



**ARIZONA POLLUTANT DISCHARGE
ELIMINATION SYSTEM
(AZPDES)**

FACT SHEET

**Construction General Permit (CGP) for
Stormwater Discharges
Associated with Construction Activity**

April 24, 2019

**Permit Number
AZG2019-001**

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I. Introduction and New Requirements for Construction Sites with Stormwater Discharges

Background

Operators of construction activities disturbing one or more acres of land or smaller sites that are part of a common plan of development or sale are required to obtain Arizona Pollutant Discharge Elimination System (AZPDES) permit coverage for stormwater discharges. Since 1992, the U.S. General Permits (CGP) that provide permit coverage in states where U.S. EPA is the permitting authority. The Arizona Department of Environmental Quality (ADEQ) received authorization to administer the NPDES program in Arizona on December 5, 2002 and issued its first, five-year CGP in February 2003. Subsequent permits were issued in 2008 and 2013.

Summary of the Construction and Development Effluent Limitation Guidelines

On March 16, 2014, the U.S. EPA finalized amendments to the Construction and Development Effluent Limitation Guidelines, known as the “C&D Rule.” These requirements include non-numeric effluent limitations that apply to all permitted discharges from construction sites (40 CFR 450.21). The effluent limitations are structured to require construction operators to:

- a) First, prevent the discharge of sediment and other pollutants through the use of effective planning and erosion control measures; and
- b) Second, to control discharges that do occur through the use of effective sediment control measures.

Operators must implement a range of pollution control and prevention measures to limit or prevent discharges of pollutants, including those from dry weather discharges as well as wet weather (i.e., stormwater).

The non-numeric effluent limitation guidelines are designed to prevent the mobilization and stormwater discharge of sediment and sediment-bound pollutants, such as metals and nutrients, and to prevent or minimize exposure of stormwater to construction materials, debris and other sources of pollutants on construction sites. In addition, these non-numeric effluent limitations limit the generation of dissolved pollutants, such as nutrients, organics, pesticides, herbicides and metals that may be present naturally in the soil on construction sites, such as arsenic or selenium, or may have been contributed by previous activities on the site such as agriculture or industrial activity. These pollutants, once mobilized by rainfall and stormwater, can detach from the soil particles and become dissolved pollutants. Once dissolved, these pollutants would not be removed by down-slope sediment controls. Source control through minimization of soil erosion is therefore the most effective way of controlling the discharge of these pollutants.

The C&D rule’s non-numeric effluent limitation guidelines are as follows (see 40 CFR 450.21):

- a) Erosion and sediment controls;
- b) Soil stabilization control;
- c) Dewatering requirements;
- d) Pollution prevention measures;
- e) Prohibited discharges; and
- f) Surface outlets.

In the 2019 CGP, Section 3.0 discusses these six non-numeric effluent limitations in more detail.

Electronic Reporting

In December 2015, the U.S. EPA published the final regulation (40 CFR Parts 9, 122, 123, 124, 127, 403, 501, and 503) that requires electronic reporting and sharing of program information instead of using the current paper-based reporting of this information. This action will save time and resources for permittees, states, tribes, territories, and the U.S. This regulation will also help provide greater clarity on who is and who is not in compliance and enhances transparency by providing a timelier, complete, more accurate, and nationally-consistent set of data about the NPDES/AZPDES programs.

In order to meet the requirements of the electronic reporting and sharing rule (e-reporting rule), ADEQ has implemented myDEQ, the e-Permitting/e-Compliance Online Portal. myDEQ offers the Regulated Community a digital solution to better assist them in meeting their environmental priorities and responsibilities with an easy online tool. As a myDEQ user, you can:

- Submit Notices of Intent (NOIs) online at your convenience, 24/7
- Instantly receive an NOI Certificate and confirmation emails (unless a stormwater pollution prevention plan is required)
- Submit a Stormwater Pollution Prevention Plan (SWPPP)
- Submit an e-Discharge Monitoring Report (e-DMR)
- Receive DMR email reminders so you never miss a deadline
- Easily update your information

As of June 1, 2017, ADEQ no longer accepts paper applications for Stormwater Construction General Permit (CGP) NOIs, DMRs or NOTs.

Notice of Permit Coverage

Section 2.4 of the 2019 CGP requires that the operator must post a sign or other notice of permit coverage in a publicly accessible location, near the 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 (name and phone number);
- c) The following statement: For complaints regarding stormwater runoff, please visit www.azdeq.gov or call 602-771-2300.

By providing notice of permit coverage and other information about the site, interested parties are more easily able to obtain information about the construction site, such as the SWPPP, and to identify the site when reporting potential permit violations.

Stormwater Pollution Prevention Plan Submission

ADEQ proposes to narrow the criteria as to when a stormwater pollution prevention plan (SWPPP) must be submitted to ADEQ for review. The 2013 permit specifies a SWPPP must be submitted with the NOI if the site is within 1/4-mile of an impaired or Outstanding Arizona Water (OAW). The implementation of electronic permitting using myDEQ allows for decision points to streamline the process by limiting the factors for SWPPP submission. For example, waters that are impaired for pollutants that are typically not associated with construction activities (such as dissolved oxygen), can be bypassed for SWPPP submission, thereby expediting permit approval and saving customers the \$1,000 SWPPP review fee. Sites that are located within 1/4-mile of an OAW or water that is impaired or not-attaining for sediment are still required to submit the SWPPP for ADEQ's review to ensure environmental protection.

II. Permit Coverage and Authorization Under ADEQ's 2019 CGP

The CGP details the requirements that must be met to obtain coverage under the permit. Although this section has been reorganized from prior permits, many of the requirements for coverage and the process to be followed for seeking coverage remain unchanged.

II.1 Coverage Under This General Permit (Section 1.0)

ADEQ develops and issues general permits to cover multiple facilities (or sites) within a specific category, industry or area. The vast majority of discharges associated with construction activity are covered under the AZPDES construction stormwater general permit (CGP). General permits simplify the process for dischargers to obtain authorization to discharge, provide permit requirements for any discharger that files a notice of intent to be covered, and reduce the administrative workload for the Department. All general permits are issued by ADEQ after an opportunity for public review of the proposed general permit. The accompanying fact sheet describes the rationale for permit conditions. Arizona's CGP 2019 was developed by ADEQ, with stakeholder input, through a series of stakeholders' meetings between March 2018 and April 2019, and again during the formal public comment process in May, 2019.

To obtain authorization to discharge under an AZPDES general permit, an operator submits to ADEQ a Notice of Intent (NOI) to be covered under the general permit. A NOI is not a permit, but the process for obtaining general permit coverage. By submitting the NOI, the discharger acknowledges certifying eligibility for coverage under the general permit and agrees to the conditions in the published general permit. Discharges associated with the construction activity are authorized consistent with the terms and conditions established in the general permit.

After reviewing information regarding permit eligibility contained in the NOI, ADEQ may notify a construction site operator to apply for an individual permit on a case-by-case basis if the Department determines that the operator or activity does not meet the conditions for coverage. A

situation that might trigger such a determination would be that the proposed discharge has the reasonable potential to cause or contribute to an exceedance of an applicable water quality standard. In some cases, ADEQ may allow the operator to proceed with coverage under the general permit provided additional control measures designed to address the specific issue at hand are adopted. Additionally, operators have the option to apply for an individual permit. See A.A.C R18-9-C902.

To apply for coverage under the 2019 Construction General Permit, the operator is required to develop a site-specific Stormwater Pollution Prevention Plan (SWPPP) describing how the permit conditions will be met and to submit a Notice of Intent (NOI) using ADEQ's online permitting program in myDEQ.

II.1.1 CGP Area (Section 1.1)

This general permit covers the state of Arizona, except for Indian Country. ADEQ does not have authority for discharges in Indian Country. Operators of construction activities in these areas must pursue permitting through the appropriate tribal permitting authority. Where there is no approved tribal program, USEPA Region 9 remains responsible, consistent with its trust authority for implementing and enforcing the NPDES program in Indian Country.

II.1.2 CGP Eligibility (Section 1.2)

Any construction project that has stormwater discharges associated with construction activity, in accordance with 40 CFR Part 122.26(b)(14)(x) and (15), is eligible for coverage under the 2019 CGP, unless otherwise notified by ADEQ.

Construction activity in this permit includes:

- Clearing, grading, excavating, stockpiling of fill material, or other similar activities resulting in one or more acres of land being disturbed.
- Clearing, grading, excavating, stockpiling of fill material, or other similar activities that will disturb less than one acre of land but the project is part of a larger common plan of development or sale and the entire project will ultimately disturb one or more acres.
- On-site and offsite activities directly supporting the construction project (such as construction materials or equipment storage or maintenance, soil piles, and borrow areas).
- On-site and offsite industrial activities directly related to the construction process (e.g., concrete or asphalt batch plants).
- Construction activities on federal lands and federal projects (excluding Indian Country lands).
- Construction projects that disturb less than one acre, or meet other potential exemptions in this permit, may be "designated" and required to obtain permit coverage based on the potential for contribution to a violation of a water quality standard or for significant contribution of pollutants to waters of the U.S.

- Clearing, grading, and excavation activities being conducted as part of exploration and construction phase of mineral mining operations if one or more acres of land is disturbed.

Note: Once exploration phase clearing, grading, and excavation activities are completed and no further mining activities will occur at the site, the operator must comply with the requirements for terminating the CGP (i.e. stabilize and re-vegetate the disturbed land, submit a NOT, etc.). If active mining operations will ensue, the operator must apply for coverage under the Multi Sector General Permit for stormwater discharges and be prepared to implement any new requirements prior to beginning the active mining phase (extraction through production of a salable product).

The following activities do not require coverage under this permit:

- Routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility and that disturbs less than five acres. By definition, maintenance projects are expected to be short-term and involve minimal mass grading.
- Construction activities unrelated to earth disturbing activities such as interior remodeling, completion of interiors of structures, etc.
- Routine earth disturbing activities that are part of the normal day-to-day operation of a completed facility (e.g., daily cover for landfills, maintenance of gravel roads or parking areas, landscape maintenance, etc.).
- Re-paving roads if the sub-grade is undisturbed.
- Construction activities under a State or Federal reclamation program to return an abandoned facility property to an agricultural or open land use.
- Construction activity that disturbs less than one acre and is not part of a larger common plan of development that disturbs more than one acre, unless designated as discussed in the above section.
- Geotechnical, environmental, and archeological explorations if those activities collectively disturb less than one acre.

Common Plan of Development

A “larger common plan of development or sale” is:

- a) A contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one project plan. Examples include:
 - Phased projects and projects with multiple filings or lots, even if the separate phases or filings/lots will be constructed under separate contract or by separate owners (e.g., a development where lots are sold to separate builders);
 - A development plan that may be phased over multiple years, but is still under a consistent plan for long-term development; and

- Projects in a contiguous area that may be unrelated but still under the same contract, such as construction of a building extension and a new parking lot at the same facility.

For example, if a developer buys a 20-acre lot and builds roads, installs pipes, and runs electricity with the intention of constructing homes or other structures sometime in the future, this would be considered a larger common plan of development or sale. If the land is parceled off or sold, and construction occurs on plots that are less than one acre by separate, independent builders, the construction activity would still be part of the common plan of development and subject to stormwater permitting requirements if the smaller plots were included on the original site plan. A larger common plan of development or sale also applies to other types of land development such as commercial shopping areas, and industrial parks.

- b) Where there is any documentation or announcement (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, etc.) that links the separate construction activities or project phases together under a common project plan.

If the project is part of a common plan of development or sale, the disturbed area of the entire plan shall be used in determining permit requirements.

II.1.3 Who must Obtain CGP Coverage?

II.1.3.1 Operators (Section 1.3.1)

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).

The definition of “operator” in (a) above is the same definition of “operator” that was included in the 2013 CGP. The person that meets the first part of the definition of “operator,” in most cases, will be the owner of the site. The person that meets the second part of the definition of

“operator,” in most cases, will be the general contractor of the project. Where there are multiple operators associated with the same project (Section 1.3.2), all persons meeting the definition of “operator” are required to obtain permit coverage.

Subcontractors do not meet the definition of “operator,” and therefore are not required to obtain permit coverage.

II.1.3.2 Multiple Operators (Section 1.3.2)

When multiple operators are associated with the same project, all operators are required to obtain permit coverage. 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 provided that they develop a joint or common SWPPP, which documents which operator has responsibility for each requirement of the permit.

If an operator only has operational control over a portion of larger project (e.g., one of four homebuilders in a subdivision), the operator is responsible for compliance with all applicable effluent limits, terms, and conditions of this permit as it relates to the activities on their portion of the construction site, including implementation of control measures described in the SWPPP. The operator must also ensure either directly or through coordination with other permittees that their activities do not render another person’s stormwater controls ineffective. Fact Sheet Section VI presents further details about joint or common SWPPPs.

“Construction support activities” (as defined in Appendix A) must also have permit coverage, either under the owner/ operator, if they are the same entity as the operator of the main construction site, or separately, if the operator of a construction support activity is different from the operator of the main construction site. For example, if a construction support activity for the project is owned by a separate owner, and if the separate owner meets the definition of “operator,” that person would be required to obtain permit coverage for discharges from the site where the support activities are located. However, if the construction support activity is owned or operated by the site operator, then the support activity must be included in the site operator’s permit coverage, including any documentation provided in the NOI and SWPPP.

A construction project will need CGP coverage if the project will disturb one or more acres, or will disturb less than 1 acre but is part of a common plan of development or sale that will ultimately disturb one or more acres, or the project’s discharges have been designated by ADEQ as needing a permit under 40 CFR Part 122.26(a)(1)(v) or 40 CFR Part 122.26(b)(15)(ii).

II.1.4 Authorized Discharges

The term “discharge,” when used in the permit without qualification, means the discharge of a pollutant to a “water of the U.S.” (40 CFR Part 122.2). This includes additions of pollutants into waters of the U.S. from:

- a) surface runoff which is collected or channeled by man; or
- b) discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works.

“Discharge of a pollutant,” “pollutant” and “water of the U.S.” are all terms defined in 40 CFR Part 122.2.

The term “discharge point,” when used in the permit, means the location where stormwater flows exit the construction site.

II.1.4.1 Allowable Stormwater Discharges (Section 1.4.1)

Allowable stormwater discharges (Section 1.4.1) include such discharges as stormwater runoff, snowmelt runoff, surface runoff and drainage and stormwater discharges from construction support activities:

- a) Stormwater discharges from construction support activities (e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas) provided:
 - The support activity is exclusively and directly related to the construction site required to have permit coverage for stormwater discharges;
 - The support activity is not a commercial operation, nor does it serve multiple unrelated construction projects;
 - The support activity does not continue to operate beyond the completion of the construction activity at the project it supports;
 - Stormwater discharges designated by U.S. EPA as needing a permit under 40 CFR § 122.26(a)(1)(v), § 122.26(b)(15)(ii) or § 122.26(a)(9); and
 - Stormwater controls are implemented in accordance with Section 3 of the 2019 CGP for discharges from the support activity areas.
- b) Stormwater discharges from earth-disturbing activities associated with the construction of staging areas and access roads conducted prior to mining.

II.1.4.2 Allowable Non-Stormwater Discharges (Section 1.4.2)

Section 1.4.2 specifies the only non-stormwater discharges allowed under this permit. However, if the site is within 1/4 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.

Appropriate control measures are required for allowable non-stormwater discharges in accordance with Section 3 of the 2019 CGP. In addition, the SWPPP must identify all of the non-stormwater discharges (Section 6.3) that are expected to be associated with the construction activity and describe the control measures used.

II.1.5 Prohibited Discharges (Section 1.5)

Section 1.5 identifies the types of wastes and other pollutants that operators are prohibited from discharging from a construction site. The requirements below implement the prohibitions in 40 CFR 450.21(e) of the C&D rule.

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;
- 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.

II.1.6 Limitations of Coverage (Section 1.6)

II.1.6.1 Post-Construction Discharges (Section 1.6.1)

This permit covers only the construction phase of the project. Once final stabilization is achieved and a Notice of Termination is filed, discharges are no longer covered under this permit. Sites requiring post-construction permitting must obtain coverage under a separate AZPDES permit.

II.1.6.2 Discharges covered by another AZPDES permit (Section 1.6.2)

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

II.1.6.3 Discharges Impaired or Outstanding Arizona Waters (Section 1.6.3)

This permit includes specific conditions to protect impaired receiving waters. An 'impaired water' is a receiving water that has been assessed as not-attaining a surface water quality standard for at least one designated use. ADEQ is scheduled to provide an updated list of waterbodies not meeting water quality standards to U.S. EPA for approval in each even-numbered year. This listing of impaired waters identifies each waterbody by name, stream reach or lake number, and watershed. The parameter(s) not meeting standards (i.e. causes of

impairment) are also identified for each waterbody. Impaired waters are listed in Arizona's 303(d) and Other Impaired Waters List available on the ADEQ website.

The 2019 CGP revised the conditions for discharges to impaired waters; only discharges that are impaired for Sediment (SSC) require analytical monitoring. Section 7 of the permit provides additional detail.

Tier 1 Antidegradation protection applies to surface waters listed on the 303(d) list for the pollutant that resulted in the listing (AAC R18-11-107.01). For these waters, a regulated discharge shall not violate a water quality standard and shall not further degrade existing water quality for the pollutant that resulted in the listing.

Consistent with federal law, Arizona Administrative Code R18-11-107(B) prohibits degradation of Tier I waters (where the existing water quality does not meet applicable water quality standards). If a discharge causes or contributes to nonattainment of standards, more effective and/or additional control measures must be added or the discharge must cease. If after the implementation of additional and/or more effective controls the discharge continues to contribute to nonattainment, the permittee shall cease all discharges under this permit and apply for coverage under an individual AZPDES permit.

TMDLs – A total maximum daily load (TMDL) is the total amount of a pollutant a waterbody can receive from all sources and still meet water quality standards. TMDLs are written for waterbodies on the Impaired Waters List. Waters with TMDLs remain on the Other Impaired Waters List until the water quality is no longer impaired. Any discharge under this permit must be consistent with any applicable TMDL. Further, if a TMDL specifically assigns a load allocation to a construction project or projects, the project must be authorized under an individual AZPDES permit.

Discharges to outstanding Arizona waters (OAW)

This permit includes specific conditions to protect outstanding Arizona waters (OAWs) within the State of Arizona. An OAW is a surface water that has been identified by ADEQ as an outstanding water resource in accordance with A.A.C. R18-11-112. A list of OAWs can be found on the ADEQ website.

No degradation of an OAW is allowed under the Surface Water Quality Standards rules. Thus, operators seeking authorization for discharge within 1/4 mile of an OAW must demonstrate to ADEQ that the discharge will not degrade existing water quality in the downstream OAW. This demonstration is through submittal of the SWPPP documents, including the monitoring

provisions specified in the permit.

II.1.7 Erosivity Waivers for Small Construction Activities (Section 1.7)

To receive a waiver, the operator of small construction activities must certify to a low predicted rainfall erosivity factor of less than 5 during the period of construction activity. The rainfall erosivity factor is based on Agriculture Handbook Number 703, Predicting Soil Erosion by Water: A Guide to Conservation Planning with the Revised Universal Soil Loss Equation (RUSLE), pages 21-64, dated January 1997. To determine the rainfall erosivity factor (R) for the waiver, the operator must pursue permit coverage by following the NOI process, using the myDEQ portal. ADEQ's online CGP NOI process will automatically calculate the erosivity value. If, based on the information provided by the operator, the construction activity meets the waiver eligibility requirements, the user will be given the option of the waiver or completing the NOI and obtaining permit coverage. Waivers are only available for small construction sites that:

- a) Disturb between one and five acres;
- b) Have a rainfall erosivity factor of less than five;
- c) Are NOT part of a common plan of development or sale
- d) Are more than 1/4 mile from an OAW or a sediment impaired/not-attaining water; and
- e) Are not designated for permit coverage by ADEQ.

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.

II.2.0 Authorization Under This Construction General Permit

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

A Notice of Intent (NOI) for a general permit is similar to a permit application, in that it is a request for AZPDES permit coverage and contains information about the proposed discharge. The NOI serves as the operator's notice to ADEQ that the operator intends the discharge to have coverage under the general permit. By signing and submitting the NOI, the operator is certifying that a Stormwater Pollution Prevention Plan (SWPPP) has been developed, that the discharge meets all of the conditions specified in the general permit, and that the operator intends to continue to meet those requirements. A Notice of Intent that contains fraudulent, misleading or erroneous information may invalidate permit coverage (see Appendix B, Subsection 9). An incomplete NOI delays permit coverage until such time as the NOI has been completed.

II.2.2 Fee Requirements (Section 2.2)

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.

II.2.3 Submitting a NOI

II.2.3.1 Application Required (Section 2.3.1)

All “operators” (as defined in Appendix A) associated with the construction project, who meet the Section 1.2 eligibility requirements, are required to submit an NOI, and the operator must complete the development of a Stormwater Pollution Prevention Plan (SWPPP) prior to submitting the NOI for coverage under this permit. The permit allows multiple operators of the same construction site to develop a joint or common SWPPP, as provided in Section 6.

The NOI requires the operator to identify the location (by latitude and longitude) that stormwater may discharge or flow off of the construction site. The “discharge point” is typically found at a low elevation point at the perimeter of the construction site, or at the point closest to a receiving water. A receiving water is a natural watercourse into which stormwater would flow in a storm event and includes dry washes, streams, tributaries, and other waters of the U.S. (such as designated canals). Man-made structures such as retention basins, storm sewer systems, or city storm drains are not receiving waters, but are conveyances that discharge to a receiving water.

Latitude and longitude for the discharge location of the construction site must be provided in myDEQ. Common tools to determine latitude and longitude include Global Positioning System (GPS) devices, topographic maps, or internet mapping sites. myDEQ also includes a mapping system for easily determining latitude and longitude. The latitude and longitude must be reported in decimal degrees, to six decimal places. This information is critical for accurately locating the site, mapping it on state environmental maps, and for determining which provisions of this permit may apply.

For linear construction projects (projects which are typically longer than wide and have a basically uniform width) such as roadways, utility line and pipeline corridors, provide the latitude and longitude of the discharge location(s) as follows:

- a) For a linear project where any portion of the construction site is within 1/4 mile of any receiving water that is classified as an OAW or impaired for Sediment (SSC), provide the coordinates closest to that receiving water.
- b) For a linear project with a single discharge location, provide the coordinates for the discharge location.
- c) For a linear project with multiple discharge locations, provide the coordinates at the mid-

point of the project length.

Identify the closest receiving water(s) to the site. If stormwater runoff could discharge to or reach more than one receiving water, list ALL receiving waters. Some receiving waters may be unnamed washes or tributaries, and these must also be indicated on the NOI form as “unnamed.”

After the NOI is submitted, the permitted location (as defined by the latitude and longitude or entered by the user) cannot be changed. If the permitted location is not accurate or changes, a new NOI must be submitted.

II.2.3.2 NOI Requirements (Section 2.3.2)

The requirements for the NOI are outlined in the 2019 CGP in Section 2.3.2.

II.2.3.3 Effective Date of Permit Coverage (Section 2.3.3)

- 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 1/4 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 this permit issuance, 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 construction is completed and final stabilization has been achieved in accordance with Section 3.3.2.
- 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.

II.2.4 Requirement to Post a Notice of Your Permit Coverage (Section 2.4)

As in the 2013 CGP, construction operators must post a sign or other notice of permit coverage at a safe, publicly accessible location in close proximity to the construction site. New for the 2019 CGP, this notice must also include information informing the public on how to contact ADEQ to obtain a copy of the SWPPP, and how to contact ADEQ if stormwater pollution is observed in the discharge. ADEQ is requiring these additions to make the longstanding process of obtaining a SWPPP more readily known to the public and to improve transparency of the process to report possible violations.

II.2.5 Authorization of Emergency-Related Construction Activities (Section 2.5)

Obtaining 2019 CGP coverage following the normal procedures is not feasible in situations requiring emergency-related construction. Provisions in Section 2.5 for emergency-related construction activity were new to the 2013 CGP and have been continued in the 2019 CGP. With this provision, ADEQ intends to ensure that the authorization process does not interfere with emergency-related construction projects required to avoid endangerment to human health, public safety, or the environment (e.g., a natural disaster such as a tornado, hurricane, earthquake, flood or some similar event that creates widespread disruption in essential public services). Immediate authorization will enable operators of these projects to begin work immediately, and to postpone the NOI submission and SWPPP completion deadlines for 30 calendar days.

Once the initial 30 calendar days has expired, however, this permit requires an operator to develop a SWPPP and submit a complete and accurate NOI for permit coverage. The operator must also provide documentation in the SWPPP that substantiates the occurrence of a public emergency (e.g., federal or state disaster declaration or similar state or local declaration). If the construction activity is completed within 30 days, submittal of an NOI and preparation of a SWPPP are not required. However, documentation of the public emergency should be kept.

II.2.6 Terminating Coverage (Section 2.6)

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.

II.2.6.1 Submitting a NOT (Section 2.6.1)

The requirements of Section 2.6.1 must be met before an operator of construction activities may submit a NOT in myDEQ to terminate coverage under the permit. Until permit coverage is

terminated, the operator is required to comply with all conditions and effluent limitations in the permit, including payment of any annual fees. Permit coverage is not terminated until ADEQ has received a complete and accurate NOT in myDEQ, certifying that the requirements for termination in Section 2.6.1 are met.

The submission of an NOT may trigger a site inspection, including verification that final stabilization has been achieved as required by the permit if another operator has not submitted an NOI assuming responsibility for final stabilization.

II.2.6.2 Effective Date of Permit Termination (Section 2.6.2)

An operator's authorization to discharge under this permit terminates at midnight on the day a complete and accurate NOT is received and reviewed by ADEQ; AND the operator receives a Notice of Termination acknowledgement via myDEQ.

II.2.7 Change of Operator Request due to Foreclosure or Bankruptcy (Section 2.7)

In the event a lending institution seizes control of a permitted site through a foreclosure or bankruptcy, the lending institution or person who takes operational control is responsible for the discharges from the construction site. Section 2.7 requires the new entity to submit a new NOI within 14 days prior to taking control of the site if the conditions in Section 2.6 of the permit are not met.

If the new entity fails to submit a NOI for the construction site, the permitted operator may submit a petition to ADEQ to terminate permit coverage if they have been denied access to the property. The permitted operator must submit a Change of Operator Request form (available on the ADEQ website).

ADEQ will review the Change of Operator Request and related information to determine appropriate actions, including (but not limited to) terminating permit coverage for the original permittee. As part of this assessment, the Department may conduct a site inspection. Submitting a Change of Operator Request does not suspend ongoing enforcement actions and does not preclude the Department from taking enforcement actions for violations of this permit.

III.3.0 Effluent Limitations and Surface Water Quality Standards (Section 3.0)

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

III.3.1 Exception for ongoing construction projects (Section 3.1)

The permit provides flexibility for operators of “on-going construction projects” regarding compliance with the non-numeric effluent limitations and associated control measures in Part 3. Operators of on-going construction projects that were authorized to discharge under Arizona’s 2013 CGP and are still in operation when the 2019 CGP becomes effective are not required to comply with any portion of Section 3.0 that cannot be implemented because it would be infeasible to meet that requirement. This exception ONLY applies to those portions of a project that have already commenced earth-disturbing activities or where stormwater controls implemented in compliance with the previous permit have already been installed. To be infeasible for the operator, two conditions must be met:

- a) The requirement was not part of the 2013 CGP, under which the project was previously covered (i.e., AZG2013-001); and
- b) The operator is prevented from compliance due to the nature or location of earth disturbances at the site or the operator is unable to comply with the requirement due to the manner in which stormwater controls have already been installed or were already designed. This flexibility only extends to those portions of the site that have already commenced earth-disturbing activities or where stormwater controls implemented in compliance with the previous permit have already been installed. The earth disturbances must have commenced and the stormwater controls installed or designed prior to the effective date of the 2019 CGP.

The operator must document these facts in the SWPPP.

Where this flexibility may be most relevant will be in the application of such C&D rule provisions as the requirement to preserve topsoil (40 CFR 450.21(a)(7)), and the requirement to utilize outlet structures for sediment basins that withdraw water from the surface (40 CFR 450.21(f)) because of the allowance for operators to consider feasibility in whether they must comply with these provisions. These provisions are all required “unless infeasible,” where infeasible is interpreted in the C&D rule as including situations where U.S. EPA “recognize(s) that there may be some sites where a particular control measure cannot be implemented, thus allowing flexibility for permittees.” See 74 Fed. Reg. 63005. U.S. EPA further explains that the term “infeasible” means it is not technologically possible or not economically practicable and achievable in light of best industry practices. This language mirrors the language in the definition of “minimize” to which it is closely related, and has been incorporated into the permit in order to

define “infeasible” (see Appendix A).

Allowing operators of on-going construction projects to make a determination of infeasibility due to prior work that had already commenced is consistent with the intent of the C&D rule to account for infeasibility in applying the provisions of CFR 450.21(a) (erosion and sediment controls) and 40 CFR 450.21(b) (pollution prevention measures).

III.3.2 Erosion and Sediment Control (Section 3.2)

The specific sections in 3.2 require the site operator to design, install, and maintain erosion and sediment controls that minimize the discharge of pollutants from earth-disturbing activities in accordance with the C&D rule’s requirement at 40 CFR 450.21(a) (“design, install, and maintain effective erosion controls and sediment controls to minimize the discharge of sediment”).

Design Requirements

- a) The following factors must be accounted for when designing stormwater controls:
 - The expected amount, frequency, intensity, and duration of precipitation;
 - The nature of stormwater runoff and run-on at the site, including factors such as expected flow from impervious surfaces, slopes, and site drainage features. If any stormwater flow will be channelized at the site, stormwater controls must be designed to control both peak flowrates and total stormwater volume to minimize erosion at outlets and to minimize downstream erosion; and
 - The range of soil particle sizes expected to be present on the site.
- b) The operator is required to direct discharges from stormwater controls to vegetated areas of the site to increase sediment removal and maximize stormwater infiltration, including any natural buffers unless infeasible. Operators must use velocity dissipation devices if necessary to prevent erosion when directing stormwater to vegetated areas.

The purpose of requiring the design factors is to identify specific factors that need to be accounted for in the design of stormwater controls installed at the site. Each of these specific design factors correspond to the C&D rule requirements in 40 CFR 450.21(a). It is important to consider precipitation characteristics so that earth-disturbing activities can be planned during periods with a lower risk of precipitation and so that erosion and sediment control practices can be designed to convey and manage the precipitation that is expected to occur. The requirement to design stormwater controls to account for the nature of stormwater runoff and run-on on the site and to reduce peak flowrates and total stormwater volume is intended to minimize scouring and erosion caused by stormwater discharges from the site. The requirement to account for soil characteristics (Part 3.1.1.4), such as particle size distribution, erosivity, and cohesiveness, is also important

for selecting and designing appropriate erosion and sediment controls.

The requirement above reduces the discharge of sediment and other pollutants through filtration and infiltration by implementing the C&D rule requirement at 40 CFR 450.21(a). Operators can comply with this requirement by directing non-erosive flows leaving silt fences, filter berms, or other perimeter controls and sediment basins to natural buffers adjacent to streams or other vegetated areas on or adjacent to the property on which the construction activities will occur. These practices will help to prevent the formation of gulleys and associated erosion. Examples of where it may be infeasible to direct discharges from stormwater controls to vegetated areas include those areas where pervious or vegetated areas within the project footprint are non-existent, such as in some highly urban areas or where re-directing drainage would violate a local ordinance or cause a nuisance.

Installation Requirements

Operators are required to comply with the following installation requirements:

- a) **Complete installation of stormwater controls by the time each phase of earth-disturbance has begun, unless infeasible.** By the time earth-disturbing activities in any given portion of the site have begun, unless infeasible, the operator is required to install and make operational any downgradient sediment controls (e.g., natural buffers or equivalent sediment controls, perimeter controls, exit point controls, storm drain inlet protection) that control discharges from the initial site clearing, grading, excavating, and other land-disturbing activities. Following the installation of these initial controls, all other stormwater controls planned for this portion of the site and described in the SWPPP must be installed and made operational as soon as conditions on the site allow.
- b) **Use good engineering practices and follow manufacturer's specifications.** The operator is required to install all stormwater controls in accordance with good engineering practices, including applicable design specifications.
The installation requirements in Section 3.2 implement the C&D rule requirement to "... install effective erosion and sediment controls."

The requirement in (a) above is to ensure that stormwater controls are installed and made operational to minimize pollutant discharges from the area of active disturbance. For example, prior to initial site clearing and grading activities, the operator will need to install perimeter controls, exit point controls, and, if applicable, storm drain inlet protections and natural buffers or equivalent sediment controls to control stormwater discharges from the initial disturbances. After this initial work is completed, the operator is required to install and make operational other controls, such as sediment traps or sediment basins, which are expected to treat stormwater during the remaining phases of construction. Where a project is conducted in phases, such as for a large-scale, road project, the requirement is to install such controls prior to commencing earth-

disturbing activities for the particular phase. After initial controls are installed, the operator is then required to install and make operational any remaining stormwater controls as conditions allow. The requirement to install stormwater controls prior to the initial earth-disturbance does not apply to construction activities associated with the actual installation of these controls.

There may be some situations where the installation of controls prior to the first earth disturbance is not feasible (e.g., due to restricted space, etc.), in which case such circumstances must be documented and kept with the records.

The requirement in (b) above is included because stormwater controls will not be effective unless properly designed and installed. Design specifications may be found in manufacturer specifications and/or in applicable erosion and sediment control manuals or ordinances. Additionally, where it is appropriate to depart from such specifications, this must reflect good engineering practice and must be explained in the SWPPP.

Control stormwater volume and velocity within the site to minimize soil erosion

Control stormwater discharges, including both peak flow rates and total stormwater volume, to minimize erosion at outlets and to minimize downstream channel and streambank erosion.

Minimize exposed soil and steep slopes

Minimize the amount of soil exposed and the disturbance of steep slopes during construction activity. The purpose of the requirement to minimize the disturbance of steep slopes is to minimize the amount of soil eroded on construction sites, and the amount of sediment and other pollutants discharged from the site. Minimizing the disturbance of steep slopes during construction activity can be accomplished through a number of practices. These include practices related to how much soil is exposed on steep slopes, such as phasing land disturbing activities, and providing timely soil stabilization on slopes, such as through the use of mulches, rolled erosion control products, and vegetation. Operators have flexibility to select appropriate controls to minimize disturbance of steep slopes at their individual sites. Operators also have flexibility to schedule and phase construction activities so as to limit the amount of land disturbed at one time and the duration of exposure on steep slopes.

The permit does not prevent or prohibit disturbance on steep slopes. ADEQ recognizes that for some projects, disturbance on steep slopes may be necessary for construction (e.g., a road cut in mountainous terrain). If disturbances to steep slopes are required for the project, ADEQ recognizes that it is not practicable to minimize the disturbance of steep slopes.

The requirement to minimize the disturbance of steep slopes does not apply to the creation of soil stockpiles.

Minimize sediment discharges from the site

The design, installation and maintenance of erosion and sediment controls must address factors

such as the amount, frequency, intensity and duration of precipitation, the nature of resulting stormwater runoff, and soil characteristics, including the range of soil particle sizes expected to be present on the site.

Sediment control measures are designed to capture sediment that erosion control BMPs have failed to keep in place. These control measures are typically found at the perimeter of a construction site and include sediment basins and traps, silt fences, inlet protection, and check dams. Except for the sediment controls that are intended as permanent structures (i.e. a temporary sediment basin to become a permanent stormwater basin), the permit requires that the operator remove these control measures after final stabilization is achieved. The erosion and sediment controls are not only to be implemented, but they must remain effective and maintained until stabilization is established.

Perimeter Controls

Operators must use appropriate perimeter control measures at all times for all down slope boundaries unless a sediment basin is used that will store a calculated volume of runoff as documented in the SWPPP. Examples of perimeter controls include, but are not limited to, filter berms, silt fences, and temporary diversion dikes. This requirement instructs operators where to install down slope sediment controls so that they are effectively situated to minimize the discharge of pollutants.

Perimeter controls are not required for individual lots within a construction site if stormwater from those lots is conveyed to an on-site sediment basin.

For linear projects with rights-of-way that restrict or prevent the use of such perimeter controls, operators must maximize the use of these controls where practicable and document in the SWPPP why it is impracticable in other areas of the project. Linear projects with limited rights-of-ways have flexibility to document in the SWPPP when it is impracticable to install perimeter controls in certain areas of the site, and to maximize the use of these controls in the areas where it is practicable.

Control Discharges from Stockpiled Sediment or Soil Piles

For any stockpiles (e.g., storage for multiple days of soil or other sediment material to be used in the construction project) or land clearing debris composed, in whole or in part, of sediment or soil, operators must comply with the permit. Operators must assess the need for controls on soil and sediment stockpiles based on size and their potential for erosion and discharge off-site.

This permit requirement applies primarily to soil stockpiles, because soil stockpiles are pollutant sources that present an overall increase in the surface area of exposed soils, along with very steep slopes (i.e., at the angle of repose) that contribute to increased sediment transfer. Sediment control measures are necessary to reduce potential increases in pollutant discharge, regardless of source. Therefore, any stockpile with fine particles constitutes a pollutant source, and operators must assess the need for and implement appropriate control measures to protect stormwater

quality. This particular provision is not intended to include stockpiles of other materials (such as rock) that have a minimal component of fines. The permit allows ‘other effective sediment controls’ to be implemented instead of a silt fence.

Construction operators should avoid the placement of any materials in the streets or other stormwater conveyances. Note that the placement of soil stockpiles in streets may be prohibited by the MS4, as streets can be a stormwater conveyance. Operators should also note that effective erosion and sediment controls are required, “except when stockpiles are being actively worked” (i.e., control measures must be in place evenings, weekends, and during other downtimes).

Storm Drain Inlet Protection

For any discharges from the site to a storm drain inlet that discharges to a surface water (and it is not first directed to a sediment basin, sediment trap, or similarly effective control), and for which the operator has authority to access the storm drain inlet, the operator must assess the need for and install inlet protection measures as necessary that remove sediment from the discharge prior to entry into the storm drain inlet. Examples of inlet protection measures include fabric filters, sandbags, concrete blocks, and gravel barriers. Inlet protection measures can only be removed in the event of flood conditions that may endanger the safety of the public. Such actions are allowable only under extreme conditions and shall be documented on the inspection report form.

Operators should note that the standard conditions of the permit regarding a “bypass” (see Appendix B, Subsection 20) provide an affirmative defense in the event that an inlet protection control measure needs to be removed to prevent flooding or erosion. ADEQ believes these “bypass” provisions provide an operator sufficient recourse in an emergency situation. Proper maintenance includes cleaning, or removing and replacing, the protection measures as sediment accumulates, the filter becomes clogged, and/or performance is compromised. Where there is evidence of sediment accumulation adjacent to the inlet protection measure, the operator is advised to remove the deposited sediment by the end of the same work day in which it is found, or by the end of the following work day if removal by the same work day is not feasible. The storm drain inlet protection requirement in the CGP implements the C&D rule requirement to “minimize sediment discharges from the site” by requiring stormwater inlets to be protected with sediment controls during construction. These control measures reduce the amount of sediment-laden stormwater from entering storm drains, and ultimately being discharged to surface waters. Inlet protection measures should be kept in working condition so that they are effective at reducing the discharge of pollutants.

Maintain natural buffers

Maintain natural buffers adjacent to perennial waters and direct stormwater to vegetated areas to increase sediment removal, unless infeasible.

- a) This requirement only applies if construction activity is located within 50 feet of a perennial water (as defined in Appendix A; “perennial waters” do not include stormwater control features). The operator is required to ensure that any discharges to perennial waters through the area between the disturbed portions of the property and any perennial

waters located within 50-feet of the site are treated by an area of undisturbed natural buffer and/or additional erosion and sediment controls in order to achieve a reduction in sediment load equivalent to that achieved by a 50-foot natural buffer. The operator is required to implement and maintain sediment controls that achieve the sediment load reduction equivalent to the undisturbed natural buffer that existed on the site prior to the commencement of construction. In determining equivalent sediment load reductions, the operator may consider naturally non-vegetated areas and prior disturbances.

The requirements implement the C&D rule's requirement to minimize the discharge of pollutants from the site by providing and maintaining "natural buffers around surface waters... unless infeasible" (40 CFR 450.21(a)(6)). In Arizona, buffers used to achieve erosion and sediment control are most effective when applied to areas adjacent to perennial waters (as defined in Appendix A) and natural lakes and ponds. The buffer requirement applies to all project sites that are situated within 50 feet of a perennial water, or a natural lake or pond.

Where the operator chooses to implement equivalent sediment controls instead of providing the 50-foot natural buffer, documentation must be included in the SWPPP to substantiate the claims that the additional controls, in conjunction with the site's perimeter controls, are expected to reduce sediment by the amount equivalent to the 50-foot natural buffer.

- b) Compliance Alternatives. Where the operator finds it infeasible to maintain the 50 foot buffer, the operator is required to document in the SWPPP the reasons why the 50 foot buffer cannot be maintained, and identify the additional erosion and sediment controls selected that will achieve an equivalent level of protection.

For compliance alternatives that involve the retention of an undisturbed natural buffer, the operator is not required to enhance the quality of the vegetation that already exists in the buffer, or provide vegetation if none exists. The operator only needs to retain and protect from disturbance the natural buffer that existed prior to the commencement of construction. Any preexisting structures or impervious surfaces are allowed in the natural buffer provided the operator retains and protect from disturbance the natural buffer area outside the preexisting disturbance.

The approach with the C&D rule requirement to provide and maintain "natural buffers around surface waters... unless infeasible," by recognizing that site-specific variables are involved that may prevent maintaining a 50 foot buffer along a perennial waterbody.

- c) Exceptions.
 - 1) Operators are not required to comply with this Part if there is no discharge of stormwater to surface waters through the area between the site and any surface waters located within 50 feet from the site. This includes situations where the operator has

implemented control measures, such as a berm or other barrier that will prevent such discharges.

- 2) This exception recognizes situations where there is no discharge of stormwater to the perennial water; therefore the operator is not subject to the 50-foot buffer or equivalent sediment removal treatment standard. For instance, if the slope of the construction site is such that no stormwater from the construction activities discharges through the buffer area, the buffer requirement does not apply. This exemption also applies if stormwater from the site enters a storm sewer system and does not discharge through the buffer area, or a berm or other barrier is used to prevent discharges to the surface water. This exception provides additional flexibility to operators who may need to build close to the water's edge, while ensuring that adjacent perennial waters are protected. Where no natural buffer exists due to preexisting development disturbances (e.g., structures, impervious surfaces) that occurred prior to the initiation of planning for the current development of the site, the operator is not required to comply with the requirements in this Part, unless portions of the preexisting development are removed.

Where some natural buffer exists but portions of the area within 50 feet of the surface water are occupied by preexisting development disturbances, the operator is required to comply with the requirements in this Part.

In situations where prior disturbances from a previous development have eliminated the natural buffer, it may not be feasible to provide and maintain a buffer, and may also be infeasible in certain situations to provide the equivalent sediment load reduction through erosion and sediment controls.

- 3) Operators of "linear projects" (see Appendix A), are not required to comply with this requirement if site constraints (e.g., limited right-of-way) prevent the operator from meeting the buffer requirements, provided that to the extent practicable, the operator limits disturbances within 50 feet of the perennial water and/or the operator provides supplemental erosion and sediment controls to treat stormwater discharges from earth disturbances within 50 feet of the perennial water. The operator must also document in the SWPPP the rationale as to why it is infeasible to comply with the buffer compliance alternatives, and describe any buffer width retained and/or supplemental erosion and sediment controls installed.

Dispersal of stormwater discharges through adjacent vegetated areas is a common practice on many linear projects, and therefore operators of linear projects should find it feasible in many cases to treat stormwater discharges through vegetated buffers. However, ADEQ recognizes that linear projects may have difficulty in fully complying with the 50-foot natural buffer requirement due to site constraints (i.e., linear projects may not be able to provide the full 50 foot vegetated buffer width).

Therefore, the permit provides a more flexible alternative for linear facilities with site constraints by requiring that the operator instead retain as much natural buffer as is feasible, and/or to the extent feasible provides supplemental erosion and sediment controls in the buffer area. For example, if a linear project has only 10 feet of right-of-way between the disturbed area and a stream, permit compliance can be achieved by providing in the buffer area a 10-foot natural buffer, or by providing a narrower buffer (e.g., 5 feet) and additional erosion and sediment controls (e.g., a fiber roll barrier in addition to the perimeter control), or by providing exclusively erosion and sediment controls. This flexibility for linear projects is consistent with the intention of U.S. EPA's C&D rule infeasibility language.

- 4) "Small residential lot" construction (a subset of "Small construction activity" defined in Appendix A) is exempt from buffer requirements, provided that the operator minimizes the discharge of pollutants by complying with the requirements of Section 3.2 of the permit. "Small residential lot" construction means a lot being developed for residential purposes that will disturb less than 1 acre of land, but is part of a larger residential project that will ultimately disturb greater than or equal to 1 acre. In most cases, builders of small residential lots will be able to take credit for the compliance alternatives implemented on their lot by the original developer of the larger common plan of development/sale. For example, the developer could take into account the 50-foot buffer when installing the infrastructure and subdividing the property so that the 50-foot buffer is not encroached upon by the developable portion of the subdivided lots. Alternatively, the developer could hypothetically evaluate and implement equivalent erosion and sediment controls, which can be used by the builders of the small lots to demonstrate that the buffer requirements have already been met. However, there will be circumstances where the builder will be responsible for implementing one of the compliance alternatives on a small lot because it was not taken into account during the sale of the lot (e.g., there was encroachment into the 50-foot buffer in the subdivision of the lot). Under this scenario, builders of small residential lots may have difficulty evaluating the supplemental erosion and sediment controls that provide the equivalent protection of the 50-foot buffer due to limited technical resources.

Under the small residential lot compliance alternatives, builders of small lots would not be required to model and demonstrate that they are achieving the equivalent sediment reduction equivalency as the 50-foot buffer. Instead, the builders of small residential lots must ensure the discharge of pollutants is minimized by the installation of other erosion and sediment controls, as per Section 3.2 of the permit. The controls for a small residential lot, although not necessarily equivalent to the sediment removal of a 50-foot buffer, are generally deemed sufficient to protect water quality from small residential construction sites. Small construction sites usually contribute much smaller sediment loads in comparison to larger construction sites. Therefore, ADEQ believes there is a lower risk of sediment discharge, such that the

need to conduct a site-specific analysis does not provide additional protection of perennial waters from sediment. Hence, the only compliance alternative for builders of small residential lots is essentially a streamlined set of alternatives that are specified Section 3.2 of the permit. Larger sites have a much higher risk of sediment discharge and operators have a greater amount of technical resources at their disposal to perform the calculations necessary to comply with the buffer requirement.

- 5) The following disturbances within 50 feet of a surface water are exempt from the requirements in this Part:
 - a. Construction approved under a CWA Section 404 permit; or
 - b. Construction of water-dependent structures and water access areas (e.g., piers, boat ramps, trails).

Compliance with the buffer requirements is either unnecessary or infeasible for these two types of disturbances, which occur entirely or substantially within the buffer. In the case of activities permitted under CWA Section 404 (for discharges of dredge or fill material), such permits already include appropriate safeguards for discharges of sediment to surface (perennial) waters. Water-dependent features by definition are located in the buffer zone; hence, compliance with the 50-foot natural buffer requirement is usually infeasible.

The operator must document in the SWPPP if any of the above disturbances (exceptions 1. through 5.) occur within the buffer area.

Minimize Soil Compaction In any areas of the site where final vegetative stabilization will occur or where infiltration practices will be implemented, the operator must either:

- a) Restrict vehicle / equipment use. Restrict vehicle and equipment use in any locations where final vegetative stabilization will occur or where infiltration practices will be installed; or
- b) Use Soil Conditioning Techniques. Prior to seeding or planting areas of exposed soil that have been compacted, operators must use techniques that condition the soils to support vegetative growth, if necessary and feasible.

Minimizing soil compaction allows infiltration and retention of stormwater to occur, which in turn reduces stormwater discharge volume and velocity. Reducing stormwater discharges reduces erosion and therefore reduces the amount of sediment and other pollutants discharged from the site. Operators may minimize soil compaction by:

- a) restricting vehicle and equipment use on areas that will be vegetatively stabilized or where infiltration practices will be installed; or
- b) use soil conditioning techniques to decompact soils to support vegetative growth.

Specific types of soil conditioning techniques could include deep-ripping and decompaction or sub-soiling. Soil conditioning techniques are not required in any area where it would not be feasible, such as on steep slope areas or any other areas where it is unsafe for the required equipment. Minimizing soil compaction does not apply to areas that will not be used for final vegetative stabilization or for areas where infiltration practices will be installed. For example, the requirements do not apply to disturbed areas that will become paved surfaces, such as roads,

foundations, footings, or on embankments, or on areas where soil compaction is necessary by design.

Preserve Topsoil Topsoil helps to maintain the soil structure on construction sites and provides a growing medium for vegetative stabilization measures. Better vegetative stabilization reduces erosion rates of the underlying soil and also increases the infiltrative capacity of the soil, thereby reducing the amount of sediment transported to downslope sediment and perimeter controls. Topsoil can be preserved by stockpiling the native topsoil on the site for later use (e.g., for vegetative stabilization), or by limiting disturbance and removal of the topsoil and associated vegetation. For example, topsoil can be preserved by limiting clearing and grading to only those areas where necessary to accommodate the building footprint. Some projects may be designed to be highly impervious after construction, and therefore little or no vegetation is intended to remain. In these cases, preserving topsoil at the site would not be feasible or desirable. In addition, some sites may not have space to stockpile topsoil on site for later use, in which case, it may also not be feasible to preserve topsoil. The Department is aware that stockpiling of topsoil in off-site locations, or transfer of topsoil to other locations, is frequently used in these situations and views this as acceptable practice.

III.3.3 Soil Stabilization

III.3.3.1 Temporary Stabilization (Section 3.3.1)

Effective and timely stabilization of soils exposed throughout the construction process is important in order to reduce the amount of soil eroded on construction sites and the amount of sediment and other pollutants discharged from the site. Initiating soil stabilization measures immediately after land has been disturbed and construction activity has ceased is an important non-numeric effluent limitation.

Vegetative stabilization using annual grasses is a common practice used to control erosion. Physical barriers such as geotextiles, straw, rolled erosion control products and mulch and compost are other common methods of controlling erosion.

III.3.3.2 Final Stabilization (Section 3.2.2)

To be adequately stabilized, the operator must meet the criteria below depending on the type of cover that is being used, either vegetative or non-vegetative.

Vegetative stabilization. The operator must provide an established uniform vegetation (e.g., evenly distributed without large bare areas), which provides 70 percent or more of the density of coverage that was provided by vegetation prior to commencing earth-disturbing activities. The operator should also avoid the use of invasive species. Note that when background vegetation covers less than 100 percent of the ground prior to commencing earth-disturbing activities, the 70 percent vegetative stabilization criteria can be adjusted as follows: if vegetation covers 50 percent of the ground prior to construction, then the requirement would be to provide a total vegetative cover at final stabilization of 70 percent of 50 percent ($0.70 \times 0.50 = 0.35$), or 35

percent of the ground.

Immediately after seeding or planting the area to be vegetatively stabilized, to the extent necessary to prevent erosion on the seeded or planted area, the operator must select, design, and install non-vegetative erosion controls that provide cover (e.g., mulch, rolled erosion control products) to the area while vegetation is becoming established.

Individual lots in residential construction – homebuilders must meet either one of the two criteria in the permit.

Construction sites located on land used for agriculture. Disturbed areas that are restored to their preconstruction agricultural use are not subject to these final stabilization criteria. Areas disturbed that were not previously used for agricultural activities and areas that are not being returned to preconstruction agricultural use must meet the conditions for final stabilization.

Non-Vegetative Stabilization. If the operator is using non-vegetative controls to stabilize exposed portions of the site, or if they are using such controls to temporarily protect areas that are being vegetatively stabilized, the operator must provide effective non-vegetative cover to stabilize any such exposed portions of the site. For temporary stabilization, examples of temporary non-vegetative stabilization methods include, but are not limited to, hydromulch and erosion control blankets. For final stabilization, examples of permanent non-vegetative stabilization methods include, but are not limited to: riprap, gabions, decomposed granite, and geotextiles.

III.3.3.3 Soil Stabilization Alternatives (Section 3.3.3)

In accordance with ARS § 49-255.01(L), the 2019 CGP allows for reduced control measures at construction sites that retain stormwater in a manner that eliminates discharges from the site, except for the occurrence of an extreme event. This provision includes two alternatives to stabilization for sites that are eligible: 1) sites that have additional retention capacity; or 2) sites that are returned to pre-construction discharge conditions.

Operators who qualify for either of these alternatives may submit an NOT without meeting the final stabilization requirements in Section 3.3.2, provided retention capacity is retained and the required documentation is included with the NOT. The required documentation may include (but is not be limited to) capacity calculations for additional retention capacity or calculations demonstrating that the volume of stormwater discharges, and pollutant load from the site will be equal or less than pre-construction discharge conditions.

The required demonstrations must be prepared and stamped by an Arizona registered professional engineer, geologist or landscape architect and included with the SWPPP, the SWPPP review fee and the NOT.

Note: An engineer, geologist or landscape architect who designs the retention capacity or calculates the stormwater runoff volume and pollutant loading to meet this stabilization exemption and is employed full-time by the operator is exempt from professional registration requirements, pursuant to A.R.S. § 32-144.

III.3.4 Dewatering Activities (Section 3.4)

This section clarifies that control measures are required for stormwater and non-stormwater discharges and is linked to Section 1.4 of the permit, “Authorized Discharges”. Operators are required to minimize the discharge of pollutants from dewatering trenches and excavations. Discharges are prohibited unless managed by appropriate controls. Permit section 1.5 prohibits the discharge of groundwater or accumulated stormwater that is removed from excavations, trenches, foundations, vaults, or other similar points of accumulation, unless such waters are first treated by an appropriate control. Examples of appropriate controls include, but are not limited to, sediment basins or sediment traps, dewatering tanks, tube settlers, weir tanks, or filtration systems (e.g., bag or sand filters) that are designed to remove sediment.

Treatment chemical restrictions. Operators using polymers, flocculants, or other treatment chemicals must comply with the requirements in Section 6.2.7.

Operators should evaluate and implement the following control measures, as appropriate, whenever dewatering activities are planned that will result in a discharge. These measures provide operators with an interpretation of what is meant by “appropriate controls” in the C&D rule:

- a) Do not discharge floating solids or foam;
- b) Use an oil-water separator or suitable filtration device (such as a cartridge filter) that is designed to remove oil, grease, or other products if dewatering wastewater is found to contain these materials;
- c) To the extent feasible, utilize vegetated, upland areas of the site to infiltrate dewatering water before discharge. In no case will surface waters be considered part of the treatment area;
- d) At all points where dewatering water is discharged, comply with the requirements Section 3.2 to minimize erosion at outlets and minimize downstream channel and streambank erosion;
- e) With backwash water, either haul away for disposal or return it to the beginning of the treatment process; and
- f) Replace and clean the filter media used in dewatering devices when the pressure differential equals or exceeds the manufacturer’s specifications.

Uncontaminated, non-turbid dewatering wastewater, such as well-point groundwater, can be discharged without being routed to a control.

III.3.5 Pollution Prevention Measures (Section 3.5)

The permit requires construction operators to design, install, and maintain effective pollution prevention measures in order to minimize or prohibit the discharge of pollutants (i.e., construction and demolition waste, solid waste, trash, and other pollutants) in stormwater and allowable non-stormwater from pollutant-generating activities that occur on-site or at an off-site construction support activity area.

III.3.5.1 Storage, Handling and Disposal of Site Pollutants (Section 3.5.1)

The operator is required to minimize the exposure to stormwater of any of the products, materials, or wastes specified below that are present at the site by complying with the requirements in this Section. Specific details can be found permit Section 3.5.1.

- a) For all building materials, landscape materials, and other site materials:
- b) For pesticides, comply with all application and disposal requirements on the label (see Appendix A);
- c) For hazardous or toxic wastes:
- d) For construction and domestic wastes: and
- 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.

Note: These requirements do not apply to those products, materials, or wastes that are not a source of stormwater contamination or that are designed to be exposed to stormwater.

III.3.5.2 Washout of Concrete, Stucco, Paint and Other Materials (Section 3.5.2)

Concrete washout is a prohibited discharge, as listed in Section 1.5 of the permit and 40 CFR 450.21(e)(1) of the C & D rule. When possible, concrete washout activities should be conducted at the concrete contractor's plant or dispatch facility (U.S. EPA, Developing your Stormwater Pollution Prevention Plan, May 2007). Otherwise, locations of concrete washout activities that will occur at the construction site should be identified on the site map. Remove and dispose of concrete waste consistent with the handling of other construction wastes in Section 3.5.1.

Discharges from concrete washout activities must also be handled in accordance with the Aquifer Protection Program (APP) Type 1 general permit [A.A.C. R18-9-B301(L)] that regulates discharges from concrete wash-out.

- a) A 1.12 general permit allows the discharge of wastewater resulting from washing concrete from trucks, pumps, and ancillary equipment to an impoundment if the following conditions are met:

- 1) The operator is authorized under the AZPDES CGP for the corresponding project;
- 2) The SWPPP for the construction activity addresses the concrete washout activities;
- 3) The vegetation at the soil base of the impoundment is cleared, grubbed, and compacted to uniform density not less than 95 percent. If the impoundment is located above grade, the berms or dikes are compacted to a uniform density not less than 95 percent;
- 4) If groundwater is less than 20 feet below land surface, the impoundment is lined with a synthetic liner at least 30 mils thick;
- 5) The impoundment is located at least 50 feet from any storm drain inlet, open drainage facility, or watercourse and 100 feet from any water supply well;
- 6) The impoundment is designed and operated to maintain adequate freeboard to prevent overflow or discharge of wastewater;
- 7) The concrete washout wastewater from any wash pad is routed to the impoundment;
- 8) The impoundment receives only concrete washout wastewater;
- 9) The annual average daily flow of wastewater to the impoundment is less than 3000 gallons per day; and
- 10) The following closure requirements are met.
 - The facility is closed by removing and appropriately disposing of any liquids remaining in the impoundment,
 - The area is graded to prevent ponding of water; and
 - Closure activities are completed before filing a NOT for the AZPDES CGP.

The on-site use of prefabricated concrete washout containers is another alternative, provided that the rinsate is not discharged to the ground or offsite.

III.3.5.3 Washing of Equipment and Vehicles (Section 3.5.3)

If the operator washes equipment or vehicles on site, the following control measures are required:

- a) Provide an effective means of minimizing the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other types of washing; and
- b) To comply with the prohibition in Section 1.5, for storage of soaps, detergents, or solvents, the operator must provide either (1) cover (e.g., plastic sheeting or temporary roofs) to prevent these discharges from coming into contact with rainwater, or (2) a similarly effective means designed to prevent the discharge of pollutants from these areas.

Examples of effective controls include, but are not limited to, locating activities away from surface waters and stormwater inlets or conveyances and directing wash waters to a sediment basin or sediment trap, using filtration devices (such as filter bags or sand filters), or using other similarly effective controls.

Vehicle and equipment washing is not included on the list of allowable non-stormwater discharges. Discharge of vehicle and equipment washwater must be managed in accordance with the APP rules, and discharge to the ground is inconsistent with the APP Type 3 general permit

for these wastewaters [A.A.C. R18-9-D303].

Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge. Requiring that operators properly manage washwaters reduces the discharge of pollutants, such as sediment and other pollutants, from the site.

Examples include providing an effective means of minimizing the discharge of pollutants from the washing of equipment or vehicles include, but are not limited to, locating activities away from surface waters and stormwater inlets or conveyances and directing wash waters to a sediment basin or sediment trap, using filtration devices, such as filter bags or sand filters, or using other similarly effective controls.

III.3.5.4 Fueling and Maintenance of Equipment or Vehicles (Section 3.5.4).

If the operator will conduct fueling and/or maintenance of equipment or vehicles at the site, an effective means must be provided to eliminate the discharge of spilled or leaked chemicals, including fuel, from the area where these activities will take place. Specific details can be found permit Section 3.5.4.

III.3.6 Surface Outlets (Section 3.6)

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

III.3.7 Surface Water Quality Standards (Section 3.7)

III.3.7.1 General Limitations to Meet Applicable Surface Water Quality Standards (Section 3.7.1)

In the absence of information demonstrating otherwise, ADEQ expects that compliance with the conditions in this permit will result in stormwater discharges being controlled as necessary to meet applicable surface water quality standards. If at any time the operator becomes aware, or ADEQ determines, that the discharge is not being controlled as necessary to meet applicable surface water quality standards, the operator must take corrective action as required in Section 5, and document the corrective actions as required in Section 5.3 and 6.4 and report the corrective actions to ADEQ as required in Section 8.

ADEQ may also impose additional water quality-based limitations on a site-specific basis, or require the operator to obtain coverage under an individual permit, if information in the NOI, required reports, or from other sources indicates that discharges are not controlled as necessary to meet applicable water quality standards. This includes situations where additional controls are necessary to comply with a waste load allocation in an U.S. EPA-approved or established TMDL.

III.3.7.2 Discharge Limitations for Sites that Discharge to Sediment Impaired/Not-attaining or Outstanding Arizona Waters (Section 3.7.2)

For the purposes of this permit, “impaired waters” are waters identified as impaired or not-attaining on the appropriate CWA Section 303(d) list, or waters with an U.S. EPA-approved or established TMDL. The construction site will be considered to discharge to an impaired water if the first surface water to which it discharges is impaired or not-attaining for Sediment (SSC); or an OAW. For discharges that enter a storm sewer system prior to discharge, the first surface water to which the site discharges is the waterbody that receives the stormwater discharge from the storm sewer system.

If during coverage under a previous permit, the operator was required to install and maintain stormwater controls specifically to meet the assumptions and requirements of an USEPA-approved or established TMDL (for any parameter) or to otherwise control the discharge to meet water quality standards, the operator must continue to implement such controls as part of this permit.

IV.4.0 Inspections (Section 4.0)

IV.4.1 Inspector Qualifications (Section 4.1)

The operator shall provide qualified personnel (as defined in Appendix A) to perform inspections according to the selected inspection schedule identified in the SWPPP. The inspector is not required to be certified, but, whoever is charged with conducting the inspections must be a “qualified person”. The identified inspector must be knowledgeable in the principles and practice of erosion and sediment controls, and pollution prevention, who possesses the skills to assess conditions at the construction site that could impact stormwater quality, and the skills to assess the effectiveness of any stormwater control measures selected and installed to meet the requirements of the permit. A definition is provided in Appendix A.

Although inspectors are not required to be certified, ADEQ encourages training in the knowledge and practices of erosion and sediment controls and conducting inspections.

IV.4.2 Inspection Schedules (Section 4.2)

This section establishes the required inspection frequencies for construction sites in various situations. The SWPPP must document which inspection schedule was chosen, as well as the location of the rain gauge or weather station used to obtain the rainfall information.

When using a rain gauge or weather station is necessary to determine the rainfall threshold that will trigger an inspection, the operator must be consistent and use the same source of rainfall data (i.e., a local weather station or rain gauge on site) throughout the life of the construction

project. If the project site is large, operators have the flexibility with the rain gauge location within the area of operational control for the permitted site. However, if relying on a local weather station to determine rainfall, the same station should be used throughout the life of the project. The operator may use the local weather station in lieu of the on-site rain gauge if a storm event occurs during weekends, holidays, etc.; or, during times when the site is unstaffed.

IV.4.2.1 Routine Inspection Schedule (Section 4.2.1)

The operator has the option to conduct a routine site inspection using one of three schedules. The SWPPP must document which inspection frequency was chosen.

- a) Once every 7 calendar days;
- b) Once every 14 days and within 24 hours of the occurrence of a storm event of 0.5 inch or greater; or
- c) 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.

The Department encourages more frequent spot inspections, especially before and/or during a storm event, to ensure control measures will be effective in minimizing pollutant discharges. Particular attention should be paid to construction site entrance and egress location(s), nearby streets, and inlets.

When the frequency of inspections is reduced to 30 days, the permit requires that an inspection be triggered when the site experiences a storm event of 0.25 inch or greater. More importantly, however, ADEQ believes that storms with rainfall totals greater than 0.25 inch have the potential to produce discharges of pollutants, particularly if stormwater controls are not functioning effectively. Further, storms of this size may compromise stormwater controls on the site. Thus, inspection immediately after such events (or during such events in the case of multi-day storms) is important to meet the purposes of adopting a storm-based inspection schedule.

IV.4.2.2 Reduced Inspection Schedule 4.2.2

With a reduced inspection schedule, operators must inspect the site 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. The operator must document that they are using this schedule and the beginning and ending dates of this period in the SWPPP. Each of these represents situations of comparatively lower risk for discharges to surface waters:

- a) Temporarily Stabilized Areas. Operators may reduce the frequency of inspections to once per month in any area of the site where temporary stabilization has been completed, in accordance with Part 3.1.2.1 of the permit. If construction activity resumes in this portion of the site at a later date, the inspection frequency must resume to one of the three options in Part 4.2(2). This should be an inducement, especially for larger projects where construction activities may take place in different phases in separate locations of the site, for stabilization to take place closer to the time that active disturbances have ended. There may also be the benefit of a reduced administrative burden to the operator.

- b) Seasonal Rainfall Patterns. Operators may reduce their inspection frequency if construction activity occurs during periods of the year when discharges are unlikely based on seasonal rainfall patterns (i.e., a seasonally dry period or during a period in which drought is predicted to occur). To determine when the seasonal dry periods occur in arid and semi-arid areas, one tool that is available for operators is the U.S. Department of Agriculture, Natural Resources Conservation Service's Climate Analysis for Wetlands tool: <http://www.wcc.nrcs.usda.gov/climate/wetlands.html>.
- c) Winter Conditions. Operators may reduce their inspection frequencies when runoff is unlikely due to winter conditions (e.g., site is covered with snow, ice, or frozen ground exists). This frequency can remain in effect until thawing conditions begin to occur or unexpected weather conditions (such as above freezing temperatures or rain on snow events) make discharges likely; at which time the operator must resume one of the routine inspection schedules.

IV.4.2.3 Inactive and Unstaffed Site Inspection Schedule (Section 4.2.3)

A site that will have no construction activity for at least (6) six consecutive months is considered to be inactive and unstaffed. The requirement to conduct routine inspections does not apply to a construction site that is inactive and unstaffed. Under these circumstances, the operator may conduct less frequent inspections in accordance with the requirements of Section 4.2.3 of the 2019 CGP. 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.

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.

IV.4.3 Scope of Inspections (Section 4.3)

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. The 2019 CGP provides detailed requirements in Section 4.3 of the permit.

IV.4.4 Storm Event Inspections (Section 4.4)

The following information should be documented for storm event inspections:

- 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).

Operators are not required to inspect areas of the site that, at the time of the inspection, are considered unsafe to inspection personnel. Inspections may be postponed when conditions such as local flooding, high winds, or electrical storms, or situations that otherwise make inspections unsafe. The inspection must resume as soon as conditions are safe.

When unsafe conditions exist on a portion of or the entire site, the operator must describe the reason(s) it was found to be unsafe and specify the locations where this condition applies.

V.4.5 Inspection Follow-up (Section 4.5)

When need for repair, replacement or maintenance of any stormwater control measures is discovered as a result of one of these inspections, the operator must make the repairs, etc. in accordance with the deadlines set forth in the permit. Based on the results of the inspection, corrective action(s) may be required under Section 5 of the permit.

Control measure assessment Implement any changes as necessary, when an inspection reveals that one or more control measures are no longer in effective operating condition and does not constitute a corrective action.

Corrective Actions Follow the corrective action deadlines set forth in Section 5.2 when a control measure is found to be ineffective and needs modification or replacement.

V.5.0 Corrective Actions (Section 5.0)

V.5.1 Corrective Action Triggers (Section 5.1)

Corrective actions are actions the operator takes when any control measure has failed to meet the conditions of Section 3. Routine maintenance or repairs do not constitute a corrective action.

- a) To the extent practicable, operators must take all reasonable steps to minimize or prevent the discharge of pollutants until a permanent solution is installed and made operational on the same day the condition(s) requiring corrective action is discovered. This includes cleaning up any contaminated surfaces so that the material will not discharge in subsequent storm events. If the problem is identified at a time in the work day when it is too late to initiate corrective action, the corrective action must be initiated on the following work day.
- b) If an inspection found that the site's stormwater controls are not operating effectively, or that control measures need to be maintained or if additional controls are necessary, to complete maintenance, modifications, or installation of new control measures as soon as possible and before the next storm event whenever practicable to maintain the continued effectiveness of the stormwater controls.
- c) If there is a prohibited discharge of a pollutant found in Section 1.5, a specific corrective action triggering provision is also appropriate because of the inclusion of a list of prohibited discharges in U.S. EPA's C&D rule, which was included in both the 2013 and

2019 CGPs.

- d) ADEQ may also require corrective actions to address permit violations found during the Department's own inspection. If the condition identified in this Section constitutes a permit violation, correcting it does not remove the original violation. However, enforcement authorities will consider the promptness and effectiveness of any corrective action taken in determining an appropriate response. Additionally, failing to take corrective action in accordance with this Section is an additional permit violation.

V.5.2 Corrective Action Deadlines (Section 5.2)

The permit establishes a specific timeframe for completing corrective actions. If the condition poses imminent endangerment to human health or the environment, the operator shall take immediate action. Otherwise, operators must install a new or modified control and make it operational, or complete the repair, by no later than 7 calendar days from the time of discovery. If it is infeasible to complete the installation or repair within calendar 7 calendar days, the operator must document in the SWPPP why it is infeasible to complete the installation or repair within the 7 calendar day timeframe and document their schedule for installing the stormwater control(s) and making it operational as soon as practicable after the 7 calendar day timeframe.

V.5.3 Corrective Action Report (Section 5.3)

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.

VI.6.0 Stormwater Pollution Prevention Plan (SWPPP) (Section 6.0)

The overall objective of the Stormwater Pollution Prevention Plan (SWPPP) is to provide a written plan for implementing, assessing and improving stormwater control measures that minimize erosion and sedimentation and implementing pollution prevention, inspections and monitoring requirements. The plan is an integral part of the permit and must be adhered to throughout the entire duration of the construction activity, up to and including submitting the Notice of Termination (NOT). Operators must prepare a SWPPP before submitting a Notice of Intent (NOI) and update it as appropriate. Part 6 of the 2019 CGP describes the preparation and documentation requirements of the SWPPP. The intent is that the SWPPP and its associated records be revised and updated; thus making it a living document that reflects actual conditions on the site as they evolve.

VI.6.1 General Information (Section 6.1)

- 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.

VI.6.2 SWPPP Contents (Section 6.2)

V.6.2.1 Identification of Operators (Section 6.2.1)

The SWPPP must include a list of all other operators who will be engaged in construction activities at the site, and the areas of the site over which each operator has control. The purpose for this is to provide both staff members and ADEQ with a notice of any other persons that are responsible for specific areas of the construction site and other persons that are responsible for permit compliance.

VI.6.2.2 Stormwater Team (Section 6.2.2)

Developing a SWPPP requires that a qualified individual or team of individuals be identified as responsible for developing and revising the facility's SWPPP. The "stormwater team" is responsible for overseeing the development of the SWPPP, any later modifications to it, and for compliance with the requirements in this permit.

The SWPPP must identify the personnel (by name or position) that are part of the stormwater team, as well as their individual responsibilities. Each member of the stormwater team must have ready access to an electronic or paper copy of applicable portions of this permit, the most updated copy of the SWPPP, and other relevant documents or information that must be kept with the SWPPP.

Inclusion of the team in the plan provides notice to facility staff and management (i.e., those responsible for signing and certifying the plan) of the responsibilities of certain key staff for following through on compliance with the permit's conditions and limits.

VI.6.2.3 Site Description (Section 6.2.3)

The 2019 CGP provides detailed requirements in Section 6.2.3 of the permit.

VI.6.2.4 Sequence and Estimated Dates of Construction Activities (Section 6.2.4)

The permit requires documentation in the SWPPP of the sequencing and major dates of construction activity, including a schedule of the estimated start dates and the duration of the activities, for specific activities, which are listed in the permit. These requirements provide the permittee the opportunity to support its compliance with the stabilization requirements in Section 3 of the permit. The SWPPP documentation will also provide inspectors with verification that the permittee has complied with the permit's stabilization requirements.

The purpose of requiring documentation of the sequencing of construction activities is to assist permittees with planning their construction activity sequencing in conjunction with the control measures they intend to use to meet the effluent limitations in this permit. Proper construction site planning limits the amount of land disturbed at one time and limits the exposure of unprotected soils through stabilization, which in turn reduces the amount of sediment that gets discharged from the construction site. This requirement will provide permittees a better understanding of the site runoff characteristics throughout all phases of construction activity, which will help them to plan for the types of stormwater control measures necessary to meet effluent limitations.

The greater specificity will help permittees to minimize earth disturbances to the extent necessary for the construction activity, which will also minimize pollutants discharged in stormwater.

Plans often change due to unforeseen circumstances or for other reasons. Therefore, when departures from initial projections are necessary, this should be documented in the SWPPP.

VI.6.2.5 Site Mapping (Section 6.2.5)

The 2019 CGP provides detailed requirements in Section 6.2.5 of the permit.

VI.6.2.6 Control Measures (Section 6.2.6)

Operators are required to provide in the SWPPP a description of their stormwater control measures used in compliance with Section 3 of the permit. For each major activity identified in Section 6.4, a specific list of requirements is included to document compliance with important erosion and sediment control requirements in Section 3 and to minimize or eliminate non-stormwater discharges.

VI.6.2.7 Summary of Potential Pollutant Sources (Section 6.2.7)

Operators must identify in the SWPPP a list and description of all the pollutant-generating activities (i.e., pollutant sources) on the site and, for each pollutant-generating activity, an inventory of pollutants or pollutant constituents associated with that activity, which could be exposed to rainfall, or snowmelt, and could be discharged from the construction site. Examples of pollutant-generating activities include, but are not limited to: paving operations; concrete, paint and stucco washout and waste disposal; solid waste storage and disposal; and dewatering activities. Examples of pollutants include, but are not limited to: sediment, fertilizers, and/or pesticides, paints, solvents, fuels. Departures from the manufacturer's specifications for applying fertilizers containing nitrogen and phosphorus must be documented in the SWPPP (see Part 3.1.3.5).

The operator should also evaluate where potential spills or leaks could occur that would contribute pollutants to stormwater discharges.

VI.6.2.8 Use of Treatment Chemicals (Section 6.2.8)

The permit requires operators to ensure proper documentation in the SWPPP regarding the presence and use of any polymers, flocculants, or other treatment chemicals at permitted sites. The Department encourages operators to think strategically about where the chemicals are applied and stored to minimize the risk of accidental release. If polymers, flocculants, or other cationic treatment chemicals will be used at the site, the SWPPP shall include specific requirements that are outlined in the permit, Section 6.2.8.

VI.6.2.9 Spill Prevention and Response Procedures (Section 6.2.9)

Operators are required to include procedures in the SWPPP that will be followed to prevent and respond to spills and leaks consistent with Section 3.

The existence of a Spill Prevention Control and Countermeasure (SPCC) plan developed for the construction activity under Part 311 of the CWA may be referenced, or spill control programs otherwise required by an NPDES permit for the construction activity, provided that a copy of

that other plan is kept onsite.

Note: Even if a SPCC or other spill prevention plan already exists, the plans will only be considered adequate if they meet all of the requirements of this Section, either as part of the existing plan or supplemented as part of the SWPPP.

The purpose for documenting spill prevention and response procedures is to provide the operator an opportunity to develop a response plan for preventing spills from occurring and, if they do occur, a plan for responding to them in order to minimize the potential discharge of any pollutants from the site. The documented procedures also demonstrate compliance with the spill prevention and response procedures in Section 3. Section 6.2.9 of the permit outlines specific procedures for the spill prevention and response procedures permit requirements.

VI.6.2.10 Waste Management Procedures (Section 6.2.10)

The SWPPP must include procedures for handling and disposing of all wastes generated at the site, including, but not limited to, clearing and demolition debris, sediment removed from the site, construction and domestic waste, hazardous or toxic waste, and sanitary waste.

VI.6.3 Documentation Requirements including Permit Related Records (Section 6.3)

Documentation requirements in the section of the permit are consistent with the requirements in the 2013 CGP.

VI.6.4 SWPPP Updates and Revision Requirements (Section 6.4)

SWPPPs must be revised whenever a change in design, construction method, operation, maintenance procedure, etc., may affect the discharge of pollutants to surface waters either directly or by way of a conveyance (such as an MS4). These records must include the name of the person authorizing each change (see Appendix B, Subsection 9), a brief summary of all changes and the dates of modifications. This is to ensure that there is a record of all of the changes to the SWPPP. Keeping a record of such changes will help construction site personnel to stay current with the changes that have been made to the SWPPP, and will allow inspectors to determine if appropriate modifications were made to the SWPPP under the required circumstances.

The SWPPP must also be amended if inspections or investigations by site staff or by local, state or federal officials determine that the SWPPP is ineffective in eliminating or significantly minimizing pollutants in storm water discharges from the construction site.

All necessary modifications to the SWPPP must be made within 7 calendar days following the

inspection. If control measures need to be modified or if additional measures are necessary, implementation must be completed consistent with Section 3 of the permit.

VI.6.5 Certification Requirements (Section 6.5)

All modifications made to the SWPPP consistent with Section 6.4 must be authorized, signed and dated by a person identified in the SWPPP and in accordance with Appendix B, Subsection 9. The certification requirements of Appendix B, Subsection 9 are consistent with standard NPDES permit conditions described in 40 CFR 122.22. These requirements are intended to ensure that the operator certifies any SWPPP modifications. The signatory requirement is intended to ensure that the permittee understands their responsibility to create and maintain a complete and accurate SWPPP. Permittees are allowed to appoint an authorized representative consistent with the regulations. Therefore, if an operator feels it is more appropriate for a member of the stormwater team to sign the documentation, that option is available under the permit. The signature requirement includes an acknowledgment that there are significant penalties for submitting false information

VI.6.6 Deficiencies in the SWPPP (Section 6.6)

If, at any time during the course of the construction project, ADEQ determines the SWPPP (either in whole or in part) is deficient, the Department will notify the operator of the deficiencies. ADEQ may become aware of deficiencies in the SWPPP through a variety of ways, including reviews of SWPPPs for project located within 1/4 mile of a water that is impaired for sediment (SSC) or OAW, a site inspection, or a reported complaint. The operator must revise the SWPPP in response to the Department's notice of deficiency within 15 calendar days.

VI.6.7 Making the SWPPP Available (Section 6.7)

The SWPPP is critical to managing discharges from the project site; hence, a current copy must be on-site whenever construction or support activities are actively underway. This will allow personnel the opportunity to reference the plan at any time to respond to changing site conditions, storm events, and other situations that may arise. At the time of an on-site inspection by ADEQ, a Federal, state, or local agency (such as the operator of a storm sewer system receiving discharges from the site), the operator must provide the SWPPP for review.

Arizona's Public Records laws (A.R.S Title 39, Chap. 1, Art. 2) allow access to an operator's SWPPP. If a member of the public wishes to have access to portions of the SWPPP, they must first contact the Department in writing. ADEQ will contact the operator and the SWPPP must be provided to ADEQ within 7 calendar days of ADEQ's request. The mechanism for providing ADEQ with a copy is at the discretion of the operator (i.e., electronic or hard copy). ADEQ will provide access to the SWPPP with the exception of any qualifying confidential information (as defined in A.R.S. § 49-205). The copy provided by the operator to the Department will remain with ADEQ. All photocopying expenses made from that copy are the responsibility of the

person requesting the SWPPP.

Regarding inactive/ unstaffed sites, the 2019 CGP makes allowances for the fact that SWPPPs are generally not kept at inactive and unstaffed sites. However, the SWPPP must still be kept up to date and be made available by the operator identified on the NOI when appropriate site inspections are conducted. Furthermore, the SWPPP must be locally available within the state of Arizona and made available within 48 hours, if requested, when a regulatory inspection is performed by ADEQ or other authority.

VII.7.0 Discharges to Sediment Impaired/Not-attaining Waters or OAWs (Section 7.0)

A monitoring program means performing analytical monitoring (i.e., sampling and testing for water quality). Monitoring records must be retained as part of the SWPPP. The monitoring program, or the justification for not having one, must be a part of the SWPPP and submitted along with it to ADEQ for approval.

The operator is only required to implement an analytical monitoring program for those areas of the construction site that discharge directly to or within 1/4 mile of an OAW or a water that is impaired or not-attaining for Sediment (SSC). Analytical monitoring may be discontinued when construction activity within these areas is complete and final stabilization is achieved. For example, a linear project with several discharge points along its length may have only one point of discharge that is within the 1/4 mile distance. The operator is only required to monitor the one discharge point that is within the 1/4 mile distance, until final stabilization is achieved in the area that drains to that discharge point.

The operator must determine if the construction site is located within 1/4 mile of an OAW or a water that is impaired or not-attaining for Sediment (SSC). Sources can be used to determine the status of the waterbody. ADEQ recommends using myDEQ which automatically makes this determination.

Monitoring may not be required if an operator makes an acceptable demonstration to ADEQ that either there is no potential for a discharge to reach the waterbody of concern or in the case of an impaired water, the pollutant of concern is not expected to be in the discharge. For sites where monitoring is necessary, the Section 7 monitoring requirements must be followed to assure that control measures are adequate to protect these waters.

Operators of construction projects that discharge stormwater to a water that is impaired or not-attaining for Sediment (SSC), must determine whether runoff from the proposed activity is expected to contain pollutants that cause the impairment of the waterbody. If so, control measures must be developed to minimize or eliminate the pollutant, and the pollutant causing the impairment must be monitored.

If an operator can make the demonstration that there is no reasonable expectation that construction activities would be an additional source of a specific pollutant or pollutants, then

analytical monitoring for that/ those parameter(s) will not be required. As part of the demonstration, the operator must consider all on-site activities, as well as the potential for any pollutants (metals, nutrients, etc.) to be present in the on-site soils that will be disturbed.

VII.7.1 Sampling and Analysis Plan (SAP) (Section 7.1)

Analytical sampling and monitoring requirements in the permit are specified in the Sampling and Analysis Plan (SAP) section. The SAP is part of the monitoring plan. Analytical sampling and monitoring includes a sampling plan that describes, where applicable, chemical, biological, and physical parameters that will be monitored, monitoring locations, frequency of sample collection, how samples will be collected and analyzed, tracking and handling. The sampling plan should include Standard Operating Procedures (SOPs) to ensure consistency in sample collection procedures. In addition, permittees are expected to calibrate, operate and maintain their monitoring equipment in accordance with manufacturer's recommendations. Collectively, this document is known as a SAP and the one required by the permit is a very basic model commonly used by industry. Only the revised, ADEQ-approved sampling plan and the Department's approval of the SAP need to be included with the SWPPP.

The SAP must be retained as part of the SWPPP, either as a separate section or as an appendix.

VII.7.2 Monitoring Methods (Section 7.2)

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.

VII.7.3 Monitoring Requirements (Section 7.3)

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

VII.7.4 Discharge Monitoring Report (Section 7.4)

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.

VIII.8.0 Reporting and Recordkeeping (Section 8.0)

- 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.

IX. Appendices

IX.A Definitions and Acronyms (Appendix A)

Appendix A of the permit includes definitions of terms and a list of acronyms used throughout the permit.

IX.B Standard Permit Conditions (Appendix B)

Appendix B includes the standard AZPDES permit conditions, which are consistent with 40 CFR 122.41 and were also part of the 2003, 2008 and 2013 CGPs.

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