



# ARIZONA POLLUTANT DISCHARGE ELIMINATION SYSTEM (AZPDES)

## FACT SHEET

for

### **AZPDES General Permit for De Minimis Discharges to Protected Surface Waters (AZG2021-001)**

#### **INTRODUCTION**

This Fact Sheet relates to the Arizona Department of Environmental Quality (ADEQ) 2021 AZPDES General Permit for De Minimis Discharges. Hereinafter, the terms “permit” or “De Minimis General Permit” or “DMGP” will be used. “Department” refers to ADEQ unless otherwise specified. This general permit is applicable to De Minimis discharges in Arizona except for those in Indian Country as defined by Federal law (Title 18 USC § 1151); those tribal areas continue to be the jurisdiction of EPA Region 9. (See discussion of Part I.A., below, for further details).

This permit replaces the previous AZPDES De Minimis General Permit (AZG2016-001) which was issued by ADEQ on April 13, 2016, for a five-year term. ADEQ modified the June 1, 2021 DMGP to include non-Waters of the U.S. (WOTUS) protected surface waters in accordance with A.R.S Title 49 Chapter 2, Article 3.1, and for those permit modifications to be effective on September 29, 2021. Pursuant to Arizona Administrative Code (A.A.C.) R18-9-C905, ADEQ may modify or revoke and reissue this permit before it expires if certain conditions presented in 40 CFR 122.62(a) or (b) are met.

This Fact Sheet is written in an informal style that does not necessarily reflect verbatim the actual language used in the permit. It is intended to help the regulated community and other readers understand the intent and basis of the actual permit language. If any discrepancy exists between this summary and the actual DMGP language, permittees must comply with the DMGP as written.

#### **BACKGROUND**

Under Arizona Revised Statutes (A.R.S.) Title 49, Chapter 2, Article 3.1, it is unlawful to discharge to protected surface waters, except in conformance with an AZPDES permit. Protected surface waters means waters of the State listed on the protected surface water list under Section A.R.S. §49-221, Subsection G and all WOTUS.

There are two basic types of AZPDES permits: individual permits and general permits. An individual permit is typically issued for discharges from a single facility for a multi-year period, and often requires a lengthy period for review and issuance. As an alternative to individual permits, Arizona’s AZPDES regulations

authorize the issuance of general permits (A.A.C. R18-9-C901) for categories of discharges located within common geographic areas, that:

- Involve the same or substantially similar types of operations;
- Discharge the same types of wastes or engage in the same types of disposal practices;
- Require the same effluent limitations, operating conditions, or standards;
- Require the same or similar monitoring; and
- Are more appropriately controlled under a general permit than under an individual permit.

A general permit is a cost-effective and efficient means for ADEQ to authorize discharges from a large number of similar facilities or sites, while ensuring consistency in permit conditions for similar discharges. This approach also benefits an applicant by significantly shortening the time necessary to obtain permit coverage, compared with the individual AZPDES permit process.

Accordingly, ADEQ has developed the DMGP to allow a range of De Minimis discharges to be authorized under one general permit. These include discharges from maintenance of potable water systems, well development, aquifer testing, hydrostatic testing of pipelines, subterranean dewatering, and other projects (see Part I.B., below). These are discharges which, if properly managed, will not have significant impacts on water quality or the environment. Eligible discharges are generally infrequent, of low volumes, or of short durations (less than 30 consecutive days unless otherwise authorized in writing by ADEQ). They require similar best management practices (BMPs) to minimize any pollutants. They typically involve a limited set of pollutants (suspended sediment, trace metals, chlorine, oil and grease, high or low pH, bacteria, or organic debris), and require similar monitoring based on the type of protected surface water receiving the discharge. All of these factors make these types of discharges more appropriately controlled under a general permit than under individual AZPDES permits.

NOTE: When the requirements of a general permit do not adequately address the activity at a facility or if ADEQ determines that the discharge is a significant contributor of pollutants, an individual permit may be required so that permit conditions can be customized to the discharge site (DMGP Part V.P.). Application requirements for individual AZPDES permits are found at A.A.C. R18-9-B901.

#### **CHANGES in 2021 DMGP from 2016 DMGP**

Below is a summary of most of the substantive changes in the 2021 DMGP from the 2016 DMGP. Unless stated otherwise, numbering is as shown in the 2021 DMGP. **Additional changes made following the public comment period for the 2021 permit will be listed in the accompanying “Response to Comments” (RTC) document.** An overall “SUMMARY OF PERMIT CONDITIONS” follows this section.

#### **1. Changes pertaining to multiple sections:**

- September 29, 2021 Permit Modification

ADEQ modified the June 1, 2021 DMGP to implement the State’s new Surface Water Protection Program (SWPP) in accordance with A.R.S Title 49 Chapter 2, Article 3.1, and for those permit modifications to be effective on September 29, 2021. Certain definitions have been updated or introduced to reflect the change. Notably, the terms Protected Surface Water, WOTUS and non-WOTUS protected surface waters are used throughout the permit. Protected Surface Waters means waters of the State listed on the protected surface water list under Section A.R.S. §49-221, Subsection G and all Waters of the United States (WOTUS). WOTUS means a protected surface

water that are also navigable waters as defined by Section 502(7) of the Clean Water Act and are federally regulated. Non-WOTUS protected surface water means a protected surface water that is not a WOTUS, and is regulated by the State.

For discharges to a WOTUS, any permit noncompliance constitutes a violation of the Clean Water Act; A.R.S. Title 49, Chapter 2, Article 3.1; and A.A.C. Title 18, Chapter 9, Article 9, and is grounds for enforcement action, termination or modification of permit coverage, or denial of a permit renewal application. For discharges to non-WOTUS protected surface waters, any permit non-compliance is enforceable solely by the Arizona Department of Environmental Quality (ADEQ) pursuant to A.R.S. Title 49, Chapter 2, Article 4. The conditions of this permit that regulate discharges to non-WOTUS protected surface waters do not constitute effluent standards or limitations under 33 U.S.C. § 1365.

A new NOI will not be required for existing permittees under this permit modification that incorporates non-WOTUS protected surface waters into the June 1, 2021, DMGP, unless the addition of a non-WOTUS protected surface water results in a change of a discharge point or change in protected surface water. In that case, the NOI should be modified, and there will be no modification fee for existing permittees to incorporate those changes to the NOI, unless a BMPP is required to be submitted as part of the modification.

On August 30, 2021, a District Judge for the District of Arizona issued an order on vacating and remanding the Navigable Waters Protection Rule (NWPR). The order will have the effect of setting Clean Water Act (CWA) regulations in Arizona to those in place prior to the 2015 WOTUS rule revision.

- June 1, 2021 Permit Reissuance changes
- Electronic Reporting

In December 2015, the U.S. EPA published the final regulation (40 CFR Parts 9, 122, 123, 124, 127, 403, 501, and 503) that requires electronic reporting and sharing of program information instead of using the current paper-based applications and reporting. In order to meet these requirements of the electronic reporting and sharing rule (e-reporting rule), ADEQ has implemented myDEQ, the e-Permitting/e-Compliance Online Portal. myDEQ allows permittees to obtain, modify a Notice of Intent (NOI), submit a Notice of Termination (NOT), including submitting a Best Management Practices Plan (BMPP) and Discharge Monitoring Report (DMR) electronically using the on-line permitting system. Applicable permit sections regarding the submittal of NOI, NOT, BMPP and DMRs has been changed to incorporate the requirements of the e-reporting rule, including the timeframes for authorizations.

As of June 1, 2017, ADEQ no longer accepts paper applications for DMGP NOIs, NOTs and DMRs.

- Discharges covered by the 2016 DMGP

Part III.A.1. Part b and c where changed from 120 days to July 30, 2021, to reflect the amount of time given to for existing permittees to reapply for DMGP coverage under the June 1, 2021 permit. After the July 30, 2021, any 2016 DMGP coverage not terminated, or renewed within the reapplication period, will be expired. The time frames in the permit were adjusted to reflect this condition.

- Clarify requirements for discharges to Outstanding Arizona Waters

Language has been added to clarify that no new or expanded discharges to Outstanding Arizona Waters (OAWs) is permitted under R18-11-107.01(C)(2).

- Change permit wording from “within ¼ mile” to “¼ mile upstream”

The September 2021 permit modification language that was public noticed, has been edited to remove the phrase “tributary” and to preserve the language as issued in the June 1, 2021 DMGP, that includes “within ¼ mile upstream of certain protected surface waters.” The June 2021 Permit re-issuance language was changed to include: in portions of the 2016 permit and fact that describes discharges to tributaries within ¼ mile of impaired, not-attaining or Outstanding Arizona Water (OAW), was changed to “¼ mile upstream.” When evaluating protected surface waters, particularly those with Total Maximum Daily Loads (TMDLs), ADEQ evaluates contributions from upstream sources and contributing waterbodies. As such, in some instances, upstream sources may be identified as a contributor to an impairment or causing further degradation. This change to ¼ mile upstream was implemented to reflect this condition. The addition of “within a ¼ mile upstream” is to provide additional clarity for the distance used to trigger certain permit conditions.

- Representative Sample Location

Permits Part IV.E.c and Appendix A- Part A language was added to include “prior to comingling with other discharges not authorized under this permit.” The language was inserted to clarify that representative samples of the discharge shall be taken at a point after any final treatment process, prior to comingling with other discharges not authorized under this permit, and prior to the discharge mixing with the protected surface water receiving the discharge. This language is consistent with 40 CFR 122.45(h), in which permittees can use an alternate sample location other than the point of discharge (discharge point for purposes of this permit means the point where a discharge enters a protected surface water ). This is more characteristic of the actual discharge (versus where the discharge enters the protected surface water ) because the sampling location is before mixing and/or diluting with other waste streams that could make the detection or analysis of permitted pollutants impracticable.

- Table A-C in Appendix A

Permit edits during the pre-public notice June 1, 2021 edition included: the text in Table A and B entitled Monitoring Requirements was changed from “*However, the permittee is responsible for ensuring that these limits/ALs are met and may wish to document compliance*” to “*However, the permittee is responsible for ensuring that these limits/ALs are met, when required to sample.*” The wording “*may wish to document compliance*” was removed. Documenting compliance with permit conditions is not conditional, rather adherence to regulatory requirements defined in the permit, is required. The language “*when required to sample*” was inserted to add clarity, that the permittee is responsible for meeting limits/ALs when a sample is required to be taken, barring any permit exemptions that may exclude sampling for the monitoring period. Note change from the June 2021 public noticed version: the sentence “*However, the permittee is responsible for ensuring that these limits/ALs are met, when required to sample*” was removed from the Table A and Table B. The revised language was misleading. There are other permit limitations that the permittee must comply with, even if sampling is not required.

### **Other Changes to the June 1, 2021 Permit during Public Comment:**

- General typos and referenced permit sections, Table numbers were corrected or removed.
- The twenty-four-hour reporting phone number in Part IV.E.2.c has changed to (602) 771-1440.
- The mailing address for reports has been removed from the permit Part IV.E.2.c and d. Reports are to be emailed to: [stormwatercompliance@azdeq.gov](mailto:stormwatercompliance@azdeq.gov).
- Part III.B.5, add protected surface water as a selection needed to complete the NOI.
- The addition of “within a ¼ mile upstream” to provide additional clarity for the distance used to trigger certain permit conditions.
- Permit parts that discuss NOI timeframes, changed the wording “approval date” to “issue date” to reflect the terminology used on the Certificate of Authorization.

**NOTE: Additional changes made following the public comment period for the draft 2021 permit are provided in the June 1, 2021 “Response to Comments” (RTC) document located at <https://www.azdeq.gov/AZPDES/DMGP>.**

### **2. VII.B., Definitions.**

- Definitions were updated as part of the permit modification.

### **SUMMARY OF PERMIT CONDITIONS**

The “Part” numbers below refer to those in the 2021 DMGP.

**Definition of “De Minimis discharge”:** A fundamental provision of the DMGP is the definition of De Minimis discharge found in **Part VII.B.** of the permit. As defined, a De Minimis discharge is a discharge to protected surface waters which:

- meets the applicable surface water quality standards;
- is a low-flow and/or low-frequency event, or is otherwise determined by ADEQ to be appropriate for DMGP coverage;
- is conducted with appropriate BMPs in accordance with Part IV.D. of the permit; and
- does not last continuously for longer than 30 days unless written approval for a longer discharge is issued in advance by the ADEQ.

Proposed discharges must be consistent with this definition in order to be eligible for DMGP coverage, and are also subject to the “Limitations on Coverage” discussed below (Part I.C. of the permit).

### **Part I.A. Permit Area and Applicability**

The DMGP is applicable within the State of Arizona, except for Indian Country. Indian Country, as defined in U. S. Code Title 18 §1151, includes all land within the limits of any Indian reservation under the jurisdiction of the United States government, all dependent Indian communities within the borders of the U. S., and all Indian allotments to which the Indian titles have not been extinguished. ADEQ does not have permitting authority in Indian Country, even on private fee lands. Operators in Indian Country must pursue permitting

through U.S. EPA Region 9 or federally recognized tribes granted “treatment as state” status or primacy by U.S. EPA over specific environmental programs.

For discharges in Indian Country that may reasonably be expected to reach protected surface waters within State lands, the operator should check with ADEQ regarding the need for AZPDES permit coverage.

### **What discharges need coverage?**

Under A.R.S. § 49-255.01, any discharge to protected surface waters (regulated surface waters) requires coverage under an AZPDES permit, unless excluded from permit requirements under A.A.C. R18-9-A902.G., or as part of a remedial action under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) [42 U.S.C. Section 9621(e)(1)] and associated regulations [(40 CFR 300.400(e)(1))]. For eligible discharges, one of the options for obtaining coverage is via the DMGP. Certain non-stormwater discharges may be allowable under the general permits for construction or industrial stormwater. An individual AZPDES permit application is also an option, but the process of obtaining DMGP coverage is generally much simpler and quicker. Regardless of which permit option is chosen, permit coverage must be in place at the time of discharge.

Discharges to retention basins outside of protected surface waters with no potential to reach protected surface waters. do not need AZPDES coverage. Such discharges may, however, require an Aquifer Protection Permit.

### **Discharges to Municipal Separate Storm Sewer Systems (MS4s) or other conveyances**

Discharges made to protected surface waters by way of a Municipal Separate Storm Sewer System (MS4) or another conveyance require AZPDES permit coverage. However, a DMGP authorization does not confer any right or permission to utilize the MS4 or conveyance to conduct discharges (DMGP Part II.A.10.). Any such permission or conditions for use of the facility are solely under the authority of the MS4 or conveyance operator. Prospective applicants for DMGP coverage should contact the operator of any affected MS4 or conveyance in advance for permission to use the facility.

If ADEQ issues a DMGP authorization for discharges that may enter a regulated MS4, the permittee must send a copy of the authorization to the owner/operator of the MS4 (DMGP Part II.A.11.).

### **Part I.B. Activities Eligible for Authorization.**

This permit provides coverage for the following types of discharge activities, subject to the terms and conditions of the permit:

- **I.B.1. Potable water systems:** discharges associated with the operation of potable water systems, such as disinfection and flushing activities, hydrostatic testing, pressure releases, overflows, wells that have been approved by ADEQ for drinking water use, and military Tactical Water Purification System (TWPS) operations of thirty (30) days or less.
- **I.B.2. Subterranean dewatering:** discharges associated with subterranean dewatering, except for discharges from vaults and from mining activities. Discharges from vaults may be considered for coverage under the Specific Approval provision of Part I.B.7.
- **I.B.3. Well development and maintenance, and aquifer testing:** discharges associated with drilling, development, maintenance, or rehabilitation of non-potable water wells, wells being

developed for potable use, or piezometers; and discharges from water supply or water quality investigations. NOTE: discharges from soil and groundwater remediation projects are subject to the limitation in Part I.C.1., discussed below.

- **I.B.4. Hydrostatic testing (other than for potable water systems):**

Source water for eligible hydrostatic testing discharge is generally limited to groundwater, surface water, or potable water. However, for discharges to ephemeral waters (that is a protected surface water), effluent-dependent waters or non-domestic water source (non-DWS) use canals (that is a protected surface water), the use of Class A+ or B+ reclaimed water is routinely eligible. Discharge of Class A or B reclaimed water may be allowable under a Specific Approval (Part I.B.7.). For perennial, intermittent, or impaired surface waters, occasional short-term discharges of reclaimed water (Class A+, A, B+, or B) may be allowable subject to Specific Approval (Part I.B.7.). Dechlorination may be required in order for reclaimed water to meet the applicable surface water quality standard for total residual chlorine (TRC). NOTE: Discharges of reclaimed water are subject to the “Limitations on Coverage” stated in Parts I.C.7. and 8.

Eligible hydrostatic testing activities include:

- Discharges associated with testing of new pipelines, tanks or vessels; or components of sewer systems or reclaimed water systems.
  - Discharges associated with the testing of pipes, tanks, or vessels that have been previously used to transport oil or gas, provided the conditions of a Type 1.03 General Permit or an individual permit under Aquifer Protection Permit rules (A.A.C. R18-9-B301.C.) have been met, and the water quality has been found to meet all applicable surface water quality standards. The 2016 permit allows for Specific Approval of alternative handling of such discharges that would not be subject to an APP Type 1.03 General Permit (*i.e.*, that would not involve releases to an impoundment). An example would be containing the test water in tanks for subsequent sampling and analysis prior to discharge.
- **I.B.5. Reclaimed water systems:** discharges from reclaimed water systems utilizing Class A+ or B+ reclaimed water, relating to post repair flushings and pressure releases when the discharges are to ephemeral waters (that are protected surface waters) or effluent-dependent waters or non-DWS use canals (that is a protected surface water). Discharges of Class A or B reclaimed water may be allowable under a Specific Approval (Part I.B.7.).  
  
For perennial, intermittent, or impaired waters, occasional short-term discharges reclaimed water (Class A+, A, B+, or B) may be allowable subject to Specific Approval. Dechlorination may be required in order for reclaimed water to meet the applicable surface water quality standard for TRC. NOTE: Discharges of reclaimed water are subject to the “Limitations on Coverage” stated in Parts I.C.7. and 8.
- **I.B.6. Other:** The permit provides coverage for the types of discharges described in Part I.B.6. with no requirement for NOI submittal (Part II.A.2.), provided the site of the activity is not within ¼ mile upstream of perennial or intermittent waters or Outstanding Arizona Waters (OAW) and discharges are not made to DWS use canals (that is a protected surface water). Discharges must be minimized to the extent practicable. The covered discharge types are:

- Uncontaminated air conditioning condensate or overflow from residential evaporative coolers.
- Discharges from charitable noncommercial car wash events when only the exterior of the vehicles are being washed, using water alone or in combination with phosphate-free cleaning agents formulated specifically for exterior car washing, that do not contain organic (carbon-based) solvents. Cleaning agents, if any, must be used according to label instructions. Water must be used only in the amount needed to do the job, to avoid unnecessarily increasing the discharge.
- Street wash water or exterior building washing, using water alone or in combination with phosphate-free cleaning agents that do not contain organic (carbon-based) solvents. Accumulations of pollutants, if present, must be removed and disposed of properly before conducting washing activities that would result in a discharge. Examples would be removal of loose materials (bird nests, roofing gravel) prior to washing of buildings or roofs; removal of debris prior to street washing; and cleanup of crime/trauma scenes prior to pavement washing that would result in a discharge.

For purposes of the DMGP, street wash water is intended to include water from washing streets and sidewalks, but not from washing other areas such as parking lots or automobile service stations. Street wash water does not include water collected in a street sweeper or other device as a result of mechanized sweeping or washing operations. Such material must be routed for appropriate disposal and not discharged.

- Freshwater swimming pool drainage that has been dechlorinated/debrominated before release from the permittee's premises. The permit specifies criteria for sufficient dechlorination or debromination: either **1)** free chlorine is measured at "0" with a pool test kit, or **2)** total residual chlorine (TRC) is measured at or below 0.02 mg/L with a more sensitive test device. Pool drainage discharges must be visually clear, colorless, and free of suspended solids, floating material, and debris.
- **I.B.7. Specific approvals:** This category is for types of discharge activities that are not specifically listed for routine coverage in the DMGP, but are determined to be De Minimis and approved in writing by ADEQ.

**Part I.C. Limitations on Coverage.**

In the 2021 DMGP the following types of discharges are not authorized. These are the same as in the 2016 DMGP unless cross-referenced to an item in the "CHANGES" section, above:

1. Discharges from soil and/or groundwater remediation activities, other than well installation, well development, purging, limited aquifer testing, and backflushing of injection wells (DMGP Part I.B.3.).
2. Discharges of industrial process water or from ongoing operation of permanent domestic or industrial water or wastewater treatment plants.
3. Discharges of reclaimed water from impoundments or water features, except for discharges necessary for maintenance or repair (subject to Specific Approval).
4. Discharges resulting directly from breaks or leaks from pipelines, except from potable water pipelines as described in Part I.B.1.c. AZPDES permits generally do not cover discharges resulting from pipeline breaks or leaking lines/facilities, except for discharges associated with

repairs. ADEQ considers releases from pipeline breaks and leaks to be types of “spills” and thus inappropriate for routine permit coverage. An exception has been made for potable water pipelines because of their established and documented water quality. When breaks or leaks of any kind result in discharges to protected surface waters they should be halted as soon as practicable and remediated as necessary.

5. Discharges that include solvents, caustic agents, halogenated hydrocarbons (other than disinfection by-products), biocides or other pollutants, which are not readily biodegradable or are present in concentrations that could adversely affect water quality or aquatic life.
6. Discharges from vehicle washes other than those specified in Part I.B.6. Such discharges (including those from commercial mobile car washes) would not meet the requirements of a Type 3.03 General Permit under Arizona’s Aquifer Protection Permit rules, which do not allow discharges to protected surface waters from these facilities (A.A.C. R18-9-D303.C.2). If discharges to protected surface waters from a mobile car wash operation were proposed, an individual APP permit would be required. An individual AZPDES permit (rather than a DMGP authorization) would also be required because of the level of treatment that would be necessary for compliance with the SWQS.
7. Discharges of reclaimed water other than Classes A+, A, B+, or B; and discharges of reclaimed water to OAWs and waters with the domestic water source (DWS) designated use.
8. Discharges of Class A or B reclaimed water to impaired waters for which nitrogen or phosphorus is listed as a cause of impairment in *Arizona’s Integrated 305(b) Assessment and 303(d) Listing Report*; or to perennial waters listed with nutrient standards (total nitrogen and/or total phosphorus) in the surface water quality standards (SWQS) at A.A.C. R18-11-109(F). By definition, De Minimis discharges must meet all applicable SWQS, but Class A or B reclaimed waters would not meet the nutrient standards. With regard to the above-referenced impaired waters, proposed discharges exceeding nutrient standards would not meet antidegradation criteria under A.A.C. R18-11-107 and are therefore inappropriate for DMGP coverage.

NOTE: For the above-referenced protected surface waters, any discharge under the DMGP must meet all applicable SWQS including those for nitrogen and phosphorus. Although discharges of Class A+ and B+ reclaimed water to such protected surface waters are not categorically excluded from DMGP coverage, they are subject to specific approval as stated in Parts I.B.4. and 5. Applicants proposing such discharges would be required to submit water quality test results for total nitrogen and total phosphorus with their NOIs, along with results for other regulated parameters as directed by ADEQ.

9. Discharges from any source for which Effluent Limitation Guidelines (ELGs) have been established per CWA Section 304(b). Note: ELGs do not apply to non-WOTUS protected surface waters.
10. Discharges required to be authorized under a stormwater permit issued per CWA Section 402(p) (Municipal and Industrial Stormwater).
11. Discharges required to be authorized under other general permits, such as the AZPDES Pesticide General Permit (No. AZPGP2011-001).
12. Discharges that cause or contribute to exceedances of Arizona water quality standards.
13. Discharges that are not in conformance with any approved Total Maximum Daily Load (TMDL).

## **Part II.A. Application for Coverage and Timing of Authorizations**

**II.A.1.** Discharges that were authorized under the 2016 DMGP and have not been terminated will be required to reapply by July 30, 2021, subject to the conditions in **Part III.A.**

**II.A.2.** Discharges listed in DMGP Part I.B.6. (charitable non-commercial car washes, dechlorinated swimming pool drainage, etc.) and meeting the stated criteria are automatically authorized without submittal of a NOI. The DMGP does not require water quality monitoring or preparation of a BMPP for these discharges, but they are subject to all other applicable DMGP conditions.

**The remainder of Part II.A.** addresses the application process and timing of authorization for various types of discharges and coverage that require NOI submittal:

**Single-source discharge coverage (Parts II.A.3. and II.A.4.)** is for discharges from one type of discharge activity (as listed in Part I.B. of the permit) at one discharge location. Authorization is requested by submitting a complete and accurate Single-source De Minimis NOI (as described in Part III.B.). If the discharge point is within a ¼ mile upstream of an OAW or impaired water, a copy of the BMPP must be submitted with the NOI for review by ADEQ. Both short-term and long-term activities may be eligible for single-source coverage.

**Areawide coverage (Part II.A.5)** is for municipalities, water utilities, military facilities conducting Tactical Water Purification System training, and providers of Class A+, A, B+, or B reclaimed water. Note that discharges of reclaimed water are subject to the “Limitations on Coverage” stated in Parts I.C.7 and -8. This type of coverage may include multiple discharge activities from multiple locations, and may remain in place throughout the term of the DMGP. Areawide coverage must be requested using the multipurpose “Areawide, Projectwide, Facilitywide” NOI form (or equivalent) provided by ADEQ. The NOI may include eligible discharges within a municipality, public water system (PWS), reclaimed water system, or military facility. Different types of discharge activities may be included in one NOI; for example, a utility operating a PWS and a reclaimed water system in a community may include discharges from both systems in the same NOI. If two or more PWSs provide service in contiguous areas and are operated by the same entity, the applicant may request approval from ADEQ to include them in one Areawide NOI.

**Projectwide coverage (Part II.A.6.)** is for discharges at multiple locations associated with a specific project that is not eligible for Areawide coverage (above). It may remain in place for a short period or throughout the term of the DMGP if needed. **EXAMPLES:** discharges of hydrostatic test water at several locations along a natural gas pipeline; discharges from multiple wells used for a hydrogeologic investigation or ground water monitoring. Projectwide coverage must be requested using the multipurpose “Areawide, Projectwide, Facilitywide” NOI form (or equivalent) provided by ADEQ.

**Facilitywide coverage (Part II.A.7.)** is for commercial, industrial, governmental, or other facilities that provide their own water supply for potable use, irrigation, or fire suppression. **EXAMPLE:** a prison that operates its own water supply. Facilitywide coverage must be requested using the multipurpose “Areawide, Projectwide, Facilitywide” NOI form (or equivalent) provided by ADEQ.

**Timing of authorization** is specified in **Parts II.A.3., II.A.4., II.A.8., and II.B.** for the corresponding types of discharges or coverage. The effective date of authorization to discharge, after the date ADEQ receives a complete and accurate NOI, varies partly according to the type of protected surface water that receives the discharge. See DMGP Part VII for definitions for ephemeral, effluent-dependent, intermittent, and perennial waters; non-DWS use canals; DWS use canals; OAWs; and impaired waters. For many types of discharge or coverage, the discharge is authorized upon receipt of the Certification of Authorization from myDEQ assigning an authorization number and issue date, unless ADEQ notifies the applicant otherwise. The Certification of Authorization is issued immediately in myDEQ for certain NOIs (certain types of single source not within ¼ mile upstream of an OAW, etc), and other types of NOIs (within a ¼ mile upstream from OAW/Impaired Water, Specific Approvals, discharges lasting longer than 30 days continuously, discharges reaching Indian Country, etc.) may require more time for ADEQ review. When additional review is needed, the authorization will specify its effective (issue) date and any special conditions applicable to the discharge in addition to those specified in this permit.

Authorization to discharge is not automatic within those timeframes if a submitted NOI is incomplete, a submitted Best Management Practices Plan (BMPP) is incomplete or incorrect or if discharge(s) is/are not eligible for coverage. At any point, ADEQ may deny coverage under this permit and require submittal of an application for an individual AZPDES permit based on a review of the NOI or other relevant information.

**About the NOI process (Parts II.A.3. – II.A.11.):**

With the exceptions listed in **II.A1. and II.A.2.** above, authorization to discharge under this permit is authorized upon receipt of the Certification of Authorization from myDEQ assigning an authorization number and issue date.

The applicant identified in the “Certification” section of the NOI must be a person having control of those activities related to the subject discharge which are necessary to ensure compliance with the conditions of this permit, and who takes responsibility for such compliance. In accordance with the definition of “operator” in Part VII of the permit, the applicant will be the same as the operator or owner/operator listed on the NOI form.

Note that the applicant may be an individual or any type of organization listed in the definition of “person” (DMGP Part VII.B., per A.R.S. §49-201(27)). Part V.K. of the permit specifies signatory requirements for various types of organizations including sole proprietorships.

It is essential that the signer of the NOI understands the applicant/permittee is liable for adherence to the conditions of the permit, which include potential civil and criminal penalties for noncompliance as stated in Part VI of the permit. Where there is more than one party involved in a project (for example, a hydrogeologic consultant performing an aquifer test for a municipality), the applicant may be either party, but must have sufficient fiscal and technical control to ensure compliance with permit conditions. Such control may be direct or by means of a contract with the other party, but the responsibility always belongs to the applicant/permittee.

The preparation of a BMPP is part of the NOI process for all applicants. Unless specifically requested by ADEQ, submittal of the BMPP is not required for single-source NOIs for discharge points that are not within a ¼ mile upstream of an OAW or impaired water. All other NOIs that must submit a copy of the BMPP, will be notified through myDEQ during the NOI process.

Each NOI submitted for coverage under the DMGP is assigned a reference number which becomes an Authorization Number if and when coverage takes effect. If approved, a printed discharge authorization is electronically sent to the permittee confirming coverage and specifying any conditions applicable to the discharge.

**For discharges to MS4s or other conveyances (Part II.A.10):**

For discharges into (or having the potential to reach) a regulated MS4, the 2021 DMGP (Part II.A.10.) requires the applicant to send a copy of the discharge authorization to the MS4 operator. A list of regulated MS4s can be obtained by searching ADEQ's website. It is the permittee's responsibility to ascertain the correct office address for making this submittal to the MS4.

The applicant should be aware that owners/operators of MS4s and other conveyances (including those that are not regulated MS4s) may have their own conditions for use of the conveyance. As stated in Part II.A.10., the DMGP does not convey the right to discharge to private or public property not owned or operated by the permittee, including a municipal separate storm sewer system, canal, or irrigation system (see DMGP Part V.G., Property Rights). The applicant should contact the MS4 or other conveyance operator in advance of the discharge to obtain permission, and to determine whether there are any such conditions or local permit requirements. The owner/operator of an affected facility may require the permittee to send them a copy of the discharge authorization, whether or not the facility is a regulated MS4.

**Part II.C. Modification of Coverage.**

This section of the permit provides for modifications to the NOIs for single-source discharges and additions to Areawide, Projectwide, and Facilitywide authorizations; and lists the applicable timing of authorization for the submitted changes.

**Part II.D. Fees.**

AZPDES program fees were established by rule effective July 1, 2011. This section is included as required under A.A.C. R18-14-109 which addresses flat fees associated with AZPDES general permits. The fees applicable to DMGP submittals are listed in the permit. As of the date of 2021 DMGP issuance, there is no fee for submitting a modified NOI (Part II.C.1.), or for adding discharge locations to an Areawide, Projectwide, or Facilitywide authorization (Part II.C.2.). State agencies are exempt from these fees (A.R.S. §49-203(A)(8)).

**Part II.E. Termination of Coverage.**

Notices of Termination (NOTs) provide ADEQ with a mechanism to track the status of discharges which have been covered by the permit. The permittee must submit a complete De Minimis NOT after the subject discharges have permanently ceased or coverage has been obtained under another AZPDES permit. If there is a change in ownership or responsibility for the discharge activity to another entity, the NOT must be submitted within thirty (30) days after the transfer occurs. In that case the new owner or responsible party must submit a new NOI and obtain discharge authorization from ADEQ before conducting discharges.

The NOT must be submitted using myDEQ on-line permitting portal. Monitoring results must be submitted with the NOT if required by Appendix A, Part B.1.a. of the permit, or by a condition in an authorization issued by ADEQ for the discharge. If the discharge entered a regulated MS4, the permittee must send a copy of the NOT to the MS4 operator at the time it is submitted to the ADEQ.

### **Part III.A. Notice of Intent Requirements - Deadlines for Notification.**

This section of the DMGP addresses the required timing of submittals required under the 2021 DMGP.

- A new NOI will not be required for existing permittees under the September 29, 2021, permit modification that incorporates non-WOTUS protected surface waters into the June 1, 2021 DMGP, unless the addition of a non-WOTUS protected surface water results in a change of a discharge point or change in protected surface water. In that case, the NOI should be modified, and there will be no modification fee for existing permittees to incorporate those changes to the NOI, unless a BMPP is required to be submitted as part of the modification.
- For discharges that were authorized under the 2016 DMGP and have not been terminated: a new NOI is required, and the permittee has until July 30, 2021, to reapply for coverage under the June 1, 2021 DMGP and pay the initial fee. Existing permittees that do not reapply for permit coverage by July 30, 2021, the 2016 permit coverage will expire. Revisions to the existing BMPP must be made, as needed, to comply with Part IV.D. of the 2021 permit within 120 days after the effective date of the 2021 DMGP. The revised BMPP, if submitted under the previous 2016 permit term, will not need to be re-submitted during the reapplication process, unless specifically requested by ADEQ.
- For discharges that were not previously authorized under the 2016 DMGP, the applicant must submit a complete and accurate NOI far enough in advance to allow for the authorization timeframes specified in Parts II.A. and -B. of the permit.

### **Part III.B. Contents of NOI.**

This section of the DMGP lists the information and items that must be included in a complete Notice of Intent submittal.

**Part III.B.9.** The Arizona Department of Water Resources (ADWR) well registration number is required if the proposed discharge is from a well. All wells in the State of Arizona must be registered with the ADWR (A.R.S. § 45-593). For a new well, registration occurs as part of the authorization to drill. Occasionally the registration number is not known to the applicant at the time the De Minimis NOI is being prepared. The applicant may modify the NOI, to update the well registration number.

**Part III.B.10.d.** Submittal of discharge sampling results or other representative water quality data with the NOI is generally required for discharge points to tributaries within a ¼ mile upstream of perennial or intermittent waters, EDWs, OAWs, or impaired waters. To allow flexibility for proposed discharges that are within the ¼-mile threshold that is identified in myDEQ but clearly would not reach such waters, the permit allows ADEQ to waive the water quality data requirement upon a sufficient showing by the applicant. For proposed discharges outside the ¼-mile threshold, ADEQ may require water quality data submittal with the NOI in specific cases.

**“For discharges with unspecified locations”, at end of Part III.B.10.** The “EXCEPTIONS” state certain restrictions on summarizing information for discharges to OAW tributaries. For other protected surface water types, the use of summary data for unspecified discharge locations may be allowable, subject to advance approval by ADEQ.

**Part IV. Special Conditions.** Special Conditions include the following:

- A. Requirements to prevent or minimize adverse effects on human health, the environment, or the protected surface water that receives the discharges. The permittee must avoid causing potential downstream impacts such as persistent ponding (vector hazard). This section also contains a proviso regarding non-transferability of DMGP authorizations.
- B. Discharge prohibitions, including those that would violate numeric or narrative surface water standards, or aquifer water quality standards. NOTE: Because the aquifer water quality standards apply to water quality in aquifers, Part IV.B.4.g. is understood to refer to violation of an AWQS in ground water.
- C. The requirement for discharges to comply with the water quality limitations in Appendix A of the DMGP, and for certain responses to any exceedance of action levels.
- D. Best Management Practices Plan (BMPP) requirements include prevention of erosion, scour, and sedimentation from the discharge; dechlorination where appropriate; circumstances requiring BMPP revision and resubmittal; appropriate signature; and accessibility and retention of the BMPP. The permittee may incorporate flexibility into the BMPP by identifying several types of controls from which the operator may select for a given type of discharge.

The permittee must ensure all discharges meet the applicable numeric limit for total residual chlorine (TRC) (see Appendix A, Tables A-C) at the point where the discharge enters the affected protected surface water.

**Part IV.D.2.c.iv.:** As in the 2016 DMGP, discharges to perennial, intermittent, and effluent-dependent waters have a TRC limit of 19 µg/L based on the SWQS for those water types. As an alternative to requiring measurement of TRC to such low levels, the permit allows the permittee to include a treatment plan in the BMPP specifying dechlorination methods that will ensure compliance. Such a plan could call for using sufficient (but not excessive) dechlorination chemicals to meet the permit limit. The permit outlines the elements of a dechlorination treatment plan (Part IV.D.2.c.iv.). Please see discussion of Appendix A, Part A, in this Fact Sheet regarding equipment sensitivity requirements for any TRC field screening the permittee chooses to conduct under such a treatment plan.

The permit allows flexibility regarding dechlorination methods. In addition to dissipation and chemical dechlorination, ADEQ will consider proposed alternative methods such as natural TRC attenuation via flow through an MS4. Consideration of such alternative methods would require that sufficient information is submitted to document the effectiveness of the alternative method, and that the owner/operator of any affected MS4 or conveyance has been notified of the proposed discharge.

- E. Monitoring and Reporting. This section specifies that Appendix A of the permit (Monitoring & Reporting Program) applies to all covered discharges except those specified in Part I.B.6. Unless specified otherwise by ADEQ, or as provided in Appendix A, Part A.7., minimum monitoring must be conducted as indicated under "Monitoring Requirements" in Appendix A, Tables A through D, depending on the discharge activity and the type of protected surface water. The results of required monitoring must be maintained by the permittee as indicated in Appendix A and submitted to ADEQ if required (Appendix A, Part B. 1). All results must be available for review by ADEQ upon request. See further discussion under "**Appendix A: Monitoring and Reporting**"

**Program**", below. NOTE: If the site is subject to a non-WOTUS protected surface water sampling exemption, NODI code 9g- ADEQ waived sampling shall be used on the DMR.

This section also contains requirements for advance reporting of changes which may result in noncompliance with the permit; for reporting within 24 hours on any noncompliance which may endanger human health or the environment; and for written follow-up reporting on such noncompliance. Other instances of noncompliance must be reported annually, or with the Notice of Termination if not reported previously. The permittee must submit corrected or additional information promptly if the permittee becomes aware that the information in the NOI or any other report to ADEQ was incorrect or incomplete.

#### **Part V. Standard Permit Conditions**

Federal regulations require all AZPDES permits to contain the standard conditions specified at 40 CFR 122.41. (Provisions for bypass and upset are absent as they are applicable mainly to treatment plants that are subject to technology based effluent limits, and are not applicable to the DMGP.) Part V. of the permit contains those conditions and certain others arising from Arizona law. They include provisions on the following, among others:

- discharge authorization does not authorize any injury to private property or invasion of personal rights, nor any infringement of any existing laws or regulations (V. G.)
- inspection and entry by ADEQ representatives (V. I.)
- signatory requirements for forms and documents required by this general permit (V. K.)

#### **Part VI. Penalties for Violation of Permit Conditions**

This part advises the regulated community of the appropriate legal authorities and potential civil and criminal penalties for violation of any provision of the AZPDES statutes and rules, or of a permit or discharge limitation issued under them, including this general permit.

#### **Part VII. Definitions, Acronyms, and Abbreviations**

The permit contains a list of acronyms and abbreviations as well as definitions of statutory, regulatory and other terms important for understanding the permit and its requirements (See related items in "CHANGES" section, above).

#### **Appendix A: Monitoring & Reporting Program**

**Appendix A, Part A** gives the requirements for discharge monitoring (by reference to the "Monitoring Requirements" sections in Appendix A, Tables A – D); field screening; analytical sampling if required; photographic documentation if applicable; and record keeping. There are exceptions to monitoring requirements for discharges from potable water systems under certain circumstances (Appendix A, Part A.7.)

For discharges to perennial, intermittent, or effluent-dependent waters and involving chlorine, a limit of detection (LOD) at or below 0.019 mg/L (corresponding to the 19 µg/L TRC permit limit) would be necessary to demonstrate compliance through analytical monitoring alone. Laboratory methods for TRC can achieve that LOD and lower, but equipment designed for field use may not be able to do so reliably. Due to the short hold times allowed for chlorine samples (15 minutes or less), laboratory analysis may not be feasible.

In these situations, the alternative means of compliance is to implement a dechlorination treatment plan that has been developed as part of the permittee's BMPP (DMGP Part IV.D.2.c.iv.). Field screening with the LOD of equipment that utilizes Hach Method 8167 or equivalent (Appendix A, Part A.3., Table 1) may be included in the dechlorination treatment plan. Hach Method 8167 is a US EPA-accepted method commonly used in DPD colorimeters designed for field TRC testing, with an approximate range of 0.02 – 2.0 mg/L Cl<sub>2</sub>. The permittee is responsible for calibrating the equipment according to the manufacturer's instructions.

**Appendix A, Part B** addresses reporting of monitoring results and retention of records. With certain exceptions (Appendix A, Part B.1.c.), the results of any required monitoring for discharges that last longer than 4 days continuously or discharge more than 0.50 million gallons in any one day must be submitted to ADEQ with the NOT if coverage is terminated. For long-term (non-terminating) authorizations, any required reporting for discharges conducted prior to January 1, 2025 must be submitted to ADEQ by February 28, 2025, unless specified otherwise by ADEQ. Permittees with long-term coverage who have no required reporting under this section must notify the ADEQ accordingly by the same date. Monitoring results only need to be submitted once per permit term for permittees with long-term coverage.

The exceptions to reporting requirements (Appendix A, Part B.1.c.) are as follows:

- Submittal is not required for photographic documentation conducted pursuant to Appendix A, Part A.5., unless specifically requested by ADEQ.
- If the only numeric monitoring required for the discharge was for flow rate and duration of flow, submittal of monitoring results is not required unless specifically requested by ADEQ.

The permittee shall retain the monitoring data and any required photographic documentation (Appendix A, Part B.4.a.), and make them available to ADEQ upon request (Part IV.E.2.a.). ADEQ may require additional reporting as appropriate in specific cases.

Federal rules require submittal of monitoring results at least once a year under AZPDES permits (40 CFR 122.44(i)(2)). However, exceptions are allowed for permits that require reporting of monitoring results less frequently provided the permittee reports all instances of noncompliance at least annually, unless subject to earlier reporting (40 CFR 122.44(i)(5)). The 2021 DMGP does require reporting of non-compliance once a year (DMGP Part IV.E.2.d.). One-time due dates for data submittals were considered sufficient for long-term permittees under the 2010 and 2016 DMGPs because review of their BMPPs and any discharge water quality issues are a required part of the initial NOI process for Areawide, Facilitywide, and Projectwide applicants. After years of experience with administering this program, ADEQ has not identified a need for more frequent routine reporting. However, if more frequent submittals would be appropriate in specific situations, ADEQ can require them on a case-by-case basis (Appendix A, Part B.1.b.).

Records of all monitoring must be maintained for 3 years from the date of permit expiration or the date an NOT is submitted, and must be made available to ADEQ on request. The BMPP and a copy of the DMGP must be retained at the discharge site when actively discharging, with certain exceptions for Areawide, Facilitywide, and Projectwide authorizations.

**Electronic reporting.** The US EPA has published a final regulation that requires electronic reporting and sharing of Clean Water Act National Pollutant Discharge Elimination System (NPDES) program

information instead of the current paper-based reporting (*Federal Register*, Vol. 80, No. 204, October 22, 2015). Beginning December 21, 2016 (one year after the effective date of the regulation), the Federal rule requires permittees to make electronic submittals of any monitoring reports and forms called for in their permits. The 2021 permit has been updated to reflect this change. ADEQ will post the most recent information about electronic reporting on the De Minimis General Permit web page. Permittees and other interested parties should also subscribe to the “De Minimis General Permit (DMGP)” list-serve topic to receive email updates on this subject. The list-serve subscription system is accessed by clicking the “**Subscribe to ADEQ Topics**” button on the ADEQ home page at <http://www.azdeq.gov/>.

**Appendix A, Tables A – D**, are organized according to the type(s) of protected surface water that receives the discharge:

- Ephemerals and Non-DWS Use Canals (that are protected surface waters) (Table A);
- Effluent-dependent waters (Table B);
- Perennial or intermittent waters or DWS use canals (that is a protected surface water) (Table C); and
- OAW or impaired waters (Table D).

Each table is divided into two sections:

- “Discharge Limitations and Action Levels” (pursuant to DMGP Part IV.C.). Permitted discharges must meet the Discharge Limitations in the applicable table. The listed Action Levels are triggers for the permittee to respond as described in DMGP Part IV.C. The parameters with Discharge Limitations or Action Levels are **not necessarily required for monitoring for a given discharge** (see explanation and “Monitoring Requirements” section in each table).

Some of the Discharge Limitations are listed with “no numeric limit”, and a footnote referring to the narrative water quality standards quoted in DMGP Part IV.B.4.- 8. These narrative standards are based on A.A.C. R18-11-108(A), and prohibit discharges of pollutants in amounts or combinations that would have various harmful effects on water quality or designated uses. An example would be a potential discharge with high suspended sediment and turbidity (cloudiness). Although the DMGP does not have numeric limits for suspended sediment or turbidity, best management practices must be used so that such discharges will comply with the narrative standards pertaining to bottom deposits (DMGP Part IV.B.4.a.).

Similarly, the numeric Action Levels for oil and grease (10 mg/L) and methyl tertiary-butyl ether (MTBE, 20 µg/L) are based on the narrative standards quoted in DMGP Part IV.B.6. and IV.B.4.c., respectively.

For “COCs” (Constituents of Concern) that may be identified by ADEQ or the permittee, but are not specifically listed in Tables A - D, the permit limitation is the same as the applicable numeric Surface Water Quality Standard (SWQS, 18 A.A.C 11, Article 1), if a numeric standard exists. Where no numeric standard exists, the narrative standards quoted in DMGP Part IV.B.4.- 8 still need to be considered.

NOTE: For those discharges to non-WOTUS protected surface waters, if the parameter includes an analysis solely for total metals, the permittee can substitute the dissolved fraction for that parameter.

- “Monitoring Requirements” (pursuant to Appendix A, Part A.). This section of each table gives the minimum monitoring parameters and frequencies for various types of discharges. They vary according to discharge activity and protected surface water. Flow rate and duration of flow are required in most cases, along with selected parameters for various types of discharge activities. Exceptions for potable water systems (Appendix A, Part A.7.) are cited in each table. Any known “constituents of concern (COCs) must be monitored unless otherwise provided by the Director. An option for summary reporting is provided in a footnote to each table, for unplanned discharges or those that occur on a frequent/regular basis.