

Tucson, AZ Code and Ordinances

Pertaining to Water

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Water Advisory Committee Sec. 27-60

15 members with backgrounds in utility, public health, finance, water resources, landscape, water law, and accounting

Some duties of the committee include;

- “Review and report to the governing body on the long-term (twenty (20) to thirty (30) years) water source and capital needs of the water system, utilizing staff of the water utility and other sources for the information necessary for such review”
- Annually review the "Tucson Water Resources Plan 1990--2100" and recommend revisions thereto to the governing body as required
- Initiate comprehensive revision of the "Tucson Water Resources Plan 1990--2100" at five-year intervals or more frequently as required and recommend the necessary changes thereto to the governing body.
- Review or make recommendations on policies affecting those water issues which the committee deems appropriate

Groundwater Consult Board Sec. 27-66:

an unlimited membership, indefinite service term. Members are paid, and the board has a budget

Some duties of this board include;

- The purpose of the groundwater consultant board will be the review and evaluation of all geologic, hydrologic and economic factors affecting the development of all available water resources in eastern Pima County.
- Develop alternative short-term and long-term water resources strategies through evaluation of the cost-effectiveness of various sources available to the region.
- Develop and evaluate alternative wastewater re-use schemes, which could be implemented by the city, consistent with the basin-wide management plan.
- Review and comment upon water department policies affecting such programs as land acquisition for water rights, transfers, conservation and capital improvements. Recommend additional policies for consideration.

Mandatory Emergency Water Conservation Sec. 27-95

Upon declaration of a water emergency and notification to the public, the following mandatory restrictions upon nonessential uses shall be enforced:

- All outdoor irrigation, except for those areas irrigated with reclaimed water, is prohibited. If the city manager deems it appropriate, a schedule designating certain outdoor watering days may be implemented in place of the irrigation ban.
- Washing of sidewalks, driveways, parking areas, tennis courts, patios or other paved areas with water from any pressurized source, including garden hoses, except to alleviate immediate health or safety hazards, is prohibited.
- The outdoor use of any water-based play apparatus connected to a pressurized source is prohibited.

- Operation of water cooled space and equipment cooling systems below an operating efficiency level of two cycles of concentration is prohibited.
- Restaurants and other food service establishments are prohibited from serving water to their customers, unless water is specifically requested by the customer.
- Operation of outdoor misting systems used to cool public areas is prohibited.
- The filling of swimming pools, fountains, spas or other exterior water features is prohibited.
- The washing of automobiles, trucks, trailers and other types of mobile equipment is prohibited, except at facilities equipped with wash water recirculation systems, and for vehicles requiring frequent washing to protect public health, safety and welfare.

Drought Preparedness and Response Plan Sec. 27-100

- *Stage 1 trigger:* A severe and sustained drought on the Colorado River watershed and/or any declaration of drought status above normal in the Santa Cruz Watershed by the Arizona Drought Monitoring Technical Committee.
- *Stage 2 trigger:* A declaration by the Secretary of the Interior of a shortage on the Colorado River that results in a reduction in Central Arizona Project (CAP) water deliveries to agricultural, other non-municipal users, or to excess users, OR, a deterioration in local water system indicators in conjunction with a drought status above normal for the Santa Cruz Watershed.
- *Stage 3 trigger:* Continuing shortages on the Colorado River resulting in reductions in CAP deliveries to municipal subcontractors, including the city, OR, a further deterioration in local water system indicators in conjunction with a drought status above normal for the Santa Cruz Watershed.
- *Stage 4 trigger:* Additional reductions to CAP municipal deliveries, a further deterioration of local system indicators, and/or a failure to significantly reduce water demand in Stage 3.

Rainwater Harvesting Plan Sec. 6-182: 6-183

- All commercial development and site plans submitted after June 1, 2010, shall include a rainwater harvesting plan. The rainwater harvesting plan shall include a landscape water budget and an implementation plan.
 - The landscape water budget shall calculate the estimated volume of water required yearly for all site landscaping detailed in the development and/or landscape plan.
 - The implementation plan shall show how any combination of capture, conveyance, storage, and distribution will be utilized on-site to harvest rainwater. Implementation plans shall comply with applicable development standards for water harvesting applications.
 - The implementation plan shall also provide for water metering of all on-site landscape water through either:
 - A separate water meter connected to the main water supply; or,
 - An irrigation sub-meter.
- The rainwater harvesting plan shall be submitted concurrently with the site plan and landscape plan.
- The director of the development services department may authorize alternative compliance with development standards when conditions of topography, site soils or ratio of landscape area

to total site area would make strict adherence to standard provisions unreasonable and the alternative compliance advances the spirit of this article.

- All new commercial development built pursuant to a development plan submitted after June 1, 2010, shall include a rainwater harvesting system constructed according to an approved rainwater harvesting plan.
- No later than three (3) years from the date of issuance of a final certificate of occupancy, and for every year thereafter, fifty (50) percent of the estimated yearly landscape water budget shall be provided by rainwater harvested on-site by a rainwater harvesting system constructed pursuant to an approved rainwater harvesting plan. The fifty (50) percent landscape budget provision shall not apply in any calendar year in which the annual precipitation has fallen below the amount determined in the applicable development standards.
- Within three (3) years from the date of issuance of a final certificate of occupancy, the applicant, or a successor in interest, may request to revise the rainwater harvesting plan. The request shall be submitted to the director of development services. The request shall be granted only if one of the following is true:
 - A mathematical or engineering error was made in the calculation of water required for on-site landscaping.
 - A variance related to landscape requirements, and which impacts the landscape water budget, is obtained subsequent to the approval of a submitted rainwater harvesting plan.
 - Additional data on site conditions or performance relevant to the subject site has been obtained, and results indicated a needed change in water budget calculations in the rainwater harvesting plan.

Stormwater Management Sec. 26-23

- *Connection* means the juncture/location at which discharge may enter the municipal separate storm sewer system.
- *Corrective action plan* is a plan required under this article and approved by an authorized representative that consists of structural and nonstructural Best Management Practices to prevent stormwater pollution or remediate impacts to the stormdrain system. Based on site conditions, the authorized representative will determine whether the corrective action plan will be prepared and certified by a qualified person registered with the State of Arizona as a professional engineer, or professional landscape architect; or a qualified person certified by the American Board of Industrial Hygiene, as a certified industrial hygienist.
- *De Minimus discharge* means a discharge that is a low flow and/or low frequency event of relatively pollutant free water which is discharged with appropriate BMPs to reduce any pollutants to below the applicable surface water standard (A.A.C. Title 18, Chapter 11, Article 1).
- *Discharge* means any generated or naturally occurring runoff or flow into, or through the city's municipal separate storm sewer system or waters of the United States.
- *Discharger* means any person who causes or allows a discharge or who owns property from which a discharge originates.
- *Environment* means navigable waters, any other surface waters, groundwater, drinking water supply, land surface, subsurface strata, ambient air, biotic community, or wildlife habitat within or bordering on the city.
- *Illicit connection* means a connection that causes, or otherwise allows, illicit discharges.

- *Illicit discharge* means any discharge that is not composed entirely of stormwater except: discharges pursuant to and in compliance with an applicable NPDES or AZPDES permit or other written authorization from the Environmental Protection Agency or the Arizona Department of Environmental Quality; not including the city's Municipal Stormwater Permit; and discharges that are considered to be non-significant sources of stormwater pollution.
- *Land disturbance activity* means any activity that is regulated under the federal NPDES or state AZPDES stormwater permit requirements for construction sites.
- *Municipal separate storm sewer system* means a system of conveyances, consisting of all structures, basins, and natural or manmade channels that can collect, detain/retain, receive, or convey stormwater or other liquid that is discharged to a water of the United States from, or through, private property, public property, common areas, easements or rights-of-way, infrastructure, including but not limited to swales, watercourses, channels, streets, culverts, stormdrains, curbs and gutters. For the purposes of this article, the municipal separate storm sewer system does not include the following waters of the United States: the Santa Cruz River, Rillito Creek, Pantano Wash, Tanque Verde Creek, Rincon Creek, Sabino Creek, West Branch Santa Cruz River Diversion Channel, and Agua Caliente Wash.
- *NPDES* means National Pollutant Discharge Elimination System.
- *No-exposure certification* is a document certifying that federal and/or state no-exposure requirements have been met.
- *Notice of intent (NOI)* is a document describing the intent to operate an industrial facility or land disturbance activity in accordance with a general stormwater AZPDES/NPDES permit.
- *Notice of termination (NOT)* is a document certifying one of the following conditions:
 - A change of ownership or responsible party;
 - Final site stabilization following a land disturbance activity;
 - Discharge has permanently ceased; or
 - Discharges are covered under another AZPDES/NPDES permit.
- *Person* means an individual, resident, property owner, firm, partnership, joint venture, association, corporation, estate, trust, receiver, syndicate, broker, the federal government, State of Arizona, or any political subdivision or agency of this state.
- *Pollutant* means any solid, liquid, or gaseous substances that may have an adverse impact on human health, the environment, or the property of others, or which otherwise causes or contributes to a violation of any stormwater quality provision of federal, state, or local laws.
- *Qualified person* means a person who is knowledgeable and possesses the skills to assess conditions at the site that could impact stormwater quality and the effectiveness of the BMPs selected to control the quality of stormwater discharges. Based on site conditions, the manager will determine whether the qualified person must also be registered with the State of Arizona as a professional civil engineer, or professional landscape architect; or whether the qualified person must be certified by the American Board of Industrial Hygiene, as a certified industrial hygienist.
- *Stormwater* means precipitation runoff, to which no pollutant has been added by human activity.
- *Stormwater pollution prevention plan* is a document required under AZPDES/NPDES regulations or imposed pursuant to this article describing the stormwater quality controls in place at a site.

Sec. 26-40

- The following are prohibited:
 - (1) Any discharge that is a source of pollutants;
 - (2) Allowing or causing any discharge that contributes a pollutant to stormwater;
 - (3) Any discharge that contributes to a violation of the city's Municipal Stormwater Permit, regardless of whether that discharge is covered under, and is in compliance with, an AZPDES/NPDES permit;
 - (4) Establishing, using, and/or maintaining any connection that allows a discharge that contributes a pollutant to stormwater;
 - (5) Depositing, dumping or storing any materials in a manner that may contribute a pollutant to, or obstruct the flow of, stormwater;
 - (6) Failing to comply with any applicable AZPDES/NPDES Permit, including any permit requirements to develop, implement, or comply with a Stormwater Pollution Prevention Plan (SWPPP);
 - (7) Failing to provide required information to the city including:
 - a. Copies of the notice of intent, notice of termination, and/or no exposure certification as appropriate;
 - b. Upon request, copies of the SWPPP, water quality monitoring results and/or hydrologic reports certifying compliance with discharge or retention requirements;
 - (8) Failing to develop, implement, or comply with a Stormwater Pollution Prevention Plan or a Corrective Action Plan utilizing Best Management Practices that is either required under an AZPDES/NPDES permit or imposed by the city pursuant to this article, including requirements to implement good housekeeping, spill control and response, employee training, record keeping, proper material and waste management, practices for nonstormwater flows, and structural stormwater controls;
 - (9) Misrepresentation in any document pertaining to an approved plan, permit, or certification relating to a discharge activity; and
 - (10) Disabling or rendering inaccurate any sampling or monitoring device required under this article.
- (Ord. No. 10209, § 3, 10-18-05)

Sec. 26-41. Non-prohibited discharges.

- The following types of discharges are not prohibited under this article unless they are found to be a source of pollutants:
 - (1) Discharges in compliance with an AZPDES/NPDES permit;
 - (2) Discharges in compliance with an approved Corrective Action Plan utilizing Best Management Practices.
 - (3) Discharges of the following types of naturally occurring water are not prohibited:
 - a. Stormwater;
 - b. Rising groundwater;
 - c. Springs and ponds;
 - d. Diverted stream flow;
 - e. Flows from riparian habitats and wetlands; and
 - f. Pumped unpolluted groundwater.

- (4) Discharges that qualify for the AZPDES De Minimus General Permit are not prohibited as long as these discharges are in compliance with the permit. Qualifying discharges include:
 - a. Discharges from installation and maintenance of potable water supply systems;
 - b. Discharges from subterranean dewatering;
 - c. Discharges from well development and maintenance and/or aquifer testing;
 - d. Discharges of groundwater, surface water or potable water from hydrostatic testing;
 - e. Discharges of groundwater, surface water or potable water associated with installation and maintenance of reclaimed water system transport discharges;
 - f. Discharges from residential non-contact cooling water (including overflow from air conditioning condensate and evaporative coolers);
 - g. Discharges from charitable noncommercial car washes when only the exterior of vehicles are being washed with water only or when biodegradable soap is used;
 - h. Discharges from building or street washing where only water or biodegradable soaps are used;
 - i. Discharges of dechlorinated pool water; and
 - j. Other de minimus discharges as specifically approved by ADEQ.
- (5) Additional types of discharges, which do not contribute to a violation of the city's Municipal Stormwater Permit may be allowed upon submittal of a copy of the discharger's written authorization from the Arizona Department of Environmental Quality or the Environmental Protection Agency. Such authorization shall be submitted to the city prior to the time of discharge, and must be retained for at least three (3) years after the last discharge made pursuant to the authorization.

Sec. 26-42. Requirements.

- (a) Any person who is determined by the manager to have the potential to be a discharger of pollutants can be required to develop and implement a Corrective Action Plan utilizing Best Management Practices (BMPs) to prevent stormwater pollution. Based on site conditions, the manager will determine whether the Corrective Action Plan must be prepared and certified by a qualified person registered with the State of Arizona as a professional engineer, or professional landscape architect; or a qualified person certified by the American Board of Industrial Hygiene, as a certified industrial hygienist.
- (b) For land disturbing activities that fall under the jurisdiction of this article, a Stormwater Pollution Prevention Plan must be prepared and certified by an engineer, or a landscape architect and submitted along with application for a grading permit to the City of Tucson Development Services Department.
- (c) Proof of all applicable city, state, and federal permits including supporting documents such as the Stormwater Pollution Prevention Plan, the notice of intent, the notice of termination, and the no-exposure certification shall be maintained on site for inspection by authorized representatives.
- (d) Any industrial facility or land disturbing activity seeking exemption from AZPDES/NPDES permitting requirements by retaining stormwater discharges on site must submit a hydrologic report certifying adequate containment in a 100 year storm event.
- (e) Any person that is required to have a Stormwater Pollution Prevention Plan or a Corrective Action Plan utilizing Best Management Practices must post notices to employees containing information about whom to contact and what procedures to follow in the event of an

accidental discharge or spill. Dischargers shall have a trained employee or staff member who will be responsible for oversight of any necessary clean up or remediation.

- (f) In the event of a spill or release, the owner, operator, or the person who has control of the source or location of any spill or release, which may result in a discharge that is not in compliance with this article, shall immediately 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 Stormwater Pollution Prevention Plan or approved corrective action plan utilizing Best Management Practices for the involved facility.
 - (2) Report any violations of the Tucson Fire Code or other such applicable safety or health codes in the manner required by such code;
 - (3) Notify the Tucson Department of Transportation, Stormwater Management Section and the Arizona Department of Environmental Quality of the release by telephone before noon of the next working day;
 - (4) Provide written notification, within five (5) working days, to the Tucson Department of Transportation, Stormwater Management Section of the type, volume, cause of the discharge, corrective actions taken, and measures to be taken to prevent future occurrences.
- (f) Compliance with these requirements shall not relieve the discharger of any fines, penalties, or liability incurred, or that may be imposed by this article or other applicable laws as a result of the discharge. In addition, compliance with these requirements shall not relieve the discharger from the reporting requirements of 40 CFR 110, 40 CFR 117 and 40 CFR 302.