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#5

DEC 13 2007

MEMORANDUM

Public Works Department – Memo No. ST08-009

DATE: DECEMBER 13, 2007

TO: MAYOR AND COUNCIL

THRU: W. MARK PENTZ, CITY MANAGER
R.J. ZEDER, PUBLIC WORKS DIRECTOR
MICHAEL NORMAND, ACTING ASSISTANT PUBLIC WORKS DIRECTOR
OF TRANSPORTATION AND OPERATIONS
DAVID FERN, STREETS OPERATIONS AND PROJECT MANAGER
RUTHANN GOEMAAT, STREETS SUPERINTENDENT

FROM: DAVE VERHELST, STORMWATER PROGRAM COORDINATOR

SUBJECT: INTRODUCTION OF ORDINANCE NO. 3976 AMENDING SECTION 1-8.7 OF CHAPTER 1, ADDING SECTION 43-5.13 OF CHAPTER 43, ADDING SECTION 45-8 OF CHAPTER 45, AND DELETING THE LAST SENTENCE OF SECTION 46-2.D OF CHAPTER 46 OF CHANDLER CITY CODE RELATING TO THE CITY OF CHANDLER STORMWATER QUALITY PROTECTION REQUIREMENTS IN ACCORDANCE WITH THE FEDERAL NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) REQUIREMENTS ADMINISTERED BY THE ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY AND DECLARING AN EMERGENCY.

RECOMMENDATION: Staff recommends introduction and tentative approval of Ordinance No. 3976 amending Section 1-8.7 of Chapter 1, adding Section 43-5.13 of Chapter 43, adding Section 45-8 of Chapter 45, and deleting the last sentence of Section 46-2.D of Chapter 46 of Chandler City Code relating to the City of Chandler Stormwater Quality Protection Requirements in accordance with the Federal National Pollutant Discharge Elimination System (NPDES) Requirements Administered by the Arizona Department of Environmental Quality and declaring an emergency.

BACKGROUND/DISCUSSION: The City of Chandler is currently working under the Arizona Pollution Discharge Elimination System (AZPDES) General Permit administered by the Arizona Department of Environmental Quality (ADEQ), which is valid through December 19, 2007. ADEQ reviewed this permit and the City's Stormwater Management Program (SWMP) during the permit term and ADEQ has required improvements to the Program. One remaining requirement is to implement a stormwater quality protection ordinance to address and comply with the requirement of ADEQ's General Permit. This Ordinance addresses the required

changes outlined by ADEQ and is consistent with the requirements of the Clean Water Act Amendments of 1987. The ordinance covers those areas of the City of Chandler that directly or indirectly discharge to the ADOT stormwater drainage system, a few locations that discharge to the Gila Drain and all areas of the City of Chandler that incorporate on-site retention. The ordinance will be applicable to citizens, businesses and developers to improve the quality of stormwater runoff.

Adoption and implementation of this ordinance is required by December 19, 2007 to fully meet the requirements outlined in the AZPDES General Permit and City of Chandler Stormwater Management Program.

Staff will work with the development community and the general public toward education and voluntary compliance. All efforts will be made to achieve voluntary compliance, however if this is not possible, a violation could result in the usual issuance of a civil citation. Civil citations have a maximum penalty of \$500. In the rare case where non-compliance is habitual, the City may opt to issue a criminal citation, which may result in a class 1 misdemeanor and a maximum penalty of \$20,000 and/or six months in jail.

A number of Arizona municipalities have already adopted ordinances to address stormwater quality protection for their respective communities including: Phoenix, Tucson, Mesa, Tempe, Scottsdale, Gilbert, and Avondale. This Code change has been modeled after what other municipalities have already successfully developed and implemented.

Many developers are already implementing best management practices associated with the requirements outlined in the AZPDES General Permit for Discharge from Construction Activities to Waters of the United States. Such requirements have been in place and enforced by ADEQ since the permit's inception on February 25, 2003.

FINANCIAL IMPLICATIONS: None.

PROPOSED MOTION: Move that Council introduce and tentatively approve Ordinance No. 3976 amending Section 1-8.7 of Chapter 1, adding Section 43-5.13 of Chapter 43, adding Section 45-8 of Chapter 45, and deleting the last sentence of Section 46-2.D of Chapter 46 of Chandler City Code relating to the City of Chandler Stormwater Quality Protection Requirements in accordance with the Federal National Pollutant Discharge Elimination System (NPDES) Requirements Administered by the Arizona Department of Environmental Quality and declaring an emergency.

Attachments: Ordinance No. 3976
City of Chandler Manual on Stormwater Quality Protection

ORDINANCE NO. 3976

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA AMENDING CHAPTER 1, SECTION 1-8.7, CHAPTER 43, CHAPTER 45 AND CHAPTER 46, SECTION 46-2.D OF THE CODE OF THE CITY OF CHANDLER BY ADOPTING THE CITY OF CHANDLER MANUAL ON STORMWATER QUALITY PROTECTION, DECEMBER, 2007 EDITION, MAKING CODE CHANGES CONTEMPLATED UNDER THE CITY'S STORMWATER MANAGEMENT PROGRAM AND DECLARING AN EMERGENCY.

WHEREAS, the City of Chandler (the City), pursuant to applicable environmental law, prepared a Stormwater Management Program, and periodic updates to the Stormwater Management Program (collectively the SWMP) to address stormwater quality issues;

WHEREAS, the SWMP has been approved by the Arizona Department of Environmental Quality (ADEQ) and sets forth timeframes by which the City will adopt City Code changes prohibiting non-stormwater discharges to stormwater collection systems and specifying the procedures to be followed to prevent non-stormwater discharges to stormwater collection systems; and

WHEREAS, City staff believes that the City Code changes proposed in this Ordinance No. 3976, and the adoption of the Manual on Stormwater Quality Protection, December, 2007 edition, will satisfy the requirements of all applicable law, will satisfy the requirements set forth in the SWMP and will protect the water sources utilized by the City and, therefore, recommends adoption.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Chandler, Arizona, as follows:

Section 1. Section 1-8.7A of Chapter 1 of the Code of the City of Chandler is hereby amended by adding a reference to Chapter 45 to read as follows:

A. *Civil infractions.* Except as otherwise provided by law or ordinance, a violation of Chapters 28, 30, 31, 44, **45** and 58 shall be a civil infraction which will be charged, filed and prosecuted in accordance with Chapter 26 of this Code.

Section 2. Section 43-5 of Chapter 43 of the Code of the City of Chandler is hereby amended by adding a new Section 43-5.13 to read as follows:

43-5.13. *City of Chandler Manual on Stormwater Quality Protection:*
That certain document on file with the City Clerk marked, known

and designated as “City of Chandler Manual on Stormwater Quality Protection, December, 2007 edition”, is hereby adopted by reference and made a part hereof as if set forth at length herein.

Section 3: Chapter 45 of the Code of the City of Chandler is hereby amended by adding a new Section 45-8 to read as follows:

45-8. Non-stormwater Discharges.

Except as set forth herein, no person shall cause or allow any solid, liquid or gaseous substance, except for runoff, surface flows and drainage that is comprised solely of stormwater, to be placed on or discharged, either directly or indirectly, to any highway, alley, public place, right-of-way or stormwater collection system within the City, or to any other property owned by the City. The prohibitions set forth in this Section 45-8 include, without limitation, the discharge of swimming pool or spa waters or pollutants that may either come in contact with stormwater or obstruct the intended flow of stormwater to a stormwater collection system.

45-8.1. Exceptions. Unless the quantity or scope of such discharge constitutes a nuisance, the following non-stormwater discharges are not prohibited:

- A. Discharges from fire hydrant flushing conducted or approved by the City;
- B. Run-off from fire fighting activity conducted by the City;
- C. Discharges of potable water, including uncontaminated groundwater, or from reclaimed water line flushing conducted or approved by the City;
- D. Discharges comprised of air conditioner condensate;
- E. Discharges from watering for dust control purposes during construction activity pursuant to an approved dust control plan, unless significant materials or sediment enters City right-of-way or a stormwater collection system;
- F. Discharges from non-commercial car washes where only vehicle exteriors are washed with water and biodegradable soaps, unless significant materials or sediment enters City right-of-way or a stormwater collection system;

G. Discharges from external building wash down where biodegradable soaps are used, unless significant materials or sediment enters City right-of-way or a stormwater collection system;

H. Discharges from washing pavement not associated with construction activity where biodegradable soaps are used and any hazardous or toxic materials have been removed, unless significant materials or sediment enters City right-of-way or a stormwater collection system;

I. Discharges from washing pavement or other surfaces associated with construction activity pursuant to an applicable permit where best management practices are utilized to prevent significant materials or sediment from entering City right-of-way or a stormwater collection system;

J. Incidental and non-recurring discharges of irrigation water or discharges associated with landscape irrigation, unless significant materials or sediment enters City right-of-way or a stormwater collection system;

K. Other, similar, discharges expressly approved in writing by the Director of Public Works or designee;

45-8.2. *Significant Materials or Sediment.* The phrase significant materials or sediment as used in this section shall mean and refer to solid, liquid or gaseous substances other than stormwater that causes or may cause or contribute to the violation of a water quality standard pursuant to Article 2, Title 49, *Arizona Revised Statutes* or the provisions of any permit issued to the City.

Section 4: Section 46-2.D of Chapter 46 of the Code of the City of Chandler is hereby amended by deleting the last sentence thereof so that this section will read as follows:

D. No work of any nature shall be performed in a public place or right-of-way, without first obtaining a permit from the City in accordance with the provisions set forth herein. The Department shall provide the forms for and set forth the rules, regulations and procedures governing the issuance of permits.

~~No person shall discharge or cause or allow to flow or run, any water or other liquid upon any highway, alley, public place or right-of-way within the City unless authorized, in writing, by the Department consistent with this chapter.~~

Section 5: That because the immediate operation of the provisions of this Ordinance is necessary for the preservation of the public peace, health, life and property of the City of Chandler, an emergency is hereby declared to exist, to wit: non-stormwater discharges to City right-of-way or stormwater collection systems pose a health and safety risk to the citizens of the City of Chandler and the terms of this Ordinance must be quickly adopted to satisfy the provisions of the SWMP approved by ADEQ. This Ordinance shall be in full force and effect from and after the passage, adoption and approval by the City Council of the City of Chandler, and it is hereby exempt from the referendum provisions of the Constitution and the laws of the State of Arizona.

PASSED AND ADOPTED by the Mayor and City Council of the City of Chandler, Arizona, this ___ day of _____, 2007.

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 3976 was duly passed and approved by the City Council of the City of Chandler, Arizona, at a regular meeting held on the _____ day of _____, 2007, and that the vote was _____ Ayes, _____ Nays.

CITY CLERK

APPROVED AS TO FORM:



CITY ATTORNEY

PUBLISHED:

City of Chandler Manual on Stormwater Quality Protection



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December 2007

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Section 1

Introduction

This manual has been prepared to address stormwater quality concerns in the City of Chandler. The EPA has concluded that polluted stormwater runoff is a major factor in the declining quality of our nation's waters. Stormwater is runoff and surface flows generated from precipitation events. Common pollutants found in stormwater may include, but are not limited to pesticides, fertilizers, litter, pet waste, petroleum products, automotive fluids, paints, solvents, yard waste, sediment, chemicals, metals, materials and wastes associated with construction activities.

The City of Chandler stormwater collection system manages stormwater to prevent flooding and land erosion and is completely separate from the sanitary sewer system. The sanitary sewer system delivers wastewater from homes and businesses to a wastewater treatment facility where the wastewater is treated and either reused or recharged to groundwater. Stormwater runoff collected in stormwater collection systems is generally not treated before it infiltrates to groundwater or is discharged to Waters of the United States and, as such, it is very important to minimize pollutants that may contaminate stormwater flows.

1.1 Purpose

The purpose of this manual is to provide for the health, safety and general welfare of the citizens of Chandler by establishing procedures and practices that will prevent or minimize, to the maximum extent practicable, the discharge of pollutants to City right-of-way or a stormwater collection system. This manual is intended to set forth City of Chandler requirements relating to preventing non-stormwater discharges during construction activity, not a comprehensive recitation of all other regulatory requirements that may apply to construction activity.

1.2 Definitions

ADEQ – means Arizona Department of Environmental Quality.

AZPDES – means Arizona Pollutant Discharge Elimination System

BMP's or Best Management Practices – means any methods, techniques, procedures or practices that may prevent or reduce the discharge of pollutants to City right-of-way or a stormwater collection system. Best management practices may include, but are not limited to; employee training, public outreach, recordkeeping, waste management, schedules of activities, prohibited practices, maintenance practices, good housekeeping practices, sediment and erosion control, structural practices, chemical storage, disposal practices, and any other processes that may control runoff, leaks, spills, or waste that may be discharged.

City Right-of-Way – means property either owned or maintained by the City of Chandler or an easement that is intended for traffic movements, utilities, drainage and other public uses.

Construction Activity – means activity that involves land development including clearing, grading, excavating, disturbing of land and any activities associated with the construction of both commercial and residential structures.

Direct Connection – means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, or concentrated animal feeding operation that may connect to City right-of-way or a stormwater collection system.

Discharge – means any addition of pollutants or combination of pollutants that may combine with stormwater runoff or other flows and have the potential to enter City right-of-way or a stormwater collection system.

EPA – means United States Environmental Protection Agency.

ESCP or Erosion and Sediment Control Plan - means an area site plan or map included in the SWPPP satisfying the provisions of the AZPDES General Permit for Discharge from Construction Activities identifying, among other things, the direction of stormwater flow on the site where construction activity will occur, the area that will be graded or otherwise disturbed during construction activity, site slopes after completion of grading, storage areas, the location of any onsite or nearby water bodies or stormwater collection systems and areas where soil stabilization will occur.

Illicit Connection – means any direct or indirect connection or conveyance, whether on the surface or subsurface, which, may cause or allow a non-stormwater discharge.

Indirect Connection – means using, leaking, storing, spilling, dumping, allowing or disposing of pollutants, which may reasonably come into contact with stormwater or other surface flows and enter City right-of-way or a stormwater collection system.

Non-stormwater Discharge – means any discharge to City right-of-way or a stormwater collection system that is not composed entirely of stormwater.

NOI - means the Notice of Intent form to be submitted to the EPA or ADEQ prior to the start of certain construction activities.

NPDES – means National Pollutant Discharge Elimination System.

Person – means any human being, any governmental or political subdivision or public agency, any public or private corporation, any partnership, any firm, association or other organization, any receiver, trustee, assignee, agent, or other legal representative of any of the foregoing or any other legal entity.

Pollutant – means any solid, liquid, or gaseous substances that may have an adverse impact on human health, the environment or may alter the chemical, physical or biological properties of water or contribute to a violation of any federal, state or local water quality standard or a condition of any permit issued to the City. Pollutants include, but are not limited to solid waste, sewage, petroleum based products, pesticides, herbicides, fertilizers, sediment (dirt, sand, mud, rock, etc.), paints, solvents, household or industrial cleaners, biological materials, radioactive materials, chemical wastes, abandoned or discarded objects, toxic wastes, pathogens, litter, incinerator residue, industrial, municipal and agricultural wastes, acids, bases, swimming pool water, pet waste, green waste, construction waste, automotive fluids or other substances that may

pose an imminent and substantial danger to public health and welfare or to the environment.

Significant Materials or Sediment – means any solid, liquid or gaseous substance other than stormwater that causes or may cause or contribute to the violation of a water quality standard pursuant to Article 2, Title 49, *Arizona Revised Statutes* or the provisions of any permit issued to the City of Chandler.

SWPPP or Stormwater Pollution Prevention Plan (SWPPP) – means a written plan that meets the requirements of the AZPDES General Permit for Discharge from Construction Activities and identifies and describes potential sources of pollution which may reasonably be expected to affect the quality of stormwater discharges from construction activity that identifies and describes best management practices that will be implemented and maintained to prevent and/or reduce discharges of pollutants to City right-of-way or stormwater collection systems.

Stormwater - means runoff, surface flows and drainage that is comprised solely of any form of precipitation.

Stormwater Collection System – means all or any part of any publicly or privately owned system or structure designed or utilized to receive, collect, detain, retain, or convey stormwater and any direct connection to such system or structure. Such a system may include, but is not limited to swales, curbs, gutters, ditches, channels, parks, pipes, watercourses, drywells, culverts, storm drains, catch basins, retention or detention areas, spillways, scuppers, pump stations and common areas.

Waters of the United States – means all waters that are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce. Such “waters” include, but are not limited to; navigable waters, interstate waters, wetlands, lakes, rivers, intermittent streams, and tributaries of waters identified above.

Section 2

Non-Stormwater Discharges

As set forth in Section 45-8, Code of the City of Chandler, and subject only to the exceptions set forth in Section 45-8.1 thereof, no person shall cause or allow a non-stormwater discharge to City right-of-way or a stormwater collection system. This prohibition includes, without limitation, non-stormwater discharges caused by illicit connections, including direct connections and indirect connections.

Fugitive dust and sediment generated from construction activities through erosion, wind and vehicle trackout also have the potential to combine with stormwater to create non-stormwater discharges. Implementation of dust control measures that minimize fugitive dust and sediment generated from construction activities will reduce the amount of sediment deposited into stormwater collection systems.

Section 3

Construction Site Stormwater Runoff Control

3.1 Submission of NOI

All persons who are required to operate pursuant to a NPDES or AZPDES permit for construction activity (generally those persons engaged in construction activities that will disturb more than one acre (43,560 square feet) of land or less than one acre if part of a larger common plan of development) shall, prior to receiving a grading permit, provide a copy of an NOI (including authorization number) processed by the EPA or ADEQ for that construction activity, to the City of Chandler Planning and Development Department.

3.2 Review of ESCP

All persons required to submit a NOI pursuant to Section 3.1 above shall also submit an ESCP to the City of Chandler Planning and Development Department for review. A grading permit will not be issued until the Planning and Development Department reviews an ESCP for the area subject to the grading permit for compliance with applicable requirements.

3.3 Dust Control Permit

All persons required to obtain a dust control permit from the Maricopa County Air Quality Department (generally those persons covered by Maricopa County Air Pollution Control Rule 200, Section 305) who disturb 0.10 acres (4,356 square feet) or greater, shall provide a copy of such permit for review during a pre-construction meeting or upon request by the City.

3.4 Notice

The City of Chandler Public Works inspector assigned to the construction site shall be notified of the intent to commence construction activities no less than twenty-four (24) hours prior to actual commencement of construction activities.

3.5 Posting

A sign or other notice shall be posted near the main entrance of the construction site with the following information: AZPDES authorization number for the project or copy of the Notice of Intent if an authorization number has not yet been assigned; name and telephone number of a local office or on-site contact person; a description of the type of construction project; and the location of the SWPPP if the site is inactive or if the site does not have an on-site location to store the SWPPP, and the name and telephone number of a contact person for accessing the SWPPP.

3.6 Compliance with Applicable Law

All persons engaging in construction activities shall comply with applicable law and all permits issued including, without limitation, implementing and maintaining site specific BMP's as described in the SWPPP or elsewhere to prevent significant materials or sediment from entering City right-of-way or a stormwater collection system. Periodic site inspections conducted at the frequency set forth in the SWPPP to ensure that BMP's are operating correctly and have not been damaged or determined to be ineffective, shall be documented through completion of inspection logs or reports.

3.7 Checklists and References

Planning and Development Department staff may develop and utilize checklists consistent with this manual to implement the provisions of this manual. Planning and Development staff may also provide citations to potentially applicable reference material and current regulatory contact information to persons attempting to comply with this manual or other non-stormwater discharge regulation requirements.

Section 4

Post Construction Stormwater Management

Upon completion of construction activities covered by this manual, the owner of the premises on which such construction activities occurred shall either directly or indirectly ensure that all necessary controls are in place and properly maintained to prevent non-stormwater discharges. Such controls include but are not limited to:

- 1) inspecting and verifying that the proper design, construction and usage of approved materials associated with all stormwater collection systems are per approved plans;
- 2) conducting necessary maintenance to ensure that all components of the stormwater collection systems function properly, including maintenance and stabilization of areas prone to or subject to erosion; and
- 3) correcting any deficiencies that are found pursuant to either a City of Chandler or self-inspection.

Section 5

Cleanup and Reporting

5.1 Cleanup

As soon as any person has actual or constructive knowledge of any non-stormwater discharge from his or her property, he or she shall promptly undertake all necessary steps to discover the source and the extent of discharge, and proceed with the appropriate cleanup.

5.2 Notice

In addition to any other regulatory notice requirements that may apply, any person who has actual or constructive knowledge of any non-stormwater discharge from his or her property, which may result in significant materials or sediment entering into a City right-of-way, stormwater collection system or other property owned by the City, shall report such discharge as follows:

- 1) if an imminent and substantial danger to public health and welfare or to the environment exists, immediately contact emergency assistance (911). If assistance is needed for the removal of hazardous waste, contact the City of Chandler Environmental Management office; and
- 2) for discharges of significant materials or sediment to City right-of-way, City stormwater collection systems or other property owned by the City not involving an imminent and substantial danger to public health and welfare or to the environment, contact the City of Chandler Streets Division of the Public Works Department by telephone within twenty-four (24) hours.

A follow-up written report shall be provided to the City of Chandler Environmental Management office, and to the City of Chandler Streets Division of the Public Works Department, within three (3) business days of the discharge. The written report may be submitted via mail, fax, or in person and shall identify the location, source of discharge and pollutant(s), extent of discharge, pollutant(s) discharged and all measures taken to mitigate the discharge. Additionally, if the discharge includes hazardous waste, the report shall detail the method of disposal and disposal facility receiving the waste material. The report shall also identify all practices that were implemented to prevent similar discharges in the future.

Section 6

Enforcement

The provisions of this manual shall be enforced in the same manner as the provisions of Chapter 45, Code of the City of Chandler, are enforced. Violation of the provisions of this manual, or the provisions of Chapter 45, Code of the City of Chandler, shall be deemed to constitute a nuisance.

Permit No. AZG2002-002



STATE OF ARIZONA
DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER QUALITY DIVISION
PHOENIX, ARIZONA 85012-2809

ARIZONA POLLUTANT DISCHARGE ELIMINATION SYSTEM
GENERAL PERMIT FOR DISCHARGE FROM
SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4s)
TO WATERS OF THE UNITED STATES

In compliance with the provisions of the Arizona Pollutant Discharge Elimination System program, (Arizona Revised Statutes, Title 49, Chapter 2, Article 3.1 and Arizona Administrative Code, Title 18, Chapter 9, Articles 9 and 10), this general permit authorizes discharges certified under this general permit from those locations specified throughout the state of Arizona to waters of the United States. These discharges shall be in accordance with the conditions of this general permit.

This permit only authorizes discharges from those operators of small municipal separate storm sewer systems in Arizona who submit a complete Notice of Intent in accordance with Parts III and V of this general permit and who comply with the permit requirements and conditions of Parts IV and VI. All discharges authorized by this general permit shall be consistent with the terms and conditions of this general permit.

This general permit becomes effective on December 19, 2002.

This general permit and the authorization to discharge expire at midnight, December 19, 2007.

Issued this 19th day of Dec., 2002.

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY



Karen Smith, Director
Water Quality Division

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PART I. COVERAGE UNDER THIS GENERAL PERMIT

- A. Permit Area. This permit covers the state of Arizona, except for Indian Country.
- B. Eligibility.
1. This permit authorizes the discharge of stormwater from small municipal separate storm sewer systems (MS4s) provided that the permittee complies with all the requirements of this general permit and the MS4:
 - a. Is located fully or partially within an urbanized area as determined by the latest Decennial Census by the Bureau of Census, or
 - b. Is designated for permit authorization by the Department under R-18-9-A902(D)(1), R18-9-A902(D)(2), R-18-9-A902(E), and R18-9-A905(A)(1)(f) which incorporates 40 CFR 122.32.
- C. Non-Stormwater Discharges.
1. The permittee shall prohibit all types of non-stormwater discharges into its MS4 unless the discharges are authorized by a separate NPDES or AZPDES permit or not prohibited under Part I, Section C.2 or are identified by the permittee as occasional incidental non-stormwater discharges under Part V, Section B.3.a.ii.
 2. The following categories of non-stormwater discharges (occurring within the jurisdiction of the permittee) are only prohibited if the discharges are identified as significant contributors of pollutants to or from the MS4. If any of the following categories of discharges are identified as a significant contributor, the permittee must address the category as an illicit discharge as specified in Part V, Section B.3:
 - a. Water line flushing,
 - b. Landscape irrigation,
 - c. Diverted stream flows,
 - d. Rising ground waters,
 - e. Uncontaminated ground water infiltration,
 - f. Uncontaminated pumped groundwater,
 - g. Discharges from potable water sources,
 - h. Foundation drains,
 - i. Air conditioning condensate,
 - j. Irrigation water,
 - k. Springs,
 - l. Water from crawl space pumps,
 - m. Footing drains,
 - n. Lawn watering,

- o. Individual residential car washing,
- p. Discharges from riparian habitats and wetlands,
- q. Dechlorinated swimming pool discharges,
- r. Street wash water, and
- s. Discharges or flows from emergency fire fighting activities.

D. Limitations of Coverage. This general permit does not authorize:

1. Discharges mixed with sources of non-stormwater unless the non-stormwater discharges:
 - a. Comply with a separate NPDES or AZPDES permit, or
 - b. Are determined not to be a significant contributor of pollutants to waters of the United States;
2. Stormwater discharges associated with industrial activity as defined in 40 CFR 122.26(b)(14)(i)-(ix) and (xi);
3. Stormwater discharges associated with construction activity as defined in 40 CFR 122.26(b)(14)(x) or 40 CFR 122.26(b)(15);
4. Stormwater discharges currently covered under another permit;
5. Discharges to impaired waterbodies listed under section 303(d) of the Clean Water Act (CWA) if discharges from the MS4 contain, or may contain, pollutant(s) for which the waterbody is listed except:
 - a. If a TMDL has been established, and the stormwater management program (SWMP) is consistent with the requirements of the TMDL, including any wasteload allocation or load allocation in the TMDL. The SWMP must also identify BMPs the permittee will use to meet wasteload allocations or load allocations and include monitoring for associated pollutant(s); and
 - b. If a TMDL has not been established, and the SWMP includes a section describing how the program will control the discharge of 303(d) 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 the permittee will use to control discharges and include monitoring of their effectiveness;
6. Discharges that do not comply with Arizona's anti-degradation rule (R18-11-107). The anti-degradation rule may be obtained from the Department's Phoenix office or from the Department's Web site.

PART II. AUTHORIZATION UNDER THIS GENERAL PERMIT

A. Application for Coverage.

1. An applicant seeking authorization to discharge under this general permit shall submit to the Department a complete notice of intent (NOI), in accordance with the deadlines in Part III, Section A. The NOI must include the information and attachments required by Part III,

Section B.

If the Department notifies an applicant (either directly, by public notice, or by making information available on the Internet) of other NOI options that become available at a later date, such as electronic submission of forms or information, the applicant may take advantage of those options to satisfy the NOI submittal requirements.

2. If an operator changes or a new operator is added after an NOI has been submitted, the permittee shall submit a new or revised NOI to the Department.
3. A discharger who submits a complete NOI and meets the eligibility requirements in Part I may discharge stormwater from a small MS4 under the terms and conditions of this general permit 30 days after the date the NOI is received by the Department. For the purposes of this permit, receipt is the day the fax was sent, the day the NOI was hand-delivered to the Department, or the day the Department signed certified mail containing the NOI. Submission of the NOI demonstrates the discharger's intent to be covered by this permit; it is not a determination by the Department that the discharger has met the eligibility requirements for the permit.
4. If the Department notifies the applicant of deficiencies or inadequacies in any portion of the NOI (including the stormwater management program), the applicant must correct the deficient or inadequate portions and submit a written statement to the Department certifying that appropriate changes have been made. The certification must be submitted within the time-frame specified by the Department and must specify how the NOI has been amended to address the identified concerns.

B. Terminating Coverage.

1. A permittee may terminate coverage under this general permit by submitting a notice of termination (NOT). Authorization to discharge terminates at midnight on the day the NOT is signed.
2. A permittee shall submit an NOT to the Department within 30 days after the permittee:
 - a. Ceases discharging stormwater from the MS4,
 - b. Ceases operations at the MS4, or
 - c. Transfers ownership of or responsibility for the facility to another operator.
3. The NOT form can be obtained from the Department and must include the following information:
 - a. Name, mailing address, and location of the MS4 for which the notification is submitted;
 - b. The name, address and telephone number of the operator addressed by the NOT;
 - c. The NPDES or AZPDES permit number for the MS4;
 - d. An indication of whether another operator has assumed responsibility for the MS4, the discharger has ceased operations at the MS4, or the stormwater discharges have been eliminated; and
 - e. The following certification:

I certify under penalty of law that all stormwater discharges from the identified MS4 that are authorized by an AZPDES general permit have been eliminated, or that I am no longer the operator of the MS4, or that I have ceased operations at the MS4. I understand that by submitting this Notice of Termination I am no longer authorized to discharge stormwater under this general permit, and that discharging pollutants in stormwater to waters of the United States is unlawful under the Clean Water Act where the discharge is not authorized by an AZPDES permit. I also understand that the submission of this Notice of Termination does not release an operator from liability for any violations of this permit or the Clean Water Act.

- f. NOTs, signed in accordance with Part VI, Section L, must be sent to the Department at the following address:

Small MS4 NOT
Surface Water Permits Unit (5415 B)
Arizona Department of Environmental Quality
1110 West Washington
Phoenix, AZ 85007

PART III. NOTICE OF INTENT REQUIREMENTS

A. Deadlines for Notification.

1. MS4s automatically designated under R18-9-A905(A)(1)(f) are required to submit an NOI and a stormwater management program or apply for an individual permit by March 10, 2003.
2. MS4s designated under R18-9-A902(D)(1), R18-9-A902(D)(2), or R18-9-A902(E) are required to submit an NOI and a stormwater management program within 180 days of notice (unless the Department provides additional time in the designation notice).
3. New MS4s and New Operators
 - a. For new MS4s within urbanized areas which commence discharges subsequent to March 10, 2003, the NOI must be submitted not later than 30 days prior to commencing discharges.
 - b. For new operators of an existing MS4, the NOI must be submitted not later than two days prior to taking operational control of the MS4.
4. If a late NOI is submitted, the authorization is only for discharges that occur after permit coverage is granted. The Department reserves the right to take appropriate enforcement actions for any unpermitted discharges.

B. Contents of Notice of Intent. An applicant eligible for coverage under this general permit shall submit an NOI to discharge under this general permit. The NOI shall contain the following information:

1. The name, mailing address, and telephone number of the municipal entity applying;
2. An indication of whether the applicant is a federal, state, or other public entity;
3. The urbanized area or core municipality (if not located in an urbanized area) where the small MS4 is located; the county(ies) where the small MS4 is located, and the latitude and longitude of the approximate center of the small MS4;
4. The name of the major receiving water(s) and an indication of whether any of the receiving

waters are on the latest CWA section 303(d) list of impaired waters. If the small MS4 discharges to any 303(d) listed waters, include a certification that the SWMP meets the requirements of Part I, Section D.5;

5. An indication of whether all or a portion of the small MS4 is located in Indian country;
6. If the applicant is relying on another governmental entity to satisfy one or more permit obligations (see Part V, Section D), the identity of that entity(ies) and the element(s) the entity(ies) will be implementing;
7. The name and work position or title of the contact person;
8. The signature of the certifying official, signed in accordance with the signatory requirements of Part VI, Section L; and
9. A stormwater management program (SWMP), including best management practices (BMPs) that will be implemented and the measurable goals for each of the stormwater minimum control measures specified in Part V, Section B., the month and year in which the applicant will start and fully implement each of the minimum control measures or the frequency of the action, and the name of the person(s) responsible for implementing or coordinating the SWMP.
10. The following 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. In addition I certify that the permittee will comply with all terms and conditions stipulated in General Permit No. AZG2002-002 issued by the Director.

- C. Where to Submit. The applicant shall submit the signed NOI to the Department at the following address:

Small MS4 NOI
Surface Water Permits Unit, 5415B
Arizona Department of Environmental Quality
1110 West Washington
Phoenix, AZ 85007

- D. Co-Permittees Under a Single NOI.

Any small MS4 that meets the requirements of Part I of this general permit may choose to partner with another regulated MS4 to develop and implement a SWMP. The MS4s may also jointly submit one NOI. If responsibilities are being shared as provided in Part V, Section D, the SWMP must describe which permittees are responsible for implementing each of the minimum measures. All small MS4 permittees are subject to the provisions in Part V, Section E.

PART IV. SPECIAL CONDITIONS

Total Daily Maximum Loads (TMDLs) Allocations Established after Permit Issuance. If a TMDL is established for any waterbody into which the permittee discharges prior to the date that the permittee or applicant submits an NOI, and if that TMDL includes a wasteload allocation or load allocation for a parameter likely to be

discharged by the MS4, the permittee must meet the requirements of the TMDL and/or its associated implementation plan. If a TMDL is approved for any waterbody into which the permittee discharges after the date that the permittee or applicant submits an NOI, the Department may require revisions to the SWMP to ensure that the wasteload allocation, load allocation and/or the TMDL's associated implementation plan will be met. Monitoring of the discharges may also be required, as appropriate, to ensure compliance with the TMDL.

PART V. STORMWATER MANAGEMENT PROGRAM (SWMP)

- A. General Requirements. An applicant shall develop, and a permittee shall implement, and enforce a SWMP designed to reduce the discharge of pollutants from a small MS4 to the maximum extent practicable (MEP) to protect water quality. The SWMP shall include management practices; control techniques; system, design, and engineering methods; and other provisions the Department determines appropriate for the control of pollutants.
1. A permittee must fully implement the SWMP, including its measurable goals, no later than December 19, 2007 (except as provided under Part V, Section A.2).
 2. If a permittee is required to obtain permit coverage after March 10, 2003, the permittee shall implement the SWMP, including its measurable goals, for the period between the date of authorization to discharge and the expiration date of this permit. For example, if the permittee was authorized to discharge under this permit on March 10, 2006 the measurable goals established in the SWMP for the period between 2006 and the expiration date of this general permit must be met.
 3. The SWMP shall address each of the minimum control measures of Part V, Section B and must include measurable goals, including interim milestones, for each BMP, including as appropriate, the months and years in which the MS4 will undertake the required actions and the frequency of the action. The name and title of the person or persons responsible for implementing the SWMP shall also be included.
 4. The permittee shall protect water quality by ensuring, to the maximum extent practicable, that no discharge shall cause or contribute to an exceedance of applicable water quality standard. To do so, the permittee shall fully implement all SWMP and permit requirements in accordance with the established time frames.
- B. Minimum control measures.
1. Public Education and Outreach on Stormwater Impacts. The permittee or applicant, as applicable, shall:
 - a. Implement a public education program to distribute educational materials to the community or conduct equivalent outreach activities about the impact of stormwater discharges on waterbodies and the steps that the public can take to reduce pollutants in stormwater runoff.;
 - b. Include the following information in the SWMP:
 - i. A description of the education program and outreach activities;
 - ii. A description of the methods for disseminating information;
 - iii. The target audiences and target pollutants and sources that the applicant will address in the program, and how they were selected;
 - iv. An estimation of the number of people with whom the applicant intends to communicate;

- v. A list of measurable goals for the public education and outreach program;
- vi. Dates, in terms of months and years, by which the permittee will achieve specific measurable goals
- vii. The name(s) and title(s) of the person(s) responsible for implementing and coordinating the education activities.

2. Public Involvement/Participation. The permittee or applicant, as applicable, shall:

- a. Develop and implement a plan to encourage public involvement and participation in the development and implementation of the SWMP;
- b. Comply with state and local public notice requirements when implementing the public involvement/participation program.
- c. Include the following information in the SWMP:
 - i. A description of the general plan for informing the public of involvement and participation opportunities;
 - ii. The types of activities for public involvement that the program will include and the target audiences;
 - iii. A description of the procedure for receiving and reviewing public comments;
 - iv. An explanation of how interested parties may access the SWMP and NOI;
 - v. A list of measurable goals for the public involvement/participation program;
 - vi. Dates, in terms of months and years, by which the permittee will achieve specific measurable goals and;
 - vii. The name(s) and title(s) of the person(s) responsible for implementing and coordinating the public involvement/participation activities.



3. Illicit Discharge Detection and Elimination. The permittee or applicant, as applicable, shall:

- a. Develop, implement, and enforce a program to detect and eliminate illicit discharges into the small MS4, except those discharges listed below:
 - i. Non-stormwater discharges as listed in Part I, Section C.2 ; This exception does not apply to those categories of discharge which the permittee or applicant has determined to be a significant contributor of pollutants to the small MS4; or
 - ii. Occasional incidental non-stormwater discharges (e.g. non-commercial or charity car washes, etc.) that the permittee does not expect (based on information available to the permittee) to be a significant contributor of pollutants to the small MS4 because of either the nature of the discharges or conditions the permittee has established for allowing these discharges to the small MS4 (e.g., a charity car wash with appropriate controls on frequency, proximity to sensitive waterbodies, BMPs on the wash water, etc.).
- b. Develop, if not already completed, a storm sewer system map, showing the location of all outfalls and the names and location of all waters of the United States that receive discharges from those outfalls;



- c. To the extent allowable under state or local law, effectively prohibit through ordinance or other regulatory mechanism, non-stormwater discharges into the storm sewer system and implement appropriate enforcement procedures and actions;
- d. Develop and implement a plan to detect, identify the source of, and address non-stormwater discharges, including illegal dumping, to the system;
- e. Inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste;
- f. Conduct dry weather field screening for non-stormwater flows. The screening must include qualitative field tests based on color, odor, or visually observed characteristics as indicators of discharge sources. If the qualitative field tests do not provide enough information for the permittee to determine the source of the discharge, the permittee must test the discharge, while in the field, for selected chemical parameters. The permittee must investigate the illicit discharge within 15 days of its detection, and must follow up investigation with an action to further study the source of the discharge or eliminate it.
- g. Include the following information in the SWMP:
 - i. A description of detection methods;
 - ii. A description or citation of the established ordinance or other regulatory mechanism used to prohibit illicit discharges. If the permittee needs to develop this mechanism, describe the plan and a schedule to do so.
 - iii. A description of enforcement policy and jurisdiction;
 - iv. A description of the non-stormwater discharges allowed in the small MS4 pursuant to Part V, Section B.3.a.i;
 - v. A description of the non-stormwater discharges allowed in the small MS4 pursuant to Part V, Section B.3.a.ii;
 - vi. The methods for informing/training employees about illicit discharges;
 - vii. The methods for informing the public of hazards associated with illegal discharges and improper disposal of waste;
 - viii. A list of measurable goals for the illicit detection and elimination program;
 - ix. Dates, in terms of months and years, by which the permittee will achieve specific measurable goals; and
 - x. The name(s) and title(s) of the person(s) responsible for implementing and coordinating illicit discharge detection and elimination activities.



- 4. Construction Site Stormwater Runoff Control. The permittee or applicant, as applicable, shall:
 - a. Develop, implement, and enforce a program to reduce pollutants in any stormwater runoff to the small MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. Reduction of stormwater discharges from construction activity disturbing less than one acre must be included in the program if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more. If the Department waives requirements for

stormwater discharges associated with small construction activity, defined under 40 CFR 122.26(b)(15)(i), the permittee is not required to develop, implement, and/or enforce a program to reduce pollutant discharges from these sites;

-  b. Using an ordinance or other regulatory mechanism available under the legal authorities of the small MS4, require construction site operators to practice erosion and sediment control and require construction site operators to control waste and properly dispose of wastes, such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality. This ordinance must apply, at a minimum, to those sites described in Part V, Section B.4.a.

-  c. Review all site plans for those sites described in Part V, Section B.4.a. for potential water quality impacts, including erosion and sediment control, control of other wastes, and any other impacts that must be examined according to the requirements of the law or ordinance of Part V, Section B.4.b. Before ground is broken at the construction site, the small MS4 operator shall review the plans and, verify (in written communication with the construction site operator) that the BMPs for the site are appropriate;

- d. Develop and implement procedures for site inspection and enforcement of control measures for those sites described in Part V, Section B.4.a.;

- e. Include the following information in the SWMP:

- i. A description or citation of the established ordinance or other regulatory mechanism used to prohibit erosion and ensure proper management of wastes on construction sites per Part V, Section 4.b. If the permittee needs to develop the required regulatory mechanism, describe the plan and a schedule to do so;
- ii. A description of the sanctions and enforcement mechanism(s) to ensure compliance;
- iii. A description of the procedures for site inspection and enforcement of control measures, and procedures for site plan reviews;
- iv. Procedures for receipt, acknowledgment and consideration of information submitted by the public,
- v. A list of measurable goals for the construction site runoff control program;
- vi. Dates, in terms of months and years, by which the permittee will achieve specific measurable goals; and
- vii. The name(s) and title(s) of the person(s) responsible for overseeing construction site runoff control activities.

-  5. **Post-Construction Stormwater Management in New Development and Redevelopment.** The permittee or applicant, as applicable, shall:

- a. Develop, implement, and enforce a program to address stormwater runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, and discharge into the small MS4. The program must ensure that controls are in place that would prevent or minimize water quality impacts;

- b. Develop and implement strategies that include a combination of structural and/or non-structural BMPs appropriate for the community;
 - * c. **Use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to the extent allowable under the legal authorities of the small MS4;**
 - d. Ensure adequate long-term operation and maintenance of BMPs; and
 - e. Include the following information in the SWMP:
 - i. A description of the management practices to reduce post-construction runoff from new development and redevelopment projects within the MS4; address any specific priority areas and tailor to the local community;
 - ii. A description or citation of the established ordinance or other regulatory mechanism used to address post-construction runoff control. If the permittee needs to develop the required regulatory mechanism, describe the plan and a schedule to do so;
 - iii. A description of the procedure to ensure compliance with local requirements;
 - iv. A description of the education program for developers, architects and the public about project designs that minimize water quality impacts;
 - v. An identification of the measurable goals for the post-construction runoff control program;
 - vi. Dates, in terms of months and years, by which the permittee will achieve specific measurable goals; and
 - vii. The name(s) and title(s) of the person(s) responsible for the development, implementation, and enforcement of post-construction stormwater management.
6. Pollution Prevention/Good Housekeeping for Municipal Operations. The permittee or applicant, as applicable, shall:
- a. Develop and implement an operation and maintenance program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from municipal operations due to activities, including but not limited to, park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and stormwater system maintenance. The permittee shall address the following topics in the program:
 - i. Maintenance activities, maintenance schedules, and long-term inspection procedures for controls to reduce floatables and other pollutants to the small MS4;
 - ii. Controls to reduce or eliminate the discharge of pollutants from streets, roads, highways, municipal parking lots, maintenance and storage yards, waste transfer stations, fleet or maintenance shops with outdoor storage areas, and salt and sand storage locations and snow disposal areas; and
 - iii. Procedures to properly dispose of waste removed from the small MS4 and municipal operations, including dredge spoil, accumulated sediments, floatables, and other debris.

- b. Include the following information in the SWMP:
 - i. A list of the municipal operations impacted by this operation and maintenance program;
 - ii. A description of the training program for municipal employees
 - iii. A list of measurable goals for the municipal pollution prevention program;
 - iv. Dates, in terms of months and years, by which the permittee will achieve specific measurable goals; and
 - v. The name(s) and title(s) of the person(s) responsible for implementing and coordinating employee training and pollution prevention activities.

- C. Qualifying State or Local Program. The permittee may substitute the BMPs and measurable goals of an existing stormwater pollution control program to qualify for compliance with one or more of the minimum control measures if the existing measure meets the requirements of the minimum control measure as established in Part V, Section B.

- D. Sharing Responsibility. Implementation of one or more of the minimum measures may be shared with another entity, or the entity may fully take over the measure. A permittee may rely on another entity only if:
 - 1. The other entity, in fact, implements the control measure;
 - 2. The control measure, or component of that measure, is at least as stringent as the corresponding permit requirement;
 - 3. The other entity agrees to implement the control measure on the permittee's behalf. Written acceptance of this obligation is expected. The permittee shall maintain this obligation as part of the SWMP description. If the other entity agrees to report on the minimum measure, the permittee shall supply the other entity with the reporting requirements in Part V, Section G of this general permit. The permittee remains responsible for compliance with the permit obligations if the other entity fails to implement the control measure component.

- E. Reviewing and Updating SWMPs.
 - 1. The permittee shall annually review the SWMP in conjunction with preparation of the annual report required under Part V, Section G.
 - 2. The permittee may change the SWMP during the life of the permit according to the following procedures:
 - a. Changes adding (but not subtracting) components, controls, or requirements to the SWMP may be made at any time upon written notification to the Department;
 - b. Changes replacing an ineffective or infeasible management practice specifically identified in the SWMP with an alternate management practice may be made at any time, as long as the permittee submits a written analysis to the Department explaining why the management practice is ineffective or infeasible (including cost prohibitive), and why the replacement management practice is expected to achieve the goals of the management practice to be replaced;
 - c. Change notifications must be signed in accordance with Part VI, Section L;

3. The Department may notify a permittee that changes to the SWMP are necessary:
 - a. To address impacts on receiving water quality caused, or contributed to, by discharges from the MS4;
 - b. To include more stringent requirements necessary to comply with new federal or state statutory or regulatory requirements; and
 - c. If, at any time, the Department determines that the SWMP does not meet permit requirements.
4. The notification described above in Part V, Section E.3 will need to be addressed by the permittee in one of the following manners:
 - a. If the Department specifies changes that are to be made to the SWMP (including changes in implementation schedules), the permittee shall, within 60 days (or a later date if provided by the Department) certify that it has made changes as required by the Department. Changes must go into effect 30 days from the date the permittee certifies that changes have been made to the SWMP.
 - b. If the permittee proposes an alternative to the Department's required change (including changes in implementation schedule), the proposed alternative must be received by the Department within 60 days of notification of the required change. If the Department approves the proposed alternative, the changes to the SWMP must go into effect 30 days from the date the Department approved the proposal. If the Department does not approve the proposed alternative, the permittee must make changes to the SWMP as specified by the Department. Certification that changes have been made to the SWMP must be received within 60 days of the date the permittee received notification that the proposal had been rejected. Changes must go into effect 30 days from the date the permittee certifies that changes have been made to the SWMP.
5. Transfer of Ownership, Operational Authority, or Responsibility for SWMP Implementation. The permittee must implement the SWMP in all new areas added to the permittee's portion of the MS4 (or for which the permittee becomes responsible for implementation of stormwater quality controls) as expeditiously as practicable, but not later than one year from addition of the new areas. Implementation may be accomplished in a phased manner to allow additional time for controls that cannot be implemented immediately.
 - a. Within 90 days of a transfer of ownership, operational authority, or responsibility for SWMP implementation, the permittee must have a plan for implementing the SWMP in all affected areas. The plan may include schedules for implementation. Information on all new annexed areas and any resulting updates required to the SWMP must be included in the annual report.
 - b. Only those portions of the SWMP specifically required as permit conditions shall be subject to the modification requirements of 40 CFR 124.5. Addition of components, controls, or requirements by the permittee(s) and replacement of an ineffective or infeasible BMP implementing a required component of the SWMP with an alternate BMP expected to achieve the goals of the original BMP shall be considered minor changes to the SWMP and not modifications to the permit.

F. Monitoring.

1. The permittee must evaluate program compliance, the appropriateness of identified BMPs, and progress toward achieving identified measurable goals. If the permittee discharges to a water for which a TMDL has been established, the permittee must monitor to determine if the stormwater controls are adequate to maintain compliance with the MS4's

wasteload allocation or load allocation. If the permittee discharges to a 303(d) listed water that contains, or may contain, pollutant(s) for which the waterbody is listed, the permittee must monitor to determine if BMPs are effective to control discharges of pollutants of concern.

2. If the permittee conducts analytical monitoring at the permitted small MS4, the permittee must comply with the following:
 - a. *Representative monitoring.* Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
 - b. *Test Procedures.* Monitoring results shall be conducted according to test procedures approved in R18-9-A905(B) or other test procedures mutually agreed upon by the Director and the permittee or applicant.
 - c. *Discharge Monitoring Report.* Monitoring results must be reported on a Discharge Monitoring Report (DMR) when monitoring is performed in accordance with a TMDL requirement.
3. Records of analytical monitoring information shall include:
 - a. The date, exact place, and time of sampling or measurements;
 - b. The names(s) of the individual(s) who performed the sampling or measurements;
 - c. The date(s) analyses were performed;
 - d. The name(s) of the individual(s) who performed the analyses;
 - e. The analytical techniques or methods used; and
 - f. The results of such analyses.
4. Any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit is subject to the enforcement actions established under A.R.S. Title 49, Chapter 2, Article 4, which may include the possibility of fines and/or imprisonment.

G. Annual Reports.

1. The permittee must submit annual reports to the Department for each year of the permit term. The first report is due September 30, 2004, covering the activities of the permittee during the period beginning on the effective date of the permit for the permittee and ending June 30, 2004. Subsequent annual reports are due on September 30 of each year following 2004 during the remainder of the term of the permit and must cover the activities of the permittee for the previous year up to and including June 30. The report must include:
 - a. The status of compliance with permit conditions, an assessment of the appropriateness of the identified best management practices, progress towards achieving the statutory goal of reducing the discharge of pollutants to the MEP and protecting water quality, and the measurable goals for each of the minimum control measures,
 - b. Results of information collected and analyzed, if any, during the reporting period, including monitoring data used to assess the success of the program at reducing the discharge of pollutants to the MEP;
 - c. Any changes made to the SWMP since the last annual report and a summary of the

stormwater activities the permittee plans to undertake during the next reporting cycle (including an implementation schedule);

- d. Proposed changes to the stormwater management program, including changes to any BMPs or any identified measurable goals that apply to the program elements;
 - e. A description of BMPs to be implemented within new areas annexed over the past year that are located within the regulated boundaries of the MS4;
 - f. A description and schedule for implementation of additional BMPs that may be necessary, based on monitoring results, to ensure compliance with applicable TMDLs; and
 - g. Notice that the permittee is relying on another government entity to satisfy some of the permit obligations (if applicable).
2. Where to Submit. Annual reports shall be signed in accordance with Part VI, Section L.2 and sent to the Department at the following address:

Arizona Department of Environmental Quality
Compliance Data Unit
1110 West Washington
Phoenix, AZ 85007

PART VI. STANDARD PERMIT CONDITIONS

- A. Duty to Comply.
1. Failure to comply with any applicable term or condition of this permit shall be a violation of this permit and shall be grounds to enforcement action, permit termination, revocation and reissuance, or modification, or denial of a permit renewal application.
 2. The issuance of this general permit does not waive any federal, state, county, or local regulations or permit requirements with which a permittee discharging under this general permit is required to comply.
- B. Duty to Reapply. If a permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall apply for and obtain a new permit.
- C. Continuation of an Expired General Permit.
1. If the Director does not reissue this general permit before the expiration date, the current general permit will be administratively continued and remain in force and effect until the general permit is reissued.
 2. Any permittee granted general permit coverage before the expiration date automatically remains covered by the continued general permit until the earlier of:
 - a. Reissuance or replacement of the general permit, at which time the permittee shall comply with the NOI conditions of the new general permit to maintain authorization to discharge; or
 - b. The date the permittee has submitted a Notice of Termination; or
 - c. The date the Director has issued an individual permit for the discharge; or
 - d. The date the Director has issued a formal permit decision not to reissue the general permit, at which time the permittee shall seek coverage under an alternative general permit or an individual permit.

3. Upon reissuance of a new general permit, the permittee shall file an NOI, within 60 days of the effective date of the new general permit.
- D. Need to Halt or Reduce an Activity Is Not a Defense. It is not a defense for a permittee in an enforcement action to plead that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this general permit.
 - E. Duty to Mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this general permit that has a reasonable likelihood of adversely affecting human health or the environment.
 - F. Proper operation and maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit and with the conditions of the permittee's SWMP. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.
 - G. Permit actions.
 1. This general permit may be reopened (in accordance with A.A.C. R18-9-A905(3)(a) which incorporates 40 CFR 122.41(f)) to address any changes in state or federal plans, policies, or regulations that would affect the quality requirements for the discharge.
 2. This general permit may be modified by the Director before the expiration date to include discharge or receiving water limitations for toxic constituents determined to be present in significant amounts in the discharge.
 3. This general permit may be modified, revoked and reissued, or terminated for cause.
 4. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.
 - H. Property Rights. The issuance of this general permit does not convey any property rights or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, Indian tribe, or local laws or regulations.
 - I. Duty to Provide Information. The permittee must promptly furnish the Department with the following information:
 1. Upon request, any information that the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this general permit, or to determine compliance with this general permit.
 2. Upon request, copies of records required by this general permit.
 3. In the event that the permittee becomes aware that the permittee failed to submit any relevant facts in the NOI or submitted incorrect information in the NOI or in any other report to the Department, such facts or information.
 - J. Inspection and Entry. The permittee shall allow the Director or the Director's designee, upon presentation of credentials and other documents as required by law, to:
 1. Enter the permittee's premises where a regulated facility or activity is located or conducted, or where records are kept under the conditions of this general permit;

2. Have access to and copy, at reasonable times, any records required by this general permit;
3. Inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this general permit; and
4. Sample or monitor, at reasonable times, to assure permit compliance or as otherwise authorized under A.R.S. Title 49, Chapter 2, Article 3.1, and A.A.C. Title 18, Chapter 9, Articles 9 and 10, any substances or parameters at any location.

K. Recordkeeping.

1. The permittee shall retain records of all monitoring information, including, all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, copies of Discharge Monitoring Reports (DMRs), a copy of the NPDES or AZPDES permit, and records of all data used to complete the application (NOI) for this permit, for a period of at least three years from the date of the sample, measurement, report or application, or for the term of this permit, whichever is longer. This period may be extended at the request of the Department at any time.
2. The permittee shall submit its records to the Department only when specifically asked to do so. The permittee must retain the SWMP required by this permit (including a copy of the permit language) at a location accessible to the Department. The permittee must make its records, including the notice of intent (NOI) and the SWMP, available to the public.

L. Signatory Requirements. All NOIs, NOTs, reports required by the general permit, and other information requested by the Director shall be signed as follows:

1. NOIs and NOTs:
 - a. For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official.
2. Reports and other information.
 - a. All reports required by this general permit and other information requested by the Department or authorized representative of the Department shall be signed by a person described in Part VI, Section L.1 or by a duly authorized representative of that person.
 - b. A person is a duly authorized representative only if the authorization is made in writing by a person described in Part VI, Section L.1. The authorization shall specify either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of manager, operator, superintendent, or position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the permittee.
3. Changes to Authorization. If the information on the NOI filed for general permit coverage is no longer accurate because a different operator has responsibility for the overall operation of the facility, a new authorization satisfying the requirement of Part VI, Section L.2.b. above must be submitted to the Department prior to or together with any reports, information, or notices of intent to be signed by an authorized representative.
4. Certification. Any person (as defined above in Part VI, Sections L.2.a and L.2.b) signing documents under this Section shall make the following 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.”

M. Reporting.

1. Anticipated noncompliance. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements.
2. Transfers. This permit is not transferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate other requirements that may be necessary to comply with the permit. (In some cases, modification or revocation and reissuance is mandatory.)
3. Other information. When the permittee becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in the NOI or in any other report to the Director, the permittee shall promptly submit the facts or information.

N. Severability. The provisions of this general permit are severable, and if any provision of this general permit, or the application of any provision of this general permit to any circumstance, is held invalid, the application of the provision to other circumstances, and the remainder of this general permit shall not be affected.

O. Requiring Coverage Under an Individual Permit.

1. The Director may require a person authorized by a general permit to apply for and obtain an individual permit for any of the following cases:
 - a. A change occurs in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source;
 - b. Effluent limitation guidelines are promulgated for point sources covered by the general permit;
 - c. An Arizona Water Quality Management Plan containing requirements applicable to the point sources is approved;
 - d. Circumstances change after the time of the request to be covered so that the discharger is no longer appropriately controlled under the general permit, or either a temporary or permanent reduction or elimination of the authorized discharge is necessary;
 - e. If the Director determines that the discharge is a significant contributor of pollutants. When making this determination, the Director shall consider:
 - i. The location of the discharge with respect to waters of the United States,
 - ii. The size of the discharge,
 - iii. The quantity and nature of the pollutants discharged to waters of the United States, and
 - iv. Any other relevant factor.

2. If an individual permit is required, the Director shall notify the discharger in writing of the decision. The notice shall include:
 - a. A brief statement of the reasons for the decision,
 - b. An application form,
 - c. A statement setting a deadline to file the application,
 - d. A statement that on the effective date of issuance or denial of the individual permit, coverage under the general permit will automatically terminate,
 - e. The applicant's right to appeal the individual permit requirement with the Water Quality Appeals Board under A.R.S. § 49-323, the number of days the applicant has to file a protest challenging the individual permit requirement, and the name and telephone number of the Department contact person who can answer questions regarding the appeals process; and
 - f. The applicant's right to request an informal settlement conference under A.R.S. §§ 41-1092.03(A) and 41-1092.06.
 3. The discharger shall apply for an individual permit within 90 days of receipt of the notice, unless the Director grants a later date. In no case shall the deadline be more than 180 days after the date of the notice.
 4. If the permittee fails to submit the individual permit application within the time period established in Part V, Section Q.3, the applicability of the general permit to the permittee is automatically terminated at the end of the day specified by the Director for application submittal.
 5. Coverage under the general permit shall continue until an individual permit is issued unless the general permit coverage is terminated under Part V, Section Q.4.
- P. Request For an Individual Permit.
1. An owner or operator authorized by a general permit may request an exclusion from coverage of a general permit by applying for an individual permit.
 - a. The owner or operator shall submit an individual permit application under R18-9-B901(B) and include the reasons supporting the request no later than March 10, 2003.
 - b. The Director shall grant the request if the reasons cited by the owner or operator are adequate to support the request.
 2. If an individual permit is issued to an owner or operator otherwise subject to a general permit, the applicability of the general permit to the discharge is automatically terminated on the effective date of the individual permit.
- Q. Other Environmental Laws. No condition of this general permit releases the permittee from any responsibility or requirements under other environmental statutes or regulations. For example, this permit does not authorize the "take" of endangered or threatened species as prohibited by section 9 of the Endangered Species Act, 16 U.S.C. 1538. Information regarding the location of endangered and threatened species and guidance on what activities constitute a "take" are available from the U.S. Fish and Wildlife Service.

PART VII. PENALTIES FOR VIOLATIONS OF PERMIT CONDITIONS

Any permit noncompliance constitutes a violation and is grounds for an enforcement action, permit termination, revocation and reissuance, modification, or denial of a permit renewal application.

- A. Civil Penalties. A.R.S. § 49-262(C) provides that any person who violates any provision of A.R.S. Title 49, Chapter 2, Article 2, 3 or 3.1 or a rule, permit, discharge limitation or order issued or adopted under A.R.S. Title 49, Chapter 2, Article 3.1 is subject to a civil penalty not to exceed \$25,000 per day per violation.
- B. Criminal Penalties. Any a person who violates a condition of this general permit, or violates a provision under A.R.S. Title 49, Chapter 2, Article 3.1, or A.A.C. Title 18, Chapter 2, Articles 9 and 10 is subject to the enforcement actions established under A.R.S. Title 49, Chapter 2, Article 4, which may include the possibility of fines and/or imprisonment.

PART VIII. DEFINITIONS

In addition to the definitions contained in A.R.S. 49-255 and A.A.C. R18-9-A901, all definitions contained in section 502 of the Act and 40 CFR 122 shall apply to this permit and are incorporated herein by reference. For convenience, simplified explanations of some regulatory/statutory definitions have been provided, but in the event of a conflict, the definition found in the statute or regulation takes precedence.

Best Management Practices (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Control Measure as used in this permit, refers to any Best Management Practice or other method used to prevent or reduce the discharge of pollutants to waters of the United States.

CWA means the Clean Water Act or the Federal Water Pollution Control Act, 33 U.S.C. 1251 et seq.

Department as used in this permit, means the Arizona Department of Environmental Quality.

Discharge when used without qualification means the discharge of a pollutant,

Discharge of a Pollutant means

1. Any addition of any "pollutant" or combination of pollutants to "waters of the United States" from any "point source," or
2. Any addition of any pollutant or combination of pollutants to the waters of the "contiguous zone" or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation. This definition includes additions of pollutants into waters of the United States from: surface runoff which is collected or channeled by man; discharges through pipes, sewers, or other conveyances owned by a state, municipality, or other person which do not lead to a treatment works; and discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works. This term does not include an addition of pollutants by any "indirect discharger."

Discharge-related activities include: activities which cause, contribute to, or result in stormwater point source pollutant discharges; and measures to control stormwater discharges, including the siting, construction and operation of best management practices (BMPs) to control, reduce or prevent stormwater pollution.

Facility means any NPDES or AZPDES point source or any other facility or activity (including land or appurtenances thereto) that is subject to regulation under the NPDES or AZPDES program.

Illicit connection means any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.

Illicit discharge means any discharge to a municipal separate storm sewer that is not composed entirely of stormwater except discharges pursuant to a NPDES or AZPDES permit (other than the NPDES or AZPDES permit for discharges from the municipal separate storm sewer) and discharges resulting from fire fighting activities,

Indian country means:

1. All land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation;
2. All dependent Indian communities within the borders of the United States whether within the originally or subsequently acquired territory thereof, and whether within or without the limits of a state; and
3. All Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same. This definition includes all land held in trust for an Indian tribe.

Large or Medium Municipal Separate Storm Sewer System means all municipal separate storm sewers as defined at 40 CFR 122.26(b)(4) or (7)

MEP means maximum extent practicable, the technology-based discharge standard for municipal separate storm sewer systems to reduce pollutants in stormwater discharges. A discussion of MEP as it applies to small MS4s 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 management practices, control techniques and system design, and engineering methods, and other provisions that the state determines appropriate for the control of such pollutants.

Measurable goal means a quantitative measure of progress in implementing a component of a stormwater management program.

MS4 means municipal separate storm sewer system.

Municipal separate storm sewer means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, and storm drains):

1. Owned or operated by a state, city, town, county, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or a designated and approved management agency under section 208 of the Clean Water Act (33 U.S.C. 1288) that discharges to waters of the United States;
2. Designed or used for collecting or conveying stormwater;
3. That is not a combined sewer; and
4. That is not part of a publicly owned treatment works.

NOI means Notice of Intent to be covered by this permit (see Part II).

NOT means Notice of Termination.

Outfall means a point source as defined by 40 CFR 122.2 at the point where a municipal separate storm sewer discharges to waters of the United States and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels or other conveyances which connect segments of the same stream or other waters of the United States and are used to convey waters of the United States,

Owner or operator means the owner or operator of any facility or activity subject to regulation under the NPDES program.

Point source means any discernible, confined, and discrete conveyance, including but not limited to,

any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

Pollutant is defined at R18-9-A901(22). A partial listing from this definition includes: dredged spoil, solid waste, sewage, garbage, sewage sludge, chemical wastes, biological materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial or municipal waste.

Significant contributors of pollutants means any discharge that causes or could cause or contribute to a violation of surface water quality standards.

Small Municipal Separate Storm Sewer System all separate storm sewers that are:

- 1 Owned or operated by the United States, a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States;
- 2 Not defined as large or medium municipal separate storm sewer systems in accordance with this permit;
- 3 This term includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings.

Stormwater means stormwater runoff, snow melt runoff, and surface runoff and drainage.

Stormwater Management Program (SWMP) means a comprehensive program to manage the quality of stormwater discharged from the municipal separate storm sewer system.

Waters of the United States which is interchangeable with the term "navigable waters" means:

1. All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
2. All interstate waters, including interstate wetlands;
3. All other waters such as interstate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:
 - a. Which are or could be used by interstate or foreign travelers for recreational or other purposes;
 - b. From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
 - c. Which are used or could be used for industrial purposes by industries in interstate commerce;
4. All impoundments of waters otherwise defined as waters of the United States under this definition;
5. Tributaries of waters identified in paragraphs (1) through (4) of this definition;
6. The territorial sea; and
7. Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs 1. through 6. of this definition.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the CWA (other than cooling ponds for steam electric generation stations per 40 CFR 423, which also meet the criteria of this definition) are not waters of the United States. Waters of the United States do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the

purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with EPA.



STATE OF ARIZONA
DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER QUALITY DIVISION
PHOENIX, ARIZONA 85007

ARIZONA POLLUTANT DISCHARGE ELIMINATION SYSTEM
GENERAL PERMIT FOR DISCHARGE FROM CONSTRUCTION ACTIVITIES
TO WATERS OF THE UNITED STATES

This permit provides Authorization to Discharge Under the Arizona Pollutant Discharge Elimination System program, in compliance with the provisions of the Arizona Revised Statutes, Title 49, Chapter 2, Article 3.1, the Arizona Administrative Code, Title 18, Chapter 9, Articles 9 and 10, and the Clean Water Act as amended (33 U.S.C. 1251 et seq.)

This general permit specifically authorizes only discharges from construction activities in Arizona by those owners or operators who submit a complete Notice of Intent in accordance with Part III of this general permit and who comply with the general permit requirements and conditions. All discharges authorized by this general permit shall be consistent with the terms and conditions of this general permit. Permit coverage is required from the 'commencement of construction activities' until 'final stabilization', as defined in Part IX.

A copy of this general permit must be kept at the construction site at all times.

This general permit becomes effective on February 28, 2003.

This general permit and the authorization to discharge expire at midnight, February 28, 2008.

Issued this 25th day of FEB, 2003.

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

A handwritten signature in black ink, appearing to read "Karen Smith", is written over a horizontal line. The signature is cursive and stylized.

Karen Smith, Director
Water Quality Division

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PART I. COVERAGE UNDER THIS GENERAL PERMIT

- A. Permit Area.** This general permit covers the state of Arizona, except for Indian country.¹
- B. Eligibility.** This general permit authorizes discharges from large construction activities as defined in 40 CFR 122.26(b)(14)(x) and small construction activities as defined in 40 CFR 122.26(b)(15)(i), provided the operator complies with all the requirements of this general permit and submits a Notice of Intent (NOI) in accordance with Part III of this general permit. Note these and other federal regulations referenced in this permit are incorporated by reference as state rules in Arizona Administrative Code (A.A.C.) R 18-9-A905.

Any discharges that do not comply with the eligibility conditions of this permit are not authorized by the permit. A person must either apply for a separate AZPDES permit to cover the ineligible discharge(s), cease the discharge(s), or take necessary steps to make the discharge(s) eligible for coverage under this permit.

C. Authorized Discharges.

1. Allowable Stormwater Discharges. An operator may discharge pollutants in:
 - a. Discharges of stormwater runoff associated with construction activities as defined in 40 CFR 122.26(b)(14)(x) and 40 CFR 122.26(b)(15)(i);
 - b. Discharges designated by the Department as requiring a stormwater permit under 40 CFR 122.26(a)(1)(v); 40 CFR 122.26(b)(15)(ii); or under 40 CFR 122.26(a)(9) and 40 CFR 122.26(b)(14)(x);
 - c. Discharges from support activities (e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas) provided:
 - i. The support activity is directly related to a construction site that is required to have NPDES or AZPDES permit coverage for discharges of stormwater associated with construction activity;
 - ii. The support activity is not a commercial operation serving multiple unrelated construction projects by different operators, and does not operate beyond the completion of the construction activity at the last construction project it supports; and
 - iii. Appropriate controls and measures covering the discharges from the support activity areas are identified in a stormwater pollution prevention plan (SWPPP);
 - d. Non-stormwater discharges as noted in Part I.C.2 or otherwise specifically allowed by the permit; and
 - e. Discharges comprised of a discharge listed in (a) through (d) above commingled with a discharge authorized by a different NPDES or AZPDES permit and/or a discharge that does not require AZPDES permit authorization.

¹The state of Arizona, Department of Environmental Quality, Water Quality Division, does not have permit authority for Indian country. Construction discharge permits for Indian country within the state must be acquired through EPA Region IX or other appropriate permitting authority.

2. Allowable Non-Stormwater Discharges. An operator may discharge the following non-stormwater discharges, provided they are not a significant source of pollutants and the operator implements appropriate BMPs to minimize pollutants discharged per Part IV.D.7.
 - a. Discharges from fire-fighting activities;
 - b. Fire hydrant flushing;
 - c. Waters used to wash vehicles where detergents are not used;
 - d. Water used to control dust, provided effluent or other wastewaters are not used;
 - e. Potable water sources including water line flushing;
 - f. Routine external building wash down where detergents are not used;
 - g. Pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used;
 - h. Uncontaminated air conditioning or compressor condensate;
 - i. Uncontaminated ground water or spring water;
 - j. Foundation or footing drains where flows are not contaminated with process materials such as solvents;
 - k. Potable water well flushing where the receiving waters are ephemeral,
 - l. Water used for compacting soil, provided effluent or other wastewaters are not used;
 - m. Water used for drilling and coring such as for evaluation of foundation materials, where flows are not contaminated with additives; and
 - n. Water obtained from dewatering operations/foundations in preparation for and during excavation and construction.

D. Limitations of Coverage.

1. Post Construction Discharges. This general permit does not authorize stormwater discharges that originate from the site after construction activities have been completed and the site, including any temporary support activity site, has undergone final stabilization. Post-construction stormwater discharges from industrial sites may need to be covered by a separate AZPDES permit.
2. Prohibition on Discharges Mixed With Non-Stormwater. This general permit does not authorize discharges that are mixed with sources of non-stormwater except as allowed in Part I.C.
3. Discharges Covered by Another AZPDES permit. This general permit does not authorize stormwater discharges associated with construction activity that have been covered under an individual permit or have been required to obtain coverage under an alternative general permit per Part VII.S.

4. Discharges Threatening Water Quality. This permit does not authorize discharges that will cause or contribute to non-attainment of water quality standards or to the designated use of receiving waters. The operator must design and implement Best Management Practices (BMPs) sufficient to meet this requirement.
5. Discharging into Impaired Receiving Waters. An operator is not automatically eligible to discharge under this permit if the site is within 1/4 mile of receiving waters and/or tributaries listed as impaired under 303(d) of the Clean Water Act.
 - a. To receive approval, the Notice of Intent and SWPPP shall be submitted to the Department for review to determine whether the SWPPP and the selected BMPs are sufficiently protective of water quality. The SWPPP must specifically identify BMPs and/or other controls that will minimize discharge of pollutants from the site. The SWPPP shall include a proposal for monitoring to determine if BMPs and controls are effective.
 - b. If a discharge contains pollutants for which a TMDL has been established, the SWPPP must specifically identify BMPs and/or other controls necessary to ensure the discharges will be consistent with the provisions of the TMDL.
 - c. If the operator receives a notification from ADEQ stating that there are concerns with the SWPPP, the operator must revise it so that there is greater assurance that the discharge will not cause or contribute to non-attainment of SWQS. Prior to approval, the Department may require that specific controls or monitoring be implemented or specific BMP design criteria be followed.
 - d. Within 32 business days of receipt, ADEQ will notify the operator whether: 1) it is acceptable to proceed under the general permit; 2) the SWPPP needs revisions; or 3) there is cause for eligibility denial. If notification is not received in this time-frame, the operator may assume coverage under this permit.
6. Discharging into Unique Waters. An operator is not automatically eligible to discharge under this permit if the site is within 1/4 mile of receiving waters or their tributaries listed as unique in R18-11-112.
 - a. To receive approval, the Notice of Intent and SWPPP shall be submitted to the Department for review to determine whether the SWPPP and the selected BMPs are sufficiently protective of water quality. The SWPPP must specifically identify BMPs and/or other controls that ensure the discharges will minimize discharge of pollutants from the site and that no degradation of the receiving water will occur. The SWPPP shall include a proposal for monitoring to determine if BMPs and controls are effective.
 - b. If the operator receives a notification from ADEQ stating that there are concerns with the SWPPP, the operator must revise it so that there is greater assurance that SWQS will be met. Prior to approval, the Department may require that specific controls or monitoring be implemented or specific BMP design criteria be followed.
 - c. Within 32 business days of receipt, ADEQ will notify the operator whether: 1) it is acceptable to proceed under the general permit; 2) the SWPPP needs revisions; or 3) there is cause for an eligibility denial. If notification is not received in this time-frame, the operator may assume coverage under this permit.

E. Waivers for Small Construction Activities. There are two scenarios under which the Department may exempt a small construction operator from the requirement to obtain coverage

under a stormwater permit. These exemptions are predicated on certain criteria being met and proper application procedures being followed:

1. **Low Erosion Potential.** The small construction project's rainfall erosivity factor calculation ("R" in the Revised Universal Soil Loss Equation) must be less than 5 during the **entire** period of construction activity. The applicant must certify to the Department that construction activity will occur only when the rainfall erosivity factor is less than 5. The erosivity factor must be calculated using EPA approved methods or by using ADEQ's Smart NOI database. If the operator calculates this number, the calculation and methods used must be submitted on the waiver form.

The period of construction activity begins at initial earth disturbance and ends with final site stabilization. The operator must submit a Permit Waiver Certification form to the Department before commencing construction activities in accordance with Part III.B. If construction activity will continue past the date specified in the certification, the applicant must follow the recertification requirements in Part III.B.3.

Note: The rainfall erosivity factor is based on Agriculture Handbook Number 703, Predicting Soil Erosion by Water: A Guide to Conservation Planning With the Revised Universal Soil Loss Equation (RUSLE), pages 21-64, dated January 1997. This information is available on EPA's web site at <http://www.epa.gov/owm/sw/>.

2. **Total Maximum Daily Load.** Stormwater controls are not needed when an EPA-approved "total maximum daily load" (TMDL) indicates that receiving water quality will not be impacted by discharges from small construction sites. The TMDL must specifically address the pollutant(s) of concern and conclude that waste load allocations for small construction sites are unneeded to protect water quality, expected growth in pollutant contributions from all sources, and a margin of safety. The applicant must certify to the Department that all construction activity and stormwater discharges will occur within the drainage area addressed by the TMDL. An exemption from the requirements of this permit on the basis of a TMDL must be obtained directly from the Department in accordance with Part III.B.4 and requested at least 32 business days before any construction occurs.
3. **Additional Condition for Exemption.** Persons that are not required to file for permit coverage per this section, must operate exempt construction sites in a manner that minimizes pollutants in the discharges. In the event discharges from the site may cause or contribute to non-attainment of water quality standards, ADEQ may require the operator to obtain permit coverage.

PART II. AUTHORIZATION UNDER THIS GENERAL PERMIT

- A. Application for Coverage.** A person may be authorized to discharge under this permit only if the stormwater discharge is associated with construction activities from the project site. An applicant seeking authorization to discharge under this general permit shall:

1. Meet the eligibility requirements under Part I.B;
2. Develop and implement a SWPPP that meets Part IV of this permit and that covers either the entire site or all portions of the site for which the person is an operator. A "joint" SWPPP may be developed and implemented as a cooperative effort where there is more than one operator at a site. The SWPPP must be prepared prior to submission of the Notice of Intent (NOI) and must be implemented prior to the start of construction; and

3. Submit to the Department a complete and accurate NOI Form in Appendix A (or a photocopy/reproduction). Other NOI options (i.e., electronic submission) may also be used if the Department notifies dischargers of alternatives either directly, by public notice, or by making information available on the internet. If the facility has the potential to discharge to a municipal separate storm sewer system (MS4), the applicant must also forward a copy of the completed NOI to the owner/ operator of the MS4 system at the time it is submitted to the Department.
 - a. Whenever the operator changes or another is added during the construction project, the new operator must also submit an NOI to be authorized under this permit.
 - b. Only one NOI need be submitted to cover all of one operator's activities on the common plan of development or sale (e.g., the operator does not need to submit a separate NOI for each separate lot in a residential subdivision or for two separate buildings being constructed at a manufacturing facility, provided the SWPPP covers each area for which the operator has control).
 - c. If discharges to a unique or impaired water are proposed, the SWPPP must be submitted along with the NOI.
4. Submission of the NOI demonstrates the operator's intent to be covered by this permit; it is not a determination by the Department that the operator has met the eligibility requirements for the permit. Discharges are not authorized if ADEQ notifies the operator that further evaluation is necessary, or the discharges were never eligible for coverage under this permit.

B. Effective Date of Permit Coverage.

1. Discharges to Impaired or Unique Waters. Applicants with a discharge that may reach impaired or unique waters are not authorized under this permit for a minimum of 32 business days following receipt of the NOI and SWPPP. ADEQ may notify operators within this time-frame that there is cause for SWPPP amendment, or denial of coverage as specified in Parts 1.D.5 and 1.D.6 of this permit. If notification is not received in the 32 business day time-frame, the operator may assume coverage under this permit.
2. Incomplete NOI Submitted.
 - a. If ADEQ notifies the operator that an NOI is incomplete or incorrect, the operator must resubmit an amended NOI if the operator still intends to obtain coverage under this permit.
 - b. Whether or not ADEQ notifies the operator of a deficiency in the NOI, discharges are not authorized under this permit if the operator submits an incomplete or incorrect NOI.
3. NOIs Requiring Additional Evaluation. ADEQ may inform an operator that authorization to discharge will not occur for up to 32 business days in the event that screening of any NOI provides information requiring further evaluation. This notification may be made either in writing, electronically, by fax or phone contact. The notification typically will be made within 2 business days after receipt of the NOI. Operators who receive notice of a delay in coverage may discharge 32 business days after the date the NOI is received unless further notice is received from ADEQ during this time-frame. Such further notice may confirm authorization to discharge or deny permit coverage and require an application for individual permit.
4. Routine Coverage. Except as provided in B.1 through B.3. above, all eligible operators are authorized to discharge stormwater from construction activities under the terms and

conditions of this permit two business days after the date that a complete and accurate NOI is received (see definitions) by ADEQ's Water Quality Division. Sections B.1 and B.3 above, do not apply to operators of on-going construction projects that were authorized to discharge under the 1998 construction general permit (63 FR 7858, February 17, 1998 for EPA Region 9), and that comply with the conditions of Part III.C.2.

C. Terminating Coverage.

1. The operator shall submit a complete and accurate Notice of Termination (NOT) to the Department within 30 days after any of the following conditions have been met:
 - a. Final stabilization has been achieved on all portions of the site for which the operator is responsible;
 - b. Another operator has assumed control according to Part VII.K.3 over all areas of the site that have not been finally stabilized; or
 - c. For residential construction only, temporary stabilization has been completed and the residence has been transferred to the homeowner (or a homeowner's association).
2. The operator shall use the Notice of Termination (NOT) form in Appendix C (or a copy/reproduction). Other NOT options (i.e., electronic submission) may also be used if the Department notifies dischargers of alternatives either directly, by public notice, or by making information available on the internet. The NOT shall include:
 - a. The NPDES or AZPDES permit number for the stormwater discharge identified by the NOT;
 - b. The basis for submission of the NOT;
 - c. The name, address, and telephone number of the operator submitting the NOT;
 - d. The name of the project and street address (or a description of location if no street address is available) of the construction site for which the notification is submitted;
 - e. The latitude and longitude of the construction site: and
 - f. The following certification, signed by a qualified signatory as defined in Part VII.K.2 of this permit and the name and title of the person who signs. For construction projects with more than one operator, the operator must only make this certification for those portions of the construction site where he was authorized under this permit and not for areas where he was not an operator:

"I certify under penalty of law that all stormwater discharges associated with construction activity from the identified facility that are authorized by a general permit have been eliminated or that I am no longer the operator of the facility or construction site. I understand that by submitting this Notice of Termination, I am no longer authorized to discharge stormwater associated with construction activity under this general permit, and that discharging pollutants in stormwater associated with construction activity to waters of the United States is unlawful under the Clean Water Act where the discharge is not authorized by a NPDES or AZPDES permit. I also understand that the submittal of this Notice of Termination does not release an operator from liability for any violations of this permit or the Clean Water Act."

For the purposes of this certification, 'elimination of stormwater discharges associated with construction activity' means that final stabilization (as defined in Part IX) has been completed for disturbed soils or that all stormwater discharges associated with construction activities have otherwise been eliminated, from the portion of the construction site where the operator had control.

3. If the facility is located within a municipal separate storm sewer system (MS4), the operator must also forward a copy of the completed NOT to the operator of the MS4 system at the time it is submitted to the Department.
4. Authorization to discharge terminates at midnight on the day a complete and accurate NOT is received by the Department.

PART III. NOTICE OF INTENT REQUIREMENTS

Important: The operator must read and understand all the conditions and requirements of this permit before submitting either of the applications described in Part III, Sections A and B.

A. Notice of Intent (NOI) Requirements. Construction site owners or operators who intend to seek authorization for their stormwater discharges under this general permit must submit a complete and accurate AZPDES NOI form to the Department. If the operator desires, or is required, to obtain an individual stormwater permit by ADEQ, the operator cannot use an NOI for this purpose. Instead, the operator must contact the Department for the proper application procedure. The NOI form contains the following information:

1. The name, address, and telephone number of the construction site operator;
 2. Whether the operator is a federal, state, tribal, private, or other public entity;
 3. The type of project and whether the project is part of a greater plan of development;
 4. The name (or other identifier), address, county of the construction project or site;
 5. An accurate latitude/longitude of the construction project or site at the point nearest to the receiving water;
 6. Whether the site is located on Indian Country lands;
 7. Confirmation that a SWPPP has been developed and will be implemented prior to commencement of construction activities;
- Note: Except for discharges to unique or impaired waters, DO NOT include copies of SWPPPs, local plans, or permit language with the NOI submission.*
8. The location where the SWPPP may be viewed and the name and telephone number of a contact person for scheduling viewing times;
 9. The name of the receiving water(s).
 10. The name of the municipal separate storm sewer system or any privately owned conveyance into which you have a potential to discharge, if applicable;
 11. Estimates of the total project acreage and the acreage to be disturbed by the operator

submitting the NOI, to the nearest ½ acre;

12. The operator's estimated project start and completion dates;
13. Any non-stormwater discharges expected to be associated with construction activities at the site;
14. Whether the project has or will need any other environmental permits or approvals, including subdivision approvals and 404 permits, and the permit number, if applicable;
15. If a linear project, the operator shall state whether any portion is within 1/4 mile of an impaired or unique water; and
16. The following certification statement, signed and dated by a qualified signatory, as defined in Part VII.K.1, and the name and title of the person who signs:

"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 gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage this system, or those persons direction responsible for gathering the information, I believe the information submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. In addition I certify that the permittee will comply with all terms and conditions stipulated in General Permit No. AZG2003-001 issued by the Director."

B. Permit Waivers for Small Construction Projects.

1. Exempt Coverage. An operator of a small construction activity may be exempted from obtaining coverage under a stormwater permit based on:
 - a. A total maximum daily load (TMDL) determination for the receiving waterbody. See Part III.B.4 for how to apply for this waiver.
 - b. A low potential for soil erosion during the active construction phase of the project. Low potential for erosion is defined as a rainfall erosivity (R) factor of less than 5 as calculated per the Method specified in EPA Fact Sheet 3.1, EPA 833-F-00-014 (which can be accessed via ADEQ's website) or determined by ADEQ's "Smart NOI" website. To be granted this exemption, a small construction operator must submit a Permit Waiver Certification form.

Note: Construction activities that will disturb 5 acres or greater cannot be exempted from stormwater permitting requirements. Also, construction activities that disturb less than 5 acres, but the parcel is part of a greater (5 acres or more) common plan of development or sale can not be exempted. Additionally, should a calculated erosivity factor conflict with the factor calculated by the Smart NOI website, the Department shall rely on the website for the final determination.

2. The Permit Waiver Certification Based on Low Erosion Potential. An operator of a construction activity that is eligible for a waiver based on low erosivity potential must provide the following information on the Waiver Certification Form:
 - a. The name, address, and telephone number of the construction site operator(s);

- b. The name (or other identifier), address, county, of the construction project or site;
 - c. A complete and accurate latitude/longitude of the construction project or site;
 - d. Project start and completion (final stabilization) dates
 - e. Estimates of the total project acreage and the acreage to be disturbed by the operator submitting the NOI, to the nearest ½ acre;
 - e. If there is any potential for discharge through a municipal separate storm sewer system, the name of the municipal operator of the storm sewer;
 - f. Verification that the rainfall erosivity factor calculation that applies to the active construction phase at the project site is less than five (5) calculated either per the Method specified in EPA Fact Sheet 3.1, EPA 833-F-00-014 which can be found via ADEQ's website, or the Arizona "Smart NOI" system;
 - f. The certification statement, signed by a qualified signatory as defined in Part VII.K.1.
3. Recertification Requirements. If the small construction project continues beyond the projected completion date given on the Permit Waiver Certification, the operator must recalculate the rainfall erosivity factor for the new project duration. If the R factor is below five, the operator may resubmit the Permit Waiver Certification form with all applicable inputs updated. The new Permit Waiver Certification form must be received at ADEQ at least two business days before the project completion date indicated on the original Permit Waiver Certification form to assure the exemption from permitting requirements is uninterrupted. If the new R factor is five or above, the operator must prepare a SWPPP and submit an NOI as required under Part III, Sections A and E.
4. Applying for the Total Maximum Daily Load Exemption. If an operator believes that a TMDL-based exemption from permitting requirements applies to the construction project as per Part I.E.2, the operator must directly contact the Department at least 32 business days prior to commencing construction activities. The Department will assess the validity of the exemption claim, and grant the exemption if justified. The Department will send the operator a written notice of the determination.

C. Deadlines for Notification.

1. New Projects.
 An operator of a large construction project must ensure the Department receives a NOI at least two business days prior to the commencement of construction activities (i.e., the initial disturbance of soils associated with clearing, grading, excavation activities, or other construction activities).
- An operator of a small construction project starting on or after March 10, 2003, must ensure the Department receives a NOI or Erosivity Waiver at least two business days prior to the commencement of construction activities.
2. Ongoing Large Construction Projects. Operators of large construction projects ongoing as of the effective date of this permit, that received authorization to discharge for these projects under the 1998 construction general permit (63 FR 7858, February 17, 1998 for EPA Region 9), must:
- a. Submit a complete and accurate NOI within 90 days of the effective date of this

permit. If the operator is eligible to submit a Notice of Termination (e.g., construction is finished and final stabilization has been achieved) before the 90th day, a new NOI is not required to be submitted;

- b. For the first 90 days from the effective date of this permit, continue to comply with the terms and conditions of the 1998 construction general permit; and
- c. Update the SWPPP, as necessary, to comply with the requirements of this permit within 90 days after the effective date of this permit.

3. Ongoing Small Construction Projects. Operators of ongoing small construction projects must:

- a. Submit a NOI within 90 days of the effective date of this permit;
- b. For the first 90 days from the effective date of this permit, comply with the terms and conditions of all applicable local erosion and sediment control requirements; and
- c. Develop and implement a SWPPP that complies with the requirements of this permit within 90 days after the effective date of this permit. If the construction is completed and final stabilization achieved before the 90th day, submittal of an NOI and development of a SWPPP is not required.

4. Changes in Operators. For construction projects where the operator changes, including instances where an operator is added after an NOI has been submitted, the new operator must ensure the NOI is received by the Department at least two business days before assuming operational control over site specifications or commencing work on-site.

D. Late Applications. The operator is only permitted for discharges that occur after a complete and accurate NOI is received by ADEQ. In the absence of a Permit Waiver Certification submittal, the Department will assume that the operator was supposed to have applied for coverage under the construction general permit. The Department reserves the right to take enforcement action for any unpermitted discharges or permit noncompliance that occur between the time construction commenced and either discharge authorization is granted, denied, or a complete and accurate Permit Waiver Certification is submitted.

E. Where to Submit. The applicant shall submit the NOI (application) to:

Arizona Department of Environmental Quality
Water Permits Section/Stormwater NOI (5415B-3)
1110 W. Washington Street
Phoenix, Arizona 85007
or fax to (602)771-4674

Other electronic submission options may become available at a future date.

F. Notification to Receiving MS4s/Local Authorities. If the facility has the potential to discharge to a MS4, the applicant must also forward a copy of the completed NOI to the owner/operator of the MS4 system at the time it is submitted to the Department. Also, an operator who is operating under an approved local sediment and erosion plan, grading plan or stormwater management plan, shall submit a signed copy of the NOI to the local authority upon their request.

PART IV. STORMWATER POLLUTION PREVENTION PLANS (SWPPPs)

A. General Information. The operator must prepare a Stormwater Pollution Prevention Plan (SWPPP) before submitting the NOI for permit coverage. At least one SWPPP must be developed for each construction project or site covered by this permit. The operator must implement the SWPPP as written from initial commencement of construction activity until final stabilization is complete. The SWPPP must be prepared and implemented in accordance with good engineering practices and must:

1. Identify potential sources of pollution which may reasonably be expected to affect the quality of stormwater discharges from the construction site;
2. Identify, describe and ensure implementation of BMPs that will be used to reduce the amount of pollutants in stormwater discharges from the construction site; and
3. Assure compliance with the terms and conditions of this permit.
4. Identify responsible party for on-site SWPPP implementation.

B. SWPPP Requirements for Different Types of Operators. An operator may meet one or both of the operational control components in the definition of "operator" in Part IX. Either Section IV.B.1 or B.2, or both, will apply depending on the type of operational control one exerts over the site. Section IV.B.3 applies to all operators who have control over only a portion of a construction site.

1. Operators with Operational Control Over Construction Plans and Specifications must ensure that:
 - a. The project specifications meet the minimum requirements of this Part and all other applicable conditions;
 - b. The SWPPP indicates the areas of the project where the operator has operational control over project specifications, including the ability to make modifications in specifications;
 - c. All other operators implementing portions of the SWPPP impacted by any changes made to the plan are notified of such modifications in a timely manner; and
 - d. The SWPPP indicates the name(s) of the party(ies) with day-to-day operational control of those activities necessary to ensure compliance with the SWPPP or other permit conditions.
2. Operators With Control Over Day-to-Day Activities must ensure that:
 - a. The SWPPP meets the minimum requirements of this Part and identifies the parties responsible for implementation of control measures identified in the plan;
 - b. The SWPPP indicates areas of the project where each operator has operational control over day-to-day activities; and
 - c. The SWPPP indicates the name(s) of the party(ies) with operational control over project specifications (including the ability to make modifications in specifications).

3. Operators With Control Over Only a Portion of a Larger Project (e.g., one of four homebuilders in a subdivision), are responsible for compliance with the terms and conditions of this permit as it relates to the activities on his/her portion of the construction site (including implementation of BMPs and other controls required by the SWPPP). Operators must ensure either directly or through coordination with other operators, that activities do not render another party's pollution control ineffective. All operators must either implement their portion of a common SWPPP or develop and implement their own SWPPP:

C. Contents of a SWPPP: Site and Activity Description.

1. Identification of Operators. The SWPPP must identify all operators for the project site, and the areas over which each operator has control.
2. Site Description. The SWPPP must describe the nature of the construction activity, including:
 - a. A description of the project and its intended use after the NOT is filed (e.g. low density residential, shopping mall, highway, etc.)
 - b. A description of the intended sequence of activities that disturb soils at the site (e.g., grubbing, excavation, grading, utilities, and infrastructure installation);
 - c. The total area of the site, and an estimate of the total area of the site expected to be disturbed by excavation, grading, or other activities including off-site borrow and fill areas;
 - d. An estimate of the runoff coefficient of the site for both the pre-construction and post-construction conditions and data describing the soil and any existent data on the quality of any discharge from the site; and
 - e. A general location map (e.g., U.S.G.S. quadrangle map, a portion of a city or county map, or other map) with enough detail to identify the location of the construction site and the receiving waters within one mile of the site.
3. Site Map. The SWPPP must contain a legible site map completed to-scale, showing the entire site, that identifies:
 - a. Directions of stormwater flow (e.g., use arrows to show which ways stormwater will flow) and approximate slopes anticipated after major grading activities;
 - b. Areas of soil disturbance and areas that will not be disturbed;
 - c. Locations of structural and nonstructural controls identified in the SWPPP;
 - d. Locations where stabilization practices are expected to occur;
 - e. Locations of off-site material, waste, borrow areas, or equipment storage areas;
 - f. Locations of all surface water bodies (including wetlands);
 - g. Locations where stormwater discharges to a surface water (including ephemeral waters or dry washes) and to MS4s;

- h. Locations and registration numbers of on-site drywells; and
 - i. Areas where final stabilization has been accomplished and no further construction-phase permit requirements apply.
4. Receiving Waters. The SWPPP must identify the nearest receiving water(s), including ephemeral and intermittent streams, dry sloughs, arroyos. If applicable, the SWPPP must also identify the areal extent and describe any wetlands near the site that could be disturbed or that could potentially receive discharges from disturbed areas of the project.
 5. Summary of Potential Pollutant Sources. The SWPPP must identify the location and describe any stormwater or non-stormwater discharges at the site associated with activity other than construction and other pollutant sources such as fueling operations, materials stored on-site, waste piles, etc.. This also includes discharges from dedicated asphalt plants and dedicated concrete plants that are covered by this permit.
 6. Off-site Material Storage. The SWPPP must identify and address offsite material storage areas or borrow areas used solely by the operator's project.

D. Contents of a SWPPP: Controls to Reduce Pollutants

1. Stormwater Controls. The SWPPP must describe all pollution control measures (i.e., BMPs) that will be implemented as part of the construction project to control pollutants in stormwater discharges. For each major activity identified in the project description, the SWPPP must clearly describe appropriate control measures; the general sequence during the construction process that the measures will be implemented; and which operator is responsible for the control measure's implementation.

Offsite material storage areas (also including overburden and stockpiles of dirt, borrow areas, etc.) used solely by the permitted project are considered a part of the project and must be addressed in the SWPPP.

2. Erosion and Sediment Controls. The SWPPP must address the following:
 - a. Design. Erosion and sediment controls shall be designed to retain sediment on site to the extent practicable.
 - b. Selection, Installation, and Maintenance. All control measures must be properly selected, installed, and maintained per the manufacturers' specifications and good engineering practices. If periodic inspections or other information is discovered that indicates a control has been used inappropriately, or installed incorrectly, the operator must replace or modify the control for site situations as soon as practicable and before the next anticipated storm event.
 - c. Offsite Accumulation of Sediment. When sediment escapes the construction site, offsite accumulations of sediment must be routinely removed and at a frequency sufficient to ensure no adverse effects on water quality.
3. Good Housekeeping. The SWPPP must describe good housekeeping procedures to prevent litter, construction debris, and construction chemicals exposed to stormwater from becoming a pollutant source for stormwater discharges.
4. Stabilization Practices.

- a. Description and Schedule. The SWPPP must include a description of and identify interim and permanent stabilization practices for the site, including a schedule of when the practices will be implemented. The SWPPP shall document where any existing vegetation is to be preserved.
 - b. Deadlines for Stabilization. The operator must initiate stabilization measures within 14 days in portions of the site where construction activities have temporarily or permanently ceased, except:
 - i. Where stabilization by the 14th day is precluded by snow cover or frozen ground conditions, stabilization measures must be initiated as soon as practicable.
 - ii. Where construction activity on a portion of the site is temporarily ceased, but earth disturbing activities will be resumed in that area within 14 days. In this event, temporary stabilization measures do not have to be initiated on that portion of site.
 - iii. When the site is using vegetative stabilization but is located in an area with an average annual rainfall of < 20 inches **and** it is during seasonally arid conditions, vegetative stabilization measures must be initiated as soon as practicable.
 - iv. When the site is using vegetative stabilization but is located in other areas of the state experiencing drought conditions (see definitions), vegetative stabilization measures must be initiated as soon as practicable.
 - c. Records of stabilization. The operator must maintain the following records as part of the SWPPP:
 - i. Dates when major grading activities occur;
 - ii. Dates when construction activities temporarily or permanently cease on a portion of the site; and
 - iii. Dates when stabilization measures are initiated and completed and reasons for delay, if applicable, under IV.D.4.b.
5. Structural Practices. The SWPPP must describe structural practices to divert flows from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable. Placement of structural practices in floodplains shall be avoided to the degree attainable. A combination of sediment and erosion control measures is required to achieve maximum pollutant removal.
- a. Sediment Basins.
 - i. For common drainage locations that serve an area with 10 or more acres disturbed at one time, a temporary (or permanent) sediment basin that provides storage for a calculated volume of runoff from a 2 year, 24 hour storm from each disturbed acre drained, must be provided where attainable until final stabilization of the site. Where no calculation has been performed, a temporary (or permanent) sediment basin providing 3,600 cubic feet of storage per acre drained, shall be provided where attainable until final stabilization of the site. When computing the number of acres draining into

a common location it is not necessary to include flows from offsite areas and flows from onsite areas that are either undisturbed or have undergone final stabilization where such flows are diverted around both the disturbed area and the sediment basin. In determining whether installing a sediment basin is attainable, the operator may consider factors such as site soils, slope, available area on site, etc. If "non-attainability" is claimed, then an explanation of that non-attainability shall be included in the SWPPP. In any event, the operator must consider public safety, especially as it relates to children, as a design factor for the sediment basin and alternative sediment controls must be used where site limitations preclude a safe design.

- ii. For drainage locations that serve 10 or more disturbed acres at one time and where a sediment basin meeting the provision of Part IV D.5.a.1 is not attainable, smaller sediment basins and/or sediment traps shall be used. Where a sediment basin is not attainable, silt fences, vegetative buffer strips, or alternatives which achieve effective sediment control are required for all down slope boundaries of the construction area (and for those side slope boundaries deemed appropriate as dictated by individual site conditions).
 - iii. For drainage locations serving less than 10 acres, smaller sediment basins and/or sediment traps shall be used. Silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries (and for those side slope boundaries deemed appropriate as dictated by individual site conditions) of the construction area unless a sediment basin providing storage for a calculated volume of runoff from a 2 year, 24 hour storm or 3,600 cubic feet of storage per acre drained is provided.
- b. Velocity dissipation devices. Velocity dissipation devices must be placed at discharge locations and along the length of any outfall channel to provide a non-erosive flow velocity from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected (e.g. no significant changes in the hydrological regime of the receiving water).
6. Post-construction Stormwater Management. The SWPPP must include a description of post-construction storm water management measures that will be installed during the construction process to control pollutants in stormwater discharges after construction operations have been completed. Structural measures shall be placed on upland soils to the degree attainable. Such measures must be designed and installed consistent with applicable local or state stormwater management requirements.

Note: The installation of these devices may also require a separate permit under section 404 of the Clean Water Act. The operator is only responsible for the installation and maintenance of stormwater management measures prior to final stabilization of the site, and is not responsible for maintenance after stormwater discharges associated with construction activity have been eliminated from the site. However, post-construction stormwater BMPs that discharge pollutants from point sources once construction is completed, may in themselves, need authorization under a separate AZPDES permit.

7. Non -Stormwater Discharge Management.
The SWPPP must identify all allowable sources of non-stormwater discharges listed in Part I.C.2 of this permit except for flows from fire fighting activities. Non-storm water discharges are to be eliminated or reduced to the extent feasible. The operator must implement appropriate BMPs to minimize pollutants in any non-stormwater discharges

and must describe those BMPs in the SWPPP. Except if used in emergency firefighting, superchlorinated wastewaters must be held on-site until the chlorine dissipates, or otherwise dechlorinated prior to discharge.

8. Other Controls. The SWPPP must describe:
 - a. Measures to prevent the discharge of solid materials, including building materials, to waters of the United States, except as authorized by a permit issued under section 404 of the Clean Water Act;
 - b. Measures to minimize off-site vehicle tracking of sediments, to the extent practicable, and the generation of on-site dust;
 - c. Construction and waste materials expected to be stored on-site with updates as appropriate. The SWPPP must also include a description of controls to reduce pollutants from these materials including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response practices;
 - d. Any pollutant sources from areas other than construction (including stormwater discharges from dedicated asphalt plants and dedicated concrete plants and any other non-construction pollutant sources), with details of controls and measures that will be implemented at those sites to minimize pollutant discharges; and
 - e. Measures to sufficiently stabilize soil at culvert locations to prevent the formation of rills and gullies during construction.

E. Maintenance.

1. All erosion and sediment control measures (BMPs) and other protective measures identified in the SWPPP must be maintained in effective operating condition. If site inspections identify BMPs that are not operating effectively, maintenance must be performed as soon as practicable and before the next anticipated storm event.
2. If existing BMPs need to be modified or additional BMPs are necessary, implementation must be completed before the next anticipated storm event. If implementation before the next storm event is impracticable, alternative BMPs shall be implemented as soon as practicable.
3. The operator must remove sediment from sediment traps or sedimentation ponds when design capacity has been reduced by 50%.

- F. Permit Related Records.** The operator must include a copy of this permit; the NOI that was submitted to the Department; and a copy of the certificate received from the Department specifying the authorization number in the SWPPP. If other agreements with any state, local, or federal agencies exist that would affect the provisions or implementation of the SWPPP, the SWPPP must include copies of those agreements.

*Note: The confirmation of coverage letter the operator will receive from the Department assigning the permit authorization number is **not** the permit - it merely acknowledges that the NOI has been accepted and the operator has been authorized to discharge subject to the terms and conditions of this general permit.*

G. Applicable federal, State, or Local Programs.

The SWPPP must be consistent with all applicable federal, State, or local requirements for soil

and erosion control or stormwater management. The SWPPP may incorporate by reference the appropriate elements of plans required by other agencies. A copy of any requirements incorporated by reference shall be included as an attachment to the SWPPP. The SWPPP must be updated as necessary to remain consistent with any revisions made to such requirements.

H. Inspections.

1. Routine Inspection Schedule. The operator must ensure routine inspections are performed at the site to ensure that BMPs are functional and that the SWPPP is being properly implemented. The operator must specify an inspection schedule in the SWPPP and may choose either of the following:
 - a. The site will be inspected at least once every 7 calendar days, or
 - b. The site will be inspected at least once every 14 calendar days, and also within 24 hours of the end of each storm event of 0.5 inches or greater.
2. Reduced Inspection Frequency. When any of the following conditions apply:
 - a. The site has been temporarily stabilized;
 - b. Runoff is unlikely due to winter conditions (e.g., site is covered with snow, ice, or frozen ground exists); or
 - c. Construction is in an area of the state that receives < 20 inches of average annual rainfall and construction is occurring during the seasonal dry period;

The operator is required to routinely inspect only once each month, and anytime rain is predicted, and within 24 hours of the end of each storm event of 0.5 inches or greater.
3. Inspectors. Inspections must be done by qualified personnel (provided by the operator or cooperatively by multiple operators). "Qualified personnel" means a person knowledgeable in the principles and practice of erosion and sediment controls and who 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 the stormwater discharges.
4. Scope of Inspections. Inspections must include all areas of the site disturbed by construction activity and areas used for storage of materials that are exposed to precipitation. Inspectors must look for evidence of, or the potential for, pollutants entering the drainage system. Sedimentation and erosion control measures identified in the SWPPP must be observed to ensure that they are operating correctly. Where discharge locations or points are accessible, they must be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to receiving waters. Where discharge locations are inaccessible, nearby downstream locations shall be inspected to the extent that the inspections are practicable. Locations where vehicles enter or exit the site must be inspected for evidence of offsite sediment tracking. All BMPs and areas inspected and the conditions found must be documented.
5. Compliance Evaluation Report. For each inspection, the operator shall complete an inspection report. At a minimum the report must include:
 - a. The inspection date;

- b. Name(s) and title(s) and qualifications of person(s) making the inspection. Qualifications must either be on/attached to the report or alternatively, if the SWPPP documents the qualifications of the inspectors by name, that portion of the SWPPP may be referenced.
 - c. Weather information for the period since the last inspection (or since commencement of construction activity if the first inspection), including best estimate of the beginning of each storm event, duration of each event, time elapsed since last storm event, and approximate amount of rainfall for each event (in inches);
 - d. Location(s) of discharges of sediment or other pollutants from the site;
 - e. Location(s) and identification of BMPs that need to be maintained; failed to operate as designed or prove inadequate;
 - f. Location(s) where additional BMPs that do not exist at the time of inspection are needed;
 - g. Corrective actions required, including any changes to SWPPP necessary and implementation dates;
 - h. Identification of all sources of non-storm water and the associated pollution prevention control measures; and
 - i. Identification of material storage areas and, evidence of or potential for, pollutant discharge from such areas.
6. Maintaining Inspection Records. The operator must ensure the inspection report and record of any follow-up actions taken is retained as part of the SWPPP for at least three years from the date that permit coverage expires or is terminated. Inspection reports must identify any non-compliance with the conditions of this permit. Where a report does not identify any incidents of non-compliance, the report must contain a certification that the construction project or site is being operated in compliance with the SWPPP and this permit. The report shall be signed in accordance with Part VII.K. of this permit.
7. Follow-Up Actions. Based on the results of the inspection, the operator must modify the SWPPP to include additional or modified BMPs designed to correct problems identified. The operator must complete revisions to the SWPPP within seven calendar days following the inspection. If existing BMPs need to be modified or if additional BMPs are necessary, implementation must be completed before the next anticipated storm event. If implementation before the next anticipated storm event is impracticable, they shall be implemented as soon as practicable.
- I. Maintaining an Updated SWPPP**. The operator must amend the SWPPP within 15 business days whenever:
- 1. There is a change in design, construction, operation, or maintenance at the construction site that has a significant effect on the discharge of pollutants to the waters of the United States that has not been previously addressed in the SWPPP; or
 - 2. During inspections, monitoring if required, or investigations by the operator or by local, state, MS4, or federal officials, it is determined the discharges are causing or contributing to water quality exceedances or the SWPPP is ineffective in eliminating or

significantly minimizing pollutants in stormwater discharges from the construction site.

J. Signature, Plan Review, and Making Plans Available.

1. The operator must sign the SWPPP in accordance with Part VII.K, and retain the plan on-site at the construction site or other location easily accessible during normal business hours.
2. The operator must post a sign or other notice near the main entrance of the construction site with the following information:
 - a. The NPDES or AZPDES authorization number for the project or a copy of the NOI if an authorization number has not yet been assigned,
 - b. The name and telephone number of a local office or site contact person,
 - c. A brief description of the project, and
 - d. The location of the SWPPP if the site is inactive or does not have an on-site location to store the plan, and the name of a contact person for accessing the SWPPP.
3. Upon request, the operator shall provide a copy of the SWPPP to the Department, or to any other state, federal, local agency, tribal authority, or operator of a municipal separate storm sewer (MS4) that receives discharges from the site or that approves sediment and erosion plans, grading plans, or stormwater management plans.
4. The operator shall keep the SWPPP on-site or locally accessible and available, in its entirety, to the Department, local authority, or EPA for review and copying at the time of an on-site inspection.
5. Any other person may make a written request to the Department for access to a copy of the SWPPP. In this event, the Department shall request and the operator shall provide within 14 calendar days, a copy for ADEQ to make available for public review.

K. Deficiencies in the SWPPP. The Department may notify the operator at any time that the SWPPP does not meet one or more of the requirements of this Part. The notification must identify the provisions of this permit that are not being met and parts of the SWPPP that require modification. Within 15 business days of receipt of the notification from the Department (or as otherwise provided by the Department), the operator must make the required changes to the SWPPP and submit to the Department a written certification that the requested changes have been made. The Department may request re-submittal of the SWPPP to confirm all deficiencies have been adequately addressed. The Department may also take appropriate enforcement action for the period of time the operator was operating under a plan that did not meet the minimum requirements of this permit.

PART V. SPECIAL CONDITIONS

A. Hazardous Substances or Oil. The operator must prevent or minimize the discharge of hazardous substances or oil in the discharge(s) from the construction site in accordance with the SWPPP. This permit does not relieve the operator of the reporting requirements under 40 CFR 110, 40 CFR 117 and 40 CFR 302 relating to spills or other releases of oils or hazardous substances.

- B. Releases in Excess of Reportable Quantities.** Where a release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR 110, 40 CFR 117, or 40 CFR 302, occurs which has a potential to impact any stormwater discharges authorized under this permit.

The operator must modify the SWPPP within 14 calendar days of knowledge of the release to: provide a description of the release, the circumstances leading to the release, and the date of the release. In addition, SWPPPs must identify measures to prevent the reoccurrence of the releases and to respond to such releases.

- C. Spills.** This general permit does not authorize the discharge of any substance resulting from on-site spills, or oil or chemicals.
- D. Non-Attainment of Water Quality Standards After Authorization.** At any time after authorization, the Department may determine that an operator's stormwater discharges may cause or contribute to non-attainment of any applicable water quality standards. If the Department makes such a determination, ADEQ shall notify the operator in writing. In response the operator shall develop a supplemental BMP action plan describing SWPPP modifications to address the identified water quality concerns; or submit an individual permit application. If ADEQ's written notice requires a response, failure to timely respond constitutes a permit violation. All responses provided under this part must be certified in accordance with Part VII.K of this permit.
- E. Continuation of the Expired General Permit.** If the Director does not reissue this general permit before the expiration date, it will be administratively continued and remain in force and effect. Any operator granted general permit coverage before the expiration date will automatically remain covered by the continued general permit until the earlier of:
1. Reissuance or replacement of the general permit, at which time the operator shall comply with the NOI conditions of the new general permit to maintain authorization to discharge; or
 2. The date the Director receives the operator's Notice of Termination; or
 3. The date the Director issues an individual permit for the project's discharge; or
 4. The date the Director issues a formal permit decision not to reissue this general permit, at which time operators must seek coverage under an alternative general permit or an individual permit.

PART VI. RETENTION OF RECORDS

- A. Documents.** The operator shall retain copies of SWPPPs and all documentation required by this permit, including records of all data used to complete the NOI to be covered by this permit, for at least three years from the date of final stabilization of the site. ADEQ may extend this retention period upon request by notifying the operator in writing at any time prior to the end of the standard 3-year retention period.
- B. Accessibility.** The operator shall retain a copy of the SWPPP (including a copy of the permit) at the construction site (or other local location accessible to the Department and other parties identified in Section IV.K) from the date of commencement of construction activities to the date of NOT submittal. Operators with day-to-day control over SWPPP implementation must have a copy of the SWPPP available at a central location on-site for the use of all operators and those

identified as having responsibilities under the SWPPP whenever they are on the construction site.

- C. **Addresses.** All written correspondence concerning discharges covered under this permit, must be sent to the Department at the address specified in Section III.E.

PART VII. STANDARD PERMIT CONDITIONS

- A. **Duty to Comply.** [R18-9-A905(A)(3)(a) which incorporates 40 CFR 122.41(a)(1) and A.R.S. §§ 49-261, 262, 263.01, and 263.02.]

1. The operator shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act; A.R.S. Title 49, Chapter 2, Article 3.1; and A.A.C. Title 18, Chapter 9, Articles 9 and 10, and is grounds for enforcement action, permit termination, revocation and reissuance, or modification, or denial of a permit renewal application.
2. The issuance of this permit does not waive any federal, state, county, or local regulations or permit requirements with which a person discharging under this permit is required to comply.
3. The operator shall comply with the effluent standards or prohibitions established under section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under section 405(d) of the Clean Water Act within the time provided in the regulation that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

- B. **Duty to Reapply.** [R18-9-A905 which incorporates 40 CFR 122.41(b)]
If the operator wishes to continue an activity regulated by this permit after the expiration date of this permit, the operator must apply for and obtain a new permit.

- C. **Need to Halt or Reduce Activity Not a Defense.** [R18-9-A905(A)(3)(a) which incorporates 40 CFR 122.41(c)]
It shall not be a defense for an operator in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

- D. **Duty to Mitigate.** [R18-9-A905(A)(3)(a) which incorporates 40 CFR 122.41(d)]
The operator shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

- E. **Proper Operation and Maintenance.** [R18-9-A905(A)(3)(a) which incorporates 40 CFR 122.41(e)]
The operator shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the operator to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by an operator only when the operation is necessary to achieve compliance with the conditions of this permit.

- F. **Permit Actions.** [R18-9-A905(A)(3)(a) which incorporates 40 CFR 122.41(f)]

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the operator for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

- G. Property Rights.** [R18-9-A905(A)(3)(a) which incorporates 40 CFR 122.41(g)]
This permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or invasion of personal rights, nor any infringement of federal, state, Indian tribe, or local laws or regulations.
- H. Duty to Provide Information.** [R18-9-A905(A)(3)(a) which incorporates 40 CFR 122.41(h)]
The operator shall furnish to ADEQ, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The operator shall also furnish to ADEQ upon request, copies of records required to be kept by this permit.
- I. Inspection and Entry.** [R18-9-A905(A)(3)(a) which incorporates 40 CFR 122.41(i)]
The operator shall allow the Director, or an authorized representative, upon the presentation of credentials and such other documents as may be required by law, to:
1. Enter upon the operator's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
 2. Have access to and copy, at reasonable times, any records that must be kept under the terms of the permit;
 3. Inspect at reasonable times any facilities, equipment (including monitoring equipment or control equipment), practices or operations regulated or required under this permit; and
 4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by A.R.S. Title 49, Chapter 2, Article 3.1, and A.A.C. Title 18, Chapter 9, Articles 9 and 10, any substances or parameters at any location.
- J. Monitoring and Records.** [R18-9-A905(A)(3)(a) which incorporates 40 CFR 122.41(j)]
1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
 2. The operator shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application, except for records of monitoring information required by this permit related to the operator's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR Part 503). This period may be extended by request of the Director at any time.
 3. Records of monitoring information shall include:
 - a) The date, exact place and time of sampling or measurements;
 - b) The individual(s) who performed the sampling or measurements;

- c) The date(s) the analyses were performed;
 - d) The individual(s) who performed the analyses;
 - e) The analytical techniques or methods used; and
 - f) The results of such analyses.
4. Monitoring must be conducted according to test procedures approved under 9 A.A.C. Chapter 14, Article 6 as incorporated by reference in R18-9-A905(B); or in the case of sludge use or disposal, approved under 40 CFR Part 136 unless otherwise specified in 40 CFR Part 503, unless specific test procedures have been otherwise specified in this permit.
 5. Any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained in this permit is subject to the enforcement actions established under A.R.S. Title 49, Chapter 2, Article 4, which includes the possibility of fines and/or imprisonment.

K. Signatory Requirements. [R18-9-A905(A)(3)(a) which incorporates 40 CFR 122.41(k) and (l); R18-9-A905(A)(1)(c) which incorporates 40 CFR 122.22]

1. NOIs. All NOIs must be signed and certified as follows:
 - a. For a corporation: By a responsible corporate officer. For the purpose of this Part, a responsible corporate officer means:
 - i. A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - ii. The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - b. For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or
 - c. For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency is the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g. Regional Administrators of EPA.).
2. Reports and Other Information: All NOTs, SWPPPs, reports, certifications, or information required by this general permit and other information requested by the

Department or authorized representative of the Department shall be signed by a person described in Part VI.K.1 or by a duly authorized representative of that person. A person is a duly authorized representative only if:

- a. The authorization is made in writing by a person described in Part VII.K.1;
 - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of manager, operator, superintendent, or position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the operator. (A "duly authorized representative" may be either a named individual or any individual occupying a named position.); and
 - c. The signed and dated written authorization is included in the SWPPP and submitted to the Department upon request.
3. Changes to Authorization. If the information on the NOI filed for general permit coverage is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new NOI must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.
4. Certification. Any person signing a documents under the terms of this permit shall make the following 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 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.

L. Reporting Requirements. [R18-9-A905(A)(3)(a) which incorporates 40 CFR 122.41(l)]

1. Planned changes. The operator shall give notice to the Director as soon as possible of any planned physical alterations of additions to the permitted facility. Notice is required only when:
 - a. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b) (incorporated by reference at R18-9-A905(A)(1)(e)); or
 - b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under 40 CFR 122.42(a)(1) (incorporated by reference at R18-9-A905(A)(3)(b)).
 - c. The alteration or addition results in a significant change in the operator's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit including notification of additional use or disposal sites not reported during

the permit application process or not reported pursuant to an approved land application plan.

2. Anticipated noncompliance. The operator shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
3. Transfers. (R18-9-B905) This permit is not transferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the operator and incorporate such other requirements as may be necessary under Arizona Revised Statutes and the Clean Water Act.
4. Monitoring reports. Monitoring results shall be reported at the intervals specified elsewhere in this permit.
 - a. Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the Director for reporting results of monitoring of sludge use or disposal practices.
 - b. If the operator monitors any pollutant more frequently than required by the permit, using test procedures approved under 9 A.A.C. Chapter 14, Article 6 or in the case of sludge use or disposal, approved under 40 CFR Part 136 unless otherwise specified in 40 CFR Part 503, as specified in the permit, then the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR, or sludge reporting form specified by the Director.
 - c. Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Director in the permit.
5. Twenty-four hour reporting.
 - a. The operator shall report to ADEQ any noncompliance which may endanger human health or the environment. The operator shall orally notify the office listed below within 24 hours:

Arizona Department of Environmental Quality
1110 W. Washington, 5th floor (5515B-1)
Phoenix, AZ 85007
Office: 602-771-4466; Fax 602-771-4505
 - b. A written submission shall also be provided to the office identified above within five days of the time the operator becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
 - c. The following shall be included as information which must be reported within 24 hours under this paragraph.
 - i. Any unanticipated bypass which exceeds any effluent limitation in the permit. (See 40 CFR 122.41(g) which is incorporated by reference at R18-9-A905(A)(3)(a))

- ii. Any upset which exceeds any effluent limitation in the permit.
 - iii. Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in the permit to be reported within 24 hours. (See 40 CFR 122.44(g) which is incorporated by reference at R18-9-A905(A)(3)(d))
 - 6. Other noncompliance. The operator shall report all instances of noncompliance not otherwise required to be reported under this section, at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (5) of this section.
 - 7. Other information. When the operator becomes aware that he or she failed to submit any relevant facts in the NOI or in any other report to the Department, the operator shall promptly submit the facts or information to the Water Permits Section of ADEQ.
- M. Bypass.** [R18-9-A905(A)(3)(a) which incorporates 40 CFR 122.41(m)]
- 1. Definitions.
 - a. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
 - b. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
 - 2. Bypass not exceeding limitations. The operator may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (3) and (4) of this section.
 - 3. Notice.
 - a. Anticipated bypass. If the operator knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of bypass.
 - b. Unanticipated bypass. The operator shall submit notice of an unanticipated bypass as required in paragraph (f)(2) of section 13 (24-hour notice).
 - 4. Prohibition of bypass. Bypass is prohibited, and the Director may take enforcement action against an operator for bypass, unless:
 - a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment down time. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

c. The operator submitted notices as required under paragraph (3) of this section.

The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above.

- N. Upset.** [A.R.S. §§ 49-255(8) and 255.01(E), R18-9-A905(A)(3)(a) which incorporates 40 CFR 122.41(n)]
1. **Definition.** "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the operator. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.
 2. **Effect of an upset.** An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of paragraph (3) of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
 3. **Conditions necessary for a demonstration of upset.** A operator who wishes to establish the affirmative defenses of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a. An upset occurred and that operator can identify the cause(s) of the upset;
 - b. The permitted facility was at the time being properly operated; and
 - c. The operator submitted notice of the upset as required in paragraph (13)(f)(2) (24-hour notice).
 - d. The operator has taken appropriate measure including all reasonable steps to minimize or prevent any discharge or sewage sludge use or disposal that is in violation of the permit and that has a reasonable likelihood of adversely affecting human health or the environment per A.R.S. § 49-255.01(E)(1)(d)
 4. **Burden of proof.** In any enforcement proceeding the operator seeking to establish the occurrence of an upset has the burden of proof.
- O. Reopener Clause.** [R18-9-A905(A)(3)(d) which incorporates 40 CFR 122.44(c)]. The Department may elect to modify the permit prior to its expiration (rather than waiting for the new permit cycle) to comply with any new statutory or regulatory requirements, such as for effluent limitation guidelines, that may be promulgated in the course of the current permit cycle.
- P. Other Environmental Laws.** No condition of this general permit releases the operator from any responsibility or requirements under other environmental statutes or regulations. For example, this permit does not authorize the "take" of endangered or threatened species as prohibited by section 9 of the Endangered Species Act, 16 U.S.C. 1538. Information regarding the location of endangered and threatened species and guidance on what activities constitute a "take" are available from the U.S. Fish and Wildlife Service at www.fws.gov.
- Q. State or Tribal Law.** [Pursuant to R18-9-A904(C)]
Nothing in this permit shall be construed to preclude the institution of any legal action or relieve

the operator from any responsibilities, liabilities, or penalties established pursuant to any applicable State or Tribal law or regulation under authority preserved by Section 510 of the Clean Water Act.

R. Severability. The provisions of this general permit are severable, and if any provision of this general permit, or the application of any provision of this general permit to any circumstance, is held invalid, the application of the provision to other circumstances, and the remainder of this general permit shall not be affected.

S. Requiring Coverage Under an Individual Permit or an Alternative General Permit.

1. The Director may require a person authorized by this permit to apply for and/or obtain either an individual AZPDES permit or an alternative AZPDES general permit. Any interested person may petition the Department to take action under this section. The Department may require an operator authorized to discharge under this permit to apply for an individual AZPDES permit in any of the following cases:
 - a. A change occurs in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source;
 - b. Effluent limitation guidelines are promulgated for point sources covered by the general permit;
 - c. An Arizona Water Quality Management Plan containing requirements applicable to the point sources is approved;
 - d. Circumstances change after the time of the request to be covered so that the discharger is no longer appropriately controlled under the general permit, or either a temporary or permanent reduction or elimination of the authorized discharge is necessary;
 - e. If the Director determines that the discharge is a significant contributor of pollutants. When making this determination, the Director shall consider:
 - i. The location of the discharge with respect to waters of the United States,
 - ii. The size of the discharge,
 - iii. The quantity and nature of the pollutants discharged to waters of the U.S., and
 - iv. Any other relevant factor.
2. If an individual permit is required, the Director shall notify the discharger in writing of the decision. The notice shall include:
 - a. A brief statement of the reasons for the decision;
 - b. An application form;
 - c. A statement setting a deadline to file the application;
 - d. A statement that on the effective date of issuance or denial of the individual permit, coverage under the general permit will automatically terminate;

- e. The applicant's right to appeal the individual permit requirement with the Water Quality Appeals Board under A.R.S. § 49-323, the number of days the applicant has to file a protest challenging the individual permit requirement, and the name and telephone number of the Department contact person who can answer questions regarding the appeals process; and
 - f. The applicant's right to request an informal settlement conference under A.R.S. §§ 41-1092.03(A) and 41-1092.06.
3. The discharger shall apply for an individual permit within 90 days of receipt of the notice, unless the Director grants a later date. In no case shall the deadline be more than 180 days after the date of the notice.
 4. If the operator fails to submit the individual permit application within the time period established in Part VII.R.3, the applicability of the general permit to the operator is automatically terminated at the end of the day specified by the Director for application submittal.
 5. Coverage under the general permit shall continue until an individual permit is issued or denied unless the general permit coverage is terminated under Part VII.R.4.

T. Request For an Individual Permit.

1. An owner or operator authorized by a general permit may request an exclusion from coverage of a general permit by applying for an individual permit.
 - a. The owner or operator shall submit an individual permit application under R18-9-B901(B) and include the reasons supporting the request no later than 90 days after publication of the general permit.
 - b. The Director shall grant the request if the reasons cited by the owner or operator are adequate to support the request.
2. If an individual permit is issued to an owner or operator otherwise subject to a general permit, the applicability of the general permit to the discharge is automatically terminated on the effective date of the individual permit.

PART VIII. PENALTIES FOR VIOLATIONS OF PERMIT CONDITIONS

Any permit noncompliance constitutes a violation and is grounds for an enforcement action, permit termination, revocation and reissuance, modification, or denial of a permit renewal application.

- A. Civil Penalties.** A.R.S. § 49-262(C) provides that any person who violates any provision of A.R.S. Title 49, Chapter 2, Article 2, 3 or 3.1 or a rule, permit, discharge limitation or order issued or adopted under A.R.S. Title 49, Chapter 2, Article 3.1 is subject to a civil penalty not to exceed \$25,000 per day per violation.
- B. Criminal Penalties.** Any a person who violates a condition of this general permit, or violates a provision under A.R.S. Title 49, Chapter 2, Article 3.1, or A.A.C. Title 18, Chapter 2, Articles 9 and 10 is subject to the enforcement actions established under A.R.S. Title 49, Chapter 2, Article 4, which may include the possibility of fines and/or imprisonment.

PART IX. DEFINITIONS

"Arid areas", for purposes of this permit, means the parts of the state that receive an annual rainfall of less than 20 inches.

"Best management practices" means those methods, measures or practices to prevent or reduce discharges and includes structural and nonstructural controls and operation and maintenance procedures. Best management practices may be applied before, during and after discharges to reduce or eliminate the introduction of pollutants into receiving waters.

"Control measure" as used in this permit, refers to any Best Management Practice or other method used to prevent or reduce the discharge of pollutants to waters of the United States.

"Commencement of construction activities" means the initial disturbance of soils associated with clearing, grading, or excavating activities or other construction-related activities.

"CWA" means the Clean Water Act or the Federal Water Pollution Control Act, 33 U.S.C. section 1251 et seq.

"Department" means the Arizona Department of Environmental Quality.

"Discharge" means any addition of any pollutant to waters of the United States from any point source. A.R.S. § 49-255(2)

"Discharge of stormwater associated with construction activity" as used in this permit, refers to a discharge of pollutants in stormwater runoff from areas where soil disturbing activities (e.g., clearing, grading, or excavation), construction materials or equipment storage or maintenance (e.g., fill piles, borrow area, concrete truck washout, fueling), or other industrial stormwater directly related to the construction process (e.g., concrete or asphalt batch plants) are located.

"Drought" means for purposes of this permit, weather conditions considered 'severely' or 'extremely' dry (i.e., has a value of -1.50 or less) as evaluated by the Standardized Precipitation Index (SPI) which compares current cumulative precipitation to average conditions.

"Eligible" means authorization to discharge stormwater under this general permit.

"Facility" or "activity" means, for purposes of this permit, any NPDES or AZPDES "point source" or any other facility or activity (including land or appurtenances) subject to regulation under the NPDES or AZPDES program.

"Final stabilization" means that either:

1. All soil disturbing activities at the site have been completed and either of the two following criteria are met:
 - a. A uniform (e.g., evenly distributed, without large bare areas) perennial vegetative cover with a density of 70% of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or
 - b. Equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed.
2. When background native vegetation will cover less than 100 percent of the ground (e.g., arid areas, beaches), the 70 percent coverage criteria is adjusted as follows: if the native vegetation covers 50 percent of the ground, 70 percent of 50 percent ($.70 \times .50 = .35$) would require 35% total cover for final stabilization. On a beach with no natural vegetation, no stabilization is required.

3. For individual lots in residential construction final stabilization means that EITHER:
 - a. The homebuilder has completed final stabilization as specified above, or
 - b. The homebuilder has established temporary stabilization including perimeter controls for an individual lot prior to occupation of the home by the homeowner and informing the homeowner of the need for, and benefits of, final stabilization, or
 - c. For construction projects on land used for agricultural purposes (e.g., pipelines across crop or range land), final stabilization may be accomplished by returning the disturbed land to its preconstruction agricultural use. Areas disturbed that were not previously used for agricultural activities, such as buffer strips immediately adjacent to "water of the United States," and areas which are not being returned to their preconstruction agricultural use must meet the final stabilization criteria above.

"Large construction activity" is defined at 40 CFR 122.26(b)(14)(x) and includes clearing, grading, and excavating resulting in a land disturbance that will disturb equal to or greater than five acres of land or will disturb less than five acres of total land area but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than five acres.

"Large and medium municipal separate storm sewer system" means all municipal separate storm sewers that are either:

1. Located in an incorporated place (city) with a population of 100,000 or more as determined by the latest Decennial Census by the Bureau of Census (these cities are listed in Appendices F and G of 40 CFR 122); or
2. Located in the counties with unincorporated urbanized populations of 100,000 or more, except municipal separate storm sewers that are located in the incorporated places, townships or towns within such counties (these counties are listed in Appendices H and I of 40 CFR 122); or
3. Owned or operated by a municipality other than those described in paragraphs 1 and 2 of this definition and that are designated by the Department as part of the large or medium municipal separate storm sewer system.

"MS4" means municipal separate storm sewer system. (See definitions for "large" and "medium municipal separate storm sewer systems" and "regulated small municipal separate sewer system.")

"Navigable waters" means Waters of the United States.

"NOI" means Notice of Intent.

"NOT" means Notice of Termination.

"Operator" for the purpose of this permit and in the context of storm water associated with construction activity, means any person associated with a construction project that meets either of the following two criteria:

1. The person has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or
2. The person has day-to-day operational control of those activities at a project which are necessary to ensure compliance with a SWPPP for the site or other permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the SWPPP or comply with other permit conditions). This definition is provided to inform operators of how the regulatory definitions of "owner or operator" and "facility or activity" are applied to discharges of stormwater associated with construction activity.

"Owner or operator" means the owner or operator of any "facility or activity" subject to regulation under the NPDES program.

"Person" means 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. A.R.S. § 49-201(26)

"Point source" means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft from which pollutants are or may be discharged to navigable waters. Point source does not include return flows from irrigated agriculture. A.R.S. § 49-201(27)

"Pollutant" means fluids, contaminants, toxic wastes, toxic pollutants, dredged spoil, solid waste, substances and chemicals, pesticides, herbicides, fertilizers and other agricultural chemicals, incinerator residue, sewage, garbage, sewage sludge, munitions, petroleum products, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and mining, industrial, municipal and agricultural wastes or any other liquid, solid, gaseous or hazardous substances. A.R.S. § 49-201(28)

"Runoff coefficient" means the fraction of total rainfall that will appear at the conveyance as runoff.

"Received", for the purposes of this permit, means in reference to NOIs or NOTs or Permit Waiver Certificate Forms:

1. The day the Form was faxed to the Department
2. The date of hand-delivery of the Form to the Department, or
3. The date the Department signs for certified mail containing the Form.

"Regulated small municipal separate sewer system" means all municipal separate storm sewers that are not already defined as medium or large. Regulated small MS4s are automatically designated if they are located in "urbanized areas" defined by the Bureau of the Census based on the last decennial census. Other small MS4s located outside urbanized areas may be designated on a case-by-case basis if the Department determines that the MS4s discharges cause or have a potential to cause an adverse impact on water quality.

"Seasonal Arid", for purposes of this permit, means the normally dry months when rainfall events are atypical in arid (annual rainfall less than 20") parts of the state.

"Significant contributor of pollutants" means any discharge that causes or could cause or contribute to a violation of surface water quality standards.

"Small construction activity" is defined at 40 CFR 122.26(b)(15) and incorporated here by reference. A small construction activity includes clearing, grading, and excavating resulting in a land disturbance that will disturb equal to or greater than one (1) acre and less than five (5) acres of land or will disturb less than one (1) acre of total land area but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one (1) acre and less than five (5) acres. Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility.

"Stormwater" means stormwater runoff, snow melt runoff, and surface runoff and drainage.

"Stormwater Pollution Prevention Plan" or "SWPPP" means a plan that includes site map(s), an identification of construction/contractor activities that could cause pollutants in the stormwater, and a description of measures or practices to control these pollutants.

"Waters of the United States" means:

1. All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters that are subject to the ebb and flow of the tide;
2. All interstate waters, including interstate wetlands;
3. All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any waters:
 - a. That are or could be used by interstate or foreign travelers for recreational or other purposes;
 - b. From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
 - c. That are used or could be used for industrial purposes by industries in interstate commerce;
4. All impoundments of waters defined as waters of the United States under this definition;
5. Tributaries of waters identified in subsections (1) through (4);
6. The territorial sea; and
7. Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in subsections (1) through (6).

“Wetland” means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

PART X. ACRONYMS

AZPDES — Arizona Pollutant Discharge Elimination System

BMP — Best Management Practices

CGP — Construction General Permit

CFR — Code of Federal Regulations

CWA — Clean Water Act

MS4 — Municipal Separate Storm Sewer System

NOI — Notice of Intent

NOT — Notice of Termination

NPDES — National Pollutant Discharge Elimination System

SWPPP — Stormwater Pollution Prevention Plan

SWQS — Surface Water Quality Standards

TMDL — Total Maximum Daily Load

WQS — Water Quality Standards



Janet Napolitano
Governor

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

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Stephen A. Owens
Director

April 7, 2006

Brian Patterson, Public Works Director
City of Chandler
P.O. Box 4008, MS 403
Chandler, AZ 85244-4008

Dear Mr. Patterson,

Thank you for submitting an updated version of your Stormwater Management Program (SWMP). ADEQ has reviewed your updated SWMP prepared according to the requirements of the Small MS4 General Permit (AZG2002-002). While there were deficiencies in the updated SWMP, overall it appears that the City is implementing a comprehensive program to reduce the discharge of pollutants to the maximum extent practicable.

During the review of the City's Notice of Intent (NOI), SWMP, and 2003/2004 and 2004/2005 Annual Reports, ADEQ identified the following issue:

1. The SWMP must include dates, in terms of months and years, by which the City will start each measurable goal (Permit Part III.B.9). ADEQ realizes the difficulties of long-term scheduling and the iterative nature of the SWMP, however, the SWMP should be as comprehensive as possible in the planning phase, particularly in scheduling activities, to ensure adequate time frames for implementing each of the BMPs. Please revise the SWMP to include the month and year of the start date for each measurable goal.

Regarding the minimum control measures and corresponding BMPs and measurable goals in the SWMP, ADEQ has the following comments and questions. Please revise your SWMP to address these items:

1. Public Education and Outreach on Stormwater Impacts
 - a. The BMP Summary Table refers to a "school artwork contest" as a measurable goal for the Stormwater Brochure, Conservation Calendar, and Stormwater Webpage BMPs. This activity could be considered a BMP itself and would be appropriate for inclusion in the Public Involvement/Participation minimum control measure.
 - b. The SWMP describes STORM Membership as a public education/outreach BMP. Instead of including STORM membership as a BMP, the SWMP should describe the education and outreach the City achieves through its STORM membership. For example, the Public Service Announcements developed by STORM should be included as a BMP in your SWMP, not the City's STORM membership itself.
 - c. The SWMP includes the Landscaping and Lawn Care/Water Conservation Rebate Program as a stormwater BMP. Although water conservation is an important effort, please explain in your SWMP how this program will prevent or reduce the discharge of pollutants to waters of

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the United States, thereby improving the quality of stormwater runoff discharged by your storm sewer system.

- d. The 2004/2005 Annual Report mentions some creative public education and outreach activities, such as distributing rain gauges and dog treats. However, these are not described in the SWMP. Please revise the SWMP to describe all BMPs included in the Annual Report.
- e. Please indicate if minority populations were considered in planning public outreach activities and whether communicating stormwater issues in languages other than English is appropriate for the City of Chandler (Part V.B.1.b.iii of the Permit). (Note: To satisfy the general requirement of "maximum extent practicable" (Part V.A) for implementing the SWMP, educational and outreach materials should be developed in other languages if more than 50% of the population speaks a primary language other than English).

2. Public Involvement/Participation

- a. The SWMP indicates that the SWMP and NOI were made available on the City's website. However, on March 6, 2006, ADEQ staff were not able to find these documents on the City's website. Please confirm that these documents are available on the City's website.

3. Illicit Discharge Detection and Elimination

- a. The description of the illicit discharge detection methods does not include how the City will comply with the timeframe of investigating an illicit discharge within 15 days of its detection (Part V.B.3.f). Please revise the SWMP to address this.
- b. Existing city codes (Chapters 30 and 45) do not explicitly prohibit non-stormwater discharges into the storm sewer system. The permit requires an ordinance that addresses illegal dumping and illicit discharges (Part V.B.3.c). Please revise the SWMP to include a plan and schedule to develop an ordinance addressing illicit discharges. The SWMP must also include a description of the enforcement policy and jurisdiction to ensure compliance with this ordinance (Part V.B.3.g.iii).
- c. The SWMP indicates that 20% of the City's outfalls will be inspected annually. The Annual Reports for Year 1 and Year 2 both identify the Arrowhead and Denver Basins as the stormwater structures receiving inspections. Please indicate in the SWMP how many outfalls the City has and what the schedule is to inspect them.

4. Construction Site Stormwater Runoff Control

- a. MS4s are required to review all site plans for sites which result in a land disturbance of one acre or more (Part V.B.4.c). The SWMP does not indicate that all site plans will be reviewed, nor does it indicate which site plans will be reviewed. Please include in the SWMP a statement confirming that all site plans will be reviewed and revise the SWMP to describe the procedures for site plan reviews (Part V.B.4.e.iii).
- b. Chapter 35 of the existing city code does not explicitly require construction site operators to practice sediment and erosion control and to control and properly dispose of wastes. The permit requires an ordinance addressing sediment and erosion control at all construction sites which disturb one acre or more (Part V.B.4.b). Please revise the SWMP to include a plan and schedule to develop this ordinance, or if another ordinance exists which requires sediment and erosion control on construction sites, please include its citation. The SWMP must also include a description of the sanctions and enforcement mechanisms to ensure compliance with the construction site ordinance (Part V.B.4.e.ii).

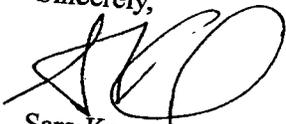
- c. The SWMP does not adequately describe the procedures for site inspection and enforcement for all sites disturbing more than one acre (Part V.B.4.e.iii). Please revise the SWMP to include information such as how the City will decide which sites to inspect and how many sites will be inspected.
5. Post-Construction Stormwater Management in New Development and Redevelopment
a. The SWMP does not ensure adequate long-term operation and maintenance of stormwater BMPs (Part V.B.5.d). An inspection for a one-year warranty does not constitute long-term operation and maintenance. The SWMP should include a mechanism that results in maintenance of stormwater BMPs, for instance, notifying the responsible party when maintenance on retention basins is due, and/or maintenance performed on City-owned stormwater BMPs. Please revise this BMP and include appropriate measurable goals to ensure long-term operation and maintenance.
6. Pollution Prevention/Good Housekeeping for Municipal Operations
a. The SWMP should be revised to address procedures to properly dispose of waste removed from the MS4 and its municipal operations, for example sediment, floatables, and debris from street sweeping, catch basin cleaning, and basin maintenance (Part V.B.6.a.iii).

Please revise your SWMP to address the deficiencies described in this letter. Submit the revised document to the address below. The revised SWMP must be signed in accordance with Part V.I.L.2, and the certification statement as it appears in Part V.I.L.4 of the Permit must be included in your revised SWMP. **The revised SWMP is due to ADEQ by June 15, 2006.**

Arizona Department of Environmental Quality
Surface Water Permits
Attn: Sara Konrad, Mailcode 5415A-1
1110 West Washington Street
Phoenix, AZ 85007

ADEQ greatly appreciates the work you have done to improve the quality of stormwater in your community. Please feel free to contact me at (602) 771-4449 or sk2@azdeq.gov if these issues need further clarification.

Sincerely,



Sara Konrad
Stormwater Coordinator
Surface Water Permits Section

cc: Jon Sherrill, City of Chandler Storm Water Program Coordinator