



*Stormwater Construction General Permit
AZG2019-001*

**State of Arizona
Department of Environmental Quality
Water Quality Division
Phoenix, Arizona 85007**

**Arizona Pollutant Discharge Elimination System
General Permit for Stormwater Discharges
Associated with Construction Activity
To Waters of the U.S.**

This permit provides authorization to discharge under the Arizona Pollutant Discharge Elimination System (AZPDES) program, in compliance with the provisions of the Arizona Revised Statutes, Title 49, Chapter 2, Article 3.1, the Arizona Administrative Code (A.C.C.), Title 18, Chapter 9, Articles 9 and Chapter 11, Article 1, and the Clean Water Act as amended (33 U.S.C. 1251 et seq.).

This general permit specifically authorizes stormwater discharges associated with construction activity, pursuant to 40 CFR § 122.26(b)(14)(x) and 40 CFR § 122.26(b)(15) in Arizona. All discharges authorized by this general permit shall be consistent with the terms and conditions of this general permit. Permit coverage is required from the “commencement of construction activities” until “final stabilization”, as these terms are defined in this permit.

This general permit becomes effective on _____, 2019.

This general permit and the authorization to discharge expire at midnight, _____, 2024.

Issued this _____ day of _____, 2019.

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

Trevor Baggiore, Director
Water Quality Division

Table of Contents

1.0 Obtaining Coverage Under This Construction General Permit (CGP)..... 5

1.1 CGP Area..... 5

1.2 CGP Eligibility 5

1.3 Who must Obtain CGP Coverage? 5

1.3.1 Operators 5

1.3.2 Multiple Operators..... 5

1.4 Authorized Discharges..... 6

1.4.1 Allowable Stormwater Discharges..... 6

1.4.2 Allowable Non-Stormwater Discharges 6

1.5 Prohibited Discharges 7

1.6 Limitations of Coverage 7

1.6.1 Post-Construction Discharges 7

1.6.2 Discharges covered by another AZPDES permit..... 8

1.6.3 Discharges Impaired or Outstanding Arizona Waters..... 8

1.7 Erosivity Waivers for Small Construction Activities..... 8

2.0 Authorization Under This Construction General Permit 8

2.1 Pre-requisites for Submitting a Notice of Intent (NOI)..... 8

2.2 Fee Requirements..... 9

2.3 Submitting a NOI 9

2.3.1 Application Required..... 9

2.3.2 NOI Requirements 9

2.3.3 Effective Date of Permit Coverage 10

2.4 Requirement to Post a Notice of Your Permit Coverage..... 10

2.5 Authorization of Emergency-Related Construction Activities 11

2.6 Terminating Coverage..... 11

2.6.1 Submitting a NOT 11

2.6.2 Effective Date of Permit Termination 12

2.7 Change of Operator Request due to Foreclosure or Bankruptcy..... 12

3.0 Effluent Limitations and Surface Water Quality Standards 13

3.1 Exception for ongoing construction projects..... 13

3.2	Erosion and Sediment Control.....	13
3.3	Soil Stabilization.....	14
3.3.1	Temporary Stabilization.....	14
3.3.2	Final Stabilization	15
3.3.3	Soil Stabilization Alternatives.....	15
3.4	Dewatering Activities.....	16
3.5	Pollution Prevention Measures.....	17
3.5.1	Storage, Handling and Disposal of Site Pollutants.....	17
3.5.2	Washout of Concrete, Stucco, Paint and Other Materials.....	18
3.5.3	Washing of Equipment and Vehicles.....	18
3.5.4	Fueling and Maintenance of Equipment or Vehicles.....	18
3.6	Surface Outlets	19
3.7	Surface Water Quality Standards	19
3.7.1	General Limitations to Meet Applicable Surface Water Quality Standards	19
3.7.2	Discharge Limitations for Sites that Discharge to Sediment Impaired/Not-attaining or Outstanding Arizona Waters.....	19
4.0	Inspections	20
4.1	Inspector Qualifications.....	20
4.2	Inspection Schedules	20
4.2.1	Routine Inspection Schedule.....	20
4.2.2	Reduced Inspection Schedule.....	21
4.2.3	Inactive and Unstaffed Site Inspection Schedule	21
4.3	Scope of Inspections.....	21
4.4	Storm Event Inspections.....	22
4.5	Inspection Follow-up.....	23
5.0	Corrective Actions.....	23
5.1	Corrective Action Triggers.....	23
5.2	Corrective Action Deadlines.....	23
5.3	Corrective Action Report	23
6.0	Stormwater Pollution Prevention Plan (SWPPP).....	24
6.1	General Information	24
6.2	SWPPP Contents	25
6.2.1	Identification of Operators.....	25
6.2.2	Stormwater Team.....	25

6.2.3	Site Description.....	25
6.2.4	Sequence and Estimated Dates of Construction Activities.....	26
6.2.5	Site Mapping.....	26
6.2.6	Control Measures	27
6.2.7	Summary of Potential Pollutant Sources	28
6.2.8	Use of Treatment Chemicals	28
6.2.9	Spill Prevention and Response Procedures.....	28
6.2.10	Waste Management Procedures	29
6.3	Documentation Requirements including Permit Related Records.....	29
6.4	SWPPP Updates and Revision Requirements	30
6.5	Certification Requirements	31
6.6	Deficiencies in the SWPPP	31
6.7	Making the SWPPP Available	32
7.0	Discharges to Sediment Impaired/Not-attaining Waters or Outstanding Arizona Waters.....	32
7.1	Sampling and Analysis Plan (SAP).....	33
7.2	Monitoring Methods	33
7.3	Monitoring Requirements	34
7.4	Discharge Monitoring Report	34
8.0	Reporting and Recordkeeping	34
	Appendix A: Definitions and Acronyms (for the purposes of this permit).....	35
A.1	Definitions	35
A.2	Acronyms	42
	Appendix B. Standard Permit Conditions –.....	43

1.0 Obtaining Coverage Under This Construction General Permit (CGP)

1.1 CGP Area

This stormwater construction general permit covers the state of Arizona except for Indian Country as defined in 40 CFR 122.2.

1.2 CGP Eligibility

To be eligible for this permit, the construction activity must:

- Result in a disturbance of one or more acres of land (or less than one acre, but the disturbance is part of a larger common plan of development or sale), and
- Discharge stormwater to a Waters of the U.S. (WOTUS), either directly or by way of a conveyance, or
- Result in a disturbance of land that is less than one acre, but the director specifically requires permit coverage (see A.A.C. R18-9-A902(B)(8)(d)).

1.3 Who must Obtain CGP Coverage?

1.3.1 Operators

All operators are required to obtain coverage for stormwater discharges associated with construction activity under this permit, or to obtain an erosivity waiver pursuant to Section 1.7, or an alternative AZPDES permit. For the purposes of this permit, an “operator” is any person associated with a construction project that meets either of the following two criteria:

- a) The operator has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or
- b) The operator has day-to-day operational control of those activities at a project that are necessary to ensure compliance with the permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the permit).

Subcontractors generally are not considered operators for the purposes of this permit.

1.3.2 Multiple Operators

Where there are multiple operators associated with the same project, all operators are required to obtain permit coverage. The following applies in these situations:

- a) If one operator has control over plans and specifications and a different operator has control over activities at the project site, they may divide responsibility for compliance with the terms of this permit as long as they jointly develop a common Stormwater Pollution Prevention Plan (SWPPP), which documents which operator has responsibility for each requirement of the permit;
- b) If an operator only has operational control over a portion of a larger project (e.g., one of four homebuilders in a subdivision), the operator is responsible for compliance with

applicable effluent limits (see Section 3); terms and conditions of this permit as it relates to their activities on their portion of the construction site; and implementation of control measures described in the SWPPP in the areas under their control;

- c) Operators must ensure either directly or through coordination with other operators, that their activities do not render another operator's pollutant discharge controls ineffective;
- d) If the operator of a construction support activity (as defined in Appendix A) is different from the operator of the main construction site, that operator is also required to obtain permit coverage.

1.4 Authorized Discharges

1.4.1 Allowable Stormwater Discharges

The following stormwater discharges are authorized when conducted in compliance with this permit:

- a) Stormwater runoff associated with construction activities;
- b) Discharges requiring a stormwater permit under 40 CFR 122.26(a)(1)(v); 40 CFR 122.26(b)(15)(ii); or under 40 CFR 122.26(a)(9);
- c) Stormwater discharges from construction support activities (as defined in Appendix A); and
- d) Stormwater discharges from earth-disturbing activities associated with the construction of staging areas and access roads created prior to mining.

1.4.2 Allowable Non-Stormwater Discharges

The following list identifies the only non-stormwater discharges allowed under this permit. These discharges are allowed, provided they are reduced to the extent practicable. When these discharges cannot be practicably eliminated, the operator shall install appropriate control measures to reduce or eliminate pollutants in the discharge to assure compliance with Section 3 of this permit. However, if the site is within ¼ mile of an Outstanding Arizona Water (OAW), the operator shall not discharge any non-stormwater under this permit, except for emergency fire-fighting activities, unless specifically authorized by the Department.

Allowable Non-Stormwater discharges include:

- a) Discharges from emergency fire-fighting activities;
- b) Water or reclaimed water that is used to control dust, provided that no reclaimed water or is discharged off site or applied during rain events;
- c) Routine external building wash down where detergents are not used;
- d) Water used to rinse vehicles and equipment, provided that reclaimed water is not used; and that no soaps, solvents, detergents, oils, grease or fuels are present in the rinsate;
- e) Pavement wash waters where spills or leaks of toxic or hazardous materials have not

occurred (unless all spilled materials have been removed) and where detergents are not used;

- f) Uncontaminated air conditioning or compressor condensate;
- g) Uncontaminated groundwater or spring water;
- h) Foundation or footing drains where flows are not contaminated with process materials, such as solvents;
- i) Water from fire-fighting system testing and maintenance, including hydrant flushing;
- j) Discharges related to installation and maintenance of potable water supply systems, including disinfection and flushing activities; discharges resulting from pressure releases or overflows; discharges of potable water due to potable water pipeline breaks; and discharges from wells approved by ADEQ for drinking water use;
- k) Hydrostatic testing of new pipes, tanks or vessels using potable water, surface water or uncontaminated groundwater;
- l) Water used for compacting soil, provided reclaimed water is not used;
- m) Water used for drilling and coring for evaluation of foundation materials where flows are not contaminated with additives;
- n) Uncontaminated waters obtained from dewatering operations / foundations in preparation for and during excavation and construction, provided the discharges are managed as specified in Section 3.4 of this permit.

1.5 Prohibited Discharges

The following discharges are prohibited:

- a) Non-stormwater discharges to an Outstanding Arizona Water (OAW) as defined in A.A.C. R-18-11-112(G), except for emergency fire-fighting activities;
- b) Stormwater discharges that are combined with non-stormwater discharges, other than the allowable non-stormwater discharges listed in Section 1.4.2 above;
- c) Water from washout of concrete;
- d) Water from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials;
- e) Soaps and solvents used in vehicle and equipment washing;
- f) Fuels, oils or other pollutants used in vehicle and equipment operation and maintenance;

Section 3.5 discusses control measures for the removal of pollutants from construction sites.

1.6 Limitations of Coverage

1.6.1 Post-Construction Discharges

This permit does not authorize stormwater discharges that originate from the site after construction activities have been completed and a Notice of Termination (NOT) has been reviewed and approved by ADEQ (see Section 6.3.k/l). Post-construction stormwater discharges

from industrial sites may need to be covered under a separate AZPDES permit.

1.6.2 Discharges covered by another AZPDES permit

This permit does not authorize stormwater discharges associated with construction activities that are covered under an individual permit or another applicable general permit.

1.6.3 Discharges Impaired or Outstanding Arizona Waters

See Section 7.0 for detailed information regarding stormwater discharges to waters that are impaired or not-attaining for sediment (SSC); or to Outstanding Arizona Waters (OAW).

1.7 Erosivity Waivers for Small Construction Activities

An operator performing construction activity which disturbs between one and five acres may be eligible for a waiver from coverage under this permit for the duration of the project based on a low potential for soil erosion for the duration of the project (Erosivity Waiver).

- a) Permit Waiver Certification: The operator shall certify to ADEQ that construction activity will occur only when the rainfall erosivity factor is less than five. The operator shall obtain an AZPDES Permit Waiver Certification before commencing construction activities. All waiver certifications require an AZPDES fee in accordance with A.A.C. R18-14-109, Table 6. ADEQ will not issue a waiver until the proper fee is paid.
- b) Calculating the Erosivity Waiver: Low potential for erosion is defined as a rainfall erosivity (R) factor of less than five as calculated using myDEQ. The small construction project's rainfall erosivity factor calculation shall be less than five during the entire period of construction activity. The period of construction activity begins at initial earth disturbance and ends with final site stabilization.
- c) Projects Which Extend Past Certified Period: If the small construction project continues beyond the calculated "end date" as shown on the Permit Waiver Certification, the operator shall prepare and implement a Stormwater Pollution Prevention Plan (SWPPP) and submit a Notice of Intent (NOI) as required under Sections 2.3 and 6.0 before the end of the certified waiver period.
- d) Sites that are located within ¼ mile of a WOTUS that is impaired/non-attaining for SSC or an OAW are not eligible for this waiver.

2.0 Authorization Under This Construction General Permit

2.1 Pre-requisites for Submitting a Notice of Intent (NOI)

Prior to submitting a NOI, an operator seeking authorization to discharge stormwater under this permit shall meet the eligibility requirements in Section 1.2 and:

- a) Prepare a Stormwater Pollution Prevention Plan (SWPPP) for the specific construction site that is developed by a qualified person (see Appendix A) that meets the requirements

of Section 6. The SWPPP shall be prepared prior to submission of the NOI and shall be implemented prior to the start of construction;

- b) The SWPPP shall be submitted to ADEQ if the site is within 1/4 mile of a receiving water that is impaired or not-attaining for sediment (SSC);
- c) The SWPPP shall be submitted to ADEQ if the site is within 1/4 mile of a receiving water that is an OAW;
- d) If neither (b) nor (c) apply, the SWPPP does not have to be submitted to ADEQ, but shall be retained and made available in accordance with Section 6.7; and
- e) Set up a customer account in ADEQ's myDEQ e-Permitting/e-Compliance Portal on www.azdeq.gov.

2.2 Fee Requirements

In accordance with A.A.C R18-14-109, the operator shall pay the initial AZPDES water quality protection services fee for coverage under this permit at the time the NOI is submitted. In addition, the operator shall pay the applicable annual fee when billed, unless a Notice of Termination (NOT) has been submitted to ADEQ. The annual fee is due on the anniversary of the date the authorization certificate. Both fees are based on the amount of acreage identified in the NOI, in accordance with A.A.C. R18-14-109, Table 6.

2.3 Submitting a NOI

2.3.1 Application Required

- a) An operator who meets the eligibility requirements in Section 1.2 and who seeks coverage under this permit must submit a complete and accurate NOI via the myDEQ e-Permitting/e-Compliance Portal on the ADEQ website.
- b) If the operator changes, the new operator shall submit a NOI to be authorized under this permit prior to taking over operational control of construction activities and prior to the original operator submitting a NOT if the site is still active.

2.3.2 NOI Requirements

myDEQ requires, at a minimum, the following information:

- a) The name, address, telephone number and email address of the construction operator;
- b) The project's estimated start and end dates;
- c) Whether the project is part of a common plan of development or sale;
- d) The size of the project disturbance, in acres;
- e) The name or identifier and address of the construction site;
- f) An accurate latitude and longitude (in decimal degrees, to (6) six places) of the construction site;

- g) The type of construction project;
- h) The locations where stormwater and/or non-stormwater leave the permitted site (name, latitude and longitude);
- i) The name of the nearest receiving water(s), which may include unnamed washes or canals;
- j) The name(s) of the MS4 into which there may be a discharge, if applicable;
- k) Confirmation that a SWPPP meeting the requirements in Section 6.0 of this permit has been developed and will be implemented prior to commencement of construction activities;
- l) The name and telephone number of a contact person for the SWPPP; and
- m) The appropriate fee, to be paid using a credit card or electronic check (ACH-debit).

2.3.3 Effective Date of Permit Coverage

- a) Routine Coverage: Eligible operators are authorized to discharge stormwater from a construction project when an authorization certificate is issued, typically after complete and accurate entry of the NOI in myDEQ.
- b) Impaired or Outstanding Arizona Waters: Eligible operators seeking coverage for a construction site that is within ¼ mile of a receiving water that is impaired/not-attaining for Sediment (SSC) or to an OAW are not authorized to discharge stormwater for up to 30 calendar days after the submission of a NOI, SWPPP, and the associated review fees in myDEQ. ADEQ may notify operators within this time-frame that there is cause for a SWPPP amendment. If notification is not received by the end of the 30 calendar day time period, the operator should assume coverage under this permit.
- c) Ongoing Construction Projects: For operators of ongoing construction projects that received authorization to discharge under the expired permit AZG2013-001:
 - 1) A new NOI must be submitted within 60 calendar days of the effective date of this permit, including fees; and
 - 2) The SWPPP shall be updated as necessary to comply with the requirements in Section 6.4 of this permit; or
 - 3) The operator may submit a NOT if the conditions in Section 2.6 are met.
- d) Certificate of Authorization: The operator will receive a Certificate of Authorization via myDEQ, assigning an authorization number and approval date. The Certificate of Authorization is not the permit; it acknowledges that ADEQ received the NOI and that the operator is authorized to discharge subject to the terms and conditions of this permit.

2.4 Requirement to Post a Notice of Your Permit Coverage

The operator must post a sign or other notice of permit coverage in a publicly accessible location, near the main construction site entrance. The notice must be located so that it is visible from the public road that is closest to the active part of the construction site, and it must use a

font large enough to be readily viewed from a public right-of-way. At a minimum, the notice must include:

- a) The authorization number (permit tracking number assigned to your NOI);
- b) The following statement: To view a copy of the SWPPP, please contact (insert contact's name and phone number);
- c) The following statement: For complaints regarding stormwater runoff, please visit www.azdeq.gov or call 602-771-2300.

2.5 Authorization of Emergency-Related Construction Activities

Emergency-related construction activities are automatically authorized if the project is being performed in order to avoid imminent endangerment to human health or the environment or in response to an emergency and the activity requires immediate authorization.

If the emergency activity continues past 30 calendar days of commencing construction activities, the operator shall prepare a SWPPP and submit a complete and accurate NOI, and:

- a) The operator shall provide documentation in the SWPPP to substantiate the occurrence of the public emergency; and
- b) The operator shall comply with all other requirements in the permit regarding discharges associated with the construction activities.

2.6 Terminating Coverage

To terminate permit coverage, the operator shall submit a complete and accurate Notice of Termination (NOT) via myDEQ. The operator is responsible for meeting the terms and conditions of this permit until the operator receives a termination acknowledgement via email or myDEQ.

2.6.1 Submitting a NOT

The operator may submit a NOT after any of the following conditions have been met:

- a) The operator has established final stabilization on all portions of the site in accordance with Section 3.3.2;
- b) A new operator has obtained a valid authorization number under this permit or an individual AZPDES permit, and has assumed control over all areas of the site that have not reached final stabilization (see Appendix B, Subsection 19);
- c) For residential construction only, temporary stabilization has been completed and the residence has been transferred to the homeowner (or a homeowner's association) in accordance with Section 3.3.2;
- d) The planned construction activity identified on the original NOI was never started and

- plans for construction have been permanently abandoned or indefinitely postponed;
- e) The operator has obtained coverage for the site under another AZPDES permit;
 - f) The operator qualifies for one of the stabilization alternatives in Section 3.3.3. If qualifying for either alternative, the operator shall submit the required documentation with the NOT demonstrating compliance with Section 3.3.3, a copy of the most recent SWPPP and the associated SWPPP review fee.

2.6.2 Effective Date of Permit Termination

Authorization to discharge is terminated under this permit upon submission of a complete and accurate NOT in myDEQ and receipt of a termination acknowledgement via myDEQ.

2.7 Change of Operator Request due to Foreclosure or Bankruptcy

If a lending institution or another operator takes operational control of the permitted construction site due to foreclosure or bankruptcy, then that operator is responsible for discharges from the construction site and shall submit an application for permit coverage within 14 days prior to taking control of the site if the construction site has not achieved final stabilization as defined in Section 3.3.2.

In the event the operator taking control of the construction site fails to submit a NOI for the construction site, the existing operator may submit a petition to the ADEQ to terminate permit coverage by submitting a Change of Operator Request (COPR) form. In making this request, the operator must no longer have access to the property and shall submit the following information:

- a) The date of the loss of control of the construction site;
- b) The operator that has taken control of the construction site;
- c) The reasons for being unable to submit a NOT that complies with the requirements of Section 2.6.1;
- d) A copy of the SWPPP and associated SWPPP review fee with the COPR;
- e) The operator shall provide an update in the SWPPP documenting conditions at the time of loss of control. The operator shall indicate:
 - 1) Areas of exposed soils and material stockpiles;
 - 2) The location, type and quantity of chemicals storage;
 - 3) The existing control measures left in place and their condition;
 - 4) Areas that have been stabilized;
 - 5) If there is public access to the site (perimeter fence, gate); and
 - 6) Any conditions which may be dangerous or hazardous, or may pose a significant environmental threat.
- f) Documentation that the operator informed the operator taking control of the construction site of the requirements of this permit.

ADEQ will review the COPR, SWPPP, and related information to determine appropriate actions, including (but not limited to) terminating permit coverage for the original operator. Submitting a COPR does not suspend ongoing enforcement actions and does not preclude the ADEQ from taking enforcement actions for violations of this permit.

3.0 Effluent Limitations and Surface Water Quality Standards

Operators shall comply with the following technology-based effluent limitations (see 40 CFR 450.21) in this Section for all authorized discharges:

- Erosion and Sediment Control
- Soil Stabilization
- Dewatering
- Pollution Prevention
- Surface Outlets

3.1 Exception for Ongoing Construction Projects

If a project is an “ongoing construction project” (see Section 2.3.3c), and it is infeasible for the operator to comply with a specific requirement in this section, the operator does not have to comply with that requirement, provided that one or all of the following (a – e) are documented in the SWPPP:

- a) Earth-disturbing activities have already commenced;
- b) The requirement was not part of the permit the project was previously covered under (AZG2013-001);
- c) The manner in which control measures have already been installed; or
- d) The manner in which control measures were already designed prior to the effective date of this permit.

3.2 Erosion and Sediment Control

Design, install and maintain a combination of effective erosion and sediment controls to minimize the discharge of pollutants. At a minimum, such controls must:

- a) Control stormwater volume and velocity to minimize soil erosion in order to minimize pollutant discharges;
- b) Control stormwater discharges, including both peak flowrates and total stormwater volume, to minimize channel and streambank erosion and scour in all areas around discharge points;
- c) Minimize the amount of soil exposed during construction activity, including but not

limited to preserving natural vegetation and phasing construction activities;

- d) Minimize the disturbance of steep slopes;
- e) Minimize sediment discharges from the site. The design, installation and maintenance of erosion and sediment controls must address factors such as:
 - 1) The amount, frequency, intensity and duration of precipitation;
 - 2) Soil characteristics, including the range of soil particle sizes expected to be present on the site;
 - 3) Perimeter controls for down and side slope boundaries, as applicable;
 - 4) Discharges from stockpiles of sediment or soil;
 - 5) Storm drain inlet protection;
- f) Provide and maintain natural buffers around WOTUS; direct stormwater to vegetated areas and maximize stormwater infiltration to reduce pollutant discharges, unless impracticable;
- g) Minimize soil compaction, unless the intended function of a specific area of the site dictates that it be compacted, as necessary;
- h) Preserve topsoil, unless the intended function of a specific area of the site dictates that the topsoil be disturbed or removed.

3.3 Soil Stabilization

3.3.1 Temporary Stabilization

Stabilization of disturbed areas must be initiated whenever any clearing, grading, excavating or other earth disturbing activities have been suspended on any portion of the site and will not resume for a period exceeding 30 calendar days, except as follows:

- a) Where stabilization is precluded by snow cover and/or frozen ground conditions, stabilization measures shall be initiated as soon as practicable;
- b) When the site is using vegetative stabilization and is located in an area of the state experiencing drought conditions (see Appendix A), vegetative stabilization measures shall be initiated as soon as practicable, when growing conditions are best for planting or seeding;
- c) For sites that discharge directly to an impaired/not-attaining receiving water for SSC, or an OAW, stabilization shall be initiated within 7 calendar days;
- d) Where disturbed areas are awaiting vegetative stabilization for periods greater than 30 calendar days after the most recent disturbance, non-vegetative methods of stabilization shall be employed. These methods shall be described in the SWPPP.
- e) Seeding/Vegetation. If revegetation plans include seeding, the SWPPP shall include seed mix and application specifications that will be used for vegetative stabilization. If the operator uses fertilizers or tackifiers on-site to establish vegetation, control measures

shall be established to minimize the presence of these chemicals in discharges from the site.

3.3.2 Final Stabilization

A site has achieved final stabilization when one of the following conditions (a, b, c, or d) has been met:

- a) All soil disturbing activities at the site have been completed and either 1 and/or 2 below is met:
 - 1) A uniform (i.e., evenly distributed, without large bare areas) vegetative cover, that incorporates a density of 70% native background vegetative cover, is in place on all unpaved areas and areas not covered by permanent structures. If preconstruction native background vegetation covered less than 100% of the ground (e.g., arid areas, beaches), the 70% coverage criteria is adjusted as follows: if the native vegetation covered 50% of the ground, 70% of 50% ($.70 \times .50 = .35$) or 35% cover density would be required, or
 - 2) Equivalent permanent stabilization measures (such as the use of riprap, gabions, gravel, or geotextiles) have been employed.
- b) For individual lots in residential construction, final stabilization means that the homebuilder:
 - 1) Has completed final stabilization as specified above; or
 - 2) Has established temporary stabilization, including perimeter controls, for an individual lot prior to occupation of the home by the homeowner and has informed the homeowner of the need for, and benefits of, final stabilization.
- c) For construction projects on land used for agricultural purposes (e.g., pipelines across crop or rangeland), final stabilization may be accomplished by returning the disturbed land to its preconstruction agricultural use. Areas disturbed that were not previously used for agricultural activities, such as buffer strips immediately adjacent to WOTUS, and areas that are not being returned to their preconstruction agricultural use, shall meet the final stabilization criteria above.
- d) Any non-vegetative stabilization methods must achieve the same levels of stabilization as specified above.

3.3.3 Soil Stabilization Alternatives

An operator with an eligible site may choose either of the following alternatives instead of implementing the final stabilization requirements listed above:

- a) Sites with additional retention capacity (see A.R.S. § 49 – 255.01(L)): Stabilization deadline requirements in this permit do not apply to sites with retention capacity that meets or exceeds the 100 year / 2 hour storm event as calculated by an Arizona registered professional engineer, geologist or landscape architect (A.R.S. § 32-144) and that meet

the following conditions:

- 1) The nearest receiving water is ephemeral and does not have the potential to discharge to a perennial or intermittent water body;
 - 2) All stormwater generated by disturbed areas of the site, exclusive of public rights-of-way, is directed to one or more retention basins;
 - 3) The operator complies with pollution prevention measures;
 - 4) The operator maintains capacity of retention basin(s); and
 - 5) The operator determines temporary and final stabilization requirements for the site to reduce or minimize the discharge of sediment and other pollutants to meet the requirements of Section 3.3.2.
- b) Sites returned to pre-construction discharge conditions: Operators may qualify for this alternative by demonstrating that stormwater discharge from the site's pre- and post-construction activities is equal or less than in volume and pollutant load from disturbed areas as calculated by an Arizona registered professional engineer, geologist or landscape architect; and where the site does not discharge to a WOTUS that is impaired/not-attaining for Sediment (SSC) or an Outstanding Arizona Water (OAW).

If the operator chooses to implement one of the alternatives listed above (Section 3.3.3.a or 3.3.3.b) supporting documentation must be retained with the SWPPP and submitted with the NOT, in accordance with Section 2.6.1.

3.4 Dewatering Activities

Discharges from dewatering activities, including dewatering of trenches and excavations, are prohibited unless managed by appropriate controls.

- a) Appropriate controls include, but are not limited to:
 - 1) Sediment basins or traps;
 - 2) Dewatering tanks;
 - 3) Tube settlers;
 - 4) Weir tanks;
 - 5) Filtration systems (e.g., bag or sand filters) that are designed to remove sediment; or
 - 6) Outlet structures that withdraw water from the surface when discharging from basins or impoundments, unless infeasible.
- b) The operator shall ensure all water from dewatering or basin draining activities is discharged in a manner that does not cause nuisance conditions, including erosion and/or sedimentation in receiving channels or on surrounding properties.
- c) The operator shall retain superchlorinated wastewaters (i.e., wastewaters containing chlorine above residual levels acceptable in drinking water systems) on-site until the chlorine dissipates or shall otherwise effectively dechlorinate the water prior to discharge.

As with any non-stormwater discharge, if acceptable to the local sanitary sewer authority, this wastewater may be discharged to the sanitary sewer and dechlorination is not required by this permit.

3.5 Pollution Prevention Measures

Design, install, implement, and maintain effective pollution prevention measures to minimize the discharge of pollutants from precipitation or stormwater exposure.

3.5.1 Storage, Handling and Disposal of Site Pollutants

- a) For all building materials, landscape materials, and other site materials:
 - 1) Provide cover (e.g., plastic sheeting, temporary roofs);
 - 2) Prevent spills and leaks by implementing secondary containment (e.g., spill berms, decks, spill containment pallets);
 - 3) Locate activities away from WOTUS, stormwater inlets or conveyances so that contact with stormwater does not leave the site.
- b) For pesticides, comply with all application and disposal requirements on the label (see Appendix A);
- c) For hazardous or toxic wastes:
 - 1) Separate hazardous or toxic waste from construction and domestic waste;
 - 2) Store waste in sealed containers, constructed of suitable materials to prevent leakage and corrosion, labeled in accordance with applicable Resource Conservation and Recovery Act (RCRA) requirements and all other applicable federal, state, tribal, or local requirements;
 - 3) Store all outside containers within appropriately-sized secondary containment; Dispose of hazardous or toxic waste in accordance with the manufacturer's recommended method of disposal and in compliance with federal, state, tribal, and local requirements;
 - 4) Clean up spills immediately, using dry clean-up methods, and dispose of used materials properly; Hosing the area down to clean surfaces or spills is prohibited. Eliminate the source of the spill to prevent a discharge or a furtherance of an ongoing discharge; and
 - 5) Follow all other federal, state, tribal, and local requirements regarding hazardous or toxic waste.
- d) For construction and domestic wastes:
 - 1) Provide waste containers (e.g., dumpster, trash receptacle) of sufficient size and number to contain construction and domestic wastes;
 - 2) Keep waste container lids closed when not in use and close lids at the end of the business day for those containers that are actively used throughout the day.
 - 3) For waste containers that do not have lids, provide either cover.
 - 4) On business days, clean up and dispose of waste in designated waste containers; and

- 5) Clean up immediately if containers overflow.
- e) For sanitary waste, position portable toilets so that they are secure and will not be tipped or knocked over, and located away from WOTUS and stormwater inlets or conveyances.

3.5.2 Washout of Concrete, Stucco, Paint and Other Materials

To comply with the prohibition in Section 1.5, the operator shall provide an effective means of eliminating the discharge of water from the washout and cleanout of concrete, stucco, paint, from release oils, curing compounds, and other construction materials. To comply with this requirement, the operator shall:

- a) Direct all wash water into a leak-proof container or leak-proof pit. The container or pit must be designed so that no overflows can occur due to inadequate sizing or precipitation;
- b) Locate any washout or cleanout activities as far away as possible from WOTUS and stormwater inlets or conveyances, and, to the extent practicable, designate areas to be used for these activities and conduct such activities only in these areas;
- c) Do not dump liquid wastes in storm sewers.
- d) Where possible, concrete suppliers should conduct washout activities at their own plants or dispatch facilities;
- e) If concrete washout is conducted at the site, employ measures to contain and manage on-site concrete washout to prevent discharge; and
- f) Specify locations of concrete washout activities that will occur at the site.

3.5.3 Washing of Equipment and Vehicles

Any operator that washes equipment or vehicles on site shall implement the following control measures:

- a) Provide an effective means of minimizing the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other types of washing;
- b) Provide cover (e.g., plastic sheeting or temporary roofs) for storage of soaps, detergents, or solvents; or
- c) Utilize a similarly effective means designed to prevent the discharge of pollutants from these areas.

3.5.4 Fueling and Maintenance of Equipment or Vehicles

Any operator that conducts fueling and/or maintenance of equipment or vehicles at the site shall provide an effective means of eliminating the discharge of spilled or leaked chemicals, including fuel, from the area where these activities will take place. To comply with the prohibition in Section 1.5, operators shall:

- a) Comply with the Spill Prevention Control and Countermeasures (SPCC) requirements in 40 CFR 112 and Section 311 of the CWA;
- b) Ensure adequate supplies are available at all times to handle spills, leaks, and disposal of

- used liquids; Use drip pans and absorbents under or around leaky vehicles;
- c) Dispose of or recycle oil and oily wastes in accordance with other federal, state, tribal, or local requirements;
 - d) Clean up spills or contaminated surfaces immediately, using dry clean up measures where possible;
 - e) Eliminate the source of the spill to prevent a discharge or a furtherance of an ongoing discharge; and
 - f) Do not clean surfaces by hosing the area down.

3.6 Surface Outlets

When discharging from basins and impoundments, utilize outlet structures that withdraw water from the surface, unless impracticable.

3.7 Surface Water Quality Standards

3.7.1 General Limitations to Meet Applicable Surface Water Quality Standards

ADEQ expects that compliance with other conditions in this permit will control discharges as necessary to *not cause or contribute to* an exceedance of a Surface Water Quality Standard (SWQS)(see A.A.C.R18-11, Article 1) however:

- a) If at any time the operator becomes aware, or ADEQ determines, that the discharge of pollutants causes or contributes to an exceedance of an applicable SWQS, the operator shall:
 - 1) Take corrective action as required in Section 5.0;
 - 2) Document the corrective actions as required in Sections 5.3; and
 - 3) Report the corrective actions to ADEQ as required in Section 5.3.
- b) ADEQ may also impose additional water quality-based requirements on a site-specific basis, or require the operator to obtain coverage under an individual permit, if information in the NOI, the operators required reports, or from other sources, indicates that additional controls are necessary to not cause or contribute to an exceedance of an applicable SWQS.

3.7.2 Discharge Limitations for Sites that Discharge to Sediment Impaired/Not-attaining or Outstanding Arizona Waters

- a) ADEQ may inform the operator that additional limits or controls are necessary to meet:
 - 1. SWQS; or
 - 2. Any applicable, established Total Maximum Daily Load (TMDL), or an established waste-load allocations (WLA); or
 - 3. To prevent the site from contributing to the impairment; or

4. If coverage under an individual permit is necessary in accordance with Appendix B, Subsection 17.
 - b) If during coverage under a previous AZPDES CGP, the operator was required to install and maintain control measures specifically to meet the assumptions and requirements of an U.S. EPA-approved or established TMDL (for any parameter), or to otherwise control a discharge to meet SWQS, the operator shall continue to implement such controls as part of this permit.

4.0 Inspections

4.1 Inspector Qualifications

The operator shall provide qualified personnel (as defined in Appendix A) to perform inspections according to the selected inspection schedule identified in the SWPPP.

4.2 Inspection Schedule

At a minimum, the operator shall conduct a site inspection in accordance with one of the schedules listed below (a – c). The operator shall document in the SWPPP which schedule is being used and, when necessary, the location of the rain gauge or weather station used to obtain rainfall information.

4.2.1 Routine Inspection Schedule

The operator shall ensure inspections are performed at the site as indicated below to ensure control measures are functional and that the SWPPP is being properly implemented. To determine the amount of rainfall from a storm event that occurs on the site (in accordance with options b. or c.), the operator shall obtain rainfall information from either a properly maintained rain gauge on the site, or a weather station that is representative of the site's location. For any day of rainfall during normal business hours that measures 0.25 inch or greater, the total rainfall measured for that day shall be recorded in accordance with Section 4.4.

- a) The site will be inspected a minimum of once every 7 calendar days; or
- b) The site will be inspected a minimum of once every 14 calendar days, and also within 24 hours of each storm event of 0.5 inch or greater in 24 hours; or
- c) The site will be inspected a minimum of once per month, but not within 14 calendar days of the previous inspection and within 24 hours of the occurrence of a storm event of 0.25 inch or greater.

4.2.2 Reduced Inspection Schedule

The operator may reduce inspection if:

- a) The entire site has been temporarily stabilized;
- b) Discharges are unlikely based on seasonal rainfall patterns; or
- c) Runoff is unlikely due to winter conditions (e.g., site is covered with snow, ice, or frozen ground exists).

With a reduced inspection schedule, the site shall be inspected at least once per month (but not within 14 calendar days of the previous inspection) and before an anticipated storm event and within 24 hours of each storm event of 0.5 inch or greater in 24 hours.

4.2.3 Inactive and Unstaffed Site Inspection Schedule

A site that will have no construction activity for at least (6) six consecutive months is considered to be inactive and unstaffed. Inactive and unstaffed sites within 1/4 mile of water that is impaired/not-attaining for SSC or an OAW are not eligible for this reduced inspection frequency unless they have undergone temporary stabilization. Operator's responsibilities include:

- a) Immediately before becoming inactive and unstaffed, the operator shall perform an inspection in accordance with Section 4.2.
- b) All control measures must be in operational condition in accordance with Section 3.3 prior to becoming inactive and unstaffed;
- c) During the time the site is inactive and unstaffed, the operator shall perform an inspection at least once every six months and within 24 hours of each storm event of 0.5 inch or greater in 24 hours;
- d) Non-storm event inspections must be at least three months apart; All control measures must be maintained in operational condition;
- e) The site shall be secured, such as limited access, blocking or fencing;
- f) Maintain a statement in the SWPPP as required in Section 6.4 indicating that the construction site is inactive and unstaffed. The statement must be signed and certified in accordance with Appendix B, Subsection 9; and
- g) If circumstances change and the site becomes active and/or staffed, this exception no longer applies and the operator shall immediately resume the routine inspection schedule.

ADEQ retains the authority to revoke the alternative inspection frequency where it is determined that the discharge causes, has a reasonable potential to cause, or contribute to an exceedance of an applicable water quality standard, including designated uses.

4.3 Scope of Inspections

For each inspection, the operator shall complete an inspection report either on a form developed by ADEQ (or on an alternative form provided by the operator) that documents all of the

information required by this permit. Within 7 calendar days of completing the inspection, the corresponding inspection report shall be placed with previous reports (in chronological order) and kept with the SWPPP. At a minimum, the report shall include:

- a) The inspection date;
- b) Name(s) and title(s) of the qualified personnel performing the inspection;
- c) Weather information for the period since the last inspection (or since commencement of construction activity for the first inspection);
- d) All structural controls identified in the SWPPP to ensure they are in place and functioning as intended. Repair, replace, or maintain any controls as necessary in accordance with Section 3.0;
- e) The effectiveness of non-structural controls and practices (such as good housekeeping practices and pollution prevention measures);
- f) All areas of the site used for storage of materials that are exposed to precipitation;
- g) All locations where new or modified control measures are necessary to meet the requirements of Section 3.0;
- h) Locations where vehicles and equipment enter or exit the site for evidence of tracking sediment, debris, and other pollutants onto and off the site;
- i) Site conditions for evidence of, or the potential for, pollutants entering the municipal separate storm sewer;
- j) The presence of conditions that have the potential to lead to spills, leaks, or other accumulations of pollutants on the site;
- k) Accessible discharge locations or discharge points to ascertain whether erosion and sediment control measures are effective in preventing significant impacts to receiving waters;
- l) Where discharge locations are inaccessible, nearby downstream locations to the extent that the inspections are practicable;
- m) All locations where temporary stabilization measures have been implemented;
- n) When a discharge is occurring during an inspection, observe and note the physical characteristics (e.g., color, odor, clarity, floating, settled, or suspended solids, foam, oil sheen, and other obvious indicators of stormwater pollutants).

4.4 Storm Event Inspections

Inspections occurring during or after a storm event are only required during normal working hours when conditions are safe. Document the following:

- a) Best estimate of the date and time of the beginning of each storm event;
- b) Duration of each event;
- c) Time elapsed since last storm event;
- d) Approximate amount of rainfall for each event (in inches).

4.5 Inspection Follow-up

Based on the findings and observations of the inspection, the operator shall:

- a) Implement any changes necessary to comply with the conditions in Section 3 and revise the SWPPP as needed in accordance with Section 6.4.
- b) Determine and implement appropriate corrective actions, and meet the applicable deadlines pursuant to Section 5.2.

5.0 Corrective Actions

5.1 Corrective Action Triggers

The operator shall take corrective action and modify or replace any control measure that failed to meet the conditions in Section 3.0. Routine maintenance or repairs of control measures are not considered to be corrective actions. If any of the following conditions occur, the operator shall implement a new or modified control:

- a) A necessary control measure was never installed, was installed incorrectly, or was not installed in accordance with the requirements in Section 3.0; or
- b) A discharge is causing an exceedance of SWQS; or
- c) One of the prohibited discharges in Section 1.5 is occurring or has occurred; or
- d) ADEQ or U.S. EPA determines that modifications to the control measures are necessary to meet the requirements of Section 3.0.

5.2 Corrective Action Deadlines

The implementation of modified or new control measures must be made operational, as shown below:

- a) If the condition poses imminent endangerment to human health or the environment, the operator shall take immediate action.
- b) On the same day a condition is discovered, the operator shall take all reasonable steps to minimize or prevent the discharge of pollutants until a permanent solution is installed.
- c) On or before 7 calendar days from discovery, the implementation of new or modified control measures must be made operational.

5.3 Corrective Action Report

For each corrective action taken in accordance with this Section, the operator shall document the details of the corrective action in the inspection report required by Section 4.3. These reports shall be signed in accordance with the signatory requirements in Appendix B, Subsection 9 and

maintained with the SWPPP in accordance with the record keeping requirements in Appendix B, Subsection 11.

Within 7 calendar days of the discovery of a condition listed in Section 5.1 that may require a corrective action, the operator shall document and maintain with the SWPPP the following information:

- a) Summary of corrective action taken or to be taken;
- b) Whether SWPPP modifications are required as a result of this discovery or corrective action;
- c) Date corrective action initiated or will be initiated; and
- d) Date corrective action completed or expected to be completed.

6.0 Stormwater Pollution Prevention Plan (SWPPP)

6.1 General Information

- a) The operator shall develop a SWPPP before submitting the NOI for permit coverage. Any SWPPP prepared for coverage under a previous version of an AZPDES CGP must be reviewed by a qualified person (see Appendix A) and updated by the operator to comply with this permit's requirements within 90 calendar days of the effective date of this permit.
- b) The SWPPP shall be prepared and implemented to:
 - 1) Identify all potential sources of pollution that may reasonably be expected to affect the quality of stormwater discharges from the construction site;
 - 2) Describe each control measure being implemented; for structural control measures, include the details of installation and operational requirements that ensure it will function as intended over time.
 - 3) Ensure compliance with the terms and conditions of this permit; and
 - 4) Identify the responsible operator for on-site SWPPP implementation.
- c) The operator shall sign and certify the SWPPP in accordance with the signatory requirements of Appendix B, Subsection 9.
- d) The operator shall implement the SWPPP prior to any disturbance from a permitted site until a NOT acknowledgement is received via email or myDEQ, in accordance with Section 2.6.2.
- e) SWPPPs that do not meet all provisions of this permit are considered incomplete. Operating under an incomplete or inadequate SWPPP is a violation of the permit.
- f) Operators conducting construction activities in response to an emergency (see Section 2.5), shall document the cause of the emergency (e.g., natural disaster, extreme flooding conditions, etc.), information substantiating its occurrence (e.g., state disaster declaration or similar state or local declaration), and document the construction necessary to

reestablish effected public services.

6.2 SWPPP Contents

6.2.1 Identification of Operators

The term “operator” is defined as a person with operational control over construction plans and specifications or as a person with control over the day-to-day activities of the site. Typically for larger project, operators may only have control over a portion of a site; several operators are responsible for separate portions of the entire construction project.

The SWPPP must include a list of all operators who will be engage in construction activities at the site, and the areas of the site over which each operator has control.

6.2.2 Stormwater Team

The operator, or multiple operators must assemble a stormwater team that is responsible for implementing the SWPPP and ensuring permit compliance. The SWPPP must identify the name and title of the team members, including inspector(s), as well as their individual responsibilities on the construction site.

6.2.3 Site Description

The operator shall provide a written description of the construction site in the SWPPP, including:

- a) A description of the site and its intended use after the NOT is submitted to ADEQ (e.g., low density residential, shopping mall, highway, etc.);
- b) The total area of the site, and an estimate of the total area of the site expected to be disturbed by construction activities including:
 - 1) off-site supporting activities;
 - 2) borrow and fill areas; and
 - 3) staging and equipment storage areas;
- c) The percentage of the site that is impervious (e.g., paved, roofed, etc.) before and after construction;
- d) A description of the site’s soil types, including potential for erosion;
- e) On-site and off-site material storage including overburden and stockpiles of dirt, and borrow areas used for the permitted project in the SWPPP, unless those areas are covered by another AZPDES permit;
- f) The closest receiving water(s), including ephemeral and intermittent streams, dry washes, and arroyos. If applicable, identify the areal extent and describe any wetlands that have the potential to be disturbed and/or to receive discharges from disturbed areas of the project;
- g) Indicate if the receiving water is impaired/not-attaining for SSC, or an OAW.
- h) The location of the on-site rain gauge or the identity of the weather station used to obtain rainfall data.

6.2.4 Sequence and Estimated Dates of Construction Activities.

The SWPPP must include a description of the intended sequence of construction activities, including a schedule of the estimated start dates and the duration of the activity, for the following activities:

- a) Installation of control measures, and when they will be made operational, including an explanation of the sequence and schedule for installation of the control measures;
- b) Commencement and duration of construction activities, including clearing and grubbing, grading, site preparation (i.e., excavating, cutting and filling), underground utility installation, infrastructure installation, final grading, and creation of soil and vegetation stockpiles requiring stabilization;
- c) Cessation, temporarily or permanently, of construction activities on the site, or in designated portions of the site including the beginning and ending dates of inactive/unstaffed status, when applicable;
- d) Final or temporary stabilization of areas of exposed soil. The dates for stabilization must reflect the applicable deadlines to which the operator is subject in Section 3.3; and
- e) Removal of temporary stormwater conveyances/ channels and other control measures, removal of construction equipment and vehicles, and cessation of any pollutant generating activities.

If plans change due to unforeseen circumstances or for other reasons, the requirement to describe the sequence and estimated dates of construction activities is not meant to “lock in” the operator to meeting these projections. When departures from initial projections are necessary, this should be documented in the SWPPP itself or in associated records, as appropriate.

6.2.5 Site Mapping

The SWPPP shall contain a legible and scaled site map or series of maps showing the entire site including:

- a) Topography of the site, existing types of cover (e.g., forest, pasture, pavement, structures), and drainage pattern(s) of flow onto, over, and from the site property before and after major grading activities;
- b) Drainage divides and direction of stormwater flow for all drainage areas located within the project limits (i.e., use arrows to show which way stormwater will flow), including run-on flow from adjacent properties;
- c) Areas of soil disturbance and areas that will not be disturbed;
- d) Boundaries of the property and of the locations where construction activities will occur, including:
 - 1) Phasing of construction activities;
 - 2) Locations where sediment or soil will be stockpiled;
 - 3) Locations of any crossings of receiving waters;

- 4) Designated points on the site where vehicles will exit onto paved roads; and
- 5) Locations of construction support activity areas covered by this permit.
- e) Locations of temporary and permanent control measures identified in the SWPPP;
- f) Locations where stabilization control measures are expected to occur;
- g) Location and size of areas protected by natural buffers;
- h) Locations of on-site material, waste, borrow areas, or equipment storage areas, and other supporting activities;
- i) Locations of all potential pollutant-generating activities identified in Section 3.5;
- j) Locations of all receiving waters and any WOTUS that are impaired/not-attaining for SSC or OAWs within 1/4 mile of the construction site. If none exist on the site, the SWPPP shall indicate so;
- k) Stormwater discharge location(s), using arrows to indicate discharge direction. Include the following:
 - 1) Location(s) where stormwater and/or allowable non-stormwater discharges are discharged to WOTUS; and
 - 2) Location(s) of any discharges to municipal separate storm sewer systems (MS4s) from the construction site.
 - 3) Where receiving waters and/or MS4s roadways and drainages will not fit on the plan sheet, they shall be identified with an arrow indicating the direction and distance to the receiving water and/or MS4;
- l) Areas where final stabilization has been accomplished; and
- m) If necessary, additional maps must be added to ensure current site conditions are clearly represented.

6.2.6 Control Measures

The SWPPP shall describe all control measures as required in Section 3.0 that shall be implemented and maintained to control pollutants in discharges. For each control measure, the SWPPP shall contain:

- a) The general sequence during the construction process or schedule that the control measures will be implemented;
- b) Standard detail drawings and/or specifications for the structural control measures, including design and installation details, used on the project;
- c) The specific sediment controls that will be installed and made operational prior to conducting earth-disturbing activities in any given portion of the site;
- d) Control measures that are intended to minimize tracking of pollutants from vehicles leaving the site.

6.2.7 Summary of Potential Pollutant Sources

The SWPPP shall identify the location and description of any pollutant sources, including any non-stormwater discharges expected to be associated with the project from areas other than construction, such as:

- a) Support activities including stormwater discharges from dedicated asphalt or concrete plants;
- b) Any other non-construction pollutant sources such as fueling and maintenance operations; or
- c) Materials stored on-site, waste piles, and equipment staging yards.

6.2.8 Use of Treatment Chemicals

If polymers, flocculants, or other cationic treatment chemicals will be used at the site, the SWPPP shall include:

- a) A justification for the need for such chemicals and an assessment of potential water quality impacts;
- b) A listing of all treatment chemicals to be used at the site, a description of how the chemicals will be stored, and why the selection of these chemicals is suited to the soil characteristics of the site;
- c) The dosage of all treatment chemicals that will be used at the site or the methodology that will be used to determine dosage;
- d) A copy of any applicable Safety Data Sheets (SDS) for all chemicals listed above; and
- e) Schematic drawings of any chemically-enhanced controls or chemical treatment systems to be used for application of the treatment chemicals;

6.2.9 Spill Prevention and Response Procedures

The SWPPP must describe procedures to prevent and respond to spills, leaks, and other releases consistent with Section 3.5, including the following:

- a) Procedures for plainly labeling containers (e.g., “Used Oil,” “Spent Solvents,” “Fertilizers and Pesticides,”) that have the potential to be susceptible to spillage or leakage to encourage proper handling and facilitate rapid response if spills or leaks occur;
- b) Preventative measures such as barriers between material storage and traffic areas, secondary containment provisions, and procedures for material storage and handling;
- c) Procedures for expeditiously stopping, containing, and cleaning up spills, leaks, and other releases, that include safe disposal to an authorized disposal facility or agency.
- d) Emergency contact information (name and phone number) of facility personnel that are responsible for detection and response of spills or leaks; and
- e) Procedures for notification of appropriate facility personnel, emergency response agencies, and regulatory agencies where a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity

established under either 40 CFR Part 110, 40 CFR Part 117, or 40 CFR Part 302, occurs during a 24-hour period. Contact information must be in locations that are readily accessible and available.

- f) The operator may reference the existence of other plans, such as the Spill Prevention Control and Countermeasure (SPCC) plans developed for the construction activity under Part 311 of the CWA, or spill control programs otherwise required by an AZPDES permit for the construction activity, provided that a copy of that other plan is kept with the SWPPP onsite. If an SPCC or other spill prevention plan already exists, the operator may use such plans and incorporate them by reference in the SWPPP.

6.2.10 Waste Management Procedures

The SWPPP must describe procedures for handling and disposing all wastes generated at the site, including, but not limited to:

- a) Clearing and grubbing debris;
- b) Demolition debris;
- c) Sediment removed from the site;
- d) Construction and domestic waste;
- e) Hazardous or toxic waste, and
- f) Sanitary waste.

6.3 Documentation Requirements including Permit Related Records

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

- a) A copy of this permit (an electronic copy easily available to SWPPP personnel is also acceptable);
- b) A copy of the NOI submitted to ADEQ, including any correspondence exchanged between the operator and ADEQ specific to coverage under this permit;
- c) A copy of the authorization certificate received from ADEQ;
- d) If applicable, documentation demonstrating that there is no reasonable potential that construction activities will provide an additional source of sediment and that analytical monitoring is not required (see Section 7.0).
- e) Copies of any other agreements (such as a CWA section 401/404 permit, local grading permit, etc.) with any state, local, or federal agencies that would affect the provisions or implementation of the SWPPP, if applicable;
- f) Descriptions and dates of any incidences of significant spills, leaks, or other releases that resulted in discharges of pollutants in stormwater to a regulated MS4 or to waters of the U.S., the circumstances leading to the release and actions taken in response to the release

- and measures taken to prevent the recurrence of such releases (see Section 3.5);
- g) Documentation of repairs of structural control measures, including the date(s) of discovery of areas in need of repair/replacement, date(s) that the structural control measure(s) returned to full function, and the justification for any extended repair schedules (see Section 3.0). The maintenance records shall include the date(s) of regular maintenance;
 - h) Documentation of any allowable non-stormwater discharges that are expected to be associated with the construction activity and a description of the control measures used.
 - i) All inspection reports (see Section 4.3);
 - j) Description of any corrective action taken at the site, including triggering event and dates when problems were discovered and modifications occurred;
 - k) Documentation to support the operator's claim that the facility has changed its status from active to inactive and unstaffed with respect to the requirements to conduct inspections (see Section 3.3);
 - l) Post-Construction Stormwater Management:
 - 1) The SWPPP shall include a description of post-construction stormwater management control measures that will be installed during the construction process to control pollutants in stormwater discharges after construction has been completed.
 - 2) If 'temporary' sediment basins are to be used as/converted to retention or detention basins in the post-construction phase, the operator shall remove and properly dispose of all sediments accumulated in the basin during construction activities prior to filing an NOT.
 - 3) New discharge connections or permanent stormwater outfalls directly to OAWs are prohibited under this permit. The installation of these devices may also require a separate permit under section 401/404 of the CWA.
 - m) This permit only authorizes and requires the operator to install and maintain stormwater management control measures up to, and including, final stabilization of the site. The permit does not require continued maintenance after stormwater discharges associated with the construction activity have been eliminated from the site and a NOT has been submitted to ADEQ. However, post-construction control measures that discharge pollutants from point sources once construction is complete may require authorization under a separate AZPDES permit.

6.4 SWPPP Updates and Revision Requirements

The operator shall complete required updates and revisions to the SWPPP within 7 calendar days following the occurrence of any of the following conditions:

- a) Change to the stormwater team;
- b) Change in design, construction, operation, or maintenance at the construction site that

may have a significant effect on the discharge of pollutants to receiving waters that has not been previously addressed in the SWPPP;

- c) Construction plans are changed and control measures, pollution prevention measures, or other activities at the site are no longer accurately reflected in the SWPPP. This includes changes made in response to corrective actions triggered under Section 5.1;
- d) If inspections by site staff, local government, ADEQ, or U.S. EPA determine that SWPPP modifications are necessary for compliance with this permit;
- e) If ADEQ determines that it is necessary to impose additional requirements on a discharge, the following must be included in the SWPPP:
 - 1) A copy of any correspondence describing such requirements; and
 - 2) A description of the control measures that will be used to meet such requirements.
- f) Any revisions to applicable federal, state, tribal, or local requirements that affect the control measures implemented at the site;
- g) A change in chemical treatment systems or a chemically-enhanced control is made, including use of a different treatment chemical, different dosage rate, or different area of application, if applicable;
- h) A log that identifies updates or revisions to the SWPPP is required. The log must include the name of the operator authorizing each change, the date, and a brief summary of each update or revision.

6.5 Certification Requirements

Any modifications made to the SWPPP, consistent with Section 6.4, must be certified by an operator identified in Appendix B, Subsection 9. If there are multiple operators covered under a common SWPPP, any operator who may be impacted by the change to the SWPPP shall be notified at the address of record in the SWPPP.

6.6 Deficiencies in the SWPPP

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 sections of this permit that are not being met and the sections of the SWPPP that require modification to comply with permit requirements. Within 15 calendar days of receipt of the notification from ADEQ (or as otherwise provided by ADEQ), the operator shall make the required changes to the SWPPP and submit to ADEQ a written certification that the changes have been made. ADEQ may require a re-submittal of the SWPPP to confirm all deficiencies have been adequately addressed.

In accordance with Appendix B, Subsection 1, ADEQ also is not precluded from taking enforcement action for any period of time the operator was operating under a SWPPP that did not meet the minimum requirements of this permit.

6.7 Making the SWPPP Available

The SWPPP shall be made available upon request, and:

- a) The operator must post the authorization number(s) in a conspicuous location near the main entrance of the construction site and retain a copy of the authorization certificate in the SWPPP. For linear projects, the authorization number(s) must be posted near the entrance where most of the construction activity is occurring.
- b) A copy of the site specific SWPPP shall be on-site whenever construction activities are actively underway, and shall be available to ADEQ or any other federal, state or local authority having jurisdiction over the project at any reasonable time (generally Monday through Friday, 8:00 a.m. to 5:00 p.m.).
- c) Any operator, including tribal authority, state, federal or local agency may make a written request to ADEQ for access to a copy of the SWPPP. ADEQ may request, and within 7 calendar days the operator shall provide, a copy for ADEQ to make available for public review;
- d) Operators with sites that meet the requirements for inactive and unstaffed are not required to maintain the SWPPP on-site. However, the SWPPP must be locally available and must be on-site when conducting the inspections required in Section 4.0. For the purpose of a regulatory inspection, the SWPPP shall be made available to ADEQ, U.S. EPA, or other Federal, State or local authority having stormwater program authority, within 48 hours of request.

7.0 Discharges to Sediment Impaired/Not-attaining Waters or Outstanding Arizona Waters

This Section only applies to operators of a construction site that is within 1/4 mile of a receiving water that is impaired/not-attaining for Sediment (SSC), or an Outstanding Arizona Water (OAW).

- a) If any portion of the construction activity is within 1/4 miles of an OAW, or a receiving water that is impaired or not-attaining for sediment (SSC), the operator shall submit a copy of the SWPPP at the time the NOI is submitted. There will be a hold on issuance of permit authorization of up to 30 calendar days while ADEQ reviews the SWPPP to ensure adequate control measures will be implemented to protect surface water quality.
- b) If a discharge to a receiving water designated as impaired or not-attaining for sediment (SSC) or an OAW occurs for 48 hours or longer after a local storm event, analytical monitoring for SSC is required.
- c) If there is a discharge to a receiving water that is impaired for a parameter other than sediment, ADEQ will inform the operator if any additional controls are necessary to

protect water quality, including for it to be consistent with the assumptions of any available waste load allocation in any applicable TMDL, or if coverage under an individual permit is necessary.

- d) For any portion of a construction site that is located within 1/4 mile of a receiving water that is impaired/not-attaining for SSC, or an OAW, if the operator can demonstrate that there is no reasonable potential that construction activities will provide an additional source of sediment, monitoring is not required. As part of this demonstration, the operator must consider all on-site activities and sources, as well as the potential for any pollutants to be present in the on-site soils that will be disturbed. This demonstration must be included in the SWPPP for Department review (see Section 6.3).
- e) In addition, on a case-by-case basis, ADEQ may notify operators of existing or new construction activities with increased discharges that additional monitoring, stormwater controls, or other measures are necessary to comply with the applicable anti-degradation requirements, or provide notification that an individual permit application is necessary.

7.1 Sampling and Analysis Plan (SAP)

In the event that analytical monitoring is required, the operator shall develop a Sampling and Analysis Plan (SAP). The SAP shall be included in the SWPPP as either an attachment or separate SWPPP section. The plan shall include:

- a) Locations of monitoring sites;
- b) The name(s) and title of the operator(s) who will perform the monitoring;
- c) A map showing the segments or portions of the receiving water that are most likely to be impacted by the discharge of pollutant(s);
- d) Water quality parameters/ pollutants to be sampled;
- e) The citation and description of the sampling protocols to be used; and
- f) Identification of the analytical methods and related method detection limits (if applicable) as per 40 CFR 136 for each parameter required. Method detection limits shall be below applicable Surface Water Quality Standards (SWQS) when possible.

7.2 Monitoring Methods

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. This requirement does not apply to parameters that require analysis at the time of sample collection as long as the testing methods used are approved by ADHS or ADEQ. These parameters may include flow, dissolved oxygen, pH, temperature, and total residual chlorine.

7.3 Monitoring Requirements

Analytical monitoring is required a minimum of two times per wet season throughout the duration of permit coverage, when in sufficient quantity to allow for sample collection and analysis. Wet seasons are defined as Summer (June 1 – October 31) and Winter (November 1 – May 31).

- a) Adverse Conditions: Sample collection is not required during unsafe weather conditions.
- b) Monitoring locations should be chosen at locations observed or suspected to contain the greatest pollutant load resulting from construction activities:
 - 1) 1 to 4 discharge points = 1 sample
 - 2) 5 to 19 discharge points = 2 samples
 - 3) 20 or more discharge points = 10% of total

7.4 Discharge Monitoring Report

All operators subject to analytical monitoring shall submit the results on the electronic Discharge Monitoring Report (eDMR) in myDEQ. The operator shall retain records of all stormwater monitoring information with the SWPPP.

The eDMR shall be submitted within 30 days after receiving laboratory results. In the event no samples are collected during a wet season, the eDMR indicating “no data” using the appropriate No Discharge Information (NODI) code(s) shall be submitted no later than:

- Winter Wet Season: June 30
- Summer Wet Season: November 30

Or at the time the conditions in Section 2.6 have been met and a NOT is submitted in myDEQ, whichever is sooner.

8.0 Reporting and Recordkeeping

- a) All documents required by this permit and any other written correspondence concerning discharges covered under this permit shall be signed and dated in accordance with Appendix B, Subsection 9 of this permit and submitted to ADEQ via myDEQ.
- b) The operator shall retain records of all stormwater monitoring information, corrective actions, inspection and other reports with the SWPPP for a period of at least three years from the date the NOT was submitted to ADEQ.

Appendix A: Definitions and Acronyms (for the purposes of this permit).

A.1 Definitions

24 hour period – any consecutive 24-hour period.

Antidegradation - A regulatory policy and implementation procedure adopted by U.S. EPA and ADEQ to protect existing uses of surface waters; and to specify how ADEQ will determine, on a case-by-case basis, whether and to what extent, existing water quality may be lowered in a surface water.

Approved Total Maximum Daily Loads (TMDLs) – Approved TMDLs are those that are developed by ADEQ and approved by the U.S. EPA. See also, Total Maximum Daily Load.

Arid Areas – the parts of Arizona that receive an annual rainfall of 0 to 10 inches.

Borrow Areas – the areas where materials are dug for use as fill, either onsite or off-site.

Calendar day – a calendar day or any 24-hour period that reasonably represents the calendar day.

Cationic Treatment Chemical – polymers, flocculants, or other chemicals that contain an overall positive charge. Among other things, they are used to reduce turbidity in stormwater discharges by chemically bonding to the overall negative charge of suspended silts and other soil materials and causing them to bind together and settle out. Common examples of cationic treatment chemicals are chitosan and cationic PAM.

Commencement of Construction Activities – the initial disturbance of soils (or ‘breaking ground’) associated with clearing, grading, excavating, or stockpiling of fill material activities or other construction-related activities (such as the placement of fertilizers, pesticides, herbicides, detergents, fuels, oils, or other chemicals, or the occurrence of authorized non-stormwater washout activities, or dewatering activities have begun on the site).

Common Plan of Development – a contiguous area where multiple separate and distinct land disturbing activities may be taking place at different times, on different schedules, but under one plan. A ‘plan’ is broadly defined to include design, permit application, advertisement or physical demarcation indicating that land-disturbing activities may occur.

Construction Activity – earth-disturbing activities such as, clearing, grading, excavating, stockpiling of fill material and other similar activities. This definition encompasses both large construction activities defined in 40 CFR 122.26 (b)(14)(x) and small construction activities in 40 CFR 122.26 (b)(15)(i) and includes construction support activities.

Construction and Development Effluent Limitations and New Source Performance Standards (C&D Rule) – as published in 40 CFR § 450 is the regulation requiring effluent limitations guidelines (ELGs) and new source performance standards (NSPS) for controlling the discharge of pollutants from construction sites.

Construction Site or Site – the land or water area where construction activities will occur, including construction support activities, and where control measures will be installed and maintained. The construction support activities may be located at a different part of the property from where the primary construction activity will take place, or on a different piece of property altogether. The construction site is often a smaller subset of the lot or parcel within which the project is taking place.

Construction Support Activity – a construction-related activity that exclusively supports the construction activity and involves earth disturbance 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. When the term support activities is used without clarification, it means construction support activities.

Construction Waste – discarded material (such as packaging materials, scrap construction materials, masonry products, timber, steel, pipe, and electrical cuttings, plastics, and Styrofoam).

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

Conveyance Channel – a temporary or permanent waterway designed and installed to safely convey stormwater flow within and out of a construction site.

Corrective Action – any action taken to (1) modify, or replace any ineffective control measure used at the site; (2) mitigate any conditions that resulted in a discharge of pollutants above surface water quality standards; or (3) remedy a permit violation.

Department – the Arizona Department of Environmental Quality.

Discharge – any addition of any pollutant to waters of the U.S. or to a MS4 from any point source.

Discharge of a Pollutant – any addition of any pollutant or combination of pollutants to waters of the U.S. from any point source, or any addition of any pollutant or combination of pollutants to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation. This includes additions of pollutants into waters of the U.S. from surface runoff which is collected or channeled by man. See 40 CFR 122.2.

Discharge Point – for the purposes of this permit, the location where collected and concentrated stormwater flows are discharged from a construction site, such that the first receiving waterbody into which the discharge flows, either directly or through a separate storm sewer system, is a water of the U.S..

Domestic Waste – typical household trash, garbage or rubbish items generated by construction activities.

Drought – weather conditions considered severely or extremely dry (with a value of -1.50 or less) as evaluated by the 3-month Standardized Precipitation Index (SPI), which compares current cumulative precipitation to average conditions. For more information, see:

www.climatedataguide.ucar.edu

Effluent limitations – any of the Section 3 requirements.

Effluent Limitations Guideline (ELG) – defined in 40 CFR § 122.2 as a regulation published by the Administrator under section 304(b) of CWA to adopt or revise effluent limitations.

Emergency-related Construction Activity – an activity initiated in response to an emergency (natural disaster, disruption in essential public services), for which the related work requires immediate authorization to avoid imminent endangerment to human health or the environment, or to reestablish essential public services.

Ephemeral Water – a surface water that has a channel that is at all times above the water table, and that flows only in direct response to precipitation. [A.A.C. R18-11-101(22)]

Erosion Control – temporary or permanent measures to prevent soil particles from detaching and being transported in stormwater.

General Contractor – the operator who has been retained by the project owner to carry out construction activities, has day-to-day control of the project, and is on-site at a frequency adequate to ensure compliance with this permit.

Hazardous Materials, Substances or Toxic Waste – any liquid, solid, or contained gas that contain properties that are dangerous or potentially harmful to human health or the environment. See also 40 CFR §261.2.

Impaired Water – waters that have been assessed by ADEQ, under the Clean Water Act, as not attaining a water quality standard for at least one designated use, and are listed in Arizona’s current 303(d) List or on the 305(b) Category 4 list.

Intermittent Water or Intermittent Stream – a stream or reach that flows continuously only at certain times of the year, as when it receives water from a spring or from another surface source, such as melting snow. [A.A.C. R18-11-101(25)]

Linear Project – includes the construction of roads, bridges, conduits, substructures, pipelines, sewer lines, towers, poles, cables, wires, connectors, switching, regulating and transforming equipment and associated ancillary facilities in a long, narrow area.

Minimize – to reduce and/or eliminate to the extent achievable using control measures that are technologically available and economically practicable and achievable in light of best industry practices.

Municipal Separate Storm Sewer System – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

- i. Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or

similar entity, or a designated and approved management agency under section 208 of the Clean Water Act (33 U.S.C. 1288) that discharges to waters of the U.S.;

- ii. Designed or used for collecting or conveying stormwater;
- iii. Which is not a combined sewer; and
- iv. Which is not part of a Publicly Owned Treatment Works.

myDEQ – ADEQ’s e-Permitting/e-Compliance Portal that offers the Regulated Community a digital solution to better assist them in meeting their environmental priorities and responsibilities with an easy online tool, available 24/7 to meet business needs.

Natural Buffer – for the purposes of this permit, an area of undisturbed natural cover surrounding waters of the U.S. within which construction activities are restricted. Natural cover includes the vegetation, exposed rock, or barren ground that exists prior to commencement of earth-disturbing activities.

Notice of Intent (NOI) – the application to operate under this general permit.

Notice of Termination (NOT) – the application to terminate coverage under this general permit.

Not-Attaining Water – waters that have been assessed by ADEQ, under the Clean Water Act, as not attaining a water quality standard for at least one designated use, and are listed in Arizona’s current 303(d) List or on the 305(b) Category 4 list.

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

Perennial Water – a surface water that flows continuously throughout the year (A.A.C. R18-11-101(30)).

Pesticide – for the purposes of this permit, any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, or intended for use as a plant regulator, defoliant, or desiccant. Includes herbicides, insecticides, rodenticides and fungicides.

Operator – an individual, employee, officer, managing body, trust, firm, joint stock company, consortium, public or private corporation, including a government corporation, partnership, association or state, a political subdivision of this state, a commission, the United States government or any federal facility, interstate body or other entity. [A.R.S. § 49-201(27)]

Point(s) of Discharge – see Discharge Point.

Point Source – any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

Pollutant – sediment, fluids, contaminants, toxic wastes, toxic pollutants, dredged spoil, solid waste, substances and chemicals, pesticides, herbicides, fertilizers and other agricultural chemicals, incinerator residue, sewage, garbage, sewage sludge, munitions, petroleum products,

chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt (overburden material), and mining, industrial, municipal and agricultural wastes or any other liquid, solid, gaseous or hazardous substances. [A.R.S. § 49-201(29)]

Pollutant-generating Activities – at construction sites, those activities that lead to or could lead to the discharge of pollutants as a result of construction activity.

Pollution Prevention Measures – control measures designed to reduce or eliminate the addition of pollutants to construction site discharges through analysis of pollutant sources, and in conjunction with site-specific conditions, implementation of proper handling/ disposal practices, employee education, and other actions.

Polymers – coagulants and flocculants used to control erosion on soil or to enhance the sediment removal capabilities of sediment traps or basins. Common construction site polymers include polyacrylamide (PAM), chitosan, alum, polyaluminum chloride, and gypsum.

Prohibited Discharges – discharges that are not allowed under this permit (see Permit Section 1.5).

Project – the area (to the nearest half acre) of the construction activity that is subject to coverage under this permit by a single owner. If the construction activity is a part of a common plan of development or sale where there is more than one operator, each part must be permitted separately.

Qualified Person – Qualified personnel (either the operator’s employees or outside personnel) are those who are knowledgeable in the principles and practice of erosion and sediment controls and pollution prevention; who possess the appropriate skills and training to assess conditions at the construction site that could impact stormwater quality; and the appropriate skills and training to assess the effectiveness of any control measures selected to control the quality of stormwater discharges from the construction activity.

Received – for the purposes of this permit and in reference to NOIs or NOTs or Permit Waiver Certificate forms means: the day the information was submitted to ADEQ and certified electronically via myDEQ.

Receiving Water – A river, lake, ocean, stream or other watercourse into which wastewater or treated effluent is discharged; a Water of the U.S. as defined in 40 CFR §122.2 into which the regulated stormwater discharges.

Reclaimed Water – water that has been treated or processed by a wastewater treatment plant or an on-site wastewater treatment facility. A.R.S. § 49-201(31).

Retention Basin - an artificial lake with vegetation around the perimeter, and includes a permanent pool of water. It is used to manage stormwater runoff to prevent flooding and downstream erosion, and improve water quality in an adjacent river, stream, lake or bay.

Run-on – stormwater that runs on to a construction site from land located upslope or upstream from the site in question.

Sediment Control – measures designed to intercept and settle out soil particles that have become detached and transported by stormwater. Sediment control measures complement soil stabilization measures (erosion control).

Site – see construction site.

Small Construction Activity – defined at 40 CFR §122.26(b)(15) and incorporated here by reference. A small construction activity includes clearing, grading, and excavating resulting in a land disturbance that will disturb equal to or greater than one (1) acre and less than five (5) acres of land or will disturb less than one (1) acre of total land area but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one (1) acre and less than five (5) acres. Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the site.

Spill – the release of a hazardous or toxic substance from its container or containment

Stabilization – covering or maintaining an existing cover over soil that reduces and minimizes erosion. The use of vegetative and/or non-vegetative cover to prevent erosion and sediment loss in areas exposed through the construction process.

Storm Event – a precipitation event that results in a measurable amount of precipitation.

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

Stormwater Discharges Associated with Construction Activity – a discharge of pollutants in stormwater runoff from areas where soil disturbing activities (clearing, grading, or excavating), construction materials, or equipment storage or maintenance (fill piles, borrow areas, concrete truck washout, fueling), or other industrial stormwater directly related to the construction process (concrete or asphalt batch plants) are located. See 40 CFR 122.26(b)(14)(x) and 40 CFR 122.26(b)(15).

Stormwater Pollution Prevention Plan (SWPPP) – a site-specific, written document that, among other things: (1) identifies potential sources of stormwater pollution at the construction site; (2) describes control measures to reduce or eliminate pollutants in stormwater discharges from the construction site; and (3) identifies procedures the operator will implement to comply with the terms and conditions of this general permit.

Stormwater Team – an individual or group of individuals responsible for oversight of the development and modifications of the SWPPP, and oversight of compliance with the permit requirements. The individual(s) on the Stormwater Team must be identified in the SWPPP.

Surface Water Quality Standards – A surface water quality standard defines the water quality goals of a water body, or portion thereof, by designating the use or uses to be made of the water and by setting criteria necessary to protect the uses. States and U.S. EPA adopt water quality standards to protect public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act (See CWA sections 101(a)2 and 303(c)). Water quality standards also include an Antidegradation policy.

Temporary Stabilization – a condition where exposed soils or disturbed areas are provided a temporary vegetative and/or non-vegetative protective cover to prevent erosion and sediment loss. Temporary stabilization may include temporary seeding, geotextiles, mulches, and other techniques to reduce or eliminate erosion until either final stabilization can be achieved or until further construction activities take place to re-disturb this area.

Total Maximum Daily Load (TMDL) – an estimation of the total amount of a pollutant from all sources that may be added to a waterbody while still allowing the waterbody to achieve and maintain applicable surface water quality standards. Each total maximum daily load shall include allocations for sources that contribute the pollutant to the water, as required by section 303(d) of the Clean Water Act (33 United States Code, Section 1313(d)) and regulations implementing that statute to achieve applicable surface water quality standards. [A.R.S. § 49-231(4)]

Turbidity – a condition of water quality characterized by the presence of suspended solids and/or organic material; expressed as nephelometric turbidity units (NTU).

Waters of the U.S. (WOTUS) – means “navigable waters” as defined in Arizona Revised Statute, Title 49, Chapter 2, Article 1.

Waste Load Allocation – The maximum load of pollutants each discharger of waste is allowed to release into a particular waterway. Discharge limits are usually required for each specific water quality criterion being, or expected to be, violated. WLAs constitute a type of water quality-based effluent limitation. (See 40 C.F.R. § 130.2(h))

Wetland – an area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. A wetland includes a swamp, marsh, bog, cienega, tinaja, and similar areas. [A.A.C. R18-11-101(49)].

A.2 Acronyms

A.A.C.	Arizona Administrative Code
ADEQ	Arizona Department of Environmental Quality
A.R.S.	Arizona Revised Statute
AZPDES	Arizona Pollutant Discharge Elimination System
CFR	Code of Federal Regulations
CWA	Clean Water Act
MS4	Municipal Separate Storm Sewer System
NOI	Notice of Intent
NOT	Notice of Termination
NPDES	National Pollutant Discharge Elimination System
OAW	Outstanding Arizona Water
SDS	Safety Data Sheet
SPCC	Spill Prevention Control and Countermeasure
SSC	Suspended Sediment Concentration
SWPPP	Stormwater Pollution Prevention Plan
SWQS	Surface Water Quality Standard
TMDL	Total Maximum Daily Load
U.S. EPA	United States Environmental Protection Agency
WOTUS	Waters of the United States

Appendix B. Standard Permit Conditions

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

1. **Duty to Comply.** [A.A.C. R18-9-A905(A)(3)(a), which incorporates 40 CFR 122.41(a)(1) and A.R.S. §§ 49-261, 262, 263.01, and 263.02.]
 - a. The operator shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act; A.R.S. Title 49, Chapter 2, Article 3.1; and A.A.C. Title 18, Chapter 9, Article 9, and is grounds for enforcement action, permit termination, revocation and reissuance, or modification, or denial of a permit renewal application.
 - b. The issuance of this permit does not waive any federal, state, county, or local regulations or permit requirements with which an operator discharging under this permit is required to comply.
 - c. The operator shall comply with any effluent standards or prohibitions established under section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if this permit has not yet been modified to incorporate the requirement.

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

3. **Need To Halt or Reduce Activity Not a Defense.** [A.A.C. R18-9-A905(A)(3)(a), which incorporates 40 CFR 122.41(c)]

It shall not be a defense for an operator in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

4. Duty to Mitigate. [A.A.C. R18-9-A905(A)(3)(a), which incorporates 40 CFR 122.41(d)]

The operator shall take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment per A.R.S. § 49-255.01(E)(1)(d).

5. Proper Operation and Maintenance. [A.A.C. R18-9-A905(A)(3)(a), which incorporates 40 CFR 122.41(e)]

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

6. Permit Actions. [A.A.C. R18-9-A905(A)(3)(a), which incorporates 40 CFR 122.41(f)]

This permit may be modified, revoked and reissued, or terminated for cause. Filing a request by the operator for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

7. Property Rights. [A.A.C. R18-9-A905(A)(3)(a), which incorporates 40 CFR 122.41(g)]

This permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or invasion of operatoral rights, nor any infringement of federal, state, Indian tribe, or local laws or regulations.

8. Duty to Provide Information. [A.A.C. R18-9-A905(A)(3)(a), which incorporates 40 CFR 122.41(h)]

The operator shall furnish to ADEQ, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The operator shall also furnish to ADEQ upon request, copies of records required to be kept by this permit.

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

All Notices of Intent (NOI) and Notices of Termination (NOT) must be e-signed in the myDEQ online permitting system as follows:

a. NOIs:

- i. For a corporation: By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other operator who performs similar policy or decision-making functions for the corporation; or the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management

decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

- ii. For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or
 - iii. For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a federal (or state) agency includes: (1) The chief executive officer (or director) of the agency, or (2) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.
- b. All NOTs, reports, including SWPPPs, inspection reports, monitoring reports, and other information required by this permit must be signed by an operator described in Appendix B, Subsection 9(a) above or by a duly authorized representative of that operator. An operator is a duly authorized representative only if:
- i. The authorization is made through myDEQ by an operator described in Subsection 9(a) above;
 - ii. The authorization specifies either an individual or a position having responsibility for the overall operation of the site, such as the position of manager, operator, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may be either a named individual or any individual occupying a named position); and
 - iii. The signed and dated authorization is included in the SWPPP. A copy must be submitted to ADEQ, upon request through myDEQ.
- c. Certification. Any operator signing documents under the terms of this permit shall make the following certification:

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

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

The operator shall allow the Director or an authorized representative upon the presentation of credentials and such other documents as may be required by law to:

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

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

- a. Representative Samples/Measurements. Samples and measurements taken for the purpose of monitoring must be representative of the volume and nature of the monitored activity.
- b. Retention of Records. The operator shall retain records of all monitoring information, including all calibration and maintenance records, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three (3) years from the date permit coverage ends. Operators shall submit any such records to the Director upon request. The operator shall retain the SWPPP developed in accordance with Part 6 of this permit, for at least three (3) years after the last modification or amendment is made to the plan. The Director may extend this retention period upon request by notifying the operator in writing at any time prior to the end of the standard three year retention period.
- c. Records Contents. Records of monitoring information must include:
 - i. The date, exact place, and time of sampling or measurements;
 - ii. The initials or name(s) of the individual(s) who performed the sampling or measurements;
 - iii. The date(s) analyses were performed;
 - iv. The time(s) analyses were initiated;
 - v. The initials or name(s) of the individual(s) who performed the analyses;
 - vi. References and written procedures, when available, for the analytical techniques or methods used;
 - vii. The analytical techniques or methods used; and
 - viii. The results of such analyses.
- d. Any operator who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained in this permit is subject to the enforcement actions established under A.R.S. Title 49, Chapter 2, Article 4, which

includes the possibility of fines and/or imprisonment.

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

- a. Planned changes. The operator shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted site. Notice is required only when:
 - i. The alteration or addition to a permitted site may meet one of the criteria for determining whether a site is a new source in 40 CFR 122.29(b) (incorporated by reference at A.A.C. R18-9-A905(A)(1)(e)); or
 - ii. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under 40 CFR 122.42(a)(1) (incorporated by reference at A.A.C. R18-9-A905(A)(3)(b)).
- b. Monitoring reports. Monitoring results must be reported at the intervals specified elsewhere in this permit.
 - i. Monitoring results must be reported on a Discharge Monitoring Report (DMR) provided online by ADEQ. Pursuant to Section 7.4, all monitoring data collected pursuant to Part 7 must be submitted electronically to the Department using the e-Discharge Monitoring Report (e-DMR) form, available at www.azdeq.gov/mydeq.
 - ii. If the operator monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR Part 136 unless otherwise specified in 40 CFR Part 503, or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the e-DMR (if available), or submitted as a separate report.
 - iii. Calculations for all limitations which require averaging of measurements must use an arithmetic mean and non-detected results must be incorporated in calculations as the limit of quantitation for the analysis.
- c. Anticipated noncompliance. The operator shall give advance notice to the Director of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements.
- d. Twenty-four hour reporting.
 - i. The operator shall report to ADEQ any noncompliance with this permit which may endanger human health or the environment. The operator shall orally notify the office listed below within 24 hours:

Arizona Department of Environmental Quality – Water Quality Compliance
1110 W. Washington Street, Mail Code 5514A-1
Phoenix, AZ 85007
Office: 602-771 – 2330
 - ii. A written submission shall also be provided to the office identified above within

five (5) days of the time the operator becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

- iii. The following shall be included as information which must be reported within 24 hours under this paragraph.
 - 1) Any upset which exceeds any effluent limitation in the permit.
 - 2) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in the permit to be reported within 24 hours. (See 40 CFR 122.44(g) which is incorporated by reference at A.A.C. R18-9-A905(A)(3)(d)).
- iv. ADEQ may waive the written report on a case-by-case basis for reports under this subsection if the oral report has been received within 24 hours.
- e. Other noncompliance. The operator shall report all instances of noncompliance not otherwise required to be reported under this subsection, at the time monitoring reports are submitted. The reports shall contain the information listed in subsection 12(d).
- f. Other information. When the operator becomes aware that it failed to submit any relevant facts or submitted incorrect information in the Notice of Intent or in any other report to the Department, the operator shall promptly submit the facts or information to ADEQ in myDEQ.

13. Reopener Clause. [A.A.C. R18-9-A905(A)(3)(d), which incorporates 40 CFR 122.44(c)]

The Department may elect to modify the permit prior to its expiration (rather than waiting for the new permit cycle) to comply with any new statutory or regulatory requirements, such as for effluent limitation guidelines, which may be promulgated in the course of the current permit cycle.

14. Other Environmental Laws.

No condition of this general permit releases the operator from any responsibility or requirements under other environmental statutes or regulations. For example, this permit does not authorize the taking of endangered or threatened species as prohibited by Section 9 of the Endangered Species Act, 16 U.S.C. 1538. Information regarding the location of endangered and threatened species and guidance on what activities constitute a taking are available from the U.S. Fish and Wildlife Service. The operator shall also comply with applicable State and Federal laws, including Spill Prevention Control and Countermeasures (SPCC).

15. State or Tribal Law. [Pursuant to A.A.C. R18-9-A904(C)]

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the operator from any responsibilities, liabilities, or penalties established pursuant

to any applicable State or Tribal law or regulation under authority preserved by Section 510 of the Clean Water Act.

16. Severability.

The provisions of this general permit are severable, and if any provision of this general permit, or the application of any provision of this general permit to any circumstance, is held invalid, the application of the provision to other circumstances, and the remainder of this general permit shall not be affected.

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

- a. The Director may require an operator authorized by this permit to apply for and/or obtain either an individual AZPDES permit or an alternative AZPDES general permit. Any interested operator may petition the Department to take action under this section. The Department may require an operator authorized to discharge under this permit to apply for an individual permit in any of the following cases:
 - i. A change occurs in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source;
 - ii. Effluent limitation guidelines are promulgated for point sources covered by the general permit;
 - iii. An Arizona Water Quality Management Plan containing requirements applicable to the point sources is approved;
 - iv. Circumstances change after the time of the request to be covered so that the discharger is no longer appropriately controlled under the general permit, or either a temporary or permanent reduction or elimination of the authorized discharge is necessary;
 - v. If the Director determines that the discharge is a significant contributor of pollutants. When making this determination, the Director shall consider:
 - 1) The location of the discharge with respect to waters of the United States,
 - 2) The size of the discharge,
 - 3) The quantity and nature of the pollutants discharged to waters of the U.S., and
 - 4) Any other relevant factor.
- b. If an individual permit is required, the Director shall notify the discharger in writing of the decision. The notice shall include:
 - i. A brief statement of the reasons for the decision;
 - ii. An application form;
 - iii. A statement setting a deadline to file the application;
 - iv. A statement that on the effective date of issuance or denial of the individual permit, coverage under the general permit will automatically terminate;
 - v. The operator's right to appeal the individual permit requirement with the Water Quality Appeals Board under A.R.S. § 49-323, the number of days the operator has to file a protest challenging the individual permit requirement, and the name

and telephone number of the Department contact operator who can answer questions regarding the appeals process; and

- vi. The operator's right to request an informal settlement conference under A.R.S. 41-1092.03(A) and 41-1092.06.
- c. The discharger shall apply for an individual permit within 90 days of receipt of the notice, unless the Director grants a later date. In no case shall the deadline be more than 180 days after the date of the notice.
- d. If the discharger fails to submit the individual permit application within the time period established in Appendix B, Subsection 17(c) the applicability of the general permit to the discharger is automatically terminated at the end of the day specified by the Director for application submittal.
- e. Coverage under the general permit shall continue until an individual permit is issued or denied unless the general permit coverage is terminated under Appendix B, Subsection 17(d).

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

- a. An operator may request an exclusion from coverage of a general permit by applying for an individual permit.
 - i. The operator shall submit an individual permit application under R18-9-B901(B) and include the reasons supporting the request no later than 90 days after publication of the general permit.
 - ii. The Director shall grant the request if the reasons cited by the operator are adequate to support the request.
- b. If an individual permit is issued to an operator otherwise subject to a general permit, the applicability of the general permit to the discharge is automatically terminated on the effective date of the individual permit.

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

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

- a. Permitted owner or operator. The operator shall submit an electronic Notice of Termination within 30 days after the new owner or operator assumes responsibility for the site.
 - i. The e-Notice of Termination shall include all requirements for termination specified in the general permit for which the e-Notice of Termination is submitted.
 - ii. An operator shall comply with the permit conditions specified in the general permit for which the e-Notice of Termination is submitted until the e-Notice of Termination is submitted to the Department.
- b. New owner or operator.

- i. The new owner or operator shall submit an e-Notice of Intent to the Department within the time period specified in the general permit before taking over operational control of, or initiation of activities at, the site.
 - ii. If the previous operator was required to implement a stormwater pollution prevention plan, the new owner shall develop a new stormwater pollution prevention plan, or may modify, certify, and implement the old stormwater pollution prevention plan if the old stormwater pollution prevention plan complies with the requirements of the current general permit.
 - iii. The operator shall submit an e-Notice of Termination to the Department when:
 - 1) The site ceases construction operations and the discharge is no longer associated with construction or construction-related activities,
 - 2) The construction is complete and final site stabilization is achieved, or
 - 3) The operator's status changes.
- 20. Bypass.** [A.A.C. R18-9-A905(A)(3)(a), which incorporates 40 CFR 122.41(m)]
- a. Definitions.
 - i. Bypass means the intentional diversion of waste streams from any portion of a treatment facility
 - ii. Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
 - b. Bypass not exceeding limitations. The operator may allow any bypass to occur that does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions Appendix B, Subsections 20(c) and 20(d).
 - c. Notice.
 - i. Anticipated bypass. If the operator knows in advance of the need for a bypass, if possible prior notice shall be submitted at least ten days before the date of the bypass.
 - ii. Unanticipated bypass. The operator shall submit notice of an unanticipated bypass as required in Appendix B, Subsection 12(d).
 - d. Prohibition of bypass.
 - i. Bypass is prohibited, and ADEQ may take enforcement action against the operator for bypass, unless:
 - 1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - 2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if

adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

3) The operator submitted notices as required under Appendix B, Subsection 20(c).

ii. ADEQ may approve an anticipated bypass, after considering its adverse effects, if the Department determines that it will meet the three conditions listed above in this Appendix B, Subsection 20(d).

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

a. Definition. Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the operator. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

b. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of Appendix B, Subsection 21(c) are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

c. Conditions necessary for a demonstration of upset. An operator who wishes to establish the affirmative defense of upset must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

i. An upset occurred and that the operator can identify the cause(s) of the upset;

ii. The permitted facility was at the time being properly operated;

iii. The operator submitted notice of the upset as required in Appendix B, Subsection 12(d)(iii); and

iv. The operator complied with any remedial measures required under Appendix B, Subsection 4.

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

22. Penalties for Violations of Permit Conditions.

Any permit noncompliance constitutes a violation and is grounds for an enforcement action, permit termination, revocation and reissuance, modification, or denial of a permit renewal application.

a. Civil Penalties. A.R.S. § 49-262 provides that any operator who violates any provision of A.R.S. Title 49, Chapter 2, Article 2, 3 or 3.1 or a rule, permit, discharge limitation or order issued or adopted under A.R.S. Title 49, Chapter 2, Article 3.1 is

subject to a civil penalty not to exceed \$25,000 per day per violation.

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

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