

House Engrossed

municipal separate storm sewer system

State of Arizona  
House of Representatives  
Fifty-seventh Legislature  
First Regular Session  
2025

# HOUSE BILL 2272

AN ACT

AMENDING SECTION 49-371, ARIZONA REVISED STATUTES; RELATING TO LOCAL  
STORMWATER QUALITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 49-371, Arizona Revised Statutes, is amended to  
3 read:

4 49-371. Local stormwater quality programs; authority;  
5 limitations; fee; civil penalty

6 A. A county that is required by the clean water act to obtain  
7 coverage under a national or state pollutant discharge elimination system  
8 stormwater program or a county that is required to obtain coverage under  
9 an Arizona pollutant discharge elimination system permit pursuant to  
10 article 3.1 of this chapter may do all of the following:

11 1. Develop and implement stormwater pollution prevention plans and  
12 stormwater management programs as prescribed by the clean water act or  
13 article 3.1 of this chapter.

14 2. Adopt, amend, repeal and implement any ordinances, rules or  
15 regulations necessary to comply with the minimum requirements of the clean  
16 water act or article 3.1 of this chapter, including the imposition and  
17 collection of fees for issuing and administering permits, reviewing plans  
18 and conducting inspections. Any fees imposed pursuant to this section  
19 shall not exceed the reasonable costs of the county to issue and  
20 administer permits, review plans and conduct inspections. Fees collected  
21 pursuant to this section may not be used to fund stormwater infrastructure  
22 costs.

23 3. Adopt rules, regulations or ordinances regulating the use of  
24 lands or rights-of-way owned or leased by the county as may be necessary  
25 to implement and enforce its national or state pollutant discharge  
26 elimination system stormwater management program. Rules, regulations or  
27 ordinances adopted pursuant to this paragraph may include provisions for  
28 both of the following:

29 (a) Establishing and enforcing a county permit program, including  
30 conditions for the review, issuance, revision, renewal, revocation,  
31 administration and enforcement of a permit.

32 (b) Establishing fees for the use of lands or rights-of-way and the  
33 discharge of stormwater or other waters onto or across those lands or  
34 rights-of-way pursuant to a permit.

35 4. Enforce the ordinances, rules or regulations adopted pursuant to  
36 this section consistent with section 49-372.

37 5. Seek a civil penalty of not more than \$2,500 for each violation.  
38 Each day of a violation constitutes a separate offense.

39 B. An ordinance, rule or regulation adopted pursuant to this  
40 section, or a stormwater management program developed and implemented by a  
41 county pursuant to this section, shall not be more stringent than or  
42 conflict with any requirement of the clean water act or article 3.1 of

1 this chapter. A city, town or county may not regulate under this section  
2 any activity that does not discharge to a protected surface water.

3 C. A county that operates a regulated small municipal separate  
4 storm sewer system that discharges to a protected surface water shall  
5 conduct its pollutant discharge elimination system stormwater management  
6 program and shall limit the application of any ordinance, rule or  
7 regulation as follows:

8 1. In urbanized areas as described in 40 Code of Federal  
9 Regulations section 122.32 as necessary to meet the requirements of 40  
10 Code of Federal Regulations section 122.34(b)(3). For small municipal  
11 separate storm sewer systems that discharge to non-WOTUS protected surface  
12 waters, the county shall apply this paragraph as if the small municipal  
13 separate storm sewer system discharged to a WOTUS protected surface water.

14 2. As necessary to meet the requirements of public education and  
15 outreach, public involvement and participation as provided by the clean  
16 water act or article 3.1 of this chapter.

17 D. Except as required by the clean water act, a county may not  
18 require a permit from any person with a federal or state pollutant  
19 discharge elimination system permit regulating the same activity at the  
20 same location.

21 E. Except as required by 40 Code of Federal Regulations section  
22 122.34, a county may not regulate any person or activity exempt under 33  
23 United States Code section 1342(1), 40 Code of Federal Regulations section  
24 122.3 or Arizona administrative code R18-9-A902(G).

25 F. If adopting an ordinance, rule or regulation pursuant to this  
26 section, a county shall use the definitions prescribed in section 49-255.

27 G. Fees received by a county pursuant to an ordinance or rule  
28 adopted pursuant to this article shall be deposited with the county for  
29 use in administering the programs or plans developed and implemented  
30 pursuant to this section.

31 H. Before adopting any ordinance, rule or regulation pursuant to  
32 this section, a county shall file with the secretary of state a written  
33 statement including a summary of the proposed rule, ordinance or other  
34 regulation. The summary shall provide the name of the person with the  
35 county to contact with questions or comments. The secretary of state  
36 shall publish the written statement in the next issue of the Arizona  
37 administrative register at no cost to the county. The county shall make  
38 the text of the rule, ordinance or other regulation available to the  
39 public at the same time it files the written summary of the rule,  
40 ordinance or other regulation with the secretary of state as provided in  
41 this subsection. The county shall also comply with the requirements of  
42 section 49-112, subsection D, paragraphs 2, 3 and 4.

1 I. For the purposes of this article, "county" means a county that  
2 operates a regulated MEDIUM OR LARGE SEPARATE STORM SEWER SYSTEM PURSUANT  
3 TO 40 CODE OF FEDERAL REGULATIONS SECTION 122.26 OR A small municipal  
4 separate storm sewer system pursuant to 40 Code of Federal Regulations  
5 section 122.32. For ~~small~~ municipal separate storm sewer systems that  
6 discharge to non-WOTUS protected surface waters, this definition shall  
7 apply as if the ~~small~~ municipal separate storm sewer system discharged to  
8 a WOTUS protected surface water.