MS4 PERMIT REQUIREMENTS

The city's Small MS4 Permit identifies target audiences and topics for the public education & outreach component of the SWMP. These requirements are divided into two distinct categories: public and business sector.

4.2.1 Business Sector

Douglas will provide business sector education/outreach to at least one (1) target group on one (1) or more appropriate topic(s) listed in Table 2 during each year of the Permit. The annual report will summarize the outreach approach selected for each event, the topic, the target group, and an estimated number of participants reached.

Table 2: Business Sector Education and Outreach Requirements

Target Group	Topics
Development Community	Planning ordinances and grading and drainage design standards for Stormwater Management in new developments and significant redevelopments
Construction Site Operators	Municipal Stormwater requirements and Stormwater Management practices for construction sites
Targeted sources or Types of Businesses (Industrial or Commercial)	Illicit discharges and proper management of Non-Stormwater discharges
Restaurants	Spill prevention, proper handling of toxic and hazardous materials, and measures to contain and minimize discharges to the storm sewer system
Douglas Vendors/Businesses	Proper management and disposal of used oil and other toxic materials, including practices to minimize exposure of materials/wastes to rainfall and minimize contamination of Stormwater runoff
	I Stormwater Management practices, pollution prevention plans, and facility maintenance procedures
	I Fats, oils, and grease disposal
	I Automotive repair, Exterior building wash and Cooling
	I Towers

4.2.2 Public

Douglas will provide public education/outreach to at least one (1) target group on one (1) or more of the topics listed in Table 3 during each year of the Permit. The annual report will summarize the outreach approach selected for each event, the topic, the target group, and an estimated number of participants reached.

Table 3: General Public Education and Outreach Requirements

Target Group	Topics
General Public Residential Community Home Owners/ Home Owner Associations Schools Visitors	Post-construction ordinances and long-term maintenance requirements for permanent stormwater controls Stormwater runoff issues and residential stormwater management practices Potential water quality impacts of application of pesticides, herbicides, and fertilizer, and control measures to minimize runoff of pollutants in stormwater and any applicable permitting requirements Potential impacts of animal waste on water quality and the need to clean up and properly dispose pet waste to minimize runoff of pollutants in stormwater Illicit discharges and illegal dumping, proper management of non-stormwater discharges, and information on reporting spills, dumping, and illicit discharges Spill prevention, proper handling and disposal of toxic and hazardous materials, and measures to contain and minimize discharges to the storm sewer system Installation of catch basin markers or stenciling of storm sewer inlets to minimize illicit discharges and illegal dumping to the storm sewer system Proper management and disposal of used oil Proper maintenance of pools and spas Proper disposal of medication Good home repair practices Residential/general public auto repair Residential general public fats oils and grease disposal practices

4.3 IMPLEMENTATION

The city will continue to implement existing program elements and further expand the scope of stormwater-related public education and outreach activities to meet target group and topic requirements. Mechanisms used to disseminate education and outreach messages will include, but are not limited to, the following:

- I Commercial and Industrial electronic "Environmental Bulletins"
- I Douglas water and wastewater customer newsletters

- I Social media
- I Public events
- I News releases
- I City websites
- I City of Douglas Facilities

Douglas will also to continue the development and distribution of numerous BMP brochures and other various handouts used to convey various stormwater educational messages. The City shall modify any ineffective messages or distribution techniques.

5.0 PUBLIC INVOLVEMENT

5.1 INTRODUCTION

The Permit requires Douglas to engage the public to help spread the message on preventing Stormwater pollution, to undertake group activities that highlight storm drain pollution, and contribute volunteer community actions to restore and protect local water resources.

5.2 MS4 PERMIT REQUIREMENTS

Douglas is required to implement at least one (1) of the following requirements during each year of the Permit to provide fundamental support to the city's SWMP. Under each requirement is a description of public involvement activities designed to meet the applicable Permit condition. Appropriate documentation of activities will be provided in the annual report.

Requirement: *Provide the opportunity to involve the public in the city's stormwater management program and encourage public participation in monitoring and reporting spills, discharges, or dumping within their communities (such as facilitation of neighborhood watch groups) once per year.*

Activities: Douglas continues to provide the public with the opportunity to participate actively in the city's stormwater program by providing avenues for the reporting of spills, discharges, or dumping within the community. In this capacity, Douglas continues to operate its stormwater hotline and web-reporting form for public reporting of illegal discharges to the city's storm drain system. Means of reporting are as follows:

520-417-7310

- <https://www.douglasaz.gov/requesttracker.aspx> (Environmental Concern)

In addition, Douglas will regularly disseminate the general Environmental Services Section phone number and stormwater webpage for purposes of allowing public discussion of stormwater issues and providing copies of stormwater material and the most current SWMP. The contact number of the MS4 Coordinator is 520-417-7310 (office) and 520-508-9463 (cell).

Participation is also encouraged during outreach events and public awareness activities, and contact information is provided with all outreach materials.

Requirement: *Provide the public with education on SWMP implementation and the opportunity to give feedback during annual open meeting events. Involve the public with ordinance development and adoption. These events shall begin after ADEQ has approved the SWMP.*

Activities: At least annually, Douglas will incorporate "open meeting events" into community activities or other public events. These open forums will be used for public education, input, and feedback on the city's stormwater management program.

Douglas will continue to allow for public comment and participation with any ordinance related modifications.

Requirement: *Provide the public the opportunity to participate in the city's stormwater management program, such as voluntary litter control activities (e.g., facilitation Douglas Community clean-up events, or Adopt-A-Street, or Adopt-A-Wash litter control activities) or voluntary erosion control projects. Maintain and support program as a regular ongoing activity. The public will also be able to participate in the annual review prior to implementation of an updated, signed, stormwater management plan, which will be uploaded into the City's web site, along with the annual report.*

Activities: In 2019, Douglas plans on developing a volunteer program such as Adopt -A- Street and Adopt -A-Drainage Channel as a component of the public involvement and participation portion of the city's stormwater program. The addition of programs such as these will allow for a more detailed and accurate assessment of proactive pollutant prevention and elimination activities, and allows the public and community service workers an opportunity to help Douglas remove trash and debris that could otherwise end up in the MS4 system and/or subsequently a water of the

U.S. Information on Douglas Adopt-A-Drainage and Adopt-A- Street can be found at:
Pending Approval Information will be submitted.

In addition to these programs, Douglas will begin in the Second half of 2019 to install and to maintain "doggy bag" dispensers at various Douglas parks. This activity specifically involves the public in the reduction of pet waste that has a potential to reach the MS4.

Requirement: *Provide the public with a household hazardous waste program to facilitate proper disposal of used oil, antifreeze, pesticides, herbicides, paints, and other hazardous and toxic materials by city residents (such as scheduled household hazardous waste collection events or operation of full-time disposal facilities) a minimum of two (2) times per year starting in 2019, six (6) times per year for year 2020, and eight (8) thereafter.*

Activities: Douglas has been idle in the operation of its Household Hazardous Waste Collection Center (HHWCC). The HHWCC is intended to provide Douglas residents with an outlet for disposing of and recycling potentially hazardous household products. Materials commonly collected include batteries, used motor oil, paint, antifreeze, pesticides, herbicides, and solvents. Materials are either recycled or disposed of in accordance with local, state, and federal regulations.

6.0 ILLICIT DISCHARGE DETECTION AND ELIMINATION

6.1 MUNICIPAL EMPLOYEE TRAINING

Please see Section 11 for employee training information. Training includes hands on, short courses at yearly events like Tri-States, and webinars given by agencies and private concerns.

6.2 SPILL PREVENTION AND RESPONSE

Several Permit sections require various plans, documents, or procedures ensuring the proper handling, storage, and disposal of chemicals and response to chemical spills. Douglas efforts in this area involve several city sections, all of which *serve* an important role related to the protection of human life and the environment. Below is a summary of activities performed by various city sections.

ENVIRONMENTAL SERVICES

Douglas Environmental Services Section is responsible for Industrial, Commercial, and Initial Municipal Facility Stormwater Inspections required by the Permit. In part, the purpose of these inspections is to ensure proper housekeeping and the implementation of Stormwater BMPs pertaining to spill prevention. During these inspections, facility chemical storage practices are reviewed from an environmental protection perspective. All inspected facilities are advised of chemical handling BMPs. Municipal facilities at which any single container exceeding *five* (5) gallons of a hazardous material is stored are required to post or maintain documentation of practices and procedures designed to prevent and respond to spills that may come into contact with Stormwater. Industrial and commercial facilities are required to demonstrate appropriate MS4 protection.

Douglas Environmental Services Section is also responsible for City-Wide MS4 Stormwater training and city-wide education and outreach. Much of this training and community education/outreach includes the topics of proper chemical handling, spill prevention, storage, disposal, and spill response practices.

Household Hazardous Waste Collection Center

The HHWCC provides various levels of support for all aspects of chemical handling, storage, disposal, and spill response practices. In large part, the HPCC is a city-wide liaison for the acquisition of necessary spill prevention and response equipment and Douglas in-house mechanism for the disposal of chemical wastes The HHWCC also maintains and implements Douglas Hazardous Waste Management Plan.(HWMP)

Risk Management

Risk Management provides support, guidance, and training in areas related to chemical handling, storage, and spill response. All city-wide safety programs are managed by this section and include the City of Douglas Hazard Communication Program, which was developed to inform employees of their "Right-To-Know" about all physical and health hazards associated with handling materials that contain hazardous ingredients.

Fire Department

The Douglas Fire Department provides emergency response services for incidents involving hazardous materials. Stormwater protection is a critical part of emergency response procedures and is included as part of the city's emergency response training. The Douglas Fire Department's Hazardous Materials Policy addresses containment of hazardous materials as a critical component of spill response procedures.

City-wide

In the event a spill occurs, regardless of origin, cause, location, etc., Douglas can utilize contracted environmental response professionals for responses for which the city is not equipped.

6.3 MAJOR OUTFALLS

6.3.1 Outfall Inventory

Douglas has identified 40 major outfalls as defined by 40 CFR 122.26. A list identifying the outfall name, size, location (latitude/longitude), receiving water, and priority status can be found in Attachment C. A map of all Douglas outfalls can be found in Attachment H. The number of major outfalls is subject to change based upon system changes or the identification of previously unidentified outfalls.

6.3.2 Inspection Priority Schedule

Priority outfalls are determined using the following criteria:

All outfalls that discharge to an impaired or an outstanding Arizona water (OAW) or other perennial water

All outfalls that have been a source of illicit discharge in the past five (5) years (unless the source has been eliminated or has been shown not to be a significant source of pollutants)

All outfalls identified as priority by the city for illicit discharges or other non-stormwater flows

The number of priority outfalls is subject to change based upon changes in receiving water designation, detection of illicit discharges that have not been eliminated or shown to be a significant source of pollutants, elimination of illicit discharges or confirmation that non-stormwater flows do not contain a significant source of pollutants, or other factors.

All major outfalls are inspected semi-annually, and all priority outfalls are inspected semi-annually. If prohibited discharges are identified, more frequent quarterly inspections may be implemented.

6.3.3 Field Screening Procedures

Outfall inspections are conducted utilizing standard field screening procedures and are typically completed when rainfall, temperature, and moisture are lowest, but may be conducted at any time in dry weather conditions.

For each outfall or field screening point, the following information is recorded on an individual screening log:

General Information

1. General Information:
 - a. Date and Time of Inspection
 - b. Name of Inspector
 - c. Outfall Location/Description
 - i. Outfall ID and description (MH, channel, outfall, etc.)
 - ii. Location description if not an outfall (GPS Coordinates)
 - iii. Diameter
 - d. Time since last measurable rain event and approximate amount(> or< 72 Hours)
 - e. Watershed Use (industrial, commercial, residential, etc.)
2. Estimated Flow Rate (if flow exists)
3. If flow does not exist, then complete as many visual and olfactory (smell) observations as allowable.
4. If flow exists,
 - a. Conduct all visual and olfactory observations
 - b. Conduct all Field Analysis
 - c. Determine if flow is illicit or a significant source of pollutants.
 - i. If illicit or a significant source of pollutants, complete form and initiate investigation form.
 - ii. If not illicit or a significant source of pollutants, document finding (i.e. tail water, TTL bypass, de-chlorinated pool-backwash, etc.)
5. Complete form and determine if follow-up or increased inspections are necessary (Quarterly or semi-annual).

Physical/Chemical Observations

If screening is needed based upon General Information findings, the parameters in Table 4 will be observed or field tested and documented.

Table 4: Field Screening

Parameter / Analyte	Method*	Trigger*
Color	Visual	" Off-Color"
Odor	Olfactory	Chemical, gas, sulfur, etc.
Clarity	Visual or Field	Highly Turbid
Floatables/Oil	Visual	Presence of solid or liquid floatables or sheen
Stains/ Deposits	Visual	Presence
Biological Growth	Visual	Excessive growth , death, etc.
Temperature	Field	Hot or cold compared to ambient
pH	Field	< 6.5 or >9 S.U
Total Chlorine	Field	>0.02 ppm, >4 ppm, depending on SWQS
Copper	Field	Presence
Phenol	Field	Presence
Detergents	Field	Presence

*Methods and Triggers are detailed in Douglas program guidance documents

Any flow for which the discharge is not known or at least one analytical trigger will be screened again for verification.

If upon the second screening the flow remains or the analytical trigger is still exceeded, a source identification investigation will be initiated. If upon the second screening the flow is absent and/ or the analytical trigger is no longer exceeded, a screening follow-up will occur at the same location within 3 months. If the 3 month follow-up screening does not detect flow or a trigger exceedance, routine screenings at this location will resume. If the 3 month follow-up does indicate flow or an analytical trigger exceedance, a source identification investigation will be initiated.

Once inspections are completed, field data forms are provided to the next level of supervision for review. Upon review completion, all forms are scanned, entered into Douglas document tracking system (GOVQA), and stored for MS4 Permit tracking and reporting.

6.3.4 Industrial Facility Inspections

Douglas inspects industrial and commercial facilities to identify potential sources of illicit discharges to the storm sewer system. These inspections may be initiated as a result of a complaint or may be part of Douglas industrial/commercial facility inspection program or during a pre-treatment or backflow Inspection Please see Section 8 for more detailed industrial/commercial facility inspections information.

6.4 ILLICIT- DISCHARGE INVESTIGATIONS

City of Douglas Environmental Compliance Inspectors will use IDDE investigation measures when potential illicit discharge or dry weather flows are identified or reported. Such flows may be identified

during outfall inspections, field reconnaissance, industrial inspections, or when reported to the Environmental Services Section by other City of Douglas Personnel, The Public, or Other Sources.

6.4.1 Investigation Priorities

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

Douglas will respond to all reported illicit discharges and initiate investigation of these discharges within two (2) business days of detection or reporting. If the discharge is found to be illicit, corrective action, including enforcement mechanisms, will be used to eliminate illicit discharge within 60 days of identification, when feasible. Discharges found to not be a significant source of pollutants are not subject to the 60 day timeframe, but Douglas will maintain documentation of all investigations, sampling, and information used to assess "significance". Documentation will include field inspection reports in hard copy form, and using the Web QA (federal government created) data base.

Any identified wastewater discharges, such as raw sewage or grease, will be immediately investigated by the Environmental Inspector and Douglas Wastewater Department and eliminated as soon as practicable.

6.4.2 Investigations

Investigations may include field screening, discharge sampling, data collection, industrial inspections, research, or stormwater infrastructure inspections. Investigations will begin with the use of field screening tools, if needed or available. For some illicit discharges for which the discharge is known (i.e., sewage, grease, oil, solids, etc.), field screening is not necessary and resources will be utilized to eliminate the discharge. Note that all outfall illicit discharge investigations will use Field Screening Procedures. Any discharge or dry weather flow that exceeds a field screening trigger will be investigated. If field screening indicates the presence of a prohibited discharge Douglas Inspectors will physically "trace" the prohibited discharge upstream. The following protocol will be used to trace prohibited discharges to a source:

Successive storm drain access points (catch basins, manholes) upstream of the outfall or discharge location will be inspected for flow until no flow is identified.

Properties located along last run in which flow is identified will be inspected for illicit discharges or connections by Inspectors.

If visual inspections do not result in the detection of illicit discharges or connections in the last wet run, CCTV equipment will be utilized to locate the source(s) of the flow.

Analytical sampling may be conducted at the outfall or in the storm drain to help assess the source by identifying specific pollutants. See Section 6.4.3.

Information gathered from these activities will be used for discharge source identification, discharge characterization, and corrective action if necessary.

6.4.3 Monitoring

If the source of an illicit discharge can't be identified through physical investigation and field screening, grab samples will be collected at the outfall or field location where the Prohibited Discharge Occurred and Analyze at a state Certified Lab for any appropriate combination of pollutants listed in table 5.

Table 5: IDDE Monitoring Parameters

Biological Oxygen Demand (BOD)	Iron
Chemical Oxygen Demand (COD)	Lead
Total Suspended Solids (TSS)	Magnesium
Arsenic	Mercury
Aluminum	Nitrate Nitrite N
Ammonia	Phosphorous
Cadmium	Selenium
Copper	Silver
Cyanide	Zinc

If additional analytical information is needed, further sampling will be conducted. The results of this analytical monitoring will be used to help narrow investigative leads.

6.4.4 Identification and Elimination

Douglas Inspectors will use the collected information to help identify and eliminate illicit discharges. Once the flow and source is identified, Douglas will take necessary corrective action consistent with City of Douglas Municipal Code

6.4.5 Tracking and Reporting

Non-stormwater discharges identified by field personnel are recorded in our "GOVQA" database. After inspections are completed, findings and any actions initiated are indicated in the appropriate database fields. This information is provided in the Annual Report. Tracking progress will be done using the monthly report format, as well as in summary form in the Annual Report. Reviews and comparisons with Previous years' data will be done to assess how successful the program is, and whether or not the success is increasing with time.

6.5 ILLICIT DISCHARGE ELIMINATION

Douglas has adopted ordinances prohibiting and eliminating illicit discharges and has established programs to enforce them. Douglas maintains this authority in Title 15, Chapter 15.24 of the Douglas City Municipal Code. Copies of these ordinances can be found in Attachment B

Through enforcement of City code and implementation of this SWMP, Douglas is able to prevent and eliminate illicit discharges to the MS4.

6.5.1 Ordinance

Douglas Stormwater Ordinance prohibits Non-Stormwater discharge to the public storm drain system. This prohibition does not apply to discharges authorized by ADEQ or EPA or discharges that are not anticipated to be a significant source of pollutants. Any discharge that could result in or contribute to a violation of Douglas Phase II Small MS4 Permit is also prohibited. Douglas Ordinance also allows for enforcement of code violations and any preventative or mitigation measures that may be needed.

6.5.2 Non-Stormwater Discharge Evaluation

The following non-stormwater discharges are not addressed by the IDDE Program in accordance with 40 CFR 122.26(d)(2)(iv)(B)(I) and Douglas Municipal City Code, Title 15, Section 15.24, Article 15.24.40 provided they are not significant sources of pollutants to waters of the United States:

- Water line flushing and other discharges from drinking water sources
- Lawn watering
- Irrigation water
- Diverted stream flow
- Rising groundwater
- Uncontaminated groundwater infiltration
- Uncontaminated pumped groundwater
- Foundation and footing drains
- Water from crawl space pumps
- Air conditioning condensation and evaporative cooler run-off
- Natural springs
- Individual residential car washing
- Flows from riparian habitats and wetlands, as those areas are designated under applicable federal and state laws
- De-chlorinated swimming pool discharges

These, and other discharges, are managed as a result of notification from the public or Douglas employees, inspections, and/or investigations. If a discharge must be eliminated, Douglas inspectors will initiate enforcement action.

6.5.3 Non-Stormwater Discharge Records

See Section 6.4.5.

6.6 COMPLIANCE ACTIVITIES AND ENFORCEMENT

Douglas has developed a Stormwater specific ERP for resolving all Stormwater violations. Pending the adoption of this plan, Douglas will continue to enforce the Stormwater ordinance under existing policies and procedures. All formal Stormwater enforcement activities are conducted by Douglas Environmental Compliance Inspectors. General construction/post-construction violations (i.e. stormwater control measures) are enforced by Douglas MS4 Coordinator.

The city's current enforcement response to any Stormwater violation or deficiency may include, but is not limited to, the following:

- I Contact by Environmental Compliance Inspector
- I Provide educational material of BMP and Code requirements and/or prohibitions

- I Written warning letter advising the person of the specific code violation(s)
 - I Written order to immediately remove pollutant from MS4 and to restore to original condition
 - I Written order to implement or correct BMP activities
 - I Issuance of Notice of Violation
 - I Issuance of Administrative Order, which may include:
 - o Affirmative obligations; i.e., increased sweeping or track out pad maintenance
 - o Prohibited actions or obligations to cease and desist
 - o Administrative fines
 - o Other appropriate orders
- Hearing to show cause
- Civil Actions, including injunctive relief
- Criminal Prosecution

Compliance activities and enforcement actions will be summaries in the Annual Report.

7.0 MUNICIPAL FACILITY POLLUTION PREVENTION, Good HOUSEKEEPING PRACTICES AND ACTIVITIES

7.1 MUNICIPAL EMPLOYEE TRAINING

Please see Section 11 for employee training information.

7.2 MUNICIPAL FACILITY STORMWATER INSPECTION PROGRAM

Douglas has implemented a Municipal Stormwater Inspection Program for facilities that are owned and/or operated by Douglas. Once fully evaluated, facilities will be ranked by potential to discharge pollutants in stormwater and inspected based upon the Permit driven criteria. Initial facility assessments will be conducted by the Douglas Environmental Services Section and subsequent inspections will be conducted by facility managers or designees.

7.2.1 Inventory

At the time of SWMP development, Douglas had identified and inventoried its facilities. A list set of currently inventoried facilities can be found in Attachment D and a map of general facility location can be found in Attachment H. This inventory is subject to change based upon internal annual reviews.

Douglas has developed an inventory of all city facilities that are subject to inspection under the Permit. This information was obtained from internal municipal sources and the list will be reviewed and updated annually. Types of facilities inventoried include, but are not limited to:

- City parks, golf courses, and other recreational facilities (where landscape maintenance; herbicide, pesticide, and fertilizer application; and waste management are implemented)
- Public swimming pools (pool maintenance/repair and chemical storage)
- Water treatment plants
- Fire stations and other city fleet maintenance facilities (vehicle washing and maintenance, chemical handling, waste storage)
- POTWs and sludge handling areas
- Material and waste storage and processing facilities, including oil collection facilities

7.2.2 Prioritization

Based upon initial inspections, Douglas will prioritize inventoried municipal facilities based upon on-site risk factors and Permit-required criterion. In addition, we will use our existing database for our pre-treatment department to cross-reference priority sites. Based upon these factors, each facility will be given a priority ranking and corresponding inspection schedule. Table 6 summarizes these priorities.

These items will be addressed using GPS mapping, site inspections by the MS4 Coordinator and the City's Pre-treatment Officer, and reference to the City's incident inventory, of which hard copy file is kept as well as stored electronically in the City's Web GOVQA program.

Table 6: Facility Ranking Criteria

Stormwater Inspection Program Priorities	
Priority #1:	To be inspected biannually
<ul style="list-style-type: none"> ■ Potential to discharge a substantial pollutant load to the MS4 or waters of the U.S. I High potential for spills 	<ul style="list-style-type: none"> Chemical storage in single containers over 5 gallons Fueling Stations Outside handling or storage of chemicals or hazardous waste and has potential for exposure to stormwater High potential for sediment discharges (non-hazardous) High potential for discharges related to site-specific activities (e.g., equipment usage/storage, housekeeping practices, stock pile/bulk material management, etc.
Priority #2:	To be inspected every three (2) years
<ul style="list-style-type: none"> ■ Minimal potential to discharge a substantial pollutant load to the MS4 or waters of the U.S. I Low potential for spills 	<ul style="list-style-type: none"> Chemical storage in single containers over 5 gallons Outside handling or storage of chemicals or hazardous waste that has minimal potential for exposure to stormwater Low potential for sediment discharges (non-hazardous) Low potential for discharges related to site-specific activities
Priority#3:	To be inspected every five (3) years
<ul style="list-style-type: none"> ■ Minimal or no potential for stormwater to discharge a substantial pollutant load to the MS4 or water of the U.S. 	<ul style="list-style-type: none"> Minimal or no chemical storage Minimal to no outside handling or storage of chemicals No hazardous waste on site Minimal or no potential for sediment discharges (non-hazardous) Minimal or no potential for discharges related to site-specific activities

For purposes of this inspections program, a City of Douglas Facility Chemical Handling and Spill Procedures document has been developed to outline practices and procedures designed to prevent and respond to spills that may come into contact with stormwater. This document is a single page, easy to read, and designed to be posted at any municipal facility that handles, stores, or otherwise uses hazardous material where any single container exceeds five (5) gallons. Note that any facility that falls within this chemical handling description automatically requires inspection at least every three years regardless of other factors. In addition to chemical storage, Douglas will evaluate potential sediment discharge, storage practices, site activities, and general housekeeping. Any facility that maintains separate MSGP or other AZPDES coverage must meet the most stringent chemical handling and storage requirements.

7.2.3 Process

Initial municipal facility inspection will be conducted by Douglas Environmental Services Section and subsequent inspections will be conducted by facility managers or their designee. All inspections will be documented using inspection forms. Municipal facilities will be inspected, prioritized, and placed on an inspection schedule by June 2019.

During initial facility inspections, employees at the inspected facilities will receive brief "stormwater awareness" reminders. These reminders are not formal, are separate from Permit-required municipal employee training, and are designed to provide general awareness of the Permit to those that do not require formal training.

Facility inspections requiring follow-up action or facility improvements must be satisfactorily addressed within three (3) months of inspection date. The information gathered on the inspection forms and follow-up corrective correspondence will be used to prioritize or re-prioritize facilities for future inspections.

All inspection reports and summarized inspection and follow-up activities will be reported to ADEQ in the Annual Report.

7.3 HAZARDOUS WASTE MATERIAL HANDLING

Any facility that handles, stores, transports, disposes of, or generates hazardous waste must maintain a copy and follow procedures outlined in Douglas HWMP. This plan is managed by Douglas Environmental Safety and Compliance Section and is reviewed and revised, if necessary, at least every two years. At least one reviewing member includes an Environmental Services Section member that is knowledgeable in stormwater regulations and may provide recommendations that include practices to minimize hazardous material exposure to precipitation.

In addition to the HWMP, Douglas has implemented a Hazardous Waste Minimization Plan. As a generator of hazardous waste, the City of Douglas requires employees to implement waste minimization practices. Waste Minimization effectively reduces the amount of hazardous material that permanently leaves the process or operation areas as waste. Minimization of hazardous wastes results in a reduced need for disposal, a lessened risk to the community and environment from hazardous waste releases, and conservation of natural resources.

7.4 PESTICIDES, HERBICIDES, AND FERTILIZERS

Douglas continues to reduce the amount of pesticides and herbicides used by employing integrated pest management practices. However, when pesticide use is needed, established pesticide application best management practices are utilized.

To minimize pesticides in stormwater runoff, the following best management practices (BMPs,) for pesticide and herbicide applications by city staff are followed. These guidelines involve employing natural and physical controls and, when possible, using the least toxic chemicals.

I Apply pesticides that are Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) approved for aquatic application in any area within or adjacent to waters of the U.S., including ephemeral washes.

I If application directly to water bodies or to banks of water bodies require permit coverage, Appropriate coverage will be obtained.

Applicators must be certified in the appropriate license category with the Arizona Office of Pest Management or be employees under the direct supervision of a certified employee.

I The chemical storage areas, designated pest control vehicles, pest control logs, MSDSs, sample labels, and PPE are to be kept in accordance with Arizona Office of Pest Management regulations.

Application/disposal/spill cleanup procedures adhere to label and MSDS instructions.

When possible, integrated pest management (IPM) practices should be considered, using minimal or no pesticides and alternative natural approaches to remove unwanted pests.

Pesticides should only be used when needed and as a last resort.

Spot treatment should be used when possible, using the minimal effective amount of the least toxic chemicals.

Equipment should be calibrated and maintained to prevent over application.

Minimize off target effect :1) avoid application during winds greater than 5 mph to prevent drift, 2) power sprayers should be used in a manner to prevent drift and application of chemical to areas that don't require treatment, 3) avoid application when rain is expected to prevent runoff.

Annually review procedures to ensure BMPs are being followed.

7.5 INFRASTRUCTURE INSPECTION AND MAINTENANCE

Douglas will begin to implement several proactive program activities designed to minimize the discharge of pollutants from Douglas owned and operated infrastructure/ properties. These activities involve the routine inspection, cleaning, and maintenance of stormwater infrastructure and involve several separate city working groups: Environmental Services, Parks, Streets, Water Engineering, Wastewater and Sanitation Department. Each section shall have an Area of Responsibility (AOR) and shall maintain responsibilities for various aspects of storm water infrastructure inspection and cleaning/ maintenance. For the purposes of this program infrastructure includes all aspects of the MS4 such as catch basins, drywells, bubbler boxes, inlet structures, outfalls, streets, conveyance pipes, retention basins, etc. Outfall inspections are covered separately in Section 6.3 and Municipal Facilities Inspections are covered in Section 7.2.

The sections below outline defined areas of the MS4 drainage system that are a priority for inspection and are based upon system history, location within the city (e.g., downtown and border), public input, working group specialties, etc. Each city section that conducts activities is required to routinely enter program activities into Douglas compliance tracking data-base (GOVQA) for evaluation of program status. This information is routinely reviewed by Douglas Regulatory Compliance Group and provided to ADEQ annually in the Annual Report.

Note that Douglas is committed to developing a control measure field manual no later than June 2019 and implement these practices no later than January 2020. This manual will contain standard control measures and procedures for street-related repairs and improvements in a manner that protects stormwater and conveyance structures. This manual will be developed and implemented according to Permit requirements.

7.5.1 Downtown/ARCA

Within portions of the Alternative Retention Criteria Area (ARCA- defined in Section 10.3) Douglas will continue to implement an aggressive catch basin inspection and cleaning program. The primary focus of this inspection and cleaning program will be the 3rd St South to the International Border that experiences large volumes of visitors and frequent large downtown events such as Douglas Days, Fiesta's festivities and during monsoon rains. Since 2018, Douglas has been inspecting catch basins in this area after a number of large downtown events and has determined that such inspections have been a highly effective means of identifying and removing potential pollutants from Douglas Stormwater infrastructure.

Environmental Compliance Inspectors will continue to conduct catch basin inspections and cleaning after at least two (2) large downtown events annually. All inspections and cleaning events shall be documented and reported to ADEQ annually.

7.5.2 Retention, Common, Recreation, and Open Areas

Douglas provides routine maintenance of all parks, various retention areas, common areas, open areas, and recreational areas throughout the city. Since many of these areas maintain critical components of Douglas Stormwater infrastructure, the Environmental Department has implemented an inspection program that will result in the inspection of the stormwater infrastructure components annually. All inspections and cleaning events shall be documented and reported to ADEQ annually.

7.5.3 Streets/Sanitation Departments

Douglas Street-Sanitation Maintenance section is, in part, tasked with the maintenance and cleaning/sweeping of Douglas streets and various other MS4 components. In this capacity, the Streets program includes street sweeping and routine infrastructure inspections. To reduce the amount of debris entering the MS4, Douglas continues to implement an effective street sweeping program. Based upon historic sweeping activities, the following schedule provides significant debris removal at an operationally feasible frequency. (Adherence to this schedule varies occasionally due to unforeseen events that require staff and/or equipment reprioritization.)

- I Arterial streets are swept once every week.
- I Residential, Collector, and Industrial streets are swept once every month.
- I City-owned parking lots and large city facilities vary upon condition.
- I Upon request (e.g., water main breaks, emergency road repairs, track out, special events, etc.)

The approximate number of linear miles, based upon above-described frequencies, and approximate amount of debris removed shall be reported to ADEQ annually.

Streets Maintenance also conducts visual inspections of streets, catch basins, and other similar infrastructure. Streets will prioritize 50 miles of detailed visual inspections annually. All visual inspections and subsequent cleaning events are documented and reported to ADEQ annually.

In addition to the inspections and cleaning outlined above, two additional street programs are used to conduct cursory infrastructure inspections. Structures located on arterial roadways are inspected as part of the city's right-of-way weed control program and structures located on streets other than arterials are inspected as part of the city's street sweeping program. These inspections are not specifically documented unless further detailed component inspection or cleaning is deemed necessary.

7.5.4 CCTV

Douglas has a vision of operating a CCTV Unit (pending funding) As a component of the MS4 program, this unit would be available to conduct underground infrastructure inspections for Streets, Parks, or Wastewater Utilities work groups. When available, this crew can also conduct MS4 CCTV inspections. As a component of the stormwater program, the CCTV unit will inspect at least 500 feet of underground MS4 conveyance annually. Inspection records will be reported to ADEQ annually.

7.5.5 Other

Douglas Public Works Department is responsible for the operation and maintenance of Douglas water and wastewater infrastructure. On occasion, this section is also requested to perform unique stormwater-related cleaning or maintenance activities. Any MS4 cleaning or maintenance activity conducted by this section shall be provided to ADEQ annually.

7.6 MS4 MAPPING

Upon completion or modification, Douglas will maintain maps of the MS4 system showing the following items (completed and/or recently modified maps can be found in Attachment H):

Linear Drainage Structures: Line layer showing the location of all stormwater system pipes and the direction of stormwater flow.

Storm Drain Inlets and Catch Basins: Point layer showing the locations of all storm drain inlets and catch basins.

Outfalls: Point layer showing the location of all major outfalls (pipes or culverts); polygon layer showing the drainage area associated with each of the monitored outfalls identified in Table 1 of the Permit.

I Detention/Retention Basins: Point or polygon layer showing the locations of all identified city-owned retention and detention basins that are connected to the municipal stormwater conveyance system (i.e., that receive drainage from or discharge to a stormwater conveyance).

I Jurisdictional MS4 Boundary: Line or polygon layer showing the jurisdictional boundaries of the MS4, including any new land annexations during the Permit term.

8.0 INDUSTRIAL AND COMMERCIAL FACILITIES

8.1 MUNICIPAL EMPLOYEE TRAINING

Please see Section 11 for employee training information.

8.2 INVENTORY

Douglas has developed an inventory of all industrial and commercial facilities within the city that are subject to inspection under Douglas MS4 Permit. This inventory was developed using the following Permit-required criteria:

Industrial facilities identified in 40 CFR 122.26(d)(2)(iv){C}

Industrial facilities subject to MSGP requirements, including those facilities that have submitted a no exposure certification

Other industrial and/or commercial sources (or categories of sources) Douglas determines are contributing a significant pollutant load to the MS4

The inventory for SARA Title III and MSGP facilities was developed by acquiring information from the following sources:

Arizona State Emergency Commission (Douglas facilities subject to SARA Title III)

Infogroup, Government Division - Reference USAGOV Data Base (Douglas facilities subject to MSGP as identified in 40 CFR 122.26 (b){14}{I, ii, iv- ix, xi)

An inventory of these facilities can be found in Attachment F

Other sources used to identify industrial and/or commercial sources (or categories of sources) Douglas determines are contributing a substantial pollutant loading to the MS4 are:

Utility Billing Records

Building Permit Records

Tax and License Records (name, address, NIACS code(s))

Multi-media inspections conducted by Environmental Compliance Inspectors

Industrial or commercial facilities subject to Douglas Pretreatment Program

The inventory of SARA Title III and MSGP facilities is duplicative in some respects and is inclusive of facilities within Douglas that are subject to industrial pretreatment permitting requirements. In addition to the above-listed facilities, Douglas has added restaurants as a "category of sources" with a potential to impact the MS4.

The industrial commercial inventory is maintained electronically and is modified regularly by inspections staff based upon stormwater inspection information. The inventory is also reviewed annually for general conformance with Permit requirements.

Douglas continues to identify facilities that are subject to industrial pretreatment requirements as higher risk facilities due to the nature of such operations. For this reason, industrial pretreatment facilities are prioritized for annual stormwater inspections.

8.3 AZPDES NON - FILERS

Douglas permit requires the City to provide a potential non-filer notification for industrial and commercial activities that are believed by the City to be occurring without ADEQ's required Notice of Intent (NOI) to Discharge authorization for permit coverage under the Multi -Sector General Permit (MSGP), the Construction General Permit (CGP), or other general or individual NPDES Permit for stormwater discharges associated with industrial activity. The City of Douglas does not currently have any Significant Industrial Users. Note that Douglas does not inspect for compliance with MSGP authorizations or requirements. If a facility may be eligible for coverage under the MSGP, but Douglas does not have evidence or an NEC has been obtained, Douglas will flag the inspection and document facility information for reporting to ADEQ. At least every six months, Douglas will provide the following potential non-filer information to the ADEQ:

Business name and address

Business SIC code

Business contact number and name

8.4 PRIORITIZATION AND INSPECTION

8.4.1 Prioritization

Douglas will conduct a minimum of 25 industrial or commercial facility inspections annually. This number will include re-inspections of facilities as deemed necessary by the inspections group. All inspections will be documented and reported to ADEQ with the Annual Report. Inspections will be prioritized as outlined in Table 7.

Table 7: Industrial and Commercial Facility Ranking Criteria

Priority #1	
■	Facilities subject to Douglas Pretreatment Program
■	Facilities that may conduct activities that cause or contribute to SWQS exceedances Public complaints
Priority #2	
Industrial facilities that are subject to Section 313 of Title III of the Superfund Amendments and Re authorization Act of 1986 (SARA) Industrial facilities that are subject to ADEQ's MSGP	
Priority#3	
Other facilities deemed to be a potential source of pollutants to the MS4 (e.g., restaurant s)	

To allow for inspection flexibility and the need to address impending stormwater quality issues related to industrial or commercial discharges, inspections may not always be conducted as outlined in this prioritization schedule. Note that all facilities identified in the ranking criteria above are considered higher risk facilities.

8.4.2 Inspections

Douglas inspection program is designed to identify and eliminate potential discharge of pollutants to Douglas MS4, ensure compliance with the city's stormwater ordinance; and, consistent with Permit requirements, identify facilities that may be subject to ADEQ's industrial stormwater permit (MSGP). Procedures to accomplish this requirement are as follows:

Inspectors will determine if the facility is conducting activities identified in 40 CFR 122.26(b)(14). If the facility is conducting such activities, inspectors will obtain the following information as appropriate:

- o NOI submittal date
- o NEC submittal date
- o NEC certification date
- o MSGP Authorization Number
- o Any relevant compliance information from ADEQ

I If the facility is not subject to these state regulations or has the appropriate coverage, non-filer Notification will not apply, though inspection documentation will be retained.

I If the facility is subject to these state regulations and does not provide evidence of the necessary coverage or no exposure certification, the facility will be advised of these potential state requirements and the city will provide ADEQ with this information biannually.

INSECTION PROCEDURES:

Inspection procedures vary depending on the type of facility that is being inspected. Table 8 summarizes the general topics covered during priority inspections.

Table 8: General Inspection Information

Topic	Example of Information Collected	
Initial Information for all inspections		
General facility Information	Name	Contact information
	Address	SIC Code
AZPDES or SARA Title III information	SARA activities or MSGP activities (yes/ no)	
	If yes, full stormwater inspection triggered and MSGP Information gathered.	
Stormwater Discharge Location	Waters of the U.S.	Detention
	MS4	Drywell
	Retention	Other
	Signs of any discharge to the MS4 (yes/ no)	
Discharge to MS4	Signs of non-stormwater discharges (yes/ no)	
	If yes, full stormwater inspection triggered.	
If Stormwater Inspection is Triggered		
Chemical Storage	Types of Chemical	
	Hazard	Containment
	Waste	Potential for discharge
	Quantity	Exposure
	Location	

Continued on 8-5

	Refuse Containers	
	Cleanliness	Storm Drainage
Housekeeping	Leakage	Infrastructure
	Storage Tanks	Parking
	Containment	External
	Maintenance	cleaning / washing
Other Activities	Other activities that could contribute to the	
	Discharge of pollutants	
Sampling/ Photo Documentation	Analytical sample collection (if needed)	
	Photo documentation (if needed)	
Further Action	Follow-up needed	Enforcement
	Education (BMP's)	Action
		Other
Comments	Any other relevant information	

Random, multi-media inspections (non-priority) are not considered high risk facility inspections and may not necessitate such detailed information. Such inspections do contain trigger information that could initiate further investigation. Inspection triggers are identified in Table 8.

8.4.3 Documentation, Review, and Reporting

Once inspections are completed, inspection forms are provided to Douglas Environmental Compliance Supervisor for review. After this review, all forms are scanned, entered into Douglas document tracking system, and separately provided to an Environmental Quality Specialist for MS4 Permit tracking and reporting.

8.4.4 Compliance Activities and Enforcement

Please see Section 3.3.2 and 6.6

9.0 CONSTRUCTION SITES

9.1 MUNICIPAL EMPLOYEE TRAINING

Please see Section 11 for employee training information.

9.2 PLANNING AND LAND DEVELOPMENT

Douglas General Plan 2030 provides the framework for development that, in part, looks to the future to improve the quality of life for all those who live, learn, work and play within the city's boundaries. During the term of this Permit the General Plan will undergo review and update and will provide the opportunity to better define the concept and direction of sustainable Stormwater Management within the City of Douglas.

Through this process, and as required by Douglas Permit, the city will evaluate sustainable stormwater management practices, in the form of LID, its applicability, and other factors that could contribute to the reduction of pollutants in stormwater discharges from new construction, significant redevelopment, and retrofits of commercial and residential areas.

As part of this evaluation, Douglas will convene a team of representatives from applicable Community Development, Engineering and Environmental Services sections. This team will focus on the General Plan Stormwater Strategies, review of existing practices, and explore the possibility for policy or procedural modifications.

Examples of current sustainable stormwater management practices are as follows:

Not precluding and allowances for:

Use of pervious pavers in parking areas

Use of decomposed granite (stabilized) in lieu of concrete for walking paths

Capture and infiltration of the 100-year storm flow on the development site, and in some locations include the ½ street in front of the site.

Landscape islands are not required to be curbed, especially where draining into storm drainage retention.

Requirements for:

- I Inclusion of oil/water separator before water enters retention ponds
- I Low Water Use/ drought tolerant planting
- I On-site retention

No later than September 2019, Douglas will report findings of how the implementation of sustainable stormwater management practices could contribute to the reduction of pollutants in stormwater

discharges to the MS4 and if applicable, identify a plan and schedule for incorporation into city policies or procedures.

9.3 PLAN REVIEW AND APPROVAL

Douglas Stormwater construction program is managed by the Public Works Engineering Division and encompasses plan review, inventory, prioritization, inspection, and enforcement of private and Capital Improvement Project (CIP) construction projects that will result in a land disturbance of one (1) acre or more, and those that disturb less than one (1) acre but are part of a larger common plan of development.

For construction projects that will result in a land disturbance of one (1) acre or more, and those that disturb less than one (1) acre but are part of a larger common plan of development, the City of Douglas will:

Review plans for all new development and significant redevelopment projects (such as grading and drainage plans). The review will verify conformance with Douglas requirements for stormwater, erosion, and sediment control, and land use decisions prior to issuing construction approvals or authorization.

Require a copy of the ADEQ authorization document, Notice of Intent (NOI Certificate), for construction projects to be submitted prior to issuing final construction approval or authorization.

9.4 INVENTORY

Douglas Public Works Department, Engineering Division prints an inventory of construction projects that will result in a land disturbance of one (1) acre or more, and those that disturb less than one (1) acre but are part of a larger common plan of development, every three (3) months. The inventory is extracted from Douglas permit database, which is continuously updated with new projects when any project is issued a grading and drainage permit. The City of Douglas requires proof of ADEQ's AZPDES Notice of Intent to Discharge (NOI) Authorization from the Project's owner/developer prior to issuance of a grading and drainage permit.

Municipal construction projects will be inventoried and tracked using a spreadsheet that is routinely maintained and updated. A copy of the inventory will be reported in each Annual Report. Municipal projects will be removed from the inventory list when construction is complete and the Construction Notice of Termination (NOT) is filed with ADEQ.

9.5 PRIORITIZATION

The Engineering Division of the Public Works Department inspects construction projects that are granted a permit at least once during construction or once per year. The inventory list of qualifying non-municipal construction sites will be reviewed on a quarterly basis with the inspection staff and the sites that have a higher potential to discharge to the storm sewer system will be identified. Frequency of inspection for these sites will be discussed and established during the quarterly review of the inventory.

Inspection records are maintained in the project development file and are scanned and stored electronically in Douglas document filing system.

The inventory list of municipal construction sites will be prioritized using a predetermined rating system.

9.6 INSPECTION

At a minimum, the following items are addressed during construction site inspections:

For projects of one acre or more, verify that the Storm Water Pollution Protection Plan (SWPPP), the AZPDES Notice of Intent (NOI) Authorization and City of Douglas permits are on-site.

Confirm compliance with the city's stormwater ordinance.

After notification from the developer that work is to begin, a pre-construction meeting is scheduled. It is verified by inspection staff, via computer, that the developer has obtained grading and drainage permits prior to holding the pre-construction meeting. At the meeting, the developer is notified of drainage requirements, and that the SWPPP must be available at the construction site. A construction entrance location and placement of Best Management Practice devices (BMPs) are verified prior to the start of grading activities. Once installed, grading and drainage inspections can occur as part of any inspection by Engineering Division staff at the site. The BMP's generally include, but are not limited to:

- Track out measures
- Tire wash racks
- Silt fencing
- Straw bales
- Straw wattles

BMPs are to be installed and maintained in place during the construction period. During periods of rain, inspections may be specifically conducted for purposes of observing drainage at project sites. Other observations of BMPs are incidental to other inspections occurring at the construction site at the same time.

Municipal construction sites will be inspected at least one time per calendar year to confirm that effective erosion and sediment controls are in place and verify conformance with Douglas stormwater requirements and approved construction plans.

9.7 COMPLIANCE ACTIVITIES/ENFORCEMENT

If determined during a routine inspection, or an inspection in response to a complaint, that a site/project is non-compliant with the city's stormwater ordinance or with any conditions of City of Douglas permits, the Engineering Division begins enforcement procedures. Upon observing a deficiency of any installed BMP, inspection staff will follow a procedure of progressive actions to assure compliance by the developer. The actions are as follows:

1. The inspector will verbally notify the superintendent of the job (owner's representative) of the observed deficiency and ask for corrective action, usually by the end of the day.
2. The inspector will issue a written notification (correction notice) stating that the verbal notification was not acted on and issuing a specific schedule for the completion of the corrective action.
3. A 2nd written notice is issued stating that all inspections by Engineering Division staff will cease on the project until corrections are completed and requiring a meeting between the project owner and the inspector's supervisor to discuss the breakdown in communication before inspections may resume.
4. All inspections are held on the project- no forward progress can be approved.

If deficiencies cause an illicit discharge into the MS4, the city's Environmental Services Section will be notified at which point enforcement pursuant to the city's stormwater ordinance may be initiated.

9.8 OTHER CONTROL PRACTICES

Listed below is a variety of practices, structural and non-structural, that the city may employ or recommend in order to control pollutants from construction sites.

Erosion Control:

- Existing vegetation preservation
- Rip Rap/Rock
- Erosion control blankets, geotextiles, etc.
- Permanent landscaping
- Diversion Channel/berms
- Soil binders, hydraulic mulch, etc.
- Hydro seeding

Sediment Control BMPs:

- Slope Protection (fiber rolls, slope drains)
- Sediment Capture (traps, basins, netting)
- Storm sewer inlet protection (fiber rolls, wattles, drain covers)
- Stabilized entrance/Track-out mitigation
- Velocity reduction (check, dams, detention, swales, etc.)
- Perimeter protection (silt fence, berm, dikes/dams, etc.)

Materials Management BMPs:

- I Spill prevention & control
- I Fuel/chemicals storage
- I Waste collection/litter control

- I Stockpile management
- I Concrete wash-out

Although the complete Program can be found in the Appendix, the following two elements of Douglas Construction and Post-Construction Program are emphasized:

- a. Develop, implement and enforce procedures for design plan reviews by the MS4 Stormwater Coordinator, followed by that person's attending pre-construction conferences, then performing weekly site inspections, taking photographs of both acceptable and unacceptable situations, informing the construction superintendent of the deficiencies noted, and conferring with the City's Planning, Zoning, and Building officials of what the superintendent planned to do to correct noted field problems.
- b. As construction nears completion, the MS4 Stormwater Coordinator provides a written punch list of items found at the site that need correction before planning, zoning and building officials will issue a Certificate of Occupancy. Following acceptable addressing of the punch list, the MS4 Stormwater Coordinator will advise other city officials of no objection to issuing the Occupancy Certificate.

10.0 POST- CONSTRUCTION

10.1 MUNICIPAL EMPLOYEE TRAINING

Please see Section 11 for employee training information.

10.2 CONSTRUCTING OF MASTER PLAN

Consistent with Permit Requirements: Douglas is in the process of constructing a Stormwater Master Plan by November 2018 and provides the final draft to ADEQ BY November 2018. The evaluation will focus on the reduction of pollutant discharges in stormwater and an assessment of the adequateness and effectiveness of existing control measures. Findings will include recommendations, as necessary, to improve the plan and a schedule for implementing enhancements.

10.3 POST-CONSTRUCTION CONTROLS

Douglas most effective post-construction control remains on-site retention as implemented by Douglas Stormwater Retention Ordinance – Title 15 Section 15.24.070 of the Douglas Municipal City Code. This Ordinance is an effective control measure by providing containment for much of the rainfall in Douglas and accordingly limiting discharges of pollutants to waters of the United States. Douglas Stormwater Retention Ordinance has been in effect since July 20th 2007 to accommodate more dense development in and around Douglas, an area designated as the Alternative Retention Criteria Area (ARCA). Outside the ARCA, all new development or substantial improvements to existing developments must provide storage of sufficient volume (on-site retention) to hold the runoff from the 100-year design storm. Inside the ARCA, new development or substantial improvements to existing developments must provide on-site retention for the two-year design storm. The two-year requirement may be waived within the ARCA subject to approval by the City of Douglas Public Works Director if equivalent best management practices for on-site pollutant removal are implemented.

Douglas will continue to implement the requirement for new facilities to install and maintain on-site retention for a 100-year, 2-hour storm event in all areas of Douglas, except Alternative Retention Criteria Areas (ARCA), areas exempted by law, or areas excluded under the technical appeals process. When possible, the city will require such exempt facilities to install stormwater control measures.

10.4 IMPLEMENTATION AND INSPECTIONS

A post-construction inspection is conducted on 100% of all permitted residential and commercial projects that will result in a land disturbance of one (1) acre or more, and those that disturb less than one (1) acre but are part of a larger common plan of development. This post -construction inspection is a part of the warranty period inspection and will generally occur within a year after completion of construction. The inspection provides an opportunity to identify corrective action to be implemented by the developer or responsible contractor for a variety of items, including stormwater and/or drainage controls.

Post-construction controls also apply to city-owned parcels. The following is a list of those most frequently used stormwater control features. Stormwater controls can utilize one feature or a combination of several features. These control features will be examined during post-construction site inspections for which an NOI is required.

- Surface retention basin
- Underground stormwater retention
- Storm Drain Pipe
- Catch Basin or Scupper
- Drywell, with or without an Interceptor Chamber
- Oil Stop Structure
- Rip rap

Douglas will not issue a grading permit, building permit, or a certificate of occupancy to an owner/developer until notification from the City Engineer is received indicating that a drainage plan and on-site grading and drainage improvements are in compliance with Title 15 of the Douglas Municipal City Code. In addition the City Engineer will not issue this notification unless a project provides the required retention or unless the project is in the ARCA and the Public Works Director has approved alternative on-site pollutant removal BMPs. Sections 15.24.060, 15.24.070, and 15.24.080 of Douglas on-site retention ordinances contain the administrative requirements that ensure implementation of this program.

10.5 COMPLIANCE ACTIVITIES/ENFORCEMENT

If determined during warranty inspection that a site/project is non-compliant with the city's stormwater ordinance, the Engineering Division begins enforcement procedures. Upon observing a deficiency of any installed retention areas, inspection staff will follow a procedure of progressive actions to assure compliance by the owner/ developer. The actions are as follows:

1. The inspector will issue a written notification (correction notice) for the completion of the corrective action.
2. If corrective action is not effective, the owner/ developer will be notified in writing by the City Engineer. The notice, which will be sent by certified mail, will state specifically the nature of the violation and request that it be corrected. If a violation is not corrected within thirty (30) days after notice, the City Engineer will hand over all pertinent facts to the City Attorney with a request for prosecution under the provisions of this article.

If deficiencies have potential to cause an illicit discharge into the MS4, the City's Environmental Services Section will be notified, at which point enforcement pursuant to the City's Stormwater ordinance may be initiated.

11.0 STORMWATER TRAINING PROGRAM

Douglas has developed a comprehensive stormwater training program to address Permit requirements. This training is divided into four distinct categories and is designed to disseminate applicable stormwater information to Douglas employees that hold varying stormwater program responsibilities.

The categories of training are as follows:

- General Permit Training
- Environmental Compliance Inspector Training
- Municipal Facility Training
- Construction/Post-Construction Training

Most training is tracked in Douglas electronic training tracking system and individual events are summarized in Douglas Annual Report. Those providing the training provide CEU's or PDH's.

11.1 GENERAL PERMIT TRAINING

While not specifically required by Permit, Douglas has developed training designed for Senior Level Management. Douglas success in implementing the stormwater program is contingent on support from City Management. In an effort to ensure continued support for and understanding of the program, Douglas will use various management forums to disseminate stormwater education. Topics discussed during these events include, but are not limited to, topics outlined in Table 9.

Table 9: General Permit Training

Topics	
General Permit Conditions	Legal Requirements
Organizational Requirements	Resource Allocation
Compliance Status	Program Development
Program Needs	Annual Reporting Summary

These training events occur on an as needed basis and are tracked separately from other municipal training events.

11.2 ENVIRONMENTAL COMPLIANCE INSPECTOR TRAINING

Douglas Environmental Compliance Inspectors are directly involved with, and hold direct responsibilities pertaining to, many aspects of the stormwater program. Douglas provides new inspectors training within the first year of employment and provides refresher training for existing inspectors at least every year. This training may be conducted internally or by an external vendor. Training for all inspectors includes, but is not limited to, topics outlined in Table 10.

Table 10: Environmental Compliance Inspector Training

Topics	
Legal requirements	Industrial/Commercial Inspections
IDDE	Outfall Inspections
Call-out procedures	Investigations
Field Screening	Non-stormwater discharges
Municipal Facility requirements	Investigations
Enforcement	

These training events are tracked in Douglas electronic training tracking system and individual events are summarized in Douglas Annual Report.

11.3 MUNICIPAL FACILITY TRAINING

Various Douglas employees with and with no direct stormwater responsibilities receive routine stormwater training. Douglas has developed a training program designed to reach selected groups of employees that could provide benefit as a result of this training. These groups include, but are not limited to, most field staff employees. Training is provided to employees in the following city sections:

- Water Utilities Services
- Parks Maintenance
- Streets Maintenance
- Solid Waste; and
- Sanitation Department

Douglas provides this training internally within the first year of employment and provides refresher training for existing employees at least once every year. These training events include, but are not limited to, topics outlined in Table 11.

Table 11: Municipal Facility Training

Topics	
Douglas Municipal City Code	Pollution Prevention
Spill Management	Chemical handling and storage
Used oil and other hazardous materials	Identifying and reporting illicit discharges
Identifying and reporting non-stormwater discharges	General field practices
General Awareness	

These training events are tracked in Douglas electronic training tracking system and individual events are summarized in Douglas Annual Report.

11.4 CONSTRUCTION/POST-CONSTRUCTION TRAINING

Douglas Environmental Division provides stormwater training to staff with stormwater responsibilities. Applicable staff is provided training within the first year of employment and refresher training for existing inspectors at least once every year. CIP and private development sections are both trained on similar topics, which include topics outlined in Table 12.

Table 12: Construction/Post Construction Training

Topics	
Erosion and Sediment Controls	Maintenance Requirements for BMPs
Municipal Ordinances Related to Stormwater and Construction	Plan Review Procedures
Grading and Drainage Design Standards	Requirements for Structural and Non-structural BMPs on Construction Sites
Inspection Procedures	Enforcement Procedures
Post-construction Stormwater Controls	Post-construction Inspection Procedures

These training events are tracked in Douglas electronic training tracking system, and individual events are summarized in Douglas Annual Report.

12.0 WET WEATHER MONITORING PROGRAM

12.1 OVERVIEW OF THE PROGRAM FOR WATER QUALITY MONITORING

Douglas conducts monitoring at three (3) major outfall locations as a component of the wet weather monitoring program. Fact sheets for each monitoring location can be found in Attachment G.

Douglas conducts monitoring at these locations to obtain analytical data used in part for the following purposes:

Assist with stormwater quality characterization and identify stormwater pollutants provide information that may be used to detect and eliminate illicit discharges provide elements used in the evaluation of the general effectiveness of specific control measures and the SWMP as a whole in reducing the discharge of pollutants estimate pollutant loads to waters of the U.S.

12.2 REPRESENTATIVE STORM EVENT

Douglas conducts wet weather monitoring for storm events of 0.1 inches (or greater) that results in an actual discharge from the monitoring locations. Since a certain level of flow is required for adequate sample collection, flow triggers for each sampling event may vary based upon sampling equipment capabilities. Discrete sampling events for each location will not be less than 72 hours since the last storm event discharge.

Each season, Douglas will record measurable storm events occurring at each sampling station until all samples required to be collected during the season are obtained from the outfall. Douglas will report this storm event data in the Annual Report and include the following information:

Date of each storm event.

Amount of rainfall (in inches) in the drainage area for each stormwater monitoring location.

For those storm events producing 0.10 inches of rainfall or greater, indication of whether or not a stormwater sample was collected, and if not, a brief explanation on the conditions that prevented or did not require sampling (i.e., insufficient flow, seasons sample had already been collected, etc.).

Sampling of a representative event is not required during adverse climatic conditions. Adverse climatic conditions which prohibit the collection of samples include weather conditions that create dangerous conditions for personnel (such as local flooding, high winds, electrical storms, etc.). Information on the conditions that prevented sampling will be reported to ADEQ in the Annual Report. Douglas will continue to monitor subsequent storm events during the monitoring season and perform stormwater sampling of a representative storm event if another occurs during the same wet season.

12.3 SEASONAL SAMPLING

Douglas will sample stormwater discharging from the Douglas MS4 throughout the Permit term and will commence on the first measurable storm event of each wet season identified below and will continue each subsequent wet season as necessary. Any needed make-up sampling will occur during subsequent summer and winter wet seasons if greater than one measurable storm event occurs during those seasons.

Wet seasons, for the purposes of monitoring, are defined as follows:

Summer wet season:	May 1- October 31
Winter wet season:	November 1- April 30

Stormwater samples will be collected at least twice per season per sampling station consistent with the parameter list identified in the Permit. Sampling will be conducted over the first three (3) hours of the discharge or for the entire discharge period if less than three (3) hours. The samples will include stormwater from the "first flush" (first 30 minutes of the stormwater event) whenever possible to do so.

12.4 WATER QUALITY ASSESSMENTS

As required by Permit, Douglas will compare stormwater quality monitoring data, as measured from the monitoring locations, to the Surface Water Quality Standards (SWQSs) applicable to the waters of the U.S. receiving the discharge. In the event that a pollutant concentration greater than the applicable SWQS is detected, Douglas will continue to perform monitoring of stormwater discharges as required by the Permit.

If monitoring data shows a recurring (more than once) value greater than the applicable SWQS, Douglas will investigate and make all reasonable efforts to identify potential source(s) of the pollutant(s). Where feasible, Douglas will evaluate the effectiveness of existing control measures on the pollutant(s) of concern and modify existing control measures or ~~implement~~ additional control measures as necessary, to reduce the discharge of pollutants to the MEP.

Any occurrence of monitoring data exceeding a SWQS will be reported to ADEQ as required by the Permit.

12.5 ASSESSMENT OF POLLUTANT LOADING

Beginning the 2018-2019 reporting year, Douglas will estimate the pollutant loadings each year from all identified municipal outfalls to waters of the U.S. for BOD, COD, TSS, total dissolved solids, total nitrogen, total ammonia plus total organic nitrogen (TKN), total phosphorous, and metals. An event mean concentration of each pollutant shall be estimated using representative storm event data for each year. The city will estimate the annual (total) pollutant loadings from the MS4 to waters of the U.S. each year.

Pollutant loadings and event mean concentrations will be calculated from sampling and analytical data collected at the representative monitoring locations and shall take into consideration land uses and drainage areas for the respective outfall. The pollutant loadings estimated each year shall be compared to previous estimates of pollutant loadings throughout the Permit term.

Loading data will be calculated using concentration data generated by lab analysis and flow data recorded specific to each event and be reported in units of kilograms (kg) per event. Estimates of pollutant loadings and event mean concentrations will be included in the annual report and shall be accompanied by a description of the procedures for estimating pollutant loads and concentrations, all raw data analysis, and the appropriate calculation methods.

13.0 FINANCIAL RESOURCES

Douglas stormwater program expenditures are supported by funding from Douglas Administration and various Public Works Department funds.

The following factors will be considered when developing the annual fiscal analysis:

I Some public involvement and participation programs are not exclusively related to the stormwater program. Accordingly, stormwater expenditures in these areas are either estimated to be one half of total operational budget or time and material specific to stormwater activities. Most of the operational street sweeping activities are funded as a stormwater program component and will be reflected as such.

Costs for employee attendance at training events will not be incorporated as stormwater expenditures, though cost to develop and conduct training is considered. External training will be fully accounted for.

On an annual basis, all Douglas sections that implement stormwater programs are required to provide a summary of annual expenditures and funding source. This information will be provided to ADEQ in summary format annually.

Douglas will continue to streamline various city processes and increase operational efficiencies to ensure that all stormwater regulatory mandates are met in an economically responsible manner.

14.0 PROGRAM EVALUATION AND MODIFICATION

14.1 PROGRAM EVALUATION

In an effort to ensure consistent, effective and efficient implementation, Douglas regularly evaluates the status of SWMP programs. These evaluations occur as a result of: routine dialogue with city sections charged with program implementation review of routine internal status reporting ongoing development of new or modified program elements implementation of practices designed to meet Permit measurable goals training feedback annual report preparation annual SWMP review.

As a product of these ongoing evaluations, Douglas continues to improve program effectiveness, which ultimately promotes the reduction of pollutants in stormwater.

14.2 PROGRAM MODIFICATION

This SWMP has been designed to allow for as much program flexibility as possible; however, the Permit requires ADEQ approval for many plan modifications or revisions. In the event program evaluations require plan modifications or revisions, Douglas will comply with Permit notification and approval requirements.

APPENDIX

Douglas Illicit Discharge and Elimination (IDDE) Program

Douglas Construction and Post - Construction Program Douglas

Stormwater Public education and Involvement Program

DOUGLAS ILLICIT DISCHARGE AND ELIMINATION (IDDE) PROGRAM

Purpose: To educate the community to the harmful effects of allowing fluids other than rainwater to enter the City's stormwater sewer system.

Program Elements:

- a. A storm sewer system map showing the location of all outfalls and the names and location of all waters of the United States that receive discharges from those outfalls has been created by the City of Douglas. This technical information was given to the Arizona Department of Environmental Quality (ADEQ) on September 2018.
- b. City of Douglas Ordinance No. 2007-07-910, passed and adopted by the Mayor and Council on July 20, 2007, Section Ten, Violations, (1) through (3) states that illicit discharges to the City storm sewer is a criminal violation and will be prosecuted as such. The eight (8) page ordinance was provided to the ADEQ on November 2018.
- c. A plan to detect, identify the source of, and address non-stormwater discharges, including illegal dumping into the system has been evolving continually since the passing of Ordinance 2007-07-910. On October 11, 2017, the duties of the Pretreatment Officer were alleviated by the hiring of the City's first MS4 Stormwater Coordinator, whose responsibilities include the finalization of MS4 program plans.
- d. A several part program is being created to inform public employees, businesses, and the general public of hazards associated with illicit discharges to the City's stormwater sewer system. These parts include tailgate sessions with the City's employees, visits to businesses, explaining what they should do to avoid illicit discharges, and posting the City's MS4 related information on the City's website.
- e. A plan has been executed to conduct dry-weather field screening for non-stormwater flows. Five days each week, the Pretreatment Officer and MS4 Stormwater Coordinator individually make the rounds of those areas where dry-weather non-stormwater flows might occur. If the flow is coming from Mexico, the United States Section of the International Boundary and Water Commission is alerted by telephone, emails, and field conferences. If the flow is generated in the United States due to a failing water main or

overflowing sewer manhole, the City's Water and/or Wastewater Superintendents are notified immediately. The Pre-treatment Officer and MS4 Stormwater Coordinator each have field kits to check for chlorine residual, pH, turbidity, dissolved oxygen. Both Wastewater Collection and Treatment, and water distribution individuals hold ADEQ Grade 3 and/or 4 certification in all four areas that ADEQ certifies water and wastewater operators. In addition to entering field inspection results in the Web QA database, follow up inspections are done within two business days of the initial visit . The City has begun to submit documentation of field activities in the MS4 Stormwater Coordinator's monthly report to the ADEQ.

DOUGLAS CONSTRUCTION AND POST-CONSTRUCTION PROGRAM

Purpose: To control and prevent stormwater runoff from construction sites and to check and correct if necessary, Stormwater Pollution Prevention (SWPP) features that were installed when the construction was completed.

Program Elements:

- a. Using City of Douglas Ordinance No. 2007-07-910, to require construction site operators to practice erosion and sediment control and to properly dispose of wastes that may cause adverse effects to water quality and to address post-construction runoff from new development and redevelopment projects to the extent allowed under the legal authorities of the small MS4 program.
- b. Develop, implement and enforce procedures for design plan reviews by the MS4 Stormwater Coordinator or, followed by that person's attending pre-construction conferences, then performing weekly site inspections, taking photographs of both acceptable and unacceptable situations, informing the construction superintendent of the deficiencies noted, and conferring with the City's Planning, Zoning, and Building officials of what the superintendent planned to do to correct noted field problems.
- c. As construction nears completion, the MS4 Stormwater Coordinator provides a written punchlist of items found at the site that need correction before planning, zoning and building officials will issue a Certificate of Occupancy. Following acceptable addressing of the punchlist, the MS4 Stormwater Coordinator will advise other city officials of no objection to issuing the Occupancy Certificate.
- d. After one year, following the summer rainy season, a post-construction inspection by the MS4 Stormwater Coordinator will be made and any items found to require attention will be issued in written form to the City's planning, zoning, and building officials, who will inform the project's owner. The owner's site development engineer may confer with the City for guidance to correct the issues noted in the field.

DOUGLAS STORMWATER PUBLIC EDUCATION AND INVOLVEMENT PROGRAM

Purpose : To educate the community on the impacts of stormwater discharges on water bodies and describing the steps the public can take to reduce pollutants in stormwater discharges.

Program Elements:

1. Visit three Douglas elementary and middle schools to give a twenty (20) minute presentation and to hand out brochures that explain the MS4 program that the City is promoting.
2. Set up folding table and canopy at the local county fair in September to present brochures and similar materials describing the efforts the public can take to reduce pollutants.
3. Put singular flyers into the water/ sewer bills that are mailed out.
4. Visit local industries that might inadvertently discharge pollutants.

Program Pollutants:

1. The four contaminants that cause the Douglas Whitewater Draw to be impaired, namely copper, e-coli, ammonia, and chlorine.
2. Commonly used materials that are wasted, rather than being recycled or properly disposed.

Target population:

1. Of the 16,500 population, approximately 25% are expected to respond favorably to the City overtures.

Measureable Program Goals:

1. Visit fifty percent (50%) of Douglas schools within two (2) years.
2. Dispense ten thousand (10,000) flyers and brochures within three (3) years.
3. Visit one hundred (100) businesses within four (4) years.

November 6, 2018

Stormwater Management Program Plan Certification Statement

The Stormwater Management Plan (SWMP) has been compiled and developed with input from multiple departments and divisions of the City of Douglas. This is a comprehensive approach to citywide participation in the SWMP which identifies the major programs, policies and procedures that will be implemented by the City to minimize the impact of urban activities on the quality of storm water. The program documentation is complete and ready to be put into action immediately.



Jim Russell
City Manager

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ORDINANCE NO. 826

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF DOUGLAS, COCHISE COUNTY, ARIZONA, AMENDING TITLE 8 OF THE DOUGLAS MUNICIPAL CODE RELATING TO HEALTH AND SAFETY BY REPEALING AND REPLACING CHAPTER 8.32 - NUISANCES, LITTER, ABANDONED OR JUNK VEHICLES; ESTABLISHING SEVERABILITY OF COMPONENTS OF ORDINANCE; AND ESTABLISHING AN EFFECTIVE DATE THEREOF.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF DOUGLAS, ARIZONA as follows:

Title 8 of the Douglas Municipal Code regarding health and safety is hereby amended to read as follows and is effective as of March 14, 2003.

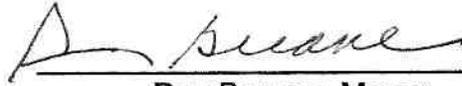
SECTION 1. Chapter 8.32 of the Douglas Municipal Code and its underlying Ordinance No. 688 are hereby repealed and replaced by Chapter 8.32 entitled Nuisances, Litter, Abandoned or Junk Vehicles, which reads in its entirety as set forth in Exhibit "A", and is attached to this Ordinance and incorporated by reference as if fully set forth herein.

SECTION 2. Severability. If any chapter, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

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PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL of the

City of Douglas, Arizona, this 12th day of February, 2003.



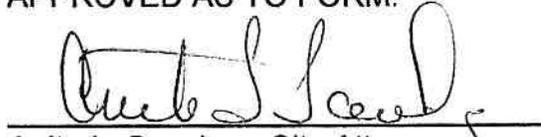
Ray Borane, Mayor

ATTEST:



Leticia G. Rodriguez, City Clerk

APPROVED AS TO FORM:



Anita L. Sanchez, City Attorney

EXHIBIT "A"

Chapter 8.32			
NUISANCES, LITTER, ABANDONED OR JUNK VEHICLES			
Sections:			
	Article I.	8.32.180	Storing, parking or leaving junk vehicles on private property unlawful.
8.32.010	Purpose, scope.	8.32.190	Parking vehicles on public right-of-way unlawful.
8.32.015	Definitions.	8.32.200	Cesspools in city prohibited.
8.32.020	Defendants and responsible parties.	8.32.210	Failure to provide evidence of identity.
8.32.030	Public nuisance defined.	8.32.220	Remedies not exclusive.
8.32.040	Public nuisances designated.	8.32.230	Each day is a separate violation.
8.32.050	Parking in front yard.	8.32.240	Alternative enforcement measures.
8.32.060	Littering in public places prohibited.	8.32.250	Violation – penalty.
8.32.070	Placement of litter in receptacles.	8.32.260	Civil citation – authority to issue.
8.32.080	Depositing litter in gutters prohibited.	8.32.265	Rights of entry.
8.32.090	Throwing litter from vehicles prohibited.	8.32.270	Habitual offender.
8.32.110	Littering on parks prohibited.		Article II. Abatement
8.32.120	Littering on private property prohibited.	8.32.280	Definitions.
8.32.130	Private property owner to maintain premises.	8.32.290	Abatement.
8.32.140	Public rights-of-way --- owner of adjacent property to maintain.	8.32.300	Emergency abatement.
8.32.150	Littering on vacant lots prohibited.	8.32.310	Abatement in other cases.
8.32.160	Unightly premises prohibited.	8.32.315	Abatement notice.
8.32.170	Accumulation of litter on construction/demolition site prohibited.	8.32.320	Abatement by owner.
		8.32.330	Satisfaction of assessment for abatement.
		8.32.340	Assessments run with the land and due in equal payments with interest.
		8.32.350	Abatement is additional remedy for violations.
			Article III.
			Appeals for notice to Abate, emergency abatement action or assessment
		8.32.360	Definitions.
		8.32.370	Procedure for appeals to

- building board of appeals.**
- 8.32.380 Failure to timely file deemed a waiver of appeal.**
- 8.32.390 Contents of request for appeal and appeal fee.**
- 8.32.400 Matters on appeal.**
- 8.32.410 Procedure on appeal.**
- 8.32.420 Determination of hearing officer.**
- 8.32.430 Stay of order during appeal to hearing officer.**
- 8.32.440 Personal liability of owner.**

Article I.

8.32.010 Purpose; scope.

A. The purpose of this chapter is to promote the health safety, economic, aesthetic, and general welfare of the citizens of the city, and to protect neighborhoods against nuisances, blight and deterioration by establishing requirements for maintenance of all building exteriors, whether residential or non-residential, or structures of whatever kind, and establishing requirements for the maintenance of all land, whether improved or vacant.

B. This chapter shall apply to all buildings, structures, and lands within the city without regard to the use, the date of construction or alteration.

8.32.015 Definitions.

Unless otherwise specified, the following words shall have the meanings provided below.

“Abandoned or junk vehicle” means any motor vehicle or major portion thereof, the condition of which is wrecked, dismantled, partially dismantled, inoperative, incapable of movement under its own power, or from which

the wheels, engine, transmission or other substantial part thereof has been removed.

“Attractive nuisance” means the maintaining of a condition, instrumentality, machine, or other agency which is dangerous to young children because of their inability to appreciate peril and which may reasonably be expected to attract them.

“Authorized private receptacle” means a litter storage and collection receptacle as required and authorized in this chapter.

“Blight or blighted” means unsightly conditions including, but not limited to the accumulation of debris; fences characterized by holes, breaks, rot, crumbling, cracking, peeling, or rusting; landscaping that is dead, damaged, characterized by uncontrolled growth or lack of maintenance, and any other similar conditions of disrepair and deterioration that contribute to the depreciation of neighborhood property values or affect the health, safety, economic, aesthetic, or general welfare of citizens.

“Building” means any structure used or intended for supporting or sheltering any use or occupancy.

“Debris” means junk, lumber, furniture, furniture parts, stoves, sinks, cabinets, household fixtures, refrigerators, car parts, abandoned, broken or neglected equipment, or the scattered remains of something of little or no apparent economic value.

“Deteriorated or deterioration” means a lowering in quality in the condition or appearance of a building or structure or parts thereof. The fact or process of decay or degeneration, characterized by holes, breaks, rot, crumbling cracking, peeling, rusting, vermin infestation, unsafe or unsanitary conditions, or any other evidence of physical decay or neglect or excessive use or lack of maintenance.

“Exterior surfaces” means building exterior surfaces and attachments to the building, including but not limited to, walls, roofs, doors, windows, gutters, down spouts, antennas, porches, garages, patios, and chimneys.

“Front yard” means a yard extending across the full width of the lot, and having a depth equal to the horizontal distance between the nearest point of the main building and the front lot line, measured at right angles to the front lot line.

“Garbage” means any spoiled or discarded animal or vegetable material resulting from the handling, preparation, cooking, or consumption of food for humans or animals, as well as other organic waste material subject to rapid decomposition.

“Imminent hazard” means a condition that presents an immediate likelihood for causing serious personal harm due to a condition of incompleteness, deterioration, breaking, leaking, exposure, blight, or scattered with debris, litter, or garbage.

“Improved Parking Area” means an area covered by an all-weather, dust-free surface, properly drained to prevent impoundment of surface water.

“Land” means all land in the city whether improved or unimproved.

“Litter” means garbage, refuse, and rubbish and all other waste material which, if thrown or deposited in such a manner prohibited by this chapter, tends to create a danger to public health, safety and welfare.

“Major repair” means the removal from any vehicle of a major portion thereof including, but not limited to, the differential, transmission, head, engine block or oil pan.

“Motor vehicle” means any vehicle which is self-propelled and designed to travel along the ground and includes, but is not limited to,

automobiles, motor homes, buses, motor bikes, motorcycles, motor scooters and trucks, which are required to be registered and licensed with the Arizona Department of Motor Vehicles.

“Person” means a human being, enterprise, corporation, association, partnership, firm or society.

“Private property” means any real property not owned by the federal government, state, county, city or political subdivision of the state.

“Public place” means any street, sidewalk, boulevard, alley or other public way and any public park, square, space, ground or building.

“Recreational vehicle” means a vehicular type portable structure without permanent foundation, which can be towed, hauled or driven primarily designed as a temporary living accommodation for recreational, camping and travel use and including but not limited to travel trailers, truck campers, camping trailers and self-propelled motor homes.

“Refuse” means all solid wastes except body wastes, including garbage, rubbish, ashes, waste oil, street cleanings, dead animals, abandoned, wrecked or junked vehicles or parts thereof and solid market and industrial wastes.

“Rubbish” means solid waste consisting of both combustible and noncombustible waste, such as paper, wrappings, weeds, cigarettes, cardboard, tin cans, yard clippings, leaves, metal, wood, glass, bedding, crockery, construction materials, and similar materials.

“Utility Trailer” means a vehicle without motive power designed for carrying property and for being drawn by a motor vehicle.

“Watercraft” means any craft or vehicle specifically designed for use on water such as, but not limited to, a boat, canoe, jet ski, Pontoon or similar type craft.

“Weeds” mean poison oak, poison ivy, or any noxious or toxic weeds; or uncultivated

plants or shrubs, tall grass, or growth higher than twelve (12) inches, or which presents a fire hazard.

8.32.020 Defendants and responsible parties.

A. Any person who causes, permits, facilitates, aids, or abets any violation of this chapter or who fails to perform any act or duty required pursuant to this chapter is subject to the enforcement provisions of this chapter.

B. Any person who is the owner, occupant, lessor, lessee, manager, agent or other with an interest in a building, structure or parcel of land in violation of this chapter is jointly and severally responsible for the violation, the prescribed civil or criminal sanctions, and for abating the violation.

C. The owner of record, as recorded in the county recorder's office, of the property upon which the violation of this chapter exists shall be presumed to be the person having lawful control over the structure or parcel of land. If more than one person shall be recorded as the owner of the property, such persons shall be jointly and severally presumed to be persons having lawful control over a structure or parcel of land. This presumption shall not prevent the enforcement of the provisions of this chapter against any person specified in subsection (A) or (B) of this section.

8.32.030 Public nuisance defined.

For the purposes of this chapter, the term "public nuisance" shall be defined as any fence, wall, shed, deck, house, garage, building, structure or any part of any of the aforesaid; or any tree, pole, smokestack; or any excavation, hole, pit, basement, cellar, sidewalk subspace, dock; or any lot, land, yard, premises or location which in its entirety, or in any part

thereof, by reason of the condition in which the same is found or permitted to be or remain, shall or may endanger the health, safety, life, limb or property, or cause any hurt, harm, inconvenience, discomfort, damage or injury to any one or more individuals in the city, in any one or more of the following ways:

(1) By reason of being a menace, threat and/or hazard to the general health and safety of the community.

(2) By reason of being a fire hazard.

(3) By reason of being unsafe for occupancy, or use on, in upon, about or around the aforesaid property.

(4) By reason of lack of sufficient or adequate maintenance of the property, and/or being vacant, any of which depreciates the enjoyment and use of the property in the immediate vicinity to such an extent that it is harmful to the community in which such property is situated or such condition exists.

8.32.040 Public nuisances designated.

It shall be unlawful and a violation of this chapter for any person to erect, maintain, use, place, deposit, cause, allow, leave or permit to be or remain in or upon any private property, land, lot, building, structure or premises, or in or upon any public place, right-of-way, street, avenue, alley, easement, park, or other place in the city any one or more of the following:

A. Allowing premises to become unsanitary, a fire menace or a danger to health and safety through the accumulation, growth, storage, or retention of garbage, refuse, rubbish, weeds or other accumulation of filth or debris.

B. Creating an environment favorable to the harboring of insects and vermin, and/or a fire hazard, by allowing the growth of weeds or grass in excess of twelve (12) inches in

height. Uncultivated natural growth in areas designated by the public works director as "natural areas" are excepted from this provision.

C. Permitting pools of water or other liquids to accumulate and remain upon the premises and become stagnant and foul. This provision shall not apply to natural drainages or drainages connected with streets or other public rights-of-way.

D. Retaining a blighted, dilapidated, deteriorated and/or dangerous building, shed, fence or other manmade structure which by reason of age, fire, faulty construction, lack of proper repair or any other cause is in such a condition that it constitutes an attractive nuisance to children or that its strength or stability is substantially less than a well constructed new building or it is likely to burn or collapse in whole or in part and its condition endangers the life, health, safety or property of the public, including but not limited to, any old abandoned or partially destroyed building or structure, or any building or structure commenced and abandoned.

E. Maintaining the unsheltered storage for fifteen (15) consecutive days or more of inoperable, junked, partially dismantled, discarded, motor vehicles and other objects such as appliances, machinery, implements and/or equipment which are no longer safely usable for the purposes for which manufactured (hereinafter collectively referred to as "personal property objects"), and which are visible from ground level beyond the boundary of the property. This definition shall not include personal property objects in a storage area, repair shop, or other business enterprise in which the presence of such objects is necessary to the operation of the business and the business is operated in a lawful place and

manner and in compliance with applicable zoning laws.

F. Leaving or permitting any unguarded, uncovered, unprotected or abandoned excavation, pit, well or hole dangerous to life or constituting an attractive nuisance to children.

G. Permitting the use of any building or premises in a way that permits or causes noxious exhalations which are discomforting, offensive or detrimental to the health of individuals or the public, including but not limited to, smoke, soot, dust, fumes, gases or other offensive odors or annoyances.

H. Leaving or permitting to remain outside of any dwelling, building or other structure, or within any unoccupied or abandoned building, dwelling or other structure under the control of any person and in a place accessible to children, any abandoned, unattended or discarded ice box, refrigerator or other container which has an airtight door or lid, snaplock or other locking device which may not be released from the inside, without first removing the door or lid, snaplock, or other locking device from the ice box, refrigerator or container.

I. Leaving any dwelling, building or other structure, whether occupied or unoccupied, with a damaged and/or open door, window, or other opening not secured to prevent entry to persons, animals, birds or vermin.

J. Causing, allowing or permitting any artificial illumination of such intensity to reflect beyond the property line onto adjacent public or private property as to interfere substantially with the use and enjoyment of the property so as to constitute a nuisance, hazard or threat to the public health, safety, and welfare.

8.32.50 Parking in front yard.

A. It shall be unlawful to park or store any motor vehicle, recreational vehicle, watercraft, or utility trailer within the front yard of a single or multi-family dwelling; except a motor vehicle, other than a recreational vehicle, may be parked on an improved parking area in the front yard provided that the improved parking area does not exceed a maximum of fifty percent of the combined area of the front yard.

B. An exemption to subpart (A) shall be granted by the public works director: (1) when recreational vehicle, watercraft, or utility trailer has no back yard access and side yard fence does not allow parking in side yard without protruding into front yard; and (2) when parked on an improved parking area of the front yard.

8.32.060 Littering in public places prohibited.

No person shall throw or deposit litter in or upon any street, sidewalk, alley or other public place within the City except in public receptacles, or in authorized private receptacles for collection.

8.32.070 Placement of litter in receptacles.

Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried, or deposited by the elements upon any street, sidewalk or other public place or upon private property.

8.32.080 Depositing litter in gutters prohibited.

A. No person shall sweep into or deposit in

any gutter, street or other public place within the City the accumulation of litter from any public or private sidewalk or driveway or any building or lot.

B. Persons owning or occupying property or places of business shall keep the sidewalk in front of their premises, from their property line to the curb or public right of way, free of litter.

8.32.090 Throwing litter from vehicles prohibited.

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

8.32.110 Littering in parks prohibited.

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

8.32.120 Littering on private property prohibited.

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

8.32.130 Private property owner to

maintain premises.

Every person owning, or managing, or having charge, control or occupancy of any real property in the City shall at all times maintain the premises free of litter and weeds; provided, however, that this section shall not prohibit the storage of litter in authorized private receptacles for collection.

8.32.140 Public rights-of-way -- owner of adjacent property to maintain.

Every person owning, or managing, or having charge, control or occupancy of any real property in the City shall at all times maintain the adjacent street right-of-way from the private property line to the curb or edge of pavement, and the portion of the alley contiguous with the property to the centerline of the alley, free of litter and weeds.

8.32.150 Littering on vacant lots prohibited.

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

8.32.160 Unsightly premises prohibited.

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

8.32.170 Accumulation of litter on construction/demolition site

prohibited.

It is unlawful for the owner, agent or contractor in charge of any construction or demolition site to cause, maintain, permit or allow to be caused, maintained or permitted the accumulation of any litter on the site before, during or after completion of a construction/demolition project.

8.32.180 Storing, parking or leaving junk vehicles on private property unlawful.

A. It is unlawful for a person to park, store, leave, or permit the parking, storing or leaving of any junk motor vehicle for a period in excess of five days upon any private property within the City; provided, however, that the provisions of this article shall not apply to any junk motor vehicle in:

1. an enclosed building or an area in a backyard which is completely screened from view by fencing, shrubbery, or otherwise; or
2. the premises of a business enterprise which is properly operated in the appropriate business zone pursuant to the zoning laws of the City.

8.32.190 Parking vehicles on public right-of-way unlawful.

A. It is unlawful for the owner or any person having control of a ~~motor vehicle~~, recreational vehicle, utility trailer, and/or watercraft, to allow the vehicle to remain parked or located upon the paved or unpaved portion of any street or alley within the City for a period of time in excess of seventy-two hours.

B. It is unlawful for the owner or any person having control of a motor vehicle to allow the vehicle to remain parked or located

upon the paved or unpaved portion of any street or alley within the City for a period of time in excess of fourteen (14) days.

8.32.200 Cesspools in city prohibited.

All cesspools, open vaults and privies within the City are declared to be a nuisance, and subject to abatement. Each person, firm or association owning any lot, grounds or premises within the City upon which there are any cesspools, open vaults or privies, is required to forthwith remove, fill up and abate the same, except in such cases where the City Engineer, for good cause shown, shall grant temporary permission to maintain and use the same.

8.32.210 Failure to provide evidence of identity.

A person who fails or refuses to provide evidence of his identity to a duly authorized agent of the city upon request, when such agent has reasonable cause to believe the person has committed a violation of this chapter, is guilty of a misdemeanor. Sufficient evidence of identity shall consist of a person's full legal name, residence address, and date of birth.

8.32.220 Remedies not exclusive.

Violations of this chapter are in addition to any other violation established by law, and this chapter shall not be interpreted as limiting the penalties, actions, or abatement procedures which may be taken by the city or other persons under existing laws, ordinances, or rules.

8.32.230 Each day is a separate violation.

Each day in which a violation of this chapter continues shall constitute a separate civil violation.

8.32.240 Alternative enforcement measures.

Nothing in this chapter shall preclude city employees from seeking voluntary compliance with the provisions of this chapter or from enforcing this chapter through notices of violation, warnings, or other informal devices designed to achieve compliance in the most efficient and effective manner under the circumstances.

8.32.250 Violation – penalty.

A. Any person who is found by the court to be in violation of any of the provisions of this chapter shall be deemed responsible for a civil violation, unless otherwise designated in this chapter.

B. Upon the court finding a person responsible for a civil violation of this chapter, the court shall impose a fine in an amount not less than twenty-five dollars (\$25.00) nor more than one thousand dollars (\$1,000.00) for each violation.

8.32.260 Civil citation – authority to issue.

The city manager, or his designee, shall appoint code enforcement officers as employees of the public works department. Any code enforcement officer and/or any city police officer shall be empowered to issue civil citations and commence proceedings before a judge of the municipal court for any violation of this chapter.

8.32.265 Rights of entry.

The code enforcement officer shall be and is hereby authorized to enter into or upon any premises within the corporate limits of the city for the purpose of making necessary inspections and issuing notices, instructions or citations for any and all violations of the provisions of this chapter.

8.32.270 Habitual offender.

A. A person who commits a violation of this chapter after previously having been found responsible for committing three or more civil violations of this chapter within a twenty-four (24) month period, whether by admission, by payment of the fine, by default, or by judgment after hearing, shall be guilty of a class one misdemeanor.

B. For purposes of calculating the twenty-four (24) month period under this section, the dates of the commission of the offenses are the determining factor.

C. Upon conviction of a person of a violation of this chapter, the court may impose a sentence of incarceration not to exceed six months in jail or a fine not to exceed two thousand five hundred dollars, exclusive of penalty assessments prescribed by law, or both. The court shall order a person who has been convicted of this section to pay a fine of not less than five hundred dollars (\$500.00) for each count upon which a conviction has been obtained.

D. Every action or proceeding under this section shall be commenced and prosecuted in accordance with the laws of the State of Arizona relating to criminal misdemeanors and the Arizona Rules of Criminal Procedure.

Article II. Abatement

8.32.280 Definitions.

“Abatement” means the removal, stoppage, prostration, or destruction of that which causes or constitutes a nuisance, whether by breaking or pulling it down, or otherwise destroying, or effacing it.

“Emergency abatement” means abatement of the nuisance by the city, or a contractor employed by the city, by removal, repair, or other acts without notice to the owner, agent, or occupant of the property, except for the notice required by this chapter.

“Owner” means the owner of record based on the county assessor’s record or any person with legal, financial or equitable interest in the property on which the alleged public nuisance exists at the time of the violation.

“Property” means any real property, premises, structure or location on which a public nuisance is alleged to exist.

8.32.290 Abatement.

As an additional remedy, or an alternative to a civil or criminal complaint, the city shall compel any persons with an interest in the property or agents of such persons to abate any violations of this chapter. Such abatement shall proceed independently of any civil or criminal violation filed pursuant to this chapter.

8.32.300 Emergency abatement.

A. Whenever a complaint is made to the department of public works of the existence of a public nuisance, as defined in section 8.32.030, the department of public works shall promptly cause to be inspected the property on which it is alleged that such public nuisance exists. Should the city manager, upon recommendation of the department of public works, find that a public nuisance exists, and that the public health, safety or welfare may be in immediate danger, then emergency

abatement procedures shall be implemented and the nuisance shall be removed or abated. The building inspector shall be notified if the public nuisance involves a building that appears structurally unsafe. The building inspector, upon being notified, shall cause the building on which it is alleged such public nuisance exists to be inspected and submit a written report of such inspection and the findings to the director of the department of public works.

B. When emergency abatement is authorized, notice to the owner, agent or occupant of the property is not required. If such emergency situation presents an imminent hazard to life or public safety, the city may immediately act to correct or abate the emergency. Following the emergency abatement, the department of public works shall cause to be posted on the property liable for the abatement a notice describing the action taken to abate the nuisance.

C. The city may issue a notice to abate directing the owner, occupant, operator, or agent to take such action as is appropriate to correct or abate the emergency. In the event the city is unable to contact the owner, occupant, operator, agent or responsible party, it in no way effects the city's right to correct or abate the emergency. Upon receiving notice to abate emergency, the owner, occupant, operator, agent or responsible party shall be granted a hearing before the hearing officer on the matter within seven (7) days of a written request, but such appeal shall in no case shall stay the abatement or correction of such emergency.

8.32.310 Abatement in other cases.

A. If, after inspecting the property on

which the nuisance is reported, the department of public works declares the existence of a public nuisance, but the nature thereof is not such as to require the emergency abatement of such nuisance, then, regular abatement procedures shall be followed. Photographs and reports of the findings and inspections shall be made and filed with the director of the department of public works.

B. The director of the department of public works, or his designee, shall determine the individual, firm or corporation who, from the records in the county recorder's office, appears to be the titled owner of the aforesaid property and immediately cause a written notice to be served on such individual, firm or corporation by personal service or by leaving a copy of the notice at the usual place of residence or business of such owner, or address of such owner shown in the recorder's records, or by copy mailed to such owner at such place or address by United States certified mail return receipt. If service of such written notice is unable to be perfected by any of the methods described above, the department of public works shall cause a copy of the aforesaid notice to be published in a newspaper of general circulation in the city, once a week for two consecutive weeks, and shall further cause a copy of the aforesaid notice to be left with the individual, if any, in possession of such property on which it is alleged such public nuisance exists, or if there is no individual in possession thereof, the department of public works shall cause a copy of the notice to be posted at such structure, location or premises. The department of public works shall also determine from the recorder's office who the lienholder of the property, if any, as documented therein, is and cause a written

notice to be served on such lienholder by United States mail return receipt.

C. The aforesaid notice to the owner, and lienholder, if any, of the property shall state clearly and concisely the findings of the department of public works with respect to the existence of a public nuisance. The notice shall further state that unless the owner thereof shall cause the abatement of the public nuisance, pursuant to the orders contained in the department of public works notice, the public nuisance shall be abated by the city at the expense of the owner.

D. Any person who is the record owner of the premises, location or structure at the time an order pursuant to this chapter is issued and served upon him, shall be responsible for complying with that order, and liable for any costs incurred by the city therewith, notwithstanding the fact that he conveys his interests in the property to another after such order was issued and served.

E. It shall not be a defense to the determination that a public nuisance exists that the property is boarded up or otherwise enclosed.

8.32.315 Abatement notice.

A. The city shall give reasonable written notice to abate any violation of this chapter to all persons with an interest in the property or agents of such persons.

B. Notice shall contain:

1. The legal description of the property;
2. The cost of such removal to the city if notified persons do not comply;
3. A date for compliance which shall not be less than thirty (30) days after the date notice was given;
4. Identification of the property in violation by street address if it exists; and

5. A statement of the violation(s) in sufficient detail to allow a reasonable person to identify and correct them.

C. Said written notice shall be either personally served, mailed by certified mail at their last known address or the address to which the tax bill for the subject property was last sent; or served in accordance with the Arizona Rules of Civil Procedure.

D. The city may record the notice in the county recorder's office. If such notice is recorded and compliance with the notice is subsequently satisfied, the city shall record a release of the notice.

8.32.320 Abatement by owner.

A. Within thirty (30) days after the posting and mailing of a notice to abate a nuisance, the owner, agent of the owner, or individual in possession of the affected property shall remove and abate such nuisance or show that no nuisance in fact exists. Such showing shall be made by filing a written statement that no nuisance exists. The statement shall be filed with the department of public works.

B. The department of public works, upon written application by the owner within the thirty (30) day period after the notice has been served, may grant in writing additional time for the owner to effect the abatement of the public nuisance, provided that such extension is limited to a specific time period.

8.32.330 City abatement upon failure to abate by person with interest in property.

A. Upon failure of any notified person to abate a public nuisance within compliance time set in the written notice, the city may remove, abate, enjoin or cause removal of the violation.

B. Removal, abatement, or the acquisition

of an injunction may be accomplished, at the sole discretion of the city, by city staff or an independent contractor.

C. The city manager, or his authorized representative, shall prepare a verified statement and account of the actual cost of abatement action, legal fees, additional inspection and other incidental connected costs.

D. The amount in the verified statement and account is declared as an assessment upon the lot or tract of land on which the violation occurred. Said assessment may be collected at the same time and in the same manner as other city assessments are collected.

E. A copy of the statement and account shall be personally delivered; sent by certified mail, return receipt requested; or served in accordance with the Arizona Rules of Civil Procedure to all persons with an interest in the property and/or their agents.

F. The assessment shall be recorded in the county recorder's office and from the date of its recording shall be a lien on the lot or tract of land and the several amounts assessed against the lot or tract of land until paid.

G. Any assessment lien recorded pursuant to this chapter after July 15, 1996, shall be prior and superior to all other liens, obligations, mortgages or other encumbrances, except liens for general taxes.

8.32.330 Satisfaction of assessment for abatement.

A. A sale of the property to satisfy an assessment obtained under the provisions of this section shall be made upon judgment of foreclosure and order of sale.

B. The city may institute an action to enforce the lien in a competent court of the county at any time after the recording of the

assessment, but failure to enforce the lien by such action shall not affect its validity.

C. The recorded assessment shall be prima facie evidence of the truth of all matters recited therein and of the regularity of all proceedings prior to the recording thereof.

D. A prior assessment or lien for the purposes provided in this section shall not be a bar to a subsequent assessment or assessments, or lien or liens, for such purposes, and any number of assessments or liens on the same lot or tract of land may be enforced in the same action.

8.32.340 Assessments run with the land and due in equal payments with interest.

A. Assessments that are imposed under Chapter 8.32 run against the property until paid and are due and payable in equal annual installments as set for in ARS 9-499(E) or any subsequent replacement state statutory provision thereof.

B. An assessment that is past due accrues interest at the rate prescribed by ARS 44-1201 or any subsequent replacement state statutory provision thereof.

8.32.350 Abatement is additional remedy for violations.

In addition to any fine which may be imposed for a violation of any provision of this chapter, the person, firm or corporation shall be liable for all costs which may be assessed pursuant to sections of this chapter for the removal of the public nuisance.

Article III: Appeals for Notice to Abate, Emergency Abatement Action or Assessment

8.32.360 Definitions.

A. "Hearing officer" means any person named in subsection 8.24.350 (A) to hear appeals pursuant to this article.

B. "Appealing party" means the owner, occupant, lienholder, or other person with a property interest in the subject property.

C. "Appealable actions" means any notice to abate, emergency abatement action, or assessment unless the notice, action or assessment is ordered by a court.

8.32.370 Procedure for appeals to the hearing officer.

A. Any appealable actions can be appealed to the hearing officer by an appealing party.

B. An appealing party must file its request for an appeal within fifteen days of the service of the notice to abate, the date emergency abatement action commenced, or the filing of the assessment, and must be filed with the city clerk's office.

8.32.380 Failure to timely file deemed a waiver of appeal.

Failure of a person entitled to appeal under this chapter to timely file an appeal accompanied with the appeal fee established below shall constitute a waiver of the right to a hearing of the complaint before the hearing officer.

8.32.390 Contents of request for appeal and appeal fee.

A. The request for appeal shall set forth, in writing, the person's reasons for believing they are not in violation of the chapter or that the assessment is excessive.

B. The appealing party shall accompany

the written appeal with an appeal fee of twenty-five dollars (\$25.00). The city clerk shall deposit the appeal fee in the general fund of the city.

C. In case of financial hardship based upon a sworn affidavit, the city clerk may suspend the appeal fee until the decision on appeal is rendered. Said sworn affidavit must be filed with the city clerk's office no later than two business days prior to the end of the request for appeal time limit. The city clerk's office shall issue its determination on fee suspension no later than two business days after its receipt of the affidavit.

8.32.400 Matters on appeal.

A. Any person may appeal an appealable action to the hearing officer:

1. When it is claimed the property or building subject to the notice is not in violation of the ordinance;

2. When it is claimed the notice provisions of chapter 8.32 were not properly followed; or

3. When it is claimed that the statement of costs for correcting or abating the violation is excessive.

8.32.410 Procedure on appeal.

A. The city clerk's office shall set a date for hearing on appeal within (30) thirty days of the receipt of request for appeal by the city clerk's office.

B. The parties may, if they choose, be represented by an attorney.

C. The appealing party has the burden of proof to sustain a ground for appeal as enumerated in Section 8.32.400. The appealing party must proceed first in the presentation of evidence and present admissible evidence to support its appeal. The appealing party shall

have no more than one (1) hour to present his case.

D. Both the appealing party and the city's representative will be permitted to cross-examine witness testimony, present evidentiary exhibits and to testify in person.

E. At the end of the appealing party's presentation of evidence, the city may ask that the hearing officer rule that he/she finds:

1. That the appealing party did not sustain its burden of proof of an appealable ground as set forth in Section 8.32.400; and

2. Denying the appealing party's relief.

F. If the hearing officer grants the city's request, it shall terminate the proceeding and issue such a decision in writing. If the hearing officer denies the city's request, the city may present admissible evidence on behalf of the city in rebuttal. If the city chooses to present evidence in rebuttal, it will be allowed no more than one (1) hour to do so.

8.32.420 Determination of hearing officer.

A. The hearing officer may amend or modify a notice to abate or extend the time for compliance of a notice to abate.

B. The hearing officer shall have the discretion to reduce or cancel a proposed assessment for abating a nuisance, in whole or in part, if, in the course of the hearing, the hearing officer finds that any of the following did not conform to the provisions of this chapter:

1. The notice to remove the nuisance;
2. The work performed in abating the nuisance; or
3. The computation of costs of the assessment for abating the nuisance.

C. The determination of the hearing officer is a final administrative decision and is not appealable to the city council.

8.32.430 Stay of order during appeal to hearing officer.

Except for orders to vacate based on, or violations eligible for, emergency abatement action, the timely filing of an appeal shall stay enforcement of a notice to abate or assessment until the appeal is finally determined by the hearing officer.

8.32.440 Personal liability of owner.

The person who is the owner of the property at the time at which the notice required under section 8.32.315 of this chapter is posted shall be personally liable for the amount of the assessment including all interest, civil penalties, and other charges.

The Daily Dispatch

530 11th Street, Douglas, AZ 85607 • (520) 364-3424

Marissa Rivera, being first duly sworn deposes and says that she is an agent of The Daily Dispatch, a daily newspaper, published in the City of Douglas, County of Cochise, State of Arizona:

That the Notice, a copy of which is hereto attached, described as follows:

City of Douglas
Ordinance # 826

was published daily in the entire and regular issue of said THE DAILY DISPATCH, for 2 consecutive weeks, the FIRST publication of said notice being

February 21, 2003 in the issue dated February 21, 2003 and the LAST publication being in the issue dated February 26, 2003

The deponent further says that the Notice was published in the newspaper proper, and not in a supplement thereof.

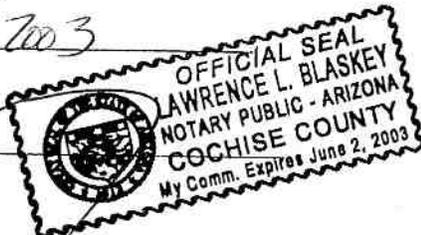
(SIGNED) Marissa Rivera

Sworn and Subscribed to me this

12 day of

MARCH, 2003

[Signature]
Notary Public



My commission expires: June 2, 2003

PUBLIC NOTICE

ORDINANCE NO 826
AN ORDINANCE OF THE
MAYOR AND COUNCIL OF
THE CITY OF DOUGLAS,
COCHISE COUNTY,
ARIZONA, AMENDING
TITLE 8 OF THE
DOUGLAS MUNICIPAL
CODE RELATING TO
HEALTH AND SAFETY BY
REPEALING AND
REPLACING CHAPTER
8.32 NUISANCES,
LITTER, ABANDONED OR
JUNK VEHICLES;
ESTABLISHING
SEVERABILITY OF
COMPONENTS OF
ORDINANCE; AND
ESTABLISHING AN
EFFECTIVE DATE
THEREOF

NOW, THEREFORE, BE IT
ORDAINED BY THE
COUNCIL OF THE CITY
OF DOUGLAS, ARIZONA
as follows:

Title 8 of the Douglas
Municipal Code regarding
health and safety is hereby
amended to read as follows
and is effective as of
March 14, 2003.

SECTION 1. Chapter 8.32
of the Douglas Municipal
Code and its underlying
ordinance No. 688 are
hereby repealed and
replaced by chapter 8.32
entitled Nuisances, Litter,
Abandoned or Junk
Vehicles, which reads in its
entirety as set forth in
Exhibit "A" and is attached
to this ordinance and
incorporated by reference
as if fully set forth herein.

SECTION 2. Severability. If
any chapter, section,
subsection, sentence,
clause or phrase of this
Ordinance is for any
reason held to be invalid or
unconstitutional by the
decision of any court of
competent jurisdiction,
such decision shall not
affect the validity of the
remaining portions of this
Ordinance.

PASSED AND ADOPTED
BY THE MAYOR AND
CITY COUNCIL of the
City of Douglas, Arizona
this 12th day of February,
2003.

Ray Borano
Ray Borano, mayor

ATTEST:
Leticia G. Rodriguez
Leticia G. Rodriguez, City
Clerk

APPROVED AS TO FORM
Anita L. Sanchez, City
Attorney
Published: 2/21, 2/26/03

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ORDINANCE NO. 07-910

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF DOUGLAS, COCHISE COUNTY, ARIZONA, AMENDING TITLE 15 OF THE DOUGLAS MUNICIPAL CODE RELATING TO BUILDINGS AND CONSTRUCTION BY ADDING CHAPTER 15.24 ENTITLED "STORM WATER POLLUTION PREVENTION"; ESTABLISHING SEVERABILITY OF COMPONENTS OF ORDINANCE; ESTABLISHING AN EFFECTIVE DATE THEREOF; AND DECLARING AN EMERGENCY.

WHEREAS, it is the purpose and intent of this Ordinance to amend Title 15 of the Douglas Municipal Code by adding Chapter 15.24 entitled "Storm Water Pollution Prevention" to regulate activities to prevent and/or minimize pollution from storm water runoff and to comply with the Clean Water Act (33 U.S.C. 1251 et seq.) and its implementing regulations for storm water management and to comply with the Arizona Pollutant Discharge Elimination System (AZPDES) permit requirements issued by the Arizona Department of Environmental Quality (ADEQ).

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF DOUGLAS, ARIZONA that Title 15 of the Douglas Municipal Code regarding Buildings and Construction is hereby amended as follows and is effective as of July 20th, 2007.

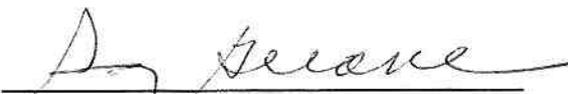
SECTION 1. Title 15 of the Douglas Municipal Code is hereby amended by adding Chapter 15.24, entitled "Storm Water Pollution Prevention," which reads in its entirety as set forth in Exhibit "A", attached to this Ordinance and

1
2 incorporated by reference as if fully set forth herein.

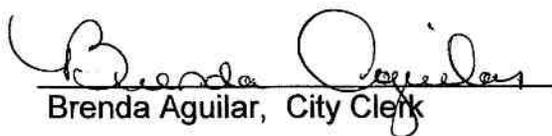
3 **SECTION 2.** If any chapter, section, subsection, sentence, clause or
4 phrase of this Ordinance is for any reason held to be invalid or unconstitutional
5 by the decision of any court of competent jurisdiction, such decision shall not
6 affect the validity of the remaining portions of this Ordinance.

7 **SECTION 3.** The immediate operation of this Ordinance is necessary for
8 the preservation of the public peace, health and safety of the City of Douglas and an
9 emergency is hereby declared to exist and this Ordinance shall come into full force
10 and effect by its terms from and after its passage by six of seven (6/7) of the City
11 Council and approval by the Mayor.
12

13 **PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL** of the
14 City of Douglas, Arizona, this 20th day of June, 2007.

15
16 
17 Ray Borane, Mayor

18 Attest:

19 
20 Brenda Aguilar, City Clerk

21 Approved as to form:

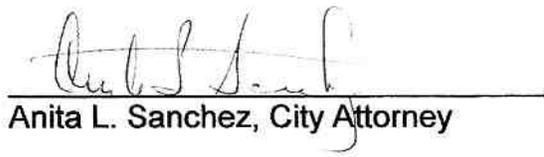
22 
23 Anita L. Sanchez, City Attorney
24
25

EXHIBIT "A"

Douglas Municipal Code, Title 15

CHAPTER 15.24 - STORM WATER POLLUTION PREVENTION

SEC. 15.24.010. PURPOSE

THIS CHAPTER SETS FORTH THE REQUIREMENTS FOR THE CONTROL OF POLLUTANTS THAT ARE OR MAY BE DISCHARGED TO THE PUBLIC STORM DRAIN SYSTEM. THE PURPOSE OF THIS CHAPTER IS TO ENABLE THE CITY TO COMPLY WITH ALL APPLICABLE STATE AND FEDERAL LAWS RELATED TO STORM WATER MANAGEMENT, INCLUDING BUT NOT LIMITED TO, THE CLEAN WATER ACT (33 UNITED STATES CODE 1251 ET SEQ.) THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM REGULATIONS (40 CODE OF FEDERAL REGULATIONS PART 122), AND THE TOWN'S ARIZONA POLLUTANT DISCHARGE ELIMINATION SYSTEM (AZPDES) PERMIT (ARIZONA ADMINISTRATIVE CODE R18-19-A902).

SEC. 15.24.020. DEFINITIONS

FOR THE PURPOSES OF THIS ARTICLE, THE FOLLOWING WORDS AND TERMS SHALL BE DEFINED AS FOLLOWS:

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY (ADEQ) MEANS THE STATE AGENCY CHARGED WITH ENFORCEMENT OF ENVIRONMENTAL LAWS AND REGULATIONS.

ARIZONA POLLUTANT DISCHARGE ELIMINATION SYSTEM (AZPDES) STORM WATER PERMIT MEANS A PERMIT ISSUED BY ADEQ WHICH AUTHORIZES THE DISCHARGE OF STORM WATER PURSUANT TO ARIZONA ADMINISTRATIVE CODE R18-9-A902, WHICH INCORPORATES 40 CODE OF FEDERAL REGULATIONS § 122.32.

BEST MANAGEMENT PRACTICES (BMPS) MEANS SCHEDULES OF ACTIVITIES, PROHIBITIONS OF PRACTICES, MAINTENANCE PROCEDURES, AND OTHER MANAGEMENT PRACTICES TO PREVENT OR REDUCE THE DISCHARGE OF POLLUTANTS TO STORM WATER. BMPS ALSO INCLUDE TREATMENT REQUIREMENTS, OPERATING PROCEDURES, AND PRACTICES TO CONTROL SITE RUNOFF, SPILLAGE OR LEAKS, SLUDGE OR WASTE DISPOSAL, OR DRAINAGE FROM OUTDOOR STORAGE AREAS.

CLEAN WATER ACT MEANS THE FEDERAL WATER POLLUTION CONTROL ACT, AS AMENDED, 22 UNITED STATES CODE 1251 ET SEQ.

DIRECTOR MEANS THE PUBLIC WORKS DIRECTOR.

DISCHARGE MEANS ANY SPILLING, LEAKING, PUMPING, POURING, EMITTING, EMPTYING, INJECTING, PLACING, RELEASING, LEACHING, DUMPING, OR DISPOSING INTO OR ON ANY LAND IN A MANNER THAT MAY CAUSE POLLUTION.

ENVIRONMENTAL PROTECTION AGENCY (EPA) MEANS THE FEDERAL AGENCY CHARGED WITH ENFORCEMENT OF ENVIRONMENTAL LAWS AND REGULATIONS.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORM WATER PERMIT MEANS A PERMIT ISSUED BY EPA WHICH AUTHORIZES THE DISCHARGE OF STORM WATER PURSUANT TO THE CLEAN WATER ACT § 402 (33 U.S.C. § 1342).

NOTICE OF INTENT (NOI) MEANS A FORM SUBMITTED TO ADEQ NOTIFYING OF PERSON'S INTENT TO BE COVERED UNDER A SEPARATE AZPDES STORM WATER PERMIT, AS REQUIRED BY FEDERAL AND STATE LAW.

PERSON MEANS ANY INDIVIDUAL, PARTNERSHIP, CO-PARTNERSHIP, FIRM, COMPANY, CORPORATION, LIMITED LIABILITY COMPANY, ASSOCIATION, JOINT STOCK COMPANY, TRUST, ESTATE, GOVERNMENTAL ENTITY, OR ANY OTHER LEGAL ENTITY; OR THEIR LEGAL REPRESENTATIVES, AGENTS, OR ASSIGNS.

POLLUTANT SHALL HAVE THE SAME MEANING AS DEFINED IN 40 C.F.R. § 122.2, AND INCLUDES BUT IS NOT LIMITED TO ANY SOLID, LIQUID, GAS, OR OTHER SUBSTANCE THAT CAN ALTER THE PHYSICAL OR CHEMICAL PROPERTIES OF WATER INCLUDING, BUT NOT LIMITED TO FERTILIZERS, SOLVENTS, SLUDGE, PETROLEUM AND PETROLEUM PRODUCTS, SOLID WASTE, GARBAGE, BIOLOGICAL MATERIALS, RADIOACTIVE MATERIALS, SAND, DIRT, ANIMAL WASTE, ACIDS, AND BASES.

PREMISES MEANS ANY BUILDING, LOT, PARCEL, REAL ESTATE, OR LAND OR PORTION OF LAND WHETHER IMPROVED OR UNIMPROVED INCLUDING ADJACENT SIDEWALKS AND PARKING STRIPS.

PUBLIC STORM DRAIN SYSTEM MEANS ALL OR ANY PART OF THE PUBLICLY-OWNED AND MAINTAINED ROADS, STREETS, CATCH BASINS, CURBS, GUTTERS, DITCHES, MAN-MADE CHANNELS, STORM DRAINS, AND DRY WELLS LOCATED WITHIN PUBLIC EASEMENTS, RIGHT-OF-WAY, PARKS, COMMON AREAS, RETENTION AREAS, OR OTHER PUBLICLY-OWNED OR MAINTAINED REAL PROPERTY DESIGNED OR USED FOR COLLECTING, HOLDING, OR CONVEYING STORM WATER.

STORM WATER MEANS STORM WATER RUNOFF, SURFACE RUNOFF AND DRAINAGE.

SEC. 15.24.030. DELEGATION OF AUTHORITY FOR ADMINISTRATION AND ENFORCEMENT

THE DIRECTOR OF PUBLIC WORKS IS DELEGATED THE AUTHORITY TO EXERCISE THE POWERS AND PERFORM THE DUTIES SET FORTH IN THIS CHAPTER AND TO ADMINISTER AND ENFORCE PROVISIONS OF THIS CHAPTER. THE DIRECTOR OF PUBLIC WORKS MAY DESIGNATE OTHER EMPLOYEES TO EXERCISE SUCH POWERS AND PERFORM SUCH DUTIES, AS HE DEEMS APPROPRIATE.

SEC. 15.24.040. PROHIBITION OF NON-STORM WATER DISCHARGE TO THE PUBLIC STORM DRAIN SYSTEM; EXEMPTIONS

(A) UNLESS EXPRESSLY AUTHORIZED OR EXEMPTED BY THIS ARTICLE, NO PERSON SHALL CAUSE OR ALLOW THE DISCHARGE TO A PUBLIC RIGHT-OF-WAY OR PUBLIC STORM DRAIN SYSTEM OF ANY SUBSTANCE THAT IS NOT COMPOSED ENTIRELY OF STORM WATER.

(B) UNLESS EXPRESSLY AUTHORIZED OR EXEMPTED BY THIS CHAPTER, NO PERSON SHALL USE, STORE, SPILL, DUMP, OR DISPOSE OF MATERIALS IN A MANNER THAT

THOSE MATERIALS COULD CAUSE OR CONTRIBUTE TO THE ADDITION OF POLLUTANTS TO STORM WATER.

(C) EXEMPTIONS. THE FOLLOWING DISCHARGES ARE EXEMPT FROM THE PROHIBITIONS SET FORTH IN SUBSECTIONS (A) AND (B) OF THIS SECTION:

1. DISCHARGES AUTHORIZED BY A SEPARATE NPDES OR AZPDES PERMIT.

2. THE FOLLOWING CATEGORIES OF NON-STORM WATER DISCHARGES ARE PERMISSIBLE UNLESS OTHERWISE PROHIBITED UNDER SUBSECTIONS (C)(3), (C)(4) OR (C)(5):

A. WATER LINE FLUSHING,

B. LANDSCAPING IRRIGATION,

C. DIVERTED STREAM FLOWS,

D. RISING GROUNDWATERS,

E. UNCONTAMINATED GROUNDWATER INFILTRATION AS DEFINED IN 40 C.F.R. § 35.2005(20),

F. UNCONTAMINATED PUMPED GROUNDWATER,

G. DISCHARGES FROM POTABLE WATER SOURCES,

H. FOUNDATION DRAINS,

I. AIR CONDITIONING CONDENSATION,

J. IRRIGATION WATER,

K. SPRINGS,

L. WATER FROM CRAWL SPACE PUMPS,

M. FOOTING DRAINS,

N. LAWN WATERING,

O. INDIVIDUAL RESIDENTIAL CAR WASHING,

P. FLOWS FROM RIPARIAN HABITATS AND WETLANDS,

Q. DECHLORINATED SWIMMING POOL DISCHARGES,

R. STREET WASH WATER,

S. DISCHARGES FROM EMERGENCY FIRE FIGHTING ACTIVITY,

T. DUST CONTROL WATERING; OR

U. ANY OTHER ACTIVITY THAT THE DIRECTOR IDENTIFIES IS NOT A SIGNIFICANT CONTRIBUTOR OF POLLUTANTS DURING THE TOWN'S AZPDES STORM WATER PERMIT TERM. (40 C.F.R. § 122.34(B)(3)(III)).

3. NO PERSON SHALL DISCHARGE TO THE PUBLIC STORM DRAIN SYSTEM ANY EXEMPTED DISCHARGE UNDER THIS SUBSECTION IF THE DIRECTOR OR ASSIGNED DESIGNEE IDENTIFIES AND PROVIDES WRITTEN NOTICE TO THE PERSON THAT THE DISCHARGE HAS THE POTENTIAL TO BE A SOURCE OF POLLUTANTS TO RECEIVING WATERS, WATERWAYS, OR GROUNDWATER.

4. NO PERSON SHALL DISCHARGE TO THE PUBLIC STORM DRAIN SYSTEM THAT WOULD RESULT IN OR CONTRIBUTE TO A VIOLATION OF THE AZPDES STORM WATER PERMIT ISSUED TO THE TOWN. LIABILITY FOR ANY SUCH DISCHARGE SHALL BE THE RESPONSIBILITY OF THE PERSON CAUSING OR RESPONSIBLE FOR THE DISCHARGE.

5. NO PERSON SHALL ESTABLISH, USE, MAINTAIN, OR CONTINUE ANY CONNECTION TO THE PUBLIC STORM DRAIN SYSTEM WHICH HAS CAUSED OR IS LIKELY TO CAUSE A VIOLATION OF THIS SECTION. THIS PROHIBITION IS RETROACTIVE AND SHALL APPLY TO ANY CONNECTION THAT WAS MADE IN THE PAST, REGARDLESS OF WHETHER IT WAS MADE UNDER PERMIT OR OTHER AUTHORIZATION, OR WHETHER IT WAS PERMISSIBLE UNDER THE LAW OR PRACTICES APPLICABLE OR PREVAILING AT THE TIME OF THE CONNECTION.

SEC. 15.24.050. OPERATING FACILITIES OR ACTIVITIES

(A) ALL PERSONS OWNING OR OPERATING PREMISES OR ENGAGED IN ACTIVITIES WHO ARE REQUIRED BY FEDERAL OR STATE LAW TO SUBMIT TO EPA AND/OR ADEQ A NOTICE OF INTENT (NOI) TO COMPLY WITH AN NPDES OR AZPDES STORM WATER PERMIT SHALL PROVIDE A COPY OF SUCH NOTICE TO THE DIRECTOR UPON REQUEST. FACILITIES REQUIRED TO APPLY FOR A STORM WATER PERMIT ARE IDENTIFIED IN 40 C.F.R. 122.26(B)(14).

(B) ALL PERSONS ENGAGED IN ACTIVITIES WHICH WILL OR MAY REASONABLY BE EXPECTED TO RESULT IN POLLUTANTS ENTERING THE PUBLIC STORM DRAIN SYSTEM SHALL UNDERTAKE BEST MANAGEMENT PRACTICES (BMPS) TO MINIMIZE SUCH POLLUTANTS, SHALL PROVIDE PROTECTION FROM ACCIDENTAL DISCHARGE OF POLLUTANTS TO THE PUBLIC STORM DRAIN SYSTEM AND COMPLY WITH THE CLEANUP AND NOTIFICATION REQUIREMENTS OF THIS ARTICLE. SUCH MEASURES SHALL INCLUDE THE REQUIREMENTS IMPOSED BY FEDERAL, STATE, COUNTY, OR LOCAL AUTHORITIES. BMPS ARE SITE-SPECIFIC AND ARE DESCRIBED IN THE DOCUMENT "STORMWATER MANAGEMENT FOR INDUSTRIAL ACTIVITIES: DEVELOPING POLLUTION PREVENTION PLANS AND BEST MANAGEMENT PRACTICES" (EPA 832-R-92-006) OR OTHER GUIDANCE DOCUMENTS AVAILABLE FROM EPA AND/OR ADEQ.

(C) IF A BEST MANAGEMENT PRACTICE IS REQUIRED BY THE DIRECTOR TO PREVENT A POLLUTANT FROM ENTERING THE PUBLIC STORM DRAIN SYSTEM, THE PERSON RECEIVING THE NOTICE OF SUCH A REQUIREMENT MAY PETITION THE DIRECTOR TO RECONSIDER THE APPLICATION OF THE BMP TO THE PREMISES OR ACTIVITY. THE WRITTEN PETITION MUST BE RECEIVED WITHIN TEN (10) WORKING DAYS SETTING FORTH ANY REASONS AND PROPOSED ALTERNATIVES. THE DIRECTOR WILL ACT WITHIN THIRTY (30) DAYS OF THE PETITION.

SEC. 15.24.060. CONSTRUCTION SITES

(A) ALL PERSONS ENGAGED IN CONSTRUCTION ACTIVITIES WHO ARE REQUIRED BY FEDERAL OR STATE LAW TO SUBMIT TO EPA AND/OR ADEQ A NOTICE OF INTENT TO COMPLY WITH AN NPDES OR AZPDES STORM WATER PERMIT, SHALL PROVIDE THE CITY WITH COPIES OF THE NOI AND THE NPDES STORM WATER PERMIT ISSUED BY ADEQ. CONSTRUCTION ACTIVITIES THAT WILL DISTURB ONE ACRE OR MORE OF LAND AREA OR SMALLER LAND AREAS IF THEY ARE PART OF A LARGER COMMON PLAN OF DEVELOPMENT OR SALE ARE REQUIRED TO APPLY FOR A STORM WATER PERMIT (40 C.F.R. 122.26(B)(15)).

(B) ANY PERSON PERFORMING CONSTRUCTION SHALL NOT CAUSE OR CONTRIBUTE TO A VIOLATION OF THE AZPDES STORM WATER PERMIT ISSUED TO THE CITY. LIABILITY FOR ANY SUCH DISCHARGE SHALL BE THE RESPONSIBILITY OF THE PERSON CAUSING OR RESPONSIBLE FOR THE DISCHARGE. ANY PERSON PERFORMING CONSTRUCTION SHALL UNDERTAKE BEST MANAGEMENT PRACTICES TO MINIMIZE POLLUTANTS (INCLUDING SEDIMENTS) FROM LEAVING THE CONSTRUCTION SITE, SHALL PROVIDE PROTECTION FROM ACCIDENTAL DISCHARGE OF POLLUTANTS TO THE PUBLIC STORM DRAIN SYSTEM, AND COMPLY WITH THE CLEANUP AND NOTIFICATION REQUIREMENTS OF THIS CHAPTER. SITE OPERATOR SHALL ENSURE EROSION AND SEDIMENT CONTROL AND CONTROL WASTE AND PROPERLY DISPOSE OF WASTES, SUCH AS DISCARDED BUILDING MATERIALS, CONCRETE TRUCK WASHOUT, CHEMICALS, LITTER, AND SANITARY WASTE AT THE CONSTRUCTION SITE THAT MAY CAUSE ADVERSE IMPACTS TO WATER QUALITY. SUCH MEASURES SHALL INCLUDE THE REQUIREMENTS IMPOSED BY FEDERAL, STATE, COUNTY OR LOCAL AUTHORITIES. BMPS ARE SITE-SPECIFIC AND ARE DESCRIBED IN THE DOCUMENT "STORMWATER MANAGEMENT FOR CONSTRUCTION ACTIVITIES: DEVELOPING POLLUTION PREVENTION PLANS AND BEST MANAGEMENT PRACTICES" (EPA 832-R-92-005) OR OTHER GUIDANCE DOCUMENTS AVAILABLE FROM EPA AND/OR ADEQ.

(C) IF A BEST MANAGEMENT PRACTICE IS REQUIRED BY THE DIRECTOR TO PREVENT A POLLUTANT FROM ENTERING THE PUBLIC STORM DRAIN SYSTEM, THE PERSON RECEIVING THE NOTICE OF SUCH A REQUIREMENT MAY PETITION THE DIRECTOR TO RECONSIDER THE APPLICATION OF THE BMP TO THE PREMISES OR ACTIVITY. THE WRITTEN PETITION MUST BE RECEIVED WITHIN TEN (10) WORKING DAYS SETTING FORTH ANY REASONS AND PROPOSED ALTERNATIVES. THE DIRECTOR WILL ACT WITHIN THIRTY (30) DAYS OF RECEIPT OF THE PETITION.

SEC. 15.24.070. POST-CONSTRUCTION.

PROPERTY OWNERS OR OPERATORS SHALL ENSURE LONG-TERM OPERATION AND MAINTENANCE OF POST-CONSTRUCTION STORM WATER RUNOFF CONTROL MECHANISMS, SUCH AS RETENTION BASINS, DRY WELLS AND OTHER MEASURES DESCRIBED IN 40 C.F.R. § 122.34(B)(5)(III).

SEC. 15.24.080. CLEANUP AND NOTIFICATION REQUIREMENTS

(A) AS SOON AS ANY OWNER OR OPERATOR HAS ACTUAL OR CONSTRUCTIVE KNOWLEDGE OF ANY DISCHARGE WHICH MAY RESULT IN POLLUTANTS ENTERING THE PUBLIC STORM DRAIN SYSTEM, SUCH PERSON SHALL PROMPTLY TAKE ALL NECESSARY STEPS TO ENSURE THE DISCOVERY OF THE SOURCE AND THE EXTENT AND PROCEED WITH CONTAINMENT AND CLEANUP OF SUCH DISCHARGE.

(B) THE OWNER OR OPERATOR SHALL NOTIFY THE DIRECTOR OF THE DISCHARGE IN BOTH OF THE FOLLOWING MANNERS:

(1) BY TELEPHONE AS SOON AS PRACTICAL OR BY CALLING 9-1-1 IF HAZARDOUS MATERIALS ARE INVOLVED; AND

(2) BY WRITTEN REPORT IDENTIFYING THE DISCHARGE SOURCE, EXTENT, POLLUTANT, MEASURES TAKEN TO MITIGATE THE DISCHARGE, AND PREVENTATIVE MEASURES PUT IN PLACE TO PREVENT A SUBSEQUENT DISCHARGE.

SEC. 15.24.090. INSPECTIONS

(A) AUTHORITY TO INSPECT. UPON PRESENTATION OF CREDENTIALS AND AT ALL REASONABLE OR NECESSARY HOURS, ALL AUTHORIZED EMPLOYEES OF THE CITY SHALL HAVE ACCESS TO ALL PREMISES AND TO ALL RECORDS PERTAINING TO THOSE PREMISES FOR PURPOSES OF ENSURING COMPLIANCE WITH THIS CHAPTER. INSPECTION, INTERVIEWING, COPYING, SAMPLING, PHOTOGRAPHING, AND OTHER ACTIVITIES CONDUCTED ON THE PREMISES SHALL BE LIMITED TO THOSE WHICH ARE REASONABLY NEEDED BY THE CITY IN DETERMINING COMPLIANCE WITH THE REQUIREMENTS OF THIS CHAPTER. ALL PERSONS SHALL ALLOW SUCH ACTIVITIES UNDER SAFE AND NON-HAZARDOUS CONDITIONS WITH A MINIMUM OF DELAY.

(B) MONITORING ACTIVITIES. THE DIRECTOR MAY ORDER ANY PERSON ENGAGED IN ANY ACTIVITY OR OWNING OR OPERATING ON ANY PREMISES WHICH MAY CAUSE OR CONTRIBUTE TO DISCHARGES OF POLLUTANTS TO THE PUBLIC STORM DRAIN SYSTEM IN VIOLATION OF THIS CHAPTER OR ANY APPLICABLE NPDES OR AZPDES STORM WATER PERMIT CONDITION TO UNDERTAKE SUCH MONITORING ACTIVITIES AND ANALYSES AND FURNISH SUCH REPORTS AS THE DIRECTOR REASONABLY MAY SPECIFY. THE COSTS OF SUCH ACTIVITIES, ANALYSES, AND REPORTS SHALL BE BORNE BY THE RECIPIENT OF THE ORDER.

(C) ACCESS REFUSAL. IF AN AUTHORIZED EMPLOYEE OF THE CITY HAS BEEN REFUSED ACCESS TO ANY PREMISES, AND IS ABLE TO DEMONSTRATE PROBABLE CAUSE TO BELIEVE THAT THERE MAY BE A VIOLATION OF THIS CHAPTER, OR THAT THERE IS A NEED TO INSPECT, INTERVIEW, COPY, PHOTOGRAPH OR SAMPLE AS PART OF AN INSPECTION AND SAMPLING PROCEDURE OF THE CITY DESIGNED TO DETERMINE COMPLIANCE WITH THE REQUIREMENTS OF THIS CHAPTER OR ANY RELATED LAWS OR REGULATIONS, OR TO PROTECT THE ENVIRONMENT AND THE PUBLIC HEALTH, SAFETY AND WELFARE OF THE COMMUNITY, THEN THE DIRECTOR MAY SEEK ISSUANCE OF A SEARCH WARRANT FROM THE CITY MUNICIPAL COURT.

SEC. 15.24.100. ENFORCEMENT AND PENALTIES

(A) CHARGES LEVIED PURSUANT TO THIS CHAPTER SHALL BE COLLECTED BY THE DEPARTMENT OF PUBLIC WORKS. THE DIRECTOR SHALL MAKE AND ENFORCE ECONOMIC AND EFFICIENT MANAGEMENT AND PROTECTION OF THE CITY'S STORM DRAIN SYSTEM.

(B) OWNER OF RECORD. THE OWNER OF RECORD OF THE PROPERTY UPON WHICH A VIOLATION OF THIS CHAPTER OCCURS SHALL BE PRESUMED TO BE A PERSON HAVING LAWFUL CONTROL OVER THE ACTIVITY OR PREMISES UNLESS IT IS DEMONSTRATED THAT ANOTHER PERSON HAS KNOWINGLY AND IN GOOD FAITH ACCEPTED RESPONSIBILITY FOR THE ACTIVITY AT ISSUE. IF MORE THAN ONE PERSON IS

IDENTIFIED AS THE OWNER, SUCH PERSONS SHALL BE PRESUMED TO BE JOINTLY AND SEVERALLY IN LAWFUL POSSESSION AND CONTROL OF THE ACTIVITY OR PREMISES.

(C) NOTICE OF VIOLATION. THE DIRECTOR MAY ISSUE A WRITTEN NOTICE OF VIOLATION TO ANY PERSON WHO HAS VIOLATED OR IS IN VIOLATION OF THIS CHAPTER. FAILURE TO COMPLY WITH ANY ACT REQUIRED IN THE NOTICE OF VIOLATION SHALL BE A SEPARATE VIOLATION FOR EACH DAY BEYOND THE THIRTIETH (30TH) DAY FOLLOWING THE NOTICE OF VIOLATION. NOTHING IN THIS SECTION SHALL LIMIT THE AUTHORITY OF THE DIRECTOR TO TAKE ANY ACTION, INCLUDING EMERGENCY ACTIONS OR ANY OTHER ENFORCEMENT ACTION, WITHOUT FIRST ISSUING A NOTICE OF VIOLATION. IN APPROPRIATE SITUATIONS THE DIRECTOR MAY NOTIFY THE PERSON ORALLY EITHER IN PERSON OR BY TELEPHONE PRIOR TO, AND IN SOME CASES IN LIEU OF, WRITTEN NOTIFICATION.

(D) CONSENT ORDERS. THE DIRECTOR MAY ENTER INTO CONSENT ORDERS, ASSURANCES OF VOLUNTARY COMPLIANCE, NEGOTIATED SETTLEMENT AGREEMENTS OR OTHER SIMILAR DOCUMENTS ESTABLISHING AN AGREEMENT WITH ANY PERSON RESPONSIBLE FOR NONCOMPLIANCE. SUCH DOCUMENTS WILL INCLUDE SPECIFIC ACTION TO BE TAKEN BY THE PERSON TO CORRECT THE NONCOMPLIANCE WITHIN A TIME PERIOD SPECIFIED BY THE DOCUMENT, INCLUDING AN IDENTIFICATION AND DESCRIPTION OF THE BEST MANAGEMENT PRACTICES AND MEASURES TO UTILIZE IN IMPLEMENTING THE ORDER. SUCH DOCUMENTS SHALL HAVE THE SAME FORCE AND EFFECT AS ANY OTHER ORDERS ISSUED UNDER THIS ARTICLE AND SHALL BE JUDICIALLY ENFORCEABLE.

(E) CEASE AND DESIST ORDERS. WHEN THE DIRECTOR FINDS THAT A PERSON HAS VIOLATED, OR CONTINUES TO VIOLATE, ANY PROVISION OF THIS CHAPTER OR ANY RELATED LAWS OR REGULATIONS, OR THAT THE PERSON'S PAST VIOLATIONS ARE LIKELY TO RECUR, THE DIRECTOR MAY ISSUE AN ORDER TO THE PERSON DIRECTING THEM TO CEASE AND DESIST ALL SUCH VIOLATIONS AND DIRECT THE PERSON TO IMMEDIATELY COMPLY WITH ALL REQUIREMENTS; AND TAKE SUCH APPROPRIATE REMEDIAL OR PREVENTIVE ACTION AS MAY BE NEEDED TO PROPERLY ADDRESS A CONTINUING OR THREATENED VIOLATION. ISSUANCE OF A CEASE AND DESIST ORDER SHALL NOT BE A BAR AGAINST, OR A PREREQUISITE FOR, TAKING ANY OTHER ACTION AGAINST THE PERSON. A PERSON'S FAILURE TO COMPLY WITH AN ORDER OF THE WATER UTILITIES MANAGER ISSUED PURSUANT TO THIS CHAPTER SHALL CONSTITUTE A VIOLATION OF THIS CHAPTER.

(F) CIVIL PENALTIES. IN ADDITION TO ANY OTHER ENFORCEMENT AUTHORITY CONTAINED IN THIS CHAPTER, THE DIRECTOR MAY ISSUE A CIVIL CITATION TO ANY PERSON WHO HAS VIOLATED, OR CONTINUES TO VIOLATE, ANY PROVISION OF THIS CHAPTER OR ANY RELATED LAWS OR REGULATIONS. A PERSON WHO VIOLATES ANY REQUIREMENT OF THIS CHAPTER OR ANY APPLICABLE NPDES OR AZPDES STORM WATER PERMIT CONDITION SHALL BE CIVILLY LIABLE TO THE CITY FOR A SUM NOT TO EXCEED \$2,500 PER DAY FOR EACH VIOLATION.

(G) CRIMINAL PENALTIES. A PERSON WHO WILLFULLY OR NEGLIGENTLY VIOLATES ANY PROVISION OF THIS CHAPTER, OR ANY RELATED LAWS OR REGULATIONS SHALL, UPON CONVICTION, SHALL BE GUILTY OF A MISDEMEANOR AND UPON CONVICTION THEREOF SHALL BE PUNISHED BY A FINE NOT TO EXCEED \$2,500 PER DAY FOR EACH VIOLATION AND/OR BY IMPRISONMENT FOR A PERIOD NOT TO EXCEED SIX MONTHS.

(H) CRIMINAL PROSECUTION. SOME INTENTIONAL VIOLATIONS MAY CONSTITUTE CRIMINAL VIOLATIONS OF FEDERAL, STATE, AND CITY LAW, AND THAT UNDER SUCH

CIRCUMSTANCES, THE DIRECTOR MAY SEEK THE ASSISTANCE OF THE EPA, THE STATE OR THE CITY PROSECUTOR TO COMMENCE CIVIL AND/OR CRIMINAL ACTION AGAINST ANY PERSON WHO VIOLATES ANY REQUIREMENT OF THIS CHAPTER OR ANY APPLICABLE NPDES OR AZPDES STORM WATER PERMIT CONDITION.

(I) REVOKING OR WITHHOLDING OF PERMIT. IN ADDITION TO OR IN LIEU OF ALL OTHER AVAILABLE PENALTIES, THE CITY MAY REVOKE OR WITHHOLD ANY PERMIT, APPROVAL OR LICENSE TO CONSTRUCT IMPROVEMENTS TO REAL PROPERTY OR OPERATE A BUSINESS IN THE CITY IF THE HOLDER OF SUCH PERMIT, APPROVAL, OR LICENSE IS IN VIOLATION OF ANY REQUIREMENT OF THIS CHAPTER OR ANY APPLICABLE NPDES OR AZPDES STORM WATER PERMIT CONDITION.

(J) LIABILITY FOR COSTS. THE DIRECTOR MAY ASSESS LIABILITY FOR COSTS TO ANY PERSON IN VIOLATION OF THIS CHAPTER FOR ALL ACTUAL COSTS INCURRED BY THE CITY IN SURVEILLANCE, SAMPLING AND TESTING, ABATEMENT, AND REMEDIATION ASSOCIATED WITH A DISCHARGE. ADDITIONALLY, THE DIRECTOR MAY ASSESS LIABILITY FOR COSTS TO ANY PERSON WHOSE DISCHARGE RESULTED IN A VIOLATION OF THE CITY'S AZPDES STORM WATER PERMIT.