

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

**ARIZONA POLLUTANT DISCHARGE ELIMINATION SYSTEM
GENERAL PERMIT FOR STORMWATER DISCHARGES
FROM SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS
TO WATERS OF THE UNITED STATES**

This permit provides authorization to discharge under the Arizona Pollutant Discharge Elimination System (AZPDES) program, in compliance with the provisions of the Arizona Revised Statutes (A.R.S) and, Title 49, Chapter 2, Article 3.1, the Arizona Administrative Code (A.C.C.), and Title 18, Chapter 9, Article 9.

This general permit specifically authorizes stormwater discharges from small municipal separate storm sewer systems (MS4s) in Arizona to Waters of the United States, pursuant to 40 CFR § 122.34. 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 XXXXXXXX, 2015.

This general permit and the authorization to discharge expires at midnight, XXXXXXXXXXXX, 2020.

Signed this _____ day of _____, 2015.

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

Trevor Baggione , Director
Water Quality Division

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1.0 COVERAGE UNDER THIS GENERAL PERMIT

1.1 Permit Area

This general permit (or permit) is applicable only in the state of Arizona, and excludes Indian Country in Arizona.

This permit covers and applies to the following MS4 areas:

- a. City or Town – Municipal boundary, including areas annexed during the permit term;
- b. County – Un-incorporated urbanized area determined by the latest Decennial Census by the Bureau of Census;
- c. State University – All areas of the main university campus and satellite campuses, including those that have student housing;
- d. Military Base – All areas of the main military installation as well as satellite installations, including those that have personnel housing;
- e. Veteran Affairs Hospital – All areas of the main VA campus, as well as satellite installations, including those that have personnel or patient housing.

1.2 Eligibility

This permit authorizes the discharge of stormwater from small municipal separate storm sewer systems (MS4s) provided 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 the A.A.C. 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.

1.3 Non-Stormwater Discharges

1.3.1 Except as provided in Part 1.3.2, the permittee shall prohibit non-stormwater discharges into its MS4 unless the discharges are authorized by a separate NPDES or AZPDES permit.

1.3.2 The following categories of non-stormwater discharges (occurring within the jurisdiction of the permittee) are prohibited if the discharges are identified by the permittee, ADEQ, or U.S. EPA, 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 6.4.3.1:

- 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 firefighting activities

1.4 Limitations of Coverage

Except as provided in Part 1.3.2, this general permit does not authorize:

- 1.4.1 Discharges mixed with sources of non-stormwater unless the non-stormwater discharges comply with an applicable NPDES or AZPDES permit, are addressed in Part 1.3.2
- 1.4.2 Stormwater discharges associated with industrial activity as defined in 40 CFR §122.26(b)(14)(i)-(ix) and (xi);
- 1.4.3 Stormwater discharges associated with construction activity as defined in 40 CFR §122.26(b)(14)(x) or 40 CFR §122.26(b)(15);
- 1.4.4 Stormwater discharges currently covered under another permit;
- 1.4.5 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 Best Management Practices (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.
- 1.4.6 Discharges that do not comply with Arizona's anti-degradation rule R18-11-107;
- 1.4.7 Stormwater discharges prohibited under 40 CFR §122.4.

1.5 Permit Compliance

Non-compliance with any requirement of this permit constitutes a violation of the permit and may result in an enforcement action, including injunctive relief and/or penalties under state and federal laws.

2.0 AUTHORIZATION UNDER THIS GENERAL PERMIT

2.1 Obtaining Permit Coverage

- 2.1.1** A person seeking authorization to discharge under this general permit shall submit to the department a complete and accurate Notice of Intent (NOI) on a form provided by the department and includes, at a minimum, the following information:.
- a. Name of MS4
 - b. Operator name and title
 - c. Mailing address
 - d. Contact person
 - e. Contact information
 - f. Estimated population (based on most recent Decennial Census by the Bureau of Census)
 - g. Estimated area (in acres)
 - h. Primary receiving water
 - i. Impaired water information
 - j. An indication of inter-governmental agreements, including attachments;
 - k. Outstanding Arizona Water information
 - l. Additional information, as necessary, included on the department's Phase II MS4 NOI.
- 2.1.2** Existing MS4s who wish to obtain coverage under this permit must submit a new NOI to the department within 45 days after the effective date of this permit. Persons failing to submit a new NOI within this timeframe will be considered discharging without a permit.
- 2.1.3** New MS4s who wish to obtain coverage under this permit must submit a NOI to the department within 90 days after the effective date of this permit. Persons failing to submit a NOI within this timeframe will be considered discharging without a permit.
- 2.1.4** If the department notifies the applicant of deficiencies or inadequacies in any portion of the NOI, or requests additional information, the applicant must correct the deficient or inadequate portions and submit a revised NOI that addresses the deficiencies within seven (7) days of receiving notification.
- 2.1.5** The permittee must submit a revised NOI to the department within fifteen (15) days whenever there is a change of information (certifying official, mailing address, contact information, etc.).
- 2.1.6** Notice of Intent forms submitted to ADEQ will be posted on the ADEQ website and made available for public comment. ADEQ may request additional information from the application based on public comments (see Part 2.1.4)

2.2 Permit Fees

Permittees are subject to fees established in A.A.C. R18-14-109. The department will issue an invoice annually to the permittee at the address identified on the NOI.

New permittees will be billed by the department and are not required to submit a fee with their NOI.

Existing permittees are not required to include the annual fee when submitting an NOI to obtain coverage under this permit.

2.3 Terminating Coverage

A permittee may terminate coverage under this general permit by submitting a notice of termination (NOT) on a form provided by the department. Authorization to discharge terminates at midnight on the day the NOT is received by the department.

If the operator does not obtain coverage under an alternate AZPDES permit that authorizes the discharge of stormwater prior to submitting the NOT, the operator will be considered discharging without a permit.

NOTs signed in accordance with Part 9.9, must be sent to the department at the following address:

Arizona Department of Environmental Quality
Surface Water Section (5415A-1)
1110 West Washington
Phoenix, AZ 85007

2.4 Coverage under an Individual Permit

Pursuant to A.A.C. R18-9-C902, a person may request, or be required by the director, to obtain coverage under an individual permit.

2.5 Continuation of this General Permit

If this permit is not reissued prior to the expiration date, it will be administratively continued in accordance with A.A.C. R18-9-C903 and remain in force and effect for discharges that were authorized prior to expiration.

If the MS4 operator does not submit a timely, complete, and accurate NOI requesting authorization to discharge under a reissued permit or a timely request for authorization under an individual or alternative general permit, authorization under this permit will terminate on the due date for the NOI under the reissued permit unless otherwise specified in the reissued permit.

3.0 LEGAL AUTHORITY

3.1 Establish Legal Authority

Within six (6) months from permit issuance, existing permittees must review and establish a schedule for revising (as necessary) relevant ordinances or other regulatory mechanisms, or adopt any new ordinances or other regulatory mechanisms that provide it with adequate legal authority to control pollutant discharges into and from its MS4, and to meet the requirements of this permit.

Within eighteen (18) months from permit issuance, new permittees must review and revise its relevant ordinances or other regulatory mechanisms, or adopt any new ordinances or other regulatory mechanisms that provide it with adequate legal authority to control pollutant discharges into and from its MS4, and to meet the requirements of this permit.

3.2 Legal Authority Requirements

If not already developed, the permittee must establish and exercise legal authority to comply with this permit. To be considered adequate, this legal authority must, at a minimum, address the following:

- a. Authority to Prohibit Illicit Discharges – Prohibit and eliminate illicit connections and discharges to the MS4;
- b. Authority to Prohibit Spills or Other Releases – Control the discharge of spills, and prohibit dumping or disposal of materials other than stormwater into the MS4;
- c. Authority to Require Compliance – Require compliance with conditions in the permittee's ordinances, permits, contracts, or orders;
- d. Authority to Require Installation, Implementation, and Maintenance of Control Measures – Require owners/operators of construction sites, new or redeveloped land, and industrial and commercial facilities to minimize the discharge of pollutants to the MS4 through the installation, implementation, and maintenance of stormwater control measures;
- e. Authority to Receive and Collect Information – The permittee must have the authority to request from operators of construction sites, new or redeveloped land, and industrial and commercial facilities, information such as stormwater plans, inspection reports, monitoring results, and other information deemed necessary to assess compliance with this permit. The permittee must also have the authority to review designs and proposals for new development and redevelopment to determine whether adequate stormwater control measures will be installed, implemented, and maintained;
- f. Authority to Inspect – To the extent allowed under State and local law, the permittee must have the authority to enter private property for the purpose of inspecting at reasonable times any facilities, equipment, practices, or operations related to stormwater discharges to determine whether there is compliance with local stormwater control ordinances/standards or requirements in this Permit;
- g. Response to Violations – The permittee must have the ability to promptly require violators cease and desist illicit discharges or discharges of stormwater in violation of any ordinance or standard and/or cleanup and abate such discharges;
- h. Monetary Penalties – To the extent allowable under State and local law, the permittee must have the ability to levy administrative penalties;
- i. Civil/Criminal Penalties – To the extent allowable under State and local law, the permittee must have the ability to impose civil or criminal sanctions (including referral to a city or district attorney) and escalate corrective response, consistent with its enforcement response;
- j. Injunctive Relief – To the extent allowable under State and local law, the permittee must have the ability to levy administrative penalties;
- k. Identify departments within the permittee's jurisdiction that conduct stormwater-related activities and their roles and responsibilities under this permit. Include an up-to-date

- organizational chart specifying these departments and key personnel positions;
- l. Identification of the local administrative and legal procedures and ordinances available to mandate compliance with stormwater-related ordinances and therefore with the conditions of this permit; and
- m. A description of how stormwater related-ordinances are implemented and appealed;

3.3 Enforcement Response Plan(s)

The permittee shall develop an enforcement response plan(s) (ERPs) that specifies how it will exercise its legal authority to comply with this permit. The ERP shall include a prioritization schedule that establishes escalated enforcement for non-compliance of illicit discharges and construction sites. In developing the ERP, the permittee shall include the following factors in prioritizing escalated enforcement: severity of non-compliance, repeated non-compliance, proximity to a receiving water or storm sewer system, and other appropriate factors.

4.0 STORM SEWER SYSTEM MAPPING

The permittee must prepare and maintain an up-to-date map of the municipal separate storm sewer system. At a minimum, the map system must be sufficient in scope and detail to identify and isolate illicit discharges. The permittee is not required to submit storm sewer system mapping infrastructure to ADEQ unless specifically requested, and shall make mapping information available to ADEQ or EPA to assess permit compliance.

- 4.1** The permittee shall develop a storm sewer system map or series of maps for its regulated area. The map(s), at a minimum, shall contain the following:
 - a. Locations of outfalls that discharge to waters of the United States;
 - b. Jurisdictional MS4 boundaries and any new land annexations during the permit term;
 - c. Interconnections with other MS4s;
 - d. Linear drainage structures (ex: streets used for stormwater conveyance, channels, floodways, drain pipes);
 - e. Storm drain inlets and catch basins;
 - f. Outfalls, field screening points and monitoring locations. Each outfall must include the following minimum information: unique identifier, receiving water, date of most recent inspection, dimensions, shape, spatial location (latitude and longitude in degrees, minutes, and seconds), physical condition and indicators of potential non-stormwater discharges (including presence or evidence of suspect flow and sensory observations such as odor, color, turbidity, floatables, or oil sheen) as of the most recent inspection; and
 - g. Detention/Retention basins that are part of the MS4.
- 4.2** Existing permittees shall update existing storm sewer system map(s) within six (6) months of permit issuance and annually thereafter. Updates shall include but not be limited to all areas identified in Section 4.1 above. Existing permittees who have expanded permit areas due to census updates (urbanized area) or annexed land must map a minimum of 25% of the new or expanded areas each year of the permit term.
- 4.3** New permittees must include a mapping schedule in the first SWMP required by this permit. The schedule must include how the permittee will conduct the mapping process, a timeline for conducting the investigations, measurable goals and estimated completion dates. The permittee shall have its storm system mapped by the end of the fourth year of permit coverage.
- 4.4** The permittee must include a narrative description of the status of storm sewer system mapping, outfall mapping, and waters of the U.S. that receive discharges from the outfalls (including percent complete) in each annual report (see Part 8.3)

5.0 STORMWATER MANAGEMENT PROGRAM

The permittee shall develop, implement, and enforce a written SWMP. The SWMP shall be signed in accordance with Part 9.9. A signature and date is required for initial program preparation and for any significant revision to the program.

The SWMP is the document used by the permittee to describe the activities, control measures, and measurable goals to be implemented to meet the terms and conditions of the permit. The SWMP shall accurately describe the permittee's plans and activities.

Existing permittees shall modify or update their existing SWMP to meet the terms and conditions of this permit and submit it to ADEQ within six (6) months of the effective date of this permit. These modifications and updates shall be reflected in the written SWMP and shall continue to implement their existing SWMP until the program has been updated.

New permittees shall develop and submit their SWMP to ADEQ within one (1) year of the effective date of this permit.

At a minimum, all permittees must annually assess, evaluate, and update the BMPs in the SWMP and incorporate any revisions necessary to maintain permit compliance. The annual SWMP review must occur in connection with preparing the annual report (see Parts 8.1 and 8.3).

5.1 Contents of the Stormwater Management Program

At a minimum, the SWMP shall contain the following:

- a. Listing of all receiving waters, their classification under the applicable state water quality standards, any impairment(s) and associated pollutant(s) of concern, applicable TMDLs and WLAs, and number of outfalls from the MS4 that discharge to each waterbody;
- b. Listing of all interconnected MS4s;
- c. Schedule and status of storm sewer system mapping;
- d. Listing of all discharges that cause or contribute to the exceedance of an applicable surface water quality standard;
- e. Description of any other practices to achieve compliance with Part 6.1 and 6.2;
- f. Description of practices to achieve compliance with Parts 6.3 and 6.4 (MEP and MCM requirements). For each permit condition identify:
 1. The personnel position or department responsible for the measure;
 2. The BMPs for each control measure or permit requirement;
 3. The measurable goal(s) for each BMP. Each measurable goal shall include milestones and timeframes for its implementation and have a quantity and/or quality associated with its endpoint. Each goal shall have a measure of assessment associated with it.
- g. Description of practices to achieve compliance with applicable TMDLs or waste load allocation, including measurable goal(s) for each BMP and corresponding milestones and timeframes. Each goal must have an associated measure of assessment;

- h. Analytical monitoring requirements for impaired waters, Outstanding Arizona Waters, monitoring for illicit discharges, and additional monitoring required by ADEQ, including the following:
 - 1. The personnel position or department responsible for the measure;
 - 2. The BMPs for the control measure or permit requirement;
 - 3. The measurable goal(s) for each BMP. Each measurable goal shall include milestones and timeframes for its implementation and have a quantitative and/or qualitative unit of assessment.
- i. Protocol for annual program evaluation (Part 8.1). Update annually and maintain copies;
- j. Identification of personnel (department, position, etc.) responsible for program implementation

5.2 Stormwater Management Plan Availability

The permittee shall retain a copy of the current SWMP required by this permit at the office or facility identified on the NOI and shall be available upon request by ADEQ or U.S. EPA, or their authorized representatives.

A copy of the most up-to-date SWMP shall be made available to the public during normal business hours and posted on the permittee's website.

5.3 Stormwater Management Plan Review and Approval

Upon receipt of new and revised SWMPs, the department will post the documents on the ADEQ website for a minimum of 30 days to allow for public review and comment. ADEQ will evaluate comments and may request additional information from the permittee prior to approving the SWMP.

6.0 EFFLUENT LIMITATIONS

The permittee shall develop, implement and enforce a program to reduce the discharge of pollutants from the MS4 to the maximum extent practicable, to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act and the Arizona Surface Water Quality Standards.

6.1 Water Quality Based Effluent Limitations

Pursuant to Clean Water Act 402(p)(3)(B)(iii), this permit includes provisions to ensure that discharges from the permittee's small MS4 do not cause or contribute to an exceedance of surface water quality standards, in addition to requirements to reduce the discharge of pollutants to the Maximum Extent Practicable.

6.2 Surface Water Quality Standards

The permittee shall implement the six minimum control measures specified in Part 6.4 to the Maximum Extent Practicable to protect water quality, and to satisfy water quality requirements of the Clean Water Act, including attainment of surface water quality standards.

If the permittee discovers, or is otherwise notified by ADEQ or U.S. EPA, that a discharge from the MS4 is causing or contributing to an exceedance of an applicable surface water quality standard, the permittee shall expand or better tailor its BMPs within the scope of the six Minimum Control Measures in Part 6.4 to achieve progress toward attainment of surface water quality standards.

6.3 Requirements to Reduce Pollutants to the Maximum Extent Practicable (MEP)

The permittee shall implement management practices, control techniques and systems, design and engineering methods, such other provisions as necessary to reduce the discharge of pollutants from the MS4 to the maximum extent practicable (MEP), as set forth in Parts 6.4.1 through 6.4.6.

6.4 Minimum Control Measures

- a. Existing permittees shall continue to implement their existing SWMPs while making updates pursuant to this permit. This permit does not extend the compliance deadlines set forth in Permit AZG2002-002.
- b. Implementation of one or more of the minimum control measures described in Parts 6.4.1 - 6.4.6 or other permit requirements may be shared with another entity (including another interconnected MS4) or the other entity may fully implement the measure or requirement, if the following requirements are satisfied:
 - The other entity implements the control measure as specified in the SWMP;
 - The particular control measure or component thereof undertaken by the other entity is at least as stringent as the corresponding permit requirement;
 - The other entity agrees to implement the control measure on the permittee's behalf. The annual report must specify that the permittee is relying on another entity to satisfy some of its permit obligations and specify what those obligations are;
 - The permittee remains responsible for compliance with all permit obligations if the other entity fails to implement the control measures (or component thereof). The permittee may enter into a legally binding agreement with the other entity regarding the other entity's

performance of control measures, but the permittee remains ultimately responsible for permit compliance.

6.4.1 Public Education and Outreach

Objective: The permittee shall implement an education program that includes educational goals based on stormwater issues of significance within the MS4 area. The program shall include a focus on pollutants of concern for impaired and TMDL waters, and priority waters that receive a discharge from the MS4. The ultimate objective of a public education program is to increase knowledge and change behavior of the public so that pollutants in stormwater are reduced.

6.4.1.1 The permittee shall implement the public education program required by 40CFR §122.34(b)(2) by distributing educational material to the MS4 community. The educational program shall define goals, express specific messages, define the targeted audience for each message, and identify responsible parties for program implementation. At a minimum, the program shall provide information concerning the impact of stormwater discharges on water bodies within the community, especially waters that are impaired or identified as Outstanding Arizona Waters. The program shall identify steps and/or activities the public can take to reduce the pollutants in stormwater runoff and their impacts to the environment.

- a. The permittee shall inventory local demographics and develop and implement programs that include education and outreach efforts. Example audiences include: (1) residents, (2) commercial facilities and businesses (automobile repair, restaurants, shopping centers, malls, etc.), (3) institutions (colleges, schools, hospitals, churches, etc.), (4) developers (construction), and (5) industrial facilities.
- b. Beginning the first year of the permit, the permittee shall distribute a minimum of two educational messages to at least two different audiences each year of the permit term.

Educational messages may include printed materials such as brochures or newsletters; electronic materials such as websites; outreach to classroom students (elementary and/or high school); mass media such as newspaper articles or public service announcements (radio or cable); or displays in a public area such as the town/city hall. The permittee may use existing materials if they are appropriate for the message the permittee chooses to deliver or the permittee may develop its own educational materials. The permittee may partner with other MS4s, community groups or watershed associations to implement the education program, but the programs must have direct, local impact.

6.4.1.2 The program shall focus on messages for specific audiences as well as show progress toward the defined educational goals of the program. The permittee shall identify methods that it will use to evaluate the effectiveness of the educational messages and the overall education program. Any methods used to evaluate the effectiveness of the program shall be tied to the defined goals of the program and the overall objective of changes in behavior and knowledge.

6.4.1.3 The permittee shall modify any ineffective messages or distribution techniques for an audience prior to the next scheduled message delivery.

6.4.1.4 The permittee shall document in each annual report: the messages for each audience; the method of distribution; the measures/methods used to assess the effectiveness of the messages, and the method/measures used to assess the overall effectiveness of the education program.

6.4.2 Public Involvement and Participation

Objective: The permittee shall provide opportunities to engage the public to participate in the review and implementation of the permittee's SWMP.

6.4.2.1 All public involvement activities shall comply with state and local public notice requirements. The SWMP and all annual reports shall be available to the public. The permittee is encouraged to satisfy this requirement by posting records online.

6.4.2.2 The permittee shall annually provide the public an opportunity to participate in the review and implementation of the SWMP.

6.4.2.3 The permittee shall report on the activities undertaken to provide public participation opportunities including compliance with Part 6.4.2.1. Public participation opportunities pursuant to Part 6.4.2.2 may include, but are not limited to, websites, hotlines, clean-up teams, monitoring teams, or an advisory committee.

6.4.3 Illicit Discharge Detection and Elimination (IDDE) Program

The permittee shall implement an IDDE program to systematically find and eliminate sources of non-stormwater to and from its municipal separate storm sewer system and to implement procedures to prevent illicit connections and discharges.

The IDDE program shall be recorded in a written document. The IDDE program shall include each of the elements described in Part 6.4.3.8 (a - f), unless the permittee provides a written explanation within the IDDE program as to why a particular element is not applicable to the permittee. For existing permittees, the written IDDE program shall be completed within six (6) months of the effective date of this permit. For new permittees, the written IDDE program shall be completed within one (1) year of the effective date of the permit. The permittee shall implement the IDDE program in accordance with the goals and milestones set forth in Parts 5.0 and 6.4.3.

6.4.3.1. Definitions and Prohibitions

The permittee shall prohibit illicit discharges (including sanitary sewer overflows) to and from its MS4 and require removal of such discharges consistent with Part 6.4.3.5 of this permit. An illicit discharge is any discharge to a municipal separate storm sewer that is not composed entirely of stormwater *except*:

- a. Discharges authorized under a separate NPDES permit that authorize a discharge to the MS4;
- b. Non-stormwater discharges allowed by Part 1.3.2.

6.4.3.2 Legal Authority

The IDDE program must ensure the permittee has adequate legal authority to accomplish the following tasks: prohibit illicit discharges; investigate suspected illicit discharges; eliminate illicit discharges, including discharges from properties

not owned or operated by the MS4 that discharge into the MS4 system; and implement appropriate enforcement procedures and actions. Adequate legal authority consists of a current effective ordinance, by-law, or other regulatory mechanism. For existing permittees, the ordinance, by-law, or other regulatory mechanism was a requirement of AZG2002-002 and is required to be effective under that permit. The written IDDE program shall include a reference or citation of the authority the permittee will use to implement all aspects of the IDDE program as specified in Part 3.0.

6.4.3.3 Statement of IDDE Program Responsibilities

The permittee shall establish a written statement that clearly identifies responsibilities with regard to eliminating illicit discharges. The statement shall identify the lead municipal agency or department responsible for implementing the IDDE Program as well as any other agencies or departments that may have responsibilities for aspects of the program. Where multiple departments and agencies have responsibilities to the IDDE program, specific areas of responsibility shall be defined and processes for coordination and data sharing shall be established and documented.

6.4.3.4 Illicit Discharge Prevention and Reporting

The permittee shall develop and implement process(es) and procedures designed to prevent, identify, report, and mitigate illicit discharges to and from the MS4 (this may be a part of the education program required by Part 6.4.1; reporting (hotlines), and training of public employees involved in the IDDE program).

6.4.3.5 Eliminating Illicit Discharges

Illicit discharges to and from the MS4 are prohibited and constitutes a violation of this permit when the permittee is not fully implementing permit requirements and the SWMP,

Upon detection of an illicit discharge, the permittee shall eliminate it as expeditiously as possible. The permittee shall identify and notify all responsible parties for any such discharge and require immediate cessation in accordance with its legal authorities. Where elimination of an illicit discharge is not immediately possible, the permittee shall establish an expeditious schedule for its elimination and report the dates of identification and schedules for removal in the permittee's annual reports. The permittee shall immediately commence actions necessary for elimination.. In the interim, the permittee shall take all reasonable and prudent measures to minimize the discharge of pollutants to its MS4.

6.4.3.6 Non-Stormwater Discharges

The non-stormwater discharges identified in Part 1.3.2 do not need to be addressed as an illicit discharge unless it is determined by the permittee, ADEQ, or U.S. EPA that any of these sources is a significant contributor of pollutants.

6.4.3.7 Existing Permittees IDDE Programs

During the development of the new components of the IDDE program required by this permit, existing permittees must continue to implement their current IDDE

program required by the AZG2002-002 to detect and eliminate illicit discharges to its MS4.

6.4.3.8 Outfall Assessment and Monitoring

The permittee must develop, implement, and maintain an outfall assessment and monitoring program to identify, monitor, and eliminate illicit discharges from the MS4:

- a. **Outfall Prioritization:** The permittee shall assess and prioritize outfalls based on their potential to have illicit discharges. This following outfall ranking must be used to determine the priority order for screening:
 1. Problem Outfalls: Outfalls with known or suspected contributions of illicit discharges based on existing information;
 2. High Priority Outfalls: Outfalls that discharge to impaired waters or Outstanding Arizona Waters;
 3. Low Priority Outfalls: Outfalls that do not meet the criteria for problem or high priority outfalls;
 4. Large Outfall: Those municipal outfalls that are 36-inches in diameter or equivalent (e.g., open channel).

The permittee shall review and update the outfall inventory and prioritization at least annually throughout the permit duration and include this information in the SWMP and the annual program evaluation.

- b. **Visual Outfall Screening:** The IDDE program shall include written procedures for conducting visual screening of outfalls from the MS4. The outfall screening procedures shall include provisions for dry and wet weather screening for evidence of illicit discharges. The permittee shall conduct outfall screening frequency based on the following minimum criteria*:

Outfall Screening Schedule	
Number of Outfalls or Screening Points	Minimum Inspection Frequency
Large Outfalls	20% per year
Outfalls and Screening Points	10% per year
High Priority Outfalls	25% per year, per receiving water
Problem Outfalls	As necessary, minimum of 2 times per year

* Permittees with greater than 300 outfalls may submit an alternate inspection frequency to ADEQ for approval. If approved, the permittee must comply with the alternate inspection frequency.

Routine screening for dry and wet weather flows must include the following information/observations: outfall identification; personnel; time; date; weather conditions at time of inspection; presence of flow and estimated volume;

apparent odor, color, clarity, debris, foam; and other necessary information to characterize the discharge.

- c. **Analytical Monitoring:** The permittee shall develop an analytical monitoring program to assist with identifying, characterizing, and eliminating illicit discharges, as well as those discharges that cause or contribute to an exceedance of a surface water quality standard. The program shall specify when analytical monitoring will be implemented and the protocol for determining analytical parameters.

The analytical monitoring program shall include a Sampling and Analyses Plan (SAP) that includes the following minimum components: sample collection (equipment and containers, decontamination, calibration procedures, sample frequency (based on illicit discharge characteristics), document site conditions, and field notes); sample preservation; tracking (chain-of-custody); and handling.

The analytical monitoring program and associated SAP shall be documented in the SWMP.

- d. **Illicit Discharge Removal and Confirmation:** When the source of an illicit discharge is identified, the permittee shall exercise its authority to require its removal (clean up/remediation).

For each confirmed source, the permittee shall include in the annual report the following information: the location of the discharge and its source(s); a description of the discharge; estimated illicit discharge duration; the method of discovery; date of discovery; date of elimination; mitigation or enforcement action; responsible person (if known); and estimated volume.

- e. **Follow-up Screening:** The permittee shall establish a follow-up screening schedule for identified or suspected illicit discharges to ensure they do not recur.

6.4.3.9 Indicators of IDDE Program Progress

The permittee shall define or describe indicators for tracking program success. At a minimum, indicators shall include measures that demonstrate efforts to locate illicit discharges identified and removed. Such measures may include response time to inspection, public awareness, time from discovery to elimination, and other appropriate factors.

The permittee shall evaluate and report the overall effectiveness of the program based on the tracking measures outlined in Part 6.4.3.8 in the annual program evaluation and in the annual report.

6.4.3.10 Staff Training

The permittee shall, at a minimum, provide annual training to employees involved in the IDDE program (e.g., street workers, inspectors, solid waste personnel, etc.). The training must include the IDDE program components and how to recognize illicit discharges. The permittee shall report on the frequency and type of employee training in the annual report.

6.4.3.11 Unpermitted (Illicit) Discharges to the MS4

The permittee shall develop, implement, and maintain a program to proactively identify facilities and activities (e.g., industrial facilities, construction sites, etc.) that discharge to the MS4 without a permit (illicit discharges),

At a minimum, the permittee shall notify ADEQ at least annually (see Part 8.3) of facilities and activities that discharge to the permittees MS4 without a Clean Water Act permit.

A description of the permittee's illicit discharge program shall be included in the SWMP.

6.4.4 Construction Site Stormwater Runoff Control

The objective of the construction stormwater runoff control program is to minimize or eliminate pollutant discharges from construction sites to the MS4s. The primary pollutant is most often sediment which is mobilized by removal of vegetation, digging, grading, excavating, wind, and runoff. The sediment can also be a transport mechanism for other pollutants such as oils, fertilizers, and other materials that are often found or used at construction sites.

The program components and measurable goals related to meeting the requirements of this Part must be included in the permittee's SWMP.

6.4.4.1 Construction Site Stormwater Runoff Implementation

Permittees shall develop, implement, maintain, and enforce a program to reduce pollutants in any stormwater runoff discharged to the MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. The permittee's program shall include disturbances less than one acre if that disturbance is part of a larger common plan of development or sale that will ultimately disturb one acre or more, regardless if the construction activities occur at different times.

Existing permittees shall assess their construction site stormwater runoff program to ensure compliance with this permit. Any updates or revisions shall be completed within six (6) months of permit issuance. When changes to existing enforcement authority (e.g., codes and ordinances) must be adopted, the updates or revisions must be implemented within one (1) year of permit issuance.

New permittees shall establish and implement a construction stormwater runoff program within one (1) year of permit issuance. Necessary codes, ordinances, and enforcement authority must be adopted and implemented within eighteen (18) months of permit issuance.

6.4.4.2 Construction Site Stormwater Runoff Program Components

The construction site stormwater runoff control program shall include, at a minimum, the elements in Paragraphs a. through h. of this part:

- a. An ordinance or other regulatory mechanism that requires the use of sediment and erosion control practices.

- b. An inventory of all construction activities that disturb or will disturb one or more acres within the permitted area, including those that are less than one acre but are part of a larger common plan of development.
- c. Written procedures for site inspections and enforcement of sediment and erosion control measures. If not already existing, these procedures shall be completed within one (1) year from the effective date of the permit. The procedures shall clearly define who is responsible for site inspections as well as who has authority to implement enforcement procedures. The program must allow the permittee, to the extent authorized by law, to impose sanctions ensuring compliance with the local program. These procedures and regulatory authorities shall be documented in the SWMP.
- d. Inspection frequency based on construction site prioritization, including the following:
 - 1. Phase of construction;
 - 2. Proximity to an impaired water or Outstanding Arizona Water;
 - 3. Size of the construction site (acreage disturbed); and
 - 4. History of non-compliance (site or operator).
- e. Based on inspection construction site prioritization and findings, the permittee must take all necessary follow-up actions (i.e., re-inspection, enforcement) to ensure compliance in accordance with the permittee's enforcement response plan required under Part 3.3.
- f. Requirements for construction operators to implement sediment and erosion control BMPs appropriate for the conditions at the construction site. Examples of appropriate sediment and erosion control measures for construction sites include local requirements to:
 - 1. Minimize the amount of disturbed area and protect natural resources;
 - 2. Stabilize sites when projects are complete or operations have temporarily ceased;
 - 3. Protect slopes on the construction site;
 - 4. Protect storm drain inlets and armor all newly constructed outlets;
 - 5. Use perimeter controls at the site;
 - 6. Stabilize construction site entrances and exits to prevent off-site tracking; and
 - 7. Inspect stormwater controls at consistent intervals.
- g. Requirements to control wastes, including but not limited to: discarded building materials; paints; fertilizers; concrete wash out; chemicals; litter; and sanitary wastes.
- h. Written procedures for site plan review. If not already existing, the procedures for site plan review shall be completed within one (1) year from the effective date of the permit. Site plan review shall include: a review by the permittee of the site design; the planned operations at the construction site; planned stormwater controls during the construction phase; and the planned controls to be used to manage runoff created after development.

6.4.4.3 Staff Training

The permittee must ensure all staff who conduct activities related to implementing the construction stormwater program (permitting, plan review, construction site inspections, enforcement) are trained to conduct these activities. The training can be conducted by the permittee or outside persons, however, this training must include at a minimum, information about erosion and sediment control practices and permit conditions. Training must be conducted according to the following minimum frequency:

- a. Initial training – The permittee must ensure all new employees whose job duties include any of the activities specified in this part receive adequate training within the first twelve (12) months of assuming the job duties. The training must include at a minimum: proper control measure selection; installation; implementation; maintenance; and administrative requirements such as inspection reporting/tracking and use of the permittee's enforcement responses;
- b. The permittee shall establish refresher training for inspection staff. Training options may include computer based training, attending workshops, training conducted in house, and other relevant opportunities. Ongoing training shall include information on control measures, regulation changes, permit updates, and policy or standards updates.

6.4.4.4 Construction Site Operator Education and Public Involvement

The permittee must develop and implement a program to provide education to construction site operators on stormwater requirements and provide the public with an opportunity to participate and provide feedback on construction within the MS4 (see Part 6.4.2). At a minimum, the permittee must:

- a. Provide information on existing training opportunities or develop new training for construction operators on control measure selection, installation, implementation, and maintenance;
- b. Develop or utilize existing outreach tools (i.e. brochures, posters, website, manuals, etc.) aimed at educating construction operators on appropriate selection, installation, implementation, and maintenance of stormwater controls;
- c. Make available appropriate outreach materials to all construction operators who will be disturbing land within the MS4 boundary.

6.4.4.5 Tracking and Recordkeeping

The permittee must track the number of inspections and re-inspections of construction sites to verify the sites are inspected at the frequency established under Part 6.4.4.2 (d) and (e) and include this information in the annual report.

6.4.5 Post-Construction Stormwater Management in New Development and Redevelopment

Permittees shall implement and enforce a program to address post construction stormwater runoff from new development and redevelopment projects that disturb one or more acres of land that discharge into the permittee's MS4.

The new development/redevelopment program shall include projects less than one acre if the project is part of a larger common plan of development or redevelopment which disturbs one or more acres.

6.4.5.1 Regulatory Mechanism for Post-Construction Stormwater Controls

The new development/redevelopment program shall include an ordinance or regulatory mechanism that regulates runoff from new development and redevelopment projects.

The regulatory mechanism must specify that owners or operators of new development and redevelopment sites discharging to the MS4, design, install, and maintain post-construction stormwater controls that reduce or eliminate the discharge of pollutants from the site after construction activities are completed.

For existing permittees, the ordinance or other regulatory mechanism shall be evaluated within six (6) months of the effective date of this permit. If it is determined existing ordinances or other regulatory mechanism must be modified, the permittee must develop, adopt and implement a revised ordinance or other mechanism within eighteen (18) months of permit issuance.

For new permittees, the ordinance or other regulatory mechanism shall be developed, adopted, and implemented within two (2) years of the effective date of the permit.

The permittee's new development/redevelopment program shall have procedures to ensure any stormwater controls or management practices for new development and redevelopment will prevent or minimize impacts to water quality.

6.4.5.2 Site Plan Review

The permittee shall design, implement, and maintain a site plan review process that includes inter-departmental consultation (as needed) to evaluate and approve post-construction stormwater controls.

Upon completion, the construction site owner or operator must submit 'as-built' drawings of post-construction structural stormwater controls.

6.4.5.3 Inspection and Recordkeeping

To ensure stormwater control measures are operating correctly and are being maintained, the permittee must develop, implement, and maintain an inspection program of post-construction stormwater controls within the permit area. A description of inspection procedures (including frequency) must be included in the SWMP.

The permittee must document its inspection findings in an inspection report. Each inspection report must include:

- a. Inspection date;
- b. Name and signature of inspector;
- c. Project location (street address, latitude/longitude, etc.) and inventory reference number (from inventory established in Part 6.4.5.4);

- d. Current ownership information (i.e. name, address, phone number, fax, and email);
- e. A description of the condition of the structural stormwater control measures in accordance with approved site plans; and
- f. Specific maintenance issues or violations found that need to be corrected by the property owner or operator along with deadlines and reinspection dates.

The permittee must document and maintain records of inspection findings and enforcement actions and make them available for review by the permitting authority.

6.4.5.4 Post-Construction Stormwater Control Inventory

Within the first year of permit issuance, the permittee shall implement and maintain an inventory system of all post-construction structural stormwater control measures installed and implemented at new development and redeveloped sites, including both public and private sector sites located within the permit area. The inventory must be searchable by property location (either on paper or electronic).

Each entry to the inventory must include basic information such as project or site name, owner's name and contact information, location, start/end date, etc. In addition, inventory entries must include the following for each project:

- a. Description of stormwater control measure (type, number, design or performance specifications);
- b. Latitude and longitude coordinates of each stormwater control measure;
- c. Short description of maintenance requirements (frequency of required maintenance and inspections); and
- d. Inspection information (date, findings, follow up activities, prioritization of follow-up activities, compliance status).

Based on inspections conducted under Part 6.4.5.3, the permittee must update the inventory as appropriate where changes to the control have occurred.

6.4.5.5 Post-Construction Stormwater Runoff Control Assessment

Within four (4) years from the effective date of the permit, the permittee shall complete an assessment of existing local regulations and impacts on stormwater runoff quality, quantity, and velocity. The assessment must include controls and BMPs that would prevent or minimize water quality impacts. The permittee shall include this information in the fourth year annual report.

6.4.6 Pollution Prevention and Good Housekeeping for Municipal Operations

The permittee shall implement an operations and maintenance program that includes a training component and has a goal of preventing or reducing pollutant runoff and protecting water quality from municipal operations that are not subject to industrial stormwater permitting under Arizona's Multi-Sector General Permit (MSGP).

6.4.6.1 Operations and Maintenance (O & M) Programs

Within one (1) year from the effective date of the permit, the permittee shall develop and implement, if not already done so, written operations and maintenance procedures for the municipal facilities and discharge activities listed

in this Part. These written O & M procedures shall be included as part of the SWMP.

The permittee must develop an inventory of all such facilities within six (6) months of the effective date of this permit. The permittee shall review this inventory annually and update as necessary.

- a. Parks and open space: Establish procedures to address the proper use, storage, and disposal of pesticides, herbicides, and fertilizers (PHF) including minimizing the use of these products. Evaluate lawn maintenance and landscaping activities to ensure practices are protective of water quality. Establish procedures for management of trash containers at parks (scheduled cleanings, sufficient number), and for placing signage in areas concerning the proper disposal of pet wastes.
- b. Buildings and facilities where pollutants are exposed to stormwater runoff: This includes schools (to the extent they are permittee-owned or operated), town offices, police and fire stations, municipal pools, parking garages, and other permittee-owned or operated buildings or facilities.
- c. Vehicles and Equipment: Establish procedures for the storage of municipal vehicles and equipment to minimize pollutants from leaks, spills, and other pollutant sources. Evaluate fueling areas owned or used by the permittee for municipal vehicles and equipment. Establish procedures to ensure vehicle wash water is not discharged to the municipal storm sewer system or to surface waters.
- d. Separate Storm Sewer System Infrastructure Operations and Maintenance:
 1. The permittee shall establish within one (1) year of the effective date of the permit, a written program detailing the activities and procedures the permittee will implement so the MS4 infrastructure is maintained in a timely manner to reduce the discharge of pollutants from the MS4. If the permittee has an existing program that includes these requirements, the permittee shall document the program in the SWMP.
 2. The permittee shall optimize routine inspections, cleaning and maintenance of the storm sewer system owned or operated by the permittee.
 3. The permittee shall establish and implement procedures for sweeping and/or cleaning streets, and permittee-owned parking lots. The procedures shall also include more frequent sweeping of targeted areas determined by the permittee. The street sweeping program, including target areas, rationale of prioritization, and frequency shall be documented in the SWMP.
 4. The permittee shall establish and implement procedures for winter road maintenance including the use and storage of salt, sand and cinders; minimize the use of sodium chloride and other salts, and evaluate opportunities for use of alternative materials.
 5. The permittee shall establish and implement inspection and maintenance frequencies and procedures for the storm sewer system components owned or operated by the permittee (including treatment structures such as water quality swales, retention/detention basins, and similar structures. The permittee shall describe the inspection schedule in the SWMP.

- e. Other municipal facilities or discharge activities that have the potential to discharge pollutants and are not otherwise required to obtain permit coverage.
- f. Develop, implement, and maintain an operation and maintenance program for municipal employees, including annual refresher training.
- g. The permittee shall report in the annual report on the status of the inventory required by this part and any subsequent updates; the status of the O&M programs for the permittee-owned facilities and activities in a. – f. of this section; and the maintenance activities associated with each.
- h. The permittee shall keep a written record of all required activities including but not limited to maintenance activities, inspections, and training. The permittee shall maintain all records associated with maintenance and inspection activities required by Part 6.4.6.

6.4.6.2 Stormwater Pollution Prevention Plan (SWPPP)

The permittee shall develop and fully implement a SWPPP for each of the following permittee-owned or operated facilities: maintenance garages, public works yards, transfer stations, and other waste handling facilities where pollutants are exposed to stormwater. If facilities are located at the same property, the permittee may develop one SWPPP for the entire property. The SWPPP is a separate and different document from the SWMP.

- a. No later than two (2) years from the effective date of the permit, the permittee shall develop and implement a written SWPPP for the facilities described above. The SWPPP shall be signed in accordance with the signatory requirements of Part 9.9.
- b. The SWPPP shall contain the following elements:
 - 1. Identify the staff (role, title, etc.) on the pollution prevention team. The role of the team is to develop, implement, maintain, and revise, as necessary, the SWPPP for each facility.
 - 2. Description of the facility and identification of potential pollutant sources. The SWPPP shall include a map of the facility and a description of the activities that occur at the facility. The map shall show the location of the stormwater outfalls, receiving waters, and any structural controls. Identify all activities that occur at the facility and the potential pollutants associated with each activity including the location of any floor drains.
 - 3. Identification of stormwater controls to prevent or reduce the discharge of pollutants from the permittee owned facility. The permittee shall also take all reasonable steps to control or address the quality of discharges from the site that may not originate at the facility.

If the discharge from the facility is to an impaired water and the facility has the potential to discharge the pollutant identified as causing the impairment, the permittee shall identify the control measures that will be used to address this pollutant so the discharge does not cause or contribute to a violation of a water quality standard.

4. The SWPPP shall include the following management practices:
- i. Minimize or Prevent Pollutant Exposure: The permittee shall, to the extent practicable, either locate materials and activities inside or protect them with storm-resistant coverings in order to prevent exposure to rain, snow, snowmelt and runoff.
 - ii. Preventative Maintenance: The permittee shall regularly inspect, test, maintain, and repair all equipment and systems to avoid situations that may result in leaks, spills, and other releases of pollutants in stormwater to receiving waters.
 - iii. Spill Prevention and Response: The permittee shall minimize the potential for leaks, spills, and other releases that may be exposed to stormwater and develop plans for effective response to such spills if or when they occur.
 - iv. Erosion and Sediment Control: The permittee shall use structural and non-structural control measures at the municipal site to stabilize and contain runoff from exposed areas and to minimize or eliminate erosion and sedimentation.
 - v. Salt Storage Piles or Piles Containing Salt: For storage piles of salt or piles containing salt used for deicing or other purposes (including maintenance of paved surfaces), the permittee shall prevent exposure of the storage piles to precipitation by enclosing or covering the storage piles. The permittee shall implement appropriate measures (e.g., good housekeeping, diversions, containment) to minimize exposure resulting from adding to or removing materials from the piles.
 - vi. Employee Training: The permittee shall regularly train employees who work in areas where materials or activities are exposed to stormwater, or who are responsible for implementing activities identified in the PPP (e.g., inspectors, maintenance personnel), including all members of the Pollution Prevention Team. Training shall cover both the specific components and scope of the PPP and the control measures required under this Part, including spill response, good housekeeping, material management practices, any best management practice operation and maintenance, etc. The employee training schedule shall be included in the SWMP.

The permittee shall document the following information for each training session:

- The training date, title and training duration;
 - List of attendees;
 - Subjects covered during training.
- vii. Maintenance of Control Measures: The permittee shall maintain all control measures required by this permit in effective operating condition. The permittee shall keep documentation onsite that describes procedures and a regular schedule for preventative maintenance of all control measures.

- viii. Inspection frequency and procedures for all areas that are exposed to stormwater and all stormwater control measures. More frequent inspections may be required if significant activities are exposed to stormwater. The permittee shall include dry and wet weather inspections.

The permittee shall document the following information for each facility inspection:

- The inspection date and time;
- The name of the inspector;
- Weather information and a description of any discharge occurring at the time of the inspection;
- Identification of any previously unidentified discharges from the site;
- Any control measures needing maintenance or repair;
- Any failed control measures that need replacement;
- Any PPP changes required as a result of the inspection.

If during the inspections, or any other time, the permittee identifies control measures that need repair or are not operating effectively, the permittee shall repair or replace them before the next anticipated storm event if possible or as soon as practicable following that storm event. In the interim, the permittee shall have back-up measures in place.

The permittee shall report the findings or summary of findings from the site inspections in the annual report.

5. The permittee must keep a record of all required activities, including but not limited to, BMP maintenance, inspections, and training. The permittee shall maintain all records associated with the development and implementation of the PPP required by this section.

7.0 ANALYTICAL MONITORING

ADEQ may notify the permittee in writing of additional discharge monitoring requirements to ensure protection of receiving water quality. Additional monitoring will be required if there is evidence that a pollutant is being discharged by the permittee that may be causing or contributing to exceedances of a water quality standard. Any such notice will provide an explanation of the reasons for the monitoring, locations, and parameters to be monitored, frequency and period of monitoring, sample types, and reporting requirements.

7.1 General Monitoring Requirements

The monitoring provisions of this Part apply to permittees that must conduct analytical monitoring. The permittee shall collect and analyze stormwater samples and document monitoring activities consistent with the procedures described in Part 6.4.3.8 and Part 9.

- a. The purpose of the monitoring section of this permit is to:
 1. Assess the impacts to impaired or Outstanding Arizona Waters (OAWs) resulting from stormwater discharges from Phase II MS4 outfalls;
 2. Characterize stormwater discharges;
 3. Identify sources of elevated pollutant loads and specific pollutants; and
 4. Assess the overall health and evaluate long-term trends in water quality of impaired or OAWs.
- b. The permittee shall identify in the SWMP and annual reports discharges that:
 1. Discharge to impaired waters listed on the Arizona's 303(d) list (Category 5) and those listed as not attaining (Category 4a) on Arizona's Water Quality Assessment report;
 2. Discharges to OAWs listed in A.A.C. R18-11-112; and
 3. Additional monitoring required by ADEQ.
- c. Annual reporting requirements for outfall monitoring are included in Part 8.3.
- d. Analytical Monitoring Schedule:
 1. Existing Permittees – Impaired and OAW monitoring must be fully implemented no later than the beginning of the first full wet season after permit issuance.
 2. New Permittees - Impaired and OAW monitoring must be fully implemented no later than the beginning of the second full wet season after permit issuance.

7.1.1 Outfall Monitoring

The permittee is required to monitor stormwater discharges from the MS4 to an impaired or OAW. The permittee may identify substantially identical outfalls and group them for representative sample collection. The permittee shall conduct a minimum of two (2) sampling events per wet season (see Part 7.1.3), unless otherwise specified in an approved TMDL.

7.1.2 Substantially Identical Outfalls

If the Phase II MS4 has three (3) or more outfalls that discharge substantially identical stormwater and/or allowable non-stormwater, the permittee may reduce the number of outfalls it monitors for each event. Outfalls may be classified as substantially identical if

they have similarities such as drainage area, types of pollutants, land use, and other applicable similarities.

Each monitoring event shall include a minimum of two (2) outfalls or monitoring points and shall be conducted on a rotating basis. Each monitoring event shall include at least one outfall or monitoring point from the preceding event.

All substantially identical outfalls shall be documented in the SWMP, including rationale or justification for determining why an outfalls or groups of outfalls are substantially identical.

If analytical monitoring performed on a sample collected at a substantially identical outfall demonstrates that control measures are not functioning as intended, the permittee shall assess and modify the control measures as appropriate for that outfall and, if necessary, other outfalls represented by the monitored outfall and conduct follow up monitoring during the next storm event that results in a discharge from that location.

7.1.3 Alternative Monitoring Program

Instead of sampling all outfalls, monitoring locations, or substantially identical outfall (Part 7.1.2), the permittee may propose an alternate monitoring program that specifies representative discharges. The proposed monitoring program must be included approved by ADEQ and included in the SWMP.

7.1.4 Monitoring Periods

Monitoring requirements in this permit begin within 90 calendar days of receiving the Department's authorization to discharge. The required monitoring events may be distributed during seasons when precipitation occurs, or when snowmelt results in a measurable discharge from the site.

Wet seasons, for the purposes of analytical monitoring, apply statewide and are defined as follows:

Summer wet season: June 1 – October 31
Winter wet season: November 1 – May 31

The term 'wet season' includes areas of the state where freezing conditions exist that prevent runoff from occurring for extended periods. In areas where freezing conditions exist, the required monitoring and sample collection may be distributed during seasons when precipitation runoff, either as melting snow or rain mixed with melting snow, occurs.

7.2 Discharges to Impaired Waters

If an outfall discharges to an impaired water, the permittee shall develop and implement a monitoring program for all pollutants for which the waterbody is impaired.

If the waterbody is impaired for suspended solids, turbidity or sediment/sedimentation and the discharge occurs for more than 48 hours after the storm event, the permittee shall monitor for suspended sediment concentration (SSC). If the pollutant for which the waterbody is impaired is expressed in the form of an indicator or surrogate pollutant, the permittee shall monitor for that indicator or surrogate pollutant.

The permittee shall comply with all applicable waste load allocations established in approved TMDLs. In the event monitoring requirements (frequency, analytical parameters, etc.) are

established in an approved TMDL, the permittee shall comply with the specifications in the approved TMDL.

7.3 Discharges to Outstanding Arizona Waters

Analytical monitoring of outfalls that discharge to an OAW must be conducted twice per wet season for the entire permit term to assure discharges from the MS4 do not degrade existing water quality, or cause or contribute to an exceedance of an Arizona surface water quality standard. The permittee may rely on substantially identical outfalls or alternative program when sampling (see Parts 7.1.2 and 7.1.3). The permittee shall establish a list of analytical parameters to be included in the monitoring program and shall identify the analytical parameter and justification/rationale for selecting the key parameters in the SWMP.

7.4 Tracking

Permittees with outfalls that discharge to impaired waters or OAWs shall develop a system to track the information required in the permit and the information required to be reported in the annual report (see Part 8.3). The tracking system shall be developed and implemented within twelve (12) months of the effective date of this permit.

The permittee must implement, and revise as necessary, a comprehensive monitoring and assessment program. A description of this program must be included in the SWMP. The monitoring and assessment program must be designed to meet the following objectives:

- a. Assess compliance with this permit;
- b. Measure the effectiveness of the permittee's stormwater management program;
- c. Assess the chemical, physical, and biological impacts to receiving waters resulting from stormwater discharges;
- d. Characterize stormwater discharges;
- e. Identify sources of specific pollutants;
- f. Detect and eliminate illicit discharges and illegal connections to the MS4; and
- g. Assess the overall health and evaluate long-term trends in receiving water quality.

8.0 PROGRAM ASSESSMENT, RECORDKEEPING, AND REPORTING

8.1 Program Evaluation

8.1.1 The permittee shall annually self-evaluate its compliance with the terms and conditions of this permit. The permittee shall maintain the annual evaluation documentation as part of the SWMP. The permittee shall include this information in the annual report.

8.1.2 The permittee shall evaluate the appropriateness of the selected BMPs in achieving the objectives of each control measure and the defined measurable goals. The permittee may change BMPs in accordance with the following provisions:

- a. Adding (but not subtracting or replacing) components or controls may be made at any time;
- b. Changes replacing an ineffective or infeasible BMP specifically identified in the SWMP with an alternative BMP may be made if the proposed changes meet the criteria of this Part.

The permittee shall include this information in the annual report.

8.1.3 BMP modification documentation shall include the following information and all documentation shall be kept in the SWMP:

- a. An analysis of why the BMP is ineffective or infeasible;
- b. Expectations on the effectiveness of the replacement BMP; and
- c. An analysis of why the replacement BMP is expected to achieve the defined goals of the BMP to be replaced.

The permittee shall indicate BMP modifications along with a brief explanation of the modification in the annual report.

8.1.4 ADEQ may require the permittee to add, modify, repair, replace or change BMPs or other measures described in the annual reports to address the following:

- a. Impacts to receiving water quality caused or contributed to by discharges from the MS4;
- b. To satisfy conditions of this permit;
- c. To include more stringent requirements necessary to comply with new state or federal legal requirements; or
- d. Attainment of surface water quality standards.

Any changes requested by ADEQ will be in writing and will require the permittee to develop a schedule to implement the changes and will offer the permittee the opportunity to propose alternative program changes to meet the objective of the requested modification.

8.2 Recordkeeping

8.2.1 The permittee shall keep all records required by this permit for a period of at least three (3) years. Records include information used in the development of any written program required by this permit, any monitoring results, copies of reports, records of screening, follow-up and elimination of illicit discharges; maintenance records; inspection records; and data used in the development of the notice of intent, SWMP, PPP, and annual

reports. This list provides examples of records that should be maintained, but is not all inclusive.

8.2.2 Records other than those required to be included in the annual report (Part 8.3), shall be submitted upon request by ADEQ, or U.S. EPA.

8.2.3 The permittee shall make the records relating to this permit, including the written stormwater management program, available to the public. The public may view the records during normal business hours. The permittee may charge a reasonable fee for copying requests. The permittee is encouraged to satisfy this requirement by posting records online.

8.3 Annual Report

The permittee shall submit an annual report each year of the permit term to ADEQ. The reporting period is from July 1 through June 30 each year. The annual report is due to ADEQ on or before September 30 each year for the reporting period. The annual reports shall contain the following information:

- a. The status of compliance with the permit terms and conditions;
- b. Updates regarding mapping requirements (see Part 4.1), including percent complete;
- c. An evaluation of the appropriateness and efficacy of the selected BMPs;
- d. An assessment of the progress towards achieving the measurable goals and objectives of each control measure in Part 6.4 including description of the targeted messages for each audience; method of distribution and dates of distribution; methods used to evaluate the program; and any changes to the program;
- e. Description of the activities used to promote public participation;
- f. Description of the activities related to implementation of the IDDE program including: status and results of the illicit discharge potential protocols described in Parts 6.4.3.4 (program responsibilities and systematic procedure); number and identifier of assets inspected or evaluated; number and identifier of outfalls screened; number of illicit discharges located; number of illicit discharges removed; and employee training;
- g. All outfall screening and monitoring data collected by or on behalf of the permittee during the reporting period and cumulative for the permit term, including but not limited to all data collected pursuant to Parts 6.4.3 and 7.0;
- h. The status of the any plans or activities required by Part 6.4.3 and/or Part 7.1 (impaired water), including:
 1. Identification of all discharges determined to be causing or contributing to an exceedance of water quality standards and description of response;
 2. For discharges subject to TMDLs, identification of specific BMPs used to address the pollutant identified as the cause of the impairment and assessment of the BMPs effectiveness at controlling the pollutant;
- i. Status of the construction runoff management including number of project plans reviewed, number of inspections, and number of enforcement actions;
- j. Status of stormwater management for new development and redevelopment including status of ordinance development and review;
- k. Status of the operation and maintenance programs required by Part 6.4.6.1;
- l. Description of any changes in identified BMPs or measurable goals;
- m. Status of SWPPP implementation;
- n. Any additional reporting requirements specified in Parts 1-7.
- o. Description of activities to be conducted during the next reporting cycle.

Reports must be submitted to ADEQ at the following address:

Arizona Department of Environmental Quality
1110 West Washington Street, Mail Code 5451A-1
Phoenix, Arizona 85007

8.4 Fourth Year Annual Report

In addition to reporting requirements specified in Part 8.3, the fourth (4th) year annual report must also include the permittee's assessment of incorporating post construction stormwater controls into building code, land use, and other considerations (see Part 6.4.5.5)

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9.0 STANDARD PERMIT CONDITIONS

Standard permit conditions in Part 9 are consistent with the general permit provisions required under 40 CFR 122.41 and A.A.C. R-18-9-A905(A)(3).

1. **Duty to Comply:** [A.A.C. 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.]
 - a. 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, Article 9, and is grounds for enforcement action, permit termination, revocation and reissuance, or modification, or denial of a permit renewal application.
 - b. 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.
 - c. The operator shall comply with any effluent standards or prohibitions established under section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if this permit has not yet been modified to incorporate the requirement.

2. **Duty to Reapply / Continuation of the Expired General Permit:** [A.A.C. R18-9-A905, which incorporates 40 CFR 122.41(b) and A.A.C. R18-9-C903]
 - a. Upon reissuance of the general permit, the permittee shall file an NOI, within the timeframe specified in the new general permit, and shall obtain new written authorization to discharge from the Director.
 - b. If the Director does not reissue the 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.
 - c. Any operator granted authorization to discharge under the general permit before the expiration date automatically remains covered by the continued general permit until the earlier of:
 - i. 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
 - ii. The date the operator has submitted a Notice of Termination; or
 - iii. The date the Director has issued an individual permit for the discharge; or
 - iv. The date the Director has issued a formal permit decision not to reissue the general permit, at which time the operator shall seek coverage under an alternative general permit or an individual permit, or cease discharge.

3. **Need To Halt or Reduce Activity Not a Defense:** [A.A.C. 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.

4. **Duty to Mitigate:** [A.A.C. 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 in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment per A.R.S. § 49-255.01(E)(1)(d).

5. Proper Operation and Maintenance: [A.A.C. 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.

6. Permit Actions: [A.A.C. 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. Filing 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.

7. Property Rights: [A.A.C. 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.

8. Duty to Provide Information: [A.A.C. 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.

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

All Notices of Intent (NOI) and Notices of Termination (NOT) must be signed as follows:

- a. NOIs:
 - i. For a corporation: By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: 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 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;
 - ii. For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or
 - iii. 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 (or state) agency includes: (1) The chief executive officer (or director) of the agency, or (2) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.
- b. All NOTs, reports, including SWPPPs, inspection reports, monitoring reports, and other information required by this permit must be signed by a person described in Part 9.9(a),

above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

- i. The authorization is made in writing by a person described in Subsection 9(a) above;
 - ii. 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, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may be either a named individual or any individual occupying a named position); and
 - iii. The signed and dated written authorization is included in the SWPPP. A copy must be submitted to ADEQ, upon request.
- c. Certification. Any person signing 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.

10. Inspection and Entry: [A.A.C. 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:

- a. 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;
- b. Have access to and copy at reasonable times, any records that must be kept under the conditions of this general permit;
- c. Inspect at reasonable times any facility or equipment (including monitoring and control equipment), practices or operations regulated or required under this permit;
- d. Sample or monitor at reasonable times any substances or parameters at any location, for the purposes of assuring permit compliance or as otherwise authorized by A.R.S. Title 49, Chapter 2, Article 3.1, and 18 A.A.C. 9, Articles 9.

11. Monitoring and Records: [A.A.C. R18-9-A905(A)(3)(a), which incorporates 40 CFR 122.41(j)]

- a. Representative Samples/Measurements: Samples and measurements taken for the purpose of monitoring must be representative of the volume and nature of the monitored activity.
- b. Retention of Records: The operator shall retain records of all monitoring information, including all calibration and maintenance records, 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 three (3) years from the date permit coverage ends. Operators shall submit any such records to the Director upon request. The operator shall retain the SWPPP developed in accordance with Part 6 of this permit, for at least three (3) years after the last modification or amendment is made to the plan. The Director may extend this retention period upon request by notifying the operator in writing at any time prior to the end of the standard three year retention period.
- c. Records Contents: Records of monitoring information must include:
 - i. The date, exact location, and time of sampling or measurements;
 - ii. The initials or name(s) of the individual(s) who performed the sampling or measurements;

- iii. The date(s) analyses were performed;
 - iv. The time(s) analyses were initiated;
 - v. The initials or name(s) of the individual(s) who performed the analyses;
 - vi. References and written procedures, when available, for the analytical techniques or methods used;
 - vii. The analytical techniques or methods used; and
 - viii. The results of such analyses.
- d. 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.

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

- a. Planned changes: The operator shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:
- i. 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 A.A.C. R18-9-A905(A)(1)(e)); or
 - ii. 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 A.A.C. R18-9-A905(A)(3)(b)).
- b. Monitoring reports: Monitoring results must be reported at the intervals specified elsewhere in this permit.
- i. Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms (paper or electronic) provided or specified by ADEQ. Pursuant to Part 8.2(2), all monitoring data collected pursuant to Part 7 must be submitted to the Department using the Discharge Monitoring Report (DMR) form, available at:
<http://www.azdeq.gov/environ/water/permits/cgp.html>
 - ii. If the operator monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR Part 136 unless otherwise specified in 40 CFR Part 503, or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.
 - iii. Calculations for all limitations which require averaging of measurements must use an arithmetic mean and non-detected results must be incorporated in calculations as the limit of quantitation for the analysis.
- c. Anticipated noncompliance: The operator 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.
- d. Twenty-four hour reporting:
- i. The operator shall report to ADEQ any noncompliance with this permit 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 – Water Quality Compliance
1110 W. Washington Street, Mail Code 5515 B-1
Phoenix, AZ 85007
Office: 602-771 – 2330; Fax 602-771 – 4505

- ii. A written submission shall also be provided to the office identified above within five (5) 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.
- iii. The following shall be included as information which must be reported within 24 hours under this paragraph.
 - 1) Any upset which exceeds any effluent limitation in the permit.
 - 2) 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 A.A.C. R18-9-A905(A)(3)(d)).
- iv. ADEQ may waive the written report on a case-by-case basis for reports under this subsection if the oral report has been received within 24 hours.
- e. Other noncompliance: The operator shall report all instances of noncompliance not otherwise required to be reported under this subsection, at the time monitoring reports are submitted. The reports shall contain the information listed in subsection 12(d).
- f. Other information: When the operator becomes aware that it failed to submit any relevant facts or submitted incorrect information in the Notice of Intent or in any other report to the Department, the operator shall promptly submit the facts or information to ADEQ at the address listed in Part 8.2.

13. Reopener Clause: [A.A.C. 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, which may be promulgated in the course of the current permit cycle.

14. 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 "taking" 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 "taking" are available from the U.S. Fish and Wildlife Service. The operator shall also comply with applicable State and Federal laws, including Spill Prevention Control and Countermeasures (SPCC).

15. State or Tribal Law: [Pursuant to A.A.C. 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.

16. 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.

17. Requiring Coverage under an Individual Permit or an Alternative General Permit: [Pursuant to A.A.C. R18-9-C902 and R18-9-A909]

- a. 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 permit in any of the following cases:
 - i. A change occurs in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source;
 - ii. Effluent limitation guidelines are promulgated for point sources covered by the general permit;
 - iii. An Arizona Water Quality Management Plan containing requirements applicable to the point sources is approved;
 - iv. 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;
 - v. If the Director determines that the discharge is a significant contributor of pollutants. When making this determination, the Director shall consider:
 - 1) The location of the discharge with respect to waters of the United States,
 - 2) The size of the discharge,
 - 3) The quantity and nature of the pollutants discharged to waters of the U.S., and
 - 4) Any other relevant factor.
- b. If an individual permit is required, the Director shall notify the discharger in writing of the decision. The notice shall include:
 - i. A brief statement of the reasons for the decision;
 - ii. An application form;
 - iii. A statement setting a deadline to file the application;
 - iv. A statement that on the effective date of issuance or denial of the individual permit, coverage under the general permit will automatically terminate;
 - v. 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
 - vi. The applicant's right to request an informal settlement conference under A.R.S. 41-1092.03(A) and 41-1092.06.
- c. 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.
- d. If the discharger fails to submit the individual permit application within the time period established in Part 9.17(c) the applicability of the general permit to the discharger is automatically terminated at the end of the day specified by the Director for application submittal.
- e. Coverage under the general permit shall continue until an individual permit is issued or denied unless the general permit coverage is terminated under Part 9.17(d).

18. Request for an Individual Permit: [Pursuant to A.A.C. R18-9-C902]

- a. An operator may request an exclusion from coverage of a general permit by applying for an individual permit.
 - i. The 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.
 - ii. The Director shall grant the request if the reasons cited by the operator are adequate to support the request.
- b. If an individual permit is issued to a person 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.

19. Change of Operator: [A.A.C. R18-9-C904]

If a change of ownership or operator occurs for a facility operating under a general permit:

- a. Permitted owner or operator: The operator shall provide the Department with a Notice of Termination by certified mail within 30 days after the new owner or operator assumes responsibility for the facility.
 - i. The Notice of Termination shall include all requirements for termination specified in the general permit for which the Notice of Termination is submitted.
 - ii. An operator shall comply with the permit conditions specified in the general permit for which the Notice of Termination is submitted until the Notice of Termination is received by the Department.
- b. New owner or operator:
 - i. The new owner or operator shall complete and file a Notice of Intent with the Department within the time period specified in the general permit before taking over operational control of, or initiation of activities at, the facility.
 - ii. If the previous operator was required to implement a stormwater pollution prevention plan, the new owner shall develop a new stormwater pollution prevention plan, or may modify, certify, and implement the old stormwater pollution prevention plan if the old stormwater pollution prevention plan complies with the requirements of the current general permit.
 - iii. The operator shall provide the Department with a Notice of Termination if a permitted facility ceases operation, ceases to discharge, or changes operator status. In the case of a construction site, the operator shall submit a Notice of Termination to the Department when:
 - 1) The facility ceases construction operations and the discharge is no longer associated with construction or construction-related activities,
 - 2) The construction is complete and final site stabilization is achieved, or
 - 3) The operator's status changes.

20. Bypass: [A.A.C. R18-9-A905(A)(3)(a), which incorporates 40 CFR 122.41(m)]

- a. Definitions:
 - i. Bypass means the intentional diversion of waste streams from any portion of a treatment facility
 - ii. 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.

- b. Bypass not exceeding limitations: The operator may allow any bypass to occur that 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 provisions Part 9.20(c) and 20(d).
- c. Notice:
 - i. Anticipated bypass. If the operator knows in advance of the need for a bypass, if possible prior notice shall be submitted at least ten days before the date of the bypass.
 - ii. Unanticipated bypass. The operator shall submit notice of an unanticipated bypass as required in Part 9.12(d).
- d. Prohibition of bypass:
 - i. Bypass is prohibited, and ADEQ may take enforcement action against the operator for bypass, unless:
 - 1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - 2) 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 downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - 3) The operator submitted notices as required under Part 9.20(c).
 - ii. ADEQ may approve an anticipated bypass, after considering its adverse effects, if the Department determines that it will meet the three conditions listed above in this Part 9.20(d).

21. Upset: [A.R.S. §§ 49-255(8) and 255.01(E), A.A.C. R18-9-A905(A)(3)(a), which incorporates 40 CFR 122.41(n)]

- a. 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 preventive maintenance, or careless or improper operation.
- b. 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 Part 9.21(c) 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.
- c. Conditions necessary for a demonstration of upset: An operator who wishes to establish the affirmative defense of upset must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - i. An upset occurred and that the operator can identify the cause(s) of the upset;
 - ii. The permitted facility was at the time being properly operated;
 - iii. The operator submitted notice of the upset as required in Part 9.12(d)(iii); and
 - iv. The operator complied with any remedial measures required under Part 9.4.

- d. Burden of proof: In any enforcement proceeding, the operator, who is seeking to establish the occurrence of an upset, has the burden of proof.

22. 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 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 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, Article 9 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.

10.0 DEFINITIONS

1. **Best management practices (BMPs)** – those methods, measures or practices to prevent or reduce discharges and includes structural and nonstructural BMPs 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. In addition, the term shall include erosion and sediment control BMPs, stormwater conveyance, stormwater diversion, and treatment structures, and any procedure or facility used to minimize the exposure of pollutants to stormwater or to remove pollutants from stormwater.
2. **Common plan of development** – a contiguous area where multiple separate and distinct land disturbing activities may be taking place at different times, on different schedules, but under one plan. A ‘plan’ is broadly defined to include design, permit application, advertisement or physical demarcation indicating that land-disturbing activities may occur.
3. **Construction activity** – means earth-disturbing activities such as, clearing, grading, excavating, stockpiling of fill material and other similar activities. This definition encompasses both large construction activities defined in 40 CFR 122.26 (b)(14)(x) and small construction activities in 40 CFR 122.26 (b)(15)(i) and includes construction support activities.
4. **Controls or Control Measures or Measures** – means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or control the pollution of waters of the United States. Controls 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.
5. **(CWA or The Act)** means Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub.L. 92-500, as amended Pub. L. 95 217, Pub. L. 95-576, Pub. L. 96-483 and Pub. L. 97-117, 33 U.S.C. 1251 et.seq.
6. **Department** – the Arizona Department of Environmental Quality.
7. **Discharge** – any addition of any pollutant to waters of the United States or to a MS4 from any point source.
8. **Discharge of a pollutant** – any addition of any “pollutant” or combination of pollutants to “waters of the United States” from any “point source,” or 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 includes additions of pollutants into waters of the United States from surface runoff which is collected or channeled by man. See 40 CFR 122.2.
9. **Discharge point** – the location where stormwater flows exit the construction site.
10. **Effluent limitations** – means any limitation or condition on quantities, discharge rates, or concentration of pollutants which are discharged from a point source.
11. **Effluent Limitations Guideline (ELG)** – defined in 40 CFR § 122.2 as a regulation published by the Administrator under section 304(b) of CWA to adopt or revise effluent limitations.
12. **Ephemeral water** – a surface water that has a channel that is at all times above the water table, and that flows only in direct response to precipitation. [A.A.C. R18-11-101(22)]

13. **Facility** means any "point source" or any other facility (including land or appurtenances thereto) that is subject to regulation under the AZPDES/NPDES program.
14. **Illicit connection** means any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.
15. **Illicit discharge** means any discharge to a municipal separate storm sewer that is not composed entirely of stormwater except discharges pursuant to a AZPDES/NPDES permit (other than the AZPDES permit for discharges from the municipal separate storm sewer) and discharges resulting from firefighting activities.
16. **Impaired water** – waters that have been assessed by ADEQ, under the Clean Water Act, as not attaining a water quality standard for at least one designated use, and are listed in Arizona's current 303(d) List or on the 305(b) Category 4 list.
17. **Intermittent water** or **Intermittent stream** – a stream or reach that flows continuously only at certain times of the year, as when it receives water from a spring or from another surface source, such as melting snow. [A.A.C. R18-11-101(25)]
18. **Maximum Extent Practicable (MEP)** – means maximum extent practicable, the technology-based discharge standard for municipal separate storm sewer systems to reduce pollutants in storm water 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 such as the Administrator or the State determines appropriate for the control of such pollutants.
19. **Measurable Goal** means a quantitative measure of progress in implementing a component of storm water management program.
20. **Minimize** – to reduce and/or eliminate to the extent achievable using control measures that are technologically available and economically practicable and achievable in light of best industry practices
21. **Municipal separate storm sewer** – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):
 - a. Owned or operated by 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 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;
 - b. Designed or used for collecting or conveying stormwater;
 - c. Which is not a combined sewer; and
 - d. Which is not part of a Publicly Owned Treatment Works.
22. **Municipal separate storm sewer system (MS4)** – all separate storm sewers defined as "large," "medium," or "small" municipal separate storm sewer systems or any municipal separate storm sewers on a system-wide or jurisdiction-wide basis as determined by the Director under A.A.C. R18-9-C902(A)(1)(g)(i) through (iv). [A.A.C. R18-9-A901(23)]. This also includes similar systems owned or operated by separate storm sewer municipal jurisdictions not required to obtain stormwater discharge authorization.

23. **Non-traditional MS4** means 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. 40 CFR 122.26(a)(16)(iii).
24. **Notice of Intent (NOI)** – the application to operate under this general permit.
25. **Notice of Termination (NOT)** – the application to terminate coverage under this general permit.
26. **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.
27. **Outstanding Arizona Water (OAW)** – a surface water that has been designated by ADEQ as an outstanding state resource under A.A.C. R18-11-112.
28. **Owner or operator** means the owner or operator of any “facility or activity” subject to regulation under the NPDES program.
29. **Perennial water** – a surface water that flows continuously throughout the year (A.A.C. R18-11-101(30)).
30. **Permittee** – refers to any person (defined below) authorized by this NPDES permit to discharge to Waters of the United States.
31. **Person** – 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.
32. **Point source** – 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, landfill leachate collection system, 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.
33. **Pollutant** – sediment, 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 (e.g., overburden material), and mining, industrial, municipal and agricultural wastes or any other liquid, solid, gaseous or hazardous substances. [A.R.S. § 49-201(29)]
34. **Receiving water** – a “Water of the United States” as defined in 40 CFR §122.2 into which the regulated stormwater discharges.
35. **Stormwater** – stormwater runoff, snow melt runoff, and surface runoff and drainage. See 40 CFR 122.26(b)(13).
36. **Stormwater discharges associated with construction activity** – a discharge of pollutants in stormwater runoff from areas where soil disturbing activities (e.g., clearing, grading, or excavating), construction materials, or equipment storage or maintenance (e.g., fill piles, borrow

areas, concrete truck washout, fueling), or other industrial stormwater directly related to the construction process (e.g., concrete or asphalt batch plants) are located. See 40 CFR 122.26(b)(14)(x) and 40 CFR 122.26(b)(15).

- 37. Stormwater Discharge Associated with Industrial Activity** means the discharge from any conveyance which is used for collecting and conveying stormwater and which is directly related to manufacturing, processing, or raw materials storage areas at an industrial plant (See 40 CFR §122.26(b)(14) for specifics of this definition).
- 38. Stormwater Pollution Prevention Plan (SWPPP)** – a site-specific, written document that, among other things: (1) identifies potential sources of stormwater pollution at the construction site; (2) describes control measures to reduce or eliminate pollutants in stormwater discharges from the construction site; and (3) identifies procedures the operator will implement to comply with the terms and conditions of this general permit.
- 39. Surface Water** – a “Water of the United States” as defined in 40 CFR §122.2.
- 40. Stormwater Management Program (SWMP)** means a comprehensive program to manage the quality of stormwater discharged from the municipal separate storm sewer system. For the purposes of this permit, the Stormwater Management Program is considered a single document, but may actually consist of separate programs (e.g. "chapters") for each permittee.
- 41. Total Maximum Daily Load (TMDL)** – an estimation of the total amount of a pollutant from all sources that may be added to a water while still allowing the water to achieve and maintain applicable surface water quality standards. Each total maximum daily load shall include allocations for sources that contribute the pollutant to the water, as required by section 303(d) of the clean water act (33 United States Code, Section 1313(d)) and regulations implementing that statute to achieve applicable surface water quality standards. [A.R.S. § 49-231(4)]
- 42. Turbidity** – a condition of water quality characterized by the presence of suspended solids and/or organic material; expressed as nephelometric turbidity units (NTU).
- 43. Waters of the United States (U.S.)** – defined in 40 CFR 122.2.
- 44. Waste Load Allocation (WLA)** – The maximum load of pollutants each discharger of waste is allowed to release into a particular waterway. Discharge limits are usually required for each specific water quality criterion being, or expected to be, violated. WLAs constitute a type of water quality-based effluent limitation. (See 40 C.F.R. § 130.2(h))
- 45. Wetland** – an area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. A wetland includes a swamp, marsh, bog, cienega, tinaja, and similar areas. [A.A.C. R18-11-101(49)]