

REFERENCE TITLE: **municipal separate storm sewer system**

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

HB 2272

Introduced by
Representative Griffin

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

45 C. A county that operates a regulated small municipal separate
46 storm sewer system that discharges to a protected surface water shall

1 conduct its pollutant discharge elimination system stormwater management
2 program and shall limit the application of any ordinance, rule or
3 regulation as follows:

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

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

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

17 E. Except as required by 40 Code of Federal Regulations section
18 122.34, a county may not regulate any person or activity exempt under 33
19 United States Code section 1342(l), 40 Code of Federal Regulations section
20 122.3 or Arizona administrative code R18-9-A902(G).

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

23 G. Fees received by a county pursuant to an ordinance or rule
24 adopted pursuant to this article shall be deposited with the county for
25 use in administering the programs or plans developed and implemented
26 pursuant to this section.

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

39 ~~I. For the purposes of this article, "county" means a county that~~
40 ~~operates a regulated small municipal separate storm sewer system pursuant~~
41 ~~to 40 Code of Federal Regulations section 122.32. For small municipal~~
42 ~~separate storm sewer systems that discharge to non-WOTUS protected surface~~
43 ~~waters, this definition shall apply as if the small municipal separate~~
44 ~~storm sewer system discharged to a WOTUS protected surface water.~~