

RESPONSE TO PUBLIC COMMENTS

Permit: Arizona Pollutant Discharge Elimination System (AZPDES) General Permit for Stormwater Discharges associated with Construction Activity to Protected Surface Waters (CGP), AZG2025-001 CGP

Permit Action: Final permit decision and response to comments received on the draft permit, publicly noticed from May 20, 2025 - July 21, 2025. The following pages contain ADEQ's response to comments received on the draft permit.

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Summary of Fact Sheet Changes

- A Change Table has been added to the beginning of the Fact Sheet, which explains the rationale for changes in the permit.
- Formatting and typographical errors have been corrected.

Summary of Permit Changes

- There are two significant changes to the 2025 CGP:
 1. In Part 4.2.1, Routine Inspection Frequency, subpart c Monthly Inspection has been removed in its entirety.
 2. In Part 4.2.2, relative to inspections and storm events. To be consistent with the U.S. Environmental Protection Agency's (EPA) 2022 CGP, ADEQ is requiring operators to inspect sites after storm event triggers have been met, within 24 hours of each occurrence of rain.
- ADEQ revised language in the permit for clarity and consistency.
- Formatting and typographical errors have been corrected.

Comments received during the public comment period are summarized below in *italics*. The comments are followed by ADEQ's response. Comments may have been shortened or paraphrased for presentation in this document; a copy of the unabridged comments is available upon written request from the ADEQ Records Center, recordscenter@azdeg.gov.

Comment #1 received on June 16, 2025 from Argus - Robyn Bennett.

COMMENT NO. 1

WOTUS protected surface water - How do we find a WOTUS? Until WOTUS can be defined and identified on a map, take it out of the CGP. The EPA CGP bases eligibility on disturbance area whereas the 2025 ADEQ CGP focuses on discharging directly to a WOTUS.

RESPONSE NO. 1

The Arizona Administrative Code (A.A.C.) R18-11 lists WOTUS Protected Surface Waters in Tables B and C. No change was made to the 2025 CGP based on this comment.

Comment #2 received on July 21, 2025 from Arizona Mining Association, Steve Trussell.

COMMENT NO. 2

Changes to CGP: As explained in more detail below, the AMA questions the rationale and justification for many of the proposed changes to the reissued version of the CGP. To enhance regulatory and economic certainty, ADEQ should not feel it necessary to change its general permits every time the permits are reissued. Unless there is something substantially amiss with the existing general permit, the general permit should simply be reissued without any changes. This would facilitate maintaining coverage under the CGP for existing construction sites, while eliminating renewal costs and burdens. The same would apply for new construction sites with owners or operators that have previously obtained permit coverage under the CGP. The increased regulatory costs and burdens created by ongoing changes in the permit far outweigh any perceived benefit from new or tweaked permit conditions. AMA recommends that ADEQ simply reissue the CGP without making the proposed changes or provide adequate justification, including support through a cost/benefit analysis, for any changes made to the existing CGP.

RESPONSE NO.2

ADEQ acknowledges the Arizona Mining Association's interest in maintaining regulatory and economic certainty for permittees and appreciates the request for minimal changes between reissuances. Under A.A.C. R18-9-C903, an AZPDES general permit is effective for a maximum of five years, after which it must be reissued or replaced. During this process, ADEQ evaluates both regulatory developments and program needs to determine if updates are necessary to remain consistent with U.S. EPA guidance and ensure compliance with applicable laws. In this case, ADEQ determined that the changes in the 2025 CGP are appropriate to maintain alignment with federal requirements and to improve clarity and implementation.

No changes were made to the 2025 CGP based on this comment.

Comment #3 received on June 19, 2025 from SAHBA, Brendan Lyons.

COMMENT NO. 3

Process Transparency: SAHBA did not receive an invitation to participate in prior discussions leading up to the draft's release. Inclusion of key stakeholders early in the process is vital to crafting workable, balanced policies.

RESPONSE NO. 3

ADEQ agrees that early engagement with stakeholders is a critical part of developing workable, balanced permitting requirements. While the stakeholder process for this CGP included targeted outreach and public notice opportunities, ADEQ recognizes the value of expanding participation where possible in future efforts. This input will help inform ADEQ's approach for upcoming permit reissuances and program initiatives.

No change was made to the 2025 CGP based on this comment.

Comment #4 received on June 19, 2025 from SAHBA, Brendan Lyons.

COMMENT NO. 4

Simplify and clarify the SWPPP requirements: Replace ambiguous terms such as "standard industry practices" with specific references to compliance with the AZPDES Construction General Permit requirements, ensuring clarity and enforceability.

RESPONSE NO. 4

The CGP uses certain broad terms intentionally to allow the permit to function effectively for a variety of construction activities and site conditions statewide. Overly prescriptive language could unintentionally limit flexibility and applicability across different project types.

No change was made to the 2025 CGP based on this comment.

Comment #5 received on June 17, 2025 from Kevin Boesch.

COMMENT NO. 5

Please use only the title of the permit "Protected Surface Waters" and remove WOTUS, non-WOTUS language as it is confusing and attempts to redefine already defined terms in State statute. Please review and consider remaining to meet ARS 49-221.G.1. The protected surface waters list of this ARS already defines WOTUS, non-WOTUS, perennial, intermittent and ephemeral reaches and any impoundments of the following rivers, not including tributaries or reaches of waters wholly within tribal jurisdiction or reaches of waters outside of the United States. The protected waters list continues with complete examples of ADEQ jurisdiction.

RESPONSE NO. 5

ADEQ understands the concern regarding terminology and potential confusion. To address this, the permit has been changed to replace "WOTUS" with "WOTUS protected surface water" throughout, ensuring alignment with the definition in A.R.S. § 49-201(54) while maintaining consistency with applicable federal requirements.

No change was made to the 2025 CGP based on this comment.

Comment #6 received on June 20, 2025 from Fisher Industries, Chris Smith.

COMMENT NO. 6

All reference to WOTUS should be removed from the permit. Reference to WOTUS further confuses the permittee as no matter what the definition is it is always changing every 4-8 years. Currently it is being revised again. The current permit language covers this under "Protected Surface Waters" These protected surface waters include Ephemeral, Intermittent, Impaired, Outstanding. With the current language Arizona already effectively has its own "Waters of the State" program.

RESPONSE NO. 6

Including the term "WOTUS with Protected Surface Water" represents ADEQ's responsibility to establish regulatory requirements for stormwater permitting pursuant to the Clean Water Act, as well as applying these requirements in accordance with the most recent federal construction of the term "WOTUS," established by the United States Supreme Court opinion, *Sackett v. EPA*, 142 S. Ct. 896 (2022), and EPA's "Waters of the United States" Rule, 40 Code of Federal Regulations, Part 120.

No change was made to the 2025 CGP based on this comment.

Comment #7 received on June 18, 2025 from Sierra Club Grand Canyon Chapter, Jennifer Martin-McLeod.

COMMENT NO. 7

Where BMPs or setback requirements cannot be met, ADEQ should consider that as a fundamental incompatibility with clean water protection goals, which could justify denial or major revision of the project. Overall, while we recognize that the BMPs represent a strengthening of protections compared to the status quo, the permit would be significantly stronger if BMPs were framed as non-negotiable requirements rather than guidelines, to ensure consistent and enforceable protections for Arizona's waters.

RESPONSE NO. 7

The Arizona Pollutant Discharge Elimination System (AZPDES) stormwater general permits are written to be consistent with the US EPA requirements on federal lands. ADEQ cannot be more stringent than the associated US EPA permit, pursuant to Arizona Revised Statute 49-203(2).

No change was made to the 2025 CGP based on this comment.

Comment #8 received on June 18, 2025 from U.S. EPA Region 9.

COMMENT NO. 8

The geographic area of coverage for the ADEQ CGP must exclude Lands of Exclusive Federal Jurisdiction (LEFJs) in the State of Arizona. Part 1.1 of the draft ADEQ CGP describes the geographic area of coverage and indicates that the permit would authorize discharges throughout the State of Arizona, except for Tribal lands that are covered by EPA's 2022 CGP (87 FR 3522). On April 15, 2025 (90 FR 15653), EPA modified its 2022 CGP to include LEFJs throughout the United States, including the State of Arizona. The notice lists a few examples of LEFJs such as national parks, but also notes that EPA does not have a complete list of such lands. It is likely that federal land management agencies and/or current and future permittees will have better information than EPA concerning LEFJs. EPA recommends that the final ADEQ CGP and statement of basis indicate that it excludes LEFJs from potential coverage.

RESPONSE NO. 8

ADEQ agrees with the importance of clarifying the geographic scope of the permit. Based on this comment, Part 1.1 was amended to include the following statement regarding Lands of Exclusive Federal Jurisdiction: "1.1.2 This permit is not authorized for use on sites with stormwater discharges associated with construction activities on any federally owned sites designated as "Lands of Exclusive Federal Jurisdiction (LEFJ)" authorization for discharges on LEFJ sites must be obtained through US EPA Region 9."

Comment #9 received on June 17, 2025 from Kevin Boesch.

COMMENT NO. 9

Please define/elaborate on the EPA_CGP modification as the permitting authority in "Lands of Exclusive Federal Jurisdiction" modification became effective on April 8, 2025. Please define/elaborate on ADEQ new jurisdictional boundaries. Can this include Federal/National Parks, Airforce Bases, U.S. Border buffers, bombing ranges, etc.? Are all of these areas now subject to coverage under the EPA-CGP and not ADEQ-CGP?

RESPONSE NO. 9

According to the U.S. EPA, sites that are designated as Lands of Exclusive Federal Jurisdiction (LEFJ) should be aware of this designation. As this is new to the Arizona construction industry, and the US EPA does not have a

comprehensive list of sites in Arizona that may be affected by this regulation, sites such as Federal/National Parks, Airforce Bases, U.S. Border buffers, bombing ranges, etc. must verify if they are designated as an LEFJ and if so, apply for a CGP NOI through the US EPA Region 9.

No change was made to the 2025 CGP based on this comment.

Comment #10 received on June 17, 2025 from Kevin Boesch.

COMMENT NO. 10

1.2.2 This general permit authorizes stormwater discharges to protected surface waters, either directly or by way of a conveyance, associated with "construction activities" that will disturb one or more acres of land, or will disturb less than one acre of land that is part of a common plan of development or sale that will ultimately disturb one acre or more. See 40 CFR 122.26(b)(15)(ii) and Appendix A. Please reword. Current wording makes it read as only conveyances associated with construction activity. Perhaps "...stormwater discharges associated with "construction activities" to any protected surface waters, either directly or by way of a conveyance, ..."

RESPONSE NO. 10

ADEQ agrees that the suggested revision provides greater clarity without altering permit intent. Based on this comment, ADEQ amended Part 1.2.2 as follows: "This general permit authorizes stormwater discharges associated with "construction activities" to protected surface waters, either directly or by way of a conveyance, that will disturb one or more acres of land, or will disturb less than one acre of land that is part of a common plan of development or sale that will ultimately disturb one acre or more."

Comment #11 received on June 19, 2025 from HBACA, Spencer Kamps.

COMMENT NO. 11

We request that Part 1.2 (Eligibility) be modified to make a NDC available to any facility conducting construction activities that will not discharge to a PSW as follows: 1.2.9 If a construction site is not eligible for authorization under this permit because stormwater is not discharged to a protected surface water, the operator may elect to apply for an optional No Discharge Certification (NDC) in myDEQ.

RESPONSE NO. 11

ADEQ appreciates the suggestion to make the NDC available more broadly. However, because an NDC does not provide permit coverage, it is not included within the CGP's eligibility provisions. For clarity, ADEQ removed the NDC language from Part 1.2, and relevant information is available in the 2025 CGP Fact Sheet.

Comment #12 received on June 17, 2025 from Kevin Boesch.

COMMENT NO. 12

Please move the note to the top. The note pertaining to it is allowable to use reclaimed water with a valid Reclaimed water permit.

RESPONSE NO. 12

ADEQ agrees that placing the note earlier in the section improves clarity. Based on this comment, the note regarding reclaimed water use was moved to the introduction of Part 1.3.

Comment #13 received on July 21, 2025 from Arizona Mining Association, Steve Trussell.

COMMENT NO. 13

Part 1.3 (note at end of section): The added (and existing) language in the note presumes that reclaimed water permits will be required for use of reclaimed water at construction sites. While this may be true in many instances, many reuse situations may occur at industrial or mining sites subject to OSHA or MSHA (i.e., federal programs that protect workers from workplace exposures), which are exempt from reclaimed water permit requirements (see A.A.C. R18-9-A701(1)(c)). The language in the note should be revised as follows (changes in red text): Note: Reclaimed water may be used for dust control, soil compaction, or landscape irrigation if a valid reuse permit is obtained, if required, and there are no discharges of reclaimed water off-site. Reclaimed Water Permits, if required, shall be obtained from ADEQ prior to start of construction. See the 2025 CGP Fact Sheet for more information. The added language in the note to Part 1.3.2 also refers the reader to the Fact Sheet for more information. This added language does not appear to be discussed in the Fact Sheet, so it is not clear what this means.

RESPONSE NO. 13

ADEQ understands the need for clarity on reclaimed water requirements. For horizontal construction, if reclaimed water is for dust control, a valid permit must be obtained prior to the start of construction, and reclaimed water must not be discharged off-site. The 2025 Fact Sheet has been updated.

No change was made to the 2025 CGP based on this comment.

Comment #14 received on June 17, 2025 from Kevin Boesch.

COMMENT NO. 14

Allowable Stormwater Discharges: The support activity is directly related to a construction activity that is required to have AZPDES permit coverage for discharges of stormwater associated with construction activity. Please reword using the defined term "exclusive". As the CGP define in Appendix A of this Draft: "Construction Support Activity – a construction-related activity that exclusively supports the construction site and involves activities such as clearing, grading, excavating, and stockpiling of fill materials or pollutant-generating activities of its own, and can include activities associated with concrete or asphalt batch plants, equipment staging yards, materials storage areas, excavated material disposal areas, and borrow areas. These activities may or may not be contiguous with the construction site, but the acreage of the support area should be included in the total site acreage amount. When the term "support activities" is used without clarification, it means "construction support activities."

RESPONSE NO. 14

ADEQ agrees that the suggested wording increases precision. Based on this comment, Part 1.3.1.c.i was amended to state: "The support activity is exclusively related to a construction activity that is required to have AZPDES permit coverage for discharges of stormwater associated with construction activity."

Comment #15 received on June 17, 2025 from Kevin Boesch, ADOT, Matt Holcomb.

COMMENT NO. 15

1.3.1.c.iv. "iv. Appropriate control measures for the discharges from the support activity areas are identified in the Stormwater Pollution Prevention Plan (SWPPP) and implemented." "Appropriate" is an interpretive word that opens operators to potential non-compliance. Perhaps use "Stormwater Control Measures" or Industry standard CMs"?

RESPONSE NO. 15

ADEQ appreciates the suggestion to use more precise terminology. Based on this comment, Part 1.3.1.iv was amended to state: "Stormwater control measures for the discharges from support activities are identified in the Stormwater Pollution Prevention Plan (SWPPP) and implemented."

Comment #16 received on June 17, 2025 from City of Phoenix, Nancy Allen; City of Glendale, Megan Sheldon.

COMMENT NO. 16

Revise Section 1.3.2 to clarify that reclaimed water can also be used for soil compaction. Subsections 1.3.2.a.ii (dust control) and 1.3.2.a.iv (rinsing of vehicles and equipment) both allow for reclaimed water to be used provided it is not discharged off-site. Subsection 1.3.2.a.xii (compacting soil) states that reclaimed water should not be used. The "Note" to Section 1.3.2 states that reclaimed water may be used for dust control, soil compaction or landscape irrigation if an ADEQ Reclaimed Water Permit is obtained and there is no off-site discharge.

RESPONSE NO. 16

ADEQ agrees that the provision should clearly state this condition. Based on this comment, Part 1.3.2.a.xii was amended to state: "Water used for compacting soil, provided reclaimed water or other wastewaters are not discharged off site."

Comment #17 received on June 17, 2025 from Kevin Boesch.

COMMENT NO. 17

These discharges are allowed provided they are minimized to the extent practicable. When allowable non-stormwater discharges cannot be practicably eliminated, the operator shall install appropriate control measures to reduce or eliminate pollutants in the discharge to ensure compliance with Part 3 of this permit. Appropriate is an interpretive word that opens operators to potential non-compliance. Perhaps use "Stormwater Control Measures" or Industry standard CMs"?

RESPONSE NO. 17

ADEQ concurs that the suggested change improves clarity. Based on this comment, Part 1.3.2.b was amended to state: "These discharges are allowed provided they are minimized to the extent practicable. When allowable non-stormwater discharges cannot be practicably eliminated, the operator shall install stormwater control measures to reduce or eliminate pollutants in the discharge to ensure compliance with Part 3 of this permit."

Comment #18 received on June 17, 2025 from Kevin Boesch.

COMMENT NO. 18

The operator shall not allow any non-storm water discharges from the site, except as provided in Part 1.3.2; all other non-stormwater discharges shall be eliminated or authorized under a separate AZPDES permit. Stormwater discharges that are mixed with non-stormwater, other than the allowable non-stormwater discharges listed in Part 1.3.2, are not eligible for coverage under this permit. Co-mingled? The term "mixed" implies physical and deliberate mixing.

RESPONSE NO. 18

ADEQ agrees that "co-mingled" is more precise in this context. Based on this comment, the term "mixed" in Part 1.4 was replaced with "co-mingled."

Comment #19 received on June 17, 2025 from City of Phoenix, Nancy Allen.

COMMENT NO. 19

Revise Subsection 1.4.a to “Wastewater from washout of concrete” and remove the text “unless managed by an appropriate control measure.” Even when managed by appropriate controls this discharge is prohibited. See Subsection 3.5.2.a which requires the use of control measures to prevent discharge.

RESPONSE NO. 19

ADEQ appreciates the clarification and concurs that this change better aligns with Part 3.5.2.a requirements. Based on this comment, Part 1.4.a was amended to remove the phrase, "unless managed by an appropriate control measure as described in Part 3.5.2.a."

Comment #20 received on July 21, 2025 from Arizona Mining Association, Steve Trussell.

COMMENT NO. 20

Part 1.4.b: The new cross-reference probably should be to Part 3.5.2(c) rather than Part 3.5.2(b).

RESPONSE NO. 20

ADEQ appreciates the comment and agrees that the correct cross-reference is Part 3.5.2.c. The text has been amended accordingly.

Comment #21 received on June 17, 2025 from Kevin Boesch, ADOT, Matt Holcomb.

COMMENT NO. 21

that originate from the site after construction activities have been completed and the site, including any temporary support activity site, has achieved final stabilization and a Notice of Termination (NOT) has been submitted to ADEQ. Post-construction stormwater discharges from sites may need to be covered by a separate AZPDES permit. Change “... may need to be covered by...” to “require coverage under...”.

RESPONSE NO. 21

ADEQ agrees this clarification strengthens the permit. Based on this comment, Part 1.5.1, was amended to state: “Post-Construction Discharges: This general permit does not authorize stormwater discharges that originate from the site after construction activities have been completed and the site, including any temporary support activity site, has achieved final stabilization and a Notice of Termination (NOT) has been submitted to ADEQ. Post-construction stormwater discharges from sites require coverage under a separate AZPDES permit.”

Comment #22 received on July 16, 2025 from ADOT, Matt Holcomb.

COMMENT NO. 22

"The operator must submit an electronic copy of the Stormwater Pollution Prevention Plan (SWPPP) and pay the associated review fee with the Notice of Intent (NOI) to ADEQ in the myDEQ Permitting Portal. See Part 2.4 for fee information." Suggest adding review timeframe for SWPPP or referencing location 2.3.3.b.

RESPONSE NO. 22

ADEQ appreciates the suggestion to set expectations for review timelines. Based on this comment, Part 1.5.3.a was amended to state: "The operator must submit an electronic copy of the Stormwater Pollution Prevention Plan (SWPPP) for ADEQ's review (which may take up to 30 calendar days) and pay the associated review fee..."

Comment #23 received on July 16, 2025 from Desert Services, Jared Aiken.

COMMENT NO. 23

Section 1.5.3.a and 1.5.3.c – Impaired or Not-Attaining Waters Reframe language requiring dischargers to “ensure consistency with the TMDL” and “not contribute to impairments” to instead require implementation of defined control measures or BMPs based on site activities and pollutant presence. Clarify that SAP and additional measures are only required if pollutants are specifically discharged and that they’re framed as action steps—not just results-based obligations. Reword to ensure it does not impose liability simply for being associated with an impaired water but rather based on specific discharges and defined control measures.

RESPONSE NO. 23

ADEQ understands the concern about the scope of requirements for sites near impaired waters. However, for sites that have outfalls within 1/4 mile of a WOTUS Protected Surface Water, construction activities must not cause or contribute to an exceedance of the applicable effluent limits contained in this permit or specifically identified in a TMDL.

No change was made to the 2025 CGP based on this comment.

Comment #24 received on June 17, 2025 from Kevin Boesch.

COMMENT NO. 24

Low potential for erosion is defined as a rainfall erosivity (R) factor of less than five (5) and is calculated in myDEQ,” This paragraph is fact, not regulation and belongs in the Fact Sheet. Please remove from regulation. (i.e., if any part of this is not followed, operators are open to potential non-compliance).

RESPONSE NO. 24

ADEQ agrees that this information is explanatory rather than regulatory. Based on this comment, ADEQ removed the subpart numbering for 1.6.1 as this paragraph contains information on how myDEQ calculates the erosivity factor and does not contain a permit requirement.

Comment #25 received on June 19, 2025 from SESCC, Howard Myers.

COMMENT NO. 25

Part 1.6.1 Calculating the Rainfall Erosivity (R) Factor references the “Revised Universal Soil Loss Equation (RUSLE), and Design Requirements Parts 3.3.1 a.i. and 3.3.6. note that the SWPPP Design, installation and maintenance of the site controls must take into account the Erodibility of the Soil, the Intensity of the Precipitation, the Length and Steepness of any site slopes, the frequency of the precipitation, the site soil characteristics and the nature of the stormwater runoff.

RESPONSE NO. 25

ADEQ appreciates your comments regarding the need to focus on the issue of erodibility of soils on sites. We have updated language in Part 3 to strengthen the design, installation, and maintenance requirements to focus on soils.

No change was made to the 2025 CGP based on this comment.

Comment #26 received on June 19, 2025 from SAHBA Brendan Lyons and SESCC, Howard Myers.

COMMENT NO. 26

Allow erosivity waivers without SWPPP requirement: If an operator qualifies for an erosivity waiver, the requirement to develop a full Stormwater Pollution Prevention Plan (SWPPP) should be eliminated. This would avoid unnecessary costs and administrative burdens for small, low-risk projects.

RESPONSE NO. 26

ADEQ appreciates the suggestion and agrees that requiring a SWPPP in such cases would be unnecessarily burdensome. The CGP already provides that a SWPPP is not required if an operator qualifies for an erosivity waiver. As clarified in Part 1.6.2, if the waiver expires before project completion, the operator must then prepare a SWPPP and obtain CGP coverage to continue work.

No changes were made to the 2025 CGP in response to this comment.

Comment #27 received on July 8, 2025 from City of Glendale, Megan Sheldon.

COMMENT NO. 27

Part 2.1.1 of the permit provides a definition of "operator" consisting of two criteria of which one must be met. As explained in the definition of operator in Appendix A of the permit, the first criterion (operational control over construction plans and specifications) is generally describing an owner of the site and the second criterion (day-to-day operational control of those activities at the project that are necessary to ensure compliance with the permit conditions) is generally describing the general contractor for the project. Under Part 2.1.2 of the permit, "where there are multiple operators associated with the same construction activity, all operators are required to obtain permit coverage." This results in duplicate permit coverage (and duplicate fees) for the same construction project. Arizona Revised Statute §49-1002.D requires state agencies to "avoid dual permitting to the extent practicable." Why is ADEQ implementing dual permitting for the CGP program?

RESPONSE NO. 27

ADEQ appreciates the concern regarding potential duplicate coverage. ADEQ's position is that an "operator" is an entity with both (i) operational control over construction plans and specifications and (ii) day-to-day control of site activities. If one entity meets both criteria, only that entity must obtain coverage. If the criteria are met by separate entities, each must obtain coverage to ensure full compliance with permit conditions and Clean Water Act requirements.

No change was made to the 2025 CGP based on this comment.

Comment #28 received on July 21, 2025 from Arizona Mining Association, Steve Trussell.

COMMENT NO. 28

Part 2.2.2: The added language requiring applicants to review the new CGP “to understand the required conditions” should be removed. First, the requirement to review the CGP is already covered in Section 2.0. Second, the added language creates a vague requirement to “understand” the required conditions. It is not clear what is intended by this language.

RESPONSE NO. 28

ADEQ appreciates the comment and agrees that the phrase “to understand the required conditions” is unnecessary, as the requirement to review the CGP is already addressed in Section 2.0. Based on this comment, Part 2.2.2 has been revised to remove the phrase “to understand the required conditions” for clarity and to avoid creating any perceived ambiguity.

Comment #29 received on July 8, 2025 from City of Glendale, Megan Sheldon.

COMMENT NO. 29

2.2.3b Suggest adding "within" after "outfalls" and before "¼ mile" so it reads as: " ... unless the construction site has one or more outfalls within ¼ mile upstream ... " Also, the 2020 CGP included OAWs in this permit condition; should OAWs be added here?

RESPONSE NO. 29

ADEQ agrees that this revision adds clarity and maintains important protections. Based on this comment, Part 2.2.3.b was amended to add OAWs, so it now applies to sites with outfalls within ¼ mile upstream of a protected surface water that is a WOTUS and is listed as impaired, not-attaining, or an OAW.

Comment #30 received on July 16, 2025 from ADOT, Matt Holcomb.

COMMENT NO. 30

Submitting a NOI - I would like to make the request (as the MyDEQ system is likely being updated for the new permit), that any project applying for CGP coverage in MyDEQ that identifies itself as an ADOT project; in that case a copy of the NOI and NOT be automatically sent to the following email: stormwaterazcon@azdot.gov This will greatly aid in swift statewide tracking of ADOT projects with active CGP's.

RESPONSE NO. 30

ADEQ appreciates the comment and understands that there was an email notification on ADOT projects that has recently experienced technical issues. We are working with the myDEQ Support Team and will provide updated information to ADOT when the email process has been implemented.

No change was made to the 2025 CGP based on this comment.

Comment #31 received on June 18, 2025 from Sierra Club Grand Canyon Chapter, Jennifer Martin-McLeod.

COMMENT NO. 31

Notice of Intent (NOI) Authorization Process We support the clarified requirement that operators receive a formal AZPDES CGP Authorization to Discharge with an assigned authorization number and approval date, and that all

correspondence reference this authorization number. This administrative clarity will improve tracking and enforcement.

RESPONSE NO. 31

ADEQ appreciates the Sierra Club Grand Canyon Chapter's support and agrees that clear authorization documentation improves tracking, recordkeeping, and enforcement under the permit.

No change was made to the 2025 CGP based on this comment.

Comment #32 received on June 17, 2025 from Kevin Boesch.

COMMENT NO. 32

2.3.1.c.If the operator changes or another operator is added before construction activities are complete, the new operator shall also submit an NOI to be authorized under this permit before taking over operational control or commencing construction activities at the site. Comment: "construction activities are complete"? Construction activities may be complete, yet coverage must be maintained until Final Stabilization. Perhaps use "...coverage under this permit is successfully terminated ..."

RESPONSE NO. 32

ADEQ agrees that the suggested change more accurately reflects permit obligations. Based on this comment, Part 2.3.1.c was amended to state: "If the operator changes or another operator is added before construction activities have reached final stabilization in accordance with Part 3.4, the new operator shall also submit an NOI to be authorized under this permit before taking over operational control or commencing construction activities at the site."

Comment #33 received on July 8, 2025 from City of Glendale, Megan Sheldon.

COMMENT NO. 33

ADEQ agrees with both points. Based on this comment, Part 2.3.3.b was amended to include OAWs and correct the acronym, ensuring accuracy and consistency throughout the permit.

RESPONSE NO. 33

Based on this comment, ADEQ amended Part 2.3.3.b to include OAWs and to fix the typo SWPPP to SAP, as follows: "... a WOTUS and is listed as impaired or not-attaining, or an OAW, are not authorized under this permit for 30-calendar days following submission of their Notice of Intent (NOI), Storm Water Pollution Prevention Plan (SWPPP), Sampling & Analysis Plan (SAP),..."

Comment #34 received on June 17, 2025 from City of Phoenix, Nancy Allen.

COMMENT NO. 34

Subsection 2.3.3.c Inaccurate NOI Submissions has been revised to now require an operator to terminate an NOI and submit a new fee if ADEQ provides notification that the original NOI submittal was inaccurate. A new fee should not always be required if there was a minor error made by the permittee. The City suggests this text be revised to state "may be required to submit a new fee". There is no definition of the term "inaccurate", and this statement could have the unintended consequence of operators paying additional fees for minor typographical or unintentional errors that have little to no practical consequences to water quality.

RESPONSE NO. 34

ADEQ appreciates the concern about additional costs for minor errors. Based on this comment, Part 2.3.3.c was amended to state: "If ADEQ notifies the operator that a new or modified NOI is inaccurate, a new NOI may need to be submitted along with any applicable fee(s)." ADEQ is committed to working with our customers to reduce the burden of cost associated with NOI modification fees, whenever possible.

Comment #35 received on July 21,2025 by Arizona Mining Association, Steve Trussell.

COMMENT NO. 35

Part 2.3.3.c: The added language that requires applicants to terminate Notices of Intent ("NOIs") that ADEQ deems to be inaccurate is burdensome. All that should be required is the submittal of a revised or new NOI, not termination of an NOI that ADEQ already has deemed to be inaccurate.

RESPONSE NO. 35

ADEQ appreciates the comment. Operators are expected to provide accurate and complete information in myDEQ and if this does not happen, it is the operator's responsibility to remedy the error, which may require a new NOI in myDEQ.

No changes were made to the 2025 CGP based on this comment.

Comment #36 received on July 21, 2025 by Arizona Mining Association, Steve Trussell.

COMMENT NO. 36

Part 2.3.3.e.i: For the same reasons explained above relating to the added language in Part 2.2.2, the added language in 2.3.3.e.1 should be removed.

RESPONSE NO. 36

ADEQ understands the desire to simplify corrections; however, accurate and complete NOI data are essential to proper coverage and compliance tracking. In some cases, termination and reissuance may be necessary to fully correct the record in myDEQ.

Comment #37 received on June 19, 2025 by HBACA, Spencer Kamps.

COMMENT NO. 37

The modification scenarios allowed in Part 2.3.5 are restrictive and prematurely force the regulated community to submit a Notice of Termination ("NOT") and reapply by submitting a Notice of Intent ("NOI"). For example, if the Permittee decides to change the name of their company, but the Permittees company keeps its original Employer Identification Number ("EIN"), the Permittee would need to submit an NOT and a new NOL We request that AZDEQ revisit this restriction and consider the costs being incurred by the regulated community when the permittee is required to submit an NOT and re-submit an NOL

RESPONSE NO. 37

Based on this comment, ADEQ amended Part 2.3.3.c as follows: "If ADEQ notifies the operator that an NOI contains inaccurate information, the operator shall modify the inaccurate NOI, or submit a new NOI in myDEQ and pay the associated fee, if the operator intends to obtain coverage under this permit."

Comment #38 received on June 17, 2025 by Kevin Boesch.

COMMENT NO. 38

Part 2.3.2.a-n are contents of an NOI. Please remove from regulation and place in Fact Sheet or on ADEQ webpage (i.e., if any part of this is not followed, operators are open to potential non-compliance). Perhaps state, "Use the MyDEQ system to populate and submit a NOI for coverage."

RESPONSE NO. 38

ADEQ understands the concern; however, pursuant to Arizona Administrative Code, R18-9-C901(D), "The Director shall specify the contents of the Notice of Intent in the general permit and the applicant shall submit information sufficient to establish coverage under the general permit [...]" This ensures that all applicants are aware of the information needed to establish coverage.

No change was made to the 2025 CGP based on this comment.

Comment #39 received on June 17, 2025 by Kevin Boesch.

COMMENT NO. 39

Part 2.3.3 Authorization to Discharge under the AZPDES Construction General Permit (CGP). Note: this condition does not apply for discharges to non-WOTUS protected surface waters. The term "this" in the note means "the deemed covered" condition? Please clarify language.

RESPONSE NO. 39

ADEQ appreciates the request for clarity. In the note at the end of Part 2.3.3.b, the word "this" refers to the requirement for the submission of the NOI, SWPPP and SAP to ADEQ for review and the 30-day time frame ADEQ has to review those documents. This requirement is not applicable to non-WOTUS protected surface waters.

No change was made to the 2025 CGP based on this comment.

Comment #40 received on June 16, 2025 by Argus, Robyn Bennett; ADOT, Matt Holcomb.

COMMENT NO. 40

New Operator: "Within the time period specified in the general permit" - provide clarification

RESPONSE NO. 40

ADEQ agrees that clearer language benefits permittees. Based on this comment, Part [2.3.6.b.ii](#) was amended to state: "The new operator shall submit a Notice of Intent (NOI) to ADEQ before taking over operational control of, or initiation of, activities at the site."

Comment #41 received on June 17, 2025 by Kevin Boesch.

COMMENT NO. 41

2.3.6 Change of Owner/Operator Can a clause be added pertaining to a lending institution, or another entity takes operational control of the permitted construction site due to foreclosure or bankruptcy, or loss of legal access, the parcel owner is responsible to seek coverage. Comes in when BMP contractors or inspectors no longer have legal access to the property and compliance efforts under their responsibility can no longer legally be met.

RESPONSE NO. 41

ADEQ has no authority to implement requirements on lending institutions in the case of foreclosure or bankruptcy. Part 2.3.6 outlines operator obligations when one leaves a site prior to final stabilization and another operator assumes control.

No change was made in the 2025 CGP based on this comment.

Comment #42 received on July 8, 2025 by City of Glendale, Megan Sheldon; ADOT, Matt Holcomb.

COMMENT NO. 42

Part 2.5 states that emergency-related construction activities are automatically authorized provided that "b. The operator provides documentation in the SWPPP to substantiate the occurrence of the public emergency." At the end of Part 2.5, there is language that a SWPPP is required if the activity continues for more than 30-calendar days. For an operator to comply with Part 2.5(b), would a SWPPP be required if the emergency activity occurs for less than 30 calendar days? Please clarify when a SWPPP is required under emergency-related construction activities

RESPONSE NO. 42

Based on this comment, ADEQ amended Part 2.5 to remove the requirement of SWPPP in 2.5.b.

Comment #43 received on July 16, 2025 by ADOT, Matt Holcomb.

COMMENT NO. 43

2.6.1.d The planned construction activity identified.... Plans for construction have been permanently abandoned..." Suggest replacing construction with construction activity"

RESPONSE NO. 43

ADEQ reviewed the language and determined that "planned construction activity" is already the phrasing used in Part 2.6.1.d.

No change was made to the 2025 CGP.

Comment #44 received on June 18, 2025 by EPA.

COMMENT NO. 44

The water quality-based effluent limits in the ADEQ CGP should be revised to address the U.S. Supreme Court decision in City and County of San Francisco v. EPA, dated March 4, 2025. Part 3.1 of EPA's 2022 CGP includes a narrative water quality-based effluent limit that requires that the discharges be controlled as necessary to meet applicable water quality standards. Part 3.8.1 of the draft ADEQ permit includes narrative water quality-based effluent limits that require discharges be controlled as necessary to meet applicable receiving water quality standards. (This is substantively the same as Part 3.1 of EPA's 2022 CGP.) In April 2025 EPA modified the 2022 CGP in response to the US Supreme Court decision in the above referenced case. Such revised limits that can be found in Part 10 of the modified EPA CGP. ADEQ should revise the state's draft CGP to ensure consistency with the Supreme Court decision for its CGP, and to do so, EPA recommends that ADEQ consider requirements for its final permit that are like those found in Part 10 of the modified EPA CGP.

RESPONSE NO. 44

ADEQ appreciates the comment and agrees that alignment with the Supreme Court decision is important. Language in the CGP was reviewed and revised to remove any provisions inconsistent with the decision, while retaining requirements necessary to meet applicable water quality standards.

Comment #45 received on June 17, 2025 by Kevin Boesch.

COMMENT NO. 45

"... and new source performance standards found at 40 CFR Part 450.24." Perhaps include 450.22. The standards are found in Part § 450.21.

RESPONSE NO. 45

ADEQ agrees that the citation should be accurate. Based on this comment, the reference in Part 3.0 was corrected to 40 CFR Part 450.21.

Comment #46 received on June 19, 2025 by SESCC, Howard Myers.

COMMENT NO. 46

Part 3.2 General Maintenance Requirements: Routine erosion, sediment and pollution controls maintenance is a much better practice than the dependence upon a specific site visit resulting in a written, Site Inspection Report.

RESPONSE NO. 46

ADEQ appreciates the comment and agrees that proactive maintenance is beneficial. However, inspection reports remain an essential compliance tool for documenting and verifying control measure performance.

No changes were made to the 2025 CGP based on this comment.

Comment #47 received on July 16, 2025 by ADOT, Matt Holcomb.

COMMENT NO. 47

3.2.2 "Routine Maintenance does not constitute a corrective action" would suggest completely eliminating the two categories: routine maintenance and corrective action. It is just causing confusion on the ground. Making this a judgment call on what degree a deficiency is from just normal fixes to significant repairs seems unnecessary. Plus the time frames to correct the problems seem to be the same, besides the qualification that it presents imminent danger to people. The distinction also discourages inspectors from documenting things appropriately. So simplify if some activity is being done to improve control measures, have folks document it.

RESPONSE NO. 47

ADEQ understands the desire for simplification but maintains that routine maintenance and corrective actions serve different purposes and must be addressed separately in the permit. Keeping these categories distinct supports effective compliance tracking.

No change was made to the 2025 CGP based on this comment.

Comment #48 received on July 16, 2025 by ADOT, Matt Holcomb.

COMMENT NO. 48

3.2.2.a Suggest removing "does not require significant maintenance, repair, or replacement , if the problem..." Significant is too vague; clarify or remove.

RESPONSE NO. 48

ADEQ appreciates the comment and considered the request. However, the term "significant" remains useful for distinguishing between minor and more substantial maintenance needs.

No changes were made to the 2025 CGP based on this comment.

Comment #49 received on July 16, 2025 by ADOT, Matt Holcomb.

COMMENT NO. 49

3.2.2.a "SWPPP recordkeeping is not required for actions taken under this paragraph" This seems to be required in section 6.4 g to be documented in the SWPPP. Otherwise suggest removing and thus encouraging more comments in inspection reports.

RESPONSE NO. 49

ADEQ agrees with this observation. Based on this comment, Part 3.2.2.a was amended to remove the last sentence, "SWPPP recordkeeping is not required for actions taken under this paragraph."

Comment #50 received on June 17, 2025 by Kevin Boesch.

COMMENT NO. 50

3.2.2.a. "If the identified control measure deficiency does not require significant maintenance ..." Please use a different word than "deficiency" as it sounds like a permit/regulatory violation. Perhaps use "failure", or "underperformance"?

RESPONSE NO. 50

ADEQ agrees that a more neutral term is preferable. Based on this comment, Part 3.2.2.a, was amended to state: "If the identified control measure that failed does not require significant maintenance, repair, or replacement, or if the problem can be corrected through routine maintenance..."

Comment #51 received on June 17, 2025 by Kevin Boesch.

COMMENT NO. 51

3.2.2.a. "If corrected through routine maintenance, initiate work to fix the problem immediately after discovery and complete such work ..." The term "immediate" is not defined and is interpretive. Perhaps use a metric such as "within 24-hours"? Operators are open to potential non-compliance based on interpretation.

RESPONSE NO. 51

ADEQ appreciates the suggestion. Based on this comment, Part 3.2.2.a was amended to state: "... initiate work to fix the problem after discovery, and complete such work by the end of the next work day, if feasible."

Comment #52 received on June 17, 2025 by Kevin Boesch.

COMMENT NO. 52

3.2.2.b. "When the installation of a new control (that is not in response to a corrective action in Part 5.1), or a significant repair of an existing control ..." The term "significant" is not defined and is interpretive. Perhaps use a metric such as "requiring equipment or materials that are not currently on site"?

RESPONSE NO. 52

ADEQ appreciates the comment, and agrees that the word "significant" is subjective; the rest of Part 3.2.2.b indicates the expectation that actions will be taken to resolve repairs or to implement new controls within a seven (7) calendar time frame, with updates being made to the SWPPP.

No changes were made in the 2025 CGP based on this comment.

Comment #53 received on June 19, 2025 by June 19, 2025.

COMMENT NO. 53

It is the recommendation of this SWPPP Designer and SWPP Site Inspector that the definition of the "end of any Storm Event is at the point that the site receives NO measurable precipitation for a 14- consecutive hour period" Part 3.2 b. notes " ... complete the repair, by no later than seven (7) calendar days from the time of discovery or before the next storm event (whichever is sooner)... "

RESPONSE NO. 53

ADEQ appreciates the input and understands the desire for specificity. However, the permit provides operators with up to seven calendar days—or until the next storm event—to complete repairs, which accommodates varying weather conditions across Arizona.

No changes were made in the 2025 CGP based on this comment.

Comment #54 received on June 17, 2025 by Kevin Boesch.

COMMENT NO. 54

3.3.3.iii. Stormwater Volume and Velocity Control "Polymers, flocculants, or other cationic treatment shall be used in accordance with manufacturer's instructions to provide for adequate settling time and minimize or eliminate these chemicals in the discharge. The operator shall comply with the requirements in Part 6.3.10." Can anionics be added to this list? May perform better and be less harmful to aquatic organisms. The citation is now Part 6.3.9. not 6.3.10.

RESPONSE NO. 54

ADEQ agrees with these suggestions. Based on this comment, Part 3.3.3.d.iii was amended to state: "Polymers, flocculants, or other ionic exchange treatments shall be used in accordance..." and revised all other instances of "cationic treatment" to "ionic exchange treatment" throughout the permit. Additionally, the definition of Cationic Treatment Chemicals was amended to "chemicals that are used in water treatment to remove contaminants, by changing their molecular charge; used in water softening treatments and for removing heavy metals."

Comment #55 received on June 18, 2025 by Sierra Club Grand Canyon Chapter, Jennifer Martin-McLeod.

COMMENT NO. 55

We urge ADEQ to replace discretionary language such as “should consider” or “where practicable” with mandatory requirements to ensure that critical BMPs are implemented consistently and effectively.

RESPONSE NO. 55

ADEQ agrees that certain BMPs warrant mandatory implementation. Based on this comment, Part 3.3.5.c was amended to replace the phrase "should consider implementing" with "shall implement" and all instances of "where practicable" have been removed in Parts 3.3.5 and 3.3.6. These changes reinforce enforceability and consistency of BMP applications.

Comment #56 received on July 16, 2025 by ADOT, Matt Holcomb.

COMMENT NO. 56

3.3.5 Disturbance is not defined. Use earth disturbing activity or put in definitions Disturbance - see earth disturbing activity or qualify that whenever the term disturbance is used it means earth disturbing activities. Please stay with defined terms as much as possible throughout.

RESPONSE NO. 56

ADEQ agrees with the need for consistent terminology. Based on this comment, ADEQ amended Part 3.3.5 and 3.3.5.c to replace "disturbance" with "earth-disturbances."

Comment #57 received on July 16, 2025 by ADOT, Matt Holcomb.

COMMENT NO. 57

"Note – In this permit, steep slopes and steep grades have a 15-foot or greater vertical rise of 100-feet of horizontal run, or 15% slope." Disturbance is not defined. Use earth disturbing activity or put in definitions Disturbance - see earth disturbing activity or qualify that whenever the term disturbance is used it means earth disturbing activities. Please stay with defined terms as much as possible throughout.

RESPONSE NO. 57

ADEQ agrees with the need for consistent terminology. Based on this comment, all instances of “disturbance” in this Part 3.3.5 have been revised to indicate “earth-disturbances.”

Comment #58 received on June 18, 2025 by Sierra Club Grand Canyon Chapter, Jennifer Martin-McLeod.

COMMENT NO. 58

3.3.5.c The inclusion of best management practices (BMPs) such as hydraulic mulch, geotextiles, compost blankets, and drainage swales for steep slope disturbances is a positive step. We note that the language stating operators “should consider” these controls is insufficiently strong. To ensure effective erosion control on sensitive steep slopes, we urge ADEQ to replace discretionary phrases with mandatory requirements. Furthermore, if adequate controls cannot be implemented on steep slopes, this should be considered a fundamental incompatibility with protecting clean water resources, and the project should be subject to denial or significant modification to prevent environmental harm.

RESPONSE NO. 58

ADEQ agrees that certain BMPs warrant mandatory implementation. Based on this comment, ADEQ amended Part 3.3.5.c to replace the phrase "should consider implementing" with "shall implement" as follows, "Where earth-disturbance of steep slopes cannot be avoided, operators shall implement controls suitable for steep slope earth-disturbances..." Additionally, the phrases "where practicable" have been removed in Parts 3.3.5 and 3.3.6 (four instances) as ADEQ agrees these phrases are unnecessary.

Comment #59 received on June 17, 2025 by Kevin Boesch.

COMMENT NO. 59

3.3.5 Soil and Slope Control: The operator shall minimize the amount of soil exposed and the disturbance of steep slopes through the following measures:" Please define "Disturbance". The 2021 CGP does not, nor does the EPA 2022 CGP. This definition differs from other environmental regulations (I.e. Maricopa County, Pima County, Pinal County Air Quality Fugitive Dust Permits)? Is it intended to be the same thing as the EPA CGP "Earth-Disturbing Activity"—actions taken to alter the existing vegetation and/or underlying soil of a site, such as clearing, grading, site preparation (e.g., excavating, cutting, and filling), soil compaction, and movement and stockpiling of top soils." This draft permit defines "Earth-Disturbing Activity - actions taken to alter the existing vegetation and/or underlying soil of a site, such as clearing, grading, site preparation (e.g., excavating, grubbing, cutting, and filling), soil compaction, and movement and stockpiling of top soils." Please stay with defined terms. This permit uses the term "Disturbance" at least 17 times. Consider global change to "Earth Disturbance" as defined in this CGP.

RESPONSE NO. 59

ADEQ agrees and, based on this comment, amended all instances of "disturbances" in the permit to "earth-disturbances" to align with the definition provided in Appendix A.

Comment #60 received on July 16, 2025 by ADOT, Matt Holcomb.

COMMENT NO. 60

3.3.6.a.i "geologist or landscape architect or equivalent" Suggest adding CPESC certification, not including 'equivalent' but omitting since that statement is vague OR somebody approved by ADEQ

RESPONSE NO. 60

ADEQ appreciates the comment; and after internal and external discussions, ADEQ does not have a data driven justification to make this change.

No changes were made to the 2025 CGP based on this comment.

Comment #61 received on July 21, 2025 by Arizona Mining Association, Steve Trussell.

COMMENT NO. 61

Part 3.3.6(b)(i): This subpart refers to "washes or other protected surface waters." The reference to "washes or other" should be deleted. "Washes" are ephemeral features that are not relatively permanent and therefore do not qualify as WOTUS. Such ephemeral features also are exempt from the statutory definition of non-WOTUS protected surface waters. See A.R.S. § 49-221(G)(2)(k).

RESPONSE NO. 61

ADEQ agrees with this clarification. Based on this comment, Part 3.3.6.b.i was amended to remove "washes or other." A similar instance in Part 3.5.4.vi was amended to remove "washes or other" to provide clarification that ADEQ is referencing the Protected Surface Waters, as found in Tables B and C, in Arizona Administrative Code (A.A.C.) R18-11 Water Quality Standards.

Comment #62 received on June 20, 2025 by Fisher Industries, Chris Smith.

COMMENT NO. 62

3.3.6.b.iv "Appropriate" temporary measures to effectively control sediment..... May add wording that is along the lines of provide controls that will effectively decrease runoff such as berming, wattles or storing in an area that will avoid runoff or flow thru waters.

RESPONSE NO. 62

ADEQ appreciates the suggestion. Part 3.3.6.b.iv was amended to state: "Provide controls that will effectively decrease runoff, such as berming or wattles; or locating stockpiles in an area that will avoid runoff or flow through waters." ADEQ also amended this part to remove "appropriate" as stated: "For stockpiles that will be unused for 14-calendar days or more, provide cover or temporary stabilization as per part 3.4.1."

Comment #63 received on June 17, 2025 by Kevin Boesch; ADOT, Matt Holcomb.

COMMENT NO. 63

"vi. Use perimeter controls or other effective sediment control measures around soil stockpiles, except when they are being actively worked. For stockpiles that will be unused for 14-calendar days or more, provide cover or appropriate temporary stabilization. "The term "appropriate" is an interpretive word and operators are open to potential non-compliance. Perhaps "Provide cover that will not increase runoff for temporary stabilization"?"

RESPONSE NO. 63

ADEQ appreciates the suggestion. Based on this comment, Part 3.3.6.b.vi was amended to state: "For stockpiles that will be unused for 14-calendar days or more, provide cover or temporary stabilization as per part 3.4.1."

Comment #64 received on July 16, 2025 by ADOT, Matt Holcomb.

COMMENT NO. 64

3.3.e.iv "Accumulations of sediment... removed in a manner and at a frequency sufficient to minimize impacts" Suggest adding a time frame for clean up.

RESPONSE NO. 64

ADEQ appreciates the suggestion but determined that sediment accumulation rates vary widely by site, making a single timeframe impracticable. Retaining performance-based language allows flexibility while ensuring compliance.

No changes were made to the 2025 CGP based on this comment.

Comment #65 received on July 21, 2025 by Arizona Mining Association, Steve Trussell.

COMMENT NO. 65

Part 3.3.6(b)(i)-(ii): The added language requires placement of soil stockpiles a minimum of 50 feet away from protected surface waters, stormwater conveyances, streets, or buffer areas “unless infeasible.” The current permit just requires that stockpiles be kept “outside of” these areas. The added language should be removed. There is no justification for the 50-foot separation requirement.

RESPONSE NO. 65

ADEQ appreciates the comment but notes that the 50-foot buffer requirement has been a consistent CGP provision across multiple reissuances. This distance remains an important protective measure and aligns with EPA practices.

No change was made to the 2025 CGP based on this comment.

Comment #66 received on July 16, 2025 by ADOT, Matt Holcomb.

COMMENT NO. 66

3.3.7 Maintain natural buffers adjacent to perennial protected surface waters...” Suggest including intermittent waters, when water is present or expected to be present. 3.3.7.c.ii “perennial water” If intermittent stream addition accepted add here as well

RESPONSE NO. 66

ADEQ agrees. Based on this comment, “perennial” was removed from Part 3.3.7 so that buffer requirements apply to all protected surface waters. Additional instances of “perennial” were also reviewed and removed as applicable throughout the permit.

Comment #67 received on June 17, 2025 by Kevin Boesch; ADOT, Matt Holcomb.

COMMENT NO. 67

3.3.7.i. Maintain natural buffers adjacent to perennial protected surface waters, unless infeasible. “Areas not owned or are otherwise outside the activities of the operator may be considered areas of undisturbed natural buffer for purposes of compliance with this part.” Please eliminate this clause or add “after legal and written permissions have been received.” No part of this permit conveys property rights. Also, please add a clause pertaining to “Careful not used for the condition of Part 3.3.1.b”

RESPONSE NO. 67

ADEQ appreciates the comment, however, site ownership and property rights are not within ADEQ’s regulatory scope.

No changes were made to the 2025 CGP based on this comment.

Comment #68 received on July 16, 2025 by ADOT, Matt Holcomb.

COMMENT NO. 68

3.4.1.b.ii When the site is using vegetative stabilization and is located in a (add drought stricken area) (REMOVE of the state experiencing drought conditions)(see Appendix A). Suggest change because drought stricken areas are defined.

RESPONSE NO. 68

ADEQ appreciates the suggestion. Based on this comment, Part 3.4.1.b.ii was amended to state: "When the site is using vegetative stabilization and is located in a drought stricken area, vegetative stabilization measures shall be initiated as soon as practicable, when growing conditions are best for planting or seeding."

Comment #69 received on May 21, 2025 by Mortenson, Alexandra Biel.

COMMENT NO. 69

Wording. "Final stabilization means that one of the following conditions (a, b, c, or d) is met:"

RESPONSE NO. 69

ADEQ agrees that there was a typographical error that did not include the addition of a new subpart d. Based on this comment, Part 3.4.2 in the introductory statement was amended to state: "Final stabilization means that one of the following conditions (a, b, c, or d) is met."

Comment #70 received on June 19, 2025 by HBACA, Spencer Kamps.

COMMENT NO. 70

Part 3.4.2.b of the draft CGP has added a condition for final stabilization being met for individual lots in residential construction, meaning that the homebuilder has: iii. Submitted a NOT in myDEQ. There is no reason why a condition of final stabilization should be the submittal of a NOT. AZDEQ has not provided rationale why this is necessary. Therefore, we request that Part 3.4.2.b(iii) be deleted in its entirety.

RESPONSE NO. 70

ADEQ understands the concern but maintains that submitting a NOT is a critical step to formally conclude permit coverage once all earth-disturbing activities are complete. This ensures ADEQ's records accurately reflect cessation of discharges.

No changes were made to the 2025 CGP based on this comment.

Comment #71 received on June 17, 2025 by City of Phoenix, Nancy Allen.

COMMENT NO. 71

Subsection 3.4.2.d, Final Stabilization, has been revised to clarify requirements for sites that will not be stabilized following construction. Please retain the text "The operator is not expected to apply temporary stabilization measures to areas that are intended to remain unvegetated or unstabilized following construction." The area may not need temporary stabilization depending on location, feature type, soil type, etc. This text is also stated in the Fact Sheet, III.3.4 Site Stabilization Requirements, Schedules and Deadlines (Part 3.4), page 22. In addition, please remove the

following text from this same section of the Fact Sheet which refers to sites that are intended to remain unstabilized: "...additional post-construction stormwater control measures should be evaluated and implemented".

RESPONSE NO. 71

ADEQ agrees and based on this comment, Part 3.4.2.d, was amended to state: "The operator is not expected to apply temporary stabilization measures to areas that are intended to remain unvegetated or unstabilized following construction. For sites that are intended to remain unvegetated or unstabilized following construction, such as airports, access roads and sports fields, final stabilization is complete..."

Comment #72 received on May 21, 2025 by City of Mortenson, Alexandra Biel.

COMMENT NO. 72

This section is unclear. Is this final stabilization condition applicable for the entire project site or is it applicable for isolated areas of a project site? The examples of sites provided are also unclear as airports, access roads, and sports fields are typically stabilized in some way, such as turf, asphalt, concrete, or Class 5. Additionally, could this be another subsection of Part 3.4.2.a?

RESPONSE NO. 72

ADEQ appreciates the request for clarification. Part 3.4.2.d, was amended to state: "The operator is not expected to apply temporary stabilization measures to areas that are intended to remain unvegetated or unstabilized following construction. For sites that are intended to remain unvegetated or unstabilized following construction, such as airports, access roads and sports fields, final stabilization is complete..."

Comment #73 received on July 16, 2025 by ADOT, Matt Holcomb.

COMMENT NO. 73

3.4.3.a "registered professional engineer..." Suggest adding CPESC certification, not including 'equivalent' but omitting OR somebody approved by ADEQ

RESPONSE NO. 73

ADEQ appreciates the comment and after internal and external discussions, ADEQ does not have a data driven justification to make this change."

No change was made to the 2025 CGP based on this comment.

Comment #74 received on July 16, 2025 by ADOT, Matt Holcomb.

COMMENT NO. 74

last paragraph: "Final stabilization is met if the area has been seeded or planted to establish vegetation that provides 70 % or more of the vegetative cover, native to local undisturbed areas, within three (3) years and, to the extent necessary to prevent erosion on the seeded or planted area, non-vegetative erosion controls have been applied to provide cover for at least three (3) years without active maintenance." Remove comma after and (highlighted)

RESPONSE NO. 74

ADEQ appreciates the suggestion and has verified the language suggested is consistent with the final paragraph of Part 3.4.3.

No change was made to the 2025 CGP based on this comment.

Comment #75 received on May 21, 2025 by City of Mortenson - Alexandra Biel.

COMMENT NO. 75

Please consider moving the last paragraph ("Final stabilization is met if the area has been seeded or planted to establish vegetation that provides 70 % or more of the vegetative cover, native to local undisturbed areas, within three (3) years and, to the extent necessary to prevent erosion on the seeded or planted area, non-vegetative erosion controls have been applied to provide cover for at least three (3) years without active maintenance.") to the beginning of Part 3.4.3.c section rather than at the end.

RESPONSE NO. 75

ADEQ appreciates the suggestion but determined that retaining the paragraph in its current location ensures operators read the full section before applying the provision.

No changes were made to the 2025 CGP based on this comment.

Comment #76 received on June 17, 2025 by Kevin Boesch.

COMMENT NO. 76

3.5.2 Minimize the Discharge of Pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Please add an operator shall also include in the SWPPP and follow the conditions of the Concrete Washout Aquifer Protection General Permit A.A.C. R18-9-B301 L. A 1.12. Type 1 General Permit

RESPONSE NO. 76

ADEQ appreciates the feedback. Based on this comment, Part 3.5.2.a was amended to add the following note at the bottom of the part: "An aquifer protection general permit 1.12 is available for discharges of wastewater from washing concrete from trucks, pumps, and ancillary equipment to an impoundment if the conditions are met, pursuant to A.A.C. R18-9-B301(L)."

Comment #77 received on June 17, 2025 by City of Phoenix, Nancy Allen.

COMMENT NO. 77

Subsection 3.5.2.a.iv: Provide clarification in Subsection 3.5.4.b.v that in the case of concrete wash-out (hardened concrete) it may remain on site provided it is in leak-proof containment that is not overflowing. Concrete wash-out waste is not always immediately removed from the site if properly contained.

RESPONSE NO. 77

ADEQ appreciates the comment and the opportunity to clarify Part 3.5.2.a.iv does not indicate that hardened concrete must be removed at any time, prior to final stabilization. Part 3.5.4.b.v does not mention concrete wash-out as a waste.

No changes were made to the 2025 CGP based on this comment.

Comment #78 received on July 16, 2025 by ADOT, Matt Holcomb.

COMMENT NO. 78

3.5.2.a.v "the container or pit must be designed so that no overflows can occur due to inadequate sizing or precipitation" Does the leak proof pit include the soil beneath. In other words is plastic lined pits for concrete washout required or bare soil underneath allowed. Also I suggest prohibiting the plastic 'kiddy pools' as they are not designed for nor sufficient to be considered leak proof when handling concrete waste.

RESPONSE NO. 78

ADEQ appreciates the comment. Specific design requirements for concrete washout are addressed under the Aquifer Protection Permit (APP) program and will not be incorporated into the 2025 CGP, which governs stormwater. Operators are directed to the APP 1.12 general permit for groundwater related requirements.

No changes were made to the 2025 CGP based on this comment.

Comment #79 received on July 16, 2025 by ADOT, Matt Holcomb.

COMMENT NO. 79

3.5.2.a.vi Replace feasible with practical. Feasible is defined with an economic portion that would not be relevant.

RESPONSE NO. 79

ADEQ concurs that the language in this section could be streamlined for clarity. Based on this comment, Part 3.5.2.a.vi was amended to remove "to the extent feasible" as the phrase was duplicated in the final sentence of this part.

Comment #80 received on July 16, 2025 by ADOT, Matt Holcomb.

COMMENT NO. 80

3.5.2 Please add an operator shall also include in the SWPPP and follow the conditions of the Concrete Washout Aquifer Protection General Permit A.A.C. R18-9-B301 L. A 1.12. Type 1 General Permit

RESPONSE NO. 80

ADEQ agrees with the suggestion to include a reference to the relevant Aquifer Protection Permit. Based on this comment, Part 3.5.2 was amended to include the following note: "An aquifer protection general permit 1.12 is available for discharges of wastewater from washing concrete from trucks, pumps, and ancillary equipment to an impoundment if the conditions are met, pursuant to A.A.C. R18-9-B301(L)."

Comment #81 received on June 17, 2025 by City of Phoenix, Nancy Allen.

COMMENT NO. 81

Subsection 3.5.2.c.iii.c: This section incorrectly references Section 3.5.5, Spill Prevention and Response Procedures, and not requirements for disposal as is indicated. Please revise to reference the correct section for disposal of liquids or remove the reference entirely. Clarification is needed, does this reference refer to all liquid disposal, or just disposal when a spill occurs?

RESPONSE NO. 81

ADEQ agrees the cited subsection created confusion. To ensure accuracy, Part 3.5.2.c.iii.c has been removed, as there are no specific requirements in Part 3.5.5 for the disposal of liquid wastes.

Comment #82 received on July 21, 2025 by Arizona Mining Association, Steve Trussell.

COMMENT NO. 82

Part 3.5.2(v): This subpart adds additional requirements related to concrete washout activities, including that wastewater be directed into a "leak-proof container or leak-proof pit" that is designed so that "no overflows can occur due to inadequate sizing or precipitation." "Leak-proof" pits with "no potential" to overflow is an extremely high bar. The added language should be removed.

RESPONSE NO. 82

ADEQ acknowledges the concern but notes that this requirement aligns with national stormwater permit standards. The language in question is drawn directly from the 2022 U.S. EPA CGP.

No changes were made to the 2025 CGP based on this comment.

Comment #83 received on July 8, 2025 by City of Glendale, Megan Sheldon.

COMMENT NO. 83

3.5.2(e)-The permit proposes to allow the discharge of pavement rinse waters from construction sites into a protected surface water, storm drain, or constructed or natural drainage feature if" ... the feature is connected to a sediment basin, sediment trap or similarly effective control." Is this condition necessary when "pavement rinse waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where soaps, solvents, and detergents are not used" is identified as an allowable non-stormwater discharge in Part 1.3.2? In the 2020 CGP (under Part 3.3, then 6.b.iv), pavement rinsing is specific to stockpiles of sediment or soil after the stockpile has been removed. Is it ADEQ's intention to expand the scope to all pavement washing/rinsing? o Add language to Part 3.5.2(e) to reference other parts of the permit specific to pavement washing: 3.5.2(dXvi)- do not "hose down" contaminated areas where fueling and maintenance of equipment or vehicles occurs, 3.2(a)(v) - pavement rinse waters are allowable non-stormwater discharges where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where soaps, solvents, and detergents are not used.

RESPONSE NO. 83

ADEQ appreciates the detailed feedback and has aligned this section for consistency with existing allowable discharge provisions. Based on this comment and similar feedback, Part 3.5.2.e has been revised to remove the phrase "unless the feature is connected to a sediment basin, sediment trap or similarly effective control."

Comment #84 received on June 17, 2025 by City of Phoenix, Nancy Allen.

COMMENT NO. 84

In the following subsections correct the text to "stormwater inlet", which is the Appendix A defined term: Subsection 3.5.2.c.iii.a uses "Storm inlet", Subsection 3.5.2.e uses the term "Storm drain", Subsection 3.5.4.b.iii.c uses the term "Storm drain inlets"

RESPONSE NO. 84

ADEQ agrees with the need for consistent terminology. Based on this comment, several instances of "storm drain" have been revised to "stormwater inlet" throughout the permit to align with the Appendix A definition.

Comment #85 received on June 17, 2025 by City of Phoenix, Nancy Allen.

COMMENT NO. 85

Subsection 3.5.2.e: Language has been added which now contradicts Subsection 1.3.2.a.v, Allowable Non-Stormwater Discharge. Pavement wash water is listed as an allowable discharge in Subsection 1.3.2.a.v. The City suggests that Section 3.5.2.e be removed and consolidated into Subsection 1.3.2.a.v. In addition, a PSW is not a feature that can be "connected to a sediment basin, sediment trap or similarly effective control" as required in Subsection 3.5.2.e. Please update the language to reflect the practical realities of where such controls can be applied.

RESPONSE NO. 85

ADEQ agrees that the provision required clarification to prevent inconsistency with the allowable non-stormwater discharge section. Based on this comment, Part 3.5.2.e, has been revised to state: "The permittee shall not direct pavement rinse waters directly into a protected surface water, storm drain, or constructed or natural drainage feature."

Comment #86 received on June 17, 2025 by Sierra Club Grand Canyon Chapter, Jennifer Martin-McLeod.

COMMENT NO. 86

Cover or Secondary Containment for Waste and Chemical Storage The permit's requirement that operators provide either physical cover or secondary containment for waste and chemical storage is a strong and enforceable measure that will help prevent stormwater contamination.

RESPONSE NO. 86

ADEQ appreciates the supportive feedback regarding these protective measures. The requirement for cover or secondary containment is an important safeguard to minimize the risk of pollutants entering stormwater.

No change was made to the 2025 CGP based on this comment.

Comment #87 received on July 16, 2025 by ADOT, Matt Holcomb.

COMMENT NO. 87

3.5.4.b Remove as appropriate

RESPONSE NO. 87

ADEQ agrees this phrase could be misinterpreted. Based on this comment, Part 3.5.4.a has been revised to remove "as appropriate," and now states: "a. The operator shall consider and implement the following control measures."

Comment #88 received on July 16, 2025 by ADOT, Matt Holcomb.

COMMENT NO. 88

3.5.4.b.ii "For pesticides, herbicides, insecticides..." suggest 'For all pesticides (i.e. herbicides, insecticides)' Pesticide is the umbrella term. A herbicide and insecticide is a type of pesticide. 3.5.4.b.ii.g Suggest change: Complying with all

application and disposal requirements included on the registered pesticide (i.e. herbicides, insecticides) and/or fertilizer label.

RESPONSE NO. 88

ADEQ appreciates the suggestion but determined that the current phrasing provides greater clarity for construction operators, who may not be familiar with the broader pesticide terminology.

No changes were made to the 2025 CGP based on this comment.

Comment #89 received on June 17, 2025 by Kevin Boesch; ADOT, Matt Holcomb.

COMMENT NO. 89

3.5.4.b.ii.b. "Applying at a rate and in amounts consistent with manufacturer's specifications." Please add "... and meeting EPA and OPM guidance/calibrations according to the target pests and vegetations." Or something similar.

RESPONSE NO. 89

ADEQ agrees that additional reference to licensing requirements enhances clarity and enforceability. Based on this comment, Part 3.5.4.a.ii.b was amended to state: "Applying at a rate and in amounts consistent with manufacturer's specifications, and in accordance with licensing requirements from the Arizona Department of Agriculture, Pest Management Division."

Comment #90 received on July 16, 2025 by ADOT, Matt Holcomb.

COMMENT NO. 90

3.5.4.b.ii.d "... heavy rains..." Suggest adding a numerical value to clarify what a heavy rain means. Like ' Predicted to produce .25 inches of rain over a 24 hr. period' or something similar.

RESPONSE NO. 90

ADEQ appreciates the comment and has removed this requirement based on comments indicating this was creating duplicative actions already addressed in subpart b. No change was made to the 2025 CGP based on this comment.

Comment #91 received on July 16, 2025 by ADOT, Matt Holcomb.

COMMENT NO. 91

3.5.4.b.iii.c Typo "is good" = "is in good"; replace "used up" with containing insufficient supplies.

RESPONSE NO. 91

ADEQ agrees that this section needed grammatical and clarity improvements. Based on this comment, Part 3.5.4.a.iii.c was amended to state: "Have a spill kit available on site that is in good working condition (not damaged, expired, or containing insufficient supplies) and ensure qualified personnel are available to respond immediately in the event of a leak or spill."

Comment #92 received on July 16, 2025 by ADOT, Matt Holcomb.

COMMENT NO. 92

3.5.b.iv.c "having a spill kit available on site" Suggest Add specific measurement spill kit needs to be within hazardous material storage locations.

RESPONSE NO. 92

ADEQ appreciates the comment. ADEQ does not have the authority to designate a location where spill kits should be placed at construction sites.

No changes were made to the 2025 CGP based on this comment.

Comment #93 received on July 16, 2025 by ADOT, Matt Holcomb.

COMMENT NO. 93

3.5.b.v "For construction and domestic waste..." Suggest adding 'sufficient size, quality (undamaged, unpunctured), and number' rather than existing wording.

RESPONSE NO. 93

ADEQ appreciates the comment, but does not have the authority to regulate the sizing and quantity of waste containers on construction sites.

No changes were made to the 2025 CGP based on this comment.

Comment #94 received on July 16, 2025 by ADOT, Matt Holcomb.

COMMENT NO. 94

3.5.b.v.b Remove "double wall above ground storage tank" This control measure does not seem applicable to the situation.

RESPONSE NO. 94

ADEQ agrees with this observation. Based on this comment, Part 3.5.a.v.c was amended to remove the double wall requirement.

Comment #95 received on June 16, 2025 by Argus - Robyn Bennett.

COMMENT NO. 95

For diesel fuel, oil, hydraulic fluids, other petroleum products, and other chemicals: e. Provide either cover (e.g., temporary roofs) to minimize the exposure of these containers to precipitation and to stormwater, or appropriately sized secondary containment (e.g., curbing, spill berms, dikes, spill containment pallets, double wall, above-ground storage tank). Choice between "Cover" OR "Secondary Containment"? Please provide detailed requirements (parameters and design) for secondary containment

RESPONSE NO. 95

ADEQ appreciates the comment, but has no way of knowing what parameters, and associated cover or secondary containment, may be required on any given site.

No changes were made in the 2025 CGP based on this comment.

Comment #96 received on July 21, 2025 by Arizona Mining Association, Steve Trussell.

COMMENT NO. 96

Part 3.5.4(b)(iii): For storage of oil, fuel, or chemicals, added language to the reissued version of the permit would mandate both a spill kit and cover or secondary containment (current permit allows applicant to select one or the other). The added language also mandates that these substances be stored 50 feet or more from any WOTUS. All the added language should be removed as the additional requirements imposed on storage of oil, fuel, or chemicals are not necessary or justifiable.

RESPONSE NO. 96

ADEQ appreciates the input but maintains that these measures are consistent with the 2022 US EPA CGP and provide important environmental protections.

No changes were made to the 2025 CGP based on this comment.

Comment #97 received on June 17, 2025 by City of Phoenix, Nancy Allen.

COMMENT NO. 97

d) Subsections 3.5.4.b.iii.b, 3.5.4.b.iii.d and 3.5.4.b.iv.c: The City suggests that these subsections be revised to include the text "appropriately sized" before secondary containment and spill kit.

RESPONSE NO. 97

ADEQ agrees that this clarification improves clarity and enforceability. Based on this comment, several subsections in Part 3.5.4.b were amended to include "appropriately sized" before the term "secondary containment."

Comment #98 received on June 17, 2025 by City of Phoenix, Nancy Allen.

COMMENT NO. 98

e) Subsection 3.5.4.b.v.b: The text "For waste containers without lids provide...secondary containment (e.g., curbing, spill berms, dikes, spill containment pallets, double-wall, aboveground storage tank)" was added. Secondary containment may not always be feasible for waste containers. The City suggests that this language be changed to the text in the EPA CGP Subsection 2.3.3.e if the waste container cannot be covered: "a similarly effective means designed to minimize the discharge of pollutants (e.g., secondary containment)". In addition, please define "double-wall, above-ground storage tank without lid".

RESPONSE NO. 98

ADEQ agrees that flexibility is appropriate in this case. Based on this comment, Part 3.5.4.b.v.b now reads: "For waste containers without lids, provide either (1) cover (e.g., tarp, plastic sheeting, temporary roofs) to minimize the exposure of wastes to stormwater, or (2) appropriately sized secondary containment (e.g., curbing, spill berms, dikes, spill containment pallets, above-ground storage tank)."

Comment #99 received on June 17, 2025 by City of Phoenix, Nancy Allen.

COMMENT NO. 99

a) Subsection 3.5.4.b.ii: Remove the term “landscape materials” from this section. “Landscape materials” can include rock, native vegetation, etc. and would not have the same specifications for storage or use as a pesticide or fertilizer.

RESPONSE NO. 99

ADEQ agrees that the term “landscape materials” could create confusion in this context. Based on this comment, Part 3.5.4.b.ii.a was amended to include the following: "In storage areas, provide either cover (e.g., plastic sheeting or temporary roofs) to prevent these chemicals, typically stored in bags or rough packaging, from coming into contact with stormwater..."

Comment #100 received on June 17, 2025 by City of Phoenix, Nancy Allen.

COMMENT NO. 100

b) Subsection 3.5.4.b.ii.d: This section states “avoid applying before heavy rains that could cause excess nutrient discharge”. Please clarify if this section on “excess nutrient discharge” only applies to fertilizers or strike this section entirely as it already stated that products should be applied consistent with manufacturer’s recommendations in Subsection 3.5.4.b.ii.b.

RESPONSE NO. 100

ADEQ agrees that the provision was duplicative. Based on this comment, Part 3.5.4.a.ii.d has been removed from the 2025 CGP.

Comment #101 received on June 17, 2025 by Kevin Boesch.

COMMENT NO. 101

3.5.4. “The operator shall minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials present on the site, to stormwater. These requirements do not apply to those products, materials, or wastes that are not a source of stormwater contamination or that are designed to be exposed to stormwater. Precipitation? “Stormwater” implies rain/snow have already made contact with the ground. 3.5.4.a.” ..., and construction chemicals exposed to stormwater from becoming a pollutant source for stormwater discharges ...” Precipitation? “Stormwater” implies rain/snow have already made contact with the ground.

RESPONSE NO. 101

ADEQ agrees that “precipitation” is the more accurate term in this context. Based on this comment, applicable instances have been updated, and “precipitation” has been defined in Appendix A as “rain, snow, sleet, or hail that falls to the ground.”

Comment #102 received on June 17, 2025 by Kevin Boesch.

COMMENT NO. 102

3.5.4.b.i. *“For building products: In storage areas, provide either cover (e.g., plastic sheeting or temporary roofs) to prevent these products from coming into contact with stormwater ...” ease change from “plastic sheeting” to something similar, such as: “Provide cover that will not increase runoff.”*

RESPONSE NO. 102

Based on this comment, ADEQ amended the Part to replace "plastic sheeting" with "tarps or other cover that will not increase runoff, or temporary roofs." This revision was made in three other instances in Part 3.5.

Comment #103 received on July 14, 2025 by McCarthy Holdings, Keith Cameron.

COMMENT NO. 103

Permit Language: Part 3.5.4.b.v.b “For waste containers without lids, provide either (1) cover (e.g., tarp, plastic sheeting, berms, dikes, spill containment pallets, double-wall, above-ground storage tank).” Comment: Can we add an additional option similar to Part 3.5.4.b.vi such as “(3) position waste containers outside of stores of impacting stormwater runoff, this would achieve the same objective of this condition. Also to clarify, does this also apply to demolition waste bins? (i.e. concrete, asphalt, metal recycling, etc....)

RESPONSE NO. 103

ADEQ agrees that this addition provides greater clarity. Based on this comment, Part 3.5.4.v now reads: "For construction, demolition, and domestic waste..." and created new subpart a as follows: "position waste containers outside of washes and other protected surface waters, or stormwater conveyances, such as curb and gutter systems or streets."

Comment #104 received on June 16, 2025 by Argus - Robyn Bennett.

COMMENT NO. 104

Spills - Emergency response contact information must be posted on site in locations that are readily accessible and available to all staff. What are the posting requirements? Sign? Size? Location?

RESPONSE NO. 104

As ADEQ does not require all SWPPPs to be submitted for review, providing such specific detail is not feasible. Based on this comment, ADEQ amended Part 3.5.5.d to remove the following: "Emergency response contact information must be posted on site in locations that are readily accessible and available to all staff."

Comment #105 received on June 17, 2025 by City of Phoenix, Nancy Allen.

COMMENT NO. 105

In Subsection 3.5.5: The City suggests the words “may be exposed to stormwater” be removed when referring to releases and simply stating “The operator shall minimize the potential for leaks, spills and other releases and develop plans...”.

RESPONSE NO. 105

ADEQ appreciates the recommendation for removal. Based on this comment, Part 3.5.5 was amended to state: "... The operator shall minimize the potential for leaks, spills and other releases, and develop plans for timely and effective clean-up of spills ..."

Comment #106 received on June 17, 2025 by City of Phoenix, Nancy Allen.

COMMENT NO. 106

Subsection 3.5.5.d: For posting of "Emergency contact information" please clarify that "posting on-site" includes the project yard. It is not always feasible or practical to post information at the actual project site.

RESPONSE NO. 106

Based on this comment, ADEQ amended Part 3.5.5.d to remove the following: "Emergency response contact information must be posted on site in locations that are readily accessible and available to all staff."

Comment #107 received on June 19, 2025 by HBACA, Spencer Kamps.

COMMENT NO. 107

Since the comment and draft CGP require the Stormwater Pollution Prevention Plan ("SWPPP") to be on-site we request the proposed language in Part 3.5.5.d be modified as follows: Emergency response contact information must be posted on site in locations that are readily accessible and available to all staff, which could include being listed in the SWPPP if the SWPPP is readily accessible onsite and available to all staff

RESPONSE NO. 107

ADEQ acknowledges the request for modification. Based on this comment, Part 3.5.5.d was amended to remove the following: "Emergency response contact information must be posted on site in locations that are readily accessible and available to all staff."

Comment #108 received on June 18, 2025 by Sierra Club Grand Canyon Chapter, Jennifer Martin-McLeod.

COMMENT NO. 108

We welcome the 50-foot setback requirement for containers storing fuels, oils, and chemicals from receiving waters and drainage features. We are concerned that allowing operators to circumvent this setback by merely documenting infeasibility in the Stormwater Pollution Prevention Plan (SWPPP), without requiring alternative mitigation measures or ADEQ approval, weakens the protection intended by this setback. We recommend requiring mandatory alternative pollution prevention measures if setbacks cannot be met and/or ADEQ review and approval for any exceptions. Moreover, failure to meet these setback requirements should be recognized as a potential basis for project denial, as allowing chemical storage too close to waters poses a serious risk to water quality.

RESPONSE NO. 108

ADEQ appreciates the comment; and recognizes that there are site constraints that may make the 50-foot setback infeasible. ADEQ cannot be more stringent than the associated US EPA permit.

No changes were made to the 2025 CGP based on this comment.

Comment #109 received on July 16, 2025 by ADOT, Matt Holcomb.

COMMENT NO. 109

Remove "appropriate"

RESPONSE NO. 109

ADEQ acknowledges the recommendation for removal. Based on this comment, ADEQ amended Part 3.6 to replace appropriate controls, with stormwater controls, as follows: "Discharges from ... managed by stormwater controls, such as sediment basins,..."

Comment #110 received on June 17, 2025 by City of Phoenix, Nancy Allen.

COMMENT NO. 110

In Section 3.6, Controls for Dewatering Activities, Subsection 3.6.5 has been revised to require discharge points to implement velocity dissipation devices. The City suggests further revision to add the underlined text: "Discharge points shall implement velocity dissipation devices or shall be conducted at a flow rate that does not cause erosion or scouring". Dewatering can be conducted at a slow flow rate that negates the need for a velocity dissipation device. This is consistent with the Fact Sheet Section III.3.6 Controls for Allowable Non-Stormwater Discharges and Dewatering Activities (Part 3.6), which states to use the following control measures "as appropriate"

RESPONSE NO. 110

ADEQ acknowledges the suggested revision. Based on this comment, Part 3.6.5 now reads: "Discharge points shall implement velocity dissipation devices, or the discharge shall be conducted at a low flow rate that does not cause erosion or scour."

Comment #111 received on July 21, 2025 by Arizona Mining Association, Steve Trussell.

COMMENT NO. 111

Part 3.8.1: ADEQ should remove the first sentence from this subpart because it is the type of "end-use" requirement that the US Supreme Court found unlawful in its recent City and County of San Francisco decision (604 U.S. ____, (2025)).

RESPONSE NO. 111

ADEQ acknowledges the legal concern raised. Based on internal discussions regarding the Supreme Court's recent decision in City & Cty. of S.F. v. EPA, 145 S. Ct. 704 (2025), ADEQ has removed the opening sentence from this section.

Comment #112 received on July 21, 2025 by Desert Services, Jared Aiken.

COMMENT NO. 112

Section 3.8 – Surface Water Quality Standards Ensure compliance obligations are framed in terms of BMP implementation and effluent limits, rather than direct accountability for ambient water quality. Needs to be reviewed to ensure that compliance is based on implementation of BMPs and effluent limits—not achieving "end results" like pollutant concentration thresholds in receiving water.

RESPONSE NO. 112

ADEQ appreciates the comment and has removed the opening sentence based on comments and discussions with the US EPA regarding the recent *City & Cty. of S.F. v. EPA*, 145 S. Ct. 704 (2025) decision. The permit language comports with Clean Water Act requirements and this recent precedent from the United States Supreme Court.

Comment #113 received on July 16, 2025 by ADOT, Matt Holcomb.

COMMENT NO. 113

Qualified personnel - Suggest including some type of classroom training requirement to be considered a qualified inspector. Free training from EPA perhaps

RESPONSE NO. 113

ADEQ acknowledges the training suggestion. After internal and external discussions on this, ADEQ determined it is outside our authority to require a specific certification or training, which may impose additional costs to the operator.

No changes were made to the 2025 CGP based on this comment.

Comment #114 received on June 16, 2025 by Argus - Robyn Bennett.

COMMENT NO. 114

At a minimum, the operator shall conduct a site inspection in accordance with one of the schedules listed below. Inspections shall be implemented when ground-breaking activities begin, depending on the operator's choice of schedule. The inspection schedule shall be documented in the SWPPP and updated as necessary. Please clarify the meaning. Inspections should begin when ground-breaking activities begin, period. (Regardless of inspection schedule)

RESPONSE NO. 114

ADEQ acknowledges the request for clearer inspection timing. To clarify, the operator should have the inspection frequency determined prior to breaking ground, based on one of the Inspection Schedules in Part 4.2, as this requirement must be documented in the SWPPP, prior to obtaining coverage under the permit. The inspections should start immediately, based on the chosen schedule, upon the initial ground disturbing activity.

No change was made to the 2025 CGP based on this comment.

Comment #115 received on July 8, 2025 by City of Glendale, Megan Sheldon.

COMMENT NO. 115

4.2 - Suggest moving the first sentence ("At a minimum... ") to Part 4.2.1.

RESPONSE NO. 115

ADEQ appreciates the suggestion but determined that retaining the first sentence in the opening paragraph of Part 4.2 in its current location ensures operators read the full section before applying the provision.

No changes were made to the 2025 CGP based on this comment.

Comment #116 received on July 16, 2025 by ADOT, Matt Holcomb.

COMMENT NO. 116

"ground-breaking activities" Replace with construction activities begin, Construction activities is defined in appendix A so provides more clarification

RESPONSE NO. 116

ADEQ acknowledges the request for terminology clarification Based on this comment, Part 4.2 now reads: "Inspections shall be implemented when earth-disturbing activities begin..."

Comment #117 received on July 21, 2025 by Arizona Mining Association, Steve Trussell.

COMMENT NO. 117

Part 4.2.1: ADEQ should add back in the word "or" at the end of subparagraphs a and b, to make clear (as the Fact Sheet does) that an operator is to pick one of the three inspection schedules.

RESPONSE NO. 117

ADEQ acknowledges the request for clarification. The introductory sentence indicates that "the operator shall conduct a site inspection in accordance with ONE of the following schedules listed below..." (emphasis added).

No change was made to the 2025 CGP based on this comment.

Comment #118 received on July 16, 2025 by ADOT, Matt Holcomb.

COMMENT NO. 118

4.2.1.a "The site will be inspected..." Suggest Add for listed protected waters or just move 4.2.3 here and eliminate redundancy.

RESPONSE NO. 118

ADEQ acknowledges the suggestion to reduce redundancy. In Part 4.2.1.a, an operator may choose to perform a 7-day inspection unrelated to impaired, not-attaining, or OAW waters.

No change was made to the 2025 CGP based on this comment.

Comment #119 received on July 16, 2025 by ADOT, Matt Holcomb.

COMMENT NO. 119

4.2.1.b "The site will be inspected ... 14 days" Organizations are likely to do the minimum when it comes to inspections, including a schedule of 14 days and a month with no difference in requirements. I do not see what the point is of offering a 14 day schedule without some incentive.

RESPONSE NO. 119

ADEQ acknowledges the concern about minimal compliance.

No changes were made to the 2025 CGP based on this comment.

Comment #120 received on June 19, 2025 by SAHBA, Brendan Lyons.

COMMENT NO. 120

Increased Inspection Frequency: The proposed reduction in the storm event threshold from 0.5 inches to 0.25 inches, requiring inspections within 24 hours, is impractical and infeasible. As highlighted by SESCC, this would result in repeated, overlapping inspections during prolonged or successive rain events, creating inefficiencies, delays, and added costs without clear environmental benefits.

RESPONSE NO. 120

ADEQ acknowledges the concern regarding the proposed threshold change. After receiving extensive feedback about the burden this would place on CGP operators, ADEQ has decided to maintain the 14-day inspection schedule with a 0.5" rain within 24-hour period as the storm event trigger.

Comment #121 received on June 19, 2025 by SAHBA, Brendan Lyons.

COMMENT NO. 121

Promote routine site maintenance over excessive inspections: Emphasize routine, proactive site maintenance practices as a best management practice rather than relying on frequent, storm-triggered inspections and paperwork. This approach is more effective at protecting water quality and aligns with industry best practices.

RESPONSE NO. 121

ADEQ acknowledges the recommendation to focus on proactive site maintenance.

No changes were made to the 2025 CGP based on this comment.

Comments #122 - 135 were received from APS, Michelle Turgeon; Argus - Robyn Bennett; Arizona Mining Association, Steve Trussell; Earthworks Environmental, Baendan Haugh; Fisher Industries, Chris Smith; Kevin Boesch; Richmond American, Joel Trimarche; SAHBA, Brendan Lyons; Senita Environmental, Justine McCune; SESCC, Howard Myers; during the comment period and all address the same concern:

COMMENT NO. 122 - 135

In Part 4.2.1.b. ADEQ proposed to change the 14-day storm event inspection trigger from 0.5" of rain within a 24-hour period to 0.25" of rain within a 24-hour period. This change was proposed to provide consistency with CGP permitting in neighboring states in the southwest and the EPA.

RESPONSE NO. 122 - 135

ADEQ acknowledges the concern regarding the proposed storm event threshold. After receiving feedback, ADEQ has decided to maintain the 14-day inspection schedule with a 0.5" rain within 24-hour period as the storm event trigger.

Comment #136 received on June 18, 2025 by Sierra Club Grand Canyon Chapter, Jennifer Martin-McLeod.

COMMENT NO. 136

Inspection Frequency and Storm Event Monitoring The expanded requirements for inspections after cumulative rainfall events totaling 0.25 inches within 24 hours and for multi-day storms represent a meaningful improvement in site monitoring. This will help with timely identification and remediation of BMP failures during the periods when

erosion risk is highest. We also support the clarification of inspection triggers in arid, semi-arid, or drought-stricken areas to be consistent with this rainfall threshold.

RESPONSE NO. 136

ADEQ acknowledges the support for increased inspection frequency; however, after receiving extensive feedback indicating the change would be burdensome, ADEQ is keeping the 14-day inspection schedule with a 0.5” rainfall trigger.

Comment #137 received on June 17, 2025 by City of Phoenix, Nancy Allen.

COMMENT NO. 137

Subsection 4.2.2.c: This subsection has been revised and is now more stringent than the EPA CGP. The revision to this section requires an inspection for each day of a multi-day storm which produces 0.25 or greater inches of rain within a 24-hour period on each day. The EPA CGP and current ADEQ permit language requires inspections only within 24 hours of the first day of the storm and within 24 hours of the last day of the storm event. Please revise to be consistent with EPA (only requiring two inspections for a multi-day storm event when each concurrent day produces 0.25 inches of rain or greater each day). Please verify the Fact Sheet concerning the Inspection Schedules is consistent with the permit language for clarity.

RESPONSE NO. 137

ADEQ acknowledges the request for consistency with EPA’s approach. Footnotes in the US EPA permit clarify that inspections are required within 24 hours after any instance of 0.25” precipitation has fallen in a 24 hour period, until the storm event concludes.

No changes were made to the 2025 CGP based on this comment.

Comment #138 received on June 19, 2025 by SAHBA, Brendan Lyons.

COMMENT NO. 138

Redefine the end of a storm event: Modify the definition of a storm event's end point: “A storm event shall be considered ended once there has been no measurable precipitation at the site for a consecutive 24-hour period.” This change would provide clarity, reduce unnecessary repeat inspections, and align reporting requirements with practical field conditions.

RESPONSE NO. 138

ADEQ acknowledges the request for clarity. Based on this comment, Part 4.2 was amended to provide clarity on what determines the end of a storm event. The definition in Appendix A was also updated as follows: “Storm Event – a precipitation event that results in an amount of precipitation 0.25” or greater. A storm event shall be considered ended, once there has been no measurable precipitation at the site for a consecutive 24-hour period.”

Comment #139 received on July 21, 2025 by Arizona Mining Association, Steve Trussell.

COMMENT NO. 139

Part 4.2.2: It is not clear how this subpart (requiring an inspection after every event of 0.25”) relates to the routine inspection schedule options outlined in Part 4.2.1. If it is intended to apply on top of Part 4.2.1, such inspections are

already required by Parts 4.2.1(b) and (c), and it would seem excessive to also apply the requirement to sites inspecting every 7 days (Part 4.2.1(a)).

RESPONSE NO. 139

RESPONSE NO. 139

ADEQ acknowledges the request for clarification. If the operator chooses a 7-day inspection schedule, there is no storm event trigger. The 14-day inspection is subject to the storm event triggers as indicated in Part 4.2.2.

No changes were made to the 2025 CGP based on this comment.

Comment #140 received on July 8, 2025 by City of Glendale, Megan Sheldon; ADOT, Matt Holcomb.

COMMENT NO. 140

4.2.2 The 2020 CGP included a requirement to document the location of the rain gauge or weather station used to obtain rainfall information in the SWPPP. Should this requirement be carried over into the 2025 CGP?

RESPONSE NO. 140

ADEQ acknowledges the recommendation. Based on this comment, Part 4.2.2.a was amended to require documenting the source used to obtain storm event information in the SWPPP and updating it as necessary.

Comment #141 received on June 16, 2025 by Argus - Robyn Bennett.

COMMENT NO. 141

Routine... Monthly and rain events of 0.25" Please remove the Monthly option.

- *EPA does not offer Monthly option*
- *Permittees will choose Monthly inspections over bi-weekly if the rain thresholds are the same.*
- *Inspecting sites only once per month is insufficient in most cases.*
- *It is difficult to ensure corrective actions are addressed in a timely manner if inspections only occur once per month.*

RESPONSE NO. 141

ADEQ acknowledges the concern about the monthly inspection option. Based on this comment, Part 4.2.1(c) was amended to eliminate the monthly inspection schedule from the permit.

Comment #142 received on July 16, 2025 by ADOT, Matt Holcomb.

COMMENT NO. 142

4.2.4 Reduced Inspections: "seasonal rainfall patterns" is not defined. Clarify or omit. And, 4.2.6 "seasonally dry period" Clarify what constitutes a seasonally dry period.

RESPONSE NO. 142

ADEQ acknowledges the request for clarification. A "seasonably dry period" is defined in Appendix A, which includes information on seasonal rainfall patterns.

No changes were made to the 2025 CGP based on this comment.

Comment #143 received on June 18, 2025 by Sierra Club Grand Canyon Chapter, Jennifer Martin-McLeod.

COMMENT NO. 143

Temporary Suspension of Inspections During Frozen Conditions We find the clarified language that inspections may only be suspended when discharges are unlikely due to continuous frozen conditions expected to last at least three months, based on historic seasonal averages updated with recent precipitation data, generally acceptable. In the era of climate change, relying on historic seasonal averages may be misleading, as freeze patterns are changing and not occurring as predictably as in the past. While the inclusion of recent precipitation data helps, inspection frequency should increasingly be based on real-time evaluation of actual site conditions rather than expectations derived from historic averages to better protect water quality. Inspection frequencies and suspension provisions related to frozen conditions should shift towards real-time, site-specific evaluations, recognizing that historic climate patterns may no longer be reliable predictors due to climate change, and that even factoring in recent precipitation and temperature data may not accurately predict even near-term future conditions because climate impacts are unfolding at such a rapid pace.

RESPONSE NO. 143

ADEQ acknowledges the support and the concern regarding changing climate patterns. This language was added to align with the US EPA's 2022 CGP.

No change was made to the 2025 CGP based on this comment.

Comment #144 received on July 16, 2025 by ADOT, Matt Holcomb.

COMMENT NO. 144

4.3.h "outfalls" Add "and discharge points" or add discharge points separate bullet.

RESPONSE NO. 144

ADEQ acknowledges the suggestion but maintains that "outfall" is the correct term for this permit. "Discharge points" is used only in the MS4 permit under specific conditions.

No change was made to the 2025 CGP based on this comment.

Comment #145 received on July 16, 2025 by ADOT, Matt Holcomb.

COMMENT NO. 145

4.3.j.i discharge locations - replace with discharge points. Discharge points are defined in appendix A. Provides better clarification.

RESPONSE NO. 145

ADEQ acknowledges the request for terminology clarification. Based on this comment, Part 4.3.l.i was amended to state: "Identify all discharge points at the site."

Comment #146 received on July 21, 2025 by Arizona Mining Association, Steve Trussell.

COMMENT NO. 146

Part 4.3: What is the justification for the added language to inspect “all areas of the site where earth is being disturbed, cleared, graded or excavated” (Part 4.3.a) and “all areas where stormwater typically flows within the site” (Part 4.3.e). To the extent that such areas are not relevant to actual identified and permitted outfalls, these requirements are not justified. Also, such requirements could be quite onerous at large sites.

RESPONSE NO. 146

ADEQ acknowledges the request for justification. These subparts were added to maintain consistency with the US EPA’s 2022 CGP.

No changes were made to the 2025 CGP based on this comment.

Comment #147 received on June 17, 2025 by City of Phoenix, Nancy Allen.

COMMENT NO. 147

Scope of Inspections, Subsection 4.3.d specifies that all exposed areas of “storage materials (such as materials, waste, borrow, and equipment storage and maintenance areas)” must be inspected. The City recommends adding chemical product storage to this list of examples or revising to state that this includes all storage materials that have the potential to introduce pollutants to stormwater.

RESPONSE NO. 147

ADEQ acknowledges the recommendation. As this is a general permit, ADEQ cannot mandate specific requirements relevant to every construction site. The existing language addresses the concern of stored materials exposed to precipitation.

No changes were made to the 2025 CGP based on this comment.

Comment #148 received on June 18, 2025 by Sierra Club Grand Canyon Chapter, Jennifer Martin-McLeod.

COMMENT NO. 148

Expanded Scope of Visual Discharge Inspections We appreciate the addition requiring inspectors to observe and document pollutant indicators not only at discharge points but also in downstream receiving waters and drainage features attributable to site discharges. This broader scope will improve detection of pollution impacts beyond the immediate construction site.

RESPONSE NO. 148

ADEQ appreciates your comment of support.

Comment #149 received on July 16, 2025 by ADOT, Matt Holcomb.

COMMENT NO. 149

4.4.j reference 4.3 instead of 4.4j, seems to make more sense.

RESPONSE NO. 149

ADEQ acknowledges the recommendation. Based on this comment, Part 4.4.j was amended to revise the reference to 4.4.i.

Comment #150 received on June 20, 2025 by Earthworks Environmental, Brendan Haugh.

COMMENT NO. 150

We would like to request a modification to Sections 4.4 and 6.7.c of the draft AZG2025-001. The current language in Section 4.4 implies that inspection reports need to be printed and physically added to the SWPPP binder. Our software allows for a QR code to be generated and, upon scanning, provides the user with every inspection report for the site in chronological order. Only a one-page printout of the QR code would be needed, versus the abundance of paper and ink used over the life of a project. The paper copies get weathered, illegible, take up a great deal of binder space, are worse for the environment, etc. We have other portions of the SWPPP that can also be maintained electronically and accessed easily via QR code. Would it possible to add language to the draft permit which explicitly states that the SWPPP, or portions thereof, may be maintained electronically as long as they are easily generated/provided upon request? This would be very beneficial.

RESPONSE NO. 150

ADEQ acknowledges the request for explicit permission of electronic records. Part 4.4 has no requirement for the report to be paper and ADEQ has no issues with electronic reports, as long as the requested documentation is available during inspections.

No changes were made to the 2025 CGP based on this comment.

Comment #151 received on June 23, 2025 by Richmond American, Joel Trimarche.

COMMENT NO. 151

We would also like to request that Sections 4.4 & 6.7.c be revised to explicitly state that electronic recordkeeping is permissible, as we prefer to keep these records electronically to make it easier to share this information with whomever needs it, and the information can be accessed by multiple people who do not physically work at the projects .

RESPONSE NO. 151

ADEQ acknowledges the request for explicit language. Part 4.4 has no requirement for the report to be paper. ADEQ has no issues with electronic reports, as long as the information is available at the time of inspection, whether that be ADEQ, US EPA, or a municipality.

No changes were made to the 2025 CGP based on this comment.

Comment #152 received on June 19, 2025 by SESCC, Howard Myers.

COMMENT NO. 152

Part 4.4 d. For inspections occurring during or after a storm event, i. "Best estimate of the beginning of each storm event" and ii. "Duration of each event" implies that each storm event has a beginning and an end. In the previous example the beginning of the storm event is on Day 1 and the end of the storm event is on some following Day

thereafter. Comment: Therefore, should the site have to be inspected every 14-hours over a significant period of time it is not feasible to meet the Part 4.4 d. requirements on each consecutive day.

RESPONSE NO. 152

ADEQ acknowledges the concern. All storm events have a beginning and an end, and operators should have the means to document this information for their sites, either using an on-site rain gauge or obtaining data from a weather source such as NOAA, USGS, and/or local news stations.

No changes were made to the 2025 CGP based on this comment.

Comment #153 received on July 16, 2025 by ADOT, Matt Holcomb.

COMMENT NO. 153

"the operator shall document in the SWPP that this reduced schedule is being used..." How is this a reduced schedule when it is identical to an inspection frequency offered as a routine inspection schedule.

RESPONSE NO. 153

ADEQ agrees there is confusion with the monthly inspection schedule and the reduced schedule for sites that have been temporarily stabilized. Based on feedback the monthly inspection schedule has been removed in its entirety from the permit.

Comment #154 received on June 19, 2025 by HBACA, Spencer Kamps.

COMMENT NO. 154

We request that the "Corrective Action" section in Part 5.0 be deleted in its entirety from the draft CGP and the requirements moved to other parts of draft CGP where they will be more readily understood and implemented. For example, the requirements of Parts 5.1 (a) and (b) (a control measure that was "never installed, was installed incorrectly, or was not installed in accordance with the requirements in Part 3.2; and a stormwater control needing "repair or replacement (beyond routine maintenance required under Part 3.2)") could be addressed during regular and post-rain event inspections and document actions needed on the weekly or rain event inspection report. The inspection schedule of minimum of once within seven (7) calendar days is effective and provides adequate levels of oversight to maintain BMPs in operational condition. If additional oversight is needed between inspections, permittees could maintain an "Interim BMP Maintenance Log" to document maintenance, repair or reinstallation items addressed between inspections. Similarly, Part 5.1 (c) and (e) (prohibited discharges or discharges "causing an exceedance of applicable surface water quality standards") could more simply be addressed as incidences of noncompliance in accordance with the inspection requirements in Part 4.3.i ("Identify any incidents of non-compliance observed"), and the documentation requirements that are already covered in Part 4.4.j of the CGP.

RESPONSE NO. 154

ADEQ acknowledges the request but notes that "Corrective Actions" are part of the US EPA's NPDES program for all general stormwater programs and therefore, part of the AZPDES program. No changes were made to the 2025 CGP based on this comment.

Comment #155 received on June 16, 2025 by Argus - Robyn Bennett.

COMMENT NO. 155

5.3.1 Construction Sites with Outfalls Located within 1/4 mile upstream of a protected surface water that is a WOTUS and is listed as impaired or not-attaining: When any condition listed in Part 5.1 occurs, the operator of a construction site that has one or more outfalls located within 1/4 miles upstream a protected surface water that is a WOTUS and is listed as impaired or not-attaining or an OAW (in accordance with Parts 1.5.3 shall submit a corrective action report to ADEQ, on or before 30-calendar days (from the date of the incident), in accordance with Part 8.1 Define incident in this case. Discharge? Any/All corrective actions?

RESPONSE NO. 155

ADEQ acknowledges the request for definition. Based on this comment, Part 5.3.1 was amended to state: "When any condition listed in 5.1 occurs and there is a discharge of pollutants to a WOTUS protected surface water that is listed as impaired..."

Comment #156 received on June 19, 2025 by SESCC, Howard Myers.

COMMENT NO. 156

Part 6.1.2 The SWPPP shall be prepared and implemented in accordance with standard industry practices... Comment: The term "standard industry practices" is somewhat ambiguous. The SWPPP is not a "one size fits all" type of plan. It is a site specific "living document" that includes temporary erosion, sediment and pollution controls. A better management practice is for those in the industry to become better educated with the AZPDES CGP requirements. So, rather than "standard industry practices": "The SWPPP shall be prepared in accordance with the 2025 AZPDES Construction General Permit requirements."

RESPONSE NO. 156

ADEQ appreciates the comment and the suggestion to revise the language. ADEQ believes the phrase "standard industry practices" in Part 6.1.2 is sufficiently clear, when read in conjunction with the four clarifying statements listed (a - d), which provide additional detail on expectations.

No changes were made to the 2025 CGP based on this comment.

Comment #157 received on July 8, 2025 by City of Glendale, Megan Sheldon.

COMMENT NO. 157

6.3 The 2020 CGP included a requirement for the SWPPP to contain contact information for all operators and the areas and phases over which each operator has control. Is that requirement in a new location in the 2025 CGP?

RESPONSE NO. 157

ADEQ recognizes the importance of maintaining clarity regarding operator responsibilities in the SWPPP. The requirement from the 2020 permit for the SWPPP to identify all operators, including their contact information and areas of control, was retained but reorganized under Part 6.2, Types of Operators. This restructuring was intended to improve readability and reduce duplication, while continuing to require that operator roles are clearly documented.

No changes were made to the 2025 CGP based on this comment.

Comment #158 received on June 16, 2025 by Argus - Robyn Bennett.

COMMENT NO. 158

Stormwater Team: Qualified personnel who are responsible for taking and completing corrective actions as required in Part 5. Please clarify the meaning of “taking”.

RESPONSE NO. 158

ADEQ appreciates the request for clarity. Based on this comment, Part 6.3.1.d was amended to replace the word “taking” with “initiating,” so that the revised text now reads: "Qualified personnel who are responsible for initiating and completing corrective actions as required in Part 5."

Comment #159 received on July 21, 2025 by Arizona Mining Association, Steve Trussell; ADOT, Matt Holcomb.

COMMENT NO. 159

Part 6.3.1: The revised language regarding the “stormwater team” now lists 4 separate sets of qualified personnel (BMP design; chemical application and storage (if applicable); inspections, and corrective actions). It is unclear if one person may fall into more than one category. If not, this requirement seems excessive. If yes, that fact should be made explicit. Even better, all the added language should be removed.

RESPONSE NO. 159

ADEQ understands the concern regarding whether one person may fulfill multiple roles on the stormwater team. To clarify, Part 6.3.1 establishes that qualified personnel must be designated for each of the listed tasks (BMP design, chemical application/storage, inspections, and corrective actions). While multiple individuals may be assigned, it is also permissible for a single qualified person to serve in more than one capacity if they possess the appropriate training and expertise. ADEQ therefore finds the requirements to be reasonable and flexible.

No change was made to the 2025 CGP based on this comment.

Comment #160 received on June 18, 2025 by Sierra Club Grand Canyon Chapter, Jennifer Martin-McLeod.

COMMENT NO. 160

Stormwater Team Qualifications and Accountability Th BMP design, maintenance, inspection, and corrective actions are carried out by competent personnel. The requirement for operators to assemble a qualified stormwater team with specified roles, and to identify team members with their qualifications and training certificates in the SWPPP, is a step forward. This strengthens accountability and ensures that critical

RESPONSE NO. 160

ADEQ appreciates the Sierra Club Grand Canyon Chapter’s support.

Comment #161 received on June 18, 2025 by Sierra Club Grand Canyon Chapter, Jennifer Martin-McLeod.

COMMENT NO. 161

Training for Subcontractors Conducting Inspections We support the clarification that subcontractors or outside service providers who conduct site inspections must receive documented training consistent with permit requirements. This closes a potential loophole that could compromise inspection quality.

RESPONSE NO. 161

ADEQ appreciates the Sierra Club Grand Canyon Chapter's support.

Comment #162 received on June 17, 2025 by City of Phoenix, Nancy Allen.

COMMENT NO. 162

6.3.5.j.ii introduced the terms "curb inlets" and "drop inlets" in reference to the MS4. Suggest this be revised to "stormwater inlet".

RESPONSE NO. 162

ADEQ appreciates the request to provide greater clarity and consistency in terminology. Based on this comment, Part 6.3.5.j.ii was amended to state: "Location(s) of any discharges to municipal separate storm sewer systems (MS4s) from the construction site including stormwater inlets and manmade conveyances (pipe or ditch)."

Comment #163 received on June 17, 2025 by Kevin Boesch.

COMMENT NO. 163

Part 6.3.5.iii Site Maps "Locations of any crossings of protected surface waters." Only surface waters here. No WOTUS, Non-WOTUS, etc. Please see the first comment.

RESPONSE NO. 163

ADEQ appreciates the comment. In Arizona, the phrase protected surface waters is the correct and legally applicable terminology, consistent with statute and rule.

No change was made to the 2025 CGP based on this comment.

Comment #164 received on July 21, 2025 by Arizona Mining Association, Steve Trussell.

COMMENT NO. 164

Part 6.3.6: ADEQ clarified that the SWPPP should include the location of the nearest WOTUS, but left in the following language: "including ephemeral or intermittent streams, dry washes and arroyos." That language should be removed, as these features likely are not WOTUS (the only possible exception might be some intermittent streams, but even that is far from certain).

RESPONSE NO. 164

ADEQ appreciates the comment but maintains that it is important for all waters (including ephemeral and intermittent streams, dry washes, and arroyos) to be identified in the SWPPP and reflected on site maps. This provides a more complete picture of potential hydrologic connections, improves site planning, and supports effective implementation of control measures.

No change was made to the 2025 CGP based on this comment.

Comment #165 received on July 8, 2025 by City of Glendale, Megan Sheldon.

COMMENT NO. 165

6.3.8, last paragraph- Suggest adding "within" after "outfalls" and before "¼ mile" so it reads as: "If the construction site has one or more outfalls within ¼ mile upstream... "

RESPONSE NO. 165

ADEQ appreciates the suggestion. Based on this comment, the last paragraph in Part 6.3.8, was amended to state: "If the construction site has one or more outfalls within 1/4 mile upstream..."

Comment #166 received on June 17, 2025 by Kevin Boesch.

COMMENT NO. 166

Part 6.3.9 Use of Treatment Chemicals Perhaps a note in the Fact Sheet that not all jurisdictions (DOTs, Forest Service, BLM, State Land, etc.) allow these treatment chemicals to be used/applied on their property. Also see comment pertaining to anionics.

RESPONSE NO. 166

ADEQ appreciates the comment and agrees that additional context regarding chemical use restrictions is valuable. Based on this input, ADEQ added language to the 2025 CGP Fact Sheet noting that certain land management agencies (such as DOTs, Forest Service, BLM, or State Land) may prohibit or limit the use of treatment chemicals on their property.

Comment #167 received on July 16, 2025 by ADOT, Matt Holcomb.

COMMENT NO. 167

6.4.m.i Post-construction - Suggest change post construction (remove hyphen - multiple instances)

RESPONSE NO. 167

ADEQ appreciates your comment. While the suggested change would be a matter of formatting rather than substantive requirement, ADEQ determined the existing language to be sufficient.

No changes were made to the 2025 CGP based on this comment.

Comment #168 received on July 16, 2025 by ADOT, Matt Holcomb.

COMMENT NO. 168

6.5 SWPPP Updates and Revision Requirements - This a duplicate of the 5.1 corrective action conditions. Suggest just adding reference to 5.1. Or possibly omit. Also seems to be covered in 6.5.2

RESPONSE NO. 168

ADEQ appreciates your comment, and carefully reviewed the relevant permit sections. ADEQ does not find the provisions of Part 6.5 to be duplicative of part 5.1.

No changes were made to the 2025 CGP based on this comment.

Comment #169 received July 8, 2025 by City of Glendale, Megan Sheldon.

COMMENT NO. 169

6.5.3 - Recommend deleting this part since similar language is already provided directly under the heading for Part 6.5.

RESPONSE NO. 169

ADEQ appreciates the comment. While part 6.5.3 is similar to language under the general heading for Part 6.5, ADEQ determined that retaining this provision provides clarity and reinforces operator responsibilities.

No changes were made to the 2025 CGP based on this comment.

Comment #170 received on July 16, 2025 by ADOT, Matt Holcomb.

COMMENT NO. 170

6.5.5 "... any operators who may be impacted..." Current language seems to indicate that other operators are required to be notified in writing by mail. Suggest adding 'notified verbally'.

RESPONSE NO. 170

ADEQ understands the concern regarding operator notification. Permit language stating that operators "shall be notified at the address of record in the SWPPP" reflects the information that operators themselves provide in the plan. While operators may choose to communicate verbally, ADEQ does not have authority to mandate notification by a specific method.

No change was made in the 2025 CGP based on this comment.

Comment #171 received on July 21, 2025 by Arizona Mining Association, Steve Trussell.

COMMENT NO. 171

Part 6.5: The added language requiring the maintenance of records showing the dates of all SWPPP revisions and the name of the person "authorizing each change," as well as a summary of changes, is burdensome and should be removed. The SWPPP is a living document—the requirement to document all SWPPP revisions is not necessary or justified.

RESPONSE NO. 171

ADEQ appreciates the comment and agrees that the SWPPP is a living document. As such, operators shall maintain records showing the changes throughout the project and update the SWPPP, so that it continues to be a "living" document.

No change was made to the 2025 CGP based on this comment.

Comment #172 received on June 19, 2025 by SESCC, Howard Myers.

COMMENT NO. 172

Part 6.5 SWPPP Updates and Revisions. 6.5.2 Conditions Requiring SWPPP Revisions, g. notes, "Revisions to applicable federal, state, tribal, or local requirements..." Part 6.7d. notes, "The SWPP shall be available to ADEQ or ... tribal..."

Part 1.0 Coverage Under This Permit, 1.1 Permit Area notes, "This permit is not authorized for use by sites with stormwater discharges associated with construction activities on any Tribal Lands in Arizona." Comment: Part 6.5.2g and Part 6.7d should be revised to NOT include a reference to "tribal."

RESPONSE NO. 172

ADEQ appreciates the comment. Circumstances may occur on a site where discharges of stormwater are conveyed on to Tribal Lands. If the Tribal Lands have requirements for "run-on" discharges, the operator may be required to implement additional control measures accordingly.

No change was made to the 2025 CGP based on this comment.

Comment #173 received on June 17, 2025 by City of Phoenix, Nancy Allen; ADOT, Matt Holcomb.

COMMENT NO. 173

Section 6.6: ADEQ has revised this text to indicate that when notified by ADEQ that a SWPPP is deficient, an associated re-review fee is required. Not all SWPPPs are required to be reviewed by ADEQ. Per Section 2.2.3.b, the SWPPP is only required to be submitted to ADEQ if the construction site is located within ¼ mile upstream of a WOTUS PSW that is impaired or not-attaining. Revise this section to clarify that a re-review fee is only required for construction sites located within ¼ mile upstream of a WOTUS PSW that is impaired or not-attaining.

RESPONSE NO. 173

ADEQ appreciates the request for clarity. Based on this comment, the last sentence in Part 6.6 was amended to state: "... the operator shall make the required changes to the SWPPP and submit to ADEQ in accordance with the deficiency notice."

Comment #174 received on June 17, 2025 by Kevin Boesch.

COMMENT NO. 174

"ADEQ may notify the operator at any time that the SWPPP does not meet one or more of the requirements of this permit. The notification shall identify the parts of this permit that are not being met and parts of the SWPPP that require revision to comply with the permit. Within 15-calendar days of receipt of the notification from ADEQ ..." 15 calendar days is different from any other trigger. Can it match other dates 7 day, 14 days, etc. for constancy?

RESPONSE NO. 174

ADEQ appreciates the request for consistency. Based on this comment, Part 6.6 was amended to revise the 15-calendar day receipt of notification to 14-calendar days for consistency.

Comment #175 received on July 16, 2025 by ADOT, Matt Holcomb.

COMMENT NO. 175

6.7.c "A copy of the SWPPP..." If digital copies are sufficient for this requirement, suggest including language that speaks directly to that.

RESPONSE NO. 175

ADEQ appreciates the comment and agrees that electronic copies of the SWPPP are acceptable. The permit does not restrict format, provided that the SWPPP is readily accessible and available during inspections.

No changes were made to the 2025 CGP based on this comment.

Comment #176 received on June 19, 2025 by HBACA, Spencer Kamps.

COMMENT NO. 176

The requirement of the posting should be that the information is legible from the public right-of-way and not prescribe the font size. We request that Part 6.7.b of draft CGP be modified as follows: The operator must post the following statement with the NOI LTF #: "For stormwater complaints, please visit azpdes@azdeq.gov. " The posting should be in a font size that is legible from the public right-of-way Lettering must be 2" or greater.

RESPONSE NO. 176

ADEQ appreciates the comment and understands the request for flexibility in font size. When this requirement was initiated in the 2020 CGP, research was conducted to ensure that signage would be legible to the public, including from vehicles. Based on that review, a minimum font size of 2 inches was determined to be necessary to meet readability objectives.

No change was made to the 2025 CGP based on this comment.

Comment #177 received on June 19, 2025 by SESCC, Howard Myers.

COMMENT NO. 177

Part 6.7 Posting, SWPPP Review and Making SWPPPs Available, a. notes, "The operator must post the NOI LTF #... b. notes, "The operator must post the following statement with the Authorization#... Part 2.3.3 Authorization to Discharge under the AZPDES Construction General Permit (CGP) notes, Upon completion of the NOI application... the operator will receive a AZPDES construction General Permit Authorization to Discharge... assigning an authorization number... Correspondence with ADEQ concerning any construction activity covered by this permit shall reference the NOI authorization number;" NOI LTF #, Authorization#, Authorization to Discharge number, NOI authorization number? Comment: Clarify any document or number differences and in the interest of consistency revise the text.

RESPONSE NO. 177

ADEQ appreciates the request for clarity. Based on this comment, Part 6.7.a was amended to clarify that the NOI Authorization # must be posted..., as follows: "The operator must post the NOI Authorization # in a conspicuous location near the main entrance of the construction site and retain a copy of the NOI in the SWPPP."

Comment #179 received on July 16, 2025 by ADOT, Matt Holcomb.

COMMENT NO. 178

7.0.b "An operator discharging to a non-WOTUS protected surface water that chooses to conduct routine..." chooses - this isn't a requirement?

RESPONSE NO. 178

ADEQ appreciates the comment. Permit requirements for discharging to non-WOTUS protected surface waters allow operators flexibility in how they approach compliance under part 3. The word "chooses" reflects that flexibility while still requiring that, if monitoring is conducted, it must be consistent with permit provisions.

No change was made to the 2025 CGP based on this comment.

Comment #179 received on July 8, 2025 by City of Glendale, Megan Sheldon.

COMMENT NO. 179

7.0(a) - Should this section include outfalls that discharge directly to an impaired or non-attaining water: "Construction sites with one or more outfalls to, or within 1/4 mile upstream of, a protected surface water that is a WOTUS... "

RESPONSE NO. 179

ADEQ notes that Part 7.0.a already addresses this issue. The text states, "a. Construction sites with one or more outfalls within 1/4 mile upstream of a protected surface water that is a WOTUS and is listed as impaired or not-attaining or an Outstanding Arizona Water (OAW), or as otherwise specified by ADEQ." This language captures outfalls that discharge directly to impaired or non-attaining waters.

No changes were made to the 2025 CGP based on this comment.

Comment #180 received on June 17, 2025 by City of Phoenix, Nancy Allen.

COMMENT NO. 180

In Section 7.1, Monitoring Program and Appendix B, Standard Permit Conditions #19 Change of Operator, the terms "owner/operator" and "owner" (latter Standard Permit Conditions Section 19.b.ii) are used inconsistently with "operator". The City suggests in all instances this text be revised to "operator" for clarity and consistency of terms throughout the permit.

RESPONSE NO. 180

ADEQ appreciates the request for clarity and consistency of terms throughout the permit. Based on this comment, Part 7.1 was amended to remove the word owner for clarity, as follows: "...ADEQ must agree with this demonstration and make a determination in writing to the operator."

No change was made to Standard Condition #19 in Appendix B as these are standard to all AZPDES permits.

Comment #181 received on July 21, 2025 by Desert Services, Jared Aiken

COMMENT NO. 181

Section 7 – Monitoring Requirements - Clarify that sampling is to evaluate BMP effectiveness and pollutant trends, not as a basis for enforcement unless numeric effluent limits are clearly specified.

RESPONSE NO. 181

ADEQ appreciates the comment. Sampling (conducting analytical monitoring) is not required unless there is a discharge of pollutants from a construction site, into a WOTUS protected surface water listed as impaired for that pollutant. Sampling data values will be evaluated against surface water quality standards, to assess if additional control measures are needed on site to reduce further discharges of pollutants.

No change was made to the 2025 CGP based on this comment.

Comment #182 received on July 8, 2025 by City of Glendale, Megan Sheldon.

COMMENT NO. 182

7.3.4(a)-This part requires monitoring for turbidity "upstream and downstream of each outfall" which means the samples are representative of the OAW. Does ADEQ also require sampling of stormwater runoff from the construction site? Sampling of stormwater runoff is consistent with Part 7.3.1, which states, "Analytical monitoring is only required when stormwater exits the construction site by way of an outfall in sufficient quantity to allow for sample collection and analysis."

RESPONSE NO. 182

ADEQ appreciates the comment. Sampling stormwater discharges to impaired, not-attaining waters is required unless the operator has obtained a sampling waiver from ADEQ. Discharges to OAWs are prohibited, pursuant to Antidegradation Rules in A.A.C. R18-11-107. Discharges upstream of OAWs are required to perform sampling of turbidity as noted, in Part 7.3.4.a.

No changes were made to the 2025 CGP based on this comment.

Comment #183 received on July 8, 2025 by City of Glendale, Megan Sheldon.

COMMENT NO. 183

7.3.4(a)-Also, this part references "at the downstream outfall" which could be interpreted as collecting a sample from the outfall itself (sampling stormwater runoff from the construction site). Should this be re-written as " .. .if there is a 25% or more increase in the sample collected downstream of the outfall.. " ?

RESPONSE NO. 183

ADEQ appreciates the request for clarity. Based on this comment, Part 7.3.4.a was amended to state: "The operator shall compare turbidity values from the outfalls and if there is a 25% or more increase in the sample collected downstream of the outfall, ..."

Comment #184 received on July 8, 2025 by City of Glendale, Megan Sheldon.

COMMENT NO. 184

7.3.4(b)- Where should these samples be collected: at the discharge point/outfall (sample would be representative of stormwater runoff from the construction site) versus upstream and downstream of each outfall (sample would be representative of water in the OAW)? and 7.3.4(c)- Where should these samples be collected: at the discharge point/outfall or upstream and downstream of each outfall?

RESPONSE NO. 184

ADEQ recognizes the importance of specifying sampling locations. Part 7.3.3 establishes that analytical monitoring is to be conducted at outfalls. This requirement ensures that samples are representative of discharges from the construction site itself.

No change was made to the 2025 CGP based on this comment.

Comment #185 received on June 17, 2025 by Kevin Boesch.

COMMENT NO. 185

Can a lot of this language be reduced to something like “For 10% of outfalls identified in the MyDEQ NOI/Authorization Letter, perform sampling every 90 calendar days when stormwater exits the construction site ... and sample at least 10% of outfalls”? In the Fact Sheet, spell out in 1 outfall for every 10 outfalls listed, 2 outfalls for every 20 outfalls listed etc.? Must collect from outfalls discharging and cannot choose outfalls with no discharge while others demonstrate discharging.

RESPONSE NO. 185

ADEQ acknowledges the request for simplified sampling language. However, sampling wet seasons are established across all AZPDES permits to maintain consistency. In regards to Table 1: Minimum Number of Samples to Collect, ADEQ finds the existing approach reasonable.

No change was made to the 2025 CGP based on this comment.

Comment #186 received on June 17, 2025 by Kevin Boesch.

COMMENT NO. 186

Part 7.3.5.c. Calibration and Maintenance of Equipment and Monitoring Methods: All monitoring instruments and equipment (including operators' own field instruments for measuring pH and turbidity) shall be calibrated and maintained in accordance with manufacturers' recommendations. All samples collected for analytical monitoring shall be analyzed by a laboratory that is licensed by the Arizona Department of Health Service (ADHS) Office of Laboratory Licensure and Certification.” The above language seems contradictory. An Operator can make turbidity and pH samples by themselves. Yet, all samples collected shall be analyzed by an Arizona accredited lab. Can the permit list which parameters must be collected/sampled by an ADHS office and which ones can be performed by the Operator? Some areas are better/more accurately sampled by neighboring states (i.e., within 4 hours on ice). Will that be sufficient (e.g., Vegas labs for Virgin River and Hoover Dam areas, and Albuquerque labs for Witch Wells areas)? As long as they are State accredited, what is the difference?

RESPONSE NO. 186

ADEQ recognizes the concern about potential contradictions between operator field testing and laboratory analysis. Not all sampling requires the services of an ADHS certified laboratory. As noted in Part 7.3.5.c, the requirement does not apply to parameters that must be analyzed at the time of collection, such as flow, turbidity, and pH, provided the methods used are approved by ADHS or ADEQ.

No changes were made to the 2025 CGP based on this comment.

Comment #187 received on June 17, 2025 by Kevin Boesch.

COMMENT NO. 187

Part 8.1.1 Address for Submittal of All Forms and Reports “All documents required by this permit (NOIs, SWPPPs, NOTs, and DMRs) shall be submitted, in electronic format, in myDEQ.” Has ADEQ/MyDEQ increased the file size to accept larger SWPPPs/SAPs? Some submittals with many 11” x 17” site maps are not up loadable.

RESPONSE NO. 187

ADEQ understands the concern about electronic submittals with large site maps or attachments. The file size for SWPPP upload into myDEQ is 20mb per file with a limit of 4 files being uploaded. If an operator has documents that exceed 20 mb, they are encouraged to work with ADEQ staff to submit additional documents via email.

No changes have been made to the 2025 CGP based on this comment.

Comment #188 received on June 19, 2025 by SESCC, Howard Myers.

COMMENT NO. 188

Risk versus Benefit: More site visits equals more paper equals more trees cut-down. More site visits equals more fossil fuel use equals more potential for more Global Warming.

RESPONSE NO. 188

ADEQ notes the concern regarding resource use. The only reference to "paper" is in Part 6.3.1, which states "Each member of the stormwater team shall have ready access to an electronic or paper copy of applicable portions of this permit..."

No changes were made to the 2025 CGP based on this comment.

Comment #189 received on June 17, 2025 by City of Phoenix, Nancy Allen.

COMMENT NO. 189

The definition of "Construction Activity" has been revised and this revision has removed a key element of the definition. Revise this definition to add back the text: "includes construction support activities". The term "construction support activity" is defined, and both terms are used in other AZPDES permits, and should be consistent across permits.

RESPONSE NO. 189

ADEQ agrees that the definition should align with other AZPDES permits. Based on this comment, the definition of Construction Activity was amended to state: "Construction Activity – earth-disturbing activities, such as the clearing, grading, and excavation of land, construction support activities, and other construction-related activities (e.g., grubbing; stockpiling of fill material; placement of raw materials at the site) that could lead to the generation of pollutants."

Comment #190 received on July 21, 2025 by Arizona Mining Association, Steve Trussell.

COMMENT NO. 190

Definition of "construction activity": The proposed reissued permit modifies the definition of "construction activity." "Placement of raw materials at the site" should not be considered a construction activity—the definition should be limited to earth-disturbing activities consistent with how the federal NPDES regulations define "construction activity" (see 40 C.F.R. § 122.26(b)(14)(x)) and consistent with the statutory requirement that ADEQ implement an AZPDES permit program that does not conflict with and is not more stringent than the federal program (see A.R.S. § 49-255.01(B)).

RESPONSE NO. 190

ADEQ appreciates the concern but notes that the definition of construction activities is consistent with the US EPA's 2022 CGP.

No change was made to the 2025 CGP based on this comment.

Comment #191 received on July 16, 2025 by ADOT, Matt Holcomb.

COMMENT NO. 191

Discharge Related Activity - Suggest Change 'stormwater control' to 'control measure' as this term is defined in appendix A providing greater clarity

RESPONSE NO. 191

ADEQ appreciates the comment. The term “discharge related activity” is not used in the permit. Stormwater control is used to specifically indicate a control measure designed for stormwater applications.

No change was made to the 2025 CGP based on this comment.

Comment #192 received on July 16, 2025 by ADOT, Matt Holcomb.

COMMENT NO. 192

Exposed Soils – for the purposes of this permit, soils that as a result of earth-disturbing activities are left open to the elements. Further define what elements. left open to natural events that contribute to erosion.

RESPONSE NO. 192

ADEQ appreciates the request for clarity. Based on this comment, the definition of Exposed Soils was revised to now read: "for the purposes of this permit, soils that as a result of earth-disturbing activities are left open to the elements, such as wind and precipitation."

Comment #193 received on July 16, 2025 by ADOT, Matt Holcomb.

COMMENT NO. 193

Impaired waters - "pursuant to 33 USC 1313(d)" Change to 313(d).

RESPONSE NO. 193

ADEQ has reviewed the citation and confirms it is correct as written.

No change was made to the 2025 CGP based on this comment.

Comment #194 received on June 16, 2025 by Argus - Robyn Bennett.

COMMENT NO. 194

Impervious Surface - or the purpose of this permit, any land surface with a low or no capacity for soil infiltration including, but not limited to, pavement, sidewalks, parking areas and driveways, packed gravel or soil, or rooftops. Please clarify or remove examples. Not all parking areas or driveways are impervious, and packed gravel and soil are certainly not impervious.

RESPONSE NO. 194

ADEQ agrees that revisions were needed for clarity. Based on this comment, the definition of “Impervious Surface” was amended to state: “any surface that covers the ground (i.e., pavement) that prevents or significantly impedes the natural entry of water into the soil, preventing precipitation from soaking into the ground.”

Comment #195 received on July 16, 2025 by ADOT, Matt Holcomb.

COMMENT NO. 195

Minimize - suggest replacing with 'the discharge(s) of pollutants from a construction site utilizing applicable control measures and pollution prevention measures; or clarify what is meant to be minimized, AND suggest removing economically practical.

RESPONSE NO. 195

ADEQ appreciates the feedback but maintains that the definition is consistent with US EPA’s 2022 CGP.

No change was made to the 2025 CGP based on this comment.

Comment #196 received on July 16, 2025 by ADOT, Matt Holcomb.

COMMENT NO. 196

Steep Slope - It reads like ADEQ is allowing a greater than 15% slope to be considered steep across the entire site. This is going against the regulatory norm that rules can be more stringent but not less than. For simplicity and clarity just define at 15%.

RESPONSE NO. 196

ADEQ acknowledges the concern but clarifies that the permit definition of steep slope indicates that other entities, such as a local municipality, may have a different definition of “steep slope” that may be more stringent; if not identified by other agencies, a slope of 15% or greater is considered to be a steep slope.

No change was made to the 2025 CGP based on this comment.

Comment #197 received on July 21, 2025 by Arizona Mining Association, Steve Trussell.

COMMENT NO. 197

"Uncontaminated discharge": This added definition should be removed. Defining "uncontaminated" to mean meeting "applicable water quality standards" ignores the fact that many sources of unimpacted groundwater may be naturally high in, for example, metals such as arsenic.

RESPONSE NO. 197

ADEQ appreciates the comment and notes that the definition includes the key phrase “in the context of authorized non-stormwater discharges” and is consistent with US EPA’s 2022 CGP.

No change was made to the 2025 CGP based on this comment.

Comment #198 received on July 21, 2025 by Arizona Mining Association, Steve Trussell.

COMMENT NO. 198

"Visual turbidity": This added definition should be removed. It is not used elsewhere in the permit and so the inclusion of the definition is confusing.

RESPONSE NO. 198

ADEQ appreciates the suggestion. Based on this comment, Appendix A: Definitions was amended to remove Visual Turbidity. ADEQ also amended the definition of Turbidity to include the definition of visible turbidity.

Comment #199 received on June 17, 2025 by City of Phoenix, Nancy Allen.

COMMENT NO. 199

"Storm Sewer" ("a system of pipes (separate from sanitary sewers) that carries stormwater runoff from buildings and land surfaces") and "Stormwater Inlet" ("a structure placed below grade to conduct water; used to collect stormwater run-off for conveyance purposes") are introduced. Please verify these terms are used consistently in this permit and across stormwater general permits.

RESPONSE NO. 199

ADEQ appreciates the comment and has reviewed all instances of "storm sewer" and "stormwater inlets" for accuracy.

No changes were made to the 2025 CGP based on this comment.

Comment #200 received on June 17, 2025 by City of Phoenix, Nancy Allen.

COMMENT NO. 200

Both the terms "Storm Sewer" and "Municipal Storm Sewer System" are used throughout the permit. "storm sewer" is only used in reference to the definition of "Discharge to an Impaired Water" (see also comment below). For consistency in AZPDES permits, ADEQ should consider correcting the name to "Municipal Separate Storm Sewer System (MS4)".

RESPONSE NO. 200

ADEQ agrees that additional consistency is appropriate. Based on this comment, the definition of "Discharge to an Impaired Water" was amended to state: "for the purposes of this permit, a discharge to an impaired water occurs... This includes discharges to impaired waters entering a Municipal Separate Storm Sewer System (MS4) prior to discharging into a waterbody."

Comment #201 received on June 17, 2025 by City of Phoenix, Nancy Allen.

COMMENT NO. 201

The definition of Discharge to an Impaired Water is inconsistent with the EPA definition. Please revise the last sentence to be consistent with the EPA definition by adding the word "first" as noted below: "For discharges that enter a storm sewer system prior to discharging into a waterbody, the WOTUS PSW which will receive discharges from the storm sewer system is the first WOTUS PSW that receives the stormwater discharge from the MS4." This is

also consistent with the Fact Sheet page 28, III.3.8 Surface Water Quality Standards (Part 3.8). See also comment above on the terms "Storm Sewer" and "Municipal Storm Sewer System".

RESPONSE NO. 201

ADEQ appreciates the request for consistency. Based on this comment, the definition of "Discharge to an Impaired Water" was amended to state: "for the purposes of this permit, a discharge to an impaired water occurs... This includes discharges to impaired waters entering a Municipal Separate Storm Sewer System (MS4) prior to discharging into a waterbody."

Comment #202 received on June 17, 2025 by City of Phoenix, Nancy Allen.

COMMENT NO. 202

Subsection 4.3.b has been added and uses the term "structural control". Please verify if this is the same as "control measure" which is defined in Appendix A and revise the permit accordingly for consistency. This comment applies in the few other places where the term "structural control(s)" is used in the permit.

RESPONSE NO. 202

ADEQ appreciates the request for consistency. Based on this comment, the definition of "Control Measure" was amended to state: "Any practice or method (including effluent limitations) used to prevent or reduce the discharge of pollutants to protected surface waters. Structural controls refer to physical controls installed on site; non-structural controls refer to best management practices, such as good housekeeping."

Comment #203 received on June 17, 2025 by City of Phoenix, Nancy Allen.

COMMENT NO. 203

The City suggests adding a definition for "treatment chemicals" as used in Section 6.3.9 and Subsection 6.3.1.b SWPPP and consider including "pesticides" in this definition as products that are applied.

RESPONSE NO. 203

ADEQ appreciates the comment. Pesticides are not "treatment chemicals." As described in Part 6.3, treatment chemicals are those chemicals that undergo an ionic exchange process for water softening, demineralization and removal of contaminants such as nitrates or metals.

No changes were made to the 2025 CGP based on this comment.

Comment #204 received on June 17, 2025 by Kevin Boesch.

COMMENT NO. 204

Bank (e.g., stream bank or river bank) – the rising ground bordering the channel of a protected surface water. At the OHWM as delineated by a professional and/or determined by USACE methodology? "Protected surface water". See first comment. Pertaining to not using WOTUS, non-WOTUS language.

RESPONSE NO. 204

ADEQ agrees with the recommendation. Based on this comment, the definition of "bank" was amended to state: "the rising ground bordering the channel of a protected surface water, as determined by the USACE or by using USACE methodologies."

Comment #205 received on June 17, 2025 by Kevin Boesch.

COMMENT NO. 205

Dewatering – the act of draining accumulated stormwater and/or ground water (e.g., from building foundations, vaults, and trenches). Does or does not include tailwater from active or passthrough from irrigation, rivers, or ditches?

RESPONSE NO. 205

ADEQ appreciates the suggestion but has retained consistency with US EPA’s 2022 CGP definitions.

No change was made to the 2025 CGP based on this comment.

Comment #206 received on June 17, 2025 by Kevin Boesch.

COMMENT NO. 206

Please define “Discharge”, “Discharge of a Pollutant” to the standard of “Discharge Point” meaning “from the construction site”. Such as onto other jurisdictions (e.g., land or water, MS4s or other properties)? Please consider CGP Appendix B, “7.Property Rights. [A.A.C. R18-9-A905(A)(3)(a), which incorporates 40 CFR 122.41(g)] This permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or invasion of personal rights, nor any infringement of federal, state, Indian tribe, or local laws or regulations.

RESPONSE NO. 206

ADEQ appreciates the comment. In Appendix A, Definitions: Discharge, Discharge of a Pollutant, and Discharge Point are all defined with the intent that a discharge indicates that pollutants are leaving the construction site. These definitions are consistent with US EPA’s 2022 CGP.

No change was made to the 2025 CGP based on this comment.

Comment #207 received on June 17, 2025 by Kevin Boesch.

COMMENT NO. 207

Effluent Limitations – any of the Part 3 requirements. Please state that these may differ from established WQS.

RESPONSE NO. 207

ADEQ appreciates the comment. The introduction to Part 3 indicates that the control measures in this part incorporate technology based effluent limitation guidelines to meet water quality standards. There is no mention of established surface water quality standards (WQS) in the part and WQS limits would only apply to analytical monitoring of impaired waters, as identified in Part 7.

No change was made to the 2025 CGP based on this comment.

Comment #208 received on June 17, 2025 by Kevin Boesch.

COMMENT NO. 208

Exposed Soils – for the purposes of this permit, soils that as a result of earth-disturbing activities are left open to the elements. “elements”, meaning wind, snow, and rain?

RESPONSE NO. 208

ADEQ appreciates the request for clarification. Based on this comment, the definition of Exposed Soils was amended to state: "for the purposes of this permit, soils that as a result of earth-disturbing activities are left open to the elements, such as wind and precipitation."

Comment #209 received on June 17, 2025 by Kevin Boesch.

COMMENT NO. 209

Hazardous Materials, Substances, or Hazardous or Toxic Waste – any liquid, solid, or contained gas that contain properties that are dangerous or potentially harmful to human health or the environment. Examples include paints, caulks, sealants, fluorescent lamps, PCB ballasts, solvents, petroleum-based products, wood preservatives, additives, curing compounds, and acids. See also 40 CFR 261.2. And CERCLA, ARS of listed “hazardous”?

RESPONSE NO. 209

ADEQ appreciates the suggestion but has retained consistency with US EPA’s 2022 CGP definitions.

No change was made to the 2025 CGP based on this comment.

Comment #210 received on June 19, 2025 by SAHBA, Brendan Lyons.

COMMENT NO. 210

Infeasible Requirements: The permit’s definition of “Infeasible” in Appendix A is “not technologically possible or not economically practicable and achievable in light of best industry practices.” The proposed changes create requirements that are, by definition, infeasible.

RESPONSE NO. 210

ADEQ acknowledges the concern but determined that the existing definition is appropriate.

No changes were made to the 2025 CGP based on this comment.

Comment #211 received on June 19, 2025 by SAHBA, Brendan Lyons; and SESCC, Howard Myers.

COMMENT NO. 211

Clarify terminology and references a) Standardize permit language and terms (e.g., NOI authorization number, Authorization to Discharge number) to eliminate confusion. Also, Remove references to “tribal” lands in parts of the permit where they are not applicable, as this permit does not cover stormwater discharges on tribal lands.

RESPONSE NO. 211

ADEQ appreciates the comment and has standardized the permit language to ensure that operators understand they are receiving “an authorization to discharge.” The phrase “Tribal Lands” only occurs in Part 1.1 Permit Area. As Arizona not only has construction operators that are established in other states and foreign countries, it is necessary to establish that the ADEQ permit is not authorized on Tribal Lands.

No changes were made to the 2025 CGP based on this comment.

Comment #212 received on July 8, 2025 by City of Glendale, Megan Sheldon.

COMMENT NO. 212

Condition I 7(b)(v): Change "... ADEQ contact operator. .." to "...ADEQ contact person..." to be consistent with AAC R18-9-C902 o Conditions 12(a), 19(a) and 21(c)(ii): Change "existing" to "permitted"

RESPONSE NO. 212

ADEQ agrees with the requested clarifications. Based on this comment, the referenced conditions have been amended to replace the word(s) "existing" with "permitted;" and to update "ADEQ contact operator" to "ADEQ contact person."

Comment #213 received on June 17, 2025 by City of Phoenix, Nancy Allen.

COMMENT NO. 213

Fact Sheet Section II.2.1, Responsibilities of Operators (Part 2.1, page 10) to be more stringent than the Environmental Protection Agency's (EPA) 2022 Construction General Permit (CGP). Please revise the Appendix A definition of "Operator" to add the word "or" between #1 and #2 and to remove the requirement that all operators must obtain permit coverage, as this is duplicative permitting. It appears ADEQ intended this definition to be consistent with the EPA definition of "Operator" in their CGP, but these differences alter its meaning from EPA's CGP. The definition of "Operator" in Section 2.1 and Appendix A should be revised to match the EPA definition, as revised per these comments. ADEQ has also not provided justification for why all operators are required to obtain permit coverage when there is one clear operator that has functional control of the construction site and is responsible for preventing the discharge of pollutants from the project site. Requiring duplicate permit coverage for the same project provides no added value to water quality nor does it do anything to further reduce discharge potential. This approach from ADEQ is also more stringent than the equivalent federal CGP. EPA's relevant Fact Sheet clearly indicates the determination on who is acting as the "operator" should be made by the involved parties on a project-by-project basis. EPA does not mandate a blanket dual permitting requirement, as ADEQ is proposing.

RESPONSE NO. 213

ADEQ appreciates the concern but notes that the definition of operator is consistent with the US EPA's definition. Multiple operators may exist at a site, and the permit reflects this reality by requiring coverage as applicable.

No change was made to the 2025 CGP based on this comment.

Comment #214 received on June 17, 2025 by City of Phoenix, Nancy Allen.

COMMENT NO. 214

Through the permit the general term "operator" is used. The Fact Sheet Section VI SWPPP (Part 6) page 34, acknowledges that "who is an operator is controlled chiefly by how the "owner" of the project chooses to structure its contracts with the "contractors" hired to design and/or build the project... This acknowledges the point made earlier in this comment letter. In addition, in circumstances when multiple operators are appropriate for a project, this language indicates that the operators may choose to join in implementing a common SWPPP. The City suggests such clarifying text be added to the permit as well. It should be clarified that when the term "the operator" is used it can apply to only one operator and that when a joint SWPPP is developed, responsibilities can be shared between operators. For example, Section 6.3.2 has been added which documents General Training Requirements for

Stormwater Team Members. In this section, the operator with control over day-to-day activities will most likely be responsible for conducting and documenting this training.

RESPONSE NO. 214

ADEQ acknowledges the suggestion but determined the existing language sufficiently addresses these circumstances.

No changes were made to the 2025 CGP based on this comment.

Comment #215 received on June 17, 2025 by City of Phoenix, Nancy Allen.

COMMENT NO. 215

Fact Sheet. ADEQ has not included a Fact Sheet Section summarizing what has changed from the current permit to this revised permit. This section is typically included in Fact Sheets and is helpful for permittees to review permit changes. The City suggests that ADEQ includes this section in all Fact Sheets for permit reissuances, including this permit.

RESPONSE NO. 215

ADEQ agrees this addition would benefit permittees. Based on this comment, the 2025 CGP Fact Sheet has been amended to include a section containing a “change table” for the significant changes between the 2020 CGP and the new 2025 CGP.

Comment #216 received on June 17, 2025 by City of Phoenix, Nancy Allen.

COMMENT NO. 216

The City recommends an overall quality control review of the Fact Sheet by ADEQ staff to verify that the use of the terms ‘WOTUS’ for impaired, not attaining and Outstanding Arizona Waters are consistent with the permit. Also, the Fact Sheet Section III.3.5, Pollution Prevention Requirements (Part 3.5), Fertilizer Discharge Requirements, supports previous comments that many of the items in Subsection 3.5.4.b.ii are only applicable to fertilizers. Please review and revise the Fact Sheet and permit for consistency and clarity.

RESPONSE NO. 216

ADEQ appreciates the request for consistency and clarity. The final 2025 CGP Fact Sheet was reviewed and revised to be consistent with the 2025 CGP.

Everyone who commented during the public comment period has the right to file an appeal and request a hearing on the final decision as an appealable agency action under A.R.S. § 41-1092.03 by filing a written Request for Hearing or Notice of Appeal within 30 days of receipt of this notice. A Request for Hearing or Notice of Appeal is filed when it is received by ADEQ’s Hearing Administrator as follows:

Hearing Administrator
Office of Administrative Counsel
Arizona Department of Environmental Quality
1110 W. Washington Street
Phoenix, AZ 85007

The Request for Hearing or Notice of Appeal shall identify the party, the party's address, the agency and the action being appealed and shall contain a concise statement of the reasons for the appeal. Upon proper filing of a Request for Hearing or Notice of Appeal, ADEQ will serve a Notice of Hearing on all parties to the appeal. If you file a timely Request for Hearing or Notice of Appeal you have a right to request an informal settlement conference with ADEQ under A.R.S. § 41-1092.06. This request must be made in writing no later than 20 days before a scheduled hearing and must be filed with the Hearing Administrator at the above address.
