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March 12, 2009

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

Federal Express

Attention: Ms. Joanie M. Rhyner, Stormwater and General Permits, Water Section
Manager
SUBJECT: REVISED CITY OF SEDONA – 2008 ANNUAL SMALL MS4
REPORT AZPDES PERMIT NO. AZG2002-002 MS42002-32

I am submitting with this letter a copy of the City's revised annual small MS4 report for 2008. This revision was requested in a letter dated February 25, 2009. In order to provide a complete report I reiterate below what was said in my September 29, 2008 transmittal of the first report.

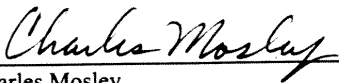
In that report item B3a and B3b requests information regarding impaired waters. The recent update of the 303d list identifies Oak Creek between Slide Rock State Park and Dry Creek as impaired due to *Escherichia coli* bacteria. The City, although it recently amended the Stormwater Quality Management Plan, in response to ADEQ's June 6, 2008 letter a BMP was not designated for control of *Escherichia coli* bacteria. This would be addressed in the next update of the Plan, due to the need to study and develop appropriate BMPs. The City, however, has for several years urged its residents to pick up dog droppings and has provided pickup bag dispensers at several locations throughout the City. The City also has an extensive wastewater collection system, which it is extending this year. The system serves over 60% of the City's urbanized area. Over fifty percent of the system has been inspected by video camera over the last couple of years. The system is in good shape.

As regards question B3b, in previous years Slide Rock State Park upstream of the City was the identified impaired water. The City does not contribute to the Slide Rock State Park impaired water.


W:\SHARED\PUBWORKS\Stormwater Mangement Action Group\ADEQ\revised FY 2008 Annual Report transmittal letter.doc

March 12, 2009

"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."


_____, City Engineer
Charles Mosley

Sincerely,


Charles Mosley, P.E. MPA
Director of Public Works/City Engineer
City of Sedona

Enclosure: City of Sedona Revised Annual 2008 Annual Report

CM/sb

cc: Alison Zelms, Interim City Manager
Michael Goimarac, City Attorney
File: ADEQ Stormwater
SDMP

Small MS4 Annual Report Form

(Revised March 2008)

Please refer to the attached instructions as you prepare your annual report.

A. General Information

Name of MS4: City of Sedona

Contact Name: Charles Mosley

Telephone Number: (928) 204-7132

Email Address: cmosley@sedonaAZ.gov

Annual Report Period: December 19, 2002 – June 30, 2004 July 1, 2004 – June 30, 2005 July 1, 2007 – June 30, 2008
 July 1, 2005 – June 30, 2006 July 1, 2006 – June 30, 2007 July 1, 2008 – June 30, 2009

B. SWMP Modifications and Additional Information. Attach a brief explanation if you check “yes” to any of the following statements.

- | | | |
|-------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|----------------------------------------|
| 1. Changes have been made or are proposed to the SWMP since the last annual report, including changes in response to ADEQ’s review. | YES <input checked="" type="checkbox"/> | NO <input type="checkbox"/> |
| 2. The MS4 has annexed lands. | YES <input type="checkbox"/> | NO <input checked="" type="checkbox"/> |
| 3a. The MS4 discharges directly to an impaired water. | YES <input checked="" type="checkbox"/> | NO <input type="checkbox"/> |
| 3b. A water within 10 miles of the MS4’s jurisdiction has been identified as impaired. | YES <input checked="" type="checkbox"/> | NO <input type="checkbox"/> |
| 4a. The MS4 discharges directly to water for which a TMDL has been established. | YES <input type="checkbox"/> | NO <input checked="" type="checkbox"/> |
| 4b. A TMDL has been established for a water within 10 miles of the MS4’s jurisdiction. | YES <input type="checkbox"/> | NO <input checked="" type="checkbox"/> |
| 5. The MS4 has conducted analytical monitoring of stormwater quality. | YES <input type="checkbox"/> | NO <input checked="" type="checkbox"/> |
| 6. The MS4 is relying on another government entity to satisfy some permit obligations. | YES <input type="checkbox"/> | NO <input checked="" type="checkbox"/> |

C. Stormwater Management Program Status. Provide the status of every BMP and measurable goal in your SWMP as described in the instructions.

TABLE 1

Minimum Control Measure(s)	BMP	Measurable Goal (steps to measure progress)	New or Revised	Start Date	Implementation Status/ Frequency/ Achievement Date (completed, in progress, not started)
Public Education and Outreach	Collect information	City staff will contact agencies to get information and review web pages at least on semi-annual basis to get most up-to-date information.		April 2004	In progress. Other web pages were reviewed in preparation of community events 4/19 Earthday, 4/24 Water Wise day, Public Works Fair 5/20. Reviewed other web pages in preparing Stormwater ordinance for approval in December 2007.

Minimum Control Measure(s)	BMP	Measurable Goal (steps to measure progress)	New or Revised	Start Date	Implementation Status/ Frequency/ Achievement Date (completed, in progress, not started)
Public Education and Outreach	Develop a stormwater web page	Develop a stormwater web page		July 2004	In progress. City of Sedona maintains a section for this issue on its web page under Public WorksThe count for the page on November 8, 2007 was 687 hits. On September 19, 2008 the count is 1020. The updates in 2008 included the new Stormwater Ordinance and 2007 report. In accordance with requests in a letter dated June 6, 2008 from ADEQ the 2007 report has been revised and will need to be posted on the web, as will a revised Stormwater Quality Management Plan. Per 2/25/08 letter from ADEQ the NOI for the City of Sedona has been posted on the City webpage under Stormwater In Sedona.

Minimum Control Measure(s)	BMP	Measurable Goal (steps to measure progress)	New or Revised	Start Date	Implementation Status/ Frequency/ Achievement Date (completed, in progress, not started)
Public Education and Outreach	Use public media to disseminate information	Use public media to disseminate information		April 2004	In progress. The public works department has placed information in the Sedona Red Rock News. Articles were published in November 2007, March 2008 and another in August 2008. The public was also informed about Public Works Week activities through which information about stormwater was disseminated. Several of the articles were repeated in the e-news SedonaBiz.
Public Education and Outreach	Develop a Speaker's Bureau	Creation of a list of speakers and topics and dissemination of the list to organizations likely to use speakers		Jan 2004	Not started. Although some topics have been developed and the web site notifies people that speakers are available, no one has contacted us for talk. More active out reach may be necessary in FY 08/09.
Public Education and Outreach	Tributary Signage	Design and production of signage		Sept. 2004	Completed. Posting of signs at strategic locations. End Date June 2005 25 signs were posted around community. The city has additional signs in storage to replace signs if lost or destroyed.

Minimum Control Measure(s)	BMP	Measurable Goal (steps to measure progress)	New or Revised	Start Date	Implementation Status/ Frequency/ Achievement Date (completed, in progress, not started)
Public Education and Outreach	Outreach brochures	Develop brochures and fact sheets on stormwater issues targeted to specific audiences		Jan 2004	Completed. City developed brochures targeted to residents, contractors, and visitors in 2005. The resident and contractor brochures were handled out at the Earth day and Public Works Fair events. They are also available in several lobbies in the City campus (city council chambers, Finance area where people pay sewer bills, and Community development/Public Works building. The contractor brochure is available in the Community development/Public Works building. 141 brochures were mailed to contractors also with a letter dated 12/20/2007 that informed them about the City new storm water ordinance. 6500 brochures were mailed to residents in July 2007.

Minimum Control Measure(s)	BMP	Measurable Goal (steps to measure progress)	New or Revised	Start Date	Implementation Status/ Frequency/ Achievement Date (completed, in progress, not started)
Public Education and Outreach	Use media outlets and mail service to disseminate stormwater facts	Write three articles per year on stormwater for publication in local newspaper. Investigate disseminating stormwater issues through mail supplements and other media.		Jan 2004	Ongoing. Stormwater was one of the featured issues at this year's Public Works fair in May. Three articles were prepared during this reporting period they appeared in November 2007, March 2008, and August 2008. The August date is outside the June 2008 time, but it shows efforts to inform the public frequently. The City places copies of its storm water brochure for residents in several of the City buildings for the public to pick up. City of Sedona placed radio spots on KAZM in December 2006, January 2007, March 2007 and May 2007.
Public Participation and Involvement	Investigate creation of a trash collection day	Investigate creation of a trash collection day 2007 addition – Request information from homeowners associations regarding neighborhood trash collection days. Added in 2008-	X	Jan 2004	There does not seem to be much interest from neighboring cities at this time. This goal was revised in August 07-management plan revision to require as a measurable goal that Neighborhood Associations be contacted regarding their trash days. 32 associations were contacted in October 2008, all except one did not have a trash collection day. The City also did a survey in September 2008 regarding the general issue of trash pick-up. It

Minimum Control Measure(s)	BMP	Measurable Goal (steps to measure progress)	New or Revised	Start Date	Implementation Status/ Frequency/ Achievement Date (completed, in progress, not started)
		Participate in at least 2 trash pick-up events.			<p>indicated that about ½ the responding Associations believed that one mile or less was preferred distance to go to dump lawn clippings. In response to a June 2006 letter from ADEQ another BMP was added to the Revised 2008 Management Plan.</p> <p>It should be noted that in the City of Sedona and surrounding area a non-profit volunteer organization known as Keep Sedona Beautiful has been picking up roadside ditch for over 30 years on a weekly basis. The city has recognized the accomplishments and worked this organization on a number of occasions throughout the years.</p> <p>In January 2008 the City sponsored a Christmas tree collection at the corner of SR 89A and Saddle Rock Circle which has been doing for over 10 years. The City participated in a yard waste clean-up day with the Sedona Fire Department on May 17, 2008. The City contributes over \$27,000 in funding to the Sedona Recycles center on Shelby Street to which many citizens take bottles, cardboard, glass and other</p>

Minimum Control Measure(s)	BMP	Measurable Goal (steps to measure progress)	New or Revised	Start Date	Implementation Status/ Frequency/ Achievement Date (completed, in progress, not started)
					recyclable material.

Minimum Control Measure(s)	BMP	Measurable Goal (steps to measure progress)	New or Revised	Start Date	Implementation Status/ Frequency/ Achievement Date (completed, in progress, not started)
Public Participation and Involvement	Investigate development of regular programs to raise awareness	<p>Form a City Staff Action Group</p> <p>Provide a public Response element to the City web site for storm water</p> <p>Added 2007 - Hold one public meeting annually to receive comments on stormwater quality issues</p> <p>Post NOI and SWMP on the City website.</p> <p>Added 2008 – Work with Sedona Recycles to develop a program to pick up material around the recycle site. There are drainages adjacent to the site.</p> <p>Seek our sponsors and partnerships to increase public awareness of stormwater quality issues.</p>		Jan 2004	<p>Stormwater was one of the featured issues at this year’s Public Works fair in May. Formation of Action Group. Started meeting in August 2007. Not start this reporting period.</p> <p>The City staff has been participating in a Storm water Action Group. The Group reviewed the revised Stormwater Management Plan and the Stormwater ordinance. The Group has reviewed mailings and made program recommendations. The group meets once each 6 weeks.</p> <p>One public meeting was held in 2007 to discuss update to the Stormwater Management Plan.</p> <p>Conversations have been had with Sedona Recycles about developing a sign asking users of the recycle center to help keep the area and adjacent ditches clean.</p> <p>No partnerships or sponsors have been developed yet, although several public activities such as earth day are being used to get the message out.</p>

Minimum Control Measure(s)	BMP	Measurable Goal (steps to measure progress)	New or Revised	Start Date	Implementation Status/ Frequency/ Achievement Date (completed, in progress, not started)
Illicit Discharge and Elimination	Develop City Ordinance	Develop City Ordinance		Jan. 2004	Complete. A new ordinance was approved by the City Council on November 13, 2007 (City Code Section 14) . Provisions regarding stormwater discharges were included in an update to provisions of City Code Section 7 approved on June 10, 2008.
Illicit Discharge and Elimination	Identify locations of outfalls to major water bodies	Identify locations of outfalls to major water bodies		February 2003	Completed. This is a task under the City's Storm Water Master Plan. End date March 2005. Ongoing. City is proceeding to inspect outfalls beginning October 2007. Outfalls to Oak Creek as it parallels SR 179 and east of the SR 89A/SR 179 intersection. Outfalls south of SR 89A from SR 179 to the western end of the Sedona urbanized area were inspected.
Illicit Discharge and Elimination	Implement Inspection Program	Implement Inspection Program		Jul 2006	City is proceeding to inspect outfalls beginning October 2007. See item above.
Illicit Discharge and Elimination	Eliminate Illicit Discharges	Eliminate Illicit Discharges		. Jul 2007	Enforce adopted ordinance. This will be an ongoing task. City sending out notice to all of City in next reporting period. Also City Council has authorized hiring a Environmental Inspection in FY 08/09. City is enforcing provisions of Land

Minimum Control Measure(s)	BMP	Measurable Goal (steps to measure progress)	New or Revised	Start Date	Implementation Status/ Frequency/ Achievement Date (completed, in progress, not started)
					<p>development code and City code that it adopted regarding grading and erosion controls, and covered loads.</p> <p>As part of inspection program in October 2008 one improper discharge of paint was identified in the City's Uptown area. The City worked with the property owner to eliminate this activity and take steps to prevent its recurrence.</p> <p>In February 2008 erosion control measures at the Hyatt Resort at the intersection of SR 89A/SR 179 was investigated after a significant storm event and a February 5, 2008 complaint regarding a January 29 storm. The area had previous been inspected in October 2008 by ADEQ Flagstaff. In February City staff found the area to be compliant. ADEQ also reviewed the area in February commented that there may have been violations of the Hyatt's ADEQ stormwater construction permit.</p> <p>The February 5, 2008 complaint also referred to erosion in connection with an ADOT project along SR 179. This project has an ADEQ stormwater construction permit. The City</p>

Minimum Control Measure(s)	BMP	Measurable Goal (steps to measure progress)	New or Revised	Start Date	Implementation Status/ Frequency/ Achievement Date (completed, in progress, not started)
					<p>investigated this site also. The complaint was also passed on to ADOT. The City noted deficiencies and spoke with ADOT.</p> <p>An area behind Exposures Gallery along SR 179 was also the subject of the complaint. The property involved was less than one acres. The owner was contacted and corrections to the plan required.</p> <p>The City has also reviewed plans for construction of a bridge by ADOT in Oak Creek and made comments regarding removal of construction materials when high flows are anticipated.</p> <p>The City has required the installation of a retention area to collect car wash water from a commercial business at the El Camino/ SR 89A intersection. This was in January 2008.</p> <p>In January 2008 the City investigated a sewer spill at the Safeway Shopping Center along SR 89A. Some sewage flowed into a drainage channel adjacent to the center. The owner was</p>

Minimum Control Measure(s)	BMP	Measurable Goal (steps to measure progress)	New or Revised	Start Date	Implementation Status/ Frequency/ Achievement Date (completed, in progress, not started)
					<p>contacted and agreed to take steps to prevent a recurrence of the overflow. The City contained the spill and decontaminated the area. It had rained during the night of 1/29 /08 prior to the spill being noted by City crews in the morning. They were billed for the City work since the spill started on private property.</p> <p>On 6-20-08 a City sewer overflowed due to pump failare on Indian Cliffs Drive. About 20 gallons of wastewater entered a ditch. The flow was contained in the ditch and disinfected. Steps were taken to repair the pump station.</p> <p>The City has required the removal of wood placed in a water way in the Copper Cliffs subdivision. This was in February 2008.</p> <p>The City</p>
Construction Site Runoff Control	Establish Ordinance addressing construction site runoff	Establish Ordinance addressing construction site runoff		Jul 2004	Complete. Land Development code changes addressing grading completed in 2006 (Article 8 Section 805.06). City Code Section 7-15 "Rights of Way" modified to address work in the public Right of Way in June 2008.

Minimum Control Measure(s)	BMP	Measurable Goal (steps to measure progress)	New or Revised	Start Date	Implementation Status/ Frequency/ Achievement Date (completed, in progress, not started)
Construction Site Runoff Control	Develop a list of preferred Construction site BMP	Develop a list of preferred Construction site BMP		Jan 2005	Ongoing. Development of a formalized list of BMP practices and listing of benefits. The city has been suggesting practices for several years now. The City web site contains guidance for contractors in locating BMPs. The City has developed a brochure for Contractors that contains BMP examples and directs them to the EPA site for BMPs. The benefits of BMP are explained in that brochure. The brochure is available to the public in the entrance area where contractor come for permits. The City also mailed out approximately 145 brochures to contractors, landscape, and concrete businesses.) in December 2007.
Construction Site Runoff Control	Develop an educational program	Develop an educational program		January 2003	Ongoing. The City continues to continue distribute brochures. During plan reviews for developers storm water pollution prevention measures are required. Site inspections are also done.

Minimum Control Measure(s)	BMP	Measurable Goal (steps to measure progress)	New or Revised	Start Date	Implementation Status/ Frequency/ Achievement Date (completed, in progress, not started)
Construction Site Runoff Control	Review site inspection program	Review site inspection program Provide training regarding the site inspection program		January 2004	Ongoing. The City has begun and is continuing a program to monitor compliance with permit conditions regarding erosion control and site SWPP. The training program needs to be strengthened through more formalized and regular training. This regular training is to started in 2007. This year the City has relied on inspection of permitted construction sites. At present 2 individuals assisted on occasion by 4 others in the City may perform site inspection. The four other work primarily with City projects. Per comments made regarding the revised 2007 Annual Report in ADEQ September 5, 2008 letter it is being clarified that the City's Commercial and Residential Inspection policy required that active commercial developments be inspected on a weekly basis while single family residential developments are inspected intermittently. The number of permits inspected and the number on construction sites will be shown on future reports. A reordering of the plan review table in needed to extract this information as requested in the September 5, 2008 letter

Minimum Control Measure(s)	BMP	Measurable Goal (steps to measure progress)	New or Revised	Start Date	Implementation Status/ Frequency/ Achievement Date (completed, in progress, not started)
Construction Site Runoff Control	Develop a notification procedure to inform offending parties of discharge violations to respond and correct such discharge violations.	City staff will establish notification guidelines for violators of the City Codes related to stormwater runoff.		Jan. 2004	Ongoing. The City continues to monitor ongoing construction projects. The procedure followed is a verbal warning, written notice to correct, and if necessary take action to deny stop construction, deny occupancy, or file charges. At this time verbal and a written notice has secured correction. In correspondence dated June 2008 ADEQ requested that the City report the number of warning and written notices provided. Previously this has not been closely tracked. The City will begin doing so. Our records show 6 written notices in FY 07/08 all of which were satisfactorily resolved. Attached is a summary notice. The number of verbal warning is not known, however if an issue was not timely resolved a written warning is provided. The city estimates that it conducted about 375 inspection more or less in FY 07/08.

Minimum Control Measure(s)	BMP	Measurable Goal (steps to measure progress)	New or Revised	Start Date	Implementation Status/ Frequency/ Achievement Date (completed, in progress, not started)
Post – Construction Runoff Control	Review current City Ordinance	City staff will review all current City ordinances related to long-term drainage and erosion control		July 2004	Completed and ongoing. The City has reviewed Land Development and City Code provisions for changes . As other deficiencies appear then additional changes will be made. As previously stated changes have been made to Section 8 of the Land Development Code, and Sections 7 and 14 of the City Code. City investigated one onsite sewer spill at 2300 State Route 89A which overflowed to the MS4 and resolved the issue. The City has also investigated trash in the Carol Canyon wash adjacent to Sedona Recycles and required that they institute a clean up program which they are doing, A verbal warning was provided to Oak Creek Mobil Lodge regarding garbage in Morgan Wash. It was cleaned up. 160 Portal Lane was contacted about dumping landscape materials over the Oak Creek bank. It was cleaned up. The Illicit Discharge tracking form is attached.

Minimum Control Measure(s)	BMP	Measurable Goal (steps to measure progress)	New or Revised	Start Date	Implementation Status/ Frequency/ Achievement Date (completed, in progress, not started)
Post – Construction Runoff Control	Review current City Ordinance	City staff will train building inspectors to identify violations of or compliance with the Stormwater Ordinance’s design criteria.		April 2006	Not started. The ending date will be missed, although the City will pursue this goal. The adoption of the storm water ordinance needed to precede this effort. The intent is to start this in 2008 as part of the in-house training .
Post – Construction Runoff Control	Investigate development of a site inspection program	The City will investigate a site inspection program that institutes maintenance requirement for structural and non-structural BMP’s for long-term soil stabilization and water quality improvement.		Dec. 2006	Not started in this reporting period. This was partially accomplished in preparing a Stormwater Ordinance to be presented to the City Council in November 2007. Public Works staff did request an Environmental Inspector in the FY 08/09 budget, The position was approved, and recruitment started in August 2008.

Minimum Control Measure(s)	BMP	Measurable Goal (steps to measure progress)	New or Revised	Start Date	Implementation Status/ Frequency/ Achievement Date (completed, in progress, not started)
Post – Construction Runoff Control	Investigate development of a site inspection program	The City will investigate how enforcement actions will be taken on those who violate the City ordinance in accordance with the City's ordinance enforcement code.		Dec. 2006	Not started in this reporting period. Development of an ordinance to be presented to the City Council in November 2007 did include such an investigation. Actions were taken to make people aware of the ordinance as part the process. The ordinance is posted on the City web page. Efforts are planned to be intensified in Fy 2008/2009 with the hiring of an Environmental Inspector.
Post – Construction Runoff Control	Use of structural BMPs for long-term drainage and erosion control	City staff will identify and incorporate into plan review guidelines preferred structural BMP's designed for long-term drainage and erosion control to be used for SWPPP.		Jul. 2004	Ongoing. Staff still needs to identify the preferred structural BMPs. Some progress has been made on this goal through development of the updated stormwater management plan (August 2007) as required by ADEQ letter dated June 6, 2008.

Minimum Control Measure(s)	BMP	Measurable Goal (steps to measure progress)	New or Revised	Start Date	Implementation Status/ Frequency/ Achievement Date (completed, in progress, not started)
Pollution Prevention/Good HouseKeeping	Educate City Employees on the Stormwater Program	City Engineer to meet with other City Department heads to discuss the program and assist them in implementing the program.		Feb. 2004	Ongoing. A special meeting was held in 2007. The importance of this program was mentioned at a Department heads meeting in September 2007. This is an ongoing task.
Pollution Prevention/Good HouseKeeping	Review existing City operation and maintenance programs to determine how to meet the objectives of the Stormwater Management Program.	Department Heads will meet annually with their staff to review and improve existing operation and maintenance programs in their units aimed at incorporating the objectives of the SWMP. Department heads will provide update reports to the City Engineer on their programs		February 2004	This is ongoing. The streets division of public works is reviewing their work procedures. Written guidelines need to be prepared. The City Engineer is working to involve other departments in this aspect of the program by reminding them of the need to inform their staff of the need to reduce stormwater pollution. No annual reports are currently being received from other departments. The Public Works department , which includes engineering, streets and storm drainage maintenance, and wastewater prepares this report. The City has approved sweeping of City parking lots in the FY 08/09 budget. Reporting forms are to be prepared in FY 2008/09.

Minimum Control Measure(s)	BMP	Measurable Goal (steps to measure progress)	New or Revised	Start Date	Implementation Status/ Frequency/ Achievement Date (completed, in progress, not started)
Pollution Prevention/Good HouseKeeping	Develop a SWPP for every CIP	Develop a SWPP for every CIP	Project Managers will ensure that a SWPPP is developed for every CIP of the City.	January 2003	Ongoing. The City has this as a standard part of its specifications for CIP. We continue to improve the specification as necessary. During FY 07/08 the City CIP program included the following projects within the City. Kachina Sewer project, SR 179 Pump Station, and the Three Major Pump Stations project. Each of these projects were required to have a storm water pollution prevention plan.
Pollution Prevention/Good HouseKeeping	In-house inspection program	The City will implement an inspection program aimed at enforcing the current operations and maintenance programs. The program will include inspection of parking areas for oil and grease runoff.		Oct. 2004	Not started formally. Vehicle inspections are being done, but inspection of parking areas for oil and grease runoff has not been implemented. This is to be an ongoing program. The program needs to be formalized so that parking area inspections are conducted. No steps were taken to formalize an oil/grease inspection program for the parking lot. In order to address this issue for the next report the City will look into cleaning the City Hall parking lot for oil and grease in Fy 08/09.

Minimum Control Measure(s)	BMP	Measurable Goal (steps to measure progress)	New or Revised	Start Date	Implementation Status/ Frequency/ Achievement Date (completed, in progress, not started)
City Implementation	Investigate Staff Resource needs	Review six control measures and identify staff and resource requirements. Recommend program funding annually		January 2004	Ongoing. The City has created a budget classification for storm water items in the FY 05/06 budget. Public Works staff did request an Environmental Inspector in the FY 08/09 budget, the position was approved. The City has appropriated funds for sweeping park and city hall parking lots on a more frequent basis. This is an ongoing task.

Note: If you have developed a stormwater ordinance during the last reporting period, include a description or citation of the ordinance, or simply attach a copy of the ordinance.

D. Certification

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.

Charles Mosley
Signature

3/12/2009
Date

Charles Mosley
Name (printed)

Public Works Director/City Engineer
Title

INSTRUCTIONS

Regulated Municipal Separate Storm Sewer Systems (MS4s) must submit annual reports to Arizona Department of Environmental Quality (ADEQ) for each year of the permit term. In compliance with the MS4 General Permit, an MS4 must annually review its Stormwater Management Program (SWMP) in conjunction with the preparation of the annual report. This document is a suggested format for annual reporting.

Submit a signed copy of your annual report no later than September 30 of each year to:

Arizona Department of Environmental Quality
Surface Water Section/ Stormwater & General Permits Unit (5415A-1)
1110 West Washington Street
Phoenix, AZ 85007

A. General Information

Provide the name of the municipality or owner/operator of the storm sewer system.
Provide the name, telephone number, and email address for the stormwater program contact person.

Place a check mark in the box corresponding to the current annual report year.

B. SWMP Modifications and Additional Information

1. **Changes have been made or are proposed to the SWMP.** Modifications to the SWMP must be addressed in the annual report in accordance with Part V.E. and Part V.G. of the Permit. If ADEQ notified you during this reporting period that changes to your SWMP were necessary, you must check “yes” to this question.

Be sure to provide the following information in the attached explanation:

- a. Describe changes made to best management practices (BMPs), measurable goals, dates, contacts, procedures or details during the last reporting period.
 - b. If changes include additions or substitutions of BMPs, please indicate this. Include a written analysis explaining why the original BMP is ineffective or infeasible and why the replacement BMP is expected to achieve the goals of the original BMP.
2. **The MS4 has annexed lands.** Attach a description (or map) indicating the annexed area, the BMPs to be implemented, and any resulting updates to the SWMP.
 3. **A water is listed as impaired.** ADEQ has completed Arizona's 2004 List of Impaired Waters which is significantly different from the 2002 List. Since the list has been updated, you may discover that your MS4's receiving water(s) is now

listed as impaired. Please determine if your receiving water(s) has been assessed as impaired. The 2004 List of Impaired Waters has been posted on ADEQ's web site at <http://www.azdeq.gov/environ/water/assessment/assess.html>

- a. If your MS4 discharges directly to an impaired water, you must amend your SWMP to control the discharge of listed pollutants and ensure to the maximum extent practicable that discharges from the MS4 will not cause or contribute to exceedances of surface water quality standards. The SWMP must also identify BMPs to control discharges and include monitoring of their effectiveness (Permit Part I.D.5.b and Permit Part V.F.1). Attach a copy of this section of the SWMP to the annual report.
 - b. If you locate an impaired water within 10 miles of your jurisdiction, you must identify the sources of pollutants of concern to that water and evaluate the likelihood of your MS4's discharge contributing to the water's impairment. Attach a brief explanation to the annual report.
4. **A TMDL has been established.** A Total Maximum Daily Load (TMDL) is the maximum amount (load) of a water quality parameter which can be carried by a surface water, on a daily basis, without causing an exceedance of surface water quality standards. A list of the established TMDLs for impaired waters is located on ADEQ's web site at: <http://www.azdeq.gov/environ/water/assessment/status.html>.
- a. If your MS4 discharges directly to water for which a TMDL has been established:
 - i. and the TMDL includes a wasteload allocation or load allocation for your MS4, you must amend your SWMP to describe what BMPs you will use to meet the allocation(s) and to describe the monitoring program associated with the pollutant of concern. Include a description and schedule for implementation of additional BMPs to ensure compliance with the TMDL. You must also attach to a description of the SWMP amendment to the annual report.
 - ii. but the TMDL did not allocate a load or wasteload to the MS4, attach a statement stating so to your annual report.
 - b. If a TMDL has been established within 10 miles of your jurisdiction and does not include an allocation for your MS4, you must evaluate the likelihood of your discharge contributing to that water's impairment. Attach a brief explanation to your annual report.
5. **The MS4 conducted analytical monitoring of stormwater quality.** Attach to the annual report any monitoring data used to evaluate the success of the SWMP to reducing pollutants to the maximum extent practicable. The summary should include a discussion of results. Data collection must follow the requirements of Permit Part V.F and Part VI.K.
6. **The MS4 is relying on another government entity to satisfy some of the permit obligations.** If you are relying on another entity to satisfy permit obligations, attach a statement to the annual report identifying the entity and the elements the entity will be implementing. A description of the agreement or written documentation of the agreement must be included in the SWMP.

C. Stormwater Management Program Status

Each MS4 is required to evaluate compliance with permit requirements and assess the appropriateness of the BMPs in reducing the discharge of pollutants to the maximum extent practicable. The purpose of the annual report is to report the status of compliance with permit conditions, specifically the implementation of selected BMPs and the progress towards achieving the measurable goals for each BMP.

Using the table format provided on page 2 and following the example on page 6 of this document, summarize the status of all BMPs specified in your SWMP, as follows:

Minimum Control Measure(s): Specify the minimum control measure (MCM) addressed by each BMP. The six MCMs are listed in Part V.B. of the permit. Some BMPs may address more than one MCM.

BMP: List ALL of the BMPs specified in your SWMP, including any new BMPs. BMPs are the specific, long-term activities and practices that will be implemented to prevent or reduce stormwater pollution from the MS4. Examples include stormwater public service announcements, MS4 outfall inspections, and construction site plan review.

Note: If you have developed a stormwater ordinance during the last reporting period, include a description or citation of the ordinance, or simply attach a copy of the ordinance.

Measurable Goals: List ALL measurable goals in your SWMP, including any new measurable goals. Measurable goals are the ongoing tasks and interim steps that demonstrate progress toward implementing a specific BMP. They are used to measure the effectiveness of your SWMP and compliance with the permit. Each BMP must include specific measurable goals. For instance, the measurable goals for the BMP “establishing a stormwater web page” might include “researching stormwater pollution prevention materials”, “drafting web page text”, “designing web page layout”, and “distributing final draft for approval”. Upon implementation, additional measurable goals that track progress of the BMP may include “annual review and update of the web page” and “tracking the number of “hits” to the web site”.

New or Revised: Place an X in this column if the BMP or measurable goal is new or revised, such as replacement with another BMP, addition of a new measurable goal, or revision of a start date, etc. Briefly explain the change to the SWMP in the “Implementation Status” column.

Start Date: Specify the scheduled start date (month and year) for each measurable goal.

Implementation Status: Indicate the implementation status (such as completed, in progress, or not started) of each measurable goal as of June 30 of this reporting cycle. If an activity is completed, indicate the achievement date. If an activity is in progress, provide the expected achievement date. If an activity has not yet been started, indicate the expected achievement dates. In addition, use this column to briefly explain the frequency of on-going BMPs.

The following table is an example of the type of information to be provided in the annual report:

EXAMPLE

Minimum Control Measure(s)	BMP	Measurable Goal (steps to measure progress)	New or Revised	Start Date	Implementation Status/ Frequency/ Achievement Date (completed, in progress, not started)
Pollution Prevention/Good Housekeeping for Municipal Oper.	Train all public works and streets staff	Approx. 20 staff trained annually. Staff educated on good housekeeping/ pollution prevention and upcoming stormwater ordinance		April 2004	In progress, annual training every April.
Illicit Discharge Detection and Elimination	Perform field screening of outfalls	Completed storm sewer system map includes all outfalls and names and locations of all waters of the U.S.		January 2005	Completed June 2005.
Construction Site Control and Post-Construction Site Control	Implement stormwater ordinance for construction and post-construction runoff control	Researched other municipalities' ordinances	X	July 2004	Completed. Revised start date from March 2004 to July 2004.
Construction Site Control and Post-Construction Site Control	Implement stormwater ordinance for construction and post-construction runoff control	Integrated language from model ordinance		September 2004	Completed December 2004.
Construction Site Control and Post-Construction Site Control	Implement stormwater ordinance for construction and post-construction runoff control	Stormwater ordinance has been drafted		March 2005	In progress. Draft ordinance presented to City Council June 2005. Approval pending, expected completion date July 2005.

D. Certification

The annual report must be signed by either a principal executive officer or ranking elected official, or by a duly authorized representative (refer to Permit Part VI.L).

Resolved

March 13, 2008

[REDACTED]
[REDACTED]
Sedona, AZ 86336

SUBJECT: STORMWATER SEDIMENT CONTROL AT 20 CATHEDRAL ROCK TRAIL

This letter is in regard to the construction of a home, the associated grading, and utility work that is being performed under permit number B9647 at 20 Cathedral Rock Trail.

It has become evident that the excessive disturbance of soils associated with this project has been detrimental to the quality of stormwater exiting this property. This is a violation of City of Sedona Stormwater Discharge Ordinance (Article 14-1).

I am requesting that you have your contractor install the appropriate best management practices to trap migrating sand and silt on this property. The minimum protection that I would like to see will be the keyed-in installation of a 20" diameter straw sediment log (not the 12" log). This installation will need to be near the northern property line, extending from the existing ADOT sediment log toward the west for enough distance to capture all silt that migrates to the north during storm events.

Violators of the Stormwater Discharge Ordinance may be subject to fines and penalties per Article 1-8 of the City Code. To avoid any such action, including stop work orders, please have the stormwater pollution controls installed no later than March 31, 2008.

Please call me if you have any questions at 928-204-7108.

Sincerely,

David Peck, CFM
Assistant Engineer
City of Sedona

DWP/ms
cc: Brock Blevins
Andy Dickey, Associate Engineer (e-copy)

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Illicit Discharge Tracking

Incident ID = Date Reported	Incident Location	Notification Type	Map Section	Brief Description	Date Case Closed
10/15/07	2530 Sunshine Dr.	No suspect found - Streets Dept. cleaned	5C	Paint & thinner in bar-ditch	10/17/07
10/19/07	Amara, 310 N. Hwy. 89A	Letter sent	11C	Paint dumped in storm drain catch basin	10/27/07
10/29/07	Los Abridados, 160 Portal Ln.	Verbal with Bruce Cambell	10E	Dumping of landscape materials over creek bank	11/28/07
11/02/07	Morgan Wash by Oak Creek Mobil Lodge	Verbal with Mobil Lodge owner	10F	Misc. garbage in the wash	11/30/08
11/09/07	Sedona Recycles, 2280 Shelby Drive	Letters sent	6E	Trash getting into Carol Canyon Wash	Feb. 2008
11/30/07	3130 Thunder Mountain Rd.	Letter sent	4D	Home construction materials getting into MS4 SR 89A. Owner contacted to correct onsite	12/10/07
01/29/08	2300 State Route 89A	e-mail sent	6D	sewer.	03/03/08
02/19/08	401-44-058 In Doodlebug Wash	This was a Streets Dept. issue	9G	Broken asphalt in wash from road washout	03/27/08
02/19/08	Arizona Auto Wash, Birch Blvd. At SR 89A	Phone call to car wash owner	7D	Car wash water was surcharging from the manhole of an interceptor tank at approx. 5 gpm and flowing down the Birch Blvd. ditch.	02/22/08
03/18/08	2100 Yavapai Drive	Letter sent	6D	Dumping into wash	04/16/08
07/14/08	401-17-019R, near L'Auberge	Nothing found	10D	Oil like substance near a irrigation pipe lateral.	12/31/08
11/25/08	600 El Camino Rd.	Verbal with painter and company owner	5F	Paint cleanup runoff in bar-ditch	12/10/08
02/05/09	210 N. SR 89A	Letter sent	11C	Pink Jeep washing runoff	
02/09/09	160 Blackhawk Lane	Stop Work Order & Letter sent	10F	200 cubic yards of red dirt dumped in floodplain without ADEQ NOI	

L:\Illicit Discharge.xls

CHAPTER 14: STORM WATER CONTROL

Article

14-1. STORM WATER DISCHARGE

Sedona - Storm Water Control

ARTICLE 14-1: STORM WATER DISCHARGE

Section

- 14-1-1 Finding of fact
- 14-1-2 Purpose and intent
- 14-1-3 Definitions
- 14-1-4 Applicability
- 14-1-5 Responsibility for administration
- 14-1-6 Severability
- 14-1-7 Discharge prohibitions
- 14-1-8 Permitted non-storm water discharges
- 14-1-9 Plan review, inspections, access, and reports
- 14-1-10 Suspension of MS4 access
- 14-1-11 Industrial or construction activity discharges
- 14-1-12 Suspension due to the detection of illicit discharge
- 14-1-13 Watercourse protection
- 14-1-14 Notification of spills
- 14-1-15 Enforcement

§ 14-1-1 FINDING OF FACT.

Illicit discharges occur due to illicit connections to the Municipal Separate Storm Sewer System ("MS4") from residential, business, industrial or commercial establishments. As a result of illicit connections, contaminated storm water, wastes or wastewater enters into storm drains or directly into local waters without receiving treatment from a wastewater treatment plant. Illicit connections may be intentional or may be unknown to the property or business owner. Illicit discharges to the city storm water system can cause excessive discharges of pollutants to surface waters and groundwater. These discharges can negatively impact public health, welfare, and the environment by transporting and depositing pollutants.
(Ord. 2007-17, passed 11-13-2007)

§ 14-1-2 PURPOSE AND INTENT.

A. The purpose of this article is to provide for health, safety, and general welfare within the city through the regulation of non-storm water discharges to the MS4 to the Maximum Extent Practicable ("MEP") as required by federal and state law. To this end this article requires that unless expressly authorized or exempted by this article, no person shall cause, participate in, 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. To further this end this article establishes authority to conduct and require inspection, monitoring, reporting, and enforcement activities to address the prevention, identification, and remediation of illicit discharges to the MS4.

B. It is the intent of this article to comply AZPDES regulations for storm water discharges, to be consistent with the storm water quality provisions of the Federal Clean Water Act (33 USC § 1342), and to enable the city to comply with all applicable storm water quality provisions of federal, state, and local laws and regulations to ensure the future health, safety, and general welfare within the city, as well as the protection and preservation of the local environment.

C. It is the intent of this article that the standards promulgated by the article are minimum standards; therefore it is not intended or implied that compliance with the provisions of this article by any person will ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants.
(Ord. 2007-17, passed 11-13-2007)

§ 14-1-3 DEFINITIONS.

Unless the context specifically indicates otherwise, the meaning of words and terms used in this article shall be as set forth below.

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY or ADEQ. The Arizona state agency established pursuant to A.R.S. § 49-102.

ARIZONA POLLUTANT DISCHARGE ELIMINATION SYSTEM (AZPDES). The program established by the State of Arizona by provisions in A.R.S. Title 49, Chapter 1, Article 3.1 to control the discharge of pollutants to waters in Arizona.

AZPDES GENERAL PERMIT. A general permit issued by the ADEQ under authority delegated pursuant to the 33 USC 1342(b).

BEST MANAGEMENT PRACTICES (BMPs). Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to the MS4. BMPs also include treatment requirements, operating procedures, design requirements, and practices to control runoff, spillage, leaks, waste disposal, or pollution of storm drainage flows.

CITY. The City of Sedona, Arizona.

COMBINED SEWER. An enclosed sewer system that conveys both sanitary sewage and storm water flows.

CONSTRUCTION GENERAL PERMIT. A permit issued by the permitting authority that allows discharges to storm water from construction activities as defined in 40 CFR § 122.26.

CONSTRUCTION SITE OPERATOR. The primary operator of a construction site within the corporate limits of the city.

CWA. The Clean Water Act or the Federal Pollution Control Act, 22 USC §§ 1251 *et seq.*

DESIGNEE. A person designated for a specific purpose by the City Engineer.

DISCHARGE. 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, when used without qualification.

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EPA. The United States Environmental Protection Agency.

EROSION. The wearing away of land due to the actions of water, other liquid, and/or wind.

FACILITY. Any land, building, installation, structure, equipment, device, conveyance, area, source, activity or practice from which there is, or with reasonable probability may be, a discharge.

ILLICIT CONNECTION. Any manmade conveyance connecting an illicit discharge directly to an MS4.

ILLICIT DISCHARGE. Any discharge to the MS4 that is not composed entirely of storm water, except for discharges allowed under the AZPDES Permit No. AZG2002-002.

MAXIMUM EXTENT PRACTICABLE (MEP). The technology based discharge standard for municipal separate storm sewer systems to reduce pollutants in storm water discharges. A discussion of MEP as it applies to small MS4's is found at 40 CFR 122.34. CWA section 402(p)(3)(B)(iii) requires that a municipal permit shall require controls to reduce the discharge of pollutants to the maximum extent practicable, including Best Management Practices, control techniques and system design, and engineering methods, and other provisions that the state determines appropriate for the control of such pollutants.

MUNICIPAL SEPARATE STORM SEWER SYSTEM or MS4. A publicly owned conveyance or system of conveyances designed or used for collecting or conveying storm water which is not a combined sewer and which is not part of a publicly owned treatment works.

MUNICIPAL STORM WATER PERMIT. The AZPDES General Permit *Arizona Pollutant Discharge Elimination System (AZPDES) Storm Water Permit for discharge from Small Municipal Separate Storm Sewer Systems (MS4 's) to Waters of the United States*. This permit is issued by the Arizona Department of Environmental Quality (ADEQ) under authority delegated pursuant to 33 USC § 1342(b).

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES). A permit issued by EPA (or by a state under authority delegated pursuant to 33 USC § 1342(b)).

NON-STORM WATER DISCHARGES. A discharge not consisting entirely of storm water.

NOTICE OF INTENT or NOI. That document submitted to the permitting authority in order to obtain coverage under a General Permit.

PERMITTING AUTHORITY. The NPDES-authorized state agency or EPA regional office that administers the NPDES storm water permit program.

PERSON. An individual, employee, officer, managing body, trust, firm, joint stock company, consortium, public or private corporation, including a government corporation, partnership, association or state, a political subdivision of this state, a commission, the United States government or any federal facility, interstate body or other entity.

POLLUTANT. Anything that causes or contributes to pollution. Pollutants may include, but are not limited to: contaminants, toxic wastes, chemicals, petroleum products, biological materials, wrecked or discarded equipment, rocks, sand, paints, varnishes and solvents, oil and other automotive fluids, non-hazardous liquid and solid wastes and yard wastes, refuse, rubbish, garbage, litter, or other discarded or abandoned objects, floatables,

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pesticides, herbicides, and fertilizers, hazardous substances and wastes, heat, sewage, fecal coliform and pathogens, dissolved and particulate metals, animal wastes, wastes and residues that result from constructing a building or structure, noxious or offensive matter of any kind, or any other liquid, solid, gaseous, or hazardous substance.

POLLUTION. The alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any water of the state or waters of the United States, that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property, or to the public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.

PUBLICLY-OWNED TREATMENT WORKS (POTW). Any device or system used in the treatment (including recycling and reclamation) of municipal sewage or industrial wastes of a liquid nature that is owned by a state or municipality. This definition includes sewers, pipes, or other conveyances only if they convey wastewater to a POTW providing treatment.

PUBLIC STORM DRAIN SYSTEM. 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, treating, or conveying storm water.

RECEIVING WATERS. A river, ocean, stream, or other watercourse into which wastewater, storm water or treated effluent is discharged.

STORM WATER. Any surface flow, runoff, or drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation and which is being managed in accordance with BMP appropriate to the facility, pollutant, and quantity of water. Appropriate to the facility shall mean consideration shall be given to the size, location, zoning, and use.

STORM WATER MANAGEMENT PLAN. A document which describes the Best Management Practices and activities to be implemented by the city to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to storm water, storm water drainage systems, and/or receiving waters to the maximum extent practicable. This document may also be designated "Storm Water Quality Management Plan".

STORM WATER POLLUTION PREVENTION PLAN (SWPPP). A document which describes the Best Management Practices, including but not limited to processes, devices, and activities, to be implemented by a person or business to identify sources, potential or actual, of pollution or contamination at a site and the action to eliminate or reduce pollutant discharges to storm water, MS4, and/or receiving waters to the maximum extent practicable (MEP).

WASTEWATER. Any water or other liquid, other than uncontaminated storm water, discharged from a facility.

WATERCOURSE. Any body of water, including but not limited to, lakes, ponds, rivers, streams, and washes whether perennial, intermittent or ephemeral.

WATERS OF THE UNITED STATES. Notwithstanding the determination of an area's status by the city, state or federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act

jurisdiction remains with EPA. Subject to other determination by EPA, *WATERS OF THE UNITED STATES* shall be deemed to be traditionally navigable waters and their tributaries that have at a minimum continuous seasonal flow or have a significant nexus regarding the chemical, physical or biological integrity of the navigable water. Generally roadside ditches and small washes and gullies characterized by low, infrequent, or low duration flows will not be considered *WATERS OF THE UNITED STATES*.
(Ord. 2007-17, passed 11-13-2007)

§ 14-1-4 APPLICABILITY.

The provisions of this article are applicable to all water entering the public storm drain system, waters of the United States, and water watercourses within the city limits, whether generated on any developed or undeveloped lands, unless explicitly exempted by an AZPDES General Permit.
(Ord. 2007-17, passed 11-13-2007)

§ 14-1-5 RESPONSIBILITY FOR ADMINISTRATION.

The City Engineer shall administer, implement, and enforce the provisions of this article. The City Engineer may designate other employees to exercise powers and perform duties under the provisions of this article. The authorities granted to the City Engineer under the provisions of this section are subject to § 3-2-4, subsection B. of the city code as to relationship to the City Manager. In the case of overlapping authority regarding wastewater discharge as defined in Chapter 13 and the authority regarding discharge under this article the Director of Wastewater is authorized to act on behalf of the City Engineer.
(Ord. 2007-17, passed 11-13-2007)

§ 14-1-6 SEVERABILITY.

The provisions of this article are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this article or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this article.
(Ord. 2007-17, passed 11-13-2007)

§ 14-1-7 DISCHARGE PROHIBITIONS.

A. All illicit discharges to the public storm drain system are prohibited. These include, but are not limited to:

1. Discharges that are a source of pollutants, including discharges through connections that are a source of pollutants.
2. Discharge of soil, rock, trash, garbage and other waste
3. Maintaining, establishing, or using a connection that allows a discharge.

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4. Discharge from commercial car washing, mobile car washing, or impervious surface pressure washing operations.
5. Discharge from concrete washing.
6. Discharge of oils, fuels, paints, greases.
7. Discharge of grit and sand from grinding.
8. Discharge from carpet cleaning.
9. Discharge of chlorinated water from spas, swimming pools and similar facilities.
10. Discharge resulting from misrepresentation of the nature of discharge on an application, a plan, permit, or certification.
11. Discharge not disclosed on an application, plan, permit or certification.
12. Discharge of wastewater as defined in Chapter 13 and this article.
13. Continuing a discharge that has not been permitted by the city.

B. The prohibition regarding illicit discharge includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of construction.
(Ord. 2007-17, passed 11-13-2007)

§ 14-1-8 PERMITTED NON-STORM WATER DISCHARGES.

A. The city has determined that the following discharges are not significant contributors of pollutants to the municipal MS4s and are considered allowable non-storm water discharges, unless the city determines in specific instances that the discharge contributes to a violation of the AZPDES General Permit or other permit(s) under which the city is permitted to operate its MS4:

1. Water line flushing;
2. Landscape irrigation;
3. Diverted stream flows;
4. Rising ground waters;
5. Uncontaminated ground water infiltration;
6. Uncontaminated pumped groundwater;
7. Discharges from potable water sources;

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8. Foundation drains;
9. Air conditioning condensate;
10. Irrigation water;
11. Springs;
12. Water from crawl space pumps;
13. Footing drains;
14. Lawn watering;
15. Individual residential car washing;
16. Discharges from riparian habitats and wetlands;
17. De-chlorinated swimming pool and spa discharges;
18. Street wash water, and
19. Discharges of flows from emergency fire fighting activities.

B. The city permits discharges allowed under the AZPDES De Minimus General Permit, and the city will rely on the state to enforce the provisions regarding these discharges under that permit. The city may, however, require a person to demonstrate that a discharge is subject to that permit.

C. Discharge allowed under separate permits issued by ADEQ are allowed provided that the permit conditions are adhered to.

D. Discharges which have been managed using BMP that are appropriate to the facility at the time of the discharge and properly maintained shall be considered allowable.

E. It shall be the responsibility of the person discharging to demonstrate through testing, records, plans, and other documents that the discharge is allowable under this article. The city may require such demonstration for any facility connected to the MS4 directly or indirectly.
(Ord. 2007-17, passed 11-13-2007)

§ 14-1-9 PLAN REVIEW, INSPECTIONS, ACCESS, AND REPORTS.

A. The city shall require that any person submitting a grading, building, or other improvement plan disclose if illicit discharge, storm water, or permitted non-storm water discharge of any type to the MS4 may occur as a result of, or in conjunction with the implementation of the plan. To the extent that the discharge would be an illicit discharge, if connected to the MS4, the plan shall include BMP measures to remove or prevent the illicit discharge during and after construction of the improvement or project. The BMP shall be subject to approval of the City Engineer.

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B. Persons shall maintain the BMP during and after construction. This shall apply to persons initiating a project and to heirs and assigns. Changes to the BMP approved at the time of a project implementation shall be sent to the city in writing. The revised BMP shall be at least as effective in preventing pollution as the original BMP or as then currently required by the city. The city reserves the right to require changes in BMP as necessary to assure that discharges to the MS4 are of a quantity and quality that the city will not be in violation of the permits under which it is allowed to discharge storm water.

C. The city shall be granted access to all facilities and lands discharging any water or other material to the MS4.

D. Persons further developing parcels and/or lots that are part of a larger development, regardless of the time elapsed, shall utilize current BMP methods that are at least as effective as those identified in the storm water pollution prevention plan for the larger development or necessary to comply with regulations, laws, and codes current at the time of further developing, which ever is more stringent. Appropriate permits required by the state shall be acquired by further developers.

E. Site-specific storm water pollution prevention plans shall be developed for all construction projects 1 acre or greater in size. The site specific plan shall identify the minimum BMPs to be utilized upon further development of the project area, when the person submitting the plan will not develop the entire project though building occupancy or other full development intent. Smaller areas may develop a site-specific plan or provide a notice of intent to abide by the city's general storm water pollution guidelines. The Notice of Intent shall be of a format approved by the City Engineer and shall at minimum contain the following:

1. The name of the development as applicable;
2. The name of the property owner;
3. The name of the person responsible for compliance with the pollution prevention plan;
4. The anticipated time frame for constructing the project;
5. A statement to be signed by the responsible person and the property owner stating:

"The responsible person and the person owning the property for which this Notice of Intent is submitted agrees to require that all construction work and related activity be conducted in accordance with the Sedona City Code requires and the requirements of the City of Sedona General Storm water Pollution Prevention Guidelines. Persons further understands that failure to meet the mentioned requirements will be sufficient cause for the City to restrict or stop work on the property until the requirements are met. Also Persons shall additionally be subject to other actions under law."

F. The City Engineer shall develop, publish, and update from time to time general storm water pollution guidelines. These guidelines shall at minimum address pollution caused by soil erosion, motor oil, trash, and landscape debris.

(Ord. 2007-17, passed 11-13-2007)

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§ 14-1-10 SUSPENSION OF MS4 ACCESS.

The city may, without prior notice, suspend MS4 discharge access when such suspension is necessary to stop an actual or threatened discharge, which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4. If the violator fails to comply with a suspension order issued in an emergency, the city may take such steps as deemed necessary to prevent or minimize damage to the MS4, or to minimize danger to persons.

(Ord. 2007-17, passed 11-13-2007)

§ 14-1-11 INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES.

Any person subject to an industrial or construction activity AZPDES/NPDES Storm Water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required. An authorized representative of the city shall be permitted to enter and inspect facilities subject to regulation under industrial or construction activity permits at reasonable times and as often as may be necessary to determine compliance with this article. If a discharger has security measures in effect which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the city.

(Ord. 2007-17, passed 11-13-2007)

§ 14-1-12 SUSPENSION DUE TO THE DETECTION OF ILLICIT DISCHARGE.

Any person discharging to the MS4 in violation of this article may be subject to MS4 access termination if such termination would abate or reduce an illicit discharge. The city will notify a violator of the proposed termination date of its MS4 access. The violator may petition the City Storm Water Management Section for a reconsideration and hearing. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section, without the prior approval of the city.

(Ord. 2007-17, passed 11-13-2007)

§ 14-1-13 WATERCOURSE PROTECTION.

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse. All maintenance activities must be in compliance with federal, state and municipal regulations.

(Ord. 2007-17, passed 11-13-2007)

§ 14-1-14 NOTIFICATION OF SPILLS.

The owner, operator, or the person who has control of the source or location of any potential spill or release, which may result in a discharge that is not in compliance with this article, shall:

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A. Have a written Storm Water Pollution Plan or a written corrective action plan utilizing BMP for the involved facility.

B. Post notices to employees containing information about whom to contact and what procedures to follow in the event of an accidental discharge or spill.

C. In the event of a spill, promptly take all reasonable safety precautions including, if appropriate, calling 911 and completing the following steps:

1. Proceed with containment and clean up in accordance with:

a. The orders of an involved health and safety agency, or if no such orders have been issued;

b. The orders of an authorized representative, or if no such orders have been issued;

c. The Storm Water Pollution Prevention Plan or approved corrective action plan utilizing Best Management Practices for the involved facility.

2. Notify the City Engineer and the Arizona Department of Environmental Quality of the release by telephone before noon of the next working day;

3. Provide written notification, within 5 working days, to the City Engineer of the type, volume, cause of the discharge, corrective actions taken, and measures to be taken to prevent future occurrences. (Ord. 2007-17, passed 11-13-2007)

§ 14-1-15 ENFORCEMENT.**A. Notice of Violation, Corrective Action, and Penalties.**

1. Upon discovery of a violation of this article, the City Engineer, or authorized representative may issue to the violator a written notice stating the nature of the violation, the corrective action required, the time frame for corrective action, and the penalties for continued non-compliance. The statement shall inform the owner or occupant that failure to pay the penalties will result in a lien against the property. The notice shall be served either by personal service or certified mail, upon the owner, the owner's agent, the occupant, or the lessee. The Notice may also be delivered by posting upon the facility at location(s) where it is likely to be seen. The notice may also require the violator to:

a. Submit a corrective action plan to the City Engineer indicating the cause of the violation, corrective actions to prevent recurrence, and a proposed compliance schedule;

b. Pay all costs of sampling and analysis, as well as costs for laboratory sample analysis;

c. Clean up any material that has left the property or has the potential to impact storm water runoff, ensure that the clean up has been completed, and make changes in operations to prevent future releases;

d. Obtain and pay for the services of a qualified person to oversee and certify that corrective actions needed to resolve the violation have been completed;

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e. Prepare and implement a Best Management Practices Plan to prevent storm water pollution, regardless of AZPDES/NPDES requirements;

f. Stop work on clearing, dredging, grading, excavating, storing, transporting, and/or filling of land, new construction, improvements, alterations, or additions;

g. Stop any activity that is in violation of this article;

h. Abate, within the time specified in the notice, any condition that is in violation of this article;
and

i. Abate immediately any condition in violation of this article, if the City Engineer or authorized representative determines that such condition presents an immediate threat to public health, safety, or the environment;

2. If violator refuses or is unable to immediately abate a condition that presents an immediate threat to public health, safety or the environment the city may use all means necessary to abate the incident to protect the public health, safety or the environment and the city may charge all costs of such abatement to the violator.

3. The city may approve the compliance schedule or corrective action plan utilizing Best Management Practices submitted by the violator, or may require an alternative compliance schedule or corrective action plan utilizing Best Management Practices. This shall be done within the period specified in the notice. If the city discovers a condition that is likely to cause or is causing a discharge that threatens public health, safety or the environment, mitigation may include an immediate cessation of activity and abatement.

4. The remedies in this section are cumulative and the city may seek 1 or more such remedies.

5. It is a civil infraction for any person to violate this section or fail to comply with a notice of violation issued under this section.

6. Any person violating this section shall be liable to the city for all damages, costs, fines and penalties incurred by the city as a result, and shall defend, indemnify, and hold harmless the city against any resulting claims, liabilities or damages.

B. Appeal of Violation. Any person receiving a notice of violation may appeal the determination. The notice of appeal must be received by the City Engineer within 10 calendar days from the date of the notice:

1. The appeal must be in writing, state the objection to the notice of violation, provide a mailing address for a response, and be mailed or delivered to the City Engineer;

2. The City Engineer may, within 10 working days of the receipt of an appeal, provide a written response to the person appealing which shall be delivered either by mail or by personal delivery. No response within 10 working days shall be deemed to be a denial of the appeal.

3. Appeal of the City Engineer response or lack thereof to the Notice of Appeal shall be in accordance with Article 3-7 of the city code if the claim is monetary in nature. The cause of action shall be deemed the notice or violation.

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4. If the claim or demand is of other than solely monetary in nature appeal of the City Engineer response or lack thereof shall be made to the City Manager. Notice of such appeal shall be mailed to the City Attorney who shall schedule a hearing to be conducted by the City Manager, who shall admit all probative and reliable evidence without regard to formal rules of evidence or procedure. The person requesting an appeal may be heard in person and/or by an authorized representative at such hearing. Following the hearing, the City Manager shall issue a decision as to whether the notice of violation was supported by the evidence.

5. Appeal of the City Manager decision may be made in a court of competent jurisdiction.

C. *Cost of abatement of the Violation.* Within 30 calendar days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within 15 calendar days. If the amount due is not paid within 15 calendar days or by the time in which to file for an appeal is expired, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. The assessment shall be recorded in the office of the Yavapai County Recorder or Coconino County Recorder, including the date, amount of the assessment, and the legal description of the property against which the assessment is made. From the date of its recording, the assessment shall be a lien on the property and shall accrue interest at the rate prescribed by A.R.S. § 44-1201. The city shall have the right to bring an action to enforce the lien in the Superior Court of Yavapai County at any time after the recording of the assessment, but failure to enforce the lien by such action shall not affect its validity. 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 of the assessment.

D. *Injunctive Relief.* It shall be unlawful for any person to violate any provisions or to fail to comply with any of the requirements of this article. If a person has violated or continues to violate any provisions of this article, the city may petition the Yavapai County Superior Court for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

E. *Violations Deemed a Public Nuisance.* In addition to the enforcement processes and penalties provided herein, if any condition caused or permitted to exist in violation of any of the provisions of this article is a threat to public health, safety, and welfare, and is declared and deemed a nuisance by the city, such condition may be immediately abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken. Nuisances under this article are also subject to enforcement under Article 9-2 of the city code.

F. *Remedies Not Exclusive.* The remedies listed in this article are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the city to seek cumulative remedies. The city may recover all attorneys' fees, court costs, and other expenses associated with enforcement of this article, including sampling and monitoring expenses.
(Ord. 2007-17, passed 11-13-2007)