



102 Roadrunner Drive
Sedona, Arizona 86336
TDD (928) 204-7102
www.ci.sedona.az.us

November 20, 2003

Arizona Department of Environmental Quality
Water Permits Section
1110 West Washington
Phoenix, Arizona 85007

Hand delivered

Attention: Ms. Karyn Moldenhauer, AZPDES/Stormwater Project Manager
SUBJECT: CITY OF SEDONA - NOTICE OF INTENT FOR COVERAGE UNDER
AZPDES PERMIT NO. AZG2002-002

I am submitting, with this letter, the City of Sedona's Notice of Intent for coverage under AZPDES Permit No. AZG2002-002 along with related documents. Per the attached letter from Michele I. Robertson dated March 17, the City was granted until December 12, 2003 to submit these documents. The submitted documents are the March 17, 2003 letter from ADEQ, the Notice of Intent, a certified excerpt of the minutes for agenda item 9 of the Sedona City Council meeting on November 12, 2003, and the City of Sedona Stormwater Management Program document.

Sincerely,

Charles Mosley
City Engineer
City of Sedona

Enclosure (1)

CM/ms

cc: Eric Levitt, City Manager
Michael Goimarac, City Attorney
Brian Fry, Dibble and Associates
File: ADEQ Stormwater
SDMP



Janet Napolitano
Governor

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

1110 West Washington Street • Phoenix, Arizona 85007
(602) 771-2300 • www.adeq.state.az.us



Stephen A. Owens
Director

March 17, 2003

Michael Goimarac
Sedona City Attorney
102 Roadrunner Road
Sedona, AZ 86336

Subject: Small MS4 General Permit

Dear Mr. Goimarac:

Thank you for your letter dated February 19, 2003 requesting an extension of the deadline for filing the City's application for a Small MS4 Stormwater Permit. In your letter to the U.S. Environmental Protection Agency (EPA), dated February 12, 2003, Sedona cited specific reasons justifying extension of the June 9, 2003 deadline for an additional 180 days. We have reviewed your letter to EPA and discussed this issue with them. We understand that EPA sent a letter to you dated March 7, 2003 informing you that EPA was not opposed to the extension given the circumstances you cited. On December 5, 2002, ADEQ received authorization to administer the National Pollutant Discharge Elimination System (NPDES) program for non-Indian lands in Arizona. As the permitting authority, ADEQ concurs that it is reasonable to extend your permitting deadline.

The NPDES program requires some municipalities to obtain permit coverage for municipal stormwater discharges. As indicated in the letter to your city from the EPA on November 27, 2002, your municipality has been designated as a regulated small municipal separate storm sewer system (small MS4) and with this extension is required to obtain coverage for stormwater discharges by **December 12, 2003**.

ADEQ has prepared an Arizona Pollutant Discharge Elimination System (AZPDES) general permit for stormwater discharges from small municipalities. Coverage under this general permit can be obtained by submitting a Notice of Intent (NOI) and Stormwater Management Program (SWMP) as outlined in the permit. Copies of the Small MS4 General Permit, NOI and Fact Sheet are enclosed.

The General Permit was originally jointly public noticed by EPA and ADEQ on September 18, 2002 in the Federal Register. Arizona's version of the General Permit was published in the Arizona Administrative Register on September 27, 2002. ADEQ accepted comments on this permit until October 30, 2002. Several municipalities commented on the content of the permit and changes were made to the permit in response. For a complete description of ADEQ's

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1515 East Cedar Avenue • Suite F • Flagstaff, AZ 86004
(928) 779-0313

Southern Regional Office
400 West Congress Street • Suite 433 • Tucson, AZ 85701
(520) 628-6733

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Mr. Goimarac
March 17, 2003


responses, please reference the Response to Comments document available on ADEQ's website at <http://www.adeq.state.az.us/enviro/water/permits/download/responses.pdf>. The final permit was signed and became effective on December 19, 2002.

Enclosed is a NOI form which must be completed, along with your SWMP, and returned to ADEQ by December 12, 2003 if your municipality wishes to be covered under this general permit. ADEQ will review all SWMPs submitted for the Small MS4 General Permit. We anticipate that the SWMP for the City will contain Best Management Practices appropriate for the continued protection of Oak Creek.

If, after reviewing your SWMP proposal, ADEQ determines that it is not sufficiently protective with respect to Oak Creek's status as a unique water, ADEQ may request that Sedona apply for an individual permit. Sedona may also request an exclusion from coverage under this general permit by applying for an individual permit. In this event, the City must submit an individual application under Arizona-Administrative Code R18-9-B901(B)(2)(c) and include the reasons supporting the request no later than 90 days after publication of the general permit.

Finally, we understand that you are interested in partnering with other municipalities in your area to develop and implement your Stormwater Management Programs. ADEQ supports this regional approach to stormwater management. Please contact Karyn Moldenhauer at (602) 771-4449 if you wish to discuss the Small MS4 permitting program or if we can in any way facilitate your efforts to implement a regional stormwater approach.

Sincerely,


for Michele I. Robertson, Manager
Water Permits Section

crv:MIR

Enclosures (3): Small MS4 General Permit
Small MS4 Fact Sheet
Notice of Intent

cc: Eugene Bromley, EPA Region IX

ALL REQUESTED
INFORMATION MUST
BE PROVIDED ON
THIS FORM



Arizona Department of Environmental Quality
Water Permits Section
1110 N. Washington, 5415B-3, Phoenix, Arizona 85007
NOTICE OF INTENT (NOI) FOR COVERAGE
under AZPDES Permit No. AZG2002-002 for
Discharges from Small MS4s to Waters of the United States

CHECK AS APPLICABLE: NEW NOI REVISED NOI _____
IF A REVISION, PROVIDE PRIOR AUTHORIZATION NO.

Applicant is:
_____ Federal _____ State
 Other City _____

PERMITTEE (Agency Responsible for the Discharge)

Applicant's Name: City of Sedona Phone: (928) 204-7132
Applicant's Mailing Address: 102 Roadrunner Drive
City: Sedona Zip Code: 86336

CONTACT PERSON

Name: Charles Mosley Phone: (928) 204-7132
E-mail Address: cmosley@ci.sedona.az.us Fax: (928) 282-5348
Contact Person's Agency and Title: City of Sedona City Engineer

LOCATION INFORMATION

Name of Urbanized Area where the MS4 is located: City of Sedona
Name of county(ies) where the MS4 is located: Yavapai and Coconino

Provide the following information on the approximate center of the MS4:

Latitude: 34° 52' 08" N Longitude: 111° 45' 36" W
Township: 17N Range: 5E Section: 12

Is any portion of the MS4 located in Indian Country? No Yes _____ If yes, name _____

Does any portion of the MS4 service a population within Indian Country? No Yes _____

If yes, how many people within the Indian Country are served by your MS4? _____

Name(s) of neighboring Tribes/Counties/Cities/Towns (places that share borders with the permittee):

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

WATERSHED INFORMATION

Name of Watershed: Oak Creek

Name of Receiving Water(s):
Oak Creek

Is the Receiving Water a 303(d) Impaired Water?
Yes _____ No X not in area of discharge
Yes _____ No _____
Yes _____ No _____

If any of the receiving waters are 303 (d)-listed Impaired Waters, you must complete the Impaired Water Information portion of this form.

IMPAIRED WATERS INFORMATION

If you indicated that any of the receiving waters to which you discharge are listed as a 303 (d) Impaired Water, please answer the following questions.

Is there a Total Maximum Daily Load (TMDL) for the 303(d) Impaired Water?
Yes _____ Proceed to Part A No _____ Proceed to Part B

Part A. Does the TMDL prescribe a wasteload allocation to stormwater discharge from your MS4?
Yes _____ Check the box below No _____ Proceed to Part B

_____ I certify that the SWMP identifies specific BMPs that will be used to meet wasteload allocations. I also certify that I will monitor for pollutants for which my MS4 is assigned a wasteload allocation.

Part B. Check the box below if the MS4 has the potential to discharge the pollutants identified on the 303(d) list.

_____ I certify that the description of the SWMP addresses specific BMPs for reducing the discharge of 303(d)-listed pollutants.

ADDITIONAL INFORMATION

This NOI must include the following attachments prepared as specified in Part III of the general permit.

X A description of your Stormwater Management Program.

Has another governmental entity agreed to satisfy any of your permit obligations?

Yes _____ If yes, check the boxes below No X

_____ The agreement is explained in the description of your Stormwater Management Program.

_____ Written documentation of your agreement is included as an attachment.

CERTIFICATION

This certification must be signed by the appropriate party as specified in this general permit Part VI.L.

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. In addition I certify that the permittee will comply with all terms and conditions stipulated in General Permit No. AZG2002-002 issued by the Director."

Printed Name of Applicant's Representative: Charles Mosley Title: City Engineer

Signature of Applicant's Representative: Charles Mosley Date: 10-12-2003



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Sedona, Arizona 86336
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CERTIFICATION

I here by certify that the attached excerpt from the minutes are a true and correct copy of Agenda Item nine (9) of the city council meeting held on November 12, 2003. I further certify that the meeting was duly called and held and that a quorum was present

Dated this 19th Day of November, 2003

A handwritten signature in cursive script, which appears to read "Patricia K. Sullivan". The signature is written over a horizontal line.

Patricia K. Sullivan, CMC
City Clerk

9. DISCUSSION/POSSIBLE ACTION ON APPROVAL OF A NOTICE OF INTENT FOR COVERAGE UNDER ADEQ'S GENERAL PERMIT FOR STORM WATER DISCHARGES FROM SMALL MUNICIPALITIES

CHARLES MOSLEY, CITY ENGINEER:

- You have before you tonight a request to approve the Storm Water Management Plan for the City of Sedona.
- This, along with a Notice of Intent, is a plan that would be submitted to the Arizona Department of Environmental Quality in compliance with their management of the Clean Water Act in the State of Arizona.
- The reason that we are requesting your approval of this is that in November of 2002, the City of Sedona was declared to be under Phase II of the storm water management of the Clean Water Act.
- That requires that we secure a permit for the discharge of our storm waters into waters of the United States, waters of the State, in this case Oak Creek.
- What you have before you as far as the plan itself is a plan which is a 5-year plan, which is what is required in order for us to be covered by the general permit, which is issued by the State of Arizona.
- That 5-year plan requires that we have a plan that includes six control measures, and we have elected at the staff level to add a seventh.
- The six control measures are 1) Public education and outreach on storm water impacts, 2) Public involvement and participation, 3) Elicit discharge detection and elimination, 4) Construction site storm water runoff, 5) Post-construction storm water management in new development and redevelopment, 6) Pollution prevention, good housekeeping for municipal operations, and the seventh that we added, 7) City review the allocation of resources on a regular basis to this program.
- This program is basically a storm water quality management program as opposed to a program to deal with the quantity of storm water; this deals with the quality.
- The program that you have before you is basically what you might call a minimalist program as far as commitment of what we will do.
- What we are saying is that over the next several years, we will study several things in order to improve the storm water quality.
- Annually, we will update this plan to incorporate what we will do in order to implement what we find out as far as the best measures.
- These things will include looking at ordinances, looking at things like business licenses if that is appropriate, but we're not recommending that any of these be implemented, only that we look at their effectiveness with regard to storm water management.
- In summary, you have before you a Notice of Intent to be covered by a general permit issued by the State of Arizona for the discharge of storm waters into certain waters, in this case Oak Creek, and that Notice of Intent would be accompanied by a five-year plan, which is updated annually in order to manage the water quality in Sedona.

COUNCILOR CRICK:

- On (tape unclear) your milestone control measures on page 9-21 and 9-23, it shows the milestones as far as monitoring; the staff will monitor and inspect parking lots, storage yards and fleet maintenance facilities for oil and grease runoff, do we currently have any sort of inspections for retention basins currently in effect in town to monitor silt or any

other particles that go into those retention basins?

CHARLES MOSLEY, CITY ENGINEER:

- No we don't, so we will be looking at the affect, and this is developing a program to do that, determining what resources would be necessary and what some of the best management practices are to do that, and then once we do that, then we would amend this program to incorporate it into the program.
- Right now, it is basically a study.

COUNCILOR CRICK:

- So in other words, say it is a large industrial area and they have large quantities of oil or grease, it might require something like a EPBM line or something in those retention basins so the oil or other chemicals don't go into the aquifer?
- That might be one of the resources?

CHARLES MOSLEY, CITY ENGINEER:

- Yes, right now we require people to put them in, but we don't have an effective monitoring program, so then we would say here is what a monitoring program should look like, and once we determined that, then we would look at incorporating that into the plan.
- That is how we're stepping through it, doing a study and then a firm proposal.

MAYOR ELLIS:

- Is there any way of monitoring the oil and grease that is dropped on the roadway?
- We talk about parking lots, because that is where cars stop and it is easy to spot a leak.
- They also leak when they are moving, and in the country where they have concrete highways, you can see a black streak down the center.

CHARLES MOSLEY, CITY ENGINEER:

- We could, but one thing I do want to point out about this particular program is this program is basically a qualitative program as opposed to a quantitative program, and by that I mean it was decided many months ago by the Federal government that if you did not have a "Total Maximum Daily Load Requirements" at your receiving water, then you would not be required to take sampling and measurements, and this is how you would determine the oil and grease runoff from the road.
- What you would need to do, however, and this is what we are doing in this program, is take certain measures, which are generally found to be effective as far as reducing pollutants entering.
- So it is qualitative, you take those measures and you should be having an impact, but as far as saying we've removed this much, we're not required to do that and that is a much more expensive undertaking for sampling and testing, and I'm not proposing at this point that we do that.
- We could amend our program later on to do that, but right now I'm not proposing that.
- We would just do things like traps, but we wouldn't try to say how much did I remove.

COUNCILOR SOLOMON:

- When do we get into the financial implications of this?

CHARLES MOSLEY, CITY ENGINEER:

- In a sense right now, we did do that by basically saying that we are going to do a study.
- We tried to keep the financial impact down to staff time and public involvement, but the seventh item, which is taking a look at the resources that would need to be dedicated to this program would involve looking at and saying that we would put forth the personnel and monetary, so we've put that off, as far as hard dollar costs, probably about a year or more and just put it into staff time, not talking about buying a lot of equipment and things like that.

COUNCILOR SOLOMON:

- The plan when you submit it, then you have to follow it; you don't commit to something and then you don't do it.
- If the financial implications are not thought through, and you are committing to doing certain enforcement or follow-up, then have we put the cart before the horse and committed to something that you can't pay for?

CHARLES MOSLEY, CITY ENGINEER:

- You are correct, there is in the Clean Water Act what is called anti-degradation, which means they don't allow you to go back even though you might have made a foolish commitment, and we're trying to be very careful of that by saying we will study, we will investigate, we will look into.
- As an example, as some of you know, we've started doing some street sweeping on occasion and that is something under the storm water management plan that might be considered fairly effective, but we're not committing to the State that we will continue such a plan until we get the numbers in and can determine whether or not we can follow-through with that.
- We'll study it, but we won't commit to it.

COUNCILOR NAHMANSON:

- There is no construction in this; there is no actual construction of new drainage in this plan.

CHARLES MOSLEY, CITY ENGINEER:

- No, there is not.

COUNCILOR NAHMANSON:

- That is where the big dollars ultimately would . . .

CHARLES MOSLEY, CITY ENGINEER:

- Yes, when we do the other part of the Storm Water Master Plan which is the facilities, we will certainly be thinking about what we said here, because this is part of that larger effort, when we get into the quantity, but we're not stating what we will do in this plan, we want to leave that open.

VICE-MAYOR TUTNICK:

- Are there minimum requirements that we must do mandated?

CHARLES MOSLEY, CITY ENGINEER:

- Yes, we were told when we met with the State that we could present basically a minimalist program.
- We told them that this is basically what we were going to do.
- We were going to talk about what we were doing and figure that we could continue doing, for instance, making requirements of developers, new developments and things like that, but we were going to do a lot of study, and that is what we were putting in, and then as the years went by and we knew better what worked and what didn't, then we would update the program.
- They said that we could do that, the only thing that we're basically required to do is address each one of these six minimum control measures, which we have, and the State will review our plan, if they have a problem with it they will get back to us and let us know, you need to deal with this issue more thoroughly.
- What we've done is what many other jurisdictions have done, and it does meet their minimum requirements.

VICE-MAYOR TUTNICK:

- Are there models from other jurisdictions that you'll be using to help or are we starting from scratch?

CHARLES MOSLEY, CITY ENGINEER:

- No, we're going to be looking at what other communities have done as far as their management practices; that is part of the research that is inherent in this.
- As a matter of fact, when we were preparing this plan, we looked at a number of jurisdiction's plans, including Prescott, Prescott Valley, Flagstaff, Yavapai, so we looked at a number of places plus the consultant's experience.

COUNCILOR STRAUCH:

- In the next 18 months or so, can we expect any hard capital improvement that would be related to his plan?
- You've just said that almost all of it is just study and analysis, but we've also got current situations, such as the library area, where we have in a sense almost been promising that when we get this storm water plan, we'll be able to do something, but are we still a year to 18 months away from doing any of that or are there things we're going to find out that will allow us to do some moving forward in some of these areas?

CHARLES MOSLEY, CITY ENGINEER:

- I want to differentiate from what needs to be done in the library area and Harmony area and so forth from what this plan is focused on.
- There is another part of the plan which I hope to have to you in finished form by February, which are the Capital Improvements, in other words how to handle the quantity of drainage water.

- This plan is aimed at handling the quality.

COUNCILOR CRICK:

- I have a question about the excluded areas and sites, and being it is in close proximity to Oak Creek, why wasn't S.R. 179 included in this?

CHARLES MOSLEY, CITY ENGINEER:

- The reason we excluded some areas is because other jurisdictions should be covering it, and so we are not taking responsibility for their areas.
- Highways are by ADOT, and the airport is required to have their own plan.

MAYOR ELLIS:

- Opened the public comment portion of the hearing at this time, and having no request to speak, the public comment portion of the hearing was closed.

MOTION:

COUNCILOR NAHMANSON MOVED TO APPROVE SUBMITTAL OF THE NOTICE OF INTENT AND THE ASSOCIATED STORM WATER MANAGEMENT PROGRAM TO THE ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY IN ORDER THAT THE CITY OF SEDONA WOULD HAVE COVERAGE UNDER AZPDES PERMIT NO. AZG2002-002. THE MOTION WAS SECONDED BY COUNCILOR SOLOMON.

VOTE: THE MOTION PASSED SEVEN (7) FOR AND ZERO (0) OPPOSED.

10. DISCUSSION/POSSIBLE ACTION ON FUTURE MEETING/AGENDA ITEMS.
COUNCILOR MACFARLANE:

- I'd like to request that at one of the next two meetings, we have an agenda item to appoint an alternate for me on the Sub-flow, because Carol Johnson was the alternate and we need someone else as the alternate, so if you could put that on.
- The next meeting is going to be December 22nd and I will not be available, so we will need someone that will be able to attend that meeting.

11. EXECUTIVE SESSION: Upon a public majority vote of the members constituting a quorum, the Council may hold an Executive Session which is not open to the public for the following purposes:

- To consult with legal counsel for advice on matters listed on this agenda per A.R.S. §38-431.03(A)(3).
- Discussion or consultation with legal counsel in order to consider its position and instruct its legal counsel regarding the City's position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations or concerning the following pending or contemplated litigation per A.R.S. §38-431.03(A)(4):
 - The Local Government Investment Pool (LGIP) litigation.
 - A proposed amendment to the Cliffs at Oak Creek Development Agreement as referred to in Agenda Item 9 above.
- Discussion or consultation with designated representatives of the City in order to consider