



**CITY OF MESA
ENVIRONMENTAL REQUIREMENTS FOR CONSTRUCTION ACTIVITIES
FACT SHEET**

INTRODUCTION: The Maricopa County Air Quality Department (MCAQD) established regulations requiring a dust plan and dust permit for any dust-generating operation which includes, but is not limited to, land clearing, earthmoving, excavating, construction, and demolition for any project that disturbs one-tenth (0.10) of acre (4,356 square feet) or greater of soil. The Arizona Department of Environmental Quality (ADEQ) established regulations requiring stormwater coverage under their Construction General Permit (CGP) for any construction project that disturbs one acre (43,560 square feet) or greater of land (including those projects less than one (1) acre, but are part of a larger common plan of development or sale that will ultimately disturb one or more acres of land) and that has the potential to discharge pollutants to a regulated water body, either directly, or through a regulated municipal storm sewer system (MS4). The City of Mesa operates a regulated MS4.

DETERMINING THE ACREAGE OF SOIL OR LAND DISTURBED: The amount of acreage of soil/land disturbed by a construction project is usually not limited to the footprint of the structure being constructed. It includes all areas where grading, earthmoving, excavating, and demolition activities takes place as well as unpaved areas with disturbed soil where support activities occur (e.g. staging areas, material storage areas, access roads and parking areas, etc.). Often, this is the entire parcel, and in many cases includes portions of off-site properties.

DETERMINING A COMMON PLAN OF DEVELOPMENT OR SALE: The ADEQ defines a “larger common plan of development or sale” as a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one common plan. The common plan of development or sale is broadly characterized as any announcement or piece of documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating construction activities may occur on a specific plot. For example, if a developer buys a 20-acre lot and builds roads, installs pipes, and runs electricity with the intention of constructing homes or other structures sometime in the future, this would be considered a larger common plan of development or sale. If the land is parceled off or sold, and construction occurs on plots that are less than one acre by separate, independent builders, the construction activity would still be part of the common plan of development and subject to stormwater permitting requirements if the smaller plots were included on the original site plan. A larger common plan of development or sale also applies to other types of land development such as commercial shopping areas, and industrial parks. If the project is part of a common plan of development or sale, the disturbed land area of the entire plan shall be used in determining permit requirements.

DETERMINING THE POTENTIAL TO RELEASE POLLUTANTS TO THE CITY’S STORM SEWER SYSTEM: The potential to release pollutants to the City of Mesa’s storm sewer system exists when any construction project is appurtenant, adjacent, or contiguous to City of Mesa rights-of-way (including, but not limited to City owned and operated streets), any City of Mesa drainage easement, or any direct connection to a City’s storm drain (e.g. bleed-off systems installed in retention structures).

CERTIFICATION: If a City of Mesa inspector finds that the answers to this questionnaire are not in fact the conditions observed at the construction project, the property owner, applicant, and contractor may be in violation of Mesa City Code 8-2-3(A) and/or 8-5-3(E) and subject to significant penalties for knowingly submitting false information, including the possibility of civil penalties, imprisonment, or permit or license suspension. In addition, or in lieu of the penalties provided above, the project may be referred to the MCAQD or ADEQ for not obtaining proper permits and subject to similar penalties from those agencies including a requirement to cease all operations until proper plans are developed and approved and proper permits are obtained.

MORE INFORMATION: For more information, please visit the City’s Environmental Requirements for Construction Activities website at <https://www.mesaaz.gov/business/environmental-requirements-for-construction-activities>. For questions concerning these requirements, please call the Environmental Hotline at 480-644-3599.