

Response to Public Comments

Arizona Pollutant Discharge Elimination System Construction General Permit for Stormwater Discharges Associated with Construction Activities to Surface Waters

Permit Numbers: AZG2020-001

Permit Action: Final Permit decision and response to comments received on the draft Construction General Permit (CGP) for Stormwater Discharges Associated with Construction Activities to Surface Waters public noticed on November 15, 2019

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Administrative Record

The Arizona Department of Environmental Quality (ADEQ) is reissuing the Arizona Pollutant Discharge Elimination System (AZPDES) permit for stormwater discharges associated with construction activities to Waters of the U.S.

This general permit is reissued by ADEQ pursuant to Arizona Administrative Code (A.A.C.), Title 18, Article 9, Parts A and C.

Prior to reissuing this AZPDES permit, existing CGP owners/operators were discharging under ADEQ's 2013 permit. The former permit expired in June 2018 and was administratively continued pursuant to A.A.C. R18-9-C903(B).

As part of the process for re-issuing Arizona's CGP, ADEQ implemented a stakeholder process that included a series of meetings to discuss modification to the proposed permit, opportunity for informal comment, as well as a public hearing. The stakeholder process included the following activities:

2019 Informal Stakeholder Meetings:	July 18 and October 16, 2019
Formal Public Hearing:	December 19, 2019
Stakeholder Formal Review and Comment Period:	November 15 – December 20, 2019
First Public Notice in Arizona Administrative Register:	A.A.R. Volume 25, Issue 46, Page 3326

Response to Comments:

Pursuant to A.A.C. R18-9-A908(E)(1), the following is ADEQ's response to significant comments received in response to the November 15, 2019 Public Notice of the draft permit:

- The "section/commenter" column includes the part of the draft permit being commented on and the person(s) who submitted the comment – a listing of commenters is available at the end of this document;
- The "comment" column includes a narrative of the comment received;
- The "response" column includes ADEQ's response;

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Section	From	Comment or Suggestion	ADEQ Response
All	All	Grammar, punctuation, and reference revisions	ADEQ appreciates the editorial comments and has amended the grammar, punctuation and reference errors as noted.
All	All	Forms and Templates	ADEQ will provide new templates for the SWPPP, SAP, Inspections, and Corrective Actions on our website prior to the effective date of the 2020 CGP.
Part 1 - Coverage Under this General Permit			
1.2	LS PHX	Include A.A.C. R18-9-A902(B)(8)(c) as a reference. From a construction activity, including clearing, grading, and excavation, that results in the disturbance of: i. Equal to or greater than one acre or; ii. Less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one acre; but iii. Not including routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility.	ADEQ amended the permit language to include: " <i>Coverage under this permit is not required for routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility. See A.A.C. R18-9-A902(B)(8)(c)(iii).</i> "
1.3(2)	LS	A prohibition should not be at the end of a section. Perhaps move to the beginning of this Part and reference Part 1.4 and Part 1.5.3.	The permit language is consistent with that of the previous permit. ADEQ appreciates the comment; however, no change has been made to the permit.
1.3(2)	Pinal	Class A or A+ reclaimed water should be allowed for dust control.	ADEQ amended the permit language to include the following: <i>Note: Reclaimed water may be used for dust control, soil compaction, or landscape irrigation, if a valid reuse permit is obtained and there are no discharges of reclaimed water off-site.</i>
1.4	ADOT PHX LS	Please correct this reference to Section 1.3(2). As written, all non-stormwater discharges except emergency fire-fighting activities to an Outstanding Arizona Water (OAW) are prohibited.	The prohibition to discharge non-stormwater to OAWs is being retained in 1.3(2)(b) for emphasis. ADEQ appreciates the comment; however, no change has been made to the permit.

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1.4	LS	<p>Consider changing the last sentence of the first paragraph to read: “The following are considered both <i>discharges of pollutants</i> and <i>prohibited discharges</i>” The terms “<i>prohibited discharges</i>” and “<i>discharges of pollutants</i>” reflects the definitions in Appendix A of this permit and would include surface runoff instead of only addressing discharges from the site. Consider the reference in the Fact Sheet on page 42, Section III.3.1 for A.A.C. R18-9-B301(L) Type 1 General Permit, identifying the Concrete Washout Aquifer Protection General Permit on page 11 of the Fact Sheet as an example.</p>	<p>Although the list of pollutants in Part 1.4 are specifically identified because of their ability to damage the environment, they are only "prohibited discharges" in the context of this permit if they are discharged to a surface water. ADEQ appreciates the comment; however, no change has been made to the permit.</p>
1.5(1)	LS	<p>In Post-construction, direct readers to Part 6.4.13 of this permit.</p>	<p>ADEQ amended the permit to include references between Post Construction in Part 1.5(1) and <i>Part 6.4(13)</i>.</p>
1.5(3)	APS	<p>We would appreciate it if ADEQ could further clarify the applicability and requirements associated with this section. Subsection (b) seems to require that a permittee first determine if they are within ¼ mile upstream of an impaired or not-attaining water, then determine the pollutants for which the water body is impaired or not-attaining, then sample dry soils to determine if those soils include the pollutants for which the receiving water is impaired or not-attaining. And, if the permittee determines the pollutants are present, then analytical monitoring is required. And, such analytical monitoring plan must be in the SWPPP. But, if the permittee determines the pollutants are NOT present, then analytical monitoring may still be required. It seems counterintuitive to have a stormwater permit require sampling of dry soils. We would appreciate it if ADEQ could further clarify the true intent and requirements associate with this provision. Additionally, it appears the absence of pollutants in the soil does not obviate the need for analytical monitoring. This lack of clarity makes it difficult for a permittee to determine their actual responsibilities. Additionally, is pollutant, as used here, inclusive of turbidity or TDS? At this point would sampling still be necessary, as soil would clearly be a source of pollutants. Finally, Subsection (b) appears to be missing the opening parentheses or has an unwanted closing parentheses.</p>	<p>Operators should be aware of environmental conditions on their construction site. Information on impaired, not-attaining or OAWs is available on the ADEQ website, using E-MAPs and the Clean Water Act 303(d) List. The intent of Part 1.5(b) is to ensure that operators are aware and have planned for analytical monitoring because of site-specific conditions. For example, if the soil was known to contain high concentrations of a particular pollutant and a nearby surface water that is impaired for the same pollutant receives discharges from the site, ADEQ may require analytical monitoring for that pollutant in the stormwater discharge. TDS and turbidity are pollutants, dependent on the sensitivities of the receiving water, however, they are not the only pollutants that may require analytical monitoring as others, specifically metals, bind to soil. If analytical monitoring is required, the operator must prepare and submit a Sampling and Analysis Plan (SAP - see Part 7.2) with the SWPPP (and review fee) to ADEQ for review, prior to start of construction. ADEQ is happy to assist operators when determining whether analytical monitoring will be required and should be a part of the SWPPP review, prior to submitting their NOI and SWPPP in myDEQ.</p>

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1.5(3)	PHX	The Fact Sheet states that waters that are impaired or not-attaining for parameters not typically associated with construction activities (such as dissolved oxygen) can be bypassed for SWPPP submission and this will be determined by myDEQ during NOI submittal. This specificity should also be included in the CGP Section 1.5(3) and Section 6.	When outfall locations are added in myDEQ, the system will determine if analytical monitoring is required and alert the operator what parameters should be monitored for. The language in Part 1.5(3)(b) states that " <i>if the operator can demonstrate there are no pollutants that will be an additional source to the impairment, analytical monitoring may not be required.</i> " Similar language is found in other sections, specifically in Part 7.1. and 7.2. As mentioned in the previous response, ADEQ encourages operators to contact staff to discuss specific analytical monitoring requirements prior to submitting the NOI and SWPPP for review. ADEQ appreciates the comment; however, no change has been made to the permit.
1.5(4) 2.2(2) 2.3(3) 3.8(2)	LS	Outstanding Arizona waters (OAW). See June 30, 2019 version of the Draft CGP. Please consider the new sampling conditions discussed in stakeholder meeting to eliminate OAWs from sampling.	ADEQ is not aware of discussions to eliminate analytical monitoring on outstanding Arizona waters. As stated in A.A.C. R18-11-112(A) and (B), the Director shall classify a surface water as an OAW by rule; and may adopt site-specific standards to maintain and protect existing water quality. In Arizona, it is widely understood that pollutants, specifically metals, bind in sediment, and are released in stormwater flows. For this reason, ADEQ requires analytical monitoring of turbidity above and below outfalls to these protected waterbodies. See Part 7.3 for specific information and requirements for analytically monitoring OAWs. ADEQ appreciates the comment; however, no change has been made to the permit.
1.6(1)	LS	Waivers are not exemptions. Please use correct terminology (i.e. may waive coverage under this permit, when)	ADEQ amended the permit as follows: " <i>A person performing construction activity which disturbs between one and five acres may be eligible for a waiver from coverage under this permit based on a low potential for soil erosion (i.e., the Erosivity Waiver).</i> "

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1.6(1)	LS PHX	The CGP does not specify the reference/citation for how the rainfall erosivity factor of less than five is calculated. The reference document for the calculation is provided only in the Fact Sheet ADEQ should provide detail in the CGP on the reference document, what value ranges qualify for the erosivity waiver and how this number is calculated and verified in myDEQ. If there is pertinent information in the Fact Sheet, it should be incorporated directly into the CGP.	Low potential for erosion is defined as a rainfall erosivity (R) factor of less than five (5) and is calculated in myDEQ, which uses the EPA's methodology for determining if a site qualifies for the erosivity waiver, based on the USDA Handbook 703-Predicting Soil Erosion by Water: A Guide to Conservation Planning with the Revised Universal Soil Loss Equation (RUSLE), dated January 1997. EPA has updated its Rainfall Erosivity Factor Calculator to correct known problems and to use updated data from the Natural Resources Conservation Service's (NRCS) Revised Universal Soil Loss Equation, Version 2 (RUSLE2) database. myDEQ is using the Version 2 for erosivity calculations for the 2020 CGP. The small construction site's rainfall erosivity calculation shall be less than five (5) during the entire period of construction activity.
1.6(3)	SE AZEP	If a Permit Waiver Certification was granted for a site due to low potential for soil erosion, but the construction activity continued beyond the calculated end date as shown on the Permit Waiver, the current draft permit requires permittee to prepare a SWPPP and submit a NOI based solely on the end date being extended. The requirement to prepare a SWPPP and submit a NOI should not be required if a Permit Waiver Certification was issued, provided that the project site still satisfies conditions meeting the erosivity waiver. Suggest that the requirement read: Operator shall apply for an extension of Permit Waiver Certification 7 days prior to existing Waiver certification date if Operator anticipates that the initial end date needs to be extended.	In the current erosivity calculation, myDEQ gives the waiver option for the maximum possible duration (R = 5) so that a waiver extension is unnecessary. This is accomplished (internally in the myDEQ programming) by changing the waiver end date in 15 day increments until the calculated R value exceeds 5, and extends the date duration within which R was as close as possible to 5. Permittees that are given the waiver option will see that the end date is later than what they originally entered, providing the maximum time allowable in which to maintain the R value of less than 5. Since the maximum amount of time is provided to permittees, any project that continues beyond the waiver date will be required to obtain permit coverage. No change has been made to the permit.
Part 2 - Authorization Under this General Permit			
2.1(1)	PHX	The statement "Subcontractors generally are not considered operators for the purposes of this permit" has been removed from the ADEQ-2019 CGP and Fact Sheet. This is inconsistent with the EPA-2017 CGP Section 1.1.1 and other text on subcontractors in the ADEQ Proposed CGP Fact Sheet Section 11.2.1 and VI.2. Please provide consistency between the CGP, Fact Sheet and the EP A-2017 CGP, by reinstating this statement about subcontractors.	ADEQ amended Part 2.1 to be consistent with the EPA language regarding subcontractors, as follows: " <i>Subcontractors are generally not considered to be "operators" for the purposes of this permit.</i> "

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2.2(2)(a)	LS	“The SWPPP shall be prepared” Change to “Prepare a site specific SWPPP, developed by a “qualified person”.	ADEQ amended the permit language to include "qualified person" to be consistent with the EPA 2107 CGP. Part 2.2(2)(a) has been changed to "The SWPPP shall be prepared by a qualified person, prior to submission of the NOI and shall be implemented prior to the start of construction."
2.3(2)(k)	LS	Please Include, discharges to a regulated Municipality (MS4)”. Defined at 40 CFR §122.26(b)(8) See also Draft permit Part “3. F. “ Submitting an NOI”.	The addition of "Discharges to a regulated MS4" was part of the draft that was published in November 2019 and is noted in various parts of the 2020 permit. ADEQ appreciates the comment; however, no change has been made to the permit.
2.3(2)	LS	Provide the name of the closest receiving water, which may include an unnamed wash. Can there be more than one receiving water in the myDEQ system (i.e. a linear transportation project or transmission line)? Perhaps a note is needed as well to state that the wash or water closest to the construction activity does not automatically make it the receive water (i.e., may be uphill from the construction activity). Would this be within ¼ mile upstream (see Part 7.1 for consistency)?	Typically, discharges from an outfall will only reach one receiving water. As outfall locations are added in myDEQ, it calculates the distance to the closest receiving water based on the latitude/longitude entered by the operator. In order to provide more flexibility, an enhancement is now available that provides a drop-down list of waters within proximity to the site, allowing the operator to choose from all the receiving waters that their outfalls may discharge to. For linear transportation projects that have numerous outfalls, and/or for construction sites that are within 1/4 mile of an impaired or not-attaining water or an OAW, ADEQ encourages operator's to engage in discussions with ADEQ staff prior to submitting their NOI and SWPPP for review in myDEQ.

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2.3(3)	APS PHX	<p><u>PHX</u> - For ongoing construction projects, the 60-day timeframe to update the Stormwater Pollution Prevention Plan (SWPPP), submit a new NOI, and pay the permit fee is insufficient. <u>APS</u> - The reliance on a 60-day window may cause significant difficulties since there are a limited number of consultants who do a lot of the CGP work. Since the effective date of this permit will create a requirement that all projects resubmit with 60 days, there will be an initial surge and it is unclear if 60 days will be sufficient. ADEQ should extend the timeframe to at least 120 calendar days from the effective date of the CGP or after myDEQ is proven reliable (whichever is latest) to accept new NOIs. This is a reasonable timeframe to revise the SWPPP and submit a new NOI. The ADEQ-2013 CGP Section 2.3(3)(e) allowed 120 days for SWPPP update and NOI submittal for ongoing projects.</p>	<p>Based on resounding comments in the summer of 2019, ADEQ agreed to take a different approach and update the 2013 CGP, retaining most of the 2013 permit language with minor updates based on the EPA electronic reporting rule. The 2020 CGP has very few changes that will require SWPPP updates. To provide consistency with other AZPDES permits, the 2020 CGP will be signed with an "issue" date and an "effective" date. We anticipate there will be at least 90 days between the two, allowing for updates to the myDEQ permitting portal. After the "effective" date, permittees will have 60 days to log into myDEQ and get a new permit, for a total of 150 days. ADEQ appreciates the comment; however, no change has been made to the permit.</p>
2.3(5)	AZEP SE	<p>Please clarify in paragraph if a change to an outfall location requires a NOI fee</p>	<p>ADEQ amended the permit language to provide clarity. Part 2.5(3) now states: "The operator may modify the NOI in myDEQ if there are revisions to personnel contact information or if outfall locations change. There is no fee for either of these modifications. Any other modifications require the submission of a NOT, terminating the existing NOI and obtaining a new NOI for continued coverage in myDEQ, including the application fee."</p>

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2.4	AZEP SE	Is there leeway to assess a lesser fee to ‘transfer’ coverage from the 2013 CGP to the new CGP? It would make sense to differentiate between new NOI fees and a fee to transfer NOI coverage from an expired permit to the newly issued permit. Either not require an additional fee to transfer coverage (submit new NOI) from an expired permit to the new permit; or require only a nominal “transfer fee” similar to A.A.C R18-9-B905, and as noted in Table 6 of A.A.C R18- 14-109.	The CGP, as well as other AZPDES general permits are subject to the "Duty to Reapply" which is a standard AZPDES permit condition, and states that <i>"upon reissuance of the general permit, the operator shall file an electronic Notice of Intent (NOI) through myDEQ, within the timeframe specified in the new general permit, and shall obtain new written authorization to discharge from the Director."</i> As the CGP is being reissued, pursuant to A.A.C. Title 18, Chapter 14, Article 1, ADEQ is required to assess initial fees (when a new NOI is submitted), and an annual fee (based on the initial NOI date) until permit coverage is terminated. The transfer fee noted in A.A.C. R18-9-B905 states that a permittee may request the Director to transfer an individual permit to a new permittee. This transfer is only for AZPDES individual permits and is not relevant to the reissuance of a general permit.
2.5(2)	ADOT	Reference to “Part 2.2” does not make sense since it describes NOI prerequisites rather than construction activity commencement. Change to reference “Appendix A” if the intent is to reference the definition of commencing construction activity.	ADEQ amended the permit to provide clarity in Part 2.5(2): <i>"If the activity continues for more than 30 calendar days after the initial emergency-related start date, the operator shall prepare a SWPPP and submit a complete and accurate NOI."</i>
2.6(1)	ADOT PHX	Please correct this reference to Section 3.4(2) and 3.4(3). As currently written, this permit section incorrectly refers to Temporary Stabilization as a condition that must be met when filing the NOT.	ADEQ amended the reference to final stabilization, Part 3.4(2).

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Section	From	Comment or Suggestion	ADEQ Response
2.6(1)(d) and 3.4(2)	AZEP LS PHX SE	There were multiple comments on the maintenance plan that was associated with non-residential construction which have been summarized here: The CGP does not provide any details regarding the maintenance plan. Provide criteria on what should be included in the maintenance plan (e.g. contents, controls, monitoring, timeframes, criteria for terminating the maintenance plan) to ensure there is no subsequent erosion or sedimentation from the construction site. Because most SWPPPS will not be reviewed by ADEQ, it is likely that there will be no evaluation of the plan for adequacy prior to implementation. How will the maintenance plan be enforced after the NOT is filed? Who is responsible for enforcing the maintenance plan and under what authority?	In response to earlier comments on the CGP, ADEQ added an option for non-residential construction to be eligible for alternative stabilization, with an ongoing maintenance plan. Based on the multiple comments received during the November 2019 Public Notice period which stated concerns on who would be responsible for the management and enforcement of a maintenance plan, ADEQ removed this option from the 2020 CGP. Parts 2.6(1)(d) and 3.4(2)(c) have been removed and renumbered accordingly.
2.7(1)	LS	Loss of control of the site: Please add (either by foreclosure or denial of legal access to the site).	Part 2.7 Change of Operator Request due to Foreclosure or Bankruptcy was included in the draft that was published in November 2019. ADEQ appreciates the comment; however, no change was made.
2.7(3)	ADOT	Incorrect reference to Part 2.5 - change to Part 2.6	ADEQ amended the reference to Part 2.6.
Part 3 - Effluent Limitations and Water Quality Standards			
3.0	PHX	The note allowing for "exception for ongoing construction projects" for which it is infeasible to comply with specific requirements of the ADEQ-2019 CGP has been removed. The City suggests retaining this text. While ADEQ has made minimal changes to the CGP, this text may be required and extremely important to be included in a future version of the CGP. Retaining this language in this CGP will maintain consistency and make sure the text is not "lost" in future CGPs.	The exception for ongoing construction projects was added to the 2013 CGP to give operators time to adjust to the Construction and Development Effluent Guidelines (2009) in 40 CFR 450.21. These guidelines have been in place for over 10 years and operators have sufficient time to comply, therefore, exceptions are no longer necessary. ADEQ appreciates the comment; however, no change has been made to the permit.

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3.1(2)	LS	Soil Stabilization: Need clarification here. Does the Department mean "Site Stabilization"? <u>Soil</u> stabilization is an erosion control technique. Is the "soil stabilization bullet referring to "Site Stabilization"? The definition of "Sediment Control" in Attachment A definitions confirm this concept. "Sediment control measures complement <u>soil</u> stabilization measures (erosion control)."	Initially, ADEQ renamed several section titles from " <i>site stabilization</i> " to " <i>soil stabilization</i> " to be consistent with 40 CFR 450.21(b), Construction and Development Effluent Guidelines, which discusses the stabilization of disturbed areas of the site (areas of disturbance v the entire site disturbance). As this appears to have confused the issue, ADEQ has reverted back to " <u>Site Stabilization</u> " for section titles.
3.2(2)	ADOT	Incorrect reference to Part 4.5 - change to Part 4.4	ADEQ amended the reference to Part 4.4
3.2(2)(a)	AZEP SE	Rearrange paragraph for clarity of intent. Suggested language: If the identified control measure deficiency does not require significant maintenance, repair, or replacement, or if the problem can be corrected through routine maintenance, initiate work to fix the problem immediately after discovery, and complete such work by the close of the next work day, if feasible. SWPPP recordkeeping is not required for actions taken under this paragraph.	ADEQ amended the language in Part 3.2(2)(a) as requested: " <i>If the identified control measure deficiency does not require significant maintenance, repair, or replacement, or if the problem can be corrected through routine maintenance, initiate work to fix the problem immediately after discovery, and complete such work by the close of the next work day, if feasible. SWPPP recordkeeping is not required for actions taken under this paragraph.</i> "
3.3(1)(b)	LS	Design Requirements: This request is more complex than most operators are able to determine (see also need for Qualified personnel to write SWPPPs and perform inspections). Are operators to include off-site contributing runoff, recalculate when peak flow rates change due to storm intensity? Does the peak flowrate have to be weighted for multiple runoff coefficients? Peak flow rate equations are primarily for the watershed scale, not for small drainage areas. Can ADEQ simplify this condition and just use a local 2-year/24-hour rain event for calculation, or in keeping with Part 3.3.2.b.	The requirements in this Part are not new to the CGP; they are consistent with EPAs 2017 CGP and with the 2013 CGP. To answer the questions, yes, operators should be able to perform all the calculations and assess when recalculations are necessary. However, ADEQ is not inclined to require operators to use the a local 2-year/24-hour rain event calculation as we believe that may reduce the flexibility in the permit and may have the potential to reduce permit compliance. The need for qualified personnel was addressed in the 2019 published draft. ADEQ appreciates the comment; however, no change has been made to the permit.

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3.3(1)(b)	LS	<p>“... shall direct discharges to vegetated areas of the site” Change term from “discharge” to “stormwater and non-stormwater flow(s) or accumulation(s)” Discharges would mean off site, or in “Waters”. One does not have property rights to discharge to other properties vegetated (or non-vegetated areas). Part 3.3.1.b., 3.3.6.a., 3.3.7. Use these terms: “Vegetative buffer strip”, “vegetative areas” and Appendix A defines “natural buffer” and “natural vegetation”. Should Part 3.3.7.a and b. be used to determine all of the above (i.e. can a natural buffer be used as a vegetative buffer strip and does a vegetative area have a measurement?)</p>	<p>In the context of Part 3.3(1)(b), ADEQ replaced the term "<i>discharge</i>" with "<i>stormwater flows</i>" to provide clarity. For the purposes of this permit, vegetative buffer strips and vegetative areas are meant to accept runoff from overland sheet flows and should be sized appropriately for the site specific application. ADEQ added definitions for both in Appendix A; and added further discussion in the Fact Sheet.</p>
3.3(3)(b)	DEMA	<p>Define where accumulated sediment must be removed to.</p>	<p>It is the operators responsibility to manage sediment collected at the site in a responsible manner and follow all applicable requirements related to the management of solids. ADEQ appreciates the comment; however, no change has been made to the permit. to the permit..</p>
3.3(3)(b)	LS	<p>“ the SWPPP shall provide sizing and calculation requirements for sediment basin(s).” Does the Department intend to use sediment basin calculated volume as the EPA-CGP? “<i>Design the basin or impoundment to provide storage for either: 1. The calculated volume of runoff from a 2-year, 24-hour storm (see Appendix H); or ii. 3,600 cubic feet per acre drained.</i>”</p>	<p>ADEQ believes that the permit language is effective and allows flexibility for the operator to design sediment basins based on site specific conditions. ADEQ appreciates the comment; however, no change was made to the permit.</p>
3.3(4)	EPA	<p>Revise to: Control stormwater discharges including both peak flowrates and total stormwater volume to minimize channel and streambank erosion and scour in the immediate vicinity of outfalls. Examples of control measures that can be used to comply with this requirement include the use of erosion controls and/or velocity dissipation devices (e.g., check dams, sediment traps) within and along the length of a stormwater conveyance and at the outfall to slow down runoff.</p>	<p>ADEQ amended the language in Part 3.3(4) as recommended by the EPA to better align the permit with the text of the Effluent Limitation Guidelines for Construction and Development in 40 CFR Part 450.</p>

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3.3(5)	EPA LS	Please define “Steep Slope” Is this the same definition as the 2017 EPA-CGP (15% gradient or more)?	ADEQ amended Appendix A to include the EPA 2017 CGP definition of Steep Slope: <i>"where a state, tribe, local government, or industry technical manual (e.g., stormwater BMP manual) has defined what is to be considered a “steep slope”, this permit’s definition automatically adopts that definition. Where no such definition exists, steep slopes are automatically defined as those that are 15 percent or greater in grade."</i>
3.3(6)(a)	LS	Change "silt fences' to "perimeter controls"	Pat 3.3(6)(a) is entitled "Perimeter Controls" and the term silt fences is applicable, as the term is listed among other perimeter control measures: <i>"The operator shall use appropriate control measures (e.g., fiber rolls, berms, <u>silt fences</u>, vegetative buffer strips, sediment traps, or equivalent sediment controls) at all times for all down slope boundaries (and for those side slope boundaries deemed appropriate as dictated by individual site conditions) of the construction site."</i> ADEQ appreciates the comment; however, no change has been made to the permit.
3.3(6)(a)	PHX	The Fact Sheet Section 111.3.4 elaborates that an engineer, geologist, or landscape architect employed full-time by the operator is exempt from professional registration requirements pursuant to A.R.S. § 32-144. This exemption should also be clearly stated in the CGP if it is meant to apply..	AZPDES stormwater general permits are comprised of the permit, (which contains requirements) and the fact sheet (which provides guidance). The reference to the exemption found in A.R.S. § 32-144 was added to the 2013 CGP and is being carried through into the 2020 CGP. ADEQ believes that the permit language is sufficient; the reference will remain in the Fact Sheet. ADEQ appreciates the comment; however, no change has been made to the permit.
3.3(6)(a)	SURP	Adding language that clarifies the need for sediment retention and clean-up in the retention basin during construction. Currently this paragraph could be applied inconsistent with the intent of the permit.	Basins are discussed in 3.3(3)(b), including maintenance requirements in 3.3(3)(b)(ii). No additional language is necessary in 3.3(6)(a), which discusses perimeter controls. ADEQ appreciates the comment; however, no change has been made in the permit.

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3.3(6)(a)	LS	<p>“The operator shall use ... vegetative buffer strips” How wide should this be? BMP manuals do not dictate width as it is dependent upon contributing flow, slope, cover, etc. should this match. Should Part 3.3.7.a and b. be used to determine width of vegetative buffers (i.e. does a vegetative buffer have a measurement?)</p>	<p>ADEQ recognizes the challenging conditions and the variability each site presents. The permit provides examples of perimeter controls, but it is ultimately up to the experience and judgement of the qualified person to implement the perimeter control necessary to meet all conditions of this permit (see response to 3.3(1)(b)). ADEQ appreciates the comment; however, no change has been made to the permit.</p>
3.3(6)(b)	SURP	<p>Is additional information needed for temporary stabilization of the stockpile? Should a reference be made to 3.4 for application of options to stabilize stockpiles?</p>	<p>ADEQ amended Part 3.3(6)(b)(vi) to include EPA 2017 CGP language: <i>"For piles that will be unused for 14 or more days, provide cover or appropriate temporary stabilization."</i></p>
3.3(6)(b)	PHX	<p>This section allows for placement of soil stockpiles in stormwater conveyance systems (such as curbs, gutters and streets) if appropriate sediment controls are used. This allowance may conflict with local code. The City recommends that the text "and in compliance with local codes and ordinances" be added to this section.</p>	<p>ADEQ acknowledges that the phrasing could be misleading and has amended as follows: <i>"Place stockpiles outside of washes or other surface waters, stormwater conveyances (such as curb and gutter systems), or streets leading to stormwater conveyances, such that the placement does not conflict with local laws and local rights-of-way are not impacted."</i></p>
3.3(6)(b)	EPA	<p>Minimize Dust: Create section and revise to: On areas of exposed soil, minimize dust through the appropriate applications of water or other dust suppression techniques to control the generation of pollutants that could be discharged in stormwater from the site.</p>	<p>Managing dust on construction sites falls under State and County air quality permitting and ADEQ believes that the existing permit language covers wind-blown debris from stockpiles. ADEQ appreciates the comment; however, no change has been made to the permit.</p>
3.3(6)	LS	<p>“Inlet protection measures can be removed in the event of flood conditions that may endanger the safety of the public. Such actions shall be documented on the SWPPP. The operator shall evaluate alternatives to be used in the future to prevent a recurrence of this problem.” Consider changing the note to read: <i>“Check with local stormwater jurisdictions (MSAs) for installation restrictions. No storm drain inlet protection BMP shall cause flooding, increased erosion, or hazards to traveling public.” Incorporate this change on Page 28 of the Fact Sheet as well.</i></p>	<p>ADEQ believes that the permit language is effective with the emphasis placed on the consideration for public health. This language is consistent with the 2013 CGP as well as the EPA 2017 CGP. ADEQ appreciates the comment; no change has been made to the permit.</p>
3.3(6)	LS	<p>" Use silt fences..." Please do not call out only one control measure, or be generic as in “perimeter controls”.</p>	<p>ADEQ amended 3.3(6)(b)(vi) as requested (note response 3.3(6)(b)(v), subparts have been renumbered.)</p>

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Section	From	Comment or Suggestion	ADEQ Response
3.3(7)(a)	LS PHX	The text in 3.3(7)(a) is unclear that the 50-foot buffer requirement pertains specifically to the surface waters listed in AAC, Title 18, Chapter 11, Appendix B. The City recommends changing the language to: "this requirement only applies when a perennial <i>surface</i> water (including lakes, unless infeasible) is located within 50 feet..." to clarify that the CGP is applicable to surface waters as defined in AAC.	ADEQ amended the permit language to include perennial surface water and lakes (if feasible); however, there may be surface waters and lakes that are not defined in A.A.C. R18-11, Appendix B. Consideration should be made for these waters, based on the definition of surface waters in Appendix A of this permit.
3.3(7)	ADOT	Clarify: Any of the above disturbances that may occur within the buffer area shall be documented in the SWPPP. (The assumption is that ADEQ wants buffer area disturbances documented in the SWPPP). Strike the word "may" Either a disturbance occurs in the buffer area or not. If it does, then document that occurrence in the SWPPP.	ADEQ amended the language as requested: "Any of the above disturbances that occur within the buffer area shall be documented in the SWPPP."
3.4(1)	ADOT	Move to Part 6 This section should be moved since it is a SWPPP requirement, rather than a condition for temporary stabilization	Part 6 refers to requirements in the SWPPP. While stabilization is a component of site control measures, Part 3.4 provides information on vegetative stabilization, or alternatives. For clarity, ADEQ has opted to move 3.4(1)(e) to the first paragraph under 3.4 instead of moving this section to Part 6 as suggested.
3.4(1)	LS	"...control measures shall be established to..." Consider changing the word of "established" in subpart e with "used", "utilized", or "employed".	ADEQ replaced the word "established" with "implemented" and moved the paragraph as noted in response to the previous comment.
3.4(2)	LS	Any non-vegetative stabilization methods (e.g., decomposed granite, geotextiles, or degradable mulch) must achieve the same levels of <u>stabilization</u> as specified in Part 3.4(2). Any non-vegetative stabilization methods (e.g., decomposed granite, geotextiles, or degradable mulch) must achieve the same levels of stabilization as specified in Part 3.4(2).	ADEQ amended the language in Part 3.4(2), adding: <i>Any non-vegetative stabilization methods (e.g., decomposed granite, geotextiles, or degradable mulch) must achieve the same requirements for final stabilization as specified in Part 3.4(2)(a).</i>

AZPDES CGP Response to Comments

Section	From	Comment or Suggestion	ADEQ Response
3.4(3)	PHX	<p>The statement for alternative stabilization that "The above demonstrations must be documented and retained with the SWPPP and submitted with the NOT..." has been removed from the CGP. The City agrees with removing the requirement for a fee submittal for sites using one of the stabilization alternatives. However, the above statement to retain the documentation with the SWPPP should be included in the CGP for permit clarity for all alternative stabilization options. The City appreciates ADEQ's addition of alternate final stabilization for arid, semi-arid and drought-stricken areas as specified in the EPA-2017 CGP Section 2.2.14 (Stabilization). ADEQ should add language to Section 6.3 SWPPP to provide documentation that the erosion controls provide cover for at least three years "without active maintenance" similar to those noted for Section 3.4(2)(c) and EPA-2017 CGP Section 7.2.6(b)(vi) (SWPPP Contents). This will help ensure that these areas are stabilized within 3 years as required in the CGP.</p>	<p>ADEQ agrees and has added: <i>Documentation of eligibility of one of the alternative stabilization activities must be included on the SWPPP and identified in the NOT in myDEQ.</i> myDEQ has been enhanced to add a text box for a short description of the stabilization measures put in place prior to terminating coverage and this information will print on the NOT certificate(see Part 2.6).</p>
3.4(3)	LS	<p>Please elaborate on Part 4.3.3.a (should be 3.4.3a) addressed temporary stabilization and does not address wind erosion, pollutant prevention, pollutant sources during interim construction and the NOT cannot be filed until Final Stabilization of Parts 3.4.2.a or 3.4.2.b. are met.</p>	<p>ADEQ amended the initial paragraph in 3.4(3) to include "<i>Documentation of eligibility of one of the alternative stabilization activities must be included in the SWPPP and identified on the NOT in myDEQ</i>" as noted in the previous comment/response. The existing language in Part 3.4(3)(a)(v) adequately addresses temporary and final stabilization.</p>
3.4(3)	LS	<p>"may qualify for this exemption" This is not an <u>exemption</u>, but perhaps a stabilization alternative.</p>	<p>The draft that was public noticed in November 2019 includes the replacement of exemption with alternative in Part 3.4(3)(b). ADEQ appreciates the comment; however, no change has been made to the permit. to the permit..</p>
3.4(3)	LS	<p>"... Arizona registered professional engineer, geologist or landscape architect..." Please include the CPESC in the listing with registered professionals.</p>	<p>A.R.S. § 49 – 255.01(L) states "... as calculated by an Arizona registered professional engineer using industry practices. " While a CPESC uses industry practices, it is not a registered professional engineer. ADEQ appreciates the comment; however, no change has been made to the permit.</p>

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Section	From	Comment or Suggestion	ADEQ Response
3.5(1)	ADOT	<p>The Part is confusing and the pollution prevention “standards” is unclear. Should it be presumed that the “standards” are the practices of pollutant control spelled out in the sub sections? i.e. pollutant elimination, control methods, and maintenance for each type of pollutant generating activity. Add the word “standards” to the following sentence: “To meet this requirement, the operator shall comply with the following standards:” and add to the heading “3.5 Pollution Prevention Requirements and Standards. EDIT THE FOLLOWING AS SHOWN: c. Comply with pollution prevention standards for pollutant-generating activities that occur at the site (see Part 3.5). as outlined in Part 3.5. ELIMINATE THE FOLLOWING TEXT: The operator shall comply with the pollution prevention standards in this Part if any of the following activities are conducted at the site or at any construction support activity areas covered by this permit (see Part 1.3(1)(c)).</p>	<p>ADEQ amended the language as follows: "<i>The operator shall design, install, and maintain effective pollution prevention measures to prevent or minimize the discharge of pollutants from spilled or leaked materials from construction activities. To meet this requirement, the operator shall:</i>" Part 3.5(1)(c) was also amended as follows: "<i>Comply with pollution prevention control measures for pollutant-generating activities that occur at the site as outlined in this Part.</i>" The last paragraph in 3.5(1) includes support activities and remains in the permit.</p>
3.5(1)	LS	<p>This term conflicts with Part 1.4.1 of this Permit that “prohibited” some of these listed or associated discharges, not minimized (i.e., concrete washout). The definition of Minimize on page 41 (Appendix A) also needs recrafting.</p>	<p>Please see the previous response regarding Part 3.5(1). ADEQ appreciates the comment; however, no change has been made to the permit.</p>
3.5(2)	LS	<p>Consider adding reference here and in the Fact Sheet on page 29, Section III.3.5 for <i>A.A.C. R18-9-B301(L) Type 1 General Permit</i>, identifying the <i>Concrete Washout Aquifer Protection General Permit</i>.</p>	<p>Typically, ADEQ does not include specific reference numbers on other permits, as over the 5-year general permit term of the CGP, reference numbers may change. The Fact Sheet that was published in November 2019 contains information on the Aquifer Protection Type 1 permit in Part III.3.5. ADEQ appreciates the comment; however, no change has been made to the permit.</p>
3.5(3)	PHX	<p>The note that fine graining staining on paved surface after sediment clean-up is not a violation was removed from the CGP ADEQ should add this statement back to the CGP clarity.</p>	<p>ADEQ agrees and amended the opening paragraph of Part 3.5(3) to include: "<i>Fine grains that remain visible (i.e., staining) on the surfaces of off-site streets, other paved areas, and sidewalks after the implementation of sediment removal practices, are not a violation of this part.</i>"</p>
3.5(4)	LS	<p>Good housekeeping; See Pollution Prevention section 3.5 or define in Appendix A.</p>	<p>ADEQ amended Part 3.5(4)(a) to replace the phrase "Good Housekeeping" with "Pollution Prevention."</p>

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Section	From	Comment or Suggestion	ADEQ Response
3.5(4)	LS	For hazardous or toxic waste: Should this be changed to “materials” versus “waste”?	Hazardous materials are managed by other federal and state regulations. The language in 3.5(4)(c)(iv) is consistent with the EPA application of managing hazardous or toxic waste at construction sites, as pollutants that should be prevented from entering stormwater discharges. ADEQ appreciates the comment; however, no change has been made to the permit.
3.5(4)	Pinal	Stabilization of portable restrooms: Please add or revise language to clarify these are not to be located on sidewalks or roadways and should be staked.	ADEQ amended Part 3.5(4)(c)(vi) as follows: <i>"For sanitary waste: Position portable toilets outside of washes or other surface waters, or stormwater conveyances, such as curb and gutter systems, or streets and ensure that they are secured and will not be tipped over, using stakes or tie downs or other similar control measures."</i>
3.6(1)	LS	Perhaps include the parenthesis (utilizing velocity dissipation controls)? Change to; “including erosion and/or sedimentation on surrounding properties.”	ADEQ amended 3.6(1) as follows: <i>"The operator shall ensure all water from dewatering or basin draining activities is discharged in a manner that does not cause nuisance conditions, including erosion and / or sedimentation in receiving channels or on surrounding properties."</i>
3.6(2)	PHX	ADEQ had proposed in the draft CGP to include reference to AAC Title 18, Chapter 11 to clarify effective dechlorination, but has removed the text from this proposed ADEQ-2019 CGP. The City suggests that clarifying text be retained. As written, it appears that any water that meets drinking water standards is eligible for off -site discharge. However, surface water quality standards can be significantly more stringent than the drinking water chlorine residual based on receiving water.	ADEQ amended 3.6(2) as follows: <i>"The operator shall retain superchlorinated wastewaters (i.e., containing chlorine above residual levels acceptable in drinking water systems) on-site until the chlorine dissipates, or shall otherwise effectively dechlorinate the water to concentrations that meet surface water quality standards of the receiving water prior to discharge."</i>
3.8	LS	Water Quality Standards : Please direct readers to the AAC Title 18, Chapter 11, Appendix B Surface Water Designated Uses, Arizona Administrative Code (AAC) R18-11-108, R18-11-109. Numeric Water Quality Standards and AAC Title 18, Chapter 11. Appendix A. “Numeric Water Quality Standards Table 1. Water Quality Criteria By Designated Use”.	The reference to applicable surface water quality standards (A.A.C. Title 18, Chapter 11, Article 1) was included in the draft that was public noticed in November 2019. In general, ADEQ does not include links in general permits, as over the course of the 5-year permit, websites and links may change. Please note that a listing of applicable documents related to SWQS has been added to the 2020 Fact Sheet and on the ADEQ website. ADEQ appreciates the comment; however, no change has been made to the permit.

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Section	From	Comment or Suggestion	ADEQ Response
3.8(1)	ADOT	Reference to Part 8.1 is incorrect. Part 8.1 does not address requirements for reporting corrective actions. Change to part 5.3	ADEQ amended the language in Part 8.1 to accommodate the Corrective Action Form, as follows: " <i>Any other written correspondence, such as Corrective Action Forms (see Part 5.3) shall be signed and dated in accordance with Appendix B, Subsection 9 of this permit and submitted to ADEQ at the address below.</i> " No changes were made in Part 3.8(1) or 5.3(1).
3.8(2)	ADOT	Requirement for sampling analysis plan for projects within ¼ mile of OAW/impaired should be referenced here (along with inspection and stabilization requirements) Add text regarding required sampling analysis plan for these sites	ADEQ amended Part 3.8(2) Sampling and Analysis Plan to include: " <i>The operator shall prepare and submit a sampling and analysis plan as outlined in Part 7.2.</i> "
3.8(2)	LS	Discharge Limitations for Impaired or Not-attaining Waters and OAWs Please direct the reader to Watershed Assessment, Appendix B for Impaired and Not-Attaining listings. Would the department direct users to the MyDEQ system e-maps, for OAWs?	ADEQ added a listing of reference documents to Part III.3.8 of the Fact Sheet to help users identify whether a waterbody is impaired, not-attaining or an outstanding Arizona water.
3.8(2)	ADOT	Reference to “Part 4.2” should be more specific since it is calling out OAW/impaired rather than all projects. Change to part 4.2.3	In Part 3.8(2)(a), ADEQ amended the reference from Part 4.2 to Part 4.2(3) regarding the frequency of inspections.
3.8(2)	ADOT	Reference to “Part 3.4(2)” is incorrect. The stabilization requirement for OAW/impaired is in Part 3.4(1)(c). Also of concern, this requirement is applicable to portions of the site that are within 50 feet of the OAW/impaired waterbody, not within ¼ mile as referenced in Part 3.8(2), which creates an internal inconsistency within the permit. Change to “Part 3.4(1)(c)” and edit text to clarify 50-foot proximity requirement for stabilization versus ¼ mile requirement for inspection.	In Part 3.8(2), ADEQ corrected the reference to Part 3.4(1)(c) as requested. However, ADEQ does not believe that there are inconsistencies in the permit language as stabilization requirements and inspection requirements encompass completely different control measures. The intent of a shorter time frame for stabilization of areas within 50 feet of impaired, not-attaining or outstanding Arizona waters is to ensure stormwater flows to these waters do not contribute to existing pollutant levels in these waters.

AZPDES CGP Response to Comments

Section	From	Comment or Suggestion	ADEQ Response
Part 4 - Inspections			
4.2(1)	PHX	This section specifies that a routine inspection is required "a minimum of once every 7 or a minimum of once every 14 calendar days (and within 24 hours of a storm event of 0.5 inches or greater)." ADEQ should revise this section to clarify that a routine inspection is required "a minimum of once <i>within</i> 7 or a minimum of once <i>within</i> 14 calendar days (and within 24 hours of a storm event of 0.5 inches or greater)." The current text implies that an inspection is due exactly every 7 or 14 days.	It is not ADEQs intent to require that inspections be done exactly every 7 or 14 days, however, ADEQ expects that they will be done with several days in between (no back-to-back inspections). To provide clarity, ADEQ amended the permit language to include the word "within" as requested, but has also added "not within X days of the previous inspection" as follows: "The site will be inspected a minimum of once within 7 calendar days, but not within 5 calendar days of the previous inspection; or the site will be inspected a minimum of once within 14 calendar days, but not within 10 calendar days of the previous inspection, and also within 24 hours of the occurrence of each storm event of 0.5 inch or greater in 24 hours;"
4.2(1)	APS	Where is a storm event measured? At the construction site? It is unclear. Are rain gauges required to meet this section?	A storm event is measured at a rain gauge on the construction site, or using data from a weather station that is representative to the site's location, as identified in Part 4.2(1), paragraph 1. ADEQ appreciates the comment; however, no changes have been made to the permit.
4.2(1)(b)	LS	The definition of a storm event (a precipitation event that results in an amount of precipitation 0.25" or greater) is in conflict with Part 4.2.1.b which states that the site will be inspected a minimum of once every 14 calendar days, and also within 24 hours of each storm event of 0.5 inch or greater in 24 hours"	Based on comments from previously published drafts, ADEQ quantified a storm event as "an amount of precipitation of 0.25 inches or greater," replacing "a measurable amount." The amount, 0.25 inches or greater is based on the trigger for EPA inspections. ADEQ's trigger for bi-weekly inspections, however, is "0.5 inches or greater in 24 hours" and remains consistent with the last two permits (2008 and 2013). The intent of allowing the trigger to be higher than the definition, makes up for the possibility of increased storm event inspections in the bi-weekly inspection option.
4.2(2)	PHX	The phrase "discharges are unlikely based on seasonal rainfall patterns," is used. Please define what analysis is required (e.g. which months of the year) to meet the criteria for this determination.	There are multiple resources available to identify " <i>seasonal rainfall patterns</i> " and a listing has been added to the Fact Sheet for clarity of this part. ADEQ appreciates the comment; however, no change has been made to the permit.

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Section	From	Comment or Suggestion	ADEQ Response
4.3(7)	PHX	<p>The following text under Scope of Inspections needs further clarification: "The identification of conditions that could lead to spills, leaks, or other accumulations of pollutants on the site." Based on this wording, it can be argued that all (or none) of the construction activity may potentially lead to spills, leaks, or other accumulations of pollutants on site. The City suggests changing this text to "The presence of materials or conditions subject to the CGP that are not addressed in accordance with the SWPPP." This addresses the key issue of whether any materials or conditions are present that are not in accordance with the SWPPP.</p>	<p>ADEQ amended the language in 4.3(7) as requested: "The presence of materials or conditions subject to the CGP that are not addressed in accordance with the SWPPP."</p>
4.3(8)	PHX	<p>The CGP language requires inspections at "accessible outfall locations to ascertain whether erosion and sediment control measures are effective" or if inaccessible at "nearby downstream locations to the extent practicable." The City suggests clarifying this language to specify that only discharge points on the project site are required to be inspected (refer also to our prior comment on the definition of outfall versus discharge point/site). Multiple sources may discharge to a downstream location; in this case it would not be possible to determine if sediment control measures on -site are effective at off-site locations.</p>	<p>For clarity, ADEQ combined Parts 4.3(8) and (9) as follows: "Inspect outfalls, to ascertain whether erosion and sediment control measures are effective in preventing significant impacts to receiving waters."</p>
4.4	LS	<p>Please update with a new form based on 2013 CGP Inspection Form and have the Corrective Action Report stand alone, not within the inspection report.</p>	<p>An Inspection Report template and a (separate) Corrective Action Report template will be made available on the ADEQ website prior to the effective date of the permit.</p>
4.4(3)	PHX	<p>This section requiring "weather information for the period since the last inspection (or since commencement of construction activity)" on the inspection report form is burdensome. This is particularly the case when inspections are done every 14 days because an inspection is also required within 24 hours of a rain event of 0.5 inches or greater. ADEQ should only require weather information for the 24 hours prior to the inspection date.</p>	<p>ADEQ has removed the requirement for weather information to be included in routine inspections and moved the language to storm event inspections. All subparts (3-11) have been renumbered. The new Inspection template that will be made available prior to the effective date of the permit will reflect this revision.</p>

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Section	From	Comment or Suggestion	ADEQ Response
Part 5 - Corrective Action			
5.1(2)	ADOT	Define routine maintenance in Appendix A.	ADEQ amended Appendix A to include: <i>"Routine maintenance refers to any maintenance task that is done on a planned and ongoing basis to identify and prevent problems before they result in equipment failure."</i> Additional discussion and examples on routine maintenance versus corrective action has been added to the Fact Sheet in Part V.5.1.
Part 6 - Stormwater Pollution Prevention Plan Preparation			
6.1(1)	LS	SWPPP: Change to; <i>"...must be developed by a "qualified person" being a person knowledgeable in the principles and practice of erosion and sediment controls and pollution prevention, who possesses the <u>appropriate skills and training</u> to assess conditions at the construction site that could impact stormwater quality, and the <u>appropriate skills and training</u> to assess the effectiveness of any stormwater controls selected and installed to meet the requirements of this permit, reviewed and updated..."</i>	The definition of Qualified Person or Personnel in Appendix A <i>"are those (either the operator's employees or outside personnel) who are knowledgeable in the principles and practice of erosion and sediment controls and pollution prevention, who possess the skills and training to assess conditions at the construction site that could impact stormwater quality, and the skills and training to assess the effectiveness of any control measures selected to control the quality of stormwater discharges from the construction activity."</i> ADEQ also amended the language in 6.1(1) as follows: <i>"A site specific SWPPP shall be developed by a "qualified person" before the operator may submit the NOI for permit coverage and before conducting any construction activity."</i>
6.3(3)	ADOT	Some of this information is duplicated in Part 6.3(5)(b), creating repeated information in SWPPPs. Revise one or the other part to reduce repeated information.	ADEQ concurs and has removed Part 6.3(3) Nature of Construction Activities, as it is duplicated in Site Description, Part 6.3(5)(b). Associated numbering of this Part has been revised.
6.3(5) [new 6.3(4)]	PHX	This section requires the SWPPP to include "A description of the site's soils including potential for erosion ." This requirement is not included in the EPA-2017 CGP Section 7.2 on SWPPP requirements. The City suggests it be removed from the ADEQ-2019 CGP. All soil types are treated the same in practice, unless applying for a waiver. There is not added value to provide a description of the soils in the SWPPP.	Arizona has multiple soil types with a variety of characteristics that effect their ability to hold water and nutrients. Onsite control measures may vary, based on soil type, and this information is helpful when reviewing the effectiveness of BMPs. ADEQ appreciates the comment; however, no change has been made to the permit.

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Section	From	Comment or Suggestion	ADEQ Response
6.3(6) [new 6.3(5)]	ADOT	Extraneous reference: "...requirements to provide documentation (Part 3.3(7));"	ADEQ concurs and has removed the reference to Part 3.3(7).
6.3(6) [new 6.3(5)]	PHX	The requirement to identify: "Locations of on-site material, waste, borrow areas, or equipment storage areas, and other supporting activities" is burdensome, as sites change daily.	The SWPPP and all its associated contents are intended to be "living" documents that record construction activities throughout the life of the project. ADEQ understands that in the process of keeping up-to-date documentation, additional maps may be necessary to capture progress on the site. This requirement is consistent with the EPA 2017 CGP. ADEQ appreciates the comment; however, no change has been made to the permit.
6.3(6) [new 6.3(5)]	ADOT	<u>AZEP/SE</u> : "Upstream" should be changed to "downstream." Stormwater and non- stormwater discharges would not impact upstream waters; <u>ADOT</u> : Change to: "Locations of all surface waters and any impaired or not-attaining waters or OAWs within ¼ mile of the construction site."	In the context of the requirement for Part 6.3(6)(i), ADEQ amended the language to remove the term upstream, as follows: " <i>Locations of all surface waters and any impaired or not-attaining waters or OAWs within 1/4 mile of the construction site.</i> "
6.3(6) [new 6.3(5)]	ADOT	Delete "(Part 3.1.3.3)" and change "(Part 3.1.4)" to "(Part 3.6)."	ADEQ amended the references as requested.
6.3(6) [new 6.3(5)]	ADOT	Remove item ii because the CGP regulates point source discharges from construction site activities that discharge into WOTUS, and not discharges to an MS4. ii. Location(s) of any discharges to municipal separate storm sewer systems (MS4s) from the construction site.	Municipal storm sewer infrastructure may provide conveyances to receiving waters and should be identified in the SWPPP. ADEQ appreciates the comment; however, no change has been made to the permit.
6.3(6) [new 6.3(5)]	APS	Registration numbers for off-site drywells may not be available. Additionally, if they are not owned or controlled by the permit applicant, there is no assurance they are even registered. What is a permit applicant to do if they cannot determine the locations and registrations of dry wells on adjacent properties?	A listing of registered drywells is available on the ADEQ website. However, ADEQ agrees with the concern that an operator has no control over adjacent properties, and has revised the language to include " <i>if available</i> ."

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Section	From	Comment or Suggestion	ADEQ Response
6.3(7) [new 6.3(6)]	AZEP LS SE	This paragraph reads that ‘receiving waters’ includes ephemeral waters and dry washes. In the appendix, ‘receiving water’ is correctly defined as a Water of the U.S. Ephemeral streams/flows that are dry during most the year except in response to precipitation are not considered a WOTUS per the new rulemaking. Many of the dry washes in Arizona would not meet the definition of a receiving water, per the WOTUS rulemaking. Revise paragraph to read “The SWPPP shall identify the nearest receiving water(s)” to eliminate conflict with WOTUS definition of ‘receiving water.’	ADEQ amended the language in 6.3(7) as follows: " <i>Receiving Waters. The SWPPP shall identify the nearest surface water that may receive stormwater discharges. If applicable, the SWPPP shall also identify and describe any wetlands near the site that could be disturbed or that could potentially receive discharges from disturbed areas of the site. Indicate if the receiving surface water is listed as impaired, not-attaining or an OAW.</i> "
6.4(13)	AZEP SE	Paragraph should also include the reference to non-residential NOTs being allowed prior to final stabilization, provided that an ongoing maintenance plan is in place.	The stabilization alternative for non-residential construction has been removed from the permit. Please see response to comment 3.4(2)(c)(i).
6.7(2)	AZEP SE	2" Lettering requirement is problematic. For example, Times New Roman 72-point font only produces letters that are 0.75" tall, but the required text takes up over half a sheet of paper. 2" tall letters would require multiple sheets of paper, and only through trial and error, manually typing in varying font sizes, could you figure out which font point size gives you 2" lettering. Require a certain font and font-point size as opposed to letter dimension, to make this simpler. ADEQ should determine a visually adequate font size and font that fits on a single piece of standard 8.5 x 11" piece of paper.	Based on previous comments received during the stakeholder process, ADEQ added the provision that the lettering must be a dimension of 2-inches (or greater) for construction signage to ensure that the sign is readable from a distance (e.g., a motorist driving down the street). ADEQ appreciates the comment; however, no change has been made to the permit.

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Section	From	Comment or Suggestion	ADEQ Response
6.7(3)	PHX	<p>These sections imply that the operator must maintain a hard copy of the SWPPP on-site at all times. Many operators maintain SWPPP records, such as inspections and updates, electronically. If the site supervisor is off-site during a regulatory inspection, onsite staff may not have access to the electronic records. ADEQ should clarify if a hard copy SWPPP is required on-site. If so, this section should be reworded to clarify that some SWPPP updates (e.g. inspection reports) can be kept off-site and must be available during a reasonable time frame.</p>	<p>ADEQ amended the language as follows: "<i>A copy of the SWPPP shall be on-site or at an easily accessible location, whenever construction or support activities are actively underway, and shall be available to ADEQ or any other federal, state or local authority having jurisdiction over the site at any reasonable time (generally Monday through Friday, 8:00 a.m. to 5:00 p.m.)</i>"</p>
6.7(5)	PHX	<p>This section states that ADEQ may request a permittee to provide a copy of the SWPPP to ADEQ to be made available for review at the request of the public or other regulatory agencies. For municipal entities, Arizona Public Records Laws apply, including: Freedom of Information Act (FOIA), Restricted City Information (City of Phoenix), and Security Sensitive Information (Department of Homeland Security) procedures. The 7-calendar day requirement to provide the SWPPP, which may include restricted or security sensitive information, is a very short timeframe to provide for public review. Public safety and security require FOIA, established City of Phoenix, and Department of Homeland Security procedures to be followed. The City requests that ADEQ provide additional time allowance to provide the SWPPP due to these procedures.</p>	<p>ADEQ amended the language as follows: "<i>The operator shall provide a copy of the SWPPP to ADEQ upon request, within 7 calendar days or at a time frame agreed upon with ADEQ.</i>"</p>
6.8(2)	ADOT	<p>Incorrect reference to "Part 4.5"</p>	<p>ADEQ amended the reference as requested.</p>
6.8(5)	ADOT	<p>Incorrect reference to "Part 4.1"</p>	<p>ADEQ amended the reference as requested.</p>
Part 7 - Stormwater Monitoring			
7.0	ADOT	<p>During ADEQ's CGP stakeholder meetings over the last year, it was agreed that stormwater monitoring for projects within ¼ mile of waters listed as OAW, impaired, or not attaining would be monitored for or sediment only. Revise permit to reflect stakeholder feedback that the only pollutant to trigger monitoring for projects within ¼ mile of OAW, impaired or not attaining waters should be sediment.</p>	<p>ADEQ is keeping the 2013 CGP analytical monitoring parameters for impaired or not-attaining waters and turbidity for OAWs. However, if the operator can demonstrate that there is no reasonable potential that construction activities will be an additional source of the specific pollutant for which the water is impaired, analytical monitoring for that parameter may not be required. ADEQ encourages operators of construction sites that are within 1/4 mile of an impaired or not-attaining water or an OAW to engage in discussions with ADEQ prior to submitting their NOI and SWPPP for review in myDEQ.</p>

AZPDES CGP Response to Comments

Section	From	Comment or Suggestion	ADEQ Response
7.0	ADOT	Change to: "Any portion of the construction site that extends..."	ADEQ amended the language to remove the word "area."
7.1	ADOT	Change to: "...analytical monitoring for that parameter may not be required."	ADEQ amended the language to replace "is not required" with " <i>may not be required</i> " as suggested. In the SWPPP and SAP reviews on sites with outfalls that discharge to impaired, not-attaining or outstanding Arizona waters, ADEQ will determine analytical monitoring requirements. As noted in Part 7.1, if an operator can demonstrate that there is no reasonable potential that construction activities will be an additional source of the specific pollutant for which the water is impaired. ADEQ may waive the monitoring requirements.
7.3(3)	APS AZEP PHX SE	In our original comment from October 15, 2019, we stated "ADEQ appears to have replaced what was 'representative sampling' with 'collected from each outfall.' This is more stringent than the 2013 permit. We would request that ADEQ return to the representative sampling method, to reduce unnecessary sampling, expense and time." Further review of this concern seems to indicate there is confusion between the general requirements set forth in 7.3.3. For example, in the first sentence of 7.3.3 the permit states: "Samples shall be collected from each outfall where construction stormwater discharges from the permitted site occur." Because this section creates confusion on which is required "each outfall" or "representative," we request that the Department modify the language in the first sentence to read: "Representative samples shall be collected where construction stormwater discharges from the permitted site."	Prior to the draft being published in November 2019, ADEQ attempted to make the CGP and MSGP language on analytical monitoring consistent; it appears that in the process, the language became more confusing. ADEQ has reverted back to the 2013 CGP language as follows: " <i>The operator shall conduct analytical monitoring at outfalls observed or suspected to contain the greatest pollutant load resulting from construction activities, using Table 7-1</i> " to determine the minimum number of samples to collect.
7.3(4)(a)	ADOT	Add reference to NTF units or analytical method or some other direction for measurement or methodology	ADEQ agrees and has added Nephelometric Turbidity Units (NTU) in Part 7.3(4)(a).
7.3(3) and (4)	PHX	These sections contain conflicting information. The Fact Sheet contains an additional requirement that waterbodies that are impaired or not attaining for turbidity or suspended sediments must take comparison samples upstream and downstream of the of the site. This is not specified in the ADEQ-2019 CGP. Please remove this text from the Fact Sheet because it is not included in the CGP.	ADEQ has removed the section in the Fact Sheet that discusses <u>comparison sampling</u> for turbidity in all impaired and not-attaining surface waters. However, if turbidity is the impairment, then the operator may be required to analytically monitor for turbidity. ADEQ encourages operators to contact staff to discuss specific analytical monitoring requirements prior to submitting the NOI and SWPPP for review.

AZPDES CGP Response to Comments

Section	From	Comment or Suggestion	ADEQ Response
7.3(4)	AZEP SE	Paragraph states to monitor for turbidity immediately upstream and downstream of an outfall. Clarify that upstream monitoring should be performed immediately upstream of the implemented control device.	The existing permit language states "immediately upstream and downstream of each outfall." ADEQ appreciates the comment; however, no change has been made to the permit.
7.3(4)	LS	"... shall sample for any pollutants known to be at the site, or have the potential to be discharged from the site." This clause is fairly open ended. Can this be tightened down to pollutants identified in the Prohibited Discharge section of the permit, or pollutants of concern identified by ADEQ?	ADEQ amended 7.3(4)b as follows: <i>"For sites with discharges to OAWs, the operator shall also sample for any pollutants for which the receiving water is impaired"</i>
7.3(5)	LS	Please rephrase this clause to exclude analytical monitoring of samples <u>not required</u> to be sent to a laboratory (I.e. turbidity, pH, etc.). Most people can operate a turbidity meter without hiring a lab. "All samples collected and submitted to a lab for analysis shall use a laboratory that is licensed by the Arizona Department of Health Service."	The draft that was public noticed in November 2019 reflect this change: "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 or ADEQ."
Appendix A - Definitions and Acronyms			
Arid	APS	Perhaps the definition could be improved if it provided for an "average" annual rainfall of 0-10 inches, as the Federal CGP does.	ADEQ concurs and amended the definition of arid areas as follows: <i>"the parts of Arizona that receive an average annual rainfall of 0 to 10 inches."</i>
Calendar Day	APS	We are not sure we understand the need to define a calendar day as anything other than a day. In other words, the "24 hour period that reasonably represents the calendar day" seems rather unnecessary. Perhaps there is a reason for this, but we cannot seem to locate the need.	ADEQ consulted multiple dictionaries and revised the definition to that of the Merriam-Webster definition: <i>"A calendar day means the period of 24 consecutive hours commencing at 12:01 a.m. and concluding at midnight."</i>
Canals	PHX	Please consider adding "or canals" or reference the definition in Appendix A.	ADEQ amended Part 2.3(2)(j) to add canals as a receiving water to be identified in the NOI.

AZPDES CGP Response to Comments

Section	From	Comment or Suggestion	ADEQ Response
Discharge Point	PHX	<p>ADEQ uses the terms "outfall," "discharge point" and "discharge location." In addition, ADEQ has created a unique definition for the term outfall specific to this ADEQ-2019 CGP, and there is no definition for "discharge point or discharge location ." This creates permittee confusion, because "outfall," which is an important term, is defined inconsistently across other AZPDES permits. See for example the Fact Sheet Section 11.1.3 where it states that "the term "outfall" when used in the permit means the location where storm water flows exit the construction site." This does not match the definition of outfall in Appendix A " ...the location where collected and concentrated stormwater flows are discharged from a construction site such that the first receiving waterbody....is a WOTUS". This latter definition is the most commonly used definition of outfall; whereas discharge point is the term generally used to identify where storm water flow exits the construction site. ADEQ should use the term "discharge point" in this permit and define and use the noted terms consistently across AZPDES permits, defined based on standard industry use of these terms.</p>	<p>ADEQ has chosen the term: "<i>Outfall</i>" [which] means a <u>point source as defined by 40 CFR 122.2</u>. The definition in Appendix A has been amended and the permit has been reviewed to ensure that all occurrences of the term "<i>outfall</i>" are used in a contextually appropriate manner.</p>
Earth	LS PHX	<p>Throughout the CGP, ADEQ has removed the term "earthwork" or "earth disturbing." This change is inconsistent with the EPA-2017 CGP which includes the term "earth- disturbing activities" in the definition of "Construction Activities," "Construction Support Activities," and throughout the CGP. ADEQ should confirm that removal of this term is consistent with the intent and meaning of the EPA-2017 CGP and does not inadvertently change the meaning of a section. For example, in Fact Sheet Section 11.1.2, the following sentence now reads "Routine <u>earth disturbing</u> activities that are part of the normal day-to- day operation of a completed site...".</p>	<p>In the 2013 CGP, there were five instances of the phrase earth disturbing; and one instance of earthwork. The removal of these phrases was not intended to cause inconsistency. In one instance, the entire section of language was removed as it was outdated. In the other four, similar terms such as construction activities, were used in reworking the language. ADEQ appreciates the comment; however, no change has been made to the permit.</p>
Env Sens Area	APS	<p>Throughout the proposed permit, ADEQ uses the term "Environmentally Sensitive Areas" but there is no associated definition. It is important that the permittee understand ahead of time what factors go into making such a determination, as well as the person or entity responsible for actually making the determination.</p>	<p>Upon further review of the 2013 permit, the phrase "environmentally sensitive area" was used twice in relation to buffer zones (the EPA 2017 CGP uses the phrase once). Buffer zones are described in detail in Part 3.3(7) and the two uses of this phrase don't provide additional value to the permit language and have been removed.</p>

AZPDES CGP Response to Comments

Section	From	Comment or Suggestion	ADEQ Response
Fees	APS PHX	<p>Ongoing construction projects that already paid a permit fee should not be required to submit an additional permit fee for coverage under the new permit. At a minimum, ADEQ should allow at least 120 days after the CGP effective date for ongoing projects to be completed and file Notice of Terminations (NOTs) consistent with the ADEQ-2013 CGP Section 2.3(3)(e), rather than requiring an NOI and fee under the new CGP within 60 days. The new CGP Section 2.4 reference to Arizona Administrative Code (AAC) R18-14-109 does not provide rationale for this AZPDES fee. APS is concerned about the approach the Department has taken regarding permit fees. According to the Department, all existing CGP coverage will automatically be terminated by the Department once the new CGP is effective. However, the Department is requiring that all permittees resubmit their NOIs under the new permit. This means that a regulated entity must pay for the new NOI even though they already paid for the prior NOI. In other words, this is double-charging the regulated community. We request that ADEQ change its position on this issue of fees and honor the fees that have already been paid by the regulated entities and not require them to pay a second time for the same permit.</p>	<p>The CGP, as well as other AZPDES general permits are subject to the "Duty to Reapply" which is a standard AZPDES permit condition, and states that <i>"upon reissuance of the general permit, the operator shall file an electronic Notice of Intent (NOI) through myDEQ, within the timeframe specified in the new general permit, and shall obtain new written authorization to discharge from the Director."</i> As the CGP is being reissued, pursuant to A.A.C. Title 18, Chapter 14, Article 1, ADEQ is required to assess initial fees (when a new NOI is submitted), and an annual fee (based on the new NOI date) until permit coverage is terminated.</p>
Infeasible	EPA	Define infeasible.	<p>As requested, ADEQ added the definition of <i>"Infeasible - for the purpose of this permit, infeasible means not technologically possible or not economically practicable and achievable in light of best industry practice"</i> to Appendix A.</p>
Mass Grading	DEMA	Define mass grading and sub-grade.	<p>The terms mass grading and sub-grade are not used in the 2020 CGP; adding the definitions may cause confusion. ADEQ appreciates the comment; however, no change will be made to the permit.</p>

AZPDES CGP Response to Comments

Section	From	Comment or Suggestion	ADEQ Response
Natural Buffer	LS	”Natural Buffer” – for the purposes of this permit, an area of undisturbed natural cover <u>surrounding waters of the U.S.</u> within which construction activities are restricted. Natural cover includes the vegetation, exposed rock, or barren ground that exists prior to commencement of earth-disturbing activities. Consider changing: Buffers may also be used in areas where no “waters” are to be protected.	For the purposes of this permit, "natural buffers" are associated with perennial waters and lakes (surface waters). ADEQ acknowledges that there are also buffers that are not relative to surface waters and has opted to define " <u>vegetative buffer strips</u> " in Appendix A as " <i>small areas or strips of land in permanent vegetation, designed to intercept pollutants and manage other environmental concerns. Buffers include: riparian buffers, filter strips, grassed waterways, shelterbelts, windbreaks, living snow fences, contour grass strips, cross-wind trap strips, shallow water areas for wildlife, field borders, alley cropping, herbaceous wind barriers, and vegetative barriers .</i> "
Natural Vegetation	LS	Please include “existing’ in this definition. As to mean that it does not have to be established or improved.	In the November 2019 Public Notice draft permit, the definition of Natural Vegetation includes " <i>vegetation that occurs spontaneously without regular management, maintenance.</i> " ADEQ appreciates the comment; however, no change has been to the permit.
Non-Turbid	LS	“Non-Turbid” – a discharge that does not cause or contribute to an exceedance of turbidity-related SWQS	The draft that was public noticed in November 2019 removed the definition of non-turbid, as it is not used in this draft of the permit. ADEQ appreciates the comment; however, no change was made to the permit.
Pollutant Generating Activities	APS	Pollutant Generating Activities: We are concerned that the Department has included the words “could lead to.” These additional causal factor words do not show up in the Federal CGP, making the Proposed CGP more stringent. Additionally, the Proposed CGP does not cite to any statute or regulation that provides the Department the authority to expand the definition to include activities that “could lead to” discharges. By creating additional causal factors that do not appear in statute or rule, it creates a regulatory requirement without statutory or regulatory authority. ADEQ should delete “or could lead to” from the definition.	As requested, ADEQ revised the definition of “ <u>Pollutant-Generating Activities</u> ” in Appendix A to remove the phrase " <u>or could lead to</u> " from the definition. The new definition is as follows: " <i>at construction sites, those activities that lead to the discharge of pollutants, either as a result of construction activity or construction support activity. Types of pollutants that are typically associated with construction sites include, but are not limited to: [list of pollutants]</i> "
Retention	LS	Please define in Appendix A. (E.g. retaining all stormwater held without discharge and without an outlet). This is not the same as a detention basin and should not be considered “equivalent”.	The draft that was public noticed in November 2019 removed the note regarding retention versus detention and associated definitions. ADEQ appreciates the comment; however, no change was made to the permit.

AZPDES CGP Response to Comments

Section	From	Comment or Suggestion	ADEQ Response
Small Residential Lot	ADOT	"Small residential lot" is not defined in Appendix A.	The definition of a " <u>Small Residential Lot</u> " has been added to Appendix A as follows: " <i>for the purpose of this permit, a lot being developed for residential purposes that will disturb less than 1 acre of land, but is part of a larger residential project that will ultimately disturb greater than or equal to 1 acre.</i> "
SWQS	FMI PHX	Add after all instances of SWQS "in the receiving water."	ADEQ amended the permit language to include " <i>in the receiving water</i> " where contextually appropriate.
SWQS	FMI	Delete "meet" and add before all instances of SWQS "not cause or contribute to an exceedance of applicable."	ADEQ amended the permit language to include the phrase " <i>not cause or contribute to an exceedance of applicable</i> " where contextually appropriate.
Topsoil	PHX	The word "Native" has been removed from this definition, and the term is currently referred to as "Topsoil." This is inconsistent with the EPA-2017 CGP definition. ADEQ should verify that the use of this term is consistent with the intent and meaning of the EPA-2017 CGP. Note that the ADEQ-2013 CGP also referred to "topsoil."	ADEQ has removed the reference to "Native" as it is not used in the Federal Effluent Guidelines, 40 CFR 450.21.
Upstream	ADOT	EDIT TO: 7. Additionally, for construction sites with outfalls within 1/4 mile and <u>upgradient</u> upstream of an impaired or not-attaining water, the monitoring program shall include: This clarifies intent with "how far"(1/4 mile or less) and "why" (the elevation change will cause the potential for discharge leaving the site to enter the water of interest.	After researching the differences in definition of upgradient and upstream, ADEQ found that upgradient is a term primarily related to groundwater hydraulics; while upstream is primarily related to surface water. ADEQ amended Appendix A to include the following definition of upstream: "upstream refers to the direction towards the source of the surface water, i.e., against the direction of flow." ADEQ believes that this definition fits the 2020 CGP better and has reviewed the permit to ensure all occurrences are contextually accurate. ADEQ appreciates the comment. Please note that the term upgradient is not used in the permit.

AZPDES CGP Response to Comments

Section	From	Comment or Suggestion	ADEQ Response
Waters	ADOT LS PHX	ADEQ received several comments regarding the definition and usage of "waters." We appreciate the comments and have summarized here: There is a lack of consistency in regulatory citations and use of terminology within the CGP and across ADEQ AZPDES permits. ADEQ should choose one term and use and define consistently in the CGP and across AZPDES permits. For example, use the definition in R18-11 -101 for Surface Waters.	ADEQ agrees with the comments regarding consistency within the CGP and has opted to use " <u>surface water</u> ," defined in A.A.C. R18-11-101(41) for this permit: " <i>Surface Water</i> " – a " <i>Water of the United States</i> " as defined in A.A.C. R18-11-101(41) and includes the following: a. A water that is currently used, was used in the past, or may be susceptible to use in interstate or foreign commerce; b. An interstate water, including an interstate wetland; c. All other waters, such as an intrastate lake, reservoir, natural pond, river, stream (including an intermittent or ephemeral stream), creek, wash, draw, mudflat, sandflat, wetland, slough, backwater, prairie pothole, wet meadow, or playa lake, the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce, including any such water: i. That is or could be used by interstate or foreign travelers for recreational or other purposes; ii. From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or iii. That is used or could be used for industrial purposes by industries in interstate or foreign commerce; d. An impoundment of a surface water as defined by this definition; e. A tributary of a surface water identified in subsections (41)(a) through (d); and f. A wetland adjacent to a surface water identified in subsections (41)(a) through (e)." All references to waters in the permit have been amended to " <u>surface waters</u> ."
Waters	Oxley	<i>"I feel the state should follow suit with the federal government. Arizona is a unique environment and the past wotus rules just added unnecessary cost to new projects. I feel if the state wants to do more than the federal requirements each local should be looked at individually and not these blanket requirements"</i>	ADEQ appreciates the comment, however it is not relative to the reissuance of the CGP. No change was made to the permit.
Acronyms	ADOT	Add acronyms The following acronyms are used in the main text but not listed here: PAM, NTU, USC, CGP, SAP, ACH, COR, BPT, RCRA, WLA, USGS.	ADEQ amended the Acronyms List to include the acronyms used in the permit, as requested.

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Section	From	Comment or Suggestion	ADEQ Response
Appendix B - Standard Conditions			
myDEQ Roles	APS	We would like to have a greater understanding of how the user roles are defined in this new CGP process which requires management through myDEQ. Accordingly, are submitters authorized, or only DROs, to sign inspection reports? If so, will we need to have many DROS including our contractors that sign inspections and prepare the books? Currently, we do a separate delegation letter in the SWPPP book and have it signed by the RCO? Do we have to have them assigned in myDEQ? We would appreciate it if ADEQ could better clarify this process.	Part 9(b) of the Standard Permit Conditions states that NOTs and reports, including SWPPPs, inspection reports, monitoring reports, and other information required by this permit must be signed by an operator or by a <u>duly authorized representative</u> of the operator. Subpart (ii) explains more about duly authorized representatives, and that a signed and dated authorization should be included in the SWPPP. ADEQ staff would be happy to discuss this with operators on a case-by-case basis.
Fact Sheet			
Fact Sheet	PHX	This section states that the Standard Permit Conditions are consistent with 40 CFR 122.41 and were also part of the 2003 and 2008 CGPs. The 2013 CGP is not referenced.	ADEQ amended the Fact Sheet, Part IX.B Standard Permit Conditions to include the 2013 CGP, as follows: " <i>Appendix B includes the standard AZPDES permit conditions, which are consistent with 40 CFR 122.41 and were also part of the 2003, 2008 and 2013 CGP s.</i> "

List of Commenters:

ADOT	Arizona Department of Transportation
DEMA	Arizona DEMA
AZEP	Arizona Electric Power
APS	Arizona Public Service
EPA	U.S. Environmental Protection Agency
FMI	Freeport McMoRan
LS	Logan Simpson
Oxley	Citizen
Pinal	Pinal County
PHX	City of Phoenix
SE	Senita Environmental
SURP	City of Surprise