



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

ARIZONA POLLUTANT DISCHARGE ELIMINATION SYSTEM  
GENERAL PERMIT FOR STORMWATER DISCHARGES  
ASSOCIATED WITH INDUSTRIAL ACTIVITY – MINERAL INDUSTRY  
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, Title 49, Chapter 2, Article 3.1, the Arizona Administrative Code (A.C.C.), Title 18, Chapter 9, Articles 9 and Chapter 11, Article 1, and the Clean Water Act as amended (33 U.S.C. 1251 et seq.).

This general permit specifically authorizes stormwater discharges associated with category iii, Mineral Industry sites, pursuant to 40CFR 122.26(b)(14) in Arizona. 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 February 1, 2011.

This general permit and the authorization to discharge expire at midnight, January 31, 2016.

Signed this 20<sup>th</sup> day of December, 2010.

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

A handwritten signature in black ink, appearing to read "MAF", is written over a horizontal line.

Michael A Fulton, Director  
Water Quality Division

**AZPDES MULTI-SECTOR GENERAL PERMITS FOR STORMWATER DISCHARGES  
ASSOCIATED WITH INDUSTRIAL ACTIVITY – MINERAL INDUSTRY**

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### Appendixes

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- Appendix B. Standard Permit Conditions

**1.0 Coverage under this Permit**

**1.1 Eligibility.**

**1.1.1 Facilities Covered**

This general permit authorizes stormwater discharges associated with “industrial activities” as defined in Appendix A from facilities having primary industrial activities included in Table 1-1. This permit is not authorized for use by facilities with stormwater discharges associated with industrial activities on any Indian Country lands in Arizona. USEPA Region 9 is the permitting authority for Indian lands in Arizona.

Permit eligibility is limited to discharges from facilities of industrial activity in Sectors G and J (i.e., the “mining sectors”), summarized in Table 1-1. These sector descriptions are based on Standard Industrial Classification (SIC) Codes and Industrial Activity Codes. References to “sectors” in this permit (e.g., sector-specific monitoring requirements) refer to these groupings.

<b>Table 1-1. Mining Sectors of Industrial Activity Covered by This Permit Derived from Category (iii) of 40 CFR 122.26(b)(14)</b>		
<b>Subsector (May be subject to more than one sector/subsector)</b>	<b>SIC Code or Activity Code<sup>1</sup></b>	<b>Activity Represented</b>
<b>SECTOR G: METAL MINING (ORE MINING AND DRESSING)</b>		
G1	1021	Copper Ore and Mining Dressing Facilities
G2	1011	Iron Ores
	1021	Copper Ores
	1031	Lead and Zinc Ores
	1041, 1044	Gold and Silver Ores
	1061	Ferroalloy Ores, Except Vanadium
	1081	Metal Mining Services
	1094, 1099	Miscellaneous Metal Ores
<b>SECTOR H: RESERVED (COAL MINES AND COAL MINING-RELATED FACILITIES)</b>		
<b>SECTOR I: RESERVED (OIL AND GAS EXTRACTION)</b>		
<b>SECTOR J: NON-METALLIC MINERAL MINING AND DRESSING</b>		
J1	1442	Construction Sand and Gravel
	1446	Industrial Sand
J2	1411	Dimension Stone
	1422-1429	Crushed and Broken Stone, Including Rip Rap
	1481	Non-metallic Minerals Services, Except Fuels
J3	1499	Miscellaneous Non-metallic Minerals, Except Fuels
	1455, 1459	Clay, Ceramic, and Refractory Materials
	1474-1479	Chemical and Fertilizer Mineral Mining

<sup>1</sup> A complete list of SIC Codes (and conversions from the newer North American Industry Classification System” (NAICS) can be obtained from the Internet at <http://www.osha.gov/pls/imis/sicsearch.html> or in paper form from various locations in the document titled *Handbook of Standard Industrial Classifications*, Office of Management and Budget, 1987. Much of the information in the 1987 *Handbook* can be obtained from the Internet at [http://www.osha.gov/pls/imis/sic\\_manual.html](http://www.osha.gov/pls/imis/sic_manual.html). Conversions from the NAICS can be obtained from the Internet at [www.census.gov/epcd/www/naics.html](http://www.census.gov/epcd/www/naics.html)

**1.1.2 Allowable Stormwater Discharges.**

Unless otherwise ineligible under Part 1.1.4, the following are eligible for discharge under this permit:

1. Stormwater discharges associated with industrial activity for any primary industrial activities and co-located industrial activities authorized under this permit, as defined in Appendix A;
2. Discharges designated by ADEQ as needing a stormwater permit as provided in Sector AD;
3. Discharges that are not otherwise required to obtain AZPDES permit authorization but are commingled with discharges that are authorized under this permit; and
4. Discharges subject to any of the effluent limitations guidelines listed in Table 1-2.

<b>Table 1-2. Stormwater Specific Effluent Limitations Guidelines</b>		
<b>Regulated Discharge</b>	<b>40 CFR Section</b>	<b>MSGP Sector</b>
Mine dewatering discharges at crushed stone, construction sand and gravel, or industrial sand mining facilities	Part 436, Subparts B, C, and D	J

**1.1.3 Allowable Non-Stormwater Discharges.**

Discharges from emergency fire-fighting activities are an allowable non-stormwater discharge activity without regard to the receiving water. The following non-stormwater discharges are allowed under this permit provided they are ancillary to the permitted use:

1. Fire fighting system testing and maintenance, including hydrant flushings;
2. Discharges related to installation and maintenance of potable water supply systems, including disinfection and flushing activities, discharges resulting from pressure releases or overflows, and discharges from wells approved by ADEQ for drinking water use;
3. Uncontaminated condensate from air conditioners, evaporative coolers, and other compressors and from the outside storage of refrigerated gases or liquids;
4. Irrigation drainage and irrigation line flushing;
5. Landscape watering provided all pesticides, herbicides, and fertilizer have been applied in accordance with the approved labeling;
6. Pavement wash waters where no detergents are used and no spills or leaks of toxic or hazardous materials have occurred (unless all spilled material has been removed);
7. Routine external building washdown that does not use detergents;
8. Water used to control dust, provided effluent or other wastewaters are not used;
9. Uncontaminated groundwater or spring water;
10. Foundation or footing drains where flows are not contaminated with process materials such as solvents;
11. Incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of the facility, but not intentional discharges from the cooling tower (e.g., “piped” cooling tower blowdown or drains);

12. Hydrostatic testing of new pipes, tanks or vessels using potable water, surface water, or uncontaminated groundwater;
13. Discharges of water associated with drilling, rehabilitation and maintenance of potable or non-potable water wells and piezometers, or water supply or water quality evaluations including:
  - a. Discharges from any borehole not fully developed;
  - b. Well purging;
  - c. Well/aquifer pump tests not associated with groundwater remediation activities;
  - d. Backflushing of injection wells provided the discharge meets applicable water quality standards; and
14. Non-stormwater discharges subject to an effluent limitation guideline listed in Table 1-2.

#### 1.1.4 Limitations on Coverage.

**1.1.4.1 Discharges Mixed with Non-Stormwater.** Stormwater discharges that are mixed with non-stormwater, other than allowable non-stormwater discharges listed in Part 1.1.3 are not eligible for coverage under this permit.

**1.1.4.2 Stormwater Discharges Associated with Construction Activity.** Stormwater discharges associated with construction activity are eligible for coverage under this permit, as specified in Sectors G and J of Part 8 of this permit.

**1.1.4.3 Discharges Currently or Previously Covered by another Permit.** Unless the permittee receives written notification from ADEQ specifically allowing these discharges to be covered under this permit, the following are not eligible for coverage under this general permit:

1. Stormwater or non-stormwater discharges associated with industrial activity that is currently covered under an individual AZPDES permit or an alternative AZPDES general permit and has established numeric water quality-based limitations developed for the stormwater component of the discharge; or
2. Discharges for which any AZPDES permit has been or is in the process of being denied, terminated, or revoked by ADEQ (this does not apply to the routine reissuance of permits every five years).

**1.1.4.4 Stormwater Discharges Subject to Effluent Limitations Guidelines.** For stormwater discharges subject to effluent limitation guidelines under 40 CFR, Subchapter N, only those discharges identified in Table 1-2 are eligible for coverage under this permit.

**1.1.4.5 New Dischargers to Water Quality Impaired Waters.** A new discharger to an impaired water, as defined in Appendix A, is not automatically eligible for coverage under this permit.

1. To receive authorization under this permit, the applicant shall make one of the following demonstrations and retain such data and other technical information onsite with the stormwater pollution prevention plan (SWPPP):
  - a. That the facility will employ measures to prevent all exposure to stormwater of the pollutant(s) for which the waterbody is impaired; or
  - b. That the discharge from the site has no potential to contain the pollutants causing impairment; or
  - c. That the discharge is not expected to cause or contribute to an exceedance of an applicable water quality standard. The applicant shall demonstrate either:
    - i. The discharges are subject to stormwater control measures such that the discharges meet the applicable water quality standard, for the parameter causing the impairment, at the point of discharge into the waterbody; or

- ii. The discharges are consistent with the provisions of the TMDL, including established TMDL allocations and implementation plans.

Note: Pursuant to A.A.C. R18-11-109(D)(2), if a receiving water is impaired for suspended solids, turbidity or sediment/ sedimentation, a operator seeking authorization to discharge under this permit may satisfy the requirement of Part 1.1.4.5(1)(c)(i) either by discharging only within the first 48 hours after a local storm event, or by demonstrating that any discharge after that time satisfies the requirements of Part 1.1.4.5(1)(c)(i).

2. The applicant shall submit:
  - a. The NOI in accordance with Part 1.3.1;
  - b. A copy of the SWPPP. The SWPPP shall describe how the permittee will monitor for pollutants of concern in the discharge in accordance with Part 6.2.3; and
  - c. The necessary information or documentation related to the demonstration selected above.
3. If the proposed discharge is to an upstream tributary within 2.5 miles of a water or portion thereof classified as impaired, the applicant shall submit a copy of the SWPPP.
4. Within 32 business days of receipt of information required in Part 1.1.4.5 (2) or (3), ADEQ will notify the applicant in writing that:
  - a. It is acceptable to proceed under the general permit;
  - b. The SWPPP is incomplete or otherwise deficient and must be revised. The applicant shall submit to ADEQ for review the revised SWPPP that addresses the deficiencies as identified in the notification; or
  - c. It is not eligible for coverage under this permit and must apply for an individual permit under Part 1.6.
5. A new discharger to an upstream tributary within 2.5 miles of an impaired water is not required to meet the eligibility requirements set forth above, but must submit a copy of the SWPPP with the NOI and is subject to the additional evaluation requirements set forth in Part 1.3.1(2)(c).

**1.1.4.6 Discharges to Outstanding Arizona Waters.**

1. No new or expanded discharges directly to a water or portion thereof classified as an outstanding Arizona water (OAW) (see A.A.C. R18-11-112) are authorized under this permit.
2. New or expanded discharges to tributaries upstream of a water or portion thereof classified as an OAW are not automatically eligible for coverage under this permit. To receive authorization for a new or expanded discharge to a tributary upstream of a water or portion thereof classified as an OAW, the applicant shall:
  - a. Submit the NOI in accordance with Part 1.3.1;
  - b. Prepare a SWPPP that demonstrates the discharge will not degrade existing water quality in the downstream OAW and retain documentation supporting this demonstration onsite with the SWPPP. Information relevant to this demonstration may include, but is not limited to, some or all of the following: (1) the distance between the discharge and the water or portion thereof that is OAW; (2) the estimated size (volume) and duration of the discharge; (3) the expected frequency of the discharge; (4) the expected characteristics of the discharge; and (5) the known or expected water quality of the water or portion thereof that is the OAW during storm events; and
  - c. If the proposed discharge is to an upstream tributary within 2.5 miles of a water or portion thereof classified as an OAW, submit a copy of the SWPPP that includes a sampling and analysis plan to collect data appropriate to verify the demonstration in subsection b, above.

3. Within 32 business days of receipt of information required in Part 1.1.4.6 (2), ADEQ will notify the applicant in writing that:
  - a. It is acceptable to proceed under the general permit;
  - b. The SWPPP is incomplete or otherwise deficient and must be revised. The applicant shall submit to ADEQ for review the revised SWPPP, including any additional parameter identified in accordance with Part 6.2.4, that addresses the deficiencies as identified in the notification; or
  - c. It is not eligible for coverage under this permit and must apply for an individual permit under Part 1.6.

## 1.2 Permit Compliance.

Any noncompliance with any of the requirements of this permit constitutes a violation of the Clean Water Act and A.R.S. Title 49, Chapter 2, Article 3.1.

## 1.3 Authorization under this Permit.

### 1.3.1 Obtaining Authorization to Discharge.

1. Before obtaining authorization under this permit, the applicant shall:
  - a. Ensure the facility is located in Arizona on land that is outside of Indian Country;
  - b. Ensure that the facility meets the Part 1.1 eligibility requirements;
  - c. Select, design, install, and implement control measures in accordance with Part 2.1;
  - d. Develop a SWPPP according to the requirements in Part 5 of this permit. An applicant seeking authorization for a new discharge to or within 2.5 miles of an impaired water (see Part 1.1.4.5) or for a new or expanded discharge within 2.5 miles of an Outstanding Arizona Water (see Part 1.1.4.6) is required to submit a copy of the SWPPP, to the Department for review, along with the NOI in subsection (e);
  - e. Submit to the Department a complete and accurate Notice of Intent (NOI) Form (either an original, or a photocopy/reproduction) in accordance with A.A.C. R18-9-C901(D) to the address listed in Part 7.6. Other NOI options (i.e., electronic submission) may also be used if ADEQ makes the information available on the Internet or by public notice.

If the facility has the potential to discharge to a regulated municipal separate storm sewer system (MS4), the applicant must provide:

- o The name of the MS4 operator in Section E of the NOI; and
- o Name of closest surface water receiving the discharge.

The NOI form is available at <http://www.azdeq.gov/environ/water/permits/stormwater.html>

## 2. Authorization to Discharge

### a. Routine Authorizations

Unless otherwise notified, the applicant is authorized to discharge stormwater from an eligible facility upon either: receipt of the Authorization to Discharge; or 7 calendar days after a complete and accurate NOI is received by the Department, whichever is earlier. However, in order to rely on this 7 calendar day provision, the operator must submit the NOI in a manner that documents the date of ADEQ's receipt (i.e., certified mail, hand delivery, fax, etc.).

### b. Authorizations to Discharge for New Dischargers to Impaired Waters and New or Expanded Discharges to Tributaries of OAWs

Unless otherwise notified, an applicant subject to Part 1.1.4.5 or 1.1.4.6 is authorized to discharge stormwater from an eligible facility upon receipt of the Authorization to

Discharge or 32 business days after a complete and accurate NOI is received by the Department, whichever is earlier.

c. NOIs Requiring Additional Evaluation.

ADEQ may inform an applicant that authorization to discharge will not occur for up to 32 business days in the event that screening of the NOI provides information requiring further evaluation. ADEQ’s notification may be made either in writing, electronically, by fax or phone. The notification typically will be made within 7 calendar days after receipt of the NOI. Applicants who receive notice of a delay in coverage may discharge 32 business days after the date the NOI is received unless further notice is received from ADEQ during this timeframe. Such notice may confirm authorization to discharge, or request additional information to comply with the requirements of this permit.

d. Requirement to Obtain Alternate Coverage.

ADEQ may require the operator to submit an application for an individual AZPDES permit, as detailed in Part 1.6.1. In these instances, ADEQ will notify the operator in writing of: 1) the delay; or 2) the request for submission of an individual AZPDES permit application.

e. Discharges to a regulated MS4.

Permittees with discharges to a regulated MS4 shall submit to the MS4 operator a copy of the Department’s Authorization to Discharge.

3. Incomplete NOI Submitted. If ADEQ notifies the applicant that an NOI is incomplete or incorrect, the applicant must resubmit an amended NOI if the applicant still intends to obtain (or retain) coverage under this permit.

4. The time frames for discharge authorization are presented in Table 1-3, below.

Table 1-3. NOI Submittal Deadlines		
Category	NOI Submission Deadline	Discharge Authorization Status
<b>Existing Dischargers</b> – authorized for coverage under MSGP 2000.	The operator shall revise SWPPP documents to conform with this permit and apply for coverage no later than <i>May 31, 2011</i> .	Coverage under the MSGP 2000 is administratively continued until ADEQ: <ul style="list-style-type: none"> <li>• Grants the applicant coverage under this permit (in accordance with Part 1.3.1(2)); or</li> <li>• Issues or denies an alternative permit in accordance with Part 1.6.1.</li> </ul>
<b>Other Eligible Dischargers</b> – in operation prior to the effective date of this permit, but did not obtain coverage under the MSGP 2000 or another AZPDES permit.	The operator shall develop SWPPP documents to conform with this permit and apply for coverage no later than <i>May 31, 2011</i> .	Coverage will begin upon ADEQ issuance of an Authorization to Discharge (in accordance with Part 1.3.1(2)).
<b>New Dischargers</b> – will commence discharging after the effective date of this permit	As soon as possible, and at least 32 business days before discharge is anticipated.	Coverage begins upon ADEQ’s issuance of an Authorization to Discharge (in accordance with Part 1.3.1(2)).

Table 1-3. NOI Submittal Deadlines		
Category	NOI Submission Deadline	Discharge Authorization Status
<b>Change of ownership</b> and/ or operation to a new owner/operator of an existing facility (discharger) whose discharge is authorized under this permit.	Permitted owner/ operator shall submit a NOT to ADEQ within 30 calendar days after the new owner/ operator assumes responsibility for the facility.  New owner/ operator shall submit a NOI to ADEQ 7 calendar days before taking over operational control or initiating activities at the facility.	New owner/ operator obtains coverage.

**1.3.2 Continuation of this Permit.**

If this permit is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with A.A.C. R18-9-C903(A) and remain in force and effect. If the operator is authorized to discharge under this permit prior to the expiration date, any discharges authorized under this permit will automatically remain covered by this permit until the earliest of:

1. The operator submits a timely, complete, and accurate NOI requesting authorization to discharge under a renewal or revision of this permit and ADEQ issues an Authorization to Discharge; or
2. The operator submits a Notice of Termination; or
3. ADEQ denies coverage under this general permit or denies or issues coverage under an individual permit or other alternative permit for the facility's discharges; or
4. A formal permit decision is made by ADEQ not to reissue this general permit, at which time ADEQ will identify a reasonable time period for covered dischargers to seek coverage under an alternative general permit or an individual permit. Coverage under this permit will cease at the end of this time period.

**1.4 Terminating Coverage.**

To terminate permit coverage, the permittee shall submit a complete and accurate Notice of Termination (NOT) form to the address listed in Part 7.6. Other NOT options (i.e., electronic submission) may also be used if ADEQ makes the information available on the Internet or by public notice. The facility's authorization to discharge under this permit terminates at midnight of the day that a complete NOT form is received by the department. The permittee shall submit an NOT within 30 calendar days after a new owner or operator assumes ownership of or has taken over responsibility for the facility.

The permittee shall also submit an NOT when there are not or no longer will be discharges of stormwater associated with industrial activity from the facility.

The permittee is responsible for meeting the terms and conditions of this permit until the facility's authorization is terminated.

**1.5 Inactive and Unstaffed Sites – Conditional Exemption from No Exposure Requirements.**

Permit holders of inactive and unstaffed mining facilities may qualify for reduced inspections and monitoring provisions of the no exposure provisions of Parts 4.4 and 6.2.1.3, without certifying "there are no industrial materials or activities exposed to stormwater". This exemption is predicated on the following:

- To the extent practicable, the permittee shall implement the following control measures:
  - Industrial materials used in the operations will be removed, covered or kept in appropriate containers or within containment if applicable so as to minimize discharges of stormwater associated with industrial activity as outlined in the facility's SWPPP; and
  - Stockpiles, waste rock, tailings and other spoil or waste piles shall be protected from erosion and/ or downstream catchments shall be installed and maintained.
- If circumstances change and the facility becomes active and/or staffed, this exemption no longer applies and the permittee shall immediately begin complying with the inspection requirements as if the facility were in the first year of permit coverage, including the requirements for the routine quarterly inspections (Part 4.1), wet season visual assessments (Part 4.2), the annual comprehensive facility inspections (Part 4.3) and applicable general analytical monitoring requirements (Part 6.2.1).
- ADEQ retains the authority to revoke this exemption and/or the monitoring waiver where it is determined that the discharge causes, has a reasonable potential to cause, or contribute to an exceedance of an applicable water quality standard, including designated uses.

To invoke the exemption for an inactive, unstaffed site, the permittee shall do the following:

- Maintain a statement in the SWPPP as required in Part 5.1.5.3 indicating that the site is inactive and unstaffed, in accordance with the substantive requirements of this section. The statement must be signed and certified in accordance with Appendix B, Subsection 9.
- If, during the period of coverage under this permit, the facility becomes qualified for the inactive and unstaffed exemption, the permittee shall include the same signed and certified statement as above and retain it with the facility's records pursuant to Part 5.4.

Subject to the requirements above, if the facility is inactive and unstaffed, the permittee is waived from the requirement to conduct routine facility inspections, wet season visual assessments and general analytical monitoring. The permittee shall conduct one comprehensive facility inspection (CFI) each calendar year in accordance with Part 4.3. The permittee shall also inspect the site whenever there is a reasonable expectation that severe weather or other events may have damaged control measures or increased discharges.

## **1.6 Alternative Permits.**

### **1.6.1 ADEQ Requiring Coverage under an Alternative AZPDES Permit.**

ADEQ may require an operator to obtain authorization to discharge under either an individual AZPDES permit or an alternative AZPDES general permit in accordance with A.A.C. R18-9-C902(A). If ADEQ requires an operator to apply for an individual permit, any applications shall be submitted within 120 calendar days, unless ADEQ provides an extended deadline. In addition, a discharger already authorized under this permit, will be notified of a deadline to file a permit application. Coverage under this permit will terminate immediately if the facility fails to submit an individual AZPDES permit application by the specified deadline. ADEQ may take appropriate enforcement action for any unpermitted discharge.

### **1.6.2 Permittee Requesting Coverage under an Alternative Permit.**

An applicant may elect to forego coverage under this general permit by applying for an individual permit. In such a case, the applicant must submit an individual permit application in accordance with the requirements of A.A.C. R18-9-B901(B)(2) to the Department at the address listed in Part 7.6 and include reasons supporting the request. The request may be granted by issuance of an individual permit or authorization of coverage under an alternative general permit if the Department finds that the reasons are adequate to support the request.

When an individual AZPDES permit is issued to the applicant or the applicant is authorized to discharge under an alternative AZPDES general permit, the authorization to discharge under this permit is terminated on the effective date of the individual permit or the date of authorization of coverage under

the alternative general permit.

## **2.0 Control Measures, Numeric Effluent Limitations and Water Quality Standards.**

In Part 2.1 (Control Measures) and in Part 8 (Sector-Specific Requirements for Industrial Activity), the term “minimize” means reduce and/or eliminate to the extent achievable using control measures that are technologically available, economically practicable and achievable in consideration of best industry practice to meet any applicable numeric effluent limitations in Part 2.2.1 and the water-quality based requirements in Parts 2.2.2 and 2.2.3.

The requirement to implement control measures in accordance with Part 2.1 applies to all facilities. Part 8 contains additional control measures imposed on a sector-specific basis. In some cases, sector-specific provisions in Part 8 modify the terms of the general control measures set forth in Part 2.1.

### **2.1 Control Measures.**

The permittee shall select, design, install, and implement control measures (including best management practices), as appropriate, to ensure the discharge meets the requirements of Part 2.2. The selection, design, installation, and implementation of these control measures must be in accordance with good engineering practices and manufacturer’s specifications. If construction or a change in design, operation, or maintenance at the facility significantly changes the nature of pollutants discharged in stormwater, or significantly increases the quantity of pollutants discharged, the permittee shall review the selection, design, installation, and implementation of the facility’s control measures to determine if modifications are necessary to meet the requirements of this permit. If the facility’s control measures are not achieving their intended effect of minimizing pollutant discharges, the permittee shall modify these and/or add additional control measures to meet requirements of this permit. Regulated stormwater discharges from the facility include stormwater run-on that commingles with stormwater discharges associated with industrial activity at the facility.

The permittee shall consider all of the control measures listed below for implementation at the facility and select those that the permittee determines are appropriate, given the nature of the site, to meet the requirements set forth in Parts 2.1.1 and 2.2. The control measures listed below are not intended to be an exclusive list of acceptable control measures. In preparing the SWPPP in accordance with the requirements in Part 5 of this permit, the permittee shall explain the basis for the selection of the control measures to be utilized at the facility.

#### **2.1.1 Control Measure Selection and Design Considerations.**

The permittee shall assess the type and quantity of pollutants likely to discharge in stormwater or allowable non-stormwater from the site when designing and implementing control measures. The permittee shall select and design control measures incorporating one or more of the following principles:

- Preventing stormwater from coming into contact with polluting materials is generally more effective, and less costly, than trying to remove pollutants from stormwater;
- Using control measures in combination is more effective than using control measures in isolation for minimizing pollutants in the facility’s stormwater discharge;
- Attenuating high discharge flows with such control measures as using open vegetated swales and natural depressions to reduce in-stream impacts of erosive flows;
- Conserving and/or restoring of riparian buffers help protect streams from stormwater runoff and improve water quality; and
- Using containment to intercept stormwater flows before they leave the site, such as directing flows to non-discharging areas (pits), or installing runoff containment.

**2.1.1.1 Minimize Exposure.** The permittee shall minimize the exposure of manufacturing, processing, and material storage areas (including loading and unloading, storage, disposal, cleaning, maintenance, and fueling operations) to rain, snow, snowmelt, and runoff by implementing measures such as the following:

- Locating industrial materials and activities inside or protect them with storm resistant coverings (although significant enlargement of impervious surface area is not recommended)
- Covering fueling area(s) or minimize stormwater run-on/runoff to fueling area(s);
- Using grading, berming, or curbing to prevent runoff of contaminated flows and divert run-on away from these areas;
- Locating materials, equipment, and activities so that leaks are contained in existing containment and diversion systems (confine the storage of leaky or leak-prone vehicles and equipment awaiting maintenance to protected areas);
- Using spill/overflow protection and cleanup equipment;
- Draining fluids from equipment and vehicles prior to on-site storage or disposal;
- Performing all cleaning operations indoors, under cover, or in bermed areas that prevent runoff and run-on and also that capture any overspray; and
- Ensuring that all washwater drains to a proper collection system (i.e., not the stormwater drainage system).

The discharge of vehicle and equipment washwater, including tank cleaning operations, is not authorized by this permit. These wastewaters must be covered under a separate AZPDES permit, discharged to a sanitary sewer in accordance with applicable industrial pretreatment requirements, or disposed of otherwise in accordance with applicable law.

**2.1.1.2 Good Housekeeping.** The permittee shall implement good housekeeping measures for all exposed areas that are potential sources of pollutants. Such measures may include:

- Sweeping at regular intervals;
- Keeping materials orderly and labeled;
- Storing materials in appropriate containers;
- Cleaning up spills and leaks promptly using dry methods (e.g., absorbents) to prevent the discharge of pollutants;
- Using drip pans and absorbents under or around leaky vehicles and equipment or store indoors where feasible.

**2.1.1.3 Maintenance.** The permittee shall regularly inspect, test, maintain, and repair all industrial equipment and systems that have the potential for exposure to stormwater to avoid situations that may result in leaks, spills, and other releases of pollutants to stormwater discharged from the site. The permittee shall maintain all control measures and equipment in effective operating condition. Nonstructural control measures must also be diligently maintained (e.g., spill response supplies available, personnel appropriately trained). If the permittee discovers control measures are not achieving the intended effect of minimizing pollutant discharges (i.e., control measures need repair or replacement), the permittee shall make any necessary changes within 14 calendar days following discovery, or before the next measurable storm event (see Part 6.1.2.2), whichever is sooner, to ensure compliance with the applicable numeric effluent limitations in Part 2.2.1 and water quality-based limitations in Parts 2.2.2 and 2.2.3 of this permit. If necessary changes cannot be implemented within the specified timeframe(s), the permittee shall document with the SWPPP the reasons for the delay, a schedule for completing the necessary changes, date completed and any back-up control measures in place to ensure compliance with the applicable numeric effluent limitations in Part 2.2.1 and water quality-based limitations in Parts 2.2.2 and 2.2.3 of this permit should a runoff event occur while a control measure is off-line (either in part or in whole).

**2.1.1.4 Spill Prevention and Response Procedures.** The permittee shall minimize the potential for leaks, spills and other releases that may be exposed to stormwater and develop plans for timely and effective clean-up of spills if or when they occur by implementing measures such as:

- Procedures for plainly labeling containers (e.g., “Used Oil,” “Spent Solvents,” “Fertilizers and Pesticides,” etc.) that could be susceptible to spillage or leakage to encourage proper handling and facilitate rapid response if spills or leaks occur;
- Preventative measures such as barriers between material storage and traffic areas, secondary containment provisions, and procedures for material storage and handling;
- Procedures for expeditiously stopping, containing, and cleaning up leaks, spills, and other releases. Employees who may cause or detect a spill or leak should be knowledgeable in the proper reporting procedures established by their facility. Employees who are responsible for spill response and/or cleanup, must be properly trained and have necessary spill response equipment available; and
- Procedures for notification of appropriate facility personnel and emergency response. Where a leak, spill, or other release occurs that contains a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR Part 110, 40 CFR Part 117, or 40 CFR Part 302, the permittee shall notify ADEQ Emergency Response Duty Office at (602) 771-2330 or, toll free, at (800) 234-5677. Contact information must be in locations that are readily accessible and available.

**2.1.1.5 Erosion and Sediment Controls.** The permittee shall minimize on-site erosion and sedimentation, and the resulting discharge of pollutants by using methods such as:

- Stabilizing exposed areas;
- Containing runoff using structural and/or non-structural control measures;
- Placing flow velocity dissipation devices at discharge locations and within outfall channels where necessary to reduce erosion and/or settle out pollutants.

[*Note:* In selecting, designing, installing, and implementing appropriate control measures, permittees are encouraged to consult EPA’s internet-based resources relating to BMPs for erosion and sedimentation, including the sector-specific Industrial Stormwater Fact Sheet Series, ([www.epa.gov/npdes/stormwater/msgp](http://www.epa.gov/npdes/stormwater/msgp)), National Menu of Stormwater BMPs ([www.epa.gov/npdes/stormwater/menuofbmps](http://www.epa.gov/npdes/stormwater/menuofbmps)), and National Management Measures to Control Nonpoint Source Pollution from Urban Areas ([www.epa.gov/owow/nps/urbanmm/index.html](http://www.epa.gov/owow/nps/urbanmm/index.html)).]

**2.1.1.6 Management of Runoff.** The permittee shall reduce stormwater runoff to minimize the discharge of pollutants from the facility by implementing control measures such as:

- Diverting, infiltrating, reusing, containing runoff, or
- Treating and/or recycling stormwater runoff collected.

[*Note:* In selecting, designing, installing, and implementing appropriate control measures, permittees are encouraged to consult EPA’s internet-based resources relating to runoff management, including the sector-specific Industrial Stormwater Fact Sheet Series, ([www.epa.gov/npdes/stormwater/msgp](http://www.epa.gov/npdes/stormwater/msgp)), National Menu of Stormwater BMPs ([www.epa.gov/npdes/stormwater/menuofbmps](http://www.epa.gov/npdes/stormwater/menuofbmps)), and National Management Measures to Control Nonpoint Source Pollution from Urban Areas ([www.epa.gov/owow/nps/urbanmm/index.html](http://www.epa.gov/owow/nps/urbanmm/index.html)).]

**2.1.1.7 Salt Storage Piles or Piles Containing Salt.** The permittee shall enclose or cover storage piles of salt, or piles containing salt, used for deicing or other commercial or industrial purposes, including maintenance of paved surfaces. The permittee shall implement appropriate measures (e.g., good housekeeping, diversions, containment) to minimize exposure resulting from adding to or removing materials from the pile. Piles do not need to be enclosed or covered if stormwater runoff from the piles is not discharged or if discharges from the piles are authorized under another AZPDES permit.

**2.1.1.8 Sector Specific Control Measures.** The permittee shall implement any additional control measures in the relevant sector-specific section(s) of Part 8, as appropriate.

**2.1.1.9 Employee Training.** The permittee shall train all employees who work in areas where

industrial materials or activities are exposed to stormwater, or who are responsible for implementing activities necessary to meet the conditions of this permit (e.g., inspectors, maintenance personnel), including all members of the facility’s stormwater pollution prevention team (see Part 5.1.1). Training must cover both the specific control measures used to achieve the requirements in Part 2.2 and (for those who will be involved in these activities) the monitoring, inspection, planning, reporting, and documentation requirements in other parts of this permit. Training shall be conducted at least annually (or more often if circumstances warrant, such as high employee turnover).

**2.1.1.10 Non-Stormwater Discharges.** The permittee shall not allow any non-stormwater discharges from the facility unless they are specifically authorized in Part 1.1.3.

**2.1.1.11 Litter, Garbage and Floatable Debris.** The permittee shall ensure that litter, garbage, and floatable debris are not discharged to surface waters by keeping exposed areas free of such materials or by intercepting them before they leave the site.

**2.1.1.12 Dust Generation and Vehicle Tracking of Industrial Materials.** The permittee shall minimize generation of dust and off-site tracking of raw, final, or waste materials.

**2.2 Numeric Effluent Limitations and Water Quality Standards.**

**2.2.1 Numeric Effluent Limitations Based on Effluent Limitations Guidelines.**

Table 2-1 below identifies specific regulated activities with effluent limitations guidelines and the locations of effluent limitations guidelines in this permit. Discharges from such activities must meet the specified effluent limitations guidelines. Compliance with these effluent limits is to be determined based on discharges from these regulated activities independent of commingling with any other discharges allowed under this permit.

Table 2-1. Applicable Effluent Limitations Guidelines		
Regulated Activity	40 CFR Part/Subpart	Effluent Limit
Mine dewatering discharges at crushed stone, construction sand and gravel, or industrial sand mining facilities	Part 436, Subparts B, C, or D	See Part 8.J.9

**2.2.2 Water Quality Standards.**

The permittee shall control discharge from the facility as necessary to not cause or contribute to an exceedance of an applicable water quality standard. ADEQ expects that compliance with other conditions in this permit will control discharges as necessary to not cause or contribute to an exceedance of an applicable water quality standard (A.A.C.R18-11, Article 1). However, if at any time the permittee becomes aware, or ADEQ determines, that the facility’s discharge causes or contributes to an exceedance of an applicable water quality standard, the permittee shall take corrective action as required in Part 3.1, document the corrective actions as required in Parts 3.3 and 5.4, and report the corrective actions to ADEQ as required in Part 7.2.

Additionally, ADEQ may impose additional water quality-based requirements on a site-specific basis, or require the operator to obtain coverage under an individual permit in accordance with Part 1.6.1, if information in the Notice of Intent (NOI), required reports, or from other sources indicates the discharges are not controlled as necessary to not cause or contribute to an exceedance of an applicable water quality standard.

### 2.2.3 Discharges to Water Quality Impaired Waters.

**2.2.3.1 Existing Discharges to an Impaired Water with an Approved TMDL.** If the discharge is to an impaired water with or is otherwise referenced in an approved TMDL, the Department may require, as a condition of authorization, additional limits, controls, or monitoring necessary to be consistent with the assumptions of any available wasteload allocation in the TMDL. Alternatively, ADEQ will advise the permittee if coverage under an individual permit is necessary in accordance with Part 1.6.

**2.2.3.2 Existing Discharges to an Impaired Water without an Approved TMDL.** If the discharge is to an impaired water without an approved TMDL, the permittee shall comply with Part 2.2.2 and the monitoring requirements of Part 6.2.3. This subsection applies to discharges directly to impaired waters as well as to situations where ADEQ determines that the facility's discharge is not controlled as necessary to meet water quality standards in a downstream water segment, even if the discharge is to a receiving water that is not specifically identified on a Section 303(d) list.

**2.2.3.3 New Discharges to an Impaired Water.** If the permittee's authorization to discharge under this permit relied on Part 1.1.4.5 for a discharge to an impaired water, the permittee shall implement and maintain any control measures or conditions on the facility that enabled it to become eligible under Part 1.1.4.5. The permittee shall modify such measures or conditions as necessary in accordance with any Part 3 corrective actions. In addition, the permittee shall comply with Part 2.2.2 and the monitoring requirements of Part 6.2.3.

## 3.0 Corrective Actions.

### 3.1 Corrective Action Triggers.

#### 3.1.1 Conditions Requiring Review and Revision of Control Measures to Eliminate a Problem.

If any of the following conditions occur resulting in or from a failure of a control measure, the permittee shall review the selection, design, installation, and implementation of the facility's control measures and revise as necessary to ensure that the condition is eliminated:

- An unauthorized discharge (e.g., discharge of non-stormwater not authorized by this or another AZPDES permit) to a water of the U.S. or to a regulated MS4 occurs at the facility (Part 2.1);
- A discharge violates a numeric effluent limitation guideline (Table 2-1);
- The permittee becomes aware, or ADEQ determines, that the facility's discharge causes or contributes to an exceedance of applicable water quality standard(s) (Part 2.2.2) or an adopted waste load allocation (WLA) (Part 2.2.3); or
- ADEQ, or an operator of a regulated MS4, determines that modifications to the control measures are necessary to meet the requirements of Part 2.2.

#### 3.1.2 Substantially Identical Outfalls.

If the event triggering corrective action is linked to an outfall that represents other substantially identical outfalls, the facility's review must assess the need for corrective action for each outfall represented by the outfall that triggered the review.

### 3.2 Corrective Action Deadlines.

The permittee shall document the discovery of any of the conditions listed in Part 3.1 within 72 hours of making such discovery. Within 14 calendar days of such discovery, the permittee shall document any corrective action(s) taken or to be taken to eliminate or further investigate the condition, or if no corrective action is needed, the basis for that determination. The specific documentation required within 72 hours and 14 calendar days is detailed in Part 3.3. When actions are determined necessary, the permittee shall make any necessary changes within 14 calendar days following discovery, or before the

next measurable storm event (see Part 6.1.2.2), whichever is sooner, to ensure compliance with the applicable numeric effluent limitations in Part 2.2.1 and water quality-based requirements in Parts 2.2.2 and 2.2.3 of this permit. If necessary changes cannot be implemented within the specified timeframe(s), the permittee shall document with the SWPPP the reasons for the delay, a schedule for completing the necessary changes, date completed and any back-up practices in place to ensure compliance with the applicable numeric effluent limitations in Part 2.2.1 and water quality-based requirements in Parts 2.2.2 and 2.2.3 of this permit should a runoff event occur while a control measure is off-line.

### **3.3 Corrective Action Report.**

1. Within 72 hours of discovery of any condition listed in Part 3.1, the permittee shall document the following information, which shall be maintained with the SWPPP:
  - a. Identification of the condition triggering the need for corrective action review;
  - b. Description of the problem identified; and
  - c. Date the problem was identified.
2. Within 14 calendar days of discovery of any condition listed in Part 3.1, the permittee shall document and maintain with the SWPPP the following information:
  - a. Summary of corrective action taken or to be taken;
  - b. Whether SWPPP modifications are required as a result of this discovery or corrective action;
  - c. Date corrective action initiated or will be initiated; and
  - d. Date corrective action completed or expected to be completed.
3. When any condition listed in Part 3.1 occurs, a permittee that operates a facility that discharges to an impaired water or OAW shall submit this documentation in an annual report as required in Part 7.2 and retain a copy of the corrective action report onsite with the SWPPP as required in Part 5.4.

### **4.0 Inspections.**

The permittee shall conduct inspections in accordance with Parts 4.1, 4.2, and 4.3 of this permit at the facility. If, during any quarterly routine facility inspection, visual assessment, or comprehensive facility inspection, or any other time, the facility's control measures are found to be inadequate or otherwise not be properly operated and / or maintained, the permittee shall review the selection, design, installation, and implementation of the control measures to determine if maintenance and/or modifications are necessary to meet the applicable numeric effluent limitations in Part 2.2.1 and water quality-based requirements in Parts 2.2.2 and 2.2.3 of this permit, in accordance with the requirements of Part 2.1.1.3. Such modifications shall be documented in the SWPPP and implemented as expeditiously as practicable.

Additional sector-specific inspection requirements may be described in Part 8 of this permit. If a conflict exists between the two, the requirements of Part 8 shall prevail.

#### **4.1 Routine Facility Inspections.**

##### **4.1.1 Routine Facility Inspection Procedures.**

The permittee shall conduct routine inspections of all areas of the facility where industrial materials or activities are exposed to stormwater with the potential to discharge from the facility, and of all stormwater control measures used to comply with this permit. Such routine inspections shall be conducted at least once each calendar quarter beginning with the first full calendar quarter after the facility becomes covered under this permit (see Part 1.3.1(2) and Table 1-3). More frequent inspections (e.g., monthly) may be appropriate for some types of equipment, processes, and control measures or areas of the facility with significant activities and materials exposed to stormwater. The permittee shall specify the relevant inspection schedules in the SWPPP document as required in Part 5.1.5.

A qualified person or persons (see definition in Appendix A) shall conduct routine facility

inspections. A member of the stormwater pollution prevention team (see Part 5.1.1) shall conduct or participate in the inspections. Inspections shall be performed during periods when the facility is in operation (i.e., is not inactive and unstaffed in accordance with the requirements of Part 1.5). The permittee shall initiate at least one of the routine facility inspections each calendar year while a stormwater discharge is occurring at one or more outfalls, but in no case later than 24 hours or the first business day (whichever comes later) following the end of the measurable storm event.

If there is no measurable storm event(s) during a calendar year, the permittee shall document the inability to perform an inspection during a measurable storm event as described in Part 5.4. In any case, the permittee must still complete routine quarterly inspections.

#### **4.1.2 Routine Facility Inspection Documentation.**

The permittee shall document the findings of each routine facility inspection performed and maintain this documentation with the SWPPP as required in Part 5.4. Inspection findings do not need to be submitted to ADEQ, unless specifically requested. At a minimum, the documentation for each routine facility inspection must include:

- The inspection date and time;
- The name(s) and signature(s) of the inspector(s);
- Weather information and a description of any discharges occurring at the time of the inspection;
- Evidence demonstrating that previously unidentified discharges of pollutants have occurred from the site;
- Any control measures needing maintenance or repairs;
- Any failed control measures that need replacement;
- Any other evidence of deviations from the permit or SWPPP observed; and
- Any additional control measures needed to comply with the permit requirements.

#### **4.2 Visual Assessment of Stormwater Discharges.**

The permittee shall perform two visual assessments during the summer wet season and two visual assessments during the winter wet season when the facility is discharging.

Wet seasons, for the purposes of visual assessments, are defined as follows:

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

The term 'wet season' applies statewide and includes areas of the state where freezing conditions exist that prevent runoff from occurring for extended periods. In areas where freezing conditions exist, the four visual assessments may be distributed during seasons when precipitation runoff occurs.

Visual assessment monitoring requirements in this permit begin immediately after authorization to discharge is received by the permittee unless authorization is received 90 calendar days or more after a wet season has begun, in which case visual assessment monitoring shall commence with the start of the next wet season.

##### **4.2.1 Visual Assessment Procedures.**

Visual assessment samples are not required to be collected consistent with 40 CFR Part 136 procedures.

The visual assessment shall be made:

- Of a sample in a clean, clear glass, or plastic container, and examined in a well-lit area;

- On samples collected within the first 30 minutes of an actual discharge from a storm event. If it is not possible to collect the sample within the first 30 minutes of discharge, the sample must be collected as soon as practicable after the first 30 minutes and the permittee shall document why it was not possible to take samples within the first 30 minutes. In the case of snowmelt, samples shall be taken during a period with a measurable discharge from the facility (see also Part 6.1.2.3); and
- On discharges that occur at least 72 hours (3 calendar days) from a previous discharge (see also Part 6.1.2.2).

The permittee shall visually inspect the sample for the following water quality characteristics:

- Color;
- Odor;
- Clarity;
- Floating solids;
- Settled solids;
- Suspended solids;
- Foam;
- Oil sheen; and
- Other obvious indicators of stormwater pollution.

#### 4.2.2 Visual Assessment Documentation.

The permittee shall document the results of the visual assessments and maintain this documentation with the SWPPP as required in Part 5.4. The visual assessment findings need not be submitted to ADEQ, unless specifically requested by the Department. At a minimum, the documentation of the visual assessment shall include:

- Sample location(s);
- Sample collection date and time, and visual assessment date and time for each sample;
- Personnel collecting the sample and performing visual assessment, and their signatures;
- Nature of the discharge (i.e., runoff or snowmelt);
- Results of observations of the stormwater discharge;
- Probable sources of any observed stormwater contamination; and
- If applicable, why it was not possible to take samples within the first 30 minutes.

#### 4.2.3 Exceptions to Visual Assessments.

**Absence of Discharge:** If no storm event results in a discharge from the facility or outfall(s) during a wet season, the permittee is excused from visual assessment for the facility or outfall(s) for that season provided the permittee documents in the monitoring records and retains with the SWPPP why a sample could not be collected.

**Adverse Conditions:** Adverse conditions are those that are dangerous or create inaccessibility for personnel, such as local flooding, high winds, or electrical storms, or situations that otherwise make sampling unsafe.

When adverse conditions prevent the collection of either visual assessment sample in a given wet season, the permittee shall document those conditions with the SWPPP and resume visual assessment monitoring in the subsequent wet season.

**Substantially identical outfalls:** If the facility has two or more outfalls that discharge substantially identical pollutants, as documented in Part 5.1.5.2, the permittee may conduct visual assessments of the discharge at just one of the outfalls and report that the results also apply to the substantially identical outfall(s). If possible, visual assessments of each substantially identical outfall shall be performed on a rotating basis throughout the period of coverage under this permit.

If a visual assessment 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.

### **4.3 Comprehensive Facility Inspections.**

#### **4.3.1 Comprehensive Facility Inspection Procedures.**

The permittee shall conduct annual comprehensive facility inspections while covered under this permit. Annual, as defined in this Part, means once per calendar year, but not within 6 months of the previous inspection for the facility throughout the duration of permit coverage.

If the facility's coverage is administratively continued after the expiration date of this permit, the permittee shall continue to perform inspections annually until no longer covered by this permit.

A qualified person or persons shall conduct comprehensive facility inspections (CFI). A member of the facility's stormwater pollution prevention team shall conduct or participate in the inspection. CFIs must cover all areas of the facility affected by the requirements in this permit, including areas identified in the SWPPP as potential pollutant sources (see Part 5.1.3) where industrial materials or activities are exposed to stormwater with the potential to discharge from the facility, any areas where control measures are used to comply with the permit, and areas where significant spills (or spills that would contribute to the discharge of pollutants in stormwater) and leaks have occurred in the past 3 years. CFIs must also include a review of monitoring data collected in accordance with Part 6.2.

Inspectors must evaluate the results of the past year's visual assessments and analytical monitoring when planning and conducting inspections to determine potential areas of concern for stormwater pollution. Inspectors shall look for the following:

- Industrial materials, residue, or trash that may have or could come into contact with stormwater;
- Leaks or spills from industrial equipment, drums, tanks, and other containers;
- Offsite tracking of industrial or waste materials, or sediment where vehicles enter or exit the site;
- Tracking or blowing of raw, final, or waste materials from areas of no exposure to exposed areas; and
- Control measures needing replacement, maintenance, or repair.

Inspectors shall examine all stormwater control measures required by this permit to ensure that they are functioning correctly. If discharge locations are inaccessible, nearby downstream locations shall be inspected.

The facility's annual CFI may also be used as one of the routine inspections required by Part 4.1, provided that all components of both types of inspections are included.

#### **4.3.2 Comprehensive Facility Inspection Documentation.**

All permittees shall document the findings of each CFI and maintain this documentation with the SWPPP. At a minimum, the following information shall be included:

- The date of the inspection;
- The name(s) and title(s) of the personnel making the inspection;
- Findings from the examination of areas of the facility identified in Part 4.3.1;
- All observations relating to the implementation of the control measures including:
  - Previously unidentified discharges from the site,
  - Previously unidentified pollutants in existing discharges,
  - Evidence of, or the potential for, pollutants entering the drainage system that are not contemplated in the SWPPP;

- Evidence of pollutants discharging to surface waters from any facility outfall(s) in a manner inconsistent with the SWPPP, and the condition of and around the outfall, including the condition of flow dissipation measures (if present) designed to prevent scouring, and
- Additional control measures needed to address any conditions requiring corrective action identified during the inspection.
- Any required revisions to the SWPPP resulting from the inspection;
- Any incidents of noncompliance observed or a certification stating the facility is in compliance with this permit (if there is no noncompliance); and
- A statement signed and certified in accordance with Appendix B, Subsection 9 of this permit.

In addition, permittees that operate facilities that discharge directly to an impaired water or OAW or to an upstream tributary within 2.5 miles of an impaired water or OAW shall submit the CFI findings with the annual report as required in Part 7.2.

#### **4.4 Exceptions for Inspection Requirements for Inactive and Unstaffed Mining Sites**

Each calendar year, a permit holder of an inactive and unstaffed mining facility shall conduct one comprehensive facility inspection in accordance with the requirements of Part 4.3. The permittee shall also inspect the site whenever there is a reasonable expectation that severe weather or other events may have damaged control measures or increased discharges. The permittee is waived from general analytical monitoring, routine facility inspections and visual assessments inspection requirements in accordance with Part 1.5.

Although stormwater monitoring is not waived for inactive and unstaffed mining sites that discharge to impaired waters, the monitoring frequency is reduced in accordance with Part 6.2.3.3.

### **5.0 Stormwater Pollution Prevention Plan (SWPPP)**

The permittee shall prepare a SWPPP for the facility, or review and update an existing one, as appropriate, before submitting the Notice of Intent (NOI) for permit coverage. The SWPPP shall document the basis for selection, design, and installation of control measures utilized at the facility. The additional documentation requirements (see Part 5.4) are intended to document the implementation (including inspection, maintenance, monitoring, and corrective action) of the permit requirements. Additional sector-specific SWPPP requirements may be described in Part 8 of this permit. If a conflict exists between the two, the requirements of Part 8 shall prevail.

#### **5.1 Contents of the SWPPP.**

The SWPPP shall contain all of the following elements:

- Identification of the stormwater pollution prevention team (see Part 5.1.1);
- Site description (see Part 5.1.2);
- Summary of potential pollutant sources (see Part 5.1.3);
- Description of control measures (see Part 5.1.4);
- Schedules and procedures (see Part 5.1.5);
- Signature requirements (see Part 5.1.6);
- Identify each outfall authorized by this permit and describe the rationale for any substantially identical outfall determinations; and
- Sampling and analysis plan (SAP) (see Part 6.1.3).

Where the SWPPP refers to procedures in other facility documents, such as other environmental permits, a Spill Prevention, Control and Countermeasure (SPCC) Plan or an Environmental Management System (EMS) developed for an Environmental Performance Track facility, copies of the relevant portions of those documents must be kept with the SWPPP.

### 5.1.1 Stormwater Pollution Prevention Team.

The permittee shall identify the members (by name or title) that comprise the facility's stormwater pollution prevention team as well as their individual responsibilities. The team may include members who are not employed by the facility (such as third party consultants). The stormwater pollution prevention team is responsible for assisting the facility manager in developing and revising the SWPPP as well as maintaining control measures and taking corrective actions where required. Each member of the stormwater pollution prevention team must have access to either an electronic or paper copy of applicable portions of this permit and the SWPPP.

### 5.1.2 Site Description.

The SWPPP shall include all of the following:

1. Activities at the Facility. Provide a description of the nature of the industrial activities at the facility.
2. General location map. Provide a general location map (e.g., U.S. Geological Survey (USGS) quadrangle map) with enough detail to identify the location of the facility and surface waters receiving stormwater discharges from the facility.
3. Site map. Provide a legible site map (or maps) completed to scale, that identifies at a minimum the:
  - Size of the property in acres;
  - Location of significant structures;
  - Directions of stormwater flow (e.g., use arrows);
  - Locations of stormwater conveyances (e.g., ditches, pipes, and swales);
  - Locations of all existing structural control measures;
  - Locations of surface waters receiving the facility's discharges and any impaired waters or OAWs within 2.5 miles downstream of the facility;
  - Locations where the facility's stormwater discharges to a regulated MS4 (where applicable);
  - Locations of potential pollutant sources identified under Part 5.1.3.2;
  - Locations where significant spills or leaks identified under Part 5.1.3.3 have occurred;
  - Locations of all stormwater monitoring points;
  - Locations of stormwater outfalls, with a unique identification code for each outfall (e.g., Outfall No. 1, No. 2, etc), indicating whether one or more outfalls are being treated as "substantially identical" under Parts 4.2.3, 5.1.5.2, and 6.1.1.1 and an approximate outline of the areas draining to each outfall;
  - Identification of all outfalls having the potential to contain allowable non-stormwater discharges under Part 1.1.3 and the corresponding type(s) of discharges;
  - Location of on-site drywell(s); include a list of the on-site drywells and their registration number(s);
  - Locations of the following activities where such activities are exposed to stormwater with potential to discharge from the facility:
    - fueling stations;
    - vehicle and equipment maintenance and/or cleaning areas;
    - loading/unloading areas;
    - locations used for the treatment, storage, or disposal of wastes;
    - liquid storage tanks;
    - processing and storage areas;
    - immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility;
    - transfer areas for substances in bulk; and

- machinery; and
- Locations and sources of run-on to the facility from adjacent property that contains significant quantities of pollutants.

### 5.1.3 Summary of Potential Pollutant Sources.

The permittee shall describe in the SWPPP areas at the facility where industrial materials or activities are exposed to stormwater with the potential to discharge and from which allowable non-stormwater discharges are released. Industrial materials or activities include, but are not limited to: material handling equipment or activities; industrial machinery; raw materials; industrial production and processes; and intermediate products, by-products, final products, and waste products. Material handling activities include, but are not limited to: the storage, loading and unloading, transportation, disposal, or conveyance of any raw material, intermediate product, final product or waste product. For each area identified, the description must include:

**5.1.3.1 Activities in the area** A list of the industrial activities exposed to stormwater (e.g., material storage; equipment fueling, maintenance, and cleaning; cutting steel beams).

**5.1.3.2 Pollutants** A list of the pollutant(s) or pollutant constituents (e.g., crankcase oil, zinc, sulfuric acid, and cleaning solvents) associated with each identified activity. The pollutant list must include all significant materials that are handled, treated, stored, or disposed, and that have been exposed to stormwater including any past activities or incidents that may impact present stormwater discharges (see Note in Part 5.1.3.3).

**5.1.3.3 Spills and Leaks** The permittee shall document where significant spills and leaks could occur that could contribute pollutants to stormwater discharges, and the corresponding outfall(s) that would be impacted by stormwater in contact with such spills and leaks. The permittee shall also document all significant spills and leaks of oil or toxic or hazardous pollutants that actually occurred at exposed areas, or that drained to a stormwater conveyance, in the 3 years prior to the date that the SWPPP was prepared or amended.

*Note:* Significant spills and leaks include, but are not limited to, releases of oil or hazardous substances in excess of quantities that are reportable under CWA Section 311 (see 40 CFR 110.6 and 40 CFR 117.21) or Section 102 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 USC §9602. This permit does not relieve the permittee of the reporting requirements of 40 CFR 110, 40 CFR 117, and 40 CFR 302 relating to spills or other releases of oils or hazardous substances.

**5.1.3.4 Unauthorized Non-Stormwater Discharges** Unauthorized non-stormwater discharges are those not specifically allowed under Part 1.1.3. The permittee shall identify and evaluate all unauthorized non-stormwater discharges. Documentation of this evaluation shall include:

- The date of the evaluation;
- A description of the evaluation criteria used;
- A list of the outfalls and/ or upgradient drainage locations that were directly observed during the evaluation;
- The different types of unauthorized non-stormwater discharge(s) and source locations; and
- The action(s) taken, such as a list of control measures used to eliminate unauthorized non-stormwater discharge(s), if any were identified or obtaining an AZPDES permit for the discharge. For example, a floor drain was sealed, a sink drain was re-routed to the sanitary sewer, or an AZPDES permit application was submitted for an unauthorized cooling water discharge.

**5.1.3.5 Salt Storage** The permittee shall document the location of any storage piles containing salt used for deicing or other commercial or industrial purposes.

**5.1.3.6 Sampling Data** The permittee shall summarize all stormwater discharge sampling data collected at the facility during the previous permit term.

**5.1.4 Description of Control Measures.**

The permittee shall describe in the SWPPP the location and type of control measures installed and implemented at the site to comply with Parts 2 and 8 of this permit. This documentation must describe how the control measures at the site address both the pollutant sources identified in Part 5.1.3 and any stormwater run-on that commingles with any discharges covered under this permit.

**5.1.5 Schedules and Procedures.**

**5.1.5.1 Control Measures.**

The following must be described in the SWPPP:

- Good Housekeeping measures, procedures and related schedules (See Part 2.1.1.2);
- Maintenance measures, procedures and related schedules (See Part 2.1.1.3) – Preventative maintenance procedures, including regular inspections, testing, maintenance, and repair of all industrial equipment and systems exposed to stormwater with the potential to discharge, and associated control measures, to avoid situations that may result in leaks, spills, and other releases that affect the quality of stormwater discharges; and
- Spill Prevention and Response Procedures (See Part 2.1.1.4) – Procedures for preventing and responding to spills and leaks. The permittee may reference the existence of other plans, such as the Spill Prevention Control and Countermeasure (SPCC) plan developed for the facility under Section 311 of the CWA or BMP programs otherwise required by an AZPDES permit or an aquifer protection permit for the facility, provided that a copy of that other plan is kept with the SWPPP consistent with Part 5.3; and
- Employee Training (Part 2.1.1.9) – A schedule for all types of necessary training in accordance with the sector-specific requirements described in Part 8.

**5.1.5.2 Monitoring and Inspection**

**Monitoring:** The permittee shall describe in the SWPPP the procedures for conducting the four types of analytical monitoring specified by this permit, when and where applicable. The four types of analytical monitoring are:

- General analytical monitoring (see Part 6.2.1);
- Effluent limitations guidelines monitoring (see Part 6.2.2);
- Impaired waters monitoring (see Part 6.2.3); and
- Additional monitoring as required by ADEQ (see Part 6.2.4).

For the required monitoring, the SWPPP shall contain a SAP either as a separate section or as an appendix to the SWPPP. The contents of the SAP are outlined in Part 6.1.3.

**Inspection:** The permittee shall describe in the SWPPP the procedures for performing, as appropriate, the three types of inspections specified by this permit, including:

- Routine facility inspections (see Part 4.1);
- Visual assessment of stormwater discharges (see Part 4.2); and
- Comprehensive facility inspections (see Part 4.3).

For each type of inspection performed, the SWPPP shall identify:

- Person(s) or positions of person(s) responsible for inspection;
- Schedules for conducting inspections; and

- Specific items to be covered by the inspection.

***Substantially Identical Outfalls:*** The permittee shall describe the following in the SWPPP when using the substantially identical outfall exception for the visual assessment requirements in Part 4.2 or the facility's general analytical monitoring requirements in Part 6.2.1:

- Location of each of the substantially identical outfalls;
- Description of the general industrial activities conducted in the drainage area of each outfall;
- Description of the control measures implemented in the drainage area of each outfall;
- Description of the exposed materials located in the drainage area of each outfall that are likely to be significant contributors of pollutants to stormwater discharges;
- An estimate of the runoff coefficient of the drainage areas (low = under 40%; medium = 40 to 65%; high = above 65%); and
- Why the outfalls are expected to discharge substantially identical effluents.

**5.1.5.3 Inactive and Unstaffed Sites.** When the permittee declares that the site has become inactive and unstaffed, the SWPPP shall include the information that supports this claim as required by Parts 1.5 and 6.2.1.4.

#### 5.1.6 Signature Requirements.

The permittee shall sign the SWPPP in accordance with Appendix B, Subsection 9, including the date of signature.

#### 5.2 Required SWPPP Modifications.

The permittee shall modify the SWPPP whenever necessary to address any of the triggering conditions for corrective action in Part 3.1. Changes to the SWPPP to reflect corrective actions shall be made in accordance with the corrective action deadlines in Parts 3.2 and 3.3, and signed and dated in accordance with Appendix B, Subsection 9.

In addition, the permittee shall modify the SWPPP to reflect new or modified control measures (see Parts 2.1 and 4.0), including measures implemented at active mining operations as mining activities expand into previously undisturbed areas (see Part 8.G.5.2).

#### 5.3 SWPPP Availability.

The permittee shall retain a copy of the current SWPPP at the facility, and it shall be made immediately available to ADEQ, EPA, or another Federal, State or local agency having stormwater program authority, or the operator of a regulated MS4 receiving discharges from the facility (where applicable) at the time of an onsite inspection or upon request. If otherwise requested by ADEQ, the permittee shall submit copies of the SWPPP documents within 14 calendar days of request.

***Inactive and Unstaffed Sites:*** Permittees with facilities that meet the requirements for inactive and unstaffed are not required to maintain the SWPPP on-site. However, the SWPPP must be locally available (i.e., in Arizona) and must be on-site when conducting the inspections required by Part 4. For the purpose of a regulatory inspection, the SWPPP shall be made available to ADEQ, EPA, or other Federal, State or local authority having stormwater program authority, within 48 hours of request. If otherwise requested by ADEQ, the permittee shall submit copies of these documents within 14 calendar days of request.

#### 5.4 Documentation Requirements.

The permittee shall keep the following inspection, monitoring, and certification records complete and up-to-date. Retaining these records with the SWPPP (unless otherwise specified below) is necessary to demonstrate compliance with the conditions of this permit.

- A copy of the NOI submitted to ADEQ, including: any correspondence exchanged between the operator and ADEQ specific to coverage under this permit and the permit authorization number assigned by ADEQ;
- A copy of this permit (an electronic copy easily available to SWPPP personnel is also acceptable);
- Descriptions and dates of any incidences of significant spills, leaks, or other releases that resulted in discharges of pollutants in stormwater to a regulated MS4 or to waters of the U.S., the circumstances leading to the release and actions taken in response to the release and measures taken to prevent the recurrence of such releases (see Part 2.1.1.4 and 5.1.3.3);
- Records of employee training, including date training received. Training records need not be maintained with the SWPPP but shall be made available to ADEQ, EPA, or another Federal, State or local agency upon request (see Part 2.1.1.9);
- Documentation of repairs of structural control measures, including the date(s) of discovery of areas in need of repair/replacement, date(s) that the structural control measure(s) returned to full function, and the justification for any extended repair schedules (see Part 2.1.1.3). Documentation of maintenance of industrial equipment and systems in accordance with part 2.1.1.3 need not be maintained with the SWPPP but shall be made available to ADEQ, EPA, or another Federal, State or local agency upon request. The maintenance records shall include the date(s) of regular maintenance. However, the justification for any extended maintenance schedules shall be maintained with the SWPPP (see Part 2.1.1.3);
- All inspection reports, including the Routine Facility Inspection Reports (see Part 4.1), the Visual Assessment Reports (see Part 4.2), and the Comprehensive Facility Inspection Reports (see Part 4.3);
- Description of and rationale for any deviations from the schedule for visual assessments and/or monitoring, and the reason for the deviations (e.g., adverse weather or it was impracticable to collect samples within the first 30 minutes of a measurable storm event) (see Parts 4.1.1, 4.2.1, 6.1.2.3, and 6.2.1);
- Description of any corrective action taken at the site, including triggering event and dates when problems were discovered and modifications occurred; and
- Documentation to support the permittee's claim that the facility has changed its status from active to inactive and unstaffed with respect to the requirements to conduct routine facility inspections (see Part 4.1.3), visual assessments (see Part 4.2.3), and/or general analytical monitoring (see Part 6.2.1.4).

## **6.0 Analytical Monitoring Program.**

In addition to visual assessments required in Part 4 of this permit, the permittee shall collect and analyze stormwater samples and document monitoring activities consistent with the procedures described in Part 6 and Appendix B, Subsections 9, 11 and 12 and any sector-specific requirements in Part 8. Refer to Part 7 for additional reporting and recordkeeping requirements.

## **6.1 Analytical Monitoring Procedures.**

### **6.1.1 Analytical Monitoring Locations.**

#### **6.1.1.1 Monitored Outfalls.**

Applicable monitoring requirements apply to each outfall authorized by this permit. If the facility has two or more outfalls believed to discharge substantially identical stormwater and/or allowable non-stormwater, based on the similarities of the general industrial activities and control measures, exposed materials that may significantly contribute pollutants to stormwater, and runoff coefficients of their drainage areas, the permittee may monitor the discharge at just one of the outfalls and report that the results also apply to the substantially identical outfall(s). The allowance for monitoring only one of the

substantially identical outfalls is not applicable to any outfalls with numeric effluent limitations set forth in Part 2.2.1. The permittee is required to monitor each outfall covered by a numeric effluent limitation as identified in Part 6.2.2.

#### **6.1.1.2 *Commingled Discharges.***

If discharges authorized by this permit commingle with discharges not authorized under this permit, any required sampling of the authorized discharges must be performed at a point before they mix with other unauthorized discharges to the extent practicable.

#### **6.1.1.3 *Monitoring for Allowable Non-Stormwater Discharges***

Unless otherwise specified by ADEQ, permittees are required to monitor allowable non-stormwater discharges (as delineated in Part 1.1.3) only when they are commingled with stormwater discharges associated with industrial activity.

### **6.1.2 *Monitoring Events.***

#### **6.1.2.1 *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.

#### **6.1.2.2 *Measurable Storm Events.***

All required monitoring must be performed on a storm event that results in a discharge from the facility ("measurable storm event") that follows the preceding measurable storm event by at least 72 hours (3 calendar days). The 72 hour (3 day) storm interval does not apply if the permittee is able to document that less than a 72 hour interval is representative for local storm events during the sampling period. In the case of snowmelt, the monitoring must be performed at a time when a measurable discharge occurs at the site.

For each monitoring event, except snowmelt monitoring, the permittee shall identify the person performing the monitoring, the date and estimated duration (in hours) of the rainfall event, estimated rainfall total (in inches) for that rainfall event, and time (in days) since the previous measurable storm event. For snowmelt monitoring, the permittee shall identify the sample as 'snowmelt' and the date of the sampling event.

#### **6.1.2.3 *Sample Type.***

The permittee shall take a minimum of one grab sample from a discharge resulting from a measurable storm event that produces a sufficient volume to allow collection of a sample. With the exception of samples to be analyzed for Suspended Sediment Concentration (SSC), samples must be collected within the first 30 minutes of a measurable storm event. If it is not possible to collect the sample within the first 30 minutes of a measurable storm event, the sample must be collected as soon as practicable after the first 30 minutes and documentation must be kept with the SWPPP explaining why it was not possible to take samples within the first 30 minutes. Samples for SSC shall be collected 48 hours

after the storm event that resulted in a measureable discharge. In the case of snowmelt, samples must be taken during a period with a measurable discharge.

**6.1.2.4 Adverse Conditions.**

When adverse conditions as described in Part 4.2.3 prevent the collection of the analytical sample(s) required in a given wet season, the permittee shall document those conditions with the SWPPP and resume analytical monitoring in the subsequent wet season. Adverse conditions do not exempt the permittee from the requirement to file a discharge monitoring report (DMR) in accordance with the facility's sampling schedule. The permittee shall report any failure to monitor as specified in Part 7.1 indicating the basis for not sampling during the usual reporting period.

**6.1.3 Sampling and Analysis Plan.**

The permittee shall develop a written SAP covering all analytical monitoring required by this permit. The SAP shall be a part of the SWPPP as either an appendix or a separate SWPPP section. The SAP shall include the following:

**6.1.3.1 Sample Collection, Preservation, Tracking, and Handling Information**

- Designate and train personnel to collect, maintain, and handle samples in accordance with the appropriate sample protocols.
- Identify water quality parameters/pollutants to be sampled including any pollutant(s) of concern in accordance with Parts 6.2.3 and 6.2.4;
- Identify the required sample analyses and associated analytical methods (analytical laboratory and field analyses).
- Written procedures for:
  - Sample collection (equipment and containers, calibration procedures, document site conditions during sampling, field notes and conditions under which the sample was taken),
  - Preservation (sample preparation to meet holding times),
  - Tracking (including chain-of-custody procedures), and
  - Handling (packing, transporting and shipping procedures to maximize sample integrity).

**6.1.3.2 Calibration and Maintenance of Monitoring Equipment.**

All monitoring instruments and equipment (including permittee's field instruments for measuring pH and turbidity) shall be calibrated and maintained in accordance with manufacturer's recommendations.

**6.1.3.3 Analytical Methods and Laboratories.**

Other than parameters required to be sampled at the time of sample collection (e.g., field parameters), all samples shall be analyzed by a laboratory that is licensed by the Arizona Department of Health Service (ADHS) Office of Laboratory Licensure and Certification. Identification of the analytical methods and related limits of detection (if applicable) for each parameter is required. The samples shall be analyzed using analytical methods with a limit of quantitation (LOQ) that is at or below the applicable surface water quality standards, ELGs or other criteria specified in this permit. If all methods have LOQs higher than the specific criteria, the samples shall be analyzed using the analytical method with the lowest LOQ.

All laboratory analyses shall be conducted according to test procedures specified in 40 CFR 136, unless other test procedures have been specified in this general permit. This requirement does not apply to parameters that require analysis at the time of sample collection as long as the testing methods used are approved by ADHS. The permittee may conduct field analysis of turbidity if the permittee has sufficient capability (qualified and trained employees, properly calibrated and maintained field instruments, etc.) to properly perform the field analysis.

**6.1.3.4 Records.**

The permittee shall retain records of all stormwater monitoring information and reports with the SWPPP in accordance with Part 7.5 and any additional requirements in Appendix B, Subsection 11 of this permit.

**6.2 Required Monitoring.**

This permit includes four types of required analytical monitoring, one or more of which may apply to the facility's discharge:

- General analytical monitoring (see Part 6.2.1)
- Effluent limitations monitoring (see Part 6.2.2);
- Impaired waters monitoring (see Part 6.2.3); and
- Additional monitoring as required by ADEQ (see Part 6.2.4).

When more than one type of monitoring for the same parameter at the same outfall applies (e.g., total suspended solids once per year for an effluent limitation and twice per wet season for general analytical monitoring at a given outfall), a single sample may be used to satisfy both monitoring requirements.

**6.2.1 General Analytical Monitoring.**

This permit requires mining Sectors G and J to conduct general analytical monitoring as outlined in Part 8.

**6.2.1.1 Applicability of General Analytical Monitoring.**

The permittee shall monitor stormwater discharges for parameters specified in Part 8 for the primary industrial activity, and any co-located industrial activities authorized under this permit. If any of the parameters are hardness-dependent, the permittee must also characterize for hardness. The results of the general analytical monitoring, including hardness, shall be submitted to ADEQ in accordance with Part 7. For discharges to:

- Perennial or intermittent waters, the hardness shall be of the surface water receiving the discharge.
- Ephemeral waters, the hardness shall be of the discharge leaving the facility.

**6.2.1.2 Exception for Stormwater Discharges to Ephemeral Waters.**

Facilities that discharge to ephemeral surface waters are not required to monitor for Total Suspended Solids (TSS) and turbidity as part of the general analytical monitoring requirements specified in Part 8.

**6.2.1.3 Exception for Inactive and Unstaffed Sites.**

The requirement for general analytical monitoring does not apply at a facility that is inactive and unstaffed if the requirements of Part 1.5 are met.

**6.2.2 Effluent Limitations Monitoring.****6.2.2.1 Monitoring Based on Effluent Limitations Guidelines.**

Table 6-1 identifies the stormwater discharges subject to effluent limitation guidelines that are authorized for coverage under this permit. Commencing with the first wet season of permit coverage (in accordance with Section 6.1.2.1), the permittee shall monitor once per year at each outfall containing the discharges identified in Table 6-1 for the parameters specified in the sector-specific section of Part 8.

<b>Table 6-1. Required Monitoring for Effluent Limitations Based on Effluent Limitations Guidelines</b>			
<b>Regulated Activity</b>	<b>Effluent Limit</b>	<b>Monitoring Frequency</b>	<b>Sample Type</b>
Mine dewatering discharges at crushed stone, construction sand and gravel, or industrial sand mining facilities	See Part 8.J.9	1/year	Grab

**6.2.2.2 Substantially Identical Outfalls.**

The permittee shall monitor each outfall discharging runoff from any regulated activity identified in Table 6-1. The substantially identical outfall monitoring provisions are not available for numeric effluent limitations monitoring.

**6.2.3 Impaired Waters Monitoring.**

**6.2.3.1 Permittees Required to Monitor Discharges to Impaired Waters.**

If a facility discharges to an impaired water, the permittee shall develop a monitoring program in accordance with Part 6.1.3 and monitor for all pollutants for which the waterbody is impaired (except as provided in Part 6.2.3.2) and for which a standard analytical method exists (see 40 CFR Part 136).

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 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. No monitoring is required when a waterbody’s biological communities are impaired but no pollutant, including indicator or surrogate pollutants, is specified as causing the impairment, or when a waterbody’s impairment is related to hydrologic modifications, impaired hydrology, or temperature.

**6.2.3.2 Impaired Waters Monitoring Schedule.**

**Discharges to impaired waters without an approved TMDL.**

Beginning in the first wet season following the permittee’s discharge authorization, the permittee shall monitor twice per wet season at each outfall discharging stormwater to an impaired water without an approved TMDL. Once the four (4) samples have been collected, if the pollutant for which the water is impaired is not detected above applicable water quality standards, the permittee may discontinue further monitoring for that pollutant, under this section. The permittee shall keep records of this finding with the SWPPP. If the pollutant for which the water is impaired is found in the discharge above applicable water quality standards for any of the samples collected in the first year of sampling, the permittee shall continue monitoring twice during each wet season.

Further, this monitoring requirement does not apply after one year if the pollutant for which the waterbody is impaired is not detected above natural background levels in the discharge, and the permittee documents, as required in Part 5.4, that this pollutant is not expected to be present above natural background levels in the discharge.

If the pollutant for which the water is impaired is not present and not expected to be present in the facility’s discharge, or it is present but it has been determined using a methodology approved by ADEQ that the presence is caused solely by natural background sources, the permittee shall include a notification to this effect in the first monitoring report, after which annual monitoring under this subsection may be discontinued. To support this determination, the following documentation must be submitted with the first monitoring report and kept with the SWPPP records:

- An explanation of why the presence of the pollutant causing the impairment in your discharge is not related to the activities at the facility; and
- Data and/or studies that tie the presence of the pollutant causing the impairment in the discharge to natural background sources in the watershed.

**Discharges to impaired waters with an ADEQ approved TMDL.**

For stormwater discharges assigned a WLA in an approved TMDL, the facility shall monitor for the pollutant for which the TMDL was written. Beginning in the first wet season following the facility's date of discharge authorization, the permittee shall monitor twice per wet season at each outfall discharging stormwater to the impaired water with an approved TMDL. ADEQ's authorization to discharge will include specifications on any additional pollutant(s) to monitor.

If the pollutant for which the water is impaired is not detected above the applicable WLA in the TMDL after the four samples have been collected, the permittee may discontinue further monitoring, under this section. The permittee shall keep records of this finding onsite with the SWPPP.

If the pollutant for which the water is impaired is found above the applicable WLA in the TMDL in the discharge for any of the samples collected in the first year of sampling, the permittee shall continue monitoring twice during each wet season. Attainment of the WLA for SSC will be based on the median of four samples collected from four different measureable storm events.

**6.2.3.3 Exception for Inactive and Unstaffed Mine Sites.**

The requirement for impaired waters monitoring at a facility that is inactive and unstaffed is reduced to once per year, if the requirements of Part 1.5 are met.

**6.2.4 Additional Monitoring Required by ADEQ.**

ADEQ may notify the permittee, in writing, of additional discharge monitoring required to ensure protection of receiving water quality in cases where there is evidence that a pollutant is being discharged that is not being monitored for by the permittee and that the pollutant 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.

**6.3 Follow-up Actions if Discharge Exceeds a Numeric Effluent Limit or a Water Quality Standard.**

The permittee shall conduct follow-up monitoring within 30 calendar days (or during the next qualifying runoff event, should none occur within the 30 days) of implementing corrective action(s) taken in accordance with Part 3 in response to an exceedance of a numeric effluent limit or water quality standard contained in this permit as described in Part 2.2.1 and 2.2.2. Monitoring must be performed for any pollutant(s) that exceeds the effluent limit or water quality standard. If this follow-up monitoring exceeds the applicable effluent limit or water quality standard, the permittee shall comply with both Parts 6.3.1 and 6.3.2.

**6.3.1 Submit an Exceedance Report.**

The permittee shall submit an Exceedance Report consistent with Part 7.3.

**6.3.2 Continue to Monitor.**

The permittee shall continue to monitor, at least twice per wet season, until the discharge is in compliance with the effluent limit or water quality standard or until ADEQ waives the requirement for additional monitoring.

## 7.0 Reporting and Recordkeeping.

### 7.1 Reporting Monitoring Data to ADEQ.

7.1.1 The permittee shall submit monitoring data collected in accordance with Parts 4.2, 6.2, 6.3, and 6.4 to ADEQ at the address in Part 7.6.

7.1.2 Permittees shall use the MSGP discharge monitoring report (DMR) form available at <http://www.azdeq.gov/environ/water/permits/stormwater.html>.

7.1.3 The permittee shall compile all sampling results for the previous two wet seasons onto DMR form(s). Except as provided in Part 7.2 below, the permittee shall submit the DMRs to ADEQ not later than July 15 of each year of permit coverage.

### 7.2 Annual Report.

All facilities shall prepare an Annual Report on a form provided by the Department and retain a copy of the report with the SWPPP. The Annual Report for the reporting period June 1 to May 31 shall be completed by July 15 and include, at a minimum:

- The findings from the facility's Part 4.3 comprehensive facility inspection;
- Any corrective action documentation as required in Part 3.3;
- The DMR form(s) as required in Part 7.1 for the preceding two wet seasons; and
- The results of any monitoring required in Part 6.2 for those facilities that discharge to a water (or within 2.5 miles of a water if required by ADEQ) or portion thereof, classified as an OAW or an impaired water, or
- The results of any monitoring required in Part 6.2 if notified by the Department in accordance with Part 1.3.1(2)(c).

Permittees with facilities that discharge to a water (or within 2.5 miles of a water if required by ADEQ, or is otherwise referenced within an approved TMDL) or portion thereof, classified as an OAW or an impaired water shall submit the annual report to ADEQ on or before July 15 (postmark date).

### 7.3 Exceedance Report for Numeric Effluent Limitations or Water Quality Standards.

If follow-up monitoring pursuant to Part 6.3 exceeds a numeric effluent limit or water quality standard, the permittee shall submit an Exceedance Report to ADEQ no later than 30 calendar days after receiving the facility's lab results. The facility's Exceedance Report shall include the following:

- Facility name, physical address and location;
- AZPDES permit tracking number;
- Name of receiving water;
- Monitoring data from this and the preceding monitoring event(s);
- An explanation of the situation; including what actions the permittee has completed or intends to complete (if corrective actions are not yet complete) to correct the violation; and
- Contact person name, title, and phone number.

### 7.4 Other Reporting.

The permittee is subject to the reporting requirements stipulated in Part 7, in addition to the standard permit reporting provisions of Appendix B, Subsection 12.

- 24-hour reporting (see Appendix B, Subsection 12.d);
- 5-day follow-up reporting to the 24 hour reporting (see Appendix B, Subsection 12.d.(ii));

- Reportable quantity spills (verbal report only; see Part 2.1.1.4).
- Planned changes (see Appendix B, Subsection 12.a);
- Anticipated noncompliance (see Appendix B, Subsection 12.c);
- Transfer of ownership and/or operation – (see Table 1-2);
- Other noncompliance (see Appendix B, Subsection 12.e); and
- Other information (see Appendix B, Subsection 12.f).

Where a written report is required, the permittee shall submit these reports to the Department's address listed in Part 7.6. If the facility discharges to a regulated MS4, the permittee shall also submit these reports to the MS4 operator (in accordance with Part 5.1.2).

### **7.5 Recordkeeping.**

The permittee shall retain copies of the SWPPP (including any modifications made during the term of this permit), additional documentation requirements pursuant to Part 5.4 (including documentation related to corrective actions taken pursuant to Part 3), all reports and certifications required by this permit, monitoring data, and records of all data used to complete the NOI to be covered by this permit, for a period of at least 3 years from the date that the facility's coverage under this permit expires or is terminated.

### **7.6 Addresses for Reports.**

Signed copies of monitoring data and any other reports required, shall be submitted to the address below. Other options (i.e., electronic submission) may also be used if ADEQ makes the information available on the Internet or by public notice. Notices of Intent and Notices of Termination (or a photocopy/reproduction) shall be signed and dated in accordance with Appendix B, Subsection 9 of this permit and submitted to ADEQ at the address below. DMR forms and paper copies of any reports required in Parts 6 and 7 shall be sent to the address below. All other written correspondence concerning discharges covered under this permit shall likewise be sent to the address listed below:

Arizona Department of Environmental Quality  
Surface Water Section, Stormwater Permits Unit—MSGP Monitoring  
1110 W. Washington Street, Mail Code 5415 A-1  
Phoenix, AZ 85007  
Fax: 602/ 771 – 4528

Reports of non-compliance shall be reported to:

Arizona Department of Environmental Quality  
Water Quality Compliance Section  
1110 W. Washington Street, Mail Code 5515 B-1  
Phoenix, AZ 85007  
Office: 602-771 – 2330; Fax 602/ 771 – 4505

**Part 8 – Sector-Specific Requirements for Industrial Activity**

**Subpart G – Sector G – Metal Mining.**

The permittee shall comply with Part 8 sector-specific requirements associated with the facility’s primary industrial activity and any co-located industrial activities authorized under this permit, as defined in Appendix A. The sector-specific requirements apply to those areas of the facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit. In some cases, these sector-specific requirements modify more general requirements set forth in Parts 1-7 of this permit (e.g., Part 8.G.9. below).

**8.G.1 Covered Stormwater Discharges.**

The requirements in Subpart G apply to stormwater discharges associated with industrial activity from Metal Mining facilities, including mines abandoned on Federal lands, as identified by the SIC Codes specified under Sector G in Table 1-1 of this permit. Coverage is required only for mining operations that discharge stormwater contaminated by contact with, or that has come into contact with, any overburden, raw material, intermediate product, finished product, byproduct, or waste product located on the site of the operation.

8.G.1.1 *Covered Discharges from Active Facilities.* Only the stormwater discharges from the areas described in Table 8.G.1.1 and the allowable non-stormwater discharges identified in Part 1.1.3 are covered:

TABLE 8.G.1.1—APPLICABILITY OF THE AZPDES MULTI-SECTOR GENERAL PERMIT TO STORMWATER RUNOFF FROM ACTIVE ORE (METAL) MINING AND DRESSING SITES

Discharge/source of discharge	AZPDES General Permit Applicability
<b>Piles</b>	
Waste rock/overburden Topsoil piles	Discharge under GP must be composed entirely of stormwater and not combined with mine drainage. See Note below.
<b>Roads constructed of waste rock or spent ore</b>	
Onsite haul roads and haul/access roads used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility.	Discharge under the GP must be composed entirely of stormwater and not combined with mine drainage. See Note below.
<b>Roads not constructed of waste rock or spent ore</b>	
Onsite haul roads and haul/access roads used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility.	Discharge acceptable under GP except if “mine drainage” is used for dust control.
<b>Milling/concentrating</b>	
Runoff from tailings dams/dikes when constructed of waste rock/tailings.....	Discharges must be composed entirely of stormwater and not combined with mine drainage; not applicable if process fluids are present. See Note below.
Runoff from tailings dams/dikes when not constructed of waste rock/tailings.....	Discharge acceptable under GP except if process fluids are present.
Concentration building.....	Discharge acceptable under GP if discharge is stormwater only and there is no contact with concentrate piles.
Mill site.....	Discharge acceptable under GP if discharge is stormwater only and there is no contact with concentrate piles.

Discharge/source of discharge	AZPDES General Permit Applicability
<b>Ancillary areas</b>	
Office/administrative building and housing.....	Discharge acceptable under GP if mixed with stormwater from the industrial area. (Note: coverage is unnecessary if drainage from these areas is not mixed with stormwater from industrial areas.)
Chemical storage area & Docking facility.....	Discharge under GP must be composed entirely of stormwater and not combined with mine drainage.
Explosive storage Fuel storage (oil tanks/coal piles) Vehicle/equipment maintenance area/building Parking areas.....	Discharge acceptable under GP (Note: coverage is unnecessary for drainage exclusively from employee and visitor-type parking areas.)
Power plant Truck wash area.....	Discharge under GP must be composed entirely of stormwater and not combined with mine drainage.
<b>Reclamation-related areas</b>	
Any disturbed area (unreclaimed)..... Reclaimed areas released from reclamation bonds prior to Dec. 17 1990. .... Partially/inadequately reclaimed areas or areas not released from reclamation bond. ....	Discharge acceptable under GP only if not in active mining area.

*Note:* Stormwater runoff from these sources is subject to the AZPDES program for stormwater unless mixed with discharges subject to 40 CFR Part 440 that are regulated by another permit prior to mixing. Non-stormwater discharges from these sources are subject to AZPDES permitting and may be subject to the effluent limitation guidelines under 40 CFR Part 440.

Discharges from overburden/waste rock and overburden/waste rock-related areas are not subject to 40 CFR Part 440 unless they: (1) drain naturally (or are intentionally diverted) to a point source; and (2) combine with "mine drainage" that is otherwise regulated under the Part 440 regulations. For such sources, coverage under this permit is available if the discharge composed entirely of stormwater does not combine with other sources of mine drainage that are subject to 40 CFR Part 440, and that meets other eligibility criteria contained in Part 1.1 of this permit. Permit applicants bear the initial responsibility for determining the applicable technology-based standard for such discharges.

8.G.1.2 *Covered Discharges from Inactive Facilities.* All stormwater discharges.

8.G.1.3 *Covered Discharges from Exploration and Construction of Metal Mining and/or Ore Dressing Facilities.* All stormwater discharges.

8.G.1.4 *Covered Discharges from Facilities Undergoing Reclamation.* All stormwater discharges.

**8.G.2 Limitations on Coverage.**

8.G.2.1 *Prohibition of Stormwater Discharges.* Stormwater discharges not authorized by this permit: discharges from active metal mining facilities that are subject to effluent limitation guidelines for the Ore Mining and Dressing Point Source Category (40 CFR Part 440).

8.G.2.2 *Prohibition of Non-Stormwater Discharges.* The following discharges are not authorized by this permit: adit drainage, and contaminated springs or seeps discharging from waste rock dumps that do not directly result from precipitation events (see also the standard Limitations on Coverage in Part 1.1.4).

**8.G.3 Definitions.**

The following definitions are not intended to supersede the definitions of active and inactive mining facilities established by 40 CFR 122.26(b)(14)(iii).

- 8.G.3.1 *Mining operation* - Consists of active, inactive, reclamation phases and the exploration and construction phases.
- 8.G.3.2 *Exploration phase* - Entails exploration and land disturbance activities to delineate the dimensions and financial viability of a metal mining site.
- 8.G.3.3 *Construction phase* - Includes the initial building of site access roads and initial removal of overburden and waste rock to expose mineable minerals at a mining site. In addition, any subsequent construction activity on undisturbed areas of an existing mine property is also considered part of the construction phase if stormwater discharges are not managed by pre-existing or permanent control measures.
- 8.G.3.4 *Active phase* - Activities including the extraction, removal or recovery of metal ore. For surface mines, this definition does not include any land where grading has returned the earth to a desired contour and reclamation has begun. This definition is derived from the definition of "active mining area" found at 40 CFR 440.132(a). The active phase is considered part of "mining operations."

Note: The following definitions are not intended to supersede the definitions of active and inactive mining facilities established by 40 CFR 122.26(b)(14)(iii).

- 8.G.3.5 *Active metal mining facility* - A place where work or other activity related to the extraction, removal, or recovery of metal ore is being conducted. For surface mines, this definition does not include any land where grading has returned the earth to a desired contour and reclamation has begun. This definition is derived from the definition of "active mining area" found at 40 CFR 440.132(a).
- 8.G.3.6 *Inactive metal mining facility* - A site or portion of a site where metal mining and/or milling occurred in the past but is not an active facility as defined above. An inactive metal mining facility has an identifiable owner / operator. Sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials and sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim are not considered either active or inactive mining facilities and do not require an AZPDES industrial stormwater permit.
- 8.G.3.7 *Reclamation phase* - Activities undertaken following the cessation of the "exploration phase" or the "active phase" at a site or a portion of a site, intended to return the land to an appropriate post-mining land use in order to meet applicable Federal and State reclamation requirements or the requirements of Part 8.G.9.1 at a site or portion of a site not subject to Federal and State reclamation requirements. The reclamation phase is considered part of "mining operations."
- 8.G.3.8 *Stabilization* - A site or portion of a site is "stabilized" when it has implemented all applicable Federal and State reclamation requirements.

**8.G.4 Stormwater Discharges Associated with the Exploration and Construction Phases of Mining (Clearing, Grading, and Excavation Activities).**

Clearing, grading, and excavation activities being conducted as part of the exploration and construction phases at mining sites are covered under this permit (or may be covered under an alternate AZPDES stormwater permit such as the AZPDES General Permit for Discharge from Construction Activities (AZG2008-001)) if they disturb one acre or more. Exploration and construction activities disturbing less than one acre do not require permit coverage unless they are integrally related to other exploration or construction activities that collectively disturb one acre or more.

For all areas affected by exploration and construction activities that will occur at an active site or previously mined site, the permittee shall select, design, install, and implement the following control measures or their equivalents, as necessary to minimize the discharge of pollutants to stormwater. The control measures selected shall be documented in the SWPPP.

Once the areas subject to construction and exploration activities are stabilized or the area(s) become part of the mining operation, the control measures, inspections, monitoring, and other requirements in Parts 8.G.4 are no longer required; however, the facility remains subject to Parts 1 through 7, Parts 8.G.5 through 8.G.9, and all other applicable provisions of this permit.

**8.G.4.1 Additional Control Measures.**

The permittee shall implement, as applicable, control measures for erosion control, sediment control, perimeter control, good housekeeping, material storage, fueling and maintenance, concrete washouts, and non-stormwater discharges. In the SWPPP, identify and describe all temporary and/or permanent control measures to be implemented during the exploration and construction phases.

8.G.4.1.1 *Erosion and Sediment Controls.* Design and implement a combination of erosion and/ or sediment control BMPs to keep sediment in place and/ or to capture sediment to the extent practicable before it leaves the site. At a minimum, such controls must be designed, installed and maintained to:

- a. Control stormwater volume and velocity within the site to minimize soil erosion;
- b. Control stormwater discharges by minimizing both peak flow rates and total stormwater volume, to minimize erosion;
- c. Phase or sequence exploration and construction activities, as practicable, to minimize the area of disturbance at any one time;
- d. Minimize sediment discharges from the site;
- e. Where practicable, increase sediment removal and maximize stormwater infiltration and / or reuse; and
- f. Where practicable, minimize soil compaction and preserve topsoil.

8.G.4.1.2 *Maintenance of control measures.* The permittee shall maintain all control measures identified in the SWPPP in effective operating condition. Repairs or modifications of control measures shall be accomplished in accordance with Part 2.1.1.3.

8.G.4.1.3 *Dewatering.* The permittee shall ensure all discharges from dewatering or basin draining activities, including discharges from dewatering of trenches and excavations, are discharged in a manner that do not cause nuisance conditions, including erosion in receiving channels or on surrounding properties.

8.G.4.1.4 *Pollution Prevention Measures.* Design, install, implement, and maintain effective pollution prevention measures to minimize the discharge of pollutants. At a minimum, such measures must be designed, installed, implemented and maintained to:

- a. Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge;
- b. Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on the site to precipitation and to stormwater; and
- c. Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures.

8.G.4.1.5 *Prohibited Discharges.* The following discharges are prohibited:

- a. Wastewater from washout of concrete, unless managed by an appropriate control;
  - b. Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials. If concrete washout is conducted at the facility, appropriate control measures must be implemented to prevent discharge of pollutants;
  - c. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and
  - d. Soaps or solvents used in vehicle and equipment washing.
- 8.G.4.1.6 *Surface Outlets.* When culverts or other surface outlets are present on the site, the permittee shall include measures to sufficiently minimize the threat of erosion at surface outlet locations that prevent the formation of rills and gullies.
- 8.G.4.1.7 *Good Housekeeping.* (See also Part 2.1.1.2) The permittee shall implement practices to ensure litter, debris, and chemicals are prevented from contact with stormwater discharges. These procedures shall include storage practices to minimize exposure of the materials to stormwater, and spill prevention and response practices.
- 8.G.4.1.8 *Soil Stabilization.* After construction has ceased and until stabilization is achieved or active mining commences at the site, the permittee shall maintain the control measures, in accordance with Part 8.G.4.2, and conduct site inspections at least quarterly.

8.G.4.2 *Additional SWPPP Requirements.*

The requirements in Part 8.G.4.2 are applicable to exploration and construction activities.

Note: ADEQ recommends activities associated with the exploration and construction activities be kept as a separate chapter or appendix in the facility's SWPPP to distinguish from other mining operations.

- 8.G.4.2.1 *Nature of Exploration and Construction Activities.* (See also Part 5.1.2) Document in the facility's SWPPP the exploration and construction activities that can potentially affect the stormwater discharges covered by this permit.
- 8.G.4.2.2 The SWPPP shall describe the nature of the construction and exploration activities, including: a description of the exploration and construction phases on the mining property; and an estimate of the total area of the site (in acres) to be disturbed.
- 8.G.4.3 *Inspections.* (See also Part 4) Except as provided in Part 8.G.4.1.8, the permittee shall conduct inspections as indicated below to ensure BMPs are functional and that the SWPPP is being properly implemented.
- 8.G.4.3.1 *Inspection Schedule.*
- a. Inspections shall be conducted once every 30 calendar days and within 24 hours of the end of each measurable storm event.
  - b. *Inspection Schedule for Sites within 2.5 miles of an Impaired or Outstanding Arizona Water.* If any discharge point from the construction site is within 2.5 miles of an impaired or outstanding Arizona water, the permittee shall inspect the site at least once every 7 calendar days.
- Note: If the inspection day falls on a Saturday or holiday, the inspection may be conducted on the preceding workday. If the inspection day falls on a Sunday, the inspection shall be conducted on the following Monday.
- 8.G.4.3.2 Location of Inspections. Inspections must include all areas of the site disturbed by clearing, grading, and/or excavation activities and areas used for storage of materials

that are exposed to precipitation. Sedimentation and erosion control measures implemented must be observed to ensure proper operation. Discharge locations must be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to waters of the United States, where accessible. Where discharge locations are inaccessible, nearby downstream locations must be inspected to the extent that such inspections are practicable. Locations where vehicles enter or exit the site must be inspected for evidence of significant off-site sediment tracking.

8.G.4.3.3 Inspection Reports. (See also Part 4.1) For each inspection required above, the permittee shall document the findings of the inspections in accordance with Part 4.1, and maintain this documentation with the SWPPP. In addition to the information required in Part 4.1, the inspection report shall include:

- a. Location(s) of discharges of sediment or other pollutants from the site;
- b. For inspections occurring during or after a measurable storm event, a description of stormwater that is discharging from the site (presence of suspended sediment, turbid water, discoloration, and/or oil sheen, as applicable), when present;
- c. Identification of all sources of non-stormwater discharges occurring at the site and associated BMPs in place;
- d. Identification of material storage areas and, evidence of or potential for, pollutant discharge from such areas.

8.G.4.4 *Monitoring and Reporting Requirements for Discharges to Impaired and Outstanding Arizona Waters.* The permittee shall conduct monitoring and reporting as required in Part 8.G.4.3.1.b for stormwater discharges resulting from exploration and construction activities that are within 2.5 miles of an impaired water or outstanding Arizona water. The visual assessment and analytical monitoring requirements in this subpart are in addition to those required in Part 4.2, Part 6, Part 8.G.8 and Part 8.G.9, but may be combined where appropriate.

In accordance with Part 4.2.3 and Part 6.1.2.4, the permittee is not required to conduct visual assessments or analytical monitoring during adverse conditions.

### **8.G.5 Additional Control Measures for the Active and Inactive Mining Phases.**

8.G.5.1 *Additional Stormwater Controls to be Evaluated.* The permittee shall evaluate whether some or all of the following control measures are necessary in order to meet the requirements of Part 2.2 and implement if necessary. These control measures must be evaluated in addition to those measures identified in Part 2.1.1. The potential pollutants identified in Part 8.G.6.3 shall determine the priority and appropriateness of the control measures selected.

8.G.5.1.1 *Stormwater Diversions:* Consider diversion of stormwater away from potential pollutant sources using one or more of the following measures: interceptor or diversion controls (e.g., dikes, swales, curbs, or berms); pipe slope drains; subsurface drains; conveyance systems (e.g., channels or gutters, open-top box culverts, and waterbars; rolling dips and road sloping; roadway surface water deflector and culverts); or their equivalents.

8.G.5.1.2 *Capping:* Consider capping potential pollutant sources. When capping is utilized to minimize pollutant discharges in stormwater, identify the source being capped and the material used to construct the cap.

8.G.5.1.3 *Treatment:* If treatment of stormwater (e.g., chemical or physical systems, oil and water separators, artificial wetlands) is determined to be necessary to meet the requirements of Part 2.2, describe the type and location of stormwater runoff is encouraged where practicable. Treated runoff may be discharged as a stormwater source regulated under this permit provided the discharge is not combined with

discharges subject to effluent limitation guidelines for the Ore Mining and Dressing Point Source Category (40 CFR Part 440).

- 8.G.5.2 *Sediment and Erosion Control.* At sites where the active phase has commenced, in addition to measures evaluated pursuant to Part 2.1.1.5, the permittee shall implement appropriate erosion and/ or sediment controls, in accordance with Part 8.G.4, when clearing, grading or excavation activities occur in previously undisturbed areas where discharges are not controlled by pre-existing or permanent control measures. The purpose of these sediment and/or control measures is to minimize the discharge of sediment from the newly disturbed areas. Where structural control measures are used for sediment control, such measures shall be installed prior to major land disturbance activities commencing.
- 8.G.5.3 *Certification of Discharge Testing.* (See also Part 5.1.3.4) Test or evaluate all outfalls covered under this permit for the presence of specific mining-related non-stormwater discharges such as seeps or adit discharges, or discharges subject to effluent limitations guidelines (e.g., 40 CFR Part 440), such as mine drainage or process water. The certification may be kept with the facility's SWPPP consistent with Part 8.G.6.6.

**8.G.6 Additional SWPPP Requirements for Mining Operations.**

The requirements in Part 8.G.6 are applicable to all mining operations, except inactive and unstaffed sites.

- 8.G.6.1 *Nature of Industrial Activities.* (See also Part 5.1.2) Briefly document in the facility's SWPPP the mining and associated activities that can potentially affect the stormwater discharges covered by this permit.
- 8.G.6.2 *Site Map.* (See also Part 5.1.2) Document the following in the SWPPP (as appropriate):
- Location of the site relative to major transportation routes and communities;
  - Site boundaries of co-located facilities;
  - Temporary control measures that may be utilized during the exploration or construction phase.
  - Access and haul roads;
  - Outline of the drainage areas of each stormwater outfall within the facility with indications of the types of discharges from the drainage areas;
  - Location(s) of all permitted discharges covered under an individual AZPDES permit,
  - The locations of the following, if they are located such that they will contribute to discharge from a stormwater outfall covered by this permit:
    - Mining or milling site boundaries; immediate access roads and haul roads;
    - Overburden, materials, soils, or waste storage areas;
    - Outdoor equipment storage, fueling, and maintenance areas;
    - Materials handling areas;
    - Outdoor manufacturing, outdoor storage, and material disposal areas;
    - Outdoor chemicals and explosives storage areas;
    - Reclaimed areas;
  - Location of mine drainage, dewatering or other process water;
  - Off-site points of discharge for mine dewatering and process water; and
  - Boundary of areas that contribute discharges subject to effluent limitations guidelines.
- 8.G.6.3 *Potential Pollutant Sources.* (See also Part 5.1.3) For each area of the mine or mill site where stormwater discharges associated with industrial activities occur, document in the SWPPP the types of pollutants (e.g., heavy metals, sediment) likely to be present in significant amounts. To identify potential pollutants, evaluate these factors: the mineralogy of the ore and waste rock

(e.g., acid generating); toxicity and quantity of chemicals used, produced, or discharged; the likelihood of contact with stormwater; vegetation of site (if any); and history of significant leaks or spills of toxic or hazardous pollutants. Also include a summary of any existing ore or waste rock or overburden characterization data and test results for potential generation of acid rock drainage. If any new data is acquired due to changes in ore type being mined, update the SWPPP with this information.

- 8.G.6.4 *Documentation of Control Measures.* All control measures implemented at the site shall be documented in the SWPPP, in accordance with Part 8.G.5.1 and Part 5.1.4. If control measures are implemented or planned but are not listed in Part 8.G.5.1 (e.g., substituting a less toxic chemical for a more toxic one), include descriptions of them in the SWPPP.
- 8.G.6.5 *Employee Training.* All employee training conducted in accordance with Part 2.1.1.9 shall be documented with the SWPPP.
- 8.G.6.6 *Certification of Permit Coverage for Commingled Non-Stormwater Discharges:* If the permittee is able to certify, consistent with Part 8.G.5.2 above, that a particular discharge composed of commingled stormwater and non-stormwater is covered under a separate AZPDES permit, and that permit subjects the non-stormwater portion to effluent limitations prior to any commingling, such certification shall be retained with the SWPPP. This certification must identify the non-stormwater discharges, the applicable AZPDES permit(s), the effluent limitations placed on the non-stormwater discharge by the permit(s), and the points at which the limitations are applied.

**8.G.7 Additional Inspection Requirements for the Active Mining Phase. (See also Part 4.1)**

As required by Part 4.1, the permittee shall conduct routine facility inspections at active mine sites at least quarterly unless adverse weather conditions make the site inaccessible. Inspections are only required to cover areas where industrial activities occur that are exposed to precipitation and that contribute to stormwater discharges from the site covered under this permit.

Unless otherwise approved by ADEQ, active sites which discharge to waters designated as OAWs or waters which are impaired for sediment must be inspected monthly. The permittee may submit a request to the Department to reduce the inspection frequency to quarterly at one or more outfalls to an OAW or a water impaired for sediment. The request must be based on the frequencies of discharges and the performance of the control measure(s).

**8.G.8 Monitoring and Reporting Requirements. (See also Part 6.)**

*Note:* There are no Part 8.G.8 monitoring and reporting requirements for inactive and unstaffed sites.

- 8.G.8.1 *General Analytical Monitoring for Active Copper Ore Mining and Dressing Facilities.* Active copper ore mining and dressing facilities shall sample and analyze stormwater discharges for the pollutants listed in Table 8.G-8.1. Permittees discharging to perennial or intermittent waters must sample and analyze stormwater discharges, on an annual basis, alternating wet seasons each year, beginning in year one of permit coverage. Permittees discharging to ephemeral waters are not required to sample under this subsection.

Table 8.G-8.1	
Subsector (Facility discharges may be subject to requirements for more than one sector/subsector)	Parameter
Subsector G1. Active Copper Ore Mining and Dressing Facilities (SIC 1021)	Total Suspended Solids (TSS)
	Chemical Oxygen Demand (COD)

8.G.8.2 *Monitoring Requirements for Discharges from Waste Rock and Overburden Piles at Active Metal Mining Facilities*

8.G.8.2.1 *General Analytical Monitoring.*

For discharges from waste rock and overburden piles, the permittee shall sample and analyze stormwater discharges for the parameters listed in Table 8.G-8.2. The permittee shall retain all report, monitoring data and methodologies in accordance with Part 7.5 of the permit.

Permittees discharging to perennial or intermittent waters: the permittee shall sample and analyze, on a semi-annual basis, once each wet season, beginning in year one of permit coverage. In addition to analyzing the stormwater discharge for hardness, the permittee shall characterize the hardness of the receiving water. Such characterization may include analysis of samples from the surface water receiving the discharge or surface water data collected by a third party provided the data is credible, scientifically defensible and is representative of current conditions. The data and the methodology for determining the hardness values must be submitted to ADEQ in the first year of permit coverage.

For permittees discharging to ephemeral waters: the permittee shall sample and analyze, on an annual basis in alternating wet seasons, beginning in year one of permit coverage. Permittees discharging to ephemeral waters are not required to sample TSS or turbidity, in accordance with Part 6.2.1.2.

<b>Table 8.G-8.2</b>	
<b>Subsector (Discharges may be subject to requirements for more than one sector/subsector)</b>	<b>Parameter</b>
<b>Subsector G2.</b> Iron Ores; Copper Ores; Lead and Zinc Ores; Gold and Silver Ores; Ferroalloy Ores, Except Vanadium; and Miscellaneous Metal Ores (SIC Codes 1011, 1021, 1031, 1041, 1044, 1061, 1081, 1094, 1099)	Total Suspended Solids (TSS)
	Turbidity
	pH
	Hardness (as CaCO <sub>3</sub> ; calc. from Ca, Mg) <sup>1</sup>
	Antimony
	Arsenic
	Beryllium
	Cadmium, total & dissolved <sup>1</sup>
	Copper, total & dissolved <sup>1</sup>
	Iron, total & dissolved
	Lead, total & dissolved <sup>1</sup>
	Mercury, total & dissolved
	Nickel, total & dissolved <sup>1</sup>
	Selenium
	Silver, total & dissolved <sup>1</sup>
Zinc, total & dissolved <sup>1</sup>	
<sup>1</sup> These metals are hardness-dependent and require sampling for water hardness. Note: when analyzing hardness for a suite of metals, it is more cost effective to add analysis of calcium and magnesium, and have hardness calculated than to require separate hardness analysis.	

8.G.8.2.2 *Additional Analytical Monitoring For Uranium, Vanadium or Radium Ores Mining Facilities.* These permittees shall also conduct additional monitoring for the parameters in Table 8.G-8.3 at the same frequencies required in Part 8.G.8.2.1.

Table 8.G-8.3	
Subsector (Discharges may be subject to requirements for more than one sector/subsector)	Parameter
Subsector G2: Uranium-Vanadium-Radium Ore Mining (SIC Code 1094)	Radium, total and dissolved
	Uranium
	Chemical Oxygen Demand (COD)

8.G.8.2.3 *Additional Monitoring.* The Director may require the permittee to perform additional monitoring to accurately characterize the quality and quantity of pollutants discharged from waste rock and overburden piles in accordance with Part 6.2.4.

**8.G.9 Termination of Permit Coverage**

8.G.9.1 *Termination of Permit Coverage for Sites Reclaimed After December 17, 1990.* A site (or a portion of a site) that was released from applicable state or federal reclamation requirements after December 17, 1990, is not required to maintain coverage under this permit.

If the site or portion of a site reclaimed after December 17, 1990, was not subject to reclamation requirements, the site or portion of the site is not required to maintain coverage under this permit if the site or portion of the site has been reclaimed as defined in Part 8.G.9.2.

8.G.9.2 *Termination of Permit Coverage for Sites Reclaimed Before December 17, 1990.* A site or portion of a site that was released from applicable state or federal reclamation requirements before December 17, 1990, or that was otherwise reclaimed before December 17, 1990, is no longer required to maintain coverage under this permit if the site or portion of the site has been reclaimed. A site or portion of a site is considered to have been reclaimed if:

- (1) Stormwater runoff that comes into contact with raw materials, intermediate byproducts, finished products, and waste products does not have the potential to cause or contribute to violations of state water quality standards,
- (2) Soil disturbing activities related to mining at the sites or portion of the site have been completed;
- (3) The site or portion of the site has been stabilized as necessary to minimize soil erosion; and
- (4) As appropriate depending on location, size, and the potential to contribute pollutants to stormwater discharges, the site or portion of the site has been revegetated, will be amenable to natural revegetation, or will be left in a condition consistent with the post-mining land use.

**Part 8 – Sector-Specific Requirements for Industrial Activity**

**Subpart H – Sector H – Coal Mines and Coal Mining-Related Facilities.**

**RESERVED**

**Part 8 – Sector-Specific Requirements for Industrial Activity**

**Subpart I – Sector I – Oil and Gas Extraction.**

**RESERVED**

## Part 8 – Sector-Specific Requirements for Industrial Activity

### Subpart J – Sector J – Non-Metallic Mineral Mining and Dressing.

The permittee shall comply with Part 8 sector-specific requirements associated with the facility's primary industrial activity and any co-located industrial activities authorized under this permit, as defined in Appendix A. The sector-specific requirements apply to those areas of the facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

#### 8.J.1 Covered Stormwater Discharges.

The requirements in Subpart J apply to stormwater discharges associated with industrial activity from Active and Inactive Non-Metallic Mineral Mining and Dressing facilities as identified by the SIC Codes specified under Sector J in Table 1-1 of this permit.

- 8.J.1.1 *Covered Discharges from Active Non-Metallic Mineral Mining Facilities.* All stormwater discharges, except for most stormwater discharges subject to the existing effluent limitation guideline at 40 CFR Part 436. Mine dewatering discharges composed entirely of stormwater or uncontaminated groundwater seepage from: construction sand and gravel, industrial sand, and crushed stone mining facilities are covered by this permit.
- 8.J.1.2 *Covered Discharges from Inactive Facilities.* All stormwater discharges.
- 8.J.1.3 *Covered Discharges from Exploration and Construction of Non-Metallic Mineral Mining Facilities.* All stormwater discharges.
- 8.J.1.4 *Covered Discharges from Sites Undergoing Reclamation.* All stormwater discharges.

#### 8.J.2 Limitations on Coverage.

Most stormwater discharges subject to an existing effluent limitation guideline at 40 CFR Part 436 are not authorized by this permit. An exception to this is mine dewatering discharges composed entirely of stormwater or uncontaminated groundwater seepage from construction sand and gravel, industrial sand, and crushed stone mining facilities, which are covered under this permit.

#### 8.J.3 Definitions.

The following definitions are not intended to supersede the definitions of active and inactive mining facilities established by 40 CFR 122.26(b)(14)(iii).

- 8.J.3.1 *Mining operation* - Consists of active, inactive, reclamation phases and the exploration and construction phases.
- 8.J.3.2 *Exploration phase* - Entails exploration and land disturbance activities to delineate the dimensions and financial viability of a non-metallic mineral mining site.
- 8.J.3.3 *Construction phase* - Includes the initial building of site access roads and initial removal of overburden and waste rock to expose mineable minerals at a mining site. In addition, any subsequent construction activity on undisturbed areas of an existing mine property is also considered part of the construction phase if stormwater discharges are not managed by pre-existing or permanent control measures.
- 8.J.3.4 *Active phase* - Activities including the extraction, removal or recovery of minerals. For surface mines, this definition does not include any land where grading has returned the earth to a desired contour and reclamation has begun. This definition is derived from the definition of

“active mining area” found at 40 CFR 440.132(a). The active phase is considered part of “mining operations.”

*Note:* The following definitions are not intended to supersede the definitions of active and inactive mining facilities established by 40 CFR 122.26(b)(14)(iii).

- 8.J.3.5 *Active Mineral Mining Facility* - A site or portion of a site where work or other activity related to the extraction, removal, or recovery of non-metallic minerals is being conducted. For surface mines, this definition does not include any land where grading has returned the earth to a desired contour and reclamation has begun. This definition is derived from the definition of “active mining area” found at 40 CFR 440.132(a).
- 8.J.3.6 *Inactive Mineral Mining Facility* - A site or portion of a site where non-metallic mineral mining and/or milling occurred in the past but is not an active facility as defined above. An inactive mineral mining facility has an identifiable owner / operator. Sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials, and sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim are not considered either active or inactive mining facilities and do not require an AZPDES industrial stormwater permit.
- 8.J.3.7 *Reclamation phase* - Activities undertaken, following the cessation of the exploration phase or the “active phase” at a site or a portion of a site, intended to return the land to an appropriate post-mining land use in order to meet applicable Federal and State reclamation requirements or the requirements of Part 8.J.10.1 at a site or portion of a site not subject to Federal and State reclamation requirements. The reclamation phase is considered part of “mining operations”.
- 8.J.3.8 *Stabilization* - a site or portion of a site is “stabilized” when it has implemented all applicable Federal and State reclamation requirements.
- 8.J.3.9 *Uncontaminated* - Free from the presence of pollutants attributable to industrial activity.

**8.J.4 Stormwater Discharges Associated with the Exploration and Construction Phases of Mining (Clearing, Grading, and Excavation Activities).**

Clearing, grading, and excavation activities being conducted as part of the exploration and construction phases at mining sites are covered under this permit (or may be covered under an alternate AZPDES stormwater permit such as the AZPDES General Permit for Discharge from Construction Activities (AZG2008-001)) if they disturb one acre or more. Exploration and construction activities disturbing less than one acre do not require permit coverage unless they are integrally related to other exploration or construction activities that collectively disturb one acre or more.

For all areas affected by exploration and construction activities that will occur at an active site or previously mined site, the permittee shall select, design, install, and implement the following control measures or their equivalents, as necessary to minimize the discharge of pollutants to stormwater. The control measures selected shall be documented in the SWPPP.

Once the areas subject to construction and exploration activities are stabilized or the area(s) become part of the mining operation, the control measures, inspections, monitoring, and other requirements in Parts 8.J.4 are no longer required; however, the facility is still subject to Parts 1 through 7 and all other applicable provisions of this permit.

- 8.J.4.1 *Additional control measures.* The permittee shall implement, as applicable, control measures for erosion control, sediment control, perimeter control, good housekeeping, material storage, fueling and maintenance, concrete washouts, and non-stormwater discharges. In the SWPPP, identify and describe all temporary and/or permanent control measures to be implemented during the exploration and construction phases.

- 8.J.4.1.1 *Erosion and Sediment Controls.* The permittee shall design and implement a combination of erosion and/ or sediment control BMPs to keep sediment in place and/ or to capture sediment to the extent practicable before it leaves the site. At a minimum, such controls must be designed, installed and maintained to:
- a. Control stormwater volume and velocity within the site to minimize soil erosion;
  - b. Control stormwater discharges by minimizing both peak flow rates and total stormwater volume to control erosion;
  - c. Phase or sequence exploration and construction activities, as practicable, to minimize the area of disturbance at any one time;
  - d. Minimize sediment discharges from the site;
  - e. Where practicable, increase sediment removal and maximize stormwater infiltration and / or reuse; and
  - f. Where practicable, minimize soil compaction and preserve topsoil.
- 8.J.4.1.2 *Maintenance of control measures.* The permittee shall maintain all control measures identified in the SWPPP in effective operating condition. Repairs or modifications of control measures shall be accomplished in accordance with Part 2.1.1.3.
- 8.J.4.1.3 *Dewatering.* The permittee shall ensure all discharges from dewatering or basin draining activities, including discharges from dewatering of trenches and excavations, are discharged in a manner that do not cause nuisance conditions, including erosion in receiving channels or on surrounding properties.
- 8.J.4.1.4 *Pollution Prevention Measures.* The permittee shall design, install, implement, and maintain effective pollution prevention measures to minimize the discharge of pollutants. At a minimum, such measures must be designed, installed, implemented and maintained to:
- a. Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge;
  - b. Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on the site to precipitation and to stormwater; and
  - c. Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures.
- 8.J.4.1.5 *Prohibited Discharges.* The following discharges are prohibited:
- a. Wastewater from washout of concrete, unless managed by an appropriate control;
  - b. Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials. If concrete washout is conducted at the facility, appropriate control measures must be implemented to prevent discharge of pollutants;
  - c. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and
  - d. Soaps or solvents used in vehicle and equipment washing.
- 8.J.4.1.6 *Surface Outlets.* When culverts or other surface outlets are present on the site, the permittee shall include measures to sufficiently minimize the threat of erosion at surface outlet locations that prevent the formation of rills and gullies.

- 8.J.4.1.7 *Good Housekeeping.* (See also Part 2.1.1.2) The permittee shall implement practices to ensure litter, debris, and chemicals are prevented from contact with stormwater discharges. These procedures shall include storage practices to minimize exposure of the materials to stormwater, and spill prevention and response practices.
- 8.J.4.1.8 *Soil Stabilization.* After construction has ceased and until stabilization is achieved or active mining commences at the site, the permittee shall maintain the control measures, in accordance with Part 8.J.4.2, and conduct site inspections at least quarterly.

8.J.4.2 *Additional SWPPP Requirements.*

The requirements in Part 8.J.4.2 are applicable to exploration and construction activities.

Note: ADEQ recommends activities associated with the exploration and construction activities be kept as a separate chapter or appendix in the facility's SWPPP to distinguish from mining operations.

- 8.J.4.2.1 *Nature of Exploration and Construction Activities.* (See also Part 5.1.2) Document in the facility's SWPPP the exploration and construction activities that can potentially affect the stormwater discharges covered by this permit.
- 8.J.4.2.2 The SWPPP shall describe the nature of the construction and exploration activities, including: a description of the exploration and construction phases on the mining property; and an estimate of the total area of the site (in acres) to be disturbed.
- 8.J.4.3 *Inspections.* (See also Part 4) Except as provided in Part 8.J.4.1.8, the permittee shall conduct inspections as indicated below to ensure BMPs are functional and that the SWPPP is being properly implemented.

8.J.4.3.1 Inspection Schedule.

- a. Inspections shall be conducted once every 30 calendar days and within 24 hours of the end of each measurable storm event.
- b. *Inspection Schedule for Sites within 2.5 miles of an Impaired or Outstanding Arizona Water.* If any discharge point from the construction site is within 2.5 miles of an impaired or outstanding Arizona water, the permittee shall inspect the site at least once every 7 calendar days.

Note: If the inspection day falls on a Saturday or holiday, the inspection may be conducted on the preceding workday. If the inspection day falls on a Sunday, the inspection shall be conducted on the following Monday.

8.J.4.3.2 Location of Inspections. Inspections must include all areas of the site disturbed by clearing, grading, and/or excavation activities and areas used for storage of materials that are exposed to precipitation. Sedimentation and erosion control measures implemented must be observed to ensure proper operation. Discharge locations must be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to waters of the United States, where accessible. Where discharge locations are inaccessible, nearby downstream locations must be inspected to the extent that such inspections are practicable. Locations where vehicles enter or exit the site must be inspected for evidence of significant off-site sediment tracking.

8.J.4.3.3 Inspection Reports. (See also Part 4.1) For each inspection required above, the permittee shall document the findings of the inspections in accordance with Part 4.1, and maintain this documentation with the SWPPP. In addition to the information required in Part 4.1, the inspection report shall include:

- a. Location(s) of discharges of sediment or other pollutants from the site;
- b. For inspections occurring during or after a measurable storm event, a description of stormwater that is discharging from the site (presence of suspended sediment, turbid water, discoloration, and/or oil sheen, as applicable), when present;
- c. Identification of all sources of non-stormwater discharges occurring at the site and associated BMPs in place;
- d. Identification of material storage areas and, evidence of or potential for, pollutant discharge from such areas.

8.J.4.4 *Monitoring and Reporting Requirements for Discharges to Impaired and Outstanding Arizona Waters.* The permittee shall conduct monitoring and reporting as required in Part 8.J.4.3.1.b for stormwater discharges resulting from exploration and construction activities that are within 2.5 miles of an impaired water or outstanding Arizona water. The visual assessment and analytical monitoring requirements in this subpart are in addition to those required in Part 4.2, Part 6, Part 8.J.8 and Part 8.J.9, but may be combined where appropriate.

In accordance with Parts 4.2.3 and 6.1.2.4, the permittee is not required to conduct visual assessments or analytical monitoring during adverse conditions.

**8.J.5 Additional Control Measures for Active and Inactive Mining Phases.**

8.J.5.1 *Additional Stormwater Controls.* The permittee shall evaluate whether some or all of the following control measures are necessary, and implement as appropriate, in order to meet the requirements of Part 2. These control measures are apart from, or in addition to, the control measures implemented by the permittee to meet the Part 2 effluent limits. The potential pollutants identified in Part 8.J.6.3 shall determine the priority and appropriateness of the control measures selected.

8.J.5.1.1 *Stormwater Diversions:* As necessary, divert stormwater away from potential pollutant sources using one or more of the following measures: interceptor or diversion controls (e.g., dikes, swales, curbs, or berms); pipe slope drains; subsurface drains; conveyance systems (e.g., channels or gutters, open-top box culverts, and waterbars; rolling dips and road sloping; roadway surface water deflector and culverts); or their equivalents.

8.J.5.1.2 *Treatment:* If treatment of stormwater (e.g., chemical or physical systems, oil and water separators, artificial wetlands) is determined to be necessary to meet the requirements of Part 2.2, describe the type and location of treatment used. Passive and/or active treatment of stormwater runoff is encouraged. Treated runoff may be discharged as a stormwater source regulated under this permit provided the discharge is not combined with discharges subject to effluent limitation guidelines for the Mineral Mining and Processing Point Source Category (40 CFR Part 436), except as those subparts identified in Table 2-1 of this permit.

8.J.5.2 *Sediment and Erosion Control.* At sites where the active phase has commenced, in addition to measures evaluated pursuant to Part 2.1.1.5, the permittee shall implement appropriate erosion and/ or sediment controls, in accordance with Part 8.J.4, when clearing, grading or excavation activities occur in previously undisturbed areas where discharges are not controlled by pre-existing or permanent control measures. The purpose of these sediment and/or control measures is to minimize the discharge of sediment from the newly disturbed areas. Where structural control measures are used for sediment control, such measures shall be installed prior to major land disturbance activities commencing.

8.J.5.3 *Certification of Discharge Testing:* (See also Part 5.1.4.4) Test or evaluate all outfalls covered under this permit for the presence of specific mining-related non-stormwater discharges such as

discharges subject to effluent limitations guidelines (e.g., 40 CFR Part 436). The certification may be kept with the facility's SWPPP consistent with Part 8.J.6.6.

### 8.J.6 Additional SWPPP Requirements for Mining Operations.

The requirements in Part 8.J.6 are applicable to all mining operations, except inactive and unstaffed sites.

8.J.6.1 *Nature of Industrial Activities.* (See also Part 5.1.2) Document in the facility's SWPPP the mining and associated activities that can potentially affect the stormwater discharges covered by this permit.

8.J.6.2 *Site Map.* (See also Part 5.1.2) Document the following in the SWPPP (as appropriate):

- Location of the site relative to major transportation routes and communities;
- Site boundaries of co-located facilities;
- Temporary control measures that may be utilized during the exploration or construction phase.
- Access and haul roads;
- Outline of the drainage areas of each stormwater outfall within the facility with indications of the types of discharges from the drainage areas;
- Location(s) of all permitted discharges covered under an individual AZPDES permit,
- The locations of the following, if they are located such that they will contribute to discharge from a stormwater outfall covered by this permit:
  - Mining or milling site boundaries; immediate access roads and haul roads;
  - Overburden, materials, soils, or waste storage areas;
  - Outdoor equipment storage, fueling, and maintenance areas;
  - Materials handling areas;
  - Outdoor manufacturing, outdoor storage, and material disposal areas;
  - Outdoor chemicals and explosives storage areas;
  - Reclaimed areas;
- Location of mine drainage, dewatering or other process water;
- Off-site points of discharge for mine dewatering and process water; and
- Boundary of areas that contribute discharges subject to effluent limitations guidelines.

8.J.6.3 *Potential Pollutant Sources.* (See also Part 5.1.3) For each area of the mine site where stormwater discharges associated with industrial activities occur, document in the SWPPP the types of pollutants (e.g., oil, sediment) likely to be present in significant amounts. To identify potential pollutants, evaluate these factors: toxicity and quantity of chemicals used, produced, or discharged; the likelihood of contact with stormwater; vegetation of site (if any); and history of significant leaks or spills of toxic or hazardous pollutants. If applicable include in the SWPPP a summary of any existing waste rock or overburden characterization data and test results for potential generation of acid rock drainage.

8.J.6.4 *Documentation of Control Measures.* To the extent that any of the control measures in Part 8.J.5.1 are used, the permittee shall document them in the facility's SWPPP pursuant to Part 5.1.4. If control measures are implemented or planned but are not listed in Part 8.J.5.1 (e.g., substituting a less toxic chemical for a more toxic one), include descriptions of them in the SWPPP.

8.J.6.5 *Employee Training.* All employee training conducted in accordance with Part 2.1.1.9 shall be documented with the SWPPP.

8.J.6.5 *Certification of Permit Coverage for Commingled Non-Stormwater Discharges.* If the permittee is able to certify, consistent with Part 8.J.5.2 above, that a particular discharge composed of commingled stormwater and non-stormwater is covered under a separate AZPDES permit, and that permit subjects the non-stormwater portion to effluent limitations prior to any commingling, such certification shall be retained with the SWPPP. This certification must identify the non-stormwater discharges, the applicable AZDPES permit(s), the effluent limitations placed on the non-stormwater discharge by the permit(s), and the points at which the limitations are applied.

**8.J.7 Additional Inspection Requirements for the Active Mining Phase. (See also Part 4.1)**

As required by Part 4.1, the permittee shall conduct routine facility inspections at active mining sites at least quarterly unless adverse weather conditions make the site inaccessible. Inspections are only required to cover areas where industrial activities occur that are exposed to precipitation and that contribute to stormwater discharges from the site covered under this permit.

Unless otherwise approved by ADEQ, active sites which discharge to waters designated as OAWs or waters which are impaired for sediment must be inspected monthly. The permittee may submit a request to the Department to reduce the inspection frequency to quarterly at one or more outfalls to an OAW or a water impaired for sediment. The request must be based on the frequencies of discharges and the performance of the control measure(s).

**8.J.8 Monitoring and Reporting Requirements. (See also Part 6)**

Note: There are no Part 8.J.8 monitoring and reporting requirements for inactive and unstaffed sites.

Table 8.J-1 identifies general analytical monitoring that applies to the specific subsectors of Sector J. These monitoring requirements apply to both the facility’s primary industrial activity and any co-located industrial activities authorized under this permit, which describe the site’s activities. Permittees discharging to perennial or intermittent waters must sample and analyze stormwater discharges for the pollutants listed in Table 8.J-8.1, on a semi-annual basis, once each wet season, beginning in year one of permit coverage. Permittees discharging to ephemeral waters are not required to sample TSS, in accordance with Part 6.2.1.2.

Table 8.J-8.1	
Subsector (Facility discharges may be subject to requirements for more than one sector/subsector)	Parameter
<b>Subsector J1.</b> Sand and Gravel Mining (SIC 1442, 1446)	Total Suspended Solids (TSS)
<b>Subsector J2.</b> Dimension and Crushed Stone and Non-metallic Minerals (except fuels) (SIC 1411, 1422-1429, 1481, 1499)	Total Suspended Solids (TSS)

**8.J.9 Effluent Limitations Based on Effluent Limitations Guidelines (See also Part 6.2.2.1.)**

Table 8.J-2 identifies effluent limits that apply to the industrial activities described below. Compliance with these effluent limits is to be determined based on discharges from these industrial activities independent of commingling with any other discharges that may be allowed under this permit.

Table 8.J-2		
Industrial Activity	Parameter	Effluent Limitation <sup>1</sup>
Mine dewatering discharges at crushed stone mining facilities (SIC 1422 - 1429)	pH	6.0 – 9.0 s.u.
Mine dewatering discharges at construction sand and gravel mining facilities (SIC 1442)	pH	6.0 – 9.0 s.u.
Mine dewatering discharges at industrial sand mining facilities (SIC 1446)	Total Suspended Solids (TSS)	25 mg/L, monthly avg.
		45 mg/L, daily maximum
	pH	6.0 – 9.0 s.u.

<sup>1</sup>Monitor annually.

**8.J.10 Termination of Permit Coverage**

8.J.10.1 *Termination of Permit Coverage for Sites Reclaimed After December 17, 1990.* A site or a portion of a site that has been released from applicable state or federal reclamation requirements after December 17, 1990, is not required to maintain coverage under this permit.

If the site or portion of a site reclaimed after December 17, 1990, was not subject to reclamation requirements, the site or portion of the site is not required to maintain coverage under this permit if the site or portion of the site has been reclaimed as defined in Part 8.J.10.2.

8.J.10.2 *Termination of Permit Coverage for Sites Reclaimed Before December 17, 1990.* A site or portion of a site that was released from applicable state or federal reclamation requirements before December 17, 1990, or that was otherwise reclaimed before December 17, 1990, is no longer required to maintain coverage under this permit if the site or portion of the site has been reclaimed. A site or portion of a site is considered to have been reclaimed if:

- (1) Stormwater runoff that comes into contact with raw materials, intermediate byproducts, finished products, and waste products does not have the potential to cause or contribute to violations of state water quality standards;
- (2) Soil disturbing activities related to mining at the sites or portion of the site have been completed;
- (3) The site or portion of the site has been stabilized as necessary to minimize soil erosion; and
- (4) As appropriate depending on location, size, and the potential to contribute pollutants to stormwater discharges, the site or portion of the site has been revegetated, will be amenable to natural revegetation, or will be left in a condition consistent with the post-mining land use.

**Appendix A**  
**Definitions, Abbreviations and Acronyms**

**Appendix A. Definitions, Abbreviations, and Acronyms (for the purposes of this permit).**

**Approved Total Maximum Daily Loads (TMDLs)** – Approved TMDLs are those that are developed by the Arizona Department of Environmental Quality and approved by EPA.

**Best Management Practices (BMPs)** – schedules of activities, practices (and prohibitions of practices), structures, vegetation, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. See 40 CFR 122.2.

**Co-located Industrial Activities** – Any industrial activities, excluding primary industrial activity(ies), located on-site that are defined by the stormwater regulations at 122.26(b)(14)(i)-(ix) and (xi). An activity at a facility is not considered co-located if the activity, when considered separately, does not meet the description of a category of industrial activity covered by the stormwater regulations or identified by the SIC code list in Appendix D.

**Control Measure** – refers to any BMP or other method (including effluent limitations) used to prevent or reduce the discharge of pollutants to waters of the United States.

**Director** – a means the Director of the Arizona Department of Environmental Quality or an authorized representative.

**Discharge** – when used without qualification, means the "discharge of a pollutant." See 40 CFR 122.2.

**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; discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works. See 40 CFR 122.2.

**Existing Discharger** – an operator applying for coverage under this permit for discharges authorized previously under an AZPDES general or individual permit.

**Facility or Activity** – any AZPDES "point source" (including land or appurtenances thereto) that is subject to regulation under the AZPDES program. See 40 CFR 122.2.

**Federal Facility** – any buildings, installations, structures, land, public works, equipment, aircraft, vessels, and other vehicles and property, owned by, or constructed or manufactured for the purpose of leasing to, the federal government.

**Impaired water** – waters that have been assessed by ADEQ, under the CWA, Section 303(d), as not attaining a water quality standard for at least one designated use, and are listed in Arizona's 2006 – 2008 §303(d) and Other Impaired Waters List.

**Indian Country** – (a) all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation; (b) all dependent Indian communities within the borders of the United States, whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a State, and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same. This definition includes all land held in trust for an Indian tribe. (18 U.S.C. 1151)

**Industrial Activity** – the 10 categories of industrial activities included in the definition of "stormwater discharges associated with industrial activity" as defined in 40 CFR 122.26(b)(14)(i)-(ix) and (xi).

**Industrial Stormwater** – stormwater runoff from industrial activity.

**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):

- (i) 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 an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States;
- (ii) Designed or used for collecting or conveying stormwater;
- (iii) Which is not a combined sewer; and
- (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2. See 40 CFR 122.26(b)(4) and (b)(7).

**New Discharger** – a facility from which there is a discharge, that did not commence the discharge at a particular site prior to August 13, 1979, which is not a new source, and which has never received a finally effective AZPDES permit for discharges at that site. See 40 CFR 122.2.

**New Source** – any building, structure, facility, or installation from which there is or may be a “discharge of pollutants,” the construction of which commenced:

- After promulgation of standards of performance under section 306 of the CWA which are applicable to such source, or
- After proposal of standards of performance in accordance with section 306 of the CWA which are applicable to such source, but only if the standards are promulgated in accordance with section 306 within 120 days of their proposal. See 40 CFR 122.2.

**New Source Performance Standards (NSPS)** – technology-based standards for facilities that qualify as new sources under 40 CFR 122.2 and 40 CFR 122.29.

**No exposure** – all industrial materials or activities are protected by a storm-resistant shelter to prevent exposure to rain, snow, snowmelt, and/or runoff. See 40 CFR 122.26(g).

**Operator** – any entity with a stormwater discharge associated with industrial activity that meets either of the following two criteria:

- (i) The entity has operational control over industrial activities, including the ability to modify those activities; or
- (ii) The entity has day-to-day operational control of activities at a facility necessary to ensure compliance with the permit (e.g., the entity is authorized to direct workers at a facility to carry out activities required by the permit).

**Outstanding Arizona Water** – a surface water that has been designated by ADEQ as an outstanding state resource under A.A.C. R18-11-112.

**Person** – an individual, association, partnership, corporation, municipality, State or Federal agency, or an agent or employee thereof. See 40 CFR 122.2.

**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. See 40 CFR 122.2.

**Pollutant** – dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal and agricultural waste discharged into water. See 40 CFR 122.2.

**Pollutant of concern** – A pollutant which causes or contributes to a violation of a water quality standard, including a pollutant which is identified as causing an impairment in a state's 303(d) list.

**Primary industrial activity** – includes any activities performed on-site which are (1) identified by the facility's primary SIC code; or (2) included in the narrative descriptions of 122.26(b)(14)(i), (iv), (v), or (vii), and (ix). [For co-located activities covered by multiple SIC codes, it is recommended that the primary industrial determination be based on the value of receipts or revenues or, if such information is not available for a particular facility, the number of employees or production rate for each process may be compared. The operation that generates the most revenue or employs the most personnel is the operation in which the facility is primarily engaged. In situations where the vast majority of on-site activity falls within one SIC code, that activity may be the primary industrial activity.] Narrative descriptions in 40 CFR 122.26(b)(14) identified above include: (i) activities subject to stormwater effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards; (iv) hazardous waste treatment storage, or disposal facilities including those that are operating under interim status or a permit under subtitle C of the Resource Conservation and Recovery Act (RCRA); (v) landfills, land application sites and open dumps that receive or have received industrial wastes; (vii) steam electric power generating facilities; and (ix) sewage treatment works with a design flow of 1.0 mgd or more.

**Qualified Personnel** – Qualified personnel are those (either the permittee's employees or outside consultants) who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility, and who can also evaluate the effectiveness of control measures.

**Reportable Quantity Release** – a release of a hazardous substance at or above the established legal threshold that requires emergency notification. Refer to 40 CFR Parts 110, 117, and 302 for complete definitions and reportable quantities for which notification is required.

**Runoff coefficient** – the fraction of total rainfall that will appear at the conveyance as runoff. See 40 CFR 122.26(b)(11).

**Significant materials** – includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under section 101(14) of CERCLA; any chemical the facility is required to report pursuant to section 313 of Title III of SARA; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with stormwater discharges. See 40 CFR 122.26(b)(12).

**Stormwater** – stormwater runoff, snow melt runoff, and surface runoff and drainage. See 40 CFR 122.26(b)(13).

**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).

**Stormwater Discharges Associated with Industrial Activity** – the discharge from any conveyance that is used for collecting and conveying stormwater and that is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities

or activities excluded from the AZPDES program under Part 122. For the categories of industries identified in this section, the term includes, but is not limited to, stormwater discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process waste waters (as defined at part 401 of this chapter); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and final products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to stormwater. For the purposes of this paragraph, material handling activities include storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product, by-product or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with stormwater drained from the above described areas. Industrial facilities include those that are federally, State, or municipally owned or operated that meet the description of the facilities listed in 40 CFR 122.26(b)(14). The term also includes those facilities designated under the provisions of 40 CFR 122.26(a)(1)(v). See 40 CFR 122.26(b)(14).

**Total Maximum Daily Loads (TMDLs)** – A TMDL is a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. A TMDL includes wasteload allocations (WLAs) for point source discharges; load allocations for nonpoint sources and/or natural background, and must include a margin of safety (MOS) and account for seasonal variations. (See section 303(d) of the Clean Water Act and 40 CFR 130.2 and 130.7).

**Water Quality Standards** – A water quality standard defines the water quality goals of a water body, or portion thereof, by designating the use or uses to be made of the water and by setting criteria necessary to protect the uses. States and EPA adopt water quality standards to protect public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act (See CWA sections 101(a)2 and 303(c)). Water quality standards also include an antidegradation policy. See P.U.D. o. 1 of Jefferson County et al v. Wash Dept of Ecology et al, 511 US 701, 705 (1994).

## A.2. ABBREVIATIONS AND ACRONYMS

ADHS – Arizona Department of Health Service

BOD<sub>5</sub> – Biochemical Oxygen Demand (5-day test)

BMP – Best Management Practice

CERCLA – Comprehensive Environmental Response, Compensation and Liability Act

COD – Chemical Oxygen Demand

CWA – Clean Water Act (or the Federal Water Pollution Control Act, 33 U.S.C. §1251 *et seq*)

DMR – Discharge Monitoring Report

EPA – Environmental Protection Agency

MDMR – MSGP Discharge Monitoring Report

MS4 – Municipal Separate Storm Sewer System

MSGP – Multi-Sector General Permit

NAICS – North American Industry Classification System

NOI – Notice of Intent

NOT – Notice of Termination

OAW – outstanding Arizona water

SIC – Standard Industrial Classification

SPCC – Spill Prevention, Control, and Countermeasures

SSC – Suspended Sediment Concentration

SWPPP – Stormwater Pollution Prevention Plan

TMDL – Total Maximum Daily Load

TSS – Total Suspended Solids

WLA – Wasteload Allocation

WQS – Water Quality Standard

**Appendix B  
Standard Permit Conditions**

**Appendix B. Standard Permit Conditions.**

Standard permit conditions in Appendix B 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 permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act; A.R.S. Title 49, Chapter 2, Article 3.1; and A.A.C. Title 18, Chapter 9, Articles 9 and 10, and is grounds for enforcement action, permit termination, revocation and reissuance, or modification, or denial of a permit renewal application.
  - 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.
  
2. **Duty to Reapply / Continuation of the Expired General Permit.** [A.A.C. R18-9-A905 which incorporates 40 CFR 122.41(b)]
  - 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 permittee 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 permittee shall comply with the NOI conditions of the new general permit to maintain authorization to discharge; or
    - ii. The date the permittee 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 permittee 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 a permittee 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 permittee 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.
  
5. **Proper Operation and Maintenance.** [A.A.C. R18-9-A905(A)(3)(a) which incorporates 40 CFR 122.41(e)]
 

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems that are

installed by a permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

- 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 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 permittee must 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 permittee 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 and NOTs:
    - 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 reports required by this permit and other information requested by ADEQ as follows:
    - i. A person described in Section 9.a or by a duly authorized representative of that person. A person is a duly authorized representative only if the authorization is made in writing by a person described in Section 9.a and contained in the SWPPP.
    - ii. The authorization must specify either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of manager, operator, superintendent, or position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position).

- c. All reports, including SWPPPs, inspection reports, annual reports, monitoring reports, reports on training and other information required by this permit must be signed by a person described in Appendix B, Subsection 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 Part 9.a;
  - 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 plant manager, operator of a well or a well field, 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.
- d. Changes to Authorization. If the information on the NOI filed for permit coverage is no longer accurate because a different owner / operator has responsibility for the overall operation of the facility, a new NOI satisfying the requirements of Part 1.3.1 must be submitted to ADEQ prior to or together with any reports, information, or applications to be signed in accordance with Appendix B, Subsection 9.c above. The change in authorization must be submitted within the time frame specified in Table A.3, and sent to the address specified in Part 7.6.
- e. Certification. Any person signing documents under the terms of this permit must make the following certification:
 

*I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.*

**10. Inspection and Entry.** [A.A.C. R18-9-A905(A)(3)(a) which incorporates 40 CFR 122.41(i)]

- a. The permittee must allow ADEQ or an authorized representative to:
  - i. Enter upon the permittee's premises where a regulated facility or activity is located or conducted or where records are kept under the conditions of this permit;
  - ii. Have access to and copy at reasonable times, any records that are kept under the conditions of this general permit; and
  - iii. Inspect at reasonable times any facility or equipment (including monitoring and control equipment), practices or operations regulated or required under this permit;
  - iv. 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 and 10; and
- b. If the facility discharges to an MS4, the permittee must allow representatives of the municipal operator or the separate storm sewer receiving the discharge to inspect the site and obtain copy of records pertaining to the discharge or the conditions of this permit.

**11. Monitoring and Records.**

- 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 permittee must retain records of all monitoring information,

- including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for at least three (3) years from the date this permit expires. This period may be extended by request of the Director at any time. Permittees must submit any such records to ADEQ upon request. The permittee must retain the SWPPP developed in accordance with Part 5 of this permit, for at least three (3) years after the last modification or amendment is made to the plan.
- c. Records Contents. Records of monitoring information must include:
    - i. The date, exact place, 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. Approved Monitoring Methods. Monitoring must be conducted according to test procedures approved under 40 CFR 136, unless specific test procedures have been otherwise specified in this permit.
  - e. 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 permittee 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 7.1, all monitoring data collected pursuant to Part 6.2 and 6.3 must be submitted to the Department using the MSGP Discharge Monitoring Report (MDMR) form, available at <http://www.azdeq.gov/environ/water/permits/stormwater.html> .
  - ii. If the permittee 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 permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements.
- d. Twenty-four hour reporting.
  - i. The permittee shall report to ADEQ any noncompliance with this permit which may endanger human health or the environment. The permittee 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 permittee 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 permittee 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 permittee becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in the Notice of Intent or in any other report to the Department, the permittee shall promptly submit the facts or information to ADEQ at the address listed in Part 7.6.

**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 permittee 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 permittee must 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 permittee 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.**

- 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 a permittee 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 Appendix B.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 Appendix B. Subsection 17.d.

**18. Request for an Individual Permit.**

- a. A permittee may request an exclusion from coverage of a general permit by applying for an individual permit.
  - i. The permittee 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 permittee 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. Transfer of Coverage**

- a. Transfer of coverage from one operator to a different operator (*e.g.*, facility sold to a new company): the new owner/ operator must complete and file a Notice of Intent in accordance with Part 1.3.1 at least 5 days prior to taking over operational control of the facility. The old owner/ operator must file a Notice of Termination within thirty (30) days after the new owner/ operator has assumed responsibility for the facility.
- b. Simple name changes of the permittee (*e.g.*, Company "A" changes name to "ABC, Inc.") may be done by filing an amended Notice of Intent referencing the facility's assigned permit number and requesting a simple name change.

**20. Bypass**

- a. Definitions.
  - 1 Bypass means the intentional diversion of waste streams from any portion of a treatment facility
  - 2 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 permittee 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 Appendix B, Subsections 20.c and 20.d.
- c. Notice
  - 1 Anticipated bypass. If the permittee knows in advance of the need for a bypass, prior notice shall be submitted at least ten days before the date of the bypass.
  - 2 Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Appendix B, Subsection 12.d.
- d. Prohibition of bypass.
  1. Bypass is prohibited, and ADEQ may take enforcement action against the permittee for bypass, unless:
    - i. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
    - ii. 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

- iii. The permittee submitted notices as required under Appendix B, Subsection 20.c.
- 2. 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 Appendix B, Subsection 20.d.

## 21. Upset

- 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 your reasonable control. 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 Appendix B, Subsection 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. A permittee who wishes to establish the affirmative defense of upset must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - 1 An upset occurred and that the permittee can identify the cause(s) of the upset;
  - 2 The permitted facility was at the time being properly operated;
  - 3 The permittee submitted notice of the upset as required in Appendix B, Subsection 12.d (iii); and
  - 4 The permittee complied with any remedial measures required under Appendix B, Subsection 4.
- d. Burden of proof. In any enforcement proceeding, the permittee, who is seeking to establish the occurrence of an upset, has the burden of proof.

## G. 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.

- 1. **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.
- 2. **Criminal Penalties.** Any a person who violates a condition of this general permit, or violates a provision under A.R.S. Title 49, Chapter 2, Article 3.1, or A.A.C. Title 18, Chapter 2, Articles 9 and 10 is subject to the enforcement actions established under A.R.S. Title 49, Chapter 2, Article 4, which may include the possibility of fines and/or imprisonment.